
Response Statement by John Duthie - Planning

DATE: 27 July 2021

Response to comments received to the Wooing Tree COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Application by Wooing Tree Property Development LP

1. I have been asked to review the comments received from various parties to the Wooing Tree Estate resource consent application under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.
2. I have provided planning advice to Wooing Tree Property Development Limited Partnership (WTPDLP) and assisted in the preparation of the current application.
3. In this response I have addressed the planning issues raised by various people who have commented under the following topics:
 - A. changes made to the application in response to comments received;
 - B. hospitality centre;
 - C. residential development;
 - D. width of the buffer to State Highways 8B and 6;
 - E. transport;
 - F. open space
 - G. Regional Plan: Water - Earthworks
 - H. cultural heritage conditions;
 - I. noise;
 - J. infrastructure conditions;
 - K. land Contamination;
 - L. reasons for consent and conditions.

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4. In parts of this memorandum I have identified suggested changes to the conditions of consent. I have outlined these in each relevant section with the existing condition from the original application shown in black text with the suggested changes or new conditions shown in **red mark up and strike out text**.
5. To assist the Panel, I have appended to this memorandum a complete schedule of suggested conditions incorporating all the changes made in the previous response to the Panel's additional information requests, and the suggested changes made to respond to the comments received from various people/organisations giving feedback on the application. Both sets of changes (this response and the response to the Panel's additional information request) are shown in **red**. This was attachment "S" to the additional information request to the Panel provided on 5 July. This has now been updated to include further suggested conditions as a result of comments received. This includes changes to the schedule of reports and plans forming part of this application. Because of the significant reduction in the hospitality centre and the repurposing of this land for residential uses, this has meant consequential changes to all the plans forming part of this application.

A. Changes made to the application in response to comments received

Changes to the hospitality centre

6. Attached to the responses by WTPDLP are the updated plans by FDA Architecture for the hospitality centre. There are several key changes in response to the comments that have been received.
 - (a) Reduction in the size of the shops and 'other general business' floor space from 4,000m² to 850m².
 - (b) Deletion of all shops / business space north of Blondie Drive. (two blocks either side of Road 7).
 - (c) Building 10, being the 1,000m² general business building on the block between State Highway 8B and Blondie Drive east of the roundabout has been deleted.
 - (d) The opportunity to locate a bike shop within Wooing Tree is removed. The Central Otago District Council (CODC) in particular was concerned that a bike shop could compete with legitimate uses which could establish in the town centre.
 - (e) The childcare centre is moved further west and the residual land is committed to residential development as a superlot.
 - (f) As a consequence of the intersection design, the cellar door operation for Wooing Tree Winery is moved from the eastern side of this entry road to the western side. That will give it a better pedestrian connection back to the Cromwell town centre.
 - (g) The lot for the travellers accommodation is created as a vacant superlot. It is accepted that when the travellers accommodation is developed, a separate resource consent will need to be sought from CODC.
 - (h) To give the CODC confidence that this land will not be developed for retail, food and beverage or commercial offices, a consent notice to this effect is attached to the title. I address that in more detail below.
 - (i) Deletion of the two pylon signs. A 4.5m high 9m² sign is provided for the Cellar Door.
7. The impact of these changes is to substantially reduce the scale of the hospitality centre and instead simply retain the cellar door and one other shop of a small scale. The gross floor area of the retail/ food and beverage/ business is reduced from 4,000m² to 850m².

Changes to Residential lots

8. As a result of the changes to the hospitality centre, there are the following changes to the proposed residential lots. These are shown in the update subdivision plans from Adapt.

- (a) Increasing the number of residential lots for which consent is sought from 300 to 328, noting that with the 32 lots approved and built in the already consented stage 1 gives a total number of residences in Wooing Tree of 360. Mr Garmonsway finds that there is infrastructure capacity for up to 363 residential dwellings plus the related business activity, but this application is advanced on the basis of 360 dwellings
- (b) Introducing 17 terrace housing and 4 additional lots where the hospitality centre north of Blondie Drive was previously located.
- (c) Introducing 4 lots designed for detached dwellings on the site where the pre-school facility was previously located.
- (d) Introducing 3 additional lots within the subdivision, north of the greenway.

Changes to the buffer

- (a) Narrowing of the travellers accommodation site so as to enable the 15m buffer on the State Highway 8B side of this superlot.
- (b) Narrowing of the preschool site so as to enable the 15m buffer on the State Highway 8B side of this lot.
- (c) Creation of a bund rising up to 1.8m high within the buffer setback for amenity, visual and acoustic reasons.
- (d) Requiring the bund to be designed in accordance with the plans put forward by Baxter Design. This shows a slope of 1:7 on the side facing the State Highways and 1:1 on the rear side facing the residential subdivision.
- (e) The 1:7 slope is to be planted in vines.
- (f) The 1:1 slope is to be landscaped in a variety of native vegetation and edible plants/fruit trees.
- (g) A consent notice is placed on the title of all lots which adjoin the the bund along State Highways 8B and 6 stating that no building, including accessory buildings, shall be constructed within the 3m rear yard.
- (h) A consent notice is placed on the title of all residential lots which abut the bund along State Highways 8B and 6 setting the maximum height of any residential building at 6m above finished ground level, being ground level at the time of subdivision.

Transport

- (a) The detailed design of the road access from the roundabout connecting to Blondie Drive has been designed as a road that enters and 'sweeps around' to the east giving a direct and predominant road connection. This has been worked through and agreed with Waka Kōtahi New Zealand Transport Agency (WK-NZTA). It may also address some of the issues raised by CODC.
- (b) Reconfiguration of the road network north of Blondie Drive to give a better connection from the underpass to the greenway. The underpass now aligns to road 6 which continues north and giving access via Vintage Street to the greenway.
- (c) Deletion of the walkway from the State Highway 8B/6 roundabout into the Wooing Tree subdivision.
- (d) Deletion of the 'shared space' within the hospitality centre.

Conditions of consent

Additional conditions of consent are provided that relate to:

- the hospitality centre;
- the buffer;
- noise and vibration;
- infrastructure.
- Land contamination.

9. As a consequence of these design changes, there are changes to the Subdivision Plan. Those are set out in the subdivision plans by Adapt at Attached of the WTDLP response.

B. Hospitality centre

10. A number of parties who provided comments (including CODC, The Gate Limited, Keyrouz Holdings, River Rock Estate, Elizabeth Thomas, Leslie Dick) have raised issues with the hospitality centre. These largely deal with the size and location of the hospitality centre.
11. Significant changes have been made to the hospitality centre as a result of various submissions.
12. The primary issue raised by CODC in their legal submissions, and reflected in the CODC planning evidence by Ms Brown, economic evidence by Mr Heath and urban design evidence by Mr Penney, is the hospitality centre.
13. Other parties who provided comments also address issues relating to the hospitality centre.
14. A number of the WTPDLP responses address the issue of the hospitality centre. Ms Hampson has addressed the economic impact of the centre and outlined the history of this centre through Plan Change 12. In this response I:
- (a) Outline the changes now proposed by the applicant having considered the comments of particularly CODC and WK-NZTA.
- (b) Comment on the scale, function, and location of this centre.

Scale and form of the centre

15. WTPDLP has been in discussions with the CODC since receiving its comments to understand the CODC's concerns with the hospitality centre. Notwithstanding that the centre is at the scale permitted in the business zone on the Wooing Tree site (albeit in a different location), WTPDLP, having considered the comments of CODC, is proposing significant changes to the centre which are understood to at least go a substantial way to address the CODC's concerns.
16. The changes to the hospitality centre are substantial. There is a large reduction in the size of the centre from 4,000m² gross floor area of shops and business to 850m² of cellar door (350m²) and other shops (500m²). The cellar door may provide outdoor shading and cover structures which may increase the gross floor area (if these are considered as a building) to 500m².
17. The travellers accommodation superlot is retained, but consent is not sought for buildings. Consent will be sought from CODC at a later date.
18. The childcare facility remains, but is shifted west. In my view this should be considered as a community use rather than a business use.
19. These changes are in response to concerns by the CODC that the scale of this development could unduly compete with the Cromwell town centre.

20. The District Plan includes an area of business zoning in the Wooing Tree block in a linear form from the centre of the site towards the north. The District Plan sets a cap of 10,000m² gross floor area that can be developed in this location; of which 3,000m² is retail, 1,000m² is other business and 6,000m² is travellers accommodation. An area of land is zoned for this business activity. This compares to 2.3ha in the application, and only 1.1ha in the now reduced hospitality centre.
21. Essentially this response by WTPDLP deletes the hospitality centre. The original 7 buildings with a gross floor area of 4,000m² that were included in the application is now 2 buildings with a gross floor area of 850m².
22. The application shifted and expanded the existing cellar door from the northern part of the site to the southern part adjacent to the roundabout. As part of this response its location has been moved to the western side of the roundabout.
23. One additional shop is provided for on the eastern side of the round-about.
24. The District Plan enables 3,000m² of “shop” and specifically defines the range of activities that occur within the shop. This proposal fully complies with the business rules (albeit in a different location). The maximum retail space on the site is 850m². This comprises:
 - (a) The cellar door which has a gross floor area of up to 350m². The cellar door is part of the Wooing Tree Winery offer. It replaces and upgrades the existing cellar door on the property. Additional covered shelter structures for outdoor dining and events may be added up to an additional 150m²; and
 - (b) The remaining retail activity having a maximum gross floor area of 500m². It will either be targeted at hospitality activity / café or provide small service convenience shopping for local residents.
25. The District Plan also allowed an additional 1,000m² of business activity. In the application as lodged with the EPA, Building 10 was included and provided for this additional business activity. That building is now deleted.
26. The District Plan also provides for up to 6,000m² of travellers accommodation on the site.
27. Ms Brown in her evidence addresses the scale of the development. She states that this application seeks to *“construct and operate approximately 25,500m² of retail, visitor accommodation and other commercial in the southern portion of the site”*. Ms Brown then compares this 25,500m² to the 25,000m² of retail space and associated parking within the Cromwell town centre itself (excluding civic buildings and big box area adjacent to the town centre). Similarly the CODC’s legal submissions state that *“The WTCC would add some 24,000m² retail and commercial space within the Cromwell urban area. The nature and scale of WTCC would have significant adverse effects on the Cromwell town centre and arts and old Cromwell heritage precinct, commercial areas and activities”*.
28. Obviously there has been a miscommunication between WTPDLP and the CODC over the size and scale of this centre.
29. This proposal as lodged was for 3,000m² of retail, 1,000m² of business, and 6,000m² of travellers accommodation. The retail business component is now reduced to 850m² plus an additional 150m² of covered space associated with the cellar door. Ms Brown’s statement was made before this reduction from 4,000m² to 850 / 1,000m².
30. The direct comparison that should be made is between the 25,000m² within the town centre excluding the adjacent large format retail space; and the new design put forward as part of this response with 850 / 1,000m².
31. Ms Hampson in her statement addresses issues of the economic viability of the town centre as impacted by 850m² of retail (and the travellers accommodation).

