

## 0.0 PLANNING REPORT FOR PLAN CHANGE 89 - RURAL CONTRACTORS DEPOTS - SEPARATION DISTANCES

**File Number:** A3735960

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### RECOMMENDATION

1. That the report titled "Planning Report for Plan Change 89 – Rural Contractors Depots – Separation Distances" dated 4 May 2020 be received.
2. That pursuant to Clause 10(1) of Schedule 1 of the Resource Management Act 1991, the District Plan Committee makes the following decisions on Plan Change 89 ...*decisions to be inserted here.*
3. That staff be authorised to make minor editorial changes to the decision of the District Plan Committee in consultation with the Committee Chairperson.
4. That pursuant to Clause 10(4)(b) of Schedule 1 of the Resource Management Act 1991, the decision on Plan Change 89 be publicly notified.
5. That pursuant to Clause 11 of Schedule 1 of the Resource Management Act 1991, the decision on Plan Change 89 be served on every person who made a submission on the Plan Change and be made available at all Council offices and all public libraries in the District.

### INTRODUCTION

The purpose of this report is to provide recommendations on submissions to Plan Change 89 – Rural Contractors Depots – Separation Distances.

Plan Change 89 clarifies that vehicle accessways, driveways, manoeuvring and parking areas associated with Rural Contractors Depots are required to meet permitted activity Rule 18.4.1(p)(v). This rule requires a 60m separation between Rural Contractors Depots and existing dwellings, minor dwellings, education facilities and accommodation facilities.

For a full background to the Plan Change and explanation of the proposed provisions please refer to the Section 32 Report (s32 Report) (Attachment 1).

Any recommended changes (by the author of this report) to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

### BACKGROUND

Activity performance standard Rule 18.4.1(p)(v) requires Rural Contractors Depots to meet a 60m separation from any existing dwelling, minor dwelling, education facility or accommodation facility located on a separate site and in different ownership. It was identified through Plan Change 89 that there is an opportunity to clarify that this setback requirement also applies to vehicle accessways/driveways, manoeuvring and parking areas associated with Rural Contractors Depots.

There is another activity performance standard Rule 18.4.1(c)(i) which requires new dwellings, minor dwellings, education facilities and accommodation facilities within the Rural Zone to be set back 30m from all boundaries. However, a side or rear yard may be reduced to 10m without the need for resource consent if a separation distance of 60m is maintained between these activities and any existing or consented Rural Contractors Depot.

The proposed changes were notified as follows:

- (a) Amend the Activity Performance Standard Rule 18.4.1(p)(v) to clarify that the separation distance required for Rural Contractor Depots from existing dwellings, minor dwellings, education facilities and accommodation facilities applies to vehicle accessways/driveways, manoeuvring and parking areas associated with Rural Contractors Depots as follows:

The *Rural Contractors Depot* (including any associated vehicle accessways, driveways, vehicle parking and/or manoeuvring areas) shall not be located within 60 metres of any existing or consented *Dwelling, Minor Dwelling, Education Facility or Accommodation Facility* that is located on a title separate to that of the subject site and in different ownership to that of the *Rural Contractors Depot* operator.

- (b) Amend permitted activity Rule 18.4.1(c)(i)(e) to clarify that the separation distance required for new dwellings, minor dwellings, education facilities and accommodation facilities from existing or consented Rural Contractors Depots applies to vehicle accessways/driveways, manoeuvring and parking areas associated with the Rural Contractors Depot as follows:

**(c) Yards**

- (i) *Dwellings, minor dwellings, accommodation facilities*

Minimum 30m.

Provided that:

...

A *side* or *rear yard* may be reduced to not less than 10m in one or more of the following circumstances;

...

- (e) Where any new *dwelling, minor dwelling, accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
- Shall not be located any closer than 60m to any existing or consented *dwelling, minor dwelling, accommodation facility, education facility, rural contractors depot* (including vehicle accessways, driveways, vehicle parking and/or manoeuvring areas associated with a rural contractors depot), or approved building site assessed as part of a subdivision in accordance with Rule 12.4.1(b), that is located on a title separate to that of the subject site and in different ownership;...

## SUBMISSIONS

Four submission points have been received in support of Plan Change 89.

Horticulture New Zealand (submission point 13.17) and Federated Farmers of New Zealand (submission point 19.7) request that the plan change be retained as notified. The key reason for the submissions is that the plan change provides clarification regarding interpretation of the rule.

