

APPLICATION FOR RESOURCE CONSENT OR FAST TRACK RESOURCE CONSENT FORM 9: SECTION 88 RESOURCE MANAGEMENT ACT 1991

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Email to: resource.consent@codc.govt.nz

Post to: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

CONTACT DETAILS OF APPLICATION

Full name(s) and contact details of owner/occupier/applicant: *(name will be issued on the decision)*

Postal Address

Email

Phone

Full name(s) and contact details for service of application *(if different from above)* e.g. Agent:

Postal Address

Email

Phone

DETAILS OF PROPERTY

Street address/rapid number of property to which this application relates:

Legal description of land:

DETAILS OF APPLICATION

Application Type(s) applying for: *(please tick one)*

- Land use consent
- Subdivision consent
- Change/Cancelation of consent or consent notice conditions
- Extension of lapse period of consent (time extension) s125
- Certificate of compliance
- Existing use certificate

Description of proposal:

- No additional resource consents are needed for the proposed activity.

Or

- The following additional resource consents are needed for the proposed activity. *(give details)*
They have / have not been applied for: *(please highlight)*

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing. Please select one:

I opt out / I do not opt out of the fast-track consent process.

PAYMENT DETAILS

I confirm amount and date paid:

Reference used (if applicable):

- Bank Transfer to 020916 0081744 00 (BNZ Alexandra Branch). Please reference: "RC APP" and the applicant's surname in the payment details eg, RC APP SMITH
- Manual payment (can only be made once application lodged and RC reference number issued)

APPLICATION CHECKLIST

The following is attached to this application:

(please tick boxes as appropriate)

- *Non-refundable application fee of the prescribed amount (an additional charge may also be payable where the initial application fee is inadequate to recover Council costs).
- Assessment of the Effects on the Environment (AEE).
- *Copy of current Certificate of Title.
- *A location plan.
- *A site plan which shows the location of any buildings, driveways, parking areas or other significant features in relation to site boundaries. (Please ensure the paper size is either A4 or A3.)
- A building plan including the floor plan of the proposed building and elevations (if appropriate). (Please ensure the paper size is either A4 or A3.)
- Photographs of the site and of any important features relative to the application.
- Any other information required by the District Plan or Act or regulations to be included.

**Items with a star are required for all consent applications.*

Full details relating to the contents of applications are contained in the checklists and guidance notes available on Councils website www.codc.govt.nz or from any Council office.

Note to applicant:

You may apply for two or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

I/We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

I/We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under the Act.

(List all documents that you are attaching)

Subdivision consent requirements

As/if this is an application for a subdivision consent, I/We attach information that is sufficient to adequately define: *(delete if this is not an application for a subdivision consent)*

- (a) The position of all new boundaries; and
- (b) the areas of all new allotments; and *(delete if the subdivision involves a cross-lease. Company lease or unit plan)*
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) the locations and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under section 237A of the Resource Management Act 1991; and
- (f) the locations and area of land to be set aside as new roads.

As this is an application for a resource consent for reclamation, I/We attach information to show the area proposed to be reclaimed, including its location, the position of all new boundaries, and the portion of that area (if any) to be set apart as an esplanade reserve or esplanade strip. *(delete if this is not an application for a resource consent for reclamation)*



6/4/2023

Signature

Date

(to be signed by applicant or person authorised to sign on behalf of applicant)



222 Pearson Rd, Cromwell

Muller Family Trust

Assessment of Environmental Effects to support an application for commercial activities and associated signage

Written by Tim Muller, trustee

Version 2, 20/11/2023

1 Background

The Muller Family Trust (MFT) owns the 80 ha property at 222 Pearson Rd, and has lease agreements with NZ Nuts Producers Ltd (NZ Nuts) and several other businesses who operate on the site, as detailed in the following sections. NZ Nuts operate a nut orchard on the site (primarily south of Pearson Rd), and recently obtained consent (unrelated to this application) for on-site sales and signage related to the orchard. Note that references in that application to the site being in the Rural Resource Area ('RRA' on the CODC planning maps), as opposed to Rural Residential ('RR') are erroneous and have been corrected here.

The property has been owned by the Muller family for over 50 years, during which time it has been developed from essentially bare land with minimal vegetation to now contain several thousand trees, including a productive nut orchard as well as various shelterbelts, etc.

MFT's long-term vision is for horticultural or similar development of most or all of the site. This is a major undertaking on such a large site and is likely to take at least a further decade to be fully realised. Therefore, in addition to the primary lease agreement with NZ Nuts, MFT has also entered into medium term (5-10 year) lease agreements with other local businesses as detailed below to generate some income from the land while planting/development of the rest of the property proceeds.



Figure 1: 1949 aerial photograph, showing barren state of land before it was purchased by the Muller Family, with approximate site boundaries marked. Note orientation is north-east to top. Pearson Rd runs left to right across middle of photo, with Sandflat Rd near the top-centre of the image.



Figure 2: Most recent (December 2021) Google Earth image of the site marked up with approximate site boundaries, showing tree plantings and other improvements since the site has been occupied by the Muller Family.

MFT and its other lessees (i.e. excluding NZ Nuts) understood that the other activities carried out on site were permitted under the *Central Otago District Plan (CODP)*, and therefore no consents had been sought or obtained. Following contact from the Central Otago District Council (CODC) compliance team in February 2023, it became clear that some activities required either consent, or modifications to comply with permitted activity rules/standards. This was primarily the result of confusion as to the zoning of the site, as noted above.

Since that time, MFT and the affected lessees have been working with CODC staff to identify the changes/consents required. These are the subject of this application.

In discussion with the CODC planning staff who attended the pre-application meeting on February 28th, it was agreed that MFT would submit a broad application covering both existing and proposed non-permitted activities on the site, to minimise the likelihood that the consent sought will have to be amended in future. Accordingly, [the original version of this application contained](#) (in addition to the normal matters required in any consent application):

1. A detailed description of the existing activities on the site.
2. A more general description of reasonably foreseeable future activities.
3. Effects-based conditions intended to give CODC and other stakeholders confidence that any adverse effects associated with the present and any future non-permitted activities can be appropriately managed.

