

CENTRAL OTAGO DISTRICT COUNCIL

IN THE MATTER OF:

THE SUBDIVISION OF 185 JOLLY ROAD, TARRAS, RC210142 DOUGLAS DEVELOPMENTS LIMITED

INTRODUCTION AND PRELIMINARY MATTERS

The application was considered by the Central Otago District Council Hearings Panel comprising Cr N Gillespie, (Chair), Cr M McPherson and Cr S Jeffery on 8 February 2022. The hearing was held remotely due to Covid 19 restrictions. Council's consultant planner and author of the section 42A report, Ms Kirstyn Lindsay, the applicant, Mr Lloyd Morris, his planner Brodie Costello, and legal counsel Ms Bridget Irving, were in attendance. Submitters, Ms Anita Dawe and Mr Warren Hanley on behalf of the Otago Regional Council, Mr Chris White on behalf of Greenline Developments limited, Mr Chris Goddard and Mr Hudson Dimock also attended remotely.

The Panel note that submitter Molyneux Farm Limited provided written approval to the application after the evidence exchange and withdrew its submission. The approval was contingent on a 50m setback achieved to the boundary Molyneux Farm Limited. The applicant provided a revised scheme plan 20442-02-F-SCH to demonstrate that this setback is provided. The Panel determines to disregard all effects on Molyneux Farm Limited as a result of its written approval.

The Panel has given consideration to the application submitted to Council on 19 May 2021, and the further information being:

- Advice from the applicant that the proposal is not a Unit title SUB –21 May 2021,
- Response to Council request for Further Information Request (20210609),
- Response to Council request for clarification (20210929),
- Geotechnical Assessment Report by Mt Iron Geodrill – 18 October 2021,
- Structure Landscape Plan by Align Limited,
- And the revised scheme plan 20442_02_F_SCH discussed above.

along with the consultant planner's section 42A report, the submissions detailed further below in this decision, the further submission by Ms Dawe on behalf of the Otago Regional Council, the applicants pre-circulated evidence and legal submissions of Ms Irving.

The subdivision seeks to take the form of a farm park whereby 16 small lots are held by individuals and the larger balance lots is held is equal 16th shares. The application was originally lodged as a unit title development but was subsequently revised to a fee simple proposal. The subdivision will be configured as follows:

- Lot 1 will have an area of 5503m²
- Lots 2-16 will range in area from 1735m² to 1914m² and will be developed for residential purposes.
- Lot 17 is to be the balance lot and will contain the working farm and communal facilities.

The lots are to be clustered and landscape mitigation as recommended by Align Limited is proposed. The applicant proposes that each lot is to be self-sufficient in terms of wastewater and stormwater and will be served for potable water by a mix of rain water and bore or other water. The applicant proposes to upgrade Jolly Road from where the sealing required by RC190042 ends to the access point to the subdivision. A new private access way will be

established through the subdivision. The applicant largely agrees with the draft conditions set out in the section 42A report, except where discussed below. Except where matters relating to specific conditions raised by the applicant and submitters are identified, the draft section 42A conditions are accepted by the Panel as not contentious.

The application also proposed a community facility for use by the lot owners but has since confirmed that any use of this facility that is not a permitted activity will require further consent which is not sought as part of this application. The Panel gives no further consideration to the communal facilities.

The subject site is well described in the application, landscape assessment and section 42A report and is not repeated here.

The Panel and the applicant accept the District Plan rule assessment as set out in the section 42A report. The site is not identified as a HAIL site and the Panel are satisfied that the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) is not triggered by this application. The Panel also accepts that there are no other National Environmental Standards which are relevant to this decision.

The Panel determines that, in accordance with relevant caselaw, it is appropriate to assess the application as a non-complying activity overall. Non-complying activities are assessed under sections 104, 104B and 104D of the Resource Management Act 1991.

NOTIFICATION AND WRITTEN APPROVALS

In accordance with section 104(3)(a)(ii) of the Act, a consent authority must not have regard to any effect on a person who has given written approval to the application. The following party has provided written approval to the application and all effects on this party are to be disregarded:

Name	Date
Molyneux Farm Limited	7 February 2022

A notification decision was made on 4 October 2021 that determined that the application warranted public notification. The submission period closed on 19 November 2021 and seven submissions were received. The submissions were summarised in the section 42A report and available to the Panel in full and, for this reason, only submission points raising matters of contention have been highlighted below:

Submitter	Status	Relief sought	Wishes to be heard
Hudson and Christina Dimock	Support	Seeks that the consent be granted	No
Chris Goddard	Support	Seeks that the consent be granted	Yes
Greenlight Land Limited	Support	<ul style="list-style-type: none"> • Seeks a reduced number of Lots • Seeks an appropriate setback to boundaries • Seeks a height limit for all new dwellings 	Yes

		<ul style="list-style-type: none"> • Seeks a co-share approach to the Jolly Road upgrade • Seeks a similar level of landscaping, and similar plant species as per RC210142. • Seeks a no-complaints covenant be placed on all Douglas Development lots with regards to Greenlight Land Limited future individual lot titles 	
Molyneux Farm Limited	Withdrawn		
Stuart Andrew Wards	Support	Seeks that the consent be granted	No
Otago Regional Council	Oppose	<p>Seeks that the application be declined for the following reasons:</p> <ul style="list-style-type: none"> • Considers the application fails to achieve the purpose of the RMA, is inconsistent with both the partially operative and the proposed RPS, and the relevant provisions of the Plan. • Considers that the density and scale of development is residential in character and nature. • Considers that granting of the proposal would set an undesirable precedent for other similar applications. • Considers the application would be more properly considered through a plan change. • Considers that a communal wastewater system is the appropriate mechanism to protect the environment. • Considers the proposal will result in the loss of soils including fertility able to support productive use. • Considers the potential for reverse sensitivity effects could also result from placing a high concentration of people into a rural environment. • Considers the design of the proposal is inconsistent with any strategic 	Yes

		<p>planning, and the Rural Zones' objectives.</p> <ul style="list-style-type: none"> • Considers that the developments do not demonstrate a functional need to be located on this land. 	
Hokonui Rūnanga (Kā Rūnaka)	Oppose	<p>Seeks that the application be declined but that if consent is granted that it is subject to conditions which ensure that:</p> <ul style="list-style-type: none"> • a consent notice be registered against the titles that prevents further subdivision • of each lot including the balance lot. That all measures are taken to ensure the protection of the groundwater and surface water resource from contamination. • Condition/s are imposed relating to an Accidental Discovery Protocol/Procedures if māori artefacts or archaeological materials are discovered. 	No

SECTION 104 MATTERS

Assessment of Effects

Section 104 requires consideration of the effects of the activity. Turning to the adverse effects of the proposal on the environment, the Panel considered the matters of contention in turn.

Permitted baseline

Under section 104(2) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing lawful and consented activities on the site and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this instance, the Panel accepts that there is no permitted activity subdivision and, as such, there is no permitted baseline to be applied to this subdivision. In respect of built form, rural purpose buildings are permitted subject to design controls and provide a limited permitted baseline for the future residential component of the proposal.

