

Selwyn District Council

BS201 – Business Activities in Small Settlements



Selwyn District Plan Review

May 2018



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Project Number: 15241

Document Status: Final

Date: 10 July 2018

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BS201 – Business in Small Towns

1 Introduction and Summary

1.1 Overview to the townships

1. There are 22 towns (urban areas) in the Selwyn District, from Prebbleton in the east, to Arthurs Pass in the west.
2. The larger townships such as Rolleston, West Melton, Lincoln, Leeston and Darfield are big enough to support a diverse range of industrial activities and support commercial centres. Within those townships, these industrial and commercial areas have been zoned accordingly.
3. At the other end of the spectrum, smaller settlements such as Whitecliffs and Lake Coleridge have no substantial employment activities. These areas are zoned residential.
4. There are nine townships (referred to as **Small Settlements**) which are large enough to support modest commercial and industrial activities. These settlements have been identified because they already have an existing residential zoning, which incorporate several historic business and employment activities:
 - Arthurs Pass;
 - Doyleston;
 - Glentunnel;
 - Hororata;
 - Kirwee;
 - Sheffield/Waddington;
 - Springston;
 - Tai Tapu; and
 - Springfield.
5. To date, business activities (commercial and industrial uses) in these townships are not recognised in the Selwyn District Plan. This is despite a long presence of a range of businesses in these settlements. These business activities and substantial Visitor Accommodation are associated with existing physical resources and provide wellbeing benefits to the local community and passing trade.
6. These smaller settlements of Selwyn District have a long and varied history. For example, Arthurs Pass Village was founded in 1906 principally to accommodate the tunnellers who drilled the 8 kilometre Otira Tunnel. The Maori had given the name Tai Tapu (meaning sacred or solemn water) to the area where the Halswell River runs through the present village; the first store was established in 1863 while the first hotel dates from 1865.
7. Apart from Tai Tapu, there is no real mainstreet agglomeration of commercial activity. Although commercial development in settlements such as Arthurs Pass and Springfield tend

to front the State Highway. The settlements generally do not provide a significant employment base for local residents.

8. Commercial and industrial activity in smaller settlements tends to be fragmented and reliant on section 10 (existing use rights) of the Resource Management Act 1991, with changes in activity or effects managed through the resource consent process.
9. The settlements sustain populations ranging from 262 (Hororata) to 1,186 (Kirwee). Typically, these settlements are not anticipated to have substantial growth. However, some settlements such as Kirwee are expected to have material growth, with some 187 new households by 2031; Sheffield is projected to have an additional 25 new dwellings by 2031 to cater for an 11% increase in population to 655 people.
10. As identified in BS004¹, *“convenience commercial centres also act as the ‘heart’ of a local community, particularly in rural areas, providing a place for social gatherings / events for the local community and a sense of place for the area the centre is located”*.

1.2 Background to establishing plan provisions

11. The purpose of the Business provisions of the Selwyn District Plan is to address the resource management issues relating to:
 - meeting demands for wellbeing; and
 - managing environmental implications as these relate to the extent and location of business land, employment opportunities and social and amenity opportunities.

That approach ensures that the economic and social enablement of the Selwyn community is not only upheld, but advanced.

12. For the larger townships, there is a need to co-ordinate business development with strategic infrastructure. The distribution and location of business activity also plays a key role in the form and growth of the townships.
13. For the smaller settlements, the statutory context, established through the Resource Management Act 1991 (**RMA**), Canterbury Regional Policy Statement (**CRPS**), and associated Selwyn District Council Area Plans encourages economic diversity and opportunity, acknowledging the muted growth in the settlements, but ensuring that amenity and residential character is retained.
14. The Report ‘Existing out of centre Business Activities in Small Settlements’ (**BS001**) identifies through surveys, the presence of a variety of residential, business and community activities within the smaller settlements. BS001 also recognises that the scale and amenity of the majority of commercial activities are compatible with surrounding residential uses. Industrial activities are more incongruous but are typically located on the fringe of the settlements, and in the case of Doyleston, are zoned specifically for Industrial uses (10 Railway Terrace and 447 Drain Road).
15. Most business activities in the smaller settlements are operating under existing use provisions of s10 RMA, and / or by way of resource consent. BS001 identifies that given the ill-defined

¹ BS004. Property Economics Ltd. Page 13.

edges and terms of existing uses, and the associated uncertainty, that reliance on such a reactive planning approach is not favoured.

16. Instead, the approach recommended is to establish a policy overlay, to be spatially applied to individual commercial and industrial activities. The associated rules would be more permissive of business activities (commercial and industrial) but seek to provide controls on amenity and built form to retain compatibility with adjoining residential activities.
17. By applying this approach, particular commercial or industrial activities as located on a residentially zoned property may be changed, e.g. a tourist operation may be replaced by a food and beverage outlet, so long as the effects on traffic and amenity remain comparable. The provisions would also provide for the re-establishment to purely residential uses.

1.3 Conclusions

18. The approach recommended in Report BS002 is to provide statutory recognition of existing small scale business enterprises in smaller settlements. That is reliance on existing use rights was generally inappropriate.
19. District Plans use an array of spatial overlays to define an area to which specific provisions would apply. These take the form of zones, notations, overlays, precincts and schedules.
20. Zoning is the primary planning tool used to organise and manage effects in a defined spatial area. Best planning practice is that zones relate to an agglomeration of sites or uses that all share common characteristics and generate a common bundle of effects – for example the operative Selwyn District Council promotes a Business 1 zone for activities within its Town Centres.
21. For Selwyn's smaller settlements, given the disparate distribution of businesses throughout established residential areas, a business zoning response, would not best meet tests of effectiveness and efficiency as it would effectively represent 'spot zoning'.
22. Accordingly, a planning notation or overlay is recommended. The purpose of the Small or Rural Settlement Business Overlay is that it would mirror the dual premise of Section 5 of the Resource Management Act 1991. That is the relevant policy provisions and rules would seek to manage existing business physical resources in a way or at a rate that would enable social and economic wellbeing, whilst managing the adverse effects of such activities on the environment.

2 The Methodology

2.1 Project Scope

23. BS001 identified options for recognising and providing for the continued operation of existing businesses in Small Settlements.
24. The preferred option was to identify the sites by way of individual site overlays and exempting these sites from provisions managing built form and amenity, whilst retaining appropriate residential provisions to ensure compatibility with residential character.
25. The Scope of BS002 is:
 - Analyse each the sites investigated in BS002 with respect to the Council’s resource consent data base.
 - Prepare an outline of the preferred approach to provide for, and manage business activities in the Small Settlements, including objectives, policies and rules, and an outline of any required definitions; and
 - Incorporate the findings of BS002, and DW004 to DW0012 within the preferred approach as appropriate.

3 The Purpose

3.1 The operative regulatory response

26. The current plan provisions as applicable to Selwyn’s Small Settlements were developed over 15 years ago; with the Township Volume notified in 2001.
27. Neighbourhood and Local Centres are enabled in the District Plan to provide for convenience shopping in discrete locations in Rolleston and Lincoln. These commercial developments retain a Living Z zoning but are subject to the Business 1 zone provisions of the District Plan. Rolleston has four such centres at Brookside, Falcon’s Landing, Geddes / Drydon Trust and Farringdon. Lincoln has one within the Rosemerryn subdivision.
28. By contrast, Selwyn’s Smaller Settlements are zoned in the operative District Plan as Living 1, inclusive of existing legacy business activities operating within these areas.
29. The Living 1 zone outcomes are expressed in **Section A4.5** of the Plan which identifies that the Living 1 zone is:

“Areas that are managed to maintain environments that are most pleasant for residing in. Activities in Living zones have effects which are compatible with residential activities and amenity values”.
30. The relevant Living 1 zone objectives and policies provide a focus on compatibility with residential amenity.
31. This is best identified in **Policy B3.4.2** which states:

“To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone”.
32. **Policy B3.4.3** outlines the preconditions associated with the District’s Living zones, with a focus on the amenity and character of the Living zones to provide for residential living.

33. Provisions in Section B4 'Growth of Townships' seeks that commercial growth is primarily focused in the Key Activity Centres of Rolleston and Lincoln, and that (**Policy B4.3.1**) new business development are contained within an appropriate business zoning. The explanation for that policy states:
- "New ... business activities need to occur on land which is appropriately zoned, to ensure the most appropriate policies and rules in the Plan apply to the activity".*
34. Specific small settlement provisions are contained at **Policy B4.3.12** (Arthurs Pass) to **B4.3.104** (Whitecliffs). These largely seek to confine the urban form of each settlement. No guidance on the role and function of business developments is provided, apart from reliance on the phrase that such activities should develop on sites that are '*available and appropriate for the proposed activity*'.
35. The exceptions are:
- Sheffield (**Policy B4.3.81**) which despite there being no business zoned land seeks to
"Encourage any land zoned for business development to be located on one side of SH73 only".
 - Tai Tapu (**Policy B4.3.96**) which seeks a similar result using differing terminology:
"Avoid rezoning land for new residential or business development along both sides of SH75".
36. In terms of relevant Rules, Rule 1.1 'Status of Activities' deems that the six service stations identified in the BS001 Surveys as *Discretionary Activities*; the Industrial activities identified in BS001 (except the two small Business 2 zones in Doyleston) are deemed *Non complying activities*. Rule 10.8.1 which limits business activities in terms of staff numbers (clause (1)) and vehicle movements at 40 per day (clause (3)) would render the remaining surveyed Business Activities as requiring consent.
37. Accordingly, and as identified in BS001 the provision of Business activities in the Smaller Settlement is beset with considerable uncertainty. Whilst the operative plan provisions on their face seek to manage activities in the Small Settlement Living 1 zone based on their effects, the policies and rules essentially require that business activities rely on existing use rights or resource consents.
38. In other words, the District Plan is unlikely to be providing such uses with any degree of protection, or flexibility in terms of enabling these activities outside of their section 10 existing use rights (where these could be demonstrated).
39. Section A2.2 of the Operative Plan outlines existing uses as:
- A2.2 EXISTING USES**
- The Act provides for the existing and continued use of land and the surface of water in a manner which contravenes a rule in the district plan, subject to the following:*
- *The use was lawfully established (including by designation) before the rule became operative or the proposed Plan was notified; and*
 - *The effects of the use are the same or similar in character, intensity and scale to those which existed before the Plan became operative, the proposed Plan was notified or the designation was removed; and*
 - *If the activity involves the use of the surface of water in lakes and rivers, the person carrying out the activity applies for resource consent within 6 months of the rule in the Plan becoming operative.*
- Existing use rights do not apply if:*
- *The use of land has been discontinued for a continuous period of more than 12 months, unless the Council has granted an extension by way of application; or*

- *Reconstruction, alteration, or extension to any building that contravenes a rule in the district plan increases its degree of non-compliance.*

3.2 Principles of an appropriate regulatory response

3.2.1 Measurable change in the status quo

40. The steps associated with ascertaining the change in status quo as to the statutory framework for business activities in small settlements are whether the proposed plan provisions change little or much in the operative plan:
 - Where changes are few or small, then the relevant sense of enablement of business activities in small settlements remains, or at least is specific as to the extent of change.
 - Where changes are multi-faceted, and are substantially directive in objectives, policies and methods in limiting the establishment of business activities in the small settlements, then there is a measurable change in status quo. As such, the Selwyn District Council would need to satisfy itself that that change was appropriate in terms of its s32 duties.
41. The proposed Selwyn District Plan is moving away from the ‘effects based’ framework of its predecessor.
42. Policy provisions are likely to be directive as to the outcomes sought, and activities promoted (and therefore those restrained), and the rule framework is also likely to focus clearly on measurable standards and activities.
43. Accordingly, there would be a measurable ‘change in the status quo’ which would make obtaining future resource consents for existing business activities more challenging.
44. The sentiments expressed in BS004, albeit at investors in the Business 1 zone is equally relevant to existing business activities in Small Settlements. That is:

“A careful balance needs to be struck between regulation and ‘ease of doing business’ investing in Selwyn’s centres. If development opportunities are too restrictive through difficult to understand and costly planning policies, this can unnecessary increase economic costs and lower investment certainty in the market”².
45. That principle is highly relevant in the Small Settlements. The strengthening of policy and rules seeking to reinforce residential activity and amenity in the Living zone exponentially increases uncertainty in existing businesses being able to evolve or redevelop.
46. The **first** purpose of BS201 is to recognise and provide for any such measurable change in the status quo through recognition and provision of existing business activities in the Small Settlements.

