

2 December 2020

Sara Clarke
Manager Fast-Track Consenting team
Ministry for the Environment

cc. Md Arif Hasan

Dear Sara

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Wooing Tree Estate, Cromwell

Thank you for your letter received on 18 November 2020 seeking some additional information on the Wooing Tree development at Cromwell.

I have addressed your questions below in the order set out in your letter. I have also provided an update on the discussions Wooing Tree developments has had with the neighbours, which has resulted in a slight refinement to the design. Finally I have provided some information relating to the CODC feedback on this application.

1. Additional information request – MFE letter of 18 November

(a) Tourist Accommodation

One of the key sites on the State Highway 8B frontage is targeted for a tourist accommodation facility. This is seen as complementing the hospitality centre and providing support for the tourism industry in the Central Otago area. For the avoidance of doubt, while the building is placed on State Highway 8B so that it has profile, it is accessed off the internal road network within the Wooing Tree Estate.

The current application includes subdividing and creating a vacant site for this establishment. It does not include construction of the tourist facility itself, which will be subject to a Council consent.

(b) Roundabout

The roundabout and pedestrian underpass are not part of this application.

Wooing Tree Developments Limited is working with NZTA. NZTA will more than likely build the roundabout and underpass as part of their upgrade to State Highway 8B particularly focusing on the new roundabout at the intersection of State Highway 6 and State Highway 8B. Wooing Tree Developments Limited will continue to participate and partly fund the delivery in collaboration with NZTA. NZTA advise that physical works are programmed to commence mid-2021.

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This application is set up so that the initial development is housing, all accessed off Shortcut Road. When the roundabout which services both Wooing Tree and the primary access to Cromwell Central (Barry Avenue) is complete, then the hospitality/neighbourhood centre component of the Wooing Tree development can proceed. This includes the “tasting shed” for the Wooing Tree winery and the travellers accommodation referred to above.

(c) **Cultural aspects**

You have asked me to update on how this development would measure in accordance with the Ngai Tahu subdivision guidelines, and the project’s “likely effect on cultural wellbeing including Te Ao Maori, section 19(b)”

Through this process, Wooing Tree Developments has consulted with Aukaha. Aukaha is an office established by the local runanga to help streamline consultation processes with runanga. This covers all consultation aspects across the Central Otago region. I note that the CODC response identifies Aukaha as the relevant iwi authority for the applicant to consult with.

Ngai tahu in the southern area of the South Island is known as Kai Tahu.

In terms of the key matters to consider:

(i) Wooing Tree sought cultural information on the site from Aukaha. Aukaha subsequently confirmed that:

- There are no wahi tapu or culturally important sites within the Wooing Tree development.
- Because this area was used traditionally as an access from the general Otago area to the Pounamu sources on the West Coast, Wooing Tree was cautioned that the confluence of the rivers and the Cromwell area generally could have been a mid-journey resting spot on the way through. They recommend accidental discovery protocols be put in place. Wooing Tree has accepted this and put in place the relevant protocols.

(ii) In terms of the environmental aspects, there is obviously a significant focus on water quality. In particular:

- The Wooing Tree development connects to the Cromwell wastewater treatment system. There is adequate capacity within the system to deal with the development.
- All stormwater is going to ground soakage. None of the stormwater will directly enter either Kawarau or Clutha Rivers.
- There is full stormwater treatment prior to entering the system with a treatment train approach and treatment devices. This is seen as meeting best practice in stormwater management.
- The site is relatively flat, in a relatively flat ‘basin’ or river terrace, and not subject to major overland flow paths.
- Where there are minor flow paths, these are managed through the roading system which in turn has a curb and channel device and treatment train approach before discharge to groundwater.
- Full erosion and sediment control measures are put in place, although because of the topography of the site and the nature of the soils, there is a low risk.
- The site will connect to the municipal potable water supply.
- In terms of dust management, which is obviously a factor in the Central Otago area given the nature of the soil profile, dust suppression takes place through dampening work surfaces using water carts and via the application of specialist products designed to suppress dust. The site benefits from having an on-site bore and water take permit which will supply water from the aquifer for the purpose of dust suppression. However this is a temporary measure only during construction. CODC’s construction inspector has expressed his appreciation of the contractor’s work practices in suppressing dust and minimising nuisance, including comments such as “(John – we (CODC) appreciate the site is a difficult one to manage especially with the windy conditions we often get through there and the continued efforts of your site personnel are appreciated. Keep up the good

work and watch those weather forecasts! Please can you pass this onto Lucien, Andrew and JR. Thanks.”

