



Central Otago District Plan

Plan Change 23 – Hartley Road Partnership

Section 42A Report – Report on Submissions and Further Submissions

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Contents

List of submitters addressed in this report:.....	4
Abbreviations used in this report:	5
1. Purpose of Report.....	6
2. Qualifications and Experience	6
3. Scope and Format of Report	7
4. Plan Change Overview	8
5. Procedural Matters	10
6. Statutory Framework.....	11
7. Assessment of Submissions.....	12
Overview of Submissions	12
Structure of Report	12
8. Character Effects	13
<i>Submissions</i>	13
<i>Discussion</i>	13
<i>Conclusions</i>	16
9. Effects on Clyde Cemetery	17
<i>Submissions</i>	17
<i>Discussion</i>	17
<i>Conclusions</i>	20
10. Effects on Roding Network	21
<i>Submissions</i>	21
<i>Discussion</i>	22
<i>Conclusions</i>	24
11. Need for Industrial Land in this Location	25
<i>Submissions</i>	25
<i>Discussion</i>	25
<i>Conclusions</i>	27
12. Availability of Utilities	27
<i>Submissions</i>	27
<i>Discussion</i>	27
<i>Conclusions</i>	28
13. Soil Contamination and Geotechnical	28
<i>Submissions</i>	28
<i>Discussion</i>	28

<i>Conclusions</i>	29
14. Statutory Analysis	29
Functions of Territorial Authorities	29
Statutory Documents	29
Consistency with the plans of adjacent territorial authorities	38
Consideration of alternatives, benefits and costs	38
Part 2 Matters	40
15. Conclusion	40

List of submitters addressed in this report:

Submitter Ref	Further Submitter	Submitter Name	Abbreviation
001		Ian Mair	
002		Sonja Collier	
003		Ian Grey	
004		Central Otago District Council C/- Gordon Bailey	Mr Bailey
005		New Zealand Transport Agency Waka Kotahi	NZTA
006		Peter Young	
007		Greg Rabbit and Helen Axby	

Where no abbreviation is given, the last name(s) of submitters will be used as references.

Abbreviations used in this report:

Abbreviation	Full Text
Council	Central Otago District Council
the Plan	Central Otago District Plan
IMP	Iwi Management Plan
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2020
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement for Urban Development 2022
ORPS	Otago Regional Policy Statement 2019
PORPS	Proposed Otago Regional Policy Statement 2021
PC23/Plan Change 23	Plan Change 23 to the Central Otago District Plan
RMA	Resource Management Act 1991
the Request	The Request for a Change to the Operative Central Otago District Plan, including Appendices A to L
VSP	Vincent Spatial Plan

1. Purpose of Report

- [1] This report is prepared under s42A of the RMA in relation to Plan Change 23 to the Central Otago District Plan. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the submissions received on this plan change, to make recommendations in response to those submissions, and provide a statutory assessment of the request, to assist the Hearings Panel in evaluating and deciding on the submissions. This report relates to all aspects of PC23.
- [2] The analysis and recommendations have been informed by the contents of the s32 report prepared in support of the plan change by Messrs Peter Dymock and Duncan White on behalf of the applicant, and the submissions lodged by the public. The s32 report and all other material supporting the plan change is hereafter referred to as “The Request”.
- [3] The conclusions reached and recommendations made in this report are not binding on the Hearings Panel. It should not be assumed that the Hearings Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the requestor and submitters.

2. Qualifications and Experience

- [4] My name is Adam Vincent. I am a Planning Officer employed by the Central Otago District Council. I hold a Bachelor of Urban Planning with Honours from the University of Auckland and a Graduate Diploma in Law from the University of Waikato. I am a full member of the New Zealand Planning Institute.
- [5] I have seven years’ planning experience working in local government in the Central Otago district. My experience includes processing resource consent applications and notices of requirements for territorial authorities, assisting in the development of spatial plans for different catchments in the Central Otago district, and assessing proposed changes to the Central Otago District Plan.
- [6] Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023¹ and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association/New Zealand Planning Institute “Role of Expert Planning Witnesses” paper and the NZPI code of ethics². I confirm that I have considered all the material facts that I am aware of that might alter or detract from the

¹ Available from <https://environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

² Available from <https://planning.org.nz/about-nzpi/code-of-ethics>

opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

- [7] Having reviewed the list of submitters I advise that the submission from Mr Bailey, being from another department within CODC, could give the impression of their being a conflict of interest due to the working relationship between myself, Mr Bailey and the staff under his management. In order to manage this potential conflict, I have not discussed the request with Mr Bailey, or any of his subordinates or superiors. I have relied solely on the content of his submission and will give it only the weight due to it as the arm of CODC responsible for the reserve land in its jurisdiction. Where I seek clarity or further consideration from Mr Bailey, as with any other party to the request, this will be outlined in my s42A report.
- [8] Overall, I consider that this potential conflict can be adequately managed and that it would not impede me from providing independent advice to the Hearings Panel.

3. Scope and Format of Report

- [9] This report considers the submissions that were received in relation to PC23. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. It also assesses the merits of the request against relevant statutory and non-statutory documents. All recommended amendments are shown by way of ~~strikeout~~ and underlining in Appendix 1 to this Report. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.
- [10] The assessment of submissions generally follows the following format:
- a. An outline of the relevant submission points
 - b. An analysis of those submission points
 - c. Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate and not previously undertaken in point b).
- [11] In preparing this report I have:
- visited the site that is the subject of the PC23 Request and the surrounding areas, including both the immediately surrounding land, and the wider township of Clyde;

- reviewed the original plan change request (Request), as well as the updates to the Request (Updated Request) provided by the applicant on 01 October 2024 in response to a request for further information;
- read and considered all the submissions received on PC23;
- reviewed the statutory framework and other relevant planning documents; and
- reviewed, and where necessary relied on, the technical comments provided by other experts on this plan change.

[12] This report effectively acts as an audit of the information lodged with the Request (including as amended through the Updated Request) prepared by Pattersons Ltd on behalf of Hartley Road Partnership Ltd. A full copy of the plan change request, submissions, summary of submissions and other relevant documentation can be found on the Central Otago District Council consultation platform at <https://www.codc.govt.nz/publications/plans/2district-plan/05-district-plan-changes/plan-change-23-hartley-road-partnership#toc-link-1>

[13] As such, this report seeks to provide as little repetition as possible and accepts parts of the Request where stated. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the Request.

[14] Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are identified as such in my report.

4. Plan Change Overview

[15] Plan Change 23 proposes to rezone part of a property on the corner of State Highway 8 and Springvale Road, legally described as Lot 1 DP 600773 (The site) from Rural Resource Area to Industrial Resource Area. The remainder of the site would remain in the Rural Resource Area, as shown in Figure One.



Figure One: The site showing the proposed new zoning.

- [16] The request also proposes the following changes to the text of Sections 09 and 12 of the District Plan in order to incorporate site specific requirements regarding access to State Highway 8 and provision of landscaping strips:

Amend/add to Rule 12.7.1.iii: Access to Rural State Highways and Arterial Roads as follows:

- (h) There shall be no access to State Highway 8 from any development or subdivision of Lot 1 DP 600773 and no direct access to Springvale Road from any lot subdivided from Lot 1 DP 600773
- (i) Prior to subdivision and industrial development occurring on Lot 1 DP 600773 the State Highway 8 / Springvale Road intersection shall be improved by providing a painted median such that the view to the right from Springvale Road is not obscured by a vehicle slowing in the left turn lane on State Highway 8 (that may otherwise obscure a following straight through vehicle).

Add Rule 12.7.1.ix: Breach of Standards as follows:

Any activity that does not comply with the standards stated in Rule 12.7.1.iii.h-i shall be considered as a non-complying activity.

Amend/add to Rule 9.3.6.iv: Screening as follows:

(d) Within lot 1 DP 600773 a landscaped buffer strip with a minimum width of 10 metres shall be provided alongside the boundaries of State Highway 8, Springvale Road, the Clyde Cemetery Reserve and the unformed legal road to the north of the site below an historic water race. The entire landscape strip shall be established at the time of initial subdivision of the site and its retention and future maintenance shall be provided for as a condition of subdivision consent that is to be subject to a consent notice.

A breach of these proposed additions to Rule 9.3.6.iv would be a restricted discretionary activity under existing Rule 9.3.3.

- [17] With the exception of the above changes, the provisions of Section 09 of the District Plan would apply to the area of land proposed to be incorporated into the Industrial Resource Area. Section 04 of the District Plan would continue to apply to the land remaining in the Rural Resource Area.
- [18] Generally speaking, the Industrial Resource Area is a highly permissive zone, with few limitations on the types of activities that can occur on land as a permitted activity, subject to compliance with permitted activity standards related to building size, noise, screening, signage, loading, vehicle parking and lightspill. Under the District Plan, the zone could provide for a range of light or heavy industry, logistics, commercial, offices, residential activities or recreation activities, among others, to occur on the site if the Request is accepted. It would also permit farming activities, including intensive farming. Land uses that require resource consent are limited to retail activities not associated with an industrial activity or that are of a larger scale, activities that require an offensive trade licence under the Health Act 1956, activities that require a permit under the Crown Minerals Act 1991, and breaches of permitted activity standards.
- [19] Several plans provided with the Request show a subdivision layout. The requestor has emphasised that this is one potential option for a subdivision of the site. They do not request that this subdivision layout be incorporated into the District Plan, and they have not applied for resource consent to subdivide the land at the time of writing. I will only have regard to any such plans insofar as they show one possible future state of the land, if Council accepts the proposed plan change.

5. Procedural Matters

- [20] PC20 was notified on 16 November 2024, with submissions closing on 17 January 2025. The summary of submission was notified on 08 February 2025 and the further submission period closed on 21 February 2025. Seven original submissions and no

further submissions were received. All submissions relate to the plan change, were received within the submission period and have all the required information to be considered a valid submission.

6. Statutory Framework

[21] The assessment under the RMA for this Plan Change includes whether:

- it is in accordance with the Council's functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (ss 75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the provisions within the plan change are the most appropriate way to achieve the objectives of the proposal (s32(1)(b)).

[22] In addition, assessment of the plan change must also have regard to:

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).

[23] The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).

[24] Specific provisions within the RMA and in other planning documents that are relevant to PC23 are set out in the updated s32 Report.³ These documents are discussed in more detail within this report where relevant to the assessment of submission points.