² Property Economics Ltd. BS004. Section 1.0

3.2.2 Outcomes in Management Plans prepared under other Acts (s74(b)(i))

47. Relevant growth in Selwyn District is identified in Table 1.

Table 1: Growth projects Selwyn District³

	Base (2018)	2023	2028	2033	2048
Population	49,500	59,900	67,900	75,700	98,400
Households	17,100	21,400	24,300	28,000	37,800

48. To account for such substantial growth, Selwyn District Council have prepared the following plans and strategies to aid in strategic planning and spending:

- Long Term Plan 2015 – 2025 (the replacement 2018 – 2028 is under consultation);
- Selwyn 2031 Growth Management document (**GMS2031**); and
- Ellesmere and Malvern Area Plans (2016) (**Area Plans**).

49. Property Economics have identified (BS004, page 10) that:

“Overall, the area plan reports indicate very little change is required from the current B1 and B2 zoned provisions in ... the district by 2031. Existing vacant / undeveloped B1 and B2 zoned capacity appears to have the potential to accommodate future increases in demand out to 2031”.

50. For the smaller settlements, where there is no B1 or B2 zoned land, the GMS and Area Plans all recognise that substantial growth is unlikely, with populations and households likely to be either be static or have modest growth.

51. Some settlements such as Kirwee are expected to have material growth, with some 187 new households by 2031; Sheffield is projected to have an additional 25 new dwellings by 2031 to cater for an 11% increase in population to 655 people.

52. Regarding employment and business activity, the GMS2031 and Area Plans identify the need to provide opportunities in order to enhance the quality of lifestyle choices, promote economic prosperity and contribute to the district’s self-sufficiency.

53. The Area Plans identify for the smaller settlements that limited opportunities for employment and business growth are to be facilitated, as relative to the small population base for these townships. Leverage off the tourist-based economy, where possible should also be encouraged.

54. Accordingly, the **second** purpose of BS201 is to recognise that the status quo of the operative Plan would not achieve the Selwyn District’s stated aims in terms of s74(2)(b)(i) of enabling and facilitating commensurate opportunities for employment and business growth in its Smaller Settlements.

³ Greater Christchurch Partnership. Business Development Assessment (March 2018).

3.3 Enabling Business activities in Small Settlements

55. Historically in the small settlements in Selwyn District, existing business activities have been operating in residential zones, or in fringe rural locations by way of always being there. These activities are not recognised and provided for by the operative District Plan residential (Living 1) zoning.
56. Such business activities provide necessary jobs in these rural areas, as well as social and community wellbeing. They provide for local access to goods (food and beverage outlets, pubs), or services (such as mechanics or service stations). In many instances, they also contribute to local tourism offering such as by providing Visitor Accommodation.
57. Surveys undertaken within Report BS001 identified a range of business (industrial and retail), commercial residential activities (such as motels and backpackers) and community activities within Selwyn District's smaller settlements.
58. The positives of an approach where such activities rely on s10 rights or existing consents is that the scale, nature and amenity of such activities are absorbed into their environments. The impacts, or adverse effects of such operations, are typically of a scale, character and intensity that is compatible with the surrounding residential settlement.
59. Reliance on Section 10 rights and existing resource consents increases uncertainty associated with maintaining the longevity of established business infrastructure and investment in small settlements. Simply, such an approach does not allow for the reasonable adaption of such businesses as market conditions change. In some instances, such as Arthurs Chalet in Arthurs Pass these rights have disappeared altogether.
60. Should these business activities wish to alter their operations in a moderate way, change the scale of the business, or even put up additional signage – a new resource consent from the Selwyn District Council would be required. Furthermore, the rules and outcomes sought by the underlying residential zoning would count against consent being granted.
61. BS001 identified that it would be preferable, and indeed more appropriate, to create some form of notated overlay over the existing Business activities in smaller settlements. The approach would also allow business activities on any notated property to be changed, that is a food and beverage shop operating from a building (whether converted or purpose built) may be added onto by selling craft (retail), or replaced by an accommodation provider, so long as the effects on traffic and amenity for the surrounding area remains compatible with the character of the small settlement.
62. If the scale is to increase substantially, resource consent should be required, albeit limited in status (*restricted discretionary*) to focus the assessment. A change to a more Industrial activity, or one which vastly increase traffic movements (such as a service station) would require *discretionary activity* consent to ensure the broader plan outcomes would be considered.
63. There would be no issue for conversion to the underlying zone residential use or community activities of a similar size and scale, which would be *permitted*.
64. The **third** purpose of BS201 is to provide policy and recognise specific business activities as being enabled within Smaller Settlements.

3.4 Managing the effects of business activities in Small Settlements

65. Adverse effects associated with business activities in Small Settlements can be categorised as:
- Interface issues associated with neighbouring residential properties;
 - Community issues associated with the compatibility of an activity to the established small settlement character; and
 - Strategic issues for the district, as associated with either industrial activities that require substantial in-flows of employment, or commercial distributional effects.

3.4.1 Interface Issues

66. BS002 sets out the nature and extent of interface issues associated with business activities and adjoining sensitive uses. The report identifies that the nature of the effect is dependent both on the activity and the sensitivity of the adjoining use.
67. BS002 was tasked with considering interface issues for the established Business 1 (town centre) zones, and the B2, B2A and B2B (industrial) zones. The scale and extent of activities associated with identified Business Activities within Small Settlements (BS001) is typically of a lower order than activities anticipated in the B1 and B2 zones, albeit that the adjoining sensitive activity will be residential.
68. Applying the context of interface effects identified in BS002, with activities identified in BS001 provides the following range of interface effects to be addressed.

Commercial activities in the Small Settlements

Effect	Nature and extent	Examples where effect <u>could</u> be generated
Noise	<ul style="list-style-type: none"> Activities generating public, particularly at night (such as bars and cafes). Carparking areas Ancillary activities – air conditioning units, glass bottle discharge. 	Arthurs Pass Chalet, 131-132 Arthurs Pass, Sheffield Hotel, 40 Wrights Road
Odour	<ul style="list-style-type: none"> Outdoor storage areas Kitchen extraction units 	Arthurs Pass Store, 85 Arthurs Pass. The Butcher, 2 Hobbs Street, Hororata
Glare	<ul style="list-style-type: none"> Light spill caused by outdoor seating areas or carparking. 	No examples where this is a material effect.
Shading and dominance	<ul style="list-style-type: none"> Larger scale buildings that are substantial in height, or intrude on adjoining sites. 	No examples where this is a material effect.
Loss of privacy	<ul style="list-style-type: none"> Outdoor seating areas, or second storey windows overlooking neighbouring properties. 	Yellow Shack Café, 5672 West Coast Road.
Traffic and parking	<ul style="list-style-type: none"> Congestion on local roading network. Efficiency and effectiveness issues associated with access and traffic generation onto the State Highway network. 	Springfield Hotel, 5675 West Coast Road.

Visual amenity, landscaping and street scene	<ul style="list-style-type: none"> Extent of signage. Extent of landscaping along frontage, including trees. Non-residential bulk and form of commercial buildings / site density. 	Springfield Railway Station Café, King Street.
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Industrial activities in the Small Settlements

Effect	Nature and extent	Examples where effect could be generated
Noise	<ul style="list-style-type: none"> Generally, from industrial processes, and late night servicing. 	Tai Tapu Mowers and Chainsaws
Odour	<ul style="list-style-type: none"> From industrial processes. 	No examples where this is a material effect.
Glare	<ul style="list-style-type: none"> Light spill from carparking or service areas. 	No examples where this is a material effect.
Shading and dominance	<ul style="list-style-type: none"> Larger scale buildings that are substantial in height or intrude on adjoining sites. 	Carrodus Bros Trucks, 140 Leeston Road
Visual appearance	<ul style="list-style-type: none"> Utilitarian buildings, absence of landscaping and predominance of unscreened outdoor storage. 	Taege Engineering Ltd, 39 West Coast Road, Sheffield
Traffic and parking	<ul style="list-style-type: none"> Typically, moderate levels associated with employees and service vehicles. 	Carrodus Bros Trucks, 140 Leeston Road
Hazardous substances	<ul style="list-style-type: none"> Risks from the use and storage of hazardous substances as part of the industrial process. 	No examples where this is a material effect.

69. Issues associated with odour, air or water discharges come under the mandate of the Canterbury Regional Council.

3.4.2 Community Issues

70. There is no evidence that the existing activities identified BS001 are not well run, and they tend to not generate unacceptable effects beyond their immediate site boundaries. Adjoining residential expectations is that a degree of non-residential amenity is anticipated from residential houses next to long established business activities.
71. However, a significant redevelopment of an established business activity, or substantial replacement of a business activity in the small settlements can give rise to a business activity that incongruent with neighbouring small settlement amenity.
72. This can either be based on the nature of the activity itself (such as the bulk and form of a large industrial warehouse), or the level of generated activity such as noise, traffic or signage (service stations).
73. It will be important that business activities provided for in small settlements complement the community role and function of such small settlements, predominantly as residential hamlets that support a broader rural area, or leverage off nearby tourist activities or service passing

traffic. This requires consideration in provisions of both ensuring compatibility in terms of effects (be it scale or traffic generation), and the enablement of such activities where these would assist the community role and function of the small settlement.

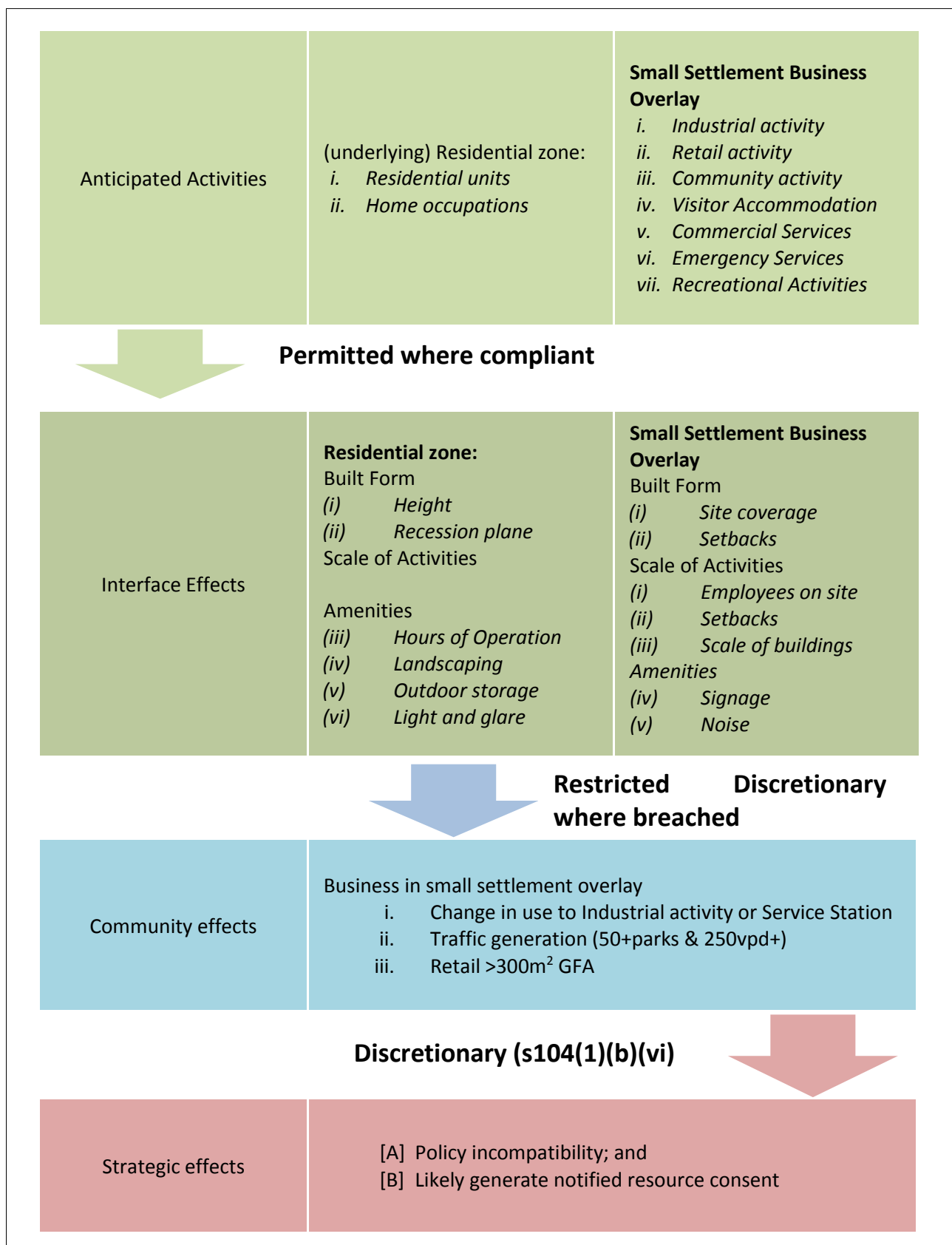
3.4.3 Strategic Issues

74. These are matters that would have substantial implications on the strategic direction of the Selwyn District Plan. That is land uses would be of such a scale and degree that there would be significant consequences on small settlement form, in-flows of employment, or result in commercial distributional effects on the District's Town Centres zones.
75. As outlined in BS001, commercial activities wishing to establish in a small settlement are never likely to be of a scale or type (Department Store or Supermarket) that would give rise to significant distributional effects on the Selwyn Town Centre hierarchy.
76. Industrial activities are also likely to remain of a type or function that have a direct relationship to servicing the surrounding rural hinterland.
77. Regardless, it would be important to ensure that large scale commercial or industrial developments would not gain policy support in terms of establishment. Accordingly, larger scale developments would be directed towards a plan change process, or a notified resource consent hearing. Policy supporting business activities in small settlements should therefore include caveats as to scale and compatibility with surrounding settlement character.

