Before The Hearings Panel appointed by the Central Otago District Council

Under	the Resource Management Act 1991
And	
In the Matter	of Central Otago District Council's Plan Change 19.

Statement of Evidence
Sean Dent
for A F King and Sons Limited

Dated: 16th May 2023

Table of Contents

Executive Summary

Introduction

Scope of Evidence

Detailed Description of the Proposed Re-Zoning

Statutory Considerations

Assessment of Effects

Analysis of Submissions

Section 32AA Evaluation

Conclusion

EXECUTIVE SUMMARY

1. The submitter seeks the re-zoning of Lots 1 – 4 DP 444910 located on the western side of Lowburn Valley Road from Rural Residential (Operative District Plan) to Large Lot Residential Zone – Precinct 2 (**LLRZ-P2**) as notified in Plan Change 19 (**PC19**).

2. The subject sites have a total area of 8.029Ha and contain four approved and registered building platforms and are planted in an existing vineyard.

3. The subject sites sit between developed residential activities to the south and border the operative Residential Resource Area (5) and proposed LLRZ-P2 to the north.

4. Having regard to the expert landscape evidence of Ms Wilkins, the proposed expansion of the LLRZ-P2 represents a logical infill of urban zoning to ameliorate what would otherwise be an anomalous area of rural residential zoning at the southern end of an urban environment. Ms Wilkins also confirms that the landscape character, amenity, and values of the surrounding Lowburn Valley and its important topographical features will not be diminished because of the proposed re-zoning.

5. Expert traffic evidence from Mr Fuller provides certainty that the cumulative impact of the submitters re-zoning proposal (and those sought by others) can be accommodated within the existing road network.

6. Infrastructure services already exist and/or can be provided for the density of development enabled on the site if zoned LLRZ-P2 as reported by Ms Muir for the Council. The matters of discretion in the PC19 subdivision chapter provide for detailed assessment of adequate network utility services at the time of future subdivision further ensuring the site can be serviced if developed in accordance with the LLRZ-P2 zoning and associated provisions.

7. An assessment of natural hazards and contaminated soils has been undertaken within my evidence. I conclude that natural hazards (alluvial fans) on the site and much of the Lowburn Valley are inactive and unlikely to change over the next 100 years and based on expert advice from Mr Claude Midgley, an Environmental Scientist with Insight Engineering,

contamination from the vineyard activities is unlikely to affect human health subject to simple remediation practices.

8. The proposed re-zoning does not affect highly productive land as defined in the National Policy Statement for Highly Productive Land. The submitter has provided advice confirming the declining productivity/yield of the existing vineyards and the diminishing economic viability of this productive land use. Accordingly, the proposed re-zoning will not have a significant impact on productive land resources in the Central Otago District.

9. When assessed against the relevant provisions of the Partially Operative and Proposed Regional Policy Statements, and the Objectives and Policies for the LLRZ-P2 in PC19, the proposed re-zoning is not inconsistent.

10. Accordingly, it is my opinion that the proposed re-zoning is appropriate in the context of the Resource Management Act 1991.

INTRODUCTION

Qualifications and Experience

11. My name is Sean Dent. I am a resource management planning consultant and a Director of Southern Planning Group (2017) Limited (**Southern Planning Group**). I live in Cromwell, Central Otago.

12. I hold the qualification of Bachelor of Resource Studies from Lincoln University which I obtained in 2005 and I am an Associate Member of the New Zealand Planning Institute. I have been a resource management planning consultant with Southern Planning Group for 16 years. Prior to this I was employed as a resource consent processing planner and compliance officer with Lakes Environmental (formerly CivicCorp) for approximately two years.

13. Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances before various District and Regional Councils, and the Environment Court.

14. From the variety of working roles that I have performed as described in the previous paragraphs, I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Central Otago District.

15. The submission lodged on behalf of A F King & Sons Limited was prepared by a previous colleague at my company however, I was involved in the initial enquiry, discussions regarding the proposed re-zoning, and the review of the original submission prior to lodgement with the Council. I am familiar with the proposal, and I have visited the Lowburn area many times in a recreational and professional capacity.

Code of Conduct

16. While this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

17. The topics covered in my statement of evidence are as follows:

(a) Detailed Description of the Proposed Re-Zoning;

(b) Statutory Considerations;

(c) Assessment of Effects of the Proposed Re-Zoning;

(d) Analysis of Submissions;

(e) Section 32AA Evaluation

(f) Conclusion.

18. I have read and had regard to:

- The Section 42A Report prepared by Ms Liz White (Council's consultant planner).
- The Infrastructure Report attached to the S42A Report and prepared by Ms Muir.
- The transport evidence of Mr Nick Fuller.
- The landscape evidence of Ms Anne Wilkins.
- The opposing further submission of NZTA/Waka Kotahi.
- The supporting further submission of Lakeside Christian Centre.
- The submissions of Lowburn Viticulture Limited and Lakeside Christian Centre.

DETAILED DESCRIPTION OF PROPOSED RE-ZONING

The Proposal

19. As identified in the original submission, the submitter requests that the notified LLRZ-P2 zoning which adjoins the northern boundary of their land, be extended over the properties (Lots 1 – 4 DP 444910).

20. Should the LLRZ-P2 be extended over the submitters land, it will provide for an extension of residential living properties along the Lowburn Terraces southern hillside within the site.

21. Under the LLRZ-P2 rules, as a permitted activity, each property could contain:

- One dwelling (LLRZ-R1),
- One minor residential unit up to 70m^2 or 90m^2 including a garage (LLRZ-R2), and accessory buildings.
- These buildings shall be no taller than 7.5m tall (LLRZ-S2) and shall be in accordance with the setback rules (LLRZ-S5 and S6).
- All built form within the site will not exceed 15% of the overall net area of the site (LLRZ-S4). Based on the minimum lot size of 3,000m^2, the combined floor area of a dwelling, minor residential unit and accessory building shall not exceed 450m^2 in area.

22. Under the above provisions, and with a total land area of 8.029ha (80,290m^2) it is possible that approximately eighteen residential units could be constructed on the submitters land. This considers a potential loss of 30% of the land area to accommodate roading and services.

23. The proposed excavation rules LLRZ-R10(2) as a permitted activity limits earthworks to an area of 200m^2 per annum. It is highly likely that all future properties within the LLRZ-P2, including the submitters site will require a restricted discretionary activity consent for earthworks when it comes time to build their residential unit, driveway, and outdoor spaces, including patios, decks, lawns, and gardens.

Background

24. The original submission noted that during the Cromwell Masterplan process, where the study aimed to identify areas that could support future growth within the region, the Lowburn settlement was not included as a focus of the study. Where Lowburn is discussed in Section 3.4.3 (Page 45), the key moves for this settlement included:

"*Support growth of housing balanced with the current section sizes and retaining the landscape character of the Lowburn valley and surrounding slopes*".

25. It was submitted and it is my opinion, that providing for further LLRZ-P2 zoning over the submitter's sites would be within scope of PC19 in so far as it would give effect to the 'key moves' of the Cromwell Masterplan and would be appropriate on the subject sites.

26. The original submission noted that the subject sites were subdivided in 2011 through RC110089 and all four sites were granted residential building platforms to be registered to the Records of Titles. A copy of Deposited Plan 444910 illustrating the registered building platforms is attached as **Appendix [A].** Residential activity has not been established yet due to a current lease over the sites for the existing vineyard operation which I will comment further on below.

27. As residential activity is already expected on these sites, it was submitted, and I remain of the opinion, that extending the proposed LLRZ-P2 zoning to include the submitters sites would enable further residential growth without compromising the landscape character within the Lowburn Valley Settlement. The effects on the landscape character will be further discussed by Ms Wilkins in her landscape evidence.

28. As also noted in the submission, the current RRA (5) boundary as well as the proposed LLRZ-P2 boundary finish to the direct north of the subject sites at the boundary of a 7.7ha active vineyard block. When considering this potential loss of adjacent vineyard to residential activity, and the existence of residential building platforms on the sites subject to this submission, it would in my opinion, be an anomaly to leave these four small landholdings in the Operative Rural Residential Resource Area.

29. Extending the LLRZ-P2 over the sites is in my opinion a logical extension of residential zoning that will not extend residential activity beyond the existing line and elevation of development in the area and subsequently, will not compromise the amenity and landscape character of the Lowburn Valley – as confirmed by the evidence of Ms Wilkins.

30. While the above paragraphs set out the initial and most obvious reasons the proposed re-zoning was sought, there are also important economic

reasons for the proposed re-zoning that are relevant to the consideration of applying a different zoning to the submitter's sites.

31. The existing vineyard across the submitters sites is coming up 20+ years old. The economical useful life of a vineyard is 40 or so years, therefore in terms of their productivity and overall yield, the existing vines are now heading down the other side of the bell curve.

32. The submitter does not operate and manage the vineyard themselves but instead lease it out. The current lessee runs the vineyard as economically as possible, so to keep the costs per ton of grapes reasonable to ensure that they can make a margin on the eventual sale of the wine.

33. However, it is becoming increasingly difficult to make a satisfactory economic margin due to increases in labour inputs, fuel, and fertilisers. Labour costs alone have increased by 33% in the last few years and accounts for 82% of vineyard operating costs.

34. Also, as the vines get older, yields decrease, making the costs per ton of fruit grown higher, and thus the economics of grape growing harder.

35. Further the vineyard is of a small economic scale, under 7ha. To increase efficiency, any lessee needs to generate scale, into the 20ha + range. Therefore, the property is becoming increasingly inefficient.

36. With the increase in land prices, the current owners will require an increased rate of return from the vineyard lease. The current leases expires on the 30 June 2024. If the lease is renewed on a year-by-year basis, the lease rate per hectare will be increased by 25% to get some kind of return. The return per hectare based on current rating valuations will be 1.7%. The risk and investment tied up in land and vineyard improvements is not worth the current return. [1]

37. Given the existence of the approved residential building platforms and the diminishing rate of economic return for the small-scale vineyards, the status quo will not remain and the most efficient use of the land resource in my opinion, is to enable re-zoning to LLRZ-P2 which will be consistent with the surrounding land use and character.

---

[1] *Paragraphs 21 – 26 the information has been provided by Alistair King, submitter, Partner – Accounting & Business Advisory at Findex, and Director – Mora Wines Limited (Formerly Akarua Limited).*

STATUTORY CONSIDERATIONS

Resource Management Act 1991

38. The statutory framework for an assessment of the submitters re-zoning proposal under the Resource Management Act is set out within Sections 31, 32, 32A, and 72 to 76 of the Act.

39. Within the relevant sections of the Act are several requirements which I consider to be of specific relevance to the submitter's proposal. These are outlined below:

- The re-zoning must accord with and assist the Council in carrying out its functions to meet the requirements of Part 2 of the Act;
- The re-zoning must have regard to the actual and potential effects of activities on the environment;
- The re-zoning must have regard to any evaluation report prepared in accordance with Section 32;
- The re-zoning must be in accordance with any regulations (including National Environmental Standards and National Policy Statements);
- The re-zoning must give effect to the Otago Regional Policy Statement;
- The re-zoning must have regard to management plans and strategies under other Acts (to the extent that they have a bearing on the resource management issues in the District);
- The re-zoning must have regard to the extent to which the District Plan needs to be consistent with policy statements and plans of adjacent regional councils and territorial authorities; and
- The re-zoning must take into account any relevant planning document recognised by an iwi authority and lodged with the Council to the extent that its content has a bearing on the resource management issues of the District.

Part 2 Purpose and Principles

40. The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is outlined in Section 5(2) of the Act as:

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while —

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

41. The Council's application of 'Zones' and associated policy framework in PC19 sets out the Council's direction with respect to the appropriate land use and activities within identified areas which are expected to achieve 'sustainable management'.

42. Extending the LLRZ-P2 over the submitters sites will not affect the availability of productive land and will provide for the economic well-being and health and safety of the submitters and residents, taking into account the expert evidence and assessment of effects contained within this evidence.

43. Section 6 of the Act sets out Matters of National importance that must be given regard to and provided for when exercising the functions and powers of the Act and particularly when considering the appropriate zoning framework. Of specific relevance to the submitter's proposed re-zoning is:

(h) the management of significant risks from natural hazards.

44. The submitters site has been subjected to Consent Notice controls through RC110089 due to the historic Westmoreland Water Race and is also

overlain by some alluvial fan hazards on the ORC's natural hazards data base.

45. These matters are assessed in detail in my assessment of effects below and I come to the overall opinion that hazards are not likely to create any intolerable level of risk to people or property.

46. Section 7 of the Act contains a set of 'Other Matters' that must be given particular regard to when exercising powers and functions under the Act. The matters that I consider relevant include:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources

47. The intensification of 'infill' housing by the proposed re-zoning is a more efficient use of marginally productive rural land and due to the containment of residential development below the SAL and consistent with the level of existing residential development in the valley, the visual amenity values of the rural landscape are protected from inappropriate urban sprawl.

48. Further, due to the proximity of the subject site to key transport routes and infrastructure services all of which are discussed in more detail below, the re-zoning of the subject site is an efficient use of the natural land resource.

49. Section 8 requires the Principles of the Treaty of Waitangi to be taken into account.

Regional Policy Statement

50. Section 75(3) of the Act requires that a District Plan must give effect to any Regional Policy Statement.

51. At the current time this includes the Partially Operative Otago Regional Policy Statement 2019 (**PORPS 2019**) and the Proposed Regional Policy Statement 2021 (**PRPS 2021**).

Partially Operative Regional Policy Statement 2019

52. The relevant provisions under the PORPS 2019 are as follows:

Objective 3.1

The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.

Policy 3.1.7 – Soil Values

Safeguard the life-supporting capacity of soil and manage soil to:

a) Maintain or enhance as far as practicable

i. Soil biological diversity;

ii. Biological activity in soils;

iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;

iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;

v. Soil fertility where soil is used for primary production;

b) Where a) is not practicable, minimise adverse effects;

c) Recognise that urban and infrastructure development may result in loss of soil values.

d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;

e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.

Policy 3.1.11 Natural features, landscapes, and seascapes

Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.

53. The proposed re-zoning will result in the loss of soil for productive use. However, advice from the applicant has confirmed that the productivity of the vineyard is now declining and the ability to achieve an economic return from the small landholdings is marginal. Importantly, the site is not 'highly productive land' in accordance with the NPS Highly Productive Soils.

54. In assessing the proposed I have been cognisant of the landscape values of the receiving environment and in this regard, the site sits outside the SAL and is at a consistent contour as other residential development on the adjacent sites. As described by Ms Wilkins in her landscape evidence, the character and amenity of the area is recognised and maintained by the proposed re-zoning.