[25] The assessment of submission points has also been undertaken in the context of the s32 report prepared for PC23. All recommended amendments to provisions since the

³ Refer to Sections 6 to 10 of the updated s32 Report.

initial s32 report evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Overview of Submissions

- [26] Seven submissions were received on PC23. No further submissions were received. Of the submissions, none supported the plan change, three were neutral, and four were opposed.
- [27] Two submissions requested specific changes be made to the proposal. The submission from Mr Bailey requested provisions be included that give certainty that the buffer plantings and boundary fences proposed to be required along the Clyde Cemetery will be retained in perpetuity and provisions, such as restrictions on noise during interments, to ensure dignified privacy in maintained for mourners using the cemetery.⁴ The submission from NZTA requested that provision be made to avoid structures or paved areas in the landscaping strip, avoid vegetation in the landscaping strip that would grow to shade the highway between 10:00 and 14:00 hours on the shortest day of the year, include specific upgrade requirements for the State Highway 8 / Springvale Road intersection, and require investigation into whether the existing underpass beneath State Highway 8 will require upgrading or additional signage to serve as a pedestrian/cycle access to the site, prior to its development.⁵
- [28] Submissions in opposition identified effects on residential amenity for nearby residents, such as through noise, pollution and loss of property values, effects on the appearance of the entrance to Clyde, traffic congestion and questioned whether the land was required for industrial purposes, referencing the presence of available industrial land in Alexandra.

Structure of Report

- [29] For ease of analysis, I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
- Character Effects (For example visual effects, noise, residential amenity)
 - Effects on Clyde Cemetery
 - Effects on Roding Network

⁴ #004 – Mr Bailey on behalf of CODC

⁵ #005 – NZTA

- Need for Industrial Land in this Location
- Availability of Utilities
- Soil Contamination and Geotechnical

8. Character Effects

Submissions

[30] Ms Collier considers that the proposal would affect the amenity of the area, through aspects such as noise and vehicle pollution. She submits that this would then affect house prices nearby.⁶ Mr Young considers that it is important to retain the unique character of Clyde.⁷ Mr Rabbitt and Ms Axby consider that the proposal would create an eyesore at the entrance to Clyde.⁸

Discussion

[31] The site is currently largely undeveloped, and presents a rural character, in a wider context characterised by a mixture of urban and rural development, bisected by State Highway 8. For the purposes of this assessment, I adopt the site and area description and description of landscape values of Mr Moore in his landscape assessment provided in support of the application.⁹

[32] Currently State Highway 8 forms a distinct edge to the urban township of Clyde and the more rural areas beyond. I do accept the requestor's position that this is tempered somewhat by the presence of several large industrial buildings around the former Clyde Railhead. However, these existing buildings are also relatively spread out and are on large lots. This helps to soften their visual impacts relative to the density of built form that may occur in a contemporary, dedicated industrial zone, in my opinion. Therefore, they are not a direct comparison. This limits the utility of this argument to support the request.

[33] The requestor proposes provisions that would encourage a landscaped buffer between any future development of the land for industrial purposes, and surrounding roads and land uses. This is worded similarly to requirements for landscaping along the Old Salyard Road industrial development in Cromwell required by Rule 9.3.6.iv.c, which requires a landscaped buffer be maintained between industrial lots and State Highway 6 to provide visual enhancement or screening.

⁶ #002 – Collier

⁷ #006 – Young

⁸ #007 – Rabbitt and Axby

⁹ Request Appendix K, at pages 3-5

[34] I note that the Courts have concluded that effects on land values should not be considered direct environmental effects in themselves. Instead, they are a way of showing that an effect is occurring.¹⁰ In order to avoid duplication of consideration of adverse effects, I will not be considering changes in property values to be a separate effect on the character of the area.

[35] In terms of noise effects for Clyde township residents, there would be two primary sources of noise if the request were approved. State Highway 8 is the current primary source of artificial noise in the current environment, consisting of irregular vehicle noise across the day, increasing during peak traffic times. The proposal would add new sources of industrial noise, which would likely be a more consistent source of noise during normal business hours, but also with occasional spikes in noise level. Rule 9.3.5.iii.a would require the following noise limits be adhered to at any point within the Clyde residential area:

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

[36] I note that this is exactly the same noise limit as applies in rural areas under Rule 4.7.6E.a of the Plan. Given this, I anticipate that noise levels from a permitted rural use of the site would not be substantially different under either its current zoning, or the proposed industrial zoning. However, the characteristics of that noise would likely change. For example, it would more likely be year round, as opposed to seasonal, more concentrated to during “business hours”, and have different tonal qualities.

[37] As it approaches the bottom of the Clyde Hill, State Highway 8 has been built up some 3-5m above natural ground level as it passes the site. I consider that this would help to block some of the noise from an industrial use of the site, reducing its apparent levels, particularly relative to road noise, and helping to block some of the different potential tonal qualities of that noise. I agree with the submitters that development resulting from the request would likely increase noise levels relative to those that currently exist. However, relative to the noise levels permitted by the district plan, this is not anticipated to notably change, and I consider that other effects related to the changing character of permitted noise would be sufficiently mitigated by the raised position of State Highway 8 helping to block some of that noise that I do not consider these effects to be significant.

[38] Proposed Rule 9.3.6.iv.d would require a 10m wide landscaped buffer be provided along the cemetery reserve, Springvale Road and the State Highway. A breach of this rule would be a restricted discretionary activity with Council’s discretion limited to, among

¹⁰ See, for example, *Giles v Christchurch City Council* [2000] ELHNZ 296 at [59].

other matters, the effect on amenity values of adjoining properties and adjoining resource areas. This is then supported by Policies 9.2.2 and 9.2.3, and Objective 9.1.2, which require the effects of industrial activities be managed so that, among other things, appropriate separation and screening is provided for adjoining resource areas and the effects on neighbouring areas from noise, odour, dust and lightspill are avoided, remedied or mitigated. At the time of subdivision, Council would retain control over the mitigation of adverse effects on adjoining areas of public open space, among other things, under Rule 9.3.2.i.

[39] Proposed Rule 9.3.6.iv.d does not give a purpose for the required landscaping.¹¹ Nor does it require any specific density of plantings. Therefore, I question whether compliance with the rule as proposed would be sufficient to achieve consistency with Policies 9.2.2 and 9.2.3 and the objectives of the requestor. For argument's sake, a landowner could reasonably argue that simply providing a grassed lawn would comply with this rule based on the definition of "landscaped" in the District Plan¹². Yet, such landscaping would provide none of the benefits of screening the site advanced by the requestor.

[40] I consider that, in order for the proposed Rule 9.3.6.iv.d to be effective and achieve both the objectives of the request, and the objectives of the District Plan, more detail would be required regarding the exact nature of landscaping required to comply with the rule. To this point, I would anticipate that the requestor and submitters (Particularly Mr Bailey and NZTA, who directly discussed landscaping in their submissions) would provide their own thoughts on what level of landscaping they consider would be necessary to manage the effects of the proposal and achieve the objectives of the plan change.

[41] Landscaping and buildings would change the currently low intensity development pattern on this side of State Highway 8, noticeably changing the character of the area. While the proposal would cause development to jump the highway, I concur with Mr Moore that it will, visually, form a logical extension to the Clyde urban area. It may be preferable to keep State Highway 8 functioning as a hard edge to the town. However, as a result of Plan Change 19, the land between the highway and the Clutha River has now all been zoned for different urban purposes, leaving limited room for further expansion. In this context, I consider that changing the zoning of the land would not significantly adversely affect the wider visual character of the township. I concur with Mr Moore that appropriate landscaping, supported by appropriately worded District Plan standards, will be sufficient to manage these effects to acceptable levels.

¹¹ As a comparison, Rule 9.3.6.iv.c specifies that the landscaping required by that rule must provide opportunities for visual enhancement or screening. As a permitted activity standard, it is still not ideally worded, in my opinion, but it does at least set out what the required landscaping is intended to achieve.

¹² "Landscaped" in the District Plan means laid out with features such as trees, shrubs, lawns, paving, walls and screens in keeping with the surrounding area so as to enhance the amenities of the site and surrounding area.

[42] In terms of the longevity and ongoing maintenance of any landscape screening or wall raised by Mr Bailey,¹³ I consider that this can adequately form part of a condition of consent, per the proposed drafting of Rule 9.3.6.iv.d. Additionally, in the event that a landowner let a landscaped area fall into disrepair or removed it (Regardless of any condition of consent requiring they be maintained in perpetuity, which would be needed to comply with the rule), they would be in breach of proposed Rule 9.3.6.iv.d. In order to ensure this, if the plan change is approved, I recommend this rule be further amended to specify that it relates to the Clyde Industrial Precinct, for clarity, and make a consequential change to the planning maps to refer to the site as the Clyde Industrial Precinct. This would mean the provisions continue to have effect throughout the lifespan of the precinct. Otherwise, I consider that the proposed rule 9.3.6.iv.d as drafted would address this particular concern of Mr Bailey.

Conclusions

[43] I recommend that the wording of proposed Rule 9.3.6.iv.d be re-worded as necessary to improve certainty that landscaping will have the effect intended by the requestor and desired by submitters. I consider that the exact wording can be discussed at or prior to the hearing. However, I have drafted the following alternative wording for the rule as a possible starting point:

- d. *Within ~~Lot 1 DP 600773 the proposed 'Clyde Industrial Precinct'~~, a landscaped strip with a minimum width of 10 metres shall be provided and maintained alongside the boundaries of State Highway 8, Springvale Road, the Clyde Cemetery Reserve and the unformed legal road to the north of the site below an historic water race. The entire landscape strip shall be established at the time of initial subdivision or prior to any development of the site and shall create the opportunity for landscaping to provide visual enhancement and screening. The landscaped strip must not be paved or have any structures erected on it. Landscaping must form a visual screen of the subdivision or development that, at a minimum, meets the following performance requirements:*
- 1. In relation to the Clyde Cemetery, must include species that will achieve a minimum height of 4.0m when mature and must be maintained with sufficiently dense plantings that, when mature, they will block direct line of sight measured horizontally at any point from ground level to 1.8m above ground level between the cemetery and industrial development within the Clyde Industrial Precinct.*
 - 2. In relation to State Highway 8 and Springvale Road, must be maintained to a height that avoids shading of the carriageway of State Highway 8 between 10:00 and 14:00 hours on the shortest day of the year."*

¹³ #004 - Bailey

- [44] For clarity, the 4.0m minimum mature height in my suggested matter 1 is arbitrary, but would encourage the use of taller species that would help to break up the views of taller buildings. However, the intent is not to require all plants be able to grow to 4m high. 1.8m was chosen as the reference height for visibility through the landscaping based on the eye level of a reasonably tall adult, reflecting Mr Bailey's concerns about privacy.
- [45] Matter 2 is taken in full from NZTA's submission on the request. Limitations of the above suggestions include no requirements for particular densities of vegetation other than as needed to block horizontal line of sight in relation to the cemetery. For example, the above wording would not preclude landscaping along the highway from being largely grass, provided some level of visual enhancement was afforded. I have done this in order to avoid inadvertently proposing a standard that would conflict with the submission of NZTA. I accept that they may not be sufficient to fully address the concerns of Mr Bailey or the Clyde resident submitters, and invite comment from all parties.
- [46] I consider that policies 9.2.2 would remain adequate to support these proposed rules. It seeks to ensure that industrial activities avoid, remedy or mitigate their effects on nearby land uses through actions such as appropriate screening.
- [47] Subject to the above, I consider that development resulting from the request would not have character effects that were unacceptable, or that could not be managed to acceptable levels.

