

The Resource Management Act 1991

Selwyn District Council

Proposed District Plan (Rural Volume)

Variation No. 29

Rural Activity Definition and Scale of Activity Rules

A variation to:

- (a) Introduce a new Rural Activity definition to the Rural Volume.
- (b) Introduce new rules to manage the effects associated with the size and scale of all activities, other than rural activities or residential activities, to the Rural Volume.

Date of Notification: 8 December 2007

Introduction

Variation 28 to the Proposed District Plan (PDP) was notified on 11 November 2006 which sought to manage the effects of industrial activities in all zones and other types of business and “non-rural” activities in the Rural Zone. 23 submissions and 19 further submissions were received and a public hearing was held on 30 July 2007. Following submissions to the variation, the Hearings Panel (the Panel) adjourned the hearing and entered into deliberation of the issues and matters raised.

Upon deliberation, the Panel expressed concern with the tenor of the Public Notification, including the notice to ratepayers, of Variation 28. In their view, the variation appeared to be focussed on the control of industrial activities in the rural area. The notices to ratepayers contained no mention or indication of a new definition of rural activities or a new rule limiting the scale of all activities which fall outside that definition. In the Panel’s view there was a question as to the adequacy of the Public Notification of Variation 28. The Panel was concerned that there were a number of legitimately established activities within the rural area which could be restricted by the rural definition and scale of activity. This may have introduced some uncertainty or confusion and the public may not have had an adequate understanding or opportunity to make submissions on these aspects of the changes.

On this basis, the Panels decision was that:

1. The definition of “Rural Activity” be withdrawn from Variation 28 and be reintroduced by way of a new variation.
2. Rule 1.5 – Scale of Activities and Rule 6.1 – Scale of Activities be withdrawn from Variation 28 and be reintroduced by way of a new variation.

Purpose for Variation 29

Variation 29 seeks to rectify potential difficulties that have occurred with the Public Notification, and the notices to ratepayers, associated with Variation 28. Therefore, 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.

Variation 29 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 was introduced as part of Variation 28.

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.

What is a Variation?

A variation is an amendment to a proposed plan, which is made by the Council under Clause 16A of the First Schedule to the Resource Management Act 1991 ("the Act"). The changes to the proposed plan, which are promoted in the variation, occur from the date the variation is publicly notified.

Any person may make a submission on the variation, in the same way as they can make submissions on the proposed plan. The Council may amend the variation as a result of the submissions it receives. Any submission which is made on the provisions in the PDP which are affected by the variation, is also a submission on the variation under Clause 16B of the First Schedule to the Act. **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 deemed to be a submission to Variation 29. Therefore, parties that have already lodged a submission to the definition of "Rural Activity", Rule 5.1 – Scale of Activities and Rule 6.1 – Scale of Activities are not required to re-lodge or lodge an additional submission but can do so if they wish.**

When the variation reaches the same stage in the planning process as the rest of the Proposed District Plan, they merge (under Clause 16B of the First Schedule to the Act).

Section 32 of the RMA

Variation 29 seeks only to re-notify the new definition for "Rural Activity", new Rule 1.5 - Scale of Activities and new Rule 6.1 - Scale of Activities that were introduced by way of Variation 28. As such, the existing Section 32 analysis to Variation 28 remains relevant to this process. The Council's Section 32 Evaluation for Variation 28 is included as **Attachment 1. With respect to Variation 29, paragraphs 19-23, and 30-32 in the Council's Section 32 Evaluation for Variation 28 are of particular relevance.**

A challenge to any objective, policy, rule or other method contained in a variation on the ground that that Section 32 has not been complied with can only be made through a submission on the variation.

Amendments to the Rural Volume of the Proposed District Plan

- (1) Insert new Rule, Part 3, Rule IX – Activities Rule, Scale of Activities - Rule 1.5– Permitted Activities (page 304), 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.

- (2) Insert new Rule, Part 3, Rule IX – Activities Rule, Scale of Activities - Rule 6.1 – Other Activities (page 304), as follows:

Scale of Activities

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

- (3) Insert new Reasons for Rules, Part 3, Rule IX – Activities (page 329), as follows:

Reasons for Rules

...

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

...

