AGENDA

Hearings Panel Meeting
Tuesday, 10 February 2026

Date: Tuesday, 10 February 2026

Time: 9:00 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 on Tuesday, 10 February 2026 at 9:00 am.

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Members Cr T Paterson (Chairperson), Cr M McPherson, Cr S Browne

In Attendance C Pearse-Smith (Planning Consultant), B Kennedy-Perkins (Planning Consultant), A Vincent (Planning Officer), A Rodgers (Panel Advisory), T Lines (Minute Secretary), J Dick (Minute Secretary)

1 APOLOGIES

2 REPORTS

26.1.1 RC250186 GZR PROPERTY INVESTMENT,

Doc ID: 2692894

1. Purpose

A report to consider Subdivision Consent for a unit title in the medium density residential zone is attached.

2. Attachments

Appendix 1 - S42A Planners Report ⇩
Appendix 2 - s95 Notification Report ⇩
Appendix 3 - Application ⇩
Appendix 4 - Updated Subdivision Plan ⇩
Appendix 5 - Updated Site Plans ⇩
Appendix 6 - Transport Assessment ⇩
Appendix 7 - Engineering Advice ⇩
Appendix 8 - 230111V2 S42A Planners Report ⇩
Appendix 9 - 230111V1 Engineering Advice ⇩

CENTRAL OTAGO DISTRICT COUNCIL
REPORT OF PLANNING CONSULTANT

APPLICATION	**RC 250186**
APPLICANT	**GZR PROPERTY INVESTMENT LIMITED**
ADDRESS	**3 MEAD AVENUE, CROMWELL**
LEGAL DESCRIPTION	**LOT 2 DEPOSITED PLAN 20490 (HELD IN RECORD OF TITLE 828240).**
ACTIVITY DESCRIPTION	**SUBDIVISION CONSENT FOR A UNIT TITLE IN THE MEDIUM DENSITY RESIDENTIAL ZONE**
ACTIVITY STATUS	**NON-COMPLYING**

STATUS OF THIS REPORT

1. The attention of the applicants 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.

AUTHOR

2. My name is Christopher Pearse-Smith and I am an Associate Planning Consultant at SLR Consulting. I hold a Masters in Planning from the University of Otago and hold full NZPI membership. I have over seven years' experience in district and regional planning. I currently provide planning assistance to a number of southern Councils, including Central Otago District Council (Council), and I also assist a number of private clients with planning work.

3. I have been contracted by Council to report on this application.

4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

BACKGROUND

5. The subject site has a number of recently approved resource consents which authorised the construction and use of the site for travellers/visitor accommodation for up to a maximum of 90 guests at any given time. Given the relevance of the consent history to the proposal, a summary is provided below:

RC180083

6. The site was subject to RC180028 which was a request under Section 226 of the Resource Management Act 1991 to de-amalgamate the subject site, which was held with two other allotments, being 7 and 9 Mead Avenue. The de-amalgamation was

subsequently approved by Council on 16 February 2018 and separate Records of Titles were consequentially approved.

RC210318

7. Land use consent was originally sought and approved on 14 December 2021 to establish 18 traveller's accommodation units. This concept involved a ring-road arrangement around two rows consisting of nine, three-bedroom units. This consent authorises the site to accommodate up to 102 persons (guests) at any one time.

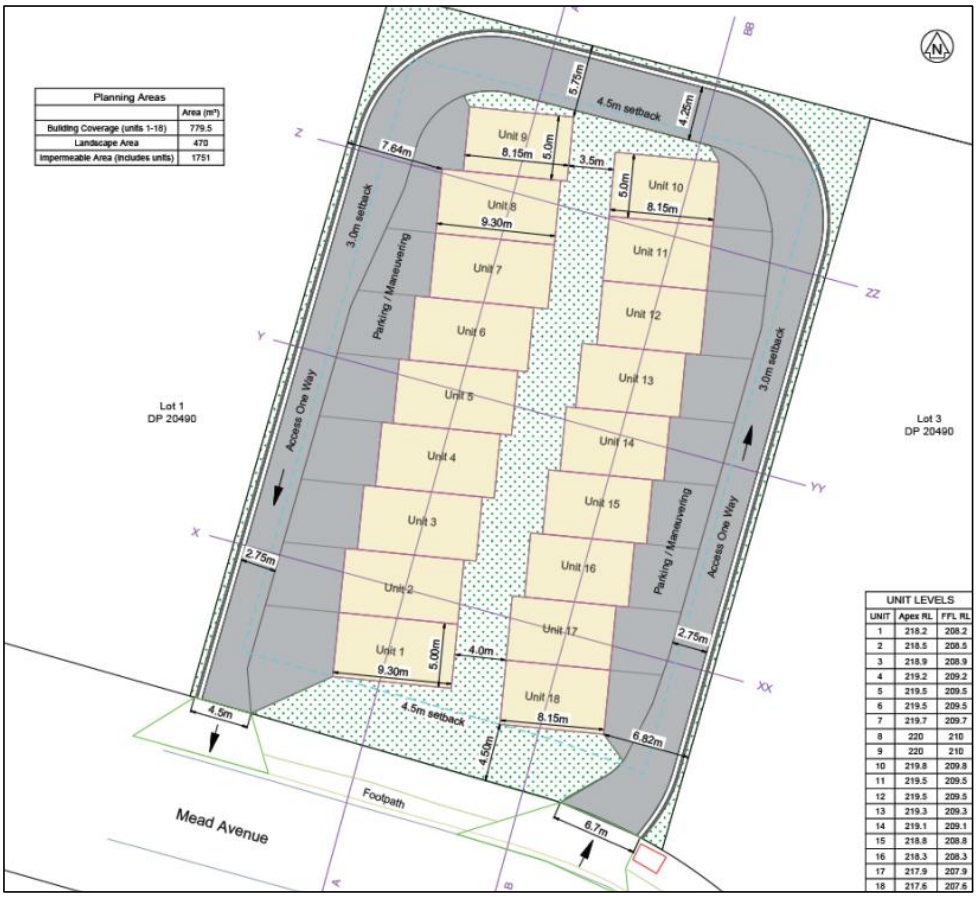


Figure 1: Extract of approved site plan for RC210318

RC230111

8. Following the approval of RC210318, the consent holder sought to modify the arrangement of the apartments in order to accommodate a number of single bedroom units, rather than all units consisting of three-bedrooms. This resulted in an amendment to the overall layout design to which a total of 26 units were sought and approved. Despite the increase in units, the proposal resulted in a reduction of the number of guests to 90. RC230111 was approved on 25 May 2023. An extract of the approved layout for RC230111 is as follows:

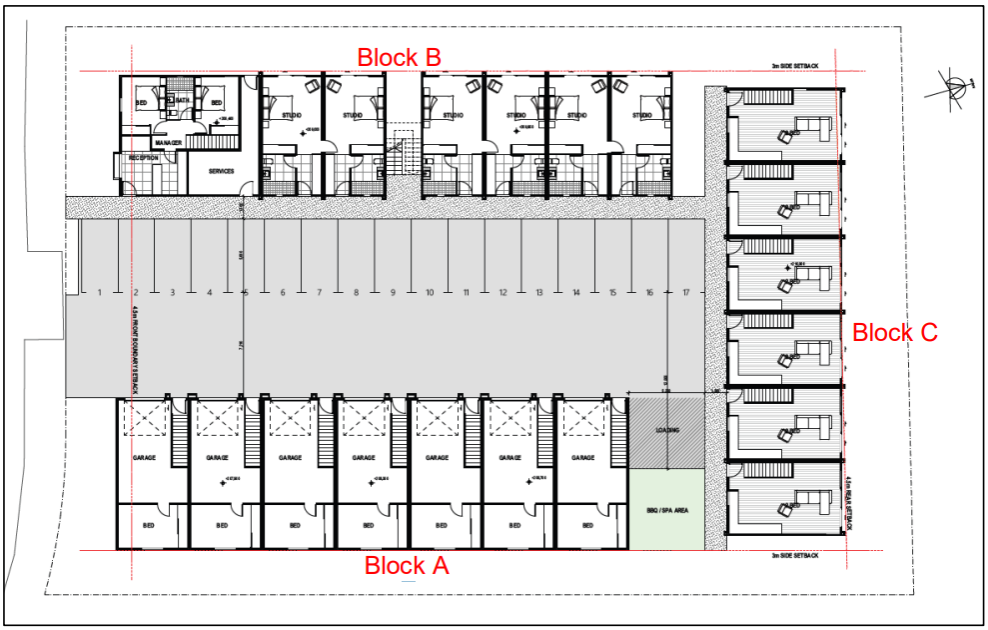


Figure 2: Extract of site plan for RC230111

RC230111V1

9. A number of minor amendments were sought to the approved plans for RC230111. The proposed changes were as follows:

- Change roof form to Block A - The roof profile for block “A” was to be amended from a mono-pitched form to a gable form, to match that of the remaining two blocks within the wider development. The mono-pitch form was initially sought to conform to the height limit. Through a modification to the overall design, a gable form is still able to largely conform to the height limits with a minor protrusion resulting from the apex of the gable on some of the units.

- Addition of awning for Block C - An awning was proposed on the northern façade of Block “C”, overlooking the greenway. The awning is sought for weather-proofing purposes. The awning protrudes into the northern setback. A breach to the setback was already assessed and approved in relation to Block “C” and therefore the addition of the awning, which does not constitute any additional District Plan infringements, is considered to be within the scope of RC230111.

- Reduced floor level for Block C - The floor level for Block “C” has been lowered from 210.300 to 209.700.

- General exterior updates to all buildings - The location of windows and doors and the general overall design were updated.

10. RC23011V1 was approved on 10 July 2024.

DESCRIPTION OF ACTIVITY

11. The application seeks a unit title subdivision consent to separate the approved visitor accommodation units into individual principal units in the medium density residential zone at 3 Mead Avenue, Cromwell.

12. The applicant is also concurrently seeking a change to Condition 1 of the RC230111V1 to update the approved plans under Section 127(1) of the Resource Management Act 1991 (see RC230111V2 attached to this report). This is required to be processed as separate application. For completeness, these changes involve modification of the consented development by reducing the consented three-bedroom units to two-bedrooms (and reducing Block A to two-storeys instead of three), changing the façade design, and amending the internal layouts of the single-bedroom units. It is acknowledged that the proposed changes will result in some minor increase to existing rule breaches including minimum car parking, site coverage, and road setbacks, however, the proposal will stay generally in line with the previously approved consents (as assessed in RC230111V2). The changes also result in the number of individual units increasing to 28 (previously 26), but reduce the maximum number of guests from 90 to 80 as a result of changing several three-bedroom units to two-bedroom units.

13. For clarity, the proposed variation will result in 28 total visitor accommodation units, and the unit title subdivision will create 21 principal units. This is because seven of the Principal Units will contain two separate visitor accommodation units separated across the ground and first floors (meaning there will be two units within seven of the principal units). There will be a total of 21 car parks. RC230111V1 set limits for the total number of guests, but does not specify the maximum number of individual visitor accommodation units.

14. This application relates specifically to the proposed Unit Title subdivision around each of the units. While the applicant is also requesting land use consent to formalise a road boundary setback breach, building coverage breach, and car parking breach, it is considered that these can be adequately assessed under the separate variation decision as outlined in RC230111V1 presented to the panel concurrently with this report. No changes to the maximum number of guests consented under RC230111V1 are proposed. It is noted that site will continue to be used for visitor accommodation only with a continued maximum stay period of 3 months per guest/group.

15. A detailed explanation of the intended use of the visitor accommodation units upon completion of the unit title subdivision has been included below in the ‘reasons for the application’ section below.

16. The applicant has otherwise provided a detailed description of the proposal in Section 5.1 of their AEE prepared by Jake Woodword of JPW Consulting Ltd, dated 26 June 2025. This description is considered accurate and is adopted for the purposes of this report.

17. It is clarified that RC230111V1 approved 23 car parks and upon lodgement of this application, the applicant wanted to reduce this to 22. During the processing of the application, further changes to the plans were made which reduced the number of car parks further to 21.

18. A copy of the proposed unit title subdivision plan is included below.

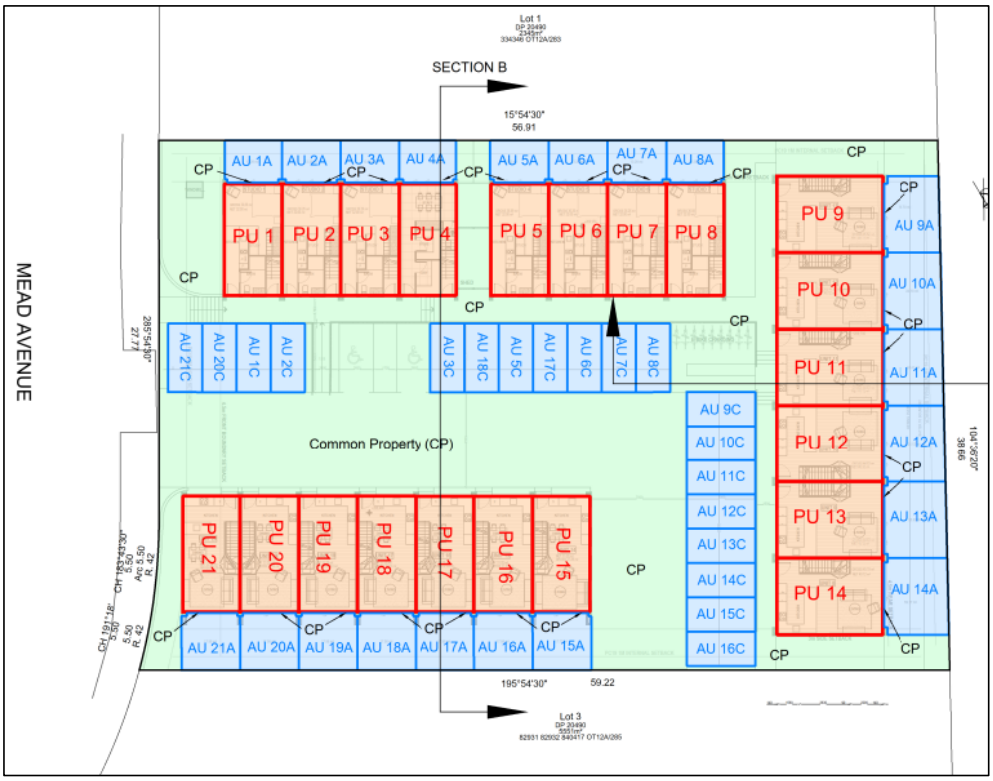


Figure 3: Proposed Subdivision Layout

SITE DESCRIPTION

19. The subject site is well described in the application 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.

20. In summary, the site is a vacant, gently sloping site which rises from Mead Avenue towards the rear boundary. The site is adjoined on both sides by visitor accommodation as well as a Council reserve along the rear boundary.

21. The site is legally described as Lot 2 DP 20490 as contained in Record of Title (RT) 828240 and is approximately 2,221m^2 in area.

22. The relevant consent history is described above in the background section.

REASONS FOR APPLICATION

Central Otago District Plan

23. The subject site is located within the Residential Resource Area of the Central Otago District Plan (the District Plan). The site is within the Scheduled Activity 101 notation. Scheduled Activity 101 provides for travellers' accommodation on the site, subject to compliance with standards listed in Schedule 19.3.4. The relevant rules under the District Plan have been superseded by Plan Change 19 as discussed below and are not considered further here.

Plan Change 19 of the Central Otago District Plan (PC19)

24. The subject site is located within the Medium Density Residential Zone (MDRZ) under PC19 and is subject to Scheduled Activity 101 for Travellers Accommodation. The Council has released the decision on submissions, meaning that PC19 has legal effect pursuant to Section 86B(1) of the Act. It is clarified that while Council has received several appeals in opposition to the notified decision of PC19, there are no appeals to the provisions relevant to this application.

25. Subdivision consent for the following (operative):

- A **non-complying** activity pursuant to SUB-R6 as the proposal cannot comply with the minimum allotment[1] size of 200m^2 required under SUB-S1. As the Principal Units are established around each of the visitor accommodation units and will result in 'allotments' of less than 200m^2.

26. The applicant has also applied for land use consent as:

- There is a further reduction of minimum car parking from 23 to 21 car parks. Where technically 56 parks are required by Rule MRZ-S13.
- There is an increase to the previously approved building coverage where the total coverage of 49.38% exceeds the previously approved coverage of 47.45%. The permitted coverage is 45% (Rule MRZ-S4).
- Block A will be marginally within the 2m road boundary setback (Rule MRZ-S5).

27. While these changes result in marginal increases to existing rule breaches previously authorised, it is considered that these can be appropriately dealt with as part of the separate variation decision for RC230111V1. Therefore, this application relates to the unit title subdivision of the approved visitor accommodation units only and a new land use consent is not required.

28. With respect to intended use of the visitor accommodation units, post subdivision, the applicant has clarified that the site will continue to be used only for visitor accommodation purposes (which the consented design and layout is intended for), and not residential activity. The applicant provided the following comments in addition to their application:

> *Since the applicant's initial request for resource consent in 2021, the application has always been promoted as a land use consent for Traveller's accommodation, in line with the scheduled activities overlay. The intent of the overlay is to enable and streamline the processing of traveller's accommodation activities in areas that have been identified as accommodating this purpose. The current consent conditions reflect this intent by way of a restriction (condition 7) that requires each unit shall be rented out to individuals or groups for no more than three (3) months at any given time.*
>
> *The provision of the Unit Title subdivision is to facilitate the individualised ownership of some of the units to others, all the while maintaining the use within the overall ambit of the underlying traveller's accommodation consent. The applicant would look to maintain management oversight over all of the units and therefore there is a financial incentive for the applicant to see these units as traveller's accommodation, in line with their consented use. This is currently the case with Highlands Central Park Apartments (RC160276) albeit that consent authorises residential activities.*

[1] Section 218(2)(c) defines an *'allotment'* as *"any unit on a unit plan".*

The use of the units for residential activities in this case would be in direct contravention of the conditions of consent (if it exceeded 3 months). Furthermore, it would be a requirement that resource consent is sought to breach the density criteria of the MRZ standards. As such, I think the provision of a consent notice is yet another layer over and above what would be required if somebody decided to utilise the units for residential purposes.

The provision of additional consent notices restricting a use not actively sought is considered officious. It would bear resemblance to a scenario where a rural landowner seeks to build a shed, to only have a condition stating no residential use due to Council dealing with retrospective consent where people have illegally converted their sheds.

29. Overall, I concur with the applicant that there are sufficient protections in the District Plan that would restrict the Traveller's Accommodation Units from Residential Use after Unit Title subdivision. In summary and in addition to the applicant's comments above, it is clarified that:

    a) The definition of '*Site*' under the Central Otago District Plan notes that *"in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease".* This means, that while individual unit titles will be created, the wider site will still be assessed as one 'site'.
    b) The District Plan through MRZ-R1 limits any 'site' to no more than 'two residential units per site' and limits the site to one residential unit per 200m^2 (which equates to 11 total residential units on this 2,221m^2 site). Additional resource consents would be required under the current District Plan to authorise the use of two or more of the buildings for residential purposes.
    c) The District Plan includes additional provisions that apply to Residential Activity but not Visitor Accommodation (e.g. MRZ-S7, MRZ-S9, MRZ-S10, and MRZ-S12), where the units were used for residential activity, the existing design and layout would be non-compliant with many of these standards and additional resource consent authorisations would be required under the current District Plan.
    d) The existing units are approved under a resource consent for 'Travellers Accommodation' (RC230111 and ongoing variation RC230111V2) with specific conditions limiting the period of stay for visitors up to a maximum of three months. The units have not been consented for residential activity and would trigger additional consents where this was the case.
    e) An advice note is volunteered on RC230111 as part of the ongoing variation (RC230111V2) noting that the site may not be used for residential activity without the relevant authorisations from Council.

30. It is also noted that the visitor accommodation unit will still effectively be managed under one overarching entity. There will still be an on-site visitor accommodation manager residing on site who would be responsible for consistent management of units. It is clarified that the unit title subdivision effectively allows the units to be sold individually and for investors to buy into the wider visitor accommodation, but still under the umbrella of a wider entity (for example 'The Mead Avenue Apartments'). Given the definition of 'site' as explained above, the wider unit title development is still considered to occur across one 'site' and therefore in relation to Rule MRZ-R8.2 there will be at least one person permanently residing on the site which manages the whole visitor accommodation activity. In this regard, the unit title subdivision allows the visitor accommodation activity approved under RC230111V1 (an RC230111V2 once approved). On this basis, the activity will continue to comply with Rule MRZ-R8.2.

National Environmental Standards

31. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NESCS) came into effect on 1 January 2012. The applicant has undertaken a review of Council's property records and as part of the previous consent decisions there are no known activities that are listed that may have potentially resulted on contamination. The site has remained vacant since it was first established. As such, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is considered not applicable in this case.

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

OVERALL STATUS

33. Overall, the proposal is for a ***non-complying*** activity.

WRITTEN APPROVALS

34. No written approvals were provided as part of this application.

35. A separate s95 notification decision was prepared which concluded that the effects on persons would be less than minor. This decision concluded the following:

36. A detailed assessment against the persons at the adjoining properties was considered in the applicant's AEE and planners report as part of the visitor accommodation approved under RC230111V1. In Section 8.3 of their AEE, the applicant has provided a detailed assessment against the persons at 5 Mead Avenue, (adjoining the eastern boundary), 10 Barry Avenue (adjoining the western boundary and 14 Barry Avenue (located to the south of the site, across the road). This assessment is agreed and adopted for this report.

37. The proposed unit title subdivision will not result in any material changes to the previous assessments undertaken already for effects on persons.

38. Overall, any effects on persons as part of the unit title subdivision will be less than minor.

EFFECTS ON THE ENVIRONMENT

Permitted Baseline

39. 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 activity subdivisions under the Central Otago District Plan.

Receiving Environment

40. 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.

41. For the subject site and adjacent land, the existing and reasonably foreseeable receiving environment comprises medium density residential zoned land comprising a variety of residential and visitor accommodation activities.

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

Assessment – Effects on the Environment

43. The overall proposal has status as a non-complying activity. The consent authority is to have regard to any actual and potential effects on the environment of allowing the activity. As noted above, the site is located within the MDRZ under the PC19 where the relevant rules not subject to appeal.

44. While the proposal is for a non-complying activity, the relevant matters of discretion for general subdivision (under SUB-R6) provide relevant guidance to assess the Unit Title Subdivision.

45. It is noted that the applicant has provided a detailed assessment against these matters within Section 8.2 of their AEE. This assessment is considered to be generally accurate and therefore only a brief summary and consideration of the below matters is included below.

a. Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.

46. While the proposed subdivision is a non-complying activity. I concur with the applicant that Unit Title subdivisions are not explicitly provided for in the Medium Density Residential or Residential Subdivision provisions. The proposed visitor accommodation has effectively already been approved for 26 units for a total of 90 guests on the subject site through the existing resource consents. The Unit Title subdivision will simply formalise an individual ownership structure around the consented units.

47. I agree with the applicant who states: *"in terms of effects on the environment, the proposed subdivision formalises individual ownership or management structures and introduces only a minor increase in the number of units (from 26 to 28), which does not materially alter the scale, intensity, or servicing requirements of the development."* It is noted that the maximum number of guests will remain limited to 90 at any given time.

48. Furthermore, the applicant does not intend to use the site for residential activity. The existing conditions of consent on RC230111V1 mean that each unit cannot be rented out for more than 3 months at any given time. In the scenario that use of the site is sought for residential purposes, then additional resource consents will be required under MRZ-S1, as the current site density would be approximately 79m^2 per residential unit (if used for residential purposes). This is on the basis that the definition of 'site' requires the density calculation to utilise 'the whole of the land subject to the unit development'.

49. Overall, the proposed subdivision will continue to allow for appropriate land use development consistent with the intent of the MDRZ and Travellers Accommodation Scheduled Activity. Any adverse effects in this regard will be less than minor.

b. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.

50. The Unit Title subdivision will not result in any significant change to the servicing arrangements under RC230111V1, which requires all services to be designed and installed in accordance with NZS4404:2004 and the July 2008 version of the CODC Addendum. The unit title may result in different arrangements compared to the fee simple structure, but these are not considered to give rise to any significant adverse effects.

51. Council's Environmental Engineer has audited the application and has provided advice around conditions of consent.

52. With respect to water services, the engineer has advised that the existing 40mm water lateral is disestablished and replaced with a 100mm connection to the site boundary from Mead Avenue to ensure compliance with NZS4404:2004. Each unit will then require individual meters from private internal reticulations. For wastewater, the existing 100mm wastewater main will need to replaced with a 150mm main within Mead Avenue to the site boundary. Stormwater management will be via soakpits.

53. There are no specific infrastructure conditions specified on the existing resource consent for visitor accommodation (RC230111V1) beyond ensuring services are installed in accordance with NZS4404:2004 and the July 2008 version of the CODC addendum and therefore there will be no conflict between conditions of this subdivision consent and the existing land use consent.

54. Conditions of consent are included which outline the upgrades required to service arrangements. Subject to compliance with these conditions. any adverse effects in relation to network utility services will be less than minor.

c. The ability to lawfully dispose of wastewater and stormwater.

55. Servicing matters are already addressed under the above section. Wastewater will be disposed of via Council reticulation and stormwater will be disposed of on-site. Any adverse effects in relation to wastewater and stormwater will be less than minor.

d. The location, design and construction of access to public roads and its adequacy for the intended use of the subdivision.

56. Access was approved under the existing consent and remains unchanged. The subdivision will not impact upon vehicle access and manoeuvring and will continue as approved under the previous consent. All but one Principal Unit will be provided with one car park (within an accessory unit). Accessible car parking and cycle parks will be provided within common property.

57. Since prior authorisation of the traveller's/visitor's accommodation on this site under RC230111, the applicant has provided a detailed plan of the car parking for the development. Engineering noted from this plan several non-compliances with NZS4404:2004. As a result, the applicant has provided an assessment from NovoGroup in relation to the car parking layout and manoeuvring.

58. This assessment demonstrates vehicle tracking on the site and concludes that the parking dimensions will be acceptable. Council's Engineer has reviewed this assessment and is satisfied that the NovoGroup assessment and tracking plans demonstrates the vehicle manoeuvring will be adequately possible for this carparking area, even though it is not fully compliant with the subdivision code of practice.

59. Changes to the car parking arrangements has also been assessed as part of RC230111V2.

60. The engineer has recommended standard conditions for the formation of the required crossing to the site. However, as these have already been specified as part of the underlying resource consent, the same condition wording has been repeated in this subdivision for consistency and to ensure this is completed prior to Section 224(c) certification. Additional conditions are included for the formation of the private parking areas that were not previously included as part of the previously land use consent.

61. Any adverse effects in relation to access and parking will be less than minor.

e. The provision of landscaping, including road berms.

62. The proposal is for a Unit Title subdivision around an already approved visitor accommodation activity. Landscaping was subject to a condition of consent (Condition 18 and 19 of RC230111V1) which requires a landscape plan to be provided and certified prior to occupation. No changes are sought here and therefore the requirement remains. Any adverse effects in relation to the provision of landscaping will be less than minor.

f. Earthworks necessary to prepare the site for development occupation, and/or use.

63. The application notes that *"earthworks required to construct the development are expected to remain compliant given the site does not have any significant slopes. The proposed subdivision does not necessitate additional earthworks beyond what has been consented and undertaken."* Any adverse effects in relation to earthworks will be less than minor.

g. Subdivisional design including the shape and arrangement of allotments to:

i. *facilitate convenient, safe, efficient and easy access.*
ii. *achieve energy efficiency, including access to passive solar energy sources.*
iii. *facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.*
iv. *maintain and enhance amenity values.*
v. *facilitate adequate access to back land.*
vi. *protect existing water races.*

64. The assessment above confirms that the site will provide safe and suitable car parking with appropriate on-site manoeuvring.

65. The application notes that the site and subdivision layout has been designed to ensure that each Principal Unit (21 in total) will provide with one car parking area each through an ancillary unit. It is noted that since the application was lodged, the proposed number of car parks was reduced from 22 to 21 meaning that one car park per visitor accommodation is provided. The subdivision will not generate any new adverse effects, but simply formalises the provision of ancillary units to principal units to allow for dedicated car parking. Any adverse effects of the design changes in relation to car parking have been assessed under the variation application (RC230111V2)

66. Each principal unit will also have ancillary units afforded for the purposes of outdoor living areas (Areas 1A – 21A).

67. The applicant has identified 'Common Property' on the subdivision for the purposes of vehicle access, the two accessibility car parks, bike parking and storage, and the various pedestrian access areas to ensure that each unit has lawful access.

68. The overall changes to the site will not be significant beyond what has already been approved under RC230111V1 as well as RC230111V2 once approved. The proposed subdivision layout is consistent with the consented development and achieves good amenity, functionality, and infrastructure efficiency. Any adverse effects in this regard will be less than minor.

i. The provision of or contribution to the open space and recreational needs of the community.

69. For clarity, development contributions and financial contributions will be required as part of the unit title subdivision process as per the fees outlined below. Appropriate conditions will be imposed at the decision stage to allow for this.

Residential Subdivision / RC250186:

CROMWELL 2024-2025	Credit (HUE)	Demand (HUE)	ex. GST
Water	1	17.25	**$66,059.83**
Wastewater	1	17.25	**$53,723.96**
Reserves	1	28.00	**$68,180.94**
Roading/Transport	1	17.25	**$29,250.00**
		Total:	**$217,214.73**

70. It is noted that a development contribution will also be required under RC230111V2 as part of the variation. Council's Engineer has noted that both contributions must be satisfied, but one will be paid first, which will affect the other one. This is detailed in the development contribution letters for each decision and is not repeated here.

j. The provision of buffer zones adjacent to roads, network utilities or natural features.

71. The development already includes appropriate setbacks from roads and neighbouring properties. No further buffers are required as a result of the subdivision.

k. The protection of important landscape features, including significant rock outcrops and escarpments.

72. Not applicable.

l. Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.

73. As noted above, there will be no changes to access arrangements as this has already been approved through the existing visitor accommodation consent.

m. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.

74. Financial and development contributions have already been addressed above.

n. Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.

75. The visitor accommodation activity has already been consented and is consistent with the Scheduled Activity Overlay. No new reverse sensitivity effects arise from the subdivision.

X. Staging

76. The applicant has advised that they would like to allow for the possibility of the subdivision to be staged to potentially allow one visitor accommodation block or blocks to be constructed first and subsequently titled, before completing the next block(s). Council's Engineer has not raised any concerns with a staging approach noting that the majority of key servicing arrangements will need to be completed (such as the installation of larger water and wastewater reticulation connections) regardless of the staging.

CONCLUSION – EFFECTS ON THE ENVIRONMENT

77. 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 less than minor and acceptable.

OFFSETTING OR COMPENSATION MEASURES

78. 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 POLICIES

Operative and Proposed Regional Policy Statements

79. The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. This decision is subject to a number of appeals. After taking into consideration the operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

Central Otago District Plan

80. 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 in the application, and these are adopted for the purposes of this report.

81. In summary, it is noted that the proposal will be consistent with the following objectives:

<u>Section 16 - Subdivision</u>

- Objective 16.3.1 and Policies 16.4.1, 16.4.2, and 16.4.6 seeks to ensure that subdivision avoids, remedies, or mitigates adverse effects on the safe and efficient operation of the District's roading network by providing adequate access constructed to Council standards.

82. The proposal promotes an acceptable use and upgrade of the existing access and as confirmed by Council's Development Engineer will provide acceptable on-site parking. This will not be changed by the subdivision.

- Objective 16.3.2, Policy 16.4.3 seek to ensure that subdivisions provide all necessary services and infrastructure

83. The proposal will provide adequate services subject to compliance with the relevant conditions of consent.

- Objective 16.3.4 and Policy 16.4.7 seeks to ensure amenity values are not adversely effects by subdivision and that subdivision design is appropriate and efficient in relation to access and infrastructure.

84. The proposed subdivision will not impact upon Objective 16.3.4 in relation to amenity values as the proposal is for a subdivision of an existing visitor accommodation activity that has already been appropriately assessed under the relevant resource consent.

- Objective 16.3.7 seeks to ensure that subdivision contributes to the open space, recreation, and reserve needs of the community.

85. The proposal will include a financial contributions for reserves and will therefore be consistent with this objective.

Section 7 – Residential Resource Area

- Objectives 7.1.1 and 7.1.2 and associated Policies 7.2.1, 7.2.2, 7.2.3 seek to maintain residential character of the zone and protect the pleasant living environment by managing adverse effects.

86. The proposal is for subdivision only and will not impact up on the Residential Resource Area. It is also noted that the site is no longer zoned Residential Resource Area and therefore greater weight is provided toe the relevant objectives and policies under Plan Change 19 as assessed below.

Section 12 – District Wide

- Objective 12.3.1 and Policy 12.4.1 seek to promote the safe and efficient operation of the District's roading network by ensuring safe and efficient access, off-street parking, and on-site manoeuvring.

87. The proposal is for subdivision only and will utilise the existing access and parking arrangements approved under the visitor accommodation consent.

Proposed Plan Change 19

88. The objectives and policies of PC19 are operative in relation to the site. It is noted that site is zoned Medium Density Residential Zone (MDRZ) but is not subject to any of the Precincts under PC19.

89. The proposal will be consistent with MRZ-01 and MRZ-02 and MRZ-P6 which provide for non-residential activities (such as visitor accommodation) and promote an efficiency use of land with good urban design outcomes and residential amenity. The proposal is for subdivision only and will continue to enable the site to be used for visitor accommodation purpose as approved under RC230111V1 (and RC230111V2 once approved).

90. The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan including Plan Change 19.

Objectives and Policies Conclusion

91. Overall, the proposal will be consistent with the objectvies and policies of the Operation and Proposed Regional Policy Statements and the Central Otago District Plan including Plan Change 19.

SECTION 104D

92. 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.

93. 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 104D to grant consent.

OTHER MATTERS

94. Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Precedent and plan integrity

95. '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 further subdivisions which may result as a consequence of precedent.

96. In this scenario, I do not consider that there is a significant risk of precedent issues arising. This is because the proposal is for a subdivision of already approved visitor accommodation activity into principal units through a Unit Title subdivision. As noted above, the non-compliance arises primarily due to the Plan not explicitly providing for Unit Title subdivisions and 'allotments' being created that are less than the required 200m^2. In practice, the subject site will continue to operate under the existing visitor accommodation land use consent (RC230111V1 and RC2301111V2 once approved) and there will be no notable changes to the activity occurring on site.

97. The proposed unit title subdivision will not authorise the use of undersized residential allotments or create vacant under sized freehold titles as the subdivision is tied to the approved built development on site. In this regard, this subdivision will not result in inappropriate undersized lots that would undermine the integrity of the plan or result in a plethora of new subdivision applications seeking new undersized freehold titles in the Medium Density Residential Zone.

Part 2

98. 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

99. After having regard to the above planning assessment, I recommend that:

    a) The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104, 104B and 104D of the Resource Management Act 1991, subject to the conditions imposed under section 108 of the Act listed below.

100. A suite of conditions are attached below for the decision maker to consider.

Chris Pearse-Smith
Planning Consultant

Date: 12 January 2026

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Consent Type: Subdivision and Land Use Consent

Consent Number: RC 250186

Purpose: Subdivision consent for a unit title in the medium density residential zone

Location of Activity: 3 Mead Avenue, Cromwell

Legal Description: Lot 2 Deposited Plan 20490 (Record of Title 828240).

Lapse Date: [Day and Month] 2030, unless the consent has been given effect to before this date.

Conditions:

General:

1. The subdivision 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 26 June 2025, except where modified by the following conditions.

2. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.

3. Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at: *CODC Home > Services > Planning > Land Development and Subdivision Engineering*
This EA application must include:

    - Confirmation of who their representative is for the design and execution of the engineering work.
    - Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

    Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

4. Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

    - Schedule 1A,
    - *Schedule 1B,*
    - Standalone Schedule 1B for 3 waters work, and
    - Schedule 1C

5. As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dwg/*.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

Staging:

6. The consent holder may complete the requirements of the following Section 223 and Section 224(c) conditions in stages to allow for individual visitor accommodation blocks to be constructed and to allow the subsequent principal and ancillary units and common areas to be released prior to additional visitor accommodation blocks being completed.

> Advice Note: Regardless of the staging approach, the consent holder will be required to comply with the relevant 224(c) certification conditions such as in relation to new service connections for water and wastewater. It is also the consent holders' responsibility to ensure that any temporary parking, access, or construction areas such as car parks are appropriately formed to Council's standards and District Plan Rules or the alternatively ensure the relevant resource consents are obtained.

Section 223

7. Prior to certification pursuant to Section 223 of the Resource Management Act 1991, any easements required to protect access or for access to services must be duly granted or reserved.

Section 224(c)

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Potable Water Supply

a) Potable water reticulation must be provided to the subdivision in accordance with the following:

   i) The existing 40mm water lateral to the property must be disestablished to the satisfaction of Council's Three Waters Manager.
   ii) Water reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private and within the subdivision boundary.
   iii) Connection to the Council network must be from the existing 100mmm uPVC water principal main in Mead Avenue (as shown on GIS), with isolation valve, bulk meter, and backflow preventer at the subdivision boundary. Connection to be HDPE (PE100) DN125 (~106mm ID).
   iv) Standard HDPE (PE100) DN25 (~21mm ID) residential water connections must be provided to each of proposed units 1 to 21 from the private reticulation, and for each connection an Acuflo toby must be installed at the unit boundary to provide backflow prevention and so the water supply to each unit can be separately controlled and isolated.
   v) The final design must be to the satisfaction of Council's 3 Waters, to be confirmed at Engineering Acceptance stage.
   vi) Private water reticulation to be owned, operated, and maintained by the body-corporate.

Advice Note: An approved 'Application to Connect' submission is required prior to connecting to Council's potable water network.

Wastewater

b) Wastewater reticulation must be provided to the subdivision in accordance with the following:

i) The existing 100mm ID wastewater lateral to the property must be disestablished to the satisfaction of Council's Three Waters Manager.

ii) Wastewater reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private within the subdivision boundary.

iii) Connection to the Council network to be to the 150mm PVC wastewater main in Mead Avenue. Manholes and/or maintenance shafts must be installed as required. Connection must be 150mm ID.

iv) 100mm ID residential wastewater connections must be provided to each of proposed units 1 to 21 from the private reticulation, and for each connection a cleaning eye installed at the unit boundary.

v) The final design must be to the satisfaction of Council's 3 Waters, to be confirmed at Engineering Acceptance stage.

vi) Private sewerage / wastewater reticulation must be owned, operated, and maintained by the proposed body-corporate.

Advice Note: Prior to connecting to Council's wastewater network, an approved 'Application to Connect' submission is required, in addition to approved plans for wastewater servicing via the 'Engineering Acceptance process.

Stormwater

c) Soakpits must be designed and constructed by a suitably qualified and experienced person to ensure that stormwater from buildings and other impervious surfaces within the subdivision is disposed of within the subdivision boundary. Stormwater may be stored for beneficial reuse. Stormwater disposal from the carparks must include a system capable of interception of settle-able solids, hydrocarbons, and floatable debris.

d) Pursuant to Section 221 of the Resource Management Act 1991, the following consent notice must be registered on the record of title for the subdivision, requiring compliance with the following ongoing condition:

i. Stormwater from buildings and other impervious surfaces within each lot hereon and common property must be stored for beneficial reuse or disposed of by soak-pit designed by a suitably qualified and experienced person within the subdivision boundary.

Access

e) The existing vehicle entranceway shall be upgraded, or a new entranceway constructed, in accordance with the Concrete-Commercial/Industrial crossings standard of Part 29 of Council's Roading Policies January 2015 with the following specific requirements:

i) Kerb design to include a 75mm concrete thickening and 3 re-bars placed central to reinforce the kerb line. Alternatively, fibre reinforced concrete may be used instead of 3 rebar.

ii) 150mm of compacted AP40 under the crossing.

f) Footpaths must be provided connecting the internal/private footpaths within the site to the public footpath network in Mead Avenue.

g) The private parking areas to serve the subdivision must be constructed in accordance with the following:

i) Standard concrete or 40mm depth asphaltic carriageway.
ii) For stormwater management, standard kerb and channel at the edge of the parking area over minimum 75mm compacted depth AP40 metal. Alternatively, centre dish channel and nib-kerbs, or other suitable edgebreak protection.
iii) Final design layout to be determined at time of Engineering Acceptance to the satisfaction of Council's Infrastructure Manager.
iv) 4% crossfall.
v) A minimum Subgrade CBR >7.
vi) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

Advice Note: Prior to upgrading or constructing a vehicle crossing, an approved 'Vehicle Crossing Application' submission is required.

Power and Telecommunications

h) Operational power and telecommunication connections must be provided underground to each of Principal Units 1 to 21.

Advice Notes:

Financial and Development Contributions

1. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.

2. Development contributions of $66,059.83, $53,723.96, and $29,250.00 (exclusive of goods and services tax) for water, wastewater, and roading/transport respectively are payable for pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The Council 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.

3. Payment of a reserves contribution of $68,180.94 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan.

Access

4. It is the consent holder's responsibility to obtain all necessary Temporary Traffic Management Plans, Corridor Access Requests or any other approvals to undertake works within the road reserve. These approvals should be obtained prior to the works commencing.

General

5. 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.

6. 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.

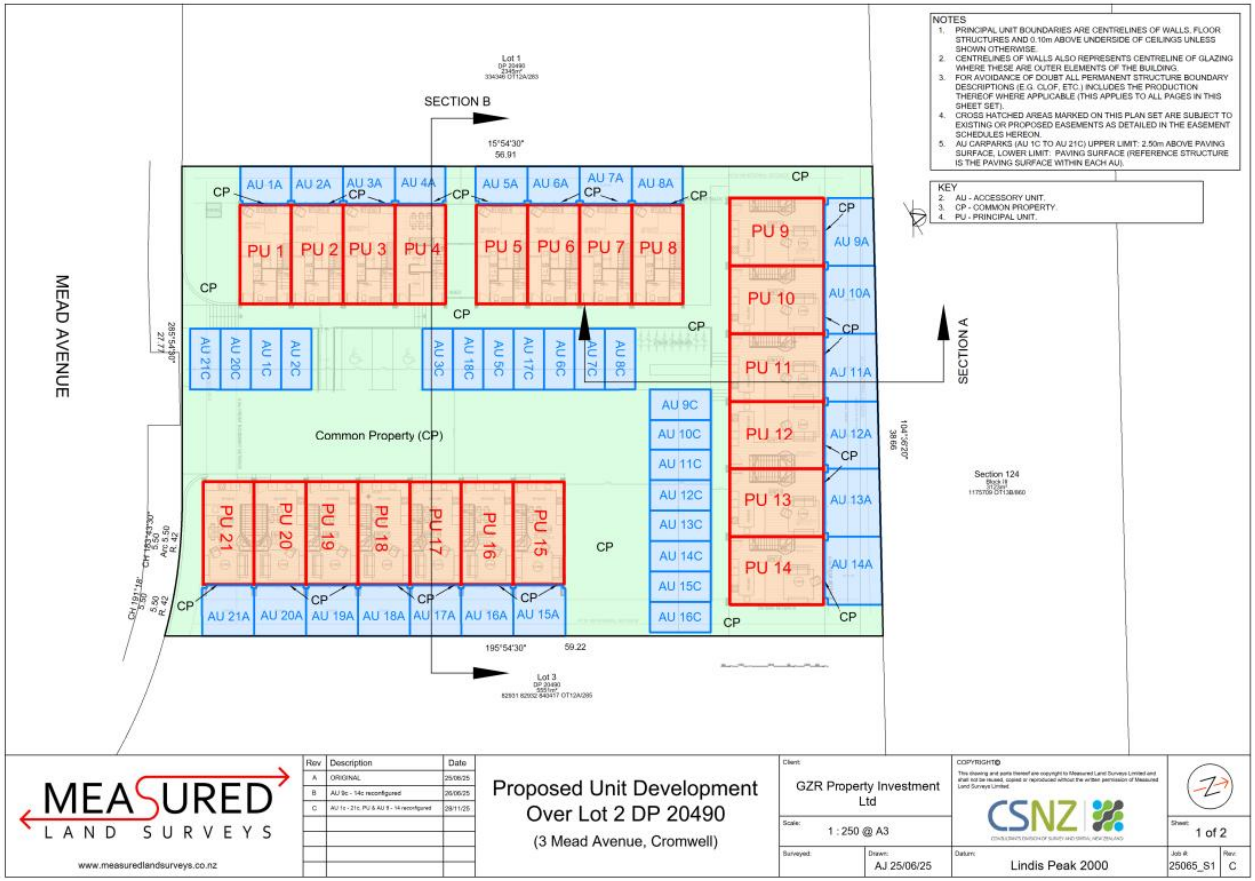
7. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

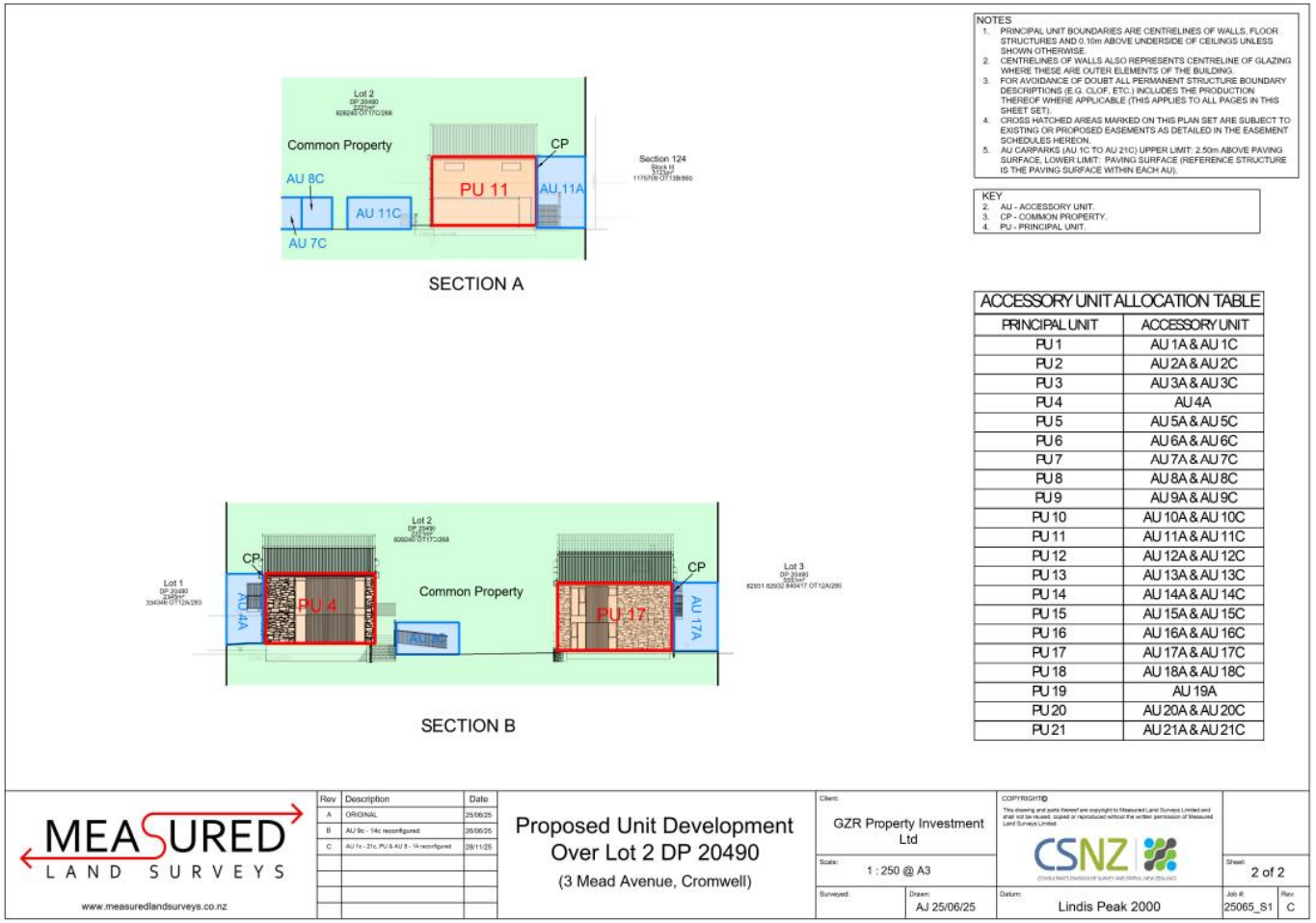
8. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

9. This is a resource consent. Please contact the Council's Building Services Department, about any building consent requirements for the work.

Issued at Central Otago on [Day and Month] [Year]

Appendix One: Plans for RC250186 (scanned images, not to scale)




Lot 2
Common Property
CP
AU 8C
PU 11
AU 11A
AU 11C
AU 7C
Section 124
SECTION A
Lot 2
CP
Common Property
CP
Lot 1
AU 4A
PU 4
PU 17
AU 17A
Lot 3
SECTION B
NOTES
1. PRINCIPAL UNIT BOUNDARIES ARE CENTRELINES OF WALLS, FLOOR STRUCTURES AND 0.10m ABOVE UNDERSIDE OF CEILINGS UNLESS SHOWN OTHERWISE.
2. CENTRELINES OF WALLS ALSO REPRESENTS CENTRELINE OF GLAZING WHERE THESE ARE OUTER ELEMENTS OF THE BUILDING.
3. FOR AVOIDANCE OF DOUBT ALL PERMANENT STRUCTURE BOUNDARY DESCRIPTIONS (E.G. CLOF, ETC.) INCLUDES THE PRODUCTION THEREOF WHERE APPLICABLE (THIS APPLIES TO ALL PAGES IN THIS SHEET SET).
4. CROSS HATCHED AREAS MARKED ON THIS PLAN SET ARE SUBJECT TO EXISTING OR PROPOSED EASEMENTS AS DETAILED IN THE EASEMENT SCHEDULES HEREON.
5. AU CARPARKS (AU 1C TO AU 21C) UPPER LIMIT: 2.50m ABOVE PAVING SURFACE, LOWER LIMIT: PAVING SURFACE (REFERENCE STRUCTURE IS THE PAVING SURFACE WITHIN EACH AU).
KEY
2. AU - ACCESSORY UNIT.
3. CP - COMMON PROPERTY.
4. PU - PRINCIPAL UNIT.
ACCESSORY UNIT ALLOCATION TABLE
PRINCIPAL UNIT | ACCESSORY UNIT
PU 1 | AU 1A & AU 1C
PU 2 | AU 2A & AU 2C
PU 3 | AU 3A & AU 3C
PU 4 | AU 4A
PU 5 | AU 5A & AU 5C
PU 6 | AU 6A & AU 6C
PU 7 | AU 7A & AU 7C
PU 8 | AU 8A & AU 8C
PU 9 | AU 9A & AU 9C
PU 10 | AU 10A & AU 10C
PU 11 | AU 11A & AU 11C
PU 12 | AU 12A & AU 12C
PU 13 | AU 13A & AU 13C
PU 14 | AU 14A & AU 14C
PU 15 | AU 15A & AU 15C
PU 16 | AU 16A & AU 16C
PU 17 | AU 17A & AU 17C
PU 18 | AU 18A & AU 18C
PU 19 | AU 19A
PU 20 | AU 20A & AU 20C
PU 21 | AU 21A & AU 21C
MEASURED LAND SURVEYS
www.measuredlandsurveys.co.nz
Rev | Description | Date
A | ORIGINAL | 25/06/25
B | AU 9c - 14c reconfigured | 26/06/25
C | AU 1c - 21c, PU & AU 5 - 14 reconfigured | 28/11/25
Proposed Unit Development
Over Lot 2 DP 20490
(3 Mead Avenue, Cromwell)
Client: GZR Property Investment Ltd
Scale: 1 : 250 @ A3
Surveyed:
Drawn: AJ 25/06/25
COPYRIGHT©
CSNZ
Datum: Lindis Peak 2000
Sheet: 2 of 2
Job #: 25065_S1
Rev: C

CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC250186
3 Mead Avenue, Cromwell

INTRODUCTION

APPLICATION	**RC 250186**
APPLICANT	**GZR PROPERTY INVESTMENT LIMITED**
ADDRESS	**3 MEAD AVENUE, CROMWELL**
LEGAL DESCRIPTION	**LOT 2 DP 20490 (HELD IN RECORD OF TITLE 828240).**
ACTIVITY DESCRIPTION	**SUBDIVISION CONSENT FOR A UNIT TITLE IN THE MEDIUM DENSITY RESIDENTIAL ZONE**
ACTIVITY STATUS	**NON-COMPLYING**

BACKGROUND

The subject site has a number of recently approved resource consents which authorised the construction and use of the site for travellers/visitor accommodation for up to a maximum of 90 guests at any given time. Given the relevance of the consent history to the proposal, a summary is provided below:

RC180083

The site was subject to RC180028 which was a request under Section 226 of the Resource Management Act 1991 to de-amalgamate the subject site, which was held with two other allotments, being 7 and 9 Mead Avenue. The de-amalgamation was subsequently approved by Council on 16 February 2018 and separate Records of Titles were consequentially approved

RC210318

Land use consent was originally sought and approved on 14 December 2021 to establish 18 traveller's accommodation units. This concept involved a ring-road arrangement around two rows consisting of nine, three-bedroom units. This consent authorises the site to accommodate up to 102 persons (guests) at any one time.

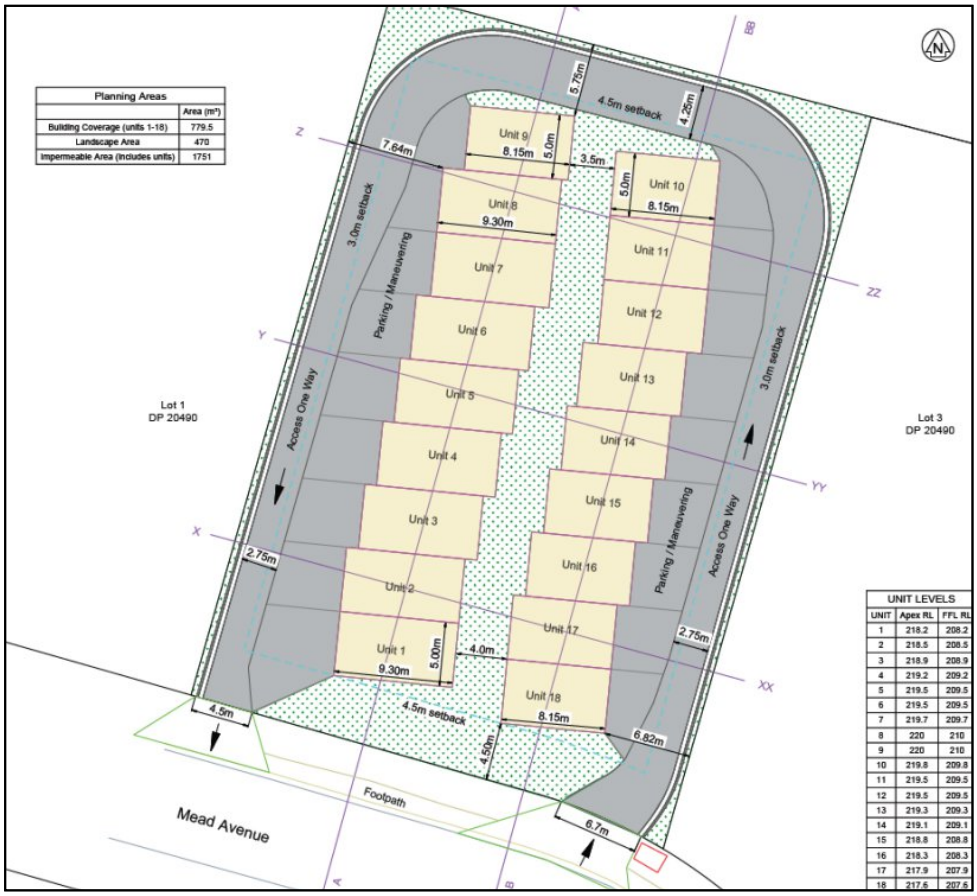


Figure 1: Extract of approved site plan for RC210318

RC230111

Following the approval of RC210318, the consent holder sought to modify the arrangement of the apartments in order to accommodate a number of single bedroom units, rather than all units consisting of three-bedrooms. This resulted in an amendment to the overall layout design to which a total of 26 units were sought and approved. Despite the increase in units, the proposal resulted in a reduction of the number of guests to 90. RC230111 was approved on 25 May 2023. An extract of the approved layout for RC230111 is as follows:

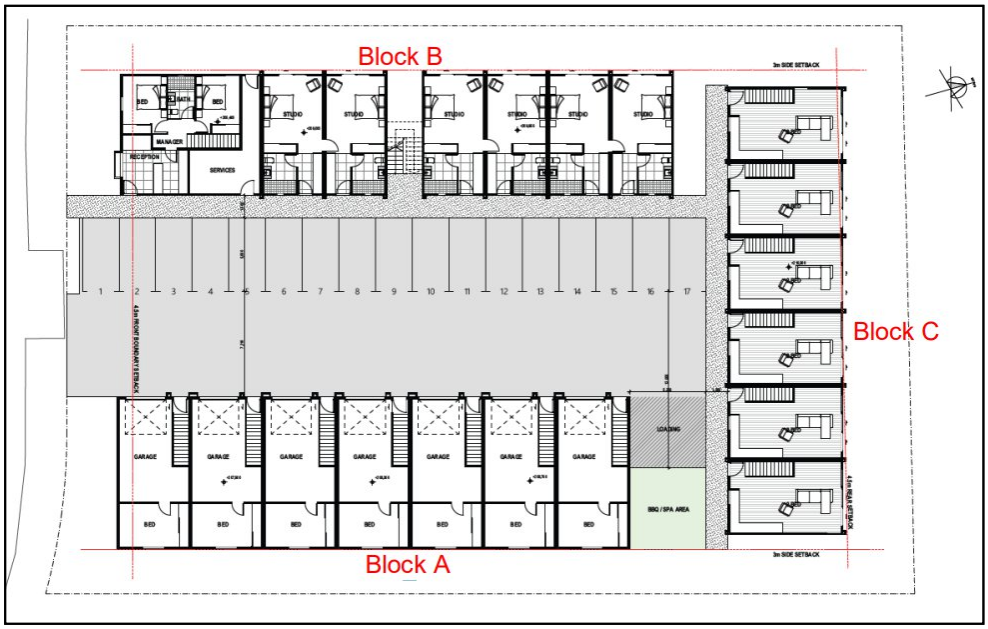


Figure 2: Extract of site plan for RC230111

RC230111V1

A number of minor amendments were sought to the approved plans for RC230111. The proposed changes were as follows:

- Change roof form to Block A - The roof profile for block “A” was to be amended from a mono-pitched form to a gable form, to match that of the remaining two blocks within the wider development. The mono-pitch form was initially sought to conform to the height limit. Through a modification to the overall design, a gable form is still able to largely conform to the height limits with a minor protrusion resulting from the apex of the gable on some of the units.

- Addition of awning for Block C - An awning was proposed on the northern façade of Block “C”, overlooking the greenway. The awning is sought for weather-proofing purposes. The awning protrudes into the northern setback. A breach to the setback was already assessed and approved in relation to Block “C” and therefore the addition of the awning, which does not constitute any additional District Plan infringements, is considered to be within the scope of RC230111.

- Reduced floor level for Block C - The floor level for Block “C” has been lowered from 210.300 to 209.700.

- General exterior updates to all buildings - The location of windows and doors and the general overall design were updated.

RC23011V1 was approved on 10 July 2024.

DESCRIPTION OF ACTIVITY

The application seeks a unit title subdivision consent to separate the approved visitor accommodation units into individual principal units in the medium density residential zone at 3 Mead Avenue, Cromwell.

While not relevant to this decision, the applicant is also concurrently seeking a change to Condition 1 of the RC230111V1 to update the approved plans under Section 127(1) of the Resource Management Act 1991 (see RC230111V2). This is being processed as separate decision document and is therefore not included as part of this decision. For completeness, these changes involve modification of the consented development by reducing the consented three-bedroom units to two-bedrooms (and reducing Block A to two-storeys instead of three), changing the façade design, and amending the internal layouts of the single-bedroom units. It is acknowledged that the proposed changes will result in some minor increase to existing rule breaches including minimum car parking, site coverage, and road setbacks, however, the proposal will stay generally in line with the previously approved consents as assessed in RC230111V2).

This decision relates specifically to the proposed Unit Title subdivision around each of the units. While the applicant is also requesting land use consent to formalise a road boundary setback breach, building coverage breach, and car parking breach, it is considered that these can be adequately assessed under the separate variation decision as outlined in RC230111V1. No changes to the maximum number of guests consented under RC230111V1 are proposed. It is noted that site will continue to be used for visitor accommodation only.

A detailed explanation of the intended use of the visitor accommodation units upon completion of the unit title subdivision has been included below in the ‘reasons for the application’ section below.

The applicant has otherwise provided a detailed description of the proposal in Section 5.1 of their AEE prepared by Jake Woodword of JPW Consulting Ltd, dated 26 June 2025. This description is considered accurate and is adopted for the purposes of this report.

It is clarified that RC230111V1 approved 23 car parks and upon lodgement of this application, the applicant wanted to reduce this to 22. During the processing of the application, further changes to the plans were made which reduced the number of car parks further to 21.

A copy of the proposed unit title subdivision plan is included below:

Figure 3: Proposed Subdivision Layout

SITE DESCRIPTION

The subject site is well described in the application 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.

In summary, the site is a vacant, gently sloping site which rises from Mead Avenue towards the rear boundary. The site is adjoined on both sides by visitor accommodation as well as a Council reserve along the rear boundary.

The site is legally described as Lot 2 DP 20490 as contained in Record of Title (RT) 828240 and is approximately 2,221m^2 in area.

The relevant consent history is described above in the background section.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Residential Resource Area of the Central Otago District Plan (the District Plan). The site is within the Scheduled Activity 101 notation. Scheduled Activity 101 provides for travellers' accommodation on the site, subject to compliance with standards listed in Schedule 19.3.4. The relevant rules under the District Plan have been superseded by Plan Change 19 as discussed below and are not considered further here.

Plan Change 19 of the Central Otago District Plan (PC19)

The subject site is located within the Medium Density Residential Zone (MDRZ) under PC19 and is subject to Scheduled Activity 101 for Travellers Accommodation. The Council has released the decision on submissions, meaning that PC19 has legal effect pursuant to Section 86B(1) of the Act. It is clarified that while Council has received several appeals in opposition to the notified decision of PC19, there are no appeals to the provisions relevant to this application.

Subdivision consent for the following (operative):

- A **non-complying** activity pursuant to SUB-R6 as the proposal cannot comply with the minimum allotment[1] size of 200m^2 required under SUB-S1. As the Principal Units are established around each of the residential units and will result in 'allotments' of less than 200m^2.

The applicant has also applied for land use consent as:

- There is a further reduction of minimum car parking from 23 to 21 car parks. Where technically 56 parks are required by Rule MRZ-S13.
- There is an increase to the previously approved building coverage where the total coverage of 49.38% exceeds the previously approved coverage of 47.45%. The permitted coverage is 45% (Rule MRZ-S4).
- Block A will be marginally within the 2m road boundary setback (Rule MRZ-S5).

While these changes result in marginal increases to existing rule breaches previously authorised, it is considered that these can be appropriately dealt with as part of the separate variation decision for RC230111V1. Therefore, this application relates to the unit title subdivision of the approved visitor accommodation units only and a new land use consent is not required.

With respect to intended use of the visitor accommodation units, post subdivision, the applicant has clarified that the site will continue to be used only for visitor accommodation purposes (which the consented design and layout is intended for), and not residential activity. The applicant provided the following comments in addition to their application:

> *Since the applicant's initial request for resource consent in 2021, the application has always been promoted as a land use consent for Traveller's accommodation, in line with the scheduled activities overlay. The intent of the overlay is to enable and streamline the processing of traveller's accommodation activities in areas that have been identified as accommodating this purpose. The current consent conditions reflect this intent by way of a restriction (condition 7) that requires each unit shall be rented out to individuals or groups for no more than three (3) months at any given time.*
>
> *The provision of the Unit Title subdivision is to facilitate the individualised ownership of some of the units to others, all the while maintaining the use within the overall ambit of the underlying traveller's accommodation consent. The applicant would look to maintain management oversight over all of the units and therefore there is a financial incentive for the applicant to see these units as traveller's accommodation, in line with their consented*

[1] Section 218(2)(c) defines an *'allotment'* as *"any unit on a unit plan".*

use. This is currently the case with Highlands Central Park Apartments (RC160276) albeit that consent authorises residential activities.

The use of the units for residential activities in this case would be in direct contravention of the conditions of consent (if it exceeded 3 months). Furthermore, it would be a requirement that resource consent is sought to breach the density criteria of the MRZ standards. As such, I think the provision of a consent notice is yet another layer over and above what would be required if somebody decided to utilise the units for residential purposes.

The provision of additional consent notices restricting a use not actively sought is considered officious. It would bear resemblance to a scenario where a rural landowner seeks to build a shed, to only have a condition stating no residential use due to Council dealing with retrospective consent where people have illegally converted their sheds.

Overall, I concur with the applicant that there are sufficient protections in the District Plan that would restrict the Traveller's Accommodation Units from Residential Use after Unit Title subdivision. In summary and in addition to the applicant's comments above, it is clarified that:

- The definition of '*Site*' under the Central Otago District Plan notes that *"in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease".* This means, that while individual unit titles will be created, the wider site will still be assessed as one 'site'.
- The District Plan through MRZ-R1 limits any 'site' to no more than 'two residential units per site' and limits the site to one residential unit per 200m^2 (which equates to 11 total residential units on this 2,221m^2 site)
- The District Plan includes additional provisions that apply to Residential Activity but not Visitor Accommodation (e.g. MRZ-S7, MRZ-S9, MRZ-S10, and MRZ-S12), where the units were used for residential activity, the existing design and layout would be non-compliant with many of these standards.
- The existing units are approved under a resource consent for 'Travellers Accommodation' (RC230111) with specific conditions limiting the period of stay for visitors up to a maximum of three months. The units have not been consented for residential activity and would trigger additional consents where this was the case.
- An advice note is volunteered on RC230111 as part of the ongoing variation (RC230111V2) noting that the site may not be used for residential activity without the relevant authorisations from Council.

It is also noted that the visitor accommodation unit will still effectively be managed under one overarching entity. There will still be an on-site visitor accommodation manager residing on site who would be responsible for consistent management of units. It is clarified that the unit title subdivision effectively allows the units to be sold individually and for investors to buy into the wider visitor accommodation, but still under the umbrella of a wider entity (for example 'The Mead Avenue Apartments'). Given the definition of 'site' as explained above, the wider unit title development is still considered to occur across one 'site' and therefore in relation to Rule MRZ-R8.2 there will be at least one person permanently residing on the site which manages the whole visitor accommodation activity. In this regard, the unit title subdivision allows the visitor accommodation activity approved under RC230111V1 (an RC230111V2 once approved). On this basis, the activity will continue to comply with Rule MRZ-R8.2.

National Environmental Standards

The National Environmental Standard for Assessing and Managing Contaminants in Soil to

Protect Human Health Regulations 2011 (NESCS) came into effect on 1 January 2012. The applicant has undertaken a review of Council's property records and as part of the previous consent decisions there are no known activities that are listed that may have potentially resulted on contamination. The site has remained vacant since it was first established. As such, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is considered not applicable in this case.

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

OVERALL STATUS

Overall, the proposal is for a ***non-complying*** activity.

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, there are no permitted activity subdivisions under the Central Otago District Plan and the permitted baseline is not relevant.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The overall proposal has status as a non-complying activity. The consent authority is to have regard to any actual and potential effects on the environment of allowing the activity. As noted above, the site is located within the MDRZ under the PC19 where the relevant rules not subject to appeal.

Subdivision

While the proposal is for a non-complying activity, the relevant matters of discretion for general subdivision (under SUB-R6) provide relevant guidance to assess the Unit Title Subdivision.

It is noted that the applicant has provided a detailed assessment against these matters within Section 8.2 of their AEE. This assessment is considered to be generally accurate and therefore only a brief summary and consideration of the below matters is included below.

a. Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.

While the proposed subdivision is a non-complying activity. I concur with the applicant that Unit Title subdivisions are not explicitly provided for in the Medium Density Residential or Residential Subdivision provisions. The proposed visitor accommodation has effectively already been approved for 26 units for a total of 90 guests on the subject site through the existing resource consents. The Unit Title subdivision will simply formalise an individual ownership structure around the consented units.

I agree with the applicant who states*: "in terms of effects on the environment, the proposed subdivision formalises individual ownership or management structures and introduces only a minor increase in the number of units (from 26 to 28), which does not materially alter the scale, intensity, or servicing requirements of the developmen*t." It is noted that the maximum number of guests will remain limited to 90 at any given time.

Furthermore, the applicant does not intend to use the site for residential activity. The existing conditions of consent on RC230111V1 mean that each unit cannot be rented out for more than 3 months at any given time. In the scenario that use of the site is sought for residential purposes, then additional resource consents will be required under MRZ-S1, as the current site density would be approximately 79m^2 per residential unit (if used for residential purposes). This is on the basis that the definition of 'site' requires the density calculation to utilise 'the whole of the land subject to the unit development'.

Overall, the proposed subdivision will continue to allow for appropriate land use development consistent with the intent of the MDRZ and Travellers Accommodation Scheduled Activity. Any adverse effects in this regard will be less than minor.

b. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.

The Unit Title subdivision will not result in any significant change to the servicing arrangements under RC230111V1, which requires all services to be designed and installed in accordance with NZS4404:2004 and the July 2008 version of the CODC Addendum. The unit title may result in different arrangements compared to the fee simple structure, but these are not considered to give rise to any significant adverse effects.

Council's Environmental Engineer has audited the application and has provided advice around conditions of consent.

With respect to water services, the engineer has advised that the existing 40mm water lateral is disestablished and replaced with a 100mm connection to the site boundary from Mead Avenue to ensure compliance with NZS4404:2004. Each unit will then require individual meters from private internal reticulations. For wastewater, the existing 100mm wastewater main will need to replaced with a 150mm main within Mead Avenue to the site boundary. Stormwater management will be via soakpits.

There are no specific infrastructure conditions specified on the existing resource consent for visitor accommodation (RC230111V1) beyond ensuring services are installed in accordance with NZS4404:2004 and the July 2008 version of the CODC addendum and therefore there will be no conflict between conditions of this subdivision consent and the existing land use consent.

Engineering is satisfied that the adequate conditions could be provided at the time of decision which would ensure servicing can be adequately provided as part of this subdivision. Any adverse effects in relation to network utility services will be less than minor.

c. The ability to lawfully dispose of wastewater and stormwater.

Servicing matters are already addressed under the above section.

d. The location, design and construction of access to public roads and its adequacy for the intended use of the subdivision.

Access was approved under the existing consent and remains unchanged. The subdivision will not impact upon vehicle access and manoeuvring and will continue as approved under the previous consent. All but one Principal Unit will be provided with one car park (within an accessory unit). Accessible car parking and cycle parks will be provided within common property.

Since prior authorisation of the traveller's/visitor's accommodation on this site under RC230111, the applicant has provided a detailed plan of the car parking for the development. Engineering noted from this plan several non-compliances with NZS4404:2004. As a result, the applicant has provided an assessment from NovoGroup in relation to the car parking layout and manoeuvring.

This assessment demonstrates vehicle tracking on the site and concludes that the parking dimensions will be acceptable. Council's Engineer has reviewed this assessment and is satisfied that the NovoGroup assessment and tracking plans demonstrates the vehicle manoeuvring will be adequately possible for this carparking area, even though it is not fully compliant with the subdivision code of practice.

Changes to the car parking arrangements has also been assessed as part of RC230111V2.

Any adverse effects in relation to access and parking will be less than minor.

e. The provision of landscaping, including road berms.

The proposal is for a Unit Title subdivision around an already approved visitor accommodation activity. Landscaping was subject to a condition of consent (Condition 18 and 19 of RC230111V1) which requires a landscape plan to be provided and certified prior to occupation. No changes are sought here and therefore the requirement remains. Any adverse effects in relation to the provision of landscaping will be less than minor.

f. Earthworks necessary to prepare the site for development occupation, and/or use.

The application notes that *"earthworks required to construct the development are expected to remain compliant given the site does not have any significant slopes. The proposed subdivision does not necessitate additional earthworks beyond what has been consented and undertaken."* Any adverse effects in relation to earthworks will be less than minor.

g. Subdivisional design including the shape and arrangement of allotments to:

i. *facilitate convenient, safe, efficient and easy access.*
ii. *achieve energy efficiency, including access to passive solar energy sources.*
iii. *facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.*
iv. *maintain and enhance amenity values.*
v. *facilitate adequate access to back land.*
vi. *protect existing water races.*

The assessment above confirms that the site will provide safe and suitable car parking with appropriate on-site manoeuvring.

The application notes that the site and subdivision layout has been designed to ensure that each Principal Unit (22 in total) will provide with one car parking area each through an ancillary unit. It is noted that since the application was lodged, the proposed number of car parks was reduced from 22 to 21 meaning that one principal unit will lose access to a car park. The subdivision will not generate any new adverse effects, but simply formalises the provision of ancillary units to principal units to allow for dedicated car parking. Any adverse effects of the design changes in relation to car parking have been assessed under the variation application (RC230111V2)

Each principal unit will also have ancillary units afforded for the purposes of outdoor living areas (Areas 1A – 21A).

The applicant has identified 'Common Property' on the subdivision for the purposes of vehicle access, the two accessibility car parks, bike parking and storage, and the various pedestrian access areas to ensure that each unit has lawful access.

The overall changes to the site will not be significant beyond what has already been approved under RC230111V1 as well as RC230111V2 once approved. The proposed subdivision layout is consistent with the consented development and achieves good amenity, functionality, and infrastructure efficiency. Any adverse effects in this regard will be less than minor.

i. The provision of or contribution to the open space and recreational needs of the community.

This is not a relevant matter for the s95 notification assessment, it is noted that changes to development and financial contributions will be outlined as part of future changes to conditions of consent.

j. The provision of buffer zones adjacent to roads, network utilities or natural features.

The development already includes appropriate setbacks from roads and neighbouring properties. No further buffers are required as a result of the subdivision.

k. The protection of important landscape features, including significant rock outcrops and escarpments.

Not applicable.

l. Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.

As noted above, there will be no changes to access arrangements as this has already been approved through the existing visitor accommodation consent.

m. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.

A revised financial contribution will be required due to the change from 26 to 28 units. This matter is not considered further at this stage and will addressed by future conditions of consent and advice notes.

n. Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.

The visitor accommodation activity has already been consented and is consistent with the Scheduled Activity Overlay. No new reverse sensitivity effects arise from the subdivision.

X. Staging

The applicant has advised that they would like to allow for the possibility of the subdivision to be staged to potentially allow one visitor accommodation block or blocks to be constructed first and subsequently titled, before completing the next block(s). Council's Engineer has not raised any concerns with a staging approach noting that the majority of key servicing arrangements will need to be completed (such as the installation of larger water and wastewater reticulation connections) regardless of the staging).

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 is not relevant to this subdivision.

ASSESSMENT: EFFECTS ON PERSONS

A detailed assessment against the persons at the adjoining properties was considered in the applicant's AEE and planners report as part of the visitor accommodation approved under RC230111V1. In Section 8.3 of their AEE, the applicant has provided a detailed assessment against the persons at 5 Mead Avenue, (adjoining the eastern boundary), 10 Barry Avenue (adjoining the western boundary and 14 Barry Avenue (located to the south of the site, across the road). This assessment is agreed and adopted for this report.

The proposed unit title subdivision will not result in any material changes to the previous assessments undertaken already for effects on persons.

Overall, any effects on persons as part of the unit title subdivision will be less than minor.

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, 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:

Chris Pearse Smith Date: 18/07/2025
Planning Consultant

Approved under Delegated Authority by:

Kirstyn Royce Date: 25 November 2025
INDEPENDENT COMMISSIONER

S100 RECOMMENDATION FOR APPLICATION BE DETERMINED UNDER DELEGATION

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.

Pursuant to s100 of the RMA Act 1991 a hearing for an application for resource consent need not be held unless—

(a) the consent authority considers that a hearing is necessary; or
(b) either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.

In this particular instance, the subject site is located within the Medium Density Residential Zone (MDRZ) of Plan Change 19. The Council has released the decision, meaning that PC19 has legal effect pursuant to Section 86B(1) of the Act and while Rule SUB-S1 is subject to appeal, the appeal does not extend to the Medium Density Residential Zone outside of Precinct 1. As such the relevant rules under PC19 should be treated operative in accordance with Section 86F of the Act.

The non-complying activity status relates to the Unit Title subdivision around an already approved visitor accommodation development. The subdivision effectively seeks to reconfigure the ownership and management structure of the accommodation but does not result in any change of use. Importantly, the visitor accommodation will still be subject to those conditions provided for under RC230111V1 (which approved the visitor accommodation) and the associated variation (RC230111V2) which seeks to provide for alterations to the plans, by primarily reducing the height of Block A to two storeys instead of the approved three storeys. The units are not able to be used for a standard residential use as Condition 7 of RC230111V1 limits individuals or groups to a maximum rental period of 3 months.

The Unit Title subdivision does not present any new significant adverse effects on the environment or on persons. The design, layout, and operation of the visitor accommodation as approved will be largely unchanged, and the relevant assessments for RC230111 and RC230111V1 (which were processed on a non-notified basis, without written approvals) are still applicable.

I do not consider it to be necessary to hold a hearing for the application as the proposal is to simply allow for the existing visitor accommodation to be held within a unit title structure, rather than on one fee simple title. The operation of the intended visitor accommodation units will not change as a result of the subdivision. I consider that holding a hearing would give rise to an unjustified administrative burden and costs for both the applicant and Council.

The Chair of the Hearings Panel has the authority to delegate the following to the Manager of Planning and Regulatory Services:

a. The application is non-notified; and
b. Where necessary, has the consent of the affected parties; and
c. The applicant has not requested to be heard; or
d. Where the application is notified; and
e. There are no submissions; and
f. The applicant has not requested to be heard.

Under the circumstances, I recommend that the Panel Chairperson subdelegate the powers to decide on this application to the Planning and Regulatory Services Manager.

Recommended by:

Chris Pearse-Smith Date: 18 November 2025
Planning Consultant

I have read the above recommendation and agree to delegate the powers vested in me as Chairperson of the Hearings Panel to the Planning and Regulatory Services Manager in relation to this application.

Neil Gillespie Date: XX XXXX 2025
Hearing Panel Chairperson

Application for a resource consent - Form 9

APP250666808

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Date and Time Created	26/06/2025 03:29
Submitted to Council	26/06/2025 03:38

To cross reference Datacom with MAGIQ please click Here. to add the Resource Consent number.

Property Details

Property Address	3 Mead Avenue Cromwell
Record of Title Number	828240
Legal Description(s) of the specific parcels that the resource consent application is for	Lot 2 Deposited Plan 20490

What is your role in this application?	Agent acting on behalf of the applicant

Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

Organisation	JPW Consulting Ltd
First name	Jake
Last name	Woodward
Phone number	0223158370
Email address	jake@jakewoodward.co.nz

Note that the applicant will also receive a copy of all correspondence.

Postal address:	PO Box 190, Cromwell 9342
Confirm that you have approval to act on behalf of the applicant	Yes

The applicant is the person(s) or organisation making the application.

Applicant details

Is this applicant an individual or an organisation?	Business / organisation
Organisation	GZR Property Investments Ltd

Contact Person

First name	Viv
Last name	Zhang
Phone number	0212615758
Email address	vivzhang@hotmail.com
Postal address:	6 Noble Place, Halswell, Christchurch 8025

Authority to apply on behalf

Confirm that the applicant is authorised to apply on behalf of the organisation	Yes

Invoicing

Who is paying the invoice?	Applicant

DETAILS

Activity or works proposed

Application type	Land use and subdivision consent
Short description of your proposal	Unit title subdivision. Variation to RC230111V1 (Form 10 is attached seperately)

Provide a detailed description in the Assessment of Environmental Effects (AEE) or other document.

Assessment of Environmental Effects (AEE)

An application cannot be accepted for processing by the Council under Section 88 of the Resource Management Act 1991, without an Assessment of Environmental Effects (AEE).

Refer to the guidelines for Assessment of Environmental Effects.

JW21005 - GZR Property Investment Limited - 2025 - AEE - FINAL.pdf (1 mb)

Assessment of the activity

You may need to provide an assessment of the activity against the following provisions:

- **The matters set out in Schedule 4 of the Resource Management Act 1991.**
- **Any relevant objectives, policies, or rules in a document.**
- **Any relevant requirements, conditions, or permissions in any rules in a document.**
- **Any other relevant requirements in a document (e.g. in a national environmental standard or other regulation).**

Please do not load the same document that you loaded for AEE above

Other activities

Other applications

Are you required to apply for any other resource consents for this project?	Yes
Provide a brief summary of the other consents required	Variation to RC230111V1 - Form 10 attached
Is this project related to a building consent?	No

Pre-application information

Have you discussed this proposal with Council staff prior to this application?	No prior discussion

Site visit requirements

Who is the site contact?	Applicant

Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- **If an affected party does not give approval to your proposal this may impact on the way that the application is processed.**
- **Council's duty planner can provide you with advice on which parties may be affected by your proposal.**

Download an affected party approval template form.

Do you need affected party approval?	No
Reason	Refer AEE
National Environmental Standard – Contaminated Soil - option selected	A review has been undertaken of District and Regional Council records and no records have been found suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application. NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.

LIST OF FILES

JW21005 - GZR Property Investment Limited - 2025 - AEE - FINAL.pdf (1 mb)
Appendix [B] - Updated Architectural Plans.pdf (3 mb)
Appendix [C] - Unit Title Subdivision Plan.pdf (1 mb)
Form 10 - Application for Change or Cancellation of Resource Consent Condition.pdf (238 kb)
Appendix [A] - Record of Title 828240.pdf (222 kb)

ASSESSMENT OF ENVIRONMENTAL EFFECTS

3 Mead Avenue, Cromwell

GZR Property Investment Limited

Our Reference: JW21005

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Appendix [A]	Record of Title
Appendix [B]	Updated Architectural Plans
Appendix [C]	Unit Title Plan

1 THE APPLICANT AND PROPERTY DETAILS

Client	GZR Property Investment Limited
Address for service	JPW Consulting Limited Jake Woodward jake@jakewoodward.co.nz 022 315 8370
Property Address	3 Mead Avenue, Cromwell
Project Description	Variation pursuant to Section 127 of the Resource Management Act 1991 to change conditions for RC230111V1 as it relates to the exterior design and layout of the consented visitor accommodation units. Land use consent under the Medium Density Residential Zone and Subdivision provisions for unit title subdivision, road setback and building coverage breach.
Our Reference	JW21005
Date	26 June 2025
Version	1

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2 EXECUTIVE SUMMARY

Resource consent was obtained under RC230111V1 to construct 26 traveller's accommodation units on the site at 3 Mead Avenue, Cromwell accommodating for up to 90 persons (guests).

A variation is now sought to RC230111V1 to change the typologies of the consented development by reducing the consented three-bedroom units to two-bedrooms, and amending the internal layouts of the single-bedroom units.

Resource consent is also sought to undertake a unit title around the units. Land use consent is sought to formalise a setback (road) breach, building coverage and parking.

No other aspects of RC230111V1 are to be amended including the consented number of guests.

In terms of effects on the environment, the proposed subdivision formalises individual ownership or management structures and introduces only a minor increase in the number of units (from 26 to 28), which does not materially alter the scale, intensity, or servicing requirements of the development.

All infrastructure, including water, wastewater, stormwater, power, and telecommunications, is appropriately designed and consented. No new earthworks or access arrangements are proposed.

The subdivision is consistent with the purpose and outcomes of the MRZ, with a built form and layout that maintains consistency with the prevailing character.

As the proposal does not involve changes to the consented layout, or activity levels, the adjoining neighbours will not be subject to any increased adverse effects in terms of noise, privacy, or traffic. In addition, given the compatibility of land uses and the absence of any additional physical or operational effects, the adverse effects on all persons, including adjoining property owners, are considered less than minor.

Where relevant, the proposal is considered to be broadly consistent with the objectives and policies framework of the Central Otago District Plan.

The proposal is consistent with the outcomes sought under Part 2 of the Resource Management Act 1991.

3 SITE DESCRIPTION

3.1 SITE DESCRIPTION

The site subject to this report is located at 3 Mead Avenue, Cromwell and is legally described as Lot 2 DP 20490 as contained in Record of Title (RT) 828240. A copy of the RT is attached in **Appendix [A].**

According to the RT, the site has an area of 2,221m^2 more or less and is rectangular in shape.

The site is at present vacant and free of any vegetation. The site has a noticeable rise in the topography where the site rises from the south to the northern boundary.

Vehicular access to the site can be achieved from Mead Avenue to the south, or via foot to the north along a Council reserve (SEC 124 BLK III CROMWELL SD).

An aerial image of the subject site is included in Figure 1 below for contextual purposes:

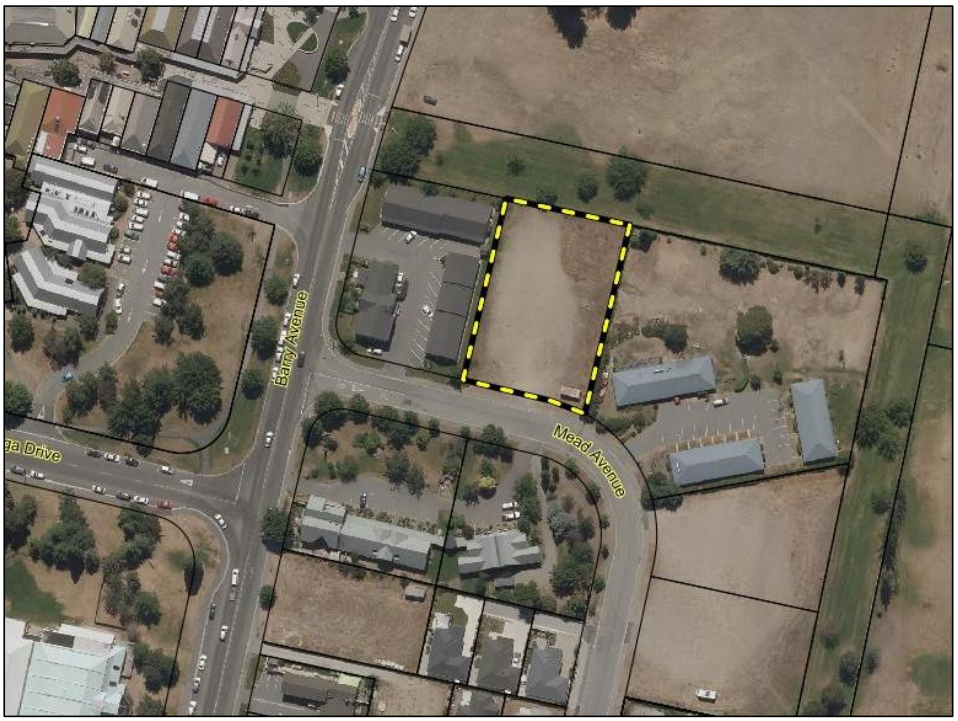


Figure 1: Aerial image of the subject site and surrounds (Image Source: CODC GIS).

The surrounding environment is somewhat varied in terms of land uses.

To the immediate east, west and south of the site, the predominant land use is that of motels and other accommodation units (essentially traveller's accommodation).

To the north, the site is bordered by a Council reserve with a large landholding beyond this consisting of several commercial activities (a liquor store, bar, restaurant and further accommodation units).

The town centre of Cromwell is located to the west of the site (within a radius of less than 200 metres).

Approximately 150 metres to the east is that of the Cromwell Golf Course.

The reserve and lake margins of Alpha Street are approximately 1,500 metres to the west (when walking or travelling along Neplusultra Street).

No residential activities were observed on any of the adjacent sites.

4 RESOURCE MANAGEMENT BACKGROUND

4.1 RESOURCE CONSENT HISTORY OVERVIEW

4.1.1 RC180028

Following a review of Council's record, it appears the site was subject to RC180028 which was a request under Section 226 of the Resource Management Act 1991 to de-amalgamate the subject site, which was held with two other allotments, being 7 and 9 Mead Avenue. The de-amalgamation was subsequently approved by Council on 16 February 2018 and separate Records of Titles we consequentially approved (of which I have attached in **Appendix [A]**).

4.1.2 RC210318

Land use consent was originally sought and approved on 14 December 2021 to establish 18 traveller's accommodation. This concept involved a ring-road arrangement around two rows consisting of nine, three-bedroom units. This consent authorises the site to accommodate up to 102 persons (guests) at any one time[1].

[1] Condition 5 of RC210318.

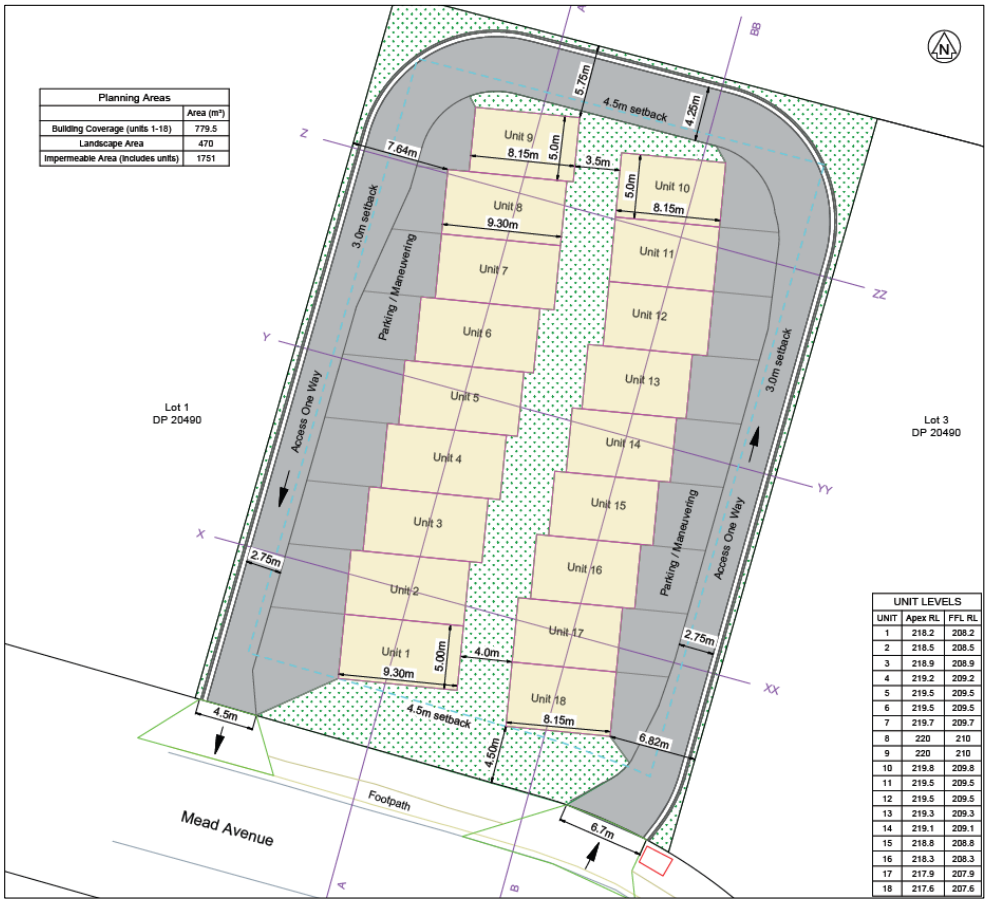


Figure 2: Extract of approved site plan for RC210318.

4.1.3 RC230111

Following the approval of RC210318, the consent holder undertook further market analysis and has opted to modify the arrangement of the apartments in order to accommodate a number of single bedroom units, rather than all units consisting of three-bedrooms. This resulted in an amendment to the overall layout design to which a total of 26 units were sought and approved. Despite the increase in units, the proposal resulted in a reduction of the number of guests to 90. RC230111 was approved on 25 May 2023. An extract of the approved layout for RC230111 is as follows:

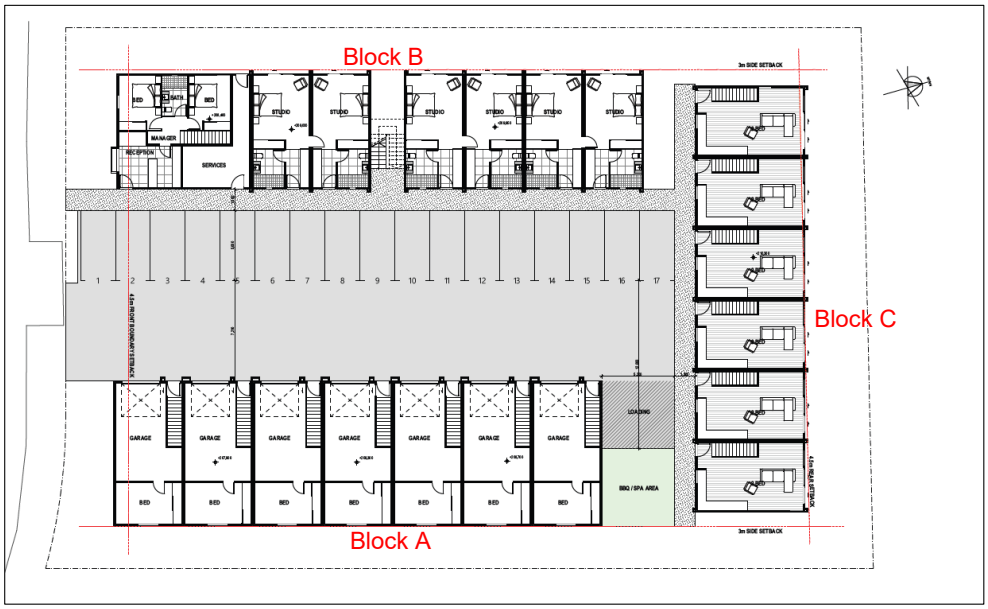
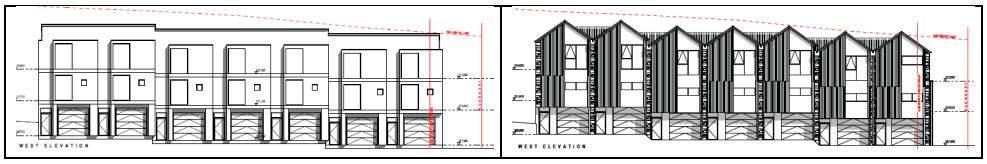


Figure 3: Extract of site plan for RC230111.

4.1.4 RC230111V1

Through the detailed design process, a number of minor amendments were sought to the approved plans for RC230111. The proposed changes were as follows:

- *Change roof form to Block A* - The roof profile for block "A" was to be amended from a mono-pitched form to a gable form, to match that of the remaining two blocks within the wider development. The mono-pitch form was initially sought to conform to the height limit. Through a modification to the overall design, a gable form is still able to largely conform to the height limits with a minor protrusion resulting from the apex of the gable on some of the units.



- *Addition of awning for Block C* - An awning was proposed on the northern façade of Block "C", overlooking the greenway. The awning is sought for weather-proofing purposes. The awning protrudes into the northern setback. A breach to the setback was already assessed and approved in relation to Block "C" and therefore the addition of the awning, which does not constitute any additional District Plan infringements, is considered to be within the scope of RC230111.

- *Reduced floor level for Block C* - The floor level for Block “C” has been lowered from 210.300 to 209.700.

- *General exterior updates to all buildings* - The location of windows and doors and the general overall design were updated.

RC23011V1 was approved on 10 July 2024.

5 PROPOSAL

5.1 OVERVIEW

The applicant now seeks a further resource consent for the following:

- Further amendments to the architectural plans, increasing the number of units from 26 to 28, although reducing the number of guests from 90 to 80. This is achieved though a reduction in Block A from three bedroom units (over three levels) to two bedroom units over two levels.

- A unit title subdivision around the units.

An updated layout plan is included below:

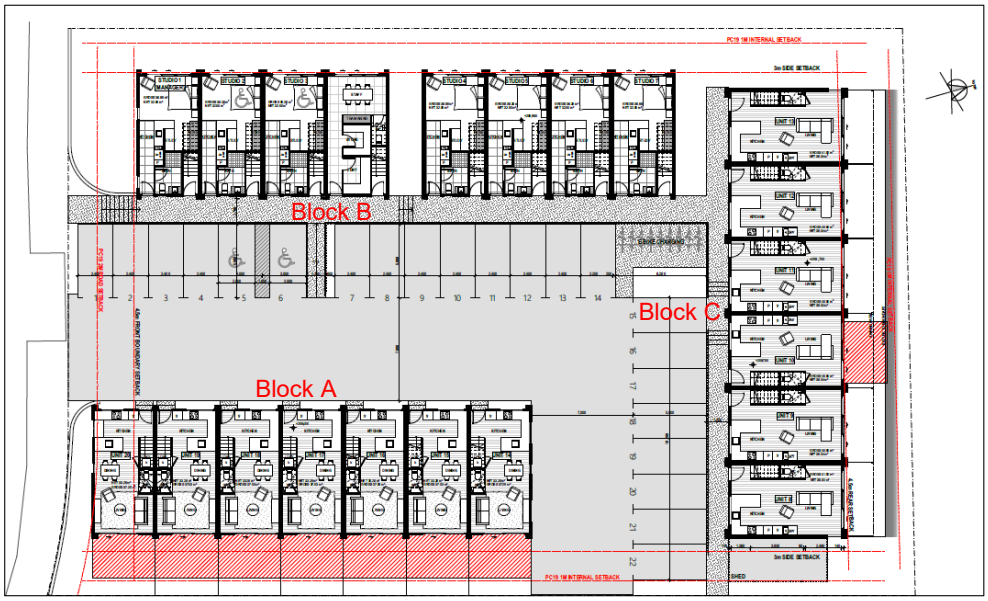


Figure 4: Extract of proposed layout.

5.1.1 Changes

The applicant seeks to make a number of changes to the design and layout of the proposed units. An updated set of architectural plans, as prepared by Figure and Ground Ltd, are

attached in **Appendix [B]**. The changes proposed to the consented design under RC230111V1 are as follows:

- The seven units forming Block A will be changed to two-bedrooms and will consist of only two-storey. Originally, they consisted of three bedrooms over three-storey, the ground floor of which was to include a garage. The garage is no longer proposed.

- No significant changes are proposed to the six, two-bedroom units forming Block C (adjacent to the reserve). The internal layout remains largely the same. The exterior elevations of the updated plan shows a reduction in the second storey windows and addition of schist stonework .

- Block B will see a number of changes as follows:

    - The managers residence will be reduced in size to a single-bedroom studio compared with the consented three-bedroom studio. The reduction is size means the manager's studio is recessed into the site, and will be orientated to face into the site as opposed to over the street as initially consented.

    - A separate staff and laundry studio is proposed on the ground floor.

    - Six, single bedroom units will continue to occupy the ground floor, as is the case under RC23011V1. However a total of eight single-bedroom units will be located on the second-floor, compared to what was originally six units under RC23011V1.

- The internal carpark will increase to 22 carparks compared with an initial 16 carparks. It is noted that RC23011V1 had a total of 23 carparks recognising that seven parks were proposed inside garages of Block A.

- A bike parking area with E-Bike charging is proposed.

While there is a reduction in the number of bedrooms, no changes are sought to the consented number of people (90 people) that are authorised to occupy the site.

5.1.2 Unit Title subdivision

The applicant seeks to undertake a unit title subdivision around the units. A unit title plan, prepared by Measured Land Surveys Ltd is attached in **Appendix [C].** The pertinent points of this plan are as follows:

- Units 1 – 8 (Block B) have separate entrances for ground floor/ first floor apartments, however each set of apartments (ground floor and first floor) is contained in one single Principal Unit;

- Principal Unit boundaries are centrelines of walls and the floor structure and 0.1m above the underside of ceilings;

- Rear paved areas for each unit in Blocks A – C have been made Accessory Units, extending to the fee simple boundary. It is envisaged that the Accessory Units will be limited in height to the projection of the upper limit of the Principal Units;

- Unit 4 as not been allocated a car space, as this is shown as staff accommodation on the architectural drawings. Every other unit (Units 1 – 3 and 5 – 21) are allocated one car space each.

- Car Park upper limits have been defined as 2.5m above the hardstand surface. Lower limits being the hardstand surface for each space;

- The two mobility car spaces have been left in Common Property, together with the bike spaces, driveway, paths, shed (located next to Unit 14), and other areas not shown as part of a Principal Unit (PU) or Accessory Unit (AU)

6 STATUTORY CONSIDERATIONS

6.1 RESOURCE MANAGEMENT ACT 1991

In accordance with Section 127(1) of the Resource Management Act 1991 (RMA), the holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent. Such an application is to be treated as a **discretionary activity** pursuant to s127(3)(a) of the RMA.

In this case, it is proposed to amend the following conditions of RC230111V1 in order to authorise the minor amendments to the building design/typologies as detailed in Section 5.1.1 and illustrated in **Appendix [B]**:

1. *That the proposal must be undertaken in general accordance with the information submitted with the application and approved plans attached as Appendix 1 as amended by ~~RC230111V1~~ **RC230111V2 and RC25xxxx** the following conditions.*

All other conditions of RC230111 are to remain as existing.

6.2 CENTRAL OTAGO DISTRICT PLAN

The site is subject to the provisions of the Central Otago District Plan (District Plan). Specifically, the site is subject to the following Zone and Overlay as detailed on the Planning Maps:

- The site is zoned **Medium Density Residential Zone**;
- The site is subject to **SA101** which relates to Scheduled Activities detailed in Section 19.3 of the District Plan.
- The site is adjacent to **D84** which affects the adjoining Council reserve to the north. This is a designation reference which is for “Accessway Purposes”. This designation does not directly affect the subject site.

Noting the site is subject to SA101, it is permitted to undertake Traveller's Accommodation which complies with the standards listed in 19.3.4.

6.2.1 Land use consents

An assessment of the proposal against the MRZ provisions are as follows:

Table 1: Assessment of MRZ Rules.

Rule	Description	Compliance
MRZ-R8	Visitor accommodation permitted where: 1. The visitor accommodation is undertaken within a residential unit or minor residential unit; and 2. In addition to the visitor accommodation activity, at least one person resides permanently on the site; and 3. The maximum occupancy is 6 guests per night.	**Already authorised under RC230111.**
MRZ-S1	1. Where the residential unit is connected to a reticulated sewerage system, the minimum site area per unit is 200m^2. 2. Where the residential unit is not connected to a reticulated sewerage system, the minimum site area per unit is 800m^2.	**n/a**
MRZ-S2	Height 1. The maximum height of buildings and structures must not exceed: a. 11m measured from ground level to the highest part of the building or structure; and b. 3 storeys.	**Complies.** A height breach under RC230111V1 no longer applies due to the reduction of the now amended design.
MRZ-S3	Height in relation to boundary 1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 3.5m above ground level at the boundaries of the site; or from points 2.5m above ground level along boundaries that adjoin the Low Density Residential Zone or Large Lot Residential Zone. 2. MRZ-S3.1 does not apply to: • A boundary with a road or a shared access more than 3m in width. • Common walls along a site boundary • Eaves inclusive of gutters with a maximum depth of 20cm measured vertically. • Antennas, aerials, satellite dishes (less than 1m in diameter).	**Complies.**

	• Solar panels which do not project beyond the building envelope by more than 0.5m. • Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m. • A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m2 in area and no greater than 1m in height. • Internal boundaries within a retirement village. • Hose drying towers.	
MRZ-S4	Building coverage of 45%	**Already authorised under RC230111V1 for 47.45%.** The proposed amendments have a total coverage of 49.38%.
MRZ-S5	Setback from road boundaries Any building or structure shall be setback a minimum of 2m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.	**Does not comply.** Unit 20, within Block A, marginally intrudes into the 2 metre setback.
MRZ-S6	Setback from internal boundaries Any building or structure shall be setback a minimum of: 1. 1m from any internal boundary; 2. 15m from any property boundary which is adjacent to the margin of any lake.	**Complies.**
MRZ-S7	Outdoor living space Each residential unit must have an exclusive outdoor living space: 1. for units with common living space at ground floor level, of at least 30m^2 with a minimum width of 4m; and 2. for units with a living space located entirely above the ground floor level, that comprises a balcony of at least 8m^2, with a minimum width of 1.5m; and 3. located on the north, west or east side of the residential unit.	**n/a** as this rule explicitly refers to “residential unit”.
MRZ-S8	At least 25% of the net site area of any site shall be planted in grass, trees, shrubs or other vegetation.	**Complies.**
MRZ-S9	Each residential unit must have an outdoor or indoor service space of at least 2.5m^2 with a minimum width of 1.5m available for use for the storage of waste and recycling bins provided either individually or within a communal space for multiple units.	**Complies.** A communal service area is provided.
MRZ-S10	Each residential unit must provide the following minimum outlook spaces:	**n/a** to travellers accommodation.

	For a principal living room, 4m in depth and 4m in width; and all other habitable rooms, 1m in depth and 1m in width.	
MRZ-S11	Fencing The maximum height of any fence along a road boundary shall be: 1. 1.2m, where less than 50% of the fence structure is visually transparent; or 2. 1.8m, where a minimum of 50% of the fence structure is visually transparent.	**n/a** no fencing sought at this stage.
MRZ-S12	Habitable rooms Any residential unit must have a habitable room located at ground floor level, unless the unit (excluding access to it) is located entirely above the ground floor level.	**n/a** to traveller's accommodation however the design of the units comply with this rule.
MRZ-S13	Car parking The following minimum carpark spaces shall be provided on the site: 4. One carpark space per residential unit; and 5. Where the activity is a home business, one additional carpark space; and 6. Where the activity is visitor accommodation, one additional carpark space; and 7. Where the activity is a childcare service, one additional carpark space.	**Does not comply.** The application of this rule to an activity that is inherently visitor accommodation is unclear. Assuming one space per unit (28) plus an additional space for visitor accommodation (another 28), the proposal would not comply.

Based on the assessment above, the proposal would require resource consents for the following reasons:

- A **restricted discretionary activity** pursuant to Rule MRZ-S4 for a breach to building coverage. In this case, the proposal results in a total coverage of 49.38%, 4.38% over the permitted 45%. It is considered that due to the increase in the infringement, it is relevant to reconsider this rule.

- A **restricted discretionary activity** pursuant to Rule MRZ-S5 for a breach to the 2.0 road setback.

- A **restricted discretionary activity** pursuant to Rule MRZ-S13 for a breach to carparking.

6.2.2 Subdivision consents

An assessment of the subdivision provisions is as follows (rules highlighted in red are under appeal):

Table 2: Assessment of SUB Rules.

Standard	Requirement	Compliance
SUB-R1	Boundary adjustments	**n/a**
SUB-R2	Subdivision to Create a New Allotment for a Network or Public Utility or a Reserve.	**n/a**
SUB-R3	Subdivision Where Any Part of the Site is Within a Heritage Precinct	**n/a** The site is not located in a Heritage Precinct.
SUB-R4	Subdivision of land where each allotment contains an existing principal residential unit, or where a land use consent has been obtained, or is applied for concurrently, under MRZ-R1.	**n/a** This rule relates to residential units.
SUB-R5	Subdivision of land where a land use consent has been obtained, or is applied for concurrently, under LLRZ-R12, LRZ-R16 or MRZ-R2.	**n/a** Consent for a comprehensive residential development has not been obtained.
SUB-R6	Subdivision Not Otherwise Specified Where the activity complies with the following standards: SUB-S1	**Applies.** The proposal does not comply with the minimum allotment size stipulated under SUB-S1 and therefore this rule applies.
SUB-R7	Subdivision of Land Subject to Hazards	**n/a**
SUB-R8	Subdivision of land within a Future Growth Overlay	**n/a**

Table 3: Assessment of SUB Standards.

Standard	Requirement	Compliance
SUB-S1	Minimum allotment size: 3. Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 200m^2. 4. Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m^2.	**Does not comply.** An allotment includes "any unit on a unit plan" as per s218(2)(c) of the RMA. In this case, the site has a total area of 2,227.66m^2. The proposed 28 units would equate to a density of 1:79m^2.

Based on the above, the unit title subdivision requires the following resource consents:

- A **discretionary (restricted) activity** pursuant to Rule SUB-R6 for all other subdivision not otherwise listed. In this case, Unit Title subdivisions are not explicitly listed.

- A **non-complying activity** pursuant to Rule SUB-S1.1 whereby the minimum allotment areas are less than 200m^2.

6.3 NATIONAL ENVIRONMENTAL STANDARD

Following a review of the Council's property records, there are no known activities that are listed that may have potentially resulted on contamination. The site has remained vacant

since it was first established. As such, the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (NESCS) is considered not applicable in this case.

6.4 OVERALL ACTIVITY STATUS

Overall, the proposal is assessed as a **non-complying activity.**

7 PERMITTED BASELINE

7.1 PERMITTED BASELINE

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

As detailed above, the site subject to this application sits within the Medium Density Residential Zone and is also subject to Scheduled Activities overlay SA101.

In this Zone, buildings are permitted subject to compliance with the relevant bulk and location standards for the Zone. Subdivision however, including unit title subdivision requires resource consent and therefore the permitted baseline is not relevant in this case.

7.2 CONSENTED BASELINE

In addition to the permitted baseline, it is relevant to consider the baseline established by the underlying consent, RC230111V1. In effect, RC230111V1 contemplates traveller's accommodation activities for up to 90 people and built form of up to three-storeys.

8 ASSESSMENT OF EFFECTS

8.1 OVERVIEW

Schedule 4 of the Resource Management Act 1991 (RMA) details the information required to be included in an assessment of environmental effects. An assessment in this regard as it accords to Clause 6 of Schedule 4 is included as follows:

8.2 EFFECTS ON THE ENVIRONMENT

> *If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

> *An assessment of the actual or potential effect on the environment of the proposed activity.*

8.2.1 Effects associated with changes to the approved plans

In considering the adverse effects of the proposal on the wider environment, it is noted that the proposal as authorised under RC230111V1 remains largely unchanged, particularly in relation to the operation of the activity.

The number of occupants consented, coupled with the associated traffic effects and effects associated with the intensity, are to remain as consented. While there is an increase in the number of units from 26 to 28, the proposal results in a reduction of the total number of bedrooms overall, attributed to the fact that no three-bedroom units are now sought. Visually, the units appears almost identical to that approved, with a reduction in height associated with Block A from three levels to two.

Notwithstanding, the applicant seeks to maintain the consented number of persons to 90, to account for any variances in the number of persons per booking. Overall, it is considered that the effects of the proposed changes are comparable to those consented and no more than minor.

The breach to the setback and building coverage are considered to be minor in the context of the overall development with a sense of openness and separation still maintained.

Parking is considered to remain sufficient for the short-term nature of the activity.

8.2.2 Effects associated with unit title subdivision

The applicant seeks to unit title the site in order to sell individual units to investors. The proposal involves the establishment of 21 Principal Units as follows:

- The 16 individual units that forms Block B (this includes the Manager's unit and the staff/laundry unit), will be split into eight principal units. Essentially, the ground floor and first floor units will be held together.

- The 13, two-bedroom units that make up Blocks A and C, will be unit titled accordingly.

Unit title subdivisions are not explicitly provided for in the Medium Density Residential or Residential Subdivision provisions. Instead, consideration has been had to Rule MRZ-R6 (Subdivision Not Otherwise Specified). While the proposal is assessed as a non-complying activity, the following matters of discretion, as detailed under MRZ-R6, are considered appropriate:

a. Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.

b. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.

c. The ability to lawfully dispose of wastewater and stormwater.

d. The location, design and construction of access to public roads and its adequacy for the intended use of the subdivision.

e. The provision of landscaping, including road berms.

f. Earthworks necessary to prepare the site for development occupation, and/or use.

g. Subdivisional design including the shape and arrangement of allotments to:

   i. facilitate convenient, safe, efficient and easy access.

   ii. achieve energy efficiency, including access to passive solar energy sources.

   iii. facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.

   iv. maintain and enhance amenity values.

   v. facilitate adequate access to back land.

   vi. protect existing water races.

h. The provision of or contribution to the open space and recreational needs of the community.

i. The provision of buffer zones adjacent to roads, network utilities or natural features.

j. The protection of important landscape features, including significant rock outcrops and escarpments.

k. Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.

l. The provision of esplanade strips or reserves and/or access strips.

m. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.

n. Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.

o. Consistency with any Structure Plan included in this District Plan.

An assessment of these matters is as follows:

Assessment matter	Assessment
Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.	The land use of the site has already been consented for traveller's accommodation inline with the underlying Scheduled Activities overlay. The subdivision simply formalises individual titles for the units, enabling separate ownership or management structures. The addition of two units (from 26 to 28) does not materially alter the scale, intensity, or character of the consented development, noting the retention of Condition 5 of RC230111V1 which limits the number of guests to 90 people.

	The development remains visually and functionally consistent with the MRZ outcomes, including a residential appearance and built form that complements neighbouring development which are equally accommodation orientated. The amended design brings the development more in line with the scale of the receiving environment despite the MRZ enabling much greater heights/scale. Overall, the subdivision supports the zone's purpose and results in allotments consistent with anticipated land uses, with no increase in adverse effects beyond the consented baseline.
The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.	The previously consented development includes connections to reticulated water, wastewater, power, and telecommunications. These services have been designed to accommodate the demand from 26 units, and the marginal increase to 28 units remains within the operational capacity of these networks. The subdivision does not change the physical servicing arrangements.
The ability to lawfully dispose of wastewater and stormwater.	The minor change in unit numbers does not result in any appreciable change to stormwater or wastewater generation.
The location, design and construction of access to public roads and its adequacy for the intended use of the subdivision.	Access was approved under the existing consent and remains unchanged. The internal access layout and site egress continue to support safe and efficient vehicle and pedestrian movement, including for servicing and emergency access. The subdivision does not alter these physical arrangements. The unit title plan has been arranged to ensure each Principal Unit is provided with one car park. Carparking is considered to remain sufficient for the short-term nature of the development, recognising that 100% occupancy of short term accommodation represents a small proportion of the overall occupancy throughout the year.
The provision of landscaping, including road berms.	Landscaping was subject to a condition of consent (Condition 18 and 19 of RC230111V1) which requires a landscape plan to be provided and certified prior to occupation. No changes are sought here and therefore the requirement remains.
Earthworks necessary to prepare the site for development occupation, and/or use.	Earthworks required to construct the development are expected to remain compliant given the site does not have any significant slopes. The proposed subdivision does not necessitate additional earthworks beyond what has been consented and undertaken.
Subdivisional design including the shape and arrangement of allotments to: i. facilitate convenient, safe, efficient and easy access. ii. achieve energy efficiency, including access to passive solar energy sources. iii. facilitate the safe and efficient operation and the economic	• Access & Efficiency: The subdivision layout allows for efficient access to all units via a shared access arrangement. • Energy Efficiency: The layout and orientation of buildings (as already consented) provide for passive solar gain and energy efficiency. The subdivision does not change this.

provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development. iv. maintain and enhance amenity values. v. facilitate adequate access to back land. vi. protect existing water races.	• Utility Coordination: Services will be considered and laid out in a coordinated fashion to support the proposed unit titles. • Amenity Values: The subdivision layout reflects the consented built form and site layout, which already provide for visual amenity, privacy, and functional open space. • Back Land Access / Water Races: No new access arrangements or water race protection measures are required. The proposed subdivision layout is consistent with the consented development and achieves good amenity, functionality, and infrastructure efficiency.
The provision of or contribution to the open space and recreational needs of the community.	The change from 26 to 28 units does not create a need for additional open space. Financial contributions to recreation reserves will be made as required in association with the subdivision.
The provision of buffer zones adjacent to roads, network utilities or natural features.	The development already includes appropriate setbacks from roads and neighbouring properties. No further buffers are required as a result of the subdivision.
The protection of important landscape features, including significant rock outcrops and escarpments.	n/a
Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.	The proposal does not change pedestrian or cycle movement patterns. Common areas are afforded where required to enable the lawful movement of guests.
The provision of esplanade strips or reserves and/or access strips.	The site is not located adjacent to any qualifying waterbody. This matter is not applicable.
Any financial contributions necessary for the purposes set out in Section 15 of this Plan.	Development contributions and any applicable reserve or infrastructure levies will be paid in accordance with the Council's policy at the time of subdivision consent.
Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.	As the activity has already been consented, no new reverse sensitivity effects arise from the subdivision. Traveller's accommodation is inherently compatible in this Zone owing to the Scheduled Activity Overlay and the nature of the immediate adjoining uses for motels.
Consistency with any Structure Plan included in this District Plan	No applicable Structure Plan applies to the site. The subdivision layout aligns with the consented form of development and broader planning strategy for Cromwell.

The proposed subdivision formalises the ownership structure of an already consented traveller's accommodation development. The consented baseline establishes that effects associated with the built form, intensity, and servicing have already been assessed and accepted. The subdivision will not result in any additional or materially different

environmental effects, and all relevant servicing, access, amenity, and infrastructure matters are appropriately addressed.

The proposal aligns with the intent of the Medium Density Residential Zone and satisfies all relevant matters of discretion, with adverse effects no more than minor and within the scope of the existing consent.

> *If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use*

No hazardous substances are proposed.

> *If the activity includes the discharge of any contaminant, a description of:*
>
> *(i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and*
> *(ii) Any possible alternative methods of discharge, including discharge into any other receiving environment.*

No discharge of contaminants are proposed.

> *A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects.*

No mitigation measures over and above those inherent to the proposal are considered necessary.

8.3 EFFECTS ON PERSONS

> *Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted*

There has been no specific consultation with neighbouring properties of this proposal.

In considering effects on persons, consideration has been had to the adjoining properties located at 5 Mead Avenue (adjoining the eastern boundary), 10 Barry Avenue (adjoining the western boundary and 14 Barry Avenue (located to the south of the site, across the road) and as shown in Figure 5 below:

Figure 5: Location of adjacent properties in which effects on persons are considered (Image Source: CODC GIS).

The site adjoins two neighbouring properties, and sits across the road from another, all of which are developed and operated as existing motels. Given the consented land use for 26 traveller's accommodation units, and the proposed subdivision simply formalising unit titles with a minor increase to 28 units with no changes to the consented number of people, no additional or intensified effects are anticipated beyond those already assessed and consented.

The built form, access, servicing, and activity levels remain unchanged in substance. As commercial accommodation operators, all adjoining neighbours are compatible with the proposed use, and will not be subject to any greater effects in terms of noise, traffic, privacy, or visual dominance than those already anticipated and consented.

For the reasons detailed above, it is considered that no person(s) will be adversely affected by an activity that seeks to develop a site in general accordance with the underlying notations pertaining to the site.

> *If the scale or significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.*

The proposal is not considered to warrant any special monitoring over and above Council's standard monitoring regime.

> *If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

Not applicable.

9 SECTION 95 NOTIFICATION

9.1 PUBLIC NOTIFICATION

Section 95A gives a council discretion to decide whether to publicly notify an application or not. There are a total of four steps that are to be followed to publicly notify consent applications under Sections 95A (2) to 95A (9). These steps are addressed in the Table below.

Test	Yes/No	Comments
Step 1: Mandatory notification in certain circumstances – section 95A(3)		
Has the applicant requested that the application be publicly notified?	No	
Is public notification required under s95C (following a request for further information or commissioning of report)?	No	
Is the application made jointly with an application to exchange reserve land?	No	
Step 2: If not required by Step 1, notification is precluded if any of these circumstances apply – section 95A(5)		
Does a rule or NES preclude public notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Is the application a restricted discretionary or discretionary activity for a subdivision?	No	
Is the application a restricted discretionary or discretionary activity for residential activity?	No	
Is the application a boundary activity (other than a controlled activity)?	No	
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)		
Does a rule or NES require public notification?	No	
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No	
Step 4: Relevant to all applications that don't already require notification – section 95A(9)		
Do special circumstances exist that warrant the application being publicly notified?	No	

9.2 LIMITED NOTIFICATION

Section 95B gives a council discretion for limited notification of consent application. Similar to public notification, there are a total of four steps that are to be followed for limited notification consent applications under Sections 95B (2) to 95A (10). These steps are addressed in the below Table:

Test	Yes/No	Comments
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)		

Are there any affected protected customary rights groups or customary marine title groups?	No	
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?	No	
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)		
Does a rule or NES preclude limited notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)		
In the case of a boundary activity, is the owner of an allotment with an infringed boundary considered affected under s95E?	No	
Are there any other affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval?	No	
Step 4: Notification in special circumstances – section 95B(10)		
Do special circumstances exist that warrant the application being notified to any persons not identified above?	No	

9.3 NOTIFICATION CONCLUSION

Based on the assessment above, it is considered that notification is not required as effects of the change are less than minor.

10 SECTION 104(1)(b) ASSESSMENT

10.1 OVERVIEW

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) (of the RMA). This includes;

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

10.2 REGIONAL POLICY STATEMENT

Regional Policy Statement for Otago 1998

The Regional Policy Statement for Otago 1998 was revoked on 15 March 2021. This document is not considered further.

Partially Operative Otago Regional Policy Statement 2019 (POORPS2019)

The Partially Operative Otago Regional Policy Statement 2019 (POORPS2019) was declared partially operative on 15 March 2021 (at which point the 1998 document was revoked).

The key aspects of the POORPS2019 that are relevant to this application includes:

- Objective 4.3 Infrastructure is managed and developed in a sustainable way; and
- Objective 4.5 Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.

In terms of infrastructure, the site is located within the urban limits of Cromwell's reticulated network. It is understood that the development is not of a capacity that would warrant any upgrade to the existing infrastructure and as such, the proposal is considered to be consistent with Objective 4.3.

In terms of urban growth and development, the RPS seeks to ensure urban growth occurs in a coordinated manner to ensure the efficient use of land and also to manage the demand and effects on infrastructure. The proposal seeks to develop the site in line with the Scheduled Activities overlay and, in an area, where traveller's accommodation is the predominant land use. In addition, by designing the development to maximise the bulk and location provisions as prescribed for Scheduled Activities, enables the site to be utilised to a degree that enhances the land resource. As such, it is considered the proposal is consistent with Objective 4.5 and associated policies.

Overall, the proposal is considered to be broadly consistent with the relevant provisions of the POORPS2019.

Otago's Proposed Regional Policy Statement (2021)

The Otago's Proposed Regional Policy Statement (2021) (OPRPS2021) was notified on 26 June 2021. Submissions for this document closes on 3 September 2021.

Following a review of the OPRPS2021, the objectives and policy framework seek similar outcomes as sought by the POORPS2019, albeit updated to recognise ORC's review of water management and an ever changing shift in new national regulations.

Nonetheless, the proposal is considered to be broadly consistent with the OPRPS2021 as it appears today.

10.3 DISTRICT PLAN

With regard to the Central Otago District Plan, the most relevant policy framework are those contained in the Medium Density Residential Chapter as implemented by Plan Change 19.

Plan Change 19 (PC19) of the Central Otago District Plan was notified on 9 July 2022. Submissions and further submissions on PC19 have now closed and a decision has since been released on 8 June 2024. Appeals are due to be filed by 22 July 2024.

PC19 has been driven by the direction set out in the Vincent and Cromwell Spatial Plans. The spatial plans have been prepared by Central Otago District Council to respond to

demand for residential land and housing affordability concerns in the District, and to plan for the anticipated growth over the next 30 years. PC19 proposes to make a suite of changes to the way the District's residential areas are zoned and managed. In implementing the direction set out in the two spatial plans, PC19 involves rezoning new land for residential use, identifying some areas for future growth, aligning existing residential zoning with the proposed new zones, and includes new provisions for managing land use and subdivisions within the residential zones.

The subject site (and adjacent sites) are within the Medium Density Residential. PC19 describes the Medium Density Residential Zone as a more intensive density of development compared with the other residential zones and it is intended to develop over time to provide for a range of housing options, including more intensive options, to meet the diverse needs of the community, provide affordable options and provide a greater critical mass to support commercial and community facilities.

The development standards for this Zone include:

- Minimum density of 200m^2;
- Residential units may include one residential flat per site;
- Maximum height of 11 metres and three-storey; and
- Setbacks of 2 metres from the road and 1 metre from internal boundaries.

An assessment of the Medium Density Residential provisions are assessed as follows:

Provision	Description	Assessment
MRZ-O1	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.	The intent of the MRZ is to provide for more intensive living with a focus on ensuring good design outcomes, a range of housing types, and responsive to and well-connected to the surrounding area. The proposal seeks to establish a traveller's accommodation facility consistent with the Schedules Activities use of the Operative District Plan and the current prevailing uses that surrounds the site. The intention of the MRZ, where a focus on more intensive development is preferred, is considered to be met by the proposed design outcome. The proposal is considered not contrary to these provisions.
MRZ-O2	The Medium Density Residential Zone is a good quality living environment, which: 1. positively responds to the natural, heritage and cultural context and site features; 2. Changes over time to provide 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.	
MRZ-P1	Ensure that development within the Medium Density Residential Zone: 1. actively and safely addresses road frontages and public open spaces;	

	2. provides reasonable levels of privacy, outlook and adequate access to sunlight; 3. provides safe and appropriate access and on-site parking that is discretely integrated; 4. maintains a level of openness around and between buildings that reflect a moderate scale and intensity of built form that does not unreasonably dominate adjoining sites; 5. provides visual interest; 6. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe; 7. provides sufficient and usable common and private open space and storage space for residents; 8. maintains the safe and efficient operation of accessways and the road network; 9. mitigates visual effects through screening of storage areas and provision of landscaping; 10. incorporates Crime Prevention Through Environmental Design (CPTED) principles to achieve a safe and secure environment; 11. encourages water efficiency measures; and	
MRZ-P6	Only allow other non-residential activities and buildings, where: 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 amenity values of the zone and surrounding area; and 3. the activity is of a nature and scale that services 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 residential sites, a sense of amenity, security and companionship is maintained; 5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and	In terms of Policy MRZ-P6, this policy seeks to ensure non-residential uses do not generate adverse effects on the amenity and character anticipated for the surrounding area and ensuring the scale and intensity is compatible with the character. The site is located firmly within a clearly defined precinct consist of short-term traveller's accommodation activities, namely motels. This is reflected by the current Scheduled Activities overlay which is prescribed in the Operative Plan. The proposal seeks to establish a motel development consistent with the character of the prevailing area.

	6. the safety and efficiency of the road network is maintained 7. the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.	
SUB-O1 – 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.	The subdivision formalises the arrangement of the largely consented development affording opportunities for each unit to be sold to investors. The subdivision does not alter the character or amenity effects of the Zone.
SUB-P1	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 proposed unit title arrangement is a typical approach for medium density and attached units. Despite the size of each allotment, they are sufficiently sized to accommodate the relevant unit, and associated parking (if existing). Overall, it is considered that the proposal is broadly consistent with this policy.

11 PART 2 ASSESSMENT

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

12 SUMMARY

Resource consent is sought to establish vary the design of the consented traveller's accommodation units at 3 Mead Avenue, Cromwell and to seek a unit-title subdivision.

Overall, the activity is assessed as a **non-complying activity.**

The actual and potential effects on the environment have been outlined in section 8 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor.

The proposal is considered consistent with the relevant objectives and policies of the District Plan and meets the purpose and principles of the Resource Management Act 1991.

The proposal is considered to meet both tests under Section 104D of the Resource Management Act 1991 in that effects on the environment will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the District Plan.

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land Transfer Act 2017

R.W. Muir
Registrar-General
of Land

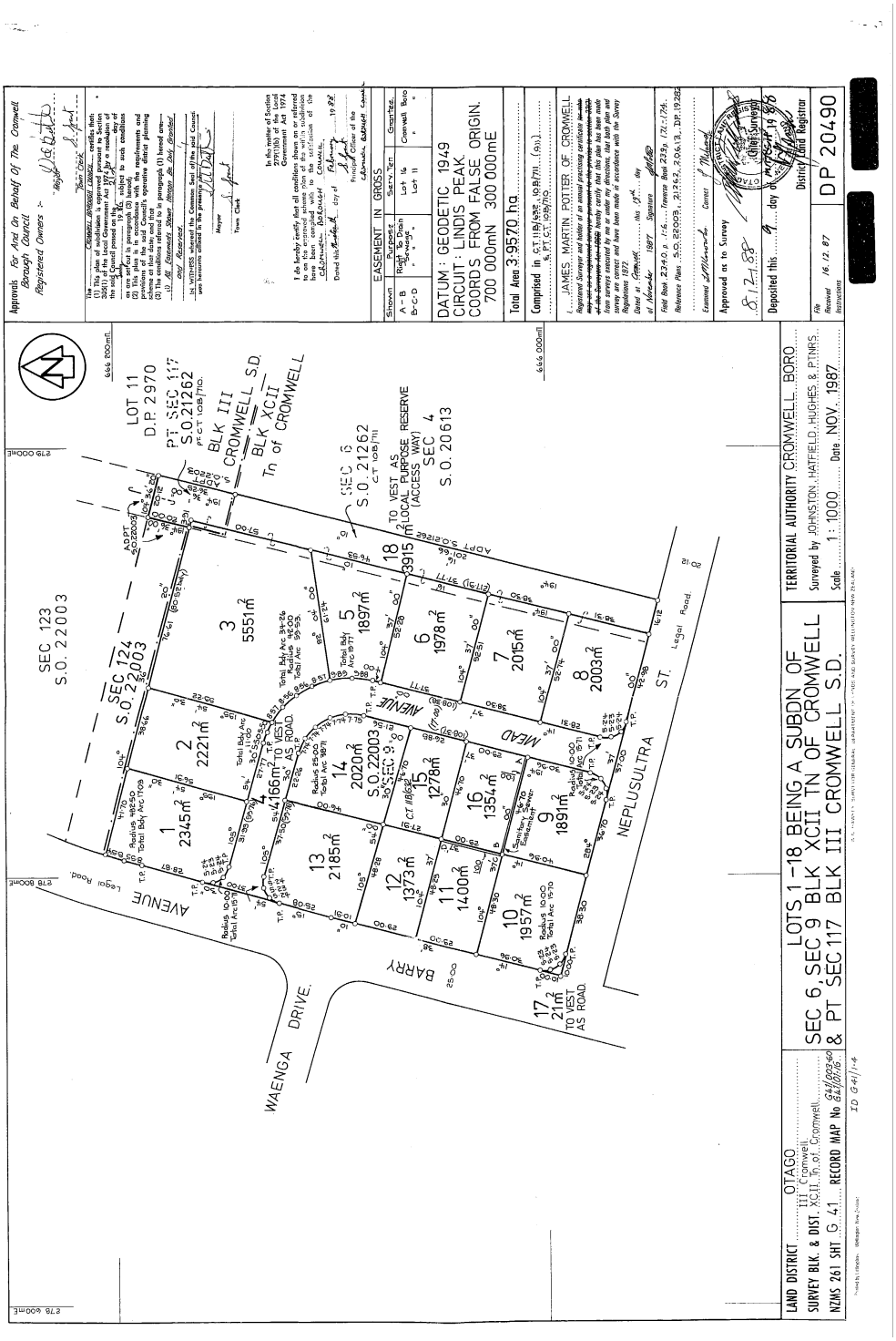
Identifier **828240**
Land Registration District **Otago**
Date Issued 16 March 2018

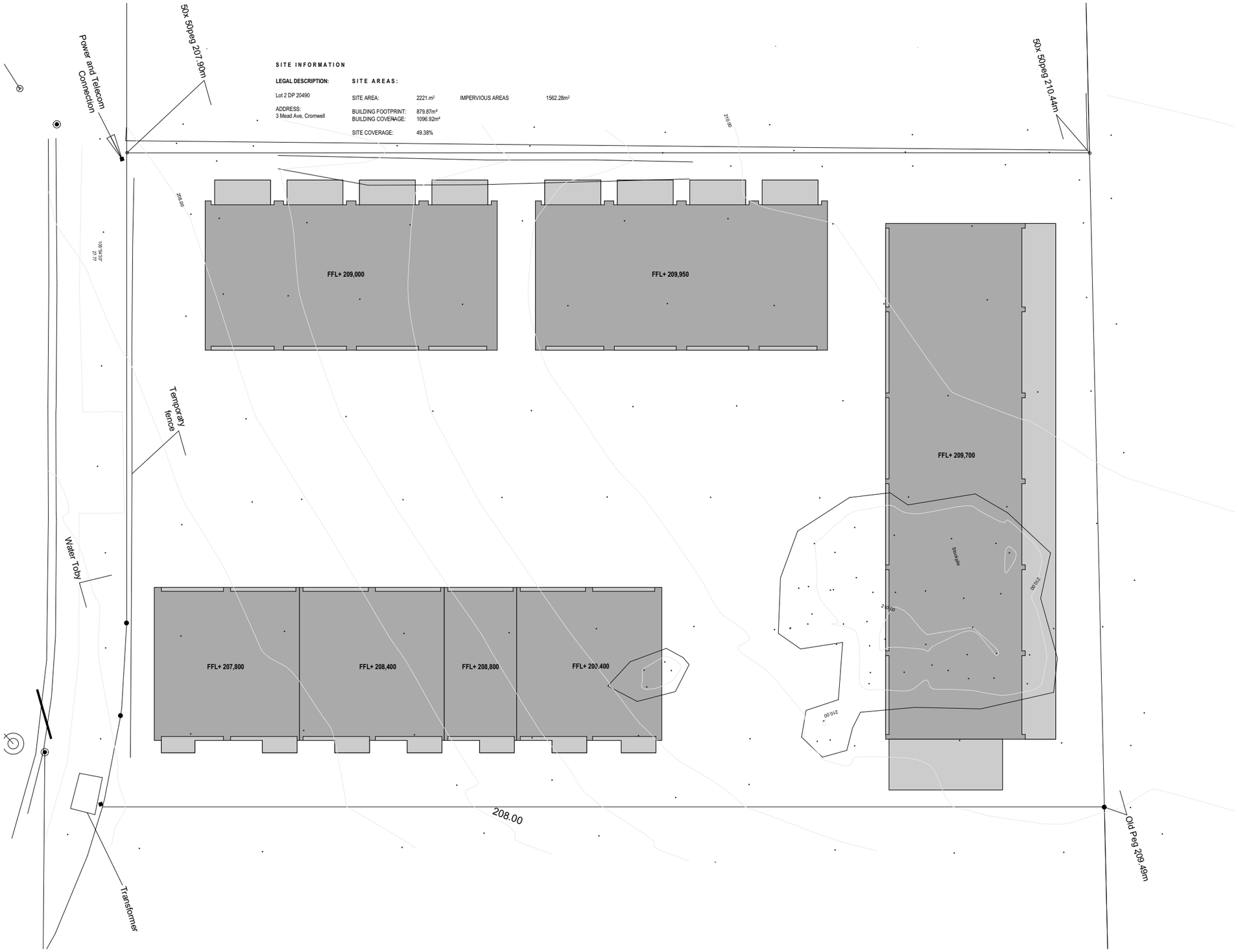
Prior References
OT17C/268

Estate Fee Simple
Area 2221 square metres more or less
Legal Description Lot 2 Deposited Plan 20490
Registered Owners
GZR Property Investment Limited

Interests
12155297.3 Mortgage to ASB Bank Limited - 30.6.2021 at 3:30 pm

Identifier **828240**





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Floor Plan Issue

FIGURE & GROUND

3 Mead Ave
Cromwell

Site Landscaping Plan.