New Zealand Kiwifruit Growers ('NZKGI') also support the plan change, however, they request that the 60m separation distance rule relates to the property boundary rather than an existing or consented dwelling, minor dwelling, education facility or accommodation facility. In this regard,

NZKGI supports a 60m separation distance as measured from the property boundary as they consider this provides an adequate separation distance if the neighbouring dwelling/driveway is some distance from the boundary.

Te Puke Economic Development Group submitted in support of NZKGI's submission on Plan Change 89.

### Option 1 – As Proposed (Option 3 in the s32 Report)

Amend Activity Performance Standard Rule 18.4.1(p)(v) to clarify that the separation distance required for rural contractors depots from existing dwellings, minor dwellings, education facilities and accommodation facilities applies to vehicle accessways/driveways, manoeuvring and parking areas associated with Rural Contractors Depots.

In addition, make consequential changes to Rural Zone yard Rule 18.4.1(c)(i)(e) to ensure in the reverse situation that dwellings, minor dwellings, education facilities and accommodation facilities also need to be setback from vehicle accessways, driveways, manoeuvring and parking areas associated with Rural Contractors Depots.

<b>Costs</b>	<ul style="list-style-type: none"> <li>Does not address the issue (raised by NZKGI) that it may be more appropriate to apply the separation distance to the site boundary, rather than dwellings and other sensitive activities on neighbouring sites.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>For rural contractors depots, amending performance activity standard Rule 18.4.1(p)(v) (as notified) will clarify that the required separation distances from existing dwellings, minor dwellings, education facilities and accommodation facilities apply to vehicle accessways, driveways, manoeuvring and parking areas associated with Rural Contractors Depots.</li> <li>Applying the 60m separation distance from new Rural Contractors Depots to nearby dwellings (and other sensitive activities) rather than the property boundary ensures the rule continues to complement Rule 18.4.1(c)(i)(e). This rule relates to side yard setbacks for dwellings, minor dwellings, accommodation facilities and education facilities in the Rural Zone. It allows the required side yard setback for dwellings, minor dwellings, accommodation facilities and education facilities to be reduced from 30m to 10m if a separation distance of 60m is maintained between the new (or extended) building and any existing dwelling, minor dwelling, accommodation facility, education facility, or rural contractors depot.</li> <li>Requiring a new Rural Contractors Depot to be set back 60m from nearby dwellings (and other sensitive activities) rather than from the property boundary is sufficient for managing effects without being overly onerous on the depot. A 60m setback from a site boundary will often be further than what is required as the new depot may be a significant distance away from the nearest sensitive activity on the adjoining site (e.g. 200m away from a dwelling).</li> <li>Making a consequential change to Rule 18.4.1(c)(i)(e) (setbacks for dwellings etc from rural contractors) will ensure that this rule continues to complement Rule 18.4.1(p)(v) (setbacks for rural contractors depots from existing dwellings, minor dwellings, education facilities and accommodation facilities) and that the separation distance is applied consistently.</li> </ul>

<b>Effectiveness</b>	<ul style="list-style-type: none"> <li>Amending the activity performance standard is effective in addressing the identified issue as it will be clear that the separation rules for both rural contractors depots and dwellings, minor dwellings and accommodation facilities apply to vehicle accessways/driveways, manoeuvring and parking areas.</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>Amending the activity performance standard is considered to be an efficient method to address the identified issue because it reduces time and financial costs associated with interpreting and disputing how rules are to be applied.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>N/A – Sufficient information is available.</li> </ul>

### **Option 2 – As notified (Option 1 above) but with amendment to require Rural Contractors Depots to be setback 60m from the site boundary**

Option 2 includes the changes as notified (as per Option 1 above) but with an amendment to require Rural Contractors Depots to be set back 60m from the site boundary rather than a specified activity (i.e. dwellings, minor dwellings, education facilities and accommodation facilities).

