

PLAN CHANGE 18

CROMWELL INDUSTRIAL ZONE EXTENSION

**Decision of Central Otago District Council following
Acceptance of Recommendation Report
of the Independent Hearing Commissioner**

25 October 2023

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**Central Otago District Council
Plan Change 18
Cromwell Industrial Zone Extension**

**Recommendation Report of the Independent Hearing
Commissioner**

Proposal Description:

Proposed Change 18 to the Central Otago District Plan:
Industrial Zone Extension

Requestor:

Central Otago District Council

Hearing Commissioner:

G Rae – Independent RMA Hearing Commissioner

Date of Hearing:

10 July 2023

Hearing Officially closed:

20 September 2023

1.0 INTRODUCTION**Report purpose**

- 1.1 This report sets out my recommendation on submissions lodged with respect to Proposed Plan Change 18 ("PC 18") to the operative Central Otago District Plan 2008 ("the Plan").
- 1.2 I was appointed by the Council to hear submissions made on the plan change and to make recommendations under delegated authority of the Central Otago District Council ('the Council') under Section 34A of the Resource Management Act 1991 ("RMA") as to whether PC18 should be declined, approved or approved with amendments.¹
- 1.3 The plan change was initiated by the Council. It seeks an extension of the Cromwell Industrial Zone by rezoning land from Rural to Industrial. The land is in two parcels on Bannockburn Road and an additional area fronting State Highway 6 ("SH6") between Cemetery Road and McNulty Road, also connecting with the existing industrial land on McNulty Road. The two parcels of land on Bannockburn Road are Council owned.
- 1.4 The plan change has been the subject of a section 32 report², consultation with stakeholders, public notification and the hearing process, culminating in my recommendations.

¹ Letter of appointment from the Council, dated 31 May 2023

² Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a plan change

The report outline

1.5 This report is organised into the following two parts:

(a) *Factual context for the plan change:*

This non-evaluative section is largely factual and contains an overview of the land subject to the plan change and the plan change provisions. This provides relevant context for considering the issues raised in submissions to the plan change. It also contains a summary account of the hearing process itself which involved evidence and legal submissions from the parties and, at my request, provision of a Joint Witness Statement ("JWS") from the two planners. Through this process some modifications were recommended to be made to the proposed plan change provisions. The statutory framework for consideration of the plan change request is also outlined.

(b) *Evaluation of key issues:*

The second part of my report contains an assessment of the main issues raised in submissions to PC18 and, where relevant, reference is made to the evidence/statements presented at the hearing. I conclude with a summary of my findings, having had regard to the necessary statutory considerations.

2.0 PLAN CHANGE CONTEXT

Site & local environment

2.1 PC18 proposes to rezone land in the Industrial Resource Area to Rural Resource Area, over two parcels of land, as follows:

(a) An extension to the industrial area of Cromwell over an additional 52 hectares of Council owned land described as Lots 3-4 DP 526140 and Section 2 SO 526035 as contained in OT 894762 between Bannockburn Road and Cemetery Road, north of the Department of Conservation ("DoC") managed Cromwell Chafer Beetle Nature Reserve, and east of the Highlands Motorsport Park and Speedway land; and

(b) Addition of approximately 11 hectares of land described as Lots 1 – 2 DP 390710 owned by Cerise Orchard) and two areas from Lot 3 DP 505292 (2.376ha and 1547m²) fronting onto SH6 between the intersections of Cemetery Road and McNulty Road, connecting with the existing industrial land on McNulty Road.

2.2 The proposed zoning changes are shown in **Figure 1**.

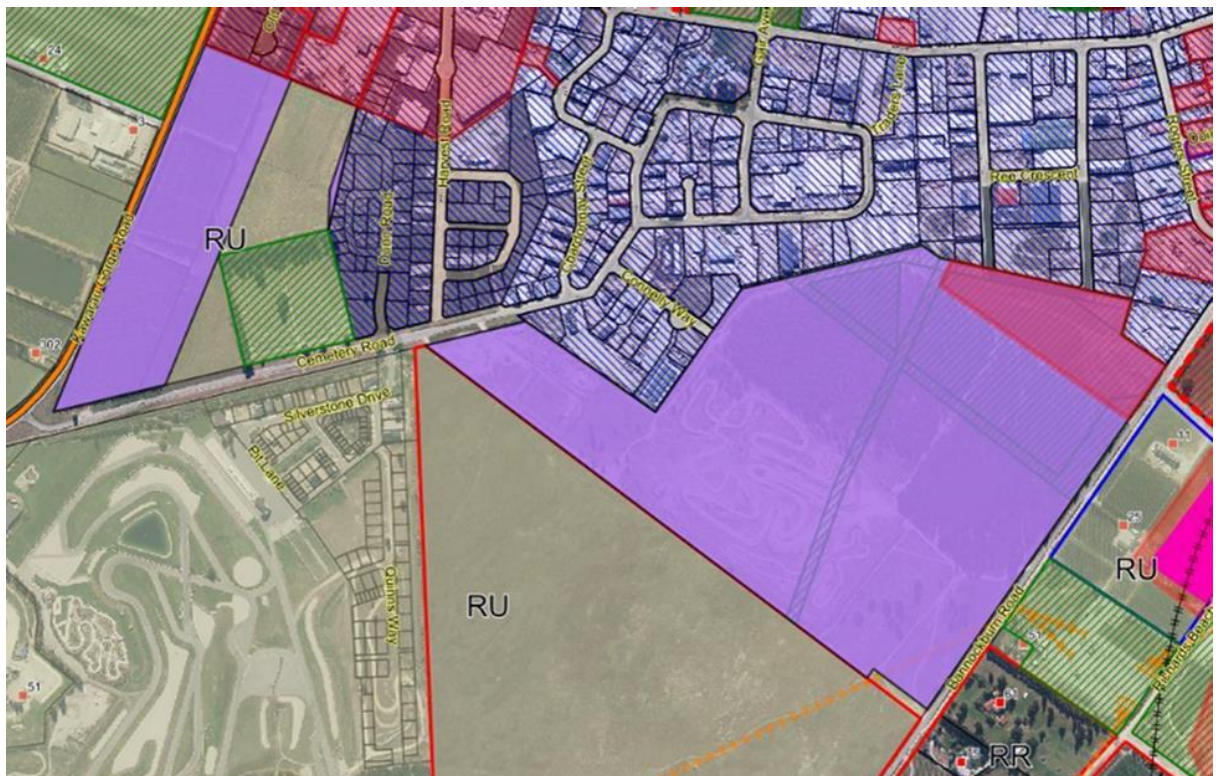


Figure 1: Plan Change 18 sites (as amended during the process). Land for rezoning shown in mauve colour.

Proposed Plan Change

- 2.3 The Council's Section 32 Evaluation Report that accompanied to PC18 request describes the purpose of the plan change as being to rezone additional Industrial land as a first step to giving effect to the outcome of the Cromwell Spatial Plan ("the Spatial Plan"), a master planning process for growth in the Cromwell Basin.
- 2.4 This relevant background is concisely summarised in the Section 32 report, as follows:

The Central Otago District Plan (the Plan) was publicly notified on 18 July 1998 and became operative in April 2008. Early 2018 the Central Otago District Council commenced a master planning programme for Cromwell in response to growth pressures in the Cromwell basin, to help manage and provide for projected growth in the Cromwell basin through to 2050 Eye to the Future Cromwell Masterplan (the Masterplan).

The Cromwell Spatial Plan (the Spatial Plan) was completed as part of the Masterplan. The focus of the Masterplan was to consider how and where to accommodate growth for the 30 years. The Spatial Plan was approved by Council in June 2019 to provide projections indicating that the population is likely to double by 2050.

