

30 June 2022

Central Otago District Council  
1 Dunning Street  
PO BOX 122  
ALEXANDRA 9340

Attention: Tom McIntyre  
Via E-mail: [Tom.McIntyre@codc.govt.nz](mailto:Tom.McIntyre@codc.govt.nz)

Dear Tom,

## **RC210404 – CLARIFICATIONS OF PROPOSAL PRIOR TO NOTIFICATION**

### **Introduction**

Southern Planning Group act for Larksbay New Zealand Trustees Limited (**Larksbay**) who are the owners and occupiers of Lot 1 Deposited Plan 387519. The site is located on the eastern side of State Highway 8, Cromwell.

The site is subject to resource consent RC210404 which seeks land use consent to establish a residential building platform and undertake associated earthworks which is referenced RC210404.

We are in receipt of the Council's Section 95 assessment, engineering comment, and external landscape report. Council's position is that the effects on the environment warrant public notification.

The purpose of this correspondence is to make formal clarifications / amendments to the proposal prior to public notification commencing.

### **Proposed Clarification/Amendments to the Original Application**

The applicant wishes to provide clarifications and amendments on the following matters:

- The location of the Outstanding Natural Landscape (**ONL**) line.
- The earthworks that are proposed as part of the development.
- The resource consents triggered by the proposed development.

### The Location of the ONL Line

The application as originally lodged identified that the subject site was partially affected by the ONL line which passes through the site and outlined that the proposed building platform was not located within the ONL<sup>1</sup>.

This statement was made relying on expert landscape advice from Patch<sup>2</sup> which outlined "the proposed BP, access or any proposed landscaping is not within an ONL and Map 44 and 52 shows the BP location to be part of the Rural Resource Area".

Following receipt of the S95 report and reviewing of Figure 1 in that assessment, the applicant requested that their surveyor's prepare plans accurately illustrating the ONL line from the District Plan maps. Upon receipt of that information, it became apparent that ONL line does in fact run through the building platform and proposed access as illustrated in Figure 1 below. Plans illustrating the ONL line in greater detail are attached as **Appendix [A]**.