With regard to the existing environment, this has been well described in the Align assessment and is adopted by the Panel.

Effects on Rural Character and Amenity Values and Landscape

The Panel accepts that lot sizes proposed by this subdivision fall below the minimum and average lot size envisioned by the District Plan, although physically an underlying average of 8ha is achieved per lot. The Panel notes that the most noticeable effects on the rural character arising from this type of subdivision generally arise as a consequence of the additional domestic activity and associated buildings, and infrastructure that are preceded by the subdivision. In this instance, the proposal has the potential to introduce 16 new residential dwellings into the rural environment. This concern was also raised in the submission by Greenlight Development and ORC.

The subject site comprises two terraced areas, of which the top terrace/ escarpment is taller, with relatively flat to gently rolling upper terrace area. A number of mature shelterbelts are present on site which are to be retained as part of this proposal. The proposed design will result in a concentration of built form on the upper terrace of the site. Separation distances between future dwellings will be reduced as a result of the configuration of the subdivision. Future built form will also breach the setback distances to internal lots specified in the District Plan.

Setbacks to external boundaries will be maintained at least to the minimum anticipated by the District Plan but increased to the boundaries shared with GreenLight Development and Molyneux Farms Limited. The Panel are aware that assessment matter 15 of Rule 4.7.4(iii) of the District Plan directs the plan user to assess whether clustering should be implemented as a means of mitigating potential effects of rural subdivision and, while this proposal is not assessed under Rule 4.7.4(iii), the Panel considers that clustering of residential activity is anticipated by the District Plan.

The Panel note that no other technical landscape assessments have been presented which contradict the findings of the Align assessment and addendum and in this regard the assessment of Align is accepted in its entirety. In particular, the Panel notes that the no expert landscape assessment has been produced by ORC, therefore opinions put forward in that submission related to landscape matters are set aside as these views are not supported by evidence.

The Panel note that Align assesses that clustering the developments in the manner proposed provides a larger open area which will be under communal ownership which enables rural amenity values by facilitating for productive use of the land. Align considers that this will lessen the impact of the external views of the site as the built form will be contained to certain areas and minimises the impact upon the expansiveness and openness of the landscape.

The Panel notes that the Align assessment assumes that *“the built form of the proposed development has not been defined, however is anticipated to be predominantly single-storey dwellings, in keeping with the predominant character of the surrounding area.”* To this end, the Panel consider the condition recommended by Ms Lindsay restricting residential building heights to 5.5 metres is appropriate. This condition has been accepted by the applicant. The applicant also accepts the other development control conditions recommended by Ms Lindsay but requests a change in terms of fences and gates to provide for a range gate options. Ms Lindsay accepted that change and the Panel confirms the revised condition.

The application also identifies that a future dwelling contained within proposed Lot 9 has the potential to breach the skyline when viewed from Jolly Road looking south. The applicant considers that this would occur if a dwelling was placed at northern boundary of this lot. Given that the height poles were placed on the corners of the lot, this height pole represents the corner of Lot 9, which means that it is possible to develop the lot without breaching the skyline. However, the future residential development within the lot boundary is acknowledged, specifically when Lot 9 is viewed directly from Jolly Road. Given the 5.5 metre height restriction, and that the lot may be able to be developed without a skyline breach, the Panel

consider it appropriate to assess any breach at the time plans for the development of the lot are submitted.

The Panel notes the Structure Landscape Plan recommended in the draft conditions has been prepared and circulated with the pre-hearing evidence. The Panel considers that the structure planting plan presents a cohesive approach to ensure screening and assimilate with the planting required by RC190042, while maintaining the rural character of the area. The Panel is satisfied that the preparation of the Structure Landscape plan, along with the requirement to prepare a Landscape Management Plan as offered by the applicant and the planting to occur prior to issue of titles will enable the screen planting to be established prior to the residential development of Lots 1-16. The Panel notes the intention to stage the development and considers that it is likely that the screen planting will be well established by the time the lots are fully developed.

Align also note that in terms of visual effects, light from the residential dwellings and light from vehicles travelling to and from the property associated with the additional vehicle movements of sixteen new dwellings would be the most prominent night time visual effect. The most visible location for this would be from Lots 10 to 7 when viewed from Jolly Road until recommended mitigation planting becomes established. Additional controls could include restricting lighting in outdoor areas, to be hooded to prevent light spill into the night sky. The Panel confirm conditions to this effect.

While, the potentially negative effects on rural character within the site are expected to remain due to the form of the development as a residential enclave within a rural environment, the Panel accept that once effectively screened, these effects will be internal to the development and are able to be largely disregarded. The Panel notes that it is likely to may be some time before each individual lot is developed and this allows time for the screen planting to become established prior to the substantive built-form effects transpiring. The Panel accept the assessment of Align that the visual effects will be reduced to low-moderate (minor) with the implementation of the screen planting.

Subject to the recommended structure planting and lot development conditions, the Panel finds the effects of the development on rural character and amenity can be reduced to the level that these are no more than minor.

Effects on productive capacity of the land and reverse sensitivity effects

The Panel note the applicant's subdivision design proposes small rural residential development on the edges of this area, enabling productive activities to continue in the main land area, being part of the larger farm area identified as Lot 17. The applicant states that the proposed subdivision is located in the least productive part of the farm, being the unirrigated upper terrace. This assertion is supported by the submission of Greenlight Land Limited. It is ORC's position in its submission that proposal will result in the loss of soils able to support productive use.

The Panel consider the amount of land to be diverted to domestic purposes to be commensurate to the amount of land which would be converted to domestic use if the site were to be divided into 16 eight hectare lots as a discretionary subdivision with an 8ha average. The applicant considers that the clustering of residential lots is intended to ensure that the productive land is contained in a single viable parcel rather than being split into 16 smaller lots. This subdivision approach is intended to reduce the potential fragmentation of the rural land and encourage cohesive management of the productive soil. This approach is supported by Ms Lindsay.

The panel accepts that lot owners (Lots 1-16) will, due to shared ownership of Lot 17, be interested in actively farming the communal land. The design model ensures that those purchasing the lots in the future will have an interest in the proposed management (body corporate style) company. The management company will also manage the water supply and private ROW discussed below.

Overall, when considering the percentage of land diverted from productive use comparative to that diverted under a traditional discretionary subdivision, the proposed management of the balance lot (Lot 17) and the applicant's intent to reduce the potential fragmentation of land, the Panel considers the effects on the capacity of the productive soils to be no more than minor.

Reverse Sensitivity Effects

The Panel notes the submissions by Greenlight Land Limited, and ORC in respect of reverse sensitivity effects. The panel also notes the withdrawal of the submission by Molyneux Farm Limited and subsequent affected party approval. The Panel consider that Plan Change 13 referred to by Ms Dawe in ORC's further submission is of no relevance to this application, given the very different proposals and receiving environments.

