

PROPOSED ASHBURTON DISTRICT PLAN

Section 5: Business
Report No 18

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For
Ashburton District Council

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Contents

1.0	INTRODUCTION	3
2.0	HOW TO READ THIS REPORT.....	3
3.0	BACKGROUND.....	3
4.0	ANALYSIS OF SUBMISSIONS	4
5.0	STATUTORY CONSIDERATIONS	36
6.0	RECOMMENDATIONS.....	36
	APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS	37
	APPENDIX TWO: DISTRICT PLAN AMENDMENTS.....	79

1.0 INTRODUCTION

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA). It considers all submissions received on Section 5: Business Zones of the Proposed District Plan and makes recommendations on those submissions.
- 1.2 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this section of the proposed District Plan. It must however be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. It should also be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.3 This report has been prepared by Ken Gimblett. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the Proposed District Plan.

2.0 HOW TO READ THIS REPORT

2.1 This report is structured as follows:

- Background to the Plan section
- Analysis of the submissions on provisions in this section
- Statutory considerations
- Recommendations

2.2 Appendices attached to this report include:

Appendix One: Summary of Recommendations on Submissions and Further Submissions

Appendix Two: District Plan Amendments

3.0 BACKGROUND

3.1 The section of the proposed Plan relevant to this report concerns the areas of the district where principally business activity occurs. Many of those areas are historically developed for that

purpose; however some are identified in anticipation of future development of that type occurring. Those areas are variable as to their function and purpose, and activities range to include retailing and commercial service activities, professional and administrative offices, civic and entertainment activities, rural service providers, as well as light through to heavier and specialist industry. The physical resources of these areas represent substantial investment locally, enable widespread employment opportunity and also generate important economic activity for the district and wider economies. They play a significant role in providing for the current and future communities social and economic wellbeing, but they also have potential for creating a range of adverse effects on the environment. Much of this section of the proposed Plan is therefore directed towards providing adequate and sufficient opportunity for business activities to function and thrive, whilst also addressing that potential for associated adverse environmental effects.

4.0 ANALYSIS OF SUBMISSIONS

- 4.1 A range of submissions and further submissions were received on this section of the proposed District Plan. In general consideration of these submissions has been undertaken by topic or section following the order of the Plan, with submitters grouped as appropriate. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide general discussion. Based on this analysis, included in **Appendix One** to this report are my specific recommendations on each submission point (accept, accept in part, or reject), although in some cases these are preliminary as I anticipate further information or clarification coming forward during the hearing that may lead me to a different conclusion.
- 4.2 In several cases submitters interests principally lie in requests for rezoning, with changes to the business provisions expressed either as lesser preferred alternatives or consequential on those requests being successful or not. Rezoning requests in general will be the subject of specific reports to be presented later in the hearing process, and I have made reference to that in many instances within this report. Often I have recommended determination occurs on zoning requests in the first instance before consideration is given (or required) on more specific zone related provisions.
- 4.3 Various submitters have made multiple submissions affecting several of the provisions within the Business section. I have simply addressed those in relation to each separate Plan provision. Consequently however there is some potential for overlap in my discussion and I occasionally rely on earlier discussion in my report by way of cross-reference rather than unnecessarily repeating my evaluation.
- 4.4 **Silver Fern Farms** (submission 240) has made extensive submissions to the business provisions but generally in relation to their site specific activities at Fairton. I am mindful that the Council has accepted a request by this submitter to have their entire submission considered at a specially convened hearing later in the hearing process. Nevertheless throughout this report I have identified those individual points made in the Silver Fern Farm submission as they relate to the business section and made some preliminary comment in respect of some of the points raised. However I anticipate reporting and recommending in considerably more detail on

that submission and associated further submissions in a subsequent report prepared for the specially convened hearing. Representatives for the submitter may nevertheless still choose to participate in this hearing notwithstanding that later opportunity.

- 4.5 Some aspects of this section did not attract submissions and therefore these aspects of the District Plan have not been discussed below, and I recommend that they be accepted as notified.

Section 5: Whole Section

- 4.6 The submission from Ashburton District Council¹ seeks that references to external documents in the Proposed District Plan should be made more explicit. Reference is made in this section to a number of other documents including the Resource Management Act, the Health Act 1956 and the Ministry for the Environment Urban Design Protocol 2005. I have reviewed those references and, with one exception, consider that they are all appropriately referenced including being dated to ensure clarity over which version of a document is intended to be referenced.
- 4.7 The exception relates to referencing a particular colour palette range in Section 5.9.11 and concerns controls over design and appearance in the Business E Zone. Although various British Standard colour references are made, it is not made clear that they are British Standard colours as opposed to others. I therefore recommend the addition of the following words into the first bullet point of Section 5.9.11 a) to avoid any doubt:
- 4.8 “... shall be finished in colours from the following British Standard colour palette ...”
- 4.9 Otherwise I do not consider that there is a need to make any changes to these document references.
- 4.10 Silver Fern Farms² has sought to remove the term noxious from Section 5.7.15 entirely, and throughout the proposed Plan wherever the term is used. The term in the context of Section 5.7.15 is used in reference to providing for residential and accommodation activities to be able to locate within the Business A, B and C zones, being zones providing principally for retail and commercial activities. The Plan states that the types of effects that might arise from such business activities are generally not noxious and thus particularly sensitive activities such as residential accommodation are generally compatible with them.
- 4.11 My Oxford dictionary defines “noxious” as “*harmful, poisonous or very unpleasant*” and in my opinion that term is entirely appropriate in generically describing those environmental effects that if anticipated or allowable would make provision for sensitive residential type activities unsuitable. Accordingly I do not recommend removal of this term. I note the submitter suggests noxious to be a very subjective term and that “objectionable” or “offensive”, which are terms also often used in Planning documents, might be better alternatives. While I agree the term is subjective in some contexts, I fail to see how either suggested alternative is any less so.

¹ Submission 639, point 75 (and supported by the further submission from Federated Farmers, F80).

² Submission 240, point 42

I also note it is a term used in the RMA in the same context as other descriptive terms including those suggested by the submitter (e.g. RMA s.314 (1)).

- 4.12 As for all other instances of the use of the term in the proposed Plan, I again do not support that request. I have searched and reviewed each of those occurrences and when read in context I do not recommend any amendment. I note that in some of those circumstances the term has very specific meaning, such as in reference to noxious plants for example.

Section 5.1: Introduction

- 4.13 Londale Development Limited³ has requested deleting the existing retail hierarchy approach in the proposed District Plan and the revision and rationalisation of the overall approach to retail distribution within Ashburton Township. This request is supported by two further submissions⁴ and opposed by one⁵. The nature of this submission and the relief that is sought is that it has consequences throughout much of the Business section of the Plan.

- 4.14 Although this is a broad request the submitter has helpfully elaborated on the concerns underlying the submission. In summary they are:

- A focus on retaining the “comparison retailing” function of the Business A Zone (the CBD), which is thought to be flawed given the size of Ashburton township and the existing CBD.
- The retail hierarchy is also thought to be flawed in not providing for medium sized (250m² – 500m² gross floor area) retail activities within the Business A and B Zones, leaving the Business C Zone to instead cater for this size of premise.
- There is an apparent disconnect between the stated issues and the objectives for the Business Zones, and an inherent inadequacy in the s.32 analysis in determining the chosen policies, rules and methods to be the most appropriate.

- 4.15 To address the matters raised by the submitter it is appropriate to first provide some context to what the proposed Plan is seeking to achieve in respect of the various Business Zones catering to commercial and retail activity, particularly in terms of central Ashburton, which is seemingly where the submitter’s principal interests lie.

- 4.16 The Business A Zone applies to the central and suburban commercial areas of Ashburton and other townships located throughout the District. Although anticipating a range of accommodation, community and commercial uses, it provides mainly for activities meeting the local retail and service needs of the community. The Plan’s zone statement identifies the zone as providing the focal point for the District’s small scale shops, readily enabling ‘browsing’ and comparison shopping, and where a mix of activities encourages continued vitality, as well as

³ Submission 325, point 1

⁴F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

⁵ F44: New Zealand Transport Agency.

convenience and pleasantness for the community. That focus also supports efficiencies in the provision of associated public infrastructure.

- 4.17 The Business B Zone is specific to the Ashburton town centre, and aims to provide predominantly for large scale retail activity in single purpose stores. It applies to the land containing a number of established 'big box' retailers located close to the inner commercial area of the township and readily accessible for transport.
- 4.18 The Business C Zone provides for a mix of commercial, retail, service and community activities, and though often located close to Business A or B Zones, the anticipated level of amenity differs. The expectation for the zone is that sites might typically be larger and there may be substantial areas of outdoor display and on-site car parking, and limited landscaping.
- 4.19 Remaining Business Zones (D, E and F) cater for light servicing through to heavy industrial activities, as well as established specialist food and meat processing activities.
- 4.20 In light of the submitter's particular interest in retailing activity, key standards proposed in the Plan relate to the allowable size of retail/commercial units in terms of floor space, and the specific exclusion/exemption of certain activities (Rule 5.10.1). A comparative summary is set out below.

Business A Zone	Business B Zone	Business C Zone
Maximum unit size of 300m ² (GFA ⁶).	Retail display and sales limited to single retail outlets, minimum of 500m ² (GFA).	Maximum unit size of 500m ² .
Supermarkets and service stations not permitted.	Minimum 500m ² does not apply to service stations, restaurants, take away outlets, vehicle sales, outdoor sales/display.	Maximum 500m ² does not apply to service stations, vehicle sales, outdoor sales/display.

- 4.21 The submitter identifies the requirement for a medium sized retail outlet, say of 400m², to have no choice but to locate within the Business C Zone. The requested preferred relief is to instead allow up to half of the commercial tenancies within any site zoned Business B to be less than 500m² in area. Alternatively the submitter proposes a restricted discretionary activity status for non-compliance with the floor area limitations of Rule 5.10.1 (rather than non-complying as per the proposed Plan), or otherwise a new zoning for that part of central Ashburton bound by West

⁶ GFA = Gross Floor Area.

Street, Kermode Street, Park Street and Moore Street enabling a mix of small, medium and large format retailing to co-locate within that area.

4.22 I accept the proposed Plan rule provisions essentially preclude medium sized retail premises (300 – 500m²) from locating within the Business A Zone, and to a lesser extent in the Business B Zone. To depart from that, in both cases, requires consent for a non-complying activity.

4.23 While I can see merit in seeking to continue to concentrate the “finer grained” retail, commercial and service premises that typify the central commercial core of Ashburton, it is also apparent that some existing premises within that area exceed 300m² of floor space (e.g. Farmers). Predominantly smaller sized premises is nevertheless a prevailing characteristic supporting convenience and accessibility (amongst other objectives), and the proposed Plan puts significant emphasis on maintaining that. I support that aim and do not recommend amending the maximum floor area standard for the Business A Zone nor the non complying status for activity above that size limit. The Plan’s objectives for the Business A Zone centred around maintaining function, integrity, convenience and viability are important not only in terms of the outcomes for that zoned area, but have a critical association with the objectives for other business areas and their interrelationships.

4.24 That said, I also see some merit in enabling smaller premises in support of large format stores in the Business B Zone where in the main they might support or service the activities of that zone, and do not compromise the intentions for the Business A Zone by fragmenting activity to the detriment of the viability and vitality of the town’s centre. The proposed Plan exempts a range of activities (e.g. restaurants, take away outlets) from the minimum floor area standard in recognition of that. Arguably there could be others added to those exemptions, however doing so increasingly risks undermining the consolidation aims expressed for the Business A Zone. I would instead prefer the sort of approach put forward by the submitter based on a proportionate allowance (50%) for tenancies under 500m² in the Business B Zones on a site by site basis. I would recommend doing so for activities other than those already identified as exceptions to the floor area limitation in the proposed rule.

4.25 Linking an allowance for “under-sized” premises to larger premises in that way:-

- still maintains a predominance of large format outlets, which is the principal purpose of the Business B Zone;
- moderates the extent to which land within the zone can be taken up by other smaller format stores; and
- provides increased flexibility for any activity to support/service the activities of the Business B Zone and also wider interests;

but also,

- balances that degree of opportunity and flexibility with ensuring the retail and commercial focus of the town centre is retained, along with the associated community benefits of that more intimate, pedestrian-orientated and retail dominated environment;

- while also recognising the potential for conflict between the associated needs of large format stores for such things as outdoor sales/display, car parking, loading and vehicle accessibility, co-locating with premises without those same requirements.

4.26 If that isn't adopted, the submitter's proposed alternatives include amending the activity status for non-compliance with rule 5.10.1 or devising an area specific rezoning approach for the identified land. I support neither. I have discussed the significance of the relevant objective aims of the Plan and I consider non-complying status appropriate in the light of that. As to a site specific rezoning, I can see no justification for that in the context of what the proposed Plan is seeking to achieve, and it would difficult to sustain an argument as to why that particular part of the Business B Zone is so distinguishable. As outlined, I favour the submitter's preferred approach over these two alternatives.

4.27 I do note that if the Hearings Panel accept the submitter's proportionate approach then it would be necessary to make amendment to rule 5.10.1 and some of the explanatory provisions of the Business section. As I read them I do not consider it necessary to modify any of the objective or policy provisions – although they introduce the relevant issues and set up a framework for the controlling standards, they are sufficiently generic to still be applicable. I do however suggest that rule 5.10.1 a) needs to be modified as do the reasons for that floor space related rule as set out in section 5.7.16. Recommended amendments are as follows:

Rule 5.10.1 a)

"Business B:

Retail display and sales shall be limited to single retail outlets each with a minimum gross floor area of 500m² located within buildings, except that up to 50% of the total number of retail activities within any site may have a gross floor area of less than 500m².

except that this The 500m² gross floor area limitation however shall not apply to:

- *service stations for which any indoor retail floor area shall not exceed 150m² in area;*
- *restaurants and take-away food outlets;*
- *vehicle sales and other outdoor display and sales."*

5.7.16 Commercial and Retail

~~*"... The Business B Zone also provides for certain activities such as restaurant and take away food outlets of less than 500m². These are able to cater for the needs of those working in these areas. Similarly outdoor display and vehicle orientated uses may also be smaller in size whilst preventing vehicle trips into central Ashburton (Kapuka) during lunch breaks. The reduced minimum floor area is not intended to provide for other service or retail activities such as video rental stores as these are better suited to the Business A Zone...."*~~

Although principally focused on providing for larger format retail outlets, the Business B Zone does provide for a proportion of the retail outlets on any site to be of a smaller size. Similarly provision is made for vehicle sales, service stations and outdoor sales/display, as well as

activities such as restaurant and take-away food outlets of less than 500m² floor area able to cater for the immediate needs of those working in these areas.

These exceptions are intended to balance enabling a degree of opportunity and flexibility with ensuring the retail and commercial focus of the Ashburton town centre is retained, while also still maintaining a predominance of large format outlets within the Business B Zone; moderating the extent to which land within the zone can be taken up by other smaller format stores; and managing the potential for conflict arising from the associated needs of large format stores for such things as outdoor sales/display, car parking, loading and vehicle accessibility, co-locating with premises that may be more pedestrian orientated and without those same requirements.

In doing so the overriding aim is to maintain the functioning, integrity, convenience and viability of the Business A Zone, and avoid the loss of the associated values to the community through the fragmentation of retailing activities in particular.”