Following lodgement of this application in April 2023, further information has been provided in response to questions from CODC, and a number of amendments have been made to the proposal. MFT and the processing officer acting for CODC, Olivia Stirling, agreed that this updated version of the AEE incorporating the above additions/changes would be helpful for decision makers. For clarity, this report supersedes (and incorporates the relevant information in):

1. The original version of the AEE, dated April 6th.
2. The Section 92 response, dated July 3rd,
3. The letter detailing amendments to the application, dated 25th August.

Sections 6 and 8 of this report were substantially re-written in document 3 above, and this report contains the updated version of these sections (with minor further updates). Other changes/additions to the text (apart from minor punctuation/spelling corrections etc) are marked in blue text.

2 Applicant details

The applicant is the Muller Family Trust (MFT). The trustees are Tim Muller and Valda Muller.

For this application, correspondence/questions can be addressed to Tim at mullertrustnz@gmail.com, or on 027 459 0295, or by mail to 68 Neplusultra St, Cromwell.

Note that the activities covered by the proposed consent are (to be) carried out primarily by lessees rather than MFT itself. Lessees will be required to comply with the consent conditions (assuming it is granted) via conditions to be added to their leases.

3 The site

The property is 222 Pearson Rd (PT SEC 48 SARITA SBDN), though it also has frontages on Bannockburn and Sandflat Rds. The activities covered by this application occur/will occur primarily on the area of the site north of Pearson Rd and west of Sandflat Rd (referred to in the rest of this report as the 'Sandflat Rd block'). Specifically, the application relates primarily to a 2.5 ha area near the intersection of those roads, as shown on the attached plans.

Pearson Rd is a rural collector road under Schedule 19.7 of the CODP, and is for practical purposes perfectly straight with very good visibility and near-flat gradients in the area near the proposed signage and primary site entrance. Sandflat Rd is a rural local road, which is also very straight with

shallow gradients and good visibility near the site, albeit with a small gentle rise that peaks near the site's access point to Sandflat Rd.

The road frontage of the Sandflat Rd block is defined by a pine shelterbelt, with eucalyptus shelterbelts also present internally and along the northern boundary. However, there are some gaps in the shelterbelt, primarily where power lines cross the boundary. The following photos show examples of typical views into the site from surrounding roads (Figure 3-6), as well as some examples viewing the site from where shelterbelts are not present (Figures 7-9). Figures 10 and 11 are taken near the site boundaries to the north and northwest of the Grapevision and current R&R lease areas – note that these were taken inside the boundary shelterbelt so will tend to exaggerate visual effects somewhat – particularly given that the land slopes away to the north from near the boundary so the site is only visible from part of the properties to the north. Also, all of these photographs show the site as it currently appears without the additional visual screening proposed below, and with R&R's outdoor storage area in its current (more visible) location.

Additionally, the photograph on the cover page shows the view from Bannockburn (near the corner of Bannockburn and Felton Rds), with the orchard in the foreground and the area covered by this application partially visible near the centre.

Unless stated otherwise, all photographs in this report were taken in late February or March 2023.



Figure 3: Typical view of central part of Sandflat Rd block from Pearson Rd, with (current) R&R and Grapevision lease areas partially visible through shelterbelts and approx. Grapevision area outlined in red.



Figure 4: Typical view of southern part of Sandflat Rd block from Pearson Rd, with Central Screening lease area partially visible through shelterbelt.



Figure 5: Typical view of Central Screening lease area from Sandflat Rd, with equipment associated with their operation screened from view by shelterbelt and bund. Note: the bund shown is to be extended at a similar height, hence this image is representative of what will be the typical visibility of the proposed activities near the Pearson Rd/Sandflat Rd intersection.



Figure 6 Typical view of site from Stone Dr to the north, with Grapevision lease area outlined in centre background, and current R&R area also somewhat visible.



Figure 7: View along high voltage power line alignment from Pearson Rd, with R&R (centre/left background) and Grapevision (right background, approx. extent outlined) lease areas partially visible behind almond plantation and eucalyptus shelterbelt.



Figure 8: View of Grapevision (outlined) and R&R lease areas from Pearson Rd, in an area where the boundary shelterbelt is absent due to power lines. Note portacoms etc. visible in left background are on R&R's lot and are to be relocated.



Figure 9: View from north-eastern corner of Sandflat Rd block towards centre of site, the location from which the lessees' operations are most visible from the road. Red outline shows approximate extent of Grapevision lease area, remaining items visible are in R&R's current yard, which is to be relocated to a less visible area.



Figure 10: View of the R&R and (background) Grapevision lease areas from near the northern site boundary. Note that this photograph and the following figure were taken inside the boundary shelterbelt and therefore will tend to exaggerate the visibility of the items stored on site. In any case, the R&R items are to be relocated as discussed later in this report.



Figure 11: View of the R&R and (background) Grapevision lease area from near the north-western corner of the property. See also caption to Figure 10.

The surrounding environment contains a mixture of commercial/recreational (e.g. Highlands Motorsport Park and the Cromwell Speedway to the north along Sandflat Rd – see following Figures), residential (e.g. various lifestyle blocks including the River Terrace subdivision on the site's northern boundary and on the northern side of Pearson Rd) and primary industry (forestry, horticulture, viticulture and apiculture) activities.



Figure 12: View South from Sandflat Rd near Highlands Motorsport Park, showing commercial activities (Cromwell Speedway and water bottling plant) in foreground, River Terrace subdivision behind, pine forest in left background and site in right background.



Figure 13: Partial panorama showing commercial activities near the site, further along Sandflat Rd. Left to right: water bottling plant, Highlands Motorsport Park (background), Cromwell Speedway.