(4) Insert New Definition, Part 3, Definitions, Rural Activity (page 370H) 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.**

(5) Any consequential amendments necessary to give effect to (1) to (4) above, including renumbering.

Making a Submission

Any person may make a submission on the Variation. The submission must be in the format of Form 5 of the Resource Management Act Regulations (Forms) 2003 – copies are available from the Council Services Centres at Leeston, Darfield, Rolleston and Lincoln or on the Council's website at www.selwyn.govt.nz.

A submission needs to include:

- Your name and contact details;
- The provisions which are being submitted on;
- Whether the person supports or opposes the variation;
- The reasons for the submission;
- The decision the person wants the Council to make; and
- Whether the submitter wishes to be heard in support of their submission.

The submission form needs to be signed and lodged with the Council by **5.00pm on Wednesday 30 January 2008.**

Process From Here

After submissions are closed, they will be summarised and advertised for further submissions.

The Council will then hold hearings for all submitters who requested to be heard in support of their submissions. The Council will make a decision on each submission. Each submitter will receive a copy of the Council's written decision on their submission and has 30 working days from that date to appeal any decision to the Environment Court.

Attachment 1

Section 32 Evaluation – Variation 28

Summary of Section 32 Evaluation – Variation 28

1. The Council has undertaken a review of the way in which the Proposed District Plan (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.
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.
3. Overall, the Council has determined that the above provisions are the most appropriate means to achieve the objectives of the PDP and that a variation is necessary in order to implement the proposed amendments.

Assessment

Statutory Requirements of Section 32 of the Act

1. Under Section 32 of the Act, before the Council publicly notifies the changes promoted in this variation, it must carry out an evaluation 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. The evaluation is required to take into account:

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

Objectives of the Proposed District Plan

3. This variation does not alter the objectives of the PDP. This evaluation will therefore examine the extent to which the variation achieves the objectives of the PDP.
4. The objectives of the PDP that are considered to be of relevance to this variation include those contained in both the Township and Rural Volumes of the PDP. In the Township Volume, the relevant objectives are contained in Part 2, Section 3.4 'Amenity Values, Quality of the Environment and Reverse Sensitivity Effects'. In general terms, these objectives seek to provide for a variety of activities within the District's townships by recognising them as pleasant places to live and work in with high aesthetic and amenity values, compared with metropolitan areas, while maintaining the quality of the environment. It is evident from the associated policies that the objectives provide for activities to be located in zones that reflect the compatibility of activities, and their effects, with the character of those zones. Business zones, for example, are provided to accommodate industrial or other business activities that have effects which may detract from the amenity values of Living Zones. The PDP also addresses potential reverse sensitivity effects by providing different type zones within townships, so as to avoid the co-location of incompatible activities as much as possible.
5. In this respect, it is recognised that some activities, such as industrial activities, are encouraged to locate within Business 2 zones, given that their effects are likely to be incompatible with the residential character of Living Zones. Similarly, Business 1 Zones are recognised as being areas that are suitable for other business activities with higher levels of noise, traffic, signage, visitors, large scale buildings and similar effects that may detract from the relatively "quieter" Living Zones.
6. In the Rural Volume, the relevant objectives are contained in Part 2, Section 3.4 'Amenity Values, Quality of the Environment and Reverse Sensitivity Effects'. These objectives recognise the rural area as being a pleasant place to live and work in and seek to maintain rural character and amenity values while avoiding reverse sensitivity effects. The character of the rural area is distinct from that of townships and includes: a predominance of vegetation cover; land uses associated with primary production (agriculture, horticulture, forestry, pastoralism); views of mountains, basins and river valleys which are not modified by structures.; and being able to see, hear and smell animals and birds.

7. While the objectives seek to provide for a range of activities in the rural area, some business activities have the potential to detract from the openness, quietness and natural qualities of this environment. Noise and vibration (i.e. traffic movement), dust (i.e. earthworks), hazardous substances (i.e. noxious chemicals) and lower amenity values (i.e. high fences, buildings, low landscaped areas and outdoor signage) are common effects of industrial activities and some other business activities. As such, the PDP strives for a balance between providing sufficient flexibility in the variety of activities that can occur within the rural area and ensuring that significant adverse effects of activities on the amenity values of the rural area and reverse sensitivity effects are addressed appropriately.
8. All relevant objectives of both the Township and Rural Volumes are included in **Appendix 1** to the Section 32 Evaluation.