- (iii) In terms of naming protocols, this is obviously a decision for the CODC. However, in suggesting the place names within the area, Wooing Tree Developments will seek nominations from Aukaha to place before CODC.
- (iv) In terms of cultural protocols:
 - Wooing Tree will seek Aukaha support in the observance of appropriate cultural protocols through the project.
 - In particular, Aukaha will be invited to give a cultural briefing to main contractors before work starts on Stage 2 and subsequent stages.

As part of this assessment, Tattico approached Aukaha as to what would be the appropriate guidelines to apply in Central Otago. We were referred to the ‘Kāi Tahu Ki Otago Natural Resource Management Plan 2005’.

This sets out a series of general objectives and policies for the Otago region and then specific policies for the Clutha/Mata-au catchment.

I have appended to this letter our assessment under those objectives and policies.

(d) Cultural Impact Assessment

On 11 September 2020 Wooing Tree Developments Limited commissioned a Cultural Impact Assessment from Aukaha. This followed earlier consultation with Aukaha in July.

Aukaha has been to the various runanga to work through issues relating with the Cultural Impact Assessment.

I attach an email from Tania Richardson of Aukaha setting this out. They have heard back from most but not all of the runanga. They will hear from the others by the end of this week. Ms Richardson has advised me that to date the runanga have stated there is no need for a Cultural Impact Assessment beyond the work and feedback they have already given which is attached in the original report. This is a very short and simple reply as follows. It dates from July.

“Aukaha writes this email on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga three of the kaitiaki Rūnanga whose takiwa includes the site the proposed Plan Change relates to.

Please treat this email as reply on the above, that Ngā Rūnanga do not support, nor oppose the proposed Plan Change, and understand that the following will be included in the subdivision consenting stage:-

1. *That the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol (attached) should be adhered to in undertaking earthworks.*

Ngā Rūnanga would like it noted that although there are no recorded Māori archaeological sites within the boundary of the proposed buildings, this area is known to be utilised by mana whenua in the past. Therefore, any earthworks undertaken should be carried out in a way that allows monitoring for artefacts or archaeological material.

This reply is specific to the above proposal. Any changes to the application will require further consultation.”

In response to this, Wooing Tree has:

- Endorsed the imposition of accidental discovery protocol on the earthworks approach.

- Is undertaking earthworks in a way that does allow monitoring of artefacts and archaeological material. For the major development, Wooing Tree Developments is inviting Aukaha to set in place their own monitoring programme so that (subject only to normal health and safety protocols about construction sites) they can monitor the site at any time they wish to. This would complement the contractors' own monitoring.

Ms Richardson further advises that if the runanga do want additional work done, this would take a 3-6 week time period. I will advise you as soon as I hear.

2. Neighbours' consultation: Northern boundary

Wooing Tree Developments has further consulted with the residents along the northern boundary who were the primary group that raised issues with the original zoning of the site, and with the Stage 1 resource consent application (currently on hold before the Council).

The northern boundary is the only boundary of the entire Wooing Tree Developments that adjoins residentially developed sites. All other boundaries either front roads, state highways or the Crown's weather station.

There is a 10 strip of rural zoned land along most of the northern boundary, the eastern end widening out to a 17m rural zoned strip. While zoned 'rural' clearly this is unusable agricultural land and was more intended as a buffer.