Drawing Sheet	A1.2
Scale	SCALE @A1
File	22.741
Date	June 2025
Drawn	SJC
Revision	E

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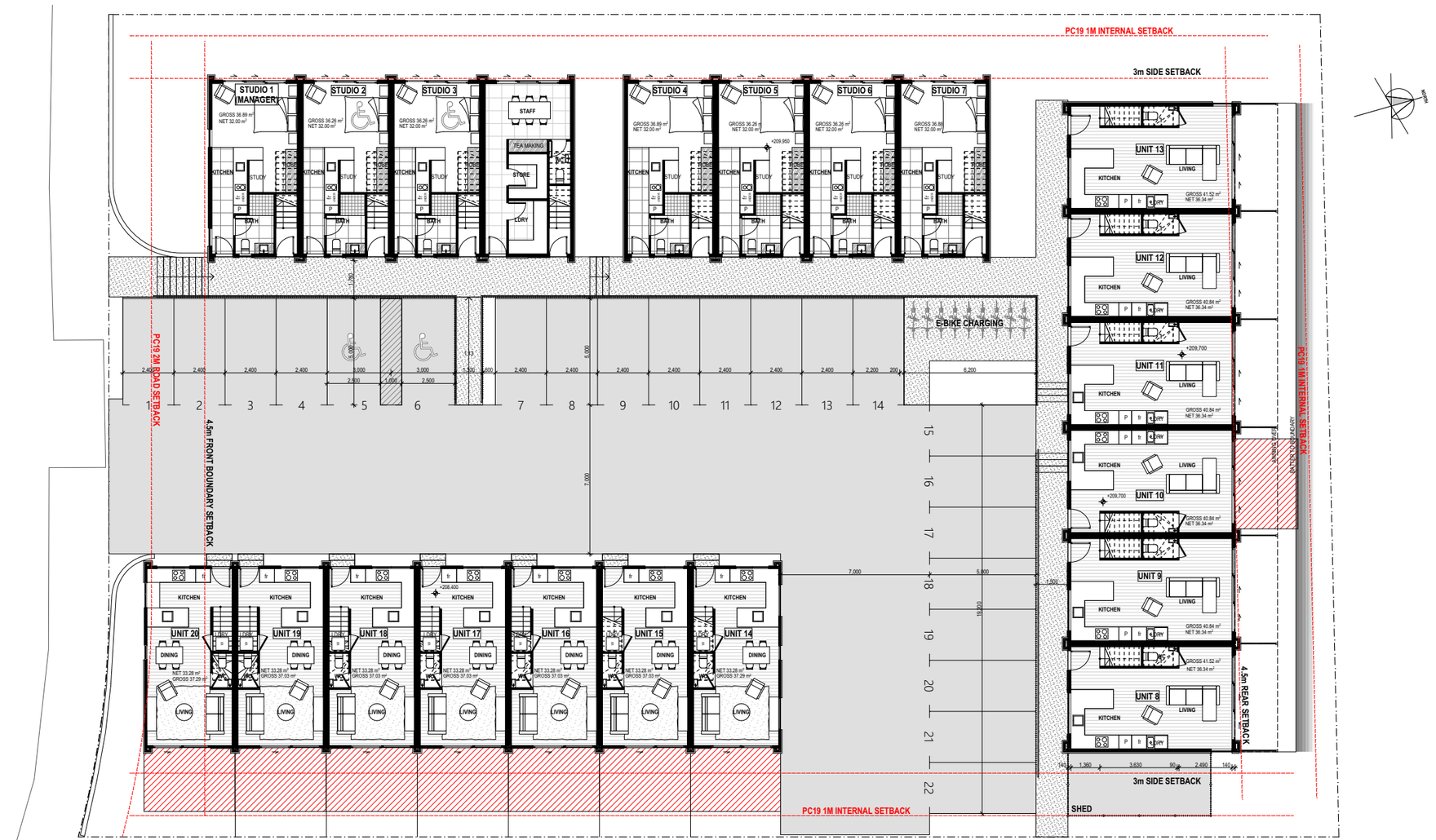

FIGURE & GROUND

3 Mead Ave
Cromwell

Ground Floor Plan.

Drawing Sheet A1.1

Scale SCALE @A1
File 22.741
Date June 2025
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Floor Plan Issue

FIGURE & GROUND

3 Mead Ave
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First Floor Plan.

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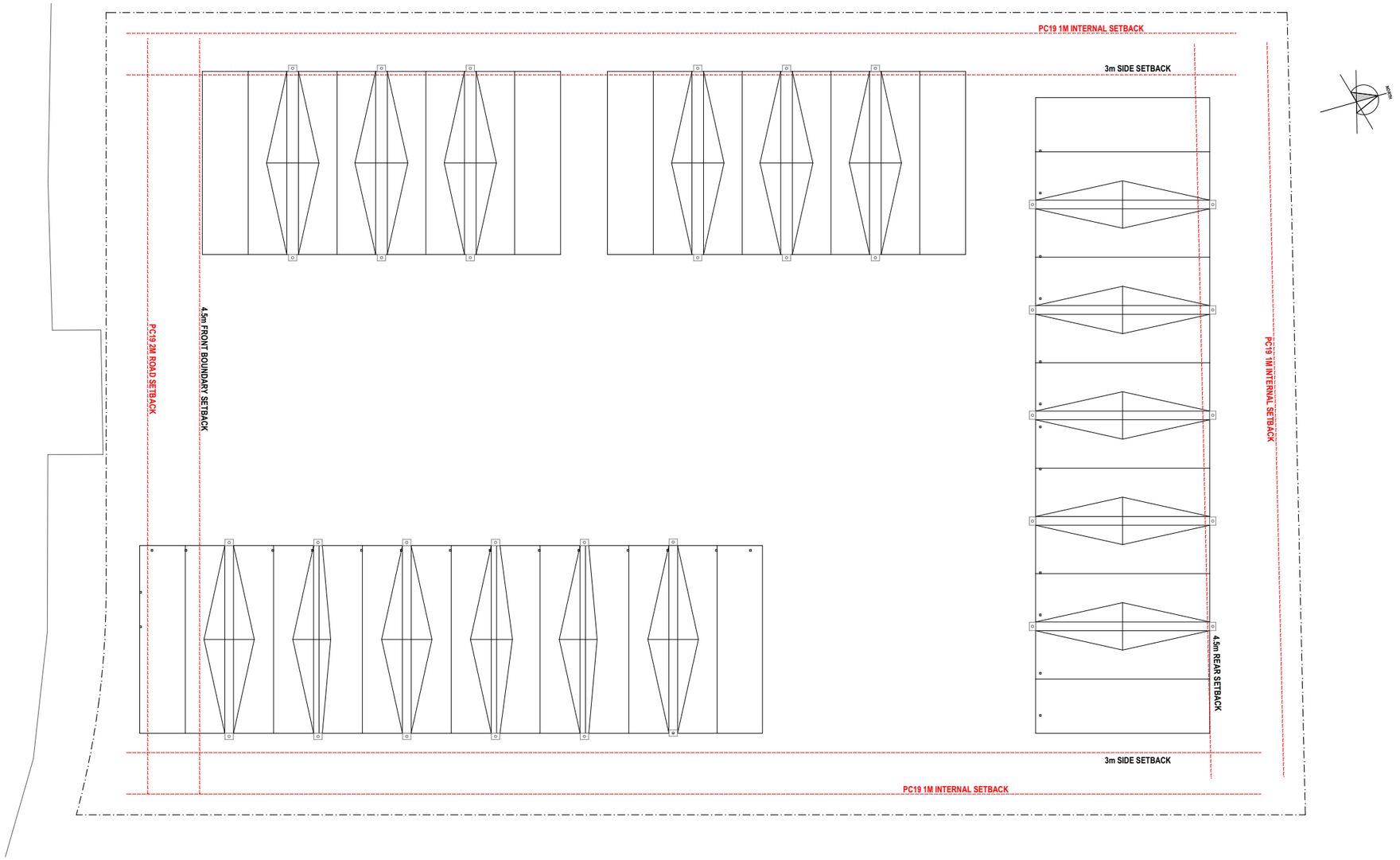

FIGURE & GROUND

3 Mead Ave
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Second Floor Plan.

Drawing Sheet	A1.5
Scale	SCALE @A1
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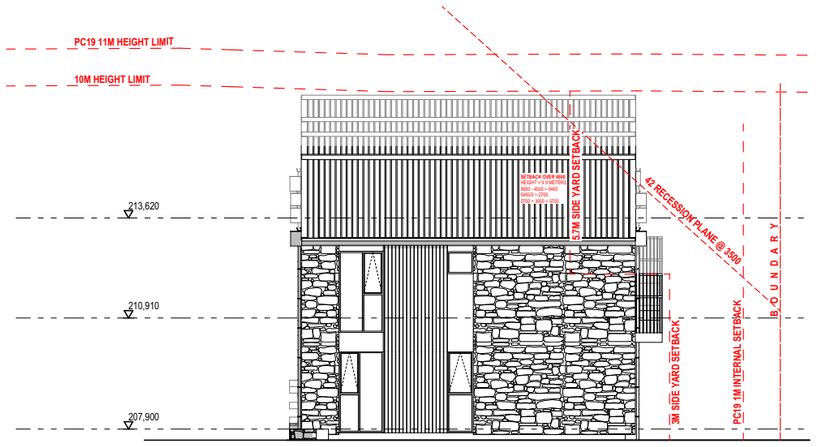
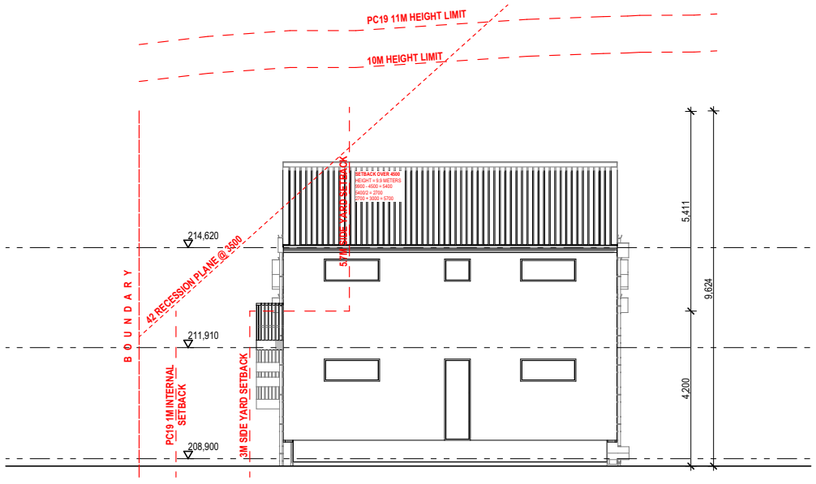
Bulk and Location

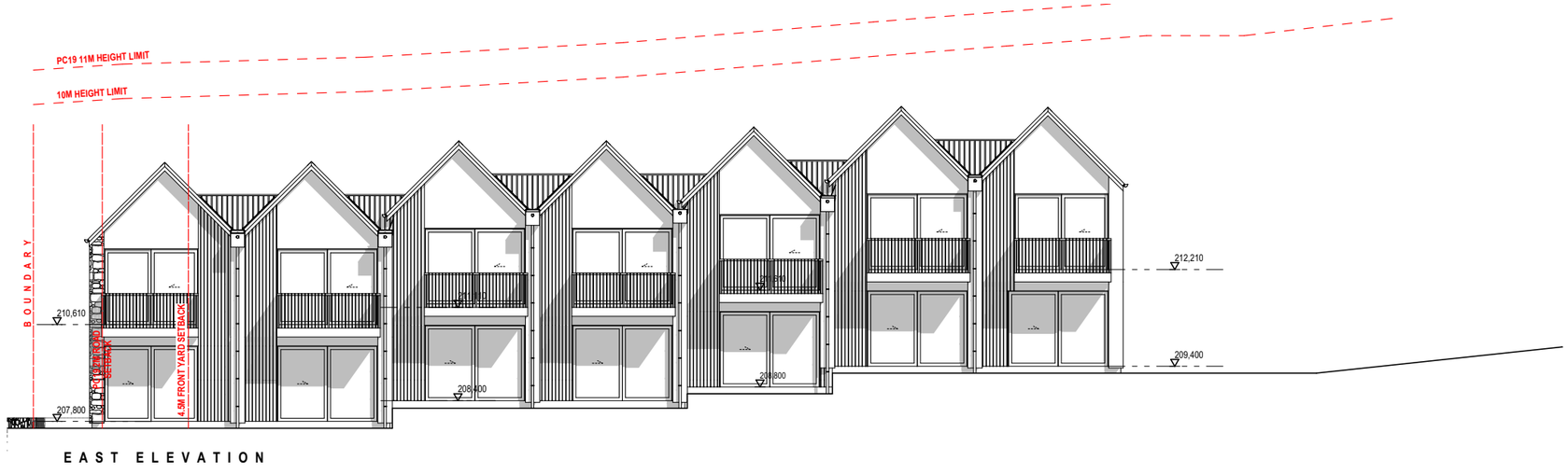
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

FIGURE & GROUND

3 Mead Ave
Cromwell

Elevations block A.

Drawing Sheet	A2.0
Scale	SCALE @A2
File	22.741
Date	February 2023
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Revision	A

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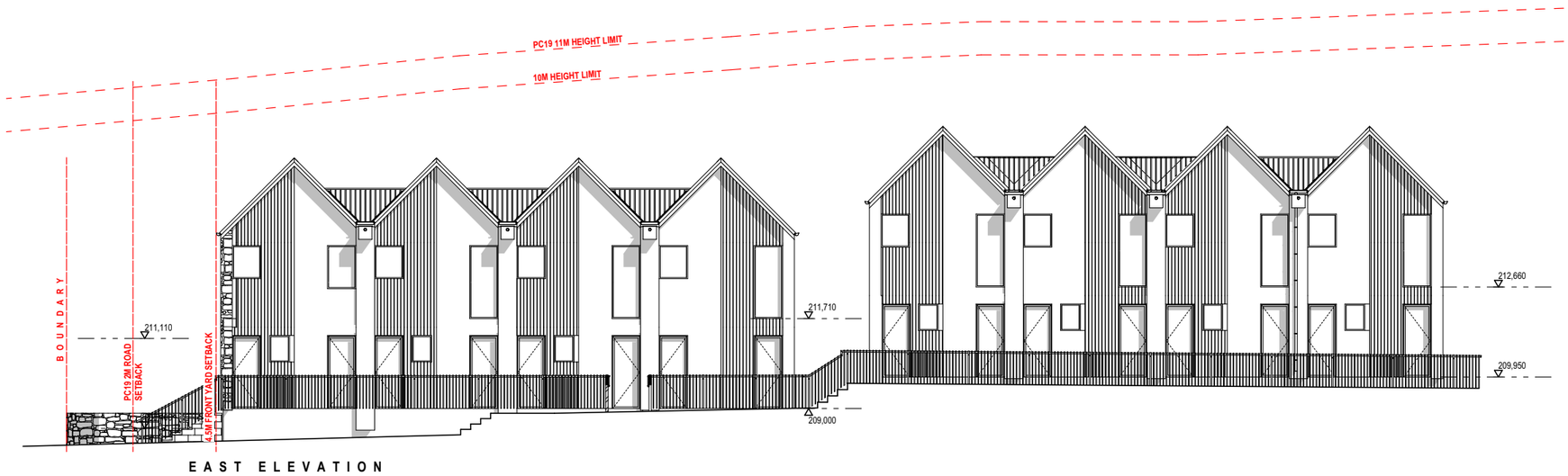

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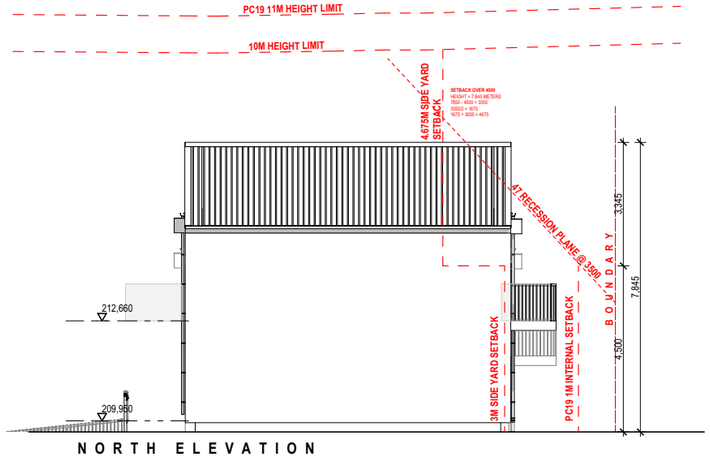

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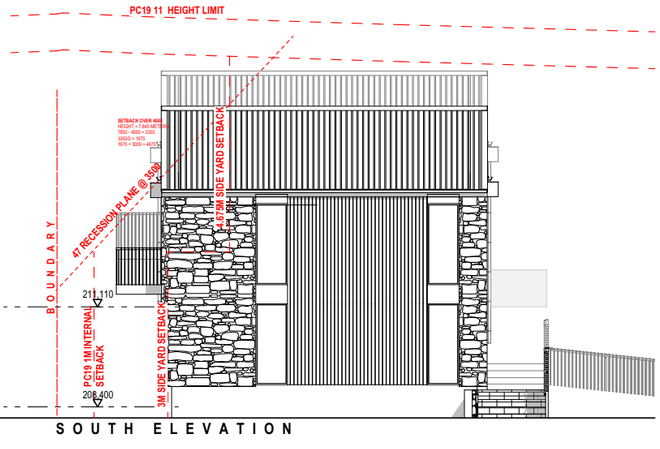

SOUTH ELEVATION

WEST ELEVATION

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Elevations block B.

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Date	February 2023
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Revision	A

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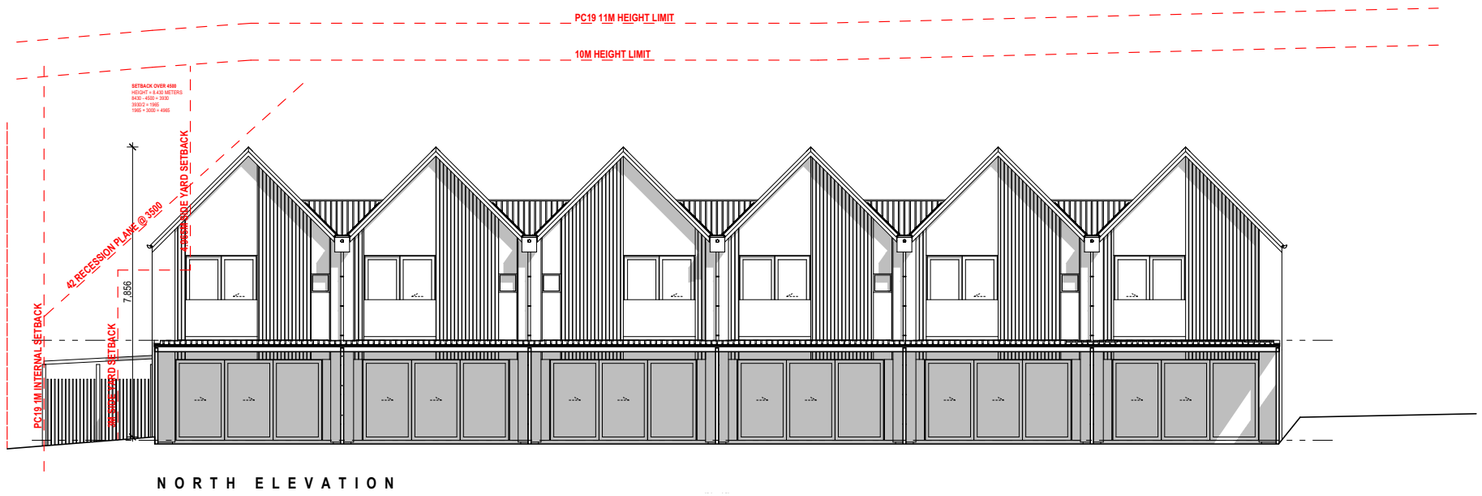

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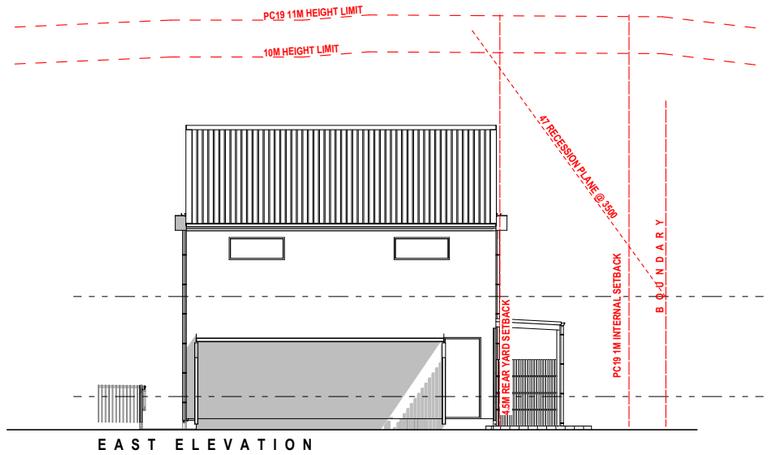

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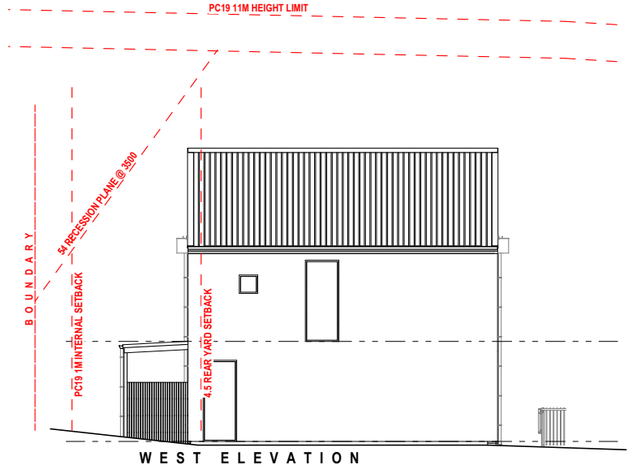

WEST ELEVATION

SOUTH ELEVATION

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Elevations block C.

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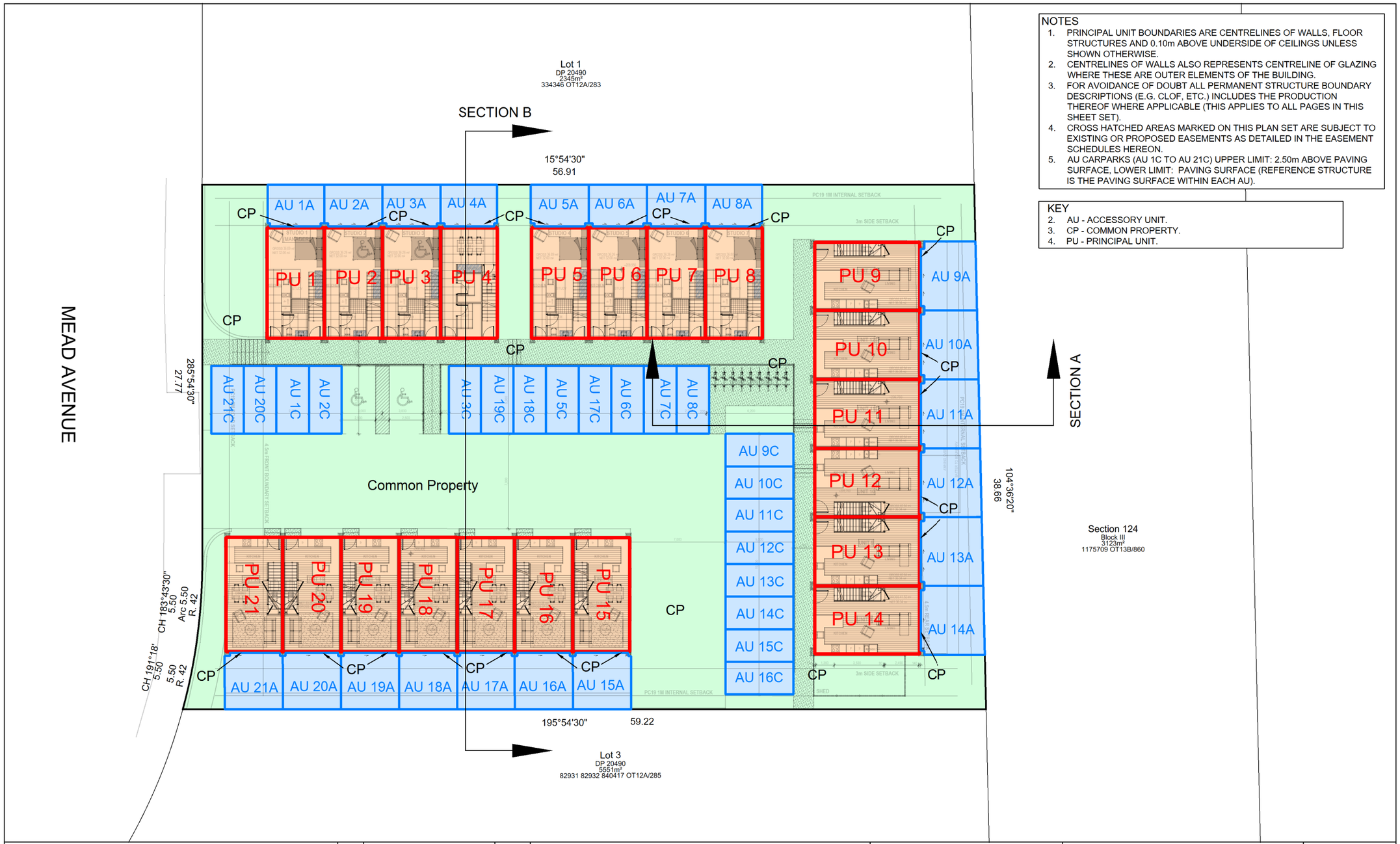

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Rev	Description	Date
A	ORIGINAL	25/06/25
B	AU 9c - 14c reconfigured	26/06/25

Proposed Unit Development Over Lot 2 DP 20490

(3 Mead Avenue, Cromwell)

Client: GZR Property Investment Ltd

Scale: 1 : 250 @ A3

Surveyed:

Drawn: AJ 25/06/25

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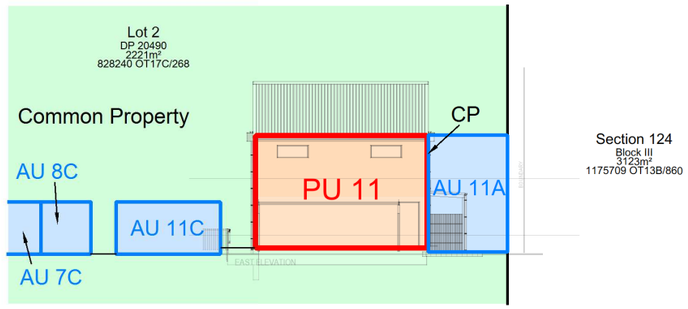
Datum: Lindis Peak 2000

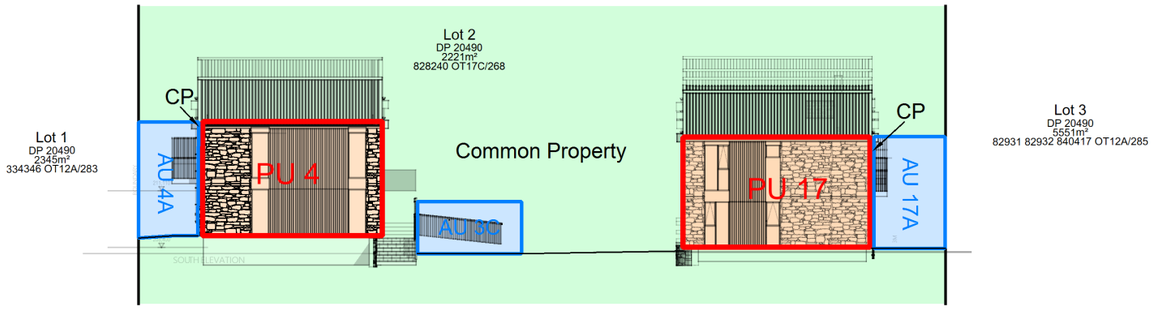
Sheet: 1 of 2

Job #: 25065_S1

Rev: B



SECTION A



SECTION B

NOTES
1. PRINCIPAL UNIT BOUNDARIES ARE CENTRELINES OF WALLS, FLOOR STRUCTURES AND 0.10m ABOVE UNDERSIDE OF CEILINGS UNLESS SHOWN OTHERWISE.
2. CENTRELINES OF WALLS ALSO REPRESENTS CENTRELINE OF GLAZING WHERE THESE ARE OUTER ELEMENTS OF THE BUILDING.
3. FOR AVOIDANCE OF DOUBT ALL PERMANENT STRUCTURE BOUNDARY DESCRIPTIONS (E.G. CLOF, ETC.) INCLUDES THE PRODUCTION THEREOF WHERE APPLICABLE (THIS APPLIES TO ALL PAGES IN THIS SHEET SET).
4. CROSS HATCHED AREAS MARKED ON THIS PLAN SET ARE SUBJECT TO EXISTING OR PROPOSED EASEMENTS AS DETAILED IN THE EASEMENT SCHEDULES HEREON.
5. AU CARPARKS (AU 1C TO AU 21C) UPPER LIMIT: 2.50m ABOVE PAVING SURFACE, LOWER LIMIT: PAVING SURFACE (REFERENCE STRUCTURE IS THE PAVING SURFACE WITHIN EACH AU).

KEY
2. AU - ACCESSORY UNIT.
3. CP - COMMON PROPERTY.
4. PU - PRINCIPAL UNIT.

ACCESSORY UNIT ALLOCATION TABLE	
PRINCIPAL UNIT	ACCESSORY UNIT
PU 1	AU 1A & AU 1C
PU 2	AU 2A & AU 2C
PU 3	AU 3A & AU 3C
PU 4	AU 4A
PU 5	AU 5A & AU 5C
PU 6	AU 6A & AU 6C
PU 7	AU 7A & AU 7C
PU 8	AU 8A & AU 8C
PU 9	AU 9A & AU 9C
PU 10	AU 10A & AU 10C
PU 11	AU 11A & AU 11C
PU 12	AU 12A & AU 12C
PU 13	AU 13A & AU 13C
PU 14	AU 14A & AU 14C
PU 15	AU 15A & AU 15C
PU 16	AU 16A & AU 16C
PU 17	AU 17A & AU 17C
PU 18	AU 18A & AU 18C
PU 19	AU 19A & AU 19C
PU 20	AU 20A & AU 20C
PU 21	AU 21A & AU 21C

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Rev	Description	Date
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Proposed Unit Development Over Lot 2 DP 20490

(3 Mead Avenue, Cromwell)

Client: GZR Property Investment Ltd

Scale: 1 : 250 @ A3

Surveyed:

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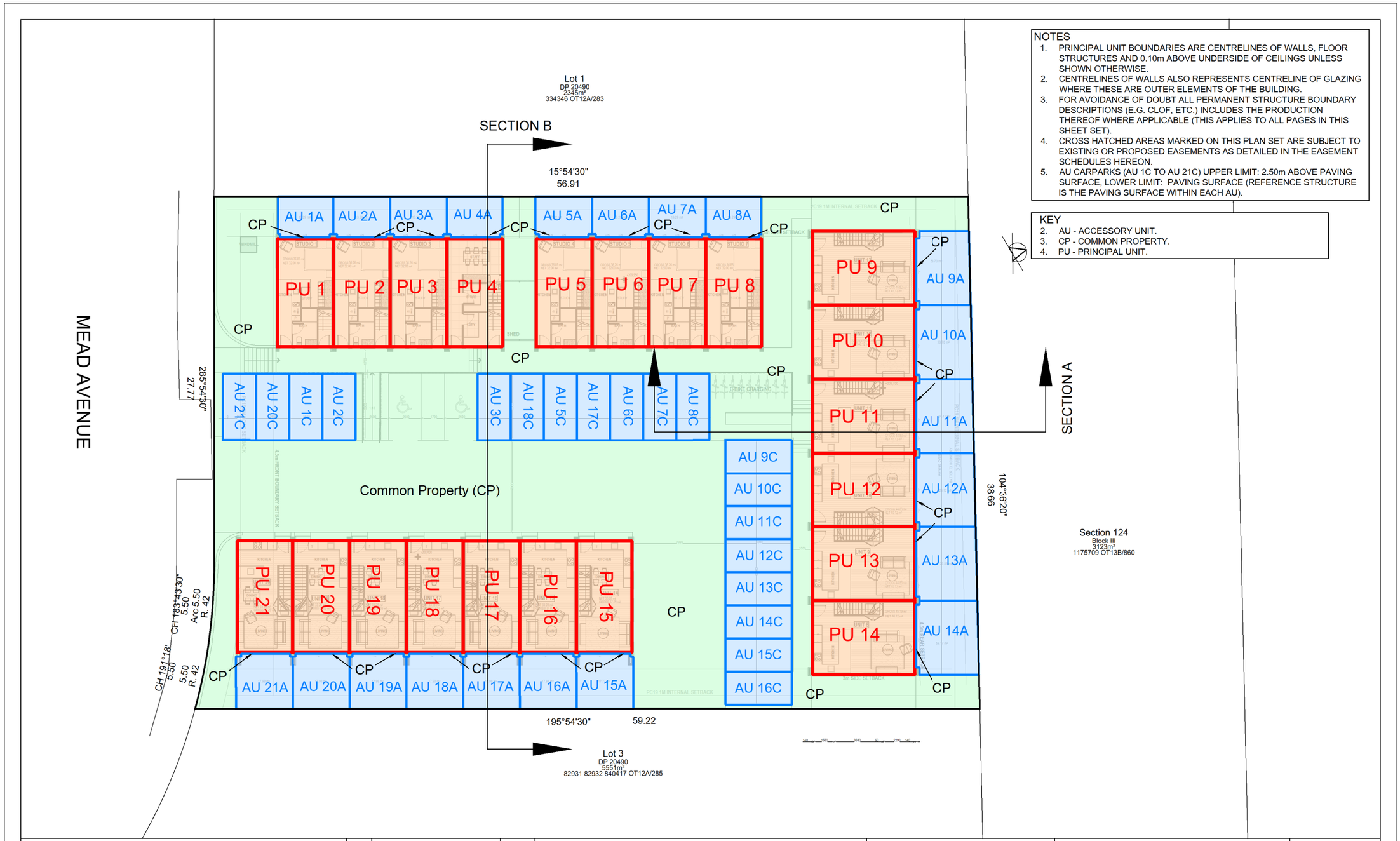
Datum: Lindis Peak 2000

Sheet: 2 of 2

Job #: 25065_S1

Rev: A



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Rev	Description	Date
A	ORIGINAL	25/06/25
B	AU 9c - 14c reconfigured	26/06/25
C	AU 1c - 21c, PU & AU 9 - 14 reconfigured	28/11/25

Proposed Unit Development Over Lot 2 DP 20490

(3 Mead Avenue, Cromwell)

Client: GZR Property Investment Ltd

Scale: 1 : 250 @ A3

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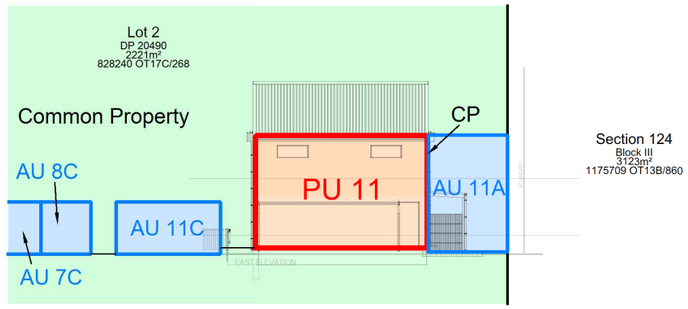
CSNZ CONSULTANTS DIVISION OF SURVEY AND SPATIAL NEW ZEALAND

Datum: Lindis Peak 2000

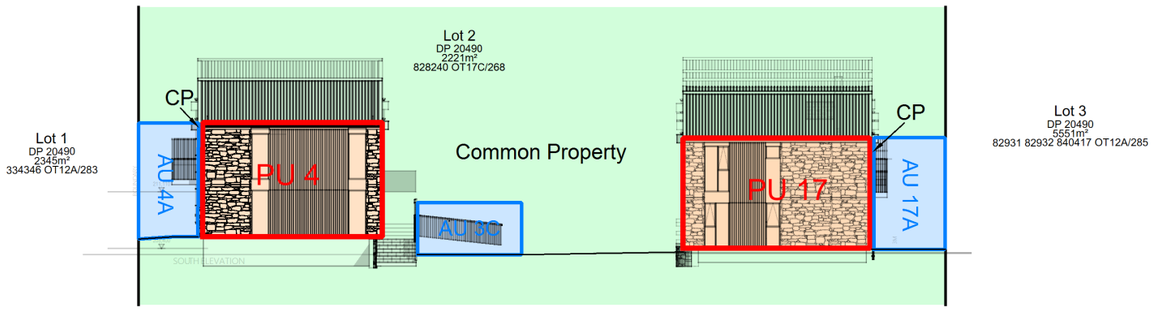
Sheet: 1 of 2

Job #: 25065_S1

Rev: C



SECTION A



SECTION B

NOTES
1. PRINCIPAL UNIT BOUNDARIES ARE CENTRELINES OF WALLS, FLOOR STRUCTURES AND 0.10m ABOVE UNDERSIDE OF CEILINGS UNLESS SHOWN OTHERWISE.
2. CENTRELINES OF WALLS ALSO REPRESENTS CENTRELINE OF GLAZING WHERE THESE ARE OUTER ELEMENTS OF THE BUILDING.
3. FOR AVOIDANCE OF DOUBT ALL PERMANENT STRUCTURE BOUNDARY DESCRIPTIONS (E.G. CLOF, ETC.) INCLUDES THE PRODUCTION THEREOF WHERE APPLICABLE (THIS APPLIES TO ALL PAGES IN THIS SHEET SET).
4. CROSS HATCHED AREAS MARKED ON THIS PLAN SET ARE SUBJECT TO EXISTING OR PROPOSED EASEMENTS AS DETAILED IN THE EASEMENT SCHEDULES HEREON.
5. AU CARPARKS (AU 1C TO AU 21C) UPPER LIMIT: 2.50m ABOVE PAVING SURFACE, LOWER LIMIT: PAVING SURFACE (REFERENCE STRUCTURE IS THE PAVING SURFACE WITHIN EACH AU).

KEY
2. AU - ACCESSORY UNIT.
3. CP - COMMON PROPERTY.
4. PU - PRINCIPAL UNIT.

ACCESSORY UNIT ALLOCATION TABLE	
PRINCIPAL UNIT	ACCESSORY UNIT
PU 1	AU 1A & AU 1C
PU 2	AU 2A & AU 2C
PU 3	AU 3A & AU 3C
PU 4	AU 4A
PU 5	AU 5A & AU 5C
PU 6	AU 6A & AU 6C
PU 7	AU 7A & AU 7C
PU 8	AU 8A & AU 8C
PU 9	AU 9A & AU 9C
PU 10	AU 10A & AU 10C
PU 11	AU 11A & AU 11C
PU 12	AU 12A & AU 12C
PU 13	AU 13A & AU 13C
PU 14	AU 14A & AU 14C
PU 15	AU 15A & AU 15C
PU 16	AU 16A & AU 16C
PU 17	AU 17A & AU 17C
PU 18	AU 18A & AU 18C
PU 19	AU 19A
PU 20	AU 20A & AU 20C
PU 21	AU 21A & AU 21C

MEASURED LAND SURVEYS
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Rev	Description	Date
A	ORIGINAL	25/06/25
B	AU 9c - 14c reconfigured	26/06/25
C	AU 1c - 21c, PU & AU 9 - 14 reconfigured	28/11/25

Proposed Unit Development Over Lot 2 DP 20490

(3 Mead Avenue, Cromwell)

Client: GZR Property Investment Ltd

Scale: 1 : 250 @ A3

Surveyed:

Drawn: AJ 25/06/25

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CSNZ CONSULTANTS DIVISION OF SURVEY AND SPATIAL NEW ZEALAND

Datum: Lindis Peak 2000

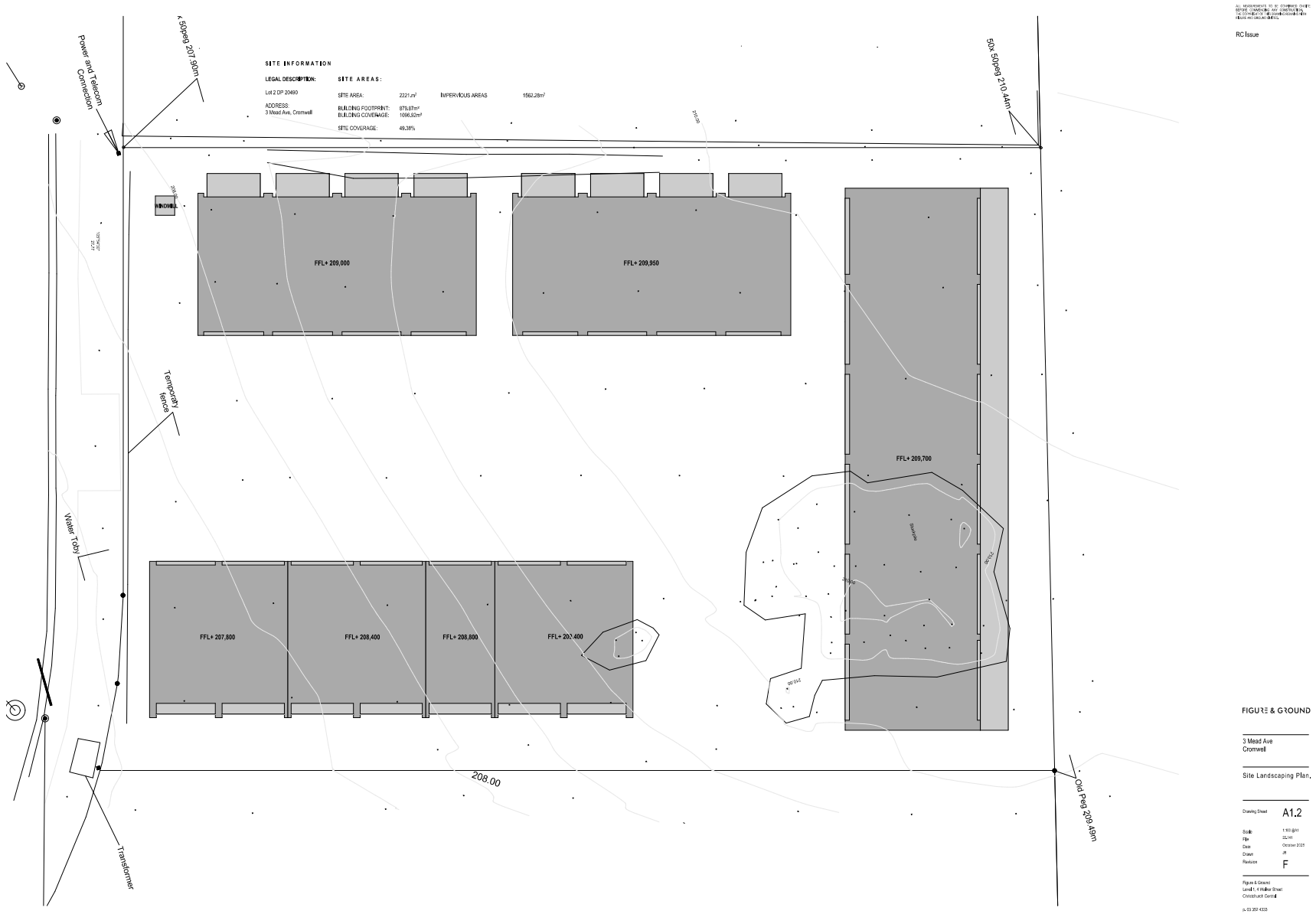
Sheet: 2 of 2

Job #: 25065_S1

Rev: C

FIGURE & GROUND

FIGURE & GROUND


SITE INFORMATION
LEGAL DESCRIPTION:
Lot 2 DP 20480
ADDRESS:
3 Mead Ave, Cromwell
SITE AREAS:
SITE AREA: 2221.m²
IMPERVIOUS AREAS 1562.28m²
BUILDING FOOTPRINT: 979.87m²
BUILDING COVERAGE: 1096.52m²
SITE COVERAGE: 49.38%
RC Issue
FFL+ 209,000
FFL+ 209,950
FFL+ 209,700
FFL+ 207,800
FFL+ 208,400
FFL+ 208,800
FFL+ 209,400
WINDMILL
Power and Telecom Connection
50x 50peg 207.90m
50x 50peg 210.44m
Temporary fence
Water Toby
Transformer
208.00
Old Peg 209.49m
FIGURE & GROUND
3 Mead Ave
Cromwell
Site Landscaping Plan.
Drawing Sheet A1.2
Scale 1:100 @A1
File 22.161
Date October 2025
Drawn JR
Revision F
Figure & Ground
Level 1, 4 Walker Street
Christchurch Central
p. 03 357 4333
e. studio@figureandground.co.nz
w. www.figureandground.co.nz

RC Issue

FIGURE & GROUND

3 Mead Ave
Cromwell

Ground Floor Plan.

Drawing Sheet A1.1

Scale 1:100 @A1
File 22.161
Date October 2025
Drawn JR
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Figure & Ground
Level 1, 41 Walker Street
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RC Issue

FIGURE & GROUND

3 Mead Ave
Cromwell

First Floor Plan.

Drawing Sheet A1.5

Scale 1:100 @A1
File 22.161
Date October 2025
Drawn JR
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ALL MEASUREMENTS TO BE CHECKED ON SITE BEFORE COMMENCING ANY CONSTRUCTION. DISCREPANCIES TO BE REPORTED IMMEDIATELY TO FIGURE & GROUND LIMITED.

RC Issue

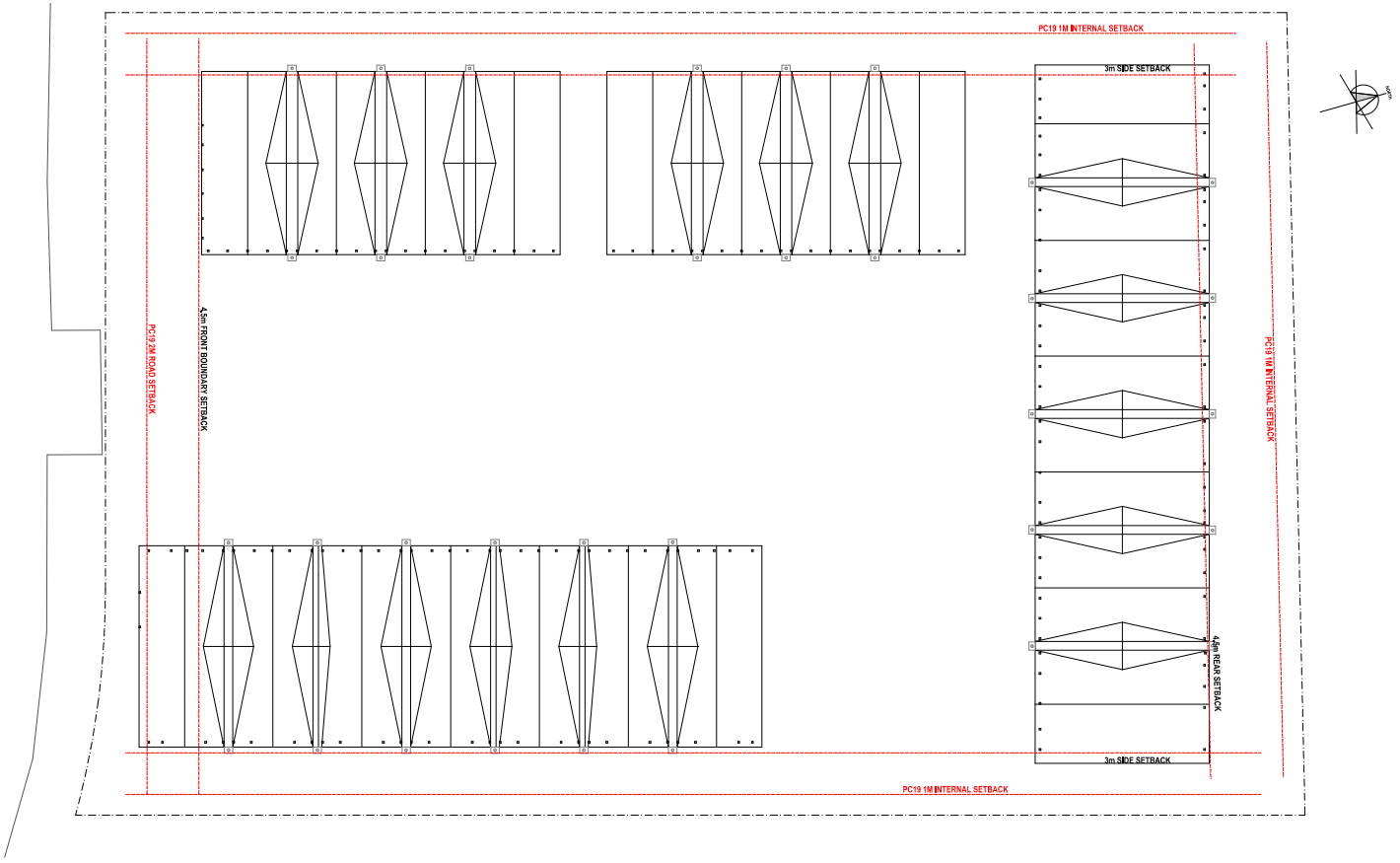

FIGURE & GROUND

3 Mead Ave
Cromwell

Second Floor Plan.

Drawing Sheet A1.5

Scale 1:100 @A1
File 22.161
Date October 2025
Drawn JR
Revision F

Figure & Ground
Level 1, 4 Walker Street
Christchurch Central

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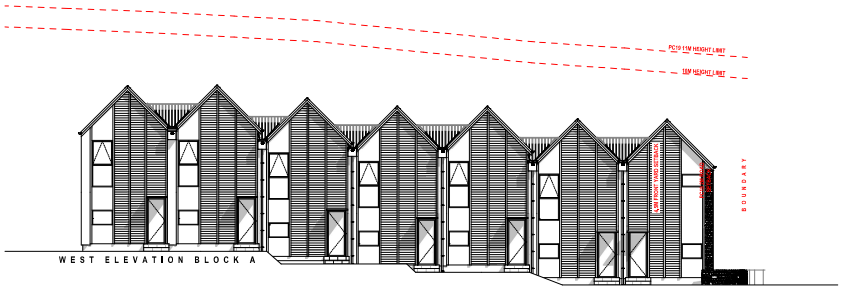
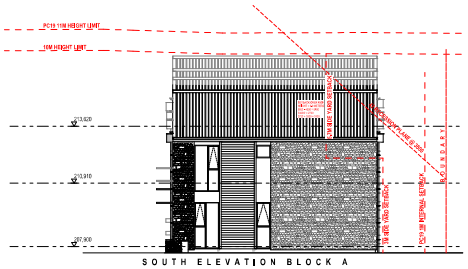
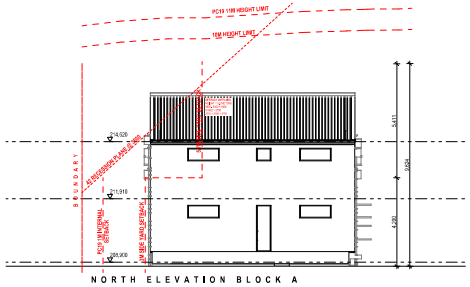
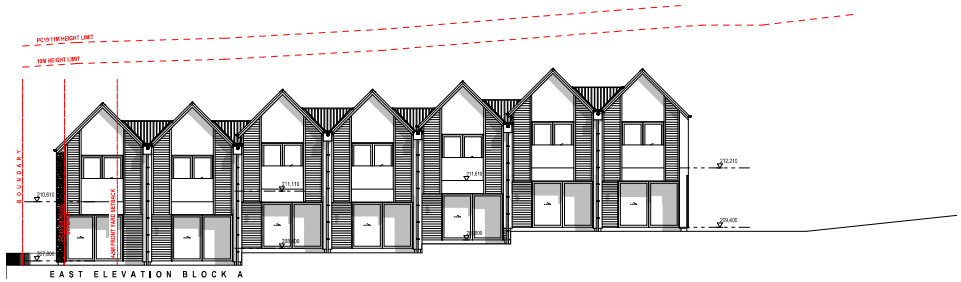
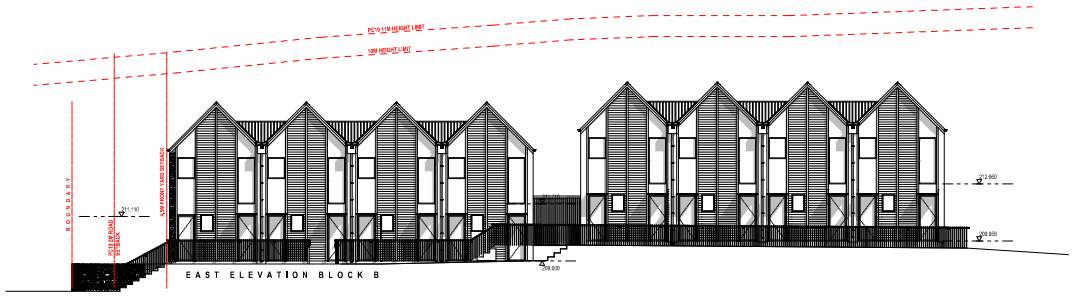
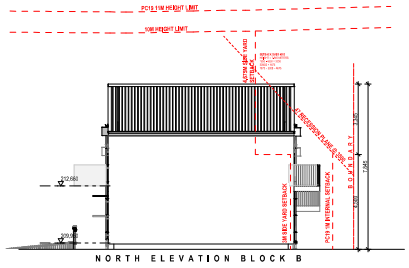












RC Issue

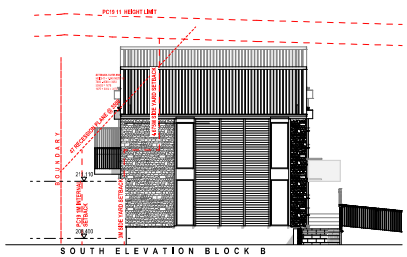
FIGURE & GROUND

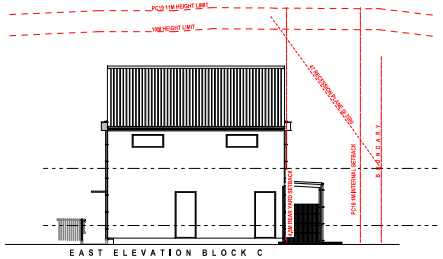
3 Mead Ave
Cromwell

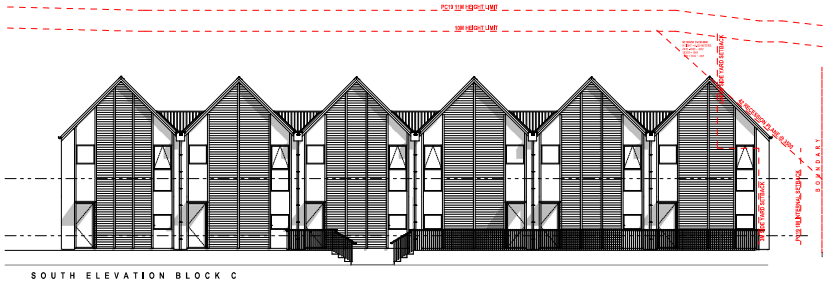
Elevations block A & B.

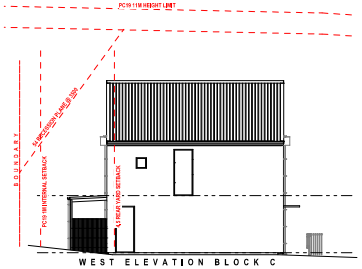
Drawing Sheet A2.0

Scale 1:100 @A1
File 22.161
Date October 2025
Drawn JR
Revision F









RC Issue

FIGURE & GROUND

3 Mead Ave
Cromwell

Elevations block B & C.

Drawing Sheet A2.0

Scale 1:100 @A1
File 22.161
Date October 2025
Drawn JR
Revision F

Novo Group Limited
Level 1, 279 Montreal Street
PO Box 365, Christchurch 8140
O - 03 365 5570
info@novogroup.co.nz

24 September 2025

Viv Zhang

c/-: Jake Woodward

By email: jake@jakewoodward.co.nz & vivzhang@hotmail.com

Dear Jake,

RESIDENTIAL / VISITOR ACCOMODATION UNITS
3 MEAD AVENUE, CROMWELL

1. This letter sets out our response to Council's comments in the Engineering Advice received for the above site.

2. The proposal is for residential / visitor accommodation development at 3 Mead Avenue, Cromwell. The layout includes a communal parking area with 21 parking spaces, which will be served by a 7m wide vehicle access / aisle.

3. The site location is illustrated in **Figure 1** and a copy of the proposed site layout is provided in **Appendix 1**.

Figure 1. Locality of the site (GIS

Parking Dimensions

Standard Car Parking

4. The original layout we received utilised 2.4m wide parking spaces that were 5.0m long and had a 7.0m aisle. This has been updated on the plan included in **Appendix 1**, which now illustrates spaces that are 2.5m wide, 5.0m long with a 7.0m aisle.

5. Councils 'Engineering Advice' document (dated 13/08/2025 and based on the original layout) highlighted a non-compliance with NZS4404:2004 (CODC's Subdivision Code of Practice), in relation to the parking space dimensions. For standard parking spaces with a stall width of 2.5m, NZS4404:2004 requires a depth of 5.4m and an aisle width of 7.5m or 8.0m (depending on class of user).

6. The updated arrangement has a parking space width of 2.5m and an aisle width of 7.0m, which both comply with the CODC dimensions. However, the length of the parking spaces are proposed to be 5.0m compared to the 5.4m required by the CODC.

7. We consider the parking space dimensions to be acceptable, as they are greater than the minimum required dimensions within AS/NZS 2890.1:2004[1]. Using this standard to design for user class 2 (visitor accommodation developments such as hotels and motels) permits a stall width of 2.5m, a space length of 5.0m and an aisle width of 6.2m. This acknowledges that, in New Zealand, a parking space can be shortened to 5.0m if there is no consequential reduction in the combined length of space and width of aisle (i.e. 6.2m rather than the standard 5.8m). Therefore, the minimum parking dimensions required for 2.5m wide parking spaces are a 5.0m length and a 6.2m aisle width, which is achieved by the proposal.

8. Given the above, the proposed car parking dimension on the updated plan are acceptable and comply with national level guidance documents.

Mobility Car Parking

9. With regard to the accessible parking spaces dimensions, CODC (via NZS4404:2004) require a width of 3.6m and an aisle space width of 8.0m. The proposed accessible parking spaces exceed the minimum dimensions set out in AS/NZS 2890.6:2009[2], which allows minimum 2.4m wide parking spaces (2.5m proposed) separated by a 1.1m shared space (1.7m proposed). The aisle width is permitted to be the same as for adjacent 'standard' car parking. Overall, the layout of these mobility spaces is considered acceptable.

Manoeuvring

10. Vehicle tracking was undertaken using Autoturn software and a B85 design vehicle (as defined in AS/NZS2890.1) to demonstrate the manoeuvring requirements to/from the proposed parking spaces. Vehicle manoeuvres were performed at a speed of 1km/h, with buffers of 0.3m

[1] The Australian / New Zealand Standard for Parking Facilities – Part 1: Off-street car parking.
[2] The Australian / New Zealand Standard for Parking Facilities – Part 6: Off-street parking for people with disabilities.

illustrated around the vehicle. The vehicle tracking shown in **Appendix 2** illustrates that all 21 parking spaces can be easily accessed.

11. Parking spaces 14 and 15 require an additional reverse manoeuvre (i.e. two reverse manoeuvres) to exit. This manoeuvring occurs well away from the road boundary and there is ample space to turn on the site such that we expect drivers would enter and exit the site forward. The additional manoeuvres required to exit the parking spaces will typically be undertaken quickly and efficiently, with minimal delay to other vehicles.

12. The manoeuvring for parking space 21 is tight and we recommend this space be assigned to the managers unit (Studio 1) as a staff parking space. This will ensure the user is familiar with (and tolerant of) the manoeuvring requirements.

Conclusion

13. The proposed parking layout has been amended to it complies with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009, with the layout being appropriate for the intended use. Although there remains a non-compliance with the CODC requirements (the spaces are 5.0m long rather than 5.4m) the anticipated effects of this non-compliance are considered **acceptable** and **less than minor**.

14. Vehicle tracking in **Appendix 2** confirms that all parking spaces are accessible and that the proposed layout is functional.

15. We trust the above is sufficient; however, should you require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,

Novo Group Ltd

Eddie Davis

Transport Engineer

M: 021 824 205 | **O**: 03 365 5570

E: eddie@novogroup.co.nz | W: www.novogroup.co.nz

0799208

Appendix 1: Proposed Site Layout

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Floor Plan Issue

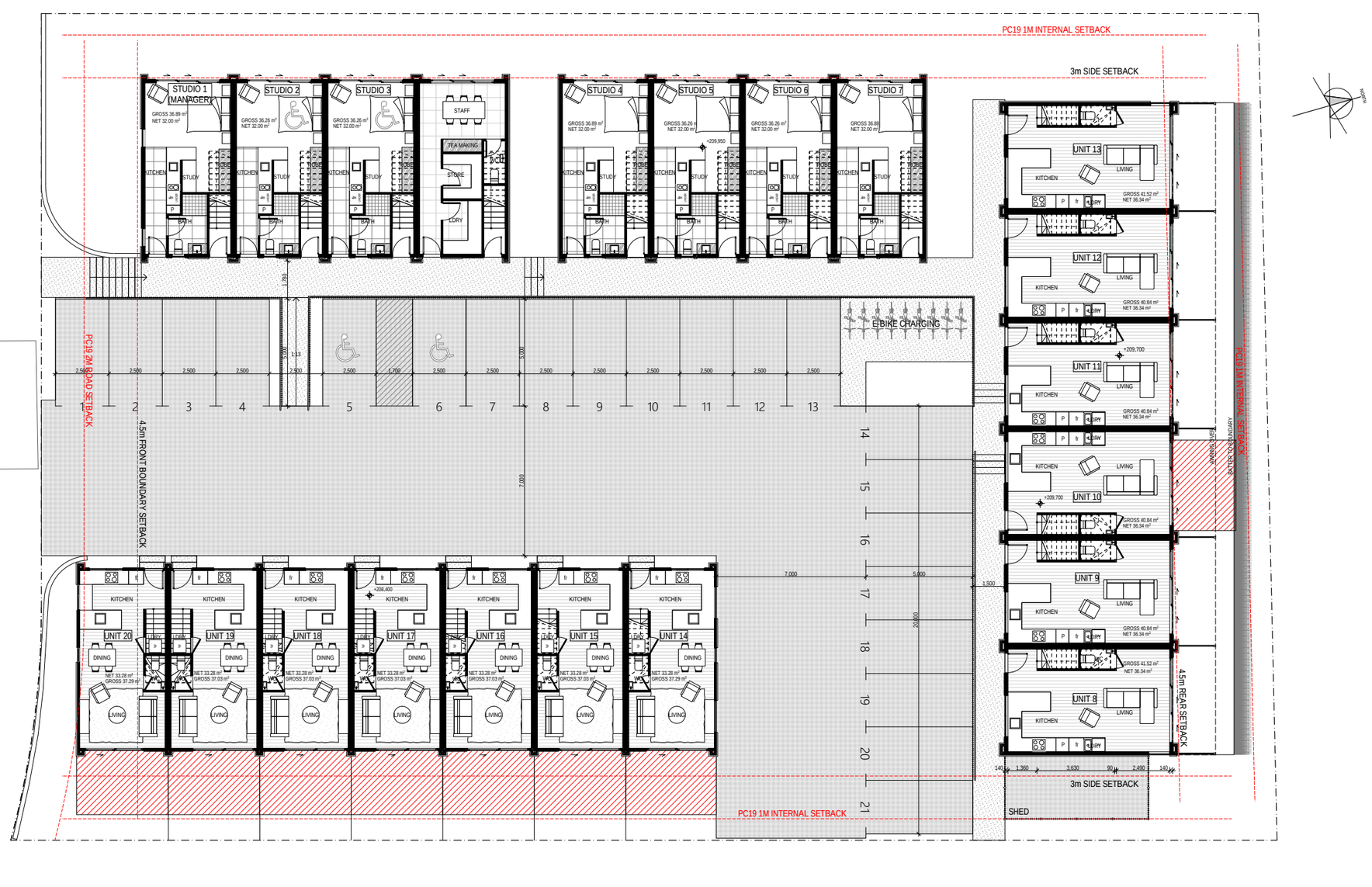


FIGURE & GROUND

3 Mead Ave
Cromwell

Ground Floor Plan

Drawing Sheet A1.

Scale SCALE @
File 22.741
Date Septemb
Drawn SJC
Revision E

Figure & Ground
Level 1, 4 Walker Street
Christchurch Central

p. 03 352 4333
e. studio@figureandground.co.nz

Appendix 2: Vehicle Tracking

VEHICLE TRACKING LEGEND

- VEHICLE BODY OUTLINE
- BODY CLEARANCE (0.3m)
- VEHICLE CENTRELINE
- BODY HATCH (FORWARDS)
- BODY HATCH (REVERSE)

TRACKING NOTES

TRACKING SPEED IS 1 km/h

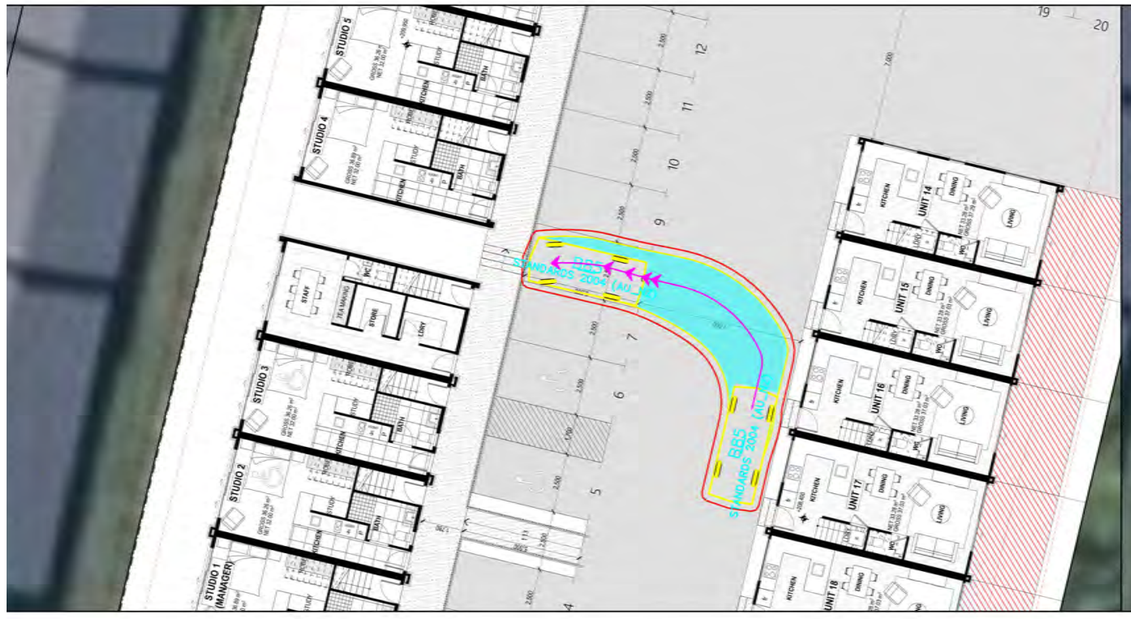
TRACKING VEHICLE

ASNZS 2890 B85

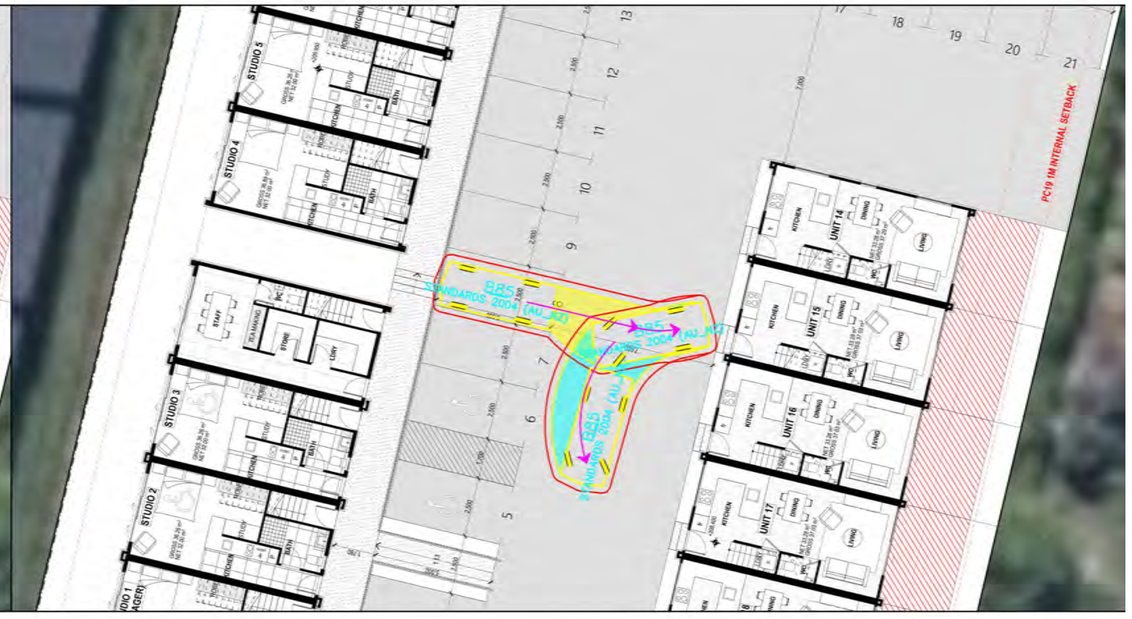
Width	1.87m
Track	1.77m
Lock to Lock Time	4.0
Steering Angle	33.7

PARKING SPACE 5 - ENTRY

PARKING SPACE 5 - EXIT



PARKING SPACE 8 - ENTRY



PARKING SPACE 8 - EXIT

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PO Box 365
Christchurch 8014

3 MEAD AVENUE, CROMWELL
VIV ZHANG

85TH PERCENTILE VEHICLE TRACKING

FOR RESOURCE CONSENT

Sheet
0799-208
DWD1001-A

Scale @A3 4:1

Date 19/09/2025

PARKING SPACE 14 - ENTRY

PARKING SPACE 14 - EXIT

PARKING SPACE 15 - ENTRY

PARKING SPACE 15 - EXIT

novo group
Planning. Traffic. Development.

Novo Group Limited
PO Box 365
Christchurch 8014
NovoGroup.co.nz

3 MEAD AVENUE, CROMWELL
VIV ZHANG

85TH PERCENTILE VEHICLE TRACKING

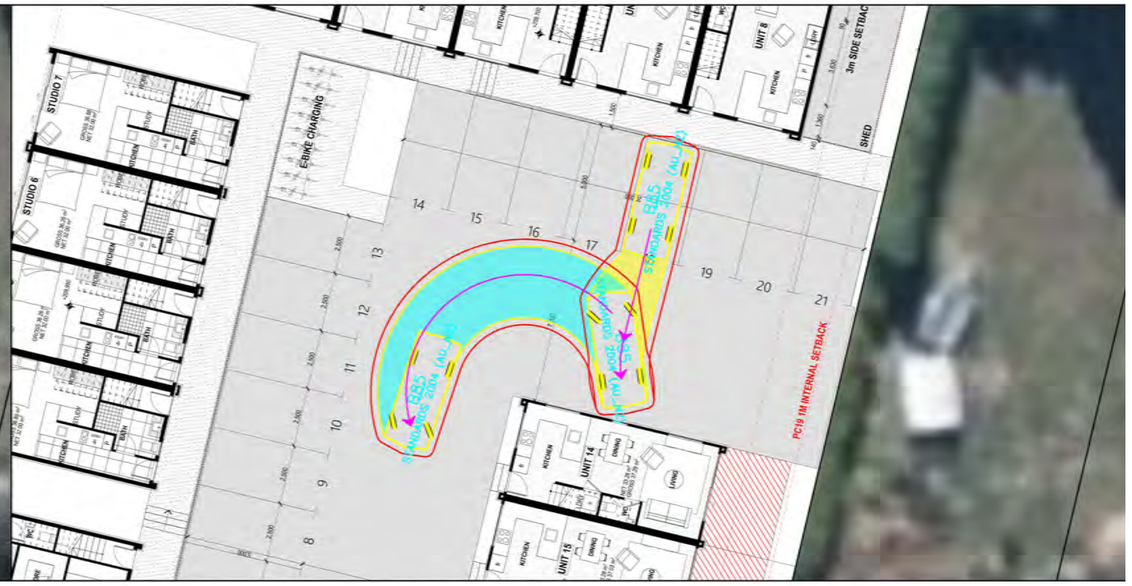
FOR RESOURCE CONSENT

Drawing: 0799208_3 MEAD_T_D_DWD100X_A

Sheet
0799-208
DWD1002-A

Scale @A3 4:1
Date 19/09/2025
By E. DAVIS
Project #0799208

PARKING SPACE 18 - ENTRY



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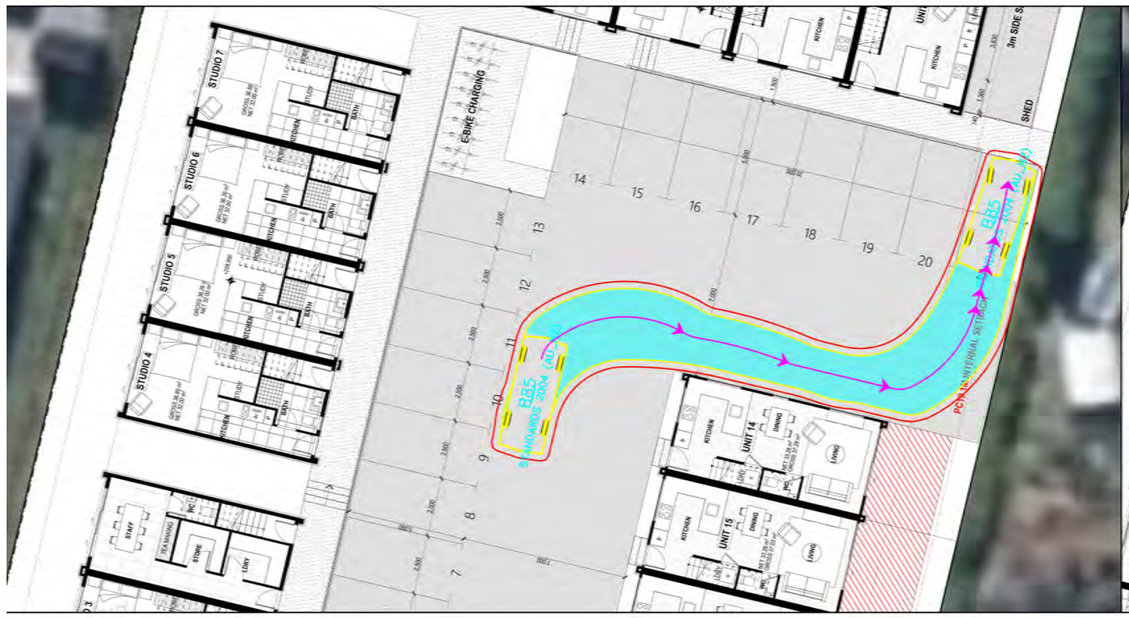

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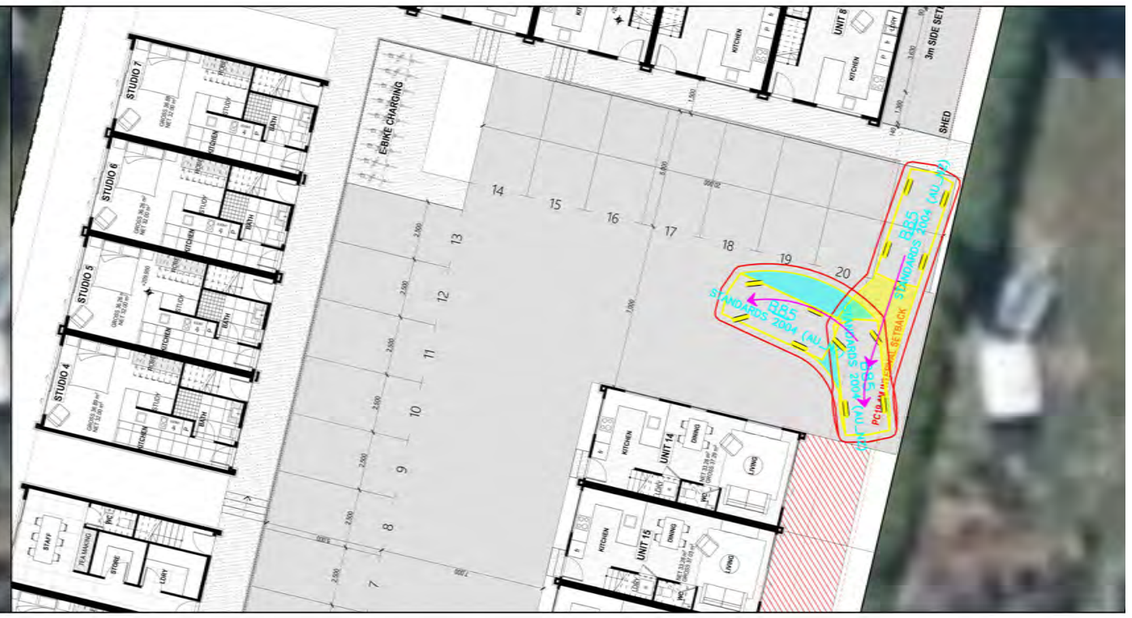

PARKING SPACE 21 - EXIT

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PO Box 365
Christchurch 8014

3 MEAD AVENUE, CROMWELL
VIV ZHANG

85TH PERCENTILE VEHICLE TRACKING

FOR RESOURCE CONSENT

Sheet
0799-208
DWD1003-A

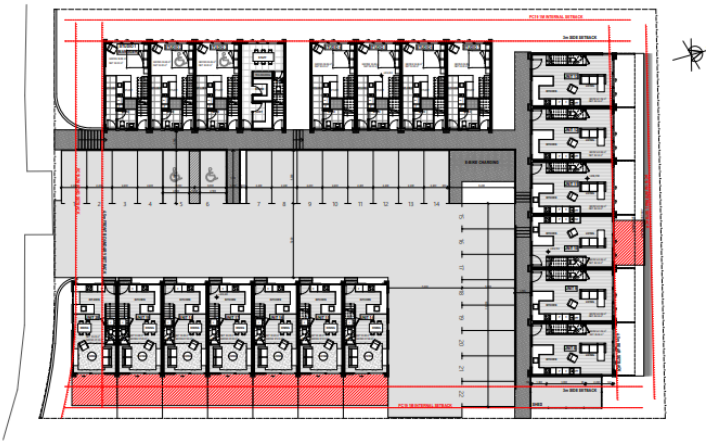
Scale @A3 4:1

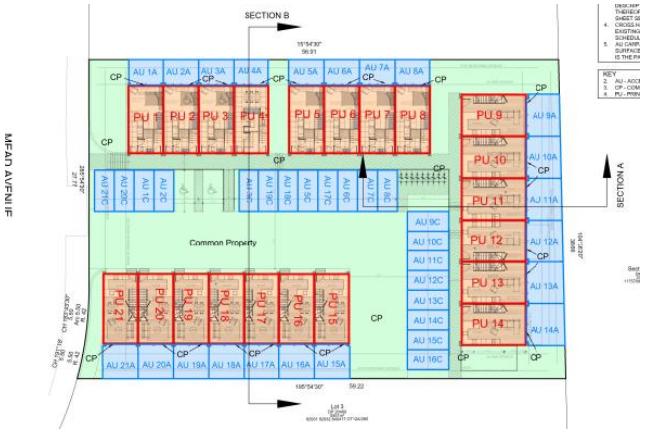
Date 19/09/2025

Created 13/08/2025
Revised 17/12/2025

Engineering Advice

Resource Consent Number: RC250186
Planner/Overseer: Chris Pearse Smith
Short Description/Proposal: Unit title subdivision and for traveller/visitor accommodation use.





General

Commentary:
We are seeking legal guidance around when conditions do or do not violate s108AA. However, in the meantime our position is that we can still require outdated or malfunctioning services to be updated as part of the Resource Consent and subdivision certification processes.

Created 13/08/2025
Revised 17/12/2025

Proposed unit-titles 1 to 3 and 5 to 8 are to be multi-units each containing 2 separate residential units. Proposed unit-titles 4 and 9 to 21 are to be single residential units.

Conditions:
1) Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.

2) Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:
CODC Home > Services > Planning > Land Development and Subdivision Engineering
This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.
- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

3) Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

- Schedule 1A,
- Schedule 1B,
- Standalone Schedule 1B for 3 waters work, and
- Schedule 1C

4) As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

5) Any easements required to protect access or for access to services must be duly granted or reserved.

Potable Water Supply

Commentary:
21 residential units are proposed to be served with water.
NZS4404:2004 recommends that a 50mm ridermain serve 15 units, or up to 20 units if at high pressure. 21 units are proposed here so I recommend a 100mm connection. Council's ownership will end at the boundary with a backflow preventer and possibly bulk meter.
Each unit will require individual meters from private internal reticulation.

This advice is mostly based off a similar large unit title subdivision elsewhere in the district, which is based off our Standards and the draft National Engineering Design Standards for 3 waters.

Created 13/08/2025
Revised 17/12/2025

Conditions:
6) Prior to 224c certification, potable water reticulation must be provided to the subdivision in accordance with the following:

a) The existing 40mm water lateral to the property must be disestablished and capped at the main, to the satisfaction of Council's Three Waters Manager.

b) Water reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private and within the subdivision boundary.

c) Connection to the Council network must be from the existing 100mm uPVC water principal main in Mead Avenue (as shown on GIS), with isolation valve, bulk meter, and backflow preventer at the subdivision boundary. Connection to be HDPE (PE100) DN125 (~106mm ID).

d) Standard HDPE (PE100) DN25 (~21mm ID) residential water connections must be provided to each of proposed units 1 to 21 from the private reticulation, and for each connection an Acuflo toby must be installed at the unit boundary to provide backflow prevention and so the water supply to each unit can be separately controlled and isolated.

e) The final design must be to the satisfaction of Council's 3 Waters, to be confirmed at Engineering Acceptance stage.

f) Private water reticulation to be owned, operated, and maintained by the body-corporate.

Advice note: An approved 'Application to Connect' submission is required prior to connecting to Council's potable water network.

Firefighting Water Supply

Commentary:
Existing hydrants on Council's reticulated water network in Mead Avenue provide fire-fighting coverage meeting the distance requirements in SNZ PAS 4509:2008.

Wastewater

Commentary:
This advice is mostly based off a similar large unit title subdivision elsewhere in the district, which is based off our Standards and the draft National Engineering Design Standards for 3 waters.

Private internal reticulation is appropriate.

Conditions:

Created 13/08/2025
Revised 17/12/2025

7) Prior to 224c certification, sewerage / wastewater reticulation must be provided to the subdivision in accordance with the following:

a) The existing 100mm ID wastewater lateral to the property must be disestablished and capped at the main, to the satisfaction of Council's Three Waters Manager.

b) Sewerage / wastewater reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private within the subdivision boundary.

c) Connection to the Council network to be to the 150mm PVC wastewater main in Mead Avenue. Manholes and/or maintenance shafts must be installed as required. Connection must be 150mm ID.

d) 100mm ID residential wastewater connections must be provided to each of proposed units 1 to 21 from the private reticulation, and for each connection a cleaning eye installed at the unit boundary.

e) The final design must be to the satisfaction of Council's 3 Waters, to be confirmed at Engineering Acceptance stage.

f) Private sewerage / wastewater reticulation must be owned, operated, and maintained by the proposed body-corporate.

Advice note: Prior to connecting to Council's wastewater network, an approved 'Application to Connect' submission is required, in addition to approved plans for wastewater servicing via the 'Engineering Acceptance process.

Stormwater

Conditions:
8) Prior to 224c certification, soakpits must be designed and constructed by a suitably qualified and experienced person to ensure that stormwater from buildings and other impervious surfaces within the subdivision is disposed of within the subdivision boundary. Stormwater may be stored for beneficial reuse. Stormwater disposal from the carparks must include a system capable of interception of settle-able solids, hydrocarbons, and floatable debris.

9) Stormwater from buildings and other impervious surfaces within the subdivision must be stored for beneficial reuse or disposed of by soak-pit designed by a suitably qualified and experienced person within the subdivision boundary. This requirement must be secured by means of a consent notice attached to the new titles.

Access

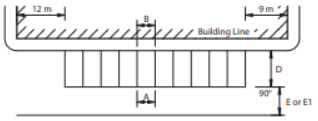
Commentary:
The entranceway to the proposed carpark is must be heavy-duty. Condition below.

Created 13/08/2025
Revised 17/12/2025

The carpark dimensions as proposed in the application do not meet our standards. I have copied out the Engineering Advice for access I gave for related RC230111V2:

The proposed carparking area dimensions do not meet the carparking requirements as set out in NZS4404:2004 (CODC's Subdivision Code of Practice).

Excerpt from NZS4404:2004, Figure 3.2 – Carpark dimensions:



DISABILITY PARK

A	B	C	D	Dx	E	E1
2.4	2.4	-	5.4	5.0	7.5	–
2.5	2.5	-	5.4	5.0	7.0	8.0
2.6	2.6	-	5.4	5.0	6.6	7.0
2.7	2.7	-	5.4	5.0	6.2	6.8
3.6	3.6	-	5.4	5.0	8.0	8.0

NOTE –
(1) WHEN VEHICLES OVERHANG THE END OF THE BAY (EG. OVER THE FOOTPATH) D MAY BE REDUCED TO Dx.
(2) TAIL-IN PARKING BAYS SLOPE IN OPPOSITE DIRECTION.
(3) E = MIN AISLE WIDTH FOR REGULAR USERS.
(4) E1 = MIN AISLE WIDTH FOR CASUAL USERS.
(5) NZ BUILDING CODE D1/AS1 ALSO PROVIDES AN ACCEPTABLE SOLUTION.

	Proposed:	4404 requires:
Carpark Width	2.4m	2.4m
Carpark Depth	5.0m	5.4m, or reduction to 5.0m as per note (1)
Aisle Width	7.0m	7.5m regular users, greater than 8.0 metres casual users

The proposed carpark width is acceptable, and complies with NZS4404.

The proposed carpark depth of 5 metres is acceptable if the end of the parked car can overhang the end of the park. There is no fence/wall around the carpark shown in the provided plans, so this is acceptable and complies with NZS4404.

The proposed carpark aisle width, or manoeuvring depth, is half a metre shorter than would be required for regular users, i.e. residential users. This is a non-compliance with our standard. Were this a residential subdivision only, I would recommend increasing the carpark width to 2.5 metres, which allows a 7 metre aisle width. However, RC230111 is for visitor/traveller accommodation, and visitors/travellers qualify as casual users, which require an even larger aisle width of 8 metres. This is a non-compliance with our standard.

The proposal includes two disability carparks (Total carparks 22, NZS4121 recommends minimum 2 disability caparks for 21-50 total carparks), but they are 0.1 metres thinner than required by NZS4404 (3.5m where 3.6m required), and do not have the required 8 metre aisle width.

I recommend that the carpark dimensions be reconsidered by the applicant ***prior to issue of resource consent***, or if they are to remain as is, that suitable justification be provided to mitigate the hazards (more frequent bumps and scrapes etc) generated by the reduced carpark dimensions, or otherwise sufficient justification to support not complying with

Created 13/08/2025
Revised 17/12/2025

NZS4404:2004. I note that the proposed aisle width would be acceptable if the carpark width is increased to 2.6 metres.

Conditions:
10) Prior to 224c certification, the existing vehicle entranceway/crossing to the proposed carpark from Mead Avenue must be upgraded, or a new entranceway constructed, in accordance with the Heavy Duty Concrete-Commercial/Industrial crossings standard of Part 29 of Council's Roading Policies January 2015 with the following specific requirements:

a) Kerb design to include a 75mm concrete thickening and 3 re-bars placed central to reinforce the kerb line. Alternatively, fibre reinforced concrete may be used instead of 3 rebar.

b) 150mm of compacted AP40 under the crossing.

c) The crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings.

11) Prior to 224c certification, footpaths must be provided connecting the internal/private footpaths within the site to the public footpath network in Mead Avenue.

12) Prior to 224c certification, the proposed private parking areas to serve the subdivision must be constructed in accordance with the following:

- Standard concrete or 40mm depth asphaltic carriageway.
- For stormwater management, standard kerb and channel at the edge of the parking area over minimum 75mm compacted depth AP40 metal. Alternatively, centre dish channel and nib-kerbs, or other suitable edgebreak protection.
- Final design layout to be determined at time of Engineering Acceptance to the satisfaction of Council's Infrastructure Manager.
- 4% crossfall.
- A minimum Subgrade CBR >7.
- Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

Advice note: Prior to upgrading or constructing a vehicle crossing, an approved 'Vehicle Crossing Application' submission is required.

Power & Telecommunications

Conditions:
13) Prior to 224c certification, operational power and telecommunication connections must be provided underground to each of proposed Lots 1 to 21.

Created 13/08/2025
Revised 17/12/2025

Yours sincerely,
Dominic Haanen

Environmental Engineer

CENTRAL OTAGO DISTRICT COUNCIL
REPORT OF PLANNING CONSULTANT

APPLICATION	**RC 230111V2 BEING A VARIATION OF RC230111V1**
APPLICANT	**GZR PROPERTY INVESTMENT LIMITED**
ADDRESS	**3 MEAD AVENUE, CROMWELL**
LEGAL DESCRIPTION	**LOT 2 DP 20490 (HELD IN RECORD OF TITLE 828240).**
ACTIVITY STATUS	**DISCRETIONARY**

STATUS OF THIS REPORT

1. The attention of the applicants 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.

AUTHOR

2. My name is Christopher Pearse-Smith and I am an Associate Planning Consultant at SLR Consulting. I hold a Masters in Planning from the University of Otago and hold full NZPI membership. I have over seven years' experience in district and regional planning. I currently provide planning assistance to a number of southern Councils, including Central Otago District Council (Council), and I also assist a number of private clients with planning work.

3. I have been contracted by Council to report on this application.

4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

BACKGROUND

5. On 25 May 2023 land use consent RC230111, was granted to establish a travellers' accommodation development for up to 90 fee paying guests, split across 12 studio units, seven two-bedroom units and seven three-bedroom units.

6. On 9 July 2024, a variation to land use consent RC230111 was approved (RC230111V1) in order to change the exterior design of the consented development by introducing an awning to one of the consented building blocks, and to amend the roof profile of another of the blocks (via changes to Condition 1). The changes result from further detailed design and in anticipation for the lodgement of building consent. No other aspects of RC230111 were amended including the maximum number of guests.

DESCRIPTION OF ACTIVITY

7. The application seeks a further variation to change Condition 1 of RC230111 (as varied by RC230111V1) to further change the exterior design and layout of the consented visitor accommodation units. The change will change the typologies of the consented development by reducing the consented three-bedroom units to two-bedrooms, and amending the internal layouts of the single-bedroom units.

8. The applicant has provided a detailed summary of the proposed changes and has provided updated plans. This is considered accurate and is adopted for the purposes of this report with the following summary:

    a. The proposed changes will result in an increase from 26 to 28 visitor accommodation units, however the number of bedrooms will be an overall reduction. The applicant has also noted that the consented maximum number of guests of 90 as per Condition 5, will be reduced to 80.

    b. Block A (eastern side) – the seven units will be changed to two-bedrooms and will consist of only two-storey (previously three storeys with a garage).

    c. Block B (western side) – the managers unit will be replaced by an internal facing studio, a separate staff and laundry studio will be on the ground floor, eight units will be on the first floor compared to previously six.

    d. Block C (rear of the site) - Minor changes to the exterior materials and windows to Block C is proposed.

    e. Car parking numbers will be reduced from 23 to 21 (the applicant originally applied for a reduction from 23 to 22, but has now sought the removal of an additional car park as part of this variation).

9. It is also noted that additional breaches of the following rules occur as a result of the changes to the approved plans:

    a. There is a further reduction of minimum car parking from 23 to 21 car parks. Where technically 56 parks are required by Rule MRZ-S13.

    b. There is an increase to the previously approved building coverage where the total coverage of 49.38% exceeds the previously approved coverage of 47.45%. The permitted coverage is 45% (Rule MRZ-S4).

    c. Block A will be marginally within the 2m road boundary setback (Rule MRZ-S5).

10. These breaches primarily occur as a result of the changes to the site layout. As the overall intensity of the activity is considered to be in keeping with the original consent decision approved under RC230111V1.

11. The previously approved site plan versus the proposed site plan are shown below in Figure 1 and Figure 2.

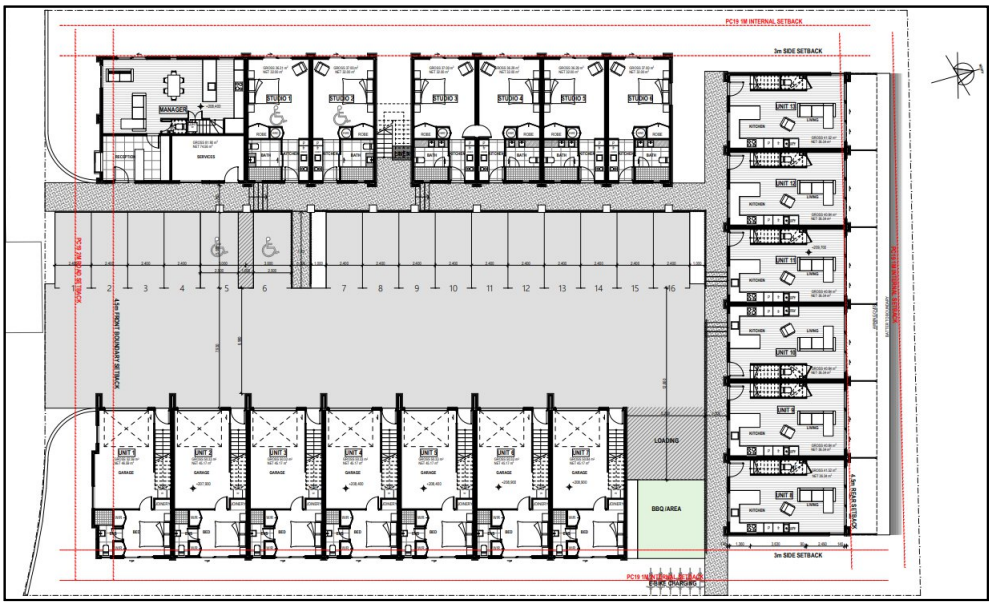


Figure 1: Approved Site Plan (RC230111V1)

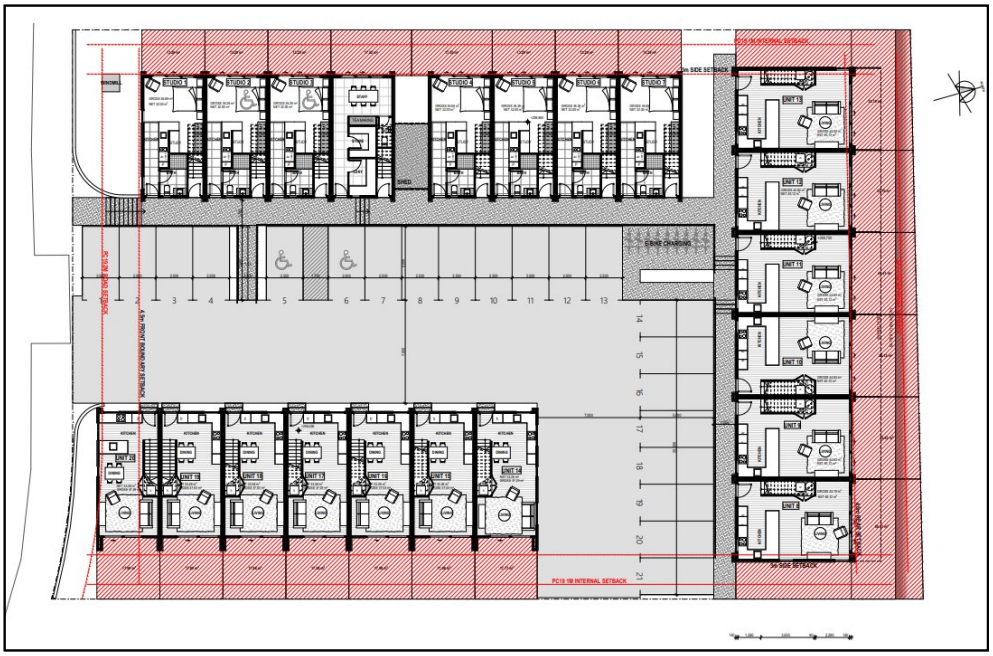


Figure 2: Proposed Site Plan (RC230111V2)

12. Specifically, the applicant proposes that Condition 1 be amended as follows:

    a. *That the proposal must be undertaken in general accordance with the information submitted with the application and approved plans attached as Appendix 1 as amended by ~~RC230111V1~~ RC230111V2 and the following conditions.*

13. An additional change is made to Condition 5 to reflect the reduction on maximum guests from 90 to 80:

a. The maximum number of guests must not exceed ~~90~~ 80 persons. For the avoidance of doubt, this figure does not include those residing in the manager's quarters.

14. It is further noted that the applicant has also applied for a subdivision consent to unit title the individual units. The unit title subdivision is being processed under a separate resource consent decision (RC250186).

15. For the reasons set out in RC250186 in relation to the Unit Title Subdivision, an advice note (as agreed by the applicant) is also included as follows:

    a. The units have not been authorised for residential activity purposes. Should the units be occupied for residential activity, the relevant standards of the Central Otago District Plan will need to be considered and any breaches (such as standards relating to Density, or Outdoor Living Space) authorised through a resource consent accordingly.

16. For clarity, it is also noted that the development contribution advice note has been updated to reflect the updated calculations.

REASONS FOR APPLICATION

Resource Management Act 1991

17. 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.

18. In accordance with the provisions of section 127(3)(a) of the Resource Management Act 1991, the application to vary resource consent RC230111 (as varied by RC230111V1) is a discretionary activity.

OVERALL STATUS

19. Overall, the proposal is for a ***discretionary*** activity.

EFFECTS ON THE ENVIRONMENT

20. Consideration is required of the relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. 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.

21. 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.

22. In this case the application includes a comprehensive Assessment of Environmental Effects, prepared by Jake Woodward. In my opinion, Mr Woodward's assessment provides an appropriately detailed assessment of the necessary statutory matters, including the provisions of the Operative District Plan and Plan Change 19. Given the site has been rezoned to Medium Density Residential under Plan Change 19 and the relevant rules that the application were previously assessed under have been superseded, the applicant has only provided an assessment against the Plan Change 19 framework.

23. The applicant also outlines a notification assessment in accordance with the steps prescribed under section 95A and 95B of the Act. In all circumstances, I concur with the applicant's assessment and conclusions and, for the avoidance of unnecessary repetition adopt his assessment of effects in full.

24. I concur with the applicant that the proposed changes will result in less than minor direct effects on any persons and no more than minor environmental effects overall. In general, I consider the proposed amended design to be generally more refined and to have an overall higher degree of architectural merit with no notable increase in adverse amenity or character effects, noting that the majority of conditions limiting the number of guests and the relevant duration will be unchanged or reduced. The increases to existing setback and site coverage infringements are considered to be negligible and won't generate any new discernible effects on the environment or on persons.

25. In addition to the applicant's assessment, I also making the following assessment in relation to transport effects:

    a. Council's Engineer has reviewed the application and noted that the detailed plan of car *parking* now revealed several non-compliances with NZS4404:2004 in relation to car park dimensions and on-site manoeuvring (noting that this level of car parking detail was not provided as part of the previous application plans). As a result, the applicant has provided an assessment from NovoGroup in relation to the car parking layout and manoeuvring.

    b. The NovoGroup assessment demonstrates effective vehicle tracking on the site and concludes that the parking dimensions will be acceptable. Council's Engineer has reviewed this assessment and is satisfied that the NovoGroup assessment and tracking plans demonstrates the vehicle manoeuvring will be adequate for this carparking area, even though it is not fully compliant with the subdivision code of practice.

    c. Any adverse effects in relation to access and parking will be less than minor.

26. Overall, any adverse effects are considered to be less than minor as a result of this variation.

CONCLUSION – EFFECTS ON THE ENVIRONMENT

27. In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposal have been assessed and outlined above. The variation will not result in a fundamentally different activity or one

having materially different adverse effects. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

OFFSETTING OR COMPENSATION MEASURES

28. 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 POLICIES

29. 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 variation raises no new issues in terms of the objectives and policies of the District Plan or any other relevant planning documents and the applicant has provided a detailed assessment against the relevant objectives and policies of Plan Change 19 which is accepted and adopted for the purposes of this report.

PART 2

30. Based on the findings above, it is evident that the proposal satisfies Part 2 of the Resource Management Act 1991.

RECOMMENDATION

31. After having regard to the above planning assessment, I recommend that:

a) 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.

b) A suite of variation conditions are attached below for the decision maker to consider.

Chris Pearse Smith
Planning Consultant

Date: 12 January 2026

CENTRAL OTAGO DISTRICT COUNCIL

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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

Consent Type: Variation to Land Use Consent

Consent Number: 230111 as varied by 230111V2

Purpose: Change to conditions for RC230111 in the medium density residential zone

Location of Activity: 3 Mead Avenue, Cromwell

Legal Description: Lot 2 DP 20490 (Record of Title 828240)

Lapse Date: 25 of May 2028, unless the consent has been given effect to before this date.

[Additions are shown underlined and deletions shown as struck through]

Conditions:

General

1. That the proposal must be undertaken in general accordance with the information submitted with the application and approved plans attached as Appendix 1 as amended by ~~RC230111V1~~ RC230111V2 and the following conditions.

2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:

   a) Administration, monitoring and inspection relating to this consent; and

   b) Charges authorised by regulations.

Operational Conditions

3. The consent holder must provide a Site Management Plan (SMP) to the Council's Monitoring Department for certification prior to the use of the units for travellers' accommodation. The approved Site Management Plan must be implemented in perpetuity for the operation of the site.

4. The objective of the SMP is to outline the management techniques that will be used to ensure conditions 5 - 11 are met and shall include the contact details of the property manager available for any complaints.

5. The maximum number of guests must not exceed ~~90~~ 80 persons. For the avoidance of doubt, this figure does not include those residing in the manager's quarters.

6. Each individual accommodation unit shall be rented to a maximum of one (1) group at a time.

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7. Each unit shall be rented out to individuals or groups for no more than three (3 months at any given time.

8. Noise must be managed to achieve the following levels at the boundary of any other property used for residential activity:

   a) 07:00 to 22:00 hours 55 dBA L_{10}

   b) 22:00 to 07:00 hours 45 dBA L_{10}

   c) At all times 75dbA L_{MAX}

9. The consent holder shall ensure a designated person is available if required to enforce the rules of the accommodation described in the application and the SMP.

10. The contact details of either the consent holder or the designated person described in Condition 7 shall be provided to Council and the occupants of adjoining properties, along with a copy of the rules of the accommodation.

11. The consent holder shall maintain a record of all complaints received during the operation of the travellers' accommodation activity in the form of a register containing the complaint details and any remedial actions undertaken. Details of all complaints (including any remedial actions taken) shall be kept for at least the preceding 5 years and any complaints received shall be forwarded to the Council Monitoring Department for monitoring purposes within 48 hours of the complaint being received. The complaint register shall be made available for inspection by the Council at all times.

12. In accordance with Section 36(1)(c) of the Resource Management Act 1991, Council may charge the consent holder for any monitoring required of this consent at the relevant rates specified in Council's Fees and Charges at the time the monitoring is undertaken. This includes any review provided for by Condition 8 of this consent. A copy of Council's current Fees and Charges can be found on the Council website or will be provided upon request.

Servicing

13. All services shall be designed and installed in accordance with NZS4404:2004 and the July 2008 version of the CODC addendum.

14. The existing vehicle entranceway shall be upgraded, or a new entranceway constructed, in accordance with the Concrete-Commercial/Industrial crossings standard of Part 29 of Council's Roading Policies January 2015 with the following specific requirements:

   a) Kerb design to include a 75mm concrete thickening and 3 re-bars placed central to reinforce the kerb line. Alternatively, fibre reinforced concrete may be used instead of 3 rebar.

   b) 150mm of compacted AP40 under the crossing.

15. Redundant areas of accessway must be removed & reinstated to match adjoining standard kerb, footpath and berms.

16. Prior to occupation of the travellers accommodation units, the Consent Holders or the Consent Holder's appointed Contractor, shall prepare a site specific Traffic Management Plan (TMP) for the certification of Council that addresses the management of overspill car parking effects for when parking exceeds the on-site capacity. The TMP should include details of:

    a) How drivers are encouraged to park on-site in the allocated space for their unit in the first instance;

    b) If parking on-street, to:

        i) Obey the road rules;

        ii) Not park within 1m of drive-ways;

        iii) Not park within 6m of intersections; and

        iv) Not park on the inside of the bend in Mead Avenue.

        v) Any other means of reducing overspill car parking onto Mead Avenue.

17. The Traffic Management Plan must be implemented in perpetuity for the operation of the site.

Landscaping

18. A landscaping plan prepared by a suitably qualified person must be submitted for the certification of Council prior to the occupation of the new travellers accommodation units. The landscaping plan must ensure landscaping is provided in manner that softens the visual interface between the site and Mead Avenue to ensure any adverse effects on the streetscape amenity are mitigated. The landscaping plan must detail the following matters:

    a) Illustrate any existing and proposed planting;
    b) The proposed plant spacing/density, species of plants;
    c) The size of the plant at the time of planting and the mature height of the plants; and
    d) The proposed boundary fencing details, including height, permeability, and material and colours.

19. The approved landscaping plan must be implemented within six (6) months from the completion of the building and car parking area, and thereafter maintained by the consent holder. Evidence of the completed landscaping must be provided to Council within 10 days after the completion of the planting.

Earthworks

20. The earthworks must be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.

21. Dust suppression measures shall be implemented to minimise the emission of dust beyond the legal boundaries of the site upon which works are being undertaken.

22. To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures must be taken and devices must be installed, where necessary, to:

    a) divert clean runoff away from disturbed ground;

    b) control and contain stormwater run-off;

    c) avoid sediment laden run-off from the site; and

    d) protect existing drainage infrastructure sumps and drains from sediment run-off.

Review

23. In accordance with Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed on and in the period within 6 (six) months upon each anniversary of the date of this consent, if, on reasonable grounds, the consent authority finds that:

    a) There is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted;

    b) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse environmental effect; or

    c) There has been a change in the circumstances and the conditions of consent are no longer appropriate in terms of the purpose of the Act.

Advice Notes:

Visitor Accommodation Use:

1. The units have not been authorised for residential activity purposes. Should the units be intended for residential activity, the relevant standards of the Central Otago District Plan will need to be considered and any breaches (such as standards relating to Density, or Outdoor Living Space) authorised through a resource consent accordingly.

2. Development contributions of ~~$58,162~~, $65,748.35 ~~$47,085.08~~, $53,226.62 and ~~$25,783.23~~ $29,146.26 for water supply, wastewater, and roading respectively (exclusive of goods and services tax) are payable pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Contributions are payable 90 days from granting the building consent or prior to the issue of the code of compliance certificate, whichever comes first. Council will issue an invoice as appropriate to the development process, and this may either be before or after payment has been received.

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.

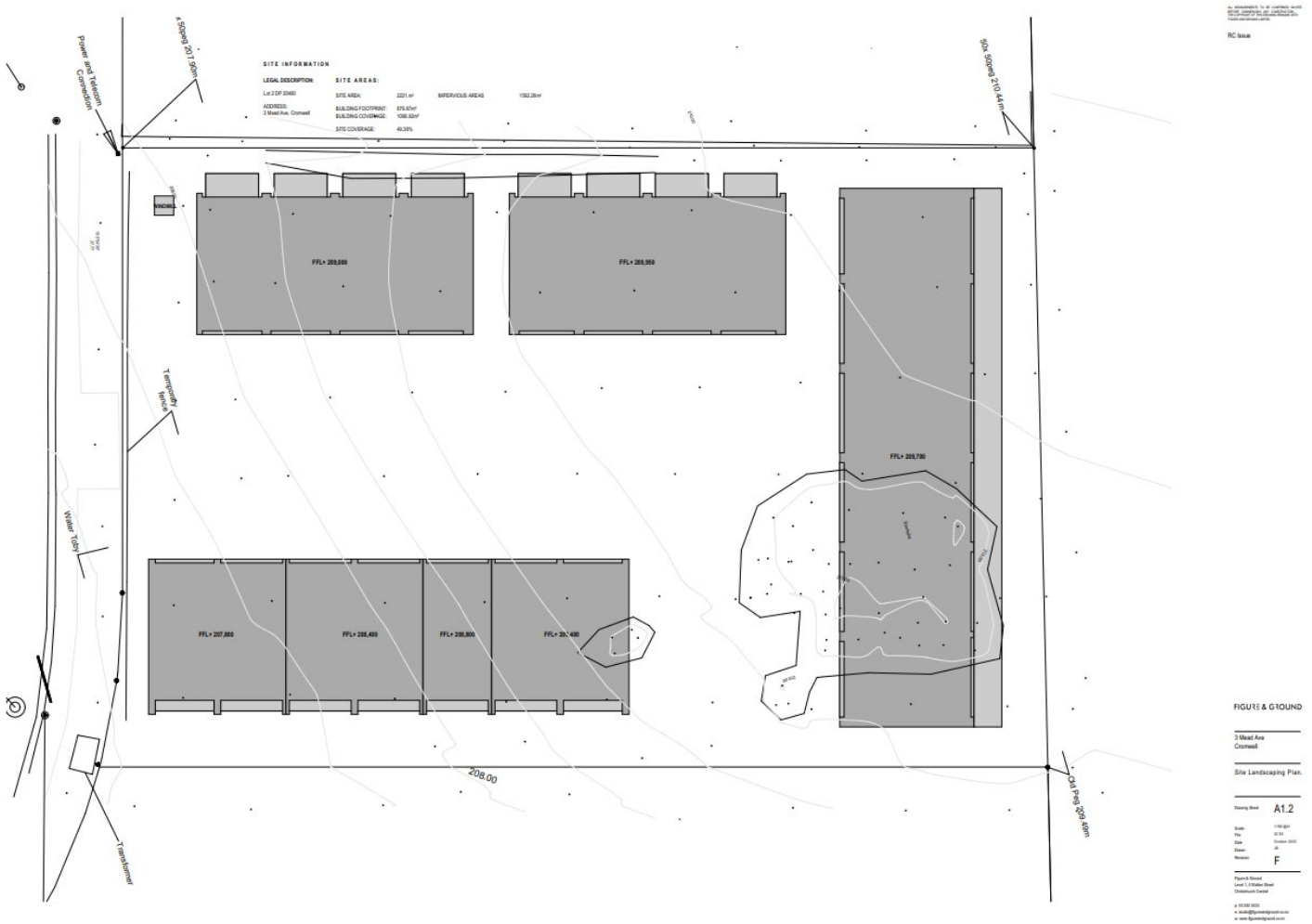
4. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.

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 Plans for RC230111V2 (scanned image(s), not to scale)



RC Issue

FIGURE & GROUND

3 Mead Ave
Cromwell

Ground Floor Plan.

Drawing Sheet A1.1

Scale 1:100 @A1
File 20.10
Date October 2025
Drawn JR
Revision F

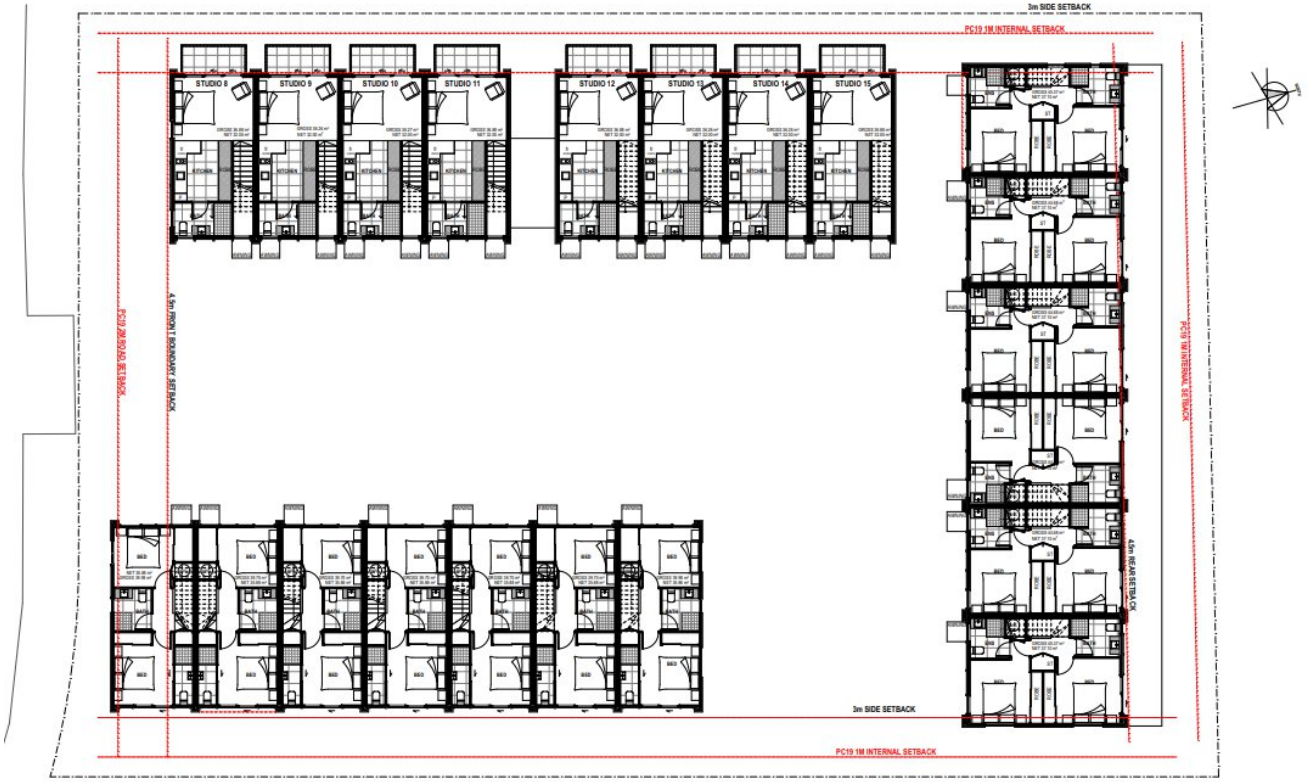


FIGURE & GROUND

3 Mead Ave
Cromwell

First Floor Plan.

Drawing Sheet A1.5

Scale 1:100 @A1
File 22.10
Date October 2025
Drawn JR
Revision F

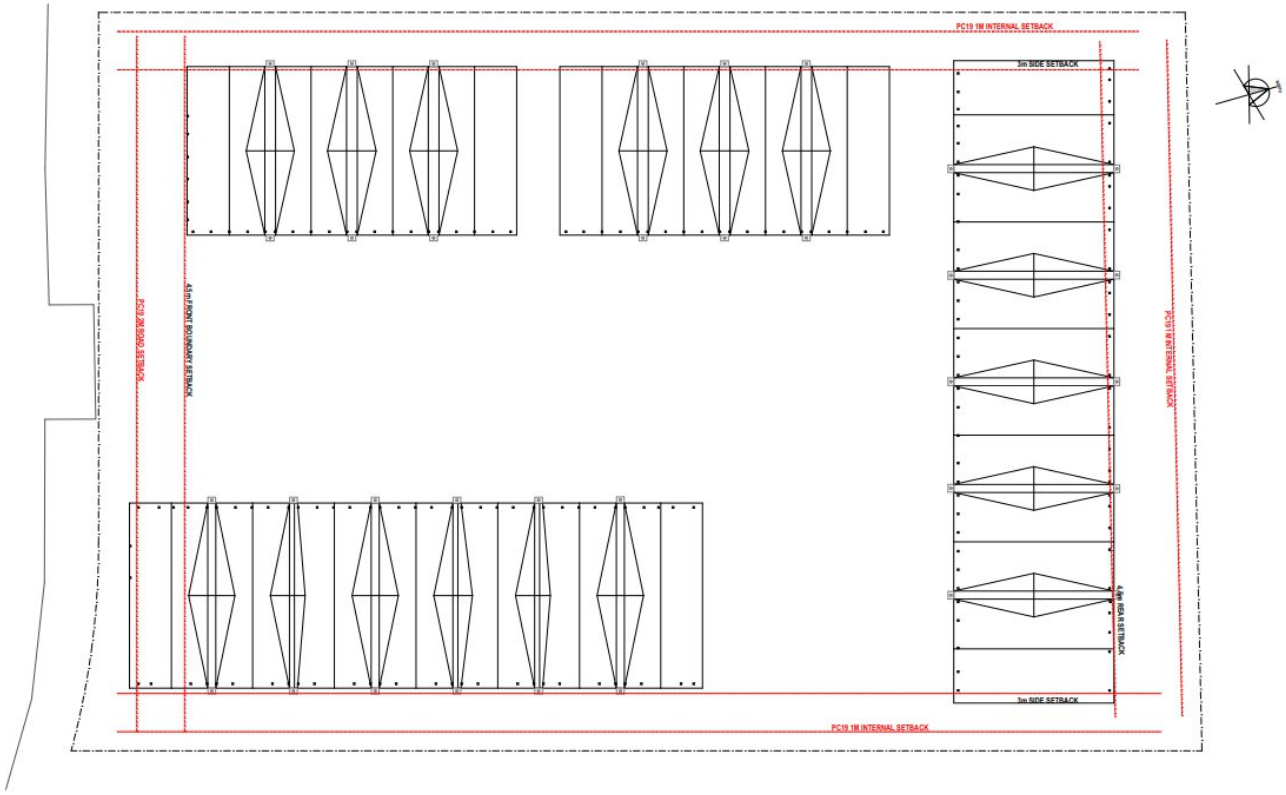


FIGURE & GROUND

3 Mead Ave
Cromwell

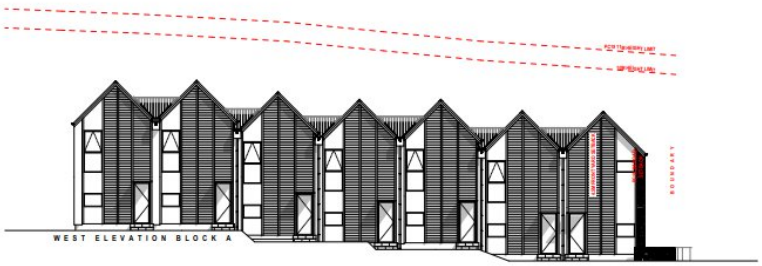
Second Floor Plan.

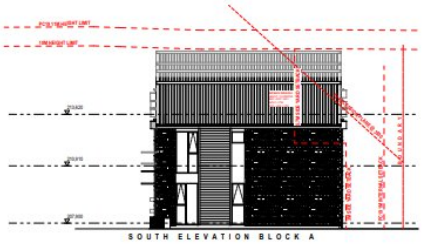
Drawing Sheet A1.5

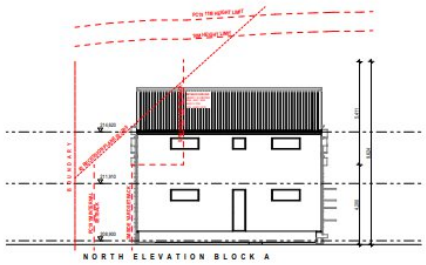
Scale 1:100 @A1
File 22.10
Date October 2024
Drawn JR
Revision F

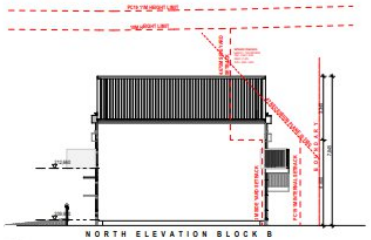
Figure & Ground
Level 1, 41 Walker Street
Christchurch Central

p. 03 352 4330
e. studio@figureandground.co.nz
w. www.figureandground.co.nz









RC Issue

FIGURE & GROUND

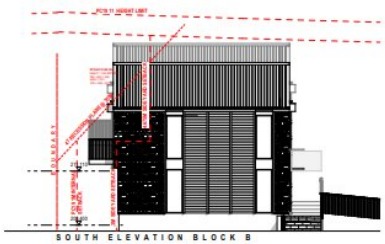
3 Mead Ave
Cromwell

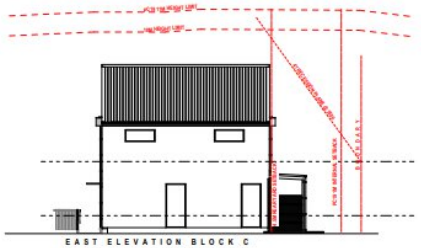
Elevations block A & B.

Drawing Sheet A2.0

Scale 1:100 @A1
File 22.107
Date Summer 2025
Drawn JR
Revision F

Figure & Ground
Level 1, 4 Walker Street
Christchurch Central





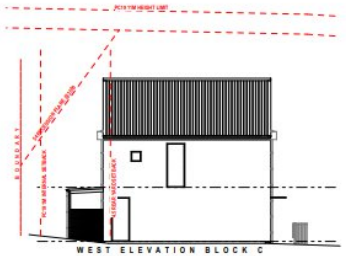


FIGURE & GROUND

3 Mead Ave
Cromwell

Elevations block B & C

A2.0

F

Dominic Haanen

From: Engineering
Sent: Tuesday, 12 August 2025 12:36 pm
To: 'Chris Pearse-Smith'
Subject: RE: Allocation - RC250186 and RC230111V2 - GZR Property Investment Limited

Hi Chris.

I have assessed the Development Contributions for the changes to the traveller accommodation under RC230111V2.

Engineering Advice RC230111V2:
Carparking demand is lower under proposed RC230111V2 than the original RC230111 on account of the reduction in bedrooms and people accommodated.
The original consent plans under RC230111 did not give dimensions for the proposed carpark, but the new plans under RC230111V2 has given dimensions.
The proposed carparking area dimensions do not meet the carparking requirements as set out in NZS4404:2004 (CODC's Subdivision Code of Practice)

	Proposed	4404 requires
Carpark Width	2.4m	2.4m
Carpark Depth	5m	5.4m
Aisle Width	*7m*	7.5m regular users, greater than 8.0 metres casual users

The proposed carpark width is acceptable, and complies with NZS4404.

The proposed carpark depth of 5 metres is acceptable if the end of the parked car can overhang the end of the park. There is no fence/wall around the carpark shown in the provided plans, so this is acceptable and complies with NZS4404.

The carpark aisle width, or manoeuvring depth, was originally proposed under RC230111 to be 7.2 metres.
The proposed carpark aisle width, is half a metre shorter than would be required for regular users, i.e. residential users. This is a non-compliance with our standard.
Were this a residential subdivision only, I would recommend increasing the carpark width to 2.5 metres, which allows a 7 metre aisle width.
However, RC230111 is for visitor/traveller accommodation, and it may be expected that visitors would be considered casual users, which require an even larger aisle width of 8 metres. This is a non-compliance with our standard.

Additionally, although the proposal now includes two disability carparks (where the original consent included none), the proposed disability parks are 0.1 metres thinner than required by NZS4404, and do not have the require 8 metre aisle width.

I note that I did not specifically consider the carpark dimensions during my assessment of the original RC230111, this may or may not be an issue.

I recommend that the carpark dimensions be reconsidered by the applicant, or if they are to remain as is, that suitable justification be provided to mitigate the hazards (more frequent bumps and scrapes etc) generated by the reduced carpark dimensions.

I will save a copy of this email to MAGIQ as a record.

I will assess Development Contributions, and Engineering Advice for the proposed subdivision under RC250186.

From: Chris Pearse-Smith <chris.pearse-smith@slrconsulting.com>
Sent: Tuesday, 1 July 2025 2:53 pm
To: Tanya Copeland <Tanya.Copeland@codc.govt.nz>; Engineering <Engineering@codc.govt.nz>; Water Development <WaterDevelopment@codc.govt.nz>
Cc: Resource Consents <Resource.Consents@codc.govt.nz>
Subject: RE: Allocation - RC250186 and RC230111V2 - GZR Property Investment Limited

Thanks Tanya,

I will process this application. I processed the previous consent for the original traveller's accommodation some time ago, so it makes sense for me to pick this up.

Thanks
Chris

Chris Pearse-Smith
Associate Consultant - Planning

O +64 3 390 8500
M +64 277 123 934
E chris.pearse-smith@slrconsulting.com

SLR Consulting New Zealand Limited
Level 1, 426 Moray Place, Central Dunedin, Dunedin, New Zealand 9016

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directly.

If you have received this e-mail in error, please notify the author and delete this message immediately.

From: Tanya Copeland <Tanya.Copeland@codc.govt.nz>
Sent: Tuesday, 1 July 2025 2:46 pm
To: Chris Pearse-Smith <chris.pearse-smith@slrconsulting.com>; Engineering <Engineering@codc.govt.nz>; Water Development <WaterDevelopment@codc.govt.nz>
Cc: Resource Consents <Resource.Consents@codc.govt.nz>
Subject: FW: Allocation - RC250186 and RC230111V2 - GZR Property Investment Limited

Hey Chris,

Allocation for your team please. CODC requires two separate reports for a variation and a new consent, saved within the respective magiq folders.

ENG – services seem to be existing with no proposed changes, carparking might need to be considered. And a revised DC assessment

Water – please review the services arrangement in relation to this changing to a unit title/body corporate arrangement https://codc.magiqcloud.com/Documents/docs/~S?DocumentId=2508902&Login=True

Thanks

Tanya Copeland
Team Leader - Planning - Alexandra

CENTRAL OTAGO DISTRICT COUNCIL

+64 21 273 2034
Tanya.Copeland@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

From: Resource Consents <Resource.Consents@codc.govt.nz>
Sent: Friday, 27 June 2025 12:04 pm
To: Tanya Copeland <Tanya.Copeland@codc.govt.nz>
Subject: Allocation - RC250186 and RC230111V2 - GZR Property Investment Limited

Hi Tanya

RC250186 and RC230111V2 (3 Mead Avenue, Cromwell) is ready for allocation. This is a unit title subdivision and a variation in the medium density res zone – these two are related consents lodged together.

Formally received: 27th June

Thanks

Jessie Dick
Planning Support Officer

CENTRAL OTAGO DISTRICT COUNCIL

+64 3 262 7204
Jessie.Dick@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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26.1.2 RC250193 ROXBURGH MOTELS LIMITED

Doc ID: 2692898

1. Purpose

A report to consider Subdivision Consent for unit title and land use consent for short term visitor accommodation is attached.

2. Attachments

Appendix 1 - Application ⇩
Appendix 2 - S42A Planners Report ⇩
Appendix 3 - S95 Notification Report ⇩
Appendix 4 - Engineering Advice 20250815 ⇩
Appendix 5 - Engineering Email - Acceptance of Retention of Gravel Driveway ⇩

RECEIVED
30/06/2025
CODC

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

+64 3 440 0056
info@codc.govt.nz
www.codc.govt.nz

Application For Resource Consent

(Form 9)
Section 88, Resource Management Act 1991

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

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

CONTACT DETAILS OF APPLICATION

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

Roxburgh Motels Limited
Postal address

1 Liddle Street, Roxburgh
Email Phone

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

Rudi Kats
Postal address

rudikats@xtra.co.nz 021673676
Email Phone

DETAILS OF PROPERTY

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

1 & 1A Liddle Street

Record of Title number(s):
OT378/142 and OT378/143

Legal description(s) of the specific parcels that the resource consent application is for:
Lot 1 and 2 Deposited Plan 8173

DETAILS OF APPLICATION

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

- [x] Land use consent
- [x] 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:

Staged subdivision of the Roxburgh Motels

■ 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)*

FAST-TRACK PROCESSING

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.

PUBLIC NOTIFICATION

Please confirm whether you request public notification for this application:

☐ Yes* ☐ No

* Please note a "notified to formal hearing" deposit fee is payable. Please refer to Council's current Fees and Charges on our website.

PAYMENT DETAILS

Please confirm who will be sent the invoices for this application:

☐ Agent ■ Applicant

■ I understand that a deposit will be required, and my application will not begin processing until this is paid.

Once the resource consent is lodged you will receive an invoice with details of payment.

If you do not receive an invoice within 3 working days of submitting your resource consent application please contact resource.consents@codc.govt.nz .

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).

DECLARATION

■ 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)

Subdivision consent requirements

■ As 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)*

Signature 30/06/2025 Date

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

Terramark
Setting New Boundaries

Application for Resource Consent in accordance with Schedule 4 of the Resource Management Act 1991

For a staged freehold and unit-title subdivision

Roxburgh Motels Limited
1 & 1A Liddle Street
Roxburgh

Surveying, Planning and Engineering Consultants

DUNEDIN
03 477 4783
dunedin@terramark.co.nz

MOSGIEL
03 489 7107
mosgiel@terramark.co.nz

BALCLUTHA
03 418 0470
balclutha@terramark.co.nz

MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

Terramark.co.nz

Please Reply To Dunedin Office
Our Ref: 250215

30 June 2025

Central Otago District Council
PO Box 122
ALEXANDRA 9340

Dear Sir/Madam

Re: Resource Consent Application – 1 & 1A Liddle Street, Roxburgh

On behalf of Roxburgh Motels Limited, we submit for consideration by your Council an application to carry out a unit-title subdivision of the site at 1 and 1A Liddle Street, Roxburgh and to authorise the use of each unit for short term visitor accommodation.

Please find enclosed the following documents:

1. Form 9
2. Consent Application – subdivision and land use
3. Terramark Scheme Plan 250215/1
4. Records of Title

For reference, the applicant's details are:

Rudi Kats
Roxburgh Motels Limited
1 Liddle Street
Roxburgh
Phone : 021 673676
Email : rudikats@xtra.co.nz

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited	Attention:	Darryl Sycamore
Level 1 330 Moray Place	Phone:	03 477 4783
Dunedin 9016	Email:	darryl@terramark.co.nz

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully
Terramark Ltd

Darryl Sycamore
Resource Management Planner

Subdivision and Land Use Consent Application
1 & 1A Liddle Street, Roxburgh

The owners of *Roxburgh Motels* are seeking a staged subdivision unit-titling the five motel units and a freehold site comprising the manager's residence.

The site has many similarities and functions as the recently approved unit title subdivision of the Clyde Motels assessed as a non-complying activity under Plan Change 19. Consent is sought to enable a wider range of future options to the landowner relying on the Clyde Motel approvals, although no decision has been made on whether the subdivision will be given effect to, or whether the site will be retained and on-sold as a going concern.

Existing Title Structure

The property subject to this application is held in two parcels each in their own Record of Title and together has an area of 1,625m^2, and is in the name of Roxburgh Motels Limited. The site and legal and physical access to both Liddle Street and Hermitage Street.

The Records are described as follows and are detailed in Figure 1 below:

- OT378/142, being Lot 1 Deposited Plan 8173 and comprising 626m^2 (more or less). This land contains five of the existing motel units, and enjoys formed and legal access to Liddle Street.

- OT378/143, being Lot 2 Deposited Plan 8173, comprising 995m^2. This land contains the motel's managers residence, and much of the curtilage associated with the motels. This site enjoys legal access to both Liddle Street and Hermitage Street, with formed access off Hermitage Street.

There are no other easements or encumbrances registered against either Record.

Site Description

The site is a trapezoid shaped parcel of land which contains the '*Roxburgh Motels'*. The site enjoys frontage from two streets and the motels are designed to enable through-traffic with ease. The site is located relatively centrally within the township of Roxburgh.

On the land facing Hermitage Street, the motels contain a primary residence setback from the road reserve, the centralised vehicle access. The land which fronts onto Liddle Street includes five units which extend over the full 36.49m long shares boundary with #5 Liddle Street. To the north, is the land associated with the Town Hall that was recently demolished following the fire. Unit 5 along the northern boundary was partially damaged as a result of the fire.

Each unit currently enjoys its own area for parking and outdoor area. Unit 1 includes a 2.5m wide carport accessed directly off Liddle Street. To the rear of the carport is a door providing access to the service area along the boundary with #5 Liddle Street, providing access to the rear of each unit and the gas-bottles associated with each. Units 3 and 4 also include in-built carports accessed internally within the site. Solar panels are located on the roof spanning a number of units. A laundry is located within the units, and will be incorporated into Unit 3.

The shared vehicle access bisects the site which is comprised in compacted gravels. Typically vehicles enter the complex via Liddle Street and exits onto Hermitage Street. This arrangement allows for efficient on-site carparking for those guests using the cabins and safe travel through the site.

Outdoor amenities are provided for each unit, with additional area for along the frontage with Hermitage Street providing an area for relaxation.

Services are all established. Two water manifolds are located within in Liddle Street, with one serving the primary residence and the second serving the five units. Equally, for foul sewer, a separate wastewater line serves the primary residence connecting to the 150mm gravity main in Hermitage Street, and a second 100mm service connection to the five units onto the 150mm gravity main in Liddle Street. Stormwater is directed to kerb and

channel where it enters one of several mudtanks for initial treatment before entering the municipal network. A foul sewer connection from #13 Hermitage Street also extends into the subject site before connecting to the Council's network in Hermitage Street. This appears to have no formal authorisation, and the applicant is open-minded to formalising an easement given the land it sits over is designated for parking, storage and outdoor living.

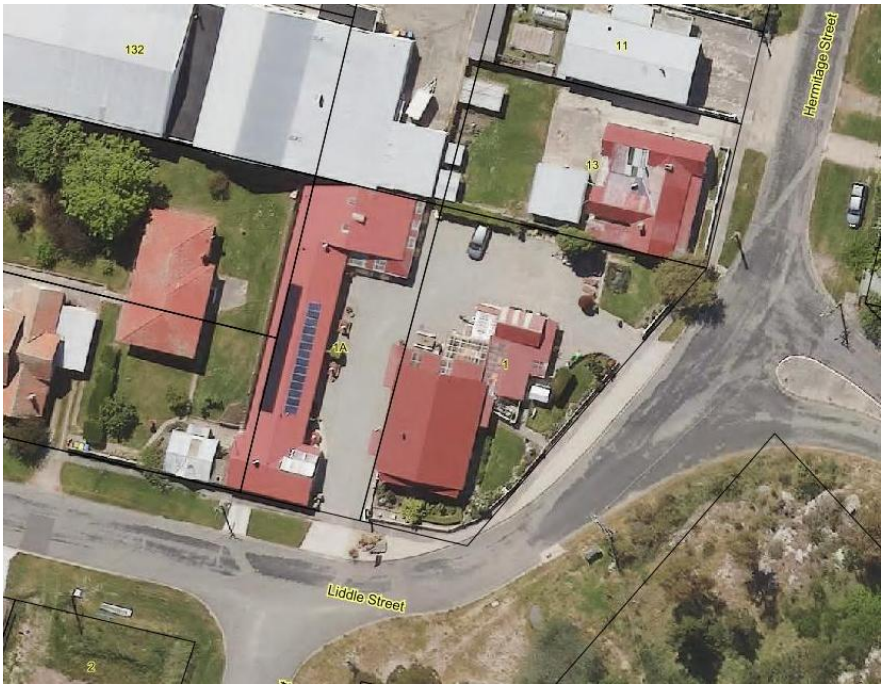


Figure 1: The Site

Council's footpath and carriageway at the intersection of Liddle and Hermitage Streets appears to extend into the subject site. This is a matter which could be formalised in Stage 1 of this application as Lot 3 to vest in Council as road as shown in Fig.2 below.

Figure 2: Land to Vest as Road

With respect to the District Plan, the site is zoned Low Density, as shown in Fig.3 below. Roxburgh's main street and Business Zone is to the west with Council's reserve area D176 to the south.

Figure 3: District Plan Overlays

Proposal

Consent is sought for a staged subdivision, separating the existing managers residents from the property as a freehold site and a subsequent unit-title subdivision of the existing motel units including for the duel use of each unit, to enable flexibility by providing for short term visitor accommodation for each unit.

The existing residence will comprise proposed Lot 1 and be held in 616m^2. This will be separated from the site as part of Stage 1, with the balance as Stage 2. With respect to the provision of services, Lot 1 will continue to have its own independent lines with water from the Liddle Street manifold box and foul sewer to the pumped main in Hermitage Street.

Proposed Lot 2 will comprise the balance land including include the five units. Proposed Lot 2 will also contain the hard-surfaced land used for access to both Liddle Street and Hermitage Street, vehicle parking and manoeuvring and outdoor living areas. Proposed Lot 3 will contain that land to vest as road to Council.

Vehicle access will be via a Right of Way over Lot 2 being that land containing the existing units from Liddle Street, consistent with the one way flow of vehicles that has been found to work efficiently on the site as a commercial venture. Lot 1 of the staged subdivision will include parking to the side of the dwelling and from Sunderland Street will be direct from the carriageway.