32. The only explanation I can give to this confusion of numbers is the gross site area of the superlots that create the hospitality centre. In terms of the application as lodged (before the latest changes) these comprise Lots 60- 602. This in turn had a previous total gross site area of 21,199m². If the preschool facility is added to this (Lot 603), it has a gross site area of 1,891m² giving a total of 23,090m².
33. Ms Brown states that in her view the commercial centre and the potential competition with Cromwell town centre should be considered as the entire area, including the travellers accommodation and preschool facility. This view might have changed now given the significant reduction in the retail component.
34. In my view, there is a fundamental different planning response in terms of the impact on the Cromwell town centre between travellers accommodation and shops. Motels and hotels provide a potential customer base for the Cromwell town centre. A number of motel / hotel guests will visit the town centre to enjoy the commercial services, shops, and food and beverage offer.
35. The Cromwell town centre is a little unusual in that it has no walkable catchment to the north. In fact, with the school and parks, industrial area and golf course, the residential community within a walkable catchment is limited compared to a number of town centres which would have a reasonable residential catchment surrounding them. The one sector of the catchment where there is no such residential community within easy walking distance of the town centre, is to the north (Wooing Tree site).
36. Wooing Tree will provide another significant travellers accommodation within 400m walking distance of the town centre and located right on the pedestrian underpass. In a planning sense this is an ideal location for travellers accommodation; one that should provide support to the town centre as motel/hotel guests have an easy walk into the centre to the shops and food and beverage.
37. Similarly, the preschool facility is a facility servicing the local neighbourhood. I consider this a community use, not a commercial use as is described by Ms Brown. Obviously the centre is run as a business, but their function is unrelated to the Cromwell town centre. Its function is to provide educational and social support to children under 5. These are traditionally located in residential communities rather than being in some way targeted at town centres.
38. One childcare facility is allowed as a controlled activity in the Wooing Tree Resource Area 11 provided it is more than 150m away from the northern or eastern boundaries of the Wooing tree area. The current location meets that locational criteria.
39. Consequently, in my view, the correct comparison between this now proposed offer at Wooing Tree and the town centre is an 850m² site for “shops” with a maximum gross floor area of 6,850 / 7,000m² (retail and travellers accommodation). I recognise I am commenting on Ms Brown’s statement made prior to the reduction in the hospitality centre. I understand her response to the reduction to be:

“The removal of the retail main street precinct would more closely align with provisions of the ODP to achieve on-site facilities in a manner complimentary to the town centre.” (CODC email dated 12/7/21)

The feedback by the CODC following the discussions between the parties is tabled alongside the WTPDLP response.

Location of the hospitality centre

40. The location of the *hospitality* centre has changed compared to what is provided for in the District Plan. In my view, the planning merits of focusing the hospitality centre adjacent to the roundabout are beneficial. In particular:
- (i) It concentrates the activity in a node;

- (ii) It keeps the activity close to the roundabout entrance (noting that none of the hospitality centre can be opened until the roundabout is fully operational). This means that travelling public coming to and from the facilities do not have to drive through the residential neighbourhood;
- (iii) It keeps the hospitality centre within the 400m pedshed of the existing town centre which, with the underpass, gives good safe pedestrian connections back into the town centre. Particularly with the travellers accommodation and underpass, there is a short, easy walk to the facilities of the town centre. Similarly, tourists coming to the hospitality centre within Wooing Tree can then walk to the town centre (and vice versa). Most of the cellar doors in the Central Otago area are located with vineyards some distance from the Cromwell town centre and other town centres. This will be within 400m walking distance from the town centre.

- 41. Ms Brown recommends the cellar door and other retail facility be shifted to the north of Blondie Drive.
- 42. Mr Baxter, in his urban design statement, outlines the rationale for the location of the hospitality centre.
- 43. From a planning perspective, I support the current location adjacent to SH8B for the urban design reasons outlined by Mr Baxter, and for planning reasons. In particular:
 - (a) It does keep the cellar door collocated and related to the vines planted on the bund. This in turn helps reinforce the association between the vines and the cellar door.
 - (b) The two business activities located adjacent to the roundabout are a better use of land adjacent to a roundabout than say residential activity.
 - (c) It does keep the two business activities separate from the residential enclave. Visitors coming to the cellar door will enter from the roundabout and move quickly and directly to the cellar door. If this use were moved north of Blondie Drive, it brings parking in amongst and closer to a greater number of residential properties.
 - (d) The two underlying lots are of a generous size and enable both buildings to be constructed fully complying with what would be the business zone rules for shops.
 - (e) The location gives good visual connection to the highway, but also to the town centre.
 - (f) The cellar door itself is directly connected to the underpass which in turn connects directly into the town centre.
 - (g) There is some synergy between the visitor accommodation and the cellar door.
- 44. The second retail facility on the eastern side of the entranceway from the roundabout has many of the same characteristics and planning considerations as the cellar door. Obviously it is unrelated in this case to the vines.
- 45. The core difference is pedestrian access. It does require Wooing Tree residents to cross Blondie Drive. Mr Carr, in his statement, deals with traffic safety measures relative to anticipated traffic volumes on this neighbourhood street network.
- 46. Consequently, in my view, from a planning perspective, the hospitality centre is in the correct location, is at an appropriate scale and provides for an appropriate range of activities.

Building quality

- 47. Mr Penney has identified concerns with the design quality, particularly of the travellers accommodation buildings. WTPDLP have accepted that the level of design is not yet of sufficient detail that is appropriate for consenting.
- 48. Consequently the application is modified by deleting the request for consent to these buildings.

49. That will leave a future application to seek resource consent for a visitor centre on this site. That would go through the normal RMA process before CODC.
50. Mr Baxter addresses urban design aspects for the remainder of the centre. The two buildings and the associated site landscaping and parking have been designed and shown in the drawings of FDA Architecture.
51. I understand that Mr Farley, on behalf of CODC, supports (from a transport perspective) the removal of the shared space which was related to the retail area north of Blondie Drive. This is now deleted. The space is now a residential laneway. There is no vehicle access from the laneway on to Blondie Drive.

Signage

52. The deletion of the retail area north of Blondie Drive means the two pylon sites are deleted. A smaller free standing sign 4.5m high forms part of the cellar door site.

Conditions of consent – hospitality centre

53. I have reflected on how the conditions of consent might give greater confidence to the CODC that the development will be constructed as per this consent. Obviously, in one sense this application, if granted consent, will issue as a resource consent with the normal requirements that any changes to the plans as consented would trigger the need for either a fresh consent, or perhaps a section 127 application under the RMA. However, to give greater certainty, I am recommending a set of conditions which would further reinforce the role, function and scale of the hospitality centre.
54. The first of these is designed to ensure that the superlot intended for the travellers accommodation and the preschool facility cannot subsequently be converted or repurposed for retail, food and beverage or commercial offices. This is achieved by way of a consent notice as follows:

62B A consent notice shall be placed on the title of Lots 604, and 603 stating that these lots may not be used for "shops" as defined in the District Plan, or commercial offices. The consent notice shall be provided to the Council as part of 224C process and attached to the title when first issued and any subsequent subdivision of that land. The consent notice shall state this excludes ancillary offices incidental to a travellers accommodation or pre-school and any dining facility associated with a Travellers Accommodation or part of the Cellar Door, or a home occupation.

55. This condition would ensure that, if for example the travellers accommodation operation ceased, then this land could not be used for shops or commercial or professional offices (but excluding home occupations and ancillary offices to an approved activity such as travellers accommodation or a preschool).
56. To address the issues raised in comments by WK-NZTA over the road alignment between the roundabout and Blondie Avenue, I have recommended a new condition. I address this at paragraph 142 dealing with transport. These are the plans prepared by WSP for WK-NZTA in response to the Barry Avenue roundabout design and access into Wooing Tree.
57. The third amendment that I am proposing to provide greater certainty is to confirm a cap on the gross floor area of shops within the Wooing Tree area.
58. In this regard, I am suggesting the following condition:

62C The maximum gross floor area of any shop on Lot 601 shall be 500m². and the maximum gross floor area of any shop on Lot 602 shall be 500m². A consent notice identifying this maximum gross floor area cap shall be registered against the title of lots 601 and 602 respectively. The wording of the consent notice shall be provided to the Council as part of the section 224C application.

