



13 September 2023

NZ Cherry Corp (Leyser) Ltd
Clark Fortune McDonald & Associates
C/- Nick Geddes
PO Box 553
Queenstown 9348

Via email: ngeddes@cfma.co.nz

Dear NZ Cherry Corp (Leyser) Ltd

RESOURCE CONSENT APPLICATION:

**RC 220396
112 & 144 RIPPONVALE ROAD,
CROMWELL**

Your application for resource consent was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by the Planning Manager, under delegated authority, on 13 September 2023.

The Council has granted consent to the application with conditions. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificate is attached to the rear of this letter.

The consent certificate outlines the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Central Otago District Council at the following address:

resource.consent@codc.govt.nz

1 Dunorling Street
Alexandra, 9320

You may request that the objection be considered by an independent commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

Alternatively, there may be appeal rights to the Environment Court. Please refer to section 120 of the Resource Management Act 1991. It is recommended that you consult a lawyer if you are considering this option.

Please feel free to contact me if you have any questions.

Yours faithfully



Adam Vincent

PLANNING OFFICER - CONSENTS

APPLICATION	RC 220396
APPLICANT	NZ CHERRY CORP (LEYSER) LTD
ADDRESS	112 & 144 RIPPONVALE ROAD, CROMWELL
LEGAL DESCRIPTION	PART SECTION 5, SECTIONS 4, 11, 25, 26, 27, 28, 54, 96, 98, 99 100, 101 102 & 103 BLOCK III CROMWELL SD, PART RUN 1201R, LOT 2 DP 330709 (HELD IN RECORDS OF TITLE OT106/99, OT7C/632, OT7C/633, 126180,).
PROPOSAL	SUBDIVISION CONSENT TO CREATE 151 RURAL LIFESTYLE ALLOTMENTS
ACTIVITY STATUS	DISCRETIONARY

BACKGROUND

The site was the subject of Plan Change 14, a proposal to change the zoning of the site from the Rural Resource Area to a new Rural Resource Area (5). Within this area, various sub zones, being the Rural Lifestyle Areas (RLA's) (1) to (6), Rural Lifestyle Production Areas (RPLA's), and an area to be retained in the Rural Resource Area, but be overlaid with a horticultural overlay. Changes were also proposed to the Outstanding Natural and Significant Amenity Landscape overlays that applied to the site. The underlying intention of the proposal was to provide for the comprehensive development of a semi-rural "lifestyle" subdivision with a range of allotment sizes around lots intended to provide for ongoing horticultural use of the most productive parts of the site. An amended version of the proposed plan change was approved by the Environment Court by Consent Order on 8 April 2022, and subsequently has become operative.

DESCRIPTION OF ACTIVITY

The proposal is described in detail in Section 1.3 of the assessment of effects provided in support of the application and is adopted for the purposes of this report. For completeness, the following points are of particular relevance to the application:

- 151 allotments within the RLAs (1) to (6)
- All allotments comply with relevant minimum lot sizes
- 151 building platforms, one on each of the above lots
- Building platforms on Lots 208, 402, 403, 404, 409, 413, 414, 415, 416, 417, 418, 419, 420 422 and 501 would breach minimum yards
- 6 allotments within the RPLA
- 4 allotments in the Rural Resource Area
- Access off Ripponvale Road to six subdivisional roads
- Provision for a new footpath and underpass along Ripponvale Road and below State Highway 6
- Water and wastewater from Council's existing reticulated networks in Cromwell using new connections installed along Ripponvale Road
- Up to 123,100m² of cut and 100,300m³ of fill across the site to establish roads, stormwater flow paths and land stabilisation
- Provision of landscaping generally in accordance with Schedule 19.23, using species identified in Schedule 19.25.

- The development is proposed to be undertaken in 21 stages. A proposed staging plan has been provided with the application

SITE DESCRIPTION

The subject site is well described in Section 1 of the application and the supporting documents and is considered to accurately identify the key features of the site. The applicant's site description is adopted for the purposes of this report.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Rural Resource Area and Rural Resource Area (5) of the Central Otago District Plan (the District Plan). The site has the following annotations:

- Outstanding Natural Landscape (West of the site)
- Significant Amenity Landscape (North of the site)
- Rural Resource Area (5) Rural Lifestyle Areas (1) to (6)
- Rural Resource Area (5) Rural Production Lifestyle Area
- Rural Resource Area (5) Amenity Edges
- Rural Resource Area (5) No Build Area
- Rural Resource Area (5) Open Space Notation

Subdivision in the Rural Resource Area (5) that is undertaken in accordance with Schedule 19.23, where minimum lot sizes for different RLA's are complied with, and where the information required by Rule 4.7.2(ii)(a)(vi) is provided as a controlled activity under Rule 4.7.2(ii)(a) of the Plan.

Building platforms in the Rural Resource Area (5) that have an area of no more than 1,000m² are a controlled activity under Rule 4.7.2(ii)(a)(vii) of the Plan, provided that any platform in the RLA (6) must be located within the identified building platform area shown in Schedule 19.23.

Minimum yards for the RLA areas are specified in Rule 4.7.6A(l). A breach of these yards is a restricted discretionary activity under Rule 4.7.3(x) of the Plan.

For completeness, no applications have been lodged for residential activity within the proposed building platforms. Any future residential activity on these platforms would require resource consent as a controlled activity under Rule 4.7.2(ib) of the Plan.

Earthworks in the Rural Resource Area that exceed 2,000m² or 3,000m³ on any one site breaches Rule 4.7.6J(a) and is a discretionary activity under Rule 4.7.4(i) of the Plan.

The creation of access tracks or roads in the Rural Resource Area where cuts are in excess of 3.0m in height, breaching Rule 4.7.6J(a) of the Plan is a discretionary activity under Rule 4.7.3(vi) of the Plan.

Under Rule 4.7.2(ii)(a)(vi), Council's control in relation to the proposed subdivision is limited to the following matters:

1. *The information, components and matters listed in Rule 4.7.2(ii)(a)(vi)*
2. *The provision of adequate network utility services (given the intended use of the allotment) and in particular the location, design and construction of these services, including water supply, wastewater disposal, power and telecommunications.*
3. *Subdivision design including the shape, size and arrangement of allotments and road alignment.*
4. *The extent of earthworks.*

5. *Methods to mitigate potential surface flooding issues including consideration of the establishment of a minimum floor height for future residential dwellings.*
6. *The provision of or contribution to the open space and recreational needs of the community.*
7. *Lighting for public or communal spaces where proposed.*
8. *The site-specific ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site*
9. *Any financial contributions necessary for the purposes set out in Section 15 of this Plan.*
10. *Any amalgamations or easements that are appropriate.*
11. *Any other matters provided for in Section 220 of the Act.*

Under Rule 4.7.2(ii), Council's control in relation to building platforms is limited to the following matters:

1. *Shape and orientation of the building platform;*
2. *Location within the allotment having regard to the degree of visibility of built form from public places outside of the zone;*
3. *The location of building platforms in relation to hazard risk, and any mitigation that may be required; and*
4. *The relevant built form standards contained in 4.7.6.*

Under Rule 4.7.3(vi) of the Plan, Council's discretion in relation to earthworks breaching Rule 4.7.6J(a) is limited to the following matters:

1. *The effect on water quality and quantity.*
2. *The intrinsic values of riparian and aquatic ecosystems.*
3. *The habitat of native fish species, trout and salmon.*
4. *Indigenous vegetation and habitats of indigenous wildlife and statutorily managed sports fish and game.*
5. *The effects on bank and slope stability.*
6. *The location and timing of construction, design and density of earthworks.*
7. *The re-establishment of an appropriate vegetation cover.*
8. *The disposal and stabilisation of waste material and fill.*
9. *The impact on landscape values.*
10. *The effect on heritage sites, including archaeological sites.*
11. *The effect on sites of cultural value to Kai Tahu ki Otago.*

Under Rule 4.7.3(x), Council's discretion in relation to yard breaches within the RLAs (2), (4) and (5) is restricted to the following matters:

1. *The effect on the amenity values of neighbouring properties;*
2. *The effect on landscape values;*
3. *Any mitigation proposed to avoid, remedy or mitigate the effects on matters 1 and 2; and*
4. *Reverse sensitivity effects arising from the non-compliance with Rule 4.7.6A(l).*

National Policy Statements

The National Policy Statement for Highly Productive Land (NPSHPL) came into effect on September 2022. The NPSHPL requires Council avoid inappropriate subdivision of general rural zoned land that has identified high value soils unless it can be demonstrated that either the reproductive capacity of the land will be retained, or that there are long term limitations on the site that preclude the viable productive use of the site. Where area specific assessment and identification of high value soils have not been undertaken, the NPSHPL directs Council to consider Land Use Classification (LUC) 1, 2 and 3 soils as being highly productive. In this case, the areas of the site identified as RLA (1) to (6) and RPLA are considered rural lifestyle zones and are not considered to be within the scope of the NPSHPL as the RLA (1) to (6) are not general rural or rural production areas. Proposed Lot 1001 contains LUC 3 land and is within the general Rural Resource Area. This area is subject to consideration under the NPSHPL.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NЕСS) 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 site has historically been used for horticultural purposes. A known history of bulk pesticide application and other activities associated with horticulture, including landfill, makes the application subject to the NESCS. The applicant has provided the Preliminary Site Investigation provided in the context of Plan Change 14. This PSI indicates that there is a moderate risk to human health from these soil contaminants. A further Detailed Site Investigation (DSI), undertaken by Lisa Bond of WSP, has been provided that addresses the risk for Lots in the six RLA areas, but not the RPLA. It also notes that earthworks beyond the permitted levels in the NESCS are likely. The proposal is a restricted discretionary activity under Regulation 10 of the NESCS for earthworks, subdivision and change of land use that exceeds permitted activity standards.

