

Ashburton District Plan

Plan Change 4 – Commercial Activity Distribution



Ashburton District Plan

28 August 2020



Planz Consultants

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Plan Change 4 Prepared By:

Planz Consultants Ltd, 124 Peterborough Street, PO Box 1845, Christchurch 8140,
www.planzconsultants.co.nz

A handwritten signature in blue ink, appearing to read "Matt Bonis", with a stylized flourish underneath.

Matt Bonis

DDI: 021796670

E: matt@planzconsultants.co.nz

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1 Introduction and Scope

1.1 Context

1. The Business provisions in the Ashburton District Plan (**the Plan**) seek to address the resource management issues relating to the distribution of retail and commercial activities in the District.
2. The spatial distribution (or location) of commercial activities (being retail activities, commercial services, and offices) and associated buildings, carparking and the attraction of that agglomeration of activities and resources to shoppers and employees is associated with significant physical resources, economic and social wellbeing, and is also intertwined with infrastructure and investment.
3. Put simply, the concentration of retail (shops) and commerce (office and services) in a centralised manner within the district provides certainty as to future investment, the co-location of public facilities and the movement of people.
4. The town centre (Business A) zones particularly of Ashburton and Methven represent generations of public and private investment into resources such as shops, offices, civic facilities (such as the new library), bars and cafes, and shared assets such as carparking and town centre amenity improvements.
5. The arrangement of these activities in a consolidated way increases efficiencies and productivity. For example:
 - a. the ability to undertake multiple shopping visits based on one vehicle trip,
 - b. proximate access to the office lawyer or commercial printer, or
 - c. increased social connections through the ability to meet with friends at a central café or the movie theatre, or informally as people pass in the street.
6. Consolidated commercial centres also provide substantial benefits for provincial districts. They provide a shared sense of community identity. In many instances, Town Centres provide a shared legacy between generations. In urban planning terms a centralised consolidated centre can help in terms of reducing vehicle trips, moving towards a public transport system, and the basis for increasing household densities closer to the centre.
7. However, commercial centres also face challenges. Changing markets and the move towards e-commerce can reduce investment. Commercial activities located some distance from commercial centres can increase vehicle trips, making shopping more inefficient and reducing ongoing investment and certainty in a centre. A declining population base, or reduction in disposable income can reduce spending and reduce profit margins. A declining state of how a centre looks, both in terms of the shops and offices themselves, and poorly configured layouts or fragmented shops can mean that contemporary retail and service demands are not being met, requiring the local population to shop in bigger centres outside of the district to meet their needs.
8. The Ashburton District Council (**the Council**) has a statutory duty under the Resource Management Act 1991 (**the Act**) to ensure that the District Plan provides for the integrated management of the natural and physical resources of the District. The District's commercial centres, particularly Ashburton town centre represents such a physical resource.

9. The Council can intervene in the distribution of commercial and retail activities. It does this through its District Plan, principally by way of defining zoning to accommodate such activities and their resultant effects (i.e. managing noise from bars operating in the evening). Specific rules, then enable business activities both within and beyond these zones to varying degrees. The approach to intervention can range from very liberal (allowing the market determine outcomes) to very conservative (highly regulated through the district plan).

1.2 The Issues

10. A recent report by Property Economics Ltd (2019)¹ (**PEL Report**) on the Ashburton Town Centre has highlighted a number of systemic issues.
11. These include the extent to which retail developments in Ashburton have occurred in zones outside the Town Centre (Figure 1) dispersing reinvestment and resulting in the aging nature of buildings, a reduction in contemporary fit-out, and a narrowed format of retail offer in the Town Centre (Figure 2).
12. Consequently, the Town Centre now contains a number of vacant retail stores (some 3,600m² of floor area), with a large number of older retail buildings in the centre at the end of their economic life and in need of repair, investment and upgrade (Figure 2). There are also sites that are not intensively used, or in the process of seeking reinvestment or development (Figure 3).
13. In addition, the fundamentals of the existing Business A (Town Centre) is highly dependent on commercial (office) employees, with retail employees represented in the Town Centre decreasing year on year since 2006, with some 230 less retail employees represented in the Town Centre between 2006 to 2018² largely as coinciding with the formation of the Business B zone (Figure 5). Fundamentally, the Town Centre zone is not achieving its purpose, nor providing for the social and economic benefits of the surrounding community.
14. These issues demonstrates the need to consolidate retail and office employment in the Ashburton town centre (Figure 4).



Figure 1: Countdown, South Street – Zoned Business D Figure 2: M&T Building (1874) – Burnett Street

¹ Property Economics Ltd (2019) Ashburton Centre Zoning Economic Assessment.

² Property Economics Ltd (2019) Ashburton Centre Zoning Economic Assessment [Table 3]



Figure 3: Cass Street - Eastfield Precinct. Zoned Business A



Figure 4: Office development – Queen Dr / State Highway 1: Zoned Residential C

15. The PEL report identifies that the Ashburton Business A zone (the Town Centre) has a developable land area of some 19.3ha, with significant redevelopment potential to accommodate increases in household spending on retail, and employment in commercial offices over the next 20 years.
16. The concern is that without redirecting investment back into the Town Centre, the current trends will continue. Leading to a hollowing out of the Town Centre, with a decreased offer, a lower employment density and reduced amenity.

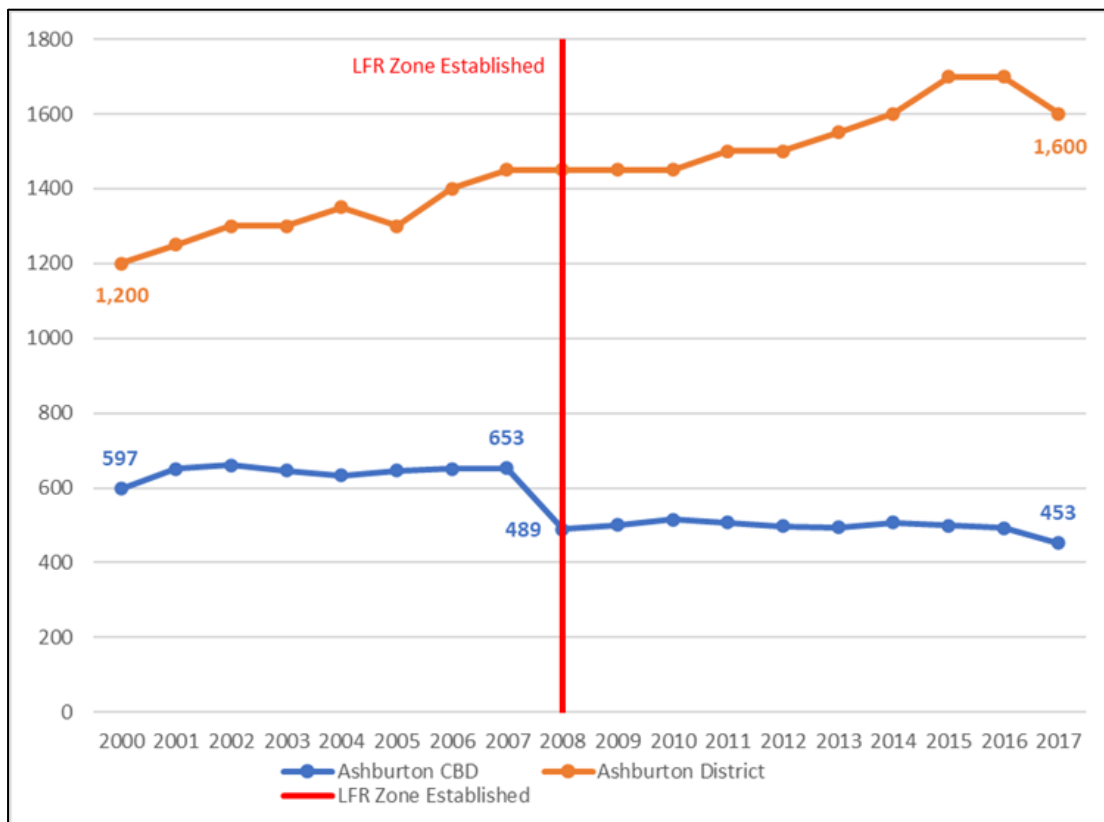


Figure 5: District Retail employment 2000 - 2017

17. The District Plan identifies that the inner commercial areas of Ashburton and Methven are *'the focal points for broad range of commercial, professional and administrative activities in these towns, particularly their comparison or "browsing" and retailing functions'* and that the function, integrity, convenience and viability of the inner commercial areas in to be maintained and enhanced³. However, recent developments and consents, including the proposed Kmart on South Street demonstrate that achieving the District Plan's aim of consolidating the Town Centre is not occurring.
18. The Council itself recognises the importance of the Town Centre to its district and is investing some \$51.6million in a new Civic facility and library building on Havelock Street. The new Eastfield development once completed will also act as an anchor in the middle of the Ashburton Town Centre.
19. There are several variables that are to be considered in terms of whether the District Plan approach to managing retail and commercial development is best aligned to ensuring certainty and reinvestment opportunities are focused on the Town Centre. These also need to be considered against a wider canvass that recognises that:
 - a. Inappropriately restricting market decisions can reduce appropriate competition, and ultimately reduce the way in which the District's residents have access to retail goods, services and employment.
 - b. Regulatory intervention provides certainty as to where investment should be funnelled, however growth in investment is a broader function of household and population growth (consumer spending and employment) in a district.
 - c. Redevelopment opportunities can be hampered by fragmented ownership and titles, existing commercial stock and condition.
20. In terms of the growth outlook for the District, and the nature of the existing Town Centre, the following is noted from the PEL(2019) report:
 - a. Statistics New Zealand have forecast a modest amount of growth for the District; that is, a reasonable extent of growth in population and households can be expected over the next 20 years. This results in increased consumer spending, as well as increases in employment in sectors such as retail and commercial office.
 - b. Expenditure leakage (that is the amount spent by people that live in the district on retail outside of the district) is in the order of some 33%, with net leakage (that is expenditure outside of the district minus in-flows of expenditure from outside the district) is -10%⁴. This provides opportunities for increased provision and diversity of retail activities in Ashburton to recover some of that expenditure lost to other districts.
 - c. The Business A zone (Town Centre) is both fragmented in ownership, is in places inefficiently utilised and contains a substantial amount of building stock that is in need of reinvestment.

³ District Plan Objective 5.1, Policy 5.1A and explanations.

⁴ Figure 8. Property Economics 2019.

- d. The Ashburton Town Centre Business A zone has some 3,600m² of vacant stores, and also contains a substantial proportion of 'Other Goods Retailing', the long term retention of which provides opportunity costs for retail, commercial services and office activities that would otherwise enhance Town Centre vitality and viability.
- e. The Ashburton Town Centre Business A zoned capacity of 19.3ha is sufficient to accommodate forecast commercial service and professional activities through 2048.
- f. Over 56% of the scale of floor areas within the Ashburton Town Centre Business A zone exceeds 500 square metres⁵, despite rules in the District Plan seeking to preclude retail activities exceeding 500m².
- g. There are a substantial number of 'trade' related activities in the Business A zone. The ability to transfer these activities to more Industrial locations (the Business C and D zones) could free up substantial areas of land for more community-based retail and commercial activities in the Town Centre.

1.3 The Purpose of this Report

- 21. This report considers amendments to the District Plan to reinforce the Business A zone and in particular the primacy of the Ashburton Town Centre.
- 22. Regulatory intervention in and of itself is not a silver bullet; Council initiatives (such as the Civic facility), private investment, and overall district growth will all have critical roles to play in terms of enhancing the primacy of the Ashburton Town Centre.
- 23. This report, and accompanying Section 32 assessment and proposed provisions sets out the rationale for proposed amendments to the Ashburton District Plan so as to provide greater certainty as to the primacy to be afforded to the Ashburton Town Centre (Business A zone).
- 24. The package is to:
 - a. Enable appropriate retail and commercial activities in the Business zones.
 - b. Discourage or otherwise manage the adverse effects of unanticipated retail and office activities in the Business B, C and D zones where these would impact on the long term viability and vitality of the Town Centre.
- 25. In terms of scope, this report is primarily focused on the spatial management of retail and commercial activities within the Business zones of the District. It does not extend into considering matters associated with zoning, urban design or interface issues. Suggestions are made as to tightening policy within the Residential zones to be more directive as to avoiding the provision of commercial office (not home occupation) activities.
- 26. This report also takes into consideration the 'activity based' structure as set out in the requirements of the National Planning Standards Framework. In particular, that framework sets out mandated definitions that are to be used in all District Plans in the country. Specifically, this has implications for retail activities and commercial activities as referred to and used in the Plan.

⁵ Table 8. Property Economics 2019.

2 Statutory Framework

2.1 The Resource Management Act

27. The mandatory requirements in terms of establishing District Plan provisions has been well versed in case law, including *Long Bay-Okura Great Parks Society Incorporated vs North Shore City Council* (Decision A 078/2008), amended in the *High Country Rosehip Orchards Ltd and Ors v Mackenzie DC* ([2011] NZEnvC387) to reflect changes made by the Resource Management Amendment Act 2005, and also *Colonial Vineyard vs Marlborough District Council*⁶

A. General Requirements

1. A district plan should be designed to accord with and assist the territorial authority to *carry out* its functions so as to achieve, the purpose of the Act.
2. When preparing its district plan the territorial authority must *give effect* to any national policy statement or New Zealand Coastal Policy Statement.
3. When preparing its district plan the territorial authority shall:
 - a. *Have regard to* any proposed required policy statement;
 - b. *Give effect to* any operative regional policy statement;
 - c. *have regard to* the extent to which the plan needs to be consistent with the plans of adjacent territorial authorities.
4. The Supreme Court (referring the Environment Court in *Clevedon Cares vs Manukau City Council* has stated that '*give effect to* is a strong directive, creating a firm obligation on those subject to it.

In relation to regional plans.

- a. the district plan must *not be inconsistent with* an operative regional plan for any matter specified in s30(1) [or a water conservation order]; and
 - b. *Must have regard to* any proposed regional plan on any matter of regional significance etc.;
5. When preparing its district plan the territorial authority must also;
 - a. *Have regard to* any relevant management plans and strategies under other Acts, and and to consistency with plans and proposed plans of adjacent territorial authorities;
 - b. *Take into account* any relevant planning document recognised by an iwi authority; and
 - c. *Not to have regard to* trade competition;
6. The district plan must be prepared *in accordance* with any regulation and any direction given by the Minister for the Environment.

⁶ [204] NZEnvC, 55, at paragraph [17]

7. The requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.
 - B. Objectives (the section 32 test for objectives)
 8. Each proposed objective in a district plan is *to be evaluated* to the extent to which it is the most appropriate way to achieve the purpose of the Act.
 - C. Policies and methods (including rules / zone boundaries) (the section 32 test for policies and rules).
 9. The policies are to *implement* the objectives, and the rules (if any) are to *implement* the policies.
 10. Each proposed policy or method (including each rule) is to be examined, as to whether it is the most appropriate method for achieving the objectives of the district plan by:
 - a. *Identifying* other reasonably practicable options for achieving the objectives:
 - b. *Assessing the efficiency and effectiveness* of the provisions in achieving the objectives, including:
 - i. Identifying, assessing and quantifying (where practicable) the benefits and costs of the environmental, social and cultural effects anticipated from the implementation of the provisions, including opportunities for economic growth and employment; and
 - ii. Assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
 - iii. If a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.
 - D. Rules
 11. In making a rule the territorial authority must *have regard to* the actual or potential effect of activities on the environment.
 12. There are special provisions for rules about contaminated land.
 13. There must be no blanket rules about felling of trees in any urban environment.
 - E. Other statutes
 14. Territorial authorities may be required to comply with other statutes.
28. A **summary** of the statutory framework is:

- (a) Provisions in the District Plan are to assist the Ashburton District Council in undertaking its functions for giving effect to the Act⁷. One function being the integrated management of the use, development and protection of land and associated natural and physical resources of the Ashburton District. As identified, an important physical resource is the buildings and supporting infrastructure that represents the Town Centre (Business A zone).

That function is fulfilled by objectives, policies and methods to be established within the District Plan. Another function for the District Plan to serve is the control of the effects of the use, development and protection of land.

- (b) The preparation of the District Plan is to be undertaken in accordance with the provisions of Part 2, and any applicable regulations⁸.
- (c) The approach needs to align with the Council's functions under the Act and other relevant instruments.
- a. That processes (and provisions that drive processes) are timely, efficient and cost effective and proportionate to the functions being performed, and that plan drafting is clear and concise (Section 18A); and
 - b. When reaching a conclusion as to which provision is the '*most appropriate*' the requirements of s32, having regard to the efficiency and effectiveness of the provision is to be considered.

2.2 Land use Intervention (Section 5 and Section 31)

29. The Ashburton District Plan regulates the location of activities within the district. For example, it controls the extent of small residential subdivisions occurring in rural areas; the establishment of noxious industrial plants developing in residential areas or next to schools; and the location of where commercial businesses operate to centralise shared community resources such as libraries, civic facilities, and public car parks.
30. The District Plan seeks to manage the distribution of activities on the basis that managing the location of these activities can ensure:
- a. that they are efficiently serviced by necessary infrastructure (sewer, water and roads);
 - b. incompatible activities are kept apart, or buffered by less sensitive activities;
 - c. a compatible and coherent amenity is developed over time;
 - d. investment in existing built form (buildings, the transport network and services) is maintained and strengthened.
31. The rationale for good urban planning is not based solely on the basis that 'appropriate' urban forms exist to help secure the outcomes identified above, or manage direct environmental effects from one activity onto another. The converse is also important, that where the Council

⁷ Section 74(1) and s32

⁸ Section 75

does not to manage the distribution of activities, the resulting land use patterns are likely to produce a wide range of adverse environmental effects.

32. The District Plan intervenes in the distribution of business (commercial and industrial) activities through the establishment of Business Zones A, B, C, D, E and F. These zones provide for a spectrum of retail and industrial activities, with public commerce more enabled at Zones A and B and more industrialised activities to be focused in zones D, E and F. Rules in the District Plan enable business activities within and beyond these zones to varying degrees.
33. The approach to District Plan intervention in terms of commercial distribution can range from relatively liberal to very conservative.
34. The basis for intervention of the distribution of business activities is no different to that applied to residential growth in achieving the wider backdrop of strategic urban / rural development. Councils, including the Canterbury Regional Council in directing the Ashburton District Council (through its Regional Policy Statement), have signalled the need to restrict the spread of residential development (via existing urban boundaries) because the cost of allowing dispersal would be significant, and the costs are not always considered by the market.
35. Such costs include increased infrastructure costs, reduced transport efficiencies and increased emissions, and wider planning initiatives such as improving the liveability and amenity of exiting urban environments and improving the efficiency and intensification of land use. Individuals in the market do not always consider the costs of their decisions on the wider community or the region.
36. The basis of land use control for business activities stems from the Resource Management Act 1991. The following sections are considered most relevant in providing direction, being those that more specifically relate to the use and development of physical resources:

Section 5: Purpose

(1) ...

(2) *In this Act, **sustainable management** means managing the use, development, and protection of ... physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

(a) sustaining the potential of ... physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) ...

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 7: Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (i) *the effects of climate change:*

Section 31: specifically the ‘*establishment ... of objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated ... physical resources...*’.

It is also important to bear in mind the Act’s definitions of:

- ‘*Environment*’ (which includes people, communities, physical resources, amenity values, and social and economic conditions’ (Section 2).
- ‘*Effect*’ (which includes adverse, future, and cumulative effects – Section 3.
- ‘*Amenity values*’ (Section 2).
- ‘*natural and physical resources*’ (which includes all structures - Section 2).

37. The concept of ‘enablement’ is a key tenet under the Resource Management Act.
38. In terms of retail and commercial distribution, this has both enabling and disabling consequences. People’s wellbeing may be enabled by an increase in retail expansion in the district, and Ashburton township in particular; equally there may be a consequential cost associated with such an approach if the existing Ashburton town centre as relied on by the community continues to decline; especially given the need for additional earthquake strengthening of existing buildings, and the still to be played out consequences of the Covid-19 outbreak which will have implication as to ongoing investment certainty.
39. There is a need to balance ‘market’ desires with wider community needs to ensure that retail and commercial development provides for the biggest community wins, in an environmental and economic sense for the district. Such an approach, as outlined in the discussion below does not support a continuation of the dispersal of retail and commercial activity at the expense of ongoing investment in the Ashburton Town Centre.
40. The Council’s role is to determine and justify through this process (and associated Plan Change and Section 32 analysis) the degree to which it should be managing the *enabling* purpose of the Act, including the way or rate that business activities are provided for, whilst achieving the matters in Section 5(2), including the need to avoid, remedy or mitigate adverse effects through district plan provisions that manage –
 - a. The distribution of retail and commercial activity throughout the district (especially the extent of retail and commercial activity within the Business B, C and D zones);
 - b. The status and scale of specific Business zones (reflecting the terminology as applied through the National Planning Standards)⁹;

⁹ Ministry for the Environment. National Planning Standards. 2019. Section 8 - Table 13: Zone Names and Descriptions

- c. The spectrum of effects associated with specific retail and commercial activities (reflecting the terminology as applied through the National Planning Standards)¹⁰;
 - d. Providing for, and managing the effects of retail and commercial activities within the Business B (large format retail), Business C, Business D (light industry), Business E (heavy industry) and Business F (processing) zones.
41. Positively for Ashburton, population growth is forecast¹¹ by some 5,800 residents over the next two decades from an estimated 34,700 (2018) to 40,500 (2038). Importantly new households (which drives consumer spending) is expected to increase by 2,700 homes over the same period (from 13,800 (2018) to 16,500 (2038))¹². This growth drives a commensurate demand in business opportunities and employees (and associated activity, transport generation and effects).

2.3 District Plan is to assist the Council to carry out its functions (s72)

42. Section 72 of the Resource Management Act states:

“the purpose of the preparation, implementation and administration of district plans is to assist territorial authorities to achieve the purpose of this Act.”

43. The relevant questions in terms of the Council’s functions in relation to the form, spatial distribution and amenity associated with retail and commercial activities in the district are therefore:
- (a) Are controls necessary and appropriate to achieve integrated management of the use, development and protection of land and associated natural and physical resources of the district; and
 - (b) Are resultant provisions (objectives, policies and rules (including zones)) appropriate to manage any actual or potential effects of the use, development of protection of land¹³.
44. Case law with regard to commercial activities have upheld that District Plans can manage the location, form and intensity of business activities to ensure wider integrated urban form. The following is noted:
- (a) **Councils can intervene to protect physical resources.** References in the RMA restricting the ability to consider trade competition are subservient to the overall thrust of the RMA as set out in Part II and in particular s5. Thus, if trade competition should reach such a ‘significant’ stage where a community asset represented by (for example) the town centre is weakened to an unacceptable degree, then a Council can intervene¹⁴.
 - (b) The strategic context of a District Plan, as stated through its policies and objectives, needs to **coherently set out the direction of the District with regard to the interrelationship**

¹⁰ Ministry for the Environment. National Planning Standards. 2019. Section 14: Definition Standard

¹¹ NZ Statistics Medium Projections

¹² NZ Statistics Medium Projections. The high growth projection is for 4,100 new homes 2018 – 2038.

¹³ As overlaps with s76(3): In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular any adverse effect.

¹⁴ *Westfield NZ Ltd & other vs Upper Hutt City Council* (W44/2001). Also *Northcote Mainstreet Inc vs North Shore City Council* (High Court High Court, CIV-2003-404-5292)

between residential, commercial and transport infrastructure. Such a framework provides a policy benchmark for evaluating commercial development within the wider urban form and development backdrop of the Plan.¹⁵

- (c) It is appropriate that a **plan should set its face against ad hoc commercial development and instead seek a predicative role in terms of planning.** That, in the Court's view, establishes the certainty necessary for ordered development and confidence and flexibility to allow for change and growth.¹⁶

2.4 District Plan is to give effect to a national policy statement (s75(3)(a))

45. Under section 75, the District Plan must give effect to any national policy statement. There are five NPSs in force as regulation, however the only NPS of relevance to this report is the National Policy Statement on Urban Development (**NPS-UD**) as published on 20 July 2020 and to come into force on 20 August 2020.
46. The **NPS-UD** (2020) seeks to regulate those processes already undertaken by Ashburton District Council, in that it prescribes:
- (a) obligations for better analysis as to providing for residential and business growth¹⁷;
 - (b) obligations for land supply for residential and business land to meet future demand (30 years)¹⁸.
47. Ultimately, the NPS-UD is largely an enabling document; seeking to ensure that opportunities, choices, variety, and flexibility are provided – as relevant to this report, for Business activities. This raises issues in terms of ensuring that there is appropriate provision for different types of retail activities and commercial activities (including offices), and the implications – or opportunity costs for using land zoned for a specific purpose for an alternative.
48. To give effect to the requirements of the NPS-UD, the Business provision within the District Plan must:
- Achieve a well-functioning urban environment that enables people and communities to provide for their social, economic and cultural well-being, now and into the future (**Objective 1**).
 - District Plans enable more... business and community services to be located in, areas of an urban environment: (a) in or near a centre zone; (b) where an area is well serviced by public transport (**Objective 3**).
 - Local authority decisions on urban development that affect urban environments are: (a) integrated with infrastructure planning and funding; and (b) strategic over the long to medium term (**Objective 6**)

¹⁵*The Warehouse Ltd; Foodstuffs (South Island Limited) vs Dunedin City Council* – C101/2001.

¹⁶*National Investment Trust vs Christchurch City Council*. C152/2007.

¹⁷ Objective 7. National Policy Statement – Urban Development (2020).

¹⁸ Clause 3.3(1)(b) National Policy Statement – Urban Development (2020).

- Local authorities are to have robust and frequently updated information about their urban environments and use it to inform planning decision (**Objective 7**).

49. Application of the NPS-UD is not uniform for all local authorities. Local authorities are categorised as Tier 1, Tier 2 or Tier 3 authorities, with the former being considered urban areas of high growth and medium growth respectively. Relevant Tier 1 and Tier 2 authorities are identified in Table 1 and Table 2 of the Appendix. As the Ashburton district is not identified in the Appendix as either a Tier 1 or Tier 2 authority, it is deemed a Tier 3 authority.

50. The NPS-UD is also applicable to an 'urban environment'. These are defined as:

Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

(a) is, or is intended to be, predominantly urban in character; and

(b) is, or is intended to be, part of a housing or labour market of at least 10,000 people.

Accordingly, there is only a mandatory requirement for the application of the NPS-UD to Ashburton township.

51. The NPS-UD sets out implementation under eight subparts, relevant matters in terms of this analysis are:

Sub Part 1 – Development Capacity which seeks that each local authority (including Ashburton District is to provide at least sufficient development capacity for business activities to meet expected demand across all business sectors, and in the short (3 year), medium (10 year) and long (30 year) term¹⁹.

Sub Part 3 – Every local authority is to monitor (quarterly) available data on business land²⁰, as well as assessing demand for business land in urban environments and development capacity²¹.

Sub Part 7 – Every territorial authority is to ensure that objectives for every zone in an urban environment describe the development outcomes intended for the zone.

52. Accordingly, the regulatory requirements as contained in the NPS-UD as to business supply are as follows:

Short term (3 year)*	Development capacity must be feasible, zoned and infrastructure ready ²² .
Medium term (10 year) *	Development capacity must be feasible, zoned ²³ and either: Infrastructure ready, or The funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.

¹⁹ Clauses 3.3, 3.4 and 3.5 National Policy Statement – Urban Development (2020).

²⁰ Clause 3.9(1)(f) National Policy Statement – Urban Development (2020).

²¹ Clause 3.10(1) National Policy Statement – Urban Development (2020).

²² Clause 3.4(3) National Policy Statement – Urban Development (2020).

²³ Clause 3.4(1)(b) 'Includes land zoned in a Proposed Plan' National Policy Statement – Urban Development (2020).

Long term (10 - 30 years)*	Development capacity must be feasible, identified in relevant plans and strategies ²⁴ , and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act.
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* Section 1.4 Interpretation

53. Accordingly. Ashburton District Council is to provide at *any one time* **sufficient** for business **development capacity** from different business sectors, in the short (3 years), medium (10 years) and long terms (30 years).
54. Collectively, the provisions of the NPS-UD are aimed at facilitating the monitoring and encouragement of land for business (and housing) to meet forecast demand. Unlike the requirements on Tier 1 and Tier 2 authorities, there is no mandatory requirement for Ashburton District to ensure a contingency or competitive buffer above that of predicted supply over the short term (20%), medium term (20%) or long term (15%)²⁵.
55. The application of these provisions to the provision of sustainable retail and commercial activities in Ashburton township is provided in the Economic Assessment Report²⁶ which states:

“A high-level assessment of sustainable retail requirements combined with an on-the-ground site visit to Ashburton Town Centre indicates that future retail and commercial growth can be accommodated within the existing town centre Business A zone.

The current sustainable level of land for retail (5.5ha) and again that for commercial service and professional office activities in the Business A zone amounts to circa 11ha. This is expected to increase by around 6.9ha (with future retail and commercial land requirements amounting to 3.4ha and 3.5ha respectively) to circa 18ha by 2038. This assumes an ambitious 80% of the retail growth is captured within the Business A zone, and an average of 2-story development for commercial office space.

With (the) Business A zone covering an approximate 19.3ha of developable land (excluding roads), there is an estimated buffer of around 1.3ha. With retail and commercial services also likely to have a presence in other business zones, this would lower the Business A land requirement further....

For these reasons Property Economics considers the Ashburton town centre currently has more than sufficient Business A zoned land and capacity to accommodate the future retail and commercial requirements of the district”.

56. Accordingly, the existing Ashburton Business A zoned land is more than sufficient to provide capacity to accommodate short and medium-term demand in retail and commercial activity.

2.5 Subordinate Plans and Policy Statements

2.5.1 *The District Plan is to give effect to the Canterbury Regional Policy Statement (s75(3)(c))*

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

²⁴ Clause 3.3.4(1)(c) National Policy Statement – Urban Development (2020).

²⁵ Clause 3.22 National Policy Statement – Urban Development (2020).

²⁶ Property Economics Limited (2019). Section 12

Case Law Note. Canterbury RC vs Waimakariri DC C009/02

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

58. For Ashburton and Methven, the relevant urban growth provisions of the Regional Policy Statement are contained in Chapter 5. These seek:
- People and communities to provide for their social, economic and cultural wellbeing and health and safety, including:
 - encouraging sustainable economic development by enabling business activities in appropriate locations (**Objective 5.2.1(2)(c)**);
 - Avoiding conflicts between incompatible activities (**Objective 5.2.1(2)(i)**);
 - A safe, efficient and effective transport system which supports a consolidated and sustainable urban form (**Objective 5.2.3**);
 - The primary focus for meeting growth needs is through sustainable development patterns that ensure any urban growth occurs in a form that concentrates... existing urban areas and promotes a co-ordinated pattern of development (**Policy 5.3.1**), with business opportunities of a character and form that supports urban consolidation (**Policy 5.3.1(2)**).
59. The associated principle reasons and explanation for **Objective 5.2.1** explains that a consolidated pattern of urban development is sought as the primary focus for urban growth given benefits in terms of promoting more sustainable forms of development, encouraging greater modal choice (the ability to walk, cycle or take a vehicle), and provide for the efficient use of existing infrastructure.
60. The principle reasons and explanation for **Policy 5.3.1** identifies concepts of good urban design, and the encouragement of a range of choice within urban areas for residential and business development to meet the diverse needs of people within the region. Consolidation is considered to present the most appropriate means to provide for the integrated managements of resources. The explanation also identifies the basis for intervention in terms of land use as:
- “Intervention to promote sustainable resource management and the integrated management of effects is undertaken for two reasons:*
- a. *a consolidated urban form is more likely to secure desired outcomes and sustainably manage effects; and*
 - b. *that if left unimpeded, resulting development patterns, despite the extent and scale of growth pressures, are likely to produce adverse environmental effects, and costs to communities”.*
61. The outcomes sought by the aggregated provisions are:
- Urban development in small settlements remain consolidated around or otherwise integrated with existing settlement patterns;
 - Business activities and opportunities are enabled as appropriate, where these are consistent with the amenity and character of small settlements, and to encourage self-sufficiency and efficient transport patterns;
 - Conflicts between incompatible activities are avoided.

2.5.2 *Have regard to relevant management plans and strategies under other Acts – s72(2)(b)*

62. Regard is to be had to the Ashburton District Long Term Plan 2018 – 2028 and the Methven Strategic Plan (2009) as management plans and strategies prepared under other Acts, pursuant to s74(2)(b) of the Act.
63. In that context, *‘have regard to’* means, giving matters genuine attention and thought, and such weight as is considered to be appropriate (**Attachment A**).
64. These plans represent a non-RMA area planning and consultation outcome with the community. The plans represent a confirmed community's long-standing and clearly expressed preference for these settlements, and should accordingly be given substantial respect and weight in the plan drafting phase.
65. The Ashburton District Long Term Plan 2018 – 2028 (**LTP**) seeks as a community outcome access to appropriate health, social and community services, and a strong economy within settlements that complements the environmental, social and cultural environment of the district.

The Vision for the District is *‘The district of choice for lifestyle and opportunity’*.

Community outcomes include:

- *Residents are included and have a voice.*
- *A district of great spaces and places.*
- *A balanced and sustainable environment.*
- *A prosperous economy based on innovation and opportunity.*

The LTP also identifies the Council Decision on 9 May, 2019 to fund the Ashburton Library and Civic Centre project to be located in Baring Square East.

The LTP identifies that Town Centre revitalisation will be complete by 2028 (part 2, page 1);

A specific risk to the community is identified as ‘the Town Centre experiences further decline and retail businesses fail or close’ with the intention to offset this effect being: ‘Our Town Centre Working Group is a collaboration of different arms of Council and key business leaders in the CBD. We will work collaboratively to implement viable solutions for town centre revitalisation’.

66. The Methven Community Strategic Plan (2009) has set a number of goals including:
- Goal 1: *“An attractive town in which to live, work and play”;*
- Goal 2: *“Raise both the business and tourism profile of Methven locally, nationally and internationally”.*
67. Achieving these Goals is identified as being reliant on building upon the Town’s unique character and maintaining or enhancing the Town’s appearance and amenity, as well as offering all year-round tourism opportunities.
68. Specifically, the Plan identifies:
- “A visually appealing town plays a strong part in attracting visitors and new residents to the community”.*
69. In summary these documents recognise the important role and function provided by their Town Centres in terms of local identity and as part of economic growth. Importantly the LTP recognises that the Ashburton Town Centre is underperforming and seeks to redress this issue, in part through substantial investment in Civic facilities.

70. District Plan regulation that is aligned with these Management Plans would seek to recognise the primacy of the town centres as the focus for commercial and civil functions.

2.5.3 Iwi Management Plan(s) must be taken into account (s74(2))

71. The Ashburton District is a significant area for the takata whenua, Ngāi Tahu, and Te Rūnanga o Arowhenua in particular.
72. It is understood that Te Rūnanga o Arowhenua hold manawhenua for the Ashburton District takiwa. The 'Iwi Management Plan' of Kati Huirapa for the Area Rakaia to Waitaki (1992) does not extend to specific matters in relation to business distribution.
73. The Mahaanui Iwi Management Plan (2013) outlines the approach for ensuring that Ngāi Tahu cultural values including but not limited to impacts on freshwater resources, mahinga kai, wāhi tapu, wāhi taonga, cultural landscapes and access are taken into account in Resource Management decision making.
74. The requirement to take into account Iwi Management Plans is recognised pursuant to s74(2)(c) of the Act. To take into account means that the matter must be addressed with weight and is a matter of judgement based on the facts and merits of the issue.
75. Neither Iwi Management Plan incorporates specific matters associated with the mechanisms to provide for business activities. There are however a number of broader principles within the Mahaanui Plan relating to settlement urban design, stormwater management, and waipuna (water quality).

2.6 Framing the Provisions

2.6.1 Rules are to achieve the objectives and implement the policies (s75(1)(b) and (c))

76. Section 75(1) sets out the mandatory elements of a district plan and their relationship to each other:

A district plan must state:

- (a) The objectives for the district; and*
- (b) The policies to implement the objectives; and*
- (c) The rules (if any) to implement the policies.*

77. Section 7 of this report outlines an approach to drafting Objectives and Policies that have been used for the draft provisions. In terms of the approach relating to the hierarchy of plans and policy statements, the provisions should not simply 'parrot back' the CRPS requirements. They should seek that these are refined to the issues facing Ashburton district.

2.6.2 In making rules, the territorial authority must have regard to the actual or potential effects on the environment (s76(3))

78. The planning argument for managing the distributional effects of diluted commercial retail activity, is based upon the following:
- (i). That new commercial players can affect the viability of trading organisations of the same type; and therefore*

- (ii). *Key business in an existing centre, or the town centre, can be affected to such a degree that the centre's viability will be eroded; and as a result*
 - (iii). *The community will be unable, or disenabled to a significant degree to provide for their wellbeing in this locality.*
79. Effects must be *significant*²⁷ (but not necessarily ruinous) before they could properly be regarded as going beyond the effects ordinarily associated with trade competition.
 80. The issue is not that new retail activity will affect the trading circumstances of organisations of the same type, as these are purely trade competition considerations that the Council cannot consider under Section 74(3) of the Act.
 81. The Council should however intervene when the impacts of a proposed activity (individually or cumulatively) on similar activities in the market place would cause impairment that could lead to a decline in existing physical resources, amenity, transport efficiency and community enablement.
 82. Distributional effects can best be described as the consequence of trade competition taken to a significant scale, where the patterns of support and patterns of commercial activity would change dramatically within a locality. Put another way, such effects would occur where a new business (or cluster of businesses) affects key businesses in an existing centre to such a degree that the centre's viability is eroded, causing a decline in its function and amenity, and disenabling the people and communities who rely upon those existing (declining) centres for their social and economic wellbeing.
 83. Part 11A as inserted into the Act in 2009 specifically excludes trade competitors and surrogates from registering a statutory interest where the direct basis of that interest would relate to trade competition or the effects of trade competition²⁸.
 84. Territorial Authorities must clearly enunciate and justify the management of business activities within their respective Districts.

