



AGENDA

Hearings Panel Meeting Tuesday, 9 May 2023

Date: Tuesday, 9 May 2023

Time: 9.30 am

**Location: Ngā Hau e Whā, William Fraser Building, 1
Dunorling Street, Alexandra**

Notice is hereby given that a Hearings Panel Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra and live streamed via Microsoft Teams on Tuesday, 9 May 2023 at 9.30 am.

Order Of Business

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Members Cr N Gillespie (Chairperson), Cr M McPherson, Cr I Cooney

In Attendance T Lines (Minute Secretary)

1 APOLOGIES

2 CONFIRMATION OF MINUTES

23.6.1 CONFIRMATION OF PREVIOUS MINUTES

Doc ID: 625719

Recommendations

Confirm that the minutes from the 11 October 2022, 8 November 2022, 13 December 2022 and 18 January 2023 meetings are a true and correct record.

1. Attachments

Appendix 1 - Minutes from 11 October 2022 [↓](#)

Appendix 2 - Minutes for 8 November 2022 [↓](#)

Appendix 3 - Minutes from 13 December 2022 [↓](#)

Appendix 4 - Minutes for 18 January 2023 [↓](#)



CENTRAL OTAGO DISTRICT COUNCIL

HEARINGS PANEL

Minutes of a meeting of the Hearings Panel will be held in the Ngā Hau e Whā (Council Chambers), William Fraser Building, 1 Dunorling Street, Alexandra, on 11 October 2022 commencing at 9.30am.

PRESENT:

N Gillespie (Chair), M McPherson, S Jeffery.

IN ATTENDANCE:

Ann Rodgers (Panel Advisor), Morgan Ramsay (Planning Consultant), Richard Campion (Planning Consultant), T Lines (Minute Secretary).

APOLOGIES:

N/A

22.6.1 Application for Resource Consent – RC220121 – Richard and Wendy Parsons & Rosalie Patterson, 10 Revival Lane, Pisa Moorings. (2842163900)

An application for Land Use Consent to build a two-bedroom self-contained unit for travellers' accommodation in the Residential Resource Area (3) had been circulated.

Also circulated was the report of the planning consultant in relation to the application.

Note:

Pete McGrath (agent), Wendy Parsons (applicant), Own Philip (builder) were in attendance from 9.30am.

RESOLVED that the report of the planning consultant be received.



Stephen Jeffery / Neil Gillespie

Note: Pete McGrath spoke to their evidence at 9.33am.

Note: Morgan spoke to their evidence at 9.35am.

Note: The meeting adjourned at 9.45am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.6.1

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.6.1	Application for Resource Consent – RC220121 – Richard and Wendy Parsons and Ann Patterson, 10 Revival Lane, Pisa Moorings. (2842163900)	An application for Land use consent to build a two-bedroom self-contained unit for travellers' accommodation in the residential resource area (3).	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.



NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) *Shall be available to any member of the public who is present.*

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) and Morgan Ramsay (Planning Consultant) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

Martin McPherson / Stephen Jeffery

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

Stephen Jeffery / Neil Gillespie

Note: The public was readmitted at 9.54am

Note: The meeting was reconvened at 10am

22.6.2 Application for Resource Consent – RC220264 – Z A Kane, 67 Hall Road, Bannockburn. (2844107300)

An application for Subdivision consent to undertake a two-lot subdivision (from 1 current lot) in a residential resource area (4) had been circulated.

Also circulated was the report of the planning consultant in relation to the application.

Note: Jake Woodward (agent), Zoe Kane (applicant) were in attendance from 9.45am.



RESOLVED that the report of the planning consultant be received.

Neil Gillespie / Martin McPherson

Note: Pete McGrath, Wendy Parsons, Owen Philip left at 9.40am.

Note: Jake Woodward spoke to their evidence at 10am.

Note: Richard Campion spoke to their evidence at 10.08am.

Note: The meeting adjourned at 10.18am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.6.2

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.6.2	Application for Resource Consent – [RC220264 – Z A Kane, 67 Hall Road, Bannockburn (2844107300)]	An application for Subdivision consent to undertake a two-lot subdivision (from one current lot) in the residential resource area (4)	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as



the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) *Shall be available to any member of the public who is present.*

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) and Richard Campion (Planning Consultant), Lee Webster (Planning and Regulatory Services Manager) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

Neil Gillespie / Martin McPherson

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

Stephen Jeffery / Martin McPherson

Note: The public was readmitted at 10.25am

Note: The meeting was reconvened at 10.30am



**22.6.3 Application for Resource Consent –
RC210442 – L & G Smith Family Trust, Willowbank Road, Luggate.
(2842107806)**

An application for Subdivision consent to create two lots from one existing record of title: Land use consent to establish a building platform.

Also circulated was the report of the planning consultant in relation to the application.

Note: Matt Curran (Agent) Lindsay Smith (Applicant) were in attendance from 10.25am.

RESOLVED that the report of the planning consultant be received.

Neil Gillespie / Stephen Jeffery

Note: Jake Woodward, Zoe Kane left at 10.18am.

Note: Matt Curran spoke to their evidence at 10.26am.

Note: Richard Campion spoke to their evidence at 10.30am.

Note: The meeting adjourned at 10.43am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.6.3

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local



Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.6.3	Application for Resource Consent – [RC210442 – L & G Smith Family Trust, Willowbank Road, Luggate (2842107806)]	An application for Subdivision consent to create two lots from one existing record of title: Land use consent to establish a building platform.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor), Richard Campion (Consultant Planner) Lee Webster (Planning and Regulatory Services Manager) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

Martin McPherson / Stephen Jeffery



THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

Stephen Jeffery / Neil Gillespie

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CHAIRPERSON

Date: / /

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

- 22.6.1 Application for Resource Consent – RC220121 – Richard and Wendy Parsons and Ann Patterson, 10 Revival Lane, Pisa Moorings. (2842163900)**

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.



Neil Gillespie / Stephen Jeffery

22.6.2 Application for Resource Consent - RC220264 – Z Kane, 67 Hall Road, Bannockburn. (2844107300)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

Neil Gillespie / Martin McPherson

22.6.3 Application for Resource Consent – RC210442 – L & G Smith Family Trust, Willowbank Road, Luggate (2842107806)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be [granted/declined] for the reasons appended hereto.

Panel Member / Panel Member



CENTRAL OTAGO DISTRICT COUNCIL

HEARINGS PANEL

Minutes of a meeting of the Hearings Panel will be held in the Ngā Hau e Whā (Council Chambers), William Fraser Building, 1 Dunorling Street, Alexandra, on 08 November 2022 commencing at 9.30am.

PRESENT:

N Gillespie (Chair), M McPherson, I Cooney.

IN ATTENDANCE:

Ann Rodgers (Panel Advisor), Morgan Ramsay (Planning Consultant), ,
T Lines (Minute Secretary).

APOLOGIES:

N/A

22.7.1. Confirmation of Minutes

RESOLVED that the minutes of the Hearings Panel meeting held on 13 September be received and confirmed as a true and correct record.

N Gillespie/M McPherson

22.7.2. Application for Resource Consent – RC220135– G J Pye, Craig Flat Road. (2847318600)

An application for had been circulated.

Also circulated was the report of the planning consultant in relation to the application for land use consent for a Building in a Flood prone Rural Area.



Note: Matt Curran (applicant planner). Neil Johnston (Flood Expert) Geoff and Margaret Pye were in attendance from 9.32am.

RESOLVED that the report of the planning consultant be received.

M McPherson / I Cooney

Note: Matt Curran spoke to their evidence at 9.37am.

Note: Mr Colin Bayne arrived at 9.39am.

Note: Neil Johnston spoke to their evidence at 9.43am

Note: Geoff Pye spoke to their evidence at 9.49am

Note: Matt Curran spoke to their evidence at 9.51am

Note: Colin Bayne spoke to their evidence at 9.59am

Note: Morgan Ramsay spoke to their evidence at 10.12am

Note: Matt spoke to his right of reply at 10.28am

Note: The meeting adjourned at 10.30am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.7.2

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local



Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.7.2	Application for Resource Consent – RC220135 – G J Pye, Craig Flat Road. (2847318600)	An application for Land use consent for a building in a flood prone area in the rural resource area.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) *Shall be available to any member of the public who is present.*

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) and Morgan Ramsay (Planning consultant) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

M McPherson/ I Cooney

THE PANEL IN OPEN MEETING



RESOLVED that the public be readmitted to the meeting.

N Gillespie / M McPherson

.....
CHAIRPERSON

Date: / /

DRAFT



TEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

22.7.2. Application for Resource Consent – [RC##### – Name of Applicant, Address of Application (valuation number)]

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be [granted/declined] for the reasons appended hereto.

DRAFT



CENTRAL OTAGO DISTRICT COUNCIL

HEARINGS PANEL

Minutes of a meeting of the Hearings Panel will be held in the Ngā Hau e Whā (Council Chambers), William Fraser Building, 1 Dunorling Street, Alexandra, on 13 December 2022 commencing at 9.30am.

PRESENT:

N Gillespie (Chair), M McPherson, I Cooney.

IN ATTENDANCE:

Ann Rodgers (Panel Advisor), Kirstyn Lindsay (Planning Consultant), Adam Vincent (Planner), T Lines (Minute Secretary).

APOLOGIES:

22.8.2. Confirmation of Minutes – N/A

RESOLVED that the minutes of the Hearings Panel meeting held on [date] be received and confirmed as a true and correct record.

22.8.3. Application for Resource Consent – RC220312 – Andy and Michelle Tannock, 230 Hall Road (2844106104)

An application for Land use consent to construct a dwelling in the rural resource area had been circulated.

Also circulated was the report of the planning consultant in relation to the application.



Note: Andy and Michelle Tannock (applicants) David Edwards (Agent), James Stewart, Graham Salt (Flood experts) were in attendance from 9.30am.

RESOLVED that the report of the planning consultant be received.

M McPherson / I Cooney

Note: Andy Tannock spoke to their evidence at 9.34am.

Note: Kirstyn spoke to their evidence at 9.40am.

Note: The meeting adjourned at 9.47am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.8.3

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.8.3	Application for Resource Consent – [RC220312 – Andy and Michelle Tannock, 230 Hall Road, Bannockburn (2844106104)]	An application for land use consent to construct a dwelling in the rural resource area.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the



holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) *Shall be available to any member of the public who is present.*

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

N Gillespie / I Cooney

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / M McPherson

22.8.4. Application for Resource Consent – RC220353 – Matthew and Nicole Kunzmann, 138A Hall Road, Bannockburn (2844102006)

An application for Land use consent for travellers` accommodation in the Residential Resource Area (4). had been circulated.

Also circulated was the report of the planning consultant in relation to the application.

Note: Nicole Kunzmann (via teams) were in attendance from 10.10am.



RESOLVED that the report of the planning consultant be received.

M McPherson / N Gillespie

Note: Andy and Michelle Tannock, David Edwards, James Stewart, Graham Salt left at 9.47am.

Note: Nicole Kunzmann spoke to their evidence at 10.13am.

Note: Adam Vincent spoke to their evidence at 10.14am.

Note: The meeting adjourned at 10.16am.

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.8.4

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.8.4	Application for Resource Consent – RC220353 – Andy and Michelle Tannock, 138A Hall Road, Bannockburn (2844102006)	An application for Land use consent for travellers' accommodation in the Residential Resource Area (4).	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.



NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) *Shall be available to any member of the public who is present.*

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

M McPherson / N Gillespie

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / M McPherson

22.8.5. Application for Resource Consent – RC220329 – MT Edwards Wines, 219 Cairnmuir Road, Cromwell (2844101300)

An application for land use consent to establish/operate a summer seasonal pop-up winery tasting and food including retail sales had been circulated.

Also circulated was the report of the planning consultant in relation to the application.

Note: Duncan Forsyth were in attendance from 10.20am.

RESOLVED that the report of the planning consultant be received.



N Gillespie / I Cooney

Note: Nicole Kunzmann left at 10.16am.

Note: Duncan Forsyth spoke to their evidence at 10.24.

Note: Adam Vincent spoke to their evidence at 10.28am.

Note: The meeting adjourned at 10.35am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.8.5

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.8.5	Application for Resource Consent – RC220329 – Mt Edwards Wines, 219 Cairnmuir Road, Cromwell (2844101300)	An application for land use consent to establish/operate a summer seasonal pop-up winery tasting and food including retail sales.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the



meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

M McPherson / I Cooney

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / M McPherson

22.8.6. Application for Resource Consent – RC190385V1 – D Laughton, Manuherikia Road (SH8) Alexandra (2852021400)

An application for Change subdivision consent condition 3 to lapse on 01 October 2025; Change land use consent condition 11 to lapse on 01 October 2025; and any other changes to give effect to this application had been circulated.

Also circulated was the report of the planning consultant in relation to the application.



Note: Des Laughton (agent), Carolyn Govan, Adrian Govan, Raewyn Govan. were in attendance from 11.07am.

RESOLVED that the report of the planning consultant be received.

M McPherson / I Cooney

Note: Duncan Forsyth left at 10.35am.

Note: Adam Vincent spoke to their evidence at 11.10am.

Note: Des Laughton spoke to their evidence at 11.17am.

Note: The meeting adjourned at 11.52am.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 22.8.6

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
22.8.6	Application for Resource Consent – RC190385V1 – D Laughton, Manuherikia Road (SH 85), Alexandra (2852021400)	An application for change subdivision consent condition 3 to lapse on 01 October 2025: change land use consent condition 11 to lapse on 01 October 2025	Section 48(1)(a)



This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.
and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

M McPherson / I Cooney

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / M McPherson

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CHAIRPERSON

Date: 13 / 12 / 2022



ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

- 22.8.3 Application for Resource Consent – RC220312 – Andy and Michelle Tannock, 230 Hall Road, Bannockburn (2844106104)**

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

N Gillespie / I Cooney

- 22.8.4. Application for Resource Consent – RC220353 – Matthew and Nicole Kunzmann, 138A Hall Road, Bannockburn (2844102006)**

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

M McPherson / N Gillespie

- 22.8.5. Application for Resource Consent – RC220329 – Mt Edwards Wines, 219 Cairnmuir Road, Cromwell (2844101300)**

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

M McPherson / I Cooney

- 22.8.6. Application for Resource Consent – RC190385V1 – D Laughton, Manuherikia Road (SH 85), Alexandra (2846140802)**

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

M McPherson / I Cooney



CENTRAL OTAGO DISTRICT COUNCIL

HEARINGS PANEL

Minutes of a meeting of the Hearings Panel will be held in the Ngā Hau e Whā (Council Chambers), William Fraser Building, 1 Dunorling Street, Alexandra, on Wednesday 18 January 2023 commencing at 1.30pm.

PRESENT:

N Gillespie (Chair), M McPherson, I Cooney.

IN ATTENDANCE:

Ann Rodgers (Panel Advisor), Richard Campion (Planning Consultant), T Lines (Minute Secretary).

APOLOGIES:

23.1.1 Application for Resource Consent – RC220025V1/V2 – Clyde 98 Limited, Sunderland Street, Clyde (2846140802)

An application for Subdivision and land use consent to amend conditions 27(a) and 27(b) of RC220025 in a residential resource area. Had been circulated.

Also circulated was the report of the planning consultant in relation to the application.

Note:

Matt McLachlan (Planner for applicant, Darren Ellis (representee for applicant) were in attendance from 1.40pm.

RESOLVED that the report of the planning consultant be received.

N Gillespie / I Cooney



Note: Darren Ellis/Matt McLachlan spoke to their evidence at 1.44pm.

Note: Richard Campion spoke to their evidence at 1.50pm.

Note: The meeting adjourned at 1.55pm to source an engineer.

Note Quinton Penniall and Gordan Bailey were in attendance from 2.17

Note Quninton spoke to his evidence 2.18pm

Note: Quinton Penniall left the meeting

Note: Richard Campi9on spoke to his evidence at 2.35pm

Note: Matt Maclachlan spoke to his evidence at 2.44pm

Note: Meeting adjourned 3pm

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 23.1.1

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:



	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
23.1.1	Application for Resource Consent – RC220025V1/V2 – Clyde 98 Limited, Sunderland Street, Clyde (2846140802)	An application for subdivision and land use consent to amend conditions 27(a) and 27(b) of RC220025 in a residential resource area.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) *Shall be available to any member of the public who is present.*

and

Shall form part of the minutes of the local authority.”

RESOLVED that Ann Rodgers (Hearing Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

Martin McPherson / Neil Gillespie

THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

Neil Gillespie / Ian Cooney



A handwritten signature in blue ink, appearing to be "Neil Gillespie", is written over a faint, large "DRAFT" watermark.

.....

CHAIRPERSON

Date: 16 / 02 / 2023

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

22.1.1. Application for Resource Consent – RC220025V1/V2 – Clyde 98 Limited, Sunderland Street, Clyde. (2846140802)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be [granted/declined] for the reasons appended hereto.

Neil Gillespie / Martin McPherson

3 REPORTS

23.6.2 RC220397 - WAKEFIELD ESTATE

Doc ID: 625706

1. Attachments

- Appendix 1 - s42a Report** [↓](#)
- Appendix 2 - Application** [↓](#)
- Appendix 3 - s95 Report** [↓](#)
- Appendix 4 - Engineering Advice** [↓](#)
- Appendix 5 - DC Assessment** [↓](#)
- Appendix 6 - Submission** [↓](#)
- Appendix 7 - Resolution to Exclude the Public** [↓](#)

CENTRAL OTAGO DISTRICT COUNCIL
CENTRAL OTAGO DISTRICT PLAN
REPORT OF PLANNING CONSULTANT

APPLICANT: Wakefield Estates Limited, 1 to 3 Foster Place, Pisa Moorings (RC220397)

The above have made application to undertake a four-lot subdivision resulting in two additional records of titles at 1 to 3 Foster Place, Pisa Moorings. The site subject to the application comprises Lots 1 and Lot 2 DP 404040 (held in Record of Titles 413842 and 413843) at the Otago Land Registry which contain a combined area of 3,428m².

STATUS OF THIS REPORT:

The attention of the applicant and submitter is drawn to the fact that the purpose of this report is to bring to the attention of the Hearings Panel all relevant factual information or issues which should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearings Panel, and it should not be assumed that the Hearings Panel will reach the same conclusion or decision having considered all the evidence.

PLANNING FRAMEWORK:

Central Otago District Plan

The subject site is located within the Residential Resource Area (3) of the Central Otago District Plan (the Operative District Plan). There are no other overlays of relevance to the site.

Rule 7.3.5(iv) states that subdivision of land in Residential Resource Area (3) that is in breach of Rule 7.3.3(i)(c) is a non-complying activity. Rule 7.3.3(i)(c) requires that subdivision within the Residential Resource Area (3) provides for a minimum allotment area of 1,000m². The proposed subdivision will result in allotments ranging from 850m² to 877m².

Rule 7.3.4(ii) of the Plan states that where a subdivision involves land that is subject to or potentially subject to, the effects of any hazard as identified on the planning maps, or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source, then this is a discretionary activity. In this instance the Otago Natural Hazards Database ([Otago Natural Hazards Portal \(orc.govt.nz\)](https://orc.govt.nz)) identifies that the site is partially located within an alluvial fan, identified as an active floodwater-dominated area.

Overall, the proposal is considered to be a non-complying activity under the Operative District Plan.

Plan Change 19

Council notified Plan Change 19 ('PC 19') on the 9 July 2022, with submissions closing on 2 September 2022. A summary of submissions has been prepared¹, and further submissions closed on 20 December 2022. Hearings are scheduled to start on 26 April 2023, with Stage 1 hearings scheduled to conclude on 12 May 2023 and Stage 2 hearings scheduled to conclude on 24 – 26 May.

The subject site is proposed to be zoned 'Large Lot Residential - Precinct 1' under PC 19.

¹ [f2f739d03605863f4a117256ddaefa0.PC_19 - summary of decisions requested.pdf](https://f2f739d03605863f4a117256ddaefa0.PC_19_summary_of_decisions_requested.pdf) (amazonaws.com)

Standard SUB-S1.6 states that the minimum size of any allotment shall be no less than 1,000m². Breaches of standard SUB-S1.6 require resource consent as a non-complying activity.

However, pursuant to Section 86F of the Resource Management Act 1991, this rule cannot be given effect to as decisions on this plan change are yet to be released.

Resource Management Act 1991

Resource consent is also required to cancel the existing consent notice (Consent Notice 7917778.27) as it relates to the underlying titles. The existing consent notice conditions will be included within a new consent notice registered on the new records of title. The purpose is to update the references within the new consent notice to the new lots to be created to assist with administration of the consent notice and provide clarity to future owners.

Section 221(3) of the Resource Management Act 1991 allows the Council to review any condition specified in a consent notice and vary or cancel the conditions at any time after a survey plan has been deposited. The Council is to consider the review in terms of sections 88 to 121 and 127(4) to 132.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCSC) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

Due to the existing viticultural activity located within proposed Lots 1 and 2, the applicant has provided a Detailed Site Investigation (DSI) prepared by WSP, dated 15 August 2022.

The DSI confirms that the site is a verified HAIL site for the following uses:

- A10: Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds.
- I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

With respect to the above, the applicant has provided the following conclusion in relation to the applicability of the NESCSC in this scenario:

"In accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCSC), Josh Lamond of WSP has investigated the site for potential contamination of the soil due to past viticultural activity. The summary report addresses potential ground hazards from tanalised wood and pesticides. The results of the soil analysis indicated there are not any 'contaminants of concern' in the soil and that the soil on site is suitable for residential living and could be reused as clean fill material. As per the investigations and report summary, the NESCSC does not apply to this site."

With respect to the above, it is noted that the DSI indicates that any contaminants were found to be below background concentrations, with the exception of one sample area (PM06) which

recorded an exceedance of background concentrations for arsenic and endrin. The DSI however notes that, *“the sample above background level is not considered to be representative of the site and is considered to be a localised hot spot. Any soil mixing that occurs during earthworks is anticipated to dilute any elevation to within natural background levels.”*

Given the above, the NESCS is applicable to this application however, the proposed activity complies with the permitted activity regulations and no resource consents are required under the NESCS.

There are no other National Environmental Standards relevant to this application.

ACTIVITY STATUS SUMMARY:

Overall, the proposal is considered to be a non-complying activity as set out in the District Plan.

COMMENT ON PROPOSAL:

I have noted that the proposal has status as a non-complying activity in the Residential Resource Area (3) of the District Plan. It is therefore appropriate that the proposal be considered as an application for subdivision consent to a non-complying activity pursuant to sections 104 and 104D of the Resource Management Act 1991.

In terms of section 104D the Hearings Panel may grant resource consent for a non-complying activity only if it is satisfied that either: -

- (a) *The adverse effects of the activity on the environment will be minor; or*
- (b) *The application is for an activity that will not be contrary to the objectives and policies of the relevant plan or relevant proposed plan or both the relevant plan and the relevant proposed plan.*

Section 104(1) requires that subject to Part 2, the Council shall have regard to any actual or potential effects of allowing the activity; any relevant provisions of the plan or proposed plan; and any relevant national or regional planning document.

Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standards;*
 - (ii) *Other regulations;*
 - (iii) *a national policy statement*
 - (iv) *a New Zealand coastal policy statement*
 - (v) *a regional policy statement or proposed regional policy statement*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

SITE DESCRIPTION, SURROUNDING ENVIRONMENT AND PROPOSAL:

Site description

The subject site comprises Lots 1 and 2 DP 404040 (held in Record of Titles 413842 and 413843) which contain a combined area of 3,428m².

The site is slightly elevated above Foster Place and includes a gentle slope in a north to south direction towards Foster Place. Vineyards associated with the horticultural operation at 1 Perriam Place extend onto the western end of the site, where proposed Lots 1 and 2 will be located. The eastern portion of the site is currently bare land. The site is shown below in Figure 1.



Figure 1: Subject Site as viewed from the Perriam Place and Foster Place Intersection looking east (Source: Site Visit 2 December)

There are existing water supply, wastewater, stormwater, power and telecommunication connections to the existing titles extending from either Foster Place or Perriam Place to the two existing titles.

The site is subject to Consent Notice 7917778.27 which requires sealed crossing places to the proposed allotments and minimum floor levels of 197.1m above sea level. The site is also subject to private land covenants which provide for various building controls, vegetation requirements, and other area and land controls.

Surrounding environment

Section 7.2.7 of the Central Otago District Plan provides the following explanation of the Rural Residential 3 Zone as it relates to the Pisa Moorings area:

"The area identified, that includes much of Pisa Moorings and Wakefield Bay, has the capability of providing for integrated residential and marina development. Public access to foreshore areas from the lake and adjacent areas of land is to be recognised and provided for. Development is dependent upon the availability of satisfactory reticulated effluent disposal and water supply."

The surrounding environment contains lower density residential development than the standard Residential Resource Area, with allotment sizes ranging from 737m² to 2,586m² along Foster Place. The existing higher density residential marina development is located immediately to the south of the site. It is noted that the majority of allotments in the surrounding environment have recently had new residential dwellings constructed on them, however, some vacant allotments still remain.

It is noted that the surrounding environment within Pisa Moorings has a history of publicly notified and declined subdivision applications that proposed a departure from the minimum allotment size requirements and have been contentious among the public. This includes RC060417, RC080094, and most recently RC190162 which was declined on 28 August 2019.

For the purposes of this report, it is important to note that RC060417 concerned the creation of allotments of 587m² and 603m², RC190162 concerned the creation of allotments of 509m² and 526m², while RC070231 concerned land primarily in the Residential Resource Area (11).

Proposal

Subdivision consent is sought to undertake a four-lot subdivision resulting in two additional record of titles at 1 to 3 Foster Place, Pisa Moorings.

The proposed subdivision will result in the following allotments:

- Lot 1 being approximately 877m² of land currently containing part of an existing vineyard.
- Lot 2 being approximately 850m² of land also currently containing part of an existing vineyard.
- Lot 3 being approximately 850m² of bare land.
- Lot 4 being approximately 850m² of bare land.

Each allotment will be provided with legal frontage to Foster Place to the south and proposed Lot 1 will also have legal frontage to Perriam Place. The provision of access is currently provided for by Consent Notice 791777.8, which requires vehicle crossings to be constructed in accordance with Council's Vehicle Crossing Policy. The applicant has identified that new crossings will be provided at the time of construction of future dwellings on these allotments, in accordance with this consent notice.

The applicant has provided a detailed summary of proposed services for each allotment in Section 4 of the application prepared by Hughes & Associates Ltd, dated November 2022. In summary, it is proposed to maintain, and relocate some, existing connections to Council reticulation. It is also proposed to provide new water supply, stormwater, foul sewer, and telecommunication connections either from Perriam Place or Foster Place where required. The applicant has also identified that the existing Council sewer and stormwater mains with Foster Place will need to be extended in order for new connections to be installed.

A breakdown of services for each allotment is outlined below as follows:

- Proposed Lot 1 will require a new water supply from Foster Place, but will maintain the existing stormwater and foul sewer connections from Perriam Place.
- Proposed Lot 2 will maintain the existing water supply within Foster Place, but will require new stormwater and foul sewer connections from Foster Place.
- Proposed Lot 3 will relocate the existing water supply line to the site from Foster Place to align it with the new site boundaries. New stormwater and foul sewer connections will be provided from Foster Place.
- Proposed Lot 4 will require a new water supply connection from Foster Place but will maintain existing stormwater and foul sewer connections from Foster Place.

Overall connections for two existing allotments will be retaining and relocated as required and additional connections for two new allotments will be required.

Affected Parties and Notification

No affected party approvals were submitted with the application.

A separate notification decision was made on 25 January 2023, which determined that the proposed activity is not likely to have adverse effects on the wider environment or on persons that are minor or more than minor. However, under Section 95A(9), special circumstances were considered to exist which warranted the public notification of the application as outlined in the notification decision. Overall, the notification decision determined that the application was to be publicly notified.

A determination as to whether an application should be notified or not is separate from the issues to be considered in making a decision on the application itself.

Submissions

The submission period close on 16 March 2023 and no submissions were received by the close of the submission period. One late submission was received on 17 March 2023 which is summarised in Table 1 below:

Table 1: Summary of Late Submission

Submitter	Summary of submission	Decision request	Wishes to be heard
Loretta Bush	The submission opposes the application in full due to the subdivision being smaller than the allowed minimum allotment size requirement and due to the location within a flood prone area.	Oppose	Yes

All publicly notified and all non-complying activity status applications must be heard by a Hearings Panel as a consequence of the delegations of the Council. For that reason it would be necessary to hold a hearing, albeit that it would not be necessary for the applicant to attend and that it may be a shorter timeframe if not hearing from a submitter. The additional time is therefore marginal, and I consider that the prejudice to the applicant is marginal so I recommend that the late submission be received.

In summary, a total of one submission was received. This submission opposed the proposal.

ASSESSMENT OF EFFECTS

Section 104 of the RMA requires consideration of the effects of the activity. When considering the effects of the proposal, it is noted that the proposal is for a non-complying activity. Pursuant to Rule 7.3.5(iv), the District Plan provides the following reason for the non-complying status of the subdivision activity.

These particular localities are subject to specific subdivision standards which establish a pattern for future subdivision and development consistent with the amenities of these areas. Subdivision that is in breach of these stated standards has the potential to compromise the amenities of these areas.

The effects of this proposal are considered further below.

Baseline considerations

Permitted baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to

the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

This is the permitted baseline. In this situation there is no permitted baseline relevant to this application as all subdivisions require resource consent.

Receiving environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site and adjacent land, the existing and reasonably foreseeable receiving environment comprises Residential Resource Area (3) zoned land which anticipates allotment sizes of 1,000m² and greater. In this case, as outlined in the surrounding environment section, the allotment sizes, such as those along Foster Place, range from 737m² to 2,586m² along Foster Place. The marina and accommodation activity to the south of the site also represents higher density residential development when compared to the receiving environment.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Effects on residential amenity, character, and streetscape

The proposed subdivision will result in the creation of four allotments ranging between 850m² to 877m² which do not comply with the permitted 1,000m² minimum allotment area of the Residential Resource Area (3). Where allotments are undersized within the residential zone, they have the potential to result in undesirable adverse effects in relation to residential amenity, character and streetscape values, particularly where they are not consistent with the existing character of the existing neighbourhood. Lot 4 also has a narrow road frontage, orientation, and design that will mean that subsequent buildings on that lot will be setback from the road and largely screened from views from the south, west, and east, by neighbouring buildings. Therefore, from the majority of views it will appear that there are three dwellings on Lots 1 to 4, and that is consistent with the permitted baseline.

As outlined above, the existing streetscape along Foster Place is characterised by existing allotments ranging from 737m² to 2,586m². The allotments immediately to the southeast of the site generally range from 810m² to 939m². The majority of these allotments contain residential dwellings, and the subject site is one of the last remaining areas that is yet to be developed.

Given the nature of the surrounding environment and existing streetscape character along Foster Place, it is not anticipated that the proposed subdivision will be out of character with the surrounding residential neighbourhood or the Foster Place streetscape due to its consistency with the existing allotment sizes within the existing environment. The site will also be located opposite the existing higher density marina residential development to the south and therefore will be appropriate in the context of the existing residential setting.

It is further noted, that while allotments to the west along Perriam Place are generally compliant with the minimum 1,000m² allotment areas, these allotments are configured in a way where they are long but with narrow frontages of approximately 20m. As a result, Perriam Place has a streetscape that appears as more densely developed than other 1,000m² allotments within

the surrounding environment, particularly given that dwellings on these sites are constructed within close proximity of the road setback. When considering the proposed subdivision, proposed Lots 1 and 3 will result in wider street frontages than the majority of allotments along Perriam Place to the west.

Given the above, when viewing the subdivision from the surrounding environment including Foster Place and Perriam Place, it is considered that the subdivision would not appear notably different to existing sites that are already established along Foster Place. In this regard, the subdivision will effectively appear as a continuation of the existing streetscape along Foster Place and will present wider frontages than the sites along Perriam Place. Additionally, each allotment will still be of an appropriate size to ensure that adequate access, services, and a future residential development can occur in a manner that is consistent with surrounding sites.

With respect to the surrounding environment, as noted in the s95 report, the surrounding area has a history of publicly notified and declined subdivision applications that proposed a departure from the minimum allotment size and have been contentious among the public. This includes RC060417, RC080094, and most recently RC190162 which was declined on 28 August 2019.

In the case of RC190162, the Hearings Panel concluded that there were no distinguishing features that made the application unique or extenuating and there were concerns that in granting that application, it would establish a significant precedent for further non-complying subdivision within the Residential Resource Area (3) Zone, and that the granting of the consent would fundamentally jeopardise the integrity of the Operative District Plan and implementation of Policy 7.2.7. RC190162 also included four submissions, all of which opposed the application with the submitters primarily concerned with the perceived incompatibility of the character and scale of the neighbourhood.

As described above, it is important to note that RC060417 concerned the creation of allotments of 587m² and 603m², RC190162 concerned the creation of allotments of 509m² and 526m², while RC070231 concerned land primarily in the Residential Resource Area (11). The proposed shortfall in this case, is significantly less than these applications and therefore the proposed subdivision should be assessed on its own merits.

In my view, the proposed allotment sizes of 850m² to 877m² are appropriate in this instance given they are consistent with the surrounding environment as assessed above.

Overall, the proposed subdivision is considered to be consistent with the existing residential character and amenity of the existing environment and any adverse effects will be less than minor.

Services and infrastructure

The two existing titles each have existing connections to Council's water supply, wastewater, and stormwater reticulation from Foster Place and Perriam Place. These services will be retained for two allotments whilst one of the existing water supply connections will be relocated to proposed Lot 3. New connections will be required for remaining allotments. This has been outlined in Section 4 of the application.

When considering the minimum allotment size requirement of 1,000m² in the Residential Resource Area (1) and the total combined site area of 3,428m² it is noted that the applicant could reasonably anticipate three allotments on these sites. In this case, the proposal effectively provides for the provision of services to one additional allotment not anticipated by the Plan. Given the overall subdivision design is reflective of the surrounding environment and adjoining allotments, it is not anticipated that services associated with one additional allotment would result in adverse effects that are minor or more than minor.

Furthermore, Council's Engineer has reviewed the application and has recommended conditions of consent for each allotment in relation to the existing services that can be maintained and new service connections that are required. No concerns were raised with respect to infrastructure capacity in this case and therefore the one additional allotment beyond what is anticipated by the plan is considered to be appropriate.

Overall, given the above conclusions and confirmation from Council's Engineer, any adverse effects in relation to servicing will be less than minor.

Parking, access and transportation effects

There are no existing accessways for the subject site. As outlined above, the subject site contains an existing consent notice which includes a condition providing for sealed accesses to be provided to the allotments. The consent notice (which will be reinstated on the new titles) states:

"The consent holder or successor shall be responsible for providing sealed crossing places and vehicle entrances between the sealed carriageway and the boundary to serve Lots 1 – 13, 18 – 43, 45 – 53, 55 – 60, 63 – 65, 68, and 69. Such crossing places and vehicle entrances are to be designed in accordance with the Council's Vehicle Crossing Policy, a copy of which can be obtained from the Council's Assets and Contracts Department."

Overall, each allotment has legal frontage to Foster Place and it is considered that the provision of adequate access can be provided at the time of subdivision. Council's Engineer has not raised any concerns in relation to the provision of access.

With respect to wider effects on the transport network, it is considered that any vehicle movements associated with further residential activity on one allotment beyond the anticipated allotment sizes of the Residential Resource Area (1) Zone will be less than minor. It is not considered that one additional residential activity enabled by the subdivision would result in the crossing of a threshold where the transport network can no longer efficiently or safely operate, particularly given the site sizes reflect those already existing in the surrounding environment.

Overall, any adverse effects in relation to the provision of safe and efficient accesses and safety and efficiency of the transport network will be less than minor.

Hazards

No hazards have been identified on the planning maps of the Operative District Plan or the Plan Change 19 maps for this property.

The Otago Regional Council Hazards Portal identifies that the western end of the site is subject to an active flood water dominated alluvial fan as shown in Figure 2 below. It is noted that the site is not subject to a Flood Hazard mapped area under the Otago Regional Council Hazards Portal.

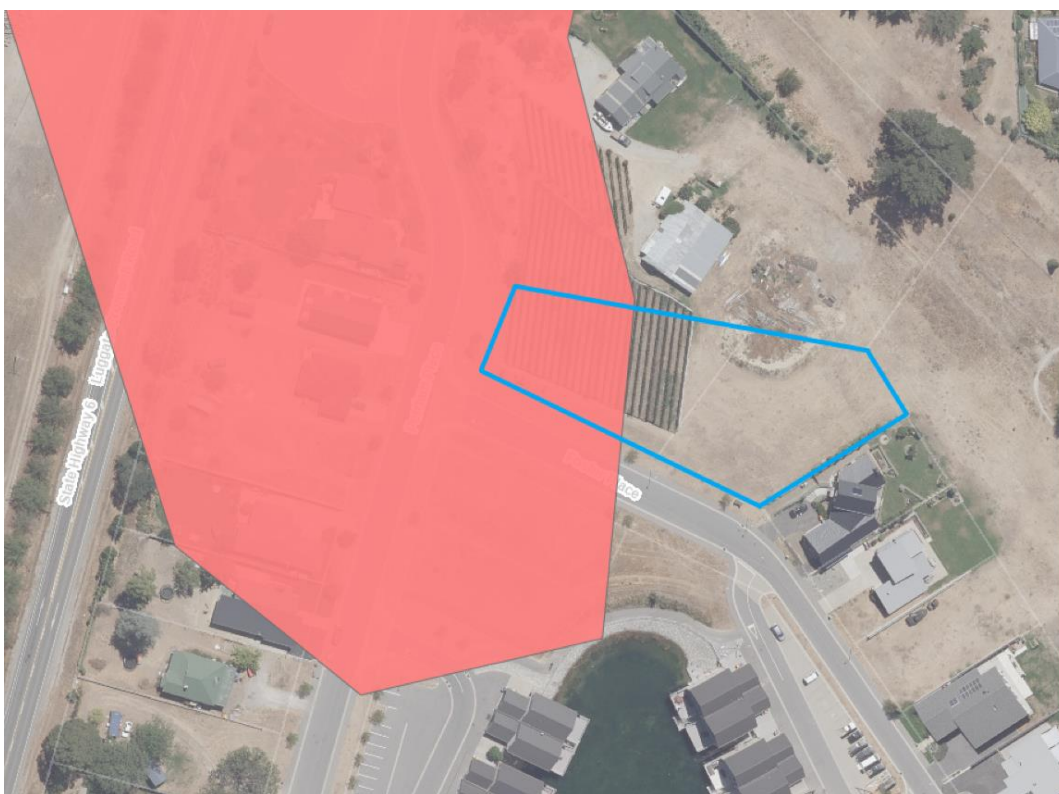


Figure 2: Aerial image showing active flood water dominated alluvial fan as mapped on ORC Hazard Portal. Subject shown in blue outline.

Loretta Bush in their submission indicated that one of the reasons for opposing the subdivision was due to the subdivision occurring within a flood prone area.

Consent notice 7917778.27 was established on the title as part of the underlying subdivision which requires a minimum floor level of 197.1m above sea level for any future buildings on the site. The conditions of this consent notice (which will be reinstated on the new allotments) will be relevant for any future development on the site as the applicant is not seeking to cancel these as part of this application. It is considered that these hazards were addressed as part of the underlying subdivision through this consent notice (RC060319) and given the subdivision is located within an already established residential environment, it is not anticipated that the provision of two additional allotments would be inappropriate as part of this application.

Council's Engineer has not raised any concerns in relation to hazards. Any adverse effects in this regard are considered to be less than minor.

Earthworks

The applicant is not proposing any earthworks as part of this subdivision application. Any earthworks required to give effect to the subdivision would be subject to the permitted earthworks thresholds or additional resource consents would be required. Any adverse effects in relation to earthworks as part of this subdivision will be less than minor.

Esplanade reserves and strips

There are no requirements for esplanade reserves or strips on this site as the site does not adjoin any waterways requiring esplanade provisions. Any adverse effects in this regard will be less than minor.

Cumulative Effects:

With respect to cumulative effects the applicant has provided a detailed assessment within Section 8.2 of their application which is considered accurate and is adopted for the purposes of this assessment.

In summary, the proposal will not result in any cumulative effects that are more than minor, given:

- The proposed allotment sizes are considered to be generally consistent with the surrounding environment and will result in future residential development that is consistent with the character of the surrounding environment, particularly along Foster Place as outlined under the effects on residential amenity, character, and streetscape assessment above;
- The proposed subdivision will occur within part of the larger previous subdivision which created 93 allotments, 31 of which were below the 1,000m² minimum lot size (RC060319);
- The subject site includes one of the last areas of land within the immediate area of Residential Resource Area (3) zoned land that is yet to be developed. Given the existing environment has largely been developed, it is not anticipated that enabling the development of these sites to the proposed density will not generate any notable cumulative effects that are not already consistent with the surrounding environment and will not lead to any new undesirable precedents being set;
- The proposed subdivision layout is effectively a continuation of an existing precedent that has been set by the wider underlying subdivision where allotments ranging from approximately 800m² and upwards are considered to be appropriate. The proposal does not present any new additional effects that are not already anticipated within the existing environment; and
- The subject site can be adequately serviced and Council's Engineer has not raised any concerns in relation to availability of services within Foster Place or Perriam Place.

Overall, any adverse cumulative effects will be less than minor for the reasons set out in the application and the summary above.

Cancellation of Consent Notice

Consent Notice 7917778.27 will be cancelled from the underlying allotments and will be registered onto the new records of title for the avoidance of confusion with previous title references. The conditions that do not relate to the underlying legal description will not be carried through onto the new consent notice. In effect, no changes are sought to the existing consent notice conditions that are relevant for this site, and the relevant conditions will be re-registered on the new titles as outlined in the conditions of consent below.

Summary of effects on the environment

Overall, it is determined that the overall effects of the proposal will not be more than minor in the context of the application for the reasons outlined above.

If the Hearings Panel is of a mind to grant consent, a full suite of draft conditions of consent are attached to this report.

OBJECTIVES AND POLICIES

Central Otago District Plan

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Central Otago District Plan were taken into account when assessing the application. The applicant has provided an assessment of the relevant objectives and policies of the Residential Resource Area section (Section 7) and the Subdivision section (Section 16) in the application, and these are adopted for the purposes of this report. The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan.

Proposed Plan Change 19 – Residential Zoning

Council notified Plan Change 19 ('PC 19') on the 9 July 2022, with submissions closing on 2 September 2022. A summary of submissions has been prepared², and further submissions closed on 20 December 2022. Hearings are scheduled to start on 26 April 2023, with Stage 1 hearings scheduled to conclude on 12 May 2023 and Stage 2 hearings scheduled to conclude on 24 – 26 May.

The subject site is proposed to be zoned 'Large Lot Residential – Precinct 1' under PC 19.

PC 19 includes new objectives and policies for both Subdivision and Residential Zones.

Subdivision:

SUB-01 Subdivision Design

The subdivision of land within residential zones creates sites and patterns of development that are consistent with the purpose, character and amenity values anticipated within that zone.

SUB-P1 Creation of new sites

Provide for subdivision within residential zones where it results in allotments that:

1. reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and
2. are of a size and dimension that are sufficient to accommodate the intended built form for that zone;
3. minimise natural hazard risk to people's lives and properties; and
4. are adequately served by public open space that is accessible, useable and well-designed.

The proposal will be consistent with Objective SUB-01 and Policy SUB-P1 as the proposed subdivision will be consistent with the existing neighbourhood given the allotment sizes are similar to allotments within the surrounding environment. The proposed allotments will be provided for appropriately sized allotments that will allow residential development that will be in keeping with the existing built environment, particularly along Foster Place.

While the allotments do not necessarily reflect the 'intended pattern of development' (due to the minimum allotment area being 1,000m², the allotments will still be consistent with the existing character of the surrounding residential neighbourhood and will be of a size and dimension that are sufficient to accommodate the intended built form within the zone.

² [f72f739d03605863f4a117256ddaefa0_PC_19 - summary of decisions requested.pdf](https://www.amazonaws.com/f72f739d03605863f4a117256ddaefa0_PC_19_-_summary_of_decisions_requested.pdf)
(amazonaws.com)

Overall, the proposal will be consistent with the objectives and policies of the PC 19 Subdivision Section.

Residential:

- LLRZ-O1 Purpose of the Large Lot Residential Zone
The Large Lot Residential Zone provides primarily for residential living opportunities.
- LLRZ-O2 Character and amenity values of the Large Lot Residential Zone
The Large Lot Residential Zone is a pleasant, low-density living environment, which:
1. contains predominantly low-rise and detached residential units on large lots;
 2. maintains a predominance of open space over built form;
 3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and
 4. is well-designed and well-connected into the surrounding area.
- LLRZ-O3 Precincts 1, 2 & 3
The density of development in the Large Lot Residential Precincts recognises and provides for maintenance of the amenity and character resulting from existing or anticipated development in these areas.
- LLRZ-P1 Built Form
Ensure that development within the Large Lot Residential Zone:
1. provides reasonable levels of privacy, outlook and adequate access to sunlight;
 2. provides safe and appropriate access and on-site parking;
 3. maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites;
 4. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe;
 5. provides generous usable outdoor living space for residents and for tree and garden planting;
 6. maintains the safe and efficient operation of road;
 7. mitigates visual effects through screening of storage areas and provision of landscaping; and
 8. encourages water efficiency measures.
- LLRZ-P2 Residential activities
Enable residential activities within a range of residential unit types and sizes.
- LLRZ-P6 Precinct 1
Provide for development within Precinct 1 at a density consistent with the existing character of the area.

Proposed Objective LLRZ-O1 seeks to provide primarily for residential living opportunities, with LLRZ-O2 seeking to ensure a pleasant, low-density living environment which includes detached residential units, maintains openness and provides quality amenity. The proposed subdivision will enable appropriate residential development which is consistent existing residential development in the area.

The proposed subdivision is considered to provide appropriately sized allotments that will enable development that can meet the policies of LLRZ-O2 and LLRZ-P1.

Overall, the proposal is consistent with, and not contrary to, the relevant objectives and policies of PC 19.

Weighting between Operative District Plan and PC 19

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the operative District Plan and PC 19, no weighting assessment is required.

Partially Operative and Proposed Regional Policy Statements

After taking into consideration the Partially Operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete for this urban area and, as such, there is no need to revert to higher order planning instruments.

PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of the natural and physical resources detailed below:

'managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.'*

In respect of the other matters set out in Section 7, the following matters are considered relevant:

7(b) the efficient use and development of natural and physical resources:

7(c) the maintenance and enhancement of amenity values:

7(f) maintenance and enhancement of the quality of the environment:

7(g) any finite characteristics of natural and physical resources:

I consider that the proposed subdivision will maintain the amenity values and quality of the environment. I consider that the proposal would satisfy Part 2 of the Resource Management Act 1991.

Overall, I consider the proposal does give effect to Part 2 of the Act.

SECTION 104D:

Section 104D of the RMA specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of Section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the Plan.

In this instance, I consider the proposal can meet both limbs and can be granted.

OFFSETTING OR COMPENSATION MEASURES:

In accordance with Section 104(1)(ab) of the RMA, consideration for offsetting or compensation measures is required. The applicant has not offered offsetting or compensation measures.

OTHER MATTERS:

Section 104(1)(c) of the Resource Management Act 1991 requires the Hearings Panel to have regard to any other matters considered relevant and reasonably necessary to determine the application.

Precedent and plan integrity

'Precedent' is a relevant matter under section 104(1)(a) in regard to the 'potential effects' arising as a consequence of further development being treated like for like. It is also a relevant matter under the section 104(1)(c) in terms of 'plan integrity'. With regard to section 104(1)(a), 'actual and potential effects' include the potential cumulative effects of the creation of additional allotments below the minimum allotment area which may occur as a consequence of precedent. It also includes the cumulative effects of the subdivision and development in the surrounding area combined with the effects of the current proposal.

The matters of precedent and plan integrity have been traversed by the Environment Court and case law can be considered as to whether approval of a non-complying activity will create an undesirable precedent. Where a plan's integrity is at risk by virtue of such a precedent the 'true exception test' is to be applied. This is particularly relevant where the proposed activity is contrary to the objectives and policies of the Plan, which I do not consider to be the case with this particular application.

As outlined above in the cumulative effects assessment, the proposed allotment sizes will be consistent with the existing allotment sizes within the surrounding environment as created by RC060319. The subject site is also one of the last areas of Residential Resource Area (3) zoned land that is yet to be developed within the locality. Overall, the proposed subdivision layout is effectively a continuation of an existing precedent that has been set by the wider underlying subdivision where allotments ranging from approximately 800m² and upwards are considered to be appropriate. The proposal does not present any new additional effects that are not already anticipated within the existing environment that would set any further undesirable precedents.

I am satisfied that the subdivision will be consistent with the existing residential environment and will ensure that amenity values of the site and surrounding area are maintained. Therefore, the proposal can be considered to nullify concerns regarding precedent and plan integrity.

Section 106

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. In this case sufficient provision has been made for access. The proposal is not likely to accelerate material damage from natural hazards for reasons set out in the above assessment.

RECOMMENDATION:

Having regard to the information available, prior to the Hearing Panel's consideration of application, it is recommended that the proposal be considered as an application for subdivision consent as a non-complying activity in terms of sections 104, and 104D of the Resource Management Act 1991.

In my opinion, the proposal is consistent with the objectives and policies of the Residential Resource Area of the Operative District Plan, and PC 19. No site-specific assessment has been undertaken of the Partially Operative Regional Policy Statement or Proposed Regional Policy Statement in this urban area.

For the reasons detailed in the body of this report, I have come to the view that adverse effects on the environment will be acceptable, and that granting consent will not be contrary to the objectives and policies of the Operative District Plan and to the purpose and principles of the Act.

I therefore recommend that the Council approve the application for subdivision consent and a draft suite of conditions of consent are attached to this report for consideration.

This report is prepared and recommended by: -



Chris Pearse-Smith
Consultant Planner

APPENDIX 1 – Proposed Subdivision Plan



APPENDIX 2 – Draft Conditions of Consent**Conditions:**

1. The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 17 November 2022, except where modified by the following conditions.
2. Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:
 - a) If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.
3. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Water

- a) The existing connection to service proposed Lot 2 shall be inspected by a suitably qualified and experienced person to confirm that it is in good working order. Should the lateral be found in poor condition then a new lateral shall be provided as for Lots 1 and 4 below.
- b) A new standard 20mm residential water connection shall be provided off the existing 150mm mPVC water main in Foster Place to each of proposed Lots 1 and 4, with the Acuflo toby/meter assemblies installed at the street boundary.
- c) The existing water connection serving existing LOT 2 DP 404040 shall be capped at the main, and a new standard 20mm residential water connection shall be provided off the existing 150mm mPVC water main in Foster Place to proposed Lot 3, with the Acuflo toby/meter assembly installed at the street boundary.

Advice Notes:

Submission of an Application to Connect is required prior to connecting to Council's potable water network in addition to plans for water servicing being submitted for Engineering Approval.

Water meters are not to be placed within the wheel-path of any vehicles. If they must be within vehicle entranceways because other solutions are unworkable, they must be placed in the middle of the entranceway so as to be outside any vehicle wheel-path.

Firefighting

- d) Confirm that all aspects relating to the availability of the water for fire-fighting are in compliance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless an alternative is approved by the New Zealand Fire Service. Details of any alternative approval must be provided to Central Otago District Council.

Wastewater

- e) The existing wastewater connections to service proposed Lot 1 shall be inspected by a suitably qualified and experienced professional to confirm that it is in good working order, and a cleaning eye installed at the street boundary should one not already exist. Should the connection be found to be in a poor condition then a new 100mm residential wastewater connection shall be provided from the 150mm uPVC wastewater main in Perriam Place, with a cleaning eye installed at the street boundary should one not already exist.
- f) The existing wastewater connection to service proposed Lot 4 shall be inspected by a suitably qualified and experienced professional to confirm that it is in good working order, and a cleaning eye installed at the street boundary should one not already exist. Should the connection be found to be in a poor condition then a new 100mm residential wastewater connection shall be provided, with a cleaning eye installed at the street boundary should one not already exist.
- g) The existing 150mm gravity wastewater main in Foster Place shall be extended from the existing manhole, with a new manhole installed at the new end of the main.
- h) Standard 100mm residential wastewater connections shall be installed to each of proposed Lots 2 and 3 from the proposed 150mm wastewater main extension in Foster Place, with a cleaning eye installed at the street boundary for each connection.

Stormwater

- i) Prior to 224c certification, the stormwater connection from the existing LOT 1 DP 404040 to Council's 300mm uPVC stormwater main in Perriam Place shall be capped at the main.
- j) Prior to 224c certification, the stormwater connection from the existing LOT 2 DP 404040 to Council's stormwater manhole in Perriam Place shall be capped at the manhole.

Advice Note:

Submission of an Application to Connect is required prior to connecting to Council's stormwater water network in addition to plans for stormwater servicing being submitted for Engineering Approval.

Electricity and Telecommunications

- k) Operational underground power and telecommunication connections must be provided to the boundaries of Lots 1 to 4.

Access

- l) New vehicle entranceways from Foster Place to serve each of proposed Lots 1, 2, 3 and 4 shall be constructed in compliance with the requirements of Part 29 of Council's Roadway Policies January 2015.

Engineering:

- m) All works shall be undertaken in accordance with NZS 4404:2004 and Council's July 2008 Addendum as modified by this consideration.

- n) As-builts and quality records shall be provided as a requirement of 224c certification and shall comply with Council's "Specifications for as-built Documentation". All assets constructed for the Central Otago District Council or intended to be vested in the Council, should be shown on electronic plan (CAD) drawings in AutoCAD *.dwg or *.dxf format, and in PDF format.

Financial Contributions

- o) Payment of a reserves contribution of \$4,139.14 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan on the basis of two additional household unit equivalents.

Consent Notice

- p) It is resolved that pursuant to Section 221(3) of the Resource Management Act 1991 that Consent Notice 7917778.27 shall be cancelled in respect of Lots 1 and 2 DP 404040 of subdivision RC060319.
- q) Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration on each of the Records of Title for Lots 1 to 4, for the following ongoing conditions:

Crossing Places and Vehicle Entrances

1. *The consent holder or successor shall be responsible for providing sealed crossing places and vehicle entrances between the sealed carriageway and the boundary to serve Lots 1 to 4. Such crossing places and vehicle entrances are to be designed in accordance with the Council's Vehicle Crossing Policy, a copy of which can be obtained from the Council's Assets and Contracts Department.*

Minimum Floor Level

2. *The minimum floor level for any building on Lots 1 to 4 shall be 197.1 metres above sea level (Dunedin Datum 1958).*

Stormwater

3. *Stormwater from buildings and other impervious surfaces within each of proposed Lots 1, 2, 3, and 4 shall be stored for beneficial reuse or disposed of by soak-pits designed by a suitably qualified and experienced professional within the boundary of each lot.*

Advice Notes:

1. *During site works if European or Chinese artefact material is discovered the consent holder shall immediately contact Heritage New Zealand.*
2. *During site works if koiwi (human skeletal remains), waahi taoka (resource of importance), waahi tapu (place or feature of special significance) or artefact material are discovered, then work shall stop to allow a site inspection by the appropriate runanga and their advisors, who would determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. Materials discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to their removal or preservation.*

3. *A development contribution of \$4,224.25 (exclusive of goods and services tax) are payable based on \$2,729.57 for wastewater and \$1,494.68 for roading pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due prior to the commencement of the consent, except where a Building Consent is required. If a Building Consent is required, payment is due within 90 days of the issue of the Building Consent or prior to the issue of the Code of Compliance Certificate under the Building Act, whichever comes first.*
4. *Any signage is required to comply with the Central Otago District Plan or additional resource consent will be required.*
5. *Further authorisations and resource consents may be required from Otago Regional Council. It is the consent holder's responsibility to ensure they have all other required authorisations and approvals to give effect to this consent.*

General

6. *In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.*
7. *Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.*
8. *It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.*
9. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.*
10. *This is a resource consent. Please contact the Council's Building Services Department, about any building consent requirements for the work.*



APPLICATION FOR RESOURCE CONSENT

OR FAST TRACK RESOURCE CONSENT

FORM 9: SECTION 88 RESOURCE MANAGEMENT ACT 1991

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Email to: resource.consents@codc.govt.nz

Post to: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

RECEIVED
17/11/2022
CODC

CONTACT DETAILS OF APPLICATION

Full name(s) and contact details of owner/occupier/applicant: *(name will be issued on the decision)*

Wakefield Estates Limited

Postal Address

1 Perriam Place, Perriam Cove.

bob.perriam@gmail.com

027 4872 871

Email

Phone

Full name(s) and contact details for service of application *(if different from above)* e.g. Agent:

Harrison Railton

C Hughes and Associates Limited

Postal Address

PO Box 559, Wanaka.

harry@chasurveyors.co.nz

027 314 4583

Email

Phone

DETAILS OF PROPERTY

Street address/rapid number of property to which this application relates:

1 Foster Place & 3 Foster Place.

Legal description of land:

Lot 1 DP 404040 & Lot 2 DP 404040.

DETAILS OF APPLICATION

Application Type(s) applying for: *(please tick one)*

- ☐ Land use consent
- ☒ Subdivision consent
- ☐ Change/Cancelation of consent or consent notice conditions
- ☐ Extension of lapse period of consent (time extension) s125
- ☐ Certificate of compliance
- ☐ Existing use certificate

Description of proposal:

Application to undertake a four-lot subdivision in an area that is zoned Residential Resource Area (3).

The subdivision is classified as a non-complying activity under the Operative District Plan (ODP).

- ☒ No additional resource consents are needed for the proposed activity.

Or

- ☐ The following additional resource consents are needed for the proposed activity. *(give details)*

They have / have not been applied for: *(please highlight)*

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing. Please select one:

I opt out ☒ / I do not opt out ☐ of the fast-track consent process.

PAYMENT DETAILS

I confirm amount and date paid:

Reference used (if applicable):

- ☒ Bank Transfer to 020916 0081744 00 (BNZ Alexandra Branch). Please reference: "RC APP" and the applicant's surname in the payment details eg, RC APP SMITH
- ☐ Manual payment (can only be made once application lodged and RC reference number issued)

APPLICATION CHECKLIST

The following is attached to this application:

(please tick boxes as appropriate)

- ☒ *Non-refundable application fee of the prescribed amount (an additional charge may also be payable where the initial application fee is inadequate to recover Council costs).
- ☒ Assessment of the Effects on the Environment (AEE).
- ☒ *Copy of current Certificate of Title.
- ☒ *A location plan.
- ☒ *A site plan which shows the location of any buildings, driveways, parking areas or other significant features in relation to site boundaries. (Please ensure the paper size is either A4 or A3.)
- ☐ A building plan including the floor plan of the proposed building and elevations (if appropriate). (Please ensure the paper size is either A4 or A3.)
- ☐ Photographs of the site and of any important features relative to the application.
- ☐ Any other information required by the District Plan or Act or regulations to be included.

** Items with a star are required for all consent applications.*

Full details relating to the contents of applications are contained in the checklists and guidance notes available on Councils website www.codc.govt.nz or from any Council office.

Note to applicant:

You may apply for two or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

I/We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

I/We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under the Act.

(List all documents that you are attaching)

AEE; Scheme Plan; Consent Notice; Land Covenant; Planning Map 29.

Subdivision consent requirements

As/if this is an application for a subdivision consent, I/We attach information that is sufficient to adequately define: *(delete if this is not an application for a subdivision consent)*

- (a) The position of all new boundaries; and
- (b) the areas of all new allotments; and *(delete if the subdivision involves a cross-lease. Company lease or unit plan)*
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) the locations and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under section 237A of the Resource Management Act 1991; and
- (f) the locations and area of land to be set aside as new roads.

As this is an application for a resource consent for reclamation, I/We attach information to show the area proposed to be reclaimed, including its location, the position of all new boundaries, and the portion of that area (if any) to be set apart as an esplanade reserve or esplanade strip. *(delete if this is not an application for a resource consent for reclamation)*



17/11/2022

Signature

Date

(to be signed by applicant or person authorised to sign on behalf of applicant)

C. HUGHES & ASSOCIATES LTD

Surveying and Resource Management • Central Otago



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17A Murray Tce
PO Box 51 T 03 445 0376
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80 Ardmore St
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Directors: Matthew Suddaby
Jack Lister
Campbell Hills

Subdivision Application

Foster Place, Perriam Cove, Pisa Moorings.

Applicants	Wakefield Estates Limited
Legal Description	Lot 1 DP 404040. Lot 2 DP 404040.
Site Location	1 Foster Place. 3 Foster Place.
Zone	Residential Resource Area (3).
Activity Classification	Non-Complying Subdivision.

Application prepared by:
C Hughes & Associates Limited
Surveying and Resource Management

November 2022

Subdivision Consent Application: Perriam Place.

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1. Introduction

We forward to council for its consideration and consent on behalf of the applicants Wakefield Estates Limited an application to create four new allotments. This application includes an Assessment of Environmental Effects (AEE).

2. Site Description

The subject land comprises the following:

- 1 Foster Place, legally described as Lot 1 DP 404040 and held in Record of Title (RT) 413842 by Wakefield Estates Limited. The property has an area of 1726m².
- 3 Foster Place, legally described as Lot 2 DP 404040 and held in Record of Title (RT) 413843 by Wakefield Estates Limited. The property has an area of 1702m².

The Central Otago District Plan classifies the sites as being in the Residential Resource Area (3) zone. The application is subject to the rules and standards specified in *Section 7* and *Section 16* of the District Plan. The sites are flat and contain no residential dwellings. A large area of the property has been used for viticulture and contains rows of vines as well as wooden post and fence wire which will be removed in due course. A land contamination report has been prepared by WSP and is attached to the application.



Figure 1 CODC GIS location image (subject site highlighted red).

Subdivision Consent Application: Perriam Place.

3. The Proposal

The applicants are proposing to subdivide Lot 1 DP 404040 (area: 1726m²) and Lot 2 DP 404040 (area: 1702m²) into four new allotments. The sites are vacant, and no new buildings are proposed with this application.

<u>Lot Descriptions</u>	
<u>Proposed Allotment</u>	<u>Area (m²)</u>
Lot 1	877m ²
Lot 2	850m ²
Lot 3	850m ²
Lot 4	850m ²



Figure 2 Scheme Plan W1643 showing proposed subdivision.

Subdivision Consent Application: Perriam Place.

4. Servicing and Access

Allotment	Comments
Lot 1	<p><u>Water Supply:</u> New 20mm Lateral Connection into the Council maintained 150mm main in Foster Place.</p> <p><u>Storm Water:</u> Existing 100mm Lateral Connection into Council maintained 150mm main in Perriam Place.</p> <p><u>Foul Sewer:</u> Existing 100mm Lateral Connection into Council maintained 150mm main in Perriam Place.</p>
Lot 2	<p><u>Water Supply:</u> Existing 20mm Lateral Connection into the Council maintained 150mm main in Foster Place.</p> <p><u>Storm Water:</u> New 100mm Lateral Connection into extension of 300mm main in Foster Place.</p> <p><u>Foul Sewer:</u> New 50mm Lateral Connection into extension of 150mm main in Foster Place.</p>
Lot 3	<p><u>Water Supply:</u> Relocate existing 20mm Lateral Connection into the Council maintained 150mm main in Foster Place.</p> <p><u>Storm Water:</u> New 100mm Lateral Connection into extension of 300mm main in Foster Place.</p> <p><u>Foul Sewer:</u> New 50mm Lateral Connection into extension of 150mm main in Foster Place.</p>
Lot 4	<p><u>Water Supply:</u> New 20mm Lateral Connection into the Council maintained 150mm main in Foster Place.</p> <p><u>Storm Water:</u> Existing 100mm Lateral Connection into Council maintained 150mm main in Foster Place.</p> <p><u>Foul Sewer:</u> Existing 100mm Lateral Connection into Council maintained 150mm main in Foster Place.</p>

To service the subdivision, it is necessary to extend the Council owned sewer and stormwater mains in Foster Place and take lateral connections from these. A simple sketch of the proposed works is shown overleaf. Full design drawings will be prepared and provided to Council prior to construction. A 150mm water main exists in the berm of Foster Place, and additional connections will be made to this as necessary.

Subdivision Consent Application: Perriam Place.