Under Regulation 10(3) of the NESCS, Council's discretion is limited to the below matters:

- a) *the adequacy of the detailed site investigation, including—*
 - i. *site sampling:*
 - ii. *laboratory analysis:*
 - iii. *risk assessment:*
- b) *the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:*
- c) *the approach to the remediation or ongoing management of the piece of land, including—*
 - i. *the remediation or management methods to address the risk posed by the contaminants to human health:*
 - ii. *the timing of the remediation:*
 - iii. *the standard of the remediation on completion:*
 - iv. *the mitigation methods to address the risk posed by the contaminants to human health:*
 - v. *the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:*
- d) *the adequacy of the site management plan or the site validation report or both, as applicable:*
- e) *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- f) *the requirement for and conditions of a financial bond:*
- g) *the timing and nature of the review of the conditions in the resource consent:*
- h) *the duration of the resource consent.*

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

Overall Status

Under the particular circumstances of this case, I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a discretionary activity pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

WRITTEN APPROVALS

Affected Persons

No written approvals been obtained in support of the application. In accordance with sections 95D(e) and 104(3)(a)(ii) of the Resource Management Act 1991, no effects on any party will be disregarded.

Effects on the Environment

Permitted Baseline

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

There are no permitted residential activities in the Rural Resource Area or Rural Resource Area (5). There is no permitted baseline to be applied.

Receiving Environment

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

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

For the subject site, the existing and reasonably foreseeable receiving environment comprises rural “lifestyle” allotments with a range of areas, with their layout facilitated by Plan Change 14, interspersed with horticultural activities.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of horticultural activities, particularly cherries, and rural residential activities. Other activities in the area include a Council owned racecourse and general aviation airport.

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

Assessment Matters/Rules

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

Subdivision

1. The information, components and matters listed in Rule 4.7.2(ii)(a)(vi)

The information required by Rule 4.7.2(ii)(a)(vi) has been provided as Attachment D2 to the application. It includes outlines of proposed staging of the development, landscaping, preclusion of development on areas of open space and no build areas, public pedestrian and cycle access to the ONL, and volunteers various conditions related to the timing of particular

works. The proposed subdivision plan is generally in accordance with Schedules 19.23 and 19.24. Proposed landscaping uses species specified in Schedule 19.25. I consider all the information required by Rule 4.7.2(ii)(a)(vi) to have been provided to an adequate standard.

2. The provision of adequate network utility services (given the intended use of the allotment) and in particular the location, design and construction of these services, including water supply, wastewater disposal, power and telecommunications.

Domestic water is proposed to be piped along Ripponvale Road from Council's existing water reticulation in Waenga Drive using a new 150mm diameter main. A rising main within the development would be used to pump water to a reservoir on a high point in the development to provide domestic pressure to lots higher up. The applicant has requested that flexibility be provided to allow for connections in alternative locations, for example from an existing main in State Highway 6 servicing the Ripponburn Retirement Village. Council's Senior Water Services Planner has advised that the main servicing Ripponburn is in poor condition, and they recommend that any alternative location be approved by Council's Water Services Manager. I consider this to be appropriate. The capacity of the existing Cromwell water network was modelled in the context of Plan Change 14. Council's land development engineer has reviewed the proposed water network and considers that updated modelling should be undertaken by the developer to confirm previous modelling remains valid and to determine the size of the main that will be required along Ripponvale Road. However, a 150mm diameter main will be adequate within the subdivision. I consider the proposal able to be adequately serviced for domestic water.

While it is practicable to provide the subdivision with domestic water, what level of service to provide to the new lots has been subject to debate between the applicant and Council staff. The applicant has proposed that the lots in the RLA 1 and 2 (Those lots below 3,000m²) have an on-demand domestic water supply with fire hydrants in the network, with larger lots being serviced with a restricted supply, metered to 1,000 litres of water per day. This has been proposed on the basis of water supply modelling undertaken during the consideration of Plan Change 14 assuming this level of service, and to prevent a need for each smaller lot to need to provide its own on-site water storage. Council's Three Waters Director had initially requested that all lots be provided with a restricted supply. The basis for this is that the new lots are all outside Council's water supply areas and are sufficiently large that the use of an on-demand potable water supply for non-potable purposes, such as irrigation, may result on an unacceptably high demand for water in the context of changing water regulations meaning more of a focus is being placed on the end use of potable water, in particular, under the National Policy Statement for Freshwater Management 2020. They also noted that providing and maintaining an on-demand supply for this number of lots in a rural area would be relatively costly to maintain per ratepayer and may set a precedent for other rural or peri-urban areas to argue for an on-demand supply. They confirmed that it would be adequate for each lot to have a restricted supply, but provide firefighting capacity within the water mains. This would avoid the need for 30,000 litre firefighting storage tanks on each lot, or some other method of firefighting water storage, but still restrict supply to individual allotments. Landowners would still be advised to have tanks on their properties to help provide water pressure and storage in the event of a supply disruption, but the exact size and location of this tank would be up to the landowner. Alternatively, an on-demand supply could be supported by Council's Three Waters team provided a private non-potable water source was made available to each lot for irrigation purposes.

I note that Council's decisions regarding the provision of infrastructure for Plan Change 14 (which were not one of the matters discussed before the Environment Court on appeal) determined that an on-demand supply to the RLA 1 and 2 areas would be practicable, it deferred consideration of what the appropriate level of service for water supply could be deferred until the subdivision stage. Therefore, while Plan Change 14 concluded that an on-demand supply for some lots would be practicable, it did not conclude that it would be appropriate. The applicant's position that an on-demand supply seems to be predicated on this modelling and a desire to provide a particular character and style to the development, with a

mixture of rural and semi-urban characteristics in its layout, allotment size and infrastructure provision. Ultimately, both the applicant and Council's Three Waters Team have confirmed support of an on-demand supply if a separate non-potable supply is also provided for uses such as irrigation. A separate non-potable supply would help to reduce demand for potable water on the new allotments and avoid the use of large volumes of potable water for irrigation, in particular. Council's councillors have agreed in principle that Council can investigate the wider use of volumetric metering charges to help manage demand with less reliance placed on restrictors. Council's Three Waters Director also requested that the applicant liaise with Council three waters staff in the design of the potable water network in order to ensure that the system would be adequate and to allow them to identify any upsizing requested to provide for future capacity beyond this subdivision. I consider this to be appropriate and recommend that the development be serviced with an on-demand potable water supply supplemented by a separate non-potable water network to each lot.

Wastewater is proposed to be piped down Ripponvale Road and connected into Council's existing wastewater infrastructure in Waenga Drive. I note that the applicant has indicated that this connection would likely be made through Section 3 SO 24009 (Currently owned by Peter and Rita Sew Hoy). However, they have requested that Council allow for different layouts, for example if the consent of the Sew Hoys for an easement to carry wastewater is not able to be obtained or if another alignment proves to be more workable from an engineering perspective. The most likely alternative would be either upgrading existing pumping mains through Ripponvale Road and the Sew Hoy land or running the main through the State Highway 6 road reserve to connect with an existing main servicing the Ripponburn Rest Home. Council's land development engineers have indicated that, in principle, this would be practical in terms of Council's engineering standards. They recommend that Council provide for either option. Within the development, Council's engineers consider that a gravity network will be practicable to service the new lots. Some parts of the network may require pumping mains if a gravity network is not feasible. Conditions have been recommended related to the design of the network. This includes a condition that would provide for upsizing of the wastewater mains if requested by Council's three waters manager and provision for Council to fund the difference of any upsized infrastructure. I concur with these proposed conditions.

Stormwater from individual allotments will need to be managed within the boundaries of each lot. Stormwater from roads is proposed to be managed using swales and soakpits on either side of the road. A stormwater drainage channel is also proposed to direct stormwater from land above the site through the development.

All residential lots are proposed to have underground electricity and telecommunications connections, extended from existing infrastructure in Ripponvale Road. I consider this to be appropriate.

3. Subdivision design including the shape, size and arrangement of allotments and road alignment.

The proposed road layout is generally in accordance with the roading layout shown in Schedule 19.24. Additional roads have been proposed to provide access to all lots. The shape, size and arrangements of proposed lots are consistent with the RLAs in Schedule 19.23, with adequate provision for open space and amenity in line with expectations for the development under Plan Change 14.