- 4.28 The above discussion addresses multiple aspects of the Londale submission, and to avoid repetition I'll make reference back to this discussion and my recommendations subsequently throughout the remainder of the report.
- 4.29 Silver Fern Farms⁷ seek that reference in Section 5.1.1 to “Silver Fern Farms Freezing Works” be amended to instead refer to “Silver Fern Farms Meat Processing Plant”. I have no objection to making that change and recommend it be adopted.
- 4.30 Similarly, Silver Fern Farms⁸ request amendment of Section 5.1.4 so that it refers to facilities rather than works as follows – “There are meat processing ~~works~~ facilities established at Fairton....” Again I see no reason not to make this amendment.

Section 5: Issues

- 4.31 Londale Development Limited⁹ ¹⁰ has made some generic requests affecting the business issues as expressed in the proposed Plan. These requests are each supported by two further submissions¹¹ and opposed by one¹². I consider my earlier discussion addresses these particular matters.
- 4.32 Rural Transport Limited¹³ asks that the Business B Zone Issues, Objectives and Policies and Reasons for Rules be provided for over land with boundaries on South Street, Cass Street and State Highway 1. This request is opposed by one further submission.¹⁴

⁷ Submission 240, point 31.

⁸ Submission 240, point 32

⁹ Submission 325, point 1

¹⁰ Submission 325, point 2

¹¹F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

¹² F44: New Zealand Transport Agency.

¹³ Submission 398, point 1

¹⁴ F46, Matthew and Hilary Lovett.

4.33 The proposed Plan zones this block of land Business C. As has been outlined, the Business B Zone aims to provide predominantly for large scale retail activity in single purpose stores. It applies to the land containing a number of established 'big box' or larger format retailers located close to the inner commercial area of the township and readily accessible for transport. The submitter has also sought that this block of land be rezoned, and that request will be the subject of a subsequent report concerning similar requests for changes in zoning. I propose that any consideration of amending related issue, objective, policy or reasons for the rules provisions await determination of that rezoning request.

Section 5.2: Issue 5.2.1 Location, Growth and Consolidation of Business Areas

4.34 Silver Fern Farms¹⁵ has raised concern at providing for car and large machinery sales in the Ashburton Business Park, given the nature of some of the activities likely to establish in the Business E and F Zones, and the effect they will have on amenity values. To avoid reverse sensitivity effects for those sorts of activities where people are encouraged to view products outside, the submitter proposes limiting the growth of these sale activities from within the Business E Zones neighbouring Business F Zones.

4.35 Although I accept there is the some potential for adverse amenity effects to arise from activities encouraged to locate in the Business F Zone as the submitter suggests, I do not support further limitation on outdoor sales in the Business E Zone adjacent to the Business F Zone. Such activities typically have a need for significant space for display, and there may be significant convenience and other advantage in being located in areas with other commercial and industrial activity. The provisions for the Ashburton Business Estate largely reflect those adopted through the recent plan change process completed for that area, and include significant separation buffers within the Business F Zone in recognition of the nature of activities encouraged to locate there. In my view, temporary outdoor viewing of machinery or the like on nearby land within such a context is unlikely to lead to undue pressure on other nearby activities to alter their operations on amenity grounds.

4.36 Again I have earlier discussed the submission by Londale Developments Limited¹⁶ as it relates to the emphasis on protecting 'comparison retailing' in the Business A Zone. This submission point was supported by two further submissions¹⁷ and opposed by one¹⁸.

Section 5.2: Issue 5.2.2 Amenity Values

4.37 Silver Fern Farms¹⁹ has sought no change to the issues section statement regarding amenity values: '*Areas providing for business activity are likely to have lower standards of amenity than may be found in a residential environment and this is accepted by most people*'. I recommend retaining this statement.

¹⁵ Submission 240, point 33

¹⁶ Submission 325, point 3

¹⁷F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

¹⁸ F44: New Zealand Transport Agency.

¹⁹ Submission 240, point 34

4.38 Similarly Silver Fern Farms²⁰ has also sought no change to the following statement in the same section: *‘Meat and produce processing...compliance with an environmental standard could be prohibitive to their ability to operate. Such industries therefore require specific sites or separation from areas of higher amenity.’* I also recommend retaining this statement.

Section 5: 5.3: Business Zone Descriptions

4.39 This section of the Plan broadly describes the intentions for the various proposed business zones. Claire and David Stevens²¹ have asked for change to be made to the Business A Zone provisions as they are thought to be unworkable and too restrictive for small businesses. However it is difficult to respond in a specific way to this submission as I am unsure what particular restriction(s) is opposed. The submitters may be able to further elaborate at the hearing, but without such clarification, I recommend rejecting the submission.

4.40 Martin Kane²² supported by one further submission²³ has opposed rezoning of land in West Street from previously residential to Business A. The same submission also looks to redefine the Ashburton Town Centre. The request for rezoning will be considered in a later report along with other such requests. As to defining the Ashburton Town Centre, essentially the same request has been made by Alister and Alison Argyle²⁴, and Laurence and Merle Cooney²⁵ supported by one further submission²⁶, and also by Ken and Heather Smith²⁷, Chris and Dorothy Thomas²⁸, Alan and Yvonne West²⁹ and Mary Leary.³⁰

4.41 It is specifically requested that the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street. Mont Baker Limited³¹ and Holmslee Enterprises Limited³² have sought the same definition. Bradfords Management Limited³³ has made a similar request that the Ashburton Town Centre be defined to include sites bound by East/Willis/William and Dobson Streets.

²⁰ Submission 240, point 35

²¹ Submission 243, point 2

²² Submission 468, point 3

²³ F46, Matthew and Hilary Lovett.

²⁴ Submission 469, point 3

²⁵ Submission 470, point 3

²⁶ F53, Mont Baker Limited

²⁷ Submission 471, point 3

²⁸ Submission 472, point 3

²⁹ Submission 473, point 3

³⁰ Submission 474, point 3

³¹ Submission 268, point 1

³² Submission 280, point 1

³³ Submission 557, point 9

- 4.42 The proposed Plan makes various references to the town and/or commercial centre of Ashburton depending on the context. In the main, the Town Centre of Ashburton is within the area identified, but depending on that context, reference can be to single or collective zones. I would therefore be somewhat reluctant to insert a definition that describes the centre as just comprising the Business A Zone, and while that zoning may cover a substantial portion of the towns central area, other zones, including other Business Zones combine to create that commercial centre. For similar reasons I would not support the request by Bradfords Management Limited, as in most contexts the town centre is to be taken to be an area larger than that suggested.
- 4.43 There is also some suggestion by these submitters and others that greater clarity and consistency is needed in rule provisions and associated explanations. As the rule provisions that apply are all zone based, I see little necessity for any change on that basis. However I do acknowledge that some Business A Zone rule provisions – for example rule 5.9.1(a) concerning height and 5.9.4 (a) concerning building coverage – do differentiate between the “*Business A – Ashburton Town Centre only*” and other Business A zoned areas, and in those situations it may be helpful to put an explanatory note for the rule(s) to the effect suggested by the submitters. The submitters do make a good point that the interpretation of rules should not be unclear or uncertain, and such a note would assist in that regard.
- 4.44 For each of the relevant rules that note could read: “*Note: For the purposes of this rule, the Ashburton Town Centre is the area bound by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.*”
- 4.45 Londale Development Limited³⁴ has requested amending the description of the Business B Zone and its associated provisions to recognise and provide for the establishment of some finer grained and medium sized retail activities alongside big box retail development in this zone and to recognise the positive effect that development of this nature has on the wider Ashburton commercial area. This was supported by two further submissions³⁵ and opposed by one³⁶. Consistent with my earlier discussion and recommendation, I suggest this point be accepted in part.
- 4.46 Silver Fern Farms³⁷ has sought no change to the Business F Zone Description. However, extension is requested to the Business F Zone provisions to encompass all of Silver Fern Farms activities. This request is opposed by one further submission.³⁸ I described in my introductory comments in this report that some requests by this submitter may best await consideration at a special hearing, where all related requests can be considered jointly, and where they principally relate to the site specific activities of the submitter. I recommend this particular submission point be assessed at that time.

³⁴ Submission 325, point 5

³⁵F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

³⁶ F44: New Zealand Transport Agency.

³⁷ Submission 240, point 36

³⁸ F71, Electricity Ashburton Limited

4.47 ANZCO Foods Limited³⁹ support the provision of a zone specific to all activities associated with meat processing (Business F Zone) and the associated outline development Plan and site standards as drafted. This is supported by further submission.⁴⁰ I acknowledge that support.

Section 5: 5.4: Objectives and Policies

4.48 Londale Developments Limited⁴¹ sought amendment of the objective and policies of the business section consistent with their requests discussed earlier. This was supported by two further submissions⁴² and opposed by one⁴³. Though I do recommend some modification to the Plan, for the reasons I set out I do not consider change to the objective and policy provisions necessary in response to this request.

4.49 My earlier comments in this report are applicable to the request by Rural Transport Limited⁴⁴ that the Business B Zone Issues, Objectives and Policies and Reasons for Rules be provided for over land with boundaries on South Street, Cass Street and State Highway 1. This request was opposed by one further submission⁴⁵.

4.50 New Zealand Transport Agency⁴⁶ seeks to retain Objective 5.1: Business Area development and Effects, Policies 5.1A, C and E; and Policy 5.3B as worded. I acknowledge that support.

Section 5: 5.6: Methods of Implementation

4.51 Canterbury District Health Board⁴⁷ supports the implementation of the Waste Management Plan and development of further waste reduction targets. I acknowledge that support.

Section 5: 5.7.2 Reasons for Rules

4.52 As noted earlier, Silver Fern Farms⁴⁸ has sought to remove the term noxiousness from this section entirely, and throughout the proposed Plan where ever the term is used. The submitter asks that Section 5.7.2 read as follows, or something similar: *'The Business F Zone has extensive setbacks of 10-30m due to the potential ~~noxiousness~~ for adverse effects beyond the boundary of the property of onsite activities.'* I have discussed my response to this and related requests earlier in this report.

³⁹ Submission 607, point 1

⁴⁰ F19, Silver Fern Farms.

⁴¹ Submission 325, point 4

⁴²F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

⁴³ F44: New Zealand Transport Agency.

⁴⁴ Submission 398, point 1

⁴⁵ F46, Matthew and Hilary Lovett

⁴⁶ Submission 582, point 11

⁴⁷ Submission 574, point 4

⁴⁸ Submission 240, point 38

Section 5: 5.7.3

4.53 The same request as immediately above by Silver Fern Farms⁴⁹ also suggests rewording of Section 5.7.3 to read, or something similar: *'The Business F Zone has extensive setbacks of 10-30m due to the potential ~~noxiousness~~ for adverse effects beyond the boundary of the property of onsite activities...'* Again my earlier comments are also applicable in this regard.

Section 5: 5.7.4

4.54 Martin Kane⁵⁰, Alister and Alison Argyle⁵¹, Laurence and Merle Cooney⁵², Ken and Heather Smith⁵³, Chris and Dorothy Smith⁵⁴, Alan and Yvonne West⁵⁵ and Mary Leary⁵⁶ have requested the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the proposed Plan, that this be remedied also. The related coverage rule makes explicit reference to "Ashburton Town Centre" and to minimise any uncertainty, I would recommend accepting this request and modifying the reasons for the rule accordingly.

4.55 Silver Fern Farms⁵⁷ has submitted suggesting it would seem appropriate to change the site coverage standard from 75% to 100% and rewording Section 5.7.4 to indicate a preference for 75% coverage even though 100% is provided for. I am somewhat unsure exactly what the submitter is seeking here, but my impression is to reject the request, as it would seem to imply a rule might look to promote an outcome but not actually require it. Fundamentally I suggest that would either be unlawful and/or ineffective given the statutory parameters and purposes of the rule provisions in the District Plan.

Section 5: 5.7.14

4.56 Silver Fern Farms⁵⁸ has requested providing for the entire Silver Fern Farms activities by including the agricultural and livestock areas in the associated Business F Zone alongside the processing activities as has been provided for other meat processing facilities. The submitter has also sought clarification of whether regional or district consents may be required for all meat processing facility activities as defined. This was opposed by one further submission⁵⁹. This appears to be a very site specific related request and may involve some reassessment of the zoning of the submitter's land (or part thereof). Again I recommend it be a matter considered at the later hearing opportunity.

⁴⁹ Submission 240, point 39

⁵⁰ Submission 468, point 4. Supported By F46 Matthew and Hilary Lovett.

⁵¹ Submission 469, point 4

⁵² Submission 470, point 4

⁵³ Submission 471, point 4

⁵⁴ Submission 472, point 4

⁵⁵ Submission 473, point 4

⁵⁶ Submission 474, point 4

⁵⁷ Submission 240, point 40

⁵⁸ Submission 240, point 41

⁵⁹ F71, Electricity Ashburton Limited

Section 5: 5.7.18

4.57 Silver Fern Farms⁶⁰ seek change to the wording in Section 5.7.18 from a reference to *PPCS Freezing Works* to that of *Silver Fern Farms Meat Processing Facility*. Though that change would seem acceptable in terms of accuracy, I am unable to find such a reference in that section of the Plan, so that may need to be clarified by the submitter.

Section 5: 5.7.21

4.58 My comments above apply equally to deferring this request relating to the reasons for the rules on industrial activities and mineral extraction made by Silver Fern Farms⁶¹ which was opposed by one further submission⁶².

Section 5: 5.8: Business Rules in general

4.59 The request by David and Claire Stevens⁶³ regarding the restrictive nature of the Business A Zone has also been summarised in respect of these general provisions of the Plan. My earlier comments are equally applicable here.

4.60 Ashburton District Council⁶⁴ has submitted that changes may be required to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion over the interpretation of rules. This was opposed by 3 submitters and supported by 2 further submissions⁶⁵. In my evaluation this request does not have relevance to the Business Section provisions and no change is necessary in response to it.

4.61 M A Wightman⁶⁶ has expressed qualified support for the Business D zoning of an area of their land at Mt Somers. The submitter does question the related site standard concerning landscaping and trees as it applies to the land however. I address that issue later in this report, but insofar as the general zoning is concerned I acknowledge the submitter's support.

Section 5: 5.8.2: Permitted Activities

4.62 ANZCO Foods Limited⁶⁷ has asked to substitute the term 'retail' with 'retail activity' as it appears in Table 5-1 to clearly define the range of permitted activities which can occur in the Business Zone F. The table is deliberately a summary of broad activity status by zone for this section of the Plan; however it is instrumental in the interpretation of the status of individual activities for the various business zones. I therefore see some merit in the references being precise and where applicable consistent with the definitions section of the Plan. I recommend

⁶⁰ Submission 240, point 44

⁶¹ Submission 240, point 46

⁶² F71, Electricity Ashburton Limited

⁶³ Submission 243, point 2

⁶⁴ Submission 639, point 74

⁶⁵ Further Submission 3: Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd and Chevron NZ; Further Submission 5: Transpower New Zealand and Further Submission 16: TrustPower Limited.

⁶⁶ Submission 485, point 9

⁶⁷ Submission 607, point 2

making the change as sought, and as an associated correction aligning other activity references in the table to those of the definitions section.

- 4.63 Silver Fern Farms⁶⁸ has requested an exemption for historical, existing recreation users within the Business F Zone recognising existing uses including the Fairton Cricket Club, Fairton Tennis Courts and Fairton Hall. Section 5.7.20 discusses discouraging recreational activity from establishing within the Business F Zone due to the effects arising from activities in the zone. As a very site specific matter I suggest this be addressed at the specially convened hearing in relation to the overall submission by Silver Fern Farms.
- 4.64 Elsiff Family Holdings Limited⁶⁹ supports Table 5-1: Summary of Activity Status for Business Zones as it applies to permitted activities for the Business C Zone. That support is acknowledged.

Section 5: 5.8.3: Restricted Discretionary Activities

- 4.65 The support by NZTA⁷⁰ to retain Rules 5.8.3 and 5.8.4 as worded is acknowledged.