Objective 4.1

Risks that natural hazards pose to Otago's communities are minimised

Policy 4.1.1 Identifying natural hazards

Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following:

a) Hazard type and characteristics;

b) Multiple and cascading hazards;

c) Cumulative effects, including from multiple hazards with different risks;

d) Effects of climate change;

e) Using the best available information for calculating likelihood;

f) Exacerbating factors.

Policy 4.1.2 Natural hazard likelihood

Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years.

Policy 4.1.4 Assessing activities for natural hazard risk

Assess activities for natural hazard risk to people, property and communities, by considering all of the following:

a) The natural hazard risk identified, including residual risk;

b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;

c) The long-term viability and affordability of those measures;

d) Flow-on effects of the risk to other activities, individuals and communities;

e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.

Policy 4.1.6 Minimising increase in natural hazard risk

Minimise natural hazard risk to people, communities, property and other aspects of the environment by:

a) Avoiding activities that result in significant risk from natural hazard;

b) Enabling activities that result in no or low residual risk from natural hazard;

c) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years;

d) Encouraging the location of infrastructure away from areas of hazard risk where practicable;

e) Minimising any other risk from natural hazard.

55. An assessment of natural hazard risk has been undertaken below in my assessment of effects. This assessment has found that a historical water race that existed when the site was sub-divided is no longer in use. While the ORC natural hazard database has an alluvial fan overlay on top of the submitters site (and most of Lowburn Valley), this is inactive and is not considered to be have been active or likely to be active within a time period any less than 100 years.

56. Based on the assessment of natural hazards below, the proposal for re-zoning of the subject site will not result in any significant risk from natural hazards and there is no likelihood of natural hazards occurring in the next 100 years.

Objective 4.5

Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.

Policy 4.5.1 Providing for urban growth and development

Provide for urban growth and development in a strategic and co-ordinated way, including by:

a) Ensuring future urban growth areas are in accordance with any future development strategy for that district.

b) Monitoring supply and demand of residential, commercial and industrial zoned land;

c) Ensuring that there is sufficient housing and business land development capacity available in Otago;

d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6

e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way.

f) Having particular regard to:

i. *Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production;*

ii. *Minimising competing demands for natural resources;*

iii. *Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;*

iv. *Maintaining important cultural or historic heritage values;*

v. *Avoiding land with significant risk from natural hazards;*

g) *Ensuring efficient use of land;*

h) *Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;*

i) *Requiring the use of low or no emission heating systems where ambient air quality is:*

i. *Below standards for human health; or*

ii. *Vulnerable to degradation given the local climatic and geographical context;*

j) *Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth.*

Policy 4.5.2 Integrating infrastructure with land use

Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

a) *Recognising and providing for the functional needs of infrastructure;*

b) *Locating and designing infrastructure to take into account all of the following:*

i. *Actual and reasonably foreseeable land use change;*

ii. *The current population and projected demographic changes;*

iii. *Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;*

iv. *Natural and physical resource constraints;*

v. *Effects on the values of natural and physical resources;*

vi. *Co-dependence with other infrastructure;*

vii. *The effects of climate change on the long-term viability of that infrastructure;*

viii. *Natural hazard risk.*

c) *Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.*

Policy 4.5.3 Urban design

Design new urban development with regard to:

a) *A resilient, safe and healthy community;*

b) *A built form that relates well to its surrounding environment;*

c) *Reducing risk from natural hazards;*

d) *Good access and connectivity within and between communities;*

e) *A sense of cohesion and recognition of community values;*

f) Recognition and celebration of physical and cultural identity, and the historic heritage values of a place;

g) Areas where people can live, work and play;

h) A diverse range of housing, commercial, industrial and service activities;

i) A diverse range of social and cultural opportunities.

57. The PORPS 2019 notes that the quality of the urban environment can affect quality of life and community viability. Built environments that relate well to their surroundings, have easy connectivity, access to key services, and reflect the distinctive character of their locality make a positive contribution to the community. Poor quality or badly co-ordinated development presents social, environmental, and economic risks.

58. It will be described in the assessment of effects below, and in the evidence of Mr Fuller and Mis Wilkins, that the proposed re-zoning fits with character of the Lowburn Valley, traffic generation can be accommodated on the existing roading network, and infrastructure servicing can be adequately provided taking into consideration planned wastewater upgrades as reported by Ms Muir.

Objective 5.3

Sufficient land is managed and protected for economic production.

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by:

a) Enabling primary production and other rural activities that support that production;

b) Providing for mineral exploration, extraction and processing;

c) Minimising the loss of significant soils;

d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;

e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;

f) Providing for other activities that have a functional need to locate in rural areas.

59. It has been described above how the submitters land is already consented with four residential building platforms and that the economic viability of the existing vineyard is diminishing to the point where this productive use will no longer occur.

60. Accordingly, re-zoning the land to LLRZ-P2 and enabling future subdivision into smaller 3,000m^2 lots will not be a loss of productive capacity or efficiency as this is already occurring due to the historic subdivision of the submitter's sites.

61. Importantly, the submitters land is not located within Highly Productive Land as defined by the National Policy Statement for Highly Productive Land.

Proposed Regional Policy Statement 2021

62. The relevant provisions under the PORPS 2019 are as follows:

Objectives

LF–LS–O11 – Land and soil

The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.

Policies

63. *LF–LS–P19 – Highly productive land*

Maintain the availability and productive capacity of highly productive land by:

(1) identifying highly productive land based on the following criteria:

(a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system,

(b) the suitability of the climate for primary production, particularly crop production, and

(c) the size and cohesiveness of the area of land for use for primary production, and

(2) prioritising the use of highly productive land for primary production ahead of other land uses, and

(3) managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD–P4, UFD–P7 and UFD–P8.

64. The submitters land is not highly productive in terms of the National Policy Statement on Highly Productive Land or the PRPS-2021 Policy LF-LS-P19. The proposed urban expansion meets the requirements of Policy UFD-P4 and UFD-P8 as will be outlined below.

HAZ–NH–O1 – Natural hazards

Levels of risk to people, communities and property from natural hazards within Otago do not exceed a tolerable level.

Policies

HAZ–NH–P1 – Identifying areas subject to natural hazards

Identify areas where natural hazards may adversely affect Otago's people, communities and property by assessing:

(1) the hazard type and characteristics,

(2) multiple and cascading hazards, where present,

(3) any cumulative effects,

(4) any effects of climate change,

(5) likelihood, using the best available information, and

(6) any other exacerbating factors.

HAZ–NH–P2 – Risk assessments

Assess the level of natural hazard risk by determining a range of natural hazard event scenarios and their potential consequences in accordance with the criteria set out within APP6.

HAZ–NH–P3 – New activities

Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ–NH–P2, manage new activities to achieve the following outcomes:

(1) when the natural hazard risk is significant, the activity is avoided,

(2) when the natural hazard risk is tolerable, manage the level of risk so that it does not become significant, and

(3) when the natural hazard risk is acceptable, maintain the level of risk.

65. To my knowledge the Council has not conducted a risk assessment in accordance with APP6. However, as is demonstrated in my assessment below, I have researched the latest ORC hazard mapping for the submitters site (and Lowburn Valley in general), and the expert report from Opus identifies that the alluvial fan hazard is unlikely to become active in the next 100-year return period.

66. Accordingly, it is my opinion that the level of risk of alluvial fan hazard is tolerable for the site to be re-zoned LLRZ-P2.

Objectives

NFL–O1 – Outstanding and highly valued natural features and landscapes

The areas and values of Otago's outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in:

(1) the protection of outstanding natural features and landscapes, and

(2) the maintenance or enhancement of highly valued natural features and landscapes.

Policies

NFL–P1 – Identification

In order to manage outstanding and highly valued natural features and landscapes, identify:

(1) the areas and values of outstanding and highly valued natural features and landscapes in accordance with APP9, and

(2) the capacity of those natural features and landscapes to accommodate use or development while protecting the values that contribute to the natural feature and landscape being considered outstanding or highly valued.

NFL–P3 – Maintenance of highly valued natural features and landscapes

Maintain or enhance highly valued natural features and landscapes by:

(1) avoiding significant adverse effects on the values of the natural feature or landscape, and

(2) avoiding, remedying or mitigating other adverse effects.

67. The submitters land does not fall within the ONL or SAL landscape overlays in the Operative District Plan however, the Lowburn Valley has a distinctive landscape character with a backdrop of significant topographical features.

68. Ms Wilkins explains in her evidence how the proposed re-zoning will not adversely affect the overall character of the Lowburn Valley settlement or the landscape values of the surrounding land.

Objectives

UFD–O1 – Form and function of urban areas

The form and functioning of Otago's urban areas:

(1) reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future, and

(2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.

UFD–O2 – Development of urban areas

The development and change of Otago's urban areas:

(1) improves housing choice, quality, and affordability,

(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,

(3) respects and wherever possible enhances the area's history, setting, and natural and built environment,

(4) delivers good urban design outcomes, and improves liveability,

(5) improves connectivity within urban areas, particularly by active transport and public transport,

(6) minimises conflict between incompatible activities,

(7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,

(8) results in sustainable and efficient use of water, energy, land, and infrastructure,

(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,

(10) achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region's urban growth and change, and

(11) is guided by the input and involvement of mana whenua.

UFD–O3 – Strategic planning Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that

(1) there is sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term,

(2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and

(3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.

UFD–O4 – Development in rural areas

Development in Otago's rural areas occurs in a way that:

(1) avoids impacts on significant values and features identified in this RPS,

(2) avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an operational need for the development to be located in rural areas,

(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and

(4) outside of areas identified in

(3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.

UFD–P1 – Strategic planning

Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:

(1) ensure integration of land use and infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,

(2) demonstrate at least sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term,

(3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and climate change,

(4) minimise risks from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development,

(5) indicate how connectivity will be improved and connections will be provided within urban areas,

(6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,

(7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, and

(8) *identify, maintain and where possible, enhance important features and values identified by this RPS.*

UFD–P2 – Sufficiency of development capacity

Sufficient urban area housing and business development capacity in urban areas, including any required competitiveness margin, is provided in the short, medium and long term by:

(1) *undertaking strategic planning in accordance with UFD–P1*

(2) *identifying areas for urban intensification in accordance with UFD–P3,*

(3) *identifying areas for urban expansion in accordance with UFD–P4,*

(4) *providing for commercial and industrial activities in accordance with UFD–P5 and UFD–P6*

(5) *responding to any demonstrated insufficiency in housing or business development capacity by increasing development capacity or providing more development infrastructure as required, as soon as practicable, and*

(6) *requiring Tier 2 urban environments to meet, at least, the relevant housing bottom lines in APP10.*

UFD–P4 – Urban expansion

Expansion of existing urban areas is facilitated where the expansion:

(1) *contributes to establishing or maintaining the qualities of a well-functioning urban environment,*

(2) *will not result in inefficient or sporadic patterns of settlement and residential growth,*

(3) *is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way,*

(4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,

(5) manages adverse effects on other values or resources identified by this RPS that require specific management or protection,

(6) avoids, as the first priority, highly productive land identified in accordance with LF–LS–P19,

(7) locates the new urban/rural zone boundary interface by considering:

(a) adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities beyond the new boundary, and

(b) key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defendable long term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or

(c) reflects a short or medium term, intermediate or temporary zoning or infrastructure servicing boundary where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.

UFD–P7 –Rural Areas

The management of rural areas:

(1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,

(2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,

(3) enables primary production particularly on land or soils identified as highly productive in accordance with LF–LS–P19,

(4) facilitates rural industry and supporting activities, (5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,

(6) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and

(7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.

UFD–P8 – Rural lifestyle and rural residential zones

The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:

(1) the land is adjacent to existing or planned urban areas and ready access to employment and services is available,

(2) despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,

(3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise,

(4) avoids, as the first priority, highly productive land identified in accordance with LF–LS–P16

(5) the suitability of the area to accommodate the proposed development is demonstrated, including

(a) capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),

(b) particular regard is given to the individual and cumulative impacts of domestic water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and

(c) likely future demands or implications for publicly funded services and additional infrastructure, and

(6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.

69. The proposed re-zoning is consistent with these provisions. As outlined throughout the assessment of effects below, the evidence of Mr Fuller and the reporting of Ms Muir, the submitters site can be serviced by existing and planned infrastructure services, and traffic generation can be accommodated within the existing road network.

70. Expert landscape evidence from Ms Wilkins confirms that the re-zoning will not result in inefficient or sporadic patterns of settlement and residential growth in the landscape and will contribute to a well-functioning and appropriately located urban expansion.

71. The submitters site is not highly productive land and is immediately adjacent to existing and planned urban areas (LLRZ-P2). The advice from the submitter is that the existing viticultural land use is diminishing in productivity/yield and economic viability.

72. Accordingly, the expansion of the LLRZ-P2 over the submitters land is consistent with the anticipated environmental results UFD-AER1 – UFD-AER-11 listed below these provisions in the PRPS-2021.

Central Otago District Plan PC19

LLRZ-01 Purpose of the Large Lot Residential Zone

The Large Lot Residential Zone provides primarily for residential living opportunities

LLRZ-02 Character and amenity values of the Large Lot Residential Zone

The Large Lot Residential Zone is a pleasant, low-density living environment, which:

1. contains predominantly low-rise and detached residential units on large lots;

2. maintains a predominance of open space over built form;

3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and

4. is well-designed and well-connected into the surrounding area.

LLRZ-O3 Precincts 1, 2 & 3

The density of development in the Large Lot Residential Precincts recognises and provides for maintenance of the amenity and character resulting from existing or anticipated development in these areas.

Policies

LLRZ-P7 Ensure that development within Precincts 2 & 3 maintains a higher level of open space, consistent with the existing character of each precinct.

73. The proposed re-zoning is consistent with the outcomes sought by the Objectives and in particular Objective 2. As descried by Ms Wilkins, the

proposed zoning is well connected to the surrounding area that is already developed and/or which contains the notified LLRZ-P2 zoning.

74. The density provided for in the LLRZ-P2 zone will maintain a predominance of open space within the site (particularly with the 15% maximum building coverage) and will therefore maintain amenity for adjacent land owners.

75. As detailed in Ms Wilkins landscape evidence, the proposed re-zonings effects will maintain the amenity and character of the surrounding landscape and represents an appropriate and logical extension of the urban environment in this locality.

76. Accordingly, the proposed re-zoning will be consistent with the outcomes sought and policy directions of the LLRZ Objectives and Policies.

ASSESSMENT OF EFFECTS OF THE PROPOSED RE-ZONING

77. It is my opinion that the assessment of the appropriateness of the submitters land to be re-zoned to LLRZ-P2 needs to address the following key matters:

- The Surrounding Environment and Character
- Natural Hazards
- Infrastructure Servicing
- Transport and Access

The Surrounding Environment and Character

78. The effects of the proposed re-zoning on the surrounding environment and character have been considered in detail by Ms Wilkins in her expert landscape evidence.