<b>Costs</b>	<ul style="list-style-type: none"> <li>Applying the 60m separation distance from new Rural Contractors Depots to the property boundary (rather than nearby dwellings and other sensitive activities) means that the rule will be at odds with Rule 18.4.1(c)(i)(e), being the requirement for sensitive activities to be set back from the rural contractor depot rather than its property boundary.</li> <li>Applying the separation distance rule to the boundary is not required in all situations as dwellings (and other sensitive activities) on adjacent sites may be a significant distance away and a 60m setback from the boundary may not be required to manage adverse effects.</li> <li>For rural contractors depots, the change requested by NZKGI may result in unnecessary restrictions, and potentially the need for resource consents (with associated time and financial costs).</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Applying the minimum separation distance to the property boundary (rather than an activity) is simple to interpret and administer.</li> <li>It would further reduce any potential effects on dwellings (and other sensitive activities).</li> </ul>
<b>Effectiveness</b>	<ul style="list-style-type: none"> <li>Applying the separation distance to the boundary rather than an adjacent activity is not considered to be effective because it may result in additional and unnecessary constraints for rural contractors depots and would also be incongruous with 18.4.1(c)(i)(e).</li> </ul>
<b>Efficiency</b>	<ul style="list-style-type: none"> <li>Applying the separation distance to the boundary rather than an adjacent activity is partially efficient because it would be simple to interpret and administer and disputing how rules are to be applied.</li> </ul>

<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>N/A – Sufficient information is available.</li> </ul>
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## RECOMMENDATION

That the Plan Change be retained as notified (without change as per Option 1 above) as set out in the 'Background' section earlier in this report.

The following submissions are therefore:

### Accepted

Submission	Point Number	Name
13	17	Horticulture New Zealand
19	7	Federated Farmers of New Zealand

### Accepted in part

Submission	Point Number	Name
11	6	Te Puke Economic Development Group
21	14	New Zealand Kiwifruit Growers

## REASON

Option 1 is considered to be the most effective and efficient method to address the confusion regarding application of Rule 18.4.1(p)(v), which requires a Rural Contractors Depots to achieve a 60m separation from existing dwellings, minor dwellings, education facilities or accommodation facilities.

In this regard, the plan change (as notified) addresses the identified issue and makes it clear for District Plan users how the performance standard is to be interpreted.

Applying the separation distance rule to dwellings (and other sensitive activities) rather than property boundaries is consistent with the existing rules framework which provides separation between activities.

The distance from the activity is considered to be most relevant because it would allow a rural contractors depot to be closer to the boundary where there are no sensitive activities nearby, and also protects the sensitive activity where they exist.

## PLAN CHANGE 89 - RECOMMENDED CHANGES TO THE DISTRICT PLAN FIRST REVIEW

The purpose of this part of the report is to show the proposed plan change in full including any recommended changes in response to the submission.

Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

**Retain Activity Performance Standard Rule 18.4.1(p)(v) as notified and set out as follows:**

The *Rural Contractors Depot* (including any associated vehicle accessways, driveways, vehicle parking and/or manoeuvring areas) shall not be located within 60 metres of any existing or consented Dwelling, Minor Dwelling, Education Facility or Accommodation Facility that is located on a title separate to that of the subject site and in different ownership to that of the *Rural Contractors Depot* operator.

**Retain Activity Performance Standard Rule 18.4.1(c)(i)(e) as notified and set out as follows:****(c) Yards****(ii) Dwellings, minor dwellings, accommodation facilities**

Minimum 30m.

Provided that:

...

A *side* or *rear yard* may be reduced to not less than 10m in one or more of the following circumstances;

...

- (e) Where any new *dwelling, minor dwelling, accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
- Shall not be located any closer than 60m to any existing or consented *dwelling, minor dwelling, accommodation facility, education facility, rural contractors depot* (including vehicle accessways, driveways, vehicle parking and/or manoeuvring areas associated with a rural contractors depot), or approved building site assessed as part of a subdivision in accordance with Rule 12.4.1(b), that is located on a title separate to that of the subject site and in different ownership;...

**ATTACHMENTS****1. Section 32 Report - Plan Change 89 - Rural Contractors Depots - Separation Distances**





*Western Bay of Plenty  
District Council*

Change to the District Plan - First Review

## **Plan Change 89**

# **Rural Contactors Depots - Separation Distances**

Section 32 Report



## **1.0 Introduction**

### **1.1. General Introduction and Background**

The purpose of this report is to consider a plan change to clarify that vehicle accessways, driveways, manoeuvring and parking areas associated with Rural Contractors Depots are required to meet permitted activity Rule 18.4.1(p)(v). This rule requires a 60m separation between Rural Contractors Depots and existing dwellings, minor dwellings, education facilities and accommodation facilities.