The proposed road formations are a mixture of urban and rural standards based on both Council's 2008 addendum to NZS4404:2004, and NZS4404:2010. The proposed formation is supported by has been reviewed by Council's land development engineers, with the proposed formation of the intersection of Ripponvale Road and Road 001 and the proposed carriageway width also being peer reviewed by transport engineers at Abley Ltd. Council's engineers and Abley have confirmed that they consider the proposed roading layout and designs to be appropriate. I concur with this position.

Overall, I consider the proposed subdivision design to be appropriate.

4. The extent of earthworks.

Over 200,000m² of earthworks are proposed as part of this application in order to provide access and prepare land for development. Large scale earthworks can result in land instability, changes to stormwater runoff patterns and load stormwater with sediment, and cause dust emissions during hot, windy periods.

The applicant has provided a draft environmental management plan (EMP) that sets out methods to manage these effects. For example, it includes measures such as diverting clean stormwater from exposed areas of the site, sediment retention areas to treat sediment laden runoff and silt fences as methods to manage stormwater around earthworks. Taking steps to minimise the time larger areas of soil are exposed, active suppression using water, limiting speed limits for working vehicles and rumble grids at site entrances are all proposed as methods to minimise the emission of dust from the site. The EMP provides a range of options for managing discharges of sediment from the site, both in stormwater and airborne. Progressive restoration of excavated or filled areas after completion will also assist in improving ground stability and reducing the discharge of sediment. I consider that compliance with the EMP will be sufficient to reduce and mitigate the effects of the proposed earthworks on dust and stormwater discharge to be minor, at most.

Five large cuts are proposed along the internal roads, with the deepest being approximately 6.4m. Several large areas of fill, with the tallest being around 5.3m, are also proposed. I note that the most significant areas of cut and fill are on Roads 1 and 2, which are consistent with the structure plan for the development. These earthworks are not located in close proximity to known historic, archaeological site, or site with cultural value to Kai Tahu. These areas will need to be engineered to ensure the stability of new slopes. In terms of visual effects, I consider that the earthworks will be sufficiently screened from public view outside the development by intervening buildings and vegetation, including the amenity planting strips, and through remediation planting of the new slopes, that the visual effects of these larger cuts and fills will be minor, at most.

5. Methods to mitigate potential surface flooding issues including consideration of the establishment of a minimum floor height for future residential dwellings.

The site is not identified in the Central Otago District Plan as being at an elevated risk of flooding, with several active or partially active alluvial fans present on the site. However, the Plan Change 14 process determined that there may be a risk of flood in some areas. This flood risk has been assessed by GeoSolve. Possible sources of flood include overland flows of stormwater into valleys and low lying areas, and overtopping of the various water races that run through the site.

GeoSolve recommends a range of measures to address potential flooding. These include forming a various flood channel corridors in different parts of the site discharging into a retention basin in the south-eastern edge of the development, clearing and maintenance of culverts, location of building platforms above water courses where possible and forming water races so that they would fail at known locations away from buildings and infrastructure if they became full. The report also recommends relocating part of an existing water race underground within Road 004 in order to locate it downhill and away from Lots 89 to 95 and that three irrigation dams on the site be decommissioned prior to the completion of Stages 1 to 4 to prevent any risk to those properties if they were to fail or overtop and recommends minimum floor levels for Lots 5, 6, 17, 32, 75-77, 96, 97, 301 and 701 be confirmed at the time a building is proposed for these lots. For dwellings on other lots, GeoSolve considers CODC's "standard" minimum floor heights of 300mm above ground level to be adequate.

The measures recommended by GeoSolve would serve to redirect stormwater from areas intended to be built and allow for its management and retention in known locations where the

risk to health and property is low. Provided the recommendations from GeoSolve are complied with, I consider the proposed methods of flood management to be appropriate.

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

Two new reserve allotments are proposed, Lots 3000 and 3001. These lots are generally consistent with the areas of open space highlighted in Schedule 19.23 and provide for a small park area shown as a “village green” on the subdivision plan, and provides pedestrian linkages between Roads 001 and 002, and from Road 001 to Right of Way H near Lots 308 and 406. Linkages are also proposed to the ONL land to the west of the development. I understand that this area is intended to host a mountain bike park. At the time of writing, no resource consent for this facility has been applied for. However, I understand that an application is intended to be lodged. Council’s Parks and Recreation Manager has confirmed that the proposed reserves to be vested in Council will be adequate to serve the subdivision, subject to approval of a specific landscaping design. I consider the proposal to have adequate provision for the open space and recreational needs of the proposed development.

7. Lighting for public or communal spaces where proposed.

The applicant has argued that the design and provision of lighting should be deferred until after consent is granted and detailed design work for public and communal spaces can be undertaken. I understand that lighting is intended to be provided in accordance with Clause 3.3.15 of Council’s 2008 addendum to NZS 4404:2004. I consider it appropriate that provisions for street and reserve lighting can be deferred until applications for engineering approval in relation to the subdivisional roads, and at the time a landscaping plan is provided in relation to the reserves.

8. The site-specific ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site

The ground conditions of the site have been considered by GeoSolve. This assessment will be considered in more detail in the building platform section of this assessment.

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

Council’s land development engineers have calculated the following financial and development contributions:

Water:	\$509,128.21 + GST
Wastewater:	\$412,165.07 + GST
Reserves:	\$156,251.78 + GST
Roading:	\$225,696.68 + GST
<u>Total:</u>	<u>\$1,303,241.78 + GST</u>

The above contributions would be payable prior to the issue of Section 224(c) certification for the subdivision. Given the proposed subdivision is being staged, only the portion of the contributions that would be payable for the number of lots in the relevant stage will be payable at that time.

10. Any amalgamations or easements that are appropriate.

Easements will be required to provide rights of way and provide for service connections to rear lots, and for the management of stormwater where the proposed stormwater channel passes over private land. These should be shown on the survey plan.

The following amalgamation conditions are proposed:

That Lots 501 and 502 hereon be held in the same record of title (See CSN Request 1837327)

That Lots 503 and 504 hereon be held in the same record of title (See CSN Request 1837327)

That Lots 1002, 1003 and 1004 hereon be held in the same record of title (See CSN Request 1837327)

Land Information New Zealand have confirmed that the above conditions will be practicable.

11. Any other matters provided for in Section 220 of the Act.

No other matters in Section 220 of the Act are considered relevant to the application.

Land Use Building Platforms

1. Shape and orientation of the building platform;

The proposed building platforms all have sufficient area and dimensions to accommodate a reasonable dwelling. They are located relative to each other to minimise effects such as overshadowing for neighbouring properties. I consider the shape and orientation of the platforms to be appropriate.

2. Location within the allotment having regard to the degree of visibility of built form from public places outside of the zone;

Given the majority of the proposed allotments are relatively small (In a rural context) the visibility of the proposed building platforms is largely determined by the location of allotments within the different RLAs. Residential development was anticipated for all RLAs under Plan Change 14. These lots will have varying levels of visibility. For example, lots in the RLA (1) are, for the most part, on flat land, meaning their building platforms would be effectively screened by the amenity planting areas shown on the structure plan. Lots in the RLA (2) and (4) would be more prominent as they are located higher up relative to public viewpoints. However, I consider this degree of visibility to be within that anticipated as part of Plan Change 14 and I do not consider any of the building platforms to be inappropriately located in relation to their level of visibility from public view.

3. The location of building platforms in relation to hazard risk, and any mitigation that may be required; and

Most of the proposed building platforms are located outside known hazard areas. The platforms on several lots in the western and north eastern parts of the site are located in areas with an elevated risk of landslides, identified by GeoSolve Ltd in their geotechnical assessment of the proposal. Some other areas will also likely require specifically engineered foundations to take into account sites on specific soil types, such as alluvial sediments, colluvium and loess soils. Outside these areas, GeoSolve generally considers that ground conditions should be appropriate for building with minimal remediation works required.

In terms of the risk of landslides, GeoSolve identifies several areas where development is not currently feasible, and others where development is feasible subject to additional work to mitigate the risk. No building platforms are identified in the unfeasible areas, avoiding the risk these areas pose. Building platforms on Lots 75-91, 98, 99, 301, 401 and 402 are within the area identified as requiring additional mitigation. These lots are within Stages 11 and 15-18. Geosolve notes that additional site specific investigation and longer term monitoring of ground movements would be required for these lots, and they consider that this can be undertaken alongside the staging of the subdivision. Based on the information provided, I concur that additional information is currently required to guide mitigation measures. This work will need to be undertaken prior to the issuing of Section 224(c) certification for the affected lots. However, I consider that this will be sufficient to address the risk posed by identified landslides.

Landslide areas around the building platforms on Lots 416-420 are also proposed to be monitored and subsurface drainage or measures installed as needed to address. I consider this to be appropriate.

The risk of flooding generally within the subdivision has been discussed previously in this report. I have concluded that proposed mitigation measures as part of the subdivision will be

sufficient to manage the risk of inundation around the proposed building platforms to acceptable levels.