59. The fourth aspect responds to the CODC's request that the "bike shop" permitted under the definition of shop not occur on the Wooing Tree block. WTPDLP has agreed to this. Consequently, the following condition is provided:

62D A consent notice shall be registered against the title of Lots 601 and 602 stating that any "shop" operating from this site shall exclude any bike hire, bike sale or bike repair facility. The detailed wording of this consent notice shall be provided to the Council as part of the 224C application.

C. Residential development

Density

60. A number of comments raise the issue of density. These parties include CODC, River Rock Estate, Paul & Jocelyn Eva, Brent Anderson, Malcolm & Lorinda Lawson, Patricia Paterson, Elizabeth Thomas, Robyn MacKenzie, Murray Taylor and Leslie Dick. I set out below my views on density.
61. Mr Penney representing CODC observes in his statement that the Wooing Tree development exceeds the density contemplated in the District Plan. He identifies that the District Plan envisages some 210 residential units. This is based on the original plan change 12 assessment. Obviously Wooing Tree is now providing some 360 residential dwellings.
62. This is fully recognised in the application. A significant part of the non-complying activity status is because of the increased density.
63. Mr Penney identifies that in the Cromwell Eye to the Future Spatial Framework Plan, Wooing Tree is targeted at a yield between 15 and 20 homes per hectare. These are the same density targets as ascribed to the other medium density sites of the golf course and west Cromwell area.
64. In terms of targeting medium to high density residential development, these yields are more characteristic of the lower end of the medium density range than medium to high density.
65. Mr Penney observes that in his opinion, Wooing Tree achieves a density above this of 23.5 homes per hectare.
66. Wooing Tree has a gross site area of 25.4ha. Under the modified proposal it has 360 homes giving an overall ratio of 14.2 homes per hectare.
67. If I adjust this calculation by excluding the land area of Lots 601 -604, being the cellar door, retail site, travellers accommodation and preschool facility (1.114ha); the land area reduces to 24.3 which gives a ratio of 14.8 homes per hectare.
68. Mr Penney in his calculation has based his figures on the net site area of residentially developed land, i.e. he has excluded roads, JOALs and open space.
69. That is not the normal way of calculating yield but, even if you did take this approach, then the development as amended through the net residential area is 14.814 ha and the application comprises 24.4 homes per hectare.
70. The Cromwell Spatial Framework Plan targets the site for 15 – 20 homes per hectare. The current proposal achieves 14.8 homes per hectare. If you apply Mr Penney's interpretation, then it achieves 24.4 homes per hectare
71. Even if you accept Mr Penney's interpretation of density calculation, the difference between 20 and 24.4 homes per hectare is not substantial. This development with the range of sections and typologies is in my view consistent with an area of land targeted for medium to high density.

72. It is fully accepted that the yield on the Wooing Tree site does exceed District Plan provisions. However, the effects of this development with the high quality urban design driven through the subdivision layout and streetscapes, and the requirement to comply with the design guidelines, achieves a high amenity and a high quality of housing. This is addressed in the statement by Mr Baxter.
73. The increased yield, together with the range of typologies referred to below, provides a wider variety of housing choice within the market. This helps provide a range of homes including market affordable homes. Mr Haynes, in his statement, outlines the strong demand for smaller sections for people to be able to build more affordable homes. The provision of a range of smaller sites with more compact homes essentially means that some people in the community that could otherwise not afford to join the housing market are now able to own their own home, being a brand new home with modern building technology – the assurance of a warm, dry home with a realistic ongoing maintenance cost.
74. This is not a case of a substantial increase in yield beyond that contemplated by the CODC. Rather, it provides essentially a medium yield with a variety of different housing typologies which will help provide for Cromwell's growth and, in doing that, provide a range of homes within the market affordable price range.
75. In the recent discussions with the CODC, following receipt of the comments, there have been various discussions about density. My understanding is that CODC staff consider the residential densities are generally consistent with the Cromwell Spatial Framework Plan. However their view is the matter has not been appropriately consulted on through the normal plan change process. I am advised by CODC officers that the CODC's intention is to promote a residential plan change at some stage in 2022. In my view that would normally have a 12-18 month process before becoming operative (assuming there were submissions to the plan change but no appeals). Mr Haynes in his statement identifies that WTPDLP is in a position to start work on Stage 2 immediately if this application is granted.
76. In my primary statement I set out my views on the efficient use of the natural and physical resources under section 7 of the RMA and its application to Cromwell.
77. The reality is that once the Wooing Tree land is developed, that will set the nature of that development for at least 50 years in terms of building performance under the Building Act and more likely for substantially longer. In other provincial settlements I have been involved in which are facing growth pressures, partly generated from the hinterland and partly generated from other urban areas in moderate proximity, achieving the balance between providing for strategic growth and preserving the amenities and character of the area, have been key considerations.
78. The Cromwell Eye to the Future Spatial Framework Plan in my view appropriately addresses this issue. It realises that to achieve this balance there needs to be some areas of (relative to Cromwell) medium and higher density housing. It identifies three of these nodes close to the Cromwell town centre to help reinforce that town centre. Wooing Tree is one of those.
79. For the reasons I have set out above, I believe that this proposal does actually meet the 15-20 homes per hectare target that the Framework Plan is seeking. This is an appropriate density for Wooing Tree.
80. Mr Baxter in his statement and in his original urban design and landscape analysis set out how this development achieves a high degree of amenity both through the treatment of open spaces and streetscapes and importantly, and new to Cromwell, through the extensive use of design guidelines for all new residential homes within the precinct. He identifies that this will achieve a high degree of amenity within Wooing Tree.
81. I have been involved in a number of developments where this method of design guidelines has been applied. It has proved successful in achieving the planning outcome of ensuring a coherence and high amenity within the built environment. As explained in Mr Haynes' evidence, this has been achieved while still being able to offer a number of homes in this area within the market affordable category (land packages of circa \$200,000-\$300,000).

82. The alternative of waiting for some considerable timeframe while a plan change is promoted in 2022 and worked through the statutory submission and appeal process in my view loses the opportunity to provide not only the economic stimulation which this development will provide as set out in the original statement by Ms Hampson and as obviously considered by the Minister for the Environment in referring this application for consideration by the Panel, but also in helping to provide for residential growth within the Cromwell area and meeting the demand outlined by Mr Haynes.
83. For the reasons I have outlined in my planning report as lodged first with the Ministry for the Environment and then with the EPA as part of this application, I believe this proposal meets the statutory criteria of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 and of the Resource Management Act 1991.
84. In my view the purpose of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 is to enable developments to proceed quickly if they satisfy the criteria of the legislation. This application does meet the criteria and is appropriately dealt with under this Act.

The northern interface

85. A number of comments have been received from adjacent residents along the northern boundary. These related to firstly the treatment of the buffer and secondly to the form of housing in this northern location.
86. In terms of the buffer, I address this later in this statement, but essentially the buffer will be in the exact same location, with the same dimensions and prohibitions on buildings, as contained within the current District Plan. There is no difference.
87. In terms of housing, the sections along this northern interface have been set up for standalone detached dwellings. The sections are range from 442m² to 1,000m², with an average of 554m². There are more sections than contemplated within the current District Plan which has a minimum section size of 1,000m² in this part of the site.
88. The net result here will be that there will be more buildings in this location. However, the same building coverage height and height in relation to boundary controls apply and the same side and rear yards. That means:
- (a) There will be the same cap on gross floor area of buildings along this northern boundary. This is not a case of increasing the potential gross floor area. It is rather breaking that gross floor area up into more dwellings.
 - (b) The same rear yard will ensure that not only is there the 10m (and at the eastern end 17.4m) greenway, but beyond that there is a further 3m rear yard. This means no building or structure is closer than 13m to the northern neighbours.
 - (c) The side yards which apply to the site will ensure that this northern boundary, instead of being perceived as larger buildings; will be broken up into smaller buildings with the side yard corridors between them.
 - (d) The height control is exactly the same.
89. Consequently, the neighbours will look at buildings of the same height, distance setback and the same overall gross floor area they could expect under the current district plan controls. Furthermore, the increase in the number of sections actually will increase the side yard provision along this part of the subdivision. For the avoidance of doubt, the variable controls on side yards which apply in other parts of the Wooing Tree subdivision as requested, do not apply here. On these sites the standard side yard applies.

Typologies

90. In my view, one of the benefits of this application is the variety of section sizes included within the development which, I believe, fosters the opportunity for a variety of housing typologies. This in turn opens up this neighbourhood to a broad range of future residents by meeting the needs of different groups.

91. Mr Penney in his evidence implies that the typologies in fact are restricted to two types, being duplexes and detached dwellings (paragraph 57.4 of his statement).

92. I do not agree with this statement. This application provides for a range of section sizes and conditions of consent which enable different housing typologies. In particular the application enables:

- terrace houses adjacent to Wooring Tree Park and adjacent to the central laneway.;
- duplexes;
- zero lot line development. This refers to houses where the legal boundaries enable a detached house with one side yard. Easements on the neighbour's land adjacent to the other side of the building protect light and air around the building and enable maintenance of the side of the house. Residents enjoy a single wider side yard but still get the benefits of light and air access to both sides of the house, and can still maintain the building. This is part of offering new residents different choices in living environments;
- detached dwellings.

93. Detached dwellings and zero lot line homes, in turn have a range of section sizes which provide opportunity for different house typologies. Mr Haynes, in his statement, outlines the range of different section sizes and how this contributes to both the variety of different housing typologies that this will enable, as well as the ability to deliver market affordable homes. For ease of reference, a copy of the diagram showing the range of section sizes is set out below.