The Spatial Plan process involved extensive community and key stakeholder engagement, workshops, commissioning of technical reports, development of plans and business cases over a period of 18 months. Plan Change 18 (PC18) is

the first plan change initiated to give effect to the outcome of the Spatial Plan by re-zoning of land identified in the Spatial Plan as future Industrial land.³

- 2.5 As no new objectives are proposed as part of PC18 the s32 evaluation report includes an evaluation of the purpose of the proposal as required by s32(1) to examine the extent to which the proposal is the most appropriate way to achieve the purpose of the Act.
- 2.6 The section 32 report states that four options were considered, these being Option 1 (Status Quo); Option 2 (Take no action); Option 3 (Use of alternative and non-regulatory methods); and Option 4 (Initiate the Plan Change).
- 2.7 The options were assessed in terms of efficiency and effectiveness; environmental benefits/costs; and economic and social/economic benefits/ costs, and PC 18 was determined to be the most appropriate alternative. The status quo and taking no action were not considered appropriate given the significant demand for industrial zoned land in Cromwell, noting also that Cromwell is strategically located on main transport routes between Christchurch and Queenstown/Wanaka and the wider Otago region. As the District Plan provides for land to be located within the particular resource area, and alternative and non-regulatory methods were not considered to be appropriate.
- 2.8 It was further noted that PC18 results from an extensive process and consideration of feedback received, constraints and options, and is overall the most appropriate alternative.
- 2.9 The plan documentation includes a discussion of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The s32 report summarises this by stating there is sufficient information, but that in any event the risk of not acting outweighs the risk of acting.
- 2.10 Overall, the s32 report finds the proposal will achieve the higher order objectives of the District Plan and the purposes and principles of the RMA.

Plan Change provisions as notified

- 2.11 The sites are currently zoned Rural Resource Area in the Plan (as shown on Planning Maps 15 and 44). The land is also subject to three designations as outlined in section 1.3.4 of the Section 32 Report that formed part of the plan change documentation. These are related to the Cromwell landfill (D100 - for refuse management, D101 – for amenity planting, and D102 – for road to be stopped).
- 2.12 The Industrial Resource Area's objectives, policies and rules are contained in Section 9 of the Plan. This zone broadly provides for industrial activities in a concentrated area, to manage effects on adjacent activities, and with some expansion contemplated as appropriate (refer Policy 9.2.1).
- 2.13 PC18 proposes no changes to the objective or policy framework of Chapter 9 of the District Plan.
- 2.14 Changes to the Plan, proposed by PC18 as notified, can be summarised as:

³ Section 32 Report, section 1.2, page 2

- a. Planning Maps - alterations to Planning Maps 15 and 44 to show the new Industrial Resource Area zoning of the sites; and
- b. Rules – a new Rule 9.3.6 (ix) that requires access to the rezoned land to be from existing and/or future legal roads in accordance with Rule 12.7.1 provided there is no direct legal access to Bannockburn Road and State Highway 6. It also requires any new intersection with Bannockburn Road to be constructed to a standard suitable for light vehicles only.

Amendments to the Plan Change following notification

- 2.15 The s42A Report recommended that some consequential changes to PC18 are required. During the review of submissions it became apparent that the performance standard for access had been incorrectly numbered, and a corresponding non-complying activity provision was missing from Chapter 9 along with some consequential changes necessary to support the new rule. I consider that those changes are accepted as consequential changes that can be made to PC18 under Clause 16(2) to the First Schedule of the RMA.
- 2.16 The s42A Report also recommended an amendment to the light spill standard in Rule 12.7.6 (i) relating specifically to any neighbouring property that is adjacent to the Cromwell Chafer Beetle Reserve.
- 2.17 The s42A Report was amended on 4 July 2023, ahead of the hearing, to advise that one of the options put forward in the s42A report (i.e. to provide for a road alongside the boundary of the Chafer Beetle Reserve) was no longer considered practical or appropriate. This was in recognition that a Transmission Pylon near the southwestern boundary of the reserve is closer to the boundary than had been first thought.
- 2.18 Further changes have been recommended to be made to PC18 arising from a planners Joint Witness Statement, prepared in response to the concerns at the effects of the plan change on the Chafer Beetle Reserve. These are described in a later section of this Recommendation Report entitled 'Hearing Adjournment and JWS'.

Notification and submissions

- 2.19 The plan change was publicly notified on 14 October 2021, with submissions closing on 9 December 2021. Further submissions closed on 17 March 2022. The s42A Report states that nine original submissions and four further submissions were lodged, and it also states that of the original submissions three were in support of the plan change and six were seeking some form of relief.⁴ There were no submissions expressing outright opposition to the plan change.
- 2.20 The matters raised in submissions were summarised in tables within the s42A report, and are further summarised here as follows:

In support:

- a. More industrial zoned land at Cromwell is essential to support horticultural, viticultural, and other rural activities in this hub in the Upper Clutha Basin; (*Cerise Orchard Limited, SH6 at Cromwell*)

⁴ S42A Report, paras 16 & 38

- b. Rezoning will meet current and future demand for industrial land, and the location close to the motorsport park is more appropriate than other options (*Highlands Motorsport Park, supported by Cerise Orchard Ltd*); and
- c. The increased amount of industrial land will better support horticultural activities and the loss of the cherry growing land will not be significant (*45 South Management Ltd*).

Requesting relief:

- a. The National Planning Standards require that there be 2 – 3 industrial zones, and a structure plan should be put in place (*Werner Murray, opposed by Cerise Orchard*);
 - b. Performance standards or advice notes required for future works to protect existing infrastructure or affect compliance with NZ Electrical Code of Practice (*Aurora Energy Limited*);
 - c. Potential effects on the National Grid transmission lines through the site – a neutral submission on the proviso there are no such effects (*Transpower NZ Ltd*);
 - d. Potential effects on the adjacent Cromwell Chafer Beetle Reserve, to be mitigated by either a 25m strip removed from the zone adjacent to the beetle reserve and made open space, or a no building restriction put in place on the same strip of land (*Department of Conservation, opposed by Werner Murray*); and
 - e. Potential effects on the transport network in particular the State Highway intersections, but supportive in principle (*Waka Kotahi, opposed by Cerise Orchard Ltd*).
- 2.21 These issues (and the evidence and submissions relating to them) are discussed in greater detail under the evaluation of key issues in Section 4 of this Recommendation Report.

The Hearing Process

- 2.22 The hearing was held on 10 July 2023 at the Council Chambers in Alexandra.
- 2.23 Attendances are set out below:
- a. *Department of Conservation* – Ms Pene Williams (counsel), Ms Elizabeth Williams (planner), Mr Warren Chinn (ecologist);
 - b. *Cerise Orchard Limited*⁵ – Mr Alistair Logan (counsel); Mr Mark Simpson (real estate broker), Mr Andy Carr (transportation expert);
 - c. *Central Otago District Council* – Ms Ann Rodgers, s42A Reporting Officer.
- 2.24 Tabled letters were received from:
- a. *Highlands Motorsport Park* – to advise that the submitter supported the s42A Report's conclusions and as a result it did not wish to attend the hearing;

⁵ Messrs Simpson and Carr attended by Teams call.

- b. *Aurora Energy Limited* – to advise that after reviewing the s42A Report it appreciated Council was addressing its concerns, and was happy to not attend the hearing;
- c. *Waka Kotahi NZ Transport Agency* - to advise that it was satisfied with the transportation assessment completed to support the plan change to show that the transportation impacts of the rezoning will have minimal impact on the safety and efficiency of the network, and that it no longer needed to appear at the hearing;
- d. *Transpower NZ Ltd* – to advise that through the s42A Report it had become aware of a possible internal roading layout that may affect access to the existing tower, but that it had been in a number of discussions with Council staff and as a result it no longer wished to be heard at the hearing.