3.4.4 Cascade of Management

78. On the basis that the proposed District Plan will have an 'activities-based' structure, the **fourth** purpose of BS2001 is to provide for the enablement and management of Business activities based on the following cascade of rule provisions, as separated into a management of interface, community and strategic level effects.

Figure 1: Cascade Approach to Management



4 The Law

4.1 Overview

79. In considering the most appropriate provisions for the Plan, the Selwyn District Council should be guided by the various legal tests that have been set out in cases such as *Colonial Vineyard vs Marlborough District Council*⁴ and can be summarised as follows:

Case Law Note.

Where the provisions:

- (i) Accord and assist the Council in carrying out its functions and achieve the purpose of the RMA9s74(1));
- (ii) Accord with Part 2 of the RMA (s74(1)(b));
- (iii) Give effect to the regional policy statement (s75(3)(c);
- (iv) Give effect to a national policy statement (s75(3)(a));
- (v) Have regard to the actual or potential effects on the environment, including in particular any adverse effect (s76(3));
- (vi) Are the most appropriate method for achieving the objectives and policies of the plan, having regard to their efficiency and effectiveness and taking into account:
 - 1. The benefits and costs of the proposed policies and methods, including rules;
 - 2. 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 (s32(4)).

80. A summary of the statutory framework is:
- Provisions in the District Plan are to assist the Selwyn District Council in undertaking its functions for giving effect to the Act⁵. One function being the integrated management of the use, development or protection of land and associated natural and physical resources of the Selwyn District. That function is fulfilled by objectives, policies and methods to be established by the proposed District Plan. Another function for the proposed District Plan to serve, is the control (as specified) of the effects of the use, development and protection of land.
 - The preparation of the proposed District Plan is to be undertaken in accordance with the provisions of Part 2, and any applicable regulations⁶.
 - The approach needs to align with the Selwyn District Council's functions under the Act and other relevant instruments;
 - That processes (and provisions that drive processes) are timely, efficient and cost effective and proportionate to the functions being performed, and that plan drafting is clear and concise (Section 18A); and

⁴ [204] NZEnvC, 55, at paragraph [17]

⁵ Section 74(1) and s31

⁶ Section 74.

- When reaching a conclusion as to which provision is the ‘most appropriate’ the requirements of s32, having regard to the efficiency and effectiveness of the provision is to be considered.

4.2 The Planning Hierarchy

4.2.1 Summary of hierarchy of Plans for Business in Small Settlements

81. BS001 identifies that the relevant provisions of the Canterbury Regional Policy Statement (**CRPS 2013**), Selwyn 2031 Growth Management Strategy (**GMS 2031**) and Area Plans are:
- Urban development in small settlements remain consolidated around or otherwise integrated with existing settlement patterns;
 - Business activities and opportunities are enabled as appropriate, where these are consistent with the amenity and character of small settlements, and to encourage self-sufficiency and efficient transport patterns;
 - Economic diversity and opportunity should be provided commensurate to the scale and limited growth of small settlements; and
 - Conflicts between incompatible activities are avoided.

4.2.2 The Canterbury Regional Policy Statement

82. The provisions of the Canterbury Regional Policy Statement (**CRPS**) are to be *given effect* to in terms of s75(3) of the Act when determining what is the appropriate planning mechanism to respond to the provision of business activities within small settlements.

Case Law Note.

If the rules and methods (e.g. zoning, policy overlay, scheduling) achieve and implement the district plan, they must, by definition give effect to the regional policy statement. That is because it is the rules that achieve and implement the policies and objectives, which in turn are accepted as giving effect to the regional policy statement⁷.

83. Chapters 5 and 6 of the CRPS are the relevant sections that deal with Land use and Infrastructure Integration for the Selwyn District.
- Chapter 6 is relevant for Springston and Tai Tapu which are contained within Greater Christchurch.
 - Chapter 5 addresses business activities for the remainder of the small settlements identified in Section 1.1.
84. For Springston and Tai Tapu, the provisions of **Chapter 6** the CRPS seek:
- To maintain the character and amenity of rural settlements (**Objective 6.2.1(7)**);

⁷ Canterbury RC vs Waimakariri DC C009/02

- To provide healthy, environmentally sustainable, functionally efficient and prosperous development (**Objective 6.2.3(5)**);
- To support and maintain the existing network of centres in Greater Christchurch (**Objective 6.2.5**);
- Business activities are provided in appropriate locations, and Business development adopts appropriate urban design qualities (**Objective 6.2.6**);
- Business development is to give effect to the principles of good urban design, including the NZ Urban Design Protocol 2005 (**Policy 6.3.2**); and
- To ensure the provision and recovery of business land in Greater Christchurch to maximise business retention, attract investment and provide for healthy working environments, including: encouraging self-sufficiency of employment and business activities in communities across Greater Christchurch Policy (**Policy 6.3.6**).

85. For the remainder of the small settlements, the provisions of **Chapter 5** of the CRPS seek:

- People and communities to provide for their social, economic and cultural wellbeing and health and safety, including:
 - encouraging sustainable economic development by enabling business activities in appropriate locations (**Objective 5.2.1(2)(c)**);
 - Avoids conflicts between incompatible activities (**Objective 5.2.1(2)(i)**);
- A safe, efficient and effective transport system (**Objective 5.2.3**);
- Provide as the primary focus, sustainable development patterns that:
 - occur in a form that concentrates or is attached to, existing urban areas and promotes a consolidated pattern of development (**Policy 5.3.1(1)**);
 - encourage within urban areas... recreation and community facilities, and business opportunities that supports urban consolidation (**Policy 5.3.1(2)**);
 - maintain and enhance the sense of identity and character of the region's urban areas (**Policy 5.3.1(4)**);
 - encourage high quality urban design, including the maintenance and enhancement of amenity values (**Policy 5.3.1(5)**); and
- In relation to the strategic land transport network and arterial roads the avoidance of development which adversely affects the safe, efficient and effective functioning of the network (**Policy 5.3.7**).

4.2.3 *The Growth Management Strategy and Area Plans*

86. The Selwyn District Long Term Plan 2015 – 2025, Selwyn 2031 document and Ellesmere and Malvern Area Plans (2016) are management plans and strategies prepared under other Acts, relevant as pursuant to s74(2)(b) of the Act.
87. These plans represent a non-RMA area planning and consultation outcome with the community. In that context, *regard is to be had* to these provisions.
88. In a non-statutory context:

- The Selwyn District Long Term Plan 2015 – 2025 (**LTP**)- seeks as a community outcome access to appropriate health, social and community services, and a strong economy within settlements that complements the environmental, social and cultural environment of the district.
- Selwyn 2031 – The District Development Strategy seeks the longevity of Selwyn District’s smaller settlements, including economic growth and management, and the ability to sustain some services to the surrounding rural area⁸.
- Ellesmere and Malvern Area Plans (2016).
 - i. The Ellesmere Area Plan seeks for the area that includes the settlement of **Doyleston**, a prosperous and diverse community, and economic diversity and opportunity. Limited business opportunities are to be facilitated given the close proximity of a range of services in Leeston⁹.
 - ii. The Malvern Area Plan seeks for the following settlements:
 - **Arthurs Pass**: There are limited opportunities to facilitate economic diversity, and the expansion of businesses is limited to retro-fitting existing dwellings or redeveloping existing residential sections in the absence of a dedicated Business 1 zone¹⁰.
 - **Glentunnel / Hororata / Kirwee / Sheffield / Waddington**: Relatively limited opportunities can be facilitated through the Area Plan, based on the small population base¹¹.
 - **Springfield**: Relatively limited opportunities are able to be facilitated in Springfield through the Area Plan based on small population base of the township and its status under Selwyn 2031. The tourist based economy may bring additional opportunities, but is contingent on private ventures¹².

4.2.4 The Draft National Planning Standards

89. In June 2018 the Ministry for the Environment has recently released a draft set of National Planning Standards.
90. The purpose of the National Planning Standards (**National Standards**) is to improve consistency in plan and policy statement structure, format and content.
91. The development of the National Standards is enabled by sections 58B-58J of the Resource Management Act. The Selwyn District Council, pursuant to s58I of the Resource Management

⁸ Selwyn 2031. District Development Strategy. Page 34, Township Network.

⁹ Ellesmere Area Plan 2031. Doyleston. Page 37.

¹⁰ Malvern Area Plan 2031. Arthurs Pass. Page 38.

¹¹ Malvern Area Plan 2031. Glentunnel. Page 66. Hororata. Page 74. Kirwee. Page 82. Sheffield, page 98

¹² Malvern Area Plan 2031. Springfield. Page 108.

Act must implement the *mandatory directions* (s581(2)) and choose an appropriate provisions un terms of the *discretionary directions* (S881(4)).

92. The Draft National Planning Standard introduces a District Plan structure (Section S-DP) and also sets the parameters as to the use of Zones, Overlays and Definitions. Selwyn District Council has a five (5) year time period to amend its District Plan in accordance with the planning standard.
93. Of relevance to this report, there is no specified approach to the recognition and enablement of business activities within Small Settlements. The approach is not an easy fit to either application of a 'Low-Density Residential Zone', 'Rural Settlement Zone', 'Neighbourhood Commercial Zone' or 'Light Industrial zone' within the array of zoning options provided at Part 5 – Area Specific Matters of the planning standard.
94. The planning standard however recognises that there are a range of tools that are available to provide for distinctive qualities associated with specific activities which require specific management. However, Table 24 of the planning standards - 'District plan components of combined plans and district plan spatial planning tools' recognises 'Overlays' as an appropriate mechanism to manage specific attributes within the context of a broadly applied zone¹³.

Name	Function	Represented by	Location of associated provisions within district plan structure
Overlays	An overlay spatially identifies an area, feature or item that following a district wide assessment has been determined to have distinctive values, environmental risks or factors that require management in a different manner from the underlying zone provisions	Polygons or point data [cc cross reference Mapping Standard]	District wide chapters and may be supported by an associated schedule in schedules chapter

95. Lastly, the standard includes a number of definitions that are of relevance to the topic, these include:

Rural settlement zone

The purpose of the *Rural settlement zone* is to provide primarily for a mixture of residential, commercial, light industrial activities and community activities located within rural areas that support a small settlement and surrounding rural area.

commercial activity

means an activity with the primary purpose of trading in goods, equipment or services

industrial activity

means an activity for the primary purpose of—
(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or
(b) research laboratories used for scientific, industrial or medical research; or
(c) yard-based storage, distribution and logistics activities; or
(d) any training facilities for any of the above activities

¹³ Draft National Planning Standards. MfE (June 2018). Page 60.

4.3 Summary of the Law

96. Provisions relating to business activities in Small Settlements are to:
- align with the Selwyn District Council’s functions under the Act and other relevant instruments;
 - Ensure that processes (and provisions that drive processes) are timely, efficient and cost effective, are proportionate to the functions being performed, and that plan drafting is clear and concise (Section 18A);
 - When reaching a conclusion as to which provision is the ‘*most appropriate*’ the requirements of s32, having regard to the efficiency and effectiveness of the provision is to be considered.
 - The outcomes specified in the CRPS are to be given effect to, for business activities in smaller settlements, this includes enabling business activities and opportunities as appropriate, with criteria as to what is appropriate being couched in considerations of reverse sensitivity, and maintaining amenity and character;
 - The outcomes specified in the Selwyn District Long Term Plan 2015 – 2025, Selwyn 2031 document and respective Area Plans are to be had regard to, these identify limited growth for the settlements, but the need to provide for economic diversity and opportunity.
97. Furthermore, guidance is provided by the draft National Planning Standards as to the use of ‘Overlays’ as a planning mechanism, and more broadly the structure and content of the proposed Selwyn District Plan.
98. The Section 32 assessment under Section 8 of BS201 considers these matters as relevant to the provisions.