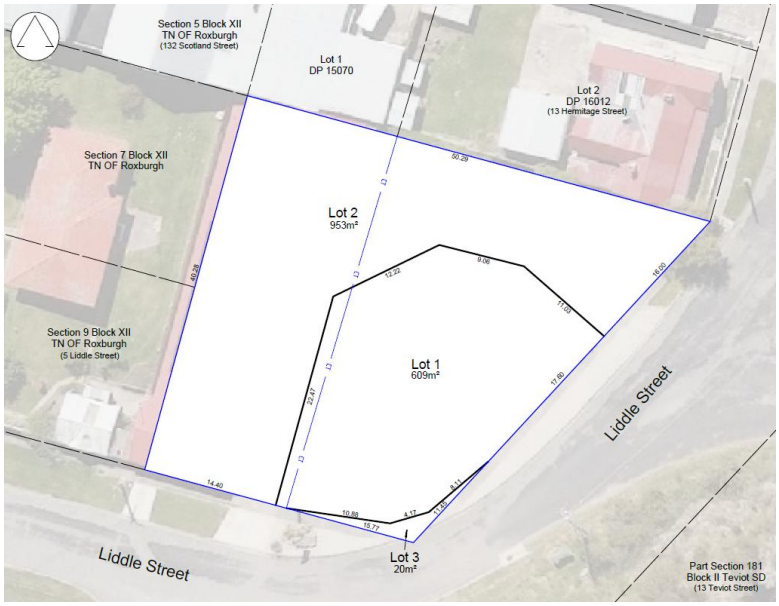


Figure 4 : Proposed Scheme Plan Stage 1

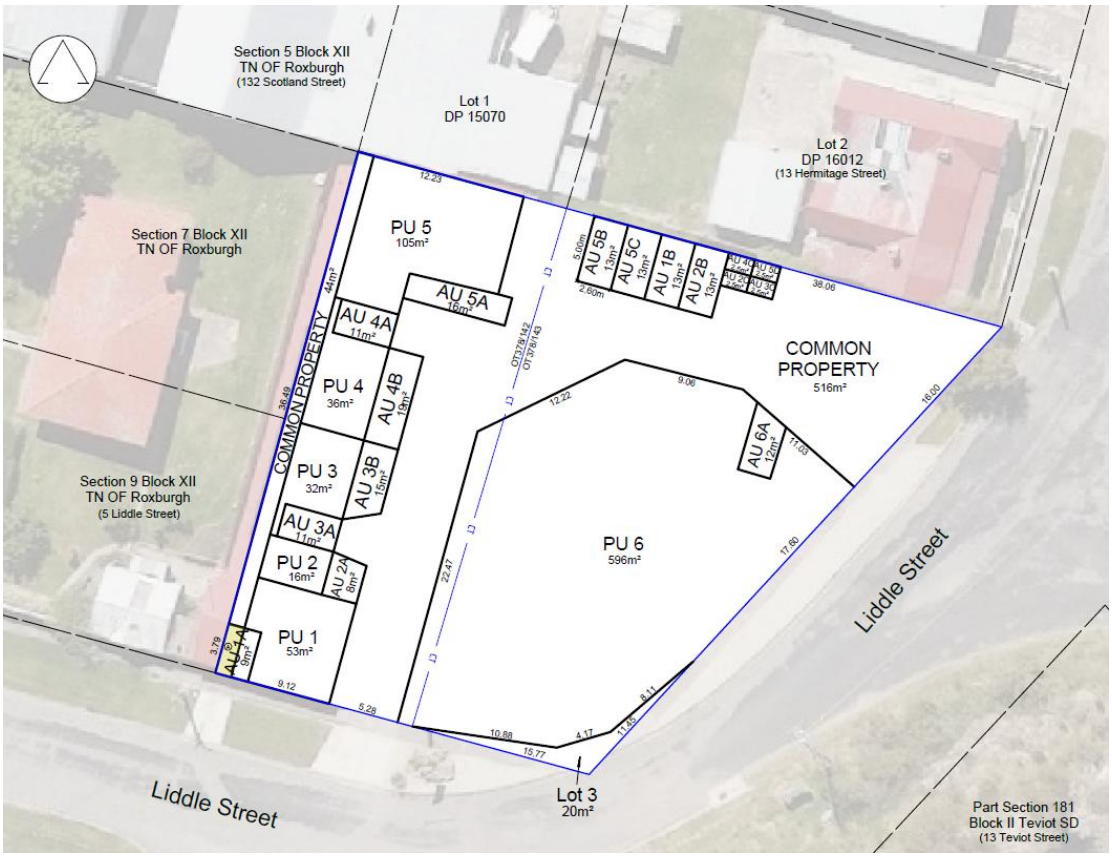


Figure 4A : Proposed Scheme Plan Stage 2

Terramark.co.nz

Figure 5 : View of Site from Hermitage Street

Figure 6 : View of Site from Liddle Street

Stage 2

Stage 2 of the subdivision will be a unit title development of Proposed Lot 2 of Stage 1.

Five principle units will be created each containing one unit. Units PU1-5 have been constructed to respect the Building Code in terms of the fire protections. Each unit will also have a carpark allocated to each identified as Ancillary Units. Units 3 and 4 will continue to use the 11m^2 carports shown as AU3A and AU4A in the scheme plans. Units 1, 2 and 5 will having parking AU1B, AU2B, AU5B and AU5C along the northern boundary where carparking is currently provided, with Unit 5 having two auxiliary units designated for parking. These will be 2.6m by 5.5m and will continue to enable ease of access when entering the site via Liddle Street, and then exiting via Hermitage Street. Whilst technically a carpark for the residential component is required and one for the visitor accommodation activity, this will not be provided. Each activity will be either standard residential, or visitor accommodation where there is no overlap, we consider a single carpark per unit will meet this requirement.

The current carport serving Unit 1, referred in the scheme plan as AU1A will be retained in the ownership of Unit 1 but will not be utilised for parking. Access to the service area to the rear of each unit precludes the ability to provide common property access rights over a designated carpark. This area will be used for the storage of bins.

With respect to outdoor space, each unit (except Unit 1 which will rely on AU1A) will be designated an area to ensure sufficient storage space to accommodate the 2.5m^2 requirement of Plan Change 19. This is located to the east of the parking area. Little will change physically in terms of the activity and functionality within the site.

It is proposed a new manifold box just inside the property boundary from Liddle Street will be installed. From there a new RPZ will be installed in series with a splitter box and meter thereafter. This new connection will serve the five units along the north-west boundary (currently within OT378/142).

Service Connections

Public Mains

A CODC 50mm water trunk line runs along both Liddle Street and Hermitage Street. Two individual connections and manifolds are established and extends into the site, servicing the managers residence and the motel units. The connection and manifold to the managers residence will be retained from this connection. As promoted above a new RPZ and splitter box with meter will be installed to the other existing connection and manifold to ensure each new Unit is serviced independently.

With respect to water supply for fire-fighting, there are a number of fire hydrants near the subject site. A hydrant on the 100mm main is located at the intersection of Scotland Street (SH8) and Liddle Street approximately 60m from the subject site and a second is located at the intersection with Jedburgh Street and Hermitage Street, approximately 75m from the site. We seek confirmation from Council the water pressure of sufficient to meet the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

A 150mm foul sewer gravity main run through the carriageways on both Liddle Street and Hermitage Street, as well as a 150mm pumped rising main. It is proposed the existing arrangement is retained where PU 1-5 and continue to drain to Liddle Street and the manager's residence will continue to drain to Hermitage Street. The laundry will be decommissioned from the network.

Figure 7 : Council Services GIS

PLANNING FRAMEWORK

Central Otago District Plan

The Full Central Otago District Plan was made operative on 21 February 2025 and has immediate effect. This supersedes The Central Otago District Plan that was made operative on 1 April 2008.

There are currently two sets of rules and zonings to consider under the Central Otago District Plan (the District Plan) as Plan Change 19 has legal effect. The relevant rules for the Residential Resource Area have been superseded by Plan Change 19 and are now treated as inoperative under s86F of the RMA. The appeal period for Plan Change 19 closed on the 9th of August 2024. Rules that are not subject to appeal are now considered operative under s86F of the RMA, provided that the zoning of the area of land on which the activity proposed is also free of appeals. Neither the zoning of the subject site nor the rules relevant to this application are under appeal, therefore consent is required under the rules of Plan Change 19.

The subject site located within the **Low Density Residential Zone** within the Full Central Otago District Plan 2025.

This is provided for in Section 7 – Residential Zones - Low Density Residential Zone. Residential activity is a permitted activity under LRZ-R6.

Density is controlled under LRZ-S1 where residential activity connected to reticulated sewerage system to no more than one residential unit per 400m^2 or one unit on a site <400m^2. Stage 1 will create a permitted lot with Lot 1, and for Lot 2 of Stage 1, each unit will then be unit titled. Each new unit will meet the definition of a 'site' and will not comply with this standard.

Given the bulk is existing, and functions as a commercial motel activity in the zone, the LRZ Standards will not be met. LRZ-S5 will not be met although the bulk enjoys existing use rights with respect to Unit 1. Internal boundaries between units will comply with LRZ-S6 when applying the exemption for two or more residential units with common walls.

For LRZ-S7 the proposal will technically not comply with this standard on the basis one carpark is required for the residential activity and a further carpark is required for visitor accommodation. Whilst visitor accommodation is by no means guaranteed to occur, consent is sought to enable new owners to be able to rent out for short term stays i.e Air Bnb. If and when a site is being used for visitor accommodation they will be able to utilise the carpark designated for residential activity as there will be no cross-over in demand. Consent is sought for a breach of LRZ-S7.

Consent is sought for a restricted discretionary to authorise the shortfall in building coverage. In this case building coverage must not exceed 40%. Given s218(2)(c) of the RMA defines a 'unit on a unit plan' as an allotment. In this

instance, the allotments do not meet the required minimum allotment size. Based on this interpretation, the sites comprise mostly the land associated with the units (and for Units 2-5 the outdoor living area) with no consideration of the common property in that calculation. Consent is sought for this breach. Matters of discretion are restricted to:

- Compatibility of the built form with the existing or anticipated character of the area.
- Dominance of built form in the surrounding area.
- The extent to which a level of openness around and between buildings is retained.
- Any mitigation measures proposed which reduce the adverse effects of the breach.

The remaining relevant matters are permitted.

Subdivision is a restricted discretionary activity in all residential zones where it complies with SUB-S1. In this instance, the standard is not met, but arguably the site layout and scheme plan could be designed to comply with the SUB-S1 standard. This would however result in a perverse outcome where the proposed layout with greater common property will function more efficiently for landowners.

The following standards are relevant in SUB-S1.5. Sub-1.3 is not met, as but the minimum size of any allotment is less than 250m^2 given the common property is not averaged in the site calculation. On that basis, the subdivision is assessed as a **non-complying** activity.

Overall Activity Status

Overall, the proposal when accounting for the visitor accommodation component shall be assessed as a non-complying activity pursuant to Rule SUB-S1 as the proposed units have reticulated sewerage but will not meet the minimum allotment area of 200m2.

Council may however exercise their discretion in accordance with the relevant policies of a regional plan, regional policy statement, any relevant NES and the RMA (in particular Part 2 matters). If the resource consent is granted the council can set any conditions that fall within the Council 's powers under Section 108 of the RMA.

Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the Act and Section 104(1), the regulations set out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

(i) A national environmental standard;

(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.

Effects on the Environment

Affected Persons

No persons are considered to be adversely affected by this proposal for the reasons outlined below.

Assessment of Environmental Effects

Section 104(1)(a) requires consideration of the actual and potential effects on the environment of the activity.

Permitted Baseline and Receiving Environment

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect.

When considering the receiving environment, the subject site is held in five Records of Title and together has an area of 1,621m^2, and is currently used as a commercial motel activity including a managers residence. Existing bulk is established and no additional works is proposed as part of this development. The site enjoys formed and legal frontage to two streets and has a safe and efficient route through the site.

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 surrounding land, the existing and reasonably foreseeable receiving environment comprises low-medium density residential development within a township with significant historical heritage where demand for smaller properties is becoming more and more apparent to either retirees or those looking for a 'lock and leave' home in Central Otago.

It is the effects arising from the proposal, beyond the permitted baseline and existing and lawfully established receiving environment that are the crucial elements for consideration, and which form the basis of this assessment of effects.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

The following assessment of effects on the environment have been carried out in accordance with section 104(1)(a) of the Resource Management Act 1991.

The proposed timetable for completion of the work

The applicant has not yet determined whether they will exercise the consent and subdivide as proposed. This application is merely seeking to keep all options open for future decisions on succession.

Some works are required including alteration to services, delineation of carparks, and the hardsurfacing of the driveway prior to exiting onto Hermitage Street.

Amenity

Amenity values are commonly controlled via the District Plan density provisions of the various zones. In this case, the proposed subdivision will establish a freehold site around the existing manager's residence as Lot 1 of Stage 1. The balance lots will be a unit title subdivision of the existing units already established on the site at a density consistent with the Medium Density zoning as a unit title rather than the Low Density standard.

Each lot will have the sufficient space to provide for onsite amenity in keeping with the intent of the current planning provisions, although Unit1 will be required to seek outdoor amenity in the common space apportioned. This is a desirable area, with shade and a pleasant street outlook. Additional furniture will add to that experience.

No physical changes to the existing site will occur with the exception of minor works including the installation of separate services and decommissioning the laundry. The site is spacious and the conversion from visitor accommodation to individually owned residential units will not introduce any new effects beyond that already existing. Neighbours invested in the community are likely to present an improvement in terms of noise and vehicle movements to that of motel guests, although it is accepted the short duration visitor accommodation will differ to that of permanent residents or as a holiday house. It is likely new owners will use the units as a holiday home, where occupancy is intermittent which further lessens the effects associated with the residential activity component. Consent is also sought for use as visitor accommodation to augment residential activity. Visitor accommodation comes with performance standards, and consent is sought on the basis R7.1 and R7.2 are met.

Overall, the character and amenity of the wider environment will be consistent with that anticipated within the zone and characteristic of the surrounding environment.

Visitor Accommodation

The subject site has had a longstanding use as a motel, therefore there is a strong case to support existing use rights for visitor accommodation, particularly if the site continued to be operated in the same manner. The nature of the activity would also remain substantially similar to what currently occurs, and the layout of the site provides for safe access and use of outdoor areas that would mitigate adverse effects of visitor accommodation on neighbours and the wider environment. While continuation of visitor activities is sought, it is my opinion there will be no increase in the scale of these from what is already being undertaken.

In this instance dual visitor accommodation and residential uses are proposed, with the ability for each unit to be operated independently. This would potentially result in a less co-ordinated approach to visitor management, notwithstanding that controls could be put in place through the Body Corporate Agreement. A condition of consent has been included for the applicant to provide a guest management plan prior to the operation of any of the units as private residential visitor accommodation and for the management plan to be referenced on the Body Corporate Agreement.

We promote a suite of conditions to limit any impact of visitor accommodation on adjoining landowners both within the development and beyond such as:

1. *Prior to use of any visitor accommodation activity for the first time, the unit owner must:*
    a) *Prepare a copy of the House Rules.*
    b) *Advise the Council by email advising the date the activity is to commence.*
    c) *Provide the Council by email with a copy of the House Rules (to be provided to guests) for the use of the unit, including the management of noise and antisocial behaviour to prevent disturbance to the residential neighbours.*
    d) *Provide a copy of the House Rules to guests.*
    e) *Provide the owners/occupiers of Units 1-5 the following information in writing*
    f) *A description of the accommodation being provided at the site,*
    g) *Phone numbers for the site, and up-to-date details of a property manager who will be responsible for managing any complaints regarding the conduct of the guests. The information must include the property managers name, email address and a suitable phone number/s for business hours and after-hours contact.*

2. *Retain a logbook of all dates when visitor accommodation has occurred which shall be provided to* Council *at the end of each calendar year, or upon request. For clarity, should there be no visitor accommodation in any calendar year, then no return is required.*

This approach is consistent with the Clyde Motels decision recently approved by Council. We do not consider this site to have any particular characteristics that make the same model inappropriate.

In considering the established baseline of effects within the receiving environment, and the controls that can be put in place through conditions of consent and the Body Corporate Agreement, it is my opinion any adverse effects resulting from visitor accommodation will be less than minor.

The design and appearance of the building following reinstatement.

The units in their current form are in good condition considering its age. Minor works on the interior only for the purpose of compliance with fire regulations will be carried out. In the main, the site as it is will form the overall development post subdivision.

The scale of the building in relation to existing development and/or development which occurred when the dominant scale of development within the precinct was established,

The subject site is not within a heritage precinct or any other overlay requiring additional consideration beyond the zoning. Dwellings within the area are of a mixed style and the proposed subdivision will introduce no new effects beyond that already established and will not look out of place given its form and colour palette.

The scale of the development will remain in proportion to the surrounding built environment. Average density of one unit per 201m^2 and the conversion from a commercial activity to residential use will be more aligned with the intent of the residential zone and the current plan change processes. The District Plan provides no planning pathway recognising a shortfall in minimum lot size or density. Irrespective of no clear planning pathway, unit title developments are a legitimate method of subdivision and these usually are not compliant with minimum lot size or density. Crucially, the units are established and part of the existing environment, as is the effects arising from the visitor accommodation component reflected in the current commercial motel activity.

Consent is sought to enable each unit to be used for visitor accommodation provided it is ancillary to residential use and the maximum duration of each stay is no more than six consecutive days. It is not thought the visitor accommodation will dominate the use of the site nor introduce any perceptible adverse effect on other property owners.

It is my opinion the scale and dominance of the existing bulk will result in less than minor effects on the receiving environment.

The provision of yards, services, parking and access associated with the development

Each new unit will utilise the existing vehicle crossing and driveway located on Liddle Street. The access will function as a one-way through the property and exiting onto Hermitage Street. This approach has adopted the

model promoted in the Clyde Motels consenting process where Council Transport staff sought a wider access formation which introduced issues on the scheduled tree and heritage values.

As a one-way route through the site the need for a fully compliant formation width is effectively halved. There will be ample space for moving through the site, parking all whilst avoiding conflict risk with others. Other landowners will be acutely aware of the traffic travelling through the site and how vehicle movements function.

Vehicles will travel through the site and exit to Hermitage Street. The one-way traffic will in part offset risk to pedestrians and those uses within the common area as they can direct their attention to vehicles from one direction. The one-way traffic movements also will make the common area more enjoyable area and also guide vehicles into the natural alignment of the ancillary parking units. We promote a 'no entry' sign be erected at the boundary with Hermitage Street to ensure the intent of the one-way throughfare is understood and complied with.

Below are a number of images which illustrate the site and access formation including the relationship between the access and each unit.

Fig.8 – Looking towards Liddle Street with the house unit to the left, and Unit 5 to the right.

Fig.9 – Units 3, 4 and part of Unit 5 to the right

Fig.10 – Typical Outdoor Living Area

With respect to the surface treatment, I am conscious that Council Transport staff in the Clyde Motel application sought the entire vehicle access and parking area be construct to the cul-de-sac standards set out in Table 3.1 of the Council's addendum to NZS4404:2004. Given the existing environment functions well, with no visible scaring to either carriageway, it is my opinion the existing gravelled access remains appropriate. It also provides a 'softer' environment and supports free drainage through the ground profile.

The applicant does offer a similar condition to that of 'Clyde Motel's where the final portion of the one-way access is hard surfaced to create a situation where gravels are less likely to be tracked onto Hermitage Road where they may create damage over time. It is therefore promoted that a 32m^2 area as shown in Fig.11 below is hard-surfaced being a length of 7m inside the property boundary. It is my opinion this approach sufficiently mitigates risk of damage to the carriageway and is a balanced solution.

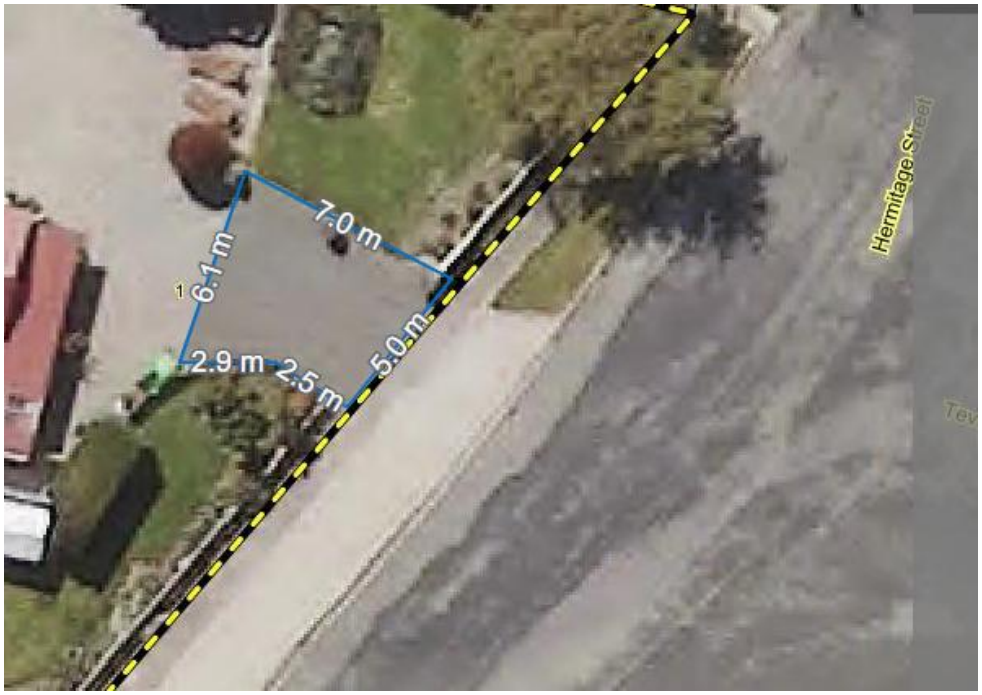


Fig.11 – Proposed Area for Hard Surfacing

With respect to the yard setbacks and the provision of outdoor living, it is accepted that the existing arrangement is not perfect and comes with some challenges simply because the bulk is already established onsite. Unit 1 will not have any exclusive outdoor living area.

Mitigations such as the use of common areas for outdoor living and improvements within the common areas will provide some improvement, however any improvements are subtle. New owners will assess the development and make their own determination whether it meets their needs, or not. If they do not like it, they will simply not purchase a unit. Again, as the units are possibly for holiday use, the shortfall in the outdoor living and yards may not be an issue.

With respect to the Common Property, there are two key areas-

- The main area of common property including the driveway, access, carparking, bin storage and the curtilage, and

- The 1.2m wide area to the rear of each unit. This is for servicing an in particular the siting of gas bottles to each unit. This area will be accessed via a RoW over the ancillary unit of Unit 1.

The areas of common property are further illustrated below.

Fig.12 – Common Property Viewed from Hermitage Street and Area to be Hard Surfaced

Fig.13 – Common Property Viewed Looking to Hermitage Street

Fig.14 – Common Property Service Area Accessed Via RoW over AU1A

Each unit will have sufficient area for parking and the provision of storage space for bins and recycling. This will sit against each dwelling or by the carparking area and enable ease of access for transport to the road reserve for collection.

With respect to the provision of services we propose a combination of retaining existing, relatively new services with a number of new services where it is logical to provide some upgrades. For foul sewer, we propose Units 1-5 will continue to use the existing foul sewer line to Liddle Street. Easements will be in place for rights and the Body Corporate will include provisions for their use and maintenance. For the managers residence of Lot 1 of Stage 1, this dwelling functions independently to the units and can continue to do so in a manner consistent with the intent of the Plan. For the provision of water it is proposed on the property side of the manifold near the boundary with Liddle Street we install a RPZ and splitter box, and then through individual meters. All the units within the Stage 2 Unit title aspect are served from this point.

Overall, the proposal is at the discretion of the Council's 3Waters Department for the final design requirements. We consider the approach promoted offers a considered approach and retains the existing, relatively new network where possible given it seems to function perfectly fine as it is. This approach seeks to minimise costs and waste which will benefit new owners.

With respect to the outdoor living and yards, it is my opinion that whilst the design is not perfect, it is nonetheless an entirely suitable living arrangement. Unit 1 will not have any exclusive outdoor living area, with the other units all having suitable outdoor amenity. New owners will be the judge of the developments suitability and in my opinion will result in less than minor effects that are entirely internalised within the development rather than the public realm.

Heritage Matters

The subject site is not located in a zoned heritage area. Roxburgh and the Teviot Valley do however have a strong connection to their past heritage, so it seems appropriate to consider the effects of the proposal on heritage matters.

In this case, the development will introduce no change to the adjacent properties, heritage values, or the wide site. It is my opinion the effects on heritage values will be less than minor.

Transportation Matters

The use of the units for private residents is not likely to introduce any new effects compared to the use of the units for short term accommodation. New owners will be more familiar with the entry and access and the general nuances of each street. This should translate into generally reduced risk to road users, cyclists and pedestrians.

As noted above, I consider there is little benefit in fully hard surfacing the site consistent with the cul-de-sac standards set out in Table 3.1 of the Council's addendum to NZS4404:2004. This would adversely impact the amenity and character of the development including affect drainage through pervious surfaces.

The site will continue to have one-way traffic, entering off Liddle Street and exiting to Hermitage Street. This method of movement will ensure sightlines remain generous and vehicles will move through the site in a more orderly manner lessening risk to residents.

Given the site is already used as a motel, it is my opinion the proposed subdivision and development are more aligned with the intent of transportation policies in the District Plan and will result in less than minor effects.

The provision of or contribution to the open space and recreational needs of the community.

The development contributions will provide funding towards the upkeep of the Roxburgh community.

The provision of buffer zones adjacent to roads, network utilities or natural features.

N/A.

The protection of important landscape features, including significant rock outcrops and escarpments.

N/A.

Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.

N/A.

The provision of esplanade strips or reserves and/or access strips.

N/A.

Any financial contributions necessary for the purposes set out in Section 15 of this Plan.

Financial Contributions will be anticipated as a result of this subdivision proposal.

Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.

N/A.

Consistency with any Structure Plan included in this District Plan.

N/A.

Any other matters provided for in section 220 of the Act.

There are no other matters pursuant to section 220 determined relevant to this application.

Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures offered nor are any deemed necessary.

Relevant Provisions

CODC District Plan Objective and Policy Analysis

Objectives	Supporting Policies	Assessment
Objective 7.1.1 Maintenance of Residential Character 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.	Policy 7.2.1 Residential Character To ensure that the character and amenity values of residential areas are protected by ensuring that the adverse effects of: a) Excessive noise including noise associated with traffic generation and night time operations, b) The generation of traffic over and above that normally associated with residential activities and in particular heavy vehicles, and demand for parking, c) Glare, particularly from building finish, and security lighting, d) Structures at the street frontages that do not complement the character and/or scale of development in the neighbourhood, e) A reduction in privacy, access to daylight and sunlight f) A reduction in visual amenity due to excessive signage, large areas of hard standing surfaces, and the storage of goods or waste products on the site, g) The generation of odour, dust, wastes and hazardous substances, h) The use and/or storage of hazardous goods or substances, and i) The loss of a sense of amenity, security and companionship caused by non-residential activities. are avoided, remedied or mitigated.	The subdivision and development within the site will be managed to ensure that no adverse amenity effects on surrounding residential properties and public spaces will be introduced as a result of this proposed. The proposal is considered **consistent** with this objective and policy.
	7.2.2 Policy - Amenity Values To ensure that the amenity values of residential sites, including privacy and ability to access adequate daylight and sunlight, are not significantly compromised by the effects of adjoining development.	No additional residential development is proposed beyond that generally anticipated in the zone. The sites are sufficiently spacious and set within pleasant surroundings commensurate with the zone density that aligns with the intent of the policy. No changes to the existing bulk are proposed, rather the existing motel activity will revert to the Residential zoning in the Plan. Each unit will function with sufficient open area to relax outdoors either in their auxiliary unit or on common property. The site is one block

		from the main street of Roxburgh township with a number of outdoor amenity and recreation options at their doorstep. The proposal is considered consistent with this objective and the relevant policy.
Objective 7.1.2 Protection of the Living Environment To manage the use of land to promote a pleasant living environment by ensuring that adverse effects of activities are avoided, remedied or mitigated, while accommodating appropriate change at the interface with other resource areas.	Policy 7.2.3 Environmental Quality To preserve the environmental quality found within particular areas of the District's residential environment.	The proposal will revert an existing commercial motel operation back to residential use. This is more consistent with the intent of the Plan. It will result in no physical change to the site and enable additional residential housing in the area whilst ensure no perceptible change to the residential zoned area. The proposal is consistent with this objective and policy.
Objective 11.2.1 Objective – Heritage Character To recognise and protect the heritage values and character of the District's heritage precincts	Policy 11.3.1 - Erection and Alteration of Structures To ensure that any alterations to, or the erection of structures (including buildings and signs) within a heritage precinct complements the existing character and values of that precinct by recognising and providing for the following matters: (a) The relationship of the building to the heritage precinct and its predominant characteristics and values, including consideration of both consistency with and enhancement of the predominant heritage character and also any juxtaposition of heritage values from different eras. (b) The siting of the building and its consistency with the location of any earlier buildings on the site. (c) The conservation of the main determinants of the style and character of the building and of the precinct itself. (d) The retention of the scale and profile of both the building itself and the buildings of the precinct, particularly where viewed from public places. (e) An authentic historical or complementary design and appearance of the building (or sign) including cladding materials, openings and colour. (f) The appropriateness of associated landscaping and planting in terms of the heritage character and townscape of the precinct. (g) The existing design of services (including roads, footpaths and stormwater disposal) and the need to maintain the heritage character and values of the precinct. Policy 11.3.5 – Heritage Precincts To identify areas worthy of special attention for retention of	The site is not within a heritage zone, and therefore the heritage provisions do not apply. That said, Roxburgh is a proud heritage town and it is reasonable to consider how the proposal will sit against the heritage provisions to ensure there is no incompatibility in the activity against those values. Having considered the heritage provisions, it is my opinion the conversion of the Roxburgh Motels into a freehold and then a subsequent unit title development will be **consistent** with the heritage values set out in the objective and policy.

	heritage values based on one or more of the following criteria: • A particular unified scale, style and character of buildings, • A particular diversification and representative scale, style and character of buildings, • A particular historic association, and/or • A particular townscape quality, and to develop specific provisions for these areas to ensure the retention of those values.	

Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent with those provisions set out in the CODC District Plan.

Plan Change 19 – Residential Chapter Zone

The Low 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.

The following Objective and Policies for the Residential chapter are relevant.

Objective <u>LRZ-01 Purpose of the Low Density Residential Zone</u> The Low Density Residential Zone provides primarily for residential living opportunities, as well as activities that support, and are compatible with the character of, the zone's residential focus. <u>LRZ-O2 Character and amenity values of the Low Density Residential Zone.</u> The Low Density Residential Zone is a pleasant, low-density suburban living environment, which: 1. Contains predominantly low-rise and detached residential units; 2. Maintains a good level of openness around buildings; 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 surrounding area.	Policy <u>LRZ-P1 Built Form</u> Ensure that development within the Low Density 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 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; and 5.Provides sufficient usable outdoor living space for residents and for tree and garden planting; 6. Maintains the safe and efficient operation of the road network; 7. Mitigates visual effects through screening of storage areas and provision of landscaping; and 8. Encourages water efficiency measures.	The proposal will convert the existing Roxburgh Motels. Proposed Lot 1 of Stage 1 will be freehold and comprise 616m^2 and the other units will be over the balance 1,750m^2 with 538m^2 of common owned property, with an average of 201m^2 per unit. The use of the land for residential activity is aligned with the zoning and will require no physical changes to the existing buildings on-site. That bulk is lawfully established and will remain in its current form. The proposal will provide an additional option for new owners, retirees or people looking for a modest holiday home in Central Otago. The site will remain visually appealing and within a short walk to the central township. It is my opinion the application is consistent with this objective and policy.

	LRZ-P3 Residential activities Provide for a range of residential unit types and sizes to meet the diverse and changing residential demands of communities.	The proposal will introduce a number of new homes to the area which will be modestly priced and provide a credible alternative to the existing property market. This will be appealing to those first home buyers, retirees or those looking for a holiday home in Central on a budget. It is my opinion the proposal is consistent with this policy.
	MRZ-P4 Retirement Living Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and: 1. any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and 2. the scale, form, composition and design of the village responds to maintains the anticipated character and amenity values of the surrounding area, while recognising the functional and operational needs of retirement villages; and 3. they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and 4. any parking and vehicle manoeuvring provided on-site is appropriately designed.	The proposal will introduce a number of new homes to the area which will be modestly priced and provide an alternative option for retirees for retirement living. Whilst not a retirement home, the proposition will be ideal for older folk who want to live closer to the township, or remain in Roxburgh and actually own their property rather than the convoluted ownership structure of a retirement home. It is my opinion the proposal is consistent with this policy.

It is my opinion the proposal fits into the proposed objectives and policies in Plan Change 19.

Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Partially Operative 2019 Regional Policy Statement and Proposed Otago Regional Policy Statement 2021 (PORPS) were reviewed in respect of this proposal. The 2019 RPS must be given effect to, and the 2021 RPS must have regard to. No policies specifically relevant to this proposal were identified. Overall, the proposal is considered consistent with the Proposed Otago Regional Policy Statement 2021.

Assessment of Regional Policy Statements

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Regional Policy Statement for Otago (RPS) and the Partially Operative Regional Policy Statement for Otago (PORPS) were reviewed in respect of this proposal. No policies specifically relevant to this proposal were identified. Overall, the proposal is consistent with both the operative and partially operative Regional Policy Statements for Otago.

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.

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 operative District Plan and proposed District Plan. The breach of minimum allotment size is technical in nature and may be resolved at the time of subdivision. Equally, a Certificate of Compliance or consent could be obtained prior which then directs the application into a restricted discretionary pathway avoiding the need to consider a104D or s104(1)(c). Crucially, neither the residential zone nor subdivision sections include an 'avoid' policy for the subdivision of land that does not meet the minimum site size. The proposal is not considered contrary or repugnant against any of the relevant objectives and policies.

Therefore, the Council can exercise its discretion under Section 104D to grant consent.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and Plan integrity are considered relevant here. Overall, it is considered that the proposal will not undermine the integrity of the Plan as the activity will produce only minor effects, if any, and will not set an undesirable precedent given the baseline and the intent of the Plan. Crucially, the exemption pathways are easily traversed where s104(1)(c) becomes irrelevant to the assessment.

In terms of positive effects, the proposal introduces a number of positive effects relating to making an efficient use of the land for residential activity. In any event no two applications are ever likely to be the same, albeit one may be similar to the other. The most that can be said is that the granting of consent may well have an influence on how other applications should be dealt with. The extent of that influence will depend on the extent of the similarities. This application, like many previous applications are generally inconsequential in terms of threat to the plan integrity.

In my view this proposal does not offend the effects-based policies of the Plan noting there is no 'avoid' policy. On that basis, it is my opinion no undesirable precedent would be created nor would either Plan integrity be imperilled.

Part 2 – Purpose and Principles

Part 2 of the RMA contains the purpose and principles. Consideration of applications for resource consent as a **non-complying** activity is subject to Part 2 of the RMA.

The purpose of the RMA is set out in Section 5 as being to promote the sustainable management of natural and physical resources. Sustainable management means 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 effects of activities on the environment.

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

For the reasons outlined in the assessments above, it is considered that the proposal is consistent with Section 5 of the RMA. Overall, the proposed development will enhance the use of the site and create two Records each with a residential unit which is consistent with the Urban Growth directive of the Plan. Overall, it is considered that the proposal will not compromise the life supporting capacity of air, water, soil and ecosystems within the receiving environment. It is also considered that the proposed use of the land is directly in keeping with Section 5 in that the provision of residential activity in the zone as proposed will enable people and communities to provide for their social, cultural and economic well-being.

Section 6 of the RMA sets out matters of National Importance and requires that these be recognised and provided for. These include natural character of the coastal environment, natural, landscape and heritage areas, significant indigenous vegetation and fauna and the relationship of Māori with their culture and traditions. It is considered that there are no matters of national importance (including acknowledging there is no wāhi tūpuna overlay identifying the site is within the cultural landscape) relating to this application.

Section 7 outlines the matters that must be considered when managing the use, development and protection of natural and physical resources, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. The proposal is considered appropriate in this location, given the underlying zoning is supportive of the development.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that there are no matters relating to the Treaty of Waitangi relevant to this application.

Accordingly, it is concluded that the proposed development is consistent with the purpose of the RMA in relation to managing the use, development, and protection of natural and physical resources.

Special Circumstances

Special circumstances have been defined by case law (in the context of whether special circumstances exist to require the public notification of an application) as "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." (Far North DC v Te Runanga-aiwi o Ngati Kahu [2013] NZCA 221).

We consider no issues in the application establishes a special circumstance that warrants public notification.

Positive Effects

Section 3 of the Act defines the meaning of "effect", which includes any positive effects. Whilst consideration cannot be taken into account by a consent authority to consider positive effects when making a decision to notify, positive effects can be weighted as part of an overall assessment. In this case, the proposal includes a number of positive effects by creating an ideally suited property an additional residential unit with an emphasis on affordability and strong community connections.

Affected Parties

There are no affected parties proposed for this application on the basis the proposal is consistent with the intentions of the Plan and the non-complying matters could be easily resolved such that they direct the assessment via the restricted discretionary pathway.

Draft Conditions

We request that we are given the opportunity to review draft conditions prior to the issue of consent. This provides an early opportunity for any contentious consent issues or unworkable conditions to be resolved at a departmental level. We look forward to receiving those in due course.

Notification and Affected Parties

With regard to notification:

- The applicant does not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- There are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed above that the effects of the proposal on the wider environment are less than minor.

Conclusion

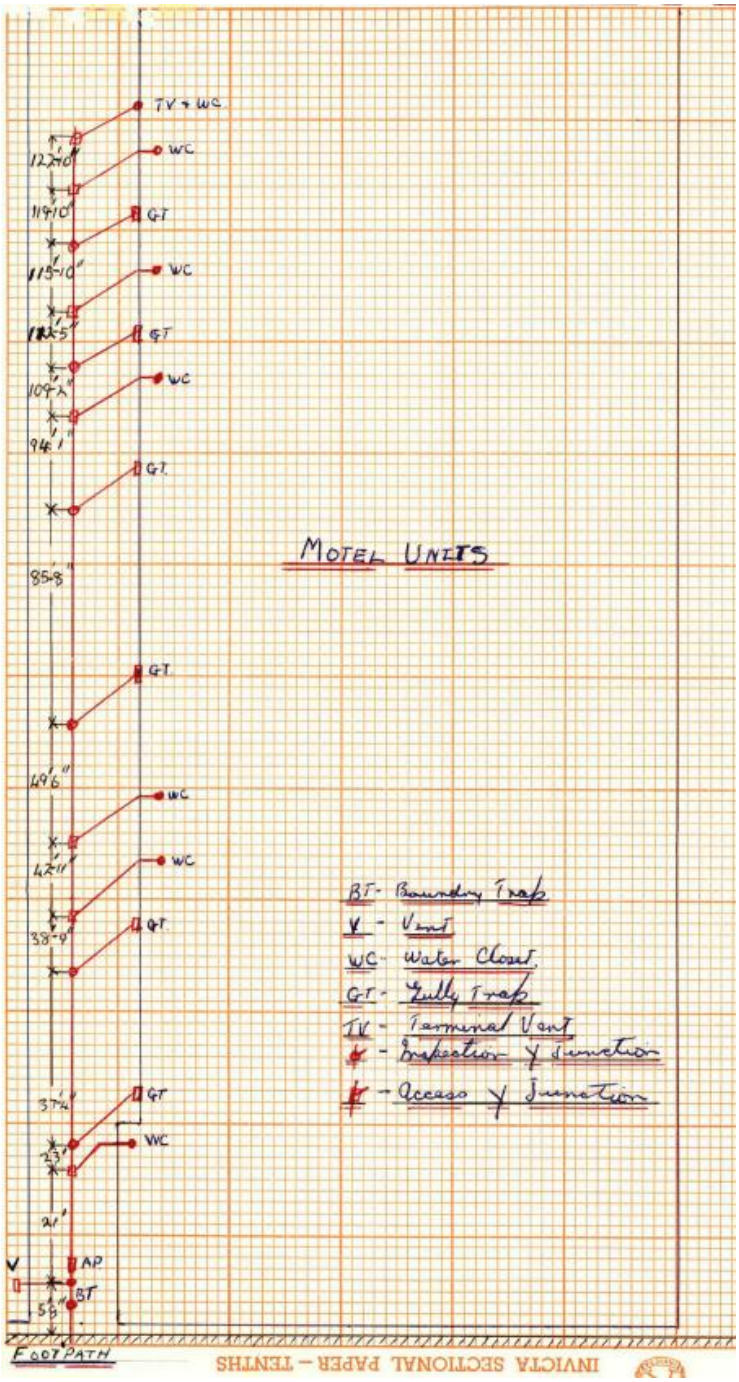
The proposal to carry out a staged subdivision at the Roxburgh Motels, to create eight new homes, in both a freehold and unit title ownership structure. The proposal is more aligned with the Plan and proposed plan changes

than the existing motel venture and will require no physical changes to the site beyond the decommissioning of the laundry. Existing bulk will be retained and enjoys existing use rights. In relation to the heritage precinct, no changes are proposed that threaten the heritage values of the zone. The proposal will create eight new residential homes located centrally within the Roxburgh township and will be ideal for first home buyers, retirees or those looking for modest priced holiday home. The proposal is a **discretionary activity** when the visitor accommodation under the operative plan is considered and results in potential adverse effects on the environment which are no more than minor and remains consistent with the overall policies and objectives of the District Plan. Accordingly, we would ask for Council's favourable consideration to the approval of this application.

Yours faithfully
Terramark Ltd

Darryl Sycamore
Resource Management Planner

APPENDIX 1 – EXISTING SERVICES WITHIN SITE



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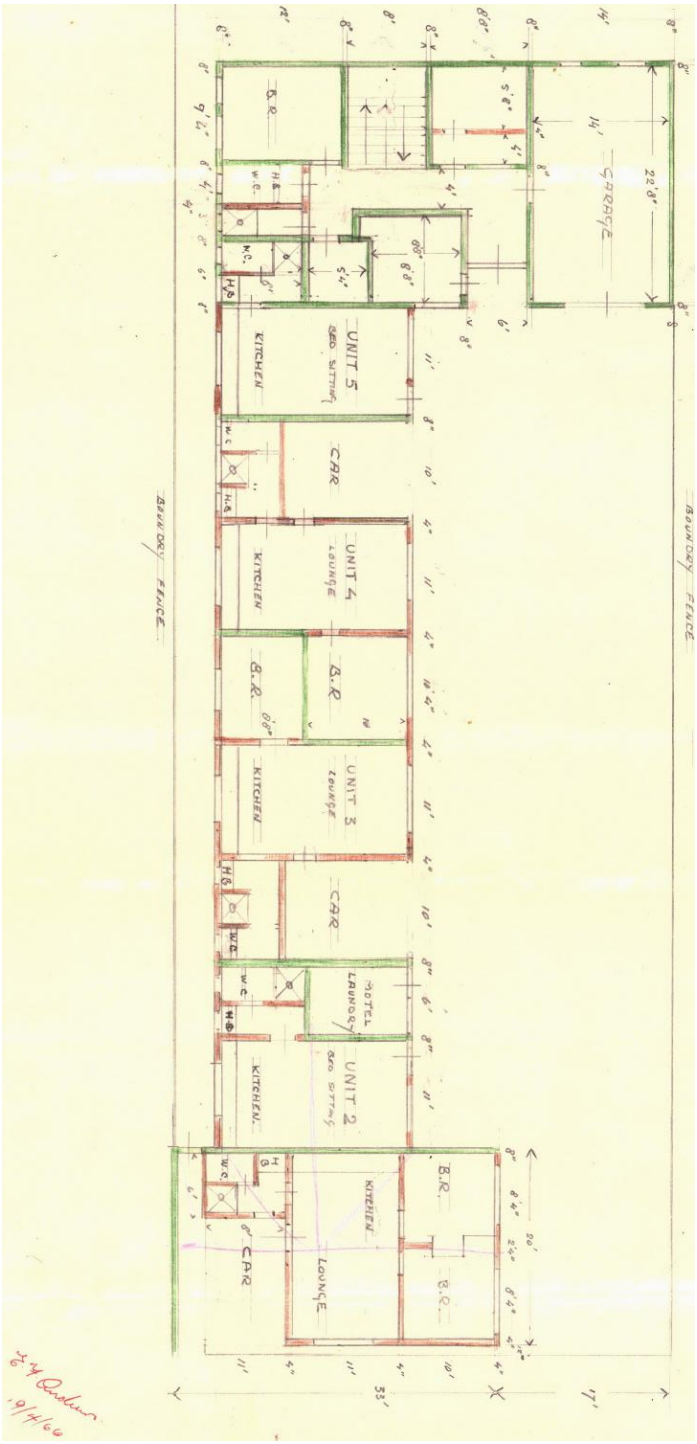
APPENDIX 2 - UNIT LAYOUT AND COUNCIL PLANS



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Terramark.co.nz

Form 2 Application for Building Consent and/or Project Information Memorandum Section 33 or 45, Building Act 2004

JW

1. THE BUILDING *[If item is not applicable put NA in the space]*

Street address of building: 1A Liddle Street Roxburgh

[If no street address – details of nearest intersection]

Legal description of land where building is located: Lot 1 DP 8173

Site area: 626 (m²) Sec Block

Building name: Roxburgh Motels Valuation Number 28474 - 23100

Location of building within site/block number: *[Include nearest street access]* FILE 24244

Number of levels: *[Above & below ground]* Level /Unit Number:

Floor area: (m²) *[Indicate area affected by the building work]*

Current, lawfully established, use: Motel Year First Constructed: 1967

[Add no. of occupants per level and per use if more than 1]

OFFICE USE ONLY:

Consent Number: 150365

PIM Number:

Compliance Schedule No:

Date received:

RECEIVED
17 JUN 2015
CENTRAL OTAGO DISTRICT
ALEXANDRA

2. APPLICATION [Tick as applicable]

I request that you issue a (for the building work described in this application)

- ☐ Project Information Memorandum (PIM)
- ☐ Project Information Memorandum (PIM) and Building Consent
- ☑ Building Consent The existing PIM No [If applicable] is :
- ☐ Amendment to an existing Building Consent. The existing BC No is :

State the reference number if this application involves a National Multiple Use Approval:

Name: Joyce Turner **Signature:** **Date:** 10/6/15

The signature is that of the ☑ Owner OR ☐ the Agent on behalf of and with the approval of the Owner

3. THE PROJECT

DESCRIPTION OF BUILDING WORK: *(Provide sufficient information below to enable scope of work to be fully understood)*

Creating 2 new bathrooms - removing existing bathroom and replacing with 2.

Current use of building: Motel Unit *[E.g. Home, implement shed, office]*

Will the building work result in a change of use of the building? ☐ Yes ☑ No. If Yes, provide details of the new use of the building:

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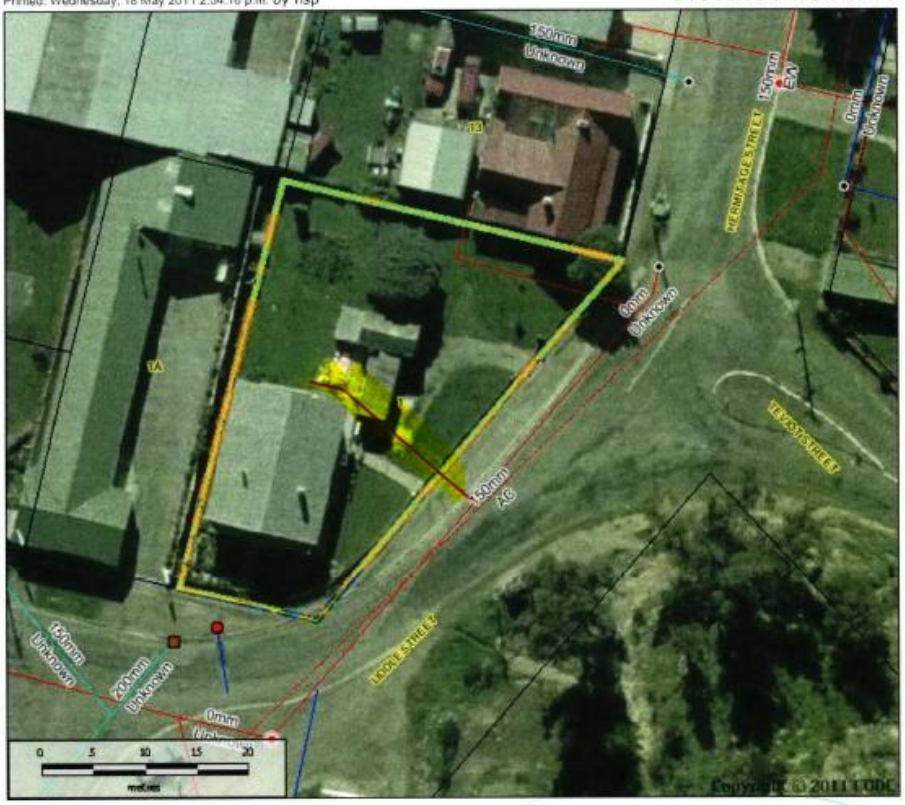
Data print BC(030921) Page 1 of 1

'As-Built' Drainage Plan

Property Data Map

CENTRAL OTAGO DISTRICT COUNCIL

Original Sheet Size A4
Printed: Wednesday, 18 May 2011 2:54:16 p.m. by nsp



Property Information	
File 11 Key	024245
UPI	111680
Parcel ID	3009638
Valuation No	2847423200
Location	1 LIDDLE ST, ROXBURGH
Legal Description	LOT 2 DP 8173
Area (ha)	0.0995
Status	MAIN
Ratepayer1	TURNER COLIN FRED
Ratepayer2	TURNER JOYCE & ORS
Address1	1A LIDDLE ST
Address2	ROXBURGH
Address3	
Address4	9500
Owner1	
Owner2	
CT	OT378/143
Identity	
Confidential	

18-5-11
Owner confirmed on site today that the extended lateral line highlighted here is in fact the drainage. This will suffice as 'As-Built' for BC(030921)

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APPENDIX 3 – Internal Unit Layouts
UNIT 1

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UNIT 2

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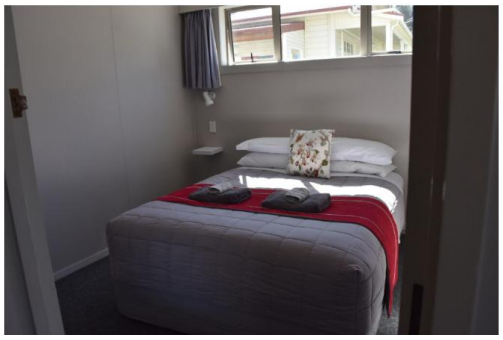
UNIT 3



UNIT 4

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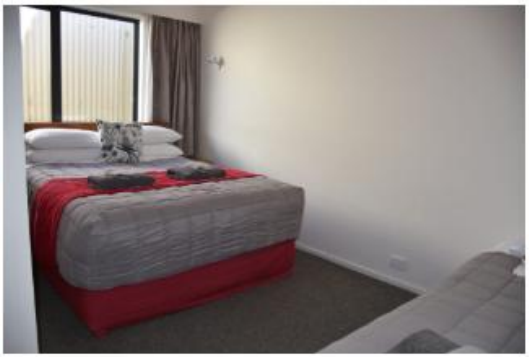
UNIT 5



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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land Transfer Act 2017

R.W. Muir
Registrar-General
of Land

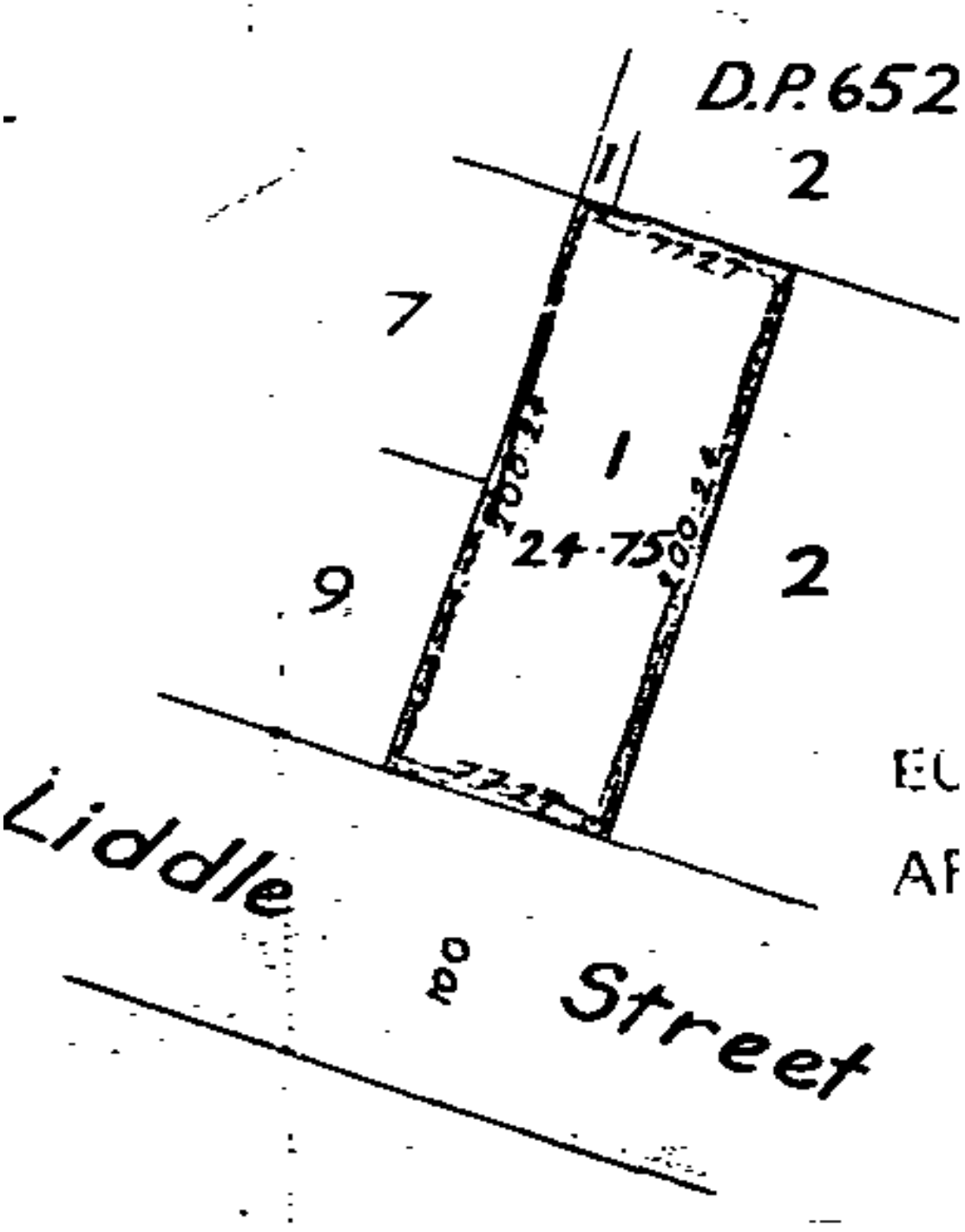
Identifier	**OT378/142**
Land Registration District	**Otago**
Date Issued	30 March 1955

Prior References
OT67/167 OT82/283

Estate	Fee Simple
Area	626 square metres more or less
Legal Description	Lot 1 Deposited Plan 8173
Registered Owners	
Roxburgh Motel Limited	

Interests

Identifier **OT378/142**



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land Transfer Act 2017

R.W. Muir
Registrar-General
of Land

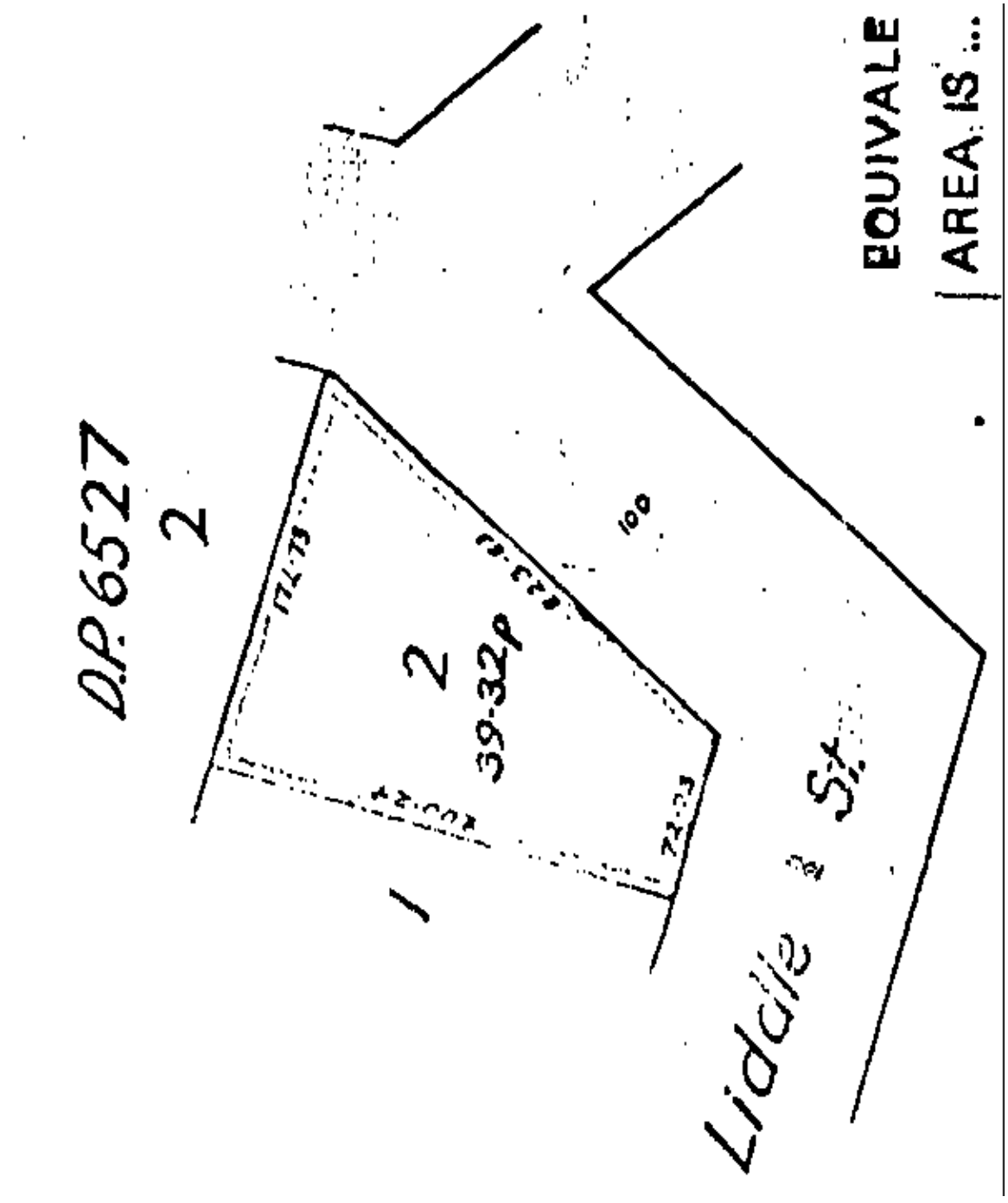
Identifier	**OT378/143**
Land Registration District	**Otago**
Date Issued	30 March 1955

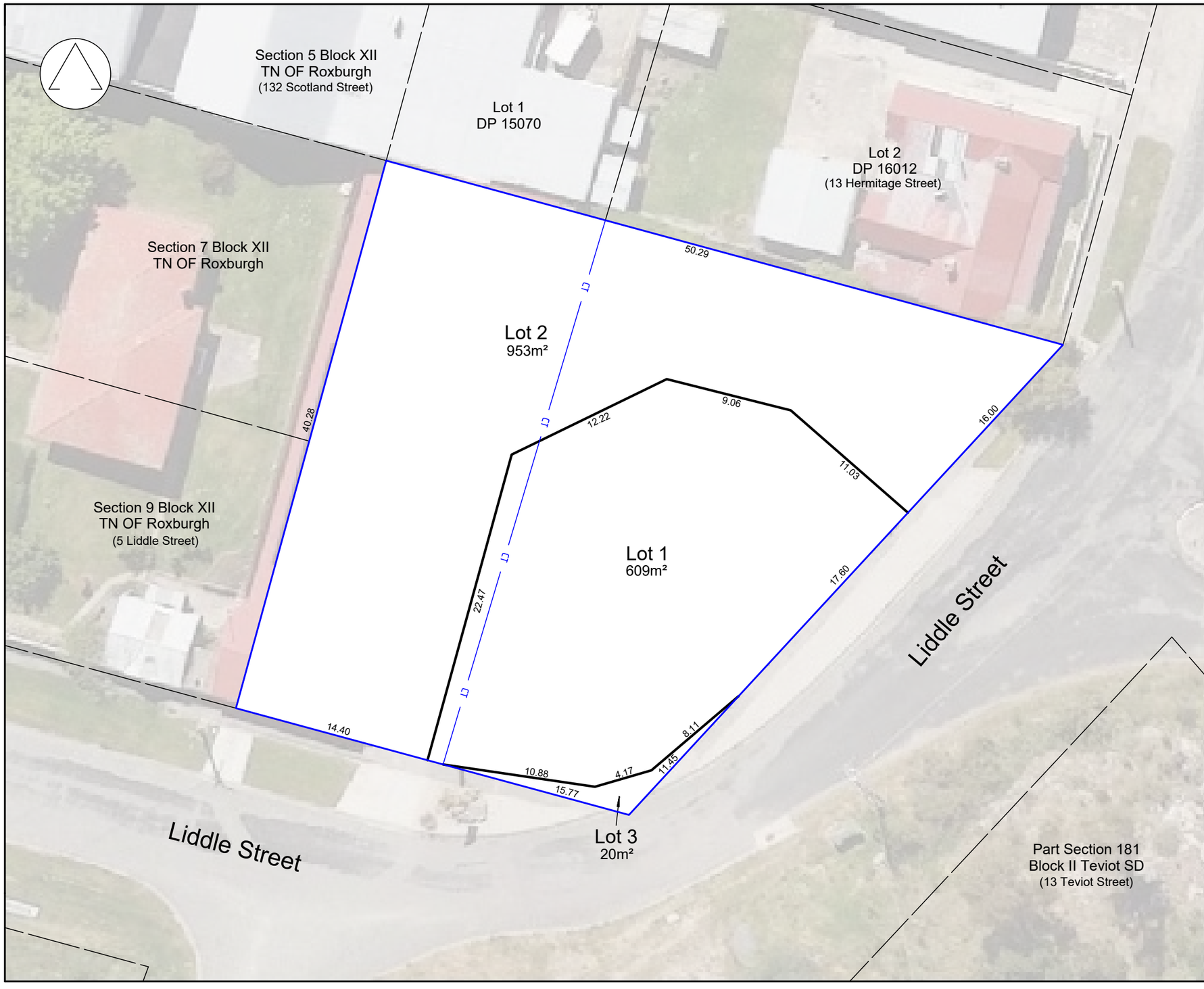
Prior References
OT67/167 OT82/283

Estate	Fee Simple
Area	995 square metres more or less
Legal Description	Lot 2 Deposited Plan 8173
Registered Owners	
Roxburgh Motel Limited	

Interests

Identifier **OT378/143**





Terramark
Setting New Boundaries

PROVISIONAL ONLY

DETAIL, AREAS & DIMENSIONS ARE SUBJECT TO FINAL DESIGN, RESOURCE CONSENT & FINAL SURVEY

Schedule of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
Pedestrian Right of Way	A	AU 1A Hereon	PU 1, PU 2, PU 3, PU 4 & PU 5 Hereon

Notes:

1) Areas and dimensions are subject to verification upon the final Land Transfer Survey.
2) Critical Points are to be confirmed by Survey.
3) Boundary Location to be confirmed upon the final Land Transfer Survey.
4) Services shown have been adopted from DCC drainage records
5) Contractor is responsible to locate all underground services prior to commencement of work.
6) The plan may not be copied without the approval of Terramark Ltd.
7) These notes are an integral part of this plan.
8) This plan is not intended to be used for architectural design purposes and has been prepared specifically for the purpose of this application.

Principal units 1-5 will have a limit based on the exterior walls and internal intertenancy walls.

The respective principal units will have an accessory unit to be used as parking:
PU 2 & AU 2B
PU 3 & AU 3A
PU 4 & AU 4A
PU 5 & AU 5B & AU 5C

The respective principal units will have an accessory unit to be used as bin storage:
PU 1 & AU 1
PU 2 & AU 2C
PU 3 & AU 3C
PU 4 & AU 4C
PU 5 & AU 5D

Project Title:
Stage One
Units on Lots 1 & 2
DP 8173

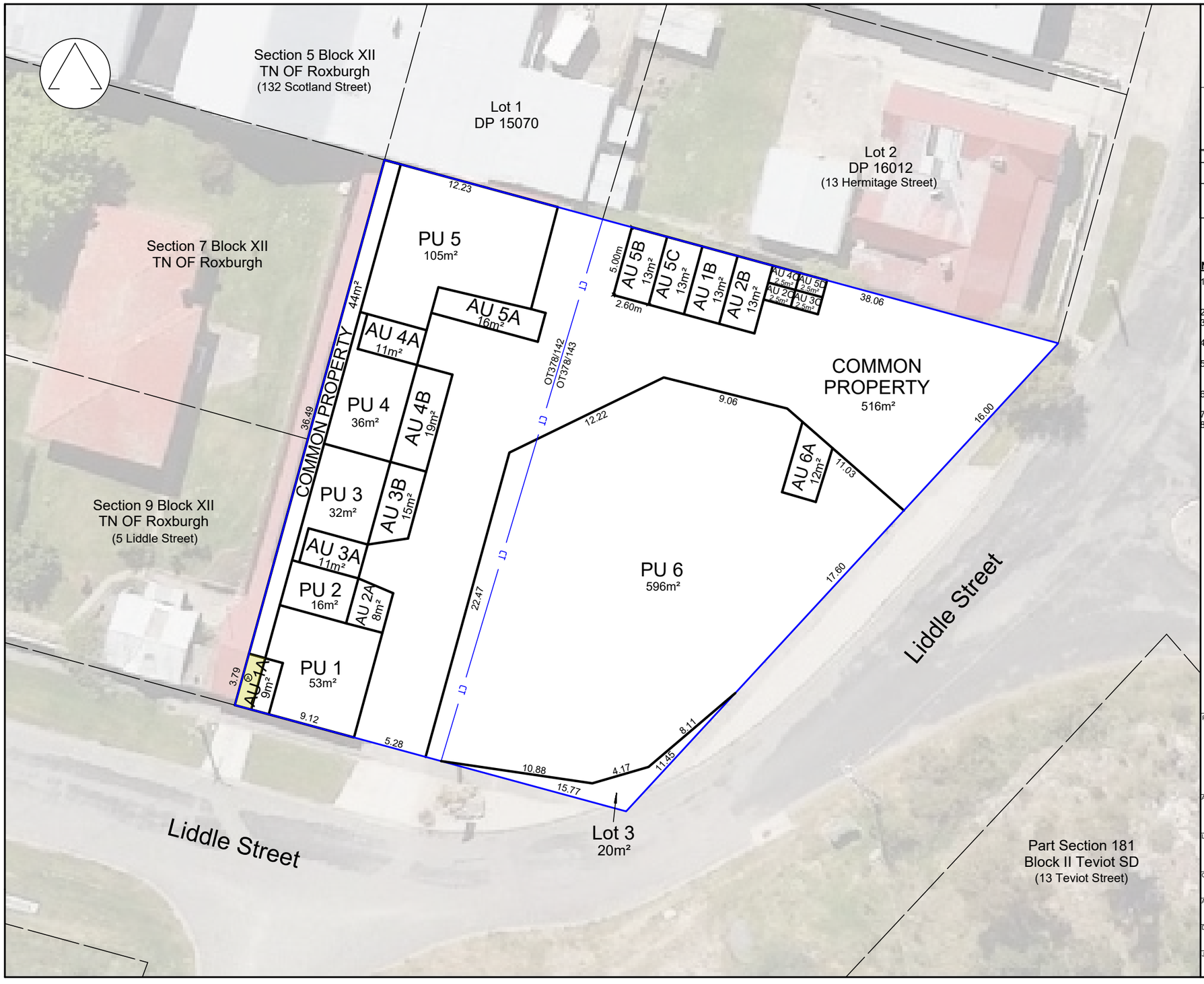
Address:
1 and 1A Liddle Street
Roxburgh

Legal Description:
Lots 1 & 2
DP 8173

Client:
Rudi Kats

Area:	Title Reference:
1621m²	As Shown
Date:	**Scale (A3):**
30/06/2025	1:250

Job No:	Plan No:	Revision:
250215	1	A



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Setting New Boundaries

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Schedule of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
Pedestrian Right of Way	A	AU 1A Hereon	PU 1, PU 2, PU 3, PU 4 & PU 5 Hereon

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PU 2 & AU 2B
PU 3 & AU 3A
PU 4 & AU 4A
PU 5 & AU 5B & AU 5C

The respective principal units will have an accessory unit to be used as bin storage:
PU 1 & AU 1
PU 2 & AU 2C
PU 3 & AU 3C
PU 4 & AU 4C
PU 5 & AU 5D

Project Title:
Stage Two
Units on Lots 1 & 2
DP 8173

Address:
1 and 1A Liddle Street
Roxburgh

Legal Description:
Lots 1 & 2
DP 8173

Client:
Rudi Kats

Area:	Title Reference:
1621m²	As Shown
Date:	Scale (A3):
30/06/2025	1:250

Job No:	Plan No:	Revision:
250215	1	A

CENTRAL OTAGO DISTRICT COUNCIL
REPORT OF PLANNING CONSULTANT

APPLICATION	**RC 250193**
APPLICANT	**ROXBURGH MOTELS LIMITED**
ADDRESS	**1 & 1A LIDDLE STREET, ROXBURGH**
LEGAL DESCRIPTION	**LOT 1 DP 8173 (HELD IN RECORD OF TITLE OT378/142) AND LOT 1 DP 8173 (HELD IN RECORD OF TITLE OT378/143).**
ACTIVITY DESCRIPTION	**SUBDIVISION CONSENT AND LAND USE CONSENT FOR A STAGED FREEHOLD AND UNIT TITLE SUBDIVISION IN THE LOW DENSITY RESIDENTIAL ZONE**
ACTIVITY STATUS	**NON-COMPLYING**

STATUS OF THIS REPORT

1. The attention of the applicants 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.

AUTHOR

2. My name is Rebecca Kennedy-Perkins and I am a Senior Planning Consultant at SLR Consulting. I hold a Masters in Arts from the University of Otago. I have over four years' experience in regional and district planning. I currently provide planning assistance to a number of southern Councils, including Central Otago District Council (Council), and I also assist a number of private clients with planning work.

3. I have been contracted by Council to report on this application.

4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

BACKGROUND

5. The subject site, Roxburgh Motels, was originally established as five units and a dwelling utilised as the managers residence. The site was spread across two separate but adjoining titles, over an area of 1,621 square metres (m^2).

6. A subsequent resource consent 070326 was granted on 16 November 2007. This consent authorised the site for Traveller's Accommodation in the Residential Resource Area, and front yard and site coverage breaches.

7. This consent further authorised the construction of four additional accommodation units and a new manager's residence/accommodation to replace the dwelling within a new building complex. The development activities under this consent sought the total number of travellers accommodation units to be increased from five to nine. The development activity authorised by this consent was not undertaken.

DESCRIPTION OF ACTIVITY

8. The application seeks consent for a staged subdivision of 1 & 1A Liddle Street, Roxburgh. The proposed subdivision will be undertaken in two stages, with Stage 1 separating off the existing manager's residence from the motel units as a fee simple allotment as well as Lot 3 as land to be vested to council, and Stage 2 creating unit titles over each of the motel units.

9. The purpose of the subdivision is to enable each of the accommodation units to be owned and managed individually. With respect to intended use of the units, the applicant intends for each unit to be owned under separate unit titles, where each owner may use their unit for both visitor accommodation activity and residential activity as dual uses.

10. The applicant has otherwise provided a detailed description of the proposal from page 13 of their Application prepared by Darryl Sycamore of Terramark Limited, dated 30 June 2025. This description is considered accurate and is adopted for the purposes of this report. A copy of the proposed subdivision plan is included below. The applicant has agreed that there is an error on the scheme plan identifying Lot 1 as PU 6, which will be amended prior to any decision being made. It is the applicant's intent for this to remain as a freehold title.

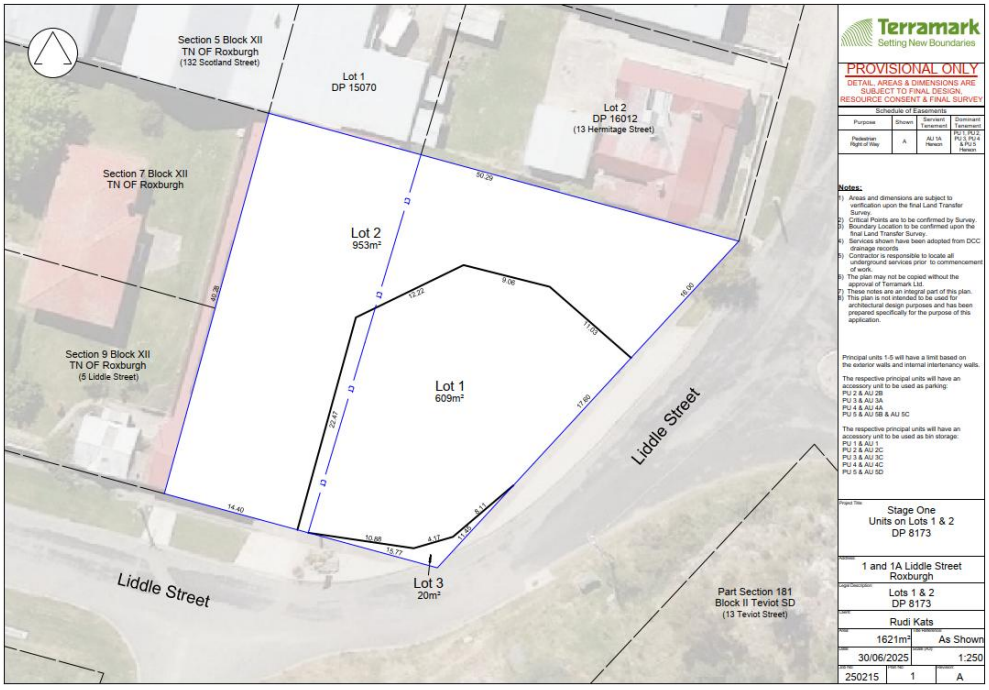


Figure 1. Plan of proposed Stage 1 (Source: Application RC250193)

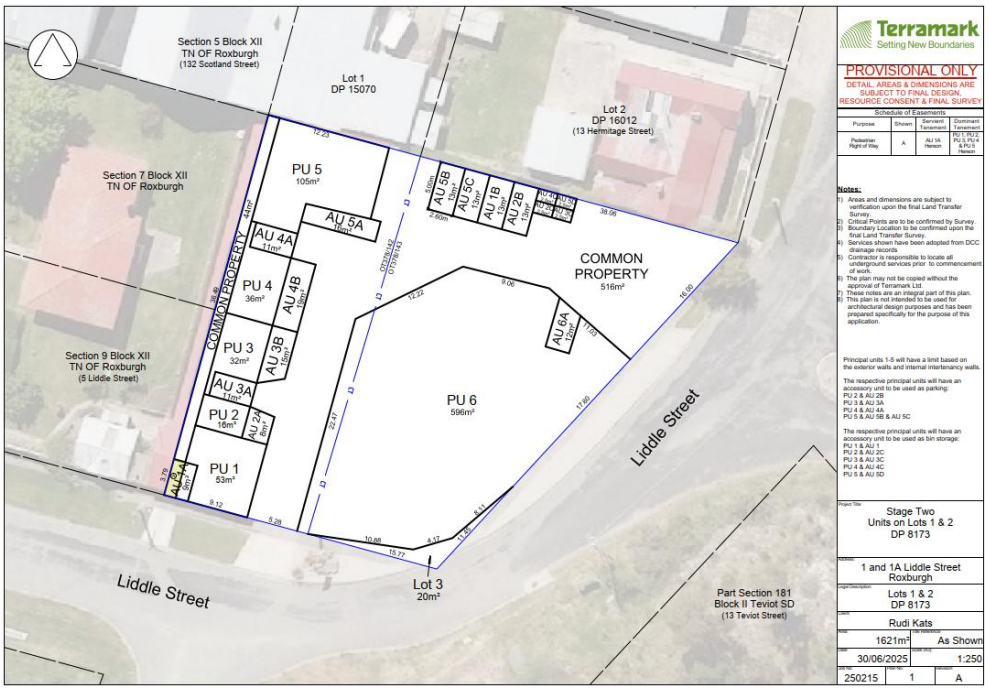


Figure 2. Plan of proposed Stage 2 noting that PU 6 is incorrect, and this should read Lot 1 (Source: Application RC250193)

SITE DESCRIPTION

11. The subject site is well described in the application 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.

12. In summary, the site is located at 1 and 1A Liddle Street, Roxburgh and is comprised of two separate but adjoining allotments: Lot 1 DP 8173 (Held in Record of Title OT378/142) is 626 m^2 and Lot 2 DP 8173 (Held in Record of Title OT378/143) is 995 m^2.

13. The site comprises five motel units, a manager's residence, and the curtilage associated with the motel. Access is provided by two separate vehicle crossings, one from Liddle Street and the other Hermitage Street. It is proposed to retain the current access arrangements.

14. The surrounding environment consists of low density housing within the low density residential zone, as well as commercial business within the adjacent business resource area.

15. The relevant consent history is described above in the background section.

REASONS FOR APPLICATION

Central Otago District Plan

16. The subject site is located within the Low Density Residential Zone (LRZ) under PC19 of the District Plan. The zoning of the subject site and most provisions of the LRZ are not subject to appeal and can be treated as operative under s86F.

17. However, Rule LRZ-S1 (Density) and SUB-S1 (Minimum allotment size) have been appealed, and therefore the rules of PC19 as they relate to density of units and subdivision cannot be treated as operative in accordance with Section 86F of the Act however, these provisions still have legal effect. At the time of writing this report, the appeals have not been determined and as such, these matters must be considered under both the District Plan and PC19 and a weighting exercise is required.

18. Under the Operative District Plan, subdivision consent is required for the following:

- A **discretionary** activity pursuant to Rule 7.3.4(i) for the subdivision of land which fails to comply with the minimum allotment sizes required by Rule 7.3.3(i)(a).

Plan Change 19 of the Central Otago District Plan (PC19)

19. Under PC 19 provisions, subdivision consent is required under the following ::

- A **non-complying** activity pursuant to SUB-R6, where the overall site size does not comply with SUB-S1 (subject to appeal).

20. Land use consent for the following (subject to appeal)

- A **non-complying** activity pursuant to Rule LRZ-R1 (subject to appeal), where the residential units do not comply with density requirements in accordance with LRZ-S1.

It is noted that 'site,' in the case of land subdivided under the Unit Titles Act 1972 or the unit Titles Act 2010, is defined by the District Plan as the whole of the land subject to the unit development. The proposal therefore does not comply with LRZ-S1.1 or LRZ-S1.2.

21. Land use consent for the following (operative)

- A **discretionary** activity pursuant to Rule LRZ-R1 for residential units that do not comply with the maximum density specified by LRZ-S1.

- A **discretionary** activity pursuant to Rule LRZ-R7, for visitor accommodation units that will not have at least one person residing permanently on the site, and will not meet LRZ-S7 in respect of the requirement for an additional car park for visitor accommodation.

- A **restricted discretionary** activity pursuant to Rule LRZ-S5 with respect to the setback of Unit 1 from the road boundary.

- A **restricted discretionary** activity pursuant to Rule LRZ-S7, for visitor accommodation units that will not have two car parks provided; one for residential use and one for visitor accommodation use.

National Environmental Standards

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

23. The proposal does not include any built works or soil disturbance and will occur within an area that has had a long-standing visitor accommodation use, within an historically established residential area. A search of Council records did not find any record of any HAIL activities on the site. Therefore, the site has not or is not likely to have had HAIL use in and a resource consent is not required under the NESCS for this application.

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

OVERALL STATUS

25. Overall, the proposal is for a ***non-complying*** activity.

WRITTEN APPROVALS

26. No written approvals were provided as part of this application.

27. A separate s95 notification decision was prepared which concluded that the effects on persons would be less than minor. This decision concluded the following:

28. *The subject site is fenced along all boundaries, which will provide screening and mitigation of the five existing motel units. The scale of the activity is no greater than what is currently experienced on the site. The proposed residential activity within the site has been detailed above, outlining the activity as being well screened from adjoining properties. Further, the proposed Body Corporate and Visitor Management Plan are expected to adequately control both the residential and visitor activity, and to ensure visitor activity is controlled, residential cohesion is maintained, as well as the maintenance of shared property.*

29. *Effects on character and amenity, including any loss of residential cohesion, will be difficult to perceive by people living in the wider neighbourhood. The proposed allotments have on-site parking, and will be adequately serviced. Any effects associated with long term residential density are unlikely to be noticeable, given the layout of the site, and that no developmental changes are associated with the proposal.*

30. This assessment is agreed and adopted for this report.

31. The proposed unit title subdivision will not result in any material changes to the previous assessments undertaken already for effects on persons.

32. Overall, any effects on persons as part of the unit title subdivision will be less than minor.

EFFECTS ON THE ENVIRONMENT

Permitted Baseline

33. 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 activity subdivisions under the Central Otago District Plan.

Receiving Environment

34. 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.

35. For the subject site, the existing and reasonably foreseeable receiving environment comprises the established visitor accommodation activities, the associated accommodation units and the manager's residence. It also includes the vehicle accesses at both ends of the subject site, car parks, carriageway and the established outdoor areas. The proposal has the purpose to enable flexibility to use the units for either residential or visitor accommodation activity. The use of the units for residential use is a permitted activity, albeit that a unit title subdivision retrospectively applied over the existing buildings will result in breaches of subdivision and land use standards. The use of the units for visitor accommodation is also a consented and lawfully established activity. These elements of the existing environment are crucial to the consideration of effects that follows.

36. For adjacent land, the existing and reasonably foreseeable receiving environment comprises an established residential neighbourhood, which to the north and further east is also zoned LRZ under PC19. Adjacent land to the west of the site is within the Business Resource Area under PC19.

Assessment – Effects on the Environment

37. The overall proposal has status as a non-complying activity. The consent authority is to have regard to any actual and potential effects on the environment of allowing the activity. As noted above, the site is located within the Residential Resource Area under the District Plan which is currently operative. The decision for PC19 puts the entirety of the site within the Low Density Residential Zone (LRZ). As discussed above, given the relief sought in the relevant appeals, for the purposes of this assessment I have placed greater weight on the provisions of PC19.

a. Visitor accommodation

38. Although visitor accommodation is authorised on the site as an existing activity, Stage One of the proposal will separate off the manager's residence from the site resulting in a breach of LRZ-R7.2 as no permanent resident will reside on the site. Furthermore, no additional car park will be provided per unit for the visitor accommodation activity. The breach associated with no additional car parking has been assessed in section 5 below, concluding the effects as less than minor. Despite the subject site currently operating as a motel with existing visitor's accommodation, the proposal may result in a less co-ordinated approach to the provision of visitor's accommodation through this dual use of the units; and with no permanent resident residing on site at times.

39. The nature of the activity without a permanent onsite resident would remain substantially similar to what currently occurs, and management of the accommodation activity will be controlled through the body corporate and visitor management plan. The Applicant is proposing that a Body Corporate Agreement be established, and volunteers a condition which requires the provision of a Visitor Management Plan, prior to the operation of any

of the units as private residential visitor accommodation, and for the management plan to be referenced on the Body Corporate Agreement. A copy of the Visitor Management Plan will be available within all units that may be used for visitor accommodation purposes at all times. The plan will provide details of an appointed Visitor Accommodation Manager, who will be contactable with regard to noise and nuisance effects complaints. This plan will be subject to a review clause. Any effects associated with no permanent resident on site, on the amenity of surrounding properties, is therefore expected to be controlled by the Visitor Management Plan, and expected to be less than minor.

40. Further to this, the layout of the site provides for safe access and use of outdoor areas that would mitigate adverse effects of visitor accommodation on neighbours and the wider environment. While continuation of visitor activities without a permanent resident residing on site will be approved by the consent, there will be no increase in the scale of the activity from what is already being undertaken. In considering the established baseline of effects within the receiving environment, and the controls that can be put in place through the Body Corporate Agreement, any adverse effects resulting from visitor accommodation will be acceptable.

b. Residential activities

41. The appropriateness of the units for residential uses, as opposed to the established visitor accommodation activities, requires consideration. For example, long-term residential users of properties may have greater expectations when it comes to factors such as privacy, security, noise and the use of private and shared outdoor spaces. It must be highlighted, however, that these components are not specifically regulated by the District Plan, and must be considered in the lens of on-site amenity.

42. The proposed units, although small in size, are able to provide on-site amenity when the development is considered on a site-wide basis. Unit 5 has adequate space within the unit and ancillary areas to provide for the aforementioned factors. However, in the case of Units 1 – 4 this would be more difficult, given that these units and outdoor spaces are very small, and in the case of Unit 1, there is no provision for private outdoor space. Particular concern is held for Unit 2, with a principal unit area of 16m^2, and outdoor area of 8m^2. To mitigate the small size of the units and individual outdoor living space, Units 2 – 5 will have access to private outdoor spaces, and all units will have access to common outdoor spaces and will also benefit from the use of common garden areas, as shown in Figure 5 below. This area provides sufficient communal garden areas, that will allow for adequate space for tree planting and gardening for residents. This shows a good level of amenity that can be provided on site for each unit.

43. Each unit is located and oriented in such a way as to provide an eastern outlook centrally on to the communal area/carriage way, thereby enabling adequate access to sunlight for each unit. The layout of the site, with each unit adjoined by a common-wall and facing inwards to the site, allows for each unit to enjoy a degree of privacy internally within the units. Each unit, apart from Unit 1, has the outdoor space directly adjoining the unit, which can be modified to provide a higher level of privacy if this is sought by residents. Unit 1 is designed in such a way to provide privacy to the residents/users of the unit, with high windows reducing potential privacy breaches from those using the carriage way. The layout of the site will provide adequate privacy to potential future residents. A dedicated parking area for Units 1, 2 and 5, as well as a one-way operation of the carriageway, will provide a degree of mitigation of effects such as noise.

44. Furthermore, the units are currently configured for visitor accommodation and have limited indoor storage spaces. Of importance to this, is that an increase in density of residential activity, are resultant factors such as increased use of outdoor storage and the presence of things such as mailboxes, garden sheds, washing lines and waste bins.

These factors, if uncontrolled, can have adverse effects on the amenity of surrounding properties and the character of the neighbourhood. Each unit had a dedicated storage space, which can be used as an ancillary space for the smaller units. This will mitigate nuisance effects associated with a higher degree of personal belongings that accompanies residential activity. As described in the section above, the applicant has volunteered a condition of consent requiring a Body Corporate to manage the site. The Body Corporate agreement will result in conditions being imposed to benefit the level of residential amenity on the site. These could include controls on matters such as outdoor storage, mailboxes, refuse, washing lines and the use of outdoor areas. As such, the proposal for the units to have residential use will result in a high level of management, through provisions established by the body corporate, when compared to stand-alone residential activity.

45. Based on the above, the proposed residential activity is expected to provide a level of on-site amenity that is consistent with the plan. As such, although the proposal will result in residential activity with breaches in density, the provision for adequate outdoor living space, adequate sunlight, privacy, and outlook shows that the proposal is able to provide residential activity that is in line with the purpose, character and qualities of the low-density residential zone.

Figure 5. Photograph of common property – outdoor living area (Source: Application RC250193)

c. Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.

46. The District Plan describes the purpose and character of the LRZ as providing for traditional suburban housing, comprised predominantly of detached houses on sections with ample on-site open space, and generous setbacks from the road and neighbouring boundaries. The proposed activity will result in various breaches that may have the potential to impact upon the on-site amenity of residents, as well as the residential amenity and character of the neighbourhood and the wider low-density residential zone, including: density; setback of Unit 1 from the road boundary; and visitor accommodation that does not have a permanent resident on site, nor an additional car park.

47. The density standard for the LRZ is a minimum allotment size of 400m^2. Lot 1 complies with this density requirement; however, Units 1 – 5 do not comply, with allotment sizes ranging from 16 – 105m^2; noting that this is not inclusive of the ancillary spaces designated to each unit title (car park, storage area, and outdoor area). It is, however, noted that the average density of the site is 260m^2. Although the average density remains significantly denser than what is anticipated for LRZ, the effects of the density are minimised through the established nature of the subject site within the neighbourhood; and as is assessed below, the ensuing breaches associated with a breach in density have been assessed as having less than minor effects.

48. The proposal seeks to provide for a dual use of the properties as residential and visitor's accommodation. With regard to the effects of the proposal on the amenity and character of the neighbourhood, this must be assessed in the context of the activity as being, in part, an existing activity. The dominant outlook of the site from the street is the manager's residence, which has well established gardens and landscaping, that provides a high level of streetscape amenity to the neighbourhood. Storage areas are provided for each unit, which are located in the centre of the site, and not visible from the road or neighbouring properties. Each unit is low in profile, and do not have any effects associated with a dominating built form. The provision for common property throughout the site, by way of the carriageway and communal outdoor living space, and the low profile of the buildings, allows for openness to be ensured across the site. This, coupled with the majority of the streetscape being accounted for by the low density managers residence, mitigates the effects of the high density provided by the units when the site is perceived by the neighbourhood. As such, the effects of the proposal on the anticipated character of the neighbourhood and the LRZ, are expected to be less than minor.

49. Unit 1 includes a breach associated with no setback of the built form from the road boundary, which may create effects associated with dominance. This breach forms part of the existing environment, and has been previously authorised as part of the site's visitor accommodation use. Further, the Applicant, as is outlined in section 5 below, agreed to adopt Council's Engineer's recommendation of disestablishing the carpark associated with Unit 1. This will allow for a greater integration of the unit to the streetscape, and will allow for a greater sense of separation from the street. As such, the effects associated with this existing breach are expected to be less than minor on the character of the neighbourhood.

50. The authorisation of residential activity within the site may have the potential to result in nuisance effects associated with dense residential activity, which may result in effects on the character and amenity of the neighbourhood. In considering the existing use of the site, the proposed activities will not result in an increased scale of effects or any notable change to the nature of activities on the site from the perspective of adjacent neighbours. This is because of the layout of the site, where ancillary residential activities will be located within the site, and screened from adjoining properties. The residential use of the units could arguably result in a better level of residential cohesion than is being provided by the existing visitor accommodation due to there being a lower turnover of occupants. Effects associated with the amenity and character of the neighbourhood are therefore expected to be less than minor.

51. The proposal includes breaches associated with this activity, as no permanent resident will be remaining on site, and there is no provision for a dedicated visitor car park per unit. These breaches have the potential to impact upon the residential character and amenity values of the neighbouring properties, through a potential for unmanaged visitor activity. The effects of these breaches have been assessed in section 1 above, concluding effects as less than minor. This is because the subject site is an existing motel, with existing authorised visitor accommodation activity. No additional structures are proposed for the subject site and all structures were present on site and in use as

visitor's accommodation, prior to the rezoning of the site under Plan Change 19. The scale of the site's use for visitor accommodation will not be any greater than the scale that currently exists, and may even be less given the proposed allowance for residential activity on the site. Further, as is described in detail in section 1 the proposal includes the adoption of a stringent Body Corporate Agreement, which will provide oversight of the Visitor Management Plan that is additionally proposed to accompany the proposal. As such, in considering the established baseline of effects within the receiving environment, it is considered that any adverse effects on neighbourhood character and amenity resulting from the site's use for visitor accommodation activity without a permanent resident on site and no additional visitor car parking will be acceptable.

52. Overall, the proposal will not in itself result in discernible visual effects beyond the site, as the built form is pre-existing and will not detract from the established character of the zone. The proposed dual use of the site for visitor accommodation and residential activity is expected to be well managed by the proposed Body Corporate Agreement and Visitor Management Plan. As such, the proposal is expected to have less than minor effects on the purpose, character, and qualities of the LRZ and surrounding neighbourhood.

d. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.

53. Two manifolds are located within Liddle Street, with one serving the manager's residence (Lot 1), and the second serving the five units (Lot 2). It is proposed a reduced pressure zone (RPZ) and splitter box be installed, and individual meters for each unit. Council's Environmental Engineer has assessed the application, noting that the existing arrangement for Lot 1 is adequate, provided it is inspected by a suitably qualified person to confirm it is in good working order. Council's Environmental Engineer, however, states the existing 20 millimetre (mm) connection to serve the five units is undersized, and recommends the existing water lateral is disestablished, with a new 50 mm line connected to the existing 50 mm uPVC water rider main in Liddle Street, with isolation valve, bulk meter, and backflow preventer at the subdivision boundary. It is further recommended that standard HDPE (PE100) DN25 (`21 mm ID) residential water connections must be provided to each of the five units from the private reticulation, and that each connection has an Acuflo toby installed at the unit boundary; allowing for backflow prevention and for each water supply to be separately controlled and isolated. Council's Environmental Engineer further recommends that the private water reticulation is owned, operated, and maintained by the body-corporate.

54. A separate wastewater line serves the Manager's residence (Lot 1) connecting to the 150 mm gravity main in Hermitage Street, and a second 100 mm service connection to the five units onto the 150 mm gravity main in Liddle street. This is proposed by the Applicant to remain. Council's Environmental Engineer, however, notes that the existing 100 mm connection serving the units is undersized. As such, it is recommended that the existing 100 mm EW wastewater lateral to the property is disestablished, and the existing undersized private reticulation is disestablished. A new connection is recommended to the Council's 150 mm EW wastewater main in Liddle Street, with a 150 mm ID connection. This connection must be constructed to vest-able standard but will remain private within the subdivision boundary. 100 mm ID residential wastewater connections are recommended to be provided to each of the proposed units from the private reticulation, and cleaning eyes installed at each unit boundary. Council's Environmental Engineer further recommends the private wastewater reticulation must be owned, operated, and maintained by the proposed body-corporate.

55. Stormwater at present is directed to kerb and channel where it enters one of several mudtanks for initial treatment before entering the municipal network. Council's Environmental Engineer recommends that stormwater is disposed of within the

subdivision boundary / onsite wherever possible. As such, it is recommended that the stormwater connections to the kerb from the subdivision is disconnected.

56. Based on the recommendations above, it is feasible that the site can be serviced without adverse effects on the environment.

57. Overall, potable water servicing, and wastewater and stormwater disposal arrangements are considered acceptable and without adverse impact on the environment.

e. Effects on the safety and efficiency of the road network

58. It is proposed to use the existing two vehicle crossings off Liddle Street and Hermitage Street, with both accesses providing good visibility to and from the road. The vehicle entrances are both legal and formed. Council's Environmental Engineer recommends that both the entranceways are upgraded to heavy duty standard, and that the first 5m of the carriageway, extending into the site from each entranceway, is sealed and has edgebreak protection, unless they are constructed from concrete, which would not require edgebreak protection. The applicant has adopted these conditions.

59. Access through the site is via a one-way carriageway through the property, which is gravelled, with the one-way operation of the carriageway proposed to remain. The existing gravel of the carriageway is additionally proposed to remain, with the Applicant proposing a condition of consent that will ensure the carriageway is maintained by the Body Corporate. Based on the Applicant's proposed condition of the carriageway maintenance, Council's Environmental Engineer supports the retention of the gravel carriageway and car parking areas.

60. With one carpark available for each unit, minimum parking requirements are met for residential activities. However, LRZ-S7 specifies that 'where the activity is visitor accommodation, one additional carpark space' is required. With regard to the use of all units, the individual units will be unlikely to be used for residential and visitor accommodation concurrently. Therefore, it is unlikely that the visitor accommodation activities would generate additional parking demand over and above what would be required for residential use. This shortfall will not discernibly affect the safe use of the access or road network and will not in any way detract from the amenity of the site and wider environment.

61. In assessed the proposal, Council's Environmental Engineer recommends that as the car park serving Unit 1 is proposed to be disestablished, the entranceway to this carpark is disestablished. The applicant has adopted this as a condition of consent.

62. Overall, based on the adoption of the recommended conditions, the proposed access and parking is considered acceptable, and will result in less than minor effects on the safety and efficiency of the road network.

f. Provision for pedestrian and cycle movement, including the provision of, or connection to, walkways and cycleways.

63. I am satisfied that the proposal provides adequate and appropriate provision for pedestrian and cycle movement within the subdivision. No further adverse effects are identified.

g. Easements

64. A foul sewer connection from 13 Hermitage Street extends into the subject site before connecting to the Council's network in Hermitage Street. This appears to have no formal

authorisation, however the Applicant proposed this as a formal easement subject to Council's acceptance.

65. Vehicle access will be provided for Lot 1 via a right-of-way (ROW) burdened against Lot 2.

66. ROW is proposed over Unit 1 to allow access to the common property behind the units used for has bottles.

h. Summary of effects assessment

67. In summary the subdivision will create two new titles and 5 unit titles over an existing motel complex, but will not result in any discernible changes to the built form of the site. The application is non-complying on the basis that minimum allotment areas and maximum density will not be met, however I am satisfied that resultant effects will be mostly internal to the site and any adverse effects in the environment and persons will be acceptable.

CONCLUSION – EFFECTS ON THE ENVIRONMENT

68. 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 less than minor and acceptable.

OFFSETTING OR COMPENSATION MEASURES

69. 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 POLICIES

Operative and Proposed Regional Policy Statements

70. The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. This decision is subject to a number of appeals. After taking into consideration the operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

Central Otago District Plan

71. 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 in the application, and these are adopted for the purposes of this report.

72. In summary, it is noted that the proposal will be consistent with the following objectives:

<u>Section 7 – Residential Resource Area</u>

73. *Objective 7.1.1 and Policies 7.2.1, 7.2.2, 7.2.6 seek to ensure that the character and amenity values or residential areas are protected, with particular focus on ensuring protection against the generation of traffic above what is normal, a reduction in privacy, access to daylight, and sunlight, and the loss of a sense of amenity, security and companionship caused by non-residential activities.*

74. The proposal will not impact up on the Residential Resource Area. It is also noted that the site is no longer zoned Residential Resource Area and therefore greater weight is provided to the relevant objectives and policies under Plan Change 19 as assessed below.

75. As has been assessed in the environmental effects section, the effects associated with the amenity and character of the neighbourhood have been assessed as acceptable. The subject site is currently used as transient visitor accommodation, and therefore the continuation of this activity, with a dual use of residential activity, is not going to result in effects on the residential values held by the residential resource area beyond what is already experienced on the site.

76. Further, the proposal does not include any development of the site. Thus there is not expected to be any change in the privacy and ability for adjoining properties to access adequate daylight and sunlight due to the proposal.

77. The proposal is therefore consistent with these provisions.

Section 12 – District Wide

78. *Objective 12.3.1 and Policy 12.4.1 seek to promote the safe and efficient operation of the District's roading network by ensuring safe and efficient access, off-street parking, and on-site manoeuvring.*

79. The proposal will utilise the existing access and parking arrangements, and will upgrade the existing accesses in accordance with Council's Environmental Engineer's recommendations. The proposal is therefore consistent with these provisions.

Section 16 - Subdivision

80. *Objective 16.3.1 and Policies 16.4.1, 16.4.2, and 16.4.6 seek to ensure that subdivision avoids, remedies, or mitigates adverse effects on the safe and efficient operation of the District's roading network by providing adequate access constructed to Council standards.*

81. The proposal promotes an acceptable use and upgrade of the existing accesses and will provide acceptable on-site parking. The proposal is therefore consistent with these provisions.

82. *Objective 16.3.2, Policy 16.4.3 seek to ensure that subdivisions provide all necessary services and infrastructure*

83. The proposal will provide adequate services subject to compliance with the relevant conditions of consent. The proposal is therefore consistent with these provisions.

84. *Objective 16.3.4 and Policy 16.4.7 seeks to ensure amenity values are not adversely affected by subdivision and that subdivision design is appropriate and efficient in relation to access and infrastructure.*

85. The proposed subdivision will not impact upon Objective 16.3.4 in relation to amenity values as the proposal is for a subdivision of an existing visitor accommodation activity,

where the site is not subject to overlays associated with the amenity values within these provisions. The proposal is therefore consistent with these provisions.

86. *Objective 16.3.7 seeks to ensure that subdivision contributes to the open space, recreation, and reserve needs of the community.*

87. The proposal will include a financial contributions for reserves and will therefore be consistent with this objective.

Proposed Plan Change 19

88. The objectives and policies of PC19 are operative in relation to the site. It is noted that site is zoned Low Density Residential Zone (LRZ).

89. *Objectives LRZ-01 and LRZ-02, and policies LRZ-P1, LRZ-P2, and PRZ-P5 seek to ensure that residential activities that support, and are compatible with, the character of the zone's residential focus.*

90. It must be noted that the above policies seek to manage development, in general, where no development of the site is proposed for this activity. However, for completeness, the proposal has been assessed against these policies.

91. The proposed residential activity is expected to provide a level of on-site amenity that is consistent with the PC19. Although the proposal will result in residential activity with breaches in density, the provision for adequate outdoor living space, adequate sunlight, privacy, and outlook shows that the proposal is able to provide residential activity that is in line with the purpose, character and qualities of the low-density residential zone. Further, the authorisation of the site for residential activity will allow for the surrounding area to regain residential activity, which is sought by the above provision LRZ-P5.

92. LRZ-P2 seeks for residential activity to provide for a range of residential unit types and sizes, to meet the diverse and changing residential demands of communities. The proposal is consistent with this policy, as it is providing for small sized units, within a neighbourhood that does not readily provide residential activity of a similar size.

93. The dual use of the site for visitor accommodation is additionally consistent with the above provisions. The use of the site for visitor accommodation activity is not expected to compromise the anticipated amenity of the surrounding area. This is because the activity is centralised within the site, and well separated and screened from neighbouring properties.

94. Further, the visitor accommodation activity is a continuation of an existing activity, with no increase in scale from what is already being undertaken on the site. In considering the established baseline of effects within the receiving environment, and the controls that can be put in place through the Body Corporate Agreement, any effects resulting from visitor accommodation are expected to be acceptable.

95. Objectives SUB-01 and policy SUB-P1 seek to ensure that subdivision activities create sites that are consistent with the purpose, character and amenity values within that zone, are an adequate size and dimension to accommodate the intended built form of the zone, minimise natural hazard risk, and are adequately served by public open space.

96. Although the proposed subdivision will result in PU1 – PU5 being undersized, the effects of this on the purpose, character and amenity of the zone have been assessed as acceptable. It has been demonstrated that the proposal is able to provide adequate on-site amenity for each individual unit owner/occupier, in a manner that will prevent nuisance effects occurring for neighbouring users.

97. No development activities are proposed with the application, an therefore the intended built form of the zone has been accommodated, through the existing motel. Additionally, no natural hazard risks have been identified on the site. The subject site is in a central location in Roxburgh, and is located well within walking distance to various areas serving public open space. As such, the proposed activity is consistent with the above provisions.

98. The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan including Plan Change 19.

Objectives and Policies Conclusion

99. Overall, the proposal will be consistent with the objectives and policies of the Operation and Proposed Regional Policy Statements and the Central Otago District Plan including Plan Change 19.

SECTION 104D

100. 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.

101. 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 104D to grant consent.

OTHER MATTERS

102. Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Precedent and plan integrity

103. '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 further subdivisions which may result as a consequence of precedent.

104. In this scenario, I do not consider that there is a significant risk of precedent issues arising. This is because the proposal is for the subdivision of an existing motel site, to allow for dual use of visitor and residential activity. Importantly, the proposal does not involve any development activities associated with the development of the site. As such, the proposal is entirely dependent upon the existing arrangement of the site as a Motel.

105. As noted above, the non-compliance arises due to the Plan not explicitly providing for Unit Title subdivisions and 'allotment's being created that are less than the required 400m^2. In practice, the site will continue to operate as visitor accommodation, where the allowance for residential activity is not expected to change the scale of use of the site.

106. Although the proposal is seeking authorisation for undersized residential allotments, in this scenario, the existing site is arranged so as to provide adequate parking, communal outdoor areas, and storage within the site. In this regard, this subdivision will not result in inappropriate undersized lots that would undermine the integrity of the plan or result

in new subdivision applications seeking new undersized freehold titles in the Low-Density Residential Zone.

Part 2

107. 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

108. After having regard to the above planning assessment, I recommend that:

a) The Council grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104D of the Resource Management Act 1991, subject to the conditions imposed under section 108 of the Act listed below.

109. A suite of conditions are attached below for the decision maker to consider.

Rebecca Kennedy-Perkins
Planning Consultant
Date: 09 January 2026

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Consent Type: Subdivision and Land Use Consent

Consent Number: RC 250183

Purpose: Staged subdivision consent to establish freehold unit titles and land use consent to establish visitor accommodation in a low density residential zone

Location of Activity: 1 and 1A Liddle Street, Roxburgh

Legal Description: Lot 1 DP 8173 (Record of Title OT378/142) and Lot 2 DP 8173 (Held in Record of Title OT378/143).

Lapse Date: [Day and Month] 2031, unless the consent has been given effect to before this date.

Conditions:

General:

1. The subdivision 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 30 June 2025, except where modified by the following conditions.

2. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.

3. Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at: *CODC Home > Services > Planning > Land Development and Subdivision Engineering*
   This EA application must include:

   - Confirmation of who their representative is for the design and execution of the engineering work.
   - Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

   Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

4. Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

   - Schedule 1A,
   - *Schedule 1B,*
   - Standalone Schedule 1B for 3 waters work, and

- Schedule 1C

5. As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dwg/*.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

Stage 1 Subdivision – Fee Simple

Section 223

6. Prior to certification pursuant to Section 223 of the Resource Management Act 1991, any easements required to protect access or for access to services must be duly granted or reserved.

7. The consent holder must vest Lot 3 to Council ownership.

Section 224(c)

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Access

a) The existing (redundant) vehicle entranceway/crossing must be removed and reinstated to match the adjoining kerbs, and grassed berm.

b) The two existing vehicle entranceways/crossings from Liddle Street must be demonstrated to comply with the Heavy-Duty requirements of Part 29 of Council's Roading Policies January 2015, or be upgraded accordingly. The following specific requirements apply:

   i) An upgraded crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings. Chip seal crossings must be two coat.

   ii) Kerb design to include a minimum of 75mm concrete thickening and 3 re-bars placed central to reinforce the kerb line, on basecourse of 150mm of compacted AP40. Alternatively, fibre-reinforced concrete may be used instead of concrete and re-bar

c) The private parking area/carriageway must be constructed in accordance with the following:

   i) A subgrade CBR >7.

   ii) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

   iii) Final design layout to be determined at time of Engineering Acceptance to the satisfaction of Council's Infrastructure Manager. Any deviations from this standard must be only with the written permission of Council's Infrastructure.

Advice note: Prior to upgrading or constructing a vehicle crossing, an approved 'Vehicle Crossing Application' submission is required.

Potable Water Supply

d) The existing water supply connection to serve Lot 1 must be inspected by a suitably qualified and experienced person to confirm in writing that it is in good working order. Should the connection be found in poor condition, or if the lateral is exposed as part of the works and found to be of sub-standard size or made of copper, or galvanised iron, then this must be communicated with the Council so that arrangements can be made to have the lateral replaced, by the applicant, if Council considers replacement necessary.

Wastewater

e) The existing wastewater lateral to serve Lot 1 must be inspected by a suitably qualified and experienced person to confirm in writing that it is in good working order, and a cleaning eye must be installed on the street side of the street-property boundary if not already installed. Should the lateral be found to be in a poor condition then a new standard 100mm ID residential wastewater connection must be installed, connecting to the gravity wastewater main in Liddle Street, with a cleaning eye installed on the street side of the street-property boundary, and the lateral in poor condition must be disestablished to the satisfaction of Council's Three Waters Team. Should the lateral be found to be made of earthenware then it must be fully inspected by closed-circuit television (CCTV) to ensure that it is in good working order, and evidence (to the satisfaction of the Council Infrastructure Manager) of this provided to the Council, otherwise it must also be replaced.

Stage 2 Subdivision – Unit Title

Section 223

9. Prior to certification pursuant to Section 223 of the Resource Management Act 1991, any easements required to protect access or for access to services must be duly granted or reserved.

Section 224(c)

10. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

    a) Potable water reticulation must be provided to PU 1 to PU 5 in accordance with the following:

        i) The existing 20mm water lateral to the property must be disestablished to the satisfaction of Council's Three Waters Manager.

        ii) Water reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private and within the subdivision boundary.

        iii) Connection to the Council network must be from the existing 50mm uPVC water rider main in Liddel Street (as shown on GIS), with isolation valve, bulk meter, and\ backflow preventer at the subdivision boundary. Connection to be HDPE (PE100) DN63(~53mm ID).

iv) Standard HDPE (PE100) DN25 (~21mm ID) residential water connections must be provided to PU 1 to PU 5 from the private reticulation, and for each connection an Acuflo toby must be installed at the unit boundary to provide backflow prevention and so the water supply to each unit can be separately controlled and isolated.

v) The final design must be to the satisfaction of Council's 3 Waters, as confirmed at Engineering Acceptance stage.

vi) Private water reticulation to be owned, operated, and maintained by the management entity (e.g. body-corporate).

vii) If water toby boxes are located within vehicle accesses, carparking areas, or entranceways/crossings because other solutions are not feasible, these must be cast iron to support sustained traffic.

Advice Note: An approved 'Application to Connect' submission is required prior to connecting to Council's potable water network.

Wastewater

b) Wastewater reticulation must be provided to PU 1 to PU 5 in accordance with the following:

i) The existing 100mm EW wastewater lateral to the property must be disestablished, and the existing undersized private reticulation must be disestablished, to the satisfaction of Council's Three Waters Manager.

ii) Wastewater reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private within the subdivision boundary.

iii) Connection to the Council network to be to the 150mm EW wastewater main in Liddle Street. Manholes and/or maintenance shafts must be installed as required. Connection must be 150mm ID.

iv) 100mm ID residential wastewater connections must be provided to each of PU 1 to PU 5 from the private reticulation, and for each connection a cleaning eye installed at the unit boundary.

v) The final design must be to the satisfaction of Council's 3 Waters, as confirmed at Engineering Acceptance stage.

vi) Private wastewater reticulation must be owned, operated, and maintained by the body-corporate.

Advice note: Prior to connecting to Council's wastewater network, an approved 'Application to Connect' submission is required, in addition to approved plans for wastewater servicing via the 'Engineering Acceptance process.

Stormwater

c) Stormwater from buildings and other impervious surfaces within each of PU 1 to PU 5 must be stored for beneficial reuse or disposed of by soak-pit designed by a suitably qualified and experienced person within the subdivision boundary and evidence (to the satisfaction of the Council Infrastructure Manager) of this provided to the Council

d) The two existing stormwater connections to the kerb from the subdivision must be disconnected.

Power and Telecommunications

e) Operational power and telecommunication services must be provided underground to PU 1 to PU 5.

LAND USE 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, except where modified by the following conditions.

2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:

   a. Administration, monitoring and inspection relating to this consent; and
   b. Charges authorised by regulations.

Visitor Accommodation

3. This consent permits the use of PU 1 to PU 5 to be independently operated as visitor accommodation.

4. Prior to the operation of the units as visitor accommodation, the consent holder must provide Council's Planning Department with a Visitor Management Plan for approval (resource.consents@codc.govt.nz) that is consistent with conditions 5 to 7. A copy of this plan is to be kept on site at all times and provided to guest upon checking in.

5. A property manager must be appointed, who will be contactable at all times by guests and the wider community for the purposes of receiving and responding to complaints. The contact details of the property manager must be kept up to date in the Visitor Management Plan and provided to the occupiers of all neighbouring properties.

6. The Visitor Management Plan must be referenced on the management entity (such as a body corporate) agreement to ensure a coordinated approach to the management of visitor accommodation through the management entity. The visitor accommodation activities must be undertaken in accordance with the approved Visitor Management Plan. The plan must include, but is not limited to, the following details:

   a) Contact details of the accommodation manager;

   b) Noise restrictions;

   c) Refuse management;

d) Outdoor living space use restrictions and associated signage;

e) On-site parking designation and management;

f) Complaint recording and management, including procedure for reporting to Council should a complaint be received; and

g) Procedures and frequency for updating and reviewing the Visitor Management Plan.

7. Regarding the use of outdoor space:

c) The use of outdoor areas by guests is prohibited between the hours of 10.00 pm and 7.00 am.

d) Two (2) signs (minimum A4 size) must be erected at each residential unit to remind guests that they are in a residential area, and that the use of outdoor areas is prohibited between the hours of 10.00 pm to 7.00 am.

8. In accordance with Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed on and in the period within 6 (six) months upon each anniversary of the date of this consent, if, on reasonable grounds, the consent authority finds that:
   a) There is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted;
   b) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse environmental effect; or
   c) There has been a change in the circumstances and the conditions of consent are no longer appropriate in terms of the purpose of the Act.

Advice Notes:

Financial and Development Contributions

1. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.

2. Payment of a reserves contribution of $10,100.88 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan.

Access

3. It is the consent holder's responsibility to obtain all necessary Temporary Traffic Management Plans, Corridor Access Requests or any other approvals to undertake works within the road reserve. These approvals should be obtained prior to the works commencing.

General

4. 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.

5. 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.

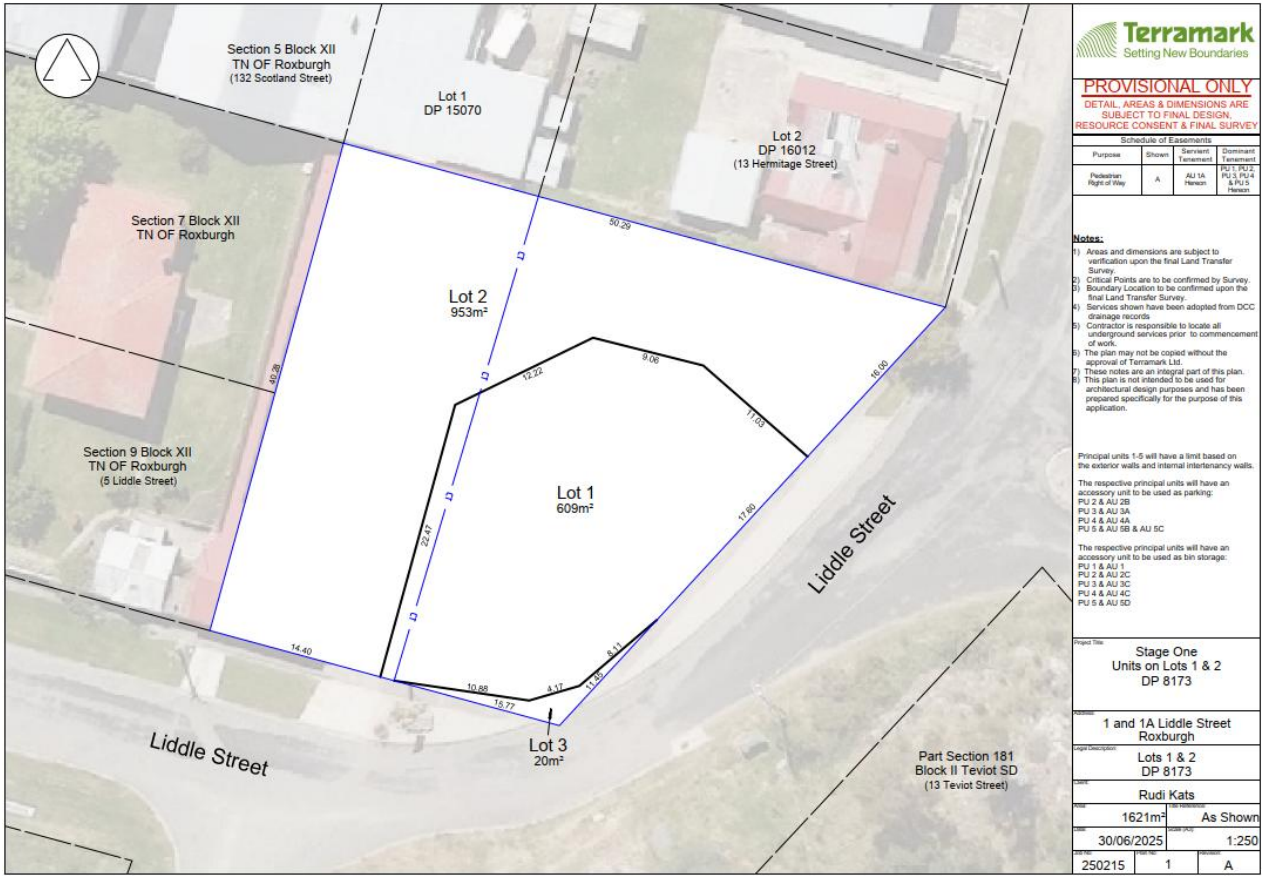
6. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

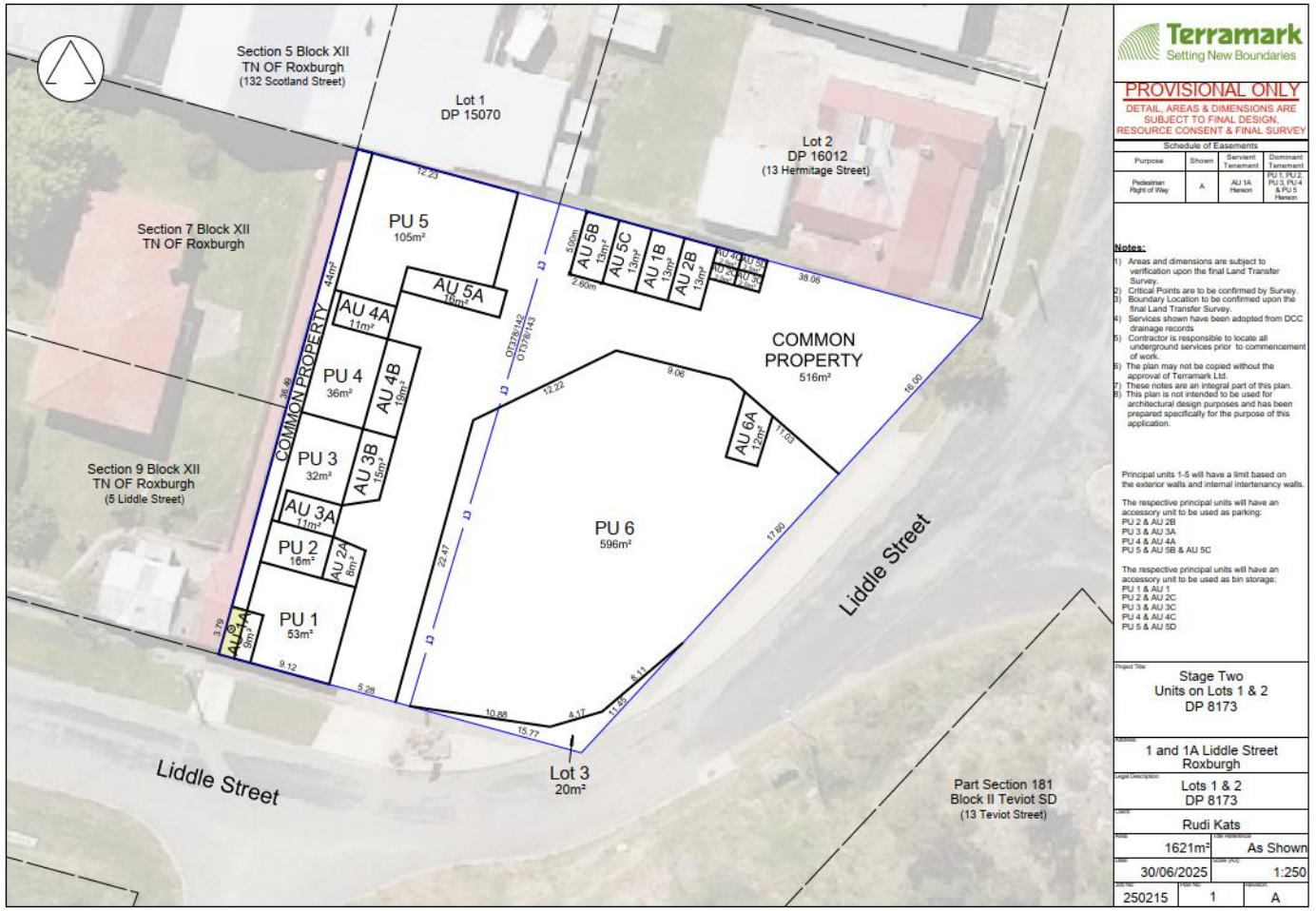
7. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

8. This is a resource consent. Please contact the Council's Building Services Department, about any building consent requirements for the work.

Issued at Central Otago on [Day and Month] [Year]

Appendix One: Plans for RC250186 (scanned images, not to scale)





Terramark
Setting New Boundaries

PROVISIONAL ONLY

DETAIL, AREAS & DIMENSIONS ARE SUBJECT TO FINAL DESIGN, RESOURCE CONSENT & FINAL SURVEY

Schedule of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement
Pedestrian Right of Way	A	AU 1A Hanson	PU1, PU2, PU 3, PU 4 & PU 5 Hanson

Notes:

1) Areas and dimensions are subject to verification upon the final Land Transfer Survey.
2) Critical Points are to be confirmed by Survey.
3) Boundary Location to be confirmed upon the final Land Transfer Survey.
4) Services shown have been adopted from DCC drainage records
5) Contractor is responsible to locate all underground services prior to commencement of work.
6) The plan may not be copied without the approval of Terramark Ltd.
7) These notes are an integral part of this plan.
8) This plan is not intended to be used for architectural design purposes and has been prepared specifically for the purpose of this application.

Principal units 1-5 will have a limit based on the exterior walls and internal intertenancy walls.

The respective principal units will have an accessory unit to be used as parking:
PU 2 & AU 2B
PU 3 & AU 3A
PU 4 & AU 4A
PU 5 & AU 5B & AU 5C

The respective principal units will have an accessory unit to be used as bin storage:
PU 1 & AU 1
PU 2 & AU 2C
PU 3 & AU 3C
PU 4 & AU 4C
PU 5 & AU 5D

Project Title: Stage Two
Units on Lots 1 & 2
DP 8173

Address: 1 and 1A Liddle Street
Roxburgh

Legal Description: Lots 1 & 2
DP 8173

Client: Rudi Kats

Area	Title Reference
1621m²	As Shown
Date: 30/06/2025	Scale (A1): 1:250
Job No: 250215	Plan No: 1
	Revision: A

CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC250193
1 & 1A Liddle Street, Roxburgh

APPLICATION	**RC 250193**
APPLICANT	**ROXBURGH MOTELS LIMITED**
ADDRESS	**1 & 1A LIDDLE STREET, ROXBURGH**
LEGAL DESCRIPTION	**LOT 1 DP 8173(HELD IN RECORD OF TITLE OT378/142) AND LOT 2 DP 8173 (HELD IN RECORD OF TITLE OT378/143).**
ACTIVITY DESCRIPTION	**SUBDIVISION CONSENT AND LAND USE CONSENT FOR A STAGED FREEHOLD AND UNIT TITLE SUBDIVISION IN THE LOW DENSITY RESIDENTIAL ZONE**
ACTIVITY STATUS	**NON-COMPLYING**

Background

The subject site, Roxburgh Motels, was originally established as five units and a dwelling utilised as the managers residence. The site was spread across two separate but adjoining titles, over an area of 1,621 square metres (m^2).

A subsequent resource consent 070326 was granted on 16 November 2007. This consent authorised the site for Traveller's Accommodation in the Residential Resource Area, and front yard and site coverage breaches.

This consent further authorised the construction of four additional accommodation units and a new manager's residence/accommodation to replace the dwelling within a new building complex. The development activities under this consent sought the total number of travellers accommodation units to be increased from five to nine. The development activity authorised by this consent was not undertaken.

Description of Activity

Roxburgh Motels Limited (**the Applicant**) is seeking consent for a staged subdivision of 1 & 1A Liddle Street, Roxburgh. The proposed subdivision will be undertaken in two stages, with Stage 1 separating off the existing manager's residence from the motel units as a fee simple allotment, and Stage 2 creating unit titles over each of the motel units and the manager's residence. The purpose of the subdivision is to enable each of the accommodation units to be owned and managed individually and used either for residential or visitor accommodation purposes. The consent is therefore additionally seeking consent for the residential use of the units, as well as the existing use for visitor accommodation.

Of the existing motel units, three are two bedroom units, one contains three bedrooms, and one contains one bedroom only. The site has a building coverage of approximately 30.5%. The proposal will result in common property, which is proposed to be controlled and maintained through a body corporate.

Stage 1 will complete a fee-simple subdivision creating three lots, as outlined below:

- Lot 1 is proposed to have an area of 609m^2 and includes the manager's residence.
- Lot 2 is the balance of the subdivision (953m^2), including both existing vehicle crossings on Liddle Street and Hermitage Street.
- Proposed Lot 3 is land that is proposed to be vested as road to Council, with an area of 20 m^2.

Stage 2 is a Unit Title subdivision of the whole site, as detailed below:

- This will create a separate unit title for each of the five motel units and the manager's residence, along with 16 ancillary units. The ancillary units are shown in Figure 1 below, with the areas shown in Table 1 below.
    - Units 3 and 4 will continue to use the existing in-built carports attached to the unit (AU3A and AU4A), while Units 1, 2 and 5 will have parking along the northern boundary, where carparking is currently provided (AU1B, AU2B, AY5B, and AU5C). Accordingly, all units will have a parking space.
    - All units will be provided storage areas for bins (AU1A, AU2C, AU3C, AU4C, and AU5C).
    - Units 2 – 5 will be provided outdoor space (AU2A, AU3A, AU4A, and AU5A), however Unit 1 will have no outdoor space.
    - Common property will be provided as access and the existing garden area. The units and ancillary units will have the following areas:

Table 1. Area of Ancillary units proposed

	PU1	**PU2**	**PU3**	**PU4**	**PU5**	**PU6**
Area (m^2)	53	16	32	36	105	596
	AU1A	**AU2A**	**AU3A**	**AU4A**	**AU5A**	**AU6A**
Area (m^2)	9	8	11	11	16	12
	AU1B	**AU2B**	**AU3B**	**AU4B**	**AU5B**	
Area (m^2)	13	13	15	19	13	
		AU2C	**AU3C**	**AU4C**	**AU5C**	
Area (m^2)		2.5	2.5	2.5	13	
					AU5D	
Area (m^2					2.5	
Total (m^2)	75	39.5	83	68.5	149.5	608

In addition to the unit areas, common areas are proposed at a total of 560m^2.

The proposal will utilise existing services for wastewater, stormwater, and potable water. Easements are proposed to ensure that the current access is available to each of the proposed units. Upgrades are proposed in respect of potable water supply, wastewater connection, stormwater disposal, and access.

The proposal involves land use breaches associated with the land use change to dual use of the units for both residential and visitors accommodation, and associated non compliance with density requirements. In addition, as the proposal will result in each unit on a separate site from the manager's residence, the proposal includes a breach associated with visitors accommodation where there will not be at least one person residing on the site permanently, and in terms of no additional carpark provided for the visitor accommodation activity. The existing Unit 1 additionally breaches the setback from the road boundary.

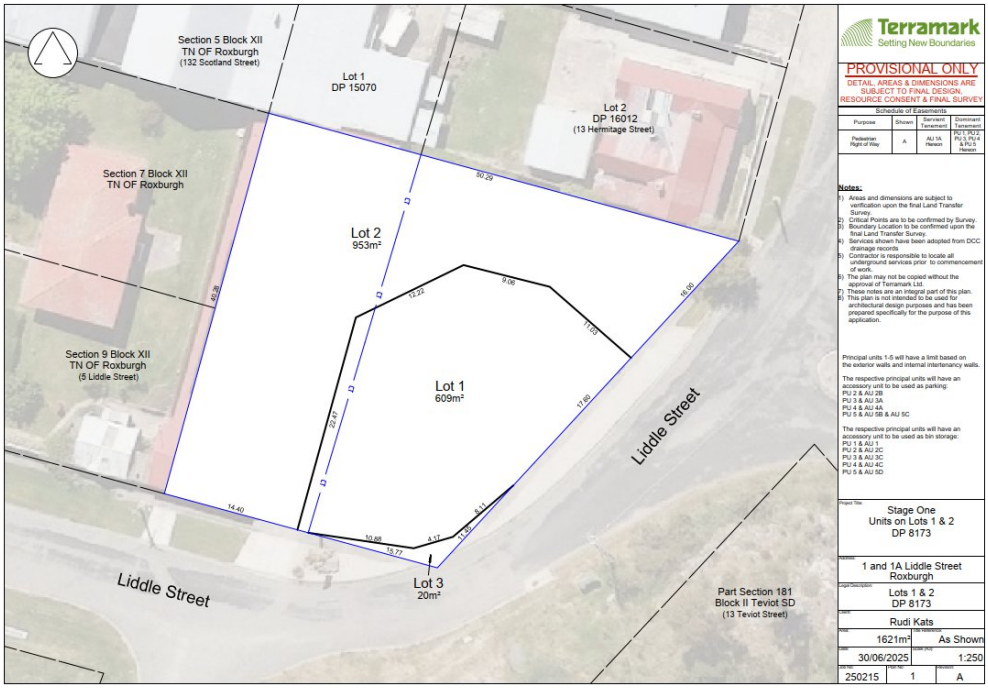


Figure 1. Plan of proposed Stage 1 (Source: Application RC250193)

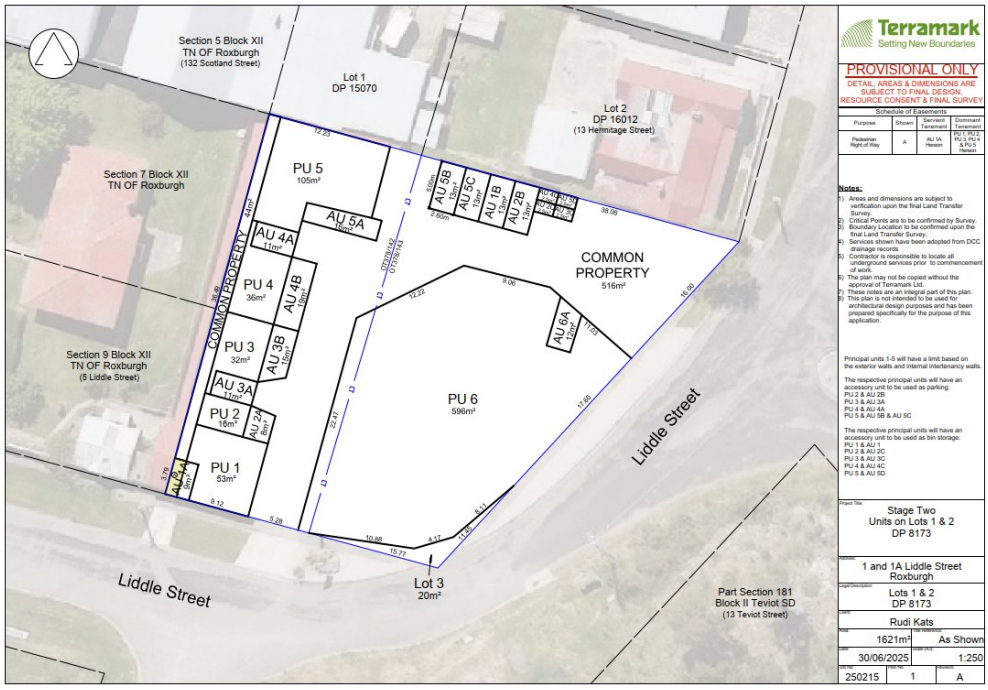


Figure 2. Plan of proposed Stage 2 (Source: Application RC250193)

Site Description

The subject site is well described in the application 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.

In summary, 1 and 1A Liddle Street, Roxburgh is comprised of two separate but adjoining allotments: Lot 1 DP 8173 (Held in Record of Title OT378/142) is 626 m^2 and Lot 2 DP 8173 (Held in Record of Title OT378/143) is 995 m^2.

The site comprises five motel units, a manager's residence, and the curtilage associated with the motel. Access is provided by two separate vehicle crossings, one from Liddle Street and the other Hermitage Street. It is proposed to retain the current access arrangements.

The surrounding environment, shown in Figure 3 below, consists of low density housing within the low density residential zone, as well as commercial business within the business resource area.

Figure 3. Surrounding environment of subject site, shown by yellow highlight (Source: GIS)

Reasons for Consent

Central Otago District Plan

There are currently two sets of rules and zonings to consider under the Central Otago District Plan (**the District Plan**) as Plan Change 19 (**PC19**) has legal effect under 86B(1) of the Act.

The relevant rules for the Residential Resource Area have been superseded by PC19 and are now treated as inoperative under s86F of the RMA. The appeal period for PC19 closed on the 9th of August 2024. PC19 rules that are not subject to appeal are now considered operative under s86F of the RMA.

The subject site is located within the Low Density Residential Zone (**LRZ**) of PC19. The zoning of the subject site and most provisions of the LRZ are not subject to appeal and can be treated as operative under s86F. However, Rule LRZ-S1 (Density) and SUB-S1 (Minimum allotment size) have been appealed, and therefore the rules of PC19 as they relate to density of units and subdivision cannot be treated as operative in accordance with Section 86F of the Act however, these provisions still have legal effect. At the time of writing this report, the appeals have not been determined and as such, these matters must be considered under both the District Plan and PC19 and a weighting exercise is required.

The appeals in general seek a relief that the density of the LRZ be revised to be increased, and no such appeals seek the retention of the Residential Resource Area or to keep the LRZ at a lower density.

In terms of an eventual weighting exercise, I confirm that the following rules of PC19 are applicable to the proposal and will be given considerable weight given the relief sought in the relevant appeals.

Section 7 - Residential Resource Area

Subdivision consent is required for the following:

- A **discretionary activity** pursuant to Rule 7.3.4(i) for the subdivision of land which fails to comply with the minimum allotment sizes required by Rule 7.3.3(i)(a).

Plan change 19 of the Central Otago District Plan

Subdivision consent under the following (subject to appeal):

- A **non-complying** activity pursuant to SUB-R6, where the overall site size does not comply with SUB-S1.

Land use consent for the following (subject to appeal)

- A **non-complying** activity pursuant to Rule LRZ-R1, where the residential units do not comply with density requirements in accordance with LRZ-S1; and
    - It is noted that 'site,' in the case of land subdivided under the Unit Titles Act 1972 or the unit Titles Act 2010, is defined by the District Plan as the whole of the land subject to the unit development. The proposal therefore does not comply with LRZ-S1.1 or LRZ-S1.2.

Land use consent for the following (operative)

- A **discretionary** activity pursuant to Rule LRZ-R1 for residential units that do not comply with the maximum density specified by LRZ-S1.
- A **discretionary** activity pursuant to Rule LRZ-R7, for visitor accommodation units that will not have at least one person residing permanently on the site, and will not meet LRZ-S7 in respect of the requirement for an additional car park for visitor accommodation.
- A **restricted discretionary** activity pursuant to Rule LRZ-S5 with respect to the setback of Unit 1 from the road boundary. Council's discretion is limited to:
    - Any adverse effects on the safety and efficiency of the road network;

- The extent to which the breach will have adverse effects on visual amenity values, including dominance;
- Compatibility of the building or structure with the surrounding built environment; and
- Any constraints which make compliance impractical.

- A **restricted discretionary** activity pursuant to Rule LRZ-S7, for visitor accommodation units that will not have two car parks provided; one for residential use and one for visitor accommodation use. Council's discretion is limited to:

  - Any adverse effects on the safety and efficiency of the road network; and
  - Effects on amenity values of neighbouring properties.

National Environmental Standards

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

The proposal does not include any built works or soil disturbance and will occur within an area that has had a long-standing visitor accommodation use, within an historically established residential area. A search of Council records did not find any record of any HAIL activities on the site. Therefore, the site has not or is not likely to have had HAIL use in and a resource consent is not required under the NESCS for this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, there is more than one rule involved, and the effects are linked. As such, 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 104D of the Resource Management Act 1991 ('the Act').

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 – 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 (s95B(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 activity subdivisions under the Central Otago District Plan and there is therefore no permitted baseline to be applied with regard to the subdivision.

Existing and 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 the established visitor accommodation activities, the associated accommodation units and the manager's residence. It also includes the vehicle accesses at both ends of the subject site, car parks, carriageway and the established outdoor areas. The proposal has the purpose to enable flexibility to use the units for either residential or visitor accommodation activity. The use of the units for residential use is a permitted activity, albeit that a unit title subdivision retrospectively applied over the existing buildings will result in breaches of subdivision and land use standards. The use of the units for visitor accommodation is also a consented and lawfully established activity. These elements of the existing environment are crucial to the consideration of effects that follows.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises an established residential neighbourhood, which to the north and further east is also zoned LRZ under PC19. Adjacent land to the west of the site is within the Business Resource Area under PC19.

Assessment of Effects

The overall proposal has status as a non-complying activity. The consent authority is to have regard to any actual and potential effects on the environment of allowing the activity. As noted above, the site is located within the Residential Resource Area under the District Plan which is currently operative. The decision for PC19 puts the entirety of the site within the Low Density Residential Zone (LRZ). As discussed above, given the relief sought in the relevant appeals, for the purposes of this assessment I have placed greater weight on the provisions of PC19.