9. Effects on Clyde Cemetery

Submissions

- [48] Mr Bailey's submission focused on the proximity of the Clyde cemetery. He considers that users of the cemetery are entitled to dignified privacy and is concerned that the landscape buffer, on its own, may not deliver this in perpetuity as proposed. He considers that there should be additional certainty in the planning provisions that the proposed buffer plantings and boundary fence will be maintained in perpetuity, and that there be further provisions for ensuring dignified privacy, including potential for noise or activity restrictions during funeral services.¹⁴

Discussion

- [49] I consider that the cemetery would be considered a sensitive activity, particularly from noise, which may disrupt funerals and mourning. In my experience, both are typically sombre and reasonably quiet affairs that may easily be disrupted by noise, vibration or onlooking. I concur with the concerns of Mr Bailey that noise from future development under the proposed industrial zoning may adversely affect activities occurring in the

¹⁴ #004 – Bailey.

cemetery if not appropriately managed. Noise experienced at the boundary of the cemetery would be subject to Rule 9.3.6.iii.a of the Plan, which requires all activities comply with the following limits at any point within the Industrial Resource Area:

On any day	7:00am to 10:00pm	65 dBA L_{10}
	10:00pm to 7:00am the following day:	45 dBA L_{10}
		85dBA L_{max}

- [50] The remainder of this rule relates to residential zones, so is not of particular relevance to the cemetery. For the sake of comparison, under the current rural zoning, up to 55dBA L_{10} or 70dBA L_{max} could be generated from permitted activities on the site, measured at the boundary of the Clyde residential area (But not in relation to the cemetery), between 7am and 10pm. 65dB would equate to a rough doubling of the perceived loudness of permitted noise levels compared to those that apply at present. However, the two standards measure noise from different points, so they cannot easily be compared. Unlike the residential areas of Clyde, the cemetery is located at the same elevation as the site, with no changes in topography to help block noise (Either from the request site or existing sources of noise generation). In practice, I consider that development resulting from the request would increase the noise likely to be experienced by users of the cemetery, particularly relative to the current use of the land. Current sources of noise are predominantly vehicles using Springvale Road and State Highway 8.
- [51] I consider that the daytime and maximum noise limits would be most relevant to the use of the cemetery. No additional noise restrictions above Rule 9.3.6.iii have been proposed in the request. The District Plan does not currently regulate vibration as an independent activity. The request proposes that onlooking be managed through building setbacks and landscaping along the site and the cemetery. Mr Bailey has not specified how they would prefer effects on the cemetery to be managed.
- [52] When measuring noise for the purposes of Rule 9.3.6.iii, dBA means the noise level weighted to consider the range and sensitivity of human hearing. L_{10} means that the specified decibel level cannot be exceeded for more than 10% of the time of the measurement period (For example, 6 minutes across an hour). L_{max} levels cannot be exceeded at any point.¹⁵
- [53] Examples of noise at or approaching 65dBA can include an air conditioning unit at 1-2m, inside a large business office or restaurant, a sewing machine, a normal conversational level, or background music. 85dB noise levels could be similar to being next to a ringing alarm clock or the close passing of a large diesel truck travelling at

¹⁵ Standards New Zealand (03 March 2016) *Construction Noise: Know the Limits*. Retrieved from <https://www.standards.govt.nz/news-and-updates/construction-noise-know-the-limits>.

about 65km/hr.¹⁶ In an industrial area, this could be caused by activities such as use of power tools, banging of materials together, for example when loading or unloading a truck, music, or motion alarms on vehicles operating outdoors.

- [54] Based on a site visit, the cemetery mostly experiences road noise from State Highway 8 and Springvale Road. During my site visit (Early afternoon on a weekday in early autumn. Cloud cover was patchy, with light, gusty wind), other than these noise sources, the dominant sounds I observed were from wind and wildlife. Other existing more seasonal, sources of noise in the area could include frost protection or bird scaring associated with cherry orchards being established to the north, other noises associated with rural production on nearby rural lots, and noise from operations at Contact Energy's depot.
- [55] The proposed requirement for a landscaping buffer would encourage noise generating activities to locate away from the boundary with the cemetery. However, I consider that an 85 dBA noise peak could impact some cemetery activities by being noticeably higher than current or anticipated ambient noise levels. Such disruptions from noise generated in compliance with Rule 9.3.6.iii.a would be relatively short term in nature, but would adversely affect people visiting the cemetery. Mr Bailey's submission did not indicate what noise level he considers would be acceptable to manage these effects. I invite Mr Bailey to suggest a permitted activity noise standard that he considers would be sufficient to manage disruption to cemetery goes at or prior to the hearing, for consideration. The requestor has not considered noise effects on the cemetery, other than to say noise would be adequately governed by existing permitted activity standards.¹⁷ Given the potential effects identified by Mr Bailey and the primacy put on providing a sense of privacy and quiet to mourn in a cemetery, I consider it reasonable that a reduced noise standard be applied in order to reduce effects on users of the Clyde Cemetery. I invite Mr Bailey and the applicant to provide further comment on this at or prior to the hearing.
- [56] In terms of limitations on activities or noise during funeral services, this is similar in theory to the conditions of the resource consent for the Highlands Motorsport Park in Cromwell, who need to cease certain operations during the times burials are scheduled in the Cromwell Cemetery as a condition of their consent for, among other things, a breach of permitted Rural Resource Area noise standards.¹⁸ However, in practice, implementation of this type of regime for development anticipated by the plan change

¹⁶ See, for example, IAC Acoustics (n.d.) *Comparative Examples of Noise Levels*, retrieved from <https://www.iacacoustics.com/blog-full/comparative-examples-of-noise-levels>, and Yale Department of Environmental Health and Safety (n.d.) *Decibel Level Comparison Chart*, retrieved from <https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>.

¹⁷ Duncan Whyte, Request Appendix D, at Section 9.0.

¹⁸ Resource consent RC 150225. Condition 49 of this consent requires any Tier Two activity, of which there can be up to 16 a year, and do not have a daytime noise limit for their operation, be suspended for the period of the burial and half an hour either side, where the motorsport park operator receives at least two days' notice of the burial from the funeral director.

could be tricky to manage and enforce. The number of parties involved in this case would likely be significantly more than those involved in Cromwell. In addition, the Highlands consent only seeks to manage the effects of a limited number of specific activities per year, where the consent holder does not otherwise have to comply with any noise limits, whereas Mr Bailey's submission seems to suggest requested limitations on regular day to day activities that would already be bound by Rule 9.3.6.iii.a. I consider that specific limitations in a similar vein to those imposed on Highlands could impose a regulatory and compliance cost for both Council and future that outweighs the potential benefits to cemetery users in this context. I do not consider any additional limitations on specific activities to be necessary. Instead, I consider it more appropriate to rely on a permitted activity noise level to manage effects on users of the Clyde cemetery.

- [57] I consider that the construction or otherwise of the stone wall identified in the cemetery extension development plan provided by Mr Bailey is largely immaterial to Council's consideration of this plan change request. Any boundary fence or wall would typically be a permitted activity in any resource area, and is subject to the provisions of the Fencing Act 1978. No details about the intended wall are provided in the cemetery extension development plan, other than that it would be stone. However, assuming they are built to mirror the existing walls around the cemetery, I consider that it would not provide significant visual or acoustic screening due to the existing wall being able to be looked over by an adult. It is not clear to me how such a fence would help provide privacy for users of the cemetery.
- [58] Mr Moore has assessed the potential visual effects of the proposed change from the Clyde Cemetery and considers that the proposed landscaping strip would provide an adequate visual screen of the site. While not guaranteed, it can be assumed that a visual screen of possible industrial development would likely also limit opportunities for overlooking or loss of actual or perceived privacy. Given no plantings are currently proposed, it is impossible for Council to be satisfied that any given screening will be adequate. Therefore, it is necessary for Council to be satisfied that the proposed rules regarding landscaping will ensure the desired effect. This question has already been considered in Paragraphs [38]-[40] of my assessment. I consider that more specificity would be required in order to have an enforceable, legally valid, permitted activity standard that gives the certainty desired by Mr Bailey.

Conclusions

- [59] On the whole, I consider that effects on the amenity of the Clyde Cemetery can be adequately managed through permitted activity standards, potentially including through amended permitted noise standards. As a possible starting point, I consider that Rule 9.3.6.iii.a could be amended as follows:
- 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	65 dBA L10
	10:00pm - 7:00am the following day	45 dBA L10
		85 dBA Lmax

Provided that the following noise limits shall not be exceeded at any point within a Residential Zone or at the boundary of Designation D68 (Clyde Cemetery):

On any day	7:00am - 10:00pm	55 dBA L10
	10:00pm - 7:00am the following day	45 dBA L10
		70 dBA Lmax

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

- [60] I consider that the above would roughly half the potential maximum apparent noise level within the cemetery caused by activities within the request site. This would serve to reduce the effects on cemetery users due to lower volume noise typically being less disruptive, while not being an undue restriction on industrial activities, given the societal importance placed on being provided reasonably quiet, private spaces to mourn departed individuals. I invite the requestor and Mr Bailey to comment on whether they consider this to be acceptable, or whether another alternative should be considered.
- [61] I consider that policy 9.2.3 would remain adequate to support this proposed rule. It seeks to ensure that industrial activities taking steps to manage noise effects.
- [62] I also recommend changes be made to those proposed by the requestor in order to provide more certainty that a certain level of landscaping will be achieved. Possible changes have been outlined in Paragraphs [43]-[46].

10. Effects on Roding Network

Submissions

- [63] Ms Collier, and Mr Rabbitt and Ms Axby consider that the proposal would create safety concerns at the intersection of State Highway 8 and Springvale Road, with additional congestion and potential for accidents.¹⁹ NZTA requests the proposal be amended to specify that no vehicle or other access is permitted to State Highway 8, to the site, paving or structures in the landscaping strip, avoid the planting of vegetation that would shade

¹⁹ #002 – Collier, #007 – Rabbit and Axby

the State Highway 8 carriageway or the intersection with Springvale Road between 10:00 and 14:00 on the shortest day of the year, specify exactly what upgrades are required for the State Highway 8 / Springvale Road intersection, and require investigation of whether upgrades would be required to the existing State Highway 8 underpass to let it function as a pedestrian/cycle connection from Clyde.²⁰ NZTA's proposed additional upgrades include the following:

- An auxiliary left turn lane for traffic approaching the intersection from the north-west to turn off the highway
- A widened shoulder adjacent to the auxiliary left turn lane extending into Springvale Road to provide space for cyclists to turn left outside the left turn lane.
- An advice note specifying that the final design of the intersection will need to be approved by NZTA via a corridor access requires under the Government Rounding Powers Act 1989 before construction.