The Panel accepts that the lots are located within, and have ownership of, a working farm (Lot 17) and, as such, all reverse sensitivity effects arising from the Lots 1-16 on Lot 17 are also disregarded. The Panel agree with Ms Lindsay that the owners of these lots will have a justifiable reason to reside in this environment and will in all actuality, be contributors to rural environment effects, by virtue of their ownership of Lot 17.

With regard to reverse sensitivity effects to external boundaries, all residential lots will be setback at least 50m from the external boundaries shared with Greenlight Developments Limited and Molyneux Farms Limited. In addition, the applicant offers to mitigate this by proposing both a reverse sensitivity condition on the consent and a 'no complaints' covenant.

Given that all lots will hold a share of the working farm, all future purchasers will be cognisant of the working rural environment they are entering into. In addition, the Panel consider that given the nature of the development, purchasers of these lots are likely to have actively sought out a rural environment. When considering the factors above, the Panel find that reverse sensitivity effects can be managed such that these are no more than minor.

Servicing

The application and further information sets out the proposed water sources and storage for each lot. Lots 1-16 will each contain three 23,000 litre tanks. One tank would be dedicated for firefighting purposes, while the other two would be for potable water and landscaping. The applicant proposes that potable water is be supplied to the residential lots via the following methods:

- Rainwater – each lot will collect rainwater off the roof, to then be stored in three partially buried 25,000 L concrete tanks within the lot. As water is drawn from the tanks, it will be passed through a proprietary filtration system and UV Light to filter out any airborne impurities.
- Groundwater – there is an existing bore on the lower terrace of the property. This supply will be pumped up to the top terrace and supplied to the tanks on each lot, to supplement the rainwater supply during prolonged dry spells.
- Lindis Irrigation Scheme – the property has a water right to access water from this supply. This supply only runs during summer and would be used as a backup supply to supplement other methods as required.

- Secondary rainwater – there will be three partially buried 25,000 L tanks connected to the implement shed, which has a 400m² roof area. Water will be able to be taken from these tanks to supplement the lots.
- The applicant also holds consent to construct up to three bores on the lower terrace, as per ORC consent RM20.059.01.

An allocation of at least 1000 litres per lot per day is proposed. Water treatment from all sources is provided at point of use. The applicant proposes that the water supply will be registered, most likely with Taumata Arowai once the Water Services Bill is passed. A formal water supply document has not yet been drafted.

The Panel raised concerns during the hearing regarding the reliance on rainfall as the primary water source, given that Tarras has relatively low annual rainfall. At the end of the hearing, the Panel continue to have some discomfort in respect of the water supply. To this end, the Panel requires that the applicant provide an adequate and reliable potable water source (e.g., ground or surface water, or water company) which can then be supplemented by rain water if the applicant desires. Subject to the provision of a secure and reliable potable water supply, then the Panel are satisfied that no adverse effects will arise in respect of potable water supply.

In respect of wastewater disposal, both ORC and Kā Rūnaka raise concerns regarding water quality. Mt Iron Geodrill has provided an assessment of the on site wastewater disposal for Lots 1-16 and consider that the site is generally suitable for onsite disposal of wastewater, and that the depth to groundwater resources will mitigate risks from effluent.

ORC, in its submission, recommends a communal wastewater system as the appropriate mechanism to protect the environment, including water quality. No technical evidence was offered by ORC; either to establish the risk to water quality from individual on-site waste water systems for this site or the increase in treatment quality achieved by a communal wastewater system compared with individual wastewater systems.

The applicant, Mr Lloyd Morris outlined his previous experience with wastewater systems and set out the difficulties in achieving a communal wastewater system for this proposal. He advised that the fall of the site means that the system would require pumping which was inefficient compared to a gravity fall system and would result in increased maintenance and operation costs. He also noted that as the houses would not be coming on line all at once, it would be very difficult to design a system to accommodate staggered connections. Mr Morris, supported by Mt Iron Geodrill, proposes secondary treatment for each individual system. The Panel, while noting that Mr Morris is not an expert in respect of this hearing, his advice based on his experience was helpful to the Panel.

Ms Lindsay, who picked up the ORC's condition relation to communal wastewater system in her draft conditions, agreed that Mr Morris raised very valid points and these, along with the technical evidence of Mt Iron Geodrill, suggested that the communal system was not appropriate and that the lots could be served by individual systems without adverse effects on groundwater quality. Ms Lindsay agreed to changes to draft conditions 9 and 10 to this effect. The Panel agrees that a communal system appears to be unworkable in this instance and that Lots 1-16 could be served by individual systems with secondary treatment without adverse effects on the environment.

The applicant states that all other utilities will be provided as appropriate for their intended use and required by Council standards. Conditions of consent have been recommended by Ms Lindsay in her report and accepted by the applicant. These conditions are confirmed by the Panel. Overall, the Panel consider that the proposed lots can be serviced in principle in compliance with the requirements of the District Plan with no additional demand on Council infrastructure and without adverse effects on the environment which are more than minor.

Effects on Access

The applicant notes that while the property has dual access via State Highway 8 and Jolly Road, Jolly Road is proposed to be used as the primary access for this subdivision. Details of the proposed access and road upgrades are set out in the application and evaluated in the s42A report.

The applicant proposes to upgrade this from the point on Jolly Road that is 1.07km distance from the State Highway 8 intersection. This location is proposed as Jolly Road is proposed already to be sealed to this point as per RC190042. The panel notes that this upgrade is supported in the submission by Greenlight Land Limited who are the consent holders of RC1900142. However, the Greenlight submission seeks specifically that the applicant share in any proportional upgrades to Jolly Road to accommodate future daily traffic flow from this proposed subdivision and new lots using the road. In particular the submitter seeks that in sealing Jolly Road from SH8/Jolly Road intersection to the Douglas Developments entrance each party would share in their pro-rata proportional share relative capital costs to the number of lots consented.

While the co-sharing of costs is encouraged by the Panel, this is not a matter which can form a condition of consent. The Panel's considerations are restricted to whether or not Jolly Road will be sealed from SH8 to the applicant's access point. RC190042 has not yet been given effect to and there is no mechanism by which Council can require Greenlight's subdivision to proceed. The Panel notes the condition as set out in the section 42A report will ensure that the road will be sealed in its entirety should Greenlight not give effect to it subdivision.

All other conditions set out in the section 42A report relating to the private road (ROW) have been accepted by the applicant, including that the sealing of Jolly Road should extend into the property (~10 metres) to avoid gravel being tracked onto the newly sealed road surface. For completeness, the Council's consultant engineer accepts the applicant's rationale that the internal access be retained as private ROW across the farm, rather than vested, to ensure that there is no disruption to ongoing farming activities from external traffic, to maintain stock security, and to ensure compliance with Health and Safety expectations on-farm. The engineer particularly notes the body corporate/working farm style of the development and considers that this management regime will be able to manage maintenance matters associated with the access. The panel accepts this advice.

Overall, the Panel determines that subject to the formation standards of the private road and upgrade of Jolly Road offered by the applicant, the access to the site can be formed and managed in principle without adverse effects on the transportation network.