79. I will not replicate her evidence in this section but instead I summarise her key points below:

- The submitters site contains approved residential building platforms and therefore the anticipated future visual aesthetic of the site anticipates residential units and associated residential activities.

- The landscape character, amenity and values of the surrounding Lowburn Valley and its important topographical features will not be diminished because of the proposed re-zoning given it is a minor re-zoning of a wider adapting landscape character.

- There is no risk of further urban spread given that the hillside topography and SAL to the west along with the residential activities to the east and south, and the LLRZ-P2 to the north collectively create a pocketed and confined area on the submitters sites that will appear as a logical extension to the overall LLRZ-P2 landscape.

- The proposed re-zoning represents a logical infill of a pocketed area and effectively amalgamates what would otherwise be an inconsistent area of Rural Residential Resource Area zoning at the southern end of a built-up environment into the wider LLRZ-P2 zone.

- The proposed re-zoning will have acceptable effects on landscape character and visual amenity and is a suitable outcome for the submitters site and can be successfully integrated into the landscape fabric and visual environment.

80. I accept the expert landscape evidence of Ms Wilkins and consider that there are no significant adverse landscape effects that would occur if the proposed LLRZ-P2 were extended over the submitters site.

Natural Hazards

81. Natural hazard implications are an important consideration for any re-zoning proposal, particularly one which seeks to intensify residential development and occupation.

82. In this regard, I note that the Operative Central Otago District Plan Maps do not illustrate the area of proposed re-zoning to be affected by any known natural hazard.

83. A search has been undertaken of the ORC Natural Hazards Database and it is noted that the subject site (including almost all the existing residential sections in Lowburn) are affected by an Inactive Alluvial Fan (Floodwater Dominated).

Figure 1. Inactive Alluvial Fan Shown in Blue.

84. The ORC hazards database notes the source of the alluvial fan hazard as having come from the Otago Alluvial Fans Project (March 2009). This was undertaken by Opus International Consultants Limited and Section 3 – Classification of alluvial fan activity states:

"For the purposes of this work, we distinguish between active and inactive fans in a temporal sense by defining that a fan will only be regarded as inactive if it does not, in its present form, pose any further threat to infrastructure, development or life, ***perhaps within a time period of 100 years*** *(a time frame integral to the Building Act – derived from statistical data on past events to estimate a return time for certain type of events, such as floods)."*

85. The alluvial fan is broken down into more specific categories in a supplementary investigation report by GNS Science (also 2009). The submitters site (including already developed parts of the Lowburn Valley) form part of 'Fan Landform' recently active <300 years, 'Fan Landform River Terrace', and 'Fan Landform Terrace Riser'.

86. The ORC Natural Hazards Portal also notes that the subject site has liquefaction potential of 'Low to none' based on a report titled 'Assessment of liquefaction hazards in the Qtown Lakes C Otago Clutha & Waitaki Districts Otago (2019)'.

87. Importantly, the Otago Regional Council who are responsible for the above hazard mapping and engagement of Opus and GNS for the hazard reporting, have not submitted in any capacity on the notified LLRZ-P2 in Lowburn, the submitters proposed extension of the LLRZ-P2, or that proposed by Lowburn Viticulture Limited or Lakeside Christian Centre.

88. Accordingly, and based on the expert commentary from Opus in their March 2009 report as highlighted above, it is my opinion that the inactive alluvial fan hazard classification and more specific fan identifications, do not pose an intolerable risk to life and property if the re-zoning is approved.

89. While I have not received expert written evidence on this matter, I have discussed this with a Geotechnical Engineer[2] with experience working in the Lowburn area who has advised me that for a natural hazard to be identified as 'in-active' there is usually a substantial volume of evidence for that determination to be made.

90. The GNS supplementary report notes that the submitters site (and wider area) is part of a more detailed Fan Landform that is 'recently active' - <300 years. The advice I have received[3] is that in 'geological time frames' that is considered 'recently active' but at a high level, the hazard mapping does not indicate that there is a high likelihood of alluvial fan hazards occurring and which would result in an intolerable level of risk to the proposed re-zoning.

91. I note that there is an existing Consent Notice on the subject site that was imposed as part of the RC110089 subdivision that created the subject site, and which contains specific requirements relating to earthworks and proximity to the Westmoreland Water Race.

92. My understanding is that the Westmoreland Water Race existed above the subject site and is no longer utilised[4]. Given that this race is now disused, I consider that it poses no hazard risk to the submitters land.

93. In addition to the above natural hazards, consideration has been given to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES**) Regulations 2012.

---

[2] *Jana Kruyshaar, Geotechnical Engineer, Insight Engineering*

[3] *In person discussion and review of the ORC hazard maps and submitters sites with Jana Kruyshaar, 16.05.23.*

[4] *AEE for RC200141 prepared by C. Hughes & Associates, page 3, paragraph 6.*

These regulations were not in force at the time the subdivision consent RC110089 created the submitters sites, and the building platforms were approved. However, the NES will be a relevant consideration for any residential development on the site including if the site is re-zoned to LLRZ-P2 as proposed.

94. I have sought expert advice from Mr Claude Midgley of Insight Engineering (Environmental Scientist) about the implications of the NES regulations on future development given the subject site is a HAIL site due to the existence of the vineyard.

95. Mr Midgley advises that changes in land use and earthworks to enable residential activities on existing vineyards or sites that were historically used for this purpose are not uncommon and significant reporting has been undertaken about the potential environmental effects.

96. Specifically, I have been advised by Mr Midgley that it is more likely than not, that the application of pesticides and herbicides will not have had a significant impact on soil contamination that would result in the limits for residential activities being exceeded.

97. However, Mr Midgley has advised me that treated timber vineyard posts are known to result in highly localised and isolated contamination impacts in the soil.

98. Significant horizontal impacts from the leaching of arsenic, chromium and copper are reportedly limited to within 50mm of the post footprints. Vertical impacts are expected to be limited to 600mm to 800mm below the base of the posts.

99. Vineyard posts and the zone of contamination around them take up an incredibly small amount of the total vineyard area and the distribution of contaminants around the posts has been well documented.

100. Therefore, Mr Midgely advises that it is not considered beneficial to undertake a detailed site investigation of the vineyard area now or in the future, to quantify the concentrations of the heavy metals used to treat the timber posts. Instead, it can be assumed that 0.05% of the soil volume within a given area contains arsenic at concentrations exceeding the Soil Contaminant Standard (SCS) for residential land use. Concentrations of

copper and chromium are not expected to exceed their respective SCSs, and those contaminants are significantly less toxic than arsenic.

101. Mr Midgley advises that the micro-hotspots associated with treated timber posts will pose a significant risk to human health if they are not remediated or managed appropriately.

102. However, in previous developments on vineyard properties, Mr Midgley has recommended that it is appropriate for a proposed change of land use and development to be allowed as a Discretionary Activity under NES Regulation 11, because a detailed site investigation would conclude that the soil contamination exceeds the applicable standard in Regulation 7.

103. In recommending a Discretionary Activity Consent as being appropriate to grant, Mr Midgley has previously suggested that a Remediation Action Plan is implemented to formalise the strategy to manage or remediate the contaminated areas, as well as to provide controls that will minimise or eliminate the risks to human health during the completion of the soil disturbance works.

104. Such remediation would typically involve the boring out of the soil in and around the treated posts after their removal and disposal of the soil at an approved facility. I am advised by Mr Midgley that this is a relatively straight forward and cost-effective process and as such, I do not consider it to be an impediment to developing the site in accordance with the LLRZ-P2 as sought.

105. Overall, the closure of the Westmoreland Water Race, long return period between alluvial fan events, lack of submissions from ORC regarding natural hazard concerns, and the expert advice from Mr Midgley, lead me to form the opinion that natural hazards and soil contamination concerns do not raise any significant issues regarding the appropriateness of applying the LLRZ-P2 zoning to the submitters land.

Infrastructure Servicing

106. Power and telecommunication services already exist to the submitter's sites. While no investigations have been made as to the capacity for additional lots to be serviced if the LLRZ-P2 is applied to the submitter's sites, I note that a Restricted Discretionary Activity Consent would be

required as a minimum for any future subdivision pursuant to Rule SUB-R4.

107. Importantly, the issue of adequate network utility services is matter of discretion (2) in Rule SUB-R4 and ensures that these services can be appropriately confirmed in the future at the time of subdivision when the exact density of development and Lot configuration is known.

108. Accordingly, it is my opinion that the provision of power and telecommunication services is not likely to be an impediment to the proposed LLRZ-P2 zoning on the submitter's sites.

109. Regarding potable water supply, the submitters site is already connected to the Council's reticulated water network in Lowburn Valley Road.

110. I have reviewed the report prepared by Ms Julie Muir, Three Waters Director for Central Otago District Council, and which is attached to the Section 42A Report. On Page 9, Ms Muir comments on the submitters site and confirms that *"this could be serviced for water now".*

111. I rely on Ms Muir's expert advice and consider that the provision of potable water is not an impediment to the proposed LLRZ-P2 zoning on the submitter's sites.

112. Ms Muir has also commented on the availability and capacity of wastewater reticulation to service the submitters land. I understand that improvements to the nitrogen removal capabilities of the Cromwell Treatment Plant are required to meet the Regional Council discharge permit requirements within the next two years[5] but funding is provided for this work between 2025 and 2028[6]. It is therefore unclear whether this upgrade will occur in the next two years (i.e., by 2025) or within the next five years (2025 – 2028).

113. Ms Muir's report identifies that the reticulated wastewater main for Lowburn Valley was not initially designed to carry the level of development that has occurred in this area. This is resulting in issues with the pumpstation and odour. The Lowburn wastewater main and pumpstation requires reconfiguration to enable it to operate effectively and to provide additional capacity.

---

[5] *Paragraph 40 of the S42A Water and Wastewater Report*

[6] *Paragraph 42 of the S42A Water and Wastewater Report*

114. Ms Muir advises that funding has been included in the Draft National Transition Unit 2024 budgets to enable this to occur between 2026 and 2028.[7]

115. On Page 9, Ms Muir comments on the submitters site and confirms that "*This could be serviced for wastewater in 2029 following reconfiguration and upgrading of the Lowburn wastewater main and pumpstation and after nitrogen removal and increased treatment capacity has been constructed*."

116. There appears to be a wide range of flexibility for the undertaking of the required works illustrating that these could be completed as early as 2026 or as late as 2029. Taking the most conservative view, Ms Muir's expert advice is that the site could be serviced for wastewater reticulation by 2029 which would enable realisation of the density sought by re-zoning the submitters site to LLRZ-P2.

117. Ms White discusses the timing for the infrastructure servicing upgrades reported by Ms Muir in the S42A Report and suggests that if the re-zoning of the submitters site was appropriate (and that of Lowburn Viticulture Limited and Lakeside Christian Centre), that this could be addressed through either the application of a Future Growth Overlay (**FGO**) or a Rule limiting further development until the wastewater infrastructure upgrades have occurred[8].

118. I do not support the application of a FGO being applied to the submitters site. A FGO will require a subsequent plan change in the future to enable the zoning to be realised on the site.

119. In my opinion, a future plan change is an inefficient and costly process to enable what is a logical extension of LLRZ-P2 (based on the evidence). There is no need to delay the application of the proposed zoning when:

- There is a confirmed timeframe provided by Ms Muir for the wastewater infrastructure upgrades (2029).
- The site will be subject to a minimum Restricted Discretionary Activity Consent pursuant to Rule SUB-R4 and matter of discretion requires consideration of adequate network utility services.

[7] *Paragraph 46 of the S42A Water and Wastewater Report*
[8] *Section 42A Report, page73, paragraph 226.*

- The vineyard that exists across the submitters sites is under a contractual lease agreement until June 2024 precluding any development being undertaken on the site until then.

- The submitter advises me that a further lease agreement for a two-year period may be agreed to at the expiry of the current lease meaning this use would more likely than not, continue until mid-2028.

120. Given that the current land use is likely to continue until mid-2028 which roughly aligns with the forecasted budget and implementation of wastewater upgrades, it is my opinion that applying the re-zoning now would be the most efficient and effective option.

121. I also consider that there is sufficient certainty for Council that any subdivision sought to realise the LLRZ-P2 on the submitters site would not result in unforeseen pressures on the wastewater network.

122. This is because firstly, any subdivision consent that may be granted by the Council would have a minimum five-year time frame to give effect to the decision. 'Giving effect to' only requires the submission of the survey plan for 223 approval within the five-year expiry date. Accordingly, any subdivision approved today would not need the survey plan to be lodged until 2028 to give effect to the subdivision.

123. Once 223 approval has been obtained, the consent holder would have up to three years to obtain Section 224 approval which would include the undertaking of all physical works and installation of and/or connection to network utility services. This would take the time frame out to 2031 – some two years past the wastewater infrastructure upgrade date that Ms Muir has reported.

124. Further, as the matters of discretion in Rule SUB-R4 specifically refer to the provision of adequate network utility services, it is my opinion that in the processing of any subdivision consent on the submitters site prior to the wastewater infrastructure upgrades in 2029, the Council could (a) decline the consent for lack of servicing capacity or (b) more appropriately condition the consent such that it cannot be given effect to until the wastewater infrastructure upgrade in Lowburn has been completed. In recognition of

this constraint, the lifetime of the consent could also be granted for a period of six years as provided for by the RMA[9].

125. In my opinion, this would be a more efficient and effective approach than applying a FGO if the LLRZ-P2 is otherwise found by the panel to be the most appropriate zoning.

126. I also note that the situation described above is not dissimilar to how the Council have approached subdivision in the Residential Resource Area in Clyde. I have worked on a two-lot subdivision consent to create Lots well above the minimum allotment size of 250m^2 - reticulated and the non-reticulated minimum of 800m^2 for a site that was to be serviced by Stage 1 of the Clyde Wastewater Reticulation Upgrades[10].

127. Despite offering conditions of consent that the proposal could not be given effect to until the Stage 1 upgrades were operational (Council was publicly advertising the operational timeframes on their website and social media as only being a matter of months away), the Council refused to allow the subdivision to progress.

128. If Council can take that approach to refuse to process a subdivision consent in Clyde, I do not see why there would be any concern taking this approach to a discreet number of sites in Lowburn (the submitters land, Lowburn Viticulture Limited, and Lakeside Christian Centre).

129. Accordingly, it is my opinion that there is negligible risk to the Council of the submitters seeking subdivision consent under the LLRZ-P2 provisions and trying to progress this before the wastewater upgrades are completed.