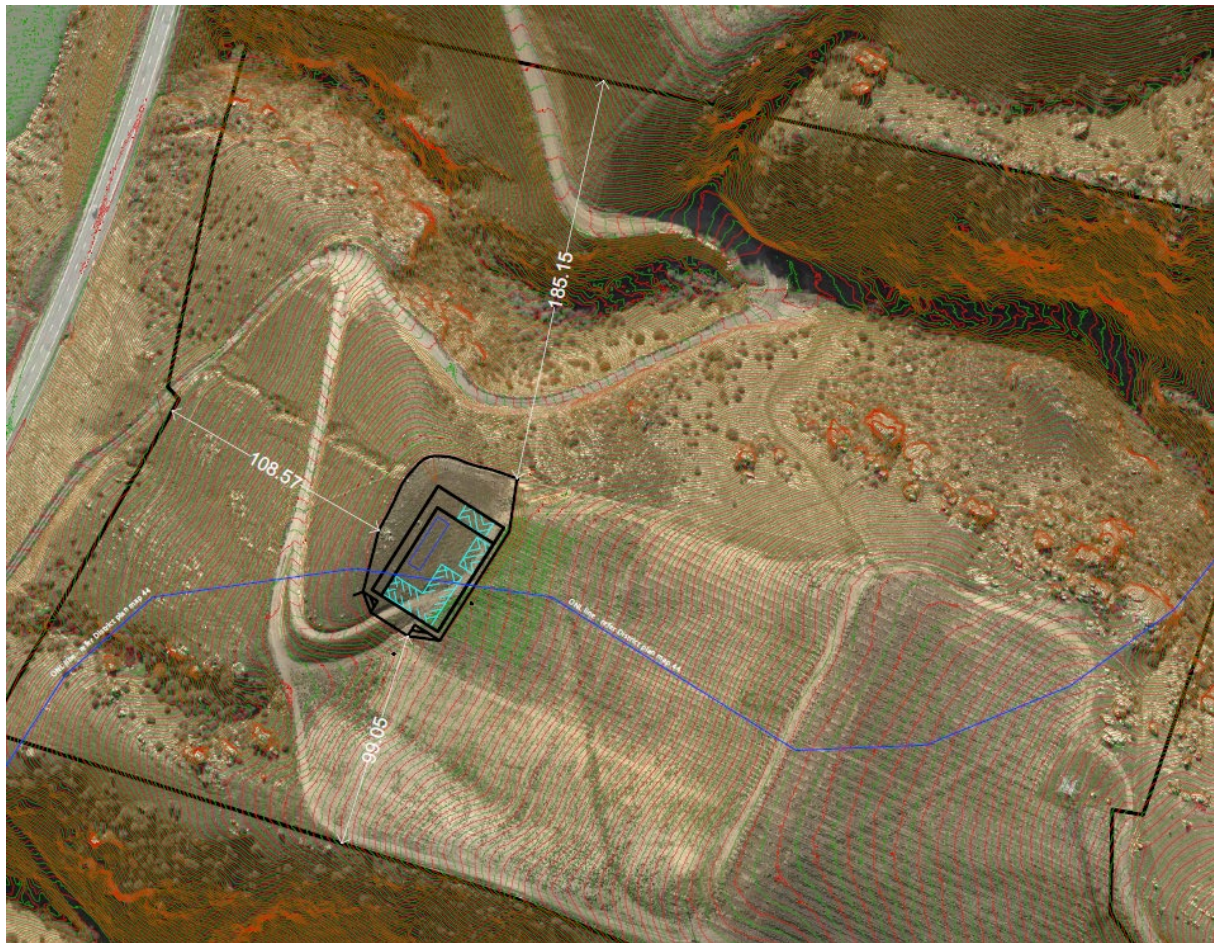


Figure 1 – ONL Line Illustrated in Blue. Source – Landpro.

<sup>1</sup> AEE page 7.

<sup>2</sup> Appendix [F] of AEE – Patch Landscape Assessment, paragraph 2.7

Mr Skelton from Patch has prepared a brief landscape memorandum outlining his professional opinion on where the ONL line *should* be located and why. This memorandum is attached as **Appendix [B]**.

Notwithstanding Mr Skelton's professional opinion, the application must be assessed in accordance with the Zoning and landscape overlays that affect the site as illustrated on the Operative District Plan Maps.

Accordingly, the applicant confirms that the proposal seeks consent for a building platform and associated earthworks, within an ONL.

### The Proposed Earthworks

In the RFI response letter dated 28.02.22, it was outlined at point (1) that the RL level from which future building height is to be measured is RL 268.0m. The expert advice from the applicant's landscape architect was that it may be unnecessary to excavate the entire platform as originally proposed. Rather, it was considered more appropriate if earthworks are designed around the future built form and considered as part of the future resource consent which will be required for construction of a dwelling in the platform. For this reason, the earthworks were formally removed from the proposal.

However, in the S95 report it is clear that Council consider the earthworks are clearly integral to the proposal and cannot be 'artificially removed' from the application and considered in a separate process<sup>3</sup>.

Given the above opinions of Council and to avoid any 'scope' issues following notification, the applicant requests that the earthworks for the proposal are formally re-inserted into the application for notification.

The earthworks are to be considered a 'worst case scenario' as the future dwelling for the platform may not require such extensive earthworks particularly given the design controls on maximum building footprint etc.

The plans in **Appendix [A]** illustrate the full extent of earthworks to reduce the entire building platform to the RL 268.0m and also includes cross sections of the proposed earthworks to enable a better understanding of the effects.

### Confirmation of the Resource Consents Triggered

Given the matters outlined above, the following is considered to represent an accurate list of the Operative District Plan consent triggers for this proposal:

- A **Restricted Discretionary Activity Consent** pursuant to Rule 4.7.3(vii) for the establishment of a residential building platform.
- A **Restricted Discretionary Activity Consent** pursuant to Rule 4.7.3(iii) whereby future built form within the proposed built form may be visible on a skyline when

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<sup>3</sup> Council's S95 Assessment, page 7, Decision on Landscape and Visual Amenity Effects.

travelling south along a short section of State Highway 8 in non-compliance with Standard 4.7.6D(b).

- A **Discretionary Activity Consent** pursuant to Rule 4.7.4(i) whereby the proposal breaches Standard 4.7.6J(b) as earthworks will exceed the permitted limits.
- A **Discretionary Activity Consent** pursuant to Rule 4.7.4(i) for buildings and earthworks in an ONL pursuant to Standard 4.7.6L(1)

It is noted that the Operative District Plan specifies at Standard 4.7.6L(1) that no activity shall have the effect of erecting any new structure or building, cutting new roads, landings or utility lines or excavating greater than 20m<sup>3</sup> or 50m<sup>2</sup> in any ONL.

Standard 4.7.6L(2) states that the above Standard shall not apply to reviewable land that has been freeholded under Part 2 of the Crown Pastoral Land Act 1998 subsequent to the operative date of this plan, or is freehold land listed in Schedule 19.6.3.

The subject site is understood to have once been a part of Northburn Station which was an 'outstation to Morven Hills Station. Northburn Station is not listed in Schedule 19.6.3 of the Operative District Plan as having been freeholded via tenure review under the Crown Pastoral Land Act 1998 or the Land Act 1948.

LINZ have not been able to find records for tenure review of Northburn Station<sup>4</sup>. As the Central Otago District Plan became operative on 1<sup>st</sup> April 2008<sup>5</sup>, it would appear based on the previous Title records available to us that the site wasn't freeholded '**subsequent to the operative date of this plan**' as specified in the exemptions in Standard 4.7.6L(2)(a).

Given the above, and as a result of the clarification of the position of the ONL line discussed above, consent is now also sought as a Discretionary Activity for a breach of Standard 4.7.6L(1) as the proposed building platform will have the effect of enabling the construction of a building or structure and the earthworks will exceed the limitations in part (c).

## **Summary**

I trust that the information outlined above and in the **attached** documents clearly articulates the clarifications of the proposal.

It is appreciated that Council will likely wish to forward this information to the consultant landscape architect for comment and that the S95 Report will need to be updated.

