

CENTRAL OTAGO DISTRICT COUNCIL
PLAN CHANGE 18 (PC18), EXPANSION OF INDUSTRIAL ZONE, CROMWELL
OFFICER RIGHT OF REPLY

This reply is to address matters raised in evidence and presented at the hearing, address the matters agreed in the Joint Witness Statement and confirm the relevant statutory tests. A separate section 32AA evaluation of recommended changes has been prepared.

Evidence from Department of Conservation (DoC)

1. I accept the evidence submitted by Mr Chinn, Ms Williams, and legal counsel Pene Williams regarding the significance of the Chafer Beetle and the Reserve Habitat.
2. The evidence presented in support of the submission provides helpful context to the remedy sought in the submission from the Director General of the Department of Conservation.
3. In his evidence Mr Chinn notes the unique sensitivities of the Chafer Beetle community and risks associated with a change land use resulting in potential effects on the nature reserve, including but not limited to shading and reduced access to direct sunlight, increased risk of a change in hydrology due to run off and light spill effects given the beetles nocturnal habits.
4. The proposed re-zoning as notified would allow for a 10m high building to be located 5.0m from the boundary with the Chafer Beetle Reserve. The reserve is located southwest of the proposed Industrial zoning, and I accept that there will be a potential shading impacts associated with buildings 10m height on the habitat, particularly during winter months from sunrise until early afternoon.
5. I accept that while an accessory building of up to 10m in height would be subject to a 10m setback under the current rural zoning, the re-zoning to industrial is likely to result in significantly more built form and a much denser level of development on the site than could be reasonably anticipated by the rural zoning.
6. Mr Chinn in his evidence advocates for a 30-40m setback strip consisting of three strips of native plantings, walking and vehicle tracks to that will in effect extend the nature reserve. As indicated by Ms Williams in her evidence the scope of the submission from DoC is however limited to a request for a 25m setback. I agree with the scope being limited to the request for a 25m setback.
7. The 25m setback requested along the boundary with the nature reserve is an area of approximately 2.5 hectares, which is significant in terms of loss of development capacity.
8. Ms Williams suggested at the hearing that the area could be removed from the proposed re-zoning and remain rural. If this was to occur there would be on-going maintenance responsibilities associated with pest and weed management.

Joint Witness Statement (JWS)

9. Following the hearing of evidence in support of submissions Commissioner Rae directed in Minute 1 that DoC planner (Ms Williams) and I confer and provide a JWS that considers options, within the scope of submissions, to protect the Chafer Beetle Reserve from the effects of industrial development on the adjacent PC18 land and a preferred option, having regard to providing reasonable use of the land proposed to be rezoned whilst providing appropriate protection for the beetle reserve. A copy of the JWS and recommended changes is attached to this reply as Appendix 1.
10. Commissioner Rae instructed consideration of options including providing for a setback for buildings on or use of the PC18 land and setting aside a buffer area from the boundary of the reserve that does not form part of the expanded Industrial zone (i.e., retains its Rural zoning).
11. Ms Williams and I met to discuss the various options and how the Chafer Beetle Reserve could adequately be protected from any potential edge effects occurring as a result of the re-zoning from rural to industrial.
12. The removal of the 25m wide buffer area from the proposed re-zoning and the retention of the rural zoning, would create a 2.5ha area that would need to be planted and managed, to ensure that it did not become a seed source for exotic vegetation that might have an adverse effect on the ecology of the reserve.
13. The Central Otago District Council has no budget for the planting or on-going maintenance of a 2.5ha reserve along the boundary with the Chafer Beetle Reserve.
14. If the buffer area were to be removed from PC18 and remain rural, there would be a risk of the area becoming somewhat of a wasteland that could result in undesirable edge effects including creating an environment where weed and pest species could thrive.
15. Similarly, if the area were to be re-zoned as Industrial and a 25m setback imposed, this has the potential to result in the area not being maintained or the development of hard surface areas that could result in edge effects adversely affecting the Chafer Beetle Reserve.
16. Initially in my section 42A report I proposed an indicative roading network be adopted that would see a 20m legal road along the northwestern boundary of the proposed industrial zone (boundary with the Chafer Beetle Reserve), with the thought that if it was to be used as road the development capacity of the proposed re-zoning would be retained.
17. Following release of the section 42A report, Transpower raised concerns about the road alignment being too close to the High Voltage Transmission Line that bisects both the nature reserve and the proposed Industrial zone.