1. Visitor accommodation

Although visitor accommodation is authorised on the site as an existing activity, Stage One of the proposal will separate off the manager's residence from the site resulting in a breach of LRZ-R7.2 as no permanent resident will reside on the site. Furthermore, no additional car park will be provided per unit for the visitor accommodation activity. The breach associated with no additional car parking has been assessed in section 5 below, concluding the effects as less than minor. Despite the subject site currently operating as a motel with existing visitor's accommodation, the proposal may result in a less co-ordinated approach to the provision of visitor's accommodation through this dual use of the units; and with no permanent resident residing on site at times.

The nature of the activity without a permanent onsite resident would remain substantially similar to what currently occurs, and management of the accommodation activity will be controlled through the body corporate and visitor management plan. The Applicant is proposing that a Body Corporate Agreement be established, and volunteers a condition which requires the provision of a Visitor Management Plan, prior to the operation of any of the units as private residential visitor accommodation, and for the management plan to be referenced on the Body Corporate Agreement. A copy of the Visitor Management Plan will be available within all units that may be used for visitor accommodation purposes at all times. The plan will provide details of an appointed Visitor Accommodation Manager, who will be contactable with regard to noise and nuisance effects complaints. This plan will be subject to a review clause. Any effects associated with no permanent resident on site, on the amenity of surrounding properties, is therefore expected to be controlled by the Visitor Management Plan, and expected to be less than minor.

Further to this, the layout of the site provides for safe access and use of outdoor areas that would mitigate adverse effects of visitor accommodation on neighbours and the wider environment. While continuation of visitor activities without a permanent resident residing on site will be approved

by the consent, there will be no increase in the scale of the activity from what is already being undertaken. In considering the established baseline of effects within the receiving environment, and the controls that can be put in place through the Body Corporate Agreement, any adverse effects resulting from visitor accommodation will be acceptable.

2. Residential activities

The appropriateness of the units for residential uses, as opposed to the established visitor accommodation activities, requires consideration. For example, long-term residential users of properties may have greater expectations when it comes to factors such as privacy, security, noise and the use of private and shared outdoor spaces. It must be highlighted, however, that these components are not specifically regulated by the District Plan, and must be considered in the lens of on-site amenity.

The proposed units, although small in size, are able to provide on-site amenity when the development is considered on a site-wide basis. Unit 5 has adequate space within the unit and ancillary areas to provide for the aforementioned factors. However, in the case of Units 1 – 4 this would be more difficult, given that these units and outdoor spaces are very small, and in the case of Unit 1, there is no provision for private outdoor space. Particular concern is held for Unit 2, with a principal unit area of 16m^2, and outdoor area of 8m^2. To mitigate the small size of the units and individual outdoor living space, Units 2 – 5 will have access to private outdoor spaces, and all units will have access to common outdoor spaces and will also benefit from the use of common garden areas, as shown in Figure 5 below. This area provides sufficient communal garden areas, that will allow for adequate space for tree planting and gardening for residents. This shows a good level of amenity that can be provided on site for each unit.

Each unit is located and oriented in such a way as to provide an eastern outlook centrally on to the communal area/carriage way, thereby enabling adequate access to sunlight for each unit. The layout of the site, with each unit adjoined by a common-wall and facing inwards to the site, allows for each unit to enjoy a degree of privacy internally within the units. Each unit, apart from Unit 1, has the outdoor space directly adjoining the unit, which can be modified to provide a higher level of privacy if this is sought by residents. Unit 1 is designed in such a way to provide privacy to the residents/users of the unit, with high windows reducing potential privacy breaches from those using the carriage way. The layout of the site will provide adequate privacy to potential future residents. A dedicated parking area for Units 1, 2 and 5, as well as a one-way operation of the carriageway, will provide a degree of mitigation of effects such as noise.

Furthermore, the units are currently configured for visitor accommodation and have limited indoor storage spaces. Of importance to this, is that an increase in density of residential activity, are resultant factors such as increased use of outdoor storage and the presence of things such as mailboxes, garden sheds, washing lines and waste bins. These factors, if uncontrolled, can have adverse effects on the amenity of surrounding properties and the character of the neighbourhood. Each unit had a dedicated storage space, which can be used as an ancillary space for the smaller units. This will mitigate nuisance effects associated with a higher degree of personal belongings that accompanies residential activity. As described in the section above, the applicant has volunteered a condition of consent requiring a Body Corporate to manage the site. The Body Corporate agreement will result in conditions being imposed to benefit the level of residential amenity on the site. These could include controls on matters such as outdoor storage, mailboxes, refuse, washing lines and the use of outdoor areas. As such, the proposal for the units to have residential use will result in a high level of management, through provisions established by the body corporate, when compared to stand-alone residential activity.

Based on the above, the proposed residential activity is expected to provide a level of on-site amenity that is consistent with the plan. As such, although the proposal will result in residential activity with breaches in density, the provision for adequate outdoor living space, adequate sunlight, privacy, and outlook shows that the proposal is able to provide residential activity that is in line with the purpose, character and qualities of the low-density residential zone.

Figure 5. Photograph of common property – outdoor living area (Source: Application RC250193)

3. *Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.*

The District Plan describes the purpose and character of the LRZ as providing for traditional suburban housing, comprised predominantly of detached houses on sections with ample on-site open space, and generous setbacks from the road and neighbouring boundaries. The proposed activity will result in various breaches that may have the potential to impact upon the on-site amenity of residents, as well as the residential amenity and character of the neighbourhood and the wider low-density residential zone, including: density; setback of Unit 1 from the road boundary; and visitor accommodation that does not have a permanent resident on site, nor an additional car park.

The density standard for the LRZ is a minimum allotment size of 400m^2. PU6 complies with this density requirement; however, Units 1 – 5 do not comply, with allotment sizes ranging from 16 – 105m^2; nothing that this is not inclusive of the ancillary spaces designated to each unit title (car park, storage area, and outdoor area). It is, however, noted that the average density of the site is 260m^2. Although the average density remains significantly denser than what is anticipated for LRZ, the effects of the density are minimised through the established nature of the subject site within the neighbourhood; and as is assessed below, the ensuing breaches associated with a breach in density have been assessed as having less than minor effects.

The proposal seeks to priovide for a dual use of the properties as residential and visitor's accommodation. With regard to the effects of the proposal on the amenity and character of the neighbourhood, this must be assessed in the context of the activity as being, in part, an

existing activity. The dominant outlook of the site from the street is the manager's residence, which has well established gardens and landscaping, that provides a high level of streetscape amenity to the neighbourhood. Storage areas are provided for each unit, which are located in the centre of the site, and not visible from the road or neighbouring properties. Each unit is low in profile, and do not have any effects associated with a dominating built form. The provision for common property throughout the site, by way of the carriageway and communal outdoor living space, and the low profile of the buildings, allows for openness to be ensured across the site. This, coupled with the majority of the streetscape being accounted for by the low density managers residence, mitigates the effects of the high density provided by the units when the site is perceived by the neighbourhood. As such, the effects of the proposal on the anticipated character of the neighbourhood and the LDZ, are expected to be less than minor.

Unit 1 includes a breach associated with no setback of the built form from the road boundary, which may create effects associated with dominance. This breach forms part of the existing environment, and has been previously authorised as part of the site's visitor accommodation use. Further, the Applicant, as is outlined in section 5 below, agreed to adopt Council's Engineer's recommendation of disestablishing the carpark associated with Unit 1. This will allow for a greater integration of the unit to the streetscape, and will allow for a greater sense of separation from the street. As such, the effects associated with this existing breach are expected to be less than minor on the character of the neighbourhood.

The authorisation of residential activity within the site may have the potential to result in nuisance effects associated with dense residential activity, which may result in effects on the character and amenity of the neighbourhood. In considering the existing use of the site, the proposed activities will not result in an increased scale of effects or any notable change to the nature of activities on the site from the perspective of adjacent neighbours. This is because of the layout of the site, where ancillary residential activities will be located within the site, and screened from adjoining properties. The residential use of the units could arguably result in a better level of residential cohesion than is being provided by the existing visitor accommodation due to there being a lower turnover of occupants. Effects associated with the amenity and character of the neighbourhood are therefore expected to be less than minor.

The proposal includes breaches associated with this activity, as no permanent resident will be remaining on site, and there is no provision for a dedicated visitor car park per unit. These breaches have the potential to impact upon the residential character and amenity values of the neighbouring properties, through a potential for unmanaged visitor activity. The effects of these breaches have been assessed in section 1 above, concluding effects as less than minor. This is because, the subject site is an existing motel, with existing authorised visitor accommodation activity. No additional structures are proposed for the subject site and all structures were present on site and in use as visitor's accommodation, prior to the rezoning of the site under Plan Change 19. The scale of the site's use for visitor accommodation will not be any greater than the scale that currently exists, and may even be less given the proposed allowance for residential activity on the site. Further, as is described in detail in section 1 the proposal includes the adoption of a stringent Body Corporate Agreement, which will provide oversight of the Visitor Management Plan that is additionally proposed to accompany the proposal. As such, in considering the established baseline of effects within the receiving environment, it is considered that any adverse effects on neighbourhood character and amenity resulting from the site's use for visitor accommodation activity without a permanent resident on site and no additional visitor car parking will be acceptable.

Overall, the proposal will not in itself result in discernible visual effects beyond the site, as the built form is pre-existing and will not detract from the established character of the zone. The proposed dual use of the site for visitor accommodation and residential activity is expected to be well managed by the proposed Body Corporate Agreement and Visitor Management Plan.

As such, the proposal is expected to have less than minor effects on the purpose, character, and qualities of the LRZ and surrounding neighbourhood.

4. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.

Two manifolds are located within Liddle Street, with one serving the manager's residence (Lot 1), and the second serving the five units (Lot 2). It is proposed a reduced pressure zone (RPZ) and splitter box be installed, and individual meters for each unit. Council's Environmental Engineer has assessed the application, noting that the existing arrangement for Lot 1 is adequate, provided it is inspected by a suitably qualified person to confirm it is in good working order. Council's Environmental Engineer, however, states the existing 20 millimetre (**mm**) connection to serve the five units is undersized, and recommends the existing water lateral is disestablished, with a new 50 mm line connected to the existing 50 mm uPVC water rider main in Liddle Street, with isolation valve, bulk meter, and backflow preventer at the subdivision boundary. It is further recommended that standard HDPE (PE100) DN25 (`21 mm ID) residential water connections must be provided to each of the five units from the private reticulation, and that each connection has an Acuflo toby installed at the unit boundary; allowing for backflow prevention and for each water supply to be separately controlled and isolated. Council's Environmental Engineer further recommends that the private water reticulation is owned, operated, and maintained by the body-corporate.

A separate wastewater line serves the Manager's residence (Lot 1) connecting to the 150 mm gravity main in Hermitage Street, and a second 100 mm service connection to the five units onto the 150 mm gravity main in Liddle street. This is proposed by the Applicant to remain. Council's Environmental Engineer, however, notes that the existing 100 mm connection serving the units is undersized. As such, it is recommended that the existing 100 mm EW wastewater lateral to the property is disestablished, and the existing undersized private reticulation is disestablished. A new connection is recommended to the Council's 150 mm EW wastewater main in Liddle Street, with a 150 mm ID connection. This connection must be constructed to vest-able standard but will remain private within the subdivision boundary. 100 mm ID residential wastewater connections are recommended to be provided to each of the proposed units from the private reticulation, and cleaning eyes installed at each unit boundary. Council's Environmental Engineer further recommends the private wastewater reticulation must be owned, operated, and maintained by the proposed body-corporate.

Stormwater at present is directed to kerb and channel where it enters one of several mudtanks for initial treatment before entering the municipal network. Council's Environmental Engineer recommends that stormwater is disposed of within the subdivision boundary / onsite wherever possible. As such, it is recommended that the stormwater connections to the kerb from the subdivision is disconnected.

Based on the recommendations above, it is feasible that the site can be serviced without adverse effects on the environment.

Overall, potable water servicing, and wastewater and stormwater disposal arrangements are considered acceptable and without adverse impact on the environment.

5. Effects on the safety and efficiency of the road network

It is proposed to use the existing two vehicle crossings off Liddle Street and Hermitage Street, with both accesses providing good visibility to and from the road. The vehicle entrances are both legal and formed. Council's Environmental Engineer recommends that both the entranceways are upgraded to heavy duty standard, and that the first 5m of the carriageway, extending into the site from each entranceway, is sealed and has edgebreak protection, unless

they are constructed from concrete, which would not require edgebreak protection. The applicant has adopted these conditions.

Access through the site is via a on-way carriageway through the property, which is gravelled, with the one-way operation of the carriageway proposed to remain. The existing gravel of the carriageway is additionally proposed to remain, with the Applicant proposing a condition of consent that will ensure the carriageway is maintained by the Body Corporate. Based on the Applicant's proposed condition of the carriageway maintenance, Council's Environmental Engineer supports the retention of the gravel carriageway and car parking areas.

With one carpark available for each unit, minimum parking requirements are met for residential activities. However, LRZ-S7 specifies that *'where the activity is visitor accommodation, one additional carpark space'* is required. With regard to the use of all units, the individual units will be unlikely to be used for residential and visitor accommodation concurrently. Therefore, it is unlikely that the visitor accommodation activities would generate additional parking demand over and above what would be required for residential use. This shortfall will not discernibly affect the safe use of the access or road network and will not in any way detract from the amenity of the site and wider environment.

In assessed the proposal, Council's Environmental Engineer recommends that as the car park serving Unit 1 is proposed to be disestablished, the entranceway to this carpark is disestablished. The applicant has adopted this as a condition of consent.

Overall, based on the adoption of the recommended conditions, the proposed access and parking is considered acceptable, and will result in less than minor effects on the safety and efficiency of the road network.

6. Provision for pedestrian and cycle movement, including the provision of, or connection to, walkways and cycleways.

I am satisfied that the proposal provides adequate and appropriate provision for pedestrian and cycle movement within the subdivision. No further adverse effects are identified.

7. Easements

A foul sewer connection from 13 Hermitage Street extends into the subject site before connecting to the Council's network in hermitage Street. This appears to have no formal authorisation, however the Applicant proposed this as a formal easement subject to Council's acceptance.

Vehicle access will be provided for Lot 1 via a right-of-way (**ROW**) burdened against Lot 2.

ROW is proposed over Unit 1 to allow access to the common property behind the units used for has bottles.

8. Summary of effects assessment

In summary the subdivision will create two new titles and 6 unit titles over an existing motel complex, but will not result in any discernible changes to the built form of the site. The application is non- complying on the basis that minimum allotment areas and maximum density will not be met, however I am satisfied that resultant effects will be mostly internal to the site and any adverse effects in the environment and persons will be acceptable.

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 properties surrounding the subject site are shown in Figure 6 below. The land immediately adjacent to the subject site comprises: 5 Liddle Street to the west with a church and a residential dwelling; 132 Scotland Street to the northeast with the Roxburgh town hall; and 13 Hermitage Street to the northeast with a residential dwelling.

The subject site is fenced along all boundaries, which will provide screening and mitigation of the five existing motel units. The scale of the activity is no greater than what is currently experienced on the site. The proposed residential activity within the site has been detailed above, outlining the activity as being well screened from adjoining properties. Further, the proposed Body Corporate and Visitor Management Plan are expected to adequately control both the residential and visitor activity, and to ensure visitor activity is controlled, residential cohesion is maintained, as well as the maintenance of shared property.

Effects on character and amenity, including any loss of residential cohesion, will be difficult to perceive by people living in the wider neighbourhood. The proposed allotments have on-site parking, and will be adequately serviced. Any effects associated with long term residential density are unlikely to be noticeable, given the layout of the site, and that no developmental changes are associated with the proposal.

Figure 5. Properties surrounding the subject site, shown by yellow (Source: Grip Map GIS)

Overall, it is considered that any effects on residential neighbours will be less than minor. No other persons are considered to be adversely affected by this proposal because as assessed in this report, the environmental effects of the proposal are internalised within the site boundaries or are limited to effects on parties that are less than minor.

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, 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, applies different tests to the issues to be considered in making a decision on the application itself.

The applicant is also advised that Central Otago District Council delegations do not extend to decisions on non-complying activities, except where an application is determined to be "minor and technical" in nature only. It is considered that this is not the case for this application and this application is required to be determined by the Hearings Panel.

Prepared by:

Bex Kennedy- Perkins Date: 04 December 2025
Consultant Planner

Approved under Delegated Authority by:

Kirstyn Royce Date: 04 December 2025
Independent Commissioner

S100 RECOMMENDATION FOR APPLICATION BE DETERMINED UNDER DELEGATION

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.

Pursuant to s100 of the RMA Act 1991 a hearing for an application for resource consent need not be held unless—

(a) the consent authority considers that a hearing is necessary; or
(b) either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.

In this particular instance, the subject site is located within the Low Density Zone (LDZ) of Plan Change 19. The Council has released the decision, meaning that PC19 has legal effect pursuant to Section 86B(1) of the Act. There are, however, appeals relevant to the rule provisions for this application, with regards to density of the zone. As such the relevant rules under PC19 are not operative in accordance with Section 86F of the Act.

The non-complying activity status relates to the Unit Title subdivision around an already approved visitor accommodation development. The subdivision effectively seeks to reconfigure the ownership and management structure of the accommodation, while also allowing for the dual use of residential activity.

The Unit Title subdivision does not present any new significant adverse effects on the environment or on persons. The design, layout, and operation of the visitor accommodation as approved will be largely unchanged.

I do not consider it to be necessary to hold a hearing for the application as the proposal is to simply allow for the existing visitor accommodation to be held within a unit title structure, rather than on one fee simple title. A marginal infringements of car parking will also occur, but these have been assessed as being barely discernible and less than minor in terms of adverse effects. I consider that holding a hearing would give rise to an unjustified administrative burden and costs for both the applicant and Council.

The Chair of the Hearings Panel has the authority to delegate the following to the Manager of Planning and Regulatory Services:

a. The application is non-notified; and
b. Where necessary, has the consent of the affected parties; and
c. The applicant has not requested to be heard; or
d. Where the application is notified; and
e. There are no submissions; and
f. The applicant has not requested to be heard.

Under the circumstances, I recommend that the Panel Chairperson subdelegate the powers to decide on this application to the Planning and Regulatory Services Manager.

Recommended by:

Bex Kennedy- Perkins Date: 04 December 2025
Planning Consultant

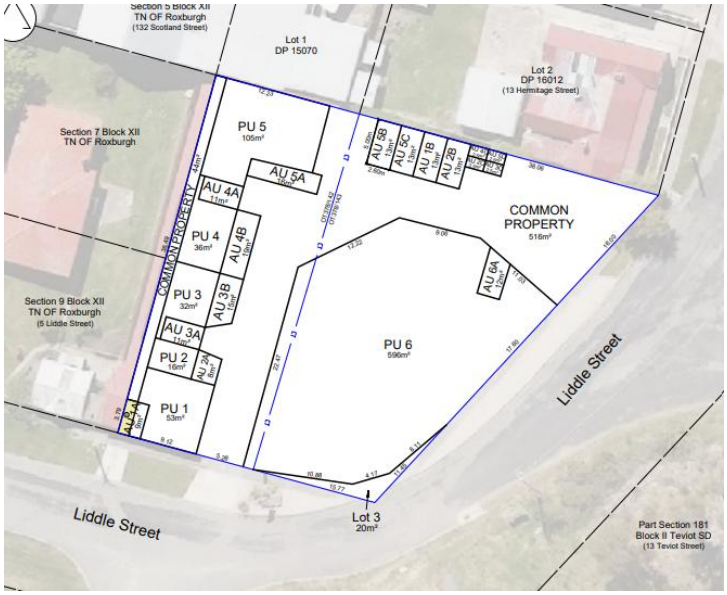
I have read the above recommendation and agree to delegate the powers vested in me as Chairperson of the Hearings Panel to the Planning and Regulatory Services Manager in relation to this application.

Neil Gillespie Date: XX XXXX 2025
Hearing Panel Chairperson

Created 15/08/2025

Engineering Advice

Resource Consent Number: RC250193
Planner/Overseer: Bex Kennedy
Short Description/Proposal: Unit-title subdivision of existing motel into 5 unit-titles, and freehold subdivision / boundary adjustment of the existing dwelling.



General

Commentary:
We are seeking legal guidance around when conditions do or do not violate s108AA. However, in the meantime our position is that we can still require outdated or malfunctioning services to be updated as part of the Resource Consent and subdivision certification processes.

Conditions:
1) Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice.
Note:
Currently the two documents, NZS 4404:2004 and the July 2008 CODC Addendum form the NZS 4404 based CODC land development and subdivision code of practice.

2) Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:
CODC Home > Services > Planning > Land Development and Subdivision Engineering

Created 15/08/2025

This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.
- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

3) Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

- Schedule 1A,
- Schedule 1B,
- Standalone Schedule 1B for 3 waters work, and
- Schedule 1C

4) As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

5) Any easements required to protect access or for access to services must be duly granted or reserved.

Potable Water Supply

Commentary:
The existing water connection to serve Lot 1 is reported by GIS to be 20mm MDPE, i.e. compliant size and material. This is to be verified, condition below.

The existing connection to serve proposed unit-titles 1 to 5 is considered undersize for the servicing of 5 residential units. Upgrade required to 50mm line. In accordance with the draft National Engineering Design standards, and similar unit title subdivisions, I recommend a private main, with backflow preventer etc. at the boundary. Condition below.
I note that if there were only 4 unit titles, then the NEDS would require a manifold box at the property boundary and private connections extended to each unit.

Conditions:
6) Prior to 224c certification, the existing water supply connection to serve proposed Lot 1 must be inspected by a suitably qualified and experienced person to confirm in writing that it is in good working order. Should the connection be found in poor condition, or if the lateral is exposed as part of the works and found to be of sub-standard size or made of copper, or galvanised iron, then this must be communicated with the Council so that arrangements can be made to have the lateral replaced, by the applicant, if Council considers replacement necessary.

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7) Prior to 224c certification, potable water reticulation must be provided to proposed unit-titles 1 to 5 in accordance with the following:

a) The existing 20mm water lateral to the property must be disestablished to the satisfaction of Council's Three Waters Manager.

b) Water reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private and within the subdivision boundary.

c) Connection to the Council network must be from the existing 50mm uPVC water rider main in Liddel Street (as shown on GIS), with isolation valve, bulk meter, and\ backflow preventer at the subdivision boundary. Connection to be HDPE (PE100) DN63(~53mm ID).

d) Standard HDPE (PE100) DN25 (~21mm ID) residential water connections must be provided to each of proposed unit-titles 1 to 5 from the private reticulation, and for each connection an Acuflo toby must be installed at the unit boundary to provide backflow prevention and so the water supply to each unit can be separately controlled and isolated.

e) The final design must be to the satisfaction of Council's 3 Waters, to be confirmed at Engineering Acceptance stage.

f) Private water reticulation to be owned, operated, and maintained by the body-corporate.

g) If water toby boxes must be within vehicle accesses, carparking areas, or entranceways/crossings because other solutions are not feasible, they must be cast iron to support sustained traffic.

Advice note: An approved 'Application to Connect' submission is required prior to connecting to Council's potable water network.

Firefighting Water Supply

Commentary:
Hydrants on Council's reticulated water network in Scotland Street provide fire-fighting coverage meeting the distance requirements in SNZ PAS 4509:2008.

Wastewater

Commentary:
Lot 1's existing connection to be inspected. Condition below.

In accordance with the draft National Engineering Design Standards, I recommend unit-title 1 to 5 be served by a single shared private wastewater main which is to connect the main in Liddle Street. This is largely in accordance with the applicant's preferred servicing, though upgrades are required, i.e. a 100mm lateral is fine for one residential unit, but not for more than one. 100mm ID is not a permitted size for a wastewater main.

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Conditions:
8) Prior to 224c certification, the existing wastewater lateral to serve proposed Lot 1 must be inspected by a suitably qualified and experienced person to confirm in writing that it is in good working order, and a cleaning eye must be installed on the street side of the street-property boundary if not already installed. Should the lateral be found to be in a poor condition then a new standard 100mm ID residential wastewater connection must be installed, connecting to the gravity wastewater main in Liddle Street, with a cleaning eye installed on the street side of the street-property boundary, and the lateral in poor condition must be disestablished to the satisfaction of Council's Three Waters Team. Should the lateral be found to be made of earthenware then it must be fully inspected by closed-circuit television (CCTV) to ensure that it is in good working order, and evidence (to the satisfaction of the Council Infrastructure Manager) of this provided to the Council, otherwise it must also be replaced.

9) Prior to 224c certification, wastewater reticulation must be provided to proposed unit-titles 1 to 5 in accordance with the following:

a) The existing 100mm EW wastewater lateral to the property must be disestablished, and the existing undersized private reticulation must be disestablished, to the satisfaction of Council's Three Waters Manager.

b) Wastewater reticulation to serve the subdivision must be constructed, to vest-able standard, but will remain private within the subdivision boundary.

c) Connection to the Council network to be to the 150mm EW wastewater main in Liddle Street. Manholes and/or maintenance shafts must be installed as required. Connection must be 150mm ID.

d) 100mm ID residential wastewater connections must be provided to each of proposed unit-titles 1 to 5 from the private reticulation, and for each connection a cleaning eye installed at the unit boundary.

e) The final design must be to the satisfaction of Council's 3 Waters, to be confirmed at Engineering Acceptance stage.

f) Private wastewater reticulation must be owned, operated, and maintained by the proposed body-corporate.

Advice note: Prior to connecting to Council's wastewater network, an approved 'Application to Connect' submission is required, in addition to approved plans for wastewater servicing via the 'Engineering Acceptance process.

Stormwater

Commentary:

Created 15/08/2025

Stormwater from at least two of the buildings is disposed of to the street. Council has sparse, at best, records of any stormwater reticulation in Liddle Street. There are multiple mudtanks, but only one soakpit that we know of. We recommend stormwater be disposed of within the subdivision boundary / onsite wherever possible, unless this is demonstrably not practicable, and I recommend that be applied here. Conditions below.

Conditions:
9) Stormwater from buildings and other impervious surfaces within each of proposed Lots 1 and proposed unit-titles 1 to 5 must be stored for beneficial reuse or disposed of by soak-pit designed by a suitably qualified and experienced person within the subdivision boundary. This requirement must be secured by means of a consent notice attached to the new titles.

10) Prior to 224c certification, the two existing stormwater connections to the kerb from the subdivision must be disconnected.

Access

Commentary:
A carpark that should serve proposed unit-title 1 is proposed to be made not legally a carpark. Presumably this has good legal justifications as it seems a perfectly good carpark. As it is no longer to be carpark, I recommend the entranceway be disestablished.

The two existing entranceways from Liddle Street must be upgraded to heavy duty standard if not already at that standard.

If this were a standard free-hold subdivision, then the access would be required to be constructed in line with the vested road standard “Cul-de-sac” (Table 3.1, @008 Addendum to NZS4404:2004.
As this is a unit-title subdivision, and as I have learned from previous developments (e.g. the Clyde Motel development the applicant mentions) I will recommend that this be treated similarly to other recent largeish comprehensive developments and residential/motels, e.g. RC250186, and will recommend that the shared access area be constructed as a private shared carpark. NZS4404:2004 Figure 3.2 gives guidance on this.

The applicant has requested this carparking area remain gravelled, as gravel is visually softer than asphalt and allows direct stormwater soakage. A sealed area near the property boundary is proposed so to limit gravel etc. migration onto the street.
I recommend that the surface be asphalted, as Council’s starting position must be that the works are done to a high standard. I have inserted a “Changes to the satisfaction of Council’s infrastructure manager” clause just in case sufficient additional justification can be provided to support the applicant’s proposed access servicing instead.
For clarity, this paragraph, and the previous paragraph, concern my proposed condition 13.

Conditions:
11) Prior to 224c certification, the existing (redundant) vehicle entranceway/crossing must be removed and reinstated to match the adjoining kerbs, and grassed berm.

Created 15/08/2025

12) Prior to 224c certification, the two existing vehicle entranceways/crossings from Liddle Street to serve proposed Lot 1 and proposed unit-titles 1 to 5 must be demonstrated to comply with the Heavy-Duty requirements of Part 29 of Council's Roading Policies January 2015, or be upgraded accordingly. The following specific requirements apply:

a) An upgraded crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings. Chip seal crossings must be two coat.

b) Kerb design to include a minimum of 75mm concrete thickening and 3 re-bars placed central to reinforce the kerb line, on basecourse of 150mm of compacted AP40. Alternatively, fibre-reinforced concrete may be used instead of concrete and re-bar.

13) Prior to 224c certification, the proposed private parking area to serve proposed Lot 1 and proposed unit-titles 1 to 5 must be constructed in accordance with the following:

- Standard concrete or 40mm depth asphaltic surfacing.
- For stormwater management, standard kerb and channel at the edge of the parking area over minimum 75mm compacted depth AP40 metal.
- Alternatively, centre dish channel and nib-kerbs, or other suitable edgebreak protection.
- 4% crossfall.
- A minimum Subgrade CBR >7.
- Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
- Final design layout to be determined at time of Engineering Acceptance to the satisfaction of Council's Infrastructure Manager. Any deviations from this standard must be only with the written permission of Council's Infrastructure.

Advice note: Prior to upgrading or constructing a vehicle crossing, an approved 'Vehicle Crossing Application' submission is required.

Power & Telecommunications

Conditions:

14) Prior to 224c certification, operational power and telecommunication services must be provided underground to proposed Lot 1, and proposed unit-titles 1 to 5.

Yours sincerely,
Dominic Haanen
Environmental Engineer

From: Engineering
Sent on: Friday, 14 November 2025 2:14:49 pm
To: Bex Kennedy
Subject: RE: RC250193 - 1A & 1 Liddle Street

Good afternoon!

I'm sorry, your email got a bit buried and I didn't see it.
Thanks for following up!

To answer your email: Yes, proceed on that basis.

I do recall that when I sent that email, a thought at the back of my head was telling me that I had been unclear.

I wish you a fun Friday!
Yours sincerely,

Dominic Haanen
Environmental Engineer

CENTRAL OTAGO DISTRICT COUNCIL

+64 3 262 7927
Dominic.Haanen@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

From: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Sent: Friday, 14 November 2025 2:01 pm
To: Engineering <Engineering@codc.govt.nz>
Subject: Re: RC250193 - 1A & 1 Liddle Street

Kia ora Dominic,

Are you able to please get back to me on the below?

The applicant is really keen to move ahead with the proposal.

Thanks,
Bex

Bex Kennedy-Perkins
Consultant Planner

CENTRAL OTAGO DISTRICT COUNCIL

+64 22 090 3649
Bex.Kennedy@codc.govt.nz
1 Dunorling Street, Alexandra 9320
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From: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Sent: Monday, November 10, 2025 4:31 PM
To: Engineering <Engineering@codc.govt.nz>
Subject: Re: RC250193 - 1A & 1 Liddle Street

Kia ora Dominic,

Thanks very much for your explanation below, it is really helpful!.

I think in this scenario, it would be sufficient in a planning lens to allow the gravel to remain, so long as we include robust conditions requiring the maintenance of the gravel. Are you happy to proceed on that basis?

Kā mihi,
Bex

Bex Kennedy-Perkins
Consultant Planner

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From: Engineering <Engineering@codc.govt.nz>
Sent: Monday, November 10, 2025 2:57 PM
To: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Subject: RE: RC250193 - 1A & 1 Liddle Street

Good afternoon Bex,

I am of the opinion that while the carpark is existing, it is/was intended to serve/support the old motel / visitor/traveller accommodation as it was, but the new activity proposed is a unit title subdivision / Residential, which is new, so I am disinclined to give it any leeway there.

I am perhaps too cynical, but I wonder if the applicant's intent here is to minimise costs by providing only substandard services in order to maximise profit.

Yes, I think my opinion is in line with my typical mis-trust and cynicism, whether or not it is accurate.

In some rural parts of the district, where rights-of-way have faced additional development, we have permitted rights-of-way to remain private but be managed and maintained by a very robust body corporate or similar management and maintenance entity.

-> I think we could apply that here, but it would still be permitting a sub-standard surfacing.

-> The very-robust body corporate / entity would have to be proactive about maintenance of the gravel parking area, and that 5 metres of seal (asphalt or concrete) would definitely be required and with edgebreak protection (concrete would not require edgebreak protection).

This issue with the surfacing of a tight carpark like this is that a vehicle turning its wheels without moving forwards/backwards puts a lot of shear stress on the road surface. Stronger surfaces like concrete or asphalt are good at resisting these forces, but weaker ones like chipseal can just break apart.

The phrase I have been told that describes this is "dinner plating", which is quite evocative and I try to use it often.

Gravel, of course, has no such strength and will simply be moved around every time a car manoeuvres. Every time it gets moved it will stir up dust, etc.\

Yours sincerely,

Dominic Haanen
Environmental Engineer

CENTRAL OTAGO DISTRICT COUNCIL

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Dominic.Haanen@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

From: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Sent: Friday, 7 November 2025 10:12 am
To: Engineering <Engineering@codc.govt.nz>
Subject: Re: RC250193 - 1A & 1 Liddle Street

Kia ora Dominic,

Sorry to be a pain, but it would be great to be able to get this application sorted.

Are you able to please let me know your thoughts on the below?

Kā mihi,

Bex

Bex Kennedy-Perkins
Consultant Planner

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Bex.Kennedy@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Sent: Monday, November 3, 2025 3:35 PM
To: Engineering <Engineering@codc.govt.nz>
Subject: Re: RC250193 - 1A & 1 Liddle Street

Kia ora Dominic,

I've had a look through the plan and note that 12.7.2.ii. relates to the construction of car parking areas, rather than existing activities. The car parking areas are already existing, and have been in situ for a relatively long period of time.

In light of this being an existing activity, and the fact that the plan is dealing with the construction of new parking areas, do you think it is reasonable that the provision of 5m seal that improves upon the existing situation is a reasonable approach?

Thanks for your time Dominic!

Kā mihi,

Bex

Bex Kennedy-Perkins
Consultant Planner

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Bex.Kennedy@codc.govt.nz
1 Dunorling Street, Alexandra 9320
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From: Engineering <Engineering@codc.govt.nz>
Sent: Tuesday, October 28, 2025 12:52 PM
To: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Subject: RE: RC250193 - 1A & 1 Liddle Street

Good noon-abouts, Bex.

Sorry for getting back to you so late on this one.

The most relevant parts of the District Plan are:

12.7.2.ii.a) Parking areas shall be formed and sealed or otherwise constructed, so as not to create a dust nuisance or permit vehicles to carry deleterious materials such as mud, stone, chip or gravel onto the road or footpath.

12.7.2.ii.b) Stormwater originating from the parking areas shall be disposed of to an approved outfall either within the confines of the site

NZS4404:2004 sections 3.3.17 and 3.3.18 have similar provisions.

So at least enough of the carpark would have to be sealed to prevent stones, etc. from migrating onto the footpath and road. Dust could be kept down by regular watering, or less-regular oiling (ideally a non-hazardous oil like vegetable oil) of the gravel driveway. But watering would be a constant maintenance, oiling would reduce the ability to soak water, and partial asphalting would result in a very patchy and questionably-engineered carpark.

While I cannot think of any mitigations that would definitely make a gravel right-of-way/carpark acceptable in the residential area, I cannot rule out there not being some as-yet-unthought-of mitigation.

I observe few neighbouring properties with impermeably surfaced driveways neighbouring the subject property. Anecdotal evidence is always hard to quantify.

Yours sincerely,

Dominic Haanen
Environmental Engineer

CENTRAL OTAGO DISTRICT COUNCIL

+64 3 262 7927
Dominic.Haanen@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

This is the 3rd phone number I've had while at Council, and my two previous ones are no longer operational. I do not doubt I will lose this phone number andgain another one

---

From: Bex Kennedy <Bex.Kennedy@codc.govt.nz>
Sent: Monday, 20 October 2025 9:51 am
To: Engineering <Engineering@codc.govt.nz>
Subject: Fw: RC250193 - 1A & 1 Liddle Street

Kia ora,

Would someone please get back to me regarding the below? 😀

Kā mihi,

Bex

Bex Kennedy-Perkins

Consultant Planner

CENTRAL OTAGO DISTRICT COUNCIL

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Bex.Kennedy@codc.govt.nz
1 Dunorling Street, Alexandra 9320
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From: Bex Kennedy
Sent: Thursday, October 9, 2025 2:42 PM
To: Engineering <Engineering@codc.govt.nz>
Subject: RC250193 - 1A & 1 Liddle Street

Kia ora team,

I have a query from the applicant regarding the application RC250193 - 1A & 1 Liddle Street.

Initial comments from your team have stated that the existing driveway through the motel must be hard surfaced. The applicant argues that given cost, and amenity effects associated with hard surfacing, the balance of the conditions mean retaining the driveway in gravel is acceptable.

The applicant additionally provided an anecdotal statement saying that in the 2017 floods, the neighboring properties with hard surfaced driveways were inundated by rapid flows, where the motel did not experience the same issues.

From your perspective, is there any mitigations that can be added to the proposal, that would mean it is acceptable to retain the driveway in gravel?

Please let me know if you have any questions.

Kā mihi,

Bex

Bex Kennedy-Perkins
Consultant Planner

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26.1.3 RC250145 - ADELE EYERS

Doc ID: 2704404

1. Purpose

A report to consider subdivision consent for a three lot subdivision is attached.

2. Attachments

Appendix 1 - Application ⇩
Appendix 2 - Revised Scheme Plan ⇩
Appendix 3 - Revised Scheme Plan ⇩
Appendix 4 - Correspondence with Applicant Regarding Wastewater 20250826 ⇩
Appendix 5 - Correspondence with Applicant 20250924 ⇩
Appendix 6 - Development Contributions Assessment ⇩
Appendix 7 - Superseded Draft Conditions with Applicants Comments Received 20251030 ⇩
Appendix 8 - Engineering Advice ⇩
Appendix 9 - Three Waters Engineering Advice 20250929 ⇩
Appendix 10 - Three Waters Updated Engineering Advice 20251008 ⇩
Appendix 11 - Letter from Applicant to CODC ⇩
Appendix 12 - Application on Hold 20251107 ⇩

Application for a resource consent - Form 9

APP250577216

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Date and Time Created	30/05/2025 11:42
Submitted to Council	30/05/2025 12:02

To cross reference Datacom with MAGIQ please click Here. to add the Resource Consent number.

Property Details

Property Address	110 Richards beach road cromwell
Valuation Number	2842129403
Record of Title Number	998602
Legal Description(s) of the specific parcels that the resource consent application is for	LOT 2 DP 562691

What is your role in this application?	Agent acting on behalf of the applicant

Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

Organisation	Vivian+Espie
First name	Roz
Last name	Devlin
Phone number	0210620550
Email address	roz@vivianespie.co.nz

Note that the applicant will also receive a copy of all correspondence.

Postal address:	110 Richards Beach Road, RD 2, Cromwell 9384
Confirm that you have approval to act on behalf of the applicant	Yes

The applicant is the person(s) or organisation making the application.

Applicant details

Is this applicant an individual or an organisation?	Individual
First name	Adele
Last name	Eyers
Phone number	021 782 836
Email address	adele@aeprojects.co.nz
Postal address:	110 Richards Beach Road, RD 2, Cromwell 9384

Invoicing

Who is paying the invoice?	Applicant

DETAILS

Activity or works proposed

Application type	Subdivision consent
Short description of your proposal	three lot subdivision

Provide a detailed description in the Assessment of Environmental Effects (AEE) or other document.

Assessment of Environmental Effects (AEE)

An application cannot be accepted for processing by the Council under Section 88 of the Resource Management Act 1991, without an Assessment of Environmental Effects (AEE).

Refer to the guidelines for Assessment of Environmental Effects.

Final AEE - updated 30.5.25.pdf (15 mb)

Assessment of the activity

You may need to provide an assessment of the activity against the following provisions:

- **The matters set out in Schedule 4 of the Resource Management Act 1991.**
- **Any relevant objectives, policies, or rules in a document.**
- **Any relevant requirements, conditions, or permissions in any rules in a document.**
- **Any other relevant requirements in a document (e.g. in a national environmental standard or other regulation).**

Please do not load the same document that you loaded for AEE above

Other activities

Other applications

Are you required to apply for any other resource consents for this project?	No
Is this project related to a building consent?	No

Pre-application information

Have you discussed this proposal with Council staff prior to this application?	Yes, an informal discussion
Date of discussion (if known)	

Site visit requirements

Who is the site contact?	Applicant

Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- **If an affected party does not give approval to your proposal this may impact on the way that the application is processed.**
- **Council's duty planner can provide you with advice on which parties may be affected by your proposal.**

Download an affected party approval template form.

Do you need affected party approval?	No
Reason	n/a
National Environmental Standard – Contaminated Soil - option selected	The application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m3 per 500m2) Therefore the NES does not apply.

LIST OF FILES

Final AEE - updated 30.5.25.pdf (15 mb)
3207_04-B aerial.pdf (1 mb)
1194030 - 998602_Title_Search_Copy.pdf (190 kb)

vivian+espie
resource management and landscape planning

30 May 2025

Tanya Copeland
Team Leader - Planning
Central Otago District Council

By email: Tanya.Copeland@codc.govt.nz

Dear Tanya

RC250130 - Returned Incomplete

We write to you on behalf of the applicant for RC250130 – 110 Richards Beach Road, Bannockburn – 3-lot subdivision.

The applicant would like to amend their application to address the s88 RMA reason for returning incomplete:

> *"The position of Council's engineering and planning department has changed. This is the result of the ongoing discussion and resolution of appeals and understanding of how reticulation is being rolled out across the District.*
>
> *No further on-site disposal will be supported in the residential areas of the District."*

The applicant has amended the AEE as follows:

> **Wastewater**
>
> There is currently no reticulated wastewater servicing to the site and therefore the future development on proposed Lot 2 and Lot 3 will require one of the following options:
>
> 1. Consideration for an onsite wastewater design solution; or
>
> 2. Connection to a reticulated network.
>
> The applicant requests that both options be considered in processing the application and during the imposition of conditions.

We request that the Council continue to process the application towards acceptance either as the current application, or a new application, as required.

Yours sincerely

R. M. Devlin

Roz Devlin
Senior Planner & Urban Designer
Vivian and Espie Limited

Attachment: Amended AEE – tracked changes and 'clean' PDF

Assessment of Environmental Effects

Applicant:	Adele Eyers
Landowner:	Adele Eyers
Application:	Subdivision consent under the Central Otago District Plan and Plan Change 19 to subdivide the site into three allotments.
Location:	110 Richards Beach Road, Bannockburn 9384
Legal Description:	LOT 2 DP 562691
Zoning:	Rural Residential (RR)/ Large Lot Residential under PC19
Date:	19 May 2025 – updated 30 May 2025

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APPENDICES

Appendix A	Record of Title
Appendix B	Consent Notices and covenants
Appendix C	Proposed scheme plan
Appendix D	Power Confirmation
Appendix E	Wastewater Feasibility Report
Appendix F	Application for Resource Consent Form 9

EXECUTIVE SUMMARY

Resource consent is sought to undertake a three-lot subdivision of the property at 110 Richards Beach Road.

The proposal seeks to subdivide the current 0.5932-hectare property into three allotments. Lot 1 will consist of 0.292 hectares (2,920m2), lot 2 will consist of 0.15 hectares (1,500m2), and Lot 3 will consist of 0.15 hectares (1,500m2).

The site sits within the Rural Residential Notation of the Central Otago District Plan and the Large Lot Residential Zone under Plan Change 19 (PC19). While the Zone under PC19 is not contested, the densities pertaining to the Large Lot Residential Zone are under appeal and therefore consideration of the Operative District Plan remains. The provision of subdivision in the Rural Residential Notation is a non-complying activity where the subdivision does not achieve an average of 2 hectares across the development. This is the case with the proposal whereby the average allotment area will be 0.6 hectares.

The corresponding subdivision rule under PC19 is currently under appeal however it is noted that PC19 contemplates minimum allotment sizes of 1,500m2 in the Large Lot Residential Zone.

The scale of development aligns with the existing pattern in the immediate area and is generally consistent with the overall character of Bannockburn Road, Richards Beach Roads, and Cromwell town. This character influenced the re-zoning of the subject site under PC19, resulting in the site and surrounding areas being re-zoned as Large Lot, allowing for development down to 1,500m². Consequently, the proposal is expected to have no more than minor effects on character, amenity, and streetscape, considering the prevailing character and future outlook envisioned by PC19.

The site can be suitably serviced subject to appropriate conditions of consent. The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan, Plan Change 19 and the various Otago Regional Policy Statements. The proposal is considered to promote Part 2 of the Resource Management Act 1991.

SITE DESCRIPTION

LOT 2 DP 562691

The site sits within the Rural Residential Notation of the Central Otago District Plan and the Large Lot Residential Zone under Plan Change 19 (PC19). While the Zone under PC19 is not contested, the densities pertaining to the Large Lot Residential Zone (LLRZ) are under appeal and therefore consideration of the Operative District Plan remains.

The site subject to this application is located at 110 Richards beach road, Cromwell and is legally described as Lot 2 Deposited Plan 562691 as held in Record of Title 998602. A copy of the Title is attached in **Appendix [A]**. The 0.5932-hectare site is generally square in shape and consists of a residential dwelling in the south half of the site. Access to the site is achieved via an existing gravel driveway entering off Richards Beach Road.

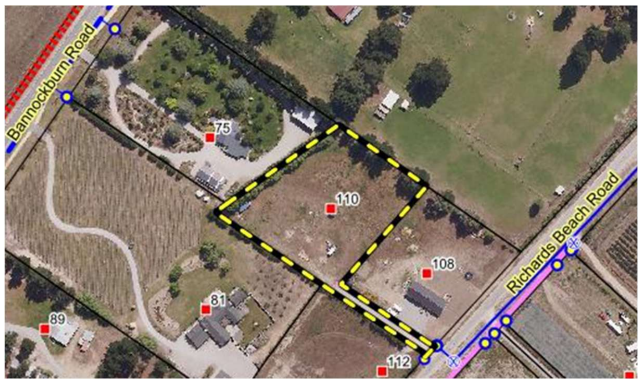


Figure 1 – Site location 110 Richards Beach Road (CODC GIS)

Figure 2 – Zoning under PC19 (CODC GIS)

Surrounding environment

The surrounding environment is one that is characterised by a variety of land uses, with no one land use dominating the wider area. The site is bordered by residential properties: 61 Bannockburn Road to the north, 75 Bannockburn Road to the west, 81 Bannockburn Road to the south, 112 Richards Beach Road to the southeast, and 108 Richards Beach Road to the east.

To the west of the site, across the road, lies the Chafer Beetle Reserve. This 81.4-hectare parcel of land is free of structures and buildings, featuring a flat, open space.

To the immediate north, land uses include the Polytechnic, substation, oxidation ponds, orchards and residential dwellings.

It is relevant to note that the properties at 108, 110, and 112 Richards Beach Road were all subdivided from 81 Richards Beach Road under RC200089 in 2021.

1) Record of Title

The site is legally described as Lot 2 Deposited Plan 562691 as held in Record of Title 998602. A copy of the Title is attached in **Appendix [A].** There are three consent notices, four easements and one covenant listed on the Title which are summarised as follows. A copy of these instruments is attached in **Appendix [B].**

Instrument Number	Description
Instrument 6047622.3 (Consent notice)	Imposed under RC030373 and requires any dwelling on Lot 2 of RC030373 to have an onsite septic disposal system that complies with AS/NZS1547/2000.
Instrument 12284414.6 (Consent Notice)	Requirement for onsite firefighting to be installed at time of construction of a dwelling. Requirement for an onsite wastewater system in accordance with AS/NZS1547:2012 to be designed and installed at the time of dwelling construction. Requirement for onsite stormwater disposal via soak pits.
Instrument 12284414.8 (Consent Notice)	All land use activities on Lots 1-4, including the construction of new building/ structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with The New Zealand Electrical Code of Practise for Electrical Safe Distances (NZECP34:2001).
Instrument 12284414.9 (Easement)	Right to convey and transform electricity (Aurora Energy Ltd)
Instrument 12284414.10 (Easement)	Right to convey telecomunications (Chorus New Zealand Ltd)
Instrument 12284414.11 (Easement)	Right of way and Right to convey water
Instrument 12284414.12 (Easement)	Pedestrian Right of way
Instrument 12284414.13 (Covenant)	Private covenant for the benefit of 81 Richards beach road relating to height restrictions and separation distances on Lots 2, 3 and 4 DP 562691.

RESOURCE CONSENT HISTORY

On October 19, 2023, a restricted discretionary land use consent (RC230293) for a new residential dwelling was granted by delegated authority.

PROPOSAL

1) Overall scheme

The proposal includes subdividing the subject site into three allotments. A scheme plan, prepared by Calder Surveying Ltd, is attached in Appendix [C], with an extract provided below: The proposal will result in allotment sizes as follows:

Lot	Area (ha)	Area (m2)
1	0.292 ha	2920 m2
2	0.15 ha	1500 m2
3	0.15 ha	1500 m2
Total	**0.5932 ha**	**5920m2**

The subdivision results in an average of 0.6 hectares across the subdivision. Proposed Lot 1 will consist of the existing residential dwelling. Proposed Lot 2 and Lot 3 will eventually feature a new residential dwelling.

2) Access

The primary access to the proposed lots will be through the existing access leg on Richard's Beach Road. This 6-meter-wide access leg complies with CODC's Roading Policies as it was constructed under RC200089. Easements will be established over the existing accessway to benefit all three lots.

A new right of way (ROW) will be created to provide access to Lot 2 and Lot 3. This access way will also be 6 meters wide and will extend from the existing access.

Please refer to the proposed ROW easements in **Appendix [C].**

It is to note that under the "**Central Otago District Council addendum to NZS4404:2004 (July 2008), Part 3 – Roads: Road design standards – urban**" the following applies.

A 6m Right of Way for a maximum of 4 lots applies. Dwelling units more than 4 and up to 20 required a Cul de Sac and a 12m road reserve width.

Class	Type	Area Served	Traffic Volumes ADT (1)	Design Speed, (km/h)		Road Reserve width (m)	Minimum Sealed Carriageway Width (m) Between faces of kerb				Footpath (m)	Berm (m)	Max/min gradient	Normal camber	Max super-elevation	Notes
				Flat or rolling	Hilly		Parking (2)	Traffic	Cycles (3)	Total						
Local Roads	Right of way	1 lot	NA	NA	NA	4.0 (4)	-	1 x 3.0	-	3.0 (4)	-	2 x 0.5	20% max 0.4% min	4%	NA	Not public street (4)
	Right of way	2-4	NA	NA	NA	6.0 (4)	-	1 x 4.0	-	4.0 (4)	-	2 x 1.0	16% max 0.4% min	4%	NA	Not public street (4)
	Cul de Sac	Up to 20 du	NA	NA	NA	12.0	1 x 2.5	1 x 3.5	-	6.0	1 x 1.5	2.0 + 2.5	12.5% max 0.4% min	4%	6%	No stopping on one side
	Residential	21-150 du	Up to 750	30	30	20.0	1 x 2.5	2 x 3.0	-	8.5	2 x 1.5	2 x 4.25	12.5% max 0.4% min	4%	6%	(5)
	Industrial	Up to 20 units	<300	30	30	20.0	1 x 2.5	2 x 3.5	-	9.5	1 x 1.5	2 x 4.5	10% max 0.4% min	4%	6%	No stopping on one side
	Industrial/ Commercial service lane	-	NA	NA	NA	8.0	-	2 x 3.5	-	7.0	-	2 x 0.5	10% max 0.4% min	4%	NA	(6)
	Commercial (Park precinct)	-	<2000	30	30	(7)	(7)	2 x 3.5	-	7.0	2 x 3.0	-	10% max 0.4% min	4%	NA	(7)
Collector Roads	Residential	150 – 450 du	750 - 3000	50	40	20.0	2 x 2.5	2 x 3.5	2 x 1.0	14.0	2 x 1.5	2 x 1.5	10% max 0.4% min	4%	6%	
	Industrial/ Commercial	>20 units	>300	50	40	20.0	2 x 2.5	2 x 3.5	2 x 1.0	14.0	2 x 1.5	2 x 1.5	10% max 0.4% min	4%	6%	(7)

The proposed subdivision includes three lots, each accessed via the existing 6-meter-wide access leg (total length of 68m) on Richard's Beach Road, compliant with CODC's Roading Policies for up to four lots.

Although two additional lots use the first approx.10 meters of the driveway, this limited access does not significantly impact the overall functionality or capacity of the accessway. The primary access remains dedicated to the three proposed lots, ensuring the right of way is not overburdened.

Furthermore, the minimal use by the additional lots does not necessitate the infrastructure requirements for larger developments, such as a cul-de-sac or a 12-meter road reserve width, which are intended for developments with more than four dwelling units. The current arrangement maintains the integrity and compliance of the accessway with CODC's standards.

Additionally, the rural nature of the area, with lower traffic volumes and less intensive land use compared to urban Central Cromwell, supports the suitability of the 6-meter-wide access leg. The existing access leg is more than adequate to handle the limited traffic generated by the three lots, and the additional use by the two other lots does not substantially impact the overall functionality or safety of the accessway.

Moreover, it is intended that the accessway for 112 Richard's Beach Road will be relocated directly onto Richard's Beach Road, further reducing the impact on the existing access leg and aligning the arrangement with the CODC's policy for a maximum of four lots. Whether or not this relocation is implemented, it does not affect the compliance and functionality of the accessway for the proposed subdivision.

In summary, the proposed subdivision and access arrangements are well within the regulatory framework set by the CODC. The limited use by the additional lots, combined with the future planned relocation of the accessway for 112 Richard's Beach Road, ensures compliance and functionality of the accessway, thereby justifying the subdivision as compliant with the relevant road design standards.

3) Servicing

In terms of servicing, the following is noted:

a. Domestic Water

The existing dwelling currently achieves water via an existing 20mm service lateral located off Richards Beach Road. The 20mm water connection then crosses Richards Beach Road and connects into a 100mm water main.

It is proposed to retain this connection for the existing dwelling and establish two new connections beside it to service the proposed new Lots (Lot 2 and Lot 3). Trenching, cable ducting, traffic management (crossing Richards Beach Road) and water pipe installation will be carried out as per NZS 4404:2010.

b. Firefighting Provision

A standard 30,000L tank will be installed on Proposed Lots 2 and 3 for firefighting storage. The connections will meet Fire and Emergency New Zealand's equipment and fittings requirements. The water tanks will adhere to CODC's preferred colors/ district plan requirements.

c. Wastewater

There is currently no reticulated wastewater servicing to the site and therefore the future development on proposed Lot 2 and Lot 3 will require one of the following options:

1. Consideration for an onsite wastewater design solution; or

2. Connection to a reticulated network

The applicant requests that both options be considered in processing the application and during the imposition of conditions.

d. Stormwater

All stormwater will be collected and directed into appropriately designed soak pits.

e. Power and Telecom

NES Central has confirmed that it is feasible to install new power connections for the proposed Lot 2 and Lot 3 sections. A proposed layout plan is attached in **Appendix [D].** The power and telecommunication services for the appropriate lots will be secured through easements.

EASEMENTS

Easements for domestic water and power supply to the lots may be required depending on the final location of these services. Council's generic service easement condition is proposed.

EARTHWORKS

The site is flat, so earthworks are anticipated to be minimal, involving only superficial surface work for trenching to install services, establishing the new driveway/ right of way (ROW) for Lot 2 and Lot 3, and reinstating the existing driveway/ right of way (ROW).

STATUTORY CONSIDERATION

1) Central Otago District Plan

The site is zoned as follows:

- Rural Resource Area [Rural Residential Notation] of the Central Otago District Plan; and
- Large Lot Residential under Plan Change 19.

The proposal necessitates obtaining resource consent specifically for subdivision purposes. In the [Rural Residential Notation], a subdivision application can be sought as a controlled activity pursuant to Rule 4.7.2(ii)(a)(i) so long as the following criteria is met:

- the average allotment size of allotments are no less than 2 hectares in area.
- Separation distances between dwellings are no less than 50 metres.
- The maximum number of allotments on a plan of subdivision likely to accommodate residential activities is no greater than 5; and
- No additional accesses are to be created on any State Highway.

In this case, the proposal results in the establishment of three allotments, Lot 1 consisting of 0.292 hectares and Lot 2 and Lot 3 consisting of 0.15 hectares each. The average across the subdivision will be 0.6 hectares. As such, the proposal requires consideration as a Non-complying Activity pursuant to Rule 4.7.5iii for a subdivision in the Rural Residential [RR] area where the average allotment size is less than 2 hectares.

Refer to RC200089. This site (LOT 2 DP 562691) was most recently created because of a subdivision consent, RC200089, being an application to subdivide the original parent allotment (then described as Lot 2 DP 333634), into four allotments. This subdivision has since been implemented and has resulted in allotment sizes ranging from 4,600m2 to 5,920m2.

2) Plan Change 19

Under Plan Change 19, the site is located in the Large Lot Residential Zone (LLRZ). An evaluation of the relevant rules of the LLRZ Zone is as follows:

Standard	Requirement	Compliance	Rule operative pursuant to Section 86F of the Resource Management Act 1991?
LLRZ-S1	1. The minimum site area per residential unit is 1500m2, or 2. On any site less than 1500m2, one residential unit per site	Complies	No – under appeal by: • ENV - 2024 - CHC - Lindsay and Robyn Crooks; and • ENV - 2024 - CHC - 080 Keith and Jean MacKenzie
LLRZ-S2	The maximum height of buildings and structures must not exceed 7.5m measured from ground level to the highest part of the building or structure	Complies - Any future buildings will comply with this rule.	
LLRZ-S3	Height in relation to boundaries – Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 2.5m above ground level at the boundaries of the site. LLRZ-S3.1 does not apply to: • A boundary with a road or a shared access more than 3m in width. • Common walls along a site boundary.	Complies - Any future buildings will comply with this rule.	

	• Eaves inclusive of gutters with a maximum depth of 20cm measured vertically. • Antennas, aerials, satellite dishes (less than 1m in diameter). • Solar panels which do not project beyond the building envelope by more than 0.5m. • Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m. • A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m2 in area and no greater than 1m in height. • Internal boundaries within a retirement village • Hose drying towers	
LLRZ-S4	Building Coverage – 30%	Complies - Any future buildings will comply with this rule.
LLRZ-S5	Any building or structure shall be setback a minimum of 7m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.	Complies - Any future buildings will comply with this rule.
LLRZ-S6	Any building or structure shall be setback a minimum of: 1. 3m from any internal boundary; and 2. 15m from any property boundary which is adjacent to the margin of any lake.	Complies - Any future buildings will comply with this rule.
LLRZ-S7	Minimum one carpark per residential activity	Complies - Any future buildings will comply with this rule.

SUB-R6	All residential subdivision complying with SUB-S1	Complies - Any future buildings will comply with this rule.	
SUB-S1	The minimum size of any allotment shall be no less than 1500m2.	Complies	No – under appeal by ENV-2024 - CHC – Lindsay and Robyn Crook and others

Based on the above, the proposal complies with the relevant standards pertaining to the Large Lot Residential Zone, including the minimum allotment size of 1,500m2. It is noted that the minimum allotment size is the subject of appeals to reduce the minimum to 1,000m2. Due to the provision of a live appeal, the density provisions highlighted above are not to be treated as operative. In addition, the corresponding subdivision rule remains under appeal and therefore consideration of the Operative framework remains.

OVERALL ACTIVITY STATUS

Summarising the above, this application seeks the following consents:

1. A **non-complying activity** pursuant to Rule 4.7.5(iii) for subdivision with an average area less than 2 hectares in areas identified as "Rural Residential" ([RR])

2. A **restricted discretionary activity** pursuant to Rule SUB-R6 under PC19 for subdivision not otherwise specified and complying with the standards under SUB-S1.

PERMITTED BASELINE

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. I have considered the permitted baseline in terms of both the Operative and Proposed framework. Under the Operative Central Otago District Plan, all subdivision (and residential activities) in the Rural Resource Area [Rural Residential Notation] requires resource consent and therefore a baseline does not apply. A baseline does apply to the following activities:

- Buildings (other than residential activities) where the maximum height is 10 metres can be constructed as of right provided these comply with the standards listed in Rule 4.7.6

- Earthworks for any road, track, landing, firebreak, fence line, or utilities service line is permitted where these meet the standards in 4.7.6(J)

- Earthworks associated with farming activities such as irrigation dams, ploughing and land contouring are permitted

- General earthworks of up to 2,000m2 in area or 3,000m3 in volume from any one site are permitted

- Fencing is permitted

- Removal and planting of indigenous and exotic (provided the exotic vegetation is not listed as a prohibited species in the District Plan) vegetation is permitted

- Establishment of crops, vines and orchards are permitted, including structures incidental to agricultural activities such as bird netting/support structures, pivot irrigators/sprinklers and other similar equipment

Noise associated with vehicles, tractors and other farm machinery are permitted.

Under the proposed Plan Change 19 framework, all subdivision requires resource consent and therefore as with the Central Otago District Plan, a baseline does not apply to subdivision. However, PC19 does permit residential activities (including Minor Residential Units) in the Large Lot Residential Zone. Since the relevant rules relating to the establishment of residential activities in the Large Lot Residential Zone are not under appeal, the permitted baseline is considered relevant in this case.

ASSESSMENT OF AFFECTS

Schedule 4 of the Resource Management Act 1991 (RMA) details the information required to be included in an assessment of environmental effects. An assessment in this regard as it accords to Clause 6 of Schedule 4 is included as follows:

> *"If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:"*

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

> *An assessment of the actual or potential effect on the environment of the proposed activity.*

Despite the proposal not conforming to the averaging criteria, the Central Otago District Plan helpfully outlines the matters (Under Clause 4.7.4(iii) of the District Plan) to consider for a subdivision in the Rural Residential Notation. This is a rather comprehensive list, and I have broadly categorised these matters as follows:

The adequacy of the allotment in respect of its ability to safely dispose of effluent and stormwater on-site, without compromising health, and the quality of ground and surface water resources.

Lot 1 will include the existing residential dwelling and its associated wastewater system, with no changes proposed. For proposed Lot 2 and Lot 3, a compliant wastewater disposal system will be installed when a residential unit is proposed in the future. This system will adhere to the recommendations outlined in the Infrastructure Feasibility Report conducted by Civilised Ltd in 2020, as detailed in **Appendix [E]**. Alternatively, Lots 2 and 3 will connect to the nearest future reticulated network. The applicant requests both options are assessed during processing of the application and imposition of conditions.

The sites will be able to sufficiently accommodate onsite wastewater disposal, or connect to a network, and therefore effects on the environment will be no more than minor.

The provision of an adequate water supply, given the intended use of the subdivision.

The existing dwelling currently receives water through a 20mm service lateral from Richards Beach Road, which connects to a 100mm water main. Retaining this connection for the existing dwelling is essential to maintain its current water supply. Additionally, establishing two new connections beside it for the proposed Lots 2 and 3 ensures that these new lots will have adequate water access. The trenching, cable ducting, traffic management, and water pipe installation will be conducted in accordance with NZS 4404:2010 standards, ensuring compliance and safety. Given that PC19 will 'up-zone' Richards Beach Road, it is appropriate to consider that the existing reticulation system has sufficient water capacity to support the new developments.

Summary of Adverse Effects

Overall, it is considered the proposal suitably mitigates adverse effects on the wider environment and will be no more than minor. As the proposal is considered to generate no more than minor adverse effects on the environment, no mitigation measures over and above those inherent to the proposal are considered necessary.

SECTION 95 NOTIFICATION

1) Public notification

Section 95A gives a council discretion to decide whether to publicly notify an application or not. There are a total of four steps that are to be followed to publicly notify consent applications under Sections 95A (2) to 95A (9). These steps are addressed in the Table below.

Test	Yes/No	Comments
Step 1: Mandatory notification in certain circumstances – section 95A (3)		
Has the applicant requested that the application be publicly notified?	No	
Is public notification required under s95C (following a request for further information or commissioning of report)?	No	
Is the application made jointly with an application to exchange reserve land?	No	
Step 2: If not required by Step 1, notification is precluded if any of these circumstances apply – section 95A(5)		
Does a rule or NES preclude public notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Is the application a restricted discretionary or discretionary activity for a subdivision?	No	
Is the application a restricted discretionary or discretionary activity for residential activity?	No	
Is the application a boundary activity (other than a controlled activity)?	No	
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A (8)		
Does a rule or NES require public notification?	No	
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No	As detailed in the assessment undertaken in Section 8.0 above, the effects on the environment

		are no more than minor.
Step 4: Relevant to all applications that don't already require notification – section 95A (9)		
Do special circumstances exist that warrant the application being publicly notified?	No	

2) Limited notification

Section 95B gives a council discretion for limited notification of consent application. Similar to public notification, there are a total of four steps that are to be followed for limited notification consent applications under Sections 95B (2) to 95A (10). These steps are addressed in the below Table:

Test	Yes/No	Comments
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)		
Are there any affected protected customary rights groups or customary marine title groups?	No	
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?	No	
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)		
Does a rule or NES preclude limited notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)		
In the case of a boundary activity, is the owner of an allotment with an infringed boundary considered affected under s95E?	No	
Are there any other affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval?	No	As detailed in the assessment undertaken in Section 8.0 above, the effects on the environment are no more than minor.
Step 4: Notification in special circumstances – section 95B(10)		
Do special circumstances exist that warrant the application being notified to any persons not identified above?	No	

3) Notification conclusion

Based on the assessment above, the proposal is precluded from notification as the activity is a controlled activity.

SECTION 104 (1)(B) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section104(1)(b) (of the RMA). This includes:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

Operative and Proposed Regional Policy Statement for Otago

Regarding 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 as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

Central Otago District Plan

Regarding the Central Otago District Plan, I have assessed the most relevant Objectives and Policies as follows:

Provision	Description	Assessment
Objective 4.3.1	Needs of the District's People and Communities: To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.	Objective 4.3.1 is met insofar as the use of the land as proposed would provide for the economic wellbeing for the applicant and future lot owners through the sale and ownership of the property. In addition, an effects assessment on the environment concludes that such effects will be appropriately avoided, remedied or mitigated and therefore environmental quality is at least maintained.

		Accordingly, it is considered that the proposal is broadly consistent with Objective 4.3.1.
Objective 4.3.3	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.	Objective 4.3.3 and associated Policy 4.4.2 details rural amenity values as being attributed to the open space, landscape, natural character and built environment. Policy 4.4.2 elaborates the various techniques that can be employed to manage these effects, including the avoidance of skyline breaches, the extent to which development is compatible with the surrounding environment and consideration with the location of buildings. The site sits within the Rural Residential Area and therefore a degree of residential development is to be expected. The scale of development is in line with the character of the prevailing area all the while noting that effects on the environment can be suitably managed or avoided. As a result, the proposal is broadly consistent with the Policy framework noted above. The general characteristics of the subdivision are such that the site layout will be consistent with the character of density for the Rural Residential Zone. As a result, the overall extent of the development will not detract from the open space and general sense of low intensity living of the area.
Policy 4.4.2	Landscape and Amenity Values: To manage the effects of land use activities 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. Controlling the generation of noise in back country areas, 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.	
Policy 4.4.10	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 rural environment in particular the hills and ranges, b. The natural character and values of the district's wetlands, lakes, rivers and their margins, c. The production and 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.	Policy 4.4.10 seeks to ensure that subdivision and land use avoids, remedies or mitigates adverse effects on a range of matters. These matters are addressed in my assessment of environmental effects, and I am generally satisfied that the proposal is not contrary to this policy.
Objective16.3.1	To ensure that subdivision avoids, remedies, or mitigates adverse effects on the safe and efficient operation of the districts roading network.	The proposal is not considered to have a material effect on the safe and efficient operation of the district's roading network.
Objective 16.3.2	To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public	Appropriate servicing has been demonstrated. With respect to water, it is intended to connect to

	interest and the ongoing viability of those services and infrastructure.	the Richards Beach Line which is assumed to have the necessary capacity to cater for the demand contemplated under PC19.
Objective 16.3.4	To ensure, where appropriate, that amenity values of the district created by the 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.	As per the assessment above, the proposal represents a density that is consistent with the prevailing character and maintains the key values of the Rural Residential Notation as anticipated by the Plan.
Policy 16.4.1	To require that all subdivisions have legal and physical access that: a. Is of a standard that is adequate for the intended use of allotments having regard to current and likely future traffic levels and the safe and convenient movement of vehicles and pedestrians, and b. That integrates with the existing roading network in a safe and efficient manner.	Richard Beach Road is a quiet, low-speed, non-exit road. The local population is generally accustomed to these activities. With the generous sight lines available, the general awareness of vehicles entering and exiting the various driveways off Richard Beach Road, and the ability for drivers to see at extended distances to inform their decision-making, it is considered that allowing two extra lots to use the same existing access road will not result in any undue adverse effects on the efficiency or effectiveness of Richard Beach Road.
Policy 16.4.2	To encourage the use of existing access points to rural State highways and arterial roads to avoid or mitigate adverse effects on the safe and efficient operation of these roads.	Complies
Policy 16.4.3	To require that the land to be subdivided is supplied with services and infrastructure that are adequate for the intended use of the land to be subdivided without the public interest being adversely affected.	All services have been demonstrated as feasible including power and wastewater. Regarding water, the subject site and adjacent areas are subject to up-zoning under PC19.
Policy 16.4.4	To require that subdivisions within unreticulated areas are designed to ensure that each allotment:	A wastewater assessment confirms adequate servicing can be achieved by

	a. Has the ability to adequately dispose of effluent and stormwater on site without compromising health, the life-supporting capacity of soil resources, the quality of ground and surface water resources, and the drainage and amenity values of adjoining properties	connection to a network or onsite.
Policy 16.4.7	To require that the design of subdivision, where relevant to the intended use, provides for the following matters: a. Facilitates convenient, safe and efficient access to all allotments including pedestrian access where appropriate. b. Facilitates the safe and efficient provision and operation of services and infrastructure. c. Facilitates access to passive solar energy resources. d. Facilitates any foreseeable subsequent development or redevelopment including the economic provision of roading and network utility services. e. Facilitates adequate provision of, or contribution to, the open space, recreational and reserve needs of the community with physical links to existing reserve areas where this is practicable. f. Facilitates an appropriate level of access to heritage sites, natural features and water bodies where appropriate. g. Facilitates development which keeps earthworks to a minimum. h. Facilitates retention of the heritage values of a site or area.	All these matters are considered met as per the prevailing assessment.

Plan Change 19

The relevant objectives and policies of the Large Lot Residential Zone are assessed as follows:

Provision	Description	Assessment
LLRZ-O1	The Large Lot Residential Zone provides primarily for residential living opportunities.	The proposal is broadly consistent with this objective in that the proposal seeks to create allotments that will primarily cater for residential lifestyle living.
LLRZ-O2	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.	The rule framework as it applies to the Large Lot Residential Zone contemplates a minimum allotment size of 1,500m2. It follows that a development that is consistent with the minimum density would generally be consistent with objective LLRZ-O2 with regard to maintaining open space, ensuring good onsite amenities and being well connected with the surrounding area. In this case, the proposal results in allotments sizes that essentially reflects the prevailing sizes of the Lots in the immediate area. Based on the allotment sizes proposed, including the general shape factor which reflects the current pattern of development, the proposal is considered to be consistent with both Objectives LLRZ-O2 and O3.
LLRZ-O3	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	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 onsite parking; 3. maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that	The existing dwelling and new lots will have ample space around them, ensuring sufficient sunlight access. The proposed lots meet all bulk and location requirements under PC19. There is more than adequate onsite space for safe parking. The lot sizes provide a high degree of spaciousness. Sufficient usable outdoor space is provided. The safe and efficient operation of the road is expected to be maintained, given the generous sight lines and the general understanding of the extensive residential activities that characterize Richards Beach

	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 the road network; 7. mitigates visual effects through screening of storage areas and provision of landscaping; and 8. encourages water efficiency measures.	road, Bannockburn Road and nearby developments. Visual effects are considered minimal, as the degree of development proposed is within the contemplated scope.
LLRZ-P2	Provide for a range of residential unit types and sizes to meet the diverse and changing residential demands of communities.	The proposal is considered consistent with policy LLRZ-P2 through the provision of providing three allotments of a size that is not widely available.
SUB-O1	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.	As alluded to earlier, the LLRZ contemplated 1,500m2 allotments. The proposal seeks a development that proposed lot sizes meeting the minimum requirement and above (Lot 1) which affords all of the attributes of the Zone including spaciousness, open space, outlook, and low rise development.
SUB-P1	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	The proposal is considered consistent with the prevailing character of the area. There is an expectation that the character will change in time in response to PC19. The proposal allotments are appropriately sized to accommodate the intended built form. Adequate open space is afforded by virtue of the Lot sizes proposed.

	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.	

In considering the assessment of the provisions as it relates to the LLRZ under PC19, the proposal is considered entirely consistent with the expectation of the Zone.

Precedent

For completeness, it is appropriate at this point to consider precedent. While precedent is not an 'effect' in of itself, they remain relevant considerations pursuant to sections 104(1)(b)(vi) and (c) of the RMA. The site is subject to the Large Lot Residential Zone under the Plan Change 19 framework of which the Zone itself is not contested for the site. In this Zone, a minimum density of 1,500m2 is contemplated although due to a live appeal, is yet to be deemed operative and therefore consideration of the corresponding Operative District Plan rule (average of 2 hectares) remains.

Given that the subject site is re-zoned, and the matters in contention around density revolves around reducing the minimum density (from 1,500m2 as determined by Council's decision to 1,000m2 as sought by appellants), a precedent is unlikely to result giving the Zoning has effectively changed. Other Rural Residential areas in the district (such as Pearson Road and Ripponvale Road) are not subject to same circumstances that apply to the subject site and therefore a precedent does not exist.

PART 2 ASSESSMENT

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

1) SECTION 5

The purpose of the Act as stated in s5(1) of the RMA is, "to promote the sustainable management of natural and physical resources".

Section 5(2) of the Act defines "sustainable management" as:

… "*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 wellbeing and for their health and safety while – Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*"

As detailed throughout, the density of development proposed is consistent with the intensity of development that characterises the wider Bannockburn Road/Richards Beach Road enclave. The proposal is considered to represent sustainable management where adverse

effects on the environment have been appropriately mitigated whilst providing for the social, cultural and economic wellbeing of the applicant.

2) SECTION 6

Section 6 relates to matters of national importance. There are no matters of national importance that are considered to apply to this site.

3) SECTION 7

Section 7 relates to other matters. The matters of relevance are as follows:

(b) the efficient use and development of natural and physical resources
(c) the maintenance and enhancement of amenity values
(f) maintenance and enhancement of the quality of the environment

Again, all these matters have been addressed in the above assessment noting that the proposal represents an efficient use of the land through developing the site in a manner that is anticipated by the Zone and through an outcome (in terms of density) that is consistent with the character of the surrounding area. On balance, the proposal is considered consistent with Section 7 of the RMA.

4) SECTION 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi. The proposal is not considered to be at odds with the principles of the Treaty of Waitangi.

CONCLUSION

When taking a balanced assessment of the proposal, it is considered that the proposal will not generate an inappropriate degree of adverse effects on the environment all the while generating positive effects in the form of providing for social, cultural and economic wellbeing. Consequently, the proposal is considered to achieve Part 2 of the Act.

SUMMARY

Resource consent is sought to undertake a three-Lot subdivision of 110 Richards Beach Road, Cromwell.

Overall, the activity is assessed as a **non-complying activity.** The actual and potential effects on the environment have been outlined in section 8 of this report where it is concluded that the proposed activity will not have any adverse effects on the environment that are more than minor.

Accordingly, the proposal does not meet the threshold in which to be publicly notified. No persons are considered to be adversely affected by the proposed subdivision as detailed throughout and therefore the proposal does not warrant Limited Notification.

Pursuant to Section 106 of the RMA, 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, access to the proposed allotments have been demonstrated to which easements will ensure legal access is maintained. Further, the site is not identified as being subject to natural hazards.

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

The proposal is considered consistent with the relevant objectives and policies of the Operative and Proposed Regional and District Plans and meets the purpose and principles of the Resource Management Act 1991.

APPENDIX A

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**998602**
Land Registration District	**Otago**
Date Issued	19 November 2021

Prior References
137860

Estate	Fee Simple
Area	5918 square metres more or less
Legal Description	Lot 2 Deposited Plan 562691
Registered Owners	
Adele Eyers	

Interests

Appurtenant hereto is a right to convey water created by Transfer 554061.2 - 14.5.1981 at 9:59 am

6047622.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.6.2004 at 9:00 am

12284414.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.11.2021 at 5:01 pm

12284414.8 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.11.2021 at 5:01 pm

Subject to a right (in gross) to convey electricity over parts marked A, B, C on DP 562691 in favour of Aurora Energy Limited created by Easement Instrument 12284414.9 - 19.11.2021 at 5:01 pm

Subject to a right (in gross) to convey telecommunications over parts marked A, B on DP 562691 in favour of Chorus New Zealand Limited created by Easement Instrument 12284414.10 - 19.11.2021 at 5:01 pm

Subject to a right of way over part marked A on DP 562691, a right to convey water over parts marked A, B, C, E on DP 562691 created by Easement Instrument 12284414.11 - 19.11.2021 at 5:01 pm

Some of the easements created by Easement Instrument 12284414.11 are subject to Section 243 (a) Resource Management Act 1991 (see DP 562691)

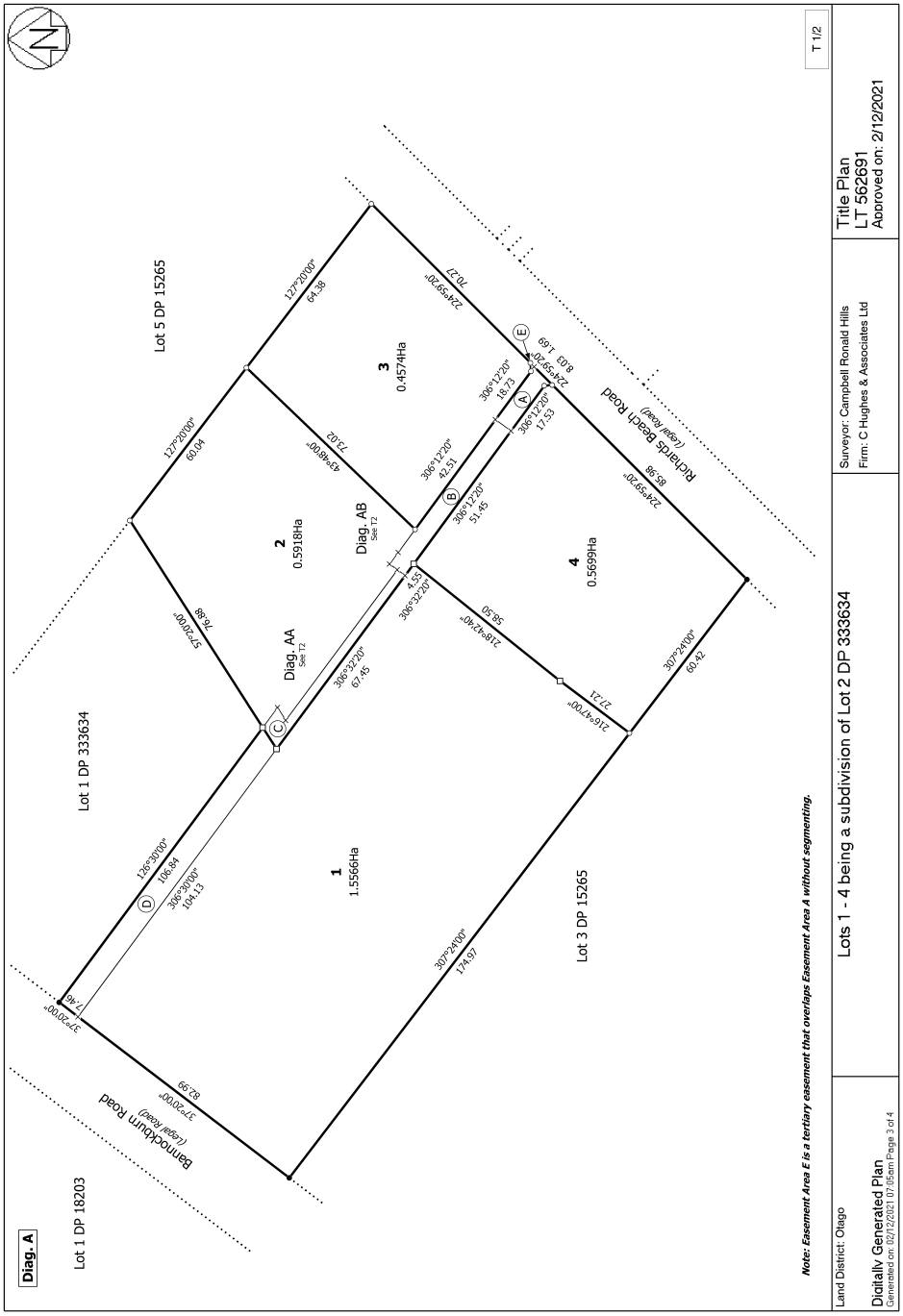
Subject to a pedestrian right of way over parts marked A, B on DP 562691 created by Easement Instrument 12284414.12 - 19.11.2021 at 5:01 pm

Land Covenant in Covenant Instrument 12284414.13 - 19.11.2021 at 5:01 pm

Fencing Covenant in Transfer 12342904.1 - 12.1.2022 at 4:44 pm

12791458.3 Mortgage to ANZ Bank New Zealand Limited - 24.8.2023 at 2:52 pm

Identifier **998602**



APPENDIX B

Approved by the Registrar-General of Land, Wellington, No. 065547 SS4061.2 NEW ZEALAND

MEMORANDUM OF TRANSFER

Otago Land Registry Office

WHEREAS JOHN MORTON of Dunedin Salesman

06MA81 2948 [illegible]

NEW ZEALAND STAMP DUTY [illegible]

is

(hereinafter called the Transferor) ~~being~~ registered as proprietor of an estate set out in the schedule A below subject to such interests as are therein notified. hereinafter called the servient

SCHEDULE A

ESTATE: FEE SIMPLE ~~LEASEHOLD~~ ~~LICENCE~~ ~~MORTGAGE~~ ~~ENCUMBRANCE~~
(Delete those which do not apply)

C.T. OR DOCUMENT NO.	AREA	LOT AND D.P. NO. OR OTHER LEGAL DESCRIPTION
part 7B/18	~~xxxxxxxxx~~	That part of Lot 7 Deposited Plan 15265 Cromwell District marked with the letter "E" delinated more particularly on the sketch plan hereto annexed

ENCUMBRANCES, LIENS AND INTERESTS

SCHEDULE B

Estate in Fee Simple

C.T.	Area	Lot & D.P. No. or other Legal Description
7B/936	4.0511 ha	Lot 4 Deposited Plan 15265 Cromwell District

Subject to 294905 and 315174 Electricity Agreement

AND WHEREAS by an agreement bearing date the 15th day of March 1981 the Transferor agreed to sell the land described in Schedule B above (hereinafter called "the dominant tenement") to DOUGLAS HUGH SYMONS of Otatau Contractor and MARY ELIZABETH SYMONS his wife (hereinafter referred to as "the transferees") and to grant to the Transferees a right to convey water over that part of the sevient as is more particularly delineated on the plan annexed hereto NOW THEREFORE in pursuance of the said agreement AND IN CONSIDERATION of the sum of Thirty Seven Thousand Dollars (which sum includes $1,200.00 for chattels) paid to the Transferor by the Transferee (the receipt of which sum is hereby acknowledged) THE TRANSFEROR DOTH HEREBY TRANSFER unto the Transferee all his estate and interest in the land described in Schedule B above together with the right to convey water in unlimited quantities from the river across that part of the land described in Schedule A (hereinafter called "the servient tenement") to the land described in Schedule B (hereinafter called "the dominant tenement") and for such purpose or purposes:-

(1) To lay and maintain at a uniform depth of 12 inches or thereabouts from the surface in and under the soil of the servient tenement a line of water pipes across any part of the servient tenement.

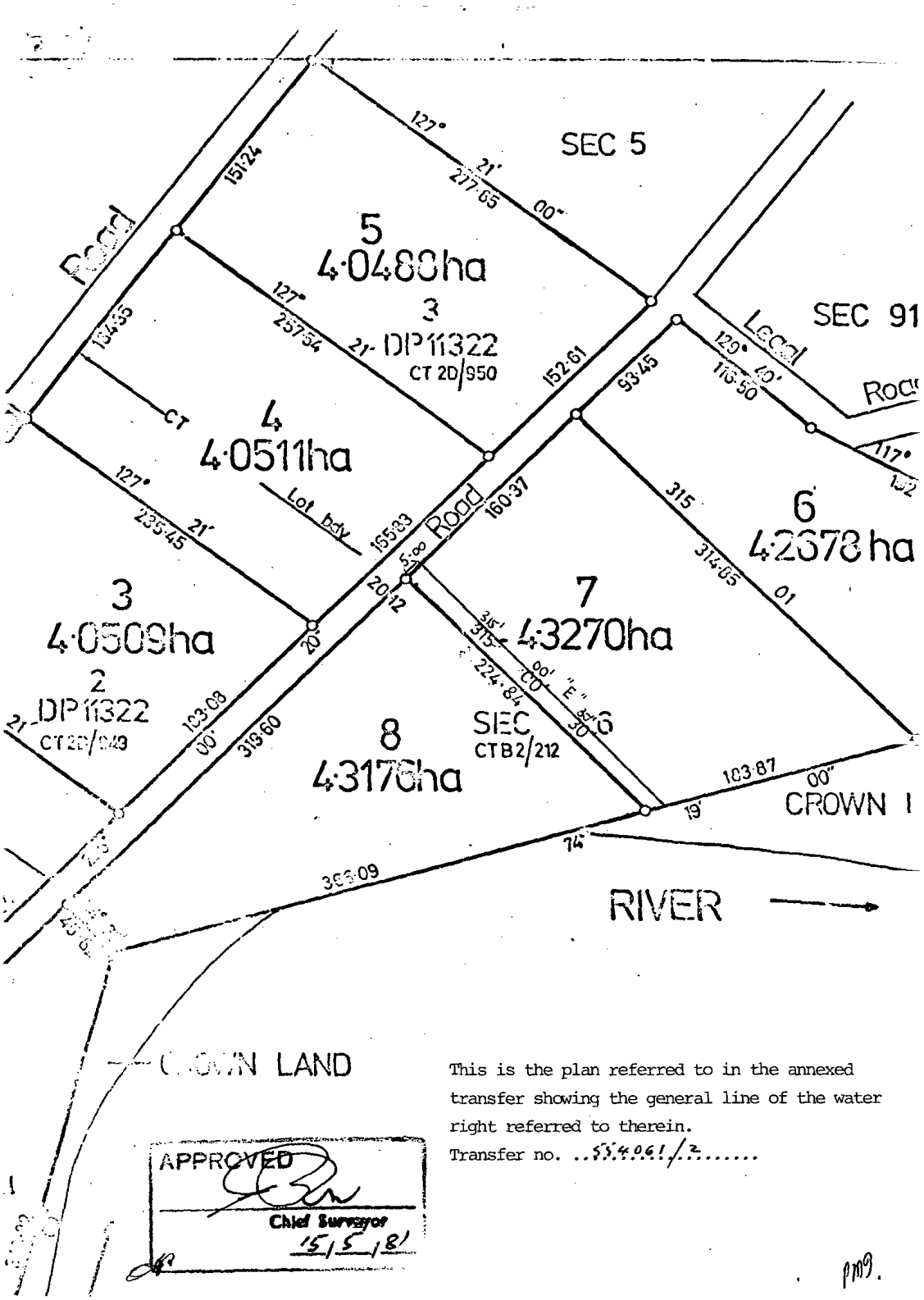
358.0

(ii) To enter upon the servient tenement (with or without engineers and workman and with or without any necessary vehicles, implements, tools, pipes and materials of any kind) for the purposes of laying maintaining repairing and from time to time renewing the said pipes or pipe line and opening up the soil of the servient tenement as may be necessary for those purposes provided always that the Transferee shall ensure that the soil of the servient tenement is returned as nearly as possible to its original state and provided further that no obstruction or nuisance shall be caused to the Transferor laying maintaining repairing or renewing such pipes.

In witness whereof these presents have been executed this 5th day of May 1981.

SIGNED by the said)
JOHN MORTON as Transferor)
in the presence of:)

PMJdW
Legal Executive to Aspiring Joel
& Co
Dunedin


SEC 5
5
4·0488ha
3
DP11322
CT 20/950
4
4·0511ha
Lot bdy
Road
SEC 91
Local
6
4·2678ha
7
4·3270ha
3
4·0509ha
2
DP11322
CT 20/949
8
4·3176ha
SEC 6
CTB2/212
CROWN I
RIVER
CROWN LAND
APPROVED
Chief Surveyor
15/5/81
This is the plan referred to in the annexed transfer showing the general line of the water right referred to therein.
Transfer no. ..553406 1/2.....

Justice Department
Land & Deeds Division
Private Bag
DUNEDIN

14 April 1981

LAND SETTLEMENT PROMOTION ACT DECLARATION S(2)

re: D.H. & M.E. SYMONS

I acknowledge receipt of the abovementioned declaration.
Please find enclosed duplicate copies duly certified.

B.E. Hayes
DISTRICT LAND REGISTRAR

Messrs French Sons Burt & Co.
Solicitors
P.O. Box 358
INVERCARGILL

FRENCH, SONS, BURT & CO.

Barristers and Solicitors

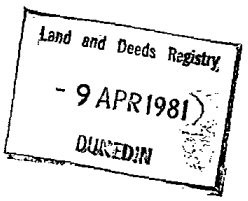
P.O. BOX 358 TELEPHONE 87-346

CHARLES NOEL BANNERMAN FRENCH, LL.M.
JOHN GIBSON FRENCH, LL.B.
CHARLES EDMOND FRENCH, LL.B.
EDGAR JAMES BURT, LL.B.

HELMSDALE CHAMBERS.
110 DON STREET.
INVERCARGILL, N.Z.

If calling please ask for Mr E.J. Burt

3rd April 1981.



The District Land Registrar,
Otago Land Registry Office,
Private Bag,
DUNEDIN.

Dear Sir,

re: D.H. & M.E. Symons - C.T. 7B/936

We enclose Landless Declarations for filing and return of and return of receipted copies to us as soon as possible.

Thanking you.

Yours faithfully,
FRENCH SONS BURT & CO.

Per:

EJB:JM
Encl.

L. & S. – E. 2

(Form No. 1)

STATUTORY DECLARATION TO BE MADE WHERE PURCHASER IS AN INDIVIDUAL

Land and Deeds Registry
- 9 APR 1981

IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as "the Act"), and

IN THE MATTER

(a) Set out nature of transaction.

of (a) A Sale

dated the 15th day of March 1981 19 81

(b) Full name.

from (b) John Morton as Vendor

(c) Full name.

~~(or lessee)~~ to (c) Douglas Hugh Symons and Mary Elizabeth Symons

(d) Official description of land.

as Purchaser ~~(or lessee)~~ affecting all that parcel of land (d)

Comprising 4.0511 hectares being Lot 4 Deposited Plan No. 15265 Cromwell District

being all ~~part~~ of the land comprised and described in certificate of title, Volume 7B,

folio 936 (Otago Land Registry).

(e) Full name, address, and occupation.

I, (e) Douglas Hugh Symons of Otautau

Contractor solemnly and sincerely declare:

1. That I am ~~the~~ a co-purchaser ~~(or lessee)~~ above-named of the land above described.

2. I have entered into the transaction solely on my own behalf as the person beneficially entitled thereunder.

3. I do not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and I have no estate or interest whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

(f) Delete clause not applicable.

4. (f) ~~I am unmarried~~. (*Or* my wife ~~(or husband)~~ does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and she (or he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)

5. No company of which I or my wife ~~(or husband)~~ is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

(g) Delete clause not applicable.

6. (g) I have attained the age of 17 years. ~~(*Or* neither my father nor my mother owns, leases, holds~~, or occupies in fee simple or under any tenure of more than 1 year's duration, ~~either severally~~, jointly, or in common with any other person, any farm land, ~~as so defined~~, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, ~~under any trust, will, or intestacy, in any such farm land.)~~

7. I have not since the passing of the Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

Where the declaration is made pursuant to section 35E of the Act.

~~8. The transaction is subject to Part IIA of the Act, and~~

(a) I am a British subject, but not a New Zealand citizen, (*or*, I am a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948); and

(b) I have resided in New Zealand for not less than 2½ years during the period of 3 years immediately preceding the date of the transaction, and intend to continue to reside ~~permanently in New Zealand~~.

39192F—10,000/11/79 MK

9. The transaction is not subject to Part II A of the Act because—

~~The transaction does not relate to any land of any of the classes described in paragraph (f) of~~ subsection (1) of section 35B of the said Act (~~as substituted by section 2 of the~~ Land Settlement Promotion ~~and Land Acquisition~~ Amendment Act 1969 and amended by section 2 ~~of the Land Settlement Promotion and Land Acquisition Amendment Act 1972~~).

Or, where the purchaser or lessee is not a trustee.

I am a New Zealand citizen, and so declare because (h)

(h) Delete paragraphs not applicable.

~~(a) Immediately before the date of commencement of the British Nationality and New Zealand~~ Citizenship Act 1948 I was a British subject, and I was born within ~~the territories~~ comprised at the commencement of that Act in New Zealand and would have been a New Zealand citizen if section 6 of that Act ~~had been~~ in force at the time of my birth (or I was ordinarily resident in New Zealand at the commencement of that Act and had been so resident throughout the period of 12 months immediately preceding the commencement of ~~that Act.~~)

~~(b) I am a person naturalised in New Zealand.~~

~~(c) I am registered as a New Zealand citizen.~~

(d) I am a New Zealand citizen by birth.

~~(e) I am a New Zealand citizen by descent.~~

~~(f) I am the wife of (i)~~ ~~who is qualified as a New Zealand citizen~~ ~~as set out in paragraph (ii) above.~~

(i) Full name, address, and occupation.

(ii) Specify.

(iii) Any other qualification.

~~(g) (iii)~~

Or, where the purchaser or lessee is a trustee.

~~I am the purchaser (lessee) as trustee under the following trust (iv)~~

(iv) Specify the trust.

and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual is a New Zealand citizen and no beneficiary under the trust that is a ~~body corporate is an overseas corporation as defined in section 35A of the Act.~~)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at INVERCARGILL

this 7th day of April 19 81

before me—

~~Justice of the Peace~~
or Solicitor of the High Court.
~~(or other person authorised to take and receive Statutory Declarations.)~~

NOTE – 1. Where both Parts II and II A of the Act apply to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 8 of this form.

2. Where only Part II of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 7 and paragraph 9 of this form.

3. Where only Part II A of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 8 of this form.

4. Where the declaration is made for the purposes of section 35D of the Act, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 9 of this form.

5. Where Part II only or both Parts II and II A of the Act apply to the transaction, and the purchaser or lessee is a trustee, then, under section 24 (1) (a) of the Act the consent of the Land Valuation Tribunal is required and this form is not applicable.

6. Section 2 (1) of the Act contains the following definitions:—

"Farm land" means land that, in the opinion of the Land Valuation Tribunal, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Tribunal be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

"Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

7. The classes of land described in paragraph (f) of section 35B (1) of the Act are as follows:

(a) Any land of 4,000 square metres or over in area which under any operative regional planning scheme or proposed or operative district scheme under the Town and Country Planning Act 1977, is designated or zoned as a reserve, or as a public park, or for recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose.

(b) Any land of 2 hectares or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.

(c) Any land of 4,000 square metres or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.

(d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 150 kilometres from the nearest part of the coast of the North Island or of the South Island.

(e) Any land being or forming part of any island of the Chatham Islands.

SS4061·2

Justice Department
Land & Deeds Division
Private Bag
DUNEDIN

14 April 1981

LAND SETTLEMENT PROMOTION ACT DECLARATION S(2)

re: D.H. & M.E. SYMONS

I acknowledge receipt of the abovementioned declaration.

Please find enclosed duplicate copies duly certified.

B.E. Hayes
DISTRICT LAND REGISTRAR

Messrs French Sons Burt & Co.
Solicitors
P.O. Box 358
INVERCARGILL

L. & S. – E. 2 (Form No. 1)

STATUTORY DECLARATION TO BE MADE WHERE PURCHASER IS AN INDIVIDUAL

IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as "the Act"), and

IN THE MATTER

(a) Set out nature of transaction.

of (a) A Sale

dated the 15th day of March 19 81

(b) Full name.

from (b) John Morton as Vendor

(c) Full name.

~~(or Lessor)~~ to (c) Douglas Hugh Symons and Mary Elizabeth Symons

(d) Official description of land.

as Purchaser (~~or Lessee~~) affecting all that parcel of land (d)

Comprising 4.0511 hectares being Lot 4 Deposited Plan 15265 Cromwell District

being all/part of the land comprised and described in certificate of title, Volume 7B,

folio 936 (Otago Land Registry).

(e) Full name, address, and occupation.

I, (e) Mary Elizabeth Symons of Otautau

Married Woman solemnly and sincerely declare:

1. That I am the purchaser (~~or Lessee~~) a co-above-named of the land above described.

2. I have entered into the transaction solely on my own behalf as the person beneficially entitled thereunder.

3. I do not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and I have no estate or interest whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

(f) Delete clause not applicable.

4. (f) ~~I am unmarried~~ (*Or* my wife (or husband) does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and she (or he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)

5. No company of which I or my wife (or husband) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

(g) Delete clause not applicable.

6. (g) I have attained the age of 17 years. ~~(*Or neither my father nor my mother owns, leases, holds,*~~ or occupies in fee simple or under any tenure of more than 1 year's duration, ~~either~~ severally, jointly, or in common with any other person, any farm land, ~~as so defined~~, outside a city or borough or town district, or has any ~~estate or interest~~, whether legal or equitable and whether vested or contingent, ~~under any trust, will, or intestacy, in any such farm land.)~~

7. I have not since the passing of the Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

Where the declaration is *made pursuant* to section 35E of the Act.

~~8. The transaction is subject to Part II A of the Act, and~~

(a) I am a British subject, but not a New Zealand citizen, (*or*, I am a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948); and

(b) I have resided in New Zealand for not less than 2½ years during the period of 3 years *immediately preceding the date of the transaction, and intend to continue to reside* ~~permanently in New Zealand.~~

39192F—10,000/11/79 MK

9. The transaction is not subject to Part IIA of the Act because—

~~The transaction does not relate to any land of any of the classes described in paragraph (f) of~~ subsection (1) of section 35B of the said Act (as ~~substituted by section 2 of the~~ Land Settlement Promotion and Land Acquisition Amendment Act 1969 and amended by section 2 ~~of the Land Settlement Promotion and Land Acquisition Amendment Act 1972).~~

Or, where the purchaser or lessee is not a trustee.

I am a New Zealand citizen, and so declare because ([h])

(h) Delete paragraphs not applicable.

~~(a) Immediately before the date of commencement of the British Nationality and New Zealand~~ Citizenship Act 1948 I was a British subject, and I was born within the territories comprised at the commencement of that Act in New Zealand ~~and~~ would have been a New Zealand citizen if section 6 of that Act had been in force at the time of my birth (or I was ordinarily resident in New Zealand at the commencement of that Act and had been so resident throughout the period of 12 months immediately preceding the commencement of ~~that Act.)~~

~~(b) I am a person naturalised in New Zealand.~~

~~(c) I am registered as a New Zealand citizen.~~

(d) I am a New Zealand citizen by birth.

~~(e) I am a New Zealand citizen by descent.~~

~~(f) I am the wife of ([i])~~

(i) Full name, address, and occupation.

~~who is qualified as a New Zealand citizen~~

(ii) Specify.

~~as set out in paragraph ([ii]) above.~~

(iii) Any other qualification.

~~(g) ([iii])~~

Or, where the purchaser or lessee is a trustee.

~~I am the purchaser (lessee) as trustee under the following trust ([iv])~~

(iv) Specify the trust.

and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual is a New Zealand citizen ~~and~~ no beneficiary under the trust that is a ~~body corporate is an overseas corporation as defined in section 35A of the Act.)~~

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at INVERCARGILL

this 7th day of April 19 81

before me—

M E Dymock

.....

~~Justice of the Peace~~ *or* Solicitor of the High Court. ~~(or other person authorised to take and receive Statutory Declarations.)~~

NOTE – 1. Where both Parts II and IIA of the Act apply to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 8 of this form.

2. Where only Part II of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 to 7 and paragraph 9 of this form.

3. Where only Part IIA of the Act applies to the transaction, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 8 of this form.

4. Where the declaration is made for the purposes of section 35D of the Act, the purchaser or lessee is required to declare as to the matters prescribed in paragraphs 1 and 9 of this form.

5. Where Part II only or both Parts II and IIA of the Act apply to the transaction, and the purchaser or lessee is a trustee, then, under section 24 (1) (a) of the Act the consent of the Land Valuation Tribunal is required and this form is not applicable.

6. Section 2 (1) of the Act contains the following definitions:—

"Farm land" means land that, in the opinion of the Land Valuation Tribunal, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Tribunal be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

"Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

7. The classes of land described in paragraph (f) of section 35B (1) of the Act are as follows:

(a) Any land of 4,000 square metres or over in area which under any operative regional planning scheme or proposed or operative district scheme under the Town and Country Planning Act 1977, is designated or zoned as a reserve, or as a public park, or for recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose.

(b) Any land of 2 hectares or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.

(c) Any land of 4,000 square metres or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.

(d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 150 kilometres from the nearest part of the coast of the North Island or of the South Island.

(e) Any land being or forming part of any island of the Chatham Islands.

Correct for the purposes of the Land Transfer Act.

Solicitor for Transferee

I hereby certify that Part IIA of The Land Settlement Promotion and Land Acquisition Act 1952 does not apply to the within transaction.

Solicitor for the Transferee

TRANSFER

Particulars entered in the Register at the date and at the time recorded below.

District Assistant *Land Registrar of the District of Southland*

FRENCH, SONS, BURT & CO.
0609 (10) *SOLICITORS*
INVERCARGILL, N.Z.

THE CAXTON PRESS, CHRISTCHURCH

OTAGO DISTRICT LAND REGISTRAR NEW ZEALAND

MAY 14 9 59 AM '81

ALR

554061/2

78/136

DISTRICT LAND REGISTRY DUNEDIN

CONO 6047622.3 Consen
Cpy – 01/01, Pgs – 002, 17/06/04, 14:33
DocID 110505516

IN THE MATTER of Lots 1 & 2 DP 333634 being a subdivision of Lot 4 DP 15265, CT 17B/936

AND

IN THE MATTER of resource consent RC 030373 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 a condition of resource consent RC 030373 of the Central Otago District Council granted pursuant to Sections 104A to 104D of the Resource Management Act 1991 dated 21 January 2004, the following condition is to be imposed on an ongoing basis by a consent notice to be registered against the certificate of title for Lot 2.

Effluent disposal from any dwelling constructed on Lot 2 shall be disposed of in an approved septic tank system designed and sited to comply with the building code and AS/NZS 1547/2000 "On-site Domestic Waste Water Management" and shall be sited in a position that will comply with the Otago Regional Council's rules. A registered engineer shall design and supervise the construction of the disposal system.

DATED this 22nd day of April 2004

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

By its Chief Executive R.B.McNeil (Pursuant to delegated authority)

2

View Instrument Details

Instrument No	12284414.6
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Affected Records of Title	Land District
998602	Otago
998603	Otago
998604	Otago

Annexure Schedule Contains 2 Pages.

Signature

Signed by Amy Jane Marslin as Territorial Authority Representative on 19/11/2021 04:59 PM

***** End of Report *****

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Annexure Schedule: Page:1 of 2

Consent Notice

PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

THE CENTRAL OTAGO DISTRICT COUNCIL hereby requests the District Land Registrar to annotate his memorial with the following Consent Notice issued with respect to Lots 2, 3 and 4 LT 562691.

12. At the time a residential activity (new dwelling) is constructed on Lots 2-4 domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank on the respective allotments. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively an 11,000 litre fire fighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed building on the site.

    In order to ensure that connections are compatible with Fire and Emergency New Zealand equipment the fittings are to comply with the following standards:

    (a) Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling (e.g. 100 mm coupling has 100 mm hose tail) provided that the consent holder shall provide written confirmation from the Fire and Emergency New Zealand to the Chief Executive to confirm that the couplings are appropriate for fire fighting purposes.
    (b) The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.

13. The water tanks referred to in Condition 12 shall be green, black or olive (green-brown) in colour.

14. Fire fighting water supply may be provided by means other than that provided for in Condition 12 above if the written approval of the Fire and Emergency New Zealand is obtained for the proposed method.

19. At the time of construction of the dwelling on Lots 2-4 an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional consistent with the recommendations of the Infrastructure Feasibility Report prepared by Mr John McCartney of Civilised Limited, such report being dated 29 February 2020.

C. Hughes & Associates, Surveying Consultants, Cromwell and Wanaka

20. A copy of the design and designer producer statement shall be supplied to the Chief Executive. The dwelling shall not be constructed until the design and producer statement have been supplied to the Chief Executive.

21. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.

22. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.

23. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.

25. Stormwater from Lots 2-4 shall be disposed of by soakpit within the respective allotments

SIGNED at Alexandra this 7th day of October 2021

.....

David Campbell
PLANNING MANAGER
(pursuant to delegated authority)

View Instrument Details

Instrument No	12284414.8
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991

Affected Records of Title	Land District
998601	Otago
998602	Otago
998603	Otago
998604	Otago

Annexure Schedule Contains 1 Pages.

Signature

Signed by Amy Jane Marslin as Territorial Authority Representative on 19/11/2021 04:59 PM

***** End of Report *****

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Annexure Schedule: Page:1 of 1

Consent Notice

PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

THE CENTRAL OTAGO DISTRICT COUNCIL hereby requests the District Land Registrar to annotate his memorial with the following Consent Notice issued with respect to Lots 1 - 4 LT 562691.

"All land use activities on Lots 1 – 4, including the construction of new building/ structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the Code."

SIGNED at Alexandra this 7th day of October 2021

.....

David Campbell
PLANNING MANAGER
(pursuant to delegated authority)

C. Hughes & Associates, Surveying Consultants, Cromwell and Wanaka

View Instrument Details

Instrument No	12284414.9
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Easement Instrument

Affected Records of Title	Land District
998601	Otago
998602	Otago

Annexure Schedule Contains 5 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑
I certify that the Mortgagee under Mortgage 10512778.3 has consented to this transaction and I hold that consent	☑

Signature

Signed by Amy Jane Marslin as Grantor Representative on 19/11/2021 04:40 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑

Signature

Signed by Rosemary Erin Clark as Grantee Representative on 19/11/2021 11:27 AM

***** End of Report *****

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Annexure Schedule: Page:1 of 5

Form 22

Easement instrument to grant easement or *profit à prendre*
(Section 109 Land Transfer Act 2017)

Grantor

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grantee

AURORA ENERGY LIMITED

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land 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, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A *Continue in additional Annexure Schedule, if required*

Purpose of Easement, or *profit*	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to Convey Electricity	A, B and C	Lot 2 DP 562691 held in RT 998602	In gross
	D	Lot 1 DP 562691 held in RT 998601	In gross
Right to Transform Electricity	D	Lot 1 DP 562691 held in RT 998601	In gross
	as shown on DP 562691		

SRP-203625-4090-61-V1

Page 1 of 5

Annexure Schedule: Page:2 of 5

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

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

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

~~[Memorandum number , registered under section 209 of the Land Transfer Act 2017]~~

[the provisions set out in Annexure Schedule 2]

Annexure Schedule 2

CONTINUATION OF "EASEMENTS TO BE CREATED OR *PROFITS A PRENDRE* RIGHTS AND POWERS (INCLUDING TERMS, COVENANTS AND CONDITIONS)"

The Grantee shall have as easements in gross forever in favour of the Grantee the following rights:-

(a) To convey electricity under and through the soil of those parts of the land in Record of Title 998602 marked A, B and C on Deposited Plan 562691 (hereinafter referred to as "the electricity cable easements"); and

(b) To convey electricity on, under, over and across those parts of the land in Record of Title 998601 marked D on Deposited Plan 562691 (hereafter referred to as "the electricity supply easement"); and

(c) To establish and maintain on those parts of the land in Record of Title 998601 marked D on Deposited Plan 562691 an electricity transformer and ancillary equipment (hereinafter referred to as "the transformer site").

(the said Records of Title 998601 and 998602 are hereinafter referred to as "the burdened land").

TERMS, CONDITIONS, COVENANTS OR RESTRICTIONS IN RESPECT OF THE RIGHT TO CONVEY ELECTRICITY AND MAINTAIN AN ELECTRICITY TRANSFORMER AND ANCILLARY EQUIPMENT

A. ELECTRICITY CABLE EASEMENT

The Grantee shall have the right

(a) To lead and convey electricity, electric impulses, and ancillary telecommunications without interruption or impediment (except during any periods of necessary renewal or repair) by means of conduits, cables, pipes and ancillary equipment laid or to be laid under the surface of and through the soil of the electricity cable easements.

(b) To lay, place, inspect, repair, maintain, renew, upgrade and replace under the electricity cable easements such conduits, cables, pipes and ancillary equipment as may be necessary to convey such electricity, electric impulses, and ancillary telecommunications by means of the said conduits, cables, pipes and ancillary equipment.

(c) For the Grantee its servants, agents, workmen and contractors to enter and remain on such part or parts of the burdened lands as may be necessary to secure access to the electricity cable easements and the said conduits, cables, pipes and ancillary equipment and on such parts of the burdened lands as may be necessary for the purpose of laying, placing, inspecting, repairing, maintaining, renewing, upgrading and replacing the said conduits, cables, pipes and ancillary equipment together with full power and authority for the Grantee its surveyors, engineers, workmen, agents and servants with or without vehicles implements machinery and equipment from time to time and at all times to enter and remain on the said part or parts of the burdened lands as may be necessary for the purpose of exercising and enjoying all or any of the rights privileges and easements granted in this instrument.

B. ELECTRICITY SUPPLY EASEMENT

The Grantee shall have the right

(a) To lead and convey electricity, electric impulses, and ancillary telecommunications without interruption or impediment (except during any periods of necessary renewal or repair) by means of overhead transmission lines and ancillary equipment erected or to be erected, laid or to be laid on, under, over and across the electricity supply easement.

(b) To erect and place, lay, suspend, inspect, repair, maintain, renew, upgrade and replace such poles and ancillary equipment and to suspend such line or lines from the said poles and ancillary equipment as may be necessary to convey such electricity, electric impulses, and ancillary telecommunications by means of the said transmission lines and ancillary equipment.

(c) For the Grantee its servants, agents, workmen and contractors to enter and remain on such part or parts of the burdened lands as may be necessary to secure access to the electricity supply easement and the said poles, transmission lines and ancillary equipment and on such parts of the burdened lands as may be necessary for the purpose of erecting, laying, placing, suspending, inspecting, repairing, maintaining, renewing, upgrading and replacing the said transmission lines, poles and ancillary equipment with full power and authority for the Grantee its surveyors, engineers, workmen, agents and servants with or without vehicles implements machinery and equipment from time to time and at all times to enter and remain on the said part or parts of the burdened lands as may be necessary for the purpose of exercising and enjoying all or any of the rights privileges and easements granted in this instrument.

C. ELECTRICITY TRANSFORMER EASEMENT

The Grantee shall have the right

(a) To construct, install, place, inspect, repair, maintain, renew, upgrade and replace on the transformer site an electricity transformer and ancillary equipment.

(b) To lay, place, inspect, repair, maintain, renew, upgrade and replace on or under the transformer site cables for the transmission of electrical energy and ancillary telecommunications together with the right to transmit electrical energy and ancillary telecommunications through and along the said cables.

(c) For the Grantee its servants, agents, workmen and contractors to enter and remain on such part or parts of the burdened lands as may be necessary to secure access to the transformer site and the said electricity cables and on such parts of the burdened lands as may be necessary for the purpose of constructing, installing, laying, placing, inspecting, repairing, maintaining, renewing, upgrading and replacing the said electricity transformer and ancillary equipment and the said cables together with full power and authority for the Grantee its surveyors, engineers, workmen, agents and servants with or without vehicles implements machinery and equipment from time to time and at all times to enter and remain on the said part or parts of the burdened lands as may be necessary for the purpose of exercising and enjoying all or any of the rights privileges and easements granted in this instrument.

1. The Grantor covenants with the Grantee

(a) Not to place any building or other structure or plant any tree or shrub or alter the natural level of the land on the electricity cable easements, the electricity supply easement and the transformer site without the prior written consent of the Grantee.

(b) To take all reasonable steps to ensure that its tenants, agents and workmen do not do any wilful or negligent act or thing whereby the said conduits, cables, pipes, poles, transmission lines and ancillary equipment and the electricity transformer and ancillary equipment and the said electricity cables shall be damaged or destroyed. If it is established that the damage was caused by the negligent or wilful act of the Grantor or its tenants, agents or workmen then the Grantor shall be responsible for the repair and/or replacement required. Any work so required shall be carried out by a Contractor selected by the Grantee.

(c) Not at any time permit or suffer any act or thing whereby the rights, powers, liberties, licences and easements hereby granted to the Grantee may be interfered with or affected.

(d) That the Grantee will not be required to erect or maintain a fence around the transformer site or the said electricity transformer and ancillary equipment and except in respect of rubbish debris or obstruction left there by the Grantee the Grantee shall not be responsible for the normal maintenance of those parts of the transformer site not covered by the said electricity transformer and ancillary equipment or keeping the same clean and tidy.

2. The Grantee covenants with the Grantor that upon the exercising of any of its rights the Grantee shall

(a) Cause as little damage as possible to the burdened lands and the occupiers of the burdened lands;

(b) Restore the burdened lands as near as reasonably possible to its previous condition;

(c) Make good at the Grantee's expense any damage done by the actions of the Grantee to the buildings, erections and fences of the Grantor.

(d) Not except while work is being carried on upon the burdened lands leave on that part of the burdened lands not covered by the electricity transformer and ancillary equipment any rubbish or debris or obstruction.

View Instrument Details

Instrument No	12284414.10
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Easement Instrument

Affected Records of Title	Land District
998602	Otago

Annexure Schedule Contains 4 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑
I certify that the Mortgagee under Mortgage 10512778.3 has consented to this transaction and I hold that consent	☑

Signature

Signed by Amy Jane Marslin as Grantor Representative on 19/11/2021 04:40 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑

Signature

Signed by Amy Jane Marslin as Grantee Representative on 19/11/2021 04:40 PM

***** End of Report *****

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Annexure Schedule: Page:1 of 4

Easement instrument to grant easement or *profit à prendre*
Section 109, Land Transfer Act 2017

Grantor *Surname(s) must be underlined.*

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grantee *Surname(s) must be underlined.*

CHORUS NEW ZEALAND LIMITED

Grant of Easement or *Profit à prendre*

The Grantor, being the registered owner of the Burdened Land set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s)* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A *Continue in additional Annexure Schedule, if required.*

Purpose of Easement, or *profit*	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey telecommunications	A, B on DP 562691	Lot 2 DP 562691, RT 998602	**Chorus New Zealand Limited (in gross)**

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

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or the Fifth Schedule of the Property Law Act 2007. The implied rights and powers are **varied~~/negatived/added to~~** or **~~substituted~~** by: ~~Memorandum number , registered under section 209 of the Land Transfer Act 2017.~~ the provisions set out in the Annexure Schedule.

4361660.3

Annexure Schedule

Insert type of instrument

Easement	Dated		Page	2	of		Pages

Continue in additional Annexure Schedule, if required.

Continuation of "Easement rights and powers":

1 The rights and powers in this easement are in addition to those rights and powers contained in Schedule 5 of the Land Transfer Regulations 2018 ("the Fifth Schedule") and where the terms of this easement are in conflict with either the Fifth Schedule or any of the statutory rights and authorities which the Grantee may have in respect of the Burdened Land, the terms of this easement shall prevail.

2 **Grant of Easement**

2.1 In addition to the above rights and powers the Grantor grants to the Grantee as an easement in gross the following rights and powers at all times and in any quantity:

(a) to lay, install (including construct), locate, upgrade, add to, inspect, maintain, replace, repair, renew, enlarge, alter, retain, remove any Lines and Works on, in, over and under the Easement Land (and for the avoidance of doubt, the Grantor's consent shall be deemed for the purposes of clause 10(1)(b) of Schedule 5 of the Land Transfer Regulations 2018 by virtue of this easement);

(b) subject to clauses 4.1 and 4.2, to enter with all necessary equipment and remain upon the Burdened Land for the purposes of laying, installing (including constructing), locating, upgrading, adding to, inspecting, maintaining, replacing, repairing, renewing, enlarging, altering, retaining or removing Lines or Works and make any access ways, cuttings, fillings, grades, batters and to re-open the same and generally to do and perform such acts or things upon the Burdened Land as may be necessary or desirable (or incidental thereto) to enable the Grantee to receive, enjoy and give effect to the full free use and enjoyment of the rights and powers granted under this easement; and

(c) to use and operate Lines and Works (such use and operation may include the granting of such use to third party telecommunications service providers) for the purpose of conveying telecommunications without interruption or impediment,

provided however that nothing shall compel the Grantee to exercise the above rights at any time or in a particular way

3 **Grantee's Covenants**

3.1 The Grantee shall be responsible for:

(a) the installation of and maintenance of the Lines and Works located on the Easement Land; and

(b) using its best endeavors to prevent the Lines and Works located on the Easement Land becoming a danger to any user or occupier of the Burdened Land.

3.2 The Grantee will, in exercising the rights granted to the Grantee under this easement cause as little damage as reasonably possible to the Burdened Land and to any building or building improvement (including, without limitation, any interior fitout) located on the Burdened Land.

3.3 The Grantee will at the Grantee's own cost repair and make good any damage to the Burdened Land (including without limitation any damage to any building(s), fences or other improvements) caused by the Grantee in exercising the Grantee's rights and powers under this

Annexure Schedule

Insert type of instrument

Easement	Dated		Page	3	of		Pages

Continue in additional Annexure Schedule, if required.

easement as reasonably close as possible to the original condition of the Burdened Land prior to such damage and to the reasonable satisfaction of the Grantor.

4 **Access**

4.1 The Grantee may, at any time (but subject to clause 4.2) from time to time enter the Burdened Land (including, for the avoidance of doubt, any areas of Common Property on the Burdened Land) using such routes as prescribed by the Grantor (acting reasonably) and with or without its employees, contractors and agents and with or without vehicles, machinery and implements of any kind for purposes associated with the creation and exercise of its rights and powers under this easement. If relevant, the Grantor shall invoke its rights pursuant to section 80 of the Unit Titles Act 2010 (or procure that such rights are invoked) as may be necessary to allow the Grantee access to its Lines and Works as agent of the body corporate.

4.2 In exercising the rights granted to the Grantee under this easement, the Grantee shall use reasonable efforts to give the Grantor prior notice that the Grantee intends to enter upon the Burdened Land (except in the case of an Emergency, when notice will not be required) and for the avoidance of doubt, clause 12(2) of Schedule 5 the Land Transfer Regulations 2018 does not apply. Without limitation to the preceding provisions, the Grantor shall not at any time restrict or impede access to the Easement Land (including by way of subdivision of the Land) by the Grantee and, upon request by Grantee, will provide the Grantee with all necessary keys and / or access cards required from time to time to gain access to the Burdened Land and the Easement Land.

5 **Grantor's Covenants**

5.1 The Grantor will not without the written permission of the Grantee (not to be unreasonably withheld or delayed):

(a) grow or permit to be grown any natural or cultivated vegetation (including trees and shrubs) on or in the near vicinity, or encroaching on the Easement Land. The Grantee may at all times at the Grantor's cost remove any natural or cultivated vegetation or improvement on the Easement Land which may interfere with the rights granted by this easement; or

(b) erect or permit to be erected any improvement (including but not limited to buildings, sheds, fences, roads, walls or driveways) on the Easement Land; or

(c) do anything on the Easement Land that may damage or endanger the Grantee's Lines or Works; or

(d) do any act which will interfere with the rights granted by this easement and will not at any time do permit or suffer any act whereby the full and free use and enjoyment by the Grantee of the rights and privileges granted by this are interfered with.

6 **Removal**

6.1 The Lines and Works are and shall remain the sole property of the Grantee and the Grantee shall not be required to remove the Lines and/or Works at any time. No person shall have any interest in such Lines and Works by reason only of having an interest or estate in the Burdened Land.

Annexure Schedule

Insert type of instrument

Easement	Dated		Page	4	of		Pages

Continue in additional Annexure Schedule, if required.

6.2 No power is implied for the Grantor to determine this easement for any breach of covenant or for any other cause whatsoever. The parties intend this easement to subsist forever or until it is duly surrendered or extinguished at the election of the Grantee.

7 **Further Assurances**

7.1 Each party shall make all applications, including executing and delivering any documents, and doing all acts and things, as may reasonably be required by the other party to obtain the full benefit of this easement according to its true intent.

8 **Telecommunications Act 2001 and End User Terms**

8.1 Notwithstanding anything to the contrary in this easement, the terms contained in this easement shall be without prejudice to, and do not reduce or limit, the rights and powers of the Grantee under the Telecommunications Act 2001 or any other document or arrangement conferring rights or powers on the Grantee in relation to Lines and Works at the Burdened Land, and the Grantee may, in its discretion, rely on or exercise any of its rights and powers, whether in addition to or instead of the rights and powers granted by this easement.

9 **Definitions and interpretation**

9.1 In this easement:

(a) "**Common Property**" has the same meaning ascribed to that term under the Unit Titles Act 2010.

(b) "**Easement Land**" means that part of the Burdened Land identified in Schedule A in this easement as Easement Land and those other parts of the Burdened Land (including buildings) on which the Grantee has installed and located its Lines and Works.

(c) "**Emergency**" means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply of telecommunications.

(d) "**Grantee**" means Chorus New Zealand Limited and includes all its subsidiaries (within the meaning of Sections 5 and 6 of the Companies Act 1993) and its successors, assigns, personal representatives, employees, contractors, agents, licensees and invitees.

(e) "**Grantor**" includes the successors in title, assigns, tenants, transferees and personal representatives of the Grantor.

(f) "**Line**" and "**Works**" shall have the meanings ascribed to those terms under the Telecommunications Act 2001.

View Instrument Details

Instrument No	12284414.11
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Easement Instrument

Affected Records of Title	Land District
998601	Otago
998602	Otago
998603	Otago
998604	Otago

Annexure Schedule Contains 2 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑
I certify that the Mortgagee under Mortgage 10512778.3 has consented to this transaction and I hold that consent	☑

Signature

Signed by Amy Jane Marslin as Grantor Representative on 19/11/2021 04:41 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑

Signature

Signed by Amy Jane Marslin as Grantee Representative on 19/11/2021 04:41 PM

***** End of Report *****

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Annexure Schedule: Page:1 of 2

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grantee

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land 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, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A *Continue in additional Annexure*
Schedule, if required

Purpose of Easement, or *profit*	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right of way	A on DP 562691	Lot 2 DP 562691, RT 998062	Lots 3 and 4 DP 562691, RTs 998603 and 998604
Right to Convey Water over	E on DP 562691	Lot 2 DP 562691, RT 998062	Lot 3 DP 562691, RT 998603
Right to Convey Water	A, B, C on DP 562691	Lot 2 DP 562691, RT 998062	Lot 1 DP 562691, RT 998601

Annexure Schedule: Page:2 of 2

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

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

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

~~[Memorandum number , registered under section 209 of the Land Transfer Act 2017]~~

~~[the provisions set out in Annexure Schedule B]~~

View Instrument Details

Instrument No	12284414.12
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Easement Instrument

Affected Records of Title	Land District
998601	Otago
998602	Otago

Annexure Schedule Contains 3 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑
I certify that the Mortgagee under Mortgage 10512778.3 has consented to this transaction and I hold that consent	☑

Signature

Signed by Amy Jane Marslin as Grantor Representative on 19/11/2021 04:41 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument	☑
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☑
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☑
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☑

Signature

Signed by Amy Jane Marslin as Grantee Representative on 19/11/2021 04:41 PM

***** End of Report *****

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Annexure Schedule: Page:1 of 3

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Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grantee

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land 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, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A *Continue in additional Annexure*
Schedule, if required

Purpose of Easement, or *profit*	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Pedestrian Right of Way	A, B on DP 562691	Lot 2 DP 562691, RT 998062	Lot 1 DP 562691, RT 998601

AP-262520-4-144-V1

Annexure Schedule: Page:2 of 3

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

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby **[varied] [negatived] [added to]** or **[substituted]** by:

~~[Memorandum number , registered under section 209 of the Land Transfer Act 2017]~~

[the provisions set out in Annexure Schedule B]

AP-262520-4-144-V1

ANNEXURE SCHEDULE B

Schedule 5 of the Land Transfer Regulations 2018 is hereby added to and varied as follows:

1. A new clause 2(h) is added as follows:

2 Classes of Easement

(h) Pedestrian Right of Way

2. A new clause 15 is added as follows:

15 Pedestrian Right of way

(1) A pedestrian right of way includes the right for the grantee and the grantees' agents, employees, contractors, tenants, licensees, and invitees, in common with the grantor and other persons to whom the grantor may grant similar rights, at all times, to go over and along the easement facility.

(2) The right to go over and along the easement facility includes the right to go over and along the easement facility on foot or bicycle with or without any kind of domestic animal including dogs and horses, provided that all domestic animals are under the strict control of the Grantee.

(3) A pedestrian right of way includes the right to have the easement facility kept clear at all times of obstructions (whether caused by parked vehicles, deposit of materials, or unreasonable impediment) to the use and enjoyment of the easement facility.

(4) The right to go over and along the easement facility, and to have the easement facility kept clear, is limited to the extent required by any period of necessary repair or maintenance of the easement facility.

(5) The easement facility for the relevant easement is the surface of the land described as the easement area, including any easement facility laid or to be laid along the easement area in accordance with clause 10(1).

3. Clauses 11(1) to 11(7) (inclusive) of the Land Transfer Regulations 2018 are deleted and replaced with the following:

11 Repair, maintenance, and costs

(1) Any repair or maintenance of the easement facility that is attributable solely to an act or omission by the grantee must be promptly carried out by that grantee at their sole cost.

4. Where there is a conflict between the provisions of the Fifth Schedule to the Land Transfer Regulations 2018 and the provisions of this Easement Instrument, the provisions of this Easement Instrument must prevail.

AP-262520-4-144-V1

View Instrument Details

Instrument No	12284414.13
Status	Registered
Date & Time Lodged	19 November 2021 17:01
Lodged By	Pearce, Amy Sheree
Instrument Type	Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017

Affected Records of Title	Land District
998601	Otago
998602	Otago
998603	Otago
998604	Otago

Annexure Schedule Contains 2 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument ☑

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☑

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☑

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☑

Signature

Signed by Amy Jane Marslin as Covenantor Representative on 19/11/2021 04:41 PM

Covenantee Certifications

I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument ☑

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☑

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☑

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☑

Signature

Signed by Amy Jane Marslin as Covenantee Representative on 19/11/2021 04:41 PM

***** End of Report *****

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Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Covenantee

RUSSELL GORDON FOWLER, SUSAN MERLE DAWSON and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share; and SUSAN MERLE DAWSON, RUSSELL GORDON FOWLER and SOLOMONS TRUSTEES 08 LIMITED as to a ½ share

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A *Continue in additional Annexure Schedule, if required*

Purpose of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant as set out in Annexure Schedule 1		Lots 1, 2, 3 and 4 DP 562691, RTs 998601, 998602, 998603 and 998604	Lots 1, 2, 3 and 4 DP 562691, RTs 998601, 998602, 998603 and 998604

Covenant rights and powers (including terms, covenants and conditions)

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 209 of the Land Transfer Act 2017].~~

Annexure Schedule 1.

AP-262520-4-121-V1

Annexure Schedule: Page:2 of 2

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Annexure Schedule 1

1. Definitions

1.1 In this document:

"Covenantor" means the registered proprietors of the Burdened Land described in Schedule A, their agents, employees, contractors, tenants, licensees and other invitees of the Covenantor and their successors in title from time to time.

"Covenantee" means the registered proprietors of the Benefited Land described in Schedule A, their associated or related entities, their executors, administrators, assigns, their successors in title from time to time or any other parties nominated by them.

2. Covenants

2.1 The Covenantor of the Burdened Land covenants and agrees with the Covenantee that the Covenantor will at all times observe and perform the covenants contained herein to the intent that each of the covenants will run forever and bind each and all of the lots comprised in the Burdened Land for the benefit of the Covenantee.

2.2 The Covenantor shall not:

(a) Place or build on Lots 2, 3 and 4 DP 562691, RTs 998602, 998603 and 998604 or permit to be placed or built on Lots 2, 3 and 4 DP 562691, RTs 998602, 998603 and 998604 any residential building, including any structure, dwelling, garage, shed or other ancillary building which exceeds one single storey and which exceeds 5 meters in height from the existing ground level as at the date of registration of this covenant and prior to excavation, fill or development of the land in any way.

(b) Object should a Covenantee apply for consent to build on the Benefited Land within the 50 metre dwelling separation distance applicable to the rural-residential zone.

3. Enforcement

3.1 Where a Covenantor does not comply with any covenant ("the defaulting Covenantor") the Covenantee may request the defaulting Covenantor in writing to remedy such non-compliance within a specified time (not to be less than 14 days from the date of such request). At the end of the specified time and where the defaulting Covenantor remains in default in remedying such non-compliance, the Covenantee may serve notice on the defaulting Covenantor to pay to the Covenantee as liquidated damages the sum of five hundred dollars ($500.00) per day for each day that such non-compliance continues after that date upon which the request to remedy in writing was made by the Covenantee.

4. Dispute Resolution

4.1 Without prejudice to the enforcement provisions of this document, if any dispute arises concerning any aspects of these covenants between the parties involved, the parties shall enter into negotiations in good faith to resolve the dispute.

4.2 If the dispute is not resolved in 20 working days from the date of which the parties begin their negotiations, then the parties shall submit to the arbitration of an independent arbitrator appointed jointly by the parties. If the parties agree, that person appointed may act as an expert and not an arbitrator.

If an arbitrator cannot be agreed upon within a further 10 working days then an independent single arbitrator will be appointed by the President for the time being of the Otago District Law Society (or any successor organisation) as a sole arbitrator.

Such arbitration shall be determined in accordance with the Arbitration Act 1996 (and its amendments) or any enactment passes in its substitution.

AP-262520-4-121-V1

Land Information Memorandum

Application

AE Projects Limited	Number	L230277
37A Rob Roy Lane	Application date	31/03/23
Wanaka 9305		021-782836
Adele Eyers	Email	adele@aeprojects.co.nz

Property

Valuation No.	2842129403
Location	Richards Beach Road, Bannockburn
Legal Description	LOT 2 DP 562691
Owner	Koberstein Chelsey Francis: Koberstein Thomas Jeffrey Albert
Area (hectares)	0.5918

Rates

Government Valuation		
Land	$	700,000
Capital Value	$	700,000
Improvements	$	0
Current Rates Year 2022 to 2023		
Rating Amounts		
Annual Rates	$	1,993.03
Current Instalment	$	498.26
Next Instalment Due		22/05/23
Current Balance	$	1,089.03
Water Balance (if any)	$	0.00

Note:
1. Rates are charged in four equal instalments for the period commencing 1 July and ending 30 June each year.
2. If you require further financial information regarding this property for settlement purposes, then the owner or their agent will need to contact the Council separately for this information.

Planning/Resource Management

Resource Area: RURAL RESOURCE AREA - RURAL RESIDENTIAL

A land use resource consent will be required to establish any residential activity on this property.

The Central Otago District Plan contains the relevant rules for the Resource Area this land is zoned. There may be other matters of relevance to nearby land, which can be found on the District Plan maps.

Designation: Neighbourhood D198, D201; SA105A. Planning maps and data ***attached.***

Consents:

18/03/20 RESOURCE CONSENT 200089: Subdivision to create four lots in Rural - Residential Resource Area Granted by Committee 31/07/20. Copy of decision, survey plans, consent notices and 224c ***attached.***

Outstanding Requisitions:No outstanding requisitions located.

Land Information Memorandum	**2**

Building

Consents/Permits/Pools/Compliance Schedules:

No information located.

A land use resource consent will be required to establish any residential activity on this property.

Outstanding Requisitions: No outstanding requisitions located.

Sewer and Water

Sewer: Private effluent disposal system required for this property.

Water: Water Service is available and the property is rated for a connection. Water is metered at 60 cents per 1,000 litres.

No other information located.

Stormwater: Stormwater is usually discharged to property soak pits or to kerb and channelling where available. Direct connection of stormwater to sewer is not permitted.

Public sewerage water or stormwater drains on property: Utilities map ***attached.***

Special Land Features

Any special feature or characteristic of the land concerned including potential erosion, avulsion, falling debris, subsidence, slippage, alluvium, or inundation, or likely presence of hazardous contaminants: *Information on hazards can be found on the Otago Regional Council website www.orc.govt.nz*

No information located at Central Otago District Council.

Network Utility Operators

Information relating to the availability of supply, authorisations etc (e.g. electricity or gas) can be obtained from the relevant Network Utility Operator.

Notes

1. Code Compliance Certificates were not issued until the Building Act came into force on 1 January 1993. Should an evaluation of the building be required an independent qualified person should be consulted.
2. No title search has been done on this property.
3. Any future development on this property may be liable for a development contribution under the Local Government Act 2002.
4. Every care has been taken to ensure that the information supplied by the Council on this form is accurate. The Council relies on information available to it, and will not be held responsible for incomplete or inaccurate information provided, or for any errors or omissions made in good faith.

AMY LINGARD - LIM OFFICER

Date: 11/04/23

Planning Data

The information displayed is schematic only and serves as a guide.
It has been compiled from Central Otago District Council's records and is made available in good faith but its accuracy or completeness is not guaranteed.
Cadastral Information has been derived from Land Information New Zealands (LINZ) Core Record System Database (CRS).

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Tuesday, 11 April 2023

Designations within 200m

Designations data sourced from CODC.

No.	Map	Description	Authority	Status	Location	Legal Description	RA
D198	44	Sewage Treatment and Building Line Restriction	Central Otago District Council	Modified	Cromwell	A-E on SO 20776	RU
D201	44	Electricity Substation - Cromwell Substation	Transpower New Zealand Limited	Modified	Bannockburn Road Cromwell	Lot 1 DP 22181	RU

Scheduled Activities within 200m

Scheduled Activities data sourced from CODC.

No.	Map	Activity	Legal Description
105A	8, 8A, 12, 14, 16, 19, 28, 29, 41A-E, 42, 44, 48,	Lake Dunstan Operating Easement - Activities authorised by the Deed of Grant of Easement dated 11 December 1998	Sec 1-11 SO 23940 - Sec 1 & 2 SO 23981 - Sec 71 Blk VI Wakefield SD - Pt Sec 64 DP 6200 Blk III Cromwell SD

Heritage Buildings within 200m

None found.

Notable Trees within 200m

None found.

Active Faults within 200m

None found.