130. Therefore, it is appropriate to approve the re-zoning request now, rather than use a FGO to delay it.

Transport and Access

131. As a result of an opposing submission by Waka Kotahi, the submitter engaged Mr Nick Fuller of Novo Group to assess their proposed re-zoning and the associated transport related effects.

---

[9] *Section 123(d) of the RMA – Duration of Consent is the period specified in the consent or if no such period is specified, 5 years from date of commencement of the consent.*

[10] *RC220230 Lot 1 1,201m^2 and Lot 2 940m^2*

132. I will not repeat Mr Fuller's evidence in full but rather, I provide a summary of key points from his evidence below:

- The submitters vehicle crossing onto Lowburn Valley Road achieves sightline distances of 151m to the north and 56m to the south (to the SH6 intersection). Mr Fuller finds the northern sight lines to comply with the Austroads standards and the distance to the SH6 intersection sufficient given vehicles need to slow and turn into Lowburn Valley Road at that location.

- The access leg to the submitters sites is currently within a 20m wide corridor. The Central Otago District Plan (by way of the Subdivision Code of Practice) requires a 12m wide corridor for a Local Road cul-de-sac serving up to 20 dwellings. As such, Mr Fuller concludes there is more than sufficient width in the existing access to provide satisfactory road access to Lowburn Valley Road.

- Mr Fuller has assessed the potential cumulative traffic effects at the SH6 intersection if the submitters re-zoning were accepted along with that sought by Lowburn Viticulture Limited and Lakeside Christian Centre. Mr Fuller finds that the cumulative peak hour increase in traffic volumes can be accommodated by the existing surrounding road environment.

133. I accept the expert transport evidence of Mr Fuller and consider that there are no significant adverse transport effects that would occur if the proposed LLRZ-P2 were extended over the submitters site.

ANALYSIS OF SUBMISSIONS

Waka Kotahi

134. Waka Kotahi lodged a further submission opposing the submitters re-zoning of their land and requesting their submission be rejected because:

"*Re-zoning of the submitters property to enable Large Lot Residential development is unanticipated by the plan change and the effects of the multi-lot development that could occur if the Council accepts the submission, hasn't been accounted for in infrastructure planning*."

135. The further submission does not elaborate as to whether effects of the development that haven't been accounted for in 'infrastructure planning' relate to network utility infrastructure or road network infrastructure.

136. Regarding the former, the effects on network utility infrastructure have been assessed above and are not considered an impediment to the re-zoning request.

137. Regarding the latter, Waka Kotahi does not provide any specific details about their concerns regarding the roading environment if the submitter's re-zoning request is approved. It has been assumed that their concerns are about the cumulative traffic generation and maintenance of the safety and efficiency of the SH6 intersection.

138. It is unclear why Waka Kotahi have singled out the submitters proposed re-zoning and not that of Lowburn Viticulture Limited and Lakeside Christian Centre who both seek an intensified zoning of their properties in the Lowburn Valley.

139. In response, Mr Fuller has assessed the transport effects of the submitters proposed re-zoning both internally and with respect to the local road environment and SH6 intersection. Mr Fuller has also considered the cumulative traffic generation on the local road environment and SH6 intersection should the Lowburn Viticulture Limited and Lakeside Christian Centre re-zonings be approved.

140. Mr Fuller finds that there are no significant adverse transport effects in either the individual or cumulative approval of the re-zoning requests.

141. I accept Mr Fuller's expert advice and consider that the Waka Kotahi further submission is suitably addressed.

Lakeside Christian Centre

142. Lakeside Christian Centre lodged a further submission conditionally supporting the submitters proposed re-zoning provided that sufficient servicing exists for the site.

143. Reading Ms Muir's infrastructure report, it appears that both the submitter and the Lakeside Christian Centre are unable to be serviced by wastewater reticulation until 2029.

144. I have addressed how the submitters sites will not go through an immediate transition (by way of subdivision) consent to realise the LLRZ-P2 zone if applied to their site due to existing contractual arrangements for the vineyard.

145. I have also identified how the Council will have discretion in granting any subdivision consent (or not) under the Subdivision Chapter provisions to impose conditions about network utility services which could include conditions delaying the commencement of any subdivision consent until the wastewater upgrades have been implemented and that Council also could grant a longer duration to the consent to account for the upgrades.

146. Given the above, I consider that the Lakeside Christian Centre further submission is suitably addressed.

147. I have not received any other further submissions in relation to the submitters proposed re-zoning.

SECTION 32AA EVALUATION

148. Section 32AA of the Resource Management Act requires that a further evaluation is required for any changes made to or proposed since a Section 32 evaluation report for a proposed plan was completed. Essentially assessment under Section 32AA of the Act is a comprehensive evaluation of the proposed changes.

149. Such an evaluation must:

- Be undertaken at a level of detail that corresponds with the scale and significance of the changes;
- Be published in an evaluation report made available for public inspection at the same time as the decision on a proposal is publicly notified; or
- Be referred to in the decision-making record in sufficient detail to demonstrate that a further evaluation was undertaken in accordance with this Section of the Act and
- A specific evaluation report does not need to be prepared if a further evaluation is undertaken within the decision-making record.

150. I have not prepared a standalone Section 32AA evaluation report for the submitters proposed re-zoning. However, I consider that I have demonstrated within the body of my evidence that the proposed LLRZ – P2 provisions and the change in Zoning are the most appropriate way to achieve the purpose of the Act.

151. I have identified that the proposed zoning and associated provisions are the most efficient and effective way to achieve the proposed Objectives and Policies. The costs and benefits of the proposal have been identified and my assessment contains a level of detail that corresponds to the scale and significance of the re-zoning proposal.

CONCLUSION

152. Overall, the proposed re-zoning of Lots 1 – 4 DP 444910 is considered to represent the most efficient and effective zoning.

153. The proposed re-zoning will result in 'infill' of an otherwise anomalous area of Rural Residential Zoned sandwiched between existing and proposed residential development.

154. The expert evidence and my assessment of effects demonstrates that the submitters site can be appropriately serviced, and accessed, that natural hazards and contamination are not impediments to urban development, and that the existing productive land use will cease whether the LLRZ-P2 zone is applied or not due to the small scale, diminishing yields, poor economic return, and development of the approved residential building platforms.

155. As such applying the LLRZ-P2 to the submitters sites is considered to be appropriate in the context of the Resource Management Act 1991.

Sean Dent

16th May 2023

CSD Plan - DP 444910

Survey Number	DP 444910
Surveyor Reference	C1624 Morrison RC 110089
Surveyor	Myles Eliot Garmonsway
Survey Firm	Paterson Pitts Partners Ltd (Cromwell)
Surveyor Declaration	I Myles Eliot Garmonsway, being a licensed cadastral surveyor, certify that: (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and (b)the survey was undertaken by me or under my personal direction. Declared on 15 Sep 2011 09:17 AM

Survey Details

Dataset Description	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578		
Purpose	LT Subdivision		
Status	Deposited	**Type**	Survey
Land District	Otago	**Survey Class**	Class B
Coordinate System	Lindis Peak 2000		

Survey Dates

Surveyed Date	31/08/2011	**Certified Date**	15/09/2011
Submitted Date	15/09/2011 09:17:44	**Survey Approval Date**	22/09/2011
Deposit Date	18/11/2011		

Referenced Surveys

Survey Number	Land District	Bearing Correction
DP 21211	Otago	0°00'00"
SO 22347	Otago	0°00'00"
DP 300132	Otago	0°00'00"
DP 300378	Otago	0°00'00"
DP 357015	Otago	0°00'00"
DP 427578	Otago	0°00'00"

Territorial Authorities

Central Otago District

Comprised In

CT 509063

CT 509062

CSD Plan - DP 444910

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area ZA Deposited Plan 444910	Easement		
Area Z Deposited Plan 444910	Easement		
Lot 1 Deposited Plan 444910	Fee Simple Title	2.2290 Ha	558623
Lot 2 Deposited Plan 444910	Fee Simple Title	2.0115 Ha	558624
Lot 3 Deposited Plan 444910	Fee Simple Title	2.0015 Ha	558625
Lot 4 Deposited Plan 444910	Fee Simple Title	1.7870 Ha	558626
Lot 5 Deposited Plan 444910	Fee Simple Title	0.0886 Ha	Multiple
Lot 6 Deposited Plan 444910	Fee Simple Title	0.3250 Ha	558627
Area A Deposited Plan 444910	Covenant Area		
Area B Deposited Plan 444910	Covenant Area		
Area C Deposited Plan 444910	Covenant Area		
Area D Deposited Plan 444910	Covenant Area		
Area E Deposited Plan 444910	Easement		
Area F Deposited Plan 444910	Easement		
Area G Deposited Plan 444910	Easement		
Area H Deposited Plan 444910	Easement		
Area I Deposited Plan 444910	Easement		
Area J Deposited Plan 444910	Easement		
Area K Deposited Plan 444910	Easement		
Area L Deposited Plan 444910	Easement		
Area M Deposited Plan 444910	Easement		
Area N Deposited Plan 444910	Easement		
Area O Deposited Plan 444910	Easement		
Area P Deposited Plan 444910	Easement		
Area Q Deposited Plan 444910	Easement		
Area R Deposited Plan 444910	Easement		
Area S Deposited Plan 444910	Easement		
Area T Deposited Plan 444910	Easement		
Area U Deposited Plan 444910	Easement		
Area V Deposited Plan 444910	Easement		
Area W Deposited Plan 444910	Easement		
Area X Deposited Plan 444910	Easement		
Area Y Deposited Plan 444910	Easement		
Total Area		8.4426 Ha	

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910
Coordinate System Lindis Peak 2000

From	To	Code	Bearing		Adpt Surv	Distance		Adpt Surv
IT 3 DP 357015	IT V DP 21211	ob1	39°55'10"	M		458.47	M	
IT 3 DP 357015	IT V DP 300132	ob2	2°55'30"	M		346.64	M	
IT V DP 21211	IT V DP 300132	ob9	268°52'00"	M		276.56	M	
IT 2 DP 427578	IT 3 DP 357015	ob29	176°30'00"	M		132.05	M	
IT 3 DP 357015	IT 2 DP 357015	ob3	63°37'30"	A	DP 357015	259.01	A	DP 357015
IT 2 DP 357015	IT 1 DP 357015	ob38	69°01'00"	A	DP 357015	253.02	A	DP 357015
IT 1 DP 357015	IT 4 DP 357015	ob41	261°27'30"	A	DP 357015	140.76	A	DP 357015
IT 4 DP 357015	IT 5 DP 357015	ob42	343°39'30"	A	DP 357015	112.81	A	DP 357015
IT 2 DP 357015	IT II DP 300378	ob39	202°36'30"	A	DP 357015	82.41	A	DP 357015
IT V DP 300132	PEG (1) DP 300132	ob11	173°56'00"	A	DP 300132	40.15	A	DP 300132
IT V DP 300132	PEG (2) DP 300132	ob12	202°37'00"	A	DP 300132	49.09	A	DP 300132
PEG (1) DP 300132	PEG (1) DP 4589	ob43	359°58'30"	A	DP 300132	36.23	A	DP 300132
PEG (1) DP 4589	PEG VIb DP 4589	ob44	359°58'30"	A	DP 357015	4.04	A	DP 357015
PEG VIb DP 4589	PEG VII DP 4589	ob46	263°35'00"	A	DP 357015	27.64	A	DP 357015
PEG VII DP 4589	PEG VIIa DP 4589	ob47	180°00'00"	A	DP 357015	339.26	A	DP 357015
PEG VIIa DP 4589	PEG SO 3820	ob48	172°56'30"	A	DP 357015	36.70	A	DP 357015
PEG SO 3820	PEG (1) DP 300378	ob49	65°51'00"	A	DP 300378	162.44	A	DP 300378
PEG (1) DP 300378	IT II DP 300378	ob51	84°51'40"	A	DP 300378	53.40	A	DP 300378
PEG (1) DP 4589	PEG 2 DP 444910	ob45	83°35'00"	A	DP 357015	74.43	C	
PEG 2 DP 444910	UNMK (54) DP 357015	ob80	83°35'00"	A	DP 357015	223.87	C	
UNMK (54) DP 357015	PEG (2) DP 4589	ob53	83°35'00"	A	DP 357015	4.08	A	DP 357015
PEG (2) DP 4589	PEG V DP 4589	ob55	182°32'30"	A	DP 357015	45.69	A	DP 357015
PEG V DP 4589	PEG IV DP 4589	ob56	251°04'10"	A	DP 357015	19.69	A	DP 357015
PEG IV DP 4589	PEG (2) DP 357015	ob57	180°53'30"	A	DP 357015	24.18	A	DP 21211
PEG (2) DP 357015	IT 5 DP 357015	ob58	209°40'00"	A	DP 357015	8.16	A	DP 357015
PEG (1) DP 300378	PEG 1 DP 444910	ob52	65°51'00"	A	DP 300378	6.84	C	
PEG 1 DP 444910	PEG (2) DP 300378	ob64	65°51'00"	A	DP 300378	37.92	C	
PEG (2) DP 300378	UNMK (1) DP 300378	ob59	65°51'00"	A	DP 300378	15.31	A	DP 300378
UNMK (1) DP 300378	UNMK (2) DP 300378	ob60	65°51'00"	A	DP 300378	6.81	A	DP 300378
UNMK (2) DP 300378	PEG 4 DP 427578	ob61	65°51'00"	A	DP 300378	12.45	A	DP 427578
PEG 4 DP 427578	IT 1 DP 427578	ob63	351°22'00"	M		104.92	M	
PEG SO 3820	UNMK (31) DP 357015	ob50	359°58'30"	A	DP 357015	10.16	A	DP 357015
UNMK (31) DP 357015	PEG 4 DP 444910	ob66	359°58'30"	A	DP 357015	164.38	C	
PEG 4 DP 444910	UNMK (32) DP 357015	ob82	359°58'30"	A	DP 357015	93.58	C	

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910
Coordinate System Lindis Peak 2000