94. In my view, this variety of sections offers an opportunity for different housing typologies. Mr Haynes, in his statement, sets out the demand for affordable housing that WTPDLP is experiencing and how the range of smaller sections enables WTPDLP to offer land packages below \$300,000 with a significant number of sections offered in the \$200,000-\$300,000 range.

95. In part this matter turns on how you define building typologies. In my view the different section sizes will allow a wide variety of different typologies. Here I draw a distinction in typology between say a smaller two bedroom home versus the larger (say) 4 and 5 bedroom family homes that can occur on the larger lots. The issue is not about a different definition of typology; but rather about provision of different housing choice so a broader sector of the future community have the ability to purchase sites and homes which meet their lifestyle needs.

D. Width of the buffer

96. The method used in the District Plan to create the “buffer” is to zone a 30m strip of land rural, along the frontage of State Highway 8B and State Highway 6; and a varying 10m and 17.4m rural zone along the northern boundary of the Wooing Tree Estate area. These provisions were put in place by way of Plan Change 12.
97. In discussions with the CODC this rural zoning is more seen as a buffer akin to a building line restriction. It is noteworthy that on adjacent land a straight building line restriction is used rather than rural zoning. It is not envisaged as normal rural activity and clearly lacks the size and shape factor to be economically viable rural land. Rather the concept is to create the buffer, keeping buildings back from the State Highway; but with the ability to use the land for landscaping or passive recreational purposes.

The northern buffer

98. The rural zoning or buffer in the north comprises a 10m wide strip of land at the western end of the northern boundary, and a 17.4m wide strip of land at the eastern end.
99. This application fully provides for this buffer arrangement. The eastern 17.4m buffer area is created in its own title associated with the greenway. This will vest in the CODC as public reserve. It has a public walkway and cycleway element, and connects into the greenway giving access to the central park and Wooing Tree Park.
100. The CODC declined the offer to also vest the western end of the northern buffer. Consequently, this area is kept as communal open space. It is retained in one title which will be jointly owned and maintained by the abutting residential property owners.
101. Some parties who provided comments raised the issue of the integrity of this buffer and of fencing (comments by CODC, Robyn MacKenzie, Elizabeth Thomas).
102. At the end of this subsection on the buffer, conditions are offered which will establish the abutting land owners joint ownership and maintenance obligations.
103. This joint ownership by the abutting land owners provides a good degree of protection of this land compared to the alternative of including the buffer as part of the rear sections of adjacent properties with multiple segregated ownership.
104. Other conditions deal with the treatment of the interface with the northern residents. Comments by Elizabeth Thomas and Robyn MacKenzie raise issues about fencing of this boundary, the concern being the public may try and cut across the privately owned communal open space land of the Lakefield Estate residents. In response Baxter Design have prepared a landscape treatment with a small mounded bund. The bund is landscaped. It cuts the views of the “short cut “ through the neighbours communal space, and creates a landscaped barrier to it. The effect of this will be to strongly encourage people to remain on the track within the Wooing Tree site and traverse the public connections to Shortcut Road. A condition is offered to this effect.

The buffer to State Highway 6 and 8B

105. CODC in their urban design and planning comments raise issues over the buffer land alongside State Highway 8B and 6. They outline that the buffer does not comply with the 30m rural zone provided for in the District Plan and believes it should comply. However in terms of the statements by CODC representatives, it is not clear to me what the effects that are being caused by the WTPDLP proposal are that the 30m buffer would resolve that the proposal by Wooing Tree will not.
106. In response to the CODC’s concerns, the applicant has made significant changes to the buffer.
- a. The 15m buffer now applies to the travellers accommodation and pre-school sites.

- b. a 1.8m high landscaped bund is provided within the buffer. The design features of the bund areas follows.
 - i. The bund slopes up from the State Highway at a relatively gentle angle of 1:7.
 - ii. Five rows of vineyards will be planted on this area.
 - iii. The land adjacent to the residential property is a batter of 1:1.
 - iv. This batter is planted in a mix of native plants and edible trees / fruit trees.
- c. A consent notice is placed on the titles of residential lots that adjoin the buffer setting a prohibition on buildings and accessory buildings within 3m of the common boundary between the residential lot and Lots 806 -808 (the buffer).
- d. A consent notice is to be attached to the titles of residential lots which abut the buffer stating that the maximum height of buildings on these lots will be 6m measured above ground level at the time of subdivision creating the titles under this consent.

These design features are shown on the plans by Mr Baxter forming part of his statement. They are also included in the updated plan/ document set for the application which are part of the WTPDLP response and the conditions of consent I am recommending to require the construction of the bund are set out below

- 107. Only the gateway buildings of the cellar door and the retail will be closer than 15m to State Highway 8B.
- 108. The buffer area will be owned by the Residents Association but leased back to the Wooing Tree Vineyard who will use it as an active vineyard associated with the cellar door. The vines will be planted on a bund which achieves a 1.8m height but is contoured to enable viticultural practices. New conditions of consent are proposed. These are outlined below.
- 109. Should, for whatever reason, the cropping and harvesting of vines not occur, then there is the requirement in the conditions of consent for the Residents Association to intensively landscape the bund with a landscape plan to the approval of the CODC.
- 110. The urban design aspects of the setback and bund are addressed in the statement of Mr Baxter. Mr Baxter outlines the urban design benefits and the manner in which effects can be managed for the two gateway buildings.
- 111. Mr Penney describes the purpose of the 30m set back as related to the character of the Cromwell area, acoustics, screening of residential back yards, and amenity.
- 112. In my view, the 15m buffer land, with the proposed bund, achieves the right balance between land efficiency and providing for character, landscape and functionality for which the buffer was intended.
- 113. Mr Baxter identifies how the buffer slope with the landscaping, including the vine planting, provides an appropriate visual screen and level of amenity to both travellers on the State Highway and to residents within the community. The bund will mean that travellers on the state highways will not be able to view the rear yards of residential sites as the sites are fully screened by the bund. The vines themselves reflect part of the character of this part of Central Otago.
- 114. Mr Baxter also addresses issues of landscape and visual amenity.
- 115. Mr Baxter identifies that in his view the same visual and landscape outcomes can be achieved with the 15m buffer and associated bund as with the 30m buffer provided in the District Plan.
- 116. Mr Baxter also recommends that the maximum height of buildings immediately adjacent to the buffer be limited to 6m. This is for reasons of visual presentation to the highway. I have drafted conditions of consent accordingly.

117. Mr Hay, in his noise evidence, identifies that a 1.8m high bund within the buffer area will provide appropriate noise attenuation for noise from the State Highways for Wooing Tree residents.
118. An examination of the '30m' setback around Cromwell exhibits a number of different approaches. There is variability in treatment and width as outlined by Mr Baxter. In my opinion, the question is: does the proposal put forward in Mr Baxter's urban design assessment meet the objectives of the interface.
119. The objectives of the plan are set out below including the explanation.

4.3.3 Objective - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

Explanation

Central Otago has a unique landscape in the context of New Zealand. The District is dominated by parallel mountain ranges separated by broad valley basins and has a semi-arid character. This type of landscape is sensitive to modification. To sustainably manage what is considered a significant resource of the District, for both present and future generations, care must be taken with respect to the impact of activities on landscape and natural character.

The open space and natural character of the rural environment is also seen as a significant resource of the District. These values are capable of being compromised by commercial, industrial and/or residential forms of development not traditionally found in a rural context.

Some activities, particularly those involving motorised vehicles, can also adversely impact on the amenity values of back country areas. The effects of such activities need to be addressed through the resource consent process.

120. The core objective is to enhance rural amenity values. This is somewhat unusual in this case because the land is a strip of rural zoning surrounding a zoned residential area.
121. The policies set out a series of methods to manage the effects of land use activities and subdivision on the open space landscape and character and amenity values of the rural environment.

4.4.2 **Policy – Landscape and Amenity Values**

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,**
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,**
- (c) The ability to adequately dispose of effluent on site,**
- (d) Controlling the generation of noise in back country areas,**
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,**
- (f) Controlling the spread of wilding trees.**
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.**
- (h) Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form.**

122. Policies (a) dealing with hills and ridgelines, (c) effluent disposal, (d) back country properties and (f) wilding trees, do not apply.
123. Policy (b) addresses development being compatible with the surrounding environment including the amenity value of adjoining properties. In this case the adjoining properties within Wooing Tree and to the north and east are zoned residential. To the south across State Highway 8B is commercial. To the west across State Highway 6 is rural. In terms of protecting rural character this is addressed in the statement of Mr Baxter. This is not a case of a farm within a rural landscape. Rather it is a setback designed to evoke the feel of rural central Otago, and to buffer the residents to the north and the state highways. This application fully meets the buffering standards for the adjacent residents to the north. The design treatment put forward by Mr Baxter in my view achieves the character intent of the state highway buffering.
124. In terms of the tree planting, the predominant area along State Highways 8B and 6 is vines. Along the north it is a planted area.
125. The key policy is (h) which states *“strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form”*.
126. The northern boundary adjacent to the residential properties to the north fully complies with the setbacks within the District Plan. These are 10m on the western portion of this boundary and 17m on the eastern portion.
127. Along State Highways 8B and 6 (with the exception of the gateway buildings at the roundabout), the setback is a 15m buffer plus what will be a 3m rear yard to each of the buildings, i.e. an 18m setback.
128. The bund is put in place to provide a different arrangement to screen built activity. The screening will protect any visual effects from rear yards for people on State Highway 8B or 6.
129. The vines and planting within the buffer will also create the visual screening.