Hearing adjournment and JWS

- 2.27 Following the hearing I issued **Minute 1** (13.07.2023) – to formally advise the hearing was adjourned, and to direct that planning expert witness conferencing be undertaken on options to protect the adjacent Chafer Beetle Reserve from the effects of industrial development on the PC18 land, and to provide a preferred option also having regard to the reasonable use of the land proposed to be rezoned.
- 2.25 Subsequently a Joint Witness Statement (“JWS”) of the planning experts (Ms Rodgers and Ms Williams) was received on 28 July 2023.
- 2.26 The JWS recorded agreement between the planners on the following measures:
 - a. the removal of a 20 metre wide strip from the proposed Industrial Resource Area along 120 metres of the western boundary adjoining the Chafer Beetle Nature Reserve from Bannockburn Road to north of the Transmission Pylon, this strip to be retained as Rural zoning;
 - b. an indicative roading structure plan that provides for a road reserve along the eastern boundary of the Chafer Beetle Nature Reserve from north of the Transmission Pylon to Cemetery Road to reduce the likelihood of future edge effects on the reserve and to assist with realising the development capacity of the proposed industrial zoning (whilst also providing linkages to the existing industrial zone roading network and Bannockburn Road);
 - c. new provisions to support the indicative roading structure plan including a new Schedule 19.26 to the Plan and a rule requiring subdivision to be designed to include the roading structure plan with a width of at least 20 metres;
 - d. amendments to Rule 9.3.6, to include requirements for a:
 - (i) 5 metre wide landscaping strip of indigenous species in the road reserve adjacent to the reserve;
 - (ii) 5 metre building set back from the front yard to incorporate the consideration of shading effects on the reserve as a restricted discretionary matter (effectively creating a 25 metre buffer from the reserve); and
 - (iii) street lighting plan prior to subdivision with limits on lamp colour and illumination levels (in addition to lux spill requirements for other lighting as specified in the s42A report).

- 2.27 **Minute 2** was then issued to the parties on 31 July 2023 to invite comment on the JWS. One response was received from Mr Werner Murray who expressed concern at the 25 metre setback requested by the Department of Conservation. He noted that the shading effects from trees planted on the boundary of the reserve, under the current Rural zoning, would be greater than any shading from buildings arising from the proposed Industrial zoning, and therefore considered the setbacks and other agreed measures in the JWS would detract from the potential of the land to be developed.
- 2.28 Mr Murray's response was sent to the parties via **Minute 3**, issued on 11 August 2023. The minute also requested the reporting officer provide a Reply Report to respond to matters raised at the hearing, including the outcome of the JWS and to respond to the matters raised by Mr Werner.
- 2.29 The Reply Report addressed the matters outlined above and it also confirmed the relevant statutory tests for consideration of a plan change and contained a s32AA evaluation of changes proposed following notification of the plan change.
- 2.30 **Minute 4** was issued on 20 September 2023 which attached the Reply Report and advised the hearing was formally closed.

3.0 STATUTORY FRAMEWORK

- 3.1 The relevant statutory framework for assessing this proposed Plan Change are set out in the s32A Evaluation Report (at section 2), and in the s42A Report (at section 6).
- 3.2 In summary, this requires an evaluation of whether:
- a. it is in accordance with Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
 - e. The provisions of the plan change are the most appropriate way to achieve the objectives of the District Plan(s32(1)(b)).
- 3.3 In addition, assessment of the plan change must have regard to;
- a. Any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. The extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c));
 - c. for any proposed rules, the actual and potential effect on the environment of activities including, in particular, any adverse effect (s76(3)); and
 - d. must take into account any relevant iwi management plan (s74(2A)).

- 3.4 This report addresses these matters and commences with an evaluation of the key issues raised in submissions and evidence.

4.0 EVALUATION OF KEY ISSUES

- 4.1 I have evaluated the evidence and submissions with respect to the following key issues, in the same order as they are addressed in the s42A Report:

- **Issue 1:** Zone Provisions
- **Issue 2:** Transportation
- **Issue 3:** Chafer Beetle Reserve
- **Issue 4:** Electricity Supply/Transmission

Issue 1: Zone Provisions

Issue identification & evidence

- 4.2 Mr Werner Murray did not appear at the hearing however I understand his submission to be that PC18 is not in accord with the National Planning Standards (NPS) in that it creates a new area of (general) industrial zoning, whereas the NPS requires the creation of light, medium, and heavy industrial zoning.
- 4.3 Ms Rodgers' evidence, in the s42A Report, was that whilst the NPS does provide for those three zonings there is no requirement to include all three zones in any District. Further, her evidence was that the NPS also provides for a General Industrial Zone, and that the proposal accords with the descriptor in the NPS for a General industrial Zone.

My Findings

- 4.4 In the absence of any evidence to the contrary, I accept Ms Rodgers expert planning evidence that PC18 is not in conflict with the NPS. I note further that the plan change is for an extension of an existing industrial zone, and is not seeking to create a new type of industrial zone, where the NPS categories may have needed to have been considered further.

Issue 2: Transportation

Issue identification & evidence

- 4.5 Waka Kotahi's submission was concerned with the potential impact of the expansion to the industrial zoned land on the State Highway 6 intersections, at McNulty Road and at Cemetery Road. Its submission requested that further information and evidence is provided to confirm that the plan change will enable the safe and efficient operation of the transport network and provide for strategic and co-ordinated development.
- 4.6 The s42A Report has addressed this aspect extensively, and the key points I have taken from that are that:

- a. The Council had engaged Abley, a transportation engineering consultancy firm, to provide transportation advice in relation to PC18 (and a statement of evidence was attached to the s42A Report from Mr Chris Blackmore from Abley);
 - b. Abley had concluded that, following a microsimulation model (as part of the work towards the Cromwell Masterplan Spatial Framework) there will be pressures on the arterial roads arising from growth in this area, and upgrades will be required at the intersections identified above;
 - c. There had been some engagement with Waka Kotahi to attempt to determine the nature and extent of the required upgrades, however PC18 was notified in the interim acknowledging that further engagement with Waka Kotahi would be required;
 - d. In subsequent meetings it was agreed that a further assessment would be undertaken by Abley. Mr Blackmore's further modelling showed that the proposed rezoning will result in an increase in traffic generated but that growth related upgrades are required for the SH6 intersections in the next 10 years to respond to existing and planned growth in Cromwell, irrespective of the PC18 rezoning;
 - e. Mr Blackmore advised that the traffic from PC18 can comfortably be accommodated on the transport network following the implementation of suitable upgrades in response to Business-As-Usual growth; and
 - f. He further considers that an Integrated Transportation Assessment report should be provided at the resource consent stage, guided by Waka Kotahi, to fully assess the effects of future traffic generated on the PC18 site at the time of subdivision.
- 4.7 Cerise Orchard Limited lodged a further submission in opposition to Waka Kotahi, supported by a statement of expert transportation evidence from Mr Andy Carr. Cerise Orchard's view was in essence that the traffic effects arising from PC18 can be accommodated on the network, and that any upgrades required can and should be addressed as the roading agencies response to normal and expected growth in this township.
- 4.8 Ms Rogers agreed with the evidence of Mr Blackmore, and from Cerise Orchard, regarding the overall approach, and considered that it would be appropriate for an assessment of any traffic effects on the network to be made at the time of subdivision against the relevant standards and assessment matters.
- 4.9 As noted earlier in my report, Waka Kotahi had subsequently provided written confirmation to advise that it was satisfied with the transportation assessment completed by Abley and was satisfied that the transportation impacts of the rezoning will have minimal impact on the safety and efficiency of the network.