Section 5: 5.8.4: Non-Complying Activities

- 4.66 Foodstuffs South Island Limited⁷¹ has requested that the existing Four Square business operating at Methven be able to extend its retail floor area as a controlled activity, which shall not require written consents or notification, up to a maximum of 1200m² gross floor area. The submitter notes that this 603m² store has existed and operated on the site for over fifty years, yet the provisions of the proposed Plan Business A Zoning would not permit the supermarket activity in the zone (refer rule 5.10.1).
- 4.67 The broad intentions of the Business A Zone have been previously described in this report. A key objective is to maintain the small scale of premises to reflect the general character of the district's town centres and to support convenience and accessibility in those locations. Earlier in this report I discussed the request by Londale Developments Limited regarding size limitations in the Business Zones, and I noted the specific exclusion from the Business A Zone of vehicle orientated activities such as supermarkets and service stations.
- 4.68 In the main I hold with the view that there is merit and justification for limiting the size of premises in the commercial centre of townships, encouraging in particular a predominant scale and type of activity (principally retailing) that is readily accessible and convenient to pedestrian traffic. Exactly what size and scale will then always require exercising to some degree an arbitrary judgement.

⁶⁸ Submission 240, point 45

⁶⁹ Submission 492, point 1

⁷⁰ Submission 582, point 12

⁷¹ Submission 19, point 2

- 4.69 I do however acknowledge the point made by Foodstuffs where an existing operation is in effect prevented from any notable expansion on its site, in that instance, without seeking consent as a non-complying activity. The submitter suggests there are some distinctions to be made between supermarkets which they define as exceeding 1200m² in floor area, which can be considered 'large format' with anything below that size more akin to a 'community grocery store'.
- 4.70 In the case of central Methven the proposed Plan includes only Business A and C zoned land. As a consequence, retailing is effectively limited to a maximum premise size of 300m² in the Business A Zone and 500m² in the Business C Zone. That same situation occurs in other smaller district townships, such as Rakaia, Mt Somers, Mayfield and Hinds, which also do not include any Business B Zoned land.
- 4.71 In my view, and in the absence of any Business B Zoning, that degree of control is perhaps unnecessarily restrictive in the context of those locations. Notably there are various aspects that in my view distinguish these smaller township settlements from the larger Ashburton situation. The commercial centres of these settlements tend to be reasonably compact geographically, and as a consequence they remain very accessible and convenient for pedestrians. They are generally closely surrounded by residential land use, and are easily accessed by that resident population, and for some without reliance on vehicle transport. The prospect of larger format retailing establishing in a central township location to the detriment of pedestrian orientation and convenience is somewhat limited given the population base and the roles such smaller centres perform.
- 4.72 Additionally, the situation with supermarkets, perhaps more so than a number of other retail activities, is the extent to which customers are motor vehicle dependent can be variable, and much can be influenced by the context of the particular location. The specific request of the submitter is to enable the Methven Four Square the option of expanding up to 1200m² in gross floor area as a controlled activity. Though I don't advocate for such a site specific solution, nor the pre-determined exemption from notification proceedings, my recommendation to the Hearing Panel is that some relaxation of the restrictions more generically along those lines could well be warranted outside of the Ashburton town centre. A change of that sort would, I suggest, necessitate the following:
- Some additional explanation and clarification in the Zone Description of the Business A Zone (section 5.3.1).
 - Similar explanation in the reason for the relevant rule(s) regarding commercial activities and retail floor space (section 5.7.16).
 - Introduction of a new controlled activity rule into the Business Section of the Plan applying to the Business A Zoning outside of the Ashburton Town Centre context, and providing for supermarkets up to 1200m² gross floor area as a controlled activity.
 - Reserving control to matters such as:-

- The extent to which the activity will adversely affect the functioning, integrity, convenience and viability of the Business A Zone.
- The potential for fragmentation of retailing activity.
- The ability of existing infrastructure, such as car parking and the roading network, to meet the needs generated by the proposed activity.
- Protecting pedestrian safety and convenience.
- Consequential changes to the explanatory sections of the Business Zone rule provisions accounting for the introduction of the new rule.

4.73 My only caution is in respect of the controlled activity status for such a rule, and it may be that the Hearing Panel wish to consider whether having the ability to decline such an application (e.g. as a restricted discretionary activity) may be a more suitable approach. Similarly, I note the Foodstuffs submission is very specific to the Methven Four Square site and its development, and was summarised accordingly. That raises the issue of available scope if the Panel were to seek to make changes affecting land beyond that Methven site. In preparing this report I have not had the opportunity to seek formal legal advice on that scope issue, but will seek to do so in advance of the hearing. It may also be a matter the submitter may wish to comment on.

Section 5: 5.9: Business Standards - General

4.74 AJ and DD McCormick⁷² have asked that as an alternative to their rezoning request, the rules pertaining to the zoning in the Operative District Plan be retained, being Business 3A. I suggest deferring this matter to the later report that will consider all such requests for rezoning.

4.75 Londale Development Limited⁷³ requests include amending the proposed Plan to create a more compatible relationship between small scale and big box retail and allow these different retail formats to co-exist. This was supported by two further submissions⁷⁴ and opposed by one⁷⁵. Consistent with my earlier discussion and recommendations, I suggest this could be accepted in part to that extent.

4.76 Silver Fern Farms⁷⁶ indicate that it would seem appropriate to allow for 'existing use' to be maintained in relation to their operations, thereby allowing full residency of houses situated on Office Road to continue as currently occurring without applying residential standards or rezoning to residential. Again this may be best dealt with at the specially convened hearing where the appropriate zoning is addressed, but in principal I see merit in this suggestion.

⁷² Submission 286, point 2

⁷³ Submission 325, point 4

⁷⁴F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

⁷⁵ F44: New Zealand Transport Agency.

⁷⁶ Submission 240, point 37

- 4.77 Martin Kane⁷⁷: Alister and Alison Argyle⁷⁸, Laurence and Merle Cooney⁷⁹, Ken and Heather Smith⁸⁰, Chris and Dorothy Thomas⁸¹, Alan and Yvonne West⁸² and Mary Leary⁸³ have sought as alternative relief to retaining residential zoning for identified land in West Street that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities. As has been stated this request will be considered in subsequent reports addressing property rezoning.
- 4.78 Malcolm and Margaret McKay⁸⁴ have submitted in respect of the zoning of land near Mt Somers, and while much of their concern relates to rural zonings, their submission does also introduce the possibility of some business zoning for the land. They request that the Business Zone provisions should be amended to recognise the appropriateness of the submitter's land for a business zoning and, if necessary, include an outline development plan in the appendices to achieve this. They suggest the provisions should recognise that the history of a site and its former use influence its suitability for business zoning (in this case, former use as a railway yard) as well as its ability to meet the needs of the community it serves and its proximity to a community centre. As with other similar submissions concerning rezoning of land, this request will be the subject of subsequent reports to the Hearing Panel.
- 4.79 KiwiRail⁸⁵ has asked that the Council adds new rule provisions into Section 10 Transport regarding noise sensitive activities and the possibility of reverse sensitivity effects in respect of rail use. Alternatively KiwiRail request separate acknowledgement in each of the Open Space, Rural, Residential, and Business sections of the proposed Plan. This matter was considered and addressed in the previous reports prepared for the Hearings Panel regarding the Transport and Noise sections of the Plan. It only reappears in this report given the reference to the Business section in the alternative relief requested. Consistent with the previous report recommendations for modification, I do not consider any further change is required of the Business Section provisions in response to this request.

Section 5: 5.9:1 Height of Buildings

- 4.80 Silver Fern Farms⁸⁶ has asked for modification to Site Standard 5.9.1 to include an exemption of chimney stacks or a modification to the s17 definition of 'building' to exclude chimney stacks. The report prepared for the hearing on the definitions provisions considered this request and recommended rejection. I also have some reservation about generically excluding chimney

⁷⁷ Submission 468, point 2. Supported by F46, Matthew and Hilary Lovett.

⁷⁸ Submission 469, point 2

⁷⁹ Submission 470, point 2

⁸⁰ Submission 471, point 2

⁸¹ Submission 472, point 2

⁸² Submission 473, point 2

⁸³ Submission 473, point 2

⁸⁴ Submission 569, point 9

⁸⁵ Submission 601, point 7

⁸⁶ Submission 240, point 47

stacks from the rule on height, as in cases these elements can be considerable in the context of the building and extend for significant distances. I do not support accepting this request as it affects the business zone height rule.

- 4.81 Holmslee Enterprises Limited⁸⁷ seek that Rule 5.9.1 be amended so that the maximum height of buildings within the Business E Zone be 10 metres throughout the Zone but if not throughout the Zone, then at least for the land within Area 1 of the Zone. The submitter also requests any consequential or alternative relief which better gives effect to the issues raised. The submitter refers to land essentially within the Ashburton Business Estate, which was subject to a Plan change process under the operative Plan, with the adopted provisions largely transferred into the review of the Plan. Submissions on the Business Estate will be the subject of a separate subsequent report to be heard by an appointed Commissioner in recognition of the Council's landowner involvement in the Business Estate development. I do not support a general reduction from 15 to 10 metres as the maximum permitted height across the whole of the Business E Zone recognising the type and nature of activities intended for that zone. I do however suggest the issue of appropriate height controls in Area 1 of the Business Estate is best considered later along with other submissions relating to that development.
- 4.82 My comments are similar with respect to the Clearwater Trust⁸⁸ request also in relation to the Ashburton Business Estate that the permitted height for the area from the southern buffer zone to the immediate new road be left as is (i.e.10m height limit). Again I suggest this request be evaluated at the time of considering all submissions relating to the Business Estate provisions.
- 4.83 Rural Transport Limited⁸⁹ asks that the permitted height limit in the Business B Zone be increased to 12 metres from the proposed 10 metre maximum. Though the submitter acknowledges that in most situations a 10 metre limit would be appropriate, the basis for the request appears to relate to promoting more efficient use of building space such as through mezzanine storage, and also accommodating building plant and equipment without unduly compromising internal building space. The proposed limit would generally allow for a typical three storey building, which is consistent with many of the large format type premises existing in the Business B Zone, and the intended future development of that area of Ashburton. It is also consistent with the former height limit under the operative District Plan for the equivalent area. Non-compliance with the height standard would require restricted discretionary activity consent, which in my opinion appears an appropriate level of control, and I do not support increasing the height limit as sought.
- 4.84 Millar Properties Ashburton Limited⁹⁰ similarly opposes the proposed 10m height limit in the Business C Zone and requests that consideration be given to an increase in maximum permitted height to 12 metres. I do not support this request, as again there is some consistency maintained between the proposed provisions and the equivalent provisions under

⁸⁷ Submission 280, point 3

⁸⁸ Submission 332, point 2. Supported by F46 Matthew and Hilary Lovett

⁸⁹ Submission 398, point 2. Opposed by F46 Matthew and Hilary Lovett

⁹⁰ Submission 493, point 2 Opposed by F46 Matthew and Hilary Lovett

the operative District Plan, but also the Business C Zone is often directly adjoining residentially zoned land. In my view typically three storey development is generally compatible at the interface of such zonings, recognising expectations for residential amenity and outlook in particular. While a further 2 metres may seem a moderate addition, I believe that introduces a notable change in the possible scale of built development to a degree that may undermine the amenity of adjoining areas. As above, I consider the resource consent pathway as a restricted discretionary activity for development above the height limit an appropriate approach, and for a zone that anticipates a variety of business activities, one enabling the site specific context to be considered.

Section 5: 5.9:2 Setback from Streets

- 4.85 Walker Food Market⁹¹ prefers that no setback requirement applies to the submitter's site in Bridge Street Ashburton. This particular request reflects a broader opposition to the proposed zoning of the site and the resultant situation of the existing site development not meeting some of the associated standards, including those for minimum setbacks and landscaping. The fundamental issue of zoning will be the subject of a subsequent separate report, and my suggestion is that any consideration of site specific standards in the rules awaits determination of the zoning related submission. My only comment at this stage is that I would not support site specific exemption or modification of the relevant rules if the determination is that the site's zoning does not change.
- 4.86 Rakaia Engineering and Contracting Limited⁹² requests that Rule 5.9.2 be amended in respect of the Business E Zone to specify that the minimum setback of any building from a road boundary shall be only in relation to those road boundaries which adjoin residential zones. I do not agree with that request, largely because the purpose of the rule is not only directed towards the amenity values of nearby residential areas, but is also concerned with the amenity values anticipated by people within the zone itself. I accept that residents on the other side of a road from the Business E Zone will be particularly sensitive to the effects that might arise from activity in the Business E Zone, which the Plan anticipates can be unsightly or noxious. However the Plan also recognises the interests of those visiting and working within the Business E Zone, and seeks to maintain some level of amenity for those people by setting buildings back from the road frontage to assist in reducing their prominence and visibility, but also enabling some frontage landscaping to mitigate against the nature and appearance of the activities envisaged for such an area (see also rule 5.9.8 regarding landscaping and trees). Inevitably that will require a compromise between achieving that amenity outcome and the associated consequences in terms of the lost potential for use of part of an individual site.

Section 5: 5.9:3 Setback from Neighbours

- 4.87 Louisa and Gerald McAslan⁹³ have made a submission in relation to the boundary setback requirement, as I understand it, as it applies to the interface of residentially zoned land and the

⁹¹ Submission 256, point 2

⁹² Submission 263, point 1

⁹³ Submission 384, point 1

Business D Zone at Riverside. The submitters have sought that where the boundary is not in a straight line, the minimum distance between the residential area and proposed light industrial buildings needs to be 20 metres at any point. The request is supported by one further submission.⁹⁴

- 4.88 The request relates to rule 5.10.4 which requires development to be in accordance with the Riverside Outline Development Plan (Appendix 5-3). My impression is that the concern expressed by the submitters is actually addressed in the way the setback provision under the ODP would work in practice. The required setback of 20 metres from the residential zone boundary as it applies to buildings would not enable a building in the Business D Zone to encroach any closer to that common boundary at any point. Accordingly I believe the submitters request is substantially met by the rule as proposed.

Section 5: 5.9:4: Building Coverage

- 4.89 I noted earlier the request by Silver Fern Farms⁹⁵ relating to the explanation of this rule and those comments are equally applicable in respect of this submission point. I do not recommend change to this standard.
- 4.90 Rakaia Engineering and Contracting Limited⁹⁶ have sought a site specific exemption in relation to the site coverage requirement on the submitter's land within the Business E Zone. The submitter identifies that current development on a number of sites in its ownership would not meet the maximum coverage requirement (i.e. 75% of net site area and for a minimum 20% of the site in permeable surfacing).
- 4.91 As with many rules that are applicable across zones, there will invariably be situations where existing development does not satisfy those generic requirements. The RMA anticipates that occurrence and enables some continued development opportunity in such circumstances by virtue of the existing use right provisions, beyond which resource consent would be required.
- 4.92 The submitter has not detailed the extent to which identified individual sites would not conform to the proposed coverage rule, and so I cannot comment on specific non-compliances. However as a general principal I do not favour site specific exemptions to standards that are intended to achieve general outcomes across whole zones, simply on the basis of an existing situation of non-compliance. To provide for such exemptions potentially compromises the purpose of the rule, which in this instance is directed towards retaining a degree of open space on sites, ensuring openness and also the opportunity to meet other site development requirements (e.g. for landscaping). Importantly the standard also ensures sufficient open ground is available for stormwater percolation directly to ground.

⁹⁴ F46, Matthew and Heather Lovett.