Discussion

[64] In terms of NZTA's requests that the proposed Rule 9.3.6.iv be amended to preclude paving or structures, and to require any vegetation not shade the State Highway on the shortest day of the year, I consider it to be reasonable, and within the intended purpose of the landscaping strip to not have buildings present. NZTA appears to propose a preclusion on paving as a way to preclude creep of industrial related activities into the buffer. Given the intended purpose of the landscaping strip, I consider this to be appropriate.

[65] I agree with NZTA that vegetation that shades the State Highway 8 carriageway can have an adverse effect on its safe and efficient operation, particularly in winter, where there is a risk of ice forming on the carriageway and not being cleared by direct sunlight. Given this risk, I accept the proposed addition to Rule 9.3.6.iv to specify that the vegetation must not shade the highway. However, as proposed by NZTA, the rule would preclude any vegetation that shaded any part of the legal road, even where that shade would not affect the carriageway and, hence, be less likely to create a hazard for road users. In order to avoid a situation where no vegetation could be planted close to the boundary of the highway without requiring resource consent, potentially limiting the effectiveness of the vegetation as a visual screen, I recommend that this be further amended to specify that vegetation must not shade the State Highway 8 carriageway.

[66] In terms of further amending Rule 12.7.1.iii.h to specify that no vehicle or other access is permitted to State Highway 8 from the site, I consider this change to largely be semantic in nature. As proposed, the rule would allow no access of any sort. All the

²⁰ #005 - NZTA

changes proposed by NZTA would achieve would be to make this more explicit by specifying no vehicle or any other type of access is to be achieved. I consider that it could be clearer for readers of the rules to have this specified. However, I do not consider that it would notably change the effect of the proposed rule. Given this, I recommend that this part of NZTA's submission be adopted as a minor change if the plan change is approved.

- [67] As a minor change, I recommend that the access standard for Springvale Road be split into its own provision. This would make it clearer to a reader that the standards relate to different roads, and place different requirements on development within the request site. Instead of requiring there be no direct access to Springvale Road, I also recommend this be changed to require no more than one point of access. This would allow for a single point of access as a permitted activity. This access could be either a road intersection if the land was subdivided, or a vehicle crossing if the site was developed without a subdivision. This would keep the same intent as the standard proposed by the requestor, but avoids a scenario where the landowner requires resource consent if the Clyde Industrial Precinct is developed for an otherwise permitted activity instead of being subdivided, solely because they have a single driveway directly onto Springvale Road (Instead accessing from a subdivisional road), and no other practicable options for access. Springvale Road is classified in Schedule 19.7 of the District Plan as a rural arterial road. Therefore, this standard could be kept under Rule 12.7.2.iii. The activity status for a breach can remain the same, and I consider that Objective 12.3.1 and Policy 12.4.1, which together require safe and efficient access points to the roading network to be adequate to support this rule without alteration. Having multiple access points on an arterial road in close proximity to a significant intersection between two arterial roads may not constitute safe and efficient access to the roading network.
- [68] In terms of further amending Rule 12.7.1.iii.i, NZTA recommends an auxiliary left turn lane be required to be installed for southbound traffic on State Highway 8 turning left space to decelerate and make the turn without disrupting traffic continuing south. Mr Carr notes that there is no formal left turn lane currently. However, there is a reasonably wide shoulder approaching the intersection, which is commonly used as a turning lane in practice.²¹ Mr Carr appears to consider that a left turn lane would be warranted,²² but the request leaves it vague as to who would be responsible for constructing the lane. Noting the submission from NZTA, the status of State Highway 8 as a limited access road, and NZTA's status as the road control authority for the road, I consider that more weight should be given to the position of NZTA. Given they have specified particular upgrades that would be required to accommodate additional traffic directly attributable to future development that would be enabled by the request, I recommend Council adopt NZTA's desired further changes to Rule 12.7.1.iii.i, if it were to approve the request.

²¹ Andrew Carr, Request Appendix G, at 3.1.9.

²² Request Appendix G at 7.2.1.

- [69] The proposed wording of Rule 12.7.i.iii.i in the request ties the required upgrades to be prior to subdivision and industrial development. This timing could be problematic as the use of “and” requires both criteria be fulfilled before any upgrades are required. This means that the landowner at the time of subdivision could feasibly argue that, because no industrial development had happened at the time of subdivision, they were not required to upgrade the intersection under the rule. Alternatively, if the site were to be developed for industrial use without requiring a subdivision, the landowner could argue that, because they were not subdividing, the rule was not triggered, and the access would not need to be upgraded. To address this possibility, consideration should be given to replacing “and” in this rule with “or”.
- [70] Replacing “and” with “or” would have the effect of requiring any development of the site upgrade the intersection in order to be able to be considered a permitted activity. This would occur whether the development in itself would warrant and upgrade or not, for example if only a small scale industrial storage facility were to locate to the site in advance of, or in lieu of, any other development. This could impose a high compliance cost on an activity that may not warrant it. The implications of using “and” in the rule have been outlined in the previous paragraph.
- [71] On balance, I consider that the threshold should be either subdivision, or industrial development occurring on the site. Assuming similar levels of intensification in both scenarios, similar levels of traffic could be anticipated, with a similar effect. In principle, I consider the interests of preserving the efficient function of State Highway 85 to outweigh the costs to the developer from having to upgrade the intersection, particularly if they choose to not fully utilise the land. If a specific development results in traffic generation that is low enough that upgrades are not warranted, this can be considered through the resource consent process under Rule 12.7.1.ix.
- [72] NZTA also request that investigation occur in relation to whether the Daphne Hull Underpass requires upgrading, for example sealing of its eastern approach, installing lighting or increasing signposting, to accommodate additional cycle and pedestrian movements. I note that the Department of Conservation, who owns the land at the eastern approach to the underpass, has not submitted on the request. As an issue of natural justice, I am loathe to recommend imposing a requirement through the District Plan that could impact, or require the engagement of, a third party that is not a party to this proceeding. I consider that the use of, and any upgrades to, the underpass can reasonably be considered either at the time of subdivision (As part of Council’s exercise of its control over the provision of access), or in consultation with landowners if the land is developed without subdivision. This would not require regulation through rules in the District Plan.
- [73] NZTA, as the road control authority for State Highway 8 has proposed changes to the plan change that, in their opinion, would facilitate the safe and efficient operation of their highway. Given their status as the road control authority, I consider this to be sufficient

to address the concerns about the safe and efficient operation of State Highway 8 and the intersection with Springvale Road identified by Ms Collier, and Mr Rabbitt and Ms Axby. That leaves consideration of effects on the wider roading network, particularly Springvale Road, also raised in submissions.

- [74] In relation to effects on the wider roading network, the request would increase vehicle movements along nearby roads. In reliance on the assessment of Mr Carr, I am comfortable that this increase in traffic will not be so great as to cause significant safety or capacity reductions for the wider roading network. Council's infrastructure manager has advised that they do not consider the speed limit of Springvale Road past the site unlikely to need to change as a result of development on the site. I consider the wider roading network to have sufficient capacity to accommodate development that would be anticipated if Council were to accept the request.

Conclusions

- [75] I recommend that the submission of NZTA be accepted and that the following changes be made to Rule 12.7.1.iii, if the panel accepts the request:

- h. There shall be no vehicle or other access to State Highway 8 from any development or subdivision of Lot 1 DP 600773 and no direct access to Springvale Road from any lot subdivided from Lot 1 DP 600773 in the Clyde Industrial Precinct
- i. There shall be no more than one point of vehicle access to Springvale Road from the Clyde Industrial Precinct
- i-j. Prior to subdivision and or industrial development occurring on Lot 1 DP 600773 in the Clyde Industrial Precinct the State Highway 8 / Springvale Road intersection shall be upgraded improved by providing:
 - 1. An auxiliary left turn lane for traffic turning left off State Highway 8, with the details of the design being in general accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections; and
 - 2. A wide shoulder adjacent to the auxiliary left turn lane under (1), extending into Springvale Road to provide safe left turning for cyclists.
 - 3. A painted median such that the view to the right from Springvale Road is not obscured by a vehicle slowing in the left turn lane on State Highway 8 (that may otherwise obscure a following straight through vehicle).

Advice Note: The final design of the intersection will be approved as part of the Corridor Access Request required from the New Zealand Transport

Agency under the Government Roadway Powers Act 1989 for works in the state highway.

- [76] Possible changes to Rule 9.3.6.iv have previously been outlined. I reiterate that I recommend the concerns raised by NZTA in relation to potential for shading of the highway be considered in relation to any change to this rule.

11. Need for Industrial Land in this Location

Submissions

- [77] Of the submitters, Mr Grey²³, Mr Young²⁴, and Mr Rabbitt and Ms Axby²⁵ questioned whether Clyde needed an industrial zoned area. All three submitters also consider that there is adequate industrial zoned land available in Alexandra. Rabbit and Axby argue that there is no demand for industrial land in Clyde.

Discussion

- [78] Generally speaking, industrial activities benefit from land with particular characteristics. I agree with Ms Hampson's assessment provided in support of the application that these include adequate provision of space to undertake activities, good access to transportation networks, nearby or convenient employment markets and nearby or convenient markets to sell their products.²⁶ Ideally, they would also be in a location that is not close to receptors that may be sensitive to the effects of their activities²⁷ in order to minimise the potential for conflict between uses and allow industrial operations to undertake activities that are functionally required for their business.
- [79] Anecdotally, I understand that industrial land in Alexandra has been slow to be developed. For example, Molyneux Estate's 29 industrial lot subdivision around MacLean Road and Centago Crescent was originally consented in 2009,²⁸ but not completed until 2018, with several allotments currently appearing vacant²⁹. A 19 lot subdivision by Canepa Developments Ltd off Ngapara Street in 2010 lapsed without being given effect to.³⁰ This has since been superseded by a subdivision that Canepa intends to limit future buyers to use for residential activity only.³¹ This consent has not

²³ #003 - Grey

²⁴ #006 - Young

²⁵ #007 – Rabbitt and Axby

²⁶ Request Appendix F, Pages 39 and 40.

²⁷ For example, noise, dust, vibration, odour, lightspill or pollutants.