2.7 The National Planning Standards

85. On 5 April 2019 the National Planning Standards (**Planning Standards**) were gazetted by the Ministry for the Environment (MfE). Minor changes were incorporated into the revised November 2019 standards.
86. The purpose of the National Planning Standards is to improve consistency in plan structure, form and content. In particular, the Planning Standards impose a number of mandatory requirements around definitions (including *commercial activity*) to be utilised in District and Regional Planning documents, as well as impose a very specific format in terms of the

²⁷ *Northcote Mainstreet vs NorthShore City Council* (High Court, CIV-2003-404-5292), Randerson J stated: "In regard to shopping centres, I would not, with respect, subscribe to the view that the adverse effects of some competing retail development must be such, as to be ruinous before they could be considered. But they must, at the least, seriously threaten the viability of the centre as a whole with on-going consequential effects for the community served by that centre." [62]

²⁸ ENV-2011-WLG-000053/54 *General Distributors vs Foodstuffs Properties (Wellington) Limited*

structure of plans. The National Planning Standards explicitly set out Chapters and associated numbering of provisions to be drafted.

87. The Mandatory directions (Section 17) set out the timeframes by which the Ashburton District Plan is to implement the standards.
88. For the Ashburton District Plan any amendments, or the review of the District Plan is to implement the standards within either (a) or (b) whichever occurs sooner:
 - a. Amendments to the district plan made by **five years** from when the planning standards come into effect (that is any Plan Change accepted, adopted or prepared by the District Council post April 2024 will need to be consistent with the National Planning Standards).
 - b. Notification of a proposed district plan (that is the entire Plan review) for submissions under clause 5, Schedule 1 RMA after the planning standards come into effect.
89. Any Plan Change that emerges from this report **does not need to implement the National Planning Standards**. To do so would require considerable amendments throughout the District Plan, and could result in considerable risk of unanticipated conflicts between plan provisions.
90. There are elements of the National Planning Standards that are relevant in terms of the matters this report is seeking to address. These should be considered in terms of establishing consistency to the Planning Standards where possible, without the internal conflict issues identified above. these are:
 - a. **Definitions:** Section 14 sets out the Definitions Standards to be applied, the only specific definition of relevance is:
 - i. *Commercial Activity* – means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administration or head office).
 - ii. *Ancillary Activity* – means an activity that supports and is subsidiary to a primary activity.

There are no express definitions for Retail Activity, Trade Supplier or any subordinate commercial activities.
 - b. **Zones:** Section 8 of the Standards sets out the 'Zone Framework'. This establishes a set number of 'zones'. The Planning Standards contain eight possible zones that provide for commercial activities, and activities compatible with commercial environments. Three possible zones are provided for Industrial activities.
 - c. **Overlays and precincts** (as may be appropriate for the Town Centre core²⁹ area of Havelock, Moore, Cass and East Streets) are subject to specific requirements. Briefly:
 - i. Overlays – spatially identify distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. They are generally more restrictive than underlying zone provisions. Overlays

²⁹ Noting that there is no differentiation or regulatory levers for this area in the operative plan.

are usually independent of property boundaries because the identified value, risk or actor determines the extent of the overlay.

- ii. Precincts – A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)³⁰.

91. Figure 6 sets out a cursory comparison of the respective relevant District Plan commercial zones (as further discussed in Section 3 of this report), and their equivalent in terms of the National Planning Standards and relevant description³¹.

Figure 6: Commercial zones in the National Planning Standards and equivalent in Ashburton District Plan

S-ASM (Planning Standards)	Zone	Purpose, amenity and role and function	Equivalent Ashburton District Plan Zone
	Town centre zone	<p><i>Areas used predominantly for:</i></p> <ul style="list-style-type: none"> <i>in smaller urban areas, a range of commercial, community, recreational and residential activities.</i> <i>in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.</i> 	Business A Zone
		<p>Built form and amenity</p> <ul style="list-style-type: none"> <i>Typically characterised by medium intensity development.</i> <i>Associated service areas including car parking, storage and access.</i> <i>Provision of public spaces including parks or squares.</i> <i>A focus on pedestrian orientation, public amenity within the city centre and at the boundaries of adjoining zones. Other amenity features include verandas, street furniture and traffic calming.</i> <p>Activities</p> <ul style="list-style-type: none"> <i>This zone is a destination for shopping, entertainment, events, dining and night life, visitor accommodation, arts, culture and tourism activities.</i> <i>A wide range of community and commercial activities (eg, health and social services, museums, art galleries, libraries, movie theatres, restaurants and cafes, hotels, visitor accommodation).</i> <i>May have residential activity on floors above commercial and/or community activities.</i> <p>Location of zone</p> <p><i>Often located on a main road and accessible by public transport.</i></p>	
	Large format retail zone	<p><i>Areas used predominantly for commercial activities which require large floor or yard areas.</i></p>	Business B Zone
		<p>Built form and amenity³²</p> <ul style="list-style-type: none"> <i>Capture the 'large format retail concept'; typically characterised by:</i> <ul style="list-style-type: none"> <i>Large scale footprint retail traders (Large Format Retail activities exceeding 450m2 GFA).</i> 	

³⁰ MfE Guidance for Standard 8. Zone Framework Standard [page 2 - 4]

³¹ MfE Draft National Planning Standards (June, 2018), page 43.

³² The Large Format Retail Park zone was not further defined in the Initial guidance for draft National Planning Standards. S-ASM Area Specific Matters – zone framework. The 'built form and amenities', 'activities' and 'location of zone' are taken from submissions (<https://www.mfe.govt.nz/sites/default/files/media/RMA/2G-zone-framework-standard.pdf>), and application of the zone in the Christchurch District Plan and Auckland Unitary Plan.

- *Predominantly accessed by private motor vehicle hence substantial areas of car parking.*
- *Open space and landscaping to mitigate adverse effects of car parking, present a moderate level of amenity and urban design to the public realm.*
- *Moderate levels of traffic generation.*
- *Requirements for an appropriate level of amenity at the interface with other zones given public interface.*

Activities

- *A range of business activities, including Large Format Retail, Trade suppliers and light industry that may be difficult to accommodate with centres due to their size and functional requirements.*
- *Avoidance of small-scale retail activities.*
- *Restrictions on Supermarkets and Department Stores given the importance of these anchor stores to commercial centres.*

Location of zone

- *Preferably fringe Town Centre, given their traffic generating characteristics and compatibility and agglomeration of commercial activity proximate to existing commercial centres.*
- *Recognition that these activities draw custom from a wide catchment, and predominantly car based so therefore able to also establish in locations more disparate from commercial centres.*

2.8 Summary of Higher Order Documents

92. Aggregating the approach to the management of commercial activities within Ashburton District as identified in the statutory hierarchy is as follows:

- The approach needs to align with the Ashburton District Council’s functions under the Act and other instruments (**Attachment A**);
- Ensure that processes (and provisions that drive processes) are timely, efficient and cost effective, are proportionate to the functions being performed, and that plan drafting is clear and concise (Section 18A);
- When reaching a conclusion as to which provision is the ‘*most appropriate*’ the requirements of s32, having regard to the efficiency and effectiveness of the provision is to be considered. ‘*Appropriate*’ means suitable, there is no need to place a gloss upon the word by incorporating that it be superior³³.
- The outcomes expressed in the NPS-Urban Development are *to be given effect to*. Based on the operative District Plan zoning and the assessment by PEL(2019) there is:
 - i. Surplus commercial land to meet demand for retail activities and commercial activities (including offices) to 2038 is provided in the Business A zone.
- The outcomes specified in the CRPS are *to be given effect to*, for business activities this includes:
 - i. Commercial development and activities are to *support* urban consolidation.

³³ *Rational Transport Soc Inc vs New Zealand Transport Agency* [2012] NZRMA 298(HC)

- ii. Urban development is to promote a consolidated pattern of development.
 - iii. High quality urban design, including the maintenance and enhancement of amenity values is to be encouraged.
 - iv. Conflicts between incompatible activities are avoided.
- *Regard* is to be had to management plans and strategies such as the Ashburton LTP which explicitly identifies that the Town Centre is underperforming and seeks to redress this issue, in part through substantial investment in Civic facilities.
 - *There is no statutory requirement* to implement the mandatory requirements of the National Planning Standard through any narrow Plan Change that emerges from this report (until 2024). Care should be taken that resolving matters in regard to this report do not require costly and inefficient resolution when the National Planning Standards are to be implemented at the next Plan review.

3 Operative Plan Review

3.1 Objective and Policy Approach

93. The purpose of this report is narrowly focused towards managing distribution and scale of retail activities and commercial activities as associated with the Town Centre (Business zones) of the District and remaining Business zones.
94. The relevant Business zone objectives and policies as these relate to the **range of activities** are contained in section 5.1 of the District Plan, and are outlined below:

Objective 5.1 Business Area Development and Effects seeks the growth, maintenance and consolidation of business areas, provided that adverse effects on the environment are avoided, remedied or mitigated.

Policy 5.1A seeks that the function, integrity, convenience and viability of the inner commercial areas of Ashburton, Methven, Rakaia and small townships are maintained and enhanced.

Policy 5.1B is to ensure that opportunities are available in the suburban areas of Ashburton for the establishment and operation of business activities, providing retail and service activities to local neighbourhoods, in convenient locations.

Policy 5.1C provides for large format/big box retail activities that generate high traffic volumes and require large parking area, in locations that do not detract from the amenity of adjoining areas, the safety and efficiency of the road network, or the consolidation of central Ashburton's inner retail area.

Policy 5.1D recognises that heavy and noxious industrial activities have the potential to create adverse environmental effects, and seeks to ensure there are appropriate areas where these activities can establish.

Policy 5.1E seeks to avoid an accumulation of activities that would generate significant pedestrian activity on State Highway 1, to prevent pedestrian/vehicle conflicts and maintain safety.

95. The explanation and reasons for provides further context to the provisions, particularly with respect to the dispersal of business activities and the outcomes sought within the Ashburton Town Centre.

"The inner commercial areas of Ashburton (Kapuka), Methven and Rakaia are the focal points for a broad range of commercial, professional and administrative activities in these towns, particularly their comparison or "browsing" and retailing functions. The other established commercial centres in Ashburton (Kapuka) provide important local retail and service needs for their communities. The Plan aims to encourage the continued vitality, pleasantness and convenience of these centres and their important role in the attractiveness and identity of the towns. In this regard Council may choose to consider how a proposal responds to urban design principles contained in the Ministry for the Environment Urban Design Protocol 2005. These principles consider important matters such as design, creativity and choice that provide for a diverse and rich urban environment.

The consolidation of business areas is important to ensure that people have access to well maintained and functioning business areas with a wide range of business activities that maintain their vitality, pleasantness and convenience. The dispersal of business activities to new locations can leave existing areas vacant, under-utilised, unattractive, and unable to provide the services the community desires. The consolidation of business areas assists in making efficient use of public investment in roads and other services in the business areas; assists in retaining the vitality of business areas; and the perception of the District's towns as prosperous and lively centres. Dispersal of business activities throughout the District can also result in the mixing of incompatible activities.

In order to maintain the vitality and pleasantness of existing business areas and to make efficient use of their resources and servicing, the ongoing occupation and redevelopment of existing sites is to be encouraged through enabling a broad range of activities to establish throughout the business areas of the District. However, the objective and policies are not intended to prevent growth of the business areas, alongside the existing areas, provided that the adverse effects of this growth, including adverse effects on the consolidation of the business areas, are avoided, remedied or mitigated.

Accordingly, it is anticipated that the majority of business activity will be accommodated within areas zoned for that purpose, but with some opportunity for future expansion”.

96. The relevant Business zone objectives and policies as these relate to the **amenity and environmental outcomes within the zone (inter-zone effects)** are contained in section 5.2 of the District Plan, and are outlined below:

Objective 5.2 Qualities of Business Areas seeks business areas that are pleasant places to visit and work within.

Policy 5.2A seeks to maintain and enhance the existing form and character of retail areas in terms of building height, setback, coverage and where appropriate, the provision of display windows and verandas.

Policy 5.2B is to ensure industrial and service activities present an attractive, landscaped aspect to the street.

Policy 5.2C is to ensure that noise levels within business areas enable anticipated activities to function, while remaining pleasant places to visit and work.

Policy 5.2D is to avoid ad hoc and disjointed development of significant business areas through the adoption of outline plans. The policy sets out specific requirements for development in several areas relating to matters such as outline development plans, active frontages, landscaping, pedestrian and cycle connections and access. The policy does not include any provisions specific to the town centre.

Policy 5.2E is to exclude residential or visitor occupation within specified industrial activities, except for custodial or management purposes, to avoid reverse sensitivity effects.

97. The explanation and reasons for objective 5.2 and the related policies state:

...the appropriate level of amenity values will vary between different areas, depending upon the role of the area, its location, and its proximity to other activities, particularly residential areas. The local and inner commercial areas of the towns, where people go for their shopping, professional and administrative services need to be convenient, accessible, identifiable and pleasant places to go to.

98. The relevant Business zone objectives and policies as these relate to the **amenity and environmental outcomes at the interface with other zones (intra-zone effects)** are contained in section 5.2 of the District Plan, and are outlined below:

Objective 5.3: Effects of Business Areas on Surrounding Amenity seeks areas of business activity which do not detract from the standard of amenity in adjoining areas. This objective and the related policies seek to control the ‘edge effects’ of business activities on adjoining zones, particularly residential and rural environments.

Policy 5.3A sets out several ways in which adverse effects on residential and rural environments are controlled, through bulk and location, noise, lighting and landscaping standards.

Policy 5.3B is to enable future commercial and industrial opportunities, principally in the Ashburton Business Estate and Riverside locations. This policy sets out several

requirements for development in these precincts, including that development must be in accordance with an outline development plan.

99. The explanation and reasons for this objective and policy note that the adverse effects on business zones are of importance as they relate to industrial activities, and these provisions are less relevant to the Ashburton Town Centre. However, in relation to the Riverside business area, the explanation and reasons notes that this area is hoped to provide a relocation opportunity over time for businesses currently operating in areas intended to change in character, including businesses on the eastern side of the Ashburton CBD.

3.1.1 Objective and Policy Framework Summary

100. In summary, the Plan contains three Business objectives, broadly relating to the distribution of business activities, the amenity of business zones, and the effects of business activities on adjoining zones respectively. The policy framework seeks to maintain the Ashburton town centre as a viably functioning commercial centre with a high level of amenity, that is a pleasant place to visit.
101. Retail activity and commercial activity distribution is to be managed through **Objective 5.1**, and associated **Policies 5.1A** and **5.1C**. Effectively, seeking that *growth, maintenance and consolidation of business areas, provided that adverse effects are avoided, remedied or mitigated, though maintaining and enhancing the function, integrity, convenience, and viability of the inner commercial areas*, albeit that large format retail is able to be provided for in the Business B zone provided that such activities *do not detract from the amenity of adjoining areas, the safety and efficiency of the roading network, or from the consolidation of the inner retail area of central Ashburton*.
102. The potential issues that stem from these provisions are:
- a. **The framework is not prescriptive.**
 - i. The policies and objectives are largely enabling.
 - ii. There is no clear strategic or clear intent in terms of the range of activities that anticipated within the respective zones, and equally importantly those activities that should be discouraged from specific zones.
 - b. **The framework is overly focused on managing effects.**
 - i. The RMA is an effects based statute, but a plan can appropriately turn its face from incremental cumulative decisions as to effects and instead (as subject to a robust s32) provide a more predictive approach to managing activities³⁴, even when effects individually may be minor and not of themselves justify refusal of consent³⁵.
 - ii. Provisions should not just parrot sections of the Act³⁶, in this case Section 5(2) by seeking that adverse effects are avoided, remedied or mitigated.

³⁴ *National Investment Trust vs Christchurch City Council*. C152/2007

³⁵ *Stirling vs Christchurch City Council* [2010] NZEnvC 401.

³⁶ *Wairoa River Canal Partnership vs Auckland Regional Council* [2010] NZEnvC309

Provisions should instead, even at the objective level interpret the higher order documents in the local context.

c. Improved clarity could be provided in the provisions differentiating between the Business zones.

- i. A clear hierarchy as to the range of activities and differentiation between zones as expressed in the Zone descriptions is not as apparent within the provisions in Policies 5.1A to Policy 5.1E. Improved clarity would provide a clear nexus to the respective rules and activity status.

d. Not all LFR is equal in terms of benefits or impacts on the Town Centre (Business A) zone from activities establishing in the Business B (or Business D) zone.

- i. There is no clear evidence of a strategic or deliberate ‘limiting’ intention in the plan provisions regarding the total amount, or type, of LFR floorspace or land area zoned Business B. This creates issues where an LFR seeks to establish outside the Business A or B zone³⁷.
- ii. There is a spectrum of retail activities in terms of distributional effects on the vitality and viability of Town Centres.
 - (a) Supermarkets and Department stores both account for a considerable amount of cross-shopping (supporting proximate retail) as well as replicating a wide range of retail offer within Town Centres. Such activities are considered to be ‘Anchors’ within Town Centres. The combination of the policy approach in the Business B zone, in conjunction with the 500m² GFA limit applied to retail activities³⁸ within the Business A zone anticipates that such important retail offerings are not to be located in the Town Centre.
 - (b) In respect to prospective threats to the Town Centre, the real world situation is one that ranges from traders with very low business or trade sales (such as a Supermarket) to those with almost total business or trade sales (such as ‘the Tile Warehouse’). Those traders that may be critical to the Ashburton Town Centre function and community wellbeing are found at the former (or retail) end of the spectrum, whereas those that have no potential to lead to adverse distributional effects lie at the later (wholesale) end. Between these components are those – some with a high profile – that draw trade from both ends of the spectrum (such as Bunnings or Mitre 10 Mega). Typically, these retail activities come under the banner of Trade Suppliers, and associated sub definitions such as Building Supplier, Automobile Supplier, and ‘Service Stations’.

³⁷ River Island Commissioner Decision. 2019 [8.26]

³⁸ Rule 5.8.2(f)

3.2 Rules Approach

3.2.1 The approach towards definitions

103. The definitions of retail activity and commercial activity in the District Plan are critical. These terms were considered overlapping in terms of Plan Change 1. The definition of Commercial Activity subsumes that of the more narrowly defined Retail activity.

104. Relevant definitions for the purpose of this report are:

Retail Activity means the use of land or buildings for displaying or offering goods for sale or hire to the public and includes, but is not limited to, food and beverage outlets, small and large scale retail outlets, trade suppliers, yard base suppliers, second hand goods outlets and food courts.

Commercial Activity includes the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes, but is not limited to, shops, markets, showrooms, and restaurants, takeaway food bars, professional commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas; but excludes passive recreational, community activities, home occupations, and farming activities. This includes a business providing personal, property, financial, household, and private or business services to the general public. It also includes recreational activities where fee is paid to use facilities i.e. a commercial bowling alley. It does not include community sports facilities where membership fee may be paid.

Office means any of the following:

- administrative offices where the administration of an organisation, whether trading or non-trading is conducted;
- commercial offices such as banks, insurance agents, typing services, duplicating services and real estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted;
- professional office such as the offices of accountants, solicitors, architects, surveyors and engineers, where a professional service is available and carried out.

Retail Sales means the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment. Retail sales includes restaurants, but excludes recreational activities

105. Other relevant definitions include:

Ashburton Town Centre or the purpose of the Business Zone rules, the Ashburton Town Centre is the area of Business A zoned land contained generally within the area bounded by Mona Square north, Park Street, Wills Street, William Street, Cass Street, Moore Street, and State Highway 77/Kermode Streets.

Commercial means involving the payment of fees for hire or financial reward.

Industrial Activity means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods

Visitor Accommodation means the use of land and buildings for short-term, commercial, living accommodation where the length of stay for any one visitor is not greater than 4 months at any one time. Visitor accommodation may include some self-contained or centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, recreation and bar facilities, and associated parking areas for the use of those staying on the site.

Service Activity means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, including panel beating and vehicle spraying. It also provides for service stations. See also the definition of Rural Service Activity for those activities servicing a rural activity

106. In terms of a nested approach to these definitions.



Figure 7: Nested approach to definitions in the Operative Ashburton District Plan

107. There are also a wide range of terms used in Plan rules that are not defined within Section 17 of the Plan. Accordingly, these are to be given their ‘plain ordinary meaning’, but this can result in overlap and uncertainty. Specific retail and commercial activities that are undefined include:
- a. Restaurants and Takeaway food outlets;
 - b. Vehicles Sales;
 - c. Other outdoor display and sales.

3.2.2 The zoned approach towards activities

108. The operative Ashburton District Plan contains 6 business zones, including 2 retail and commercial focused zones, 1 mixed use zone, and 3 industrial zones.
- a. **The Business A zone** covers Ashburton’s inner commercial area, and provides principally for small scale retail activity, as well as a range of accommodation, community and commercial uses. This zone extends beyond the blocks associated with the core of Havelock, Moore, Cass and East Streets. Other than when specified, a retail activity (excluding a service station) is limited to a **maximum** gross floor tenancy of 500m². Except supermarkets are controlled activities where they do not exceed 1,200m² in those Business A areas not associated with Ashburton Town Centre.
 - b. **The Business B zone** provides predominantly for supermarkets and large-scale “big box” or large-format retail activities that frequently require large areas of associated carparking or outdoor space. The zone is limited to a single area of land close to the inner commercial area of Ashburton, and north of the state highway. Retail activity is limited to a **minimum** gross floor tenancy of 500m² except that Restaurants and takeaway food outlets³⁹ remain permitted.
 - c. **The Business C zone** provides for commercial, retail, service and community activities, including small - large scale retailing, and is close to or adjacent to the Business A and B

³⁹ Undefined in the Plan, albeit *Retail Activities* refers to ‘Food and beverage outlets’

zones. Commercial activities anticipated in the zone include large and small scale offices, service activities and recreational activities such as ice skating rinks and bowling alleys. Other than when specified, a retail activity (excluding a service station) is limited to a **maximum** gross floor tenancy of 750m². Outdoor display and sales⁴⁰ (including vehicles) and Restaurants and Food take away outlets are also permitted.

- d. The **Business D** zone provides for light industrial, service and commercial activities, with limited retailing limited to single retail outlets selling goods produced or processed on the site with the minimum gross floor area of 150m². Outdoor display and sales (including vehicles) and Restaurants and Food take away outlets are also permitted.
- e. The **Business E zone** provides for medium-heavy industrial activities. Retailing is limited to single retail outlets selling goods produced or processed on the site with the minimum gross floor area of 150m².
- f. The **Business F zone** provides for activities relating to meat processing.

⁴⁰ Undefined in the Plan

3.3 Key Rules

109. The zone rules in section 5.8 of the Plan set out the activity status of various business activities within each zone.
110. This review therefore focusses on the rules relating to the commercial business zones, and in particular provisions for commercial activities and retailing.
111. This report does not provide a review of the zone rules as a whole, such as zone boundaries, urban design, zone interface or amenity matters.
112. The Business A and B zones are the District's commercial business zones. Residential activities, visitor accommodation, community activities, commercial activities and recreational activities (excluding shooting ranges) are all permitted activities in these zones.
113. While the definition of commercial activities includes retail activities, the Plan contains separate rules specific to retail activities in each zone. Within the Business A, B and C zones retail is permitted, subject to varying limitations on the gross floor area of individual outlets or tenancies, as outlined below.
114. Within the Business A zone, retail activities (excluding service stations) with a maximum gross floor area (GFA) of 500m² are permitted. Supermarkets exceeding 500m² GFA, but no more than 1,200m² are provided for as a controlled activity (outside of Ashburton Town Centre), but any other retail activity exceeding 500m² defaults to a discretionary activity status.
115. Within the Business B zone single retail outlets with a minimum gross floor area of 500m² located within buildings are permitted. Service stations, restaurants and takeaway outlets, vehicle sales and other outdoor display and sales activities are exempt from the floor area limit. Retail activities within buildings less than 500m² GFA and service stations with more than 150m² of indoor retail floor area are a discretionary activity.
116. Within the Business C zone retail activities are permitted subject to any individual retail tenancy having a maximum gross floor area of 750m². Vehicle sales and other outdoor display and sales activities are exempt from this floor area limit. Permitted service stations are subject to a much smaller maximum GFA of 150m². Retail activities exceeding 750m² GFA, and service stations with more than 150m² of indoor retail floor area, default to a non-complying activity status.
117. The provisions for retail and commercial activities in the industrial zones, Business D, E and F, are less permissive than those of the commercial zones discussed above.
118. Permitted retail activities in the Business D and E zones is limited to single retail outlets, with a minimum gross floor area of 150m² located within buildings, and only selling goods produced or processed on the site and ancillary products. Restaurants, takeaway outlets, outdoor display and sales including vehicle and machinery sales and sale of livestock and refreshments at the Ashburton Saleyards are exempt from these limitations.
119. Within the Business F zone permitted retail activity is limited to the display and sale of goods processed or manufactured on site.
120. Any retail activity within the Business D, E or F zones that does not comply with the permitted activity limits defaults to a non-complying activity status.

121. The Industrial zones also have some provision for commercial activities (offices), which are permitted in the Business D zone, discretionary in the Business E zone and non-complying in the Business F zone.
122. The Business zone Site Standards set out the provision relating to the bulk and location of buildings within each zone. In the Business A zone within Ashburton Town Centre the standards allow for buildings up to a maximum 15m in height, and seek that buildings are built up to road boundaries with verandas along road frontages, and display windows at ground floor level. The site standards also specify that residential activities shall not be located at ground floor level.
123. In addition to the Business zone rules, key district wide provisions that have particular relevance to activities in Ashburton Town Centre include car parking requirements, and provisions for heritage buildings.
124. With respect to car parking, Transport (Chapter 10) rule 10.8.1 Minimum parking space requirements specifies that no on-site car parking is required within the Business A zone, except for residential activities.
125. There are several heritage buildings within the Ashburton Town Centre Business A zone, albeit only three within the core area of core of Havelock, Moore, Cass and East Streets⁴¹. These do not represent a significant impediment to redevelopment.
126. The Heritage rules in section 12.7.1 of the Plan provide for maintenance and repair of any heritage listed buildings as a permitted activity, subject to compliance with site standards. The relevant site standards require a suitably qualified professional with heritage experience to certify, in writing to the Council, that the standards are met.
127. Alterations or additions to any heritage building are a restricted discretionary activity, and demolition or partial demolition is discretionary for Group B buildings, and non-complying for Group A buildings.

3.3.1 Rule Review

128. **Figure 8** provides a summary of the range of retail and commercial activities that are provided for within each of the Business Zones.
129. It is apparent that the Business A zone confines the range (and scale) of retail activity contrary to its purpose as providing the primary retail and commercial focus for Ashburton.
130. By contrast, the Business B zone, whilst seeking to provide for large format retail (retail > 500m² GFA), provides for a wide range of ancillary retail activities and commercial activities (such as Restaurants & Takeaway, offices and visitor accommodation). Equally the Business C zone provides for a substantial range of activities.
131. Where retail demand exceeds land supply provided within the Business A zone the expansive range of activities provided for in the Business B and C zones would ensure a competitive range of activities were provided for the community and appropriate control on rents. The converse,

⁴¹ H15 Pillar Box (Ashburton Postal Utility), Burnett Street Road Reserve; H39 Former ANZ Bank 230 East Street; and H56 Former Westpac Bank.

that is supply exceeds demand results in the dilution of retail investment in Ashburton Town Centre and consequential reductions in amenity and social focus.

Zone	Retail				Restaurants & Takeaways	Offices	Visitor Accommodation	Service Station	Residential	Trade	
	Retail <500m ²	Supermarkets	Retail >500m ²	Retail <750m ²						Outdoor display and Sales	Service Activity
Business A	✓	Controlled 500m ² – 1,200m ²	✗	✗	✓	✓	✓	✗	✓	✓	✗
Business B	✗ Discretionary	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
Business C	✓	< 750m ²	✓ (500m ² – 750m ²).	✓	✓	✓	✓	✓	✓	✓	✓
Business D	✗	✗	✗	✗	✓	✓	✗	✗	✗	✓	✓
Business E	✗	✗	✗	✗	✓	✓	✗	✗	✗	✓	✓
Business F	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓ (Area 2)

Figure 8: Retail and Commercial rules assessment by Zone

132. The potential issues that stem from these provisions are:

a. Clarity as to definitions:

- Definitions of Commercial Activity and Retail Activity - Improved clarity should be provided in the provisions, particularly through refinement of the definition of commercial activity, and subsequent definitions for retail activities. This was achieved in part through Plan Change 1.
- Nesting diagram - Specifically defining retail activities that are not, or have limited capacity to generate distributional effects on the Town Centre, so that these activities can be explicitly provided for in the Business B, C, D and E. This approach would assist in clarity as to the ability for such activities to transfer from the Business A zone freeing up capacity.

b. Removing the 500m² GFA maximum from the Business A zone in terms of retail activities

- Remove the 500m² GFA maximum regulatory restraint in the Business A zone which in conjunction with a spatially limited and at capacity Business B (LFR) zone displaces further larger format retail investment into the Business C or D zones.

c. Status and range of activities in the Business zones

- Alter the status of small scale retail (<500m²) in the Business B zone from Discretionary to non-complying as associated with more prescriptive policy as to the range of activities anticipated in that zone.
- Recognise that the provision of retail activities (<750m²) in the Business C zone could give rise to ongoing dilution of retail activities out of the Business A zone, in particular for that area between Dobson Street and South Street. However, there are a number of Commercial Services and Food and Beverage outlets located in the Business C zone (Tinwald) that provide for convenient local services and Entertainment Activities (Nelson

Street, Ashburton Trust Event Centre) that of themselves do not give rise to significant distributional effects on the Business A zone.

- iii. Recognise the importance of stand alone office activities to the employment and agglomeration benefits associated with the Business A zone, restricting the provision of standalone offices in the Business B, C and D zones, whilst ensuring the provision of ancillary office activities within these zones.
- iv. Consider restricting the scale and type of Restaurant and food retail outlets in the Business B to Business D zone. Currently there are no limitations on such activities (scale or number), which post Covid 19 will require greater certainty of (re)investment in the Business A zone. This intervention has not been carried through to the amended plan provisions.

4 Issue Identification

4.1 Managing retail distributional effects on the Town Centre and Case Law

133. The planning argument for managing the distributional effects of diluted commercial retail activity is not that new retail activity will affect the trading circumstances of organisations of the same type, as these are purely trade competition considerations that the Council cannot consider under Section 74(3) of the Act.
134. The Council should however intervene when the impacts of a proposed activity on similar activities in the marketplace would cause impairment that could lead to a decline in existing physical resources, amenity, transport efficiency and community enablement.
135. The key approach with regard to the distribution of retail activity, in relation to the case law can be distilled into a consideration of a balance between enablement and consolidating urban form and growth.

Urban Form and Growth	Enablement
<p>Councils can intervene to protect physical resources. References in the RMA restricting the ability to consider trade competition are subservient to the overall thrust of the RMA as set out in Part II and in particular s5. Thus, if trade competition should reach such a 'significant' stage where a community asset represented by (for example) the CBD is weakened to an unacceptable degree, then a Council can intervene⁴².</p> <p>The strategic context of a District Plan, as stated through its policies and objectives, needs to very clearly set out the direction of the City with regard to the interrelationship between residential, commercial and transport infrastructure. Such a framework provides a policy benchmark for evaluating commercial development within the wider urban form and development backdrop of the Plan.⁴³</p> <p>It is appropriate that a plan should set its face against ad hoc commercial development and instead seek a predicative role in terms of planning. A Plan should provide some flexibility by providing criteria for consideration of new district centres and business retail parks. That, in the Court's view, establishes a clear balance between the certainty necessary for ordered development and confidence and flexibility to allow for change and growth.⁴⁴</p>	<p>Consolidation Policy and Trade Competition. Councils can provide for the promotion of town centre consolidation as a legitimate resource management issue within their respective district plan, however the statutory prohibition to disregard <i>Trade Competition</i> (s74(3)) cannot be undermined nor modified by objectives and policies of the Plan. There is nothing in the Act that intends district plans to be determinative in this regard⁴⁵.</p> <p>A strategy of encouraging the continued viability and upkeep of town centres is acceptable, provided that such an approach does not inhibit development incapable of creating significant adverse distributional effects (either in isolation or cumulatively with other developments)⁴⁶.</p> <p>Assessments of proposals should consider the positive as well as the negative effects and some proposals may assist in enabling people and communities to provide for their wellbeing, health and safety.⁴⁷</p> <p>It is important in terms of providing objectives that seek to reinforce a 'centres based' strategy for the containment and enablement of retail development, is correspondingly aligned with the opportunity for such retail growth to be met in centre. Where the development opportunity for in-centre retail development cannot be met in-centre, objectives seeking such cannot be easily justified⁴⁸.</p>

⁴² *Westfield NZ Ltd & other vs Upper Hutt City Council* (W44/2001). Also *Northcote Mainstreet Inc vs North Shore City Council* (High Court High Court, CIV-2003-404-5292)

⁴³ *The Warehouse Ltd; Foodstuffs (South Island Limited) vs Dunedin City Council* – C101/2001.

⁴⁴ *National Investment Trust vs Christchurch City Council*. C152/2007.

⁴⁵ *General Distributors Ltd, Waipa District Council, NTC, Billimag Holdings*. High Court CIV 2008-404-004857.

⁴⁶ *Westfield New Zealand Ltd vs Upper Hutt City Council*

⁴⁷ *The Warehouse Ltd; Foodstuffs (South Island Limited) vs Dunedin City Council* – C101/2001.

⁴⁸ *Billimag Holdings Ltd vs Waipa District Council* C072/2008

4.2 The state of the Ashburton Town Centre

136. Both the Ashburton District Plan and the Canterbury Regional Policy Statement recognise that primacy (consolidation) of the Town Centre in terms of retail activities and commercial activities will secure and maximise community wellbeing and economic prosperity.
137. There are numerous examples of a disjunct between seeking that outcome and land use planning.
138. The Ashburton District Council has stated in the LTP that the Town Centre is underperforming.
139. The Ashburton Business A zoned land use and ownership contains a high (relative proportion) of 'other goods retailing' and 'vacancies' (combined 8,880m² GFA, PEL 2019 [41]) which in combination with high level of fragmented titles reduces investment / amalgamation potential, and decreases amenity and vibrancy of the Town Centre.
140. During the 2000 – 2018 period, retail employment in the Ashburton town centre declined by 19% (130 employees), despite the district having an overall increase in 700 retail employees over the same period. This was largely the result of the LFR or Business B zone establishing around 2008 – 2010, decreasing the retail employment in the town centre (Figure 5) ⁴⁹.
141. The reduction in the proportion of retail based activities in the Town Centre has significantly reduced the functional amenity (the range of functions) that the town centre provides. There is an obvious absence of comparison of retail offer and a strong reliance on food and beverage and commercial office activities. Accordingly, there has been a reduction in the overall quality of the town centre shopping experience, with many shopping trips now having to be 'split' between the Town Centre (Business A) and Business B and D zones.
142. Projections from the recent Kmart Consent⁵⁰ found that the initial Kmart proposal in the Business D zone would result in *"a decrease of in the aggregate sales of all retail stores within Ashburton's Business A and B zones at 7.6% and 6.2% respectively"*, with this falling to sales still be some 3.2% and 1.7% below 2018 sales respectively by 2020.
143. A meaningful proportion of the stores in Food and Beverage services, Clothing and Footwear, and Personal accessories, which form some 38% of shop types in the Ashburton Business A zone *'appear to be struggling to meet modern day expectations of their consumers. Many of the stores themselves are old and do not appear to have had any material capital investment in either the buildings or store fitout for many years'*⁵¹.
144. There are also a number of buildings on the MBIE national register of earthquake related buildings (EPB Register⁵²) as located within the Ashburton Town Centre Business A zone, especially with frontage to East Street (Figure 9). The earthquake rating for these buildings is 0% - 20%, with seismic works to be undertaken by 10 June 2023. Critically, without investment into these buildings, either through seismic strengthening or complete redevelopment these buildings will be devoid of activities by mid 2023. This would substantially increase the extent

⁴⁹ Property Economics Limited. 2019 [page 25].

⁵⁰ Market Economics. 2019 [2.1, 2.2]

⁵¹ Property Economics Limited. 2019 [page 41]

⁵² <https://epbr.building.govt.nz/register/view/af5f0c78-000f-472b-b2ea-47f20d91f5e7>

of vacant building space within the Town Centre, with associated adverse impacts on centre vitality and viability.

145. In summary, the health of the Town Centre is poor. This is a combination of:
- a. The dilution of retail employment and offer outside of the town centre since 2002.
 - b. The high level of vacant tenancies and the extent of 'other retail' which results in modest functional amenity provided by the town centre.
 - c. The extent of town centre building stock on the MBIE EPB register requiring works before June 2023.
146. Healthy centres are able to sustain materially higher impacts than centres which currently struggle based on quality and function of the centre (considered more than simply the proportion of vacancies but the quality of the existing tenanted activities and their ability to service the role, function and provide amenity within a centre).



Figure 9: MBIE earthquake related building Register

4.3 Office Decentralisation

147. **Figure 8** identifies that offices are permitted in the Business A to Business D zones. The PEL Report (2019)⁵³ identifies that:

“Commercial Office is an important land use for improving the breadth of services and offer in a town centre. It provides additional reasons to visit the town centre and is considered an important conduit between retail and other land uses in the town centre.

For multi-level development, commercial office activity is often an important factor in terms of making such developments commercially viable, and this is likely to be the case in the Ashburton Town Centre as well in the future”.

148. PEL have identified that forecast commercial employment (office worker) growth in the District is expected to increase by 1,040 employees between 2018 (2,630) to 2038 (3,670).
149. Currently within the Ashburton Business A zone, only 19% of employees are engaged in the hospitality and retail sector; the largest proportion of some 41% is commercial sectors such as office workers and professional services⁵⁴.
150. It is generally accepted that the centralisation of office activity within a given area creates economies of scale and synergies that lead to a greater production than if that activity were spread over an entire township. Simply put, having a concentration of office workers proximate to the Town Centre supports a considerable and wide range of activities – ranging from Cafes, to other support activities (for example Accountants, bookshops, and clothing shops).
151. PEL consider that land area demands to accommodate district growth in the office employment sector would be some 3ha over the next 20 years. PEL advise that there is sufficient in the Ashburton Business A zone to accommodate such growth⁵⁵.
152. Commercial office decentralisation can be expected to have considerable impacts on the economic activity within the town centre that is not compensated for in its relocation to the Business B, C, D or E zones as currently provided for by the District Plan.
153. It is also understood that a number of consents have been granted for office development within the residential zone (Figure 4).
154. Office development being consolidated within the Town Centre is consistent with the wider ‘centres based’ strategy for commercial development as helps to promote a diverse range of commercial activity occurring within the town centre. Office activity also provides ongoing confidence in existing commercial centres and facilities, and the range of benefits they provide to the surrounding community.
155. Some flexibility should be retained to ensure that the approach provides for ancillary office activities in more industrial business zones and for low scale and home-based type operations.
156. Given the substantial consented and built large scale retail developments that have occurred in the Business B and D zones, it is considered critical that the District Plan take a more

⁵³ Property Economics Limited. 2019 [page 44]

⁵⁴ Market Economics Limited. 2019 [Section 4.1]

⁵⁵ Property Economics Limited. 2019 [page 44]

predicative approach to consolidating commercial employment in the Town Centre so as to maintain, and in time enhance vitality and reinvestment in the Town Centre.