⁹⁵ Submission 240, point 48

⁹⁶ Submission 263, point 2

Section 5: 5.9.8: Landscaping and Trees

- 4.93 Silver Fern Farms⁹⁷ has asked to amend Rule 5.9.8 to add or approve alternative plantings or similar. I am unclear of the intention of this request or the nature of the relief sought, and accordingly I recommend it be rejected.
- 4.94 David and Claire Stevens⁹⁸ have submitted in relation to the proposed Business A Zoning for the Creek Road commercial area. Essentially they seek the land be rezoned to Business C to enable their current automotive services business to be consistent with the zoning of the site. The matter of rezoning will be considered in a later report, and again I would not recommend modification of the business zone rules ahead of determining the appropriate zoning for the subject land.
- 4.95 Consistent with their earlier request relating to road boundary setback requirements, Walker Food Market⁹⁹ has also asked that there be no requirement for landscaping along their site frontage. My earlier comments on the submission are equally applicable to this request.
- 4.96 Also consistent with their earlier request, Rakaia Engineering and Contracting Limited¹⁰⁰ ask that Rule 5.9.8 be amended to specify that a landscaped area of a minimum width of 3 metres in the Business E Zone shall be established along all road boundaries adjoining residential zones. This is supported by one further submission¹⁰¹. Gilluke Holdings Limited¹⁰² has sought something very similar insofar as Rule 5.9.8 is amended to read '*a landscaped area of a minimum width, as specified below, shall be established along all road boundaries adjoining a residential zone*'. This also was supported by one further submission.¹⁰³ For the reasons I have outlined earlier I do not support these requests.
- 4.97 The submission by Louisa and Gerald McAslan¹⁰⁴ appears to be specific to the Riverside area of deferred Business D Zoning and they seek a buffer zone with a minimum width of 5 metres of substantial trees and plantings to mask the proposed light industrial area and to filter dust, noise and any air pollution. The request is supported by one further submission¹⁰⁵. The landscaping rule in relation to the Riverside ODP area is the subject of a submission to correct rule referencing by the Ashburton District Council. I comment on that submission point later in this report, however the intention is that landscape planting be required within the 20 metre buffer distance around the perimeter of this zoned area (as per Appendix 5-3) and that planting within that buffer area be in accordance with Rule 5.9.8 (c). That clarification may substantially meet the request of the submitters.

⁹⁷ Submission 240, point 49

⁹⁸ Submission 243, point 3

⁹⁹ Submission 256, point 3

¹⁰⁰ Submission 263, point 3

¹⁰¹ F51, Gilluke Holdings Limited

¹⁰² Submission 275, point 2

¹⁰³ F40 Rakaia Engineering and Contracting Limited

¹⁰⁴ Submission 384, point 2

¹⁰⁵ F46, Matthew and Hilary Lovett

- 4.98 M A Wightman¹⁰⁶ submits in relation to the ODP requirements for the Business D Zone at Mt Somers as indicated on Appendix 5-5. The submitter does not oppose the concept of the landscaping and trees required in Site Standard 5.9.8, however the submitter does oppose the 20 metre amenity setback for buildings. They seek that this be reduced to a lesser (unspecified) distance.
- 4.99 The request stems from the submitters intentions to subdivide the land which may result in property boundaries no longer aligning with those indicated on the ODP and which form the basis for the setback requirement. While the request would appear to have some merit if the subdivision is successful, I am unsure if that is yet the case. The submitter may be able to clarify that situation at the hearing, but in the absence of formally amended property boundaries I would be reluctant to recommend changes to the ODP at this stage. I also note that an approved subdivision may also raise the issue of whether the extent of Business D Zoning and the ODP area may also require amendment in this instance.

Section 5: 5.9:10: Setback from Stopbanks and Waterways

- 4.100 Midland Properties Ltd¹⁰⁷ has requested that Site Standard 5.9.10 (a) is amended so it reflects the similar rule from the operative District Plan but that it also specifically prescribes a reduced minimum setback distance for buildings of 4 metres from Mill Creek within the Ashburton urban area. The operative Plan identified certain waterways/stopbanks (Appendix 11 showing sections of the Rakaia, Ashburton and Hinds Rivers) from which the setback required from stopbanks was 100 metres. However that was only for parts of the district's main waterways and for all other waterways where there was no stopbank, the required setback was 4 metres.
- 4.101 As proposed this new rule will in instances of new development or notable redevelopment in the business zones require a 100 metre building setback from all stopbanks and waterways. The rule is directed at avoiding undue vulnerability of buildings, contents and occupants to the effects of extreme flooding events.
- 4.102 In my evaluation, there is however some inconsistency with the waterway setback rules as worded in the proposed Plan. I understand the intention was that there essentially be a 100 metre minimum building setback from the centre line of any stop bank irrespective of the zoning of the land, and in urban situations where no stop bank exists the minimum setback reduce to 4 metres (with no minimum in the rural zones where there was no stopbank). That approach would appear to satisfy the request of Midland Properties Limited insofar as Mill Creek does not have stop banks. It would also align with the comparable rules in the residential and rural sections of the proposed Plan, although other submissions/reports have sought to make that situation clearer.
- 4.103 Consistent with that overall approach and other report recommendations my suggestion is that Rule 5.9.10 be amended so as to read as follows:

¹⁰⁶ Submission 485, point 7

¹⁰⁷ Submission 558, point 1

- a) *All buildings shall be set back a minimum distance of 100m from the centre line of any stopbank or waterway (refer to diagram in Appendix 3-1).*
- b) *Where there is no stopbank, all buildings shall be set back a minimum distance of 4m from the bank of any waterway, measured at its mean annual flow.*
- c) *This standard shall not apply...”*

Section 5: 5.9:13: Hours of Operation including the sale of liquor

4.104 Lynette Nancy Eddington,¹⁰⁸ and Gary Campbell and Lynette Nancy Eddington¹⁰⁹ jointly have submitted in relation to proposed controls over the hours of operation as they affect the operations of the Methven ‘Top Notch Four Square’. Rather than predetermined hours as permitted by the rule they instead seek that the hours set out in Section 5.9.13 be set on a case by case basis. This is supported by two further submissions¹¹⁰.

4.105 The issue arises for the submitters grocery business as a consequence of liquor sales and adjoining land being zoned for residential purposes (10 Chapman Street and 51 & 53 Forest Drive) precluding them from opening before 7.00am. The submitters identify how their particular business has for many years serviced local customers from as early as 6.00am.

4.106 I acknowledge the situation that the submitters find themselves in, but I do not advocate for a site specific exemption from the hours of operation rule in this instance. Various throughout this report I have commented on why I caution against site specific exemptions to generic zone rules as a general principal even though existing activities may not always operate in accordance with those rules. Provided they continue as lawful activities the existing use right provisions under the RMA provide for those circumstances, including the ability to continue to operate not in accordance with the rules, and some limited ability to still change the manner in which they operate relative to what they have done in the past.

4.107 Equally for reasons of practicality I do not support devising rules on a case by case basis, but I do note the ability of individuals to seek to depart from the District Plan rules by way of resource consent, including those wishing to go beyond any existing use entitlement. In my view, such an approach strikes an appropriate balance while still enabling site specific situations to be assessed through the consent process.

4.108 Silver Fern Farms¹¹¹ suggest it would seem appropriate to redefine the term ‘adjoining’ in s17 to provide for where two sites are separated by a road, they are not considered to be adjoining (as per note in 5.9.9). This was considered in the report to the hearing on definitions where it was stated:

¹⁰⁸ Submission 169, point 2

¹⁰⁹ Submission 181, point 2

¹¹⁰ F21 Foodstuffs South Island Limited and F 51 Gilluke Holdings Limited

¹¹¹ Submission 240, point 51

“The submission from Silver Fern Farms suggests that the definition of “adjoining” be amended so that where two sites are separated by a road they are not considered to be adjoining. The submission points out that the note at clause 5.9.9 states this position.

*The term “adjoining” is presently defined as “land immediately adjacent to other land, notwithstanding that it is separated from the other land only by a road, access way, access leg, railway, drain, water race, river or stream”. The term adjoining is usually used in the Plan in a way that relates to immediately adjacent land, however in some rules it is intended to relate to land that is separated to a small extent. For example the light spill rules are intended to also relate to activities that may affect a residential property that may be across a road, river or similar. It is appropriate that such protection be given and if the definition is altered as suggested it would not allow such protection to be provided. I do not think that it would be appropriate to change the definition; **I do however consider it to be appropriate to amend the note in clause 5.9.9 to state that this note only relates to that specific rule and not to the definition of “adjoining” generally.**”*

- 4.109 I concur with that recommendation and suggest the proposed amendment is made to the note to clause 5.9.9 to clarify the intent.
- 4.110 Walker Food Market¹¹² has asked to be able to retain their ability to continue trading and selling liquor consistent with their present opening hours. My only comment in respect of this request is that existing use rights would presumably enable that outcome to happen, provided all other legislative requirements were met such as might apply under the Liquor Licensing Act. Accordingly I do not recommend any change to the Plan provisions in response to this submission point.
- 4.111 Gilluke Holdings Limited¹¹³ ask that Rule 5.9.13 be extended to allow ‘healthcare services’ to be included as an activity able to operate outside the hours specified within that rule. The relevant provision of the rule only manages activities in situations adjoining Residential Zones, which would appear to apply to the submitter’s Business zoned land at Allenton and capture current medical centre tenants of that property. A key aim is to offer some protection of adjoining residential amenity values, particularly during the night and weekend/holiday evenings, from effects associated with noise and other such distractions attributable to business activity nearby.
- 4.112 This rule is essentially the same as has applied under the operative Plan, so in effect current operations that do not satisfy the rule limitations do so in accordance with existing use rights or otherwise a specific resource consent that has been granted. I presume the submitter’s tenant is operating in accordance with existing use rights, although that may be confirmed at the hearing. That being the case I am doubtful the proposed Plan rule would discourage the tenant referred to from wishing to continue to operate from the site, unless they have aspirations to expand beyond their existing use entitlements. If that current activity has operated without

¹¹² Submission 256, point 4

¹¹³ Submission 275, point 4

apparent distraction from local amenities, then formally consenting current operations or even some expansion of hours would not seem inconceivable.

4.113 In considering more broadly whether the exceptions to the hours of operation limitations should include healthcare services I have some reservations with that suggestion. Presently such services fall within the much wider definition of “community activity” under the proposed Plan, which extends to include a range of like care, educational and community service activities. I think quite deliberately the proposed Plan rule regarding hours of operation has sought to strictly limit the allowable exceptions, and while a case might be argued for some community activities to not pose significant threat of disturbance for surrounding residents, the nature of those activities can be highly variable as to their potential to create unacceptable effects on amenity values depending upon the particular activity and the site situation. My preference is instead to allow individual appraisal of those types of activities seeking to operate outside of the permitted hours on a case by case basis via the resource consent process (as a restricted discretionary activity).

4.114 The submission by Donald George McLeod¹¹⁴ has now been withdrawn so I make no recommendation in respect of the associated request regarding liquor licensing.

4.115 Louisa and Gerald McAslan¹¹⁵ make reference in their submission to restrictions being such that only low impact business/or industries are allowed close to residential areas, and hours of operation are limited. I can make little comment on the submission point as it is unclear what particular relief, if any, might be sought by the submitters, but I do note the proposed Plan does impose the limits on operating hours in business zones adjoining residentially zoned land, and includes other controls directed at avoiding or mitigating the adverse effects of business activities such as relating to visual amenity and landscaping, outdoor storage and display, offensive processes and noise.

Section 5: 5.9:14: Effluent Disposal.

4.116 Silver Fern Farms¹¹⁶ has asked to delete 5.9.14 (a) as it would seem appropriate to include all of Silver Fern Farms activities into the Business F Zone, and to make provision for these through the Outline Development Plans. This request was opposed by one further submission¹¹⁷ This essentially is related to the specific zoning of the submitter’s site and associated ODP, and I propose is better dealt with at the scheduled later hearing on the broader submission.

Section 5: 5.9:15 Residential and Visitor Accommodation Activities

4.117 Elsiff Family Holdings Ltd¹¹⁸ have sought modification of Site Standard 5.9.15 Residential and Visitor Accommodation Activities to provide a site specific exemption to the requirement that

¹¹⁴ Submission 375, point 2

¹¹⁵ Submission 384, point 3. Supported by further submission F46, : Matthew and Hilary Lovett.

¹¹⁶ Submission 240, point 52

¹¹⁷ F71, Electricity Ashburton

¹¹⁸ Submission 492, point 2

residential and/or visitor accommodation in the Business A, B and C Zones be restricted to first floor level and above, and be developed in accordance with the Residential A Zone rules. They seek insertion of the following:

'd) Except that the site at 1 Archibald Street (State Highway 1) being Lot 8 DP 334485 shall be exempt from site standard (b) above.'

4.118 The site is zoned Residential C under the proposed Plan, but I note the submitter is seeking a change to Business C Zoning. I understand the property has previously been used as a motel with buildings configured for that purpose. The issue for the submitter is their ability to use the property for visitor accommodation as a permitted activity should the rezoning request be successful. My recommendation is therefore to await the determination of the appropriate zoning for the site, before consideration of any site specific exemptions or other modification of the proposed business zone provisions.

Section 5: Zone Standards: 5.10.1 Commercial Activities and Retail Floor Space

4.119 A number of submitters have sought specific amendment to the standards concerning commercial activities and retail floor space, which I have already discussed in this report. Those submissions are by Londale Development Limited,¹¹⁹ ¹²⁰ supported by two further submissions¹²¹ and opposed by one¹²²; Foodstuffs South Island Limited¹²³ ¹²⁴; Lynette Nancy Eddington¹²⁵; as well as Gary Campbell and Lynette Nancy Eddington¹²⁶ (supported by a further submission from Foodstuffs).¹²⁷ The same situation occurs for other related requests by Rachael Ann Eddington¹²⁸, Lynette Nancy Eddington¹²⁹, Gary Campbell and Lynette Nancy Eddington¹³⁰ also supported by a further submission from Foodstuffs¹³¹.

4.120 Clark McLeod¹³² has opposed the Rule 5.10.1 limits on development on the basis that they will detract from the town centre. The relief sought is that there is no limit on maximum floor areas. This request was opposed by a further submission from NZTA.¹³³ Similarly Barry James and

¹¹⁹ Submission 325, point 6

¹²⁰ Submission 325, point 7. Supported by F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust and Opposed by F44 NZTA.

¹²¹ F36: Smith and Church Appliances Limited and F65: Ashburton Licensing Trust.

¹²² F44: New Zealand Transport Agency.

¹²³ Submission 19, point 2

¹²⁴ Submission 19, point 3

¹²⁵ Submission 169, point 4

¹²⁶ Submission 181, point 4

¹²⁷ F21: Foodstuffs South Island Limited

¹²⁸ Submission 163, point 1

¹²⁹ Submission 169, point 3

¹³⁰ Submission 181, point 3

¹³¹ F21: Foodstuffs South Island Limited

¹³² Submission 91, point 8

¹³³ F44: New Zealand Transport Agency

Philip James Redmond¹³⁴ suggest the maximum commercial unit floor area in the Business A Zone should not be set at 300m². This request has been opposed by six further submissions.¹³⁵

4.121 Gabities Limited¹³⁶ and Gabites Trustees Limited¹³⁷ also wish to see the removal of the 300m² Gross Floor Area (GFA) maximum. If Council is unwilling to undertake this change, then their submission is for a site specific exemption from this limitation for the property at 96 Burnett Street.