130. In my view, this matter is essentially about the appropriateness of visual amenity effects of seeing buildings beyond the bund compared to a wider buffer area without the bund (recognising that the rules do not require a bund).
131. The analysis done by Mr Baxter, where he contrasts the visibility from the State Highway, says that this proposal achieves a high quality urban design and landscape outcome.
132. From a planning perspective, the conclusions I have come to is that:
- (a) This land has no real functionality as a rural activity. Essentially it is a building line 'buffer' setback.
 - (b) In terms of achieving the objectives relating to the vines or planted area, the development satisfies this element of the policy. Presumably this is about creating a reference point to the rural character of this part of Central Otago and for an element of visual screening.
 - (c) The element of the bund provides a higher degree of functionality for screening the residential area from the State Highways than is achieved through minimum compliance with the current control, which would simply be a grassed 30m setback.
 - (d) The landscaping of the residential side of the bund provides good screening and amenity for people both on the State Highway looking into the development where it is well screened by the combination of the vines and the bund landscaping, and for the residents within the subdivision.
 - (e) Houses within the area will be facing a 1.8m planted embankment, which gives a higher amenity level than a 1.8m fence.
 - (f) The 1.8m bund provides the acoustic attenuation requirements for the outdoor area as set out by Mr Hay.
 - (g) Limiting the height of the residential properties adjoining the buffer to 6m further screens these residential buildings when viewed from the State Highways.
133. This package of creating an 18m setback with the bund and the planting and the limited building height better meets these policies, in my view, than would a simple 30m setback.
134. Achieving this outcome does in part rely on appropriate conditions of consent. Consequently, I am recommending the following additional conditions of consent.

State Highway Landscaped Buffer and Bund

- 81A Prior to the issue of 224C for any particular stage of the development, a bund shall be formed on the frontage of State Highway 8B and / or State Highway 6 as shown the urban design and landscape statement by Baxter Design dated 270721 The bund shall be generally in accordance with the cross-section shown on the plan
- 81B The bund on lots 806-808 shall be physically formed and planted prior to section 224C certificate.
- 81C The consent holder shall prepare a Landscape Plan for lots 806-808 along the boundary with State Highway 6 and State Highway 8B. The plan shall be prepared for each relevant stage of the development. The plan shall show the landscape treatment including planting plan. The Landscape Plan shall be approved by the Council.
- 81D Lots806-808 shall be planted in the planting season immediately following section 224C certificate for that stage.

- 81E A consent notice shall be attached to each title of any lot which adjoins Lots 806-808 stating that no building or accessory building may be constructed within 3m of the boundary of the lot and lots 806-808.
- 81F Should for any reason vines on the buffer be removed at some stage in the future, the landowner shall maintain the buffer and replant it with native species which will achieve a plant density of ... Prior to the planting, the landowner shall submit a Landscape Plan for Council approval setting out the species, density of planting and maintenance.
- 81G The landowner shall implement the planting plan as approved by the Council. This shall be completed within six months of the removal of any vines.
- 81H The Consent Holder shall form a 'residents society' as an incorporated society. All residential landowners within the Wooing tree Estate shall be members of and contribute to the residents society. The residents society shall be the registered land owners of lots 806-808.

Northern Landscaped Buffer

- 81I Prior to the issue of 224C for any Stage 2 of the development, the landscaped northern yard and the land in lot 803 to vest in the Council and including a bund shall be formed. The yard and bund shall be generally in accordance with the plan and cross section by Baxter Design shown on urban design and landscape statement by Baxter Design dated 270721
- 81J The landscaped area including the bund on lots 802, shall be physically formed and planted prior to section 224C certificate.
- 81K The landscaped area including the bund on lots 803, shall be physically formed and planted prior to vesting in the Council
- 81L The consent holder shall prepare a Landscape Plan for lots 802 and 803 along the northern boundary. The plan shall show the landscape treatment including planting plan, any paths or street furniture. The Landscape Plan shall be approved by the Council.
- 81M Lots 802 and 803 shall be planted in the planting season immediately following section 224C certificate for that stage.
- 81N Lot 802, shall be a jointly owned lot with an equal share owned by lots 315 -332. A consent notice shall be placed on the title of lot x stipulating that the land is to be kept clear of all buildings including accessory building and is to be maintained as open space.

- 135. Part 2 of the RMA is about achieving a balance of economic, social, environmental and cultural outcomes. Land efficiency is an important element of section 7 as is amenity.
- 136. The same outcomes in terms of visual character, screening, amenity when viewed from the highway and amenity for residents, can be achieved through the proposed combination of setback, bund and planting. This can be achieved while enabling more efficient use of the land which in turn helps achieve one of the Wooing Tree objectives of enabling a number of sections at market affordable rates. The approach to and consequence of density on housing affordability is outlined in Mr Haynes' statement attached as part of this response. Market affordability can be achieved because the cost of infrastructure and land development can be spread across more sections.
- 137. The bund provides a much higher amenity to the site than would, say, a 1.8m solid fence. External travellers on the State Highway and any pedestrian/cyclists will see the bunds and the vines. Residents within the development on land adjacent to the State Highways will benefit from the planted slope of the bund rather than a solid fence.

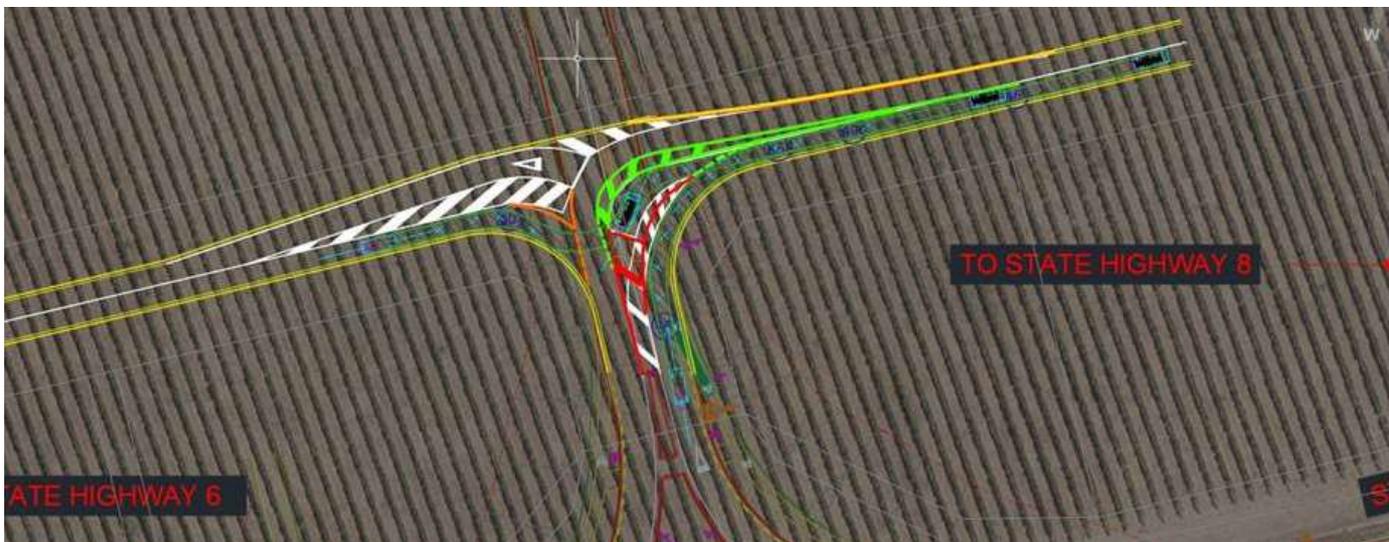
138. From a planning perspective, I have proposed conditions of consent which require the construction of the bund and give assurance that the package of the new depth of bund, but with the landscape buffer, will be implemented. These conditions are set out below:

E. Transport

139. Comments have been provided by WK-NZTA and CODC in relation to transport issues.

140. These are addressed in the response statement by Mr Carr.

141. In that statement, Mr Carr summarises the discussions between WK-NZTA and WTPDLP particularly over the roundabout entrance and turning into Blondie Drive. Essentially WK-NZTA have stated that an alignment where the road from the roundabout sweeps around into Blondie Drive with priority movement; and Blondie Drive coming from the west would enter a controlled intersection (give way or stop), would satisfy their issues. WSP working for WK-NZTA have provided a plan of the road design of this intersection. It is still subject to some refinements but sets the basic intersection design. This is tabled in the evidence of Mr Carr. But shown below for ease of reference.



142. Normally detailed design of an intersection would be dealt with at engineering plan approval stage. However, because this is so critical to the operation of this particular intersection, I have set out below the recommended conditions of consent.

66D The intersection layout and traffic management measures at the intersection of Blondie Drive and the entry road from the roundabout shall be in accordance with the plan prepared by WSP plan prepared by WSP and attached to the letter of Carriageway dated 270721. Detailed layout of the intersection shall be submitted to the Waka Kotahi – New Zealand transport Agency and CODC for approval as part of engineering plan approval. That layout shall be in accordance with the lane prioritisation and intersection design set out in the WSP plan.

...

143. WK-NZTA have sought a reduction in the cap on the number of residential sites which can be titled prior to the roundabout being constructed from 192 to 176.

144. This essentially aligns with the lots created in stages 1 and 2.

145. WTPDLP have agreed this request.

146. Consequently condition 12 in the original application would be modified as set out below.

12. "Code of compliance certification under the Building Act shall be limited to

- (a) no more than ~~192~~ 176 residential dwelling building consents or;
- (b) any retail or commercial building consent (but excluding a community building),

and no commercial building or no more than ~~192~~ 176 residential buildings shall be occupied, and no part of the centre can gain a code compliance certificate under the Building Act, until the construction of the roundabout at State Highway 8B/Barry Avenue is completed. (This condition is offered by the applicant as an augier condition.)

Advice Note: This allows construction of residential and commercial buildings concurrent with the construction of the SH8B round about, but dwellings or commercial premises may not be occupied until completion of the roundabout."