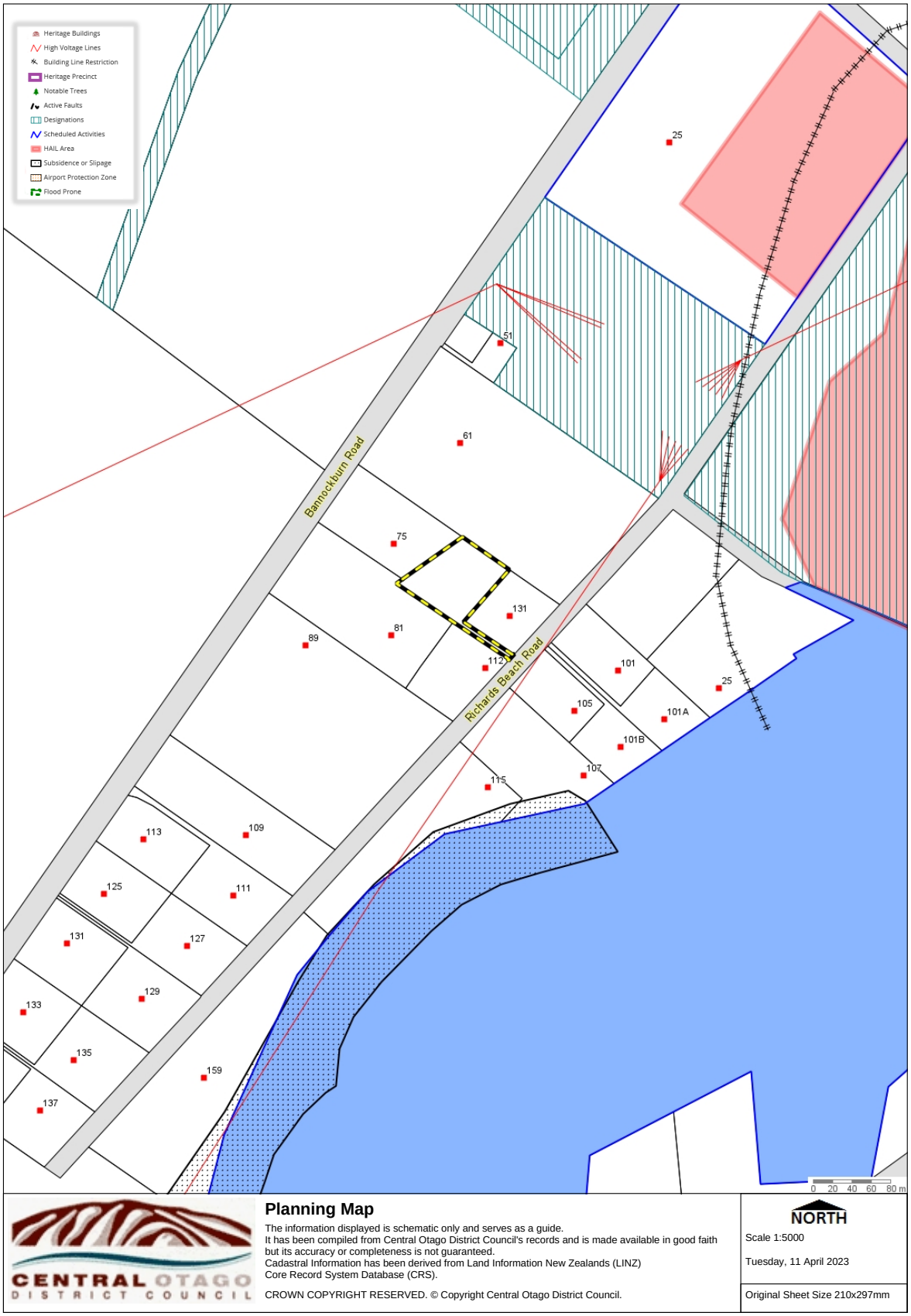
Hazardous Land within 100m

None found.

Subsidence and Slip Areas within 200m

Subsidence data sourced from CODC.

Map Number	Info	Area (Ha)
44	See Map 44 for more details.	54.8977



CENTRAL OTAGO DISTRICT COUNCIL

Planning Map

The information displayed is schematic only and serves as a guide.
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Cadastral Information has been derived from Land Information New Zealands (LINZ) Core Record System Database (CRS).

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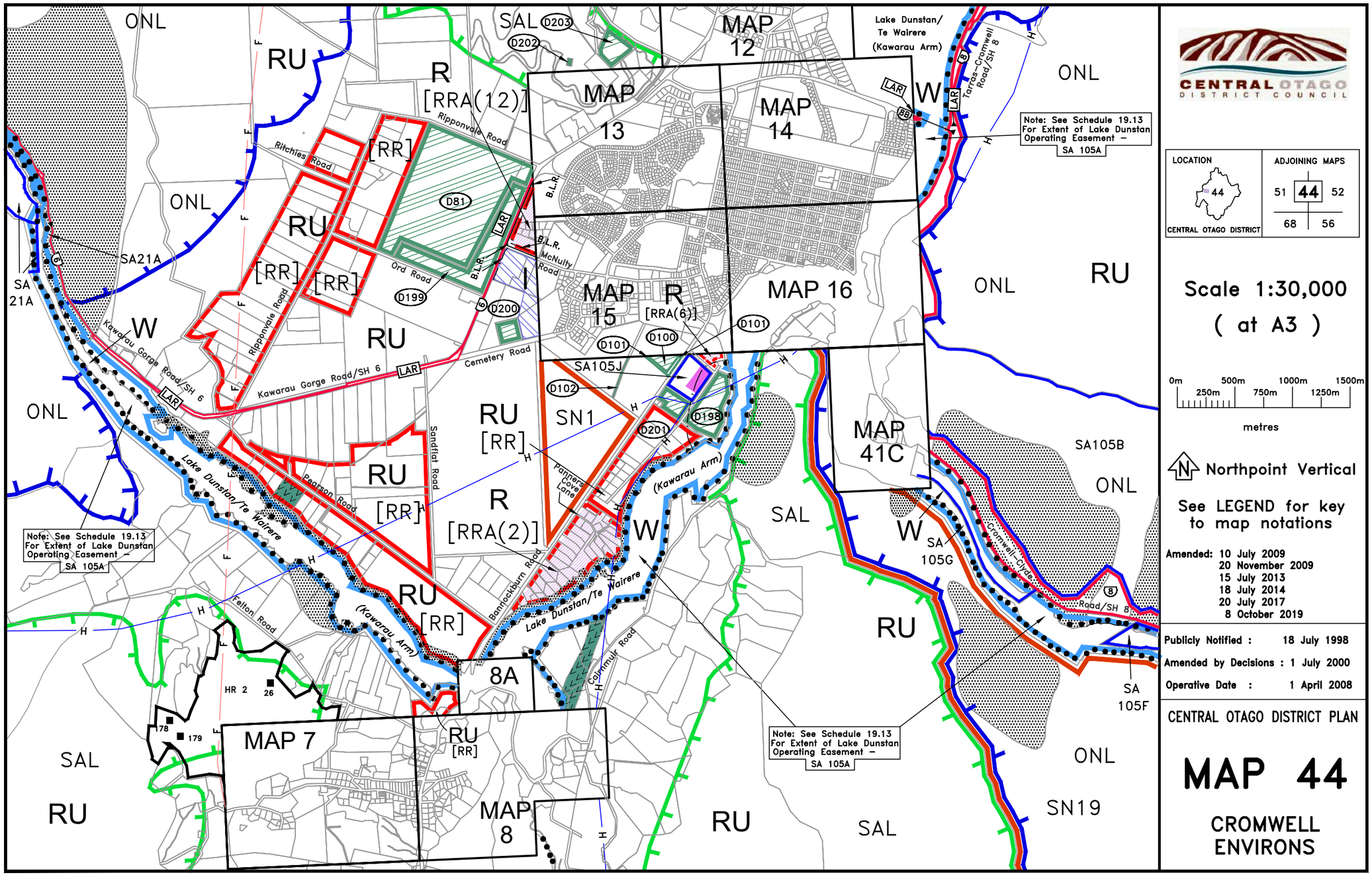
NORTH

Scale 1:5000

Tuesday, 11 April 2023

Original Sheet Size 210x297mm


ONL
RU
SAL
R [RRA(12)]
MAP 12
MAP 13
MAP 14
MAP 15
MAP 16
MAP 41C
MAP 7
MAP 8
Lake Dunstan/ Te Wairere (Kawarau Arm)
Note: See Schedule 19.13 For Extent of Lake Dunstan Operating Easement – SA 105A
Ritchies Road
Ripponvale Road
Ord Road
McNulty Road
Cemetery Road
Kawarau Gorge Road/SH 6
Tarras-Cromwell Road/SH 8
Sandflat Road
Pearson Road
Felton Road
Bannockburn Road
Cairnmuir Road
Panners Cove Lane
Cromwell-Clyde Road/SH 8
SA21A
SA 21A
SA105J
SA105B
SA 105G
SA 105F
SN1
SN19
8A
HR 2
D81
D198
D199
D200
D201
D202
D203
D100
D101
D102
CENTRAL OTAGO DISTRICT COUNCIL
LOCATION
ADJOINING MAPS
44
51 44 52
68 56
CENTRAL OTAGO DISTRICT
Scale 1:30,000
(at A3)
0m 500m 1000m 1500m
250m 750m 1250m
metres
Northpoint Vertical
See LEGEND for key to map notations
Amended: 10 July 2009
20 November 2009
15 July 2013
18 July 2014
20 July 2017
8 October 2019
Publicly Notified : 18 July 1998
Amended by Decisions : 1 July 2000
Operative Date : 1 April 2008
CENTRAL OTAGO DISTRICT PLAN
MAP 44
CROMWELL ENVIRONS

Central Otago District Planning Maps

Amended: 28 May 2011
15 July 2013
18 July 2014
20 November 2015

LEGEND

RESOURCE AREAS

- RU — Rural Resource Area
- Residential Resource Area
- Business Resource Area
- Industrial Resource Area
- Rural Settlements Resource Area
- W — Water Surface and Margin Resource Area

DESIGNATIONS

- D123 — Designation (Schedule 19.2)
- L.A.R. — Limited Access Road (Urban Map)
- L.A.R. — Limited Access Road (Rural Map)
- 8 — State Highway (Urban Map)
- 8 — State Highway (Rural Map)

SCHEDULED ACTIVITIES

- SA123 — Scheduled Activities (Schedule 19.3)

NOTES
1. All legal roads are deemed to be designated.
2. All designated land subject to underlying Resource Area provisions that apply where such land is to be used for a purpose other than the designated purpose.
3. Surface of any waterbody deemed to be in Water Surface and Margin Resource Area.
4. Other Rural Landscapes (ORL) are landscapes in the Rural Resource Area not identified as ONL, SAL or LMA.
5. Cadastral information correct as at 1 December 2007
6. Size of symbols as shown in Legend may vary when shown on Planning Maps.
7. Cadastral information from Land Information New Zealand [LINZ] CROWN COPYRIGHT RESERVED with regard to Cadastral information.

HERITAGE VALUES

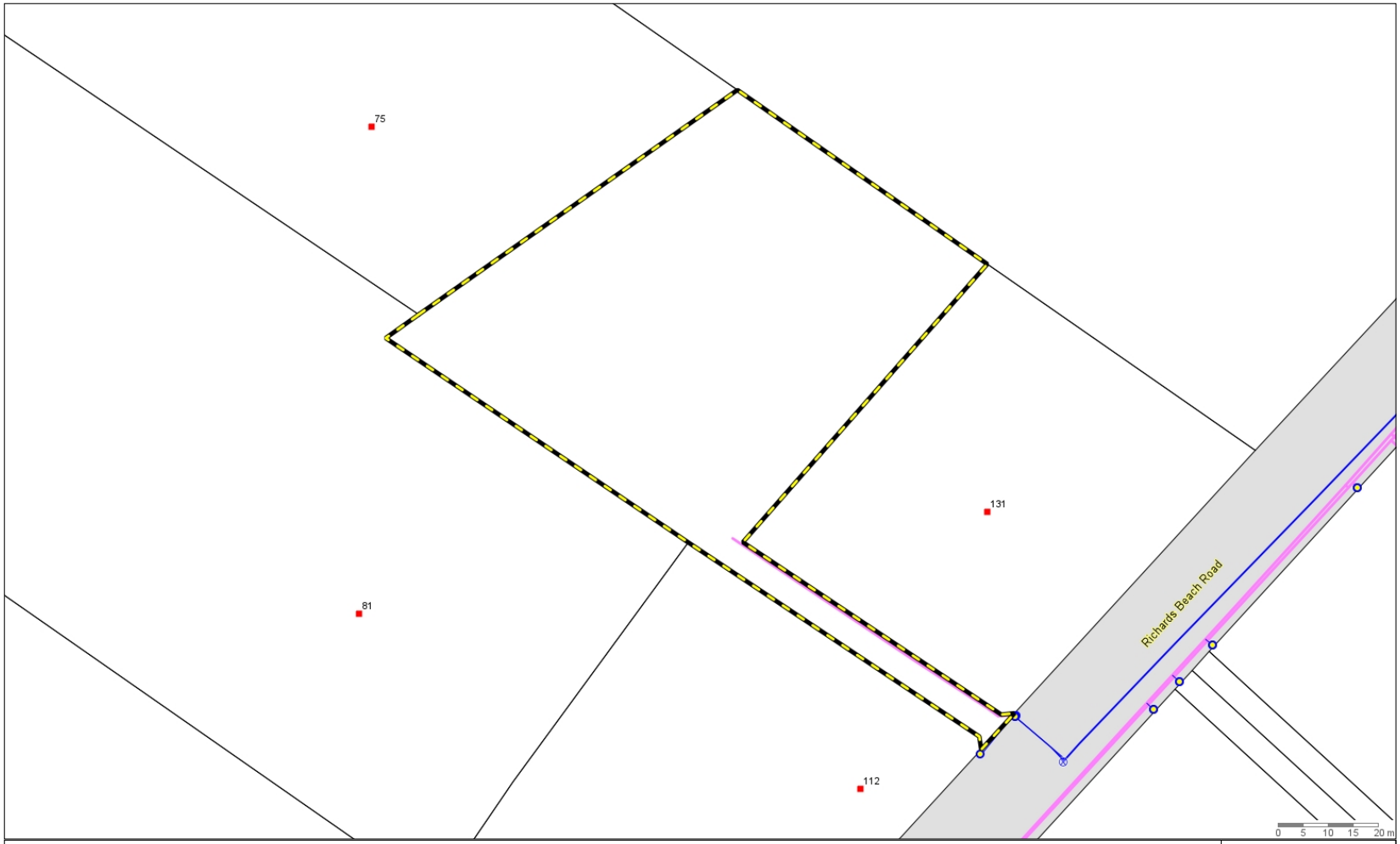
- HP — Heritage Precinct
- 123 — Heritage Building, Place, Site or Object (Schedule 19.4)
- 12 — Notable Tree (Schedule 19.4)
- HR12 — Historic Reserve (Schedule 19.10)
- SN12 — Area of Significant Natural Value (Schedule 19.6.1)
- W12 — Additional Wetlands (Schedule 19.6A)
- ONF — Outstanding Natural Feature
- ONL — Outstanding Natural Landscape (Schedule 19.6.2)
- SAL — Significant Amenity Landscape
- LMA — Upper Manorburn / Lake Onslow Landscape Management Area
- Esplanade Provision (Schedule 19.9)
- N — Nohoanga (Traditional Camping)

HAZARDS

- FP — Flood prone land (Schedule 19.11)
- Mined Area (Urban Maps)
- Mined Area (Rural Maps)
- F — Active Geological Fault
- Filled Area (Including closed Landfills)
- Area of Subsidence or Slippage
- H — High Voltage Transmission Lines that are part of the transmission network (See Rules 4.7.6 A (g) and 12.7.8)

OTHER NOTATIONS

- District Boundary
- Resource Area Boundary (Where distinction required)
- R / B — Resource Area Boundary underlying a Designation
- MAP 4A — Area subject to enlarged Planning Map
- [RR] — Rural Residential (See Rule 4.7.2 (ii))
- [RuRA( )] — Rural Resource Area (1)-(4) (See Rule 4.7.2 (ii) & (ia))
- [RRA( )] — Residential Resource Area (1)-(12) (See Rule 7.3.3 (i)(c))
- [BA(1)] — Business Resource Area (1) (See Rule 8.3.6 (i))
- R* — Residential Resource Area (See Rule 7.3.6(iii)(f)(2) – Sloping Sites)
- Airport Protection Zone (See Rule 4.7.6 A (i))
- Proposed Road Alignment
- Actual position of formed road (For information purposes only)
- Road to be Stopped
- BLR — Building Line Restriction
- Verandah Required (See Rule 8.3.6(iii))
- Building Facades (See Rule 8.3.2 (i))
- Bridge



CENTRAL OTAGO DISTRICT COUNCIL

Utilities Map

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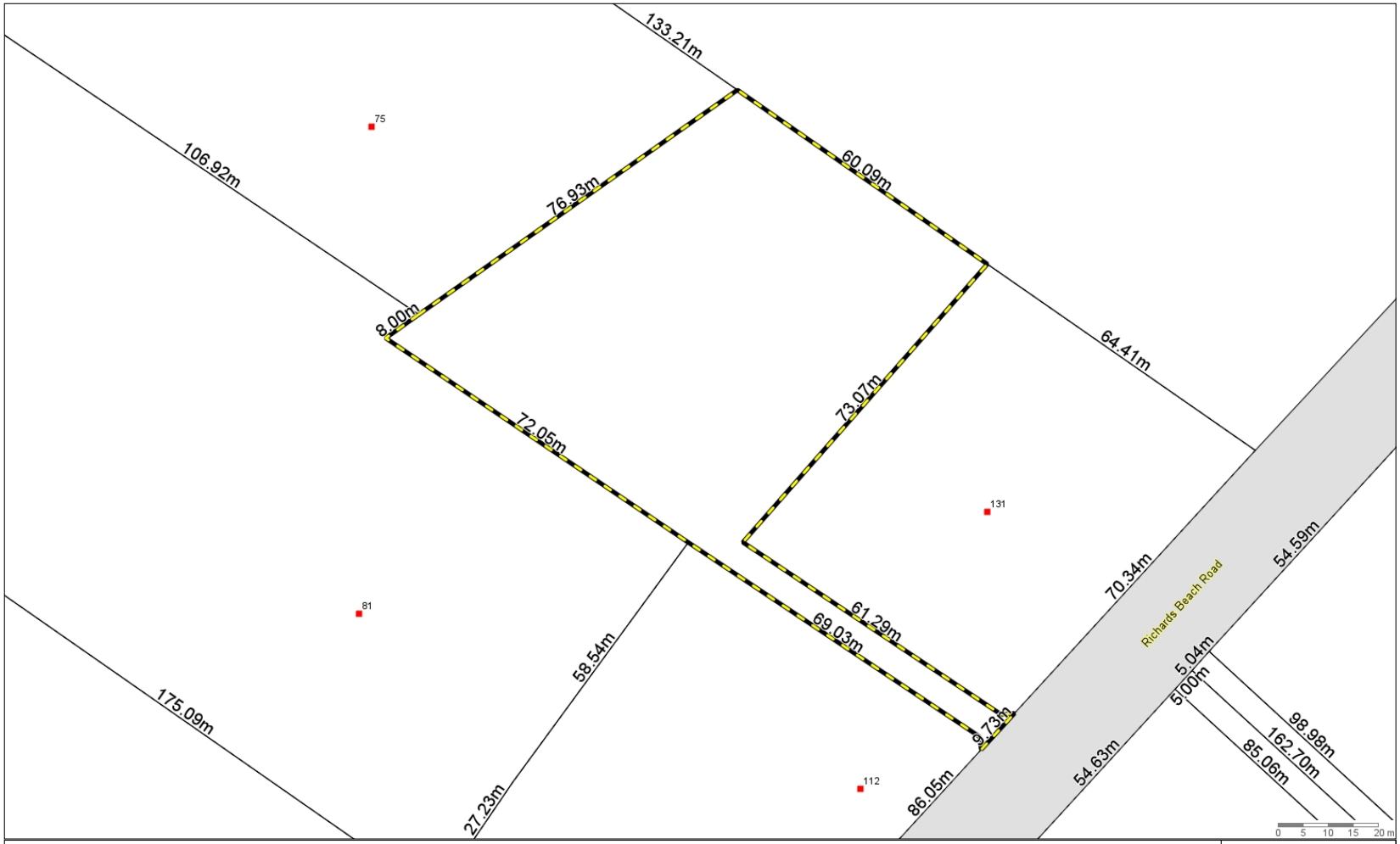
NORTH

Scale 1:1000

Tuesday, 11 April 2023

Original Sheet Size 297x210mm

Water Services Legend
Water point
Air Valve
Back Flow Preventer
Blank Cap
Bore
Control Box
Dall Tube
Dummy Node
Fire Hydrant
Fountain
Inline Meter
Intake Chamber
Manifold
Meter
Pressure Reducing Valve
Pump Station
Reservoir
Restrictor
Sprinkler
Tank
Tap
Treatment Plant
Valve
Sewer point
Air Valve
Blank Cap
Boundary Isolation
Cleaning Eye
Dummy Node
Flow Meter
Grease Trap
Inspection Chamber
Manhole
Outlet
Pond
Pump Station
Septic Tank
Tank
Treatment Station
Valve
Stormwater point
Blank Cap
Cleaning Eye
Double Mud Tank
Dummy Node
Headwall
Inlet
Manhole
Mud Tank
Outlet
Pump Station
Soakpit
Tank
Water pipe
Irrigation
Principle Main
Private Irrigation
Private Water
Pump Rising Main
Raw Water Main
Rider Main
Scour Drain / Overflow
Service Connection
Trunk Main
Sewer pipe
Emergency Overflow
Gravity Main
Pressurised Main
Private Sewer
Pump Rising Main
Service Connection
Trunk Sewer Main
Stormwater pipe
Catchpit Lead
Culvert
Gravity Main
Open Channel
Private Stormwater
Service Connection
Soakage
Swale


133.21m
106.92m
75
76.93m
60.09m
8.00m
64.41m
73.07m
72.05m
131
81
61.29m
69.03m
70.34m
Richards Beach Road
54.59m
5.04m
5.00m
98.98m
162.70m
85.06m
58.54m
175.09m
9.73m
54.63m
112
27.23m
86.05m
0 5 10 15 20 m
CENTRAL OTAGO DISTRICT COUNCIL
Property Dimensions Map
The information displayed is schematic only and serves as a guide.
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NORTH
Scale 1:1000
Tuesday, 11 April 2023
Original Sheet Size 297x210mm

CENTRAL OTAGO DISTRICT COUNCIL

Aerial Photography Map

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CENTRAL OTAGO DISTRICT COUNCIL

DECISION OF HEARINGS PANEL

45th INVESTMENTS LIMITED: 81 BANNOCKBURN ROAD NEAR CROMWELL - RC 200089

INTRODUCTION:

45th Investments Limited has made application for subdivision consent to create four allotments at a property that has frontage to Bannockburn Road and Richards Beach Road near Cromwell. The site subject to the application is described as Lot 2 DP 333634, as contained in Identifier [Certificate of Title] 137860, at the Otago Land Registry.

The application and submissions lodged in response to the application were considered by the Council's Hearings Panel that comprised Commissioner Robert Nixon (Chair) and Councillors Jeffery and McPherson at a hearing held at Alexandra on Tuesday 14 July 2020.

The Council's Hearings Panel has given consideration to the information submitted in support of the application and to the evidence presented by Mr Woodward who appeared with Mr Fowler in support of the application at the hearing. The application has been publicly notified and two formal submissions in response to the proposal were received by the closing date. A summary of the submissions received and decisions sought is presented at Annex 1 to this decision. Neither submitter wished to appear at the hearing.

The applicant has provided written approval to the application from R & J Dyer (conditional); S & D Dyer; R Fowler for Sue Dawson Family Trust, Russell Fowler Family Trust & Solomons Trustees 08 Limited; P & L Kircher; A McArthur (conditional); R McMillan for the RJ & ME Family Trust; J Morton; G Parkhill for Geoff Parkhill Family Trust; C Perkins for the CD Perkins Trust; and PA & BA Stuart.

The R & J Dyer and the A McArthur affected persons approvals raise concerns with respect to the water pressure of the existing water line at Richards Beach Road (which Mr McArthur advises is owned by the residents of Richards Beach Road). The Dyers consider that if water is to be taken from this line it should be upgraded; and Mr McArthur considers that water should not be taken from this line. The Hearings Panel makes the observation at this stage that affected parties' consents cannot be 'conditional', and accordingly the Hearings Panel has taken effects on these parties into account.

ZONING & STATUS OF PROPOSAL:

The site is located within the Rural Resource Area and is subject to the Rural Residential notation as shown on Map 44 of the Operative Central Otago District Plan.

Rule 4.7.2(ii)(a)(i) stipulates that in areas identified as Rural Residential [RR] an average allotment size of no less than 2 hectares is required. A subdivision which creates allotments with an average area less than 2 hectares is a non-complying activity in terms of Rule 4.7.5(iii).

Rule 4.7.2(ii)(a)(ii) stipulates that where the development of the site is to accommodate a dwelling, the plan of subdivision shall identify a building platform for a dwelling with no less than a 50 metre separation distance from any existing dwelling, dwelling under construction,

other registered building platform identified on a plan of subdivision, or any urban area. A breach of this rule is a discretionary (restricted) activity in terms of Rule 4.7.3(i).

Rule 12.7.8(v) stipulates that no subdivision shall occur within 32 metres from the centreline and 32 metres from the outer edge of the support structure of a high voltage transmission line that is part of the transmission network and is designed to operate at or over 110kV. A breach of Rule 12.7.8(v) is a discretionary (restricted) activity in terms of that rule.

Rule 4.7.6A(a) establishes a minimum yard of 10 metres on land subject to the Rural Residential notation. It is understood that the garage on Lot 1 is 6.5 metres off the boundary to be created with Lot 4; and a lean-to on Lot 4 is located 0.1 metres off the boundary with Lot 1. Implicit in the application is an application to breach Rule 4.7.6A(a). A breach of Rule 4.7.6A(a) is a discretionary (restricted) activity in terms of Rule 4.7.3(i).

The proposal has been considered as an application for subdivision consent to a non-complying activity and for land use consent to a discretionary (restricted) activity pursuant to sections 104, 104B, 104C and 104D of the Resource Management Act 1991 (the Act).

Overall, the proposal has to be assessed as a noncomplying activity.

PLANNING HISTORY:

The subject site resulted from a subdivision consent RC 030373 granted to J Marshall on 21 January 2004. That subdivision resulted in the creation of the subject site and Lot 1 DP 333634, being the rural residential property immediately to the north and west of the subject site. The subdivision consent RC 030373 had status as a controlled activity in terms of the then Proposed District Plan as the Rural Residential notation applied and as Lot 1 and Lot 2 of that subdivision had an average area in excess of 2 hectares.

On 14 December 2016 subdivision consent RC 160274 was granted to the Russell Fowler Family Trust and the Sue Dawson Family Trust to subdivide the subject site into three allotments. The consented plan of subdivision for RC 160274 is presented as Figure 3 on page 7 of the current application document.

The subdivision consent RC 160274 provided for the creation of three lots that have an average area of 1.059 hectares; such subdivision having status as a non-complying activity as the 2 hectare average rule was breached. For completeness it is noted that RC 160274 also granted land use consent with respect to the yard breach by the existing garage on Lot 2 RC 160274 (that garage now being on Lot 1 of the current proposed subdivision) and the lean-to on Lot 3 RC 160274 (now Lot 4 of the current proposed subdivision).

The subdivision consent RC 160274 has not lapsed. Mr Woodward confirmed at the hearing that the current proposal will supersede RC 160274 if consent is granted to this application (RC 200089).

On 19 February 2019 the Council refused consent to the application for subdivision and land use consent RC 180443 that was lodged by Russell Fowler and Sue Dawson relating to the subject site. That application sought subdivision consent to create 8 allotments from the subject site as depicted in the plan of subdivision presented as Figure 4 on page 8 of the current application document.

DESCRIPTION OF CURRENT APPLICATION:

Information submitted in support of the application confirms that the applicant intends to subdivide Lot 2 DP 333634, which has an area of 3.1760 hectares, into four allotments; and

implicit in the application is an application for land use consent for yard breaches at the boundary between Lot 1 and Lot 4. The site has frontage to Bannockburn Road and Richards Beach Road and contains an existing dwelling and ancillary buildings. A vineyard exists between the dwelling and the Bannockburn Road frontage and the balance of the site is in pasture with a post and rail fence and semi-mature coniferous and deciduous trees delineating the northern boundary of the northern paddock (proposed Lots 2 and 3).

An existing 30kV power line runs through the property from Bannockburn Road along the northern boundary adjacent to Lot 1 DP 333634 and thence between the northern paddock and the balance of the site. High voltage lines which form part of the transmission network pass over Richards Beach Road adjacent to the site. These lines are part of the Roxburgh-Twizel A transmission line which forms part of the transmission network. The subdivision is within 32 metres of the centreline and within 32 metres of the outer edge of a support structure of the transmission line and accordingly consent is required pursuant to Rule 12.7.8(v) of the Operative District Plan.

The plan of subdivision indicates that the applicant proposes to subdivide the site into four allotments as follows:

Lot 1 – 1.5480 ha
Lot 2 – 5660 m^2
Lot 3 – 5105 m^2
Lot 4 – 5495 m^2

Lot 1 has frontage to Bannockburn Road and contains the existing dwelling and a garage which is 6.5m off the boundary to be created between Lot 1 and Lot 4. It is understood that the existing vineyard will be retained in Lot 1.

Lot 2 is to be a rear lot that achieves access from Richards Beach Road via a right of way over Lot 3. While the applicant states that Lot 2 will remain vacant; Mr Woodward confirmed that Lot 2 will be made available for rural residential use.

Lot 3 has frontage to Richards Beach Road and is located between that road and Lot 2. Lot 3 will be made available for rural residential use.

Lot 4 also has frontage to Richards Beach Road. Lot 4 will be made available for rural residential use. As noted above Lot 4 contains an existing lean-to (adjacent to the boundary with Lot 1). The Council was advised, in the context of RC 160274, that the lean-to was 0.1 metres off the boundary with Lot 2 RC 160274 (now Lot 1 of the proposed subdivision). Given that the length of the southern boundary of Lot 4 coincides with the length of the southern boundary of Lot 3 RC 160274 it is understood that the lean-to on Lot 4 will be 0.1 metres off the common boundary with Lot 1.

Access to Lot 1 is to be achieved from the existing sealed entrance to Bannockburn Road; and a new access is proposed to Richards Beach Road to serve Lots 2-4. This new vehicle access is to be located adjacent to the southern boundary of Lot 3. This will connect to the new right of way that is to have a metalled surface and which is to serve Lot 2 and Lot 4. A power pole (at the overhead terminus of the 30kV line) is located in the verge of Richards Beach Road at about the proposed location of the vehicle access to serve Lots 2-4; and Mr Woodward advised that the power pole can be moved and/or removed [to facilitate the construction of the access].

Given that the right of way is to serve Lots 2-4 a condition will be required to the effect that Lot 3 and Lot 4 will not achieve vehicular access directly onto Richards Beach Road. This will

necessitate the closing of an existing gateway to Richards Beach Road at the northern boundary of Lot 3.

The status quo will be maintained with respect to the provision of services to Lot 1. Lot 1 has reticulated water, power and telecommunication services; and Lot 1 has an existing septic tank wastewater disposal system.

The applicant originally proposed that Lots 2-4 be connected via a new water connection to the existing Council water reticulation in Bannockburn Road. This connection was to provide potable water and a fire fighting water supply. The Council's engineers favour water connections from a new DN100 watermain in Richards Beach Road (discussed further below); and Mr Woodward has confirmed that the applicant accepts that a DN100 watermain should be provided on the understanding that costs associated with installing a DN100 watermain attributable to the applicant will only be the cost up to the point of providing a DN50 ridermain.

On-site wastewater [and stormwater] disposal is proposed on Lots 2-4 as there is no Council wastewater [or stormwater] reticulation in the vicinity of the site. The applicant has commissioned an Infrastructure Feasibility Report from Mr John McCartney dated 29 February 2020 that is attached at Appendix C to the application document. Mr McCartney has concluded that given the size of the proposed lots it is appropriate and feasible to consider individual on-site sewage and disposal systems for the subdivision. The applicant anticipates a condition, to be subject to a consent notice, that requires an on-site wastewater treatment and disposal system consistent with the recommendations of Mr McCartney's report. In essence on-site wastewater disposal is to be provided for in conjunction with residential development on the lots.

The applicant advises that electricity and telecommunication services for Lots 2-4 will be extended from existing utilities located along Bannockburn Road.

The then applicants advised in the context of RC 160274 that they had a water permit to take water for irrigation purposes from a bore located on the neighbouring property being Lot 1 DP 333634. It is anticipated that this irrigation water will continue to provide an irrigation water source for the vineyard on Lot 1.

The amended plan of subdivision 455-100-B that was presented by Mr Woodward at the hearing shows Easements A-C. The proposed easements A-C in gross relate to power and telecommunications infrastructure. Proposed easements A and B will require modification as there is now no intent to convey water to Lots 2-4 from Bannockburn Road.

As noted above Rule 4.7.2(ii)(a)(ii) requires that a building platform be identified where a site is to accommodate a dwelling; such building platforms to comply with the 50 metre separation distance required on land subject to the Rural Residential notation. The amended plan of subdivision presented by Mr Woodward at the hearing indicated that 50 metre separation distances can readily be achieved with respect to Lots 3 and 4 but that Lot 2 may have difficulty in complying with the 50 metre separation rule [such reference being made in this context of Rule 4.7.2(i)(d) that stipulates a 50 metre separation distance in the context of residential activity]. As a consequence it is likely that a future residential activity on Lot 2 will require consent to a discretionary (restricted) activity due to the breach of the 50 metre separation rule. Mr Woodward observed that adjacent landowners have provided affected persons approvals with respect to the proposal; and that, from Richards Beach Road, the scale of the activity will appear no different to the consented baseline of RC160274.

Land use consent is required for the yard breaches which will result from the creation of the boundary between Lot 1 and Lot 4. As noted above the existing garage (on Lot 1) is 6.5m to the west of the new boundary; and the lean-to (on Lot 4) is 0.1 metres off this boundary.

ASSESSMENT OF EFFECTS:

Intensive subdivision and development in the Rural Resource Area can detract from amenity values. The Operative District Plan therefore controls the size of allotments in rural subdivision to control the density and intensity of development. The proposed subdivision will create Records of Title which have an average area of 7940m^2 being 39.7% of the average of 2 hectares required for the subdivision of land subject to the Rural Residential notation within the Rural Resource Area.

The consented baseline is relevant when considering the effects of the proposed subdivision on the environment. The subdivision consent RC 160274 authorises the subject site to be subdivided into three allotments. Lot 1 and Lot 4 of the proposed subdivision are generally comparable with Lot 2 RC 160274 and Lot 3 RC 160274, respectively. Lot 2 and Lot 3 of the current proposal are, in effect, a subdivision of Lot 1 RC 160274. The status quo is to be maintained with respect to the number of front allotments that have frontage to Richards Beach Road and the primary change, in terms of landscape and rural amenity values, is that an additional rear lot is to be created (being proposed Lot 2).

It is also appropriate to acknowledge that affected persons approvals have been provided by the neighbouring property owners including the owners of properties directly across Richards Beach Road from the subject site. Section 104(3) of the Act directs that when considering an application a consent authority must not have regard to any effect on a person who has given written approval to the application. Any effects of the proposal on the immediate neighbours are therefore not to be considered.

Land to the north and south of the site (at Bannockburn Road) and adjacent to Richards Beach Road is subject to the Rural Residential notation. Subdivision has occurred in this locality for rural residential purposes including the Woodfield Park subdivision (further to the south of the site on Bannockburn Road) which has created allotments ranging from 6000m^2 to 7500m^2 in area; and at Richards Beach Road, including the Old Man's Estate Partnership subdivision being RC 140010. These subdivisions have created allotments with an average area of less than 2 hectares and the proposed subdivision is considered to be generally consistent with the pattern of subdivision found in this particular locality on land subject to the Rural Residential notation.

As previously noted the effect of the proposal is to consent one additional allotment in excess of that already consented by RC 160274. Lot 2 will be to the rear of Lot 3 and it is likely that future built development on Lot 2 will, at least in part, be screened by existing built development on Lot 1 DP 333634 (to the extent that such built development on Lot 2 can be viewed from Bannockburn Road) and by future development on Lot 3 and Lot 4 (when viewed from Richards Beach Road). Additional screening will be provided as future plantings occur on Lots 3 and 4.

It is concluded that the addition of one allotment, as proposed in the context of the current application, will have no more than a minor adverse effect in terms of landscape and visual amenity values; and will not detract from rural amenity values in this locality. In all the circumstances any effects of the subdivision on the open space, landscape, natural character and amenity values of the rural environment will be no greater than minor in this instance.

The Council's engineering consultants, Stantec New Zealand, have considered the proposal in terms of access and the provision of services. Stantec advises that 9 lots on the eastern side of Richards Beach Road currently achieve access via that road. The engineers note that all lots on the western side of Richards Beach Road have primary access from Bannockburn Road.

The engineers note that the addition of three lots will increase the traffic loading on Richards Beach Road to 12 lots which requires a Local Access A Road under Table 3.2a) of Council's July 2008 Addendum to NZS 4404:2004. The engineers have noted that Richards Beach Road is currently classified as a low volume access road under the Council's Roading Hierarchy. The road is sealed for 393 metres at the north end, then transitions to a gravel section of 407 metres adjoining the oxidation ponds, and then consists of a 325 metre length of eco seal. This eco seal section of Richards Beach Road has a width of 4.0 metres, adjoins the subject site and extends northward to the northern boundary of the last residential properties on this part of Richards Beach Road thereby mitigating the potential for dust nuisance to adjacent dwellings.

The engineers consider that the Richards Beach Road carriageway is adequate for the purposes of the subdivision subject to the eco seal portion of Richards Beach Road between the right of way entrance and the northern limit of the eco seal complying with the Local Access A Road Category under Table 3.2a) of the Council's July 2008 Addendum to NZS 4404:2004 with a 5.5 metre top width. Mr Woodward confirmed that the applicant is agreeable to widening the eco seal on Richards Beach Road to a width of 5.5 metres.

The engineers recommend that the right of way serving Lots 2-4 be constructed in accordance with the Council's July 2008 Addendum to NSZ 4404:2004.

The engineers note that an existing DN 100 watermain exists on Richards Beach Road adjacent to the south-western boundary of the Cromwell Oxidation Ponds. The engineers have recommended extension of this watermain rather than, say, providing domestic water from reticulation in Bannockburn Road for strategic reasons; preferring a connection to water reticulation in the legal road adjacent to Lots 2-4 rather than extending water reticulation over private land (as would occur if water is supplied from the reticulation in Bannockburn Road).

The engineers recommend that a DN 100 water supply extension be installed along Richards Beach Road to serve the subdivision from the connection point at the south-west corner of the Cromwell Oxidation Ponds site; and that standard 20mm diameter water connections be provided off the new watermain to serve Lots 2-4. Given that the minimum standalone requirement for the subdivision would be a DN 50 ridermain along Richards Beach Road; the engineers suggest that the applicant liaise with the Council's 3 Waters Manager to determine the extent of the DN 100 watermain design to service the larger Richards Beach Road catchment with all costs in excess of the baseline requirement to be clearly identified by the applicant and be subject to Council cost sharing. The engineers have also noted the option of providing for firefighting on Lots 2-4 via either on-site storage tanks or by a reticulated fire hydrant (that is anticipated in conjunction with a DN100 watermain).

The engineers have noted that there is no intention at this time to extend the reticulated wastewater system along Richards Beach Road; and that accordingly the Council's 3 Waters Manager has advised that on-site wastewater disposal is the preferred disposal method. The engineers have acknowledged the Infrastructure Feasibility Report that accompanies the application (Mr McCartney's report) that advises that Lots 2-4 are suitable for on-site wastewater disposal. Conditions, to be subject to a consent notice, are recommended accordingly. Conditions have also been recommended with respect to the provision of power and telecommunications; and for stormwater disposal within Lots 2-4.

It is considered that any effects in terms of access and the provision of services will be no greater than minor. The Council's engineering consultants have made recommendations which can be enshrined in conditions of consent.

The proposal will have no particular effect in terms of the capability for sustainable use of the productive land resource. It is noted in this context that the vineyard is to be retained in Lot 1 and that the land comprising Lots 2-4 has limited potential for production due to the limited area of this land (and of the allotments consented under RC 160274). It is also acknowledged that the land is subject to the Rural Residential notation which anticipates a concentration of residential activity in this part of the Rural Resource Area.

It is considered, having regard to the rural residential subdivision and development which exists in the immediate locality, that the subdivision will not result in reverse sensitivity effects. A condition, to be subject to a consent notice, was offered in the context of RC 160274 which refers to the New Zealand Electrical Code of Practice for Electrical Safe Distances which is relevant to the power lines within and adjacent to the site. A corresponding condition is acceptable to the current applicant.

The subdivision will have a positive effect as an additional opportunity for rural residential living will result from the creation of Lot 2 (when compared to the consented subdivision RC 160274).

The Hearing Panel's overall conclusion is that any effects on the environment of the proposed subdivision, having regard to the effects of the consented subdivision RC 160274, will be no greater than minor and can be mitigated by appropriate conditions of subdivision consent.

As noted above yard breaches will occur at the common boundary of Lot 1 and Lot 4. As the applicant is the owner of the site it is deemed to have provided an affected persons approval to such yard breach. It is also noted that the occupant of the dwelling on Lot 1 (being Russell Fowler) has provided an affected persons approval on behalf of the Sue Dawson Family Trust, the Russell Fowler Family Trust and Solomons Trustees 08 Limited. As noted above section 104(3)(a) of the Act confirms that when considering an application, a consent authority must not have regard to any effect on a person who has given written approval to the application when considering an application. Accordingly, it is considered that any effect associated with the yard breaches (having regard to the matters to which discretion is restriction in terms of Rule 4.7.3(i)) will be no greater than minor.

OBJECTIVES AND POLICIES:

The relevant objectives and policies of the Operative District Plan include Objectives 4.3.1 and 4.3.3 and Policies 4.4.2 and 4.4.10. However, it is noted that there are no objectives or policies to provide specific guidance with respect to subdivision and development within the area covered by the 'Rural Residential' notation within the wider Rural Resource Area.

In terms of Objective 4.3.3 and Policy 4.4.2 the effects of the subdivision and land use activity can be managed to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment in this location can be adequately mitigated in this instance. This conclusion is reached having regard to the pattern of subdivision and development in this locality and to the screening which is or will be afforded to future residential development of Lot 2 as seen from Bannockburn Road and Richards Beach Road. The rural residential enclave containing this application is quite small and is contained on all sides by a reserve west of Bannockburn Road, a rural residential area to the south, industrial area to the north and the physical barrier of the Kawarau Arm of Lake Dunstan to the east.

The objectives place emphasis on maintaining the open natural character of the hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces. In this instance the subdivision is located on the valley floor. The proposed subdivision and land use activity will therefore not compromise the landscape and amenity values of prominent hillsides and terraces.

The Hearings Panel's conclusion is that the proposed subdivision and land use activity, while not entirely consistent with the relevant objectives and policies of the Operative District Plan, is not contrary to them. This is partly the case because the District Plan is essentially silent on the outcomes sought on land subject to the Rural Residential notation in terms of any specific policies. In coming to this conclusion however, the Hearings Panel has some concerns with the ongoing granting of resource consents (as a non-complying activity) for subdivision well below the minimum area specified for the Rural Residential notation area, and this is a matter that must be addressed by review at both the policy and rule level.

SECTION 104D GATEWAYS:

Having regard to the existing environment which has evolved in this location, it has been concluded that any adverse effects of the activity on the environment will be no greater than minor and that the application will not be *contrary* to the relevant objectives and policies of the Operative District Plan. The proposal passes both of the statutory gateways in section 104D of the Act; and the consent authority has the discretion to grant or refuse consent in terms of section 104B of the Act.

PRECEDENT:

Precedent is a matter for consideration in terms of section 104(1)(c) of the Act. The proposed subdivision as lodged will result in the creation of allotments which have an average area of 7940m^2, being 39.7% of the 2 hectare average required in terms of the Operative District Plan. As previously noted the subdivision is generally consistent with the existing pattern of subdivision in this locality and will create only one additional allotment in addition to those already consented under RC 160274. Having regard to the environment now existing in this location, we have concluded that any effects on open space, landscape, natural character and amenity values will be no greater than minor and that the proposal is not contrary to the objectives and policies of the Operative District Plan. That said, we are aware that applicants in this locality have strongly cited the granting of previous consents as providing partial justification for their own applications to be granted. This again reinforces the need for an early review of the planning framework at a policy and rule level in this locality, particularly as it affects the land within the Rural Residential notation.

On the day of the hearing the Hearings Panel also gave consideration to another application for a non-complying subdivision at Richards Beach Road, being RC200087. The site of that application is directly across Richards Beach Road from the subject site. As noted above other subdivisions have occurred on the land subject to the Rural Residential notation in the Richards Beach Road/Bannockburn Road locality that substantially breach the 2 hectare average rule.

Again, the Hearings Panel has noted that the outcome of these subdivisions is that a pattern of subdivision has arisen at Richards Beach Road that departs markedly from the 2 hectare average rule. Given this pattern of subdivision the Hearings Panel considers that the subdivisional rules relating to this land should be revisited at the earliest opportunity; with a view to the rules better reflecting the pattern of subdivision that now exists in this locality. There is some force in the submissions of Te Rūnanga o Ōtākou and the Otago Regional Council to the extent that the necessary review of the planning framework for this area needs to also address the zoning and policy framework with respect to whether the locality should retain some rural productive purpose, and a comprehensive approach to the provision of services, and the appropriate standards that should apply to these matters.

It is anticipated that such reconsideration could occur via a plan change resulting from the Cromwell Masterplan process; or via the District Plan Review. Certainly, the Hearings Panel

is strongly of the view, given the pattern of consents and the issues raised through submissions, that such a course of action needs to be undertaken.

The Hearings Panel acknowledges that the pattern of subdivision on land subject to the Rural Residential notation in this locality can be distinguished from the pattern of subdivision that exists elsewhere in the District where land is subject to the Rural Residential notation in the Rural Resource Area. Again it is reiterated that the land subject to the Rural Residential notation in the Richards Beach Road/Bannockburn Road locality is a well contained piece of land with limited extent and that there is little potential for the pattern of subdivision that exists in this locality to extend out over a wider area beyond as often happens in other 'peri-urban' locations. This has been an important factor in the Hearings Panel reaching it's conclusions on this application.

OTHER PLANNING DOCUMENTS:

The Regional Policy Statement (1998), the Partially Operative Regional Policy Statement (2019) and the Proposed Regional Policy Statement (2015) are all higher order planning documents. It is considered, having regard to the contained nature of this enclave, and having regard to the effects of existing consent RC 160274, that the objectives and policies stated in these documents are of limited relevance to the current proposal.

The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into force on 1 January 2012. The then applicant provided written confirmation from the Otago Regional Council dated 18 August 2016 in the context of RC 160274 which stated that the site is not on the ORC's database of properties that have the potential to be contaminated land. The District Council's General Property Information file also indicates that no information is held that indicates that any activity listed in the Hazardous Activities and Industries List (HAIL) has been undertaken on the site. Accordingly, the site is not a piece of land in terms of Regulation 5(7) of the NES; and the NES has no particular relevance in this instance.

There are no national policy statements or other national environmental standards that currently have any particular relevance to this application. Accordingly the Hearings Panel has not had regard to the proposed National Policy Statement for Highly Productive Land that is referred to in the submission of the Otago Regional Council. It is emphasised that section 104(1)(b) of the Act does not require that regard be had to any provisions of a proposed National Policy Statement. At this point, it is unknown whether a future NPS with respect to versatile soils would apply to an area such as this or not. That is a matter which could be resolved through a future review of the relevant planning framework as we have recommended.

MATTERS RAISED IN SUBMISSIONS:

The Otago Regional Council has raised concerns with respect to the fragmentation of rural land and considers that it is more appropriate to retain rural land for primary production purposes. Given the subdivision consented by RC 160274 and the pattern of subdivision and development in this locality (which generally does not achieve the 2 hectare average lot area for subdivision provided for in terms of the Rural Residential notation) it is considered that the proposed subdivision, which will create one additional allotment, will have no more than a minor effect in terms of rural land fragmentation and in terms of retention of rural land for primary production purposes. The broader matter of the need to review the planning framework for this locality has been noted by the Hearings Panel, above.

Te Rūnanga o Ōtākou have raised cultural concerns with respect to on-site wastewater disposal; and have promoted that any future dwellings to be built on the lots have access to a

reticulated wastewater treatment system prior to the commencement of any construction or associated earthworks. The Council's 3 Waters Manager has advised that there is no intention at this time to extend the reticulated wastewater system along Richards Beach Road; and that on-site wastewater disposal is the preferred disposal method. It is noted that this method has been used to dispose of wastewater on other sites subject to the Rural Residential notation to the east of Bannockburn Road and adjacent to Richards Beach Road and was accepted as being an appropriate method for disposal for the consented subdivision (as evidenced by the conditions of RC 160274). In all the circumstances it would not be reasonable to insist on a reticulated wastewater system to serve future dwellings on Lots 2-4. It is again noted in this context that Lot 1 has an existing on-site wastewater disposal system. It is accepted however, that the provision of services is a matter which could be addressed more comprehensively in a future review of the status of this small rural residential enclave.

The Hearings Panel has concluded that refusal of the application (as promoted by the ORC) or the imposition of the reticulated wastewater condition (as promoted by Kā Rūnaka) would not be appropriate in the context of this application, including in terms of the cumulative effects arising from subdivision in this location.

PART 2:

The concerns of Kā Rūnaka relate to section 6(e) being the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga that is to be recognised and provided for as a matter of national importance; to section 7(a) which requires that particular regard be had to Kaitiakitanga; and to section 8 which requires that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi (Tiriti o Waitangi). As noted above it would not be appropriate to require that future dwellings to be built on Lots 2-4 have access to a reticulated wastewater treatment system. Notwithstanding this it is appropriate to acknowledge the relationship of Kā Rūnaka to the mauri of the Clutha/Mata-au Catchment as fully explained in Kā Rūnaka's submission.

There are no other matters stated in sections 6 and 7 of the Act that are of any particular relevance to the current proposal.

The application does not conflict with the purpose of the Act which is to promote the sustainable management of natural and physical resources of the District nor to any matter referred to in Part 2 of the Act (acknowledging those provisions relevant to Kā Rūnaka's interests as detailed in that submission).

DETERMINATION:

Having regard to the reasons detailed above, the Council's Hearings Panel has resolved pursuant to sections 104, 104B, 104C and 104D of the Resource Management Act 1991 to grant subdivision and land use consent, subject to the following conditions of subdivision consent:

Subdivision

1. The subdivision shall be undertaken in accordance with the plan of subdivision being plan 455-100-B dated 10 March 2020 that is attached at Appendix 1 subject to amendment to the Schedule of Proposed Easements consistent with Condition 3 below.

2. All subdivisional works shall comply with NZS4404:2004 and the Council's July 2008 Addendum to NZS4404:2004.

3. Any easements required to protect access and/or access to services shall be duly granted or reserved. Easements A and B as shown on the plan of subdivision shall be amended to delete reference to the Right to Convey Water to Lots 2-4 from Bannockburn Road; and Easement C shall be amended to include a Right to Convey Water as necessary to serve Lot 2.

4. Prior to section 224(c) certification the consent holder shall upgrade the eco seal section of Richards Beach Road between the right of way entrance and the northern limit of the eco seal to achieve a 5.5 metre top width.

5. The carriageway within the right of way to serve Lots 2-4 shall be constructed in accordance with NZS 4404:2004 and the Council's July 2008 Addendum Table 3.2a) subject to the following:
   a) A minimum 4.0 metre metalled width within a 6.0 metre legal corridor.
   b) Shallow trafficable side channels along the carriageway.
   c) A well bounded durable surface to be provided that is resistant to unravelling and provides good all weather traction.
   d) Stormwater to be intercepted and disposed of such that no stormwater or debris discharges onto Richards Beach Road.
   e) Internal access off the right of way to serve Lots 3 and 4 to comply with Part 29 of Council's Roading Policies January 2015.

6. Prior to section 224(c) certification the consent holder shall construct a vehicle access off Richards Beach Road to serve Lots 2-4 (combined) at the right of way entrance in accordance with Part 29 of the Council's Roading Policies January 2015; and the consent holder shall liaise with Aurora with respect to the removal or relocation of the existing power pole in the road reserve adjacent to such entrance if such removal or relocation is required to facilitate construction of this access.

7. Prior to section 224(c) certification the existing gateway to Richards Beach Road adjacent to the northern boundary of Lot 3 shall be removed and the existing fenceline extended accordingly.

8. Vehicular access shall not be achieved from Lot 3 or Lot 4 direct to Richards Beach Road.

9. Condition 8 shall be subject to a consent notice that shall be registered on the record of titles for Lot 3 and Lot 4 pursuant to section 221 of the Resource Management Act 1991.

10. Prior to section 224(c) certification a DN100 water supply extension shall be installed along Richards Beach Road to serve the subdivision from the connection point on the Cromwell Water Supply at the south-west corner of the Cromwell Oxidation Ponds site.

Note: The provision of a 'minimum stand alone' DN50 ridermain along Richards Beach Road from a connection point adjacent to the south western boundary of the Cromwell Oxidation Ponds site (as for compliant DN100 watermain above) shall be considered the 'base line' requirement for the consent holder. The consent holder shall be required to liaise with Council's 3 Waters Manager to determine the extent of the DN100 watermain design to service the larger Richards Beach Road catchment. All costs in excess of the base line requirement, as necessitated by the Council agreed watermain design, shall be clearly identified by the consent holder (costed schedules for each option) and shall be subject to Council cost sharing.

11. Prior to section 224(c) certification standard 20mm household connections with standard Acuflo toby and meter assemblies at the road boundary shall be installed off the new watermain to serve Lots 2 – 4.

12. At the time a residential activity (new dwelling) is constructed on Lots 2-4 domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank on the respective allotments. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively an 11,000 litre fire fighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed building on the site.

    In order to ensure that connections are compatible with Fire and Emergency New Zealand equipment the fittings are to comply with the following standards:

    (a) Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling (e.g. 100 mm coupling has 100 mm hose tail) provided that the consent holder shall provide written confirmation from the Fire and Emergency New Zealand to the Chief Executive to confirm that the couplings are appropriate for fire fighting purposes.

    (b) The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.

    Note: For more information on how to comply with Condition 12 above or on how to provide for FENZ operational requirements refer to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 retrieved from http://ww.fire.org.nz/CMS_media/pdf/da516e706c1bc49d4440cc1e83f09964.pdf. In particular, the following should be noted:
    - *For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.*
    - *For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.*

13. The water tanks referred to in Condition 12 shall be green, black or olive (green-brown) in colour.

14. Fire fighting water supply may be provided by means other than that provided for in Condition 12 above if the written approval of the Fire and Emergency New Zealand is obtained for the proposed method.

15. Conditions 12-14 shall be subject to a consent notice that shall be registered on the record of titles for Lot 2-4 pursuant to section 221 of the Resource Management Act 1991.

16. Prior to section 224(c) certification the consent holder shall demonstrate that provision has been made for a fire fighting water supply to the standards specified in Conditions 12-14 above on Lot 1 or shall provide a fire fighting water supply to the standards specified in Conditions 12-14 above for Lot 1.

17. As an alternative to Conditions 12-15 prior to section 224(c) certification the consent holder shall demonstrate firefighting capability from the adjoining water reticulation in

accordance with SNZ PAS 4509:2008 FENZ Code of Practice for Lots 2-4 and a fire hydrant shall be provided in that reticulation. This is an acceptable alternative to providing on-site domestic water and fire fighting storage as provided for in Conditions 12-14 above; and a consent notice in terms of Condition 15 is not required to be registered if such alternative fire fighting water supply is provided to serve Lots 2-4.

18. Prior to section 224(c) certification the existing on-site wastewater disposal system on Lot 1 shall be inspected by a suitably qualified and experienced person and confirmed as being in good working order and fully contained within the boundaries of Lot 1; or shall be upgraded to the requirements of AS/NZS 1547:2012.

19. At the time of construction of the dwelling on Lots 2-4 an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 “On-site Domestic Wastewater Management” shall be designed by a suitably qualified professional consistent with the recommendations of the Infrastructure Feasibility Report prepared by Mr John McCartney of Civilised Limited, such report being dated 29 February 2020.

20. A copy of the design and designer producer statement shall be supplied to the Chief Executive. The dwelling shall not be constructed until the design and producer statement have been supplied to the Chief Executive.

21. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.

22. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner’s maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.

23. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.

24. Conditions 19-23 shall be subject to a consent notice that shall be registered on the record of titles for Lots 2-4 pursuant to section 221 of the Resource Management Act 1991.

25. Stormwater from Lots 2-4 shall be disposed of by soakpit within the respective allotments.

26. Condition 25 shall be subject to a consent notice that shall be registered on the record of titles for Lots 2-4 pursuant to section 221 of the Resource Management Act 1991.

27. It shall be the consent holder’s responsibility to obtain the consent of network utility providers as to the position of any electricity and telecommunication services to serve Lots 2-4. The consent holder shall be responsible for installing operational connections to electricity services and telecommunication services underground to the boundary of each of Lots 2-4 prior to section 224(c) certification.

28. The consent holder shall supply evidence of the consent(s) referred to in Condition 27 to the Chief Executive.

29. It shall be the responsibility of the consent holder to meet the costs associated with the installation of any new electricity and telecommunication reticulation provided in accordance with Condition 27 to serve Lots 2-4.

30. Payment of a reserves contribution of $2,865.00 (exclusive of goods and services tax) calculated in terms of Rule 15.6.1(1) of the Operative District Plan on the basis of three new allotments.

31. All land use activities on Lots 1 – 4, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the Code.

Notes:
1. *Any trees or vegetation planted shall comply with the Electricity (Hazards from Trees) Regulations 2003 or any subsequent revision of the regulations.*
2. *Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act.*

32. Condition 31 shall be subject to a consent notice that shall be registered on the records of title for Lots 1-4 pursuant to section 221 of the Resource Management Act 1991.

Notes:
1. *All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent shall be paid prior to section 224(c) certification.*
2. *Development contributions of $14,085.00 and $5,316.00 (exclusive of Goods and Services Tax) are payable for water and roading respectively pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to section 224(c). The Council 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.*
3. *Upon the commencement of this consent the consent holder of RC 160274 shall surrender that subdivision and land use consent by giving written notice to the consent authority pursuant to section 138(1) of the Resource Management Act 1991.*

Land Use

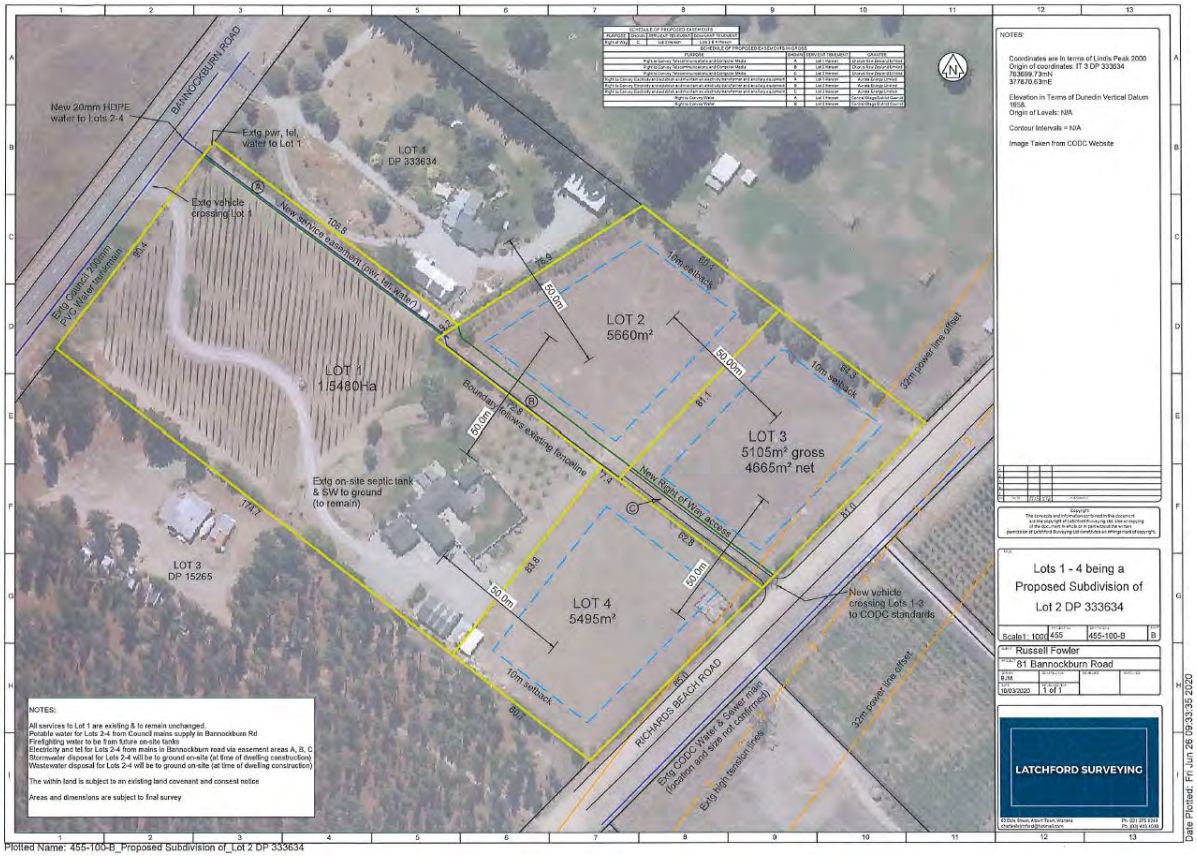
Nil conditions.

Certified to be a correct copy of the decision of the Central Otago District Council.

……
LOUISE VAN DER VOORT
EXECUTIVE MANAGER – PLANNING AND ENVIRONMENT

31 July 2020

Appendix 1


BANNOCKBURN ROAD
New 20mm HDPE water to Lots 2-4
Extg pwr, tel, water to Lot 1
LOT 1 DP 333634
Extg vehicle crossing Lot 1
New service easement (pwr, tel, water)
Extg Council 200mm PVC Watermain
LOT 2 5660m²
LOT 1 1.5480Ha
LOT 3 5105m² gross 4665m² net
Boundary follows existing fenceline
New Right of Way Access
Extg on-site septic tank & SW to ground (to remain)
LOT 3 DP 15265
LOT 4 5495m²
10m setback
32m powerline offset
New vehicle crossing Lots 1-3 to CODC standards
RICHARDS BEACH ROAD
Extg CODC Water & Sewer main (location and size not confirmed)
Extg high tension lines
NOTES:
All services to Lot 1 are existing & to remain unchanged.
Potable water for Lots 2-4 from Council mains supply in Bannockburn Rd
Firefighting water to be from future on-site tanks
Electricity and tel for Lots 2-4 from mains in Bannockburn road via easement areas A, B, C
Stormwater disposal for Lots 2-4 will be to ground on-site (at time of dwelling construction)
Wastewater disposal for Lots 2-4 will be to ground on-site (at time of dwelling construction)
The within land is subject to an existing land covenant and consent notice
Areas and dimensions are subject to final survey
NOTES:
Coordinates are in terms of Lindis Peak 2000
Origin of coordinates: IT 3 DP 333634
763699.73mN
3776?0.63mE
Elevation in Terms of Dunedin Vertical Datum 1958.
Origin of Levels: NIA
Contour Intervals = N/A
Image Taken from CODC Website
Lots 1 - 4 being a Proposed Subdivision of Lot 2 DP 333634
Scale1: 1000
455
455-100-B
Russell Fowler
61 Bannockburn Road
10/03/2020
1 of 1
LATCHFORD SURVEYING
Date Plotted: Fri Jun 26 09:33:36 2020
Plotted Name: 455-100-B_Proposed Subdivision of_Lot 2 DP 333634

Appendix: 2

The following Issues/Objectives/Policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

Kāi Tahu ki Otago Natural Resource Management Plan 2005

Otago Region / Te Rohe o Otago

Wai Māori

Wai Māori General Issues

Discharges

- Cumulative effects of discharges.
- Discharge of human waste and other contaminants from point and non point source discharges to water
- View that due to dilution rates, discharges to water have little or no effects.

Wai Māori General Objectives

- There is no discharge of human waste directly to water.
- Contaminants being discharged directly or indirectly to water are reduced.

Wai Māori General Policies

- To protect and restore the mauri of all water.

Discharges

- To require land disposal for human effluent and contaminants.
- To require consideration of alternatives and use of new technology for discharge renewal consents.
- To require monitoring of all discharges be undertaken on a regular basis and all information, including an independent analysis of monitoring results be made available to Kāi Tahu ki Otago.
- To encourage Management Plans for all discharge activities that details the procedure for containing spills and including plans for extraordinary events.
- To require all discharge systems be well maintained and regularly serviced. Copies of all service and maintenance records should be available to Kāi Tahu ki Otago upon request.

Wāhi Tapu

Wāhi Tapu General Issues

- Contamination by discharges and other activities seriously erodes the cultural value and integrity of wāhi tapu.

Wāhi Tahu Objectives

- All wāhi tapu are protected from inappropriate activities
- Kāi Tahu ki Otago have access to wāhi tapu.
- Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner.

Wāhi Tapu General Policies

- To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu.

Discharges

- To discourage all discharges near wāhi tapu.

Cultural Landscapes

Cultural Landscapes General Issues

- Extension and maintenance of infrastructure (eg transport, telecommunications) can affect cultural landscapes.

Cultural Landscapes Objectives

- The protection of significant cultural landscapes from inappropriate use and development.

Cultural Landscapes General Policies

Subdivisions

- To discourage subdivision and buildings in culturally significant and highly visible landscapes.
- To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:
  - All consents related to the subdivision to be sought at the same time.
  - Protection of Kāi Tahu ki Otago cultural values.
  - Visual amenity
  - Water requirements
  - Wastewater and stormwater treatment and disposal
  - Landscaping
  - Location of building platforms
- To require that where any earthworks are proposed as part of a subdivision activity an accidental discovery protocol is to be signed between the affected Papatipu Rūnaka and the Company.
- To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.
- To require public foot access along lakeshore and riverbanks within subdivisions.

Title Plan - LT 562691

Survey Number	LT 562691
Surveyor Reference	6052
Surveyor	Campbell Ronald Hills
Survey Firm	C Hughes & Associates Ltd
Surveyor Declaration	

Survey Details

Dataset Description	Lots 1 - 4 being subdivision of Lot 2 DP 333634		
Status	Initiated		
Land District	Otago	**Survey Class**	Class A
Submitted Date		**Survey Approval Date**	
		Deposit Date	

Territorial Authorities

Central Otago District

Comprised In

RT 137860

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 1 Deposited Plan 562691	Fee Simple Title	1.5566 Ha	998601
Lot 2 Deposited Plan 562691	Fee Simple Title	0.5919 Ha	998602
Lot 3 Deposited Plan 562691	Fee Simple Title	0.4575 Ha	998603
Lot 4 Deposited Plan 562691	Fee Simple Title	0.5700 Ha	998604
Area A Deposited Plan 562691	Easement		
Area B Deposited Plan 562691	Easement		
Area C Deposited Plan 562691	Easement		
Area D Deposited Plan 562691	Easement		
Area E Deposited Plan 562691	Easement		
Total Area		3.1760 Ha	

Schedule / Memorandum

Land Registration District	Survey Number
Otago	**LT 562691**

Territorial Authority (the Council)

Central Otago District

Memorandum of Easements

Last Edited: 13 May 2021 16:12:49

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of Way	A	Lot 2	Lot 3, Lot 4

Schedule of Easements

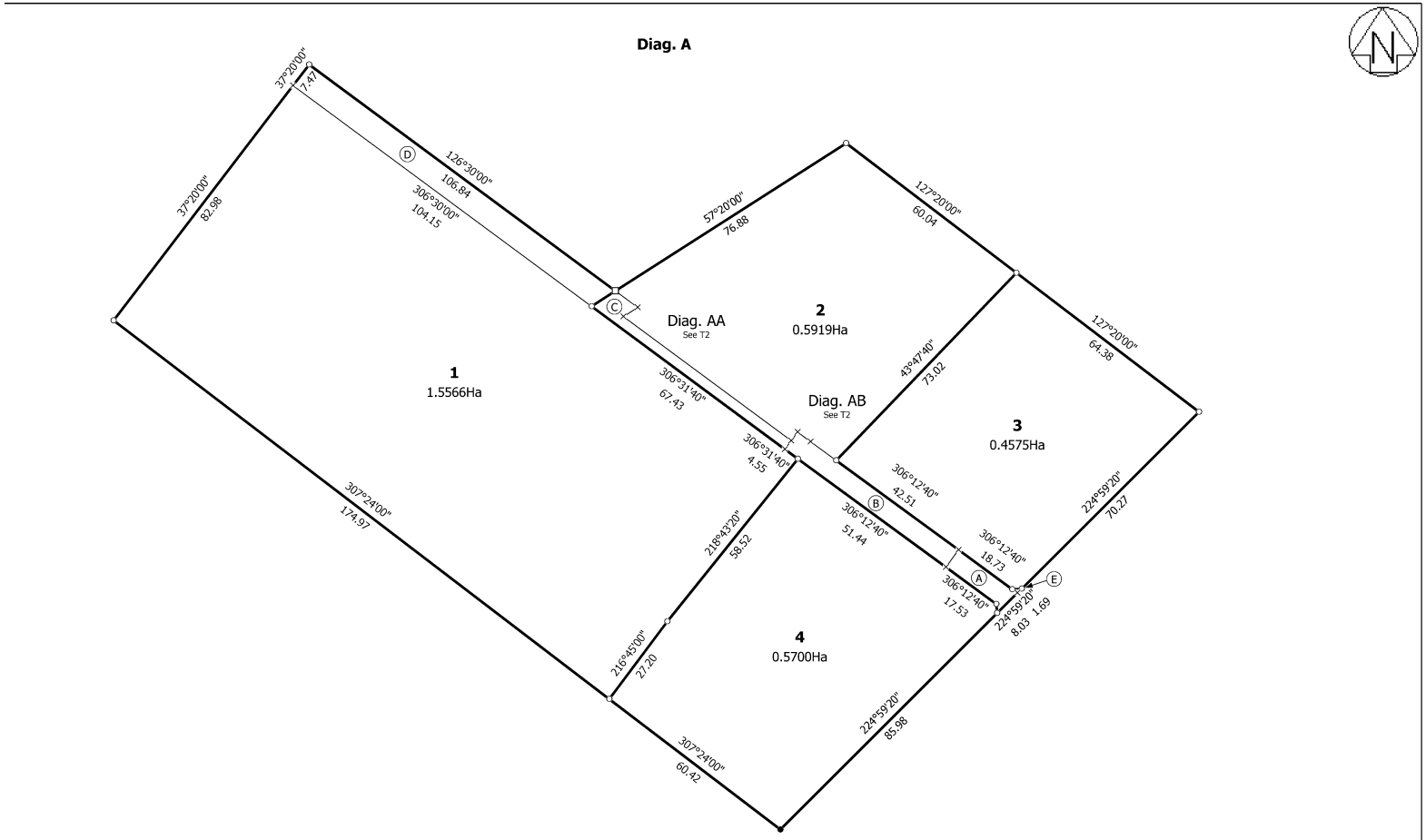
Last Edited: 17 Jun 2021 10:23:49

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Pedestrian Right of Way	A, B	Lot 2	Lot 1
Right to convey water	E	Lot 2	Lot 3

Schedule of Easements in Gross

Last Edited: 13 May 2021 16:16:12

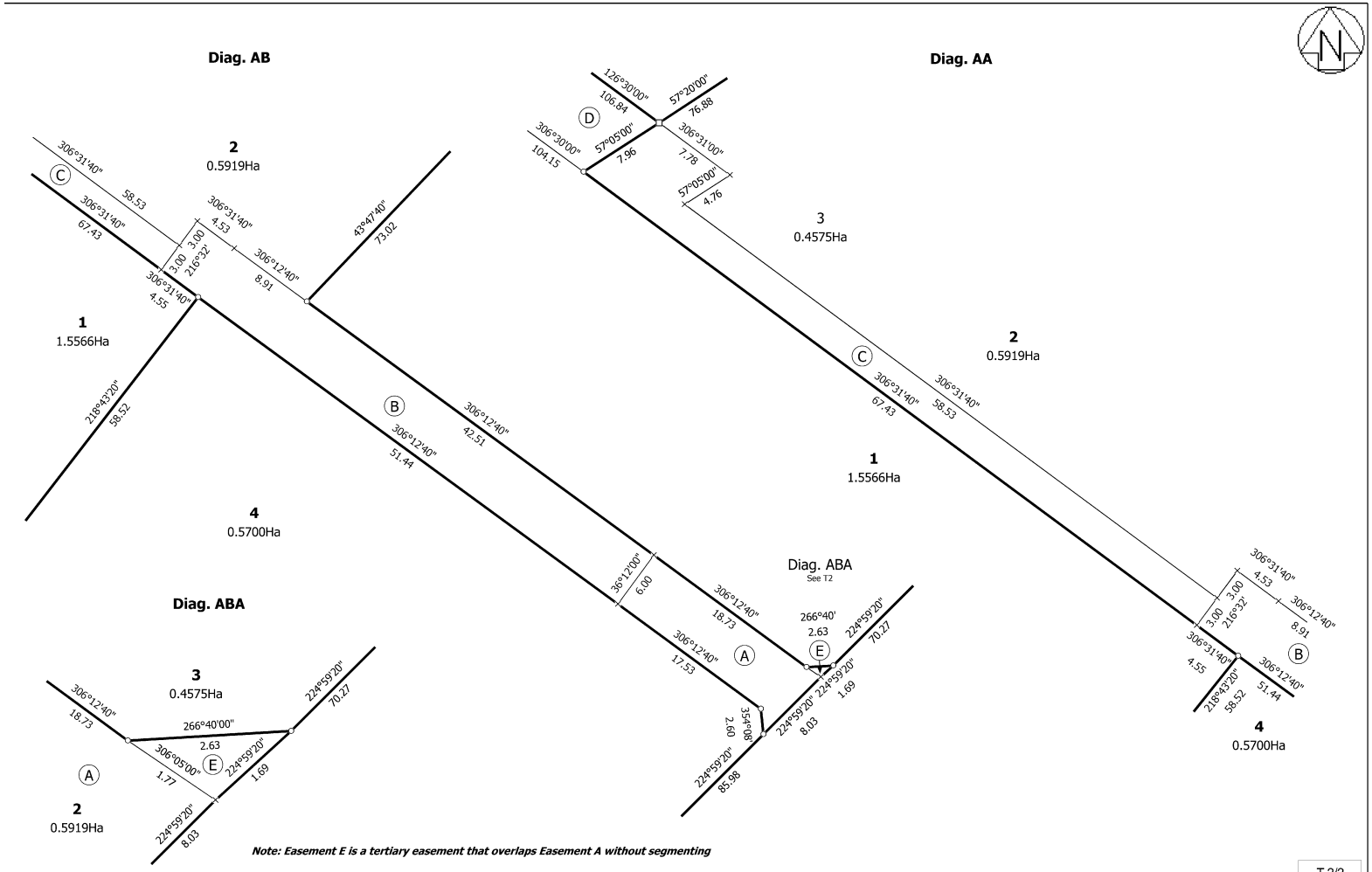
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to convey electricity	A, B, C	Lot 2	Aurora Energy Ltd
	D	Lot 1	Aurora Energy Ltd
Right to convey telecommunications	A, B	Lot 2	Chours New Zealand Ltd



lote: Easement E is a tertiary easement that overlaps Easement A without segmenting.

T 1/2

District: Otago ılly Generated Plan ted on: 17/06/2021 10:57am Page 3 of 4	Lots 1 - 4 being subdivision of Lot 2 DP 333634	Surveyor: Campbell Ronald Hills Firm: C Hughes & Associates Ltd	Title Plan LT 562691 DRAFT


Diag. AB
Diag. AA
Diag. ABA
See T2
Diag. ABA
1
1.5566Ha
2
0.5919Ha
3
0.4575Ha
4
0.5700Ha
Note: Easement E is a tertiary easement that overlaps Easement A without segmenting
T 2/2
District: Otago
Illy Generated Plan
ted on: 17/06/2021 10:57am Page 4 of 4
Lots 1 - 4 being subdivision of Lot 2 DP 333634
Surveyor: Campbell Ronald Hills
Firm: C Hughes & Associates Ltd
Title Plan
LT 562691
DRAFT

Consent Notice

PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

THE CENTRAL OTAGO DISTRICT COUNCIL hereby requests the District Land Registrar to annotate his memorial with the following Consent Notice issued with respect to Lots 1 - 4 LT 562691.

"All land use activities on Lots 1 – 4, including the construction of new building/ structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the Code."

SIGNED at Alexandra this 7th day of October 2021

.....

David Campbell
PLANNING MANAGER
(pursuant to delegated authority)

C. Hughes & Associates, Surveying Consultants, Cromwell and Wanaka

Consent Notice

PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

THE CENTRAL OTAGO DISTRICT COUNCIL hereby requests the District Land Registrar to annotate his memorial with the following Consent Notice issued with respect to Lots 2, 3 and 4 LT 562691.

12. At the time a residential activity (new dwelling) is constructed on Lots 2-4 domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank on the respective allotments. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively an 11,000 litre fire fighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed building on the site.

    In order to ensure that connections are compatible with Fire and Emergency New Zealand equipment the fittings are to comply with the following standards:

    (a) Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling (e.g. 100 mm coupling has 100 mm hose tail) provided that the consent holder shall provide written confirmation from the Fire and Emergency New Zealand to the Chief Executive to confirm that the couplings are appropriate for fire fighting purposes.
    (b) The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.

13. The water tanks referred to in Condition 12 shall be green, black or olive (green-brown) in colour.

14. Fire fighting water supply may be provided by means other than that provided for in Condition 12 above if the written approval of the Fire and Emergency New Zealand is obtained for the proposed method.

19. At the time of construction of the dwelling on Lots 2-4 an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 “On-site Domestic Wastewater Management” shall be designed by a suitably qualified professional consistent with the recommendations of the Infrastructure Feasibility Report prepared by Mr John McCartney of Civilised Limited, such report being dated 29 February 2020.

C. Hughes & Associates, Surveying Consultants, Cromwell and Wanaka

20. A copy of the design and designer producer statement shall be supplied to the Chief Executive. The dwelling shall not be constructed until the design and producer statement have been supplied to the Chief Executive.

21. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.

22. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.

23. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.

25. Stormwater from Lots 2-4 shall be disposed of by soakpit within the respective allotments

SIGNED at Alexandra this 7th day of October 2021

.....

David Campbell
PLANNING MANAGER
(pursuant to delegated authority)

C. Hughes & Associates, Surveying Consultants, Cromwell and Wanaka

Consent Notice

PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

THE CENTRAL OTAGO DISTRICT COUNCIL hereby requests the District Land Registrar to annotate his memorial with the following Consent Notice issued with respect to Lots 3 and 4 LT 562691.

"Vehicular access shall not be achieved from Lot 3 or Lot 4 direct to Richards Beach Road."

SIGNED at Alexandra this 7th day of October 2021

.....

David Campbell
PLANNING MANAGER
(pursuant to delegated authority)

C. Hughes & Associates, Surveying Consultants, Cromwell and Wanaka

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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

Certificate issued pursuant to the Resource Management Act 1991

2842129401

RC200089: LOTS 1 – 4 DP 562691 BEING A SUBDIVISION OF LOT 2 DP 333634

In the matter of Lots 1 – 4 DP 562691 being a Subdivision of Lot 2 DP 333634, and pursuant to section 224(c) of the Resource Management Act 1991, I hereby certify that some conditions of consent have been met and a consent notice prepared for the remaining conditions.

Dated at Alexandra this 7th day of October 2021

David Campbell
PLANNING MANAGER

(pursuant to delegated authority)

APPENDIX C

PROPOSED ROW EASEMENTS:

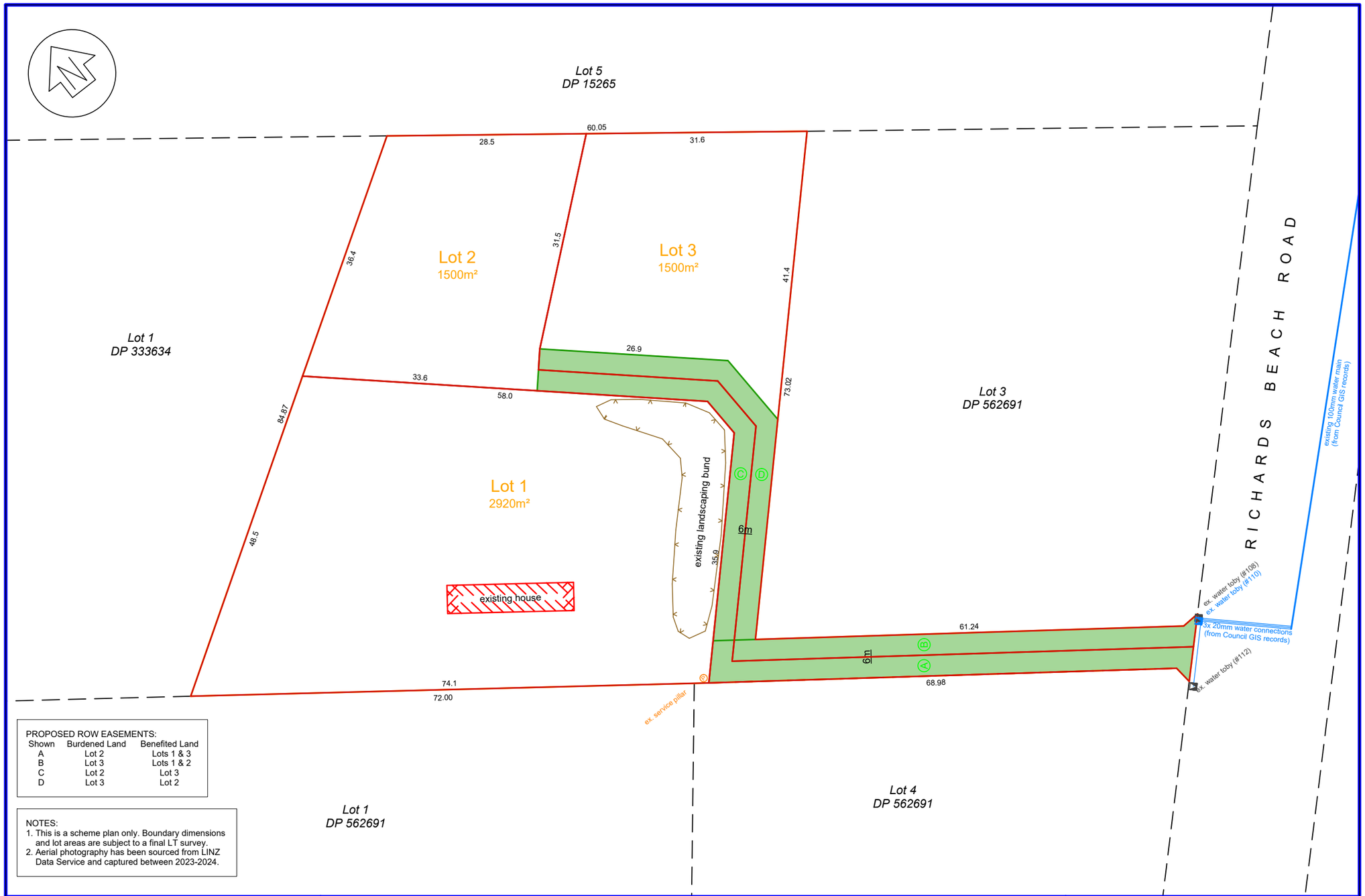
Shown	Burdened Land	Benefited Land
A	Lot 2	Lots 1 & 3
B	Lot 3	Lots 1 & 2
C	Lot 2	Lot 3
D	Lot 3	Lot 2

NOTES:
1. This is a scheme plan only. Boundary dimensions and lot areas are subject to a final LT survey.
2. Aerial photography has been sourced from LINZ Data Service and captured between 2023-2024.

CALDER SURVEYING

LOTS 1- 3 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 562691 110 RICHARDS BEACH ROAD, CROMWELL

Date:	27 Mar 2025
Scale:	1:500 @ A3
Drawn by:	JS
Client:	AE Projects
Job No:	3207_05-B



CALDER SURVEYING

LOTS 1- 3 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 562691
110 RICHARDS BEACH ROAD, CROMWELL

Date:	27 Mar 2025
Scale:	1:500 @ A3
Drawn by:	JS
Client:	AE Projects
Job No:	3207_05-B

APPENDIX D

0800 188 897
Email: centralprojects@4nes.co.nz
www.nescentral.co.nz
20 Venning Crescent
CROMWELL 9310

9 December 2024

Adele Eyers
110 Richards Beach Road
Cromwell

EMAIL: adele@aeprojects.co.nz

Dear Adele

PROJECT NUMBER: QC2411.23
Please quote project number on all correspondence

RE: 2 LOT SUBDIVISION AT 110 RICHARDS BEACH ROAD, CROMWELL

In response to your request NES Central Ltd is pleased to provide a quote for a 2 Lot Subdivision at 110 Richards Beach Road, Cromwell.

CLIENT QUOTED PRICE: $2,838.10 + GST
(Two Thousand, Eight Hundred & Thirty-Eight Dollars, Ten Cents, plus Goods & Service Tax)

This quotation is based on the pricing as detailed below.

WORKS: *(Installation owned by Aurora Energy Ltd)*

DESCRIPTION OF WORKS: *Change the existing E2000 Service pillar to a E2300 Service pillar. Add 2 more fuses for Lots 2 and 3. Install all up 120m of 50mm ducts plus bends and draw wire through the 2 ducts to the common boundary of Lots 2 and 3 at 110 Richards Beach Road, Cromwell.*

- Provide an AutoCAD Electrical Design to AEL Standards AE-NR02-S
- Change the existing E2000 Service pillar to a E2300 Service pillar.
- Add 2 more fuses for Lots 2 and 3.
- Install all up 120m of 50mm ducts plus bends and draw wire through the 2 ducts to the common boundary of Lots 2 and 3.
- Test and commission new installation prior to final connection to Aurora Owned Network.
- Consumers are required to contribute to the cost of modifications to Aurora Energy Ltd owned equipment as per Aurora Energy Ltd Capital Contribution Policy.

0800 188 897
Email: centralprojects@4nes.co.nz
www.nescentral.co.nz
20 Venning Crescent
CROMWELL 9310

NES Ltd Contract Price *(excluding private installation)*	$	**6,438.10**
Aurora Energy Ltd Contribution 15kVA (x2)	-$	3,600.00
Aurora Energy Ltd Development	-$	0.00

CONSUMER CONTRIBUTION: **Total A** **$ 2,838.10 + GST**

INSTALLATION: *(fittings owned by the consumer)*

To establish/upgrade the connection, the following consumer fittings will be installed and the person accepting the quotation is required to pay the full cost of providing and installing these fittings.

DESCRIPTION: **Total B** **$ 0.00**

QUOTATION TOTAL: **Total A + Total B** **$ 2,838.10 + GST**

CLARIFICATION NOTES:

1. The above price includes contributions from Aurora Energy Ltd.
2. NES Central Ltd to supply and install all electrical materials under this contract.
3. This quotation is based on a design proposal that has yet to have the final approval of AEL. While our proposal is based on compliance with AEL's own standards, they are the final arbiters of the suitability of any installation, for connection to their network. In the event that a design alteration was required, we reserve the right to approach the principal regarding adjustment of the quotation either way as appropriate.
4. This quotation is based on 2 x additional **single** phase 63A connection, which under the current AEL Capital Contributions Policy equates to a credit of -**$1,800.00** per connection.
5. The client is required to **sign** all relevant Aurora Energy Ltd documents applicable for this development, failure to sign and return of these documents will result in delays to the final livening of any new installation as per the networks instruction.
6. It is a requirement of Aurora Energy Ltd (AEL) that a registered easement (in gross) in favour of AEL is required over all electrical equipment and cabling (including existing works that require alteration), where the equipment is situated on private land and supplies electricity to consumers. The developer is responsible for the establishment of these easements including meeting the legal costs of Aurora Energy Ltd (AEL).
7. Please advise if you are aware of any other resource consent requirements for electrical supply works in conjunction with this project. No allowance has been made for any such consent in this quotation.
8. **Pricing excludes the provision of all traffic management, TMP, cable trenching, reinstatement, and ongoing maintenance (if any).** We may require the assistance by the Trenching Contractor at the time of cable installation which will be provided free of charge to NES Central Ltd. Trenching will be carried out in accordance with the enclosed trenching specification based on regulatory and AEL requirements.

0800 188 897
Email: centralprojects@4nes.co.nz
www.nescentral.co.nz
20 Venning Crescent
CROMWELL 9310

9. Survey pegs must be in place at the required service box position and trenching carried out before any work commences.
10. Where the Trenching Contractor's work methodology or program demands unreasonable alteration to the original proposed cable route due to unforeseen congestion from existing utility services will be subject to variation based on additional hours, travelling time and costs as per variation rates listed below, these will be passed on to the client.
11. As the cable route to the supply position that we have been given is approximate, the final cost will be adjusted either way for actual cable lengths installed, at the completion of work.
12. Any variations are to be notified to all parties concerned and the cost of the variation agreed prior to the work being carried out.
13. Our cost excludes the cost of Aurora Energy's new policy for GPS Data Capture.
14. This quotation excludes any costs incurred, pertaining to the NZ Heritage Properties Ltd (NZHP) Archaeological responsibilities. For further information on your obligations, please refer to the *Resource Management Act (1991)* and *Heritage New Zealand Pouhere Taonga Act (2014).*

VARIATION RATES: *(supply & installation)*

Labour (hr) Supervisor	*$ 130.00 + GST*
Labour (hr) Line Mechanic	*$ 110.00 + GST*
Labour (hr) Live Line Mechanic	*$ 125.00 + GST*
Light Commercial Vehicle (km)	*$ 1.90 + GST*

ACCEPTANCE*:*

1. If by choosing to accept this quotation the client agrees to the terms and conditions of sale detailed by initialling each page of the Quotation document, signing the quotation acceptance schedule (last page) and returning the entire document to NES Central Ltd.
2. The client will be required to sign an Aurora Energy Ltd Agreement to Grant Electricity Easement Form prior to work commencing.
3. The client will be required to sign an Aurora Energy Ltd Electrical Reticulation Agreement prior to work commencing.
4. This quotation (with the exception of the materials) is valid for thirty (30) days.
5. The Livening of the installation will only proceed when NES Central have received our final payment.

Please advise your acceptance of this quotation and the terms & conditions of sale detailed, by initialling each page, signing the Quotation Acceptance Schedule then returning the entire document via email to centralprojects@4nes.co.nz

0800 188 897
Email: centralprojects@4nes.co.nz
www.nescentral.co.nz
20 Venning Crescent
CROMWELL 9310

PAYMENT TERMS:

1. NES Central Ltd will require a 30% deposit of **$851.43 + GST**, of our client contract price of **$2,838.10 + GST.** Once we have received the signed acceptance quotation, a deposit invoice will be sent and is payable within 7 days from the date recorded on the invoice. We reserve the right to require such payment prior to work commencing.
2. NES Central Ltd may retain the 30% deposit and charge any additional costs incurred if the job is significantly delayed or cancelled after the quote is accepted.
3. Payment can be made electronically via electronic payment details printed on the invoice.
4. A final invoice of **$1,986.67** being the balance of the clients contact price **($2,838.10 + GST)** less the progress payment made to date **($851.43 + GST)** will be submitted upon completion of the installation, payable on the 20th of the month as stated on the invoice.
5. Monthly progress invoices may be required if the project installation work goes over a 2-month period.
6. The materials value of this quotation equates to **$2,972.00 + GST** and may be subject to price fluctuations which will be passed on to the client.
7. NON-PAYMENT: In the case of non-payment of a correct invoice by the due date, the Developer shall be liable for any fees or expenses reasonably incurred by NES Central Ltd in collecting or attempting to collect the outstanding amount(s). Interest, being the cost of overdraft facilities to NES Central Ltd plus 5%, shall be calculated daily and charged to overdue amounts from the period from the last invoiced progress payment.

We thank you for the opportunity to provide this quotation and should you require further clarification, or require any additional information regarding this quotation, please do not hesitate to contact me on DDI: 0800 1 88897, Mobile: 021 314 951 or via email: mike@4nes.co.nz
Yours faithfully
NES CENTRAL LTD

Michael Fife
Senior Designer/Estimator
Co-Director

PROJECT NOTES:

- There is currently a 1 - 2 week turnaround in getting projects approved by Aurora Energy Ltd on submitting an AEL CFR and full construction plan and then another 3 - 4 weeks before a contracted CFR is approved.
- The ducts for Lt 2 7ust stay within their easement corridor otherwise Aurora Energy will require easements over them
- **Within the existing ROW there are 400v and 11kv Cables**
- No allowance in our quote for any utility locates.

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www.nescentral.co.nz
20 Venning Crescent
CROMWELL 9310

QUOTATION ACCEPTANCE SCHEDULE

Date: 9 December 2024

CLIENT: Adele Eyers, 110 Richards Beach Road, Cromwell

PROJECT NUMBER: QC2411.23 - *Change the existing E2000 Service pillar to a E2300 Service pillar. Add 2 more fuses for Lots 2 and 3. Install all up 120m of 50mm ducts plus bends and draw wire through the 2 ducts to the common boundary of Lots 2 and 3 at 110 Richards Beach Road, Cromwell.*

NES Ltd Contract Price *(excluding private installation)*	**$**	**6,438.10**
Aurora Energy Ltd Contribution 15kVA (x2)	-$	3,600.00
Aurora Energy Ltd Development	-$	0.00

CONSUMER CONTRIBUTION: **Total A** **$ 2,838.10 + GST**

INSTALLATION: *(fittings owned by the consumer)*

To establish/upgrade the connection, the following consumer fittings will be installed and the person accepting the quotation is required to pay the full cost of providing and installing these fittings.

DESCRIPTION: **Total B** **$ 0.00**

QUOTATION TOTAL: **Total A + Total B** **$ 2,838.10 + GST**

(Two Thousand, Eight Hundred & Thirty-Eight Dollars, Ten Cents, plus Goods & Service Tax)

Terms and Conditions of Sale

Price	Unless otherwise agreed, the price for the work is a fixed price. Where no contract or quoted price has been agreed, or the Company accepts extra or varied work which is carried out without further quotation, the Company's standard rates applicable at the time of the work shall apply.
Payment Terms	Where no specific quotation conditions apply, the purchaser shall pay for all goods and services supplied by the Company in full no later than the 20th day of the month following the date of the invoice or progress claim. Regardless of any period of credit agreed, legal ownership of all goods and work supplied by the Company remains with the Company until full payment is made for them. Until such payment is made the buyer shall be only a fiduciary owner of the goods until such time as legal title transfers to the buyer pursuant to these conditions. This condition holds even if the goods and works have been permanently installed or have become an integral part of any other object. If payment is overdue in respect of any goods or services supplied, the Company may, in addition to any other rights it may have, retake possession of and may resell any or all of the goods or any part of them, and its employees or agents may enter the buyer's property for those purposes. If loss or damage is caused by the removal of the goods, the Company shall not be liable for that loss or damage.
Risk	Regardless of the provisions of these conditions relating to the passing of title, risk in any goods shall pass to the buyer at the time of their delivery. Risk in any work in progress on the buyer's property shall remain with the buyer and it shall be the buyer's responsibility to arrange suitable insurance.
Warranty	The Company will at its option repair or replace free of charge any defective material or workmanship within twelve months of delivery to the buyer. This warranty is subject to the requirement that the buyer must give notice to the Company of the alleged defect within seven days of the defect becoming apparent. This warranty will cease to apply if the goods or work has been altered or repaired other than by arrangement with the Company or have been subject to excessive wear and tear or to improper or abnormal use or storage. Notwithstanding the warranty clause above, the Company warrants any goods supplied by it, but not of its own manufacture only to the extent it is able to recover under warranty (if any) provided to it by the manufacturer of the goods. In no case will the Company be liable for consequential damage or loss arising from defects, faulty materials or design, omissions or negligence of workmanship.

0800 188 897
Email: centralprojects@4nes.co.nz
www.nescentral.co.nz
20 Venning Crescent
CROMWELL 9310

QUOTATION ACCEPTANCE SCHEDULE (continued)

PROJECT NUMBER: QC2411.23

PLEASE CONFIRM CLIENT & BILLING DETAILS (please print clearly)

NAME: _____

POSTAL ADDRESS: _____

_____

EMAIL ADDRESS: _____

CONTACT No. _____

Quotation Acceptance **Signed** _____

Name _____

Dated _____/_____/_____

@C2411.23 A Eyers - 110 Richards Beach Rd.

CALDER SURVEYING

LOTS 1- 3 BEING A PROPOSED SUBDIVISION OF
LOT 2 DP 562691
110 RICHARDS BEACH ROAD, CROMWELL

Date:	18 Nov 2024
Scale:	1:500 @ A3
Drawn by:	JS
Client:	AE Projects
Job No:	3207_04-A

APPENDIX E

Issue 1
February 29, 2020

Russell Fowler – Bannockburn Road Subdivision

Infrastructure Feasibility Report

Prepared by: Civilised Ltd

Civilised Ltd

PO Box 1461
Queenstown
Ph 027 223 3036

Russell Fowler – Bannockburn Road Subdivision

Infrastructure Feasibility Report

Report prepared For: Russell Fowler

Report Prepared By: John McCartney
john@civilised.nz

Report Reference: QS038
2020-02-29 Infrastructure Report.docx

Date: 29th February 2020

Issue	Details	Date
1	For resource consent	29th February 2020

Executive Summary

Russell Fowler proposes to subdivide a property on Bannockburn Road near Cromwell. Civilised Ltd have assessed the necessary development infrastructure in relation to:

- Wastewater disposal

We confirm that it is feasible to provide the necessary wastewater infrastructure to service the proposed subdivision.

Wastewater can be treated and soaked to ground on site by way of individual on site wastewater disposal systems. The suitability of the ground for receiving the wastewater flows has been confirmed following test pitting carried out on site.

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3 Site Description 1

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Proposed Subdivision Drawing 6

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Wastewater Feasibility Drawing 7

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1 Introduction

Russell Fowler has engaged Civilised Limited (CL) to investigate and report on the feasibility of providing utility services and the necessary development infrastructure for the proposed subdivision of land at Richards Beach Road near Cromwell.

This report considers the nature of the proposed development, the site conditions affecting the implementation of the necessary development infrastructure and describes the proposed implementation of the following elements;

- Wastewater collection and disposal

The report is to supplement and support the planning submissions made by others on behalf of Russell Fowler with regards to the application for consent to subdivide.

2 Description of Proposal

The applicant proposes to develop their property at 81 Bannockburn Road, near Cromwell. The land is currently zoned Rural Residential under the Central Otago District Council (CODC) District Plan.

Three new allotments are proposed, for future residential dwellings. The allotment is currently approximately 3.176 ha in size.

The existing allotment is legally described as Lot 2 DP 333634 and is contained within Certificate of Title 137860.

The allotment is to be created on flat ground within the allotment. The new allotments are intended for rural residential development with incorporation of building restriction and landscape covenant areas to preserve as much of the existing rural landscape as possible. A scheme plan showing the layout of the proposed subdivsion is contained in Appendix A.

We note that this assessment of the necessary development infrastructure is limited to consideration of the scale of the development as it is currently proposed.

3 Site Description

The proposed development is located on terrain to the east of Bannockburn Road. The new allotments will gain access from Richards Beach Road.

The site is currently used for stock grazing. It is expected that much of the area of the new lots will become landscaping around future dwellings.

Grades on the site can be described as flat.

The elevation of the proposed lots is approximately RL 210m above Mean Sea Level (MSL).

During our site visits no evidence of large scale land instability was identified within the boundaries of the proposed rural development.

The land receives approximately 400mm of rainfall per annum and may be subject to drought conditions during the summer months.

4 Wastewater Disposal

4.1 General

No community or Council scheme is available for connection in close proximity to the subject site. It is not sustainable to remove waste from site therefore individual on site wastewater disposal (OSWWD) must be examined.

It can be shown that the future development of the proposed new allotments may be advanced on the basis of a new on-site wastewater disposal system. The feasibility of such a system is discussed below.

4.2 Site Evaluation

4.2.1 General

Component	Description
Assessment Standard	AS/NZS1547:2012
Territorial Authority	Central Otago District Council
Regional Authority	Otago Regional Council
Purpose	System feasibility for subdivision consent

4.2.2 Site Description

Component	Description	Reference
Owner	Russell Fowler	Client
Location Address	81 Bannockburn Road, Cromwell	Client
Legal Description	Lot 2 DP 333634	CODC Website
Grid Reference	Latitude -45.062004, Longitude 169.188911	Google Maps
General Description	The proposed subdivision will create three new allotment	Drawings
Wastewater Producing Components	Future residential dwellings	Drawings
Number and Size of Lots	Three new lot, resultant new lots are 5,660 m², 5,105 m² and 5,495 m²	Drawings

4.2.3 Site Assessment

Component	Description	Reference
Land Use History	Grazing purposes.	Site visit
Topography	Flat	Site visit
Slope Angle	1:20 (max)	
Aspect	Southwest	Site visit

Component	Description	Reference
Vegetation cover	Grass and Lucerne	Site visit
Areas of potential ponding	None on site	Site visit
Ephemeral streams	None on site	Site visit
Drainage patterns & overland flow paths	Sheet flow off the site and soakage within the site	Site visit
Flood potential	Nil	Otago Regional Council Hazard Maps
Distance to nearest water body	Greater than 160 metres to Lake Dunstan at the closest boundary point	Aerial photography
Water Bores	None within 50m, closest is approximately 72m	Otago Regional Council Water Information GIS
Soil Type	Cw1aU\+ \Mx3aG – Cromwell, moderately deep, sand, undulating \ Molyneux, stony, sand. Gently undulating	Grow Otago Website
Geological	Middle Pleistocene river deposits	GNS New Zealand Geology Web Map
Evapotranspiration	599-620 mm/year	Grow Otago Website
Slope Stability	No land instability indicators noted on site	Site visit
Depth to Groundwater	No groundwater found in test pits	Site visit
Average Rainfall	400-450 mm/year	Grow Otago Website
Water Supply	CODC reticulated supply	Client
Neighbouring systems	On-site disposal elsewhere within the Rural Residential zone	CODC Website
Buildings	Nil	Site Visit
Environmental concerns	Ground freezing in winter	Local knowledge and site visit

The drawing in Appendix B identifies the site, relevant topographical features, test pit locations, nearby bore locations and surmised groundwater flows.

4.3 Site and Soil Assessment

The site is relatively unconstrained and there is sufficient room for land disposal of wastewater.

Access to the new allotments is to be directly from Richards Beach Road.

The site will be clear of buildings and structures. During the winter months the area is subject to frosts and potential ground freezing so a minimum of 300mm depth of burial is recommended for all pipework including distribution pipes.

A summary of the soils onsite is presented in the table below. Test pit locations are shown in the drawing in Appendix B and the test pit log is included with this report in Appendix C.

Component	Description	Reference
Evaluator	John McCartney	
Company	Civilised Ltd	
Date of Investigation	25th February 2020	
Number of test pits	Three – Up to 1.1m depth	Appendix C
Average depth of topsoil	< 50mm	Appendix C
Indicative permeability	Not measured	Appendix B of AS/NZS1547:2012

Soil structure	Massive	Appendix L of AS/NZS1547:2012
Soil category	Category 2 – Sandy Loam	Appendix L of AS/NZS1547:2012
Soil texture	Sandy loam, good drainage	Appendix L of AS/NZS1547:2012
DLR reduction due to slope	0%	Table M2 of AS/NZS1547:2012
Sensitive receivers	Groundwater at some depth	Site investigation

4.4 Ground Conditions

The test pitting carried out was undertaken adjacent to an expected future dwelling. The test pits showed a thin layer of topsoil depth and the site being underlain by sandy gravels.

The loess layer has been classified as a Category 2 soil in accordance with Table 5.1 of AS/NZS 1547:2012. Based on our knowledge of the soakage characteristics of similar soils a loading rate of up to 50mm/day could be applied for discharges to these soils provided secondary treatment of the wastewater was undertaken.

4.5 Conclusions

Based on our investigations to date the soils on the site have sufficient capacity to facilitate the disposal of effluent to land via sub-soil soakage methods, however the presence of sensitive receivers (being groundwater and surface water bodies) requires that the effluent receive some form of treatment prior to discharge.

We confirm that based on our assessment of the likely loadings, on-site wastewater treatment and disposal systems may be designed to provide the necessary level of treatment such that the risk of causing significant adverse environmental effects is minimised.

For this particular development, given the size of the proposed lots and the large amount of land area available, it is expected that the on-site sewage and disposal systems would be for individual sewage management.

We confirm that a tank system, in conjunction with primary and secondary treatment elements, may be designed, implemented and maintained to ensure a “means of treating and disposing of sewage which is consistent with maintaining public health and avoids or mitigates adverse effects on the environment”, therefore satisfying council policy.

4.6 Recommendations

Given the size of the lots we believe it is appropriate and feasible to consider individual lot systems for this development.

An individual lot system that would provide sufficient renovation to effluent from on-site wastewater disposal for this development prior to discharge to land are summarised as follows;

4.6.1 Individual Lot Systems

The individual lot system would comprise a multi chamber septic tank or similar filtered type tank to each lot combined with a secondary treatment element. Sewage from the treatment system would be pump or siphon dosed at a controlled daily rate to a disposal field of shallow depth. This system could be designed to provide sufficient treatment/renovation of effluent prior to discharge to land. Provision should be made at site planning stage for a minimum disposal field area of 20 m² and a reserve field area of 20 m².

To maintain high effluent quality such systems would require the following;

- Specific design by a suitably qualified professional engineer.
- A requirement that each lot must include systems that achieve the levels of treatment determined by the specific design.
- Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
- Intermittent effluent quality checks to ensure compliance with the system designers specification.
- Inclusion of secondary treatment elements in the treatment system.

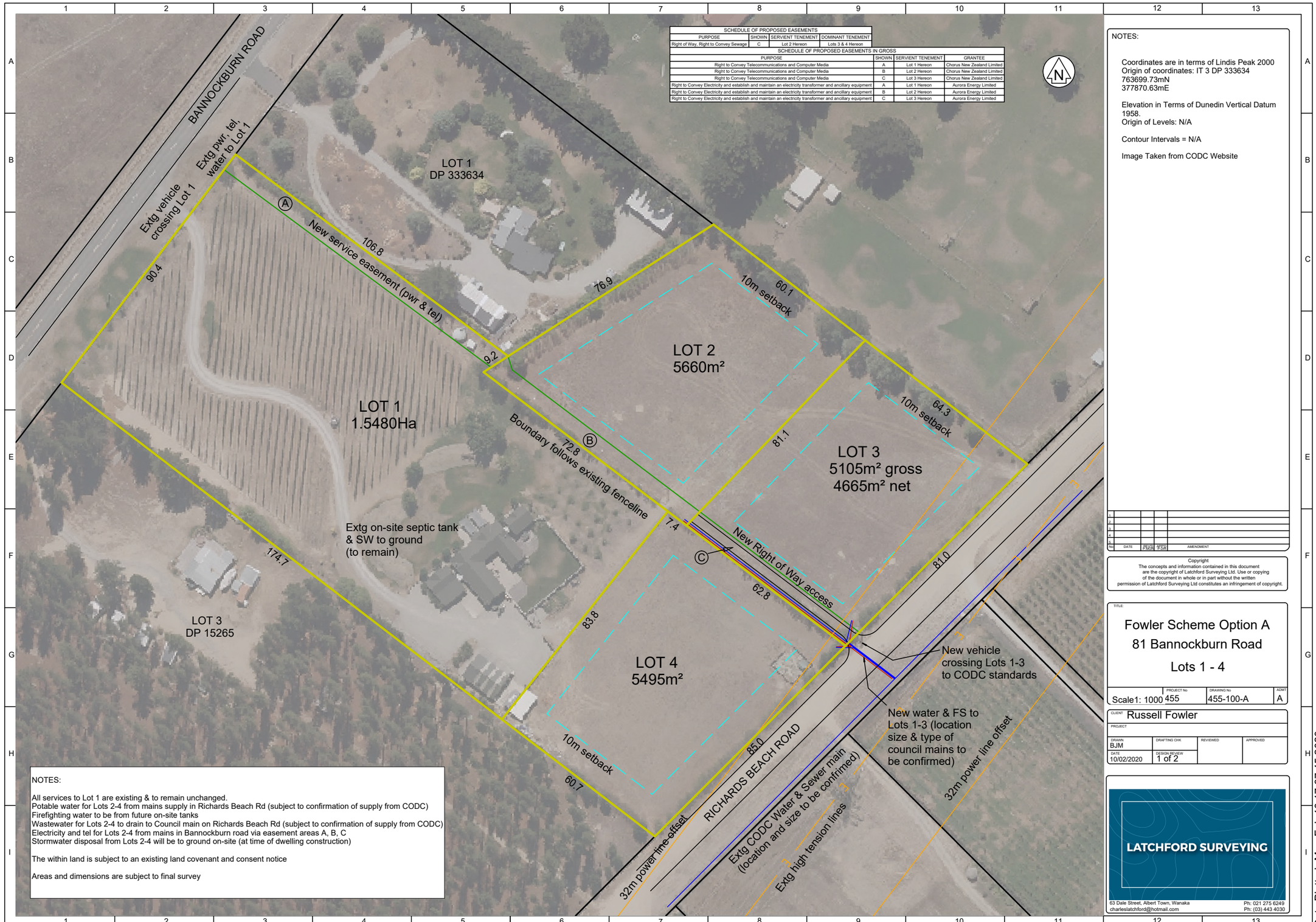
5 Limitations

This report has been written for the particular brief to Civilised Ltd from their client and no responsibility is accepted for the use of the report for any other purpose, or in any other context or by any third party without prior review and agreement.

In addition, this report contains information and recommendations based on information obtained from a variety of methods and sources including inspection, sampling or testing at specific times and locations with limited site coverage and by third parties as outlined in this report. This report does not purport to completely describe all site characteristics and properties and it must be appreciated that the actual conditions encountered throughout the site may vary, particularly where ground conditions and continuity have been inferred between test locations. If conditions at the site are subsequently found to differ significantly from those described and/or anticipated in this report, Civilised Ltd must be notified to advise and provide further interpretation.

Appendix A

Proposed Subdivision Drawing



SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way, Right to Convey Sewage	C	Lot 2 Hereon	Lots 3 & 4 Hereon

SCHEDULE OF PROPOSED EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to Convey Telecommunications and Computer Media	A	Lot 1 Hereon	Chorus New Zealand Limited
Right to Convey Telecommunications and Computer Media	B	Lot 2 Hereon	Chorus New Zealand Limited
Right to Convey Telecommunications and Computer Media	C	Lot 3 Hereon	Chorus New Zealand Limited
Right to Convey Electricity and establish and maintain an electricity transformer and ancillary equipment	A	Lot 1 Hereon	Aurora Energy Limited
Right to Convey Electricity and establish and maintain an electricity transformer and ancillary equipment	B	Lot 2 Hereon	Aurora Energy Limited
Right to Convey Electricity and establish and maintain an electricity transformer and ancillary equipment	C	Lot 3 Hereon	Aurora Energy Limited

NOTES:

Coordinates are in terms of Lindis Peak 2000
Origin of coordinates: IT 3 DP 333634
763699.73mN
377870.63mE

Elevation in Terms of Dunedin Vertical Datum 1958.
Origin of Levels: N/A

Contour Intervals = N/A

Image Taken from CODC Website

No	DATE	PLOT	APP'D	AMENDMENT
1				
2				
3				
4				
5				

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TITLE:

Fowler Scheme Option A
81 Bannockburn Road
Lots 1 - 4

Scale1: 1000	PROJECT No 455	DRAWING No 455-100-A	ADMT A

CLIENT Russell Fowler

PROJECT

DRAWN	DRAFTING CHK	REVIEWED	APPROVED
BJM			
DATE 10/02/2020	DESIGN REVIEW 1 of 2		

NOTES:

All services to Lot 1 are existing & to remain unchanged.
Potable water for Lots 2-4 from mains supply in Richards Beach Rd (subject to confirmation of supply from CODC)
Firefighting water to be from future on-site tanks
Wastewater for Lots 2-4 to drain to Council main on Richards Beach Rd (subject to confirmation of supply from CODC)
Electricity and tel for Lots 2-4 from mains in Bannockburn road via easement areas A, B, C
Stormwater disposal from Lots 2-4 will be to ground on-site (at time of dwelling construction)

The within land is subject to an existing land covenant and consent notice

Areas and dimensions are subject to final survey

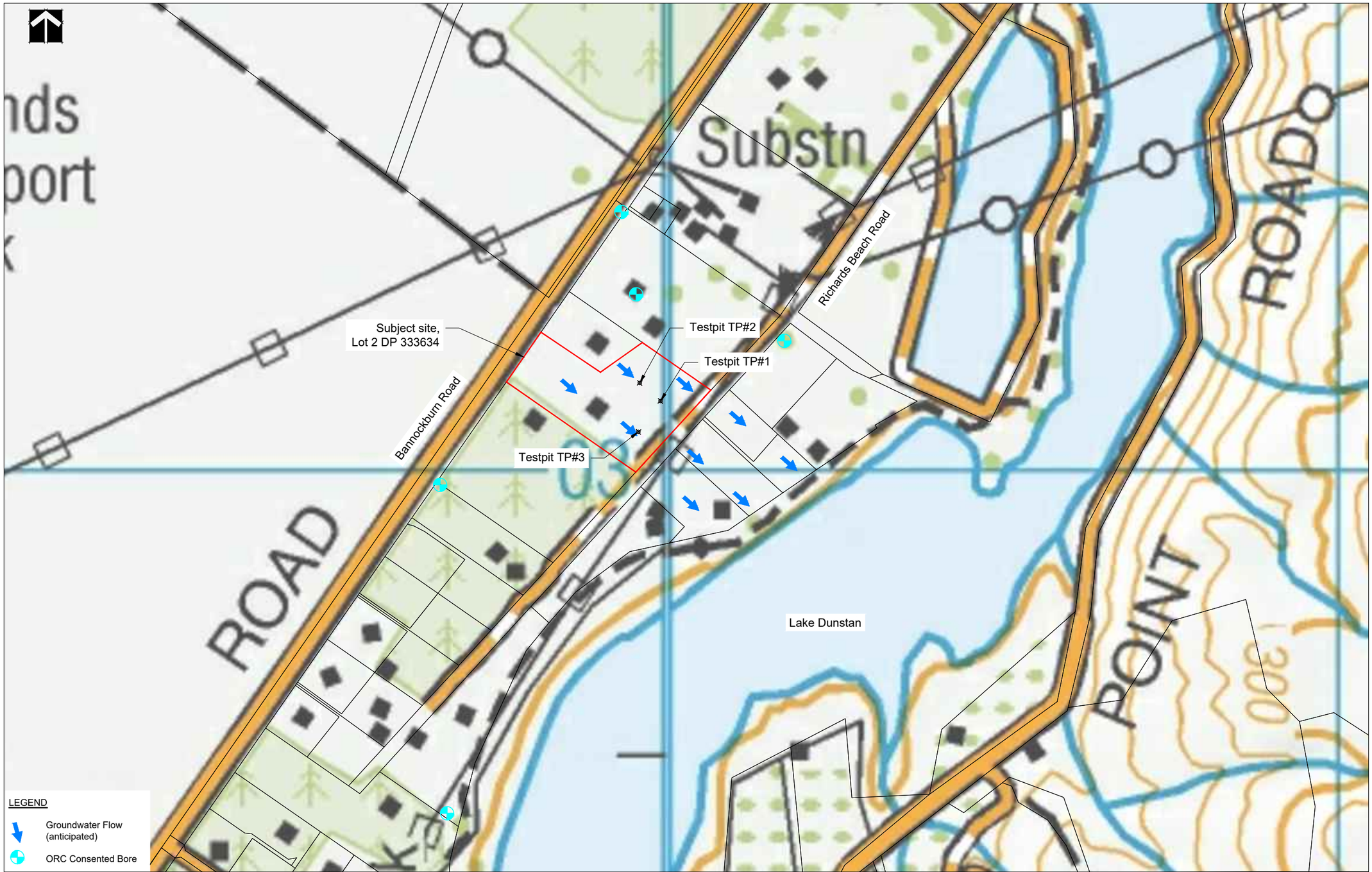
LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka
charleslatchford@hotmail.com
Ph: 021 275 6249
Ph: (03) 443 4030

Date Plotted: Mon Feb 10 17:37:45 2020

Plotted Name: 455-100-A_81 Bannockburn Road_Lots 1 - 4

Appendix B

Wastewater Feasibility Drawing



REV	DATE	DESCRIPTION	APPROVED
A	29/02/2020	Initial Issue	JFM

CONSULTANT

Civilised Ltd

CIVILISED LTD
PO BOX 1461
QUEENSTOWN 9348

T: 027 223 3036
E: john@mccartneys.nz

JFM	29/02/2020
DESIGN	DATE
JFM	29/02/2020
DRAWN	DATE
JFM	29/02/2020
CHECKED	DATE

CLIENT

RUSSELL FOWLER

PROJECT/LOCATION

PROPOSED SUBDIVISION
BANNOCKBURN ROAD, CROMWELL

TITLE

ON SITE WASTEWATER DISPOSAL
OVERALL TOPOGRAPHICAL MAP

CONTRACT NUMBER: -

SCALE (AT A3): 1:5,000

DRAWING NUMBER: QS038-F-510

REVISION: A

Appendix C

Test Pit Log

Test Pit Log

Civilised Ltd

Project:	Proposed Subdivision	Project Number:	QS038
Site Location:	Richards Beach Road, Cromwell	Client:	Russell Fowler
Tets Pit Number:	TP#1 Fine and sunny.		Sheet 1 of 3

Depth (m)	Water Level	Graphic Log	Moisture	Soil Rock Description	Geological Unit	Depth
			Dry	Organic topsoil, dark brown, grassed surface, dry, thin (25mm)	Topsoil	
			Dry	Light brown, sandy GRAVEL, some silt, rounded, AP30 generally, dry, alluvial in origin	Gravel	
0.5						0.5
1.0						1.0
			No water	1.1m, bottom of hole		
1.5						1.5
2.0						2.0
2.5						2.5
3.0						3.0
3.5						

Date Excavated:	25th February 2020	Equipment:	Yanmar 3 tonne excavator
Logged By:	JFM	Contractor:	Excavated prior to visit, excavation not observed

Test Pit Log

Civilised Ltd

Project:	Proposed Subdivision	Project Number:	QS038
Site Location:	Richards Beach Road, Cromwell	Client:	Russell Fowler
Tets Pit Number:	TP#2 Fine and sunny.		Sheet 2 of 3

Depth (m)	Water Level	Graphic Log	Moisture	Soil Rock Description	Geological Unit	Depth
			Dry	Organic topsoil, dark brown, grassed surface, dry, thin (25mm)	Topsoil	
0.5			Dry	Light brown, sandy GRAVEL, some silt, rounded, AP30 generally, dry, alluvial in origin, occasional boulder up to ALD 120mm	Gravel	0.5
1.0						1.0
			No water	1.1m, bottom of hole		
1.5						1.5
2.0						2.0
2.5						2.5
3.0						
3.5						3.0

Date Excavated:	25th February 2020	Equipment:	Yanmar 3 tonne excavator
Logged By:	JFM	Contractor:	Excavated prior to visit, excavation not observed

Test Pit Log

Civilised Ltd

Project:	Proposed Subdivision	Project Number:	QS037
Site Location:	Richards Beach Road, Cromwell	Client:	Russell Fowler
Tets Pit Number:	TP#3 Fine and sunny.		Sheet 3 of 3

Depth (m)	Water Level	Graphic Log	Moisture	Soil Rock Description	Geological Unit	Depth
			Dry	Organic topsoil, dark brown, grassed surface, dry, thin (25mm)	Topsoil	
			Dry	Light brown, gravelly SAND, some moisture with depth, rounded, AP40, minor silt on contact, alluvial in origin	Sand	
0.5			Dry	Gray sandy GRAVEL, moist, rounded, AP40, no silts, alluvial, occasional larger boulder to ALD 120mm, some moisture	Gravel	0.5
1.0						1.0
			No water	1.1m, bottom of hole		
1.5						1.5
2.0						2.0
2.5						2.5
3.0						3.0
3.5						

Date Excavated:	25th February 2020	Equipment:	Yanmar 3 tonne excavator
Logged By:	JFM	Contractor:	Excavated prior to visit, excavation not observed

APPENDIX F

vivian+espie
resource management and landscape planning

30 May 2025

Tanya Copeland
Team Leader - Planning
Central Otago District Council

By email: Tanya.Copeland@codc.govt.nz

Dear Tanya

RC250130 - Returned Incomplete

We write to you on behalf of the applicant for RC250130 – 110 Richards Beach Road, Bannockburn – 3-lot subdivision.

The applicant would like to amend their application to address the s88 RMA reason for returning incomplete:

> *"The position of Council's engineering and planning department has changed. This is the result of the ongoing discussion and resolution of appeals and understanding of how reticulation is being rolled out across the District.*
>
> *No further on-site disposal will be supported in the residential areas of the District."*

The applicant has amended the AEE as follows:

> **Wastewater**
>
> There is currently no reticulated wastewater servicing to the site and therefore the future development on proposed Lot 2 and Lot 3 will require one of the following options:
>
> 1. Consideration for an onsite wastewater design solution; or
>
> 2. Connection to a reticulated network.
>
> The applicant requests that both options be considered in processing the application and during the imposition of conditions.

We request that the Council continue to process the application towards acceptance either as the current application, or a new application, as required.

Yours sincerely

R. M. Devlin

Roz Devlin
Senior Planner & Urban Designer
Vivian and Espie Limited

Attachment: Amended AEE – tracked changes and 'clean' PDF

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**998602**
Land Registration District	**Otago**
Date Issued	19 November 2021

Prior References
137860

Estate	Fee Simple
Area	5918 square metres more or less
Legal Description	Lot 2 Deposited Plan 562691
Registered Owners	
Adele Eyers	

Interests

Appurtenant hereto is a right to convey water created by Transfer 554061.2 - 14.5.1981 at 9:59 am

6047622.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 18.6.2004 at 9:00 am

12284414.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.11.2021 at 5:01 pm

12284414.8 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.11.2021 at 5:01 pm

Subject to a right (in gross) to convey electricity over parts marked A, B, C on DP 562691 in favour of Aurora Energy Limited created by Easement Instrument 12284414.9 - 19.11.2021 at 5:01 pm

Subject to a right (in gross) to convey telecommunications over parts marked A, B on DP 562691 in favour of Chorus New Zealand Limited created by Easement Instrument 12284414.10 - 19.11.2021 at 5:01 pm

Subject to a right of way over part marked A on DP 562691, a right to convey water over parts marked A, B, C, E on DP 562691 created by Easement Instrument 12284414.11 - 19.11.2021 at 5:01 pm

Some of the easements created by Easement Instrument 12284414.11 are subject to Section 243 (a) Resource Management Act 1991 (see DP 562691)

Subject to a pedestrian right of way over parts marked A, B on DP 562691 created by Easement Instrument 12284414.12 - 19.11.2021 at 5:01 pm

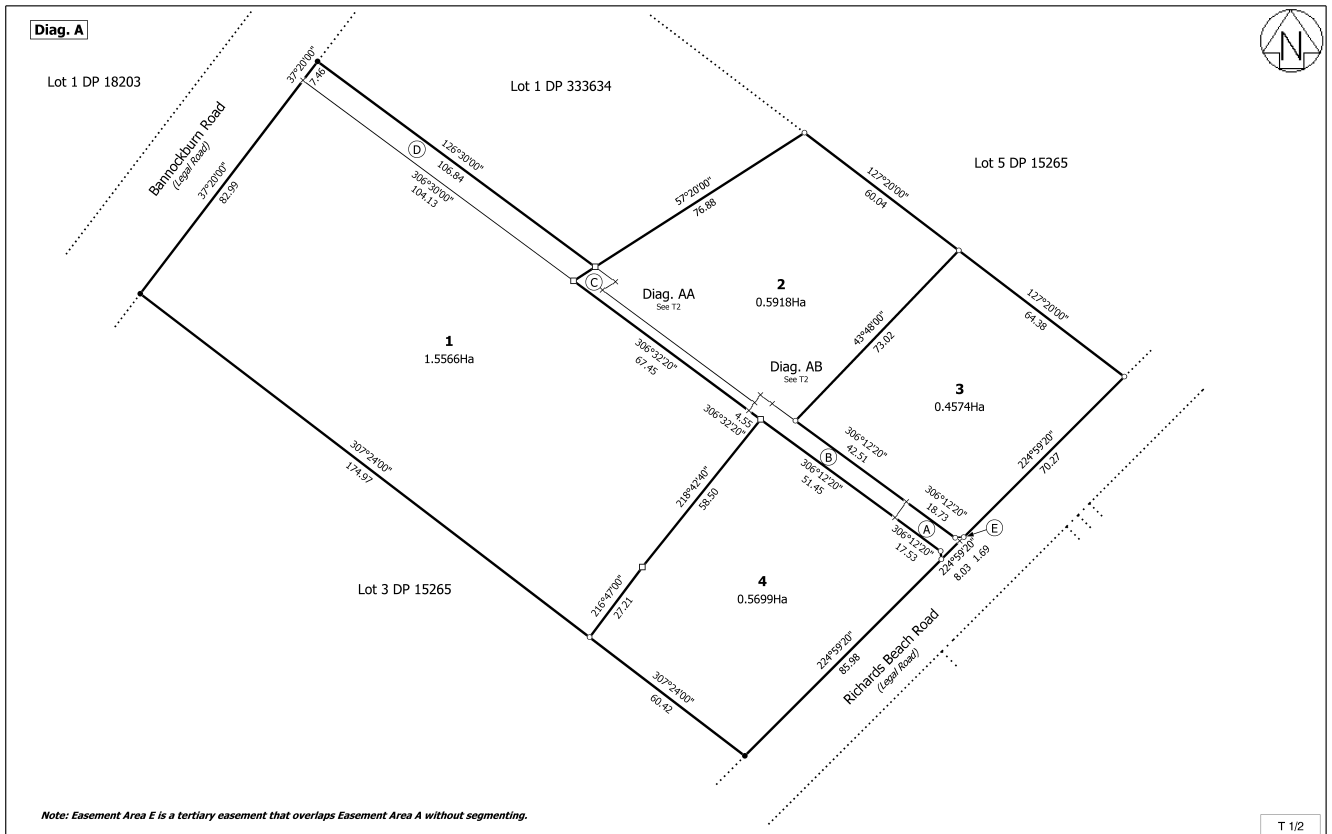
Land Covenant in Covenant Instrument 12284414.13 - 19.11.2021 at 5:01 pm

Fencing Covenant in Transfer 12342904.1 - 12.1.2022 at 4:44 pm

12791458.3 Mortgage to ANZ Bank New Zealand Limited - 24.8.2023 at 2:52 pm

Transaction ID 1551996
Client Reference 7396.2 - Adele Eyers Purchase & A Eyers
Search Copy Dated 24/08/23 2:52 pm, Page 2 of 2
Register Only

Identifier 998602



PROPOSED ROW EASEMENTS:

Shown	Burdened Land	Benefited Land
A	Lot 2	Lots 1 & 3
B	Lot 3	Lots 1 & 2
C	Lot 2	Lot 3
D	Lot 3	Lot 2

NOTES:
1. This is a scheme plan only. Boundary dimensions and lot areas are subject to a final LT survey.
2. Aerial photography has been sourced from LINZ Data Service and captured between 2023-2024.

CALDER SURVEYING

LOTS 1- 3 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 562691 110 RICHARDS BEACH ROAD, CROMWELL

Date:	27 Mar 2025
Scale:	1:500 @ A3
Drawn by:	JS
Client:	AE Projects
Job No:	3207_05-B

PROPOSED ROW EASEMENTS:

Shown	Burdened Land	Benefited Land
A	Lot 2	Lots 1 & 3
B	Lot 3	Lots 1 & 2
C	Lot 2	Lot 3
D	Lot 3	Lot 2

NOTES:
1. This is a scheme plan only. Boundary dimensions and lot areas are subject to a final LT survey.
2. Aerial photography has been sourced from LINZ Data Service and captured between 2023-2024.

PROPOSED NEW EASEMENTS (indicative):
(Water, wastewater, power, telcom)

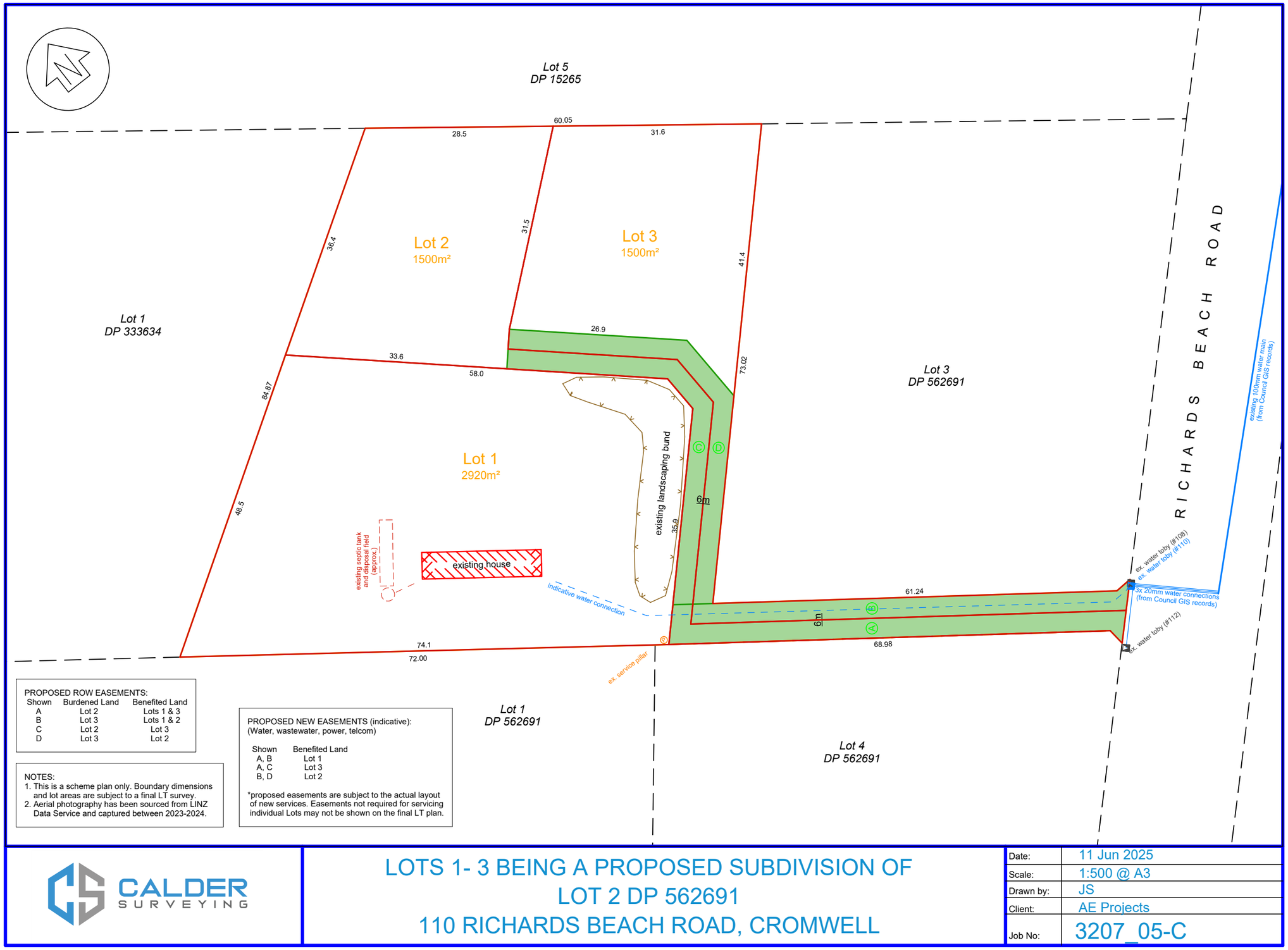
Shown	Benefited Land
A, B	Lot 1
A, C	Lot 3
B, D	Lot 2

*proposed easements are subject to the actual layout of new services. Easements not required for servicing individual Lots may not be shown on the final LT plan.

CALDER SURVEYING

LOTS 1- 3 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 562691
110 RICHARDS BEACH ROAD, CROMWELL

Date:	11 Jun 2025
Scale:	1:500 @ A3
Drawn by:	JS
Client:	AE Projects
Job No:	3207_05-C



PROPOSED ROW EASEMENTS:

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A	Lot 2	Lots 1 & 3
B	Lot 3	Lots 1 & 2
C	Lot 2	Lot 3
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A, B	Lot 1
A, C	Lot 3
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CALDER SURVEYING

LOTS 1- 3 BEING A PROPOSED SUBDIVISION OF LOT 2 DP 562691
110 RICHARDS BEACH ROAD, CROMWELL

Date:	11 Jun 2025
Scale:	1:500 @ A3
Drawn by:	JS
Client:	AE Projects
Job No:	3207_05-C

Adam Vincent

From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Tuesday, 26 August 2025 3:34 pm
To: Adam Vincent
Cc: Adele@aeprojects.co.nz
Subject: Re: RC 250145 - Processing Update

Hi Adam

All good, keep us posted. I hope a decision will be available soon.

Cheers
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Tuesday, August 26, 2025 3:19 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz <Adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

We're concerned about the precedent that might create, and the unnecessary duplication of costs on future landowners associated with building a septic tank, then having to connect into a reticulated network soon after. We would prefer to know the outcome of Council's decision on how wastewater will be provided to the area before progressing.

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

+64 21 621 649
Adam.Vincent@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Monday, 25 August 2025 11:35 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Hi Adam

Thanks for the update.

I maintain that on-site wastewater with a consent notice to connect to the network when it becomes available is an appropriate solution, and will address all relevant s95 matters. The same for the private driveway. For a non-complying activity like this one, the application only needs to pass s95 OR O&P tests, giving the Council even greater scope for an approval, without compromising the integrity of the District Plan etc.

Keep us posted.

Cheers
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Friday, 22 August 2025 10:47 AM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

I understand that Ann Rodgers has been in discussion with some of the parties along Richards Beach Road about what is happening for wastewater servicing along the road, but I don't know if you were involved in any of those discussions.

My understanding is that our three waters team are not in a position to advise on how they want Richards Beach Road serviced for wastewater until they get a decision from the elected members about how servicing will be undertaken for along Dunstan Road. This matter was supposed to go to the last Council meeting, but was deferred until the next one.

Basically, I think I am stuck until three waters make a decision on servicing because, until that decision is made, we don't have a clear answer on what provision of infrastructure is adequate for the subdivision.

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Friday, 22 August 2025 10:17 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Subject: Re: RC 250145 - Processing Update

Hi Adam

I'm away today so if you have any updates, please cc in Adele@aeprojects.co.nz.

Thanks,
Roz

From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Tuesday, August 19, 2025 1:29 PM
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Subject: Re: RC 250145 - Processing Update

Hi Adam

Just checking in, how is this process coming along?

Cheers
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Wednesday, July 30, 2025 3:03 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Subject: RC 250145 - Processing Update

Kia ora Roz,

Just in case you weren't already aware, I've been asked to take over assessing Adele's three lot subdivision application at 110 Richards Beach Road. This is just a quick update to let you know where things are sitting at the moment.

I've reviewed the information provided in support of the application, including some of the correspondence between you and Tanya regarding the provision of wastewater and access. On balance, I'm pretty comfortable that the effects will likely be minor, at most, regardless of how the servicing would look, so I'm drafting a recommendation that the application be non-notified (Final decision is still subject to manager review).

In terms of ss 104 and 108, I think a lot of my consideration of service provision will hinge on the application of Policy 16.4.3, which requires infrastructure be adequate for its intended use, and Policy 16.4.6, which requires adherence to Council's code of practice unless Council decides a modification is necessary. Just giving you a heads up that what infrastructure is "adequate" for the purpose of the subdivision might take a little bit for me to tease out, given the correspondence to date.

Feel free to contact me if you have any questions.

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Adam Vincent

From: Adam Vincent
Sent: Wednesday, 24 September 2025 4:22 pm
To: 'Roz Devlin'
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

Not sure which bits of the conversations that happened while I was on leave got back to you, but the application clock is currently running and is on Day 74 of 20. I haven't requested any information under s92 (I don't think I will need to at the moment) and none of the other reasons for stopping the clock have been invoked.

In terms of the servicing provision, my understanding is that this has been escalated to Council's three waters team and the executive management team, so I will need to wait until we get a resolution from them before I can advise any further.

Ngā mihi,

Adam Vincent
Planning Officer

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Sent: Monday, 15 September 2025 3:05 pm
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele@aeprojects.co.nz
Subject: Re: RC 250145 - Processing Update

Hi Adam

I was wondering if you could please confirm if the application is currently on hold, or if the clock is running?

Thanks,
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Tuesday, August 26, 2025 3:19 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz <Adele@aeprojects.co.nz>
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Created 17/07/2025

RC 250145

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

LOCAL GOVERNMENT ACT 2002 AND RESOURCE MANAGEMENT ACT 1991 DEVELOPMENT/FINANCIAL CONTRIBUTION DEMAND

Application Reference: RC250145

Name: Adele Eyers

Site: 110 Richards Beach Road, Bannockburn

Description of proposal: Subdivision of one urban residential title into two lots.

This demand has been issued in accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2021, and updated $/HUE rates as published in CODC's Schedule of Fees and Charges 2024-2025.