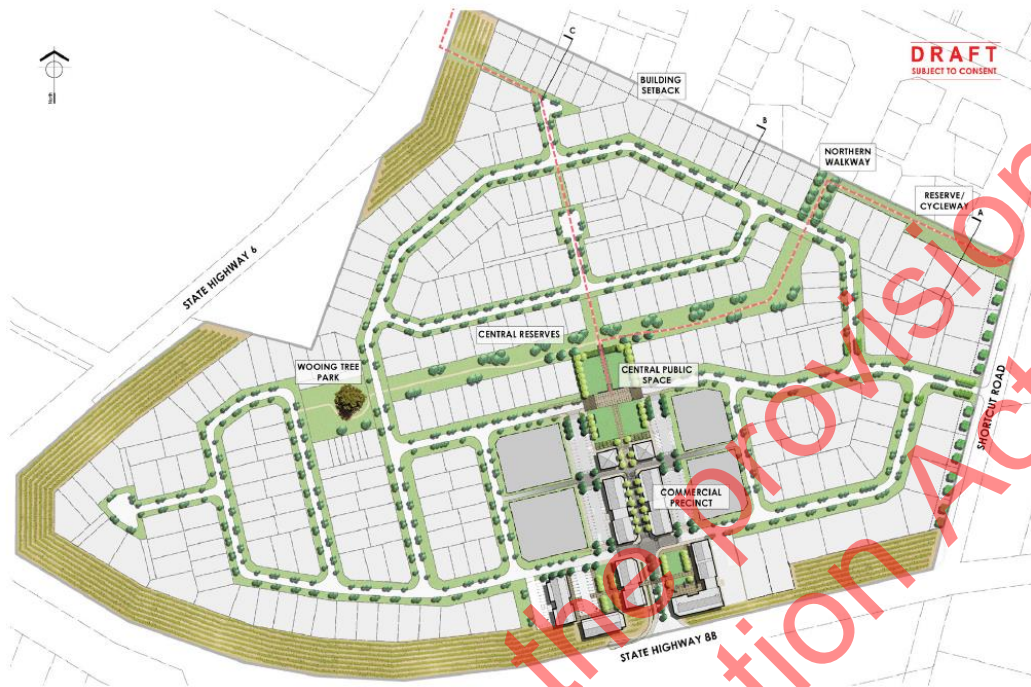
The original proposal which formed part of the context of the current on hold application is shown below. The particular northern properties of issue for the residents are ringed in yellow. They were developed as part of the residential site but with a prohibition on buildings within the 10m / 17m buffer strip.



In preparation of this COVID-19 recovery application, Wooing Tree Developments approached the Council about the rural zone and access from Shortcut Road through to State Highway 6. Wooing Tree offered to place the whole 10m / 17m strip of land into open space and vest it in the Council. The Council would only accept the eastern end of the land from Shortcut Road through to the connection with the northern walkway. The middle and western end the Council declined to accept as this area did not serve the wider community. Consequently the application was amended to create an open space lot to vest at the eastern end on the land in the Council. The middle and western end remained in private individual ownership but with strict covenants on the building prohibition, planting and fencing to ensure the area was well kept and achieved the intent of the underlying zoning.

This was on the basis of which this application was lodged with the Ministry for consideration under the COVID-19 Recovery (Fast-Track) Consenting Act 2020. This is shown in the diagram below.

THE MASTERPLAN

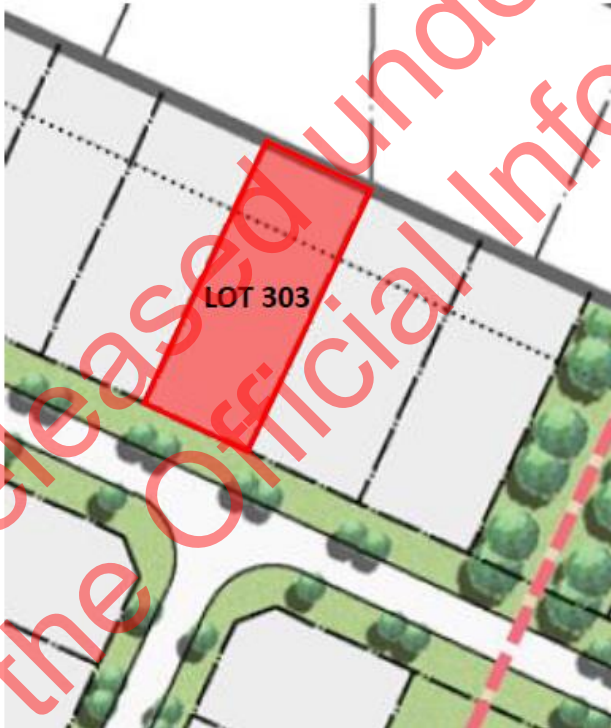


Wooing Tree Developments has continued to consult with neighbours to openly discuss the design and tenure approach. The neighbours have told us that this is the most important issue to them regarding the Wooing Tree development. They are very keen for this 'buffer strip' to be commonly owned and shared space. Consequently Wooing Tree Developments is amending its application request to protect this northern buffer in the manner set out under the alternative masterplan shown below.