5 The Options

5.1 Overview

99. BS001 provided a consideration of the broad range of options available to territorial authorities to recognise, provide for and manage existing business activities in small settlements. The report also identified, in generic terms a consideration of those options in terms of:
- Plan administration and transaction costs ‘**Efficiency**’;
 - Ability to appropriately provide for a variety of business categories;
 - Extent to which mechanisms can recognise the reasonable growth and flexibility expectations of sites / activity operators and their aspirations ‘**Effectiveness**’ (as linked back to the Selwyn 2031 Strategy and the Ellesmere and Malvern Area Plans);
 - The way such mechanisms provide adequate measures to deal with off-site effects (transport, landscape and design) and interface issues (noise, glare, and built form character).

5.2 Status Quo

100. Section 3.2.1 of BS201 identifies that the Selwyn District Council will unlikely be able to rely on a status quo approach.
101. The proposed District Plan will introduce measurable change to the provision of non-residential activities in Small Settlements. Explicit activity-based policies and objectives, as well as associated activity-based provisions will be disenabling for existing business activities. This would make obtaining future resource consents for existing business activities more challenging than under the operative Plan.
102. Rightly, submitters to the process would be able to argue that the proposed District Plan provisions for the underlying Living zone is actually disenabling, and leaves reliance on Section 10 RMA rights or existing resource consents. Such an approach is not future focused and would unlikely meet the respective regulatory tests outlined in Section 4 above.
103. The **first** purpose of BS201 is to recognise and provide for such measurable change in the status quo through recognition and provision of existing business activities in the Small Settlements.
104. BS001 also identifies that Environment Court has raised issues associated with having to rely upon the *existing use* provisions of s10 of the Act, specifically in terms of the ill-defined edges and terms of existing uses, the ability to formally identify that an activity was lawfully established, and uncertain outcomes as to matters relating to *character, intensity and scale*.

Case Law Note.

Arguments about the sameness or similarity of ... character, intensity and scale... can be almost endless, and then there is the equally arguable stipulation that an existing use will not survive if it

has been discontinued for a continuous period of more than 12 months after the rule became operative or the proposed plan was notified. [66]¹⁴

In particular, enquiries into the presence or otherwise of existing use rights can be notoriously complicated and expensive.[44].¹⁵

5.3 Spot Zoning

105. Spot zoning as an approach is discouraged in BS001. Such an approach would consist of zoning at a micro level for specific business activities identified, in association with the formation of objectives, policies and rules in relation to the management of activities within that zone.
106. The approach is complex, both in terms of drafting plan provisions, and certainty by those using the plan. Individual land holdings are separately zoned to enable quite different land uses, and with controls to manage adverse effects at the zone (or in this instance, property) boundary. This produces a district plan where there is a need to then consider a multiplicity of interacting effects from any proposed development with a spot zone, and creates uncertainty given the necessity to achieve compatibility with residential amenity at the interface with residential activities, which based on the surveyed sites form the perimeter of nearly all sites.

5.4 Scheduling

107. Scheduling can be a legitimate approach in plan drafting, but is typically better utilised where there are either a limited frequency of non-residential activities, or alternatively a limited type of activity which is unlikely to change (i.e. taverns or service stations), that are located around the district.
108. Selwyn District Council Report RU011 outlines recommendations based on the four scheduled sites within the operative Selwyn District Plan.
109. Such activities would typically contrast with the surrounding environmental character and amenity and would likely be non-complying in terms of the zone rules, and hence reliant on establishing existing use rights in the absence of being scheduled. Such an approach does not lend itself to a multiplicity of sites throughout a district, or a wide range of business types.
110. In this instance, there is a broader distribution of business activities throughout the Small Settlements, and furthermore a number of these activities are relatively benign in terms of their environmental effects. There are also issues associated with the mechanics of Scheduling. Typically, scheduling provides for recognition of existing activities and their environmental effects but does not extend to the future enablement of other business activities on the site.

5.5 Policy overlay

111. The approach recommended in BS001 is the provision of a Policy Overlay for established Business (that is Commercial, substantial Visitor Accommodation and Industrial) activities identified in the survey.
112. Those sites depicted in a Small Settlement Business Overlay (**SSOB**) area would be the subject of a specific policy acknowledging the role and function of such areas, and an exclusion from

¹⁴ Advance Properties Group Ltd et al vs Taupo District Council. NZENV126.

¹⁵ Kamo Veterinary Holdings Ltd vs Whangarei DC (A161/2003).

provisions that would otherwise limit retail or industrial activities from these sites. The language and narrative of the specific associated policy would be based on the outcomes sought by the CRPS 2013 in enabling sustainable economic development, the diversity of economic opportunities commensurate with the settlement function as identified in the Selwyn 2031 and Area Plan documents, and constraints to ensure appropriate amenity is retained (so as to link to the underlying residential or rural zone rules relating to amenity).

113. The overlay would recognise business activities on the site, as well as enabling future growth and redevelopment. Associated rules would provide for the ability for the Council to consider matters such as scale and traffic generation.
114. The underlying residential zone would be retained, as would rules associated with residential amenity (such as recession planes, height).

5.6 Flexible provisions

115. This approach would provide a plan framework which is more 'business orientated' as associated with small settlements. That is, taking a broad application of a 'Rural Settlement Zone' and being more permissive as to extent by which a Rural Settle zone would enable and provide for commercial, light industrial activities and community activities throughout the zone, regardless as to whether these related to existing business activities or not.
116. Essentially, the application of a more laissez-faire approach for business activities establishing within residential zones with a focus on effects.
117. Such an approach would be discordant with the approach in the proposed District Plan to be more directive and promote certainty as to the environmental outcomes sought.

5.7 Small business zone

118. This approach was discouraged in BS001 given its complexity. The approach would largely seek to provide two additional sub-zones to recognise and provide for the existing Industrial and Retail activities present within the smaller settlements. That is, such zones would take the form of:
 - a smaller settlement Industrial Zone (for example B2 Small Settlement); and
 - a smaller settlement Retail Zone (for example B1 Small Settlement).
119. This approach is only a valid alternative where there are multiple adjacent sites occupied by business activities, and therefore the ability to internalise adverse effects. As identified in the BS001 surveys, the existing Business activities are dispersed throughout the smaller settlements, typically with residential activities alongside one or more boundaries.

5.8 Conclusions as to options

120. BS001 recommended that the most effective and efficient suite of provisions would in our view likely be the application of a 'Policy Overlay' to recognise and provide for business activities, in combination with embedding more benign activities (Accommodation and home occupations) within the underlying residential zone provisions. Such an approach provides some certainty to existing operators that their activities are lawfully established and provides some flexibility for adaption, as well as maintaining residential amenity and character.

6 The spatial application of the overlay

6.1 Activities to be included in the Overlay

121. BS001 surveyed every non-residential activity within the small settlements.
122. The survey categorised the activities into their function (retail, industrial, visitor accommodation or community) and identified the scale, extent of signage, and amenity for each activity.
123. Activities that will not be incorporated within the Small Settlement Business Overlay, as explained below, include:
 - ancillary uses associated with established **Community** or **Recreational Activities**;
 - ancillary uses to **Residential Activities** (such as home occupations);
 - **Emergency Service Activities**.
124. BS001 identified where commercial activities were undertaken on specific sites as ancillary to either a predominant recreational (i.e. Golf Course, Rugby Club) or community activity (Church, Community centre). BS001 recommended that such ancillary activities (ancillary retail, food and beverage and liquor sales), would be more efficiently and effectively provided for by provisions in the underlying zone.
125. DW004 sets out recommendations for the provision of emergency services throughout Selwyn District. The report recommends a suite of *'possible options for rules in the Living, Business and Rural zones to provide for emergency service facilities'*¹⁶. Whilst not specific, the Report suggests effectively an 'emergency services' category in the proposed District Plan, with exemptions, or amended rules for the following:
 - Built form: hardstand area, site coverage, setbacks, recession planes, height;
 - Scale of activities: Scale, transport generation and parking; and
 - Amenity: Noise, Signage, Lighting and Glare, Outdoor storage.Subject to such provisions, application of Small Settlement Business overlay to these uses is neither efficient or effective.
126. The proposed Business overlay should not extend to activities that are ancillary to the predominant residential activity. This includes home occupations and small-scale Visitor Accommodation (such as B&Bs) which, it is assumed, will be more efficiently and effectively provided for by provisions in the Residential zone.
127. The district wide approach to visitor accommodation and tourism is also being considered as a separate work stream in drafting the proposed replacement District Plan. Accordingly, any recommendations in this report, which relate to substantial accommodation resources only (that is, public houses, YHA's, motels and hotels) may be overtaken by a more systemic approach.
128. Many of these smaller scale activities do not have resource consents for existing operations. They will either be reliant on operative plan provisions, be historic existing uses, or will be unlawfully established. Providing a specific policy overlay to these sites would be inefficient and ineffective, given such uses should either be accounted for in terms of the replacement

¹⁶ DW004. Section 7.5 'Rules'.

Living 1 zone provisions for home occupations or residential activity, or alternatively consent sought.

129. Larger Visitor Accommodation activities, where these are the predominant use of the site, have been included in the application of the Small Settlement Business Overlay, as there is a primary commercial purpose to the use of the site, albeit for activities that largely retain a residential character. A number of the surveyed Visitor Accommodation premises are also part of a larger Public Hotel (such as Arthurs Chalet, Arthurs Pass). A number of these premises are also included in the Council's rating database as 'Commercial – Multi use with Commercial' although it is noted that the ratings application is not consistent amongst accommodation providers (Youth Hostels and Motels).

6.2 Refining the BS001 survey and application of the overlay / Business 2 zoning

130. BS201 is to cross reference those remaining activities surveyed in BS001 against the Selwyn District Council rating and consent database and to determine the appropriateness for individual business activities to be either:
- i. included as an overlay; or
 - ii. rely on existing use rights.
131. This is a matter of fact and degree. Consideration is required against the extent to which:
- The proposed District Plan results in a measurable change in direction in Living zones (Section 3 of this report);
 - A statutory hierarchy that supports a planning regime that seeks to enable employment diversity within small settlements, whilst managing effects on amenity (Section 4 of this report);
 - Incomplete coverage of resource consents for the activities surveyed in BS001. Either through these activities being lawfully established prior to the operative plan, or where there is no record of resource consents. Regardless, the 'environment' for these sites is represented by a bundle of effects associated with a business activity.
132. Defining the 'environment' for these activities is very relevant. The consideration of the existing environment is important in terms of the integrated management of the effects of the use, development or protection of land. Section 31(a) provides:

Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Accordingly, there is a need to consider the 'environment' as relevant to an evaluation under s31(1)(a) and s32(1)(c) generally, and in particular the efficiency and effectiveness of policies, rules and other methods which may anticipate a different environmental outcome.

The following provisions of Section 76 are also relevant:

(1) A territorial authority may, for the purpose of –

(a) Carrying out its functions under this Act; and

(b) Achieving the objectives and policies of the plan - include [rules in a district plan].

...

(3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.

(underlined emphasis)

133. Where specific activities identified in the surveys in BS001 to rely solely on existing use rights, the Council will need to demonstrate in terms of s31(1)(a) and s32(1) that the purpose of the Act is better met across the District, through the withdrawal of the previous rights (or in this case, more directive provisions limiting business activities in Small Settlements).
134. In addition, plan provisions should also be forward looking, and set their face against ad hoc development. Provisions should identify for change to occur to accommodate trends by recognising and providing for such within the framework of the Plan. An approach where the granting of consents is exacerbated through failing to adequately recognise and provide for legitimate activities, especially where expressly recognised in the higher order documents, will effectively undermine the strategic plan framework¹⁷.
135. In combining those strands, excluding non-predominant business activities (home occupations, community and recreational uses, and emergency services), the following are recommended to be zoned either Business 2, or be subject to a Business Activities in Small Settlements overlay.

6.2.1 Recommendations for Business 2 (or equivalent) zoning

136. Two sites at Doyleston currently zoned Business 2 are recommended to retain that zoning (or its replacement in the proposed District Plan). These sites represent substantial industrial developments, the zoning has been in place for a considerable time period and provides certainty to both the land owner and those adjoining these sites. Accordingly, the retention of such a zoning represents the more appropriate mechanism to achieve the relevant higher order statutory plans. Those sites are:
 - 447 Drain Road: Leech Wood Product and Sawmill; and
 - 8, 10, 12 Railway Terrace: Craigs Seeds.

¹⁷ Refer National Investment Trust vs Christchurch City Council. [paras 15 – 19]. C152/07.

6.2.2 Recommendations for Business Activities in Small Settlements Overlay

137. The following sites are recommended to have an underlying Business 2 (or equivalent zoning) in the Small Settlements.

