

Request under the COVID-19 Recovery (Fast- Track Consenting) Act

Planning Assessment

Wooing Tree Partnership Development, Cromwell

Final

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1 EXECUTIVE SUMMARY

- 1.1 This is an application under section 20 of the request for the COVID-19 Recovery (Fast-Track Consenting) Act 2020 (CRFCA) for the Minister to refer a 309 lot residential and 3 lot neighbourhood centre development known as 'Wooing Tree Estate' in Cromwell, Central Otago, to the 'Expert Consenting Panel' (Panel) set up to determine applications under the CRFCA..
- 1.2 In addition, this planning assessment includes an analysis under sections 31 and 32 of the CRFCA. This is intended to demonstrate that not only does this application meet the requirements of section 20 of the CRFCA and therefore does warrant the Minister referring the matter to the Expert Consenting Panel for consideration, but it also meets the statutory tests under sections 30 and 31 and is therefore worthy of being granted as a consent under the CRFCA.
- 1.3 Wooing Tree Property Property Development LP(Wooing Tree Partnership) is a New Zealand company established to advance the development of the 25.4 hectare Wooing Tree block. The land is owned by Wooing Tree Holdings Ltd. Wooing Tree Partnership is the authorised development entity for of Wooing Tree Holdings.
- 1.4 Wooing Tree Partnership has a fully developed masterplan for the site and has the financial structures in place to enable it to move immediately to start construction on the first stages of the development once consents are obtained.
- 1.5 This development will offer significant employment in the professional services and construction industry in the Central Otago region, particularly design and engineering, land development, civil construction, and housing construction. The analysis forming part of this application demonstrates it will sustain 1,000 job months by the end of 2021 rising to a cumulative total of 8,500 job months by September 2026. The analysis shows 250 jobs directly sustained by the development. In July 2023
- 1.6 Importantly it will bring 309 new homes to Cromwell, a town achieving growth rates consistent with the "high growth scenario" embodied within the Central Otago District Council's (CODC) growth predictions for Cromwell.
- 1.7 The land is currently zoned for low density residential development as a permitted activity with some opportunity by way of resource consent for medium density housing. The recent community initiated

and CODC adopted “Cromwell ‘Eye on the Future’ Masterplan: Spatial Framework Plan” (Cromwell Spatial Framework Plan) identified the key growth strategy for Cromwell for the next 10-30 years. This strategy was adopted by the Cromwell Local Board under delegated authority from the CODC in 2019. That strategy signals a repurposing of this land for medium and high density residential development.

- 1.8 The land is the only large block of development - ready property within the 800m walking distance of the Cromwell town centre. It is ideally placed for helping meet the residential growth requirements of the Cromwell township, and would do this in a location that supports the retail and community facilities of the town centre because it is within its walkable catchment.
- 1.9 CODC is committed to bringing down plan changes to give effect to the new growth strategy embodied within the Cromwell Spatial Framework Plan. However resourcing limitations mean that the Council programme is to undertake this work in 2021. Wooing Tree would then need to go through the 12-18 month process of working through such a plan change and then apply for resource consents for the development. This is a company that is development - ready and resourced to deliver much needed housing and construction activity in Central Otago. It needs this fast track consent to make that economic contribution.
- 1.10 The CRFCA will enable Wooing Tree to deliver on a new residential neighbourhood consistent with the current adopted CODC thinking for growth management within Cromwell, and do this within a much shorter timeframe than the standard process. Construction activity and jobs will be available within months rather than years as would be the case under the current system. Development will be accelerated by at least 18 months. This will deliver § 9(2)(b)(iii) of construction economic development and the jobs this underpins, plus § 9(2)(b)(iii) of land development benefits.
- 1.11 Instead of Wooing Tree being eventually developed for 210 homes it will deliver 309 homes much sooner. Currently only 33 sections are consented and under construction. This application will deliver consents for an additional 276 sections and 46 homes ready for physical works as soon as consent is granted.
- 1.12 Section 18 of the CRFCA requires any application to meet the purpose of the Act and sets out three tests which the application must not offend, particularly related to prohibited activities, Treaty settlement, and land that is subject to a customary marine title/customary rights area. Section 19

then sets out the key matters the Minister must have regard to in assessing whether the development achieves the purpose of the Act.

1.13 The analysis as part of this application identifies that:

- (a) The application does satisfy the purpose of the Act.
- (b) The application is not for a prohibited activity, on land returned under a Treaty settlement or land that is subject to a customary marine title/customary rights area. It does not offend any of these mandatory exclusions.
- (c) The economic benefits of granting this application are significant in terms of providing economic activity in the construction industry and associated professional services in the Central Otago area, and associated employment.
- (d) The development will bring a significant increase in housing supply to Cromwell. In recent years population trends for Cromwell have accelerated. There is a demonstrable need for additional housing within Cromwell.
- (e) The scale and form of housing will provide a diverse range of typologies including affordable homes to the social benefit of the people of Cromwell and the Central Otago area. The Council is targeting increased diversity of housing. This development will help enable this by providing a variety of section sizes which in turn will help promote this diversity of housing stock.
- (f) This is a masterplanned development providing a cohesive urban response to growth and development pressures in Cromwell.
- (g) The fast track process will enable these sections to be developed and made available for homes some two years quicker than the traditional Resource Management Act (RMA) process.
- (h) This development is expected to generate 8,500 employment months into the Central Otago area over the next six years.

- (i) 309 homes will be enabled through this development as well as a small hospitality and neighbourhood centre, compared to the existing consent for the site of 33 homes.
- (j) The development is consistent with the CODC's "Cromwell Spatial Framework" which identifies this land as being for medium to high density residential development.
- (k) This is the only significant development ready land block within the 800m walking distance of the Cromwell town centre, i.e. it will give a significant boost to population within the walkable catchment of the Cromwell retail heart.
- (l) The land is capable of being fully serviced by all infrastructure with planned upgrades funded through the development.
- (m) There is no impact on lake or rivers or streams.
- (n) The treatment train approach to stormwater management on site will ensure high water quality.
- (o) Building a walkable residential catchment around the town centre addresses (albeit indirectly and to a small degree) climate change by removing the need for people to drive to townships for retail and social services.
- (p) There are no historic buildings or structures on the site. The pine tree which gives "Wooing Tree Estate" its name is preserved (and located in an open space area) as part of this application. The tree is scheduled for protection within the District Plan.
- (q) There are no known natural hazards on the site.
- (r) All environmental effects can be successfully managed. There will be no significant adverse effects.

1.14 This request to the Minister:

- (a) sets out the core information requirements for a referral application;

- (b) outlines the proposal for Wooing Tree;
- (c) assesses the proposal against the eligibility criteria;
- (d) sets out a description of the site and area and the planning context for this application;
- (e) provides key planning information;
- (f) undertakes an assessment of effects
- (g) outlines the statutory assessment under the relevant planning instruments of the CRFCA and Resource Management Act;
- (h) outlines the consultation undertaken by Wooing Tree Partnership Limited.

1.15 This application comprises:

- (a) this overview assessment and assessment of effects under the COVID-19 Recovery (Fast-Track Consenting) Act (this report);
- (b) an assessment by Veros on the financial capability of Wooing Tree Partnership and the investment profile for the company;
- (c) an Economic Analysis by Market Economics;
- (d) an Urban Design Assessment by Baxter Design;
- (e) an Engineering and Infrastructure Analysis by Paterson Pitts Group;
- (f) a CODC commissioned document on water and wastewater supply issues prepared by Mott McDonald – CODC’s consultants, covering the Wooing Tree site;
- (g) Transport Assessment by Carriageway Consulting;

(h) Land Contamination Assessment by Opus;

(i) Subdivision plans by Adapt

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2 APPLICATION INFORMATION

This section sets out the information required under section 20(3) of the CRFCA.

2.1 Proposed project (s20(3)(a))

A detailed description of this development is set out in section 3 of this application.

In summary, this development is for a comprehensive masterplanned residential development of the Wooing Tree block on the intersection of State Highway 8B and State Highway 6 at Cromwell, Central Otago. Diagram 1 is a map showing the location of the site.

Diagram 1 : Site Location



This application is for a land development and subdivision consent to create 309 vacant residential sites ready for development together with three sites for a small retail node to service the community and to provide services for tourists particularly associated with the Wooing Tree wine brand.

Parts of the site are intended to be used as a buffer between residential and rural activity are retained for viticulture. Other areas are developed for open space.

2.2 Geographic location (s20(3)(b))

The site is located on the intersection of State Highway 8B and State Highway 6 within Cromwell. It is bounded by State Highway 8B, Lugget Road and Shortcut Road. Its street address is known as 64 Shortcut Road.

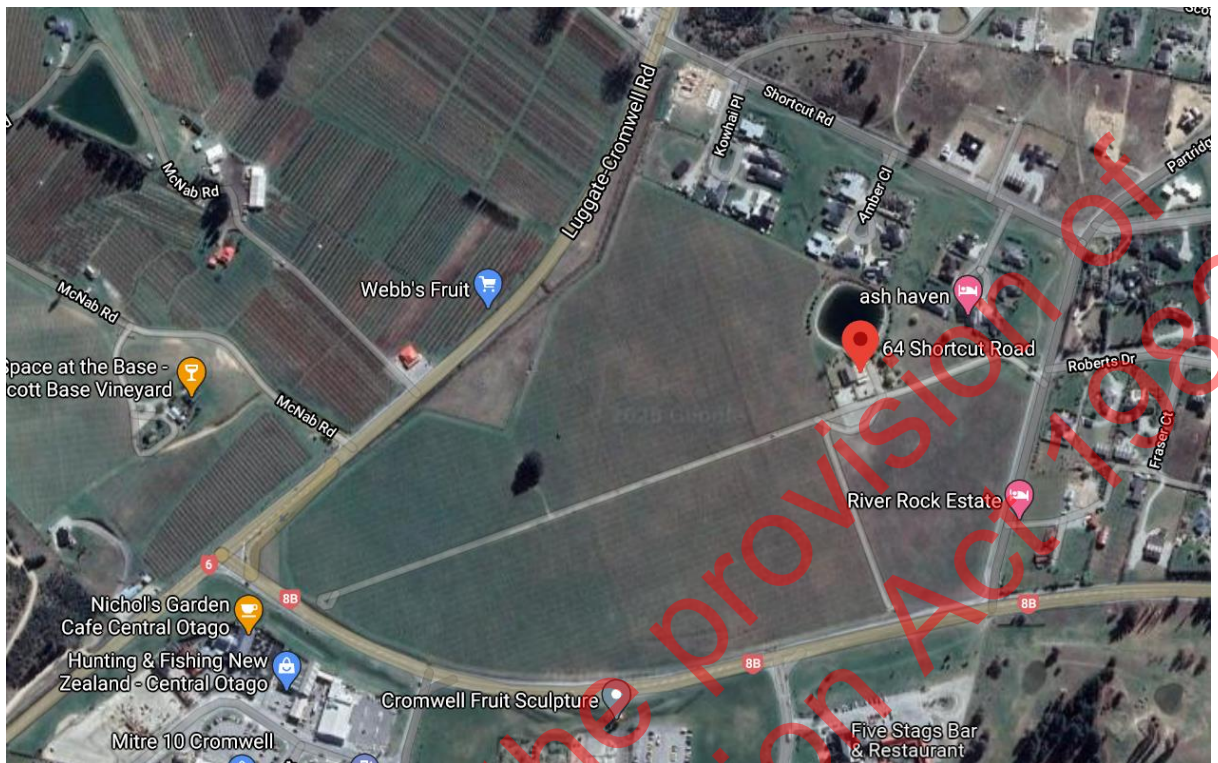
The legal description of the site is:

- Section 3 Survey Office Plan 461514.
- Identifier 684261.
- Total site area: 25.4197ha

A copy of the title is appended to this application

Diagram 2 below is an aerial photograph showing the existing site.

Diagram 2: Aerial photograph



2.3 Critical dates (s20(3)(c))

Wooing Tree Partnership holds initial enabling works for 33 sites within the block. Construction work has just commenced on stage 1 (August 2020).

If this CRFCA consent is granted, this will enable a significant gearing up of this design and construction activity with full design work starting immediately after consent is granted (assumed late November 2020) with contracts let pre-Christmas and an expanded construction activity deployed from January 2021. This is only dependant on finalisation of the agreement with NZTA on the roundabout construction timetable. This is explained later in this report. A new roundabout is proposed giving access to the Cromwell township (Barry Avenue) and the Wooing Tree Estate. All land required for this roundabout is within NZTA ownership or owned by Wooing Tree Partnership. No RMA consents are required for the roundabout, although obviously NZTA approvals are needed for any work. Wooing Tree Partnership understands the roundabout is to be delivered at the same time as the SH8B / SH6 intersection roundabout which is part of the Governments "shovel ready projects".

2.4 Staging (s20(3)(d))

This development will proceed in stages. This is outlined at some length within the proposal under section 3 of this report. The development will likely proceed in 5 stages. Stage 1 of 33 sections is currently under construction pursuant to a previous consent. The roading and infrastructure for Stage 1 is unaltered by this application. If this application is consented then stage 1C will increase by 8 additional residential lots.

2.5 Anticipated and known adverse effects (s20(3)(e))

Section 8 of this report sets out a detailed assessment of the effects of this development. In addition, the accompanying reports addressing economic development, urban design, landscape, infrastructure, transport and land contamination set out a detailed assessment of the impacts of this development, and how any effects can be successfully mitigated. The conclusion of this planning analysis, based on the planning work undertaken by Tattico and the work undertaken by other professional expert analysis forming part of this application, there will be no significant adverse effects from this development.

2.6 General assessment in terms of National Policy Statement and National Environmental Standards (s20(3)(f))

Section 9 of this report undertakes a detailed statutory assessment including matters regarding National Policy Statements and National Environmental Standards under the Resource Management Act 1991 (RMA). There are no relevant National Policy Statements. The National Policy Statement on Urban Development does not apply because the population of Cromwell is less than the 10,000 population trigger. The National Environmental Standard on land contamination applies, but as described in section 7.3, this proposal does not require a consent under the NES because the level of contaminants does not trigger relevant consents. This is confirmed by a Detailed Site Investigation (DSI) undertaken by Opus. These effects can all be successfully managed.

2.7 Eligibility criteria (s20(3)(g))

Section 5 of this report sets out how the development meets the eligibility criteria under section 18 and 19.

2.8 Affected persons (s20(3)(h))

The persons affected by this application are:

- (j) the Central Otago District Council – the territorial local authority for the district;
- (ii) the Otago Regional Council – the regional which in Cromwell District is located;
- (iii) Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga O Otākou and Hokonui Rūnanga, being the kaitiaki Rūnanga whose takiwa includes the proposed site:
It should be noted that the subject Wooing Tree land is not part of any treaty settlement.
- (v) New Zealand Transport Agency, because of the connection to State Highway 8B which borders the Wooing Tree site;
- (vi) the property owners who immediately adjoin the Wooing Tree development, being the Crown owned weather station on SH6 and x residential privately owned adjoining sites on the northern boundary .
- (vii) the property owners adjacent to the site separated by Short Cut Road, or SH 6 and SH8B. The land across SH 8B is zoned business, across SH6 zoned rural and across Short Cut Road zoned residential.land who immediately adjoin the Wooing Tree development, being the Crown owned weather station on SH6 and x residential privately owned adjoining sites on the northern boundary .

This site is unique in having 3 road frontages. Only the residential neighbours to the north (and the Crown weather station) adjoin the Wooing Tree site.

2.9 Consultation (s20(3)(i))

Section 9 sets out the consultation that Wooing Tree Partnership has undertaken with each of the entities/persons listed above.

2.10 Treaty settlements (s20(3)(j))

Ngai Tahu and the Crown have settled Treaty matters across a broad area of the South Island including Central Otago. The subject land is not part of any land or property aspect of this settlement. There are no particular aspects of the settlement that are unique or relevant to the Wooing Tree land.

2.11 Applicant's legal interest (s20(3)(k))

Wooing Tree Partnership Limited is a New Zealand owned and operated company established for the purpose of developing the Wooing Tree block at Cromwell. Wooing Tree Partnership Limited purchased the site in 2020 and gained title in August 2020. The company has complete property rights to undertake this work now.

This is a project which is able to proceed immediately once the relevant consents are obtained.

2.12 Types of resource consents required (s20(3)(l))

This application will require a land use and subdivision resource consent under the Central Otago District Plan to authorise the development. That consent overall would be a non-complying activity by reason of the fact that it does not comply with the minimum residential lot size within the Wooing Tree block, and for the location of the hospitality and neighbourhood centre. Section 7 of this application sets out in detail those aspects that trigger consent and the status of those consents.

This development does not trigger any regional consents under the Regional Council plans.

The development has historically been, and is currently used, for viticulture which has used herbicides and pesticides. However the level of contaminants does not trigger any consents under the National Environmental Standard on land contamination

The works will also trigger the standard engineering plan approval for infrastructure works from CODC, and authorisations from NZTA to construct the roundabout and underpass which is an integral part of the overall masterplan for Wooing Tree and currently contemplated within the District Plan.

No other consents are required.

2.13 Other legal authorisations (s20(3)(m))

To the best of the applicant's knowledge, there are no other legal authorisations required including authorisations under Heritage New Zealand Pouhere Taonga Act 2014 or the Conservation Act 1987.

2.14 Existing consents (s20(3)(n))

Section 6 sets out the context for this development and the history of existing consents on the site.

The Wooing Tree block is some 25.4ha.

There is an existing consent covering just over 3ha of the block authorising 33 residential sites.

Wooing Tree Partnership has lodged a resource consent application with the CODC to modify this Stage 1 development and increase it from 33 residential sites to 41 residential sites, again covering just over 3ha of the block. If the Minister refers this project to the Panel for determination, this modified stage 1 application before CODC will be withdrawn.

2.15 Climate change and natural hazards (s20(3)(o))

The land is not identified in either regional council or CODC documents as being subject to natural hazards or identified as subject to particular climate change aspects. The site is well removed from the Clutha River and Lake Dunstan, is not within a flood plain, is not subject to any known land stability issues or any other aspect of natural hazard.

The development will make a small but positive contribution to climate change by providing a well connected neighbourhood within the immediate walkable catchment of the Cromwell town centre.

2.16 Compliance or enforcement action (s20(3)(p))

The Wooing Tree block has never, to the best knowledge of the current owner, been subject to compliance or enforcement action under the Resource Management Act by either Otago Regional Council or CODC.

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3 PROPOSAL

3.1 Overview

This is an application for a comprehensive subdivision consent for the Wooing Tree block.

It comprises:

- (a) A subdivision consent to create 309 residential lots, 3 business lots and 4 rural lots
- (b) Consent to construct 46 homes in a Business 2 zoned area.
- (c) Consent to undertake all roading and infrastructure to service the development.
- (d) 3 open space lots to vest in the Council.
- (e) 9 road lots to vest in the Council.
- (f) Roading connections onto State Highway 8B including the construction of a new roundabout and pedestrian underpass.
- (g) Approval for the construction of the hospitality and neighbourhood centre including the cellar door facility for Wooing Tree Vineyard.

3.2 Masterplan

Diagram 3 below shows the masterplan for the development.

Diagram 3: Masterplan



Key aspects of this masterplan are elaborated on in the Urban design report by Baxter Design. However, the following summarises the approach:

- (a) A rural buffer strip is retained along State Highway 8B and State Highway 6 consistent with the District Plan provisions.
- (b) A prime entry is formed off State Highway 8B by creating a new roundabout which will upgrade the access to the Cromwell township and give access into the Woong Tree estate.
- (c) An internal road network is laid out. This is an integrated street network maximising circulation within the facility and minimising the number of rear sites. Only one cul-de-sac is created.
- (d) A strong green network is created through the site both in terms of a north-south access through the middle of the property, and an east-west access. These “greenway” connections create amenity for residents as well as a walking and cycling network through the property.
- (e) A significant green space is located immediately to the north of the hospitality and neighbourhood centre servicing both visitors to the cellar door, and local shops and residents.

- (f) The iconic “Wooing Tree” is preserved in a small park.
- (g) The northern boundary buffer is created through both a Council vested reserve, and a special 10m yard setback.
- (h) A variety of different residential sections are provided with section sizes ranging from 110m² to 1731m².

3.3 Residential development

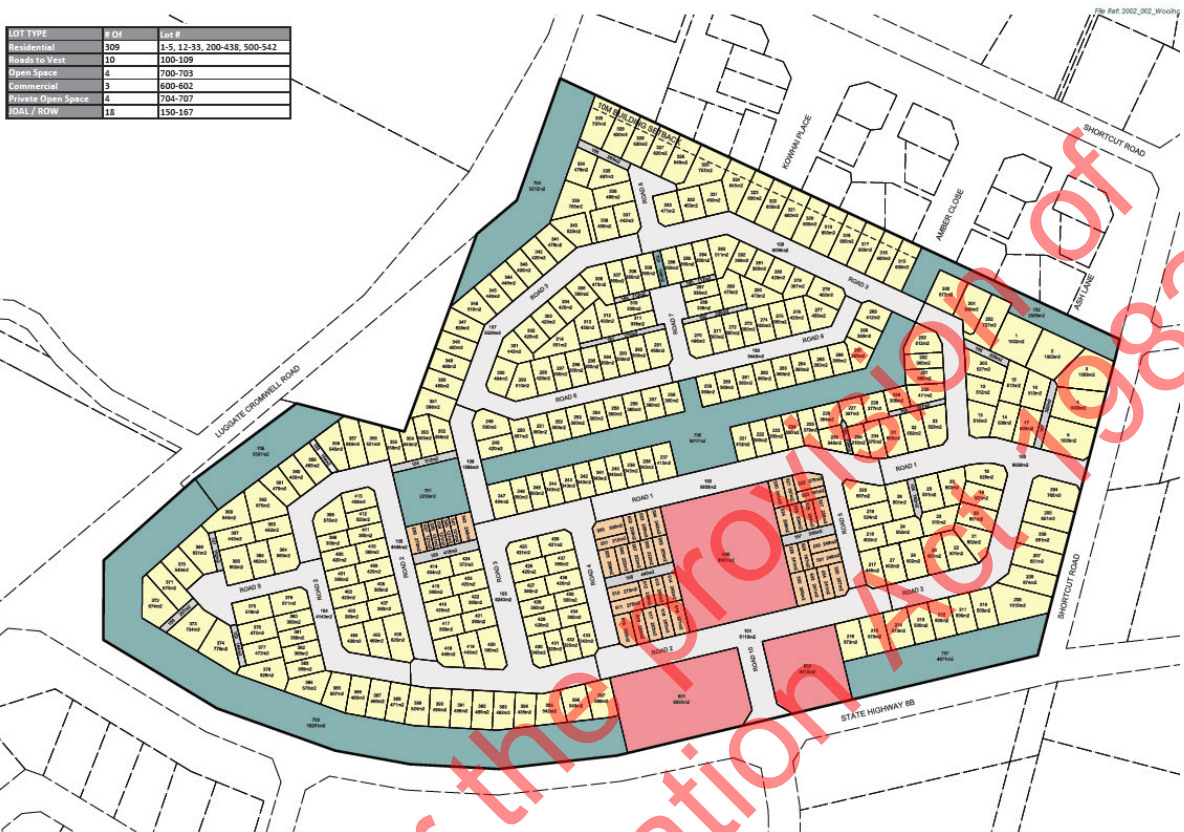
This application provides for:

- 263 vacant residential sites fully serviced and ready for housing development.
- 46 residential sections with approved dwellings. These sites are ready for immediate construction (subject to obtaining building consent)

Once subdivision approval is obtained by way of this non-complying activity consent, then the construction of a home on a vacant site is a permitted activity provided it meets all the development control standards in the plan. For the significant majority of sites, this will be relatively straightforward. The situation with the 44 number of high density sites is commented on below.

Diagram 4 shows the residential subdivision pattern within the site.

Diagram 4: Residential subdivision pattern



It comprises three basic residential densities:

- (a) High density housing on sites of less than 250m² are provided adjacent to the hospitality and neighbourhood centre to both the east and west. All sites front a street or laneway. In addition a block of sites front the Wooing Tree park. These are located on the southern side and therefore are north-facing across the park.

Section sizes range from 110m² to 1731m². These sections would be suitable for zero lot line development or terrace house development.

- (b) Larger, more low to medium density development (site sizes ranging from 600m² to 1000m²) along the northern boundary and the Shortcut Road boundary. These are the only properties which directly interface adjacent residential neighbours. This development is targeted at detached single housing.