From	To	Code	Bearing		Adpt Surv	Distance		Adpt Surv
UNMK (32) DP 357015	UNMK (33) DP 357015	ob68	359°58'30"	A	DP 357015	2.14	A	DP 357015
UNMK (33) DP 357015	PEG (5) DP 4589	ob70	359°58'30"	A	DP 357015	62.19	A	DP 357015
PEG (5) DP 4589	PEG (2) DP 300132	ob72	359°58'30"	A	DP 357015	0.66	A	DP 357015
IT 2 DP 357015	POST (4) DP 357015	ob40	18°32'00"	A	DP 357015	66.96	A	DP 357015
POST (4) DP 357015	PEG (12) DP 357015	ob74	31°48'00"	A	DP 357015	39.15	A	DP 357015
UNMK 30 DP 444910	PEG 20 DP 444910	ob211	31°48'00"	A	DP 357015	3.82	C	
PEG 20 DP 444910	POST (3) DP 357015	ob77	31°48'00"	A	DP 357015	58.60	A	DP 427578
POST (3) DP 357015	IT 5 DP 357015	ob78	328°01'00"	A	DP 357015	25.54	A	DP 357015
IT 5 DP 357015	PEG 10 DP 427578	ob18	245°56'30"	M		207.34	M	
PEG 10 DP 427578	PEG 3 DP 444910	ob84	44°53'00"	A	DP 427578	7.43	C	
PEG 3 DP 444910	PEG 9 DP 427578	ob93	44°53'00"	A	DP 427578	12.47	C	
PEG 9 DP 427578	IT 5 DP 357015	ob86	68°06'40"	M		188.90	M	
IT 2 DP 427578	PEG 24 DP 427578	ob30	79°05'00"	M		138.70	M	
PEG 24 DP 427578	PEG 10 DP 444910	ob88	122°26'00"	A	DP 427578	1.71	C	
PEG 10 DP 444910	PEG 25 DP 427578	ob92	122°26'00"	A	DP 427578	6.29	C	
PEG 25 DP 427578	IT 2 DP 427578	ob90	261°15'30"	M		144.62	M	
PEG 6 DP 444910	PEG 7 DP 444910	ob94	83°37'00"	C		40.00	C	
PEG 5 DP 444910	PEG 8 DP 444910	ob97	83°37'00"	C		40.00	C	
PEG 6 DP 444910	PEG 5 DP 444910	ob95	173°37'00"	C		30.00	C	
PEG 7 DP 444910	PEG 8 DP 444910	ob96	173°37'00"	C		30.00	C	
PEG 9 DP 444910	PEG 11 DP 444910	ob98	83°37'00"	C		40.00	C	
PEG 13 DP 444910	PEG 12 DP 444910	ob101	83°37'00"	C		40.00	C	
PEG 9 DP 444910	PEG 13 DP 444910	ob99	173°37'00"	C		30.00	C	
PEG 11 DP 444910	PEG 12 DP 444910	ob100	173°37'00"	C		30.00	C	
PEG 14 DP 444910	PEG 15 DP 444910	ob102	83°37'00"	C		40.00	C	
PEG 17 DP 444910	PEG 16 DP 444910	ob105	83°37'00"	C		40.00	C	
PEG 14 DP 444910	PEG 17 DP 444910	ob103	173°37'00"	C		30.00	C	
PEG 15 DP 444910	PEG 16 DP 444910	ob104	173°37'00"	C		30.00	C	
POST (4) DP 357015	PEG 15 DP 427578	ob75	333°43'00"	A	DP 427578	31.59	A	DP 427578
PEG 15 DP 427578	PEG 18 DP 444910	ob107	333°43'00"	A	DP 427578	5.04	A	DP 427578
PEG 18 DP 444910	PEG 19 DP 444910	ob108	37°38'00"	A	DP 427578	7.28	A	DP 427578
PEG 19 DP 444910	UNMK 9 DP 444910	ob109	83°28'00"	A	DP 427578	25.95	C	
UNMK 9 DP 444910	PEG 20 DP 444910	ob204	83°28'00"	A	DP 427578	12.75	C	
IT 1 DP 427578	PEG 15 DP 427578	ob36	44°15'00"	M		50.93	M	
PEG 10 DP 427578	UNMK 60 DP 427578	ob85	205°02'00"	A	DP 427578	4.22	A	DP 427578
UNMK 60 DP 427578	UNMK 63 DP 427578	ob110	205°02'00"	A	DP 427578	2.03	A	DP 427578
UNMK 63 DP 427578	PEG 21 DP 427578	ob112	205°02'00"	A	DP 427578	11.37	A	DP 427578
PEG 21 DP 427578	PEG 22 DP 427578	ob114	174°48'00"	A	DP 427578	14.96	A	DP 427578

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910
Coordinate System Lindis Peak 2000

From	To	Code	Bearing		Adpt Surv	Distance		Adpt Surv
PEG 22 DP 427578	PEG 23 DP 427578	ob115	141°52'00"	A	DP 427578	14.77	A	DP 427578
PEG 23 DP 427578	UNMK 3 DP 444910	ob116	114°57'00"	A	DP 427578	17.83	C	
UNMK 3 DP 444910	PEG 24 DP 427578	ob197	114°57'00"	A	DP 427578	1.00	C	
PEG 9 DP 427578	PEG 8 DP 427578	ob87	51°31'00"	A	DP 427578	37.71	A	DP 427578
PEG 8 DP 427578	PEG 7 DP 427578	ob117	60°59'00"	A	DP 427578	45.48	A	DP 427578
PEG 7 DP 427578	PEG 6 DP 427578	ob118	68°05'00"	A	DP 427578	56.03	A	DP 427578
PEG 6 DP 427578	PEG 5 DP 427578	ob119	83°33'00"	A	DP 427578	47.21	A	DP 427578
PEG 5 DP 427578	UNMK 70 DP 427578	ob120	91°23'00"	A	DP 427578	7.04	A	DP 427578
UNMK 70 DP 427578	PEG (1) DP 357015	ob122	91°23'00"	A	DP 427578	4.00	A	DP 427578
PEG (1) DP 357015	PEG (2) DP 357015	ob124	0°53'30"	A	DP 357015	6.04	A	DP 357015
PEG 25 DP 427578	PEG 27 DP 427578	ob91	136°06'00"	A	DP 427578	9.43	A	DP 427578
PEG 27 DP 427578	PEG 28 DP 427578	ob127	159°07'00"	A	DP 427578	13.04	A	DP 427578
PEG 28 DP 427578	PEG 29 DP 427578	ob129	175°42'00"	A	DP 427578	39.31	A	DP 427578
PEG 29 DP 427578	UNMK 47 DP 427578	ob130	83°44'30"	A	DP 427578	56.37	A	DP 427578
UNMK 47 DP 427578	UNMK 48 DP 427578	ob131	83°44'30"	A	DP 427578	6.10	A	DP 427578
UNMK 48 DP 427578	PEG 14 DP 427578	ob132	83°44'30"	A	DP 427578	5.96	A	DP 427578
PEG 14 DP 427578	PEG 4 DP 427578	ob133	176°03'00"	A	DP 427578	36.48	A	DP 427578
IT 2 DP 427578	PEG 29 DP 427578	ob31	102°58'40"	M		161.20	M	
IT 5 DP 357015	PEG (1) DP 357015	ob19	75°05'00"	M		4.08	M	
PEG 1 DP 444910	UNMK 2 DP 444910	ob65	355°42'00"	C		6.37	C	
UNMK 2 DP 444910	PEG 29 DP 427578	ob160	355°42'00"	C		52.39	C	
PEG 24 DP 427578	UNMK 31 DP 427578	ob89	81°41'00"	A	DP 427578	10.73	A	DP 427578
UNMK 31 DP 427578	UNMK 39 DP 427578	ob134	81°41'00"	A	DP 427578	7.50	A	DP 427578
UNMK 39 DP 427578	PEG 26 DP 427578	ob135	81°41'00"	A	DP 427578	15.10	A	DP 427578
PEG 26 DP 427578	PEG 13 DP 427578	ob137	69°37'00"	A	DP 427578	32.60	A	DP 427578
PEG 13 DP 427578	UNMK 53 DP 427578	ob138	35°45'00"	A	DP 427578	3.60	A	DP 427578
UNMK 53 DP 427578	UNMK 62 DP 427578	ob139	35°45'00"	A	DP 427578	2.10	A	DP 427578
UNMK 62 DP 427578	PEG 12 DP 427578	ob140	35°45'00"	A	DP 427578	20.67	A	DP 427578
PEG 12 DP 427578	UNMK 10 DP 444910	ob141	70°49'00"	A	DP 427578	28.66	C	
UNMK 10 DP 444910	PEG 15 DP 427578	ob209	70°49'00"	A	DP 427578	5.52	C	
UNMK 39 DP 427578	UNMK 72 DP 427578	ob136	294°57'00"	A	DP 427578	9.11	A	DP 427578
UNMK 72 DP 427578	UNMK 38 DP 427578	ob142	294°57'00"	A	DP 427578	22.57	A	DP 427578
UNMK 38 DP 427578	UNMK 37 DP 427578	ob144	321°52'00"	A	DP 427578	9.42	A	DP 427578
UNMK 37 DP 427578	UNMK 36 DP 427578	ob145	354°48'00"	A	DP 427578	9.30	A	DP 427578
UNMK 36 DP 427578	UNMK 51 DP 427578	ob146	25°02'00"	A	DP 427578	10.24	A	DP 427578
UNMK 51 DP 427578	UNMK 69 DP 427578	ob147	25°02'00"	A	DP 357015	2.03	A	DP 427578
UNMK 69 DP 427578	UNMK 35 DP 427578	ob149	25°02'00"	A	DP 427578	0.90	A	DP 427578
UNMK 35 DP 427578	UNMK 34 DP 427578	ob151	44°53'00"	A	DP 427578	17.58	A	DP 427578
UNMK 34 DP 427578	UNMK 33 DP 427578	ob152	51°31'00"	A	DP 427578	36.30	A	DP 427578
UNMK 33 DP 427578	UNMK 32 DP 427578	ob153	60°59'00"	A	DP 427578	44.03	A	DP 427578

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910
Coordinate System Lindis Peak 2000

From	To	Code	Bearing		Adpt Surv	Distance		Adpt Surv
UNMK 32 DP 427578	UNMK 64 DP 427578	ob154	68°05'00"	A	DP 427578	54.05	A	DP 427578
UNMK 64 DP 427578	PEG 11 DP 427578	ob155	83°34'00"	A	DP 427578	45.86	A	DP 427578
PEG 11 DP 427578	POST (3) DP 357015	ob156	123°46'00"	A	DP 427578	23.46	A	DP 427578
UNMK (31) DP 357015	UNMK (34) DP 357015	ob67	90°06'00"	A	DP 357015	7.99	A	DP 357015
UNMK (34) DP 357015	UNMK 2 DP 444910	ob157	65°50'50"	A	DP 357015	159.99	C	
UNMK 2 DP 444910	UNMK (35) DP 357015	ob161	65°50'50"	A	DP 300378	54.28	C	
UNMK (35) DP 357015	UNMK (1) DP 300378	ob158	184°05'10"	A	DP 300378	6.80	A	DP 357015
UNMK (35) DP 357015	UNMK 47 DP 427578	ob159	4°05'10"	A	DP 300378	36.27	A	DP 427578
UNMK (2) DP 300378	UNMK 48 DP 427578	ob62	4°05'10"	A	DP 300378	40.94	A	DP 427578
UNMK 72 DP 427578	UNMK 73 DP 427578	ob143	81°41'00"	A	DP 427578	22.19	A	DP 427578
UNMK 73 DP 427578	UNMK 44 DP 427578	ob162	69°37'00"	A	DP 427578	30.54	A	DP 427578
UNMK 44 DP 427578	UNMK 52 DP 427578	ob163	35°45'00"	A	DP 427578	0.50	A	DP 427578
UNMK 52 DP 427578	UNMK 61 DP 427578	ob164	35°45'00"	A	DP 427578	2.10	A	DP 427578
UNMK 61 DP 427578	UNMK 54 DP 427578	ob166	35°45'00"	A	DP 427578	23.82	A	DP 427578
UNMK 54 DP 427578	PEG 18 DP 444910	ob169	70°49'00"	A	DP 427578	35.14	A	DP 427578
UNMK (54) DP 357015	UNMK (56) DP 357015	ob54	182°32'30"	A	DP 357015	42.33	A	DP 357015
UNMK (56) DP 357015	UNMK (55) DP 357015	ob171	251°04'10"	A	DP 357015	19.77	A	DP 357015
UNMK (55) DP 357015	UNMK 70 DP 427578	ob172	180°53'30"	A	DP 357015	33.00	A	DP 427578
IT 1 DP 427578	PEG 19 DP 427578	ob37	3°54'40"	A	DP 427578	80.79	A	DP 427578
PEG 19 DP 427578	PEG 20 DP 427578	ob173	83°37'00"	A	DP 427578	40.00	A	DP 427578
PEG 20 DP 427578	PEG 16 DP 427578	ob175	173°37'00"	A	DP 427578	29.99	A	DP 427578
PEG 16 DP 427578	IT 1 DP 427578	ob176	221°20'30"	A	DP 427578	73.58	A	DP 427578
PEG 19 DP 427578	PEG 18 DP 427578	ob174	173°37'00"	A	DP 427578	29.98	A	DP 427578
PEG 18 DP 427578	PEG 16 DP 427578	ob177	83°37'00"	A	DP 427578	40.00	A	DP 427578
UNMK (33) DP 357015	UNMK (18) DP 357015	ob71	111°05'00"	A	DP 357015	11.40	A	DP 357015
UNMK (18) DP 357015	UNMK (19) DP 357015	ob178	106°55'00"	A	DP 357015	89.21	A	DP 357015
UNMK (19) DP 357015	UNMK 60 DP 427578	ob179	106°03'30"	A	DP 357015	11.88	A	DP 427578
UNMK (32) DP 357015	UNMK (13) DP 357015	ob69	111°05'00"	A	DP 357015	10.70	A	DP 357015
UNMK (13) DP 357015	UNMK (14) DP 357015	ob180	106°55'00"	A	DP 357015	89.30	A	DP 357015