4.4 Developments in the Ashburton Town Centre

157. The Ashburton Town Centre also has a number of positive fundamentals. These include:
- a. A diverse range of retail activities and commercial activities, including an increase in commercial service employees in the town centre from some 600 in 2000 to 1,060 employees by 2018⁵⁶. Given the dilution of retail employees into the Business B, C and D zones since 2002, the importance of commercial services (including office employees) to the sustainability of the town centre cannot be understated.
 - b. Recent private investment in the Town Centre and core, including:
 - i. the Eastfield Development fronting Burnett, Tancred and Cass Street which includes the Ministry of Social Development offices and medical centre.
 - ii. Gabites building redevelopment, including Kiwibank as a tenancy (Figure 10).
 - iii. Murney Building – Four storey development, including office, hospitality and retail space (Figure 11).
 - iv. MSA Redevelopment – Hospitality and function centre.
 - v. Tavendale and Partners building – including range of commercial services and office.
 - c. Public investment includes the 51.6million in a new Civic facility and library building on Havelock Street.



Figure 10: Gabites Building, Cass Street – Business A

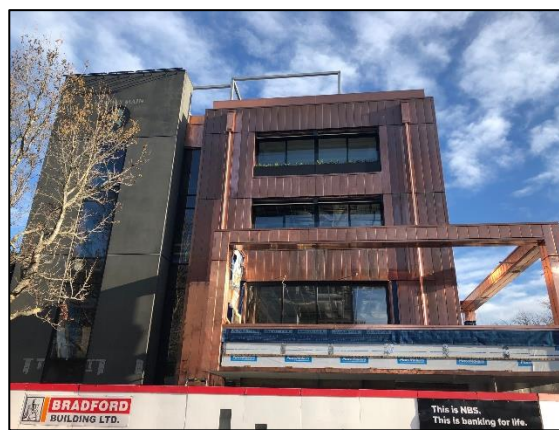


Figure 11: Murney Building – East Street – Business A

⁵⁶ Property Economics Limited. 2019 [page 25]

4.5 Capacity to accommodate large format retail supply

158. As outlined above, the NPS on Urban Development Capacity requires the Ashburton District Council to enable urban environments to grow and change in response to the needs of their population, as well as provide for choice.
159. It is incumbent on the Council to ensure that there is adequate provision made in Ashburton, not only for retail space, but also different retail types.
160. Currently the Business B zone explicitly provides for the trend in Large Format Retail, that is retail activities with a floorspace exceeding 500m² GFA. The zone recognises and provides for retail types that cannot always be easily accommodated within existing centres, due to large floorplates; 'in centre' rents and design requirements; and fragmented titles.
161. The opportunity for large format retail development within the Business B zone is constrained by existing development. As shown on Figure 14 there are a number of national brands and substantial large format retail developments present in the Business B zone, with little ability to accommodate additional supply in the zone.
162. There are however a number of consented, but yet undeveloped Large Format opportunities including:
- a. 22-34 Kermode Street, Business B zone. Large format retail of up to 3,000m² GFA.
 - b. 519 East Street, Business C zone. Large format retail of 760m² GFA.
 - c. 5-7 Cass Street and 36 – 50 South Street, Business D zone. Large format retail (Kmart) of 5,761m² (and food and beverage).
163. The Property Economics Report (2019) identifies that there is sufficient capacity within the Business A zone to accommodate growth in both specialty retail and large format retail till at least 2038⁵⁷, subject to removing the 500m² GFA cap in the Business A zone. In conjunction, additional supply is provided by:
- a. the consented, as yet unbuilt large format supply as identified above; and
 - b. clearer policy direction in the Plan to provide opportunities to relocate Trade Supply retail outlets currently located within the Business A zone into the Business C or D zones freeing up space and the ability to amalgamate titles to accommodate larger retail outlets within the Town Centre.
164. In conjunction, there is a need for district plan policy to be more explicit that the Business B zone provides a limited (or rationed) approach to providing for large format retail activity (**LFR**) outside of the Business A zone. The absence of such an explicit policy approach in the operative plan, in conjunction with existing capacity limits within the Business B zone to accommodate further LFR has provided a rationale for the spill over of additional LFR into the Business C or D zone rather than redirection and containment within the Business A zone.

⁵⁷ Property Economics Limited. 2019 [Page 45]

4.6 Trade Suppliers and nesting definitions

165. The Ashburton Business A zone contains a reasonable proportion of both what can be termed Trade Suppliers as well as primary (7.8% employment) and Industrial activity (14.8% employment). These activities are not critical to centre function and community wellbeing provided by the Town Centre. Their presence in the town centre presents opportunity costs against accommodating more functional retail activities, as well as precluding the amalgamation of titles or facilitating redevelopment / reinvestment of older building stock.



Figure 12: Trade Suppliers, Moore Street – Business A



Figure 13: Trade Suppliers – Moore Street – Business A

166. Trade Suppliers and Industrial activities should be explicitly enabled within the Business B, C and D zones.
167. Figure 8 identifies that Trade Suppliers (as defined as 'Outdoor Display and Sales' are provided for in the more Industrial Business zones of the District (Business D and E zones).
168. Increased clarity is required as to the range of Trade Suppliers able to develop as permitted activities in those zones. At present it would appear that a number of trade businesses would default to the 'retail activity' definition because they do not qualify as 'Industrial activities' nor 'Vehicle Sales and other 'Outdoor Display and Sales'.
169. This would be overcome by introducing new generic definitions in the Plan (based on existing practice in other districts and as consistent with the National Planning Standards).
170. The generic definitions would benefit from applying more than one distinct generic grouping. For example, "*building and garden supply*", "*farming and agricultural supply*" and "*office furnishing and equipment supply*" are subsets of "*trade supply outlets*", which also sell and promote to the public to varying extents. The explicit provision of these activities in the Industrial zones of the District would not threaten the established Ashburton Town Centre or community wellbeing needs.
171. In addition, the rationale for provide for such activities outside of the Ashburton Town Centre are:
- Whilst a few are found in the Town Centre, none would be important to centre function or even vitality; and

- b. such businesses are, or would be visually inconsistent and operationally undesirable in the core pedestrian areas of the Town Centre due to both nuisance and amenity effects (larger utilitarian buildings and / or expansive carparking), or the nature of vehicle entry and servicing requirements provides conflicts between vehicles and pedestrians; and
 - c. Such activities present opportunity costs to more appropriate retail and office activity which would otherwise increase the functional amenity of the town centre.
172. The respective definitions are recommended as modified to conform with the Draft National Planning Standards (as identified with a *) are:
- **Ancillary activity*** means an activity that supports and is subsidiary to a primary activity.
 - **Commercial activity*** means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices) (*assumed in the National Standards to include Offices – but this is not clear*).
 - **Retail activity**, means the use of land or buildings for displaying or offering goods for sale or hire to the public and includes, but is not limited to, food and beverage outlets, small and large scale retail outlets, trade suppliers, yard based suppliers, second hand goods outlets and food courts⁵⁸.
 - **Commercial service** - Businesses that sell services rather than goods where a front counter service is provided to cater for walk in customers. For example: banks, real estate agents, travel agents, tattoo studios, dry cleaners and hairdressers.
 - **Entertainment facilities** - means land and/or building(s) or parts of building(s) used principally for any public meetings, public performances or public amusements, whether a charge is made for admission or not; or used principally for public or private worship, religious ceremonies, services or associated instruction. Has the same meaning as Meeting Places.
 - **Food and beverage outlet** - means land and buildings used for the sale of food and / or beverages to the general public prepared for immediate consumption. It includes restaurants, taverns, cafes and takeaway restaurants, and excludes supermarkets.
 - **Trade supplier**, Business engaged in sales to businesses, may include sales to general public, but wholly consists of sales in one or more of the following categories:
 - Automotive and marine supplies;
 - Building supplies;
 - Garden and landscaping supplies;
 - Farming and agricultural supplies;
 - Hire services (excluding hire of books, DVD and video);
 - Office furniture, equipment and systems supplies.
 - **Yard Based activity**, means retail activity with the primary function of the supply of goods from a yard area and includes building supplies (DIY or Trade), garden centres, automotive and marine yards, farming and agricultural supplies and heavy machinery or plant. More than 50% of the area devoted to sales or display must be located in covered or uncovered

⁵⁸ Operative Plan Definition

external yard as distinct from within a secure and weatherproofed building where trade, business and general public customers are able to view items for sale and load, pick up or retrieve the goods, but does not include site access and parking. Drive-in or drive through covered areas devoted to the storage and display of construction materials (including covered lanes) are deemed yard space for the purpose of this definition.

- **Automotive and marine supplier**, businesses primarily engaged in selling automotive vehicles, marine craft, and associated parts and accessories for such vehicles and craft.
- **Building supplier**, businesses and associated premises used for the display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings, including plumbing, electrical and landscaping.
- **Farming and agricultural supplier**, businesses primarily selling goods for consumption or use in the business operations of primary producers or in animal husbandry.
- **Garden and landscape supplies**, businesses primarily selling goods for permanent exterior installation or planting and includes: landscaping suppliers; and suppliers of bark, compost, firewood, and paving and domestic paving aggregates.
- **Office furniture, equipment and systems supplies**, businesses primarily selling goods for office-type use or consumption, and includes suppliers of computers, copiers, printers, office furniture and other related equipment.

173. The relevant nesting table for Commercial activities is shown below:

Business activity	Activity group	Activity type	Specific activity
Commercial Activities	Offices		
	Retail	Food and Beverage	Bars and Taverns
			Restaurants and cafes
			Drive through restaurant
		Dairies	
		Large Format Retail	Department Store
			Supermarket
		Service Station	
		Trade Supplier	Automotive and marine supplies
			Building supplies
			Garden and landscaping supplies
			Farming and agricultural supplies
			Hire services
			Office Furniture, equipment and systems supplies
	Commercial Services	Veterinary clinic	
		Hairdressers	
		Real Estate Agents	
	Entertainment facilities		

4.7 Covid 19 and the need for greater certainty

174. The implications of Covid-19 of the District economy are uncertain. New Zealand Treasury forecasts indicate a return to pre-pandemic levels by 2024, with national unemployment peaking in September 2020 at 10% before reducing to 8% by September 2021⁵⁹.
175. The Ashburton District employment base is more resilient than many in the Country to withstand the worst economic effects associated with the downturn in economic activity, given:
- a. a high base in agricultural employment and associated multipliers.
 - b. only a small reliance on international tourism and associated spending.
 - c. household and population growth are less reliant on international migration.

However, there will remain a likely reduction in consumer spending and downward pressure on employment, at least over the next 3 – 5 years.

176. Two key implications flow from the uncertainty around the Covid-19 economic conditions for Ashburton District.
177. Firstly, that Household and Population projections are more likely to follow the SNZ Medium projections rather than the high forecast projections⁶⁰. That is the Council's regulatory planning role, at least until a comprehensive plan review is undertaken, should be based around the more conservative increase from 13,800 (2018) to 16,500 (2038) households.
178. Secondly, in a rapidly growing economy with a healthy functioning retail centre a more liberal approach can be undertaken in terms of enabling non-centre opportunities for Food and Beverage providers and office activity. In this instance, given both that collectively Office and hospitality account for almost 50% of town centre employment a more restrictive approach specifically in relation to office activity is warranted in the Business B, C and D zones.

4.8 Recognition of the existing environment

179. The Plan Change associated this report will impose a greater degree of restraint on the range of activities able to be undertaken in the District's Business zones.
180. There will be several commercial premises in the Business B, C and D zone that are established, and or have resource consent that would then face consenting hurdles for commercial redevelopment. That is, whilst change in District Plan rules cannot retrospectively constrain the current lawfully established activities, it would seek to restrain substantial redevelopment.
181. In this light, planning certainty is a relative concept. In a legal sense, RMA documents, such as the District Plan provide certainty until they are reviewed⁶¹ and amended, and a resource

⁵⁹ NZ Government. The Treasury. Covid-19 Economic Dashboard – 22 May 2020.

⁶⁰ Property Economics Limited. 2019 [page 18].

⁶¹ Section 79 Resource Management Act 1991

consent granted in terms of the district plan will enable the holder to implement the consent⁶².

182. Once an RMA document is reviewed and amended however, any long term certainty provided by its predecessor will have ended. In a practical sense, steps taken in accordance with a district plan or a resource consent, such as the establishment of commercial buildings in an environment where they previously did not exist, will alter the 'environment' and hence any basis for the District Plan review and amendment, but will not necessarily constrain that review⁶³.
183. However, plan provisions should also be forward looking, and set their face against ad hoc development. Provisions should identify for change to occur to accommodate trends by recognising and providing for such within the framework of the Plan.
184. An approach where the granting of consents is exacerbated through failing to adequately recognise and provide for legitimate activities within any given environment will effectively undermine the strategic plan framework⁶⁴. Examples where this will relate to is an enduring application of the Business D zone to the existing, and quite substantial retail resources associated with the Ashburton Countdown and consented Kmart in the Business D zone.
185. For the latter, where consent has been granted but development has not occurred, an assessment of the environment, would include the future environment as it may be modified by the implementation of resource consents. However, the likelihood of consents being implemented, and to what degree, is a question of fact, and difficult to determine. However, the Business D zoning did not permit the activities authorised (after all this is why consent was sought), and whilst the consent holders may consider it preferable that the underlying zone (in the District Plan) is enabling of any consents held, this would not preclude the exercise of their consents (under s9)⁶⁵.
186. Clearly where the 'environment' consists of a number of retail and / or office activities, any distributional (or transport) effects of such are to be considered sunk costs. Section 5 is not intended to be applied in a way which requires well established activities which have been complying in zones for significant periods to avoid, remedy or mitigate adverse effects in a new plan⁶⁶.
187. In summary, should the Plan Change seek to impose a reduced range of commercial activities in the Business B, C and D zone in combination with more prescriptive policies seeking to *discourage* or *avoid* such activities, those land owners with substantial commercial offerings in those zones are entitled to seek that either the status quo is retained, or a more liberal zoning is applied.

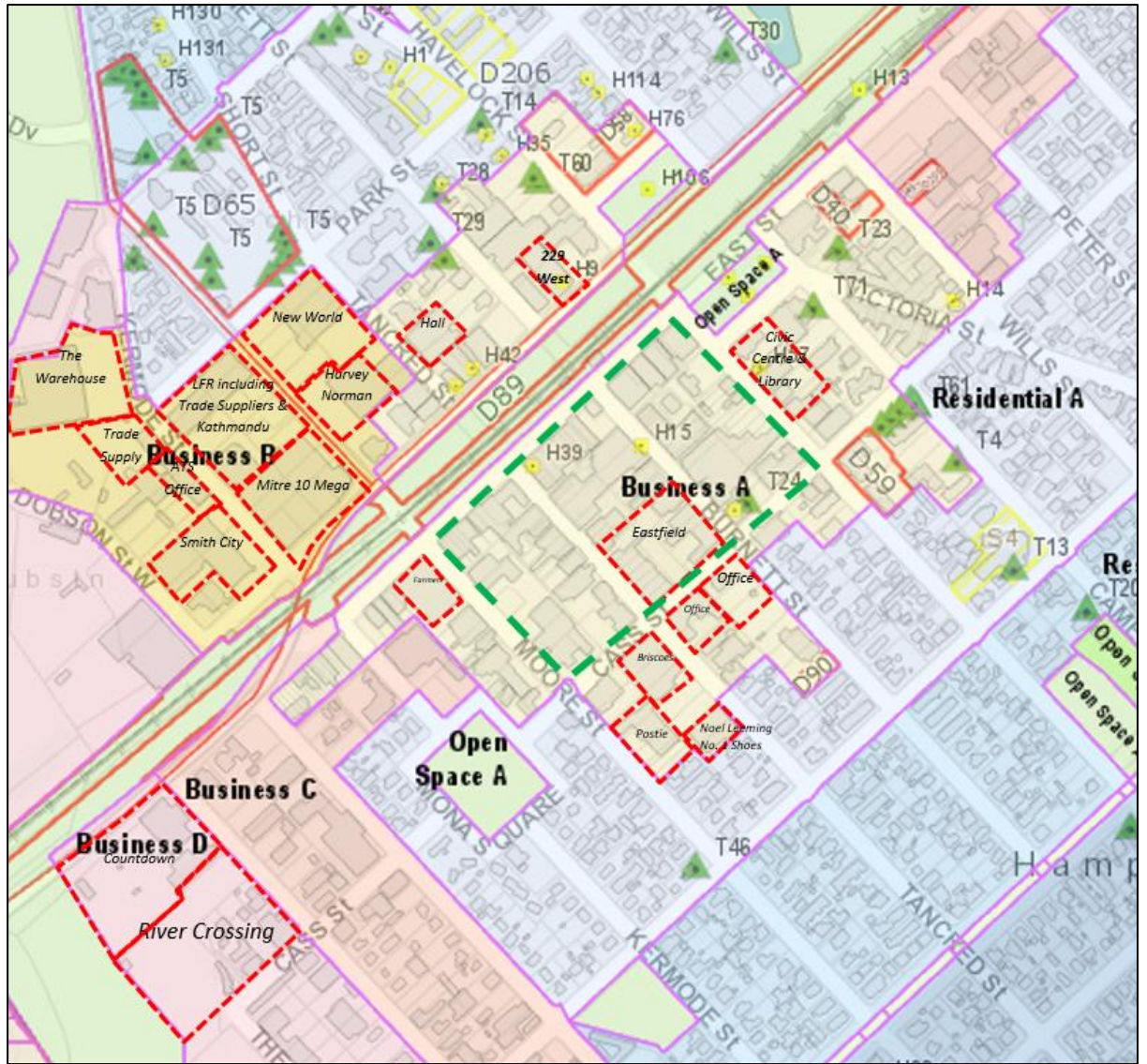
⁶² Section 123 Resource Management Act 1991

⁶³ Independent Fisheries Ltd vs Ministry for Canterbury Earthquake Recovery [40]. CA507/2012.

⁶⁴ National Investment Trust vs Christchurch City Council [15 – 19] C152/07.

⁶⁵ Refer Interim Decision of the Environment Court Queenstown Airport Corp Ltd vs QLDC [para 122 to 132] ENV-2009-CHC-223)

⁶⁶ Seabreeze Investments Ltd vs Christchurch City Council [102]. C81/2002.



5 Review of Other District Plans

5.1 The Plans

188. The district plans of Ashburton District, Christchurch City, Taupo and Queenstown have been analysed in **Attachment B**. Christchurch (2016), Taupo (2014) and Queenstown (2018) have been considered as these represent a contemporary consideration of the management of business activities.

5.2 Definitions

189. All plans provide generic categories in terms of 'retail,' 'office' and 'commercial activity', which are broadly similar, albeit more explicit in the Christchurch and Taupo examples. Ashburton does not contain a nested definition for Trade Suppliers, and associated sub-categories, and the distinction between Commercial Activity and Retail Activity requires further clarity.

5.3 Rules

190. The Queenstown and Taupo District Plans generally provide for commercial activities within commercial zones, with the Christchurch Plan limiting permitted commercial activities to a list of specified activities, and retaining higher levels of urban design control as a controlled activity for either certain activities (such as Supermarkets) or where buildings are of a significant scale. All three District Plans place restrictions on the type and/or scale of retail activities that are permitted in commercial zones outside the town/city centres.
191. Within Industrial areas, all three District Plans provide for a very limited range of office and retail activities, in comparison to the operative Ashburton District Plan. Ancillary offices, retail of products produced processed or stored on site and food and beverage outlets are generally provided for as permitted activities. Both Christchurch and Taupo District Plans also provide for yard-based sales and trade suppliers in Industrial zones.
192. Retail and office activities not provided for as permitted activities generally defaulted to a Discretionary status, although in Queenstown they are proposed to be prohibited. (Noting that a decision has not yet been issued on the General Industrial chapter of the proposed Queenstown Lakes District Plan).
193. All of the Plans contain prescriptive policy that seeks to discourage or otherwise avoid retail activity in non-commercial centre zones.
194. By comparison, the Ashburton District Plan is more enabling of commercial activities (retail and office) within a wide range of zones.

6 Recommended Approach

6.1 Overview

195. Application of the higher order statutory documents requires an approach in the Ashburton District Plan where:

- a. The role and function of the Town Centre (Business A zones) in the District is reinforced and strengthened, with Ashburton Town Centre identified as the primary commercial, retail, recreation, cultural and entertainment centre for the district.
- b. A distribution, scale and form of business activity which differentiates and manages various types of business activities both on the basis of the nature of the activity, and the potential local and strategic effects of their operations is established. Such activities are to be enabled to locate within particular zones, principally the Town Centres (Business A) and Industrial Environment zone (Business C, D and E), at a scale and with standards which reflect the zone locations and roles. This requires the need to:
 - i. Remove the restraint on retail activities over 500m² GFA within the Business A zone.
 - ii. Identify the range of Trade Suppliers which are to be enabled within the Business B, C and D zones and concurrently seek to facilitate the transfer of Trade Suppliers out of the Business A zone.
 - iii. Restrict standalone Office activities within the Business B,C and D zones. Office employment (and investment) should remain the focus in the Business A zone.
 - iv. Restrict the range of Retail Activities within the Business C zone (remove the ability to establish Retail Activities <750m²), but retain the ability to establish Food and Beverage outlets, Commercial Services and Entertainment Activities given the mix of established activities and provision for local convenience needs provided by such activities.
- c. Supporting policies including the following principles:
 - i. Greater prescriptiveness as the range of commercial activities and retail activities within the Business Zones, through amendments to Policy 5.1A to 5.1E. Recognising the differences between Business zones – such as Business A (Town Centre), Business B (Large Format), Business C and D (Industrial and Trade Based retail).

196. Spoken plainly, the provisions should:

- a. Direct retail and commercial activity to the town centre (Business A zone).
- b. Restrain the type and extent of new retail and office activity able to establish in the remaining Business zones.
- c. Provide a framework for the management and distribution of commercial and retail activity throughout the Ashburton District.

197. In addition to the changes recommended in this report, the Council should consider the following additional changes which would further constrain the potential for the distribution of retail and commercial activities outside of the Business A zone.

- a. Restrict the range and scale of Restaurants and Takeaway food outlets within the Business B, C, D and E zones.
- b. Amend Policy 4.1G⁶⁷ in the Residential Chapter to be prescriptive as to discouraging business activities within the Residential zones, rather than the current focus as to compatibility with residential character and amenity values. That policy would be amended as follows:

Policy 4.1G

Discourage ~~Ensure limitations on~~ business activities in residential areas to avoid adverse effects on:

- (a) residential character and amenity values;
- (b) The function and amenity of the Business A Zone; and
- (c) The adjoining road network.

6.2 Policy and Rule approach – Options for amendments

6.2.1 Overview and Scope of changes

198. It is understood that the 'Scope' of a plan change is limited by the terms of the proposed change (including its breadth) and the content of submissions filed.

199. Key is the extent to which a Plan Change amends the *status quo*, and the extent to which a submission is therefore *on*⁶⁸ the Plan Change.

200. Whether a submission is 'on' the Plan Change is a question of fact and degree. Where a Plan Change widely changes the status quo, such as through amending policies and objectives and changing the functions of zones, it follows that submissions which seek different zones from either the pre-plan change or amended zones could be considered within the 'Scope' of the Plan Change⁶⁹.

201. The relevant elements are summarised in *Oyster Bay Developments Limited v Marlborough District Council* (C081/09) [22]:

"[a] The terms of the proposed change and the content of submissions filed delimit the Environment Court's jurisdiction [64];

[b] Whether an amendment goes beyond what is reasonably and fairly raised in submissions on the plan change will usually be a question of degree to be judged by the terms of the plan change and of the content of the submissions [58];

⁶⁷ Also amend Section 4.5 'Anticipated Environmental Results', Section 4.7.1.7 'Commercial Activities'.

⁶⁸ Clause 6(1) of Schedule 1

⁶⁹ *Sloan vs Christchurch City Council* [2008] NZRMA.

[c] That should be approached in a **realistic workable fashion** rather than from the perspective of legal nicety, and requires that **the whole relief package detailed in submissions be considered** [59] [60]." [our emphasis]

202. The rule status of specific commercial activities and retail activities and associated policy wording can both strengthen the District Plan approach, but also attract increased challenge – particularly from parties that have existing commercial activities or consents where redevelopment would be curtailed by the changes.
203. By comparison, a narrowly defined plan change can reduce challenge but can also be less effective in terms of outcomes.
204. Ultimately, the Council needs to determine the efficacy of the Plan Change based on the challenges to the Town Centre.
205. The Council has a number of options to consider in terms of establishing the scope and scale of any Plan Change that falls from this report. An indication of the scope and consequences of each prospective change is outlined below.

Change	Change ID	Critical	Moderate	Low
Need for more prescriptive policy provisions	Change 1	✓		
Removal of 500m ² cap in the Business A zone	Change 2	✓		
Improved clarity in definitions, including for trade suppliers.	Change 3	✓		
Restricting standalone office within the Business B, C, D and E zones.	Change 4	✓		
Restrictions on the extent of Retail Activities within the Business C zone, retaining the ability for Commercial Services and Food and Beverage Outlets to establish.	Change 5	✓		
Restricting food and beverage outlets in the Business C, D and E zones.	Change 6			✓
Amending Policy 4.1G to discourage business activities in Residential zones.	Change 7		✓	

206. It is recommended that the Ashburton District Council pursue a Plan Change based on Changes 1 to 5 above.

6.2.2 Directive Policies to ‘avoid’ or ‘discourage’

207. This report identifies that Policy in the Ashburton District Plan would benefit from greater prescriptiveness as to consolidating Commercial activities within the Business A zones.

208. As outlined in the recent High Court Decision *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, provisions:

“expressed in more directive terms will carry greater weight than those expressed in less directive terms. Moreover, it may be that a policy is stated in such directive terms that the decision-maker has no option but to implement it. So, “avoid” is a stronger direction than “take account of” [24].

209. Careful consideration needs to be given as to the appropriate policy and verb approach associated with managing commercial activities outside of Business A zone and commensurate activity status. Given the anticipated likelihood that the growth of Ashburton is slower than the high NZ Statistics projections in conjunction that the town centre is functioning and performing poorly, a more prescriptive policy approach is considered to be the better approach.

210. Recent Environment Court decisions⁷⁰ has illuminated the care that needs to be applied to such a policy response. The Court in grappling with the issue of scarce business zoned land and application of the NPS-UDC stated:

“Since a policy to avoid other activities in an Industrial zone cannot be said to promote efficient use of urban land or limit adverse effect on competition in real estate, we hold that the ODP cannot be said to anticipate the NPS”. [46]

“This is not to say that a policy cannot provide that non-industrial activities must be avoided in industrial zones but we would expect there to be a comprehensive analysis (including under section 7(b)) before such a draconian step was taken”. [162]

211. For the latter, the Court was contending with an activity which generated immaterial adverse effects but confronted with a blunt policy provision:

“This policy is at the heart of the appeal and is couched largely in the negative. ‘Avoid’ as RMA practitioners now well understand, usually mean “not allowing or preventing the occurrence of”, and we see no reason to adopt a different approach here”. [65]

“Regrettably for the Rogers, we are unable to approve the consent. The Environment Court applies – does not write – the policy of the District Plan and this case is a relatively rare instance of a proposal having negligible adverse environmental effect, but being directly challenged by directive policies weighing in against consent being granted”[90].

⁷⁰ *Bunnings Ltd vs Queenstown Lakes District Council* [2019] NZEnvC 59 and *Rogers vs Christchurch City Council* [2019] NZEnvC 119.

7 Section 32 Report and Amendments

7.1 Executive Summary

212. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 and policies and methods of these proposals to be examined for their costs, benefits efficiency, effectiveness and risk in achieving the objective(s). The analysis set out in this report is to fulfil the obligations of the Council under section 32 of the Act.
213. This section 32 evaluation reports relates to consolidating retail and commercial activities to the Business A zone, providing greater policy clarity as to the primacy Business A (town centre) zone, and the role and function of Business zones in the district in terms of enabling retail and commercial activities.
214. The changes will assist the Council to fulfil its statutory functions and responsibilities as required by the Act through the following amended objectives, policies and rules:
- a. Objective 5.1 amended to distinguish between activities and anticipated outcomes (Change 1).
 - b. Policies 5.1A – Policy 5.1E to provide improved certainty and prescriptiveness as to the spectrum of activities sought within the Business zones (Change 1).
 - c. Rules that remove the existing cap at 500m² for permitted activities within the Business A zone (Change 2).
 - d. Rules restricting standalone office within the Business B, C, D and E zones (Change 4).
 - e. Definitions – Insertions and amendments to improve clarity of the spectrum of retail and commercial activities to align with provisions seeking restraint on the extent of core retail within the Industrial business zones (Change 3).
 - f. Rules restricting the scale and extent of Retail Activities provided within the Business C zone (Change 5);

7.2 Overview and Purpose

215. This section 32 evaluation report should be read in conjunction with the remainder of this report and the **Property Economics Limited Report (2019) Ashburton Town Centre Zoning Economic Assessment**.
216. The basis of the Proposed Plan Change is recognition that the role and function of the Ashburton Town Centre (Business A) zone is being eroded by continued retail and commercial development occurring outside of the centre.
217. The Proposed Plan Change recognises that:
- intervention in location and scale of landuse activities is an acceptable means of promoting sustainable resource management and the integrated management of effects (Section 4.1);

- The Ashburton Town Centre is an important physical resource and serves as a focal point for community activity, and to enable people and communities to provide for their social and economic wellbeing. Continued out-of-centre retail and commercial developments, coupled with the high level of vacancies in the Town Centre have resulted in that aim not being met (Section 4.2);
- the location of business (including retail) activities has the potential to give rise to adverse effects (Section 1.1);
- it is impossible to accurately predict the future, and the significance of retail distribution effects are likewise difficult to predict. Determining and applying realistic scenarios requires reliance upon assumptions, including household growth, population (including migration) change, and general economic stability (Section 4.7); and
- district plans are the relevant regulatory mechanism by which to assess the distribution and potential effects of proposed business developments (Section 2.2).

7.2.1 Issues to be addressed

218. The evaluation of the appropriateness of the Proposed Plan Change is based on the following key issues:

- a. Stronger alignment needs to be achieved with the higher order planning documents, particularly the Canterbury Regional Policy Statement.
- b. Adverse effects from continued dispersal of commercial and retail activities (including cumulative effects) on the viability and vitality of the Business A zone.
- c. Any distribution of retail and commercial activity that does not best coordinate activities and align to where people live, shop or socialise is likely to have adverse consequences for transportation planning, including increased vehicle trips.
- d. Continued leakage of retail and commercial activities into the Business C, D and E zones can give rise to expectations as to higher levels of amenity within and adjoining areas of business activity, including issues associated with noise, hours of operation and traffic conflict (reverse sensitivity).
- e. Whilst the Business A zone is anticipated to have primacy in terms of the civic, retail, commercial and social role, that function and diversity of uses has been undermined, specifically through continued retail developments in the Business B, C and D zones.
- f. The Ashburton Town Centre, as a location promoting a diversity of activities may struggle to maintain its role if there is a continuing dispersal of retail / commercial activity, even with alternative methods of support – such as Council investment in community facilities or amenity improvements.

7.2.2 Regulatory and policy direction

Part 2 of the RMA

219. In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

- 220. In achieving the purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.
- 221. In terms of the Proposed Plan Change, Sections 5 and 7 provide a framework for giving due consideration to the potential impacts that a proposed retail development may have on the continuing function and amenity of an existing centre. This is set out in Section 2.2 of this report.

National Instruments

- 222. In terms relevant National Policy Statements and National Environmental Standards, the only relevant Statement is the National Policy Statement on Urban Development. This is addressed in Section 2.4 of this Report. Principally, there is a requirement on the Council to ensure sufficient opportunities for the development of Business land to meet demand and provide for choice. The District Plan is to ensure that there is sufficient opportunities for business development capacity, with PEL identifying the Ashburton Business A zone provides sufficient capacity to provide for the district's short to medium term demand in both retail and commercial activity.

National Planning Standards

- 223. The requirements of the National Planning Standards (**the standards**) are identified in Section 2.7 of this report. Principally, the mandatory requirements to implement the standards does not occur till 2024, or when a replacement plan is to be notified. Critically, as the Proposed Plan Change is narrow in purpose, the full application of the standards would result in considerable amendments to the Plan, and consequential unintended consequences.
- 224. The Proposed Plan Change therefore seeks to apply only limited aspects of the standards, limited in effect to use of definitions. Amendments to the zone, or the Plan framework is not being undertaken.

Regional Policy Statement (CRPS) and Plans

- 225. The respective Canterbury Regional Policy Statement provisions are set out in Section 2.5.1.
- 226. These provisions seek to ensure urban growth occurs in a form that concentrates existing urban areas and promotes coordinated patterns of development. Business opportunities are to be of a character and form that supports urban consolidation (**Policy 5.3.1(2)**), encourage high quality urban design and enhancement of amenity values (**Policy 5.3.1(5)**), and avoid conflicts between incompatible activities (**Objective 5.2.1(2)(i)**).
- 227. There is misalignment between the provisions of the CRPS which seek a consolidated and co-ordinated approach to managing urban growth, and a continuation of dispersed retail and commercial development outside of the Business A (town centre) zones.

228. There are no explicit provisions in relation to Regional Plans, including Canterbury Land and Water Regional Plan or the Canterbury Air Regional Plan.

Mahaanui Iwi Management Plan

229. This Plan is addressed in Section 2.5.3. There are no explicit provisions relevant to this Proposed Plan Change.

Relevant Management Plans and Strategies

230. These is addressed in Section 2.5.2. These documents recognise the important role and function provided by their Town Centres in terms of local identity and as part of economic growth. Importantly the LTP recognises that Town Centre is underperforming and seeks to redress this issue, in part through substantial investment in Civic facilities.

Other relevant legislation

231. It is not considered that there is any other relevant legislation to this matter.

7.3 Resource Management Issue Analysis

232. Section 1.1 of this Report outlines the fundamental issues associated with the absence of a clear policy and rule framework in the District Plan as to the spatial management of retail and commercial activities in Business zones. These include:

- a. The extent to which retail developments have occurred in Business zones outside of the Business A (town centre) zone, given an objective and policy framework that is largely enabling and focused solely on managing effects rather than the agglomeration of activities.

Action – Change 1: Provision of directive objectives and policies as to the arrangement of retail and commercial activities in Business zones.

- b. Removing the 500m² cap on retail activity in the Business A zone, given over 56% of the scale of floor areas within the Business A zone exceeds 500 square metres⁷¹, and that such an approach runs counter to the express Policy approach of providing for a dominant retail and commercial role of the Business A zone.

Action – Change 2: Removal of 500m² cap in the Business A zone

- c. The clarity of retail and commercial definitions, and the range and extent of activities provided for in the Business zones should be improved. This will also provide certainty as to the ability of Trade Supplier activities to relocate from the Business A zone to the Business B, C and D zones, allowing for the consolidation and reinvestment of retail and commercial activities in the Business A zone.

⁷¹ Table 8. Property Economics 2019.

Action – Change 3: Improved clarity in definitions, including for trade suppliers.

- d. Commercial office activity in the Business A zone is critical to provide for agglomeration benefits supporting other commercial and retail activities, especially in the absence of a more substantial comparison retail offer (Section 4.3). It is important that a more restrictive approach is taken in relation to the provision office activities within the Business B, C, D and E zones.

Action – Change 4: Restrict the extent and scale of stand alone commercial office activities within the Business B, C, D and E zones. Retain ability for ancillary and supporting office / administration activities to be undertaken.

- e. The continued dilution of Retail Activities and associated employment has led to a reduction in ongoing investment and functional amenity (the range of activities provided by a centre) provided in the Business A zone (Town Centre). It is important that a more restrictive approach is applied to the establishment of Retail Activities in the Business C zone (removal of the ability to establish Retail Activities below 750m²) and a more stringent approach is provided to SSR establishing within the Business B zone (non-complying status for Retail Activities below 500m²)

Action – Change 5: Restrict Retail Activities within the Business C zones, but retention of Commercial Services and Entertainment. Amend status for SSR (Retail Activities <500m²) within the Business B zone. Require consent as a Restricted Discretionary Activity in the Business E zone (Heavy Industrial) with assessment matters linked to scale and reverse sensitivity.

7.4 Evidence Base – Research, Consultation, Information and Analysis

7.4.1 Research

- 233. The Council has commissioned this report to assist with setting the District Plan framework as it relates to the role and function of the Business A zone. This has been undertaken in conjunction with:

- a. Property Economics Limited (December 2019) – Ashburton Town Centre Zoning Economic Assessment.

- 234. In addition, this report has also considered the Market Economics Limited economic assessment in support of River Crossing Limited (LUC 19/0012) for a Kmart to be located on South Street (zoned Business D)⁷².

7.4.2 Consultation and Engagement

- 235. It is understood that this Report, Section 32 analysis and proposed provisions will be consulted on, specifically with the business community and secondly the wider public prior to any resultant amendments being made and subsequent notification.
- 236. Existing consultation on matters that have bearing on this Proposed Plan Change, including the need for economic sustainability and support for the Ashburton Town Centre, includes:

⁷² Market Economics Ltd. 2019. Ashburton Kmart – Economic Impact Assessment.