## **2.0 Resource Management Act 1991**

### **2.1. Section 32 – Requirements for Preparing Evaluation Reports**

Before a proposed plan change can be publicly notified the Council is required under section 32 ("s.32") of the Resource Management Act 1991 ('the Act' or 'RMA') to carry out an evaluation of alternatives, costs and benefits of the proposal. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- (1) An evaluation report required under this Act must—*
  - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) summarising the reasons for deciding on the provisions; and*
  - (c) 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.*
  
- (2) An assessment under subsection (1)(b)(ii) must—*
  - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) economic growth that are anticipated to be provided or reduced; and*
    - (ii) employment that are anticipated to be provided or reduced; and*
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
  
- (3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
  - (a) the provisions and objectives of the amending proposal; and*
  - (b) the objectives of the existing proposal to the extent that those objectives—*
    - (i) are relevant to the objectives of the amending proposal; and*



*(ii) would remain if the amending proposal were to take effect.*

*(4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*

*(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*

*(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*

*(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*

## **2.2. Section 74 – Iwi Management Plans**

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority that has been lodged with Council. None of the iwi/hapu management plans lodged with Council raise any issues of particular relevance to this Plan Change.

## **2.3. Clause 3 of Schedule 1 - Consultation**

Clause 3(1) of Schedule 1 of the RMA requires the Council to consult the following during the preparation of a proposed plan:

- a. The Minister for the Environment;
- b. Other Ministers of the Crown who may be affected;
- c. Local authorities who may be affected;
- d. Tangata Whenua of the area who may be affected (through iwi authorities); and
- e. Any customary marine title group in the area.

Information was provided to the Minister for the Environment on a range of proposed plan changes and feedback was requested. No feedback has been received.

No other Ministers of the Crown or local authorities are considered affected by this proposed plan change. Nevertheless, the Bay of Plenty Regional Council has been consulted and they identified no issues with the proposed change. No marine title groups are considered affected.

Under Clause 3B of Schedule 1, with respect to Tangata Whenua, the Council is treated as having consulted iwi authorities if it:

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) consults with those iwi authorities; and*

- (d) enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) indicates how those issues have been or are to be addressed.*

Tangata Whenua have been consulted through the Tauranga Moana and Te Arawa ki Tai Partnership Forum on 14 March 2019 and 25 June 2019. No feedback was provided in relation to this proposed plan change.

In addition, the Council engaged with the public to request input prior to the writing of this report. This was done through notices in local newspapers and the Council's 'Have Your Say' website.

One response was received in support of the proposed change to clarify that vehicle accessways, driveways, manoeuvring and parking areas associated with Rural Contractors Depots are required to be setback 60m from dwellings and other sensitive activities. The feedback identifies particular concerns with dust produced from vehicle accessways, and the use of shells for driveways which have the potential to cause issues associated with odour.

In addition, to account for sites with limited options for the development of future dwellings, it has been suggested that the separation distance of 60m should apply to the property boundary, rather than existing dwellings, minor dwellings, education facilities and accommodation facilities. A response to the feedback is provided within the discussion of options being considered.

Council also engaged with the following groups and stakeholders on a range of proposed plan changes:

- a. Representatives of the kiwifruit industry through NZKGI;
- b. New Zealand Transport Agency ('the Agency'); and
- c. Toi Te Ora Public Health.

No specific issues were raised by any of these stakeholders regarding this proposed plan change, however, kiwifruit industry representatives sought clarification regarding application of the rule and whether it applied to properties on the opposite side of the road.

### **3.0 Issue 1 – Rural Contractors Depots – Separation Distances**

#### **3.1. Introduction**

As a result of a recent complaint and investigation into a non-compliant Rural Contractor's Depot, staff have identified that there is opportunity to clarify that permitted activity Rule 18.4.1(p)(v) applies to vehicle accessways/driveways, manoeuvring and parking areas associated with Rural Contractors Depots. In this regard, Rule 18.4.1(p)(v) requires a 60m separation between new Rural Contractors Depots and any existing dwelling, minor dwelling, education facility, or accommodation facility located on a separate site and in different ownership.

In addition, within the Rural Zone, permitted activity Rule 18.4.1(c)(i) requires new dwellings, minor dwellings, education facilities and accommodation facilities to be setback 30m from all boundaries. In accordance with Rule 18.4.1(c)(i)(e), a side or rear yard may be reduced to 10m without the need for resource consent if a separation distance of 60m is maintained between the new dwelling, minor dwelling, education facility, or accommodation facility and any existing or consented Rural Contractor's Depot. The same separation distance also applies between new and existing (or consented) dwellings, minor dwellings, education facilities, and accommodation facilities.