18. In response to these concerns, I issued an addendum to the section 42A report was issued withdrawing the recommended of the indicative road network along the boundary as an option.
19. This option was re-visited during the expert conferencing with Ms Williams.
20. Following a discussion with Transpower the option of using the setback area as part of a roading network was considered again. Transpower indicated they were agreeable to the concept of an indicative roading network provided the roading network does not have any effect on the operation or maintenance of the transmission line.
21. The High Voltage Transmission Tower is located in close proximity to the boundary and approximately 100m from Bannockburn Road.
22. The JWS proposes to remove a section of the proposed industrial zoning along the boundary with the Chafer Beetle reserve that is to remain rural and be available as a reserve area in the future.
23. The section to remain rural is 20m wide and will run from Bannockburn Road to a point approximately 20m past the Transpower high voltage transmission line, (120m from Bannockburn Road).
24. A new indicative roading structure plan has been produced that will provide for a 20m wide legal road along the remaining boundary with the Chafer Beetle reserve to Cemetery Road and provide links into the existing industrial zone roading network. There is also provision for a light traffic link onto Bannockburn Road.
25. The indicative roading structure plan will be referred to in the Industrial provisions and included in a new Schedule 26 to the operative Central Otago District Plan.

Note: The JWS incorrectly identifies the new Schedule as Schedule 23, this is an error and I have taken the opportunity in this response to correct the schedule number to 26. To assist the decision maker, I have provided an amended Schedule 26 in Appendix 2.
26. The JWS also proposes amendments to the industrial zone provisions to provide for a 5.0m strip of native planting along the boundary with the reserve (within the road reserve); a 5.0m setback for buildings adjoining the future legal road on the boundary; and amendments to lighting provisions to minimise the impact of artificial lighting on the nocturnal Chafer Beetle.
27. These changes were agreed to be an appropriate response to the concerns raised by the DoC in relation to the habitat of the Chafer Beetle while maximising the development capacity of the proposed industrial zoning.

28. Roading infrastructure will be required to serve the proposed extension to the Cromwell Industrial Zone and by utilising the requested 25m setback area for roading purposes, and designing the future subdivision around this network, the area excluded from future development is reduced from 2.5ha to 2400m².

Mr Werner Murray – Comments on the JWS

29. I have read Mr Murrays comments on the JWS. In his response Mr Murray comments primarily on the submission and expert evidence submitted on behalf of the DoC at the hearing.
30. The expert evidence was pre-circulated, and Mr Murray did not take the opportunity to respond to the evidence through the hearing process nor did he present any expert evidence that offers a differing opinion to that submitted by DoC.
31. In paragraph 15 of his response, Mr Murray considers himself to be the only person representing the community who own the land. I note Mr Murrays submission is not on behalf of the Central Otago District Council (owner of the land) or the Cromwell Community Board, nor does it represent any other community group, it is a personal submission.
32. Mr Murrays comments do not really relate to the JWS, rather they relate to the 25m setback requested by the DoC.
33. Mr Murray raised what he considered to be a permitted baseline in terms of the planting of trees in a rural zone. I am of the view that the planting of trees in the form of a shelterbelt along the boundary would result in a 'softer' boundary than would be provided by the built form generally attributed to an industrial zone. The built form would create the 'hard' boundary Mr Chinn described in his evidence.
34. The planting of trees along the boundary would also result in a loss of developable industrial zoning. I am of the view that the JWS provides a practical solution to maintaining a setback while utilising the setback area for infrastructure needed to serve the proposed industrial zone.
35. In terms of the shading material provide by Mr Murray, this was a matter considered when preparing the section 42A and JWS. It became apparent that if a building was to be setback the 5.0m yard required by the Industrial zone standards to the maximum height of 10 the potential shading effect would be considerable during winter months, with shading occurring from sunrise to early afternoon on the shortest day.
36. Even testing the shading with a graduated recession plane indicated it would likely still result in a shading effect.
37. 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.