My Findings

- 4.10 From the above it is clear this issue has been resolved to the satisfaction of the respective parties.

- 4.11 I am satisfied that this issue has been thoroughly examined by the parties, including in the expert transportation evidence of both Mr Blackmore and Mr Carr, and the expert planning evidence of Ms Rodgers, and this has been accepted as appropriate by the national roading agency.
- 4.12 For completeness I note the inclusion of specific provisions in PC18, as outlined earlier in my report, regarding vehicle access to the PC18 land.

Issue 3: Chafer Beetle Reserve

Issue identification & evidence

- 4.13 The Department of Conservation's (DoC) submission raised concerns that PC18 will have adverse effects on the adjacent 81 hectare Chafer Beetle Nature Reserve, which is an extremely rare inland dune system providing the only habitat in the world for this nationally critically threatened beetle.
- 4.14 The evidence presented by Mr Warren Chinn, DoC's Technical Advisor (Ecology), demonstrated that the Chafer Beetle is particularly sensitive to the effects that may arise from adjacent development. The key factors can be summarised as being potential changes to micro-climate caused by shading from buildings; cumulative effects from artificial lighting affecting the beetle which is active at night; changes in hydrology due to surface water runoff from paved areas; and effects from encroachment of weeds and pests from adjacent land.
- 4.15 Ms Elizabeth Williams, in planning evidence, contrasted the potential effects arising from the proposed industrial zoning with those from the current rural zoning, concluding that the effects will likely be exacerbated under PC18. It was the position of DoC, supported in legal submissions by Ms Pene Williams, that the protection of areas of significant habitats of indigenous fauna (such as the Cromwell Chafer Beetle Reserve) is a matter of national importance under section 6(c) of the RMA, and that PC18 had not addressed the potential effects on this habitat at all.
- 4.16 DoC's submission was not outrightly opposed to PC18, but sought a 25 metre wide strip of land at the boundary with the reserve be removed from the proposed industrial zone extension to avoid cross boundary effects. In the alternative, it requested a no-building restriction to limit development close to the reserve.
- 4.17 The s42A Report, in response to DoC's submission, had provided some suggested amendments to the light spill provisions and also suggested a roading network provided as part of a future structure plan could provide a 20 metre buffer alongside the boundary with the reserve.
- 4.18 As outlined earlier, I requested that a Joint Witness Statement be prepared by the two planners, as I considered the Cromwell Chafer Beetle Nature Reserve is of sufficient importance to warrant additional protection.
- 4.19 The measures agreed by Ms Rodgers and Ms Williams are recorded in paragraph 2.26 of my report. In brief summary these include the removal of a 20 metre x 120 metre wide strip from the proposed Industrial Resource Area along the boundary adjoining the reserve; an indicative roading structure plan that provides for a road reserve along the boundary; requirements for 5 metre wide landscaping strip in the road reserve adjacent to the reserve; and a 5 metre building set back from the front yard; and for a street lighting plan prior to subdivision.

- 4.20 As outlined earlier, Mr Werner Murray responded to the JWS and noted that the shading effects from trees planted on the boundary of the reserve, under the current Rural zoning, would be greater than any shading from buildings arising from the proposed Industrial zoning. He therefore considered the setbacks and other agreed measures in the JWS would detract from the potential of the land to be developed.
- 4.21 Ms Rodgers, in the Reply Report, said that the planting of trees along the boundary would provide a softer edge and would not likely have as much effect as the subdivision and development of industrial activities on the land without the setbacks agreed in the JWS. Her evidence was:

Based on the evidence submitted by DoC I am persuaded that the density of development likely to occur in an industrial zone with no minimum allotment size, and a 5.0m setback requirement has the potential to result in a built form and 'hard boundary' that could significantly affect the Chafer Beetle habitat.⁶

My Findings

- 4.22 I consider that the measures agreed between the planners as stated in the JWS are the appropriate response to the valid concerns expressed by DoC in its submission.
- 4.23 Consistent with the directions of my Minute 1, these measures will properly protect the adjacent Chafer Beetle Reserve from the effects of industrial development on the PC18 land.
- 4.24 The agreed solution will also have due regard to the reasonable use of the land proposed to be rezoned, noting in particular the removal of some 2,400 square metres from the expanded industrial zone is significantly less than the 2.5 hectares that would be removed as originally requested in DoC's submission.
- 4.25 The planners are to be commended in achieving a suitable agreed solution.
- 4.26 I have recommended some minor wording changes to the provisions in the JWS to improve the legibility and clarity of those provisions (refer Appendix 1).

Issue 4: Electricity Supply/Transmission

Issue identification

- 4.27 The submissions of both Transpower NZ Ltd and Aurora Energy Ltd were neutral as regards the proposed rezoning. However the submissions were made on the proviso there are no changes that could impact their land or the existing transmission lines, towers, pylons and supporting infrastructure that run through the site. Aurora requested the inclusion of performance standards or advice notes to provide protection of the network.
- 4.28 The s42A Report noted that PC18 does not propose any changes to the District Wide provisions of chapters 12 and 13 of the District Plan which specifically provide for electricity transmission networks and which also include restrictions on buildings in proximity to transmission lines. Chapter 16 also includes relevant restrictions on subdivision of land close to high voltage lines. Ms Rodgers' evidence was that the

⁶ Reply Report, paragraph 37

existing assets will be adequately protected and provided for within the existing framework of the District Plan.

- 4.29 As noted earlier in my report, both these submitters tabled letters to confirm they were satisfied that their concerns were addressed in the s42A Report, and they did not attend the hearing.
- 4.30 Transpower's letter did refer to the option suggested in the s42A Report for a Structure Plan including a road running along the boundary with the Chafer Beetle Reserve and noted that this might cause difficulties with the transmission tower being located near to that boundary. The Reply Report explains that this had been discussed further with Transpower, and as a result that submitter was satisfied with the solution provided in the JWS whereby a section of the proposed industrial zone extension along the boundary with the Chafer Beetle Reserve is removed and retained in rural zoning which will not affect access to the tower.⁷

My Findings

- 4.31 I am satisfied that, from the evidence of Ms Rodgers, PC18 as amended by the provisions in the JWS will have no adverse effect on the ongoing operation, including access to, the transmission lines and associated infrastructure on and adjacent to this land.

5.0 STATUTORY CONSIDERATIONS

- 5.1 The relevant statutory considerations are outlined in Section 3 of this Recommendation Report.
- 5.2 I received expert planning evidence from Ms Rodgers to the effect that PC18, as amended in terms of recommendations contained in the JWS, meets all of those relevant considerations. I heard no contrary expert evidence. It is however noted that Ms Elizabeth Williams had in her evidence in chief expressed concerns that PC18 as notified gave no consideration to the Cromwell Chafer Beetle Nature Reserve, as a relevant section 6 matter. However, Ms Williams subsequently participated in the expert witness conferencing and was a signatory to the JWS which recommends provisions that I am satisfied will now recognise and provide for the protection and ongoing operation of the Cromwell Chafer Beetle Nature Reserve as a matter of national significance.
- 5.3 For those reasons I adopt the assessment of the relevant statutory matters provided by Ms Rodgers in the Reply Report.⁸
- 5.4 As a further comment it is also pertinent to place this plan change proposal in context. PC18 is essentially an expansion of an existing industrial zone, to provide for an identified demand for industrial land, and no changes are to be made to the policy framework of the District Plan. The only changes as notified are to rules regarding vehicle access to the PC18 land, and through the expert witness conferencing the recommendation is to now to slightly reduce the extent of the extended industrial zone and to build in some further safeguards for the Chafer Beetle Reserve.