It would be greatly appreciated if this could be completed at your earliest convenience and the application progressed to public notification. We note that the

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<sup>4</sup> Correspondence with Mike Sherman, Portfolio Manager, Crown Land & Property, Land Information New Zealand.

<sup>5</sup> <https://www.codc.govt.nz/publications/plans/district-plan>

notification deposit fee of \$1,400.00 has been paid prior to drafting this correspondence.

Should you have any queries regarding the information provided please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Sean Dent', written in a cursive style.

Sean Dent  
DIRECTOR

**SOUTHERN PLANNING GROUP**  
20179 – LARKSBAY RFI RESPONSE 30.06.22

Coordinate system: NZTM2000  
Vertical Datum: NZVD2016

**EARTHWORKS ESTIMATE**

**Volumes**  
Cut: 4000m<sup>3</sup>  
Fill: 1200m<sup>3</sup>  
Balance: 2800m<sup>3</sup>

**Area (incl. bund, BP and existing ground interface batters):**  
5260m<sup>2</sup>

**Maximum cut height:**  
3.1m

**Maximum Fill depth:**  
2.2m

**Green indicates fill, red indicates cut with shades at 1.0m increments**

Height Pole location:  
E: 1302965.28  
N: 5006822.46  
H: 269.24 (Natural Ground Level)

Base of schist stone wall = 268m.  
700mm high mound, 1m wide,  
bund meets natural ground level  
at 266m contour.



Height Pole location:  
E: 1302964.82  
N: 5006812.48  
H: 269.34 (Natural Ground Level)

Level of Building platform  
used for earthworks  
calculations = 268m

Cut Batter Interface  
(cut slope 1:2)

Height Pole location:  
E: 1302995.24  
N: 5006803.42  
H: 270.88 (Natural Ground Level)

Height Pole location:  
E: 1302990.57  
N: 5006796.10  
H: 270.75 (Natural Ground Level)

ONL line - refer District plan map 44

Height Pole location:  
E: 1302935.19  
N: 5006775.14  
H: 267.36 (Natural Ground Level)

Height Pole location:  
E: 1302939.38  
N: 5006772.49  
H: 267.39 (Natural Ground Level)

Fill Batter Interface  
(fill slope 1:4)

Height Pole location:  
E: 1302965.17  
N: 5006756.12  
H: 268.04 (Natural Ground Level)

Edge of driveway platform  
linework taken from DWG  
PA20539 - Lloyd Residence -  
Cromwell - 8 December 2020  
Max. Fill 2.2m

Earthworks calculations for Building Platform surface:  
3m offset around East and South side of buildings

Max. Cut 3.1m

EXISTING VINEYARD

ONL line - refer District plan map 44



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Client  
Larksby NZ Trustee Ltd

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**Lloyd Residence  
Northburn Block  
Proposed Earthworks Plan**

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
A	27.04.22	Digitized ONL line from District plan map 44	JS	JS/KA		25.06.21	21301	01_00
				Drawn	Signed	Date	Scale	
				KA		28.06.21	1:250 @ A1 1:500 @ A3	
				Designed	Signed	Date	Datum & Level	Rev.
				KA		28.06.21	NZTM2000 & NZVD16	A

L:\21301 - Larksby NZ Trustee Ltd - Northburn Lot 1 DP-387519 & 513407\CAD\21301\_PL\_01\_REV A.dwg Plotted: 28.06.2021



Contour: Minor 0.5m  
Major 1.0m

L:\21301 - Larksby NZ Trustee Ltd - Northburn Lot 1 DP-387519 & 513407\CAD\21301\_PL\_01\_REV A.dwg Plotted: 28.06.2021



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## Lloyd Residence Northburn Block Site plan

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
A	27.04.22	Digitized ONL line from District plan map 44	JS	JS/KA		25.06.21	21301	01_01
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				JS		27.01.22	1:350 @ A1 1:700 @ A3	
				Designed	Signed	Date	Datum & Level	Rev.
				KA		28.06.21	NZTM2000 & NZVD16	A



L:21301 - Larksby NZ Trustee Ltd - Northburn Lot 1 DP-387519 & 513407/CAD/21301\_PL\_01\_REV A.dwg Plotted: 28.06.2021