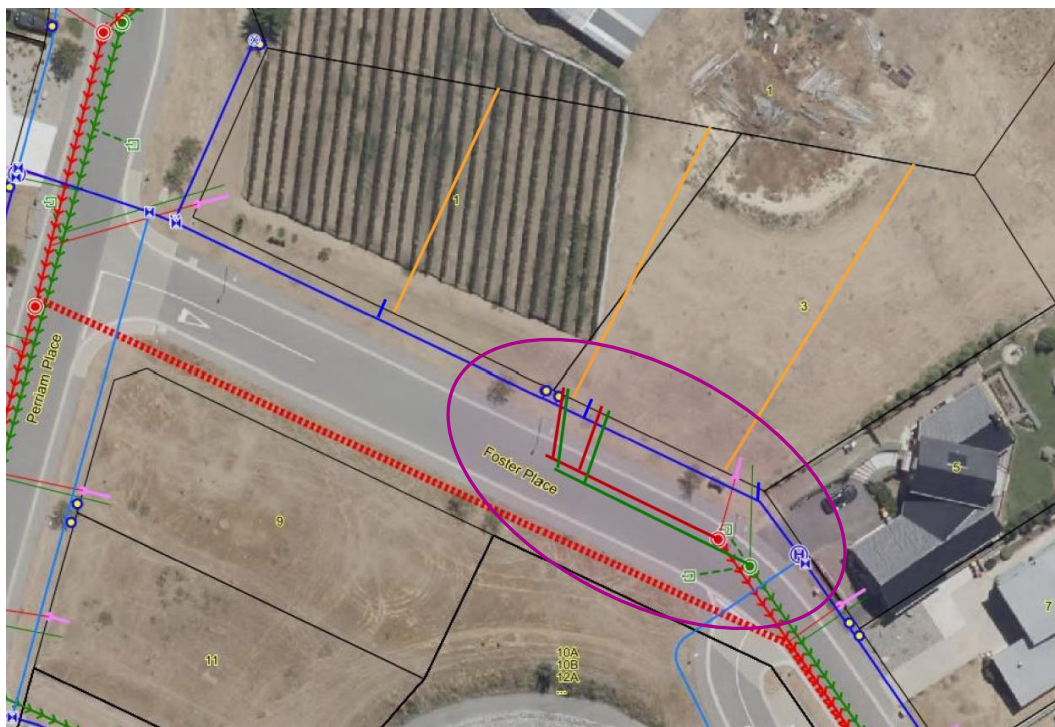


Figure 3: Proposed civil works in Foster Place.

Aurora and Chorus have both confirmed supply availability of electricity and telecommunications respectively.

Access to each new lot will be constructed at the time dwellings are proposed to ensure they are located as per future owner's wishes. A consent notice condition for future landowners would be appropriate.

5. Consent Notices and Encumbrances

Consent Notices & Covenants
<p>Consent Notice 7917778.27 has conditions pertaining to access and setbacks to state highway 6 and minimum floor levels. The application will not breach any of these consent conditions. The subject sites are not adjacent to State Highway 6.</p>
<p>Land Covenant 7917778.28 has conditions around building controls, fencing, vegetation, area controls, and land controls. The application will not breach any of these covenant conditions. No residential development is proposed with this application, this is for a simple subdivision of two land parcels into four allotments.</p>

RC020069 was for a two-lot rural subdivision that was granted in June 2002.

6. HAIL Activities and Natural Hazards

6.1. Natural Hazards

An assessment of natural hazards has been conducted using the ORC's online GIS database and it is concluded the site is not at risk from any significant natural hazards. The site has a nil to low risk from liquefaction (A domain).

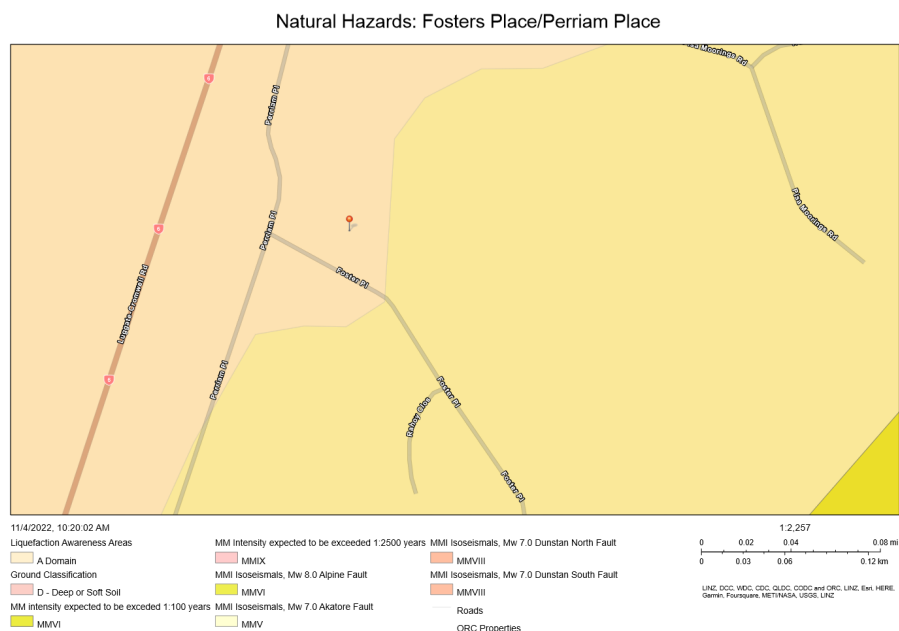


Figure 4:ORC Natural Hazards Printout of Subject Site Hazards.

6.2. HAIL activities

In accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), Josh Lamond of WSP has investigated the site for potential contamination of the soil due to past viticultural activity. The summary report addresses potential ground hazards from tannalised wood and pesticides. The results of the soil analysis indicated there are not any 'contaminants of concern' in the soil and that the soil on site is suitable for residential living and could be reused as clean fill material. As per the investigations and report summary, the NESCS does not apply to this site.

7. **Assessment against the District Plan**

The subdivision requires resource consent for the following:

Rules and Standards
<ul style="list-style-type: none"> <u>Non-Complying Activity</u> pursuant to Rule 7.3.5 (iv) for a breach of Rule 7.3.3 (i) (c) regarding minimum lot size in the Residential Resource Area (3).

The application is overall assessed as a **non-complying** activity.

7.1. District Plan Objectives and Policies

The relevant objectives and policies which require consideration for this proposal are included in Section 7 (Residential Resource Area) and Section 16 (Subdivision and Development) of the District Plan.

7.2. Section 16 Objectives (Subdivision and Development)

CODC DISTRICT PLAN SECTION 16 SUBDIVISION AND DEVELOPMENT	
Objectives	Comments
<i>16.3.1 To ensure that subdivision avoids, remedies, or mitigates adverse effects on the safe and efficient operation of the district's roading network.</i>	The proposed subdivision will have less than minor effects on the safe and efficient operation of the districts roading network including Perriam Place and Foster Place. Both roads have been constructed to Council residential standards.
<i>16.3.2 To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.</i>	The four new parcels can be provided with new connections to council reticulated water supply, foul sewer, and storm water without adversely affecting the public interest and ongoing viability of those services and infrastructure. Please see Section 3.1.
<i>16.3.3 To ensure that subdivision does not facilitate development that may potentially be at risk from hazards.</i>	An investigation of the subject sites has been conducted using the ORC's Natural Hazards online database. The database concludes that the site is not at risk from any natural hazards.
<i>16.3.4 To ensure, where appropriate, that amenity values of the district created by open space, landscape, and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.</i>	The proposal will retain the amenity values and natural character intrinsic to the Residential Resource Area. The four new allotments share similar sizes and shapes with other subdivisions found along Foster Place established under RC160318. The lot sizes generous and are appropriate to support future residential development as

Subdivision Consent Application: Perriam Place.

	is seen all along Foster Place and Perriam Place.
<i>16.3.5 To ensure that subdivision does not facilitate development that may compromise the life-supporting capacity of the district's water and soil resources.</i>	The subdivision is not out of character for the zone in spite of the non-complying activity status and will not compromise the life-supporting capacity of the district's water and soil resources.
<i>16.3.6 To ensure that subdivision does not facilitate development that may adversely affect heritage and cultural values including cultural values of importance to Kai Tahu Ki Otago.</i>	The subdivision will not have any adverse effects on the heritage and cultural values including values of importance to Kai Tahu Ki Otago.
<i>16.3.7 To ensure that subdivision contributes to the open space, recreation, and reserve needs of the community.</i>	The subdivision has a similar size and shape to established properties found along Foster Place and will continue the pattern of development already present. The subdivision will not affect the open space, recreation, and reserve needs of the community.
<i>16.3.8 To ensure, where appropriate, that subdivision maintains and where appropriate enhances public access: to and along the margins of the district's lake and rivers; to the district's reserves and areas of public open space; To sites of heritage and cultural values; To sites of cultural importance to Kai Tahu Ki Otago.</i>	The subdivision will have no effect on the public's continued access to the margins of Lake Dunstan nor to any rivers or reserves and areas of public open space.
<i>16.3.9 To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies, or mitigates adverse effects on: the stability of the land; water quality within natural watercourses and that stability of their margins; neighbouring properties in respect of the effects of noise, dust, and vibration.</i>	No physical works are proposed with this application. Effects on the stability of the land; water quality within natural watercourses and neighbouring properties are less than minor.
<i>16.3.10 To ensure subdivisions are designed to facilitate an appropriate and co-ordinated ultimate pattern of development having regard to the environment within which the subdivision is located.</i>	The subdivision continues the existing pattern of development present along Foster Place. The lots are of similar size and density to other lots in the immediate vicinity, most of which were approved as non-complying activities during the underlying subdivision (RC160319).
<i>16.3.11 To ensure that subdivision in areas without reticulated foul sewage services does not facilitate development that has an adverse effect on soil, surface, and groundwater resources, and public health.</i>	The subdivision is in area that can be serviced via Council owned foul sewer mains present in Perriam Place. Please refer to Section 3.1. above.

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7.3. Section 16 Policies (Subdivision and Development)

CODC DISTRICT PLAN SECTION 16 SUBDIVISION AND DEVELOPMENT	
Policies	Comments
<i>16.4.1 Adequate Access</i>	All lots have frontage onto Council's existing roading network. A safe access point can be established for Lot 1 at the intersection.
<i>16.4.2 Existing access</i>	Not applicable
<i>16.4.3 Adequate infrastructure</i>	Council owned three waters infrastructure already exists at the site. Additional connections can be supplied to each of the proposed allotments.
<i>16.4.4 Unreticulated areas</i>	Not applicable
<i>16.4.5 Trade waste</i>	Not applicable
<i>16.4.6 Construction standards</i>	All works will be completed in accordance with Council's Subdivision Code of Practice.
<i>16.4.7 Subdivision design</i>	A practical approach has been taken to the design of this infill subdivision. Slightly smaller lot sizes are proposed, however these are in keeping with other lots in the immediate vicinity.
<i>16.4.8 Sites subject to hazards</i>	Not applicable
<i>16.4.9 Esplanade provision</i>	Not applicable
<i>16.4.10 Esplanade reserves</i>	Not applicable
<i>16.4.11 Esplanade width</i>	Not applicable

7.4. Section 7 Objectives (Residential Resource Area)

CODC DISTRICT PLAN SECTION 7 RESIDENTIAL RESOURCE AREA	
Objectives	Comments
<i>7.1.1 To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as the Residential Resource Area as well as the social, economic, and cultural wellbeing, and health and safety of the residents and communities within those areas.</i>	The subdivision does not comply with the minimum lot standards pertinent to the district plan for areas zoned Residential Resource Area (3). However, the lot sizes are sufficiently sized to support the development of residential dwellings in the future with sufficient outdoor space remaining. Similar lots along Foster Place with identical lot sizes (<1000m ²) and shapes have previously been approved (RC160319). The addition of four new 850m ² sections does not present anything out of character for the zone. The subdivision will maintain the built character and amenity values of the district and Residential Resource Area (3). Nearby lot

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	owners and road users would likely perceive the subdivision as a continuation of the existing pattern of development already apparent along Foster Place and Perriam Place.
<i>7.1.2 To manage the use of land to promote a pleasant living environment by ensuring adverse effects of activities are avoided, remedied, or mitigated, while accommodating appropriate change at the interface with other resource areas.</i>	The proposal will continue to promote the pleasant living environment of the zone despite the non-complying activity status, establishing four lots with similar size to those found in the surrounding development. The lot sizes proposed allow for future residential development with space remaining for outdoor activities. Access to Lake Dunstan and the nearby reserves will continue unimpeded by this proposal.
<i>7.1.3 To recognise that it is inevitable that the use of land shall change over the period of this plan and beyond in order to enable the community to provide for its wellbeing. The process of change can occur randomly within the various resource areas but will be most obvious at the interface between different resource areas. It is a purpose of this plan to manage that change.</i>	The proposal represents a further intensification of land use in this area. The proposed density is in keeping with the surrounding neighborhood.

7.5. Section 7 Policies (Residential Resource Area)

CODC DISTRICT PLAN SECTION 7 RESIDENTIAL RESOURCE AREA	
Policies	Comments
<i>7.2.1 Residential Character</i>	The proposal ensures that residential character and amenity values are maintained.
<i>7.2.2 Amenity values</i>	The proposal with its reduced lot sizes will still result in properties with high amenity value. This is evidenced by other similar properties in the neighbourhood which contain substantial dwellings with extensive landscaping.
<i>7.2.3 Environmental quality</i>	The proposed density is in keeping with existing density in the neighbourhood and therefore Environmental Quality is maintained.
<i>7.2.4 Recreation Activities</i>	Lake Dunstan and its foreshore provide excellent recreation opportunities very close to the site.

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7.2.5 Open space	The proposed lots are sufficiently sized to allow for substantial dwellings while still adhering to the setback rules.
7.2.6 Safety and efficiency of residential roads	The proposal will have no effect on the safety and efficiency of either Perriam Place or Foster Place.
7.2.7 Residential Resource Areas (1) – (13)	RRA3 provides for integrated residential and marina development. Development is dependent on reticulated wastewater and water. These services are currently available on site.
7.2.8 Management of change	It is appropriate that change is anticipated and accepted. A very minor change is proposed by this application.

7.6. Proposed Plan Change 19

The Council has notified Plan Change 19 involving residential zoning throughout the district. Public Submissions closed on Friday 2nd September 2022. This proposal is to alter Residential Resource Areas throughout the district in response to housing affordability and anticipated growth. Under Plan Change 19 the zoning of the subject sites will change from Residential Resource Area (3) to Large Lot Residential (P1) (see figure 2 below).

The proposed plan change is still at the very early stage of the process, and therefore very little weight should be applied to PC19.



Figure 5 Proposed Plan Change 19 Residential Zoning.

8. Assessment of Environmental Effects (AEE)

8.1. Permitted Baseline

When determining the actual and potential effects of an activity, a consent authority may disregard an adverse effect if a rule in the Plan permits an activity with that effect. This is the permitted baseline and includes any lawful activities occurring on the site, any permitted (not fanciful) activities and any activities authorised by unimplemented resource consents. In the Residential Resource Area (3) the permitted baseline includes any activity that complies with the rules and standards set out in sections 11 to 15 of the District Plan as well as the standards set out in Rule 7.3.6 (General Standards) of Section 7. The zone is principally for the construction of a single detached residential dwellings.

8.2. Precedent and Cumulative Effects

The potential for cumulative effects on people and the environment is less than minor given the size of the parcels and on-going urbanisation of the Pisa township. The lot sizes proposed are sufficiently sized to support future residential development and landscaping.

For a precedent effect to occur an activity must be the first of its type to occur in the area. This subdivision is not the first of its kind to occur in the Pisa Moorings area with similarly sized subdivisions being approved in the past. RC160318 was the underlying 93-lot subdivision that created the lots now the subject of this new application. 31 of these land parcels breached the 1000m² minimum lot size as designated under Rule 7.3.3(i) of the District Plan. The Council concluded that the increased density resulting from the subdivision would not have any adverse effects on the landscape character and amenity values of the zone. The justification provided at the time was that the substantial open spaces and reserves were sufficient to balance the increased density of development. Additionally, the provision of a public jetty to access Lake Dunstan was considered a positive effect.

There can be no precedent **set** by approving this subdivision. Instead, the continuance of the existing precedent will not result in adverse cumulative effects on people or the environment. The proposal will make use of land that would otherwise remain underutilised for future housing in the Pisa area. The proposed lots share similar lot sizes and densities and could be perceived as a continuation of the established pattern of development created by RC160318. Access to the lakefront and the public reserves will be unaffected by this application.

Analysis of the lot sizes in the Perriam Cove area reveals that the two large lots proposed to be subdivided are unique, and no other lots of similar size exist.

8.3. Receiving Environment

The receiving environment surrounding the subject sites has land parcels ranging in size from 800m²-1000m² with most containing residential dwellings. A large apartment block with carparking is located south of the subject property. This forms a marina complex which fronts onto Lake Dunstan. The receiving environment has been extensively developed (RC160318) and the addition of four additional land parcels would not detract from the existing amenity and character of the area which is predominately residential in nature.

8.4. Actual and Potential Effects

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7 (1) of the Resource Management Act 1991 states the following matters must be addressed:

- (a) Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects.
- (b) Any physical effect on the locality, including any landscape and visual effects.
- (c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.
- (d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations.
- (e) Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants.
- (f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

a) Any effect on those in the neighbourhood and where relevant, the wider community, including any social, economic, or cultural effects.

The subdivision will have negligible effects on the neighbourhood and wider community despite the non-complying activity status.

- Lot 3 DP 404040 is located southeast of the proposal and contains one residential dwelling. The building has been oriented to front onto the Lake Dunstan foreshore. We consider that there would be no additional effects over and above permitted activity levels.
- Lot 24 DP 404040 is located south of the proposal and contains a multiunit complex. Between the units and the proposed subdivision is a car and boat parking lot. The likely effects of the subdivision on this property are de minimus.
- Lot 1 DP 373277 is located north of the subject sites and contains a historic woolshed, one existing residential dwelling, with another dwelling recently being granted resource consent. This site is owned by the applicant and any actual or potential effects can be disregarded.

The lot sizes are similar in shape and sizes to the other parcels found along Foster Place and Perriam Place, which has a well-established residential character and outlook. No buildings are being applied for however the lot sizes proposed are large enough to support the construction of residential dwellings in the future as is seen in other properties found along Foster Place. Most of the nearby allotments do not face directly into the proposed subdivision, instead facing out onto the lakefront or into the marina. Even so, the area has been extensively developed as a residential area with public spaces like a jetty and walkway reserves along the marina.

b) Any physical effect on the locality, including landscape and visual effects.

The proposed new four-lot subdivision will have a less than minor effect on the landscape and character of the zone. The lot sizes proposed are only slightly under the minimum lot size and will allow for a generous building site. Similar lot sizes found throughout Perriam Cove demonstrate that this is sufficient area to construct spacious, upmarket homes and as well as achieving quality, effective landscaping. The underlying resource consent (RC160319) decision stated that due to the significant open spaces to be provided which included a marina impoundment and public reserves (including an ONL landscape southwest of the site) that the likely effects of the 93-lot non-complying

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subdivision and increased density aligned with the characteristics and amenity of the Residential Resource Area (3).

In comparison, our proposal is considerably smaller than this and would be imperceptible to the public given the receiving environment and existing open space. Public access to amenities like the jetty in the marina and the walkway reserves would be unaffected by this proposal. The four-lot subdivision continues the general landscape character and amenity values that were established by this underlying resource consent. The subdivision would be perceived by the adjacent lot owners and road users as the logical continuation and completion of the existing development pattern already evident along Foster Place and Perriam Place. The subdivision follows the existing precedent that has been set by the underlying resource consent application.

c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.

The subdivision will have a negligible effect on the ecosystems. The surrounding area is largely residential with both residential dwellings and apartment units. The subdivision proposed will be in keeping with this existing character and will not affect any plants or animals.

d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations.

The new subdivision will have negligible effects on the natural and physical resources which contain aesthetic, recreational, scientific, historical, or cultural value for present and future generations. The area is zoned Residential Resource Area (3) and is not the first development of its kind to occur in the Perriam Cove area, with other non-complying subdivision activities being approved in the past (See Figure 2). Once completed, the four new fully serviced parcels with dwellings would be indistinguishable from the other allotments in the area.

e) Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants.

WSP have provided a complete land contamination report of each of the four allotments. The report has been attached to this resource consent application.

The conclusions of the WSP report and soil analysis have stated that no contaminants of concern were present in the soil and that the soil can be re-used on the site as clean-fill material. The NESCS (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) does not apply to this site.

The recommendations of the report are that:

- i. Should any ground conditions be encountered across the site which are not anticipated from the findings of this report a SQEP should be consulted in order to reassess the risks to human health.*
- ii. This DSI report is submitted to the consenting authority as part of any resource consent application.*
- iii. The report is submitted to the regional authority for updating of the HAIL database.*

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We accept these recommendations.

f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

A report has been provided from WSP assessing any potential contamination present in the soil. This has been attached with the resource consent application and a brief summary provided in subsection e above.

8.5. Positive Effects

The proposal will have the positive effect of creating four additional allotments that better align with the existing development and larger receiving environment, making efficient use of the land resource and the existing Council owned and maintained underground services. A slight increase in density, combined with minimal infrastructure is an excellent method to respond to the current housing affordability concerns in the district.

The proposal will provide economic benefits for the current owners while creating four appropriately sized allotments that are of sufficient size and shape to support future residential development.

8.6. Summary of Effects

The new four-lot subdivision proposed with this application will have a negligible effect on both people and the environment. The parcels are all able to be serviced with new connections to council services. The subdivision will be in keeping with the existing residential character of Foster Place and Perriam place and would more than likely be perceived as a continuation of this development. A large proportion of the surrounding properties along Foster Place do not comply with the minimum lot size requirement and have been established since at least 2008 with most now containing dwellings. There is no new precedent set in the granting of this resource consent. The subdivision will have the positive effect of establishing the potential for four additional residences in the future for any prospective owners without adversely affecting the landscape character of the area and people's appreciation of it, nor the public's ability to access the public reserves, walkways found along the marina and lakefront.

9. Section 104 of the RMA 1991

Section 104 of the Resource Management Act 1991 (RMA) sets out the relevant assessment matters for resource consent applications that are assessed as Non-Complying Activities. When assessing an activity, the consent authority must, subject to Part 2, have regard to any actual or potential effects and any relevant provisions of:

- A national environmental standard.
- National policy statement.
- New Zealand Coastal Policy Statement (NZCPS).

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- Regional policy statement or proposed regional policy statement.
- Any plan or proposed plan.

Furthermore, section 104D of the Resource Management Act 1991 also sets out specific assessment matters for non-complying activities. A consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either: the adverse effects of the activity on the environment will be minor; or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan or proposed plan.

Section 104 (b) of the Resource Management Act 1991 details the aspects that councils must consider when assessing any application for resource consent. The four-lot subdivision is not contrary to any National Environmental Standard (NES), National Policy Statement (NPS), or Regional Policy Statement (RPS). Any actual or potential effects of the activity despite the breach on minimum lot size are considered to be less than minor and consistent with the pattern of development already found throughout the area. The lot sizes are slightly less than the 1000m² minimum lot size required by the District Plan however each of the new parcels can be easily serviced with electricity, telecommunications, and three water connections. The report completed by WSP in July concluded that the NESCS does not apply to the site and can be disregarded.

9.1. National Environmental Standards and NZCPS

There are no national environmental standards that are of relevance to this application. NESCS does not apply.

The proposal is not located near the coast, so the NZCPS is not relevant to this application.

9.2. National Policy Statement on Urban Development 2020

We have assessed this subdivision application against the relevant provisions of the National Policy Statement on Urban Development 2020 (Rev. May 2022). Objective 4 of the NPS states: 'New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations'. The subdivision proposed will result in an intensification of residential activity over what is anticipated by the District Plan, however, given the changes in zoning to the surrounding environment and landscaping proposed we believe that our subdivision aligns with the wider environment and the on-going urbanisation and growth of the Pisa township. The subdivision will assist in fulfilling the NPS by providing two additional appropriately sized allotments that can support future residential development.

9.3. Proposed Otago Regional Policy Statement 2021

The purpose of the Proposed Regional Policy Statement 2021 outlines the resource management issues facing the greater Otago region and contain objectives and policies to combat these issues as well as the implementation of higher order instruments like the NPS on Urban Development 2020. The Proposed RPS 2021 has a section dedicated to 'Urban Form and Development' (UFD), included below are some of the relevant objectives and policies:

Objective 1: The forming and functioning of Otago's urban areas reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future and maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.

Policy 3: Within urban areas intensification is enabled where it: 1) Contributes to establishing or maintaining the qualities of a well-functioning urban environment, 2) is

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well serviced by existing or planned development infrastructure and additional infrastructure, 3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned active transport or public transport.

The four-lot subdivision proposed with this resource consent application reflects the diverse and changing needs and preferences of Otago's people and communities, maintaining the significant values and landscape character of the Perriam Cove Urban Area. The subdivision will result in minor intensification of residential development however this has been assessed and found to be appropriate given the close similarity with the established receiving environment. Each parcel will be fully serviced with connections to council reticulated water and foul sewer and are an appropriate size and shape to support future residential construction and landscaping.

10. Section 95 Notification

A consent authority must publicly notify an application if it concludes that under s95D of the Resource Management Act 1991 that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. Additionally, s95B (1) requires a decision to be made as to whether any persons are adversely affected (s95E) concerning the activity.

The activity is non-complying under Rule 7.3.5 (iv) for a breach of Rule 7.3.3 (i) (c) regarding minimum lot sizes in areas zoned Residential Resource Area (3). Public notification is not deemed necessary as the land parcels are sufficiently sized to allow for the potential development of residential dwellings in the future with plenty of outdoor space remaining. The proposed lot sizes are very similar to nearby allotments such as Lot 3 DP 404040 and Lot 4 DP 404040 have lot areas of 940m² and 924m² respectively with substantial residential dwellings.

When dwellings are constructed in the future on the four proposed parcels, the effects on adjacent lot owners and road users would be negligible. The addition of four new allotments would more than likely be perceived as a mere continuation of the existing pattern of development and build form already present as established by RC160319.

11. Summary

This application is for a four-lot subdivision located at the intersection between Foster Place and Perriam Place north of the Cromwell township. The Operative District Plan classifies the subdivision as non-complying in accordance with Rule 7.3.5 (iv) for a breach of Rule 7.3.3 (i) (c) regarding minimum lot sizes in areas zoned Residential Resource Area (3). This breach is considered minor given the surrounding land use and pattern of development.

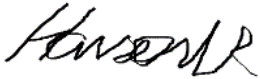

Once completed the parcels would be indistinguishable from other lots found along Foster Place, many of which are already below the 1000m² minimum lot area required by the District Plan and contain established residential dwellings. Following a thorough assessment of environmental effects, the four new allotments are deemed to have a less than minor effect on the environment and are in accordance with the Objectives and Policies of the District Plan.

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We submit that this proposal is entirely appropriate and request councils' approval in due course. If any further information is required, please do not hesitate to contact the undersigned.

Yours faithfully

C. HUGHES & ASSOCIATES LTD

 Harrison Railton <u>Graduate Planner/Survey Technician</u> <u>Bachelor of Science (BSc)</u>	Reviewed by:  Matthew Suddaby <u>Director</u> <u>Registered Professional Surveyor</u> <u>(RPSurv)</u>
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ATTACHMENTS

- Form 9 Application
- Scheme Plan
- 2 x Record of Titles
- Planning Map
- Consent Notice
- Land Covenant
- DSI prepared by WSP



IN THE MATTER of Lots 1 - 61, 63 -65, 68, 69, 94 – 96, 200 – 203, 206 and 207 DP 404040 being a subdivision of Lot 2 DP 373227, Lot 2 DP 27268, Sec's 68 and 72 Blk IV Wakefield SD and Lot 2 DP 311082, CT's OT 18C/291, 43637, OT 19A/420, OT 9C/1223 and 295891

AND

IN THE MATTER of resource consent RC 060319 from the Central Otago District Council to subdivide the above land.

CONSENT NOTICE PURSUANT
TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

PATERSON PITTS PARTNERS LTD
REGISTERED SURVEYORS
P O Box 84
CROMWELL

In accordance with conditions of resource consent RC 060319 of the Central Otago District Council granted pursuant to Sections 104, 104B, 104C and 104D of the Resource Management Act 1991 dated 9 June 2007, as changed by the following:

- Consent order of the Environment Court dated 17 April 2007.
- Change to conditions RC 070108 dated 25 May 2007.
- Change to conditions RC 070383 dated 20 December 2007.
- Change to condition RC 080102 dated 29 May 2008

The following conditions are to be registered against the certificates of title for Lots 1 – 61, 63 – 65, 68, 69 and 201.

1. Crossing Places and Vehicle Entrances

The consent holder or successor shall be responsible for providing sealed crossing places and vehicle entrances between the sealed carriageway and the boundary to serve Lots 1 – 13, 18 – 43, 45 – 53, 55 – 60, 63 – 65, 68 and 69. Such crossing places and vehicle entrances are to be designed in accordance with the Council's Vehicle Crossing Policy, a copy of which can be obtained from the Council's Assets and Contracts Department.

2. State Highway 6 Access

Lots 25 – 54, 69 and 94 shall not obtain direct vehicular access off State Highway 6 or off the unformed legal road to the south of the site.

3. State Highway 6 Setback

No residential buildings on Lots 25 – 43 nor any replacement dwelling on Lot 69 shall be located within 30 metres of the boundary with State Highway 6.

4. Minimum Floor Level

The minimum floor level for any building on Lots 1 – 60, 63 – 65, 68, 69 and 201 shall be 197.1 metres above sea level (Dunedin Datum 1958).



5. Lakeshore Setback

No building on Lots 16 – 18, 55 – 61 and 68 shall be located within 5 metres of the boundary with Lots 202 and 203.

DATED this 25th day of July 2008

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

 by its Chief Executive 

L.A. van der Voort
Authorised Officer

Project Number: 6-XZ728.00

1 and 3 Foster Place, Pisa Moorings Preliminary and Detailed Site Investigation

15 August 2022





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Document Details:

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Reference: 6-XZ728.00.00
Status: Final R1

Prepared by

A handwritten signature in black ink, appearing to read 'J. Lamond', written over a horizontal dotted line.

Josh Lamond

Reviewed and Approved for Release by

A handwritten signature in blue ink, appearing to read 'L. Bond', written over a horizontal dotted line.



Lisa Bond
CEnvP SQEP
Work Group Manager – Environment &
Planning



Document History and Status

Revision	Date	Author	Reviewed by	Approved by	Status
1	15/08/2022	J Lamond	L Bond	L Bond	Final

Revision Details

Revision	Details
1	Final



Executive Summary

WSP New Zealand Limited (WSP herein) was engaged by Bob Perriam (the client) to undertake a Preliminary and Detailed Site Investigation (PSI/DSI) at the properties 1 and 3 Foster Place (the site). Situated in Pisa Moorings, approximately 7km north of Cromwell, the site covers approximately 1.16ha.

The objective of this investigation was to characterise the contamination risk to human health should subdivision occur and during and following any potential future soil disturbance works on the site. The conclusions of this investigation may be used in support of obtaining consent under the NESCS and to meet any requirements from Central Otago District Council (CODC) and Otago Regional Council (ORC).

Based on site visit observations, anecdotal evidence from current landowners, council records and a review of historic aerial imagery, the site has been subject to HAIL activities, namely:

- *A10: Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds*
- *I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment*

Detailed Site Investigation Works

To achieve the objectives of the DSI portion of this report, a judgemental sampling pattern was adopted across the site, where ground disturbance of HAIL land is proposed. A total of 9 locations were sampled. These were taken within both near surface soils and test pits at locations where potential contaminants were present.

Samples were analysed for a suite of heavy metals and organochlorine pesticides.

Subsurface Conditions

Soils were consistent across the site. From discussion with site owners, it is understood that during subdivision of the larger site approximately 12 years ago the site was laid with compacted engineered fill and overlain with topsoil. This is consistent with the findings during the site sampling.

Results

Human health exceedances were not reported in any of the samples analysed. These samples were compared with a residential 10% produce end use. An exceedance of background concentrations was recorded for arsenic and endrin in 1 of the 14 samples.

Development Proposals

It is proposed to subdivide the existing 2 lots into 4 lots.

NESCS Considerations

Soil analysis results from the investigation works indicate that contaminants of concern were not present in excess of local background concentrations, with the exception of one sample, PM06 0.3m bgl. They also did not exceed their applicable standard.

The NESCS therefore does **not** apply to this site.



Soil Disposal

One sample recorded an exceedance of local natural background concentrations for arsenic. This was recorded in sample PM06 at 0.3m bgl. Endrin was also detected above its limit of detection in this sample.

As endrin is not considered to occur naturally, it is therefore considered to be above background.

The sample above background level is not considered to be representative of the site and is considered to be a localised hot spot. Any soil mixing that occurs during earthworks is anticipated to dilute any elevation to within natural background levels.

Recommendations

Based on the findings of this investigation WSP recommends that:

- Should any ground conditions be encountered across the site which are not anticipated from the findings of this report a SQEP should be consulted in order to reassess the risks to human health;
- This DSI report is submitted to the consenting authority as part of any resource consent application; and
- The report is submitted to the regional authority for updating of the HAIL database.



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Disclaimers and Limitations

This report ('**Report**') has been prepared by WSP exclusively for Bob Perriam ('**Client**') in relation to a Detailed Site Investigation Report ('**Purpose**') and in accordance with the Offer of Service 6-XZBID.097 and Short form Agreement with the Client dated 17 June 2022. The findings in this Report are based on and are subject to the assumptions specified in the Report. WSP accepts no liability whatsoever for any reliance on or use of this Report, in whole or in part, for any use or purpose other than the Purpose or any use or reliance on the Report by any third party.

In preparing the Report, WSP has relied upon data, surveys, analyses, designs, plans and other information ('**Client Data**') provided by or on behalf of the Client. Except as otherwise stated in the Report, WSP has not verified the accuracy or completeness of the Client Data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in this Report are based in whole or part on the Client Data, those conclusions are contingent upon the accuracy and completeness of the Client Data. WSP will not be liable in relation to incorrect conclusions or findings in the Report should any Client Data be incorrect or have been concealed, withheld, misrepresented, or otherwise not fully disclosed to WSP.

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1 Introduction

WSP New Zealand Limited (WSP herein) was engaged by Bob Perriam (the client) to undertake a Preliminary and Detailed Site Investigation (PSI/DSI) at the properties 1 and 3 Foster Place (the site). Situated in Pisa Moorings, approximately 7km north of Cromwell, the site covers approximately 1.16ha.

It is understood that it is proposed to subdivide the site into 4 lots as shown in Figure 1.

The site has historically been for grazing livestock and more recently for agricultural purposes. The site is not currently listed on the MfE Hazardous Activities and Industries List (HAIL). The MfE HAIL document is a compilation of activities and industries that are considered likely to cause land contamination resulting from hazardous substances use, storage or disposal. The HAIL is intended to identify most situations in New Zealand where hazardous substances could cause, and in many cases, have, caused land contamination that has the potential to be harmful to human health. In order to determine the presence or absence of soil contamination on and near to the proposed development platform WSP undertook a PSI/DSI.

Preparation of a PSI and DSI under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCSCS) Regulation (2011) will provide information as to whether soil contamination from current and historical activities onsite is likely to be present at levels that could adversely impact human health.

1.1 Objective

The objective of this investigation was to characterise the contamination risk both to human health should subdivision occur and during and following any potential future soil disturbance works on the site. The conclusions of this investigation may be used in support of obtaining consent under the NESCSCS and to meet any requirements from Central Otago District Council (CODC) and Otago Regional Council (ORC).

To achieve the objectives, the following scope was undertaken:

- Review publicly available historic aerial photographs of the site and surrounding areas.
- Review local geological and hydrogeological conditions through publicly available sources.
- Undertaking a site walkover to assess the current site conditions.
- Collection of soil samples across the proposed site from hand dug excavations.
- Analysis of near surface soils from topsoil and fill material at depths up to 0.3m bgl for contaminants of concern.
- Comparison of the soil analysis results with applicable background and standard human health risk values.
- Preparation of this PSI/DSI report detailing contaminates, risks identified, soil analysis results and consenting requirements.

This report has been reviewed by a Suitably Qualified and Experienced Practitioner (SQEP), as per the NESCSCS Regulations.

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2 Site Location and Setting

The site comprises 3400m² and is located near the western shores of Lake Dunstan. The site is bordered on the south by Foster Place and to the west by Perriam Place. The site is generally flat and is comprised of grass and agricultural vines. No buildings or structures are present on the site.

The site identification details are provided in Table 1 and the site layout is presented in Figure 1 below.

Table 1: Summary of site details

Site Address	1 and 3 Foster Place, Pisa Moorings
Legal Description	Lot 1 and 2 DP 404040
Certificate of Title Number	0/0/413842 and 0/0413843
Approximate Site Area (m ²):	3400
Proposed Site Use	Proposed residential land use
NESCS Permitted Activity threshold volumes (Lot 2 only):	
1) Total site disturbance, and	170m ³
2) Yearly off-site movement of soil based on the approximate total site area	34m ³

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Figure 1: Site location and layout and proposed subdivision. Image provided by C Hughes and Associate, dated 06/04/2022.

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2.1 Geology and Hydrogeology

The Institute of Geological and Nuclear Sciences Geological Web Map at 1:250,000 scale indicates that much of the site is situated on Holocene River Deposits comprising gravel, sand, silt and clay, refer to Figure 2. Surrounding the site is shown to be older river deposits of similar nature.

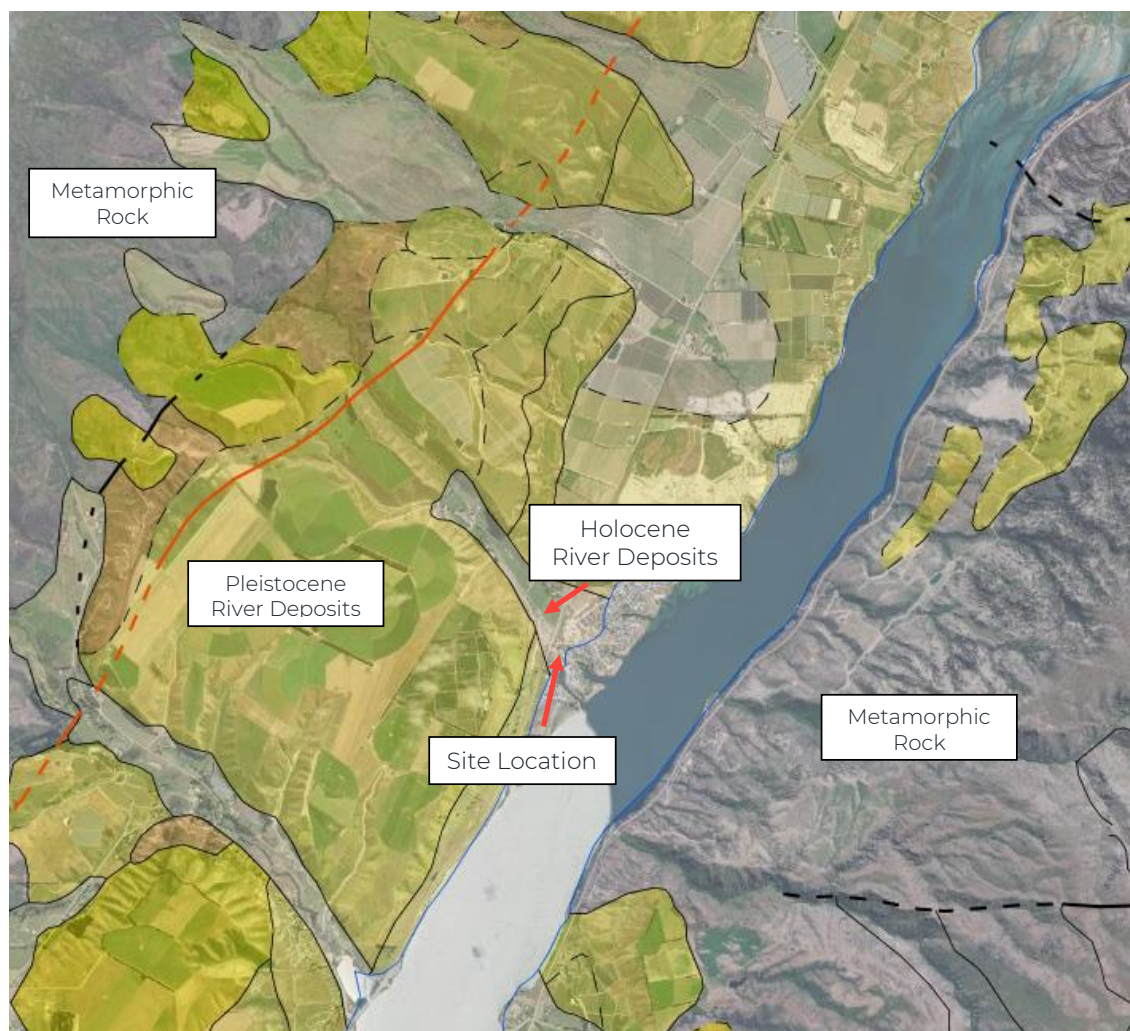


Figure 2: Geology of the site. Base map sourced from GNS Web Map (July 2022)

2.1.1 Topography and Surface Water Drainage

The site lies on generally flat land and is approximately in the order of 1-5m above average lake level. There are no steep slopes present on the site.

Lake Dunstan is approximately 150m to the east of the site. There are no significant flowing rivers in the nearby vicinity of the site.

2.1.2 Hydrogeology

The site is located approximately 2km north of the Lowburn Alluvial Ribbon Aquifer. It is expected that groundwater flow direction will follow local topography towards Lake Dunstan to the East/South-East.

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3 Site Condition and Surrounding Environment

3.1 Site Inspection

A site inspection was completed concurrently with the soil sampling investigation on 5 July 2022. Photographs taken as part of the site inspection are presented in Appendix A.

Presently the site is accessed via Perriam Place and is part of a larger existing property.

The proposed Lots 1 and 2 are presently occupied by vines. They are generally flat and are slightly elevated above the road level. The proposed lots 2 and 3 are generally grassed with some of the vines from the adjacent lot being present on the proposed lot 3. To the north of Lot 3 there is a grassed bund with the material being sourced from an adjacent property.

Discussion with site owners present onsite confirmed that the soil has been sourced from the nearby development of Pisa Moorings. This land has historically been used as farmland.

4 Proposed Development

While the section to the north of the site is part of the existing property, no land use change or subdivision is proposed for this lot. The existing Lots 1 and 2 DP 404040 are to be split into 4 lots of approximately 850m² each.

No development plans have been provided to WSP, however it is anticipated there will be residential housing constructed on each lot. The total amount of earthworks required will be dependent on the final design of the proposed developments.

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5 Site History

5.1 Historical Aerial Photographs

Historical aerial mapping and photographs were sourced from Retrolens (an online historical image resource) and Google Earth. 9 suitable aerial photographs were available for the site area, from 1956 to 2022. A summary of observations is provided in Table 2 and copies of the aerial photographs and maps reviewed are provided in Appendix B.

Table 2: Summary of historical aerial photographs

YEAR	Site and Surroundings Description
1956 (Retrolens)	There are no historic structures or infrastructure onsite. The site appears to be generally grassed and has mature trees present. To the north of the site is the present day shed. The surrounding sites also appear to be generally grassland.
1976 (Retrolens)	A much clearer picture of the site shows operating livestock pens extending from the present day farming shed on the lot to the north. Some of the pens extend into the site. No significant changes are observed from the previous photo.
1982 (Retrolens)	A gravel path has been worn through the site to an existing house to the south.
2003 (Google Earth)	No significant changes appear to have occurred onsite, however the image quality is poor. The farm shed on the lot to the north has been extending, and it appears the sheep pens are no longer present.
2007 (Google Earth)	The site is in the process of development as part of a much larger subdivision of the surrounding land. The trees which were identified in the 1956 photo have been removed and the ground appears to have largely been reworked.
2010 (Google Earth)	Development of the land surrounding the site has occurred, with the existing Foster Place and Perriam Place being present immediately adjacent to the site. Dwellings have been constructed on adjacent properties. No significant changes have occurred to the site itself.
2011 (Google Earth)	The larger property, to which the site is a part of, has been developed and agricultural vines have been planted on the western half of the site. Ongoing use of the area to the east of the shed has occurred as a storage area for various materials.
2017 (Google Earth)	The site is generally in its present-day form. Ongoing use of the site for growing vines is occurring.
2022 (Google Earth)	No significant changes from the previous photo.

5.1.1 Heritage

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand.

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In order to establish the heritage status of the site the Heritage New Zealand database was consulted. The site was not found on the database¹.

On the basis of this information no further archaeological work is recommended, unless there is an unexpected discovery during the sampling and analysis works.

5.2 Council Records

5.2.1 ORC database

A search of the ORC online HAIL database indicates that the existing property is not a listed HAIL site. The absence of information on this database does not mean that no HAIL is present on the site, rather no records are available.

5.3 PSI Findings

A preliminary desktop study has identified potential HAIL activities onsite. A summary of listed HAIL activities is provided in table 3.

Table 3: Potential HAIL Activities

Location	HAIL category	Observation
1 and 3 Foster Place	A10: Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds	The site has been used for circa 10 years for growing vines, with the potential for use of pesticide sprays
1 and 3 Foster Place	I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment	The site has potentially Copper Chromium Arsenic treated timber within the soils for the duration of the vineyard being present

5.4 Summary of Site History and Areas of Concern

Based on site visit observations, anecdotal evidence from current landowners, council records and a review of historic aerial imagery, the site has been subject to HAIL activities as listed above in table 3. Our observations show that these activities have generally been limited to the western half of the site, which is generally Lot 1 DP404040.

¹ <http://www.heritage.org.nz/the-list>

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6 Conceptual Site Model

Using the identified potential HAIL activities or industries a site-specific conceptual site model can be developed. A conceptual site model relates to the assessment of contamination arising from the previous and current land uses, both on and off the site that may impact on development proposals. This is achieved by detailing the nature and extent of contamination, the potential migration pathways and to identify potential receptors to the extent possible based on information gathered from the desk study and site visit. Data gaps and uncertainties are identified during the preparation of the conceptual model, which assists in designing a more detailed investigation.

Based on the site history the following conceptual site model (CSM) was produced. The CSM is used to support the decision-making process for contaminated land management. The five basic activities associated with developing a conceptual site model are:

- Identification of potential contaminants.
- Identification and characterisation of the source(s) of contamination.
- Delineation of potential migration pathways through environmental media, such as groundwater, surface water, soils sediment, biota, air, service lines.
- Identification and characterisation of potential receptors (human, ecological or building infrastructure).
- Determination of the limits of the study area or system boundaries.

Data gaps and uncertainties are identified during the preparation of the conceptual site model, which assists in designing any detailed investigation that may follow.

For there to be an effect on receptors there must be a contamination source and a mechanism (pathway) for contamination to affect human health or the environment (receptor).

The desk-based information on the site has enabled the development of a conceptual site model as shown in Table 4.

A possible pollutant linkage between the contaminant source and receptor is defined as one that has the potential to represent unacceptable risks to human health or the environment.

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Table 4: Conceptual Site Model

Likely sources of impact	Potential historical and current day sources were identified: <ul style="list-style-type: none"> • Use of the site as a vineyard • Use of treated timber within the soils
Potentially impacted media	Impacts are likely to be limited to shallow soils (the upper several metres). Shallow groundwater or nearby surface water features may also be impacted.
Contaminants of concern	The potential contaminants of concern comprise: <ul style="list-style-type: none"> • Heavy metals (including arsenic, cadmium, chromium, copper) • Organochlorine Pesticides
Migration pathways	Potential migration pathways for the contaminants of concern comprise: <ul style="list-style-type: none"> • airborne migration of dust, vapour or fibres • surface runoff containing impacted soil or dissolved contaminants • infiltration of contaminants in soil
Potential exposure pathways	Potential exposure pathways comprise: <ul style="list-style-type: none"> • inhalation of dust • ingestion or dermal contact with impacted soil, including surface soils including during excavation work • ingestion or dermal contact with impacted surface water or extracted groundwater • Ingestion of produce grown in the soils
Potential sensitive receptors	Identified sensitive receptors comprise: <ul style="list-style-type: none"> • workers and visitors at the site during the proposed site works • users of the site following redevelopment • users of neighbouring properties

7 Preliminary Site Investigation Findings

The conceptual site model developed following assessment of the desk-based findings and a site walkover indicates that there are potential HAIL activities which have been undertaken on the site. These activities may have potentially contaminated soils on the site either through deposition direct into the soils or due to migration through near surface soils and, as a consequence, be present in concentrations which are considered to be a risk to human health.

Further assessment of these risks has therefore been undertaken in the form of detailed site investigation to determine contaminant concentrations associated with identified activities and their locations. These are covered in the following sections.

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8 Data Quality Objectives

Systematic planning is critical to successful implementation of an environmental assessment and is used to define the type, quantity and quality of data needed to inform decisions. The United States Environmental Protection Agency (US EPA) has defined a process for establishing data quality objectives (DQOs), which has been referenced in the MfE CLMG No. 5.

DQOs ensure that:

- The study objectives are set.
- Appropriate types of data are collected (based on contemporary land use and chemicals of concern).
- The Tolerance levels are set for potential decision-making errors.

The DQO process is a seven-step iterative planning approach. The outputs of the DQO process are qualitative and quantitative statements which are developed in the first six steps. They define the purpose of the data collection effort, clarify what the data should represent to satisfy this purpose and specify that performance requirements for the quality of information to be obtained from the data. The output from the first six steps is then used in the seventh step to develop the data collection design that meets all performance criteria and other design requirements and constraint. The DQO process adopted for the DSI is outlined in Appendix C.

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9 Detailed Site Investigation

9.1 Sampling Design and Rationale

The MfE CLMG No. 5 outlines the three types of sampling patterns commonly used for site investigations, comprising judgemental, systematic and stratified sampling.

To achieve the objectives of the DSI works, a judgemental sampling pattern was adopted across the site. A total of 9 locations were sampled at the site with multiple samples taken at each location. There were 14 samples taken in total. These were taken both within hand dug pits and at surface level across the site to give a representation of the contamination levels in the soil. The locations of samples are detailed on the Test Pit Location Plan in Appendix D.

PM08 and PM09 both have duplicate samples for QA/QC purposes. Internal lab duplicates were also completed.

9.2 Fieldwork

The intrusive investigation works were undertaken at the site on 05 July 2022.

Sample pits were hand dug to a maximum of 0.3m, encompassing the engineered fill present below the topsoil onsite. Samples were taken from both the topsoil and engineered fill material.

Surface conditions were logged, and soil samples were placed in laboratory supplied jars. Leaving minimal headspace and closed using Teflon-coated lids.

Samples were stored on ice in a sealed cooler and transported to the laboratory under chain of custody. Dedicated disposable nitrile gloves were worn for each sampling episode and all non-dedicated equipment was decontaminated between sampling locations to minimise the potential for cross contamination.

9.3 Laboratory Analysis

Selected soil samples were submitted to Analytica Laboratories (Analytica) for analysis of determined contaminants of concern at the site. Soil samples were selected for analysis based on a combination of sample depth and observations. The testing included 8 heavy metals (8HM) (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc) and organochlorine pesticides.

Analytica are accredited by International Accreditation New Zealand (IANZ) for the analytical suites requested. A summary of the samples taken, soil conditions and analysis completed is given in Table 5:

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Table 5: Summary of samples

Sample Number	Depth m bgl	Soil description	Analysis scheduled
PM01	0.15	SILT with some sand and gravel (Topsoil)	8HM
PM02	Surface	SILT with some sand and gravel (Topsoil)	8HM, OCP
PM02	0.3	Silty GRAVEL with some sand (Fill)	8HM
PM03	Surface	SILT with some sand and gravel (Topsoil)	8HM, OCP
PM03	0.25	SILT with some sand and gravel (Topsoil)	8HM, OCP
PM04	Surface	SILT, dark brown (Topsoil)	8HM
PM05	0.2	Silty GRAVEL with some sand (Fill)	8HM
PM06	Surface	SILT with some sand (Topsoil)	8HM, OCP
PM06	0.3	Silty GRAVEL with some sand (Fill)	8HM, OCP
PM07	Surface	Silty GRAVEL with some sand (Fill))	8HM, OCP
PM08	Surface	SILT, dark brown (Topsoil)	8HM, OCP
PM08-D	Surface	SILT, dark brown (Topsoil)	8HM, OCP
PM09	0.2	Silty GRAVEL with some sand (Fill)	8HM
PM09-D	0.2	Silty GRAVEL with some sand (Fill)	8HM

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10 Basis for Guideline Values

10.1 Soil Contaminant Standards for the Protection of Human Health

The MfE 2011, Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health (the MfE (2011) Methodology) Sets out a risk-based derivation methodology for health-based standards to apply to soil contaminants in New Zealand under the Resource Management Act 1991.

The MfE (2011) Methodology provides a suite of numerical criteria for priority contaminants that are legally binding as gazetted under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('the NESCS'). These numerical criteria applied as screening criteria (Tier 1 criteria), as conservative clean-up targets, to inform on site management actions, or to trigger further investigation with a Tier 2 assessment. The MfE (2011) Methodology utilises standardised receptors and exposure parameters to calculate SCSs for the following five generic land-use scenarios:

- Rural residential (guidelines for lifestyle block 0%, 10% and 25% produce scenarios).
- Residential (guidelines for 0%, 10% and 25% produce scenarios).
- High-density residential.
- Recreational.
- Commercial/industrial outdoor worker (unpaved).

With respect to assessment under the NESCS, the assessment criteria for this investigation have been based on analysis of the proposed land use as a residential site. We consider that based on the proposed use of the site, this exposure scenario is appropriate, and no further adjustment of the soil contaminant (SCS) as set out in the NESCS is necessary in this instance.

10.1.1 Other Soil Guidelines

Where there is no appropriate soil contaminant standard for the contaminant, the MfE (2003; revised 2011) Contaminated Land Management Guidelines No. 2: Hierarchy and Application in New Zealand of Environmental Guideline Values provides the following hierarchy to determine the order in which guidelines values in reference documents should be used in a contaminated site assessment.

- 1 New Zealand documents that derive risk-based guideline values.
- 2 Rest-of-the-world documents that derive risk-based guideline values.
- 3 New Zealand documents that derive threshold values.
- 4 Rest-of-the-world documents that derive threshold values.

The estimated upper limit of background concentrations for trace elements (arsenic, cadmium, chromium, copper, mercury, lead, nickel and zinc) have been adopted for assessment against NESCS applicability in this report.

The specific contaminant standards adopted for soils are outlined within the laboratory results summary in Table 6.

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10.2 Disposal Options

In addition to assessing the human health risks associated with the development and end use of the site, a high-level assessment of off-site disposal options for any excess spoil generated during site redevelopment works has been conducted. Dependant on the contamination condition of the spoil, offsite disposal options range from disposal to cleanfill sites (lowest cost) through managed fill sites to licensed hazardous waste landfills (highest cost).

As disposal to a cleanfill site is likely to represent the most cost-effective off-site disposal option, the soil results have been compared to the WasteMINZ definition of 'Clean Fill' Material within the publication entitled: *Technical Guidelines for Disposal to Land* (WasteMINZ 2018):

"Clean Fill Material Virgin excavated natural materials (VENM) such as clay, soil and rock that are free of:

- combustible, putrescible, degradable or leachable components;*
- hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;*
- products or materials derived from hazardous waste treatment, stabilisation or disposal practices;*
- materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health if excavated;*
- contaminated soil and other contaminated materials; and*
- liquid waste.*

When discharged to the environment, clean fill material will not have a detectable effect relative to the background."

Any soils which contain contaminant concentrations in excess of the cleanfill criteria are considered to be Controlled Fill or Managed Fill². Controlled Fill is described as

'predominantly clean fill material that may also contain inert construction and demolition materials and soils from sites that may have contaminant concentrations in excess of local background concentrations, but with specified maximum total concentrations that will not restrict future land use.'

With Managed Fill described as:

'Predominantly clean fill material and controlled fill material that may also contain material with contaminant concentrations in excess of controlled fill limits where site specific management controls are in place to manage discharges to the environment.'

For assessment of possible disposal options, results have been compared against the cleanfill definition (through the use of background concentrations) and acceptance criteria for Class A and B landfills. Individual landfill facilities will have their own specific criteria for acceptance which are based around these definitions and criteria.

² Technical Guidelines for Disposal to Land: WasteMINZ 2018

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11 Results

11.1 Subsurface Conditions


Soils were consistent across the site. From discussion with site owners, it is understood that during subdivision of the larger site approximately 12 years ago the site was laid with compacted engineered fill and overlain with topsoil. This is consistent with the findings during the site sampling.

11.2 Analytical Results

Tables 6 provides detailed tables with comparison against relevant guideline values. Full laboratory reports (including chain of custody) are provided in Appendix E. No organic pollutants were detected above the laboratory limits of detection with the exception of PM06 - 0.3m bgl where endrin was detected at 0.29mg/kg. This is considered to be above background levels as this chemical does not occur naturally in soils.

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Table 6: Heavy Metals Analysis Results

 Soil Analytical Results - Heavy Metals		Heavy metals							
		Arsenic	Cadmium	Chromium (III+VI)	Copper	Lead	Mercury	Nickel	Zinc
		mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
Reporting Limit		0.125	0.005	0.125	0.075	0.25	0.025	0.05	0.05
Human health criteria ¹									
Residential 10% Produce		20	3	460	10000	210	310	400	7400
Background concentrations ³									
LRIS 95% Predicted background concentration (Mudstone)		9.97	0.33	56.88	48.14	25.83	-	35.15	97.97
Waste Disposal ⁴									
Burnside Landfill Acceptance - Total Concentration		100	20	400	400	400	4	200	800
Class A		100	20	100	100	100	4	200	200
Class B		10	2	10	10	10	0.4	20	20

Sample Location	Depth of sample (m begl)	Date Collected								
PM01	0.15	5-Jul-22	8.6	0.088	17.7	18.2	16.4	0.09	18.7	69.6
PM02	Surface		9.5	0.13	22.6	22.7	15.9	0.11	22.1	75.8
PM02	0.3		9.6	0.13	19.3	19.6	17.1	0.099	20.3	70.9
PM03	Surface		8.8	0.082	18.7	20	15	0.058	20.6	68.1
PM03	0.25		6.3	0.067	14.3	14	13	0.046	14.4	60.9
PM04	Surface		9.5	0.13	23	26	16	0.093	23.5	73
PM05	0.2		8.2	0.094	23	17	14.2	0.08	21.6	59.3
PM06	Surface		9.4	0.099	23.1	18	17.4	0.027	22.8	68
PM06	0.3		19.6	0.14	12.9	15.7	13.6	0.039	14	73
PM07	Surface		7.6	0.05	19.5	17.7	13.9	0.033	20.1	60.9
PM08	Surface		9.1	0.1	25.4	20.3	16	0.074	23.7	67.8
PM08-D	Surface		8.9	0.11	24.8	19.2	15.1	0.052	23.2	64.9
PM09	0.2		8.7	0.11	20.9	21	17.4	0.077	21	62
PM09-D	0.2		8.7	0.11	18.4	21.6	20.1	0.079	20.1	63.2

¹ National Environmental Standard for Assessing and Managing Contaminants to Protect Human Health (MfE, 2011) Commercial/Industrial land use

² NEPM (2011) National Environment Protection (Assessment of Site Contamination) Measure - Schedule B1, Table 1A(1), Residential A

³ LRIS Predicted Background Soil Contaminants, New Zealand, Landcare Research Limited, Updated 2016

⁴ MfE (2004) Module 2 – Hazardous Waste Guidelines: Landfill Waste Acceptance Criteria and Landfill Classification; Appendix A Total Concentration for Leachability Limits for Class A and Class B Landfills

Above Human health

Above Background

Above Waste Disposal Criteria - Class A

Above Waste Disposal Criteria - Class B

NL - No limit

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12 Quality assessment and Quality Control

The field and laboratory quality assurance and quality control (QA/QC) program as was based on data quality indicators (DQIs) chosen to assess the suitability of the dataset. These are discussed in the following sections.

12.1 Field Quality Program

Table 7 summarises the field quality program for the DSI.

Table 7: Field Quality Programme

Environmental consultant	The environmental consultant maintains Quality Assurance Systems certified to AS/NZS ISO 9001:2000.
Procedures	All work was conducted in accordance with relevant statutory health, safety and environmental (HSE) sampling guidelines, as well as standard company HSE and environmental field procedures. Standard field sampling sheets were used. Details recorded included WSP staff and contractors present, time on/off-site, weather conditions, calibration records and other observations relevant to the works.
Sampling	Collection of samples was undertaken by appropriately qualified and experienced personnel following WSP standard field procedures which are based on industry accepted standard practice. Chain of custody was used to ensure the integrity of samples from collection to receipt by the laboratory.
Equipment decontamination	Undertaken after each sampling episode where equipment used was not dedicated. Field sampling procedures conformed to WSP QA/QC protocols to prevent cross contamination, preserve sample integrity, and allow for collection of a suitable data set from which to make technically sound and justifiable decisions with data of satisfactory usability.
Transportation	Samples were stored in chilled coolers on-site and during transport by the field scientist to the laboratory. Chain of custody forms were completed on-site and sent with the samples. Chain of custody forms are presented with laboratory reports in Appendix E, and include the sampler's name, date of sampling, sample matrix, sample containers and preservation used, and analysis requested. The laboratory confirmed receipt of the samples and specified the condition on delivery and the scheduled analyses. Laboratory sample receipt documentation indicated that appropriate holding times were met for the primary laboratory and intra-laboratory duplicates.
Reporting	Report generally complies with the MfE CLMG No. 1.

Project Number: 6-XZ666.00
150 Mornington Road, Dunedin
Detailed Site Investigation

12.2 Laboratory Quality Program

Table 8 summarises the laboratory quality program for the DSI.

Table 8: Laboratory Quality Programme

Holding times	Samples were transported to the primary laboratory, and all primary samples were extracted and analysed within the holding times for the analyses requested.
Methods	Analysis was carried out by laboratories with IANZ certification for the required analyses. Methods used by the laboratories were consistent with MfE CLMG No. 5.
Reporting Limits	Detection limits were sufficient to enable comparison against the appropriate guidelines

13 QA/QC Data Evaluation

13.1 Consistency

Consistent and repeatable sampling techniques and methods were utilised. The same samplers and methodology were used for all sampling locations. The sampling was in general accordance with the sampling and analysis procedures and as per standard industry procedures.

Each sample was analysed using identical methods for each analyte and laboratory practical quantitation limits (PQLs) were consistent over each laboratory batch. Duplicate samples were within acceptable variation criteria.

13.2 Completeness

All critical samples were analysed for the contaminants of concern identified at the site. Appropriate methods and PQLs were adopted for the investigation. All sample documentation was completed appropriately and sample holding times were complied with.

13.3 Verification of Results

One sample, PM06 recorded endrin, an organochlorine pesticide at levels above the limit of reporting. No other organochlorine pesticides were recorded within the sample or any other sample taken. To verify the laboratory results a retest was undertaken on this sample. The retest showed the same results as the initial sample, showing that the results can be considered accurate. The level of endrin reported by the lab for this sample was 0.29mg/kg. The US EPA residential end use screening level for all pathways (non-cancer end point) is 18mg/kg for Endrin.

13.4 Summary

WSP considers that the sample collection, documentation, handling, storage and transportation procedures utilised are of an acceptable standard and the analytical results provided by the laboratories are deemed reliable and complete, therefore the data are considered fit for purpose.

It is considered that the QA/QC procedures and results were acceptable and that the conclusions of the report have not been significantly affected by the sampling or analytical procedures.

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150 Mornington Road, Dunedin
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14 Discussion and Site Characteristics

14.1 Analytical Results

14.1.1 *Human Health Criteria*

No human health exceedances for heavy metals or organochlorine pesticides for residential end use were reported for any of the samples taken.

14.1.2 *Environmental Discharge Criteria*

One sample recorded an exceedance of local natural background concentrations for heavy metals. This was recorded for Arsenic in sample PM06 0.3m bgl. Endrin was also detected in this sample. As endrin is not considered to occur naturally, it is therefore considered to be above background.

This sample is located within the fill materials on site. A sample taken 5m north within the same materials was found below background or Limits of reporting (LoR). The result is therefore considered an outlier in terms of the overall results for the site. The sample above background level is not considered to be representative of the site and is considered to be a localised hot spot. Any soil mixing that occurs during earthworks is anticipated to dilute any elevation to within natural background levels.

14.1.3 *Waste Disposal*

As average metal results from across the site are within background levels soils from the site can be considered cleanfill material.