147. The third transport aspect triggering changes to the conditions of consent relate to the alignment to the underpass. This is reflected in the detailed design of the subdivision.

148. The CODC raised issues over the alignment of the underpass in terms of the adjacent street system. Mr Baxter has undertaken a redesign of the street layout to the north to improve these pedestrian connections. That design is set out in a plan by Baxter Design and reflected in the Subdivision Plan by Adapt. The underpass now directly aligns to road 6.

149. Consequently the following condition of consent is proposed:

81O The underpass shall align to a road or laneway to the north providing a footpath or walkway that connects through the street network and / or laneways to the greenway.

81P The detailed landscaping and street furniture and signage plans shall be submitted to the Council as part of engineering plan approval process for approval by CODC.

F. Open space

150. Mr Penney has raised the issue of the adequacy of the provision of open space within the Wooing Tree Estate. This is addressed in the evidence of Mr Baxter.

151. A comparison is made between a concept plan tabled as part of Plan Change 12 and the current level of open space. That original concept had significantly more open space than the current proposal.

152. Plan Change 12 itself rezoned Wooing Tree with a combination of residential, business and rural zoning. No particular open space zoning was applied, nor were minimum areas of open space set within the plan provisions.

153. This plan change provides for public open space in the form of:

- Wooing Tree Park
- Central Park;
- the central greenway.

These areas will be formed in accordance with the landscape plans from Baxter Design and will vest in the CODC.

154. WTPDLP originally proposed a further vesting of the northern open space corridor from State Highway 6 through to the central greenway. The CODC does not consider that an essential part of the public open space network and has declined vesting. Consequently, that land will be retained in the ownership of the Residents Association. However it will be formed as open space and will provide a visual and amenity open space function. The immediate adjoining Wooing Tree residents can also use it for informal recreation.

155. The bund and buffer areas along State Highway 8B and State Highway 6 will operate as a working rural area. However, they are required to be kept free of all buildings and structures and do provide a level of visual open space as set out in the statement of Mr Baxter.
156. The total area of vested public open space on the site is 13,361m² or 5% of the land area.
157. The total area of open space including public and private open space with a purely open space function is 18,327m². If the viticulture open space area is added to this it increases the total area to 34,159m² or 13.4 % of the land area.
158. Overall, from a planning perspective, the open space development provides two neighbourhood parks, the greenway connection with walking and cycling paths, an area of communal open space in the north, and the rural buffer which has visual amenity benefits. Together with the streetscape amenity and private open space, this provides an appropriate open space network.

G. Regional Plan: Water – Earthworks

159. Different stages of the Wooing Tree development will require earthworks to undertake roading formation, and now to provide the bund.
160. The Otago Regional Council (ORC) does not have a regional 'land plan' or 'earthworks plan' as such.
161. Plan Change 8 to the Regional Plan: Water is working through its statutory processes.
162. Under that plan, there is an earthworks control which states as follows:

14.5.1 Permitted activities: No resource consent required

14.5.1.1 The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water, for earthworks for residential development is a *permitted* activity providing:

- (a) The area of exposed earth is no more than 2,500 m² in any 12-month period per landholding; and
- (b) Earthworks do not occur within 10 metres of a water body, a drain, a water race, or the coastal marine area; and
- (c) Exposed earth is stabilised upon completion of the earthworks to minimise erosion and avoid slope failure; and
- (d) Earthworks do not occur on contaminated or potentially contaminated land; and
- (e) Soil or debris from earthworks is not placed where it can enter a water body, a drain, a race or the coastal marine area; and
- (f) Earthworks do not result in flooding, erosion, land instability, subsidence or property damage at or beyond the boundary of the property where the earthworks occur; and
- (g) The discharge of sediment does not result in any of the following effects in receiving waters, after reasonable mixing:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (ii) any conspicuous change in the colour or visual clarity;
or
 - (iii) any emission of objectionable odour; or
 - (iv) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (v) any significant adverse effects on aquatic life.

163. Where a development fails to meet these controls, it is a restricted discretionary activity.
164. Wooing Tree will have earthworks well in excess of 2,500m². The earthworks required for each stage of the subdivision, because of the area of roading, is above this trigger.
165. None of these earthworks are within an overland flow path and there are no streams or wetlands on the site. There is no prospect of silt or other erosion and sedimentation impacting any lakes, streams, waterways or other water bodies.
166. Consequently in my view, the earthworks on Wooing Tree do not come within the scope of the Regional Plan: Water and so consent is not required.
167. However, there is an artificial pond on the site which takes water from a water bore for the purpose of frost management in winter. This water bore draws from groundwater. It has a water take consent.
168. As part of the Wooing Tree development, this water take will be discontinued and the pond filled in and returned to its natural contour.
169. While this is a cessation of a groundwater take, nevertheless it could come within Plan Change 8. Consequently, as part of this application, an additional consent is sought for earthworks associated with Stage 2 earthworks including disestablishment of the pond. These works were always proposed as part of the Application (and the effects assessed), but were not previously included in the reasons for consent.
170. At Attachment Q to the Wooing Tree response, I have undertaken a planning assessment under Plan Change 8 of the earthworks associated with Stage 2.

171. In this statement, I have attached a suggested set of conditions of consent based on Mr Garmonsway's original work on managing the effects of construction work including noise and dust. I note in their submission ORC has offered to provide feedback to the Panel on conditions of consent. The conditions I have offered below are a suggested basis to assist the Panel.
172. Conditions relating to earthworks and dust management are already addressed within the application. They draw heavily on the work Mr Garmonsway did as part of the Stage 1 development.

H. Cultural heritage conditions

173. There are three 'comments' in this category:

- (a) The Minister for Arts, Culture and Heritage has lodged a comment in support in the intent of the project. The Minister effectively has supported the imposition of the "accidental discovery protocol" as recommended by Heritage New Zealand Pouhere Taonga (HNZPT) and asked to view the draft conditions prior to the granting of consent.
- (b) HNZPT have lodged a submission outlining that to their knowledge there are no cultural heritage or archaeological sites on the Wooing Tree land but, given historic travel routes by Māori in the area, that the implementation of accidental discovery protocols would be appropriate.

They have recommended an alternate condition to that currently dealing with accidental discovery protocols, together with two additional conditions around staff induction and displaying of the protocol.

They also recommend an advice note be included identifying that an archaeological authority must be obtained from HNZPT prior to any damage or destruction of an archaeological site.

I support the suggested changes to the conditions. Consequently Condition 61 is substituted and Condition 61A and the Advice Note are added as per the wording recommended in the HNZPT comments. This is set out below. This is the same wording that was included in WTPDLP's response to the request for additional information from the Panel and submitted on 5 July.

61 The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol, or an accidental discovery protocol modified to reflect the specific project detail and approved in writing by Heritage New Zealand and Ahukaha, shall be operated under for any accidental archaeological discoveries that occur during construction works.

61A Prior to commencing ground disturbing activities, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite are familiar with the Wooing Tree Estate Accidental Discovery Protocol.

ADVICE NOTE

Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological authority must be obtained from Heritage New Zealand Pouhere Taonga prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council.

- (c) Te Rūnanga O Ngāi Tahu have lodged a comment outlining the history and cultural significance of the site and endorsing the recommended conditions put forward by Ahukaha and included within the application.

Those conditions relate to:

- (i) The accidental discovery protocol. Condition 61 and 61A and the Advice Note above give effect to this request by Te Rūnanga O Ngāi Tahu.
- (ii) Suitably local sourced native plants. Conditions 15 and 48 of the consent address these matters. These conditions were amended to address this feedback as part of the additional information requested by the Panel and supplied on 5 July. They are repeated here so that the Panel and Te Rūnanga O Ngāi Tahu can see the wording changes.
- (iii) Te Rūnanga are consulted via Ahukaha around Ngāi Tahu names within the subdivision. This is addressed in Advice Note 5. This matter is put as an advice note because it is the CODC that ultimately determines the naming of streets. WTPDLP has committed to work with Ahukaha to find suitable names for unnamed roads within the development and to place these before the CODC for its consideration.

I. Noise

174. Mr Styles, on behalf of CODC, has suggested a series of conditions relating to noise effects.
175. Mr Hay has provided commentary on these matters and has recommended some changes to the proposed noise conditions.
176. As part of the response to the Panel's additional information request, the issue of noise attenuation adjacent to State Highways was raised by Mr Hay. Mr Hay found that the conditions of consent (which include noise attenuation requirements for dwellings within 80m of the state highways) appropriately dealt with noise issues within the home, but recommended a 1.8m high close boarded fence to deal with noise in outdoor living spaces.
177. As I have discussed above in the response to comments on the buffer, the applicant is proposing an alternative to Mr Hay's original suggested fence - which is the 1.8m high vine and landscape bund discussed earlier in this statement.
178. This has the effect of:
- Providing a more solid structure for noise attenuation purposes.
 - Retains the character of an area of planted vines.
 - With the height of the bund and the height of the vines, provides a screening function from the State Highway, and provides a landscape screening function to the homes which front the buffer.
179. Mr Hay has reviewed the bund design and confirms that in his view this will achieve the same noise attenuation as the fence he had originally suggested. This is addressed in his statement attached to the responses from WTPDLP
180. Mr Hay has also reviewed the recommendations of Mr Styles. There is a reasonable degree of consensus between the two experts.
181. I have set out below the suggested noise conditions. The bund will also manage noise effects which is explained earlier in this statement. The new suggested condition 81A addresses the bund which has noise attenuation benefits. These have been updated to reflect the recommendations of Mr Hay following his analysis of Mr Styles recommendations.
182. The applicant, as part of its response to additional information requests by the Panel, had already amended noise condition (47) and added one additional condition (47A).
47. New residential buildings located in the Residential Resource Area, the Residential Resource Area (3) and the Residential Resource Area (11) in the Wooing Tree Overlay Area within 80m of the ~~seal~~ **carriageway** edge of State Highway 6 or 8B shall be designed and constructed to meet noise performance standards for noise

from traffic on State Highway 6 or 8B that will not exceed 35dBA LAeq (24hr) in bedrooms and 40dBA LAeq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. A consent notice to this effect shall be placed on the title of all relevant lots.