²⁸ RC 090207

²⁹ For example, Lots 10, 11, 15 and 16 DP 513436. These lots are currently not built on based on 2023 aerial photographs, although I note that they may also be used for activities that do not require buildings and may not show clearly on satellite photos, such as storage.

³⁰ RC 100021

³¹ RC 230014. As part of this consent, consent notice conditions equivalent to the permitted activity standards of the Residential Resource Area, would be imposed, limiting built form to align with the District's residential areas. I understand that the use of the land was intended to be limited to

been given effect to at the time of writing. However, I do consider that, eventually, the available land would be fully taken up. As this point approaches, the next question that needs to be asked would be where to provide industrial land next. I consider that both of these areas have very limited options to expand. Both are constrained by existing residential uses around them, with the Ngapara Street area also being constrained by the Boot Hill reserve to the north. Existing undeveloped industrial zoned land at 11 Success Street is known to have geotechnical constraints from historic mining activities that would need to be addressed before this area could be developed. The Alexandra landfill, also industrial zoned, would not be available for re-development within any reasonable timeframe without substantial remediation, assuming such remediation was practicable, viable and politically acceptable.

- [80] The Vincent Spatial plan identifies two new areas for potential re-zoning to industrial, reflecting existing industrial uses around Fulton Hogan's yard on Dunstan Road in Alexandra, and Contact Energy's depot along Springvale Road in Clyde. The re-zoning of these areas could provide further opportunities for industrial development in the area. However, again, these areas have limited room to expand. The Dunstan Road land is bordered by a terrace riser, residential zoned land and a Council reserve. The Springvale Road land is bordered by the rail trail, Clyde cemetery and more residential zoned land.
- [81] This suggests the most likely course of action in my opinion, having regard to the needs and preferences of industrial activities, would be to establish a new area on the periphery of the town, likely somewhere between Alexandra and Clyde, at some point in the foreseeable future. The timeframe for this would depend on the speed of uptake in the remaining industrial land in Ngapara Street, Boundary Road, and the areas proposed on Dunstan and Springvale Roads under the Vincent Spatial Plan³² but the decision on where to provide new land for industrial growth for the area will need to be made, eventually.
- [82] I also note that the current situation puts the current future development of the area's zoned industrial land at the hands of two primary landowners (On the assumption that the landfill will not be able to be viably redeveloped within relevant timeframes and not including land that may be rezoned under the VSP). This current duopoly concentrates a high level of control over the supply of existing industrial zoned land to a small number of actors. This creates potential for detrimental effects on the availability of land, which may be alleviated somewhat by introducing additional actors into the market. I note that land banking in this way affecting affordability and supply of land was one of the issues identified in the Vincent Spatial Plan. If the VSP is fully given effect to, this number of landowners would increase to seven, somewhat reducing the concerns outlined above.

residential activities through private covenants.

³² Modelling undertaken in support of the Vincent Spatial Plan suggests that this is unlikely to be within the 30 year timeframe of that plan. Instead, it focuses on the utilisation of existing areas (Vincent Spatial Plan, Page 24). New industrial land is proposed mainly where it reflects existing uses, namely Fulton Hogan's depot on Dunstan Road, two adjoining lots, and the Contact Energy and rural fire buildings on Springvale Road. This land is all currently in the Rural Resource Area (Rural Residential) and no changes to the District Plan to re-zone these lots are currently under consideration.

However, in general, I consider that increasing the number of actors able to supply industrial land in the area would not be an adverse outcome.

- [83] I concur with the requestor that the site features many of the aspects desirable to industrial land. It has reasonably direct access to transport links to Alexandra, Cromwell and Omakau and is relatively centralised to local employment markets. I consider that effects on sensitive receptors nearby can be adequately managed through appropriately worded requirements for setbacks and landscape screening. The site would also function as an extension to the industrial land identified to the south of the request site as part of the VSP, and add additional industrial capacity that might not be able to be provided from expanding existing or identified possible areas in Alexandra. I recognise that forecasting of demand is never going to be exact. However, I do not see that as a reason to disregard it. In my opinion, if there is, in fact, no demand for industrial activity in Clyde, that risk is primarily on the requestor at this stage. In the context of the site, I consider the risks to the wider public from mis-judging demand to be low.

Conclusions

- [84] I disagree with the submissions from Messrs Grey and Young, and Mr Robert and Ms Axby and consider that there is a reasonable demand for industrial land that could be met by the request. Increasing the number of owners of land that could be developed for industrial purposes in the area can also help with the functioning of the local industrial land market by reducing the ability of any individual landowner to influence the market by restricting supply of land. In the event that Mr Robert and Ms Axby are correct and there is no demand for industrial land in Clyde, the risks associated with that scenario are primarily on the requestor at this stage.

12. Availability of Utilities

Submissions

- [85] No submissions discussed this matter.

Discussion

- [86] Information provided by the requestor indicate that the site should have sufficient capacity to manage stormwater discharges from future buildings and impervious surfaces to ground within the boundaries of the site. This would be subject to detailed design work being undertaken at the time the land was developed. I consider this to be appropriate. I also note that there could be opportunities for capturing stormwater to provide or supplement irrigation of the proposed required landscaping areas. This could be investigated further at the time a specific development is put forward for the site.
- [87] Chorus and Aurora have provided in principle confirmation that the site could be supplied with telecommunications and electricity connections to their respective networks. I

understand that these network connections could be made underground, in line with Rule 16.7.10, subject to confirmation at the time the land is developed.

- [88] Council's Water Services Planning and Policy Manager has confirmed that, in principle, future development could be connected to Council's water and wastewater networks in Clyde. They have confirmed that Council has not considered or agreed to any specific design or location for connections to the network, although they did specify that no connection to the 500mm principal water main or 25mm water rider main that run along the boundary of the site would be considered. Instead, connections would need to be extended from the network on the western side of State Highway 8. The principal main is the primary water connection to Alexandra, and the rider main would have insufficient capacity to service the site. This differs from the proposal put forward by the requestor, which assumes a connection would be made to the 500mm main.³³ Despite this, I consider there to be enough evidence for me to be satisfied that a connection to some location in the network can be achieved, subject to confirmation at the time the land is developed and the completion of any necessary upgrades to existing infrastructure.

Conclusions

- [89] Overall, I consider that additional development anticipated by the request could be adequately serviced in principle. The exact nature of any service provisions can be determined at the time the land is developed.

13. Soil Contamination and Geotechnical

Submissions

- [90] No submissions discussed these matters.

Discussion

- [91] Mr Midgely, environmental scientist, has undertaken a preliminary site investigation (PSI) in relation to the proposal, and advises that the site contains contaminants from historic uses such as storage of engine oil, treated timber and waste disposal to land. However, they conclude that it is highly unlikely that these will exceed relevant soil contamination standards. In several cases, contaminants such as arsenic and lead exceeded background levels, but predicted concentrations were always substantially below (In no cases more than 50%) the relevant human health criteria for earthworks, commercial or industrial activities.³⁴
- [92] Mr Midgely's PSI has been peer reviewed by Ms Lisa Bond, Principal Contaminated Land Consultant from WSP. Ms Bond generally agreed with Mr Midgely's assessment that based on current sources of contamination it is highly unlikely that there will be a risk to human health if the site were re-zoned to industrial. She did note that the

³³ Myles Garmonsway and Peter Dymock, Request Appendix I, Paragraph 5.2

³⁴ Claude Midgely, Request Appendix H, Table 5.

assessment does not look at ecological health metrics, does not consider the proximity of potential contamination from the Clyde Cemetery, and lacks information about the quality control processing of samples taken for XRF testing to ensure they were taken and processed in line with best practice. In terms of the processing of samples, the requestor is invited to provide evidence that they have followed these best practices, if available. Otherwise, re-testing may be required before the site can be developed.

- [93] I agree with Ms Bond that the Clyde Cemetery is a potential source of soil contamination, for example from chemicals used in embalming. Over time, this contamination could spread to the site. However, I note that burials have occurred over 170m from the site, meaning contamination would have a reasonably long distance to migrate to reach the site. Ms Bond recommends the risk from the cemetery be incorporated into the conceptual site model that guided Mr Midgely's assessment. I invite the requestor to address this point.
- [94] In terms of ecological health metrics, Ms Bond ultimately concludes that, because the proposal is to change the site to a generally less sensitive land use, the risk to environmental health associated with changing the zoning and use of the site is low. I concur.
- [95] I note that the PSI is focused on the risk to human health from existing contaminants in the soil in terms of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). Its function is not to consider how new sources of contamination from a change of land use might affect ecological receptors. I consider that this would be better addressed through other legislation, such as the Hazardous Substances and New Organisms Act 1996.
- [96] Given these results and the peer review of Ms Bond, I broadly concur with Mr Midgely that it is unlikely that earthworks on the site, or the change of use of the land to industrial uses, would result in notable risks to human health for construction workers and occupants respectively. Provided Ms Bond's comments about the XRF testing and consideration of risks from the Clyde Cemetery are addressed, given a PSI exists for the site that concludes that it is highly unlikely that there will be a risk to human health, subdivision or changing the use of the land to industrial or commercial uses would be considered permitted under Regulation 8(4) of the NES-CS. I note that the provisions of the Industrial Resource Area would allow for more sensitive activities, such as residential activities, as of right. The site has not been assessed against residential health criteria. If the land were to be used for residential purposes, further investigation would likely be required. This may require further resource consents under the NES-CS. Resource consent will also be required under the NES-CS for earthworks if they were to breach Regulation 8(3). However, based on the information provided in support of the request, I consider that this could reasonably be resolved at the time the land is proposed to be developed, and the exact nature of any earthworks are known.
- [97] Mr Stewart, geologist, advises that they do not see any site-specific geotechnical constraints which would preclude the site from being used for industrial development.³⁵

³⁵ James Stewart, Request Appendix J, at Pages 6 and 7.

They do consider that some further investigation would be needed into stormwater runoff and ponding from the terrace, and the risk of rock roll from uphill boulders. However, they consider that these risks can be better assessed at the time the site is developed. I note that the boulders in question are on Council land, not the requestor's. Therefore, it is not in the requestor's control whether any boulders could be removed or otherwise modified to prevent rock-roll damaging future development. However, given the lack of evidence of historic rock-roll identified by Mr Stewart in his assessment,³⁶ I do not consider this to be a significant concern. I adopt Mr Stewart's conclusions that there are no geotechnical constraints that would preclude Council approving the request.

Conclusions

- [98] I am satisfied that the risk to human health associated with changing the use of the land from rural to industrial from contaminants in the soil is low, and geotechnical considerations do not pose a notable limitation on the future development of the site.