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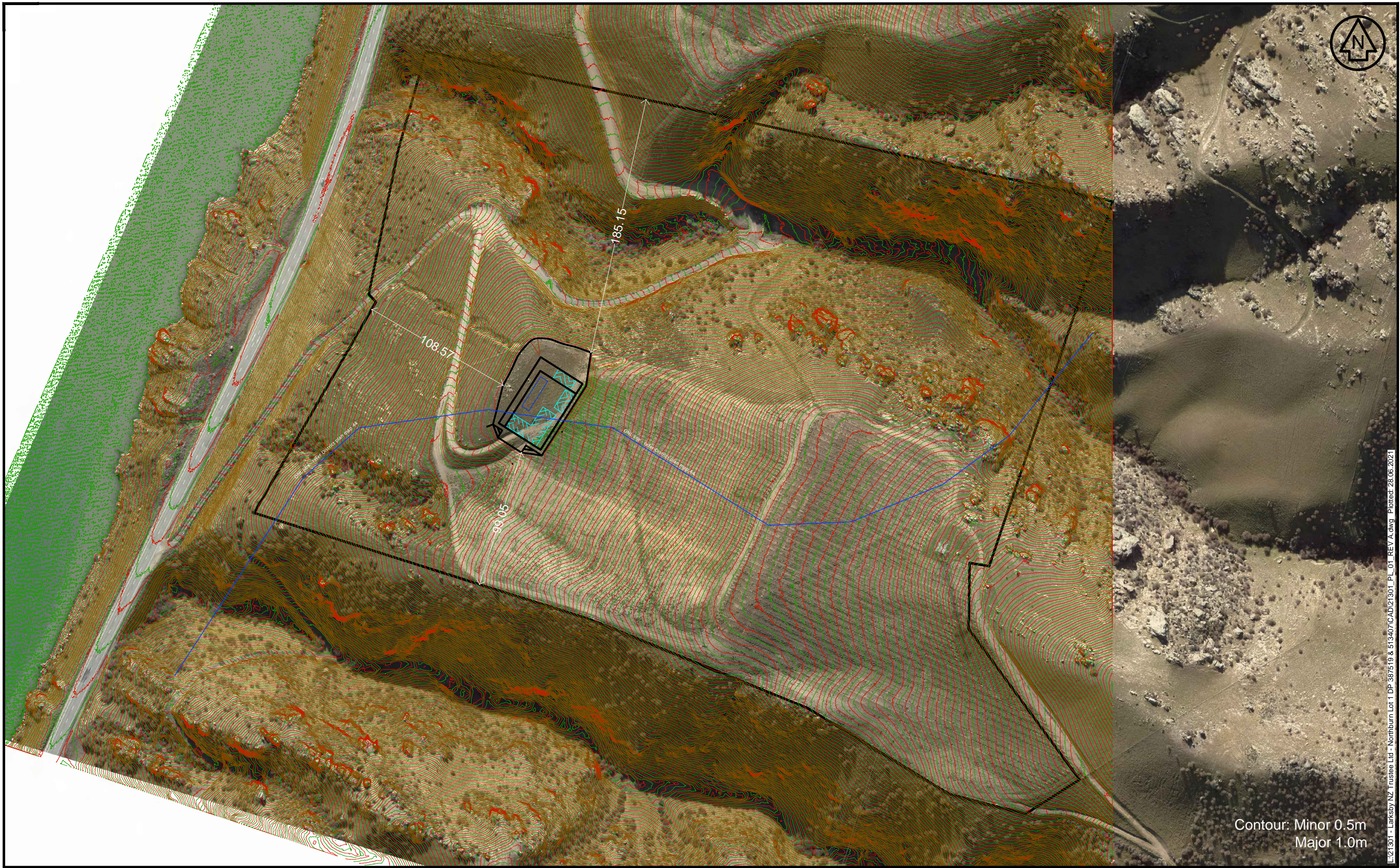
Client  
**Larksby NZ Trustee Ltd**

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				Designed	Signed	Date	Datum & Level	Rev.
				KA		28.06.21	NZTM2000 & NZVD16	A





Contour: Minor 0.5m  
Major 1.0m

L:\21301 - Larksby NZ Trustee Ltd - Northburn Lot 1 DP-387519 & 513407\CAD\21301\_PL\_01\_REV A.dwg Plotted: 28.06.2021