- (c) Medium density across the remainder of the site. Sections range from 350m² to 1731m². This area is suitable for either detached housing or in some cases duplex homes.

87% of sites are front or corner sites fronting on to the street network.

80 sites are serviced by rear laneways.

Only 39 sites are rear sites representing 13% of the total residential sites within the development. When the unusual shape of the site is taken into account, it can be seen that the number of rear sites has been held to a minimum in accordance with good urban design practice.

All of the lower density sites have been designed so as to meet the existing standards of the underlying zoning.

The medium density sites are designed to meet most of the controls of the underlying zoning, although the zone's requirement to provide having two side yards, one being 1.8m and one being 3m, will be a constraint on some development. The sites are capable of complying with these side yards, but it is anticipated that many landowners will seek to reduce the 3m side yard. However, that will be addressed as part of the resource consent process for individual site developments. Certainly the building platforms provided through this application identify the suitability of building to within 1.8m of the side boundaries of properties.

The higher density sites may trigger resource consents when housing is proposed. The CODC District Plan provides for "*comprehensive residential development in the Residential Resource Area in the Wooing Tree Overlay Area*" as a discretionary (restricted) activity. No side yard standard applies to these comprehensive residential developments. In the higher density sites, houses can be constructed that would meet the permitted activity standard. However, it is more likely that developments of these sites will be undertaken as a comprehensive residential development and therefore would trigger restricted discretionary activity consent under the RMA. Essentially, and as outlined later in this report, this is a portion of the Cromwell urban area which is targeted in the new Spatial Framework Plan for medium to high density development. Notwithstanding that policy shift, the land is still zoned low density. These higher density sections are embedded within the Wooing Tree development and are some significant distance from neighbours. When the existing medium and lower density housing is developed, these high density areas will be screened from neighbours by both the landscaping within the Wooing Tree Estate, and the intervening low and medium density homes.

3.4 Business area

The current zoning provides for a hospitality and neighbourhood centre within the site. 1.8ha of land is zoned for this centre. Diagram 4 shows the location of the current zoned business area and the location of the proposed hospitality and neighbourhood centre.

Under this proposal, three lots are created for the business centre. This comprises 1.8ha. This application is about relocating the hospitality and neighbourhood centre within the site. It is not increasing the size or modifying the form of centre provided for within the current Operative District Plan.

Diagram 5 shows a site plan of the proposed hospitality and neighbourhood centre. It is located on the new roundabout at State Highway 8B. This gives it visibility on the State Highway for the cellar door and facilities associated with this hospitality and neighbourhood centre. It also means that visitors to the cellar door are not needing to drive through the residential neighbourhoods to gain access to the tasting facility, as is the situation with the current zoned location for the hospitality and neighbourhood centre.

Diagram 5: Site plan



The hospitality and neighbourhood centre comprises:

- (a) A “cellar door” and wine sale and food and beverage facility aligned to the Wooing Tree Winery. This is located at the entrance to the Wooing Tree development on the eastern side.

- (b) A main street that flows from the new roundabout to the north. This main street is anchored at the southern end by State Highway 8B and at the northern end by a significant “village green”.
- (c) The retail offer is provided on both the eastern and western side of the main street. The western block on the corner of State Highway 8B is targeted for a travellers accommodation.
- (d) The second block in provides two retail units on the eastern side and two on the western side. Each of these tenancies will comply with the maximum gross floor area under the district plan. These are intended for local neighbourhood servicing (e.g. dairy/superette, butcher, fruit and vegetable shop) or other tourist related retail and food and beverage activities permitted under the District Plan.
- (e) At the northern end of the block, both east and west, are two small food and beverage facilities facing north on to the village green.

This application seeks to approve the retail tenancies in the case of the northern and middle block, and specifically the ‘cellar door’ in the case of the south-eastern block.

Parking for the retail units is provided behind the units in each case. This is intended to ensure that the main street is a highly pedestrianised facility. Appropriate landscape and screening between the carpark and residential areas will be provided.

3.5 Residential homes within the current business zoned area

This application effectively relocates the hospitality and neighbourhood centre within the site. Consequently there are 46 residential sites which are technically fully or partially zoned Business under the CODC District Plan. This application seeks consent to construct 46 dwellings on these sites (non-complying activity).

The house designs are shown in the report by Baxter Design. Essentially these show:

- 46 standalone residential dwellings;
- The residential dwellings comply with the zone controls of the Residential Resource Area 11 provisions as if these business zoned sites were zoned Residential Resource Area 11.
- 6 unique designs have been developed for these properties. These are distributed throughout the business zone area.

- Design A is a single storey four bedroom home. This applies to Lots 200-202, 216, 265-266, 269, 276, 278.
- Design B is a single storey three bedroom home. This applies to Lots 34, 35, 203, 217, 221-223, 230-232.
- Design C is a two storey four bedroom home. This applies to Lots 218, 220, 226, 236, 227-229, 232, 267, and 277.
- Design D is a two storey four bedroom home. This applies to Lots 520-523, 528-529 and 532-535.
- Design E is a two storey four bedroom home. This applies to Lots 524-527.
- Design F is a two storey four bedroom home. This applies to Lots 530 and 531.
- All homes have private outdoor living space.
- All sites are front sites.
- All sites have off-street garaging.

3.6 Connections

The masterplan seeks a highly interconnected community.

Diagram 6 shows the core pedestrian and cycleway connections through the site. This is based around:

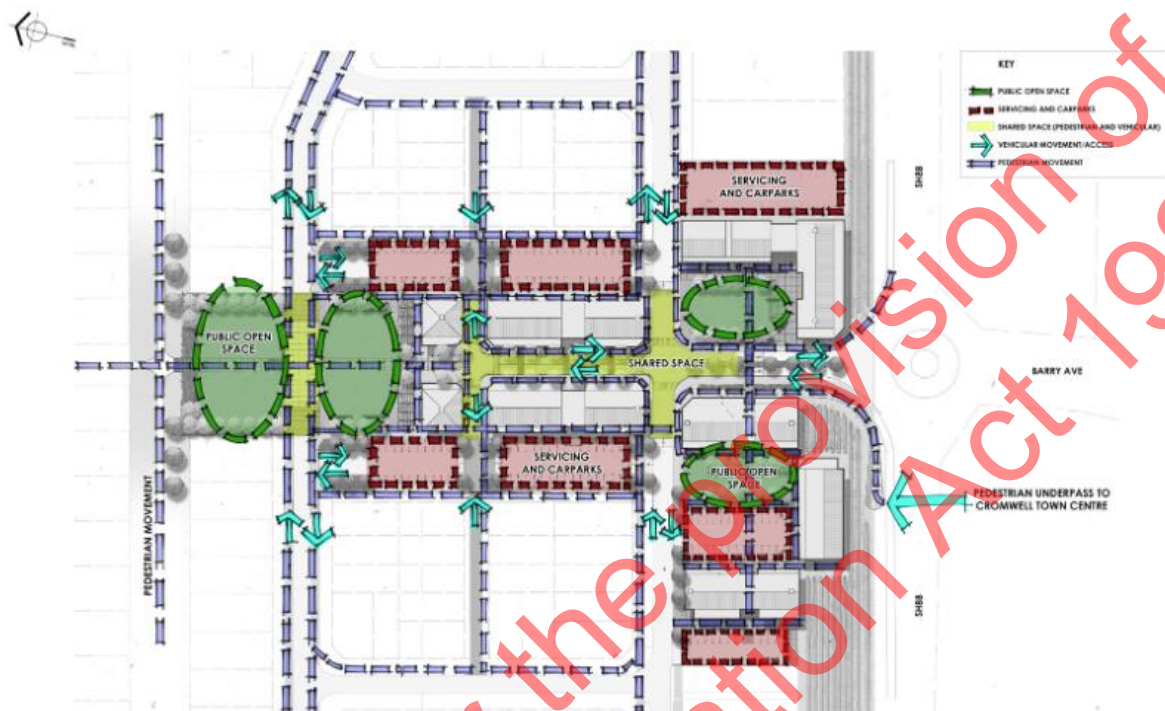
- (a) A significant north-south linkage through the main street and parkland and in the street system to connect up to and eventually out to the north on to the Cromwell-Wanaka Road (SH 6).
- (b) Complementing this is the greenway in an east-west direction which connects from the Wooing Tree through to Shortcut Road and the cycleway that runs along this road.
- (c) Within the street system there are a series of walkway connections that enable the public to traverse throughout the Wooing Tree Estate.

Diagram 6: Pedestrian and cycleway



Diagram 7 shows the treatment of this connectivity and public space arrangement within the hospitality and neighbourhood centre. This is about creating a main street environment with a big focus on the pedestrian amenity and low speed environment. It is creating a retail street as opposed to a mini mall.

Diagram 7: Connectivity



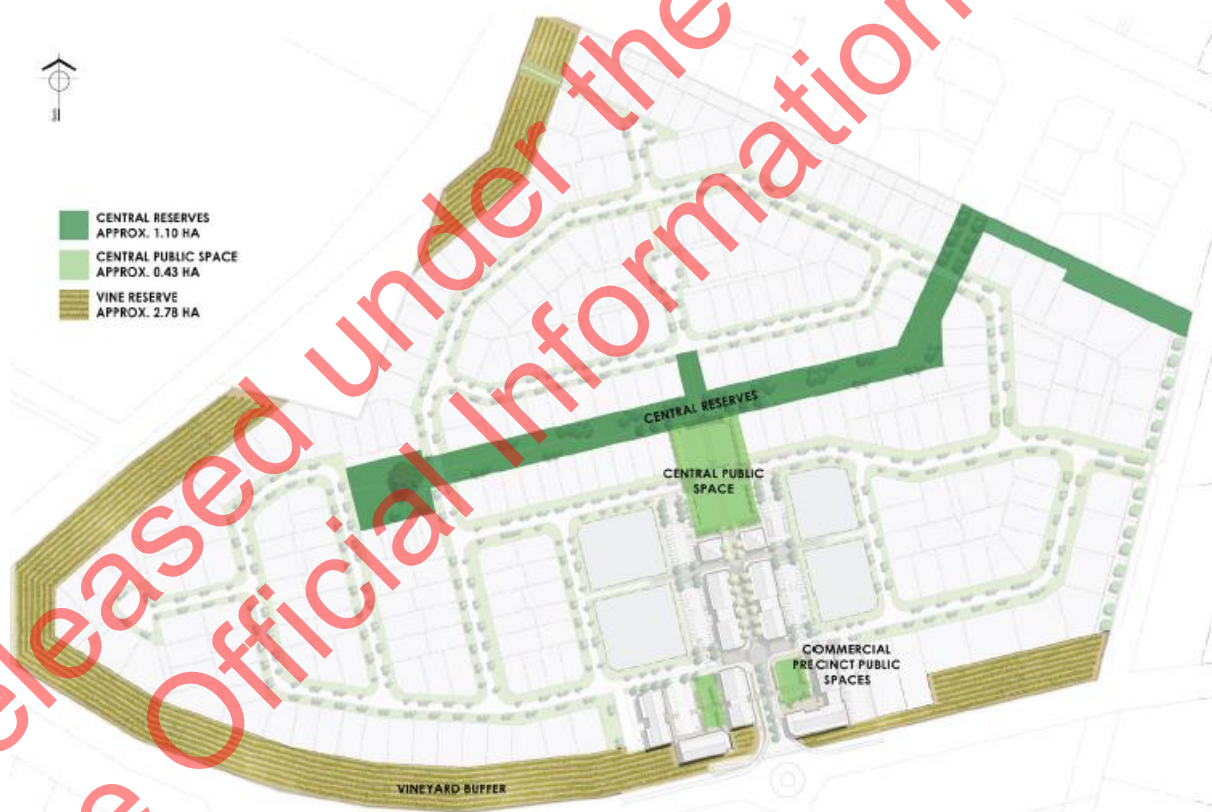
The other key element is the pedestrian underpass which links across SH8B to the Cromwell town centre. For the first time this will create a safe separated crossing for residents in the north going into the town centre. The public walking network will enable the residents in northern Cromwell to traverse through the estate and end up at the pedestrian underpass. The underpass is located to the west of the roundabout so that it is a direct connection into the town centre itself, and does not need to cross Barry Avenue, which is the main road through Cromwell. This means that pedestrians from the north are crossing minor roads only to access the town centre. This underpass is subject to approval by NZTA as it is a physical structure within the State Highway. In previous discussions on the Wooing Tree Estate development, this underpass has been identified and supported by NZTA and the CODC. However, it is recognised that it will be NZTA's prerogative if they wish to seek an alternate safe form for pedestrians and cyclists to cross the State Highway. This qualification is only raised because of some concerns expressed over the CPTED (Crime Prevention Through Environmental Design) and historic concerns over pedestrian safety in underpasses in some urban environments.

3.7 Open space

Diagram 8 shows the open space network embedded within the masterplan. It comprises three elements:

- (a) The rural setback along State Highways 8B and 6. This is part of creating the open space character of the Wooing Tree Estate.
- (b) The linear park running from Wooing Tree through to Shortcut Road which cuts in an east-west direction across the site.
- (c) The pocket parks and open space forming part of the neighbourhood and creating the substantial community “green”.

Diagram 8: Open space network



In addition to this open space network, the effective 10m yard on the northern boundary west of the greenway is designed and set up as parkland and adds to this open space amenity. This is addressed below.

3.8 Northern interface

Treatment of the northern interface was a key consideration in the finalisation of Plan Change 12. Plan Change 12 was a private plan change promoted by the predecessor owner of the Wooing Tree Estate. The plan change was worked through between 2017 and 2019. It gave rise to the current zoning within the CODC District Plan.

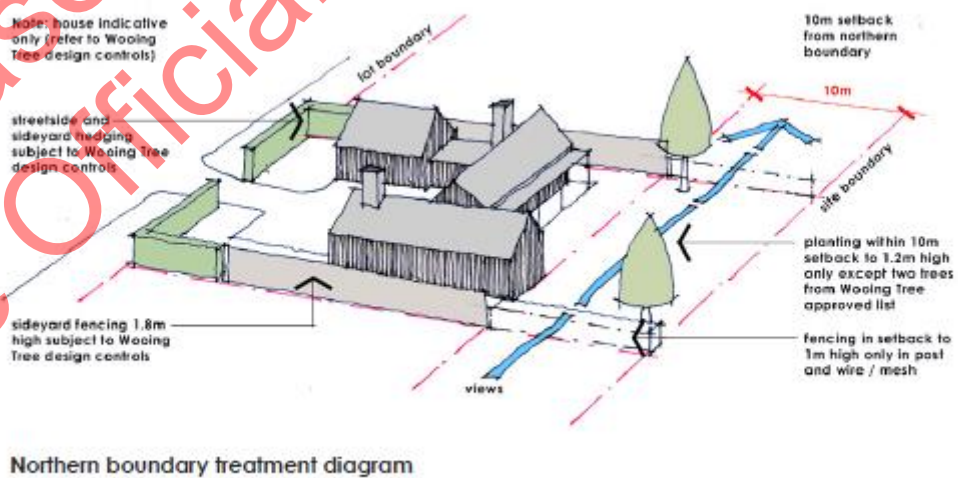
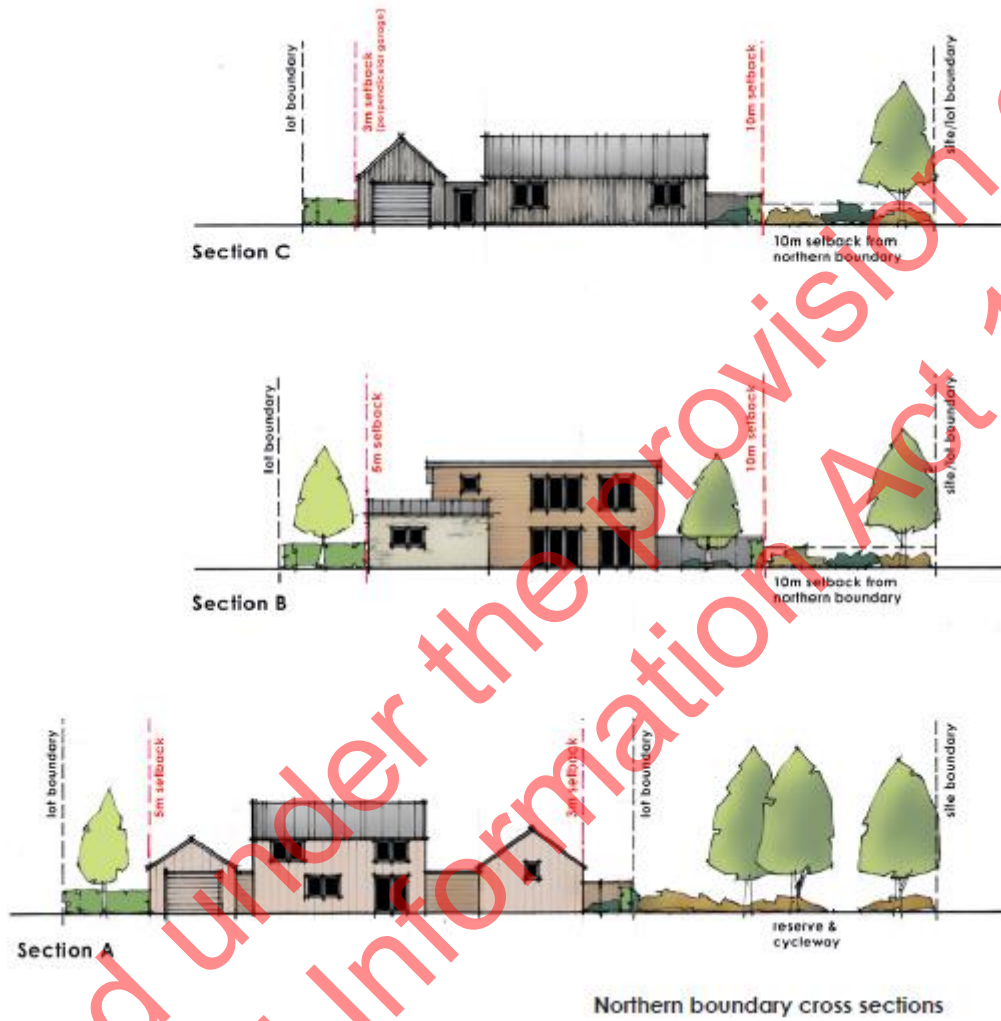
The concept was to create a parkland style environment along this northern boundary. The plan reflects this by zoning a 10m strip along the northern portion as rural but widening the strip out to 17.5m for 160m at the eastern end adjoining Shortcut Road.

Wooing Tree Partnership originally offered all this northern strip of land to CODC as vested public reserve. The Council declined that offer due to what Council saw as limited public benefit and the maintenance cost. CODC officers have indicated that the Council will accept the eastern end of the land connecting to the east-west greenway. If, for any reason, the Council does not accept the officer's recommendation, then this eastern end of the interface will be protected in the same manner as proposed for the western end of this interface. This creates a pedestrian and cycleway connection from Wooing Tree back to Shortcut Road.

This portion of the northern boundary as set out in this application is therefore consistent with the plan change in terms of size and location.

On the western portion of this northern interface, the same 10m setback is offered. The applicant will plant it out in trees which will mature to form the parkland type setting envisaged in Plan Change 12. This is depicted in the cross section on diagram 9

Diagram 9: Cross Section Northern Buffer



The land will then be protected by way of conservation covenant to ensure that the mature trees are maintained and, if they die, replaced. Furthermore the covenant would exclude fencing of side yards in this location. Residents will be given the option of fencing across their site at the 10m line or let this open into the parkland setting.

This will overcome the concerns raised by CODC in a planning report on a previous application that the area could be seen to be carved up into individual back sections.

When CODC declined to accept this land as vested public reserve, it was inevitable it would need to be in a series of private ownership. A 10m strip is not of any economical size that would work for its zoned rural activity.

However the covenant retains the visual and landscape aspect, and the requirement for ongoing maintenance of the area; that Plan Change 12 envisaged. The environmental outcome is the same, albeit the property ownership is slightly different. It should be noted that Plan Change 12 did not stipulate any form of property ownership.

3.9 Rural activity

The rural buffer fronting State Highway 8B and State Highway 6 is in three titles but will be managed as one integrated unit. This land has been set up to take 11 rows of grapes. This:

- creates a buffer between the State Highway and the residential homes;
- retains the character of the Wooing Tree Estate with its origin as a vineyard and with its “cellar door” or “tasting shed” as a key part of the hospitality and neighbourhood centre;
- is consistent with the rural zoning of this 30m strip.

The linear vineyard will be managed by Wooing Tree Winery. They are developing elsewhere within the Cromwell area but will run this portion of the land as part of their operation. At suitable times when the vines are not being actively worked, it will also give visitors to the cellar door the opportunity to walk amongst the vineyard.

3.10 Earthworks

The earthworks on this site are relatively limited. This is a large flat site. There is no recontouring required. Earthworks will be those associated with:

- (a) earthworks associated with roading and other infrastructure; and
- (b) eventual earthworks associated with foundations for housing (not part of this consent).

The volume of earthworks is minor, particularly in comparison to other comprehensive residential developments.

Standard erosion and sediment control measures are employed.

3.11 Infrastructure

This application involves full residential subdivision infrastructure comprising:

- (a) roading, including carriageway, parking bays, footpaths and cycleways;
- (b) a walkway and cycleway network through the green space network;
- (c) street lighting;
- (d) inground reticulated wastewater system;
- (e) inground reticulated potable water system;
- (f) stormwater infrastructure based on in ground soakage;
- (g) street trees;
- (h) the upgrade to the T-intersection of Barry Avenue and State Highway 8B through the creation of a full roundabout giving access both to the Cromwell township and to Wooing Tree Estate;
- (i) the pedestrian underpass under State Highway 8B or other safe crossing mechanism as NZTA may determine.

These aspects are all addressed at length in the report by Paterson Pitts Group.

3.12 Wastewater

The wastewater subdivision network connects to the existing trunk network accessed in Shortcut Road. This connects to the Cromwell treatment plant. An additional pump station is to be located on the site. This will vest in the Council once built and commissioned. The Cromwell plant and

network has sufficient capacity. This is set out in the Patterson Pitts Group report and the Mott MacDonald report.

The Lowburn rising main traverses through the site. This will need to be realigned under public roads. This will occur prior to any stage of the development which impacts the rising main.

The method and timing of this relocation will be worked through with CODC at engineering plan approval stage.

3.13 Potable water

The development will connect to the existing Cromwell public potable water supply network via connections from Shortcut Road.

There will need to be some localised upgrading of the network adjacent to the site to ensure sufficient capacity. CODC have identified the extent and nature of these works. They will either be contracted by Wooing Tree Partnership to CODC's specification, or funded by the Partnership and implemented by the Council – whichever method CODC determines when engineering plan approval is lodged.

There is a trunk potable water line which traverses the site. This will need to be realigned so as to continue flow in public roads.

3.14 Stormwater

As set out in the report by Patterson Pitts Group, this land is eminently suitable for managing stormwater through soakage.

Individual properties will install their own soakage mechanisms to be approved by CODC as part of building consents.

Soakage will also be used to service the business area. Soakage devices will be located under carparks. Carparks will drain to soakage devices but will first pass through screens to provide stormwater treatment.

Wooing Tree Partnership Limited will install an on street stormwater network. This will involve swales, rain gardens, screening and sump pits. These are designed to Council standards. Detailed approval of these will take place at engineering plan approval stage.

3.15 Electricity

All electricity within the subdivision will be underground.

Power Net, who are the energy providers for the development, have worked through the proposal and identified there is sufficient capacity to service the subdivision. Detailed aspects will be worked through at engineering plan approval stage.

3.16 Telecommunications

All telecommunication connections will be underground. Fibre will be created along each street with the ability for individual properties to connect through laterals.

Chorus has indicated there is sufficient capacity and confirmed its ability and commitment to provide this service.

Details will be worked through at engineering plan approval stage.

3.17 State Highway 8B connection

This proposal involves works associated with the upgrade of State Highway 8B, being

- the new roundabout giving access the Wooing Tree Estate but also creating an improved intersection for access to the Cromwell township, and
- the pedestrian underpass under SH8B or such other safe means of crossing SH8B as NZTA may implement.

The need for and benefits of this roading and pedestrian upgrade are addressed in the report by Carriageway.

The works will not trigger consent. The road upgrade is undertaken by NZTA. Wooing Tree Partnership's understanding of NZTA's works programme is that they will co-ordinate this work with the current planned upgrade of the intersection of SH8B and SH6. NZTA as Road Controlling Authority will manage these works. Wooing Tree Partnership will make the land available and integrate its main road access with the NZTA work.

