

20 September 2021

Gen Hewett
Senior Advisor
Environmental Protection Authority
Wellington

Dear Gen

Wooring Tree development Cromwell: Draft conditions of consent

Thank you for the opportunity for WTPDLP to comment on the draft conditions of consent for Wooring Tree. Thank you also for sending me a word version.

I set out below the requested changes to the conditions. The applicant fully accepts the vast majority of the conditions. Therefore, rather than repeat the full set of conditions, I have only attached those conditions for which a change is requested. The changes appear in **red as new text or strike out**

I have also set out the reason for the requested change.

A – Review condition – Conditions 8 and 9

WTPDLP is seeking changes to conditions 8 and 9 dealing with the scope for any review of the consent.

- 8 *The CODC may, under section 128 of the Resource Management Act 1991 (Act), initiate a review of any or all conditions of the subdivision and land use resource consents, every ~~six~~ **twelve** months following the commencement of Construction Works, for the duration of the resource consents.*
- 9 *A review of the conditions under condition 9 is to deal with any adverse effects on the environment that may arise from the exercise of ~~these resource consents~~ **the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;***

Attached to this response is a letter from Simpson Grierson. This sets out the rationale for the requested changes to this review condition.

The requested condition maintains a review opportunity for CODC. It is based on a review condition imposed on another fast-track consent by that Panel. It sets the parameters for the review as relating to the effects of this proposal being different to what was contemplated or approved within this consent. It sets a reasonable timeframe at every 12 months. This gives the opportunity to exercise the review in identified circumstances but also allows a reasonable time between review opportunities.

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B – Local road engineering requirements – Condition 21

The typical cross-sections lodged with the application show three basic forms of the 17m road (road type 2). One is based on parking bays on both sides of the road and one is based on parking bays on one side only of the road. The third has a wider landscaped berm.

The condition as worded would allow all three of these typologies. However, the applicant would like to make it more explicit. The amended wording below is intended to achieve that. It also allows a bit of flexibility so that at the engineering plan approval stage there can be some discussions with CODC to get a finally agreed detailed roading design.

Prior to section 224(c) approval for each stage of the subdivision, the carriageway of any road or portion of a road as shown on the plan of subdivision as road type 2 and generally in accordance with the cross-sections forming part of this consent, shall be constructed in accordance with NZS 4404:2004 and Table 3.1 of CODC's July 2008 Addendum for Residential Local Road Classification or as approved by the CODC as part of engineering plan approval; as modified by the following:

- (a) The carriageway shall have a minimum 6.0 metre sealed 'through carriageway' width within a 17 metre road reserve.*
- (b) Minimum 2.2 metre width or 5.0m depth sealed parking bays adjoining residential allotments on both sides of the road.*
- (c) Subgrade CBR >7.*
- (d) Pavement design in accordance with NZS 4404:2004 and Council's July 2008 Addendum.*
- (e) Two coat Grade 3/ 5 chip seal or 30mm asphaltic concrete surfacing; with concrete paving block feature areas at intersections and bends, or such other location as agreed with CODC at engineering plan approval stage.*
- (f) 4% normal camber.*
- (g) Mountable kerb and channel on either or both sides of carriageway (dish channel and border kerb adjoining parking bays) over 75mm depth AP 40 metal.*
- (h) All necessary traffic signs and road markings shall be provided.*
- (i) Footpaths to be constructed along both sides of the carriageway (unless specifically agreed by CODC at engineering plan approval stage) as follows:
 - 1. Minimum 1.5m wide and 4% crossfall to channel.*
 - 2. Asphaltic concrete, concrete or concrete paver surfacing.*
 - 3. Crossings at intersections to NZS 4121:2001 requirements.**
- (j) Minimum 100mm depth clean topsoil between footpath and road boundary formed at 4% crossfall, trimmed and grassed to a mowable standard.*
- (k) Cut/fill batters outside road boundaries with a maximum of 4:1 gradient to match existing ground within allotments.*
- (l) LED street lighting in accordance with NZS 4404:2004 and accepted urban standards with lamps to be selected from the Auckland Transport approved list.*
- (m) Temporary 9.0m radius asphalt concrete surfaced turning circles shall be provided at the head of temporary cul de sacs (applicable to all road types for staging purposes), except where the subsequent stage has had engineering plan approval from CODC and physical works on formation of the road will continue straight on from the physical works completion of the previous stage.*

- (n) Tree planting to be in accordance with CODC's 'District Tree Management and Operational Guideline 2011' and with automated irrigation provided, all to the requirements of CODC's Parks and Reserves Manager.
- (o) The location of trees, 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) paving block feature areas at intersections and bends.