Project Number: 6-XZ666.00
150 Mornington Road, Dunedin
Detailed Site Investigation

15 Conclusion and Recommendations

A preliminary and detailed site investigation was undertaken on the site. Historical, anecdotal and public records sources confirmed that HAIL activities have been undertaken on the site.

A soil sampling investigation was carried out on the site on 5 July 2022 in order to determine the chemical characteristics of near surface soils. An assessment of the risks to human health associated with potential contaminants of concern was required in order to satisfy the NESCS and local body council requirements for development.

NESCS assessment

Soil analysis results from the investigation works indicate that contaminants of concern were not present in excess of local background concentrations, with the exception of marginally elevated Eldrin in one sample, PM06 0.3m bgl. As this result is considered to be an outlier with other near surface soils within 5 metres below the respective LoR, it has been discounted in terms of assessment for the whole site. As such soils on the site did not exceed their applicable standard for a residential end use.

The NESCS therefore does **not** apply to this site.

Disposal of excess soils

Soils are suitable for re-use on site. Soils can be considered cleanfill material.

15.1 Safety in Design

Safety in Design (SID) considers the safety of those who are involved in the construction of, maintenance of, cleaning of, repair of and demolition of a structure, or anything that has been constructed.

As part of the assessment of this site we have taken reasonably practicable steps to assess the potential for hazards associated with potentially contaminated land to exist. We have, through the development of a conceptual site model and selected site sampling, assessed the qualitative level of risk posed to human health and have made various recommendations to address the plausible risks.

Where identified, this report indicates hazards and risks to health and safety associated with contaminated land which must be communicated to the design team, the client and associated stakeholders as required by the Health and Safety at Work Act 2015. Risks include potential exposure to contaminated soils through ingestion or dermal contact.

Project Number: 6-XZ666.00
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15.2 Recommendations

Based on the findings of this investigation WSP recommends that:

- Should any ground conditions be encountered across the site which are not anticipated from the findings of this report a SQEP should be consulted in order to reassess the risks to human health;
- This DSI report is submitted to the consenting authority as part of any resource consent application; and
- The report is submitted to the regional authority for updating of the HAIL database.

Project Number: 6-XZ666.00
150 Mornington Road, Dunedin
Detailed Site Investigation

16 References

GNS Geology Webmap (accessed May 2021) <https://maps.gns.cri.nz/>

Health and Safety at Work Act 2015.

MfE, 2001 (revised 2011). Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand.

MfE, 2003 (revised 2011). Contaminated Land Management Guidelines No. 2: Hierarchy and Application in New Zealand of Environmental Guideline Values.

MfE, 2004 (revised 2011). Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils.

MfE, 2011. Hazardous Activities and Industries List (HAIL).

MfE, 2011. Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health.

MfE, 2012. User's Guide: National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

WasteMINZ, Technical Guidelines for Disposal to Land (2018)

SQEP Certification of Report

National Environmental Standard for assessing and managing contaminants in soil to protect human health

DETAILED SITE INVESTIGATION CERTIFYING STATEMENT

I, Lisa Bond, of WSP New Zealand Ltd certify that:

- 1 this detailed site investigation has been completed to the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human health) Regulations 2011 (the NESCS) because it has been:
 - a done by a suitably qualified and experienced practitioner, and
 - b done in accordance with the current edition of *Contaminated land management guidelines No 5 – Site investigation and analysis of soils*, and
 - c reported on in accordance with the current edition of *Contaminated land management guidelines No 1 – Reporting on contaminated sites in New Zealand*, and
 - d This report is certified by a suitably qualified and experienced practitioner.
- 2 This detailed site investigation concludes that:

Soil contamination on parts of the site does not exceed the applicable standard in Regulation 7 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations.

Evidence of the qualifications and experience of the suitably qualified and experienced practitioners who have done this investigation and certified this report are available on request from WSP.



Bond, Lisa (allab0)
2022.08.15
09:31:27 +12'00'

Signed and dated:

Appendix A Site Photographs




		PHOTOGRAPHIC LOG	
Client Name Bob Perriam		Site Location 1 and 3 Foster Place, Pisa Moorings	Project No. 6-XZ728.00

Photo No.	Date	
1	05 July 2022	
Description PM01 Location		

Photo No.	Date	
2	05 July 2022	
Description PM02 location adjacent to timber post		

wsp		PHOTOGRAPHIC LOG	
Client Name Bob Perriam		Site Location 1 and 3 Foster Place, Pisa Moorings	Project No. 6-XZ728.00

Photo No.	Date	
3	05 July 2022	
Description		
PM04		


Photo No.	Date	
4	05 July 2022	
Description		
PM05		

Confidential Business Information

2

wsp		PHOTOGRAPHIC LOG	
Client Name Bob Perriam	Site Location 1 and 3 Foster Place, Pisa Moorings		Project No. 6-XZ728.00

Photo No.	Date	
5	05 July 2022	
Description		
PM06		

Photo No. 6	Date 05 July 2022	
Description PM06 Sample Material		

wsp		PHOTOGRAPHIC LOG	
Client Name Bob Perriam	Site Location 1 and 3 Foster Place, Pisa Moorings		Project No. 6-XZ728.00

Photo No.	Date	
7	05 July 2022	
Description The earth bund present onsite.		

Photo No.	Date	
8	05 July 2022	
Description PM09 – duplicate samples taken within the vines		


		PHOTOGRAPHIC LOG	
Client Name Bob Perriam	Site Location 1 and 3 Foster Place, Pisa Moorings		Project No. 6-XZ728.00



Photo No.	Date	
8	05 July 2022	
Description General condition of the eastern lot.		

Photo No.	Date	
8	05 July 2022	
Description General condition of the western lot.		

Appendix B Historical Imagery



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

1956



1 and 3 Foster Place, Pisa Moorings



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

1976



Figure 2.1: Aerial photograph of the site



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

1982



1982 Aerial Photograph



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2003



Red outline indicates site boundary



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2007



Red line indicates boundary



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2010



Red line indicates site boundary



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2011



Red line indicates site boundary



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2017



Red outline indicates site boundary



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2022



1 and 3 Foster Place, Pisa Moorings



Preliminary Site Investigation
1 and 3 Foster Place, Pisa Moorings

2022



Red line indicates site boundary

Appendix C

Data Quality Objectives



Table DQ01 DQO process

STEP	DESCRIPTION	OUTCOMES
1	State the problem	<p>Based on our understanding of the project, the following “problem” has been identified:</p> <p>The site has been used historically for a land use which is indicative of an increased risk of contamination. The client has an obligation under the Health and Safety at Work Act to identify risks to workers and contractors working on the site. One such risk is the risk of exposure to contaminants and therefore in order to properly understand the level of risk and how best to manage it further investigations of the soil contaminant conditions is required.</p> <p>The site is to be developed and will require soil disturbance. Some soil excess may be generated as a result of the works and may need to be disposed of either on or off-site. Contaminant characteristics of the soil need to be understood in order to identify appropriate disposal locations for the soil excess.</p> <p>The upgrade works trigger the Resource Management (National Environmental Standard for Assessment and Management of Contaminated Soils to Protect Human Health) Regulations. Soil contaminant conditions must be understood in order to determine consenting requirements and risks to human health.</p>
2	Identify the decisions/goal of the investigation	<p>The decisions to be made based on the results of the investigation are as follows:</p> <ul style="list-style-type: none"> — Is the site investigation design sufficiently robust to meet the requirements of Contaminated Land Management Guideline No. 5, Site Investigation and Analysis of Soil? — Have all the contaminants of concern been identified? — Are the data gaps at the site clear? — Are there contaminant risks which need to be managed during the works? — Are there contaminant risks that need to be managed on completion of the works? — What controls are needed to manage the contaminant risks during and on completion of the works? — Where can the soil excess be disposed of? — What consents and permits are triggered by the presence of contamination? — What is the cost of managing contamination risks and what impact will this have on the overall works budget.



STEP	DESCRIPTION	OUTCOMES
3	Identify the inputs to the decision	<p>The inputs required to make the above decisions are as follows:</p> <ul style="list-style-type: none"> — Background data on site history and materials used in the construction of the site and associated plant — Observation data including presence of odours and discolouration of the soil — Geological data — Concentrations of contaminants of concern in soil — Site assessment criteria for soil — Distribution of identified soil contamination (if any)
4	Define the study boundaries/constraints on data	<p>The boundaries of the investigation have been identified as follows:</p> <ul style="list-style-type: none"> — Spatial boundaries: the spatial boundary of the investigation area is defined as the geographical extent of the proposed works, as shown on the test location plan and the depth of exploration. — Temporal boundaries: the date of the project inception (TBC) to the completion of the field work under the proposed investigation.
5	<p>Develop a decision rule</p> <p><i>The purpose of this step is to define the parameters of interest, specify the action levels, and combine the outputs of the previous DQO steps into an 'if...then...' decision rule that defines the conditions that would cause the decision maker to choose alternative actions.</i></p>	<p>If concentrations exceed the adopted assessment criteria, then:</p> <ul style="list-style-type: none"> — Consent will be sought — Controls will be implemented to manage contaminant risks during and on completion of works — Soil excess will be disposed of at a facility that is licenced to accept this type of waste. — Requirements for further assessment, remedial and/or management options will be considered.
6	Specify limits on decision errors	<p>The acceptable limits on decision errors to be applied in the investigation and the manner of addressing possible decision errors have been developed based on the data quality indicators (DQIs) of precision, accuracy, representativeness, comparability and completeness and are presented in Tables DQO2 and DQO3.</p>
7	<p>Optimise the design for obtaining data</p> <p><i>The purpose of this step is to identify a resource effective data collection design for generating data that satisfies the DQOs.</i></p>	<p>This assessment has been designed considering the information obtained during the desktop review of information undertaken by WSP (2022) and presented in this report. The data collection design that is expected to satisfy the DQOs is described in detail in Section 8 (sampling design and rationale). It is based on the principles set out in CLMG No. 5 and the details of the proposed works.</p> <p>To ensure the design satisfies the DQOs, DQIs (for accuracy, comparability, completeness, precision and reproducibility) have been established to set acceptance limits on field methodologies and laboratory data collected. Further detail has on DQI has been provided below.</p>

DQIs for sampling techniques and laboratory analysis of collected soil samples define the acceptable level of error required for this assessment. The adopted field methodologies and data obtained have been assessed by reference to DQIs as follows:

- Precision: a quantitative measure of the variability (or reproducibility) of data.
- Accuracy: a quantitative measure of the closeness of reported data to the true value.



- Representativeness: the confidence (expressed qualitatively) that data is representative of each media present on the site.
- Comparability: a qualitative parameter expressing the confidence with which one data set can be compared with another.
- Completeness: a measure of the amount of useable data (expressed as a percentage) from a data collection activity.

A summary of the field and laboratory DQIs for the validation assessment are provided in Tables DQO2 and DQO3.

Table DQO2 DQIs for field techniques

DQI
Precision
Standard operating procedures (SOPs) appropriate and complied with
Collection of intra-laboratory and inter-laboratory duplicates
Accuracy
WSP SOPs appropriate and complied with
Representativeness
Appropriate media samples
Sample design appropriate to identify potential sources
Comparability
Same SOPs used on each occasion
Experienced sampler
Climatic conditions (temperature, rainfall, wind)
Same type of samples collected
Completeness
SOPs appropriate and complied with
All required samples collected

Table DQO3 DQIs for laboratory

DQI	ACCEPTABLE LIMITS
Precision	
International Accreditation New Zealand (IANZ) certified laboratory	IANZ accreditation for analyses performed
Accuracy	
Analysis of laboratory matrix spikes, laboratory control samples and surrogate recoveries	70-130% inorganics/metals 60-140% organics 10-40% semi-volatile organic compounds



DQI	ACCEPTABLE LIMITS
Representativeness	
All required samples analysed	As per Section 8
Comparability	
Sample analytical methods used (including clean-up)	As per MfE CLMG No. 5
Same units	Justify/quantify if different
Same laboratories	Justify/quantify if different
Sample PQLs	Less than nominated criteria
Completeness	
All critical samples analysed	As per Section 8
All required analytes analysed	As per Section 8
Appropriate methods and PQLs	As per MfE CLMG No. 5
Sample documentation complete	
Sample holding times complied with	

Appendix D

Test Pit Location Plan



Alexandra Office
Tarbert Buildings, 69 Tarbert Street
PO Box 273, Alexandra, 9340
New Zealand
Tel: 03 440 2400

Project: 1 and 3 Foster Place, Pisa Moorings
Project No.: 6-XZ728.00
Client: Bob Perriam


Sample Location Plan – 1 and 3
Foster Place
Appendix D

Appendix E

Laboratory CoC and Results

CHAIN OF CUSTODY



CLIENT INFORMATION			Lab ID (Lab use only)	Registered By	Date Registered
Client	WSP		22-24883	DL	7/7/22
Address	Level 1, 34 Grant Road, Queenstown		 22-24883		
Project Leader	Josh L				
Project ID	6-XZ728.00				
Site	1 and 3 Foster Place				
Sampler	Josh L				
Phone	027 208 0636				
Email	josh.lamond@wsp.com				
Invoice Email	nzap@wsp.com				

CLIENT REQUESTS (Please Tick)											
Routine	X	Priority		Urgent		ESDAT		QC Report		Drinking Water	

[illegible]

Matrix Key	S (Solids)		CW (Clean Water)		SW (Saline Water)		WW (Waste Water)	
	All soils, sediment, sludge		Potable, Ground, Bore, Surface, Fresh		Sea Water, Geothermal		Effluent, Trade Waste, Leachate	
Sender Name	Josh		Received by (Lab Staff)		Courier company		Courier # 5590000944	
Date Sent	6/07/2022	Time sent	Date Received		Time Received		Seal Status	Sample Chilled

Page 1 of 1

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Certificate of Analysis

WSP Queenstown
 Level 1, 34 Grant Road
 Queenstown

Attention: Josh Lamond
 Phone: 027 208 0636
 Email: josh.lamond@wsp.com

Lab Reference: 22-24883
 Submitted by: Josh L
 Date Received: 07/07/2022
 Testing Initiated: 7/07/2022
 Date Completed: 13/07/2022
 Order Number:
 Reference: 6-XZ728.00

Sampling Site: 1 and 3 Foster Place

Report Comments

Samples were collected by yourselves (or your agent) and analysed as received at Analytica Laboratories. Samples were in acceptable condition unless otherwise noted on this report.
 Specific testing dates are available on request.

Heavy Metals in Soil

Client Sample ID			PM01 0.15	PM02 Surface	PM02 0.3	PM03 Surface	PM03 0.25
Date Sampled			05/07/2022	05/07/2022	05/07/2022	05/07/2022	05/07/2022
Analyte	Unit	Reporting Limit	22-24883-1	22-24883-2	22-24883-3	22-24883-4	22-24883-5
Arsenic	mg/kg dry wt	0.125	8.6	9.5	9.6	8.8	6.3
Cadmium	mg/kg dry wt	0.005	0.088	0.13	0.13	0.082	0.067
Chromium	mg/kg dry wt	0.125	17.7	22.6	19.3	18.7	14.3
Copper	mg/kg dry wt	0.075	18.2	22.7	19.6	19.7	14.0
Lead	mg/kg dry wt	0.25	16.4	15.9	17.1	15.4	13.2
Mercury	mg/kg dry wt	0.025	0.090	0.11	0.099	0.058	0.046
Nickel	mg/kg dry wt	0.05	18.7	22.1	20.3	20.6	14.4
Zinc	mg/kg dry wt	0.05	69.6	75.8	70.9	68.1	60.9

Heavy Metals in Soil

Client Sample ID			PM04 Surface	PM05 0.2	PM06 Surface	PM06 0.3	PM07 Surface
Date Sampled			05/07/2022	05/07/2022	05/07/2022	05/07/2022	05/07/2022
Analyte	Unit	Reporting Limit	22-24883-6	22-24883-7	22-24883-8	22-24883-9	22-24883-10
Arsenic	mg/kg dry wt	0.125	9.5	8.2	9.4	19.6	7.6
Cadmium	mg/kg dry wt	0.005	0.13	0.094	0.099	0.14	0.050
Chromium	mg/kg dry wt	0.125	23.0	23.0	23.1	12.9	19.5
Copper	mg/kg dry wt	0.075	25.5	17.0	18.1	15.7	17.7
Lead	mg/kg dry wt	0.25	16.1	14.2	17.4	13.6	13.9
Mercury	mg/kg dry wt	0.025	0.093	0.080	0.027	0.039	0.033
Nickel	mg/kg dry wt	0.05	23.5	21.6	22.8	14.0	20.1
Zinc	mg/kg dry wt	0.05	73.0	59.3	68.0	73.0	60.9

All tests reported herein have been performed in accordance with the laboratory's scope of accreditation with the exception of tests marked *, which are not accredited.

This test report shall not be reproduced except in full, without the written permission of Analytica Laboratories.



Heavy Metals in Soil

Client Sample ID			PM08 Surface	PM08-D Surface	PM09 0.2	PM09-D 0.2
Date Sampled			05/07/2022	05/07/2022	05/07/2022	05/07/2022
Analyte	Unit	Reporting Limit	22-24883-11	22-24883-12	22-24883-13	22-24883-14
Arsenic	mg/kg dry wt	0.125	9.1	8.9	8.7	8.7
Cadmium	mg/kg dry wt	0.005	0.10	0.11	0.11	0.11
Chromium	mg/kg dry wt	0.125	25.4	24.8	20.9	18.4
Copper	mg/kg dry wt	0.075	20.3	19.2	21.0	21.6
Lead	mg/kg dry wt	0.25	16.0	15.1	17.4	20.1
Mercury	mg/kg dry wt	0.025	0.074	0.052	0.077	0.079
Nickel	mg/kg dry wt	0.05	23.7	23.2	21.0	20.1
Zinc	mg/kg dry wt	0.05	67.8	64.9	62.0	63.2

Organochlorine Pesticides - Soil

Client Sample ID			PM02 Surface	PM03 Surface	PM03 0.25	PM06 Surface	PM06 0.3
Date Sampled			05/07/2022	05/07/2022	05/07/2022	05/07/2022	05/07/2022
Analyte	Unit	Reporting Limit	22-24883-2	22-24883-4	22-24883-5	22-24883-8	22-24883-9
2,4'-DDD	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
2,4'-DDE	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
2,4'-DDT	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
4,4'-DDD	mg/kg dry wt	0.003	<0.0030	<0.0030	<0.0030	<0.0030	<0.0030
4,4'-DDE	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
4,4'-DDT	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Total DDT	mg/kg dry wt	0.02	<0.020	<0.020	<0.020	<0.020	<0.020
alpha-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Aldrin	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
beta-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
cis-Chlordane	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
cis-Nonachlor	mg/kg dry wt	0.01	<0.010	<0.010	<0.010	<0.010	<0.010
delta-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Dieldrin	mg/kg dry wt	0.05	<0.050	<0.050	<0.050	<0.050	<0.050
Endosulfan I	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Endosulfan II	mg/kg dry wt	0.01	<0.010	<0.010	<0.010	<0.010	<0.010
Endosulfan sulfate	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Endrin	mg/kg dry wt	0.05	<0.050	<0.050	<0.050	<0.050	0.29
Endrin aldehyde	mg/kg dry wt	0.01	<0.010	<0.010	<0.010	<0.010	<0.010
Endrin ketone	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
gamma-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Heptachlor	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Heptachlor epoxide	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Hexachlorobenzene	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050	<0.0050	<0.0050
Methoxychlor	mg/kg dry wt	0.01	<0.010	<0.010	<0.010	<0.010	<0.010
trans-nonachlor	mg/kg dry wt	0.01	<0.010	<0.010	<0.010	<0.010	<0.010
trans-Chlordane	mg/kg dry wt	0.01	<0.010	<0.010	<0.010	<0.010	<0.010
Chlordane (sum)	mg/kg dry wt	0.02	<0.020	<0.020	<0.020	<0.020	<0.020
TCMX (Surrogate)	%	1	130	120	130	130	130

Organochlorine Pesticides - Soil

Client Sample ID			PM07 Surface	PM08 Surface	PM08-D Surface
Date Sampled			05/07/2022	05/07/2022	05/07/2022
Analyte	Unit	Reporting Limit	22-24883-10	22-24883-11	22-24883-12
2,4'-DDD	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
2,4'-DDE	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
2,4'-DDT	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
4,4'-DDD	mg/kg dry wt	0.003	<0.0030	<0.0030	<0.0030
4,4'-DDE	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
4,4'-DDT	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Total DDT	mg/kg dry wt	0.02	<0.020	<0.020	<0.020
alpha-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Aldrin	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
beta-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
cis-Chlordane	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
cis-Nonachlor	mg/kg dry wt	0.01	<0.010	<0.010	<0.010
delta-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Dieldrin	mg/kg dry wt	0.05	<0.050	<0.050	<0.050
Endosulfan I	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Endosulfan II	mg/kg dry wt	0.01	<0.010	<0.010	<0.010
Endosulfan sulfate	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Endrin	mg/kg dry wt	0.05	<0.050	<0.050	<0.050
Endrin aldehyde	mg/kg dry wt	0.01	<0.010	<0.010	<0.010
Endrin ketone	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
gamma-BHC	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Heptachlor	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Heptachlor epoxide	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Hexachlorobenzene	mg/kg dry wt	0.005	<0.0050	<0.0050	<0.0050
Methoxychlor	mg/kg dry wt	0.01	<0.010	<0.010	<0.010
trans-nonachlor	mg/kg dry wt	0.01	<0.010	<0.010	<0.010
trans-Chlordane	mg/kg dry wt	0.01	<0.010	<0.010	<0.010
Chlordane (sum)	mg/kg dry wt	0.02	<0.020	<0.020	<0.020
TCMX (Surrogate)	%	1	130	130	130

Method Summary

Elements in Soil

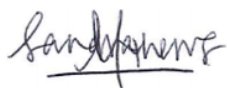
Samples dried and passed through a 2 mm sieve followed by acid digestion and analysis by ICP-MS. In accordance with in-house procedure based on US EPA method 200.8.

OCP in Soil

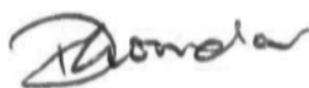
Samples are extracted with hexane, pre-concentrated then analysed by GC-MSMS. (Chlordane (sum) is calculated from the main actives in technical Chlordane: Chlordane, Nonachlor and Heptachlor). (In accordance with in-house procedure).

Total DDT

Sum of DDT, DDD and DDE (4,4' and 2,4 isomers)



Sandra Mathews, B.Eng.
Laboratory Technician



Divya Goundar DipSciTech
Technician



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 Ph +64 (07) 974 4740
 sales@analytica.co.nz
 www.analytica.co.nz

Certificate of Analysis

WSP Queenstown
 Level 1, 34 Grant Road
 Queenstown

Attention: Josh Lamond
 Phone: 027 208 0636
 Email: josh.lamond@wsp.com

Lab Reference: 22-27175
 Submitted by: Josh L
 Date Received: 26/07/2022
 Testing Initiated: 26/07/2022
 Date Completed: 28/07/2022
 Order Number:
 Reference: 6-XZ728.00

Sampling Site: 1 and 3 Foster Place

Report Comments

Samples were collected by yourselves (or your agent) and analysed as received at Analytica Laboratories. Samples were in acceptable condition unless otherwise noted on this report.
 Specific testing dates are available on request.

Organochlorine Pesticides - Soil

Client Sample ID			PM06 0.3
Date Sampled			05/07/2022
Analyte	Unit	Reporting Limit	22-27175-1
2,4'-DDD	mg/kg dry wt	0.005	<0.0050
2,4'-DDE	mg/kg dry wt	0.005	<0.0050
2,4'-DDT	mg/kg dry wt	0.005	<0.0050
4,4'-DDD	mg/kg dry wt	0.003	<0.0030
4,4'-DDE	mg/kg dry wt	0.005	0.0057
4,4'-DDT	mg/kg dry wt	0.005	<0.0050
Total DDT	mg/kg dry wt	0.02	<0.020
alpha-BHC	mg/kg dry wt	0.005	<0.0050
Aldrin	mg/kg dry wt	0.005	<0.0050
beta-BHC	mg/kg dry wt	0.005	<0.0050
cis-Chlordane	mg/kg dry wt	0.005	<0.0050
cis-Nonachlor	mg/kg dry wt	0.01	<0.010
delta-BHC	mg/kg dry wt	0.005	<0.0050
Dieldrin	mg/kg dry wt	0.05	<0.050
Endosulfan I	mg/kg dry wt	0.005	<0.0050
Endosulfan II	mg/kg dry wt	0.01	<0.010
Endosulfan sulfate	mg/kg dry wt	0.005	<0.0050
Endrin	mg/kg dry wt	0.05	0.32
Endrin aldehyde	mg/kg dry wt	0.01	<0.010
Endrin ketone	mg/kg dry wt	0.005	<0.0050
gamma-BHC	mg/kg dry wt	0.005	<0.0050
Heptachlor	mg/kg dry wt	0.005	<0.0050
Heptachlor epoxide	mg/kg dry wt	0.005	<0.0050

All tests reported herein have been performed in accordance with the laboratory's scope of accreditation with the exception of tests marked *, which are not accredited.

This test report shall not be reproduced except in full, without the written permission of Analytica Laboratories.



Organochlorine Pesticides - Soil

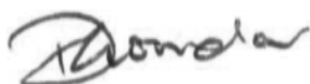
Client Sample ID			PM06 0.3
Date Sampled			05/07/2022
Hexachlorobenzene	mg/kg dry wt	0.005	<0.0050
Methoxychlor	mg/kg dry wt	0.01	<0.010
trans-nonachlor	mg/kg dry wt	0.01	<0.010
trans-Chlordane	mg/kg dry wt	0.01	<0.010
Chlordane (sum)	mg/kg dry wt	0.02	<0.020
TCMX (Surrogate)	%	1	110

Method Summary**OCP in Soil**

Samples are extracted with hexane, pre-concentrated then analysed by GC-MSMS. (Chlordane (sum) is calculated from the main actives in technical Chlordane: Chlordane, Nonachlor and Heptachlor). (In accordance with in-house procedure).

Total DDT

Sum of DDT, DDD and DDE (4,4' and 2,4 isomers)



Divya Goundar DipSciTech
Technician

wsp

wsp.com/nz





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



Identifier 413842
Land Registration District Otago
Date Issued 26 August 2008

Prior References

295891

Estate	Fee Simple
Area	1726 square metres more or less
Legal Description	Lot 1 Deposited Plan 404040

Registered Owners

Wakefield Estates Limited

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

7917778.27 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 26.8.2008 at 9:00 am

Land Covenant in Easement Instrument 7917778.28 - 26.8.2008 at 9:00 am

Appurtenant hereto is a right of way created by Easement Instrument 7917778.34 - 26.8.2008 at 9:00 am

The easements created by Easement Instrument 7917778.34 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right of way created by Easement Instrument 7917778.38 - 26.8.2008 at 9:00 am

The easements created by Easement Instrument 7917778.38 are subject to Section 243 (a) Resource Management Act 1991

7917778.45 Encumbrance to (now) Sugar Loaf Commercial Limited - 26.8.2008 at 9:00 am



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



Identifier 413843
Land Registration District Otago
Date Issued 26 August 2008

Prior References

295891

Estate	Fee Simple
Area	1702 square metres more or less
Legal Description	Lot 2 Deposited Plan 404040

Registered OwnersWakefield Estates Limited

Interests

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

7917778.27 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 26.8.2008 at 9:00 am

Land Covenant in Easement Instrument 7917778.28 - 26.8.2008 at 9:00 am

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The easements created by Easement Instrument 7917778.38 are subject to Section 243 (a) Resource Management Act 1991

7917778.45 Encumbrance to (now) Sugar Loaf Commercial Limited - 26.8.2008 at 9:00 am

Approved by Registrar-General of Land under No. 2007/6225

Easement instrument to grant easement or profit à prendre, or create land covenant

Sections 90A and 90F, Land Transfer Act 1952

EI 7917778.28 Easeme

Cpy - 01/01, Pgs - 007, 26/08/08, 11:23

Land registration district

OTAGO



DocID: 212247674

Grantor

Surname(s) must be underlined or in CAPITALS.

PISA COVE LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

PISA COVE LIMITED

Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 25th day of July 2008

Attestation

<p>by its attorney Doreen Leslie Evans</p>	<p>Signed in my presence by the Grantor</p> <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name Rebecca Jane Read</p> <p>Occupation Solicitor</p> <p>Address Invercargill</p>
<p>Signature [common seal] of Grantor</p>	
<p>by its attorney Doreen Leslie Evans</p>	<p>Signed in my presence by the Grantee</p> <p>Signature of witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name Rebecca Jane Read</p> <p>Occupation Solicitor</p> <p>Address Invercargill</p>
<p>Signature [common seal] of Grantee</p>	

Certified correct for the purposes of the Land Transfer Act 1952.

[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

REF: 7003 - AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2007/6225

Annexure Schedule 1

Easement instrument

Dated

25 July 2008

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pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Land Covenant		413842 to 413854, 413856 to 413899 (inclusive) 417240 to 417244 (inclusive) and 417252	413842 to 413899 (inclusive) 417240 to 417244 (inclusive) 417246 and 417252

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Unless otherwise provided below, the rights and powers implied in specific classes of ~~easement~~ are those prescribed by the Land Transfer Regulations 2002 and/or the Fifth Schedule of the Property Law Act 2007.

The implied rights and powers are ~~[varied] [negated] [added to] or [substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

REF: 7003 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

25th July 2008

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(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2**Covenant Provisions****1. Definitions**

1.1 For the purpose of this land covenant the following terms have the following meanings:

- "Building" means any structure other than:
- (a) a fence or wall less than 1 metre in height above Ground Level; or
 - (b) any other structure less than 5 square metres in area and less than 1 metre in height above Ground Level.
- "Council Reserve" means any land vested in the Central Otago District Council as a reserve for any purpose.
- "Dwelling" means a Building or group of Buildings designed and occupied as a single self-contained household unit and includes normal accessory structures such as a garage, garden shed or glasshouse.
- "Front Yard" means any part of a Lot within 4.5 metres of a boundary between that Lot and an adjoining Legal Road including any part of the Lot boundary within that area.
- "Ground Level" means the finished ground level of a Lot as at the date of deposit of the plan of subdivision creating that Lot.
- "Legal Road" means all parts of any road vested in the Central Otago District Council as legal road and includes footpaths, roadways, kerbing, channelling and any grassed or landscaped areas situated on any Legal Road.
- "Lot" means a Lot created by Deposited Plan 404040 at Land Information New Zealand excluding Lots 94, 95, 96, 200, 201, 202, 203, 206 and 207.
- "Lot Owner" means the registered proprietor(s) of a Lot and any tenant, lessee, licensee, visitor or invitee of a Lot Owner.
- "Rating Address" means, in respect of a Lot, the current address recorded by the Central Otago District Council as the address for that Lot for rating purposes.

1.2 For the purposes of this land covenant, a covenant to do something is also a covenant to permit or cause that thing to be done, and a covenant not to do something is also a covenant not to permit or cause that thing to be done.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

REF: 7025 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

25th July 2008

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(Continue in additional Annexure Schedule, if required.)

2. Scope

2.1 This land covenant shall apply to the Lot Owners and all of the Lots.

3. Building Controls

3.1 A Lot Owner must not:

- (a) Erect, construct or place any pre-used or second-hand Building on a Lot.
- (b) Erect, construct or place a re-locatable Building on a Lot or have transported on to a Lot any re-locatable Building in a substantially built up form, unless that re-locatable Building is new and will be used as a Dwelling.
- (c) Paint the roof or exterior of any Building or Dwelling or allow the roof or exterior of any Building or Dwelling be any tone or colour other than a tone or colour in the range of browns, greens, grey blue, greys, creams, terracotta, muted or earthy tones and dark reds. The Lot Owner shall not use vibrant colours as an exterior cladding colour or as a roof colour.
- (d) Include in any Dwelling or Building as cladding or exterior finishing any of the following:
 - Fibre cement weatherboards, except Linea board
 - Uncoated fibre materials other than factory pre-finished roofing materials
 - Plywood or ply products
 - Untreated framing timbers
 - Iron and steel whether galvanized or not unless painted or coloursteel or zincalume, provided such zincalume is used only as a feature covering no more than 30% of the exterior.
 - Unpainted concrete blocks
 - More than 50% brick

If any brick is used whatsoever on the exterior of the Dwelling or Building as cladding then the type of brick and the use of such brick must be pre-approved in writing, by Pisa Cove Limited or its nominee, by providing brick cladding specifications in writing to Mr D K Robertson, Rapid 6, R D 3, Cromwell.

- (e) Include as exposed roofing material any material other than corrugated or tray type coloursteel, timber or slate shingle or slate tiles.
- (f) Erect, construct or place a Building within a Front Yard.
- (g) Use any caravan, hut or shed as a Dwelling or as any other form of temporary or permanent residential accommodation other than as temporary workers sheds during construction of a new Dwelling which must be removed upon practical completion of that new Dwelling.
- (i) Construct any Dwelling having a floor area of less than 135 metres squared.
- (j) Construct any Building (being a building separate from the Dwelling) of materials other than those used in the construction of the Dwelling.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

REF: 7025 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/5032

Annexure Schedule

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

25th July 2008

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(Continue in additional Annexure Schedule, if required.)

- (k) Erect a mail box higher than one meter above Ground Level. Such mail box (if any) shall comply with the colour restrictions detailed in clause 3.1(c).
- 3.2 Any Lot Owner who commences the erection or construction of any Building on a Lot must ensure that Building is completed within two years from the date of commencement of erection or construction. Completion is deemed to include affixing all exterior cladding and completing all exterior painting. This Clause does not prevent a Lot Owner from constructing a Dwelling in separate stages over a longer period of time provided that each stage is completed within a two year period.
4. **Fencing Controls**
- 4.1 A Lot Owner must not erect or construct a fence, wall or similar structure on any part of the Front Yard.
5. **Vegetation Controls**
- 5.1 A Lot Owner must not allow trees of the following species to be grown on any Lot:
- (a) Pinus Radiata
 - (b) Pinus Muncinata
 - (c) Pinus Ponderosa
 - (d) Pinus Contorta
 - (e) Douglas Fir (Oregon)
6. **External Area Controls**
- 6.1 A Lot Owner must not:
- (a) Use any Lot for storing or accumulating any rubbish or materials other than building materials when constructing a new Building (and for that purpose a Lot Owner shall ensure any excess material including excess building materials and/or rubbish is stored in a sightly manner and is removed from the Lot without delay and in any event at least every two weeks).
 - (b) Allow any broom, gorse, weeds, undergrowth, dried or rank grass to grow or remain on any Lot.
- 6.2 Notwithstanding any provision in any Act, Regulation or By-law every Lot Owner shall:
- (a) Prepare and plant in appropriate lawn, grass or paving that part of any Legal Road which is intended to and shall form a grassed or lawn verge between the boundary of the Lot and the kerbing of the road edge ("the verge") provided that the Lot Owner shall not interfere with or in any way damage, destroy or prevent the developer of remaining Lots to be developed or the Central Otago District Council or their agents from creating any footpath, kerbing or channelling in any area vested in the Central Otago District Council as road or reserve areas; and
 - (b) Maintain the verge, if lawn or grass, in a neat and tidy condition as a lawn or grassed area.
 - (c) Maintain the oak tree (if any) that is planted on the side boundary of a Lot close to the Legal Road and within the Front Yard. Such maintenance includes not removing the same and/or replacing the tree with another oak tree if previous oak tree dies.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

REF: 7025 – AUCKLAND DISTRICT LAW SOCIETY

Approved by Registrar-General of Land under No. 2002/5032

Annexure ScheduleInsert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

25th July 2008

Page

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of

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Pages

(Continue in additional Annexure Schedule, if required.)

6.3 Without derogation from any other remedies which may be available in respect of any breach of these covenants, if any Lot Owner is in breach of Clause 6.1 and 6.2 then:

- (a) Any other Lot Owner may give notice in writing addressed to the Rating Address of the Lot on which the breach is occurring requiring the breach to be remedied;
- (b) If the breach is not remedied within 21 days after the notice is posted, the Lot Owner who has posted the notice is entitled to go on to that Lot (personally or using an agent) or any verge and remedy the breach;
- (c) The cost of remedying the breach constitutes a debt payable by the Lot Owner of the Lot on which the breach occurred to the Lot Owner who has incurred the cost of remedying the breach and is recoverable at law.

7. Adjacent Land Controls

7.1 The Lot Owner must not:

- (a) Cause any damage to any part of the Legal Road adjoining or adjacent to that Lot Owner's Lot during or as a consequent of construction of any improvements on the Lot or otherwise.
- (b) Interfere with or cause any damage to any trees or landscaping located on any part of any Legal Road or Council Reserve adjoining or adjacent to the Lot Owner's Lot, including by removing, cutting down or trimming any tree or plant.

7.2 For the purposes of Clause 7.1:

- (a) Any damage caused by any employee, contractor or other person carrying out any works or activities on a Lot or by a vehicle driven by any person carrying out such works is deemed to be caused by the Lot Owner of the Lot on which the works or activities are being carried out;
- (b) Without derogation from any other remedies, which may be available in respect of any breach of these covenants, any other Lot Owner may give notice in writing addressed to the Rating Address of the Lot Owner responsible for the damage requiring the damage to be remedied;
- (c) If the breach is not remedied within 21 days after that notice is posted, the Lot Owner who has posted the notice shall be entitled (personally or using an agent) to remedy the damage; and
- (d) The cost of remedying the damage constitutes a debt payable by the Lot Owner responsible for the damage to the Lot Owner who has incurred the cost of remedying the damage and is recoverable at law.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

REF: 7025 – AUCKLAND DISTRICT LAW SOCIETY

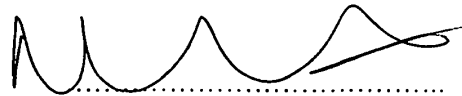
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **DOREEN LESLIE EVANS** of Invercargill, New Zealand, Solicitor, certify:

1. **THAT** by deed dated 28th June 2007 (Instrument Number PA 7607216.2), **PISA COVE LIMITED**, having its registered office at Gilligan Rowe & Associates Limited, Level 6/135 Broadway, Newmarket, Auckland appointed me its attorney.
2. **THAT** I have not received notice of any event revoking the power of attorney.

SIGNED at Invercargill
by **DOREEN LESLIE EVANS**
this 2^{5th} day of July
2008

)
)
)
)



**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC220397
1 – 3 Foster Place, Pisa Moorings**

INTRODUCTION

Subdivision consent is sought to undertake a four-lot subdivision resulting in two additional records of titles at 1 – 3 Foster Place, Pisa Moorings.

The Site:

The subject site comprises Lots 1 and 2 DP 404040 (held in Record of Titles 413842 and 413843) which contain a combined area of 3,428m².

The site is slightly elevated above Foster Place and includes a gentle slope in a north to south direction towards Foster Place. Vineyards associated with the horticultural operation at 1 Perriam Place extend onto the western end of the site, where proposed Lots 1 and 2 will be located. The eastern portion of the site is currently bare land. The site is shown below in Figure 1.



Figure 1: Subject Site as viewed from the Perriam Place and Foster Place Intersection looking east (Source: Site Visit 2 December)

There are existing water supply, wastewater, stormwater, power and telecommunication connections to the existing titles extending from either Foster Place or Perriam Place to the two existing titles.

The site is subject to Consent Notice 7917778.27 which requires sealed crossing places to the proposed allotments and minimum floor levels of 197.1m above sea level. The site is also subject to private land covenants which provide for various building controls, vegetation requirements, and other area and land controls.

Surrounding Environment:

Section 7.2.7 of the Central Otago District Plan provides the following explanation of the Rural Residential 3 Zone as it relates to the Pisa Moorings area:

“The area identified, that includes much of Pisa Moorings and Wakefield Bay, has the capability of providing for integrated residential and marina development. Public access to foreshore areas from the lake and adjacent areas of land is to be recognised and provided for. Development is dependent upon the availability of satisfactory reticulated effluent disposal and water supply.”

The surrounding environment contains lower density residential development than the standard Residential Resource Area, with allotment sizes ranging from 737m² – 2,586m² along Foster Place. The existing higher density residential marina development is located immediately to the south of the site. It is noted that the majority of allotments in the surrounding environment have recently had new residential dwellings constructed on them, however, some vacant allotments still remain.

Proposal:

Subdivision consent is sought to undertake a four-lot subdivision resulting in two additional record of titles at 1 – 3 Foster Place, Pisa Moorings.

The proposed subdivision will result in the following allotments:

- Lot 1 being approximately 877m² of land currently containing part of an existing vineyard.
- Lot 2 being approximately 850m² of land also currently containing part of an existing vineyard.
- Lot 3 being approximately 850m² of bare land.
- Lot 4 being approximately 850m² of bare land.

Each allotment will be provided with legal frontage to Foster Place to the south and proposed Lot 1 will also have legal frontage to Perriam Place. The provision of access is currently provided for by Consent Notice 791777.8, which requires vehicle crossings to be constructed in accordance with Council's Vehicle Crossing Policy. The applicant has identified that new crossings will be provided at the time of construction of future dwellings on these allotments, in accordance with this consent notice.

The applicant has provided a detailed summary of proposed services for each allotment in Section 4 of the application prepared by Hughes & Associates Ltd, dated November 2022. In summary, it is proposed to maintain, and relocate some, existing connections to Council reticulation. It is also proposed to provide new water supply, stormwater, foul sewer, and telecommunication connections either from Perriam Place or Foster Place where required. The applicant has also identified that the existing Council sewer and stormwater mains with Foster Place will need to be extended in order for new connections to be installed.

A breakdown of services for each allotment is outlined below as follows:

- Proposed Lot 1 will require a new water supply from Foster Place, but will maintain the existing stormwater and foul sewer connections from Perriam Place
- Proposed Lot 2 will maintain the existing water supply within Foster Place, but will require new stormwater and foul sewer connections from Foster Place
- Proposed Lot 3 will relocate the existing water supply line to the site from Foster Place to align it with the new site boundaries. New stormwater and foul sewer connections will be provided from Foster Place.
- Proposed Lot 4 will require a new water supply connection from Foster Place but will maintain existing stormwater and foul sewer connections from Foster Place.

Overall connections for two existing allotments will be retaining and relocated as required and additional connections for two new allotments will be required.

Reasons For Application:

Central Otago District Plan

The subject site is located within the Residential Resource Area (3) of the Central Otago District Plan (the Operative District Plan). There are no other overlays of relevance to the site.

Rule 7.3.5(iv) states that subdivision of land in Residential Resource Area (3) that is in breach of Rule 7.3.3(i)(c) is a non-complying activity. Rule 7.3.3(i)(c) requires that subdivision within the Residential Resource Area (3) provides for a minimum allotment area of 1,000m². The proposed subdivision will result in allotments ranging from 850m² – 877m².

Rule 7.3.4(ii) of the Plan states that where a subdivision involves land that is subject to or potentially subject to, the effects of any hazard as identified on the planning maps, or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source, then this is a discretionary activity. In this instance the Otago Natural Hazards Database ([Otago Natural Hazards Portal \(orc.govt.nz\)](https://orc.govt.nz)) identifies that the site is partially located within an alluvial fan, identified as an active floodwater-dominated area.

Overall, the proposal is considered to be a non-complying activity under Rule 7.3.5(iv) under the Operative District Plan.

Plan Change 19

Council notified Plan Change 19 on the 9 July 2022, with submissions closing on the 2 September 2022. No summary of submissions or decision have been made on the proposed plan provisions.

The subject site is proposed to be zoned 'Large Lot (P1)' under the proposed plan change.

Standard SUB-S1.6 states that the minimum size of any allotment shall be no less than 1,000m². Breaches of standard SUB-S1.6 require non-complying activity resource consent.

However, pursuant to Section 86F of the Resource Management Act 1991, this rule cannot be given effect to as decisions on this plan change are yet to be released.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to

have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

Due to the existing viticultural activity located within proposed Lots 1 and 2, the applicant has provided a Detailed Site Investigation (DSI) prepared by WSP, dated 15 August 2022.

The DSI confirms that the site is a verified HAIL site for the following uses:

- A10: Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds
- I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

With respect to the above, the applicant has provided the following conclusion in relation to the applicability of the NESCS in this scenario:

"In accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), Josh Lamond of WSP has investigated the site for potential contamination of the soil due to past viticultural activity. The summary report addresses potential ground hazards from tanalised wood and pesticides. The results of the soil analysis indicated there are not any 'contaminants of concern' in the soil and that the soil on site is suitable for residential living and could be reused as clean fill material. As per the investigations and report summary, the NESCS does not apply to this site."

With respect to the above, it is noted that the DSI indicates that any contaminants were found to be below background concentrations, with the exception of one sample area (PM06) which recorded an exceedance of concentrations for arsenic and endrin. The DSI however notes that, *"the sample above background level is not considered to be representative of the site and is considered to be a localised hot spot. Any soil mixing that occurs during earthworks is anticipated to dilute any elevation to within natural background levels."*

Given the above, the NESCS is applicable to this application however, the proposed activity complies with the permitted activity regulations and no resource consents are required under the NESCS.

Overall Status

Overall, the proposal is a non-complying activity under the District Plan.

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

Public notification is not precluded by any rule of national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity or a restricted discretionary, discretionary or non-complying boundary activity as defined by section 87AAB and public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer to section below).*
- C: *In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: *Trade competition and the effects of trade competition (s95D(d)).*
- E: *The applicant has not provided any written approvals as part of this application.*

PERMITTED BASELINE (S95D(B))

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

This is the permitted baseline. In this situation there is no permitted baseline relevant to this application as all subdivisions require resource consent.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;

- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site and adjacent land, the existing and reasonably foreseeable receiving environment comprises Residential Resource Area (3) zoned land which anticipates allotment sizes of 1,000m² and greater. In this case, as outlined in the surrounding environment section, the allotment sizes, such as those along Foster Place, range from 737m² – 2,586m² along Foster Place. The marina and accommodation activity to the south of the site also represents medium density scale residential development.

It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the Operative District Plan, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. For expediency, relevant matters have been grouped below. No regard has been given to any trade competition or any effects of trade competition.

1. Effects on residential amenity, character, and streetscape.

The proposed subdivision will result in the creation of four allotments ranging between 850m² – 877m² which do not comply with the permitted 1,000m² minimum allotment area of the Residential Resource Area (3). Where allotments are undersized within the residential zone, they have the potential to result in undesirable adverse effects in relation to residential amenity, character and streetscape values, particularly where they are not consistent with the existing character of the existing neighbourhood.

As outlined above, the existing streetscape along Foster Place is characterised by existing allotments ranging from 737m² – 2,586m². The allotments immediately to the southeast of the site generally range from 810m² – 939m². The majority of these allotments contain residential dwellings, and the subject site is one of the last remaining areas that is yet to be developed.

Given the nature of the surrounding environment and existing streetscape character along Foster Place, it is not anticipated that the proposed subdivision will be out of character with the surrounding residential neighbourhood or the Foster Place streetscape due to its consistency with the existing allotment sizes within the existing environment. The site will also be located opposite from the existing higher density marina residential development to the south and therefore will be appropriate in the context of the existing residential setting.

It is further noted, that while allotments to the west along Perriam Place are generally compliant with the minimum 1,000m² allotment areas, these allotments are configured in a way where they are long but with narrow frontages of approximately 20m. As a result, the Perriam Place has a streetscape that appears as more densely developed than other 1,000m² allotments within the surrounding environment, particularly given that dwellings on these sites are constructed within close proximity of the road setback. When considering the proposed subdivision, proposed Lots 1 and 3 will result in wider street frontages than the majority of allotments along Perriam Place to the west.

Given the above, when viewing the subdivision from the surrounding environment including Foster Place and Perriam Place, it is considered that the subdivision would not appear notably different to existing sites that are already established along Foster Place. In this regard, the subdivision will effectively appear as a continuation of the existing streetscape along Foster Place. Additionally, each allotment will still be of an appropriate size to ensure that adequate access, services, and a future residential development can occur in a manner that is consistent with surrounding sites.

Overall, the proposed subdivision is considered to be consistent with the existing residential character and amenity of the existing environment and any adverse effects will be less than minor.

2. Servicing

The two existing titles each have existing connections to Council's water supply, wastewater, and stormwater reticulation from Foster Place and Perriam Place. These services will be retained for two allotments whilst one of the existing water supply connections will be relocated to proposed Lot 3. New connections will be required for remaining allotments. This has been outlined in Section 4 of the application.

When considering the minimum allotment size requirement of 1,000m² in the Residential Resource Area (1) and the total combined site area of 3,428m² it is noted that the applicant could reasonably anticipate three allotments on these sites. In this case, the proposal effectively provides for the provision of services to one additional allotment not anticipated by the Plan. Given the overall subdivision design is reflective of the surrounding environment and adjoining allotments, it is not anticipated that services associated with one additional allotment would result in adverse effects that are minor or more than minor.

Furthermore, Council's Engineer has reviewed the application and has recommended conditions of consent for each allotment in relation to the existing services that can be maintained and new service connections that are required. No concerns were raised with respect to infrastructure capacity in this case and therefore the one additional allotment beyond what is anticipated by the plan is considered to be appropriate.

Overall, given the above conclusions and confirmation from Council's Engineer, any adverse effects in relation to servicing will be less than minor.

3. Access

There are no existing accessways for the subject site. As outlined above, the subject site contains an existing consent notice which includes a condition providing for sealed accesses to be provided to the allotments. The consent notice states:

"The consent holder or successor shall be responsible for providing sealed crossing places and vehicle entrances between the sealed carriageway and the boundary to serve Lots 1 – 13, 18 – 43, 45 – 53, 55 – 60, 63 – 65, 68, and 69. Such crossing places and vehicle entrances are to be designed in accordance with the Council's Vehicle Crossing Policy, a copy of which can be obtained from the Council's Assets and Contracts Department."

Overall, each allotment has legal frontage to Foster Place and it is considered that the provision of adequate access can be provided at the time of subdivision. Council's Engineer has not raised any concerns in relation to the provision of access.

With respect to wider effects on the transport network, it is considered that any vehicle movements associated with further residential activity on one allotment beyond the anticipated allotment sizes of the Residential Resource Area (1) Zone will be less than minor. It is not considered that one additional residential activity enabled by the subdivision would result in the crossing of a threshold where the transport network can no longer efficiently or safely operate, particularly given the site sizes reflect those already existing in the surrounding environment.

Overall, any adverse effects in relation to the provision of safe and efficient accesses and safety and efficiency of the transport network will be less than minor.

4. *Hazards*

No hazards have been identified in the planning maps of the Operative District Plan or the Plan Change 19 maps for this property.

The Otago Regional Council Hazard Portal identifies that the western end of the site is subject to an active flood water dominated alluvial fan. Consent notice 7917778.27 was established on the title as part of the underlying subdivision which requires a minimum floor level of 197.1m above sea level for any future buildings on the site. The conditions of this consent notice will be relevant for any future development on the site as the applicant is not seeking to cancel these as part of this application. It is considered that these hazards were addressed as part of the underlying subdivision through this consent notice (RC060319) and given the subdivision is located within an already established residential environment, it is not anticipated that the provision of two additional allotments would be inappropriate as part of this application.

Council's Engineer has not raised any concerns in relation to hazards. Any adverse effects in this regard are considered to be less than minor.

5. *Earthworks*

The applicant is not proposing any earthworks as part of this subdivision application. Any earthworks required to give effect to the subdivision would be subject to the permitted earthworks thresholds or additional resource consents would be required. Any adverse effects in relation to earthworks as part of this subdivision will be less than minor.

6. *Esplanade reserves and strips*

There are no requirements for esplanade reserves or strips on this site as the site does not adjoin any waterways requiring esplanade provisions. Any adverse effects in this regard will be less than minor.

7. *Cumulative Effects*

With respect to cumulative effects the applicant has provided a detailed assessment within Section 8.2 of their application which is considered accurate and is adopted for the purposes of this assessment.

In summary, the proposal will not result in any cumulative effects that are more than minor, given:

- The proposed allotment sizes are considered to be generally consistent with the surrounding environment and will result in future residential development that is consistent with the character of the surrounding environment, particularly along Foster Place as outlined under the effects on residential amenity, character, and streetscape assessment above;
- The proposed subdivision will occur within part of the larger previous subdivision which created 93 allotments, 31 of which were below the 1,000m² minimum lot size (RC060319);
- The subject site includes one of the last areas of land within the immediate area of Residential Resource Area (3) zoned land that is yet to be developed. Given the existing environment has largely been developed, it is not anticipated that enabling the development of these sites to the proposed density will not generate any notable cumulative effects that are not already consistent with the surrounding environment and will not lead to any new undesirable precedents being set; and

Overall, any adverse cumulative effects will be less than minor for the reasons set out in the application and the summary above.

Overall, the proposal will have a less than minor effects on the environment for the reasons set out above.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall, the proposed activity is not likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified.

Current case law has defined 'special circumstances' as those "outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique." The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [Murray v Whakatane DC [(1997) NZRMA 433 (HC), Urban Auckland v Auckland Council [(2015) NZHC 1382, (2015) NZRMA 235].

The subject site is in the Residential Resource Area (3) a residential specific subzone in which a particular residential character and level of amenity is anticipated by the District Plan. The primary method employed by the plan to achieve this particular character and level of amenity is the 1000m² minimum lot size standard. Applications that seek to depart from this minimum lot size risk subverting the intended outcomes of the subzone and of eroding public confidence in the integrity of the RRA(3) which warrants an opportunity for them to be involved in the consent process.

It is noted that the surrounding environment within Pisa Moorings has a history of publicly notified and declined subdivision applications that have been contentious among the public. This includes RC060417, RC080094, and most recently RC190162 which was declined on 28 August 2019. Furthermore, these subdivision applications also proposed a departure from the minimum allotment size within the Residential Resource Area (3). In the case of RC190162, the Hearings Panel concluded that there were no distinguishing features that made the application unique or extenuating and there were concerns that in granting that application, it

would establish a significant precedent for further non-complying subdivision within the Residential Resource Area (3) Zone, and that the granting of the consent would fundamentally jeopardise the integrity of the Operative District Plan and implementation of Policy 7.2.7. RC190162 also included four submissions, all of which opposed the application with the submitters primarily concerned with the perceived incompatibility of the character and scale of the neighbourhood.

Overall, while the proposed subdivision does not represent the same level of departure from the minimum allotment size as RC190162 and the proposal is not considered to generate adverse effects that are more than minor (as concluded above under Step 3), it is still considered that the application represents a significant departure from the minimum allotment size that could generate a greater degree of public interest, particularly in an environment where subdivision applications have been publicly notified and declined in the past. For this reason, there is considered to be high public interest in this proposal and public notification is recommended on the basis of special circumstances under Step 4.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is required as identified in the assessment above.

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A, the application is required to be publicly notified. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Chris Pearse-Smith
Consultant Planner

Date: 23 January 2023

Reviewed by:



Oli McIntosh
Consultant Planner

Date: 25 January 2023

Approved under Delegated Authority by:



Lee Webster
Planning and Regulatory Services Manager

Date: 25 January 2023

13/12/2022



Engineering Advice

RC220397

Wakefield Estates Limited

1 Foster Place, Pisa Moorings

Subdivision of two existing urban residential titles into four residential titles in the Residential resource area.

General

Commentary:

Conditions:

1) All works shall be in accordance with NZS 4404:2004 and Council's July 2008 Addendum as modified by this consideration.

2) As-builts and quality records shall be provided as a requirement of 224c certification and shall comply with Council's "Specifications for as-built Documentation". All assets constructed for the Central Otago District Council or intended to be vested in the Council, should be shown on electronic plan (CAD) drawings in AutoCAD *.dwg or *.dxf format, and in PDF format.

3) Any easements required to protect access or for access to services shall be duly granted or reserved.

Water

Commentary:

The two existing properties have two existing water connections.

Proposed Lots 1 and 4 will require new water connections.

Proposed Lot 2 will utilise LOT 1 DP 404040's existing water connection.

Proposed Lot 3 will relocate LOT 2 DP 404040's existing water connection. This is as intended by the applicant.

Conditions:

1) Prior to 224c certification, the existing connection to service proposed Lot 2 shall be inspected by a suitably qualified and experienced person to confirm that it is in good working order. Should the lateral be found in poor condition then a new lateral shall be provided as for Lots 1 and 4 below.

2) Prior to 224c certification, a new standard 20mm residential water connection shall be provided off the existing 150mm mPVC water main in Foster Place to each of proposed Lots 1 and 4, with the Acuflo toby/meter assemblies installed at the street boundary.

13/12/2022



3) Prior to 224c certification, the existing water connection serving existing LOT 2 DP 404040 shall be capped at the main, and a new standard 20mm residential water connection shall be provided off the existing 150mm mPVC water main in Foster Place to proposed Lot 3, with the Acuflo toby/meter assembly installed at the street boundary.

Advice note: Submission of an Application to Connect is required prior to connecting to Council's potable water network in addition to plans for water servicing being submitted for Engineering Approval.

Advice note: water meters are not to be placed within the wheel-path of any vehicles. If they must be within vehicle entranceways because other solutions are unworkable, they must be placed in the middle of the entranceway so as to be outside any vehicle wheel-path.

Firefighting

Commentary:

Existing hydrants in Foster Place and Perriam Place provide adequate firefighting coverage in terms of distance as per the requirements of SNZ PAS 4509:2008.

Wastewater

Commentary:

The two existing properties have two existing wastewater connections.

Proposed Lot 1 will utilise LOT 1 DP 404040's existing wastewater connection.

Proposed Lots 2 and 3 will require new wastewater connections.

The applicant desired that these be to an extension of the existing 150m gravity main in Foster Place.

Proposed Lot 4 will utilise LOT 2 DP 404040's existing wastewater connection.

Conditions:

1) Prior to 224c certification, the existing wastewater connections to service proposed Lot 1 shall be inspected by a suitably qualified and experienced professional to confirm that it is in good working order, and a cleaning eye installed at the street boundary should one not already exist. Should the connection be found to be in a poor condition then a new 100mm residential wastewater connection shall be provided from the 150mm uPVC wastewater main in Perriam Place, with a cleaning eye installed at the street boundary should one not already exist.

2) Prior to 224c certification, the existing wastewater connection to service proposed Lot 4 shall be inspected by a suitably qualified and experienced professional to confirm that it is in good working order, and a cleaning eye installed at the street boundary should one not already exist. Should the connection be found to be in a poor condition then a new 100mm residential wastewater connection shall be provided, with a cleaning eye installed at the street boundary should one not already exist.

13/12/2022



3) Prior to 224c certification, the existing 150mm gravity wastewater main in Foster Place shall be extended from the existing manhole to allow connections to proposed Lots 2 and 3.

4) Prior to 224c certification, standard 100mm residential wastewater connections shall be installed to each of proposed Lots 2 and 3 from the proposed 150mm wastewater main extension in Foster Place, with a cleaning eye installed at the street boundary for each connection.

Stormwater

Commentary:

The existing 2 titles both have existing stormwater connections.

The applicant has proposed that all new title have reticulated stormwater connections. This will not be permitted, unless it can be demonstrated that on-site stormwater disposal is not achievable.

I have consulted the Water Services Team. The existing connections shall be required to be capped at the main. No existing connections are permitted, unless on-site disposal is not achievable, as above.

Conditions:

1) Prior to 224c certification, the stormwater connection from the existing LOT 1 DP 404040 to Council's 300mm uPVC stormwater main in Perriam Place shall be capped at the main.

2) Prior to 224c certification, the stormwater connection from the existing LOT 2 DP 404040 to Council's stormwater manhole in Perriam Place shall be capped at the manhole.

3) Stormwater from buildings and other impervious surfaces within each of proposed Lots 1, 2, 3, and 4 shall be stored for beneficial reuse or disposed of by soak-pits designed by a suitably qualified and experienced professional within the boundary of each lot. This requirement shall be secured by means of a consent notice attached to each of the new titles.

Advice note: Submission of an Application to Connect is required prior to connecting to Council's stormwater water network in addition to plans for stormwater servicing being submitted for Engineering Approval.

Access

Commentary:

There appear to be no existing vehicle entranceways, but there are consent notices on the titles stating that vehicle entranceways must be constructed to standard at time of dwelling construction.

The applicant desires that a similar consent notice be applied to the new titles.

13/12/2022



Engineering's preference (I have consulted Council's Infrastructure Manager) is that this is not permitted. I have proposed below that vehicle entranceways be formed prior to issue of 224c.

Conditions:

1) Prior to 224c certification, new vehicle entranceways from Foster Place to serve each of proposed Lots 1, 2, 3, and 4 shall be constructed in compliance with the requirements of Part 29 of Council's Roading Policies January 2015.

Power and Telecommunications

Commentary:

The application does not clearly state whether the two existing titles have existing electricity and telecom connections.

A condition will be proposed that all new titles be provided with connections. Any existing connections will be able to be allocated to meet the requirement that the new titles be provided with connections.

Conditions:

1) Prior to 224c certification, operational underground power and telecommunication connections shall be provided to the boundary of each of Lots 1, 2, 3, and 4.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Haanen".

Dominic Haanen
Environmental Engineer

Created 09/12/2022

RC 220397



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LOCAL GOVERNMENT ACT 2002 AND RESOURCE MANAGEMENT ACT 1991 DEVELOPMENT/FINANCIAL CONTRIBUTION DEMAND

Application Reference: RC 220397

Name: Wakefield Estates Limited

Site: 1 Foster Place, Pisa Moorings

Description of proposal: Subdivision of two urban residential titles into four residential titles in Residential Resource area.

This demand has been issued in accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2021.

This demand is an indication of the amount payable by the Applicant should the consent proceed in its current form.

Calculations

Note: A "Household unit equivalent" (HUE) means demand for Council services equivalent to that produced by a nominal household in a standard residential unit. Non-residential activities, such as industrial and commercial, can be converted into HUEs using land use differentials.

All calculation costs are quoted exclusive of GST

1. Water Supply

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
Cromwell	\$3,371.71	

Calculation Notes:

- Credit of 2.0HUE for existing titles/connections.



$$\begin{aligned}\text{Contribution} &= (4.0\text{HUE proposed} - 2.0\text{HUE credit}) \times \$3,371.71 \\ &= \$6,743.42\end{aligned}$$

$$\text{Payment due} = \$6,743.42 + \text{GST}$$

2. Wastewater

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
Cromwell	\$2,729.57	

Calculation Notes:

- Credit of 2.0HUE for existing titles/connections.

$$\begin{aligned}\text{Contribution} &= (4.0\text{HUE proposed} - 2.0\text{HUE credit}) \times \$2,729.57 \\ &= \$5,459.14\end{aligned}$$

$$\text{Payment due} = \$5,459.14 + \text{GST}$$

3. Reserves

Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
District Wide		\$2,069.57

Calculation Notes:

- Credit of 2.0HUE for existing titles.

$$\begin{aligned}\text{Contribution} &= (4.0\text{HUE proposed} - 2.0\text{HUE credit}) \times \$2,069.57 \\ &= \$4,139.14\end{aligned}$$

$$\text{Payment due} = \$4,139.14 + \text{GST}$$

4. Roothing

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
District Wide	\$1,494.68	

Calculation Notes:

- Credit of 2.0HUE for existing titles.

$$\begin{aligned}\text{Contribution} &= (4.0\text{HUE proposed} - 2.0\text{HUE credit}) \times \$1,494.68 \\ &= \$2,989.36\end{aligned}$$

$$\text{Payment due} = \$2,989.36 + \text{GST}$$



Summary of Payments Due

Activity	Payment
Water Supply	\$6,743.42 +GST
Wastewater	\$5,459.14 +GST
Reserves	\$4,139.14 +GST
Roading	\$2,989.36 +GST
Total	\$19,331.06 +GST

Payment

Development contributions must be paid by the due dates in the table below.

	Payment due date
Building consent	20 th of the month following the issue of the invoice
Certificate of acceptance	At issue of the certificate of acceptance
Resource consent for subdivision	Prior to release of the certificate under section 224(c) of the RMA
Resource consent (other)	20th of the month following the issue of the invoice
Service connection	At issue of the connection approval

On time payment is important because, until the development contributions have been paid in full, Council may:

- Prevent the commencement of a resource consent.
- Withhold a certificate under section 224(c) of the RMA.
- Withhold a code compliance certificate under section 95 of the Building Act 2004.
- Withhold a service connection to the development.
- Withhold a certificate of acceptance under section 99 of the Building Act 2004.

Where invoices remain unpaid beyond the payment terms set out in the Policy, Council will start debt collection proceedings, which may involve the use of a credit recovery agent. Council may also register the development contribution under the Land Transfer Act 2017, as a charge on the title of the land in respect of which the development contribution was required.