The pedestrian underpass is located to the west of the roundabout as this gives the most direct connection into the town centre.

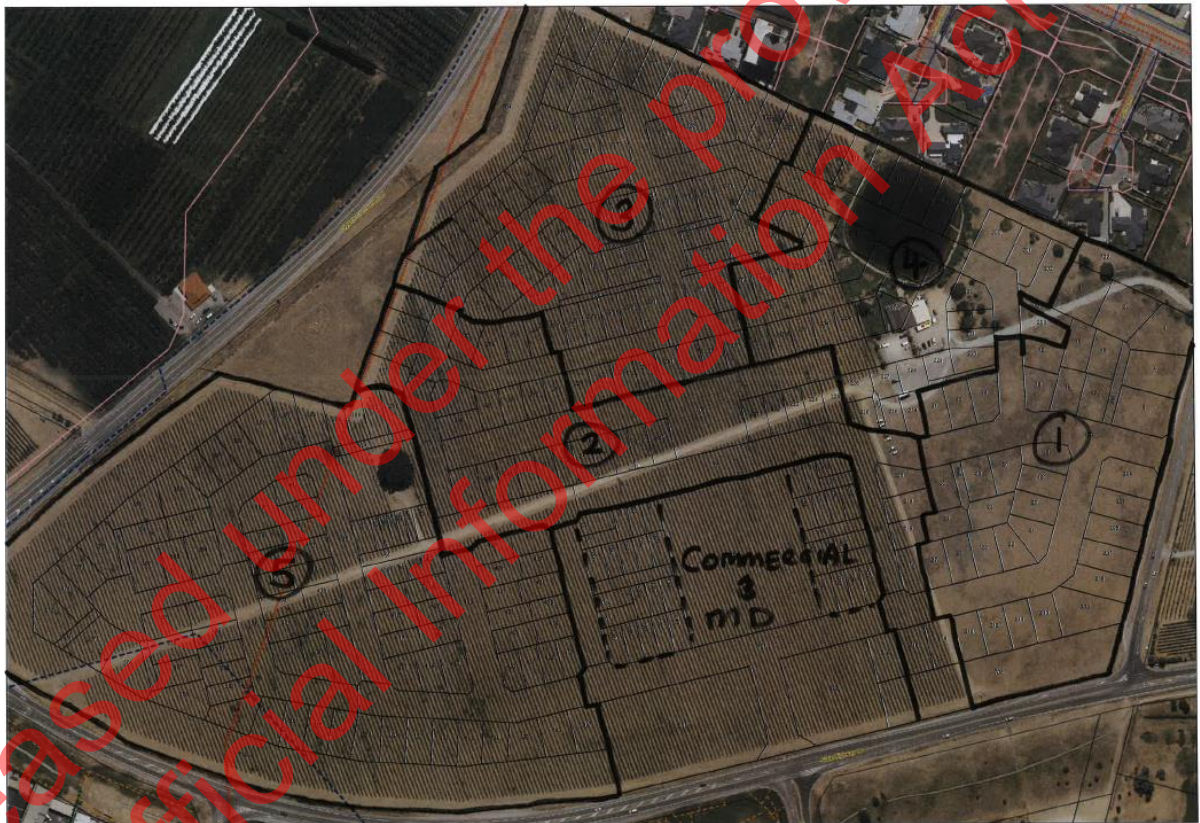
The underpass is to be designed and constructed by NZTA. Wooing Tree Partnership will create the northern linkages to the underpass. NZTA are likely to run a standard CPTED safety review. Wooing Tree Partnership will co-operate with NZTA on any design changes to the SH8B crossing identified through that review.

3.18 Staging

Diagram 10 sets out an indicative staging plan for this development. The subdivision will be staged. It will be built progressively from Short Cut Road. Each stage will be fully self sufficient in terms of roading and infrastructure

The requested conditions of consent are framed up in a manner which enables the consent holder to adjust the staging to suit circumstances at the time provided self sufficiency in infrastructure is achieved.

Diagram 10: Staging



Given the timeframe for this development and the need to provide housing quickly, the proposal is staged. That enables sections to be titled and homes to be constructed progressively across the block.

The stages comprise:

Stage 1: 33 sections broken down into 3 sub-stages. This is authorised by an existing consent. Work has just commenced on this construction. Stages 1a and 1b are unchanged by this application. Stage 1 c will have the same roading and infrastructure, but the number of lots will increase by 8 to 41 if this application is granted

Stage 2-5: These stages are indicative only and will adjust as the development proceeds. For traffic reasons, no more than 70 sites will be subdivided prior to the round-about at SH8B being constructed. The business centre stage(s) similarly wont proceed prior to the round-about. Otherwise flexibility is sought to enable the development to respond to market demand. Stage boundaries may vary and stages maybe broken down into sub-stage.

4 NEIGHBOURHOOD AND SITE ANALYSIS

4.1 Cromwell

Cromwell is a long-established settlement within Central Otago. The urban area of the township comprises some 500ha. It houses a population of 5,500. It is served by 335ha of residential, 92ha of industrial employment land and 45ha of commercial development.

Cromwell lies at the confluence of State Highways 8 and 6 with similar travelling distances (approximately 25-50 minutes) to Queenstown, Wanaka and Alexandra.

It services the agricultural hinterland of Cromwell comprising viticulture, horticulture and pastoral farming.

It sits at the confluence of the Clutha and Kawarau Rivers. The construction of the Clyde Dam led to the flooding of a portion of the township and the creation of Lake Dunstan.

4.2 Site

The Wooing Tree block is a 25.4 ha polygon shaped site. It is somewhat unique in fronting three roads:

- State Highway 8B along its southern boundary;
- State Highway 6 along most of its western boundary;
- Shortcut Road (a local road) along its eastern boundary.

The site is currently planted out as a vineyard and actively managed as such.

In the north-eastern quadrant of the site is the Wooing Tree Vineyard buildings comprising a cellar door wine tasting facility, restaurant and administrative offices. Public parking is provided.

To the north of the building is a large artificial pond for water storage purposes.

A large pine tree is located in the south-western quadrant of the site. This tree has minimal ecological importance but has formed a key part of the character of the area and has given rise to the name of the vineyard. This tree is retained and protected through the current masterplan proposal.

Primary access to the site is off Shortcut Road but with a secondary access off State Highway 8B (farm vehicles only).

Diagram 11 below is an aerial photograph of the site.

Diagram 11: Aerial photograph of site



4.3 Neighbourhood

Diagram 12 shows the immediate neighbours to the subject site.

Diagram 12: Immediate neighbours



To the north are the large lot residential subdivisions of Ash Lane, Amber Close and Kowhai Place. These are large lot residential development in a landscape setting. Properties face east and west on to an open space area.

The Wooring Tree block lies to the south of these properties.

To the east on the opposite side of Shortcut Road is a residential development and the River Rock Estate vineyard.

To the south-east is the Cromwell Golf Course.

To the south, on the opposite side of State Highway 8B, is the commercial centre of Cromwell. It comprises:

- a major restaurant and accommodation facility;
- recreational facilities being a mini golf course, playground and skate park;

- the bulk retail location of Cromwell comprising supermarkets and large format retail premises; and
- the iconic Cromwell Fruit Sculpture.

To the west is State Highway 6 with the exception in the mid block of a triangular shaped Crown owned site containing a weather station.

On the western side of State Highway 6 are vineyards and orchards.

The only immediate adjoining homes to the Wooing Tree block are the ten homes along the northern boundary. There is one other adjoining property on the western boundary being the government weather station.

Diagram 13 gives a larger scale aerial photograph of the Cromwell area. It shows the Wooing Tree block in its context at the junction of State Highway 8B and 6 and immediately north of the Cromwell town centre.

Diagram 13: Wider Cromwell area



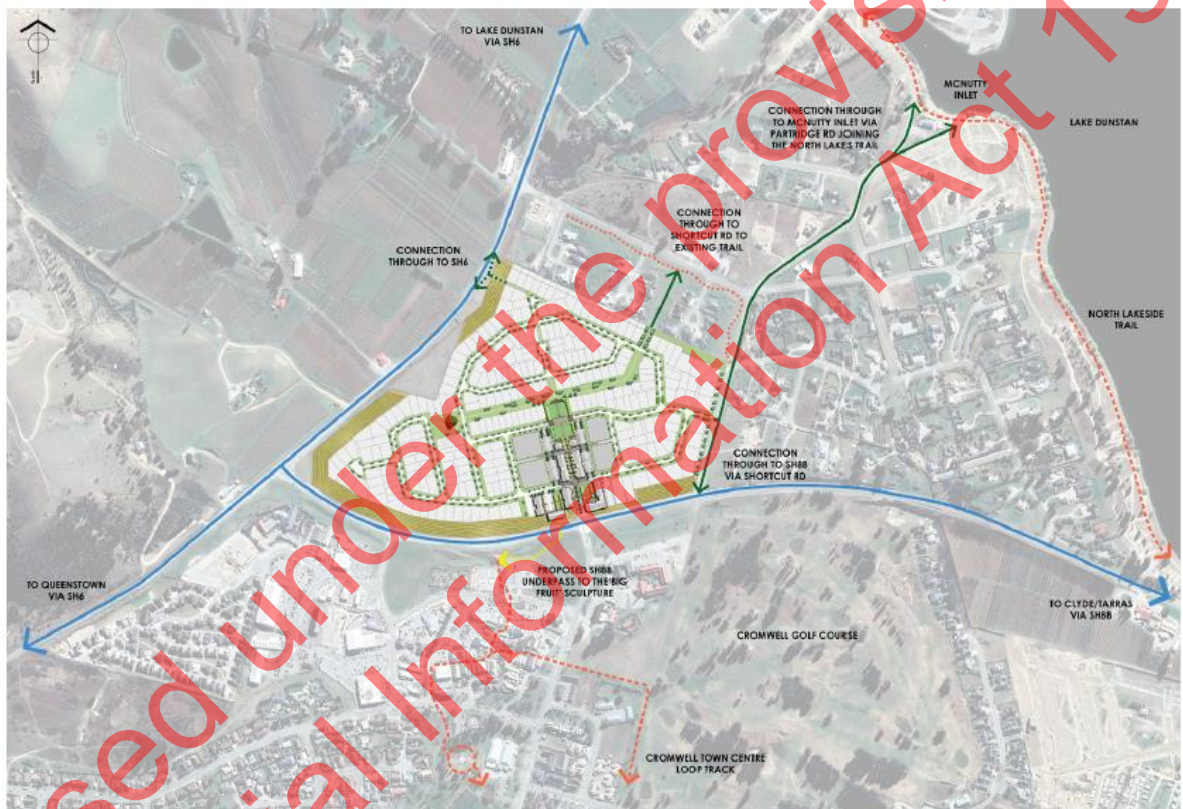
Land to the north of State Highway 8B and west of State Highway 6 is large lot residential development and some rural lifestyle blocks between the State Highways and Lake Dunstan.

South of State Highway 8B is the golf course, Cromwell town centre and the large retail format facilities.

South of the large format retail, the town centre and the golf course is the main residential area of Cromwell.

Diagram 14 shows the broader area with the masterplan superimposed.

Diagram 14:



5 STATUTORY ASSESSMENT FOR APPLICATION FOR REFERRAL

5.1 Statutory tests

This application will need to pass through two key statutory steps, each with its own specific assessment criteria.

The first step is the Minister's decision whether to accept the application for referral. This essentially applies the tests of section 18 and 19 of the CRFCA. This section of the report (section 5) addresses the statutory considerations the Minister must consider in deciding whether to refer this application to the Expert Consenting Panel, or decline the application for referral.

If the matter is referred to the Expert Consenting Panel, then that Panel must assess the application in terms of the criteria set out in sections 31 and 32 of the CRFCA. This in turn applies the assessment criteria of the RMA. The statutory assessment by the Expert Consenting Panel is addressed in section 9 of this Planning Report. That assessment, which the Panel must undertake, is addressed in this application to give context, for completeness and to assist in understanding the comprehensive analysis that underpins this application.

5.2 Sections 18 and 19 assessment

Sections 18 and 19 of the CRFCA sets of the eligibility criteria for projects.

These criteria are addressed in this section of this report. However, in terms of the section 19 criteria, these matters are also extensively addressed in the economic report by Market Economics, and the urban design report by Baxter Design.

5.3 Section 18 criteria

Section 18 requires that the Minister must be satisfied that the development will help to achieve the purpose of the CRFCA. A project is not eligible for referral unless it meets all the criteria set out in section 18.

Section 18(3) sets out four activities that the application must not include. For the record, it is confirmed that:

- (a) No part of this proposal is a prohibited activity as defined in the RMA and included in either the CODC District Plan or Central Otago Regional Plan.
- (b) This land is not land that has been returned under a Treaty settlement.
- (c) The land is not on the coast and is not subject to any customary marine right under the "Marine & Coastal Area (Takutai Moana) Act 2011.

5.4 Achieving the purpose of the Act

Section 19 sets out key matters that the Minister may have regard to in assessing whether the application will help to achieve the purpose of the Act as required by section 18(2). This part of the report undertakes an analysis in terms of section 19.

5.5 Economic benefits (s19(a))

Market Economics have undertaken an extensive analysis of the economic benefits including employment opportunities that are generated by this development. That is set out in the economic report forming part of this application.

This economic analysis addresses the following matters:

- residential development;
- commercial development;
- employment impacts. (addressed later at 5.8)

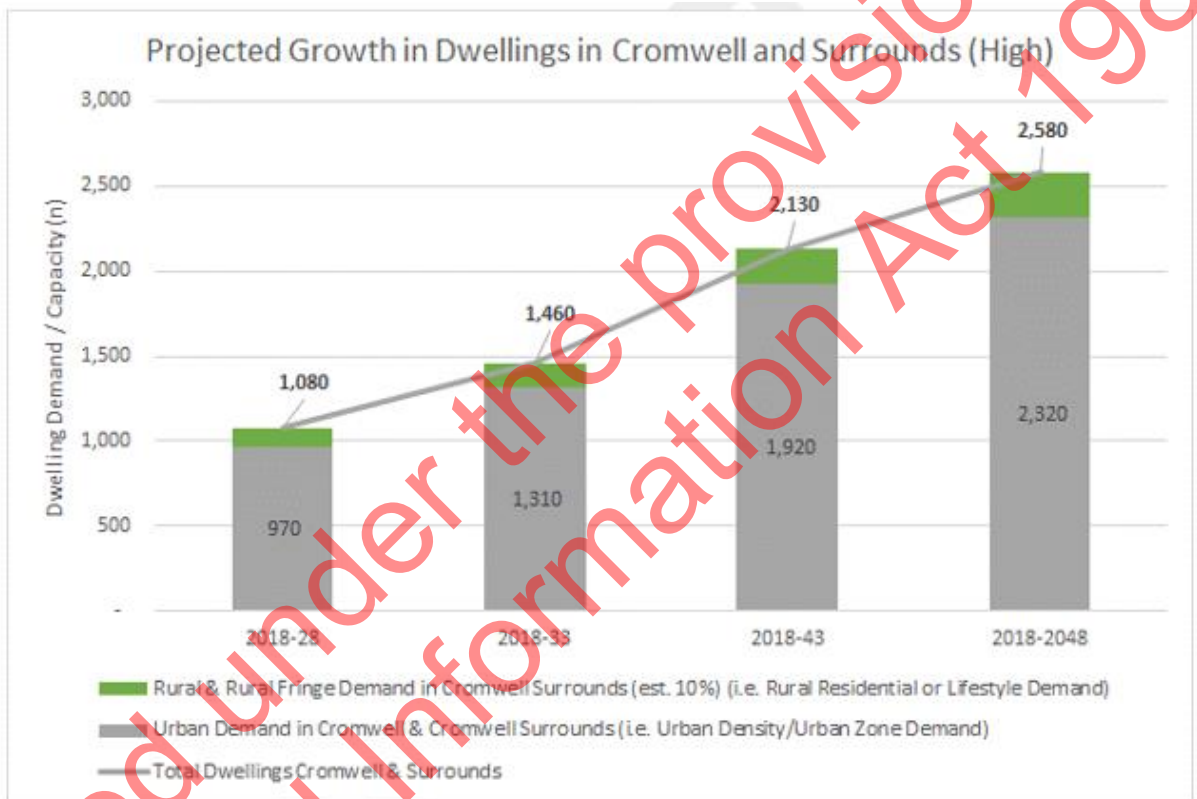
In terms of **residential development**, the report identifies that:

- (a) Cromwell is growing faster than historic growth projections for Cromwell. There is a demonstrable demand for additional housing within the Cromwell area. Demand for housing in

Cromwell is projected to grow by an additional 970 dwellings in the next ten years, growing to 2,320 dwellings by 2048.

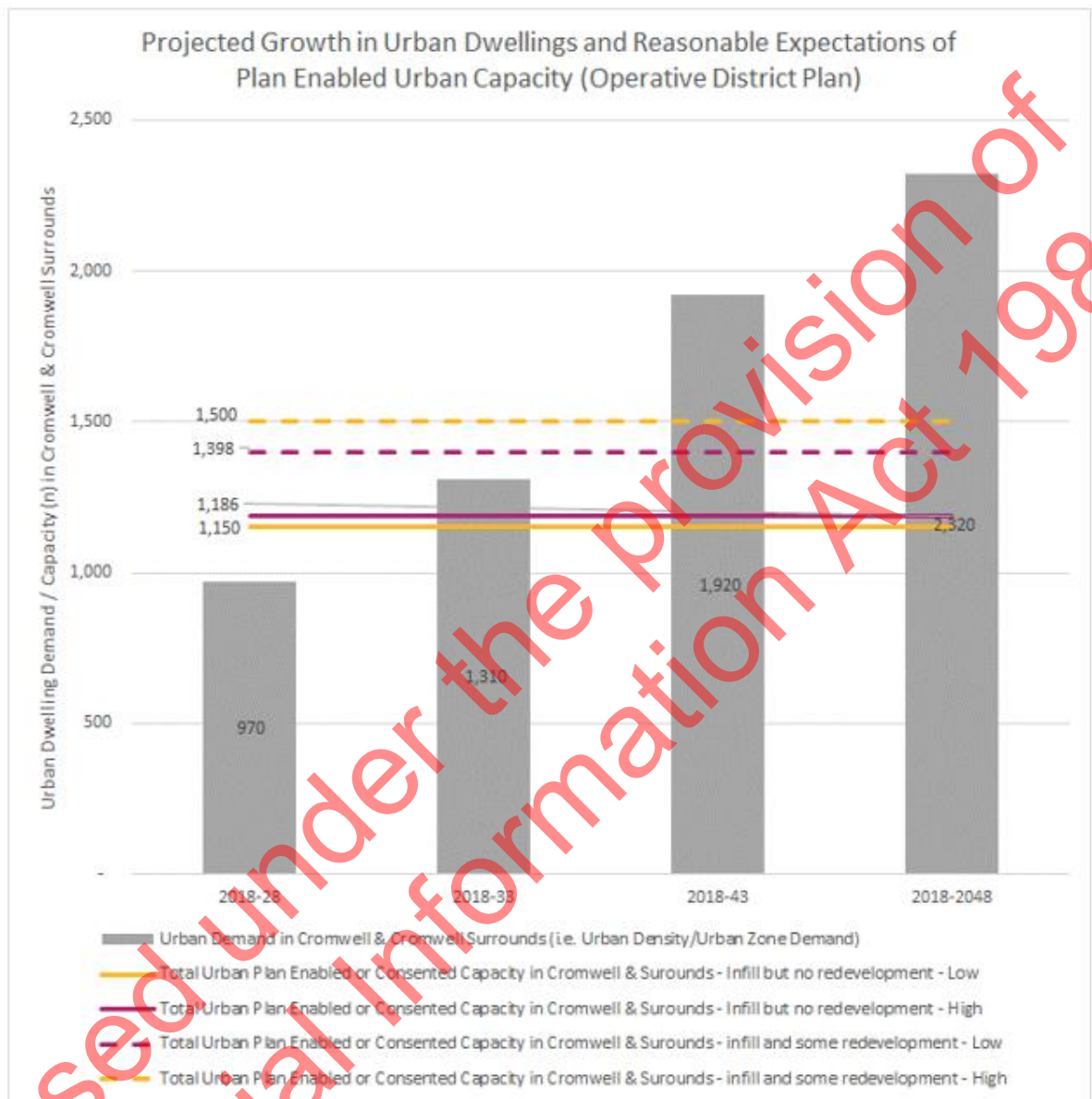
Diagram 15 is an extract from the Market Economics report showing this projected growth.

Diagram 15: Extract from Market Economics report



(b) That there is a demonstrable constraint on residential demand in Cromwell. Even if all existing development was taken up, there is only ten years' growth available in Cromwell. This is set out at length in the Market Economics report and summarised in Diagram 16 below which is an extract from the report.

Diagram 16: Extract from Market Economics report



Obviously if the existing available land is developed to existing densities, then that would substantially increase the pressure on further urban expansion. If Part 2 of the RMA, in particular section 7 in terms of efficient use of natural and physical resources, is to be achieved, then sensible development of vacant residentially zoned land within Cromwell is essential. Undoubtedly that is why the Wooing Tree Estate was identified for medium and high density housing in the Cromwell Spatial Framework Plan.

- (c) Wooing Tree makes a meaningful and beneficial contribution to providing for housing growth demand in Cromwell, they state *“Increasing the dwelling capacity within Cromwell Urban Area*

helps to ensure the future urban density growth is directed to, and concentrated within, the main urban township and not disbursed throughout the Cromwell basin settlements. The increase in density is consistent with and helps Council to achieve the strategic growth direction of the Cromwell Masterplan – Spatial Framework ... where Wooing Tree is ... identified for medium/high density housing.”

- (d) The Market Economic report also identifies locational advantage of Wooing Tree. The report states *“The proposed net increase in capacity result in a greater number of future households strategically located with respect to commercial and community facilities in Cromwell. Wooing Tree Estate is within walking distance of the Cromwell town centre and the lake and is an efficient and high amenity location for further intensification and contributes to a well-functioning urban environment.”*

In terms of **commercial development**, the report contrasts the current zoned development for business, with the relocated centre proposed as part of this application. It identifies that the same gross floor area of development is proposed, but in a more concentrated form. It identifies the economic effects of the business development:

- (a) There is a reduction in the land area of the business centre from 2.8ha to 2.2ha. The report states *“The advantage of this configuration is that it enhances the connectivity of different activities within the centre to each other. This improved proximity and accessibility within the centre extent will encourage pedestrian movement (walkability), facilitate cross shopping and increase the concentration of people activity – enhancing vitality and vibrancy. All these aspects will help contribute to the social and economic wellbeing of centre visitors, residents and businesses establishing in the centre.”*
- (b) The report comments that the proposed location will *“Support greater integration with the Cromwell centre. There will be an increased perception that the tourist orientated village forms part of the wider town centre but with no change to its complementary role due to rules that manage the types of businesses able to develop.”* All of the business are is now within a 400m walking distance of the town centre. Market Economics concludes that the *“proposed changes to the location and configuration of the Business Resource Area 2 better complement the desired outcomes of the town centre and may help to stimulate visitor confidence in the town centre more than otherwise would have occurred under the status quo.”*

- (c) The report identifies that *“The greater proximity of travellers’ accommodation will increase the opportunity for town centre businesses to attract guest expenditure (i.e. as distances reduce, town centre businesses such as food and beverage providers will be able to compete more easily against the equivalent businesses located within the village.”*
- (d) Releasing opportunity for business development earlier helps sustain business growth within Cromwell, and creates jobs associated with the construction industry.

5.6 Social and cultural wellbeing (s19(b))

This development will offer a significant increase in housing supply which will meet the social needs and contribute to the wellbeing of current and future generations of people living in Cromwell.

This is addressed in:

- the Economic Report by Market Economics;
- under the Effects section of this report dealing with growth in Cromwell;
- the Urban Design Report by Baxter Design.

What these reports demonstrate is that:

- Cromwell is growing at the high growth rate scenario and there is a need for housing.
- The Wooing Tree development is the only large block of land available for immediate redevelopment that is within the walking distance catchment of the Cromwell town centre.
- It is in a location identified by CODC for medium and high density development.
- The diversity of housing typologies will help encourage a diverse community;
- The range of section sizes will help provide for some affordable housing product. This is targeted at the s 9(2)(b)(ii) price range (although the final pricing will rest with those ‘group house builders’ who purchase and develop sections within the Wooing Tree Estate).