- a. Long Term Plan (2018 – 2028) which includes the statement seeking to *implement viable solutions for town centre revitalisation*.
- b. Ashburton CBD Revitalisation (2018) – which has as its aim to assist in the revitalisation of the CBD as *a viable and vibrant Ashburton Town Centre is critical if the Council is seeking to reinforce the primacy of the town centre, reclaim retail spend and attract businesses back to the commercial centre*⁷³.
- c. Town Centre Concept Plan (2009) – which included amenity and design aspects to attract more locals and visitors to the town centre, and to provide private investment certainty in conjunction with coordinated Council investment in infrastructure.

7.4.3 Iwi Authority Advice

- 237. Clause 4A of Schedule 1 of the Act sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan (or change). Clause 4A(b) requires Council to have particular regard to any advice received on a proposed plan change from Te Rūnanga o Ngāi Tahu (TRONT).
- 238. It is understood that this Report, Section 32 analysis and proposed provisions will be consulted on with TRONT.

7.5 Operative Plan Provisions

- 239. An examination of the respective operative Plan provisions is provided in Section 3.1 and 3.2 as this relates to the policy framework and rules respectively. That analysis identifies that:
 - a. The framework is not prescriptive, with a focus on effects and no clear delineation of activities provided for in the respective Business zones.
 - b. The limit on 500m² tenancies as permitted activities in the Business A zone runs counter to the strategic approach to enhance the vitality and role and function of the Business A zone.
 - c. Office activities are provided for as permitted activities in the Business A to Business E zones. This approach does not support agglomeration of commercial office in the Business A zones.
 - d. The extent and scale of Commercial Activities able to establish within the Business B, C and D zone does not support increased investment and functional amenity within the Business A zone.
 - e. Definitions (and associated rules) associated with retail activities, commercial activities and the sub-set of trade suppliers could be improved to provide greater clarity as to the preferred location for such activities so as to remain compatible with adjoining business activities, and provide redevelopment opportunities within the Business A zones.

⁷³ Abley (2018). Ashburton CBD Streetscape Renewal Issues and Options Paper.

7.6 Best Practice – How are other Council’s addressing these matters

240. Section 5 and **Attachment B** provide a comparison of recent second-generation plans (Queenstown, Christchurch and Taupo) in terms of the manner in which retail and office distribution is addressed. That analysis identifies that:

- a. Definitions for retail and commercial activities, and nested sub-activities are more explicit, especially in the Christchurch and Taupo examples.
- b. Provisions are more restrictive in terms of the provision of retail activities and commercial activities in more industrialised business zones.
- c. Christchurch also provides a specific zone for the establishment of large format retail activities (Business B zone in Ashburton), however the policy and associated rule approach is directive in avoiding the establishment small scale retail (**SSR**).

7.7 Scale and Significance Evaluation - Section 32(1)(c)

241. An evaluation report pursuant to Section 32 of the Act is to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
242. In making this assessment, regard has been had to the statutory importance, geographical scale and likelihood of environmental or social costs or restrictions to communities (Table 1).

Table 1: Evaluation of Scale and Significance

Considerations ⁷⁴	Low	Low Moderate	Moderate	Moderate High	High
Reasons for change: <ul style="list-style-type: none"> Initiated locally because of plan effectiveness review, community reaction to function and role of Ashburton Town Centre. Improved alignment with higher order statutory framework. 				✓	
Degree of shift from status quo / operative plan: <ul style="list-style-type: none"> Not a marked difference in direction. Need for more prescription and certainty of outcomes. 		✓			
Degree and extent of community that will be affected (localised, public generally, future generations). <ul style="list-style-type: none"> Amendments will address identified community concerns as to function and state of Ashburton Town Centre. Greater prescription will constrain range of locations for retail activity and commercial activity development. 			✓		

⁷⁴ Ministry for the Environment. (2017). A Guide to section 32 of the Resource Management Act 1991 [Table 3 – Criteria for assessing scale and significance]

Degree of impact on, or interest from Iwi / Maori. <ul style="list-style-type: none">No explicit implications in terms of implementation of Maahanui Iwi Management Plan.	✓				
When will effects, or the success of the changes occur? <ul style="list-style-type: none">Changes will be incremental and experienced over a long time period, but to align with public expenditure on Town Centre civic facilities and street scene improvements.			✓		
Geographic scale of impacts. <ul style="list-style-type: none">Relates to greater specificity of the range of activities provided for in Business zones in the district.			✓		
Type of effect. <ul style="list-style-type: none">Effects are cumulative and experienced over a long-term time framePositive effects in relation to increased reinvestment in the Business A zone for retail activities and commercial activities.Negative costs on individuals with sunk costs associated with existing retail activities or commercial activities in Business zones (although moderated by section 10 (existing use) rights and resource consents.		✓			
Degree of policy risk. <ul style="list-style-type: none">Approach is consistent with second generation district plans.Based on evidential approach provided by Property Economics Limited (2013).Greater alignment with higher order statutory framework.Zoning amendments may be sought through submissions.		✓			

243. The issues identified range from low (impacts on iwi) to moderate – high (reasons for change, scale of effect).
244. The direction of policy expressed in the District Plan as to the importance of the Business A zone in terms of its role and function remains unchanged. However, the directiveness of provisions is to be strengthened, given the disconnect between the provisions and the extent and scale of recent resource consents for retail activities being granted from locations outside of the Business A and Business B zone.
245. The removal of the 500m² threshold⁷⁵ on retail activities seeking to establish in the Business A zone is inherently enabling, albeit there will be greater reliance on rules associated with setbacks⁷⁶, verandas⁷⁷, and glazing⁷⁸ in the absence of more bespoke urban design controls.

⁷⁵ Rule 5.8.2(f).

⁷⁶ Rule 5.9.2

⁷⁷ Rule 5.9.4

⁷⁸ Rule 5.9.6

246. There is greater significance ascribed to restricting standalone Office Activities and Retail Activities in the Business B, C and D zones⁷⁹. The necessity for the restraint is the extent by which the agglomeration of office FTEs supports the Town Centres, especially within the Ashburton Business A zone and ongoing dilution of retail activity and employment. The significance is moderated by ensuring that an appropriate threshold is provided for necessary administration and management functions associated with permitted industrial and trade activities in the Business B, C and D zones. In addition the provision of convenience related Commercial Services and Entertainment Activities in the Business C zone.
247. The provision of additional certainty as to the definitions for types of retail that are anticipated in the Business C and D zones, through the establishment of a nested set of definitions for trade suppliers, will assist in terms of clarity and implementation of the Plan.

7.8 Evaluation of Proposed Objective(s) – Section 32(1)(a)

7.8.1 Introduction

248. This section of the report evaluates the proposed objective as to whether it is the most appropriate to achieve the purpose of the Act.
249. There are no strategic directions, nor hierarchy established in the existing operative district plan provisions (i.e. objectives and policies in relation to managing the overall integration of urban form and growth) that the amended provisions are to implement.

7.8.2 Changes proposed to the Objective

250. Objectives are to be specified in a manner that states what is to be achieved; that is the outcome or end state, and experienced where. Objectives are also to provide certainty, and be measurable as well as avoid simply restating aspects of Part 2 of the Act⁸⁰.
251. Objective 5.1 is critical in terms of establishing:
- a. Recognition and provision of business areas (the zoning framework) in the district to provide for sustainable economic development and prosperity.
 - b. The importance of town centres (Business A zone) in terms of their ongoing vibrancy and viability; and
 - c. Distinguishing and providing for types of Business activities (retail activities, commercial activities, industrial activities), based on their function, location and role (effects).
252. The recommended replacement of Objective 5.1 is provided in Table 2.

⁷⁹ Rule 5.8.2(k) enables 'Commercial Activities, excluding Retail Activities' thereby permitting offices.

⁸⁰ Quality Planning. <https://www.qualityplanning.org.nz/node/610>

Table 2: Replacement Objective 5.1

<p>Objective 5.1</p> <p>Growth, maintenance and consolidation of business areas, provided that adverse effects on the environment are avoided, remedied or mitigated.</p> <p><u>The contribution of business activities to the economic and social wellbeing of the district is recognised and provided for, with:</u></p> <ol style="list-style-type: none"> <u>1. commercial activities and retail activities focused to support vibrant and viable town centres, and</u> <u>2. business activities able to operate efficiently and effectively within the District's business zones as subject to environmental standards which reflect their function, location and role.</u>
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7.8.3 Evaluation

253. The evaluation of Objective 5.1 is provided in Table 3.

Table 3: Objective evaluation

General Direction and Recommendations - Objective 5.1 – Options and Recommendation	
Option 1: Status Quo	<p>Retain the existing Objective</p> <p><i>Objective 5.1</i></p> <p><i>Growth, maintenance and consolidation of business areas, provided that adverse effects on the environment are avoided, remedied or mitigated.</i></p>
Option 2: Preferred Approach	<p>Greater Specificity as to role and purpose of zones with focus on provision of, and distribution of activities.</p> <p><u>The contribution of business activities to the economic and social wellbeing of the district is recognised and provided for, with:</u></p> <ol style="list-style-type: none"> <u>1. commercial activities and retail activities focused to support vibrant and viable centres, and</u> <u>2. business activities able to operate efficiently and effectively within the District's business zones as subject to environmental standards which reflect their function, location and role.</u>
Option 3: Alternative Approach	<p>Increased specificity in role and purpose of zones, focusing on both distribution of activities, the avoidance of retail and commercial activities in the Business C, D and E zones and explicit management of adverse effects.</p>
<p><i>Option 2 is the preferred option, as it is considered to be the best option in terms of recognising the importance of the provision of zones to facilitate business growth and development in the district, in a manner that addresses the key resource management issues identified in the Report, and to better align with the requirements of the relevant statutory planning documents.</i></p>	

Objective Most Appropriate way to achieve the purpose of the RMA (s31(1)(a))		
Preferred objective	Summary of evaluation (relevance, feasibility and acceptability ⁸¹)	
Option 2 – Preferred Option	This objective is considered the most appropriate way to achieve the purpose of the Act because it:	
	Relevance – <i>achieves the purpose of the Act, assists in meeting statutory functions.</i>	Is more directive as to the outcomes sought in comparison to the status quo, in recognising that growth is to be provided for (NPS-UD), with commercial activities to be distributed in a manner that supports the consolidation of centres (CRPS) and manages the role and distribution of Industrial activities to reduce the co-location of incompatible activities). Gives effect to Part 2 of the Act and the LTP through promoting the efficient use and development of the town centre as a physical resource, whilst enhancing amenity values and the quality of the environment. Addresses the resource management issues identified in Section 1.1 as to the absence of a clear objective / outcome as to the spatial management of business activities in the District.
	Feasibility – <i>realistically able to be achieved.</i>	Provides greater certainty to the Council and private developers so as to aid decision making. PEL advise that there is sufficient zoned land to meet demand for retail activities and office activities till 2038 ⁸² . In addition, a reduction in demand by retail and commercial activities in the Industrial zones (Business C,D and E zones) will prolong their capacity to accommodate additional industrial demand and reduce reverse sensitivity issues.
	Acceptability – <i>will not result in unjustifiable higher community costs.</i>	Community views recorded in existing consultation (LTP) is that the Ashburton Town Centre is in decline. Expert analysis is that the Ashburton Town Centre is ‘ <i>struggling to remain relevant on today’s market, under serious threat from competing retail destinations and / or a centre too big for its position in today’s modern retail environment and network</i> ’ ⁸³ . There will be costs (albeit modest) on out-of-centre retail activities or commercial activities in the Business C, D or E zone wishing to (re)develop.
Preferred objective	Summary of evaluation (relevance, feasibility and acceptability ⁸⁴)	
Option 1 – Status Quo	The operative objective is considered to be too general in its focus and is limited to reiterating the provisions of Section 5(2)(c) in terms of the management of adverse effects.	
	Relevance – <i>achieves the purpose of the Act, assists in meeting statutory functions.</i>	The objective is too broadly drafted and does not provide direction as to outcomes, or the spatial distribution of the types of Business activities within respective Business zones. The objective is not drafted in a proactive sense, in that it does not guide the s31 requirements for the Council to provide for growth (through zoning), or the coordination of types of business activities.

⁸¹ Ministry for the Environment. (2017). A Guide to section 32 of the Resource Management Act 1991 [Table 4 – Criteria for assessing objectives]

⁸² Property Economics Ltd (2019) [Section 12].

⁸³ Property Economics Ltd (2019) [Section 110].

⁸⁴ Ministry for the Environment. (2017). A Guide to section 32 of the Resource Management Act 1991 [Table 4 – Criteria for assessing objectives]

		<p>Does not provide additional guidance beyond Section 5 of the Act in terms of the provision of business areas, and the management of effects.</p> <p>Does not account for, or seek to provide for the distinguishable characteristics of commercial / retail activities and business activities.</p> <p>Does not provide sufficient guidance for subsequent policies (rules, and zones).</p> <p>Not well aligned with CRPS requirements.</p> <p>Both Objective 5.2 and Objective 5.3 provide for the management of adverse effects (both within Business zones and at the interface respectively) resulting in a need to consider adverse effects in Objective 5.1 as largely redundant.</p>
	Feasibility – <i>realistically able to be achieved.</i>	<p>Given general nature, whilst difficult to measure achievement, would be difficult to conclude that overall objective was not being achieved.</p> <p>Does not account for cumulative effects.</p>
	Acceptability – <i>will not result in unjustifiable higher community costs.</i>	<p>Demonstrably shown that approach is not consolidating or encouraging coordinated retail and commercial development in the district.</p> <p>Does provide for a range of business opportunities across Business zones.</p>
Option 3 – Alternative Approach		<p>Increased specificity in role and purpose of zones, focusing on both distribution of activities, the avoidance of retail and commercial activities in the Business C, D and E zones and explicit management of adverse effects.</p>
	Relevance – <i>achieves the purpose of the Act, assists in meeting statutory functions.</i>	<p>Overlap between the requirements of policies to specify the how, why and when of objectives.</p> <p>Overlap and duplication with operative Objective 5.2 (effects of Business activities within the zone and Objective 5.3 (effects of Business activities at the zone interface).</p> <p>The ‘avoidance’ of all retail activities and commercial activities in Business C, D and E zones is too stringent and neither reflects the existing situation or the consideration that there are a range of retail activities with no prospect of resulting in distributional effects (Section 4.6), or the need to support office activities ancillary to existing industrial operations.</p>
	Feasibility – <i>realistically able to be achieved.</i>	<p>A full account and consideration of effects can be retained through policies and rules, rather than being specified in the objective.</p> <p>The avoidance of all retail activities and commercial activities in Business C, D and E zones has the potential to compromise activities ancillary to industrial operations in the Business zones and the establishment of retail activities that are appropriately located in the light industrial zones (Business C and D).</p>
	Acceptability – <i>will not result in unjustifiable higher community costs.</i>	<p>Such a restrictive approach would be untenable and would curtail appropriately located and operating retail activities and commercial activities to the detriment of individual and community economic wellbeing.</p>

7.8.4 Summary of Evaluation

254. The first part of the objective recognises the Council’s functions pursuant to section 31 and the NPS-UD to recognise and provide for business activities in the district. The central purpose is to recognise business activities (and their associated effects) in terms of providing for the

social and economic wellbeing of the district, establishing both the provision of business areas (zones) and associated amenity and character requirements (zone rules).

255. The second part of the objective addresses the focus for commercial activities and retail activities to be established in a pattern that supports commercial centres (Business A zone), including that such activities are able to be restricted, to varying degrees, within the remainder of the Business zones, including limitations on retail scale within the Business B zone.
256. The last part of the objective provides the framework by which to distinguish a wider range of Business activities, including light and heavy industrial activities. This better aligns with the established Business zone framework which seeks to enable (or restrain) activities based on their respective function, location and role. Such an approach also assists in ensuring that activities are co-located where they exhibit compatible character and amenity, thereby reducing reverse sensitivity effects.

7.9 Evaluation of Proposed Policies, Rules and Methods - Section 32(1)(b)

7.9.1 Introduction

257. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objective(s), and summarising the reasons for deciding on the provisions.
258. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.
259. The proposed provisions relevant to the plan change have been assessed in accordance with the Issues identified in Section 7.3 and relate to the following actions:
- Action** – Change 1: Provision of directive objectives and policies as to the arrangement of retail and commercial activities in Business zones.
- Action** – Change 2: Removal of 500m² cap in the Business A zone
- Action** – Change 3: Improved clarity in definitions, including for trade suppliers.
- Action** – Change 4: Restrict the extent and scale of stand alone commercial office activities within the Business B, C, D and E zones. Retain ability for ancillary and supporting office / administration activities to be undertaken.
- Action** – Change 5: Restrictions on the extent of Retail Activities within the Business C zone, continued enablement of Commercial Services and Entertainment Activities. Change status of SSR within the Business B zone from Discretionary to Non-Complying. Introduce a Restricted Discretionary Status for Food and Beverage activities within the Business E zone (Heavy Industrial).

As the provisions work in an interconnected manner to achieve the objective they have been bundled in terms of the following analysis.

7.9.2 *Quantification of benefits and costs*

260. Section 32(2)(b) requires that if practicable the benefits and costs of the proposal are quantified. In terms of the matters subject to this analysis, quantifying costs and benefits would add significant time and cost to the s32 evaluation process and furthermore the changes proposed are predicated on achieving greater alignment with the statutory framework. Therefore, exact quantification of the benefits and costs in this report are not considered necessary, beneficial or practicable.

7.9.3 *Changes proposed to the Provisions*

261. **Policies** are the course of action to achieve or implement the objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome)⁸⁵. Each objective is to be supported by a policy, or number of policies that offer guidance. Policies should use active language and should be structured based on the following:
- a. All policies should begin with a verb stating how to achieve the objective;
 - b. The second part of the policy should state the object (outcome sought); and
 - c. The third part of the policy should state the subject (that is the place where the policy applies).
262. **Rules** are to be written in a manner that provides both certainty, are lawful (in terms of the Council's functions) and be clear as to both activity status and any matters of discretion⁸⁶.
263. The recommended suite of provisions is identified below. The complete proposed changes to the Ashburton District Plan, including consequential changes to explanation and reasons and reasons for rules is set out in **Attachment C**.

⁸⁵ Quality Planning. <https://www.qualityplanning.org.nz/node/610>

⁸⁶ Quality Planning. <https://www.qualityplanning.org.nz/node/611>

Table 4: Amendments to provisions

Hierarchy	Provision
Policies	<p>Policy 5.1A</p> <p>Maintaining and enhancing Reinforce and strengthen the function, integrity, convenience and viability of the inner commercial areas town centres (Business A zones) of Ashburton, Methven and Rakaia, and small villages, including through:</p> <p>(a) <u>enhancing the function and role of Ashburton Town Centre as the primary commercial, retail, recreational, cultural and entertainment centre for the district; and</u></p> <p>(b) <u>managing the distribution of business activities, and avoiding commercial activities located outside of the Business A zone with the potential, either individually or cumulatively, to impact on the continuing ability of town centres to:</u></p> <ol style="list-style-type: none"> <u>provide for their community's social and economic wellbeing; and</u> <u>maintain or enhance amenity and vibrancy.</u> <p>Policy 5.1B</p> <p>Ensuring that Provide opportunities are available in the suburban areas of Ashburton for the establishment and on-going operation of business activities, providing limiting retail activities and commercial service activities to where these:</p> <ol style="list-style-type: none"> <u>meet the convenience needs of</u> local neighbourhoods, in locations which are convenient. <u>are ancillary to, or support anticipated business activities; and</u> <u>do not compromise the viability or vibrancy of Town Centres (Business A zones).</u> <p>Policy 5.1C</p> <p>Providing through the Business B zone limited opportunities for the establishment of large format/big box retail activities and trade suppliers:</p> <p>(a) <u>that are difficult to accommodate in the Business A zone due to their scale or functional requirements; or</u></p> <p>(b) <u>that generate high volumes of traffic and require large areas of parking; and</u> in locations which</p> <p>(c) <u>where such activities do not detract from:</u></p> <ol style="list-style-type: none"> from the amenity of adjoining areas; the safety and efficiency of the roading network; or from the consolidation of the inner retail area of central Ashburton. <p>(d) <u>precluding small-scale retail activities and limiting Office activities.</u></p> <p>Policy 5.1D</p> <p>Recognition that Differentiate and manage heavy and noxious industrial activities that have the potential to create adverse environmental effects and therefore ensuring there are appropriately located areas where they may establish and operate efficiently and effectively.</p> <p>Policy 5.1E</p> <p>Avoiding an accumulation of activities which, <u>either individually or</u> together would generate significant pedestrian activity on State Highway 1, in order to prevent pedestrian/vehicle conflicts and maintain safety.</p>

Definitions	Ancillary activity ^o	<u>means an activity that supports and is subsidiary to a primary activity.</u>
	Commercial Activity ^o	<u>means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices). Includes office activities, retail activities and commercial services.</u> means an activity involving the payment of fees for hire or reward. Commercial Activity includes the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes, but is not limited to, shops, markets, showrooms, and restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas; but excludes passive recreational, community activities, home occupations, and farming activities. This includes a business providing personal, property, financial, household, and private or business services to the general public. It also includes recreational activities where a fee is paid to use facilities i.e. a commercial bowling alley. It does not include community sports facilities where a membership fee may be paid.
	<u>Commercial Services</u>	<u>means businesses that sell services rather than goods where a front counter service is provided to cater for walk in customers. For example: banks, real estate agents, travel agents, tattoo studios, dry cleaners and hairdressers.</u>
	Trade Supplier ^o	<u>Business engaged in sales to businesses, may include sales to general public, but wholly consists of sales in one or more of the following categories:</u> <ul style="list-style-type: none"> • <u>Automotive and marine supplies;</u> • <u>Building supplies;</u> • <u>Garden and landscaping supplies;</u> • <u>Farming and agricultural supplies;</u> • <u>Hire services;</u> • <u>Office furniture, equipment and systems supplies.</u>
	Yard Based Activity ^o	<u>Retail activity with the primary function of the supply of goods from a yard area and includes building supplies (DIY or Trade), garden centres, automotive and marine yards, farming and agricultural supplies and heavy machinery or plant. More than 50% of the area devoted to sales or display must be located in covered or uncovered external yard as distinct from within a secure and weatherproofed building.</u>
	Automotive and marine supplier ^o	<u>businesses primarily engaged in selling automotive vehicles, marine craft, and associated parts and accessories for such vehicles and craft.</u>
	Building supplier ^o	<u>businesses and associated premises used for the display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings, including plumbing, electrical and landscaping.</u>
	Farming and agricultural supplier ^o	<u>businesses primarily selling goods for consumption or use in the business operations of primary producers or in animal husbandry.</u>
	Garden and Landscape Supplies ^o	<u>businesses primarily selling goods for permanent exterior installation or planting and includes: landscaping suppliers; and suppliers of bark, compost, firewood, and paving and domestic paving aggregates.</u>
	Office furniture ^o	<u>equipment and systems supplies, businesses primarily selling goods for office-type use or consumption, and includes suppliers of computers, copiers, printers, office furniture and other related equipment.</u>
	Food and beverage outlets	<u>means land and buildings used for the sale of food and / or beverages to the general public prepared for immediate consumption. It includes restaurants, taverns, cafes and takeaway restaurants, and excludes supermarkets.</u>

Rules	Rule 5.8.2 Permitted Activities	<p>The following shall be permitted activities, provided that they comply with all the relevant Site and Zone Standards below and all relevant District Wide Rules, and are not otherwise specified as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity:</p> <p>f) Retail Activity (excluding service stations) in the Business A Zone, other than where specified as a Controlled, Discretionary or Non-Complying Activity, provided that:</p> <ul style="list-style-type: none"> the maximum gross floor area of any individual retail tenancy shall not exceed 500m²; <p>g) Retail Activity in the Business B Zone, other than where specified as a Discretionary Non-Complying Activity, provided that:</p> <ul style="list-style-type: none"> 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 this limitation shall not apply to: <ul style="list-style-type: none"> service stations for which any indoor retail floor area shall not exceed 150m² in area; food and beverage outlets restaurants and take-away food outlets; trade suppliers. Yard based suppliers. vehicle sales and other outdoor display and sales. lotto kiosk or café associated with and ancillary to supermarkets. <p>h) Retail Activity in the Business C Zone, other than where specified as a Non-Complying Activity, provided that:</p> <ul style="list-style-type: none"> the maximum gross floor area of any individual retail tenancy shall not exceed 750m², 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 <p>h) Retail Activity in the Business C D and D E Zones, other than where specified as a Non-Complying Activity, provided that:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> food and beverage outlets restaurants and take-away food outlets; trade suppliers. Service Stations. Yard based suppliers. 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). <p>ij) Retail Activity in the Business E and F Zone, other than where specified as a <u>Restricted Discretionary or Non-Complying</u> Activity, limited to:</p> <ul style="list-style-type: none"> retail display and sales of goods processed or manufactured on site;
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		<p>- <u>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).</u></p> <p><u>j) Commercial Activity (excluding Retail Activity) in the Business A, B, C and D Zones;</u></p> <p><u>k) Office Activity in the Business B, C, D and E Zone where these are Ancillary Activities which occupy no more than 30% of the GFA of all buildings on the same site;</u></p> <p><u>l) Commercial Services within the Business C Zone;</u></p> <p><u>m) Entertainment Activities within the Business C Zone;</u></p> <p><u>p) Food and Produce Processing and ancillary office activities which occupy no more than 30% of the GFA of all buildings on the same site</u> in the Business F Zone;</p> <p><u>q) Meat Processing and ancillary office activities which occupy no more than 30% of the GFA of all buildings on the same site</u> in the Business F Zone, except on land held in CT181321 or on the site known as 150 Fairfield Road, Fairton;</p>
Rule 5.8.3 Controlled Activities	a)	<p>Supermarkets (grocery stores) in the Business A Zone (except the Ashburton Township) that have a gross floor area exceeding 500m² but do not exceed <u>have a gross floor area greater than 1,200m².</u></p> <p>Council has reserved matters of control to the following:</p> <ul style="list-style-type: none"> - the extent to which the activity will adversely affect the function, 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.
Rule 5.8.4 Restricted Discretionary Activities	b)	<p><u>Food and Beverage outlets in the Business E zone. The exercise of the Council's discretion being restricted to the matters specified in 5.11.16.</u></p>
Rule 5.8.5 Discretionary Activities	f) g) h) i)	<p>Retail Activity in the Business A Zone, other than where specified as a Controlled Activity, where any individual retail tenancy exceeds 500m² gross floor area; <u>Service Stations in the Business A Zone;</u></p> <p>Retail Activity in the Business B Zone, other than where specified as a Permitted Activity <u>or non-complying activity</u>, where:</p> <ul style="list-style-type: none"> • retail display and sales are within buildings less than 500m² gross floor area; • service stations have an indoor retail floor area exceeding 150m²; <p>Commercial Activity (excluding Retail Activity) <u>Office Activity in the Business B, C, D and E Zone, except where these are Ancillary Activities which occupy no more than 30% of the GFA of all buildings on the same site;</u></p> <p><u>Retail Activity in the Business C Zone, other than where specified as a Permitted Activity or Non Complying Activity where the maximum gross floor area of any individual retail tenancy shall not exceed 500m².</u></p>

5.8.6 Non Complying Activities		<p><u>i) Retail Activity in the Business B Zone, other than where specified as a Permitted Activity or Discretionary Activity, where:</u></p> <ul style="list-style-type: none"> • <u>retail display and sales up to a gross floor area of 500m² per tenancy;</u> <p><u>ij) Retail Activity in the Business C, and D Zone, other than where specified as a Permitted Activity or Discretionary Activity. :-</u> • the maximum gross floor area of any individual retail tenancy exceeds 750m² ; • service stations have an indoor retail floor area exceeding 150m² ;</p> <p><u>j) Retail Activity in the Business D and E Zones, where it involves retail display and sales exceeding the limits listed in the permitted activity rule (5.8.2 i) above);</u></p> <p><u>k) Retail Activity in the Business E and F Zones, other than where specified as a Permitted Activity, where it involves retail display and sales of goods not processed or manufactured on site;</u></p> <p><u>l) Commercial Services within the Business B, D, E and F zones.</u></p> <p><u>m) Entertainment Facilities within the Business B, D, E and F zones.</u></p>
5.11.16 Food and Beverage Outlets in the Business E Zone (Assessment Matters)		<p><u>a) The extent to which the scale of the activity is consistent with, and serves the needs of workers and visitors to the Business E zone;</u></p> <p><u>b) the effect of the activity on the ability of existing or future permitted industrial activities to operate or establish without undue constraint.</u></p>

^o New definition inserted in the District Plan

ⁿ Definition inserted from National Planning Standards

264. The resultant status of activities across the respective Business zones is shown in Table 5

Table 5: Nesting and Activity status by zone

	Commercial Activities												
	Retail								Office		Commercial Services	Entertainment	Visitor Accommodation
Zone	Retail <500m ²	Supermarkets	Retail >500m ²	Retail <750m ²	Processed or manufactured	Food & Beverage Outlets	Service Station	Trade Suppliers	Office	Ancillary Offices			
Business A				NA			Discretionary						
Business B	Non complying -	> 500m ²		NA					Discretionary		Non complying -	Non complying -	
Business C	Discretionary	Non complying -	Non complying -	NA					Discretionary				
Business D	Non complying -	Non complying -	Non complying -	NA					Discretionary		Non complying -	Non complying -	Discretionary
Business E	Non complying -	Non complying -	Non complying -	NA		Restricted Discretionary	Non complying -	Non complying -	Discretionary		Non complying -	Non complying -	Non - complying
Business F	Non complying -	Non complying -	Non complying -	NA		Non complying -	Non complying -	Non complying -	Non complying -		Non complying -	Non complying -	Non - complying

7.9.4 Evaluation of the Provisions

Provisions (Policy, Rule, Method) Most Appropriate Way to Achieve the Objectives		
<p>The proposed amendments to the provisions are set out above.</p> <p>Attachment C sets out the provisions within the operative Plan text.</p> <p>For the purpose of this assessment:</p> <ol style="list-style-type: none"> <i>Effectiveness</i> means how successful ‘the package of provisions associated with the proposed plan change is in achieving the amended Objective 5.1A and respective existing operative objectives, and the relevant provisions of the CRPS and NPS-UDC. <i>Efficiency</i> means whether the benefits of the package of provisions associated with the proposed plan change outweigh the costs, either immediately or over time. <p>Methods include:</p> <ol style="list-style-type: none"> Zoning Zone Rules Council Policy, Conditions of Consent, LTP investment, Council Bylaws 		
Efficiency and Effectiveness		
Economic	Costs	<ul style="list-style-type: none"> Provisions will seek to discourage Commercial Activities within the Business C, D and E zones. This will either remove the opportunity for a Commercial Activity to establish in the more Industrialised business zones and / or direct new investment into the Business A zones, which generally have higher land prices, require site agglomeration or reinvestment in existing physical resources (buildings). Has the potential to increase the demand on Business A zoned land, potentially increasing the market rate – this is moderated by the extent of inefficiently utilised or available Business A zoned land. Reduced level of certainty to those developers that have invested in business activity outside of Town Centre or Industrial Environments, in terms of plans for redevelopment and / or expansion. Limitations on the range and potential locations for office and retail activities. Costs of resource consent for Food and Beverage Outlets within the Business E zone to establish such activities to service workers needs.
	Benefits	<ul style="list-style-type: none"> Greater certainty in terms of the provision and on-going function of public and community infrastructure associated with Town Centre (Business A) zones. Link between identification of strategic development pattern of the district, and providing for the district’s economic needs and growth. Reduction in potential extent for reverse sensitivity effects in more Industrialised Business C and D zones. Increased level of investment certainty for the Council and business owners where investment is within the Town Centre. Ability to plan infrastructure (including public infrastructure) around the general nature of business activity within the Town Centre (Business A) zone.

		<ul style="list-style-type: none"> - Arrest and reduction in declining retail employment and increased agglomeration benefits associated with increased concentration and co-ordination of retail and office employment in the Business A zone.
Environmental	Costs	<ul style="list-style-type: none"> - May raise issues of capacity provision associated with Town Centre Business A (zones) to accommodate new retail and office developments, to the detriment of community enablement (considered modest given PEL recommendation as to capacity).
	Benefits	<ul style="list-style-type: none"> - Addressing cumulative effects of new Commercial Activities throughout the district, explicitly on the town centre (Business A) zone and reducing incompatibilities in the more industrialised Business Zones. - Ensuring adverse effects on the road network and the function of Town Centre Environments are accounted for, even where such effects in themselves are incremental in nature. - Ensures the consolidation of existing Town Centre and the ongoing and efficient use of associated existing physical resources. - Addresses the local and strategic effects of commercial activity including effects on nearby residential amenity and the road network, thus achieving compatibility with adjoining residential activity and better (albeit modest) integration with transport networks. - Reduces propensity for reverse sensitivity effects with established Industrial activities in the Business C, D and E zones.
Social	Costs	<ul style="list-style-type: none"> - Reduction in choice for the provision of retailing and office activities in a wide variety of locations, which may have improved accessibility to a limited number of nearby consumers.
	Benefits	<ul style="list-style-type: none"> - Limits adverse effects on people and communities who rely on Town Centre Environments for social wellbeing. - Ongoing certainty and efficiency in Council's ongoing investment in amenity and social (Civic Centre, Library) investment in the Ashburton Town Centre (Business A) zone. - Increases (over time) in terms of functional amenity offered by the Town Centre in terms of employment diversity and social connectedness.
Cultural	Costs	<ul style="list-style-type: none"> - There are no anticipated cultural costs as a result of the provisions.
	Benefits	<ul style="list-style-type: none"> - There are no anticipated cultural benefits as a result of provisions.
Efficiency		
<p>The costs associated with this policy and its methods are not likely to be significant on the community as a whole, although there will be compliance and opportunity costs for those seeking to (re)develop Commercial Activities in the more industrial business zones.</p> <p>There are significant (albeit longer term and cumulative) benefits in achieving a more consolidated and efficient pattern of commercial development within Town Centres (Business A) zones, in particular in reversing continued reinvestment in Commercial Activity outside of the Business A and B zones.</p> <p>Increased agglomeration benefits and maximising return on private and public investment in physical resources within Town Centre (Business A) zone will lead to greater functional amenity and social benefits.</p> <p>A continuation of dispersed retail and office activity is inefficient as it requires people and communities to make several trips to meet demands.</p>		
Effectiveness Assessment		
<p>The proposed provisions are considered to be the most effective means of achieving the objective(s) as together they will:</p>		

<ul style="list-style-type: none"> • give effect to the Canterbury Regional Policy Statement, particularly co-ordination and consolidation of urban growth. • enable the Council to fulfil its statutory obligations, including Part 2 of the Resource Management Act, particularly section 7 in terms of maintaining amenity values, and section 5 in providing for the economic and social wellbeing of the community. • ensure that adverse effects on rural amenity values are managed appropriately by restricting inappropriate business development and reducing potential for reverse sensitivity effects. • enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 	
Options less or not as appropriate to achieve the objective(s)	
Option 1: Status quo Policies that seem to provide for all types of business activities providing adverse effects are avoided, remedied or mitigated to the extent that they are no more than minor.	Appropriateness The current provisions are not considered the most appropriate way in which to achieve the Objective because they are uncertain and unclear. The application of the provisions has led to numerous examples of Commercial Activities (both Retail Activities and Office Activities) being established outside of the Town Centre (Business A) zone(s) which has resulted in the continued decline in the functional amenity, quality of the environment, and diversity of employment experienced within the zone.
Option 2: all commercial and industrial activities require consent to establish.	Appropriateness Option 2 is not considered the most appropriate way in which to achieve the Objective because it does not provide for the community's economic wellbeing and may result in higher transaction costs. It may also result in unnecessary consenting costs to both the Council and the community and would likely increase the extent of retail leakage outside of the district.
Option 3: Conservative Option of avoiding commercial activity outside of the Business A zone	Appropriateness Such an approach was not seen as furthering the Objective, which identifies that the contribution of Business activities needs to be provided for, with Commercial Activities and Retail Activities focused to support vibrant and viable centres, but that (dependent on type, scale and character) a number of such activities (Trade Suppliers, Ancillary Office Activities) are appropriately located in the Business B, C and D zones. Such an approach would also not recognise that in some instances, some commercial businesses (Food and Beverage outlets) can serve a local need or may not always be necessary within a Business A zone.
Risk of acting or not acting	
For most matters relating to Commercial Activities, the Council has sufficient information to determine the provisions. The Council has a good understanding of the nature of the activities, their operational requirements, and their associated effects on the environment.	

The Council is also acutely aware that there is disjunct in the Plan as to the need to maintain or enhance the Business A zones, and the extent by which provisions enable Commercial Activities outside of the Business A zone to the detriment of reinvestment and functional amenity.