A development contribution may be generated when granting a resource consent, building consent or service connection and a financial contribution may be generated when granting a resource consent. Where one development requires different types of consent and these are processed concurrently, more than one invoice may be generated for the same contribution, however a contribution only needs to be paid once.



If on a subsequent application more detailed information reveals that a proposal will generate more demand than initially assessed a higher contribution may be required. If a payment has been made in the interim a further payment of the balance will be required.

Address for Service

Invoices will be sent to the following address for service:

C/- C Hughes & Associates Ltd Harry Railton
PO Box 559
Wanaka 9343

harry@chasurveyors.co.nz

If you have any queries or would like to discuss any aspect of this notice please contact:

Dominic Haanen
Environmental Engineer

Phone: 03 260 7751
Email: dominic.haanen@codc.govt.nz



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

@codc.govt.nz
w.codc.govt.nz



(Form 13)

Section 95A (public) Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consents@codc.govt.nz



DETAILS OF SUBMITTER

Full name: LORETTA BUSH

Contact person (if applicable):

Electronic address for service of submitter: uk_trailertrash@yahoo.com.au

Telephone: 03 4486172

Postal address (or alternative method of service under [section 352](#) of the Act):

19 CRAIG PLACE, BRIDGE HILL, ALEXANDRA 9320

This is a submission on the following resource consent application: RC No: **220397**

Applicant: **Wakefield Estates Limited** Valuation No: **2842112800**

Location of Site: **1 Foster Place, Pisa Moorings**

Brief Description of Application: **Subdivision consent to undertake a four-lot subdivision in the Residential resource area.**

Submissions closing 16 February 2023

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)

THAT THE SUBDIVISION IS ON AN ALLUVIAL FAN, IDENTIFIED AS
AN ACTIVE FLOODWATER DOMINATED AREA



This submission is: *(attach on separate page if necessary)*

Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

COMPLETELY OPPOSE THIS DEVELOPMENT BECAUSE OF
BEING SMALLER THAN THE ALLOWED MINIMUM AREA =
BEING BUILT ON A FLOOD PRONE AREA.

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

DECLINE, ~~of~~ THIS DEVELOPMENT FOR REASONS
ABOVE

I ~~support~~/oppose the application OR neither support or oppose (select one)

I ~~wish~~/do not wish to be heard in support of this submission (select one)

I am/am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (select one)

*I/We am/am not (select one) directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) ~~does not relate to trade competition or the effects of trade competition.~~

~~*Delete this paragraph if you are not a trade competitor.~~

~~*I/We will consider presenting a joint case if others make a similar submission~~

~~*Delete this paragraph if not applicable.~~



I request/do not request (select one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 below as you may incur costs relating to this request."

EBsl 15.3.23
Signature **Date**
 (to be signed by submitter or person authorised to sign on behalf of submitter)

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

THE PANEL IN CLOSED MEETING**RESOLUTION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
RC220397 – Wakefield Estate	To enable the Panel to deliberate in private on its decision or recommendation in any proceedings where the right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE: Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) –

“(a) Shall be available to any member of the public who is present. and Shall form part of the minutes of the local authority.”

RECOMMENDED that Ann Rodgers (Panel Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

23.6.3 RC190361V1 - P WILLIAMSON

Doc ID: 625709

1. Attachments

- Appendix 1 - s42a** [↓](#)
- Appendix 2 - Application** [↓](#)
- Appendix 3 - s95** [↓](#)
- Appendix 4 - Site Plan** [↓](#)
- Appendix 5 - APA - D Bosley** [↓](#)
- Appendix 6 - APA - L Barclay** [↓](#)
- Appendix 7 - APA - P Fee** [↓](#)
- Appendix 8 - APA - Rafa** [↓](#)
- Appendix 9 - Further Information Request** [↓](#)
- Appendix 10 - Further Information Response** [↓](#)
- Appendix 11 - Submission - D Nyhon** [↓](#)
- Appendix 12 - Submission - R&C Bell** [↓](#)
- Appendix 13 - Resolution to Exclude the Public** [↓](#)

CENTRAL OTAGO DISTRICT COUNCIL**CENTRAL OTAGO DISTRICT PLAN****REPORT OF PLANNING STAFF**

APPLICATION	RC 190316V1 BEING A VARIATION OF RC190316
APPLICANT	P WILLIAMSON
ADDRESS	736 LUGGATE-TARRAS ROAD (SH 8A)
LEGAL DESCRIPTION	LOT 6 DP 310200 (HELD IN RECORD OF TITLE 40141).
ACTIVITY STATUS	DISCRETIONARY

BACKGROUND

On 14 February 2020, Council granted land use consent for the establishment of a boarding kennel for up to six dogs at 736 Luggate-Cromwell Road. Consent was granted subject to nine conditions of consent. These conditions included limitations on the number of dogs and where they can be accommodated on the site, the provision of fencing and secure access to this area, and requiring a management plan.

The original application for RC 190316 included six dogs being accommodated within effectively the northern half of the site. In response to submissions received and concerns raised by Council's reporting officer in the Section 42A report, and with agreement from the applicant at the hearing, Council imposed a condition limiting the accommodation of dogs to a smaller area near the eastern boundary of the site.

Since RC 190316 was granted, the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into effect. This policy statement seeks to avoid the use of identified highly productive land for non-productive purposes. Currently, all land with LUC 1, 2 or 3 classifications is classified as highly productive land. The site subject to this application is within land classed as LUC 7. Therefore, the NPS-HPL is not relevant to this consent.

This application was processed on a limited notified basis to three neighbouring landowners who have not provided their written approval. Two submissions were received before the closing date. Both submissions are in opposition. A summary of both submissions is provided in Appendix One. In my assessment of the application, I have had regard to the entirety of both submissions.

One submission noted that the consent holder was not operating in accordance with the current conditions of consent. There has also been litigation undertaken by Council in relation to this boarding kennel under the Dog Control Act 1996 after an incident where dogs from the boarding kennel escaped and killed over 40 sheep on a nearby farm. The end result of this litigation was the original applicant and consent holder, Nancy Williamson (Ms Williamson) being disqualified from being in control of dogs until 31 May 2024. I understand that the operation of the kennel has been passed to the original consent holder's daughter, Phillipa Williamson (Philly), who is now the consent holder and applicant for this application. At a site visit undertaken on 31 October 2022, I noted that all dogs on the site (Less than six) were roaming outside the consented area and Philly was not present on the property while Ms Williamson was. It is likely that Ms Williamson would be considered to have had de-facto

control of the dogs at the time. No management plan required by Condition 6 appears to have been provided to Council and the current accommodation area has not been double-gated in accordance with Condition 4.

DESCRIPTION OF ACTIVITY

The applicant has not specified proposed changes to the conditions of consent. Based on the information provided in support of this consent, I have assumed that the applicant proposes to amend Conditions 1 and 2 as follows:

1. This consent permits the use of 736 Luggate-Tarras Road (Lot 6 DP 310200) as a boarding kennel for up to ~~six (6)~~ eight (8) dogs.

Note: For the avoidance of doubt, this consent does not permit the use of any other private property for access to other land or any other activity related to the operation of the boarding kennel.

2. While on the site, dogs shall be restricted to the area shown as the "Dog Enclosure" on the amended site plan submitted in support of RC 190316V1 and attached as Appendix Two.

Note: For the avoidance of doubt, this condition applies equally to dogs being accommodated during the day and overnight.

As part of these changes, Appendix Two would be replaced with a new site plan lodged in support of this application.

The primary implications of the proposed changes would be to allow the number of dogs accommodated in the boarding kennel to increase from six to eight, and for those dogs to be able to be accommodated within the same area as originally applied for under RC 190316.

REASONS FOR APPLICATION

Section 127 of the Resource Management Act 1991 states:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent subject to the following:*
 - (a) *The holder of a subdivision consent must apply under this Section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under Section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed.*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if –*
 - (a) *The application were an application for a resource consent for a discretionary activity; and*
 - (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who-*

- (a) *Made a submission on the original consent application; and*
- (b) *May be affected by the change or cancellation.*

In accordance with the provisions of section 127(3)(a) of the Resource Management Act 1991, the application to vary resource consent RC 190316 is a discretionary activity.

PLANNING ASSESSMENT

Written Approvals

Written approvals from the following parties have been provided in support of the application. In accordance with Section 104(3)(a)(ii) of the RMA, Council must not have regard to any adverse effects on these parties:

Roderick and Phillipa Fee
79 River Ridge Road (Owner)

Dawn Bosley
54 River Ridge Road (Owner and Occupier)

Lyn Barclay (CAMC Trust Ltd)
42 River Ridge Road (Owner and Occupier)

Rafael Almeida
738A Luggate-Tarras Road (Owner)

Effects on the Environment

Assessment Matters/Rules

Consideration is required of the relevant assessment matters in the District Plan. There are no national environmental standards or national policy statements that have to be considered. This assessment is limited to the adverse effects of the variation itself, being those effects over and above the effects of the existing resource consent. No regard has been given to any trade competition or any effects of trade competition.

In its decision on RC 190316, Council's hearings panel determined that the effects of the proposal would be appropriate provided the number of dogs was limited to six and dogs were limited to the area specified on the plan attached as appendix two. The limited area, in particular, was implemented in response to submissions from neighbouring landowners citing concerns about having dogs in close proximity to their fenceline, in a position where they could harass livestock on their property.

The crux of the applicant's argument for approving the variation is that provision for up to eight dogs would allow for overlap between drop-offs and pick-ups, and to allow for additional accommodation capacity during busier times of the year. They argue that the addition of two more dogs will have a minimal effect on noise and the risk of dogs escaping. In support of this, they note the provision of a double gate at the site entrance forming a holding area and preventing the dogs having direct path off the property, and argue that they have made the area outside their home so enjoyable the dogs won't want to leave. The applicant states that they do not accept any breeds they consider likely to scale fences. In terms of the area of the boarding kennel, the applicant argues that the need to contain the dogs within the specified area caused an increase in stress and barking from the dogs, and instances of them attempting to escape.

Both the Bell and Nyhon submissions raise concerns with the applicant's ability to keep dogs within the property. The Nyhon submission raises concerns with these dogs wandering and posing a risk to livestock. The Bell submission also raised concerns with noise disrupting the

ambiance of the area and dogs coming up to them and chasing their vehicles down their driveway along the boundary fence.

I do not find much merit in the applicant's argument that they have made their accommodation so comfortable that the dogs will not want to leave. Dogs in a boarding kennel are brought into an unfamiliar environment with unfamiliar people and unfamiliar dogs. Therefore, it cannot be accurately predicted how any individual dog will react. This is evidenced by the number of dogs that have opted to leave the property during their stay. Therefore, I consider that the Panel should give limited weight to this as a way of managing any adverse effects of the proposal.

Fencing around the property is 2m high deer fence with 1m of chicken wire along its base. The base of the fence appears to be bent along the ground and weighted down with rocks (Figure One).



Figure One: Photograph of the boundary fence of the site along the northern boundary showing the line of rocks holding down the base of the fence. The applicant's property is to the right of the fence in this photo.

The fence is supported by full height waratahs approximately every 5m, and a half height waratah in between each full height one (Figure Two).



Figure Two: The fencing along the western boundary of the site, showing the provision of waratahs of differing heights along its length. Note that there are no weights on the base of the fence in this location. It appears to be simply bent over into the site.

The chicken wire does not appear to be extended along the fencing that forms the inner gate at the site entrance (Figure Three).



Figure Three: Photo from the north of the site looking into the double gate area. The fencing along the far side, behind the rock baskets, does not appear to have chicken wire along its base.

The applicant argues that dog breeds with a higher likelihood of climbing fences are not taken onto the property. I consider that a propensity to climb over, or dig under, fences cannot be generalised to specific breeds. Given sufficient motivation, any dog breed can climb a fence or dig under it. Instead, I consider that specific dogs might be more likely to cross fences. Digging is a particular risk where the fence does not extend underground, as there is then no barrier stopping a dog from squeezing under the fence using a comparatively shallow excavation. I note that the applicant has previously indicated that they do not accept dogs with a propensity for digging or climbing. However, I consider it unlikely that the applicant can fully predict how any given dog will react to their new environment, and they may only have one chance to catch a dog climbing or digging before it escapes the property and causes problems for neighbours. I accept that the double gates at the entrance to the property do assist in securing the facility by preventing an easy escape route being open where the gates area used correctly. However, with the current consented operating area, the consent holder effectively has two opportunities to catch the dog in most cases, as dogs would have to cross two fences before being off the property. However, with the amended proposal the dogs would only have to cross one fence to be off the property. This increases the risk of dogs escaping the property and the applicant has not proposed any additional means of reducing this risk.

Two additional dogs will result in potential increases in noise disruption due to barking. I accept that a level of barking must be expected with the presence of dogs on the site. They cannot be expected to not bark under any circumstance. As part of the original application, the applicant advised that they intended to actively manage barking dogs through different mechanisms.

This led to the imposition of Conditions 5 and 6, which requires said active management and the submission of a management plan outlining how these methods will be implemented. I understand no management plan has been provided. Therefore, I do not consider there to be any evidence of exactly how the additional barking is proposed to be managed. Unless such a plan is provided by the applicant, I do not consider there to be any certainty that the cumulative effects of barking from the additional dogs will not notably change the character and intensity of the adverse noise effects of the proposal.

I consider that increasing the number of dogs in an area closer to neighbouring properties will increase the intensity and scale of adverse effects on those neighbouring properties. Having more dogs on the site also poses additional management challenges for the consent holder and increases the risk of dogs escaping the property. I note that the panel has already considered it appropriate to limit the area of the boarding kennel in order to reduce adverse effects on neighbours. The applicant has not proposed any additional measures to help reduce these effects to a point where they are similar to those currently consented. I consider that the proposed changes will result in a notable change in the character of the adverse effects associated with the activity as it is currently consented.

SUBSTANTIVE DECISION ASSESSMENT

Effects

Conditions 1 and 2 of RC 190316 were imposed in order to mitigate potential adverse effects on the amenity values of neighbouring properties based on the original application. This was accepted by the applicant at the hearing for RC 190316. The consent holder now wants to amend the consented area to that originally proposed and provide for two additional dogs. However, they have not proposed any additional measures that would avoid, remedy or mitigate those effects identified by the Panel in considering that application. I consider that the proposal will result in materially different effects to those originally consented.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, the applicant has not proposed any offsetting or compensation measures to address the adverse effects of their proposal.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the District Plan were taken into account when assessing the application. The proposed changes warrant a re-assessment of the following objectives and policies:

Objectives:

4.3.1 – Needs of the District's People and Communities

Policies:

4.4.2 – Landscape and Amenity Values

4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties

4.4.9 – Effects of Rural Activities

In terms of Policy 4.4.2, of particular relevance is Policy 4.4.2(b), which seeks to ensure development is compatible with the surrounding environment. This also relates strongly to Policy 4.4.8. The surrounding environment in this case is made up of a mixture of smaller "Lifestyle" type allotments, with larger primary production allotments also in the vicinity of the site. I do not consider the keeping of dogs, as a rule, to be incompatible with these activities. However, the operation of a boarding kennel does introduce dogs are not necessarily familiar

with the area, or the applicant, may not be adequately controlled, may attempt to roam off the property, and may cause a nuisance through the generation of noise. The proposed changes would remove buffers between the boarding kennel and the Bell property (In particular) established as part of Council's original decision on the application. It does this without introducing any new methods of managing the effects that the buffer was intended to manage, while adding provision for two additional dogs. In this context, I consider that the proposed changes would cause the consent to become inconsistent with Policies 4.4.2(b) and 4.4.8.

In terms of Policy 4.4.9, the presence of permitted activities, such as the keeping of livestock, may result in effects by encouraging interactions between dogs and the neighbouring animals, resulting in stress and worry for those animals. I note that there have been multiple instances of dogs escaping the property and causing issues for nearby livestock and property owners during the exercise of this consent. This is further evidenced by the content of Mr Nyhon's submission in opposition to the application. The proposed changes remove buffers from neighbouring properties without introducing any new methods of managing the effects that the buffer was intended to manage, while adding provision for two additional dogs. In this context, I consider that the proposed changes would cause the consent to become inconsistent with Policy 4.4.9.

Objective 4.3.1 is a catchall objective intended to provide for a wide range of activities in the district's rural areas, provided that those activities adequately address their adverse effects on rural character and amenity values. In this case, I accept that the proposal provides for the economic wellbeing of the applicant and for the social wellbeing of dog owners in the area who have a place to accommodate them while they are on holiday or otherwise not able to look after their pets. However, I am not satisfied that the applicant has adequately addressed how their amended proposal will avoid, remedy or mitigate the adverse effects on neighbouring landowners and occupants identified in this assessment. I consider the proposed changes to cause the consent to become contrary to Objective 4.3.1.

Part 2

Based on the findings above, it is evident that the proposed changes would not satisfy Part 2 of the Resource Management Act 1991. In essence, the application is a re-application to bring an activity that the Council has already determined should be further constrained back to the nature it was originally applied for, but without adding any further justification for why Council should now re-consider its previous decision. I do not consider that granting the proposed changes would be appropriate.

Ongoing Compliance Issues

In the background section of this report, I identified a range of compliance issues with the proposal. Based on this, there appears to be little evidence of willingness on the part of the original consent holder to comply with the conditions of her consent. Ms Williamson has previously stated, under oath in the District Court, as part of proceedings under the Dog Control Act related to the escape of a dog from her property that she has no intention of complying with her consent conditions. I note that she is no longer the consent holder, and Ms Williamson's actions should not be considered reflective of how Philly would act. However, Ms Williamson still appears to retain an amount of control over the operation of the business and there is evidence that both parties may have acted contrary to the court order barring Ms Williamson from being in control of dogs. Regardless of whether the Panel approves or refuses the proposed changes, based on previous issues, I consider it likely that there will be ongoing compliance issues with the exercise of this consent.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. The Council refuse the variation to the resource consent, in accordance with sections 104 and 127(1) of the Resource Management Act 1991.



Adam Vincent
Planning Officer

Date: 22 March 2023

APPENDIX ONE: SUMMARY OF SUBMISSIONS

Name	Support/ Oppose	Wants to be heard?	Summary
Richard and Caroline Bell	Oppose	Yes	This submitter notes the incident where a dog from the premises killed 43 sheep. Concerned that the consent holder has no regard for the local community. Notes that dogs frequently bark at and chase them along the fence line while they are using their driveway. Increasing the number of dogs will increase the risk to safety of neighbouring properties, increase noise and disturb the current ambiance of the area. Notes that the consent holder appears to be willingly operating out of accordance with their resource consent conditions.
Denis Nyhon	Oppose	No	This submitter notes repeated issues with dogs escaping property causing concerns for the safety of livestock. Therefore, the submitter opposes the increase in the number of dogs able to be accommodated

Application for Change or Cancellation of Resource Consent Condition



(Form 10)
Section 127, Resource Management Act 1991

Post to: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

RECEIVED
05/10/2022
CODC

Email to: resource.consent@codc.govt.nz

DETAILS OF APPLICANT

Full name: Phillipa Williamson

Postal address for service of documents: 736 Luggate Tarras Road

Contact details:	Phone:	Town	<u>Tarras</u>	Post Code	<u>9383</u>
	Fax:		<u>027 347 9253</u>		
	Email:		<u>bigdogshomestay@gmail.com</u>		

I/We Phillipa Williamson - 736 Luggate Tarras Road (State Highway 8A)

(full name and address of applicant)

apply for a change (or cancellation) of a resource consent.

This application related to the following resource consent:

(briefly describe the type and location of the resource consent and resource consent number)

Overnight boarding facility for up to 6 dogs at 736 Luggate Tarras Road - RC190316

The application relates to the following specific condition of the resource consent:

The number of dogs facilitated and the location of dog accomodation.

The proposed change is as follows:*

Increasing the number of dogs - allowing up to 8 dogs accommodated for some weekends and busy holiday periods. Moving dog accomodation to the home, the garage to be specific. This reduces dogs barking dramatically as the dogs are much happier and comfortable close to humans.

* Delete if application is to cancel the condition.

Application for Change or Cancellation of Resource Consent Condition

I/We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that a change to, or cancellation of, the activity may have on the environment.

I/We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under the Act.

(List all documents that you are attaching)

[Assessment of environmental effects.](#)

[Updated site plan](#)



Signature

(to be signed by applicant or person
authorised to sign on behalf of applicant)

09/08/22

Date

Note to applicant:

An initial deposit is payable for an application to change or cancel a condition of resource consent. Please include this with your application.

Assessment Of Environmental Effects

Barking noise

This is an issue we have learnt to resolve over the four years we have been operating, and two more dogs is not going to make any difference.

Dogs that bark incessantly are not accepted for care. All new dogs are trialled to observe their overall behavior - this includes their nuisance barking capacity. However, most dogs bark at times, for a variety of reasons. Once familiar with their surroundings and each other, they tend to relax and are less concerned with other dogs, people, cars, etc coming and going.

Naturally there will be times when they bark through sheer excitement, over sticks and balls especially, but I am able to manage this easily. I run an AirBnb business concurrently on my property, so the noise factor is a major concern for me, let alone for my neighbours. For this reason I have two high quality anti-bark collars which I use without hesitation, and they work brilliantly. Owners are advised on the enrolment form that barking collars may be used & have the option to not approve this, in which case we have the option to decline the dog.

At night they sleep in my double-glazed, carpeted garage where it is warm, dark and quiet, so rarely is barking a problem at night - if so, we bring them into our living area, as the barking is often just a sign of initial anxiety.

Dogs security

Once again, the addition of two more dogs will have very little effect on my large property. The best way to avoid escapes is by having happy dogs that love where they are. However, we still need a secure facility for dogs that may be feeling separation anxiety.

1) The new double electric gate has been a major improvement to dog security and to our peace of mind. People exiting the property have two gates to get through so dogs can be secured before the second gate is opened. Those arriving must close the first gate before the remote one opens. Since this gate system has been in operation, our regular 'guests' which are by far the majority of our customers, know that running towards the gate is a waste of time and don't even bother.

2) We have made the area around the home so comfortable and inviting, that dogs don't want to leave the luxury they are enjoying! We have built a new dog deck with couches & beanbags from where the dogs can view us inside. Our 'clients' are used to this home environment where they can be around people and the smells of food they are often driven by! As natural pack animals they love being together - the socialization is as important as the exercise and affection they receive being around other dogs and people.

3) Breeds that have the capacity to climb a standard deer fence are not accepted - stocky muscular breeds like Staffordshire bull terriers, we have learnt, are likely fence scalers. We have a strict enrolment policy where owners must disclose this trait and any others that would cause us to have concern.

Effects on boundary, traffic & neighbours.

An extra two dogs will have minimal if any change to existing conditions. The ability to have eight dogs means we are more able to take two dogs from one family, a common scenario and easier to manage having their 'mate' with them. Since keeping the dogs around the home, which is in the centre of the 5 hectare block, dogs don't hang around fences so much, looking at grazing sheep (which is only an occasional occurrence) or rabbits which are diminishing significantly in numbers due to rabbit eradication by neighbours on all sides. Keeping the dogs in the pen as with the initial RC application was a disaster. Dogs were constantly trying to get out, they were more stressed and barky.

In summary, the three major changes - the secure double gate system, having them sleep in house garage and the extended dog deck around the house, have made such a vast improvement to the manageability of dogs, that I feel very comfortable taking on an extra two, even if only in the weekends when demand is more than double.

On many occasions we have already had to accommodate around 8 dogs, as due to the nature of customers travel plans, there are often flight delays, road closures and other unforeseen circumstances that mean owners can't collect their dog(s) on time. An extension to allow eight dogs means we are not violating the RC conditions. And because this property is also our home and visitor accommodation, we find that any more than eight has the potential to be disruptive to the peaceful ambiance we promote.

For this reason I recommend the change to the RC proceed on a non-notified basis.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

40141
Otago
01 September 2003

Fee

Registration District
Issued

References

	Fee Simple
	4.7790 hectares more or less
Description	Lot 6 Deposited Plan 310200
Registered Owners	Louise Williamson and Dunmore Trustees (2019) Limited
Notes	
<p>subject to Part IV A Conservation Act 1987</p> <p>subject to Section 11 Crown Minerals Act 1991</p> <p>and excepting all minerals within the meaning of the Land Act 1924 on or under the land formerly registered in OT 14B/1054</p> <p>grant hereto is a right of way and a right to convey electricity and telecommunications created by Easement Instrument 5390639.6 - 1.11.2002 at 12:29 pm</p> <p>Easements created by Easement Instrument 5390639.6 are subject to Section 243 (a) Resource Management Act 1991</p> <p>Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.9.2003 at 9:00 am</p> <p>grant hereto are rights of way created by Easement Instrument 5712635.5 - 1.9.2003 at 9:00 am</p> <p>Easement created by Easement Instrument 5712635.5 is subject to Section 243 (a) Resource Management Act 1991</p> <p>grant hereto is a right of way created by Easement Instrument 6009132.3 - 18.5.2004 at 9:00 am</p> <p>subject to a right (in gross) to convey water over part marked E DP 332901 in favour of Scarlett Water Co. Limited created by Easement Instrument 6009132.4 - 18.5.2004 at 9:00 am</p> <p>subject to a right (in gross) to convey telecommunications and computer media over part marked E DP 332901 in favour of Telecom New Zealand Limited created by Easement Instrument 6009132.5 - 18.5.2004 at 9:00 am</p> <p>subject to a right (in gross) to convey electricity over part marked E DP 332901 in favour of Aurora Energy Limited created by Easement Instrument 6009132.6 - 18.5.2004 at 9:00 am</p> <p>Covenant in Transfer 6009132.7 - 18.5.2004 at 9:00 am</p> <p>Encumbrance to Scarlett Water Co. Limited - 18.5.2004 at 9:00 am</p> <p>Mortgage to Westpac New Zealand Limited - 25.10.2019 at 2:27 pm</p>	

**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC190316V1
736 Luggate-Tarras Road (SH 8A)**

INTRODUCTION

The application seeks a change of conditions 1 and 2 of RC 190316 to increase the number of dogs allowed from six to eight and move the dog accommodation to incorporate the northern half of the property in the Rural Resource Area at 736 Luggate-Tarras Road (State Highway 8A).

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities and/or boundary activities (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)) (the permitted baseline, refer to section below).*
- C: *In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: *Trade competition and the effects of trade competition (s95D(d)).*

E: Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this case, boarding kennels, which fall within the district Plan's definition of intensive farming, are permitted activities if they are located beyond 500m from the nearest dwelling not on the property. This forms a limited permitted baseline insofar as isolated animal boarding facilities are permitted under the District Plan.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The consent holder for RC 190316 has proposed to expand their consented boarding kennel's operations from accommodating six dogs to accommodate 8, and to allow for them to be accommodated within a larger fenced area than currently consented, effectively incorporating the northern half of the site. I note that this is the same area proposed under the original application for RC 190316. As part of its decision making Council imposed a condition limiting the boarding kennel to a specified corner of the site. Council's original notification decision was made on the basis of there being up to six dogs on the premises and able to roam over a large portion of the property.

I note that the original application for RC 190316 was assessed on a limited notified basis, and did not require public notification. Council's consideration should be limited to whether the proposed changes introduce any new adverse effects beyond those already considered, or cause the existing consented effects of the proposal to change in nature, character or intensity to a point where they become more than minor.

The primary implications of the proposed changes relative to Council's original notification decision is the increase in the number of dogs able to be accommodated from six to eight. The dogs would be accommodated in the same general area. Effects on broader environmental values would include noise from barking, effects on livestock and traffic generation. These effects can be distinguished from effects associated with dogs being housed permanently on the property as the consent holder is taking care of dogs that they do not necessarily know and who do not necessarily know the other dogs they are being housed with, in an unfamiliar environment. The proposed changes could result in up to 32 vehicle movements per day (One drop-off and pick up of all eight dogs). However, I note that pick-ups and drop offs are likely to be staggered where dogs are accommodated on the site for more than one day. I also note that permitted rural commercial activities may result in higher vehicle movements and the proposal complies with Rule 4.7.6B(b)(i), which relates to commercial activities more generally. I consider the proposed numbers of dogs to not have increased to an extent that anticipated noise levels will likely have more than minor effects on the broader rural environment. Effects on stock will remain limited to stock on nearby properties. Given this, I do not consider the proposed changes to result in any more than minor new effects on the environment and will not cause the existing effects to change in a way where they become more than minor.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall the proposed activity is not likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined ‘special circumstances’ as those “*outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique.*” The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC* [(1997) NZRMA 433 (HC), *Urban Auckland v Auckland Council* [(2015) NZHC 1382, (2015) NZRMA 235].

There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is not required as identified in the assessment above.

EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not exclusively for a controlled land use activity.

Step 3: if not precluded by step 2, certain other affected persons must be notified

Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.

Limited notification is not required under Step 3 as the proposal falls into the ‘any other activity’ category and the effects of the proposal on persons are assessed below.

PERMITTED BASELINE (s95E(2)(a))

Under Section 95E(2)(a) of the RMA, an adverse effect of the activity on persons may be disregarded if the plan permits an activity with that effect. The permitted baseline has been established above.

ASSESSMENT: EFFECTS ON PERSONS

The following parties provided their written approval of the original application:

Wayne & Dawn Bosley
54 River Ridge Road (Lot 7 DP 310200)

Jason Chuval
63 River Ridge Road (Lot 5 DP 310200)

Denis Nydon (D P Nyhon Holdings Ltd)
929 Luggate Tarras Road (Lot 2 DP 321077)

Jane Stevens
67 River Ridge Road (Lot 3 DP 356946)

Tracey Mahy
43A River Ridge Road (Lot 8 DP 310200)

Phillipa & Rod Fee
79 River Ridge Road

CAMC Trust Ltd
C/- Lynette Barclay
42 River Ridge Road

The original application was limited notified to the following parties:

Phillip Everest & Anne Landaus
85 River Ridge Road

Richard & Caroline Bell
738 Luggate Tarras Road
PO Box 17583
Sumner
Christchurch 8840

Both of the above parties submitted in opposition to the application. Condition 2 was imposed in order to address potential adverse effects on these parties based on their submissions and discussion at the hearing of the original application.

The applicant has provided the written approval of the following parties in support of the proposed changes:

Roderick and Phillipa Fee
79 River Ridge Road

Dawn Bosley
54 River Ridge Road

Lyn Barclay
42 River Ridge Road

Rafael Almeida

738A Luggate-Tarras Road

The proposed increase in the number of dogs able to be accommodated on the site may change the nature of the effects of the proposal on those parties with residential activities or land capable of accommodating a residential activity, within 500m. Where the owners and/or occupants of that land have not provided their written approval of the changes, I consider that the proposed changes may have an adverse effect on their sense of rural amenity values. I consider this to be sufficient to warrant these parties be notified of the proposed changes.

The existing dwelling at 63 River Ridge Road is not within 500m of the boarding facility. Given this, consider the permitted baseline to be sufficient that the owners and occupants of this lot would not be adversely affected by the proposed changes.

Step 4: Further limited notification in special circumstances

Special circumstances do not apply that require limited notification.

DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, the following parties are considered affected by the proposed changes:

Phillip Everest & Anne Landaus
85 River Ridge Road

Richard & Caroline Bell
738 Luggate Tarras Road
PO Box 17583
Sumner
Christchurch 8840

Denis Nydon (D P Nyhon Holdings Ltd)
929 Luggate Tarras Road (Lot 2 DP 321077)

Jane Stevens
67 River Ridge Road (Lot 3 DP 356946)

Tracey Mahy
43A River Ridge Road (Lot 8 DP 310200)

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is able to be processed on a limited-notified basis to the parties identified above. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Adam Vincent
Planning Officer

Date: 19 December 2022

Reviewed by:



Oli Monthule-McIntosh
Planning Consultant

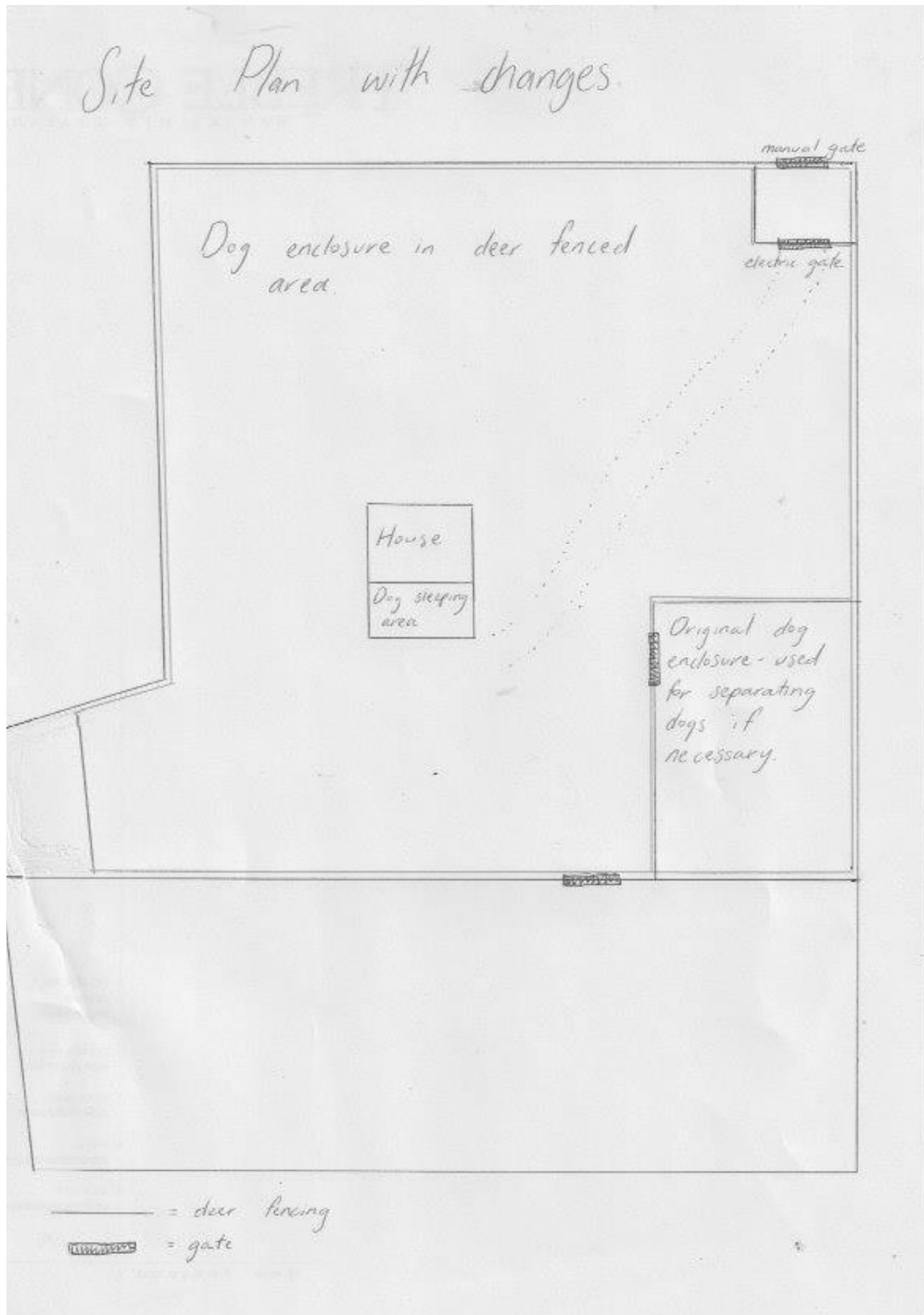
Date: 21 December 2022

Approved under Delegated Authority by:



Lee Webster
Planning and Regulatory Services Manager

Date: 22 December 2022



Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): BIG DOGS Homestay - Nancy & Philly Williamson

Type of resource consent: Land use consent for boarding dogs

Proposed activity: Two changes to existing consent :

- 1) Increase from 6 - 8 dogs, mainly to allow for crossover nights when owners are delayed or late.
- 2) Have dogs sleep secured overnight in house garage instead of the outside pen.

Location of site: 736 LuggateTarras Rd

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Dawn Bosley

Organisation: Neighbour of Big Dogs Homestay

Address: 54 River Ridge Rd, RD3 Cromwell

[Signature] 21/1/22

Signature

Date

Name: _____

Organisation: _____

Address: _____

Signature

Date

Checklist:

☐ Signature of all legal owners

☐ Site and/or subdivision plan with all required signatures

☐ Elevations with all required signatures (if applicable)

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): BIG DOGS Homestay - Nancy & Philly Williamson

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TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Lyn Barclay

Organisation: _____

Address: 42 River Ridge Rd, RD3, Cromwell



Signature

25/11/2022

Date

Name: _____

Organisation: _____

Address: _____

Signature

25/11/2022

Date

Checklist:

☐ Signature of all legal owners

☐ Site and/or subdivision plan with all required signatures

☐ Elevations with all required signatures (if applicable)

Affected Persons

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): BIG DOGS Homestay - Nancy & Philly Williamson

Type of resource consent: Land use consent for boarding dogs

Proposed activity: Two changes to existing consent :

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- 2) Have dogs sleep secured overnight in house garage instead of the outside pen.

Location of site: 736 LuggateTarras Rd

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I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Roderick Fee

Organisation: _____

Address: 79 River Ridge Road Tarras RD3 Cromwell 9383

Signature _____

Date 14/11/22

Name: Philippa Fee

Organisation: _____

Address: 79 River Ridge Road RD3 Cromwell 9383

Signature _____

Date 14/11/22

Checklist:

☒ Signature of all legal owners

☐ Site and/or subdivision plan with all required signatures

☐ Elevations with all required signatures (if applicable)

Affected Persons

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): BIG DOGS Homestay - Nancy & Philly Williamson
Type of resource consent: Land use consent for boarding dogs
Proposed activity: Two changes to existing consent :
1) Increase from 6 - 8 dogs, mainly to allow for crossover nights when owners are delayed
2) Have dogs sleep secured overnight in house garage instead of the outside pen.
Location of site: 736 LuggateTarras Rd

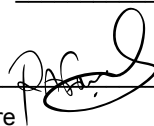
I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Rafael Almeida
Organisation: _____
Address: 738A Luggate tarras Rd, tarras

Signature  Date 20/11/2022

Name: _____
Organisation: _____
Address: _____

Signature Date 20/11/2022

Checklist:

☒ Signature of all legal owners

☐ Site and/or subdivision plan with all required signatures

☐ Elevations with all required signatures (if applicable)

Affected Persons

2841118506
RC190316V1



18 October 2022

P Williamson
736 Luggate-Tarras Road
RD 3
Cromwell 9383

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Dear Sir/Madam

FURTHER INFORMATION REQUIRED FOR RC 190316V1

Location: 736 LUGGATE-TARRAS ROAD (STATE HIGHWAY 8A)
Proposal: INCREASE THE NUMBER OF DOGS ALLOWED FROM SIX TO EIGHT
AND MOVE DOG ACCOMMODATION TO A LOCATION CLOSER TO
THE RESIDENCE ON THE PROPERTY IN A RURAL RESOURCE AREA.

The application has been reviewed and has been found to require further information.

Please forward the following information and material at your earliest convenience:

- A list of the conditions of RC 190316 with all changes to the conditions proposed shown.
- An assessment of the proposed changes against the following objectives and policies of the District Plan
 - Objective 4.3.1 – Needs of the District's People and Communities
 - Objective 4.3.3 – Landscape and Amenity Values
 - Policy 4.4.2 – Landscape and Amenity Values
 - Policy 4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties
 - Policy 4.4.10 – Rural Subdivision and Development
- An assessment of the effects of the proposed changes to the numbers of dogs and the areas they are allowed to be housed on the site on neighbouring landowners and occupants, including those who submitted on, and who provided their written approval for, RC 190316
- The application form indicates that an updated site plan is provided. This does not appear to have been attached to the application. Please provide a copy of the updated site plan

Pursuant to Section 92 of the Resource Management Act 1991, processing of the application will be suspended until the information is received.

Responding to this request:

Within 15 working days from the receipt of this letter you must either:

- Provide the requested information; or

- Provide written confirmation that you cannot provide the requested information within the time frame, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from 19 October 2022

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it,
- The likely date that you will be able to provide it by, and
- Any constraints that you may have on not being able to provide it within the set time frame.

The Council will then set a revised time frame for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council. You may also choose to object to providing the information under s357 of the Resource Management Act 1991.

Restarting the processing of your application

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter), or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to provide by the original date.
- From the date that you have provided written confirmation that you do not agree to providing the requested information, or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation), at which time the application will be publicly notified.

Once the processing of the application restarts:

If you have not provided the requested information then your application will continue to be processed and determined on the basis of the information that you have provided with the application. The Council may decline the application on the basis of insufficient information.

If you have provided all the requested information, then we will consider its adequacy and make a decision on whether your application requires notification or limited notification, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If the application is to be notified, you will be advised within ten working days of our receiving your further information.

Please do not hesitate to contact the writer on (03) 4400056 if you have any questions or concerns regarding the above request or the further processing of the application.

Please do not hesitate to contact me if you have any queries.

3

Yours faithfully



ADAM VINCENT
PLANNING OFFICER - CONSENTS

Adam Vincent

From: Philly Williamson <bigdogshomestay@gmail.com>
Sent: Tuesday, 18 October 2022 11:30 pm
To: Adam Vincent
Subject: Re: RC 190316V1 Further Information Request

Hi Adam,

Thanks for your email. The location site plan was attached to the email I sent October 5th. Please check and advise if I need to send it again.

As I have clearly stated on the application, there are *no adverse effects* of the proposed changes on the districts people, communities, landscape, amenity values or neighbours, including those who submitted on or provided approval. The list of the conditions of the RC190316 you already have in your possession surely?

I believe I have already provided the requested information. Keeping the dogs happier, quieter and closer to the house/humans, along with the new security entrance gate has actually improved the peace and harmony of the whole place. Apart from one deeply disgruntled neighbour Christine Everest who has a personal vengeance against mum for other reasons, all our neighbours have been fantastically supportive of BIG DOGS. The changes are so insignificant and have in fact been in place anyway since April 2020 when you will remember two dogs escaped and mauled 49 sheep. Immediately after that horrific event we stopped keep the dogs in the pen (as in original plan) - it was too risky. We have often had 8 dogs here due to owners being late or delayed - had 8 been an unmanageable number, we wouldn't be applying to increase the number from 6 to 8.

Thanks, I look forward to hearing back asap,

Philly

On 18/10/2022, at 5:10 PM, Adam Vincent <Adam.Vincent@codc.govt.nz> wrote:

<190316V1 Further Information Request.pdf>



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

(Form 13)

Section 95B (limited) Resource Management Act 1991

codc.govt.nz
codc.govt.nz

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consents@codc.govt.nz



DETAILS OF SUBMITTER

Full name: Denis Patrick Nyhon

Contact person (if applicable):

Electronic address for service of submitter: 43D Riveridge Rd, RD3
Cromwell 93

Telephone: 0274 861311

Postal address (or alternative method of service under [section 352](#) of the Act):

as above

This is a submission on the following resource consent application: RC No: **190316V1**

Applicant: **P Williamson** Valuation No: **2841118506**

Location of Site: **736 Luggate-Tarras Road (SH 8A)**

Brief Description of Application: **Change of condition to increase the number of dogs allowed from six to eight and move dog accommodation to a location closer to the residence on the property in a rural resource area.**

Submissions Close 20 March 2023

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)



OFFICIAL REGIONAL IDENTITY PARTNER

www.centralotagonz.com



This submission is: (attach on separate page if necessary)

Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

I oppose the increase, as a neighbour with sheep + beef on my farm, it has been proven over the last few years there has been continually repeated problems of keeping dogs inside the property dogs has escaped ~~repeated~~ repeatedly & it is a huge risk to the safety of my stock having this dog police in the neighborhood

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

There have been many complaints of lost, wandering dogs which I'm sure the Council is aware of.

I ~~support~~/oppose the application OR neither support or oppose (select one)

I ~~wish~~/ do not wish to be heard in support of this submission (select one)

I ~~am~~/am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (select one)

*I/We am/~~am not~~ (select one) directly affected by an effect of the subject matter of the submission that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

*Delete this paragraph if you are not a trade competitor.

*I/We will consider presenting a joint case if others make a similar submission

*Delete this paragraph if not applicable.



OFFICIAL REGIONAL IDENTITY PARTNER

www.centralotagonz.com



I ~~request~~ do not request (select one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See *note 4 below as you may incur costs relating to this request.*"



Signature

(to be signed by submitter or person authorised to sign on behalf of submitter)

28-2-2023

Date

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

(Form 13)

03 440 0056

Section 95B (limited) Resource Management Act 1991

codc.govt.nz
codc.govt.nz

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consent@codd.govt.nz



DETAILS OF SUBMITTER

Full name: RICHARD & CAROLINE BELL

Contact person (if applicable):

Electronic address for service of submitter: RICHARD @ SHURIKEN.CO.NZ

Telephone: 021 527744

Postal address (or alternative method of service under [section 352](#) of the Act):

738 LUGGATE-TARRAS ROAD, RD3,
CROMWELL, 9383

This is a submission on the following resource consent application: RC No: **190316V1**

Applicant: **P Williamson** Valuation No: **2841118506**

Location of Site: **736 Luggate-Tarras Road (SH 8A)**

Brief Description of Application: **Change of condition to increase the number of dogs allowed from six to eight and move dog accommodation to a location closer to the residence on the property in a rural resource area.**

Submissions Close 20 March 2023

The specific parts of the application that my submission relates to are:

(give details, attach on separate page if necessary)

INCREASING THE NUMBER OF DOGS



This submission is: *(attach on separate page if necessary)*

Include:

- *whether you support or oppose the specific parts of the application or wish to have them amended; and*
- *the reasons for your views.*

PLEASE SEE ATTACHED LETTER

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

THAT THE SECTION OF THIS APPLICATION
INCREASING THE NUMBER OF ROGS IS
COMPLETELY REJECTED.

I ~~support~~/oppose the application ~~OR neither support or oppose (select one)~~

I wish ~~not to be heard~~ to be heard in support of this submission (select one)

I ~~am~~ am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (select one)

*I/We am/am not (select one) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

*Delete this paragraph if you are not a trade competitor.

*I/We will consider presenting a joint case if others make a similar submission

*Delete this paragraph if not applicable



I request/do not request (select one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 below as you may incur costs relating to this request."

Richard Bell

14/3/23

Signature

Date

(to be signed by submitter or person authorised to sign on behalf of submitter)

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

738 Luggate-Tarras Road
Wanaka
New Zealand

T +64-21-527 744

richard@shuriken.co.nz

The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

Tuesday, 14 March 2023

Via e-mail and post

Dear Sir/Madam

PROPOSED CHANGES TO RESOURCE CONSENT – RC No 190316V1

We would like to register 100% opposition to increasing the number of dogs under the above change to the Resource Consent. We have no issue with the dogs being kept in a garage, if the current numbers (which are patently being ignored by the applicant's own admission) are kept at the original level under the original Resource Consent.

This is absolutely "growth by stealth" by the Applicant and completely disregards the desires of the local community in the area. It also takes absolutely no account of the extensive damage the Applicant did, through their own negligence, to a local farmer's livelihood. With his approval, I attach the Impact Statement of the farmer, Sam Kane, who lost over 43 sheep as a direct result of the negligence of the Applicant.

The most difficult part of this for us is that we personally warned the council about what was likely to happen when the original Resource Consent was heard. Our words were unheeded and within a few weeks a huge number of sheep were dead because of EXACTLY what we had warned the council about - a total lack of care, thought for others and proper management of a business.

As we pointed out at the original hearing we have witnessed what happens at first hand when our daughter was attacked in Canada by two "guests"/dogs who had wound each other up and went on a frenzy biting many people. The Applicant likes to pretend that they "know" all the dogs that they have, when this is patently not the case, it is a business and they take whoever will pay.



The Applicant claims there is no barking but generally we cannot be at our own front gate for longer than a few seconds before a pack of dogs comes barking and bounding towards us in their compound before racing around, barking and often chasing our car.

The two businesses the Applicant runs, an Air BnB and the Kennels, are directly incompatible. We have had many of the Applicants Air BnB users wander directly up to our house as she cannot explain to them what is private land and what not and yet the same guests are expected to operate a complex gate system that had to be installed after the first system's total failure.

Increasing the number of dogs (which the Applicant admits is needed because she is breaking her original Resource Consent) will only increase the risk to the rest of us, the noise pollution for the rest of us and absolutely reduce the "peaceful ambience" for the rest of us. All because the Applicant cannot run her business properly.

The original Resource Consent should never have been allowed to happen, I think the words we were told by Council when we opposed the original application was "there's nothing we can do to stop this". Well, NOW Council can do something about this and represent the whole community affected by this business - at the very least decline this terrible attempt at growth by stealth.

Your sincerely



Richard and Caroline Bell



CENTRAL OTAGO
DISTRICT COUNCIL

Dog Control – Witness Interview Form

SR # 2001495

RIGHTS/CAUTION - ADULTS

- I am speaking to you about (give reason)
- You have the right to remain silent.
- You do not have to make any statement.
- Anything you say will be recorded and may be given in evidence in Court.
- You have the right to speak with a lawyer without delay and in private before deciding whether to answer any questions.
- Police have a list of lawyers you may speak to for free.

A caution has been given as above

☐

Tick

General

Interviewing officer: Lee Webster

Location: 359 Luggate-Tarras

Date: 05/03/2020

Start time of interview: _____

Full Name of Witness: Sam Kane

Address: 359 Luggate-Tarras

Phone number: 0272804416

Email: samuelkane@gmail.com

The Attack

The first attack was in our Back Block (Attachment 1). We discovered this at about 5pm on the 4th (i.e. after we discovered the second attack). This attack will have taken place between about the 30th February and 3rd March (it is really difficult to be more specific than that given the rate of decomposition at this time of the year).

The second attack was on the 4th March, in Broad Gully Paddock. My father's description is as follows;

"On approaching the paddock I noticed the sheep to be shifted were all in one tight mob at the bottom end of the paddock which is unusual. While opening the gate I noticed a dead sheep approx. 75 m away with two quite large dogs leaving the carcass and moving back towards the mob. One appeared a Boxer type and one a Retriever type but I was not close enough or familiar enough with those dog types to positively identify them as such. The Boxer type moved back into the mob of sheep while the Retriever type disappeared into a small scrubby gully. It was obvious from the dead carcass, the way the dogs were behaving, and the way the sheep were behaving that the dogs had been worrying the sheep. I waited 10 minutes for my son and then drove slowly alongside the mob as it moved off and saw the Boxer type leave the mob of sheep and slink along the fence to the top of the paddock where it crawled through the fence and hid in a patch of scrub."

The Owners of the dogs were notified about the sighting of the two dogs and came to the farm. The owners camped on our farm overnight (4 March 2020) and in the early hours of the 5 March 2020 about 5 – 6am, the dogs were heard barking. The owners called the dogs in one came straight away the other need some encouragement but was finally captured.

Stock

At this stage it appears that 43 sheep have been killed by the dogs. This includes 9 sheep that were euthanized because their wounds would have killed them regardless of treatment (we've been consulting with our vet along the way).

We are also currently treating dog attack injuries of three additional sheep, which have been mauled. At this stage it is likely one of these three will not survive.

And in addition, 10 ewes remain missing. They were last sighted in broad gully block the day before the dogs were retrieved. We haven't seen them since, but have not had time to look thoroughly. Hopefully we'll find them unharmed.

The attack injuries reflect dog bites under the front legs and on the face of the sheep, with numerous bite marks, trauma, blood loss, cuts from the dogs teeth, swelling around the legs bitten and infections, in addition to maggots rapidly growing in the injuries.

(Attachment 2 shows the injuries of the sheep)

As a result of this attack, this has a significant affect on the remaining sheep that were in the paddocks. The 'worrying' caused the sheep to flock together for protection, but caused stress to the animals, which in turn causes a loss of condition too.

The stress also affects the fertility rate, therefore producing less lambs and can cause 'wool break' causing a weakness in the merino wool, so when stretched out it breaks instead of being able to be pulled therefore significantly reducing its value.

Financial

The financial costs associated with the dead and injured sheep, with the people time this has cost ourselves and staff, and most importantly the long lasting reduced production from the ewes that were part of the attack but not mauled, are massive and no amount of compensation will come close to the actual cost to our business.

The emotional stress and anxiety are even greater, worrying about stock we couldn't protect, panicking as we had no idea how we were going to catch these dogs and many sleepless nights since this began. We cannot begin to use words to properly express how we feel.

Further information

We are outraged at the owner of the kennel. For years (literally) we have returned dogs (to her initially and later to the pound) and said this has to stop. We feel totally let down by our councils that could have prevented this by shutting her down long ago as she did not have resource consent to run a dog kennel. This has been known by CODC for around 2 years.

Looking forward, we see no end to the anxiety in our farm and our home caused by wondering when the next attack will be, unless this operator is shut down completely and not allowed to have dogs on her property, including her own which is one that is most frequently loose. How she could possibly get resource consent without anyone consulting us as an

affected party (having turned in to the pound stray dogs and clearly stating the nature of the problem and asking for council intervention to stop her), hugely disappoints us.

To be very clear, what we want to see happen is for this dog kennel operation (albeit legal or illegal) to be entirely shut down immediately.

With respect to the future of the two dogs that attacked our sheep, although it extremely sad, we see no other option than the relevant authorities having them put down. This comes after serious consideration and reflection, and is in no-way a knee jerk reaction. Our concerns in this regard are two-fold.

1. These are big, powerful, young dogs that have had over four weeks to discover how to, and practice, catching and killing livestock. They will never ever forget this. However, as long as they remain alive, sooner or later people will forget this, and they will inevitably be presented with some sort of chance to escape and attack. They will not fail to do so. No amount of regulation around muzzling/ caging/ containing etc will prevent this from happening—people will get lax or forget or make genuine mistakes and the dogs will be off. If they are not put down, then more livestock will die a horrific death due to these dogs remaining alive. Further, no amount of 'training' will reduce this risk. It may in fact be counterproductive if the owners actually believe that the 're-training' of the dogs has 'fixed' them and they wont worry livestock again (i.e., they may think there is no need to take extra care to prevent escape and attack)
2. As tragic as the circumstances are, a precedent must be set that if any dogs, for any reason, come onto anyone else's property and cause as much death and injury and suffering as these dogs did, then they must be put down. There can be no excuses. If these dogs are not put down, then no-one will be truly held accountable, and it will only be a matter of time before more dogs escape and do the same thing.

A vet report (yet to be finalized) will be attached and included as a part of this statement. The report may or may not describe, in layman's terms, the magnitude of the trauma and suffering caused to our sheep. If it doesn't, we want to reserve the chance to do so. We farm because we love animals, -- our sheep are extremely dear to us, and to have other people animals come onto our property and do this to the animals that we cherish, is beyond gutting.

We are concerned that the people assessing this won't consider that the life and suffering of a sheep has the same value as that of a dog. We work hard to ensure sheep on our farm lead happy, healthy lives. They are smart and brave animals that would have stood up to these dogs and tried to defend themselves - that's why all of the dead have wounds all over their faces. These ewes that died or had to be euthanised suffered unimaginable pain and terror during and after the attack. We have attached a movie of a 2-tooth ewe (1 and half years old - still a baby) we found her Saturday after the attack. She survived somehow for 4 days with horrific wounds. We had the vet out to treat her as we felt she had tried so hard to survive we owed it to her to try and save her. Sam had to put her down on Sunday evening as she was suffering so badly and struggling to breath. When he autopsied her he found massive cavities from just below her eyes going through the roof of her mouth - these were full of maggots. The reason she couldn't lift her head was the muscle, ligaments and tendons in her neck had been severed by a dog bite. We want everyone that will be involved in making a decision on the outcome of the dog kennel and the fate of the 2 dogs who did this to our sheep to watch this movie (<https://photos.app.goo.gl/qC21sbyz6b2PEiCC8>) and see how our sheep have suffered and their pain and fear - these aren't just sheep that

would have gone to the works anyway, they are animals who deserve to be treated humanely. Below are some photos we've included to try and show our attachment to our sheep.





We have grave concerns not for ourselves but other livestock owners that they will be released and this will happen again. Our fears stem from the owners apparent denial that their dogs have changed since being dropped off at the kennel, we are sorry for how this came about but they need to face up to the fact their dogs are sheep killers now. Even more concerning they have told us they are getting trainers in to train this out of their dogs. There is no way this is something that can be trained out of a dog - they have killed 43 sheep, possibly more and they won't forget that. These dogs didn't kill these sheep because they were hungry, they did it because they are hunters and they enjoyed it. With the owners thinking they have 'fixed' their dogs they won't be vigilant for the rest of the dogs lives, they won't consider their dogs a risk. Christine lives in a rural area and walks her dog past sheep every day - will she let her neighbours know of the risk her dog poses to sheep? Their denial of the risk their dogs pose and thinking they can train this out of them are a massive concern to us and should be considered by anyone assessing the outcome for these dogs. In addition Nancy Williamson has had many dogs escape from her kennel on to our farm, yet these are the first ones to kill our sheep, so I believe both the dogs and the kennel played a part in our sheep being attacked.



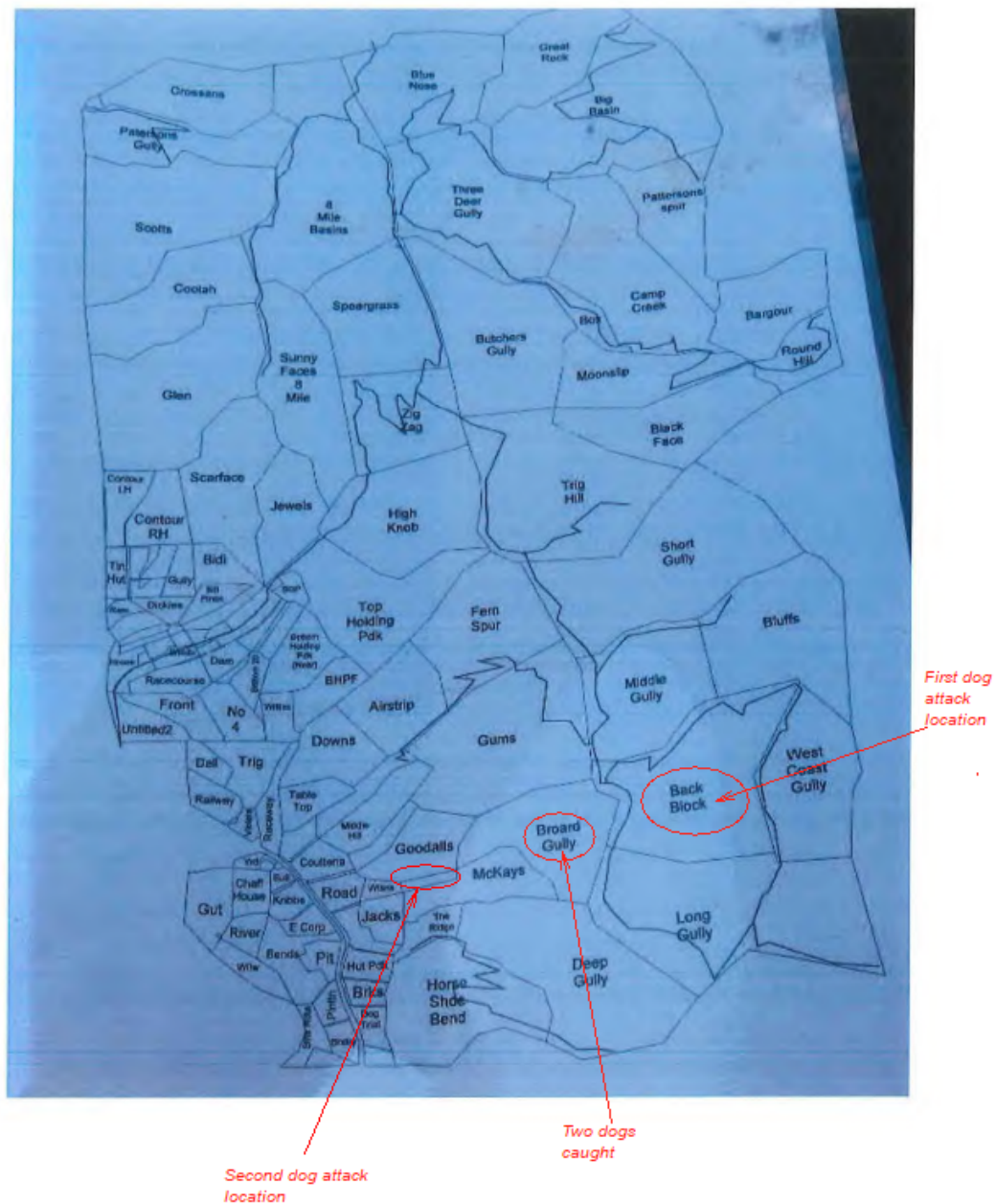
I have read the above statement and agree it is true and correct

Print Full Name:

Signed:

Date: 13/03/2020

Attachment 1- Map of attack locations



























THE PANEL IN CLOSED MEETING**RESOLUTION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
RC190361V1 – P Williamson	To enable the Panel to deliberate in private on its decision or recommendation in any proceedings where the right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE: Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) –

“(a) Shall be available to any member of the public who is present. and Shall form part of the minutes of the local authority.”

RECOMMENDED that Ann Rodgers (Panel Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

23.6.4 RC220402 - WOONG TREE PARTNERSHIP LIMITED

Doc ID: 625716

1. Attachments

Appendix 1 - s42a [↓](#)

Appendix 2 - Application [↓](#)

Appendix 3 - s95 [↓](#)

Appendix 4 - Further Information Request [↓](#)

Appendix 5 - Further Information Received [↓](#)

Appendix 6 - Parking Peer Review [↓](#)

Appendix 7 - Applicant Confirmation of Proposed Signage [↓](#)

Appendix 8 - Resolution to Exclude the Public [↓](#)

CENTRAL OTAGO DISTRICT COUNCIL
CENTRAL OTAGO DISTRICT PLAN
REPORT OF PLANNING STAFF

APPLICATION	RC 220402
APPLICANT	WOOING TREE PROPERTY DEVELOPMENT LIMITED PARTNERSHIP
ADDRESS	64 SHORTCUT ROAD, CROMWELL
LEGAL DESCRIPTION	LOT 1 DP 574974 (HELD IN RECORD OF TITLE 1069905).
ACTIVITY STATUS	NON-COMPLYING

BACKGROUND

RC 200366 is CODC's record of an application considered by the Environmental Protection Authority (EPA) under the Covid-19 Recovery (Fast Track Consenting) Act 2021. The end result of this process was the granting of subdivision and land use consent for 276 residential lots, two commercial lots, one visitor accommodation lot and various lots for open space and roads. Land use consent was granted to breach bulk and location standards for many of the lots and for commercial activity, including a new Wooing Tree cellar door, childcare centre and travellers' accommodation. Consent was granted 29 September 2021, subject to 136 conditions. A minor amendment was made to the consent 26 October 2021. It is understood that the consent holder is in the process of giving effect to the initial stages of the development, shown as Stage 2 on the consented subdivision plans attached to the EPA decision.

For completeness, I note that an amended and expanded subdivision plan for the residential parts of the development has been accepted by the Ministry for the Environment for consideration under the Covid-19 Recovery (Fast Track Consenting) Act 2021. I understand that the consent holder has not lodged this application at the current time, and that it is not proposed to impact on the shape of Lot 601, or on the layout of the surrounding roading network.

The consent has been the subject of seven applications for variations. RC 200366V1 provided for alterations to the subdivision pattern. RC 200366V3 was for a site-specific change providing for a breach of recession plane conditions on one of the lots in the Business Resource Area (2). RC 200366V4 provided for changes to the design of the Cellar Door building on Lot 601. RC 200366V5, V6 and V8 are further site-specific variations, with V8 still being considered by Council. RC 200366V7 provides for ducting to some rear residential allotments in lieu of an operational electricity connection to the buildable area of the lot. An eighth variation, RC 200366V2 was withdrawn by the applicant before a decision was made. The application currently being considered is a further development of this withdrawn proposal.

The site obtained its current zoning layout through Plan Change 12; a private plan change that became operative in February 2019. This plan change replaced a previous Residential Resource Area (6) with a mixture of Residential Resource Area, Residential Resource Area (3), Residential Resource Area (11), Business Resource Area (2) and Rural Resource Area, with the stated intention being to facilitate the development of a master planned, comprehensive development with a mixture of residential and small scale commercial and traveller's accommodation activities. To reflect this, the District Plan includes rules related to the bulk and location of residential and commercial buildings, limitations on the floor area of different types of commercial activity, and limitations on the number of allotments in each Residential Resource Area.