This development will help meet the social needs of the Cromwell area by providing housing quickly at a density identified in the Cromwell Spatial Framework Plan as targeted for medium and high density development and within easy walking distance of the town centre so as to reinforce the economic vitality of the centre. Only ‘comprehensive residential development’

will require a restricted discretionary activity resource consent. Dwelling houses on vacant residentially zoned sites will be a 'permitted activity' (provided they meet the development standards of the zone) once the subdivision application is approved.

5.7 Fast track process (s19(c))

This fast track application is sought because the current District Plan provisions are not in alignment with the CODC's strategic review of Cromwell through the Cromwell Spatial Framework Plan. That plan was developed through extensive community engagement and adopted by the Community Board as a Council strategy for managing the growth of Cromwell. Essentially the District Plan provides a low density future for the Wooing Tree site, whereas the 2020 Framework Plan identifies this site for medium and high density housing.

Were this development to follow the "standard practice" it would require first of all a plan change to bring the development in alignment with the Cromwell Spatial Framework Plan and then resource consents to provide for this development.

CODC has signalled that it is its intention to undertake a plan change in the future, but due to other priorities and budget and resource constraints, the residential plan change will come after the business and rural plan changes that are also required to give effect to the Cromwell Spatial Framework Plan. CODC has advised Wooing Tree Partnership the residential plan change is likely to be consulted on and notified some time through 2021. This would only then start an 18 month plan change process, followed by a six month resource consent process to consent the Wooing Tree Estate under the new provisions.

If the Wooing Tree Estate is to make a contribution to the economic recovery following COVID-19, then it needs the benefit of this fast track legislation so that consenting can be achieved in the short term and construction activity can start in 2021.

Assuming a 12-18 month period for the plan change and then a further six month period for resource consents, without this legislation the Wooing Tree development would not be in a position to progress until some time in 2023/2024. With this legislation physical works can start in January 2021 assuming consents are granted in November or December 2020 under this legislation.

5.8 Generating employment (s19(d)(i))

The report by Market Economics details the extra employment that would be generated by this development. That employment comprises:

- Professional services employment in the detailed design and supervision of the construction of this development.
- Employment associated with contractors undertaking land development civil works (roading, infrastructure and the physical works and surveying associated with the subdivision itself).
- To this must be added the employment associated with the suppliers of material into the construction industry.

In terms of employment impacts, the report identifies the different employment impacts of proceeding under this fast-track legislation compared to a more traditional RMA process. The key points are:

- (a) 309 dwellings will be delivered across five stages of the development.
- (b) This will generate in the order of **s 9(2)(b)(ii)** of residential construction plus an additional **s 9(2)(b)(ii)** for the business construction. In addition the land development civil costs are **s 9(2)(b)(iii)** with **s 9(2)(b)(iii)** of associated professional services, Council and legal costs. This will add **s 9(2)(b)(iii)** to the Central Otago economy and the jobs that underpins.
- (c) The report identifies *"By the conclusion of 2021 the fast-track development could have directly sustained a cumulative total of nearly 1,000 job months across a range of sectors (but dominated by construction related sectors). By the end of 2022 this cumulative total could increase to nearly 2,500 job months sustained, increasing to nearly 4,900 and 6,900 respectively by the end of 2023 and 2024. In total the development of Wooing Tree Estate as proposed could sustain the cumulative total of 8,570 job months by September 2026 if approved by fast-track consent."*
- (d) The fast-track legislation brings the timing of consenting and therefore construction forward by 18 months.

Diagram 17 below shows the monthly jobs sustained in the Central Otago region.

The dark blue shows the impact of approval under this fast-track legislation.

Diagram 17: Employment impact by month

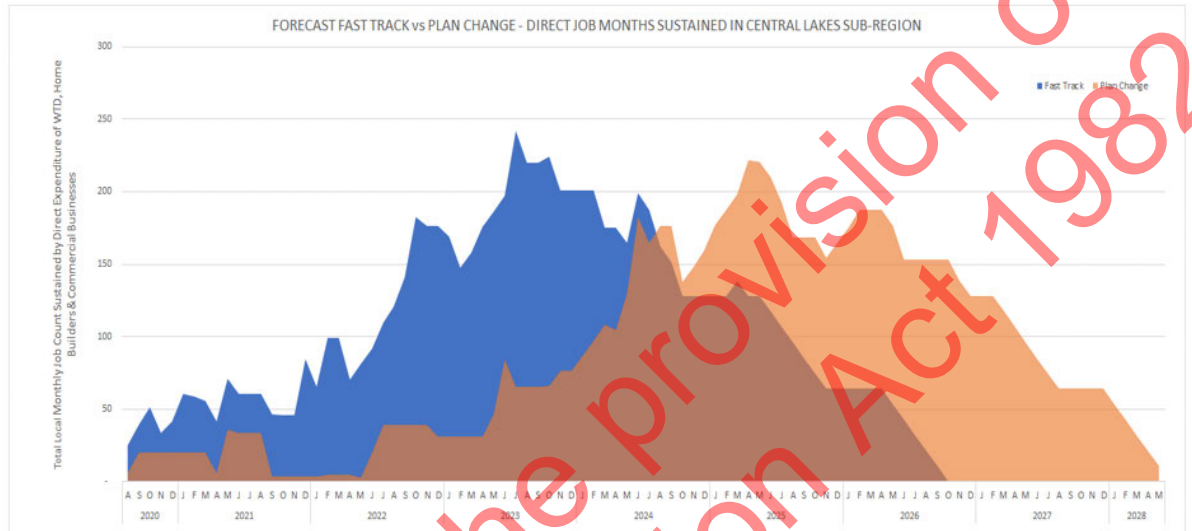
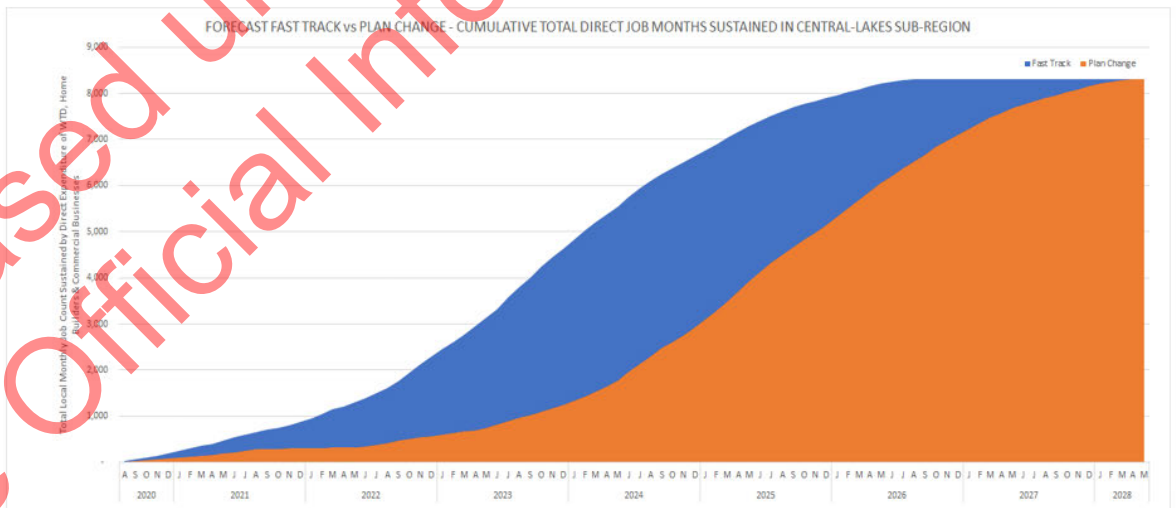


Diagram 18 shows this as a cumulative total. Again the dark blue shows the impact of this fast-track legislation and how it will deliver jobs substantially quicker than current RMA processes.

Diagram 18: Cumulative employment impact



- (e) In addition to the direct employment jobs, the economic analysis identifies that there will be related indirect employment (e.g. manufacturing jobs associated with construction material used

on sites). The benefits of this indirect employment will similarly occur earlier under this fast-track approach.

5.9 Increasing housing supply (s19(d)(ii))

One of the key benefits of this development is that it does increase housing supply into Cromwell, where there is a demonstrable demand for housing to respond to current growth rates.

The report by Market Economics analyses this residential growth, assesses the supply of housing and identifies the need for additional homes within Cromwell over the foreseeable future.

This development will deliver 309 sections development - ready for new homes. They will be developed in stages but with the first stage targeted to be available for housing construction in 2021. The land currently holds a consent for 33 homes at low density. The net effect of this application is to increase the number of approved sections available for construction by 276.

The current District Plan zoning provides for up to 210 homes within the entire Wooing Tree block. This development will increase that housing stock by 99 homes. However it must be recognised that the 210 homes is an enabled provision under the District Plan. There are no resource consents for 210 sections – only 33. In terms of the certainty this application will bring, it is to create 263 vacant sections plus 46 consented homes (a total of 309) within the Wooing Tree block, an increase of 276 beyond that which is currently approved.

5.10 Well-functioning urban environment (s19(d)(iii))

The issue of creating a well-functioning urban environment is addressed in three ways:

- (a) The Assessment of Effects contained in this report gives a planning analysis as to why this is an appropriate development which will contribute to a well-functioning urban township – Cromwell.
- (b) The Urban Design Report by Baxter Design gives a strategic urban design analysis as to how the Wooing Tree development delivers on a high quality urban design structure and contributes to the overall functioning of Cromwell.

- (c) The Cromwell Spatial Framework Plan specifically sets out to create an overall comprehensive integrated strategy for Cromwell including ensuring community which is well-functioning and delivering on the outcomes set out within the Spatial Framework Plan for the residents of Cromwell. Notable in the Wooing Tree case is a greater diversity of housing, and development which is in the walkable catchment of the Cromwell town centre to assist in reinforcing the town centre.

This proposal has been developed consistent with that Spatial Framework Plan assessment. It is addressed in the Assessment of Effects section of this report and at paragraph 6.6. The Spatial Framework plan was developed through an extensive community process, and sets a future development strategy for Cromwell. Of relevance:

- Wooing Tree is targeted in that strategy for medium to high density residential development.
- The Framework Plan sets as a key principle a greater diversity of housing typologies to cater for a broader community.

The Wooing Tree development set out in this application is consistent with that Framework Plan and will deliver on the Council objectives for Cromwell.

The Framework Plan targets the reinforcement of the economic viability of the Cromwell town centre by limiting other retail nodes to neighbourhood functions. The underlying zoning of Wooing Tree provides for a neighbourhood retail centre. This proposal provides for retail centre to the same form and scale, but relocates it on the site. In terms of contributing to a well-functioning urban environment:

- In terms of function and a limit on scale, the status quo is preserved in that there is a hospitality and neighbourhood centre servicing the travelling public and within the Wooing Tree Estate, which is limited in the size of the retail offer.
- By shifting the centre closer to State Highway 8B it gives a better profile for the site and will be a greater attractor to the passing tourist and visitor traffic. The purpose of the “hospitality” functions of the centre is to encourage travellers to stop and enjoy the attributes that Cromwell has to offer both in terms of the cellar door and winery, but also in other aspects of this Central Otago township. It is the cumulative effect of a number of attractions in townships that reinforces the economic opportunity of tourism. This hospitality centre is a small but positive element of that offer.

- It brings the hospitality and neighbourhood centre within the 400m walking distance of the town centre. This further reinforces the visitor opportunity of people (say) stopping at the cellar door for a wine tasting experience and then wandering into the main town centre to see the other offer within Cromwell.
- It is of a limited form and scale so that it does not undermine the primacy of the Cromwell town centre.

A key element in the structure for Cromwell was to create an interface between the rural and residential area and along the state highway. A 30m rural strip which will continue to be operated as a vineyard, is proposed. In essence, this is retained through this application.

The same core connections on to State Highway 8B and the pedestrian underpass are included as originally envisaged in Plan Change 12 for Wooing Tree which rezoned this land to allow for residential uses originally. This is explained in further detail in section 6.

Demonstrably, this application is consistent with and contributing to a well-functioning urban community at Cromwell.

5.11 Infrastructure (s19(d)(iv))

This criteria is of limited application to this proposal. This criteria is about contributing to broader infrastructure. Servicing the development is seen as a pre-requisite.

This development will provide:

- All infrastructure to service the new neighbourhood
- A new roundabout intersection on to State Highway 8B. This is on the main entry road into Cromwell. It will provide additional safety at this key intersection. It will also service the Wooing Tree development, and provide additional access functionality to the residential area north of State Highway 8B.
- A pedestrian underpass under State Highway 8B. This will provide significant additional benefit to the Wooing Tree development and the adjacent residential homes in Shortcut Road and Cromwell north. It will provide a safe method for crossing this State Highway.

- A localised upgrade to the potable water network for Cromwell. This is largely triggered by the need to service the Wooing Tree development.

The significant legacy infrastructure for the broader community beyond Wooing Tree will be the pedestrian underpass and roundabout.

5.12 Environmental outcomes (s19(d)(v))

This application has no impact on coastal or water quality associated with the lakes in the vicinity.

It will include a full stormwater treatment train process to ensure treatment of stormwater before it enters the stormwater network. This is addressed in the report by Paterson Pitts Group.

There are no issues of air quality or indigenous biodiversity associated with this development.

Air quality matters are a significant issue for the Cromwell area and other parts of Central Otago. ORC has controls relating to air quality associated with particularly open fire and coal and wood burner heating.

No such appliances are planned within the homes forming part of the consent under this application. A suggested condition requires a consent notice to be attached to each title identifying that any proposed open fire places or coal or wood burning appliances within the home will need to meet the air quality standards of the regional plan. This will ensure new home owners are aware of their obligations and, if they trigger the standards, obtain consent.

5.13 Waste minimisation and climate change (s19(d)(vi) and (vii))

There are no particular aspects of this application dealing with waste minimisation. Obviously normal provision will be made for Council waste management services including recycling collections. Our contractors will be asked to observe responsible construction waste management protocols.

There are limited but beneficial aspects of this development that directly relate to climate change.

Indirectly, medium and higher density development within walkable distance of town centres does marginally benefit climate change by creating communities that are less reliant on cars. High density housing in close proximity to town centres means that people can walk to the town centre for retail, social and community functions.

This is addressed in the Assessment of Effects section of this application.

The development will provide new, insulated homes that are designed appropriately for the relatively extreme temperatures of the Central Otago region. This in turn will reduce heating and cooling costs which again will marginally contribute to efforts to mitigate climate change.

No part of the site is within a natural hazard area. The property is not sensitive to climate change matters such as flooding associated with the surrounding lakes and rivers or susceptible to slips or ground movement. Construction urban development in sensible locations is an appropriate response to managing climate change.

5.14 Historic heritage (s19(d)(viii))

There are no historic heritage buildings or structures on this site.

There are no known archaeological aspects on this site.

There are no historic heritage aspects on the property.

However, the Wooing Tree Estate gets its name from the substantial pine tree located in the centre of the site. This is a scheduled tree protected under the District Plan. It contributes to the character of the area. That tree is retained as part of this development and included within a pocket park forming part of the green network across the site.

5.15 Natural hazards (s19(d)(ix))

The site is not subject to any identification of natural hazards in terms of either the District or Regional Council information databases.

As far as the applicant is aware, there is no history or suggestion that natural hazards impact this property.

5.16 Environmental effects (s19(e))

Section 7 of this application gives a detailed Assessment of Effects of this development.

It identifies that:

- (a) There are a number of beneficial effects, particularly in the economic, urban design, planning and pedestrian/cycle network aspects.
- (b) Other effects around transport, infrastructure, stormwater, contaminated land and earthworks can all be successfully managed so that the effects of the development are less than minor.
- (c) There are no particular adverse cultural effects. The design of the development has addressed key issues identified through the iwi consultation process. This particularly related to matters of accidental discovery in terms of archaeological or cultural artefacts within the site. At the time of writing this report, Aukaha were in the process of completing a full Cultural Impact Assessment.

This analysis demonstrates there will be no significant adverse effects from this development.

5.17 Any other matters (s19(f))

Section 19(f) states "*Any other matter that the Minister considers relevant.*"

It is requested that the Minister give consideration to the *Cromwell Spatial Framework Plan* under this clause. While not a statutory document under the Resource Management Act, it is a very recent strategy developed through an extensive public consultation programme and adopted by the Council. It sets out the framework for the growth and development of Cromwell. It is a spatial plan/framework plan with the same scope, quality of analysis and public engagement as what would be expected for a growth strategy developed under the National Policy Statement on Urban Development.

As part of preparing this application, Wooing Tree Partnership and its consultants have assessed and reached conclusions as to the right layout and intensity of development for Wooing Tree. This is assessed in terms of economic development, housing supply, urban design, and growth management of the Cromwell township. The adopted Spatial Framework Plan has specifically addressed that same question. It was initiated pre-COVID and perhaps contemplated a typical protracted process of developing this framework plan, then undertaking the desirable plan changes, then undertaking resource consents before finally commencing construction on the ground. This application is about taking the Council's settled development strategy for Cromwell and fast tracking it so, for economic recovery reasons, this work can start much sooner than if it followed the standard RMA process.

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6 PLANNING INFORMATION

6.1 Statutory Plans

CENTRAL OTAGO DISTRICT PLAN	
Zone	<ul style="list-style-type: none"> Residential Resource Area 3 Residential Resource Area 11 Residential Business Area 2 Rural
Special identifications	<ul style="list-style-type: none"> Building line restriction State Highway 8B and State Highway 6 Notable tree (Wooing Tree)
Designations	<ul style="list-style-type: none"> State Highway Urban (SH8B and SH6)
CENTRAL OTAGO REGIONAL PLAN	
Special identifications	<ul style="list-style-type: none"> Air Zone 1: Cromwell

6.2 Planning context

The primary planning document for Cromwell is the CODC District Plan made operative in 2008. The Wooing Tree block was zoned Residential Resource Area (6) where a minimum lot size of 4,000m² applied. Essentially it was intended as large lot residential development.

In March 2017, Wooing Tree Holdings Limited applied to the Council for a private plan change to apply a mixture of Residential Resource Area provisions to the subject site that was in Residential Resource Area (6) to apply a mixture of Resource Area (zone) provisions which had the effect of turning this from a Large Lot Residential zone to a low density housing area with a business zone bisecting the site. The requested plan change provided for:

- Parts of the land (which was described in the plan change provisions as the Wooing Tree Overlay), to be included in the Residential Resource Area (11) to enable higher density residential subdivision and development to proceed in accordance with amended rules which will be specific to the Wooing Tree Overlay Area.

- Part of the land to be Residential Resource Area (3) at the interface.
- Part of the land is to be included in a Business Resource Area (2) to provide for travellers accommodation, shops, and other commercial development.
- Portions of the site adjacent to State Highway 6 and 8B were to be included in the Rural Resource Area: such land to be subject to a Building Line Restriction.
- The Plan Change also provided for the Monterey Pine (*Pinus Radiata*) known as the “Wooing Tree” to be protected.

The plan change sought to retain low density around the periphery of the site but at a density of 1:1,000m² and to provide higher intensity of use at approximately 1:400-1:500 within the centre of the site.

The residential activity comprised some 22ha of the site with a mix of low density housing with a minimum net site area per residential lot of 1,000m² and low to medium density areas ranging from 400m² to 500m² net site area.

A 30m buffer, retained as rural zoning, was applied on the frontage to State Highway 8B and State Highway 6.

A small hospitality and neighbourhood centre focused on tourism activity and a tasting offer as part of the Wooing Tree Vineyard, was provided in the northern part of the block.

The Council notified this as Plan Change 12 in May 2017.

Some 41 submissions and seven further submissions were received on the plan change. The matter was heard by the Council in November 2017 and the decisions notified in February 2018 confirming the plan change, but with various amendments.

The Council's decision was appealed by 'Lakefield Estate Unincorporated Group'. The group consisted of 26 persons who had made submissions in response to Plan Change 12.

Various discussions between the parties occurred in mid-2018 leading to a consent order being placed before the Environment Court in August 2018. The key aspects that were agreed through that negotiation were:

- (i) Agreeing a strip of rural zoned land at the eastern end along the northern border of the site of 17.5m in width with the central and western end 10m in width.
- (ii) Land adjacent to the 17.5m strip was to have a minimum lot area of 1,000m².
- (iii) The eastern portion of the Residential Resource Area was to have a minimum lot area of 500m².
- (iv) The yard adjacent to Shortcut Road was to be 10m in width.
- (v) Standards were imposed in respect of the size and colour of sheds permitted in the setback.

Plan Change 12 was made operative on 20 February 2019 and incorporated within the Operative District Plan. The operative provisions are discussed in greater detail below.

6.3 Existing operative District Plan provisions

Diagram 19 shows the current zoning for the Wooing Tree block. It comprises:

- (a) A 30m rural zoned strip of land along State Highway 8B and State Highway 6.
- (b) A 10m rural zoned strip of land along the northern boundary to form an interface with the adjacent land.
- (c) 19 ha of residentially zoned land broken into three subareas.
- (d) Residential Resource Area 3 sets a minimum net site area of 1:1,000m².
- (e) Residential Resource Area 11 provides for a density ranging from 1:400m² west of the hospitality and neighbourhood centre and 1: 500m² east of the hospitality and neighbourhood centre.
- (f) Residential Wooing Tree Overlay provides for a density of 1:250m².

- (g) The hospitality and neighbourhood centre comprising 2.8 ha. This provides for retail tenancies up to 8,600m² in area for Lot 600. It excludes major retail premises that would compete with the town centre.

Diagram 19 : Current Zoning

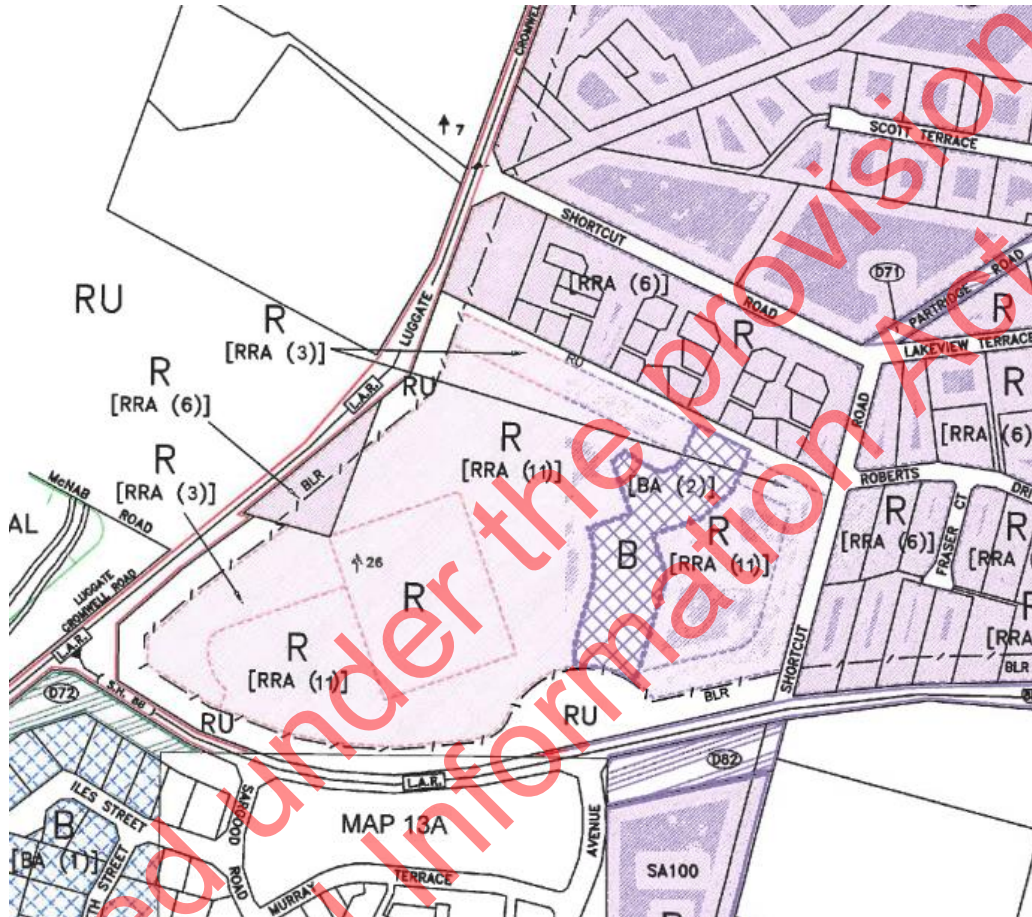


Diagram 20 shows the 46 sites that are fully or partly zoned business resource. These are the sites where this consent will seek approval for specific dwellings - an integrated landuse and subdivision consent.