7.10 Summary of the Proposed Changes

265. The resultant status of activities across the respective Business zones is shown in Table 6.

Table 6: Summary of Proposed Changes

Provision	Proposed Change	Explanation
Business		
Change 1: Objective 5.1	<ul style="list-style-type: none"> Strengthen Objective to be directive as to outcomes sought, that is: <ul style="list-style-type: none"> Contribution of business activity to the district is to be recognised and provided for; The requirement to focus commercial activities and retail activities to support viable and vibrant town centres; and Distinguish between the effects and functional requirements of business activities and provide areas (zones) to allow these activities to function effectively and efficiently. 	<p>Provides a clear overarching Objective as to the purpose of the District Plan in providing sufficient and suitable Business areas to enable growth and economic development.</p> <p>Activities should be agglomerated based on their effects, with Commercial Activities to be focused in commercial centres to increase functional amenity, vitality of centres and societal wellbeing.</p>
Change 1: Policies 5.1A to 5.1E	<ul style="list-style-type: none"> Increase prescriptiveness of Policy 5.1A so as to increase prescriptiveness, from maintaining town centre viability, to reinforcing and strengthening vitality. Identify approach to managing distributional effects of Commercial Activity, and identify the Ashburton Town Centre as having the primary role for such in the district. Amend Policy 5.1B to identify that 'limited' opportunities are provided for Commercial Activities in suburban areas, so as to create the link to Trade Suppliers, Food and Beverage Outlets, Ancillary Office (and Commercial Services in the Business C zone), where these do not compromise outcomes for the Town Centre. Amend Policy 5.1C to be specific to the Business B zone in terms of provision of a 'limited / rationed' approach to the supply of LFR. Greater specification as to avoiding SSR and limiting non ancillary Office activities. Minor amendments to Policy 5.1D and Policy 5.1E so as improve grammar and specificity as to distinguishing activities, and cumulative effects. 	<p>Greater specificity is inserted into the Policy framework to elevate the role and function of the Town Centre (Business A) zone in terms of the hierarchy for focusing Commercial Activities and the consideration of the distributional effects of Commercial Activities outside of these zone(s).</p> <p>Clarification as to the role and function of the Business B zone in terms of providing for a rationed approach to the establishment of LFR outside of the Business A zone, and controls of SSR.</p> <p>Clarification in terms of the establishment of Commercial Activities in the remaining Business zones as to be compatible with Town Centre (Business A) outcomes.</p>

Change 2: Removal of 500m ² cap in the Business A zone.	<ul style="list-style-type: none"> Removal of the limitation on LFR establishing in the Business A zone. 	That rule is counterintuitive to the approach that the Business A zone is to increase functional amenity associated with the Town Centre. Large scale retail (particularly Department Stores and Supermarkets) are the apex anchors for increasing footfall and functional amenity. An approach which precluded these activities in the Business A zone did not achieve the Objective(s) of the Plan.
Change 3: Permissive rules and clear definitions for Trade Suppliers in the Business B, C and D zones.	<ul style="list-style-type: none"> Insert more specific definitions for a range of Trade Suppliers and link to permissive rules within the Business B, C and D zones (LFR zone and Light Industrial). 	The approach provides greater clarity that whilst 'core' retail activities are to be focused within Town Centres (Business A) zones, there are a range of established and appropriate Retail Activities that should establish in more industrial zonings. The ability to 'transfer' over time existing Trade Suppliers in the Business A zone can provide increased opportunities to establish more coordinated core retail / office activities in the Town Centres.
Change 4: Restrict Offices in the Business B, C, D and E zones.	<ul style="list-style-type: none"> Remove the ability to establish standalone Office Activities within the Business B, C, D and E zones as permitted activities. Amend status to Discretionary. Permit Ancillary Office Activities in the Business B, C, D and E zones in recognition that Industrial activities and associated managerial and administrative functions are appropriately collocated with their core operations. 	Given the importance of concentrated office activities and flow on benefits to Town Centres, especially given the prominence of Commercial Office employees to the Ashburton Town Centre given reduced Retail employees, there is a need to ensure that stand alone offices are focused within the Town Centre to aid in revitalization and functional amenity.
Change 5: Restrictions on the extent of Retail Activities within the Business C zone, enabling Commercial Services and Food and Beverage outlets.	<ul style="list-style-type: none"> Remove the ability to establish (as of right) small to larger scale retail activities within the Business C zone, retain the ability to establish Commercial Services and Entertainment activities (as defined). Require consent as a Restricted Discretionary Activity for Food and Beverage Outlets within the Business E zone, with assessment limited to: <ul style="list-style-type: none"> scale; and reverse sensitivity effects. Amend status for SSR within the Business B zone from discretionary to non-complying. 	<p>The Business C zone overlays considerable fringe areas to the Business A zone and represents a considerable risk as to substantial dispersal of Commercial Activity outside of Town Centre(s) zone(s), further degrading Town Centre amenity.</p> <p>To date, the Business C zone is largely occupied by Trade Suppliers, Commercial Services (especially at Tinwald) and Entertainment Activities. The restraints imposed seek to establish a balance between recognising the current range of activities and allowing some consideration of Retail Activities (as Discretionary activities) as subject to their merits.</p> <p>A non-complying status for SSR associated with the Business B zone is the better provision to prevent the Business B zone replicating the Business A zone by stealth.</p>

		<p>A restricted discretionary activity consenting regime for Food and Beverage outlets in the Business B zone is the better mechanism for ensuring that small scale cafes / food outlets can be established where these would provide for workers convenient access to food and beverages. Such a consenting status would also provide for managing the potential for reverse sensitivity effects. Lastly, a consenting regime is deemed appropriate to reduce the propensity for a substantial scale or cluster of such activities in the Business E which would be dependent on a catchment that extended well beyond that associated with workers in the Business E zone.</p>
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7.11 Conclusion

- 266. This evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the benefits and costs arising from the proposed plan change provisions and to assess the appropriateness of the current and proposed methods having regard to their efficiency and effectiveness.
- 267. The evaluation relates to those matters set out in Table 6.
- 268. The recommended approach does not represent a significant directional change in terms of the Ashburton District Plan.
- 269. The Plan has sought to recognise the importance of the inner commercial areas (Business A) zones of the District in terms maintaining and enhancing their function, integrity and viability.
- 270. However there is increasing evidence that that purpose has not been adequately expressed in the objectives and policies of the Plan and there is a disjunct with related provisions which have provided for continued retail and office developments to occur in the Business C and D zones especially.
- 271. The consequences of that dilution of reinvestment in the Town Centres (Business A) zones, especially in Ashburton has led to a marked reduction in retail employees and offer, reduced amenity and functional diversity offered by the Business A zone, and increased vacancies and lowering amenity.
- 272. The Council has, through considerable public investment in the Civic Centre and street amenity improvements sought to arrest that decline, however this should be matched with a clearer and supporting regulatory framework in the District Plan.

Bibliography

The following publications have been reviewed in the context of this Section 32 Evaluation:

1. Ashburton District Council (April 2017). *Ashburton District Plan*. Ashburton: New Zealand
2. Canterbury Regional Council (July 2019). *Canterbury Regional Policy Statement*. Canterbury: New Zealand
3. Christchurch City Council (2017). *Christchurch District Plan*. Christchurch: New Zealand
4. Ministry for the Environment (2017). Quality Planning. *Plan Making*. Wellington: New Zealand
5. Ministry for the Environment (October 2016). *National Policy Statement on Urban Development Capacity*. Publication No. ME 1275. Wellington: New Zealand
6. Ministry for the Environment (April 2019). *National Planning Standards*. Publication No. ME 1394. Wellington: New Zealand.
7. Ministry for the Environment. (2017). A Guide to section 32 of the Resource Management Act 1991
8. Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga and Te Taumutu Rūnanga (February 2013). *Mahaanui Iwi Management Plan*. Canterbury: New Zealand
9. Queenstown Lakes District Council (2016). *Queenstown Lakes District Plan*. Queenstown: New Zealand
10. Resource Management (National Environmental Standards for Air Quality) Regulations 2004, New
11. Taupo District Council (2008). *Taupo District Plan*. Taupo: New Zealand

Attachment A – High Order Statutory Framework

Alignment with Statutory Instruments

The alignment requirements of the replacement Waimakariri District Plan provisions with the broader statutory instruments is identified below:

Document	Alignment requirement to the replacement Selwyn District Plan (RMA1991)	Requirement definition
National Policy Statements (NPS) NPS - Freshwater Management NPS - Renewable Electricity Generation NPS – Electricity Transmission NPS – Urban Development Capacity	Give effect to (s75(3))	Means to implement according to the purpose specified
Regional Policy Statements (RPS) Canterbury Regional Policy Statement (2013)		
National Environmental Statements (NES) NES Sources for Drinking Water NES Telecommunication Facilities NES Contaminants in Soil (introduced to TDP on 1 January 2012, refer Issues and Hazardous substances) NES Electricity Transmission Activities	Nationally set standards (s44A)	Rules in a district plan must not conflict or duplicate
Regional Plans (RPs) Canterbury Land and Water Plan Canterbury Air Plan	Not be inconsistent with (s74(4))	Are the provisions compatible with the purpose specified
Specified Management Plans and strategies prepared under other legislation (i.e. LTP, prepared under the LGA2002).	Have regard to (s74(2)(b))	Giving matters genuine attention and thought, and such weight as is considered to be appropriate.
Selwyn, Timaru	Have regard to the extent to which there is a need for consistency (s74(2)(c))	Giving matters genuine attention and thought, and such weight as is considered to be appropriate.
Mahaanui Iwi Management Plan	Take into account (s74(2)(c))	The matter must be addressed with weight is a matter of judgement based on the facts and merits of the issue.

Attachment B – Review of Other District Plans

Definitions

There are several key definitions that are relevant to the town centre provisions in the District Plans considered.

All plans surveyed included definitions of ‘retail,’ ‘office’ and ‘commercial activity’, which are broadly similar.

The Christchurch District Plan differs to the other surveyed in that the definition of retail activities excludes trade and yard-based suppliers. It also includes a separate definition of a ‘commercial service,’ which is not a term defined in any of the other plans.

The Ashburton District Plan is the only Plan that does not include a definition of ‘yard-based’ activities or suppliers or ‘trade suppliers.’

Commercial activity /Commercial services

Ashburton means an activity involving the payment of fees for hire or reward. Commercial Activity includes the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes, but is not limited to, shops, markets, showrooms, and restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas; but excludes passive recreational, community activities, home occupations, and farming activities. This includes a business providing personal, property, financial, household, and private or business services to the general public. It also includes recreational activities where a fee is paid to use facilities i.e. a commercial bowling alley. It does not include community sports facilities where a membership fee may be paid.

Christchurch means retail activities, offices and commercial services. It excludes industrial activities, high technology industrial activities and heavy industrial activities.

Commercial service means a business providing personal, property, financial, household, private or business services to the general public. It includes:

- a. authorised betting shops;
- b. copy and quick print services;
- c. financial and banking facilities;
- d. postal services;
- e. counter insurance services;
- f. dry-cleaning and laundrette services;
- g. electrical goods repair services;
- h. footwear and leather goods repair services;

- i. hairdressing, beauty salons and barbers;
- j. internet and computer services;
- k. key cutting services;
- l. real estate agents and valuers;
- m. travel agency, airline and entertainment booking services;
- n. optometrists;
- o. movie and game hire; and
- p. animal welfare and/or grooming services.

It excludes gymnasiums.

Taupo	The range of commercial activities including office and retail activities.
Queenstown	means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities,

Community activity

Ashburton	means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual wellbeing, but excludes recreational activities. A community activity includes educational facilities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres
Christchurch	means the use of any land and/or buildings principally by members of the community for recreation, entertainment, health care, safety and welfare, spiritual, cultural or deliberation purposes.
Taupo	No definition
Queenstown	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police purposes, fire stations, courthouses, probation and detention centres, government and local government offices.

Office

Ashburton	means any of the following:
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	<ul style="list-style-type: none"> • administrative offices where the administration of an organisation, whether trading or non-trading is conducted; • commercial offices such as banks, insurance agents, typing services, duplicating services and real estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted; • professional office such as the offices of accountants, solicitors, architects, surveyors and engineers, where a professional service is available and carried out.
Christchurch	<p>means any of the following:</p> <ol style="list-style-type: none"> a. administrative offices where the administration of an organisation, whether trading or non-trading, is conducted, including bank administration offices; and b. professional offices where professional services are available and carried out. These include the offices of accountants, solicitors, architects, surveyors, engineers and consultants.
Taupo	<p>an activity including associated buildings or part of a building where people are engaged in the administration of an organization whether trading or non trading, and includes but is not restricted to professional offices such as the offices of accountants, solicitors, architects, engineers, surveyors, stockbrokers, insurance brokers, valuers and information technology consultants.</p>
Queenstown	<p>Means any of the following:</p> <ol style="list-style-type: none"> a. administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted; b. commercial offices being place where trade, other than that involving the immediately exchange for goods or the display or production of goods, is transacted; c. professional offices.

Retail Activity

Ashburton	<p>Retail Activity means the use of land or buildings for displaying or offering goods for sale or hire to the public and includes, but is not limited to, food and beverage outlets, small and large scale retail outlets, trade suppliers, yard based suppliers, second hand goods outlets and food courts.</p> <p>Retail Sales means the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment. Retail sales includes restaurants, but excludes recreational activities.</p>
Christchurch	<p>Retail Activity means the use of land and/or buildings for displaying or offering goods for sale or hire to the public. It</p>

includes food and beverage outlets, second--hand goods outlets, food courts and commercial mail order or internet--based transactions. It excludes trade suppliers, yard--based suppliers and service stations.

Retailing means both retail activities and commercial services

Taupo **Retail** – means the use of land or buildings where goods and/or services are offered or displayed to the general public for sale, hire or use, but excludes offices. Retail includes, activities such as: food and beverage outlets, trade suppliers, yard based activities and service stations; and services such as: airline and entertainment booking services, customer banking and postal facilities, hairdressing and beauty services, art galleries and picture framing, printing services and real estate and travel agency services.

Queenstown Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities.

Trade supplier

Ashburton No definition

Christchurch means a business engaged in sales to businesses and institutional customers (but may also include sales to the general public) and consists only of suppliers of goods in one or more of the following categories:

- automotive and/or marine suppliers;
- building suppliers;
- catering equipment suppliers;
- farming and agricultural suppliers;
- garden and patio suppliers;
- hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items);
- industrial clothing and safety equipment suppliers; and
- office furniture, equipment and systems suppliers.

Taupo Trade Supplier – A Business engaged in sales to businesses, and may include sales to the general public, but wholly consists of sales in one or more of the following categories:

- Automotive and marine supplies;
- Building supplies;
- Garden and landscaping supplies;
- Farming and agricultural supplies;

- Hire services (excluding hire of books, DVD and video); and
- Office furniture, equipment and systems supplies.

Queenstown Means a business that is a mixture of wholesaling and retailing goods in one or more of the following categories: a. automotive and marine suppliers; b. building suppliers; c. catering equipment suppliers; d. farming and agricultural suppliers; e. garden and patio suppliers f. hire services (except hire or loan of books, video, DVD and other similar home entertainment items); g. industrial clothing and safety equipment suppliers; and h. office furniture, equipment and systems suppliers.

Yard Based Activity/Yard based supplier

Ashburton No definition

Christchurch Yard-based supplier - means the use of any land and/or building for selling or hiring products for construction or external use (which includes activities such as sale of vehicles and garden supplies), where more than 50% of the area devoted to sales or display is located within covered or uncovered external yard or forecourt space, as distinct from within a secured and weatherproof building. Drive-in or drive-through covered areas devoted to storage and display of construction materials (including covered vehicle lanes) will be deemed yard area for the purpose of this definition.

Taupo Yard Based Activity – Retail activity with the primary function of the supply of goods from a yard area and includes: building supplies (DIY or Trade); garden centres; automotive and marine yards; farming and agricultural supplies; and heavy machinery or plant. More than 50% of the area devoted to sales or display must be located in a covered or uncovered external yard, as distinct from within a secure and weatherproofed building where trade, business and general public customers are able to view items for sale and load, pick up or retrieve the goods, but does not include site access and parking. Drive-in or drive through covered areas devoted to the storage and display of construction materials (including covered lanes) are deemed yard space for the purpose of this definition.

Queenstown No definition

Comparison of rules

Town centre

Ashburton	for the purpose of the Business Zone rules, the Ashburton Town Centre is the area of Business A zoned land contained generally within the area bounded by Mona Square north, Park Street, Wills Street, William Street, Cass Street, Moore Street, and State Highway 77/Kermode Streets.
Christchurch	<p>‘Central City’ means that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues.</p> <p>The Central City has specific Central City Residential, Business and Mixed Use zones, and a portion of the Business zone is an identified ‘Central City Core Area.’ These areas are not defined but are identified as an overlay on the planning maps.</p>
Queenstown	No definition.
Taupo	No definition of Taupo town centre. The town centre is identified on the planning maps and includes 3 precincts – Commercial Fringe Precinct, Pedestrian Precinct and Retail Expansion Precinct.

Zoning

All District Plans surveyed include an identified city or town centre, where a specific town centre zoning applies.

The Christchurch Central City is split into Residential, Mixed Use and Business zones. Each of these zones is subject to separate land use / activity standards. Within the Business zone is an identified Central City Core area, where additional building bulk and location standards apply. The Central City is also subject to several overlays including a Retail Precinct located within the Core, and a Large Format Retail Precinct, located within the Mixed Use Zone.

The Taupo Town Centre zone also contains 3 identified precincts, however only the building bulk and location standards vary between precincts.

The Queenstown Town Centre zone includes a Waterfront sub-zone that is subject to separate activity standards in relation to commercial activities.

Rules

A comparison of the District Plan rules in the 3 plans reviewed is contained in table X below. The table provides a comparison of the Plan provisions for the Town Centre or Central City zones. A brief overview of the approaches taken to providing for office, commercial and retail activities in other commercial and industrial zones is also included.

Christchurch City is a much larger urban centre than Ashburton, and in addition to the Central City it has multiple suburban commercial centres where retail and commercial activities are anticipated. To avoid unnecessary complexity, the Christchurch District Plan provisions relating to these suburban centres have been disregarded, and only the Central City commercial zones have been included in this survey.

All 3 District Plans surveyed provide for a wide range of business activities in the Town Centre or Central City zones.

Within other commercial zones, the District Plans surveyed varied in the extent to which retail, commercial and office activities were provided for. Queenstown and Taupo District Plans generally provide for commercial activities within commercial zones, but the Christchurch Plan limits permitted commercial activities to a list of specified activities. All 3 District Plans however had some restrictions on the type and/or scale of retail activities that were permitted in commercial zones outside the town/city centres.

Within Industrial areas, all 3 District Plans provided for a very limited range of office and retail activities. Ancillary offices, retail of products produced processed or stored on site and food and beverage outlets are generally provided for as permitted activities. Both Christchurch and Taupo District Plans also provided for yard-based sales and trade suppliers in Industrial zones. Retail and office activities not provided for as permitted activities generally defaulted to a Discretionary status, although in Queenstown they are proposed to be prohibited. (Noting that a decision has not yet been issued on the General Industrial chapter of the proposed Queenstown Lakes District Plan).

	Taupo District Plan	Queenstown Lakes District Plan	Christchurch District Plan
Urban design controls in Town Centre/Central City	None	Applicable to buildings and verandas except temporary buildings in place for less than 6 months and temporary outdoor art installations	Applicable to new buildings, external alterations to existing buildings and use of any part of a site not occupied by a building within the Core area, and new buildings in the Retail Precinct area.
Permitted activities in Town centre zone	<p>Any activity that complies with all performance standards and is not listed as another activity status.</p> <p>Excludes new vehicle crossings in the Pedestrian and Retail Expansion Precincts and activities resulting in an increase of 20 vehicle movements or more in the Pedestrian Precinct. These activities are specifically provided for A Restricted Discretionary and Discretionary</p>	<p>Any activity that complies with all performance standards and is not listed as another activity status.</p> <p>Licensed premises and visitor accommodation and commercial activities within the waterfront sub-zone are all provided for as a controlled activity.</p> <p>Also excludes Industrial activities at ground floor, which are non-complying</p> <p>Forestry, factory farming, mining, airports, panel beating, motor repairs etc, fish or meat processing and activities requiring an offensive trade licence under the health act are prohibited.</p>	<p>Within the Central City Core:</p> <p>Retail, commercial, entertainment, recreation, gymnasiums, community facility, education activity, day care facility, preschool, healthcare facility, spiritual activity, office, residential activity, guest accommodation, art studios</p>

Commercial activity in other commercial zones	Permitted within Spa Road Mixed Use Environment	Permitted in Business Mixed Use zone and Local Shopping Centre zone	<p>Within Central City Mixed Use zone - Commercial services activities only permitted if ancillary to a permitted activity.</p> <p>Permitted commercial activities limited to:</p> <p>Entertainment, recreation, gymnasiums, community facilities, day care and preschools, health care activities, motor servicing activities, and drive-through services.</p> <p>Commercial service activities are non-complying otherwise</p>
Retail activity in other commercial zones	<p>Within Spa Road Mixed Use Environment permitted retail activities include:</p> <p>no more than 3 FTE employees or</p> <p>less than 100m² GFA per site or</p> <p>Mixed use activities where 50% of the net floor area is residential or accommodation activities or</p> <p>Yard based activity.</p> <p>Trade supplier.</p> <p>Hire centre.</p> <p>Service Stations.</p> <p>Food and beverage outlets.</p> <p>Discretionary otherwise</p>	<p>Permitted in Business Mixed Use zone</p> <p>Appliance stores, electronic and electrical goods stores, fashion stores, furniture and floor covering stores are non-complying in the Local Shopping Centre zone. All other retail permitted.</p>	<p>Within Central City Mixed Use zone permitted retail activities include:</p> <p>Sale of goods processed, produced or stored on site</p> <p>Second hand goods</p> <p>Food and beverage</p> <p>Convenience stores selling grocery items</p> <p>Yard based suppliers</p> <p>Trade suppliers</p> <p>Service stations</p> <p>Drive-throughs</p> <p>Within the Large Format Retail overlay, permitted retail activities also include tenancies with a minimum GFA of 500m²</p> <p>Non-complying otherwise</p>
Office activities in other commercial zones	<p>Within Spa Road Mixed Use Environment Permitted if:</p> <p>no more than 3 FTE employees or</p> <p>less than 100m² GFA per site or</p> <p>Mixed use activities where 50% of the net floor area is residential or accommodation activities or</p> <p>Yard based activity.</p> <p>Trade supplier.</p> <p>Hire centre.</p> <p>Service Stations.</p>	Permitted in Business Mixed Use zone and Local Shipping Centre zone	<p>Within the Central City Mixed Use zone offices are permitted if:</p> <p>Ancillary to a permitted activity or</p> <p>Where individual tenancies are a maximum of 450m² GFA and there is no more than 450m² GFA of office activity per site or per 500m² of land area, whichever is greater.</p> <p>Non-complying otherwise</p>

	Food and beverage outlets. Otherwise Discretionary		
Office activities in Industrial zones	Permitted only if ancillary to a permitted activity Discretionary otherwise	Permitted only if ancillary in the Industrial General zone (notified version). Prohibited otherwise	Within Industrial General zone permitted only if ancillary to a permitted activity. Discretionary otherwise
Retail activities in Industrial zones	Permitted retail limited to: Sale of goods produced, processed or stored on site, Yard based activity. Trade supplier. Hire centre. Service Stations. Food and beverage outlets. Discretionary otherwise	Permitted if ancillary to an industrial or service activity, or food and beverage activities Prohibited otherwise	Within Industrial General zones permitted retail limited to: Ancillary sales of goods produced, processed or stored on site; Food and beverage activities Trade suppliers Yard based suppliers Service stations Second hand goods outlets Discretionary otherwise

Attachment C – Proposed Plan Change Text

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Section 17: Definitions

17.1 General Definitions

This section sets out definitions of terms used within the District Plan. These definitions explain what is meant by a term used and what may be included or excluded from that term. Readers of the Plan should also be aware that some rules may alter the use of definitions or apply definitions differently in some situations or areas.

Access	means that area of land over which a site or allotment obtains legal vehicular and/or pedestrian access to a legal road. This land includes an access leg, a private way, common land as defined on a cross-lease or company-lease; or common property as defined in Section 2 of the Unit Titles Act 1972.
Access Leg	in relation to a rear allotment or rear site, means the strip of land, which is included in the ownership of that allotment or site, and which provides the legal, physical access from the frontage legal road to the net area of the allotment or site.
Access Lot	means an allotment which provides the legal access or part of the legal access to one or more allotments, and which is held in the same ownership or by tenancy-in-common in the same ownership as the allotment(s) to which it provides legal access.
Access Way	means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after the 1st day of April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve (Section 315 of the Local Government Act 1974).
Accessory Building	<p>in relation to any site, means any separated or detached building the use of which is incidental or ancillary to that of any other permitted principal building, or use on that site.</p> <p>For residential activities, Accessory Building includes a sleep out (limited to not more than 40m² in GFA), garage or carport, garden shed, glasshouse, swimming pool, mast, shed used solely as a storage area, or other similar structure.</p> <p>Any garage or car-port which is attached to or a part of any building shall be deemed to be an accessory building.</p>
Act	means the Resource Management Act 1991.
Addition	means an extension or increase in floor area, number of storeys, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs.

Adjoining	means 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, water body or artificial watercourse.
Allotment	for the purpose of subdivision, means a lot, two or more adjoining lots to be held together, or any balance area, shown on a subdivision consent plan, except that in the case of land being subdivided under the cross lease or company lease systems or the Unit Titles Act 1972, allotment shall have the same meaning as Site .
All Weather Standard	means a pavement and/or road which has been excavated to a sound subgrade, backfilled and compacted to properly designed drainage gradients with screened and graded aggregate and is usable by motor vehicles under all weather conditions, and includes metalled, paved and sealed surfaces.
Alteration	means any changes to the fabric or characteristics of a building involving (but not limited to) the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally, the erection of signage attached to the building. It does not include repair or maintenance.
Altitudinal Land Use Line	relates to land defined on the Planning Maps. This definition is generally only used in the High Country/Rural C Zone.
Amenity Tree Planting	means the planting of trees for aesthetic or amenity purposes in the immediate vicinity of existing or proposed buildings on the same site, but excluding shelterbelts, forestry, woodlots, commercial orchards or other tree crops.
Amenity Values	means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes (RMA).
Amenity Vegetation	means vegetation for aesthetic or amenity purposes in the immediate vicinity of existing or proposed buildings on the same site, but excluding shelterbelts, forestry, woodlots, commercial orchards or other tree crops.
<u>Ancillary Activity</u>	<u>means an activity that supports and is subsidiary to a primary activity.</u>
Antennae	means that part of a communication facility used for the transmission or reception of signals including the antenna mounting but not including any supporting mast, pole or similar structure. This definition includes any dish antenna.
Apartment Building	means a building for residential activities comprising two or more attached residential units not all of which are necessarily located at ground floor level. (Refer also to the definitions of Accessory Building and Residential Unit).

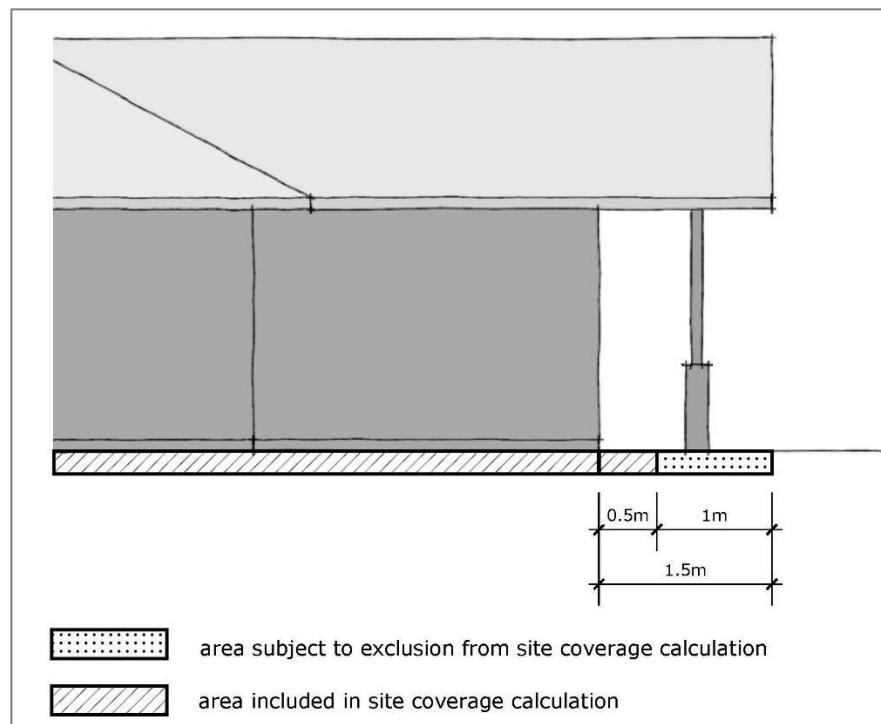
Archaeological Sites	<p>means any place in New Zealand that either was associated with historic human activity; or is the site of historic wreck of any vessel; and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.</p> <p>Has the same meaning as section 2 of the Historic Places Act 1993.</p>
Artificial Watercourse	<p>includes:</p> <ul style="list-style-type: none"> • an irrigation race/canal, • a water supply race for potable or stock water, • a canal for the supply of water for electricity power generation, or • a farm drainage canal, and • any associated water storage for these purposes.
Ashburton Town Centre	<p>for the purpose of the Business Zone rules, the Ashburton Town Centre is the area of Business A zoned land contained generally within the area bounded by Mona Square north, Park Street, Wills Street, William Street, Cass Street, Moore Street, and State Highway 77/Kermode Streets.</p>
<u>Automotive and marine supplier</u>	<p><u>businesses primarily engaged in selling automotive vehicles, marine craft, and associated parts and accessories for such vehicles and craft.</u></p>
Atua	<p>means deity in the natural world of the Maori.</p>
Berm	<p>means an area of grass and/or footpath within the legal road and located between the road carriageway and the property boundary.</p>
Boardinghouse	<p>means a residential activity in which lodging alone or board and lodging (including provision of food) is provided for financial reward or payment, for five or more lodgers or boarders.</p>
Boundary	<p>means any boundary of the net area of a site and includes any road boundary, side or internal boundary.</p> <p>(see below for Internal Boundary, and Road Boundary (Road Frontage))</p> <p>Site Boundary shall have the same meaning as Boundary.</p>
Building	<p>for the purposes of this Plan, means, as the context requires and unless stated to the contrary in another definition or in a rule:</p> <p>Any structure or part of a structure, whether temporary or permanent, movable or immovable, but does not include:</p> <ul style="list-style-type: none"> (i) any scaffolding or falsework erected temporarily for maintenance or construction purposes; (ii) fences, walls or retaining walls of 2m in height or less not used for advertising for any purpose; (iii) structures less than 5m² in area and less than 2m in height; (iv) masts, poles, radio and television aerials (excluding dish antennae for receiving satellite television), less than 7m above ground level; (v) any vehicle, trailer, tent, caravan or boat whether fixed or movable unless such vehicle, trailer, tent, caravan or boat shall be used as a place of accommodation, business or storage.

Building Coverage (or Site Coverage)

means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage.

The following shall not be included in building coverage:

- (i) pergolas;
- (ii) that part of eaves and/or spouting or bay windows projecting 1m or less, horizontally from any exterior wall. Note: Where eaves and/or spouting or bay windows project more than 1m horizontally from any exterior wall, the building coverage shall be deemed to exclude the first 1m of the eaves/spouting or bay window as measured from the outermost point of the eaves and/or spouting or bay windows (see diagram below);
- (iii) satellite dishes;
- (iv) uncovered terraces or decks less than one metre above ground level;
- (v) uncovered swimming pools;
- (vi) fences, walls and retaining walls.


Building supplier

businesses and associated premises used for the display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings, including plumbing, electrical and landscaping.

Camping Ground

means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living-places e.g. tents or caravans, for occupation by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water-supplies, cookhouses, sanitary fixtures, or other premises and equipment.

Canopy Height	<p>means the height of the canopy of vegetation.</p> <p>The canopy height is to be determined as an average vertical height above natural ground level over each area of 1 hectare, where the vegetation is greater than 1 hectare in area, or over the lesser area where the area of vegetation is less than 1 hectare.</p>
Captive Balloon	<p>means a non-powered balloon for advertising purposes, which is tethered to a site or structure on a site.</p>
Carriageway	<p>means that formed portion of a road surface devoted particularly to the use of motor vehicles, inclusive of shoulders in a rural situation, and from the face of kerb to face of kerb in an urban situation.</p>
Cleanfill	<p>includes any natural material which is free of: combustible, putrescible, degradable or leachable components or materials likely to create leachate by means of biological breakdown; hazardous substances or any products or materials derived from hazardous waste treatment, stabilisation or disposal practices; contaminated soil or other contaminated materials; medical or veterinary waste; asbestos or radioactive substances. It includes (but is not limited to) clay, rock, concrete and bricks</p>
Clearance of Vegetation	<p>shall have the same meaning as Vegetation Clearance.</p>
Coastal Protection Work	<p>means works, structures or planting for the protection of property and people from inundation from the sea or coastal erosion; and includes areas of vegetation maintained or planted adjacent to the foreshore, embankments, access tracks, rock work, anchored trees, wire rope, iron structures and other structures.</p>
Commercial	<p>means involving the payment of fees for hire or financial reward.</p>
Commercial Activity	<p><u>means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices). Includes office activities, retail activities and commercial services.</u></p> <p>means an activity involving the payment of fees for hire or reward.</p> <p>Commercial Activity includes the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services, and includes, but is not limited to, shops, markets, showrooms, and restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas; but excludes passive recreational, community activities, home occupations, and farming activities. This includes a business providing personal, property, financial, household, and private or business services to the general public. It also includes recreational activities where a fee is paid to use facilities i.e. a commercial bowling alley. It does not include community sports facilities where a membership fee may be paid.</p>
Commercial Livestock	<p>means livestock bred, reared and/or kept on a property either primarily or partly for the purpose of commercial gain, but excludes domestic livestock.</p>

Commercial Services	<u>means businesses that sell services rather than goods where a front counter service is provided to cater for walk in customers. For example: banks, real estate agents, travel agents, tattoo studios, dry cleaners and hairdressers.</u>
Community Activity	<p>means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual wellbeing, but excludes recreational activities.</p> <p>A community activity includes educational facilities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres.</p>
Contaminated Land	<p>For the purposes of this Plan means land that can be described by one of the following:</p> <ul style="list-style-type: none"> • an activity or industry described in the <i>HAIL</i> is being undertaken on it, or • an activity or industry described in the <i>HAIL</i> has been undertaken on it, or • it is more likely than not that an activity or industry described in the <i>HAIL</i> is being or has been undertaken on it. <p>Note: This definition does not include land for which exists a detailed site investigation that demonstrates that any contaminants in or on the land are at, or below, background concentrations</p>
Council	<p>means the Ashburton District Council or any Committee, Sub-Committee, Community Board, Commissioner or person to whom the Council's powers, duties or discretions under this Plan have been lawfully delegated pursuant to the provisions of the Resource Management Act.</p> <p>District Council shall have the same meaning.</p>
Curtilage	means the area occupied by a residential unit, grounds, and outbuildings.
Day Care Facility	means land and/or buildings used for the care during the day of the elderly, persons with disabilities and/or children, other than those residing on the site.
Demolition	<p>means to damage and demolish a building or structure.</p> <p>(Note also definition of Partial Demolition below.)</p>
Demolition Material	means all material that is produced by demolition of a building or structure, that does not meet the definition of cleanfill.
Depot	means a place for the storage of large quantities of goods, or a place where motor vehicles are housed and maintained, or a railway or bus station.
District	means the Ashburton District.
District Council	means the same as Council .

Domestic Livestock	<p>means keeping of livestock not primarily or partly for the purpose of commercial gain and includes:</p> <ul style="list-style-type: none"> • not more than 12 adult poultry (excluding roosters) in a Residential Zone or not more than 50 adult poultry in a Rural Zone; bred, reared and/or kept on a property; • not more than 2 sows and their progeny up to weaner stage or not more than 5 weaned pigs in a Rural Zone; • any number of livestock bred, reared and/or kept on a property in a Rural Zone for family consumption, or as pets, or for hobby purposes and from which little or no financial gain is derived.
Earthworks	<p>means the disturbance of land surfaces by the removal or depositing of material, excavation, filling or the formation of roads, banks or tracks, but excludes digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, or drilling bores</p> <p>Excavation for the purpose of land drainage is included within the definition of earthworks.</p>
Educational Facility	<p>means land and/or buildings used for the provision of regular instruction or training in accordance with a systematic curriculum by suitably qualified instructors, and includes childcare facilities, schools, tertiary education institutions and specialised training facilities.</p>
Effluent	<p>means predominantly liquid waste or sewage discharge, including that derived from toilets, sewage and silage water, or from intensive livestock management operations.</p>
Elderly Persons Home	<p>means an old people's home within the meaning of the Old People's Homes Regulations 1965.</p>
Emergency Services	<p>means the services and facilities of authorities which are responsible for the safety and welfare of people and property in the community and includes fire stations, ambulance stations, and police emergency call out and communication activities.</p>
Entertainment Facilities	<p>means land and/or building(s) or parts of building(s) used principally for any public meetings, public performances or public amusements, whether a charge is made for admission or not; or used principally for public or private worship, religious ceremonies, services or associated instruction.</p> <p>Has the same meaning as Meeting Places.</p>
Erection of a Building	<p>in relation to a subdivision, means the completion of all framing, fire walls, fire ceilings and fire floors, and the affixing of all roof materials.</p>
Exotic Vegetation	<p>in relation to trees and plants, means species which are not indigenous to New Zealand.</p>

Exploration	means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and includes any drilling, dredging, or excavations (whether surface or sub-surface) that are necessary to determine the nature and size of a mineral deposit or occurrence.
Farming Activity	<p>means the use of land and buildings for the primary purpose of the production of vegetative matter and/or commercial livestock.</p> <p>Farming activity includes the packing, storage, and/or processing of the vegetative matter and/or commercial livestock produced on/in that land or on other land owned or managed by the same person(s). Buildings for this purpose are permitted up to an area of 500m² per site, where they meet all other rules.</p> <p>Farming activity excludes residential activity, home occupations, intensive livestock management, and forestry activity.</p>
<u>Farming and agricultural supplier</u>	<u>businesses primarily selling goods for consumption or use in the business operations of primary producers or in animal husbandry.</u>
<u>Food and beverage outlet</u>	<u>means land and buildings used for the sale of food and / or beverages to the general public prepared for immediate consumption. It includes restaurants, taverns, cafes and takeaway restaurants, and excludes supermarkets.</u>
Food and Produce Processing	means the processing, packaging, storage, distribution and marketing of vegetative, marine and animal matter.
Forestry Activity	means the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for timber production in excess of onsite domestic or farm wood-supply.
Formed	means a road, street, vehicle access, parking area, manoeuvring, loading or hard stand area with a constructed pavement with a crushed aggregate surface, capable of carrying 100% Class 1 loads without deflection, deformation or deterioration. The surface shall be shaped to shed all water and shall be uniform and smooth by grading and rolling and shall remain trafficable in all weathers.
Formed Road	means a road with a carriageway constructed to an all-weather standard with a minimum carriageway width of 3m.
Frontage	means the road boundary/boundaries of any site.
Frost Control Fan	means a land based device designed or adapted to control frost by fanning warmer air over the frost-affected surfaces, and includes the support structure.
Full-time Equivalent Person	means the employment of a person or persons for an average total of 8 hours per day assessed over any 14 day period.

Garage	is included within the meaning of accessory building, and means a building or part of a building principally designed for or able to be used for housing motor vehicles and other ancillary miscellaneous items owned by persons living on the site.
Garden and Landscape Supplies	<u>businesses primarily selling goods for permanent exterior installation or planting and includes: landscaping suppliers; and suppliers of bark, compost, firewood, and paving and domestic paving aggregates.</u>
Geoconservation Site	means a site defined as having special value for geoconservation, as described in Appendix 3-3 to the Rural Section and as delineated on the Planning Maps.