4.122 I have earlier discussed the basis to the floor area limitations and controls for the various Business Zones, and while I have recommended some modification as they apply to the Business B Zone and consideration of possible modification for the Business A Zone outside of the Ashburton Town Centre, I support in principal retaining a maximum permitted limit on floor area for individual tenancies within the commercial centre of Ashburton.

4.123 Silver Fern Farms¹³⁸ suggests it would seem appropriate to limit the growth of these sale activities from the Business E area neighbouring Business F Zones. I take from this request there to be general support for the relevant proposed Plan provisions by the submitter and acknowledge that support.

4.124 W Newlands and Co Limited¹³⁹ are principally concerned with rezoning of their site but state in the alternative, if the Council is unwilling to rezone the property from Business C to Business D, then the submitter seeks that 5.10.1 (a) relating to the Business C Zone allow an exception to the maximum 500m² floor area limitation that reads, “*except that this limitation shall not apply to vehicle and vehicle part sales and maintenance and other outdoor display and sales.*”

4.125 The particular issue of rezoning is to be deferred to a later report along with other rezoning requests, but on the suggested relief as to an exception for the rule, I note that as the rule is proposed service stations in the Business C Zone are not subject to the 500m² limitation, provided any indoor retail floor area does not exceed 150m². ‘Service station’ is defined in the proposed Plan to be an activity where the dominant activity is the sale of vehicle fuels but includes sale of spare parts and mechanical repair and servicing. If the particular activity does not qualify as a service station, vehicle sales and other outdoor display and sales are also exempt from the floor area limitations under the rule. As to the specific inclusion of “vehicle part sales” I have no significant concern with that, although that would already qualify if the parts were displayed outdoors. As for “vehicle maintenance” independent of another dominant activity such as a service station, that presents more of an issue I believe given the greater likelihood for potential nuisance effects (e.g. noise, visual distraction) compared to straight out

¹³⁴ Submission 237, point 3

¹³⁵ F29, Alister and Alison Argyle, F30 Chris and Dorothy Thomas, F31 Ken and Heather Smith, F32 Mary Leary, F33 Martin Kane and F58 Laurence and Merle Cooney.

¹³⁶ Submission 608, point 5

¹³⁷ Submission 609, point 5

¹³⁸ Submission 240, point 33

¹³⁹ Submission 267, point 2

display or sales activity. In saying that I am particularly mindful that the Business C Zone is often adjoining or separated only by a road from residentially zoned land.

- 4.126 As another alternative¹⁴⁰ the same submitter seeks that Rule 5.10.1(a) be amended so that the maximum gross floor area of any commercial unit shall not exceed 1000m². This request is opposed by NZTA¹⁴¹ but supported by Allen and Diane McCormick¹⁴². The same request arises from AJ and DD McCormick¹⁴³ as an alternative relief to their rezoning request, and that is supported by W Newlands and Co Limited.¹⁴⁴
- 4.127 I understand the basis to the 500m² upper limit on floor space per commercial unit in the Business C Zone is in part to enable some larger scale retail and servicing activity without compromising the aims for the other Business Zones (particularly A and B). Balanced with that however is the recognition that the location of the zone is often adjoining or separated by a road from more amenity sensitive residential environments, and the size of premise may have an association with potential for traffic generated by the activities on the site. Building scale and bulk controls therefore seek to provide reasonable opportunity for larger sized premises on sites large enough to also accommodate associated car parking and/or storage or display of goods, but where buildings do not appear overly dominant or lead to other conflict in the context of their often mixed use surroundings (e.g. including residences nearby). In that respect the 500m² limit represents something of a compromise, and I think there will always be argument as to what the appropriate permitted size of building ought to be in that respect.
- 4.128 I would therefore invite the submitters to further support their requests for a larger permitted size of premise in the Business C Zone, and at this stage suggest to the Hearings Panel that there may well be justification to increase this limit within the scope provided by these submissions.
- 4.129 Subject to my earlier comments and recommendations, I acknowledge the support of Rural Transport Limited¹⁴⁵ for the Business B Zone Commercial and Retail floorspace standards as proposed. This supporting submission was opposed by one further submission.¹⁴⁶
- 4.130 While not opposing the Business C zoning of their land on South Street and Dobson Street, Ashburton, Millar Properties Ashburton Limited¹⁴⁷ request consideration is given to amending the commercial activities and retail floor space zone standards such that larger buildings could

¹⁴⁰ Submission 267, point 3

¹⁴¹ F44, NZTA

¹⁴² F49: Allen and Diane McCormick

¹⁴³ Submission 286, point 3

¹⁴⁴ F54: W Newlands & Co Limited

¹⁴⁵ Submission 398, point 3.

¹⁴⁶ F46 Matthew and Hilary Lovett.

¹⁴⁷ Submission 493, point 1

be erected and/or expanded. This request is supported by one further submission¹⁴⁸ and opposed by another¹⁴⁹. My comments above are relevant to this request.

4.131 Alternatives proposed by Millar Properties Ashburton Limited¹⁵⁰ for the Business C Zone are for either an increase in the maximum GFA that is provided for (say to 800m²) or consideration be given to making this rule a site standard rather than zone standard. This is supported by three further submissions¹⁵¹. Alternatively again, this submitter seeks that an amendment to the rule is provided such that 500m² GFA applies to retail floor space and the balance GFA of a building can consist of non-retail space, up to an area of coverage that does not exceed 75%. This alternative request is supported by one further submission¹⁵². Very similar requests to increase the maximum GFA allowable or otherwise apply the floor area limit to only retail activity are made by Midland Properties Limited¹⁵³. Those requests are opposed by one further submission¹⁵⁴ and there are two in support¹⁵⁵.

4.132 Again my response to these alternative requests is that there may be justification for increasing the GFA limit above the proposed 500m² in the Business C Zone as I have indicated. As to shifting this standard from a zone standard to site standard, I am less attracted to that proposition. My preference would be to enable a reasonable and realistic degree of opportunity as a permitted level of development, and maintain a strong onus on protecting the associated amenity related intentions of the Plan through the non-complying status for proposals exceeding that level. Equally I have some reservation about applying the upper floor area limit to only retail, with the overall extent of building then effectively controlled through the relevant coverage standard. Firstly, the applicable coverage rule (5.9.4) is a site standard, and as I have just described, reliance on that standard as essentially the overall control on building scale, in my view, does not sufficiently support achieving the Plan's intentions. Coverage is also a ratio to site size and therefore has much less of a direct impact in limiting building scale than a prescribed limit, the effects of which are not always adequately mitigated by a large land area. Secondly, the issues are at least in part about overall building size in amenity terms and not just reflective of the size of any retailing component, and hence the reference to "commercial unit" in the rule.

4.133 The rule as it applies in the Business A and C Zones applies to the total area of the commercial unit whereas Business B relates to the floor area of the retail activity i.e. 500m² per single retail outlet. I do not consider this to be of consequence given that the Business B Zone is intended to provide for large scale retailers, often referred to as 'big-box', whereas the Business A Zone is providing for a finer-grained type of activity in general, even if retailing might predominate. In

¹⁴⁸ Submission F46 Matthew and Hilary Lovett

¹⁴⁹ Submission F44 NZTA.

¹⁵⁰ Submission 493, point 3

¹⁵¹ F46 Matthew and Hilary Lovett, F49 Allen and Diane McCormick and F54 W Newlands and Co Limited.

¹⁵² F46 Matthew and Hilary Lovett

¹⁵³ Submission 558, Point 2

¹⁵⁴ F44 NZTA

¹⁵⁵ F46 Allen and Diane McCormick and F54 W Newlands and Co Limited

both Business A and C is not the intention of the Plan to enable several commercial activities to locate together in one building. The Business C Zone is often located adjacent to residential zones hence the Plan's intention of limiting the scale of buildings. I however, recommend amendments be made to the introduction to Rule 5.10.1 to ensure clarity that the rule generally applies to commercial activities, within which there are some specific requirements for retailing in some situations.

4.134 Bradfords Management Limited¹⁵⁶ seek that there is no area restriction imposed in the Business A Zone but if one is imposed then other types of high traffic generating businesses to be excluded from the zone need to be stated alongside supermarkets and service stations. This is opposed by 6 further submissions¹⁵⁷. My earlier comments regarding the limiting of retail floor area in the Business A Zone are equally applicable to this request. On the matter of further specification of traffic generating activities to be excluded entirely from the zone, I understand the submitter's intention, but I suggest there are always going to be apparent difficulties in trying to do so with any certainty. I am also not convinced doing so is necessary.

4.135 The situation with service stations and supermarkets is that there will invariably be a high degree of vehicle orientation associated with these types of use, and hence they have been specified. I have previously stated that with supermarkets that can be influenced by the locational context, but for the centre of Ashburton township I would always anticipate there being a relatively high level of vehicle dependence for a supermarket activity irrespective of the particular site. In my opinion the floor area limit rule along with others controlling outdoor storage and display, and also issues around car parking and ease of access, are in themselves likely to be sufficiently effective ways of discouraging any other high traffic generators from the Business A Zoned area of the central township.

4.136 Though I have recommended the possibility for some modification of parts of this rule, I otherwise note the support by New Zealand Transport Agency¹⁵⁸ for retaining Zone Standard 5.10.1(a) as worded.

Section 5: Zone Standards: 5.10.3: Offensive Processes

4.137 Firth Industries¹⁵⁹ has sought modification of Rule 5.10.3 regarding Offensive Processes and removal of any reference in the proposed Plan identifying concrete product manufacturing (including concrete batching activities) as an 'offensive process'. This was supported by one further submission¹⁶⁰.

4.138 The submitter operates an established concrete production plant (concrete batching) from a site in Dobson Street West, Ashburton. Concrete batching as an activity was permitted by the

¹⁵⁶ Submission 557, point 10

¹⁵⁷ F29, Alister and Alison Argyle, F30 Chris and Dorothy Thomas, F31 Ken and Heather Smith, F32 Mary Leary, F33 Martin Kane and F58 Laurence and Merle Cooney.

¹⁵⁸ Submission 582, point 13

¹⁵⁹ Submission 532, point 1

¹⁶⁰ F60 Allied Concrete Ltd

operative District Plan's Business 5 Zoning applicable to that site, and the submitter's particular activity is also the subject of a resource consent granted in 2004.

- 4.139 The basis for Rule 5.10.3 is the equivalent rule in the operative Plan (7.7.5.2.5), however as the submitter identifies, that rule did not apply to the operative Business 5 Zoning. As essentially a heavy industrial zone, the operative Plan permitted the activities as they are listed in both the operative and proposed rules. The proposed Plan rule however precludes those "offensive processes" listed in 5.10.3 from the Business A, B, C or D Zones or Area 1 of the Business E Zone. Consequently they would require consent as a non-complying activity. A similar, but not identical list of "offensive processes" is set out in Rule 5.9.12 as a site standard, and they are excluded from the balance of the Business E Zone (i.e. other than Area 1). Non-compliance with that rule necessitates consent for a restricted discretionary activity.
- 4.140 The submitter argues justification for a distinction in effects terms between concrete batching and concrete product manufacture, and cement manufacture which by comparison they consider to be more likely to give rise to objectionable or offensive effects.
- 4.141 On my understanding of those activities I have some sympathy with the submitter's position. While both concrete batching and product manufacture may potentially give rise to some adverse effects (principally dust associated with product transfer, noise or related traffic generation), they are either otherwise managed via rules in the proposed Plan, or likely to be the subject of necessary regional consents (e.g. for discharge permits). In contrast, the manufacture of cement is typically a large scale and complex industrial process, involving the storing and blending of various raw materials (principally limestone), kiln heating to very high temperatures to enact necessary chemical reactions, subsequent cooling and then ultimately distribution of clinker or final cement product. While again some of those elements will be influenced by District Plan rules and also the need for regional consents, I think there is justifiable distinction between that activity and batching of concrete or the production of finished concrete products.
- 4.142 Though the Hearings Panel may wish to confirm this understanding if the submitter is represented, my preliminary recommendation is that Rule 5.10.3 could appropriately be amended to simply remove reference to the words "~~cement and concrete products manufacture;~~" and therefore leaving only cement manufacture within the listed processes (which is then consistent also with the equivalent specific listing under proposed rule 5.9.12).

Section 5: Zone Standards: 5.10.4: Outline Development Plans and Limitations of Activities

- 4.143 New Zealand Transport Agency¹⁶¹ ask that Zone Standards 5.10.4 (d) and (e) relating to the Business D Zone at Riverside be retained as worded. John and Heather Wellman¹⁶² express some general concern at the proposed (deferred) business zoning at Riverside and suggest that a meeting of householders is necessary with the Council to discuss the provisions for the Riverside Industrial Area. I note the support of NZTA and suggest no modification of the

¹⁶¹ Submission 582, point 13

¹⁶² Submission 194, point 1

proposed Plan is necessary in response to the Wellman's submission point regarding community consultation.

4.144 Silver Fern Farms¹⁶³ again suggest it would seem appropriate to include all of Silver Fern Farms activities by including the agricultural and livestock areas in the associated into the Business F Zone, and to make provision for these through the Outline Development Plans alongside the processing activities as has been provided for other meat processing facilities. This was opposed by one further submission¹⁶⁴. As with other such requests I suggest deferring this submission point for consideration at the later specially convened hearing for this submission in total.

4.145 I have previously in this report discussed the submission by Louisa and Gerald McAslan¹⁶⁵ regarding low impact business/or industries in proximity to residential areas, and the support for that submission point¹⁶⁶.

Section 5: Appendices

4.146 Silver Fern Farms¹⁶⁷ ask to delete 5.9.14 (a) as it would seem appropriate to include all of Silver Fern Farms activities into the Business F Zone, and to make provision for these through the Outline Development Plans. This is opposed by one further submission. Silver Fern Farms¹⁶⁸ further suggest it would seem appropriate that an associated Outline Development Plan (Appendices 5-1D) be included in Section 5 Appendices. Again and as with other such requests I suggest deferring these submission points for consideration at the later specially convened hearing for this submission in total.

4.147 I acknowledge the support by ANZCO Foods Limited¹⁶⁹ for retaining the provision for a zone specific to all activities associated with meat processing (the Business F Zone) and the associated outline development Plan and site standards as drafted. This request was supported by one further submission.¹⁷⁰

Section 5: ODP Business D Riverside

4.148 Ashburton District Council¹⁷¹ has sought to correct an error in the Plan by replacing reference to Rule 8 to Rule 5.9.8(c) in Appendix D. I recommend making that correction.

¹⁶³ Submission 240, point 53 and 43

¹⁶⁴ F71 Electricity Ashburton Limited

¹⁶⁵ Submission 384, point 3

¹⁶⁶ F46. Matthew and Hilary Lovett.

¹⁶⁷ Submission 240, point 52. Opposed by further submission F71 Electricity Ashburton Limited.

¹⁶⁸ Submission 240, point 54

¹⁶⁹ Submission 607, point 1.

¹⁷⁰ F19 Silver Fern Farms

¹⁷¹ Submission 639, point 34

Section 5: ODP Business E Rakaia

4.149 Similarly Ashburton District Council¹⁷² has also sought to replace reference to Rule 8 within this ODP to Rule 5.9.8(c). Again I recommend making that correction in referencing.

Section 5: ODP Business D Mount Somers

4.150 As apparent in my earlier discussion of related requests, M A Wightman¹⁷³ asks that the Council factor into its decision making on the Business D zoning at Mt Somers, and the related definition of the relevant ODP, the proposal for subdivision of the land, and the consequences that may have for boundary definition. M A Wightman¹⁷⁴ has sought that the proposed Business D Zone be included with amendments consistent with any subdivision approval obtained as it affects the proposed business zoned land.

4.151 My earlier comments are applicable, and any consideration of amending the zoning and/or extent of the ODP ought to await the outcome of any current proposals for subdivision of this land and consequent change to boundary definition.