⁷ Reply Report, paragraph 20.

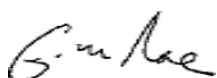
⁸ Reply Report, paragraphs 43 – 67.

- 5.5 PC18 received substantial support from submitters, noting that it is a first step to giving effect to the Cromwell Spatial Plan. There were no submissions in outright opposition, and I am satisfied that those areas of concern, where relief was sought by submitters, have since been appropriately addressed and resolved as part of this process.
- 5.6 Overall, I am satisfied that the provisions of the plan change, as recommended to be amended, are the most appropriate way to achieve the objectives of the District Plan, are in accordance with Part 2 of the RMA, and meet all other relevant statutory tests.
- 5.7 I also adopt the s32AA evaluation provided by Ms Rodgers in the Reply Report, in support of the amendments recommended to be made to the PC18 provisions subsequent to notification.

6.0 OVERALL RECOMMENDATION

- 8.1 Having considered all the material before me, including the section 42A report from the Council and its transportation advisor, submissions, further submissions, tabled evidence and evidence presented at the hearing, the Joint Witness Statement, the Section 32AA assessment, and all other relevant statutory matters, my recommendation is that:
- (a) the Plan Change **be accepted** in the form that is presented in Appendix 1;
 - (b) that the submissions on the Plan Change be accepted, accepted in part, or rejected as set out in the table in Appendix 2; and
 - (c) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council gives notice of its decision on submissions to Plan Change 18.

DATED this 6th day of October 2023



GM Rae, Independent Hearing Commissioner

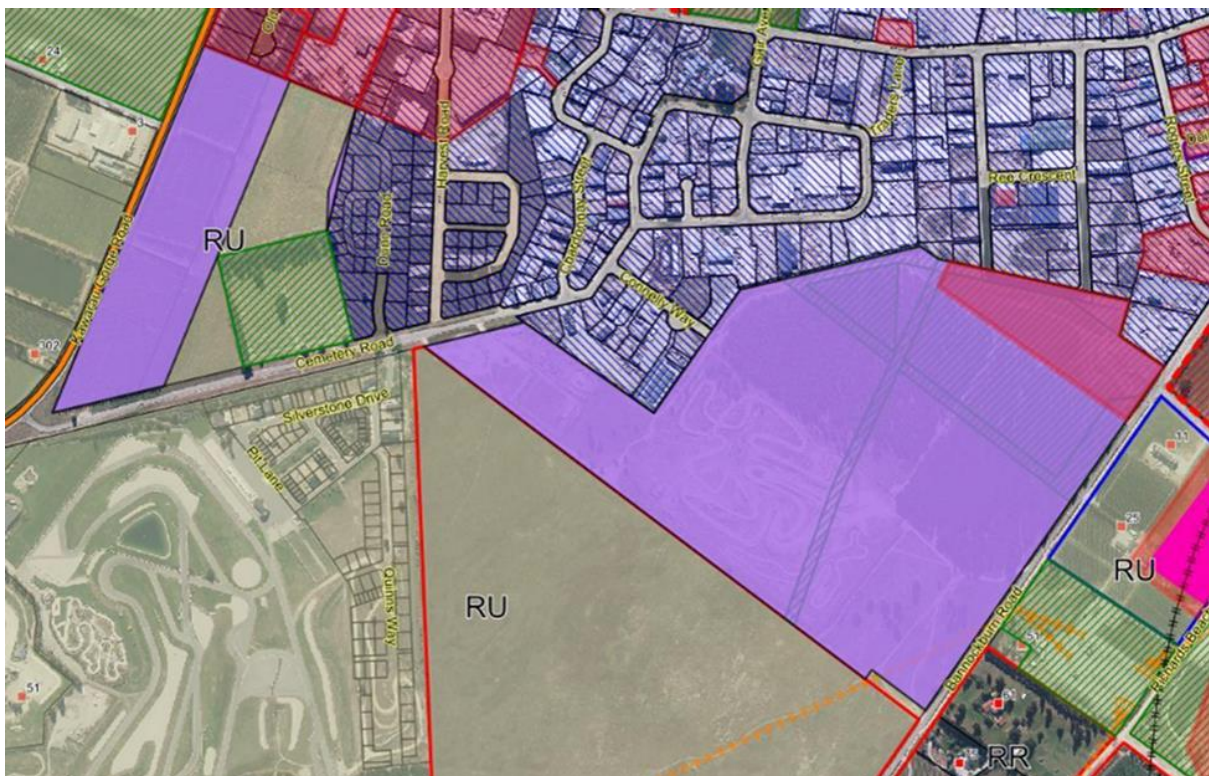
APPENDIX 1: Recommended Amendments

Note to readers:

Amendments recommended to be made to the District Plan are to the relevant Planning Map; a new Schedule 19.26 Indicative Roading Structure Plan – Cromwell Industrial Extension; and to Section 9.0 Industrial Resource Area.

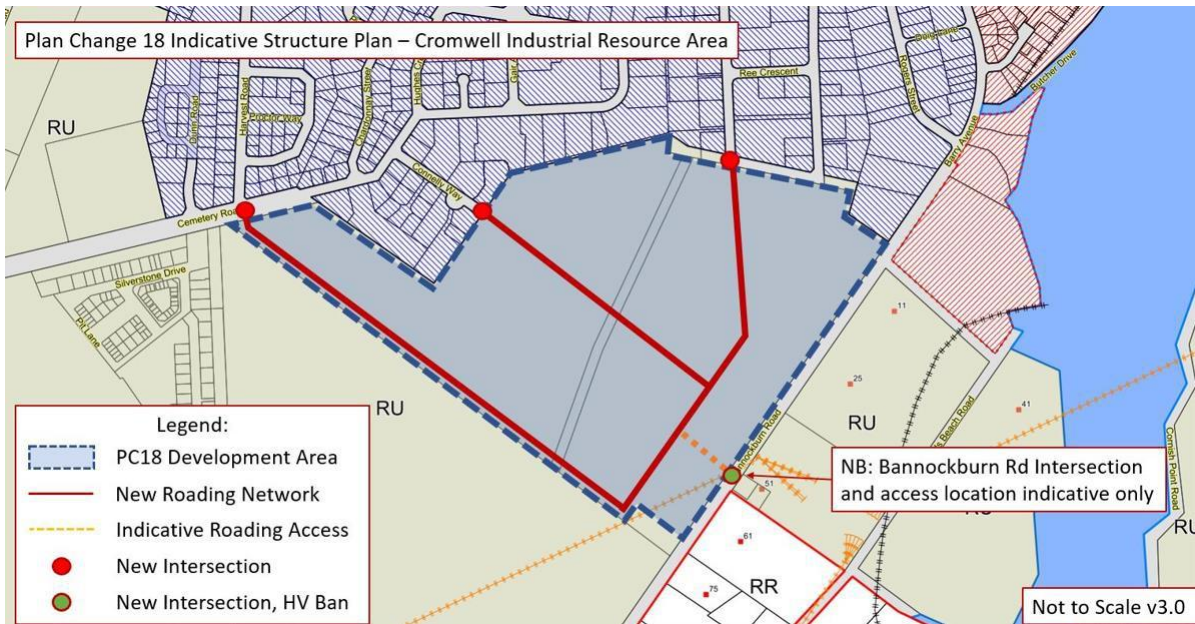
The entire Section 9.0 of the District Plan is included below, for context. Amendments recommended by the Section 42A Report author, including in the Joint Planning Witness Statement, that have been recommended for adoption are shown in **red** font strike out and underlining. Further or different amendments recommended by the Hearing Commissioner are shown in **blue** font strike out and underlining.

