

CENTRAL OTAGO DISTRICT COUNCIL
PLAN CHANGE 18 (PC18), EXPANSION OF INDUSTRIAL ZONE, CROMWELL
SECTION 32AA EVALUATION

1. Section 32AA of the RMA requires that a further evaluation be undertaken where changes are recommended to a proposed policy statement or plan since the Section 32 evaluation report was originally completed and notified.
2. For completeness I have re-confirmed my evaluation under section 32AA on recommended changes outlined in the section 42A report.
3. Central Otago District Council prepared the Section 32 evaluation report notified Plan Change 18 in July 2018.
4. Plan Change 18 is essentially a re-zoning and proposed no changes to the objectives or policies of the Industrial Chapter of the Central Otago District Plan. Increasing the availability of land responds to the outcomes of the Cromwell Spatial Plan and demand for Industrial land in Cromwell.
5. Minor changes were notified to performance standards in relation to the movement of heavy traffic.
6. The section 42A report identified proposed a change to performance standard 12.7.6 (i) in relation to light spill.
7. The recommended changes to this rule from the section 42A report are identified bellow:

"No activities shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property or road, measured at the boundary of a road or the notional boundary of a neighbouring property, provided that this rule shall not apply to headlights of moving vehicles or vehicles that are stationary for less than 5 minutes or to street lighting.

The amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, provided that the neighbouring property is in cases where the activity on that neighbouring property is not residential.

1. Not residential, or
 2. Adjacent to the Cromwell Chafer Beetle Nature Reserve."
8. In terms of Section 32AA, the scale of change is relatively minor. In my view the exception to the second part of rule 12.7.6 (i) recognises that while a level light spill that is acceptable to neighbouring non-residential activities, the neighbouring Chafer Beetle reserve is an appropriate exception. In my view, a limited exception, as well as the additional consideration in the matters of discretion will not undermine overall application of the rule. I consider the exemption to be an efficient approach given it is limited to a specific property. I

do not consider that the changes require further evaluation under s32AA as they are minor changes which provide clarity.

9. As an outcome of the instruction by the Commissioner to prepare a Joint Witness Statement (JWS), several additional changes were made to the assessment matters in Rule 9.3.3, 9.3.6 (ii), 9.3.6 (ix) and a new schedule 19.26.

10. Rule 9.3.3.3 Discretionary (Restricted) Activities assessment matters are recommended to be amended as follows:

“... 3. The effect on amenity values of adjoining properties and adjoining resource areas, and for sites adjacent to the Chafer Beetle Nature Reserve (Lot 1, DP18203) the effects of shading on the reserve...”

11. In terms of s32AA of the RMA, I consider that expanding matters of discretion to be a minor but necessary change that will enable consideration of recommended changes to performance standards while still being effective at achieving the outcomes sought. I do not consider further evaluation under s32AA is required as it is a minor change that support the proposed amendments to the performance standards.

12. Rule 9.3.6 (ii) is proposed to be amended as follows:

*“...Front yards
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...”*

13. In terms of Section 32AA, the scale of change is relatively minor. The proposed change responds to the outcome sought by the Department of Conservation (DoC) that a 25m setback be imposed to any buildings on the proposed Industrial zoning. The changes proposed in terms of the indicative roading structure plan will provide a 20m wide road reserve and the additional 5.0m setback from the road boundary will provide the requested 25m setback.

14. The Industrial Resource Area doesn't provide for any yard requirement, and I consider it appropriate that given the neighbouring Chafer Beetle reserve an exception be made and a 5.0m yard requirement be imposed. In my view, a limited exception, as well as the additional consideration in the matters of discretion will not undermine overall application of the provisions to the wider Industrial zone. I consider the exemption to be an efficient approach given it is limited to a specific property. I do not consider that the change requires further evaluation under s32AA.

15. New Rule 9.3.6 (ix) Access and Roading – Cromwell Industrial Extension

a) Access to properties in the Cromwell Industrial Extension is to be from existing or future legal roads constructed in accordance with the Indicative Roading Structure Plan-Cromwell

Industrial Extension in Schedule 19.26, and 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*

b) Any new 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 Reserve shall have a minimum width of 20m.

d) Any subdivision involving the formation of the legal road adjoining the Chafer Beetle 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 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 ('Knawel')*
- 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 Chafer Beetle Reserve.

16. In terms of Section 32AA, the scale of change to Rule 9.3.6 (ix) is relatively minor. The proposed changes recognise the significance of the neighbouring Chafer Beetle reserve in a way that will assist in preventing site specific edge effects associate with the change in zoning to Industrial. In my view, the limited exception, as well as the additional consideration in the matters of discretion will not undermine overall application of the provisions to the wider Industrial zone. I consider the proposed changes to be an efficient approach given it is limited to a specific property. I do not consider that the change requires any further evaluation under s32AA.



Ann Rodgers
Principal Policy Planner

6 September 2023