### **3.2. Plan Change 1 – Rural Contractors Depots**

The current permitted rules for Rural Contractors Depots were introduced through Plan Change 1, which was publicly notified in 2012 and made operative in 2013. This Plan Change sought to provide for Rural Contractors Depots as permitted activities in the Rural Zone, subject to activity performance standards. Prior to this change, Rural Contractors Depots were classified as discretionary activities in the Rural Zone meaning that all Rural Contractors Depots (regardless of scale, intensity, and environmental effects) required resource consent.

The s32 analysis for Plan Change 1 identified that the extent of adverse effects associated with Rural Contractors Depots would need to be acceptable if they were to be provided for as a permitted activity within the Rural Zone. It was identified that restrictions would need to be imposed to address noise, transportation safety, access and visual impacts.<sup>1</sup>

Proximity to neighbouring properties and potential disturbance associated with Rural Contractor's Depot activities, including the movement of traffic, was identified as a particular effect that needed to be addressed. It is clear from the s32 Report for Plan Change 1 that adverse amenity effects as a result of traffic movements associated with Rural Contractors Depots were intended to be addressed through the performance standard which requires a 60m separation between the Rural Contractor's Depot and any dwelling, minor dwelling, education facility, or accommodation facility (Rule 18.4.1(p)(v)).

In this regard, the s32 Report states that the separation distance "...*would ensure that the increased noise, noise from traffic, dust, and visual amenity will not adversely impact on neighbouring properties.*"<sup>2</sup> It is therefore clear that the separation distance required by Rule 18.4.1(p)(v) was intended to address amenity related effects associated with activities at Rural Contractors Depots, including potential adverse effects associated traffic movement.

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<sup>1</sup> Plan Change 1, s32 Report, page 8

<sup>2</sup> Plan Change 1, s32 Report, page 10

### 3.3. Resource Consent Applications

A review of resource consent applications received by Council for Rural Contractors Depots has been undertaken. This showed that since 1991 there have been 36 applications, with 32 decisions granted (the remaining four were withdrawn or otherwise closed prior to a decision). None of the applications received were declined. Within the last 10 years there have been two resource consent applications, one before Plan Change 1 was made operative (28 September 2013) and one after. Both of these applications were granted.

The first application was made in 2010 (following complaints from neighbours) for a Rural Contractor's Depot involving hay harvesting and baling. The key effects assessed in the Council's decision relate to:

- a. The track record of the applicant;
- b. Scope of the 'rural contractor's depot' activity (relating to the preparation of hay bales for sale off-site);
- c. Hours of operation;
- d. Noise, dust, and odour effects; and
- e. Traffic and roading effects.

Conditions of consent relate to the odour, dust, noise, and limitations on hours of operation, traffic movements, number of staff, and financial contributions. A review of the decision shows that noise effects associated with traffic on the driveway at the site was a key concern of submitters opposed to the application and this effect was mitigated through conditions limiting the scale and intensity of the contracting business (e.g. through maximum staff numbers and vehicle movements) and hours of operation.

The second resource consent application was made in 2013 (also following a complaint). This Rural Contractor's Depot includes two separate businesses, one being an orchard management/contracting business and the other being associated with the storage of equipment for a logging business. The main effects assessed in the Council's decision report are associated with:

- a. Traffic generation, access and parking;
- b. Visual and landscape effects; and
- c. Rural character and amenity (including as a result of non-compliance with the required separation distance between the Rural Contractor's Depot activities and nearby dwellings).

Resource consent conditions relate to noise, maximum staff numbers, days and hours of operation, provision of on-site car parking, and hazardous substance requirements. The conditions relating to the scale and intensity (staff numbers and hours of operation) of the activities on the site appear to address amenity related effects, rather than safety or road capacity issues.

In summary, there has been a very limited number (i.e. two) of resource consent applications received for Rural Contractors Depots in the last 10 years, and only one since Plan Change 1 was made operative. A review of these applications shows that amenity related effects associated with traffic

movement was a relevant consideration and the extent of such effects has been mitigated through conditions of consent such as hours of operation, staff numbers, vehicle movements, and driveway construction.