14. Statutory Analysis

Functions of Territorial Authorities

- [99] Section 31 of the RMA requires every territorial authority to establish, implement and review objectives, policies and methods to achieve the integrated management of the effects of the use, development and protection of land in its jurisdiction, to ensure sufficient development capacity in respect of housing and business land, control the effects of the use, development or protection of land and control the emission of noise. The request is consistent with these functions.

Statutory Documents

- [100] The following statutory documents are relevant to the request:

National Planning Standards 2019

National Policy Statement for Freshwater Management 2020

National Policy Statement for Indigenous Biodiversity 2023

National Policy Statement for Urban Development 2020

National Policy Statement for Highly Productive Land 2022

Operative Regional Policy Statement 2019

Proposed Regional Policy Statement 2021

Regional Plans

District Plan

³⁶ Request Appendix J at Page 5.

[101] These documents will be considered in turn below.

National Planning Standards 2019

[102] Council was required to give effect to the National Planning Standards 2019 by either making amendments to an existing plan within 5 years of the standards coming into effect, or through the notification of a new District Plan after the standards come into effect. The National Planning Standards provide a framework upon which all RMA plans must be built. Council has opted to implement the standards in stages as it reviews and notifies different chapters of the District Plan. The request does not accord with the National Planning Standards. However, it does accord with Council's current formatting of the District Plan. This does mean that, when Council reviews the Industrial section of the District Plan, some substantive changes may be made to the proposed new provisions, for example to reflect new national definitions. However, this will happen as part of a more comprehensive review of the provisions that apply to all industrial areas in the district. Given this, I do not consider that the lack of integration of the National Planning Standards in the request should count against it.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

[103] The overarching objective of the NPS-FM is to ensure that the management of natural and physical resources prioritises first, the health and wellbeing of freshwater ecosystems, second the health needs of people then, third, the ability of people and communities to provide for their social, economic and cultural wellbeing.

[104] I consider that the site is sufficiently far enough away from water bodies (Including wetlands) that it will not impinge on the provisions of the NPS-FM.

National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

[105] The overarching objective of the NPS-IB is to ensure that there is no overall loss of indigenous biodiversity after the commencement date of the policy statement. The site is not identified as including a significant natural area (SNA) in terms of the NPS-IB under the District Plan.³⁷ Nor is it identified as containing significant habitats of indigenous vegetation or habitats for significant indigenous fauna. The site predominantly appears to consist of exotic grasses. There are opportunities for including native species in landscaping around the site. I consider it unlikely that industrial use of the site would result in significant adverse effects on indigenous biodiversity that would warrant consideration under Clause 3.16 of the NPS-IB. I consider that the proposal would not be inconsistent with the provisions of the NPS-IB.

³⁷ I note that the District Plan has not yet been updated to give effect to the SNA mapping requirements of the NPS-IB.

National Policy Statement for Urban Development 2020 (NPS-UD)

[106] The overarching objectives of the NPS-UD are to ensure New Zealand's urban environments are well functioning, with affordable housing and access to a range of employment opportunities, are well serviced by transport (Specifically public transport), are integrated with infrastructure decision making, support reductions in greenhouses gases, are resilient to the effects of climate change, and are responsive to changing community needs. It directs Councils to take a medium and long term vision (out to 30 years) when making decisions that affect urban environments, and to ensure that sufficient development capacity is provided to meet expected demand for housing and business land in the short, medium and long terms.³⁸ This land must be plan enabled, infrastructure ready and suitable to meet the demands of different business sectors.³⁹

[107] CODC does not consider that the district is currently subject to the NPS-UD, as its current growth projections do not show the district containing an urban area with more than 10,000 people, as defined under the NPS-UD. However, it has sought to have regard to the provisions of the NPS-UD in relation to providing for developable land and well functioning urban environments as much as it can when making decisions on the District Plan, on the assumption that Cromwell, specifically, may have an urban area with a population of 10,000 people sooner than forecast.

[108] Based on Council's growth projections associated with the Vincent Spatial Plan, the request would not be required to meet projected demand for industrial land. Growth projections provided by the requestor suggest that there is demand for industrial land in this location. Regardless, the proposal would increase employment opportunities in Clyde in an area that has good access to transport connections. Council's engineers have confirmed that, while the site is not currently serviced for water and wastewater, these services can be provided, in principle. I consider that the proposal would contribute positively towards the functioning of Clyde and that the proposal would not be contrary to the intent of the NPS-UD.

National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

[109] The application site includes soils identified in the New Zealand Land Resource Inventory (NZLRI) as Land Use Category (LUC) 3. This means that the site is considered to contain highly productive land, based on the provisional definition of highly productive land in the NPS-HPL. The overarching objective of the NPS-HPL is to ensure that identified highly productive land is maintained for primary production, both now and for future generations. The provisional definition of highly productive land is intended to protect areas of more versatile soil, being LUC 1, 2 and 3, from development away from land based primary production, while District and Regional Councils undertake their own mapping exercise to identify the highly productive land in their jurisdiction.

[110] Since the request was lodged, the NPS-HPL has been amended, with those amendments coming into effect from 15 January 2026. Of relevance, these amendments have added a new clause to Section 3.6, which is the applicable section for urban

³⁸ NPS-UD, Clause 3.3(1).

³⁹ Clause 3.3(2).

rezoning of highly productive land. Clause 3.6(6) confirms that Clause 3.6(4) (Among other clauses not relevant to this request) does not apply to the urban rezoning of LUC 3 land. Clause 3.5 of the NPS-HPL remains relevant, however. This clause obliges territorial authorities to take measures to ensure the spatial extent of any urban zone covering highly productive land in the minimum necessary to provide for required development capacity while achieving well-functioning urban environments.⁴⁰ I note that the NPS-HPL does not specify whether this capacity needs to be in the short, medium or long term.⁴¹

[111] In response to these changes to the NPS-HPL, Mr White has argued that, because Ms Hampson identified a shortfall of land for industrial uses in the Vincent Ward and no industrial zoned land in Clyde, and that the proposed re-zoning is proportionate to identified demand, it constitutes the minimum required to provide the required demand. He hasn't gone back through Mr Hampson's assessment to demonstrate how the proposed re-zoning is the minimum required.⁴² I consider it necessary to unpack Ms Hampson's assessment further.

[112] Mr White also argued that the difficulty of realising the productive capacity of the site should act in favour of the proposal when considering Clause 3.6(5). While I agree that there are limitations on the ability of the site to be used productively, and will take this into consideration where I can, I struggle to see how this is relevant to Clause 3.6(5). Clause 3.6(5) only looks at whether the spatial extent of the proposed rezoning meets the anticipated demand, while achieving a well-functioning urban environment. The actual productive capacity of the land is not included as a matter of consideration.

[113] Further, Mr White has argued that Clause 3.6(5) relates to development capacity, and uses this to argue that land required for roading, buffers, setbacks and servicing areas should be discounted. Clause 3.6(5) requires Council consider the spatial extent of the urban zone required to achieve development capacity. By necessity, I consider that this must include all necessary internal circulation, any servicing areas, etc., as these are all required to realise that development capacity and contribute to the spatial extent of the zone. I will be considering the total area of the proposed re-zoning for the purpose of this assessment.

[114] In this case, Section 3.2.2 of Ms Hampson's assessment indicates that approximately 6.2-7.4 hectares of new industrial land would be required in the Vincent Ward over the next 10 years, with an indication in Section 3.3 that current vacant industrial zoned land could accommodate 5-6 years of that demand. The request would provide approximately 5.6 hectares of land gross. On Page 32 of her assessment, Ms Hampson concludes that the Alexandra area would not meet medium term sufficiency of industrial land, even if

⁴⁰ "Urban environment" is not separately defined in the NPS-HPL or in the National Planning Standards. Based on the definition of urban zones in the District Plan (Which includes industrial, residential and business zones), the request could be considered an extension to Clyde's urban environment for the purpose of this assessment.

⁴¹ I have taken short, medium and long term to be the next 3, 10 and 30 years respectively, using the definitions in the National Policy Statement on Urban Development 2020.

⁴² I have interpreted "minimum required" to be just enough to provide the expected area of industrial land required to meet demand, but no more. Re-zoning more land than is considered necessary to meet demand would start creating conflict with Clause 3.6(5).

the request was taken into account. Land earmarked for industrial zoning on the southern side of Springvale Road in the Vincent Spatial Plan is currently used for industrial activities. While they may be further developed if re-zoned, I agree with Ms Hampson that it is appropriate to assume that this land would not provide more than a small increase in available developable industrial land. I would also discount the approximately 2.6 hectares of developable land owned by Canepa Developments (Lot 21 DP 432706) identified by Ms Hampson. This land is in the process of being subdivided, with the developer intending that the lots be used for residential purposes.⁴³ As outlined in Paragraph 82 of my assessment, I consider that the proposal has several characteristics that lend itself to industrial land uses, such as ready access to transportation routes and proximity to land earmarked as industrial under the Vincent Spatial Plan.

[115] Once the Canepa land is removed from consideration, based on Ms Hampson's forecasts in Table 3.3 of her assessment, there would be a shortfall of between 3.7 and 2.5 hectares of industrial zoned land in the wider Manuherikia area (Alexandra, Clyde and Omakau) by 2034. The proposal would provide up to 5.6 hectares of land. In the short to medium term, I consider that the proposal would re-zone more land than is required to meet demand across the Ward. Taking a longer term view, however, I recognise that there are limited options for providing additional industrial zoned land around Alexandra or Clyde once existing zoned land in this area is taken up. I also agree with Ms Hampson's conclusions that relying on the 2.4-2.5 hectares of vacant industrial zoned land in Omakau to cater for the bulk of industrial demand growth in the area is less efficient than providing land locally to Clyde and Alexandra. This is due to the smaller population of Omakau, and distance from Omakau to Alexandra, Clyde and State Highway 8. Discounting this land would increase the medium term shortfall to between 6.3 and 5.4 hectares. This is in line with the spatial extent of the proposed re-zoning. Based on this, I consider that the proposal would provide more development capacity than is technically required to meet predicted demand in the wider Manuherikia area over the medium term. In the longer term, however, the proposed land could cater to future demand in a location that is more convenient to population centres than vacant land in Omakau, and has good access to transportation routes. In this context, particularly when taking a long term view, I consider that the proposal would be unlikely to provide an excess of development capacity.

[116] The proposal would result in the urban area of Clyde jumping State Highway 8. Jumping such land features can have effects on the functioning of the urban environment because the state highway forms a natural barrier to movement across it.⁴⁴ This limits the connectivity of the urban fabric, particularly for people looking to move between the proposed industrial area and the rest of Clyde. It also creates more potential for conflict between road users crossing the highway and those travelling straight through. I consider that the roading upgrades proposed by the applicant, as amended by the

⁴³ Resource consent RC 230014. This consent would impose consent notice conditions requiring compliance with residential style bulk and location standards. I also understand that the developer intends to impose private covenants requiring the lots be used for residential purposes only.