The plan change documentation anticipated that the rural zoned parts of the Wooing Tree Overlay would be retained as an open space buffer kept in a park-like state. RC 200366 provided for a reduction of the depth of that open space buffer and changed the assumption that the rural zoned parts beyond the new buffer would be retained as open space. Instead, it is anticipated that the site will be built up and serve as a local retail and commercial area within a predominantly residential neighbourhood.

A separate notification assessment under Sections 95A to 95F of the Resource Management Act 1991 has been undertaken for this application. It was determined that the application could be assessed on a non-notified basis.

DESCRIPTION OF ACTIVITY

The applicant proposes to construct a new 650m² retail/commercial building on Lot 602, superseding a 500m² building consented for the lot under RC 200366. The proposed building would

The applicant as proposed to limit the size of any individual tenancy in the building to 350m², with a requirement that at least three tenancies be provided.

Services are proposed to be provided to the boundary of the site as part of the wider development. Access to the site is proposed to be from Blondie Drive, along the site's northern boundary. 28 on-site vehicle parks, bike parking facilities and a dedicated loading area are proposed.

As a consequence of the proposal, the application also proposes to vary Conditions 81 and 119-124 of RC 200366 as they relate to maximum floor area and tenancy size to reflect the parameters applied for under this consent. The proposed changes are in red as follows (Changes in blue are from previous changes to the conditions):

81. The maximum gross floor area of any building on Lot 601 shall be 500m² and the maximum gross floor area of any building on Lot 602 shall be ~~500m²~~ 650m². A consent notice identifying this maximum gross floor area cap shall be registered against the title of lots 601 and 602 respectively. The wording of the consent notice shall be provided to the CODC as part of the section 224(c) application.

~~119. The Cellar Door and Café / Shop on lots 601-602 shall be generally developed in accordance with the plans by FDA forming part of this application, namely 1347 A-102 Rev M, 1354 PSK sheets 001, 012 and 014, 1354A-902, 1347 A104 rev C, and 1347 PSK 097 Rev B dated September 2021.~~

119A The Cellar Door on Lot 601 shall be generally developed in accordance with the plans by FDA forming part of this application, namely 1347 A-102 Rev M, 1354 PSK sheets 001, 012 and 014, , 1347 A104 Rev C, and 1347 PSK 097 Rev B dated September 2021.

120. The detailed design of the buildings shall be generally in accordance with the location and building envelope shown on the FDA plans (FDA plans 1347 A-102 Rev M, 1354 PSK sheets 101 and 401 001, 012 and 014, 1354A-902, 1347 A104 rev C, and 1347 PSK 097 Rev B), and be in a form of development which meets the design guidelines of the Wooing Tree Estate as outlined in the report of Baxter Design and as approved by the Planning Manager CODC except that the roof form as shown on the plans is approved as an acceptable design.

121. The palette of materials shall be drawn from the schedule set out in the plans by FDA or such other similar material as approved by the Planning Manager CODC.

~~122. The landscape plan for Lot 602 shall be generally in accordance with that identified in the plans by FDA, Plan No. 1347 A-104 C, dated September 2021. A detailed landscape plan shall be submitted to the Planning Manager CODC for approval prior to any landscape works.~~

122A The front yard landscaping to State Highway 8B on Lot 601 shown on the plan by FDA forming part of this application, namely plan 1354 A-101 Rev DD shall be landscaped and maintained. No buildings shall be erected within the landscape yard other than any sign approved as part of this consent. The landscape plan shall be submitted to the Council for approval prior to implementation of planting. The landscaping shall be implemented in the planting season concurrent with or immediately following the completion of the building.

123. Landscaping shall proceed in the planting season immediately following completion of construction works for either the Cellar Door or Café / Shop.

124. The maximum gross floor area of any building on Lot 601 shall be 500m² and the maximum gross floor area of any building on Lot 602 shall be ~~500m²~~ 650m². ~~Any "other retail" or "shop" as defined in the Central Otago District Plan on Lot 602 shall be limited to a maximum of 100m².~~ A consent notice identifying these maximum gross floor area caps shall be registered against the title of lots 601 and 602 respectively. The wording of the consent notice shall be provided to the CODC as part of the section 224(c) application

SITE DESCRIPTION

The subject site is well described in the application and the supporting documents and is considered to accurately identify the key features of the site. The applicant's site description is adopted for the purposes of this report.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Rural Resource Area of the Central Otago District Plan (the District Plan). The site is within the Wooing Tree Overlay and is within a building line restriction notation related to State highway 8B.

Buildings in the parts of the Wooing Tree overlay area in the Rural Resource Area are a non-complying activity under Rule 4.7.5(viii) of the District Plan.

Buildings within an area subject to a building line restriction breach Rule 12.7.7(i), and are restricted discretionary activities under Rule 12.7.7(ii) of the District Plan.

Proposed Plan Change 19

The site is within the area affected by Plan Change 19. Plan Change 19 proposes to change the wider Wooing Tree development from the current mixture of resource areas to a Medium Density Residential Zone (MDRA). Submissions have been sought in relation to the plan change and Council is currently in the process of preparing its responses to the submissions. I understand that few, if any, of the submissions related directly to the Wooing Tree development. As the plan change is still subject to change through the hearings process, only very limited regard can be had to the objectives and policies proposed for this zone. The proposed rules of the zone currently have no legal effect.

Change of Conditions

Section 127 of the Resource Management Act 1991 states:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent subject to the following:*
 - (a) *The holder of a subdivision consent must apply under this Section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under Section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed.*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if –*
 - (a) *The application were an application for a resource consent for a discretionary activity; and*
 - (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who-*
 - (a) *Made a submission on the original consent application; and*
 - (b) *May be affected by the change or cancellation.*

In accordance with the provisions of section 127(3)(a) of the Resource Management Act 1991, an application to vary resource consent 200366 is a discretionary activity.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCO) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

Consideration of the NESCO was had in relation to the site under RC 200366. Conditions of RC 200366 require known sources of soil contamination from the historic viticultural use of the site be remediated. Given this, I consider that the requirements of the NESCO will have been adequately addressed at the time the proposed commercial facility will be constructed if Council grants consent, and the NESCO will no longer be relevant.

There are no other National Environmental Standards relevant to this application.

Overall Status

Under the particular circumstances of this case I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a non-complying activity pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

WRITTEN APPROVALS

Affected Persons

No written approvals have been provided in support of the application. No effects on any party will be disregarded under Section 104(3)(a)(ii) of the RMA.

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

There are no permitted buildings in the parts of the Rural Resource Area within the Wooing Tree Overlay. There is no permitted baseline that can be applied.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises comprehensively planned and designed residential development facilitated under RC 200366. The specific lot is earmarked for a retail and commercial area with limitations on floor area, building design and the size of individual tenancies.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a comprehensively planned and designed residential development facilitated under RC 200366

It is against these that the effects of the activity must be measured.

ASSESSMENT OF EFFECTS

Consideration is required of the relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

Residential Amenity

The proposed retail/commercial development will operate on the periphery of an area with a predominantly residential character, but in an area identified through RC 200366 as being appropriate for this type of development. This proposal will keep the same general activities on the site as previously consented under RC 200366, but with provision for an additional 150m² of gross floor area and larger tenancies. Effects such as loss of sense of residential character are anticipated to be similar to that consented under RC 200366. The site may generate more traffic and noise than currently consented. However, given the expectation created by RC 200366, I consider that this will have a minor effect on residential character, at most. In this context I consider that the proposal to result in no more than minor effects on residential amenity values.

Visual, Landscape and Urban Design Effects

RC 200366 changed the anticipated character of the site from being retained as an open space buffer to being developed for retail/commercial activities. The proposed building is generally consistent with the urban design guidelines provided by Baxter Design Ltd in the context of RC

200366. Mr Baxter has reviewed the proposal and considers that it meets the intended urban design outcomes from the guidelines. Landscaping is provided between the site and State Highway 8B required as part of RC 200366. The building is a single storey and does not introduce significant bulk of built form to the streetscape. I consider the proposed building to have visual and landscape effects that are no more than minor, and to be sited and located in a manner that is sympathetic to intended urban design outcomes for the development.

The applicant proposes two primary signs per tenancy in addition to signage on the wider site consented under RC 200366. The applicant intends one sign to face State Highway 8B and the other facing internal to the site. Additional small scale signage would also likely be provided in shop windows. In order to ensure this signage remains small in scale and has minimal effects on the character of the building, I recommend that this signage be limited to 0.5m². I accept that this is an arbitrary value, however, I consider that this size will allow the signage to fulfil purposes such as displaying opening hours and other business information with minimal adverse effects. The applicant may wish Council consider a different size. Other signage, such as traffic movement signage is permitted on the site under Rule 12.7.5(i)(c), and (d). Elevations provided in support of the application show 16 locations for signs across the building. Based on the written content of the application, I assume these are only possible options for signage, and not every spot would be used in practice. Two signs per tenancy is consistent with levels of signage consented for the site by the EPA. No details of signage have been provided and I understand signage will vary based on tenant needs and desires for advertising their business. In this context and, noting that the EPA consent considers more intensive levels of signage to be appropriate I consider that the proposed provision of signage will have minor effects on the character of the area, at most. Signage that is illuminated, moving or uses reflective materials may result in more significant effects, both in terms of the visual character of the area and on the safe operation of nearby roads through potentially distracting road users. I recommend a condition be imposed precluding the use of these features.

Economic Effects

The proposal will have economic benefits in terms of increasing retail and commercial floor space in the Cromwell township, but may have economic consequences through diverting economic activity away from existing commercial centres and impacting on convenience. The applicant has provided an economic assessment from Natalie Hampson of Market Economics. Ms Hampson concludes that increasing the footprint and tenancy size on the site will allow for greater flexibility in the types of business that can be attracted to the site. She also concludes that reducing the likely number of tenancies may impact on reduced functional amenity and vibrancy for Wooing Tree's retail offerings. However, she considers that this effect is likely to be minimal relative to the existing consented scale of the centre. She also concludes that the proposal will have a minimal effect on the vibrancy of the Cromwell business area across State Highway 8B.

The EPA concluded that a 500m² building with 100m² tenancies would result in minimal adverse economic effects. Ms Hampson concludes that the additional floor area and provision for larger tenancies will not significantly change the scale or nature of these effects. I consider that the proposal includes a level of uncertainty in relation to the scale and nature of its economic effects due to the lack of information about likely tenants for the development, and the fact that the activities that tenants undertake will naturally change over time as different businesses start and end leases. Given the additional flexibility in tenancy size proposed, I consider that this uncertainty will be greater than the currently consented development. Ms Hampson identified this uncertainty, but it does not result in her considering the effects of the proposal to be significant. Relying in Ms Hampson's expert opinion, I consider that the adverse economic effects of the proposal will be minor, at most. I also accept that provision of retail and commercial floor space can have a positive effect in stimulating economic growth in an area reasonably convenient to future residents of the Wooing Tree estate and surrounding residential areas.

Traffic Effects

The traffic implications of the proposal have been assessed by Andrew Carr of Carriageway Consulting. My Carr's assessment in relation to the provision of on-site vehicle parking has been peer reviewed by Logan Copeland of Abley Ltd. Mr Carr ultimately concludes that the proposal will have minor effects on traffic generation beyond the site, at most, provided appropriate conditions of consent related to the provision and allocation of on-site parking. I concur with this assessment.

On-site parking is proposed to be provided for 28 vehicles and six bikes. This provision of parking is considered to be adequate by both Mr Carr in his evidence in support of the application and Mr Copeland in his peer review of that evidence. I concur with this assessment.

Overall, I consider that the proposal will result in no more than minor effects on the operation of the local roading network.

Servicing

The proposed facility will have access to service connections from within the Wooing Tree Development, including water, wastewater, electricity and telecommunications services. I note that the service provisions required as part of RC 200366 were considered to be adequate to service a similar style of development on the lot. This is supported by correspondence from Patterson Pitts Group, who confirm that the proposed water and wastewater networks will have sufficient capacity to accommodate the proposed development. Stormwater will need to be managed on-site, for example by soakpit or through beneficial re-use, such as for irrigation. I consider this to be appropriate.

Given the level of traffic generation anticipated, a heavy duty vehicle crossing will be required to access the site in accordance with Part 29 of Council's Roding Policies 2015. The proposed location if the vehicle crossing is understood to be located where it will have sufficient sightlines to comply with this policy. If Council approves this consent, I recommend a condition be imposed requiring a heavy duty vehicle crossing.

Overall, I consider that the proposal can be adequately serviced with less than minor effects on the provision of those services.

Temporary Effects

Temporary effects related to construction are proposed to be managed by construction management plans and compliance with other relevant conditions of RC 200366 carried over as appropriate. Works are anticipated to comply with NZS6803P. I consider the proposal to result in no more than minor temporary effects.

Development Contributions

The proposal will likely trigger additional development contributions beyond that which will be levied on the allotment under RC 200366 to help offset additional demand on Council water, wastewater and roading assets. However, given the uncertainty in likely tenancy types and occupancy rates, I consider it appropriate to deter the calculation of these contributions to the time building consent for the building is lodged in order to ensure contributions are being levied commensurate with the actual level of demand generated.

SUBSTANTIVE DECISION ASSESSMENT

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and PoliciesOperative District Plan

The following operative objectives and policies are relevant to the application:

Objectives:

4.3.1 – Needs of the District's People and Communities

4.3.3 – Landscape and Amenity Values

Policies:

4.4.2 – Landscape and Amenity Values

4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties

4.4.10 – Rural Subdivision and Development

For the reasons given in my assessment of effects, I consider that the proposal maintains the anticipated levels of amenity set by RC 200366. I consider the proposal to be consistent with Objectives 4.3.3 and Policies 4.4.2, 4.4.8 and 4.4.10.

Objective 4.3.1 is a catchall objective intended to provide for a range of activities in the district's rural areas that support the wellbeing of people and communities, provided that those activities maintain or enhance the rural characteristics of the area. I note that the particular rural character of the site is highly modified by RC 200366. For the reasons provided throughout this report, I consider that the proposal will maintain the modified character of the area. It will achieve this while providing local shopping opportunities for Wooing Tree residents. I consider the proposal to be consistent with Objective 4.3.1.

Plan Change 19

The following proposed objectives and policies from Plan Change 19 are relevant to the application:

Objectives:

MRZ-O2 – Character and Amenity Values of the Medium Density Residential Zone

Policies:

MRZ-P1 – Built Form

MRZ-P6 – Other Non-Residential Activities

Policy 1 is intended to ensure built form actively and safely addresses road frontages, provides safe and appropriate access, reflects a moderate scale of development and incorporates Crime Prevention Through Environmental Design (CPTED) principles. In this case, the proposal reflects a moderate scope of non-residential development. In terms of the application of CPTED principles, the proposal provides clear, overlooked, lines of movement while minimising potential public facing entrapment areas with clear sightlines and opportunities for surveillance of public facing spaces from the building. The activity provides for activity and potential for eyes on the street during the day, when the occupants of residential sites are less likely to be present. Overall, I consider that the proposal to adequately incorporate CPTED principles. The building extends into the site, meaning it only addresses the site's Blondie Drive frontage at one end, limiting the extent to which the building can directly interact with the street. However, there will be a level of interaction possible between the street and this part of the building. The exact extent will depend on the nature of the activities occurring within the building. However, I consider this to be sufficient potential for interaction to satisfy Policy 1.

Policy 6 is intended to provide for non-residential activities not provided for in other policies where they have effects that do not compromise the anticipated amenity of the surrounding area, are of a scale that is compatible with that anticipated amenity, meets the needs of the local community and does not undermine the viability of business areas, maintains a predominance of residential activities and has appropriately designed provision for on-site vehicle parking and manouvering. I note that there is a degree of uncertainty about the types of activities that would be accommodated within the development. Therefore, I am not able to say with certainty that the proposal would comply with this policy. However, noting Ms Hampson's evidence regarding likely catchment areas and effects on the Cromwell Town Centre, the fact that the proposal is in an area previously identified for commercial purposes, and the retention of relatively small tenancy sizes, I consider it more likely than not that the proposal will be consistent with this policy.

Objective 2 feeds into Policies 1 and 6 and seeks to ensure the Medium Density Residential Zone positively responds to its context, supports interconnectedness and good urban design outcomes, and maintains the overall residential amenity of the area. I consider that the proposal will retain the anticipated character of the area introduced by RC 200366 and will not result in significantly different levels of interconnectedness or urban design outcomes. I consider the proposal to be consistent with this objective.

Overall, I consider it more likely than not that the proposal would be consistent with the objectives and policies of Plan Change 19, particularly Policy 6. However, given the low weight currently able to be given to Plan Change 19's objectives and policies, I do not consider that this can be determinative.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of both the District Plan. Therefore, the Council can exercise its discretion under section 104B to grant consent.

Partially Operative and Proposed Regional Policy Statements

The Partially Operative Otago Regional Policy Statement 2019 (PORPS2019) was declared partially operative on 15 March 2021. The Proposed Otago Regional Policy Statement 2021 (Proposed RPS 21) was notified on 26 June 2021. After taking into consideration the Partially Operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan in the context of RC 200366 is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

Other Matters

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Proposed Conditions

The applicant has proposed several conditions to form part of this consent, if approved. These are listed on Page 57 of the Assessment of Effects lodged in support of the application and, for the sake of brevity I will not repeat them in full here. The proposed conditions relate to the

maximum gross floor area of buildings, the design of buildings on Lot 602, the size and number of tenancies, landscaping and the provision of on-site bicycle parking.

Several of the proposed conditions relate to Lot 601. This application relates to Lot 602 only, with changes proposed to RC 200366 as a result of this application meaning those conditions will relate to Lot 601 only. I do not consider it appropriate to impose any conditions related to Lot 601 on this consent.

Proposed conditions related to signage would require signage either comply with the District Plan or be in accordance with the application. The proposal would exceed levels of signage permitted by Rule 4.7.6H of the District Plan currently. Therefore, there is no scope for additional signage that complies with the rural section of the District Plan. The only permitted signs would be those permitted under Rule 12.7.5, such as for real estate signs, traffic control, electoral signage or temporary community event signage. These signs would be permitted regardless of any condition stating this and are not directly related to commercial activities on the site. Therefore, I do not consider reference to any signage complying with the District Plan to be necessary.

The remainder of the proposed conditions relate to the application site and seek to limit the activity to that applied for. I note that several of the conditions refer to a Condition 1, the exact wording of which has not been provided. I consider the general content of these conditions to be appropriate and useful for Council to impose if content is granted. However, I consider it appropriate to make changes to the wording as needed to ensure they make sense for this consent.

Proposed Section 127 Amendments

RC 200366 consents a specific building on Lot 602, with a 100m² maximum tenancy size, alongside several other buildings and breaches of land use standards as part of a wider development. This application effectively proposes to supersede this part of RC 200366 with a larger building and different tenancy requirements, while keeping the other components of that consent unchanged. Given my previous conclusions regarding the proposed larger building, I consider it appropriate that RC 200366 be amended to remove references to the building and tenancy requirements on Lot 602 from RC 200366, in favour of their inclusion in this consent.

Part 2

Based on the findings above, I consider that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of District's natural and physical resources.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104B of the Resource Management Act 1991, subject to the conditions imposed under section 108 of the Act listed below in Attachment One.
2. The Council amend Conditions 89, 119, 120, 121, 122, 123 and 124 of RC 200366 in accordance with Section 127 of the Resource Management Act as listed below in Attachment Two.



Adam Vincent

PLANNING OFFICER - CONSENTS

Date: 5 April 2023

Attachment One: Proposed Conditions of RC 200402

1. The retail and commercial building must be sited and constructed in general accordance with the information provided in support of the application and the plans attached as Appendix One, as amended by the following conditions.
2. The consent holder, and all persons exercising this consent, must ensure that all personnel undertaking activities authorised by this consent are made aware of, and have access to, the contents of this consent decision and accompanying plans, prior to the commencement of the works. A copy of these documents must also remain on-site.
3. The retail/commercial facility must not commence operations until after Section 224(c) certification under the Resource Management Act 1991 is issued for the stage of RC 200366 that gives effect to Lot 602 of that resource consent.
4. Any "other retail" or "shop" as defined in the Central Otago District Plan on Lot 602 shall be limited to a maximum gross floor area of 350m².
5. There must at all times be a minimum of three tenancies on Lot 602.

Note: For the avoidance of doubt, this condition does not require that at least three tenancies be occupied, only that at least three be either occupied or available.

6. A minimum of 28 on-site vehicle parks and 6 on-site bicycle parks must be provided
7. The four vehicle parks closest to the site access (First two bays on each side of the access) must be reserved for staff use only and must be signposted as such.
8. Two signs may be installed per tenancy in the locations shown as tenant signage on the elevation plans attached in Appendix One. Additional signage not exceeding 0.5m² per tenancy may be installed elsewhere on the building.
9. Signage must not be constructed using reflective material, flashing or animated components, or be illuminated.
10. The front yard landscaping to State Highway 8B shown on the plan by FDA forming part of this application, shall be landscaped and maintained. No buildings shall be erected within the landscape yard other than any pillar sign approved as part of RC 200366 or any subsequent variation. The landscape plan shall be submitted to the Council for approval prior to implementation of planting.
11. Landscaping and provision of furniture along the northern and eastern sides of the building must not be designed or located where it would prevent mobility scooter access between the mobility parking spaces and the entrance to any tenancy on the allotment.
12. Landscaping shall proceed in the planting season immediately following completion of construction works.
13. Prior to the occupation of any tenancy on Lot 602, a vehicle crossing must be constructed to the carparking area in accordance with the heavy-duty standard in Part 29 of Council's Roading Policies 2015
14. All earthmoving machinery, pumps, generators and ancillary equipment shall be operated so that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery services and maintenance.
15. Stormwater from buildings and impervious surfaces must be managed within the site, for example by disposal to soakpit or stored for beneficial re-use within the site.

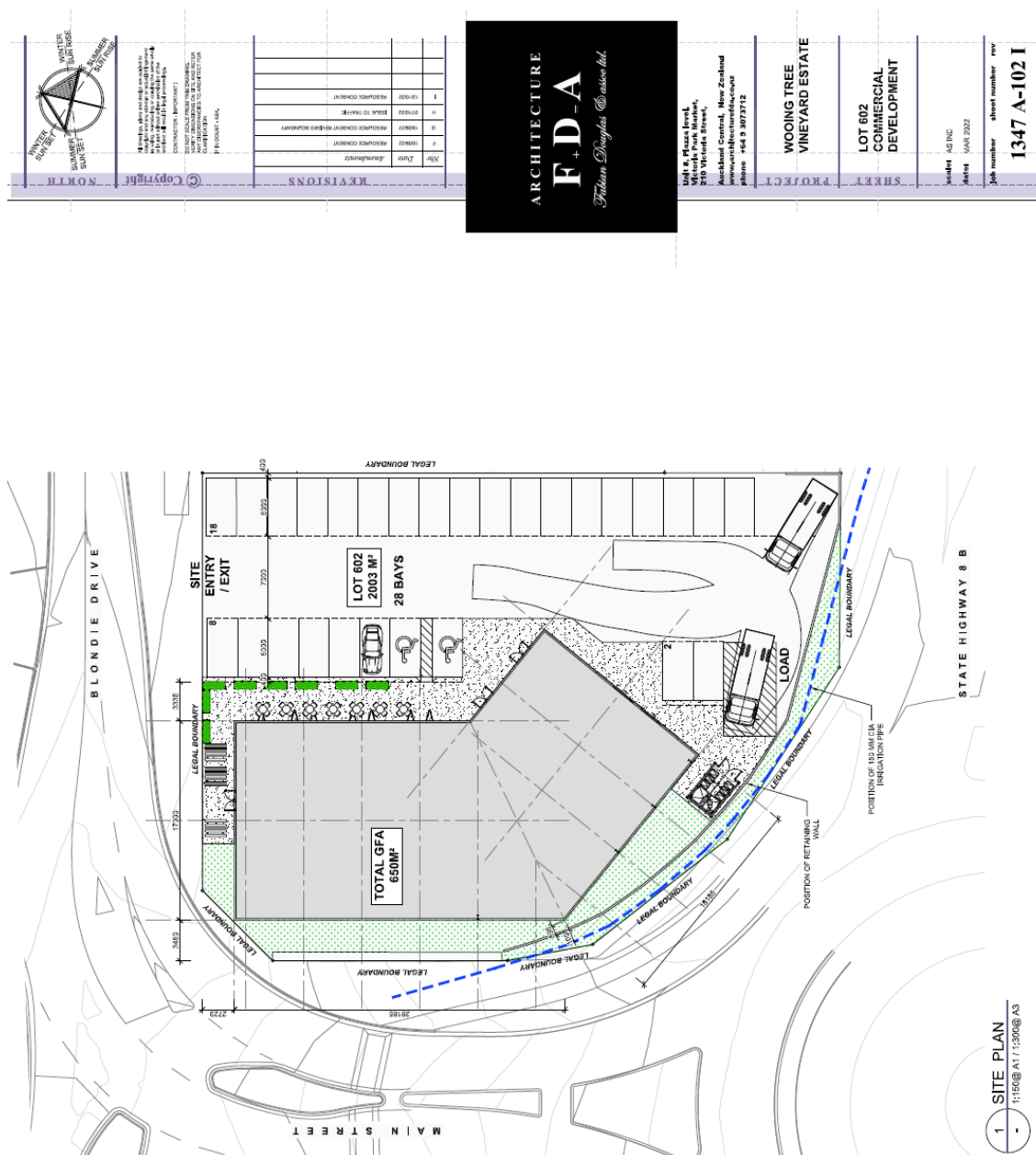
16. Caudwell “soak pit structures” shall be constructed to the satisfaction of the CODC generally in accordance with the engineering report by Paterson Pitts Group.
17. Stormwater discharge for vehicle accessways and carpark areas servicing the ECE centre shall use “Caudwell” soakage pit structures and silt and debris traps that comply with the Otago Regional Plan: Water Rules for silt and debris traps.
18. One soakage pit shall be provided for every 500m² of vehicle hardstand
19. The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol, or an accidental discovery protocol modified to reflect the specific project detail and approved in writing by Heritage New Zealand and Aukaha and Te Ao Marama Inc, shall be operated under for any accidental archaeological discoveries that occur during construction works.
20. Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite are familiar with the Wooing Tree Estate Accidental Discovery Protocol.
21. All construction work must be carried out in accordance with a site-specific Construction Management Plan (CMP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for management of site activities and mitigation of risk. The CMP must be held on site at all times and be made available to Council prior to the commencement of works.
22. The CMP must be implemented on site and maintained over the construction phase, until the site is stabilised (i.e., no longer producing dust, water-borne sediment or potential contaminants). The CMP must be improved if initial and/or standard measures are inadequate. All disturbed surfaces must be adequately surfaced as soon as reasonably practicable to limit dust, contaminant or sediment mobilisation.
23. During construction the consent holder must take all reasonable and practicable steps to minimise the emission of dust from the site.
24. During construction the consent holder must take all reasonable and practicable measures to divert clean stormwater runoff from disturbed ground, control and contain stormwater runoff from disturbed ground within the site and avoid sediment laden runoff from the site.

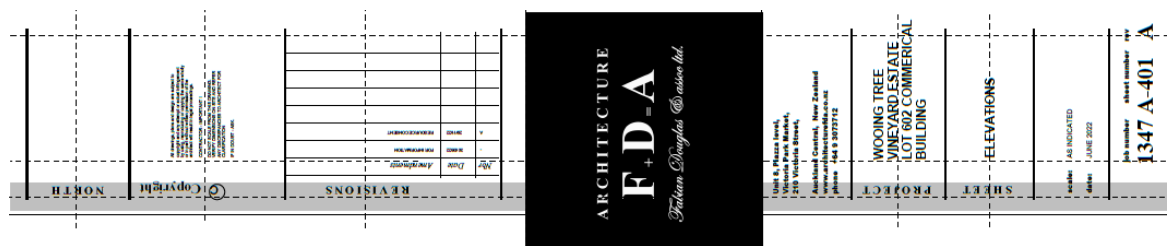
Advice Notes:

1. Signage facing roads or state highways must comply with Rule 12.7.5(v) of the operative Central Otago District Plan 2008 or further resource consent will be required.
2. Signage provided for under this consent is additional to any signage on the wider allotment approved by RC 200366.
3. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
4. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.

5. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
6. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
7. This is a resource consent. Please contact the Council's Building Services Department, about any building consent requirements for the work.

Appendix One: Approved Plan/s for RC220402 (scanned images, not to scale)





PRELIMINARY OUTLINE FINISHES SCHEDULE						
ITEM	TYPE	PRODUCT	COLOR / FINISH	MANUFACTURER		
1	ROOFING / CLADDING	ELASTOLITE FAMBLOCK	COLORCOTE BLACK	ROOFING INDUSTRIES	ALUMINUM JOHNEY DOORS	7
2	RAINWATER HEAD	SYSTEM 200 / 250 / 200MM	COLORCOTE BLACK	ROOFING INDUSTRIES	125MM FISHSCALE / CW 6400 MILLIONS & TRANSOMS BOTH SIDES TO PROVIDE	8
3	GUTTER	175 BOX GUTTER	COLORCOTE BLACK	ROOFING INDUSTRIES	PROCT BLACK	APL
4	DRAINPIPE	BOX / 100MM SQUARE	COLORCOTE BLACK	ROOFING INDUSTRIES	STRUCTURAL STEELWORK EXTERIOR	DOLUR
5	HANGINGS	0.35	COLORCOTE BLACK	ROOFING INDUSTRIES	SELECTED STEELWORK EXTERIOR GALVANNEALD MILD STEEL	VARIOUS
					SELECTED PAINT SYSTEM UNDERCOAT GRUNT	
					JOHNEY GLASS	11
					VARANDA GLASS	12
					FRAMABLES GLASS / 2P STEEL GLAZING	13
					FEATURE POST	14
					SELECTED POIN AND SHAPED SOLID TIMBER	

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WOOLING TREE
VINEYARD ESTATE
LOT 602 COMMERCIAL
BUILDING

ELEVATIONS
CONTINUED

Scale: 1:200 @ A3
Date: JUNE 2022

Job number: 1347 A-402
Rev: A

Rev	Issue	Date
1	Issue for tender	10/06/2022
2	Issue for construction	10/06/2022
3	Issue for construction	10/06/2022
4	Issue for construction	10/06/2022
5	Issue for construction	10/06/2022
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100	Issue for construction	10/06/2022

3
-
EAST ELEVATION
1:200 @ A3

8.1 m OVERALL HEIGHT

3.0 m

2.1 m

2.70 m

0.60 m

4
-
NORTH ELEVATION
1:100 @ A3

2.70 m

0.60 m

ITEM	TYPE	PRODUCT	COLOR / FINISH	PRELIMINARY OUTLINE FINISHES SCHEDULE	MANUFACTURER
1	ROOFING / CLADDING	EUROSTYLE SPANLOCK	COLORLOTE BLACK		MANUFACTURER
2	RAINWATER HEAD	CUSTOM 250 x 250 x 200MM	COLORLOTE BLACK		ROOFING INDUSTRIES
3	GUTTER	175 BOX GUTTER	COLORLOTE BLACK		ROOFING INDUSTRIES
4	DOWNPIPE	100 x 100MM SQUARE	COLORLOTE BLACK		ROOFING INDUSTRIES
5	FLASHINGS	0.55	COLORLOTE BLACK		ROOFING INDUSTRIES
6	CLADDING	304S 18 250 x 250MM (120mm COVER)	'SLACAL'		THE BLACKWOOD PROJECT

	7	ALUMINIUM JOINERY DOORS	ARCHITECTURAL SERIES	8	FRONT BLACK	APL
	8	ALUMINIUM JOINERY GLAZING SILE <td>125MM GLORIOUS CROWN MULLIONS & 125MM GLORIOUS CROWN MULLIONS SELECTED POWDERCOAT OR NOT EP INDIVIDUAL LIGHTS<td>9</td><td>FRONT BLACK<td>APL</td></td></td>	125MM GLORIOUS CROWN MULLIONS & 125MM GLORIOUS CROWN MULLIONS SELECTED POWDERCOAT OR NOT EP INDIVIDUAL LIGHTS <td>9</td> <td>FRONT BLACK<td>APL</td></td>	9	FRONT BLACK <td>APL</td>	APL
	9	STRUCTURAL STEELWORK INTERIOR <td>GLAZING SILE SELECTED POWDERCOAT OR NOT EP INDIVIDUAL LIGHTS<td>10</td><td>DURABLE BLACK<td>DURABLE</td></td></td>	GLAZING SILE SELECTED POWDERCOAT OR NOT EP INDIVIDUAL LIGHTS <td>10</td> <td>DURABLE BLACK<td>DURABLE</td></td>	10	DURABLE BLACK <td>DURABLE</td>	DURABLE
	10	STRUCTURAL STEELWORK INTERIOR <td>GLAZING SILE SELECTED POWDERCOAT OR NOT EP INDIVIDUAL LIGHTS<td>11</td><td>RED<td>VARIOUS</td></td></td>	GLAZING SILE SELECTED POWDERCOAT OR NOT EP INDIVIDUAL LIGHTS <td>11</td> <td>RED<td>VARIOUS</td></td>	11	RED <td>VARIOUS</td>	VARIOUS
	11	JOINTERY GLASS <td>DOUBLE GLAZED LOW-E<td>12</td><td>GREEN<td>METROGLASS</td></td></td>	DOUBLE GLAZED LOW-E <td>12</td> <td>GREEN<td>METROGLASS</td></td>	12	GREEN <td>METROGLASS</td>	METROGLASS
	12	VERANDA GLASS <td>FRAMELESS GLASS (LOW E) WITH GLAZING BARS<td>13</td><td>SPECIAL TO MATCH SILE<td>METROGLASS</td></td></td>	FRAMELESS GLASS (LOW E) WITH GLAZING BARS <td>13</td> <td>SPECIAL TO MATCH SILE<td>METROGLASS</td></td>	13	SPECIAL TO MATCH SILE <td>METROGLASS</td>	METROGLASS
	13	FEATURE POST <td>SELECTED POLISH AND STAINED SOLID TIMBER<td></td><td></td><td>SHOES</td></td>	SELECTED POLISH AND STAINED SOLID TIMBER <td></td> <td></td> <td>SHOES</td>			SHOES

Attachment Two: Proposed Varied Conditions of RC 200366**DEFINITIONS AND EXPLANATION OF TERMS**

The table below defines the acronyms and terms used in the conditions.

Abbreviation/term	Meaning/definition
AEE	The Assessment of Effects on the Environment for the Wooing Tree Estate in Cromwell.
Application	The applications for resource consents and supporting information for subdivision and development of Wooing Tree Estate dated 7 May 2021.
CODC	Central Otago District Council
CMP	Construction Management Plan
Certification	For management plans Certification is confirmation from a council that a management plan meets the requirements of the conditions of the consents that relate to it.
CNVMP	Construction Noise and Vibration Management Plan
Construction Works	Activities undertaken to construct the Project under these resource consents, excluding Enabling Works.
CTMP	Construction Traffic Management Plan
Detailed design and/or Final design	Develops the indicative design to a stage where the design is refined and plans are set.
DSI	Detailed Site investigation (in terms of the National Environmental Standard for assessing and Managing Contaminants in Soil to Protect Human Health (2011)).
Enabling Works	Includes the following and similar activities: <ul style="list-style-type: none"> • geotechnical investigations and • land investigations, including formation of access on land for investigations;
JOAL	Jointly Owned Access Lot
ORC	Otago Regional Council
Project	The construction, operation and maintenance forming the subdivision and land development known as Wooing Tree Development
RAP	Remediation Action Plan
ROW	Right of Way

Abbreviation/term	Meaning/definition
RSA	Road Safety Audit As described in the NZ Transport Agency Road Safety Audit Procedures for Projects guidelines which is available online at https://nzta.govt.nz/resources/road-safety-auditprocedures/ .
SH6	State Highway 6
SH8B	State Highway 8B
WK-NZTA	Waka Kotahi – New Zealand Transport Agency

A: GENERAL CONDITIONS**Application documents and plans**

1. Except as provided for in the conditions below and subject to detailed and /or final design, the Project shall be undertaken in general accordance with the following information (application reports/documents) and the AEE and plans submitted with the Application dated 7 May 2021 [note: this is the date the application was lodged with the EPA], the Applicant's response to clause 25 of Schedule 6 to the COVID-19 Recovery (Fast-track Consenting) Act 2020 requests for further information dated 5 July 2021 [response to Further info request No 1], 16 August 2021 [response to Further info request No 2], 8 September 2021 [response to Further info request No 3], 27 September 2021 [response to Further info request No 4], the Applicant's Response to Comments dated 28 July 2021, and in particular the following documents and plans:

Application Reports/documents:

Report	Author	Date
Application under the COVID-19 Recovery (Fast-Track Consenting) Act Wooing Tree Development Partnership Cromwell	Tattico	April 2021
Urban Design Assessment	Baxter Design	March 2021
Infrastructure Report	Paterson Pitts Group	April 2021
Transport Assessment	Carriageway	March 2021
Detailed Site Investigation Report Wooing Tree	Opus	November 2016
Economic Analysis	Market Economics	October 2020
Site Distance Assessment	Carriageway Consulting	April 2021
Water Supply and Wastewater Assessment	Mott MacDonald	July 2020
Production Bores at Shortcut Road	McNeill Drilling	23 January 2001
Test Report Laboratory CBR's	Central Testing Services	12 November 2019
Letter by Tattico providing additional information to the Panel	Tattico	5 July 2021
EPA RFI Response - Acoustics	Marshall Day Acoustics	5 July 2021

Report	Author	Date
Wooing Tree - Air Quality Reverse Sensitivity Effects	Pattle Delamore	2 July 2021
Transport letter on response to EPA matters	Carriageway Consulting	July 2021
Planning Response Memo	Tattico	27 July 2021
Urban Design and Landscaping Statement	Baxter Design	27 July 2021
Letter by Mr Carr	Carriageway Consulting	27 July 2021
Comments on proposed noise and vibration conditions	Marshall Day Acoustics	23 July 2021
Wooing Tree Development Stage 2 Remediation Action Plan	WSP	7 September 2021
Infrastructure Servicing Capacity	Paterson Pitts Group	14 July 2021
Letter by Tattico on additional information	Tattico	16 August 2021
Resource Consent s127 Application for residential Stage 3C	<u>Tattico</u>	18 May 2022
Stage 3C Urban Design Statement	Baxter Design	18 May 2022
Transport Revised Assessment of Updated Masterplan	Carraigeway Consulting	22 April 2022

Plans of subdivision and land use consent:

Plan	Author	Plan No.	Revision No.	Date
Masterplan Concept	Adapt	2002-002	s	27 September 2021
Scheme Plan Overall	Adapt	2002-002	s	27 September 2021
Scheme Plan West	Adapt	2002-002	s	27 September 2021

Plan	Author	Plan No.	Revision No.	Date
Scheme Plan East	Adapt	2002-002	s	27 September 2021
Scheme Plan North	Adapt	2002-002	s	27 September 2021
Masterplan Staging	Adapt	2002-002	s	27 September 2021
Concept Masterplan Document	Baxter Design	-		27 July 2021 (extract from Urban Design Assessment, but excluding sheet masterplan Si)
Setbacks Business Zone – Part 1	Baxter Design	2953SK116	-	11 August 2021
Setbacks Business Zone – Part 2	Baxter Design	2953SK117	-	27 September 2021
Concept masterplan	Baxter Design		Si	27 September 2021
Northern residential Edge treatment	Baxter Design		17 (page number)	
Wooing Tree – Barry Avenue Proposed Roundabout Land Requirement Plan	WSP	0/1.760-2365	A	18 December 2020
Site Master Plan Cellar Door and Café/Shop	FDA Architecture	1347 A-102 A	M	7 September 2021
Site Plan : Cellar Door and Café/Shop (Landscape)	FDA Architecture	1347 A-104	C	7 September 2021
Cellar Door Height Diagram	FDA Architecture	1354 A-902		8 September 2021
Wooing Tree Cellar Door Materiality Palette	FDA Architecture	1354 PSK-014		26 July 2021

Plan	Author	Plan No.	Revision No.	Date
Wooring Tree Cellar Door Exterior View	FDA Architecture	1354 PSK-001	C	26 July 2021
Wooring Tree Cellar Door Exterior View	FDA Architecture	1354 PSK-012	B	26 July 2021
Wooring Tree Signage	FDA Architecture	1354 A-901	C	7 September 2021
Café / Shop	FDA Architecture	1347 PSK 097	B	7 September 2021
Lots 6-10 101, 150-166, 200-214, 218-258, 265-272, 279-299, 301-515, 601-604 and 802-808 being subdivision of Lot 200 RC190519 The plan shows a blow-up of the subdivision presented on four drawings but with the same reference number.	Paterson Pitts Group	C2655-SCM-M Six sheets	A	27 September 2021
Road Typology 20m road	Paterson Pitts Group	C2655- Plan Sheet 6	-	11 February 2021
Road Typology 17m road	Paterson Pitts Group	C2655- Plan Sheet 6	B	8 July 2021
Road Typology 14m road	Paterson Pitts Group	C2655- Plan Sheet 6	-	11 February 2021
Road Typology ROW and Cauldwell soak pit	Paterson Pitts Group	C2655- Plan Sheet 6	-	11 February 2021
Test Pit Locations to determine subsurface materials and soakage	Paterson Pitts Group	C2655 – Plan Sheet 1		25 October 2019
Engineering Plan Earthworks Overview	Paterson Pitts Group	C2655 – ENG 2E Sheets 1-6	A	16 June 2021

Plan	Author	Plan No.	Revision No.	Date
Areas / Lots Affected by Reverse Sensitivity Agreements	Paterson Pitts Group	C2655 SCM M RS	A	11 August 2021
Entrance Wall Signage	Baxter Design	2953-WD47	-	16 August 2021
Temporary Signage	Veros	Sheets 1-7 &	3	September 2021
Wall Light Fixing Concept	Baxter Design		-	8 March 2021
Proposed Roundabout and Associated Works	WSP	6-XTO21.01 Sheet C02	B	9 March 2021
Pedestrian Underpass North Side	Veros	-	-	April 2021
Entrance Wall Elevations	Baxter Design	2953-WD46	-	16 August 2021
Response to Wooing Tree COVID-19 Fast-Track consent – Urban Design by Paddy Baxter	Baxter Design			September 2021
Wooing Tree Masterplan	Adapt	2002-015 (3 sheets)	C	9 May 2022
Unique Lot Numbers	Paterson Pitts Group	C2655-SCM-M	JB	21.04.22
Lots 360-363, 365, 421-461, 481-489, 102-104 and 814	Paterson Pitts Group	C2655-SCM-M	A	21.04.22
Area / Lots Affected by Reverse Sensitivity Agreements	Paterson Pitts Group	C2655-SCM-M	A	21.04.22

- Where there is inconsistency between the documents listed in Condition 1, provided by the Applicant as part of the applications for resource consent, the Applicant's responses to the clause 25 of Schedule 6 requests for further information, and information and plans

provided through the Response to Comments, the most recent information and plans prevail.

3. Where there may be an inconsistency between the documents listed in Condition 1 above and the requirements of these conditions, these conditions shall prevail.

Advice Note

For the avoidance of doubt, the notations of “visitor accommodation” on Lot 604 and “community related use” on Lot 603 referred to in the “Masterplan Concept Revision S, Drawing Number 2002_012, 27 September 2021” and the Baxter Design “Concept Masterplan Scheme Revision Si” reflect possible future uses and activities to be undertaken on those lots. Those notated uses and activities have not been granted through this consent.

4. The Project shall be undertaken in accordance with the most recent version of the following plans:
 - (a) Construction Management Plan prepared and certified in accordance with Condition 65.
 - (b) Construction Traffic Management Plan prepared and certified in accordance with Condition 69.
 - (c) Construction Noise and Vibration Management Plan prepared and certified in accordance with Condition 115.
5. The consent holder, and all persons exercising this consent, shall ensure that all personnel undertaking activities authorised by this consent are made aware of, and have access to, the contents of this consent decision and accompanying plans, prior to the commencement of the works. A copy of these documents shall also remain on-site.
6. All earthmoving machinery, pumps, generators and ancillary equipment shall be operated so that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery services and maintenance.

Consent lapse and expiry

7. Pursuant to clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-track Consenting) Act 2020, the subdivision and land use consents shall lapse two years from the date of their commencement unless they have been given effect to, surrendered or been cancelled at an earlier date, or:

- (i) A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
- (ii) The period after which the consents lapse under section 125 of the RMA is extended.

Review of Conditions

- 8. The CODC may, under section 128 of the Resource Management Act 1991 (Act), initiate a review of any or all conditions of the subdivision and land use resource consents, every twelve months following the commencement of Construction Works, for the duration of the resource consents.
- 9. A review of conditions is to deal with any adverse effect on the environment that may arise from the exercise of these resource consents which was not foreseen at the time the application was considered.
- 10. A review of conditions under Condition 9 may allow for the consideration of the following:
 - (a) the modification of monitoring activities, including the frequency of the monitoring; and
 - (b) the deletion, amendment or addition of new conditions as necessary to avoid, remedy, or mitigate any adverse effects.

B: SUBDIVISION CONDITIONS

Code of Practice

- 11. All subdivision designs and approvals are to be in accordance with NZS 4404:2004 and the CODC's July 2008 Addendum, which is the CODC's current Code of Practice for Urban Subdivision as modified by these conditions of consent.

Staging

- 12. The subdivision may be staged, and all conditions relevant to a stage shall be complied with prior to section 224(c) approval for the relevant stage.

13. The extent of any stage or substage can be determined as part of any engineering plan approval sought from CODC, and the extent of any substage can be determined as part of section 223 approval process, and shall ensure that:
 - (a) All infrastructure necessary to service each development lot for which section 224(c) approval is being applied for is provided and where necessary connected to a reticulated service;
 - (b) All infrastructure is sized and provided so that it is capable of connecting to and servicing future stages; and
 - (c) The creation of any substage, and the lots to be included within the substage, shall be subject to approval of the CODC through the section 223 plan approval process.
14. The development of buildings in Stage 3 and Stage 4 (including the cellar door and café/shop(s)) shall not proceed until such time as the construction work on the Barry Avenue roundabout and the pedestrian/cyclist underpass has commenced. This condition does not preclude civil infrastructure and roading works in Stage 3. Stage 3 and 4 can proceed concurrently or in any order.
15. In the event that Stage 3 in whole or in part includes one lot for the purposes of constructing a retirement village, the combined number of independent living units and any care suites / rooms, and any residential lots, shall not be less than the number of lots shown in Stage 3 (85 residential lots).
16. The total number of residential sections granted 224(c) approval shall not exceed 176 including the lots approved under the Stage 1 consent (CODC consent number RC190519); until such time as the roundabout at the intersection of SH8B and Barry Avenue and giving access to Wooing Tree Estate and the pedestrian/cyclist underpass is constructed and operational.
17. The total number of residential sections granted 224(c) approval shall not exceed 130 including the lots approved under the Stage 1 consent (CODC consent number RC190519); until such time as the wastewater pump station is constructed and operational.
18. The creation of a lot to enable vesting of land necessary for the additional works on SH8B including the Barry Ave round-about, shall vest in the Crown under the management of WK-NZTA. The creation of this lot may proceed at any time and is independent of any stage of the development. The lot shall be created at any time required by WK-NZTA.

19. The creation of a lot to enable vesting of the pedestrian ramp giving access to the public underpass under SH8B, may proceed at any time, and is independent of any stage. Once created the lot shall vest in CODC as a public walkway.

Roading and Access

20. Prior to section 224(c) approval for each stage of the subdivision the carriageways of any road or portions of roads as shown on the plan of subdivision as road type 1 shall be constructed in accordance with NZS 4404:2004 and Table 3.1 of CODC's July 2008 Addendum for Residential Local Road Classification or as approved by the CODC as part of engineering plan approval; as modified by the following:
- (a) The carriageway shall have a minimum 6.0 metre sealed 'through carriageway' width located within a 20 metre road reserve.
 - (b) Minimum 2.2 metre width (parallel) or 5.0m depth (perpendicular) sealed parking bays adjoining residential allotments on either or both sides of road.
 - (c) Subgrade CBR>7.
 - (d) Pavement design in accordance with NZS 4404:2004 and CODC's July 2008 Addendum.
 - (e) Two coat Grade 3/-5 chip seal or 30mm asphaltic concrete surfacing; with concrete paving block feature areas at intersections and bends.
 - (f) 4% normal camber.
 - (g) Mountable kerb and channel on both sides of carriageway (drop channel and border kerb adjoining parking bays) over 75mm depth AP 40 metal.
 - (h) All necessary traffic signs and road markings shall be provided.
 - (i) Footpaths to be constructed along both sides of the carriageway as follows:
 - 1. Minimum 1.5m wide and 4% crossfall to channel.
 - 2. Asphaltic concrete, concrete or concrete paver surfacing.
 - 3. Crossings at intersections to NZS 4121:2001 requirements.
 - (j) Minimum 100mm depth clean topsoil between footpath and road boundary formed at 4% crossfall, trimmed and grassed to a mowable standard.

- (k) Cut/fill batters outside road boundaries with a maximum of 4:1 gradient to match existing ground within allotments.
 - (l) LED street lighting in accordance with NZS 4404:2004 and accepted urban standards with lamps to be selected from the Auckland Transport approved list.
 - (m) Tree planting to be in accordance with CODC's 'District Tree Management and Operational Guideline 2011' and with automated irrigation provided, all to the requirements of Council's Parks and Reserves Manager.
 - (n) The location of trees, street lights and parking bays shall consider the likely location of future vehicle entrances to residential lots.
 - (o) Any road connecting to SH8B or Shortcut Road shall seamlessly tie in with the carriageway of that road or State Highway.
 - (p) Concrete paving block feature areas at intersections and bends.
 - (q) 9.0m radius asphaltic concrete surface turning surface at head of temporary cul-de-sacs (applicable to all road types for staging purposes), except where the subsequent stage has had engineering plan approval from CODC and physical works on formation of the road will continue straight on from the physical works completion of the previous stage.
21. Prior to section 224(c) approval for each stage of the subdivision, the carriageway of any road or portion of a road as shown on the plan of subdivision as road type 2 and generally in accordance with the cross-sections forming part of this consent, shall be constructed in accordance with NZS 4404:2004 and Table 3.1 of CODC's July 2008 Addendum for Residential Local Road Classification or as approved by the CODC as part of engineering plan approval; as modified by the following:
- (a) The carriageway shall have a minimum 6.0 metre sealed 'through carriageway' width within a 17 metre road reserve.
 - (b) Minimum 2.2 metre width or 5.0m depth sealed parking bays adjoining residential allotments on both sides of the road.
 - (c) Subgrade CBR >7.
 - (d) Pavement design in accordance with NZS 4404:2004 and Council's July 2008 Addendum.

- (e) Two coat Grade 3/ 5 chip seal or 30mm asphaltic concrete surfacing; with concrete paving block feature areas at intersections and bends, or such other location as agreed with CODC at engineering plan approval stage.
- (f) 4% normal camber.
- (g) Mountable kerb and channel on either or both sides of carriageway (dish channel and border kerb adjoining parking bays) over 75mm depth AP 40 metal.
- (h) All necessary traffic signs and road markings shall be provided.
- (i) Footpaths to be constructed along both sides of the carriageway (unless specifically agreed by CODC at engineering plan approval stage) as follows:
 - 1. Minimum 1.5m wide and 4% crossfall to channel.
 - 2. Asphaltic concrete, concrete or concrete paver surfacing.
 - 3. Crossings at intersections to NZS 4121:2001 requirements.
- (j) Minimum 100mm depth clean topsoil between footpath and road boundary formed at 4% crossfall, trimmed and grassed to a mowable standard.
- (k) Cut/fill batters outside road boundaries with a maximum of 4:1 gradient to match existing ground within allotments.
- (l) LED street lighting in accordance with NZS 4404:2004 and accepted urban standards with lamps to be selected from the Auckland Transport approved list.
- (m) Temporary 9.0m radius asphalt concrete surfaced turning circles shall be provided at the head of temporary cul de sacs (applicable to all road types for staging purposes), except where the subsequent stage has had engineering plan approval from CODC and physical works on formation of the road will continue straight on from the physical works completion of the previous stage.
- (n) Tree planting to be in accordance with CODC's 'District Tree Management and Operational Guideline 2011' and with automated irrigation provided, all to the requirements of CODC's Parks and Reserves Manager.
- (o) The location of trees, streetlights and parking bays shall consider the likely location of future vehicle entrances to residential lots.
- (p) Any road connecting to SH8B or Shortcut Road shall seamlessly tie in with the carriageway of that road or state highway.

(q) paving block feature areas at intersections and bends.

22. Prior to section 224(c) approval for each stage of the development, the JOAL / ROW carriageways servicing lots shall be constructed in accordance with NZS 4404:2004 and the CODC July 2008 Addendum for a Right of Way (2-5 lots) classification, or as approved by the CODC as part of engineering plan approval; subject to the following-

(a) For JOAL's servicing up to 2 lots, a minimum 3.0 metre seal width carriageway within a minimum 4.0 metre right of way corridor.

(b) For JOAL's servicing between 3 and 6 lots, a minimum 4.0 metre seal width carriageway within a minimum 6.0 metre right of way corridor.

(c) For JOAL's servicing up to 10 lots and not having two accessible street frontages, a minimum 6.0 metre seal width carriageway within a minimum 8.0 metre right of way corridor

(d) For JOAL's servicing up to 10 lots and having two accessible street frontages, a minimum 4.0 metre seal width carriageway within a minimum 5.0 metre right of way corridor.

(e) For ROWs servicing up to 2 lots, a minimum 3.0 metre seal width carriageway within a minimum 3.5 metre right of way corridor.

(ea) For ROWs servicing between 2 and 6 lots, a minimum 4.0 metre seal width carriageway with a minimum 6 metre right of way corridor.

(f) Pavement design in accordance with NZS 4404:2004 and the Council's July 2008 Addendum.

(g) Subgrade CBR>7.

(h) Two coat chip seal Grade 3/5 or 30mm asphaltic concrete, concrete or concrete paving block surfacing.

(i) 4% camber to kerb and channel.

(j) Standard or mountable kerb and channel on lower side and nib kerb on higher side of carriageway.

(k) Mud tank collecting stormwater from carriageway and discharging to soak pit within subdivision.

(l) Heavy duty kerb crossing at entrance constructed in accordance with the Council's Roading Policies January 2015, Part 29.

- (m) Cut/fill batters outside right of way boundaries with maximum 4:1 gradient to match existing ground.
 - (n) Attractive low maintenance surfacing (crushed schist or similar) or mowing grass along verges between carriageway and ROW boundary.
 - (o) Through accessways servicing more than seven lots shall have positive control measures installed to deter public through traffic to the satisfaction of the CODC.
- 22A Lots 360 and 361 shall gain access from lot 155 being the JOAL serving lots 358 and 359. The appropriate legal instruments tying the JOAL to these lots shall be registered against the title.
- 22B Lots 429, 430, 433 and 434 shall gain access from the ROW lot 172. The appropriate legal instruments creating the ROW for these lots shall be registered against the title.
23. The link road between the roundabout on SH8B and Blondie Drive shall be constructed to a standard not less than that of Blondie Drive but in all respects to the satisfaction of WK-NZTA and CODC. This shall include drainage, pavement construction, carriageway widths, tapers road markings and all details necessary to provide a safe and effective link between SH8B and the subdivision.
24. The intersection layout and traffic management measures at the intersection of Blondie Drive and the entry road from the roundabout shall be constructed and operated in accordance with the plan prepared by WSP and attached to the letter of Carriageway dated 27/07/21 subject to an RSA being carried out by an independent and appropriately qualified Safety Auditor and any changes that are required to the design to address the results of the RSA. Detailed layout of the intersection shall be submitted to the WK – NZTA and CODC for approval as part of engineering plan approval. That layout shall be in accordance with the lane prioritisation and intersection design set out in the WSP plan subject to any changes arising from the RSA.

Advice Notes:

1. *The key objective of a RSA is to deliver completed projects that contribute towards a safe road system that is increasingly free of death and serious injury by identifying and ranking potential safety risks for all road users and others affected by a road project.*
2. *The RSA shall be undertaken in accordance with the NZ Transport Agency Road Safety Audit Procedures for Projects guidelines which is available online at <https://nzta.govt.nz/resources/road-safety-auditprocedures/>.*
3. *Independent refers to an Auditor commissioned from another organisation independent of the consent holder, author of the Transport Assessment, designer and contractor.*

25. Vehicle entranceways to all residential and commercial lots shall be constructed in accordance with Part 29 of the CODC's roading policies [*CODC to provide references*].
26. Vehicle entranceways are to be installed at all lots with locations clearly defined at the time of subdivision as a requirement of 224(c) approval; or a consent notice is to be placed on each title stating that the location of any vehicle entrance strip shall be to the satisfaction of the CODC.
27. Prior to the commencement of infrastructure works following the completion of bulk earthworks, the consent holder shall provide a detailed 'Street Tree and Vested Parks Landscape Plan' showing the location, variety and installation details for all street trees to be planted with associated automated irrigation, street furniture, signage plans and landscaping of parks to vest in the CODC, for approval by the CODC's Parks and Reserves Manager under the CODC engineering approval process. The Street Tree and Vested Parks Landscape Plan shall be implemented prior to section 224(c) certification. The Street Tree and Vested Parks Landscape Plan shall identify locally sourced native plants and generally be in accordance with the planting palette outlined in the 'Urban Design Assessment' by Baxter Design.
28. Residential, business and community facilities development lots shall have no direct vehicle access to Shortcut Road or SH8B or SH6.
29. Condition 28 shall be subject to a consent notice that shall be registered on the records of title for development lots fronting Shortcut Road, SH8B or SH6, pursuant to section 221 of the Resource Management Act 1991.
30. The consent holder shall provide for the CODC's approval, proposed names for all roads; and when approved it shall be the consent holders' responsibility to supply and erect appropriate road signs of a design consistent with the road sign design used in Cromwell.
31. Upon deposit of the survey plan any roading lot as shown on the plan of subdivision shall vest in the name of the CODC as Road.
32. Until the construction of the roundabout at SH8B/Barry Avenue and the pedestrian/cyclist underpass is completed, Code of Compliance certification under the Building Act shall be limited to:
 - (a) no more than 176 residential dwelling building consents or;
 - (b) any retail or commercial building consent (but excluding a community building),and no commercial building, or no more than 176 residential buildings, shall be occupied, including the cellar door, shop/café, and / or travellers' accommodation.

Advice Note: This allows construction of residential and commercial buildings concurrent with the construction of the SH8B roundabout and the pedestrian/cyclist underpass, but dwellings or commercial premises may not be occupied until completion of the roundabout and the pedestrian/cyclist underpass.

33. The consent holder shall create and vest a special purpose lot for the provision of a pedestrian underpass under SH8B concurrent with the construction of the Barry Avenue roundabout.
34. No additional retail activity to that already occurring on site shall be operational until the Barry Avenue roundabout is constructed.

Easements

35. Any JOAL or ROW or other easements necessary to provide access and access to services shall be duly granted and reserved.

Water

36. Prior to section 224(c) approval for each stage of the subdivision water supply reticulation including watermains and ridermains shall be extended such that all residential allotments are serviced and firefighting capability is achieved in accordance with NZS 4404:2004 and the CODC's July 2008 Addendum.

Advice Note: The report by Mott McDonald referred to in Condition 1 identifies the extent of upgrade works required and addresses issues of capacity as assessed under the CODCs 'Water Model'. This was based on 350 lots.

37. Prior to section 224(c) approval for each stage of the subdivision standard 20 mm diameter water supply connections with Acuflo toby valves, meters and approved boxes shall be provided to the road boundary (or the road boundary of a right of way) to serve all development lots for that stage.
38. Prior to section 224(c) approval for each stage of the subdivision the water laterals shall be extended to the buildable area of all development lots.
39. A detailed design for the realignment of the existing 300mm diameter water main bisecting the site shall be prepared in liaison with the CODC's Three Waters Manager and submitted for CODC's Three Waters Manager's approval as a requirement of the general engineering approval. The pipeline shall be realigned at the consent holder's cost as a requirement of 224(c) approval for the Stage 3 and/or Stage 4 works. The alignment shall generally be in accordance with the plans by Paterson Pitts Group Plan C2655- SCM v10 Rev A dated 26/07/2021.

40. As part of the realignment of the watermain in Condition 39 the consent holder shall create a second water supply connection to the subdivision. The detailed design for the connection shall be prepared in liaison with the CODC's Three Waters Manager and submitted for CODC's Three Waters Manager's approval as a requirement of the general engineering approval.

Wastewater

41. Prior to section 224(c) approval for lots 601-604 and/or prior to 224(c) approval of the 131st residential lot, the new wastewater pump station shall be constructed to comply with clause 5.3.10 of the CODC's July 2008 Addendum to NZS 4404:2004 in the location generally shown on the plan by Paterson Pitts Group Plan C2655- SCM v10 Rev A dated 26/07/2021.
42. Prior to the commissioning of the new pump station, the Lowburn rising main shall be realigned to a position generally in accordance with the resource consent plans by Paterson Pitts Group Plan C2655- SCM v10 Rev A dated 26/07/2021. The detailed location and design specification for the pump station shall be subject to approval by CODC at engineering plan approval stage.
43. A detailed design for the realignment of the existing Lowburn-Cromwell rising main traversing the site shall be prepared in liaison with CODC's Three Waters Manager and submitted for CODC's Three Waters Manager's approval as a requirement of the general engineering plan approval. The pipeline shall be realigned at the consent holder's cost as a requirement of 224(c) approval for the Stage 3 and/or Stage 4 works.

Advice Note: The report by Mott McDonald referred to in Condition 1 addresses issues of capacity as assessed under the CODCs 'Wastewater Model'. This was based on 350 lots.

44. Prior to section 224(c) approval for each stage of the subdivision wastewater reticulation shall be extended such that all residential and commercial allotments are serviced in accordance with NZS 4404:2004 and CODC's July 2018 Addendum.
45. Prior to section 224(c) approval for each stage of the subdivision standard 110mm diameter laterals with cleaning eyes shall be installed from the wastewater reticulation to within the boundary of each residential allotment.
46. Prior to section 224(c) approval for Stage 4, standard 150mm diameter laterals with cleaning eyes shall be installed from the wastewater reticulation to within the boundary of each of Lots 601, 602, 603 and 604.

Stormwater

47. Prior to section 224(c) approval for each stage of the subdivision, stormwater from roads shall be discharged to ground by standard mud tanks and soak pits.
48. Caudwell "soak pit structures" shall be constructed to the satisfaction of the CODC generally in accordance with the engineering report by Paterson Pitts Group.
49. Soakage pits shall be provided at no more than 90m intervals along roads, JOALs and laneways.
50. Stormwater from buildings and impervious areas within Lots shall be discharged to ground by soak pits and/or stored for use for lawn and garden irrigation purposes within the confines of the respective allotments.
51. Stormwater discharge for vehicle accessways and carpark areas within Lots 601-604 shall use "Caudwell" soakage pit structures and silt and debris traps that comply with the Otago Regional Plan: Water Rules for silt and debris traps.
52. One soakage pit shall be provided for every 500m² of vehicle hardstand.
53. Conditions 50-52 shall be subject to a consent notice that shall be registered on the records of title for all development lots pursuant to section 221 of the Resource Management Act 1991.

Power and Telecommunications

54. All power and telecommunication services shall be underground and all connections to the boundary of any residential or commercial lot shall be underground.
55. It shall be the consent holders' responsibility to obtain the consent of the relevant utility service providers for the provision of electricity and telecommunication services to serve Lots 200-214, 218-299, 301-356, 360-363, 365, 391-410, 417-501, and 503 and 575. The consent holder shall install all such new services underground to the boundary of all development lots prior to section 224(c) approval.
56. The consent holder shall supply evidence of the consents referred to in Condition 55 to the Chief Executive of CODC prior to section 224(c) approval; and it shall be the consent holders' responsibility to meet the costs associated with the installation of electricity and telecommunication services as is necessary to meet the needs of the subdivision.
57. Connections shall be extended to the boundary of each residential allotment.

- (a) Where the point of supply does not coincide with the lot boundary or net lot area then ducting shall be provided along the site access to the buildable area of the lot.
- (b) A consent notice pursuant to section 221 of the Resource Management Act 1991 is to be placed on each lot title subject to Condition 57(a) stating that:
 - “It is the responsibility of the lot owner to install operational power and telecommunications through the ducts along the site access from the point of supply”.

Pedestrian and cycle connectivity

- 58. A continuous cycle/walkway shall be provided from the entrance/exit to the underpass through the site connecting to the central greenway and Shortcut Road. The path shall:
 - (a) have a minimum width of 3m and a depth of 30mm asphaltic concrete, standard concrete or concrete paver footpath;
 - (b) match crossing points on intersected streets to NZS4121:2001 requirements;
 - (c) provide appropriate reserve lighting.