Notwithstanding given the Council has confirmed they do not want to take the land to the west of the northern walkway, Wooing Tree will put this land into a single title and keep it as a commonly owned open space area and construct a walkway through from Shortcut Road to State Highway 6. Wooing Tree Developments will create this western portion of the buffer as a common lot owned by the adjoining residential properties. The land will be protected from development by covenant and will be jointly owned and maintained by the adjacent Wooing Tree residents. We will invite the Panel to impose conditions setting up the covenants and land ownership (if necessary as an 'augier' condition). We understand this will satisfy adjacent neighbours to the north and effectively mirror the approach they have adopted in terms of landscaped berms and buffers.

This will result in a slight decrease in site sizes along this boundary. The new 'alternative masterplan is shown below. The two diagrams.

ALTERNATIVE MASTERPLAN



The gross site area of Lot 303 reduces from approximately 600m² to approximately 450m². However, effectively the spaciousness and open space network remains exactly the same. It is simply the land ownership of the rear 10m that

has changed to a communal ownership rather than an individual ownership protected by way of covenant where Lot 303 would have a one-seventeenth share in the common lot

3. CODC response

CODC kindly sent us a copy of the feedback they have provided to the Ministry. Wooing Tree Developments and ourselves have been consulting with David Campbell of CODC throughout this process. We have also sent him advanced copies of the application and supporting documentation and had several briefing sessions to ensure they were well briefed and prepared to respond within the appropriate timeframe.

I note that the Council:

- Identifies that the construction and civil engineering works associated with this development will coincide with the forecast drop in construction level for Central Otago, particularly in 2022.
- Aukaha is the relevant iwi consultation agency.
- The development does align with the Cromwell Spatial Plan with the exception of the business area.
- There is adequate infrastructure, although the Council confirms they are still waiting on final modelling on certain aspects. They state their expectation is it can be accommodated.

The CODC feedback raises three issues which I comment on below.

(a) Noise and dust

Noise and dust management will be a key environmental consideration regardless of when the development proceeds.

Conditions of consent are currently in place for stage 1, and similar conditions will undoubtedly be imposed on any approval under the COVID-19 recovery legislation to manage noise and dust matters.

The applicant is only seeking to operate within the New Zealand noise construction standards. It is not seeking any additional or unauthorised noise or timeframes beyond the NZ standards.

The applicant will use water carts and specialist dust mitigation products to manage dust. Here the site has a particular advantage in that it has an underutilised water take consent already available on site. Consequently it has an adequate source of water on the property and can manage dust successfully.

While it is acknowledged the Council has had complaints about noise and dust from the current Stage 1 works, when the Council officers investigated this, they found that the site was operating in accordance with the issued conditions of consent and no action or imposition has been imposed on the applicant. In fact, Council have been very supportive of the developer and contractor in the efforts (and costs) being expended in mitigating dust and noise. I attach an email from the Council to this effect.

These are matters that can and should appropriately be dealt with by the Hearings Panel. Certainly I restate that Wooing Tree Developments understands it will need to put forward and accept robust conditions to control noise, dust and any other construction related issue. .

(b) Competition with the Cromwell business centre

The Council highlighted the fact that the existing Cromwell Spatial Plan does not provide for a neighbourhood centre on the Wooing Tree Developments site. The current zoning does provide for a neighbourhood centre.

The eventual aspiration of Wooing Tree Developments is to simply take the currently zoned neighbourhood centre and relocate it into a slightly different part of the site. The new location has the same size (slightly smaller area), form and function of the hospitality/neighbourhood centre.

The application makes it clear that the hospitality/neighbourhood centre is one of the last portions of the development to proceed. Furthermore, this application is about creating superlots which would be capable of being developed for either residential or for the hospitality/neighbourhood centre, which are subject to future Council consents. The granting of this application under the COVID-19 recovery legislation does not pre-determine that this land would be developed for commercial activity and it may indeed be utilised for residential development.

What it does do is seek consent to put housing on the land current business zoned land. The Council's feedback confirms this would be consistent with the Cromwell Structure Plan.

Wooing Tree Developments Limited would be very comfortable with this application being processed on the basis that the last stage of development and the superlots would not have a use specified. The hospitality centre cannot proceed anyway until the roundabout is complete. By that time the Council can determine whether or not it wants to proceed with a hospitality and neighbourhood centre on the site and how that impacts the Cromwell centre.