GeoSolve concludes that the development is not likely to be at an elevated risk of damage due to earthquakes and liquefaction. I adopt this conclusion.

GeoSolve notes the presence of several large rocks uphill of some lots that may create a rockfall hazard. Their report considers that most of the rocks are typically slab shaped, partially buried schist formations, which are not typically conducive to be mobilised and travel extended distances downhill. It concludes that the risk of rockfall would be low, but considers that the formations should be inspected as part of subdivisional works and specific remediation carried out if needed, such as the removal of loose rocks or shifting any boulders that may come loose and travel downhill towards building platforms. I consider this to be appropriate.

4. The relevant built form standards contained in 4.7.6.

Breaches of the minimum yards will be assessed separately below. The building platforms have been oriented to avoid buildings being located on the skyline from Ripponvale Road and other public land further afield. I note that skyline breaches will be likely from the internal subdivisional roads. However, these would be viewed in the context of the development, meeting their effects will be internalised. The effects of any specific breach of the skyline can be considered at the time resource consent is lodged for a specific dwelling. Earthworks required to flatten the building platforms have already been discussed in terms of the wider subdivision. The proposal raises no additional issues in terms of Rule 4.7.6.

Land Use Yard Breaches

1. The effect on the amenity values of neighbouring properties;

No properties neighbouring the proposed yard breaches have been created to date. Any future person buying into the development reasonably ought to be aware of the location of building platforms on the property they are considering to purchase, and I consider the presence of building platforms to provide reasonable notice to prospective purchasers about the locations of buildings on neighbouring properties. This would allow them to make their own decisions about whether to purchase a particular lot neighbouring one of the yard breaches. In this context, I consider the proposal to result in less than minor effects on the amenity values of neighbouring properties.

2. The effect on landscape values;

Overall levels of proposed development density are consistent with that anticipated by Plan Change 14. This means that the main effects on landscape values will be through buildings being closer together than provide for in the District Plan. The proposed yard breaches are primarily in the RLA (4), which includes larger, more spread out lots, further back from Ripponvale Road. Platforms typically retain reasonable levels of separation between each other. In this context, I consider the proposed yard breaches to result in no more than minor effects on landscape values, and I consider the proposal to maintain the anticipated landscape character of the area.

3. Any mitigation proposed to avoid, remedy or mitigate the effects on matters 1 and 2;

No explicit mitigation measures have been proposed by the applicant. I note that individual landowners may wish to implement landscaping between their lots and others, serving to soften the visual and residential amenity impacts of buildings within the minimum yards. Given my conclusions under matters 1 and 2 above, I do not consider any specific mitigation to be required in relation to the proposed yard breaches.

4. Reverse sensitivity effects arising from the non-compliance with Rule 4.7.6A(l).

The proposed yard breaches are all adjoining other lots in the RLAs (2), (4) and (5). No yard breaches in relation to land intended to be used primarily for horticulture are proposed. I consider the proposed yard breaches unlikely to result in any notable increase in the risk of reverse sensitivity effects.

NESCS

- a) *the adequacy of the detailed site investigation, including—*
- i. *site sampling:*
 - ii. *laboratory analysis:*
 - iii. *risk assessment:*

The DSI has been undertaken by a suitably qualified and experienced person (Lisa Bond). Soil samples were taken from identified high risk locations, with samples taken from across each area and tested by a suitable laboratory for the most likely contaminants based on the assessment of the likely sources. Risk assessment was undertaken based on relevant standards and the author's understanding of likely sources of contamination, drawing on a previous Preliminary Site Investigation prepared in the context of Plan Change 14. The risk assessment and recommendations are in line with the levels of contamination recorded. I have no issues with the adequacy of the DSI.

- b) *the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:*

The application proposes to change the use of the site from its current farming and horticultural use to, effectively, a large lot residential use. For the orchard areas tested, no exceedances of human health levels of contaminants were identified. However, elevated levels of copper and arsenic were identified over most of the orchard areas. Around the farmyard, multiple exceedances of human health standards for residential use were identified in different areas, primarily arsenic and metals. In these areas, soil remediation is recommended. Provided the required remediation is undertaken, I consider the land to be suitable for development.

The DSI has not considered the risk to human health related to the residential use of Lots 701 to 706. Lots 701 to 706 have all had historic horticultural activity undertaken on them. Therefore, they are subject to the NESCS. As part of this consent, the applicant has volunteered conditions limiting the residential use of these lots until they are partially established in horticultural plantings. The DSI notes that additional, site specific, consideration of likely soil contamination will be required for any of these lots if they are to include a residential activity in the future. These lots are relatively large, with no current indication of where any residential activity would be located. I consider it reasonable to defer the undertaking of soil investigations for these lots to the time the location of a dwelling or other change of use is known, in order to allow for investigations to be more focused.

- c) *the approach to the remediation or ongoing management of the piece of land, including—*
- i. *the remediation or management methods to address the risk posed by the contaminants to human health:*
 - ii. *the timing of the remediation:*
 - iii. *the standard of the remediation on completion:*
 - iv. *the mitigation methods to address the risk posed by the contaminants to human health:*
 - v. *the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:*

The DSI proposes that a Remediation Action Plan (RAP) be prepared subsequent to the granting of resource consent. This would allow for better understanding of the exact extent and timing of works. I consider that the development of the RAP can be deferred. However, I consider that a copy should be provided to Council prior to works commencing to allow for the review of the document and to recommend changes be made if needed to address defects in the RAP.

- d) *the adequacy of the site management plan or the site validation report or both, as applicable:*

No site management or remediation plans have been provided with the DSI itself. Ms Bond recommends that plans be developed after the issue of resource consent. Guidelines for the

management of contaminated sites are provided in the EMP provided with the application. The EMP notes that a remedial action plan will be required. It provides an accidental discovery protocol and guidelines around handling and transporting soils known to be contaminated. The DSI recommends additional information to be included in the Site Management Plan, including methods to protect the health of workers and methods to remediate areas of disturbed soil. Provided the Site Management Plan and Remediation Action Plan are prepared by a suitably qualified and experienced person and contain the information recommended by the DSI, I consider it adequate to defer the drafting of these plans to a time when the exact programme of works for the development is better understood.

e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:

The applicants anticipate no soil being removed from the site as part of the activity, with areas cut being re-used elsewhere as fill after remediation. Where soils are to be removed off-site the DSI recommends further testing to determine an appropriate disposal method. I consider this to be appropriate.

f) the requirement for and conditions of a financial bond:

Given the nature of the proposed works, I do not consider any bond provisions to be necessary.

g) the timing and nature of the review of the conditions in the resource consent:

I consider it appropriate to include a review condition in this consent allowing for a review of the ongoing adequacy of the conditions of consent every six months from the date of issue of the consent.

h) the duration of the resource consent.

The proposed earthworks are associated with the subdivision component of the application. This has a five year lapse date, with up to eight years to complete all subdivisional works. This sets a defined timeframe during which works can be undertaken. I do not consider any additional restrictions on the duration of this consent to be necessary.

NOTIFICATION ASSESSMENT

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 section 3.2 below).
- C: The activity is a restricted discretionary activity, and those matters outside of Council's discretion have been disregarded (s95D(c)). Specifically, Council's discretion is restricted to those set out in Rules 4.7.3(iii)(1-3) and 4.7.3(viii)(1-6).
- D: Trade competition and the effects of trade competition (s95D(d)).
- E: All effects on the parties which have provided written approval to the application are disregarded. In this instance, the written approvals of those parties who have provided approval as identified earlier in this assessment

Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.

- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- There are no rules or national environmental standards precluding public notification.
- The application does not involve solely a controlled activity, nor a boundary activity. As a result, public notification is not precluded under Step 2.

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

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are more than minor as discussed in the assessment above.

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. The proposed subdivision is consistent with the structure plan publicly consulted on and assessed in the context of Plan Change 14. There is nothing exceptional or unusual about the application that makes public notification desirable.

Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- There are no rules or national environmental standards precluding limited notification.
- The application does not only involve a controlled activity that is not a subdivision.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does not involve a boundary activity.
- The proposal falls into the 'any other activity' category. The effects of the proposal on persons are assessed below.

ASSESSMENT - EFFECTS ON PERSONS

In accordance with section 95E of the Act, a consent authority must not have regard to any effect on a person who has given written approval to the application. In this particular instance, affected persons approvals have been received from the persons identified earlier in this report.

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.

Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

OVERALL NOTIFICATION RECOMMENDATION

In accordance with the assessment outlined above notification is not required.