Underpass

- 59. The ramp approaches to the underpass within the Wooing Tree Estate land shall be designed and constructed to meet NZ standards for pedestrian and disabled access including maximum gradients. The cycleway/walkway shall be constructed to the requirements detailed in Condition 58 (cycleways/walkways). Batter slopes along the cuttings leading into the underpass shall be constructed or retaining walled to ensure safety of the pathway users and presenting an attractive low maintenance appearance.
- 60. The underpass shall align to a road or laneway to the north providing a footpath or walkway that connects through the street network and / or laneways to the greenway.

Erosion and sediment control

- 61. Prior to each stage of the development, the consent holder shall put in place the erosion and sediment control measures as outlined in the Infrastructure Servicing Capacity report by Paterson Pitts Group dated April 2021 forming part of this application and referenced in Condition 1. These measures shall be put in place at least five days prior to the

commencement of works on each stage and the CODC and ORC advised that the erosion and sediment control devices are in place.

62. Notwithstanding, and in addition to, Condition 61, in order to ensure effective management of erosion and sedimentation during earthworks the consent holder, shall ensure that all practicable measures are taken to:
- (a) Divert clean runoff away from disturbed ground;
 - (b) Control and contain stormwater runoff;
 - (c) Avoid sediment laden runoff from site.

Construction Management Plan (Noise and Dust)

63. Construction activity and times of operation shall comply with New Zealand standard 6803:1999 including construction noise standards.

64. The consent holder shall produce a CMP. The CMP shall include:

- (a) Requirements for clear signage at the boundary of the site providing a contact number for residents should they have any issues with the operations on the site.
- (b) Measures to manage dust including
 - Staging the development so that no more than 10ha of the site is exposed to bulk earthworks at any one time.
 - A sprinkler system is in place for dust suppression measures.
 - Water carts are employed to manage dust on high impacted areas, such as access roads.
 - Land is stabilised by being replanted in grass as soon as practical after completion of the works.
 - Erection of signage to impose speed limit of 20 km p/h for all vehicles that access the construction site.
- (c) Measures to ensure compliance with the NZ Construction Noise Standards including:
 - Setting of the hours of operation to accord with the New Zealand standards on noise construction.
 - Stipulation of the performance measures for machinery used on site to ensure that only machinery that complies with the New Zealand standards is used.

- Setting out of the techniques to be used in the development so as to prevent unreasonable noise issues.
 - Identification of access routes to the site. These will be off SH8B along Shortcut Road, entering the temporary access to Stage 1. This access point will shift to Shortcut Road permanent access road when Stage 1 is complete. This removes construction vehicle noise and traffic from outside the residential properties to the north.
65. The CMP shall be submitted to the CODC for certification 5 working days prior to the commencement of physical works associated with this application for Stage 2 and four weeks prior to the commencement of physical works associated with this application for Stages 3 and 4. The CMP shall be amended to take account of any requirements of CODC provided by CODC within 5 working days for stage 2 and 15 working days for Stages 3 and 4 of having received the draft CMP. All works shall be undertaken in compliance with the certified CMP.
66. The Consent Holder must notify CODC and ORC in writing no less than 5 working days for Stage 2, and 10 working days for other stages, following the completion of residential earthworks, and must provide photographs of the area/s where work have been undertaken.
67. Notwithstanding Condition 66, and within 10 working days following completion or abandonment of earthworks on the subject site, all areas of exposed soil must be permanently stabilised against erosion to the satisfaction of the Consent Authority. Measures to stabilise against erosion may include:
- the use of mulching;
 - top-soiling and grassing of otherwise bare areas of earth
 - aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward
- The on-going monitoring of these measures is the responsibility of the consent holder.
68. The consent holder shall appoint an “engineer to the contract” who is independent of the consent holder and provides direction and oversight to the development. The engineer to the contract shall have the accountability to ensure contractors comply with the requirements of this consent including the CMP.

Construction Traffic

69. The consent holder shall produce a CTMP. The CTMP shall include:
- (a) Traffic routes to be used by heavy vehicles entering and exiting the site. This shall preclude heavy vehicle useage of Shortcut Road north of the entrance to Wooing Tree
 - (b) Areas for the loading and unloading of materials to be contained within the Wooing Tree site
 - (c) Measures to address any safety issues at the intersection of Shortcut Road and State Highway 8B.
 - (d) Traffic safety signage warning motorists and pedestrians of heavy vehicle movement.
70. A draft of the CTMP shall be submitted for certification to the CODC 5 working days prior to the commencement of physical works associated with this application for stage 2 and four weeks prior to the commencement of physical works associated with this application for stage 3 and 4. The CTMP for stage 4 shall be submitted for certification to WK-NZTA four weeks prior to the commencement of physical works associated with this application.
71. The CTMP shall be amended to take account of any requirements of CODC provided by the CODC and WK-NZTA (for stage 4) within 5 working days for stage 2 and 15 working days for Stage 3 and 4 of having received the draft CTMP. All works shall be undertaken in compliance with the certified CTMP.
72. No direct access to the site off SH8B shall be permitted without the express approval of WK-NZTA. All construction activity shall enter off Shortcut Road or the Barry Avenue roundabout when operational, unless otherwise authorised by WK-NZTA.
73. No site construction shall enter off SH6.

Wooing tree

74. Safety construction fencing shall be erected at the boundary of Wooing Tree Park during construction of adjacent roading infrastructure and civil works and of any housing abutting the boundary of the Wooing Tree Park.

Accidental Discovery

75. The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol, or an accidental discovery protocol modified to reflect the specific project detail and approved

in writing by Heritage New Zealand and Aukaha and Te Ao Marama Inc, shall be operated under for any accidental archaeological discoveries that occur during construction works.

76. Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite are familiar with the Wooing Tree Estate Accidental Discovery Protocol.

Advice Note

Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological authority must be obtained from Heritage New Zealand Pouhere Taonga prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by CODC.

Producer Statements/As built drawings

77. The consent holder shall provide producer statements in an approved format from a suitably qualified person certifying the adequacy and compliance with consent conditions relating to:
- engineering design;
 - construction; and
 - construction review of subdivision works.
78. Prior to the issue of a certificate in terms of section 224(c) for each stage of the subdivision the consent holder shall provide the Chief Executive of CODC with RAMM inventory data and asset information with associated costings (in the form of a schedule) of all infrastructure works to vest in the CODC.
79. As built drawings are to be lodged with the Chief Executive of CODC in accordance with Clause 1.5.10(b) of NZS 4404:2004 and shall show the location and individual identification number for each water meter. The as built drawings are to be drafted on computer and are to be compatible with a CAD system nominated by the Chief Executive. As built plans shall be lodged on electronic storage device or in a hard copy A3 format.

Consent Notices associated with Land Use Conditions

Lots 200-214, 218-220, 237-241, 284-286 407-410 and lots 534-535

80. A consent notice shall be registered against the title of Lots 200-214, 218-220, 237-241, 284-286 407-410 and 534-5353 stating that:

- (a) Any building or activity on the site shall not be used for a shop, office, or other business activity as defined within the Central Otago District Plan, provided this shall not preclude a home occupation being operated from any dwelling or accessory building on the lot.
- (b) Any dwelling or residential building or other structure built on the site shall comply with the following:
 - (i) front and side boundary setbacks as shown on plans by Baxter Design plan numbers 2952 SK 116 (11 August 2021) and 2953 SK117 (27 September 2021). With exception of Lot 285 DP 574973 upon which a garage may be located 3 m from the road boundary and provision is made for parking on the driveway.
 - (ii) not exceed a maximum building coverage as set out in Rule 7.3.6(iv) of the CODC District Plan as at 5 July 2021, except that:
 - any site shown as medium density on Plan 2002-002 Rev S shall not exceed a building coverage of 80%; and
 - sites outside the medium density area shown on Plan 2002-002 Rev S that are less than 325m² net site area, shall not exceed a building coverage of 55%, and sites between 326m² and 375m² shall not exceed a building coverage of 50%.
 - (iii) the following development rules for the Wooing Tree overlay applying to Residential Resource areas of the Central Otago District Plan as at 5 July 2021:
 - Rear yards (Rule 7.3.6(iii)(c)(iii));
 - Height (Rule 7.3.6(iii)(f)); except that two gables may be established on Lot 202 DP 574973 in accordance with the plans A1.02, A2.10, A3.02 by group Architecture Limited dated 2022.
 - Carparking (Rule 7.3.6(v));
 - Signs (Rule 7.3.6(vii));
 - Excavation (Rule 7.3.6(x));
 - Relocatable buildings (Rule 7.3.6(xi));
 - Acoustics (Rule 7.3.6(vii)(b)).

Lots 601 and 602: Floor Areas

81. The maximum gross floor area of any building on Lot 601 shall be 500m² and the maximum gross floor area of any building on Lot 602 shall be ~~500m²~~ 650m². A consent

notice identifying this maximum gross floor area cap shall be registered against the title of lots 601 and 602 respectively. The wording of the consent notice shall be provided to the CODC as part of the section 224(c) application.

Lots 603 and 604: Restriction of Activity

82. A consent notice shall be registered on the title of Lots 603 and 604 stating that these lots may not be used for “shops” as defined in the CODC District Plan, or commercial offices. The consent notice shall be provided to the CODC as part of 224(c) process and attached to the title when first issued and any subsequent subdivision of that land. The consent notice shall state this excludes ancillary offices incidental to a travellers accommodation or a pre-school, and any dining facility associated with a Travellers Accommodation, part of the Cellar Door, or a home occupation.

Lot 806, 807, and 808 Restrictions on Dwellings/Sleep Out

83. A consent notice shall be registered on the title of lots 806, 807, and 808 stating that no dwelling or part of a dwelling including a bedroom or ‘sleep out’ may be constructed on the lots.

Noise attenuation

84. A consent notice shall be placed on the titles of all lots covered by Land Use Condition 111 requiring noise attenuation for new residential buildings located on lots within the Residential Resource Area, the Residential Resource Area (3) and the Residential Resource Area (11) in the Wooing Tree Overlay Area within 80m of the carriageway edge of SH6 or SH8B to meet noise performance standards for noise from traffic on SH6 or SH8B.

State Highway Landscaped Buffer and Bund (Lots 806-808)

85. Prior to the issue of 224(c) for any relevant stage of the development, a bund shall be formed on the frontage of SH8B and / or SH6 as shown on the State Highway Landscaped Buffer and Bund Plan prepared by Baxter Design in response to the Panel’s RFI No.3 and as described in the urban design and landscape statement by Baxter Design dated 27/07/21. The bund shall be generally in accordance with the cross-section shown on the Buffer and Bund Plan.
86. The bund on lots 806-808 shall be physically formed and planted prior to section 224(c) certificate for the stage which the bund sits within.
87. The consent holder shall prepare and lodge with CODC a ‘State Highway Landscaped Buffer and Bund Plan’ for lots 806-808 along the boundary with SH6 and SH8B. The plan shall be prepared for each relevant stage of the development. The plan shall show the

landscape treatment including planting plan. The 'State Highway Landscaped Buffer and Bund Plan' shall be approved by the CODC.

88. A consent notice shall be attached to each title of any lot which adjoins Lots 806-808 stating that no building or accessory building may be constructed within 3m of the boundary of the lot and lots 806-808 and any building on the residential lot may not exceed 6m in height.
89. Should for any reason vines on the buffer be removed at some stage in the future, the landowner shall maintain the buffer and replant it with native species within six months of the removal of any vines. Prior to the planting, the landowner shall submit a replacement 'State Highway Landscaped Buffer and Bund Plan' for CODC approval setting out the species, density of planting and maintenance. The replacement State Highway Landscaped Buffer and Bund Plan' shall be implemented.
90. The Consent Holder shall form a 'residents society' as an incorporated society. All residential landowners within the Wooing Tree Estate shall be members of and contribute to the residents society. The residents society shall be the registered land owners of lots 806-808.
- 90A Lot 814 shall be held by the 'residents society'
- 90B That Lots 807 and 814 hereon be held in the same record of title (CSN Request 1796522)

Northern Boundary and Greenway – Vested Land (Lots 803 -804)

91. Prior to the commencement of infrastructure works following the completion of earthworks, for any stage of the subdivision adjoining Lot 803 / 804, the Consent Holder shall prepare and lodge with CODC a 'Greenway / Northern Boundary Landscape and Cycleway Plan' generally in accordance with the plans shown in the Baxter Design masterplan and intended to inform a park-like environment. This plan shall include a landscaped bund along the northern boundary. The Northern Boundary Landscape and Cycleway Plan' shall include locally sourced native plants as referred to in the Baxter Urban Design Assessment Plant Palette. The Northern Boundary and Landscape and Cycleway Plan shall be to the satisfaction of the CODC.
92. Lot 803/804 shall be landscaped and a cycleway and northern boundary bund constructed in accordance with the approved landscape plan concurrent with the development of any lots / stage that adjoins Lot 803/ 804.

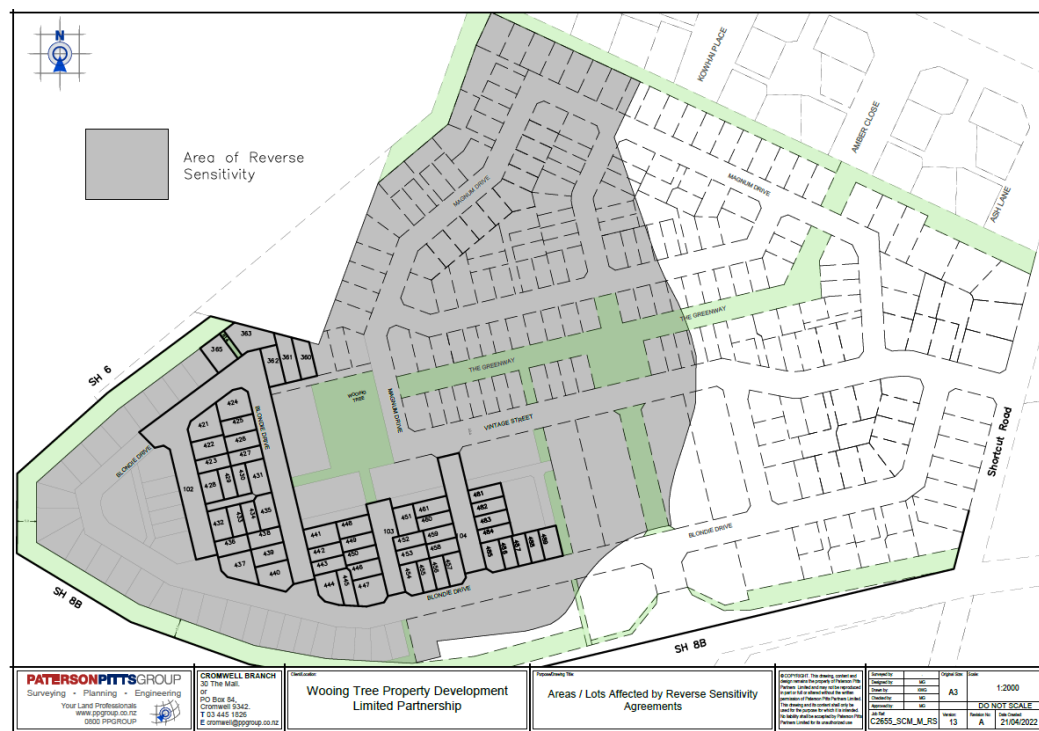
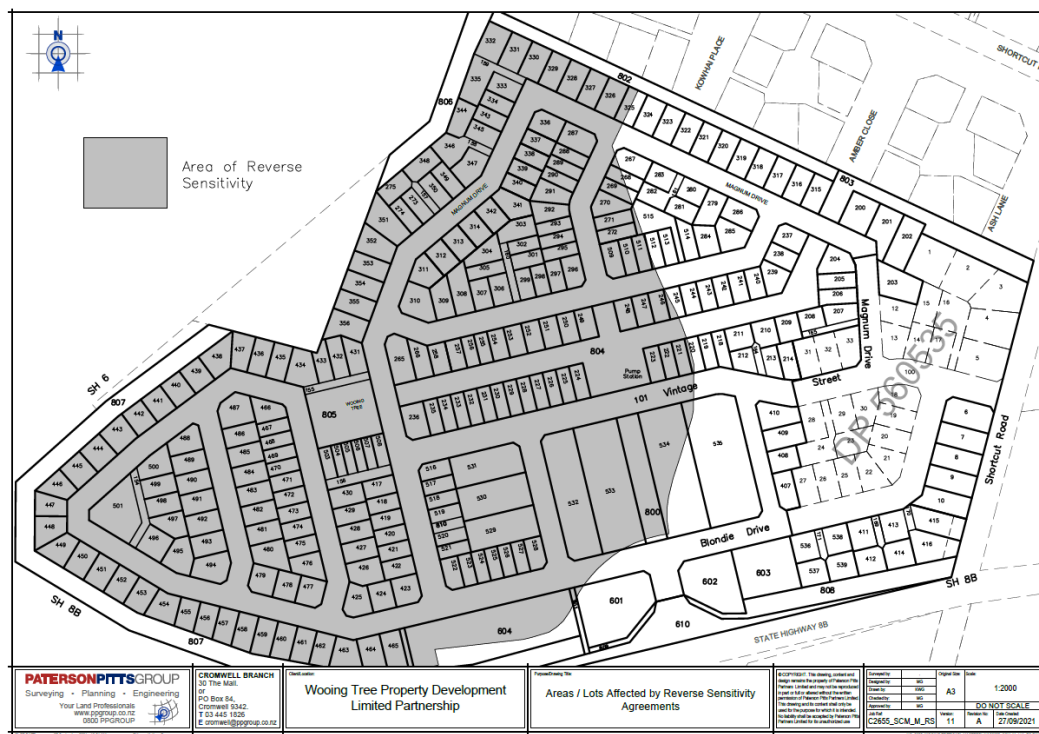
93. At the planting season during (if timeframes coincide) or immediately following the issue of any 224(c) certificate for any lot adjoining the northern boundary, the Consent Holder shall implement the landscape plan approved under Condition 91.
94. Lot 803 / 804 shall vest in the CODC as part of the subdivision of any Stage of the subdivision that adjoins lot 803 / 804.
95. The landscaped area including the bund on lots 803, shall be physically formed and planted prior to vesting in the CODC.

Northern Landscaped Buffer – Lot 802

96. Prior to the commencement of infrastructure works following the completion of bulk earthworks for any stage of the subdivision adjoining Lot 802, the Consent Holder shall prepare and lodge with CODC a 'Northern Landscape Buffer Plan' generally in accordance with the plans shown in the Baxter Design masterplan and intended to inform a private park-like environment. This plan shall include a landscaped bund along the northern boundary. The 'Northern Landscape Buffer Plan' shall include locally sourced native plants as referred to in the Baxter Urban Design Assessment Plant Palette. The 'Northern Landscape Buffer Plan' shall be to the satisfaction of the CODC.
97. The landscaped area including the bund on lot 802, shall be physically formed and planted prior to section 224(c) certificate.
98. Lots 802 shall be planted in the planting season immediately following section 224(c) certificate for that stage.
99. The following additional requirements apply to the land shown on the Subdivision Plan as Lot 802 (northern landscape buffer):
 - (a) It shall be landscaped in accordance with the 'Northern Landscape Buffer Plan' approved by the CODC under Condition 96.
 - (b) No intermittent fencing within the lot shall be permitted. This shall not preclude the fencing of the boundary of the lot.
 - (c) No buildings or structures, other than fencing, shall be constructed within Lot 802.
100. Lot 802 shall be a jointly owned lot with an equal share owned by lots 315 -332. A consent notice shall be placed on the title of lot 802 stipulating that the land is to be kept clear of all buildings including accessory buildings and is to be maintained as open space.

Covenants*Reverse sensitivity*

101. A covenant shall be placed on all titles shown as “area of reverse sensitivity” on the plans below, stating that the subject sites are located adjacent to working horticultural sites on the western side of SH6. These sites include normal horticultural practices including frost management of wind machines, sprayers and helicopters. The covenant shall state that property owners will not object to use of the adjacent two vineyards for complying horticultural practices including spraying, and frost management operations. A copy of the covenant is attached to the application at Attachment S.



102. A covenant shall be attached to the title of each residential lot stating that any building constructed on the lot must comply with the Wooing Tree design guidelines and is subject to the design approval process as set out in the guidelines.

Development Contributions

103. For each stage of the subdivision, payment of a reserves contribution of \$1,910 per lot (exclusive of goods and services tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Central Otago Operative District Plan.

C: LAND USE CONDITIONS

Land Contamination

104. That if during earthworks on the site unexpected discovery of potential sources of contamination are revealed, then:
- (a) Work on this part of the site shall cease.
 - (b) The CODC Compliance Officer and the ORC Compliance Officer shall be informed.
 - (c) The Consent Holder shall retain a suitably qualified professional to undertake a DSI Report and that report shall be provided to the CODC and the ORC.
 - (d) Should that report identify levels of contamination above NES guidelines, then work shall not recommence on the site until the necessary approvals are obtained from CODC and/or ORC as appropriate and the RAP included in the Application has been updated and submitted to, and approved by, the ORC.
105. As part of the removal of timber posts associated with the existing vineyard for each stage of the development, the consent holder shall fully implement the RAP forming part of this application. That remediation work shall involve the mixing of soils to a depth of 300mm across the affected area.
106. The consent holder shall appoint a contaminated land specialist suitably qualified and experienced in contaminated land management, who shall overview all aspects of the RAP, including implementing the monitoring programme of site works to ensure compliance with the RAP.

107. The consent holder shall put in place health and safety procedures as recommended in the RAP forming part of this application.
108. The consent holder shall provide to the ORC and the CODC copies of the monitoring report under Condition 106, and of the final validation report under Condition 109.
109. At the conclusion of the removal of the vineyard infrastructure and the making good of the land ready for development, in any stage or stages; the Consent Holder shall retain a suitably qualified professional to undertake a validation DSI to confirm that the land complies with the National Environmental Standard for assessing and Managing Contaminants in Soil to Protect Human Health (2011).
110. If the DSI under Condition 109 demonstrates that the land does not comply with the National Environmental Standard for assessing and Managing Contaminants in Soil to Protect Human Health (2011), then the consent holder shall follow the process set out in Condition 104.

Noise Attenuation

111. New residential buildings located on lots within the Residential Resource Area, the Residential Resource Area (3) and the Residential Resource Area (11) in the Wooing Tree Overlay Area within 80m of the carriageway edge of SH6 or SH8B shall be designed and constructed to meet noise performance standards for noise from traffic on SH6 or SH8B that will not exceed 35dBA LAeq (24hr) in bedrooms and 40dBA LAeq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. A consent notice to this effect shall be placed on the title of all relevant lots. (Refer Subdivision Condition 84).
112. Where a dwelling requires that windows are closed in order to achieve the internal noise levels specified in Condition 111, an alternative means of temperature control (heating and cooling) shall be provided. An alternative means of providing fresh air for ventilation that meets the requirements of Building Code clause G4 shall also be provided.

113. Construction noise shall be measured and assessed in accordance with NZS 6803:1999. The applicable limits in Tables 2 and 3 of the Standard shall apply.

114. Construction vibration must be measured in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures. The Category A construction vibration criteria in the table below must be complied with as far as practicable. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified person must assess and manage construction vibration during those activities. If measured or predicted vibration from construction activities exceeds the Category B criteria, those activities must only proceed if effects on affected buildings are assessed, monitored, and mitigated by suitably qualified people.

Construction Vibration Criteria			
Receiver	Details	Category A	Category B
Occupied dwellings	Night-time 2000h - 0630h	0.3mm/s ppv	1mm/s ppv
	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv
Other occupied Buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
All other buildings	Vibration - transient	5mm/s ppv	BS 5228-2* Table B2
	Vibration - continuous		BS 5228-2* 50% of table B2 values

*BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'

115. Prior to the commencement of works on site, the consent holder shall submit to CODC's monitoring team for certification a CNVMP. The CNVMP must reflect the guidance provided by Annexure E of NZS6803:1999 and vibration limits set out in this consent.

116. The CNVMP is to provide a framework for the development and implementation of measures to avoid, remedy or mitigate adverse construction noise and vibration effects, and to minimise any exceedance of the criteria set out in Condition 114.

117. If measured or predicted noise and vibration from a construction activity exceeds the criteria in Conditions 113 or 114 a Schedule to the CNVMP for that activity must be prepared and provided to CODC at least five working days, where practicable, in advance

of the activity proceeding. The schedule must establish the best practicable option for noise or vibration mitigation to be implemented for the construction activity.

118. Prior to commencement of works onsite, and subject to the consent of landowners, the Consent Holder is to carry out a building condition survey of all properties between the site and Shortcut Road and provide these to the [Monitoring Officer] at CODC on request. The purpose of this survey is to record any existing cracks, defects or subsidence in neighbouring buildings prior to any earthworks or construction occurring on the application site.

Cellar Door and Café / Shop (Lots 601-602)

- ~~119. The Cellar Door and Café / Shop on lots 601-602 shall be generally developed in accordance with the plans by FDA forming part of this application, namely 1347 A-102 Rev M, 1354 PSK sheets 001, 012 and 014, 1354A-902, 1347 A104 rev C, and 1347 PSK 097 Rev B dated September 2021.~~

119A The Cellar Door on Lot 601 shall be generally developed in accordance with the plans by FDA forming part of this application, namely 1347 A-102 Rev M, 1354 PSK sheets 001, 012 and 014, , 1347 A104 Rev C, and 1347 PSK 097 Rev B dated September 2021.

120. The detailed design of the buildings shall be generally in accordance with the location and building envelope shown on the FDA plans (FDA plans 1347 A-102 Rev M, 1354 PSK sheets 101 and 401 001, 012 and 014, 1354A-902, 1347 A104 rev C, and 1347 PSK 097 Rev B), and be in a form of development which meets the design guidelines of the Wooing Tree Estate as outlined in the report of Baxter Design and as approved by the Planning Manager CODC except that the roof form as shown on the plans is approved as an acceptable design.

121. The palette of materials shall be drawn from the schedule set out in the plans by FDA or such other similar material as approved by the Planning Manager CODC.

- ~~122. The landscape plan for Lot 602 shall be generally in accordance with that identified in the plans by FDA, Plan No. 1347 A-104 C, dated September 2021. A detailed landscape plan shall be submitted to the Planning Manager CODC for approval prior to any landscape works.~~

122A The front yard landscaping to State Highway 8B on Lot 601 shown on the plan by FDA forming part of this application, namely plan 1354 A-101 Rev DD shall be landscaped and maintained. No buildings shall be erected within the landscape yard other than any sign approved as part of this consent. The landscape plan shall be submitted to the Council for approval prior to implementation of planting. The landscaping shall be implemented in the planting season concurrent with or immediately following the completion of the building.

123. Landscaping shall proceed in the planting season immediately following completion of construction works for either the Cellar Door or Café / Shop.

124. The maximum gross floor area of any building on Lot 601 shall be 500m² and the maximum gross floor area of any building on Lot 602 shall be ~~500m²~~ 650m². ~~Any "other retail" or "shop" as defined in the Central Otago District Plan on Lot 602 shall be limited~~

~~to a maximum of 100m².~~ A consent notice identifying these maximum gross floor area caps shall be registered against the title of lots 601 and 602 respectively. The wording of the consent notice shall be provided to the CODC as part of the section 224(c) application

Residential Sites on Land Zoned Business

119. Any dwelling shown on lots 200-214, 218-220, 237-241, 284-286, 407-410 and 534-535 shall be located within the building platform and building envelope shown on the plans by Baxter Design dated 11 August 2021 plan numbers 2953 SK116 Part 1 and 2953 SK117 Part 2 and shall:

- (a) Comply with the front and side boundary setbacks as shown on plans by Baxter Design dated August 2021 plan numbers 2953 SK116 (11 August 2021) and 2953 SK117 Part 2 (27 September 2021); provided that on superlots 534 and 535 any garage shall be set back a minimum of 4.5m from the front boundary.
- (b) Not exceed a maximum building coverage as set out in Rule 7.3.6(iv) of the CODC district plan except that:
 - (i) any site shown as medium density on Plan 2002-002 Rev S shall not exceed a building coverage of 80%; and
 - (ii) sites outside the medium density area shown on Plan 2002-002 Rev S that are less than 325m² net site area, shall not exceed a building coverage of 55%, and sites between 326m² and 375m² shall not exceed a building coverage of 50%.
- (c) Comply with the following development rules for the Wooing Tree overlay applying to Residential Resource areas as set out below:
 - (i) Rear yards (Rule 7.3.6(iii)(c)(iii));
 - (ii) Height (Rule 7.3.6(iii)(f));
 - (iii) Carparking (Rule 7.3.6(v));
 - (iv) Signs (Rule 7.3.6(vii));
 - (v) Excavation (Rule 7.3.6(x));
 - (vi) Relocatable buildings (Rule 7.3.6(xi));
 - (vii) Acoustics (Rule 7.3.6(vii)(b));

Residential Sites

120. All dwellings on sites other than lots 200-214, 218-220, 237-241, 284-286, 407-410 and 534-535 with a frontage of 13m or greater and a site depth of 25m or greater, shall achieve front and side yards of:

(a) Front Yards:

- 4.5m, except for corner sites where the frontage to one street shall be 4.5m and the frontage to the second street 3m.

(b) Side Yards:

- 1.5m in the Residential Resource area, and residential resource area 3 and 11.

121. All dwellings on sites other than lots 200-214, 218-220, 237-241, 284-286, 407-410 and 534-535 with a frontage of less than 13m and / or a site depth of less than 25m, shall achieve front and side yards of:

(a) Front Yards:

- 3.0m, except any garage shall be set back a minimum of 4.5m.

(b) Side Yards:

- 1.0m; except that:
 - no side yard applies where building adjoin through a common wall: or
 - no side yard applies provided that a maintenance easement is registered against the title of the adjoining site preventing any building being constructed within 1m of the boundary, and allowing access to maintain the building.
 - The recession plane control does not apply to any part of the building built on or within 200mm of the boundary.
 - For Lot 514 DP 574973 the garage shall be setback 340 mm from the east side yard adjoining Lot 284 DP 574973 in accordance with the plans and elevations submitted with RC 200366V8 application received by the Council on 28 February 2023.

122. All dwellings on a site other than lots 200-214, 218-220, 237-241, 284-286, 407-410 and 534-535 shall not exceed a maximum building coverage as set out in Rule 7.3.6(iv) of the CODC District Plan except that:

- a) any site shown as medium density on Plan 2002-002 Rev S shall not exceed a building coverage of 80%; and
- b) sites outside the medium density area shown on Plan 2002-002 Rev S that are less than 325m² net site area, shall not exceed a building coverage of 55% and sites between 326m² and 375m² shall not exceed a building coverage of 50%.

123. The minimum lot size of any residential site within 40m of the northern boundary of the site, or the boundary with Shortcut Road, shall be 440m² net site area.

Residential Sites on Land Zoned Rural

124. Any residential use of lots 332, 335, 344,346, 348, 275, 351-352, 363, 365, 412, 414, 416, 437 -465, 537 and 539 shall comply with:

- (a) the definition of 'Residential Activity' in the CODC Operative District Plan and
- (b) a 1.5m side yard; and
- (c) the identified standards of the Residential Resource Area set out in Rule 7.3.6(iii), (iv), (v), (vii) and (xi), of this Plan (excluding side yards).

Signage

125. Permanent signage on the site shall either:

- (a) comply with the CODC District Plan and bylaws, or
- (b) shall be generally in accordance with the plans by FDA plans numbers 1354 A901 Rev C, 1347 PSK 097 Rev B and 1347 A 102 L M - dated 7 September 2021.

126. Any lighting of signs erected under Condition 131 shall comply with the lighting standards of the CODC District Plan and bylaws or obtain consent.

127. Any sign facing SH8B shall not portray videos or moving images or any interactive light display that will cause driver distraction; provided this does not limit signs which rotate through a series of images or constant lighting patterns. All signs shall only relate to activities on the Wooing Tree Estate site, and any that rotate through a series of images shall be restricted to a minimum dwell time of 8 hours.

128. Signs displaying the "Wooing Tree" name of the neighbourhood and depicting the Wooing Tree may be erected either side of the entrance roadways to Wooing Tree. The signs shall be generally located in the position and be of the size or smaller size shown on the plans referenced in Condition 131.

129. Any lighting of the "Wooing Tree" naming sign under Condition 134 shall not result in any direct light spill on to any residential site outside of the Wooing Tree Estate and shall not exceed 10 lux when measured from the boundary of any residential site outside the Wooing Tree Estate.

130. Temporary signage on the site shall be generally in the location shown on plans by Veros dated September 2021 drawing number 1-7 Revision 3; and:

- (a) Primary signage:
 - (i) shall enable up to 5 temporary signs for the duration of the development phase.
 - (ii) shall not exceed a height of 4m.
 - (iii) shall not exceed or a gross area of 6m² for signs mounted on a pole structure or and 18m² for signs mounted on a trailer.
 - (iv) may portray images on both sides of the signage panel.
- (b) Supplementary signage:
 - (i) Way finding signage not exceeding 1.2m² in size or a height of 1.8m, may be erected identifying the location of any sales office and the interim location of the Wooing Tree Cellar Door.
 - (ii) Up to an additional 14 signs not exceeding 2.2m² in size or a height of 1.5m, maybe erected may be erected at the perimeter of the site naming the subdivision and stating that sections are for sale.
- (c) Any other signage shall comply with the CODC District Plan and Bylaws.

Advice Notes: Subdivision

- (a) *Land use conditions 102-108 refer to land contamination matters. Should the testing required under those conditions identify that contaminants are present in soils, or should unexpected discovery of potential source of contaminants be triggered, then these land use conditions would apply concurrent with the subdivision works.*
- (b) *Condition 97 in the subdivision section sets out the ongoing requirements of landscaping use and management of the northern buffer land. These obligations are ongoing.*
- (c) *Conditions 72 and 73 of the subdivision consent apply to all construction activity. It prevents any direct access off State Highway 8B or State Highway 6. Construction traffic must use Shortcut Road or the Barry Avenue roundabout when operational. This applies to all land use construction work as well as subdivision.*
- (d) *The works involving roads will require an approved Road Opening Notice and Works Completion and Maintenance Notices in accordance with CODC's July 2008 Addendum to NZS 4404:2004.*

- (e) *Development contributions are payable to CODC for water, wastewater and roading respectively pursuant to the CODC's Policy on Development and Financial Contributions contained in the Long Term CODC Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to section 224(c). The CODC may withhold a certificate under section 224(c) of the Resource Management Act 1991 if the required Development and Financial Contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5. 1 of the Operative District Plan.*

Advice Notes: Land use

- (a) *Accidental discovery protocols at Conditions 75 and 76 apply to any development of sites within Wooing Tree.*
- (b) *Conditions 89 and 90 in the subdivision section deal with the ongoing management and accountability of the Residents Society for the buffer to State Highway 8B and State Highway 6 and the associated bund.*

Advice Notes: General

1. *All charges incurred by the CODC relating the administration, inspection and supervision of conditions of subdivision consent shall be paid to CODC prior to section 224(c) certification.*
2. *The Otago Regional CODC Regional Plan Air sets air quality standards for fireplaces and wood/coal burners. Future dwellings or businesses seeking to incorporate wood, coal or gas burning appliances will need to either comply with the Regional Plan Air Quality Controls or obtain necessary resource consents.*
3. *The consent holder is advised to continue engagement with Aukaha and Te Ao Marama Inc to obtain input from the runanga over suitable street names within the development and to assist in exercising appropriate cultural protocols over the induction of contractors on to different stages of the development. The consent holder has offered access to representatives of Aukaha and Te Ao Marama Inc for the purposes of assisting and monitoring the site for any matters relating to accidental discovery subject to the representatives fully complying with onsite health and safety protocols.*



APPLICATION FOR RESOURCE CONSENT

OR FAST TRACK RESOURCE CONSENT

FORM 9: SECTION 88 RESOURCE MANAGEMENT ACT 1991

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Email to: resource.consents@codc.govt.nz

Post to: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

RECEIVED
18/11/2022
CODC

CONTACT DETAILS OF APPLICATION

Full name(s) and contact details of owner/occupier/applicant: *(name will be issued on the decision)*

Wooring Tree Property Development Limited Partnership

Postal Address

Veros (Attention: Stephen Cornwall) 78 Second Avenue, Tauranga

stephenc@veros.co.nz

0291290184

Email

Phone

Full name(s) and contact details for service of application *(if different from above)* e.g. Agent:

Tattico (Attention: John Duthie)

Postal Address

PO Box 91562, Victoria Street, Auckland, 1142

john.duthie@tattico.co.nz

0274924387

Email

Phone

DETAILS OF PROPERTY

Street address/rapid number of property to which this application relates:

64 Shortcut Road, Cromwell, 9310

Legal description of land:

LOT 200 DP 560535

DETAILS OF APPLICATION

Application Type(s) applying for: *(please tick one)*

- ☒ Land use consent
☐ Subdivision consent
☐ Change/Cancellation of consent or consent notice conditions
☐ Extension of lapse period of consent (time extension) s125
☐ Certificate of compliance
☐ Existing use certificate

Description of proposal:

Establish a 650 sqm retail and hospitality centre on future Lot 602 at Wooing Tree.

- ☒ No additional resource consents are needed for the proposed activity.

Or

- ☐ The following additional resource consents are needed for the proposed activity. *(give details)*

They have / have not been applied for: *(please highlight)*

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing. Please select one:

I opt out ☒ / I do not opt out ☐ of the fast-track consent process.

PAYMENT DETAILS

I confirm amount and date paid:

Reference used (if applicable):

- ☐ Bank Transfer to 020916 0081744 00 (BNZ Alexandra Branch). Please reference: "RC APP" and the applicant's surname in the payment details eg, RC APP SMITH
- ☒ Manual payment (can only be made once application lodged and RC reference number issued)

APPLICATION CHECKLIST

The following is attached to this application:

(please tick boxes as appropriate)

- ☐ *Non-refundable application fee of the prescribed amount (an additional charge may also be payable where the initial application fee is inadequate to recover Council costs).
- ☐ Assessment of the Effects on the Environment (AEE).
- ☐ *Copy of current Certificate of Title.
- ☐ *A location plan.
- ☐ *A site plan which shows the location of any buildings, driveways, parking areas or other significant features in relation to site boundaries. (Please ensure the paper size is either A4 or A3.)
- ☐ A building plan including the floor plan of the proposed building and elevations (if appropriate). (Please ensure the paper size is either A4 or A3.)
- ☐ Photographs of the site and of any important features relative to the application.
- ☐ Any other information required by the District Plan or Act or regulations to be included.

**Items with a star are required for all consent applications.*

Full details relating to the contents of applications are contained in the checklists and guidance notes available on Councils website www.codc.govt.nz or from any Council office.

Note to applicant:

You may apply for two or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

I/We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

I/We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under the Act.

(List all documents that you are attaching)

Attachment A: Planning analysis and assessment of effects, Attachment B: Plans of the retail centre,

Attachment C: Economic Assessment by Market Economics, Attachment D: Transport Assessment,

Attachment E: Infrastructure Memo, Attachment F: Landscape and Urban Design Statement

Subdivision consent requirements

As/if this is an application for a subdivision consent, I/We attach information that is sufficient to adequately define: *(delete if this is not an application for a subdivision consent)*

- (a) The position of all new boundaries; and
- (b) the areas of all new allotments; and *(delete if the subdivision involves a cross-lease. Company lease or unit plan)*
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) the locations and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under section 237A of the Resource Management Act 1991; and
- (f) the locations and area of land to be set aside as new roads.

As this is an application for a resource consent for reclamation, I/We attach information to show the area proposed to be reclaimed, including its location, the position of all new boundaries, and the portion of that area (if any) to be set apart as an esplanade reserve or esplanade strip. *(delete if this is not an application for a resource consent for reclamation)*

John Duthie

Digitally signed by John Duthie
Date: 2022.11.18 14:45:34 +13'00'

18/11/22

Signature

Date

(to be signed by applicant or person authorised to sign on behalf of applicant)

tattico



Resource Consent Application Wooing Tree: Retail Facility

Future Lot 602

Wooing Tree Partnership Development

**Planning Report and
Assessment of Effects**

18 November 2022

Tattico Limited

PO Box 91562, Victoria Street, Auckland 1142, New Zealand
Level 10, West Plaza Tower, 1-3 Albert Street, Auckland 1010
p. +64 9 973 4282 f. +64 9 973 4283
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November 2022

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1 INTRODUCTION

- 1.1 This is a non-complying resource consent to establish a 650m² retail and hospitality centre at Wooing Tree. The site is located on future lot 602 at Wooing Tree. This is located on the eastern corner of the intersection of State Highway 8B and the new Barry Avenue roundabout with the road giving access to Wooing Tree.
- 1.2 This application follows a consent granted under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (CRFCA). That consent approved the retail development of 1,000m² at the Wooing Tree southern entry, with 500m² gross floor area approved on Lot 602 at Wooing Tree. That consent placed a condition on the retail component limiting the gross floor area of tenancies on lot 602 to 100m².
- 1.3 This application:
- relates to Lot 602, but includes a limit on the gross floor area of retail development on lot 601;
 - retains the retail use (including food and beverage) use on lot 602;
 - seeks to increase the tenancy cap from 100m² to 350m², but commits to at least a minimum of three tenancies; and
 - provides a detailed site plan for the development and associated parking and loading;
 - provides for one sign per tenancy on the building. This is in addition to the existing consented pylon sign and the signs on the cellar door.
 - In recognition of the increased gross floor area on lot 602, limits the gross floor area on lot 601 to 350m². This has the effect of keeping the same 1,000m² cap for retail at Wooing Tree. of
- 1.4 The subject site is shown on Diagram 1.

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Diagram 1: Subject site



- 1.5 In terms of urban design, the basic layout of the retail / hospitality centre is similar to the existing CRFCA consent but increased in size. The design has been further refined to reflect a more traditional Central Otago architecture. The overall urban design effects are no or minimally different from the consented development.
- 1.6 The transport effects are the similar. The access location, loading arrangements and parking is essentially that approved under the existing CRFCA consent.
- 1.7 Market Economics have undertaken an economic analysis of the impact of the change in tenancy sizes and that impact on the Cromwell town centre. The Market Economics report deals with this application plus a concurrent application lodged for the adjacent retail site.
- 1.8 The review finds there is no difference in terms of the economic impact on the Wooing Tree neighbourhood or Cromwell North. It finds, in terms of the Cromwell town centre, there is minimal difference. The block will be made up of at least three tenancies (plus one on lot 601). This prevents any large format retail unit developing in this location. Rather, retail is focused at the residents of Wooing Tree and Cromwell North, and as a hospitality centre for visitors and the travelling public. +k

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1.9 This planning assessment comprises:

- (a) key site and planning information;
- (b) an outline of existing consents;
- (c) an outline of the proposal;
- (d) a description of the site and neighbourhood;
- (e) the reasons for consent;
- (f) an assessment of the effects of the development;
- (g) an analysis of the statutory provisions of the RMA and the relevant provisions in the District Plan and other relevant policy documents;
- (h) an assessment of matters of notification;
- (i) suggested conditions of consent.

1.10 This application comprises:

- (a) Attachment A: Planning analysis and assessment of effects by Tattico (this report);
- (b) Attachment B: Plans of the retail centre by FDA;
- (c) Attachment C: Economic Assessment by Market Economics;
- (d) Attachment D: Transport Assessment by Carriageway;
- (e) Attachment E: Infrastructure Memo by Paterson Pitts Group; and
- (f) Landscape and Urban Design Statement by Baxter Design.

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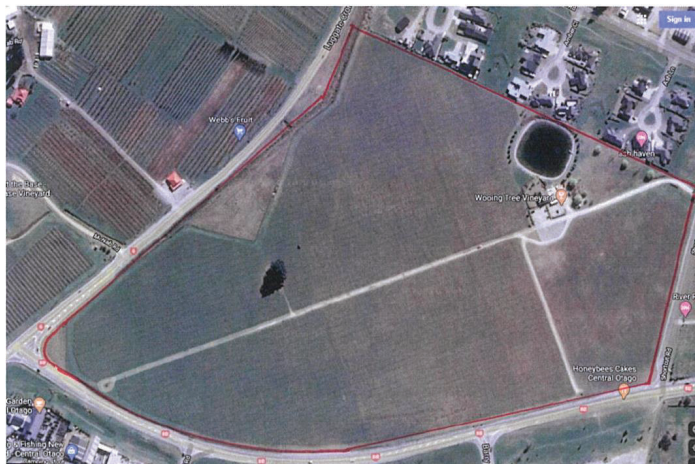
2 SITE AND PLANNING INFORMATION

2.1 Property information

APPLICANT AND PROPERTY DETAILS	
Applicant	Wooving Tree Property Development Limited Partnership
Address	64 Short Cut Road
Identifier	Lot 200 DP560535
Site Area	22.5964ha
Owner	Wooving Tree Property Development Limited Partnership

Diagram 2 is an aerial photograph of the entire Wooving Tree site.

Diagram 2: Aerial photograph



This aerial photograph does not accurately reflect the current development of the site which has seen Stage 1 completed and Stage 2A substantially under construction. The Barry Avenue roundabout is nearing completion.

Diagram 3 is a drone photograph taken by the Project Managers for WTPDLP. Lot 602 is the block of land on the near right hand side (eastern side) of the new stub road entering off the new Barry Ave roundabout shown on the photograph.

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Diagram 3: Drone photograph



The actual application site is only the retail centre on Lot 602 of the Wooing Tree development – the land shown on Diagram 1. Diagram 4 shows the current residual title for Wooing Tree (essentially after the stage 1 sections have been subdivided and titled. This application only relates to 2,003m² of this 22.5ha title, or approximately 0.9% of the land.

For the purpose of this application, the applicant is limiting gfa of permanent buildings on Lot 601 to 350m². Consequently, Lot 601 is also within the scope of this application.

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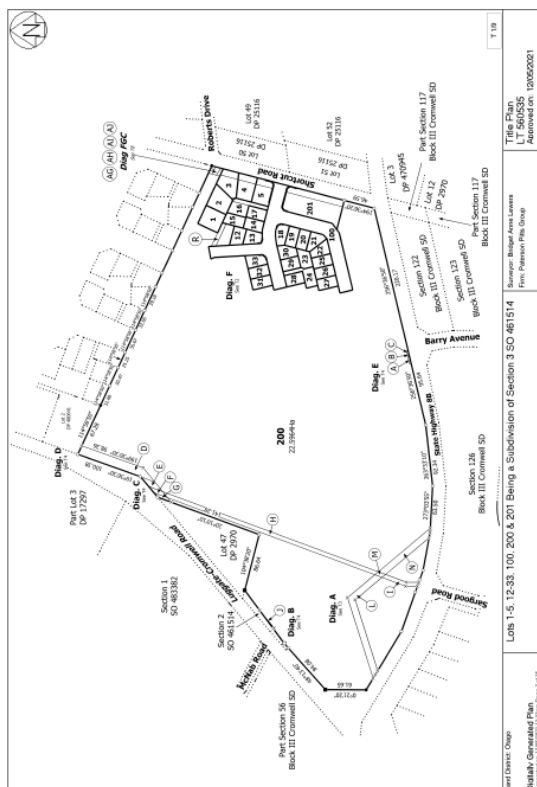


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Diagram 4: Title

Identifier 989627



Transaction ID 68142788
Client Reference www.cheaptitles.co.nz

Search Copy Dated 25/02/22 12:14 pm, Page 3 of 3
Register Only

2.2 District planning information

The table below relates to that part of the site the subject of this application. Other residential resource

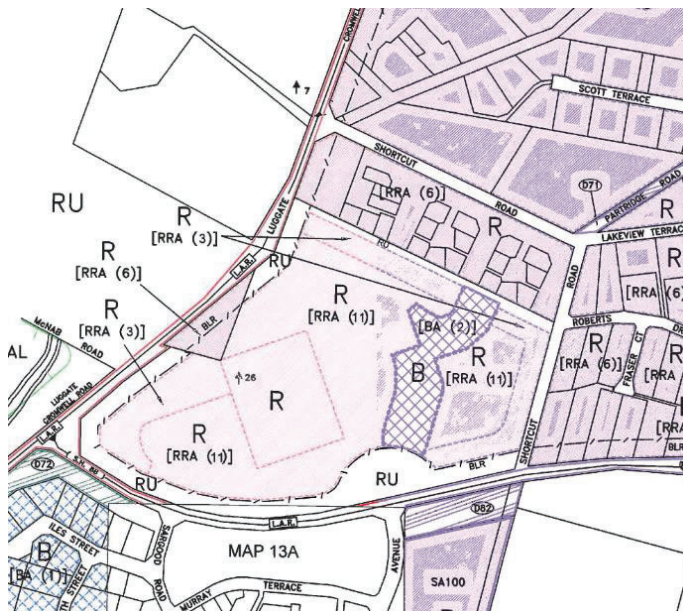
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areas and the protection of the Wooing Tree pine apply elsewhere on the site.

CENTRAL OTAGO DISTRICT PLAN	
Zone	<ul style="list-style-type: none"> Rural
Special identifications	<ul style="list-style-type: none"> Building line restriction SH8B and SH6
Designations	<ul style="list-style-type: none"> State Highway Urban (SH8B and SH6)

Diagram 5 shows the current zoning for the Wooing Tree block. In terms of the subject part of the site, it comprises Rural Resource Area land along SH8B and SH6.

Diagram 5: Current Zoning



2.3 Proposed Plan Change 19

In July 2022, the Council notified Proposed Plan Change 19 (PC19) to the CODC District Plan.

This is a comprehensive plan change addressing the residential zones within the district.

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In particular, PC 19 introduces a new 'Medium Density Residential Zone' (MRZ). This zone provides for medium density zoning in appropriate parts of the district. Essentially it provides for a range of housing typologies including standalone homes, duplexes, terrace houses and some low rise apartments (three storey height limit).

The plan change proposes to delete the business zoning from Wooing Tree.

Under PC 19 the rural zoning and business zoning is deleted with all the land proposed to be zoned MRZ.

A 30m building line restriction is introduced along the boundary of State Highway 6 and State Highway 8B. The inner 15m of this 30m building line restriction is within Stage 4.

2.4 Regional planning information

CENTRAL OTAGO REGIONAL PLAN: AIR

Special identifications • Air Zone 1: Cromwell

CENTRAL OTAGO REGIONAL PLAN: WATER

Special identifications • No particular identifications

The 'Regional Plan: Air' applies to the application in terms of the policy dealing with dust management. All consents relevant to this are already obtained.

The 'Regional Plan: Water' including Proposed Plan Change 8, is relevant with respect to stormwater discharge to groundwater at the site. WTPDLP obtained all necessary consents under Proposed Plan Change 8 in September 2021.

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3 BACKGROUND AND EXISTING CONSENTS

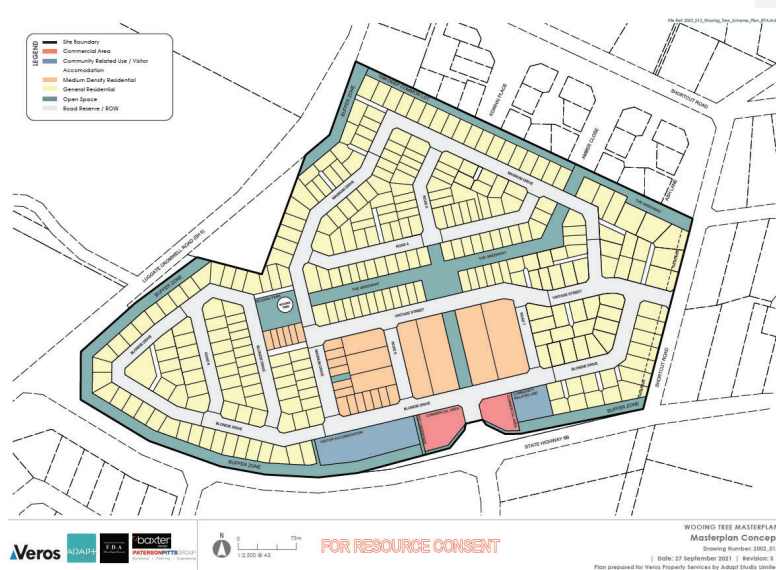
3.1 CRFCA Consent

In September 2021, WTPDLP was granted consent under the CRFCA for comprehensive development of the Wooing Tree block. This included establishing a 1,000m² of retail activity on lots 601 and 602 (shaded red on Diagram 6.)

The consent was subject to a number of conditions. For ease of reference, that approval is attached to this application.

Diagram 6 shows the masterplan for the Wooing Tree development as consented

Diagram 6: Consented masterplan



The CRFCA consent comprised 136 conditions. These dealt with a range of issues addressing all aspects of the consent including retail. Matters included:

- engineering standards for roading, water, wastewater;

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- stormwater management;
- urban design;
- treatment of the interface between State Highway 8B and State Highway 6;
- approval of building envelopes and retail buildings;
- cap on total gross floor area;
- cap on tenancy sizes of general retail units.

This proposal retains all but one of the conditions of consent. The only two changes are to the gross floor area cap, and the tenancy condition. The number of tenancies is set at 4 including the cellar door and maximum gross floor area of any tenancy set at 350m².

A new condition is proposed to cap the size of retail gross floor area on both lots 601 and 602.

3.2 Existing environment

Case law has established that the “existing environment” can be considered as any one of three circumstances in terms of an assessment under the RMA:

- the existing environment as it currently exists on the ground;
- what could be reasonably expected to be developed under an Operative District Plan; or
- a development that has obtained resource consent, and there is a realistic expectation that consent can and will be implemented.

In this case, the “existing environment” is that contemplated by the CRFCA consent. This development has been approved by the Hearings Panel and is under development, i.e. it is being implemented.

- Stage 1 is constructed, titled and housing under construction.
- Stage 2A is well advanced in the construction phase.
- Stage 2B has completed earthworks and is early in the construction phase.
- The physical construction of the roundabout is virtually complete.
- Bulk earthworks across the entire site are substantially complete.
- Stage 3 consented
- Preparatory works will soon start on Stage 3.

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Demonstrably, the Wooing Tree development consent is an approved resource consent which is physically being implemented.

That “existing environment” therefore comprises:

- A small retail and hospitality centre at the entrance to Wooing Tree Estate from State Highway 8B.
- Two effectively retail lots, being Lots 601 and 602.
- Lot 601 provides for 500m² gross floor area of retail space, being a cellar door.
- Lot 602 provides for 500m² gross floor area of retail space being available for food and beverage and general retail usage.
- Lot 601 provides for a two-level commercial building with a footprint of 350m² gfa and a mezzanine floor of 150m² gfa.
- Lot 602 provides for a single level building of 500m² gfa.
- Lot 601 provides for 30 parking spaces and access off Blondie Drive.
- Lot 602 provides for 27 parking spaces with access off Blondie Drive.
- Both Lots 601 and 602 provide for an approximately 4.3m landscape setback along State Highway 8B.
- The retail centres on Lot 602 have a cap on the gross floor area of the tenancy of a maximum of 100m².
- The built form consequently on Lot 602 will be for a single storey, 500m² retail building comprising five or more tenancies.

This assessment is undertaken in the context of this “existing environment”.

3.3 S127 Application

WTPDLP has lodged an application under section 127 of the RMA relating to Lot 601 that has the effect of reducing the gfa of the cellar door from 500 to 350m².

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4 PROPOSAL

4.1 Overview

In terms of the core changes between this proposal and the existing CRFCA consent (the “existing environment” as outlined in 4.2 above):

- This development provides for the same retail centre at the entrance to the Wooing Tree block.
- It is the same retail lot of the same size, site area, and in the same location.
- The gfa of the retail building on Lot 602 is increased from 500m² to 650m². It remains a single storey building with a reconfiguration (increased width) of the layout of the building.
- The cap on maximum size of tenancy is increased from 100m² gfa to 350m² gfa with a minimum of three tenancies within the building. This is the second material change through this application. Instead of a minimum of 100m² tenancies driving at least five tenancies in the building, on lot 602, that minimum is now set at 350m² with a minimum of three tenancies in the building. Market research has indicated that the best opportunity to create the retail node at Lots 601/602 is to put the three general retail tenancies on Lot 602.
- The same access location to parking for Lot 602 is retained.
- A similar level of carparking is provided.

This proposal imposes a covenant/consent notice on Lot 601 limiting the maximum gross floor area of retail buildings (excluding temporary marquees for special events) to 350m² gross floor area. This preserves the 1,000m cap on retail gross floor area at Wooing Tree. It is intended to set the same tenancy limits on Lot 602 as the current September 2022 consent (i.e., a maximum gross floor area in any one tenancy of 350m²) and requires a minimum of three tenancies on Lot 602.

4.2 Retail Development

Diagram 7 shows the existing Site Plan for the CRFCA consent.

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Diagram 7: Existing Site Plan under the CRFCA consent

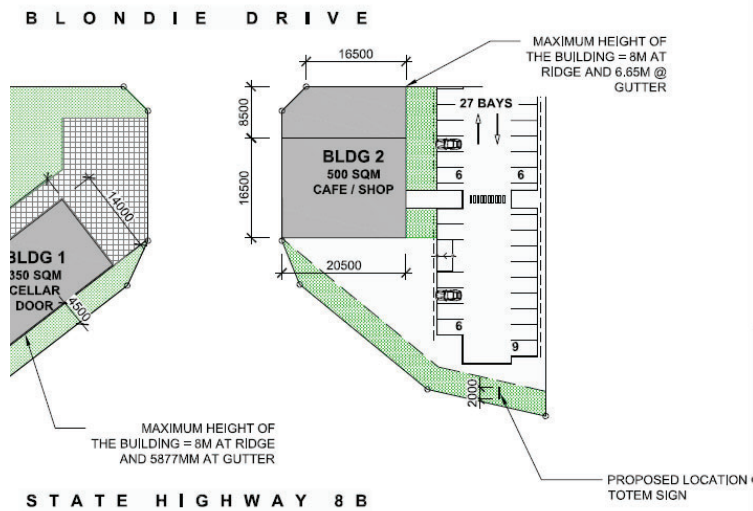


Diagram 8 shows the proposed Site Plan under this new application.

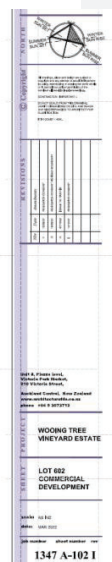
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Diagram 8: Proposed Site Plan Lot 602



The key points to note are:

- (i) the gfa of the building is increased to 650m²;
- (ii) the same primary access is derived off Blondie Drive;
- (iii) the building length is increased to account for the increase in gfa;
- (iv) the same frontage landscaping is retained.

Diagram 9 shows a perspective of the current CRFCA consented building. This is in comparison to Diagram 10 which shows the perspective of the new building proposed under this application.

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Diagram 9: Perspective of the building approved on Lot 602 under the CRFCA consent



Diagram 10: Perspective of the proposed new building on Lot 602



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The key points to note are:

- (i) both these buildings are a single storey structure;
- (ii) the same gable pitched roof form is retained;
- (iii) there is a significant change in the architectural treatment and materiality of the new building. This proposal now more closely reflects the traditional building style and materiality of Central Otago;
- (v) it has a design empathetic to the cellar door and new retail unit on Lot 601.

The perspective is based on three retail tenancies, one a food and beverage and two as yet unspecified general retail uses. The applicant is targeting one of these tenancies to be a café operator. That in turn is located at the northern end of the site to allow some outdoor dining sheltered from the noise of the State Highway, and with a northerly and easterly aspect. However, this application is seeking flexibility to respond to the demand and availability of different tenants. The application itself simply seeks approval for retail facilities comprising a minimum of three tenancies with a maximum gross floor area of 350m². Those tenants could be any form of complying retail use within the District Plan including food and beverage.

Commented [KY2]: Minimum three tenancies ?

As stated, the key difference between the existing CRFCA consent and this proposed application is that the cap of 100m² maximum retail tenancies (other than the cellar door) is increased from 100m² to 350m² with the minimum number of tenancies being four comprising:

- the cellar door on lot 601;
- a minimum of three other tenancies on lot 602.

The Site Plan at Diagram 8 shows that the parking and loading arrangement for Lot 602 is similar to the CRFCA consent. There is a slightly different reconfiguration of the layout but the same access points and the same basic number of parking spaces. A dedicated loading space is provided.

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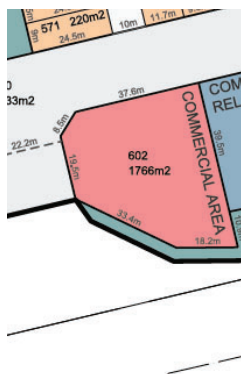
4.3 Subdivision plan

This application places the 4.3m landscaping strip along the State Highway 8B frontage within the title of the retail unit. It is logical for this land to form part of the retail site and to be maintained by that landowner.

A specific new condition of consent is imposed requiring the same landscaped area to be set aside as a special yard; permanently free of buildings or structures and to be landscaped and maintained. This will ensure there is no change in the land use. The subdivision is simply a reflection of the fact that this part of the State Highway frontage will be operated and maintained by the retail unit, rather than part of the vineyard operation in other parts of the buffer.

Diagram 11 shows the existing subdivision pattern under the CRFCA consent. Diagram 12 shows the new Subdivision Plan.

Diagram 11: CRFCA Subdivision Plan



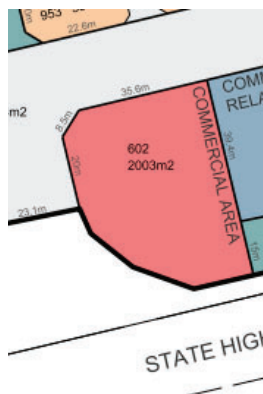
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Diagram 12: Proposed Subdivision Plan



4.4 Masterplan

Diagram 13 shows the revised Wooing Tree Masterplan of the subdivision across all stages. Diagram 14 shows the same masterplan illustrating the urban design components. The masterplan shows the consented stages 1-3, plus the stage 4 subject to a separate application.

Diagram 13: Wooing Tree Masterplan: Subdivision - All Stages



Commented [KY3]: Mark lot 602

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Diagram 14: Wooing Tree Masterplan: Urban design - All Stages



Key aspects of this masterplan are:

- (a) The masterplan provides for a small retail hub at the entrance to Wooing Tree from the Barry Avenue new roundabout. This application is for a café and retail facility. It is complementary to the cellar door on the western side of the entry from the Barry Avenue roundabout.
- (b) The same principle of an interconnected internal road network as per the current consent is retained.
- (c) A strong green network through the site, both in terms of a north-south access through the middle of the property, and an east-west access, is retained. These “greenway” connections create amenity for residents as well as a walking and cycling network through the property.

These initiatives complement the core features of the masterplan retained under the existing consent and outside the scope of this application. These are:

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(a) The prime entry off SH8B, including the new roundabout currently nearing completion, is unchanged. The roading network for the roundabout is now complete. At the time of writing this application report, the final landscaping and other detailed works associated with the roundabout were being completed.

(b) The construction of the pedestrian underpass connecting Cromwell North to the Cromwell town centre. This connection will be strengthened by this application by providing a more direct route through the site via the greenway that will be created.

4.5 State Highway 6 and 8B rural zoned buffer

The current CRFCA consent approves a landscaped strip along SH8B and the entry road. That landscaped strip is being built as part of the current consent. This application retains this same landscape strip. It incorporates it within the title of Lot 602 respectively so that this front yard amenity landscaping is owned and maintained by the retail operators. This is seen as giving the best prospect for high quality maintenance of this land and is a more logical ownership arrangement.

4.6 Earthworks

The earthworks on this site are relatively limited. Bulk earthworks are complete pursuant to previous consents.

Earthworks will only be those associated with building foundations and utility trenching to connect to the sites.

4.7 Wastewater and Potable water

The wastewater and potable water for each of Lot 602 will connect to the public wastewater and water networks vested in CODC as part of the Wooing Tree development.

4.8 Stormwater

Wooing Tree Partnership Limited will install an on-site stormwater network. This will involve soakage pits and release to ground. These are designed to CODC standards. Detailed approval of these will take place at engineering plan approval stage.

The same stormwater management system as the current consent is employed. A sophisticated treatment process is proposed for streets involving Caudwell type soakage pits and silt and debris

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traps designed to comply with the Regional Water Plan Rules. This system was assessed and approved as part of the existing consent. It is also applied throughout this application area.

4.9 Electricity and telecommunications

The power and telecommunications for each of Lot 602 will connect to the public networks vested as part of the Wooing Tree development.