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	*$4,065.22*	

Calculation Notes:

- *Credit of 1.0HUE from underlying subdivision.*

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OFFICIAL REGIONAL IDENTITY PARTNER
www.centralotagonz.com

Contribution = (3.0HUE proposed – 1.0HUE credit) x $4,065.22
= $8,130.44

Payment due = $8,130.44 + GST

2. Wastewater

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
Cromwell	*$3,306.09*	

Calculation Notes:
- *Nil credit available.*
- *NOTE: in the case that no connections to Council wastewater reticulation is provided prior to 224c, nil wastewater contributions ($0.00) will be required instead of $9,918.27+GST.*

Contribution = (3.0HUE proposed) x $3,306.09
= $9,918.27

Payment due = $9,918.27 + GST

3. Reserves

Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
District Wide Urban		*$2,525.22*

Calculation Notes:
- *Credit of 1.0HUE from underlying subdivision.*

Contribution = (3.0HUE proposed – 1.0HUE credit) x $2,525.22
= $5,050.44

Payment due = $5,050.44 + GST

4. Roading

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
District Wide	*$1,800.00*	

Calculation Notes:
- *Credit of 1.0HUE from underlying subdivision.*

Contribution = (3.0HUE proposed – 1.0HUE credit) x $1,800.00
= $3,600.00

Payment due = $3,600.00 + GST

Summary of Payments Due

Activity	Payment
Water Supply	$8,130.44 +GST
Wastewater	$9,918.27 +GST
Reserves	$5,050.44 +GST
Roading	$3,600.00 +GST
Total	**$26,699.15 +GST**

Payment

Development contributions must be paid by the due dates in the table below.

	Payment due date
Building consent	20th 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:

110 Richards Beach Road
RD 2
Cromwell 9384

adele@aeprojects.co.nz

If you have any queries or would like to discuss any aspect of this notice please contact:

Dominic Haanen
Environmental Engineer
Email: dominic.haanen@codc.govt.nz

Conditions:

1. The subdivision must be undertaken in general accordance with the plans and details submitted with the application for resource consent and the plan of subdivision attached as Appendix One, as amended by the following conditions.

2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:

   a) Administration, monitoring and inspection relating to this consent; and

   b) Charges authorised by regulations.

3. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.

4. Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:

   CODC Home > Services > Planning > Land Development and Subdivision Engineering

   This EA application must include:

   - Confirming who their representative is for the design and execution of the engineering work.
   - Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

   Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to applying for 224(c) certification.

5. Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

   - Schedule 1A,
   - Schedule 1B,
   - Schedule 1C, and
   - Standalone Schedule 1B for 3 waters work.

6. Prior to Section 224(c) certification, as-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dwg/*.dxf or *.12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

7. Any easements required to protect access or for access to services must be duly granted or reserved. These easements must be shown on the plan provided for Section 223 certification.

8. Prior to Section 224(c) certification, the existing 20mm water connection must be capped at the main. A manifold must be installed on a new HDPE (PE100) DN63 main from the existing 100mm water principal main in Richards Beach Road, and new individual standard HDPE (PE100) DN25 residential water connections must be installed from the manifold to serve each of the proposed Lots 1, 2, and 3. This shall be to the satisfaction of Council's 3 Waters Team. Each connection shall be extended along the right of way to the buildable area of the Lot it serves. If water toby boxes must be within vehicle accesses or entranceways/crossings because other solutions are not feasible, they must be cast iron to support sustained traffic. If Council's 3 Waters Team approves at time of Engineering Acceptance, the existing connection may be retained rather than disestablished.

9. Prior to Section 224(c) certification, wastewater shall be provided by either:

~~9.~~ a. Reticulation shall be extended from the Cromwell wastewater 600mm Reinforced Concrete (RC) trunk main on Richards Beach Road to the subdivision site at the developers cost.

~~10.~~ Connection to the Cromwell network may be made by a low-pressure sewer main designed in accordance with the Water New Zealand Pressure Sewer Guidelines, WSA-07 Pressure sewer Code, and the NZ Three-waters National Engineering Design Standards (NEDS) (when these are issued as regulation) to the satisfaction of the Group Manager - Three Waters.

Note: A low-pressure sewer will be accepted where the following criteria exist:

- *Rural residential or large lot residential zoning is in lace resulting in low density connections and low wastewater flows*
- *Flat Terrain*
- *Gravity pipe system at recommended minimum gradients will result in depths >5m.*
- *Alternative alignment is not possible due to different property ownership*

Or, if the Cromwell wastewater reticulation or a private network is not available within 1 year following the issue of this resource consent:

b. On-site wastewater treatment and disposal may be installed on Lot 2 and Lot 3.

~~11.~~10. Prior to Section 224(c) certification, a wastewater connection must be provided for each lot from the Cromwell wastewater reticulation. A connection and standard boundary kit shall be provided for each lot at the property road boundary.

~~12. Prior to 224c certification, the right-of-way to serve proposed Lots 1, 2, 3, and neighbouring existing Lots 3 and 4 DP 562691, must be constructed to the Right-of-way (2 – 4 Lots) standards in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and specific requirements:~~

~~a) Existing road reserve / legal width of 6.0 metres is acceptable~~

~~b) Minimum sealed carriageway width of 5.0 metres where it serves proposed Lots 1, 2, 3, and neighbouring existing Lots 3 and 4 DP 562691, and reducing to minimum sealed carriageway width 4.0 metres where it serves proposed Lots 1, 2, 3.~~

~~c) Subgrade CBR >7, and metal depths to NZS4404:2004 and Addendum standards.~~

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Commented [RD1]: We consider this condition does not meet s108AA as there is an alternative that also addresses adverse effects on the environment and infrastructure requirements for the new lots. We have added the alternative i.e. on-site wastewater. Requiring this applicant to provide Council infrastructure by a condition of consent appears to be unreasonable.

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Commented [RD2]: Private network

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Commented [RD3]: These conditions do not appear to meet s108AA, as the conditions are considered to be unreasonable.

Richards Beach Road is not sealed, therefore the ROW does not need to be sealed.

d) Stormwater must be disposed of by soakpit within the right-of-way.

e) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.

f) For flexible pavements a concrete nib kerb must be provided along the high side of the carriageway.

g) Standard kerb and channel must be provided along the lower side of the carriageway.

h) Sealed vehicle entrances must be provided within the right-of-way to the boundary of serve proposed Lots 1, 2, 3, and neighbouring existing Lots 3 and 4 DP 562691 in accordance with Part 29 of Council's Roading Policies 2015.

i) Heavy duty vehicle crossing to be installed to the right-of-way in accordance with Part 29 of Council's Roading Policies 2015. For crossings onto sealed roads an upgraded crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings. Chip seal crossings must be two coat.

13. Prior to Section 224(c) certification, the section of Richards Beach Road extending from the edge of the existing full-seal near the entranceway to the wastewater treatment plant to the entranceway to the proposed right-of-way serving the subdivision must be upgraded in accordance with the Local Sealed (150-300 ADT) category requirements of Table 3.2 (a) of Council's July 2008 Addendum to NZS4404:2004, with the following specific requirements:

a) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.

b) Minimum 6.0 metre top / carriageway sealed width.

c) Existing road reserve acceptable.

d) Metalled shoulders of 0.25m width

e) 4% normal camber and designed super-elevation.

f) Shallow trafficable side-drains / water channels over level sections.

g) Entranceways/crossings to adjoining Lots to be upgraded in accordance with Part 29 of Council's Roading Policies January 2015.

h) Maximum gradient of 10%.

i) Subgrade requirements and metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

j) Single footpath of 1.5m width, to connect to the cycle trail, and to be to the satisfaction of Council's Infrastructure Manager.

Note: Rule 15.6.2.3 of the District Plan provides an avenue for Council to claw back a pro-rated part of the cost of upgrading a road from any party whose subdivision benefits from a previous upgrade to the road (Within a 10 year window from the time the road is upgraded).

Commented [RD4]: These conditions do not appear to meet s108AA, as the conditions are considered to be unreasonable.

The requirement to seal Richards Beach Road and provide a footpath does not appear to be directly linked to an adverse effect of the activity on the environment, and we do not consider that the adverse effects of the application necessitate such a large infrastructure upgrade.

~~14.~~11. Prior to Section 224(c) certification, operational power and telecommunication connections must be provided underground to proposed Lots 1, 2, and 3, and for rear lots, ducts extended to the buildable area of rear Lots 2 and 3 vie the right-of-way such that these services may be supplied at time of dwelling construction.

~~15.~~12. Prior to Section 224(c) certification, firefighting water storage for the existing dwelling on Lot 1 must be demonstrated to be compliant with the following:

a) Minimum domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be always maintained as a static firefighting reserve. Alternatively, an 11,000-litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. To ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:

   i) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.

   ii) All connections must be capable of providing a flow rate of 25 litres per second at the connection point.

b) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be always maintained to the hardstand area.

c) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

d) Any water tank must be coloured dark green/grey/brown or similar, and located to ensure it is not visible against the skyline when viewed from any public place.

Note: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

e) Firefighting water supply may be provided by alternative means to the above with written approval of FENZ

~~16.~~13. The following must be registered as a consent notice on Lots 1 to 3 under Section 221 of the Resource Management Act 1991:

a) At the time of dwelling construction, minimum domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be always maintained as a static firefighting reserve. Alternatively, an 11,000-litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the

building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. To ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:

i) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.

ii) All connections must be capable of providing a flow rate of 25 litres per second at the connection point.

b) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be always maintained to the hardstand area.

c) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

d) Any new water tank must be coloured dark green/grey/brown or similar, and located to ensure it is not visible against the skyline when viewed from any public place.

Note: *For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.*

e) Firefighting water supply may be provided by alternative means to the above with written approval of FENZ

f) Stormwater from buildings and other impervious surfaces within each of proposed Lots 1, 2, and 3 must be stored for beneficial reuse or disposed of by soak-pit designed by a suitably qualified and experienced person within the boundary of each lot.

~~f)~~g) In the event that the Council or a private developer makes a reticulated wastewater network available to the lot boundary on Richards Beach Road, the lot owner shall connect to the reticulated wastewater network and shall decommission any on-site wastewater systems as appropriate.

Commented [RD5]: This is added to require lot owners to connect to Council infrastructure when it is available, as it currently is not available, with possibility of a private network as well.

~~17.~~14. If a full or partially pressurised sewer is required under Condition 11, the following must be registered as a consent notice on Lots 1 to 3 under Section 221 of the Resource Management Act 1991:

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a) At the time of domestic development on the lots, a suitable on-site pump system shall be installed of a type approved by the Group Manager - Three Waters.

b) The wastewater service lateral shall be extended to the building platform of each lot.

c) An operation and maintenance manual to be provided for the privately owned domestic pump system by each owner, at the stage of building consent and for the system to be maintained by the owner to a standard acceptable to Council.

~~18.~~15. Prior to the issue of Section 224(c) certification, the consent holder must pay a reserves contribution of $5,050.44 + GST calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c) certification. The Council may withhold a certificate under Section 224(c) certification 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:

~~*1. The following development contributions are payable pursuant to the Council's Policy on Development and Financial Contributions:*~~

~~*Water: $8,130.44 + GST*~~

~~*Wastewater: $9,918.27 + GST*~~

~~*Roading: $3,600.00 + GST*~~

~~*Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The Council 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.*~~

Commented [RD6]: Please confirm these are DC rates from when the application was submitted and accepted i.e. prior to the 1 July 2025 increases, and whether these are for the whole subdivision or for each allotment / HUE.

~~*2.*~~*1. An approved 'Application to Connect' submission is required prior to connecting to Council's potable water and wastewater networks*

~~*3.*~~*2. A developer agreement may be reached with the CODC to provide for infrastructure upsizing to ensure new infrastructure services provide for future upstream catchments where appropriate. Where upsizing of infrastructure is requested, CODC will pay the difference in the cost of constructing that infrastructure.*

~~*4.*~~*3. Council understands that a number of other landowners along Richards Beach Road are also in the process of subdividing. Council highly recommends that the subdividing landowners co-operate in relation to the design and construction of the required extension to the Cromwell reticulated wastewater network to service their subdivisions in order to share the costs of this infrastructure.*

~~*5.*~~*4. 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.*

~~*6.*~~*5. 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.*

~~7.~~6. *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.*

~~8.~~7. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.*

~~9.~~8. *This is a resource consent. Please contact the Council's Building Services Department, about any building consent requirements for the work.*

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Engineering Advice

Resource Consent Number: RC250145
Planner/Overseer: Tanya Copeland
Short Description/Proposal: Subdivision consent for a three lot subdivision in the large lot residential zone.

General

Commentary:
We are seeking legal guidance around when conditions do or do not violate s108AA. However, in the meantime our position is that we can still require outdated or malfunctioning services to be updated as part of the Resource Consent and subdivision certification processes.

Conditions:
1) Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.

2) Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:
CODC Home > Services > Planning > Land Development and Subdivision Engineering
This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.

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- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

3) Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

- Schedule 1A,
- Schedule 1B,
- Standalone Schedule 1B for 3 waters work, and
- Schedule 1C

4) As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

5) Any easements required to protect access or for access to services must be duly granted or reserved.

Potable Water Supply

Commentary:
Reticulated water supply is available.

I recommend that all three connections to serve the subdivision be from a manifold. This will require disestablishing the existing connections. Council's 3 Waters Team might permit the existing connection kept as is, so I have made provision for this in the condition.

Conditions:
6) Prior to 224c certification, the existing 20mm water connection must be capped at the main. A manifold must be installed on a new HDPE (PE100) DN63 (~53mm ID) main from the existing 100mm water principal main in Richards Beach Road, and new individual standard HDPE (PE100) DN25 (~21mm ID) residential water connections must be installed from the manifold to serve each of the proposed Lots 1, 2, and 3. This shall be to the satisfaction of Council's 3 Waters Team. Each connection shall be extended along the right-of-way to the buildable area of the Lot it serves. If water toby boxes must be within vehicle accesses or entranceways/crossings because other solutions are not feasible, they must be cast iron to support sustained traffic. If Council's 3 Waters Team approves at time of Engineering Acceptance, the existing connection may be retained rather than disestablished.

Advice note: An approved 'Application to Connect' submission is required prior to connecting to Council's potable water network.

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Firefighting Water Supply

Commentary:
No hydrants have been installed on Council's reticulated network in the area therefore rural firefighting is required. Consent notice condition below. It might be appropriate to remove Lot 1 from the consent notice condition as there is already a dwelling built, but I consider that further development of that Lot is probable thus the consent notice will have value.

Conditions:
7) The following firefighting requirements must be attached to the titles of proposed Lots 1, 2, and 3 by consent notice. At the time of dwelling construction, minimum domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be always maintained as a static firefighting reserve. Alternatively, an 11,000-litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. To ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:

a) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.

b) All connections must be capable of providing a flow rate of 25 litres per second at the connection point.

c) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be always maintained to the hardstand area.

d) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

e) Any new water tank must be coloured dark green/grey/brown or similar, and located to ensure it is not visible against the skyline when viewed from any public place.

Advice Note 1: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

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Advice Note 2: Firefighting water supply may be provided by alternative means to the above with written approval of FENZ.

Wastewater

Commentary:
Planning and Council's 3 Waters Manager (I understand) requires the Lots be served with reticulated wastewater, but that is not currently available and is unlikely to become available in the near future, i.e. there are currently no programmed projects for Council to install reticulation to that area.

I have consulted with Council's 3 Waters Team. They have informed me that a report is intended to be presented to Council in August 2025 to detail (or to guide the detailing of) what wastewater servicing is to look like in Richards Beach Road. This consent should be put on hold until this is carried out so that appropriate wastewater servicing conditions can be imposed.

There are multiple subdivisions in Richards Beach Road so they should be able to share installation costs. I am imposing the same condition as for RC250102, and I will impose the same condition on RC250182.

Council might cost-share the network expansion if there is budget for that, but I would expect not.
Modelling may be required, but whether this is needed will be subject to the outcome of the August Report to Council mentioned above.

I have done a preliminary assessment of levels using information provided as part of the application for RC250102 and some assumptions, and my preliminary conclusion is that gravity wastewater reticulation to the Richards Beach Road area is mostly feasible but with some substantial earthworks required. Whether gravity reticulation, or perhaps a low-pressure scheme, will be installed will be subject to the outcome of the report to Council.

The conditions I have recommended below are preliminary, subject to the outcome of the report to Council. I have presumed that Council is not going to be installing the network so I have not included a clause for if that eventuates.

Conditions:
8) Prior to 224c certification, a new wastewater main must be installed along Richards Beach Road to serve the subdivision, and constructed to the standard necessary to facilitate the future extensions required to serve the wider area. This must be completed to the satisfaction of Council's Three Waters Manager, and the final design must be as directed by Council's Three Waters Manager at time of Engineering Acceptance. Wastewater network modelling must be completed, if and as directed by Council's Three Waters Manager, prior to Engineering Acceptance.

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9) Prior to 224c certification, new individual standard 100mm ID residential wastewater connections must be installed from the new wastewater main which is to be constructed in Richards Beach Road, to each of proposed Lot 1, 2, and 3, with cleaning eyes installed on the street side of the street-property boundary for each connection. The connections for proposed Lots 1, 2, and 3 must be extended to the buildable/nett area of proposed Lots 1, 2, and 3 along the right-of-way

Advice note: Prior to connecting to Council's wastewater network, an approved 'Application to Connect' submission is required, in addition to approved plans for wastewater servicing via the 'Engineering Acceptance process.

Stormwater

Conditions:
10) Prior to 224c certification, stormwater from buildings and other impervious surfaces within each of proposed Lots 1, 2, and 3 must be stored for beneficial reuse or disposed of by soak-pit designed by a suitably qualified and experienced person within the boundary of each lot. This requirement must be secured by means of a consent notice attached to the new titles.

Access

Commentary:
The access right-of-way should be upgraded to right-of-way standard. I agree that full Cul-de-sac standard is unnecessary within the first 18 metres of the ROW (6 metre carriageway width, this is our starting position for this situation), but I consider that a greater standard than just 2-4 Lot ROW (4 metre carriageway width) is required. I shall nominate 5 metre width as an acceptable middle-ground, because the ROW is physically constrained by only being 6 metres legal width. A carriageway width of 6 metres would require the legal width be expanded.

Richard's Beach Road is constructed to Local Sealed (table 3.2(a)) standard, from the intersection with Bannockburn Road to the entranceway to the wastewater treatment plant, and after that, to Local Access A standard as far the end of the wastewater treatment plant Lot, and is then ecosealed to Local Access B Standard as far as the subdivision. After this it is to an now outdated/inadequate standard.
Richards Beach Road at present appears to serve 14 Lots from the intersection with Bannockburn Road. With the proposed subdivision, this would increase to 16 Lots.
A nearby yet-to-be-approved subdivision RC250102 proposes to add 4 Lots.
A nearby yet-to-be-approved subdivision RC250182 proposes to add 5 Lots.
A nearby approved subdivision RC250065 adds 1 Lot.
Taking these into account, the shared total would be 26 Lots.
Part of Richards Beach Road has been ecosealed. This is functionally a dust-suppressant and is not considered a durable surface.

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Under the new Plan Change 19 changes, we have treated Large Lot Residential land as urban for the purpose of what road standards to apply. The current Richards Beach Road is built to Rural standard. Ideally we would get the developer to upgrade a lot of the road to Local Cul-de-sac (serves 5-20 Lots), or even Local Residential (serves 21-150 Lots) standard. This would involve full kerb&channel, and a seal widening to at most 8.5 metres, and at least a large extension to the 6.0 metre width section.
Given the other subdivisions in the area, the order in which the subdivisions occur will matter quite significantly, and may result in some developers sharing too much of the cost burden. We have taken the approach in some places in the district, based on existing access services, to use a mixture of urban and rural standards. If we take this approach, the road will be required to be about the standard it currently is near the intersection with Bannockburn Road, which is Local Sealed standard.
We, Engineering, recommend that the road is upgraded to the same standard as the section from the intersection with Bannockburn Road to the wastewater treatment plant, i.e. Local Sealed standard (NZS4404:2004 table 3.2(a)). This is a length of about 650 metres.

Conditions:
11) Prior to 224c certification, the right-of-way to serve proposed Lots 1, 2, 3, and neighbouring existing Lots 3 and 4 DP 562691, must be constructed to the Right-of-way (2 – 4 Lots) standards in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and specific requirements:

- Existing road reserve / legal width of 6.0 metres is acceptable
- Minimum sealed carriageway width of 5.0 metres where it serves proposed Lots 1, 2, 3, and neighbouring existing Lots 3 and 4 DP 562691, and reducing to minimum sealed carriageway width 4.0 metres where it serves proposed Lots 1, 2, 3.
- Subgrade CBR >7, and metal depths to NZS4404:2004 and Addendum standards.
- Stormwater must be disposed of by soakpit within the right-of-way.
- A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
- For flexible pavements a concrete nib kerb must be provided along the high side of the carriageway.
- Standard kerb and channel must be provided along the lower side of the carriageway.
- Sealed vehicle entrances must be provided within the right-of-way to the boundary of serve proposed Lots 1, 2, 3, and neighbouring existing Lots 3 and 4 DP 562691 in accordance with Part 29 of Council's Roading Policies 2015.
- Heavy duty vehicle crossing to be installed to the right-of-way in accordance with Part 29 of Council's Roading Policies 2015. For crossings onto sealed roads an upgraded crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings. Chip seal crossings must be two coat.

12) Prior to 224c certification, the section of Richards Beach Road extending from the edge of the existing full-seal near the entranceway to the wastewater treatment plant to the entranceway to the proposed right-of-way serving the subdivision must be upgraded in

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accordance with the Local Sealed (150-300 ADT) category requirements of Table 3.2 (a) of Council's July 2008 Addendum to NZS4404:2004, with the following specific requirements:

- Design in accordance with Austroads Guide for Geometric Design of Rural Roads.
- Minimum 6.0 metre top / carriageway sealed width.
- Existing road reserve acceptable.
- Metalled shoulders of 0.25m width
- 4% normal camber and designed super-elevation.
- Shallow trafficable side-drains / water channels over level sections.
- Entranceways/crossings to adjoining Lots to be upgraded in accordance with Part 29 of Council's Roading Policies January 2015.
- Maximum gradient of 10%.
- Subgrade requirements and metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
- Single footpath of 1.5m width, to connect to the cycle trail, and to be to the satisfaction of Council's Infrastructure Manager.

Power & Telecommunications

Conditions:
13) Prior to 224c certification, operational power and telecommunication connections must be provided underground to proposed Lots 1, 2, and 3, and for rear lots, ducts extended to the buildable area of rear Lots 2 and 3 vie the right-of-way such that these services may be supplied at time of dwelling construction.

Yours sincerely
Dominic Haanen,
Environmental Engineer

Engineering Advice

Resource Consent Number: Richards Beach Road – Generic subdivision
Planner/Overseer:
Short Description/Proposal:

General

Conditions:
Significant additions to the public infrastructure are proposed as part of this development, therefore, full engineering design plans and specifications are to be submitted and approved by Central Otago District Council staff prior to commencement of any physical works. Connections to the CODC network must be supervised by Council's appointed contractors. The applicant shall ensure protection of the public infrastructure through creation of easements over any assets vested in Council which cross private property.

Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice and the National Engineering Design Standards (when issued as regulation).
Note:
Currently the two documents, NZS 4404:2004 and the July 2008 CODC Addendum form the NZS 4404 based CODC land development and subdivision code of practice.
Should a pressure sewer system be required to be installed this will be required to be designed and constructed in accordance with Water NZ - Pressure Sewer National Guidelines and WSA-07, or other standard as agreed with the Three Waters Manager.

Prior to commencement of any physical works the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:
CODC Home > Services > Planning > Land Development and Subdivision Engineering
This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.
- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

- Schedule 1A,
- Schedule 1B,
- Standalone Schedule 1B for 3 waters work, and
- Schedule 1C

As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

Any easements required to protect access or for access to services must be duly granted or reserved~~., ~~and detailed on the Preliminary Plan of Subdivision at the time of application for EA.

Potable Water Supply

Commentary:

Conditions:
Potable water connection must be made to the existing reticulated town supply by extension of the HDPE (PE100) DN125 ~~(≈106mm ID)~~ principal watermain on Richards Beach Road. All costs must be met by the developer.

Individual standard HDPE (PE100) DN25 ~~(≈21mm ID)~~ residential water connections must be provided for each lot, with an Acuflo toby and meter assembly ~~must be~~ installed on the street side of each street-property boundary.

Where multiple connections are to be made, for rights-of-way or to avoid multiple lines under the road, a rider main and/or manifold/s may be installed on a HDPE (PE100) DN63 ~~(≈53mm ID)~~ from the new principal watermain extension.

Where water toby boxes are located within vehicle accessway/crossings because other solutions are not feasible, they must be cast iron to support sustained traffic.

Advice notes:
As per the EA condition, detailed water reticulation design must be assessed and granted Engineering Acceptance (EA) before physical works commence.

A developer agreement may be reached with the CODC to provide for infrastructure upsizing to ensure new infrastructure services provide for future upstream catchment where appropriate.

Wastewater

Commentary:

Conditions:
Wastewater connection must be made to the town wastewater network by extending a line from the existing 600mm RC Trunk Main town wastewater pipeline on Richards Beach Road to the subdivision. All costs must be met by the developer.

For gravity connections, new individual standard 100mm residential wastewater connections must be installed from the new wastewater main extension with cleaning eyes installed on the street side of each street-property boundary for each lot with road frontage. The connections for rear lots must have cleaning eyes installed at the right-of-way boundary and must be extended to the buildable/nett area of the lots along the rights-of-way.

If, to the satisfaction of the Group Manager – Three Waters Department (or their successor), engineering analysis confirms that a full gravity sewer system is not feasible, the Three Waters Department may grant approval for a full or partial pressure sewer design. This design must comply with the standards specified by the department at the time of application, and the extent of the pressure system permitted will be at the department's discretion.
Detailed wastewater reticulation design must still be assessed and granted Engineering Acceptance (EA) before physical works commence.

Individual lots will be required to install all on site infrastructure required to connect to the new Pressure Sewer network including, pipework, tank, pump, control cabinet and all associated and ancillary works of a type approved by the Three Waters Manager.

Advice notes:
As per the EA condition, detailed water reticulation design must be assessed and granted Engineering Acceptance (EA) before physical works commence.

A developer agreement may be reached with the CODC to provide for infrastructure upsizing to ensure new infrastructure services provide for future upstream catchment where appropriate.

CENTRAL OTAGO
DISTRICT COUNCIL

Engineering Advice

Resource Consent Number: Richards Beach Road – Generic subdivision
Planner/Overseer:
Short Description/Proposal:

General

Commentary:
Full engineering design plans and specifications are to be submitted and approved by Central Otago District Council staff prior to commencement of any physical works. An application to connect must be made for any physical connection to existing Council infrastructure.

Infrastructure to be vested in Council shall not be located on private land unless no feasible alternative exists and approval is provided by Council. The applicant shall ensure protection of the public infrastructure through creation of easements over any assets vested in Council which cross private property.

Conditions:
Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice and the NZ National Engineering Design Standards (NEDS) for three-wates (when these are issued as regulation).

Note:
Currently the two documents, NZS 4404:2004 and the July 2008 CODC Addendum form the NZS 4404 based CODC land development and subdivision code of practice.

Pressure sewer systems are required to be designed and constructed in accordance with Water NZ - Pressure Sewer National Guidelines and WSA-07, or other standard as agreed with the Group Manager - Three Waters.

Prior to commencement of any physical works the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:
CODC Home > Services > Planning > Land Development and Subdivision Engineering
This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.
- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

- Schedule 1A,
- Schedule 1B,
- Standalone Schedule 1B for 3 waters work, and
- Schedule 1C

As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

Any easements required to protect access or for access to services must be duly granted or reserved and detailed on the Preliminary Plan of Subdivision at time of application for EA.

Potable Water Supply

Commentary:

Conditions:

1. Potable water connections must be made to the Cromwell reticulated town supply. The HDPE (PE100) DN125 principal watermain on Richards Beach Road shall be extended to the subdivision site. All costs are to be met by the developer.

2. An individual standard HDPE (PE100) DN25 residential water connection must be provided for each lot, with an Acuflo manifold and meter assembly. The meter shall be located at the road boundary of each property.

3. Where multiple connections are to be made, for rights-of-way or to avoid multiple lines under the road, a rider main and/or manifold/s may be installed on a HDPE (PE100) DN63 from the new principal watermain extension.

4. The service lateral shall be extended to the building platform of each lot.

Advice notes:

- *As per the Engineering Acceptance (EA) condition, detailed wastewater reticulation design must be assessed and granted EA before physical works commence.*
- *A developer agreement may be reached with the CODC to provide for infrastructure upsizing to ensure new infrastructure services provide for future upstream catchment where appropriate.*
- *Any connection to an existing Council main requires a separate application to connect.*

Wastewater

Commentary:

Conditions:

1. Wastewater reticulation shall be extended from the Cromwell wastewater 600mm Reinforced Concrete (RC) trunk main on Richards Beach Road to the subdivision site at the developers cost.

2. Connection to the Cromwell network may be made by a low-pressure sewer main designed in accordance with the Water New Zealand Pressure Sewer Guidelines, WSA-07 Pressure sewer Code, and the NZ Three-waters National Engineering Design Standards (NEDS) (when these are issued as regulation) to the satisfaction of the Group Manager - Three Waters.

   NOTE: A low-pressure sewer will be accepted where the following criteria exist:
   - Rural residential or large lot residential zoning is in place resulting in low density connections and low wastewater flows.
   - Flat Terrain.
   - Gravity pipe system at recommended minimum gradients will result in depths >5m.

3. A wastewater connection must be provided for each lot from the Cromwell wastewater reticulation. A connection and standard boundary kit shall be provided for each lot at the property road boundary.

4. At the time of domestic development on the lots, a suitable on-site pump system shall be installed of a type approved by the Group Manager - Three Waters.

5. The wastewater service lateral shall be extended to the building platform of each lot.

Advice notes:

- *As per the Engineering Acceptance (EA) condition, detailed wastewater reticulation design must be assessed and granted EA before physical works commence.*
- *A developer agreement may be reached with the CODC to provide for infrastructure upsizing to ensure new infrastructure services provide for future upstream catchment where appropriate.*
- *Any connection to an existing Council main requires a separate application to connect.*

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resource management and landscape planning

18 June 2025

Tanya Copeland
Team Leader - Planning
Central Otago District Council

By email: Tanya.Copeland@codc.govt.nz

Dear Tanya,

RC250130 – VOLUNTEERED CONDITIONS AND CONSENT NOTICE

We write to you on behalf of the applicant for RC250130 – 110 Richards Beach Road, Cromwell – 3-lot subdivision.

The applicant amends their application as follows:

Wastewater

There is currently no reticulated wastewater servicing to the site.

We are of the professional view that onsite wastewater treatment and disposal on proposed allotments that have sufficient space available can address all potential adverse effects on the environment and potential adverse effects on persons, and this would therefore pass the relevant s95 RMA tests, such that resource consent can be granted. We also note onsite wastewater disposal for domestic purposes is a permitted activity under the Regional Plan: Water (Rule 12.A.1.4).

We are, however, aware of Council's *desire* for sites to connect to reticulated services – despite wastewater not yet being readily and feasibly available in this locality.

This *desire* is not an adverse effect on the environment or on persons, and therefore is not a valid RMA reason to halt the processing of this application.

In addition, we are aware of the uncertainty of when the Council will be able install a reticulated wastewater service, and subsequent uncertainty of whether timeframes will align with subdivision implementation timeframes. It is possible that the applicant could be granted a resource consent that they are unable to implement.

We are also aware of the suggestion that the applicant should enter into a private developer agreement with the Council to install services at their cost and obtain a 'refund' later. We consider a developer agreement financially unsuitable for one applicant, and risky for both parties.

Notwithstanding the above, the applicant is willing to consider a solution that suits both parties, and offers the following approach:

1. A condition of consent will allow onsite wastewater for proposed Lot 2 and Lot 3.

2. A condition of consent will require the consent holder to install 2 x 40mm pn12 PE lines for a pump sewage line from the boundary of Richards Beach Road along the length of the ROWs to Lot 2 and Lot 3, for future connection to a reticulated service.

   Development Contributions would be payable at time of connection.

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3. If a wastewater line is available at the property boundary on Richards Beach Road within 10 years of the granting of resource consent, the lot owners will connect to this main.

A condition of consent will require the following consent notice condition to be attached to the relevant titles:

x. In the event that the Council makes a reticulated wastewater service available to the lot boundary on Richards Beach Road within 10 years from the date of on-site wastewater system installation, the lot owner shall connect to the reticulated wastewater service and shall decommission any on-site wastewater systems.

Please be aware that this is a significant offer by the applicant, as an on-site wastewater system costs ~$25,000 and to have to decommission it within its usable life time and then pay a Development Contribution to connect to Council services is a significant cost implication on the applicant and future lot owners.

Sealing of the Right of Ways

Regarding the sealing of the ROWs, it is not appropriate or necessary to require sealing of private driveways for the following reasons:

- Richards Beach Road is not sealed.
- The Council is currently updating NZS4404 to better address how rural residential areas will be merged with large lot residential areas in terms of roading and shared driveway requirements.

Notwithstanding the above, the applicant is willing to consider a solution that suits both parties, and offers the following approach:

1. A condition of consent will allow the rights of way to be unsealed.

2. If and when Richards Beach Road is sealed, the rights of way will also be sealed.

   A condition of consent will require the following consent notice condition to be attached to the relevant titles:

   x. In the event that the Council seals Richards Beach Road, the lot owners shall seal their right of way.

Summary

We consider these practical approaches to infrastructure address all relevant and potential adverse effects on the environment and persons, such that consent can be granted.

We note that if circumstances change, the consent holder or future lot owners can apply to remove the consent notice, subject to Council approval.

Yours sincerely

R. M. Devlin

Roz Devlin
Senior Planner & Urban Designer
VIVIAN AND ESPIE LIMITED

Adam Vincent

From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Friday, 7 November 2025 1:02 pm
To: Adam Vincent
Cc: Adele Eyers
Subject: RE: RC 250145 - Processing Update

Categories: Application correspondence

Hi Adam

We agree in principle with going to the hearings panel; however, Adele will be away for December until 5 Jan 2026. Could we please place the application on hold until the New Year? Then we will be able to look at the next hearing panel meeting dates.

I think this would be on hold under s91D with s37 applied as necessary until 10 Jan.

Thank you,
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Wednesday, 5 November 2025 10:46 AM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele Eyers <adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

Tanya's suggestion at this point is to put the proposal in front of the hearings panel and let them resolve the points still in contention. It doesn't seem like something we are going to be able to fully work through at a staff level.

Process wise, our next hearings panel meeting is 09 December. My s42A report is 99% complete, so we should be able to make that day (15 working days for the start of evidence circulation puts us on the 17th of October). I would just need to confirm with our hearings administrator. Let me know if you want to take that route.

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

+64 21 621 649
Adam.Vincent@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Monday, 3 November 2025 2:31 pm

To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele Eyers <adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Hi Adam

Thanks for confirming DCs, much appreciated.

Cheers
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Friday, 31 October 2025 4:32 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele Eyers <adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

Received. I will discuss next steps with Tanya on Monday.

To answer your question regarding DC's, these are based on the previous DC/FC policy that applied when the application was lodged.

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

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1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Thursday, 30 October 2025 1:53 pm
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele Eyers <adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Adam

I hope your week is going well.

We have added some comments to the draft conditions, please see attached tracked changes.

Adele and I are happy to discuss.

Cheers

Roz

Regards

Roz Devlin
Senior Planner

vivian+espie
resource management and landscape planning

Vivian + Espie Ltd
Unit 1/211B Glenda Drive, Frankton, Queenstown 9300
Postal Address: PO Box 2514, Wakatipu, Queenstown 9349
Phone: +64 3 441 4189
www.vivianespie.co.nz

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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Wednesday, 8 October 2025 4:43 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele Eyers <adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

Updated draft attached

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

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www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Wednesday, 8 October 2025 1:41 pm
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Hi Adam

Thanks for the update, will you be issuing a new set of conditions for review?

We will add some comments in the draft conditions, but hold off for now.

Cheers
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Monday, 6 October 2025 3:44 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

I just had a message to let me know three waters might be tweaking their advice a bit about the design of the wastewater system. Hopefully this will be in the next few days. It sounds like all it is likely to do is confirm that a pressure or partial pressure system will be required after modelling indicated that a gravity network would be too deep by the time it got to the treatment plant. I'll let you know what changes when I do.

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

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Adam.Vincent@codc.govt.nz
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www.codc.govt.nz

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From: Adam Vincent
Sent: Friday, 3 October 2025 2:37 pm
To: 'Roz Devlin' <roz@vivianespie.co.nz>
Cc: 'Adele@aeprojects.co.nz' <Adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

The advice I've got from three waters is wastewater to reticulation at applicant's cost. This has become Council's position.

I've drafted up some conditions, attached, for you to review. Happy to hear your response.

Ngā mihi,

Adam Vincent
Planning Officer

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Adam.Vincent@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Adam Vincent
Sent: Wednesday, 24 September 2025 4:22 pm
To: 'Roz Devlin' <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

Not sure which bits of the conversations that happened while I was on leave got back to you, but the application clock is currently running and is on Day 74 of 20. I haven't requested any information under s92 (I don't think I will need to at the moment) and none of the other reasons for stopping the clock have been invoked.

In terms of the servicing provision, my understanding is that this has been escalated to Council's three waters team and the executive management team, so I will need to wait until we get a resolution from them before I can advise any further.

Ngā mihi,

Adam Vincent
Planning Officer

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Adam.Vincent@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Monday, 15 September 2025 3:05 pm
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele@aeprojects.co.nz
Subject: Re: RC 250145 - Processing Update

Hi Adam

I was wondering if you could please confirm if the application is currently on hold, or if the clock is running?

Thanks,
Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Tuesday, August 26, 2025 3:19 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz <Adele@aeprojects.co.nz>
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

We're concerned about the precedent that might create, and the unnecessary duplication of costs on future landowners associated with building a septic tank, then having to connect into a reticulated network soon after. We would prefer to know the outcome of Council's decision on how wastewater will be provided to the area before progressing.

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

+64 21 621 649
Adam.Vincent@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Monday, 25 August 2025 11:35 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Hi Adam

Thanks for the update.

I maintain that on-site wastewater with a consent notice to connect to the network when it becomes available is an appropriate solution, and will address all relevant s95 matters. The same for the private driveway. For a non-complying activity like this one, the application only needs to pass s95 OR O&P tests, giving the Council even greater scope for an approval, without compromising the integrity of the District Plan etc.

Keep us posted.

Cheers

Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Friday, 22 August 2025 10:47 AM
To: Roz Devlin <roz@vivianespie.co.nz>
Cc: Adele@aeprojects.co.nz
Subject: RE: RC 250145 - Processing Update

Kia ora Roz,

I understand that Ann Rodgers has been in discussion with some of the parties along Richards Beach Road about what is happening for wastewater servicing along the road, but I don't know if you were involved in any of those discussions.

My understanding is that our three waters team are not in a position to advise on how they want Richards Beach Road serviced for wastewater until they get a decision from the elected members about how servicing will be undertaken for along Dunstan Road. This matter was supposed to go to the last Council meeting, but was deferred until the next one.

Basically, I think I am stuck until three waters make a decision on servicing because, until that decision is made, we don't have a clear answer on what provision of infrastructure is adequate for the subdivision.

Ngā mihi,

Adam Vincent

Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

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Adam.Vincent@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Friday, 22 August 2025 10:17 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Subject: Re: RC 250145 - Processing Update

Hi Adam

I'm away today so if you have any updates, please cc in Adele@aeprojects.co.nz.

Thanks,

Roz

From: Roz Devlin <roz@vivianespie.co.nz>
Sent: Tuesday, August 19, 2025 1:29 PM
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Subject: Re: RC 250145 - Processing Update

Hi Adam

Just checking in, how is this process coming along?

Cheers

Roz

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Wednesday, July 30, 2025 3:03 PM
To: Roz Devlin <roz@vivianespie.co.nz>
Subject: RC 250145 - Processing Update

Kia ora Roz,

Just in case you weren't already aware, I've been asked to take over assessing Adele's three lot subdivision application at 110 Richards Beach Road. This is just a quick update to let you know where things are sitting at the moment.

I've reviewed the information provided in support of the application, including some of the correspondence between you and Tanya regarding the provision of wastewater and access. On balance, I'm pretty comfortable that the effects will likely be minor, at most, regardless of how the servicing would look, so I'm drafting a recommendation that the application be non-notified (Final decision is still subject to manager review).

In terms of ss 104 and 108, I think a lot of my consideration of service provision will hinge on the application of Policy 16.4.3, which requires infrastructure be adequate for its intended use, and Policy 16.4.6, which requires adherence to Council's code of practice unless Council decides a modification is necessary. Just giving you a heads up that what infrastructure is "adequate" for the purpose of the subdivision might take a little bit for me to tease out, given the correspondence to date.

Feel free to contact me if you have any questions.

Ngā mihi,

Adam Vincent
Planning Officer

CENTRAL OTAGO DISTRICT COUNCIL

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26.1.4 RC250298 LAKESIDE CHRISTIAN CENTRE

Doc ID: 2692899

1. Purpose

A report to consider Subdivision Consent for a three lot subdivision and land use consent to establish building platforms in the rural resource area is attached.

2. Attachments

Appendix 1 - Application ⇩
Appendix 2 - S42A Planners Report ⇩
Appendix 3 - S95 Notification Report ⇩
Appendix 4 - Three Waters Consent Conditions ⇩
Appendix 5 - Development Contributions Assessment ⇩
Appendix 6 - Three Waters Comments 20260113 ⇩
Appendix 7 - 01 Submission - Lloyd and Audrey Mancer ⇩
Appendix 8 - 02 Submission - Michael and Debra Hill ⇩
Appendix 9 - 03 Submission - Len Wakefield ⇩
Appendix 10 - 04 Submission - Struan and Lee Boot ⇩
Appendix 11 - 05 Submission - John and Steph Wennekes ⇩
Appendix 12 - 06 Submission - Sheldon Barnett ⇩
Appendix 13 - 07 Submission - Philip and Brigitta Cheney ⇩

Application for a resource consent - Form 9

APP251042973

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Date and Time Created	20/10/2025 10:11
Submitted to Council	20/10/2025 10:15

To cross reference Datacom with MAGIQ please click Here. to add the Resource Consent number.

Property Details

Property Address	60 Lowburn Valley Road
Record of Title Number	OT12B/85
Legal Description(s) of the specific parcels that the resource consent application is for	Section 2 Survey Office Plan 22525

What is your role in this application?	Agent acting on behalf of the applicant

Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

Organisation	JPW Consulting Ltd
First name	Jake
Last name	Woodward
Phone number	0223158370
Email address	jake@jakewoodward.co.nz

Note that the applicant will also receive a copy of all correspondence.

Postal address:	PO Box 190, Cromwell 9342
Confirm that you have approval to act on behalf of the applicant	Yes

The applicant is the person(s) or organisation making the application.

Applicant details

Is this applicant an individual or an organisation?	Business / organisation
Organisation	Lakeside Christian Centre

Contact Person

First name	Bruce
Last name	Wast
Phone number	0274507618
Email address	bruce.les1951@gmail.com
Postal address:	60 Lowburn Valley Road, RD 2, Cromwell 9384

Authority to apply on behalf

Confirm that the applicant is authorised to apply on behalf of the organisation	Yes

Invoicing

Who is paying the invoice?	Applicant

DETAILS

Activity or works proposed

Application type	Land use and subdivision consent
Short description of your proposal	3-Lot subdivision. Land use consent to establish two RBPs breaching setbacks.

Provide a detailed description in the Assessment of Environmental Effects (AEE) or other document.

Assessment of Environmental Effects (AEE)

An application cannot be accepted for processing by the Council under Section 88 of the Resource Management Act 1991, without an Assessment of Environmental Effects (AEE).

Refer to the guidelines for Assessment of Environmental Effects.

JW25035 - Lakeside Christian Centre - AEE - FINAL.pdf (1 mb)

Assessment of the activity

You may need to provide an assessment of the activity against the following provisions:

- **The matters set out in Schedule 4 of the Resource Management Act 1991.**
- **Any relevant objectives, policies, or rules in a document.**
- **Any relevant requirements, conditions, or permissions in any rules in a document.**
- **Any other relevant requirements in a document (e.g. in a national environmental standard or other regulation).**

Please do not load the same document that you loaded for AEE above

Other activities

Other applications

Are you required to apply for any other resource consents for this project?	No
Is this project related to a building consent?	No

Pre-application information

Have you discussed this proposal with Council staff prior to this application?	Yes, an informal discussion
Name(s) of Council staff involved (if known)	Oli
Date of discussion (if known)	

Site visit requirements

Who is the site contact?	Applicant

Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- **If an affected party does not give approval to your proposal this may impact on the way that the application is processed.**
- **Council's duty planner can provide you with advice on which parties may be affected by your proposal.**

Download an affected party approval template form.

Do you need affected party approval?	No
Reason	Refer to AEE

National Environmental Standard – Contaminated Soil (NES-CS)

National Environmental Standard – Contaminated Soil - option selected	I have included a Site Investigation undertaken by a suitably qualified person.

Fast-Track Processing

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing. Please select one:	I opt out of the fast-track consent process

Public Notification

Please confirm whether you request public notification for this application. If you choose "Yes" - Please note a "notified to formal hearing" deposit fee is payable. Please refer to Council's current Fees and Charges on our website.	Yes

LIST OF FILES

Appendix [E] - Preliminary Site Investgation.pdf (24 mb)
JW25035 - Lakeside Christian Centre - AEE - FINAL.pdf (1 mb)
Appendix [B] - Scheme Plan.pdf (1 mb)
Appendix [C] - Landscape Assessment.pdf (10 mb)
Appendix [D] - Infrastructure Feasibility Report.pdf (5 mb)
Appendix [F] - Horticultural Capacity Assessment.pdf (2 mb)
Appendix [H] - Flood Hazard Report.pdf (7 mb)
Appendix [G] - Council Three-waters comment.pdf (995 kb)
Appendix [A] - Record of Title OT12B_85.pdf (125 kb)

ASSESSMENT OF ENVIRONMENTAL EFFECTS

60 Lowburn Valley Road, Lowburn

Lakeside Christian Centre

Our Reference: JW25035

CONTENTS

1 THE APPLICANT AND PROPERTY DETAILS 4
2 EXECUTIVE SUMMARY 5
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1 THE APPLICANT AND PROPERTY DETAILS

Client	Lakeside Christian Centre
Address for service	JPW Consulting Limited Jake Woodward jake@jakewoodward.co.nz 022 315 8370
Property Address	60 Lowburn Valley Road, Lowburn
Project Description	Subdivision and land use consent to undertake a three-lot subdivision resulting in two new residential allotments and associated Residential Building Platforms.
Our Reference	JW25035
Date	20 October 2025
Version	1

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2 EXECUTIVE SUMMARY

Resource consent is sought to undertake a three-lot subdivision of the property at 60 Lowburn Valley Road, Lowburn. Land use consent is also sought to establish a residential building platform on the proposed two new vacant allotments.

The proposal requires consideration as a non-complying activity under the provisions of the Central Otago District Plan for subdivision in the Rural Resource Area that does not comply with the minimum or average allotment requirements.

Despite the zone of the site being Rural Resource Area, the site sits within a clearly defined enclave of residential activities.

The proposed allotments and associated design controls for the proposed RBP are considered to result in an outcome that ensures the subdivision remains sympathetic to the receiving environment while appearing as a logical insertion to the prevailing character. This containment assists with mitigating effects on the wider landscape character with all proposed domestication representing a coherent addition to the site.

The site does not lend itself to legitimate rural primary production with an evaluation of potential alternative (productive) uses confirming the site is constrained to provide for such activities. The proposal therefore represents a logical use of the land resource while maintaining the quality of the environment.

No person is considered to be adversely affected by the subdivision and domestication of the site. Despite the zone, the provision of residential activities represents the most logical and sustainable use of the site through ‘infilling’ activities within the context of the receiving environment, which is predominantly characterised by residential activities. The proposal will represent an inevitable change to the character of the site, but such a change is not considered adverse as assessed by Landscape Architect, Ms Snodgrass. Accordingly, effects are considered to be less than minor on adjoining and adjacent properties.

An infrastructure feasibility report confirms the site will be suitably serviced for all necessary infrastructure as required.

Standard conditions of consent for servicing are promoted which will ensure each allotment is suitably serviced prior to the issue of Titles.

Overall, the proposal is considered to generate no more than minor adverse effects on the environment.

A thorough evaluation of applicable policies is provided in this AEE. The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan and the various Otago Regional Policy Statements and National Policy Statements.

The proposal is considered to promote Part 2 of the Resource Management Act 1991.

3 SITE DESCRIPTION

3.1 SITE DESCRIPTION

The site subject to this application is located at 60 Lowburn Valley Road, Lowburn and is legally described as Section 2 Survey Office Plan 22525 as contained in Record of Title OT12B/85, a copy of which is attached in **Appendix [A]**. The site is owned by Lakeside Christian Centre and is currently under development for a new extension to the existing Church.

The 8,102m^2 site has an irregular shape factor and sits on the eastern side of Lowburn Valley Road, directly opposite the residential enclave of Lowburn. The eastern boundary of the site is bordered by the margins of the Lowburn Creek, which feeds into the Lowburn Inlet a few hundred metres to the south-east.

An aerial image of the subject site is included in Figure 1 below for contextual purposes:

Figure 1: Aerial image of the subject site and surrounds noting that this image does not show the new church currently under construction (Image Source: CODC GIS).

3.2 SURROUNDING ENVIRONMENT

The surrounding environment is predominantly residential. To the immediate north-west, the site adjoins a 1,056m^2 residential property[1]. To the north and north-east, the site adjoins large residential lifestyle blocks[2], all of which are characterised by established residential

[1] 76 Lowburn Valley Road.
[2] 16, 20, and 20A Sugarloaf Drive.

dwellings and associated curtilage. To the east and south-east, the site adjoins the Lowburn Inlet with associated community reserve, playground and community hall.

On the opposite side of Lowburn Valley Road, the land is zoned Large Lot Residential (Precinct 2) and is characterised by large, predominantly 3,000m^2 residential properties with established dwellings, gardens and domestication.

The site and surrounding residential activities are all contained within the valley floor context of Lowburn Valley Road, and are bordered by two outwash terraces (the northern terrace being the Sugarloaf).

3.3 RECORD OF TITLE

As noted above, the site is legally described as Section 2 Survey Office Plan 22525 as contained in Record of Title OT12B/85, a copy of which is attached in **Appendix [A]**. Aside from a number of easements, there are no legal encumbrances, covenants or consent notices registered on the Title of relevance.

4 RESOURCE MANAGEMENT BACKGROUND

4.1 RESOURCE MANAGEMENT BACKGROUND

4.1.1 Plan Change History

The applicant initially submitted[3] on Plan Change 19 to seek a re-zone of the subject site.

The original submission sought a rezoning of the Lakeside Christian Centre land to LLRZ Precinct 1. The subsequent s42A reporting officer considered that this density would be inconsistent with the character of the current township, given the rest of the settlement is proposed to be zoned LLRZ Precinct 2. It's understood that the applicant then proceeded on the basis of pushing for a LLRZ Precinct 2 outcome.

The decision of the Panel concluded:

> *Ms White noted that the rezoning of this site would result in urban zoning crossing over to the other side of Lowburn Valley Road, and while it would still be contained between the watercourse, Sugarloaf Drive and the existing community hall and playground, no landscape assessment has been undertaken to assess the appropriateness of this, accepting the site is relatively small. Given the zoning now sought is consistent with the surrounding area and given the site is well-contained, the Panel agrees with Ms Whites view that the zoning would be in keeping the area and not result in unconsolidated development.*
>
> And
>
> *In terms of the criteria outlined 3.6(4) of the NPS-HPL the Panel agrees with Ms White that there is no evidence on which to conclude that rezoning of this land meets*

[3] Submitter 142.

the criteria and on that basis the Lakeside Christian Centre site should remain zoned as Rural Resource Area.

Ultimately, the attempt to re-zone the land was unsuccessful on the basis of no evidence being provided addressing the relevant tests under the National Policy Statement for Highly Productive Land. The site remains zoned Rural Resource Area.

4.1.2 Resource consent history

The following previous resource consents are noted on the property file:

- RC240062 was an application to construct an extension to the Church.
- RC240241 was an application for two-Lots which was returned as incomplete.
- RC240301 was an updated application to subdivide the site into two lots. That proposal was not supported by any planning, landscape, productive land, servicing and hazard advice. Council made an initial decision to publicly notify the proposal to which the applicant subsequently suspended the processing of that application to seek further planning advice.

For context of the surrounding properties, RC050246 was a 17-Lot rural subdivision granted through a consent order from the Environment Court which created the properties to the north.

5 PROPOSAL

5.1 OVERALL SCHEME

The proposal involves subdividing the subject site into three allotments, providing for two vacant residential allotments, and a smaller allotment for the church.

A Scheme Plan detailing the extent of the proposed subdivision prepared by Latchford Surveying Limited is attached in **Appendix [B].** An extract of the proposed subdivision layout is as per the following figure:

Figure 2: Extract of proposed scheme plan (Source: Latchford Surveying).

The proposal will result in allotment sizes as follows:

Lot	Lot Area	Residential Building Platform Area
1	3,000m^2	700m^2
2	3,001m^2	700m^2
3	2,101	None proposed. This Lot will contain the existing church.

The subdivision results in an average of 0.27 hectares across the subdivision.

Given the intended purpose of Lots 1 and 2 and is to provide for residential activities, it is proposed to establish a Residential Building Platform (RBP) on each Lot. Each proposed RBP will have an area of 700m^2.

For the avoidance of doubt, future residential dwellings that are constructed within the RBP will still require, at a minimum a Controlled Activity consent pursuant to Rule 4.7.2(i) of the Central Otago District Plan or unless the underlying Zone is updated (by way of plan change or District Plan review) in which future residential use will become permitted.

The applicant proposes to impose the following design controls on proposed Lots 1 and 2[4] to be registered as a consent notice on the subsequent Titles:

- All buildings shall be confined to the RBP;

[4] These restrictions are not intended to apply to proposed Lot 3 which contains the church.

- All buildings (dwellings and sheds) shall be no greater than 6.0 metres in height; and
- All water tanks to be coloured olive green, dark grey, or brown.

No restriction is promoted in terms of building coverage given the size of buildings will be largely dictated by the provision of services (onsite wastewater) and the extent of the proposed RBP.

5.2 LANDSCAPING

A landscape assessment is attached in **Appendix [C]**. No specific landscaping is proposed.

5.3 ACCESS

Access will be afforded via new crossing points for proposed Lots 1 and 2 directly onto Lowburn Valley Road. Specific locations have not been identified given the various options afforded by the extensive wide berm.

It is noted that the legal road reserve adjacent to proposed Lot 2 is particularly wide with a portion of the paddock (of the subject site), informally encroaching within the road reserve. The vehicle cross for Lot 2 will be required to be constructed from the edge of the road seal to the legal boundary of Lot 2.

It is proposed to defer the construction of vehicle crossings to future owners and therefore a consent notice advising the requirement for crossing points to be constructed in accordance with Part 29 of Council's roading policies at the time of construction of a dwelling, is proposed.

No changes are proposed to the existing church's arrangement.

5.4 SERVICING

An infrastructure feasibility assessment prepared by Meyer Cruden Ltd is attached in **Appendix [D]**. The report confirms the following:

5.4.1 Domestic Water

The potable water supply for the site is proposed to be serviced by a connection to the Council's network on Lowburn Valley Road (150mm dia. uPVC Principle Main). This shall be subject to Council approval.

5.4.2 Firefighting Provision

Proposed Lots 1 and 2 will be subject to a consent notice requiring the provision of a 30,000 Litre firefighting tank in line with Council's standard conditions of consent.

It is proposed to register a consent notice on the Titles for proposed Lots 1 and 2 of the requirement to design and install a firefighting tank at the time of construction of a dwelling.

5.4.3 Wastewater

An initial enquiry to Council was made to confirm whether proposed Lots 1 and 2 could be (or required to) connected to the reticulated wastewater located immediately adjacent to the

site. Council have confirmed this would not be supported due to capacity constraints within the Lowburn Valley wastewater infrastructure pipework, and the downstream pump station. As such, on-site wastewater treatment and disposal for proposed buildings on Lot 1 and Lot 2 have been assessed as per NZS 1547:2012 On-site domestic wastewater management. Meyer Cruden confirms that there are favourable conditions to accommodate an onsite wastewater system, although depending on final dwelling designs and location, a discharge permit from Otago Regional Council may be required.

It is proposed to register a consent notice on the Titles for proposed Lots 1 and 2 of the requirement to design and install a suitable onsite septic system at the time of construction of a dwelling.

The existing church will be connected to Council's wastewater infrastructure.

5.4.4 Stormwater

The soakage test results indicate significant soakage capacity and give confidence that onsite stormwater disposal to ground is a viable option. Specific design at the building consent stage should confirm soil characteristics at the specific location of the soak pit and allow for an appropriate soakage reduction factor

5.4.5 Power and Telecom

A confirmation of a point of supply for power from Aurora is attached in **Appendix [D].** Telecommunications are currently available in the form of 4G wireless mobile connection and satellite broadband.

5.5 EASEMENTS

All and any easements will be duly reserved and granted where required. All existing easements on the Title will be appropriately allocated on the new Titles.

5.6 EARTHWORKS

No earthworks other than the construction of the access is proposed as part of this application.

Roadworks within existing legal road reserve is a permitted activity under rule 13.7.2 (i) of the District Plan.

The utility service trenching required is a permitted activity in accordance with rule 13.7.9.

6 STATUTORY CONSIDERATIONS

6.1 CENTRAL OTAGO DISTRICT PLAN

The site is located in the Rural Resource Area under the Central Otago District Plan.

There are no other notations or landscape classifications pertaining to the site as illustrated in the following Figure.

Figure 3: Extract of Planning Layer of CODC GIS.

The site is also subject to the “Alluvial Fans – Active debris dominated” overlay as referenced on the Otago Regional Council Hazard database as illustrated in the following figure.

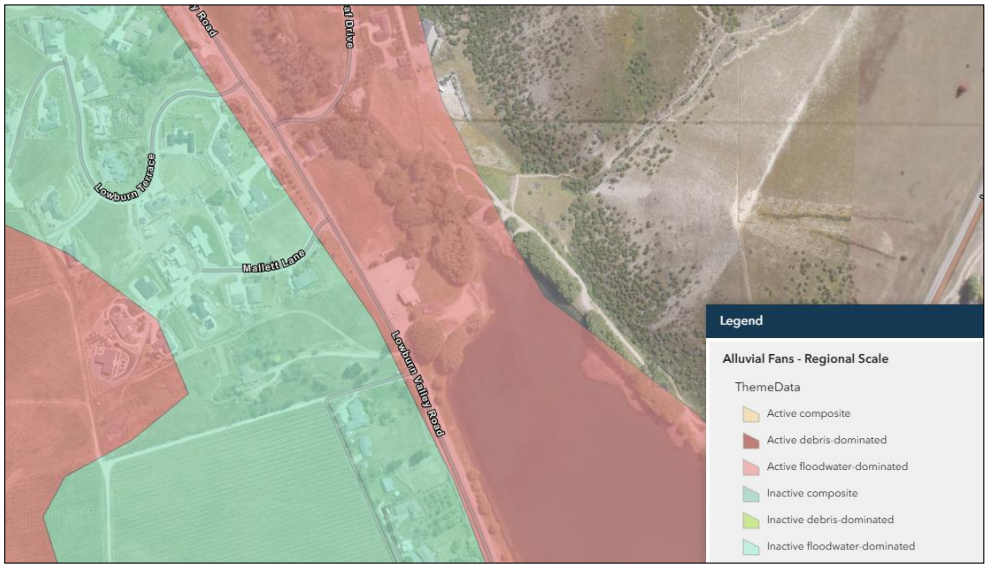

Figure 4: Extract of ORC Hazard Map.

The proposal requires resource consent for the following reasons:

6.1.1 Subdivision Consent

In the Rural Resource Area, a subdivision application can be sought as a Discretionary Activity pursuant to Rule 4.7.4(iii) so long as no allotment is less than 2 hectares and the average allotment across the subdivision is no less than 8 hectares or is not on land subject to natural hazards.

In this case, the allotment areas proposed will be below the average and minimum allotment sizes. The proposal would result in allotment sizes of 0.21 hectares (2,101m^2) with an average of 0.27 hectares. This requires consideration as a **non-complying activity** pursuant to Rule 4.7.5(iii).

6.1.2 Land Use Consent

The provision of a residential building platform requires consideration as a discretionary (restricted) activity under Rule 4.7.3(vii). An assessment of the proposed residential building platforms (RBP) against the provisions of the Rural Resource Area Rules is as follows:

Table 1: Compliance check of Standards 4.7.3(vii) of the District Plan.

Standards – 4.7.3(vii)	Assessment
(a) General Standards The relevant standards set out in 4.7.6 are complied with	**Does not comply.** As per the assessment in Table 2 below, a minor breach to the setbacks will result.
(b) Residential Activities per Site There shall be no more than one residential activity on the relevant certificate of title unless additional residential activity is required to accommodate people working on the property and their families.	**Complies.** Only one platform is proposed on Lots 1 and 2.
(c) Access No additional formed accesses are to be created to any State Highway.	**Complies.** No additional access is proposed onto the State Highway.
(d) Separation Distances Where the dwelling is not located on a building platform established by way of resource consent, a 50 metre separation distance to any existing dwelling, any dwelling under construction, any registered building platform established by way of resource consent, or any urban area shall apply;	**Does not comply.** The proposed platforms are within 50 metres of each other and the dwelling at 76 Lowburn Valley Road.

Table 2: Compliance check of Standards 4.7.6 of the District Plan.

Standards – 4.7.6	Assessment
4.7.6A(a) – a minimum side and rear yard of 25 metres and a front yard of 10 metres for buildings used for residential activity and a minimum yard of 10 metres for all other buildings	**Does not comply.** In relation to internal setbacks, the platforms are within 25 metres of the internal setback. In relation to the road, the platforms are over 10 metres.

4.7.6A(c) - No building shall be located within 20 metres of the bank of: • any stream or river • any wetland identified in Schedule 19.6.1 • any lake (excluding irrigation dams within a farm property) 0.5 hectares or greater in area	**Complies.** The platforms are over 50 metres from the stream.
4.7.6A(f) – height of 7.5 metres in ORL	**n/a.** Design controls of 6.0 metres are proposed.
4.7.6D(a)(i) - All buildings shall be finished in any of the following materials: (i) Timber/Composite Weatherboard (vertical and horizontal). (ii) Plaster/Adobe/Rammed Earth/Masonry Products/Concrete. (iii) Stone. (iv) Coloured steel excluding unpainted zincalume and unpainted corrugated iron. (v) Weathered corrugated iron (vi) Brick	**n/a.**
4.7.6D(a)(ii) - The exterior walls, accents and trim for all buildings and structures shall be in a colour or colours selected from the following colour palette, provided that the colours of exterior walls shall be in a low sheen: Browns, greens, grey blue, greys, terracotta, tussock and dark reds provided that such colours shall have a Reflectivity Value (RV) of less than 38%.	**n/a.**
4.7.6D(a)(iii) - The roofs of all buildings shall be in a low sheen in any colour that has a RV of less than 32% or shall be unpainted natural products such as timber shingles or slate.	**n/a.**
4.7.6D(b) – All buildings and structures (excluding post and wire fences, bird netting and support structures, wind machines, pivot irrigators and sprinklers and other equipment and fixtures incidental to agriculture, horticulture and viticulture) shall not protrude onto a skyline or above a terrace edge when viewed from a public road or other public place at a distance not exceeding 2 kilometres from the building or structure	**Complies.** The location of the platforms on the valley floor ensures a skyline breach as viewed from the road does not result.
4.7.6G(a) - Any site intended to accommodate a household unit or any activity that generates human effluent shall be either connected to an existing sewerage scheme at the owners cost (provided that the scheme has the capacity to accommodate the waste generated) or if such a scheme is not available the site shall be capable of effective disposal of effluent safely within the site.	**Complies.** An onsite wastewater assessment is attached in **Appendix [D].**

4.7.6G(b) - At the time of subdivision or prior to the issue of building consent to erect a residential building, the owner shall provide a safe and adequate water supply. This water supply shall be obtained from a source which is protected from contamination by animal sources and the normal activities that may cause contamination occurring or likely to occur within the catchment. The water will be of a quality which does not require any form of treatment, shall be adequate in quantity (approximately 300 litres per person per day) and where the supply is obtained outside the boundaries of the property, secured by permanent agreements and easements. The final product must meet the Ministry of Health Standards as defined in Drinking Water Standards for New Zealand 2000.	**Complies.** The potable water supply will be from Council's supply.
4.7.6G(c) - Access, loading and manoeuvring requirements shall be provided in accordance with Rule 12.7.1 page 12:13 and Rule 12.7.3 page 12:17.	**Complies.** Rule 12.7.1- not applicable in that the site enters onto a road. Rule 12.7.3 – not applicable as it relates to loading and unloading of service vehicles.
4.7.6J(b) - Except as provided for in 4.7.6.J.a above the extraction (including excavation and/or displacement) of material (excluding any cleanfill landfill, and farming activities such as irrigation dams and associated works, ploughing and land contouring for border dyke irrigation) shall not exceed an area of 2000m^2 or a quantity of 3000m^3 from any one site provided that: i. Where the material extracted is not to be reinstated, then the permanent visual impacts of the activity shall be avoided, remedied or mitigated by the replacing of topsoil and suitable subsoil, resowing, fertilising and planting or other appropriate landscaping, or ii. When material is extracted or displaced for mining, investigative or exploitative work, all areas disturbed shall be progressively restored or rehabilitated to a standard not less than that which previously existed, and iii. Adverse effects on water bodies and land stability are avoided, remedied or mitigated; and iv. Extraction, other than that required for land cultivation, drilling, bore construction, the erection of fences, overhead lines or foundations for buildings is no more than 1m deep or 10m^3 in volume within the groundwater protection zones for Roxburgh and Ettrick.	**Complies.** Earthworks will be well under the permitted area and volume.

Based on the assessment above, the proposal requires land use consent for the following reasons:

- A **discretionary (restricted) activity** pursuant to Rule 4.7.3(i) applies to a breach to Rule 4.7.6A(a) as it relates to the 25 metre internal setbacks. In this case, the

proposed RBP on proposed Lots 1 and 2 will be located within 25 metres of the internal boundaries.

- A **discretionary activity** pursuant to Rule 4.7.4.i for a breach to Rule 4.7.3(i)(d) in relation to the 50 metre separation distances between dwellings.

6.1.3 Consents not required

Rule 4.7.4(iii)(d) of the District Plan requires a **discretionary activity** land use consent for the subdivision of land that is listed on the District Plan planning maps as subject to Hazards. In this instance, despite the Otago Natural Hazards Database (Otago Natural Hazards Portal (orc.govt.nz)) identifying the site as within an active alluvial fan, the rule framework of the District Plan does not extend to sites mapped by other means. As such, no consent is considered required under Rule 4.7.4(iii)[5].

6.2 NATIONAL ENVIRONMENTAL STANDARDS

6.2.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The applicant has commissioned a Preliminary Site Investigation from Springline Consultants Ltd, and attached in **Appendix [E][6].**

According to the PSI, the ORC Listed Land Use Register (LLUR) was reviewed as part of this investigation. The LLUR is not a complete record, however, contains information on land parcels in Otago that have been associated with activities on the Hazardous Activities and Industries List (HAIL).

The site is not listed on the LLUR. A review of surrounding properties was also undertaken, and no properties within a 200m radius of the site are listed on the LLUR.

The findings of the PSI can be summarised as follows:

- For much of the recorded site history, the site has comprised undeveloped rural land, with the church construction originally consented in 1988.
- The land was purchased by the current owner in 2013, during which time the site has been used partially as a church (Lakeside Christian Centre), with the central and northwestern areas (i.e., proposed Lots 1 and 2) remaining as grassed paddocks.
- Based on the information reviewed, the site inspection, and landowner discussions, it is considered that no activity or industry listed on the Hazardous Activities and Industries List (HAIL) is likely to have occurred on site.

Based on the information reviewed, Springline considers that no activity or industry listed on the Hazardous Activities and Industries List (HAIL) is likely to have occurred on site. Accordingly, the NES-CS does not apply to the proposed subdivision.

---

[5] Notwithstanding, a natural hazards assessment has been undertaken and is detailed further in Section 10.4.3 of this report.
[6] It is noted that the PSI was prepared for an earlier two-lot scheme. Despite the scheme now seeking a three-Lot subdivision, the findings of the PSI remain valid.

6.3 OVERALL ACTIVITY STATUS

Overall, the proposal is assessed as a **non-complying activity.**

7 PERMITTED BASELINE

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In the Rural Resource Area, there are no permitted activities relating to residential dwellings, building platforms or subdivision.

A baseline does exist in terms of buildings (other than residential activities) where the maximum height is 10 metres can be constructed as of right provided these comply with the standards listed in Rule 4.7.6. In addition, a baseline also applies to general earthworks of up to 2,000m^2 in area or 3,000m^3 in volume from any one site are permitted.

8 ASSESSMENT OF EFFECTS

8.1 OVERVIEW

Schedule 4 of the Resource Management Act 1991 (RMA) details the information required to be included in an assessment of environmental effects. An assessment in this regard as it accords to Clause 6 of Schedule 4 is included as follows:

8.2 EFFECTS ON THE ENVIRONMENT

> *If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

> *An assessment of the actual or potential effect on the environment of the proposed activity.*

In considering the adverse effects of the proposal, the Central Otago District Plan helpfully outlines the matters[7] to consider for a subdivision in the Rural Resource Area that does not conform to the averaging criteria. This is a rather comprehensive list and I have broadly categorised these matters as follows:

a. Subdivision Design
b. Effects on Rural Amenity and Landscape Character;
c. Effects on productive capacity of the land;

[7] Under Clause 4.7.4(iii) of the District Plan.

d. Reverse sensitivity;
e. Access and Servicing;
f. Effects on Heritage Values;
g. Cultural Effect;
h. Effects on wetlands; and
i. Hazards.

In reviewing the proposed scheme, the following adverse effects assessment applies:

8.2.1 Subdivision Design

The proposed subdivision arrangement has been designed to appear consistent and sympathetic with the scale and general character of the surrounding residential allotments that characterises the immediate enclave. Of note, the site sits opposite the Large Lot (Precinct 2) Residential Zone, which contemplates development down to 3,000m^2 in area. In addition, the site is bound to the north by an existing 1,000m^2 residential dwelling/site, which further contributes to the character of the receiving environment.

The site is considered to be appropriately sized to accommodate a dwelling and associated servicing as detailed in the Infrastructure Feasibility Assessment.

The site demonstrates legal and practical access.

Design controls limiting the height (to single storey) and extent (by way of RBP) will ensure that future built form remains consistent to the scale of the built environment that characterises the immediate area. While no restriction is promoted in terms of building coverage, it is considered that the requirement to provide onsite septic (and disposal fields), water tanks and the provision of setbacks (informed by the RBPs themselves) will limit the scale of development so to ensure this does not appear inconsistent with that of the receiving environment.

Overall, the subdivision design promoted as part of this application are considered to be entirely appropriate.

8.2.2 Effects on Rural Amenity Values and Landscape Character

In terms of landscape character, the proposal has been assessed by Landscape Architect, Ms Michelle Snodgrass in her assessment attached in **Appendix [C]**. Ms Snodgrass defines the landscape character of the site and immediate area as low density residential living with elements of community use attributed to the Lowburn inlet, community hall and church. Ms Snodgrass considers the subject site, the adjoining property at 76 Lowburn Valley Road and the Lowburn Hall are separated from the smaller rural lots on Birchalls Lane and Sugar Loaf by Lowburn creek. The character of the site and 76 Lowburn Valley Road, while both zoned RU, have a rural-residential character because of the size of 76 Lowburn Valley Road, the location of the site between 76 Lowburn Valley Road and the church, and the dominant visual influence of the Large Lots Residential Precinct 2 zone, the hall, and church.

Ms Snodgrass considers that the use of the site for horticultural, agricultural, or viticultural use, while permitted activities in the RU zone would be at odds with the immediate context. A notion that I agree with.

In considering effects on rural amenity values, the District Plan defines rural amenity values as those *"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."*[8]

The Resource Management Act 1991 defines 'amenity values' as; "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*".[9]

Ms Snodgrass considers the visual amenity of the area is comprised of the buildings, lawns and gardens of the Large Lots Residential Precinct 2 zone, the public buildings and small lifestyle blocks on the valley floor with their trees, orchards, small vineyards and small farmed paddocks, houses and farm buildings. This developed visual amenity is further defined by the enclosing terrace risers of Sugarloaf on the eastern side and the unnamed outwash terrace on the western side. Ms Snodgrass considers that the character of the site is influenced by the surrounding residential and public development node being the size of the lots, houses, lawns, gardens and trees are cohesive, repetitive elements.

Ms Snodgrass considers that the creation of two additional lots for residential development will be entirely in keeping with the character of the receiving environment. The proposal represents an infill development that aligns with the range of lot sizes found within both the Rural Zone landscapes to the north and east, and the adjoining Large Lot Residential Precinct 2 zone. Given the subdivision's containment within a well-defined and cohesive node of development centred on the church and hall, and influenced by the surrounding Large Lot Residential zoning, it will not detract from the wider landscape character. Residential use on proposed Lots 1 and 2 would be consistent with the existing pattern of development and therefore not unexpected. The siting of the building platforms ensures that future dwellings will be no further west than the dwelling at 76 Lowburn Valley Road or the new Lowburn Church, maintaining cohesion with the established built form.

Despite the church occupying a Lot of 2,000m^2, it remains larger than other examples in the vicinity (namely 76 Lowburn Valley Road) and will be characterised by the extent of the existing church activities. As such, the size of the allotment is not considered to materially detract from the overall character of the area.

Ms Snodgrass concludes that the effect on the landscape character of the proposed subdivision will be **low** because there is very little loss of key landscape elements or characteristics such as lots that are uncharacteristically small or a use that is neither residential or public, or the potential for a dwelling higher than the limit of the Large Lots Residential Precinct 2 zone, the church or the hall.

Ms Snodgrass has also undertaken a visual effects assessment, analysing the effects of the proposed change and development as it relates to views available to the public. In considering Ms Snodgrass' assessment, she broadly draws the conclusion that two additional houses will reinforce the residential character of the southern end of the valley, appearing cohesive with the pattern of development that is largely characterised by the

[8] Objective 4.3.3 – Landscape and Amenity Values
[9] Part 1, Section 2 – Interpretation, Resource Management Act 1991.

prevailing LLRZ(P2) Zone and the existing dwelling at 76 Lowburn Valley Road. Ms Snodgrass generally concludes that the effect on visual amenity will be **low** because there will be very little modification to the characteristics and two additional houses will integrate seamlessly into the pre-development visual environment.

When reverting back to the District Plan's definition of rural amenity values, the built environment is part and parcel of what contributes to the amenity. I agree with Ms Snodgrass's assessment that the development is wholly contained within a well-defined residential enclave such that effects on visual and rural amenities will not extend beyond this area. The provision of houses, forming a characteristic component of the receiving environment is considered an integral part of the character that defines this area and therefore landscape effects and rural amenity effects will be no more than minor.

I note that despite no supporting landscape assessment being submitted with the applicant's submission on PC19, Council reached the same conclusion that development of the site would be in keeping with the area. This would suggest that there is already a general acceptance that the site is clearly *not* rural, but is one that can be appropriately intensified in line with the prevailing character.

8.2.3 Effects on productive capacity of land and reverse sensitivity

As per the historical research of the site as detailed in the PSI, the site has remained undeveloped vacant land since at least 1958 before the southern portion of the site were constructed around 2001. According to the applicants who have owned the site since 2001, the paddocks beyond the church grounds have never been utilised in any meaningful capacity in terms of productive use.

Notwithstanding the fact that the land has not been used for primary productions, an assessment into the productive capacity of the site has been undertaken by Mr Earnscy Weaver, in order to determine potential adverse effects associated with subdivision. Mr Weaver's evaluation is attached in **Appendix [F].**

In reviewing Mr Weaver's assessment, Mr Weaver concludes that despite the site exhibiting the soils and climatic conditions to grow horticultural crops, the property does not have the potential for commercial horticultural production for the following reasons:

- There is insufficient rain to sustain productive horticultural crops therefore an irrigation supply is required for any proposed horticultural crop. The property does not have a suitable irrigation supply.
- The wind conditions for 60 Lowburn Valley Road are the same as for the Cromwell Flats. Shelter from wind will be required for tree fruit crops, requiring land area to accommodate wind protection, reducing the area of usable land for crops.
- There is a significant spring frost risk which is unable to be mitigated with current frost protection practices, noting proximity to the established residential environment;
- With the proximity of neighbours, agrichemical applications may not be able to be applied in a timely manner.
- The available land area of 0.5 hectares does not provide sufficient economy of scale to develop a horticultural production unit.

Recognising these constraints, it is considered that the site is significantly constrained in terms of its ability to be utilised for productive purposes and therefore the proposal will generate no more than minor adverse effects on productive capacity. This is further supported by the fact that the site has not functioned in any meaningful capacity for primary production and therefore effects will be no different to what occurs today.

Reverse sensitivity can arise particularly where conflicting activities are located in close proximity to each other. The surrounding area is characterised by a mix of large-lot residential properties, with similar activities occurring on adjoining and nearby sites.

Given this existing pattern of development, the introduction of two additional residential lots is considered compatible with the prevailing land use context. The proposed lots will not introduce a new or sensitive activity into an otherwise productive rural setting, but rather extend an existing node of residential development.

As such, the potential for reverse sensitivity effects are considered to be very low. The proposal will represent a more compatible and cohesive land use outcome compared to more intensive or productive rural operations, and will not result in any unreasonable constraints on the ongoing use of surrounding residential and community land.

8.2.4 Servicing

A servicing feasibility report prepared by Meyer Cruden to which overall, it is considered appropriate to conclude that the subdivision can be suitably serviced in line with the degree of servicing that already applies to existing dwellings in the vicinity of the site.

It is noted that a request to Council was made during the preparation of this resource consent application into connecting to Council's wastewater network. Council's response (attached in **Appendix [G]**) confirmed that no connection would be supported, and went on to further add that a water connection was not feasible.

With regard to wastewater, this comment is acknowledged recognising that the wastewater constraints have been largely documented throughout the Plan Change 19 proceedings. Given the proximity to Council's infrastructure, and the immediate intent by Council to undertake upgrades to Council's wastewater network, it is considered appropriate for Council to consider the ability to connect the two proposed residential allotments, which are effectively "shovel ready", as opposed to the deferred demand that would be generated elsewhere in Lowburn and Pisa Moorings. Of particular note, the topographical constraints of the Large Lot Precinct 2 Zone in Lowburn are such that immediate development and uptake of this land is unlikely, and therefore the realised capacity for wastewater is unlikely to be met. As such, while onsite wastewater has been demonstrated as feasible, consideration for a connection to Council services would ensure a more resilient and appropriate outcome recognising the site's inherent location within what is effectively an urbanised context.

For water, despite Three-Waters recent advice, this contradicts the findings of Council's Three-Waters Director, Ms Julie Muir, who confirms in her evidence for PC19 as it related to the Lakeside Christian Centre submission, that the site *could* be serviced for water, in line with the Large Lot Residential Precinct 2 densities. As such, and recognising that the wider uptake of the more geotechnically complex sites within the existing Large Lot Residential

Precinct 2 Zone, it is considered that the provision of two additional residential Lots can be feasibly accommodated by the existing network.

# 142	Lakeside Christian Centre	Lowburn Valley Section 2 SO 22525	No	This could be serviced for water now. This could be serviced for wastewater in 2029 following reconfiguration and upgrading of the Lowburn wastewater main and pumpstation and after nitrogen removal and increased treatment capacity has been constructed.

Figure 5: Extract of Ms Julie Muir's evidence, PC19.

8.2.5 Access

Access will be achieved via new vehicle crossings for Lots 1 and 2 onto Lowburn Valley Road. These crossing points are proposed to be deferred to future owners to construct given the location of the access will be largely dependent on the location of future dwellings. A consent notice, requiring all vehicles to be constructed in accordance with Part 29 of the Council's Roading Policies, is considered to sufficiently ensure adequate and practical access is achieved.

The access to the church will remain unchanged.

Overall, it is considered the proposal can be adequately absorbed without detracting from the safety and efficiency of the roading network.

8.2.6 Positive Effects

The proposal is considered to generate positive effects including the provision of additional residential activities in an area where the density proposed is consistent with the prevailing scale of development of the area and one that can be adequately absorbed without detracting from amenity values.

8.2.7 Summary of Effects

In terms of effects on the environment, it is concluded that these effects will be no more than minor due to:

- The subdivision does not detract from the wider character, visual amenity or residential amenities insofar as the subdivision represents a logical insertion with the density being one that can be absorbed given the sympathetic character and scale of development with the surrounding residential densities.

- The proposal represents an appropriate use of the land in terms of effects on the environment.

- The subdivision design can accord to Council's Land Development and Subdivision Code of Practice in terms of servicing, access and design.

- The scale and degree of subdivision will not adversely affect rural amenity values given such values are not apparent on this site. The proposal contains development to an area predominantly characterised by residential activities and will not extend domestication to more rural areas of the District.

- Due to the constrained nature of the site to utilise for productive purposes, adverse effects on productive capacity will be no more than minor.

- The proposal will result in additional traffic movements to and from the site however the scale is not considered to result in any material effect on the efficiency of the road.

Overall, the proposal represents a logical insertion on a parcel of land that enables residential activities to occur that is not incongruous to that of the receiving environment. While the underlying Zone anticipates rural activities, such activities are not considered logical or feasible based on the assessment of the land herein. With environmental effects being no more than minor, the proposal is considered entirely appropriate in this location.

8.3 EFFECTS OF PERSONS

Persons Affected

> *Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted*

In considering adverse effects on persons, the most relevant properties are those that either adjoin the site or are located directly adjacent the property. These properties are identified in the following figure (Figure 6):

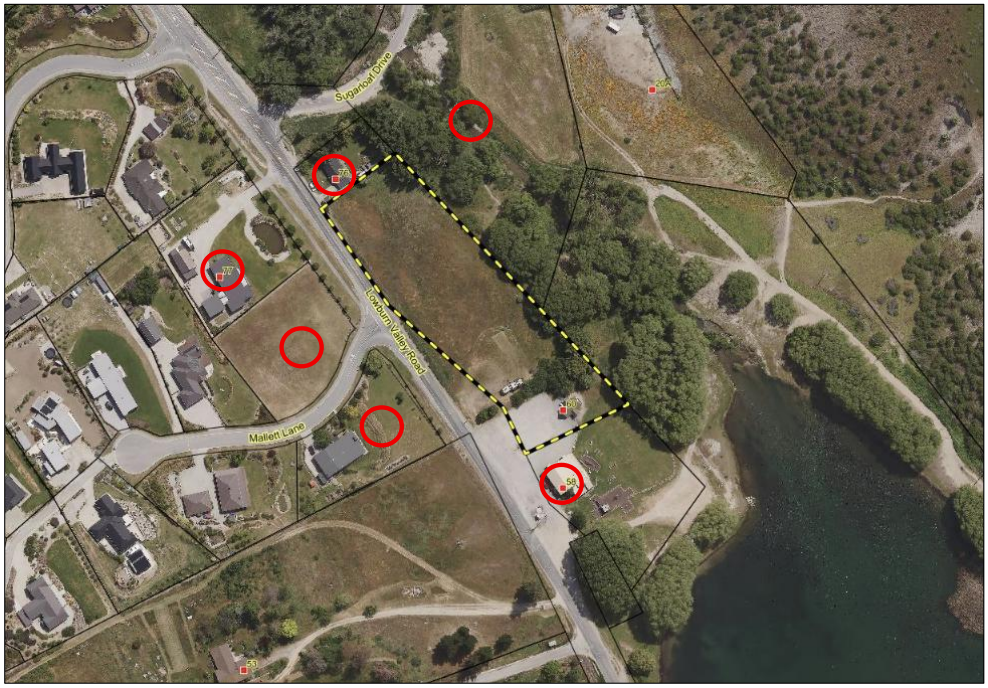

Figure 6: Location of adjacent properties in which effects were considered.

Property	Relevant effect	Assessment
2 Mallet Lane 3 Mallet Lane 77 Lowburn Valley Road	Traffic Effects	These three properties are located on the opposite side of the road from the subject site. The proposed subdivision will result in the creation of two additional lots for future residential use, with the existing lot containing the church to remain unchanged. Once developed, the two additional residential lots are expected to generate only a minor increase in vehicle movements, typically in the order of 6 to 8 vehicle trips per day per dwelling (based on standard residential trip generation rates). This modest increase in daily traffic will be readily absorbed within the existing rural road network, which already accommodates similar levels of activity associated with nearby large-lot residential properties. The additional traffic will not result in any noticeable change to traffic volumes, noise, or safety conditions for neighbouring properties. Access to each lot can be provided in a safe and efficient manner, with adequate sight distances and manoeuvring space available. As such, the proposal is not anticipated to generate any adverse traffic effects on adjoining neighbours or the wider road network.
	Noise effects	The effects of noise from a residential dwelling in the context of a residential enclave are considered to be less than minor on these properties.
	Shading, bulk, privacy and dominance	No adverse shading, bulk, privacy or dominance effects will arise due to the separation distances afforded.
	Amenity effects Visual effects	As per Ms Snodgrass's landscape assessment, the visual and landscape effects are considered to be less than minor on the basis that the proposal represents an infill subdivision within an enclave characterised by consistent sized residential activities. The proposal maintains the character of the surrounding area while consolidating development to an area capable of absorbing an additional residential dwelling. Accordingly, adverse visual and amenity effects will be less than minor.
	Reverse sensitivity	This property is currently in pasture. The proposal represents the provision of two residential allotments to be integrated into a receiving environment that is effectively characterised by consistent sized residential properties. The proposal is not considered to result in any additional reverse sensitivity constraints on this property any more so than what is presently the case.
76 Lowburn Valley Road	Traffic Effects	As above, the modest increase in daily traffic will be readily absorbed within the existing rural road network, which already accommodates similar levels of activity associated with nearby large-lot residential properties. The additional traffic will not

		result in any noticeable change to traffic volumes, noise, or safety conditions for neighbouring properties. Access to each lot can be provided in a safe and efficient manner, with adequate sight distances and manoeuvring space available. As such, the proposal is not anticipated to generate any adverse traffic effects on adjoining neighbours or the wider road network.
	Noise effects	Any noise associated with the future use of the new lots will be consistent with that typically generated by residential activities, such as vehicles entering and exiting the site, general domestic use, and occasional outdoor activity. Such sounds are characteristic of a residential environment and are anticipated by the District Plan. Noise from residential activities is not considered inherently adverse, as it reflects the normal pattern of occupation and use in this type of setting. Given the separation between dwellings, the generous lot sizes, and the established pattern of similar development in the surrounding area, any noise generated from the new lots will be well within the expected acoustic environment. Accordingly, the proposal will not give rise to any unreasonable or adverse noise effects on adjoining neighbours.
	Shading, bulk, privacy and dominance	Given the separation distances afforded and the proposed controls on height, effects associated with future built form on this property are considered to be less than minor.
	Amenity effects	
	Visual effects	
	Reverse sensitivity	As above, the proposal will represent a more compatible and cohesive land use outcome compared to more intensive or productive rural operations, and will not result in any unreasonable constraints on the ongoing use of surrounding rural land.
16, 20 and 20A Sugar Loaf Drive	Traffic Effects	These properties are located on the opposite side of the Low Burn Creek and are substantially separated from the subject site. As such, it is unlikely that any person at these properties would experience effects from the proposed subdivision.
	Noise effects	
	Shading, bulk, privacy and dominance	
	Amenity effects	
	Visual effects	
	Reverse sensitivity	
58 Lowburn Valley Road	Traffic Effects	These three properties are located on the opposite side of the road from the subject site. The proposed subdivision will result in the creation of two additional lots for future residential use, with

		the existing lot containing the church to remain unchanged. Once developed, the two additional residential lots are expected to generate only a minor increase in vehicle movements, typically in the order of 6 to 8 vehicle trips per day per dwelling (based on standard residential trip generation rates). This modest increase in daily traffic will be readily absorbed within the existing rural road network, which already accommodates similar levels of activity associated with nearby large-lot residential properties. The additional traffic will not result in any noticeable change to traffic volumes, noise, or safety conditions for neighbouring properties. Access to each lot can be provided in a safe and efficient manner, with adequate sight distances and manoeuvring space available. As such, the proposal is not anticipated to generate any adverse traffic effects on adjoining neighbours or the wider road network.
	Noise effects	The effects of noise from a residential dwelling in the context of a residential enclave are considered to be less than minor on these properties.
	Shading, bulk, privacy and dominance	No adverse shading, bulk, privacy or dominance effects will arise due to the separation distances afforded.
	Amenity effects	As per Ms Snodgrass's landscape assessment, the visual and landscape effects are considered to be less than minor on the basis that the proposal represents an infill subdivision within an enclave characterised by consistent sized residential activities. The proposal maintains the character of the surrounding area while consolidating development to an area capable of absorbing an additional residential dwelling. Accordingly, adverse visual and amenity effects will be less than minor.
	Reverse sensitivity	The community hall is a long-established facility that accommodates occasional gatherings and events, which may generate intermittent noise, lighting, and vehicle movements. The proposed subdivision layout ensures that the existing church acts as a physical and acoustic buffer between the hall and the new residential lots. As a result, the potential for reverse sensitivity effects, where future residents might be adversely affected by or object to activities associated with the community hall, is substantially mitigated. Furthermore, the community hall and church are both established community-oriented activities that are compatible in character and function. Any future residential use of the new lots will therefore occur in a setting where such activities are expected and accepted as part of the local environment. Overall, the proposal is not anticipated to give rise to any reverse sensitivity effects on the adjoining

		community hall, and the spatial arrangement of the lots provides an appropriate level of separation and compatibility between activities.

Overall, based on the assessment above, no persons are considered adversely affected by the proposal.

8.3.1 Summary of Adverse Effects

Overall, it is considered the proposal suitably mitigates adverse effects on the wider environment and will be no more than minor.

As the proposal is considered to generate no more than minor adverse effects on the environment, no mitigation measures over and above those inherent to the proposal are considered necessary.

9 SECTION 95 NOTIFICATION

9.1 PUBLIC NOTIFICATION

Section 95A gives a council discretion to decide whether to publicly notify an application or not. There are a total of four steps that are to be followed to publicly notify consent applications under Sections 95A (2) to 95A (9). These steps are addressed in the Table below.

Test	Yes/No	Comments
Step 1: Mandatory notification in certain circumstances – section 95A(3)		
Has the applicant requested that the application be publicly notified?	Yes	
Is public notification required under s95C (following a request for further information or commissioning of report)?	No	
Is the application made jointly with an application to exchange reserve land?	No	
Step 2: If not required by Step 1, notification is precluded if any of these circumstances apply – section 95A(5)		
Does a rule or NES preclude public notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Is the application a restricted discretionary or discretionary activity for a subdivision?	No	
Is the application a restricted discretionary or discretionary activity for residential activity?	No	
Is the application a boundary activity (other than a controlled activity)?	No	
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)		
Does a rule or NES require public notification?	No	

Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No	As detailed in the assessment undertaken in Section 8.0 above, the effects on the environment are considered to be no more than minor.
Step 4: Relevant to all applications that don't already require notification – section 95A(9)		
Do special circumstances exist that warrant the application being publicly notified?	No	

9.2 LIMITED NOTIFICATION

Section 95B gives a council discretion for limited notification of consent application. Similar to public notification, there are a total of four steps that are to be followed for limited notification consent applications under Sections 95B (2) to 95A (10). These steps are addressed in the below Table:

Test	Yes/No	Comments
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)		
Are there any affected protected customary rights groups or customary marine title groups?	No	
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?	No	
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)		
Does a rule or NES preclude limited notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)		
In the case of a boundary activity, is the owner of an allotment with an infringed boundary considered affected under s95E?	No	
Are there any other affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval?	No	As per the assessment undertaken in Section 8.0 above, no persons are considered to be adversely affected by the proposal.
Step 4: Notification in special circumstances – section 95B(10)		
Do special circumstances exist that warrant the application being notified to any persons not identified above?	No	

9.3 NOTIFICATION CONCLUSION

The applicant volunteers public notification.

10 SECTION 104(1)(b) ASSESSMENT

10.1 OVERVIEW

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) (of the RMA). This includes;

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

10.2 NATIONAL POLICY STATEMENTS

10.2.1 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) was made operative on 17 October 2022.

The site is within Land Use Capability Class 3 soils[10] as illustrated in Figure 10 below.

Figure 7: Extract of LUC Class Maps. Location of site approximate.

Highly productive land is tentatively defined under Clause 3.5(7)(a) of the NPS as land that is:

(i) zoned general rural or rural production; and

[10] https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability

(ii) LUC 1, 2, or 3 land

While the site is not used for rural production, it is zoned Rural Resource Area and is classified as LUC 3. Therefore, it is appropriate to define the site as Highly Productive Land and therefore the NPS-HPL applies.

Section 3.10 of the NPS enables Council to allow the subdivision of highly productive land if it is satisfied that:

(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and

(b) the subdivision, use, or development:

(i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

(iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):

(a) alternate forms of land-based primary production:

(b) improved land-management strategies:

(c) alternative production strategies:

(d) water efficiency or storage methods:

(e) reallocation or transfer of water and nutrient allocations:

(f) boundary adjustments (including amalgamations):

(g) lease arrangements.

An evaluation of this test is as follows:

alternate forms of land-based primary production	The land is bounded by the Lowburn Valley Road to the south, the Lowburn Community Hall to east, the Low Burn to the north, and a private residence on a

	1052 m^2 property to the northwest (76 Lowburn Valley Road). On the opposite side of Lowburn Valley Road there are a number of established residences within 50 metres of the southern boundary. Around one third of the site is occupied by the existing church. The remain two thirds (around 6,000m2), is in grass. An evaluation of the potential uses for the remaining 6,000m^2 has been evaluated by Mr Weaver (horticulture). The general conclusions are as follows: • There is insufficient rain to sustain productive horticultural crops therefore an irrigation supply is required for any proposed horticultural crop. The property does not have a suitable irrigation supply. • The wind conditions for 60 Lowburn Valley Road are the same as for the Cromwell Flats. Shelter from wind will be required for tree fruit crops, requiring land area to accommodate wind protection, reducing the area of usable land for crops. • There is a significant spring frost risk which is unable to be mitigated with current frost protection practices. • With the proximity of neighbours, agrichemical applications may not be able to be applied in a timely manner. • The available land area of 0.5 hectares does not provide sufficient economy of scale to develop a horticultural production unit. Recognising these constraints, it is considered that the site is significantly constrained in terms of its ability to be utilised for a range of productive purposes and therefore the proposal will generate no more than minor adverse effects on productive capacity. This is further supported by the fact that the site has not functioned in any meaningful capacity for primary production and therefore effects will be no different to what occurs today.
improved land-management strategies	While there will continue to be advancement and intensification in land-management practices, the site lacks any access to irrigation water supply and is physically constrained by the prevailing size of the site and its location, embedded within the Lowburn community. The overall size of the property limits a viable economic production as evaluated by Mr Weaver.
alternative production strategies	As detailed above, alternative means of production have been considered recognising that the site historically has not functioned as such.
water efficiency or storage methods	The provision of water has been assessed by Weaver as follows:

reallocation or transfer of water and nutrient allocations	Fruit crops have a water demand of 6mm per day on average (60m^3/day/ha). In hot, northwest conditions the water requirement may be double the average necessitating a water supply which will cater for the peak demand. The property has a domestic water supply but does not have an irrigation supply. Allowing for the existing buildings, required ancillary buildings and headlands approximately 0.5ha of the available land will be productive. An average irrigation take of 30m^3 per day will be required for producing a crop. The only opportunity for an irrigation supply is a water take from Lake Dunstan. This would require consents for the water take along with easements to convey the water through the adjacent property. There is no guarantee that either of these can be achieved. Without an irrigation supply the property is unable to be developed into a commercial horticultural crop.
boundary adjustments (including amalgamations) lease arrangements.	The site is located firmly within the Lowburn community, bordered to the north west by an existing residence, sits opposite the Large Lot Residential Zone (to the south) and large lot residential to the north. A community space occupies the southern boundary. As such, there is no practical boundary adjustment or lease arrangement that could be made. The site has not functioned in a primary production manner previously and is unlikely to represent a viable proposition for adjoining land owners.

In considering the above evaluation, the following conclusions are made:

(a) there is permanent or long-term constraints on the land due to the provision of existing sensitive receptors (neighbouring dwellings) which precludes frost fighting, the limited land area available and the lack of reliable irrigation water. The overall conclusion therefore means the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years.

(b) the subdivision, use, or development:

(i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; The term significant is not defined in the NPS. The Oxford Dictionary defines significant as “important or noticeable”. I do not consider the proposed subdivision would result in an “important” or “noticeable” loss of highly productive land, recognising that the site has not functioned in a primary production capacity in the past, and its location within the urbanised Lowburn Valley context.

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land. The site is firmly embedded in an environment defined by residential and community activities.

(iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development. The site is located within an enclave of residential activities. Any attempt to utilise the land for primary production has the potential to generate reverse sensitivity effects of the established residential environment.

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development are considered to outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values. The proposed subdivision provides a substantial economic gain for both the applicant and prospective owners, along with providing for the social wellbeing of prospective new landowners.

In considering the NPS, it is considered that by definition, the site is to be classified as Highly Productive by virtue of its underlying Zoning and subsequent LUC classification. However, fundamentally the site is severely constrained by its size, location and lack of irrigation infrastructure such that the investment in infrastructure to support primary production is illogical and identified as uneconomical.

The provision of sustainable management needs to take precedent, and the proposal is considered to be one that demonstrates sustainable management through the utilisation of impeded land for residential purposes within a defined urban limit.

10.3 REGIONAL POLICY STATEMENT

10.3.1 Regional Policy Statement for Otago 1998

The Regional Policy Statement for Otago 1998 was revoked on 15 March 2021. This document does not need to be considered any further.

10.3.2 Partially Operative Otago Regional Policy Statement 2019 (RPS2019)

The Partially Operative Otago Regional Policy Statement 2019 (RPS2019) was declared partially operative on 15 March 2021 (at which point the 1998 document was revoked) and fully operative on 4 March 2024.

Of the key themes identified in the RPS2019, I make the following brief comments in respect of the RPS provisions and the proposed development:

- The proposal is not considered to result in adverse effects on the quality of the built environment of the region nor the use of natural and physical resources within it. The effects arising from the proposal have been canvassed and concludes that overall, any adverse effects will be less than minor.

- Standard servicing conditions are considered appropriate in ensuring the development can be appropriately serviced in terms of the stormwater, wastewater and water supply networks, such that the efficiency of those networks will be maintained. Further, the proposed traffic generation of the development can be

accommodated on the existing network without adverse effects on the function and safety of that network.

- The proposal is not considered to give rise to Treaty issues and further, is not considered to adversely affect the relationship Kai Tahu have with the built environment of the region. Overall, the proposal is considered to be consistent with the relevant objectives and policies of the RPS.

10.3.3 Otago's Proposed Regional Policy Statement (2021)

The proposed Otago Regional Policy Statement 2021 was notified on 26 June 2021. Following a determination by the High Court, the pORPS 2021 was separated into two parts: a freshwater and a non-freshwater planning instrument. The non-freshwater instrument kept the original notification date and the freshwater planning instrument part was notified on 30 September 2022.

ORC notified its decisions on submissions on the proposed Otago Regional Policy Statement on 30 March 2024. Appeals have been received.

The proposal is not considered contrary to the pORPS 2021.

10.4 DISTRICT PLAN

10.4.1 Central Otago District Plan

With regard to the Central Otago District Plan, I have assessed the most relevant Objectives and Policies as follows:

Provision	Description	Assessment
4.3.1	Objective - Needs of the District's People and Communities To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.	Objective 4.3.1 is considered to be met insofar as the use of the land as proposed would provide for the economic wellbeing for the applicant and future lot owners through the sale and ownership of the property. The site in its current form does not contribute in any meaningful capacity to the primary production industry nor does it provide in any form to the wellbeing of the community. The proposal would provide for the social wellbeing of future lot owners through the provision of housing and accommodation in an area where residential activities can be absorbed. In addition, an effects assessment on the environment concludes that such effects will be appropriately avoided, remedied or mitigated and therefore environmental quality is at least maintained.

		The proposal is therefore considered to be consistent with Objective 4.3.1.
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.	Objective 4.3.3 and associated Policy 4.4.2 details rural amenity values as being attributed to the open space, landscape, natural character and built environment. Policy 4.4.2 elaborates the various techniques that can be employed to manage these effects, including the avoidance of skyline breaches, the extent to which development is compatible with the surrounding environment and consideration with the location of buildings. As per Ms Snodgrass's assessment, the proposal represents an infill style of development within an environment that is capable of absorbing the additional densities proposed. The proposal does not compromise the hills and ranges of the terrace backdrop. As a result, the proposal is considered to be broadly consistent with the Policy framework noted above. Through conditions of consent, it is considered that suitable provision for servicing can be provided to the development, ensuring future residential activities are appropriately serviced. Onsite wastewater is determined to be feasible as per the assessment undertaken by Meyer Cruden.
4.4.2	Policy– Landscape and Amenity Values To manage the effects of land use activities 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) Controlling the generation of noise in back country areas, (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.	
4.4.8	Policy - Adverse Effects on the Amenity Values of Neighbouring Properties. To ensure that the effects associated with some activities including (but not limited to): (a) Noise (including noise associated with traffic generation, night time operations), and vibration, (b) The generation of a high level of traffic, in particular heavy vehicles, (c) Glare, particularly from building finish, (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site, (e) The generation of odour, dusts, wastes and hazardous substances, and (f) The use and/or storage of hazardous goods or substances	The effects of the proposal on adjoining neighbours are considered to be less than minor as detailed in the assessment above.

	do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.	
4.4.9	Policy - Effects of Rural Activities To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.	No additional sensitive receptors are proposed and therefore no additional concerns with regard to rural activities is considered to result, particularly given the characteristics of the receiving environment which is defined predominantly by residential activities.
4.4.10	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 rural environment in particular the hills and ranges, b. The natural character and values of the District's wetlands, lakes, rivers and their margins, c. The production and 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.	Policy 4.4.10 seeks to ensure that subdivision and land use avoids, remedies or mitigates adverse effects on a range of matters. These matters are addressed in my assessment of environmental effects, and I am generally satisfied that the proposal is not contrary to this policy.
4.3.7	Objective - Soil Resource To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.	Objective 4.3.7 seeks to ensure the life supporting capacity of soils are maintained to ensure the needs of present and future generations are met. As assessed, the site does not contribute in any meaningful way to the community at present and therefore there will be no material change as a result of this proposal on that contribution. The constraints are such that the site does not lend itself as one that would likely have a contribution to the community in terms of primary production. I consider the proposal is not contrary to this Objective.
16.3.1	To ensure that subdivision avoids, remedies, or mitigates adverse effects on the safe and efficient operation of the districts roading network.	The proposal will have a negligible effect on the safe and efficient operation of the district's roading network.
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.	Appropriate servicing has been demonstrated as per the Infrastructure Feasibility Assessment.

16.3.4.	To ensure, where appropriate, that amenity values of the district created by the 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.	As per Ms Snodgrass's assessment, the open space, landscape and natural character values are considered to remain intact due to the subdivision representing an infill style of development within an area predominantly characterised by similar sized residential allotments.

10.4.2 Precedent

For completeness, it is appropriate at this point to consider precedent. While precedent is not an 'effect' in of itself, they remain relevant considerations pursuant to sections 104(1)(b)(vi) and (c) of the RMA.

Each application needs to be considered on its own merits, noting that Council has full discretion when considering an application to subdivide[11] or establish residential activities[12] in the Rural Resource Area. For subdivision of the Rural Resource Area, the assessment matters listed under Rule 4.7.4(ii) requires the following matters to be considered (paraphrased):

- Consideration that future building can be suitably absorbed having regard to effects on open space, natural character and amenity values of the rural environment;
- Whether the associated earthworks, planting and driveways will adversely affect open space, natural character and amenity values;
- Whether the building would compromise landscape values;
- Capability for sustainable use of productive land resources;
- Adverse cumulative effects when assessed in conjunction with existing and consented (unimplemented) development;
- Reverse sensitivity; and
- Servicing.

Broadly speaking, all of the assessment matters noted above requires prospective applicants seeking subdivision (in the Rural Resource Area) to satisfy the decision maker that effects on the rural environment (my emphasis added) are appropriately avoided, remedied or mitigated. Assuming one can satisfactorily demonstrate that effects have been suitably avoided or mitigated, then the proposal can be granted. If the effects of the proposal are not suitably mitigated or are inappropriate, then that proposal can be declined.

The land is located within a context that is defined by the residential activities immediately across the road and adjoining the northern boundary. In terms of effects, the proposal is considered to generate no more than minor adverse effects on the environment, and does not detract from rural amenity values given the lack of these values applying, with the site more appropriately lending itself to residential insertion, in line with the character of the

[11] Given that subdivision is at a minimum, a Discretionary Activity under Rule 4.7.4(ii).
[12] Where there is more than one dwelling proposed per Title.

receiving environment. This is further supported by the evaluation undertaken to determine the productive capacity of the site, which is concluded to be constrained.

The proposal is considered not contrary to the relevant objectives and policies of the District Plan noting that much of the provisions pertaining to the Rural Resource Area are not entirely applicable to the subject site.

The site, while located within the Rural Resource Area, does not automatically suggest legitimate 'rural' use is most appropriate. As per Mr Weaver's assessment, the limitations of the site are pre-existing which includes the prevailing size of the block, the provision of adjoining neighbours and lack of irrigation infrastructure. No person will consider the quality or integrity of the Rural Resource Area will be undermined by what is a logical insertion and a land use that better utilises the land resource for alternative purposes.

I do not consider by virtue of the site being zoned Rural Resource Area, will a proliferation of subdivision occur within all other areas of the Rural Resource Area. Such a conclusion ignores the circumstances surrounding the subject site and its unique location within an enclave of prevailing residential activities. For these reasons, I consider the proposal will not result in an adverse precedent on the Rural Resource Area generally.

10.4.3 Section 106

Pursuant to Section 106 of the RMA, 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, access to the proposed allotments can be achieved.

In terms of natural hazards, the site is not identified on Council's hazard register as being subject to natural hazards. Notwithstanding, an assessment of potential hazards has been undertaken by Meyer Cruden and as detailed in **Appendix [H]**. The report undertook a flood assessment using a 2D hydraulic model for a proposed subdivision development in Lowburn. The purpose of the investigation was to assess the following:

- Flood modelling to assess the site specific flood risk;
- Identification of mitigation measures in the form of proposed minimum floor levels as per NZS 4404 (100yr / 1% AEP + 500 mm); and,
- Assessment of effects on flooding of nearby properties from development of the site, if any.

The model terrain was developed from a DEM (0.5m resolution) processed and supplied by LandPro (April 2025). The 2D flow area is limited to this DEM, and upstream inflow boundary conditions have been extracted from NIWA Flood Stats, with an increase of 30% to allow for climate change.

The minimum floor levels have been recommended as the 100yr / 1% AEP event plus 500 mm freeboard (as per NZS 4404). In addition, model results suggest that the 1000yr / event % AEP scenario will not inundate the building platform areas. More detailed floor levels for individual building footprints can be determined at the building consent stage if required.

Future development is not expected to intersect with flood flows; therefore, downstream effects of the development have not been assessed.

Additional assessment of the debris flow risk has not been completed on the basis that the floodwater extents are not predicted to impact the building platform locations.

The sensitivity of the model to the hydrological assumptions has been investigated where the 1000yr design event (including 30% climate change) results in no inundation of the proposed building platforms, and a maximum of 120mm increase in water level on Lot 2. For this reason, the model results are not considered sensitive to the hydrological assumptions.

An extract of the modelled 100 year flood depth as modelled by Meyer Cruden is as follows:

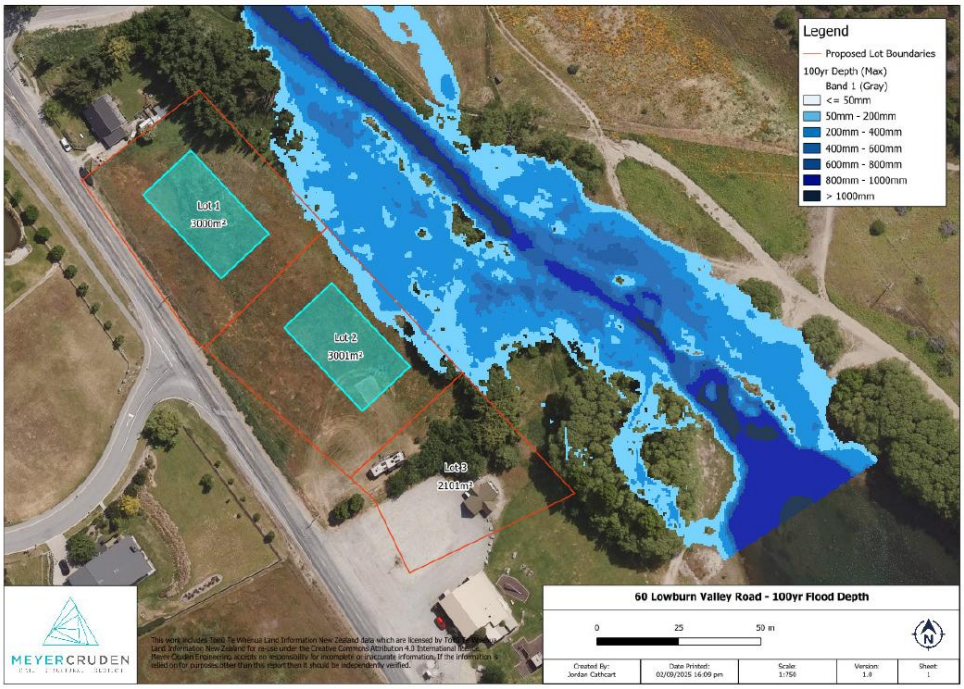

Figure 8: 100 year flood depth (mm) (Source: Meyer Cruden).

11 PART 2 ASSESSMENT

11.1 OVERVIEW

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

11.1.1 SECTION 5

The purpose of the Act as stated in s5(1) of the RMA is, "to promote the sustainable management of natural and physical resources".

Section 5(2) of the Act defines "sustainable management" as:

> *… 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) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

As detailed throughout, the density of development proposed is consistent with the intensity of development that characterises the immediate area.

A myriad of conditions are promoted to mitigate actual and potential adverse effects on the environment and therefore effects are considered to be appropriately avoided, remedied or mitigated.

It has been established that the site is constrained in its ability to provide a viable contribution for primary production. The proposal is considered to represent sustainable management where adverse effects on the environment have been appropriately mitigated whilst providing for the social, cultural and economic wellbeing of the applicant. The activity represents a logical and appropriate use of the land resource irrespective of the zone that applies.

11.1.2 SECTION 6

Section 6 relates to matters of national importance. There are no matters of national importance that are considered to apply to this site.

11.1.3 SECTION 7

Section 7 relates to 'other matters'. The matters of relevance are considered to be as follows:

> *(b) the efficient use and development of natural and physical resources*
>
> *(c) the maintenance and enhancement of amenity values*
>
> *(f) maintenance and enhancement of the quality of the environment*

Again, all of these matters have been addressed in the above assessment noting that the proposal represents an efficient use of the land through developing the site in a manner that does not detract from the character of the surrounding area.

On balance, the proposal is considered consistent with Section 7 of the RMA.

11.1.4 SECTION 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi.

The proposal is not considered to be at odds with the principles of the Treaty of Waitangi.

11.1.5 CONCLUSION

When taking a balanced assessment of the proposal, it is considered that the proposal will not generate an inappropriate degree of adverse effects on the environment all the while generating positive effects in the form of providing for social, cultural and economic wellbeing.

Consequently, the proposal is considered to achieve Part 2 of the Act.

12 SUMMARY

Resource consent is sought to undertake a three-lot subdivision of 60 Lowburn Valley Road, Lowburn.

Overall, the activity is assessed as a **non-complying activity.**

The actual and potential effects on the environment have been outlined in section 8 of this report where it is concluded that the proposed activity will not have any adverse effects on the environment that are more than minor. Accordingly, the proposal does not meet the threshold in which to be publicly notified.

No persons are considered to be adversely affected by the proposed subdivision as detailed throughout and therefore the proposal does not warrant Limited Notification.

Pursuant to Section 106 of the RMA, 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, access to the proposed allotments can be achieved direct to the road. Further, it is demonstrated that the subdivision will not exacerbate natural hazards.

The proposal is considered consistent with the relevant objectives and policies of the Operative and Proposed Regional and District Plans and meets the purpose and principles of the Resource Management Act 1991.

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor. I conclude the effects are no more than minor for my reasons set out above.

With respect to the second gateway test under section 104D(1)(b), the application is considered to not be contrary to the relevant policies and objectives of the relevant plans. I

consider that not all provisions are inherently relevant but those that are, will not be at odds with what is proposed and therefore not contrary.

Accordingly, as the application has passed both of the gateway tests in s104D, I consider consent can be granted for this non-complying activity.

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PO Box 190
Cromwell, 9342
jakewoodward.co.nz

RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land Transfer Act 2017

R.W. Muir
Registrar-General
of Land

Identifier	**OT12B/85**
Land Registration District	**Otago**
Date Issued	15 July 1988

Prior References
GN 621617

Estate	Fee Simple
Area	8102 square metres more or less
Legal Description	Section 2 Survey Office Plan 22525
Registered Owners	
Lakeside Christian Centre	

Interests

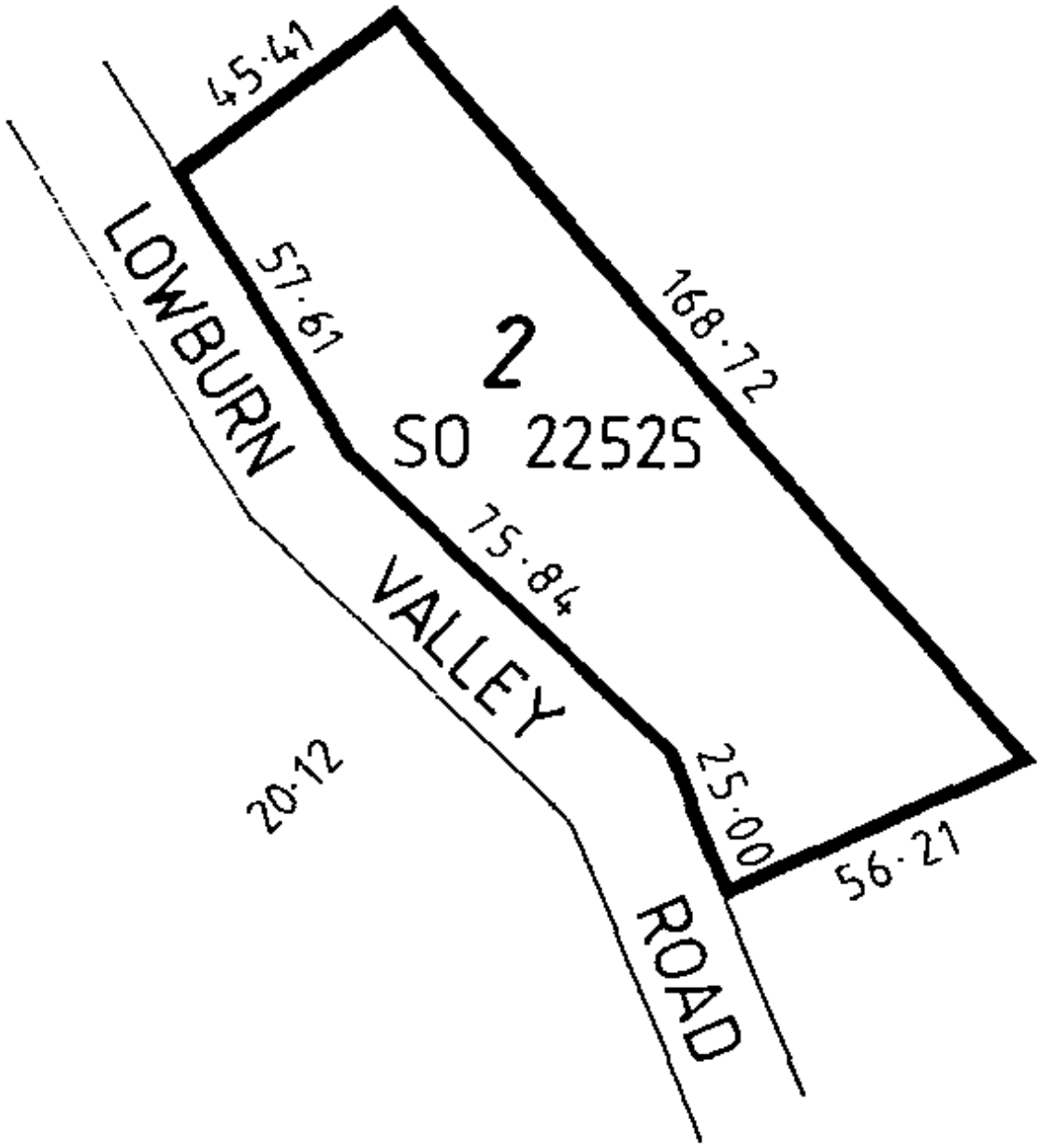
Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

Subject to a right to convey water in gross over part marked C, D on DP 301867 in favour of (now) Lowburn Hall Society Incorporated created by Transfer 5147845.4 - 1.2.2002 at 1:04 pm

9807172.2 Mortgage to ANZ Bank New Zealand Limited - 13.8.2014 at 12:50 pm

Identifier **OT12B/85**



NOTES:

• HORIZONTAL DATUM:

New Zealand Geodetic Datum 2000 (NZGD 2000)
Lindis Peak 2000 Circuit

•Contours shown on this plan have been computed from a triangulated irregular network (tin) and may not represent the true ground level at any given point. accuracy will vary dependant on the terrain and proximity to spot heights

• SERVICES DATA

The location of underground services have been taken from the CODC GIS (accuracy is unknown)
Service providers should be consulted prior to undetaking any earthworks.

• PROPERTY DATA

Boundaries shown on this plan have been extracted from Land On Line and have not been confirmed by observation and measurement to old cadastral survey marks found in the vicinity.

Easements, covenants and other legal instruments pertaining to this site may not be represented on this plan. A full investigation of legal records should be undertaken.

No	DATE	REVD	APPD	AMENDMENT
a	13/08/25	CL	CL	Issued for RC Application
b	29/08/25	CL	CL	Building Platform Added
c	16/10/25	CL	CL	Building Platform Text Added

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TITLE:
Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

Scale1: 750	PROJECT No 814	DRAWING No PLA_001	ADMT C

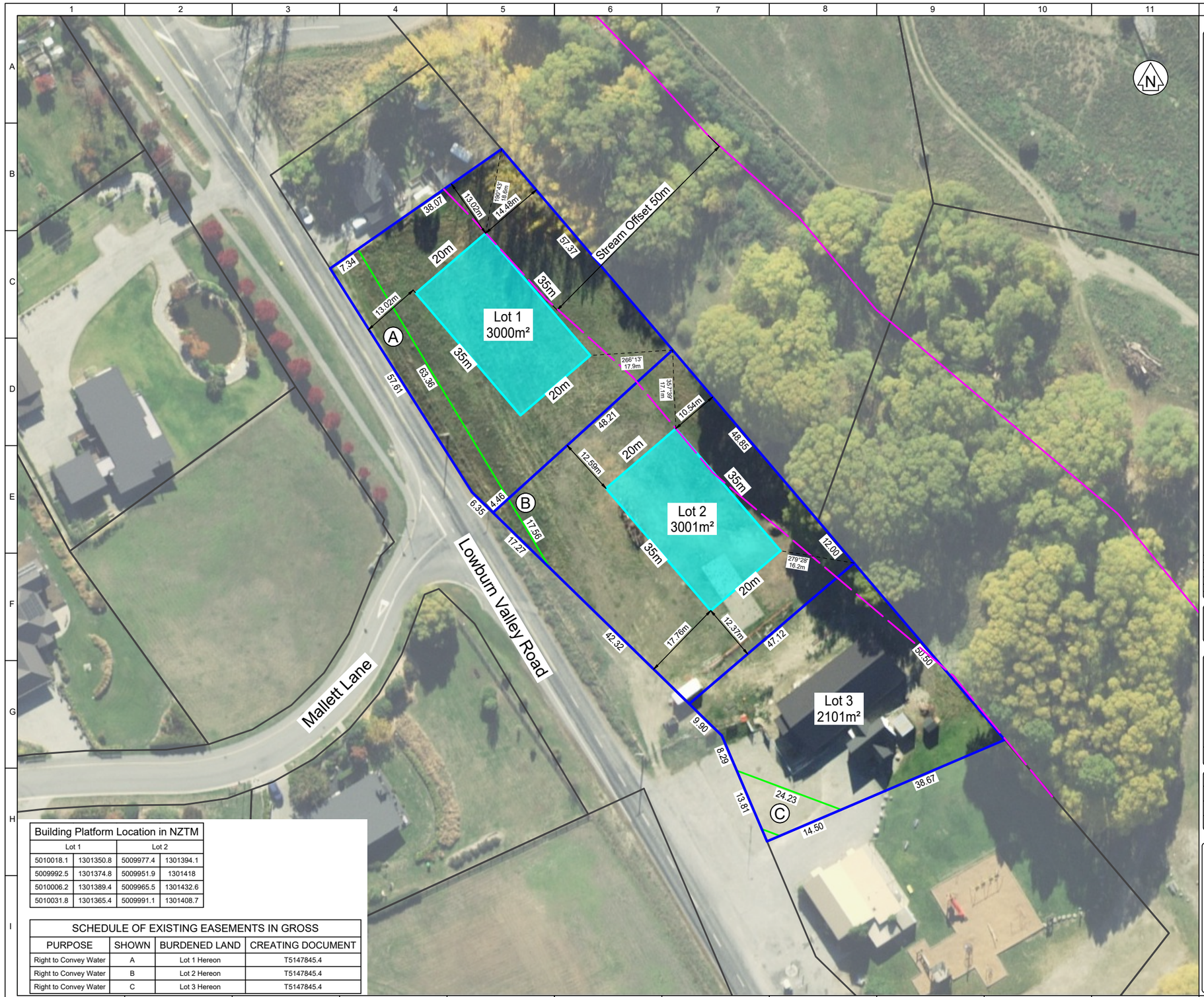
CLIENT: Lakeside Christian Centre
PROJECT: RC Application

DRAWN	APPROVED		
CL	CL		
DATE 16/10/25	SHEET No 1 of 2		

LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka Ph: 021 275 6249
charlie@latchfordsurveying.co.nz

Date Plotted: Thu Oct 16 13:19:26 2025

Plotted Name: 814 Lakeside Christian Centre 814-900-C-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road



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TITLE:
Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525
60 Lowburn Vally Road

Scale1: 750	PROJECT No 814	DRAWING No PLA_002	ADMT C

CLIENT: Lakeside Christian Centre
PROJECT: RC Application

DRAWN	APPROVED		
CL	CL		
DATE 16/10/25	SHEET No 2 of 2		

Building Platform Location in NZTM			
Lot 1		Lot 2	
5010018.1	1301350.8	5009977.4	1301394.1
5009992.5	1301374.8	5009951.9	1301418
5010006.2	1301389.4	5009965.5	1301432.6
5010031.8	1301365.4	5009991.1	1301408.7

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED LAND	CREATING DOCUMENT
Right to Convey Water	A	Lot 1 Hereon	T5147845.4
Right to Convey Water	B	Lot 2 Hereon	T5147845.4
Right to Convey Water	C	Lot 3 Hereon	T5147845.4

LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka Ph: 021 275 6249
charlie@latchfordsurveying.co.nz

Date Plotted: Thu Oct 16 13:19:32 2025

Plotted Name: 814 Lakeside Christian Centre 814-901-C-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

60 LOWBURN VALLEY ROAD

LOWBURN

RESOURCE CONSENT FOR A

PROPOSED 3 LOT SUBDIVISION

LANDSCAPE ASSESSMENT REPORT

Michelle Snodgrass B.L.A (Hons) NZILA
Landscape Architect

mob: 0275 777 909
email: michelle@msla.co.nz

1.0 Introduction

This report has been prepared for Lakeside Christian Centre who are proposing to subdivide 60 Lowburn Valley Road into three lots. The purpose of the report is to determine the landscape and visual effects of the subdivision against the relevant assessment matters in the Operative CODC District Plan.

This report describes and quantifies the visual and landscape related effects that will result from the proposed resource consent and focusses on effects as experienced from outside of the site.

The site of the proposed development is within the Rural Resource Area (RU). The Trust is applying for the following consent:

- **4.7.3 (vii) A non-complying activity consent for a two-lot subdivision where the average is less than 2ha.**

Attached to this report, in the appendix, are:

- Attachment A: Visibility photo points.
- Attachment B: Design controls

Jake Woodward Planning has prepared the resource consent application and Latchford Surveying Ltd has prepared the subdivision plans.

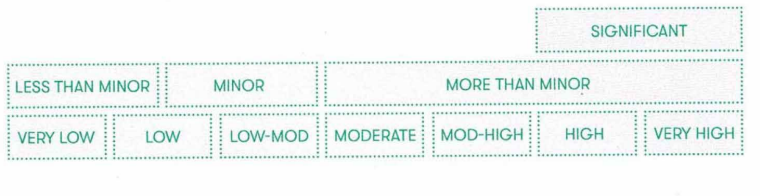
2.0 Methodology

The effects assessment methodology that has been used to assess the visual and landscape effects of the proposed shed including effects on visual amenity, informed by:

- The NZILA Best Practice Note, the Landscape Assessment and Sustainable Management 10.1'.
- *'Te Tangi a te Manu' Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022.*

The magnitude of the landscape and visual effects have been described using a 7-point scale as outlined in Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines[1] :

The Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines[2] advise against using the RMA terms 'minor,' 'less than minor,' 'more than minor' and 'significant' except where they are relevant and in the interests of precision[3]. Where the terms very low to very high as per the NZILA 7 - point scale are used they equate to the RMA scale as follows[4]:



The exception to the 7-point scale in this report are the degrees of visibility which are described as nil, low, moderate, high including degrees somewhat in between.

[1] Para. 6.21, page 140 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022
[2] Para. 6.21, page 140 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022
[3] Para. 6.38 and 6.39, page 150 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022
[4] Para 6.39, page 151 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022

A site visit was undertaken on the 3rd June 2025 and all photos in Attachment A are from that date and taken with a 50mm focal length equivalent digital camera.

3.0 The Proposal

The proposal is to create three lots:

- Lot 1, 3000m2 in area and includes a proposed 20m x 35m building platform.
- Lot 2, 3001m2 in area and also includes a 20m x 35m building platform.
- Lot 3, 2101m2 in area will contain the existing Lowburn church, the newly constructed church and approximately two thirds of a graveled parking area shared with Lowburn Hall.

The proposed building platforms will result in future houses set back a similar distance from Lowburn Valley Road as the new Lowburn Church and the house at 76 Lowburn Valley Road.

4.0 Site and context description

4.1 Site and surrounds

The site is a roughly rectangular shaped, 8102m2 parcel of land on the eastern side of Lowburn Valley Road between 76 Lowburn Valley Road and the Lowburn Hall. The site is generally flat to very gently sloping from the southwest corner to the northeast corner of the site and is approximately the same elevation as the road on the western boundary and southern end of the property reducing to below the road elevation in the northeastern part of the site. The original Lowburn Church and the extension of the new Lowburn Church are located at the southern end of the site. The church shares a graveled hardstand area with the Lowburn Hall which is used for parking for both church and hall use.

The site is rabbit-proof fenced on the northern, western, and eastern sides along the boundaries and on the northern side of the new Lowburn Church giving the impression that the church and hall are a single public space and the remainder of the site is private property. The vegetation cover of the site is unmanaged grass.

The southern end of the Lowburn Valley is a glacially formed valley between two outwash terraces – Sugarloaf to the east and an unnamed outwash terrace landform on the western side. Both outwash terraces have a similar elevation of around 300masl and have similarly steep slopes . Lowburn Creek which bisects the valley floor is fed from the numerous creeks on the Pisa Range and outwash terraces and drains into Lowburn Inlet and then Lake Dunstan . Lowburn Valley Road is located on the western side of the valley floor between the western outwash terrace and Lowburn creek.

The cultural landscape of the broader Lowburn Valley is generally characterised by the Large Lots Residential Precinct 2 zone, lifestyle blocks of various sizes and larger farms on the valley floor and up

onto the lower slopes of the outwash terraces. The site is located at the southern end of the valley, which has been developed in the last 20 years into a range of residential development more or less centred on the Lowburn hall and church.

- The Large Lots Residential Precinct 2 zone on the western side of the valley with lots between 0.3-0.58 ha and one unsubdivided lot of 2.894ha which extends from the intersection with SH6 to approximately 1.4km up the valley from the intersection.
- smaller lifestyle blocks in the Rural Resource Area zone on the valley floor between 0.1056 and 0.7 ha around Burchalls Lane, lower Sugarloaf Drive and between the intersection of Sugarloaf Drive and the Lowburn Hall.
- and larger blocks of 2ha to 10ha in the Rural Resource Area Zone on the lower slopes of the outwash terraces.

The Large Lots Residential Precinct 2 zoned land includes architecturally designed houses, large, irrigated lawns and shrub and tree garden planting. Due to the slope of the Large Lots Residential Precinct 2 area the houses are all clearly visible and overlook Lowburn Road.

Management of the Rural Resource Area zoned land on valley floor and lower slopes south of the intersection with Swann Road and Lowburn Valley Road to Lowburn Inlet includes horse grazing, orchards, small vineyard blocks, and hobby farms. There is reasonably extensive tree planting of poplars and conifers on the valley floor and particularly around the intersection with Swann Road. Willow trees line Lowburn Creek intermittently downstream of the Swann Road bridge to and around Lowburn Inlet. The slopes of the outwash terraces are generally fallow grazing land with scattered Briar Rose.

Neighbouring land adjacent to the site which is all zoned Rural Resource includes 76 Lowburn Valley Road on the northern boundary of the site , 58 Lowburn Road on the southern side, 16 Sugarloaf Drive and Lowburn Inlet on the eastern side and Lowburn Valley Road on the western side. Lowburn Valley Road forms the western boundary to the site and the Large Lots Residential Precinct 2 zone is directly opposite the site on the western side of the valley.

76 Lowburn Road is a residential site 0.1056h in area and includes a dwelling and accessory buildings. Mature deciduous and evergreen exotic trees are planted on the northern boundary of 76 Lowburn Valley Road. 58 Lowburn Road includes Lowburn Hall, and hardstand area shared with the church, an open grass area and children's playground, and a hard packed area of ground adjacent to the northern end of Lowburn Inlet used informally for car parking by people using the inlet for recreation.

16 Sugarloaf Drive is 1.7626ha in area and includes a dwelling, accessory buildings, and gardens. Lowburn Creek runs though the southern part of the site and has maintained its natural character as this area has not been developed or managed and has a natural topography and vegetation cover of ungrazed pastoral grass and mature Willows. The creek drains into Lowburn Inlet , a 12.5529ha property comprising the inlet and surrounding banks. The natural character of ungrazed pastoral grass and Willows trees also extends into the inlet.

To summarize, the site is at the edge of the RU zone and the immediate surrounding environment is a mixture of publicly used facilities, small lifestyle blocks and the Large Lots Residential Precinct 2 zone.

4.2 Landscape classification, character, and amenity

4.2.1 Landscape classification

The site is within neither the Outstanding Natural Landscape nor the Special Amenity Landscape classification described in the Operative CODC District Plan.

4.2.2 Landscape character

The landscape character of the site and surrounding environment is a node of residential development of the lifestyle character of the smaller lots within the Rural Resource Area and the low density residential character of the Large Lots Residential Precinct 2 zone all centred on the public facilities of the hall, playground and church. The Large Lots Residential Precinct 2 , hall and church are more dominant than the smaller lifestyle blocks at the southern end of the valley due to the area of the Large Lots Residential Precinct 2 zone and because it extends upslope and overlooks the valley. The site, 76 Lowburn Valley Road and the Lowburn Hall are separated from the smaller rural lots on Birchalls Lane and Sugar Loaf by Lowburn creek. The character of the site and 76 Lowburn Valley Road, while both zoned RU, have a rural -residential character because of the size of 76 Lowburn Valley Road, the location of the site between 76 Lowburn Valley Road and the church, and the dominant visual influence of the Large Lots Residential Precinct 2 zone, the hall, and church.

The use of the site for horticultural, agricultural, or viticultural use, while permitted activities in the RU zone would be at odds with the immediate context.

4.2.3 Visual amenity

The visual amenity of the site and the surrounding southern end of the Lowburn valley comprises the buildings, lawns and gardens of the Large Lots Residential Precinct 2 zone, public buildings and small lifestyle blocks on the valley floor with their trees, orchards, small vineyards and small farmed paddocks with houses and farm buildings. This developed visual amenity is further defined by the close and enclosing terrace risers of Sugarloaf on the eastern side and the unnamed outwash terrace on the western side in the foreground and midground. The remainder of the outwash terraces and the large-scale natural character of the Pisa Range provide the background visual amenity. The scale of the development on the valley floor at the southern end of the valley is small providing complexity and fine scale visual patterning not found on the open upper slopes of the terrace risers which have a more natural character of fallow land and wilding weed species such as briar.

The visual amenity of the valley floor is further enhanced by seasonal changes during the year with autumn colours of deciduous trees and shrubs, netting of the vineyards, and blossom on orchards.

The fenced part of the site in its current undeveloped state has a visual amenity associated with the smaller lifestyle blocks north and east due to the rabbit fencing and fallow pastoral grass. It has no transitional visual amenity values of seasonal change as there are no trees or shrubs on the site. The

southern end of the site, which includes the church, has a developed, built visual amenity in keeping with the hall.

The visual amenity of the site and wider landscape is medium. The landscape has a positive and pleasant character because of the natural character of the enclosing landforms and the more complex visual amenity of the valley floor, but it is not rare within the Central Otago district and is repeated at other viticultural and horticultural areas within the Cromwell basin such as on Burn Cottage Road, other parts of Lowburn Valley, and Ripponvale Road.

5.0 Permitted baseline.

There are a range of rural activities that would fall within the permitted baseline provided by the District Plan. For example, an implement shed complying with the standards specified in Rule 4.7.6 would form part of a permitted baseline as would earthworks for any road, track, landing, firebreak, fence line, or utilities service undertaken in association with a rural activity that meet the standards in 4.7.6(J). General earthworks of up to 2,000m2 in area or 3,000m3 in volume in association with a rural activity on any one site are also permitted.
The planting of indigenous and exotic vegetation (provided the exotic vegetation is not listed as a prohibited species in the District Plan) is also a permitted activity and the establishment of shelterbelts, crops, vines and orchards are permitted, including structures incidental to agricultural activities such as bird netting/support structures, pivot irrigators/sprinklers and other similar equipment although due to the limited area of proposed Lot 2 it is unlikely that the site would be used for agricultural, viticultural or horticultural uses.

6.0 The landscape effects of the proposed subdivision

The level of magnitude of landscape effect will be described as using a 7-point scale as outlined in Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines[5].

Landscape effects are those effects on the landscape as a resource, namely its landscape character and the components that make up that character, rather than visual issues.

The landscape of the site and context are a mixed character of the residential development of the Large Lots Residential Precinct 2 zone, the built public character of the Lowburn Church and hall and the small-scale rural lifestyle of the adjacent RU zone. As described previously the character of the site is influenced by the surrounding residential and public development node. The size of the lots, houses, lawns, gardens and trees are cohesive , repetitive elements.

[5] Para. 6.21, page 140 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022

Two additional lots for residential development will be entirely characteristic of the receiving environment because it will be an infill development and will be within the range of lot sizes in both the RU zoned landscape north and east of the site and the Large Lots Residential Precinct 2 zone. The infill nature of the subdivision will not detract from the wider landscape character given the development is contained within a well-defined and cohesive node of development centred on the church and hall and influenced by the Large Lots Residential Precinct 2 zone. Residential use would not be unexpected for proposed Lots 1 and 2 because of the surrounding character. The locations of the building platforms will result in future dwellings being no further west than the house at 76 Lowburn Valley Road or the new Lowburn Church and will be cohesive with that built pattern.

Proposed Lot 1, which will contain the church is smaller but still within the range of lot sizes and will be larger than 76 Lowburn Valley Road. The shared hard surface area and perceived collective public space of church and hall maintains a well-established built character.

The effect on the landscape character of the proposed subdivision will be **low** because there is very little loss of key landscape elements or characteristics such as lots that are uncharacteristically small or a use that is neither residential or public, or the potential for a dwelling higher than the limit of the Large Lots Residential Precinct 2 zone, the church or the hall.