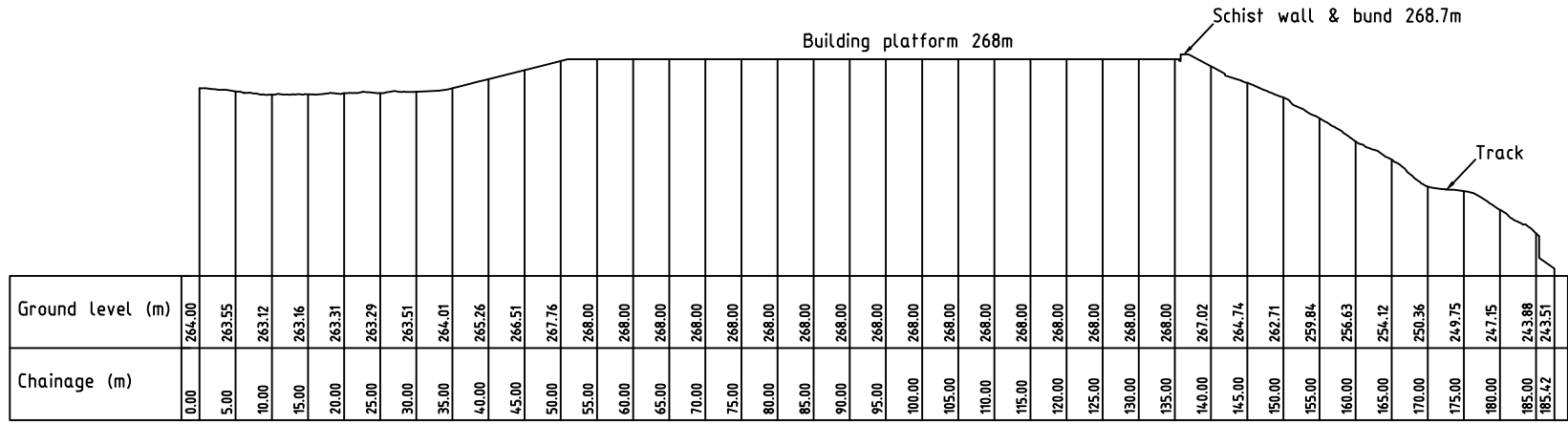
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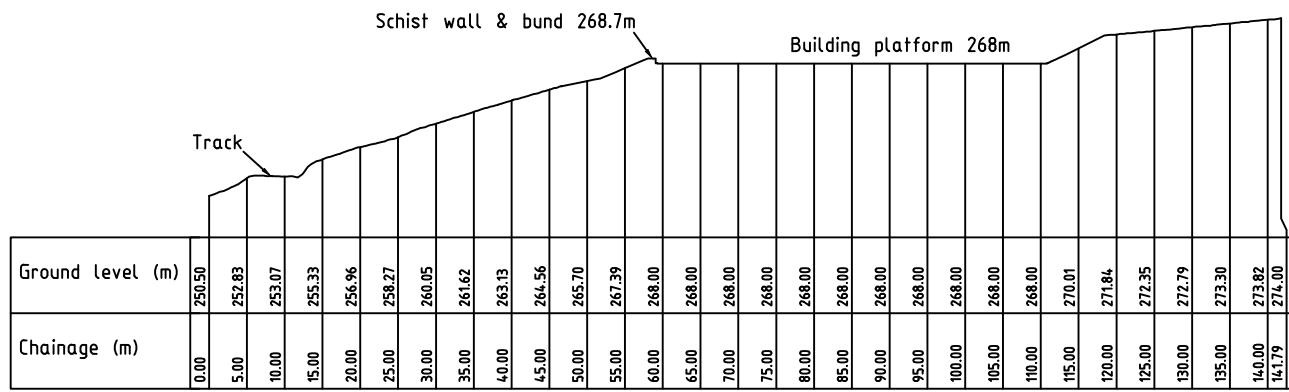
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### Lloyd Residence Northburn Block Site plan

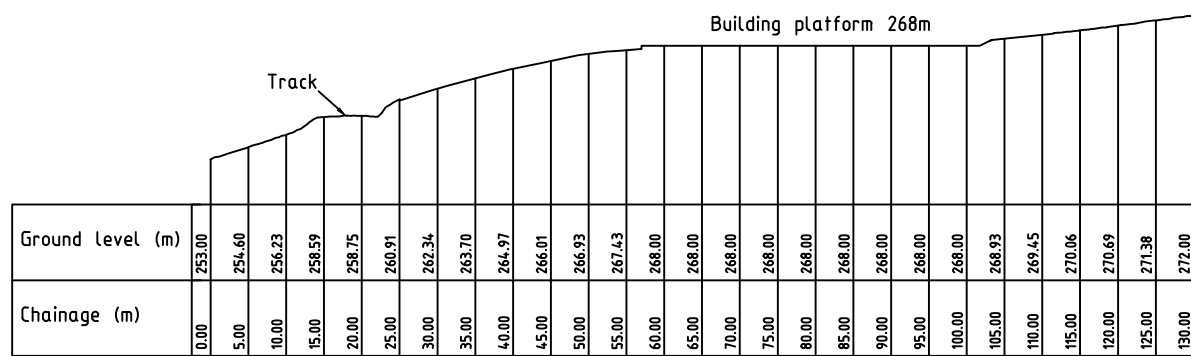
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				Designed	Signed	Date	Datum & Level	Rev.
				KA		28.06.21	NZTM2000 & NZVD16	A



CROSS SECTION A  
A1 HORIZ SCALE 1 : 500  
A1 VERT SCALE 1 : 500



CROSS SECTION B  
A1 HORIZ SCALE 1 : 500  
A1 VERT SCALE 1 : 500



LONGSECTION C  
A1 HORIZ SCALE 1 : 500  
A1 VERT SCALE 1 : 500

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Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
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-	-	-	-	JS	Signed	27.01.22	1:2000@ A3	
-	-	-	-	KA	Signed	28.06.21	Datum & Level	Rev.
-	-	-	-	-	-	-	NZTM2000 VD16	-



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Lloyd Residence  
Northburn Block  
Cross Section Plan



## **Landscape Addendum**

to

**the Patch Landscape Assessment Report, 8 October 2021**

**Larksbay Family Trust**

**RC210404**

1 August 2022

### **Introduction**

- 1 An application has been lodged to establish a building platform on a site east of Cromwell. Patch prepared a landscape assessment report which accompanied that proposal (the Patch report, October 2021). Since lodgement, Council's consultant planner Tom McIntyre has noted that the coarse scale, Central Otago District Plan Map landscape category boundary crosses the proposed Building Platform (BP) location, which would place the BP in two separate landscape categories. Both Council's consultant landscape architect Mike Moore and the Patch report provided expert advice to Council that in this instance, the landscape category boundary is not accurately located on the coarse scale District Plan maps. Despite expert landscape assessment to the contrary, Patch has been asked to prepare this addendum to assess the proposal as if it were partly within an Outstanding Natural Landscape (ONL).