C – Blondie Drive intersection adjacent to the new roundabout – Condition 24

Condition 24 requires a safety audit of the intersection layout at the Blondie Drive intersection.

Waka Kotahi in particular, but also CODC, have had concerns about safety aspects at this intersection because of the close proximity to the roundabout.

The current draft Condition 24 provides for a safety audit of this intersection and for changes to be made to the consented plans to take account of the results of that safety audit.

There are a range of options available depending on the outcome of the safety audit. These can range from the 'low end' being a simple remarking of the intersection, through to changes to the design to create the legal road north of Blondie Drive as a through road giving primary access to Vintage Drive and Shortcut Road (as opposed to the current proposal to direct traffic into Blondie Drive). That would see a change in the landscaping treatment to convert the vested 'greenway' north of Blondie Drive to a vested legal road.

WTPDLP, in discussions with Waka Kotahi, has accepted that if changes are required as a result of the safety audit it will implement those changes, including if that does require a change in the function of the northern road. This is a feasible solution as the former hospitality centre in this block was deleted from the proposal at an earlier stage of the consent. The subdivision pattern already provides for a vested corridor giving access to sites in this block. This would simply change the status of this connection. WTPDLP accepts that the safety audit will determine this.

Waka Kotahi has asked for some adjustments to the condition to make it more explicit given that a safety audit would only identify if the current solution was workable or not workable. The safety audit would not identify an alternate solution. The wording of the condition is therefore adjusted to make it clear that if the safety audit finds that the current design is not workable, then alternatives are to be put forward which are also to be subject to a safety audit. That workable alternate is the one that is to be implemented pursuant to condition 24.

The requested wording is set out below.

*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 and attached to the letter of Carriageway dated 27/07/21 subject to a safety audit being carried out by an appropriately qualified expert. **If the intersection layout does not pass the safety audit then the consent holder will prepare and any changes that are required to the design to address the results of that audit and arrange for a safety audit of those changes to be carried out by an appropriately qualified expert.** Detailed layout of the intersection shall be submitted to the WK – NZTA and CODC for approval as part of engineering plan approval. That layout shall be in accordance with the lane prioritisation and intersection design set out in the WSP plan subject to any changes arising from the safety audits referred to above.*

D – Underpass

Waka Kotahi have raised with WTPDLP that there is no condition dealing with the timing of the construction of the underpass. They want certainty that the underpass will be constructed at the same time as the roundabout. WTPDLP is therefore requesting the following condition. This ensures the underpass is built concurrently with the roundabout, but recognises it may not become operational until the public road giving access to the underpass is vested. This condition would go after condition 60

The underpass beneath SH8B and to the full extent of the legal state highway boundary (as widened pursuant to this consent) shall be constructed at the same time as the construction of the roundabout. The access to the underpass and the opening of the underpass to the public shall occur at the time the new road on the northern side of the underpass connection is vested in CODC. of the

E- Residential sites– Condition 125

Condition 125, as drafted, could be seen as providing 2 contradictory side yard controls. The intention is to allow increased flexibility on smaller sites. The suggested change clarifies this matter. It allows more efficient use of the site. The first control should be deleted. The second control is the appropriate control to manage the effects of housing on these sites.