Geoconservation Area	means an area defined as having special value for geoconservation, as described in Appendix 3-3 to the Rural Section and as delineated on the Planning Maps.
Gross Floor Area (GFA)	<p>means the sum of the gross area of all floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.</p> <p>Gross floor area shall:</p> <ul style="list-style-type: none"> (i) include elevator shafts, stairwells and lobbies at each floor and mezzanine floors and balconies; (ii) exclude any required car-parking, loading and servicing areas and access thereto and building service rooms containing equipment such as lift machinery, tanks, air conditioning and heating plant.
Ground Level	means the finished ground level when all works associated with any prior subdivision of the land were completed, but excludes any earthworks or excavation associated with building activity.
Group Visits	means visits to a site by groups of people organised collectively.
Habitable Space	Means a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature which is not occupied frequently or for extended periods. For clarity, a kitchen is only considered to be a habitable space where the kitchen shares an open plan area with another habitable space.
Handcrafts	means goods produced by hand or by the use of hand tools or the use of mechanical appliances where such appliances do not produce the goods in a repetitive manner according to a predetermined pattern for production run purpose. The person producing such goods must design the goods and have direct, complete and variable control over the production of every stage of the product.
Hapu	means sub-tribe, clan, section of a large tribe.
Harakeke	means flax (<i>Phormium tenax</i>).
Hardsurfacing	<p>in relation to any site, means any part of that site which covered by impermeable surfaces, and includes:</p> <ul style="list-style-type: none"> • any area used for parking, manoeuvring, access or loading of motor vehicles; • any area paved either with a continuous surface or with open jointed slabs, bricks, gobi or similar blocks. <p>Hardsurfacing does not include domestic paths of less than 1m in width.</p>
Hazardous Substance	includes, but is not limited to, any substance as defined in Section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.
Hazardous Wastes	means wastes of any hazardous substance(s).

Health Care Service	means land and/or buildings used for the provision of services by registered practitioner(s) relating to the physical and mental health of people and animals.
Heavy Vehicle	means a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3500kg; but does not include a traction engine or vehicle designed solely or principally for the use of fire brigades in attendance at fires.
Height	<p>in relation to any building or structure, means the vertical distance between the ground level at any point and the highest part of the building or structure immediately above that point.</p> <p>For the purpose of calculating height, no account shall be taken of any:</p> <ul style="list-style-type: none"> (i) radio or television aerial provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5m; (ii) chimney or flue not exceeding 1m in any direction. <p>This definition of height shall not apply to the facilities or structures subject to Utilities Site Standard 2.</p>
Heke	means journeys.
Heritage Building/Item	means any type of historic heritage place or area. It may include a historic building, historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape. The term is also adopted to describe historic heritage listed in the heritage schedule of the district plan.
High Flood Hazard Area	means flood hazard areas subject to inundation events where the water depth (metres) times velocity (metres per second) is greater than or equal to 1, or where water depths are greater than 1 metre in a 0.2% annual exceedance probability flood event.

Historic Heritage	<p>means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological; and <p>includes –</p> <ul style="list-style-type: none"> (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Maori, including wahi tapu; and (iv) surroundings associated with the natural and physical resources. <p>(Section 2 of the Resource Management Act).</p>
Historic Places (buildings / items)	<p>are buildings that contribute to an understanding and appreciation of New Zealand's history and cultures. They may include any land, temporary or permanent movable or immovable structure or structures and anything that is in or fixed to any land. The term may include any building registered as a historic place under the Historic Places Act 1993.</p>
Historic Places (sites)	<p>are places that contribute to an understanding and appreciation of New Zealand's history and cultures. They may include land (and water) without any temporary or permanent building or structure. The term may include any site registered as a historic place under the Historic Places Act 1993. Historic sites may include historic sites of scientific value.</p> <p>Historic sites include Archaeological Sites (see definition above).</p>
Home Occupation	<p>means the use of a residential site for an occupation, business, trade or profession which is secondary and incidental to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes home stays and retail sales.</p>
Home Stay	<p>means the use of a residential unit for visitor accommodation for commercial purposes.</p>
Hospital	<p>means any public or private hospital within the meaning of the Hospitals Act 1957 and its amendments.</p>
Impervious Surface	<p>means any type of surface that effectively creates an impermeable physical barrier on the surface of any part of a site.</p>
Improved Pasture	<p>means an area of pasture where species composition and growth has clearly been substantially modified and enhanced for livestock grazing by cultivation, or topdressing and oversowing, or direct drilling, and where exotic pasture species have been deliberately introduced.</p>

Indigenous Vegetation	means a plant community of species indigenous to New Zealand, which may include a minor element of exotic vegetation but does not include plants within a domestic garden or used for screening / shelter purposes e.g. as farm hedgerows.
Individual Commercial Unit	means any one commercial tenancy created by freehold, leasehold, license, or any other arrangement to occupy.
Individual Retail Tenancy	means any one retail tenancy created by freehold, leasehold, licence, or any other arrangement to occupy.
Industrial Activity	means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing, or associated storage of goods.
Intensive Livestock Management (Intensive Farming)	<p>means the use of land and/or buildings for the production of commercial livestock, including where the regular feed source for such livestock is substantially provided other than from the site concerned, and includes:</p> <ul style="list-style-type: none"> the farming of pigs outdoors at a stocking rate exceeding 15 pigs per hectare. (Stocking rate in relation to pig farming, means the number of pigs (excluding progeny up to weaner stage) carried per hectare of land, where the area of land fenced, available and used for pig farming shall only include that area on which the pigs are regularly run.); herd houses, feed pads, or any building providing shelter to stock where stock are confined within the building for any continuous period exceeding 2 weeks; boarding of animals; mushroom farming; fish farming; the disposal of effluent from any of the above, whether on the same site as the intensive livestock management activity or not. <p>Intensive livestock management excludes:</p> <ul style="list-style-type: none"> buildings used for housing or sheltering animals that are giving birth or raising juvenile stock, where no individual animal is housed or sheltered for more than 3 months in any calendar year.
Internal Boundary	means any legal boundary of the net area of a site other than a road boundary.
Kainga (Kaika)	means home or village.
Kaika Nohoanga	means area of occupation, also temporary camping sites reserved for the use of travelling parties.
Kaitiaki	means guardians.
Kaumatua	means elder(s), adult man or woman.
Kawa	means protocol.

Kawanatanga (Kawanataka)	means governance, or the obligation to govern.
Koiwi	means bones, the human skeleton.
Kitchen Facility	means a room or indoor area, the principal purpose of which is the preparation and cooking of food. A kitchen will generally include a sink bench and a means of cooking food such as a stove, gas or electric cooker, or microwave (or have the facilities for the installation of these).
Lake	A large, naturally occurring body of water surrounded by land, but does not include storage ponds or stormwater retention ponds.
Land Disturbance (in relation to works within the setting of a listed historic item)	means works that will potentially cause the removal of or damage to major and identified heritage landscape elements and features of historic heritage value including buildings, trees, paths, fences and gardens within an identified setting of a listed place or area.
Living Area	means any room in a residential unit other than a room used principally as a hallway, bedroom, laundry or bathroom.
Loading Space	means a portion of a site, whether covered or not, clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded. Such loading space shall have vehicular access to a road or service lane and be designed and constructed to accommodate the size and type of vehicles that reasonably could be expected to use the loading space.
LTP	means Long Term Plan. Council produces a long term council community plan (LTP), or Community Plan, every three years. The plan explains what Council proposes to do over the coming ten years, with the first three years in detail and the following seven years based on the best information currently available.
Mahinga Kai (Mahika Kai)	means food and other resources, and the areas that they are sourced from.
Maintenance	means the protective care of a place.
Maintenance and Repair	means any work or activity necessary to continue the operation and/or functioning of an existing utility and shall also provide for the replacement of an existing line, telecommunication line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose; and the addition of extra lines to existing poles or other support structures; and the replacement of existing conductors.
Mana	means authority, influence, prestige.
Manakitanga	means support, caring and hospitality, for example as shown towards guests.
Manawhenua	means associated with Tino Rangitiratanga (Tino Rakatirataka) , the Tribal authority over affairs within a particular area or land district.

Manufacturing of Hazardous Substances	means any process that produces a hazardous substance and includes any process that includes the mixing of material or making a compound product that is a hazardous substance. (See definition of Hazardous Substance above.)
Manuhiri	means visitors.
Maori	means “ordinary people”, since about 1820 used to distinguish the native, indigenous, people of this country, the Tangata Whenua (Takata Whenua) .
Mauri	means “life force”.
Meat Processing Facility / Meat Processing	means the use of a site for the yarding and slaughtering of animals; the associated processing of meat including fish processing, stock finishing, by-product and co-product processing; rendering; fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products; and the treatment and disposal of effluent from the above processes.
Meeting Places	means land and/or building(s) or parts of building(s) used principally for any public meetings, public performances or public amusements, whether a charge is made for admission or not; or used principally for public or private worship, religious ceremonies, services or associated instruction. Has the same meaning as Entertainment Facilities .
Metres squared (m²)	means a unit of measure where any reference to m ² is the equivalent to square metres.
Mineral	means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.
Mineral Extraction	means the use of land and / or buildings for a purpose that results in the extraction, winning, quarrying, excavation and/or associated processing of minerals; and includes prospecting and exploration, excavation, blasting, crushing, screening, washing, blending, processing, storage, deposition of overburden, treatment of waste water and rehabilitation of sites.
Motorised Craft	means any boat, jet ski, or similar water based vehicle, powered by an engine, but does not include model or scaled down versions of boats operated through remote control.

Natural Character	<p>is a term used in section 6(a) of the Resource Management Act to describe the expression of natural elements, patterns and processes in a landscape (or the 'naturalness' of a landscape). The degree or level of natural character within an area depends on:</p> <ol style="list-style-type: none"> 1. the extent to which natural elements, patterns and processes occur; 2. the nature and extent of modifications to the ecosystems and landscape/seascape. <p>The highest degree of natural character (greatest naturalness) occurs where there is least modification. The effect of different types of modification upon the natural character of an area varies with the context, and may be perceived differently by different parts of the community.¹</p>
Nature Conservation Values	<p>means the values associated with the natural resources of the District, particularly their intrinsic values, the values of indigenous habitats, species and ecosystems, and the natural character of the landscape.</p>
NES	<p>means National Environmental Standard. National environmental standards (NES) are legally enforceable regulations developed under the Resource Management Act. They address the objectives and policies of National Policy Statements (defined below). National Environmental Standards provide a framework of rules that are nationally consistent and can be included in District Plans and/or amended without public notification.</p> <p>Every local authority and consent authority must observe national environmental standards and must enforce national environmental standards.</p>
Net Area	<p>in relation to a site or allotment, means the total area of the site or allotment, less any area subject to a designation for any purpose and/or any area providing access to one or more sites and/or any strip of land 6m or less in width.</p>

¹ Derived from The Ministry for the Environment, Environmental Performance Indicators, Landscape Aspect of Natural Character, Stage 1 – Initial Findings – A report prepared by Boffa Miskell Ltd for the MfE, February 2002.

Net Floor Area	<p>shall be the sum of the floor areas, each measured to the inside of the exterior walls of the building or buildings, and shall include the net floor area of any accessory building, but it shall exclude any floor area used for:</p> <ul style="list-style-type: none"> • lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2 metres; • stairwells (including landing areas); • tank rooms, boiler and heating rooms, machine rooms, bank vaults; • those parts of any basement not used for residential, shopping, office or industrial uses; • toilets and bathrooms, provided that in the case of any hotel, or travellers accommodation the maximum area permitted to be excluded for each unit shall be 3m²; • 50% of any pedestrian arcade, or ground floor foyer, which is available for public thoroughfare; • parking areas required by the Plan for, or accessory to, activities in the building.
Ngai Tahu (Kai Tahu)	<p>means the tribal group holding manawhenua in Te Waipounamu, the area from Kahuraki Point on the West Coast and Te Parinui-o-Whiti (Vernon Bluffs) on the east and all places south 'until the land turns white'. These traditional boundaries were confirmed by the Maori Appellate Court ruling (November 1990).</p>
NPS	<p>means National Policy Statement.</p> <p>National Policy Statements set out objectives and policies for managing activities under the Resource Management Act. These are national guidelines and are consistently applied by all Councils and relevant authorities.</p>
Noise	<p>Provisions for Noise are set out in Section 11: Noise.</p> <p>Noise levels shall be measured and assessed in accordance with NZS6801:2008 <i>Acoustics-Measurement of Environmental Sound</i>, and NZS6802:2008 <i>Acoustics-Environmental Noise</i>.</p>
Notional Boundary	<p>for the purposes of measurement of noise, means a line 20 metres from any residential unit on any neighbouring site, as defined in NZS6802:2008 <i>Acoustics-Environmental Noise</i>.</p>

Office	<p>means any of the following:</p> <ul style="list-style-type: none"> • administrative offices where the administration of an organisation, whether trading or non-trading is conducted; • commercial offices such as banks, insurance agents, typing services, duplicating services and real estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted; • professional office such as the offices of accountants, solicitors, architects, surveyors and engineers, where a professional service is available and carried out.
<u>Office furniture</u>	<u>equipment and systems supplies, businesses primarily selling goods for office-type use or consumption, and includes suppliers of computers, copiers, printers, office furniture and other related equipment.</u>
Outdoor Living Space	<p>means an area of open space required by this Plan to be provided for the exclusive use of the occupants of the residential unit to which the space is allocated, and may include balconies in the Residential A zone.</p> <p>No outdoor living space shall be occupied by any building (other than an outdoor swimming pool, or accessory buildings up to 8m²), driveway or parking space.</p>
Outdoor Recreation Activity	means a recreation activity undertaken entirely outdoors with buildings limited to use for public shelter, toilet facilities, information and ticketing.
Outdoor Service Space	means an area of outdoor service space required by this Plan to be provided for the exclusive use of each household unit to which the space is allocated, for such service facilities as clotheslines, storage of rubbish tins and wood. No outdoor service space shall be occupied by any building (other than a storage area), driveway or parking space.
Outdoor Storage	means land used for the purpose of storing items, vehicles, equipment, machinery, natural and processed products, outside a fully enclosed building for periods in excess of 4 weeks in any one year.
Papatipu Marae	means those marae built on traditional Maori lands which later became Crown Grants in the form of Maori Reserves.
Papatuanuku	means the Earth Mother.
Parking Space	means a space on a site available at any time for accommodating one stationary motor vehicle. Such parking space shall not be located on any access or outdoor living space or outdoor service space and shall have vehicular access to a road or service lane.
Partial Demolition	<p>means to demolish a substantial part of any building or structure. Partial demolition includes façade retention which normally involves the demolition of the rear or a substantial part of a building or structure and the retention of the front or main façade and the construction of a new building or structure behind the preserved façade.</p> <p>(See also definition of Demolition).</p>

Pingao (Pikao)

means a fibrous plant (*Desmoschoenus spiralis*) used for decorative purposes such as tukutuku panelling, the construction of kete (basket, kit), as well as for other weaving purposes.

Place of Assembly	means land or buildings which are used principally for the public or private assembly of persons for cultural, entertainment, recreation, leisure, education or similar purposes. They include conference centres, seminar rooms, gymnasiums, public halls, theatres and cinemas, display galleries and museums.
Plot Ratio	means the total floor area of buildings permitted to be erected on a site. The plot ratio is calculated by dividing the net floor area of all buildings on the site by the net site area. Plot ratio is used in the Residential A Zone.
Pounamu	means greenstone, nephrite, New Zealand jade.
Principal Building	means a building, buildings or part of a building accommodating the activity for which the site is primarily used.
Private Way	shall have the same meaning as defined in Section 315 of the Local Government Act 1974.
Prospecting	<p>means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences; and includes:</p> <ul style="list-style-type: none"> • geological, geochemical, and geophysical surveys; and • the taking of samples; and • aerial surveys. <p>The taking of samples shall be limited to taking by hand or hand-held methods.</p>
Public Area or Public Floor Area	means those parts of a building or outdoor area normally available for use by the general public exclusive of any service or access areas of the building.
Public Safety Hazard	includes, but is not limited to, any tree that interferes with live power lines, has become unstable due to weather, has become diseased, or has grown into an unstable form.
Radiocommunication Facilities	means any transmitting/receiving devices such as aerials, dishes, antenna, cables, lines, wires and associated equipment/apparatus, as well as support structures such as towers, masts and poles, and ancillary buildings.
Rahui	means restrictions, controls, also a statement that a resource is being actively managed, 'No Trespass' sign, reserve, reservation.
Rangitira (Rakatira)	means chief.
Rangitiratanga (Rakatiratanga)	See Tino Rangitiratanga (Tino Rakatirataka) .

Recession Lines	<p>means lines constructed from points on or above a boundary surface or a road surface, the angle of inclination of which is measured from the horizontal, at right angles to a site boundary and in towards the site. (See Appendix 4-1 for how to apply recession lines.)</p> <p>No building features shall protrude through or above the building envelope constructed by recession lines except the following:</p> <ul style="list-style-type: none"> • chimneys, ventilation shafts, roof water tanks, lift and stair shafts and spires, poles and masts less 9m above ground level, provided the maximum dimension thereof measured parallel to the boundary under consideration shall not exceed 1.5m, and provided for buildings over three storeys, such features are contained within or are sited directly against the outside structural walls; and • in Residential Zones where a single gable end with a base (excluding eaves) of 7.5m or less faces a boundary and a recession line strikes no lower than half way between the eaves and ridge line, a gable end may penetrate the recession lines. <p>Where the land immediately adjoining the site boundary forms part of a right-of-way or access strip, the recession lines shall be calculated from the far side of the right-of-way or access strip.</p>
Recreation	<p>means all activities freely chosen by an individual, which give that person enjoyment, satisfaction and a sense of well-being. Recreation activities can be described as “active”, including group sports or activities of a less formal nature, such as jogging or cycling, community rugby and football teams or “passive”, including activities such as picnicking, nature watching or viewing the landscape.</p>
Recreation Lodge	<p>means an integrated development of visitor accommodation with all food preparation, dining, recreation and bar facilities being centralised and shared by all visitors.</p>
Recreational Activity	<p>means the use of land and buildings for the primary purpose of recreation and entertainment by the members of more than one household unit. This does not include commercial recreational activities where a fee is paid to use facilities i.e. a commercial bowling alley but does include community sports facilities where a membership fee may be paid.</p>
Relocatable	<p>means not intended for permanent location on any site and readily capable of removal for relocation to another site.</p>
Relocation	<p>in relation to a building, means the removal of any building from any site and the permanently fixing down on a new site.</p> <p>In relation to any heritage item (building), relocation means to physically shift the location of the building within a property or to another property and may include raising a building or structure.</p>
Repair (of a historic item)	<p>means the restoration to good or sound condition of any existing building (or any part of an existing building) for the purpose of its maintenance.</p>
Reserve	<p>means a reserve in terms of the Reserves Act 1977.</p>

Residential Unit	means a single self contained housekeeping unit, whether of one or more persons, that contains one kitchen facility, and includes accessory buildings. If more than one kitchen facility is provided, there shall be deemed to be more than one residential unit.
Residential Activity	means the use of land and buildings by people for the purpose of permanent living accommodation, including all associated accessory buildings, leisure activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include emergency and refuge accommodation, and the use of holiday homes which is not commercial.
Retail Activity	means the use of land or buildings for displaying or offering goods for sale or hire to the public and includes, but is not limited to, food and beverage outlets, small and large scale retail outlets, trade suppliers, yard based suppliers, second hand goods outlets and food courts.
Retail Sales	means the direct sale or hire to the public from any site and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment. Retail sales includes restaurants, but excludes recreational activities.
Right of Way	means an area of land over which there is registered a legal document giving rights to pass over that land to the owners and occupiers of other land.
River	A natural stream of water that flows under or over land and empties into a body of water such as a sea or lake. This includes ephemeral rivers.
River Protection Work	means works, structures and plantings for the protection of property and people from floods; and includes areas of vegetation maintained or planted in the margins of flood fairways, the clearance of vegetation and debris from flood fairways, stopbanks, access tracks, rockwork, anchored trees, wire rope and other similar structures.
Road	means the whole of any land which is vested in the council for the purpose of a road or as defined in Section 315 of the Local Government Act 1974.
Road Boundary (Road Frontage)	means any boundary of a site abutting a legal road (other than an access way or service lane) or contiguous to a boundary of a road designation. Frontage or Road Boundary (Road Frontage) shall have the same meaning as road boundary.
Rohe	means boundary, district, as for rohe potae.
Rohe Potae	means traditional Tribal boundaries.
Runanga (Runaka)	means local representative groups holding manawhenua. A Maori equivalent of local government formed to protect and defend the rangatiratanga, the turangawaewae, and the cultural and social values of their members.
Rural Activities	Means farming activities, intensive farming activities, and forestry activities.

Rural Service Activities	means any activity that provides a commercial service to a rural activity such as seed cleaning, rural contractors and grain drying.
Sealed	means a road, street, vehicle access, parking area, manoeuvring, loading or hard stand area with a constructed pavement to a formed standard and surfaced with a permanent treatment using an impervious layer of either bitumen and chip seal, asphaltic concrete, paving blocks, concrete or similar products. See also the definition for hardsurfacing .
Sensitive Activity	includes any of the following activities: <ul style="list-style-type: none"> • Residential Activity; • Travellers Accommodation; • Community Facility; • Recreational Facility or Recreational Activity; • Place of Assembly; • Restaurant; • Educational Facility; • Camping Ground Facility; but excludes Temporary Accommodation.
Service Activity	means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods, including panel beating and vehicle spraying. It also provides for service stations. See also the definition of Rural Service Activity for those activities servicing a rural activity.
Service Lane	means any lane laid out or constructed for the purpose of providing the public with a side or rear access for vehicular traffic to any land or as defined in Section 315 of the Local Government Act 1974.
Service Station	means any site where the dominant activity is the retail sale of motor vehicle fuels (including petrol, LPG, CNG, diesel, or similar), and may also include any one or more of the following: <ul style="list-style-type: none"> • the sale of kerosene, alcohol based fuels, lubricating oils, tyres, batteries, vehicle spare parts and other accessories normally associated with motor vehicles; • mechanical repair and servicing of motor vehicles (includes motor cycles, caravans, boat motors, trailers); • warrant of fitness testing; • the sale of other merchandise where this is an ancillary activity to the sale of motor fuel and vehicle accessories; • truck stops; • car wash facilities.

Setback (or Building Setback)	<p>means the distance between the façade of a building and the boundary of its site.</p> <p>Where any building is required to be setback from any site boundary, no part of that building, unless specifically permitted by the Rules in the Plan, shall be closer to the site boundary than the minimum distance specified. Where any road widening is required by this Plan, the setback shall be calculated from the proposed final site boundary.</p>
Shelterbelt	<p>means trees or vegetation planted primarily to provide shelter for stock or for other agriculture or horticulture purposes up to a maximum width of 15m but excluding amenity tree planting, horticulture and forestry activities.</p>
Sign / Signage	<p>means any sign or device of whatever nature for the purpose of specific identification of any site or building, for providing directions or information, or for promoting any goods, services or forthcoming events, and which is visible from any public place or thoroughfare. Such sign may consist of a specially constructed device, structure, erection or apparatus, or may be painted, written, printed, carved, embossed, inscribed, projected onto, placed or otherwise fixed to or upon any site, wall, hoarding, pole, fence, rock, stone, tree, stationary vehicle or structure or erection of any kind whatsoever.</p> <p>For the purpose of the Signage rules, the definition of sign excludes any advertising device situated internally within a building or within the window of a premise.</p>

Site	<p>means an area of land or volume of space shown on a plan with defined boundaries, whether legally or otherwise defined boundaries, and includes:</p> <ul style="list-style-type: none"> • comprised in a single allotment or other legally defined parcel of land, and held in a single title (computer register); or • comprised in a single allotment or legally defined parcel of land, for which a separate title (computer register) could be issued without further consent of the Council; being in any case the smaller land area of the two. <p>or</p> <p>An area of land which is comprised of two or more adjoining allotments or other legally defined parcels of land, held together in one title (computer register) in such a way that the lots cannot be dealt with separately without prior consent of the Council;</p> <p>or</p> <p>An area of land which is comprised in two or more adjoining titles (computer registers) where such titles are:</p> <ul style="list-style-type: none"> • subject to a condition imposed under Section 37 of the Building Act or Section 643 of the Local Government Act 1974; or • held together in such a way that they cannot be dealt with separately without the prior consent of the Council. <p>except that:</p> <p>In the case of land subdivided under the cross lease or company lease systems (other than strata titles), site shall mean an area of land containing:</p> <ul style="list-style-type: none"> • a building or buildings for residential or business purposes with any accessory building(s), plus any land exclusively restricted to the users of that/those building(s); or • a remaining share or shares in the fee simple creating a vacant part(s) of the whole for future cross lease or company lease purposes; and <p>In the case of land subdivided under the Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units; and</p> <p>In the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.</p>
Site Boundary	shall have the same meaning as Boundary .
Site Coverage	see Building Coverage (or Site Coverage) above.

Site Standards	are specified in relation to matters which tend to impact on the use of the particular site and adjacent areas. The Site Standards are considered important in achieving a satisfactory environmental standard in the immediate vicinity of an activity. While these standards are important, they are not fundamental to the integrity of an area and so are set in a way that if development does not comply with these standards the Council will consider the matter of non-compliance by way of resource consent. This enables the Council to consider the implications of non-compliance on the use and enjoyment of the site being developed and on the surrounding environment.
Sleepout	means an accessory building used primarily for sleeping purposes for occupants of the residential site. Sleepouts shall not be self contained or include kitchen facilities and shall be limited to a maximum of 40m ² GFA. Sleepouts may not be rented out or used separately from the main residential unit on the site.
Stopbank	means a structure or device for containing or diverting river flows to protect property, people or assets. (See Appendix 3-1 for how to establish the centreline of a stopbank.)
Stream	A naturally occurring narrow and shallow river. This includes ephemeral streams.
Special Event	means an irregular event, of a short term or temporary nature, which could involve large groups of people or is of such a character that the normal requirements relating to matters such as noise, parking and the like cannot be complied with and includes entertainment, cultural events, sporting events, public meetings, galas, and market days.
Surroundings	in relation to a heritage item, means an area of land (including land covered by water) surrounding a place, site or area of heritage significance which is essential for retaining and interpreting its heritage significance. It can apply either to land which is integral to the heritage significance of items or an area which includes buildings, sites, trees, and place/area of significance to Maori. The term surroundings is adopted to include curtilage and setting.
Tangata Whenua (Takata Whenua)	means 'people of the land', the people who hold the turangawaewae and the manawhenua in an area, according to Tribal and hapu custom.
Taonga (Taoka)	means treasured possessions, includes both tangible and intangible treasures, for example, the Maori language.
Tapu	means sacred, spiritual protection or restriction, best described by the context in which it is used.
Tauranga Waka	means canoe landing sites.
Tavern	means a commercial activity which consists of the sale of liquor and other refreshments to the general public for consumption on the premises. A tavern may include a restaurant, but excludes visitor accommodation.

Telecommunication Facility	means any telecommunication line, telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.
Telecommunication Line	means a wire or wires or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication and includes any insulator, casing, minor fixture, tunnel, or other equipment of material used or intended to be used for enclosing, surrounding or protecting any such wire or conductor; and also includes any part of a line.
Temporary Military Training Activity	means an activity undertaken temporarily for Defence purposes. Defence purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence Areas, which includes areas utilised for temporary military training activities, to be restricted.
Te Tiriti o Waitangi	means the Treaty of Waitangi, often used to mean specifically the Maori version which Ngai Tahu and most other Chiefs signed.
Te Waipounamu	means the South Island, usually said to mean literally “The Greenstone Waters”. The traditional southern form is Te Waahi Pounamu, or “The Place of Greenstone”. This in fact is a specific smaller area still known to traditional Kai Tahu people, but the term is generally understood now to refer to the whole of the South Island. Because of the Kai Tahu dialectical glottal stop the “h” disappeared from written forms, “wa’i”, and the original word “waahi” (place) has been re-interpreted by other Maori of northern tribes as “wai” (water). Those overlaid “traditional explanations” appeared in print in Pakeha books, have been repeated by authoritative Maori, and many Ngai Tahu now believe those versions instead of their own.
Tikanga Maori (Tikaka Maori)	means Maori traditions, customs, lore or law, the correct Maori way.
Ti-kouka	means Cabbage Tree (<i>Cordyline australis</i>). Highly valued for its natural carbohydrates, yielding fructose and other sugars when cooked.
Tino Rangitiratanga (Tino Rakatirataka)	means full chieftanship and authority, including the right to permit or deny others, inherent sovereignty.
Tipuna	means ancestors, also tupuna.
Tohunga	means spiritual leaders, experts in various disciplines.
Trade Supplier	<p><u>Business engaged in sales to businesses, may include sales to general public, but wholly consists of sales in one or more of the following categories:</u></p> <ul style="list-style-type: none"> • <u>Automotive and marine supplies;</u> • <u>Building supplies;</u> • <u>Garden and landscaping supplies;</u> • <u>Farming and agricultural supplies;</u> • <u>Hire services;</u> • <u>Office furniture, equipment and systems supplies.</u>

Tuna	means eels. It is important to note that Ngai Tahu have over 30 names for eels. These refer to different species, and also to different seasonal age-classes and varieties within those species.
Turangawaewae	means a person's right to stand on a particular piece of land or in a certain place and to speak and be heard on matters affecting them and their relationships to that land and its resources.
Urupa	means places where Maori bury their dead, often enclosed.
<u>Yard Based Activity</u>	<u>Retail activity with the primary function of the supply of goods from a yard area and includes building supplies (DIY or Trade), garden centres, automotive and marine yards, farming and agricultural supplies and heavy machinery or plant. More than 50% of the area devoted to sales or display must be located in covered or uncovered external yard as distinct from within a secure and weatherproofed building.</u>

Utility	<p>means facilities, structures and works necessary for, incidental to, and associated with, providing the following:</p> <ul style="list-style-type: none"> • the generation and transmission of energy; • transportation networks and navigational aids; • the storage, treatment and conveyance of water, stormwater and sewage; • the disposal of waste; • radiocommunications and telecommunications; • the protection of the community from natural hazards; • monitoring and observation of weather; • undertaking a project or work described as a “network utility operation” by regulations made under the Resource Management Act.
Vegetation Clearance	<p>means the felling, clearing or modification of trees or any vegetation by cutting, crushing, cultivation, spraying or burning.</p> <p>Clearance of Vegetation shall have the same meaning.</p>
Vehicle Crossing	<p>means the formed and constructed vehicle entry/exit from the carriageway of any road up to and including that portion of the road boundary of any site across which vehicle entry or exit is obtained to and from the site, and includes any culvert, bridge or kerbing.</p>
Vehicle Trip	<p>means a single vehicle movement to or from a particular site by a person or persons in a motor vehicle.</p>
Visitor Accommodation	<p>means the use of land and buildings for short-term, commercial, living accommodation where the length of stay for any one visitor is not greater than 4 months at any one time. Visitor accommodation may include some self-contained or centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, recreation and bar facilities, and associated parking areas for the use of those staying on the site.</p>
Waahi Taonga (Waahi Taoka)	<p>means places (waahi) of special value.</p>
Waahi Tapu	<p>means places of sacred and extreme importance.</p>
Wastes	<p>means any materials, including waste containers and their contents (whether solid or liquid), which have been discarded or rejected as being spent, useless, worthless or in excess. They include waste materials from any industrial, commercial, institutional or trade source, and waste materials removed or collected for disposal from any residential or rural property. Solid Wastes include liquid wastes only to the extent that they are present in containers.</p>

Wastewater System	means those components of the network between the point of discharge from a customer to the discharge of treated effluent into the natural environment. This includes but is not limited to: trunk main, rising mains, mains, manholes, terminal maintenance shafts, property laterals (on road reserve irrespective of point of discharge), pump stations, pumps, valves, meters, treatment plants, canal, wetlands, lagoons, infiltration basins, and irrigated land.
Waste Management Facility	means any landfill, resource recovery park, transfer station, recyclables drop-off site or other land or facility operated by or for the Council for the disposal or temporary storage of refuse or any specified recyclable.
Waterbody or Water Bodies	means any fresh water in a river, lake, stream, pond or wetland, or any part thereof (including ephemeral and modified), but excludes an artificial watercourse or waterbody.
Water Supply	means those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations, pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.
Wetland	means <ul style="list-style-type: none"> a) wetlands which are part of river, stream and lake beds; b) natural ponds, swamps, marshes, fens, bogs, seeps, brackish areas, mountain wetlands, and other naturally wet areas that support an indigenous ecosystem of plants and animals specifically adapted to living in wet conditions, and provide a habitat for wildlife; coastal wetlands above mean high water springs; but excludes: <ul style="list-style-type: none"> i. wet pasture or where water temporarily ponds after rain; ii. artificial wetlands used for wastewater or stormwater treatment except where they are noted for high ecological values; iii. artificial farm dams, drainage canals⁷ and detention dams; iv. reservoirs for fire fighting, domestic or community water supply.
Whakapapa	means genealogy, genealogical relationship.
Whakatauki (Whakatauaki)	means proverbial saying.
Whanau	means family groups.
Whanaungatanga	means the relationship which binds people together through their common genealogy; unity of purpose and mutual support.
Whenua	means land, also the placenta.

Workers Accommodation	means a residential unit for the use of farm workers or family members, additional to the first residential unit on a site, provided they are to be constructed on a farming unit to provide accommodation for persons employed on that farm and that no further subdivision is involved. Workers accommodation shall be legally encumbered to ensure that they are not separately subdivided from the main farming unit.
Zone Standards	are standards which are fundamental to the environmental standard or character which is sought to be attained for a zone or area. These standards often relate to matters which can have widespread or cumulative effects on the wider zone or area, such as noise and traffic generation. Because of their importance, all activities which fail to meet these standards are non-complying activities which face a rigorous test if they are to obtain resource consent.

17.2 Noise Definitions

Commonly used noise measurement parameters and other useful noise definitions are provided below:

dB	decibels are a logarithmic unit used to measured sound pressure. A doubling of sound pressure results in a 3dB increase in sound level.
L_{dn}	is a “day-night” noise level. This is an L _{eq} measured over a 24hr period, where night-time noise levels are penalised by 10 dB to account for additional annoyance during sleeping hours.
L_{Aeq(t)}	is the time-averaged, A-weighted sound pressure level during the sample period and effectively represents an average value. The suffix “t” represents the time period to which the noise level relates, and should be stated in all cases. A 15 minute measurement previously denoted as “55 dBA L _{eq} ” is now stated as “55 dB L _{Aeq(15min)} ”.
L_{AFmax}	is the maximum A-weighted sound level measured using fast response (hence F), during a chosen sample period. It is also used to describe intrusive sound. Previously denoted L _{max} .
L_{AFmin}	is the minimum A-weighted sound level measured using fast response (hence F), during a chosen sample period.
L_{A10}	is the A-weighted sound level that is exceeded for 10% of the sample period. Previously denoted as L ₁₀ , this parameter has been used for many years to describe intrusive sound. In the latest version of New Zealand standards, it has been replaced by L _{Aeq(t)} , which is numerically very similar.
L_{90(t)}	is the sound level that is exceeded for 90% of a chosen sample period, and is used to quantify background noise. Generally A-weighted (and denoted L _{A90(t)}), with the suffix “t” denoting the measurement time, which should be stated, L ₉₀ has replaced the previous L ₉₅ to bring New Zealand into line with International practice.

L_{AE}	is the A-weighted Sound Exposure Level, previously known as SEL. This is a notional parameter and is the sound level, that if maintained for a constant 1 second, contains the same energy as the varying noise level.
A-weighting	is the process by which noise levels are corrected to account for the non-linear frequency response of the human ear.

All noise levels are quoted relative to a sound pressure of 2×10^{-5} Pa.

- NZS6801** New Zealand Standard NZS 6801:2008 *Acoustics—Measurement of Environmental Sound*
- NZS6802** New Zealand Standard NZS 6802:2008 *Acoustics—Environmental Noise*
- NZS6808** New Zealand Standard NZS 6808:2010 *Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators*

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Section 5: Business Zones

5.1 Introduction

The buildings, infrastructure and car-parking areas within business zones represent significant investment, and are part of the physical resource of the District. Business activities provide employment and generate economic activity which enables communities to provide for their economic and social well-being. The land and buildings of business areas provide the space and resources for these activities to take place. It is therefore necessary that they are recognised for the importance of their role in the District's economy. These buildings may also be used for undertaking social and cultural activities, also important to the community's wellbeing.

5.1.1 Ashburton

Ashburton (Kapuka) including Tinwald, is the District's largest business centre and offers a wide range of activities. These include retail shops, professional and administrative offices, civic facilities, personal and household services, entertainment, restaurants and industries. It represents the focus of business within the District and the activities reflect its role as a rural service centre. Many businesses provide services and equipment for farmers and are involved in the handling and processing of agricultural and horticultural produce.

The majority of retail and administrative and professional services are provided within an inner commercial area encompassed within East/Cass/Havelock and Moore Streets, and the sites fronting East Street between Moore Street and Kermode Street (**as zoned Business A**), while small suburban shopping centres providing local services are found throughout the town. A mix of retail, service and light industrial uses surround the inner commercial area and expand along East Street. Commercial and manufacturing activity is located to the west of the Ashburton (Kapuka) and Tinwald urban areas.

Ashburton's business areas represent the District's largest existing investment in buildings and car-parking. Buildings are generally one to two storeys high within the inner commercial area. In the town centre, the street frontage is mainly characterised by verandas and display windows, signifying areas of comparison and browsing shopping. There are also many commercial services available e.g. banks. Those parts of the inner commercial area with frontage to Moore, Cass, Havelock, parts of Tancred and Burnett Streets are characterised by a greater mix of activities where verandas and display windows are not a feature of the environment.

The Ashburton Business Estate (Business E Zone) is bounded by Northpark Road, Company Road, the Main South Railway Line and the Silver Fern Farms 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.