SUBSTANTIVE DECISION ASSESSMENT

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor and can be appropriately managed through compliance with appropriately worded conditions of consent.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

The following objectives and policies are relevant to the proposal:

Objectives:

- 4.3.1 – Needs of the District's People and Communities
- 4.3.2 – Outstanding Natural Landscapes
- 4.3.3 – Landscape and Amenity Values
- 4.3.4 – Recreation Resources
- 4.3.5 – Water Resources
- 4.3.6 – Margins of Water Bodies
- 4.3.7 – Soil Resource
- 4.3.10 – Rural Resource Area (5)
- 16.3.1 – Adverse Effects on the Roding 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
- 16.3.8 – Public Access
- 16.3.9 – Physical Works Involved in Subdivision

Policies:

- 4.4.1- Outstanding Natural Landscapes
- 4.4.2 – Landscape and Amenity Values
- 4.4.3 – Sustainable Management of Infrastructure
- 4.4.4 – Riparian Margins
- 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
- 4.4.9 – Effects of Rural Activities
- 4.4.10 – Rural Subdivision and Development

- 4.4.13 – Public Access to Significant Features
- 4.4.18 – Integrated Rural Lifestyle Subdivision and Development within the Rural Resource Area (5)
- 16.4.1 – Adequate Access
- 16.4.3 – Adequate Infrastructure
- 16.4.6 – Construction Standards
- 16.4.7 – Subdivision Design
- 16.4.8 – Sites Subject to Hazards

For the reasons provided throughout this report, I consider that the proposal is consistent with the intended outcomes of Plan Change 14. The proposed subdivision is appropriately designed and can be adequately accessed and serviced. Effects on water and soil quality can be adequately addressed through compliance with conditions of consent. Adequate open space is proposed. Natural hazards that affect the site will be adequately remedied as part of subdivisional works. Development avoids the areas identified as an Outstanding Natural Landscape. I consider the proposal to be consistent with the above objectives and policies.

Partially Operative and Proposed Regional Policy Statements

The Partially Operative Otago Regional Policy Statement 2019 (PORPS2019) was declared partially operative on 15 March 2021. The Proposed Otago Regional Policy Statement 2021 (Proposed RPS 21) was notified on 26 June 2021. After taking into consideration the Partially Operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

National Policy Statement for Highly Productive Land 2022

Under the NPS-HPL, Council must avoid subdivision of identified highly productive land unless it can be demonstrated that the subdivision will retain the overall long term productive capacity of the land (Clause 3.8(1)). In this case, I note that parts of the site are not subject to the NPSHPL, while others are. All land subject to the NPSHPL would be contained within one Lot (Lot 1001). It would not be split over multiple titles. The land is currently located entirely in one Record of Title, but this includes land within the Rural Resource Area (5), which is excluded from the NPSHPL. In this context, I consider that the proposal will retain the existing productive capacity of the site, noting that the actual capacity of the existing land has been altered through Plan Change 14 shifting parts of the LUC 3 land within the wider site away from being general rural or rural production land, will not be notably reduced as a result of the subdivision. I consider the subdivision to be appropriate in terms of the NPSHPL.

Other Matters

Under Section 6(b) of the RMA, the protection of outstanding natural landscapes from inappropriate subdivision and development is considered a matter of national importance. In this case, the proposed subdivision is consistent with the level, type and location of development anticipated under Plan Change 14. Built development within the ONL area is avoided through the use of building platforms and no-build areas. I consider the proposal to not be an inappropriate use of the ONL in terms of Section 6(b) of the RMA.

The applicant has volunteered several conditions of consent on an Augier basis. I have reviewed the conditions and adopt them with one exception. The applicants propose a consent notice essentially advising future landowners of the need to comply with noise standards for residential buildings specified in the District Plan. The purpose of a consent notice is to require consent holders and future landowners act to comply with a specific requirement. It is not simply to advise them of a rule in a District Plan. Land use consent will be required for any dwelling on these lots, at which point Rule 4.7.6E can be addressed by the landowner. I do not consider this condition to be appropriate and I recommend Council not impose this condition.

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

Part 2

Based on the findings above, I consider that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of District's natural and physical resources.

RECOMMENDATION

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. 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.

Adam Vincent

PLANNING OFFICER - CONSENTS

Date: 23 June 2023

REVIEW

I have reviewed both the notification assessment and substantive decision assessment in this report.

Oli McIntosh

CONSULTANT PLANNER

Date: 26 June 2023

DECISION

I have read both the notification assessment and substantive decision assessment in this report. I agree with the recommendations above

Under delegated authority on behalf of the Central Otago District Council, I accordingly approve the granting of resource consent to the proposal as outlined in the attached notice:



Lee Webster
Planning and Regulatory Services Manager

Date: 12 September 2023

Consent Type: Subdivision and Land Use Consent

Consent Number: RC 220396

Purpose: Subdivision consent to create 151 rural lifestyle allotments with building platforms, 6 rural lifestyle production allotments and four rural balance allotments. Land use consent for building platforms and earthworks breaching permitted standards in the District Plan and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) 2011

Location of Activity: 112 & 144 Ripponvale Road, Cromwell

Legal Description: Part Section 5, Sections 4, 11, 25, 26, 27, 28, 54, 96, 98, 99 100, 101 102 & 103 Block III Cromwell SD, Part Run 1201R, Lot 2 DP 330709 (Records of Title OT106/99, OT7C/632, OT7C/633, 126180,).

Lapse Date: 13 September 2028 unless the consent has been given effect to before this date.

Subdivision Conditions:

1. The subdivision shall be undertaken in accordance with the plans of subdivision being:
 - Shannon Farm Development Lot Layout Overview Sheets 001 and 002 Revision E
 - Shannon Farm Development Lot Layout Details Sheets 003 to 013 Revision E
 - Shannon Farm Development Staging Sheets 016 and 017 Revision E
 - Shannon Farm Development Typical Road Sections Sheets 018 to 021 Revision E
 - Shannon Farm Bulk Earthworks Layout Sheets 001 and 002 Revision B
 - Shannon Farm Subdivision Water Reticulation Overview Sheets 001 and 002 Revision A
 - Shannon Farm Subdivision Wastewater and Stormwater Reticulation Overview Sheet 003 Revision A
 - Shannon Farm Subdivision Wastewater Reticulation Overview Sheet 004 Revision A
 - Shannon Farm Subdivision Connection to Existing Services Sheet 007 Revision Aas amended by the following conditions
2. This subdivision may be staged. For the purposes of issuing approvals under Sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in the following stages:

Stage	RLA Lots	Total (RLA)	Access Lots	Open Space Lots
1	1-11	11	2000 & 2001	-

2	12-17, 18-20 & 30-32	12	2002	-
3	21-25	5	2003	-
4	33-49	17	2005	-
5	28 & 29	2	2003	-
6	26 & 27	2	2003	-
7	701	1	-	-
8	704	1	2000	-
9	706	1	-	-
10	702	1	-	-
11	92-97 & 301	7	2004 & 2011	-
12	50-54,303-307, 412 & 413	12	2006	3001
13	55-66 & 414	13	2007	3000
14	67-74, 1004 & 415	10	2008	-
15	76-80 & 1003	6	2009	-
16	89-91, 98, 99 & 302	6		-
17	75 & 81-83	4	-	-
18	84 – 88, 401 & 402	7	2010	-
19	403-406, 409 & 308-310	8	2012	-
20	407, 408, 201-208 & 416-420	15	2013	-
21	410, 411, 421-425, 501-504 & 600	10	2014	-
22	703	1	-	-
23	705	1	-	-
24	1001	1	-	-

With the exception of Stages 9 & 24, Stage 1 must be in advance of all other Stages. Otherwise, the stages set out above may be progressed in any order, providing all necessary subdivision works, servicing, provision of formed legal access, granting or reserving of easements and all other works required to satisfy conditions of this consent

are completed for each stage, prior to certification being issued as necessary under Sections 223 and 224(c) of the Resource Management Act 1991.

3. All subdivisional designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 version of the CODC Addendum, which is the Council's Code of Practice for Subdivision as modified by these conditions of consent.
4. Prior to the commencement of any subdivisional works, the consent holder must obtain the approval of Central Otago District Council's Environmental Engineering Manager for the works, in accordance with Clause 1.5 of NZS 4404:2004.
5. It is the consent holder's responsibility to obtain any necessary licences to occupy for privately owned assets within land to be vested in Central Otago District Council. Evidence of the granting of any such licences must be provided at the time a request is made for Section 224(c) certification of the relevant land.

Traffic Management

6. The consent holder shall obtain and implement a traffic management plan approved by Council prior to undertaking any works within or adjacent to Council's road reserve that affects the normal operating conditions of the road reserve through disruption, inconvenience or delay. The Traffic Management Plan shall be prepared by a certified Temporary Traffic Management Planner (TTMP) as validated on their code of practice for temporary traffic management (CoPTTM) ID certification. All contractors obligated to implement temporary traffic management plans shall employ a qualified Site Traffic Management Supervisor (STMS) to manage the site in accordance with the requirements of the NZTA's "Traffic Control Devices Manual Part 8: Code of practice for temporary traffic management". The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Engineering Manager at Council prior to works commencing.
7. Prior to commencing any work on the site, the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 6m into the site.

