

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

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.

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 Joint Witness Statement (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.
10. Commissioner Rae instructed consideration of options including providing for a setback for buildings on or use of the PC18 land and setting side 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 its retention as rural, 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.
14. If the buffer area were to be removed from PC18 and remain rural, there would be a risk the area becoming somewhat of a wasteland that could result in undesirable edge effects including creating an environment suitable for weed and pest species.
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 recommended that an indicative roading network be adopted that would see a 20m legal road along the northwestern boundary of the proposed industrial zone, 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. As a result of these concerns, I issued an addendum to the section 42A report was issued withdrawing the recommendation of the indicative road network along the whole boundary as an option.

18. This option was re-visited during the expert conferencing with Ms Williams.
19. 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.
20. The High Voltage Transmission Tower is located in close proximity to the boundary and approximately 100m from Bannockburn Road.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. Roding 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 Joint Witness Statement

28. 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.

29. 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.
30. Mr Murray had an opportunity to present evidence in support of his submission but chose not to submit any evidence or speak in support of his submission at the hearing.
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 likely still result in a shading effect.
37. 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 by the submission lodged by the DoC by utilising the requested setback as roading, while at the same time maximising the development potential of the site.

DATED this 25th day of August 2023

A handwritten signature in blue ink, appearing to read 'Ann Rodgers', is centered on the page.

Ann Rodgers, Principal Policy Planner
Central Otago District Council