
SUPPLEMENTARY REPORT TO A PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 27 June 2018

TOPIC NAME: Rural

SCOPE DESCRIPTION: Character and Amenity – Business Activities in Rural Zones

TOPIC LEAD: Robert Love

PREPARED BY: Robert Love

EXECUTIVE SUMMARY

<i>Issue(s)</i>	The Preferred Options report for Rural Character and Amenity – Businesses in Rural Zones was discussed at the DPC meeting held on the 16 th of May 2018. As a result of the discussions, the need for an additional option for further engagement was identified.
<i>Preferred Option</i>	To endorse the amended Option 2 as detailed by this supplementary report
<i>DPC Decision</i>	<p>“That the Committee notes the report.”</p> <p>“That the Committee endorses the Supplementary Report to the Preferred Options Report – Character and Amenity – Business Activities in Rural Zones for further development and engagement.”</p>



1.0 Introduction

The Preferred Options report for Rural Character and Amenity – Businesses in Rural Zones was discussed at the DPC meeting held on the 16th of May 2018. As a result of the discussions, the need for an additional option for further development and engagement was identified.

The recommendation stated that:

“That the Committee endorses the Preferred Option (Option 2) for Rural Character and Amenity (Business), subject to the provision of a supplementary report addressing the option of a discretionary activity status for businesses located in close proximity to urban areas and/or for rural-based business activities exceeding 500m², for further development and engagement.”

Some of the notable points taken from the discussion were:

- It is difficult to determine what actually is a business associated with rural production. There is a need to tighten the definition without leaving loop holes, while ensuring that legitimate unforeseen rural businesses are not unfairly restricted;
- Need to clarify or create definitions for rural business, rural activity, rural producer seller, and rural based industrial activity;
- That the reasoning behind the restricted discretionary activity classification is that for some business activities the amount of things that could cause an adverse effect is known, and small in range. Furthermore, this activity classification provides for clear matters of discretion which provides some certainty to businesses applying for consent;
- Given the uncertainty around potential future businesses, it is difficult to set rules and definitions to address these;
- Should the provisions address where the activity is in relation to the proximity to the City.

Therefore, this supplementary report will provide further exploration of the following:

- The potential for a discretionary activity status and a possible rule structure for business activities within the Rural Zone;
- Should the provisions include an aspect on the activities proximity to the City;
- Further examine what should be defined as a ‘rural activity’ i.e. what is rural production ‘associated’ with that has a genuine ‘need’ to be located within the Rural Zone.

2.0 Summary of Issues

To reiterate the issues raised in the Preferred Options report, the following are the major issues raised as part of this work stream:

- What type of activities are appropriate (or not) within rural areas (particularly what are non-rural activities) to ensure that the amenity and integrity of the Rural Zone is maintained and that townships fulfil their economic and social functions?

- What scale of non-rural activities are appropriate in rural areas?
- What effects from non-rural activities need to be managed and why?

3.0 Preferred Option (2) Supplementary Guidance

The overall approach is to refine the existing situation to better reflect the expectations of the RPS and more strongly support protection of rural character and productivity as the priority for rural areas. The actual wording and structures of the definitions and rules for the Proposed District Plan will be developed as part of the Section 32 stage, and as such only the appropriate direction forward is being assessed at this stage.

3.1 Terms

Rural produce selling:

This term would attempt to capture small scale retail to allow farmers to sell produce grown or produced onsite. It would typically consist of a small roadside stall or similar activity such as the Blueberry Farm located on Robinsons Road. It would not seek to include larger produce retail outlets such as the Springfield Farm rural produce sellers located on the outskirts of Prebbleton.



Rural Activity:

This term would stay fairly similar to the current definition.

‘means the use of land or building(s) for the purpose of growing or rearing of crops or livestock, including forestry, viticulture and horticulture and intensive livestock production and may include a dwelling.’

Rural Business or Rural Service Activity:

Either of these terms could be introduced to cover those activities which are heavily associated with Rural Activities.

Two of the key parts of this activity and its appropriateness for locating within the Rural Zone is its association with rural activities and its need to be located within the Rural Zone.

The business would need to have a clear association with rural activities, and for that to be primary component of their business. For instance when assessing the appropriateness of a contractor's yard to locate within a Rural Zone, a business that cuts, and bales hay has a legitimate case to be located within the Rural Zone, whereas a contractor who primarily carries out earthworks for subdivision development would not. The focus of the business needs to be on servicing rural activities, and not on other development with a small part assisting rural activities.

For a rural business or rural service activity to be permitted within the Rural Zone, it has to have a need to be located within that zone, and to demonstrate its inappropriateness for a business zone within a township. Inappropriateness could arise through the potential effects of the activity, lack of suitable business land available, or no business land available in close proximity to the rural activities that the business services.