## IS THE SITE WITHIN AN ONL?

- 2 The Central Otago District Plan Map 44 and Map 52 shows the ONL boundary crosses the site, which would render the proposed BP partly in the ONL (Figure 1). Both registered landscape experts engaged in this application (Mike Moore for Council and Steve Skelton for the applicant) do not consider the ONL line as shown on Map 44 and Map 52 is appropriately located. The Patch Report considered that the ONL line *'more closely follows the upper edge of the gully, which is marked by the southern cadastral boundary.'*<sup>1</sup> Mr Moore's review of the Patch report states that *'the ONL boundary would make more landform sense if it followed the top of the gully form (more or less the property boundary).'*<sup>2</sup>
  
- 3 The ONL boundary as shown on the District Plan maps was determined as part of a course scale district wide landscape study.<sup>3</sup> The scale of the maps used in the study varied from the 'District Scale' (Figure 2) to the 'Unit Scale' (Figure 3). The study did not look at the fine scale of site-specific features, such as gullies or ridges. However, it is understood the 'Unit Scale' maps (Figure 3) were used to derive the landscape category boundaries as shown in the District Plan maps.
  
- 4 The ONL boundary shown in the District Plan maps is a thick (30m wide) line and when overlaid on the subject site, crosses perpendicular across a consistently graded slope (Figure 1) in an east west direction, before diverting to the north again near the cadastral boundaries and High Voltage Transmission Lines (HVTL). Much of slope which the line on the plan crosses is occupied by a vineyard. However, there is a clear and legible landscape line to the south of the vineyard where I consider (and it is understood Mr Moore considers) the ONL boundary exists (Figure 4). This boundary is most strongly demarcated by the landform transition between the consistently graded slopes to the north and the gully landform to the south (Figure 5). This landscape line is also legibly expressed by:
  - a. The strong geomorphological features (landform),

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<sup>1</sup> Patch Report part 27.

<sup>2</sup> Mike Moore Peer Review dated 14 December 2021, bottom of page 4.

<sup>3</sup> Central Otago District, Rural Review, Landscape Assessment, Report and Recommendations (Circa 2005 / 2006, LA4 Landscape Architects)

- b. A marked change in land use patterning between the northern (viticultural) and southern (natural) lands,
- c. A line of existing trees along the landform edge and,
- d. the subject site's southern cadastral boundary.

Expert assessment is not required to determine that the change in landscape values occurs at to the south of the proposed BP (Figure 4 and 5), not as that shown on the District Plan maps.