Engineering approval to commence physical works was granted for this consent in February 2025.

⁴⁴ For example, it provides limited points of vehicular and pedestrian access, along with a road layout that encourages high speeds for through traffic and discourages pedestrian use, in particular.

submission of NZTA, would adequately manage the potential effects on the operation and safety of the State Highway. The proposal would be relatively inconvenient for people travelling from the rest of Clyde to work in the area due to the lack of connectivity across State Highway 8 (Compared to if the area were able to be located on the same side of the highway as the rest of the town). However, given Plan Change 19 has both earmarked the rest of the contiguous land on the south-western side of the highway for residential uses, and the land to the north-east of the highway, bordered by Springvale road and Young Lane for future residential use, I consider that locating proposed industrial area along Springvale Road would be the next logical direction for the town. This aligns with proposed industrial rezoning along the southern side of Springvale Road, opposite the site. It is also more convenient and connected to Clyde than the alternative of providing additional land in either Alexandra or Cromwell, both of which would require inter-town commutes, further limiting options for Clyde residents. It would also add another landowner to the industrial land market, potentially increasing the competitiveness of the supply of industrial zoned land for further development by reducing the level of market power held by any one landowner. Having regard to these matters, I consider that the proposal would not notably detract from the functioning of the Clyde township. The proposed location involves some trade-offs in terms of connectivity and convenience, particularly for people who would live in Clyde and work in the proposed industrial area. However, I consider that these trade-offs are appropriate having regard to the directions indicated by Council's previous decisions in the Vincent Spatial Plan and Plan Change 19.

- [117] Given the above, I consider that the request would satisfy the requirements of Clause 3.6(5) of the NPS-HPL. I consider that the request would be undertaken in accordance with the NPS, and would be consistent with Policy 5 as a result. I accept the requestor's arguments that the site has limitations on its productive capacity that mean re-zoning the site would not be inconsistent with Policy 4. I consider the proposal to be consistent with the provisions of the NPS-HPL.

Operative Regional Policy Statement 2019 (ORPS)

- [118] I concur with the requestor that the request would provide specific land for industrial activities in an area that I consider to be broadly appropriate for the anticipated use. The function and values of local and regional ecosystems are unlikely to be disrupted. The site is able to be integrated into existing transportation, water and energy infrastructure. No significant changes to the hazard profile of the area are anticipated. I consider that the proposal would be consistent with the ORPS.

Proposed Regional Policy Statement 2021 (pORPS)

- [119] I concur with the requestor that the request would help meet forecast demand for commercial and industrial activities in a location that is able to be integrated into infrastructure networks, avoids areas with historic significance and is in an area that I consider to be broadly appropriate for the proposed uses.
- [120] Policy LF-LS-P19, requires the maintenance of the availability and productive capacity of highly productive land by applying the NPS-HPL. In paragraphs [108]-[112] I

concluded that the request has correctly met the amended tests for re-zoning highly productive land in the NPS-HPL. Given this, I consider the request to be consistent with LF-LS-P19.

- [121] I also consider the request to be consistent with the other relevant parts of the pORPS that are operative, particularly those in the UFD, EIT-INF, EIT-TRAN, HAZ and HCV chapters, for reasons provided throughout this assessment and adopting the assessment of the requestor.

Regional Plans

- [122] The Regional Plans for Air, Water and Waste would be relevant to the request. I do not consider there to be anything in the request that would force an inconsistency with these plans. I note that this would not exempt any party seeking to take advantage of the proposed industrial zoning from their obligations to obtain any resource consents necessary under these plans for their specific proposal. Nor is it a guarantee that any given industrial activity will be consistent with these plans.

District Plan

- [123] In terms of managing effects on nearby land uses and zones (Policies 9.2.2 and 9.2.3), I consider that the proposed landscaping requirement would go some way towards consistency with these policies. However, for the reasons provided in paragraphs [38]-[40] of my report, I consider that the landscaping standard would require revision to fully address the concerns raised in submissions. Additionally, for the reasons provided in paragraphs [47]-[55] of my report, I consider that a lower permitted noise level than would otherwise be provided by Rule 9.3.5.iii could be needed in relation to the Clyde Cemetery to adequately manage noise effects on cemetery visitors. Provided these matters could be address, I consider that the request would allow for future development that could adequately manage its effects on nearby land uses.
- [124] I consider that the proposal would, more likely than not, have adequate provision for infrastructure, and would be consistent with Policies 9.2.5 and 12.4.1, and their associated objectives.
- [125] I consider that nuisance effects from future development of the site can be adequately managed through a mixture of separations from existing and planned future activities and appropriately worded screening standards. The request can be considered consistent with Policy 12.4.7.
- [126] The proposal would make provision for industrial activities. I consider that its location would manage most effects of industrial activities on other land uses. However, I consider that changes would need to be made to the proposed District Plan provisions to manage visual effects, and privacy for the Clyde Cemetery, in particular.
- [127] Policy 6.4.1 requires Council to identify and provide for a level of amenity which is acceptable to the community and manage adverse effects on wellbeing that may result from development, while recognising that change in land use is inevitable for the community in order to provide for wellbeing in order to maintain quality of life for urban

communities. Policy 6.4.2 is a permissive provision that seeks to enable expansion of urban areas, provided it is undertaken in a manner that manages its effects on adjoining rural areas and heritage values, among other matters not relevant to the proposal. Submissions on the application indicate a level of community dissatisfaction with the anticipated level of amenity that might result from the industrial development of the site. However, for the reasons provided earlier in my assessment, I consider that the effects on amenity will be low, and could be appropriately managed through permitted activity standards. I do not consider four submissions in opposition to the request to be a sufficient expression of community intent in terms of Policy 6.4.1. In this context, I do not consider that the request would result in an unacceptable level of amenity.

[128] I consider the request unlikely to significantly affect the amenity values of nearby rural areas. In my opinion, these effects can be adequately mitigated through appropriately worded permitted activity standards regarding landscaping. I also consider that this landscaping can adequately manage effects on the heritage values of the existing parts of the Clyde cemetery. There are no areas with elevated historic, archaeological or cultural significance in the vicinity of the site. Residual effects on community wellbeing can be adequately managed through permitted activity standards and resource consent requirements. I consider that the request is consistent with Policies 6.4.1 and 6.4.2.

[129] The proposal would provide opportunities for the people of the district to provide for social and economic wellbeing through the creation of additional economic and job opportunities. Provision of industrial land is a reasonably foreseeable need of the area in the long term. I consider that the proposal would be consistent with Objective 6.3.1.

[130] Overall, I consider that some changes would need to be made to ensure the request would result in development that was consistent with the objectives and policies of the Industrial Resource Area. However, provided these were made, there would be nothing that made the proposal inconsistent with the objectives and policies of the District Plan.

Vincent Spatial Plan

[131] The VSP is intended to be the blueprint for development around the main towns in the Vincent Ward, with a 30 year mindset. The VSP envisages the requestor's site retaining its rural character, while also providing potential for greenspace or amenity connections with the Clyde Town Belt. The VSP also identifies a new potential industrial zone along the southern side of Springvale Road, around the Clyde Railhead, which is intended to reflect the existing land uses in this area. While not a statutory document, it is a record indicating the public and Council's intent for where development should be focused over the next 30 years.



Figure Two: The request site shown in the VSP as a mixture of rural (Light beige) and open space (Dark green) land. The blue area is the Clyde cemetery. The purple area is earmarked as future industrial land.

[132] The requestor has argued that there are limitations on the useability of the site for rural activities, including rural production. The VSP does not show any clear intention for how rural uses of the land should be provided for.

[133] The proposed new Industrial Resource Area provisions would encourage the development of landscaping buffers around the western, southern and eastern sides of the site. This broadly aligns with the “Natural Open Space” notation applied to the site in the VSP. Provision of amenity planting buffers contributing to blue/green networks is also recognised by the VSP.⁴⁵

[134] On face value, I consider that the use of the application site for industrial purposes would constitute a logical extension of the VSP’s identified industrial land in Clyde. I understand that the intent of this land was to recognise existing activities, rather than provide for new development options per-se. However, re-zoning in accordance with the VSP would still allow for a level of intensification of land uses, if the landowners wished.

[135] Ultimately, I consider that the proposal would help to achieve some parts of the VSP, while allowing for a use of the land that is consistent with the intent of the VSP for land on the other side of Springvale Road. I do not consider the proposal to be out of step with the intent of the VSP for Clyde.

⁴⁵ Vincent Spatial Plan, Page 28

Kai Tahu Ki Otago Natural Resource Management Plan 2005 and The Cry of the People, Te Tangi a Taurira – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (IMPs)

- [136] The Kai Tahu Ki Otago Natural Resource Management Plan 2005 sets out issues, objectives and policies on resource management matters important to Kāi Tahu Ki Otako on a catchment by catchment basis. Important matters related to the Mata Au / Clutha River catchment that are relevant to the proposal include capacity for wastewater management, land use intensification and sedimentation from urban development affecting wai Māori, and the maintenance of cultural landscapes associated with ara tawhito, routes into the Otago interior. It seeks to discourage activities that cause increases silt loading in waterways or their reaches,
- [137] Te Tangi a Taurira sets out issues and policies on resource management issues important to Ngāi Tahu ki Murihiku. I note that the area covered by this plan borders along the true right of the Mata-Au, and does not incorporate the request site. However, consideration should still be given to how the request might affect the values this plan seeks to protect. Primarily, in relation to the request, this relates to fresh water management, waterway enhancement, avoiding discharge of contaminants into waterways and promoting the priorities in the Te Rūnanga o Ngāi Tahu Freshwater Policy 1977.
- [138] I note that no Iwi or Hapū representatives submitted on the request. I have no specific expertise in te ao māori. My below assessment is based on my interpretation of the policies of both documents solely from a planning perspective.
- [139] The proposal is set sufficiently far away that I consider it highly unlikely to directly change stormwater flows into the Mata-Au, including changing the sediment load entering the awa directly, or by entering its tributaries. Nor do I consider future development associated with the request likely to notably affect the cultural values inherent in the landscape or the availability or collection of mahika kai, given it involves a logical extension of the Clyde township away from the Mata-Au in a location that does not impinge on significant landscape features.
- [140] Water and wastewater services are intended to be from extensions to existing reticulated networks, minimising the need for new water takes, and avoiding new discharges of wastewater, with wastewater intended to be treated through the Alexandra wastewater plant.
- [141] Industrial uses of the site could introduce new sources of contamination to the area. I understand that storage and containment of chemicals in Central Otago's industrial areas is solely managed under the Health and Safety at Work (Hazardous Substances) Regulations 2017. Given distances from water bodies, I consider that this would be sufficient to manage risks around chemical contamination where they are of concern to Kāi Tahu ki Otako and Ngāi Tahu ki Murihiku.
- [142] Overall, I consider that the request would not be contrary to either IMP.