Rural Based industrial Activity:

Presently this term sits within the definition for 'Industrial Activity', it may be more appropriate for it to sit under its own definition. The current definition for this term of '*means an industrial activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticultural and crops*' may need to be clarified to avoid any duplication or confusion with a 'Rural Business' activity as some activities may fall into both categories.

3.2 Rule Structure

It is relevant to note that a separate workstream dealing with home based businesses is currently being developed. Any values and rules drafted as part of that Scope of Works will be consistent with this work to ensure there is no duplication, inconsistencies, or gaps between the two Scopes.

Rural produce selling	
Permitted	Conditions:
	Less than 100 m ²
	Non-permanent structure
	Produce grown on-site
	Maximum of two FTE

The conditions of the rule could either sit within a rule structure or within the definition of the term.

Any breach of this permitted activity would mean that the activity would fall into a non-rural business classification as it would more of a commercial retail business.

Non-Rural Business/Non-Rural Service Activity	
Permitted	Conditions:
	Less than 100 m ²
	Maximum of two FTE
	Not within a ONL/VAL

Non-complying	Breaches the Permitted Rule.

If the business meets the permitted standards that control area, staff numbers, and if it is located outside of an area of significant amenity value, then it will be a permitted activity. These values are the same as currently exist in the District Plan, with the exception of a restriction on being located within an ONL or VAL.

Rural Business/ Rural Service Activity	
Permitted	Conditions:
	Less than 200 m ²
	Maximum of two FTE
	Not within a ONL/VAL <i>(optional condition for further discussion)</i>
Restricted Discretionary	Breaches the Permitted Rule
	Less than 500 m ²
Discretionary	Breaches the Restricted Discretionary Rule

A potential amendment from the current situation would be to increase the maximum area for an activity from 100 m² to 200 m². While this would see an increase in the potential footprint of an activity, 200 m² when considered against the size of a site or the open spaces on the Canterbury Plains is insignificant. However, this increase would better allow for legitimate businesses to operate. Staff numbers would remain the same, and there is an potential option of restricting activities within a VAL or ONL.

If an activity breaches the permitted rule, then it would become a restricted discretionary activity, as long as the activity is less than 500 m² in size. If it is a larger activity, then it would have a discretionary status to allow for a wider effects assessment.

However, in regard to the discretionary status, policy support would need to be in the Plan to ensure those large activities that need to be in the rural environment through proximity to certain rural activities would be enabled.

Rural Based Industrial Activity <i>(note: this format would also be shared with 'Industrial Activities, and 'Other Industrial Activities'.</i>	
Permitted	Conditions:
	Less than 200 m ²
	Maximum of 2 FTE
	Not within a ONL/VAL <i>(optional condition for further discussion)</i>

Discretionary	Breaches the Permitted Rule
	Needs to be in Outer Plains Area
Non-complying	If not within the Outer Plains Area

This structure would see an increase of the permitted area for a rural-based industrial activity from 100 m² to 200 m² to bring it in line with the rural business/ rural service activity rule. The activity would be restricted to two FTEs for it to be classed as a permitted activity. If an activity breaches the permitted rule then it would be a discretionary activity as long as it was located within the Outer Plains, and if this was not the case then it would be a non-complying activity. As with the previous option policy support would need to be included in the report to ensure activities are appropriately located. An example of this is the Meadows Mushrooms Composting facility located in the Greendale area. This operation consists of a large structure, and specifically manufactures compost for rural production, albeit a rural based industrial activity (mushroom growing). This activity would be discretionary activity under this rule structure as it would be inappropriate for it to locate within a Business Zone.

3.3 Proximity to Christchurch City

It is recognised that rural land in proximity to the Christchurch City, particularly in the area opposite the Marshs Road industrial development and adjacent to the Southern Motorway, will be a desirable location for a range of businesses to establish. As such, it is an option for the District Plan to identify this issue and provide policy direction as to whether business activities should be provided for in these areas (or not).

However, this matter is finely balanced as it is not considered appropriate for the District Plan to encourage the use of productive rural land for business purposes (being contrary to the RPS), however there may be certain locations in proximity to the City and/or the Motorway where an appropriate rural-based business is the most efficient use of the land resource. Given that this assessment can only be made on a case by case basis, the merits of any proposal to use rural land for business activities will need be evaluated through a resource consent process.

For these reasons, it is considered that the above rule structure, with clear definitions and policy guidance should be sufficient to ensure business activities are appropriately located in the rural area, having regard to their function, characteristics and scale.

4.0 Summary

In summary, this amendment to the preferred option already brought to the DPC would see the existing definitions amended to provide clarity, and consistency especially around what should be

considered a rurally associated business, and would provide new definitions for certain activities to improve clarity. The existing overall rule structure would be largely kept, with amendments to both restrict inappropriate activities, but to further enable those activities which have a legitimate case to be located within the Rural Zone.