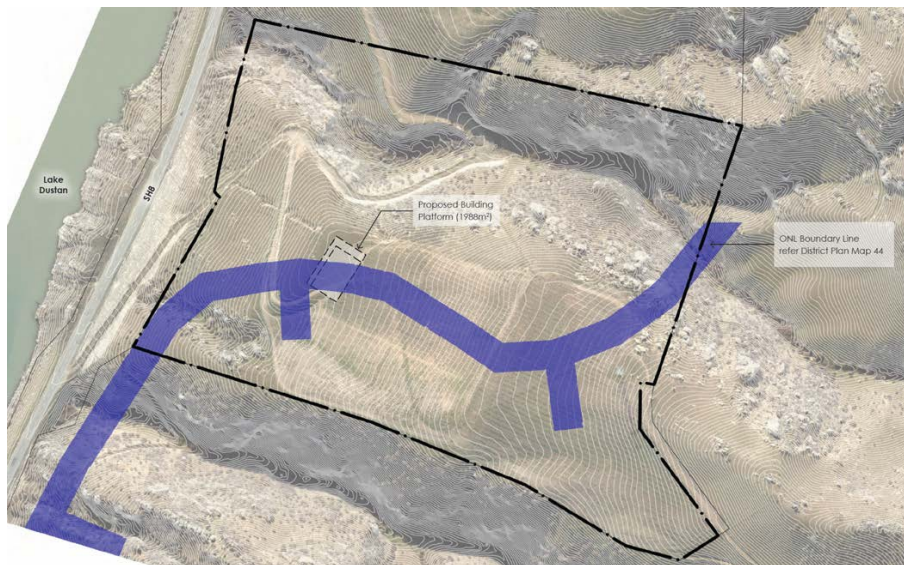


Figure 1

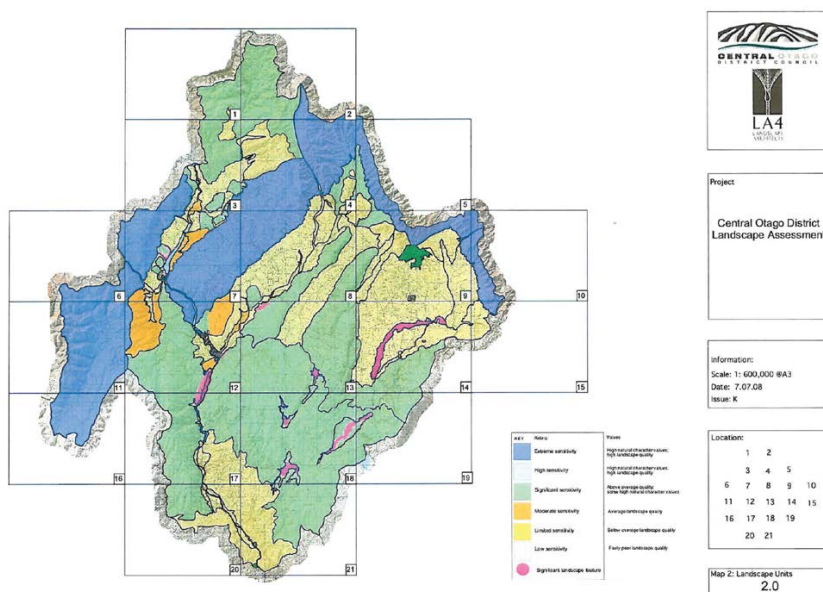


Figure 2

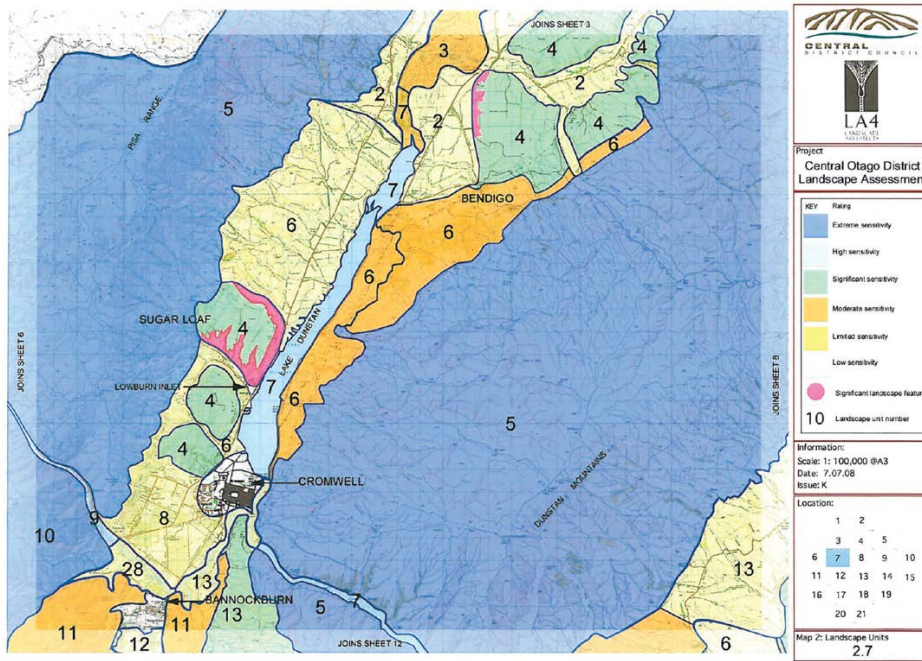


Figure 3

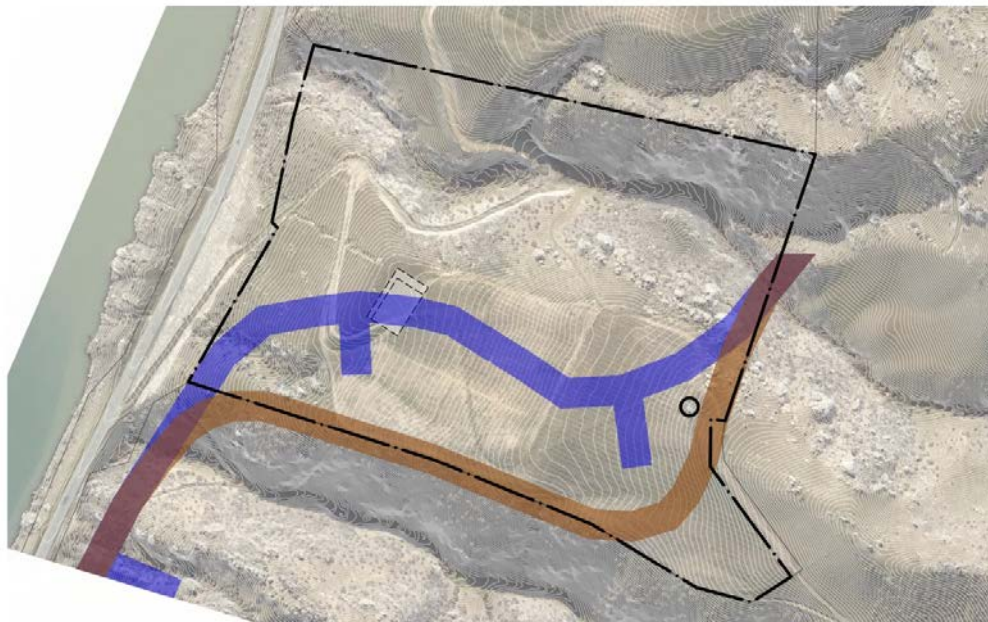


Figure 4



Figure 5

## **SUPPLEMENTARY ONL ASSESSMENT OF THE PROPOSAL**

- 5 For completeness, as the District Plan maps show the BP to be partially within an ONL, Patch has been asked to provide a supplementary assessment to the proposal as if it were part of an ONL. Patch has been asked to consider the proposal in the frame of the following matters in Chapter 4 of the District Plan.