Analysis of Benefits and Costs¹ of Existing Policies and Rules

9. The relevant assessment in this instance is whether the existing policies and rules of the PDP are the most appropriate for achieving those objectives described above.

Benefits

10. In assessing the benefits of the existing provisions, it is recognised that the PDP is formulated in a way that seeks to be as 'effects-based' and unrestrictive as possible. The primary thrust behind this philosophy is to allow people to carry out farming and other business activities in the rural area with minimal interference, so as to provide for their social and economic wellbeing, which in turn supports the local community. The PDP does however require that any significant adverse effects arising from such activities are mitigated in order to maintain the amenity values and quality of the rural environment.
11. The effects-based approach is evident in the provisions relating to industrial activities, where the definition of such activities requires any one of the following four requirements to be met in order to satisfy the definition, being:
 - a) the use or production of any hazardous substance, or
 - b) the release of any objectionable or offensive odour from the premises, or
 - c) any engineering process involving the use of metal or fibreglass, or
 - d) Any activity which requires an Offensive Trade Licence under the Health Act 1956.
12. Where such elements exist, the activity requires resource consent if the site is located outside a Business 2 zone. While a non-complying activity status within Living and

¹ The Act defines "benefits and costs" as including benefits and costs of any kind, whether monetary or non-monetary.

Business 1 zones may discourage industrial activities from establishing within these areas, the provisions provide a clear direction that such activities may be able to be accommodated within rural areas, particularly in proximity to existing townships. The benefit of this approach is that it provides some flexibility in the location of industrial activities where there is no suitable site available within a Business 2 zone and the policies and rules are designed to address the mitigation of significant adverse effects.

13. The establishment of other types of business activities in the rural area are only required to comply with the relevant 'effects-based' rules of the PDP, covering matters such as traffic generation; noise; glare; dust; waste generation; carparking; vehicle accessways and vehicle crossings; bulk and location of buildings; and outdoor advertising. This rule structure benefits those wishing to establish business or commercial activities in the Rural zone whereby the necessity to obtain a resource consent may be avoided or if required, then the matters of discretion may be restricted to only those effects associated with the particular areas of non-compliance.

Costs

14. The Council has undertaken a review of the way in which the existing provisions address the potential adverse effects associated with industrial activities (in all zones) and other types of business activities (in the rural zone). The issues identified in this review are outlined below.

Definition of "Industrial Activity"

15. The definition of an "industrial activity" is considered to be too narrow in that it does not capture all types of industrial activities that it is intended to. As such, some activities that are of an industrial nature may not be required to obtain resource consent, or that resource consent is required only for certain aspects of the activity, on the basis that the activity does not involve one of the four elements listed in the definition. The costs associated with such activities either not requiring resource consent, or where the matters of discretion are limited, relate to the potential adverse effects on amenity values and the quality of the environment that may arise in the absence of a full assessment of all effects.

Status of Industrial Activities

16. A discretionary activity status for all industrial activities in both the Inner Plains and Outer Plains parts of the Rural zone may not maintain rural amenity values or provide for the health and safety of its residents. The Rural Volume of the PDP states²:

The Plan distinguishes between discretionary activities and non-complying activities according to the anticipated effects of the activity and how appropriate those effects may be in the zone, specific areas of the zone, and areas with special classifications.

² Part 3, Section 1.3 Discretionary and Non-complying Activities (page 188)

A discretionary activity has effects which are generally appropriate depending on:

- the scale and nature of the activity; and*
- the site and surrounding land uses; and*
- how the activity is managed.*

A non-complying activity has effects which are generally inappropriate and inconsistent with the relevant objectives and policies. There may however be some instances where the effects are atypical or minor, such that the activity is appropriate and resource consent is able to be granted.

The objectives and policies in the Plan describe effects that are, and are not, generally appropriate to the zone, and to the specific areas within the zone.