Earthworks

The applicant does not propose to undertake any earthworks which would fall outside of the permitted activity rules. However, some site disturbance will occur and Kā Rūnaka have requested an accidental discovery protocol be imposed on the consent. This has been recommended by Ms Lindsay and accepted by the applicant. The Panel confirm the accidental discovery protocol condition.

Cumulative effects

While the Panel accept that generally cumulative effects assessments are subjective, it is cumulative effects of this proposal in conjunction with RC190042 which need to be established

in respect of this proposal. The Panel relies upon the expert evidence by Align submitted in support of the application, which states:

“It is considered that the cumulative effect of the proposed development are low. Whilst it is agreed that the style of developments between the applicant’s proposal and the approved neighbouring development do vary, the site is relatively well contained by the existing shelterbelts. Additional dwellings and additional vehicle movements associated with 16 dwellings within the landscape will have an effect, it is my opinion that the landscape has the capacity for this minor addition and the landscape values will not be compromised.”

The Panel also note that the subdivision could have been configured in any number of ways to ensure that the subdivision would meet the 2ha/8ha rules and be of a form anticipated by the District Plan.

The Panel note the recommendation by Ms Lindsay which would introduce a condition to prevent Lot 17 being further subdivided. Ms Lindsay considers that condition will ensure that the overall density for the underlying land area will not drop below an average of 8ha. This condition is expected to address concerns raised by submitters that Lot 17 lends itself to further subdivision. The applicant was agreeable to this condition in principle but submitted a slightly modified condition to that set out in the section 42A report. However, the Panel was of the view that the ongoing productive use of Lot 17 and its shared ownership was influential in accepting the proposal and felt it important to maintain the integrity of the underlying principle on which the proposal is based (i.e. that the smaller lots are only able to be created on the basis that the balance lot is retained in shared ownership and managed for productive purposes). The Panel consider that should any plan change amend the rules or zoning for Lot 17 then any future subdivision of Lot 17 should be considered as if Lots 1 - 16 were part of that subdivision. As such the Panel confirm the amended consent notice condition for Lot 17 as follows.

a) No further subdivision of Lot 17 is permitted, except that, if the site is rezoned from Rural Resource Area to a zoning or method that provides for rural lifestyle, or rural residential or urban land uses then the proposed lot size averages for subdivided Lot 17 must be calculated as if Lots 1-16 of RC210142 are part of that subdivision. In the event that a new District Plan becomes operative and imposes more restrictive subdivision controls, the provisions of that Plan shall prevail and this condition shall be deemed to have expired.

Given the wider rationale for the subdivision configuration discussed at length above, along with the restrictive “no further subdivision” condition which supports that rationale, the Panel are satisfied that the cumulative effects of this proposal are be no more than minor.

Easements and Amalgamations

The applicant has requested the following amalgamation condition be imposed on the consent:

That pursuant to section 220(1)(b) of the RMA 1991,

“That Lots 1 – 16 Hereon hold an undivided 1/16th share of Lot 17 Hereon and individual Records of Title be issued for each lot.”

The condition has been reviewed by Land Information New Zealand who confirm that the application is practicable (see CSN request 1727250). The Panel confirm this condition.

With regard to easements, any easements required for servicing or access will be confirmed at the time of survey and a recommended condition of consent provides for these. Any existing easements will need to be carried down on the new lots or cancelled as appropriate. An advice note reminds the applicant of this obligation. The Panel confirm this condition and advice note.

Financial contributions.

The Panel confirms the financial contributions have been calculated for this site:

Activity	Payment
Water Supply	\$Nil
Wastewater	\$Nil
Reserves	\$15,280.00 +GST
Roading	\$28,352.00 +GST
Total	\$43,632.00 +GST

Objectives and Policies Framework

Central Otago District Plan

Both Ms Lindsay and Mr Costello provided an assessment of the relevant objectives and policies. The Panel note that their assessments are generally consistent. The ORC submission also broadly agrees with the assessment of the relevant provisions as identified in the section 42A report.

When assessing the subdivision in light of what the relevant objectives and policies are trying to achieve and the Panel's determination of the effects of the proposal above, the Panel find that the subdivision is largely consistent with the relevant objectives and policies of the Operative District Plan.

Partially Operative and Proposed Regional Policy Statements for Otago and Part 2

The Regional Policy Statement for Otago (RPS) 1998 is now revoked. The Partially Operative Regional Policy Statement for Otago (PORPS) was made partially operative on 14 January 2019. Both Mr Costello and Ms Lindsay found that the proposal was generally consistent with the PORPS.

The submission by the Otago Regional Council vigorously asserted that the proposal was contrary to the PORPS. This position was challenged by Ms Irving and Ms Lindsay. The Panel also found it difficult to reconcile the policy approach applied by Ms Dawe, who made an assessment under the urban provisions of the PORPS, as well as the provisions which relate to productive land use and found the application to fail both.

In response to the policy assessment submitted by Ms Dawe, Ms Lindsay responded with a detailed policy assessment during her review of her recommendation. Ms Lindsay does not consider that Objective 4.5 relating to urban growth and development is relevant to the proposal. It is her opinion that the proposal should be viewed as a rural subdivision only. In her assessment, the proposal does not risk the carrying capacity of existing infrastructure or services as there is to be no connection to existing infrastructure.

Under the current planning framework, Ms Lindsay advises that the subject site is not an identified urban growth area as per Policy 4.5.1(a). However, she notes that if an assessment under Policy 4.5.1 is required, it is her opinion that the design of the subdivision is an efficient use of rural land (when compared with 16/8ha blocks anticipated by the Plan) and it continues to provide for rural production activities on the 129ha balance lot.

Further to Policy 4.5.1, Ms Lindsay considers that reverse sensitivity effects are able to be managed through separation distances to external boundaries (noting the written approval of Molyneux Farms on whom all effects are to be disregarded.) Ms Lindsay note that each lot owner will also own a share of Lot 17 and, in this regard, are not comparable to urban scale lots in the middle of a working farm. In this regard, Ms Lindsay considers that the owners of Lots 1-16 have a justifiable reason to reside in this environment and will contribute to typical rural environment effects.

Ms Lindsay considers that Policy 4.5.2 does not apply as there is no integration of infrastructure required or available, as this is a self-contained rural subdivision. The same assessment is also made for Policy 4.5.3 as this is not new urban development.

In terms of the productive land use provisions, Ms Lindsay considers that the proposal meets Objective 5.3 in that 129ha of the overall 132.6ha is retained in a productive use. It is her assessment that the 3.6ha of land set aside for residential purposes to be commensurate with that typically required for the discretionary activity 16/8 ha lots. It is her opinion that the proposal will enable the 129ha block will be able to be used cohesively and, therefore more productively, than 16 smaller rural blocks being used disparately.