Additionally within Ashburton (Kapuka), there is the Riverside light industrial area which recognizes existing development but also provides for substantial future growth, dependent on achieving road access that avoids associated traffic passing through adjacent residential areas. Similar to the

Ashburton Business Estate, this area offers a significant growth opportunity, in this case for **limited types of commercial activity**, manufacturing and light industrial activity, including a relocation option that is still conveniently located for such activities that have historically located immediately surrounding Ashburton's town centre. A high standard of buffering to neighbouring river and residential areas, and achieving reasonable amenity levels internally will be important considerations in the development of the Riverside business area.

5.1.2 Methven

Methven is smaller than Ashburton and the range of business activities is not as broad. However, Methven's proximity to Mt Hutt ski field creates a seasonal variation to the provision of facilities and services with some businesses establishing for up to six months of the year to accommodate visitor needs.

Methven's shopping area is characterised by a concentration of commercial activities around The Mall (**Business A zone**). Activities within the industrial area to the northeast of the town centre are mainly associated with farming and forestry.

5.1.3 Rakaia

Rakaia's business activities are provided in three distinct areas. The area to the west of the railway line provides shops and services for the residents of Rakaia, while activities to the east of the railway line provide services for travellers passing through Rakaia, along the State Highway. In comparison with Ashburton and Methven, the number of commercial buildings is much smaller and the range of activities limited to those of a more essential nature. The industrial area located between State Highway 1 and the railway line, and State Highway 1 and Old Main South Road accommodates mainly rural service industries.

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 facilities established at Fairton, Seafield and Bridge Street, Ashburton (Kapuka).

5.2 Issues

5.2.1 Location, Growth and Consolidation of Business Areas

Inappropriate location of business activities or the fragmentation of business areas can result in loss of vitality, convenience, accessibility and the identity of such areas.

Town centres (**as zoned Business A**) are a source of identity for their communities, as they represent a meeting place for many people, particularly associated with comparison shopping, professional and administrative services **and commercial employment**. It is not a coincidence that the commercial heart of towns very often is physically located in or near their geographic centre. Consolidating the area within which these activities take place will reinforce the communities' perception of the character and form of their towns and their identity, not only as a place of business, but also as a venue for social and cultural events.

Providing for retail activities in a central location also maximises the opportunity for access on foot from the surrounding residential areas. A compact town centre enables pedestrians to walk to areas without the need to drive from one area of retail to another. Likewise in the suburban centres or smaller settlements, the provision of local **convenience retail and service** facilities reduces the need for vehicle use as they can be accessed on foot. However the advent of 'big box' **large format** retail has facilitated the need to use vehicles; the **limited provision for location of the large scale retail in Ashburton (Kapuka) on the opposite side of State Highway 1 to the town centre (Business B zone) allows additional capacity for such retail activities that would not otherwise be able to be incorporated in the Town Centre (Business A zone) and** ~~does inhibit~~ **limit** but not prevent pedestrian access **to the town centre**. It is not considered **either efficient or appropriate** to provide for retail activities throughout **all Business zones, or** the residential and rural areas of the District ~~and neither for such activities to be located in every business zone~~. Such development has the potential to create reverse sensitivity effects, **reduce consolidation of commercial activities in the Business A zone**, as well as the need to extend infrastructure into areas otherwise not currently serviced.

However, in recent years there has been a growth in the number of car yards and businesses selling large machinery such as agricultural equipment. It is not suitable to provide for these within the traditional retail areas of the District as the nature of such activities would undermine the finer grained retail areas and their character provided by verandas and large windows. As such, it is proposed to provide for such **Trade Suppliers** ~~activities~~ within the commercial area surrounding the main retail area of Ashburton (Kapuka) (**Business C zone**), and within the lighter industrial areas (**Business D zone**), where it is considered that they will not cause adverse effects on the functioning of the area or its character. The nature of such large scale retailing activities requires large, open yards with few buildings and little landscaping. This type of activity is therefore more appropriate in the commercial and lighter industrial areas of the District rather than within the finer-grained retail areas.

The same principles apply to commercial, service and industrial activities, which should be located in reasonably accessible areas that are or can be economically serviced. Industrial activities, in particular, may require locations away from residential and sensitive activities therefore the Council have zoned the Ashburton Business Estate for this purpose. It is also important to note that this area has connections to State Highway 1 and the railway, providing access to an existing transport network for the carriage of goods. It is essential that all existing and future business areas have access to good transport routes, preferably not being totally reliant on road networks.

In addition, retaining business activities within the settlements and distinct areas provides for the efficient use of rural land. It also allows efficient use of sites, as the requirement for setbacks from residential zones can make the development of some sites economically unviable. As such, Council has and will continue to provide business zoned land in suitable locations allowing for the growth of existing and new business areas. For example, the Plan provides for the extension of the Riverside Industrial area once a suitable option is found for access to the State Highway network without compromising the amenity of the adjoining residential areas.

Consolidation of business areas will prevent the general dispersal of activities into new locations, which may leave existing areas vacant, unattractive, under-utilised and unable to provide the services the community desires. Given the central and or convenient location of most business areas within the District, consolidation of business activities into defined areas, combined with public investment in roads and other services in these areas, will assist the vitality of business centres. This has benefits

for the District's community in terms of the range of services available, their convenience, pleasantness and accessibility.

Consolidation of boundaries defining business areas may also prevent the outward spread of business activities into residential areas. This spread may have an adverse effect on the amenity values of those areas and their presence may fragment the residential community. However, it is recognised that a limited number of business facilities within residential areas can provide convenient services for residents' e.g. home occupations.

5.2.2 Amenity Values

The establishment and operation of business activities can result in adverse effects on business areas and their surroundings, such as from noise, emissions, loss of visual amenity, lighting and traffic congestion.

In addition to making business areas physically accessible to the public, it is also necessary to enhance their amenities to make them pleasant and enjoyable to visit and work within. The level of amenity will vary between different business areas.

Areas providing for business activity, and particularly industrial activities are likely to have lower standards of amenity than may be found in a residential environment or the town centre and this is accepted by most people. For example, people expect there to be more trucks and cars in business areas and therefore they tolerate more traffic noise and fumes than they would in their residential environment. However the Council wishes to ensure that the environment of business areas is not degraded so that they remain visually attractive to new businesses and are acceptable environments within which to work.

The visual environment of the inner ~~retail~~ **commercial** areas is characterised by one and two storey buildings built up to all boundaries, often with large display windows, verandas and advertising signs. Important issues with regard to visual amenity are to:

- retain the existing scale and spatial distribution of buildings;
- retain verandas as a feature of the streetscape;
- prevent the erection of large blank walls to the street.

In order to maintain a visual environment that is attractive to shoppers and maintains the existing form and identity of commercial areas, it is important that any new building does not significantly exceed existing heights or create large blank walls which have no visual interest or appeal. Verandas are a traditional feature of New Zealand towns which provide continuity to the street appearance as well as providing shelter from the weather.

Industrial areas can be divided into three categories. There are those which provide for meat and food processing only (**Business F zone**), those that provide for moderate to heavy manufacturing and processing activities (**Business E zone**) and those areas which provide for lighter industrial activities along with service and commercial activities (**Business D zone**).

Meat and produce processing, and heavy industrial areas do not attract the same number of visitors as do lighter industrial or commercial areas. They are less typically not involved with direct selling to the public or providing public facilities or entertainment so that generally only those people who work or need to conduct business will travel to an industrial area. These factors combined with the nature

of the activities means that people are less concerned with amenities in industrial areas and expect them to be noisier, dustier and less visually pleasant than other areas. In fact, 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.

Within industrial areas there is more heavy traffic than occurs elsewhere in the District. As there is not a concentration of retail activities, there is not a significant potential for conflict between vehicles and pedestrians, **or amenity expectations between the different types of businesses.**

Within the lighter industrial areas, noise, fumes and congestion generated by traffic is expected to occur as people and goods must be transported to and from these areas for business to take place. However there is a need to ensure that public safety is not compromised by the conflict between pedestrians and vehicles and that areas where there is a high concentration of pedestrians are kept as free as possible from traffic noise and fumes. In addition traffic efficiency and safety should not be compromised by vehicular conflict. This is an issue of particular concern along State Highways which carry a large volume of through traffic which is not stopping to conduct business. The location of businesses in relation to the road hierarchy is therefore also of concern.

Accepting the functional requirements of industrial areas, Council is striving to maintain and improve the amenity of all parts of the District. Although the number of visitors to industrial areas may be smaller than to commercial areas, the industrial areas within the District would benefit from their street appearance being improved; this could be achieved through appropriate setback of buildings from road boundaries, controlling the height of buildings, screening outdoor storage areas and requiring landscape plantings to be established which will be effective at screening, softening or otherwise enhancing the view of the industrial site from public viewpoints or neighbouring residential properties.

In addition to a basic environmental quality within zones the Council is concerned with the protection of amenity along the interface between business and living areas. The issue is how a range and variety of business activities can establish in the business areas without detracting from an acceptable standard of amenity values within and adjoining those areas. Within business areas, effects need to be considered both individually and cumulatively, as well as in terms of the proximity of living or other sensitive areas. Effects to be considered include noise, glare, visual appearance and odour.

Noise from activities is mostly of concern from industrial activities in proximity to residential areas. A higher level of noise is normally acceptable within the business area but needs to be strictly controlled at the residential interface.

Glare created from lighting, large unpainted buildings and car-parking areas is of concern where it affects residential properties, recreation areas and roads. The location of and direction of lights should therefore be controlled while the establishment of landscaping can reduce glare from buildings and cars.

5.3 Zone Description

5.3.1 Business A

Although providing for a range of accommodation, community and commercial uses, the Business A Zone provides principally for small scale **for commercial activity (such as offices, commercial services, hospitality, and retail activity)**. This zone covers the inner commercial area of Ashburton (Kapuka) and the suburban shopping centres of Ashburton (Kapuka), whose primary function is to provide for the local retail and service needs of the surrounding community. It also provides for the core retail and commercial centres of Rakaia, Methven and Mt Somers, Hinds (Hekeao), Mayfield (Te Puke Tai) and Chertsey.

~~The Business A Zone represents the focal point of the District's small scale shops, which provide opportunities for comparison or "browsing" within environments that are intended to be pedestrian friendly. In addition, this Zone provides for residential, visitor accommodation, community and commercial activities. This~~ **The** diversity of activities aims to encourage the continued vitality, pleasantness and convenience of the District's Business A Zone and encourage efficient use **and reinvestment in** of existing infrastructure and buildings.

In central Ashburton (Kapuka), shop-top apartments (residential activities above retail and commercial activities) rather than detached residential units will be encouraged. Residential activities will not be promoted at ground level to ensure the strong retail character of the town centre is retained. If managed effectively, this mix of activities can retain the vibrancy of the town centre as permanent residents will utilise local services and can assist in keeping the area 'alive'; whereby there is continual activity created by both the retail and residential elements. ~~Although it is acknowledged that many trips to and from the commercial centre of Ashburton (Kapuka) will likely involve private vehicles, retailing activities that are strongly vehicle oriented are discouraged from the Business A Zone in that location.~~ The emphasis **on amenity and urban design and the consolidation of commercial activities** is on ~~maintaining~~ **strengthen** and **enhancing** **reinforce** an environment that, whilst accessible, is safe, attractive and convenient for ~~the pedestrians~~.

In respect of Ashburton's suburban centres, these business areas tend to be characterised by existing built development that is typically quite small in scale, situated in close proximity to surrounding residential environments, and where the zoned land area reflects the extent of historical activity. The Council however accepts that business activity, including retailing, that is consistent with those characteristics ought to be able to locate in these suburban centres to provide readily accessible daily services within these communities, provided that can occur without compromising the objectives for other business zoned areas, or lead to undue conflict or detract from local amenity levels, such as due to generated vehicle use and parking demand (e.g. on-street alongside neighbouring residences).

Outside of Ashburton (Kapuka) within the District's rural townships, the role of commercial centres, the historical mix of activities within those centres, and the retailing opportunity outside of the Business A Zone often distinguishes these locations from the situation of Ashburton (Kapuka). ~~Accordingly, the Zone anticipates some larger retail premises where they meet the day to day needs of the local community, as well as servicing the travelling public (e.g. community grocery stores), and do not compromise the functioning, integrity, viability and convenience of those smaller rural town centres, or associated pedestrian safety and accessibility. This also acknowledges that moderately~~

sized grocery stores serving those purposes already exist in several of those town centres (e.g. Methven, Rakaia).

5.3.2 Business B

The Business B Zone provides predominantly for large-scale retail activities, sometimes called “big box” or “large format” retail, which frequently require large areas of associated car-parking or outdoor space. These large-scale retailing activities are limited to single purpose stores, **with the establishment of commercial offices or smaller scale retail activities prevented**, to prevent avoid 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, more pedestrian retail oriented Business A Zone areas of Ashburton (Kapuka).

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.~~ The Zone also anticipates some smaller retailing premises, such as ~~vehicle sales~~ **Trade Suppliers** and ~~food~~ **Food and Beverage** outlets which either benefit from large sites for display purposes with good vehicle access or principally service the needs of those engaged in the zone or otherwise travelling by vehicle.

5.3.3 Business C

The Business C Zone provides for **limited commercial activities**, ~~retail~~, service and community activities, **as well as a range of light industrial activities**. Commercial activities include recreational facilities **and Entertainment Activities** such as bowling alleys and ice-rinks which are conducted within large buildings and for which a fee is paid. These types of indoor pursuits are considered to be partially protected from the effects of surrounding activities.

~~The commercial and service areas of the District are located adjacent or close to Business A and B Zones, and their activities are complimentary but the level of amenity anticipated in the Zones differs. The Business C Zone provides for larger scale retailing and will never be able to replicate the intimate atmosphere and character of the Business A Zone. The buildings are anticipated to be larger with no verandas and large shop windows. Retail activities such as car yards require large, open sites that can be viewed from the road thereby restricting the landscaping of road frontages. The character is therefore defined by comparatively large buildings with some off-street parking and limited landscaping.~~

~~Medium to large sized retailing premises are anticipated in the Business C Zone but in the case of Ashburton (Kapuka) it is expected that larger format retail outlets will locate in the Business B Zone where traffic access is often going to be more convenient, access to the State Highway network is achievable without necessarily relying on surrounding local roads, and sites are typically large and therefore able to accommodate desired parking and loading on-site. Although vehicle access can also~~

~~be convenient in parts of the Business C Zone, in other parts of the zone local roads provide access and more sensitive residential neighbourhoods sometimes directly adjoin business sites, or are otherwise located over the road or close by. The mix and nature of activities, and the form of built development also tends to be more variable in the Business C zoned area relative to the Business A and B Zones.~~

~~Commercial type activities are anticipated to include offices, both large and small scale providing parking for staff and visitors on site. Parking will often be provided in the street setback. Service activities will be encouraged to locate in this zone as their location provides ease of access from central Ashburton (Kapuka) and other town centres, and is convenient to places of work.~~

5.3.4 Business D

Light industrial, service and **limited** commercial activities are anticipated within this zone ~~with limited retailing~~. However, to ensure the viability of the District's main commercial areas, retailing activities **and offices** are to be ~~auxiliary~~ **ancillary** to an industrial or service activity. Some parts of the zone will undergo a gradual change but established businesses will have existing use rights, so are anticipated to continue to operate within what will be a changing environment. It is anticipated that this zoning may introduce a higher level of amenity to some areas, in particular parts of the Riverside industrial area that adjoin residential areas. This recognises its location adjacent to the River and residential areas. This has in part been enabled by the establishment of the Ashburton Business Estate, which provides a suitable, alternative location for heavy industry.

5.3.5 Business E

This zone provides for medium to heavy industrial activities that may create adverse environmental effects such as high levels of noise, dust and heavy truck movements; in addition, to other activities including **ancillary** offices, storage and warehousing activities. Industrial activities often prefer to locate away from urban areas where reverse sensitivity may curtail opportunities for expansion and people may be affected by excessive noise and trucks accessing sites. It is nevertheless desirable for industrial activities to be located adjacent to principal road networks or railway lines that allow ease of transportation of goods without utilising local roads.

The Business E Zone is characterised by large utilitarian buildings built up to internal boundaries with a minimum setback from roads. Buildings will often be enclosed by security fencing with signs displayed in conjunction with a business. Land surrounding buildings may be used for car-parking and outdoor storage and may or may not be sealed. Industrial areas are not therefore areas of high visual amenity with on-site development related only to the operational needs of the business.

This zone includes land within the Ashburton Business Estate, whose development is required to conform to an Outline Development Plan to ensure mitigation of potential noise and visual effects at the boundary of the adjoining residential zone and traffic safety and efficiency on the adjoining road network. This Outline Development Plan requires a 75m buffer to be put in place with mounding and planting along the Residential D Zone interface. In addition, activities are intended to be graduated across the site with office, lighter service and industrial activities located on that half of the site closest to the Residential D Zone and the heavier, manufacturing activities closer to the eastern boundary, adjoining the meat processing facility.

In Rakaia, additional land has been zoned for industrial activities. Any development will be required to conform to an Outline Development Plan to protect the amenity of the adjacent State Highway at the entrance to Rakaia, and also where there is an adjoining residential zone.

Remaining Business E zoned land is located on the outskirts of Tinwald and includes the existing saleyard facilities.

5.3.6 Business F

The zone provides for all activities related to meat processing including the yarding and slaughtering of animals, the associated processing of meat (including by-product and co-product processing) rendering, fellmongery, tanning, casing and pelt processing; and the associated chilling, freezing, packaging and storage of meat and associated products. The Zone provides for the spreading of effluent on some defined areas where this activity has historically been carried out. The zone also provides for the processing of other food products. An exception has been made for Lot 1 DP 46816 as shown on Appendix 5-1A (Area 2) to enable Service Activities to establish on this site.

Activities on several sites within this zone are governed by Outline Development Plans. Permitted activities are required to be located in accordance with the Plans to avoid the impact of adverse effects.

The locations of the zone, usually surrounded by rural activities, allow these facilities to operate without adversely affecting residential or other business activities, and provide room for future growth. Adverse effects on surrounding properties generated from food and meat processing include loss of visual amenity, traffic, noise and odour.

5.4 Objectives and Policies

Objective 5.1: Business Area Development and Effects

~~Growth, maintenance and consolidation of business areas, provided that adverse effects on the environment are avoided, remedied or mitigated.~~

The contribution of business activities to the economic and social wellbeing of the district is recognised and provided for, with:

- 1. commercial activities and retail activities focused to support vibrant and viable centres, and**
- 2. business activities able to operate efficiently and effectively within the District's business zones as subject to environmental standards which reflect their function, location and role.**

Policy 5.1A

~~Maintaining and enhancing~~ **Reinforce and strengthen** the function, integrity, convenience and viability of the inner commercial areas **(Business A zones)** of Ashburton, Methven and Rakaia, and small villages, **including through avoiding activities with the potential, either individually or cumulatively, to impact on the continuing ability of town centres to provide for:**

- 1. their community's social and economic wellbeing;**
- 2. maintained or enhanced amenity and vibrancy; and**
- 3. the function and role of Ashburton Town Centre (Business A zone) as the primary**

commercial, retail, recreational, cultural and entertainment centre for the district.

Policy 5.1B

Ensuring that **Provide** opportunities are available in the suburban areas of Ashburton for the establishment and on-going operation of business activities, ~~providing~~ **limiting** retail **activities** and **commercial** service activities to **where these:**

1. **meet the convenience needs of** local neighbourhoods, ~~in locations which are convenient.~~
2. **are ancillary to, or support anticipated business activities; and**
3. **do not compromise the viability or vibrancy of Town Centres (Business A zones).**

Policy 5.1C

Providing ~~through the Business B zone limited opportunities~~ for the establishment of large format/~~big box~~ retail activities **and trade suppliers:**

(a) that are difficult to accommodate in the Business A zone due to their scale or functional requirements; or

(b) that generate high volumes of traffic and require large areas of parking; and, ~~in locations which~~

(c) where such activities do not detract from:

1. from the amenity of adjoining areas;
2. the safety and efficiency of the roading network; or
3. from the consolidation of the inner retail area of central Ashburton **through limits on the establishment of small-scale retail activities or offices.**

Policy 5.1D

Recognition that **Differentiate and manage** heavy and noxious industrial activities **that** have the potential to create adverse environmental effects and ~~therefore ensuring~~ there are appropriately located areas where they may establish **and operate efficiently and effectively.**

Policy 5.1E

Avoiding an accumulation of activities which, **either individually or** together would generate significant pedestrian activity on State Highway 1, in order to prevent pedestrian/vehicle conflicts and maintain safety.

Explanation and Reasons

The inner commercial areas **(the Business A zone)** of Ashburton (Kapuka), Methven and Rakaia are the focal points for a broad range of commercial, professional and administrative activities in these towns, particularly their comparison or “browsing” and retailing functions **and extent of commercial office activities.** The other established commercial centres in Ashburton (Kapuka) provide important local retail and service needs for their communities. The Plan aims to encourage the continued vitality, pleasantness and convenience of these centres and their important role in the attractiveness and identity of the towns. ~~In this regard Council may choose to consider how a proposal responds to urban design principles contained in the Ministry for the Environment Urban Design Protocol 2005. These principles consider important matters such as design, creativity and choice that provide for a diverse and rich urban environment.~~

The consolidation of business areas is ~~important~~ **critical** to ensure that people have access to well-maintained and functioning business areas with a wide range of business activities that maintain their **vitality, pleasantness and convenience.** ~~The dispersal of business commercial activities to new~~

locations can leave existing **Business A zoned** areas vacant, under-utilised, unattractive, and unable to provide the services or identity the community desires. The consolidation of ~~business~~ **commercial activities in Business A zoned** areas assists in making efficient use of public investment in roads and other **community and public** services ~~in the business areas~~; assists in retaining the vitality of ~~the~~ **Business A zoned** areas; and the perception of the District's towns as prosperous and lively centres. Dispersal of business activities throughout the District can also result in the mixing of incompatible activities.

In order to maintain the vitality and pleasantness of existing business areas and to make efficient use of their resources and servicing, the ongoing occupation and redevelopment of existing sites is to be encouraged through enabling a broad range of activities to establish throughout the business areas of the District. ~~However, the objective and policies are not intended to prevent growth of the business areas, alongside the existing areas, provided that the adverse effects of this growth, including adverse effects on the consolidation of the business areas, are avoided, remedied or mitigated.~~

~~Accordingly, it is anticipated that the majority of business activity will be accommodated within areas zoned for that purpose, but with some opportunity for future expansion.~~

Objective 5.2: Qualities of Business Areas

Business areas that are pleasant places to visit and work within.

Policy 5.2A

Maintaining and enhancing the existing form and character of retail areas in terms of building height, setback, coverage and where appropriate, the provision of display windows and verandas.

Policy 5.2B

Ensuring the frontages of sites for industrial and service activities present an attractive, landscaped aspect to the street.

Policy 5.2C

Ensuring noise levels within business areas enable the functioning of anticipated activities, whilst remaining pleasant places to visit and work within.

Policy 5.2D

Avoiding ad hoc and disjointed development of significant business areas through the adoption of Outline Development Plans, including requiring:

Within the Business E Zone at the Ashburton Business Estate:

- that any development is carried out in accordance with the provisions of the Outline Development Plan for that zone so as to achieve the integrated development of that area to a high standard of amenity;
- that the publicly accessible and administrative parts of buildings e.g., office and reception areas, to face the road within specified parts of the Business Estate with a maintained, grassed frontage;
- that the Business Estate be divided with cycle and pedestrian walkway connections with a high standard of tree planting;
- a centrally located open space area in the Ashburton Business Estate to provide an amenity area for people working and visiting the Ashburton Business Estate;
- the use of design guidelines for assessment of new built development in that part of the Business Estate located nearest to adjoining residentially zoned land.

Within the Business F Zone at Seafield and Christys Roads, as well as land at Northpark Road and Bridge Street:

- that development conforms with the respective Outline Development Plans;
- that activities are located so as avoid detrimental effects on environmental quality and amenity values;
- that spreading of effluent is limited to defined areas;
- that in the case of Bridge Street, plant expansion is limited beyond the extent of existing development to protect the amenity of surrounding residential areas.

Within the Riverside industrial area:

- that development conforms with the Outline Development Plan;
- that development is first dependent on road access into the area being established through land zoned Business C to State Highway 77;
- boundary buffer setback distances, including landscaping requirements and building restrictions within those buffers, to protect residential and riverside amenity values.

Within the Rakaia Business E Zone:

- that development conforms with the Outline Development Plan;
- boundary buffer setback distances, including landscaping requirements, access and building restrictions within those buffers, to protect residential and State Highway amenity values.

Policy 5.2E

Excluding residential and visitor occupation, other than for custodial or site management purposes, within specified industrial areas, in order to avoid any nuisance to residential occupants and conflict with the anticipated effects of activities in the industrial areas.

Explanation and Reasons

Business areas are important resources within the District, where many people work and visit. The establishment and operation of business activities can result in adverse effects, such as noise, fumes, loss of visual amenity, lighting and traffic congestion. In order to make these areas pleasant and enjoyable to visit and work within, it is necessary to ensure that these adverse effects are avoided, remedied or mitigated. However, the appropriate level of amenity values will vary between different areas, depending upon the role of the area, its location, and its proximity to other activities, particularly residential areas. The local and inner commercial areas of the towns, where people go for their shopping, professional and administrative services need to be convenient, accessible, identifiable **consolidated** and pleasant places to go to. However, opportunities need to be available for the establishment of activities that could not meet these high standards, in locations where they will not adversely affect the amenity values of other business areas or residential areas. These policies provide direction on how the Council will maintain and improve the amenity and quality of its business environments.

The adoption of outline development plans for new or large areas of development enables a comprehensive plan to guide, as appropriate, integrating roading, landscape treatment, pedestrian and cycle accessibility and open space and amenity provisions for workers and visitors to the business area. Such an approach can effectively enhance the amenity of business areas by avoiding ad hoc and disjointed development.

Residential occupation of buildings within medium to heavier industrial areas is generally not permitted, except for custodial or site management purposes. There needs to be a balance between the need for on-site security, surveillance and accessibility and a lower level of amenity compared with areas of typical residential occupation. The anticipated level of effects created by industrial buildings and activities is not compatible with residential activities with respect to their height,

proximity to site boundaries, potential noise, dust, odour and lighting effects and traffic generation. These potential effects exceed the levels acceptable in a residential context and there is the potential that complaints over such effects may result in conflict over the operation of legitimate industrial activities. Excluding residential activities generally from industrial areas, therefore, has the effect of enabling industrial activities to be undertaken within an environment which has been established as appropriate for such activities, without being subject to complaints from residential occupants.

Objective 5.3: Effects of Business Areas on Surrounding Amenity

Areas of business activity which do not detract from the standard of amenity in adjoining areas.

Policy 5.3A

Protecting residential and rural environments by:

- imposing the residential standards for height and admission of sunlight to buildings on sites adjoining residential areas;
- imposing the residential standard for noise on activities adjoining residential areas;
- preventing the unacceptable spill of light onto residential sites from business activities;
- requiring landscape planting along the boundaries of business sites adjacent to residential sites to protect the visual amenity of the residential areas and rural areas e.g. Business F Zone.

Policy 5.3B

Enabling future commercial and industrial opportunities, principally in the Ashburton Business Estate and Riverside locations, by requiring:

- any development in the Ashburton Business Estate is carried out in accordance with the provisions of the Outline Development Plan for that area so as to ensure the protection of the amenities and quality of the environment in the adjoining Residential D Zone to the south and west;
- a landscaped buffer be provided between residential and business activities in the Ashburton Business Estate;
- the development of a structure plan(s) incorporating landscape treatment, noise mitigation and control of the location of activities prior to subdivision and the establishment of activities in the Ashburton Business Estate;
- vehicle and pedestrian conflicts are avoided, remedied or mitigated at the rail crossings on Northpark and Works Roads;
- provision of future development in the Riverside area dependant on the establishment of a suitable alternative road access;
- protection of residential properties adjoining the Riverside area through buffer areas and landscaping;
- possible provision of links to the river corridor and recreational facilities from the Riverside extension.

Explanation and Reasons

These policies seek to avoid, remedy or mitigate adverse effects on the surrounding environment created by business activities. Of particular concern is the effect that business activities may have on lowering the quality of living environments adjacent to business areas. They also consider public safety and the need to minimise pedestrian and vehicle conflicts. This is of particular importance where industrial activities increase the frequency of truck or heavy traffic movements through residential areas.

The Ashburton Business Estate has been established with a comprehensive set of provisions which are intended to enhance amenity and protect the surrounding areas of residential and rural land.

In addition, provision has been made for an extension to the Riverside business area to enable future commercial, manufacturing and light industrial development. This business area is expected to take many years to develop and is premised on the need to provide an alternative road access to the land and a high standard of buffering between business and residential activity. It is proposed that this land will provide for commercial and light industrial activities that are more compatible with being closer to residential activity. It is also hoped that this area will provide a relocation opportunity over time for businesses that are currently operating in areas that are intended to change in character e.g. businesses on the eastern side of the Ashburton (Kapuka) CBD.

5.5 Anticipated Environmental Results

- Enhancement and ~~retention~~ **reinforcement** of the vitality, convenience, accessibility, character, and pleasantness of towns' central retail areas **(Business A zones)**.
- Maintenance of amenity levels within business zones through the minimisation of noise disturbance and provision of landscaping.
- The spatial separation of business activities into defined zones **based on their functions, effects and need to operate effectively and efficiently**.
- Business areas that are integrated with and sensitive to their surroundings.
- Enhanced street appearance through landscaping.
- Traffic and pedestrian generating activities located away from local roads;
- Limited access to business activities directly from state highways.
- Preservation of the living environment adjacent to business areas in terms of light admission, noise and low glare.
- Limited residential occupation of buildings within business areas.
- The consolidation of the form of business areas.

5.6 Methods of Implementation

Through the District Plan

- The use of rules to put in place performance standards for street appearance (setback, height and landscaping), noise, glare and car-parking.
- The use of rules and performance standards to define the location of businesses fronting arterial roads.

- The use of rules to set down performance standards for activities adjacent to residential areas and to control residential activity within business areas.
- The use of structure/outline development plans to direct the location of activities, buffers, landscape treatment, noise mitigation and roading layout and external road connections.
- The use of zoning to separate activities which generate traffic and pedestrians and to separate activities which may create noxious effects such as noise. Zoning therefore reflects location (proximity to residential areas); the quality of amenity sought and function of activities provided for.

Through the LTP

- Provision of finance and initiation of projects for street and open space enhancement and the provision of public facilities and conveniences.
- Through the acquisition and development of land, as necessary, for roads, service lanes and car-parking.

5.7 Reasons for Rules

5.7.1 Height of Buildings

This rule seeks to achieve a consistency in the scale of business development that reflects the desired character for an area and, to limit the extent of buildings overshadowing other buildings, properties and public spaces.

The character of an area is very much influenced by the scale of buildings. As height is an important component in the scale of buildings, limits have been included which allow flexibility of design, while providing for the maintenance of the general character of each area.

The height within the Ashburton Business Estate allows greater ability for those activities that need gantry fittings or additional working or storage height to be accommodated and it is considered a more efficient utilisation of land to allow for increased capacity through height.

At the Riverside industrial area, building height is limited in the buffer area adjoining the Ashburton River (Hakitere) to protect amenity values along the river margin.

5.7.2 Setback from Streets

The positioning of buildings up to the front or road boundary of properties is considered acceptable in the context of some areas of commercial development, particularly if the Council simultaneously encourages continuity in retail frontage. However in some parts of the business areas a setback also affords the opportunity for landscaping and planting which can assist in giving areas, such as industrial and commercial areas, a degree of amenity for those visiting or working in them.

Within the Business A Zone no building setback is permitted. This means that all buildings are required to be built up to the street boundary and reflects the Council's desire to maintain the traditional appearance of the District's main shopping areas and a continuous vista along its main streets. It also

ensures that continuous veranda coverage, where it is required, is able to be achieved. This provision also contributes to a sense of enclosure which defines this zone as a focal point of activity. Continuous frontage also maximises the accessibility and convenience of shops and services to the public.

In the Business C Zone in Tinwald, a setback has been required to provide sufficient area for car parking off State Highway 1, and also a setback on State Highway 77 is required, as a measure of protecting the safety and efficiency of the State Highways. Elsewhere in the Business C Zone a 2m setback is required to provide a minimum area for the establishment of landscaping.

In the Business D and E Zones a 5m setback is required to keep noxious or often unsightly business activities away from the direct view of the road and to provide sufficient area for the establishment of landscaping. However, within the Ashburton Business Estate a variable setback is prescribed from Company Road, depending on the height of the building. Buildings up to 5m in height need only be setback 5m, which is sufficient width to establish landscape planting. A 10m setback is required for buildings up to 10m high which have greater potential to impact on the view and amenity of Company Road. A setback is not required along Northpark Road as a 75m buffer, vested in Council as reserve is proposed to achieve separation and amenity in this location. A lesser distance has been prescribed for setback from local roads where the volume of traffic is not as significant. These setbacks also provide the opportunity for landscape treatment within the zone.

The Business F Zone has extensive setbacks of 10-30m due to the potential noxiousness of onsite activities, the size of the buildings and the rural location which has an open space character.

5.7.3 Setback from Neighbours

Within the Business A Zone no setback from side boundaries is required. This standard is one of a number that the Council uses to maintain the traditional form of the main shopping areas and to ensure that there is a visual continuity to building frontage. This enables continuous veranda coverage to be provided without gaps and maintains the predominant character associated with the main shopping area.

The Business F Zone requires extensive setbacks of 10-30m which is considered necessary because of the noxiousness of activities onsite, the size of plant facilities and the open character of their rural locations.

In the Business E Zone, a setback from neighbours is required in the Ashburton Business Estate between sites which directly adjoin the buffer. For properties within Area 1 of the Estate a setback between buildings on neighbouring sites is appropriate to ensure that a continuous wall is not created which adversely affects the amenity and outlook from the buffer and Residential D Zone. In all other business areas no controls have been placed on setback from neighbours as it is considered that this achieves little with regard to amenity in such areas and instead provides maximum opportunity for individual sites to be used efficiently and economically. Where applicable, building coverage limits are also likely to avoid comprehensive site coverage.

In the business zones amenity values are often not significant and premises share common walls. In these areas building setback achieves little with regard to amenity and limits the economic use of property.

5.7.4 Building Coverage

The purpose of this rule is to control the density of commercial and industrial development and to retain a degree of open space on sites, consistent with the potential needs and expectations of occupiers and local amenity values. The rule also seeks to ensure sufficient open ground is available for stormwater percolation to ground.

This standard controls the amount of each section that is retained as open space and is therefore a key factor in determining the visual amenity and spaciousness within business areas.

Maintenance of the existing general scale and character of the business environment requires site coverage and open space levels for new development which are consistent with the prevailing character.

Within the Business A Zone in 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 car parking, it is anticipated there will be an extensive 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.

In all other cases within the Business B, C, D and F Zones, a site coverage of 75% is provided for, which realises reasonable development opportunities, some degree of spaciousness and the ability to comply with standards for landscaping, parking, loading and manoeuvring. In the Business F Zone

75% site coverage recognises the industrial character of those areas already occupied by plant and buildings, as shown in the Outline Development Plan. Other parts of the Zone are rural in character and the site coverage provision is the same as for the Rural Zones in recognition of this characteristic.

In the Business E Zone a new standard is introduced to maintain 20% of the site as a permeable surface to ensure that there is sufficient open ground for stormwater treatment and disposal on each site.

5.7.5 Verandas

Verandas are a traditional feature of many New Zealand towns and have a significant role in the visual and architectural integrity of the “main” streets of Ashburton (Kapuka) and Methven. They also provide shelter from the weather. The Council wishes to retain this traditional appearance of its main shopping areas, including that of the smaller townships, and promote achieving continuous veranda coverage throughout the Business A Zone.

The standard controls aspects of design and construction to ensure that continuity in veranda design is achieved and to ensure safety from collision with vehicles. Although, in Methven and Rakaia veranda posts are permitted to assist in the maintenance of the traditional character and amenity values of the streetscape.

5.7.6 Windows

The Council wishes to retain its traditional main shopping areas as attractive to the public and seeks to avoid the creation of large blank walls which would break the continuity of window displays and have little visual appeal. A minimum percentage of the wall to be dedicated for window will ensure that large blank walls are not created.

5.7.7 Outdoor Storage and Display

Within the main shopping locations the Council wants to ensure that the form and integrity of building frontage is retained for visual and amenity reasons and has therefore created a rule which does not allow the use of vacant land for storage, display or sale of goods. This control is part of a package of rules which aim to maintain a traditional street frontage with a continuum of buildings facing the street. Within the Business A-D Zones the outdoor storage of goods (excluding vehicles) is limited to the rear of buildings to control the visual amenity of the zone and protect that of adjoining areas where they are residential.

5.7.8 Landscaping

The dominant form of landscaping is the planting of trees and shrubs. Landscaping has the benefits of enhancing the appearance and/or the screening of a site and buildings as viewed from or across streets, or from adjoining properties.

A landscaped area is not required in all Business zones. In the Business A Zone the Council undertakes any street beautification works and opportunities for onsite landscaping are extremely limited with buildings typically positioned up to the road boundary.

In the Business B, C, D and E (except Ashburton Business Estate) Zones, landscaping or tree planting is required along all road boundaries. The Council wishes to ensure that the commercial and light industrial areas of the District are functional but still retain some level of amenity. Tree planting will partially screen bulky buildings and storage areas whilst providing a pleasant frontage when viewed from the street or adjoining properties. Tree planting is often more practical to achieve and maintain. Landscaping areas require more maintenance but provide a pleasant amenity over time. In Tinwald there is a large building setback to accommodate car parking and a landscaped area adjacent to the State Highway is required.

In the Business E Zone at Ashburton Business Estate, the landscape treatment for the zone is to be provided within the road reserve by Council. This includes a grassed berm and shelterbelt planting along specific roads through the zone to provide an overall structure to planting, visually break up the large land area, to provide a visual link with the distinctive shelterbelt planting in the surrounding rural land and to ensure landscape treatment is appropriately maintained. Along the Company Road frontage hedge planting is required to ensure that the road frontage maintains a pleasant visual amenity to the travelling public.

In the Business F Zones, landscaping is required along road and rural zone boundaries to screen activities and buildings on sites from adjoining properties and publicly accessible places. The rules are specific in the type and height of trees to be planted as well as the distance between trees and rows of trees at the time of planting. The activities being undertaken on sites within the Business F Zones

can create effects such as noise, odour and reduced visual amenity therefore the landscaping is required to mitigate these effects and maintain amenity values in the surrounding area.