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910

Coordinate System Lindis Peak 2000

From	To	Code	Bearing		Adpt Surv	Distance		Adpt Surv
UNMK (14) DP 357015	UNMK 63 DP 427578	ob181	106°03'30"	A	DP 357015	11.58	A	DP 427578
UNMK 60 DP 427578	UNMK 69 DP 427578	ob111	106°03'30"	A	DP 357015	10.12	A	DP 427578
UNMK 63 DP 427578	UNMK 51 DP 427578	ob113	106°03'30"	A	DP 427578	10.12	A	DP 427578
UNMK 69 DP 427578	UNMK (20) DP 357015	ob150	106°03'30"	A	DP 357015	75.87	A	DP 427578
UNMK (20) DP 357015	UNMK 61 DP 427578	ob182	108°12'00"	A	DP 357015	1.19	A	DP 427578
UNMK 51 DP 427578	UNMK (15) DP 357015	ob148	106°03'30"	A	DP 357015	76.15	A	DP 427578
UNMK (15) DP 357015	UNMK 52 DP 427578	ob183	108°12'00"	A	DP 357015	0.51	A	DP 427578
UNMK 61 DP 427578	UNMK 62 DP 427578	ob167	108°12'00"	A	DP 357015	5.24	A	DP 357015
UNMK 52 DP 427578	UNMK (16) DP 357015	ob165	108°12'00"	A	DP 357015	1.49	A	DP 427578
UNMK (16) DP 357015	UNMK 53 DP 427578	ob184	108°12'00"	A	DP 357015	3.76	A	DP 427578
PEG (1) DP 357015	PEG (4) DP 4589	ob125	99°08'40"	A	DP 357015	63.53	A	DP 357015
PEG (4) DP 4589	PEG (3) DP 357015	ob185	110°05'50"	A	DP 357015	12.07	A	DP 357015
PEG (3) DP 357015	PEG (4) DP 357015	ob186	110°05'50"	A	DP 357015	10.06	A	DP 357015
PEG (4) DP 357015	PEG (3) DP 4589	ob187	110°05'50"	A	DP 357015	57.90	A	DP 357015
PEG (3) DP 4589	PEG SO 22347	ob188	128°14'00"	A	SO 22347	4.27	A	SO 22347
PEG SO 22347	PEG (1) DP 357015	ob189	143°52'00"	A	SO 22347	20.44	A	DP 357015
PEG (1) DP 357015	IT 1 DP 357015	ob190	156°35'00"	A	DP 357015	34.52	A	DP 357015
POST (3) DP 357015	PEG (13) DP 357015	ob79	99°15'30"	A	DP 357015	8.20	A	DP 357015
PEG (13) DP 357015	PEG (7) DP 357015	ob191	99°15'30"	A	DP 357015	45.60	A	DP 357015
PEG (7) DP 357015	PEG (8) DP 357015	ob192	110°05'50"	A	DP 357015	73.44	A	DP 357015
PEG (8) DP 357015	PEG (1) DP 357015	ob193	90°20'00"	A	DP 357015	21.63	A	DP 357015
PEG (1) DP 357015	UNMK (52) DP 357015	ob126	157°07'00"	A	DP 357015	4.71	A	DP 357015
UNMK (52) DP 357015	POST (3) DP 357015	ob194	157°07'00"	A	DP 357015	19.94	A	DP 357015
UNMK 70 DP 427578	UNMK (53) DP 357015	ob123	180°53'30"	A	DP 357015	3.49	A	DP 427578
UNMK (53) DP 357015	UNMK (52) DP 357015	ob195	99°08'00"	A	DP 357015	5.96	A	DP 357015
PEG 27 DP 427578	UNMK 39 DP 427578	ob128	19°05'00"	C		14.52	C	
PEG 4 DP 444910	PEG 10 DP 444910	ob83	83°30'40"	C		131.53	C	
PEG 2 DP 444910	PEG 3 DP 444910	ob81	172°46'40"	C		138.14	C	
PEG (5) DP 4589	PEG (6) DP 4589	ob73	89°58'30"	A	DP 357015	23.13	A	DP 357015
PEG (6) DP 4589	PEG (1) DP 300132	ob196	359°58'30"	A	DP 357015	6.04	A	DP 300132

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910
Coordinate System Lindis Peak 2000

From	To	Code	Bearing		Adpt Surv	Distance		Adpt Surv
IT 3 DP 357015	PEG 14 DP 444910	ob4	25°05'00"	M		56.41	M	
IT 3 DP 357015	PEG 15 DP 444910	ob5	48°53'30"	M		84.50	M	
IT 3 DP 357015	PEG 16 DP 444910	ob6	68°59'00"	M		71.77	M	
IT 3 DP 357015	PEG 17 DP 444910	ob7	52°00'00"	M		34.58	M	
IT 2 DP 427578	PEG 4 DP 444910	ob32	33°31'00"	M		12.59	M	
IT 2 DP 427578	PEG 10 DP 444910	ob33	79°33'40"	M		139.95	M	
IT 2 DP 427578	PEG 3 DP 444910	ob34	55°57'20"	M		146.41	M	
IT V DP 300132	PEG 6 DP 444910	ob13	175°05'30"	M		71.40	M	
IT V DP 300132	PEG 7 DP 444910	ob14	145°29'00"	M		80.93	M	
IT V DP 300132	PEG 8 DP 444910	ob15	152°59'00"	M		108.29	M	
IT V DP 300132	PEG 5 DP 444910	ob16	174°39'20"	M		101.39	M	
IT V DP 300132	PEG 2 DP 444910	ob17	86°36'30"	M		78.32	M	
IT 5 DP 357015	PEG 20 DP 444910	ob20	193°39'00"	M		73.54	M	
IT 5 DP 357015	PEG 19 DP 444910	ob21	216°20'00"	M		94.17	M	
IT 5 DP 357015	PEG 18 DP 444910	ob22	216°25'40"	M		101.45	M	
IT 5 DP 357015	PEG 13 DP 444910	ob23	281°50'00"	M		79.83	M	
IT 5 DP 357015	PEG 9 DP 444910	ob24	299°32'30"	M		93.65	M	
IT 5 DP 357015	PEG 11 DP 444910	ob25	320°30'00"	M		65.60	M	
IT 5 DP 357015	PEG 12 DP 444910	ob26	298°30'00"	M		43.66	M	
PEG 5 DP 427578	PEG 11 DP 427578	ob121	173°34'00"	C		10.00	C	
UNMK 3 DP 444910	UNMK 72 DP 427578	ob198	60°27'00"	C		12.28	C	
UNMK 61 DP 427578	UNMK 5 DP 444910	ob168	32°11'00"	C		19.07	C	
UNMK 5 DP 444910	UNMK 54 DP 427578	ob199	49°38'00"	C		4.93	C	
UNMK 54 DP 427578	UNMK 6 DP 444910	ob170	59°40'00"	C		12.92	C	
UNMK 6 DP 444910	UNMK 4 DP 444910	ob200	65°40'00"	C		28.48	C	
UNMK 4 DP 444910	UNMK 8 DP 444910	ob201	83°28'00"	C		27.16	C	
UNMK 8 DP 444910	UNMK 11 DP 444910	ob202	31°48'00"	C		55.57	C	
UNMK 11 DP 444910	PEG 11 DP 427578	ob203	339°42'00"	C		17.04	C	
UNMK 9 DP 444910	UNMK 8 DP 444910	ob205	31°48'00"	C		1.28	C	
UNMK (39) DP 357015	UNMK 7 DP 444910	ob206	79°24'00"	A	DP 357015	8.94	C	
UNMK 7 DP 444910	UNMK (17) DP 357015	ob208	79°24'00"	A	DP 357015	4.84	C	
UNMK (17) DP 357015	POST (4) DP 357015	ob207	351°56'00"	A	DP 357015	13.53	C	
UNMK 10 DP 444910	UNMK 7 DP 444910	ob210	158°10'00"	C		43.94	C	
IT 1 DP 427578	IT 2 DP 427578	ob35	259°40'40"	M		215.35	M	
IT 2 DP 427578	IT V DP 300132	ob27	6°51'10"	M		215.92	M	
IT V DP 300132	IT 5 DP 357015	ob10	100°45'40"	M		284.66	M	
IT V DP 21211	IT 5 DP 357015	ob8	176°55'30"	M		58.70	M	

Toitu te Land whenua Information New Zealand

Mark and Vector

Survey Number DP 444910

Coordinate System Lindis Peak 2000

From	To	Code	Bearing	Adpt Surv	Distance		Adpt Surv
IT 3 DP 357015	PEG 1 DP 444910	ob0	76°26'00" M		157.82	M	
PEG (12) DP 357015	UNMK 30 DP 444910	ob76	31°48'00" A	DP 357015	7.63	C	
PEG 15 DP 427578	UNMK 31 DP 444910	ob106	41°48'00" C		10.37	C	
UNMK 31 DP 444910	UNMK 30 DP 444910	ob212	83°28'00" C		32.00	C	
IT 2 DP 427578	IT 5 DP 357015	ob28	62°10'20" M		345.35	M	

Mark Name	Description
IT 1 DP 427578	-0.1 in landscape mound 0.5m east of rock seat
IT 2 DP 427578	-0.2
IT 3 DP 357015	-0.2 halfway between top of bank and fence.
IT 5 DP 357015	-0.2 adjacent to driveway
IT V DP 21211	-0.15 between vineyard rows
IT V DP 300132	-0.1 in gravel track at corner
PEG (1) DP 357015	In fenceline
PEG 1 DP 444910	in fenceline
PEG 10 DP 427578	By vineyard row post
PEG 10 DP 444910	Flush between vineyard rows
PEG 18 DP 444910	Flush in gravel track
PEG 2 DP 444910	0.2 to fence
PEG 20 DP 444910	In fenceline
PEG 24 DP 427578	By vineyard row post
PEG 25 DP 427578	By vineyard row post
PEG 3 DP 444910	Flush between vineyard rows
PEG 4 DP 427578	In fenceline
PEG 4 DP 444910	In fenceline
PEG 9 DP 427578	By vineyard row post

***** End of Report *****

Schedule / Memorandum

PLAN TITLE:
Lots 1 to 6 Being a subdivision of Lot 2 DP 427578 and Easements over Lot 1 DP 427578

LT 444910 C1624 Morrison RC 110089

Paterson Pitts Partners Ltd.
Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *New Easements*

MEMORANDUM OF EASEMENTS			
PURPOSE	SERV. TENE.	SHOWN	DOM. TENE.
Right of Way	Lot 4	E, F, H, I, K, P, Q, S, T, V, W & X	Lots 1-3, 5 & 6 Lot 1 DP 427578
Right of Way	Lot 1 DP 427578	L	Lot 1

MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SERV. TENE.	SHOWN	GRANTEE
Right to convey Electricity	Lot 4	F, P, Q, R, S, T, V, W & X	Aurora Energy Ltd
	Lot 5	ZA	
	Lot 1 DP 427578	L & Y	
Right to convey Telecommunications and computer media	Lot 4	E, F, P, Q, R, S, T, V, W & X	Telecom New Zealand Ltd
	Lot 5	ZA	
	Lot 1 DP 427578	L	
Right to convey water	Lot 4	F, P, Q, R, S, T, V, W & X	Central Otago District Council
	Lot 5	ZA	
	Lot 1 DP 427578	L	

NOTE:
Areas A, B, C & D are to be subject to a consent notice (Building platform).

Schedule / Memorandum

PLAN TITLE:
Lots 1 to 6 Being a subdivision of Lot 2 DP 427578 and Easements over Lot 1 DP 427578

LT 444910 C1624 Morrison RC 110089

Paterson Pitts Partners Ltd.
Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: ***Existing Easements***

SCHEDULE OF EXISTING EASEMENTS

PURPOSE	SERV. TENE.	SHOWN	CREATED BY
Right of Way	Lot 4	E	El 6892666.16
	Lot 4	E, F, H, I, K, P, Q, V, W & X	El 8415846.6
Right to convey water, electricity, telecommunications and computer media	Lot 4	X	El 8415846.6
	Lot 5	Z & ZA	El 8415846.6
Right to convey water	Lot 2	J	El 6892666.16
	Lot 4	I, U & W	El 6892666.16
	Lot 2	J	El 8415846.6
	Lot 4	I, U & W	El 8415846.6
Right to convey irrigation water	Lot 4	V,W & X	El 8415846.6
	Lot 5	Z & ZA	El 8415846.6
Right to convey sewage	Lot 4	E & F	El 6892666.16
	Lot 4	F	El 6892666.22
	Lot 3	G	El 6892666.16
	Lot 3	G	El 6892666.22

SCHEDULE OF EXISTING EASEMENTS IN GROSS

PURPOSE	SERV. TENE.	SHOWN	CREATED BY
Right to convey water	Lot 4	E	El 6892666.21
Right to convey telecommunications and computer media	Lot 4	E	El 6892666.17
Right to convey Electricity	Lot 4	E	El 6892666.18
	Lot 1	M	El 6892666.18
	Lot 6	N	El 6892666.18
	Lot 6	O	Tr 5085170.9

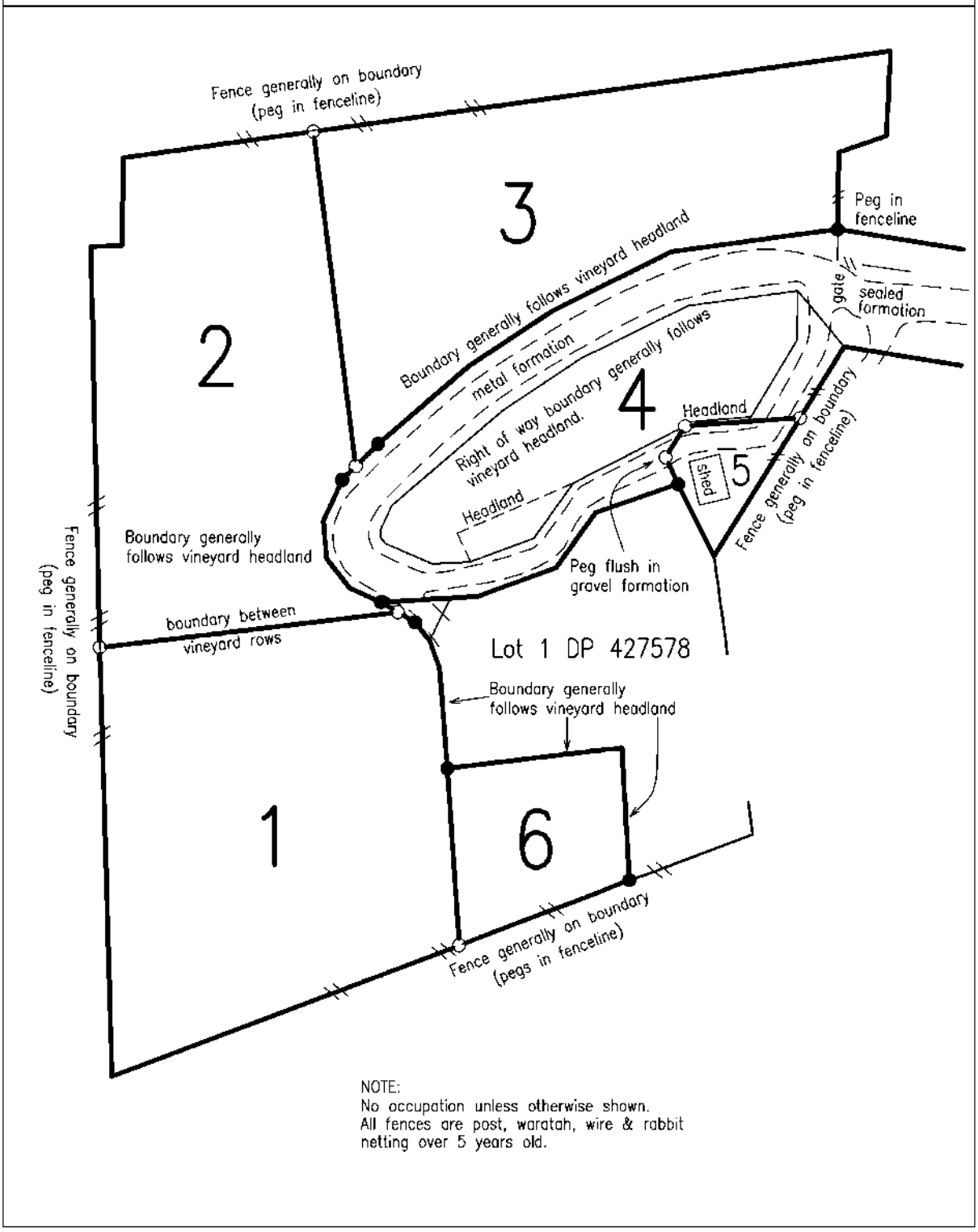
Occupation Diagram

PLAN TITLE:
Lots 1 to 6 Being a subdivision of Lot 2 DP 427578 and Easements over Lot 1 DP 427578