The work Wooing Tree Developments has done would indicate that the centre is likely to be complementary to the main town centre. It is about attracting tourists to stop on their way from Queenstown to Alexandra and Dunedin or north into the McKenzie Basin, rather than simply bypass Cromwell. The main element of the hospitality centre is a wine tasting facility (cellar door) associated with the Wooing Tree Estate Winery. This, with the associated travellers' accommodation and underpass into the town centre, will likely reinforce the main town centre, rather than compete with the centre. However Wooing Tree Developments accepts that that is a matter that can be worked through at a later date. Furthermore, if for any reason the hospitality/neighbourhood centre does not proceed, the land is eminently suitable and the superlot size and configuration is appropriate for residential development. This is addressed in the economic assessment by Market Economics which forms part of this application.

The concern about the Council that this development is not totally aligned with the Cromwell Spatial Plan relates only to this business activity. Certainly the medium to high density residential development is fully aligned with the Cromwell Spatial Plan, which identifies the Wooing Tree site for medium and high density residential development.

(c) Timing of development

Council feedback, while identifying that this project will provide important jobs and construction economic activity in the year where Central Otago is projecting a drop-off in construction work, raises the issue of whether a longer project time period would deliver more stable economic conditions.

With respect, surely the very purpose of the COVID recovery legislation is to create a real impetus in short-term construction activity to create economic activity now and over the short term. This gives the market and industry time in the medium and long term to generate more sustainable economic activity. The very purpose of the legislation is to bring forward economic activity and get it concentrated in the next few years to fill the gap from other construction work which is either not proceeding or slowed down. Rather than a potential issue for consideration, Wooing Tree Developments sees this as one of the key benefits of this application, and why it fully meets the intent of the legislation. Furthermore, Wooing Tree Developments have procured a suitably qualified contractor to deliver the works, Benchmark Construction (BMC). BMC have expressed their strong desire to continue to roll their workforce through this project as and when the developer needs. The strong uptake in sections up for presale by group home builders alongside private buyers demonstrates the capacity within the local building and trade market, with multiple parties expressing their desire to participate in future stages.

If you have any other queries, please do not hesitate to contact me.

Wooing Tree Developments requests the opportunity to meet with you to discuss this application and outline a justification for approval under fast track. We would be delighted to do that either virtually or in Wellington or wherever is convenient to you.

Thank you once again for your assistance.

Yours faithfully

A handwritten signature in blue ink that reads "J. Duthie".

John Duthie
Tattico Limited

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the Official Information Act 1982

KĀI TAHU KI TE OTAGO NATURAL RESOURCE MANAGEMENT PLAN 2005: ASSESSMENT

Kāi Tahu is the southern Ngai Tahu grouping. Kāi Tahu produced this Natural Resource Management Plan in 2005. It applies throughout Central Otago and to this Wooing Tree development site.

The following is an assessment against the guidelines set out within this Natural Resource Management Plan.

1. Otago wide objectives and policies

Land Use and Management:

54. *To promote land use that suits the type of land and climatic conditions.*

Comment:

- The Wooing Tree development is on relatively flat plain within the basin of Cromwell. It is removed from the two rivers and outside the flood plain. It is set back from the key landscape features of the surrounding ranges.

55. *To encourage the exclusion of stock from waterways.*

Comment:

- There are no streams running through the Wooing Tree development block, nor is the land currently or intended to run stock.

56. *To oppose the draining of wetlands. All wetlands are to be protected.*

Comment:

- There are no wetlands on the Wooing Tree.

57. *To require a programme to monitor the effect of stock and agricultural activity on groundwater quality be established.*

Comment:

- Not applicable.

58. *To promote integrated riparian management throughout entire catchments.*

Comment:

- Not applicable.

59. *To oppose the indiscriminate use of chemicals or poisons in or near waterways.*

Comment:

- This site is not near any waterways.

2. Clutha Mata Au catchment

Land use:

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*

Comment:

- This application proposes a best practice environmental approach to urban subdivision, in particular:

- the development will connect to the municipal wastewater and potable water supply;
- stormwater is treated through a treatment train process and discharged to groundwater;
- full erosion and sediment control provisions are put in place;
- full dust mitigation provisions are put in place.

10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*

Comment:

- The sensible urban development of existing centres at realistic densities, provides the best method to prevent the indiscriminate urban spread of Cromwell into important agricultural and landscape lands of Central Otago.
- The Cromwell Spatial Plan has identified Wooing Tree as an appropriate and preferred site for medium and high density development.
- Creating reasonable density on the Wooing tree site helps address population growth and thereby reduces pressure on expansion of the peripheral boundary of Cromwell. This would not be the case should Wooing Tree develop for low density housing.