Earthworks

8. The EMP shall be accessible on site at all times during work under this consent.
9. The earthworks and site management shall be undertaken in accordance with the recommendations of the EMP submitted.
10. Prior to commencing any earthworks within the former farmyard areas of the site identified in Figure 6 of the Detailed Site Investigation provided as Attachment E5 to the application, the consent holder shall submit to Council for certification a Remediation Action Plan and Contaminated Site Management Plan, prepared by a Suitably Qualified Environmental Practitioner and including appropriate processes and procedures to mitigate the risk soil exposure presents to any persons undertaking earthworks on site. This Management Plan is in addition to any standard site management procedures and shall be incorporated into the general site management plan as an additional form of control.
11. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. If any material is deposited on any roads, the consent holder shall take immediate action, at their expense,

to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.

12. No earthworks, temporary or permanent, are to breach the boundaries of the subject site, with the specific exception of earthworks required to upgrade the relevant sections of Ripponvale Road, the associated intersection to the subject site and the shared walking / cycle path within the Ripponvale Road and State Highway 6 legal corridor.
13. All earth worked and/or exposed areas created as part of the subdivision shall be top-soiled and grassed, revegetated, or otherwise stabilised as soon as practicable.
14. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent. The applicant is to maintain photographic records of the 'before & after' condition of all potentially affected areas of road surfaces and berms and shall produce these to Council's Monitoring staff upon request, within five (5) working days of the request.
15. The irrigation dams located on proposed allotments 703 and 59-60 must be drained prior to the completion of any of Stages 1, 2, 3 or 4 and the consent holder shall ensure that these dams remain empty until they are backfilled prior to completion of Stage 13.
16. The irrigation dam located on proposed allotments 90-95 must be drained and backfilled prior to the completion of Stage 11.
17. Hours of operation for earthworks, shall be:
 - a) Monday to Saturday (inclusive): 7.00am to 6.00pm;
 - b) Sundays and Public Holidays: No Activity

In addition, no heavy vehicles are to enter or exit the site, and no machinery shall start up or operate earlier than 7.00am. All earthworks activity on the site is to cease by 6.00pm.

18. Exposed surfaces that are not to be built upon or suitably surfaced shall be grassed as soon as practicable as works progress.

To be completed before Council approval of the Survey Plan

19. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan to be duly granted or reserved. This shall include any easements necessary to protect rights of way or access to services.
20. The following amalgamation conditions must be shown on the face of the subdivision plan for the relevant stage

That Lots 501 and 502 hereon be held in the same record of title (See CSN Request 1837327)

That Lots 503 and 504 hereon be held in the same record of title (See CSN Request 1837327)

That Lots 1002, 1003 and 1004 hereon be held in the same record of title (See CSN Request 1837327)

To be completed before issue of the section 224(c) certification

21. Prior to Section 224(c) certification, the following conditions shall be met:

- a) As-built drawings of any assets to be vested in Council or located in land to be vested with Council are to be lodged with the Chief Executive in accordance with clause 1.5.10(b) of NZS 4404:2004. The as-built drawings are to be draughted electronically and are to be compatible with a CAD system nominated by the Chief Executive. As-built drawings shall be lodged electronically and in a hard copy A3 format and shall show the location and individual meter reference number against the relevant toby box location.

Roading and Access

- b) The intersection of Road 001 and Ripponvale Road must be constructed to the requirements of Austroads Guide to Road Design and to the satisfaction of Council's Roading Manager as a requirement of section 224(c) certification for Stage 1 of the subdivision works
- c) Prior to the issue of a certificate under section 224c of the Resource Management Act 1991 for the 51st rural lifestyle allotment, the widening of the existing seal of Ripponvale Road to a formed width of 7.0m seal with 0.25m metalled shoulders, from the principal access to 144 Ripponvale Road, eastwards to the intersection with State Highway 6, shall be completed.

Note: For the avoidance of doubt, "rural lifestyle allotment" only includes those allotments in the RLA 1-6.

- d) Prior to the issue of a certificate under section 224c of the Resource Management Act 1991 for the 51st rural lifestyle allotment, the provision of a 2.0m wide shared walking and cycling path within the legal corridor of Ripponvale Road from the principal access to 144 Ripponvale Road, eastwards to the intersection with the State Highway, shall be completed.
- e) Prior to the issue of a certificate under section 224c of the Resource Management Act 1991 for the 51st rural lifestyle allotment, a pedestrian/cyclist underpass shall be incorporated into State Highway 6 and be operational.
- f) Roads 001 (Up to and including the intersection with Road 002 opposite Lot 306) and 002 must be formed in accordance with Table 3.1 of Councils July 2008 Addendum to NZS 4404:2004, Residential Local Road classification as modified by the following:
 - i) An 8.0m wide asphaltic concrete surfaced carriageway within a 20m wide legal corridor
 - ii) A subgrade CBR >7
 - iii) A 9.5m radius asphaltic concrete surfaced turning circle at all permanent cul de sac heads, in addition to temporary cul de sac heads where considered necessary by Council's Roading Manager.
 - iv) Flush nib kerb to provide a structural pavement edge.
 - v) Stormwater from road is to be captured by mudtanks located in roadside swales and discharged to ground via soakpit.

- vi) Sealed vehicle entrances provided to adjoining lots in accordance with Part 29 of Council's Roding Policies, January 2015 or a registered as a consent notice on the Record of Title for all lots where access has been left to the time of dwelling construction.
 - vii) Cut/fill batters outside ROW boundaries with maximum 4:1 gradient to match existing ground or other as agreed by Council's Infrastructure Manager.
- g) Road 001 beyond the intersection with Road 002 opposite Lot 306 must be formed in accordance with Table 3.2(a) of Councils July 2008 Addendum to NZS 4404:2004, Rural Local Sealed classification as modified by the following:
- i) The road shall be constructed with a 6.0m width asphaltic concrete surfaced carriageway width within a 20.0m legal road corridor.
 - ii) A subgrade CBR >7
 - iii) A 9.5m radius asphaltic concrete surfaced turning circle at all permanent cul de sac heads, in addition to temporary cul de sac heads where considered necessary by Council's Roding Manager
 - iv) Flush nib kerb to provide a structural pavement edge.
 - v) Stormwater from road is to be captured by mudtanks located in roadside swales and discharged to ground via soakpit.
 - vi) Sealed vehicle entrances provided to adjoining lots in accordance with Part 29 of Council's Roding Policies, January 2015 or registered as a consent notice on the Record of Title for all lots where access has been left to the time of dwelling construction.
 - vii) Cut and fill batters outside ROW boundaries with maximum 4:1 gradient to match existing ground or other as agreed by Infrastructure Manager.
- h) Roads 003, 004 and 005 must be constructed in accordance with Table 3.1 of Councils July 2008 Addendum to NZS 4404:2004, Residential Local Road classification as modified by the following
- i) The road shall be constructed with a 6.0m width asphaltic concrete surfaced carriageway width within a 15.0m legal road corridor.
 - ii) A subgrade CBR >7
 - iii) A 9.5m radius asphaltic concrete surfaced turning circle at all permanent cul de sac heads, in addition to temporary cul de sac heads where considered necessary by Council's Roding Manager.
 - iv) Flush nib kerb to provide a structural pavement edge.
 - v) Stormwater from road is to be captured by mudtanks located in roadside swales and discharged to ground via soakpit.
 - vi) Sealed vehicle entrances provided to adjoining lots in accordance with Part 29 of Council's Roding Policies, January 2015 or registered as a consent notice on the Record of Title for all lots where access has been left to the time of dwelling construction.
 - vii) Cut and fill batters outside ROW boundaries with maximum 4:1 gradient to match existing ground or other as agreed by Infrastructure Manager

- i) Road 006 must be constructed in accordance with Table 3.2(a) of Councils July 2008 Addendum to NZS 4404:2004, Residential Local Road classification as modified by the following
 - i) The road shall be constructed with a 6.0m width asphaltic concrete surfaced carriageway width within a 15.0m legal road corridor.
 - ii) A subgrade CBR >7
 - iii) A 9.5m radius asphaltic concrete surfaced turning circle at all permanent cul de sac heads, in addition to temporary cul de sac heads where considered necessary by Council's Roading Manager
 - iv) Stormwater from road is to be captured by mudtanks located in roadside swales and discharged to ground via soakpit.
 - v) Sealed vehicle entrances provided to adjoining lots in accordance with Part 29 of Council's Roading Policies, January 2015 or registered as a consent notice on the Record of Title for all lots where access has been left to the time of dwelling construction.
 - vi) Cut/fill batters outside ROW boundaries with maximum 2:1 gradient to match existing ground or other as agreed by Infrastructure Manager.
- j) All Rights of Way within the RLA 1 must be designed and constructed in accordance with the 'Right of Way' requirements of Table 3.1 of Council's July 2008 Addendum to NZS 4404:2004, as modified by the following:
 - i) 6.0m ROW legal width for ROWs "A" – "C", "E", "O", "R", "S", & "W/X".
 - ii) 10.0m ROW legal width for ROWs "D", "M", "L", "K" & "P".
 - iii) 4.5m asphaltic concrete carriageway.
 - iv) A subgrade CBR >7
 - v) 4% camber to kerb and channel.
 - vi) Heavy duty kerb crossing at entrance constructed in accordance with Council's Roading Policies January 2015, Part 29.
 - vii) Standard or mountable kerb and channel on lower side and nib kerb on higher side of the carriageway on 6.0m ROW.
 - viii) Cut/fill batters outside ROW boundaries with maximum 2:1 gradient to match existing ground or other as agreed by Infrastructure Manager on 10.0m ROW
 - ix) Mudtank collecting stormwater from ROW and discharging to soakpit within ROW.
 - x) Attractive low maintenance surfacing (crushed schist or similar) or mown grass along verges between carriageway and ROW boundary.
 - xi) Cut/fill batters outside ROW boundaries with maximum 2:1 gradient to match existing ground or other as agreed by Infrastructure Manager.
- k) All Rights of Way within the RLAs 2 to 4, and RLPA must be designed and constructed in accordance with the 'Right of Way' requirements of Table 3.1 of Council's July 2008 Addendum to NZS 4404:2004, as modified by the following:
 - i) 10.0m ROW width for ROWs "H", "I", "J", "Q", "V" & "F/G".