In terms of Policy 5.3.1, Ms Lindsay considers that the proposal continues to enable primary production, there are no significant soils identified for the site, reverse sensitivity is adequately addressed, and the design of the subdivision appears to be expressly designed to maintain the large productive (balance) lot while maximising the residential carrying capacity of the land. In this regard, she assesses that the proposal will result in less fragmented rural land that a traditional rural subdivision anticipated by the District Plan.

The advice from Ms Dawe, Ms Lindsay and Ms Irving is that little weight can be given to the Proposed RPS 2021. This advice is adopted by the Panel.

They Panel accept the advice of Ms Lindsay, Ms Irving and Mr Costello and find the proposal to be generally consistent with the PORPS.

National Policy Statement for Urban Development (NPSUD)

Ms Irving and Ms Lindsay advised the Panel that the National Policy Statement for Urban Development (NPSUD) is not applicable to this application as suggested by the Otago Regional Council. The Panel agrees that Central Otago does not currently meet the definition of Urban Environment as set out in the NPSUD. In response to ORCs assessment of Policy 10 of the NPSUD, the Panel notes Ms Lindsay's advice that this relates to urban environments and seeks to ensure that urban infrastructure is strategically and affordably extended. The Panel agrees with Ms Lindsay that the site is of rural and not urban character and notes that the applicant will be providing its own infrastructure, and does not seek to extend the infrastructure network. The Panel notes that there is no physical ability to integrate infrastructure with urban development as this is not a serviced, or intended to be serviced, area.

Section 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of Section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. Taking into account, the findings above the Panel can give consideration to the granting of the consent.

Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the RMA, consideration for offsetting or compensation measures is required. The applicants have not offered offsetting or compensation measures and the Panel finds that none are necessary.

Other Matters

Section 104(1)(c) of the Resource Management Act 1991 requires the Panel to have regard to any other matters considered relevant and reasonably necessary to determine the application.

Precedent and plan integrity

Matters of precedent and plan integrity are relevant here. With respect to the precedent and plan integrity, the Court has confirmed that cases should be assessed on their merits to avoid affecting plan integrity. In this regard, the Panel determine to make a decision on the facts of the application. The Panel note that the very nature and form of this development sets it apart from other rural subdivisions which have previously gone before the Panel.

Plan Change

The submission by ORC suggests that the proposal would be better processed as a plan change. The Panel note the advice of Ms Lindsay that, while this type of farm park development where each individual lot is far smaller than 2ha, was not anticipated at the time the plan was written, each lot is to be held with an equal share of Lot 17 (ie 1/16 of 129ha will be included with each resultant title. The Panel note that as a result, each title for Lot 1-16 theoretically will have ownership of at least 8ha of land. In this regard, the Panel agrees with Ms Lindsay that the proposal does not exceed the residential carrying capacity of the land as signalled by the District Plan and this approach is expected to be a more efficient use of land when compared to a standard rural subdivision, given the productive potential of the balance lot. For these reasons, the Panel do not consider that this proposal merits a plan change approach.

CONCLUSIONS

The Panel:

1. Finds that the effects of the proposal on the environment are no more than minor subject to conditions of consent. In particular, the Panel finds that the proposal will not have adverse effects on rural character and amenity values, or adversely diminish the productive capacity of the land.
2. Considers that the proposal to be an appropriate response to avoiding land fragmentation.
3. Notes that while an unorthodox approach within Central Otago, the proposal does not exceed the anticipated residential carrying capacity of the land and provides for cohesive productive management of the balance lot and, therefore, does not necessitate a plan change approach.
4. Recognises the conditions proposed to manage reverse sensitivity effects and consider these to be adequate.

5. Notes the submission of Kā Rūnaka and considers the concerns raised are largely addressed by the expert geotechnical evidence in respect to wastewater and stormwater disposal and an accidental archaeological discovery protocol. The Panel also defers to the jurisdiction of the Otago Regional Council as it relates to discharges and any potential adverse effect on water quality. The Panel notes for completeness that the Land and Water Regional Plan is under development, has not been notified and cannot be given any weight in these proceedings in respect of wastewater discharges.
6. Determines, subject to conditions of consent especially those in respect of water and wastewater, that the proposed lots can be adequately serviced and that the access and road upgrade as proposed is adequate.
7. Finds that the proposal is consistent with the objective and policies set out in the Central Otago District Plan and the Partially Operative Regional Policy Statement.
8. Determines that the NPSUD is not relevant to this proposal.
9. Finds that the tests set out in section 104D of the RMA have been passed and consideration can be given to granting the consent.
10. Determines that offsetting or compensation measures are not required.

DECISION

Having regard to the reasons detailed above, the Panel has resolved pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, to grant the subdivision consent, subject to the following conditions:

General

1. The subdivision must be undertaken in general accordance with the scheme plan attached as Appendix 1 and the information contained in the resource consent application received by Council on 19 May 2021, further information received on 4 August 2021 and 29 September 2021 and the Structure Landscape Plan submitted as part of the hearing evidence and attached at Appendix 2, except where modified by the following conditions:
2. All subdivision works must comply with NZS 4404:2004 and the Council's July 2008 Addendum to NZS 4404:2004 as modified by these conditions of consent.
3. Prior to Section 224(c) certification, as built and quality records must be provided to the Chief Executive.
4. Pursuant to Section 223 of the Resource Management Act 1991, the consent holder must ensure any easements required to provide or protect access or for access to services are duly granted or reserved.

Note: The memorandum of easements prepared for the cadastral dataset submitted for Section 223 certification must show all existing easements, interests and consent notices carried down onto the new lots or cancelled as appropriate.

5. Pursuant to section 220(3) the following amalgamation conditions must be endorsed on the survey plan prior to section 223 Certification:

- a) That Lots 1 – 16 Hereon hold an undivided 1/16th share of Lot 17 hereon and individual Records of Title be issued for each lot. (see CSN request 1727250)

Water

6. Prior to Section 224(c) certification, a reliable network potable water supply of 1000 litres per day per lot must be provided to Lots 1-16 in accordance with Clause 6.3.15 of Council's July 2008 Addendum to NZS4404, as modified by the following:
 - a) Source of water must be identified and confirmed as legally available and adequate for subdivision use. Water may be sourced from groundwater, surface water or a water supply company. Water may be supplemented by rainwater but this is not permitted to be the primary water source for the 1000 litres per day per lot.
 - b) All source water must be sampled and tested by a testing laboratory recognised by the Ministry of Health with bacteriological and chemical testing to the satisfaction of the Chief Executive.
 - c) Any non compliance with Maximum Allowable Values (MAV's) and Guideline Values (GV's) under New Zealand Drinking Water Standards 2005 (revised 2018) must be highlighted in the Laboratory Report and an appropriate means of remedial treatment and associated costs described.
 - d) Any identified requirement for water treatment at the source of the supply must be installed and satisfactory testing by a testing laboratory recognised by the Ministry of Health with bacteriological and chemical testing to the satisfaction of the Chief Executive must demonstrate compliance with New Zealand Drinking Water Standards 2005 (revised 2018).
 - e) Reticulation must be installed from the source(s) and a standard Acuflo toby assembly with meter/restrictor located at the boundary of Lots 1-16 inclusive.
 - f) Evidence must be provided of:
 - i) application for registration of the Drinking Water Supply with Taumata Arowai.
 - ii) a formal water supply document including the daily water entitlement of 1000 litres/day to each lot
 - iii) an operation and maintenance manual including as built drawings, system description and quality records for the water supply.