5.7.9 Amenity

The purpose of this rule is to achieve a scale of development which is consistent with the character of the adjoining land and to ensure that building development does not unduly deprive neighbouring properties of sunlight or impact significantly on their amenity. These are indirectly a means of affording some degree of privacy to property occupiers and some retention of opportunities for outlook and views.

These standards seek to maintain the scale of development on sites adjoining residential, rural or open space land to a level that is more consistent with that within the residential environment as a means of preserving the character and amenity of these areas or the character of the adjoining land. The provision for setback and screening will assist in the separation of potentially incompatible activities and affect the standard of visual amenity by reducing the dominance of buildings, and securing levels of privacy and access to daylight.

5.7.10 Setbacks from Stopbanks and Water Bodies

This rule seeks to avoid or limit the vulnerability of buildings, contents and occupants to extreme flooding events which could occur due to failure of stopbanks, and to limit the vulnerability of stopbanks to the direct effects of development.

Stopbanks are designed to protect buildings and their occupants from flooding. However, in the event that they fail, buildings in close proximity to them are highly vulnerable to damage due to the surge effect of water. Failure through overtopping or breaching cannot be predicted in any particular location. It is important therefore to anticipate this vulnerability along any stopbank and to mitigate this by locating buildings back from the stopbank wherever practical.

Additionally the construction of buildings or carrying out of works in close proximity to or into/onto stopbanks can reduce the integrity of the stopbank and in order to maintain stopbanks, buildings need to be set back to retain their accessibility.

Also buildings are required to be setback from water bodies for a variety of reasons, including for the avoidance of the adverse effects of natural hazards and to retain some degree of access along their margins, including for mechanical maintenance purposes.

5.7.11 Design and Appearance

These rules intend to maintain and enhance the amenity of areas both within and adjoining the Ashburton Business Estate.

Area 1 of the Business Estate's Business E Zone is intended to be developed with a higher level of internal amenity than other areas of the Business Estate. In addition, Area 1 of the Business E Zone directly adjoins a buffer providing physical separation from an adjoining Residential D Zone. A higher standard of building design is appropriate in this location. Similarly, the rule requiring compliance with a colour palette for buildings adjoining the buffer is to ensure that the visual outlook from the buffer

and the Residential D Zone is not adversely affected by brightly painted buildings which may detract from outlook and the planting of the landscaped buffer.

5.7.12 Offensive Processes

Industrial activities may include processes which involve the handling or processing of products which are dangerous or have the potential to create noxious effects. It is generally not appropriate that these activities are located in areas close to residential areas where a higher standard of amenity and environmental quality is expected and where significant numbers of people are at risk. In addition, some business areas have a comparatively higher level of amenity that would be threatened by these activities. To protect these areas, and maintain the amenity outcomes sought, businesses which involve specified processes are not provided for in most Business Zones and require Council assessment and consent.

5.7.13 Hours of Operation, Including the Sale of Liquor

The hours over which a business activity operates is a significant determinant in the level of adverse effects likely for neighbours as a result of vehicle and pedestrian movements, noise levels, loss of privacy and security and general disturbance, which are incompatible with residential environments. These effects are generally as a result of operations during hours when neighbours can reasonably expect a more peaceful environment. For this reason, limitations have been placed on the acceptable hours of operation for each day, with the exception of residential and accommodation activities, and emergency call outs which most residents would reasonably expect to occur infrequently and without such restriction.

In the case of activities involving the sale of liquor adjoining residential areas, the Plan recognises that such activities can result in activities which give rise to adverse effects on the amenity values of residential areas. These can be as a result of late night vehicle and pedestrian movements; noise of voices; vehicle doors banging; antisocial behaviour; and a loss of feeling of security for neighbours. Where the sale of liquor would otherwise be permitted as-of-right without any restriction on hours of operation, limits have been placed on the hours over which liquor may be sold on sites adjoining residential zones. This will enable the assessment of the appropriateness of the activity and the extent to which it will have adverse effects on residential amenities, by way of a resource consent application.

5.7.14 Effluent Disposal

These rules seek to protect the environmental quality and amenity values of land within and surrounding the site at Fairton, and to ensure that the environmental quality and amenity values of land at and surrounding the sites at Seafield and Christys Road are not affected to a standard below that considered as acceptable under the terms of resource consents previously granted.

Effluent disposal is a permitted activity within the Business F Zone where it is acknowledged that effluent disposal is an integral part of a meat processing facility. However, on the sites at Seafield and Bridge Street, the disposal of effluent is an activity that has been approved under consents issued by the Ashburton District and Canterbury Regional Council's. It is appropriate that conditions imposed by the District Council on effluent disposal at the Christys Road and Seafield sites are transferred into the District Plan to ensure that the requirements and environmental quality required by these consents

are maintained. The “testing” or consideration of the suitability of the land at Fairton and Northpark Road has not been undertaken through the planning process and it is therefore necessary to ensure that this activity is not permitted without the need for further consents. This is necessary due to the potentially noxious effects associated with effluent disposal.

5.7.15 Residential and Visitor Accommodation Activities

With respect to the provisions for residential and visitor accommodation activities in Business Zones, it is appropriate for residential and visitor accommodation activities to be located in the Business A, B and C Zones. These zones provide principally for retail and commercial activities, which do not generally create noxious effects and are therefore considered suitable areas for such types of accommodation. Similarly residential and other accommodation buildings are of a scale that is compatible with other uses provided for within these zones and therefore would not have adverse effects on character.

In the Business A Zone in particular, residential activities such as shop top apartments can provide support for other activities and increase the vitality of town centres. The proximity of residents to services such as restaurants and entertainment and their likely use of cafes during the weekends often means that town centres do not ‘close’ at 5pm, and maintain a vibrancy beyond the normal operating hours of many businesses.

It is however appropriate that such residential activities in the Business A, B and C Zones are limited to above ground floor level and also comply with the Residential A Zone rules. That way the primary purpose of individual sites is still encouraged to be for business activity and any residential component enjoys an acceptable minimum level of amenity. Given the nature of anticipated activities in the Business B and C Zones, the effects that they may create (e.g. noise, fumes etc) and the sensitivity of occupiers of residential accommodation, there is also a requirement that ventilation of bedrooms is not reliant on opening windows.

In the Business C Zone it is considered appropriate to enable Visitor Accommodation activities at all levels to provide for motels, hotels or similar activities. A number of motels are already located within the Business C Zone and these appear to operate without any undue conflict.

Although intended for medium to heavier industry, there may be sites within the Business D Zones where residential and visitor accommodation is appropriate. Environmental quality and amenity values however can vary considerably within this zone and accordingly it is appropriate to make residential activities and visitor accommodation a Discretionary Activity and assess the suitability and effects of such developments (including effects on adjoining businesses) on a site by site basis. An exception is however made for limited residential accommodation to be a permitted activity where it is for custodial or site management purposes, provided it is ancillary to on-site business activity, associated bedrooms do not rely on open windows for ventilation and the Residential A Zone rules are complied with for that component of any development.

The Business E and F Zones are industrial and meat and produce processing Zones. Permitted activities are potentially noxious and objectionable; and in particular the Ashburton Business Estate has the potential to develop as a transport hub. These are generally unacceptable environments for residents

(other than for custodial or site management purposes) or those using visitor accommodation as the levels of adverse effects exceed those generally considered acceptable or pleasant to live within, even on a temporary basis. Even if more stringent standards were required for residential activities, the level of noise, vibration, fumes, dust, traffic movements, and the style, proximity and density of building on adjoining sites would not be compatible with residential use or visitor accommodation. In addition, the establishment of residential activities, other than for custodial purposes, or visitor accommodation may result in complaints over environmental quality and amenity values and result in unreasonable restraints being imposed on legitimate business activities. In situations where custodial or site management accommodation is anticipated, there is less likelihood of reverse sensitivity effects arising given the inherent connection with business activity being undertaken on the site. Therefore, subject to the same limitations as for the Business D Zone, such activities are also permitted in the Business E and F Zones.

5.7.16 Commercial Activity Limits ~~Retail Floor Space~~

There are a range of reasons for ~~the retail floor space rules~~ **limitations on commercial activities within Business zones** including:

- to ensure the consolidation of the business areas and the functioning, integrity, convenience and viability of the inner commercial areas **(Business A zones)** of the towns is realised;
- to protect adjoining environments from the adverse effects of retail activity, including pedestrian and vehicle traffic generation;
- to limit the attraction of the general public to areas of noxious or heavy industrial activity;
- to avoid, remedy or mitigate vehicle and/or pedestrian conflicts, and protect traffic safety and efficiency.

The dispersal of general ~~retail~~ **commercial** activity throughout the business areas may result in adverse effects on the functioning, convenience, vitality, pleasantness and viability of the inner commercial areas of the towns. Fragmentation and dispersal of general retailing activities **and office activities** may result in closure of shops in the inner commercial areas, a reduction in the range of services available in these areas, a loss of vitality and attractiveness to shoppers, and an undermining of their roles as principal areas for comparison retailing, and as focal-points and sources of identity for their communities.

Unlimited ~~retail~~ **commercial** activity throughout the business areas may also result in the dispersal of activity along the State Highways, with consequential adverse effects on traffic safety and efficiency, traffic congestion and vehicle/pedestrian conflicts. Furthermore existing public infrastructure in the inner commercial areas, in the form of public car-parking, **civic and community facilities** ~~and other street developments~~, may become inefficiently used.

~~An upper limit on retail floor area in the Business A Zone seeks to ensure that such premises are still encouraged and attracted to locate in these areas, but they do so in a way and at a scale that maintains some consistency in terms of existing built character, that accessibility and convenience for pedestrians is retained, and that retail activities that are strongly vehicle oriented are discouraged. These will be important considerations in terms of the acceptability of retailing that may be proposed above the floor area limit by way of resource consent. There are no~~ **The same restrictions on commercial activity in the Business A zone, recognising the need to consolidate and coordinate commercial activity in the zone and support a wide range of retail, commercial, civic and social**

~~activities. does not apply to other activities, including those of a community or commercial nature, to support achieving some activity mix and diversity, and recognizing that retailing typically is, and is expected to remain, the predominant activity in these locations. These non-retail a~~Activities are however still subject to other controls (e.g. relating to windows and verandas) directed to maintaining the consistent character and a pleasant, pedestrian friendly environment.

For suburban commercial centres in Ashburton (Kapuka), ~~the same floor area restriction supports achieving similar objectives,~~ **development standards** reflecting the traditional scale of development in these locations, but also the proximity of these centres to neighbouring residential activity and the desire to protect the amenity values of those neighbourhoods, while still enabling the day to day servicing needs of local communities to be readily met.

In the District's rural townships outside of Ashburton (Kapuka), provision has been made for community grocery stores to be considered ~~at sizes greater than the Business A Zone maximum gross floor area limit, but~~ below the size of a modern supermarket, as controlled activities. This recognizes the historical role of those centres, as distinct from the larger township of Ashburton (Kapuka). It also reflects their comparative size, accessibility and established mix of activities, and therefore reduced likelihood of vehicle/pedestrian conflicts arising; the limited population base of such townships to support larger full service supermarkets; and the presence of grocery stores of that size already established in some of those town centres.

The minimum retail floor area restriction for the Business B Zone, which is specific to Ashburton (Kapuka), seeks to ensure an **limited** opportunity exists for larger format retailing, ~~still close to~~ **outside of, but on the fringe of** the town centre, but where vehicle access is convenient and sites are sufficiently large. A number of such retailers are already concentrated in this location. The retail floor area rule for the Business B Zone also provides for restaurant and take-away food outlets and **trade suppliers** ~~specific vehicle oriented retailing of less than 500m². This is intended to cater for the needs of those working in these areas, whilst reducing the need for vehicle trips into central Ashburton (Kapuka) such as during lunch breaks, and also for the needs of activities such as service stations and vehicle display/sales with similar expectations for vehicle accessibility and land area. Key considerations in terms of other~~ **A strict limitation on** smaller sized retailing activities seeking to locate within the Business B Zone **is provided to ensure maintenance of the** ~~will be maintaining~~ the function, convenience, integrity and viability of the Business A Zone; the potential for fragmentation of retailing activity to compromise achieving that and other Business Zone objectives; and the need to protect pedestrian safety and convenience in a location that is recognized to be predominantly vehicle oriented.

The establishment of **limited opportunity for** large-scale, vehicle-oriented retail activities, including supermarkets, on the west side of the Ashburton (Kapuka) town centre is not considered to have significant adverse effects on the town's inner commercial area. ~~In Ashburton (Kapuka), a significant number of shopping trips combine supermarket shopping and other retailing. Vehicle movement between the retail areas east and west of the railway line in Ashburton (Kapuka) is convenient, quick and safe, and parking is easy to obtain in the central areas. Consequently, people will find it convenient to move between supermarket shopping, whether on the east or west side, and comparison retailing or other commercial activities on the east side of the railway line. The separation of these two retail areas does not present a significant hurdle to shoppers and they can move freely from one area to the other, visiting both areas during one shopping trip.~~

The rule as it applies to the Business C Zone restricts the establishment of commercial activities, excluding trade suppliers, food and beverage outlets and entertainment activities. This is an appropriate response to these fringe town centre locations which could, if left unregulated could result in substantial retail and office activities establishing outside of the town centre. a maximum gross floor area restriction on most retailing, but at a level greater than that of the Business A Zone. This is to provide an opportunity for those retail activities that are not suited to the intimate environment of the Business A Zone, or are not necessarily large enough or as suited to the Business B Zone in the case of Ashburton (Kapuka), but still benefit from a location near to the town's commercial centre. Although vehicle access can be convenient in parts of the Business C Zone, in other parts of the zone local roads provide access and more sensitive residential neighbourhoods are often directly adjoining sites or are situated very nearby. An upper limit on retail floor space also seeks to prevent large scale development on any particular site generating a concentration of traffic in that location, with the effects of that traffic adversely impacting on the functioning of the local road network and/or residential amenity. The rule being a zone standard reflects these sensitivities, and for Ashburton, the preference for large format retailing to locate in the Business B Zone.

The restriction in the Business D and E Zones is to small scale retailing of goods produced or processed on the site. With food and beverage outlets and trade suppliers provided for in the Business D zone recognising that these activities are not incompatible with the light industrial and logistics activities undertaken in this zone. Food and beverage outlets are not necessary anticipated in the Business E zone, with the need to consider the scale of such enterprises, and sensitivity to surrounding heavy industrial activities. restaurants and take-away food outlets, as well as retailing from vehicle sales and other outdoor display and sales. Provision for sales from the Ashburton Saleyards recognises the historical use of this site, which is not otherwise permitted in the Business E Zone.

With respect to ~~restaurants and take-away food~~ **food and beverage** outlets, these tend to be vehicle-oriented in many locations and their function is not necessarily related to the comparison retailing which is sought to be concentrated in the inner commercial areas. This function is not related to the size of the restaurant or take-away food outlet and it is not considered to be necessary to generally restrict the size of these activities either in Ashburton (Kapuka) or in other smaller townships. They also can serve an important service role for those engaged in or visiting industrial and business areas, often avoiding the need for vehicle travel when they are readily accessible.

The same option for such food sales is not however provided for in the Business F Zone, which is specific to meat processing, and where the scale of the Zone and inherent nature of the industrial environment does not lend itself to such activities. Accordingly, retailing is more limited in this zone to goods processed or manufactured on site.

5.7.17 Lighting

Illumination from lighting can interfere with the enjoyment of a property and with the sleep of occupiers; therefore the standard seeks to limit the amount and intensity of light spillage onto adjacent properties. Inappropriately directed lighting can also cause safety hazards on roads by distracting, confusing or temporarily blinding drivers. Where the receiving property is within a business zone the standard has been set to reflect the amount of illumination generally anticipated in the business areas of the District's towns, where there is already a degree of night-time illumination from street, security, shop window and other neighbourhood lighting.

Residential sites adjoining existing business zones are in some instances subject to increased

illumination as a result of neighbouring business activities. In recognition of the sensitivity of residential areas the standards for activities within the Business Zones require those activities to meet acceptable residential illumination limits at the boundary of any property zoned residential.

5.7.18 Outline Development Plans

The purpose of these rules is to ensure that activities are located in areas that will assist in the avoidance, mitigation or remedying of adverse effects.

The Business F Zone (Appendices 5-1A, 5-1B, 5-1C and 5-1D) includes the plant and buildings of the meat processing plant at Seafield and surrounding land, as well as land at Northpark Road. Not all of the permitted activities are appropriate throughout the zone due to the potential for adverse effects to occur which may detrimentally affect environmental quality and amenity values. For example, food processing may be appropriate at the Northpark Road site, however, the slaughtering of animals or disposal of effluent are not activities that are considered suitable. The Outline Development Plan defines the appropriate location of activities and the Zone Standard requires compliance with this Plan. In the Business F Zone at Bridge Street the land surrounding the existing plant is zoned for meat processing activities. However, there is no provision for expansion, in order to ensure that a larger plant is not provided for which may contribute to cumulative adverse effects. The company has consent to dispose of its effluent on to the surrounding area and provision is made for this through the Outline Development Plan.

Ashburton Business Estate (Business E Zone. Appendix 5-2A) is located adjacent to Residential D Zone along its western boundaries. To ensure that business activities do not adversely affect the amenity values of the residential area it is necessary to control the location of potentially more objectionable or noxious industrial activities away from the residential boundary. Accordingly, the Business Estate has been divided into two Areas. Area 1 closest to the residential zone provides for offices, commercial, service and industrial activities with limitations on industrial activities adjoining the buffer zone and vehicle refuelling and maintenance. Additionally, standards in the Business zone rules require consent for undertaking Offensive Processes within the Business Estate.

Area 2 applies to that half of the site further away from the residential area and provides for heavier industrial activities including manufacturing and food and produce processing activities. Area 2 is adjacent to the Silver Fern Farms meat processing facility which is an established heavy processing activity and is not likely to be adversely affected by further industrial development on its boundary.

The reason for the part of the rule restricting the location of some activities to within buildings, is to ensure industrial activities located adjacent to the buffer area and residential zone do not adversely affect the amenity values of the residential area and therefore it is necessary to control the location of potentially more adverse industrial activities away from the residential boundary.

Whilst some industrial activities generally involve manufacture, assembly, processing or fabrication of a product it is seen as important to control this at the boundary such that there is a limited chance of noise or other industrial related effects such as odour or glare emanating across the buffer into the residential area. As the definition for an industrial activity is broad it is hard to determine the actual effects however if they are limited to within a building this will in itself act as mitigation and avoidance of potential effects. Council does not wish to see large scale activities operating outside of buildings where the site adjoins the buffer and where the likelihood of potential effects can occur.

The outline development plan puts in place a 75m buffer along the shared length of the Residential D / Business E boundary providing physical separation between residential and business activities. Seventy five metres provides sufficient width to incorporate mounding and sufficient distance to ensure that noise effects are mitigated to the district plan standard at the residential boundary. The limitation on window and door openings for buildings on sites directly adjoining the buffer provides further mitigation of any adverse noise effects at the residential boundary.

The buffer also provides space for landscape planting, stormwater treatment together with pedestrian and cycleway connections to the Business Zone.

The Business Estate provides an area for the Ashburton rail yard to be relocated away from the town centre to a new site. A rail yard has the potential to create adverse noise effects and the Outline Development Plan locates the yard in a location, where coupled with an appropriate noise barrier, noise standards at the residential boundary are anticipated to be met. This mitigation must be in place prior to the establishment of any rail activities within the zone. The rule requires the added measure of an acoustic report to satisfy Council that the acoustic barrier erected as mitigation is of an appropriate standard prior to the activity commencing.

The limitation on the number of access roads connecting with the local roading network and requirements for curved road alignments are to ensure that traffic is dispersed appropriately onto the wider roading network and that the roading layout accommodates easy access to those main road connections.

The Riverside industrial area comprises of Business D Zoned land situated on the lower river terraces along the western margin of Ashburton (Kapuka) township. It provides a significant area for future light industrial activity to establish beyond the extent of existing development, but the zoning is first dependent upon achieving suitable access routes into the area from the south that avoid associated traffic directly impacting on neighbouring residential areas. The Outline Development Plan addresses these access matters, and also stipulates necessary boundary setback buffer distances, including landscaping requirements and building restrictions within those buffers.

Another Outline Development Plan exists for the Business E Zone at Rakaia, specifying setback, access, building and landscape requirements in relation to the State Highway and adjoining residential land. These are directed to protecting amenity values, particularly where the Business E Zone directly adjoins a residential zone, and also to maintaining the safe and effective functioning of the State Highway.

The Outline Development Plan for the Silver Fern Farms meat processing facility at Fairton sets out the activities that can be undertaken within Area 1 and Area 2. Area 1 provides for Meat Processing, Food and Produce Processing as permitted activities whereas Area 2 provides for the treatment/disposal of wastewater, forestry and farming activities only. The company has consent to dispose of its effluent within Area 2 and provision is made for this through the Outline Development Plan.

5.7.19 Community Activities

Community activities are permitted within the Business A, B and C Zones as these both adjoin and provide for residential activities. The character of these areas and scale of buildings often means that such activities are compatible with the existing environment. In addition, the Business A, B and C Zones attract large numbers of visitors and have a higher amenity than other business zones, and therefore are considered appropriate locations for community activities.

Within the Business D Zone not every site may be appropriate for community activities and as such, they will be assessed as discretionary activities. Consideration will be given to matters such as the appropriateness of the community facility within the Business D Zone; alternative locations; the number of visitors it may attract and the frequency of visits, as well as whether these will be outside the normal operating hours of the surrounding businesses; and the nature of adjoining business activities.

Community activities are generally not considered appropriate within the Business E and F Zones due to the nature of activities occurring there, and the potential for high numbers of visitors to potentially conflict with heavy traffic.

5.7.20 Recreational Activities

Recreational activities are considered appropriate within the Business A, B and C Zones. These Zones have a generally high level of amenity and attract high numbers of visitors, therefore recreational activities would not be considered inappropriate or in conflict with existing activities.

Within the Business D and E Zones, such activities may be appropriate on some sites and will be assessed as discretionary activities. For example, a cycle track or skate park within an industrial area may be appropriate depending upon the nature of adjoining activities, their hours of operation, and effects such as noise and odour and vehicle/pedestrian safety.

It is not anticipated that recreational activities will be considered appropriate in very many circumstances within the Business F Zone due to the nature of activities that occur there. Adverse effects such as noise and smell make this Zone generally inappropriate for such pursuits.

Throughout the business zones shooting ranges, as a recreational activity, have the potential to generate their own adverse effects (e.g. noise) and accordingly are not permitted in the more sensitive Business A and B Zones, but are identified as discretionary activities in the remaining business areas of the district.

5.7.21 Industrial Activities and Mineral Extraction

These rules generally seek to prevent the establishment of activities with potentially significant adverse effects in locations close to residential areas or in business areas which have a high standard of amenity.

Mineral extraction is considered inappropriate in the Business A, B and C Zones. These zones are areas where people will congregate and anticipate a pleasant working environment in which to conduct shopping, business and social activities. The potential effects of mineral extraction, such as increased

noise, vibration, fumes, dust and heavy traffic are considered incompatible with the level of amenity anticipated.

Even within the Business D and E Zones, mineral extraction is not considered appropriate as it would require large tracts of land to be taken out of use by business activities. In addition, the location of the majority of these zones close to urban areas makes them inappropriate for such mineral extraction, as adverse effects such as noise and traffic generation affect sites beyond the boundaries of the business zones.

Industrial activities are also considered inappropriate in the Business A and B Zones. These zones are intended for the development of retail, tourist related services and also community and recreational activities to serve the needs of the local community. The potential effects of industrial activities such as increased noise, vibration, or heavy traffic are considered incompatible with the level of amenity anticipated.

Industrial activity has a broad definition that may incorporate a range of activities. It is appropriate to provide for industrial activities in the Business C Zone in recognition of the fact that often manufacturing processes may be a complementary part of a retail sale or service business e.g. jewellery manufacture. It is therefore appropriate to make industrial activity a Discretionary Activity in this zone and assess the suitability and effects of such developments (including effects on adjoining businesses) on a site by site basis.

Industrial activities are permitted within the Business D and E Zones as these have historically been areas of manufacturing and industrial activity. As such, these are areas of low amenity with large buildings, outdoor storage and substantial areas of impermeable surfaces with little or no landscaping. These areas are often located away from residential areas and therefore provide an opportunity for industrial activities to operate without reverse sensitivity effects that may prevent the operation or expansion of such activities.

Industrial activities, except for those related to meat and food and produce processing, are incompatible with the activities in the Business F Zone due to the potential noxiousness of effects created by these activities. With respect to the Business F Zone in Bridge Street it is not appropriate to provide for a broadened range of activities as the site is more suited in the long-term for Residential zoning given the nature of surrounding land uses and the location of the zone in proximity to the urban boundary. The facilities at Fairton and Seafeld are purpose-built facilities and the range of permitted activities already encompasses all food, produce and meat related processing activities.

5.7.22 Forestry and Intensive Farming Activities

Forestry and intensive farming activities have the potential to generate effects which are incompatible with the levels of amenity values sought in business zones in urban areas. Effects include odour, visual impact, dust, noise, overshadowing, and dominance of outlook and loss of security. Within the Business F Zone however, forestry is permitted as these zones are located within rural areas where forestry is provided for in the surrounding areas and is a compatible land use. Intensive farming is not provided for in the Business F Zone due to the potential adverse effects created by this activity on the surrounding environment in terms of odour.

5.7.23 Farming and Food, Produce and Meat Processing Activities

Farming is not provided for in the majority of the Business Zones in recognition of the effects that can arise from that diverse activity. Those effects can relate to impacts such as odour, dust, noise and visual impact which could be detrimental to many business activities, depending on the circumstances of the site. It is also recognised that many areas zoned for business activity are within or adjoin urban areas and residential areas in particular, where high levels of amenity are to be protected. Farming is however permitted in the Business F Zone reflecting the location of the zone within rural surroundings and the compatibility of uses in that context.

Meat processing activities similarly are generally not provided for outside of the Business F Zone which is specifically intended for that purpose. Meat processing is however contemplated in the Business E Zone as a Restricted Discretionary Activity given it is an offensive process, but is a non-complying activity within the part of the Ashburton Business Estate (Area 1) located nearest to the neighbouring residential zone.

Food and produce processing also is permitted in the Business F Zone. It is a Discretionary Activity in the majority of Business E Zone recognising the heavy industrial nature of that zone, but also the possibility of effects arising from such processing, including odour. Like meat processing it also is a non-complying activity in Area 1 of the Business Estate recognising the sensitivity of the neighbouring residencies.

Meat, food and produce processing are not anticipated to locate within the Business A-D Zones given amenity values within and surrounding those locations, and also issues of compatibility with activities provided for in those zones.

5.7.24 Service and Commercial Activities

Controls over these activities in the various Business Zones support achieving the outcomes sought for those areas, particularly in respect of desired amenity values and also ensuring the compatibility of activities occurring both within and adjoining these zones.

Both are seen as unlikely to be acceptable in the Business F Zone, given its nature and very specific purpose. However, an exception has been made for Lot 1 DP 46816 as shown on Appendix 5-1A (Area 2) to enable Service Activities to establish on this site. It is also appropriate to manage activities of a commercial nature in the heavier industrial areas through a consent process, given their potential to attract people to those premises and the types of effects arising from industry nearby. Commercial activities are however generally anticipated in all other business locations, including town centres.

Service activities tend to involve storage, repair or maintenance elements which can be more compatible with medium to heavier industry. Accordingly they are generally anticipated in the Business C, D and E Zones, but may be less suited to locations within the more commercial and retail oriented Business A and B Zones. These activities can also attract high vehicle numbers and in themselves give rise to adverse effects (e.g. noise, visual distraction) making them less suited to these business areas.

5.7.25 Flood Risk

Low lying areas may be subject to flooding or inundation during significant rainfall events. The Riverside industrial area is located immediately adjacent to the Ashburton River (Hakatere) and thus activities, buildings and people need to be protected from flood risk. The flood risk rule requires new buildings in this location to have a minimum floor height so as to reduce that risk.

5.8 Rules – Business Zone

5.8.1 District Wide Rules

Attention is drawn to the following District-Wide Rules which may apply in addition to any relevant Zone Rules to activities undertaken in the Business Zones. If any one or more of the District-Wide Rules is breached, the activity may require consent in respect of those rules.

Subdivision	(Refer Section 9)
Transport	(Refer Section 10)
Noise	(Refer Section 11)
Heritage Values and Protected Trees	(Refer Section 12)
Signs	(Refer Section 13)
Utilities, Energy and Designations	(Refer Section 14)
Relocated Buildings and Temporary Activities	(Refer Section 15)
Hazardous Substances	(Refer Section 16)
Definitions	(Refer Section 17)

5.8.2 Permitted Activities

The following shall be permitted activities, provided that they comply with all the relevant Site and Zone Standards below and all relevant District Wide Rules, and are not otherwise specified as a controlled, restricted discretionary, discretionary, non-complying or prohibited activity:

- a) **Residential Activity** in the Business A, B and C Zones;
- b) **Residential Activity**, for the purpose of custodial and site management, in the Business D, E and F Zones;
- c) **Visitor Accommodation** in the Business A, B and C Zones;
- d) **Community Activity** in the Business A, B and C Zones;
- e) **Recreational Activity** (excluding shooting ranges) in the Business A, B and C Zones;
- f) **Retail Activity** (excluding service stations) in the Business A Zone, other than where specified as a Controlled, Discretionary or Non-Complying Activity, ~~provided that:~~
 - ~~the maximum gross floor area of any individual retail tenancy shall not exceed 500m²;~~
- g) **Retail Activity** in the Business B Zone, other than where specified as a ~~Discretionary~~ **Non-Complying Activity**, provided that:
 - 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 this limitation shall not apply to:

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- service stations for which any indoor retail floor area shall not exceed 150m² in area;
 - **food and beverage** restaurants and take-away food outlets;
 - **trade suppliers** vehicle sales and other outdoor display and sales.
 - **Yard based suppliers.**
 - lotto kiosk or café associated with and ancillary to supermarkets
- h) ~~Retail Activity~~ in the Business C Zone, other than where specified as a Non-Complying Activity, provided that:
- ~~the maximum gross floor area of any individual retail tenancy shall not exceed 750m²,~~
 - ~~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.~~
- h) **Retail Activity** in the Business **C and D** and E Zones, other than where specified as a Non-Complying Activity, provided that:
- 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:
- **food and beverage** restaurants and take-away food outlets;
 - **trade suppliers** vehicle sales and other outdoor display and sales.
 - **Yard based suppliers.**
 - 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).
- i) **Retail Activity** in the Business **E and F** Zone, other than where specified as a **Restricted Discretionary or** Non-Complying Activity, limited to:
- retail display and sales of goods processed or manufactured on site;
 - **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).**
- j) **Commercial Activity** (excluding Retail Activity) in the Business A, B, C and D Zones;

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- k) **Office Activity in the Business B, C, D and E Zone where these are Ancillary Activities which occupy no more than 30% of the GFA of all buildings on the same site;**
 - l) **Commercial Services within the Business C Zone;**
 - m) **Entertainment Activities within the Business C Zone;**
 - n) **Service Activity** in the Business C, D and E Zones, and in Area 2 of the Business F zone located on Bremners/Northpark Roads (as shown on the ODP in Appendix 5-1A);
 - o) **Industrial Activity** in the Business D and E Zone;
 - p) **Food and Produce Processing and ancillary Office activities which occupy no more than 30% of the GFA of all buildings on the same site** in the Business F Zone;
 - q) **Meat Processing and ancillary Office activities which occupy no more than 30% of the GFA of all buildings on the same site** in the Business F Zone, except on land held in CT181321 or on the site known as 150 Fairfield Road, Fairton;
 - r) **Farming Activity** in the Business F Zone;
 - s) **Forestry Activity** in the Business F Zone.

5.8.3 Controlled Activities

- a) Supermarkets (grocery stores) in the Business A Zone (except the Ashburton Township) that have a gross floor area ~~exceeding 500m² but do not exceeding~~ **have a gross floor area greater than 1,200m².**

Council has reserved matters of control to the following:

- the extent to which the activity will adversely affect the function, 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.

- b) Area 1: Ashburton Business Estate

All buildings and additions or alterations to existing buildings within Area 1 shall be controlled activities.

Council has reserved matters of control to assessment in accordance with the Ashburton Business Estate Design Guidelines, Appendix 5-2B.

5.8.4 Restricted Discretionary Activities

- a) Any Activity which is listed as a Permitted Activity and which complies with all of the relevant Zone Standards, but does not comply with any one or more of the relevant Site Standards shall be a Restricted Discretionary Activity. The exercise of the Council's discretion being restricted

to the matter(s) specified in the assessment matters in 5.11.

- b) Food and Beverage outlets in the Business E zone. The exercise of the Council's discretion being restricted to the matters specified in 5.11.16.**

5.8.5 Discretionary Activities

- a) **Residential Activity** in the Business D Zone, other than where specified as a Permitted Activity;
- b) **Visitor Accommodation** in the Business D Zone;
- c) **Community Activity** in the Business D Zone;
- d) **Recreation Activity** (including shooting ranges) in the Business D and E Zones;
- e) Shooting ranges in the Business C Zone;
- f) ~~**Retail Activity Service Stations**~~ in the Business A Zone, ~~other than where specified as a Controlled Activity, where any individual retail tenancy exceeds 500m² gross floor area;~~
- g) **Retail Activity** in the Business B Zone, other than where specified as a Permitted Activity or Non-Complying Activity where:
 - ~~retail display and sales are within buildings less than 500m² gross floor area;~~
 - service stations have an indoor retail floor area exceeding 150m²;
- h) ~~**Commercial Office Activity**~~ (excluding Retail Activity) in the Business **B, C, D and E** Zone **except where these are Ancillary Activities which occupy no more than 30% of the GFA of all buildings on the same site;**
- i) **Retail Activity in the Business C Zone, other than where specified as a Permitted Activity or Non-Complying Activity, where the maximum gross floor area of any individual retail tenancy shall not exceed 500m².**
- j) **Service Activity** in the Business A and B Zones;
- k) **Industrial Activity** in the Business C Zone;
- l) **Food and Produce Processing** in the Business E Zone except within Area 1 of the Ashburton Business Estate;
- m) **Mineral Extraction** in the Business F Zone;

5.8.6 Non-Complying Activities

- a) Any Activity which does not comply with any one or more of the relevant Zone Standards shall be a Non-Complying Activity, provided that they are not listed as a Prohibited Activity;
- b) All activities unless listed as Permitted, Controlled, Restricted Discretionary, Discretionary or Prohibited Activities are Non-Complying;

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- c) **Residential Activity** in the Business E and F Zones, except where listed as Permitted Activity;
 - d) **Visitor Accommodation** in the Business E and F Zones;
 - e) **Community Activity** in the Business E and F Zones;
 - f) **Recreation Activity** (including shooting ranges) in the Business F Zone;
 - g) Shooting ranges in the Business A and B Zones;
 - h) **Service Stations** in the Business A Zone;
 - i) **Retail Activity in the Business B Zone, other than where specified as a Permitted Activity or Discretionary Activity, where:**
 - **retail display and sales up to a gross floor area of 500m² per tenancy;**
 - j) **Retail Activity** in the Business C **and D** Zone, **other than** where **specified as a Permitted Activity or Discretionary Activity**;
 - ~~the maximum gross floor area of any individual retail tenancy exceeds 750m²;~~
 - ~~service stations have an indoor retail floor area exceeding 150m²;~~
 - ~~k) **Retail Activity** in the Business D and E Zones, where it involves retail display and sales exceeding the limits listed in the permitted activity rule (5.8.2 i) above);~~
 - l) **Retail Activity** in the Business **E and F** Zone, **other than** where it involves retail display and sales of goods not processed or manufactured on site **specified as a Permitted Activity**;
 - m) **Commercial Activity** (excluding Retail Activity) in the Business F Zone;
 - n) **Commercial Services within the Business B, D, E and F zones.**
 - o) **Entertainment Activities within the Business B, D, E and F zones.**
 - p) **Service Activity** in the Business F Zone unless specified as a permitted activity under rule 5.8.2;
 - q) **Industrial Activity** in the Business A, B and F Zones;
 - r) **Food and Produce Processing** in the Business Zones A, B, C and D Zones and within Area 1 of the Ashburton Business Estate in the Business E Zone;
 - s) **Meat Processing** in the Business A, B, C and D Zones and Area 1 of the Ashburton Business Estate in the Business E Zone and on land held in CT181321 or on the site known as 150 Fairfield Road, Fairton;
 - t) **Farming Activity** in the Business Zones A, B, C, D and E Zones;
 - u) **Forestry Activity** in the Business Zones A, B, C, D and E Zones;
 - v) **Mineral Extraction** in the Business Zones A, B, C, D and E Zones;
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w) **Intensive Livestock Management** in the Business A, B, C, D E and F Zones.

5.8.7 Prohibited Activities

The following activities shall be Prohibited Activities:

- a) Any provision for vehicular access to any site or activity in the Business E Zone from Tait's Road.

5.8.8 Notification / Consultation / Notes

Resource consents in relation to the following matters shall not be publicly or limited notified:

Residential and Visitor accommodation Site Standard 5.9.15

Resource consents in relation to the following matters shall not be publicly notified:

Setback from Stopbanks and Water bodies Site Standard 5.9.10

Flood Risk Zone Standard 5.10.5

Consultation with the Canterbury Regional Council will be important in the assessment of resource consent applications in relation to the following standards:

Setback from Stopbanks and Water bodies Site Standard 5.9.10

Flood Risk Zone Standard 5.10.5

Notes:

- Please note that the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 may be applicable to your site/property.

5.9 Site Standards.....

5.11 Assessment Matters

Note: When considering any application for resource consent, the Council may also choose to consider how a proposal responds to urban design principles and relevant matters contained in the Ministry for the Environment Urban Design Protocol 2005.

5.11.1 Height of Buildings

- a) The extent of any adverse effects on the environment from exceeding a maximum height and in particular the effect of any increased building height on the visual character of the area and compatibility with the scale of adjoining buildings.

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5.11.16 Food and Beverage Outlets in the Business E zone

- a) The extent to which the scale of the activity is consistent with, and serves the needs of workers and visitors to the Business E zone;
- b) the effect of the activity on the ability of existing or future permitted industrial activities to operate or establish without undue constraint.

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