17. In accordance with the above interpretation of the distinction between a discretionary activity and a non-complying activity, the Council is concerned that not all industrial activities will be “generally appropriate” within all parts of the Inner and Outer Plains, including those areas around existing townships. The scale, nature and intensity of such activities, together with the characteristics of the rural area, can vary significantly. As such, it is not considered that a ‘blanket’ discretionary activity status is sufficient to ensure that significant adverse effects will be avoided, where this is necessary to maintain rural amenity or the natural and physical resources of the receiving environment.
18. The costs associated with the existing policies and rules pertaining to industrial activities relate to the potential adverse effects on the environment arising from the assumption that a discretionary activity status implies that industrial activities are generally anticipated to occur in the rural area. The relevant policy also refers to significant adverse effects being mitigated, rather than being avoided, which may not be appropriate in all cases.

Other Business Activities in the Rural Zone

19. The existing ‘effects-based’ rules in the Rural Volume do not provide sufficient control over the potential adverse rural amenity effects arising from the establishment of other types of business activities in the Inner and Outer Plains. Examples of “other” business activities include transport depots, garden centres, cafes (and other retail activities e.g. supermarket), recreation-based and education-based activities, contractor’s yards and car sales yards.
20. The rule structure pertaining to other business or commercial activities relies only on effects-based rules for managing the effects of activities (that are not otherwise defined and listed as a discretionary activity) in the Inner and Outer Plains. It is noted that the rule structure differs for those parts of the rural area identified as the Port Hills, Malvern Hills or High Country where activities are limited to a specified list (being the opposite approach to that which applies to the Inner and Outer Plains).

21. The existing effects-based rules in the Rural Volume of the PDP cover a broad range of potential adverse effects and examples of such rules that would apply to an “other” business activity include:
- Rule I – Earthworks
 - maximum vertical cut and maximum volume;
 - control of dust from stockpiling of soil or other material.
 - Rule III – Buildings
 - control over the bulk and location of buildings, including site coverage.
 - Rule IV – Rooding
 - control over the location and standard of vehicular accessways and vehicle crossings;
 - all carparking and loading spaces to be contained on site.
 - Rule VI – Outdoor Signs and Noticeboards
 - control over the location, position, design and number of signs.
 - Rule VII – Hazardous Substances
 - control over the use, storage and transport of hazardous substances.
 - Rule VIII – Waste Generation, Storage and Disposal
 - control over the generation, storage and disposal of solid waste.
 - Rule IX – Activities
 - control over the maximum number of vehicle movements according to the status of the adjoining road surface (i.e. unformed, formed and sealed, formed and unsealed, strategic, arterial, collector, local);
 - maximum noise limits;
 - controls on vibration;
 - maximum glare limits;
 - controls on dust.
22. The main issue arising from the establishment of “other” business activities in the Inner and Outer Plains is that the existing effects-based rules may not provide sufficient control over the potential adverse rural amenity effects arising from these types of activities. For example, a 2000m² supermarket could establish on a 4ha site in the Inner Plains, with resource consent only being triggered through a breach in the number of vehicle movements (restricted discretionary activity) and possibly waste generation (also a restricted discretionary activity). The Council’s discretion would therefore be limited to the consideration of potential adverse effects associated with traffic and waste generation only. This example illustrates that the current suite of effects-based rules may not adequately address the potential adverse effects on rural character and amenity values that could arise from the establishment of a large or

intensive commercial activity in the Inner or Outer Plains. As such, the existing provisions may result in significant environmental costs with respect to a loss of rural outlook, spaciousness and quietness within parts of the Rural zone.

23. For the above reasons, the Council has determined that a variation is required in order to ensure that the policies and implementation methods achieve the objectives of the PDP.

Alternatives to the Existing Policies and Rules

24. The Council has investigated several alternatives to the existing provisions in relation to (1) industrial activities; and (2) other business activities in the context of the preceding assessment.