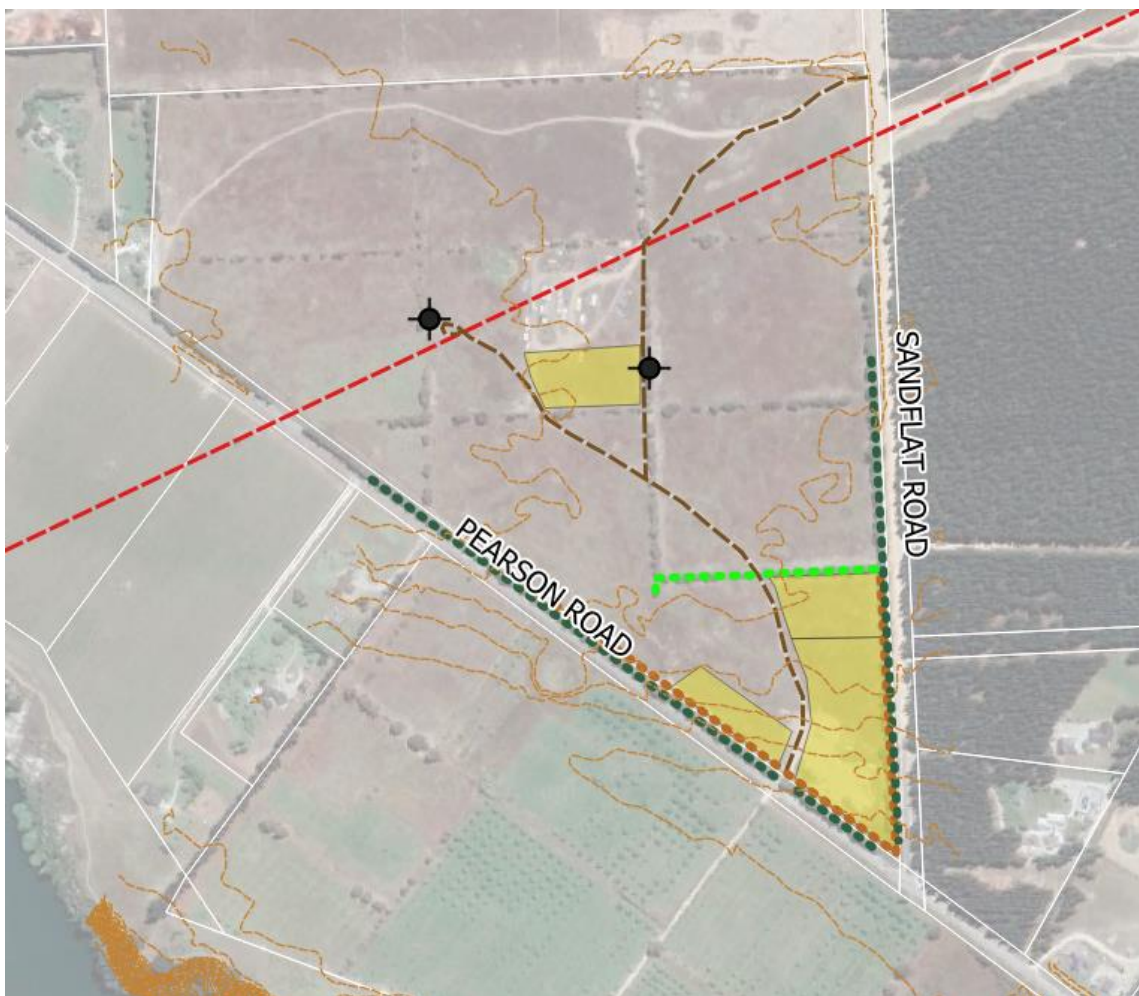


Figure 14: Recent (c. 2020) aerial photograph from LINZ of Sandflat Rd block, showing 1 m topographical contours from a LIDAR survey by Landpro Ltd, indicative existing and proposed lease areas (yellow shading) for Grapevision (centre) and the activities requiring consent (bottom right, near Pearson Rd/Sandflat Rd intersection) and proposed additional visual screening (supplementary plantings or bunds, green dashed lines). See attached plans for details.



Figure 15: View past main entrance to application site (right hand side) along Pearson Rd to the west, showing existing signage. Taken October 2022.



Figure 16: View from approx. 250 m west of Figure 15 location, looking east towards the site entrance (opposite side of road from small shed visible in left background) and the end of Pearson Rd. Taken October 2022.



Figure 17: View north along Sandflat Rd from site entrance, looking towards Highlands Motorsport Park (obscured in distance).



Figure 18: View south along Sandflat Rd from site entrance.

The Archsite GIS viewer shows one potential archaeological site within the property. This is a ~1930s mineshaft designated F41/330. This [has been](#) fenced for safety reasons and to prevent any accidental disturbance. The mine shaft will not be affected by the proposed activities.

4 Current and proposed activities on site

4.1 Operations of MFT lessees

Excluding the NZ Nuts orchard on the southern side of Pearson Rd, there are three current lessees on the property.

Grapevision Ltd (Grapevision) is a viticultural contractor who use the site as a base for their operations on local vineyards. Their lease area is near the centre of the Sandflat Road block, containing a semi-enclosed workshop, portacoms, and outdoor storage space for various pieces of viticultural equipment. [Netting will be attached to the existing Grapevision fence to further mitigate the visibility of this equipment.](#) At present there are no commercial grape plantings on the property, but this is being discussed. There will be 2.5 full-time equivalent staff based at the yard, with other staff visiting sporadically during the work day to collect equipment, etc.

R&R Hiab Ltd (R&R) have a business providing trucking services and hire of containers, portacoms and other equipment to the horticulture, network utility and other industries. They have a lay down site immediately north of the Grapevision lease area for outdoor storage of shipping containers, power poles, portacoms and other similar items. [As part of the application process, we have become aware that shipping containers and similar which are remaining in place for 6 months or longer may be considered to be 'buildings' as defined in the CODP and therefore subject to the same controls on colour. Containers etc affected will be repainted where required.](#) At the time of writing, they are also storing a number of relocatable classrooms on behalf of the Ministry of Education, however this is a short-term arrangement and they are expected to be removed in the next few months.

[Following discussions with CODC during the process of preparing and processing this application, it has been decided that all materials currently in R&R's yard near Grapevision will be relocated further south close to Central Screening's yard to reduce the visual effects of their activity \(see Current and Proposed Lease Areas Plan and condition 3.11 in Section 8\).](#)

R&R have no permanent staff on site, but their drivers visit the site to deliver or pick up items stored there, sporadically during the week during normal work hours or occasionally on Saturdays.

Central Screening Ltd (Central Screening) operate a topsoil recycling and landscaping supplies business near the Pearson Rd/Sandflat Rd corner. They primarily supply topsoil, manure, and gravel products to landscaping contractors etc, who in turn use those products in developing their clients' sites, including primary sector, residential and commercial developments. Central Screening has also been approached by Fulton Hogan and CODC to assist in accepting domestic cleanfill for trucking to Fulton Hogan's Parkburn quarry, to ensure that this resource is appropriately managed and does not become waste, while avoiding light vehicle access into the hazardous quarry environment. Screening of topsoil is typically carried out approximately 2 days per month, but allowing for future growth may be up to two days per week during the requested consent duration.