Diagram 20: Plan of residentially zoned sites within Business Resource Area 2



6.4 Existing consents

None of the residential development of the site has been implemented to date.

In February 2020 a Stage 1 consent was granted to Wooing Tree Property Development Limited Partnership (RC190519) to subdivide the site into 33 residential allotments with an additional lot as “road to vest” and a balance lot. This is shown in Diagram 21.

Diagram 21: Current consent



Wooling Tree Partnership have commenced the physical roading works on this Stage 1 application. The arrangement of the residential lots of sub stage 1c is superseded by this application, but the road alignment is the same.

In May 2020, Wooing Tree Property Development Limited Partnership obtained a land use resource consent (RC200138) to breach the 3m side yard rule on Lots 12-13 of the Stage 1 subdivision.

6.5 Current proposed resource consent before CODC

In June 2020, Wooing Tree Partnership sought a fresh Stage 1 resource consent as a replacement Stage 1 development. This covered an area of just over 3ha. It provides for 41 residential lots.

That proposal involves:

- (a) Increasing the number of lots in the Residential Resource Area (3) from 11 to 18. Lot sizes vary between 500m² and 1,230m². The standard within the District Plan is 1,000m².
- (b) Increasing the number of lots in Residential Resource Area (11) from 22 to 23. Lot sizes vary from 460m² to 798m². The District Plan standard is 500m².
- (c) Land within the Rural Resource Area is subdivided as part of Lots 1-5. This exceeds the rural subdivision standards.

There were other consequential parts of the application relating to breaching of side yard dimensions (restricted discretionary activity) and certain matters relating to the Business Resource Area.

Essentially this application sought to increase the density of development on the Wooing Tree block by eight residential lots (33 increasing to 41) which resulted in non-complying activity status by virtue of the fact that the residential lot sizes exceeded the standards within the District Plan.

The application was advanced on a number of grounds including that it reflected the changed Council view of the future development of Cromwell as set out in the Cromwell Spatial Framework Plan.

The consent was publicly notified. It attracted 19 submissions and two late submissions mainly those from residential neighbours to the north.

The Council officers recommended the application be declined on the basis that it was not consistent with Plan Change 12, that the Cromwell Spatial Framework Plan had not been tested through the

statutory plan change process and therefore little reliance should be placed on this strategy, and that the northern boundary interface did not achieve the parkland setting targeted through the District Plan. In this application the applicant had sought to vest this land in the Council as parkland. The Council declined to accept the land as a vested asset. Therefore the proposal was that the 10m strip be embodied within the rear yards of adjacent residential properties, but with a 10m setback for all buildings.

The application has been deferred at the applicant's request. If this application under the CRFCA is referred by the Minister to the Expert Consenting Panel, that resource consent modified stage 1 application will be withdrawn.

6.6 Cromwell 'Eye to the Future' Masterplan Spatial Framework: Stage 1: Spatial Plan

A key consideration for this application is the Cromwell Spatial Framework Plan.

CODC gave delegated authority to the Cromwell Community Board to embark on a major public consultation programme and prepare a framework plan for the future development of Cromwell.

The Board set a programme involving extensive community participation and workshops. The approach was widely consulted and there was significant community interaction in the development of the plan.

The plan was adopted by the Council in May 2019 (through adoption of the plan by the Cromwell Community Board under full delegated authority).

The Cromwell Spatial Framework Plan set out to achieve 12 key principles. These are:

- (i) *Protect and celebrate the valued landscape, conservation and heritage setting*: This development is on the Cromwell flats and has no impact on the core landscape features of the surrounding ranges, hills, rivers or lake. It does preserve the pine tree which gives Wooing Tree its name. This does add character, at least to the immediate area of this part of Cromwell.
- (ii) *Celebrate the horticulture, viticultural and agricultural environment*: This masterplan, by creating the vineyards along the State Highway 8B and State Highway 6 boundary, and by providing the

cellar door, does celebrate the viticultural character of this part of Central Otago and Cromwell in particular. The cellar door offers tourists a reason to stop within Cromwell and enjoy this viticulture and agricultural centre within Central Otago. The new location for the hospitality and neighbourhood centre, being adjacent to State Highway 8B, gives a higher profile and therefore visibility to the travelling public. This is important in encouraging people to stop and enjoy the amenities of not only the Wooing Tree Estate but Cromwell generally.

- (iii) *Foster increased diversity in housing choices:* This location is identified in the Cromwell Spatial Framework Plan for medium and high density housing. It is about providing for a range of homes complementary to what is being offered elsewhere within Cromwell. Even within the Wooing Tree Estate, there are a wide variety of section sizes enabling of a range of different typologies from low, medium and high density. This in turn is likely to attract a diverse community which will assist in creating socially diverse neighbourhoods. Some of the smaller sections will also assist in offering affordable housing typologies to the benefit of residents.
- (iv) *Reinforce an authentic local character and identity:* This principle is aimed at other parts of Cromwell, particularly the old town Cromwell. However, the design of the hospitality and neighbourhood centre set amongst the entranceway through the vineyard, reflects a traditional Central Otago architecture and does evoke the viticultural character and identity of the area.
- (v) *Support a healthy, diverse and welcoming community:* The broad range of section sizes targeting a broad range of housing typologies will assist in creating a diverse neighbourhood within the Wooing Tree Estate.
- (vi) *Create a compact walking, cycling and accessible town:* Wooing Tree Estate is the only large development ready block of land within the walkable catchment of the Cromwell town centre. It will connect through an underpass under State Highway 8B and will be on the walking and cycling network between the town centre and Cromwell North. This development will in fact enhance the compact nature of Cromwell and will provide good walking and cycling access to the township.
- (vii) *Connect the town and community to the lake front:* Wooing Tree is set back from the lake front and so has limited application to this principle. It does provide the walking and cycling network which connects to the lake in several locations.

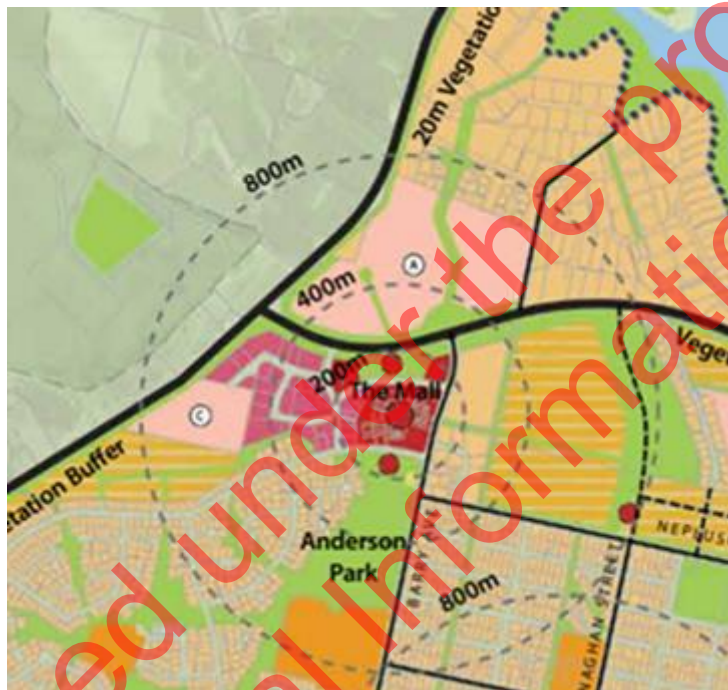
- (viii) *Revitalise the town centre to be attractive and lively*: This is not directly relevant to Wooing Tree Estate. Indirectly, the hospitality and neighbourhood centre has been limited in its scale and activities so that it does not compete with and therefore detract from the town centre. These matters were canvassed through Plan Change 12. While this application shifts the physical location of this hospitality and neighbourhood centre, it preserves the same principles and controls that were put in place to ensure that the hospitality and neighbourhood centre does not detract from the town centre.
- (ix) *Support and increased sport and recreational focus*: The open space network and cycleways built through the Wooing Tree Estate will indirectly support this principle. Sporting and recreational facilities are provided elsewhere within Cromwell. However, the open space network and the cycling approach is all part of building that attractive informal recreation opportunity through the Cromwell area and immediate district.
- (x) *Establish Cromwell as a creative town*: Wooing Tree Estate does not directly contribute to this.
- (xi) *Grow Cromwell as a quality tourism destination*: The hospitality and neighbourhood centre is focused around a cellar door operation for Wooing Tree Winery and includes travellers' accommodation. To create this amenity within easy walking distance of the town centre is contributing to a quality tourism destination. The cellar door provides a legitimate core reflection of the agriculture of the Central Otago area and the opportunity to leverage tourism in this wine district. The accommodation within the hospitality and neighbourhood centre adjacent to the cellar door and within 400m walking distance of the town centre will contribute to tourism. This is shown on diagram 20.
- (xii) *Foster a resilient and balance local economy*: The cellar door and travellers' accommodation will help contribute to the Cromwell economy, for which agriculture and tourism is a significant contributor.

Objective 2 of the Cromwell Spatial Framework Plan states: *"Manage urban form and settlement to achieve an effective and efficient pattern of development"*. It then elaborates as follows: *"Manage urban growth consistent with the community's express preference for 'growth focus within existing Cromwell' in a manner that promotes an accessible walking and cycling town with an increased/higher*

density of development within comfortable walking distance of the town centre and other community facilities and assets. A comfortable walking distance generally being 400m-800m (about a 5-10 minute walk)."

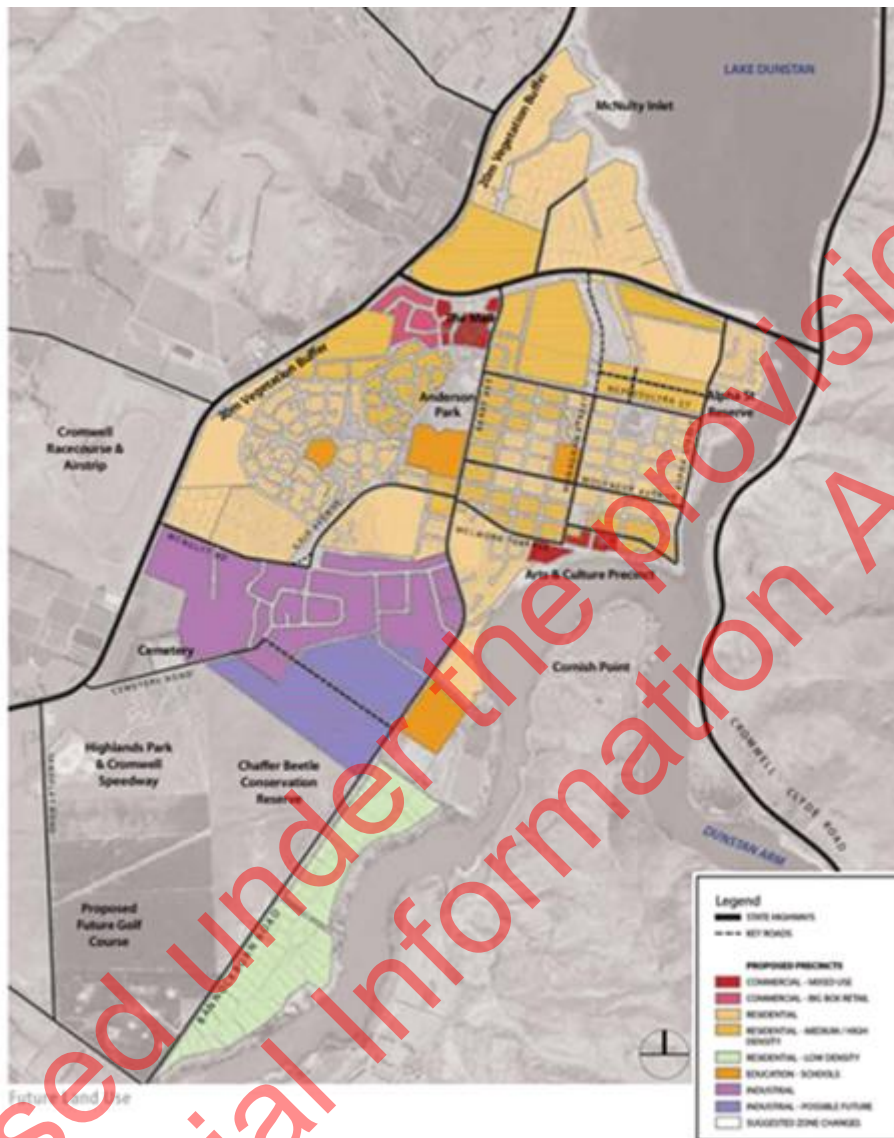
Wooing Tree Estate is absolutely consistent in delivering on this objective. The entire estate is within the 800m walking distance and the southern portion is within 400m. It is the only large block of development ready - land within this 800m catchment. This is shown on diagram 22 which is an extract from the framework Plan

Diagram 22 : Walkable Catchments of the Town Centre



The Cromwell Spatial Framework Plan identifies this area for medium and high intensity development consistent with this objective. This is shown in diagram 23 – also an extract from the Spatial Framework plan

Diagram 23 : Cromwell growth areas and targeted densities



If the Cromwell community is to realise this objective, then Wooing Tree, being the only significant immediately available development site, is an essential component of meeting this objective and providing for the growth of Cromwell in the physical location identified as appropriate through the community consultation the Council undertook in developing this Framework Plan. Allowing this application does in fact embed a “*smart Cromwell*” as per Principle 11.

The Spatial Framework plan sought to reinforce the growth node of Cromwell and consolidate further residential development within the existing township boundaries together with appropriate minor expansion. Complementing this was the provision for satellite townships within the Cromwell ward.

Critically, one of the key objectives of the Framework Plan was to promote a diversity of housing. The existing housing typology in Cromwell is disproportionately detached single family homes at relatively low densities.

A key strategy was to provide for a broader range of housing typologies and a wider range of densities.

A further key thrust of the Framework Plan was to reinforce the business and social/community importance of the town centre. The intent was to focus retail activity into the town centre, to complement it by providing for large blocks of retail immediately adjacent, and to provide small neighbourhood centres elsewhere within the Cromwell township for local service needs.

An additional focus was created around the arts and culture precinct of old Cromwell town.

Undoubtedly it was these elements that led the Council to identify Wooing Tree as a site targeted for medium and high density housing. It was a large vacant site ready for development and therefore able to quickly respond to the objective of a diversity of housing typologies. It is the only large available block of land within the 800m pedshed (and part within 400m) of the Cromwell town centre, i.e. it was one area that would reinforce the town centre by creating a concentration of people within easy walking distance of the town centre.

The single largest block of land identified for potential future residential activity is the golf course. However, such redevelopment of this land is some time away and will require significant Council funds to relocate this major recreational facility for Cromwell.

The Council has resolved to give effect to the Spatial Plan through a series of plan changes. The first of these will deal with the employment (industrial) and rural areas and is currently in train.

Council officers advise that the residential components will come after that but, due to resourcing, budget and other constraints, are only targeted to start consideration in 2021.

A key aspect of this CRFCA application is that it is delivering economic development, jobs and much needed housing to Cromwell at pace. It is consistent with the adopted and widely consulted Spatial Framework Plan approved in 2020.

By comparison, the District Plan provisions are now outdated reflecting previous growth scenarios for Cromwell and a planning approach which has effectively been replaced by the Framework Plan.

This proposal aligns with the purpose of the CRFCA in that it will deliver essentially what has been a widely consulted community strategy far quicker relying on the fast track processes of the Act, than will happen if it waits to work through the normal RMA process. If approval is given under this Act, then this development will deliver housing, employment and economic development into Cromwell starting at the end of 2020/early 2021.

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7 REASONS FOR CONSENT

This section sets out the reasons for consent under both the Central Otago District Plan and the Otago Regional Plan(s).

7.1 Central Otago District Plan

The site is within the Wooing Tree overlay area and is split between five zones or subzones: Residential Resource Area (3), Residential Resource Area (11), Residential, the Rural Resource Area and the Business Resource Area (2).

The Residential Resource Area (3) has been applied to land within but at the outer edge of the Wooing Tree Overlay Area within the Cromwell Urban Area to manage interface effects between residential activities, and the State Highways and existing development to the north.

The Residential Resource Area (11) has also been applied to land within the Wooing Tree Overlay Area. These areas are more embedded within the "Wooing Tree Estate. It provides for a low to medium density (400 -500m²).

There is a block of standard Residential area in the middle of the site but subject (as all sites are) to the Wooing Tree overlay.

Rule	Standard	Comment
Residential activities		
7.3.1 (i) Permitted activities	Any activity that is not listed as a Controlled, Restricted Discretionary, Discretionary and Non-Complying Activity that and that complies with the rules and standard set out in Section 11 to 15 of this Plan and Standards set out in Rule 7.3.6 is a Permitted Activity	Retail Activity proposed in a residential zone does not meet the standards of section 11 to 15. This is a non-complying activity.

7.3.4 Breach of Standards	Any activity that fails to comply with the following rules: - Traffic Generation (7.3.6(i)) and Characteristics of Activities. - Sense of Amenity, Security and Companionship (7.3.6(ii)) is a Discretionary Activity.	Retail activity is proposed within a residential area that involves the retailing of goods and services, hence consent is required under Rule 7.3.4(i) as this is a Discretionary Activity .
7.3.5(iii) Travellers accommodation	Travellers Accommodation in Residential Areas 1-13 is a Non-Complying Activity	Travellers accommodation facilities proposed outside of Business Resource Area 2 or the Rural Resource Area is a Non-Complying Activity
7.3.5(iv) Subdivision	Subdivision of land within Residential Resource Areas 3 and 11 that breach Rule 7.3.3(i)(c) is a non-complying activity	This application breaches the minimum subdivision controls as a restricted discretionary activity for: <ul style="list-style-type: none"> • Residential Resource Area- Wooing Tree Overlay Area exceeds the maximum lot size of 350m² and exceeds the 50 total maximum residential allotments. • Resource Area (3) as the number of allotments exceed the 40 maximum within this Resource Area of the Wooing Tree overlay, and the minimum allotment area exceeds the standard of 1,000m² minimum allotment area. • Resource Area (11) as the number of allotments exceed the 120 maximum within this Resource Area of the Wooing Tree overlay, and the minimum

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		<p>allotment area exceeds the standard of 400m² minimum allotment area west of the business zone and 500m² each of the business zone.</p> <p>This is a non-complying activity</p>
7.3.5 (vi) Access	<p>Access-Wooing Tree Overlay Area</p> <p>Any activity that fails to comply with Rule 7.3.6(vi)(d) to (g) which relate to the Wooing Tree Overlay Area is a Non-Complying Activity</p>	<p>Standard 7.3.6(vi)(d) to (g) state that no vehicle access is permitted from the residential Resource Area, the Residential Resource Area (3) and the Residential Resource Area (11) in the Wooing Tree Overlay Area to a State Highway except within 10 years of Plan Change 10 becoming operative via a single lane roundabout constructed to NZTA's standards at the intersection of State Highway 8B and Barry Avenue, and no new development west of and including Business Area (2) in the Wooing Tree Overlay Area shall be permitted until the above roundabout and a pedestrian/cyclist underpass incorporated into the western side of the Roundabout across State Highway 8B are constructed and operational. This development provides for the roundabout and underpass.</p> <p>This is a permitted activity</p>
Residential standards		

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<p>7.3.6 (iii) Bulk and Location of Buildings</p>	<p>(b) <i>Front Yards:</i> A minimum front yard of 3m is required in the Residential Resource Area in the Wooing Tree Overlay Area.</p>	<p>Those buildings forming part of this application comply. This is a permitted activity.</p>
	<p>(c) <i>Side and Rear Yards</i> Minimum side yards of 1.8 metres are required on all side and rear yards in the Residential Resource Area in the Wooing Tree Overlay Area</p> <p>(f) <i>Height</i> The maximum height for all buildings must be as follows: - Along the line of the 1.8 metre side yard, no part of any building shall exceed 3.6 metres and along the line of the 3.0 metre side or rear yard, no part of any building shall exceed 4.2 metres, as measured from the natural ground level prior to any excavation or filling of the site, averaged between the extremities of the building foundations adjacent to the yard under consideration, provided that the apex of a single gable end of a building may have a maximum height of 6 metres. -Beyond the line of the minimum side and rear yard shall not exceed 7.5m and 25 degrees.</p>	<p>Those buildings forming part of this application comply. This is a permitted activity.</p> <p>Those buildings forming part of this application comply. This is a permitted activity.</p>

7.3.6 (iv) Building Coverage	The maximum site coverage by the principal building and accessory buildings within the Residential Resource Area in the Wooing Tree Overlay Area is 80%	Those buildings forming part of this application comply. This is a permitted activity .
7.3.6 (v) Carparking	A minimum of one carpark space per household unit shall be provided on site provided that an additional carpark shall be required in association with home occupations.	Those buildings forming part of this application comply. This is a permitted activity .
7.3.6 (xii)(b) Acoustics	Acoustics- Residential Resource Area (11) in the Wooing Tree Overlay Area - 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 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 Leq (24hr) in bedrooms and 40dBA Leq (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	Those buildings forming part of this application comply. This is a permitted activity .

	and reverberation times for building interiors.	
Business activities		
8.3.2(ii) Subdivision	Subdivision of land in the Business Resource Area 2 is a controlled activity	The northern portion of the proposed hospitality and neighbourhood centre falls partly within Business Area 2. This subdivision is a controlled activity .
8.3.1(iii) Permitted activity	Shops for the purpose of tourist orientated vineyard village and retail and commercial activities and convenience grocery for the local community are a permitted activity.	All shops within the business zoned area meet the triggers for permitted activity .
8.3.3(i) Standards	<p>Breach of Standards: Any activity that fails to comply with the standards set out in Rule 8.3.6(ii)- (xi) is a Restricted Discretionary Activity.</p> <p>(ii) Bulk and location of buildings- No buildings in the Business Resource Area (2) in the Wooing Tree Overlay shall exceed two storeys in height.</p> <p>(vi) Noise All activities shall be conducted so as to ensure the following noise limits are not exceeded at any point within any other site within the Business Resource Area. -On any day 7:00am - 10:00pm 65dBA L10 10:00pm - 7:00am the following day 45dBA L10 85dBA</p>	<p>All buildings meet this standard. This is a permitted activity.</p> <p>All buildings meet this standard. This is a permitted activity.</p> <p>All buildings meet this standard. This is a permitted activity.</p>

	<p>Lmax Provided that the following noise limits shall not be exceeded at any point within the Residential Resource Area:</p> <p>-On any day 7:00am - 10:00pm 55dBA L10 10:00pm - 7:00am the following day 45dBA L10 70dBA Lmax</p> <p>(vii) Outdoor Storage Areas Shall be screened from adjoining properties (including roads and public open space) by a solid fence of not less than 2 metres in height or other suitable screen provided any such fence or screen does not impede visibility at access points.</p> <p>(viii) Landscaping All areas of carparking and/or other areas of non-permeable surface in excess of 100m² shall provide a 1.5 metre strip of landscaping adjacent to any boundary of the site that is not occupied by a building.</p>	<p>All buildings meet this standard. This is a permitted activity.</p> <p>All buildings meet this standard. This is a permitted activity.</p>
<p>8.3.3(ii) Additional Controls Wooing Tree overlay</p>	<p><u>Buildings in Business Resource Area 2 and the Wooing Tree overlay:</u> All buildings in the Business Resource Area 2 in the Wooing Tree overlay are a Restricted discretionary activity.</p>	<p>All buildings within the Business zone area will trigger restricted discretionary activity consent.</p>

<p>8.3.5(ii) Maximum total floor area</p>	<p>(Xiii) Maximum Total Floor Space in the Business Resource Area (2) in the Wooing Tree Overlay Area</p> <p>The maximum total floor space (as defined) in the Business Resource Area (2) in the Wooing Tree Overlay Area shall be 10,000m² divided as follows:</p> <p>(a) No more than 6,000m² of the floor space shall be used for Travellers Accommodation;</p> <p>(b) No more than 3,000m² of the floor space shall be used for Shops;</p> <p>(c) No more than 1,000m² of the floor space shall be used for any activities other than Travellers Accommodation or Shops.</p> <p>This is provided that the maximum total building coverage shall not exceed 7,500 m² in the Business Resource Area (2) in the Wooing Tree Overlay Area.</p> <p>(xiv) Building Setback in the Business Resource Area (2) in the Wooing Tree Overlay Area</p> <p>In the Business Resource Area (2) in the Wooing Tree Overlay Area no building shall be located within 30 metres to the northern boundary of the Wooing Tree Overlay Area (being the boundary with the adjoining Residential Resource Area (6)).</p>	<p>The development will comply with these maximum floor areas.</p> <p>This is a permitted activity.</p> <p>Buildings are located within 30m of the adjoining northern boundary of the Wooing Tree Overlay</p> <p>This is a non-complying activity.</p>
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Rural activities		
4.7.3 Activity status for development which infringes standards	<p>Breach of Standards</p> <p>Any activity that fails to comply with the following standards:</p> <ul style="list-style-type: none"> - Separation distance of residential buildings - A. Bulk and Location Requirements (a) Yards - E. Noise - G. Provision of Services 	<p>This application does not comply with the 25m side and rear yard or 10m front yard. This is a restricted discretionary activity.</p>
4.7.5(iii) Subdivision	<p>Any subdivision of sites within Rural Area which have a net site area of less than 2ha is a non-complying activity.</p>	<p>This development provides for subdivision within the rural area with sites less than 2ha.</p> <p>This is a non-complying activity</p>
4.7.5(iv) Retail activity	<p>A cellar door retail winery provision which is not ancillary or selling wine products grown on the site is a non-complying activity.</p>	<p>While part of the cellar door is selling product grown on the site, Wooing Tree is sourcing grapes from its broader vineyard areas beyond the site.</p> <p>This is a non-complying activity</p>
Rural standards		
4.7.6 A. Bulk and Location Requirements (a) Yards	<p>Travellers Accommodation:</p> <p>A minimum yard of 10 metres for all other buildings and buildings used for residential activity and/or an accommodation facility on land subject to the Rural Residential notation shall be provided to all adjoining property boundaries (including roads) provided that a minimum yard of 20 metres shall be</p>	<p>This application does not comply with the 20m yard and is a restricted discretionary activity</p>

	provided to all State highways and Arterial Roads	
4.7.6 J. Earthworks for (b)Extraction Activities	The extraction of material (including excavation and/or displacement shall not exceed an area of 2000m ² or a quantity of 3000m ³ from any site.	Earthworks complies with this standard and this is a Permitted Activity .
District Wide		
Performance Standards 12.7.7	Building Line Restrictions (i) No building shall be erected within any building line restriction shown on the planning maps between the building line and the feature to which is relates.	Any activity that does not comply with this rule is a Restricted Discretionary Activity .