7.0 The visual effects of the proposed subdivision

An assessment of visual effects deals with the effects of change and development on the views available to people, and their visual amenity. The visual amenity effect is the difference between the landscape character of the current site, and the changes to the character from the proposed development. The visibility assessment is an estimate of effects.

Select viewpoints from public places have been chosen to illustrate the visual effects of the proposal . The viewpoints are attached as Appendix A.

The potential visual catchment of the proposed subdivision and a potential future dwelling is:

- an approximately 517 m long stretch of Lowburn Valley Road between 15 Lowburn Valley Road and Sugarloaf Drive as a viewer is passing the Large Lots Residential Precinct 2 zoned land on the western side of the road and the site. Photo Points 1-3 illustrate the effects from this corridor. The site is partially to fully visible from within this corridor with the highest degree of visibility occurring when passing the road frontage of 60 Lowburn Valley Road, a distance of approximately 120m. Beyond this viewing corridor topography, residential development within the Large Lots Residential Precinct 2 zone, the church and Hall, and existing Willow and Poplar trees on the eastern side of the road screen the site.
- Intermittently visible from Mallet Lane from approximately 6 Mallett Lane downhill to the intersection with Lowburn Valley Road where the site is fully visible. The existing houses, fences, and gardens within the Large Lots Residential Precinct 2 zoned land provide intermittent or partial screening of the site. Photo Points 3 and 4 illustrate the effects.

- The intersection of Lowburn Valley Road and Lowburn Terrace. Trees and shrubs on the northern boundary of 76 Lowburn Valley Road partially screen the site. Photo Point 5 illustrates the effects from this viewpoint.
- Partially visible from the top of Turner Terrace. Existing trees and houses within the Large Lots Residential Precinct 2 zone largely screen the site from this viewpoint as illustrated in photo point 6.
- A short stretch of the 45th Parallel walking track approximately 80m long measured uphill from the gate in the fence at the bottom of the hill at the start of the track. Above this viewing corridor the site is screened by the gully topography. Photo Points 7 and 8 illustrate the effects from this viewpoint.

For each viewpoint, the current visibility of the site, the visibility of the subdivision, two future dwellings, and the effect on visual amenity of the subdivision will be described. A maximum building height of 6m has been proposed to align visually and with the character of the Large Lots Residential Precinct 2 zone opposite the site.

The degree of visibility is described as follows:

- Nil
- Low
- Moderate
- High

The effect on visual amenity is assessed is described using a 7-point scale as outlined in Te Tangi A Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines[6].

Changes to the current visual amenity from the proposed subdivision will be two additional houses within the current view. Residential development is part of the view experienced from Lowburn Valley Road particularly between the intersection with Luggate-Cromwell Road and the northern end of the Judare Drive development where the close proximity and concentration of buildings at the southern end of Lowburn Valley Road is the dominant visual amenity.

[6] Para. 6.21, page 140 Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. NZILA 2022

PUBLIC LOCATIONS

Lowburn Valley Road

The visibility assessment has been undertaken as the landscape is currently experienced from Lowburn Valley Road.

Photo point 1 adjacent to 15 Lowburn Valley Road

Existing visibility of site

The southwestern part of the site is visible from Photo Point 1. Existing trees on the southern side of Lowburn Hall and western side of the road screen the remainder of the site from this viewpoint. As a viewer travels towards the hall more of the site becomes visible.

Visibility of the proposed subdivision and two future houses

The proposed subdivision and two future houses will be visible from this viewpoint. The degree of visibility at photo point 1 will be **moderate.**

Effect on visual amenity from Lowburn Valley Road

The visual amenity at photo point 1 is the Lowburn Valley Road, Lowburn inlet and the trees along the western side of the inlet, a small partial view of the Lowburn hall, and the amenity planting and fencing of the Large Lots Residential Precinct 2 zone on the western side of the road. The midground is the natural character of the Sugarloaf landform extending across the view and providing a dark backdrop to the site. The natural character of the Pisa Range provides the background. At this viewpoint, the visual amenity of the domesticated foreground and node of human development is more dominant than the midground and background due to the complexity of various vegetation species, fences, the inlet, road, and hall.

There will be a very small effect on the visual amenity from this location from the addition of two houses within this view. While they will be visible to a moderate degree they will be an expected element because of their location on the valley floor and the context of other houses within similar sized lots that have been seen when travelling towards the site. Two additional houses will reinforce the residential character of the southern end of the valley and be cohesive with the pattern of houses and buildings. The effect on visual amenity will be **low** because there will be very little modification to the characteristics and two additional houses will integrate seamlessly into the pre-development visual environment.

Photo point 2 adjacent to the concrete ramp of the Lowburn Hall

Existing visibility of site

The site is mostly visible when a viewer is adjacent to the Lowburn Hall except for the southeastern corner which is screened by the new Lowburn church. The site slopes down to the northeast and is less visible unless a viewer is standing at the fence line on the southern boundary in which case the entire site is visible.

Visibility of the proposed subdivision and two future houses

The proposed subdivision and two future houses will be fully visible from photo point 2.

The degree of visibility will be **high**.

Effect on visual amenity from Lowburn Valley Road

At photo point 2 the site, new Lowburn church, Lowburn valley Road, house and trees at 76 Lowburn Valley Road, Willows along the alignment of Lowburn Creek and development within the Large Lots Residential Precinct 2 zone form the foreground of the view. Sugarloaf, which is partially obscured by trees on the valley floor forms the natural character visual amenity of the midground. The Pisa Range provides the natural character and visual amenity of the background. At this viewpoint, the foreground and visual amenity of residential development is dominant and creates a contrast to the natural character of the mid and background. The foreground is a cohesive visual amenity because of the larger areas of lawn, predominantly single-story houses on the valley floor and Large Lots Residential Precinct 2 zone and prevalence of large exotic trees.

As with photo point 2 two additional houses will reinforce the residential character of the southern end of the valley and be cohesive with the pattern of houses and buildings on the valley floor and Large Lots Residential Precinct 2 zone. The effect on visual amenity will be **low** because there will be very little modification to the characteristics and two additional houses will integrate seamlessly into the pre-development visual environment.

Photo point 3 at the intersection of Mallett Lane and Lowburn Valley Road

Existing visibility of site

The existing site is fully visible at this viewpoint and when passing the road frontage of the site.

Visibility of the proposed subdivision and two future houses

The subdivision and two future houses will be fully visible from this viewpoint assuming no amenity planting is undertaken on the site as part of associated domestic development.

The degree of visibility of two future houses and associated domestic elements will be **high**.

Effect on visual amenity from Lowburn Valley Road/Mallet Lane

At this viewpoint the site , Large Lots Residential Precinct 2 zone, new Lowburn church, the house at 76 Lowburn Valley Road, the willows along the Lowburn Creek and the western slopes of Sugarloaf form the close and enclosing foreground. The visual amenity at this viewpoint is evenly balanced between the residential and church development and natural character and visual amenity of the Lowburn Creek and slopes of Sugarloaf. While the residential and church development is close to the viewer, the broader visual amenity of Sugarloaf and the Pisa Range provide a far larger natural character setting.

Due to the proposed design control of a maximum house height limit of 6m, future houses will be lower than the new Lowburn Church and will be cohesive with the height range of houses within the Large Lots Residential Precinct 2 zone. The future dwellings will reinforce the character of the node of residential development at the southern end of the valley but as this is the existing character the visual amenity will remain residential.

The effect on visual amenity will be **low** because the key elements of trees, dwellings and larger residential lots will remain, and future dwellings will be cohesive with the existing built pattern. Two future dwellings will not be uncharacteristic within the receiving environment and will not disturb the current visual amenity given its containment within an existing node of residential development, with the natural character of the Lowburn creek and the western slopes of Sugarloaf remaining unaffected. The proposal will not extend the residential character beyond the existing boundaries of the node.

Photo point 4 Mallet Lane

Existing visibility of site

The site is fully visible from the top of Mallet Lane.

Visibility of the proposed subdivision and two future houses

The subdivision and future dwellings on the site will be fully visible from the top of Mallet Lane.

The degree of visibility will be **high**.

Effect on visual amenity from Mallet Lane

The development within the Large Lots Residential Precinct 2 zone, site, the house at 76 Lowburn Valley Road, new Lowburn Church and the Willows along Lowburn Creek form a foreground visual amenity of established large scale residential development. The western slopes of Sugarloaf provide a close midground of natural character and visual amenity. Two additional houses within this view between the new Lowburn Church and the house at 76 Lowburn Valley Road will be visible and expected given the residential context of the southern end of the valley floor and the built limits created by the Lowburn Church, Lowburn and hall and the house at 76 Lowburn Valley Road.

The effect on visual amenity from Photo Point 4 will be **low** because even though the future houses will be highly visible, they will be characteristic due to the location and the built context. The future houses will integrate seamlessly into the pre-development residential visual amenity.

Photo point 5 intersection of Lowburn Terrace and Lowburn Valley Road.

Existing visibility of site

At this viewpoint, the site is partially screened by the house, trees, and shrubs at 76 Lowburn Valley Road. The eastern and northeastern area of the site is also lower than the elevation of the road and is not visible from this viewpoint.

Visibility of the proposed subdivision and a future house

The western facades of future dwellings are likely to be visible from this viewpoint depending on the location of the future houses within the building platforms. Future amenity planting as part of residential development on the lots will potentially screen or at least filter views of future dwellings.

The degree of visibility of two future dwellings will be **low-moderate**.

Effect on visual amenity from Lowburn Valley Road/Lowburn Terrace

The view at this point includes the road, stone wall at the corner of 1 Lowburn Terrace, berm and tree planting on the western side of the road and into the Large Lots Residential Precinct 2 zone , the house

and trees at 76 Lowburn Road, the new Lowburn church and the Lowburn hall and trees in the foreground. The Dunstan Range forms the background and there is no clear midground landscape. The foreground visual amenity is residential .

Future dwellings within proposed Los 1 and t 2 will be tw additional dwellings within the residential visual amenity. Given the visual context of residential development and the location between two existing buildings there will be a reinforcement of the current foreground visual amenity. There will be no change to the background visual amenity of natural character.

The degree of effect will be **low** because there will be very little modification of the characteristics of the landscape and two additional houses will integrate seamlessly into the pre-development visual amenity.

Photo point 6 top of Turner Terrace

Existing visibility of site

The site is largely obscured by trees and house on Turner Terrace and Lowburn Terrace. The site is fully screened from the remainder of Turner Terrace by existing houses and vegetation with the RR(5) zone.

Visibility of the proposed subdivision and a future house

Future dwellings are likely to be partially visible from this viewpoint depending on the location within the lots. Taking the new Lowburn church as a reference, the roofs of both future dwellings are likely to be visible although they will not be as high as the new church. Future amenity planting as part of residential development within the lots will potentially screen or at least filter views of a dwelling.

The degree of visibility of two future dwellings will be **moderate**.

Effect on visual amenity from Turner Terrace

The view at this point includes the residential development and visual amenity of the Large Lots Residential Precinct 2 zone, the new Lowburn Church, and the Lowburn Inlet in the foreground, the natural character of Lake Dunstan in the midground and the natural character of the Dunstan Range in the background. The western slopes of Sugarloaf form a natural character visual amenity in the foreground that defines the residential visual amenity of the valley floor.

Future dwelling within proposed Lots 1 and 2 will be two additional dwellings within the residential visual amenity. Given the visual context of residential development and the location between two existing buildings there will be a reinforcement of the current foreground visual amenity. There will be no change to the background visual amenity of natural character.

The degree of effect will be **low** because there will be very little modification of the characteristics of the landscape and two additional houses will integrate seamlessly into the pre-development residential visual amenity.

Photo point 7 start of the 45th parallel walking track

Existing visibility of site

Views of the site are heavily filtered by the willows along Lowburn Creek.

Visibility of the proposed subdivision and two future houses

Views of future dwellings are likely to be filtered to approximately the same degree as that of the new Lowburn Church.

The degree of visibility of future dwellings will be **low-moderate**.

Effect on visual amenity from the 45th parallel walking track

The view at this point is dominated by the willows and natural character of the banks of Low Burn Creek and the small ungrazed paddocks in the close foreground. The slopes of the western outwash terrace form the midground natural character and visual amenity. Small glimpses of the church and houses with the RR(5) zone are seen between the trunks and branches of the willows but are not significant. Two future dwellings will be visible to the same degree and will be viewed within the existing filtered residential amenity.

The degree of effect will be **low** because there will be very little modification of the characteristics of the landscape and two additional houses will integrate seamlessly into the pre-development visual amenity.

Photo point 8, 45th parallel walking track

Existing visibility of site

Views of the site are heavily filtered by the willows along Lowburn Creek.

Visibility of the proposed subdivision and a future house

Views of a future dwelling are likely to be filtered to approximately the same degree as that of the new Lowburn Church.

The degree of visibility of two future dwellings will be **low-moderate**.

Effect on visual amenity from the 45th parallel walking track

The view at this point is the willows and natural character of the banks of the Lowburn Creek and the small ungrazed paddocks in the close foreground, and Lowburn hall, church, eastern side of the road, Large Lots Residential Precinct 2 zone and the slopes of the western outwash terrace forms the midground. The Large Lots Residential Precinct 2 zone and eastern side of the Lowburn Valley Road has a residential character and visual amenity and is between two areas of natural character and visual amenity – the upper slopes of the outwash terrace, Lowburn creek and the eastern side of the creek.

The degree of effect will be **low** because there will be very little modification of the characteristics of the landscape and views of future dwellings will be filtered by the willows. The view from this viewpoint will largely remain unchanged and two additional houses will integrate seamlessly into the pre-development visual amenity.

PRIVATE LOCATIONS

Adjoining properties that may be affected by the proposed subdivision are 76 Lowburn Valley Road, 16 Sugarloaf Drive, and 58 Lowburn Valley Road (Lowburn Hall).

It should be noted that the writer has not been on 76 Lowburn Valley Road or 16 Sugarloaf Drive to assess the effects, and they have been estimated.

76 Lowburn Valley Road

Existing visibility of site

It is estimated that the site is visible from the property at 76 Lowburn Road, although possibly less visible from the house because of a tree and sheds on the southern boundary which potentially screen part of the site.

Visibility of the proposed subdivision and two future houses

Future houses within the proposed building platforms are likely to be visible when a viewer is between the southern boundary and garage of 76 Lowburn Valley Road as it will be more or less in line with the garage and a house on Lot 1. A future house on Lot 2 will potentially be screened by a house on Lot 1. Future dwellings are unlikely to be visible from inside the house at 76 Lowburn Valley Road. The degree of visibility is likely to be **low**.

Effect on visual amenity from 76 Lowburn Valley Road

Future dwellings will have no effect on views to the north, west or east of the house at 76 Lowburn Valley Road and will therefore have no effect on that visual amenity. There will be a small effect on views of the site from the southern boundary of 76 Lowburn Road due to the change in use. A house within the proposed building platform on Lot 1 would not be unexpected given the built context and will integrate seamlessly into the pre-development visual environment. The effect on visual amenity will be **low**.

16 Sugarloaf Drive

Existing visibility of site

It is estimated that the site is screened from the house at 16 Sugarloaf Drive by the Willows along Lowburn Creek. Any views that are available are likely to be heavily filtered.

Visibility of the proposed subdivision and two future houses

Residential development within the proposed building platforms are likely to be visible to a **low** degree because of the Willows on Lowburn Creek.

Effect on visual amenity from 16 Sugarloaf Drive

Future dwellings will have little effect on the visual amenity from 16 Sugarloaf Drive because views of two future dwellings will be heavily filtered and the view already includes filtered views of buildings to the west. The effect on visual amenity will be low because of the residential context and filtering provided by the Willows. Future dwellings will integrate seamlessly into the pre-development visual environment.

58 Lowburn Valley Road (Lowburn Hall)

Existing visibility of site

The site is fully visible from 58 Lowburn Valley Road because of the proximity of the hall to the southern boundary of the site and its clear visual association with the church.

Visibility of the proposed subdivision and two future houses

Future dwellings will be visible from the hall and will be two additional dwellings within a view and visual amenity that already includes the new church, houses in the Large Lots Residential Precinct 2 zone and the house at 76 Lowburn Valley Road. A house on Lot 1 will potentially be partially screened by a house on Lot 2. The degree of visibility will be **high**.

Effect on visual amenity from 58 Lowburn Road

Future dwellings will be visible from the hall and will be two additional dwellings within a view and visual amenity that already includes the new church, houses in the Large Lots Residential Precinct 2 zone and the house at 76 Lowburn Valley Road. As the paddock on the site is already fenced and appears to be separate from the church, the visual amenity of a shared public space will remain unchanged. Future dwellings on Lots 1 and 2 will not be unexpected given the context of residential development and the location between the house at 76 Lowburn Valley Road and the Lowburn church. A future dwelling will integrate seamlessly into the pre-development visual environment and the effect on visual amenity will be **low**

8.0 Rural Resource Area

The following are the landscape and visual specific objectives and policies for discretionary land use consent.

4.7.4 (iii) 1.

1. The effects of subdivision and future development on:

- *Open space, landscape, natural character, and amenity values,*

- *Heritage sites, including archaeological sites and waahi tapu, and heritage landscapes.*

The proposal will create two additional lots and provision for two future dwellings.

The site has a very small degree of open space, defined in the CODC District Plan as being any land which is not occupied by buildings. The area of open space does not contribute to a wider perception of open space because it is very small and areas of open space that are free of buildings are limited and small scale within the surrounding landscape due to the characteristic elements of dwellings and sheds on the properties on the valley floor east and immediately north of the site. The alignment of

Lowburn Creek is a consistent area of open space as is the terrace riser of the Sugarloaf landform, both of which will not be affected by the proposed subdivision.

The site has an undeveloped residential character because of the context even though the vegetation cover of the site is pastoral grass. The natural character of Lowburn Creek and terrace riser of Sugarloaf will remain unchanged by the proposal.

As described previously the amenity of the site and surrounding landscape will retain a cohesively residential character on the valley floor because of proposed Lots 1 and 2 which are cohesive with the existing residential development and visual amenity.

The site does not include any archaeological sites, waahi tapu or heritage landscapes shown in the CODC district plan.

> *• Sites, lakes and rivers and their margins and other features of cultural value to Kai Tahu ki Otago,*

The site does not include any natural water bodies.

> *• Notable trees, and areas of significant indigenous vegetation and significant habitats of indigenous fauna, and,*

The site or surrounds do not include any areas of significant indigenous vegetation or habitats for fauna listed in the District Plan.

> *• The natural character of water bodies and their margins.*

There are no natural water bodies on the site. Lowburn Creek runs through the adjacent property of 16 Sugarloaf Drive. Residential development of the site will not affect the margin of the creek as the eastern boundary is approximately 35m from the creek.

> *2. Potential for visual absorption of future built development with particular attention being given to those areas identified as outstanding natural landscapes and significant amenity landscapes on the planning maps.*

The house site is not within an ONL or SAL. The proposed subdivision and future houses and associated domestic elements within the building platforms can be visually absorbed because of the context of residential and public facility development. While future dwellings and domestic elements will be visible to a moderate to high degree from surrounding public places the proposal will not be unexpected or out of place located between existing buildings and in proximity to the Large Lots Residential Precinct 2 zone.

14. The identification of potential building platforms that are encouraged in locations that will maintain the open natural character of hills and ranges, without compromising the landscape and amenity values of prominent hillsides and terraces.

The site is on the valley floor and therefore will have no effect on the open natural character of the terrace risers, skylines, prominent places or the natural features of Lowburn creek or Lowburn Inlet. Future dwelling will not alter the natural character of Lowburn Creek or it's margins.

15. Whether or not the clustering of lots would be beneficial in terms of avoiding or mitigating adverse environmental effects.

The proposal seeks to create two additional lots that follow the pattern of development that characterises the surrounding landscape and is located between two existing lots with a residential and public use. This approach is effectively clustering the proposed lots in a manner that does not result in sprawl beyond the current extent of residential and public facility development.

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.

As described previously the open natural character of the terrace risers and Lowburn Creek will not be affected as the site is on the valley floor and a future dwelling will not change the creek alignment, form or willow trees.
The landscape character of the area outside of the southern end of the Lowburn Valley floor will also not change as the effects of the proposed subdivision are fully within the existing, residentially developed node and the rural amenity values of the wider landscape will not be affected. The built environment values of the node will be reinforced by the proposed subdivision due to the size of proposed lots 1 and 2 which repeat the lots sizes of the Large Lots Residential Precinct 2 zone, and the infill nature of the development. The landscape and amenity values will remain residential, and the key elements and characteristics will experience very little modification.

4.4.2 Policy –Landscape and Amenity Values
To manage the effects of land use activities 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,

No skylines will be breached by a future house within either proposed Lot 1 or 2 from any public viewpoints, nor will any future dwellings disrupt the open natural character of the hills and ranges, any prominent places or change any natural features including Sugarloaf or Lowburn Creek.

> *(b)Development which is compatible with the surrounding environment including the amenity values of adjoining properties,*

The subdivision is entirely compatible with the immediate surrounding environment of the node and the amenity values of neighbouring properties which comprises houses in the Large Lots Residential Precinct 2 zone and small lifestyle blocks on the valley floor. Predominant views to the north, west and east from houses at 76 Lowburn Valley Road and 16 Sugarloaf Drive will remain unaffected. Future houses within Lots 1 and 2 will not disrupt those views. They will also not affect sunlight to the neighbouring properties as a house within the Lot 1 building platform will be on the south side of the nearest house at 76 Lowburn Valley Road and a future house within the Lot 2 building platform is distant enough from the Lowburn Hall to not overshadow it.

> *(e)The location of tree planting, particularly in respect of landscape values, natural features, and ecological values,*

No tree planting is proposed.

> *(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.*

As described the site is on the valley floor. The natural character, landscape and amenity values of the outwash terraces will remain unaffected.

> *4.4.8 Policy -Adverse Effects on the Amenity Values of Neighbouring Properties. To ensure that the effects associated with some activities including (but not limited to):*
> *(d)A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,*

No signage is proposed and there are no proposals to store goods or waste products on the site without a consent.

9.0 Conclusion

In conclusion the overall effects of the proposed subdivision will be **low** because of the residential and public facility context. The proposed subdivision and two future dwellings will be cohesive with the existing landscape character and visual amenity and will not be unexpected.

ATTACHMENT A: VISIBILITY PHOTO POINTS

Created Date: 3/06/2025
Created Time: 2:17 PM
Created By: anonymous

Scale: 1:5231
Original Sheet Size A4
Projection: NZTM2000
Bounds: 1300722.45503177,5009529.91757578
1302139.72082823,5010314.67314862

The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps.
Digital map data sourced from Land Information New Zealand (LINZ).
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It is made available in good faith but its accuracy or completeness is not guaranteed. CODC accepts no responsibility for incomplete or inaccurate information.
If the information is relied on in support of a resource consent it should be verified independently.

Michelle Snodgrass
Landscape Architect

DATE: 3RD JUNE 2025
SHEET NUMBER: 1
SCALE: NTS

PHOTO POINTS MAP

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

Michelle Snodgrass
Landscape Architect

DATE: 3RD JUNE 2025
SHEET NUMBER: 1
SCALE: NTS

PHOTO POINT 1

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

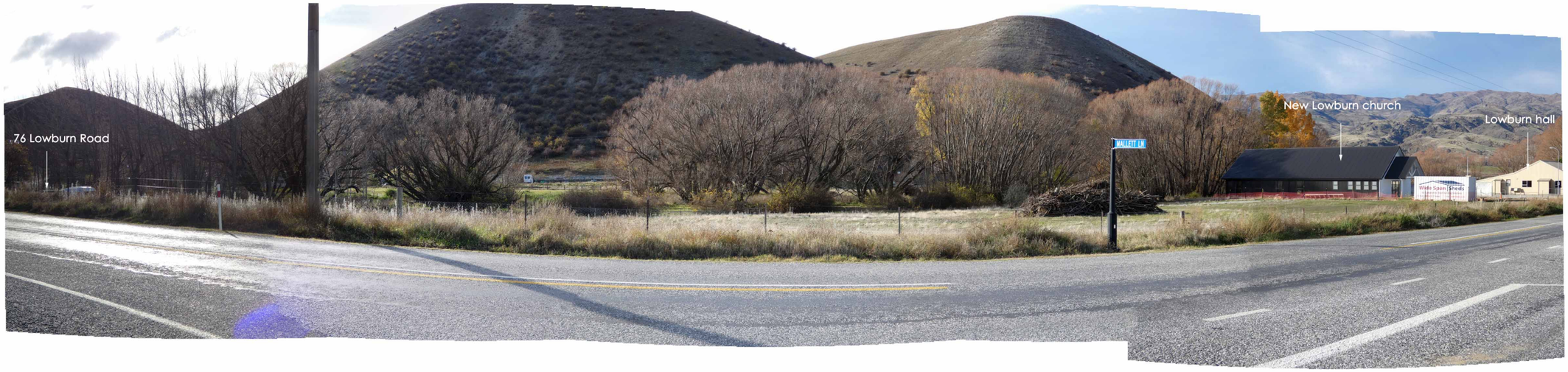
Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises two photographs. Photo Point 2 is 51m from the southern boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 2
SCALE: NTS

PHOTO POINT 2

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction



Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises five photographs. Photo Point 3 is approximately 12.5m from the western boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 3
SCALE: NTS

PHOTO POINT 3

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises three photographs. Photo Point 4 is approximately 128m from the western boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 4
SCALE: NTS

PHOTO POINT 4

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises one photograph. Photo Point 5 is approximately 118m from the northern boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 5
SCALE: NTS

PHOTO POINT 5

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises one photograph. Photo Point 6 is approximately 434m from the northern boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 6
SCALE: NTS

PHOTO POINT 6

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises three photographs. Photo Point 6 is approximately 127m from the eastern boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 7
SCALE: NTS

PHOTO POINT 7

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

Michelle Snodgrass
Landscape Architect

All photos were taken with a Panasonic Lumix digital camera Model No. DC-FZ80D and at a 50mm focal length. The image comprises three photographs. Photo Point 8 is approximately 178m from the eastern boundary of the site.

DATE: 3RD JUNE 2025
SHEET NUMBER: 8
SCALE: NTS

PHOTO POINT 8

LOWBURN CHURCH SUBDIVISION
60 Lowburn Valley Road
Not for construction

ATTACHMENT B: DESIGN CONTROLS

1. The dwellings, and all accessory buildings within both Lots 1 and 2 shall be built within the building platforms and shall have a maximum height of 6m.
2. All water tanks to be coloured olive green, dark grey, or brown and located within the zone setbacks.

MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH

INFRASTRUCTURE FEASIBILITY REPORT

60 LOWBURN VALLEY ROAD,
LOWBURN

DATE: 03 OCTOBER 2025
REF: R2025062 R2

REPORT VERSION CONTROL

CROMWELL OFFICE
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REPORT REFERENCE	R2025062A R1	PROJECT NUMBER	2025062
CLIENT	Lakeside Christian Centre c/- Alister Stuart		

REV	DATE	REVISION CONTROL
0	23/05/25	Final
1	11/09/25	Rev 1
2	03/10/25	Rev 2

PREPARED BY	Jordan Cathcart	REVIEWED BY	Mark Cruden
AUTHOR SIGNATURE		REVIEWER SIGNATURE	
QUALIFICATIONS	BEng (Hons), MEng	QUALIFICATIONS	BEng(Hons), CPEng

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1 EXECUTIVE SUMMARY

- This report has been commissioned in relation to a resource consent application for a proposed 3-Lot development at 60 Lowburn Valley Road, Lowburn and provides a servicing feasibility assessment including;
    - Potable Water Supply
    - On-site Stormwater and Wastewater Disposal
    - Power Supply and Telecommunications
- A desktop servicing assessment, and site investigation involving a site walkover, test pits and a soakage test has been completed.
- The general stratigraphy across the site is Topsoil, underlain by Alluvial Deposits (GRAVEL), interbedded with varying sand, cobbles and boulders. Test pit stratigraphy is presented further in Section 7.1.
    - *The proposed building platform locations changed after the site inspection was completed. The result is that test pits are now located within the platform. The impact of these test pits should be assessed by a suitably qualified geotechnical engineer in conjunction with the foundation design of future structures on Lot 1 and Lot 2.*
- Groundwater is expected to be approximately 2.5-5m below existing ground level. At a lower elevation of the site groundwater was encountered at 2.5m bgl (Test Pit 01).
- The ORC GIS Hazard Mapping System [1] identifies the site as within a mapped active alluvial fan (floodwater dominated) area originating from Low Burn. A site-specific hazard assessment has been completed by MCE as a separate report [2].
- The potable water supply for the site is proposed to be serviced by a connection to the Council's network on Lowburn Valley Road (150mm dia. uPVC Principle Main). This shall be subject to Council approval.
- For the purposes of firefighting as per SNZ PAS 4509 [3] and CODC Addendum to 4404 [4], a 30,000-litre tank is required for static firefighting reserve on each proposed Lot.
- Based on test pit observations, the underlying soils in locations are suitable for on-site wastewater and have been categorized as Category 1 – Sands and Gravels as per AS/NZS 1547:2012.
- Setbacks to groundwater, surface water (Low Burn) and neighbouring bores should be assessed with reference to AZ/NZS 1547:2012 at the time of building consent.
- The soakage test results indicate significant soakage capacity and give confidence that onsite stormwater disposal to ground is a viable option. Specific design at the building consent stage should confirm soil characteristics at the specific location of the soak pit and allow for an appropriate soakage reduction factor.
- The initial Aurora power availability letter indicates that the power supply is feasible for the development.
- Telecommunications are currently available in the form of 4G wireless mobile connection and satellite broadband.

2 INTRODUCTION

Meyer Cruden Engineering Limited (MCE) has been engaged by Lakeside Christian Centre, c/- Jake Woodward, to complete an infrastructure assessment for the proposed development at 60 Lowburn Valley Road, Cromwell. The site location is shown in Figure 1.

This report has been commissioned in relation to a resource consent application and provides specific details regarding:

- Infrastructure Assessment, detailing servicing options and limitations for:
    - Domestic water supply, firefighting, stormwater, wastewater, power, and telecommunications.

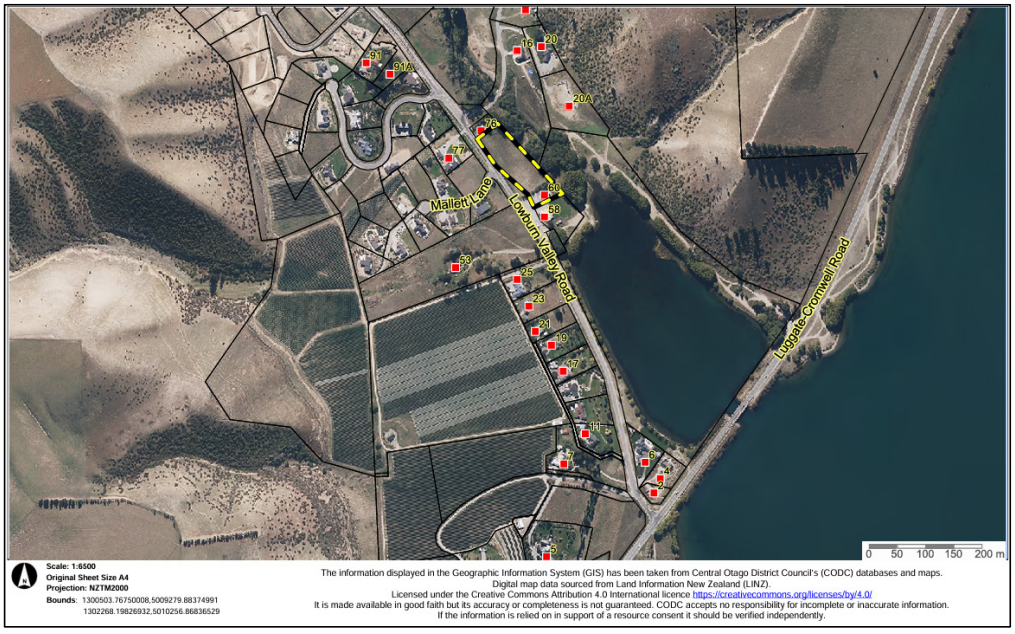

Figure 1: 60 Lowburn Valley Road Location Plan [5]

2.1 PROJECT OVERVIEW

In preparing this report we have undertaken the following activities:

- A desktop study of:
    - Central Otago District Council (CODC) mapping systems [5]
    - Otago Regional Council (ORC) mapping systems [1]
    - Draft Survey Plans (Latchford Surveying)
    - Google Earth Pro Imagery [6]
    - New Zealand Geological Mapping [7]
    - CODC's Addendum to NZS 4404:2004 [4] and Appendices contained within as CODC's adopted standard for Land Development and Subdivision Engineering.

- A site investigation consisting of:
    - Site walkover;
    - Three no. test pits;
    - One no. soakage test

3 SITE DESCRIPTION

The site is legally described as SEC 2 SO 22525 and has an approximate area of 0.81ha. The site is irregular in shape and is located on the East side of Lowburn Valley Road with the Lowburn Valley Lakeside Church and Community Hall to the South, Low Burn to the East and similar sized properties to the West. The site is gently sloping towards Low Burn.

4 EXISTING LAND USE AND PROPOSED DEVELOPMENT

4.1 EXISTING INFRASTRUCTURE AND LAND USE

There are no existing structures on the proposed Lot 1 and Lot 2. A review of historical aerial photographs on Google Earth Pro [6] and Retrolens indicate that the agricultural pasture of the proposed Lot 2 has not changed since 1958.

Lot 3 comprises the Lowburn Church, rebuilt following the Clyde dam project causing inundation of the original site. At the time of writing this report, an additional Church was being constructed adjacent to the existing Church. Servicing of this new structure is assessed separately to this report through the building consent process.

4.2 PROPOSED DEVELOPMENT

Latchford survey plans titled "Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Valley Road" (Dated: 29th August 2025) outline the development. A copy of these plans is attached to this report in Appendix A.

The proposed development involves the subdivision of the site into 3 lots.

- Lot 1 and Lot 2 have proposed area of 3000m² and 3001m², respectively, and comprise the area of the north of the existing Lot.
- Lot 3 has a proposed area of 2101m² in the southern area of the existing Lot, including the existing Church and in-progress new church.

5 GEOLOGICAL MAPPING

With reference to the New Zealand Geological Map, 1:250,000 scale [7], the site soil is classified as *OIS (Holocene) river deposits* and described as *unconsolidated gravel, sand, silt, clay, and minor peat of modern to postglacial flood plains, may be terraced.*

6 NATURAL HAZARDS

A desktop study of the Central Otago District Council (CODC) GIS [5] and the Otago Regional Council (ORC) hazard database [1] revealed the following site-specific hazards that require consideration when servicing the site.

6.1 ALLUVIAL FAN

The ORC GIS Hazard Mapping System [1] identifies the site as within a mapped active alluvial fan (floodwater dominated) area originating from Low Burn. The boundaries of this mapping system are intended as provisional only, and site-specific hazard assessment should be completed for areas within.

A site-specific hazard assessment, including recommendations for mitigation measures has been completed by MCE [2].

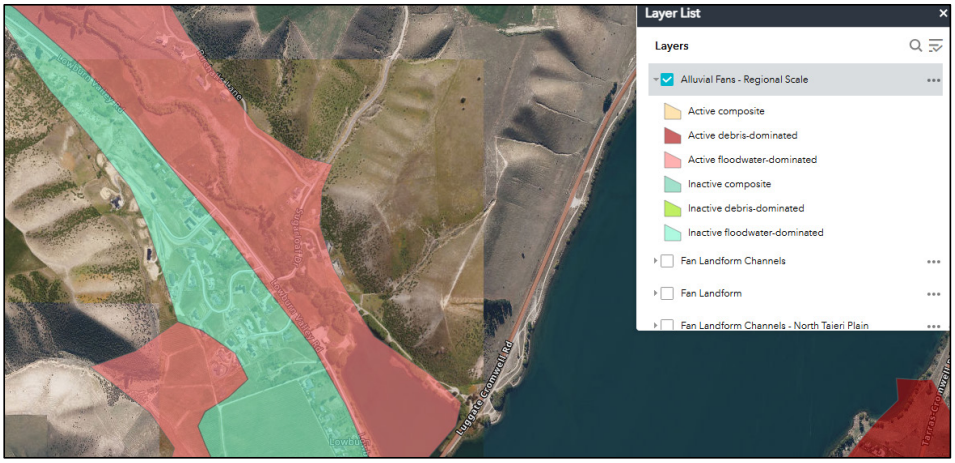

Figure 2 ORC Alluvial Fan Hazard Map

It is noted that the site is adjacent to, but outside of the CODC flood hazard mapped area [5].

Figure 3 CODC Flood Hazard Mapping

7 SITE INVESTIGATIONS

A site walkover, three test pits and a soakage test have been carried out to investigate the underlying soil profile. A test location plan is attached to this report in Appendix B.

Note: The scheme plan and proposed building platform location changed after the site inspection was completed. The result is that test pits are now located within the platform. The impact of these test pits should be assessed by a suitably qualified geotechnical engineer in conjunction with the foundation design of future structures on Lot 1 and Lot 2.

7.1 STRATIGRAPHY

Test pits were distributed across the proposed Lot 1 and Lot 2 to assess the suitability of the stratigraphy in relation to onsite wastewater/stormwater disposal. Test pits were excavated by machine to depths varying from 1.8m to 2.5m bgl. Test pit stratigraphy is presented in Table 1.

Table 1 Test Pit Stratigraphy (m)

Stratigraphy	TP01	TP02	TP03
Topsoil	0.0 – 0.2m	0.0 – 0.2m	0.0 – 0.2m
Alluvial Deposits (Sandy GRAVEL)	0.2 – 1.4m	0.2 – 0.7m	0.2 – 0.5m
Alluvial Deposits (Cobbly GRAVEL) with sand and boulders	1.4 – 2.5m		
Alluvial Deposits (Sandy GRAVEL) with cobbles and boulders		0.7 – 1.9m	0.5 – 1.8m

7.1.1 Removed Trees

Several trees have been removed along the fence line between the proposed Lot 1 and Lot 2. There was no evidence of organic material within the test pits excavated.

7.2 GROUNDWATER

Groundwater was encountered at 2.5m below ground level (bgl) in Test Pit #1 (TP01).

The topography of the site suggests that the depth of groundwater across the site is expected to range from 2.5m bgl at the lower lying areas, to 5m bgl at the highest elevation of the site. This is generally consistent with the river and Lake Inlet level.

Bore data from neighbouring properties is summarised in Table 2 and Figure 4 [8]. It is noted that several of these consents were drilled prior to the Clyde Dam project and subsequent rise in lake level. In addition, it is not clear which are still in service. At the time of writing this report, additional location data have been requested from ORC.

Table 2 Nearby Bore Information

Bore ID	Depth to Groundwater	Location
G41/0140	3.85m	80m South (1980 – pre Clyde Dam)
G41/0141	4.29m	200m North (1980 – pre Clyde Dam)
G41/0363	3.43m	Across Low Burn, 80m to the East
G41/0281	No Data	30m West of the site (should be confirmed at detailed design).

A 50-metre setback to existing bores is shown on Figure 4.

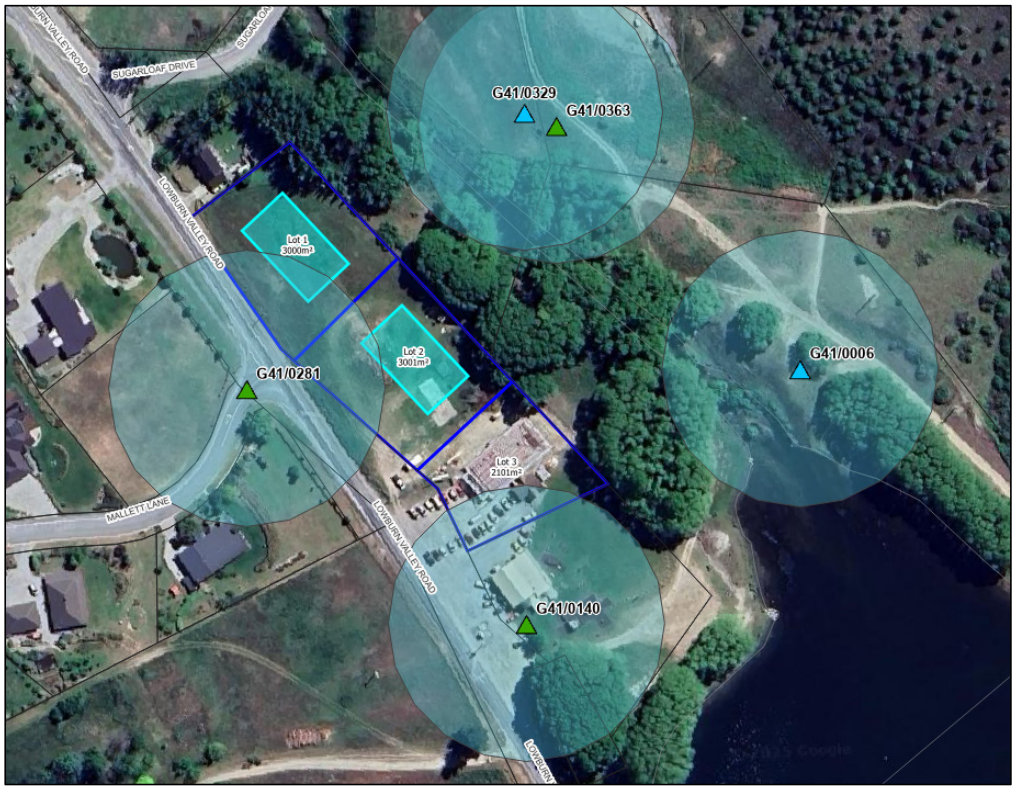

Figure 4 Nearby Bore Map [8]

8 INFRASTRUCTURE CONCEPT PLAN

8.1 WATER SUPPLY

The potable water supply for the site is proposed to be serviced by a connection to the Council's network on Lowburn Valley Road (150mm dia. uPVC Principle Main). This shall be subject to Council approval.

The connection to this rider main will be established using standard water connections, as specified in CODC Addendum Appendices 6 [8].

There is an existing connection for the proposed Lot 3 servicing the Church facilities.

There is an existing easement across the western edges of Lot 1 and Lot 2, and the southern corner of proposed Lot 3 to convey water in favour of Lowburn Hall Society. This is identified on survey plans in Appendix A.

8.1.1 Firefighting

The New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008) specifies that for non-sprinklered, single unit housing on reticulated supply (FW2 classification) the minimum distance to a single fire hydrant is 135m and requires an additional hydrant within 270m.

Figure 5 shows nearby hydrants with a 135m buffer applied. The site is not entirely encompassed by appropriate hydrant servicing, therefore, a specific assessment will be required once a building platform is determined, or an on-site water tank in accordance with the requirements outlined in Addendum Clause 6.3.16.

Figure 5 135m Hydrant Proximity to Site

CODC addendum clause 6.3.16 specifies that, *for dwellings erected in un-reticulated rural areas, domestic water and firefighting storage to be provided by a standard 30,000 litre tank on each allotment. Of this total capacity a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve.*

For the purposes of firefighting, a 30,000-litre tank will be required for each proposed Lot. Other requirements include:

- Must need a hardstand area within 6m of the tank, but not closer than 6m of the site.
- Connections to be compatible with 100mm - suction sources as per SNZ 4509 [3].
- Firefighting connection to be within 90m of buildings on the site.

8.2 WASTEWATER

At the time of writing this report, a wastewater gravity connection to the existing Council network on Lowburn Valley Road for the proposed Lot 3 is in progress through the building consent process. MCE understand that the feasibility of the gravity connection has been confirmed by hydro-excavation.

Due to capacity constraints within this pipework, and the downstream pump station, the proposed Lot 1 and Lot 2 are unable to connect to this system until such time the network capacity is upgraded.

On-site wastewater treatment and disposal for proposed buildings on Lot 1 and Lot 2 have been assessed as per *NZS 1547:2012 On-site domestic wastewater management*.

8.2.1 Site and Soils Assessment

Site and soils characteristics for the expected disposal location are presented in Table 3.

Table 3 Site Soil Assessment Characteristics

Site Characteristics	
Reserve Areas	There is reserve area available in each Lot.
Wells/Bore	There is sufficient site area to locate the disposal field with a setback of 50m from water supply bores.
Surface Water	Surface water runoff is not an issue for this disposal area. The site can be drained away via the free-draining gravels and the natural undulation of the land formation. The site is within 50m from Low Burn, however, there are areas where the disposal field can be located greater than 50m from this surface water body. Consideration for flood extents of the Low Burn should be made when positioning the disposal field.
Instability	There is no instability evident in the area proposed for the disposal bed.
Evidence of Water	During the site investigation, there was no evidence of water retention or ponding across the site.
Soil Classification	Category 1 – Sands and Gravels as per AS/NZS 1547:2012. If a typical trench or bed system is adopted for wastewater disposal to ground, we recommend a design load rate of 20mm per day for primary treated effluent or a design load rate of 50mm per day for secondary treated effluent. These figures have been taken from *Table L1 of NZS1547:2012*. A sand fill media layer is recommended for the disposal bed due to the depth to groundwater across the site and the free draining gravels. The site constraints identified above may require wastewater treatment to be secondary treatment. This can be further assessed at the time of building consent when a specific building footprint is confirmed. If an alternative disposal option is selected, then design load rates should be derived from *NZS1547:2012*.
Site Exposure	The site is in a rural zoned area and is situated on sub-horizontal land

If appropriate setbacks to groundwater, surface water and neighbouring bores cannot be achieved as per AS/NZS 1547:2012, then ORC consent will be required. This should be assessed at the time of building consent in conjunction with any proposed building footprint. An

indicative plan showing expected setbacks is presented in Figure 6 and Appendix D.

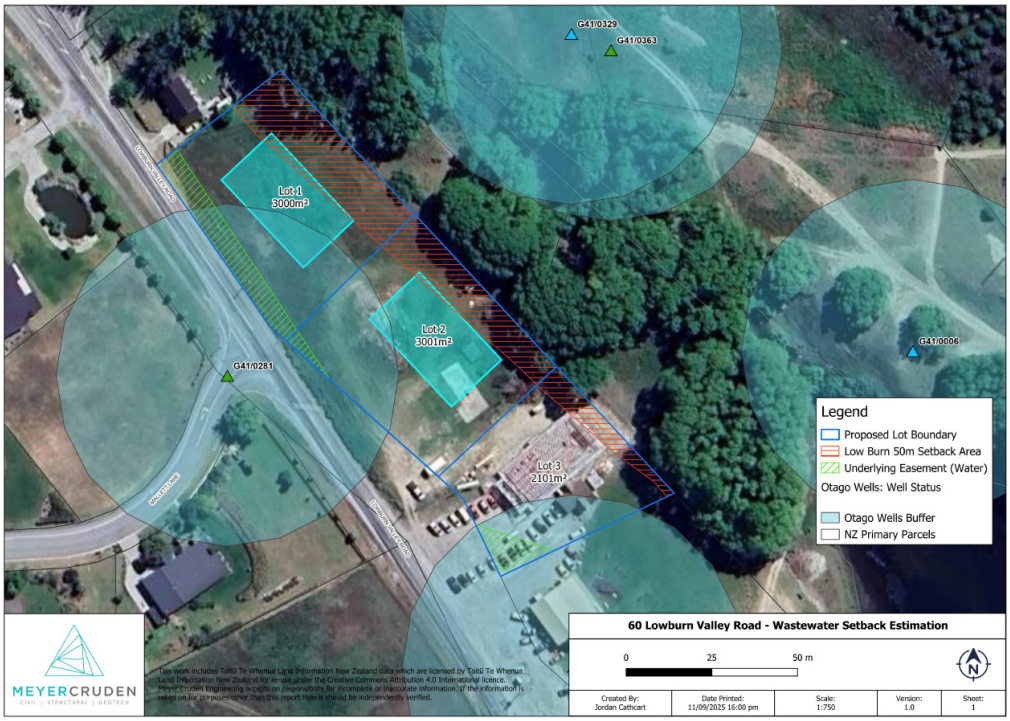

Figure 6 Wastewater Setback Estimation

8.3 STORMWATER

Soakage testing was undertaken in Test Pit (TP01). The test involved excavation of the test and installation 150mm dia. uPVC pipe to 1.9m bgl. Pre-soaking was attempted for 4 hours using an on-site irrigation source measured to be flowing at 0.29 l/s. During this time the borehole was unable to be filled (water level stabilised at 1.6m from ground level) indicating the free draining nature of the soils.

A flow balance calculation was undertaken using the inflow and test pit base area to determine the estimated soakage to ground. The results of the soakage test are summarized in Table 4.

Table 4 Soil Permeability

	Inflow (l/s)	Stabilised Height (metres bgl)	Test Pit Base Area (m²)	Permeability (mm/hr)
Soakage Test 1 (TP6)	0.29	1.6	0.6	1,750 mm/hr

The soakage test results indicate significant soakage and that onsite stormwater disposal to ground is a viable option. An appropriate soakage reduction factor should be incorporated in the detailed design to allow for long-term decrease in soakage capacity due to saturation of the soils and silt buildup in the soak pit.

Sufficient site area is available for stormwater infrastructure and the design requirements of the CODC Addendum to NZS4404 [4] and NZBC Clause E1 [9] should be used for detailed design.

8.4 POWER SUPPLY

Power Solutions Ltd have facilitated a 'Power Availability' letter from Aurora dated 11th September 2025 in Appendix C. Based on this letter, a point of supply (PoS) can be made available for the proposed development.

8.5 TELECOMMUNICATIONS

Telecommunications availability is summarised in Table 5.

Table 5 Telecommunications Availability

Service	Description	Availability
ADSL/VDSL	Copper landline	Unavailable. Nearby and may be available to extend upon request.
4G Wireless	Wireless mobile (cell coverage)	Good availability on 2degrees, One NZ and Spark online GIS mapping.
Rural Broadband / Starlink	Satellite provided internet service	Available.
Fibre Broadband	Ultra-Fast Broadband (Internet)	Unavailable. Nearby and may be available to extend upon request.

9 CONCLUSION

A desktop servicing assessment, and site investigation involving a site walkover, test pits and a soakage test has been completed.

Test pit stratigraphy is summarised as Topsoil to 0.2m bgl, underlain by Alluvial Deposits (GRAVEL) interbedded with varying sand, cobbles and boulders. The maximum depth excavated was 2.5m bgl.

Groundwater is expected to be approximately 2.5-5m below existing ground level. At a lower elevation of the site groundwater was encountered at 2.5m bgl (Test Pit 01).

The ORC GIS Hazard Mapping System [1] identifies the site as within a mapped active alluvial fan (floodwater dominated) area originating from Low Burn. The boundaries of this mapping system are intended as provisional only, and a site-specific hazard has been completed by MCE as a separate report [2].

The potable water supply for the site is proposed to be serviced by connections to the Council's network on Lowburn Valley Road (150mm dia. uPVC Principle Main). This shall be subject to Council approval.

For the purposes of firefighting as per SNZ PAS 4509 [3] and CODC Addendum to 4404 [4], a 30,000-litre tank will be required for static firefighting reserve on each proposed Lot.

Based on test pit observations, the underlying soils in locations are suitable for on-site wastewater and have been categorized as Category 1 – Sands and Gravels as per AS/NZS 1547:2012.

Specific design of on-site wastewater disposal at the time building consent should be as per

AS/NZS1547:2012 and consider the findings of this report, including, but not limited to; setbacks to groundwater, surface water (Low Burn) and neighbouring bores.

The soakage test results indicate significant soakage capacity and give confidence that onsite stormwater disposal to ground is a viable option. Specific design at the building consent stage should confirm soil characteristics at the specific location of the soak pit and allow for an appropriate soakage reduction factor.

The initial Aurora power availability letter indicates that the power supply is feasible for the development.

Telecommunications are currently available in the form of 4G wireless mobile connection and satellite broadband.

10 REFERENCES

[1] ORC, "GIS Hazard Mapping System".

[2] Meyer Cruden Engineering (MCE), "Flood Hazard Report - 60 Lowburn Valley Road," 2025.

[3] SNZ, "4509: New Zealand Fire Service Firefighting Water Supplies Code of Practice," 2008.

[4] CODC, "Addendum to NZS 4404:2004," 2008.

[5] CODC, "GIS Online Mapping".

[6] Google, "Google Earth Aerial Imagery," [Online].

[7] GNS, "GNS Science Geological Maps, 1:250,000," [Online]. Available: https://data.gns.cri.nz/geology/.

[8] ORC, "Bore Map," 2021. [Online]. Available: https://maps.orc.govt.nz/OtagoViewer/?map=1c59ff71893d4613a169806198eedafd.

[9] MBIE, "Acceptable solutions and verification methods - E1 Surface Water".

APPENDICES
APPENDIX A – SCHEME PLAN OF PROPOSED DEVELOPMENT

NOTES:

• HORIZONTAL DATUM:

New Zealand Geodetic Datum 2000 (NZGD 2000)
Lindis Peak 2000 Circuit

•Contours shown on this plan have been computed from a triangulated irregular network (tin) and may not represent the true ground level at any given point. accuracy will vary dependant on the terrain and proximity to spot heights

• SERVICES DATA

The location of underground services have been taken from the CODC GIS (accuracy is unknown)
Service providers should be consulted prior to undetaking any earthworks.

• PROPERTY DATA

Boundaries shown on this plan have been extracted from Land On Line and have not been confirmed by observation and measurement to old cadastral survey marks found in the vicinity.

Easements, covenants and other legal instruments pertaining to this site may not be represented on this plan. A full investigation of legal records should be undertaken.

No	DATE	REVD	APPD	AMENDMENT
A	13/08/25	CL	CL	Issued for RC Application
B	29/08/25	CL	CL	Building Platform Added

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TITLE:
Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

Scale1: 750	PROJECT No 814	DRAWING No PLA_001	ADMT B

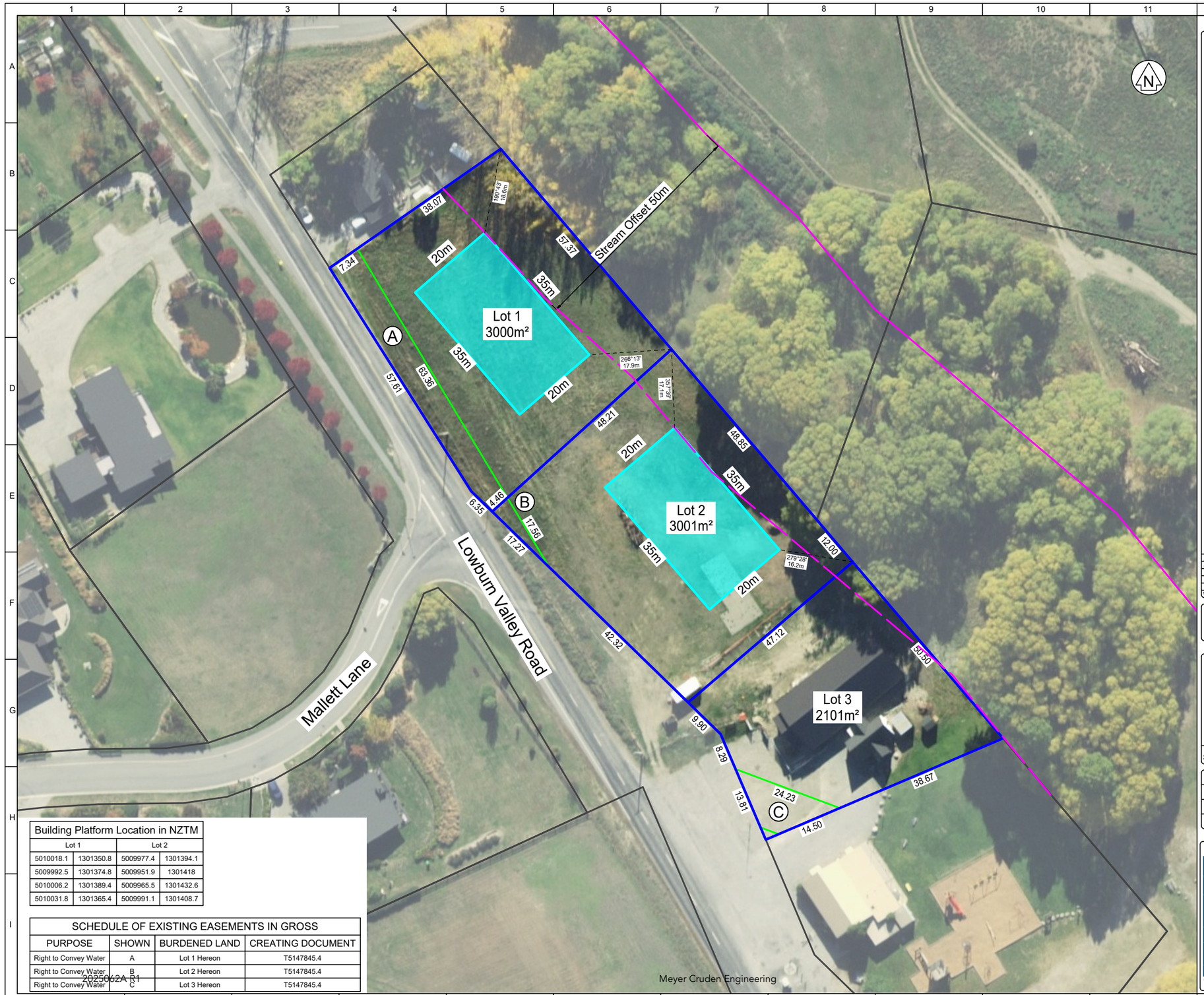
CLIENT: Lakeside Christian Centre
PROJECT: RC Application

DRAWN	APPROVED		
CL	CL		
DATE 29/08/25	SHEET No 1 of 2		

LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka
ph: 021 275 6249
charlie@latchfordsurveying.co.nz

Date Plotted: Fri Aug 29 16:32:19 2025

Plotted Name: 814 Lakeside Christian Centre 814-900-B-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road



Building Platform Location in NZTM			
Lot 1		Lot 2	
5010018.1	1301350.8	5009977.4	1301394.1
5009992.5	1301374.8	5009951.9	1301418
5010006.2	1301389.4	5009965.5	1301432.6
5010031.8	1301365.4	5009991.1	1301408.7

SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED LAND	CREATING DOCUMENT
Right to Convey Water	A	Lot 1 Hereon	T5147845.4
Right to Convey Water	B	Lot 2 Hereon	T5147845.4
Right to Convey Water	C	Lot 3 Hereon	T5147845.4

2025062A R1

NOTES:

• HORIZONTAL DATUM:

New Zealand Geodetic Datum 2000 (NZGD 2000)
Lindis Peak 2000 Circuit

•Contours shown on this plan have been computed from a triangulated irregular network (tin) and may not represent the true ground level at any given point. accuracy will vary dependant on the terrain and proximity to spot heights

• SERVICES DATA

The location of underground services have been taken from the CODC GIS (accuracy is unknown)
Service providers should be consulted prior to undetaking any earthworks.

• PROPERTY DATA

Boundaries shown on this plan have been extracted from Land On Line and have not been confirmed by observation and measurement to old cadastral survey marks found in the vicinity.

Easements, covenants and other legal instruments pertaining to this site may not be represented on this plan. A full investigation of legal records should be undertaken.

No	DATE	REVD	APPD	AMENDMENT
A	13/08/25	CL	CL	Issued for RC Application
B	29/08/25	CL	CL	Building Platform Added

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TITLE:
Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525
60 Lowburn Vally Road

Scale1: 750	PROJECT No 814	DRAWING No PLA_002	ADMT B

CLIENT: Lakeside Christian Centre
PROJECT: RC Application

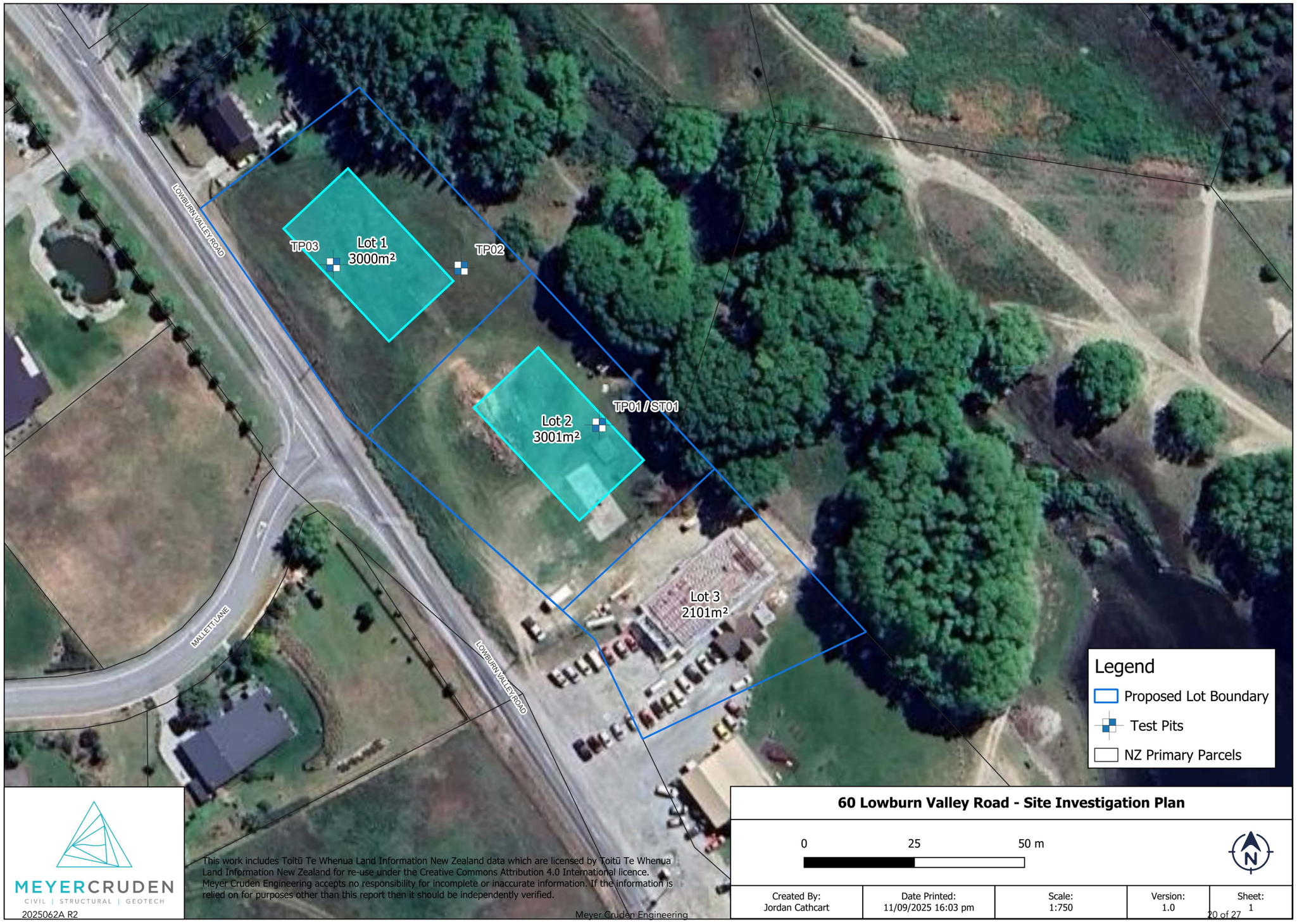
DRAWN	APPROVED		
CL	CL		
DATE 29/08/25	SHEET No 2 of 2		

LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka
charlie@latchfordsurveying.co.nz
Ph: 021 275 6249

Date Plotted: Fri Aug 29 16:32:24 2025

Plotted Name: 814 Lakeside Christian Centre 814-901-B-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

APPENDIX B – TEST LOCATION PLAN AND TEST PIT LOGS


LOWBURN VALLEY ROAD
TP03
Lot 1
3000m²
TP02
TP01 / ST01
Lot 2
3001m²
Lot 3
2101m²
MALLETT LANE
LOWBURN VALLEY ROAD
Legend
Proposed Lot Boundary
Test Pits
NZ Primary Parcels
MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH
2025062A R2
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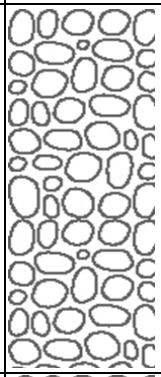
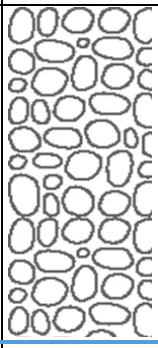
Meyer Cruden Engineering
60 Lowburn Valley Road - Site Investigation Plan
0
25
50 m
N
Created By: Jordan Cathcart
Date Printed: 11/09/2025 16:03 pm
Scale: 1:750
Version: 1.0
Sheet: 1
20 of 27

Date:	1/05/2025
Project Number:	2025062
Project Name:	Lowburn Church
Address:	60 Lowburn Valley Road
Test Number:	TP1
Completed by:	Jordan Cathcart

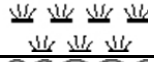
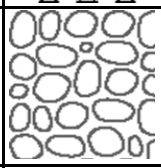
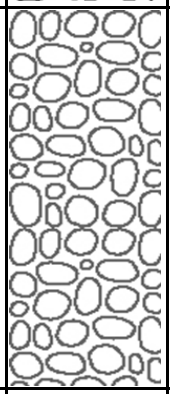
MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH

Depth	Geology	Graphic	Material Description
0.0	Topsoil		ORGANIC SILT with rootlets.
0.1			
0.2	Alluvial Deposits		Sandy fine-coarse GRAVEL with trace of silt; light brown; homogeneous. Loosely packed; moist; well graded; sub-angular, slightly weathered. Sand is fine-coarse.
0.3			
0.4			
0.5			
0.6			
0.7			
0.8			
0.9			
1.0			
1.1			
1.2			
1.3			
1.4	Alluvial Deposits		Cobbly fine-coarse GRAVEL with some sand and boulders; light grey brown; homogeneous. Loosely packed; wet; well graded; sub-rounded, slightly weathered. Groundwater encountered at 2.5m bgl.
1.5			
1.6			
1.7			
1.8			
1.9			
2.0			
2.1			
2.2			
2.3			
2.4			
2.5			
2.6			
2.7			
2.8			
2.9			
3.0			
3.1			
3.2			
3.3			
3.4			
3.5			
3.6			
3.7			
3.8			
3.9			
4.0			

Note: Described in accordance with 'Field Description of Soil and Rock' prepared by NZGS inc., Dec 2005

Date:	1/05/2025
Project Number:	2025062
Project Name:	Lowburn Church
Address:	60 Lowburn Valley Road
Test Number:	TP2
Completed by:	Jordan Cathcart

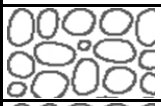
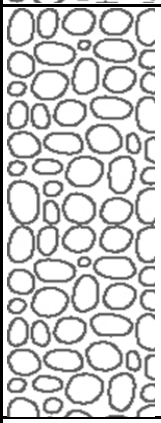
MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH

Depth	Geology	Graphic	Material Description
0.0	Topsoil		ORGANIC SOIL with minor rootlets.
0.1			
0.2	Alluvial Deposits		Sandy fine-coarse GRAVEL with trace of rootlets; light yellow grey; homogeneous. Loosely packed; moist; well graded; sub-angular, slightly weathered. Sand is fine-coarse.
0.3			
0.4			
0.5			
0.6			
0.7	Alluvial Deposits		Sandy fine-coarse GRAVEL with some cobbles and boulders; grey; bedded. Loosely packed; moist; well graded; bedding thick; sub-rounded, slightly weathered. Sand is fine-coarse.
0.8			
0.9			
1.0			
1.1			
1.2			
1.3			
1.4			
1.5			
1.6			
1.7			
1.8			
1.9			
2.0			
2.1			
2.2			
2.3			
2.4			
2.5			
2.6			
2.7			
2.8			
2.9			
3.0			
3.1			
3.2			
3.3			
3.4			
3.5			
3.6			
3.7			
3.8			
3.9			
4.0			

Note: Described in accordance with 'Field Description of Soil and Rock' prepared by NZGS inc., Dec 2005

Date:	1/05/2025
Project Number:	2025062
Project Name:	Lowburn Church
Address:	60 Lowburn Valley Road
Test Number:	TP3
Completed by:	Jordan Cathcart

MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH

Depth	Geology	Graphic	Material Description
0.0	Topsoil		ORGANIC SOIL with minor rootlets.
0.1			
0.2	Alluvial Deposits		Sandy fine-coarse GRAVEL with trace of rootlets; grey; bedded. Loosely packed; moist; well graded; bedding thin; sub-rounded. Sand is fine-coarse.
0.3			
0.4			
0.5	Alluvial Deposits		Sandy fine-coarse GRAVEL with some boulders and cobbles; grey brown; bedded. Loosely packed; moist; well graded; bedding thick, sub-rounded. Sand is fine-coarse.
0.6			
0.7			
0.8			
0.9			
1.0			
1.1			
1.2			
1.3			
1.4			
1.5			
1.6			
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1.9			
2.0			
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2.4			
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2.6			
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2.8			
2.9			
3.0			
3.1			
3.2			
3.3			
3.4			
3.5			
3.6			
3.7			
3.8			
3.9			
4.0			

Note: Described in accordance with 'Field Description of Soil and Rock' prepared by NZGS inc., Dec 2005

APPENDIX C – AURORA POWER SUPPLY AVAILABILITY LETTER

AURORA ENERGY LIMITED
PO Box 5140, Dunedin 9058
PH 0800 22 00 05
WEB www.auroraenergy.co.nz

11/09/2025 REF: 128336

Alex Gaffaney
Power Solutions
alex@powerltd.co.nz

Dear Alex,

ELECTRICITY SUPPLY AVAILABILITY FOR A PROPOSED 3 LOT SUBDIVISION
60 LOWBURN VALLEY ROAD, LOWBURN 9384 SECTION 2 BLOCK SO22525.

Thank you for your inquiry outlining the above proposed development.
Subject to technical, legal and commercial requirements, Aurora Energy can make a Point of Supply[1] (PoS) available for this development.

Disclaimer

This letter confirms that a PoS **can** be made available. This letter **does not** imply that a PoS is available now, or that Aurora Energy will make a PoS available at its cost.

Next Steps

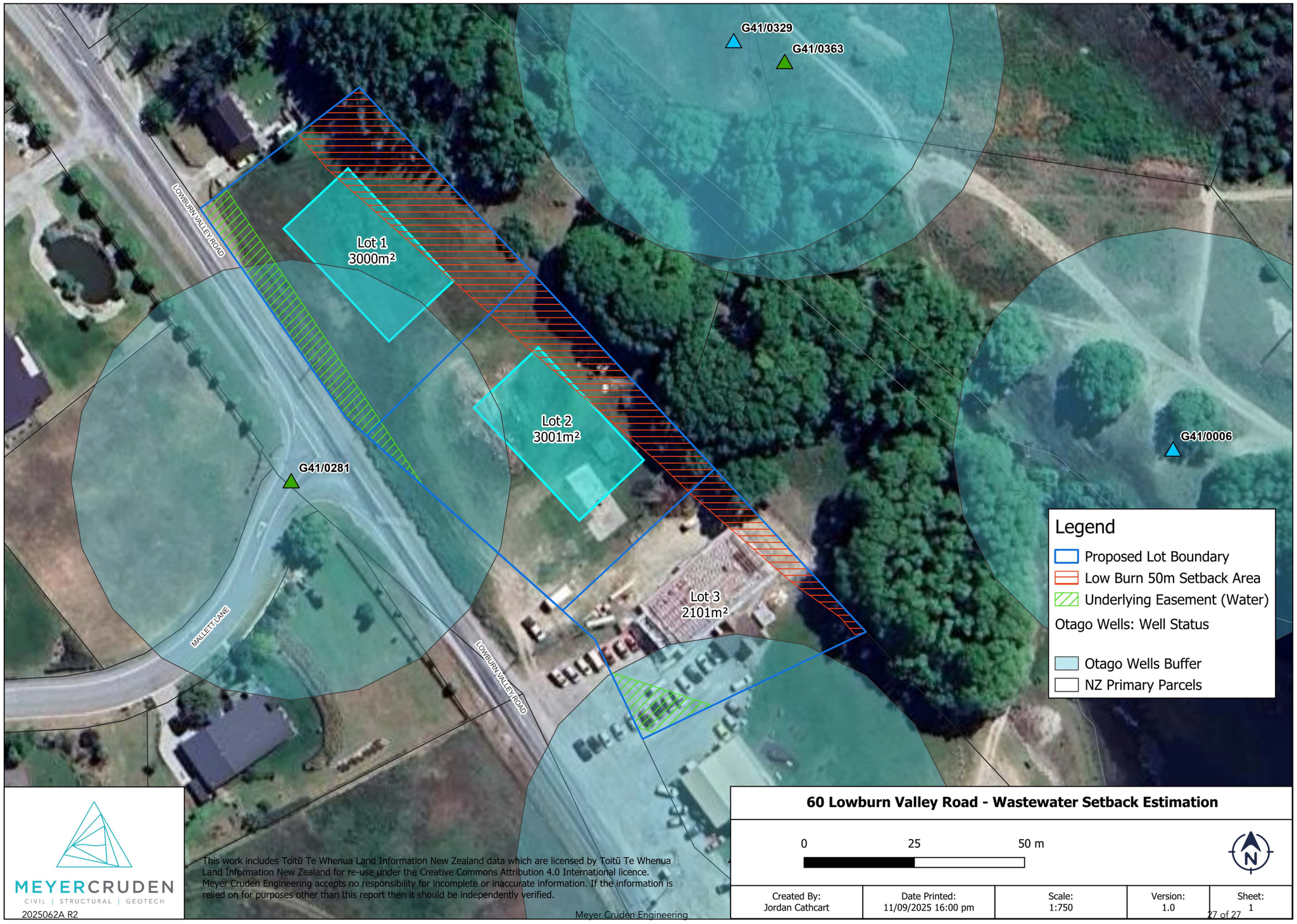
To arrange an electricity connection to the Aurora Energy network, a connection application will be required. General and technical requirements for electricity connections are contained in Aurora Energy's Network Connection Standard. Connection application forms and the Network Connection Standard are available from www.auroraenergy.co.nz.

Yours sincerely

Niel Frear
CUSTOMER INITIATED WORKS MANAGER

[1] Point of Supply is defined in section 2(3) of the Electricity Act 1993.

APPENDIX D – WASTEWATER INDICATIVE SETBACKS


G41/0329
G41/0363
LOWBURN VALLEY ROAD
Lot 1
3000m²
Lot 2
3001m²
G41/0281
G41/0006
MALLETT LANE
LOWBURN VALLEY ROAD
Lot 3
2101m²
Legend
Proposed Lot Boundary
Low Burn 50m Setback Area
Underlying Easement (Water)
Otago Wells: Well Status
Otago Wells Buffer
NZ Primary Parcels
MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH
2025062A R2
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Meyer Cruden Engineering
60 Lowburn Valley Road - Wastewater Setback Estimation
0
25
50 m
N
Created By: Jordan Cathcart
Date Printed: 11/09/2025 16:00 pm
Scale: 1:750
Version: 1.0
Sheet: 1
27 of 27

MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH

CROMWELL OFFICE
2D McNulty Road, Cromwell

WANAKA OFFICE
Unit 26, 5 Northlake Drive,
Wanaka

PO Box 161, Cromwell
(03) 445 0670
accounts@mcengineering.co.nz
www.mcengineering.co.nz

SPRINGLINE

Project Number: 25022

Date: 05/05/2025

Revision: A

PRELIMINARY SITE INVESTIGATION

60 LOWBURN VALLEY ROAD

Prepared for **Bruce Wast**

www.springline.co.nz

SPRINGLINE

Executive Summary

Site Address	60 Lowburn Valley Road, Lowburn, Cromwell
Area	8,100 m^2
Current Land Use	Church (Lakeside Christian Centre), and bare land / paddock
Proposed Land Use	Lot 1: Lakeside Christian Centre; proposed Lot 2: anticipated residential lifestyle development
Development Activities	Subdivision
Records and Information Reviewed	Regional Council Records (Otago Regional Council) • HAIL database search • Well search District Council Records (Central Otago District Council) • Property files Historic Aerial Photographs (1950 – 2015) Site Walkover Landowner Interview
Historic Land Use	Open/bare land until 1988 when the original church was consented, with the remaining site comprising of grassed paddock.
NES-CS Application	Based on the information reviewed, it is considered that no activity or industry listed on the Hazardous Activities and Industries List (HAIL) is likely to have occurred on site. Accordingly, the NES-CS does not apply to the proposed subdivision.
Recommendations	This report is provided to the Central Otago District Council in conjunction with the consent application for the proposed development.

SPRINGLINE

Document Control

Title	Preliminary Site Investigation
Project number	25022
Client	Bruce Wast
Distribution	Bruce Wast
Date	05 May 2025
Revision	A
Status	Final

Prepared by	James Jackson MESci, CEnvP	
Reviewed by	Max Nightingale-McMahon BSc, PGDip, PhD	

Certifying Statement

The individual(s) undertaking and/or certifying this investigation meet the definition of a Suitably Qualified and Experienced Practitioner (SQEP) under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS), holding the following credentials:

1. A tertiary qualification in environmental science or engineering.
2. A minimum of 10 years of relevant experience.
3. Registration with a recognised professional body that assesses and certifies environmental professionals based on competency, training, experience, professional conduct, and ethical standards.

This investigation has been conducted in accordance with applicable New Zealand regulations and guidance documents, with this report prepared in line with the Ministry for the Environment's *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (2021).

SPRINGLINE

Contents

1 Introduction 1
1.1 Objective 1
1.2 Proposed Development 1
1.3 Scope 1
2 Site Information 2
3 Site History 3
3.1 Regional Council Records 3
3.1.1 HAIL Database 3
3.1.2 Well Search 3
3.2 District Council Records 4
3.3 Historical Aerial Photographs 5
4 Site Visit 5
4.1 Site Walkover 5
4.2 Landowner Interview 6
5 Conclusions 6
5.1 Regulatory Assessment 6
6 Recommendations 6
7 Limitations 7

Appendices

Appendix A Subdivision Plan
Appendix B Site Plans
Appendix C Historical Aerials
Appendix D Site Photographs

SPRINGLINE

1 Introduction

Springline Limited (Springline) has been engaged by Bruce Wast (the client) to prepare this Preliminary Site Investigation (PSI) as part of an application to subdivide 60 Lowburn Valley Road (the site).

1.1 Objective

This report has been prepared in general accordance with the National Environmental Standards for Assessing and Managing Contaminants in Soil[1] (NES-CS) and the Contaminated Land Management Guidelines (CLMG)[2].

The purpose of this PSI is to report on the site history to assess the suitability of its current or intended land use, the objective of which is to determine any actual or potential sources of contamination, as required under the Resource Management Act 1991 (RMA).

1.2 Proposed Development

The proposed development involves subdividing the site into two lots: Lot 1 (2,100 m²), which contains the existing church facilities and will retain its current land use; and Lot 2 (6,000 m²), currently undeveloped bare land, with future use subject to the purchaser's proposal (anticipated to be a residential lifestyle development).

A copy of the proposed subdivision plan is included in Appendix A.

1.3 Scope

The scope of work includes:

- A review of the available site information, including surrounding land uses and environmental settings
- A review of readily available information pertaining to the site's history with respect to contamination, including:
  - District Council records (Central Otago District Council)
  - Regional Council Records (Otago Regional Council)
  - Land Information New Zealand (LINZ) records
  - Review of selected historical aerial photographs
  - Previous contaminated land reports for the site (if any)
- A site walkover
- Interview with the landowner
- Risk assessment and preliminary conceptual site model, if required.

[1] Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations, 2012
[2] Ministry for the Environment (MfE) Contaminated Land Management Guidelines No.1: Reporting on Contaminated Sites in New Zealand. Updated 2021.

2 Site Information

The site contains an existing church in the southeastern corner, with adjacent gravel-sealed car parking areas, and vacant grassed paddocks in the central and northwestern areas.

The site layout and location are included in Appendix B, with general information on the site and environmental setting provided below in Table 1.

Table 1: Site Information

Site Information		
Address		60 Lowburn Valley Road, Lowburn, Cromwell
Legal Description		Section 2 SO 22525
Area		8,100 m^2
District Council		Central Otago District Council (CODC)
Regional Council		Otago Regional Council (ORC)
Zoning		Rural resource area
Site Land Use[3]		Lakeside Christian Centre; grassed paddock
Neighbouring sites	North	Mixed residential / lifestyle blocks
	East	Lowburn Community Hall and recreational land, with Lake Dunstan beyond
	South	Mixed residential / lifestyle blocks
	West	Residential
Geology[4]		The site is underlain by Holocene River deposits comprising unconsolidated gravel, sand, silt, clay, and minor peat. The ranges to the west/southwest of the site are composed of Rakaia Terrane schist whilst the terraces in the north and south are composed of Early/Mid Pleistocene outwash deposits.[5]
Topography		The site is generally flat and level, with minor undulations and a gradual fall towards Lake Dunstan to the east.
Hydrogeology[5]		Based on a review of nearby wells, groundwater is anticipated between 2 – 4 m bgl (refer to Section 3.1.2). The site is located within the Lowburn Alluvial Aquifer.
Hydrology[6]		Lowburn Creek is located approximately 20-30 m northeast of the site, which flows into Lake Dunstan approximately 75 m east.

[3] Central Otago District Council District Plan GIS Maps (https://maps.codc.govt.nz)
[4] GNS Science geological map https://data.gns.cri.nz/geology/
[5] Otago Regional Council (ORC), March 2021. State of the Environment: Groundwater Quality in Otago.
[6] Otago Regional Council District Plan GIS Maps (https://maps.orc.govt.nz/)

3 Site History

3.1 Regional Council Records

3.1.1 HAIL Database

The ORC Listed Land Use Register (LLUR) was reviewed as part of this investigation. The LLUR is not a complete record, however, contains information on land parcels in Otago that have been associated with activities on the Hazardous Activities and Industries List[7] (HAIL).

The site is not listed on the LLUR.

A review of surrounding properties was also undertaken, and no properties within a 200m radius of the site are listed on the LLUR.

3.1.2 Well Search

ORC's mapping tool[6] was viewed to access the location of groundwater wells in the general area of site. No bores/wells are listed within the site, while five active bores are listed within a 200 m radius of the site, summarised below in Table 2.

Table 2: Groundwater Well Search

Surrounding Area		
G41/0141	Use	Domestic
	Location	~150m northwest of the site (upgradient)
	Well depth	6.73 m bgl
	Water level	Unknown
	Drill date	1980
	Screen	Unknown
	Aquifer	Lowburn Valley Ribbon Aquifer
	Well status	Existing
	Bore Log	Unknown
G41/0363	Use	Community Drinking Water Supply
	Location	~50m north (up-gradient, opposite side of Lowburn Creek)
	Well depth	11.33 m bgl
	Water level	3.4 m bgl
	Drill date	2008
	Screen	~10.3 – 11.2 m bgl
	Aquifer Type	Lowburn Valley Ribbon Aquifer
	Well status	Existing

[7] Ministry for the Environment, 2011. Hazardous Activities and Industries List.

	Bore Log	Silty sandy gravels to 7m bgl, yellow silty gravels to 9 m bgl, with underlying cleaner gravels (screened depth).
G41/0281	Use	Agriculture Irrigation
	Location	15m southwest (cross-gradient)
	Well depth	15 m bgl
	Water level	Unknown
	Drill date	2002
	Screen	Unknown
	Aquifer Type	Lowburn Valley Ribbon Aquifer
	Well status	Existing
	Bore Log	Unknown
G41/0140	Use	Domestic
	Location	20 m southeast (down-gradient) – Community Hall
	Well depth	9.6 m bgl
	Water level	Unknown
	Drill date	1980
	Screen	Unknown
	Aquifer Type	Lowburn Valley Ribbon Aquifer
	Well status	Existing
	Bore Log	Unknown
G41/0210	Use	Domestic and irrigation
	Location	170m south (down-gradient)
	Well depth	10.5 m bgl
	Water level	2.1 m bgl
	Drill date	1999
	Screen	5.5 – 10.5 m bgl
	Aquifer Type	Lowburn Valley Ribbon Aquifer
	Well status	Existing
	Bore Log	Sandy gravels.

3.2 District Council Records

Property files for the site were obtained from the Central Otago District Council (CODC), which included the following:

- 1988: Building Consent for the construction of a new church (Permit Number: E040624).

- 2024: Building Consent (240236) for the construction of a new Church (Lakeside Christian Centre)
- 2024: Resource Consent (240062 - on hold) to subdivide the site into 2 lots.

3.3 Historical Aerial Photographs

A review of selected available historical aerial photographs was completed for this PSI. The photographs were dated between 1950 and 2015 and sourced from Retrolens Historical Image Resource[8] and Google Earth[9].

Copies of the photographs are available in Appendix C and summarised below in Table 3.

Table 3: Summary of historical aerial photographs

Date	Site	Surrounding Area
1958	Based on the earliest available historical image, the site appears to comprise undeveloped, vacant land on the floodbanks of the Lowburn Creek.	An approximately 20m x 30m pond, likely used for orchard irrigation is located 20-30 m east of site. Potential orcharding 100-200m east and southeast of the site, all surrounding areas comprise undeveloped land.
1974	No significant or noticeable change.	Intensification of orcharding activities east of the site, including the establishment of a small pond approximately 20-30m east of the site.
1982		Additional orchards have been established 200 – 300m south of the site.
2001	The church and existing gravel carparking areas have been constructed, with the existing grassed paddock now appearing fenced and established. The site appears largely as per the present day.	The pond has been backfilled. Lake Dunstan is now present, located approximately 70m southeast of the site, and residential properties have been constructed 200-250m south of the site.
2007	No significant or noticeable change.	Additional residential properties and orcharding activities have been established 100 – 200m south.
2015		Multiple residential properties have been constructed east of the site.

4 Site Visit

4.1 Site Walkover

A site walkover was undertaken on 22nd April 2025. Photographs documenting site conditions are provided in Appendix D, and key observations are summarised below:

[8] RetroLens. Historical Image Resource (https://retrolens.co.nz/)
[9] Google Earth 2023. (https://earth.google.com/)

- The southern portion of the site comprises gravel carparking and the existing church building.
- Construction works for a new extension of the Church was underway, with fencing, construction material storage, and a shipping container present.
- A shallow topsoil scrap had occurred associated with the footprint of a new structure (refer to Photograph 4), with approximately 5m^3 of the stripped topsoil stockpiled (visible in Photograph 6).
- The majority of the site (central and northern portions, i.e., proposed Lot 2) comprised grassed paddocks.
- A vegetation stockpile was present in the centre of the paddock, comprising off-cuts (i.e., no treated timbers, or anthropogenic materials/rubbish identified). No evidence of burning was noted, with vegetation cuttings likely stockpiled as a result of recent construction works.
- The site surface was generally flat and level, with a gentle gradient south-eastward towards Lowburn Creek.

4.2 Landowner Interview

Springline conducted an interview with the client, Mr Bruce Wast, who advised that, to the best of his knowledge, the site had remained an undeveloped rural block until the construction of the church, and that no activities likely to result in soil contamination are known to have occurred on the site.

5 Conclusions

Springline has undertaken a PSI as part of an application to subdivide 60 Lowburn Valley Road. The findings of this PSI can be summarised as follows:

- For much of the recorded site history, the site has comprised undeveloped rural land, with the church construction originally consented in 1988.
- The land was purchased by the current owner in 2013, during which time the site has been used partially as a church (Lakeside Christian Centre), with the central and northwestern areas (i.e., proposed Lot 2) remaining as grassed paddocks.
- Based on the information reviewed, the site inspection, and landowner discussions, it is considered that no activity or industry listed on the Hazardous Activities and Industries List (HAIL) is likely to have occurred on site.

5.1 Regulatory Assessment

On the basis that no activity listed on the HAIL is likely to have occurred on site, the NES-CS does not apply to the proposed subdivision.

6 Recommendations

It is recommended that:

- This report is provided to the Central Otago District Council in conjunction with the consent application for the proposed development.

7 Limitations

Springline Ltd (Springline) has prepared this Preliminary Site Investigation (PSI) report for Bruce Wast in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) and the Contaminated Land Management Guidelines (CLMG No.1).

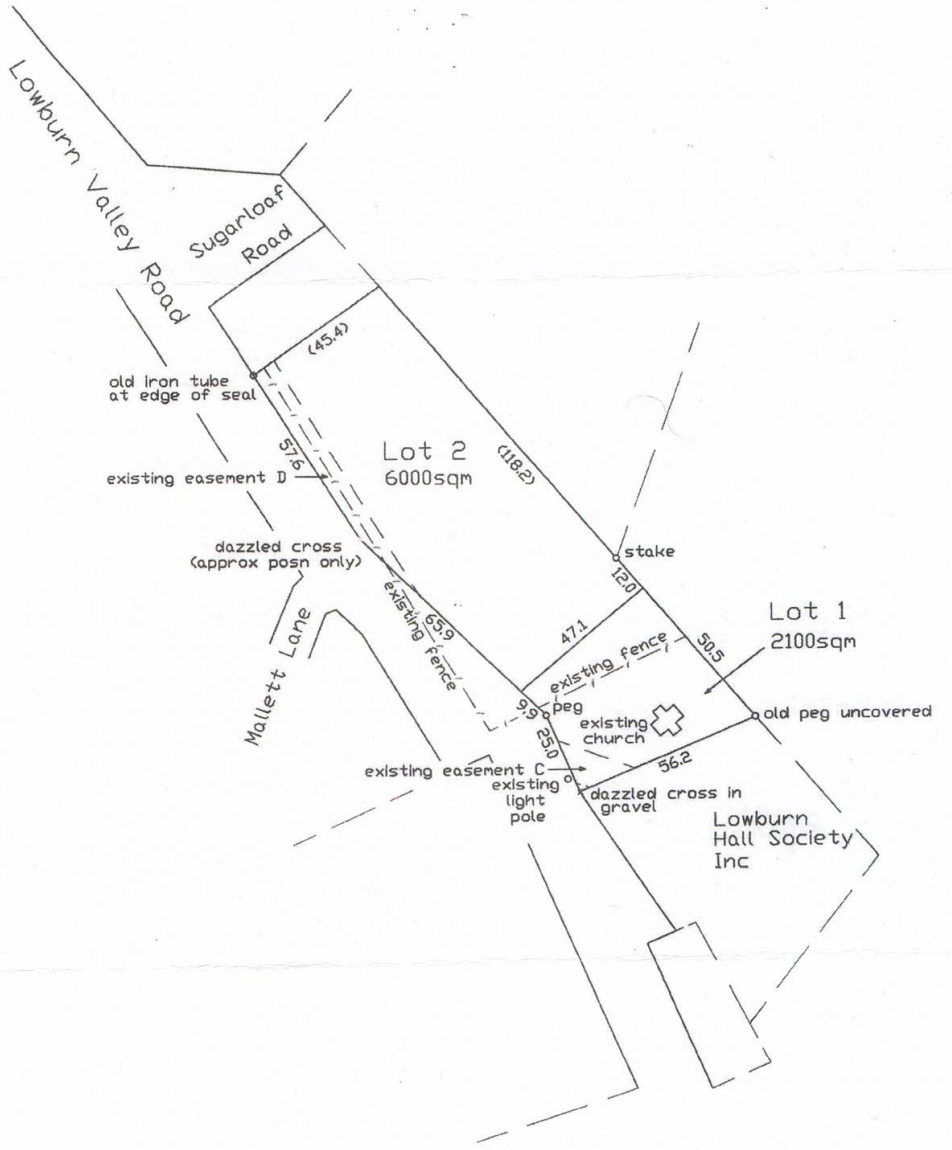
Springline's opinions, conclusions, and recommendations are based on the information provided by the client and third parties. While reasonable efforts have been made to ensure the accuracy of this data, Springline does not warrant its completeness or correctness. Consequently, the findings may not reflect all actual site conditions, and it is possible that contamination or other hazards may exist beyond the scope of this investigation.

Springline has applied reasonable care in preparing this report, but no investigation can eliminate the possibility of undiscovered hazards. The conclusions are based on current regulatory standards, which may change over time. If new information or regulatory requirements emerge, further assessment may be necessary.

This report is intended solely for the use of Bruce Wast for the purpose outlined in the scope of work. Springline accepts no liability for any reliance by third parties on this report. Reproduction or distribution of this report, in whole or in part, is prohibited without Springline's prior written consent, except as required for the intended purpose.

SPRINGLINE

Appendix A Subdivision Plan



Proposed Subdivision 60 Lowburn Valley Road Lowburn
Lots 1 and 2 being a Subdivision of Section 2 SO 22525
Block III Cromwell S.D
Lakeside Christian Centre

J E CONTRACT SURVEYING LTD
130 Vernon Street Invercargill
Ph. 021 1630149
email - jnelliott36@gmail.com

Date: 18.01.24
Scale: 1:2000

Ref: 849A

SPRINGLINE

Appendix B Site Plans

SPRINGLINE

TITLE
Figure 1: Site Plan

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

SPATIAL REFERENCE

0 10 20 N

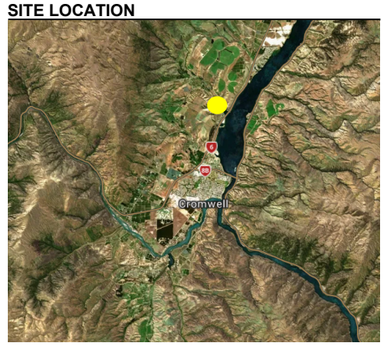
PROJECT MANAGEMENT

Approved	MN	Date	02.05.2025
Checked	JJ	Date	02.05.2025
Drawn	JJ	Date	02.05.2025

ISSUE / REVISION

A	02.05.2025	Final

SITE LOCATION



SPRINGLINE

Appendix C Historical Aerials

SPRINGLINE

TITLE
Historical Aerial - 1958

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

Note:
Site location/boundaries approximated, and inferred based on nearby landforms and topographical features

PROJECT MANAGEMENT

Approved	MN	Date	02.05.2025
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Drawn	JJ	Date	02.05.2025

ISSUE / REVISION

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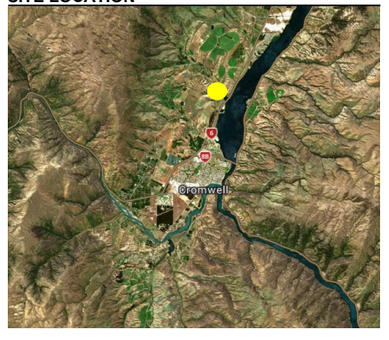
SITE LOCATION



SPRINGLINE

TITLE
Historical Aerial - 1974

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

Note:
Site location/boundaries approximated, and inferred based on nearby landforms and topographical features

PROJECT MANAGEMENT

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ISSUE / REVISION

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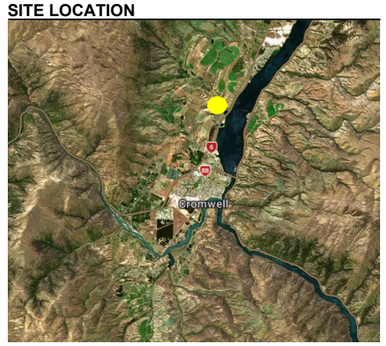
SITE LOCATION



SPRINGLINE

TITLE
Historical Aerial - 1982

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

Note:
Site location/boundaries approximated, and inferred based on nearby landforms and topographical features

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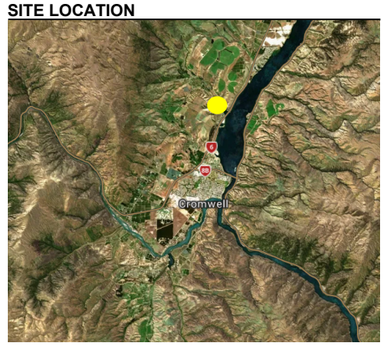

SPRINGLINE

TITLE
Historical Aerial - 2001

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

Note:
Site location/boundaries approximated, and inferred based on nearby landforms and topographical features

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ISSUE / REVISION

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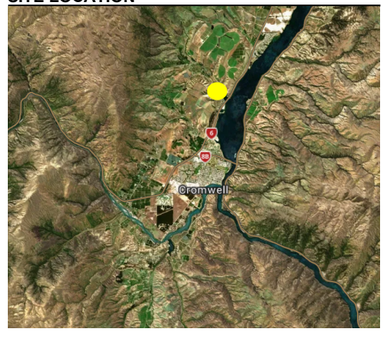
SITE LOCATION



SPRINGLINE

TITLE
Historical Aerial - 2007

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

Note:
Site location/boundaries approximated, and inferred based on nearby landforms and topographical features

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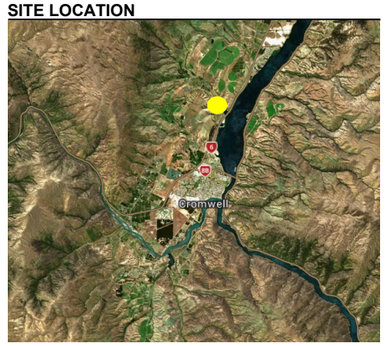
SITE LOCATION



SPRINGLINE

TITLE
Historical Aerial - 2015

PROJECT
60 Lowburn Valley Road

CLIENT
Lakeside Christian Centre

Note:
Site location/boundaries approximated, and inferred based on nearby landforms and topographical features

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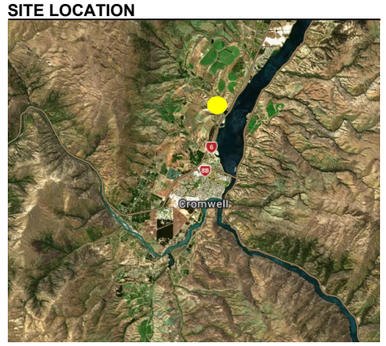
SITE LOCATION



SPRINGLINE

Appendix D Site Photographs

SPRINGLINE

Photograph 1

Existing church, proposed Lot 1, looking north.

Photograph 2

New church extension, proposed Lot 1, looking south.

SPRINGLINE

Photograph 3

Proposed Lot 2, looking north. Construction machinery and storage are relating to new church extension construction works.

Photograph 4

Proposed Lot 2, looking south towards the new church construction and Lot 1.

SPRINGLINE

Photograph 5

Vegetation off-cuts, proposed Lot 2.

Photograph 6

Proposed Lot 2, looking southeast.

phone: 3-448 5131

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Central Otago, NZ

email: admin@weaverhort.co.nz

Productivity Report

60 Lowburn Valley Road, Lowburn, Cromwell

Prepared by:
Earnscy Weaver
Weaver Horticulture Ltd
592 Springvale Road
RD 3
Alexandra NZ

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May 2025

www.weaverhort.co.nz

1. **Introduction**

My name is Earnscy Weaver. I entered Fruitgrowing after completing my Diploma in Horticulture in 1971. In 1986 I became General Manager and Director of Summerfruit Orchards, a Special Partnership growing a range of fruit crops in the Earnscleugh area of the Clyde-Alexandra basin. In 2002 I was appointed General Manager of a Molyneux Holdings a public company growing and packing both pip fruit and stone fruit in the Cromwell basin.

In 2004 I entered consulting and advisory work in the horticultural sector over the range of crops grown in Central Otago, specialising in pip and stone fruit crops. My client list includes corporate and individual growers in the Central Otago region as well as Canterbury, Marlborough, Nelson, Hawkes Bay, Australia, and China.

I am a member of the International Society of Horticultural Science and the NZ Institute of Agricultural and Horticultural Science. I am a member of the Central Otago Fruitgrowers Assn and past chair of the Summerfruit New Zealand Research committee.

I have travelled internationally observing growing systems, packhouse operations, processing systems, and markets. I have also attended International science symposia on cherries and apricots. I have been an invited speaker at NZ and Australian national fruit industry conferences as well as for the International Fruit Tree Assn.

Mr Jake Woodward, Resource Management Planner, engaged me to provide a productivity report for the property located at 60 Lowburn Valley Road.

2. **Site**

The 8,121 m^2 (0.8121ha) property is situated to the west of the adjacent Lowburn Hall which is located at the top of the Lowburn inlet of Lake Dunstan. The property presently contains a building which is utilised for religious activities.

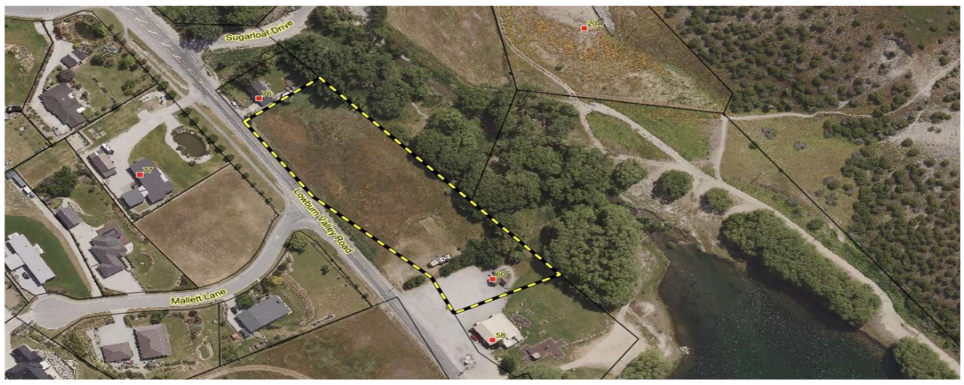

Figure 1. GIS map for 60 Lowburn Gully Road (ex CODC website)

The land is bounded by the Lowburn Valley Road to the south, the Lowburn Community Hall to east, the Low Burn to the north, and a private residence on a 1052 m^2 property to the west (76 Lowburn Valley Road). On the opposite side of Lowburn Valley Road there are a number of established residences within 50 metres of the southern boundary.

The property has an elevation of ~198 metres above sea level (asl) with a general fall to the east and north. The northern boundary alongside the Lowburn Creek is infested with willows.

The land is more or less flat with the soils classified as LUC 3. Other than the land occupied by the building, the remaining land has remained fallow for a number of years.

3. Soil Classification

a. Land Use Classification

Landcare Research (Manaaki Whenua) have mapped the soils for the site as Highly Productive Land – Land Use Classification 3 (HPL-LUC class 3). See map figure 2.

HPL-LUC class 3 soils are described as:
Moderate limitations, restricting crop types and intensity of cultivation, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry.

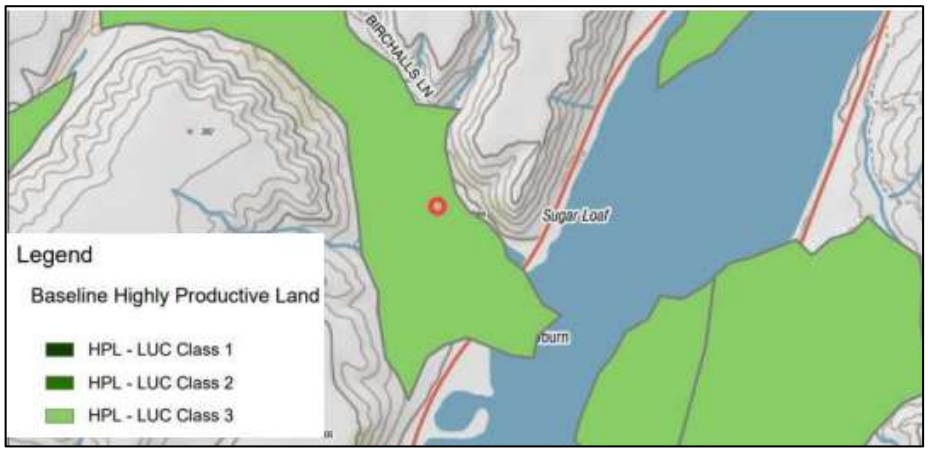

Figure 2 Landcare Research Land Use Classification including 60 Lowburn Valley Road, Lowburn. See the appendix for the complete map.

b. S-Map Soil Classification

S-maps is a digital soil map system managed by Landcare Research. An estimated 40% of the land is mapped as Ranfurly (Sib4) with the remainder mapped as Swanloam_1a.1. The mapped areas are shown in figure 3 with the complete map available in the appendix.

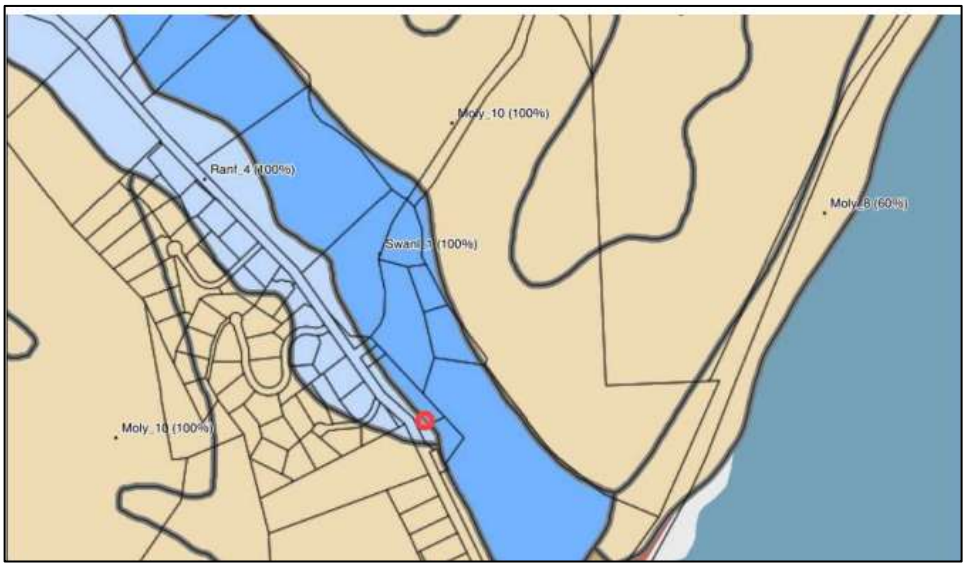

Figure 3. Landcare Research S-Map showing 60 Lowburn Valley Road soil classifications. The red circle indicates the southeast corner of the property.

There are variations between the two soil types. These are shown in table 1

Soil Physical Properties (excerpt from S-map)		
Characteristic	**Swanloam_1a.1**	**Ranfurly(Sib4)**
Depth class	Shallow (20-45cm)	Moderately deep (35-55cm
Texture profile	Loam	Loam
Rooting barrier	No significant barrier to 1m	Densely packed gravels
Depth to hard rock	No hard rock within 1m	No hard rock within 1m
Depth to soft rock	No soft rock within 1m	No soft rock within 1m
Depth to stony layer	Shallow	Moderately deep
Topsoil clay range	8-15%	5-15%
Permeability	Rapid	Moderate over slow.
Drainage class	Poorly drained	Imperfectly drained

Table 1. Comparison of S-Map soil classification for 60 Lowburn Gully Road.

c. Opportunity for Horticultural crops

Albeit the soils are classified as Highly Productive Soils, both soil types have drainage problems. The Swanloam soil is shallow and is poorly drained.

The Ranfurly soil has a rooting barrier of densely packed gravels along with being imperfectly drained.

With correct management both soil types are capable of being used for those horticultural crops currently being commercially produced in Central Otago.

4. Climate

There is no long term climate data available for the site to establish the suitability of the site for horticultural crops. The Otago Regional Council (ORC) has developed the growOtago[1] resource. This report relies on this data in presenting a view of the suitability of climate for horticultural production.

The growOtago data is modelled and does not identify smaller microclimates. Local knowledge can help fill the gaps. There are blocks of cherries and wine grapes growing in the general area of the site that have history to help with the site assessment.

The Cromwell flats have a well-established fruit industry with both pip fruit and stone fruit having been successfully grown in the area for many decades. More recently vineyards have been established on the Cromwell flats and have built a reputation for quality wines. Vineyards are well established on both sides of the Clutha valley north of Cromwell.

In the past 20 years, orchards (predominantly cherries) have been successfully established further up the Clutha Valley as far as Queensberry. Recently cherry blocks have been planted in the Tarras and Ardgour Valley to the east.

Comparing the climate data for the property against that for the Cromwell flats provides a comparison to make judgement on the site's suitability for horticulture production.

a. **Spring Frosts**

All tree crops, berry crops and viticultural crops grown in Central Otago are susceptible to spring frosts killing developing flower buds and later, fruitlets and fruit. The thresholds for damage vary by fruit type and timing of flowering with most fruit crops exposed from late August/early September through till late November. Apples flower later therefore their susceptibility is delayed. Vines also flower later. Vineyards are further at risk in the autumn prior to harvest when the crop may be affected by frosts killing off the leaf canopy prior to harvesting the crop.

The susceptibility to frost damage is also determined by the growth stage. A cherry flower at full bloom will need protection at -2°C. At shuck fall when the tiny fruitlet first emerges from the flower the threshold is -1°C. The determination of threshold is further

[1] *The **growOtago** project comprehensively maps the Otago region's climate and soils. It provides information that can be used to improve existing land uses, develop new high value land-based activities and foster regional economic development, through optimising the use of Otago's varied climate and soils.*

***growOtago** was developed by the Otago Regional Council, using the scientific expertise of NIWA, AgResearch, Landcare, and the universities of Otago and Auckland. These organisations used the latest climate modelling and mapping techniques, including satellite technology to develop these maps*

determined by dew point with low dew points considered to lead to a more aggressive frost.

Spring Frost Data

Table 2 with data extracted from growOtago maps (figs 4,5,6) show a comparison of the 60 Lowburn Valley Road property with the Cromwell Flats.

	60 Lowburn Valley Road	Cromwell Flats
September frosts	3.1 – 4.0	6.1 – 8.0
October frosts	1.1 – 3.0	2.1 – 4.00
November frosts	0.0 – 0.1	0.0 – 1.0

Table 2. Comparison of the number of frosts experienced in Cromwell flats and 60 Lowburn Valley Road

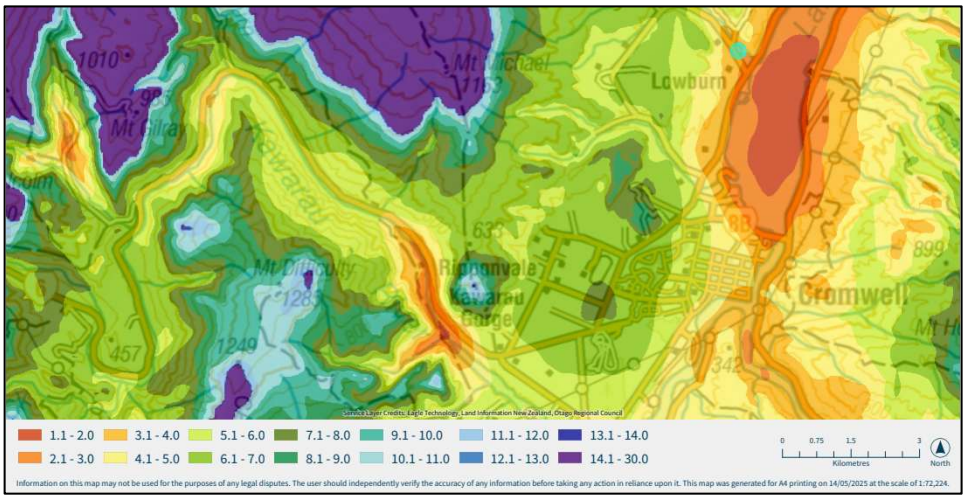

Figure 4. Number of spring frosts in September (source growOTAGO). The teal dot (top right-hand side of image) indicates the southeast corner of the property.

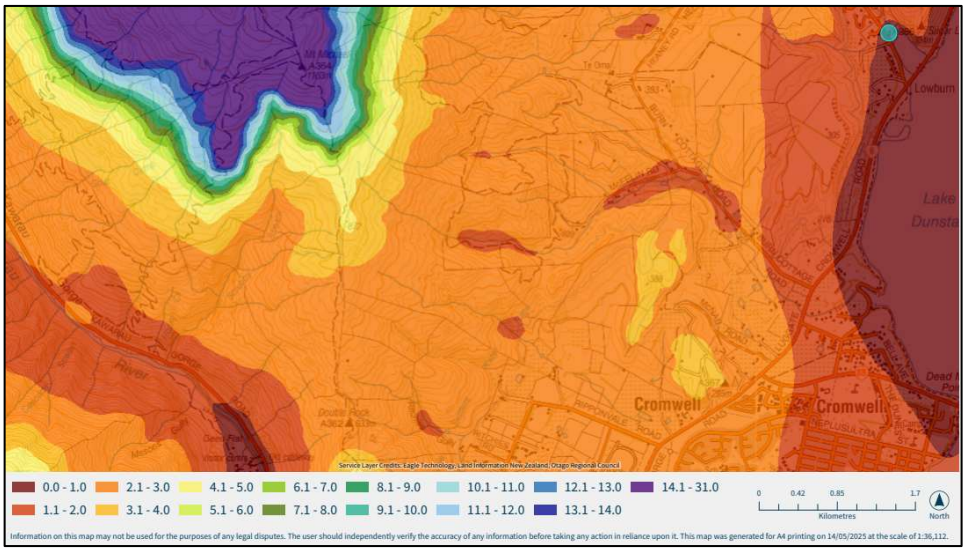

Figure 5. Number of spring frosts in October (Source growOTAGO. The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

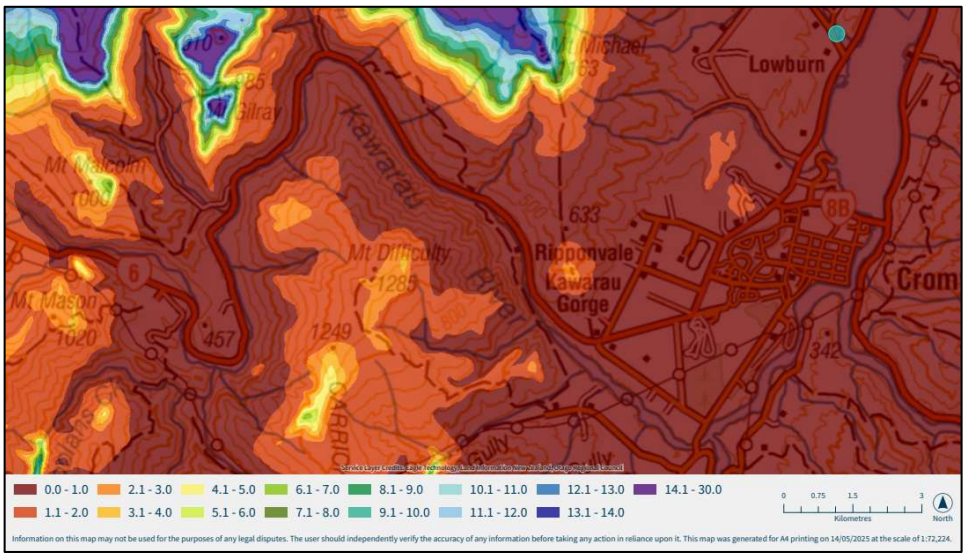

Figure 6. Number of spring frosts in November (Source growOTAGO). The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

The growOTAGO data shows that the 60 Lowburn Valley site has less spring frosts than the Cromwell flats indicating the property has less frost risk than the established growing area of the Cromwell basin.

Although growOTAGO data indicates that the property has a reduced frost risk most likely the property has lower temperatures than indicated as it sits at the bottom of the gully where freezing air accumulates. No matter, the property will require frost protection for commercial crops.

Frost protection

Frost protection has relied on overhead water with the introduction of wind machines being more recent. Overhead water protection involves continuous applications of water at 40 cubic metres per hour per hectare (4mm/hr application rate). A six hour frost event applies 240 cubic metres of water per ha (24mm). It is not unusual in this area to have three or four consecutive frost events which results in an application of 72mm to 96mm of water.

Stonefruit tree health and fruit quality is adversely affected by the heavy water application rates resulting in high levels of bacterial blast (*Pseudomonas syringae*). Tree losses of greater than 40% have been experienced in colder blocks and bacterial induced fruit marking resulting in elevated levels of waste.

Wind machines do not have the same capacity to mitigate frosts as overhead water and on this site supplementary heat in the form of diesel burners or under tree sprinklers with lower output than overhead sprinklers may be required.

The requirements for operating wind machines are laid out in the CODC District Plan (4.7.6E(c))

(c) Wind machines for Frost Control
Any wind machine used for frost control shall be so constructed and operated that any noise emission measured at a distance of 300 metres shall not exceed 65 dBA L10 provided that:

1. *the wind machine will be allowed to operate during the frost danger period until the leaves of the plant are dry and the air temperature has reached 1°C.*

2. the speed of the wind machine must be governed such that the top speed of the rotor does not exceed the speed of sound.

3. the wind machine is located no closer than 300 metres to any Residential or Rural Settlement Resource Area, or within 100 metres of a dwelling house not located on the property

4. No fixed wind machines shall be located within the Rural Resource Area (5). This rule does not prevent the use of portable wind machines within the Rural Lifestyle Production Area in the Rural Resource Area (5).

5. Within the Horticulture Area shown on the Structure Plan in Schedule 19.23 there shall be no more than three wind machines, that must be five-blade models and located no closer than 135 metres from the boundary with the Rural Resource Area (5).

With a new District Plan in development, indications are that noise level restrictions will be greater than those current. Recently a grower was instructed by the CODC lawyer to not exceed 35dBa in the bedroom or 55dBa outside any dwelling to meet "unreasonable noise" requirements" under the RMA. These requirements are a significantly higher bar than the District Plan requirements.

Summary Frost of Protection Options	
Overhead water sprinklers	Requires high application rates (<4mm/hr). Creates tree health problems, soil leaching and water logging, washes pollen from flowers and requires significant storage (3 nights at 8 hours = ~1000m^3 storage per ha). The poorly and imperfectly drained soils identified for the site will increase the risk of waterlogging and resultant crop issues.
Wind machines	Significant reverse sensitivity issue because of noise. The proximity of neighbours and recent RMA "unreasonable noise" rules being applied to a grower by the CODC will impact on the operation of wind machines.
Orchard Heaters	Frost protection solely using clean burning diesel heaters is now uneconomic due to fuel cost. They are an option for supplementary heat with wind machines with high value crops.
Under tree water sprinklers	Application rate is ~ 50% of the rate for overhead sprinklers (~2mm/hr) therefore reduced negative impacts compared with overhead water. The downside is that in normal conditions the temperature lift is around 1°C which is insufficient for the crops identified for the site. The option is suitable for supplementary heat with wind machines

Table 3 Summary of frost protection options for 60 Lowburn Valley Road

There are continuing developments in frost protection systems with research moving towards plant growth regulators and nano particles[2] as likely alternatives. These options may replace wind machines and other traditional frost protection systems.

[2] https://news.wsu.edu/press-release/2018/07/12/nanocrystals-prevent-frost-damage-fruit/

Spring Frost Impact on the Opportunity for Horticultural crops.
None of the identified frost protection options are suitable for the 60 Lowburn Valley Road site. This precludes the commercial opportunity for growing all fruit and berry crops presently being commercially produced in Central Otago.

b. <u>Growing Degree Days (GDDs)</u>
Growing degree days tend not to be a limiting factor for growing pip fruit and stone fruit in the Central Otago region however they are for vineyards. Low GDDs do not generate the required fruit sugars and flavours that are required for quality wines.

GDDs have an impact with stone fruit and pip fruit in the timing of harvest. Higher GDDs tend to generate early harvests. This can be taken advantage of if it is early markets that are being targeted. Conversely lower GDDs tend to generate later harvests which may also provide a market niche.

The growOtago map (fig 7) shows that the property accumulates 1051 to 1100 GDDs which is higher than the Cromwell flats Ripponvale area.

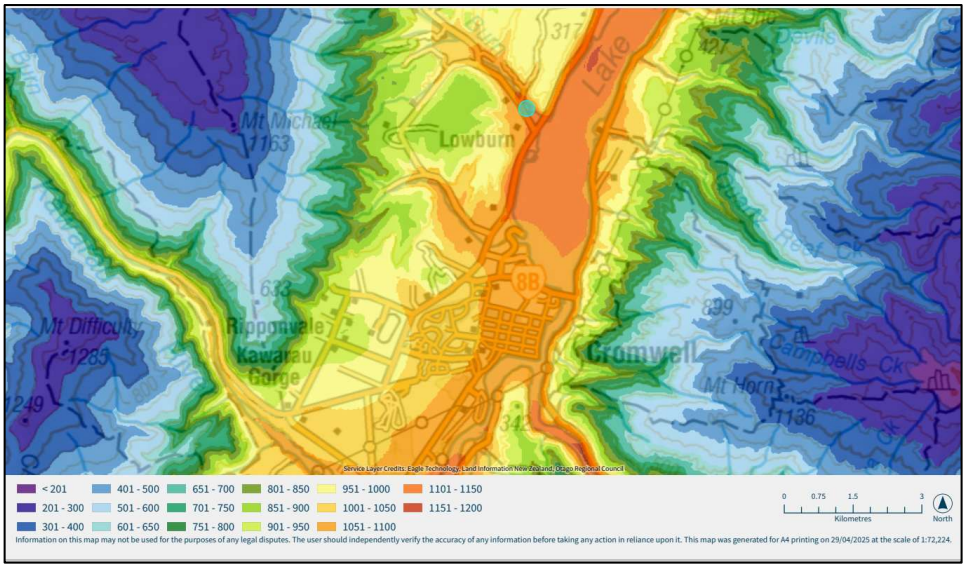

Figure 7 Map including 60 Lowburn Valley Road and the Cromwell flats showing Growing Degree Days (Base 10 – Source growOTAGO). The teal dot (mid top of the image) indicates the southeast corner of the property.

The Growing Degree Days are suitable for growing the commercial crops presently being grown in Central Otago.

c. Rain

Rain events pose issues of disease pressure for all crops. Rain pre harvest will lead to cracking and soft fruit with cherries, marking on apricots, and affect the fruit quality with grapes.

Rain pre or during harvest will affect the sugar levels and flavour components of wine grapes.

Assessing the data from growOtago maps (Figs 8,9,10) shows that rainfall amounts and days are similar for both the Cromwell Flats and 60 Lowburn Valley Road.

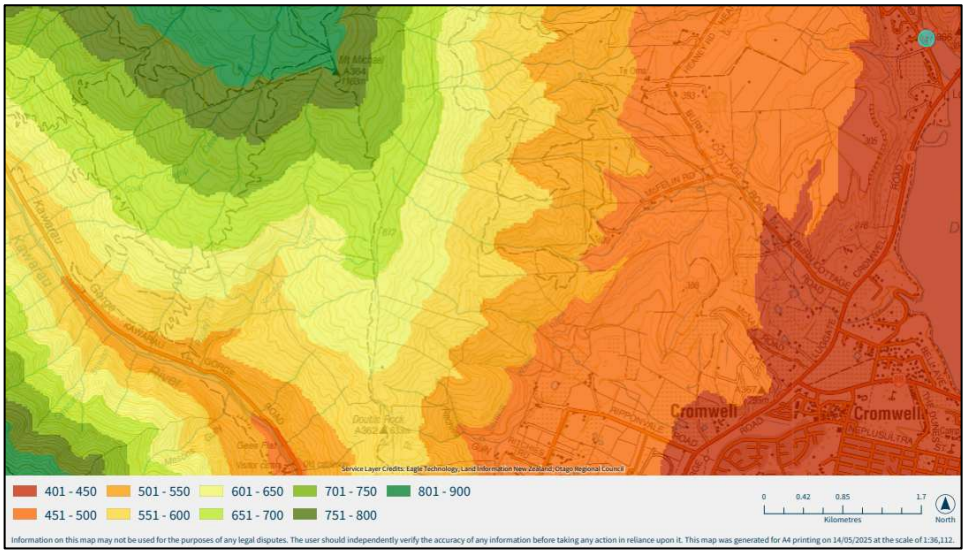

Figure 8 Annual median rainfall (Source growOtago. The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

Rainfall Data		
	60 Lowburn Valley Road	Cromwell Flats
Annual median rainfall	401 – 450mm	401 – 500mm
Summer rainfall	101 – 120mm	101 – 140mm
Rain days in summer	16.1 – 18.0	16.1 -18

There is no significant difference in rain fall data between the Cromwell flats and 60 Lowburn Valley Road therefore commercial crops successfully produced on the Cromwell Flats will be successful on the 60 Lowburn Valley Road site subject to other growing conditions being suitable.

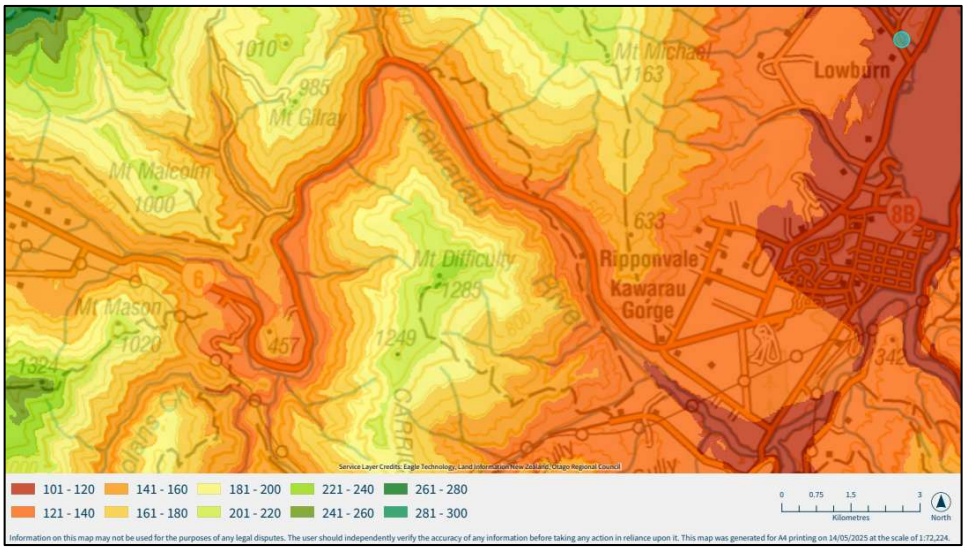

Figure 9 Summer rainfall (Source growOTAGO). The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

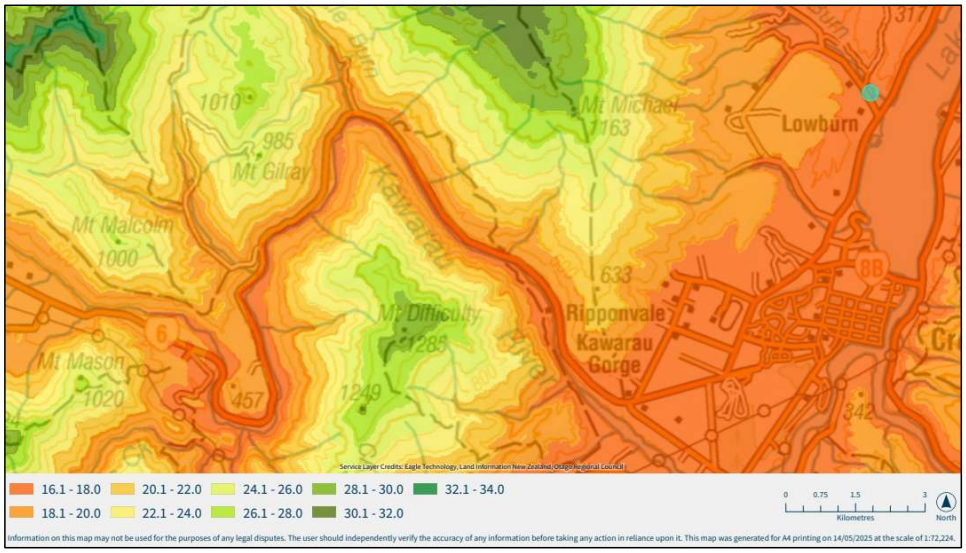

Figure 10. Summer rain days (Source growOTAGO). The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

There is insufficient rain to sustain productive horticultural crops therefore an irrigation supply is required for any proposed horticultural crop.

d. Wind

High winds impact all crops both directly and indirectly. Winds lead to higher evapotranspiration rates[3] which place stress on the crop and demand a higher irrigation application rate.

High winds "work" the tree in the ground and disturb the roots and therefore affect their ability to supply nutrients and water for the plant. High winds damage physical structures such as trellising, bird netting and rain covers. Wind impacts fruit finish (cosmetic) by creating rubbing/abrasion where the fruit impacts with other fruit or the tree parts. This will lead to down grade of the crop.

The amount of wind is measured as average wind speed and average maximum wind gusts. Comparative data for the site is shown in table 4. The data has been extracted from the growOTAGO maps shown in figs 11,12.

Annual wind data		
	60 Lowburn Valley Road	Cromwell Flats
Average annual wind speed	8.1 – 10.0	8.1 – 12.0
Average annual maximum wind speed	50.1 – 55.0	50.1 – 55.0

Table 4. Wind speed data for 60 Lowburn Valley Road and Cromwell flats.

[3] the process of transferring moisture from the earth to the atmosphere by evaporation of water and transpiration from plants

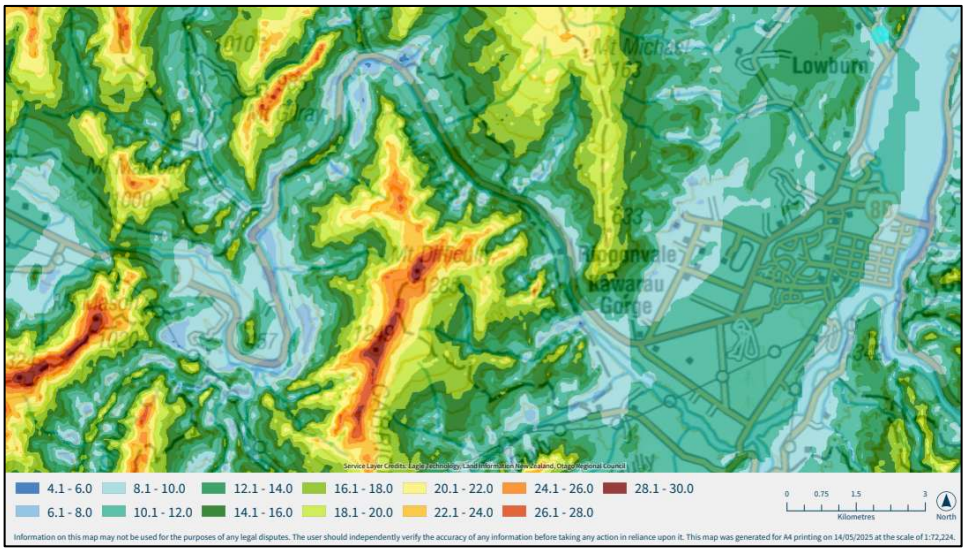

Figure 11. Average annual wind speed (Source growOTAGO). The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

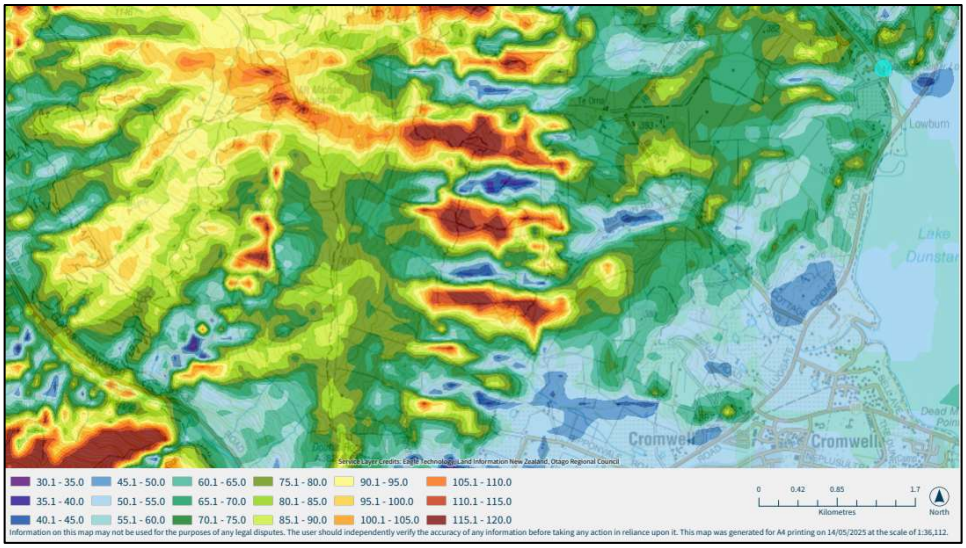

Figure 12. Average annual maximum windspeed (Source growOTAGO). The teal dot (top right-hand side of the image) indicates the southeast corner of the property.

The wind conditions for 60 Lowburn Valley Road are the same as for the Cromwell Flats. Shelter from wind will be required for tree fruit crops.

5. **Irrigation Supply**

Fruit crops have a water demand of 6mm per day on average (60m^3/day/ha). In hot, northwest conditions the water requirement may be double the average necessitating a water supply which will cater for the peak demand.

The property has a domestic water supply but does not have an irrigation supply. Allowing for the existing buildings, required ancillary buildings and headlands approximately 0.5ha of the available land will be productive. An average irrigation take of 30m^3 per day will be required for producing a crop.

The only opportunity for an irrigation supply is a water take from Lake Dunstan. This would require consents for the water take along with easements to convey the water through the adjacent property. There is no guarantee that either of these can be achieved.

Without an irrigation supply the property is unable to be developed into a commercial horticultural crop.

6. **Potential Crops**

The Teviot, Alexandra and Cromwell basins are traditional horticultural producing areas in the Central Otago region. More recently orchards planted with cherries and apricots have been established in the Upper Clutha/Tarras area including the Ardgour Valley.

There is a wide range of crops which are presently being produced commercially in the Central Otago region. These are shown in table 5 below.

Potential Crops				
Pip and Stonefruit	**Berry fruit**	**Nuts**	**Flowers**	**Other crops**
Cherries	Raspberries	Walnuts	Paeonies	Winegrapes
Apricots	Strawberries	Hazel nuts	Astilbe	Nursery
Nectarines	Blueberries	Chestnuts	Hellebores	
Peaches	Black Currants	Almonds	Foliage	
Plums	Boysenberries			
Plums				
Apples				
Pears				

Table 5 The range of crops suitable for commercial production in Central Otago subject to the property's soils, climatic conditions, irrigation supply, and sufficient land area to be economically sustainable.

Hot houses and “Cravo” like structures are a further possibility but the lack of irrigation and land area restricts the size and therefore the economic productive capacity of any such development.

6. Production Opportunities for 60 Lowburn Valley Road

The property has the soils and climatic conditions to grow the horticultural crops that are commercially grown in Central Otago (table 5) however there are constraints that prohibit commercial production on the site.

a. Irrigation

The property has no existing water take for irrigation and there is no guarantee that a water take consent, and easements can be obtained.

b. Application of agrichemicals

Fruit crops require the application of agrichemicals for pest and disease control. With the application of agrichemicals there is the risk of spray drift of noxious chemicals onto nearby properties. This may be mitigated by applying agrichemicals subject to wind direction.

The property has a community hall immediately to the east, residences within 50 metres of the south and a residence immediately adjacent to the west boundary. With the proximity of these locations there is a substantial risk of not being able to apply agrichemicals at the desired time because of unsuitable wind direction or applying the agrichemical and having these properties encroached.

Having a restraint on the timely application of agrichemicals prevents the property being used as a commercial production unit.

c. Frost protection

The property is at risk of spring frosts however there are no suitable frost protection options to provide protection.

With no frost protection crops are unable to be commercially produced.

d. Economic Viability

The property has approximately 0.5ha of land available suitable for production. Because of economy of scale, none of the commercial crops commercially grown in Central Otago (See table 5) are viable as a 0.5ha production unit.

7. <u>Summary</u>

By way of my assessment above, the property does not have the potential for commercial horticultural production because of the following:

- The property does not have a suitable irrigation supply.
- There is a significant spring frost risk which is unable to be mitigated with current frost protection practices.
- With the proximity of neighbours, agrichemical applications may not be able to be applied in a timely manner.

- The available land area does not provide sufficient economy of scale to develop a horticultural production unit.

Clause 3.10 of the NPS-HPL states that:

(1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

(a) *there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and*

(b) *the subdivision, use, or development:*

avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and

(i) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

(ii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

In terms of Clause 3.10(1)(a), it is my conclusion based on my assessment above that there are permanent and long-term constraints that will continue to make the property uneconomical long term (over the next 30 years) for land based primary production.

In terms of Clause 3.10(1)(b), I do not consider the proposed subdivision will result in a "significant" loss of highly productive land. The site is small (less than 6,000m^2) and therefore unsuitable for commercial horticultural production. The property does not appear to have the opportunity to be amalgamated with any adjacent property carrying out land based primary production.

In terms of Clause 3.10(1)(c), as per my assessment above, the land is not well-suited for land-based primary production and is not a viable proposition for horticultural purposes.