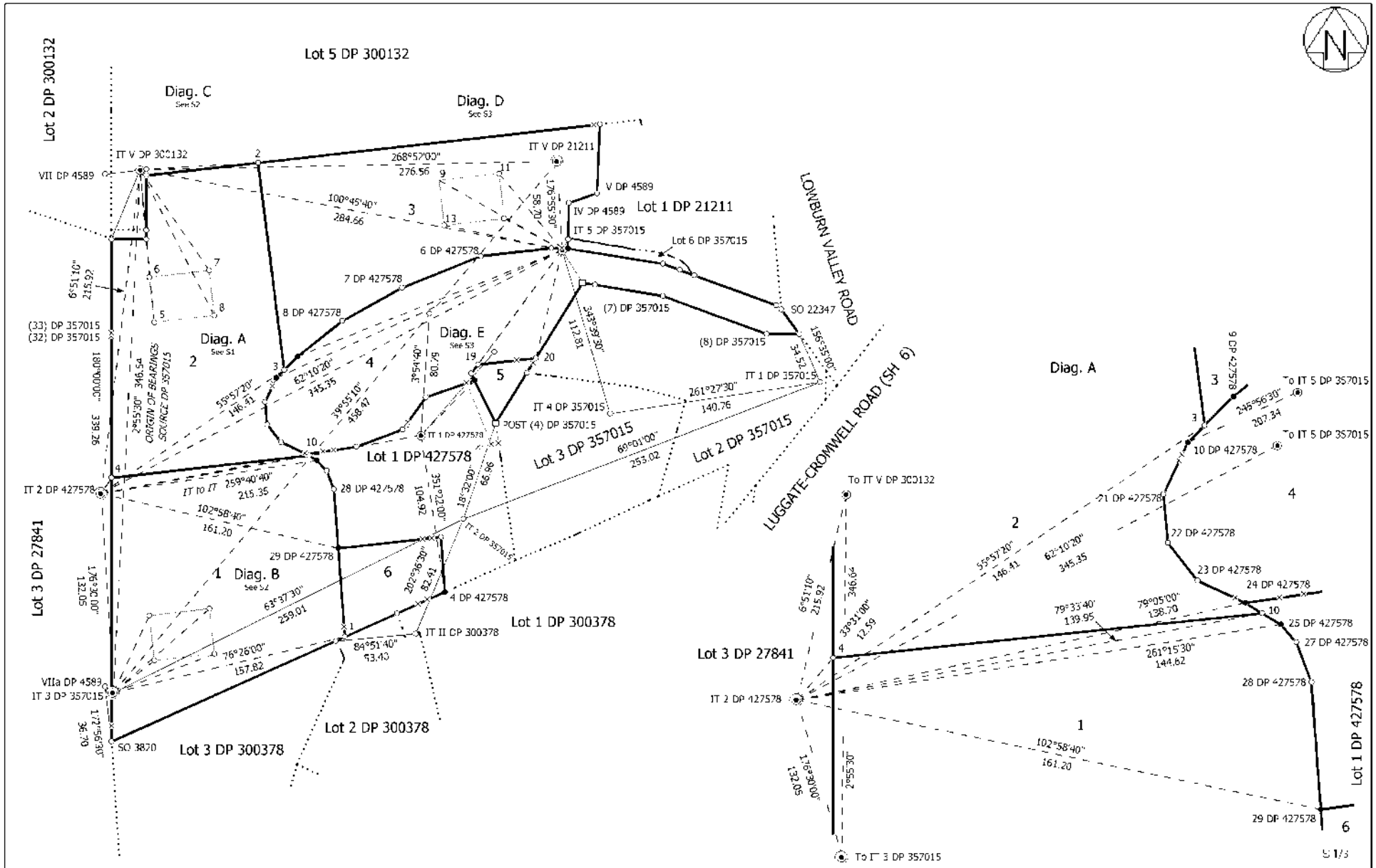
LT 444910 C1624 Morrison RC 110089

Paterson Pitts Partners Ltd.
Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

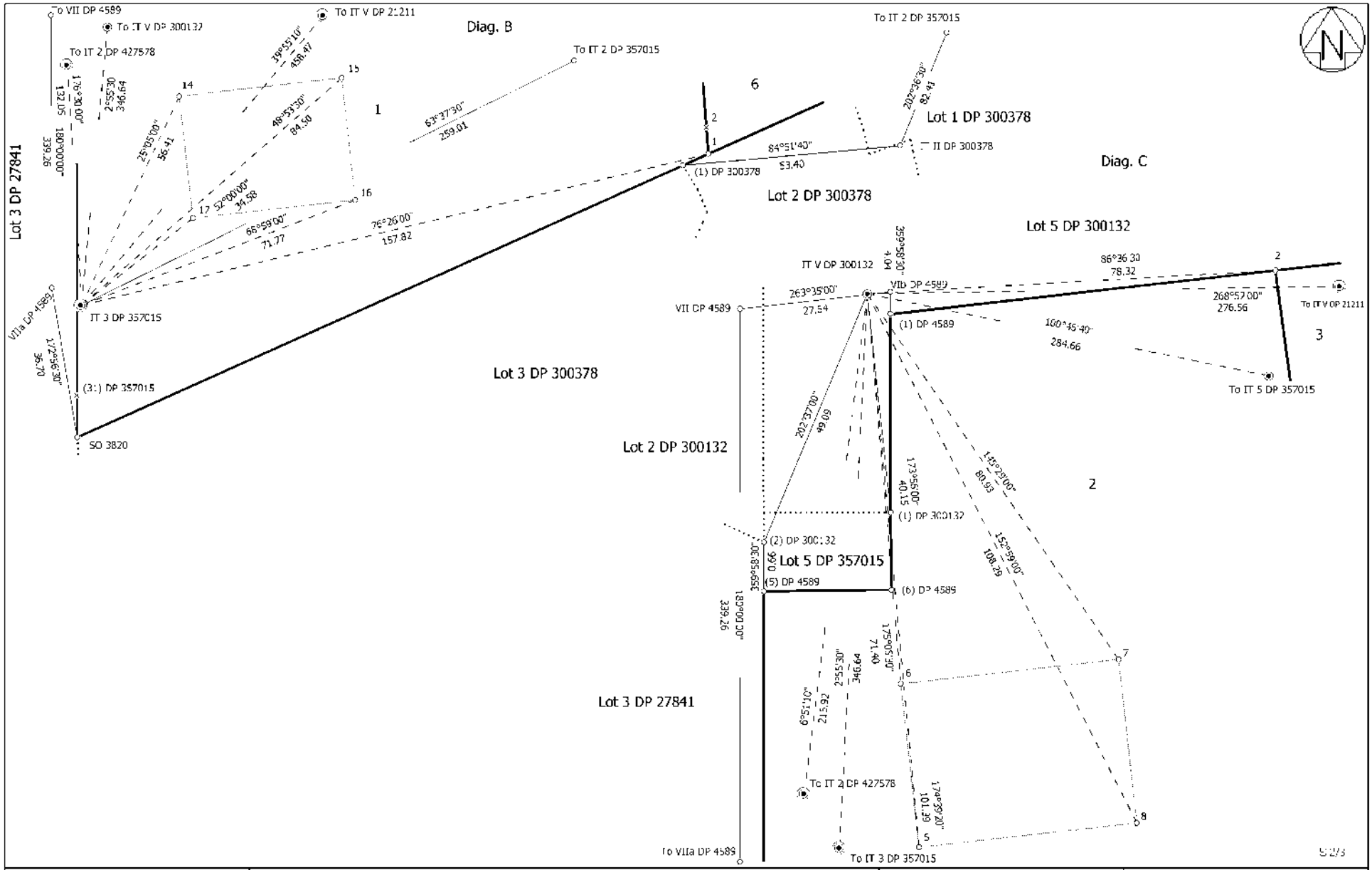
Sheet Purpose: *Occupation Diagram*



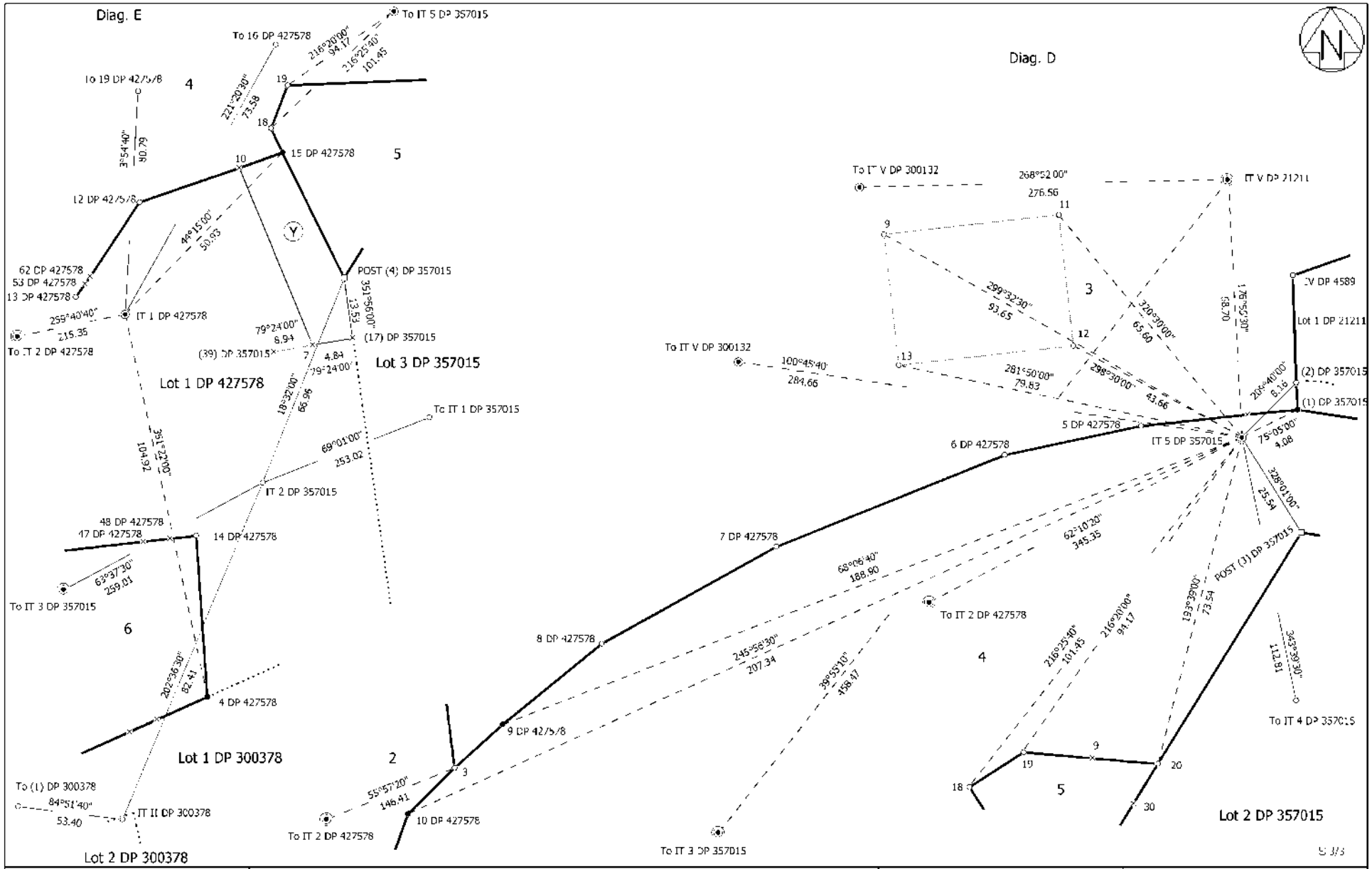
NOTE:
No occupation unless otherwise shown.
All fences are post, waratah, wire & rabbit netting over 5 years old.