In terms of the “bundling” principle under the RMA, overall this application would be considered a **non-complying activity**.

7.2 Otago Regional Council Plans

The subject site falls within the Otago Region, governed by the Otago Regional Council of which four separate Regional Plans (Air, Coast, Waste and Water) apply, and a Flood Protection Management Bylaw 2012.

The site is not located within or near an Otago Regional Council Flood Protection Scheme, hence the Flood Protection Management Bylaw 2012 is also not applicable.

The proposal does not seek to carry out any activity that discharges contaminants (smoke, odour, or dust). As is explained at 7.3 below, the site does not trigger the NES on land contamination. Therefore the Regional Plan: Air and Regional Plan: Waste are not applicable.

(a) Otago Regional Plan: Air

The site falls within the Air Zone 1- Cromwell overlay within the Otago Regional Plan, and where there are specific rules relating to air discharges from domestic heating appliances which are as follows:

- Under Rule 16.3.1.2 Discharges from domestic heating appliances in Air Zone 1 are a **Permitted Activity** if the domestic heating appliance is lawfully installed and meets a particulate emission rate of 0.7g/ kg or less of fuel burnt and has a thermal efficiency of not less than 65%.
- Under Rule 16.3.1.7 Discharges from domestic heating appliance installed on commercial premises is a **Discretionary Activity** providing any woodburner installed after 1 September 2005 in a building on a property with an allotment size of less than 2 hectares meets a particulate emission rate of less than 1.5 g/kg of dry wood burnt and has a thermal efficiency of not less than 65%.

This application does not seek any approvals for domestic heating appliances.

(b) Otago Regional Plan: Waste

The site does not exceed the regional plan rules relating to contaminated land.

(c) Otago Regional Plan: Water

The potential discharge of stormwater to water (groundwater) proposed as part of the subdivision has been assessed in line with the Otago Regional Plan: Water.

Rule 12.B.1.8 of the Regional Plan states that the discharge of stormwater from a reticulated stormwater system to water, or onto or into land in circumstances where it may enter water, is a permitted activity, providing:

- (a) Where the system is lawfully installed, or extended, after 28 February 1998:
 - (i) The discharge is not to any Regionally Significant Wetland; and
 - (ii) Provision is made for the interception and removal of any contaminant which would give rise to the effects identified in Condition (d) of this rule; and
- (b) The discharge does not contain any human sewage; and

- (c) The discharge does not cause flooding of any other person's property, erosion, land instability, sedimentation or property damage; and
- (d) The stormwater discharged, after reasonable mixing, does not give rise to all or any of the following effects in the receiving water:
- (i) The production of any 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.

Resource consent is not required under the Otago Regional Plan: Water for the purposes of this application because all elements will meet the permitted activity standards of the Regional Plan.

(c) *Otago Regional Council: Plan Change 8*

ORC has recently published Plan Change 8 to the Regional Plan. The Plan is still in the consultation stage, and the Minister called in the Plan Change on 8 April 2020. Submissions for the Plan Change closed on 17 August 2020. The period for further submission is between 18 September and 2 October 2020.

The Plan Change addresses Discharge Management. In terms of Wooing Tree the proposed plan changes include new policies and rules that:

- Strengthen policy direction for assessing resource consent applications for discharges of stormwater, wastewater and contaminants from rural land uses
- Improve minimum standards for effluent storage systems and discharges of effluent to land
- Clarify policies relating to the establishment of regionally important infrastructure in wetlands.

In this case the development does not discharge wastewater to land from rural uses, does not involve effluent systems and does not impact wetlands. The only discharge is stormwater to ground but that meets the requirements of the regional plan.

7.3 National Environmental Standard: Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The Contamination Report attached to this application and the associated Detailed Site Investigation work confirms this application does not trigger the NES.

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8 ASSESSMENT OF EFFECTS

The following assessment is an analysis of the effects of this development.

8.1 Residential growth effects

The residential growth effects are positive. This is addressed in full in the Market Economics report and summarised in paragraph 5.3 of this planning analysis. The key points identified for the Market Economics report and as part of this planning analysis are:

- (a) Cromwell is experiencing high growth rates.
- (b) The amount of available residential development land is becoming constrained.
- (c) CODC, through their community consultation process on the Cromwell Spatial Framework Plan identified the need for additional growth areas and identified suitable locations for that growth.
- (d) Wooing Tree Estate is an area identified for medium to high density housing.
- (e) The land is currently zoned for a lower density. If the land is allowed to develop at the lower density, then the opportunity to create a medium to high density development in accordance with the Cromwell Spatial Framework Plan within a walkable catchment of the town centre, is lost. Once developed, it cannot be reconfigured to a higher density. The consequence of that is to put increased pressure on further urban expansion of Cromwell in locations which are not identified in the Cromwell Framework Plan as preferred for medium and high density.
- (f) This development will enable a broader range of housing typologies, again an objective of the Cromwell Spatial Framework Plan, and will better enable the development to offer sections and homes at different price points which can only assist in affordable housing.

8.2 Economic effects

The economic effects of this development are set out in the Market Economics report and summarised in sections 5.3 and 5.8 of this report. These effects are significantly beneficial. This

development will stimulate more than **s 9(2)(b)(ii)** in direct residential and business construction, plus an additional **s 9(2)(b)(i)** m direct expenditure in related sectors. To this is added the indirect benefits of underpinning manufacturing and service jobs that are related to the suppliers of this development. At peak it will sustain 250 direct jobs in the construction industry plus indirect jobs. Over the duration of this development it will sustain over 8,500 person months' employment into the Central Otago region.

8.3 Cultural effects

Wooing Tree Partnership has engaged with Aukaha who manage the consultation process on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga O Otākou and Hokonui Rūnanga (Nga Rūnanga). The engagement was originally over a proposed new plan change for the area. The results of the initial engagement are set out below. Wooing Tree Partnership has requested Aukaha to prepare a Cultural Impact Assessment for this land. At the time of writing this report, that assessment was not available. The analysis below summarises the effects as identified within the initial response from Aukaha.

The Nga Rūnanga have identified that:

- There are no wahi tapu or explicit cultural elements on the Wooing Tree Estate site.
- The land was traditionally used by Maori in traversing through the Central Otago region, particularly journeying to the pounamu sites in the west.
- Consequently, they do request that normal accidental discovery protocols be put in place during the earthworks programme.

Wooing Tree Partnership has agreed and suggested conditions of consent around accidental discovery protocols.

In addition to these cultural elements, certain environmental aspects are key to iwi. These include:

- (a) The quality and treatment of stormwater. Here water is discharged to ground rather than Lake Dunstan. Best practice measures are put in place to treat stormwater before it enters the groundwater system. This treatment train process of swales, rain gardens, screens and then soakage pits, will manage stormwater quality from roads and large vehicle used paved areas.

- (b) The wastewater connects to the Council's wastewater network and treatment plant.
- (c) The level of earthworks is relatively minor. The land is flat and is suitable for building platforms without the need for bulk earthworks.
- (d) The only earthworks involved are for formation of roads and some small areas of recontouring within the site. Here best practice erosion and sediment controls are applied.
- (e) A landscape and planting palette has been developed for the site. This accentuates the use of native species to evoke the traditional landscape of Central Otago. However, it also pays cognisance to current horticultural practices with the use of fruit trees, particularly cherry trees, as part of the landscape features.
- (f) Wooing Tree Partnership is offering Aukaha the opportunity to be inducted into site safety procedures and have opportunity for access to the site for monitoring purposes throughout the programme.

The cumulative effect of these measures will ensure appropriate management of the site to acknowledge and respect cultural matters and to ensure the cultural effects of this development are less than minor.

8.4 Urban design effects

Baxter Design have undertaken a detailed urban design assessment of this development. That is set out within their report.

This has included:

- An assessment of the broader locational context of Wooing Tree within this part of Central Otago and within Cromwell.
- An assessment against the Cromwell Spatial Framework Plan.
- An assessment against the National Urban Design Guidelines (the so-called seven C's).

- An evaluation of the site, and the key characteristics and attributes of the site, and how the design of this development responds to those characteristics.
- Aspects of the design and architecture of the subdivision.
- Aspects of the design and architecture of the hospitality and neighbourhood centre.
- Landscaping features (addressed below).

This analysis identifies that:

- The site is strategically located within the Cromwell area.
- The significant benefit the development brings from being within, in the case of the hospitality and neighbourhood centre, 400m of the Cromwell town centre and, in the case of the rest of the subdivision, 800m of the town centre. From an urban design point of view, this ensures that this new community has strong connectivity to the town centre which provides a broad range of retail, social and community services for residents and obviously helps underpin the economic viability of the centre.
- Its location to the employment area adjacent to the town centre.
- The broad range of housing typologies which the site offers. This diversity of housing is a core principle of the Cromwell Spatial Framework Plan.
- The integrated street pattern derived to ensure a fully interconnected network with only one cul-de-sac and a road pattern which ensures minimal rear sites. This accords with urban design best practice. When one considers the physical shape factor of this site, the masterplan and urban design approach has been highly successful in achieving urban design best practice despite the constraint of site shape.
- Connecting a strong open space network. The shifting of the hospitality and neighbourhood centre is to align on a north-south axis which traverses the site. It also means the hospitality and neighbourhood centre is easily accessible from all properties and, because it has as tourist function, easily accessible off State Highway 8B.
- The open space network promotes a strong walking and cycling connection with good linkages back to the Council's network on Shortcut Road.
- Promotes safe crossing of State Highway 8B. This is currently intended as an underpass and committed as such by Wooing Tree Partnership. However it is finally for NZTA to determine the method of crossing this road.
- The variety of section sizes responds to the requests within the Cromwell Spatial Framework Plan for a diversity of housing styles. The development places the lower density sites along the

northern boundary and Shortcut Road's frontage as intended within the District Plan with the more intensive development in the centre of the site. The high density sections are located adjacent to the town centre and north-facing across Wooing Tree Park.

- Particular emphasis is placed on the northern interface which was a key amenity aspect of Plan Change 12. This is further addressed in section 8.7.

This development has been designed in accordance with National Urban Design Guidelines and in accordance with the Cromwell Spatial Framework Plan.

The urban design effects of this development are positive.

8.5 Landscape effects

The landscape approach to this development is addressed in the design report by Baxter Design. It is complemented by the individual site development plans prepared by Adopt.

There are no particular landscape features of the site, but it is set within the setting of the Cromwell basin and the significant impact of ranges, lakes and rivers that define the landscape of this part of Central Otago.

The landscape effects of this development are less than minor given that this is an area of land identified for two storey residential development. That is what is proposed.

The major landscape buffer of the rural zone on the State Highway 6 and State Highway 8B boundary is retained (other than the small area around the SH8B roundabout). The 10m-17.5m setback on the northern boundary is also retained. The planting of these areas creates a high quality landscape area.

8.6 Built Character effects

This essentially is a 25ha vacant block. There are the existing facilities of the Wooing Tree administrative centre, tasting shed and restaurant. However these buildings will be demolished.

Wooing Tree will be an integral part of the Cromwell township.

Key parts of the region, including parts of Cromwell, have or are being developed with a special built character which reflects the Central Otago region. This can be seen in pockets of development through the Central Otago area.

To reinforce this character, Wooing Tree Partnership has commissioned Baxter Design to develop a series of design guidelines which will be applied to all buildings (residential and business) within the estate.

These design guidelines are attached to this application.

The design guidelines are enforced by way of a contractual arrangement with all land purchasers. It is not a regulatory mechanism administered by the Council under the RMA. Rather it is a mechanism imposed through land ownership and management of the development itself.

This is a well proven technique in other parts of New Zealand.

The design guidelines have been developed by Baxter Design taking account of the built character of Central Otago and reflecting best practice design approaches in terms of promoting high quality built environment throughout New Zealand generally.

These design guidelines address:

- site layout;
- built architecture;
- landscape.

The implementation of these guidelines is one method which will ensure quality housing development within the Wooing Tree Estate.

The built character effects of this development are beneficial.

8.7 Amenity effects

The amenity effects of this development are either positive or managed so that they are less than minor.

This is a masterplanned comprehensive subdivision. The neighbourhood subdivision has been laid out following a detailed urban design and landscape analysis. The integrated approach to planning and design of this community will result in high amenity. This is outlined in the Urban Design Report of Baxter Design.

The scale and form of development is as contemplated within the development controls of the District Plan with the exception of side yards. A number of the residential buildings exceed the 3m side yard but comply with the 1.8m side yard.

The purpose of the side yard is to give amenity to the adjoining building. The buildings comply with height in relation to boundary. Because they are comprehensively planned there is no need to future proof vehicle access to the rear of the properties (one of the additional reasons for a 3m side yard). The 1.8m allows adequate setback between the buildings and for sensible landscaping.

Everyone who purchases into the area will know that the consented buildings achieve a side yard of 1.8m instead of one of 3m and one of 1.8m.

There are no side yards adjoining residential properties outside of the Wooing Tree Estate area, i.e. no individual is going to be faced with a building on their side boundary with a smaller side yard than contemplated.

One of the key amenity areas addressed in this application is along the northern boundary. This land is zoned 'Rural'. That rural zoning was set in place following negotiations over a consent order on Plan Change 12. While zoned Rural its main purpose is as a buffer between the residential development of Wooing Tree and the residential development on the northern boundary.

That consent order contemplated a 17.5m setback on the eastern portion of the northern boundary, and a 10m setback on the central and western end of the northern boundary.

The area was seen as either active vineyard or as a parkland landscaped area.

Under this proposed subdivision, the eastern end is in a single lot which will vest in the Council as a public walkway and cycleway and be landscaped. It meets the full 17.5m width.

The central and western end preserves the 10m width. The Council has declined to accept this land as vested park. There is not sufficient land area to operate as a vineyard. However it will be developed in accordance with the alternative permitted use in the District Plan of a parkland. It will be planted in mature trees and left open and transparent. Wire fencing to retain children and pets is enabled on the side boundaries but only up to 1m in height. When neighbours view this area it will present as a 10m corridor of parklands with mature trees. Covenants on the titles protect this area with a no build requirement to reinforce the District Plan control, a requirement to maintain the landscaping, and a control on fencing.

The section sizes along this boundary range from 600m². This compares to the permitted standard of 1,000m². In amenity terms this means that there will actually be higher incidents of the side yard landscaping. Effectively large buildings on this boundary are replaced with relatively smaller buildings. Residents in the north will look into Wooing Tree. On this northern boundary they will perceive a number of buildings of a slightly smaller size.

With these controls put in place, the amenity effects on the neighbouring properties to the north will be less than minor.

8.8 Stormwater effects

Patterson Pitts Group have undertaken a detailed analysis of stormwater issues for this property.

There is no reticulated stormwater network in northern Cromwell. Nor is that seen now as best practice.

This proposal is based on stormwater discharge to ground soakage.

Patterson Pitts Group has identified that the Wooing Tree subsoils are eminently suitable for ground soakage. The site is underlain by glacial gravels and outwash. Groundwater is some 14-15m below surface.

Patterson Pitts Group undertook soakage test pits. They identified capacity equal to 3.7 litres to 20 litres per second. They calculate that this provides adequate soakage capacity.

Their report also analyses soakage for the street network. This identified that the development will meet the Council's ground soakage requirements with drainage sumps at a maximum spacing of 90m. Silt and debris traps are put in place prior to stormwater entering the system.

The conclusion of the Patterson Pitts analysis is that the site is suitable and has groundwater capacity to deal with inground soakage treatment of stormwater from all roads, buildings and properties.

The stormwater effects of this development, if managed in accordance with the conditions of consent, are less than minor.

8.9 Infrastructure effects

(a) Wastewater

CODC retained Mott McDonald to computer model wastewater reticulation within Cromwell and the effect of adding the Wooing Tree development to the network.

This modelling demonstrated that there is adequate capacity within both the trunk network and the treatment station to accommodate the Wooing Tree development.

The necessary relocation of the Lowburn sewer trunk rising main can be successfully managed without creating issues for the development.

The new pump station in the centre of the site is adequately sized for the future scale of development and adequate storage for pump failure contingency. This will ensure that the effects of this development are all successfully managed.

Overall the wastewater effects of this development are less than minor.

(b) *Potable water*

Mott McDonald was commissioned by the Council to undertake modelling of the water reticulation in Cromwell.

This identified that there was adequate capacity within bulk storage and supply for the development. One of the water supply lines will need to be upgraded as part of the development.

In addition, a trunk water main through the site will need to be relocated.

The Patterson Pitts Group report also identified that there is a possibility of using the existing on site bore groundwater source currently used for frost fighting within the vineyard to supply public open space (parks) irrigation requirements. Wooing Tree Partnership Limited already has a water take permit from the ORC for irrigation purposes with the vineyard. This water take is unchanged in terms of utilising the water take consent and the function, i.e. irrigating the vineyard. Obviously the scale is significantly reduced. In terms of irrigating the public parks within the urban area of Wooing Tree Estate, this will all be supplied by "town supply" water, notwithstanding that Patterson Pitts identified the opportunity to use groundwater for this irrigation. Consequently no change is needed to the existing water take consent.

The Mott McDonald report identified that there is adequate capacity to service the site in terms of potable water.

Overall the potable water effects of this development are less than minor.

(c) *Power*

Patterson Pitts Group have undertaken consultation with Power Net. They have confirmed that there is suitable power supply that can be made available to serve the proposed development of the site.

All services within the subdivision will be underground. This will have advantages in terms of protecting the infrastructure but also amenity advantages in terms of streetscape.

The power effects of this development, if managed appropriately, are less than minor.

(d) Telecommunications

Patterson Pitts Group have undertaken consultation with Chorus. They have confirmed that there is suitable telecommunications supply that can be made available to serve the proposed development of the site.

All services within the subdivision will be underground. This will have advantages in terms of protecting the infrastructure but also amenity advantages in terms of streetscape.

The telecommunications effects of this development, if managed appropriately, are less than minor.

All infrastructure other than street lighting, is "inground".

The Patterson Pitts Group report identified how, with the appropriate management and Engineering Plan Approval consenting of infrastructure on the site, the effects of this development can be successfully managed. The infrastructure effects of this development, if managed under the suggested conditions of consent set out in section 11, are less than minor.

8.10 Transport effects

Mr Carr of Carriageway has undertaken a detailed traffic assessment of this development. This is set out in the report attached to this application.

Mr Carr has analysed the development in terms of traffic effects relative to the zoned potential for the site.

He finds that:

- (a) *“Overall the transportation modelling shows that the effects of the development differ very little from the approved plan change (Plan Change 12) which resulted in the rezoning of the area ... This conclusion remains valid even when the seasonality of highway is taken into account.”*
- (b) The Shortcut Road access to the property could service up to 192 dwellings before the roundabout is triggered.
- (c) This application makes appropriate provision for the future roundabout at Barry Avenue. In the conditions of consent, triggers are set on development such that housing does not exceed the capacity of Shortcut Road. Housing is prevented past the trigger unless the roundabout is constructed by NZTA.
- (d) *“The crash history in the vicinity of the site does not indicate there would be any adverse safety effects from the proposal.”*
- (e) *“A Safe System assessment has been undertaken for the proposal. This does not identify any particular change in road safety arising from the proposal or the interim step of serving up to 192 residences from Shortcut Road.”*
- (f) Mr Carr also addresses the issue of pedestrian safety. The current proposal contemplates that when the Barry Avenue roundabout is constructed, a pedestrian underpass will be built under State Highway 8B. This is to provide safe access from North Cromwell into the town centre and Central and Southern Cromwell. Mr Carr concludes *“There will be an increase in pedestrian crossing the highway due to development of the site. Without some form of formal crossing aid, it is likely that a poor level of service would be provided. However, it is unlikely that providing just one crossing location would provide a satisfactory outcome because pedestrians will typically seek to minimise their walking time and therefore would be unlikely to divert to use that single crossing location. A better approach would be to provide several crossing locations, and this could be accomplished easily through providing pedestrian refuges. Refuges result in an excellent level of service being provided.”* Mr Carr identifies that pedestrian refuges would be a suitable safety provision prior to the construction of the roundabout and identifies that pedestrian refuges (more than one) would be a suitable alternative to the underpass.

- (g) This application is advanced on the basis that there is a commitment by WPDL to provision of the underpass at the time the roundabout is constructed. That remains the position. It will only be if NZTA and CODC prefer an alternative means of pedestrian crossing of SH8B that the underpass would not proceed. Under that scenario the alternative crossing would be funded by WTPDL. The key point is that the effects of this development and pedestrians crossing SH8B are managed.
- (h) Mr Carr has assessed the internal road network within the subdivision and identified that these meet the CODC standards and the effects of this roading system are all manageable. He identifies that for some internal minor intersection sightlines, there could be non-compliance with the Council standards but states *“These features also mean that vehicle speeds would be reduced in the immediate area, which in turn means that shorter site distance will be adequate. Consequently any such non-compliance are likely to be supportable.”*

Overall, the transport effects of this development can all be successfully managed and hence the effects are less than minor.

8.11 Earthworks effects

This development will have a relatively small earthworks impact.

The contour of the site and the soil profile means that there is no bulk earthworks required to enable residential or business sections.

The only earthworks involved as part of this application are:

- road formation;
- utility trenching;
- building platforms associated with the hospitality centre.

Here normal erosion and sediment control methods appropriate to these ground conditions are put in place. With appropriate conditions imposed, the effects from earthworks, particularly erosion and sediment control, will be less than minor.

8.12 Rural effects

Currently this is a 25ha production vineyard. It has been long zoned for residential development with Stage 1 consented, being the first 33 residential sections.

This application will see some 22ha of the land converted from rural activity to urban activity with the remaining approximately 3ha mostly remaining in viticulture, but with some landscape areas, particularly along the northern boundary and the boundary with SH8B.

The 22ha has long been zoned residential. It is always targeted for urban activity – not rural.

Consequently the rural effects will be minimal in terms of loss of productive land.

Part of the remaining 3ha will continue to contribute to the rural economy.