- ii) 4.5m wide two coat grade 3/5 chip seal, asphaltic concrete, concrete or concrete paving block surfacing.
 - iii) A subgrade CBR >7
 - iv) Stormwater from road is to be captured by mudtanks located in roadside swales and discharged to ground via soakpit.
 - v) Attractive low maintenance surfacing (crushed schist or similar) or mown grass along verges between carriageway and ROW boundary.
 - vi) Cut/fill batters outside ROW boundaries with maximum 2:1 gradient to match existing ground or other as agreed by Infrastructure Manager.
- l) An asphaltic concrete, concrete or concrete paver footpath must be constructed on one side of Roads 001 to 005 with crossings at intersections to NZS4121:2001 requirements and with the following:
- i) 2.0m width for Road 001 to the entry to Reserve Lot 3000
 - ii) 1.5m width for Road 001 & Road 002 where it services RLA 1 Areas
 - iii) 1.5m width for Road 001 where it services the RLA 2-4
 - iv) 1.5m width for Road 003 – 005 where it services RLA 1 Areas
 - v) 100mm depth clean topsoil between footpath and boundary formed at 4% crossfall, trimmed and grassed to a mowable standard.
 - vi) All necessary traffic signs and road markings
 - vii) Cut/fill batters outside road boundaries with maximum 4:1 gradient to match existing ground or other as agreed by Infrastructure Manager.
 - viii) LED street lighting in accordance with NZS 4404 and Standard 4.7.6(A)(p) with lamps to be selected from Auckland Transport approved list. Should any conflict between NZS 4404 and Standard 4.7.6(A)(p) arise, the District Plan Standard takes precedence.
 - ix) Tree planting to be in accordance with Council's 'District Tree Management and Operational Guideline 2011' and with automated irrigation provided, all to the requirements of Council's Parks and Reserves Manager.
 - x) The location of trees and streetlights shall consider the likely location of future entranceways to residential lots.

Water: Potable and Firefighting:

- m) Water reticulation shall be extended from Council's network within either Waenga Drive or State Highway 6 along Ripponvale Road to serve the subdivision., including the following.
 - i) Updated water modelling is to be undertaken by Mott MacDonald (at the consent holder's expense) at the time of detailed engineering design if requested by Council's Three Waters Director.
 - ii) All works are to be designed and undertaken to the satisfaction of Councils Three Waters Director.
 - iii) The subdivision shall be fully reticulated from Waenga Drive, State Highway 6 or approved alternative point of connection, rider mains provided, and standard 20mm diameter connections installed to the boundary of each

residential allotment. Modelling will confirm the required sizing of water mains through the development and shall ensure that the requirements of the Fire and Emergency New Zealand Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 are met.

- iv) Council's Three Waters Director may require any part of the water supply network be upgraded to serve future development. Any upsizing of the extended reticulation, beyond the requirements of the development and approved by Council's Three Waters Director is to be funded by Council.
- v) Appropriately sized and metered connections (Acuflo toby/meter assembly) must be installed 300mm from the street boundary of all lots, with the supply connection then extended at least 300mm inside the boundary
- vi) Where a property has a second water supply system the property shall be considered high hazard for backflow prevention and require a RPZ backflow preventer at the point of supply from the council network
- vii) Land containing water reservoirs must be vested in Council

Water: Irrigation:

- n) Non-potable water reticulation shall be supplied to the allotments in the subdivision. Appropriately sized and metered connections (If metering is required by the entity managing the network) must be installed to the boundary of all lots, including the following:
 - i) The subdivision shall be fully reticulated from the irrigation source being either the Ripponvale Irrigation scheme or bore supply, rider mains shall be provided where necessary, and minimum 20mm diameter connections installed to the boundary of each residential allotment.
 - ii) A formal water supply document "Shannon Farm – Water Deed" or similar must be provided to Council to secure the supply and the daily water entitlement to each lot.
 - iii) Details of the management structure of the non-potable network must be provided to Council
 - iv) Evidence of any necessary permissions from Council's Roading Team to install services for any part of the network within road reserve
 - v) For lots to vest in CODC, irrigation connections to the non-potable network must be metered and installed with backflow prevention devices where a risk of cross connection exists.

Wastewater:

- o) Wastewater reticulation shall be extended from Council's network within either Waenga Drive or State Highway 6 along Ripponvale Road to serve the subdivision to the following requirements:
 - i) The wastewater network is to be designed by a suitably qualified professional to adequately serve the subdivision. The minimum pipe sizes shall be DN150 gravity wastewater reticulation, or DN50 pressure mains where gravity drainage is not possible, along all subdivisional roads.
 - ii) Install standard DN100 laterals to all residential lots with cleaning eye installed at the street boundary. Laterals are to be extended to the buildable area of rear allotments.

- iii) Council's Three Waters Director may require any part of the wastewater network be upgraded to serve future development. Any upsizing beyond the requirements of the development and approved by Council's Three Waters Director is to be funded by Council.

Note: The Councils preference is for gravity wastewater systems. Pumped systems will only be accepted when there is not a viable gravity wastewater solution.

Stormwater

- p) The design of the stormwater channel shown on the survey plan must be undertaken by a suitably qualified and experienced person and be submitted to Council as part of engineering approval.

Power and Telecommunications

- q) Operational electricity and telecommunications connections must be provided underground to the boundary of each allotment. In relation to any 'rear allotments' accessed by a ROW, ducting must be provided to the edge of the 'net site area' to enable a connection to be made at the time the lots are built on.

Amenity Edges and Reserves

- r) Prior to the issue of any section 224(c) certification for Stage 1, the Horticulture Amenity Edge contained within allotments 5 and 6 shall be a minimum width of 15m and planting shall be complete. Plantings in the Horticulture Amenity Edge shall predominantly consist of species elected from the Planting Schedule for the Rural Resource Area (5) contained in Schedule 19.25.
- s) Prior to the issue of any section 224(c) certification for Stage 4, the Horticulture Amenity Edge contained within allotments ~~s 47 and~~ 48 shall be a minimum width of 10m and plantings shall predominantly consist of species elected from the Planting Schedule for the Rural Resource Area (5) contained in Schedule 19.25 and shall be planted in accordance with accepted arboriculture practices.
- t) Prior to the issue of any section 224(c) certification for Stage 7, the RLPA Amenity Edge contained within allotment 701 shall be a minimum width of 15m where trees shall be planted in two rows, a 2.5m minimum height (at the time of planting), the maximum spacing between plantings in the southern row shall be 4m and the northern row 5m. All species are to be planted in accordance with accepted arboriculture practices and shall be selected from Schedule 19.25 to achieve a 3-4m growth rate within 5 years of establishment.
- u) Prior to the issue of any section 224(c) certification for Stage 8, the RLPA Amenity Edge contained within allotment 704 shall be a minimum width of 15m where trees shall be planted in two rows, a 2.5 metre minimum height (at the time of planting), the maximum spacing between plantings in the southern row shall be 4m and the northern row 5m. All species are to be planted in accordance with accepted arboriculture practices and shall be selected from Schedule 19.25 to achieve a 3-4 metre growth rate within 5 years of establishment.
- v) Prior to the issue of any section 224(c) certification for Stage 23, the RLPA Amenity Edge contained within allotment 705 shall be a minimum width of 15m where trees shall be planted in two rows, a 2.5 metre minimum height (at the time of planting), the maximum spacing between plantings in the southern row shall be 4m and the

northern row 5m. All species are to be planted in accordance with accepted arboriculture practices and shall be selected from Schedule 19.25 to achieve a 3-4 metre growth rate within 5 years of establishment.