Hours of operation for the Central Screening yard are 7 am-6 pm Monday-Friday and 8 am-2 pm Saturdays, but no screening or other activities with the potential to generate significant amounts of noise or dust are to be carried out for the first hour (i.e. no earlier than 8 am weekdays or 9 am

Saturdays). The screening process generates some noise and dust and is therefore more suitable in a rural environment than in a built-up commercial/industrial area. However, these effects are mitigated by the presence of shelterbelt trees, use of water for dust suppression, and a recently-constructed bund.

Currently, up to a maximum of 4 staff are present on site at any one time, over time this may increase to up to 6.

A fourth lessee will also begin operating at the site shortly, subject to approval of this application. **Island Stone** operate a small natural stone cutting operation primarily processing local Schist into a light weight stone cladding product. The end product is 100% natural and is distributed both locally and nationally to support residential and commercial building activity.

Hours of operation for Island Stone will be between 7 am-6 pm Monday-Friday and on occasion from 8 am-2 pm on Saturdays, but with no stone cutting or other high-noise activities within the first hour of operation (i.e. before 8am Monday-Friday or 9am Saturday). The cutting process generates some noise from the machines however this noise will fall within the Central Otago District Council noise limits. There may be a limited amount of dust but all of the cutting will be wet cutting creating a mud product. These effects are mitigated by the presence of shelterbelt trees, use of water for dust suppression, and the intended construction of a bund on the road boundary.

It is intended that there will be 2- 3 Island Stone staff on the site which may increase to 6 over time or as demand requires. It is estimated that up to 10 light vehicles will access their site per day, with typically one two-way truck movement per day and occasionally up to five. No retail activity is proposed in relation to Island Stone's operation at the site.

There are no permanent structures within any of these four lease areas (the only permanent structures on the Sandflat Rd block are two pump sheds owned by NZ Nuts). The lease agreements all require the lessees to remove all property and any debris from the site at the conclusion of their lease term. However, there are a small number of temporary structures proposed, as shown on the attached Landscaping Plan (structures numbered 1-9). The largest structures are the proposed sheds for:

- Island Stone, building 1, a 10 m x 6 m x 3.6 m (length x width x height) relocatable pole shed, and
- Central Screening, building 9, a ~12 m x 11 m x 6 m high (at highest point) canopy shed, with a similar construction to the Grapevision canopy but much smaller. Note that the width includes the width of the containers framing it on either side (i.e. the width of the canopy alone is only approx. 6 m).

These are to be sited so as to be essentially invisible from Sandflat and Pearson Roads once the bunds are in place (along with the existing shelterbelts), apart from briefly for traffic passing the site entrance. Building consent will be sought separately for any structures for which this is required but to reiterate, there are no permanent buildings proposed. All other structures proposed are ~3 m high or less and will also be generally invisible from the road. No buildings will be sited within 10 m of the site boundary.

Note that some containers/portacombs stored outdoors in the proposed relocated R&R yard may also meet the very broad definition of 'building' in the CODP (as is currently the case), but these are not shown as their locations will vary over time.

MFT propose to make a maximum of 2.5 ha (less than 10 % of the area of the Sandflat Rd block or approx. 3 % of the total property area) available for non-primary sector activities, with the proviso that any such activities which are permitted (i.e. do not require consent) under the CODP would not contribute to that total. This area is to be in the southernmost part of the site near the Central Screening area where the topography of the site makes visual screening somewhat easier (see Figure 14 and attached plans). The remainder of the Sandflat Rd block is at this stage intended for horticultural or viticultural development.

4.2 Mitigations

As shown on the Landscaping Plan, in addition to relocating the R&R yard and the existing shelterbelts which partially visually screen the existing and proposed activities on site, it is proposed to:

- Extend the existing bund to provide further visual screening to the Central Screening area and neighbouring proposed non-primary-sector lots.
- Complete additional plantings and/or coppicing (cutting established trees to encourage quick formation of low branches), to enhance the screening effect of the existing mature eucalyptus shelterbelts north of the proposed non-primary sector activity area.

This will result in a significant short-term reduction in the visibility of the buildings and stored items on site, while over time the new plantings combined with the existing trees will result in essentially complete screening of the non-primary sector activities on site from public view.

4.3 Signage

The proposal includes signs to assist visitors to the lessees on site in finding them. Note that none of the lessees are 'retail' businesses by a common-language definition and signage will not be designed for the purposes of attracting new customers etc. The sign is to be double-sided, no more than 3 m² in area, placed near the site entrance on Pearson Rd, and will comply with the size, lettering, placement etc requirements of the plan as detailed in Section 5.1. The existing Central Screening sign at the Pearson Rd entrance to the property will be moved inside the boundary to face the internal road.

5 Activity status

5.1 Central Otago District Plan – general standards

Section 4.7.6 of the CODP contains general standards that apply to all activities (where relevant) in the Rural Resource Area. In general, activities complying with these standards can be carried out as permitted activities, subject to the other rules in the CODP.

The following standards are relevant to the activities on the site:

- **A – Bulk and Location Requirements:**
 - all buildings (as defined in the plan – see comments in Section 4.1 and on next page) and items stored outdoors on the site are at least 10 metres from the nearest road, consistent with the yard requirements of condition (a) of this standard.
 - Aside from the high voltage power lines (which are not owned or managed by MFT or its lessees, nor related to this application), all structures on the property comply with the height limits set in condition (f).
 - Separation from transmission lines as per condition (g) is discussed below in relation to Rule 12.7.8.
 - The Sandflat Rd/Pearson Rd intersection is the only intersection to which condition (h) is relevant, with respect to this application. No buildings, stockpiles, or other items that could obstruct driver visibility are located in the triangle of land near the intersection described in that condition (essentially, within 15 m of the intersection of the legal road boundary).
 - Conditions b (Open Space in Rural Resource Area 2), c (water bodies), d (housing of animals), e (separation distances from water races etc), i (airport protection zone), j (land subject to hazards), k (oxidation ponds and sewage treatment), and m-p (re Rural Resource Area (5)) are not relevant to the activities on site.
- **B - Traffic generation.** Condition (b) of this standard applies, and states that commercial, industrial or manufacturing activities in the rural residential zone are not permitted, with the proviso that this limitation does not apply to “farming, horticulture, viticulture, network utilities and forestry activities”. As discussed above, while the commercial activities on the site provide support to the primary sector and network utility providers, the businesses on site are also engaged in other activities and therefore **consent is required under Rule 4.7.4(i)**. The traffic effects of the current and proposed activities are discussed in Section 6.1.
- **C – Tree planting.** Trees to be planted as part of this proposal will be generally low-height bushes/shrubs to supplement visual screening from established taller trees, and will not breach any of the conditions of this standard.
- **D – visual effect of buildings and structures.** As part of the process of preparing this consent application, it has been identified that some of the shipping containers (and other items of a similar or larger size) on site may be classified as ‘buildings’ if they have been or will be in place for longer than 6 months. These items will be painted or otherwise finished in one of the colours listed in this standard, specifically: brown, green, grey blue, grey, terracotta, tussock or dark red, with a reflectivity value of less than 32 % for roofs and 38 % for all other external surfaces. The only exception to this is the canopy of the workshop operated by the Grapevision (visible in some of the site photographs above), associated with their viticulture business. This roof would not be practical to paint as it is a plastic membrane. However, this type of structure is a common feature of the rural environment. It is visible, but not obtrusive when viewed from Pearson and Sandflat Rds, and will become less visible over time as the trees which already partially screen it grow.
- **E – Noise.** The noisiest activity that currently occurs on the property is topsoil screening. No formal noise monitoring has been carried out, but the noise generated by this activity is no louder than a passing truck, and therefore in keeping with the existing environment. Similar activities with comparable noise effects are also not uncommon on farms, orchards and vineyards. Noise effects are mitigated by the bund around this area, and by trees (both on the property and on the neighbouring property) between the screening area and the nearest house, approximately 150 m away. The nearest neighbour stated that he generally doesn’t

notice the noise when screening is underway, unless he is outside at the time and even then it is not a concern.

- **F – Storage.** This standard requires visual screening around any outdoor storage areas, “to a suitable height and density so as to mitigate adverse visual effects and dust effects that have the potential to occur”. Visual screening has been provided via shelterbelt trees on the boundary and surrounding the area containing the Grapevision and current R&R lots, as well as with a bund around most of the Central Screening area (to be extended to cover the rest of Central Screening’s operation and the other nearby proposed lease areas). However, at the pre-application meeting CODC advised that the screening provided by the shelterbelts is not sufficient to meet this standard. In large part, this is due to a practice of pruning the lower branches on shelterbelt trees, which will now be discontinued to improve the screening. The bund around the Central Screening area will also be extended to improve visual screening, and further bunds will be constructed where necessary where there are gaps in the boundary shelterbelts, particularly where power lines cross the boundary. This work will result in the storage activities on site complying with this standard, however it is acknowledged that it will take some time for the additional screening plantings to become established, and therefore **consent is required under Rule 4.7.3(i)** to authorise this temporary non-compliance.
- **G – Provision of Services.** With respect to wastewater, the Grapevision lot includes a toilet with a closed septic system that will be regularly pumped out for safe off-site disposal. Water is available on the site via two bores (authorised by ORC consent RM17.111.01), and is available to tenants for non-potable uses such as dust suppression and equipment wash-down. There is ample space within the site for manoeuvring and parking as required.
- **H – Signs.** NZ Nut Producers Ltd (another tenant of the Muller Family Trust who operate an orchard on the southern side of Pearson Rd) have consent for signage associated with a rural selling place there. **One additional sign is proposed under this application, at the Pearson Rd accessway to the site**, to identify the businesses on site and enable motorists looking for them to find them. Because of the existing signage on the property, **consent will be required under Rule 4.7.3(i)**. The new sign will comply with the other conditions of this standard.
- **I – Riparian margins.** There are no waterways on the site.
- **J – Earthworks for Access Tracks etc.** Aside from formation of bunds, no earthworks are proposed.
- **K and KA – Indigenous Vegetation and Habitats.** These standards relate to various activities in areas of indigenous flora and fauna identified in Schedules 19.6.1 and 19.6A of the CODP, or ecological features meeting certain other conditions. There are no such ecological features on the site.
- **L – Outstanding Natural Landscapes.** The site is not within an outstanding natural landscape.

Section 12.7 of the CODP contains further rules and general standards that apply district-wide. The proposed activity complies with these standards as follows:

- **12.7.1 – Access standards.** As noted above, access to the site is primarily via Pearson Rd, with secondary access from Sandflat Rd occasionally used. These accessways are:
 - at right angles to the relevant roads, do not affect road drainage or result in stormwater or detritus migrating onto the road, and are usable regardless of weather.

- located on long, straight, relatively flat stretches of the roads, with sight distances of several hundred metres (and certainly greater than 160 m as required).
- At least 100 m from the nearest intersections.
- Existing features which have been established for several decades. To the best of our knowledge, they were constructed in accordance with all relevant standards and there have been no issues or complaints during that time.
- **12.7.2 – Parking and 12.7.3 – Loading and Manoeuvring.** There is ample space within the commercial activity areas and elsewhere on site for car parking, loading and manoeuvring. No parking or loading will take place on public roads.
- **12.7.4 – Noise.** This is discussed under point E above in this section.
- **12.7.5 – Signs.** The proposed signs will comply with the requirements in this standard, in particular condition (v).
- **12.7.6 – Lightspill and 12.7.7 – Building Line Restrictions.** These standards are not relevant.
- **12.7.8 – Transmission lines.** To the best of our knowledge, activities beneath the transmission lines (i.e. within the current R&R lease area) comply with the relevant standard. *In any case, relocating R&R's operation as proposed will eliminate any issues related to the transmission lines.* The text of the relevant part of this standard (12.7.8(i)) is quoted below for reference:

No building shall be erected within 12 metres from the centreline and 12 metres from the outer edge of the support structure of a high voltage transmission line that is part of the transmission network and is designed to operate at or over 110kV provided that this rule does not apply to:

1. Buildings and structures less than 2.5m high and 10m² in area which are at least 12 metres from the outer edge of the support structure of a high voltage transmission line and comply with NZECP 34:2001....