*Issue 4.2.1 – Outstanding Natural Landscapes and Outstanding Natural Features*

*Issue 4.2.15 – Development in Rural Areas*

*Objective 4.3.2 – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area.*

*Objective 4.3.3 – Landscape and Amenity Values.*

*Policy 4.4.1 - Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area.*

*Policy 4.4.2 – Landscape and Amenity Values.*

*Policy 4.4.10 – Rural Subdivision and Development.*

- 6 The site and proposed BP location is part of the Dunstan Mountain foothills, a large area near the western, lower reaches of the Dunstan Mountains. The Dunstan Mountain foothills is broadly, the modified land adjacent to and east of Lake Dunstan and generally

below the High Voltage Transmission Lines. These foothills are more modified compared to than the balance of the mountain landform, although there are fingers of natural character embodied in gully landforms which penetrate through the foothills. The mid mountains western aspects display the mountain's distinct features including intricate gully systems, strong ridgelines, broad plateaus, and a mosaic of scrubland vegetation patterns. The upper portion of the Dunstan Mountains display the ONL's dramatic craggy summits and rolling ridgelines which form the skyline from most views to the west.

- 7 The Dunstan Mountain ONL is a very large ONL, bound by the St Bathans Range to the north, the Upper Clutha Basin and Lake Dunstan to the west, Lake Dunstan to the south and the Manuherikia River Valley to the east. Its unique features include, with regard to the western faces, the craggy but distant summit ridges, the incised gullies and mosaic vegetation patterns. Its grand scale and context as an open, natural landform which frames the western edge of the Upper Clutha Basin renders the ONL significant, both visually and for its high natural character.
- 8 The small portion of the ONL line as shown in the District Plan map which crosses the site extends in an east-west direction and crosses a vineyard, working its between the surface of Lake Dunstan and the lowest reaches of the mid mountain, near the HVTs. This vineyard and the evenly graded slope it's on is not a highly natural or memorable part of the landscape and more closely resembles the foothills landscape to the north than the mountain landscape to the south and east. What is memorable and outstanding is the undulation of the slopes above and south of the site, the incised gullies and and the upper craggy summit skyline of the Dunstan Mountains. These features embody the outstanding qualities of the ONL.
- 9 The proposed BP, access and curtilage is more closely associated with the working, agricultural lands to the north than the less modified lands to the south and east. The site's landform is consistently graded in its upper and mid portions where the vineyard exists. The site's landform becomes steeper to the west as the site drops down to meet State Highway 8 (SH8), the lake and foreshore. The proposed BP will be located near this landform and land use transition. Care has been taken in the design and location of any future structures of the BP to ensure the proposal will not act to diminish any legibility



or appreciation of the open natural character of hills and ranges, skyline, prominent places of natural features.

- 10 The Patch report did assess that the proposed BP *'will result in a moderate - low adverse effect on the amenity values of prominent hillsides'*. This is attributed to a building being established near the southern edge of the more modified viticultural foothills (hillsides) which will be visible from distant western views and in the context of the much broader landscape. It is important to clarify that this adverse effect will be received only by receptors who live in and frequent this area. Those receptors will experience the change and that change will affect existing visual amenity values. However, for receptors who experience the landscape for the first time, any visual amenity effects of the proposal will be very low as the BP will be seen in the context of more modified foothills and the rest of the visual amenity of the much broader, memorable and distinct Dunstan Mountains will largely be unaffected by the proposal.
  
- 11 The visual amenity values embodied in the hillside 'front county', which includes the viticultural character of the site, will be adversely affected to a moderate – low degree as that landscape, while modified, is currently mostly open in character. However the visual amenity of the much broader and dominant ONL, with its highly natural and open visible attributes will be adversely affected by the proposal by no more than a very low degree.
  
- 12 The proposal will not act to adversely affect any
  - a. Unique part of the ONL,
  - b. Any landcover which gives the ONL its character,
  - c. Any cultural or historical feature of significance,
  - d. Any visually or scientifically outstanding geological feature,
  - e. Any high natural character values or landscape quality that is distinguished from the general landscapes of the District.
  
- 13 While it is not considered the proposal is not within an ONL, the above assessment considers the proposal as if the ONL line as shown in the District Plan maps was accurate

and the landscape line were to pass through the proposed BP. The site is a modified, low lying part of the landscape and a BP is proposed within a part of the landscape's modified, viticultural character area. The ONL character and amenity values embodied in the Dunstan Mountains dramatic skyline, distinct gullies and mosaic vegetation patterns which will be largely by the proposal. Overall and the proposal will not adversely affect any ONL character values and will result in no more than very low adverse effects on the ONL's visual amenity values.

Steve Skelton



Registered Landscape Architect  
Director, Patch Ltd



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