All dwellings on sites other than lots 200-214, 218-221, 237-241, 284-286, 391-410 with a frontage of less than 13m and / or a site depth of less than 25m, shall achieve front and side yards of:

(a) Front Yards:

- *3.0m, except any garage shall be set back a minimum of 4.5m.*

(b) Side Yards:

~~• *1.5m in the Residential Resource area, and residential resource area 3 and 11.*~~

- *1.0m; except that:*
 - *no side yard applies where building adjoin through a common wall: or*
 - *no side yard applies provided that a maintenance easement is registered against the title of the adjoining site preventing any building being constructed within 1m of the boundary, and allowing access to maintain the building.*
 - *The recession plane control does not apply to any part of the building built on or within 200mm of the boundary.*

E - Additional condition - cancellation of conditions

The Panel in their minute has noted that the original application requested the deletion of a consent notice condition from a previous consent.

Since the application was lodged, the titles for the 32 lots within Stage 1 have issued. As part of that process, the uplifting of the consent notice has occurred. Consequently, the applicant is no longer requesting this condition. No change from the draft conditions put forward by the Panel are requested in this regard.

Thank you once again for the opportunity to comment on these conditions. Happy to answer any questions or provide any further explanation.

Yours faithfully

A handwritten signature in blue ink that reads "J. Duthie". The signature is written in a cursive style with a large, stylized initial "J".

John Duthie
Tattico

21 September 2021

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COVID-19 Recovery (Fast-track Consenting) Act 2020: Wooing Tree Estate

1. We act for Wooing Tree Property Development LP (**WTPD**), the authorised person for the application for the Wooing Tree Estate project under the COVID-19 Recovery (Fast-Track) Consenting Act 2020 (**CRFCA**).
2. We refer to Minute 9 from the Expert Consenting Panel, which invited WTPD (and the parties who have previously provided comments on WTPD's project) to provide comment on the draft conditions. We have been asked by WTPD to address the Panel's draft conditions 8 and 9, which provide for the review of the consent conditions.
3. As currently proposed in the Panel's draft conditions, conditions 8 and 9 provide as follows:
 8. *The CODC may, under section 128 of the Resource Management Act 1991 (Act), initiate a review of any or all conditions of the subdivision and land use resource consents, every six months following the commencement of Construction Works, for the duration of the resource consents.*
 9. *A review of conditions under Conditions 9 is to deal with any adverse effect on the environment that may arise from the exercise of these resource consents.*
4. Respectfully, there are two issues with these conditions.
5. First, the timeframe. We consider that providing for the consent to be reviewed every six months is too onerous, and is contrary to the stated purpose of the CRFCA to "urgently promote employment" and "to support the certainty of ongoing investment". WTPD's ability to proceed at pace and urgently provide employment and deliver much needed housing in this part of New Zealand will be hampered if it needs to respond to a review of the conditions initiated by the Central Otago District Council (**CODC**) every six months. WTPD requests that the review period is revised to "every 12 months".
6. Second, the broad scope of review. The phrase "to deal with any adverse effect on the environment" is overly broad. We understand that this wording is similar to that included in the regional consents (but not the land use consents) recently granted under the CRFCA for the Faringdon South West and South East development.

7. However, it is not appropriate to enable CODC to review the consent “to deal with any adverse effect” arising from the Wooing Tree project, when there is already a comprehensive set of consent conditions that have been designed to address those adverse effects. The purpose of the review condition should be to address adverse effects that were not anticipated by the application, or are at levels above which was predicted in the application. Under the current drafting of the review condition the CODC would be able to review the conditions on the basis of adverse effects that have been anticipated in WTPD’s application, and are already addressed through conditions, on the basis that the CODC does not *agree* with the approach approved by the Panel.
8. We propose the following amendments to condition 9:
 9. *A review of conditions ~~under Conditions 9~~ is to deal with any adverse effect on the environment that may arise from the exercise of these resource consents which was not foreseen at the time the application was considered.*
9. This wording has been adapted from the review condition (condition 79) in the land use consent recently granted under the CRFCA for the Ohinewai Foam Factory. This will allow the CODC to review the conditions on the basis of adverse effects that go beyond or are different to what was anticipated in WTPD’s application (and thus considered by the Panel when making its decision). It would prevent CODC from reviewing the conditions on the basis that it considered the adverse effects of the project should be dealt with in a manner that is different to that included in the conditions of consent approved by the Panel.

Yours faithfully
SIMPSON GRIERSON



Bill Loutit / Sarah Mitchell
Partner / Senior Associate