The cellar door itself and the character that this rural buffer strip creates will add to the tourist attraction of Cromwell.

There will be some reverse sensitivity effects on neighbours at key times in the viticulture process. However, residents will be informed of this through the contractual sales process and by no complaints covenants on the titles. The key issue in vineyards and orchards in this part of Central Otago are the impacts from frost management. Given the “thin strip” of land character of this rural area, frost management will be by way of spraying as opposed to helicopter use or other methods. Chemical spraying will be applied at times respecting of residents, i.e. when wind conditions are particularly calm and spray overdrift is minimised. Horticultural practices can be put in place so as to minimise the rural effects in terms of the adjacent residential properties.

In the final analysis, the primary rural function of this land, and the reason it is zoned rural, is to create a buffer between the two state highways, and this residential development. The reason the rural land in the north was zoned rural was for amenity buffering purposes in relation to the residents to the north.

This development has been progressed in accordance with that zoning intention.

The rural lots are smaller than the standard minimum 2ha net site area. However the effects of that are minimal given that when the District Plan imposed the technique of rural zoning to achieve an appropriate buffer between:

- (a) the State Highway and houses; and
- (b) the more intensive development of Wooing Tree and the lower density to the north, it was inevitable that this would create lots that were smaller than the requisite 2ha.

The rural effects of this development are less than minor.

8.13 Contaminated land effects

The Wooing Tree site has been used for some considerable time as a vineyard. It therefore has a history of the use of herbicides and pesticides.

Opus have undertaken a “Detailed Site Investigation Report” of the site. Their report forms part of this application. Their work included:

- Review of the site history including aerial photography and anecdotal evidence.
- Review of available information in regards to the geology and hydrology of the site.
- Site inspection.
- Inspection of Council records.
- Soil sampling and analysis programme.
- Characterisation of the site in line with NESCS guidance.

The findings of this report were that:

“Analysis of heavy metals and pesticides in near surface soil indicate that they are not present at concentrations considered to be hazardous to human health within the context of the proposed land use.

*Taking into consideration the information contained within this report and the results of the sampling and analysis programme it is considered **highly unlikely** that there will be a risk to human health from the proposed development.*

The proposed residential and commercial development be considered suitable from a human health perspective with respect to the NES for assessing and managing contaminants in soil."

The Opus report did go on to recommend that should, during the physical works on site, any further potential sources of contamination are discovered, then a suitably qualified professional should be consulted.

The applicant is proposing a condition to this effect.

Consequently the land contamination effects of this development are less than minor.

8.14 Geotechnical effects

Patterson Pitts have undertaken a geotechnical assessment of the site. This involved excavation of 12 profile trenches on the site to view and assess soil material and profile.

The conclusion of this work is contained within the Patterson Pitts Group Engineering Report forming part of this application.

The results of these tests identify that the site is underlain by *"a considerable depth of glacial outwash gravels, with depth to groundwater of 15m below ground level. Soakage tests have shown these gravels to be highly permeable. No issues are anticipated with discharge of stormwater from roading and hard stand and runoff direct to groundwater via suitably designed soakage pits as is the norm for all recent land development within the Cromwell area"*.

The ground is relatively flat. There is a thin level of topsoil of approximately 200mm.

From an engineering perspective the land is eminently suitable for residential and commercial development. There are no particular matters that need to be addressed in terms of geotechnical effects.

The geotechnical effects of this development are less than minor.

8.15 Construction effects

Clearly this will be a major construction site. In an assessment of effects under the RMA, construction effects are usually targeted at managing the methodologies of construction and hours of work so as to minimise negative impacts on neighbours. The Wooing Tree Estate construction will comply with the New Zealand standards and other best practice construction methods. However it should be recognised that construction is the single biggest economic benefit and a positive effect of this development. The fact that it is a large construction site involving significant activity and labour force over time is the very purpose of the CRFCA. It is about creating economic stimulation at pace to assist in economic recovery in this part of Central Otago.

In terms of the construction effects in a RMA sense, this is a large relatively flat site. There is no major land recontouring or earthworks activity required. There is no rock breaking or other aspects likely to involve extensive vibration.

Development will proceed in accordance with the normal construction noise management New Zealand standard (NZS6803:1999).

Construction traffic is managed to ensure the safe operation of vehicles entering and exiting the site. The report by Carriageways identifies how these construction vehicles will be managed so as to safely access the State Highway.

Standard hours of operation are proposed in this application in accordance with New Zealand Standards.

8.16 Cumulative effects

The cumulative effects of this development are significantly beneficial because of the contribution that this development will make to addressing housing supply issues in Cromwell and Central Otago generally, and the economic support this will provide to underpinning the Central Otago economy, especially the construction sector.

The potential negative effects of development are all individually manageable. Cumulatively they do not result in material or substantial negative effects. Rather, this will be a masterplanned high amenity neighbourhood where all effects can be successfully managed.

Released under the provision of
the Official Information Act 1982

9 STATUTORY ASSESSMENT FOR APPLICATION FOR CONSENT

9.1 Application for consent

If the Minister agrees to refer this application to the 'Expert Consenting Panel', then the Panel is required to assess the application under clauses 31 and 32 of the Sixth Schedule to the CRFCA. The statutory assessment in this section 9 addresses the matters the Expert Consenting Panel is required to consider.

9.2 Statutory tests

The following section analyses the relevant statutory provisions applying to applications under the CRFCA. These matters are partly contained within the Act itself and partly referenced into the RMA.

Clauses 31(1) and (2) of the Sixth Schedule of the CRFCA states:

"Consideration of consent applications for referred projects

Matters to which panel must have regard

(1) When considering a consent application in relation to a referred project and any comments received in response to an invitation given under section 17(3), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of this Act, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any measure proposed or agreed to by the consent application to ensure positive effects on the environment to offset or compensate for any adverse effects that will or may result from allowing the activity; and*
- (c) any relevant provisions of any of the documents listed in clause 29(2); and*
- (d) any other matter the panel considers relevant and reasonably necessary to determine the consent application.*

(2) In respect of the matters listed under subclause (1), a panel must apply section 6 of this Act (Treaty of Waitangi) instead of section 8 of the Resource Management Act 1991 (Treaty of Waitangi)."

Section 32 identifies relevant matters that must be considered in terms of the RMA. Section 32(1) and (2) states:

- “Further matters relevant to considering consent applications for referred projects*
- (1) Sections 104A to 104D, 105 to 107, and 138A(1), (2), (5) and (6) of the Resource Management Act 1991 apply to a panel’s consideration of a consent application for a referred project.*
 - (2) The provisions referred to in subclause (1) apply with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.”*

The relevant sections are 104B, 104D and 106.

Section 104B enables the Panel to approve or decline the application. Section 104D sets the so-called “gateway test”. A non-complying activity to be considered by the Panel must demonstrate that either:

- “(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of –*
 - (i) the relevant plan, if there is a plan but not proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.”*

Section 106 sets out the circumstances under which a consent authority may refuse subdivision consent. These relate to significant risks from natural hazards or insufficient provision for legal and physical access to each allotment created by the subdivision. This is addressed in full within this section. However, in summary, neither of the circumstances outlined in section 106 are relevant to the Wooring Tree site.

9.3 Part 2 of the Resource Management Act

This development achieves the balance that Part 2, and particularly section 5, is requiring.

All environmental effects are successfully managed as set out in section 8 of this report. This is achieved while:

- (a) Delivering important social benefits through the provision of additional housing to meet the demand in Cromwell and yet doing this in a location and at a density identified in the Cromwell Spatial Framework Plan as being targeted for medium and high density housing. Increasing the number of homes beyond that provided for within the District Plan as a permitted activity will not only increase housing supply, and therefore better meet the demand for new homes, but, because of land and development efficiencies, will enable a range of sections to be sold and developed for affordable housing as measured in terms of meeting the government's criteria on its 'first home' programme. Whether or not the homes will be sold under this programme is yet to be determined. However the price points will achieve this equivalent.
- (b) The development will also meet the economic needs of the district. In the current environment, and in fact the very reason for the CRFCA, there is a strong need for economic stimulus to help retain jobs and increase employment opportunity in Central Otago. These benefits are outlined in the report of Market Economics.
- (c) There are no attributes of the land which trigger matters of national importance. Wastewater is dealt with through the Council's public network. Stormwater goes through a treatment train process and then discharged to ground. There are no water quality issues or impediments on Lake Dunstan or the Clutha or Kawarau Rivers.
- (d) There are no existing native species or special landscape features on the site.

In terms of section 7(b), this development will promote significant land efficiency. These factors have been addressed previously and not repeated here but relate to:

- the walkable catchment from the Cromwell Town Centre;

- a large block of land development ready within the location identified in the Spatial Framework Plan as being for medium and high density;
- a diversity of housing typologies encouraging a diverse community.

This development also fully satisfies section 7(c) relating to enhancing amenity values. This is a fully masterplanned residential neighbourhood. High amenity streetscapes are put in place. While not a regulatory mechanism, design guidelines will form part of the residential offer to ensure high quality development through the process.

The hospitality and neighbourhood centre has been masterplanned and designed to achieve a small main street focussed on visitor retail services with some neighbourhood services, and to ensure the buildings are of a high standard.

Part of the frontage to SH8B and all the frontages of SH6 are retained in grape vines and add to the character of the area by retaining its viticultural roots.

Section 8 of Part 2 does not apply. Instead, section 6 of the CRFCA applies. This is addressed previously in this report.

9.4 Clause 31(1)(a): Actual and potential effects on the environment

Section 8 of this report undertakes a detailed analysis of the potential effects on the environment of this application. This is also addressed in the other technical reports forming part of this proposal.

This demonstrates that there is significant beneficial effect in terms of:

- economic development;
- urban planning;
- growth management;
- urban design;
- creation of diverse residential sites which in turn enable a diverse community;
- landscape and character.

The effects assessment also demonstrates that through appropriate conditions, key matters of:

- infrastructure;
- earthworks management;
- stormwater treatment;
- residential interfaces; and
- transport,

can all be successfully managed such that the effects are less than minor.

This section also addresses the effects of shifting the hospitality and neighbourhood centre on the site. It demonstrates that the same scale and form of centre is proposed as provided for under the existing District Plan. It is simply relocated on the site. This demonstrates that the effects on the Cromwell centre and retaining the primacy of the town centre is preserved, residential amenity is enhanced by the travelling public visiting the “cellar door” are not forced to travel through residential communities, and the hospitality and neighbourhood centre itself is within the 400m walkable distance of the town centre which will enable people visiting the cellar door or staying in the travellers accommodation to have an easy walk into the town centre if they wanted to take advantage of the broader offer within the Cromwell centre.

Overall the effects of this development are either significantly beneficial or capable of being managed to ensure the overall effects are less than minor.

9.5 [Clause 31\(1\)\(b\): Measures to ensure positive effects](#)

There are no significant detrimental effects as part of this development such as to trigger the need for ‘offsetting’ under the RMA. However, in terms of particularly stormwater management and transport, a number of measures are put in place to ensure positive effects. These include:

- the development of the major roundabout giving access to the site;
- the pedestrian underpass connecting North Cromwell to the town centre; and
- the treatment train process adopted for stormwater management.

For the reasons outlined in section 8, measures can be put in place to manage all effects so that they are less than minor and, in the case of stormwater and transport, are in fact turned into beneficial elements.

9.6 Clause 31(1)(c): National Environmental Standard

The 'National Environmental Standard for Assessing and Managing Contaminants and Soil to Protect Human Health' (NESCS) applies to this site.

This has been an active vineyard for some time. Vineyards have traditionally used herbicides and pesticides. This environment will change from a rural activity to a residential activity.

Opus have undertaken a 'detailed site investigation' of the land to identify issues with land contamination. Their report is included with this application and summarised in section 8 of this report.

This development will satisfy the requirements of the National Environmental Standard by ...

9.7 Clause 31(1)(c): Other regulations

There are no other regulations relevant to this application.

9.8 Clause 31(1)(c): National Policy Statement

There are no relevant National Policy Statements.

The National Policy Statement on Urban Development applies to cities with a population in excess of 10,000 people. Cromwell, in 2018, had a resident population of 7,750 (Cromwell Ward) with growth expectation that Cromwell will reach 10,000 people in approximately 10-12 years' time.

Consequently the NPS on Urban Development does not apply.

Notwithstanding that, the Cromwell Spatial Framework Plan has undertaken a community based analysis of the future growth and direction of Cromwell consistent with many of the disciplines encouraged through the NPS on Urban Development.

The outcome of that approach is set out in section 6.6 of this report.

9.9 Clause 31(1)(c): Regional Policy Statement

Objective 9.4.1

“To promote the sustainable management of Otago’s built environment in order to: (a) Meet the present and reasonably foreseeable needs of Otago’s people and communities; and (b) Provide for amenity values, and (c) Conserve and enhance environmental and landscape quality; and (d) Recognise and protect heritage values”..

Comment:

Wooing Tree provides for a masterplanned development for growth at Cromwell that:

- sits within the zoned area for urban development,
- provides efficient use of land which prevents future pressure from urban expansion into rural land, and
- provides urban development on land that is not subject to natural hazards or important landscape features.

Policy 9.5.3

To promote and encourage the sustainable management of Otago’s transport network through:

(a) Promoting the use of fuel efficient modes of transport; and

(b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and (c) Promoting a safer transport system; and

(d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.

Comment:

- Wooing Tree is the only identified medium – high intensity large block of land ready for development within the walkable catchment of the Cromwell town centre
- The development has been carefully designed to protect the state highway network. In particular there is no access onto the network other than through planned road connections.

Policy 9.5.4

To minimise the adverse effects of urban development and settlement, including structures, on Otago’s environment through avoiding, remedying or mitigating:

(a) Discharges of contaminants to Otago’s air, water or land; and

(b) The creation of noise, vibration and dust; and

(c) Visual intrusion and a reduction in landscape qualities; and

(d) Significant irreversible effects on:

- (i) Otago community values; or*
- (ii) Kai Tahu cultural and spiritual values; or*
- (iii) The natural character of water bodies and the coastal environment; or*
- (iv) Habitats of indigenous fauna; or*
- (v) Heritage values; or*
- (vi) Amenity values; or*
- (vii) Intrinsic values of ecosystems; or*
- (viii) Salmon or trout habitat.*

Comment:

- There is no discharge to air,
- Discharge to ground complies with the Regional Plan standards
- The heritage Wooing Tree is preserved
- There is no impact on the natural character of water bodies or prime landscapes.
- The development does provide for necessary growth in Cromwell.
- The development will have no significant irreversible effects.
- There are no known culturally significant matters on the site although accidental discovery protocols are put in place.

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

Comment:

- The location and intensity of development is consistent with the Cromwell Spatial Framework Plan

- This is a masterplanned subdivision which embodies a high amenity within this neighbourhood
- Particular provisions are put in place along the northern interface which borders abutting residential land.
- The location of subdivision is on the Cromwell flats within the urban environment. It will have minimal impact on the primary landscape features of the lake, river and ranges.

9.10 Clause 31(1)(c): District Plan: Objectives and Policies

Residential

7.1.1 Objective – Maintenance of Residential Character

To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as the Residential Resource Area as well as the social, economic and cultural wellbeing, and health and safety of the residents and communities within those areas.

Comment:

- Wooing Tree is an area identified and zoned for residential development.
- The intensity of development is consistent with the Cromwell Spatial Framework Plan which is effectively the Council's growth strategy for Cromwell.
- If approved under fast-track legislation, this application will deliver significant economic benefit.
- The masterplanned nature of this development and the urban design approach taken to this neighbourhood, will ensure high amenity values are incorporated as part of the development.

7.1.2 Objective – Protection of Living Environment

To manage the use of land to promote a pleasant living environment by ensuring that adverse effects of activities are avoided, remedied or mitigated, while accommodating appropriate change at the interface with other resource areas.

Comment:

- This development has no impact on the primary landscape features of the Cromwell Basin.

- The masterplanned development ensures the retention of the rural buffers, the scheduled Wooing tree, the development of the linear park, and a high streetscape amenity within the development.

7.2.1 Policy – Residential Character

To ensure that the character and amenity values of residential areas are protected by ensuring that the adverse effects of:

- (a) Excessive noise including noise associated with traffic generation and night time operations,*
 - (b) The generation of traffic over and above that normally associated with residential activities and in particular heavy vehicles, and demand for parking,*
 - (c) Glare, particularly from building finish, and security lighting,*
 - (d) Structures at the street frontages that do not complement the character and/or scale of development in the neighbourhood,*
 - (e) A reduction in privacy, access to daylight and sunlight,*
 - (f) A reduction in visual amenity due to excessive signage, large areas of hard standing surfaces, and the storage of goods or waste products on the site,*
 - (g) The generation of odour, dust, wastes and hazardous substances,*
 - (h) The use and/or storage of hazardous goods or substances, and*
 - (i) The loss of a sense of amenity, security and companionship caused by non-residential activities.*
- are avoided, remedied or mitigated.*

Comment:

- The environment has been designed for low speed traffic. That will help address the issues of traffic noise.
- The 25m buffer to State Highways 8B and 6 will ensure separation and help manage noise.
- All buildings approved as part of this development meet the height controls of the District Plan.
- New homes meet the 'height in relation to boundary' controls ensuring daylight and sunlight access to properties.
- There is no hazardous waste or odour or dust generating activities (other than dust during construction which is managed under the Construction Management Plan).
- The non-residential development is grouped into a small hospitality and neighbourhood centre and will not detract from residential amenity.

7.2.2 *Policy – Amenity Values*

To ensure that the amenity values of residential sites, including privacy and ability to access adequate daylight and sunlight, are not significantly compromised by the effects of adjoining development.

Comment:

- The masterplanned nature of this development will ensure a high quality of residential amenity.

7.2.3 *Policy – Environmental Quality*

To preserve the environmental quality found within particular areas of the District's residential environment.

Comment:

- Stormwater is fully managed through ground soakage.
- Wastewater connects into the Cromwell public wastewater network.

7.2.7 *Policy – Residential Resource Areas (1)-(13)*

To ensure that subdivision and development in the areas shown as Residential Resource Areas (1)-(13) complement the character and amenity of these areas and provide for the protection of significant landscape features, where such features are present.

Comment:

- This development does not impact the dominant landscape features of the ranges, lakes and river of the Cromwell Basin.
- The character and amenity of the area is preserved through this masterplanned approach. It is a more intensive development than contemplated within the District Plan but is consistent with the intensity of development contemplated in the Cromwell Spatial Framework Plan

Essentially this residential character is the nub of this application. There are three basic scenarios, either:

- (a) this development proceeds now under this fast-track legislation where development is based on an effects approach where the economic benefit in the COVID recovery stage of the New Zealand economy warrants acceleration of this project; or
- (b) the land is developed now in accordance with the underlying zoning and the opportunity for medium to high density residential development on a site within walking distance of the Cromwell town centre (and identified in the Cromwell Spatial Framework Plan for medium to high density development) is lost. This is the argument about squandering the scarce resource of critically located residential land. If growth cannot be accommodated here, then there is an obvious flow-on effect putting further pressure on urban expansion into rural farmland within the Cromwell Basin; or
- (c) Nothing happens on this site for a timeframe while the Council rolls through its normal programme of plan changes and then the applicant seeks resource consent. This does preserve land for the future, but the opportunity for economic recovery is deferred. The critical time period for supporting the Central Otago economy is in the short term when there is a need for construction activity in this region, particularly with the inevitable slow down in international tourism.

The premise of this application is that the first scenario is the correct one. This development demonstrates that the effects are significantly beneficial or can all be managed. It identifies that most of the objectives and policies for the precinct can be satisfied. It is a greater intensification on this site than contemplated by the District Plan. However the Cromwell Spatial Framework Plan effectively signals that the Council will review this policy with a view to promoting this area as medium to high density development. In an RMA statutory sense, this development relies on the fact that the effects are less than minor. It is not seeking to say that it is consistent with the objectives and policies. However the degree of non-compliance with the policies is limited to this one issue. That issue of low density on this land is no longer consistent with the Council's growth strategy.

[Business](#)

8.1.1 Objectives – Community Focal Points

To maintain the business areas of the District's urban areas as focal points for the community.

Comment:

- The size of the business facility within Wooing Tree is at a scale such that it provides for visitor/hospitality retail and local neighbourhood servicing. It does not undermine the Cromwell town centre but does provide an additional contribution to the Central Otago 'offer' targeting the tourism/visitor market.

8.1.2 *Objective – Safe and Convenient Business Areas*

To ensure that the business areas are safe and convenient areas to visit and conduct business within.

Comment:

- Providing a small neighbourhood retail centre for the community creates services within the neighbourhood to the benefit of residents. This addresses safety and convenience.

8.1.3 *Objective – Environmental Quality*

To maintain and enhance the environmental quality of the business areas to ensure they remain pleasant places to visit and work.

Comment:

- The hospitality and neighbourhood centre has been masterplanned to ensure it is of a high amenity.

8.2.1 *Policy – Provision for a Variety of Activities*

To enable the development of a wide range of activities within the Business Resource Area provided significant adverse effects are avoided, remedied or mitigated.

Comment:

- The range of activities are relatively limited. That is because of the desire not to dilute the impact of the Cromwell town centre. The activities are therefore confined to the hospitality tourism industry and to neighbourhood servicing.

8.2.2 *Policy – Visual Amenities*

To ensure the visual amenity values of the Business Resource Areas are maintained and enhanced and to avoid, remedy or mitigate any adverse visual effects on the environment through:

- (a) Retaining a continuity in building heights.
- (b) Ensuring the design, dimension and location of signs is not visually obtrusive.
- (c) Retaining a common design theme of building facades in selected areas.
- (d) Mitigating the harsh, stark appearance of large areas of hard standing surface by requiring landscaping,
- (e) Requiring that cables be installed underground where practicable,
- (f) Maintaining a continuity of frontage in selected areas.

Comment:

- The masterplanned nature of the development ensures a high quality of amenity.
- There is a common design theme.
- All services are undergrounds.
- It is an active main street frontage.

8.2.3 Policy – Safe and Convenient Environment

To maintain a safe and convenient environment for pedestrians and motorists alike by:

- (a) Providing for off-street parking in association with developments that generate significant volumes of traffic or where this is not practical, requiring a financial contribution towards the provision of public parking facilities,
- (b) Providing safe and efficient access,
- (c) Providing for off-road loading and manoeuvring facilities on selected road frontages,
- (d) Ensuring that the planting and siting of vegetation and other structures maintains motorist and pedestrian safety,
- (e) Providing for verandahs on identified road frontages.

Comment:

- The main street design will provide a low speed vehicle environment.
- There is good pedestrian connection into the residential community.
- Off street loading of facilities occurs behind the shops.
- Landscaping is integrated into the main street to ensure a high quality but also to not block pedestrian and vehicle sightlines.

8.2.4 Policy – Mitigation of Effects on Residential Resource Areas

To ensure that the adverse effects that activities carried out within the Business Resource Area can potentially have on activities in neighbouring Residential Resource Areas are avoided, remedied or mitigated by:

- (a) Ensuring appropriate separation distances are provided,
- (b) Providing appropriate landscaping,
- (c) Ensuring noise levels are acceptable,
- (d) Avoiding the visual intrusion of signs.

Comment:

- No high noise generating activities are provided as part of this development. There will be food and beverage and outdoor dining but this can be managed.
- The masterplan nature ensures an appropriate interface to the residential homes.

8.2.5 Policy – Noxious Effects

To avoid noxious, dangerous, offensive or objectionable effects of activities by restricting activities that have the potential to generate such effects in circumstances where they cannot be adequately avoided, remedied or mitigated.

Comment:

- There are no noxious activities provided as part of the retail development.

8.2.6 Policy – Generation of High Vehicle Movements

To ensure that activities which generate high numbers of vehicle movements are designed and located to:

- (a) Maintain the safe and efficient operation of the roading network, and
- (b) Avoid, remedy or mitigate significant adverse effects on the amenity values of the adjoining area that may provide part of the environmental context.

Comment:

- This is not a high traffic generating activity.
- Tourism traffic does not pass through residential neighbourhoods. This is one of the key reasons to create this retail node on the State Highway 8B frontage adjacent to the future roundabout.

8.2.7 N/A

8.2.8 *Policy – Wooing Tree Overlay Area – Business Resource Area (2)*

To provide for the development of high quality travellers accommodation with associated tourist oriented “vineyard village” themed retail and commercial activities in a manner that complements other business activities in Cromwell.

Comment:

- This proposal provides for high quality travellers’ accommodation and the cellar door facility associated with the vineyard.