Industrial Activities

25. The options considered in relation to the definition and rule structure for industrial activities are outlined in **Appendix 2** to the Section 32 Evaluation, together with an evaluation of costs and benefits. The Council also considered the views of Prebbleton Community Association and Landmark Holdings Ltd, who were consulted during the Section 32 Evaluation process with respect to these options. The preferred option presented by the two appellant parties is contained in **Appendix 3**.
26. Having considered the costs and benefits of all alternatives contained in Appendices 2 and 3, the Council considered that Option 3 of Appendix 2 represented the most appropriate method for achieving the objectives of the PDP. The crux of Option 3 is to distinguish between "rural-based" and "other" industrial activities, whereby rural-based activities involve the use of raw materials or primary products that are derived directly from the rural environment (e.g. timber yard, winery or dairy factory), compared to other activities that are unrelated to the rural area (e.g. dry cleaning or panel beating business).
27. In broad terms, "rural-based" industrial activities are considered to be "generally appropriate" within the Inner and Outer Plains given that such activities have a close association with the rural area, and as such, it may be necessary to locate in proximity to its primary source. However, the Council considered that the potential adverse effects of medium-large scale rural-based industrial activities varied between the Inner and Outer Plains. The adverse effects of such activities may be avoided by locating in a Business 2 zone or mitigated by locating in the Outer Plains zone where larger allotment sizes and lower population densities provide greater opportunity for internalising adverse effects. Furthermore, the smaller allotment size and higher population density of the Inner Plains zone meant that medium to large scale industrial activities may not

be able to locate in this area without generating significant adverse amenity effects. As such, the rules contained in Option 3 provide for small scale rural based industrial activities as permitted activities, medium-large scale within the Outer Plains as discretionary activities, and medium-large scale within the Inner Plains as non-complying activities.

28. Conversely, the potential adverse effects associated with “other” types of industrial activities are not considered to be “generally appropriate” 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. The Council found that 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 was considered appropriate that these types of industrial activities are directed to locate within Business 2 Zones, unless significant adverse effects can be avoided. For this reason, “other” industrial activities are to be assessed as non-complying activities in both the Inner and Outer Plains.
29. Overall, the Council considered that Option 3 provided an ‘effects-based’ approach for addressing the scale of “rural-based” industrial activities, together with the necessary listed activity status to discourage “other” industrial activities from locating within the rural area.

Business Activities

30. The options considered in relation to the rule structure for addressing the potential adverse effects of other business activities in the rural area are outlined below, together with an evaluation of costs and benefits.

(a) Permitted Activities List

Formulate a list of “permitted activities” for the Inner and Outer Plains areas.

This is the same approach which has been applied to the Port Hills, Malvern Hills and High Country, whereby activities are limited to a specified list. If an activity is not identified on the list, it automatically requires resource consent (either as a discretionary or non-complying activity).

Costs: - undermines the effects-based rule structure of the Rural Volume;
 - forces all ‘unlisted’ activities to go through the resource consent process, regardless of scale, character and intensity of effects.

Benefits: - assessment of rural amenity effects associated with all ‘unlisted’ activities e.g. ‘non-rural’ based.

(b) Additional Rules

Insertion of additional rules to control the scale and intensity of “other” business activities, such as:

- i) restricting the number of full time staff that do not reside on the premises of the operation/activity;
- ii) percentage of site coverage allowed for buildings and structures associated with “other” business activities (definition likely to be required);
- iii) percentage of storage related to building size;
- iv) landscaping of road boundaries.

Costs: - activities that do not currently require resource consent will need to go through this process;

Benefits: - assessment of rural amenity effects associated with large scale or intensive business activities in the rural area.

31. After considering the costs and benefits of the above alternatives, the Council found that the insertion of an additional rule controlling the scale of activities that are not “rural” or “residential” activities, together with an associated definition of a “rural activity”, was the most appropriate method for achieving the objectives of the PDP. The purpose of these provisions is to allow for small scale businesses to establish as a permitted activity in the Inner and Outer Plains, but to require resource consent (as a discretionary activity) where the scale exceeds the permitted standards. This approach provides an effects-based rule structure for addressing the potential adverse effects of any “other” activity (which is not a “rural activity” or a “residential activity”), together with an activity status that allows for a full assessment of all environmental effects and the imposition of conditions (e.g. landscaping) if resource consent is granted. It is noted that a discretionary activity may be declined if the activity is likely to generate significant adverse effects.

32. Overall, the Council considered that controlling the scale of “other” activities in the rural area would provide sufficient flexibility to enable a range of small-scale or home-based businesses to establish, while ensuring that the adverse effects of larger operations could be avoided or mitigated so as to maintain the amenity values of the receiving environment.