Amended Industrial Zone Mapping (changes to be made to Council's GIS Planning Maps)



New Schedule 19.26

SCHEDULE 19.26 : INDICATIVE ROADING STRUCTURE PLAN – CROMWELL INDUSTRIAL EXTENSION (See Rule 9.3.6 (ix))



Amendments to Section 9

SECTION 9: INDUSTRIAL RESOURCE AREA

Note: Refer to Section 6 for Issues, Methods of Implementation, and Environmental Results Anticipated.

9.1 OBJECTIVES

The objectives contained in this section are specific to the Industrial Resource Area. The objectives contained in the following sections, particularly Section 6, are also relevant to the subdivision, use, development and protection of land in the Industrial Resource Area:

- Section 3.3 (Manawhenua)
- Section 6.3 (Urban Areas)
- Section 12.3 (District Wide Issues)
- Section 13.3 (Infrastructure, Energy and Utilities)
- Section 15.3 (Financial Contributions)
- Section 16.3 (Subdivision)
- Section 17.3 (Hazards)

9.1.1 Objective - Protection of Amenity Values

To manage industrial activities to ensure that:

- (a) Adverse effects on other land uses are avoided, remedied or mitigated, and
- (b) Amenity values of neighbouring resource areas are maintained.

Cross Reference
Issues 6.2.1, 6.2.8
Policies 9.2.2,
9.2.3, 9.2.4

9.1.2 Objective - Management of the Effects of Industrial Activities

To manage industrial activities within the Industrial Resource Area to ensure that:

- (a) A reasonable working environment for other industrial activities is maintained, and
- (b) The sustainable management of network utility services including roading is promoted, while
- (c) Enabling the operation of a wide range of activities.

Cross Reference
Issues 6.2.1, 6.2.8
Policies 9.2.1 to
9.2.5

9.2 POLICIES

The policies contained in this section are specific to the Industrial Resource Area. The policies contained in the following sections are also relevant to the subdivision, use, development and protection of land in the Industrial Resource Area:

- Section 3.4 (Manawhenua)
- Section 6.4 (Urban Areas)
- Section 12.4 (District Wide Issues)
- Section 13.4 (Infrastructure, Energy and Utilities)
- Section 15.4 (Financial Contributions)
- Section 16.4 (Subdivision)
- Section 17.4 (Hazards)

9.2.1 Policy - Provision for Industrial Activities

To provide for the location of industrial activities to avoid, remedy or mitigate adverse effects on other land use activities.

Cross Reference
Objectives 9.1.1,
9.1.2
Rules 9.3.1, [9.3.56](#)

Explanation

Those areas that were zoned industrial under earlier planning instruments generally have a lower standard of amenity than other areas of the District due to the effects that industrial activities generate. Given that these areas already exist, it is appropriate to continue to provide for a concentration of industrial activities within these areas and to provide for future growth and expansion.

9.2.2 Policy - Maintenance of Visual Amenity Values

To avoid, remedy or mitigate the adverse visual appearance that some industrial areas and activities can have by:

- (a) **Ensuring appropriate separation and screening from adjacent resource areas.**
- (b) **Ensuring that the bulk and location of buildings does not dominate adjacent resource areas.**
- (c) **Reducing the visual intrusion of signs.**

Cross Reference
Objectives 9.1.1,
9.1.2
Rule [9.3.56](#)

Explanation

While these areas have been specifically identified as Industrial Resource Areas on the basis of their existing amenity values, activities operating within these areas must be managed to ensure that they do not have an adverse visual impact on activities located in neighbouring resource areas.

9.2.3 Policy - Adverse Effects

To ensure industrial activities are managed so that:

- (a) **Waste products are disposed of adequately, and**
- (b) **The effects of noise, odour, dust, lightspill and electrical interference on neighbouring areas are avoided, remedied or mitigated, and**
- (c) **The community's safety and wellbeing is safeguarded from the effects of noxious or objectionable processes.**

Cross Reference
Objectives 9.1.1,
9.1.2
Rule 9.3.4

Explanation

Explanation

The processes involved in industrial activity often generate waste, noise, odour and the like, or contain noxious elements. Such effects must be controlled regardless of their location.

9.2.4 Policy - Maintenance of Industrial Resource Area

To ensure that activities which locate within the Industrial Resource Area that may be sensitive to lower standards of environmental quality recognise the prevailing environmental characteristics of the Industrial Resource Area.

Cross Reference
Objective 9.1.2
Rule 9.3.56 (ii)
and (iii)(b)

Explanation

The effects based regime under the Resource Management Act has the potential to create a situation where a relatively sensitive activity such as, for example, a residential activity, can locate in an area of low environmental standard such as an industrial area because it meets the minimum performance standards of the area. The sensitive activity can be adversely affected by other activities in the area even though they comply with the relevant standards. This has the potential to create conflict. Consequently it is appropriate that non-industrial activities locating within the Industrial Resource Area ensure that they are designed to incorporate measures that will mitigate any effects that may otherwise adversely affect them.

9.2.5 Policy – Infrastructure

To ensure that industrial activities avoid, remedy or mitigate adverse effects on infrastructure by:

- (a) Providing appropriate access and facilities for the loading and manoeuvring of vehicles.**
- (b) Maintaining and enhancing the safe and efficient operation of the roading network.**
- (c) Contributing a fair and reasonable proportion to any upgrading or development of infrastructure that may be required as a result of the activity.**

Cross Reference
Objective 9.1.2
Rule 9.3.2

Explanation

Industrial activities often need a high level of services such as water and energy. Development of such activities must ensure that services can be sustainably managed. Industrial activities can also generate high numbers of trade vehicles to their site. This can have implications for the safe and efficient operation of the roading network.

9.3 RULES

Note: In considering a resource consent application under rules in this Plan, in the absence of specific policy in this Plan the Council may have regard to other policies related to assessment matters, including relevant policies in the Regional Policy Statement for Otago, and regional plans.

See also Sections 3 and 14 – Manawhenua and Heritage Buildings, Places, Sites, Objects and Trees.

9.3.1 PERMITTED ACTIVITIES

(i) Compliance with Standards

Any activity that is not listed as either a controlled, discretionary (restricted) or discretionary activity and that complies with the rules and standards set out in Sections 12 to 15 of the Plan, and the standards set out in Section [9.3.56](#) is a permitted activity.

*Cross Reference
Policies 9.2.1,
9.2.2, 9.2.3*

Reason

The Industrial Resource Areas are areas within which environmental standards are set at a lower level than in other resource areas. The standards set out in Section [9.3.56](#), will ensure that existing amenity values are maintained and adjoining resource areas are not adversely affected. These standards relate to the following matters:

1. Retail activity
2. Bulk and location of buildings
3. Noise
4. Screening
5. Signs
6. Off road loading
7. Carparking
8. Lightspill

Note: Sections 12 to 15 contain a number of general rules that apply across the district. Section 12 addresses access, parking, noise, signs and lightspill. Section 13 addresses the development of infrastructure, energy production facilities and utilities while Section 14 addresses general heritage issues. Section 15 deals with matters relating to financial contributions. Section 16 that relates to subdivision and Section 17 that relates to hazards contain general provisions to complement Resource Area rules. Section 18 contains the definitions of terms used throughout this plan.

(ii) Scheduled Activities and Existing Community Facilities

Any scheduled activity identified in Clause 19.3.1 of Schedule 19.3 and identified as a scheduled activity on the planning maps and any other community facility lawfully established prior to notification of this plan is a permitted activity.