Consistency with the plans of adjacent territorial authorities

[143] I do not consider there to be any provisions in the District Plans of neighbouring territorial authorities that are relevant to and affected by PC23 or vice versa.

Consideration of alternatives, benefits and costs

Extent to which the Objectives of the Proposal are the Most Appropriate Way to Achieve the Purpose of the Act

[144] The overarching purpose of the RMA is to promote the sustainable management of natural and physical resources. The stated objectives of the request are as follows:

- To provide sufficient industrial development capacity to satisfy the reasonably foreseeable demand for such development in the Clyde area as determined by the Economic Assessment.
- To retain flexibility to respond to changing marketplace preferences in an efficient manner.
- To locate industrial development in close proximity to Clyde township on a site that ensures that reverse sensitivity and adverse amenity effects on residential land are minimised and that there is no effective loss of highly productive land
- To locate industrial development on a site that ensures a safe and efficient transport network that integrates well into the existing roading network.

[145] In my opinion, the appropriateness of the objective of the request hinges on four main questions; Is there an identified demand for industrial land specifically in Clyde, is an industrial land use zoning necessary to provide for any identified demand, is the land appropriate for industrial activity, having regard to surrounding land uses and site conditions, and is the site suitable for industrial activity, having regard to the needs and preferences of industrial activities?

[146] In relation to the first question, the requestor has identified demand for industrial land in the area. Based on the submissions received and the modelling undertaken in support of the VSP, it is a likelihood that this demand could be met in the next 30 years through existing and proposed industrial areas in Alexandra. However, I consider that providing additional capacity and, in particular, spreading that capacity across more landowners would not be detrimental to the function of the market for industrial land. It also helps to provide additional flexibility for the market. I have no reason to doubt that there is demand for industrial zoned land specifically in Clyde.

[147] In relation to the second question, Clyde currently includes a mixture of land in various residential zones, Business Resource Area, Rural Resource Area, both with and without a Rural Residential overlay. The only zones that make provision for industrial activities are the Business Resource Area and Rural Resource Area, the latter of which limits the

size of any industrial activities on the land. The Business Resource Area forms the Clyde town centre, which is in a location that includes a range of activities that may not appreciate industrial activities locating close by and is not as convenient to key regional transportation routes. It is also overlaid with a heritage precinct notation, which may require limits to built form that are not favourable to contemporary industrial development. In this context, I consider that provision of industrial zoned land would be appropriate to provide for demand identified in support of the request. In my opinion, the current land use zoning for Clyde would not adequately provide for industrial activities to a level anticipated by a dedicated zone.

[148] Based on the assessment of Mr Carr, and reflecting the upgrades to the State Highway 8 / Springvale Road intersection suggested by NZTA, I consider that the request would be able to be adequately integrated into the roading network. Required upgrades would help to provide for the ongoing operation of the road, contributing to its sustainable management.

[149] Based on the assessment of the proposal by Ms Hampson and her descriptions of the needs and preferences of industrial activities, I have no reason to believe the site would not be suitable for the needs and preferences of industrial activities.

[150] The site is identified as being highly productive land under the NPS-HPL. For the reasons provided in Paragraphs [108]-[112] of my report, I consider that the proposal would meet the tests for re-zoning the land under this policy statement.

[151] On the whole, I consider that the objectives of the proposal would be appropriate to achieve the purpose of the RMA.

Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives of the Request

[152] The requestor has assessed four main options for achieving the objectives of the request. These are: maintain the status quo rural zoning, request the land be re-zoned to industrial as part of Council's District Plan review, request a private plan change to re-zone the site to an existing resource area (This is the option taken) or request a private plan change to apply a set of bespoke planning provisions to the site.

The objectives of the request are not contingent on the requestor's site to be realised. Land other than that owned by the requestor could also viably be a suitable site in close proximity to Clyde, which could also achieve this objective. Therefore, I consider that consideration of a fifth alternative, re-zoning a different area of land to either an existing or new industrial zone, is missing from the requestor's assessment. However, for the reasons provided in my assessment, I consider that the option put forward to re-zone the site would meet the objectives of the proposal, and would be consistent with all relevant planning documents. Re-zoning other land to provide the same development capacity would separate it from other land earmarked to be re-zoned under the Vincent Spatial Plan, and would likely be even more physically separated from the rest of the Clyde township than the proposed site. Given this, I consider the proposal to be the most appropriate way to achieve the objectives of the request.

Part 2 Matters

[153] Part 2 sets out the purpose and principles of the Resource Management Act 1991. Section 5 sets out the sustainable management purpose of the RMA. Section 6 sets out several matters of national importance, which must be recognised and provided for in all planning decisions. These include protection of outstanding natural features and landscapes, significant habitats of indigenous flora or fauna, protection of historic heritage and management of risks from natural hazards. Section 7 sets out other matters over which particular regard must be had, including the efficient use and development of resources, amenity values, the finite characteristics of resources, kaitiakitanga and intrinsic values of ecosystems. Section 8 requires decision makers take into account the principles of the Treaty of Waitangi.

[154] I do not consider any of the matters of national importance listed in Section 6 to be of particular relevance to the request.

[155] For the reasons given in Paragraphs [77]-[81] of my assessment, I consider that the request would meet an identified demand for industrial land, in a location that is suited in terms of its access to transport infrastructure, potential employees and other matters important to industrial land uses. I consider that the proposal would help provide opportunities for the Clyde community to benefit their economic and social wellbeing in a way that will adequately maintain amenity values and environmental quality, and address the other matters in Section 7 of the RMA.

[156] Based on the reasons provided throughout this report, I consider the proposal to be consistent with the sustainable management purpose of the RMA.

15. Conclusion

[157] For the reasons set out in this report, I recommend that Plan Change 23 be accepted, subject to the further changes to provisions that I consider to be necessary to address submissions and achieve the purpose of the plan change in Appendix One. These changes are either minor and therefore consistent with the original s32 evaluation, or a further evaluation under s32AA has been set out in this report.



Adam Vincent

27 February 2026

APPENDIX ONE – RECOMMENDED PROPOSED NEW AND ALTERED PROVISIONS:

This includes provisions proposed by the requestor in blue and changes proposed in response to submissions are in red. Additions are underlined and deletions are struck through.

9.3.5.iii. Noise

Cross Reference: Policies 9.2.2, 9.2.4

Breach: discretionary (restricted) activity see Rule 9.3.3

- 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 65 dBA L10

10:00pm - 7:00am the following day 45 dBA L10

85 dBA Lmax

Provided that the following noise limits shall not be exceeded at any point within a Residential Zone or at the boundary of Designation D68 (Clyde Cemetery):

On any day 7:00am - 10:00pm 55 dBA L10

10:00pm - 7:00am the following day 45 dBA L10

70 dBA Lmax

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 Lmax 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.

9.3.5.iv. Screening

Cross Reference: Policies 9.2.2, 9.2.4

Breach: discretionary (restricted) activity see Rule 9.3.3

- a. All site boundaries adjacent to Residential Zones 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.

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.
- d. Within lot 1 DP 600773 the Clyde Industrial Precinct, a landscaped buffer strip with a minimum width of 10 metres shall be provided alongside the boundaries of State Highway 8, Springvale Road, the Clyde Cemetery Reserve and the unformed legal road to the north of the site below an historic water race. The entire landscape strip shall be established at the time of initial subdivision or development of the site and its retention and future maintenance shall be provided for as a condition of subdivision consent that is to be subject to a consent notice. The landscaped buffer strip must not be paved or have any structures erected on

it. Landscaping must form a visual screen of the subdivision or development that, at a minimum, meets the following performance requirements:

1. In relation to the Clyde Cemetery, must include species that will achieve a minimum height of 4.0m when mature and must be sufficiently dense that, when mature, it will block direct line of sight measured horizontally at any point from ground level to 1.8m above ground level between the cemetery and industrial development within the Clyde Industrial Precinct.
2. In relation to State Highway 8 and Springvale Road, must be maintained to a height that avoids shading of the carriageway of State Highway 8 between 10:00 and 14:00 hours on the shortest day of the year.

12.7.1.iii. Access to Rural State highways and Arterial Roads

See Schedule 19.7

In addition to the requirements of i and ii above design and construction of access to rural State highways and arterial roads shall comply with the following standards:

- a. The access shall be sealed to the same standard as the adjacent road carriageway.
- b. Where the speed limit is 100 kph, spacing between accesses shall be not less than 200 metres (regardless of the side of road on which they are located), and no vehicle access shall be constructed within 100 metres of road intersections AND spacing between intersections (ie road intersections) shall be not less than 800 metres.
- c. Except as provided for in d. below, width of vehicular access ways at the property boundary are to be no greater than 6 metres.
- d. Heavy vehicular accesses shall be designed and constructed to:
 - i. A minimum width of nine metres.
 - ii. Carry the volume and weight of traffic likely to use the access.
 - iii. Ensure heavy vehicles do not have to cross the road centre line when making a left turn.
 - iv. Ensure the surface is constructed to the same standard as the adjacent road carriageway.
 - v. Have sufficient width to accommodate the swept path of the largest vehicle anticipated to use it.
- e. Driveways shall not be parallel to and level with roads within 20 metres of the road reserve.

- f. Figures 12.2 and 12.3 establish the minimum design standards for access determined by activity type.
- g. Access to State highways shall be to Transit New Zealand design specifications.
- h. There shall be no vehicle or other access to State Highway 8 from any development or subdivision of Lot 1 DP 600773 in the Clyde Industrial Precinct and no direct access to Springvale Road from any lot subdivided from Lot 1 DP 600773
- i. There shall be no more than one point of vehicle or other access from the Cromwell Industrial Precinct to Springvale Road.
- j. Prior to subdivision and or industrial development occurring on Lot 1 DP 600773 in the Clyde Industrial Precinct the State Highway 8 / Springvale Road intersection shall be upgraded improved by providing:
 - 1. An auxiliary left turn lane for traffic turning left off State Highway 8, with the details of the design being in general accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections; and
 - 2. A wide shoulder adjacent to the auxiliary left turn lane under (1), extending into Springvale Road to provide safe left turning for cyclists.
 - 3. A painted median such that the view to the right from Springvale Road is not obscured by a vehicle slowing in the left turn lane on State Highway 8 (that may otherwise obscure a following straight through vehicle)

12.7.1.ix. Breach of Standards

Any activity that does not comply with the standards stated in Rule 12.7.1.iii.h–i j shall be considered as is a non-complying activity.