Address	Zoning
447 Drain Road: Leech Wood Product and Sawmill, Doyleston	Business 2
8, 10, 12 Railway Terrace: Craigs Seeds, Doyleston	Business 2

138. **Attachment A** outlines the site, Activity type (as defined, refer Section 6.2), amenity, rates classification and existence of resource consents that both define and control the remaining business activities identified in the BS001 survey. These areas are also spatially mapped. Based on the tables in **Attachment A**, the following sites are recommended to be included in a Business Activities in Small Settlements Overlay.

Arthurs Pass

Address	Plan Definition
131-132 Arthurs Pass, State Highway 73. Arthurs Chalet.	Retail / Visitor Accommodation
128 Arthurs Pass, The Sanctuary BBH Hostel	Visitor Accommodation
85-86 Arthurs Pass, Arthurs Pass Store	Retail/ Food and Beverage
108 Arthurs Pass, Wobbly Kea	Retail/ Food and Beverage
107 Arthurs Pass	Visitor Accommodation
84 Arthurs Pass, YHA Hostel	Visitor Accommodation
106 Arthurs Pass	Visitor Accommodation
52, 54 & 13969 Arthurs Pass	Visitor Accommodation

Doyleston

Address	Plan Definition
1 Queen Street, Doyleston Engineering Works Ltd	Industrial
1446/8 Leeston Road, Country Store/Dairy/Jacks	Retail

Glentunnel

Address	Plan Definition
24-26 Homebush Road, Glentunnel Garage	Industrial
74 Homebush Road, Allied	Retail / Service Station / Dairy
3 Charles Street, Chelsea Lodge	Visitor Accommodation

1 Philip Street, Glentunnel Library and Gateposts	Retail
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Hororata

Address	Plan Definition
2579-2581 Bealey Road, G.A.S Hororata	Retail / Service Station / Dairy
2 Hobbs Street, The Butcher	Retail/ Food and Beverage
15 Hororata Road	Retail / Visitor Accommodation

Kirwee

Address	Plan Definition
2500 West Coast Road, Challenge	Retail / Service Station
2498 West Coast Road, Tunnel House Tech Ltd	Industrial
1265 Courtenay Road, Kirwee Tavern	Retail / Food and Beverage

Sheffield

Address	Plan Definition
39 West Coast Road, Taege Engineering Ltd	Industrial
51 West Coast Road, Sheffield Pie Shop	Retail / Food and Beverage
40 Wrights Road, Sheffield Hotel	Retail / Food and Beverage
81 West Coast Road, Allied Petroleum	Retail / Service Station

Springston

Address	Plan Definition
156 Leeston Road, The Springston Hotel	Retail /Food and Beverage
140 Leeston Road, Carrodus Bros Trucks Ltd	Industrial
132 Leeston Road, Selwyn Auto	Retail / Trade Supplier
5 Leeston Road, Springston Dairy	Retail / Dairy
374 Ellesmere Junction Road, "shop"	Retail

Tai Tapu

Address	Plan Definition
688 Christchurch Akaroa Road, Obelisk	Retail
687 Christchurch Akaroa Road, The Store	Retail / Food and Beverage
688 Christchurch Akaroa Road, Belleza	Retail

691 Christchurch Akaroa Road, Tai Tapu Mowers and Chainsaws	Retail / Trade Supplier
690 Christchurch Akaroa Road, Antiques and Curios	Retail
28 School Road, Challenge Tai Tapu	Retail / Service Station
733 Christchurch Akaroa Road, Tai Tapu Motors	Industrial

Springfield

Address	Plan Definition
5649 West Coast Road, Smylies Accommodation	Visitor Accommodation
5666 West Coast Road, Springfield Café & Store	Retail / Food and Beverage
5672 West Coast Road, Yellow Shack Café	Retail / Food and Beverage
5675 West Coast Road, Springfield Hotel	Retail / Food and Beverage
5680 West Coast Road, Challenge Springfield	Retail / Service Station
5695 West Coast Road, Café / Bar	Retail
Springfield Railway Station, King Street, Station 73 Cafe	Retail

6.3 Definitions used in the Survey

139. The following definitions were used in the BS001 Survey, but have been amended to reflect the definitions utilised within the Draft National Planning Standards (as identified with a *). Subject to the final gazetted planning standards, these definitions are recommended for inclusion in the proposed District Plan:

- **Business activities**, commercial activities and industrial activities.
- **Commercial activity*** means an activity with the primary purpose of trading in goods, equipment or services
- **Retail activities**, being the use of land / buildings for displaying or offering goods for sale or hire to the public. It includes food and beverage outlets, trade suppliers and service stations.
- **Industrial activity***, means an activity for the primary purpose of—
 - (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or
 - (b) research laboratories used for scientific, industrial or medical research; or
 - (c) yard-based storage, distribution and logistics activities; or
 - (d) any training facilities for any of the above activities
- **Visitor accommodation**, being facilities used for accommodating tourists and short stay visitors away from their normal place of residence.

Includes:

- backpacker lodges;

- motels and hotels;
- services or amenities such as restaurants, bars, gyms and ancillary retail provided onsite for the exclusive use of people staying in the accommodation and their guests;
- serviced rental accommodation for visitors offered at a daily tariff or with a pricing structure consistent with short stay accommodation; and
- timeshare accommodation.

Excludes:

- boarding houses and hostels;
- letting of dwellings, including for holiday purposes; and

6.4 Activities Nesting Table

140. The relevant **nesting table**, as it applied to the survey, for Business activities (Commercial and Industrial) activities is shown below:

Business activity	Activity group	Activity type	Specific activity
Commercial Activities	Offices		
	Retail	Food and Beverage	Bars and Taverns
			Restaurants and cafes
			Drive through restaurant
		Dairies	
		Large Format Retail	Department Store
			Supermarket
		Service Station	
		Trade Supplier	
	Commercial Services	Veterinary clinic	
	Entertainment facilities		
Industrial activity	Freight Depot	Warehouse and Storage	
	Manufacturing	Light manufacturing and servicing	
	Repair and maintenance services		
	Storage and lockup facilities		
	Wholesalers		
Visitor accommodation			

Note: Where an activity is included in a nesting table, the class or activity status of that activity in any activity table also applies to the nested activities set out to the right of that activity in the nesting table, unless an activity table expressly provides otherwise for a particular overlay or zone.

7 The Activity and Built form standards

7.1.1 Outline and Assumptions

141. The project scope requested an outline of potential provisions for activities identified in the SSBO as based on guidance provided in BS002 to BS004, and DW004 to DW12.
142. Those documents provide guidance, albeit not specific provisions. Furthermore, the potential replacement Living Zone provisions are also not available. Accordingly, the provisions provided below are based predominantly on the operative District plan provisions and the guidance provided to date.
143. For each standard, recommendations will be provided as to applicability within the SSBO, and also alternatives given. Where available, the basis of the recommendations will be provided.
144. The recommendations are based on those effects outlined in Section 3.4 of this report. The recommendations are categorised as follows:
 - Built Form: hardstand area, site coverage, setbacks, recession planes, height;
 - Scale of activities: scale, transport generation and parking; and
 - Amenity: noise, signage, lighting and glare, outdoor storage.
145. To summarise in this evaluation:
 - a. *Effectiveness* means how successful a provision is in achieving the stated objective (in this instance the Higher Order Statutory provisions).
 - b. *Efficiency* means whether the benefits of the provision outweigh the costs, either immediately or over time.

7.1.2 Built Form

146. Table 2 sets out the relevant provisions.

Table 2: Built form provisions

Rule / Purpose	Operative Plan (Living 1) or recommendation	Proposed rule for application to sites in SSBO
Site Coverage	Rule C4.1 Including garage 40% Emergency services 50%	50%
<p>Reason: Survey (BS001) identifies range of site coverage, from a high level (Kirwee Challenge Service Station would be circa 70%, to 15 Hororata Road at less than 10%). Providing an additional 10% of site coverage typically recognises current level of built form and ensures appropriate area for landscaping and associated parking.</p> <p>Alternatives:</p> <p>Status quo –Would be inefficient as does not recognise and provide for existing built form or activities. Not effective as would not achieve policy to recognise and provide for redevelopment.</p>		

Site coverage of 70% - Would be inefficient as extends beyond current level of built form and would result in environmental costs at the interface through loss of amenity. Not effective as would not achieve policy relating to anticipated amenity outcomes in Living zones.		
Height	Rule C4.8 8m	Retain residential rule.
<p>Reason: Maximum building height limits are a standard means of ensuring buildings maintain the visual character and amenity of each zone and do not impede outlooks, in the Living 1 zone. Height limits act in conjunction with recession plane standards to ensure that suitable outlook and avoidance of building dominance is retained.</p> <p>Survey (BS001) and cross reference resource consents identifies that existing business activities are all 1 – 2 stories in height, and consequently this rule does not limit business activities in small settlements. Furthermore, height is a key determinant of residential character and amenity.</p> <p>Alternatives: 10m (as relates to operative Business 1 zone rules) – Would be more inefficient as extends beyond existing built form or activities and may result in amenity impacts at the interface. Not effective as would not achieve policy relating to anticipated amenity outcomes in Living zones.</p>		
Recession Planes	Rule C4.9 Recession Plane A	Retain residential rule.
<p>Reason: Recession plane limits (along with height controls) are a standard means of ensuring buildings maintain the visual character and amenity of each zone and do not reduce outlooks or solar gain in the Living 1 zone.</p> <p>Survey (BS001) and cross reference resource consents identifies that existing business generally comply with recession planes, albeit a number of the service station / mechanics activities do not. Regardless, access to solar gain from adjoining properties is a key determinant of residential character and amenity. BS002 also recommends for the Business zones that recession plane requirements at the residential boundary be retained. Rule C16.7.1(1) applies the Recession Plane A at a Living zone interface.</p> <p>Alternatives: Delete recession plane requirement or provide for sharper pitch – Would be more inefficient as extends beyond existing built form or activities and may result in amenity impacts at the interface. Not effective as would not achieve policy relating to anticipated amenity outcomes in Living zones.</p>		
Setbacks from boundaries	Rule C4.2 Principle building: Internal 2m Street 4m Garage 5.5m	Rule C4.2 Principle building: Internal 2m Street 2m Garage 5.5m
<p>Reason: Setback requirements are based on ensuring appropriate separation from activities and screening and landscaping at the interface, including street scene. The built form of business activities in small settlements in a number of instances (BS001) is relative to the activity proposed, and also the narrow nature of a number of cadastral sites. It is also considered that a 2m setback is sufficient to provide for adequate softening of built form. Rule 16.7.2.6 applies a 2m street scene and internal setback for the Business 2 zone. Furthermore, the recession plane control forces a setback for larger buildings and from</p>		

site visit observations commercial buildings are generally of a scale and appearance that is compatible with reasonable levels of residential outlook amenity.

BS002 also identifies that a depth of 2m is adequate to enable dense shrub planting to provide effective screening. Greater depth of landscaping will reduce the useable area available for business activities with little gain in visual amenity or additional screening that could not otherwise be achieved through a 2m deep strip.

Alternatives:

- Status quo –Would be **inefficient** as does not recognise and provide for existing built form or activities. Not **effective** as would not achieve policy to recognise and provide for redevelopment.
- Remove setbacks and rely on recession planes. Would be **inefficient** as extends beyond current level of built form and would result in environmental costs at the interface and street scene through loss of amenity. Not **effective** as would not achieve policy relating to anticipated amenity outcomes in Living zones.