38. Mr Chinn in his evidence explained the impact of shading on the habitat. I accept Mr Chinn's evidence in this regard.
39. I am of the view that the JWS satisfies the concerns raised in the submission lodged by the DoC by utilising the requested setback as roading.
40. The Central Otago District Council Property Manager has I indicated they are comfortable with utilising the setback area for roading in the design future subdivision on the land subject to PC 18 adjacent to the Chafer Beetle Reserve.
41. The site is undeveloped (greenfield) and roading and infrastructure would have to be factored into any future subdivision.
42. I am of the view that this is an efficient solution to minimising any potential impact on the Chafer Beetle Reserve associated with the change in zoning and maximising the development capacity of the proposed industrial zoning.

Relevant Statutory Tests

43. Section 74 of the Resource Management Act 1991 (RMA) requires Council to consider a number of matters when preparing a change to its District Plan. Section 74 requires a change to be prepared by a territorial authority in accordance with its functions under section 31, the provisions of Part 2, any evaluation under section 32, a national policy statement, national planning standard and any regulation.
44. PC 18 as notified proposes to extend the existing Cromwell Industrial Resource Area, making only minor changes to the industrial provisions of the operative Central Otago District Plan in relation to a performance standard and the management of heavy traffic.
45. Section 31 identifies the functions of a territorial authority for giving effect to the provisions of the RMA. The functions include establishment, implementation and review of objectives, policy and methods to achieve the integrated management of the effects of the use, development or protection of land including for the purpose of maintenance of indigenous biological diversity.
46. I am of the view that the recommended change to rule 12.7.6 (i) in the section 42A report regarding light spill and the agreed changes to rules 9.3.6 (ii), 9.3.6 (ix) and assessment matters in 9.3.3 along with the inclusion of a new indicative roading structure plan in Schedule 19.26 identified in the JWS, achieves the purpose of the Act.
47. The recommended changes provide for future development and growth, through the extension of the Industrial zone while minimising likelihood of edge effects associated with the re-zoning impacting adversely on the Chafer Beetle reserve, in particular its nocturnal habits and the potential for shading and run-off that would alter the ground conditions.

48. PC 18 as amended by recommended changes in the section 42A report and the JWS, proposes changes to provisions that apply to the Cromwell Industrial extension to minimise potential adverse effects on the adjacent Chafer Beetle Nature Reserve, consistent with the functions outlined in section 31 (1) of the RMA.
49. The purpose of the RMA is to promote the sustainable management of natural and physical resources. In terms of Part 2 sections 5 - 7 are of particular relevance to PC 18.
50. I am of the view that Plan Change 18 is consistent with the purpose of the RMA as stated in section 5, which is to promote the sustainable management of natural and physical resources.
51. Plan change 18 as amended by the recommendations in the section 42A report and the JWS supports the sustainable management of the Chafer Beetle reserve and the land resource in Cromwell.
52. Section 6 was not considered in the evaluation under section 32 to be applicable to proposed Plan Change 18, however I consider it appropriate following receipt of the submission and supporting evidence from the Department of Conservation that section 6 be evaluated.
53. Section 6 (c) of the Act states:
- “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
- ...
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
54. As indicated by the evidence presented in support of the submission from the Department of Conservation the Chafer Beetle is considered to be a *Threatened: Nationally Endangered* species.
55. I am of the view that the recommendations made in the section 42A and the JWS recognises and provides for the protection of significant habitats of indigenous vegetation.
56. Plan Change 18 as notified and as amended by recommendations has particular regard to the relevant provisions of Section 7 (b), (d), and (f)) of the RMA by providing for the efficient use and development of natural and physical resources; the intrinsic values of ecosystems; and the maintenance and enhancement of the quality of the environment.