Reason

See reference at Section 1.2.9 of this Plan (page 1:12)

9.3.2 CONTROLLED ACTIVITIES

*Cross Reference
Policies 9.2.1,
9.2.5*

(i) **Subdivision**

Subdivision in the Industrial Resource Area shall be a controlled activity.

Council shall exercise its control in respect of the following matters:

1. The location, design and construction of access and its adequacy for the intended use of the subdivision.
2. Earthworks necessary to prepare the site for development, occupation and/or use.
3. Subdivisional design including the shape and arrangement of allotments to:
4. Facilitate convenient, safe and efficient access.
5. Mitigate adverse effects on adjoining resource areas, and areas of public open space.
6. With respect to unreticulated areas, the size of the allotment and its ability to effectively dispose of effluent within the site.
Note: this may involve consents from the Otago Regional Council.
7. The provision of or contribution to the open space and recreational needs of the community.
8. The provision of adequate network utility services (including roading) and in particular, the location, design and construction of these services.
9. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.
10. Any amalgamations and easements that are appropriate.
11. Any other matter identified in section 220 of the Act.

Note: see Section 16.7 General Standards (pg 16:14) for the standards that are likely to be imposed as conditions of consent.

Any application made under this rule will generally not be notified or require the written approval of affected persons except that where a State highway is affected the written comment of Transit New Zealand will be required.

Reason

The adverse effects of subdivision can generally be overcome by appropriate conditions and standards. Provided these are met, consent cannot be refused under controlled activity status.

Scheduled Activities and Existing Community Facilities

Any extension, upgrade or expansion that changes the character or increases the intensity or scale of the effects of a use that has status as a scheduled activity identified in Clause 19.3.1 of Schedule 19.3 and identified as a scheduled activity on the planning maps or any other community facility lawfully established prior to the notification of this plan is a controlled activity.

Council shall restrict the exercise of its control to the following matters:

1. The provision of access, parking, loading and manoeuvring areas.
2. The size, design and location of any signs.

3. Methods to avoid, remedy or mitigate effects on existing activities including the provisions of screening, landscaping and noise control.
4. Impact on landscape values.

9.3.2(ii) (cont'd)

Any application made under this rule will generally not be notified where the written consent of affected parties is received.

9.3.3 DISCRETIONARY (RESTRICTED) ACTIVITIES

Cross Reference
Policies 9.2.2, 9.2.5

Any activity that fails to comply with the standards set out in Rule [9.3.56](#) shall be a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

1. The effect on the safe and efficient operation of the roading network.
2. The effect on the health, safety and convenience of people and communities.
3. The effect on amenity values of adjoining properties and adjoining resource areas, ~~and~~.
4. ~~for~~ For sites adjacent to the Chafer Beetle Nature Reserve (Lot 1, DP18203) the effects of shading on the reserve.
5. The effect on network utility services.

Any application made under this rule will generally not be notified where the written approval of affected persons is received.

Reason

Failure to conform with these standards results in discretionary (restricted) activity status to enable Council to assess these activities in terms of section 105 of the Act. Council has flexibility in terms of whether to notify any application made under these rules. In some instances discretionary (restricted) activities will only have a minor effect and do not justify notification. Applicants have greater certainty in that attention can be focused upon the matters identified for consideration. This in turn will increase efficiency in processing such applications.

9.3.4 DISCRETIONARY ACTIVITIES

Cross Reference
Policies 9.2.3,
17.4.5 (pg 17:6)

Any activity that requires an offensive trade licence under the Health Act 1956 and/or any activity that requires a permit in terms of the Crown Minerals Act 1991 shall be a discretionary activity.

Reason

These activities have the potential to generate significant adverse effects that need assessment through the resource consent process.

9.3.5 NON-COMPLYING ACTIVITIES

Cross Reference
Policy 9.2.1; Rule
9.3.6 (ix)

(i) Access and Roding – Cromwell Industrial Extension

Any activity that fails to comply with Rule 9.3.6 (ix) is a non-complying activity.

9.3.5 STANDARDS**6**

The following standards relate specifically to activities which occur within the Industrial Resource Area. There are other rules and standards contained in Sections 12, 13, 14, 15 and 16 of this plan which may also apply to activities which occur in the Industrial Resource Area.

*Cross Reference
Policy 9.2.2*

Retail Activity

- (i) Retail activity (excluding retail activity at a service station) shall be ancillary to and form an integrated and complementary part of any industrial activity and shall not occupy more than 10% of the gross floor space of the building or 50m², whichever is the greater.

*Breach:
discretionary
(restricted)
activity see Rule
9.3.3*

Reason

Retail activity not ancillary to industry would have the potential effect of attracting large numbers of the public to these areas. The prevailing amenity values of these areas are not conducive to this type of activity. Road standards and access to these areas are not conducive to the steady flow of traffic associated with retail activities; they are generally not conveniently located, footpaths and street furniture is lacking, noise, dust and odours are often generated that are not conducive to a pleasant shopping environment, buildings are generally large and not aesthetically pleasant. Furthermore, high levels of car traffic may conflict with the manoeuvring heavy vehicles that service these areas.

Bulk and Location of Buildings**Front yards**

- (ii) No front yards are required

Except when the property has road frontage that is adjacent to the Cromwell Chafer Beetle Nature Reserve where a front yard setback of 5 metres is required.

*Breach:
discretionary
(restricted)
activity see Rule
9.3.3*

Note: See also Rule 12.7.7

Side and Rear Yards

Rear and side yards of 5 metres shall be provided where a site adjoins a Residential or Business Resource Area or any area of public open space, without the intervention of a road.

Height

The maximum height for buildings shall be 1.5 times the distance from the boundary of any adjacent Resource Area or 10 metres whichever is the lesser.

Reason

Council considers that yards are only necessary in the Industrial Resource Area where the site adjoins a sensitive environment such as Residential or Business Resource Area or public open space. Yard and height requirements in these circumstances will minimise adverse effects on adjoining properties.

- (iii) **Noise**

*Cross Reference
Policies 9.2.2,
9.2.4
Breach:*

- (a) All activities shall be conducted so as to ensure the following noise limits are not exceeded at any point within any Industrial Resource Area,
- | | | |
|------------|------------------------------------|---|
| On any day | 7:00am - 10:00pm | 65dBA L ₁₀ |
| | 10:00pm - 7:00am the following day | 45dBA L ₁₀
85dBA L _{max} |

*discretionary
(restricted)
activity see Rule
9.3.3*

Provided that the following noise limits shall not be exceeded at any point within the Residential Resource Area:

9.3.56 (iii)(a)
(cont'd)

- | | | |
|------------|------------------------------------|---|
| On any day | 7:00am - 10:00pm | 55dBA L ₁₀ |
| | 10:00pm - 7:00am the following day | 45dBA L ₁₀
70dBA L _{max} |

Provided that the above noise limits shall not apply to any temporary activity (as defined).

- (b) Where any new activity locates within any part of the Industrial Resource Area and that activity includes any noise sensitive activity, the activity or any building associated with the noise sensitive activity shall be sited, oriented and constructed so as to ensure that habitable spaces within the building shall be adequately isolated from any noise source on another site. Adequate sound isolation shall be achieved by siting and constructing the building to achieve an indoor design sound level of 45 dBA L_{max} within any habitable room where the exterior noise source is within any Industrial Resource Area. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided, used, and maintained in operating order.

Reason

The noise standards selected reflect the traditional and accepted noise levels permitted in the District. It was also considered appropriate that non-industrial activities which locate in the Industrial Area should be required to take steps to mitigate the effects of any noise generated by industrial activities in the area.

Screening

- (a) All site boundaries adjacent to Residential or Business Resource Areas, shall have a solid fence of not less than 2 metres in height.