5.0 STATUTORY CONSIDERATIONS

5.1 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations below are both effective and efficient and will ensure that the methods contained in these sections are the most appropriate method for achieving the objectives of the Plan. I consider that this section of the Plan is appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

6.0 RECOMMENDATIONS

6.1 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, the Business Section of the proposed District Plan should be accepted.

¹⁷² Submission 639, point 34

¹⁷³ Submission 485, point 8

¹⁷⁴ Submission 485, point 9

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S639	Ashburton District Council	75	References to external documents in the Proposed District Plan should be made more explicit.	Accept Paras 4.6,4.7, 4.8 and 4.9
S240	Silver Fern Farms	42	Remove the term noxious from Section 5.7.15 entirely, and throughout the Proposed Plan where-ever the term is used	Reject Paras 4.10, 4.11 and 4.12
S325	Londale Developments Limited	1	Delete the existing retail heirarchy approach in the Proposed District Plan and revise and rationalise the overall approach to retail distribution within Ashburton Township.	Accept in part Para 4.13 to 4.28
<i>F36</i>	<i>Smith and Church Appliances Limited</i>		<i>Support</i>	<i>Accept in part</i>
<i>F65</i>	<i>Ashburton Licensing Trust</i>		<i>Support</i>	<i>Accept in part</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S240	Silver Fern Farms	31	In 5.1.1, change wording from Silver Fern Farms Freezing Works to Silver Fern Farms Meat Processing Plant	Accept Para 4.29
S240	Silver Fern Farms	32	It would seem appropriate to change the wording under Section 5.1.4 to read, or something similar: There are meat processing works <u>facilities</u> established at Fairton....	Accept Para 4.30
S325	Londale Developments Limited	2	Amend the issues/philosophy in the Proposed Plan to recognise that Ashburton is a small centre with limited opportunities for comparison shopping and to recognise the need for greater flexibility for the establishment of appropriate commercial activities within the Business A, B and C Zones	Accept in part Paras 4.13 to 4.28 and 4.31
<i>F36</i>	<i>Smith and Church Appliances Limited</i>		<i>Support</i>	<i>Accept in part</i>
<i>F65</i>	<i>Ashburton Licensing Trust</i>		<i>Support</i>	<i>Accept in part</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S398	Rural Transport Limited	1	That the Business B Zone Issues, Objectives and Policies and Reasons for Rules be provided for over land with boundaries on South Street, Cass Street and State Highway 1	Defer to report on Planning Maps Paras 4.32 and 4.33
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Oppose</i>	<i>Defer to report on Planning Maps</i>
S398	Rural Transport Limited	4	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan that may be required to give effect to this submission	Defer to report on Planning Maps
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Oppose</i>	<i>Defer to report on Planning Maps</i>
S240	Silver Fern Farms	33	It would seem appropriate to limit the growth of these sale activities from the Business E area neighbouring Business F Zones.	Reject Paras 4.34 and 4.35
S325	Londale Development Limited	3	Amend the issues, objectives and policies relating to the Business Zones to remove the emphasis on protecting 'comparison retailing'; in the Business A Zone in recognition of small size of the Ashburton Commercial Area	Accept in part Paras 4.13 to 4.28 and 4.36

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
F36	Smith and Church Appliances Limited		Support	Accept in part
F65	Ashburton Licensing Trust		Support	Accept in part
F44	New Zealand Transport Agency		Oppose	Accept in part
S240	Silver Fern Farms	34	No change required to the statement: 'Areas providing for business activity are likely to have lower standards of amenity than may be found in a residential environment and this is accepted by most people'.	Accept Para 4.37
S240	Silver Fern Farms	35	No change required to the statement: 'Meat and produce processing...compliance with an environmental standard could be prohibitive to their ability to operate. Such industries therefore require specific sites or separation from areas of higher amenity'	Accept Para 4.38
S243	Claire and David Stevens	2	Change Business A zone. Business A Zone is currently unworkable for small businesses. Requirements are too restrictive.	Reject Para 4.39

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S468	Martin Kane	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept in part</i>
S468	Martin Kane	5	All consequential, additional or other amendments to the objectives, policies, rules and exPlanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept in part</i>
S469	Alister and Alison Argyle	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
<i>F53</i>	<i>Mont Baker Limited</i>		<i>Support</i>	<i>Accept in part</i>
S469	Alister and Alison Argyle	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S470	Laurence and Merle Cooney	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
<i>F53</i>	<i>Mont Baker Limited</i>		<i>Support</i>	<i>Accept in part</i>
S470	Laurence and Merle Cooney	5	All consequential, additional or other amendments to the objectives, policies, rules and exPlanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S471	Ken and Heather Smith	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S471	Ken and Heather Smith	5	All consequential, additional or other amendments to the objectives, policies, rules and exPlanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S472	Chris and Dorothy Thomas	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S472	Chris and Dorothy Thomas	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S473	Alan and Yvonne West	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S473	Alan and Yvonne West	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S474	Mary Leary	3	That the Ashburton Town Centre be defined within the Business A Zone as being within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S474	Mary Leary	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S268	Mont Baker Limited	1	That the Ashburton Town Centre be defined as being 'that land zoned within the Business A Zone within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway	Accept in part Paras 4.40, 4.41,

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			77/Kermode Street	4.42, 4.43 and 4.44
S280	Homeslee Enterprises Limited	1	That the Ashburton Town Centre be defined as being 'that land zoned within the Business A Zone within the area bounded by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S280	Homeslee Enterprises Limited	7	Any consequential or alternative relief which better gives effect to the issues raised	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S557	Bradford's Management Limited	9	That the Ashburton Town Centre needs to be defined. We suggest that this be defined to include sites bound by East/Willis/William and Dobson Streets	Accept in part Paras 4.40, 4.41, 4.42, 4.43 and 4.44
S325	Londale Development Limited	5	Amend the description of the Business B Zone and its associated provisions to recognise and provide for the establishment of some finer grained and medium sized retail activities alongside big box retail development in this zone and to recognise the positive effect that development of this nature has on the wider Ashburton commercial area	Accept in part Para 4.45
F36	Smith and Church Appliances Limited		Support	Accept in part

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
<i>F65</i>	<i>Ashburton Licensing Trust</i>		<i>Support</i>	<i>Accept in part</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>
S240	Silver Fern Farms	36	No change required to Business F Zone Description. However, it would seem appropriate to resolve the oversight in providing for the Silver Fern Farms activities by extending the Business F Zone to encompass all of Silver Fern Farms activities	Defer to report on Planning Maps Para 4.46
<i>F71</i>	<i>Electricity Ashburton Limited</i>		<i>Oppose</i>	<i>Defer to report on Planning Maps</i>
S607	ANZCO Foods Limited	1	Retain the provision for a zone specific to all activities associated with meat processing (Business F Zone) and the associated outline development Plan and site standards as drafted	Accept Para 4.47
<i>F19</i>	<i>Silver Fern Farms</i>		<i>Support</i>	<i>Accept</i>
S325	Londale Development	4	Amend the Proposed Plan to create a more compatible relationship between small scale and big box retail and allow these different	Accept in part Para 4.48

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Limited		retail formats to co-exist.	
<i>F36</i>	<i>Smith and Church Appliances Limited</i>		<i>Support</i>	<i>Accept in part</i>
<i>F65</i>	<i>Ashburton Licensing Trust</i>		<i>Support</i>	<i>Accept in part</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>
S398	Rural Transport Limited	1	That the Business B Zone Issues, Objectives and Policies and Reasons for Rules be provided for over land with boundaries on South Street, Cass Street and State Highway 1	Reject Para 4.49
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Oppose</i>	<i>Accept</i>
S398	Rural Transport Limited	4	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan that may be required to give effect to this submission	Reject Para 4.49

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
F46	Matthew and Hilary Lovett		Oppose	Accept
S582	New Zealand Transport Agency	11	Retain Objective 5.1: Business Area development and Effects, Policies 5.1A, C and E; Policy 5.3B as worded	Accept Para 4.50
S574	Canterbury District Health Board	4	The CDHB supports the implementation of the Waste Management Plan and development of further waste reduction targets	Accept Para 4.51
S240	Silver Fern Farms	38	It would seem appropriate to remove the term noxiousness from this section entirely, and throughout the Proposed Plan wherever the term is used. Given this, it would also seem appropriate to reword Section 5.7.2 to read, or something similar: 'The Business F Zone has extensive setbacks of 10-30m due to the potential noxiousness for <u>adverse effects beyond the boundary of the property</u> of onsite activities	Reject Para 4.52
S240	Silver Fern Farms	39	It would seem appropriate to remove the term noxiousness from this section entirely, and throughout the Proposed Plan where ever the term is used. Given this, it would also seem appropriate to reword Section 5.7.3 to read, or something similar: 'The Business F Zone has extensive setbacks of 10-30m due to the potential noxiousness for <u>adverse effects beyond the boundary of the</u>	Reject Para 4.53

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<u>property</u> of onsite activities...	
S468	Martin Kane	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan, that this be remedied also	Accept Para 4.54
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept</i>
S469	Alistair and Alison Argyle	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan, that this be remedied also	Accept Para 4.54
S470	Laurence and Merle Cooney	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan	Accept Para 4.54
S471	Ken and Heather Smith	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan	Accept Para 4.54
S472	Chris and Dorothy Thomas	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan	Accept Para 4.54

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S473	Alan and Yvonne West	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan	Accept Para 4.54
S474	Mary Leary	4	That the reference to 'central Ashburton (Kapuka)' in Reasons for Rule 5.7.4 Building Coverage be replaced by 'Ashburton Town Centre' and that if this inconsistency occurs elsewhere in the Proposed Plan	Accept Para 4.54
S240	Silver Fern Farms	40	It would seem appropriate to change the site coverage from 75% to 100% by rewording s.5.7.4 to read, or something similar: Business...F Zones, a site coverage of 75% <u>is recommended but 100%</u> is provided for,....	Reject Para 4.55
S240	Silver Fern Farms	41	It would seem appropriate to: provide equal and fair justice in this section and the rule associated with 'effluent disposal' from meat processing facilities: remove the term noxious in this section entirely, and throughout the Proposed Plan wherever the term is used: provide for the entire Silver Fern Farms activities by including the agricultural and livestock areas in the associated Business F Zone alongside the processing activities as has been provided for other meat processing facilities: and clarify whether regional or district consents may be required for all meat processing facility activities as defined.	Deferred to special hearing Para 4.56

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
<i>F71</i>	<i>Electricity Ashburton Limited</i>		<i>Oppose</i>	
S240	Silver Fern Farms	44	It would seem appropriate to change the wording in Section 5.7.18 from a reference to PPCS Freezing Works to that of Silver Fern Farms Meat Processing Facility.	Deferred to special hearing Para 4.57
S240	Silver Fern Farms	46	It would seem appropriate to remove the term 'noxiousness' in section 5.7.21 entirely, and throughout the Proposed Plan wherever the term 'noxious' or 'noxiousness' is used; remove inconsistencies in the Proposed Plan by providing for the entire Silver Fern Farm activities by including the agricultural and livestock activity in the associated Business F Zone.	Defer to special hearing Para 4.58
<i>F71</i>	<i>Electricity Ashburton Limited</i>		<i>Oppose</i>	<i>Defer to special hearing</i>
S639	Ashburton District Council	74	Changes may be required to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion over the interpretation of rules.	Reject Para 4.60
<i>F3</i>	<i>Greenstone Energy Ltd, BP Oil NZ Ltd,</i>	74	<i>Oppose</i>	<i>Accept</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	<i>Mobil Oil NZ Ltd, Chevron NZ</i>			
<i>F5</i>	<i>Transpower New Zealand</i>	<i>74</i>	<i>Oppose</i>	<i>Accept</i>
<i>F16</i>	<i>TrustPower Limited</i>	<i>74</i>	<i>Oppose</i>	<i>Accept</i>
<i>F65</i>	<i>Ashburton Licensing Trust</i>	<i>74</i>	<i>Support</i>	<i>Reject</i>
<i>F71</i>	<i>Electricity Ashburton Limited</i>	<i>74</i>	<i>Support</i>	<i>Reject</i>
S607	ANZCO Foods Limited	2	Substitute the term 'retail' with 'retail activity' as it appears in Table 5-1 to clearly define the range of permitted activities which can occur in Business Zone F.	Accept Para 4.62
S240	Silver Fern Farms	45	Provide an exemption for historical, existing recreation users within the Business F Zone.	Defer to special hearing Para 4.63
S492	Elsiff Family	1	6.2 We support Table 5-1: Summary of Activity Status for	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Holdings Limited		Business Zones as it applies to permitted activity activities for the Business C Zone	Para 4.64
S492	Elsiff Family Holdings Limited	4	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan, that may be required to give effect to this submission	Accept Para 4.64
S582	New Zealand Transport Agency	12	Retain Rules 5.8.3 and 5.8.4 as worded	Accept Para 4.65
S19	Foodstuffs South Island Limited	2	That the existing Four Square business operating at Methven be able to extend its retail floor areas as a controlled activity which shall not require written consents or notification to a maximum of 1200m2 gross floor area	Accept in part Paras 4.66 to 4.73
S286	AJ and DD McCormick	2	In the alternative that, the rules pertaining to the zoning in the Operative District Plan be retained, being Business 3A.	Defer to hearing on planning maps Para 4.74
S286	AJ and DD McCormick	5	Any consequential or alternative relief which better gives effect to the issues raised	Defer to hearing on planning maps Para 4.74

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S286	Londale Development Limited	2	Amend the Proposed Plan to create a more compatible relationship between small scale and big box retail and allow these different retail formats to co-exist.	Accept in part Para 4.75
F36	<i>Smith and Church Appliances Limited</i>		<i>Support</i>	<i>Accept in part</i>
F65	<i>Ashburton Licensing Trust</i>		<i>Support</i>	<i>Accept in part</i>
F44	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>
S240	Silver Fern Farms	37	It would seem appropriate to allow for 'existing use' to be maintained. Thereby allowing full residency of houses situated on Office Road to continue as currently occurring without applying residential standards or rezoning to residential	Defer to special hearing Para 4.76
S478	Martin Kane	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the submitter seeks that the site zoning be limited to civic uses	Defer to hearing on planning maps

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Para 4.77
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Defer to hearing on planning maps</i>
S478	Martin Kane	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	Defer to hearing on planning maps Para 4.77
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Defer to hearing on planning maps</i>
S469	Alister and Alison Argyle	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the submitter seeks that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Defer to hearing on planning maps Para 4.77
S469	Alister and Alison Argyle	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	Defer to hearing on planning maps Para 4.77
S470	Laurence and Merle	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the	Defer to hearing on planning maps

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Cooney		submitter seeks that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Para 4.77
S470	Laurence and Merle Cooney	5	All consequential, additional or other amendments to the objectives, policies, rules and exPlanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	Defer to hearing on planning maps Para 4.77
S471	Ken and Heather Smith	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the submitter seeks that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Defer to hearing on planning maps Para 4.77
S471	Ken and Heather Smith	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	Defer to hearing on planning maps Para 4.77
S472	Chris and Dorothy Thomas	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the submitter seeks that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Defer to hearing on planning maps Para 4.77
S472	Chris and	5	All consequential, additional or other amendments to the objectives,	Defer to hearing on