<p>Note: It is strongly recommended that additional treatment be included for all water supply to provide wholesome water by achieving compliance with the Guideline Values (GVs) shown to be exceeded in the laboratory reports.</p>

7. Prior Section 224(c) certification, a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on the record of title for Lots 1 -16 for the following on-going condition:
 - a) At the time a dwelling is established on Lots 1-16, all non-compliant aspects of the water supply and detailing measures to be undertaken by the owner or successor for point of use treatment at the Building Consent stage to provide treatment to achieve full compliance with New Zealand Drinking Water Standards 2005 (revised 2018) by means outlined in the Laboratory Report required under Condition 6(c) of RC210142 or other solutions acceptable to Council. To further

clarify this, the water shall as a minimum requirement achieve full compliance with mandatory provisions of New Zealand Drinking Water Standards 2005 (revised 2018) including all Maximum Allowable Values (MAV's) as detailed in the Laboratory Report and the consent holder or successor shall be alerted to any exceedance of Guideline Values (GV's) for which additional treatment is strongly recommended.

Note: It is also strongly recommended that additional treatment be installed to provide compliance with Guideline Values shown to be exceeded in the laboratory report.

8. Prior Section 224(c) certification, a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on the record of title for Lots 1 -16 for the following on-going conditions:
- a) At the time residential activity (new dwelling) is constructed on Lots 1 -16, domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be maintained at all times as a static firefighting reserve. Alternatively, an 11,000 litre fire fighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with Fire and Emergency New Zealand equipment the fittings are to comply with the following standards:
 - i) Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling (e.g. 100 mm coupling has 100 mm hose tail) provided that the consent holder must provide written confirmation from Fire and Emergency New Zealand to the Chief Executive to confirm that the couplings are appropriate for firefighting purposes.
 - ii) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be maintained at all times to the hardstand area.
 - b) Firefighting water supply may be provided by means other than that provided for above if the written approval of Fire and Emergency New Zealand is obtained for the proposed method and that approval is submitted to the Chief Executive.

Note: For more information on how to comply with Condition 8 above or on how to provide for FENZ operational requirements refer to the Fire and Emergency New Zealand Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 retrieved from http://www.fire.org.nz/CMS_media/pdf/da516e706c1bc49d4440cc1e83f09964.pdf. In particular, the following should be noted:

For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.
For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.

9. Prior to Section 224(c) certification, a consent notice, in accordance with section 221 of the Resource Management Act 1991, must be prepared for the Record of Title for Lots 1-16 for the following on-going conditions:
- a) At the time that a new dwelling is constructed on Lots 1-16, an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 On-site

- Domestic Wastewater Management” must be designed by a suitably qualified professional.
- b) Construction must not commence on the dwelling until the design of the on-site wastewater disposal system and producer statement have been supplied to the Chief Executive.
 - c) The designer must supervise the installation and construction of the system and must provide a construction producer statement to the Chief Executive.
 - d) An operation and maintenance manual must be provided to the lot owner of the system by the designer and a copy supplied to the Chief Executive. This manual must include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system must not be issued until the construction producer statement and a copy of the lot owner’s maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual must be transferred to each subsequent owner of the disposal system.
 - e) Wastewater disposal areas must be located such that the maximum separation (in all instances greater than 50 metres) is achieved from any water course or any water supply bore.

Note: On-site disposal shall comply with the Otago Regional Council requirements.

Stormwater

10. Prior to Section 224(c) certification, a consent notice must be prepared, in accordance with Section 221 of the Resource Management Act 1991, for registration on Record of Title of Lots 1 -16 for the following on-going condition:
 - a) Stormwater from buildings and impermeable surfaces on Lots 1 -16 must be contained entirely within the lot and discharge to a soakpit except that any roof water must be captured and used for beneficial reuse within the lot. Confirmation of the new stormwater discharge system must be confirmed in writing to the Chief Executive each time a new dwelling is constructed on Lots 1-16.

Electricity and telecommunications

11. Prior to Section 224(c) certification, the consent holder must:
 - a) Install operational connections for electricity services underground to the boundary of Lot 1-16 for domestic power supply. It is the consent holder’s responsibility to obtain the consent of network utility providers regarding the position of any electricity services to serve Lots 1-16.
 - b) Supply evidence of the consent from the network utility providers to the Chief Executive.
 - c) Meet all the costs associated with the installation of electricity services necessary to serve the needs of the subdivision.
12. Prior to Section 224(c) certification, the consent holder must either:
 - a) Install an operational underground connection to telecommunication services to the boundary of Lots 1 -16; or
 - b) Provide confirmation from a cellular provider that there is cellular coverage to Lots 1-16 and a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on the record of title for Lots 1 -16 stating that no telecommunication connection is provided and the provision of telecommunications connections is the responsibility of the owner or successor

at the time of dwelling construction. Telecommunication connections may include cellular networks, satellite services or wifi.

Access

13. Prior to Section 224(c) certification, the consent holder must:
- a) Upgrade that length of Jolly Road between the existing end of seal and the entrance to the subject site to a '*Local Sealed Road*' classification in accordance with Council's July 2008 Addendum to NZS4404, Table 3.2 a) as modified below:
 - i) Minimum sealed width of 6.0m with standard 0.25m metalled shoulders.
 - ii) Pavement constructed to Austroad standards for rural roads
 - iii) Two coat grades 3 and 5 chip seal
 - iv) A vehicle entranceway must be constructed at the subdivision entrance off Jolly Road in accordance with Part 29 of Council's Roding Policies January 2015.
 - b) Construct the internal access serving Lots 1-17 from Jolly Road in accordance with Council's July 2008 Addendum to NZS4404, Table 3.2 '*Local Access A*' classification as modified below:
 - i) Roads to be held in private ownership and operated and maintained by a body corporate or similar common ownership entity to the satisfaction of the Chief Executive.
 - ii) A minimum top width of 5.5m
 - iii) Construct accessways to all individual lots off the internal road to comply with Part 29 of Council's Roding Policies, January 2015.
 - iv) Suitably sized culverts located in water courses.
 - v) A well bound durable surfacing metal to be used that is resistant to unravelling and provides good all weather traction, except that the access from the sealed carriageway of Jolly Road to 10 metres inside the property boundary must be sealed.
14. Prior to Section 224(c) certification, a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on Record of Title of Lots 1 -16 for the following on-going condition:
- a) No access is permitted off State Highway 8A without the specific approval of Waka Kotahi

Development Conditions

15. Prior to Section 224(c) certification, a Landscape Management Plan must be submitted for certification by the Planning Manager. The objective of the Landscape Management Plan is to ensure that the planting required by the Structure Landscape Plan at Appendix 2 is carried out and maintained in a manner that ensures fast and effective screening of Lots 7-10 from Jolly Road. The Plan must identify:
- a) The species of plants,
 - b) Location of plants
 - c) Size and spacing at the time of planting
 - d) Intended height of 5-7 metres
 - e) Required watering regime
 - f) Pest control

- g) Retention of all existing shelterbelts within the site
 - h) Ongoing responsibility of plant maintenance and replacement
16. Prior to Section 224(c) certification, the planting and irrigation method identified in the certified Landscape Management Plan must be established and the irrigation water source and availability must be confirmed.
17. Prior to Section 224(c) certification, a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on the Record of Title of Lot 17 for the following on-going conditions:
- a) The planting established under the Structure Landscape Plan must be maintained in accordance with the Landscape Management Plan in perpetuity.
 - b) The existing shelterbelts must be maintained in perpetuity.
 - c) Any plants which fail or die must be replaced in the next growing season.