11. *To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, and discharge consents.*

Comment:

- This application is comprehensive in that it provides for full subdivision, land development, and infrastructure related consents. No discharge and no water take consents are required.

12. *To require reticulated community sewerage schemes that have the capacity to accommodate future population growth.*

Comment:

- This development will connect to the Cromwell wastewater system. The analysis indicates that there is adequate capacity within that system. The Council has confirmed that, although they stated they are still completing some modelling. This is a matter appropriately dealt with before the Hearings Panel.

Subdivisions:

25. *To discourage subdivisions and buildings in culturally significant and highly visible landscapes.*

Comment:

- Aukaha have confirmed that there are no wahi tapu or culturally significant sites on the Wooing Tree Developments land.
- While the area is surrounded by highly visible landscapes, this development is down in a landscape bowl and will have minimal impact on these landscapes.

26. *To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:*

- i. *All consents related to the subdivision to be sought at the same time.*
- ii. *Protection of Kāi Tahu ki Otago cultural values.*
- iii. *Visual amenity.*
- iv. *Water requirements.*
- v. *Wastewater and storm water treatment and disposal.*
- vi. *Landscaping.*
- vii. *Location of building platforms.*

Comment:

- All consents are being sought as part of this application.

- There are no explicit site specific cultural values for Kāi Tahu ki Otago. Having said that, this development does respect the cultural aspects as set out in this analysis.
- In terms of visual amenity, this will be a two storey development on the geological river terrace. It nestles in a bowl around the surrounding ranges and is well set back from the rivers. The visual amenity of this site does not compromise either the landscape features of the ranges or the river.
- All water and wastewater requirements are satisfied through this application and connect to the Council system.
- Stormwater follows a treatment train process with discharge to ground soakage.
- There is a high degree of landscaping as part of this development. Native species and appropriate plantings are identified.
- The sites are laid out in such a way there are suitable and appropriate building platforms for each site.

27. *To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papaitpu Runaka and the Company.*

Comment:

- All earthworks are included as part of this application. Accidental discovery protocols are put forward as a suggested condition of consent.

28. *To require applicants, prior to applying for subdivision consents, to contact Kāi Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory.*

Comment:

- Wooing Tree has been in consultation with Ahukaha.

29. *To require public foot access along lakeshores and riverbanks within subdivisions.*

Comment:

- There is an extensive walkway and cycleway network within the subdivision.

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From: s9(2)(a)
To: s9(2)(a); s9(2)(a)
Subject: FW: Wooing Tree access road latest
Date: Thursday, 12 November 2020 9:17:04 am
Attachments: [image002.png](#)

FYI

Myles Garmonsway

Registered Professional Surveyor

Principal

T: s9(2)(a) M: s9(2)(a)

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From: Kevin Furnival <s9(2)(a)>
Sent: Thursday, 12 November 2020 8:49 am
To: Myles Garmonsway s9(2)(a)
Subject: FW: Wooing Tree access road latest

Hi Myles – here's the email I sent out yesterday, for your info.
Cheers.
Kevin



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From: Kevin Furnival
Sent: Wednesday, 11 November 2020 1:33 PM
To: David Campbell s9(2)(a)
Cc: Quinton Penniall s9(2)(a); 'John MacKay' s9(2)(a)
Subject: Wooing Tree access road latest

Hi David

Just a quick update.

Photo attached is of an additional sign provided by Benchmark. I thought this was a very useful and a very well worded sign which I hope alters driver behaviour.

I spoke to the guy running the site (it's JR today), and he confirms that the access way is being watered three times per day. I've asked if they can use the suppressant and he said he would mention it to Lucien. We also spoke in general terms about the whole site and what additional suppressant or water could be used to keep the dust nuisance down to a minimum.

Benchmark are now recording the times that the water truck is used on the access road. Almost all work has been done adjacent to the Ash Lane properties and top soil has been graded to prepare for seeding and k lines. There was a concern that this part of the site (next to the access road) was open for anyone to walk through, and perhaps Benchmark could reassess the site security along the outer perimeter of the site adjacent to the access road and the vineyard cellar door

offices.

Cheers.

Kevin

(John – we (CODC) appreciate the site is a difficult one to manage especially with the windy conditions we often get through there and the continued efforts of your site personnel are appreciated. Keep up the good work and watch those weather forecasts! Please can you pass this onto Lucien, Andrew and JR. Thanks. And please ask Lucien to review the perimeter security.)



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