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Dorothy Thomas		policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	planning maps Para 4.77
S473	Alan and Yvonne West	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the submitter seeks that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Defer to hearing on planning maps Para 4.77
S473	Alan and Yvonne West	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	Defer to hearing on planning maps Para 4.77
S474	Mary Leary	2	In the alternative, and without prejudice to the primary relief sought, if the Council is unwilling to zone the site Residential A, then the submitter seeks that the site zoning be limited to civic uses whereby the same rules as the Residential A zone apply and civic uses is defined as excluding retail and commercial activities	Defer to hearing on planning maps Para 4.77
S474	Mary Leary	5	All consequential, additional or other amendments to the objectives, policies, rules and explanations and reasons, assessment matters, Planning maps and other provisions of the Proposed District Plan necessary to support the relief sought.	Defer to hearing on planning maps Para 4.77
S485	M A	9	That the proposed Business D Zone be included with the	Accept in part

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Wightman		amendments as discussed above	Para 4.61
S485	M A Wightman	10	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan. That may be required to give effect to this submission.	Accept in part Para 4.61
S569	Malcolm and Margaret McKay	9	Business Zone provisions should be amended to recognise the appropriateness of the submitter's land for a business zoning and, if necessary, include an outline development Plan in the appendices to achieve this. The provisions should recognise that the history of a site and its former use influence its suitability for business zoning (in this case, former use as a railway yard) as well as its ability to meet the needs of the community it serves and its proximity to a community centre.	Defer to hearing on the planning maps Para 4.62
S569	Malcolm and Margaret McKay	11	The Submitter seeks all consequential changes to the provisions of the Plan as may be necessary in order to achieve consistency with and give effect to the relief set out above and address the concerns raised	Defer to hearing on the planning maps Para 4.62
S601	KiwiRail	7	Noise Sensitive Activities in Close Proximity to the Railway Every noise sensitive activity or extensions to those activities. located within 40 metres of the closest railway track or where there is no track in place, 50 metres from the nearest boundary of the rail designation: shall be designed, sited and constructed to ensure	Reject Refer to report on Transport Para 4.79

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p>external noise will not exceed 40dBA Leg 24 hours. Within bedrooms external noise shall not exceed 35dBA Leg 24 hours.</p> <p>a. An acoustic design report prepared by a suitably qualified and experienced engineer shall be provided. demonstrating compliance with (this) Rule.</p> <p>b. Sound levels shall be measured in accordance with NZS 6801 :2008 Acoustics - Measurement of Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise, or any superseding codes of practice and/or standards.</p> <p>c. Vibration: Applicants should be aware that vibration within this area may cause annoyance and possibly damage to buildings. Vibration is very site specific and applicants are advised to undertake a vibration assessment to determine whether it will be an issue for their particular development</p> <p>An alternative relief would be a variant of the wording as expressed in Site Standards 4.9.18 Reverse Sensitivity, but applying to rail and containing the clauses above; or similar.</p>	
S240	Silver Fern Farms	47	Modification to Site Standard 5.9.1 to include exemption of chimney stacks or a modification to the s17 definition of 'building' to exclude chimney stacks	Reject Para 4.63

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S280	Holmslee Enterprises Limited	3	That Rule 5.9.1 be amended so that the maximum height of buildings within the Business E Zone be 10 metres throughout the Zone but if not throughout the Zone, then at least for the land within Area 1 of the Zone. Any consequential or alternative relief which better gives effect to the issues raised.	Defer to report on the Ashburton Business Estate Para 4.81
S280	Holmslee Enterprises Limited	7	Any consequential or alternative relief which better gives effect to the issues raised	Defer to report on the Ashburton Business Estate Para 4.81
S332	Clearwater Trust	2	We ask that the area from the southern buffer zone to the immediate new road be left as is (10m height limit).	Defer to report on the Ashburton Business Estate Para 4.82
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Defer to report on the Ashburton Business Estate</i>
S398	Rural Transport Limited	2	That permitted height limit in the Business B Zone be increased to 12 metre	Reject Para 4.83

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Oppose</i>	<i>Accept</i>
S493	Millar Properties Ashburton Limited	2	We oppose the proposed 10m height limit in the Business C Zone but we request consideration for an increase in height to 12 metres	Reject Para 4.84
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Oppose</i>	<i>Accept</i>
S256	Walker Food Market	2	No setback to apply to the submitter's site	Reject Para 4.85
S263	Rakaia Engineering and Contracting Limited	1	That Rule 5.9.2 be amended in respect of Business E Zone to specify that the minimum setback of any building from road boundary shall be only in relation to those road boundaries which adjoin residential zones.	Reject Para 4.86
S384	Louisa and Gerald McAslan	1	As the boundary is not in a straight line, the minimum distance between residential area and proposed light industrial needs to be 20m at any point.	Accept Paras 4.87 and 4.88
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Oppose</i>	<i>Reject</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S240	Silver Fern Farms	48	It would seem appropriate to change the site coverage from 75% to 100% by rewording Table 5-5 to read, or something similar: '75% of net site area <u>is recommended, but 100% is provided for.</u>	Reject Para 4.89
S263	Rakaia Engineering and Contracting Limited	2	A site specific exemption in relation to site coverage on the submitter's land (as highlighted on map attached to submission).	Reject Para 4.90, 4.91 and 4.92
S240	Silver Fern Farms	49	Amend Rule 5.9.8 to add or approve alternative Plantings or similar.	Reject Para 4.93
S243	David and Claire Stevens	3	Creek Road shops be rezoned to Business C to enable our services to continue to provide for our clients, and landscaping requirements amended.	Defer to report on the planning maps Para 4.94
S256	Walker Food Market	3	No requirement for landscaping along frontage	Reject Para 4.95
S263	Rakaia Engineering and Contracting	3	That rule 5.9.8 be amended to specify that a landscaped area of a minimum width, as specified below, shall be established along all road boundaries adjoining residential zones: 3m in the Business E Zone.	Reject Para 4.96

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Limited			
F51	Gilluke Holdings Limited		Support	Reject
S275	Gilluke Holdings Limited	2	That Rule 5.9.8 be amended to read 'a landscaped area of a minimum width, as specified below, shall be established along all road boundaries <u>adjoining a residential zone</u> '.	Reject Para 4.96
F40	Rakaia Engineering and Contracting Limited		Support	Reject
S384	Louisa and Gerald McAslan	2	Require a buffer zone of minimum 5m of substantial trees and Plantings to mask proposed light industrial area and to filter dust, noise and any air pollution.	Accept in part Para 4.97
F46	Matthew and Hilary Lovett		Support	Accept in part
S485	M A Wightman	7	I do not oppose the concept of the landscaping and trees in site standard 5.9.8, however I do oppose the 20m amenity setback. I seek that this be reduced to a lesser distance.	Reject Paras 4.98 and 4.99

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S558	Midland Properties Ltd	1	<p>That Site Standard 5.9.10 (a) is amended so it reflects a 4m minimum building setback from waterways.</p> <p>The relief sought could be achieved by replacing Site Standard 5.9.10 (a) with Rule 7.7.5.1.15 from the Operative District Plan, so it reads:</p> <p>a) All buildings shall be setback a minimum distance of 100m from the centre line of any stopbank or waterway.</p> <p>This standard shall not apply toor setback from Mill Creek within the Ashburton urban area which should be 4m.</p> <p>There may however, be other methods of achieving the stated relief.</p>	Accept Paras 4.100, 4.101, 4.102 and 4.103
S169	Lynette Nancy Eddington	2	That the hours set out in Section 5.9.13 be set on a case by case basis	Reject Paras 4.104, 4.105, 4.106 and 4.107
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept</i>
<i>F51</i>	<i>Gilluke Holdings</i>		<i>Support</i>	<i>Accept</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	<i>Limited</i>			
S181	Gary Campbell and Lynette Nancy Eddington	2	That the hours set out in Section 5.9.13 be set on a case by case basis	Reject Paras 4.104, 4.105, 4.106 and 4.107
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept</i>
<i>F51</i>	<i>Gilluke Holdings Limited</i>		<i>Support</i>	<i>Accept</i>
S240	Silver Fern Farms	51	It would seem appropriate to redefine the term 'adjoining' in s17 to provide for where two sites are separated by a road, they are not considered to be adjoining (as per note in 5.9.9).	Accept in part Paras 4.108 and 4.109
S256	Walker Food Market	4	To retain ability to continue trading and selling liquor.	Accept Para 4.110
S275	Gilluke Holdings Limited	4	That Rule 5.9.13 be extended to allow 'healthcare services' to be included as an activity able to operate outside the hours specified within that rule.	Reject Paras 4.111, 4.112 and 4.113

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S375	Donald George McCleod	2	Declare specific areas of the District discretionary or restricted land use with respect to liquor licensing.	Submission withdrawn
S240	Silver Fern Farms	52	Delete 5.9.14a as it would seem appropriate to include all of Silver Fern Farms activities into the Business F Zone, and to make provision for these through the Outline Development Plans	Defer to special hearing Para 4.116
<i>F71</i>	<i>Electricity Ashburton</i>		<i>Oppose</i>	<i>Defer to special hearing</i>
S492	Elsiff Family Holdings Ltd	2	Amend Site Standard 5.9.15 Residential and Visitor Accommodation Activities as follows: Under rule (c) a standard saying the following could assist; 4.1174.118d) Except that the site at 1 Archibald Street (State Highway 1) being Lot 8 DP 334485 shall be exempt from site standard (b) above.	Defer to hearing on Planning Maps Para 4.117 and 4.118
S325	Londale Developments Limited	6	Londale Development Limited ¹⁷⁵ : Amend Rule 5.10.1 to provide up to half the total number of commercial tenancies within any site zoned Business B to be less than 500m ² , or Such other alternative amendment which enables a more flexible approach in the	Accept in part Paras 4.119 to 4.122

¹⁷⁵ Submission 325, point 6

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			Business B Zone which meets the concerns of Londale Development Limited	
F36	Smith and Church Appliances Limited		Support	Accept in part
F65	Ashburton Licensing Trust		Support	Accept in part
F44	New Zealand Transport Agency		Oppose	Accept in part
S325	Londale Developments Limited	7	<p>Amend Rule 5.10.1 to provide for retail activities that do not comply with the minimum gross floor area provision to be assessed as restricted discretionary activities (instead of non-complying) with Council's restriction limited to: The extent to which the activity will adversely affect the functioning, integrity, convenience and viability of the Business A Zone;</p> <p>The extent to which the proposed activity will result in the fragmentation of retailing activities;</p> <p>The ability of existing infrastructure such as public car parking to</p>	Accept in part Paras 4.119 to 4.122

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p>provide for the proposed activity; and</p> <p>The extent to which the activity will adversely affect pedestrian safety; and</p> <p>The extent to which the activity will adversely affect the safety and function of the road network including State Highway 1.</p> <p>Or provide similar/alternative rewording which satisfies the concerns of Londale Development Limited.</p>	
<i>F36</i>	<i>Smith and Church Appliances Limited</i>		<i>Support</i>	<i>Accept in part</i>
<i>F65</i>	<i>Ashburton Licensing Trust</i>		<i>Support</i>	<i>Accept in part</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>
S19	Foodstuffs South Island	2	That the existing Four Square business operating at Methven be able to extend its retail floor areas as a controlled activity which	Accept in part

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Limited		shall not require written consents or notification to a maximum of 1200m2 gross	Paras 4.119 to 4.122
S19	Foodstuffs South Island Limited	3	That a Four Square grocery store be permitted to have a floor area of up to 1200m2 within the Business A Zone of the Methven Township.	Accept in part Paras 4.119 to 4.122
S169	Lynette Nancy Eddington	4	That a Four Square grocery store be permitted to have a floor area of up to 1200m2 within the Business A Zone of the Methven Township.	Accept in part Paras 4.119 to 4.122
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept in part</i>
S181	Gary Campbell and Lynette Nancy Eddington	4	That a Four Square grocery store be permitted to have a floor area of up to 1200m2 within the Business A Zone of the Methven Township.	Accept in part Paras 4.119 to 4.122
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S91	Clark McLeod	8	Rule 5.10.1 limits development and will detract from the town centre. No limit on maximum floor area.	Accept in part Paras 4.119 to 4.122
<i>F44</i>	<i>NZTA</i>		<i>Oppose</i>	<i>Accept in part</i>
S163	Rachael Ann Eddington	1	The existing Four Square be able to extends its floor space as a controlled activity which shall not require written consents or notification to a maximum of 1200m2 gross floor space.	Accept in part Paras 4.119 to 4.122
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept in part</i>
S169	Lynette Nancy Eddington	3	The existing Four Square be able to extends its floor space as a controlled activity which shall not require written consents or notification to a maximum of 1200m2 gross floor space.	Accept in part Paras 4.119 to 4.122
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept in part</i>
S181	Gary Campbell and Lynette Nancy	3	The existing Four Square be able to extends its floor space as a controlled activity which shall not require written consents or notification to a maximum of 1200m2 gross floor space.	Accept in part Paras 4.119 to 4.122

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Eddington			
<i>F21</i>	<i>Foodstuffs South Island Limited</i>		<i>Support</i>	<i>Accept in part</i>
<i>S237</i>	<i>Barry James and Philip James Redmond</i>	<i>3</i>	<i>The maximum floor area in Business A should not be set at 300m2.</i>	<i>Accept in part Paras 4.119 to 4.122</i>
<i>F29</i>	<i>Alister and Alison Argyle</i>		<i>Oppose</i>	<i>Accept in part</i>
<i>F30</i>	<i>Chris and Dorothy Thomas</i>		<i>Oppose</i>	<i>Accept in part</i>
<i>F31</i>	<i>Ken and Heather Smith</i>		<i>Oppose</i>	<i>Accept in part</i>
<i>F32</i>	<i>Mary Leary</i>		<i>Oppose</i>	<i>Accept in part</i>
<i>F33</i>	<i>Martin Kane</i>		<i>Oppose</i>	<i>Accept in part</i>
<i>F58</i>	<i>Laurence and Merle Cooney</i>		<i>Oppose</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S240	Silver Fern Farms	33	It would seem appropriate to limit the growth of these sale activities from the Business E area neighbouring Business F Zones.	Accept Para 4.123
S267	W Newland and Co Limited	2	In the alternative, if the Council is unwilling to rezone the property to Business D Zone, then the submitter seeks that 5.10.1 (a) relating to the Business C Zone allow an exception that reads: except that this limitation shall not apply to: vehicle and <u>vehicle part sales and maintenance</u> and other outdoor display and sales.	Accept in part Para 4.125
S267	W Newland and Co Limited	3	In the alternative if the Council is unwilling to extend this definition then the submitter seeks that Rule 5.10.1(a) be amended so that the maximum gross floor area of any commercial unit shall not exceed 1000m ²	Accept in part Paras 4.126, 4.127 and 4.128
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>
<i>F49</i>	<i>Allen and Diane McCormick</i>		<i>Support</i>	<i>Accept in part</i>
S286	AJ and DD McCormick	3	In the alternative, if the Council is unwilling to alter this zoning then the submitter seeks that Rule 5.10.1 (a) be amended so that the maximum gross floor area of any commercial unit shall not exceed 1000m ²	Accept in part Paras 4.126, 4.127 and 4.128
<i>F54</i>	<i>W Newlands and Co</i>		<i>Support</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	<i>Limited</i>			
S398	Rural Transport Limited	3	That the Business B Zone Commercial and Retail floorspace standards be provided for as proposed.	Accept in part Paras 4.126, 4.127 and 4.128
S493	Millar Properties Ashburton Limited	1	We do not oppose the Business C zoning of our land on South Street and Dobson Street, Ashburton but request consideration be given to amending the commercial activities and retail floor space zone standards and height standard or a Business B Zone be considered such that larger buildings could be erected and/or expanded.	Accept Paras 4.129, 4.130, 4.131 and 4.132
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept in part</i>
<i>F44</i>	<i>New Zealand Transport Agency</i>		<i>Oppose</i>	<i>Accept in part</i>
S493	Millar Properties Ashburton Limited	3	Millar Properties Ashburton Limited ¹⁷⁶ : We oppose Rule 5.10.1 Commercial Activities and Retail Floor Space as it applies to the Business C Zone and request that either an increase in the maximum Gross Floor Area is provided for or consideration be	Accept Paras 4.129, 4.130, 4.131 and 4.132