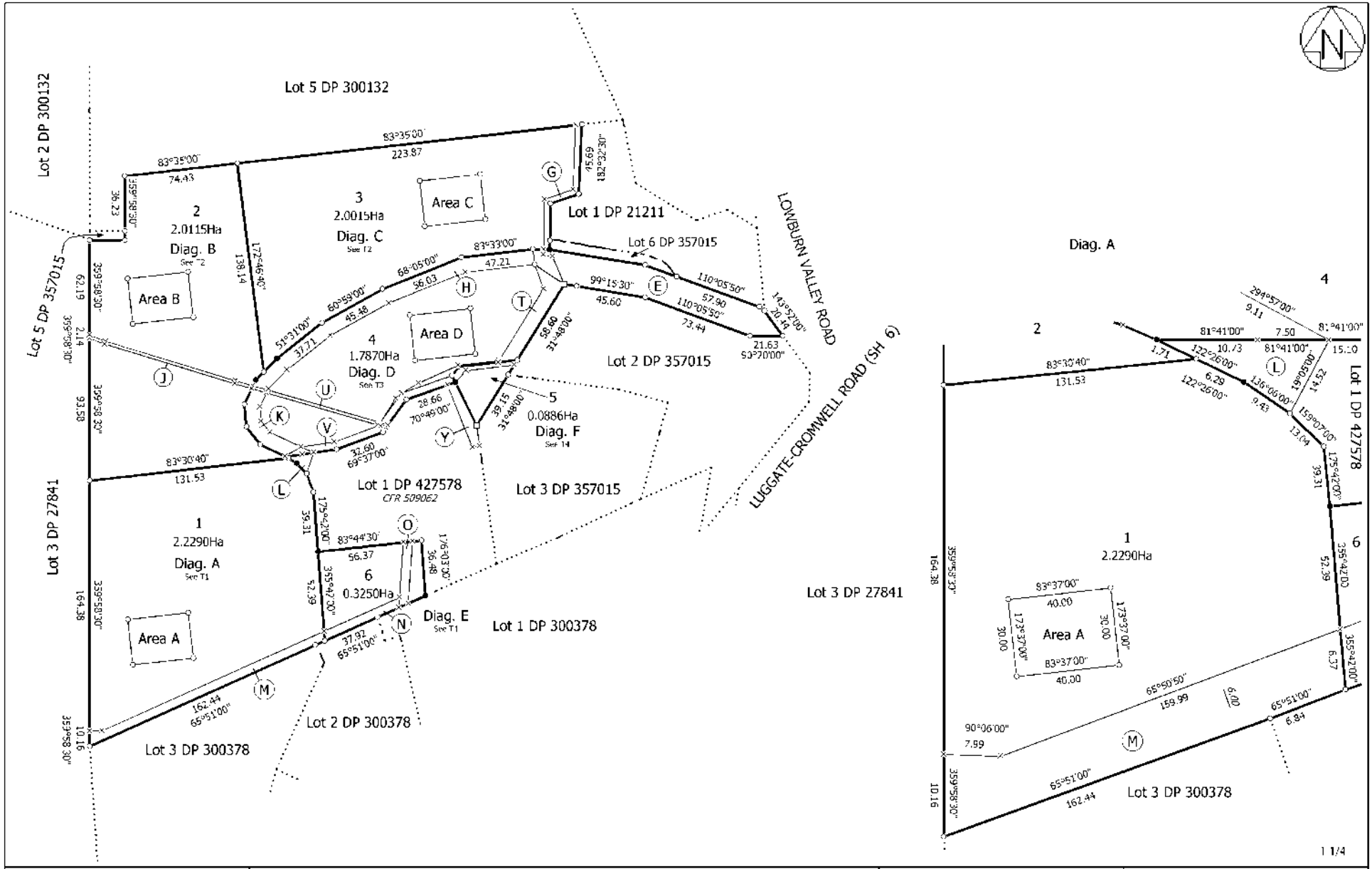
Land District: Otago Digitally Generated Plan Generated on 18/11/2011 09:04am Page 12 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 18/11/2011



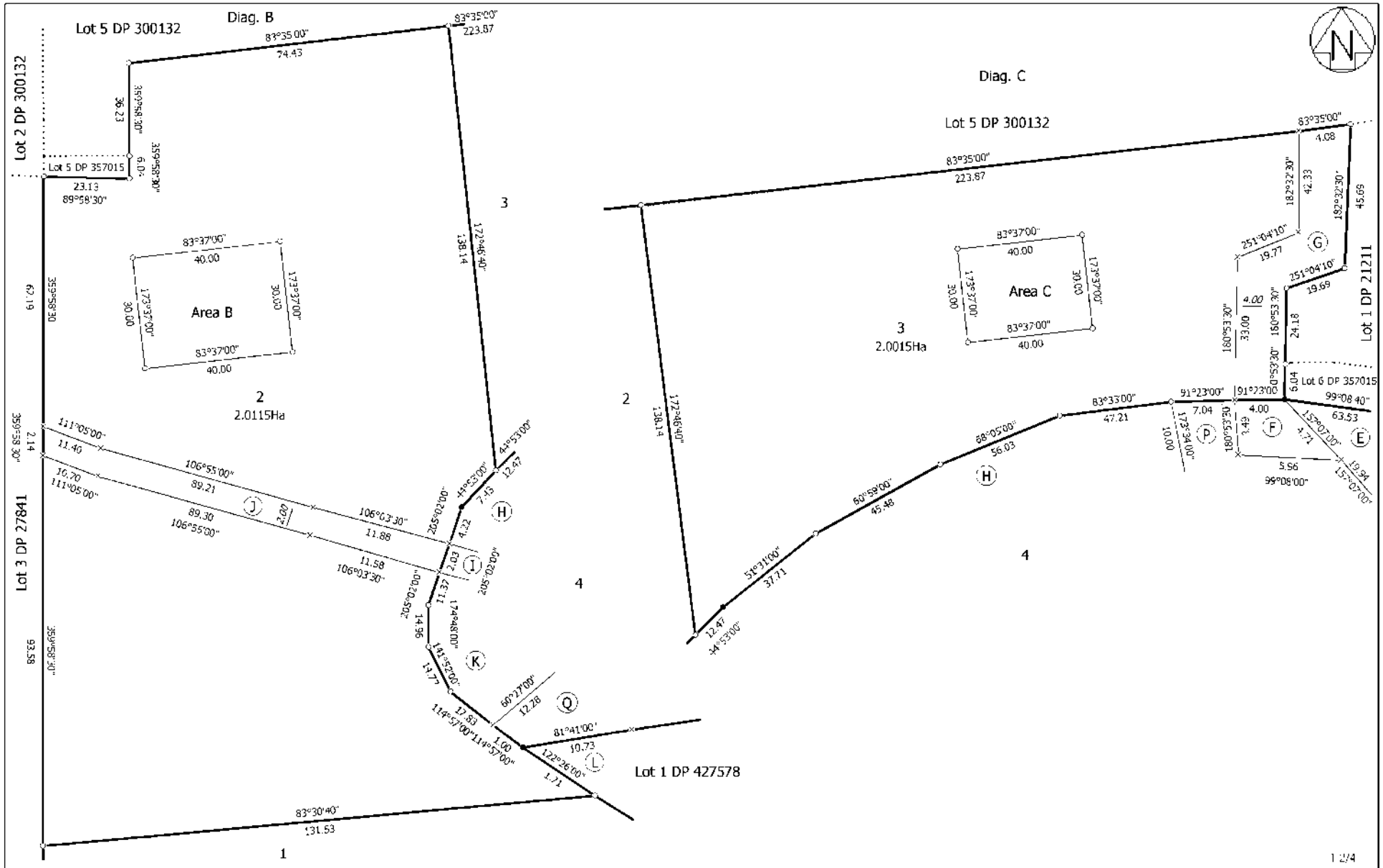
Land District: Otago Digitally Generated Plan Generated on 13/12/2011 09:04am Page 14 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 13/11/2011



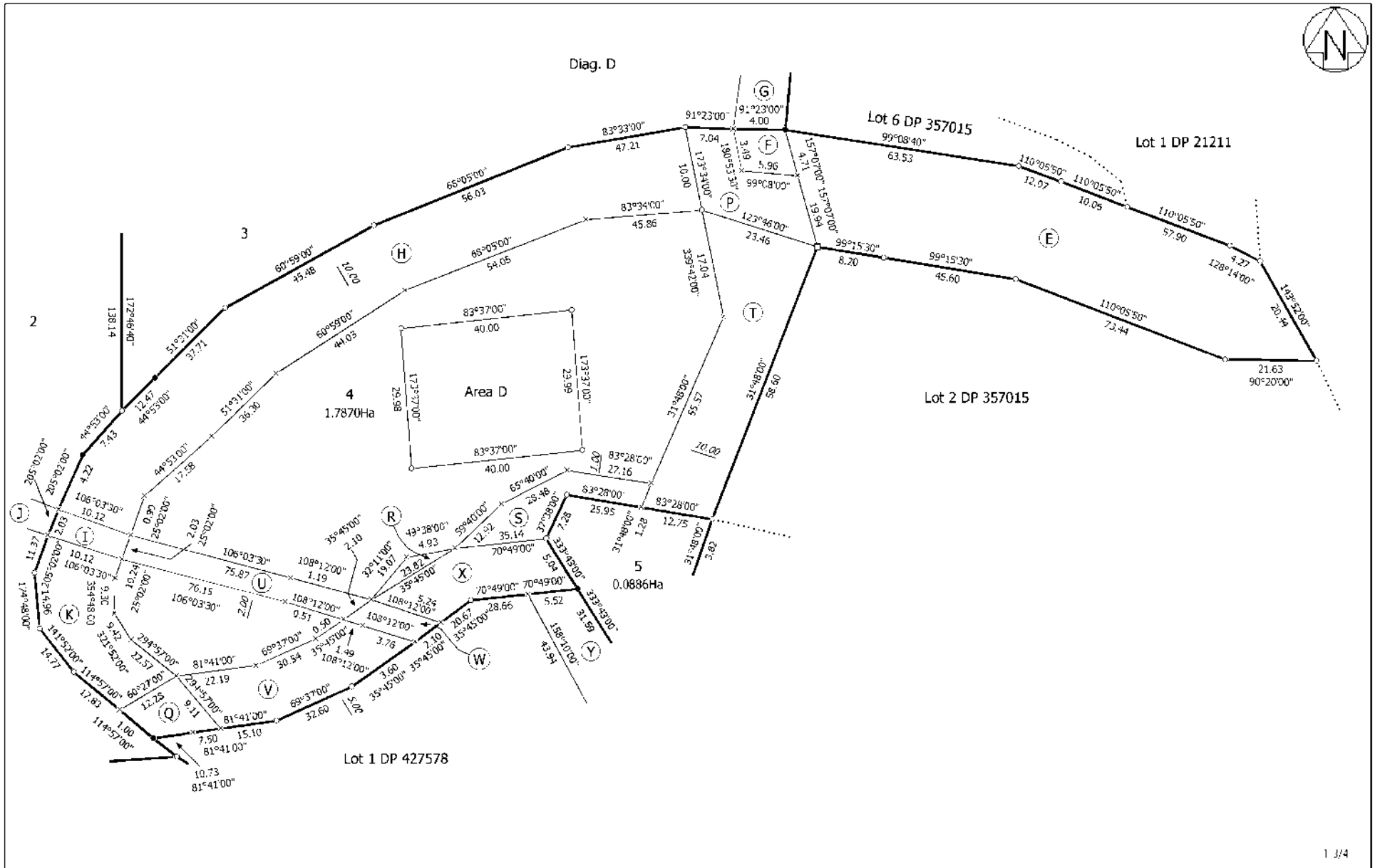
Land District: Otago Digitally Generated Plan Generated on 18/12/2011 09:04am Page 15 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 18/11/2011



Land District: Otago Digitally Generated Plan Generated on 18/12/2011 09:04am Page 10 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 18/11/2011

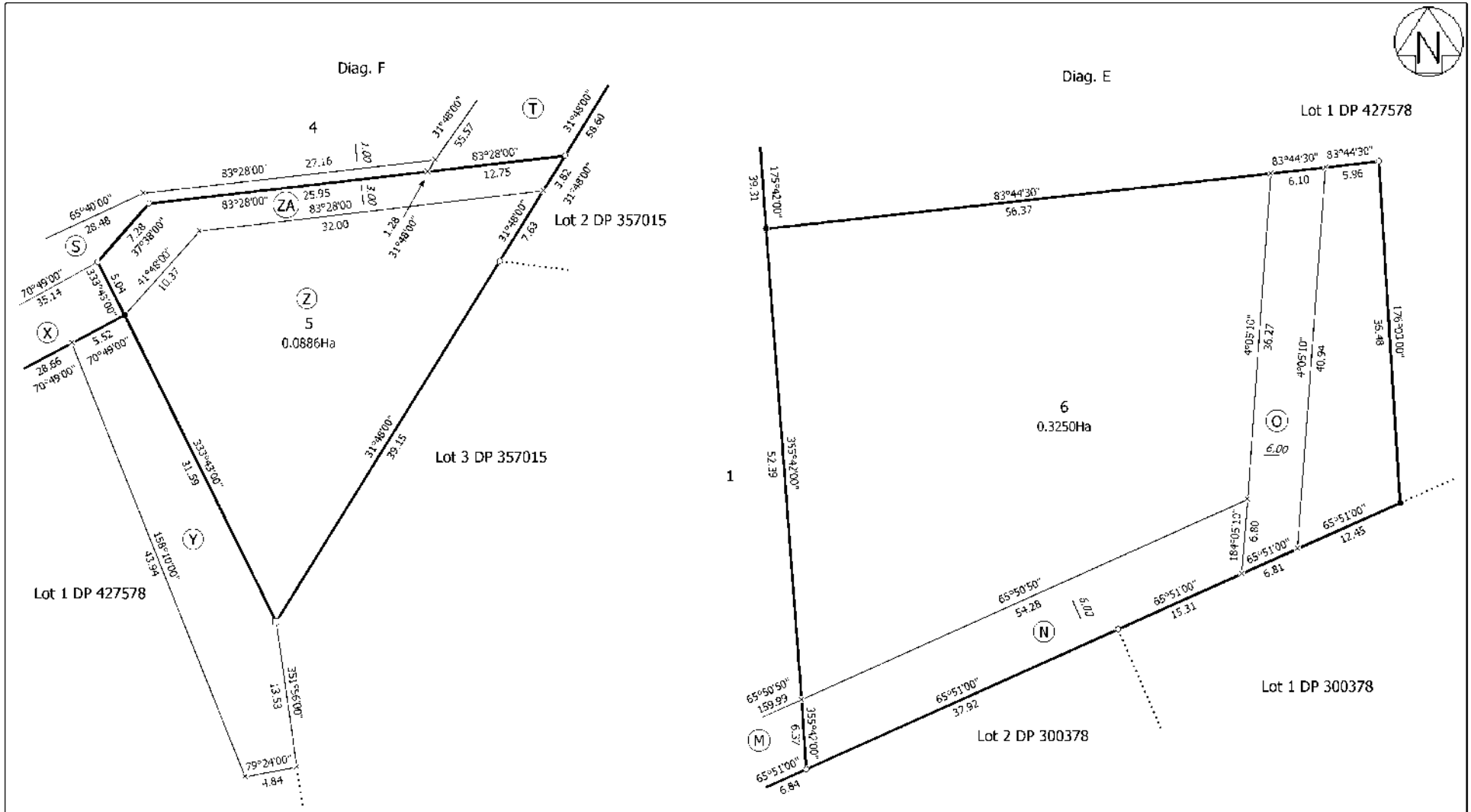


Land District: Otago Digitally Generated Plan Generated on 18/12/2011 09:04am Page 17 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 18/11/2011



1 3/4

Land District: Otago Digitally Generated Plan Generated on 13/12/2011 09:04am Page 10 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 13/11/2011



1 4/4

Land District: Otago Digitally Generated Plan Generated on 18/10/2011 09:04am Page 19 of 19	LOTS 1 TO 6 BEING A SUBDIVISION OF LOT 2 DP 427578 AND EASEMENTS OVER LOT 1 DP 427578	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell) Survey Date: 31/08/2011	CSD Plan DP 444910 Deposited on: 18/11/2011