57. The National Policy Statement for Indigenous Biodiversity (NPSIB) was gazetted on July 7, 2023, and came into force on 4 August 2023. It is the first national policy statement to state objectives and policies for indigenous biodiversity as a matter of national significance and to achieve the purpose of the Act.
58. The NPSIB requires council to promote the restoration of indigenous biodiversity and provides direction on how to manage the adverse effects of new activities on significant natural areas. The relevant provisions of the NPSIB, as outlined in legal submissions on behalf of the Department of Conservation, are Objective and Policies 3 and 7, which state:
- a. Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.
 - b. Policy 7: SNAs are protected by avoiding and managing adverse effects from new subdivision, use and development.
59. I am of the view that the recommendations in the section 42A report and the JWS do take a precautionary approach, avoiding and managing potential effects from future subdivision, use and development of the adjacent site on the Chafer Beetle Reserve.
60. Section 75(3)(c) of the RMA requires the district plan to give effect to any regional policy statement. The regional policy statement that applies within the Central Otago District is the Partially Operative Otago Regional Policy Statement (PORPS), and the proposed Otago Regional Policy Statement 2021(PRPS21).
61. I am of the view that the relevant provisions of the PORPS and PRPS21 as outlined in the section 32 analysis confirm that the PC 18 gives effect to these instruments and that the subsequent recommendations do not alter this.
62. Section 74(2A) of the RMA requires the council, when preparing its district plan, to take into account “any relevant planning document recognised by an iwi authority and lodged with the territorial authority”.
63. I am of the view that the relevant provisions of the Kāi Tahu ki Otago Natural Resource Management Plan as outlined in the section 32 analysis have been considered in the drafting of PC 18 and the proposed subsequent recommendations do not result in the need for any further changes.
64. I consider the “Cromwell ‘Eye to the Future’ Masterplan Spatial Framework Stage 1: Spatial Plan” document dated 5 June 2019 to have status as a strategy prepared under the Local Government Act 2002 that has been funded by the Central Otago District Council.
65. The proposed re-zoning under PC18 gives effect to the outcomes of the spatial plan by re-zoning land identified as suitable for industrial zoning, enabling consolidated urban development in Cromwell.
66. The provisions of the National Policy Statement for Urban Development only apply to local authorities that have all or part of an “urban environment” within their district or

region. The definition of an “urban environment” applies to any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, part of a housing and labour market of at least 10,000 people.

67. The Central Otago District Council has not identified any “urban environment” across the district and while acknowledging that there may be urban environments in the long term, this currently does not apply within the Central Otago District.

Conclusion

68. Overall, I am of the view that PC 18, as amended by the JWS is consistent with the function of the Council to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district in terms of section 31 of the Act.

69. I also consider that Plan Change 18 is in accordance with the purpose and relevant principles of the Act as stated in Part 2; and it is noted that achieving the purpose of the Act is the purpose of District Plans in terms of section 72.

70. In terms of sections 74 and 75 the proposal is not contrary to the Cromwell Spatial Plan; and Plan Change 18 gives effect to the NPSUD, the PORPS (2019) and the PRPS (2021).

DATED this 6 September 2023



Ann Rodgers, Principal Policy Planner
Central Otago District Council

**BEFORE THE INDEPENDENT HEARING COMMISSIONER APPOINTED BY
THE CENTRAL OTAGO DISTRICT COUNCIL**

IN THE MATTER
AND

Of the Resource Management Act 1991 (RMA or the Act)

IN THE MATTER
AND

Of proposed Plan Change 18 to the Central Otago District Plan

IN THE MATTER

Of a submission on behalf of the Director General of the
Department of Conservation.