Other Matters

33. In undertaking the preceding evaluation, it has been identified that the corresponding ‘Scale of Activities’ rule in the Township Volume (Rule 15) that applies to all Living zones sets a permitted activity standard of 300m² for the gross floor area of any

building other than a dwelling (or 500m² for any building used for spiritual activities). While it is noted that the rule also contains other constraints on the scale of activities, the maximum building size is significantly larger than what is proposed in the new 'Scale of Activities' rule that is to apply to the Inner and Outer Plains, which is 100m². Due to the larger allotment sizes and lower population density within the rural area, compared to that of Living zones, it is reasonable to expect that the rural area is likely to be able to better accommodate a larger scale business activity than a residential environment. As such, the Council will review the Living Zones 'Scale of Activities' rule at a later date and initiate a further variation if it is considered appropriate.

Consultation

34. The Council has consulted with the two parties (Prebbleton Community Association and Landmark Holdings Ltd), who lodged submissions and appeals on the PDP in relation to the existing provisions concerning industrial activities, during the Section 32 evaluation process. Their preferred option for addressing the potential adverse effects of industrial activities has been considered by the Council and taken into account in the formulation of the variation.
35. The Council has also consulted with the statutory bodies listed in Clause 3 of the First Schedule before notifying the variation. No comments were received from the statutory bodies.

Overall Conclusions

36. It is concluded that the existing provisions 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 is considered that the existing provisions fail to properly identify and manage the adverse effects of industrial activities, particularly within the rural area. Similarly, it has been found that the existing suite of effects-based rules do not provide sufficient control over the scale of business activities that seek to establish within the Inner and Outer Plains. For these reasons, the Council has decided to initiate a variation to the PDP.

Appendix 1

Relevant Objectives of the PDP (Rural and Township Volumes)

TOWNSHIP VOLUME

Part 2, Section 3.4 'Quality of the Environment and Amenity Values' (page 137)

Objectives

1. The District's townships are pleasant places to live and work in.
2. A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.
3. "Reverse sensitivity" effects between activities are avoided.

Explanation and Reasons

Townships in the Selwyn District are pleasant places to live and work in with, generally, low levels of pollution or nuisance effects and high aesthetic and amenity values, compared with metropolitan areas. Objective 1 is to maintain this quality of the environment.

Many townships in the District often have a variety of activities intermixed, rather than separated into residential and business areas. The small scale of many activities means this mixing can occur without creating adverse effects. Objective 2 recognises and provides for this land use pattern, provided potential, adverse effects are managed.

Some townships in Selwyn District have 'reverse sensitivity' issues. These are usually caused between 'industrial type' and 'residential type' activities, but may also arise when residential development or other noise sensitive activities establish within the 50 dBA Ldn noise contour of Christchurch International Airport. They arise when either:

- The industry or Christchurch International Airport alters its operation and its effects increase; or
- The township grows and residents live closer to the industry or within the 50 dBA Ldn noise contour of the Christchurch International Airport; or
- New residents arrive who object to the industry or operations of the Christchurch International Airport.

Objective 3 recognises and addresses this effect.

The objectives are achieved using policies and rules. A regulatory approach is used for three reasons:

- i. These effects are often not factored in to people's decisions about where to locate activities.
- ii. The effects are adverse enough that they need to be addressed under the Act.
- iii. Regulations to protect the quality of the environment and amenity values in townships, have been successful to date.

RURAL VOLUME

Part 2, Section 3.4 'Amenity Values, Quality of the Environment and Reverse Sensitivity Effects' (page 151-152)

Objectives

1. The District's rural area is a pleasant place to live and work in.
2. A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects".

Explanation and Reasons

The rural area has a character which is distinct from townships and people value this distinction – the rural outlook. The rural area of Selwyn District is a pleasant place to live and work in. **Objective 1** is to maintain this quality of the environment. It is achieved by policies and rules to manage effects such as noise, vibration, outdoor signage; glare and odour. The policies and rules allow for day to day farming and other activities which have effects typical of a rural area, but manage activities that have potentially stronger effects. The policies and rules are not as stringent as those for Living Zones. The Rural Zone is recognised principally as a business area rather than a residential area, in the Plan.

Objective 2 recognises the Rural Zone as an area where a variety of activities take place:

- All sorts of primary production
- Outdoor recreation
- A variety of business activities
- Residential activities; and community facilities.

This diversity may increase in the future if farming and other business activities continue to diversify; and District Plans do not require activities in the rural area to be associated with primary production.