5.2 Central Otago District Plan – activities requiring consent

5.2.1 Summary of consents required

1. Resource consent as a **discretionary (restricted) activity** is required under Rule 4.7.3(i) of the CODP. This is because the proposed activity breaches matter Standard 4.7.6F (storage) and matter (2) of standard 4.7.6H (signs).
 - With respect to Standard 4.7.6F, this requires visual screening of outdoor storage areas. The proposal involves establishing visual screening that will comply with this standard, however CODC have advised that the visual screening currently in place is insufficient to comply with the standard. Therefore, consent is required to address the temporary non-compliance with this standard, until the proposed plantings are established to the point where the required screening is in place.
 - With respect to Standard 4.7.6H, matters 1-2 of this standard permit one sign to be constructed per property, plus two 'pre-warning signs'. There are currently three signs consented (in the name of NZ Nut Producers Ltd, another tenant of the Muller Family Trust), one sign in place as a permitted activity, and the proposal involves an additional sign. As discussed in Section 6.2, this is considered a reasonable number

of signs given the size of the property (80 ha) and the fact that it has frontages on three different roads: Sandflat Rd, Pearson Rd and Bannockburn Rd

2. Resource consent as a **discretionary activity** is required under Rule 4.7.4(i) of the CODP. This is because the proposed activity breaches Standard 4.7.6B, relating to traffic generation.
 - Condition b(ii) of Standard 4.7.6B states that “Within areas identified as “Rural Residential” ([RR]) on the planning maps no person shall be engaged in any activity of a commercial, industrial or manufacturing nature. For the purpose of this rule, farming, horticulture, viticulture, network utilities and forestry activities are excluded from an activity of a commercial, industrial or manufacturing nature.”
 - Although the existing and proposed activities on the site are considered in keeping with the rural environment, and all have some relationship with the rural industries named in the condition quoted above, nonetheless not all the activities on site fall under the exception listed in the standard (the sentence beginning “For the purpose of this rule...”). Therefore consent is required.
 - Note that although Standard 4.7.6B is titled “Traffic Generation and Characteristics of Activities”, in this case the relevant condition is based solely on the nature of the activities, rather than the scale or the volume of traffic. As discussed in Section 6.1, the actual traffic generation effects are expected to be insignificant.

3. Resource consent as a **non-complying activity** is required under Rule 4.7.5(iv) of the CODP, which regulates ‘retail activity’.
 - As discussed in Section 5.2.4 below, the Central Screening operation to which this rule applies would not be considered ‘retail’ by a common language definition, given that the primary activity on site is screening of topsoil (and business-to-business sales thereof), and sales to the public are a minor component of the operation. Nonetheless, it is acknowledged that the activity meets CODC’s definition of ‘retail activity’, which is very broad as discussed in the section of the AEE mentioned above.
 - Rule 4.7.5(iv) does not apply to activities covered by Rules 4.7.2(iii) or 4.7.4(iv). The latter relates to wineries and is not relevant, but the ‘retail’ aspects of the Central Screening operation have some overlap with the activities described by the (controlled activity) Rule 4.7.2(iii), as discussed in the AEE (also Section 5.2.3). However, the range of products sold is broader than those covered by that Rule, and therefore the activity falls under Rule 4.7.5(iv).
 - Also as discussed in the AEE (particularly Sections 5.2.3 and 6.8), the on-site sales activity is very different from ‘retail activity’ as the phrase is commonly used, and also very different from the type of activity that seems to be envisaged by the relevant Rules. While it is not disputed that 4.7.5(iv) applies, many of the effects that Rule seems to have been intended to control are either irrelevant or of negligible importance in this case.

The relevant rules are discussed in more detail in the following sub-sections.

5.2.2 Storage and signs

Rule 4.7.3(i) states that

Any activity that fails to comply with the following rules:

....

4.7.6F Storage

4.7.6H Signs

is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the following matters:

- 1. The effect on the safe and efficient operation of the roading network or airport.*
- 2. The effect on the health and safety of people and communities.*
- 3. The effect on the amenity values of neighbouring properties.*
- 4. The effect on landscape values.*

As noted above, under the proposal further screening will be planted/established so that the storage activities on site will comply with the relevant standards (though not immediately). The proposed signs comply with the relevant standards apart from the number of signs. The effects of these factors, as well as the matters for discretion listed above, are discussed in Section 6.

5.2.3 Commercial activity

Rule 4.7.4(i) states that:

Any activity that fails to comply with the following rules:

....

4.7.6B Traffic Generation and Characteristics of Activities

....

is a discretionary activity.

Any application made relating to a breach of Rule 4.7.2(ia)(a) – (c), (e) and (f) will generally be publicly notified.

Reason

Breach of the standards listed in these rules can have significant adverse effects on the environment.

As discussed above, the proposed (and current) activities on site include commercial activity which requires consent in the Rural Residential zone. The rule requiring this relates to traffic generation,

though as discussed in Section 6.1 the traffic-generating effects of the activities on site are minimal. Rule 4.7.2(ia) does not apply, and therefore neither does the quoted comment re notification.

5.2.4 Retail

In addition to the general commercial activity described above, Central Screening's operation includes sales to the public which fall under CODC's definition of 'retail activity', which according to Section 18 of the CODP "means the sale, offering for sale, or exposure for sale of goods to the public." Sales to the public are a minor component of Central Screening's activities, but nonetheless it is acknowledged that their operation includes 'retail activity' as defined by CODC, albeit very different from the common language meaning of 'retail'.

One form of retail is rural selling places, which are regulated under Rule 4.7.2(iii) of the CODP. This rule states:

Except as provided for in Rule 4.7.2(v) Retail Activity – Winery (Off Licence) and Rule 4.7.4(iv) Retail Activity – Winery, retail activity shall be a controlled activity provided that this is restricted to a "rural selling place" that is defined as a rural retail facility that is EITHER:

(a) ancillary to the growing of produce on the site and may in addition offer for sale any of the following goods:

- 1. fresh fruit and vegetables and nursery plants, whether grown on the property or not.*
- 2. processed fruit and vegetable products, including dried fruit and vegetables, jam, sauces, preserves, juices and other cold drinks (excluding alcoholic beverages).*
- 3. nuts, honey and eggs.*
- 4. fertilisers, manure and garden mixes.*

OR

(b) ancillary to the making of art and craft products on the site and offers for sale any art and craft products produced in the Central Otago District whether made on the property or not

AND IN EACH CASE,

I the retail activity complies with Rule 12.7.1 (page 12:13) and provided that the sale of beverages (excluding alcoholic beverages) and snack foods is permitted in conjunction with the operation of a rural selling place.