7.1.3 Scale of Activities

147. Table 3 sets out the relevant provisions.

Table 3: Scale of Activities

Rule / Purpose	Operative Plan (Living 1) or recommendation	Proposed rule for application to sites in SSBO
Staff	Rule C10.8.1(1) No more than two full time equivalent staff employed on the site live off site.	NA
<p>Reason: Survey (BS001) identifies that the majority of commercial activities do not have either on-site residential activity, and / or employ more than two full time staff. It is acknowledged that this reduces residential coherence in the immediate area but reflects the 'environment' as present.</p> <p>Alternatives:</p> <p>Status quo –Would be inefficient as does not recognise and provide for scale of activities present and would act as a deterrent against change in uses, or expansions. Not effective as would not achieve policy to recognise and provide for redevelopment.</p>		
Scale of Buildings	Rule C10.8.12 Non-residential Gross Floor of Building does not exceed 300m ² .	NA
<p>Reason: Survey (BS001) identifies that the majority of activities identified would be contained within 300m² GFA. However, Service Stations, and some of the larger Visitor Accommodation and Food and Beverage outlets would exceed such a standard. Built form of such activities is managed by provisions in Table 2, and accordingly this provision is an unnecessary restriction on changes in use or expansions in terms of addressing a specific resource management issue. Significant changes in patron generation would be managed by retaining controls on vehicle generation. A 300m² GFA threshold for Retail as a <i>restricted discretionary</i> activity is considered appropriate to address adverse effects associated with the scale of substantial retail developments.</p>		

<p>Alternatives: Status quo –Would be inefficient as does not recognise and provide for scale of activities present and would act as a deterrent against change in uses, or expansions. Not effective as would not achieve policy to recognise and provide for redevelopment.</p> <p>Status quo –Would be inefficient as does not recognise and provide for scale of activities present and would act as a deterrent against change in uses, or expansions. Not effective as would not achieve policy to recognise and provide for redevelopment.</p>		
Vehicle Generation	<p>Rule C10.8.1.3</p> <p>Vehicle movements do not exceed:</p> <ul style="list-style-type: none"> State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day Local Roads: 20 per day plus 2 heavy vehicle movements per day 	<p>Interface Rule</p> <p>Vehicle movements do not exceed either:</p> <ul style="list-style-type: none"> The provision of 25 vehicle parks; or 150 equivalent vehicle movements.
<p>Reason: This rule, more than any other precludes business activities in small settlements by requiring consent, and is disabling at the levels specified in the operative plan. However, some management of vehicle generation is necessary to ensure issues at the interface as associated with incompatibility and the potential for reverse sensitivity effects are considered. As identified in Attachment A, typically all of the sites identified in the overlay have frontage to Collector Roads or State Highways</p> <p>It is noted that there is a separate standard to be applied as a Community Effect Standards to ensure consideration of the safety and efficiency of the road network, including the state highway.</p> <p>Alternatives:</p> <p>Status quo –Would be inefficient as does not recognise and provide for existing built form or activities. Not effective as would not achieve policy to recognise and provide for redevelopment.</p> <p>Set the standard at 250 equivalent vehicle movements - Would be efficient as it allows for considerable vehicle generation onto existing identified business sites. Not as effective as would not achieve policy relating to anticipated amenity outcomes in Living zones.</p>		

7.1.4 Amenity

148. Table 4 sets out the relevant provisions.

Table 4: Amenity provisions

Rule / Purpose	Operative Plan (Living 1) or recommendation	Proposed rule for application to sites in SSBO
Hours of Operation	<p>Rule C10.9.1</p> <p>Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only</p>	Retain residential rule.

	occur between the hours of 7:00am and 10:00pm on any day.	
<p>Reason: The hours over which a non-residential activity operates is a significant determinant in the level of adverse effects likely for neighbours as a result of vehicle and pedestrian movements, noise levels, loss of privacy and security and general disturbance. These effects, especially late at night are incompatible with Living 1 zone environments</p> <p>Survey (BS001) and cross-referenced resource consents identifies that the vast majority of activities would cease operation by 10.00pm. Exceptions would Public Hotels such as Kirwee Tavern.</p> <p>Alternatives:</p> <p>Remove restrictions –Would be neither efficient or effective as would not achieve policy to recognise and provide for surrounding residential amenity.</p>		
Signage	<p>C7.1.1.1</p> <p>7.1.1.1.1 The sign relates to products or services sold on the site or includes information about the site on which it is located.</p> <p>7.1.1.1.2 The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site. This rule does not apply to signs associated with service stations or shops; and</p> <p>7.1.1.1.3 The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and</p> <p>7.1.1.1.4 The sign does not obstruct or impair the view for any motorist or pedestrian of any traffic signal, intersection, vehicle crossing, bend or corner, and</p> <p>7.1.1.1.5 The sign does not exceed the height of:</p> <p>(a) The building to which it is attached, or</p> <p>(b) 2 metres if the sign is not attached to a building, and</p> <p>7.1.1.1.6 The sign does not exceed 1m² in size, and</p>	<p>(A) The sign relates to products or services sold on the site or includes information about the site on which it is located.</p> <p>(B) The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site.</p> <p>(C) The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and</p> <p>(D) The sign does not exceed the height of:</p> <p>(a) the façade that the sign is displayed on, or</p> <p>(b) 2 metres if the sign is not attached to a building, and</p> <p>(E) Each individual sign does not:</p> <p>(a) exceed 2m² in size where attached to the façade of the primary building, and</p> <p>(b) exceed 0.5m² for any freestanding sign.</p> <p>(F) The sign complies with the relevant rules for building size, design or siting if it is attached to a building.</p>

	<p>7.1.1.7 The sign is not of a colour or design which resembles a traffic sign or signal.</p> <p>7.1.1.8 The sign is not less than 2.5m above the ground, if it is an overhanging attached sign.</p> <p>7.1.1.9 The sign complies with the relevant rules for building size, design or siting if it is attached to a building.</p> <p>C11.1.1.5</p> <p>Any sign erected shall:</p> <p>(a) Relay only information on products or services sold on the site or information relating to the site on which it is located; and</p> <p>(b) Not exceed 1m in height if the sign is freestanding; or</p> <p>(c) Not protrude beyond the framework of the structure if the sign is attached to a structure.</p>	
<p>Reason: Survey (BS001) identifies that signage for the majority of sites substantially exceeds that provided for by the plan for the Living 1 zone. However, there is a range of signage scales, with tourist accommodation typically represented by benign levels of signage relating to the site itself as freestanding signage, Service Stations with large scale canopy signage, and Food and Beverage outlets which have both on-façade signage and free-standing signage. The recommendations in DW008 seek to provide 1.0m² for non-residential activities in Living zones (refer DW008, Section 10.4.9), which would be disenabling for sites in the SSBO, alternatively the recommendations for the Business zones (refer DW008, Section 10.4.11 and 10.4.11) would be enabling to the extent of resulting in adverse effects on neighbouring residential amenity.</p> <p>Alternatives:</p> <p>Status quo –Would be inefficient as does not recognise and provide for existing built form or activities. Not effective as would not achieve policy to recognise and provide for redevelopment.</p> <p>Apply the recommended Business zone provisions (DW008) – Would be inefficient as extends beyond current level of built form and would result in environmental costs at the interface through loss of amenity. Not effective as would not achieve policy relating to anticipated amenity outcomes in Living zones.</p>		
Landscaping	<p>Rule C4.2</p> <p>the area between the road boundary and the principal building is landscaped with shrubs and</p>	<p>Retain residential rule, noting setback reduced from 4m to 2m.</p>

	<ul style="list-style-type: none"> Planted in lawn, and/or Paved or sealed, and/or Dressed with bark chips or similar material. <p>For Arthurs Pass any landscaping or planting in reserves, roadsides and other public spaces shall consist of indigenous plants native to and genetically sourced from the Arthur's Pass area.</p>	
<p>Reason: Survey (BS001) identifies a wide range of outcomes in terms of how the street scene is addressed. Many activities provide either car parking, or limited planting along the street scene setback. However, the provision above is not disenabling and is appropriately applied to activities in the SSBO.</p> <p>Alternatives:</p> <p>Require greater levels of landscaping –Would be inefficient as does not recognise and provide for existing built form or activities. Not effective as would not achieve policy to recognise and provide for redevelopment.</p>		
Outdoor Storage	<p>C10.10.1.3</p> <p>(a) The outdoor storage space shall be screened from any road boundary of the site by a fence, wall, or vegetation of at least 1.8m in height, and</p> <p>(b) The outdoor storage area shall be screened from any internal boundary of the site which adjoins another site in a Living Zone or a site in a Business 1 Zone, by a fence, wall, or vegetation of at least 1.8 m in height; and</p> <p>(c) Any stockpile of soil, coal, sawdust, powdered fertilizer, or any other unconsolidated materials, is shall be covered or otherwise secured from being blown by the wind.</p>	Retain residential rule.
<p>Reason: The screening of outdoor storage space is necessary to maintain the pleasantness and residential character of sites as viewed from both neighbouring sites and the street.</p> <p>Alternatives:</p> <p>Remove restrictions –Would be neither efficient or effective as would not achieve policy to recognise and provide for surrounding residential amenity. It is noted that these requirements are also applied in Business zones (Rule C22.6.1)</p>		

Noise	<p>Rule C10.6.1</p> <p>Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the time-frames stated.</p> <p>7.30am – 8.00pm 50 dBA L₁₀</p> <p>8.00pm – 7.30am 35 dBA L₁₀</p> <p>7.30am – 8.00pm 85 dBA L_{max}</p> <p>8.00pm – 7.30am 70 dBA L_{max}</p>	<p>The following noise limits are not to be exceeded within the time-frames stated.</p> <p>7.00am – 10.00pm 55 dBA L_{Aeq}</p> <p>10.00om to 7.00am 45 dBA L_{Aeq}</p> <p>7.00am – 10.00pm 85 dBA L_{max}</p> <p>10.00om to 7.00am 70 dBA L_{max}</p>
<p>Reason: Report DW005 identifies that it is more appropriate to apply dBA L_{Aeq} rather than L₁₀, and that the daytime / night time hours be more in line with NZS6802:2008.</p> <p>A night-time 45 dBA L_{Aeq} replaces the current 35dBA, as DW005 identifies that the operative level is likely to be less than ambient levels, and furthermore many of the activities identified in the SSOB adjoin relatively business roads. The day time living standard of 55dBA L_{Aeq} is proposed (Refer DW005, Section 5.1).</p> <p>These represent some increase to the current noise levels expressed in the operative plan, but: reflect NZS6802:2008; are more likely to be closer to noise levels experienced in this environment; and reflect the more enabling policy approach to recognising business activities in small settlements.</p> <p>Alternatives:</p> <p>Status quo –Would be inefficient as does not recognise and provide for existing built form or activities, or contemporary New Zealand standards. Not effective as would not achieve policy to recognise and provide for redevelopment.</p>		
Light	<p>Rule C10.7.1</p> <p>10.7.1.1 Any fixed, exterior lighting if it is directed away from adjacent properties and roads.</p> <p>10.7.1.2 Any lighting if it does not have a lux spill (horizontal or vertical) of more than 3 on to any part of any adjoining properties.</p>	<p>Retain residential rule.</p>
<p>Reason: Controls on lighting are necessary to maintain the pleasantness and residential character of sites as viewed from both neighbouring sites and the street.</p> <p>Alternatives:</p> <p>Increase the level of lux spill to 10 lux (Rule C22.5.1.2(b) –Would be neither efficient or effective as would not achieve policy to recognise and provide for surrounding residential amenity.</p>		

8 A template example of potential provisions

149. The following sets out an example as to how the Overlay provisions could be included in a proposed district plan, in a manner that is consistent with the Draft National Planning Standards and as based on the assessment and s32 evaluation contained within this report.
150. It is important to note the following:
- The structure proposed is an option, and is based on the Auckland Unitary Plan approach to ‘Overlays’ of which the author of this report assisted Auckland Council with the commercial and industrial provisions. Any finalised structure to the District Plan will be the subject of Council confirmation and consistency with the final gazetted National Planning Standards.
 - The Activity status, rule thresholds and assessment matters will require confirmation and / or amendment as subject to more detailed analysis by relevant experts.

SS1. Small Settlement Business Overlay SS1.1 Overlay Description <p>The Small Settlement Business Overlay is applied to a limited number of sites within the District’s small settlements that contain business activities, and associated physical infrastructure and investment which provide social, economic or cultural wellbeing to their communities.</p> <p>The purpose of the overlay is to provide recognition of those notated activities, and provide opportunities for those business activities and substantial Visitor Accommodation activities that:</p> <ul style="list-style-type: none"> – are not provided for in the underlying Living zone; and – generate effects of a more commercial or industrial nature. <p>Where activities are enabled by the Small Settlement Business Overlay, these should:</p> <ul style="list-style-type: none"> – Be of a scale and form that is compatible with surrounding residential amenity; and – Maintain the safety and efficiency of the road network. <p>The overlay can change the activity status of land uses activities within the overlay area. It also provides a specific policy that must be considered when assessing a proposal for a resource consent.</p>	
SS1.2 Objective <p>There is no specific Objective.</p> <p>These provisions implement Objective Residential X, which seeks to recognise and provide for activities within the Small Settlement Living Zones.</p>	
SS1.3 Policies <p>SS1.2.1 Recognise and provide for the efficient use of buildings, land and infrastructure associated with identified business activities within small settlements.</p> <p>SS1.2.2 Enable the operation and redevelopment of identified business activities within small settlements whilst managing adverse effects to ensure compatibility with settlement amenity and character.</p>	
SS1.4 Activity Table SS1.1.1 – Small Settlement Business Overlay <p>Table SS1.1.1 Activity table specifies the activity status of land use activities in the Small Settlement Business Overlay pursuant to section 9(3) of the Resource Management Act 1991.</p>	

The land use activity status is to be determined in accordance with the underlying zoning of the site unless the following table applies a more lenient activity status.