Rural

4.3.1 *Objective – Needs of the District’s People and Communities*

To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.

Comment:

- This particular rural zoned area is more intended to provide a buffer between residential activity and the adjoining activities of the State Highway and northern residential properties. It is less about providing highly productive rural land. It simply lacks the scale for that function.

4.3.3 *Objective – Landscape and Amenity Values*

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

Comment:

- The open space is preserved.
- The rural land will be used either by vineyards, open space, passive and recreation facilities or parkland type landscaping.

4.4.2 *Policy – Landscape and Amenity Values*

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

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

Comment:

- The rural area is largely clear of buildings and structures.
- Only the cellar door and travellers' accommodation is located within this zone.
- The development is compatible with the surrounding area given its location adjacent to the town centre and the business retail node within Wooing Tree.
- The facility is connected to the Cromwell wastewater treatment network.
- The area is extensively planted out either in grapes or in trees and landscaping.
- There are no wilding trees.
- The buildings are of a high amenity and will be attraction to visitors.
- The vast majority of the Wooing Tree land is in the vineyards and parkland identified. It is only the cellar door and travellers' accommodation immediately adjacent to the future roundabout on State Highway 8B.

4.4.10 Policy – Rural Subdivision and Development

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- (a) *The open space, landscape and natural character amenity values of the hills and ranges and of the wider rural environment,*
- (b) *N/A*
- (c) *The amenity values of neighbouring properties,*
- (d) *The safety and efficiency of the roading network,*
- (e) *The loss of soils with special qualities,*
- (f) *The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,*
- (g) *The heritage and cultural values of the District,*
- (h) *The water quality of the District's surface and groundwater resources and*
- (i) *Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.*

Comment:

- The area is subdivided down to less than rural subdivision standards. However this is a consequence of the zone identifying these strips of land for buffering purposes. The inevitable consequence of this is small sites.
- This proposal has no impact on the roading network.
- There is no indigenous vegetation.
- Water quality issues and groundwater matters are appropriately addressed.
- The vineyard will continue to use its water take consents but there is no change proposed. In fact, there will be a significant reduction in volume of water.

9.11 Clause 31(1)(c): Relevant iwi authority documents

The applicant is not aware of any relevant iwi documents.

A Cultural Impact Assessment is being obtained from Ahukaha.

9.12 Clause 31(1)(d): Any other matter the Panel considers relevant and reasonably necessary

Clause 31(1)(d) allows the Panel to consider other relevant matters. There are two relevant matters which relate back to the purpose and criteria of the CRFCA.

a) Purpose of the COVID-19 Recovery (Fast Track) Consenting Act 2020 (section 19)

Sections 5.3-5.15 of this report set out a detailed analysis under section 19 of the CRFCA. That part of this report takes each of the eligibility criteria and analyses this project against those criteria. It demonstrates very strong alignment and a clear demonstration of meeting the purpose of the Act in terms of:

- economic benefit;
- social and cultural wellbeing;
- fast track processes;
- generating employment;
- increasing housing supply;
- well-functioning urban environment;
- infrastructure;
- environmental effects.

It demonstrates alignment with but limited application in terms of:

- environmental outcomes;
- waste minimisation;
- climate change;
- historic heritage;
- natural hazards.

In these later five criteria it does contribute in that:

- there is a full stormwater treatment train process, but this site is not within the coastal, lake or river environment;
- it does address to climate change because it creates housing within the walkable catchment of the retail and social services of the town centre;

- it does protect the character of the Wooing Tree by including the pine tree which gives the Estate its name (Wooing Tree);
- there are no natural hazards applicable to the site.

The eligibility criteria enable the Minister to take account of “any other matter that the Minister considers relevant”. The Cromwell ‘Eye to the Future’ Masterplan: Spatial Framework Plan is a relevant document that sets out in some detail the purpose and intent of the future development of Cromwell. Section 6.6 of this report sets out an analysis of how this development performs relevant to the 13 key principles that underpin this Framework Plan. It demonstrates that this development is a very strong contributor to that community endorsed Council adopted strategy.

b) [Criteria for eligible projects of the COVID-19 Recovery \(Fast Track\) Consenting Act 2020 \(section 18\)](#)

This application meets the criteria as an eligible project. This is set out in section 5.1.

To be eligible the project must first demonstrate it meets the purpose of the CRFCA. This is addressed in paragraph 9.2 above and in sections 5.3-5.15 of this report.

In addition, any such application must not be for:

- (a) a prohibited activity;
- (b) land subject to a Treaty settlement;
- (c) land subject to Marine and Coastal Area (Takutai Moana) Act 2012.

This application does not trigger any of these three exclusions, i.e. it is not a prohibited activity, it is not subject to a Treaty settlement agreement, and it is not on the coast.

9.13 [Clause 31\(2\): Treaty of Waitangi](#)

Section 6 of the CRFCA states:

“In achieving the purpose of this Act, all persons performing functions and exercising powers under it must act in the manner that is consistent with:

- (a) the principles of the Treaty of Waitangi; and*
- (b) Treaty settlements.”*

There are no Treaty settlements impacting this land.

This development is consistent with the principles of the Treaty of Waitangi in that:

- (iii) The applicant has engaged with Aukaha who manage consultation processes on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga O Otākou and Hokonui Rūnanga, three of the kaitiaki Rūnanga whose takiwa includes the proposed site;
- (ii) Aukaha stated that the Nā Rūnanga:

“do not support nor oppose the proposed plan change, and understand that the following will be included in the subdivision consent stage:

That the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol should be adhered to in undertaking earthworks.”

The reference to “plan change” has now been superseded by this process under the CRFCA, although it was the same masterplan consulted on.

- (iii) Nā Rūnanga have confirmed that there are no recorded Maori archaeological sites within the boundary.
- (iv) Nā Rūnanga have also stated that the area was known to be utilised by mana whenua in the past. Consequently any earthworks should be subject to monitoring for artefacts and archaeological material.

- (v) Wooing Tree Partnership will request that Aukaha undertake a cultural briefing of workers prior to major construction work and monitor the site at any stage during earthworks should they elect to do so.
- (vi) A full treatment train process is put in place to ensure stormwater aspects are well managed.
- (vii) The scale and degree of earthworks is relatively limited. Full erosion and sediment control measures are put in place.
- (viii) This development connects to the existing Cromwell municipal wastewater system.
- (ix) The landscape plan for this development has a strong focus on native vegetation and the Central Otago iconic food tree species.

9.14 Clause 32(1): Gateway test: Section 104D of the Resource Management Act

Section 104D states:

“104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of –

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

- (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.”*

This application relies on the first test of section 104D, i.e. that the adverse effects on the environment will be minor.

This is addressed in section 8 where there is a detailed analysis of the effects. The conclusion of that analysis is that there are a significant number of beneficial effects, particularly around economic development, urban growth, urban design and social cohesion. Other effects can be successfully managed so that they are less than minor.

This application would also satisfy a number of the objectives and policies of the plan. However, this application would not meet some of the objectives and policies of the Operative District Plan, particularly relating to the intensity of development and the location of the hospitality and neighbourhood centre.

9.15 [Clause 32\(1\):Section 106 of the Resource Management Act - Subdivision](#)

Section 106(1) states:

“106 Consent authority may refuse subdivision consent in certain circumstances

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that –

- (a) there is a significant risk from natural hazards; or*
- (b) [Repealed]*
- (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.”*

This application does not trigger section 106 because:

- (a) There are no significant risks from natural hazards. In fact there are no natural hazards recorded on this site.
- (b) Each allotment will have physical access from a legal road. This development does rely on the creation of the roundabout giving access to the property off State Highway 8B, but that has been approved in principle by NZTA. There is a secondary access off Shortcut Road. From these two points an internal road network is constructed. All sites have legal frontage to this internal road network or Shortcut Road. No residential or commercial sites rely on access from State Highway 8B or State Highway 6.

Released under the provision of
the Official Information Act 1982

10 CONSULTATION

The CRFCA requires the applicant to have consulted key stakeholders and to summarise for the Minister and Panel that consultation. These matters have been set out below.

10.1 Central Otago District Council

Wooing Tree Partnership have met with CODC on multiple occasions engaging with their planning, parks and infrastructure/engineering departments.

In particular:

- (a) Early drafts of the masterplan have been shared with the Council staff for informal feedback. This has led to refinements of the design.
- (b) The park and cycle network through the development has been worked through with the Council's Parks department including which aspects of the development they would and would not want vested in the Council. The final masterplan reflects this feedback.
- (c) Wooing Tree Partnership have funded the Council's consultants to undertake a detailed infrastructure assessment of the development at the increased intensity. This has identified that essentially there is sufficient capacity for the development, but that certain localised infrastructure upgrades are required. These upgrades are incorporated within this application.
- (d) The key economic analysis has been worked through with the Council.
- (e) An advanced draft application was provided to the Council for early warning for them and feedback.

10.2 Central Otago Regional Council

The applicant has engaged with the Regional Council over this application. It has provided:

- (a) a draft of the urban design report, infrastructure, transport, land contamination, and economic analysis forming part of this application;
- (b) an advanced draft copy of the entire application to give early visibility to the Regional Council.

10.3 Mana whenua

Aukaha stated that the Nā Rūnanga:

“do not support nor oppose the proposed plan change, and understand that the following will be included in the subdivision consent stage:

That the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol should be adhered to in undertaking earthworks.”

The reference to “plan change” has now been superseded by this process under the CRFCA, although it was the same masterplan consulted on.

Nā Rūnanga have confirmed that there are no recorded Maori archaeological sites within the boundary.

Nā Rūnanga have also stated that the area was known to be utilised by mana whenua in the past. Consequently any earthworks should be subject to monitoring for artefacts and archaeological material

Aukaha is preparing a Cultural Impact Assessment for the site. This will be provided to the Minister as soon as it is received and will be included in the application for consent to the expert consenting panel if the Minister decides to refer this project

10.4 NZTA

NZTA are accountable for the State Highway network. This proposal includes a new roundabout on State Highway 8B and a pedestrian underpass under Statement Highway 8B.

These matters were resolved through Plan Change 12. There has been ongoing consultation with NZTA over this work and agreement as to the form and location of the roundabout and underpass.

An advanced draft of this application, together with a briefing on Wooing Tree Partnership's application, has been provided to NZTA.

10.5 Adjoining neighbours

The applicant conducted an open invitation evening to the community to display the new masterplan and receive feedback. This community drop-in evening was advertised in the local paper and via social media, with all interested members of the community invited to attend. A list of attendees was taken and several drawings, renders and related material was available for attendees to take away. Veros' Senior Development Manager was in attendance and presented the masterplan and sought questions from those in attendance. From that and other community feedback a number of changes have been made to the treatment along the northern interface. Part of the northern area will now vest in the Council as a parkway/cycleway. However, given Council has since confirmed it does not want more land vested in CODC than is currently proposed the balance is therefore treated as a private linear parkland with a building restriction zone (the covenant area), as described in the Baxter's Urban Design Report.

We have since met with neighbours in a one on one capacity and written to representatives about this updated proposal and offered to continue to further consult and meet with them.

10.6 Utility companies

The applicant has consulted with Power Net the electricity lines provider for the Cromwell area and with Chorus, the telecommunications infrastructure provider for the area. In both cases this development is seen as a pretty standard subdivision proposal. There are few constraints in providing the necessary infrastructure into the subdivision. The applicant is required to, and has agreed to, fund all necessary electricity and telecommunications upgrades to service the development.

11 SUGGESTED CONDITIONS OF CONSENT

The following conditions of consent are proposed as part of this development. These conditions have been based on the conditions of consent determined by CODC for the stage 1 of the Wooing Tree development, but amended to take account of this proposal:

Application documents and plans

1. Subdivision and development shall be in accordance with the assessments and reports forming part of this application.
2. The subdivision shall be undertaken in accordance with the plans of subdivision and land use consent plans of dwellings forming part of this application.

Code of Practice

3. All subdivisional designs and approvals are to be in accordance with NZS 4404:2004 and the CODC's July 2008 Addendum, which is the Council's current Code of Practice for Urban Subdivision as modified by these conditions of consent.

Staging

4. The subdivision may be staged, and all conditions relevant to a stage shall be complied with prior to section 224(c) certification for any stage
5. The extent of any stage or substage can be determined as part of any engineering approval plan sought from CODC, and shall ensure that
 - a. All infrastructure necessary to service each development lot for which 224C is being applied for is provided and where necessary connected to a reticulated service; and
 - b. All infrastructure is sized and provided so that it is capable of connecting to and servicing future stages

Roading and Access

6. 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) 2.2 metre width sealed parking bays adjoining residential allotments on 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 (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 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) 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
 - (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.
7. 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) 2.2 metre width 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 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 as follows:
 - 1. 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) 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) A temporary 9.0m radius asphalt concrete surfaced turning circle shall be provided at the head of the temporary cul de sac.
 - (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.
8. 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 (2-4 lots) classification subject to the following-
 - (a) A minimum 4.0 metre seal width carriageway within a minimum 6.0 metre right of way corridor.
 - (b) Pavement design in accordance with NZS 4404:2004 and the Council's July 2008 Addendum.
 - (c) Subgrade CBR>7.
 - (d) Two coat chip seal Grade 3 and Grade 5 or 30mm asphaltic concrete, concrete or concrete paving block surfacing.
 - (e) 4% camber to kerb and channel.
 - (f) Standard or mountable kerb and channel on lower side and nib kerb on higher side of carriageway.
 - (g) Mudtank collecting stormwater from carriageway and discharging to soakpit within subdivision.
 - (h) Heavy duty kerb crossing at entrance constructed in accordance with the Council's Roading Policies January 2015, Part 29.

- (i) Attractive low maintenance surfacing (crushed schist or similar) along verges between carriageway and right of way boundary.
 - (j) Cut/fill batters outside right of way boundaries with maximum 4:1 gradient to match existing ground.
9. The consent holder shall provide a detailed Landscape Plan showing the location, variety and installation details for all street trees to be planted with associated automated irrigation for approval by the Council's Parks and Reserves Manager under the engineering approval process. The Landscape Plan shall be implemented prior to section 224(c) certification.
 10. No development lots shall have no direct access to Shortcut Road.
 11. Condition 10 shall be subject to a consent notice that shall be registered on the records of title for development lots fronting Short Cut Road, pursuant to section 221 of the Resource Management Act 1991.
 12. The consent holder shall provide for the Council's consent proposed names for all roads and when approved it shall be the consent holders responsibility to supply and erect appropriate road signs of a design consistent with the road sign design used in Cromwell.
 13. Upon deposit of the survey plan any roading or access lot as shown on the plan of subdivision shall vest in the name of the Central Otago District Council as Road.
 14. Subject to condition 15, no more than 192 residential dwelling building consents shall be granted prior to the construction of the roundabout at State Highway 8B/Barry Avenue.
 15. Once physical works on the formation of this roundabout have commenced, construction of more than 192 dwellings is permitted, provided that no building shall be occupied until the roundabout is operational.
 16. The consent holder shall fund pedestrian refuge(s) on State Highway 8B to allow safe pedestrian crossing from the north to the south of Cromwell until such time as the pedestrian underpass is constructed. The location and design of this pedestrian refuge shall be to the satisfaction of NZTA.
 17. The consent holder shall fund the provision of a pedestrian underpass under State Highway 8B concurrent with the construction of the Barry Avenue roundabout, unless NZTA and CODC determine that an alternative form of pedestrian crossing of State Highway 8B is preferable. In that case the consent holder shall fund the alternate crossing.

18. No additional retail activity to that already occurring on site shall be operational until the Barry Avenue roundabout in Condition 15 is constructed.

Easements

19. Any JOAL or right of way easements necessary to provide access and access to services shall be duly granted and reserved.

Water

20. Prior to section 224(c) certification for each stage of the subdivision water supply reticulation including watermains and ridermains shall be extended such that all residential allotments are serviced and firefighting capability is achieved in accordance with NZS 4404:2004 and the Council's July 2008 Addendum.

Advice Note: The report by Mott McDonald referred to in condition 1 identifies the extent of upgrade works required and addresses issues of capacity as assessed under the Councils 'Water Model'. This was based on 350 lots.

21. Prior to section 224(c) certification for each stage of the subdivision standard 20 mm diameter water supply connections with Acuflo toby valves, meters and approved boxes shall be provided to the road boundary (or the road boundary of a right of way) to serve al development lots.
22. Prior to section 224(c) certification for each stage of the subdivision the water laterals shall be extended to the buildable area of all development lots.

Wastewater

23. Prior to section 224(c) certification for each stage of the subdivision any new pump station and / or required upgrade of an existing pump station shall be constructed/upgraded to comply with clause 5.3.10 of the Council's July 2008 Addendum to NZS 4404:2004.

24. Advice Note: The report by Mott McDonald referred to in condition 1 addresses issues of capacity as assessed under the Councils 'Wastewater Model'. This was based on 350 lots.

25. Prior to section 224(c) certification for each stage of the subdivision wastewater reticulation shall be extended such that all residential allotments are serviced in accordance with NZS 4404:2004 and Council's July 2018 Addendum.

26. Prior to section 224(c) certification for each stage of the subdivision standard 110mm diameter laterals with cleaning eyes shall be installed from the wastewater reticulation to within the boundary of each residential allotment.
27. Prior to section 224(c) certificate for each stage of the subdivision the wastewater laterals shall be extended to the buildable area of development all lots.

Stormwater

28. Prior to section 224(c) certification for each stage of the subdivision stormwater from roads shall be discharged to ground by standard mudtanks and soakpits.
29. Caldwell "soak pit structures" shall be constructed to the satisfaction of the Council generally in accordance with the engineering report by Patterson Pitts Group.
30. Soakage pits shall be provided at no more than 90m intervals along roads, JOALs and laneways.
31. Stormwater from buildings and impervious areas within Lots shall be discharged to ground by soakpits and/or stored for use for lawri and garden irrigation purposes within the confines of the respective allotments.
32. Condition 27 shall be subject to a consent notice that shall be registered on the records of title for all development lots pursuant to section 221 of the Resource Management Act 1991.

Power and Telecommunications

33. It shall be the consent holders responsibility to obtain the consent of the relevant utility service providers for the provision of electricity and telecommunication services to serve Lots X-X. The consent holder shall install all such new services underground to the boundary of all development lots prior to section 224(c) certification.
34. Prior to section 224(c) certification for each stage of the subdivision electricity and telecommunication services shall be extended to the buildable area of Lots 1, 2, 15, 16, 23 and 24.
35. The consent holder shall supply evidence of the consents referred to in condition 30 to the Chief Executive prior to section 224(c) certification; and it shall be the consent holders responsibility to meet the costs associated with the installation of electricity and telecommunication services as is necessary to meet the needs of the subdivision.

Erosion and sediment control

36. Prior to each stage of the development, the consent holder shall put in place the erosion and sediment control measures as outlined in the report by Patterson Pitts Group dated X forming part of this application. These measures shall be put in place at least five days prior to the commencement of works on the stage and the CODC advised that the erosion and sediment control devices are in place.

Reserves

37. For each stage of the subdivision, payment of a reserves contribution of $\$9(2)(b)(iii)$ per lot (exclusive of goods and services tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan.

Land contamination

38. That if during earthworks on the site unexpected discovery of potential sources of contamination are revealed, then:

- (a) Work on this part of the site shall cease.
- (b) The CODC Compliance Officer and the Central Otago Regional Council Compliance Officer shall be informed.
- (c) The applicant shall retain a suitably qualified professional to undertake a detailed Site Investigation Report and that report shall be provided to the District Council and Regional Council.
- (d) Should that report identify levels of contamination above NES guidelines, then work shall not recommence on the site until the necessary approvals are obtained from CODC and/or Central Otago Regional Council as appropriate.

Noise attenuation

39. 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 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 Leq (24hr) in bedrooms and 40dBA Leq (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.

Northern boundary

40. Prior to the commencement of any stage of the subdivision adjoining Lot 702, and /or any lot adjoining the northern boundary, the Consent Holder shall prepare a landscape plan and cycleway plan generally in accordance with the plans shown in the Baxter Design masterplan and intended to inform a park-like environment.. The landscape plan shall be to the satisfaction of the CODC.
41. Lot 702 shall be landscaped and a cycleway constructed in accordance with the approved landscape plan concurrent with the development of any lots / stage that adjoins Lot 702 .
42. Prior to the issue of any 224C certificate for any lot adjoining the northern boundary, the Consent Holder shall implement the landscape plan approved under condition 40..
43. Lot 702 shall vest in the Council as part of the subdivision of any Stage of the subdivision that adjoins lot 702.
44. Land shown on the Subdivision Plan as northern landscape covenant shall:
- a. Be landscaped in accordance with the Landscape Plan approved by the Council under condition 41.
 - b. No side boundary fencing shall be permitted within this covenant area other than a 1m high wire mesh or wire fence.
 - c. No buildings or structures, other than fencing, shall be constructed within the covenant area.
 - d. A covenant shall be imposed on the subject land addressing:
 - i. the exclusion of any building or structure within the covenant area (other than complying fencing under the covenant);

- ii. the only fencing allowed on side boundaries within the covenant other than a wire or wire mesh fence up to 1m in height;
- iii. landowners shall maintain the landscaping in perpetuity and replace any trees or shrubbery which become diseased or dead.

Construction noise and traffic management

- 45. Construction activity and times of operation shall comply with New Zealand standard 6803:1999 including noise standards.
- 46. The consent holder shall produce a Construction Management Plan. The Construction Management Plan shall be submitted to the CODC four weeks prior to the commencement of physical works associated with this application. The Construction Management Plan shall be amended to take account of any requirements of CODC provided by the District Council within 15 working days of having received the draft Construction Management Plan.
- 47. The consent holder shall produce a Construction Traffic Management Plan. This Construction Traffic Management Plan shall be submitted to the CODC and NZTA four weeks prior to the commencement of physical works associated with this application.
- 48. The Construction Traffic Management Plan shall be amended to take account of any requirements of CODC provided by the District Council within 15 working days of having received the draft Construction Traffic Management Plan.
- 49. No direct access to the site off State Highway 8B shall be permitted without the express approval of NZTA. All construction activity shall enter off Shortcut Road unless otherwise authorised by NZTA.
- 50. No site construction shall enter off State Highway 6.

Accidental Discovery

52 Should any koiwi, cultural artifacts or archaeological feature be discovered during construction then:

- a) Work on that part of the site within 50m of the find shall cease immediately
- b) The consent holder shall inform NZHPT, CODC and Aukaha
- c) No work shall recommence on the site until either authorisation is obtained from NZHPT or confirmation is received from NZHPT that the find is not an archaeological feature.

General

53. Prior to the issue of a certificate in terms of section 224(c) for each stage of the subdivision the consent holder shall provide the Chief Executive with RAMM inventory data and asset information with associated costings (in the form of a schedule) of all infrastructure works to vest in the Council.

54. The consent holder shall provide producer statements in an approved format from a suitably qualified professional certifying the engineering adequacy and compliance with consent conditions relating to engineering design, construction and construction review (supervision) of the subdivision works.

55. The name and the qualifications of the person referred to in condition 32 shall be forwarded in writing to the Chief Executive prior to the submission of any design documentation. This person shall be acceptable to the Chief Executive.

56. As built drawings are to be lodged with the Chief Executive in accordance with Clause 1.5.10(b) of NZS 4404:2004 and shall show the location and individual identification number for each water meter. The as built drawings are to be draughted on computer and are to be compatible with a CAD system nominated by the Chief Executive. As built plans shall be lodged on computer disk or in a hard copy A3 format.

Notes:

1. All charges incurred by the Council relating the administration, inspection and supervision of conditions of subdivision consent shall be paid prior to section 224(c) certification.
2. The works involving roads will require an approved Road Opening Notice and Works Completion and Maintenance Notices in accordance with Council's July 2008 Addendum to NZS 4404:2004.

3. *Development contributions of s 9(2)(b)(ii) and s 9(2)(b)(ii) (exclusive of goods and services tax) are payable for water, wastewater and roading respectively pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to section 224(c). The Council may withhold a certificate under section 224(c) of the Resource Management Act 1991 if the required Development and Financial Contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5. 1 of the Operative District Plan.*

Cancellation of Condition Specified in Consent Notice CONO 5242187.2

57. Pursuant to section 221(3)(b) of the Resource Management Act 1991 Condition 1 as specified in consent notice CONO 5242187.2 is hereby cancelled as it relates to Section 3 SO 461514, unless this has already been cancelled pursuant to a previous consent

John Duthie

Director

September 2020