Note: It is anticipated that the on-going responsibility for the structure planting will fall to the Management Company.

18. Prior to Section 224(c) certification, a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on the Record of Title of Lots 1-16 for the following on-going conditions:
- a) The maximum building height is restricted to 5.5 metres above the existing ground level.
 - b) New fencing must be of post and wire or post and rail, and a maximum height of 1.2m. Gates must be wooden, chain link or tubular framed steel barred.
 - c) All water storage tanks must be coloured in the range of black, green or brown.
 - d) All gardens and outdoor domestic activities must be confined within each specific lot.
 - e) Outdoor lighting must be restricted to curtilage areas and hooded to prevent light spill into the night sky.

Notes:

- 1. All earthworks to develop and/or landscape Lots 1 -16 must comply with Rule 4.7.6J of the Central Otago District Plan or additional resource consent will be required.
- 2. The cladding and roofing materials and finishes of all built form within the lots must accord with Standard 4.7.6 D of the Otago District Plan.

19. If during any site disturbance, the consent holder or subsequent owners of Lots 1-16:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive,

if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i) stop work within the immediate vicinity of the discovery or disturbance; and
 - ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

Future subdivision of Lot 17

- 20. Prior Section 224(c) certification, a consent notice must be prepared, in accordance with section 221 of the Resource Management Act 1991, for registration on the Record of Title for Lot 17 that states:
 - a) No further subdivision of Lot 17 is permitted, except that, if the site is rezoned from Rural Resource Area to a zoning or method that provides for rural lifestyle, or rural residential or urban land uses then the proposed lot size averages for subdivided Lot 17 must be calculated as if Lots 1-16 of RC210142 are part of that subdivision. In the event that a new District Plan becomes operative and imposes more restrictive subdivision controls, the provisions of that Plan shall prevail and this condition shall be deemed to have expired.

<p>Note: The community facility for the lot owners within the existing building will require further resource consent if the land use is not a permitted activity in the Rural Resource Area.</p>
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Reverse Sensitivity

- 21. Prior to section 224(c) certification, the consent holder must prepare a consent notice to be registered on the Record of Title for Lots 1-16 which states that:
 - a) All purchasers, lessees, licences or tenants and any other users having an interest in Lots 1-16 are advised that:
 - i) Horticultural, viticultural and agricultural activities can occur as of right in the Rural Resource Area; and

- ii) The usual incidence of these activities including (but not limited to) stock handling, hay making, chemical spraying, pest control (including by use of poison, night shooting and helicopters) deer stag roaring, irrigations, frost control and bird scaring may have amenity effects beyond the boundaries of adjoining properties
- iii) Appropriate siting, design, and screening of dwellings and other sensitive land uses to mitigate adverse effects associated with noise and spray drift from adjacent horticultural activities is required.

Financial Contributions

- 22. Payment of a reserves contribution of \$15,280.00 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan on the basis of seven additional dwelling equivalents.

Notes:

- 1. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.
- 2. Development contributions for roading of \$38,352.00 (exclusive of goods and services tax) are payable for pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development and Financial Contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5.1 of the Operative District Plan.

Staging

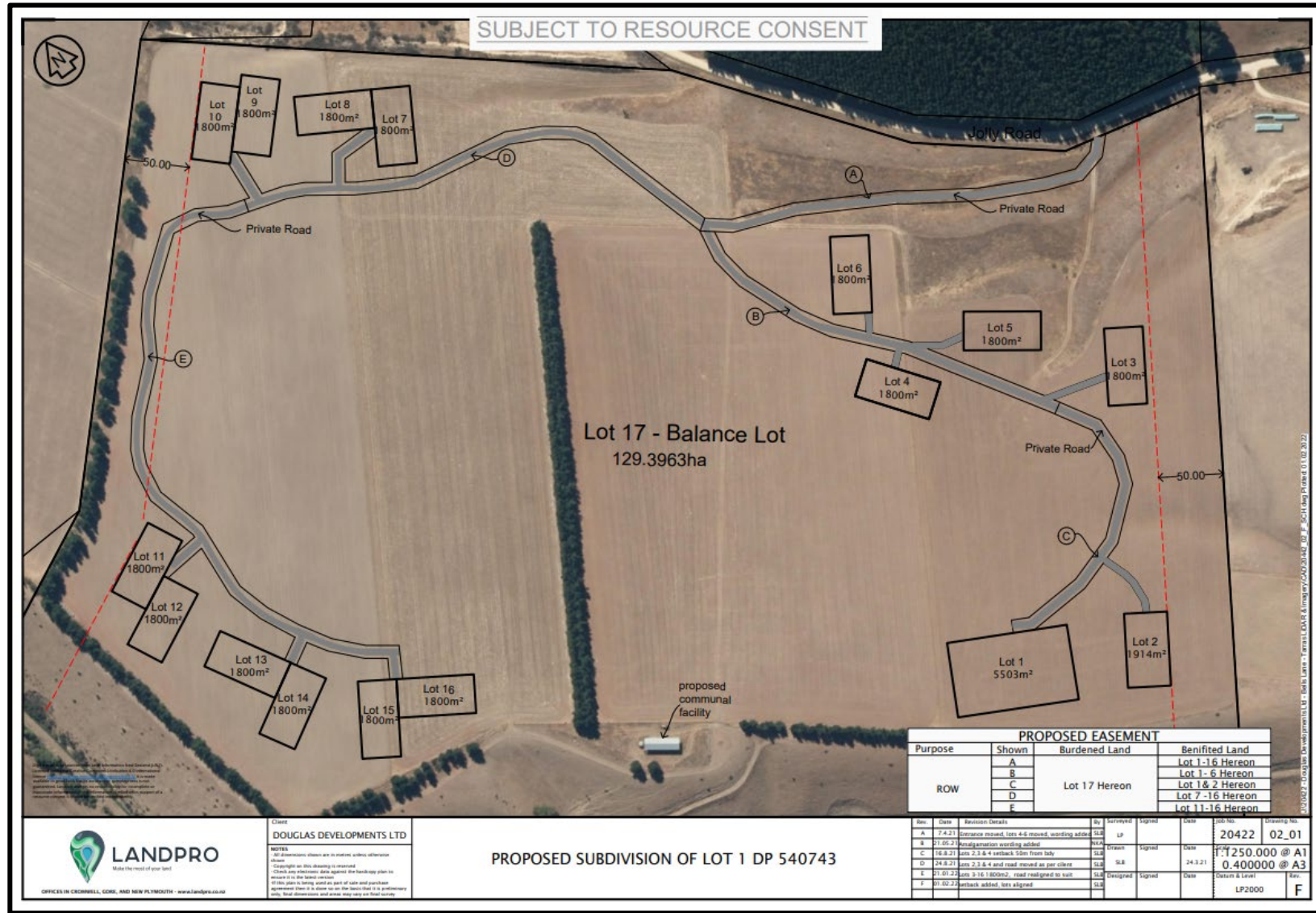
- 23. The subdivision may be staged and any conditions relevant to a stage shall be satisfied prior to section 224(c) certification for that stage.