Activity		Activity Status
<i>Development</i>		
(A1)	<i>Food and Beverage</i>	<i>P</i>
(A2)	<i>Dairies</i>	<i>P</i>
(A3)	<i>Commercial Services</i>	<i>P</i>
(A4)	<i>Visitor Accommodation</i>	<i>P</i>
(A5)	<i>Retail up to 300m² GFA</i>	<i>P</i>
(A6)	<i>Spiritual Activities</i>	<i>P</i>
(A7)	<i>Community Activities</i>	<i>P</i>
(A8)	<i>Recreational Activities</i>	<i>P</i>
(A9)	<i>Emergency Services</i>	<i>P</i>
(A10)	<i>Retail exceeding 300m² GFA</i>	<i>RD</i>
(A11)	<i>Service Stations</i>	<i>D</i>
(A12)	<i>Industrial Activities</i>	<i>D</i>

SS1.5 Notification

- (1) Any application for resource consent for an activity listed in Activity Table SS1.1.1 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding whether any person is affected in relation to an activity for the purposes of notification, the Council will give specific consideration to the following entities with responsibility for any natural or physical resources which may be affected by the activity, including:
 - a. in relation to infrastructure, the network utility operator which operates that infrastructure, including NZTA in terms of the efficiency and effectiveness of the state highway network.

SS1.6 Interface Standards

Except as provided for below, all activities within the Small Settlement Business Overlay, shall otherwise be subject to the relevant Residential zone standards for the Residential Small Settlement Zone.

Any breach of the following standards is a Restricted Discretionary Activity with the Council's discretion limited to the relevant matters related to the standard in SS1.8.

SS1.6.1 Site Coverage

Maximum building coverage: 50%

SS1.6.2 Minimum setbacks from Boundaries

Principal building:

Internal boundaries	2m
Front boundary	2m

Garage from front boundary: 5.5m

SS1.6.3 Employees who reside off-site

Number of employees: There is no limit.

SS1.6.4 Non-residential Building GFA

Except for Rule SS1.3(A10) There is no limit

SS1.6.5 Vehicle Generation

Vehicle movements do not exceed either:

- vehicle parks; or 25
- equivalent vehicle movements: 150

SS1.6.6 Signage

- (A) The sign relates to products or services sold on the site or includes information about the site on which it is located.
- (B) The total number of signs on any site does not exceed 2, inclusive of any freestanding sign located on a footpath or grass berm outside the site but adjoining the site.
- (C) The sign does not have flashing or revolving lights, sound effects, balloons or blimps, and
- (D) The sign does not exceed the height of:
 - (a) the façade that the sign is displayed on, or
 - (b) 2 metres if the sign is not attached to a building, and
- (E) Each individual sign does not:
 - (a) exceed 2m² in size where attached to the façade of the primary building, and
 - (b) exceed 0.5m² for any freestanding sign.
- (F) The sign complies with the relevant rules for building size, design or siting if it is attached to a building.

SS1.6.6 Noise

The following noise limits are not to be exceeded within the time-frames stated.

7.00am – 10.00pm	55 dBA L _{Aeq}
10.00am to 7.00am	45 dBA L _{Aeq}
7.00am – 10.00pm	85 dBA L _{max}

SS1.7 Community Standards

Any breach of these activities is a Discretionary Activity

SS1.7.1 Vehicle Generation

Vehicle movements do not exceed either:

- vehicle parks; or 50
- equivalent vehicle movements: 250

SS1.8 Assessment – restricted discretionary activities

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

SS1.8.1 – Retail exceeding 300m² GFA

- a. The effects of the design and appearance of any new buildings in so far as they affect the amenity of surrounding areas (particularly adjoining residential activities), streetscapes and the broader character of the small settlement.
- b. The positive effects that landscaping contributes to amenity values.

SS1.8.2 Site coverage

The extent to which

- a. The effects of the increase in scale affects the amenity of surrounding areas (particularly adjoining residential activities), streetscapes and the broader character of the small settlement.
- b. Landscaping, the nature and extent of fencing, or other screening minimises visual effects from the building on surrounding areas (particularly adjoining residential activities), and the streetscape.
- c. The development responds to any special or unusual characteristic of the site.
- d. The increase is necessary in terms of the functional or operational requirements of the business, and / or is associated with the existing form, scale and design of buildings on the site.

SS1.8.3 Setback

The extent to which the setback of buildings from the street:

- a. Is of a character and form that is compatible with the built form of the particular Small Settlement;
- b. Impacts on outdoor living space or privacy of adjoining residential activities.
- e. Landscaping, the nature and extent of fencing, or other screening minimises visual effects from the building on surrounding areas (particularly adjoining residential activities), and the streetscape.
- c. Is necessary in terms of the functional or operational requirements of the business, and / or is associated with the existing form, scale and design of buildings on the site.

SS1.8.4 Vehicle Generation

The extent to which

- a. Access, and the location and design of associated parking generates adverse visual or nuisance effects on the amenity and character of the surrounding area and the character of the settlement.

- b. The increase in vehicle movements detracts from the amenity of adjoining allotments and the character of the settlement, in terms of such matters as frequency and timing of vehicle movements, headlight wash, noise, odour, dust and glare.
- c. The increase in vehicle generation is necessary in terms of the functional or operational requirements of the business, and / or is associated with the existing form, scale and design of buildings on the site.

SS1.8.5 Signage

The extent to which

- a. The location, scale, design and appearance of the signage is compatible with the character of the surrounding Living zone, including the nature and proximity of other signage within the area.
- b. The signage affects on the openness and attractiveness of the streetscape, including the extent to which signage relates to proposed landscaping on the site.
- c. There are any adverse effects on the safe or efficient operation of the roading network.
- d. The signage is necessary in terms of the functional or operational requirements of the business.

SS1.8.6 Noise

The extent to which anticipated noise:

- a. Relates to ambient sound levels and the impact of any cumulative increase.
- b. is intrusive and contrasts with the level, character, duration and timing of the existing sound environment, particularly at night.
- c. is likely to detract from the amenity or general environmental quality of the immediate area.

9 The conclusions

151. There are several legacy business activities that are zoned Living 1 within the District's Smaller Settlements. These settlements are:
- Arthurs Pass;
 - Doyleston;
 - Glentunnel;
 - Hororata;
 - Kirwee;
 - Sheffield/Waddington;
 - Springston;
 - Tai Tapu; and
 - Springfield.
152. These activities represent considerable investment and physical infrastructure associated with non-residential activities in these small settlements. Typically, they provide employment and social wellbeing to their communities of interest, as well as goods and services to passing trade.
153. The operative Selwyn District Plan provides a confused picture in terms of the provisions of these activities. Whilst **Policy B3.4.2** would seek to provide for any activity in the Living zone; the underlying Living 1 zoning coupled with provisions such as Rule 10.8.1 would render the activities surveyed in BS001 as needing consent.
154. Review of the Selwyn District Council's resource consent database identifies that a number of the surveyed activities have resource consents for specific aspects (such as signage, or extensions of activities). However, most activities are historic and would be reliance on existing use rights established under Section 10 in terms of establishing that they are both lawfully established, and furthermore could be (re)developed in a similar, scale and character to the activities present.
155. The Environment Court has identified issues as to the reliance on existing use rights, specifically that such endeavours are notoriously complicated and expensive.
156. The higher order planning hierarchy has changed since the Selwyn Township Volume was notified in 2001. Provisions in the CRPS, Selwyn 2031 and the Areas Plans are directive, but also seek to provide for business activities as appropriate, and that for the small settlements, economic diversity and opportunity should be provided commensurate to the scale and limited growth of small settlements.
157. The proposed Selwyn District Plan will be more directive as to the provision of business activities and limitation of non-residential activities in Living zones. This is a consequence of giving effect to the more prescriptive approach applied in the CRPS(2013) and applying the likely content and structure identified in the draft National Planning standards. The following consequences in terms of the purpose of BS201 are identified:
- There will be measurable change in the proposed District Plan in terms of greater limitations of non-residential activities in Living zones.

- The higher order statutory documents seek to enable and facilitates commensurate opportunities for employment and business growth in the Districts small settlements.
 - Therefore, there is a need to provide policy to recognise and provide for business activities within the Districts small settlements.
 - On the basis that the proposed District Plan will have an ‘activities-based’ structure, provisions are necessary which provide for the enablement and management of business activities, as related to management of adverse effects at the interface with adjoining properties, at a community level in terms of impacts to a settlement character, and lastly wider strategic effects.
158. The suite of provisions proposed seek to address the issue how to recognise and provide for existing business activities within the Small Settlement Living 1 zones.
159. Due to the wide range of business activities that could be provided for by the Small Settlement Business Overlay, future controls should seek to manage the impact on business activities on adjoining Living zone properties. This could be achieved largely through retaining the underlying residential zone provisions, as these relate to matters of **Built Form** (height and recession planes) and **Amenity** (hours of operation, landscaping, outdoor storage and light); but providing for greater flexibility with regard to the following matters:
- **Built Form** (site coverage, setbacks);
 - **Scale** (removing requirements for employees to be resident on site and scale of non-residential activities, and greater propensity for vehicle generation); and
 - **Amenity** (signage, noise)

Attachment A: Officer Recommended Overlay sites

Arthurs Pass

Address	Activity Type	Amenity	Residential interface	Rates Use	Resource history (where known)	Consent (where)	Include in overlay?
131-132 Arthurs Pass (State Highway 73) Arthurs Chalet	Retail / Visitor Accommodation	Large carpark at front. Small alpine hedges. No demarcation of property boundary.	Yes	Commercial Retail	RC085404 (2008) Campervans facilities. RCR300367(1992) Restaurant extensions		Yes
128 Arthurs Pass The Sanctuary BBH Hostel	Visitor Accommodation	Existing mature vegetation. Informal. No demarcation of boundary through planting or landscaping.	Yes	Residential dwelling	None known		Yes
85-86 Arthurs Pass Arthurs Pass Store	Retail	Tidy alpine building. Car parking at front (and staff to rear). Formal boundary planting (alpine) and outdoor seating.	No	Commercial Retail	RC305248(2002) Staff Accommodation RC302840 (1997) Extension Tearooms and Petrol Station RCR306472 (2004) Extension to Bar, Bottle Store		Yes
108 Arthurs Pass Wobbly Kea	Retail	Tidy alpine building. Small area of lawn and informal alpine planting at front. Timber and stone exterior. Informal landscaping	No	Commercial Retail	RCR307138 Extension & offstreet parking Café / Shop. RCR301129 Conversion craft shop to licensed cafe		Yes
107 Arthurs Pass	Visitor Accommodation	Low amenity block stone building. No landscaping or setback.	No	Residential	RCR165187 (on-hold) Motel Accommodation		Yes

Address	Activity Type	Amenity	Residential interface	Rates Use	Resource history (where known)	Consent (where)	Include in overlay?
84 Arthurs Pass YHA Hostel	Visitor Accommodation	Mature trees on southern boundary. Car parking at front. Rock and informal landscaped frontage.	No	Multi-use Commercial	RCR307417(2005) Extension to backpackers. RCR302019(1995) Tourist Accommodation, retail shop and signage.		Yes
106 Arthurs Pass Hostel Units	Visitor Accommodation	Informal rock and alpine planting at front to soften carparking.	Yes	Multi-use Commercial	RCR307682(2005) Erect dwelling (motel units) in non-complying site.		Yes
80 Arthurs Pass DoC Visitor Centre	Community Activity / Retail	Carparking at side. Stone and wooden exterior. Informal alpine planting and rocks along frontage.	No	Multi-use Commercial	RCR6247 Alterations and Repairs		No. Main use is Community Activity and large site. Disparate site.
52, 54 & 13969 Arthurs Pass	Visitor Accommodation	Really tidy. Informal rock wall and alpine planting. Some mature trees along frontage and western boundary.	Yes	Residential Multi Unit Commercial Accommodation	RCR300182 (Built Form)		Yes
16 Arthurs Pass	Visitor Accommodation	Informal and unmanicured.	Yes	Residential Dwelling			No. Too small scale to consider for overlay (refer BS001 AP017)

Doyleston

Address	Activity Type	Amenity	Residential Interface	Rates Use	Resource Consent history (as known)	Include in overlay?
1 Queen Street Doyleston Engineering Works Ltd	Industrial	Gravel yard / parking to the east. Not fenced.	Yes	Residential	RCR302998 (1998) (Boundary Adjustment)	Yes
447 Drain Road Leech Wood Product Zoned Business 2	Industrial	Mostly screened from the road by mature hedges. Can still see large buildings and machinery.	No	Industrial	RCR305742 (2002) Additional shed for Wood Storage	No. Business 2 zone retained.
1446/8 Leeston Road Country Store/Dairy/Jacks	Retail	Concrete forecourt to the east, some formal planting to the east.	Yes	Commercial – Multi-use	RCR095252 (2010) Workshop and non-residential area.	Yes
10 Railway Terrace Craigs Seeds Zoned Business 2	Industrial	Mostly screened from the road by mature hedges, however can still see large buildings.	No	Industrial	RCR307393 (Subdivision)	No. Business 2 zone retained.