Joint Witness Statement – Planning

Date: 28 July 2023

INTRODUCTION

1. This joint witness statement (JWS) was written following discussion between the experts as instructed by the hearings commissioner:
 - (a) the issues/matters on which the expert witnesses agree; and
 - (b) the issues/matters on which they do not agree, and the reasons for their disagreement.
2. This joint witness statement relates to expert conferencing on management of edge effects and in particular in relation to a requested 25m setback.
3. A conferencing discussion was held on Wednesday 19th July 2023 at the Department of Conservation office, John Wickliffe House, Dunedin. This witness statement was then circulated, refined and agreed between the participants.
4. Participants were:
 - (a) Liz Williams (for Department of Conservation)
 - (b) Ann Rodgers (for Central Otago District Council)
5. In preparing this statement, the experts have read and understood the Code of Conduct for Expert Witnesses as included in the Environment Court of New Zealand Practice Note 2023.
6. The submission from the Director-General of Conservation sought to limit the potential for future industrial development to adversely affect the significant habitat values of the adjacent reserve, through the removal of a 25-metre-wide strip of land on the boundary with the Chafer Beetle Nature Reserve from the proposed industrial zone or a no build restriction be imposed on the industrial zoning provisions.
7. The witnesses are agreed that it is necessary to reduce the likelihood of any edge effects occurring that might have an adverse impact on the Chafer Beetle Nature Reserve habitat and in particular the unique requirements of the Chafer Beetle. A number of options were discussed including joint ownership of the 25-metre buffer strip, a pedestrian walkway along the reserve, or new provisions similar to the Clyde Industrial Extension which provided for a 20m wide Building Line Restriction adjacent to the State Highway (Rule 7.3.6(xiii)) with additional landscaping requirements. However, due to financial and other constraints, these options were not considered to be viable.
8. The witnesses discussed the originally proposed indicative road option presented within the s42a report, which had been dismissed due to Transpower concerns. Ms Rodgers has since discussed the option of aligning the access around the pylon with Transpower who are agreeable to the alternative alignment. The witnesses agreed that this would be the preferred option with the provisions set out below.

9. The witnesses agree to the removal of a 20m wide strip from the proposed Industrial Resource Area, along the western boundary adjoining the Chafer Beetle Nature Reserve, from Bannockburn Road to north of the Transmission Pylon. The strip is 120m long and will retain its current Rural Zoning (total area of 2,400m²). The amended Industrial Resource Area boundary is shown in Appendix 1. It is anticipated that there will be opportunities to establish a reserve in this area in the future that could include an interpretive panel about the Chafer Beetle.
10. The witnesses are agreed that 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 would be an appropriate way to reduce the likelihood of future edge effects on the reserve. This would also assist with realising the development capacity of the proposed industrial zoning.
11. The indicative roading structure plan will be included in a new Schedule 19.23 to the Central Otago District Plan and provided for through an amendment to Rule 9.3.6 (ix) requiring future subdivision to be designed to include the roading structure plan, specifying that the future legal road width must be at least 20 metres. The new schedule and amended Chapter 9 of the Central Otago District Plan are attached in Appendix 2 and Appendix 3 respectively.
12. The witnesses also agree that Rule 9.3.6 (ix) should be further amended to include a 5-metre-wide landscaping strip requirement for planting of indigenous vegetation in the road reserve adjacent to the Chafer Beetle Nature Reserve and requirement for a landscape plan, along with suggested plantings as indicated in Appendix 3.
13. The witnesses agreed that as the proposed road will create road frontages for industrial properties adjacent to the Cromwell Chafer Beetle Nature Reserve, it is necessary to amend Rule 9.3.6 (ii) to require a 5-metre building setback from the front yard and to incorporate the consideration of shading effects on the reserve as a restricted discretionary matter (amendment to Rule 9.3.3). With the proposed indicative road and 5m building setback, a 25-metre buffer is achieved.
14. The witnesses also discussed provisions addressing lighting controls. It was agreed that there was scope to include this in the provisions given that the Department of Conservation submission raised the issue of potential cumulative effects of artificial lighting on the reserve as a concern. The witnesses had agreed with the lux spill amendment in Rule 12.7.6(i) as originally proposed in the section 42A report. However, given that the indicative road option may result in street lighting, the witnesses agree that Rule 9.3.6 (ix) should be further amended to require a street lighting plan prior to subdivision, requiring street lighting on the road adjacent to the Chafer Beetle Nature Reserve to be amber toned, be located on the eastern boundary of the road and have a maximum kelvin limit of 2200 to further limit the likelihood of lighting affecting the Chafer Beetle habitat.