A variety of activities in the rural area creates the potential for *reverse sensitivity* effects, particularly between residential activities and other activities. **Objective 2** recognises that while a variety of activities may be appropriate in the rural area, rural character must be maintained; and potential *reverse sensitivity* effects must be avoided.

Objective 2 is achieved by policies and rules which:

1. Describe the character of the rural area and seek to maintain it.
2. Require resource consents for activities to set up which may affect surrounding properties; and recognise and protect existing lawful activities from potential *reverse sensitivity* effects once they are set up.

The Council has chosen to use District Plan rules to manage effects of activities on amenity values and reverse sensitivity effects. Often people do not consider the effects of existing activities when making decisions about where to build houses in the rural area.

The policies are split into 3 groups:

- i. Those to identify and maintain rural character.
- ii. Those to maintain the quality of the environment.
- iii. Those to manage *reverse sensitivity* effects.

Policies and rules to manage *reverse sensitivity* effects are also found in Section 2.1 Transport, for airfields and airports. Policies and rules to manage residential density are found in Section 4.1 Residential Density and Subdivision.

Appendix 2

Options considered in relation to the definition and rule structure for “industrial activities”

Option 1	Definition	Rule Structure	Outcome	Costs	Benefits
	Broaden definition to include all types of industrial activities, regardless of character, scale and intensity or whether it is rural-based or not. e.g. any processing, manufacturing, assembly or storage of goods.	Retain discretionary activity status in the Inner and Outer Plains.	All industrial activities in the Rural Zone will be assessed on a case by case basis as to character, scale and intensity of the activity, appropriateness of the site and the adequacy of mitigation measures.	High (Administration) - all types of industrial activities will require resource consent.	High (Environmental) - all potential adverse effects of all industrial type activities will be assessed and controlled accordingly.
Option 2	Rewrite definition so as to distinguish between rural-based and "other" industrial activities. e.g. "rural-based" would include a timber yard, winery or dairy factory (where the process is related to rural resources), compared to a dry cleaning or panel beating operation which would be an "other" industrial activity.	Rules to apply to both Inner and Outer Plains: 1. Rural-based industrial activity: (i) small scale (e.g. max of 100m ² of building & outdoor storage, less than 5 FTE staff etc): permitted activity; (ii) medium - large scale (e.g. exceeds small scale): discretionary activity; 2. "Other" industrial activities: non-complying activity.	Rural-based industrial activities in the Rural Zone recognised as being appropriate – small scale: acceptable; medium - large scale: subject to assessment of effects. Other industrial activities encouraged to locate in B2 zones.	Mod (Administration) - small scale rural-based industrial activities would not need consent.	High (Environmental) - effects-based assessment more focused within the rural area. - non-rural based industrial activities encouraged to locate in Business 2 Zones, rather than Rural Zone.
Option 3	Same as for Option 2.	Different rules to apply to Inner Plains and Outer Plains: 1. Rural-based industrial activity: (i) small scale (e.g. max of 100m ² of building & outdoor storage, less than 5 FTE staff etc): permitted activity in both <u>Inner and Outer Plains</u> ; (ii) medium - large scale (e.g. exceeds small scale): discretionary activity in Outer Plains and non-complying activity in the <u>Inner Plains</u> ; 2. "Other" industrial activities: non-complying activity in both Inner and Outer Plains.	Same as above, except that the Inner Plains area is recognised as being more sensitive to the effects of medium-large scale rural-based industrial activities due to a higher residential density than the Outer Plains area (e.g. 4ha vs 20ha).	Same as above, except that it may force medium-large scale rural-based industrial activities to locate further out from Christchurch City.	Same as above, except that medium-large scale rural-based industrial activities are encouraged to locate either in the Outer Plains or in Business 2 Zones.
Option 4	Rewrite definition so as to define industrial activities based on the involvement of a hazardous substances or other noxious element (e.g. NRRP Schedule WQL3); or Collate a list of industrial activities that are known to involve some sort of noxious or hazardous element (e.g. Appendix 10 'Industrial Chemicals' - Township Volume of the PDP).	All "industrial activities" in the Inner and Outer Plains to be non-complying activities. Exceptions for "rural-based" industrial activities involving hazardous substances? Based on minimum amount of hazardous substance?	Information required as to the quantity of hazardous substances to assess compliance. No link to scale or nature of activity, unless same "rural-based" formula is applied, however a non-complying status may be appropriate for all noxious type activities in the rural area.	High (Administration) - technical assessment required for noxious or hazardous elements. - potential duplication in the assessment of discharge and/or contamination issues with Environment Canterbury. - other legislation exists to manage the use of industrial chemicals e.g. HSNO, Health Act.	Mod (Environmental) - may not capture all types of industrial activities if only based on noxious or hazardous elements e.g. disassembly of motor vehicles. - not based on rural amenity effects.