Glentunnel

Address	Activity Type	Amenity	Residential Interface	Rates Use	Resource Consent history (as known)	Include in overlay?
24-26 Homebush Road Glentunnel Garage	Industrial	Concrete forecourt to the south and yard to the east, no landscaping, some fencing screening workshop area. Car storage at rear (untidy)	Yes	Commercial Services	Building Permit 1957 Service Station.	Yes
28 Homebush Road Accommodation in the Glen	Visitor Accommodation	Post and wire boundary fence, lawn and some formal planting recently established	Yes	Residential	RCR145495 (Subdivision)	No. Too small scale to consider for overlay (refer BS001 G002)

Address	Activity Type	Amenity	Residential Interface	Rates Use	Resource Consent history (as known)	Include in overlay
74 Homebush Road Allied	Retail / Service Station / Dairy	None	Yes	Commercial Retail	None known B0574420 Alterations to a shop	Yes
3 Charles Street Chelsea Lodge	Visitor Accommodation	Permeable fencing to the north, and formal landscaping surrounding.	Yes	Commercial Services	None known	Yes
1 Philip Street Glentunnel Library and Gateposts	Retail	Historic fence surrounding some of the site, scattered planting and lawn	No	Historic Site Category 2 Listed, not used anymore	RC145446 Earthquake Repairs - Heritage	Yes

Hororata

Address	Activity Type	Amenity	Residential interface	Rates use	Resource Consent history (as known)	Include in overlay
2579-2581 Bealey Road G.A.S Hororata	Retail / Service Station / Dairy	Small concrete forecourt to the north, yard to the south, mostly screened by building.	Yes	Commercial Multi-use	None known	Yes
2 Hobbs Street The Butcher	Retail/ Food and Beverage	Car parking to the west, and courtyard to the north screened with corrugated iron fencing.	Yes	Commercial Services	R306701(2004) Establish a café. R065277(2006) Extend Café hours	Yes
15 Hororata Road	Retail / Visitor Accommodation	Expansive lawn and gardens to north. Carparking at front behind Macrocarpa hedge.	Yes	Residential	None known	Yes – south side of site (building footprint only) Existing use rights have extinguished.

Kirwee

Address	Activity Type	Amenity	Residential interface	Rates use	Resource consent history (as known)	Include in overlay
2500 West Coast Road Challenge	Retail / Service Station	Concrete forecourt to the south no landscaping or fencing	Yes	Industrial – Multi use	RCR307505 (2009) Shed RCR304104 (1999) Replace fuel tanks BC990649 (2000) Service Station Alteration	Yes
2498 West Coast Road Tunnel House Tech Ltd	Industrial and ancillary retail	70% of property screened by mature formal landscaping. Gravel yard and shed not screened from road.	Yes	Residential use	None known	Yes
1265 Courtenay Road Kirwee Tavern	Retail / Food and Beverage	Corrugated iron and wooden panel fencing screening the outdoor area to the north and east.	Yes	Commercial Retail	None known BCJO8406 Alterations to Hotel	Yes
43 Tramway Road Kirwee Guest House and B&B	Visitor Accommodation	Fully screened from road by large trees and hedges. Post and wire fence along boundary.	Yes	Lifestyle Single Unit	None known	No Small scale B& refer BS001 (K 008)
111 Tramway Road Frizzell Agricultural Electronics	Retail / Trade Supplier	Rural setting screened by large hedge.	Rural interface	Primary Ind (Rural) Stock finishing.		No activities are ancillary to Rural use of site. Refer BS001 (K 009)

Sheffield

Address	Activity Type	Amenity	Residential interface	Rates use	Resource Consent history (as known)	Include in overlay
39 West Coast Road Taege Engineering Ltd	Industrial	Gravel forecourt, no screening	Yes	Industrial - metalwork	RCR300353(1992) Commercial Showroom	Yes
51 West Coast Road Sheffield Pie Shop	Retail / Food and Beverage	Paved outdoor area to the north and west of the building with picnic tables, parking also to the north.	Yes	Commercial - Retail	RC095250(2015) Café (Lapsed) RCR301018 (2994) Bakery	Yes
40 Wrights Road Sheffield Hotel	Retail / Food and Beverage	Wooden panel fences to the west screening the outdoor area, large paved carpark to the east. Some formal planning in courtyard area	Rural	Commercial retail	None known	Yes
87 West Coast Road Kiwi – Anne Collection	Retail	Small shop run out of garage on a residential property, not sure if still in operation	Yes	Residential	None known	No More akin to Home occupation. Refer BS001 (SW004)
81 West Coast Road Allied Petroleum	Retail / Service Station	Construction site – being redeveloped as Service Station (Allied)	Yes	Commercial - Retail	RCR165472 (2017) redevelop as Service Station	Yes
53 Waddington Road Malvern Computers	Retail	Low wooden panel fence and formal planting. Business is run from an office attached to garage on a residential site.	Yes	Residential	None known	No More akin to Home occupation. Refer BS001(SW 005)

Springston

Address	Activity Type	Amenity	Residential interface	Rates use	Resource history	Consent	Include in overlay
156 Leeston Road The Springston Hotel	Retail /Food and Beverage	Gravel carparking to the east and south, mature trees surrounding pub	Rural residential to the south.	Residential – Public Communal Licensed.	None known. Compliance Schedule (1994) R770044 Warrant Springston Hotel		Yes
140 Leeston Road Carrodus Bros Trucks Ltd	Industrial	Screened by mature hedges surrounding the entire site.	No	Lifestyle	RCR065326(2006) Second hand truck sales and spares.		Yes
132 Leeston Road Selwyn Auto	Retail / Trade Supplier	Gravel yard to the north of buildings, hedges to the north, south and west, trees to the east – partially screening the operation from the road.	Yes	Industrial Depots	RCR303954 Car Sales yard in existing workshop		Yes
5 Leeston Road Springston Dairy	Retail / Dairy	Shop is built up to footpath, some trees to the rear of the site and a small grass area to the north west, with a picket fence, hedge on the northern boundary.	Yes	Residential vacant	None known		Yes
7 Waterhole Road Physiotherapist Home Occupation	Commercial Service	Fully screened from road by hedge.	Yes	Residential	None known		No Home occupation. Refer BS001(SN 008)
374 Ellesmere Junction Road “shop”	Retail	Some large trees/ hedges on boundaries, otherwise a gravel parking area to the south. Formerly a mechanic workshop	Yes	Industrial - Textiles	None known. BSA012142 Extension to Factory.		Yes

Tai Tapu

Address	Activity Type	Amenity	Residential interface	Rates use	Resource consent history (as known)	Include in overlay
688 Christchurch Akaroa Road Obelisk	Retail	Post and rail fence on the eastern boundary, carpark to the south. Wooden panel fences to the west and north.	Yes	Commercial Retail	RCR115250(2012) Retail outlet	Yes
687 Christchurch Akaroa Road The Store	Retail / Food and Beverage	Car parking to the west, grass outdoor area to the north surrounded by trees and hedges.	Yes	Commercial – Multi Use	RCR165348 (2016) Existing Use rights Tai Tapu Store RCR304724(2001) Garage with Mower Repair	Yes
688 Christchurch Akaroa Road Belleza	Retail	Post and rail fence to the east, wooden panel fence to the south and west, car park to the north.	Yes	Commercial Retail	RCR115368 (2012) Permitted activity notice for retail space	Yes
691 Christchurch Akaroa Road Tai Tapu Mowers and Chainsaws	Retail / Trade Supplier	Car parking area to the west, post and rail fence on western boundary. Yard/workshop to the east, screened with a fence. Some Shrubs dotted around site.	Yes	Residential	None known	Yes
690 Christchurch Akaroa Road Antiques and Curios	Retail	Built right up to street. Parking not provided. Residence behind the shop.	Yes.	Residential	None known	Yes
696 Christchurch Akaroa Road Watch and Clock Repairs Home Occupation	Retail	Small office on residential site, surrounded by large trees and white picket fence.	Yes.	Not identified	None known	No. Home occupation. Refer BS001(T 016)
28 School Road Challenge Tai Tapu	Retail / Service Station	Forecourt to the east. Yard to the north west, screened from the road by wooden panel fence.	Yes	Not identified	RC145546 Extend Service Station	Yes
733 Christchurch Akaroa Road Tai Tapu Motors	Industrial	Gravel yard surrounds the building, not screened from	Yes	Industrial	RCR105322(2011) Operate a motor vehicle repairs.	Yes

Address	Activity Type	Amenity	Residential interface	Rates use	Resource consent history (as known)	Include in overlay
		road. Wooden panel fence on northern boundary screening from residential.				
780 Old Tai Tapu Road The Tap	Retail / Food and Beverage	Carparking to the east and south, outdoor area to the north. Large trees surrounding the site and formal planting along roadside.	Yes	Public Communal Licensed.	RCR145093(2014) Function room extension to existing Hotel. RC135690(2014) Partial demolition of Heritage building.	Yes

Springfield

Address	Activity Type	Amenity	Residential interface	Rates use	Resource Consent history	Include in overlay
5649 West Coast Road Smylies Accommodation	Visitor Accommodation	Low picket fencing, formal landscaping including trees shrubs and hedges, partially screened from road.	Yes	Public Communal – Unlicensed	RCR300666(2004) Convert old Post Office into Motel / Backpackers.	Yes
5662 West Coast Road B & B	Visitor Accommodation	Post and rail fencing and lawn, not screened from road	Yes	Residential	None known	No. Small scale. Refer BS001(SP 002)
5666 West Coast Road Springfield Café & Store	Retail / Food and Beverage	Some formal planting to the south including picnic tables, carparking to the south and east.	Yes	Commercial Multi-use	None known	Yes
5667 West Coast Road Aspiring Hills Gallery	Retail	Gravel car parking area to the north.	Yes	Multiuse Residential	None known	No small scale (ancillary to residential use) Refer BS001(SP 004)
5672 West Coast Road Yellow Shack Café	Retail / Food and Beverage	Courtyard area to the south of the building with formal planting and outdoor seating, not screened from road.	Yes	Commercial - Retail	RCR303117(1998) Convert Café / Shop to Restaurant.	Yes
5675 West Coast Road	Retail / Food and Beverage	Gravel carpark north of the Hotel, some	Yes	Commercial Retail	RCR301101 Relocation.	Yes

Address	Activity Type	Amenity	Residential interface	Rates use	Resource Consent history	Include in overlay
Springfield Hotel		formal planting around building.			RCR306668 Retrospective camping facilities (withdrawn).	
5680 West Coast Road Challenge Springfield	Retail / Service Station	Large concrete forecourt to the west and yard to the south west, a small amount of grasses on properties boundaries	No	Commercial Services	RCR303442(1998) Relocate Canopy. RCR304482(2000) Pylon Signage RCR304457(2000) Signage	Yes
5695 West Coast Road Café / Bar	Retail	Large gravel parking area to the north and some formal planning and lawn around building, tussock planted bund on northern boundary.	Yes	Commercial Tourist and Leisure Activities	RCR095202(2009) Operating Hours. RCR095068(2009) Café in existing Alpine Jet building. RCR302942 Restaurant in urban area. RCR307713 Base for booking office, carpark and storage.	Yes
3 Tawera Lane Bahara Bed and Breakfast/Motel	Visitor Accommodation	Partially screened by tall picket fence and some planting around gravel carparking area south of the accommodation building. Large Site shed	Rural	Residential	RCR065027(2006) Dwelling on an undersized lot.	No. Scale too small. Refer BS001(SP 009)
Springfield Railway Station, King Street Station 73 Cafe	Retail	Paved car parking to the east and west.	Yes	No information	No information	Yes
35-37 Tramway Road Springfield Motel and Lodge	Visitor Accommodation	Paved carpark to the south, and formal planting between carpark and southern road boundary	Yes	Residential	None known	No. Scale too small. Refer BS001 (SP 011)

Southbridge

Address	Activity Type	Amenity	Residential interface	Rates use	Resource Consent history	Include in overlay
116 – 120 High Street	Industrial	Metal (aggregate) storage and truck yard, with residential use at 116 High Street	Yes. Plan Change 34 also rezoned adjoining area Living zone 1 including reverse sensitivity buffer area adjoining site.	Not known	RCR303053 to store plant and machinery on land zoned rural. Mitigation includes retention of planting.	No. Rezoning of the site to Business 2 (excluding the residential unit at 116 High Street) would be a more appropriate response in terms of urban form (CRPS Obj 5.2.1 and Policy 5.3.1).

APPENDIX 2:

Small Settlement Business Overlay