All electricity and telecommunications infrastructure is underground.

4.10 Retail cap

The existing consent puts a cap of 1000m² gfa on Wooing Tree. If this application is granted for 650m², then the applicant invites Council to impose a consent notice on Lot 601 limiting the gfa of the cellar door or any other permanent building on site to a maximum of 350m² gfa.

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5 SITE AND NEIGHBOURHOOD DESCRIPTION

5.1 Site information

The site is located adjacent to the intersection of SH8B and SH6.

The legal owner of the site is Wooing Tree Property Development LP.

A copy of the title is appended to this application.

5.2 Site

The subject land is a part of the Wooing Tree block. Because Wooing Tree itself is still being developed, the legal site is technically the large 22ha title / site shown in Diagram 4. The reality is that this application is about two 'sites' part of the title of this larger site, primarily Lot 602 at 2,003m².

The majority of the Wooing Tree block is developed for housing and associated roading and parks. These two lots provide a small, dedicated retail centre.

In terms of this report, its focus and reference to 'site' refers to the land comprising Lot 602.

5.3 Neighbourhood

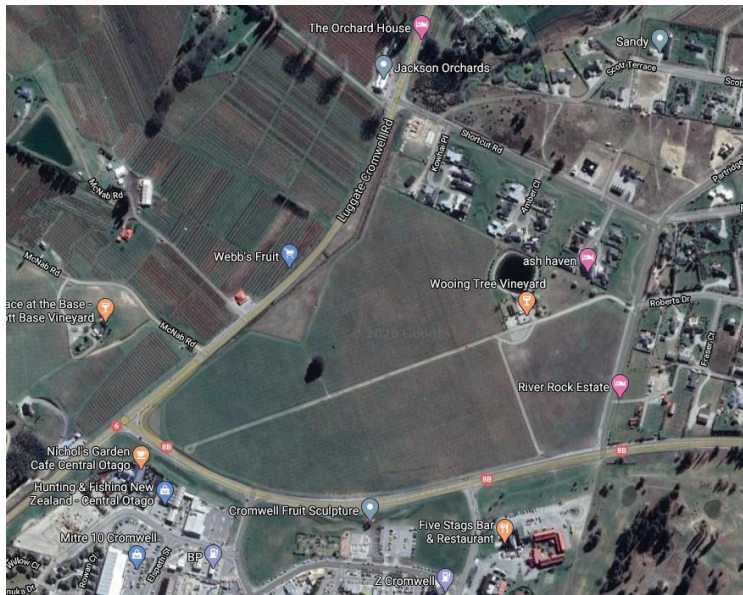
Diagram 15 shows the immediate neighbours to the subject site.

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Diagram 15: Immediate neighbours



The closest land to the west outside the Wooing Tree Estate (and ignoring the government meteorological weather station) are the orchards on the western side of State Highway 6. These are some 470m from the subject site.

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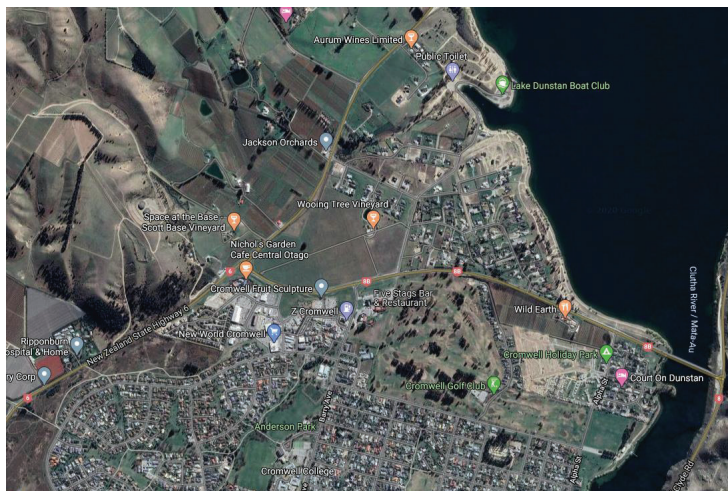
To the south on the opposite side of SH8B, is the commercial centre of Cromwell. It comprises:

- a major restaurant and accommodation facility;
- recreational facilities being a mini golf course, playground and skate park;
- the bulk retail location of Cromwell comprising supermarkets and large format retail premises; and
- the iconic Cromwell Fruit Sculpture.

There are no immediately adjoining homes to the retail block. The nearest residential neighbours are 325m to the north and 200m to the east.

Diagram 16 gives a larger scale aerial photograph of the Cromwell area. It shows the Wooing Tree block in its context at the junction of SH8B and SH6 and immediately north of the Cromwell town centre.

Diagram 16: Wider Cromwell area



Land to the north of SH8B and west of SH6 is large lot residential development and some rural lifestyle blocks between the State Highways and Lake Dunstan.

South of SH8B is the golf course, Cromwell town centre and the large retail format facilities.

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South of the large format retail, the town centre and the golf course is the main residential area of Cromwell.

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6 REASONS FOR CONSENT

This section sets out the reasons for consent under the Central Otago District Plan and other statutory instruments.

6.1 Central Otago District Plan

The subject land is within the Rural Resource Area classification of the Operative District Plan.

Rule	Standard	Comment
Rural activities		
4.7.5(iii) Subdivision	Any subdivision of sites within Rural Area which have a net site area of less than 2ha is a non-complying activity.	This development provides for subdivision within the rural area with sites less than 2ha. This is a non-complying activity .
4.7.5(iv) Retail activity	A retail activity not selling products grown on the site is a non-complying activity.	The retail activity on Lot 602 is not associated with rural production on the site. This is a non-complying activity .
District Wide		
12.7.5 Signs	Signs	
(i) Permitted signs throughout the district	This proposal provides signage associated with the tenancies of each of the retail units.	This proposal exceeds the number and size of signs. This is a non-complying activity .
12.7.7	Building Line Restrictions (i) No building shall be erected within any building line restriction shown on the planning maps between the building line and the feature to which it relates.	Any activity that does not comply with this rule is a restricted discretionary activity .

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12.7.1(ii)	Sight Distances No vehicle crossing is permitted within 40m of an intersection. This proposal exceeds that. However, that was approved under the existing CRFCA consent. No change is proposed.	Any activity that does not comply with this rule is a restricted discretionary activity .
12.7.2 (i)	Number of Parking Spaces	There is a shortfall of 7 spaces on lot 602. This is a restricted discretionary activity .
12.7.2 (ii)(e)	Parking in Queuing A 6m queue length is required	No queuing is provided. This is a restricted discretionary activity .

In terms of the “bundling” principle under the RMA, overall this application is a **non-complying activity**.

6.2 Proposed Plan Change 19

Plan Change 19 is early in its statutory process and therefore has limited legal effect.

In terms of the proposed Plan Change 19:

- (a) Plan Change 19 introduces the MRZ across all land at Wooing Tree including the subject site.
- (b) Lot 602 is proposed to be zoned medium density residential.
- (c) This proposal does not comply with the standards of Plan Change 19. As such this is a **non-complying activity**.

6.3 National Environmental Standard: Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

No consents are required under this National Environmental Standard.

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6.4 [National Policy Statement: Freshwater Management and associated National Environmental Standard on Freshwater Management](#)

No consents are required under this Policy Statement or Environmental Standard.

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7 ASSESSMENT OF EFFECTS

The following assessment is an analysis of the effects of this development.

7.1 Rural effects

The rural effects of this development are minimal. While this land is technically zoned Rural, its intention is as a buffer separation from State Highway 8B. It is also part of keeping a rural character in this gateway to Cromwell. The rural zoning here is not intended for high production horticultural purposes. The zoned land is simply too small to provide a strong rural economic function.

In terms of providing a rural character to the gateway to Cromwell and providing amenity protection to housing in Wooing Tree from the State Highway; both these issues were fully examined by the Hearings Panel as part of the current CRFCA consent. The findings of the Panel were that reverse sensitivity/ residential amenity issues from the state highway, and the gateway character could be protected through the raised bund with a 15m setback to housing. When it came to the two retail sites of Lots 601 and 602, the Panel found that these sites did not need the same character treatment, and that to create retail buildings of a good quality in this location, helped reinforce the gateway to Cromwell. Consequently, the Panel approved a 4.3m landscaped yard adjacent to Lots 602.

In terms of the rural character, the planting of the 15m bund in vines was seen as an acknowledgment to the horticultural and viticultural character of Central Otago. Again, a reduced yard was seen as appropriate on Lot 602.

This application does not seek to change either of those yards.

The nature of the use and the size of the use has no impact on reverse sensitivity issues, character or amenity of this rural land.

The fundamental change in this application, being the size of tenancies within the building, and an increase in gross floor area, has no impact on the rural nature of this land. Consequently, the effects are no different to those already approved under the CRFCA consent. The creation of two retail developments in this location, in the context of a rural zoning of a residential buffer, will have no effect.

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It is noteworthy that the planning method used within PC19 to control amenity and setback has been to zone the entire land MRZ and rely on a building line restriction to control building setbacks. The rural zoning is deleted under PC19.

7.2 Economic effects including Retail effects

Market Economics have undertaken a detailed assessment of the retail impact of this proposal. That is set out in their report attached to this application. That report appropriately considers the cumulative effect of retail in Wooing Tree. Thus, it deals with both Lots 601 and 602 which are subject to concurrent applications before CODC.

The economic impact of this development was found through the CRFCA project to have positive effects in terms of:

- creating employment during the construction phase;
- creating ongoing employment in the operation of the retail facilities;
- creating services for the travelling public and for the residents of Cromwell.

The level of economic activity around construction, both in terms of employment and economic activity, is driven by the size of the retail complex in terms of gross floor area and site development. The total gross floor area is unchanged. The reallocation of 150m² from lot 601 to lot 602 will have no economic effect. The change in tenancies will have no impact.

In terms of the permanent employment generated, that is typically related also to gross floor area. Some retail operations will have a higher need for staff support than others. On average it is expected this will have little difference on the development.

The core issue raised through the pre-application process and considered through the CRFCA consent process, was the impact of the Wooing Tree retail development on the Cromwell town centre.

This is addressed at in the Market Economics analysis. That analysis finds that the impact on the town centre will be driven off three factors:

- (a) The overall size of the retail centre in Cromwell North. In this case, it remains at 1,000m² gfa (lots 601 and 602). This is significantly less than the 4,000m² permitted under the existing business resource area classification applying in part of Wooing Tree. It is the same level under

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the CRFCA. The conclusion of Market Economics is that there will be no impact in terms of overall gross floor area.

- (b) The limitation on large format retail or supermarkets which can impact the town centre.

Large format retail activities need significant tenancy sizes well in excess of the 350m² maximum promoted through this application. Consequently, the analysis finds that requiring a minimum of four tenancies (including the lot 601 development) and setting the cap on any tenancy of 350m² gfa, will ensure that there is not provision for large format retail. Consequently, the retail effects on the town centre will be less than minor.

- (c) A requirement for small tenancies would more likely generate some form of food court operation, which is better located in the town centre mall. Conversely a larger food and beverage operation is more likely to support a local catchment.

The Market Economics report concludes:

“...the proposed amendments may also give rise to more positive economic outcomes for the community within the Wooing Tree Estate (and further north) as well as the Cromwell Town Centre relative to the status quo conditions. These benefits, while less than minor over the long-term, have added importance in the short-term as the Retail Trade sector in particular recovers to pre-COVID business and employment levels.

Overall, considering both the potential marginal positive and adverse effects, M.E supports the amendments to the consent conditions as proposed from an economic perspective. Particularly if the added flexibility allows WTDL to consider more appropriate development outcomes that would (ideally) reduce the likelihood of a food hub eventuating in Wooing Tree rather than the Mall.”

7.3 Urban design effects

The change in the urban design effects of this development is minimal.

It is the same retail function in the same basic location.

The retail building on Lot 602 is a significantly enhanced design from that approved under the CRFCA. It is empathetic to the style of building on Lot 601 and again reflects the materiality of

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traditional building within the Central Otago area.

From a macro urban design point of view, there is no change to the overall layout of the Wooing Tree neighbourhood as a result of this application. The same green network, street network and pedestrian underpass through to Cromwell is achieved. That pedestrian underpass brings particular benefits of interconnecting the Wooing Tree neighbourhood into the town centre and in fact enables an easy walking link between the town centre and the Wooing Tree retail buildings.

7.4 Landscape effects

The landscape effects of this development are less than minor.

In terms of the landscape along the State Highway 8B frontage, there is no change. It is the same area of land and subject to the same landscape conditions as the existing CRFCA consent. The only technical difference is that instead of being part of the vineyard open space lot, it will now be part of the retail lot. This in fact creates a logical connection between the retail units and this landscape frontage ensuring ongoing maintenance of the planting.

The landscape setbacks on Lot 602 are unchanged through this application.

7.5 Neighbourhood Character, Intensity and Amenity effects

There is minimal change in the neighbourhood character, intensity and amenity as part of this development.

In particular:

- (a) It is the same location and intensity of retail activity.
- (b) This is a single storey building of a high amenity and design quality. This will fit in with the overall Wooing Tree neighbourhood as found through the hearing on the CRFCA consent.
- (c) The character of this building is clearly a commercial character (as opposed to residential or rural). However, that is what was expected in the existing environment under the CRFCA.

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(d) The 150m² change in gross floor area on both sites (an increase on lot 602 and a corresponding decrease on lot 601, will have minimal effect.

(e) The change in tenancies has no impact on the character intensity or amenity of the area.

7.6 Cultural effects

Wooing Tree Partnership engaged with Aukaha who manage the consultation process on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga O Otākou and Hokonui Rūnanga (Nga Rūnanga), as part of the CRFCA application.

The Aukaha assessment was based on Wooing Tree as a whole rather than there two retail sites. Their feedback relative to the retail activity and this portion of the site is outlined below.

That engagement identified that there are no protected customary rights relevant to this application or waahi tapu or other culturally important sites on the property.

Aukaha undertook a cultural overview of the Wooing Tree Estate and identified matters of importance to the Rūnanga. It identified that a detailed Cultural Impact Assessment was not required. That assessment is attached to this application as Attachment J.

The analysis below summarises the effects as identified within the response from Aukaha.

The Nga Rūnanga have identified that:

- There are no wahi tapu or explicit cultural elements on the Wooing Tree Estate site.
- The land was traditionally used by Māori in traversing through the Central Otago region, particularly journeying to the pounamu sites in the west. Consequently, they do request that normal accidental discovery protocols be put in place during the earthworks programme.
- A combination of deciduous trees, native vegetation and/or fruit trees should be used in the planting of street trees, parks and other public places vested in the Council or WK-NZTA. This is seen as reinforcing the native vegetation in the area. The fruit trees recognise the particular characteristic of the area and the social benefit fruit trees bring. Deciduous trees are used in this location due to the benefits of not shading in winter months. Deciduous trees are part of the landscape character of the Cromwell area.
- The use of Māori names in street naming would be culturally appropriate to this location.

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Wooing Tree Partnership agreed to all the findings of Aukaha and invited the Panel to impose conditions of consent around accidental discovery protocols and planting of public spaces.

In addition to these cultural elements, certain environmental aspects are key to iwi. These include:

- (a) The quality and treatment of stormwater. Here water is discharged to ground rather than Lake Dunstan. Best practice measures are put in place to treat stormwater before it enters the groundwater system. This treatment train process of swales, rain gardens, screens and then soakage pits, will manage stormwater quality from roads and large vehicle used paved areas.
- (b) The wastewater connects to the CODC's wastewater network and treatment plant.
- (c) The level of earthworks is relatively minor. The land is flat and is suitable for building platforms without the need for bulk earthworks.
- (d) The only earthworks involved are for formation of roads and some small areas of recontouring within the site. Here best practice erosion and sediment controls are applied.
- (e) A landscape and planting palette has been developed for the site. This accentuates the use of a combination of deciduous trees, fruit trees and native vegetation species to evoke the traditional landscape of Central Otago. However, it also pays cognisance to current horticultural practices with the use of fruit trees, particularly cherry trees, as part of the landscape features.
- (f) Wooing Tree Partnership has offered Aukaha the opportunity to be inducted into site safety procedures and have opportunity for access to the site for monitoring purposes throughout the programme.

All these RMA matters were dealt with by conditions of consent in the CRFCA approval. Those same conditions are proposed as part of this application.

The cumulative effect of these measures will ensure appropriate management of the site to acknowledge and respect cultural matters and to ensure the cultural effects of this development are less than minor.

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7.7 Stormwater effects

Paterson Pitts Group have undertaken a detailed analysis of stormwater issues for this property.

There is no reticulated stormwater network in northern Cromwell. Nor is that seen now as best practice.

This proposal is based on stormwater discharge to ground soakage.

This method was assessed and approved under the existing consent. The same methodology is carried over. This relates to the use of 'Caldwell type' soakage pits for roading and hard surfaces. Silt and debris traps through an inverted syphon type mud tank will be install on road devices.

The conclusion of the Paterson Pitts analysis and the findings of the Hearings Panel under the CRFCA was that the site is suitable and has groundwater capacity to deal with in-ground soakage treatment of stormwater from all buildings and properties.

The stormwater effects of this development, if managed in accordance with the conditions of consent, are less than minor. Conditions are proposed which are identical to the existing consent.

7.8 Infrastructure effects

(a) Wastewater and Potable water

Issues of supply and capacity of wastewater and potable water are addressed through the broader Wooing Tree subdivision and controlled through the conditions of the existing consent.

The site will connect into that network. Retaining the 500m² gfa means that there are no capacity issues as part of this application.

Overall the wastewater and potable water effects of this development are less than minor.

(b) Power

Paterson Pitts Group and Power Net have confirmed that there is suitable power supply that can be made available to serve the proposed development of the site.

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The power effects of this development, if managed appropriately, are less than minor.

(c) *Telecommunications*

Paterson Pitts Group and Chorus have confirmed that there is suitable telecommunications supply that can be made available to serve the proposed development of the site.

The telecommunications effects of this development, if managed appropriately, are less than minor.

7.9 *Transport effects*

Mr Carr of Carriageway has undertaken an assessment of the entire Wooing Tree development as part of the CRFCA consent. That included the assessment of Lot 601 and 602 particularly in regard to the roading network and the access points. Mr Carr has similarly undertaken his assessment based on the complete Wooing Tree development and not just this singular site.

Through that assessment it was agreed that:

- (a) There would be no access off State Highway 8B.
- (b) There would be no access off the road connecting the roundabout to Blondie Drive.
- (c) The vehicle access to Lots 601 and 602 would be positioned away from the intersection of Blondie Drive and the roundabout access road.
- (d) The level of parking and loading attributes were appropriate to the site and activity.

There is no change to any of these circumstances as part of this application.

Mr Carr addresses the parking matters. He states:

"In practice we do not consider this would arise, due to the high potential for walking and cycling, and the likelihood that the peak parking demand of the retail and the food+beverage would not coincide (meaning that the two activities could share parking

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spaces). That said, if there was a small amount of onstreet parking from time to time, we do not consider this would lead to adverse road safety or efficiency effects."

He recommends

"Firstly, that the site provides for cycle parking to encourage this mode of travel and hence further mitigate the shortfall in car parking spaces. Secondly, that in order to provide an accessible route for the mobility spaces, either the landscaping or the seating on the eastern side of the building should be revised."

These recommendations are accepted by the applicant. The Council is invited to impose conditions to this effect

Mr Carr addresses the queuing issues. He states:

"We consider that this can be effectively mitigated through reserving the four northernmost parking spaces for staff use only, as these vehicles will only be entering and exiting the spaces at times outside of customer parking peak demands. This then means that the potential for an incoming vehicle to encounter another that is manoeuvring within the queuing space is very low"

Mr Carr's conclusion is that the transport effect can be managed and he supports the application.

7.10 Earthworks effects

This development will have a relatively small earthworks impact.

The contour of the site and the soil profile means that there are no bulk earthworks required to enable development.

The only earthworks involved as part of this application are building foundations and parking area base works.

Normal erosion and sediment control methods appropriate to these ground conditions are put in place. With appropriate conditions imposed, the effects from earthworks, particularly erosion and sediment control, will be less than minor.

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There are no waterways or streams through the property. The high permeability of ground means that water simply soaks through to groundwater. There is no to minimal erosion and no prospect of silt washing off the site.

7.11 Contaminated land effects

Opus prepared a "Detailed Site Investigation Report" of the entire Wooing Tree site for the existing consent. A validation report has been completed as per the existing consent. That found no contamination issues triggering consent under either NES, RPS or District Plan requirements / standards.

7.12 Geotechnical effects

Paterson Pitts have undertaken a geotechnical assessment of the site as part of the original consent. This involved excavation of 12 profile trenches on the site to view and assess soil material and profile.

They concluded that from an engineering perspective the land is eminently suitable for residential development. There are no particular matters that need to be addressed in terms of geotechnical effects.

The geotechnical effects of this development are less than minor.

7.13 Ecological effects

There are no ecological effects of this development. This was the finding under the existing consent. That applied assessment applied to all Wooing Tree land. It recognised that there are no streams, wetlands or native bush on the site. This is a highly modified vineyard environment.

7.14 Heritage effects

There are no built heritage features on the site. There are no known archaeological or geological features.

Item 26 in the District Plan list of notable trees identifies "Monterey Pine (pinus radiata), known as Wooing Tree, Wooing Tree overlay area, State Highway 6 and 8B, Cromwell". This development is well removed from this protected tree.

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7.15 Construction effects including noise

The existing consent addressed issues of construction in some detail. Particular conditions of consent were imposed to ensure that the construction effects of this proposal could be managed such that they were less than minor.

The construction characteristics of this retail centre are relatively minor. These are small to medium sized single storey buildings.

The Wooing Tree Estate construction will comply with the New Zealand standards and other best practice construction methods.

Development will proceed in accordance with the normal construction noise management New Zealand standard (NZS6803:1999) and there will be no unreasonable emissions of noise.

Construction traffic is managed to ensure the safe operation of vehicles entering and exiting the site. The detailed entrances are on Blondie Drive and are removed from the roundabout.

Standard hours of operation are proposed in this application in accordance with New Zealand Standards.

To manage these and other effects of the development, a condition is imposed to create a "Construction Management Plan".

With these conditions of consent, the construction effects of the development can be successfully managed so they are less than minor and in compliance with New Zealand standards.

7.16 Cumulative effects

The potential effects of development are all individually manageable so as to be less than minor. Cumulatively they do not result in material or substantial negative effects. Rather, this will be a masterplanned high amenity small retail centre where all effects can be successfully managed.

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8 STATUTORY ASSESSMENT FOR APPLICATION FOR CONSENT

8.1 Statutory tests

The following section analyses the relevant statutory provisions that apply to the application and the locality. Section 104 of the RMA sets out the matters for consideration when assessing a resource consent.

The relevant sections of the RMA are 104, 104B, and 106.

Under section 104(1) of the RMA, when considering an application for resource consent, the consent authority must, subject to Part 2, have regard to:

- (i) Any actual and potential effects on the environment of allowing the activity
- (ii) The relevant provisions of a national policy statement
- (iii) A New Zealand Coastal Policy Statement
- (iv) A regional policy statement
- (v) A plan or proposed plan; and
- (vi) Any other matter that the consent authority considers relevant and reasonably necessary to consider the application

This application is for a non-complying activity. Section 104B states that a consent authority may grant or refuse an application for a non-complying activity. If granted, the consent authority may impose conditions.

8.2 Section 104D – Gateway Test

This is a non-complying activity. Consequently, analysis is offered under section 104D. Section 104D sets the so-called “gateway test”. The Council can only grant a non-complying activity if it is satisfied that either:

- “(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of –*

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- (i) *the relevant plan, if there is a plan but not proposed plan in respect of the activity; or*
- (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity."*

This application relies on the first test of section 104D, i.e. that the adverse effects on the environment will be less than minor.

This is addressed in section 7 where there is a detailed analysis of the effects. The conclusion of that analysis is that the effects of the proposal sought through this application in terms of urban design, transport, infrastructure and other matters are either nil, minimal or can be managed so that the effects are less than minor.

The economic effects, and in particular the focus on the effects on the Cromwell town centre, are less than minor given the modified conditions of consent sought through this application. The retention of the same maximum gross floor area of retail activity and the cap on any one retail tenancy of 350m² will ensure that this remains a small centre which will not undermine the Cromwell town centre. The tenancy sizes will ensure that there is no large format retail or supermarkets on Wooing Tree land (nor does the applicant intend any of this type of retail).

8.3 Section 106 – Subdivision Test

Section 106 sets out the circumstances under which a consent authority may refuse subdivision consent. These relate to significant risks from natural hazards or insufficient provision for legal and physical access to each allotment created by the subdivision.

The management of effects on Wooing Tree was largely determined through the existing consent.

The same conditions of consent intended to manage the effects of the development at Wooing Tree are retained under this application.

Section 106(1) states:

"106 Consent authority may refuse subdivision consent in certain circumstances

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- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that –*
- (a) there is a significant risk from natural hazards; or*
 - (b) [Repealed]*
 - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.”*

This application does not trigger section 106 because:

- (a) There are no significant risks from natural hazards. In fact, there are no natural hazards recorded on this site.
- (b) Each allotment will have physical access from a legal road.

8.4 Section 104(1)(a): Actual and potential effects on the environment

Section 7 of this report undertakes a detailed analysis of the potential effects on the environment of this application. This is also addressed in the other technical reports forming part of this proposal.

This demonstrates that there are no detrimental effects as part of this development such as to trigger the need for ‘offsetting’ under the RMA.

Overall, the effects of this development are either beneficial or capable of being managed to ensure the overall effects are less than minor.

8.5 Section 104(1)(b)(i) – National Environmental Standard

There are no relevant National Environmental Standards.

8.6 Clause Section 104(1)(b)(iii) – National Policy Statement

There are no relevant National Policy Statements.

8.7 Section 104(1)(b)(ii) – Other regulations

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There are no other relevant regulations.

8.8 Section 104(1)(b)(v) – Otago Regional Policy Statement and Regional Plans

The Otago Regional Policy Statement embodies issues around clean air, land contamination, water quality and stormwater management.

No air quality consents are required as part of this development. However, an advice note is to be placed on the titles informing businesses of the Regional Plan controls on air quality associated with woodburning and related appliances.

No land contamination matters are triggered at either a regional or national level by this application.

Regional Plan Change 8 to the Regional Plan Water does trigger the need for an earthworks consent. This has been obtained from ORC.

The stormwater management system and ground soakage approach outlined in the Paterson Pitts Group report fully comply with the Regional Plan provisions.

8.9 Section 104(1)(b)(v) – Central Otago District Plan

This section assesses the application against the objectives and policies of the Central Otago's District Plan. In terms of the subject land, the significant majority is classified as Rural Resource Area under the Operative District Plan.

9.11.1 Rural

4.3.3 Objective – Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment and to maintain the open natural character of the hills and ranges.

Comment:

- The appropriateness of committing this rural land to retail activity was addressed through the CRFCA consent. The findings of the Panel were that it was appropriate to provide for this retail activity. The nature and scale of retail activity is unchanged by this application. It is primarily

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about changing the tenancy cap and redistributing 150m³ of gross floor area within the two sites..

The same circumstances and reasons apply as lead the Panel to support retail in this location.

- The same 4.3m landscape yard along State Highway 8B is preserved.

4.4.2 Policy – Landscape and Amenity Values

To manage the effects of land use activity and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,*
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,*
- (c) The ability to adequately dispose of effluent on site,*
- (d) N/A*
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,*
- (f) Controlling the spread of wilding trees,*
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces,*
- (h) Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form.*

Comment:

- The development is compatible with the surrounding area given its location adjacent to the town centre and the business retail node within Wooing Tree.
- The facility is connected to the Cromwell wastewater treatment network.
- There are no wilding trees.
- The building is of a high amenity set by the controls within the consent.
- The 4.3m landscape front yard assists in creating a good amenity to this entranceway to Cromwell North.

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4.4.10 Policy – Rural Subdivision and Development

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- (a) The open space, landscape and natural character amenity values of the hills and ranges and of the wider rural environment,*
- (b) N/A*
- (c) The amenity values of neighbouring properties,*
- (d) The safety and efficiency of the roading network,*
- (e) The loss of soils with special qualities,*
- (f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,*
- (g) The heritage and cultural values of the District,*
- (h) The water quality of the District's surface and groundwater resources and*
- (i) Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.*

Comment:

- The core subdivision of this land is approved by the CRFCA consent. It is unchanged by this application.
- The subdivision is confined to the minor adjustment to the landscape strip along State Highway 88 and incorporating that within the primary lot. This is a logical response and ensures that the property owner who benefits from the landscaping is accountable for the maintenance of the landscaping.

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9.11.2 Proposed Plan Change 19 – Medium Density Residential zone

Objectives and Policies

Objectives	
MRZ-O1	Purpose of the Medium Density Residential Zone
The Medium Density Residential Zone provides primarily for more intensive residential living opportunities, as well as activities that support, and are compatible with, the zone's residential focus.	
MRZ-O2	Character and amenity values of the Medium Density Residential Zone
The Medium Density Residential Zone is a good quality living environment, which:	
<ol style="list-style-type: none"> 1. positively responds to the natural, heritage and cultural context and site features; 2. provides a range of housing types, including those of a greater density than other residential zones, making efficient use of land and providing for growth needs; 3. is responsive to and well-connected into the surrounding area; 4. is well-designed, balancing affordability with good urban design outcomes; and 5. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites. 	

Comment:

- This development provides retail activity that in part will support the Medium Density Residential zone.
- The development is compatible in terms of the scale and design quality of the buildings appropriate to the Wooing Tree residential area.

Policies

MRZ-P6	Other non-residential activities
Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, where:	
<ol style="list-style-type: none"> 1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and 2. the nature, scale and intensity of the activity is compatible with the anticipated character and qualities of the zone and surrounding area; and 3. the activity is of a nature and scale that meet the needs of the local community and does not undermine the viability of the Business Resource Areas; and 4. the surrounding area retains a predominance of residential activities, and for adjoining properties, a sense of amenity, security and companionship is maintained; 5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and 6. road safety and efficiency is maintained. 	

Comment:

- This is clearly a retail activity in a residential zone
- This application provides for compatible non-residential activity in the context of a large residential neighbourhood.
- The development will comply with the residential noise standards.

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- The building is appropriate to a residential neighbourhood. This is a single storey, high design building.
- The economic assessment by Market Economics demonstrates that this proposal will not undermine the Cromwell town centre.
- Of the Wooing Tree development of some 25ha, less than half a hectare is committed to this retail activity.
- All parking manoeuvring is provided on site.
- Traffic safety concerns and access have been addressed in the existing CRFCA.

9.11.3 Sight distances

Rule 12.7.1(ii) sets minimum site distance rules of 40m in new subdivision.

Mr Carr of Carriageway addressed the traffic issues in his primary report as part of the existing consent and his review of this application. He assesses each lot against the rule and in terms of accepted transport practice. He finds the sight distances are appropriate for the vehicle speeds.

8.10 Part 2 of the Resource Management Act 1991

Issues of Part 2 of the RMA were carefully assessed through the existing CRFCA consent. The matters raised by this application do not impact or change the Part 2 matters addressed through the existing consent.

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9 NOTIFICATION

9.1 Public Notification

Section 95A of the RMA sets out the steps that a consent authority must follow, in the given order, to determine whether to publicly notify an application for resource consent. The performance of the application against the relevant criteria of section 95A is provided below.

Step 1- mandatory public notification in certain circumstances

As prescribed at section 95A(3):

- (a) The applicant has not requested that the application be publicly notified.
- (b) This is a process-related criterion, and only Council can determine, after lodgement of the application, as to whether public notification under Section 95C is required. However, it is considered there are no information gaps in this application that would trigger notification.
- (c) This application is not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977

Step 2- if not required by step 1, public notification precluded in certain circumstances

As prescribed at section 95A(5):

- (a) The activity is for one activity, however that activity is not subject to a rule or national environmental standard that precludes public notification.
- (b) The application is for 1 or more of the following, but no other, activities:
 - Is a non-complying activity, and the activity relates to the size of tenancies in an approved retail centre.

Step 3 - if not precluded by step 2, public notification required in certain circumstances

As prescribed at section 95A(8):

- (a) There is no rule of any National Environmental Standard that will require public notification.
- (b) The analysis set out in this application and the associated technical reports conclude that the effects on the environment are less than minor. The existing conditions of consent are retained. These have been found under the CRFCA consent to successfully manage the effects of the development.

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Step 4 – public notification in special circumstances

As prescribed at section 95A(9):

- (a) There are no matters raised by this application which would trigger notification on the basis of “special circumstances”
- (b) Public notification of the application is not warranted. An assessment in accordance with section 95B (Limited notification of consent applications) is made below to determine whether it is appropriate to give limited notification of the application:

9.2 Limited notification

Section 95B of the RMA sets out the steps that a consent authority must follow, in the given order, to determine whether to give limited notification of an application for resource consent where it has been determined under section 95A not to publicly notify the application. The performance of the application against the relevant criteria of section 95B is provided below.

Step 1 – certain affected groups and affected persons must be notified

As prescribed at section 95B(2):

- (a) No protected customary rights groups are affected
- (b) No customary marine title groups are affected

As prescribed at section 95B(3):

- (a) The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 of the RMA

In this instance, limited notification of the application is not required under step 1.

Step 2 – if not required by step 1, limited notification precluded in certain circumstances

As prescribed at section 95B(6):

- (a) The activity for which resource consent is sought is not subject to a rule or national environmental standard that precludes limited notification
- (b) The application is for a non-complying activity.

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Step 3 – if not precluded by step 2, certain other affected persons must be notified

As prescribed at section 95B(7):

- (a) this application is not a boundary activity
- (b) this application is not for an activity prescribed under section 360H(1)(b)

As prescribed at section 95B(8), an assessment is provided below to determine whether a person is an affected person in accordance with section 95E (Consent authority decides if person is affected person).

Section 95E states:

- (1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an **affected person** if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).
- (2) The consent authority, in assessing an activity's adverse effects on the person for the purpose of this section, -
 - (a) may disregard an adverse effect on the person if a rule or a national environmental standard permits an activity with that effect; and
 - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.
- (3) A person is not an affected person in relation to an application for a resource consent for an activity if –
 - (a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or
 - (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.
- (4) Subsection (3) prevails over subsection (1).

In this instance, and in consideration of the matters set out in sections 95E, no persons are considered to be affected persons in relation to this application, for the following reasons:

- (a) The adjoining properties to this development site are owned by WTPDLP.

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- (b) The nearest residential neighbours are in Shortcut Road some 200m distance from the site; or in the case of Amber Place or Kowhai Place, some 325m from the site.
- (c) This development is the same capped gross floor area as the existing consent. There is no increase in retail intensity.
- (d) The building height is single storey.
- (e) The building is essentially in the same location as the existing consent.
- (f) The same approved landscaping and amenity setbacks to State Highway 8B are included within this proposal.
- (g) There is no change to the roading or transport arrangement, access to the two sites, or number of carparks and on site.
- (h) The cap of 350m² gross floor area and the minimum of two tenancies ensure that the site is not developed for large format retail.
- (i) The analysis of Market Economics demonstrates that this development will have a less than minor impact on the existing town centre. The Wooing Tree development is a small retail facility very much subservient to the large commercial focus of the town centre.

Step 4 – further notification and special circumstances as described in section 95B(10)

Step 4 is determined whether or not special circumstances exist in relation to this application. Case law has defined the circumstances under which *special circumstances* apply. In *Far North District Council v Te Runanga-a-Iwi o Ngai Kahu*. The Court of Appeal stated

A special circumstance is something...outside the common run of things which is exceptional, abnormal or unusual but less than extraordinary or unique. A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification.

There are no *special circumstances* which would trigger limited notification. In particular

- This application is similar to the current consent.
- The effects are less than minor.
- There are no unusual or unique circumstances about this proposal compared to the existing environment created by the CRFCA consent.

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- It is a small retail centre in the same location of the same scale of development.
- It is the same mix of uses.
- It is a low rise high quality built environment.
- While the retail cap is lifted, it is still set at a level which would prevent large format retail or supermarkets opening here competing with the town centre.
- The analysis of Market Economics demonstrates there is less than minor impact on the town centre from an economic perspective.

In this case there are no special circumstances.

The conclusion of this report is that this application is appropriately dealt with on a non-notified basis without the need for any written consents.

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10 SUGGESTED CONDITIONS

10.1 Overview

This section sets out the suggested conditions of consent for this application.

10.2 Standard Council conditions

These conditions assume the Council will impose the standard development conditions including:

- Referencing and requiring development to proceed generally in accordance with the documents and plans lodged as part of the application.
- Setting the lapsing of consent at five years.
- Requiring a Construction Management Plan and a Construction Traffic Management Plan.
- Compliance with New Zealand Standards on Construction Noise and Vibration.
- Controls on dust during construction.
- Standard erosion and sediment control measures for foundation work associated with a land use consent (recognising that all bulk earthworks are complete).

10.3 Carried over conditions

The specialist conditions rely heavily on the conditions imposed by the Hearings Panel under the CRFCA consent. For consistency, it makes good planning logic to carry these conditions over into this consent. These matters have been thoroughly evaluated through that application process and, to a large extent, tested through Stages 1 and 2 of Wooing Tree. The specific conditions suggested to be carried forward into this consent are:

- Condition 5 dealing with ensuring all contractors and personnel involved in the development are aware of the conditions of consent and the requirements of development.
- Condition 6 dealing with fuel spillage and contamination from machinery operating on the site.
- Conditions 48, 51, 52, and 53 dealing with stormwater and the “Caudwell” soakage pit system. These conditions require a consent notice to be registered on the title. (These conditions are found within the subdivision part of the CRFCA decision. While this application does not involve any subdivision, these conditions are relevant to the land use development of this retail facility.
- Conditions 75 and 76 relating to accidental discovery protocols of archaeological features.

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10.4 Conditions specific to Lots 601 and 602

The following conditions are suggested to form part of the consent. These are specific to Lot 601 and 602, although some of these conditions reflect existing conditions of consent.

- *"The maximum gross floor area of any building on Lot 601 shall be 350m² (but excluding temporary marquees). A consent notice identifying this maximum gross floor area cap shall be registered against the title of Lot 601."*
- *"The maximum gross floor area of any building on Lot 602 shall be 650m². A consent notice identifying this maximum gross floor area cap shall be registered against the title of Lot 602."*
- *"The detailed design of the building on Lot 602 shall be generally in accordance with the plans by FDA referenced in condition 1 (the general condition requiring compliance with plans). Any design variation from these plans shall generally retain the same building envelope, and be to the satisfaction of the Planning Manager CODC."*
- *"The palette of materials shall be drawn from the schedule as set out within the FDA plans, or such other similar material as approved by the Planning Manager CODC."*
"A detailed Landscape Plan shall be submitted to the Planning Manager CODC for approval prior to any landscape works. That plan shall be generally in accordance with the Landscape Plan approved under condition 1."
- *The front yard landscaping to State Highway 8B shown on the plan by FDA forming part of this application, shall be landscaped and maintained. No buildings shall be erected within the landscape yard other than any pillar sign approved as part of a separate consent. The landscape plan shall be submitted to the Council for approval prior to implementation of planting."*
- *"Landscaping shall proceed in the planting season immediately following completion of construction works."*
- *The retail facility, shop or food and beverage activity shall be limited to a maximum gross floor area of 350m²."*
- *"There should be a minimum of three tenancies on Lot 602."*
- *"A consent notice shall be registered against the title of Lot 602 identifying the maximum gross floor area of retail development at 650m², setting the maximum gross floor area of any single tenancy at 350m², and requiring a minimum of three tenancies."*
- *"Provision shall be made to the satisfaction of the Planning Manager CODC for cycle parking on the site capable of accommodating six bikes. This may be either covered or uncovered space."*

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- *"The Landscape Plan showing landscaping including seating on the eastern side of the building shall be modified to ensure footpath access for a mobility scooter to the mobility parking space."*
- *"The four most northern carparks (two each side of the entranceway) shall be preserved for staff carparking and signposted to the satisfaction of the Planning Manager CODC."*
- *Permanent signage on the site shall either:*
 - comply with the CODC District Plan and bylaws, or*
 - be generally in accordance with the plans approved under condition 1.*

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11 CONCLUSION

This non-complying resource consent application seeks to establish 650m² gross floor area of retail activity on Lot 602 at Wooing Tree. The location, size, scale and traffic matters associated with this small retail node are relatively the same as the existing CRFCA consent.

The retail cap for individual tenancies is increased from 100m²-350m².

The applicant seeks to impose a covenant/consent notice on Lot 601 limiting the maximum gross floor area of retail buildings (excluding temporary marquees for special events) to 350m² gross floor area. This preserves the 1000m² cap on retail gross floor area at Wooing Tree.

In terms of urban design, transport and infrastructure, there is no difference from the existing CRFCA consent. In terms of economic impact, there are benefits to tourism, employment and the community of Cromwell North. The effects on the Cromwell town centre itself are managed by limiting the overall size of the retail centre (as per the existing consent) and ensuring the size of tenancies does not provide for large format retail.

The analysis of the assessment of effects demonstrates that all effects can be managed such that they are less than minor.

This proposal meets the statutory criteria of the Resource Management Act.

This proposal builds on the existing consent granted by the Hearings Panel under the CRFCA.

John Duthie

Director

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MEMO

25th October 2022

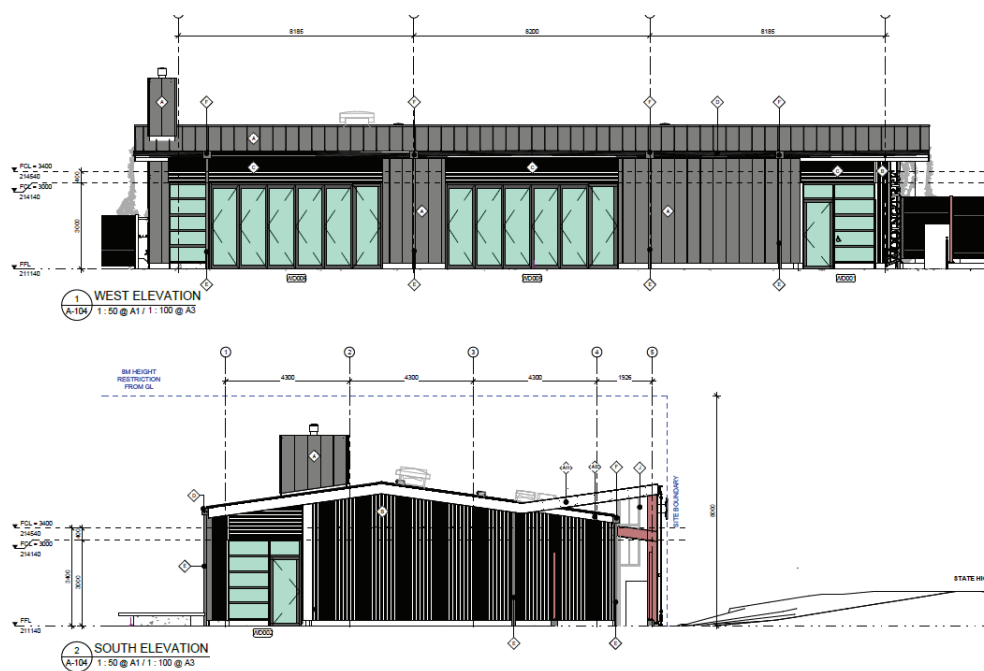
To: John Duthie -Tattico Ltd

From: Paddy Baxter

Re: Wooing Tree Ltd – Cellar door & Lot 62 – Building External Forms and Appearance

1. Baxter Design, as masterplan consultants to Wooing Tree Cromwell, have been asked to comment on the appropriateness of the proposed building forms and claddings for the proposed structures to be located on the west side of the entry from SH8b and the east side on Lot 602.
2. Baxter Design have reviewed both sets of drawings provided by Wooing Tree and FDA Architects and note the following:

PROPOSED WOONG TREE CELLAR DOOR BUILDING



3. The proposed cellar door building is a single gable formed structure, approximately 26.8m long and 4.9m high with a central gable and a 'verandah' form to the south. The roof and wall claddings are substantially in the same cladding being a tray steel cladding coloured 'Slate', a mid-grey colour. This cladding is contiguous over the form of the structure aside from a fascia board cladding in timber on the western elevation.
4. The appearance of the Cellar Door Structure is in essence a relatively low simple gabled form (albeit with architectural detail). This form will present a structure that is considered appropriate to this location and to highway views, a 'modern shed' form that references rural structures and appropriate for this highly visible edge of the wider Wooing Tree development.
5. In regards to the wider amenity of the Wooing Tree development, and the intended outcome of the Wooing Design Guidelines, this proposed building is considered to be appropriate.

LOT 602 COMMERCIAL BUILDING



1 SOUTH ELEVATION
1:100 @ A3



2 WEST ELEVATION
1:200 @ A3

6. The proposed structure for lot 602 of the Wooing Tree Development consists of two 8m high gabled forms with a lower sloped roof form separating those 2 gable forms. The roof and wall claddings are in a mix of dark tray steel claddings (similar to the Cellar Door structure) with vertical timber claddings at all 4 gable ends. The northern gable includes a simple concrete fire / chimney structure. A glazed entry shelter form is located on the eastern side of the proposed structure. Detailing includes steel 'woolshed' framed timber doors on the southern end. The window forms presented to state highway views (external views) are simple vertical forms.
7. In general, the appearance of the proposed structure on Lot 602 is 'rural' in character, with a restrained palette of materials and a simple gabled form, avoiding hip roofs.
8. In regards to the wider amenity of the Wooing Tree development, and the intended outcome of the Wooing Design Guidelines, this proposed building is considered to be appropriate.

OVERALL AMENITY + CHARACTER – PROPOSED CELLAR DOOR AND LOT 602 STRUCTURES

9. The proposed structures form an important component of the wider Wooing Tree character, framing the principal entry from SH8b and presenting a highly visible edge to state highway views and from the wider existing Cromwell commercial area to the immediate south of the Wooing Tree development. To that end their appearance forms a very important component of that entry to both Cromwell and the Wooing Tree development.
10. Having reviewed both sets of plans we consider that the proposed structures retain a modern 'rural' amenity and character that is both appropriate to the wider Cromwell character and matches the intentions of the Wooing Tree Design Guidelines.



REFERENCE 2953-5K200 - SCALE= 1:125 AT A1 - 1:250 AT A3 - 27 Oct 2022
DRAFT - NOT A WORKING DRAWING - NOT FOR CONSTRUCTION

CONSENT

LOT 602 COMMERCIAL DEVELOPMENT CONCEPT PLAN
WOONG TREE ESTATE

PATERSONPITTSGROUP

Surveying • Planning • Engineering

Your Land Professionals
www.ppgroup.co.nz
 0800 PPGROUP



Our Ref: C2655

26 October 2022

Wooing Tree Enterprises
 c/- Tattico

Attention: John Dutchie

Dear John

Re: Services Design & Capacity – Wooing Tree Commercial Area

Paterson Pitts, Cromwell, have been involved with all stages of the design of water, sewer and stormwater services for the Wooing Tree Development.

Stormwater

There is no reticulated stormwater in the area. All disposal is to ground and is able to be adequately disposed of on site by the use of appropriately sized soakpits. I can see no issues with accommodating the expected stormwater flows of the commercial area within the associated sites.

Foul Sewer

The reticulation for the development was modelled by CODC's agents, Mott McDonald. This modelling showed that the site can be adequately serviced within the context of the surrounding network. The commercial area is serviced by two 150mm gravity sewers, with the commercial area west of the roundabout discharging to a recently completed pump station within the development itself and the commercial area east of the roundabout discharging to an existing pump station located in Scott Terrace.

All commercial lots have been provided with a 150mm property lateral in accordance with CODC's subdivisional standards. These laterals are capable of servicing the proposed commercial lots and their subsequent development.

Water

The reticulation for the development was modelled by CODC's agents, Mott McDonald. This modelling showed that the site can be adequately serviced within the context of the surrounding network.

The commercial area is fronted by a 200mm water main linked to the existing 200mm main in Shortcut Road (to the east) and the relocated 300mm main adjacent to SH 8B (to the west).

DUNEDIN:
 P.O. Box 5933,
 Dunedin 9058.
T 03 477 3245

CHRISTCHURCH:
 P.O. Box 160094,
 Christchurch 8441.
T 03 928 1533

ALEXANDRA:
 P.O. Box 103,
 Alexandra 9340.
T 03 448 8775

CROMWELL:
 P.O. Box 84,
 Cromwell 9342.
T 03 445 1826

QUEENSTOWN:
 P.O. Box 2645,
 Queenstown 9349.
T 03 441 4715

WANAKA:
 P.O. Box 283,
 Wanaka 9305.
T 03 443 0110

PATERSONPITTSGROUP

Modelling showed that FW3 firefighting flows were available within the proposed development network.

The commercial lots to the east of the roundabout have been provided with a standard 20mm water connection. This is able to be upgraded to suit the site specific building and activity requirements as necessary. The commercial area west to the roundabout has been provided with a 50mm connection in accordance with the building and activity designed for that site.

In summary, the proposed commercial developments on Lots 601 – 603 are able to be adequately serviced by the reticulation networks designed and approved by CODC as part of the relevant civil design for the development. Stormwater, while not specifically designed for each site, as of yet, will be able to be adequately disposed of to ground within each site by the use of appropriately sized soakpits.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Myles', followed by a long, horizontal, wavy line that tapers to a point on the right.

Myles Garmonsway
Principal

CCL Ref: 14649-171122-cornwall

Your Ref: WTE_Lot602_TrafficAssessment

17 November 2022

Stephen Cornwall
Wooring Tree Development Partnership LP

By e-mail only: stephen.cornwall@veros.co.nz



A. PO Box 29623, Christchurch, 8540
P. 03 377 7010
E. office@carriageway.co.nz

Dear Stephen

Lot 602: Assessment of Transportation Matters

We understand that you are seeking to consent a 650sqm GFA building on Lot 602, and accordingly, have requested an assessment of the proposed activity from a transportation perspective.

The proposed layout is shown below.

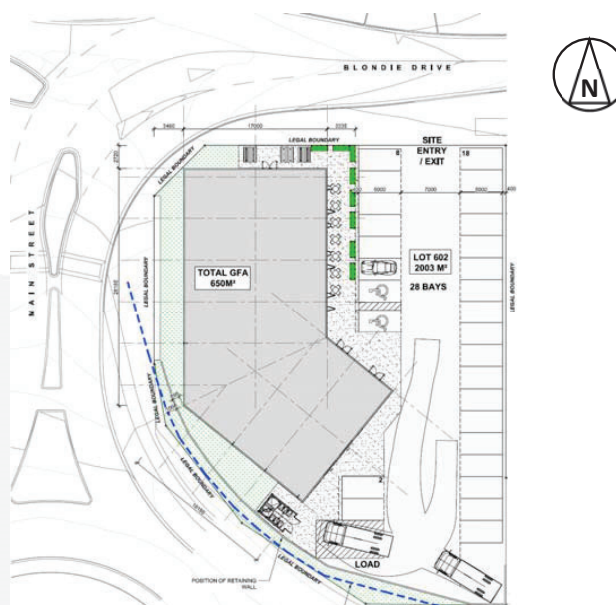


Figure 1: Proposed Site Layout (Extract from FDA Architecture Drawing 1347 A-102 I 'Lot 602 Commercial Development')

The building provides a total of 650sqm GFA, and from the information provided, this would be used for commercial use. Consequently it may include retail or food+beverage activities.

As can be seen, the site has access onto Blondie Drive towards the north, which provides access to a parking area with 28 spaces. There is also a loading bay to the south of the building and a turning area towards the southeast.



Central Otago District Plan

Introduction

The District Plan sets out a number of transportation-related rules with which any development is expected to comply. An assessment of the proposed layout against these rules has been undertaken and the results are set out below. We note that there are some matters set out within the transportation rules which relate to other technical disciplines, such as landscaping or lighting. We have not addressed these below.

District Plan Part 12.7.1: Access Standards from Roads: Part (ii): Sight Distances

Within Cromwell, urban residential roads are subject to a 50km/h speed limit. Allowing for this to be on place on Blondie Drive, and anticipating that Blondie Drive is classified as an Urban Local Road¹, then sight distances of 40m are required at the site access.

The plans provided do not show the alignment of Blondie Drive towards the east but from our previous involvement in the project we are aware that the road alignment is relatively straight and therefore there will be no difficulty in achieving this distance. Towards the west, the road alignment curves southwards as shown on Figure 1, but a sight distance well in excess of 40m is provided.

District Plan Part 12.7.1: Access Standards from Roads: Part (vii): Access to Urban Local Roads

The access can be sealed as appropriate, and it is not located within 15m of an arterial road nor a highway.

District Plan Part 12.7.2: Parking: Part (i): Number of Spaces

The proposal is for 650sqm GFA of activity, but this may be used for retail, or for food+beverage, or a combination of both.

If the site was wholly used for retail then the District Plan parking ratios require that 22 spaces are provided (at a rate of 1 space per 30sqm GFA). This is easily met by the proposed 28 on-site spaces.

We understand that it is intended to limit the area for food+beverage activity to a maximum of 350sqm GFA. Under this scenario, the parking provision required under the District Plan would be:

- 300sqm GFA retail: 10 spaces;
- 350sqm GFA food+beverage: equates to 245sqm PFA² hence 24.5 spaces required;
- Total requirement for 35 spaces.

Consequently, with the maximum 350sqm GFA of food+beverage, there would be a notional shortfall of 7 parking spaces. In practice though, we highlight that this is unlikely to arise:

- The site is easily accessible on foot or by cycle. The typical maximum walking distance is 1km and this encompasses all of the Wooing Tree residential area³, Cromwell town centre⁴

¹ Within the District Plan, urban roads are either classified as Urban Arterial or Urban Local. There is no 'collector road' status. Given that Blondie Drive provides direct property access and is not expected to provide for a high degree of through traffic, we expect that it will not be an Urban Arterial Road.

² We have applied a typical factor for Public Floor Area to be 70% of the Gross Floor Area

³ In fact, the Wooing Tree residential area is within 500m of the site

⁴ Again, the town centre is within 500m



and the northern areas of the existing urban area of Cromwell. The typical maximum cycling distance is 3km, whereas all of the urban area of Cromwell is within 2.5km. Walking and cycling are therefore likely to be attractive modes of transport rather than a car.

- The calculation of parking also assumes that the peak parking demand for the retail will coincide with the peak parking demand for the food+beverage, which is not necessarily the case. Peak parking demand for the retail will occur on Saturday lunchtime and early afternoon, whereas some types of food+beverage do not generate a pronounced lunchtime peak⁵. Conversely, at times when some types of food+beverage generate peak demand, such as in the evening, there will be little parking demand at the retail. The retail activity will therefore have vacant parking spaces which can be used by the food+beverage activity. Sharing spaces in this manner is not uncommon.

In our view then, for the most part the on-site parking will meet practical demand. However at busier times, such as the Saturday lunchtime period when the peak demand for the retail and the food+beverage might coincide (depending on the type of food+beverage), it is possible that there will be a small amount of on-street parking which arises. Given that this will be minimal and will only occur infrequently, we do not consider that this will result in adverse road safety or efficiency effects.

That said, we recommend that the site provides for a high degree of cycle parking to encourage this mode of travel to provide mitigation for the shortfall in car parking spaces. We note though that no cycle parking is shown on the drawings provided.

The parking area is set out in a standard row+aisle configuration, meaning that drivers will not be required to undertake more than one reverse movement when exiting a parking space.

The District Plan does not require the provision of mobility spaces, but in practice, the Building Act requires a car park with 21-50 spaces to provide 2 such spaces. These are shown towards the southwest of the car park and close to the building main entrance and are 5.0m long, and 2.6m wide with an additional shared area of 1m between them as permitted under the relevant Standard. For clarity, seating is shown on the eastern side of the building in the plans plus landscaping, and this compromises the ability to provide the accessible route between the eastern building entrances and the mobility parking spaces. The accessible route is required to be a minimum 1.2m width under Standard NZS4121:2001 whereas only 1m is provided and thus either the seating or the landscaping should be revised.

District Plan Part 12.7.2: Parking: Part (ii): Parking in Excess of Three Spaces

The site provides more than three spaces, but the layout will be sealed and marked (part a), and traffic will gain access only through the proposed vehicle crossing (part c). The layout shows that the parking spaces are 5.0m long, 2.6m wide and have an aisle of 7.0m which is sufficient to ensure that vehicles can easily enter the spaces (part c).

In the event that a driver was to enter the car park and find all spaces occupied, the turning area at the southeastern corner of the site allows a car to turn around. The vehicle will therefore not be required to reverse from the site (part c).

⁵ Typically a sit-down restaurant or pizza parlour do not have a large lunchtime peak, and usually generate peak volumes in the evening. Burger bars have a small lunchtime peak but this is not as pronounced as for a typical café.



Under part e, queuing space of 6.0m is required. Although not specified in the District Plan, from previous commissions in the district we are aware that this is measured from the site boundary to the point where conflict with vehicles in the site may arise. The layout presently provides no queuing space, as there are parking spaces within the site immediately adjacent to the lot boundary.

Since the site provides for commercial activity, the parking provision accommodates both customers and staff. However, due to the nature of their employment, staff will not be entering or exiting the site at times of peak customer demand. Accordingly, we consider that the four northernmost spaces should be reserved for staff only, as staff are extremely unlikely to depart the site at a time when customers are arriving. This then means that the potential for an incoming vehicle to encounter another which is manoeuvring within the queuing space is very low.

District Plan Part 12.7.3: Loading and Manoeuvring: Part (i): Servicing Activities

The commercial aspect of the development will mean that loading occurs regularly and thus loading areas will be required. The District Plan requires that the loading areas are provided off-street, that there is no requirement to reverse a service vehicle onto a road, and that they are appropriate for the expected types of vehicles that will use them.

The plans provided show how an 8m rigid truck will enter the site, turn and exit the site in a forwards direction. We consider that this achieves the requirements of the District Plan. In our view, for the relatively small size of building proposed, trucks of greater than 8m in length are highly unlikely to be present.

Summary

The layout has two non-compliances with the District Plan transportation requirements. Based on the proposal to limit the extent of food+beverage use to no more than 350sqm GFA of the total 650sqm GFA, at this area for food+beverage there is a potential shortfall of 7 car parking spaces. This is a non-compliance under Part 12.7.2: Parking: Part (i): Number of Spaces. In practice we do not consider this would arise, due to the high potential for walking and cycling, and the likelihood that the peak parking demand of the retail and the food+beverage would not coincide (meaning that the two activities could share parking spaces). That said, if there was a small amount of on-street parking from time to time, we do not consider this would lead to adverse road safety or efficiency effects.

There is also a non-compliance in respect of queuing space under Part 12.7.2: Parking: Part (ii)(e): Parking in Excess of Three Spaces. We consider that this can be effectively mitigated through reserving the four northernmost parking spaces for staff use only, as these vehicles will only be entering and exiting the spaces at times outside of customer parking peak demands. This then means that the potential for an incoming vehicle to encounter another that is manoeuvring within the queuing space is very low.

We have made two recommendations. Firstly, that the site provides for cycle parking to encourage this mode of travel and hence further mitigate the shortfall in car parking spaces. Secondly, that in order to provide an accessible route for the mobility spaces, either the landscaping or the seating on the eastern side of the building should be revised.

Subject to the comments above, we are able to support the proposed layout from a transportation perspective.



Please do not hesitate to contact me if you require anything further or clarification of any issues.

Kind regards

Carriageway Consulting Limited



Andy Carr

Traffic Engineer | Director

Mobile: 027 561 1967

Email: andy.carr@carriageway.co.nz





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

Identifier 989627

Land Registration District Otago

Date Issued 26 May 2021

Prior References

684261

Estate	Fee Simple
Area	22.5964 hectares more or less
Legal Description	Lot 200 Deposited Plan 560535
Registered Owners	
Wooring Tree Property Development LP	

Interests

Subject to a right (in gross) to a reservoir overflow easement over parts marked D, E, F, G, and J and a right (in gross) to convey water over parts marked L, M and N all on DP 560535 in favour of Central Otago District Council created by Transfer 741418.2 - 2.11.1989 at 10:18 am

Subject to a right (in gross) to convey water and sewage and drain water over parts marked F, H, I and M on DP 560535 in favour of Central Otago District Council created by Transfer 5107840.1 - 13.11.2001 at 10:52 am

The easements created by Transfer 5107840.1 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications over parts marked A and C and a right (in gross) to occupy for telecommunications manhole over part marked B all on DP 560535 in favour of (now) Chorus New Zealand Limited created by Easement Instrument 6025272.2 - 1.6.2004 at 9:00 am

12079082.1 Mortgage to Bank of New Zealand - 21.4.2021 at 1:26 pm

Subject to a right of way and a right to convey water over part marked R on DP 560535 created by Easement Instrument 12103839.5 - 26.5.2021 at 11:38 am

The easements created by Easement Instrument 12103839.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to drain sewage over part marked R on DP 560535 in favour of Central Otago District Council created by Easement Instrument 12103839.6 - 26.5.2021 at 11:38 am

The easements created by Easement Instrument 12103839.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to (in gross) a right to convey electricity over part marked R, AH and AG, and a right to transform electricity over part marked AG, all on DP 560535 in favour of Electricity Southland Limited created by Easement Instrument 12103839.7 - 26.5.2021 at 11:38 am

The easements created by Easement Instrument 12103839.7 are subject to Section 243 (a) Resource Management Act 1991

Subject to (in gross) a right to convey electricity over part marked AG and AH, and a right to transform electricity over part marked AG, all on DP 560535 in favour of Aurora Energy Limited created by Easement Instrument 12103839.8 - 26.5.2021 at 11:38 am

The easements created by Easement Instrument 12103839.8 are subject to Section 243 (a) Resource Management Act 1991

Identifier **989627**

Subject to a right (in gross) to convey telecommunications over part marked R on DP 560535 in favour of Chorus New Zealand Limited created by Easement Instrument 12103839.9 - 26.5.2021 at 11:38 am

The easements created by Easement Instrument 12103839.9 are subject to Section 243 (a) Resource Management Act 1991

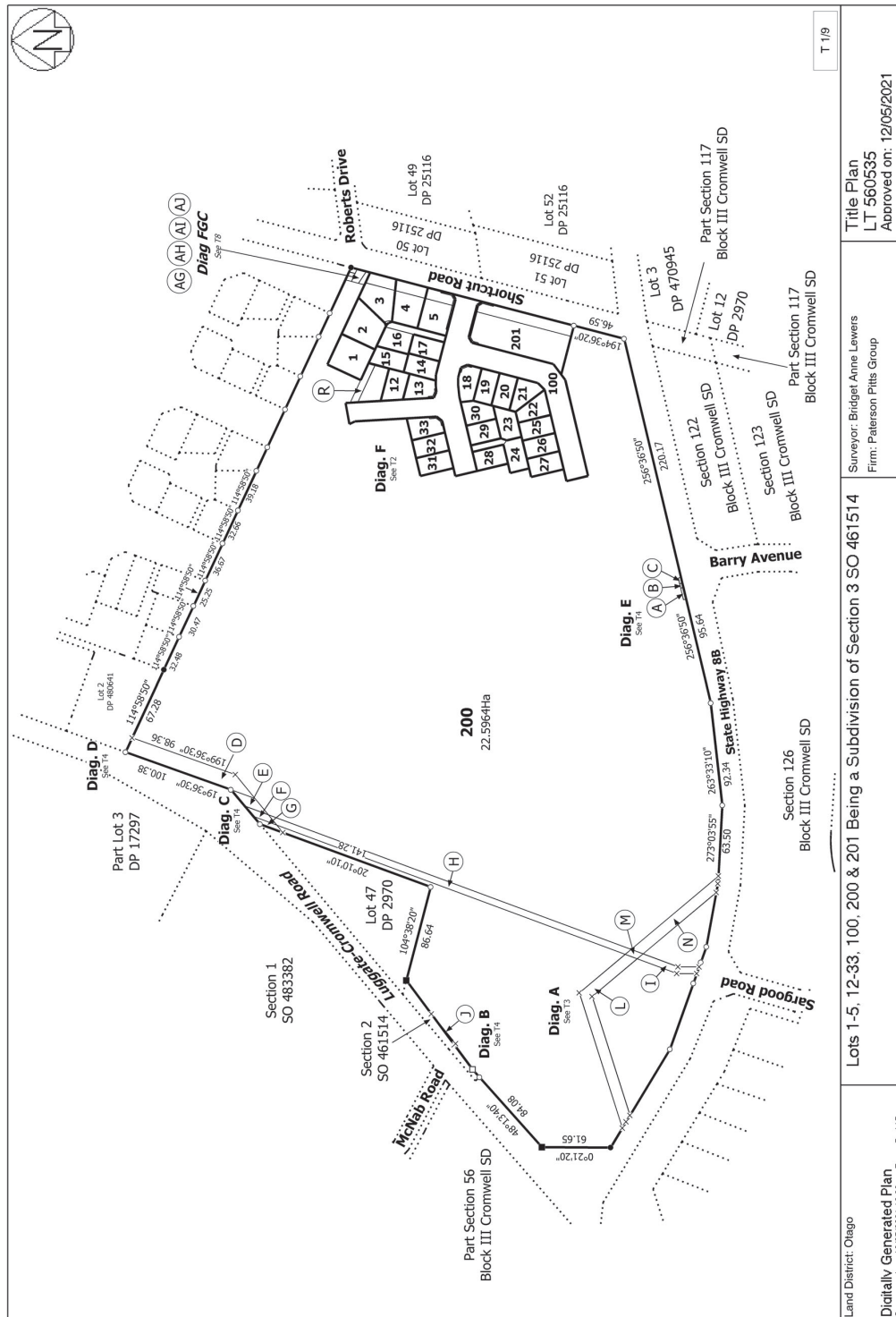
Subject to a right (in gross) to convey water over part marked AG, AH, AI and AJ on DP 560535 in favour of Wooing Tree Property Development LP created by Easement Instrument 12103839.12 - 26.5.2021 at 11:38 am

Land Covenant in Covenant Instrument 12103839.14 - 26.5.2021 at 11:38 am

Land Covenant in Covenant Instrument 12159456.5 - 27.10.2021 at 4:24 pm

Identifier

989627



22nd August 2022

John Duthie
Tattico Limited
PO Box 91562
Victoria Street
Auckland 1142

via email: john.duthie@tattico.co.nz

cc: Stephen Cornwall (stephenc@veros.co.nz)

RE: Economic Effects of Variations to Maximum Tenancy Size in the Wooing Tree Commercial Area

Dear John,

This purpose of this letter is to provide assessment and commentary on the potential economic effects of amending the maximum tenancy size of non-cellar door retail and hospitality floorspace in the consented commercial area of Wooing Tree Estate, Cromwell.