Certified to be a correct copy of the decision of the Central Otago District Council.

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 Olivier Monthule-McIntosh
Planning Manager (Acting)

21 February 2022

APPENDIX 1 – APPROVED SCHEME PLAN FOR RC210142



APPENDIX 2 – STRUCTURE LANDSCAPE PLAN FOR RC210142



Summary

The Structural Landscape Plan's objective is to detail the method of screen plantings for 185 Jolly Road. The proposed Cupressus leylandii plantings will achieve a minimum height of 5-7 metres within 5 years to screen Lots 7-10 from Jolly Road.

Preparation

Plant Supply

1. Container grown plants shall be healthy, vigorous and free of disease, injury, parasites or insects, as well as having a well-developed root mass. Root mass shall be well distributed and not root or pot bound.
2. Plants to be a min grade 12L and height of 1.8-2m.

Plant Preparation

1. The proposed planting areas shall be sprayed off at least twice prior to planting, with a two-week period between spraying. Spray application shall take place in still, cool and dry conditions. Protect any existing trees in the surrounding landscape from spray drift. All planted areas will be weed free at the time of planting.
2. Planting pits shall have a minimum compacted depth of 300mm (or twice the rootball width and depth - whichever is greater) and backfilled with a 60:40 mix of screened topsoil/compost. The existing sub-soil shall be ripped and cultivated to a depth of 150mm prior to addition of topsoil. Final grading of topsoil/compost mix shall be carried out to ensure a true specified level and slope to avoid dish or other depressions where water may collect.

Planting

1. Planting shall generally take place between 1st April and 30th September (the planting season). Planting may occur outside these times with the approval by Central Otago District Council. The Contractor shall carry out the works to protect the existing subsoil structures and prevent excessive soil structural damage.
2. Containerised plants shall be thoroughly moistened at the time of planting. If plants are dry, they shall be submerged in water for at least five minutes until all air bubbles stop rising. Allow time to drain before planting.
3. Planting positions shall be in accordance with the structure landscape plan and spacing shall be as specified.
4. The Contractor shall allow for a minimum average fertiliser application rate of 50 grams of 8-9 month slow-release fertiliser (such as Osmocote, Nutricote or Grotabs) with a composition of 6.15.3. NPK per plant. The specified fertiliser shall be thoroughly mixed with the soil in the base of the planting hole, prior to planting. Apply quantities as recommended by the manufacturer.
5. Plants shall be set upright in the centre of the pit at such a depth that the soil, when firmed down is at the same height as the top of the root ball.
6. Soil shall be heeled in using natural body weight and not over-compacted. Any major roots damaged during this process shall be cleanly cut off flush with the root ball using sharp secateurs.
7. The irrigation system is to be installed once planting is complete (prior to bark mulch installation) Refer to maintenance section.
8. All proposed planting areas are to have decomposed tree chip or cambium grade bark mulch applied. Unless specified otherwise, mulch shall be placed and maintained to a minimum consolidated depth of 75mm for planting beds and tree pits. The surface of the mulch shall be 25mm below the surrounding ground surface and shall be even and free of hollows.
9. Mulch shall be pulled back to 50mm off the trunk of any tree to prevent collar rot.
10. Topsoil shall not be mixed into the mulch during placement, planting or weeding.

Maintenance

Watering Regime

1. Water will be sourced from the terraces below the subdivided portion of the site and will likely consist of landscape dripline and battery powered controllers. An irrigation designer will be able to advise on the appropriate products to use to achieve required irrigation levels. Irrigation line is to be positioned throughout planting, within approximately 300mm off each plant to ensure sufficient watering (or as otherwise advised by an irrigation designer).
2. It shall be the management company's responsibility to ensure the plants receive sufficient water to maintain health and good growth. The permanent irrigation system shall be programmed to operate after 11am and prior to 5am (or as otherwise advised by an irrigation designer).

Weed Removal

1. Planting areas are to have a minimum 2 metre wide strip to the extent of the planted area which is to be kept free of weed species. Weed control shall be frequent enough to prevent weed species flowering and seeding. The area of mulching around the planted areas should reduce the frequency of maintenance required.

Pest Control

1. It is recommended that rabbit proof fencing with mesh no larger than 3 centimetres and fence height at least 1 metre be installed. The bottom of the fence should have a 15-centimetre apron or be buried 20 centimetres into the ground. Regular maintenance should be carried out to ensure the wire isn't breached by animals burrowing underneath.
2. Other pest control strategies including shooting, poisoning and repellents may be required (in accordance with all relevant acts, by-laws and controls and any other legislation) should it be determined that the aforementioned controls are proving unsuccessful.

Hedging

The Cypress trees shall be maintained as a hedge and trimmed as required in order to promote denser growth.

1. Prune front and back sides of hedge until desired height is reached.
2. Trim back overtop side growth to encourage denser growth.

Replacement

1. Retention of all existing shelterbelts within the site.
2. In-line with the conditions of consent, 17. a) "The planting established under the structure landscape plan and existing shelterbelts must be maintained in perpetuity. Any plants which fail or die must be replaced in the next growing season."

Ongoing Responsibility of Plant Maintenance and Replacement

1. The subdivided property on the upper slope of the overall site is to be managed by a management company with each lot having shares and having responsibility for costs for farm operations, including managing and replacing plants. It will be the responsibility of the management company to maintain the planting and replace it in the next growing season should any fail or die in line with the consent conditions.

REV	DATE	DESCRIPTION

Align
landscape architecture and urban design division
PO BOX 9090, Dunedin 9100 | T +64 (0) 3 479 0100
PO BOX 100, Christchurch 8140 | W www.align.co.nz

PROJECT
Jolly Road Lot Development
185 Jolly Road, Tororo

DRAWING
PLANTING SPECIFICATIONS

SCALE N/A
DATE 20/01/2022

DRAWN MT
CHECKED TR

STAGE FOR CONSENT
JOB NO. LAP006

DRAWING NO.
LAP006-DRG-LA-110
REVISION NO. 10