47A Where a dwelling requires that windows are closed in order to achieve the internal noise levels specified in condition 47, an alternative means of temperature control (heating and cooling) shall be provided. An alternative means of providing fresh air for ventilation that meets the requirements of Building Code clause G4 shall also be provided.

47B Construction noise shall be measured and assessed in accordance with NZS 6803:1999. The applicable limits in Tables 2 and 3 of the Standard shall apply.

47C Construction vibration must be measured in accordance with ISO 4866:2010 *Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures*. The Category A construction vibration criteria in the table below must be complied with as far as practicable. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified person must assess and manage construction vibration during those activities. If measured or predicted vibration from construction activities exceeds the Category B criteria, those activities must only proceed if effects on affected buildings are assessed, monitored, and mitigated by suitably qualified people.

Construction Vibration Criteria			
Receiver	Details	Category A	Category B
Occupied dwellings	Night-time 2000h - 0630h	0.3mm/s ppv	1mm/s ppv
	Daytime 0630h - 2000h	1mm/s ppv	5mm/s ppv
Other occupied Buildings	Daytime 0630h - 2000h	2mm/s ppv	5mm/s ppv
All other buildings	Vibration - transient	5mm/s ppv	BS 5228-2* Table B2
	Vibration - continuous		BS 5228-2* 50% of table B2 values

*BS 5228-2:2009 'Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'

47D Prior to the commencement of works on site, the consent holder shall submit to Council’s monitoring team for certification a Construction Noise and Vibration Management Plan (CNVMP). The CNVMP must reflect the guidance provided by Annexure E of NZS6803:1999 and vibration limits set out in this consent.

The CNVMP is to provide a framework for the development and implementation of measures to avoid, remedy or mitigate adverse construction noise and vibration effects, and to minimise any exceedance of the criteria set out in Condition 2.

If measured or predicted noise and vibration from a construction activity exceeds the criteria in Conditions 1 or 2, a Schedule to the CNVMP for that activity must be prepared and provided to Council at least five working days, where practicable, in advance of the activity proceeding. The schedule must establish the best practicable option for noise or vibration mitigation to be implemented for the construction activity.

47E Prior to commencement of works onsite, and subject to the consent of landowners, the Consent Holder is to carry out a building condition survey of the immediately adjacent properties to the Site and provide these to the [Monitoring Officer] at Council on request. The purpose of this survey is to record any existing cracks, defects or subsidence in neighbouring buildings prior to any earthworks or construction occurring on

application site.

J. Infrastructure conditions

183. There are two aspects of comments on this proposal related to infrastructure.
184. The first is comments from engineering staff for CODC reviewing the proposed conditions of consent for engineering and infrastructure works associated with the application. That assessment finds that the majority of conditions of consent are consistent with those approved as part of Stage 1, and are supported by CODC.
185. CODC recommends some additional conditions of consent.
186. Mr Garmonsway has reviewed the suggested conditions and generally supports them. This is outlined in the letter by Mr Garmonsway at attached to the Wooing Tree response.
187. The current engineering conditions of consent proposed in the application are set out below (black writing). Changes have been made to pick up the suggestions from the CODC. These are shown in red writing.

Roading and Access

12. *Prior to section 224(c) certification for each stage of the subdivision the carriageways of any road or portions of roads as shown on the plan of subdivision as road type 1 shall be constructed in accordance with NZS 4404:2004 and Table 3.1 of Council's July 2008 Addendum for Residential Local Road Classification as modified by the following:*
- (a) *The carriageway shall have a minimum 6.0 metre sealed 'through carriageway' width located within a 20 metre road reserve.*
- (b) *Minimum 2.2 metre width (parallel) or 5.0m depth (perpendicular) sealed parking bays adjoining residential allotments on either or both sides of road.*
- (c) *Subgrade CBR>7.*
- (d) *Pavement design in accordance with NZS 4404:2004 and Council's July 2008 Addendum.*
- (e) *Two coat Grade 3-~~and~~/5 chip seal or 30mm asphaltic concrete surfacing; with concrete paving block feature areas at intersections and bends.*
- (f) *4% normal camber.*
- (g) *Mountable kerb and channel on both sides of carriageway (drop channel and border kerb adjoining parking bays) over ~~100~~75mm depth AP 6540 metal.*
- (h) *All necessary traffic signs and road markings shall be provided.*
- (i) *Footpaths to be constructed along both sides of the carriageway as follows:*
1. *Minimum 1.5m wide and 4% crossfall to channel.*
 2. *Asphaltic concrete, concrete or concrete paver surfacing.*
 3. *Crossings at intersections to NZS 4121:2001 requirements.*
- (j) *Minimum 100mm depth clean topsoil between footpath and road boundary formed at 4% crossfall, trimmed and grassed to a mowable standard.*
- (k) *Cut/fill batters outside road boundaries with a maximum of 4:1 gradient to match existing ground within allotments.*

- (l) LED street lighting in accordance with NZS 4404:2004 and accepted urban standards with lamps to be selected from the Auckland Transport approved list.
- (m) Temporary 9.0m radius asphalt concrete surfaced turning circles shall be provided at the head of temporary cul de sacs (applicable to all road types for staging purposes), except where the subsequent stage has had engineering plan approval from CODC and physical works on formation of the road will continue straight on from the physical works completion of the previous stage.
- (n) Tree planting to be in accordance with 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.
- (o) The location of trees, street lights and parking bays shall consider the likely location of future vehicle entrances to residential lots.
- (p) Any road connecting to SH8B or Shortcut Road shall seamlessly tie in with the carriageway of that road or State Highway.
- (q) Concrete paving block feature areas at intersections and bends.
- (r) 9.0m radius asphaltic concrete surface turning surface at head of temporary cul-de-sacs (applicable to all road types for staging purposes), except where the subsequent stage has had engineering plan approval from CODC and physical works on formation of the road will continue straight on from the physical works completion of the previous stage.

Note to Hearings Panel: These detailed conditions and those in conditions 10 and 11 reflect the level of detail imposed by CODC on the Wooing tree stage 1 consent

13. Prior to section 224(c) certification for each stage of the subdivision the carriageway of any road or portion of a road as shown on the plan of subdivision as road type 2 shall be constructed in accordance with NZS 4404:2004 and Table 3.1 of Council's July 2008 Addendum for Residential Local Road Classification as modified by the following:
- (a) The carriageway shall have a minimum 6.0 metre sealed 'through carriageway' width within a 17 metre road reserve.
 - (b) Minimum 2.2 metre width or 5.0m depth sealed parking bays adjoining residential allotments on both sides of the road.
 - (c) Subgrade CBR >7.
 - (d) Pavement design in accordance with NZS 4404:2004 and Council's July 2008 Addendum.
 - (e) Two coat Grade 3/~~and~~5 chip seal or 30mm asphaltic concrete surfacing; with concrete paving block feature areas at intersections and bends.
 - (f) 4% normal camber.
 - (g) Mountable kerb and channel on either or both sides of carriageway (dish channel and border kerb adjoining parking bays) over ~~100~~75mm depth AP ~~6540~~ metal.
 - (h) All necessary traffic signs and road markings shall be provided.
 - (i) Footpaths to be constructed along both sides of the carriageway as follows:
 1. Minimum 1.5m wide and 4% crossfall to channel.
 2. Asphaltic concrete, concrete or concrete paver surfacing.
 3. Crossings at intersections to NZS 4121:2001 requirements.

- (j) Minimum 100mm depth clean topsoil between footpath and road boundary formed at 4% crossfall, trimmed and grassed to a mowable standard.
 - (k) Cut/fill batters outside road boundaries with a maximum of 4:1 gradient to match existing ground within allotments.
 - (l) LED street lighting in accordance with NZS 4404:2004 and accepted urban standards with lamps to be selected from the Auckland Transport approved list.
 - (m) Temporary 9.0m radius asphalt concrete surfaced turning circles shall be provided at the head of temporary cul de sacs (applicable to all road types for staging purposes), except where the subsequent stage has had engineering plan approval from CODC and physical works on formation of the road will continue straight on from the physical works completion of the previous stage.
 - (n) Tree planting to be in accordance with 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.
 - (o) The location of trees, street lights and parking bays shall consider the likely location of future vehicle entrances to residential lots.
 - (p) Concrete paving block feature areas at intersections and bends.
14. Prior to section 224(c) certification for each stage of the development, the JOAL / right of way carriageways servicing lots shall be constructed in accordance with NZS 4404:2004 and the CODC July 2008 Addendum for a Right of Way (2-5 lots) classification subject to the following-
- (a) For JOAL's servicing up to 2 lots, a minimum 3.0 metre seal width carriageway within a minimum 4.0 metre right of way corridor.
 - (b) For JOAL's servicing between 3 and ~~up to~~ 6 lots, a minimum 4.0 metre seal width carriageway within a minimum 6.0 metre right of way corridor.
 - (c) For JOAL's servicing up to 10 lots and not having two accessible street frontages, a minimum 6.0 metre seal width carriageway within a minimum 8.0 metre right of way corridor
 - (d) For JOAL's servicing up to 10 lots and having two accessible street frontages, a minimum 4.0 metre seal width carriageway within a minimum 5.0 metre right of way corridor.
 - (e) For ROWs servicing up to ~~5~~ 2 lots, a minimum 3.0 metre seal width carriageway within a minimum 3.5 metre right of way corridor.
 - (ea) For ROWs servicing between 2 and 6 lots, a minimum 4.0 metre seal width carriageway with a minimum 6 metre right of way corridor.
 - (f) Pavement design in accordance with NZS 4404:2004 and the Council's July 2008 Addendum.
 - (g) Subgrade CBR>7.
 - (h) Two coat chip seal Grade 3/5 ~~and Grade~~ 5 or 30mm asphaltic concrete, concrete or concrete paving block surfacing.
 - (i) 4% camber to kerb and channel.
 - (j) Standard or mountable kerb and channel on lower side and nib kerb on higher side of carriageway.
 - (k) Mud tank collecting stormwater from carriageway and discharging to soak pit within subdivision.
 - (l) Heavy duty kerb crossing at entrance constructed in accordance with the Council's Roading Policies January 2015, Part 29.