Cross Reference
*Policies 9.2.2,
9.2.4*

Such fencing shall be erected to adequately mitigate:

1. Any adverse visual effects of the site or activity.
2. Any adverse effects of noise, dust or lightspill emitted from the site.

Breach:
*discretionary
(restricted) activity
see Rule 9.3.3*

PROVIDED THAT

- a. Any fencing shall not impede visibility on roads or at access points and intersections.
 - b. All fencing shall be maintained, at all times, in a tidy condition.
- (b) The perimeter of any open space (excluding carparking or service courts) associated with any residential activity adjacent to any

industrial or trade premises shall be screened in a manner that mitigates the visual impact of any adjoining activity.

- (c) On all site boundaries adjacent to State Highway 6 a landscaped strip of not less than 10 metres in width shall be provided. The strip shall not be paved or have any structures erected on it (including fences) and shall create the opportunity for landscaping to provide visual enhancement or screening. Landscaping shall not impede traffic visibility or shade State Highway 6 and shall be maintained in a healthy and tidy condition at all times. Provision shall be made for the landscaped strip on the plan of subdivision for Lot 2 DP 346988 and landscaping shall be established along the entire landscaped strip at the time of subdivision. The retention and future maintenance of the landscaping in the landscaped strip shall be provided for as a condition of subdivision consent that is to be subject to a consent notice.

9.3.56 (iv)
(cont'd)

Reason

Industrial and trade premises can have adverse visual effects on the amenity values of the District. The provision of landscaping can soften the visual impact of these buildings. Council also considers it appropriate to require residential activities which locate within the industrial resource area to screen their own property from adverse visual effects of adjoining activities.

Signs

Signs shall conform with the following standards:

- (a) No sign shall be erected or painted on a building in a position that is higher than the road facade of that part of the building upon which the sign is placed or affixed.
- (b) Any sign suspended under a verandah shall have a minimum clearance of 2.5 metres from the footpath.
- (c) Signs shall have a minimum clearance of 450mm from the kerb line.
- (d) Free standing signs shall comply with the following:
- i) Not more than three freestanding signs shall be erected per site except as provided for in (v) and (vi) below.
 - ii) One double sided sign with a maximum height of 7.5 metres and a maximum area of 14m² per side and two smaller double sided signs with a maximum height of 2.5 metres are permitted.
 - iii) Signs shall be located completely within the site to which the sign relates.
 - iv) Notwithstanding (a) above a freestanding sign may be higher than the highest point of the roof.
 - v) Freestanding signs are permitted for the purpose of directing traffic within the site provided that they:
 - Do not exceed 1 metre in height.
 - Do not exceed 0.5m² in area.
 - Are limited to directional arrows and “entry” or “exit” or similar technology.

Cross Reference
Policy 9.2.2

Breach:
*discretionary
(restricted) activity
see Rule 9.3.3*

- Are located completely within the site.
- vi) One information sign not exceeding 2.8m² in area associated with any on-site carwash facility is permitted.
- (e) Signs may be illuminated but shall not be moving or flashing.
- (f) Signs shall not obscure driver visibility to and from access ways.

Reason

These standards will ensure the amenity values of adjoining resource areas are not adversely affected by signs associated with industrial activities.

Off Road Loading

Off road loading facilities shall be provided for each site, in accordance with Rule 12.7.3 page 12:17 provided that off road loading facilities together with access and turning space shall be designed so that it is not necessary to reverse vehicles either onto or off the following roads;

1. Boundary Road, Alexandra
2. Barry Avenue, Cromwell
3. McNulty Road, Cromwell
4. All State highways

The area and layout required shall conform with the standards contained in Figure 12.8 on page 12:32 for a 90 percentile design truck.

Reason

The provision of off road loading facilities will minimise conflict between the roading network and adjacent land uses.

Carparking

Refer to Rule 12.7.2 page 12:16.

Lightspill

Refer to Rule 12.7.6 page 12:23.

Access and Roding – Cromwell Industrial Extension

- a) Vehicle Access to properties in the Cromwell Industrial Extension is to be from existing or future legal roads constructed in accordance with the Indicative Roding Structure Plan-Cromwell Industrial Extension in Schedule 19.23, and constructed in accordance with Rule 12.7.1, on page 12:13 provided that there shall be no direct property access to the following roads:

1. Bannockburn Road
2. State Highway 6

Cross Reference
Policy 9.2.2

Breach:
discretionary
(restricted) activity
see Rule 9.3.3

Cross Reference
Policy 9.2.2

Breach vii & viii:
discretionary
(restricted)
activity see Rule
9.3.3

Cross Reference
Policy 9.2.2

Cross Reference
Policy 9.2.1
Breach ix:
non-complying
activity see Rule
9.3.5

- b) Any new road intersection with Bannockburn Road from the Cromwell Industrial Extension shall be constructed to a standard suitable for light vehicle only.
- c) The legal road adjoining the Cromwell Chafer Beetle Nature Reserve shall have a minimum width of 20m.
- d) Any subdivision involving the formation of the legal road adjoining the Cromwell Chafer Beetle Nature Reserve shall (Lot 1, DP18203) include a landscape and street lighting plan. The plan shall include the following:
- i. The landscaping plan shall be prepared to show the Planting proposed within the 5-metre landscape strip in line with the requirements specified in Rule 9.3.6 (e).
 - ii. Street lighting with a maximum of 2200 kelvin, amber toned and shielded (downward facing, directed towards the road).
 - iii. The location of street lighting shall be limited to the industrial zoned side (eastern boundary) of the road.
- e) The legal road along the boundary with the Cromwell Chafer Beetle Nature Reserve (Lot 1, DP18203) shall include a 5.0m wider buffer of dense indigenous vegetation within the road reserve comprising a combination of plants arranged with the lower (ground plants) next to the boundary, followed by taller plants (tussocks), and the tallest (trees and shrubs) adjacent to the physical road.

The plants shall be chosen from the following:

- (i) Ground plants
 - Raoulia australis and R. hookeri (Scab weed)
 - Scleranthus uniflorus ('Knewel')
 - Epilobium spp. (willowherbs)
 - Luzula celata (woodrush)
- (ii) Taller
 - Poa cita (silver tussock)
 - Poa colensoi
 - Carex breviculmis
 - Celmisia gracilentia
- (iii) Shrubs & trees
 - Kanuka

- Sophora microphylla (Sth Island Kowhai)
- Olearia (tree daisy)
- Coprosma propinqua

Reasons

Restricting property access will minimise the impact of heavy vehicles on the safety and efficiency of the roading network.

Providing for a road along the boundary with the Chafer Beetle Nature Reserve will create a buffer between industrial activities and associated structures, minimising the likelihood of potential shading effects.

Dense planting of indigenous vegetation along the boundary with the Chafer Beetle Nature Reserve will assist in minimising potential edge effects associated with run-off that may result in changes to habitat.

Lighting controls will minimise the effects of artificial lighting on the Cromwell Chafer Beetle Nature Reserve.

APPENDIX 2: Recommendations on Submission

Note to readers:

Recommendation are not specifically made on further submissions but are commensurate with the recommendations made on the relevant original submissions set out below.

Submitter Reference	Submitter Name	Recommendation
1	Cerise Orchard Limited	Accept in part
2	Werner Murray	Reject
3	SH6 At Cromwell	Accept in part
4	Highlands Motorsport Park	Accept in part
5	Aurora Energy Limited	Accept in part
6	Transpower NZ Ltd	Accept
7	45 South Management Ltd	Accept in part
8	Department of Conservation	Accept in part
9	Waka Kotahi	Accept in part