### 3.4. Complaints

Advice from Council’s Compliance Officers is that there have been a limited number of complaints (i.e. two or three) regarding Rural Contractors Depots in the last seven to eight years.

### 3.5. Analysis

It is clear from the s32 Report prepared with respect to Plan Change 1 that the separation distance Rule 18.4.1(p)(v) was intended to address amenity related effects associated with activities at Rural Contractors Depots, including potential adverse effects associated traffic movement.

It appears that any issues arising from the operation of Rural Contractors Depots are infrequent and there have also been a limited number of resource consent applications since Plan Change 1 introduced the permitted activity rule (and associated activity performance standards) for Rural Contractors Depots. This information suggests that the identified problem (as set out in section 3.1) may not be a significant issue for the District. Nevertheless, a plan change has merit if it would avoid confusion for Council staff and the community in terms of interpreting and implementing the District Plan.

### 3.6. Option 1 – Status Quo (with potential for internal guidance on how rules should be applied)

<b>Costs</b>	<ul style="list-style-type: none"> <li>▪ Potential that there may still be confusion about how the separation distance rule is to be applied with respect to Rural Contractors Depots.</li> <li>▪ There is a risk regarding loss of knowledge within Council (with regard to internal guidance) if staff change or leave.</li> <li>▪ This option does not assist people with understanding the District Plan.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>▪ Saves time and avoids financial costs associated with a plan change process.</li> </ul>
<b>Effectiveness/ Efficiency</b>	<ul style="list-style-type: none"> <li>▪ Not effective because the District Plan rule will continue to be unclear and may result in unintended outcomes.</li> <li>▪ Not efficient as may result in unnecessary time spent by staff and customers associated with interpretation of District Plan provisions, and would also involve time to prepare guidance material.</li> </ul>
<b>Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter</b>	<ul style="list-style-type: none"> <li>▪ N/A – Sufficient information is available.</li> </ul>







### 3.9. Preferred Option

The preferred option is Option 3:

- (a) Amend the Activity Performance Standard Rule 18.4.1(p)(v) to clarify that the separation distance required for rural contractors depots from existing dwellings, minor dwellings, education facilities and accommodation facilities applies to vehicle accessways/driveways, manoeuvring and parking areas associated with Rural Contractors Depots as follows:

The *Rural Contractors Depot* (including any associated vehicle accessways, driveways, vehicle parking and/or manoeuvring areas) shall not be located within 60 metres of any existing or consented *Dwelling, Minor Dwelling, Education Facility or Accommodation Facility* that is located on a title separate to that of the subject site and in different ownership to that of the *Rural Contractors Depot* operator.

- (b) Amend permitted activity Rule 18.4.1(c)(i)(e) to clarify that the separation distance required for new dwellings, minor dwellings, education facilities and accommodation facilities from existing or consented Rural Contractor's Depots applies to vehicle accessways/driveways, manoeuvring and parking areas associated with the Rural Contractor's Depot as follows:

#### (c) Yards

- (i) *Dwellings, minor dwellings, accommodation facilities*

Minimum 30m.

Provided that:

...

A *side* or *rear yard* may be reduced to not less than 10m in one or more of the following circumstances;

...

- (e) Where any new *dwelling, minor dwelling, accommodation facility* or *education facility* (including any additions or alterations to these) can meet all of the following permitted activity performance standards;
- Shall not be located any closer than 60m to any existing or consented *dwelling, minor dwelling, accommodation facility, education facility, rural contractors depot* (including vehicle accessways, driveways, vehicle parking and/or manoeuvring areas associated with a rural contractors depot), or approved building site assessed as part of a subdivision in accordance with Rule 12.4.1(b), that is located on a title separate to that of the subject site and in different ownership;...

### **3.10. Reasons**

Option 3 is the preferred option as it is considered to be the most effective and efficient method to address the confusion regarding application of Rule 18.4.1(p)(v), which was intended to require new rural contractors depots to have a separation distance of 60m from existing or consented dwellings, minor dwellings, education facilities or accommodation facilities. In this regard, the preferred option addresses the identified issue and makes it clear for District Plan users how the performance standard is to be interpreted. Option 3 is also preferred over Option 2 because it clarifies how rural yard Rule 18.4.1(c)(i)(e) is to be applied to dwellings, minor dwelling, accommodation facilities and education facilities with respect to their required setbacks from existing Rural Contractors Depots, and does not confuse how other land use definitions and associated yard/setback rules are to be applied.