Signed
28 July 2023



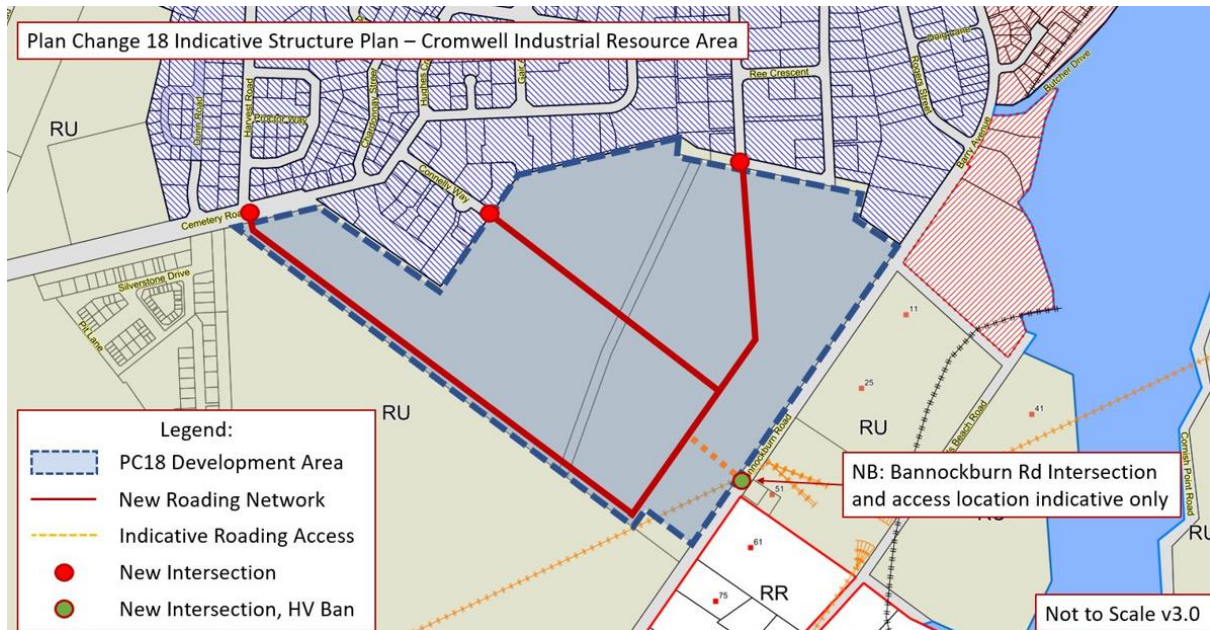
Liz Williams
Department of Conservation



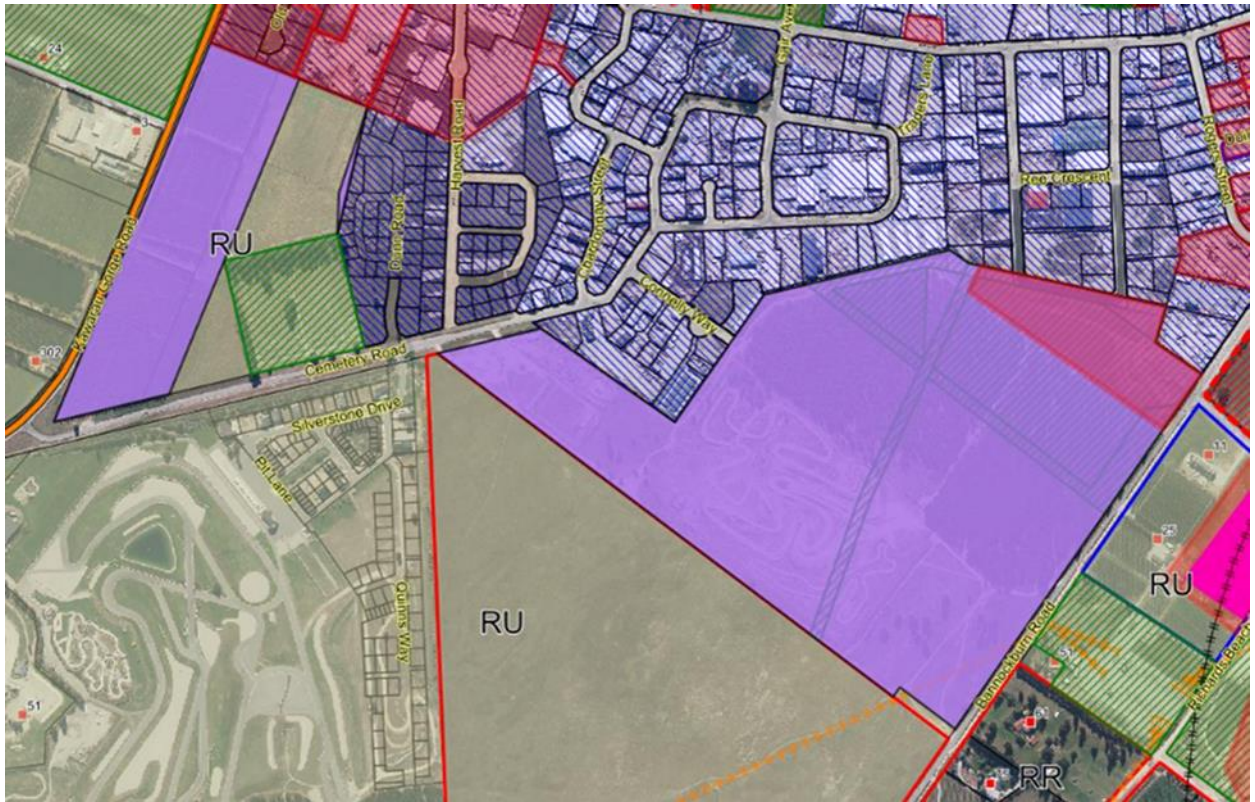
Ann Rodgers
Central Otago District Council

Appendix 1 – Schedule 19:23

SCHEDULE 19.23 : INDICATIVE ROADING STRUCTURE PLAN – CROMWELL INDUSTRIAL EXTENSION (See Rule 9.3.6 (ix))



Appendix 2 – Amended Industrial Zone Mapping



Appendix 3 – Amended Chapter 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

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,*

(i) **Subdivision**

9.2.5

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.

(ii) **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.

9.3.2(ii)
(cont'd)

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.

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 for sites adjacent to the Chafer Beetle Nature Reserve (Lot 1, DP18203) the effects of shading on the reserve.
4. 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 Roothing – 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

Cross Reference
Policy 9.2.2

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.

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

- (ii) **Front yards**
No front yards are required

Breach:
discretionary
(restricted)
activity see Rule
9.3.3

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.

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**

- (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,

Cross Reference
Policies 9.2.2,
9.2.4
Breach:
discretionary
(restricted)

On any day	7:00am - 10:00pm	65dBA L ₁₀	<i>activity see Rule</i>
	10:00pm - 7:00am the following day	45dBA L ₁₀	<i>9.3.3</i>
		85dBA L _{max}	

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

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

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

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.

(iv) **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.

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.

Cross Reference
Policies 9.2.2,
9.2.4

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.

(v) **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.
 - Are located completely within the site.

Cross Reference
Policy 9.2.2

Breach:
discretionary
(restricted)
activity see Rule
9.3.3

- 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.

(vi) 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.

(vii) Carparking

Refer to Rule 12.7.2 page 12:16.

(viii) Lightspill

Refer to Rule 12.7.6 page 12:23.

(ix) Access and Roding – 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 Roding Structure Plan-Cromwell Industrial Extension in Schedule 19.23, and Rule 12.7.1 on page 12:13 provided that there shall be no direct property access to the following roads:**

- 1. Banockburn 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 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 ('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 Chafer Beetle Reserve.

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