- w) Prior to the issue of any section 224(c) certification for Stage 12:
 - i) The consent holder shall obtain Council approval for the vesting of recreation reserve land (Lot 3001) and reserve improvements (where applicable) and shall show that area of land on a subdivision plan.
 - ii) The Horticulture Amenity Edge contained within allotment 3001 shall be a minimum width of 10m and plantings shall predominantly consist of species elected from the Planting Schedule for the Rural Resource Area (5) contained in Schedule 19.25 and shall be planted in accordance with accepted arboriculture practices.
- x) Prior to the issue of any section 224(c) certification for Stage 13, the consent holder shall obtain Council approval for the vesting of recreation reserve land (Lot 3000) and reserve improvements (where applicable) and shall show that area of land on a subdivision plan.
- y) The consent holder shall submit landscaping plans for Lots 3000 and 3001 for the approval of Council's Parks and Recreation Manager. The landscape plan shall show detailed landscaping treatment within each reserve allotment.
- z) Prior to the issue of any section 224(c) certification for Stage 19, the Horticulture Amenity Edge contained within allotment 403 shall be a minimum width of 15m and planting shall be complete. Plantings shall predominantly consist of species selected from the Planting Schedule for the Rural Resource Area (5) contained in Schedule 19.25.

Geotechnical Conditions

- aa) Prior to the issue of any section 224(c) certification for Stages 15 – 18, the consent holder must provide a geotechnical completion report and a Schedule 2A "Statement of professional opinion as to suitability of land for building construction" for Lots 75, 76, 78 – 91, 98, 99, 302, 401 & 402 in accordance with Section 2.6.1 of NZS4404: 2010 that has been prepared by suitably qualified geotechnical engineer as defined in Section 1.2.2 of NZS4404:2010 and demonstrates to Council that the proposed lots are suitable for building development. In the event that the site conditions within the lots are only found to be suitable for building construction subject to certain mitigation measures and/or remedial works being carried out, then a suitably qualified and experienced professional shall submit to the Council for review and approval full details of such works. The consent holder or successor shall be responsible for implementing all necessary mitigation measures and/or remedial works required to prepare the land for building construction with a consent notice imposed in accordance with Condition 22 in relation to any remediation works not carried out prior to Section 224(c) certification.
- bb) Areas of potential rockfall as identified in the GeoSolve geotechnical assessment must be inspected and remediation carried out to minimise the risk of rockfall onto building platforms. The adequacy of remediation works must be certified by a geotechnical engineer.

- cc) The water race that would run through Lots 89 to 95 must be re-routed underground through either Road 004, or Lots 705 and 706, using an appropriately sized pipe

Note: Running the undergrounded water race through Road 004 is subject to the consent holder obtaining any necessary licences or permissions from Central Otago District Council's Roading Manager to locate private assets within road reserve.

Financial Contribution

- dd) Payment of a financial contribution of \$156,251.78 + GST (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1 of the Operative District Plan on the basis of 151 additional rural residential allotments in total. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The payment required at the time of section 224(c) certification of any one stage is to be commensurate with the number of allotments to be certified. 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.

Ongoing Conditions/Consent Notices

22. The following conditions of the consent shall be complied with in perpetuity and shall be registered on Lots 1-99, 201-208, 301-310, 401-425, 501-504 and 600 by way of Consent Notice pursuant to Section 221 of the Act:

- a) This lot has connections to a potable and a non-potable water network. The potable water supply servicing the allotment must only be used to supply water within buildings on the site. Any water connections to be used for irrigation or curtilage maintenance must be from the non-potable supply only. There must be no cross connections between the potable and non-potable water networks. At the time building consent is lodged for any building being connected to the potable water supply, the consent holder or successor must provide plans demonstrating compliance with this condition.
- b) Lot owners must sign up and remain a party to the "Shannon Farm – Water deed for irrigation" (Or similar irrigation water deed) for supply of irrigation water to the allotment as required by the entity managing irrigation water supply to the allotment
- c) Stormwater from buildings and impervious surfaces on all lots must be either disposed of to ground within the site using appropriately designed and constructed soak pits, or otherwise stored for beneficial re-use within the site
- d) Residential buildings on Lots 1 to 99, 201 to 208, 301 to 310, 401 to 425, 501, 504 and 600 must be located within the building platform identified on the plan of subdivision
- e) For a period of 15 years from May 2023 there shall be no construction of new dwellings on allotments 701 – 706 prior to planting of a minimum of 50% of the site in horticultural or viticultural species, and for that period of 15 years, any plants that die, become diseased, or are otherwise removed, shall be replaced with the same or similar horticultural or viticultural species.
- f) No residential building platforms shall be identified, and no new dwellings shall be constructed on allotments 701 – 706 prior to a Detailed Site Investigation under

the National Policy Statement for Soil Contamination being submitted to Council for approval and confirming allotments 701 – 706 are suitable for residential occupation.

- g) All planting contained within the RLPA Amenity Edge on allotments 701, 704 and 705 shall be maintained by the landowner.
 - h) All planting contained within the Shelter Belt Planting Area on allotment 706 shall be maintained by the landowner.
 - i) All planting contained within the Horticulture 15m Amenity Edge on allotments 5 and 6 shall be maintained by the landowner.
 - j) All planting contained within the Horticulture 10m Amenity Edge on allotments ~~s-47~~ and 48 shall be maintained by the landowner.
 - k) There shall be no buildings (excluding fences and retaining structures) located with the “no build” area on allotments 201 – 203, 416 – 420, 421 – 425, 401, 402, 501, 504 and 600.
 - l) Prior to the construction of any dwelling on Lots 5, 6, 17, 32, 75, 76, 77, 96, 97, 301 and 701, the consent holder or successor must demonstrate that the minimum floor level of the dwelling is above the 1% AEP flood level for the lot.
23. A consent notice condition must be registered on the relevant Records of Title for any lot in respect of which the Schedule 2A statement required in the context of Condition 20(~~z~~) (aa) indicates that building construction would only be suitable if specified mitigation measures and/or remedial works were carried out at the time of construction. The consent notice condition must require that, prior to any construction work (other than work associated with geotechnical investigation), the owner of such a lot must submit to council for certification, plans prepared by a suitably qualified engineer detailing the proposed mitigation measures and/or remedial works and require the owner to implement all such measures prior to occupation of any building.
24. The consent holder will register a no complaints covenant in relation to the effects of rural productive activities over all saleable Records of Title (excluding reserves and utility allotments) for all Rural Lifestyle Area allotments in favour of Lots 1-4 DP 344529. The covenant will be in a form approved by Council (acting reasonably). A solicitor's undertaking to register such covenant will be required before issue of a s224(c) certificate for the relevant stage of the development. The covenant required by this clause may be registered in the same legal instrument as other developer covenants.

Building Platform Land Use Conditions

- 1. Building platforms must be shown on the face of the survey plan for the relevant lots in general accordance with those shown on the plans attached as Appendix One.
- 2. Buildings within the consented building platforms on Lots 208, 401, 402, 403, 404, 406, 408, 409, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425 and 501 may breach the minimum yards provided they are located within the building platforms identified on the lots on the plans attached as Appendix One.

NES-CS Land Use Conditions

1. Prior to the commencement of earthworks, a Site Management Plan (SMP) and Remediation Action Plan (RAP) must be developed by a suitably qualified and experienced person. The SMP and RAP may be incorporated into a single document. Both plans must take into consideration the recommendations of the WSP Detailed Site Investigation dated October 2022 and provided in support of the application. At a minimum the SMP and RAP must include the following:
 - a. Procedures to minimise risk of exposure to persons on the site.
 - b. Approaches to managing and remediating earthworks involving contaminated soils including but not limited to the areas identified in Figure Seven of the Detailed Site Investigation
 - c. An accidental discovery protocol to be followed in the event that unanticipated areas with potential soil contamination are identified during subdivisional works.
2. A copy of the SMP and RAP must be provided to Central Otago District Council at least 10 working days prior to the commencement of works. CODC may recommend changes be made to either document at least 5 working days before the commencement of works.
3. The SMP and RAP must be implemented at all times during construction works associated with the approved subdivision.
4. A copy of the SMP and RAP must be accessible on site at all times.
5. If any potentially contaminated soils from areas identified in yellow in Figure 7 of the WSP Detailed Site Investigation are to be removed from the site, the soils must be tested for heavy metals and, where soil is not able to be considered cleanfill, disposed of to an appropriately accredited landfill facility.
6. 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:

1. *Any change of use of Lots 701 and 706 has not been assessed as part of this application in terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (The NES-CS). Any change of use of these lots will need to consider the NES-CS.*
2. *Further resource consent under Rule 4.7.2(ib) of the Operative Central Otago District Plan 2008 or any superseding rule will be required prior to the establishment of residential activity on any lot in the Rural Lifestyle Areas or Rural Production Lifestyle Area.*
3. *Potable water use within the subdivision will be metered and charged according to Council's fees and charges and any policies related to the supply of potable water.*

4. *Development contributions of \$509,128.21, \$412,165.07 and \$225,696.68 (exclusive of goods and services tax) are payable for water, wastewater and roading respectively 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. The payment required at the time of section 224(c) certification of any one stage is to be commensurate with the number of allotments to be certified.*
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.*

Conditions 21(s), 22(j) and 23 corrected pursuant to Section 133A of the Resource Management Act 1991. Original decision dated 13 September 2023

Re-Issued at Central Otago on 04 October 2023



Adam Vincent
Planning Officer