¹⁷⁶ Submission 493, point 3

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			given to making this zone standard a site standard.	
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept</i>
<i>F49</i>	<i>Allen and Diane McCormick</i>		<i>Support</i>	<i>Accept</i>
<i>F54</i>	<i>W Newlands and Co Limited.</i>		<i>Support</i>	<i>Accept</i>
S493	Millar Properties Ashburton Limited	4	Millar Properties Ashburton Limited ¹⁷⁷ Alternatively, we seek that an increased GFA is applied to say 800m2 or similar or that an amendment to the rule is provided such that 500m2 GFA applies to retail floor space and the balance GFA of a building can consist of non-retail space, up to an area of coverage that does not exceed 75%.	Accept Paras 4.129, 4.130, 4.131 and 4.132
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept</i>
S557	Bradfords	10	We seek that no area restriction is imposed in Business A but if one	Reject

¹⁷⁷ Submission 493, point 4

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Management Limited		is imposed then the types of high traffic generating businesses need to be stated alongside supermarkets and service stations.	Paras 4.134, 4.135 and 4.136
<i>F29</i>	<i>Alister and Alison Argyle</i>		<i>Oppose</i>	<i>Accept</i>
<i>F30</i>	<i>Chris and Dorothy Thomas</i>		<i>Oppose</i>	<i>Accept</i>
<i>F31</i>	<i>Ken and Heather Smith</i>		<i>Oppose</i>	<i>Accept</i>
<i>F32</i>	<i>Mary Leary</i>		<i>Oppose</i>	<i>Accept</i>
<i>F33</i>	<i>Martin Kane</i>		<i>Oppose</i>	<i>Accept</i>
<i>F58</i>	<i>Laurence and Merle Cooney</i>		<i>Oppose</i>	<i>Accept</i>
S558	Midland Properties Ltd	2	That Zone Standard 5.10.1(a) be amended so that the Business C Zone has a <u>minimum</u> GFA of 500m2 applicable to individual retail tenancies; and That the rule be reworded to make it clear that the GFA minimums and maximums set out in Zone Standard 5.10.1(a) relate in individual 'retail tenancies' rather than individual 'commercial units'. There may however, be other methods of achieving the stated relief.	Accept Paras 4.129, 4.130, 4.131 and 4.132
<i>F44</i>	<i>New Zealand</i>		<i>Oppose</i>	<i>Reject</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	<i>Transport Agency</i>			
<i>F49</i>	<i>Allen and Diane McCormick</i>		<i>Support</i>	<i>Accept</i>
<i>F54</i>	<i>W Newlands and Co Limited</i>		<i>Support</i>	<i>Accept</i>
S582	New Zealand Transport Agency	13	Retain Zone Standard 5.10.1(a) as worded.	Accept in part Para 4.143
S608	Gabites Limited	5	Remove the 300m ² gross floor area maximum. If Council is unwilling to undertake this change, then the submission is for a site specific exemption from this limitation for the property at 96 Burnett Street.	Accept in part Paras 4.119 to 4.122
S609	Gabites Trustees Limited	5	Remove the 300m ² gross floor area maximum. If Council is unwilling to undertake this change, then the submission is for a site specific exemption from this limitation for the property at 96 Burnett Street.	Accept in part Paras 4.119 to 4.122
S532	Firth Industries	1	(a) Rule 5.10.3 Offensive Processes That any reference in the Proposed Ashburton District Plan identifying concrete product manufacturing (including concrete	Accept Para 4.137 to 4.142

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			batching activities) are no longer identified as an 'offensive process'. There may however, be other methods of achieving the desired relief.	
<i>F60</i>	<i>Allied Concrete Ltd</i>		<i>Support</i>	<i>Accept</i>
S582	New Zealand Transport Agency	13	Retain Zone Standards 5.10.4 (d) and (e) as worded.	Accept in part Para 4.143
S194	John and Heather Wellman	1	A meeting of householders is necessary with the Council to discuss the provisions for the Riverside Industrial Area.	Reject Para 4.145
S240	Silver Fern Farms	53	It would seem appropriate to include all of Silver Fern Farms activities into the Business F Zone, and to make provision for these through the Outline Development Plans	Defer to special hearing Para 4.146
<i>F71</i>	<i>Electricity Ashburton Limited</i>		<i>Oppose</i>	<i>Defer to special hearing</i>
S384	Louisa and Gerald McAslan	3	Restrictions are such that only low impact business/or industries are allowed close to residential areas, and hours of operation are	Accept in part Para 4.145

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			limited.	
<i>F46</i>	<i>Matthew and Hilary Lovett</i>		<i>Support</i>	<i>Accept in part</i>
S240	Silver Fern Farms	52	Delete 5.9.14a as it would seem appropriate to include all of Silver Fern Farms activities into the Business F Zone, and to make provision for these through the Outline Development Plans.	Defer to special hearing Para 4.146
<i>F71</i>	<i>Electricity Ashburton Limited</i>		<i>Oppose</i>	<i>Defer to special hearing</i>
S240	Silver Fern Farms	54	It would seem appropriate that an Outline Development Plan (Appendices 5-1D) be included in Section 5 Appendices.	Defer to special hearing Para 4.146
S607	ANZCO Foods Limited	1	Retain the provision for a zone specific to all activities associated with meat processing (Business F Zone) and the associated outline development Plan and site standards as drafted.	Accept Para 4.147
<i>F19</i>	<i>Silver Fern Farms</i>		<i>Support</i>	<i>Accept</i>
S639	Ashburton District	34	Replace reference to Rule 8 to Rule 5.9.8(c).	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARING REPORT 18
SECTION 5: BUSINESS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
	Council			Paras 4.148 and 4.149
S485	M A Wightman	8	I seek that Council factor into its decision making that following subdivision the Business D zoning will still exist relatively in the same location but with some adjustment to the allotment shape and instead of the site only having frontage to the unformed legal road, two road frontages will be provided.	Accept in part Paras 4.150 and 4.151
S485	M A Wightman	9	That the proposed Business D Zone be included with the amendments as discussed above	Accept in part Paras 4.150 and 4.151
S485	M A Wightman	10	Such further or other relief, including consequential or alternative amendments to these and other relevant provisions of the Proposed Ashburton District Plan. That may be required to give effect to this	Accept in part Paras 4.150 and 4.151

APPENDIX TWO: DISTRICT PLAN AMENDMENTS

The following amendments are recommended to be made to Section 5: Business. Proposed deletions are crossed through and proposed additions are underlined.

5.1.1 Ashburton

...

The Ashburton Business Estate (Business E Zone) is bounded by Northpark Road, Company Road, the Main South Railway Line and the Silver Fern Farms ~~Freezing Works~~ Meat Processing Plant, and provides 126 ha of business zoned land. The Estate provides for a broad range of service, commercial and industrial activities but limits the scale of retailing activities. This business estate is expected to provide sufficient industrial land to cater for Ashburton's needs for at least 10 years.

5.1.4 Other Business Areas

Small settlements such as Mt Somers, Hinds (Hekeao) and Mayfield (Te Puke Tai) also accommodate business activities. These are generally small businesses providing an essential service for surrounding residents or servicing visitors or travellers through the District. There are meat processing ~~works~~ facilities established at Fairton, Seafield and Bridge Street, Ashburton (Kapuka).

5.3 Zone Description

....

5.3.2 Business B

The Business B Zone provides for large-scale retail activities, sometimes called "big box" retail, which frequently require large areas of associated car-parking or outdoor space. These large-scale retailing activities are limited to single purpose stores to prevent the establishment of shopping malls limiting the potential for dispersal of retail activities and, therefore, any detracting from the role and function of the finer-grained Retail A Zone.

The Business B Zone is located close to the inner commercial area of Ashburton (Kapuka) and already contains a significant number of large-scale retailing activities. It has convenient road access from Moore Street (SH77) and surrounding local roads avoiding the need to connect directly to State Highway 1. The sites within the Zone are generally large with the ability to provide adequately for onsite vehicle-parking and loading.

This zone also provides for the establishment of supermarkets as the amenity values anticipated within the zone will be compatible with supermarket shopping. As shoppers are likely to travel by car to the supermarket and other large-scale retail outlets, it reduces pedestrian traffic crossing State Highway 1.

5.7.4 Building Coverage

....

Within the Business A Zone in ~~central Ashburton (Kapuka)~~ Ashburton Town Centre, 100% site coverage is provided for as the inner commercial area of Ashburton (Kapuka) is recognised as an area of intensive business activity. As there is no provision for setback from boundaries or the road and no requirement for onsite carparking, it is anticipated there will be a high level of building development. All other parts of the Business A Zone have a lower standard of site coverage because sites generally adjoin residential zones and this ensures that reasonable levels of open space are maintained consistent with the amenity values of the residential areas.

5.7.16 Commercial and Retail

....

“... The Business B Zone also provides for certain activities such as restaurant and take-away food outlets of less than 500m². These are able to cater for the needs of those working in these areas. Similarly outdoor display and vehicle orientated uses may also be smaller in size whilst preventing vehicle trips into central Ashburton (Kapuka) during lunch breaks. The reduced minimum floor area is not intended to provide for other service or retail activities such as video rental stores as these are better suited to the Business A Zone....”

Although principally focused on providing for larger format retail outlets, the Business B Zone does provide for a proportion of the retail outlets on any site to be of a smaller size. Similarly provision is made for vehicle sales, service stations and outdoor sales/display, as well as activities such as restaurant and take-away food outlets of less than 500m² floor area able to cater for the immediate needs of those working in these areas.

These exceptions are intended to balance enabling a degree of opportunity and flexibility with ensuring the retail and commercial focus of the Ashburton town centre is retained, while also still maintaining a predominance of large format outlets within the Business B Zone; moderating the extent to which land within the zone can be taken up by other smaller format stores; and managing the potential for conflict arising from the associated needs of large format stores for such things as outdoor sales/display, car parking, loading and vehicle accessibility, co-locating with premises that may be more pedestrian orientated and without those same requirements.

In doing so the overriding aim is to maintain the functioning, integrity, convenience and viability of the Business A Zone, and avoid the loss of the associated values to the community through the fragmentation of retailing activities in particular.”

5.8.2 Activities

The following summary table illustrates the status of activities within each of the Business Zones:

P = Permitted Activity (if all site and zone standards are met)

D = Discretionary Activity

N = Non-Complying Activity

n/a = Not Applicable

Table 6-1: Summary of Activity Status for Business Zones

Activity	Zone					
	A	B	C	D	E	F
Residential <u>Activity</u> (full)	P	P	P	D	N	N
Residential <u>Activity</u> (custodial or site management)	n/a	n/a	n/a	P	P	P

Activity	Zone					
	A	B	C	D	E	F
Home Occupations	P	P	P	D	N	N
Community facilities Activity	P	P	P	D	N	N
Visitor accommodation	P	P	P	D	N	N
Recreational Activities	P	P	P	D	D	N
Retail Activity (unlimited)	P	P	P	D	N	N
Retail Activity (manufactured or processed on the site)	n/a	n/a	n/a	P	P	P
Commercial Activity	P	P	P	P	D	N
Service Activity	D	D	P	P	P	N
Industrial Activity	N	N	D	P	P	N
Food and Produce Processing	N	N	N	N	D	P
Meat Processing Facility	N	N	N	N	N	P
Farming Activity (excluding intensive farming)	N	N	N	N	N	P
Intensive Farming-Livestock Management (Intensive Farming)	N	N	N	N	N	N
Forestry Activity	N	N	N	N	N	P
Mineral Extraction	N	N	N	N	N	D
Shooting Ranges, including but not restricted to rifles, shotguns and handguns.	N	N	D	D	D	D

Note:

- Any permitted activity that does not meet site standards = restricted discretionary
- Any activity that does not meet zone standards = non-complying
- Any access in Business E from Tait's Road = prohibited

5.9.1 Height of Buildings

...

Note: For the purposes of this rule, the Ashburton Town Centre is the area bound by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.

5.9.4 Building Coverage

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Note: For the purposes of this rule, the Ashburton Town Centre is the area bound by Oak Grove, Walnut Avenue, Chalmers Avenue and State Highway 77/Kermode Street.

5.9.9 Amenity

.....

Note: For the purposes of this rule ONLY, ~~W~~where two sites are separated by a road, they are not considered to be adjoining.

5.9.10 Setback from Stopbanks and Waterways

a) All buildings shall be set back a minimum distance of 100m from the centre line of any stopbank ~~or waterway~~ (refer to diagram in Appendix 3-1).

b) Where there is no stopbank, all buildings shall be set back a minimum distance of 4m from the bank of any waterway, measured at its mean annual flow.

This standard shall not apply to:

.....

5.9.11 Design and Appearance

a) In the Business E Zone at Ashburton Business Estate as shown on the Outline Development Plan in Appendix 5-2A, the following shall apply:

- All building surfaces visible within 50m from the boundary of the buffer, as defined on for the Business E Zone, shall be finished in colours from the following British Standard colour palette range:
 - BS 00A13, BS 4-050, BS 12B23, BS 12B21, BS 12B19, BS 10B23, BS 10B19, BS 16A07, BS 18B19, BS 10A05
- All buildings and additions or alterations to existing buildings within Area 1 shall be constructed in accordance with the Ashburton Business Estate Design Guidelines, Appendix 5-2B.

5.10.1 Commercial Activities and Retail Floor space

a) ~~Retail sales~~ Commercial Activities shall comply with the following limitations in the following zones:

- Business A:

The maximum gross floor area of any individual commercial unit shall not exceed 300m², except that the following activities shall not be permitted within the Zone:

- Supermarkets
- Service stations

- Business B:

Retail display and sales shall be limited to single retail outlets each with a minimum gross floor area of 500m² located within buildings, except that up to 50% of the total number of retail outlets within any site may have a gross floor area of less than 500m²,

~~except that this~~ The 500m² gross floor area limitation however shall not apply to:

- service stations for which any indoor retail floor area shall not exceed 150m² in area;
- restaurants and take-away food outlets;

- vehicle sales and other outdoor display and sales.

- Business C:

The maximum gross floor area of any individual commercial unit shall not exceed 500m², except that this limitation shall not apply to:

- service stations for which any indoor retail floor area shall not exceed 150m² in area;
- vehicle sales and other outdoor display and sales.

- Business D and E:

Retail display and sales shall be limited to single retail outlets selling goods produced or processed on the site and may include only ancillary products to goods produced or processed on the site, each with a minimum gross floor area of 150m² located within buildings,

except that this limitation shall not apply to:

- Restaurant and food takeaway outlets;
- Outdoor display and sales including vehicle and machinery sales;
- The display and sale of livestock and the sale of refreshments to persons attending sales events at the Ashburton Saleyards (Lot 2 DP 46305 and Pt RS 20425 Blk IV Hinds (Hekeao) SD).

- Business F:

Retail display and sales shall be limited to the sale of goods processed or manufactured on site.

5.10.3 Offensive Processes

a) No activity involving the following processes shall be undertaken within a Business A, B, C or D Zone, or within Area 1 of the Business Estate (Business E Zone):

.....

- cement and concrete products manufacture;

.....

Appendices

Amend the Outline Development Plans in Appendix D and E to refer to Rule 5.9.8c) instead of Rule 8.