Earnscy Weaver
Director

Appendix

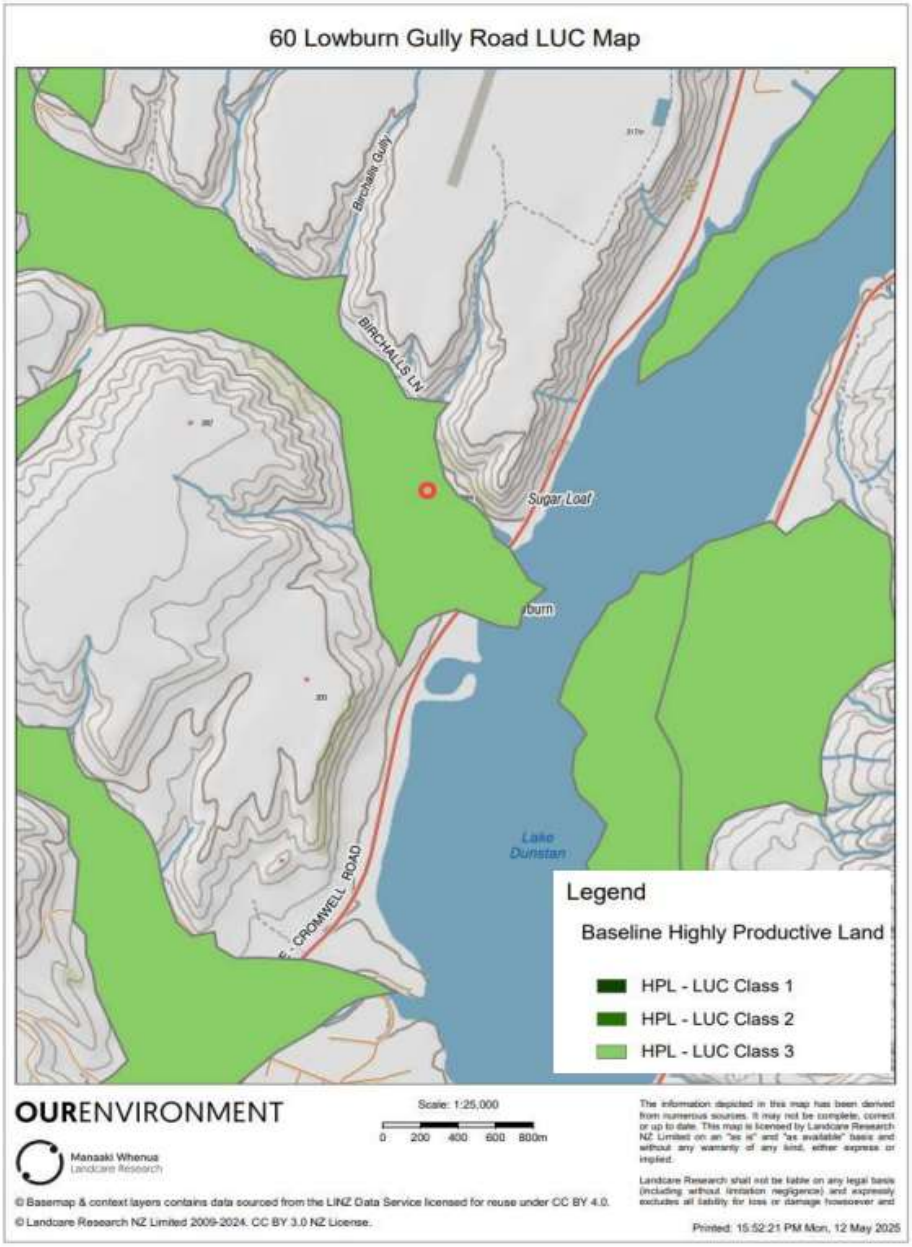

Figure 13. Landcare Research Land Use Classification including 60 Lowburn Valley Road, Lowburn. The red circle indicates the southeast corner of the property.

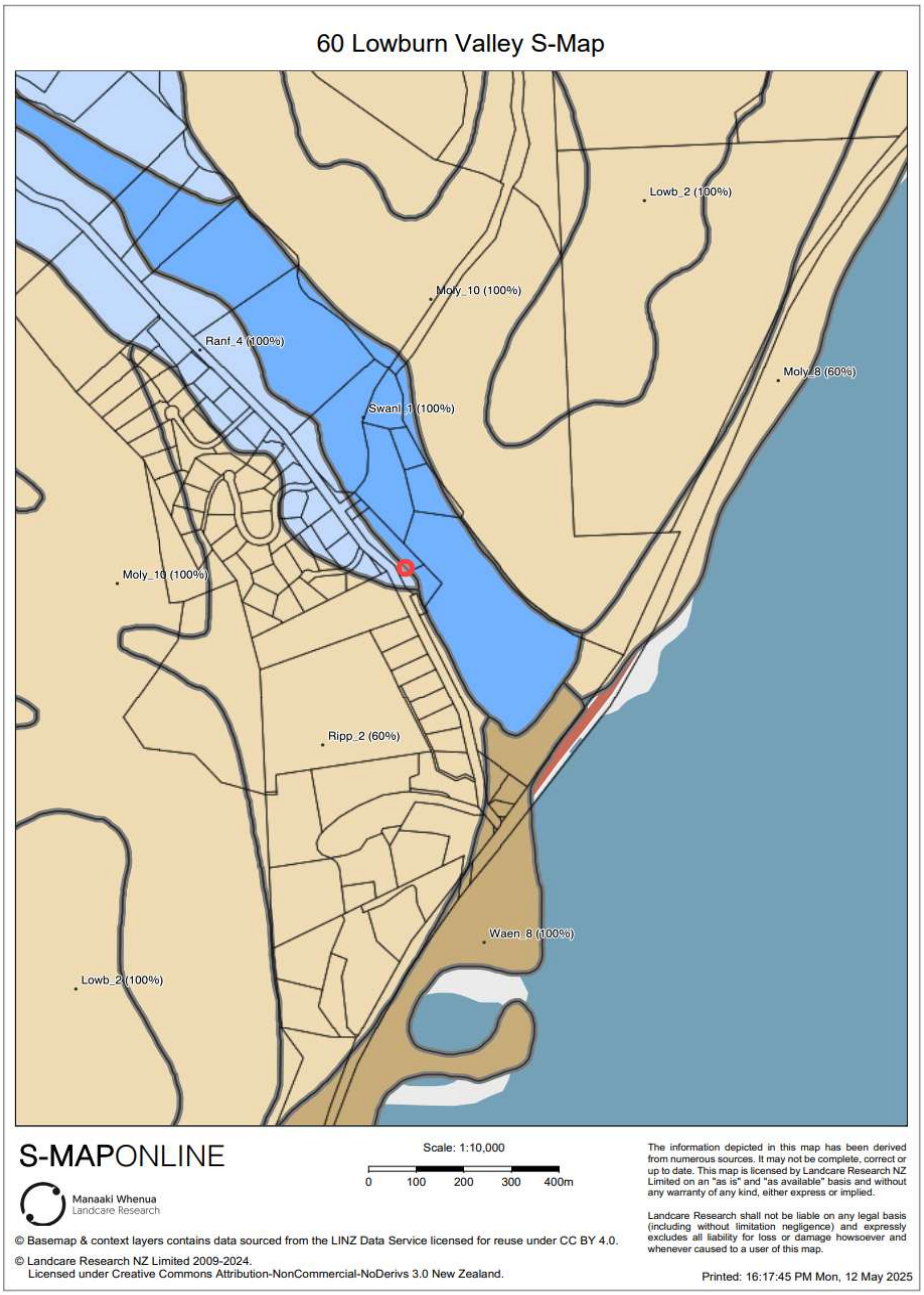

Figure 14. Landcare Research soil classification map which includes 60 Lowburn Valley Road. The Red circle indicates the southeast corner of the property.

Jake Woodward

From: Oli McIntosh <oli.mcintosh@codc.govt.nz>
Sent: Monday, 25 August 2025 11:07 am
To: Jake Woodward
Subject: RE: RC240301 - Lakeside Christian Centre

Hi Jake,

I received the following response from 3 Waters this morning

"As the site is outside the water supply area and also outside the area council has committed to servicing to meet the PC19 provisions, water and wastewater connections are not available for the proposed subdivision"

Regards,

Oli McIntosh
Planning Consultant

CENTRAL OTAGO DISTRICT COUNCIL

oli.mcintosh@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Oli McIntosh
Sent: Thursday, 21 August 2025 3:52 pm
To: Jake Woodward <jake@jakewoodward.co.nz>
Subject: RE: RC240301 - Lakeside Christian Centre

Thanks Jake. I attach the s95 report for your reference and will wait to hear further. I've sent your enquiry off to three waters and will let you know if/when I hear from them.

Regards,
Oli

From: Jake Woodward <jake@jakewoodward.co.nz>
Sent: Thursday, 21 August 2025 3:36 pm
To: Oli McIntosh <oli.mcintosh@codc.govt.nz>
Cc: Jordan Cathcart <jordan@mcengineering.co.nz>
Subject: RE: RC240301 - Lakeside Christian Centre

Thanks Oli – yes apologies, I met with LCC onsite and they tried to give me the run down and I recall they got it put on hold to do a bit more background.

I suppose we will likely need to lodge a new consent since we have now changed it to a 3-Lot. It probably makes the most sense to re-start the process afresh given all the information we have compiled over the past few weeks – it's only fair Council has an opportunity to start again.

Regards

Jake Woodward
Resource Management Planner
E: jake@jakewoodward.co.nz | P: 022 315 8370

JakeWoodward
RESOURCE MANAGEMENT PLANNER

Visit our website: www.jakewoodward.co.nz

From: Oli McIntosh <oli.mcintosh@codc.govt.nz>
Sent: Thursday, 21 August 2025 3:22 pm
To: Jake Woodward <jake@jakewoodward.co.nz>
Cc: Jordan Cathcart <jordan@mcengineering.co.nz>
Subject: RE: RC240301 - Lakeside Christian Centre

Hi Jake,

To clarify – the application was placed on hold by the applicant following the decision to publicly notify. I assume they have provided you with a copy of the s95?

I'll forward this on to the 3 Waters Team for comment. Please note, however, that based on recent experience I'm not sure when they might provide a response.

For my part, if these lots were approved then I'd much rather see that they were on reticulated sewerage. With that said, I too am of the understanding that there are capacity concerns in this area.

Lastly, are you anticipating this be lodged as a new application and RC240301 be withdrawn?

Regards,

Oli McIntosh
Planning Consultant

CENTRAL OTAGO DISTRICT COUNCIL

oli.mcintosh@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Jake Woodward <jake@jakewoodward.co.nz>
Sent: Thursday, 21 August 2025 3:07 pm
To: Oli McIntosh <oli.mcintosh@codc.govt.nz>
Cc: Jordan Cathcart <jordan@mcengineering.co.nz>
Subject: RC240301 - Lakeside Christian Centre

Hi Oli

I understand you are processing a two-lot sub for Lakeside Christian Centre. The application is on hold as you had some questions for the applicant. The applicant has since engaged me to take over and are now proposing a three-lot scheme – I have commissioned landscape, infrastructure, natural hazards, productive land, and a PSI. See **attached** scheme which I would assume will be public notified.

One question has come up regarding wastewater from Meyer Cruden – we were initially going to prepare a report detailing onsite wastewater for the residential Lots (the church is already connected to reticulation). My involvement with PC19 is that there were capacity issues with the Lowburn station and therefore I suggested to the Client to explore onsite wastewater. However, would CODC Engineering entertain onsite wastewater since we are more or less located on the periphery of an urban zone/reticulated boundary? Further to this, the issues around wastewater reticulation was in relation to a lot more Lots associated with PC19 and therefore I wonder if the scale of this application is small enough that Eng would prefer connecting to public retic.

Would it be possible, in the context of RC240301, to pose the above question to Eng and get their two cents on this point? This will dictate whether we proceed with a wastewater design, or whether we simply say, "propose to connect".

Regards

Jake Woodward
Resource Management Planner
E: jake@jakewoodward.co.nz | P: 022 315 8370

JakeWoodward
RESOURCE MANAGEMENT PLANNER

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MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH

FLOOD HAZARD REPORT

60 Lowburn Valley Road,
Lowburn

DATE: 10 SEPTEMBER 2025
REF: R2025062-B

REPORT VERSION CONTROL

CROMWELL OFFICE
2D McNulty Road, Cromwell

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REPORT REFERENCE	R2025062B	PROJECT NUMBER	2025062
CLIENT	Lakeside Christian Centre		

REV	DATE	REVISION CONTROL
1	10/09/25	Final

PREPARED BY	Jordan Cathcart	REVIEWED BY	Mark Cruden
AUTHOR SIGNATURE		REVIEWER SIGNATURE	
QUALIFICATIONS	BEng (Hons), MEng	QUALIFICATIONS	BEng(Hons), CPEng

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1 SCOPE

Meyer Cruden Engineering have been engaged by Lakeside Christian Centre to prepare a flood assessment for a proposed 3-Lot subdivision located at Lowburn Valley Road, Cromwell.

As the site is identified by the ORC Natural Hazard Mapping [1] to be within an Alluvial Fan Hazard Zone (Floodwater Dominated), the scope of this report includes;

- Flood modelling to assess the site specific flood risk;
- Identification of mitigation measures in the form of proposed minimum floor levels as per NZS 4404 (100yr/1% AEP + 500 mm); and,
- Assessment of effects on flooding of nearby properties from development of the site, if any.

2 INTRODUCTION

The proposed residential development is located on the East side of Lowburn Valley Road with the Lowburn Valley Lakeside Church and Community Hall to the South, Low Burn to the East and similar sized properties to the West. The site is gently sloping towards Low Burn. A scheme plan of the proposed 3-Lot subdivision is included in Appendix A.

The flood risk for the subdivision stems from the Low Burn. The Low Burn catchment is large, with predominantly steep agricultural land use. The downstream water level of Lake Dunstan and the Clyde Dam is not expected to impact on the flood risk on the site.

The ORC GIS Hazard Mapping System [1] identifies the site as being within a mapped active alluvial fan (floodwater dominated) area originating from Low Burn. The boundaries of this mapping system are intended as provisional only, and site-specific hazard assessment should be completed for areas within.

Figure 1 ORC Alluvial Fan Hazard Map

The site is adjacent to, but outside of the CODC flood hazard mapped area [2].

Figure 2 CODC Flood Hazard Mapping

To assess the flood risk and the effects of the development, an initial site visit was undertaken, following which a hydraulic model was constructed using HEC RAS 2D. It should be noted that there is reasonable uncertainty around the parameters that inform this assessment and there was no opportunity to meaningfully calibrate the model. To address this uncertainty, a conservative approach for model inputs has been adopted.

3 SITE VISIT

A site visit was undertaken by Jordan Cathcart (Meyer Cruden Engineering). This involved a walkover of the site. This walkover was limited to the site itself and the upstream and downstream public area. The Infrastructure Feasibility Report (MCE, 2025) provides additional detail regarding stratigraphy and servicing.

4 HEC-RAS MODEL

4.1 MODEL GEOMETRY

The model terrain has been developed from a 0.5m resolution Digital Elevation Model processed and supplied by LandPro (April 2025). Post-processing was completed by LandPro using ground and synthetic water points (hydro-flattening). This means that the water surface of the Lowburn and inlet are present in the DEM, rather than the natural stream bed. Sensitivity analysis will assess the uncertainty introduced from using this channel shape.

The grid size for the model was set to a resolution of 1m. Breaklines were used to provide additional detail at each stream bank of the Lowburn. The breaklines modify the mesh to provide a more accurate representation of the topographical surface for these key locations of hydraulic conveyance. The flood model extent and mesh geometry is presented in Figure 3.

As the initial model results indicated no flooding within proposed building platform areas, only a pre-development terrain has been constructed.

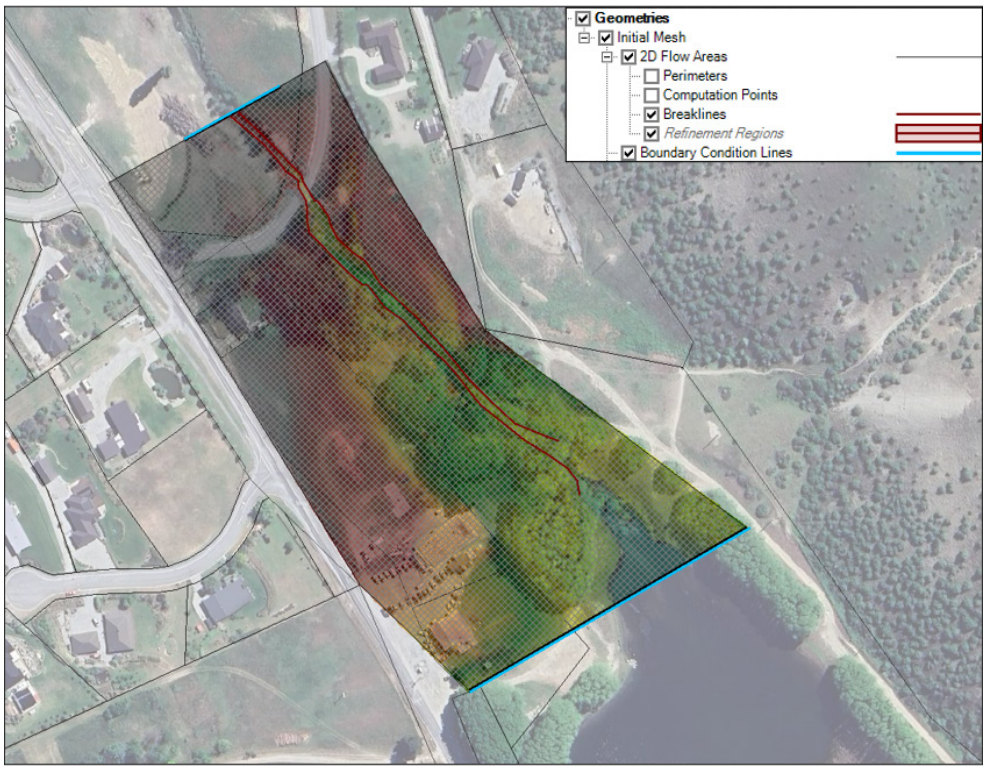

Figure 3 Model Terrain Extent and Boundary Conditions

4.1.1 SUGARLOAF DRIVE BRIDGE (UPSTREAM)

For the purposes of this assessment, the upstream bridge on Sugarloaf Dr has not been modelled using a 1D element. It has been assumed that this upstream structure will not be critical to the flow experienced downstream (even if overtopped). The road, represented in the DEM, acting as a dam/weir provides adequate hydraulic conditions within the model.

4.2 BOUNDARY CONDITIONS

Boundary conditions were applied at upstream and downstream model extents. A normal depth boundary condition was applied at the "outflow" boundary. This represents the flow of water out of the model with a hydraulic grade set equal to the grade of the terrain surface (1 in 1000). The conclusions derived from this model are not considered sensitive to the downstream boundary.

The inflow boundary of Lowburn was required for the representative design events: 50yr (2% AEP), 100yr (1% AEP) and 1000yr (0.1% AEP). Table 1 shows the time of concentration and the catchment area for the catchment. The time of concentration was estimated using CCC WWDG methodology for Rural Channelised Catchments (21.3.2.4).

Table 1 Catchment Properties

Property	
Catchment area (NIWA flood tool)	48.3 km²
Time of concentration	2.5 hours

4.2.1 NIWA FLOOD FREQUENCY TOOL

The NIWA flood frequency map [3] is a high-level tool that provides design flows for various events across New Zealand. The tool uses a regression methodology to derive flow estimates for design events. In the absence of gauged data, this was considered an appropriate estimation of flow.

Table 2 NIWA Flood Stats River Flows

Event Scenario	Lowburn Flow (m³/s)	Lowburn Flow + Climate Change +30% (m³/s)
50yr / 2% AEP	19.6	25.5
100yr / 1% AEP	22.1	28.7
1000yr / 0.1% AEP	30.6	39.8

The design flows in Table 2 were increased by 30% to allow for climate change, representing an average increase between historical rainfall and RCP8.5 for the time of concentration for the catchment.

These flows were fitted to a normal distribution curve with the peak centred at the time of concentration. A bell-curve is considered appropriate given the catchment shape and geography is unlikely to produce an abnormal hydrograph shape. Figure 4 shows the design events used to represent the boundary inflow into the model.

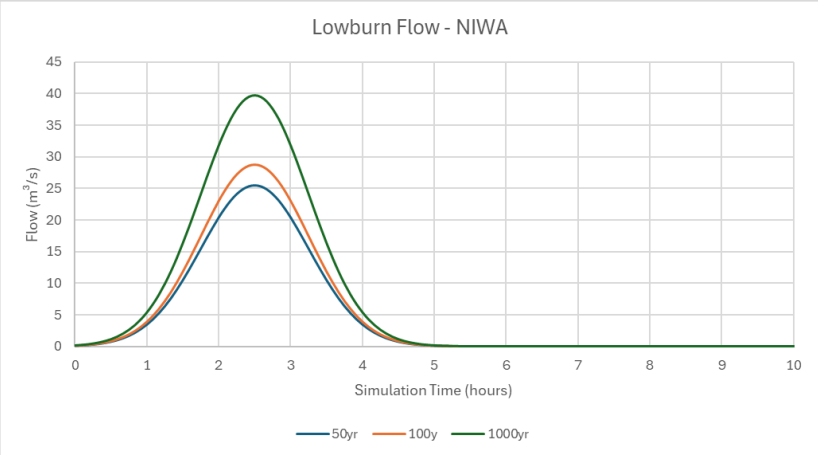

Figure 4 Flow hydrographs for 50yr, 100yr and 1000yr design events with allowance for climate change

4.3 MODEL ROUGHNESS

The model roughness was defined from the land cover database layer obtained from the LINZ data service [4] and compared against aerial imagery and site photos.

Mannings roughness values for these materials were derived from the Greater Wellington Regional Council (GWRC) Flood Hazard Modelling Standard [5]. Selected Mannings roughness values are presented in Table 3 as well as the associated GWRC values from which they were derived (where applicable).

Table 3 Manning Roughness Values

Land Cover	Selected Mannings n	GWRC Material	GWRC roughness range
Deciduous Hardwoods	0.045	Brush - light	0.035-0.08
Lake or Pond	0.01	Not supplied	
Low Producing Grassland	0.045	Pasture, nor brush	0.025-0.05
High Producing Exotic Grassland	0.04	Pasture, nor brush	0.025-0.05

4.4 ADDITIONAL MODEL PARAMETERS

The model was run for a total of five hours with the momentum equation (SWE-ELM), (rather than the diffusive wave). The momentum solution is considered a more robust approximation of the shallow water equations as it conserves momentum and accounts for critical flows and superelevation.

A time step of 1 seconds was selected. The resultant Courant number using this time step for the majority of the model is less than 3 (as recommended in Hec-Ras manual). There remain some areas within the model (particularly around elevation/geometry transitions in the DEM) that have a Courant greater than 1. This is not expected to have a noticeable impact on model results within the development site. A reduced timestep of 0.5 seconds was tested with minimal impact on the model results.

4.5 MODEL SCENARIOS

Three model scenarios have been simulated, all with a 30% increase on peak flow to allow for climate change. The models are summarised as follows:

1. 50yr / 2% AEP (pre-development), used to set a baseline of moderate flood event.
2. 100yr / 1% AEP (pre-development), used to determine the extent of flood hazard within the site and assess minimum floor levels as per NZS 4404 for the proposed subdivision.
3. 1000yr / 0.1% (pre-development), used to assess sensitivity of the site to extreme flows.

4.6 MODEL VERIFICATION

Model verification has not been completed. No historical flooding pictures for the Lowburn area were found on the ORC [6] or NZ flood pics database [7].

5 RESULTS

5.1 FLOOD DEPTH AND PROPOSED FLOOR LEVELS

NZ4404 4.3.5.2 states that: *"The minimum freeboard height additional to the computed top water flood level of the 1% AEP design storm should be as follows or as specified in the district or regional plan".*

Figure 5 presents the 100yr flood elevations. For habitable dwellings, the required freeboard to finished floor level (FFL) is set at 500 mm.

Table 1 summarises the critical ground levels of each lot and, if required, a proposed FFL (NZVD 2016) based on the adjacent water surface elevation in the 1% AEP.

Lot No.	Critical Existing Ground Level	Water Surface 100yr (mRL)	Proposed FFL (mRL)
Lot 1	198.13	197.59	No specific requirement above NZBC
Lot 2	197.41	197.275	197.78m; or 0.37m above existing ground level
Lot 3	Not assessed		

Table 1: Flood elevation (mRL) for each proposed Lot and minimum FFLs.

Minimum floor levels can be achieved by a combination of increasing the ground level and/or raising the foundation/building platform.

The specified floor levels in Table 1 are a conservative height based on the critical elevation on each lot. Due to the topography across each lot, if the building platform is located on higher ground the FFL can be revised (reduced) to suit. It is expected that the FFL requirement will not exceed 0.37m above surrounding ground level.

It is noted that any future vehicle access to the site (from Lowburn Valley Rd) will not be restricted by the flood extent.

Once building footprints are confirmed, a specific FFL for each Lot can be further refined if required.

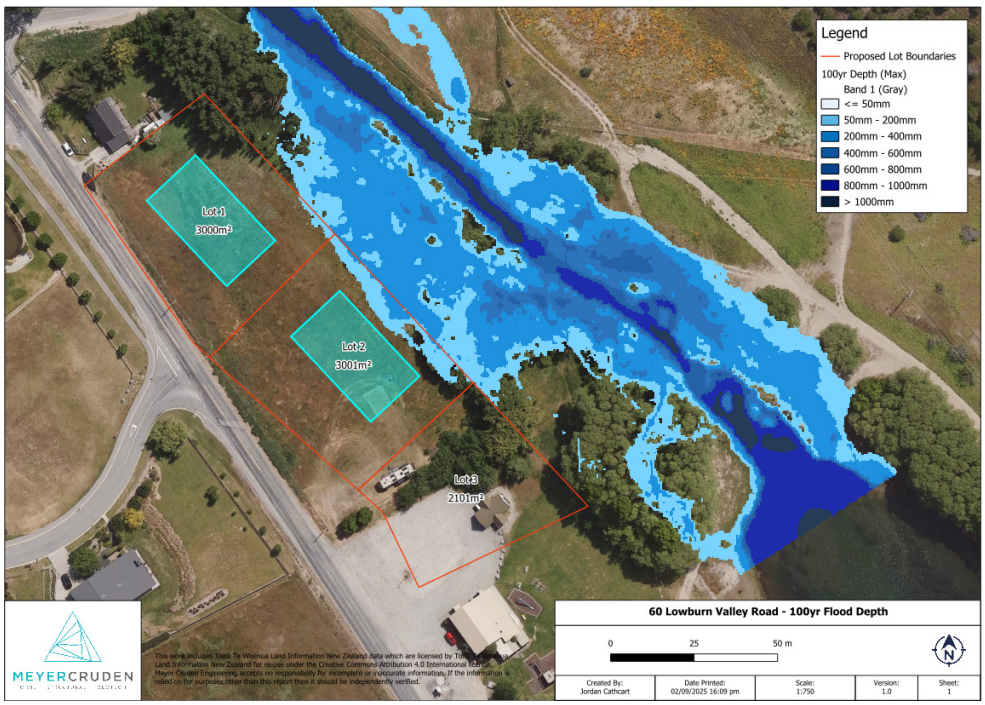

Figure 5 100yr Flood Depth (mm)

5.2 EFFECTS OF FLOODING

Future development is not expected to intersect with flood flows; therefore, downstream effects of the development have not been assessed.

6 SENSITIVITY ANALYSIS

Whilst there is some uncertainty to the hydrological assumptions for this model, this sensitivity of the model to these assumptions can be assessed. The 1000yr (0.1% AEP) design event (including 30% climate change) is presented in Figure 6 for reference. The modelled flood water level does not encroach on Lot 1 or Lot 2 building platform in this scenario. The maximum water level difference on Lot 2 is less than 120mm.

The result from this model scenario indicates that model predictions of absolute water level are relatively insensitive to the design flow assumptions. Therefore, the design freeboard standard of 500 mm is considered adequate for addressing any uncertainties in the model related to hydrological assumptions.

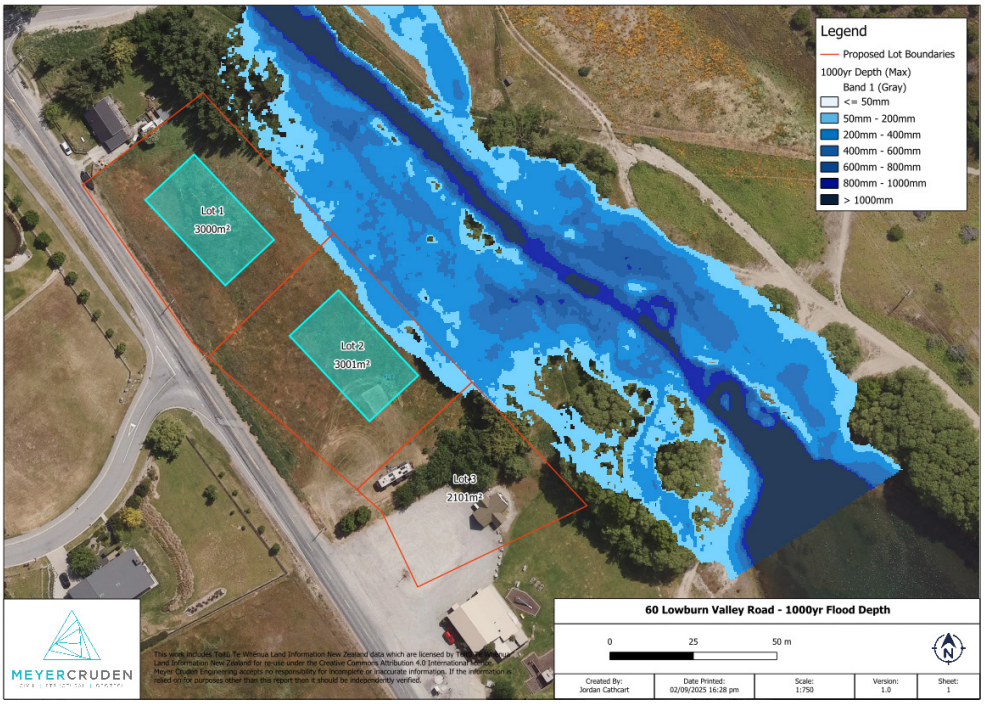

Figure 6 1000yr Flood Depth

7 DEBRIS FLOW

A quantitative assessment of the debris flow risk has not been completed as the fan hazard is mapped as flood water dominated. Significant debris flows, that could impact flood water levels, are not anticipated.

8 CONCLUSIONS

We have undertaken a flood assessment using a 2D hydraulic model for a proposed subdivision development in Lowburn, Cromwell. The purpose of the investigation is to assess the following:

- Flood modelling to assess the site specific flood risk;
- Identification of mitigation measures in the form of proposed minimum floor levels as per NZS 4404 (100yr / 1% AEP + 500 mm); and,
- Assessment of effects on flooding of nearby properties from development of the site, if any.

The model terrain has been developed from a DEM (0.5m resolution) processed and supplied by LandPro (April 2025). The 2D flow area is limited to this DEM, and upstream inflow boundary conditions have been extracted from NIWA Flood Stats, with an increase of 30% to allow for climate change.

The minimum floor levels have been recommended as the 100yr / 1% AEP event plus 500 mm freeboard (as per NZS 4404). In addition, model results suggest that the 1000yr / event % AEP scenario will not inundate the building platform areas. More detailed floor levels for individual building footprints can be determined at the building consent stage if required.

Future development is not expected to intersect with flood flows; therefore, downstream effects of the development have not been assessed.

Additional assessment of the debris flow risk has not been completed on the basis that the floodwater extents are not predicted to impact the building platform locations.

The sensitivity of the model to the hydrological assumptions has been investigated, the 1000yr design event (including 30% climate change) results in no inundation of the proposed building platforms, and a maximum of 120mm increase in water level on Lot 2. For this reason, the model results are not considered sensitive to the hydrological assumptions.

APPENDICES

APPENDIX A – PROPOSED SCHEME PLAN

NOTES:

• HORIZONTAL DATUM:

New Zealand Geodetic Datum 2000 (NZGD 2000)
Lindis Peak 2000 Circuit

•Contours shown on this plan have been computed from a triangulated irregular network (tin) and may not represent the true ground level at any given point. accuracy will vary dependant on the terrain and proximity to spot heights

• SERVICES DATA

The location of underground services have been taken from the CODC GIS (accuracy is unknown)
Service providers should be consulted prior to undetaking any earthworks.

• PROPERTY DATA

Boundaries shown on this plan have been extracted from Land On Line and have not been confirmed by observation and measurement to old cadastral survey marks found in the vicinity.

Easements, covenants and other legal instruments pertaining to this site may not be represented on this plan. A full investigation of legal records should be undertaken.

No	DATE	REVD	APPD	AMENDMENT
A	13/08/25	CL	CL	Issued for RC Application
B	29/08/25	CL	CL	Building Platform Added

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TITLE:

Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

Scale1: 750	PROJECT No 814	DRAWING No PLA_001	ADMT B

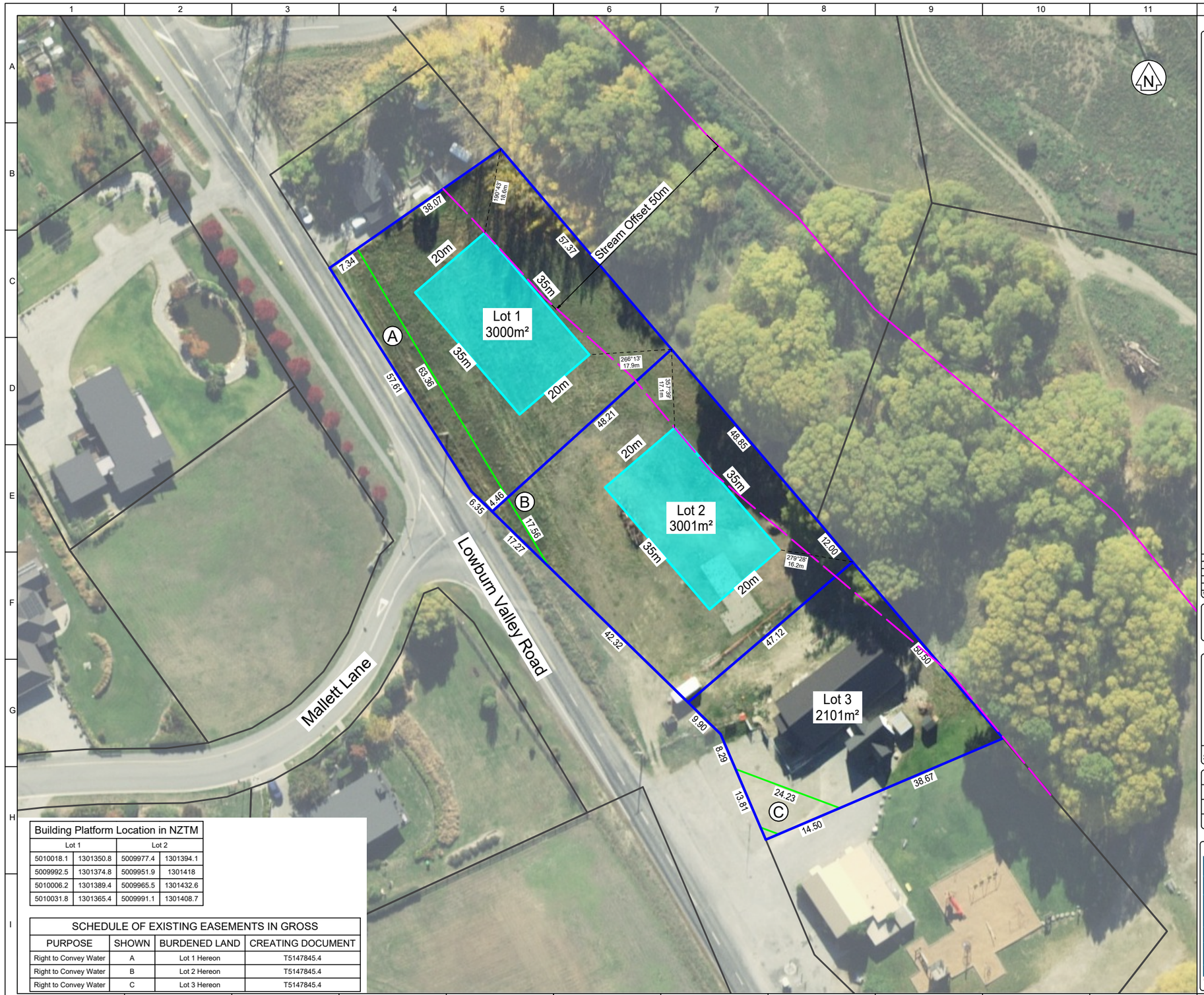
CLIENT: Lakeside Christian Centre
PROJECT: RC Application

DRAWN	APPROVED		
CL	CL		
DATE 29/08/25	SHEET No 1 of 2		

LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka Ph: 021 275 6249
charlie@latchfordsurveying.co.nz

Date Plotted: Fri Aug 29 16:32:19 2025

Plotted Name: 814 Lakeside Christian Centre 814-900-B-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road



NOTES:

• HORIZONTAL DATUM:

New Zealand Geodetic Datum 2000 (NZGD 2000)
Lindis Peak 2000 Circuit

•Contours shown on this plan have been computed from a triangulated irregular network (tin) and may not represent the true ground level at any given point. accuracy will vary dependant on the terrain and proximity to spot heights

• SERVICES DATA

The location of underground services have been taken from the CODC GIS (accuracy is unknown)
Service providers should be consulted prior to undetaking any earthworks.

• PROPERTY DATA

Boundaries shown on this plan have been extracted from Land On Line and have not been confirmed by observation and measurement to old cadastral survey marks found in the vicinity.

Easements, covenants and other legal instruments pertaining to this site may not be represented on this plan. A full investigation of legal records should be undertaken.

No	DATE	REVD	APPD	AMENDMENT
A	13/08/25	CL	CL	Issued for RC Application
B	29/08/25	CL	CL	Building Platform Added

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TITLE:
Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525
60 Lowburn Vally Road

Scale1: 750	PROJECT No 814	DRAWING No PLA_002	ADMT B

CLIENT: Lakeside Christian Centre
PROJECT: RC Application

DRAWN	APPROVED		
CL	CL		
DATE 29/08/25	SHEET No 2 of 2		

Building Platform Location in NZTM			
Lot 1		Lot 2	
5010018.1	1301350.8	5009977.4	1301394.1
5009992.5	1301374.8	5009951.9	1301418
5010006.2	1301389.4	5009965.5	1301432.6
5010031.8	1301365.4	5009991.1	1301408.7

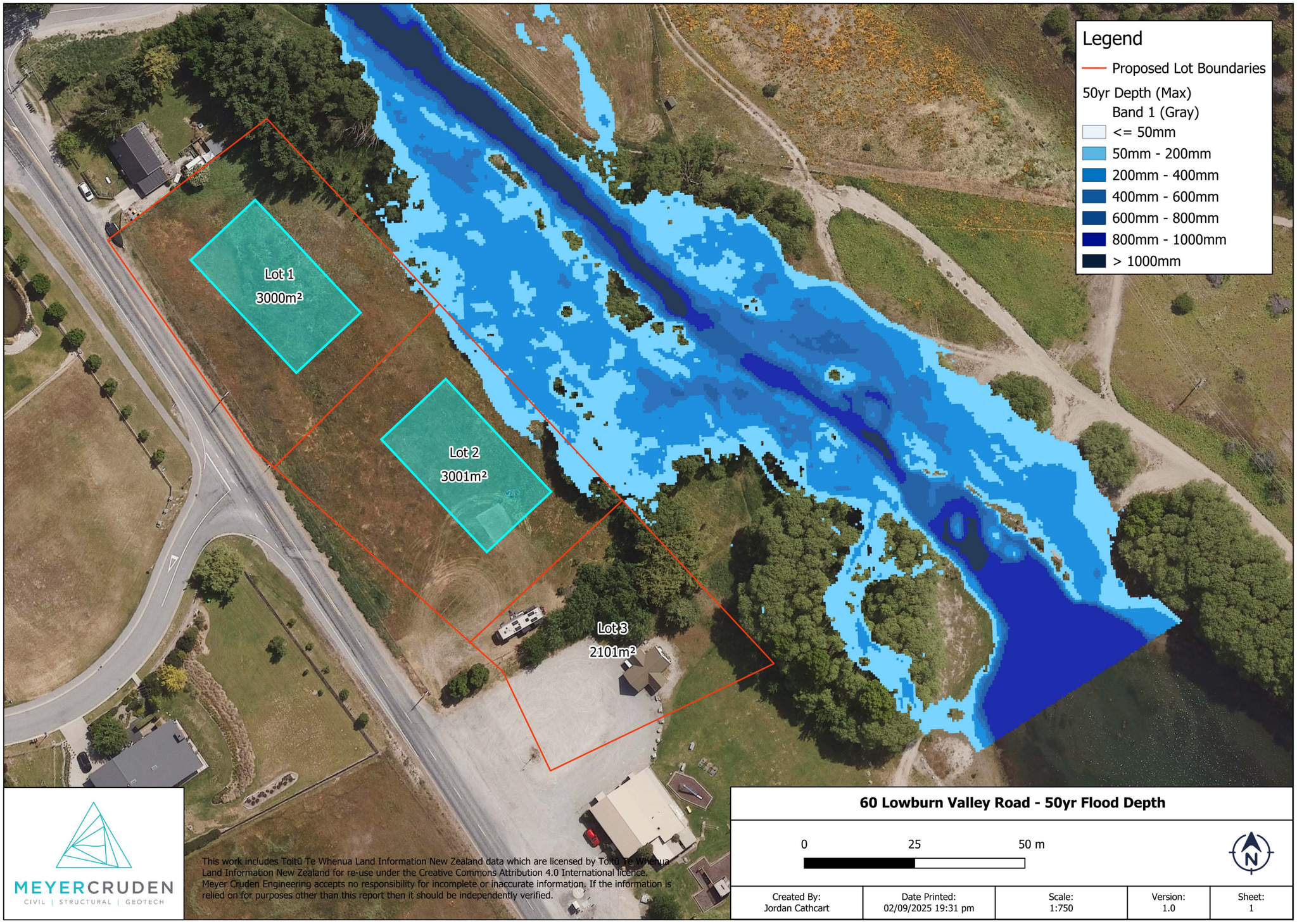
SCHEDULE OF EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED LAND	CREATING DOCUMENT
Right to Convey Water	A	Lot 1 Hereon	T5147845.4
Right to Convey Water	B	Lot 2 Hereon	T5147845.4
Right to Convey Water	C	Lot 3 Hereon	T5147845.4

LATCHFORD SURVEYING
63 Dale Street, Albert Town, Wanaka Ph: 021 275 6249
charlie@latchfordsurveying.co.nz

Date Plotted: Fri Aug 29 16:32:24 2025

Plotted Name: 814 Lakeside Christian Centre 814-901-B-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

APPENDIX B – FLOOD MODEL RESULTS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Proposed Lot Boundaries
50yr Depth (Max)
Band 1 (Gray)
<= 50mm
50mm - 200mm
200mm - 400mm
400mm - 600mm
600mm - 800mm
800mm - 1000mm
> 1000mm
Lot 1
3000m²
Lot 2
3001m²
Lot 3
2101m²
MEYERCRUDEN
CIVIL | STRUCTURAL | GEOTECH
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Meyer Cruden Engineering accepts no responsibility for incomplete or inaccurate information. If the information is relied on for purposes other than this report then it should be independently verified.
60 Lowburn Valley Road - 50yr Flood Depth
0
25
50 m
N
Created By: Jordan Cathcart
Date Printed: 02/09/2025 19:31 pm
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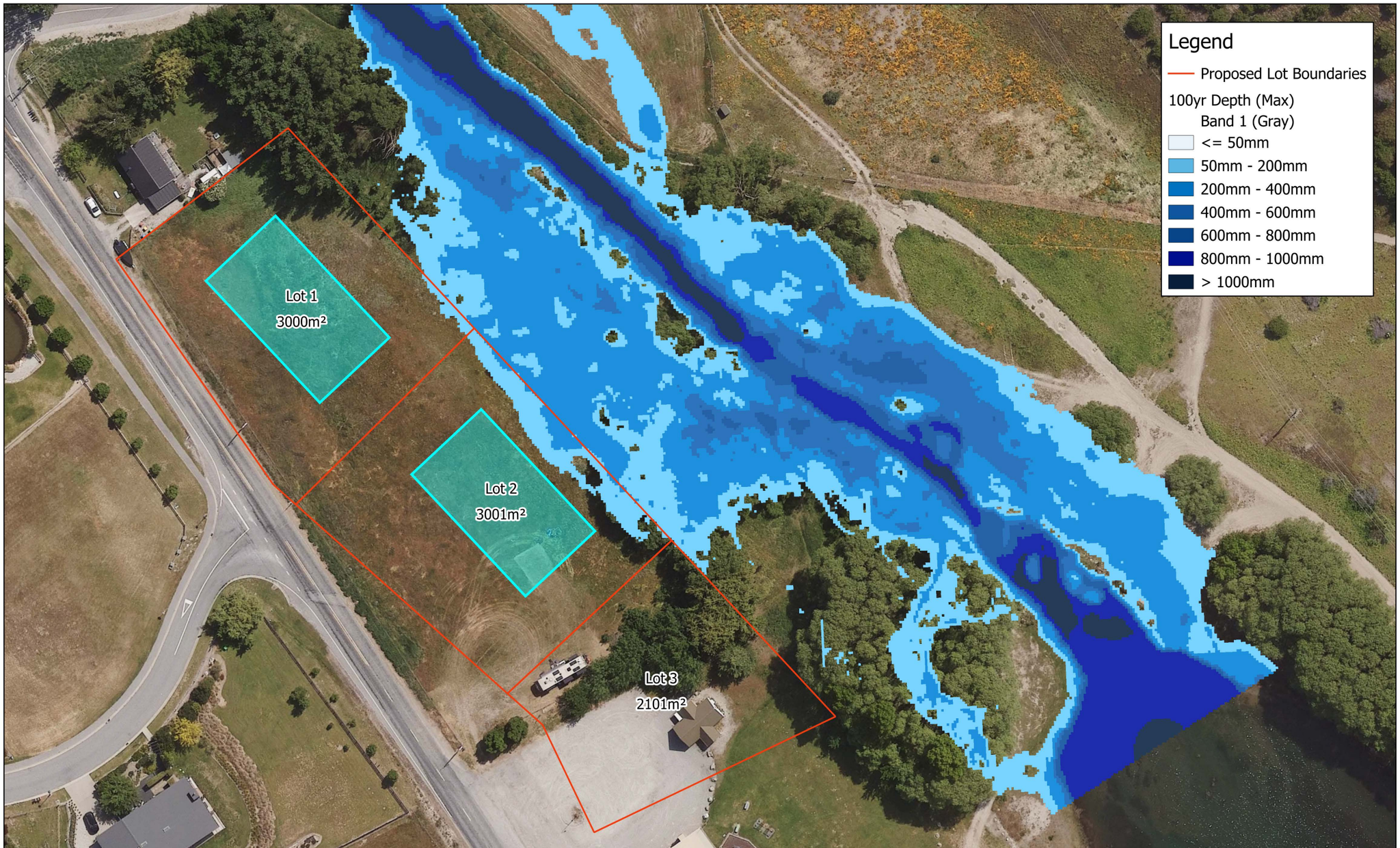
Version: 1.0
Sheet: 1



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60 Lowburn Valley Road - 100yr Flood Depth

0 25 50 m

N

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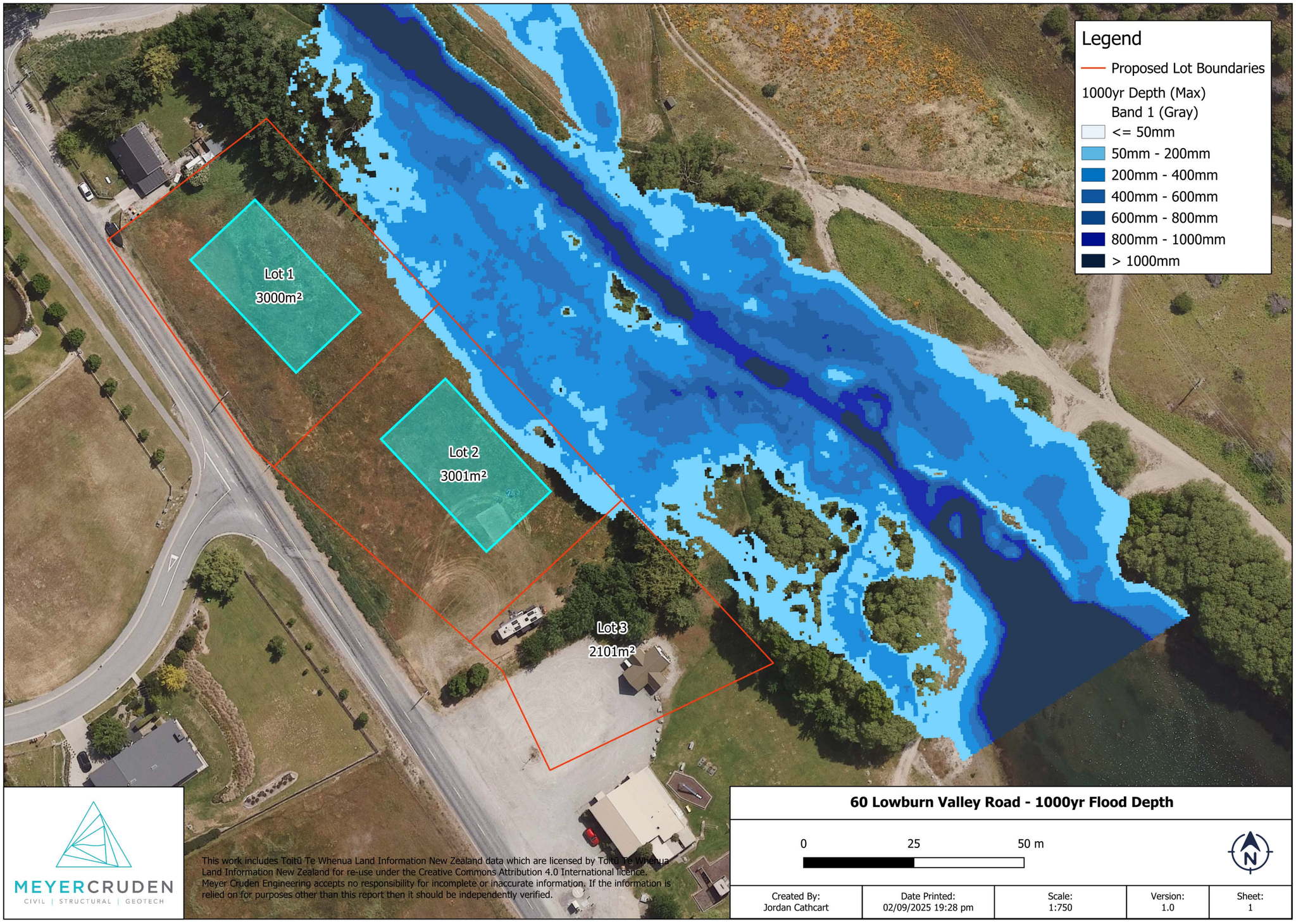
Legend
Proposed Lot Boundaries
1000yr Depth (Max)
Band 1 (Gray)
<= 50mm
50mm - 200mm
200mm - 400mm
400mm - 600mm
600mm - 800mm
800mm - 1000mm
> 1000mm
Lot 1
3000m²
Lot 2
3001m²
Lot 3
2101m²
MEYERCRUDEN
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60 Lowburn Valley Road - 1000yr Flood Depth
0
25
50 m
N
Created By: Jordan Cathcart
Date Printed: 02/09/2025 19:28 pm
Scale: 1:750
Version: 1.0
Sheet: 1

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Wanaka

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CENTRAL OTAGO DISTRICT COUNCIL
REPORT OF PLANNING OFFICER

APPLICATION	**RC 250298**
APPLICANT	**LAKESIDE CHRISTIAN CENTRE**
ADDRESS	**60 LOWBURN VALLEY ROAD, LOWBURN**
LEGAL DESCRIPTION	**SECTION 2 SO 22525 (HELD IN RECORD OF TITLE OT12B/85).**
ACTIVITY DESCRIPTION	**SUBDIVISION CONSENT FOR A THREE LOT SUBDIVISION AND LAND USE CONSENT TO ESTABLISH TWO RESIDENTIAL BUILDING PLATFORMS IN THE RURAL RESOURCE AREA**
ACTIVITY STATUS	**NON-COMPLYING**

STATUS OF THIS REPORT

[1] The attention of the applicants 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.

AUTHOR

[2] My name is Adam Vincent. I am employed by the Central Otago District Council as an Intermediate Planning Officer, with eight years' experience as a planner. I hold a Batchelor of Urban Planning (Hons) from the University of Auckland and a Graduate Diploma in Law from the University of Waikato. I am a full member of the New Zealand Planning Institute.

[3] I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

BACKGROUND

[4] The site subject to the application was the subject of a submission on Plan Change 19 by the applicant. In their submission, Lakeside Christian Centre requested that the land be re-zoned to Large Lot Residential Zone (Precinct One), which would have allowed for a minimum allotment size of 1,000m^2. In its consideration and decisions on Plan Change 19,[1] Council's hearings panel concluded that there was no evidence to conclude that the re-zoning of the land met the tests under the National Policy Statement for Highly Productive Land 2022, and refused to grant the relief sought on that basis. However, they did acknowledge evidence provided by the submitter's planning consultant that suggested re-zoning to Large Lot Residential Zone (Precinct Two), consistent with the

[1] Plan Change 19 – Decision of the Central Otago District Council Hearings Panel. Paragraphs [365] to [370].

proposed zoning of the land across Lowburn Valley Road, could be consistent with the character of existing development in the area.[2] I note that this component of Council's decisions on Plan Change 19 was not appealed.

NOTIFICATION

[5] The application was publicly notified. Seven submissions were received. One was in support of the proposal, one supported with caveats, and the remainder opposed. Concerns raised included the adequacy of service provision, effects on rural character, the density of the proposal and the possibility of setting a precedent. A summary of each submission is attached to this report. I have had regard to the contents of all submissions in full when considering the application.

DESCRIPTION OF ACTIVITY

[6] The application proposes to subdivide Section 2 SO 22525 into two allotments. Proposed Lots 1 and 2 would have areas of approximately 3,000-3,001m^2. They are proposed to contain residential building platforms. Lot 3 would have an area of 2,101m^2, and would contain the existing church building and grounds. Proposed Lots 1 and 2 would each contain a residential building platform, with dimensions of 20x35m (700m^2). These platforms would be located as shown on Figure One below.

Figure One: Extract from the application showing the proposed building platforms and their setbacks from proposed boundaries.

SITE DESCRIPTION

[2] Paras [366] and [369].

[7] The site subject to the application has an area of 8,102m^2 and consists of mostly flat land in the base of the Lowburn Valley, along the north-eastern side of Lowburn Valley Road.

[8] The Low Burn runs on adjoining land to the north east of the site.

[9] The site is identified in the New Zealand Land Resource Inventory as containing LUC 3 soils.

REASONS FOR APPLICATION

Central Otago District Plan

[10] The subject site is located within the Rural Resource Area of the Central Otago District Plan (the District Plan). There are no other annotations for the site in the District Plan. Regional scale mapping on the Otago Regional Council's Natural Hazards Database indicates that the site is within a floodwater dominated alluvial fan.

[11] The proposal creates allotments that have less than an average of 8 hectares and a minimum of 2 hectares, and is of land that may be subject to damage from inundation associated with the alluvial fan. The proposed density breaches the average allotment size standard for rural subdivisions in Rule 4.7.4.iii.b of the District Plan. Breaches of this rule are a non-compyling activity under Rule 4.7.5.iii of the District Plan.

[12] Residential building platforms in the Rural Resource Area are restricted discretionary activities under Rule 4.7.3.vii of the District Plan.

[13] Residential buildings within 25m of internal boundaries in the Rural Resource Area breach Rule 4.7.6A(a) of the District Plan, and are restricted discretionary activities under Rule 4.7.3.i of the Plan.

National Environmental Standards

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

[15] The applicant has obtained a search of Preliminary Site Investigation which demonstrates that the site has not or is not likely to have had HAIL use in accordance with Regulation 5(7). I consider that the NESCS Is not triggered by this application.

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

Overall Status

[17] 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').

EFFECTS ASSESSMENT

Written Approvals

[18] No written approvals been provided in support of the application. In accordance with section 104(3)(a)(ii) of the Resource Management Act 1991, no effects on any party have been disregarded.

Effects on the Environment

Permitted Baseline

[19] Under section 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.

[20] There are no permitted subdivisions or residential building platforms in the district's rural areas. There is no permitted baseline to be applied.

Receiving Environment

[21] 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.

[22] For the subject site, the existing and reasonably foreseeable receiving environment comprises the existing church, along with its expansion consented under RC 240062.

[23] For adjacent land, the existing and reasonably foreseeable receiving environment comprises predominantly residential activities at varying densities. Density is split between higher density (Circa 3,000-3,700m^2, with a couple of larger allotments) residential development in urban zoned land (Large Lot Residential Zone, Precinct Two) along the southwestern side of Lowburn Valley Road and lower density (More recent development between 3,800 and 48,900m^2 with most being over 2 hectares, but with some older allotments being as small as 1,056m^2) within rural zoned land on the north-eastern side of the road. The land to the southeast also includes the Lowburn Hall and Lowburn Inlet.

[24] It is against these that the effects of the activity must be measured.

Assessment of Effects

[25] 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.

Visual and Landscape Effects

[26] The application is supported by a landscape assessment from Ms Michelle Snodgrass. Overall, Ms Snodgrass concludes that the overall landscape effects of the proposal from public viewpoints will typically be low to moderate. This is due to the prevalence of

similarly sized residential lots in the vicinity of the site, limited open space values currently present on the site and residential activity not being uncharacteristic for the area.

[27] Currently, the landscape of the mouth of the Lowburn Valley is characterised by large lot residential development rising up the southwestern face of the valley, with a much lower density of development on the valley floor, with more scattered dwellings. The north east face of the valley is undeveloped and is identified as an outstanding natural feature in the District Plan. Lowburn Valley Road currently creates a dividing line between these two prevailing development densities.

[28] The proposal will result in more intensification on the valley floor, crossing Lowburn Valley Road. However, I agree with Ms Snodgrass that, when viewed in the context of the other existing development along this side of the road, two additional dwellings would not appear to be particularly out of place. In terms of the Low Burn, I agree that the platforms would be sufficient set back (at least 50m) such that buildings within the platforms would not have a notable effect on its visual character. Rule 4.7.6D would serve to limit the colour palette of future buildings to darker colours and materials, helping to blend them into the area. I consider that the proposal would have minor visual and landscape effects.

Rural Character Effects

[29] The proposal would further intensify an already relatively densely development rural zoned area along the northeastern side of Lowburn Valley Road. The lots fronting the northeastern side of Lowburn Valley Road between Lowburn Inlet and Swann Road, and the base of Sugarloaf Drive have lot areas between 1,056m^2 and 7.37 hectares, with an average size of approximately 2.25 hectares. These lots appear to be used primarily for residential activity, with some appearing to have a pastoral grazing component. Intensive subdivision can impact on the sense of open, sparsely developed, natural or productive space that characterises the district's rural areas. The applicant, supported by the assessment of Ms Snodgrass, has argued that the proposal would be consistent with the modified rural character of the area because of its predominantly residential nature.

[30] I note that the hearings panel in Plan Change 19 appeared to agree that a Large Lot Residential Zone (Precinct Two) zoning, providing for a development density of one dwelling per 3,000m^2 could be an appropriate density for this site, all other things being equal.[3] The proposal would result in an overall density higher than that anticipated in the LLRZ Precinct Two, given Lot 3 would be less than 3,000m^2. However, the two residential lots would be sized consistently with this standard. The use of Lot 3 is not anticipated to change as a result of the subdivision.

[31] I record that I do not fully agree with Ms Snodgrass insofar as the area around the site is not predominantly residential in character – instead, I consider that the area along the north-eastern side of Lowburn Valley Road has a much more rural character than the land opposite given the lower intensity of development. However, I do not consider this to substantially impact on the rest of her assessment because, while more rural in character, the land along the northeastern side of Lowburn Valley Road is primarily used for rural residential activity, this distinction is largely academic. Having regard to the rest of her assessment and her conclusions that the proposal, including the undersized Lot 3, would have a low level of effect, the comments made by the hearings panel in the context of Plan Change 19, and the fact that the proposal would fill a gap in an existing node of more intensive development (Including the church, community hall and several dwellings) as opposed to spreading development further along this side of the road and

[3] Above n 2.

up the Lowburn Valley, I consider that this would have a minor effect on the rural characteristics of the area, at most.

[32] Mr Wakefield raised concerns about the lots being used for commercial activity adversely affecting the character of the area. Under Rule 4.7.6B.b.i of the District Plan, commercial activities engaging up to three persons would be a permitted activity (For completeness, any retail activity associated with a commercial activity would not be permitted). Currently, a commercial activity could be established on the site as of right.[4] The proposed subdivision could create a situation where three commercial activities would be permitted. I understand that the intended use of Lots 1 and 2 would be used for residential activity. Given the increased density proposed, I consider that using the land for additional commercial activities beyond those already permitted could have cumulative effects on the character of the area. If this consent is granted, I consider it appropriate that Council consider the necessity of a condition be placed on Lots 1 and 2 as a consent notice to the effect that they cannot be used for commercial activity, other than as provided for as a home occupation in association with a consented residential activity or otherwise consented travellers' accommodation. I think that this is particularly relevant given the application's reliance of comparison to the residential development on the opposite side of Lowburn Valley Road (Where any commercial activity outside the scope of a home occupation requires resource consent) when considering the character of the area. A condition limiting an otherwise permitted activity may be considered *ultra vires* (cting beyond Council's authority) because it limits the ability of a landowner to either undertake a permitted activity, or apply for resource consent for one that requires consent.[5] Therefore, it would be preferable for the applicant to volunteer such a condition on an Augier basis. The size of the lots limits the scale of any commercial activity of the proposed lots. Given this, I consider it unlikely that commercial activity would result in a more than minor effect, and would not be so significant that it warrants consent being refused. However, if the applicant is amenable to a condition limiting commercial activity, I consider that this would be preferable and should go some way to addressing the concerns raised by submitters.

[33] Mr Barnett has argued that future development on the proposed lots would adversely affect his sense of rural amenity through a dwelling being built within 50m of his one blocking sunlight and views. In terms of sunlight, I struggle to see how this will have any more than a minor effect. The proposed platform on Lot 1 so located to the south east of Mr Barnett's dwelling, at a bearing of approximately 110° from true north. Based on publicly available sun modelling, the sun would only be far enough to the southeast that a building on the platform would be between the sun and Mr Barnett's dwelling during the summer months (Late October to Mid February)[6] and would likely only result in any notable additional shading of Mr Barnett's dwelling itself early in the morning around the summer solstice (Assuming a scenario where a 7.5m tall dwelling is constructed as close as possible to Mr Barnett's house (See Figures Two, Three and Four for approximations of anticipated shading). A lower dwelling or one further away would have less of an effect. This modelling does not predict any shading of the Bennet's north-eastern facing outdoor living spaces.

[4] On the basis that the church is not considered a commercial activity and people engaged in church activities do not count towards the three person cap.
[5] *Upper Clutha Environment Society v Queenstown Lakes District Council* [1998] ELHNZ 388 at [7].
[6] Retrieved from https://www.timeanddate.com/sun/@2192010?month=10&year=2025.

Figure Two: Not to scale image modelling shading at approximately 6:45am on 09 December, shortly after the sun has risen above the surrounding hills. The orange outlined area is an approximation of the building platform on Lot 1, with an assumed height of 7.5m. This image shows some shading from the platform along the southern parts of Mr Barnett's dwelling. Sourced from https://shademap.app/@-45.00018,169.21068,18.44736z,1761761551351t,0b,0p,2m#

Figure Three: Not to scale image modelling shading at approximately 7:45am on 09 December. By this time, the shadow of a building on the platform would only be on the Barnett's driveway. Sourced from https://shademap.app/@-45.00018,169.21068,18.44736z,1761761551351t,0b,0p,2m#

Figure Four: Not to scale image modelling shading at approximately 8:10am on 16 February. By this time of the year, the sun is rising far enough towards the north that no shading is predicted of the Barnett's dwelling. Sourced from https://shademap.app/@-45.00018,169.21068,18.44736z,1761761551351t,0b,0p,2m#

[34] The applicant and Mr Barnett's land are both in the Rural Resource Area. I consider that this sets a higher expectation for aspects such as shading, privacy and outlook than, for example, the Large Lot Residential Zone (Precinct Two) across Lowburn Valley Road. I also note that the above figures are based on several approximations and assumptions, on a free online shading model, so is indicative only. However, it appears that shading would be limited to short periods in summer mornings, directly after sunrise.

[35] In terms of views, Mr Barnett currently has largely unobstructed views through the applicant's property towards the church and Lowburn Inlet. This view is framed by deciduous trees along the Low Burn. The construction of two dwellings on this land would impact these views. In the expert opinion of Ms Snodgrass, these effects would be low. She bases this on the alignment of the building platforms with the Barnett's dwelling and that a house within the platform on Lot 1 would not be unexpected given the surrounding built context. With respect to Ms Snodgrass, I struggle to see the logic on this second point. The application site is rural zoned and, while residential activities can be anticipated in rural areas, what is anticipated by the District Plan includes significant setbacks of 25m off boundaries and 50m between dwellings, which would not be

achieved in this case. I consider that a dwelling on the building platform on Lot 1, in particular, would have a direct and notable adverse effect on Mr Barnett's amenity.

[36] I consider that these effects on the amenity of the Barnetts could be considered more than minor due to the potential for loss of views, sense of privacy and rural amenity. I consider that these effects warrant consideration of options to reduce or mitigate them, given the density of development proposed relative to what might be reasonably expected in the Rural Resource Area. For example, this may include shifting or re-sizing the building platform on Lot 1, requiring some form of visual screen, or placing a limitation on dwelling height. The applicant and Mr Barnett may wish to comment on this further at or before the hearing. However, on their own, I think it is unlikely that they would be sufficient to warrant the effects of the application be considered inappropriate in terms of s104B(1)(a) for reasons that will be discussed later in this report[7].

[37] Several submitters recommended that design parameters be placed on future residential buildings on Lots 1 and 2. The District Plan would currently control height (Maximum of 7.5m), colour (Darker, primarily earthy tones with reflectivity values of less than 38% for walls and 32% for roofs) and materials (Timber, plaster, concrete, stone, coloured steel and brick) through Rule 4.7.6. With the provisos about height outlined above, I consider that these matters would adequately control the design of future dwellings and accessory buildings within the platforms.

[38] Several submitters also requested that Council place limitations on relocatable buildings. Typically, Council does not differentiate between transportable dwellings and those constructed in-situ in its rural areas. They tend not to have a notable difference in their visual effects and rural areas tend to be less sensitive to aspects such as open foundations. I do not consider any limitations on transportable dwellings to be strictly necessary for the panel to approve the application as I consider that there is no reason why a relocatable dwelling cannot give the same visual appearance as one built in-situ. However, if the panel is of a mind to place any limits, they could consider imposing a consent notice condition similar to the standards in LLRZ-R3 of the District Plan. This rule requires that any relocated building intended for use as a dwelling have been previously designed, built and used as a dwelling, be located on permanent foundations within 2 months of being brought to the site, and be remediated, including connections to infrastructure and the closing in and ventilation of foundations being completed within 12 months. This is equivalent to the District Plan rules regarding relocatable dwellings that apply in the residential zoned parts of Lowurn. I consider that this would be sufficient to adequately manage the concerns of submitters.

[39] In terms of the proposed internal yard and separation distance breaches, other than in relation to 76 Lowburn Valley Road, the proposal would result in lots that incorporated dwellings closer together than could typically be anticipated in the Rural Resource Area. However, when considered in the context of the development on neighbouring properties, including those across Lowburn Valley Road, and noting that setbacks of over 10m would still be achieved from that road, I consider that this will have a minor effect, at most.

Provision of Services

[40] The applicant has proposed that the site have private water and on-site wastewater provision, on the advice of Council's three waters team at the pre-application stage, who indicated that additional connections to Council's reticulated water and wastewater networks would not be forthcoming. Further advice provided by Council's Three Waters

[7] For example, Objective 4.3.9 of the District Plan requires activities not result in "significant" adverse amenity effects for neighbouring parties. This indicates that the planning framework anticipates non-significant levels of effects being considered appropriate.

Development Manager indicates that this advice was incorrect. They advised that a connection to Council's potable water network would be acceptable.

[41] In terms of firefighting water supply, I understand that Council's reticulation provides sufficient flow for firefighting purposes. However, the nearest hydrants are all located in the range of 130m from the boundaries of the lots. Figure Five shows the location of the hydrants relative to the site.

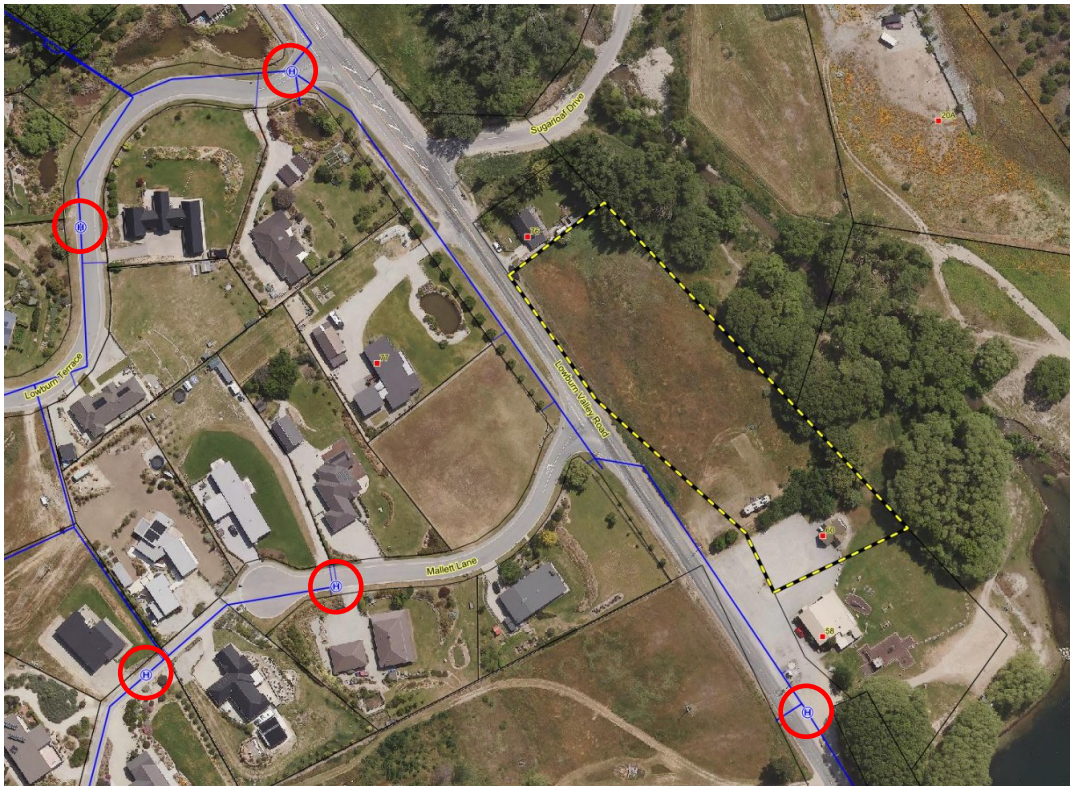

Figure Five: Extract from Council's GIS mapping showing the water pipes and hydrants (Identified by an H and a red circle) around the site. The closest hydrants are located in front of the community hall and the intersection of Lowburn Valley Road and Lowburn Terrace. Others are further up Lowburn Terrace or Mallett Lane.

[42] SNZ PAS 4509:2008 would require one hydrant within 135m and a second within 270m of any occupied building on the proposed lots. Depending on the location of a building on the lots, particularly Lot 1, it is not clear whether this would be achieved. If coverage cannot be achieved, then the lots would require on-site water storage (Typically consisting of a 30,000L tank with a 20,000L firefighting reserve). I consider that this can be resolved either through the construction of an additional hydrant closer to both lots, or at the time a specific building is proposed for either lot. I recommend that a consent notice be imposed to the effect that if an occupied building on Lot 1 or 2 is not able to be covered by the hydrants, on-site firefighting water storage would be required.

[43] In terms of wastewater, I understand that Council's Group Manager Three Waters advised in the context of Plan Change 19 that the site could be connected to Council's wastewater network after specified upgrades were completed. Council's three waters team have advised that more recent modelling, undertaken after this previous advice was given, indicates that there is sufficient capacity in both the Lowburn pump station and the Cromwell wastewater treatment plant to accommodate wastewater from the proposed lots. I note that several submitters raised concerns regarding the capacity of the wastewater network in this area. In this matter, I defer to the position of Council's

three waters staff and consider that the proposal could be adequately serviced by connection to Council's reticulated network.

[44] Several submitters raised concerns about on-site wastewater disposal adversely affecting water quality in the Low Burn and Lowburn Inlet. On the basis that Council's three waters team has confirmed that a connection to the reticulated wastewater network will be acceptable, avoiding the need for on-site management of wastewater and avoiding any potential detrimental effects on water quality due to wastewater discharge, I consider that the proposal will have minimal adverse effects on the quality of these water bodies. More generally speaking, I consider that disposal to the wastewater network would have lower levels of effects, given the higher level of treatment that can be achieved at the Cromwell wastewater treatment plant than through individual on-site systems. While I note and accept the evidence provided by the applicant that indicates that on-site wastewater management can be achieved with no more than minor effects on the environment, including on water quality (Subject to compliance with AS/NZS 1547:2012 and the permitted activity rules for wastewater disposal in the Regional Plan: Water for Otago), I consider that disposal to the network would have lower effects again and, on the whole, I consider that this would constitute a more efficient provision of infrastructure.

[45] The applicant has proposed that stormwater from buildings and impervious surfaces be managed on-site. I consider this to be appropriate. Consent notice conditions should be imposed to this effect.

[46] Both Lots 1 and 2 are proposed to have new connections to electricity and telecommunications connections. I consider this to be appropriate. All new connections should be made underground as a requirement of Section 224(c) certification.

[47] Overall, subject to conditions, I consider that the proposal will have adequate provision for services.

Operation of the Roading Network

[48] Council's land development engineers have reviewed the application and consider that the proposed access provision would be adequate, provided the access to Lot 3 was demonstrated to be in accordance with Part 29 of Council's Roading Policies 2015, or otherwise be upgraded, as a requirement of Section 224(c) certification, and future vehicle crossings to Lots 1 and 2 were constructed in accordance with Part 29 of Council's Roading Policies.

[49] The Hills and the Boots have raised concerns about potential safety impacts of additional lots accessing off Lowburn Valley Road. The road in this location is mostly flat, with light slopes and curves and sight distances in excess of the 85m required under Rule 12.7.1.ii of the District Plan. The intersection between Lowburn Valley Road and Mallett Lane is opposite the site. Lowburn Valley Road is identified as a rural collector road in the classification in Schedule 19.7 of the District Plan and Section 29.7 of Council's Roading Policies 2015. Waka Kotahi's Crash Analysis System (CAS) indicates one accident along this stretch of Lowburn Valley Road that required a police presence. This was a two vehicle crash involving a motorcycle and a van between Lowburn Terrace and Turner Terrace in 2002.[8] Council's land development engineers have not raised any concerns about the current or anticipated future safety of this road. Given this, I consider that the proposal would not cause any notable new safety risks, or exacerbate existing ones, provided the accesses were all constructed in accordance with Council's Roading Policies.

[8] Retrieved from Waka Kotahi's Open Data Portal at https://opendata-nzta.opendata.arcgis.com/datasets/NZTA::crash-analysis-system-cas-data-1/explore?location=-44.999322%2C169.208928%2C18.17. At the time of writing, the CAS had last been updated 25 November 2025.

[50] Both proposed Lots 1 and 2 have locations where vehicle crossings could be constructed in accordance with the requirements of both Rule 12.7.1 of the District Plan and Part 29 of Council's Roading Policies, including the required 30m separation from the intersection of Lowburn Valley road and Mallett Lane. Given this, I am satisfied that the construction of accesses could be deferred until the time the lots were built on. However, Council's land development engineers have requested that, because of the proximity of the intersection, future landowners should seek consent to construct their vehicle crossings before they finalise plans for their house (For example, before they lodge building consent). This would allow the location of the crossing to be determined without causing conflict with the design of the house. I consider this to be a reasonable request.

[51] Overall, I consider that the proposed access provision will be adequate and will have less than minor effects on the safe and efficient operation of the roading network.

Natural Hazard Risk

[52] Multiple submitters raised concerns with the risk of inundation from the Low Burn, and the potential for the development to change flood patterns through and around the area. The application is supported by a flood hazard assessment undertaken by Mr Jordan Cathcart, Senior Civil Engineer at Meyer Cruden. Flood modelling on the Low Burn provided in support of this application indicated that a 0.1% Annual Exceedance Probability (1/1,000 year) flood event would not cause the level of the Low Burn to inundate either building platform. They recommended that a minimum floor level of any habitable building on Lot 2 be set at 197.78m, in order to maintain a floor level 500mm above the forecast 1% AEP flood level. This should be imposed as a consent notice condition if the panel approves the application.

[53] The sites not being subject to inundation directly from the Low Burn would not stop the proposal from modifying overland flows of stormwater across the site. However, with the setbacks proposed between site boundaries, I consider it unlikely that these will cause notable changes to water depth or flow rates through nearby properties. Given this, I consider that the proposal would have minor effects in relation to natural hazard risk, at most.

Effects on Productive Capacity

[54] I concur with the expert assessment of Mr Earnscy Weaver and Mr Jake Woodward that the site has sufficient limitations on being able to be used for land based primary production that any effects on productive capacity as a result of the subdivision would be minor, at most. Further assessment of the proposal under the National Policy Statement for Highly Productive Land 2022 will be undertaken in paragraphs [77] to [79] of this report.

Ecological Effects

[55] I understand that the ecology of the site is extensively modified with exotic grasses and trees. In this context, I consider that the proposal would have minor effects on indigenous biodiversity, at most.

Positive Effects

[56] The applicant as not attempted to quantify the positive effects of the proposal, or to rely on them to offset or compensate for its adverse effects. I consider that the proposal would have positive social effects through the provision of additional lots intended for residential activities.

Other Matters Raised by Submitters

[57] The Mercers have requested a prohibition on further subdivision. Any further subdivision of the lots would be a non-complying activity under the current rules. As a result, any further subdivision could expect to be the subject of increased scrutiny. A condition precluding future subdivision would likely be *ultra vires* (acting beyond Council's authority) for Council to impose.[9] Given these points, I do not recommend Council impose such a condition if the consent is approved and my assessment has been made on this basis. However, I note that the applicant may volunteer such a condition as an Augier condition, if they wish.

[58] The Mercers also requested that consultation with Ngāi Tahu and a cultural impact assessment be undertaken. As part of the notification process, Ngāi Tahu Rūnaka were notified of the application. I consider this to have been adequate opportunity for the Rūnaka to raise any concerns they may have had with the cultural impacts of the proposal.

[59] Two submitters raised concerns about, or requested Council limit the ability of, the proposed lots to be used for social housing complexes. I note that any residential activity would require resource consent, and any proposal for multiple residences would be a fully discretionary activity under the District Plan. This would allow Council to give full consideration to the effects of a larger building(s) and multiple residences, if one were to be proposed. The District Plan is concerned with the environmental effects of residential buildings in rural areas. It does not consider who might occupy that building. Putting a blanket restriction on social housing at this stage would, in effect, place a restriction on the types of people that could live on a given site on the basis of their socioeconomic status. I consider this to be outside the remit of the District Plan and wholly inappropriate for Council to impose such a condition.

Effects

[60] 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. I consider that the adverse effects on the environment arising from the proposal will be more than minor. Consideration should be given to potential changes to the building platform on Lot 1 to help address adverse effects on the Barnetts, in particular. However, I consider that the effects of the proposal could be appropriately managed through adherence to conditions of consent, if consent is granted.

Offsetting or Compensation Measures

[61] 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 Policies

[62] In accordance with section 104(1)(b) of the Resource Management Act 1991, the following objectives and policies of the Central Otago District Plan are relevant to the proposal:

Objectives:
4.3.1 – Needs of the District's People and Communities
4.3.3 – Landscape and Amenity Values
4.3.5 – Water Resources
4.3.7 – Soil Resource

[9] *Upper Clutha Environment Society v Queenstown Lakes District Council* [1998] ELHNZ 388 at [7].

16.3.1 – Adverse Effects on the Roading Network
16.3.2 – Services and Infrastructure
16.3.3 – Hazards
16.3.4 – Amenity Values
16.3.5 – Water and Soil Resources
16.3.7 – Open Space, Recreation and Reserves
16.3.9 – Physical Works Involved in Subdivision
16.3.11 – Effluent Disposal
17.3.1 – Avoidance or Mitigation of Hazards

Policies:
4.4.2 – Landscape and Amenity Values
4.4.3 – Sustainable Management of Infrastructure
4.4.5 – Effects on Water Quality
4.4.6 – Adverse Effects on the Soil Resource
4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties
4.4.10 – Rural Subdivision and Development
16.4.1 – Adequate Access
16.4.3 – Adequate Infrastructure
17.4.2 – Control of Land Use in Hazard Areas
17.4.3 – Subdivision and Erection of Buildings
17.4.4 – Intensification of Hazard Effects

[63] In terms of rural amenity and landscape values, I agree with the applicant that the area has a highly modified, relatively intensive rural/rural residential character, and is located on the periphery of an established residential area. I consider that future building on the proposed lots would be unlikely to notably stand out from the surrounding landscape, subject to confirmation of compliance with standards such as colours and materials through Rule 4.7.2.i of the District Plan. The site is located on the valley floor, avoiding the potential for significant effects on the character of the area's hills and ranges. On balance, I consider that the proposal will adequately maintain the modified rural character of the area and I consider the proposal to be consistent with Objectives 4.3.3 and 16.3.4, and Policy 4.4.2.

[64] For the reasons provided in my assessment of effects, I consider that the proposal will adequately maintain water quality and the values of the Low Burn. I also consider that it will result in minimal loss of the productive capacity of the soil, particularly given the size of the site and identified limitations on its productive use. I consider the proposal to be consistent with Objectives 4.3.5, 4.3.7 and 16.3.5, and Policies 4.4.5 and 4.4.6.

[65] For the reasons provided in my assessment of effects, I consider that the proposed provision of access, subject to conditions, will be adequate and not impact on the safe operation of Lowburn Valley Road. I consider the proposal to be consistent with Objectives 16.3.1, 16.3.2, 16.3.9 and 16.3.11, and Policies 4.3.3, 16.4.1 and 16.4.3.

[66] While I have previously noted that additional measures could be undertaken by the applicant to reduce adverse effects on the amenity of the Barnetts due to future buildings on proposed Lot 1, I have also concluded that effects on them and other neighbours will be minor, at most. Policy 4.4.8 requires Council ensure development does not significantly adversely affect amenity values or privacy. For the reasons provided in my assessment of effects, I consider that the proposal will not significantly adversely affect the amenity values or privacy of neighbouring landowners or occupants. I consider that the proposal is consistent with this policy.

[67] The available expert evidence indicates that buildings on the proposed Lots 1 and 2 would not be unduly vulnerable to material damage from natural hazards. Nor is it

considered to be likely to significantly intensify the risks on neighbouring properties. I consider the proposal to be consistent with Objective 17.3.1 and associated policies.

[68] Objective 4.3.1 and Policy 4.4.10 are catchall provisions intended to allow for a wide range of activities and development in rural areas, provided those activities maintain the rural character of the area and adequately manage their effects on several matters, such as open space, landscape and amenity values, natural character values of water bodies, production and amenity values of neighbouring properties, ecological values and effects on the operation of the roading network. For the reasons provided throughout this assessment, I consider that the proposal would adequately maintain the rural character of the area and adequately manage the adverse effects of the proposal. I consider the proposal to be consistent with these provisions.

Section 104D Gateway Tests

[69] Under Section 104D, Council must refuse a resource consent application for a non-complying activity unless it is satisfied that the proposal will either have minor effects on the environment, or the proposal will be consistent with the objectives and policies of the District Plan. If either of these gateway tests are met, the Panel can exercise its discretion under Section 104B.

[70] In this case, I consider that the proposal will have more than minor effects on the environment, but is consistent with the objectives and policies of the District Plan. The proposal passes one of the gateway tests in Section 104D. The Panel can exercise their discretion to consider the proposal under Section 104B.

Operative and Proposed Regional Policy Statements

[71] The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. This decision is subject to a number of appeals. With the additions and provisos outlined below, I broadly agree with the assessment of the proposal against both policy statements provided in support of the application.

[72] Objective 5.3 and Policy 5.3.1 of the RPS2019 seek to ensure that the region's economy and communities are supported, through measures such as enabling primary production and supporting activities, minimising the loss of significant soils and minimising the subdivision of productive land into smaller lots that may result in a loss of productive capacity or efficiency. Similarly, LS-LS-O11, LF-LS-O12, UFD-O4, LF-LS-P19, UFD-P7 and UFD-P8 of the PRPS 2021 seek to maintain the life supporting capacity of the soil, ensure development in rural areas prioritises land based primary production on highly productive land, in line with the National Policy Statement for Highly Productive Land (NPS-HPL), provides for primary production generally, restricts development that may result in reverse sensitivity, and only allows rural lifestyle development to occur where it will minimise impact on primary production, avoiding highly productive land (Unless provided for under the NPS-HPL).

[73] In this case, I have concluded that the proposal will involve the more intensive development of a small area of land that has notable constraints on use for land based primary production. The proposed residential use of the land is not anticipated to be incompatible with the predominantly residential and rural residential uses of surrounding land and will have minimal effects on the productivity of nearby land. A more thorough assessment of the proposal against the NPS-HPL (in terms of LF-LS-P19, UFD-P7 and UFD-P8) will be undertaken separately in Paragraphs [77] to [79] of this assessment.

[74] HAZ-NH-O1, HAZ-NH-P3, HAZ-NH-P4 and HAZ-NH-P5 seek to ensure that existing natural hazard risks are managed appropriately, and that new activities manage risks to avoid intolerable levels and maintain risk at a level that is acceptable.

[75] In this case, evidence provided by the applicant indicates that the risk from inundation associated with alluvial fan hazards across the site will be able to be appropriately managed through the imposition of a minimum floor level on Lot 2. Buildings on the platform on Lot 1 would be above required levels, based on a 1% AEP flood. I consider the proposal to be consistent with these provisions.

[76] Overall, I consider that the proposal would be consistent with the objectives and policies of both regional policy statements.

National Policy Statements

[77] The objective of the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) is to ensure identified highly productive land is protected for use in land based primary production. In achieving this, Policy 7 seeks to ensure that highly productive land is only subdivided in accordance with the NPS. It sets out two assessment pathways for subdivision. Under Clause 3.8, Council is directed to avoid subdivision of highly productive land unless the applicant demonstrates that the productive capacity of the land will be retained in the long term, and measures are taken to avoid if possible, or otherwise mitigate and potential cumulative loss of highly productive land and any risk of reverse sensitivity effects on surrounding land based primary production activities. Alternatively, Clause 3.10 sets out an exemption, where Council may allow the subdivision of highly productive land if there are permanent or long term constraints that mean the land is not viably able to be used for land based primary production, avoids fragmentation of otherwise large or geographically cohesive areas of highly productive land, and avoids or otherwise mitigates any risks of reverse sensitivity for surrounding land based primary production. The benefits of the subdivision must also outweigh the costs associated with the loss of highly productive land.

[78] In this case, the applicant has argued that the site is not viable for primary production under Clause 3.10. They argue that the site is constrained by its small size limiting the types of primary production it could be used for, particularly when roughly a third of the site is taken up by the church, low availability of water, and the proximity of nearby residential and rural residential development that surrounds the site, limiting activities that might make noise, odour etc. This is backed up by evidence from Mr Earnscy Weaver, who considers that the site does not provide sufficient area to develop a viable amount of any of the commercial crops currently grown in Central Otago. He concludes that the site limitations would mean that, more likely than not, this would remain the case over a 30 year period. The land neighbouring the site is also not used for primary production, containing a community hall and several relatively small rural lifestyle blocks bisected by the Low Burn. Given this, I agree with Mr Weaver that there are limited options for improving productive capacity through boundary adjustments or leasing arrangements. The proposal will further fragment the identified highly productive land in the valley. However, I consider that it has been sufficient fragmented by existing development around the site that this would not result in a material cumulative impact on the availability of land for primary production in the area. The proposal will have social benefits through the provision of two additional opportunities for residential development. I consider this to adequately outweigh the loss of this area of identified highly productive land for land based primary production.

[79] I note that, at the time Council concluded that there was no evidence that the proposal met the NPS-HPL in terms of Plan Change 19, insufficient evidence had been provided to meet the tests in Clause 3.6. This clause sets a high standard for the urban re-zoning of identified highly productive land. For example, there must be no viable alternative that

does not use highly productive land. The exemptions in Clause 3.10 are not available to proposals to re-zone highly productive land. Therefore, Council's conclusions in the contact of Plan Change 19 are not binding on this application. I concur with and adopt Mr Weaver's evidence in relation to the ability of the site to be used productively. I consider that Clause 3.10 of the NPS-HPL is passed, and allowing the proposed subdivision would not be contrary to the NPS-HPL. Given this, I also consider the proposal to be consistent with the highly productive land provisions in LF-LS-P19, UFD-P7 and UFD-P8 of the PORPS2021.

Other Matters

[80] Precedent was raised as a concern by several submitters. In particular, submitters are concerned that approving the proposal could create a precedent that results in similarly sized development spreading p the valley on the north eastern side of Lowburn Valley Road. While every application is nominally treated on its own merits, and the approval of one application does not necessarily mean any other application would receive the same decision, the former can create an expectation that a similar process will be followed, similar matters considered and similar arguments accepted. Approving an application can also modify Council's consideration of matters such as the receiving environment, making future applications appear more favourable.

[81] In this case, the other nearby rural zoned land appears to be more likely to be subject to flood risk. This could limit the density that could be achieved on this land. The larger lots to the north-west of Sugarloaf Drive also have greater potential to be used in primary production, given their size, requiring further consideration under the NPS-HPL. I also note that the other lots up this part of the valley floor, Lots 1-11 DP 418764, are subject to a consent notice condition precluding further subdivision.[10] This condition would act as an additional bar on subdivision of these lots. Given these factors, I consider that the proposal is unlikely to set a significant precedent for subdivision in the area.

[82] In terms of Mr Wakefield's comments about the potential development of the vineyard, I note that the Sugarloaf vineyard (Lot 5 DP 300132) is in the Large Lot Residential Zone (Precinct Two). The District Plan already provides a consenting pathway for this land. A second vineyard, across Lots 1, 2, 3 and 4 DP 444910 is residential zoned, but subject to a future growth overlay, allowing Council to limit development until after specified upgrades to infrastructure are undertaken. Other vineyards in the area, such as the Chard Farm vineyard (Lot 2 DP 300132 and Lot 17 DP 370066), are in the Rural Resource Area, but are in sufficiently different contexts, namely on elevated, steeply sloping, land behind the Lowburn residential area that a precedent would not be set in relation to these lots.

Development and financial contributions

[83] The following development and financial contributions would be payable for the proposal, based on the creation of two additional allotments

Water Supply:	$26,276.00
Wastewater:	$14,938.00
Transport	$1,606.00
Community Infrastructure:	$5,022.00
Reserves	$5,800.00

The above amounts are all inclusive of GST.

[10] I understand that this was volunteered by the applicant through the process of resolving an appeal on RC 050246, the subdivision that created the lots.

[84] Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Overall Consideration

[85] Having regard to the overall planning framework, I accept that the proposal will have more than minor adverse effects, particularly on the amenity of the Barnetts. However, the planning framework, particularly the policies in Section 04 of the District Plan, anticipate that effects, including more than minor effects, on neighbours may be appropriate. In this case, I am satisfied that the proposal would be, overall, compatible with the existing land uses and development patterns in the surrounding area and will provide social benefits through increased provision of residential housing. I consider that there are reasonable steps that could be taken by the applicant to reduce the level of effect on the Barnetts and I highly recommend the applicant investigate these and provide comment at the hearing. Taking on one or more of these options would show a level of good faith from the applicant and would further weight the proposal in their favour. However, even if changes were not forthcoming, I consider that the panel could still find the proposal to be consistent with the matters in Section 104(1) of the RMA.

[86] Based on the findings throughout this report, 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.

[87] If the panel concludes otherwise than I have in Paragraph [85] about the appropriateness of the proposal's effects, options to reduce effects on the Barnetts should be considered in more depth as a pre-requisite for granting consent, at a minimum.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. The Panel grant consent to the proposed activity, in accordance with sections 104,104B and 104D of the Resource Management Act 1991, subject to the conditions imposed under section 108 and 220 of the Act listed below.

Adam Vincent
Planning Officer - Intermediate

Date: 15 January 2025

Proposed Conditions:

Subdivision:

1. The subdivision must be undertaken in general accordance with the plans and details submitted with the application for resource consent, further information received on 20 October 2025, and the plan of subdivision attached as Appendix One, as amended by the following conditions.

2. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.

3. Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:

   CODC Home > Services > Planning > Land Development and Subdivision Engineering

   This EA application must include:

   - Confirming who their representative is for the design and execution of the engineering work.
   - Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

4. Producer Statements/Certificates where appropriate are to be submitted as per the NZS 4404 in the form of:

   Schedule 1A,

   Schedule 1B,

   Standalone Schedule 1B for 3 waters work, and

   Schedule 1C.

5. As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

6. Any easements required to protect access or for access to services must be duly granted or reserved. These easements must be shown on the plan provided for Section 223 certification.

7. Prior to Section 224(c) certification, the existing vehicle crossing from Lowburn Valley Road to service Lot 3 must be demonstrated to comply with the requirements of Part 29 of Council's Roading Policies January 2015, or be upgraded to comply.

8. Prior to section 224(c) certification the consent holder must install standard residential DN25mm to Lots 1 and 2 in accordance with the following:

   a) Service connections must be located at the road frontage, outside of the property boundary.

b) The service connection must have an Acuflo meter, a manifold incorporating a toby valve under a blue meter box located in the road reserve, 300mm from the boundary and the supply connection must be extended a minimum of 300mm inside the boundary.

c) Only one service connection from the public watermain is allowed per property.

d) As-built drawing must be submitted in electronic format and clearly show pipe and fitting locations, dimensions and relevant details.

9. Prior to Section 224(c) certification, the consent holder must confirm whether existing fire hydrants provide full firefighting coverage of the building platforms in accordance with SNZ/PAZ 4509:2008. If full coverage is not able to be achieved, the consent holder must either construct an additional hydrant in a location that would be acceptable to Council's Three Waters Network Manager, or the following must be imposed as a consent notice on any lot without full firefighting water coverage:

a) *Any occupied building on the lot must either be located in a position where it will be compliant with the distances from firefighting hydrants specified in Table 2 of SNZ/PAS 4509:2008 or on-site water storage would be required. On-site water storage must consist of a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be maintained at all times as a static firefighting reserve. Alternatively an 11,000 litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:*

Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.

All connections must be capable of providing a flow rate of 25 litres per second at the connection point.

The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be maintained at all times to the hardstand area.

Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

Note: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. In particular, the following should be noted:

For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.

For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.

b) *Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the Fire and Emergency New Zealand is obtained for the alternative method.*

10. Prior to section 224(c) certification the consent holder must install a standard 100mm wastewater connection to Lots 1 and 2 in accordance with the following:

    a) Each connection must be capable of serving the building platform by gravity. This requirement must allow adequately graded drains within the lot, together with the depth required for gully traps. Private wastewater pumps will be accepted where gravity discharge is not feasible.

    b) Service connections must enter each lot from the road frontage.

    c) Private pipes must not cross property boundaries.

    d) Each lot must be provided with a separate lateral connection.

    e) Lay laterals at least 0.6m clear from property side boundaries, to terminate 0.3m-1m inside the net site area of the lot with an access point. End caps for Wastewater laterals will be coloured red.

    f) Only one service connection from the public wastewater main is allowed per property.

    g) As-built drawing must be submitted in electronic format and clearly show pipe and fitting locations, dimensions and relevant details.

11. Prior to Section 224(c) certification, operational power and telecommunication services must be provided underground to the boundary of Lots 1 and 2.

12. Prior to the issue of Section 224(c) certification, the consent holder must pay a reserves contribution of $5,800.00 (Including GST) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c) certification. The Council may withhold a certificate under Section 224(c) certification 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.

13. The following must be registered as a consent notice on Lots 1 and 2 under Section 221 of the Resource Management Act 1991:

    a) *All buildings must be located within the identified building platforms on the survey plan.*

    b) *Prior to the construction of a dwelling on Lots 1 or 2, a new vehicle crossing must be constructed to the requirements of the Vehicle Crossing Policy set out in Part 29 of the Council's Roading Policies dated January 2015. The consent holder or successor is required to obtain permission to construct a vehicle crossing from*

Council's roading team under Part 29 of Council's Roading Policies. It is recommended that this permission be sought prior to the lodging of building consent for any dwelling in order to allow Council to ensure the crossing will be appropriately located, having regard to the operation of Lowburn Valley Road and the proposed building work.

c) *Stormwater from buildings and impervious surfaces must be disposed of by soakpit within the boundary of each Lot or be stored for beneficial re-use within the lot.*

d) *Any relocated building on Lots 1 or 2 must comply with the following:*

i) Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling;

ii) A building pre-inspection report shall be provided with the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;

iii) The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and

iv) All other reinstatement work required by the building pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations

e) *[Placeholder Condition for limiting commercial activity]*

14. The following must be registered as a consent notice on Lot 2 under Section 221 of the Resource Management Act 1991:

a) *Any building on Lot 2 must have a finished floor level of at least 197.78m (NZDV2016).*

Land use:

1. The building platforms must be no closer to any boundary than shown on the plan attached as Appendix One.

2. All buildings on Lots 1 and 2 must be located within the identified building platforms.

Advice Notes:

1. *All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.*
2. *The following development contributions are payable pursuant to the Council's Policy on Development and Financial Contributions:*

Water:	*$26,276.00 Inc GST*
Wastewater:	*$14,938.00 Inc GST*
Transport:	*$1,606.00 Inc GST*
Community Infrastructure:	*$5,022.00 Inc GST*

Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The Council 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.

3. *Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.*

4. *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.*

5. *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.*

6. *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.*

7. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.*

Appendix One:

Plotted Name: 814 Lakeside Christian Centre 814-901-C-Lots 1 to 3 Being a Proposed Subdivision of Section 2 SO 22525 60 Lowburn Vally Road

Summary of Submissions

Submitter Name	Support/Oppose/ Neutral	Summary
Lloyd and Audrey Mancer	Oppose	Concerned that the proposal is inconsistent with the District Plan's density rules and protections for rural character, has no protections for the stream behind the site from earthworks, sedimentation or other contamination, and will create a precedent for further subdivision in the valley. The Lowburn valley contains overland flow paths that could cause a flood hazard by modifying or exacerbating floodwaters. Notes that no cultural impact assessment or iwi consultation has been provided. If Council were to consider approving the consent, requests conditions related to flood risk, riparian protection, stream setbacks for earthworks, prevention of increased stormwater runoff, a cultural impact assessment, consultation with Ngāi Tahu, a prohibition on future subdivision and controls over the height colour etc of buildings.
Michael and Deborah Hill	Oppose	Proposal risks setting a precedent for other high density housing developments in the Lowburn area, undermining established residential character. Proposed section sizes would increase pressure on local infrastructure, impact on road safety cause a loss of open space and rural amenity and adversely affect landscape and ecological values. The Lowburn Valley contains known flood paths through the area. There is a risk of contamination from runoff into Lowburn Creek. Considers that drip-line sewerage systems are not failsafe and would not adequately prevent sewage from entering waterways. Contamination of Lowburn Creek could have adverse environmental, ecological community and public health effects
Len Wakefield	Oppose	Considers that development should fully comply with regulations governing the Rural Resource Area. Considers it an unacceptable outcome that the properties use on-site septic tanks, as there is insufficient capacity in the wastewater system. It is likely that on-site wastewater would cause discharge to enter the Lowburn Stream and Inlet, both used for swimming and recreation. Nothing in the consent application that would stop the lots being developed for commercial activity. Concerned that proposal will create a precedent. Should Council approve the proposal, seeks that only residential housing be allowed to be constructed, no commercial activity, that these houses will be in keeping with the Lowburn area

		and that no relocatable or social hosing be permitted.
Struan and Lee Boot	Oppose	Concerned about precedent that could be set by smaller lot sizes and infrastructure constraints, particularly wastewater pumping capacity and traffic safety along Lowburn Valley Road. No assurances have been provided about future use of the lots, or about the quality of future buildings. Opposes use of relocatable dwellings
John and Steph Wennekes	Support	Supports proposal subject to the imposition of similar caveats as apply to the rest of the Lowburn subdivisions, including no accommodation blocks
Sheldon Barnett	Oppose	Opposes the site being subdivided into small lots on a potential flood hazard. Concerned that this consent will open the floodgates for subdivision elsewhere in the valley. Opposes building platform within 50m of his dwelling due to loss of morning sun and views. Asks whether there would be any covenants on building height of material.
Philip and Brigitta Cheney	Support	Supports proposal provided the lot sizes remain as per the application and no high density development is allowed

CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC250298
60 Lowburn Valley Road, Lowburn

INTRODUCTION

The application seeks subdivision consent for a three lot subdivision and land use consent to establish two residential building platforms in the rural resource area at 60 Lowburn Valley Road, Lowburn.

The application proposes to subdivide Section 2 SO 22525 into three lots. Proposed Lots 1 and 2 would have areas of 3,000 and 3,001m^2 respectively. Both are currently vacant land and would be intended to occupy residential activity. A 20x35m building platform is proposed for each. The platforms would breach setbacks standards from internal boundaries and separation distances between residential activities. Lot 3 would have an area of 2,101m^2, and would contain the existing church buildings. No changes to the provision of services of Lot 3 are proposed. The applicant has requested that Lots 1 and 2 be connected to Council's reticulated water and wastewater networks. However, in the event that this is not acceptable to Council, the applicant has provided assessment of the adequacy of on-site wastewater disposal.

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification
Public notification has been requested. The application must be publicly notified. (s95A(3)(a)).

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is 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. While the application is required to be publicly notified under Section 95A, Council should still give consideration to whether any parties should be served notice of the application. I have used the criteria in Section 95B of the RMA to guide my assessment of whether any party should be served notice of the application.

Step 1: certain affected groups and affected persons must be notified

Notification of any person 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

Notification of any person 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.

Notification of any person 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

Notification of any person 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.

Notification of any person 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. In this case, there are no permitted activity subdivisions in the District Plan. No permitted baseline has been applied to the application.

ASSESSMENT: EFFECTS ON PERSONS

In terms of effects on persons, the applicant has considered effects on neighbouring landowners and occupants, and concludes that effects on them will be less than minor. The proposal involves a subdivision of rural zoned land to residential uses at a density consistent with that on the opposite side of Lowburn Valley Road. I note that this application comes after a similar request, to re-zone the site to Large Lot Residential Zone (Precinct 2)[1] under Plan Change 19, was refused by Council.[2] Given this public process, I consider that nearby residential landowners and occupants could reasonably expect the site to remain rural in nature in the foreseeable future. The proposal will change the character of the area and, I consider that this could result in effects on the amenity of nearby parties, particularly those who adjoin, or directly overlook the site, given their expectation that the site would remain rural in character would be subverted by the proposal. I consider it appropriate that the following parties be notified of the proposal:

Sheldon and Adrianna Barnett
76 Lowburn Valley Road

Lloyd and Audrey Spencer
77 Lowburn Valley Road

Brent and Kerry Anthorp
13 Windermere Drive, Mosgiel
(Owners of 2 Mallett Lane)

Deneise and Wane Henderson
3 Mallett Lane

Philip and Brigitta Cheney
16 Sugarloaf Drive

EC & IJ Mallet Family Trust
53 Lowburn Valley Road

[1] I understand that the submission initially requested Large Lot Residential Zone (Precinct 1). However, this was revised during the hearings process.
[2] This decision was publicly notified 27 June 2024.

Other land adjoining the site is either owned by Council or Land Information New Zealand. Council's land includes the Lowburn Community Centre. LINZ's land includes the mouth of the Low Burn and the Lowburn inlet. The proposed building platform on Lot 2 would be located within 25m of the boundary of this lot. Given the application is proposed to be publicly notified, I consider it reasonable that LINZ should be serviced notice as an owner of land adjoining a proposed setback breach. Council is the regulatory authority. Therefore, separate notification of Council is not required.

Step 4: Further limited notification in special circumstances

Special circumstances do not apply that require notification to any specific parties.

DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, the following persons should be served notice of the application:

Sheldon and Adrianna Barnett
76 Lowburn Valley Road
RD2
Cromwell 9384

Lloyd and Audrey Spencer
77 Lowburn Valley Road
RD2
Cromwell 9384

Brent and Kerry Anthorp
13 Windermere Drive
Mosgiel 9024
(Owners of 2 Mallett Lane)

Deneise and Wane Henderson
3 Mallett Lane
RD2
Cromwell 9384

Philip and Brigitta Cheney
16 Sugarloaf Drive
RD2
Cromwell 9384

EC & IJ Mallet Family Trust
53 Lowburn Valley Road
RD2
Cromwell 9384

Land Information New Zealand
By email to crownproperty@linz.govt.nz

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is able to be processed on a publicly-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 Date: 31 October 2025
Planning Officer

Approved under Delegated Authority by:

Tanya Copeland Date: 4 November 2025
Team Leader – Planning

250298 60 Lowburn Valley Road 13.01.2026

Water

1. The consent holder must be responsible for providing appropriate water supply reticulation (including fire hydrants and necessary incidental equipment) that is adequate to serve the development, and which meets the requirements of NZS 4404:2004 and the CODC Addendum and the Code of Practice for Fire Fighting Water Supplies SNZ PAS 4509:2008.

   Advice Note:
   Addendum Clause 6.3.16 is for un-reticulated Rural Areas's. This is not an un-reticulated Rural area.

2. The consent holder must connect to the Council's water network on Lowburn Valley Road.

3. Prior to section 224(c) certification the consent holder must install standard residential DN25mm to Lots 1 and 2 in accordance with the following:

   a) service connections must be located at the road frontage, outside of the property boundary..

   b) The service connection must have an Acuflo meter, a manifold incorporating a toby valve under a blue meter box located in the road reserve, 300mm from the boundary and the supply connection must be extended a minimum of 300mm inside the boundary.

   c) Only one service connection from the public watermain is allowed per property.

   d) As-built drawing must be submitted in electronic format and clearly show pipe and fitting locations, dimensions and relevant details.

4. Lot 3 to be connected to existing connection.

Wastewater

1. The consent holder must be responsible for providing appropriate wastewater reticulation (and necessary incidental equipment) that is adequate to serve the development, and which meets the requirements of NZS 4404:2004 and the CODC Addendum.

2. The consent holder must connect to the Council's wastewater network on Lowburn Valley Road.

4. Prior to section 224(c) certification the consent holder must install a standard 100mm wastewater connection to Lots 1 and 2 in accordance with the following:

   a) Each connection must be capable of serving the building platform by gravity. This requirement must allow adequately graded drains within the lot, together with the depth required for gully traps. Private wastewater pumps will be accepted where gravity discharge is not feasible.

   b) Service connections must enter each lot from the road frontage.

   c) Private pipes must not cross property boundaries.

   d) Each lot must be provided with a separate lateral connection.

e) Lay laterals at least 0.6m clear from property side boundaries, to terminate 0.3m-1m inside the net site area of the lot with an access point. End caps for Wastewater laterals will be coloured red.

f) Only one service connection from the public wastewater main is allowed per property.

g) As-built drawing must be submitted in electronic format and clearly show pipe and fitting locations, dimensions and relevant details.

Advice Note

Recent hydraulic modelling has identified that there is not a capacity constraint with the Lowburn wastewater reticulation network. Upgrading of the Lowburn pumpstation is included in Council's 10-year program and the pumpstation is not a constraint to this development connecting to council's network.

Stormwater

7. Pursuant to section 221 of the Resource Management Act 1991 the following condition must be registered on Lots 1 to 3:

   Stormwater must be disposed of by a soakpit within the boundary of each Lot as part of the building consent.

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
info@codc.govt.nz
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LOCAL GOVERNMENT ACT 2002 AND RESOURCE MANAGEMENT ACT 1991 DEVELOPMENT/FINANCIAL CONTRIBUTION NOTICE

This notice has been issued in accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2025 and updated $/HUE rates published in CODC's Schedule of Fees and Charges 2025-2026.

Consent #	RC250298
Applicant Name	Lakeside Christian Centre
Address	60 Lowburn Valley Road, Cromwell
Description	Three lot subdivision

This notice 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 HUE's using land use differentials.

Summary of DCs under 2025/26 DCFCP	Post Development demand (HUE)	Pre Development demand (HUE)	Additional demand (HUE)	$/HUE (inc GST)	Development contribution (exc GST)	Development contribution (inc GST)
Water	3.00	1.00	2.00	$13,138	$22,848.70	**$26,276**
Wastewater	3.00	1.00	2.00	$7,469	$12,989.57	**$14,938**
Transport	3.00	1.00	2.00	$803	$1,396.52	**$1,606**
Community infrastructure	3.00	1.00	2.00	$2,511	$4,366.96	**$5,022**
TOTAL DEVELOPMENT CONTRIBUTION				**$34,225**	**$41,602**	**$47,842**
Summary of FCs under 2025/26 DCFCP				**$/HUE (inc GST**	**Development contribution (exc GST)**	**Development contribution (inc GST)**
Reserves Financial Contribution	3.00	1.00	2.00	$2,900	$5,043	$5,800
Summary of contribution under 2025/26 DCFCP					**Total Contribution (exc GST)**	**Total Contribution (inc GST)**
TOTAL					**$46,645**	**$53,642**

CONTRIBUTION						

Summary of payments due

Summary of contribution under 2025/26 DCFCP	Total Contribution (exc GST)	Total Contribution (inc GST)
Total Contribution	**$46,645**	**$53,642**

Payment

Development contributions must be paid by the due dates in the table below.

	Payment due date
Building consent	20th 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.

Adam Vincent

From: Water Development
Sent: Tuesday, 13 January 2026 12:46 pm
To: Adam Vincent
Subject: RE: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Hi Adam,

More information has come to light since Julie comments below, we have had the draft modelling report come back for capacity and there are no issues in Lowburn, also the nitrogen issue at Cromwell has been resolved. We would allow this development to connect.

Many thanks,
Stacey

Stacey Coy
Three Waters Development Manager

CENTRAL OTAGO DISTRICT COUNCIL

+64 27 236 9397
Stacey.Coy@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Tuesday, 13 January 2026 11:42 am
To: Water Development <Water.Development@codc.govt.nz>
Subject: RE: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Thank you, Stacey.

Just to check, in support of Plan Change 19, Julie mentioned that the site could be serviced for wastewater in 2029 following reconfiguration and upgrading of the main and pump station, and the treatment plant has its capacity increased. Is that still the case, or could they connect in beforehand?

For reference, here's a snip of her comments

# 142	Lakeside Christian Centre	Lowburn Valley Section 2 SO 22525	No	This could be s This could be s reconfiguratio main and pum increased trea
#69	The Van der	Kawarau Gorge Road	No	This could be s

Adam

From: Water Development <Water.Development@codc.govt.nz>
Sent: Tuesday, 13 January 2026 11:35 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Subject: RE: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Hi Adam,

Please see attached 3waters conditions.

Unfortunately, previous advice given by 3 waters staff was incorrect. Julie was aware of this development; and they are allowed to connect into the councils' water & wastewater networks (infrastructure runs adjacent to this site). We also note under fire fighting they proposed tanks, this is not required as the are is not un-reticulated rural area.

I have saved a copy in magiq.

Many thanks,
Stacey

Stacey Coy
Three Waters Development Manager

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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Thursday, 8 January 2026 11:58 am
To: Water Development <Water.Development@codc.govt.nz>
Subject: RE: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Kia ora Stacey,

I think I can make that work, but the sooner the better. Need to have my recommendations finished early next week

Ngā mihi,
Adam

From: Water Development <Water.Development@codc.govt.nz>
Sent: Thursday, 8 January 2026 11:12 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Subject: RE: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Hi Adam,

Looks like water was missed off the email below. I will need to speak to Julie about this one as I can see Janis spoke to Oli about the church back in August.

Hopefully have something early next week for you.

Thanks,
Stacey

Stacey Coy
Three Waters Development Manager

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www.codc.govt.nz

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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Thursday, 8 January 2026 10:44 am
To: Water Development <Water.Development@codc.govt.nz>
Subject: FW: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Kia ora Stacey,

I haven't had any advice back from engineering yet, so I was wondering if you would be able to have a look at the below application (Three lot subdivision of 60 Lowburn Valley Road) and give any relevant three waters comments please?

Of relevance, the proposal would have Lots 1 and 2 dispose of wastewater to ground and have connections to Council's water supply. Lot 3 (Containing the Lowburn Church) is proposed to be connected to reticulated wastewater (Currently under construction) with Meyer Cruden indicating a gravity connection is viable. The applicant indicates that this has already been run past Three Waters, so I mostly want to check to make sure this is accurate and get any recommended conditions.

Ngā mihi,

Adam Vincent
Planning Officer

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From: Tanya Copeland <Tanya.Copeland@codc.govt.nz>
Sent: Tuesday, 28 October 2025 11:41 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>; Engineering <Engineering@codc.govt.nz>
Cc: Resource Consents <Resource.Consents@codc.govt.nz>
Subject: FW: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Hey Adam

Allocation for you please. Public notification requested.

ENG – please provide ENG advice and DC assessment

Thanks

Tanya Copeland
Team Leader - Planning - Alexandra

CENTRAL OTAGO DISTRICT COUNCIL

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www.codc.govt.nz

If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

From: Resource Consents <Resource.Consents@codc.govt.nz>
Sent: Tuesday, 21 October 2025 12:44 pm
To: Tanya Copeland <Tanya.Copeland@codc.govt.nz>
Subject: TCJD - Allocation - RC250298 - Lakeside Christian Centre

Hi Tanya

RC250298 (60 Lowburn Valley Road, Lowburn) is ready for allocation. Public notification – 3 lot subdivision and 2 building platforms in rural res area

Formally received: 20/10/2025

Thanks

Jessie Dick
Planning Support Officer

+64 3 262 7204
Jessie.Dick@codc.govt.nz
1 Dunorling Street, Alexandra 9320
www.codc.govt.nz

If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

To whom it may concern,

Please find attached our formal Form 13 submission opposing Resource Consent RC250298 for the proposed subdivision at 60 Lowburn Valley Road, submitted by Lakeside Christian Centre.

Our submission outlines significant concerns regarding:

- Inconsistencies with the Central Otago District Plan
- Precedent risk for further rural subdivision
- Environmental effects on the stream behind the property
- Flood hazard risks across the Lowburn Valley
- Treaty of Waitangi and Ngāi Tahu cultural obligations (cc'd into this correspondence)

We respectfully request that Council decline the application, or, if proceeding, impose the relief and conditions outlined in our submission.

We also confirm that we wish to be heard should a hearing be convened.

Please acknowledge receipt of this submission.

Yours sincerely

Lloyd & Audrey Mancer

75 Lowburn Valley Road

Cromwell 9384

Email: lwandamancer@outlook.com

RECEIVED
01/12/2025
CODC

01

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

Central Otago District Council
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Email: info@codc.govt.nz
www.codc.govt.nz

Form 13 – Section 95A Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
Email: resource.consents@codc.govt.nz

Submitters:
Lloyd & Audrey Mancer
75 Lowburn Valley Road
Cromwell 9384
Email: lwandamancer@outlook.com

Application: RC250298 – Lakeside Christian Centre
Location: 60 Lowburn Valley Road, Lowburn
Proposal: Subdivision of land into three allotments and two residential building platforms.
Position: Oppose

1. Grounds for Opposition

1.1 Inconsistency with the Central Otago District Plan

The proposal does not comply with key Rural Resource Area rules including:
- Rule 4.7.5 iii – Rural density and subdivision controls
- Rule 4.7.3 vii(d) – Protection of rural character and amenity• Rule 4.7.6(a) – Effects on rural landscape and environment

The Lowburn Valley is zoned Rural to maintain low density character. Allowing this intensification undermines the zoning intent and the expectations of existing property owners.

1.2 Creates an Unwanted Precedent

Approving this noncomplying activity will:
- Open the door for further subdivision in the Valley
- Cumulatively erode rural character
- Weaken thresholds for declining future applicationsThis presents a significant planning precedent risk.

1.3 Environmental Concerns – Stream Protection

A natural stream behind property increases flooding potential. The proposal introduces:
- Earthworks
- Building platforms
- Increased runoff
- Sediment disturbance
- Potential contamination

Council obligations under the RMA and District Plan require avoiding waterway degradation, protecting riparian margins, maintaining ecological health, and assessing cumulative hydrological effects.

1.4 Flood Hazard Risks

The Lowburn Valley contains known overland flood paths. The proposed development may:
- Displace floodwaters
- Increase flow velocity
- Redirect water onto neighbouring properties
- Increase surface flooding

The Precautionary Principle must apply where hazard information is incomplete.

1.5 Treaty of Waitangi and Ngai Tahu Values

The RMA (sections 6(e), 7(a), 8) requires Council to:
- Recognise Ngai Tahu relationships with ancestral lands and water
- Have particular regard to kaitiakitanga
- Take Te Tiriti o Waitangi into account

Council must engage with:
- Te Rūnanga o Ngai Tahu
- Local rūnanga with mana whenua interests

No Cultural Impact Assessment or iwi consultation has been provided.

2. Relief Sought

We request that Council decline the application in full.

If consent is considered, we request the following conditions as a minimum:

Environmental & Flood Protection
- Full hydrological flood risk assessment
- Riparian margin protection
- No earthworks within a defined setback of the stream
- Stormwater management that prevents increased runoff

Cultural Obligations
- Mandatory engagement with Ngai Tahu rūnanga
- Cultural Impact Assessment

Landscape & Rural Character
- Prohibition on further subdivision

• Built form controls (height, colour, platform level restrictions)

3. Hearing Request
We wish to be heard at any hearing regarding this application.

4. Signatures

Lloyd Mancer
Audrey Mancer

Date: 1/12/2025

RECEIVED
04/12/2025
CODC

02

CENTRAL OTAGO DISTRICT COUNCIL

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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

(Form 13)

Section 95A 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: Michael Joseph Hill and Debra Janice Hill

Contact person (if applicable):
Michael Hill

Electronic address for service of submitter: deb.mikehill@xtra.co.nz

Telephone: 027 542 4373

Postal address (or alternative method of service under *section 352* of the Act):
1 Lowburn Terrace
R.D.2
Cromwell 9384

This is a submission on the following resource consent application: RC No: **250298**

Applicant: **Lakeside Christian Centre** Valuation No: **2842117303**

Location of site: **60 Lowburn Valley Road, Lowburn**

Brief description of application: **Subdivision consent for a three lot subdivision and land use consent to establish two residential building platforms in the rural resource area**

Submissions close: **4.00pm on 11 December 2025**

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)

see attached

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.*

Opposed - see attached sheet for reasons.

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

Decline the proposal

I/We **support / oppose / neither support or oppose** the application **(circle one)**

I/We **wish / do not wish** to be heard in support of this submission **(circle one)**

I/We **am / am not*** a trade competitor for the purposes of section 308B of the Resource Management Act 1991 **(circle one)**

*I/We **am / am not (circle 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.

CENTRAL OTAGO DISTRICT COUNCIL

I/We **request* / do not request (circle 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 of submitter
(or person authorised to sign on behalf of submitter)

4.2.25
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.**

2. **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.**

3. **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.**

4. **If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11Aof the Resource Management Act 1991.**

5. **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.**

6. **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.**

Central Otago District Council

Please find attached our formal Form 13 Submission opposing Resource Consent RC250298 for the proposed subdivision at 60 Lowburn Valley Rd, submitted by Lakeside Christian Centre.

We request that Council decline the application.

Please acknowledge receipt of this submission.

Yours sincerely

Michael & Debra Hill

1 Lowburn Terrace

R D 2

Cromwell 9384

Email: deb.mikehill@xtra.co.nz

Phone (Michael) 027 542 4373

Formal Objection under Rules 4.7.3, 4.7.5 and 4.7.6 of the District Plan

Grounds for Objection

1. Precedent for High-Density Housing

The proposal to reduce the size of sections at Lakeside Christian Centre risks setting a precedent for high-density housing developments in the Lowburn area. This would undermine the established residential character and rural amenity of the community.

2. Environmental Effects

The proposed reduction in section size raises significant environmental concerns:

- Increased pressure on local infrastructure and services
- Greater traffic congestion and associated safety risks
- Loss of open space and rural amenity
- Adverse impacts on landscape values and ecological integrity

3. Risk of Waterway Contamination

The Lowburn Valley contains known flood paths that pass through this area.
There is a substantial risk that runoff from the proposed sections could contaminate Lowburn Creek. The drip-line sewerage system described in the application is not a fail-safe method and does not provide adequate assurance that sewage will be prevented from entering local waterways. Any contamination of Lowburn Creek would pose serious environmental and public health risks, compromising both ecological integrity and community wellbeing.

Conclusion

For the reasons outlined above, we strongly object to the proposal. We request that this application should be declined to preserve the environmental quality, public health, and residential character of the Lowburn area.

Signed:

Michael Hill

04.12.25

Debra Hill

04.12.25

RECEIVED
10/12/2025
CODC

03

SUBMISSION ON A NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT - AMENDED

Central Otago District Council
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
email: info@codc.geovt.nz
www.codc.govt.nz

To: The Chief Executive

Central Otago District Council
PO Box 122
Alexandra 9340
email: resource.consents@codc.govt.nz

Submitters:

Len Wakefield
2 Turner Terrace
Lowburn, RD2
Cromwell

Telephone: 021 478304

I am **not** a Trade Competitor.

I do not wish to be heard in support of this submission; my reasons for opposing this application are clearly expressed below.

Application: 250298 -Lakeside Christian Centre
Location: 60 Lowburn Valley Road, Lowburn
Proposal: Subdivision of land into three allotments and two residential building platforms.
Position: Oppose

GROUNDS FOR OPPOSITION.

1. Non-compliant with the Central Otago District Plan
2. Concerns regarding the structures to be built
3. Concerns regarding wastewater management
4. Concerns re-potential usage of sites if development allowed
5. Permitting this development may create an unwanted precedent

1. **Non-compliant with the Central Otago District Plan**. There has been a previous attempt to have the land in question rezoned LLRZ Precinct 2. This attempt was unsuccessful and the land remains zoned as rural resource area. I could not make sense of the included Panel Decision (towards the bottom of page 11, EAA) which reads as follows:

"Given the zoning now sought is consistent with the surrounding area and given the site as well contained, the Panel agrees with Ms Whites view that the zoning would be in keeping the area and not result in unconsolidated development"

It is inevitable that there will be further subdivision and development along the Lowburn Valley Road. It is my view that any new development should comply fully with the regulations governing rural resource areas. The current application does not comply with separation distances or internal setbacks.
The concern is that any deviation from the permitted activities in this rural resource area will be greeted with delight by potential developers (see part 5 below).

2. **Concerns regarding the structures to be built**. Although the application states that the subdivision will include residential building platforms (RBP), I did not find anything in the application stating that **only** residential housing would be constructed. Should the development as proposed be permitted I seek the following assurances from the Central Otago District Council:
a. that any structures placed on the proposed building platforms will in fact be residential homes and not structures that may be used for commercial activity.
b. that these residential homes will be in keeping with those present in the existing Lowburn development.
c. That relocatable homes or a social housing complex will not be permitted.

Perhaps the CODC should ask for a list of restrictive Covenants from the developer.

3. **Wastewater;** The three properties proposed will not be able to connect to the Lowburn Wastewater system due to capacity constraints and will require on-site septic tanks. This is in unacceptable outcome.

I note that in the AEE, part 5.4.4 **Stormwater**, it is noted that the grounds have significant soakage capacity. I interpret this as meaning that effluent discharged to ground will soak very quickly into the Lowburn stream and the Lowburn inlet. Despite advances made in the efficacy of septic Tank Systems there is the potential for increased faecal bacterial contamination of waterways used for swimming and other recreational purposes. This is to be avoided at all costs.

The Lowburn reticulated wastewater system has been the subject of numerous complaints over the years. It cannot cope with the existing load and any further residential or other development that would include a wastewater system should be on hold until upgrades have been made.
I also wonder about the suitability of the location of the reticulated wastewater system plant, situated as it is within 15 metres of a bore from which potable water is extracted by the public. The same bore water is also used to service at least eight households in the Lowburn development.

4 **Concerns re-potential usage of sites if development allowed.** Following on from my concerns in part 2 (Concerns Regarding the Structures to be Built), there is nothing in the consent application that would preclude the RBP being covered by a single large colour steel shed. Such a shed would lend itself to commercial activity.

After a brief read of the Council documents regarding rural resource areas it would appear that commercial activity is a permitted activity.

My concerns regarding commercial activity stem from the development of a commercial storage site further down Lowburn Valley Road, characterised by a wire fenced enclave in which excavation equipment, plastic pipes and other equipment including sign written trucks are parked. This development is in full view of the passing public.

5. **Permitting this development may create an unwanted precedent.** Developers and their lawyers peruse Council decisions very closely and use precedent to support their future applications. I urge Council to consider the risks of allowing this non-compliant application to proceed.

Reportedly, a landowner on the opposite side of the road is seeking to subdivide a vineyard and sell off residential properties. It is my understanding that the subdivision is constrained by the size of the current landholding. Should Council allow the non-compliant current subdivision application (250298 -Lakeside Christian Centre) to proceed it is only to be expected that the owner of the vineyard will be knocking on your door with a new application for subdivision, with perhaps all proposed houses having on-site septic tanks.

I urge Council not to dig themselves a hole to fall into, and decline the current application (250298 - Lakeside Christian Centre).

With respect
Yours sincerely

Dr Len Wakefield

BSc MBChB FRCPA

Submission on Notified Resource Consent 04

PL251221795

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Submission on Notified Resource Consent

Reference	PL251221795	**Submitted**	10 Dec 2025 01:54

Notified Submission

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

Section 95A (public) Resource Management Act 1991

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

This is a submission on the following resource consent application:

Resource Consent Number	RC250298
Valuation Number	2842117303
Applicant	Lakeside Christian Centre
Location of Site	60 Lowburn Valley Road, Lowburn
Brief Description of Application	Subdivision consent for a three lot subdivision and land use consent to establish two residential building platforms in the rural resource area
Submissions Close	4:00pm 11 December 2025

Writing a submission

The following will be required during this process:

- **Your full name and address, telephone number and email address**
- **Whether you support or oppose the application for resource consent**
- **The reason for your submission**
- **The decision you wish the Council to make, including any conditions sought**
- **Whether you wish to be heard.**

Important information so you don't lose your data

If you wish to take some time completing this form, we strongly recommend that you create a login and log in to your account prior to starting to complete the form. This gives you the ability to save a draft and return to it later.

If you are a club or organisation, please use an email that is associated with the club rather than your work or personal email.

Logging in before starting to enter information into the form also means you won't lose your information if the form times out, or if you accidentally navigate away from the screen you're working on.

You cannot save your information and return to it later unless you log in before you start the form.

Regardless whether you are logged in, once you have completed and submitted the form, you will receive a copy of your submission to the email address you specify in the form.

Either go to our Online Services page to create an account (or log in if you already have an account) or continue below to start without logging in.

Privacy

The information you provide is official information and is used to help process your application. The information is held and used in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. Under the Privacy Act 2020 you have the right to see and correct any personal information that Council may hold about you.

Declaration

By continuing with this application you certify that: The information you provide is true and correct to the best of your knowledge. Yes

Notified Submission

Notes to submitter

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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.

In lodging this submission, your submission, including contact details, become public information and will be available for anyone to view.

DETAILS OF SUBMITTER

Full name	Struan & Lee Boot
Contact person (if applicable)	Struan or Lee
Electronic address for service of submitter:	struan1111@gmail.com
Phone number - day time	0211084565
Postal address (or alternative method of service under section 352 of the Act):	1 Turner Terrace, RD 2 Lowburn

Your Application

Please select one regarding the application	I oppose
Do you wish to be heard in support of this submission?	No - I do not want to be heard
Are you a trade competitor for the purposes of section 308B of the Resource Management Act 1991?	I am not
I would consider presenting a joint case if others make a similar submission	Yes

Details of submission

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

The specific parts of the application that my submission relates to are:	1- Non compliant with section sizes 2- Waste Water disposal 3- Access 4- Permitted useage 5- Building type concerns
The submission - include: • **whether you support or oppose the specific parts of the application or wish to have them amended; and** • **the reasons for your views.**	We strongly oppose this submission. 1- Non compliant with section sizes - all sections in this area are of a certain size (3000m2) which in this application are not. - Dangerous precedent. 2- Waste Water disposal - current waste water pump station is very inadequite, emmiting strong smells and frequent maintainence, the alternative of septic tanks is in an area very low and far too close to the public stream and lake. Heavy rainfalls make this water table high with the risk of flooding any septic system! 3- Access - road access from Lowburn Valley main road is a major concern for safe traffic in the area. 4- Permitted useage - No assurance has been provided stipulating residential, short term rental, social housing or commercial useage. 5- Building type concerns - quality of housing in keeping with other houses in the area, covenents?, not relocateable houses. Finally council approval of this developement would set a dangerous predent for futher builds - CODC district plan - one firm rule for all please!
Please upload any documents / photos that are relevant	
I seek the following decision from the consent authority.	
Give precise details, including the general nature of any conditions sought	We strongly urge the CODC to decline this application.
Select below - 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 (second tab) as you may incur costs relating to this request."	I do not request
Any other comments?	
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.	Yes
Please sign (click on the words CAPTURE)	
Date signed:	10/12/2025

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

RECEIVED
10/12/2025
CODC

05

3

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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

(Form 13)

Section 95A Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consents@codc.govt.nz

RECEIVED
16 DEC 2025
CENTRAL OTAGO DISTRICT COUNCIL CROMWELL

DETAILS OF SUBMITTER

Full name: John & Steph Wennekes

Contact person (if applicable):

Electronic address for service of submitter: 5 Lowburn Tce Lowburn 9384 - 153-14

Telephone: 021 492443 or 027837 4499

Postal address (or alternative method of service under *section 352* of the Act):

John & Steph Wennekes

5 Lowburn Tce RD2 Lowburn

9384 Cromwell

This is a submission on the following resource consent application: RC No: **250298**

Applicant: **Lakeside Christian Centre** Valuation No: **2842117303**

Location of site: **60 Lowburn Valley Road, Lowburn**

Brief description of application: **Subdivision consent for a three lot subdivision and land use consent to establish two residential building platforms in the rural resource area**

Submissions close: **4.00pm on 11 December 2025**

4

CENTRAL OTAGO DISTRICT COUNCIL

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)

No caviets or constraints on these new sections

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.*

- Support - however wish to add a amendment - "Simular caviets & Constraints that rest of Lowburn Subdivision to subject to including no accomodation blocks"

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

as above

I/We **support / oppose / neither support or oppose** the application **(circle one)** subject to above statement

I/We **wish / do not wish** to be heard in support of this submission **(circle one)**

I/We **am / am not*** a trade competitor for the purposes of section 308B of the Resource Management Act 1991 **(circle one)**

***I/We am / am not (circle 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.

5

I/We **request* / do not request (circle 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.

10/12/2025

Signature of submitter **Date**
(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

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   - **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 Resource Consent

06

PL251222877

CENTRAL OTAGO DISTRICT COUNCIL
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz

Submission on Notified Resource Consent

Reference	PL251222877	**Submitted**	10 Dec 2025 09:35

Notified Submission

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

Section 95A (public) Resource Management Act 1991

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

This is a submission on the following resource consent application:

Resource Consent Number	RC250298
Valuation Number	2842117303
Applicant	Lakeside Christian Centre
Location of Site	60 Lowburn Valley Road, Lowburn
Brief Description of Application	Subdivision consent for a three lot subdivision and land use consent to establish two residential building platforms in the rural resource area
Submissions Close	4:00pm 11 December 2025

Writing a submission

The following will be required during this process:

- **Your full name and address, telephone number and email address**
- **Whether you support or oppose the application for resource consent**
- **The reason for your submission**
- **The decision you wish the Council to make, including any conditions sought**
- **Whether you wish to be heard.**

Important information so you don't lose your data

If you wish to take some time completing this form, we strongly recommend that you create a login and log in to your account prior to starting to complete the form. This gives you the ability to save a draft and return to it later.

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Privacy

The information you provide is official information and is used to help process your application. The information is held and used in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. Under the Privacy Act 2020 you have the right to see and correct any personal information that Council may hold about you.

Declaration

By continuing with this application you certify that: The information you provide is true and correct to the best of your knowledge. Yes

Notified Submission

Notes to submitter

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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.

In lodging this submission, your submission, including contact details, become public information and will be available for anyone to view.

DETAILS OF SUBMITTER

Full name	Sheldon Barnett
Contact person (if applicable)	
Electronic address for service of submitter:	sheldon@rescaped.co.nz
Phone number - day time	0273897870
Postal address (or alternative method of service under section 352 of the Act):	295 Pukekowhai Drive , Queensberry

Your Application

Please select one regarding the application	I oppose
Do you wish to be heard in support of this submission?	No - I do not want to be heard
Are you a trade competitor for the purposes of section 308B of the Resource Management Act 1991?	I am not
I would consider presenting a joint case if others make a similar submission	Yes

Details of submission

The specific parts of the application that my submission relates to are:	Rule 4.7.5.iii Minimum Lot Size Rule 4.7.3.vii.d Building platform proximity to 76 Lowburn Valley Road
The submission - include: • **whether you support or oppose the specific parts of the application or wish to have them amended; and** • **the reasons for your views.**	Oppose the section being chopped up into small lots - What will happen if you let this Rural Resource Area to be subdivided, it will open the flood gates for the rest of Lowburn Valley. Oppose the proposed building platform being within 50m of my home. What about my morning sun and mountain and inlet views? Would the be any covenants on the building height and materials? Are you going to allow them to build on a potential flood zone? What happened in Napier should be a warning?
Please upload any documents / photos that are relevant	
I seek the following decision from the consent authority.	
Give precise details, including the general nature of any conditions sought	I would seek the consent authority to decline this application and to have this land remain Rural Resource Area and comply with the district plan rules, until the time when the master plan reviews the zoning in Lowburn Valley.
Select below - 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 (second tab) as you may incur costs relating to this request."	I do not request
Any other comments?	
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.	Yes
Please sign (click on the words CAPTURE)	
Date signed:	10/12/2025

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07

E-MAILED
SCANNED

CENTRAL OTAGO DISTRICT COUNCIL

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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

(Form 13)

Section 95A Resource Management Act 1991

RECEIVED 11 DEC 2025 CENTRAL OTAGO DISTRICT CROMWELL

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consents@codc.govt.nz

DETAILS OF SUBMITTER

Full name: Philip Walter Cheney & Brigitta Anna Cheney

Contact person (if applicable):
Philip Cheney

Electronic address for service of submitter: cheneypb@gmail.com

Telephone: 021 340 594

Postal address (or alternative method of service under *section 352* of the Act):
16 Sugarloaf Drive
Lowburn RD2
Cromwell 9384

This is a submission on the following resource consent application: RC No: **250298**

Applicant: **Lakeside Christian Centre** Valuation No: **2842117303**

Location of site: **60 Lowburn Valley Road, Lowburn**

Brief description of application: **Subdivision consent for a three lot subdivision and land use consent to establish two residential building platforms in the rural resource area**

Submissions close: **4.00pm on 11 December 2025**

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)

All Of Submission.

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.*

In Support Of The Application, Provided Lot Sizes Remain As Per Application And High Density Development Excluded.

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

As Above.

I/We **support** /**oppose** / **neither support or oppose** the application **(circle one)**

I/We **wish** / **do not wish** to be heard in support of this submission **(circle one)**

I/We **am / am not*** a trade competitor for the purposes of section 308B of the Resource Management Act 1991 **(circle one)**

***I/We **am / am not (circle 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/We **request* / do not request (circle 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 of submitter
(or person authorised to sign on behalf of submitter)

10/12/2025
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

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   - **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.**