- (m) verges between carriageway and right of way boundary shall be grassed.
- (n) Cut/fill batters outside right of way boundaries with maximum 4:1 gradient to match existing ground.
- (o) Attractive low maintenance surfacing (crushed schist or similar) or mowing grass along verges between carriageway and ROW boundary.
- (p) Through accessways servicing more than seven lots shall have positive control measures installed to deter public through traffic to the satisfaction of the CODC.

14A. The link road between the roundabout on State Highway 8B and Blonde Drive shall be constructed to a standard not less than that of Blonde Drive but in all respects to the satisfaction of Waka Kotahi/NZTA. This shall include drainage, pavement construction, carriageway widths, tapers road markings and all details necessary to provide a safe and effective link between the State Highway and the subdivision.

14B. Vehicle entranceways to all residential and commercial lots shall be constructed in accordance with Part 29 of the Council's roading policies generally 2015.

14C. Vehicle entranceways are to be installed at all lots with locations clearly defined at the time of subdivision as a requirement of 224C certification; or a consent notice is to be placed on each title stating that the location of any vehicle entrance strip shall be to the satisfaction of the Council.

Water

~~27 The detailed alignment and design of the relocated water main through the site shall be determined at engineering plan approval stage by CODC.~~

27. A detailed design for the realignment of the existing 300mm diameter water main bisecting the site shall be prepared in liaison with the Council's Three Waters Manager and submitted for Council's Three Waters Manager's approval as a requirement of the general engineering approval. The pipeline shall be realigned at the consent holder's cost as a requirement of 224c certification for the Stage 3 and/or Stage 3 works. The alignment shall generally be in accordance with the plans by Paterson Pitts Group Plan C2655- SCM v7 Rev C dated 14/04/2021

27A As part of the realignment of the watermain in condition 15, the consent holder shall create a second water supply connection to the subdivision. The detailed design for the connection shall be prepared in liaison with the Council's Three Waters Manager and submitted for Council's Three Waters Manager's approval as a requirement of the general engineering approval.

Wastewater

29A. A detailed design for the alignment of the existing Lowburn-Cromwell rising main traversing the site shall be prepared in liaison with Council's Three Waters Manager and submitted for Council's Three Waters Manager's approval as a requirement of the general engineering approval. The pipeline shall be aligned at the consent holder's cost as a requirement of 224c certification for the Stage 3 and/or Stage 4 works.

Stormwater

33A. Prior to 224c certification for Stage 3, standard 150mm diameter laterals with cleaning eyes shall be installed from the wastewater reticulation to within the boundary of each of Lots 80X, 80X and 80X.

Power and Telecommunications

40. All power and telecommunication services shall be underground and all connections to the boundary of any residential or commercial lot shall be underground.

42A. Connections shall be extended to the buildable area of all rear allotments.

Pedestrian and cycle connectivity

- 42B. *A continuous cycle/walkway shall be provided from the entrance/exit to the underpass through the site connecting to the central greenway and Shortcut Road. The path shall:*
- (i) have a minimum width of 2m and a depth of 30mm asphaltic concrete, standard concrete or concrete paver footpath;*
 - (ii) match crossing points on intersected streets to NZS4121:2001 requirements;*
 - (iii) provide appropriate reserve lighting.*

Underpass

- 42C. *The ramp approaches to the underpass within the Wooing Tree land shall be designed and constructed to meet NZ standards for pedestrian and disabled access including maximum gradients. The cycleway/walkway shall be constructed to the requirements detailed in condition X (cycleways/walkways). Batter slopes along the cuttings leading into the underpass shall be constructed or retaining walled to ensure safety of the pathway users and presenting an attractive low maintenance appearance.*

Certification

- 42D. *The consent holder shall provide producer statements in an approved format from a suitably qualified person certifying the adequacy and compliance with consent conditions relating to:*
- engineering design;*
 - construction; and*
 - construction review of subdivision works.*
- 42E. *As built data construction testing and RAMM data and asset information with associated costings (priced schedule) shall be provided by the consent holder at the completion of physical works.*

188. Stantec, on behalf of the CODC, suggested a series of conditions relating to the shared space. As the hospitality centre has been reconfigured and the shared space is not proceeding, this suggested condition has been omitted.
189. The second matter relates to infrastructure capacity issues.
190. As a result of shrinking the hospitality centre, there has been an increase in the number of residential lots and consequently eventual residential dwellings on the site. This has increased from 332 under the proposal as lodged (32 approved under Stage 1 by CODC and 300 sought through this application) to approximately 360 under this modified proposal.
191. Mr Garmonsway has undertaken an assessment of the capacity of the system based on the work Mott MacDonald did for the CODC when establishing infrastructure capacity issues for Wooing Tree.
192. Mr Garmonsway identifies that the Mott MacDonald report found capacity for wastewater services for a total of 361 dwellings. The same analysis for potable water services found a total of 353 dwellings based on a single water connection off Roberts Drive.
193. Mr Garmonsway then further identifies that with the water main being realigned on the site, connection into this water main will create a second supply line which would provide full capacity for the 360 dwellings (and more). This is set out in Mr Garmonsway' report at Attached to this response by WPTPDLP.

194. Consequently, in the suggested changes to the infrastructure conditions set out above, I have recommended an additional condition of consent which would require the development to create a second potable water supply connection.
195. With the changes recommended by Mr Garmonsway and the CODC officers, the infrastructure effects of the decrease in business floor space and substitution for residential dwellings and the consequent adjustments to the masterplan to create 360 residential sites are less than minor.

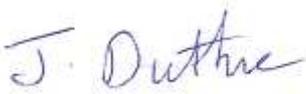
K. Land contamination

196. The situation with land contamination has changed during the process of this application.
197. WSP undertook a PSI of the land including some onsite testing in 2016. That found that there were no contamination issues which would trigger the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).
198. Recently WSP undertook some work for WK-NZTA concerning the new roundabouts. That resulted in new soil testing immediately around the base of the posts used in the vineyard. This found elevated levels of arsenic. These were essentially within 200mm of the base of the post. Samples taken between 250mm-500mm away showed concentrations of arsenic complied with the standards.
199. Consequently, WTPDLP commissioned WSP to undertake further analysis on the Wooing Tree block. This is set out in the report by Ms Bond of WSP attached to this response. That work found similarly that there were elevated levels of arsenic in a 200mm circumference around 50% of the posts surveyed. Elsewhere within the vineyard the soil samples were below triggers for the NESCS or the Regional District Plan. However, consent is required for these specific areas.
200. WSP have undertaken a detailed investigation and prepared a remediation action plan for the development.
201. They looked at options of soil removal or soil mixing during earthworks.
202. As set out in their report, WSP are recommending the option of “mixing of soil hotspots with surrounding soils to a depth of approximately 300mm to ensure that areas containing elevated arsenic concentrations are effectively diluted by surrounding soils. This option is considered to offer significant environmental and sustainability benefits and is therefore the most cost-effective and strategic solution for hotspot remediation across the site. This remedial option is therefore strongly recommended”.
203. WTPDLP has accepted the recommendation of WSP and this application is advanced on that basis.
204. There is already a condition of consent requiring soil sampling to validate compliance with standards on completion of the removal of infrastructure from the vineyard and making good of soil but prior to the subdivision works (condition 46A).
205. The following conditions are added (condition 46A is renumbered as 46E).
- 46A As part of the removal of timber posts associated with the existing vineyard for each stage of the development, the consent holder shall fully implement the Remediation Action Plan by WSP forming part of this application. That remediation work shall involve the mixing of soils to a depth of 300mm across the affected area.
- 46B The consent holder shall appoint a contaminated land specialist suitably qualified and experienced in contaminated land management, who shall overview all aspects of the Remediation Action Plan, including implementing a monitoring programme of site works to ensure compliance with the Remediation Action Plan.

- 46C The consent holder shall put in place health and safety procedures as recommended in the remediation action plan by WSP and forming part of this application.
- 46D The consent holder shall provide to the Otago Regional Council and the CODC copies of the monitoring report under condition 46B, and of the final validation report under condition 46E.

L. Reasons for consent and conditions

206. As outlined in this statement, there are two additional reasons for consent.
207. The first relates to earthworks under Plan Change 8 to the Regional Plan: Water.
208. The second relates to land contamination issues which trigger consents under the National Environmental Standard and the Regional Plan and District Plan.
209. Earthworks aspects are addressed in the assessment at Attachment Q to this response. Land contamination issues are addressed in the report by WSP at Attachment I to this response and the assessment by Tattico at Attachment C.
210. Attachment J to the WTPDLP response provides an integrated list of the conditions of consent.



John Duthie
Tattico Limited