Central Screening's operation includes sales of manure, but also a wide range of other landscaping products that are not listed in the rule. Therefore the activity does not fully comply with the above controlled activity rule.

Rule 4.7.5 (iv) states that:

Retail activity not provided for by Rule 4.7.2(iii) or Rule 4.7.4(iv) is a non-complying activity.

Reason

Retail activities can have a significant adverse effect on the safe and efficient operation of the roading network through generating large volumes of traffic (including heavy service vehicles). Landscape and amenity values can also be compromised through a proliferation of signs and large buildings, and the generation of noise and waste. They can also have significant implications in terms of energy consumption and convenience by requiring people to travel significant distances to shop.

Because the activity is not 'retail' in the traditional sense, most of the potential effects of retail activities listed above are not applicable (or only marginally applicable). Nonetheless, these are discussed in Section 6.

5.3 Matters for control/discretion

The overall status of the activity is non-complying (owing to the minor retail component) and the matters for control and discretion mentioned in the lower-status rules are not the only factors Council may consider. Nonetheless, the factors mentioned in the various relevant rules are still useful in giving an indication of issues that may be relevant and should be considered. These have been collated and categorised below:

- **Traffic, vehicle movements and road safety**
 - "The provision of parking, loading and manoeuvring areas" (matter for control under Rule 4.7.2(ii))
 - "Setback from State highways" (matter for control under Rule 4.7.2(ii), not relevant in this case but included for completeness)
 - "The effect on the safe and efficient operation of the roading network or airport" and "The effect on the health and safety of people and communities" (matters for discretion under Rule 4.7.3(i), specifically in relation to signage and storage).
- **Signage**
 - "The size, design and location of any signs associated with the activity" (matter for control under Rule 4.7.2(ii))
- **Visual effects**
 - "The design and colour of buildings" (matter for control under Rule 4.7.2(ii))
 - "The provision of landscaping" (matter for control under Rule 4.7.2(ii))
 - "The effect on the amenity values of neighbouring properties" (matter for discretion under Rule 4.7.3(i))
 - "The effect on landscape values." (matter for discretion under Rule 4.7.3(i))

The reasons stated for the non-complying status of retail activities in rural areas under Rule 4.7.5 (iv) are also relevant. These are repeated below with emphasis added:

*Retail activities can have a significant adverse effect on the **safe and efficient operation of the roading network** through generating **large volumes of traffic** (including heavy service vehicles). **Landscape and amenity values can also be compromised** through a **proliferation of signs and large buildings**, and the generation of **noise and waste**. They can also have significant implications in terms of **energy consumption and convenience** by **requiring people to travel significant distances to shop**.*

5.4 Notification and consultation

A consent authority has the discretion whether to publicly notify an application unless a rule or National Environmental Standard (NES) precludes public notification (in which case the consent authority must not publicly notify) or section 95A(2) applies.

The effects of the activities will be less than minor, the applicants do not request public notification and there are no rules or NES which require the public notification of the application. In addition, there are no special circumstances relating to the application. As such, notification of the application is not necessary.

Clause 6(1)(f) of Schedule 4 of the RMA requires the identification of, and any consultation undertaken with, persons affected by the activity. No persons are considered to be adversely affected by the proposal, as determined by the larger assessment of environmental effects (Section 6 below). However, Council must decide that a person is affected pursuant to Section 95E of the RMA.

During preparation of this application we have consulted with the following neighbours (and, where relevant, their co-owners or former owners of the same properties):

- Ross MacLean, owner of 151 Pearson Rd,
- [Bruce Wilson](#), owner of 249 Pearson Rd,
- Vincent Sharp, owner of 153 Sandflat Rd,
- Rick Guyton, owner of 157 Sandflat Rd,
- Tristan Franklin, owner of 7 Mason Ln,
- Dean Franklin, owner of 15 Mason Ln,
- [Harry Hayabusa](#), owner of 74, 76 and 90 Stone Dr,
- Valerie Irwin, owner of 180 Pearson Rd.

The last four mentioned were contacted before the amendments to the application moved the relevant activities significantly further from their properties, rendering the application of minimal relevance to them. The other four neighbours mentioned have all provided written approval for the application, with their forms available in [this Dropbox folder](#).¹

Overall, it is considered that this application should be processed non-notified and without the need for further written approvals.

¹ Full URL: <https://www.dropbox.com/sh/798n1w5m4p07vey/AAC-JLK-hzVKDSDDeURuKk9ta?dl=0>

6 Assessment of effects

The relevant effects of the activity identified in the CODP and summarised in Section 5.3 are discussed in the following section.

6.1 Traffic, vehicle movements and road safety

The chief justification for the requirement for consent for commercial activities in the rural residential zone is traffic generation (refer to Rule 4.7.4(i) and 4.7.6B). In this case, traffic generation effects are minimal. For context, CODC's roading team have advised us of the following traffic count data for roads adjoining the property:

- Bannockburn Road (2019) Average Daily Traffic (ADT) 2,090 vehicles per day (vpd)
- Sandflat Road (2022) ADT 252 vpd
- Pearson Road (2017) ADT 562 vpd

These are the latest traffic counts available to CODC as at mid-January this year (the data was originally requested for a purpose unrelated to this application). Each value is the average of 7-days' traffic monitoring. From local knowledge, traffic along Pearson Rd is expected to be significantly greater than it was 5-6 years ago when the above data was captured.

Informal traffic monitoring on Sandflat Rd, near the Pearson Rd corner was carried out on Monday, 27th March, using a motion-sensing camera. The camera took approximately 600 photos between 8 am and 6 pm. Even allowing for the fact that the camera can take duplicate photos sometimes (particularly for heavy vehicles), this indicates that traffic volumes significantly in excess of the above can occur on Sandflat Rd, at least on some days. As discussed in the AEE, the lessees and owners of the site generally avoid this stretch of Sandflat Rd as the internal tracks have a better driving surface, therefore it can be assumed that the vast majority, if not all, of this traffic along Sandflat Rd was unrelated to activities on site. Anecdotally, we understand many people travelling to and from Bannockburn now use Sandflat Rd in preference to Bannockburn Rd and the Cromwell urban roading network.