Current Consent Rules

Wooing Tree Property Developments LP (WTPD) currently hold a resource consent that allows for up to 1,000sqm of retail and hospitality floorspace to be developed on land adjacent to State Highway 8B opposite Barry Avenue and to the north-east of the Cromwell Town Centre. The consent provided for two parcels of commercial area either side of the main entry road (roundabout) to Wooing Tree Estate. Access to each parcel would be via Blondie Drive (an internal road within the Wooing Tree Estate subdivision). The consent therefore anticipates that the 1,000sqm of retail and hospitality floorspace will be split between the two commercial lots.

The 1,000sqm cap provides for a cellar door activity and additional retail and hospitality activity with a maximum tenancy size of 100sqm. This would provide for a small number of small format tenancies in conjunction with the cellar door. The combination of the 1,000sqm cap and tenancy size rule was agreed during the consent process, and in conjunction with Council, on the basis that it would avoid any more than minor distributional effects (primarily) on the Cromwell Town Centre.

Current Situation and Issues

We understand from discussions with WTPD that while the cellar door was originally anticipated to occupy 500sqm of the 1,000sqm total retail and hospitality cap, it has now been confirmed from the tenant of the cellar door, that they will occupy only 350sqm of floorspace. This leaves a balance of 650sqm under the retail and hospitality cap that could be spread over a minimum of 7 tenancies. That





is, 6 x 100sqm tenancies and 1 x 50sqm tenancy. Alternatively, the 650sqm of floorspace could be spread over a slightly larger number of tenancies if they were developed at less than the 100sqm tenancy limit. For example, 8 tenancies of approximately 80sqm each, 9 tenancies of approximately 70sqm each, or 10 tenancies of 65sqm each. We consider that 10 small tenancies would be the maximum scenario under the status quo consent rules.

WTDP have been gauging interest from prospective tenants for the remaining 650sqm of retail and hospitality floorspace available under the consent. It has become evident, based on feedback to date, that there is interest in tenancies of between 80sqm and up to 350sqm. The smaller tenancy interest (which complies with current consent conditions) has been from national food chains (which if pursued by WTDP could deliver a 'food hub' in the Wooing Tree commercial area). The larger tenancy interest (which does not comply with current conditions) includes (but is not limited to) a local café/restaurant business.

Proposed Variation to Consent

To ensure that the Wooing Tree commercial area (excluding cellar door) is commercially feasible to develop, meets market demand (i.e., can be realised), and can deliver the most appropriate business mix for the location (including best supports the residents of Wooing Tree Estate and other households north of State Highway 8B), WTDL are seeking greater flexibility to attract retail and hospitality businesses across a broader range of tenancy sizes while still precluding LFR activities and locking in the cellar door at 350sqm GFA. They propose a change from a maximum tenancy size of 100sqm for non-cellar door retail and hospitality activities to a maximum tenancy size of 350sqm and a specified minimum of 3 retail or hospitality tenants (i.e., 4 total tenancies including the cellar door). WTDL are not seeking to change the 1,000sqm cap on total retail and hospitality floorspace in the commercial area. Therefore, the total potential footprint of any development in the commercial area will be unchanged.

Approach to Assessing Economic Effects of Proposed Rule Change

The relevant economic issue to be assessed is whether the proposed change in maximum tenancy size and specified minimum tenancy count (excluding cellar door) will lead to more than minor distributional effects on existing centres in Cromwell, and particularly the Cromwell Town Centre (Mall).

The level of detail provided in this economic assessment is guided by the anticipated scale of adverse effects. As discussed further below, any potential adverse effects of the proposed amendment are considered to be less than minor. As such, we do not consider that development of a quantified retail demand and supply model (such as those commonly used to inform distributional effects) is warranted in this instance.

M.E has therefore adopted a qualitative approach to assess economic effects, drawing on our considerable experience in retail effects analysis within the context of district plan objectives, policies



and rules. Our assessment is however supported by a quantitative analysis of current retail, hospitality and other activity in the Cromwell Town Centre (including recent trends) to establishing the baseline against which any potential distributional effects can be considered.

Recent Trends and Current Mix of Activities in the Cromwell Town Centre

Cromwell Town Centre Zoning and Statistical Definition

Figure 1 below shows the operative zoning of the Cromwell Town Centre. It comprises the town centre core (commonly referred to as the Mall) in the Business Resource Area 1 and the town centre fringe which provides for larger scale activity in the Business Resource Area 2. The Business Resource Area 2 also includes the Golden View Lifestyle Village (a residential area).

Figure 1: Cromwell Town Centre – Business Resource Areas



It is not possible to assess just the Cromwell Mall (Business Resource Area 1) or the wider Cromwell Town Centre (i.e., including the Business Resource Area 2) using readily available secondary economic data published by StatisticsNZ. The finest spatial resolution of business and employment data in the StatisticsNZ Business Frame is Statistical Area 1 (SA1) units. Cromwell Town Centre sits within a large SA1 outlined in red below in Figure 2. The SA1 covers the business zone area which is located in the northern half and includes the core business zone as well as the larger box retailers (Mitre 10, Place Makers, Hunting and Fishing etc). To the south of the SA1 there is non-business zoned area, mainly covered by a school and recreational reserve (Anderson Park).

This means that analysis based on SA1 level data picks up some additional economic activity outside of the town centre. This limitation does not however materially impact on the conclusions drawn from



the analysis set out below. For simplicity, we refer to the entire SA1 selected in Figure 2 as the Cromwell Town Centre.

Figure 2: Cromwell Town Centre – Showing SA1 Boundaries



Employment

Cromwell Town Centre had a total workforce of approximately 1,000 in 2021 (Figure 3). Since 2001, the total workforce has grown by 540 MECs¹ or 118%. Growth has been generally consistent over the last two decades (trending upwards in most years) with an average annual growth rate of 4.0%. Notably, total employment for the Cromwell Town Centre has seen year-on-year positive growth in the last five years between 2016 and 2021 (Figure 3). The initial effect of COVID-19 on the Cromwell Town Centre (i.e., up to February 2021 when the Business Frame Data is collected) appears to be minimal in terms of total employment (a net increase of 61 jobs or 6% in this short period).

¹ MECs refers to Modified Employment Count. This is an estimate of the number of jobs based on the combination of the StatisticsNZ Employee Count (EC) and M.E estimates of working proprietors not otherwise captured in the EC.



Figure 3: Cromwell Town Centre (SA1) Total Employment Growth 2001-2021

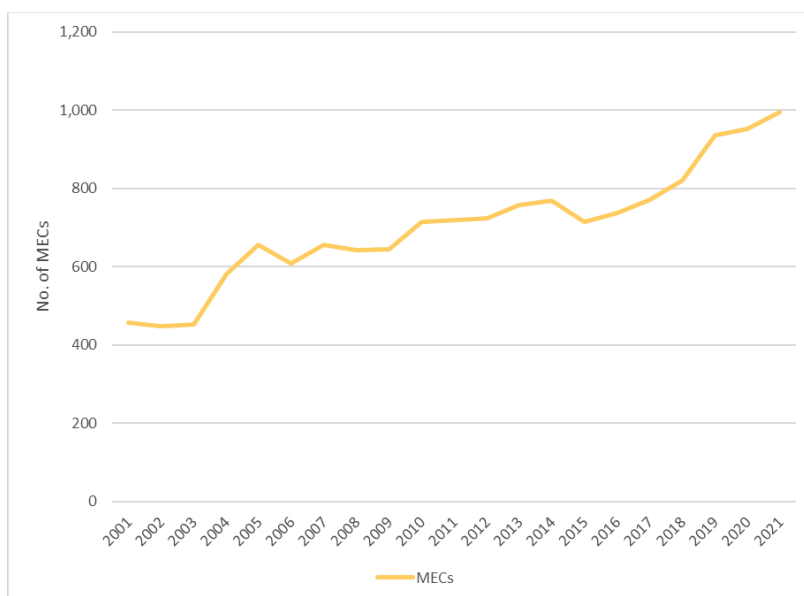


Figure 4: Cromwell Town Centre (SA1) Employment (MECs) 2001-2021

Sector	2001	2006	2011	2016	2019	2021
Agriculture, Forestry and Fishing	104	4	1	3	2	2
Mining	0	0	0	0	0	0
Manufacturing	27	14	16	11	15	18
Utility Svcs.	0	0	0	0	0	0
Construction	28	48	48	48	61	60
Wholesale Trade	6	5	9	14	10	14
Retail Trade	82	213	259	300	397	371
Accommodation and Food Svcs.	24	40	76	90	148	182
Transport, Postal and Warehousing	1	12	13	5	1	2
Info Media and Telecoms	3	6	7	6	6	11
Financial and Insurance Svcs.	6	15	19	18	21	24
Rental, Hiring and Real Estate Svcs.	31	27	26	26	27	25
Professional Svcs.	39	67	38	33	44	47
Administrative and Support Svcs.	2	6	20	14	8	1
Public Administration and Safety	15	15	12	12	12	15
Education and Training	63	81	76	60	85	88
Health Care and Social Assistance	18	21	45	49	71	96
Arts and Recreation Svcs.	3	0	0	0	0	0
Other Svcs.	8	36	54	48	29	42
Total	457	609	719	738	935	996

The Retail Trade sector engaged just over 370 MECs or 37% of total employment within Cromwell Town Centre in 2021. This is the largest category of employment and is followed by the Accommodation and Food Services sector (182 MECs or 18%), Health Care and Social Assistance sector (96 MECs or 10%) and Education and Training sector (88 MECs or 9%). Although Education and



Training is the fourth largest employer, we note that most of this employment is expected to occur outside the business resource areas but within the wider SA1 (Cromwell). Combined, the top three sectors account for 65% of the Town Centre's employment base.

When looking at the employment data in more detail, Food and Beverage Services dominate the Accommodation and Food Services sector in the Cromwell Town Centre, accounting for 99.5% of that sector's employment in 2021. We note that there are several accommodation activities located just outside the business resource areas such as on the eastern side of Barry Avenue. For the Retail Trade sector, Food Retailing accounts for 47% of sector employment in 2021 (175 workers), followed by Other Store and Non-Store Based Retailing (35% or 130 workers) and Fuel Retailing (14% or 51 workers).

Figure 5 shows the change in MECs over different timeframes by broad sector.

Figure 5: Cromwell Town Centre (SA1) Employment Changes (MECs), 2001-2021

Sector	5 year growth increments				Covid period	Total growth
	2001-2006	2006-2011	2011-2016	2016-2021	2019-2021	2001-2021
Agriculture, Forestry and Fishing	-100	-3	3	-2	-1	-102
Mining	0	0	0	0	0	0
Manufacturing	-13	2	-6	8	3	-9
Utility Svcs.	0	0	0	0	0	0
Construction	20	1	0	11	-1	32
Wholesale Trade	-1	4	5	-1	4	8
Retail Trade	130	47	41	70	-26	288
Accommodation and Food Svcs.	17	36	14	93	34	159
Transport, Postal and Warehousing	11	1	-8	-4	1	1
Info Media and Telecoms	3	1	-1	5	5	8
Financial and Insurance Svcs.	9	3	0	6	3	18
Rental, Hiring and Real Estate Svcs.	-3	-2	0	0	-2	-5
Professional Svcs.	29	-29	-6	14	3	8
Administrative and Support Svcs.	4	14	-6	-14	-7	-1
Public Administration and Safety	1	-3	0	3	3	1
Education and Training	18	-4	-16	28	3	25
Health Care and Social Assistance	3	24	4	47	26	78
Arts and Recreation Svcs.	-3	0	0	0	0	-3
Other Svcs.	28	18	-6	-6	13	34
Total	153	110	18	258	61	539

Retail Trade (+288 MECs) and Accommodation and Food Services (+159) have seen the largest net increases in actual employment between 2001 and 2021. These two sectors represent 83% of total Town Centre employment growth in this period. Similarly, the sectors that have seen the largest net positive percentage change in employment (>300%) are:

- Accommodation and Food Services +672%,
- Health Care and Social Assistance +430%,



- Other Services +441%,
- Retail Trade +350%,
- Financial and Insurance Services +316%.

However, some parts of the economy did not see continued upward momentum and have shed employment within the Town Centre over the last two decades (2001-2021). These sectors include Agriculture, Forestry and Fishing (-102 MECs) and Manufacturing (-9 MECs). Neither sector is integral to the role of town centres. Other declining sectors (in net terms) include Rental, Hiring and Real Estate, Arts and Recreation Services and Administration and Support Services (Figure 5).

In terms of the initial effects of COVID-19, the data shows 2021 employment for most sectors in the Town Centre to be greater than, or on par with, pre-COVID 2019 levels. However, Retail Trade has experienced a minor decrease (-26 jobs or -7% between 2019 and 2021) which we attribute to the effects of COVID-19 on the region. The Administration & Support Services sector has experienced a more pronounced decline in employment levels since 2019 (-7 jobs or -93%) although this sector has shown a decline since a peak in 2011 and so this further decrease may not be attributable to COVID-19 alone.

In the absence of more recent data, we are uncertain if there have been further declines in Retail Trade employment in the Town Centre or not.

Businesses

In total, Cromwell Town Centre had just under 160 businesses in 2021 (Figure 6). Since 2001, there has been a net increase of 55 business units or +54%. Between the period 2006-2011, business units declined slightly by 7 or -5%. This was followed by a five-year period of flat overall economic performance (2011-2016), with some sectors growing and others declining. Since 2016, the business count has increased. The initial effect of COVID-19 on the Cromwell Town Centre (i.e., between 2019 and 2021) appears to be minimal in terms of total businesses (a net increase of 17 businesses or 12% in this short period).



Figure 6: Cromwell Town Centre (SA1) Total Business Growth 2001-2021

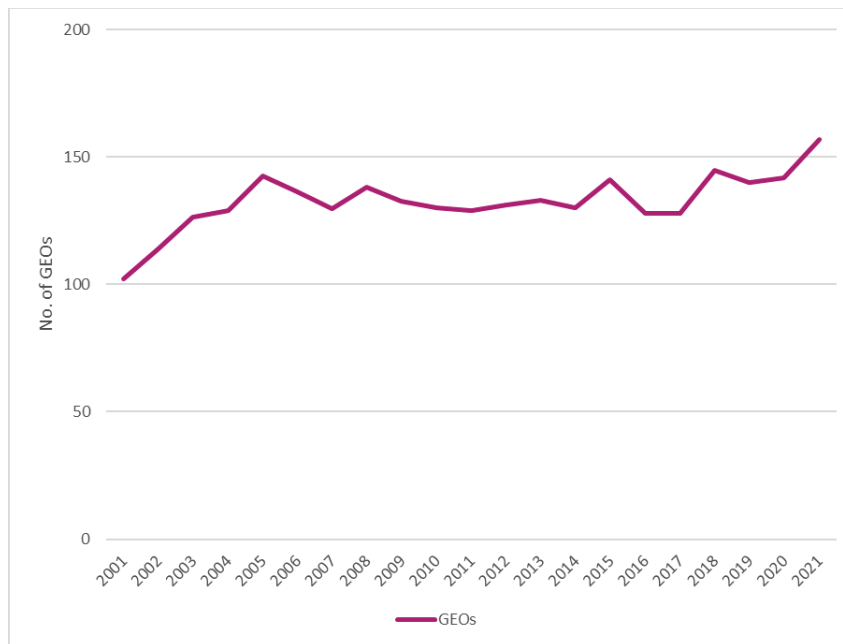


Figure 7: Cromwell Town Centre (SA1) Businesses (GEOs) 2001-2021

Sector	2001	2006	2011	2016	2019	2021
Agriculture, Forestry and Fishing	7	8	1	5	6	4
Mining	0	0	0	0	0	0
Manufacturing	4	5	7	4	6	5
Utility Svcs.	0	0	0	0	0	0
Construction	14	17	16	13	21	26
Wholesale Trade	4	3	5	6	4	6
Retail Trade	18	21	26	24	27	26
Accommodation and Food Svcs.	6	9	9	9	12	14
Transport, Postal and Warehousing	1	4	2	3	1	2
Info Media and Telecoms	1	3	1	1	1	4
Financial and Insurance Svcs.	1	4	3	4	6	6
Rental, Hiring and Real Estate Svcs.	19	25	23	26	26	23
Professional Svcs.	8	11	11	9	10	18
Administrative and Support Svcs.	1	3	4	5	3	1
Public Administration and Safety	6	6	6	2	2	2
Education and Training	2	2	2	1	1	2
Health Care and Social Assistance	5	5	4	9	9	11
Arts and Recreation Svcs.	1	1	0	0	0	0
Other Svcs.	4	12	9	6	6	8
Total	102	136	129	128	140	157



The Construction and Retail Trade sectors have the largest concentration of business units in the Town Centre – both with 26 businesses each or 17% and 16% of total 2021 businesses respectively. That said, because the SA1 includes an area of residential zoning, this may be including some construction sector businesses (i.e., self-employed trades people) registered to home addresses rather than being construction companies operating from within the Town Centre. Care is also needed with the Rental, Hiring and Real Estate sector which has the third highest business count in the data (23 businesses). Individual real estate agents are registered companies/sole traders even when working within a real estate firm (hence the business count and employment count in this sector is very similar). Following these three sectors, is (by descending business count):

- Professional Services makes up 18 businesses or 11% of total businesses in the Town Centre in 2021, and
- Accommodation and Food Services makes up 14 businesses or 9% of the total.

In 2021, 83% of businesses in the Accommodation and Food Services sector are Food and Beverage Services (12 businesses), the balance (17% or 2) is Accommodation businesses. For the Retail Trade sector, the majority of businesses are Other Store and Non-Store Based Retailing (63% or 16 businesses), followed by Food Retailing (25% or 6 businesses) and Fuel Retailing (9% or 2 businesses).

Figure 8 below shows the change in business counts over the last two decades by sector.

Figure 8: Cromwell Town Centre (SA1) Business Changes (GEOs), 2001-2021

Sector	5 year growth increments				Covid period 2016-2022	Total growth 2001-2021
	2001-2006	2006-2011	2011-2016	2016-2021		
Agriculture, Forestry and Fishing	1	-7	4	-1	-2	-3
Mining	0	0	0	0	0	0
Manufacturing	1	2	-3	1	-2	1
Utility Svcs.	0	0	0	0	0	0
Construction	3	-1	-4	14	6	12
Wholesale Trade	-1	2	1	0	2	2
Retail Trade	3	5	-2	2	-2	7
Accommodation and Food Svcs.	3	0	0	5	2	8
Transport, Postal and Warehousing	3	-1	1	-2	1	1
Info Media and Telecoms	2	-1	-1	3	3	3
Financial and Insurance Svcs.	3	-1	1	2	0	5
Rental, Hiring and Real Estate Svcs.	6	-2	3	-4	-4	4
Professional Svcs.	3	0	-2	9	7	10
Administrative and Support Svcs.	1	1	1	-5	-2	-1
Public Administration and Safety	0	0	-4	-1	0	-5
Education and Training	0	0	-1	2	2	0
Health Care and Social Assistance	0	-1	5	2	2	6
Arts and Recreation Svcs.	0	-1	0	0	0	-1
Other Svcs.	8	-3	-2	2	2	4
Total	34	-7	-1	29	17	55



Construction (+12 businesses) and Professional Services (+10 businesses) have seen the largest net increases in actual business units between 2001 and 2021. These two sectors represent 41% of total business growth over the last two decades in the Town Centre (SA1). Similarly, the sectors that have seen the largest positive net percentage change in employment (>125%) are:

- Financial and Insurance Services +700%,
- Info Media and Telecoms +471%,
- Accommodation and Food Services +129%,
- Transport, Postal and Warehousing +129%.

The Retail Trade sector has experienced 40% net growth over the last two decades (a net increase of 7 shops) and accounted for 14% of total centre (SA1) business growth. The Accommodation and Food Services sector experienced 129% net growth since 2001 (a net increase of 8 businesses – all of which were Food and Beverage Services). This sector also accounted for 14% of total centre business growth.

However, some sectors of the Town Centre experienced a decline in businesses. Over the long term (2001-2021) these sectors include Public Admin and Safety (-5 businesses), Arts and Recreation (net loss of one business) and Administration and Support Services (net loss of one business although a loss of 4 businesses since a peak in 2016).

Again, the effect of COVID-19 on Cromwell Town Centre appears to be minimal in total business terms. There was a net increase of 17 businesses across the Town Centre SA1 between 2019 and 2021. The data shows 2021 businesses for most sectors to be greater than, or on par with, 2019 levels. The Accommodation and Food Services sector grew by 2 businesses since 2019. However, the Retail Trade sector contracted slightly (-2 business or -6% compared with 2019 counts). Administration and Support Services also reduced by 2 businesses in that period (-75%).

In the absence of more recent data, we are uncertain if there have been further declines in Retail Trade businesses in the wider Town Centre or not.

Summary

In summary, analysis of available employment and business data shows (within the caveat of including some activity outside the business resource areas) that the Cromwell Town Centre is relatively small but has grown steadily over the past 20 years, commensurate with growth in resident households in its trade catchment. While we do not have data to inform visitor spend specifically in the Town Centre, it is expected that some businesses and/or employment have been sustained (wholly or in part) by visitor spend over the years.

The role of the Town Centre is broader than just retail and hospitality. It supports a range of office and service-based activities. This has helped with its overall resilience to the initial effects of COVID-19 (i.e., up to February 2021, which is the most recent data available), as has continued household growth



in that period. The general mix of activities in the Town Centre (functional amenity) has not materially changed and the centre overall has grown since 2019. The impact of COVID-19 on the Retail Trade sector in the Town Centre has been minor (although we have no evidence on the ongoing/cumulative effects to 2022). The hospitality sector showed net increases in businesses and employment between 2019 and 2021.

Scenarios of Retail and Hospitality Tenancy Outcomes in the Wooing Tree Commercial Area

As discussed above, under the current consent rules and a confirmed 350sqm cellar door activity, the number of retail and hospitality tenants that would be possible within the Wooing Tree commercial area is likely to be between 7-10 tenancies (8-11 inclusive of the cellar door activity). This is represented by Scenario 3 and 4 in Figure 9 below. Importantly, these store count outcomes would still be possible under the proposed amended rules. However, the proposed amendments provide greater flexibility (within limits), which can be seen by the two green scenarios and one yellow scenario in Figure 9.

Scenario 1A shows the minimum of 3 retail and hospitality tenants (4 including the cellar door). These could comprise 2 x 250sqm tenancies and 1 x 150sqm tenancy for example (or variations around this). Scenario 1B shows the minimum of 3 retail and hospitality tenants (4 including the cellar door) but also utilising the maximum tenancy size of 350sqm which would allow for 1 larger tenancy (the same size as the cellar door) and two smaller tenancies averaging 150sqm each. Scenario 2 shows another potential outcome which does not adhere to the minimum tenancy count. In this scenario, there could be (for example) 4 x 125sqm tenancies and 1 x 150sqm tenancy (or variations around this).



Figure 9: Store Count and Size Scenarios Enabled Under Proposed Amendments

		Scenario	Indicative Composition	Cellar Door	Balance Retail & Hospitality		Sub-Total Retail & Hospitality	Total Commercial Area
↑ Likely Range of Store Count Outcomes Under Proposed Amendments ↓	Increased Flexibility Provided by Amendments	Scenario 1A - Low - Minimum Store Count	Tenancy Count @	1	2	1	3	4
			Tenancy Size (sqm) =	350	250	150		
			Total Tenancy Area (sqm)	350	500	150	650	1,000
		Scenario 1B - Low - Minimum Store Count & Maximum Store Size	Tenancy Count @	1	1	2	3	4
			Tenancy Size (sqm) =	350	350	150		
			Total Tenancy Area (sqm)	350	350	300	650	1,000
	Retained Outcomes of Existing Rules	Scenario 2 - Low-Moderate Store Count	Tenancy Count @	1	4	1	5	6
			Tenancy Size (sqm) =	350	125	150		
			Total Tenancy Area (sqm)	350	500	150	650	1,000
		Scenario 3 - Moderate Store Count	Tenancy Count @	1	6	1	7	8
			Tenancy Size (sqm) =	350	100	50		
			Total Tenancy Area (sqm)	350	600	50	650	1,000
		Scenario 4 - High Store Count	Tenancy Count @	1	10		10	11
			Tenancy Size (sqm) =	350	65			
			Total Tenancy Area (sqm)	350	650	-	650	1,000

Across the whole range of scenarios possible under the proposed amendments, there could be between 3-10 retail and hospitality tenancies compared to a likely range of 7-10 under the status quo rules. The key change enabled by the change in rules is the ability to deliver **fewer but larger tenancies** in addition to the cellar door. The following section considers the effects of this change relative to status quo outcomes.

Assessment of Economic Effects

Total GFA caps, such as the 1,000sqm retail and hospitality cap stipulated for the Wooing Tree commercial area, are a tool commonly imposed to help manage overall distributional effects on other centres. It helps establish the relative size (role) of different shopping areas. There is no change to the relative size of the Wooing Tree commercial area under the current proposal. It will remain only small relative to the Mall and smaller again relative to the wider Town Centre.

On its own however, a GFA cap is typically not sufficient to manage some distributional effects such as those where a LFR store might be enabled. As such, it is best used in combination with controls on activities and/or tenancy size.



Controlling tenancy size (using a maximum of 100sqm in the case of the current consent) is a way to encourage a greater mix of store/business types which can improve the functional amenity of centres (by creating a greater range and/or depth of offering). A tenancy size rule also influences the urban form of the shopping area (i.e., to deliver fine grained tenancies such as anticipated in pedestrian friendly main streets).

In this case, we estimate that the current conditions of the resource consent can create between 7-10 small format retail and hospitality tenancies in addition to the cellar door (which is a relocation of an existing business). This could be used, for example, to deliver a food-court type development (consistent with current tenancy interest). Irrespective of the tenancy mix, the diversity of 7-10 retail and hospitality businesses in addition to the cellar door is likely to create an attractive destination once fully tenanted.

Creating 7-10 tenancies equates to between 20-29% of the existing retail and hospitality businesses (excluding petrol stations and accommodation) in the Cromwell Town Centre as at 2021 (estimated at 34 in total according to the StatisticsNZ Business Frame).² While the total demand for tenancies up to 100sqm in Cromwell is not known by M.E, and WTDL's initial marketing would indicate that some national food brands not currently in Cromwell are potentially interested, it is still possible that some existing Town Centre businesses currently occupying a small tenancy (such as those in the Mall) could seek to relocate to the Wooing Tree commercial area given the opportunity.

Some churn in businesses location is common when new tenancy options become available across a centre network and is part of the normal and efficient operation of markets. This can have a positive economic effect if it (a) stimulates further investment in the vacated tenancy in order to attract a new tenant (helping to lift centre visual amenity) and (b) helps businesses better meet their tenancy needs if they are growing or scaling down. Conversely, in the short-term, it may have a negative economic effect if it creates additional vacancies in the Cromwell Town Centre. This would be a temporary effect as strong household growth projections in Cromwell Ward and slowly returning tourism spend is expected to sustain both the Wooing Tree commercial area and growth in the Cromwell Town Centre in the medium-long term. Nonetheless, based on the existing consent, any actual or potential adverse economic effects on the Cromwell Town Centre in the short-medium term have been determined to be no more minor.

The proposed amendments to the existing consent conditions provide the opportunity to deliver fewer but larger tenancies within the 650sqm of retail and hospitality floorspace remaining after development of the cellar door. This provides the opportunity to deliver a different outcome than a

² Incidentally, if all 7-10 business were food and beverage businesses (i.e., a food hub outcome), then relative to the 12 existing food and beverage businesses in the Town Centre (2021), this would equate to 58-83% of Town Centre supply.



food hub, which initial marketing suggests is a highly likely development scenario if current tenancy size rules are upheld.

On average, there is likely to be a broadly linear relationship between tenancy size and productivity (and therefore customer traffic). However, there are differences around the average depending on tenancy type. M.E estimates that one larger café/restaurant is unlikely to match the productivity of two smaller cafes/restaurants. As such, a 200sqm restaurant will not necessarily attract as many customers as two 100sqm restaurants combined and may attract less customers in total.

On the other hand, for some comparison retail stores, a larger store may increase the productivity compared with smaller stores of the same type. This is because as tenancies get larger, they may be more likely to attract national retail operators (retail brands which have more efficient operational models and more marketing power) or stock a bigger product range. This means that a comparison retailer that is 200sqm may be likely to attract more customers than two 100sqm comparison retailers of the same type.

These are however general trends/observations and the price of products sold is an additional dynamic that influences foot traffic and turnover with some stores selling fewer expensive goods and others relying on selling large quantities of cheaper goods. Such stores may have the same total productivity (turnover per sqm) but have very different effects on foot traffic.

To put the new scenarios possible under the proposed amendments (Figure 9) in context, 5 retail and hospitality tenancies would equate to 15% of existing retail and hospitality businesses in the Cromwell Town Centre (2021) and the minimum of 3 tenancies would equate to just 9% (compared to 20-29% under the status quo).³

Such scenarios enabled by a more flexible maximum tenancy size combined with a minimum tenancy count, therefore reduce the potential breadth of competition between the Wooing Tree commercial area and the Cromwell Town Centre and reduces the number of businesses that may consider relocating from the Town Centre to the new development in the short-term. This is likely to enhance economic outcomes for the Cromwell Town Centre relative to the current consent conditions, particularly given the slightly contracted Retail Trade sector in recent years as a result of the effects of COVID-19.

The diversity of stores able to locate at Wooing Tree would be less than under the status quo and the mix of store types could also be less. This may reduce the vibrancy of the commercial area (in terms of total foot traffic relative to the status quo) depending on the final mix of tenants. But, this may also benefit the Cromwell Town Centre over the long-term. For example, M.E has been advised by WTDL that they think a food hub (focussed on national food brands seeking small tenancies) would be best

³ Again, if all 3-5 tenancies are food and beverage services, then relative to food and beverage businesses in the Town Centre (2021), the Wooing Tree Commercial area would equate to between 25-42% of Town Centre supply.



located in the Cromwell Town Centre rather than north of State Highway 8B. M.E shares that view. Conversely, providing a larger café/restaurant tenancy (for example) would be more likely to have a stronger local role (compared to a role that serves total Cromwell) – providing positive functional and social amenity for the new residents of Wooing Tree Estate.

Conclusions

Amending the maximum tenancy size from 100sqm to 350sqm for retail and hospitality tenants in the 650sqm of floorspace able to be developed by right in the Wooing Tree commercial area (in additional to the 350sqm cellar door), combined with a minimum retail and hospitality tenancy count of 3 creates greater flexibility for the developer to market the development and secure tenants – increasing the commercial feasibility of the floorspace capacity provided under the Fast Track consent.

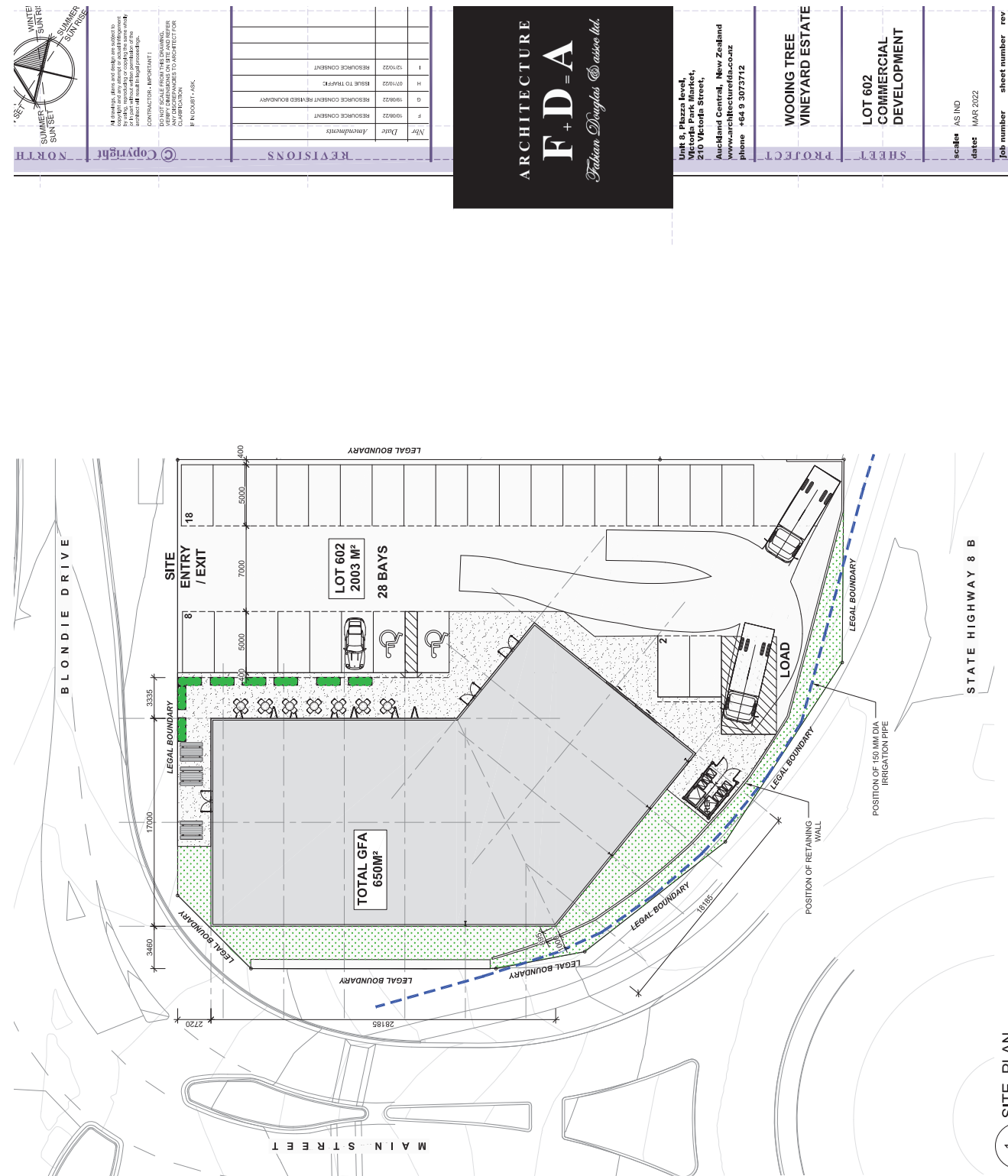
The amendments do not preclude the same development outcomes as under the current consent conditions. But, they do provide the added opportunity to deliver fewer, larger tenancies (while still ensuring that the commercial area does not become a destination for LFR), which may be more appropriate to support the development of Wooing Tree Estate. There are a number of potential adverse effects from delivering fewer, larger tenancies. This includes potentially reduced functional amenity (choice/range) and vibrancy (foot traffic) at the Wooing Tree centre. Given that the overall scale of the centre is only small (and unchanged), M.E considers that such adverse effects are likely to be less than minor. However, the proposed amendments may also give rise to more positive economic outcomes for the community within the Wooing Tree Estate (and further north) as well as the Cromwell Town Centre relative to the status quo conditions. These benefits, while less than minor over the long-term, have added importance in the short-term as the Retail Trade sector in particular recovers to pre-COVID business and employment levels.

Overall, considering both the potential marginal positive and adverse effects, M.E supports the amendments to the consent conditions as proposed from an economic perspective. Particularly if the added flexibility allows WTDL to consider more appropriate development outcomes that would (ideally) reduce the likelihood of a food hub eventuating in Wooing Tree rather than the Mall.

If you wish to discuss any of the details in this assessment in more detail, please don't hesitate to contact me.

Yours faithfully,

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**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC220402
64 Shortcut Road, Cromwell**

INTRODUCTION

The application seeks land use consent to establish a 650 sqm retail and hospitality center on future Lot 602 in Wooing Tree Estate, replacing the 500m² retail building approved for the lot under the Covid 19 Recovery (Fast Track Consenting) Act 2020 (Council reference RC 200366) at 64 Shortcut Road, Cromwell.

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities or boundary activities (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)) (the permitted baseline, refer to section below).*
- C: *In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: *Trade competition and the effects of trade competition (s95D(d)).*

E: Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this case, there are no permitted buildings in those parts of the Wooing Tree Overlay in the Rural Resource Area under the Central Otago District Plan and there is no permitted baseline to be applied.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

RC 200366 currently provides for a 500m² cap for built form on Lot 602, with individual tenancies capped to 100m². It is against this receiving environment that the proposal should be considered against. This application proposes to expand the overall floor area by 30%, to 650m² with a 250% increase in the maximum tenancy size, to 350m². This increased tenancy size is proposed with an additional proposed condition that there must be at least three tenancies on the site. This minimum number of tenancies means only one tenancy would be able to be 350m².

The proposed increase in the maximum tenancy size will change the potential types of tenancies able to be accommodated within the development. I understand that the original stated intention of Lot 602 from RC 200366 was to provide for a small-scale retail hub servicing the local community.

Lot 602 is primarily located in the Rural Resource Area zoned parts of the Wooing Tree Overlay Area. This area is intended in the District Plan to form an open space buffer between the development and State Highway 8B. RC 200366 changed the intended use of the land to include provision for commercial activity in one new building, with another, smaller, building on Lot 601, also in the Rural Resource Area. A smaller buffer zone was retained, with a 15m deep landscaped lot between the development's residential lots, narrowing to 1m in front of Lots 601 and 602. The landscaping in front of the site is proposed to consist of a mixture of pittosporums, toe toe and red tussock. Plans lodged in support of RC 200366 indicated 4.0m deep plantings, using a mixture of toe toe, tussock and grapevines.

The visual character of Lot 602 is currently defined by the retail oriented built form consented under RC 200366. This proposed application would add an additional 150m² of built form. The architectural character of the new building would be consistent with the design guidelines developed by Baxter Design Ltd in the context of RC 200366. It is also similar to the architectural style used for the cellar door building on Lot 601. I consider that the additional built form will have an adverse visual effect in an area intended to be retained as open space. However, relative to the receiving environment created by RC 200366 I consider that this effect will likely be minor at most. This is because the development will remain concentrated within an allotment already identified as being a departure from the open, park-like character anticipated by Rule 4.7.5(viii).

The proposal will add additional commercial floor area to the allotment and increase the minimum tenancy size, changing the types of activities that might locate onto the site and the overall character of the retail area. The applicants have argued that the tenancies anticipated to be accommodated within the site would retain their local focus. I concur that this is likely to be the case, albeit that larger scale activities with a wider catchment would be more likely to be present than under the current consent. However, on the whole, I consider that the

proposed larger building and amendments to allowable tenancy sizes will not result in a significant departure from the current intended character of the retail area within the development. This is because a mix of tenancies will still be facilitated, with the proposed changes also encouraging different sized tenancies. Overall, I consider the likely changes in the nature of the retail area to result in minor effects on that character, at most.

The proposed building is located on the periphery of an area with a predominantly residential character. The current intended use of the lot is not proposed to change from its original consented use, being retail activity. I consider the proposal likely to result in less than minor effects on residential amenity values.

The proposal includes 28 vehicle parks and one loading area. Assuming the proposal includes a 350m² café and 300m² of retail, 35 vehicle parks would be required to comply with Rule 12.7.2(i) of the Plan. The applicant notes that bicycle parking would be provided on the site and argues that the entirety of the Wooing Tree development, and most of urban Cromwell, is within a cyclable catchment of the site. The Wooing Tree development is also almost entirely within a walkable catchment of the site. The applicant's traffic engineer, Mr Andy Carr argues that this will serve to reduce the demand for on-site parking. I do not fully accept the applicant's arguments that retail and café activities on the site could share parks. This comment is somewhat speculative as the exact mix of tenancies is not yet known, and different mixes of tenancies will interact differently with each other. For example, a restaurant would have a different demand pattern to a café. A restaurant might typically operate in the evenings while a café would operate during the day, and compete for parking with retail activities open at the same time. Some sharing would occur. However, depending on the exact breakdown of tenancies proposed, the impacts of this on demand for parking could be understated or overstated. I concur with the applicant that there is provision for patrons walking and biking to the site. This is made more practical by the intended local service and convenience nature of the retail offerings anticipated as trips would be less likely to need the additional load carrying capacity of a vehicle.

Based on the decision from the EPA, the Wooing Tree subdivision, in particular, provides a reasonable standard of pedestrian infrastructure, with road layouts intended to slow vehicle traffic. I consider that there is uncertainty about what would be an adequate level of on-site parking. While the applicant currently has consent for 500m² of retail with 27 parking spaces, they propose an additional 150m² of commercial floor space, while adding one additional on-site park. The transport assessment provided in support of the application has been peer reviewed by Abley Ltd. They come to the same conclusion that the proposal will more likely than not have adequate provision for on-site parking regardless of this uncertainty, provided facilities such as cycle parking proposed by the applicant are implemented. I consider the proposal likely to result in effects on the operation of the roading network that are minor, at most.

The proposal will necessitate changes to Condition 124 of RC 200366, which would require a consent notice be imposed on Lot 602 limiting buildings to 500m², and tenancies to a maximum of 100m². I note that Lot 602 has not yet been created, and no consent notice currently exists that needs to be altered. For the reasons provided throughout this assessment, I consider that this change to the building and tenancy sizes will have no more than minor effects relative to the receiving environment. I consider that amending this condition to reflect this consent would likely have no more than minor effects on the wider environment.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall the proposed activity is not likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined ‘special circumstances’ as those “*outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique.*” The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC* [(1997) NZRMA 433 (HC), *Urban Auckland v Auckland Council* [(2015) NZHC 1382, (2015) NZRMA 235].

The Wooing Tree development is a high-profile development that has garnered elevated public attention and scrutiny. As such, any development in this area may attract higher than normal levels of public interest. The provision of non-residential activity within the development has been a point of contention among the general public throughout the site’s development history. I note that there is a broad level of opposition from parties in the vicinity of the site, however, this cannot be determinative when considering whether the public interest is sufficient to warrant special circumstances¹.

In this context, I have previously concluded that the proposal will not constitute a significant departure from what has already been consented under RC 200366. Given this, while I note the potential for higher than normal public interest in the proposal, I do not consider this interest likely to be sufficient to warrant public notification under special circumstances.

There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is not required as identified in the assessment above.

EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not exclusively for a controlled land use activity.

¹ *Murray v Whakatane District Council* (1997) 3 ELRNZ 308 at 50.

Step 3: if not precluded by step 2, certain other affected persons must be notified

Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.

Limited notification is not required under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal on persons are assessed below.

PERMITTED BASELINE (s95E(2)(a))

Under Section 95E(2)(a) of the RMA, an adverse effect of the activity on persons may be disregarded if the plan permits an activity with that effect. The permitted baseline has been established above.

ASSESSMENT: EFFECTS ON PERSONS

The site is located within a broader allotment intended to be further subdivided. Therefore, there are currently no immediately identifiable parties in proximity of the proposal that may be affected. I have already noted that the proposal may have an effect on residential amenity. However, at the current time, these effects cannot be isolated to any particular party and, instead, should be considered in the context of broader environmental effects. I do not consider any identifiable parties to be adversely affected by the proposal.

The site is not in the vicinity of any site with identified heritage, archaeological social, ecological, or cultural significance. I do not consider the proposal to result in any adverse effects on parties with an interest in these features.

The application is closely tied to RC 200366. RC 200366 was originally consented under the Covid 19 Recovery (Fast Track Consenting) Act 2021. Under this process, limited and public notification were both precluded, with certain parties being invited to provide comment on the proposal. These parties were not considered to be submitters under that Act. However, they arguably played a similar role, bringing additional viewpoints into the consenting process and allowing specific parties to be involved in development that may impact on them. Given this similarity in purpose, I consider it appropriate to consider the parties that commented on RC 200366 as if they were submitters. Given the close relationship between this application and RC 200366, I consider it appropriate to give some consideration to whether commenters on RC 200366 are affected by this application. Comment was received from 20 parties, including CODC, ORC, several neighbouring landowners, Waka Kotahi, Ngāi Tahu and nearby local businesses. Given CODC is now the consenting authority for the purposes of the consents, its comments will not be considered further. The points raised by these parties covered a wide range of matters, including the number and size of residential sections in the development, traffic management, provision of buffer areas from nearby residential areas, provision of green space, infrastructure provision, relation to the Cromwell Master Plan and previous RMA planning processes and construction effects. The location and provision of commercial activities was raised as a matter of concern from several parties.

I note that these comments related to the information originally lodged by the applicant, which involved a much larger retail area which was subsequently scaled back to that eventually approved by the EPA. I understand that the EPA sought further comments from involved parties subsequent to this variation and further comment was received from the Otago Regional Council, Te Runanga o Ngāi Tahu, Ms Elizabeth Thomas and Waka Kotahi. Commenters were given 3 calendar days, with notice being sent on a Friday and further

comments being required by the following Monday. The further comment from Ms Thomas continued to raise concerns with the presence of commercial buildings on Lots 601 and 602. The presence of the buildings generally was determined through the fast-track process. The proposal would retain the same general location and orientation of built form, and will retain the general local focused retail character considered appropriate by the EPA. In this context, I do not consider the commenters on RC 200366 to be adversely affected by the proposed changes.

Step 4: Further limited notification in special circumstances

Parties who have previously brought into the Wooing Tree development may have done so with an expectation of particular outcomes for the development. Alterations to yet to be implemented stages of the development may subvert these expectations. In this case, the activities on Lot 602 will remain generally consistent with that consented under RC 200366, offering retail and commercial activities with a primarily local focus. I do not consider the proposal to result in special circumstances that trigger a need for notification due to subverted expectations for parties who have previously bought into the development.

Special circumstances do not apply that require limited notification.

DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, no person is considered affected by this proposal.

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is able to be processed on a non-notified basis. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Adam Vincent
Planning Officer

Date: 24 March 2023

Reviewed by:



Oli Monthule-McIntosh
Planning Consultant

Date: 26 March 2023

Approved under Delegated Authority by:

A handwritten signature in blue ink, appearing to read 'L Webster', is written over a faint, light blue circular stamp.

Lee Webster
Planning and Regulatory Services Manager

Date: 29 March 2023

2850406601
RC220402



11 January 2023

Wooing Tree Property Development Limited Partnership
C/- Tattico Att: John Duthie
PO Box 91562
Auckland 1142

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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www.codc.govt.nz



Dear Sir/Madam

FURTHER INFORMATION REQUIRED FOR RC 220402

Location: 64 SHORTCUT ROAD, CROMWELL

Proposal: LAND USE CONSENT TO ESTABLISH A 650 SQM RETAIL AND
HOSPITALITY CENTER ON FUTURE LOT 602 AT WOOING TREE.

The application has been reviewed and has been found to require further information.

Please forward the following information/material at your earliest convenience:

- The economic assessment from M.E Consulting appears to assume that, under the current conditions from RC 200366, 7-10 retail tenancies could be established on Lot 602, with 1,000m² of commercial floor area available that can be transferred between Lots 601 and 602. This assumption is incorrect. RC 200366 provides for a 500m² cellar door venue on Lot 601, and a 500m² building on Lot 602 with a 100m² cap on any individual tenancy. This would provide for 6-8 tenancies, depending on the size of the tenancies on Lot 602. Utilising example tenancy sizes provided by M.E, the current consented commercial activity on Lots 601 and 602 could be made up of one 500m² cellar door tenancy on Lot 601 and up to seven tenancies around 65m² on Lot 602. If Council approves RC 200366V4, this would be changed to one 350m² cellar door and seven retail tenancies. The proposed changes to Lot 601 to reduce the cellar door to 350m² (RC 200366V4) do not "free up" any additional commercial floor space that can be transferred to Lot 602 within the scope of current resource consents. Please provide an updated economic assessment utilising the correct consented baseline.
- The application invites Council to impose conditions to be held as a consent notice on the Record of Title for Lot 602 (Tattico Planning Report Section 10.4, Points 2 and 9). The application includes no subdivision component. Consent notices can only be imposed where a subdivision consent requires conditions be complied with on an ongoing basis (Resource Management Act 1991, s221(1)). The applicant is invited to consider what other mechanisms will be more appropriate to meet the intent of the proposed consent notice conditions as they cannot be imposed as such.

Pursuant to Section 92 of the Resource Management Act 1991, processing of the application will be suspended until the information is received.

Responding to this request:

Within 15 working days from the receipt of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the time frame, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from 11 January 2023

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:

- Written confirmation that you can provide it,
- The likely date that you will be able to provide it by, and
- Any constraints that you may have on not being able to provide it within the set time frame.

The Council will then set a revised time frame for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council. You may also choose to object to providing the information under s357 of the Resource Management Act 1991.

Restarting the processing of your application

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter), or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to provide by the original date.
- From the date that you have provided written confirmation that you do not agree to providing the requested information, or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation), at which time the application will be publicly notified.

Once the processing of the application restarts:

If you have not provided the requested information then your application will continue to be processed and determined on the basis of the information that you have provided with the application. The Council may decline the application on the basis of insufficient information.

If you have provided all the requested information, then we will consider its adequacy and make a decision on whether your application requires notification or limited notification, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

If the application is to be notified, you will be advised within ten working days of our receiving your further information.

3

Please do not hesitate to contact the writer on (03) 4400056 if you have any questions or concerns regarding the above request or the further processing of the application.

Yours faithfully



ADAM VINCENT
PLANNING OFFICER - CONSENTS



31 January 2023

Adam Vincent
CODC

Dear Adam

Wooring Tree: Lot 602: Section 92 request

Thank you for your ongoing help with the Wooring Tree development.

I refer to your email of 11 January and the additional information request for the retail development on Lot 602.

You have raised two issues:

1. Economic development report

The economic development report has been updated taking on board your comments. I attach that report.

2. Limitation on Lot 601

The planning and economic outcome of this proposal I think are pretty clear, namely that 150m² gross floor area of building development from Lot 601 is effectively transferred onto Lot 602.

I take your point about the consent notice not being able to be imposed because there is no technical subdivision.

Consequently, the method I suggest is as follows.

The applicant will place a covenant on the title stating that the gross floor area of building on Lot 601 is limited to 350m² (excluding any marquee). This would be placed on the title of Lot 601. It would record that this restriction is because 150m² gross floor area is transferred onto Lot 602.

The covenant would say the gross floor area is restricted to 350 m² unless the Consent Holder has obtained a resource consent that provides for a different GFA, in which case the development shall comply with that resource consent.

The applicant would offer this as an augier condition and would undertake the legal process to impose that covenant.

It will register the covenant in favour of the Council.

A further condition is offered on an augier basis, that "no building consent for Lot 601 shall issue until the covenant referred to in condition x is registered on the title of Lot 601".

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The augier condition protects the Council in that you can have confidence the legal instrument is in place prior to the building proceeding.

I understand that now completes all section 92 material for the application. I look forward to receiving the draft conditions of consent.

Any questions do not hesitate to give me a ring.

Yours faithfully

A handwritten signature in blue ink, reading "J. Duthie".

John Duthie

Tattico



RC 220402

Review of Car Parking Requirements

Prepared for	Central Otago District Council
Job Number	CODC-J012
Revision	A
Issue Date	24 March 2023
Prepared by	Logan Copland, Senior Transportation Planner
Reviewed by	Dave Smith, Technical Director

1. Introduction

Abley Ltd (Abley) was engaged by Central Otago District Council (CODC) to review the car parking demand aspects of the above resource consent application, which is a proposal to establish a 650m² retail and hospitality centre on future Lot 602 at the Wooing Tree Subdivision development, currently under construction.

The application is supported by a brief transport assessment report prepared by Carriageway Consulting Ltd (Carriageway).

This technical note comprises the results of a review of the car parking assessment undertaken by Carriageway. Other components of the development such as access, parking design, or traffic generation do not form part of this review.

2. Background

2.1 Consented Development

It is noted that the applicant previously obtained consent under Covid-19 fast track consenting legislation for a 500m² retail/commercial building on the site. Tenancies within that building were to occupy no more than 100m² each. The development was to be supported by 27 onsite car parks.

2.2 Proposed Development

The current proposal seeks to increase the GFA of the building from the consented 500m² by 150m² GFA to achieve a total GFA of 650m². In addition, the application seeks to increase the minimum tenancy size from 150m² to 350m², although this is proposed to be conditional on there being at least three tenancies. The applicant has confirmed that 350m² will be used for food and beverage retail, with the remaining 300m² to be general retail.

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3. Parking Demand Review

Carriageway have assessed the proposal based on a new 650m² building, comprised of 350m² food and beverage, and 300m² of general retail. In addition, the assessment assumes food and beverage activity will have 70% of its space allocated to public floor area (or 245m²). The Central Otago District Plan has minimum parking rates as follows:

- Food and beverage: 1 space per 10m² PFA
- Retail: 1 space per 30m² GFA

As noted in the Carriageway report, the corresponding minimum parking requirements are:

- 25 spaces for food and beverage activity
- 10 spaces for retail activity
- **35 spaces total**

Since 28 car parks are proposed on the site, this would indicate (if the peak times of retail and food and beverage activity coincide) that a shortfall of 7 car parking spaces could arise. This is acknowledged in the Carriageway report.

Carriageway considers that although there will be a parking shortfall based on the requirements of the District Plan, that this is unlikely to arise in practice. This is due to excellent walking and cycling connectivity to the existing urban area of Cromwell and also because the parking demand calculation assumes that the peak parking demand for general retail will coincide with the peak parking demand with food and beverage retail, which is not necessarily the case in practice.

It is noted by Carriageway that the peak parking demand for general retail will occur on Saturday lunchtime whereas some time types of food and beverage do not generate a pronounced lunchtime peak. Sit down restaurants and pizza parlours were provided as examples with lower demand during lunchtime peak periods, although it is acknowledged that a typical café will have a higher Saturday lunchtime peak.

To ensure a robust assessment, it is assumed that a café will be established and that as a result, the peak demand of the general retail activity will overlap with the food and beverage retail, particularly during Saturday lunchtime. On this basis, it is considered that there could be seven (7) vehicles generated by the proposed development that could be required to park on the surrounding streets.

3.1 Transport Effects of Parking Shortfall

In general, where there are parking shortfalls associated with private developments, this will impact on the availability of public kerbside parking supply. In this instance the adjacent road network is still under construction and so it is not possible to survey or evaluate the existing public parking demand. However, we have been provided with a copy of the latest concept of the Stage 2D plan of Wooing Tree Subdivision, prepared by Baxter Design (2019). Road widths are not shown on the plan, but we are advised by Council that consent conditions require Blondie Drive and Road 7 to have a 6.0m wide carriageway. The plan shows that kerbside parking will be indented and provided in the berm space intermittently along the roads. See Figure 3.1.

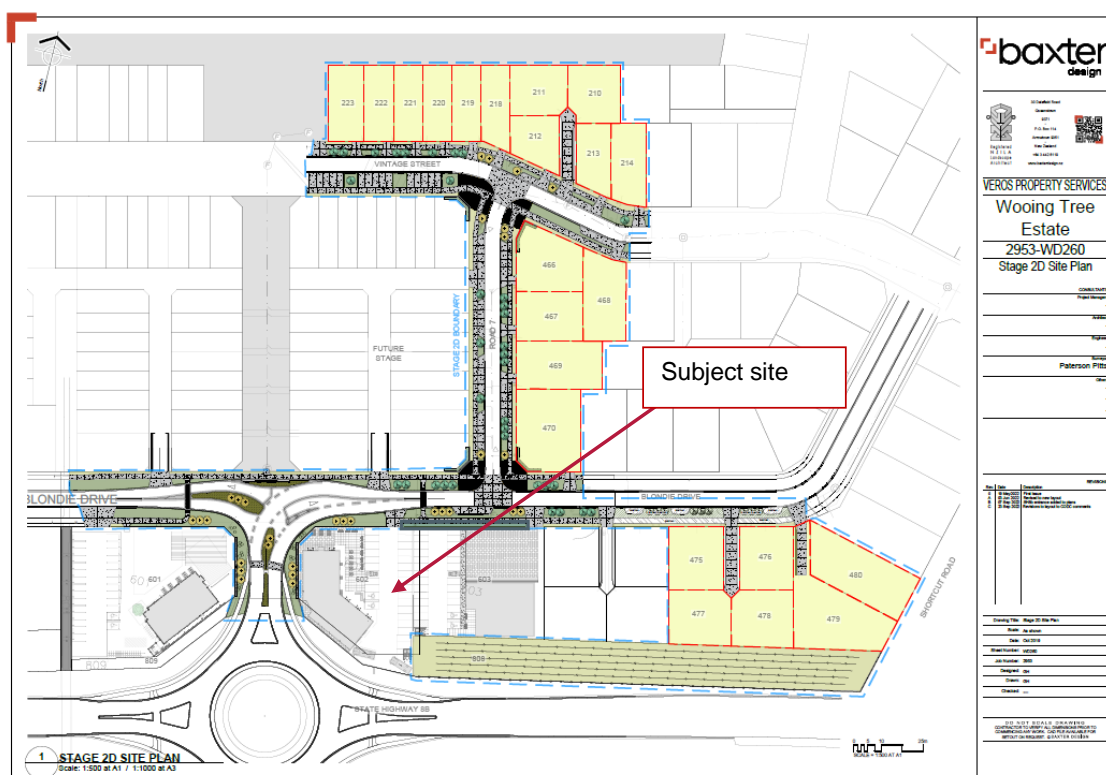


Figure 3.1 Wooing Tree Estate Stage 2D Site Plan. (Source: Baxter Design, via CODC).

The plan is understood to be subject to engineering approval, but shows

- Indented parking for two vehicles adjacent to Lot 603 (which is understood will accommodate a new ECE centre).
- Indented parking for a further eight-10 vehicles on Road 7, with footpaths and crossing points to reach Lot 602.

There is therefore between 10-12 car parking spaces on road in the immediate vicinity of the site, which is a greater number than the anticipated parking shortfall. Since any parking spill-over is expected to only occur during the lunchtime peak period (and mainly on a Saturday), it is likely that parking outside Lot 603 would be available for retail customers on Lot 602 (as this is not typically a peak time for ECE activities).

The actual parking demand on Road 7 cannot be determined since the road is not constructed and land uses are not yet established. However, since the District Plan still contains minimum parking rates for residential activities, it is expected that most of the properties would be self-sufficient in terms of parking, and that on-road parking would mainly be used only by visitors. Therefore, it is likely that Road 7 would be able to accommodate any overspill demand arising from a shortfall of the proposed retail activity on Lot 602.

In any event, since the car parking shortfall is relatively small, and is only expected to be realised infrequently, it is considered that the conclusion reached by Carriageway with respect to effects of the shortfall (noting their general recommendation to provide cycle parking onsite) is reasonable and we agree that any effects on the safety and efficiency of the transport network will not be significant.



It is, however, recommended that a review condition is placed on the consent, pursuant to Section 128 of the RMA, so that the Council may require the applicant to commission a review of the provision of parking onsite one year after one year of commencement of the activity. If after one year, Council deems it necessary for this review to be undertaken, it is recommended that it consists of a car parking survey on the surrounding streets to establish whether any problems related to parking are occurring. If following review, issues are identified with respect to parking supply, the Council may require the applicant to prepare and submit a travel management plan with a view to reducing the staff parking demand associated with this activity and increase the supply of bike parking onsite.

3.2 Cycle Parking Review

Carriageway recommends that cycle parking is established on the site to reduce the parking demand associated with the activity. This is supported, although it is recommended that the condition is more explicit with respect to the number of bike parks required.

Therefore, it is recommended that a condition is placed on the consent that requires cycle parking to be established in accordance with minimum requirements of Waka Kotahi cycle parking planning and design guidance based on medium mode share¹. This requires the following:

- Food and Beverage: 245m² PFA
 - 1 visitor space (1 space per 300m²)
 - 2 staff spaces (1 per 100m², 2 minimum)
- General Retail: 300m² GFA
 - 1 visitor space (1 per 300m²)
 - 1 staff space (1 per 750m²).

The design of cycle parking must provide covered and securable parking for staff bikes and visitor bikes must be securable to an object that is fixed to the ground, such as a bike rack. Additional bike parking should be provided for visitors if possible.

4. Conclusion

It is considered that the effects of this proposal on the transportation network will be acceptable, subject to the following conditions of consent:

- A minimum of two (2) visitor cycle parks must be established on the site.
- A minimum of three (3) staff cycle parks must be established on the site. These spaces should be covered and securable.
- Pursuant to Section 128 of the RMA, the Council may require the applicant to commission a review of the provision of parking onsite one year after commencement of the activity. If upon review parking issues are observed on the adjacent road network, the applicant may be required to implement further measures to reduce the activity's parking demand. This may include increase of cycle parking supply or preparation of travel plan to encourage staff to use alternative modes of transport.

¹ <https://www.nzta.govt.nz/assets/resources/cycle-parking-planning-and-design/cycle-parking-planning-and-design.pdf>

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Adam Vincent

From: John Duthie <john.duthie@tattico.co.nz>
Sent: Wednesday, 5 April 2023 8:41 am
To: Adam Vincent
Subject: FW: Lot 602: Signage

Categories: Application correspondence

Hi Adam

Thank you for your help with Lot 602 and the retail centre.

The signage for Lot 602 as requested is as follows:

- (a) Under the existing consent, there is approval to put a pole or pillar sign. This would have the name of the centre (Wooing Tree) plus the name of the three or four tenants. That sign remains
- (b) On the side facing the entrance road, we envisage one sign per tenancy. At the moment it is envisaged as three tenancies. However, there could be more smaller tenancies and this number could increase.
- (c) On the inner side of the building, one facing Blondie Drive and the others facing the carpark, we envisage a second sign per tenancy.
- (d) I am assuming in the windows of the shops themselves, there is often signwriting with hours of opening and, in the case of food and beverage, menus etc. I assume that is not counted in the signage calculation. But we envisage operators may put such signs on the interior of the windows
- (e) Finally, there will be some traffic management signs, e.g. "entry/exit" "loading bay. please keep clear" etc. Again they would be transport information signs only and probably only one at the entrance and one down by the loading bay.

In summary I am envisaging:

- The retained consented pillar sign;
- three tenancies and hence three naming signs facing the entrance road and three facing the carparks or Blondie Drive;
- a total of six signs plus the pillar (excluding internal window signs and a couple of transport related signs);
- if the number of tenancies were say five, then the external signs would increase to ten.

Thanks.

Kind regards

John Duthie | Director | Tattico Limited
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THE PANEL IN CLOSED MEETING**RESOLUTION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
RC220402 – Wooing Tree Partnership	To enable the Panel to deliberate in private on its decision or recommendation in any proceedings where the right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE: Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) –

“(a) Shall be available to any member of the public who is present. and Shall form part of the minutes of the local authority.”

RECOMMENDED that Ann Rodgers (Panel Advisor) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.