Appendix 3

**Preferred option of Prebbleton Community Association & Landmark Holdings Ltd
in relation to the definition and rule structure for “industrial activities”**

Preferred Option	Definition	Rule Structure	Outcome	Costs	Benefits
	<p>Broaden definition so as to distinguish between rural based and other industrial activities, ensuring that rural based industrial activities are closely defined to only include those that involve processing of crops or livestock or related primary produce including forestry, viticulture and horticulture products.</p> <p>In addition, define noxious and hazardous industries as those involving some sort of noxious or hazardous element, e.g. appendix 10 “industrial chemicals” township volume of the proposed District Plan. The definition will list such industrial activities.</p>	<p>Different rules to apply to inner plains and outer plains;</p> <p>1. Rural based industrial activity;</p> <p>(i) small scale –controlled activity in both inner and outer plains where meets specified performance standards. No affected party approvals required. Council discretion limited to:-</p> <ul style="list-style-type: none"> visual impacts, landscaping; site layout; building design. <p>Performance standards:</p> <ul style="list-style-type: none"> max of 1000 m2 activity area including maximum of 100 m2 of building and outdoor storage; less than 3 fulltime equivalent staff; Maximum building height 10m. <p>In addition, further investigate the effects of rural industry and how these differ from seasonal primary production activities. Amend the performance standards accordingly, e.g. tougher standards for noise, dust, vibration, hours of operation.</p> <p>(ii) medium to large scale – (i.e. exceeds small scale): discretionary activity in outer plains and non-complying activity in the inner plains;</p> <p>2. “Other” industrial activities: non-complying activity in both inner and outer plains.</p> <p>3. Noxious and hazardous activities: non-complying activity in both inner and outer plains.</p>	<p>Rural based industrial activities in the rural zone recognised as generally being appropriate where each proposal to check nature of activity, and whether any specific conditions are appropriate to mitigate effects e.g. in relation to site layout, landscaping etc.</p> <p>Medium to large rural based industries are recognised as acceptable in the outer plains but not the inner plains given the greater sensitivity to the effects of medium/large scale rural based industries in the inner plains due to a higher residential density than the outer plains area (e.g. four hectares versus 20 hectares).</p> <p>Noxious and hazardous industries are not provided for in the rural area as they are not considered to be compatible with rural production having regard to the precautionary principal and the need to protect rural resources. They are also not considered to be compatible with rural living and the rural amenity value expectations of rural residents in terms of clean air, lack of pollution, etc.</p> <p>The provision for incidental or accessory use of noxious and hazardous substances as part of farming activity enables traditional rural activities to operate with minimal restrictions.</p>	<p>Moderate (Administration)</p> <p>Small scale rural based industrial activities would require a controlled activity which could not be declined (only conditions imposed) and would not require affected party approvals i.e. minimal cost or delay for applicants. The rules may force medium to large scale rural based industrial activities to locate further out from Christchurch City or in B2 zones. The listing of specific noxious and industrial activities means that there is no requirement of technical assessment of noxious or hazardous elements and therefore administrative costs associated with this approach are moderate to low.</p> <p>There will be no duplication in the assessment of discharge and/or contamination issues with Environment Canterbury or with other legislation given that the listed activities will simply be non-complying.</p>	<p>High (Environmental)</p> <p>Effects based assessment more focused within the rural area including recognising the higher residential density and lifestyle character of the inner plains compared to the outer plains.</p> <p>Non rural based industrial activities are encouraged to locate in Business 2 zones rather than the rural zone.</p> <p>Noxious and hazardous industries are excluded from the rural zone because they are not compatible with rural amenity effects or primary production.</p>