Monitoring of traffic movements from the main site entrance on Pearson Rd was carried out using the same camera from Monday February 20th-Saturday February 26th. During that approx. week, a maximum of 16 vehicles/day entered the site using that entrance. If we conservatively treat this maximum as an average, allow also for vehicles entering the property via the accessway on the other side of Pearson Rd (estimate 5-10 vehicles per day), and double the result to obtain vehicle movements rather than entrances, this would imply up to approximately 50 vehicle movements along Pearson Rd generated as a result of all activities at the site (including permitted activities, already consented activities, and the activities covered by this application).

Traffic movements have likely increased somewhat since those observations were made. This is primarily due to the Grapevision yard becoming fully operational, but as discussed above the Grapevision yard does not require consent given the changes proposed, and therefore traffic movements associated with that business (including some of those recorded in February) are arguably irrelevant to this application, being part of the permitted baseline.

The site has a 2.0 km total frontage along both sides of Pearson Rd, approximately one third of the total road frontage. Given this, the estimated number of vehicle movements along Pearson Rd is

well in proportion to the property's share of the road frontage, particularly considering that the Pearson Rd traffic counts above are likely to underestimate current road usage. It is also noteworthy that significantly greater traffic generation effects would be expected if the property was to undergo subdivision to the smallest lot sizes allowed as a controlled activity (or a progression of controlled activity applications, which could at least in theory generate up to 40 rural-residential lots).

Similarly, the secondary Sandflat Rd entrance is estimated to be used by fewer than 5-10 vehicles per day (10-20 vehicle movements per day), primarily associated with permitted activities on site. The site has a 700 m frontage along Sandflat Rd, equivalent to about a fifth of the total frontage on both sides. Again, the traffic generation is well in proportion to the road frontage. As noted above, vehicles with access to the site generally avoid the southern part of Sandflat Rd due to the road surface quality, and therefore traffic generated along Sandflat Rd is almost exclusively on the sealed stretch to the north. However, the amendments to the application described in this application are likely to mean that there will be minimal additional traffic along Sandflat Rd.

The existing lease areas are a minimum of ~0.3-0.4 ha in area (with any additional lots to be a similar or larger size) and contain ample room for parking, manoeuvring and loading. No on-road parking is required.

There are no adjoining State Highways, so setbacks from these are not relevant.

Taking all of the above into account, traffic generated by the existing and proposed activities will have a less than minor effect on the function of the local roading network, and no meaningful effects on road safety are to be expected.

6.2 Signage

Rule 4.7.6H provides standards for signage, stating:

Signs on any site shall comply with the following standards. Signs:

- 1. Shall be situated on the property to which they relate provided that no more than two pre warning signs having a maximum area of 1m² each are permitted within 500 metres of the site entrance.*
- 2. Shall comprise a single sign not exceeding a total of 3m² in area.*
- 3. Shall not obscure driver visibility to and from access ways*
- 4. Shall not be constructed using reflective material, or flashing or animated components.*
- 5. Shall not be illuminated.*
- 6. Shall comply with Rule 12.7.5(v) at page 12:21.*

Note: Certain signs are permitted or require consent in terms of Rule 12.7.5 on page 12:21.

Rule 12.7.5(v) contains 3 standards relating to signage. These require that:

- a. *"The message on all signs must be clear, concise and of a clear lettering style."* Additionally, for roads with a speed limit of 70 km/h or higher (as is the case for all roads adjoining the site), lettering must be 160 mm or more in height.
- b. Signs may not imitate the colour or shape of traffic signs.

c. *Signs shall not be located where they are likely to distract drivers in a situation where road conditions demand full and uninterrupted driver concentration and in particular:*

- 1. They shall not be located where they may obstruct driver visibility, along the road, intersections or accesses.*
- 2. They shall be located approximately at a right angle to the road.*
- 3. They shall be as close as practicable to the access point of the land to which the sign relates.*

Note: quotes in the above list above are italicised; the remaining text is paraphrased.

The proposed new sign will not obstruct driver visibility. It will be located within the property boundaries at an approximate right angle to Pearson Road, as close as is safe and practicable to the site entrance. The sign area will not exceed 3 m², nor will reflective materials or illumination be used. Apart from the total number of signs on the property, the proposed signage complies with these standards. Approximately three trees will need to be removed on the eastern side of the Pearson Rd entrance to the site to enable visibility to the sign from both sides. This will be compensated for by increasing the bund height behind the sign.



Figure 19: Mock up of proposed sign. Existing Central Screening sign on right to be relocated inside property. Photo taken October 2023

Signs advertising commercial activities (e.g. Highlands Motorsport Park or the Cromwell Speedway nearby on Sandflat Rd), rural selling places, and similar activities are a common feature of the local rural environment. Signs with near-identical (and negligible) effects on road safety to those proposed could be installed as a permitted activity if the property was to be subdivided first.

Concerns about proliferation of signs are therefore significantly mitigated by the size of the property, which as noted above has an approx. 2 km frontage on Pearson Rd (both sides). For comparison, road frontages of properties further west along Pearson Rd are typically 100 m or less, and we understand that each of these properties could, if they chose, install a sign (or potentially multiple signs) as a permitted activity. In this context, the effect of potentially up to five signs on the 80 ha property (four for NZ Nuts under their existing consent RC 220369 and permitted signage allowance, and one under the current consent) is not excessive, particularly considering that these signs are divided between the Bannockburn Rd, Pearson Rd and Sandflat Rd frontages of the site, and no driver would see all of the signs during a single trip.

The new sign is not close to an intersection.

Overall, the effects of signage related to the proposal are considered to be less than minor.

6.3 Visual effects, amenity and landscape values

The design and colour of 'buildings' (see definition discussed in Section 5.1) on the site will be in accordance with the CODP standards. As shown in the photographs here and in the AEE, these and the other items associated with the non-horticultural/viticultural activities on the site are visible, but not obtrusive, from the site's boundaries and road frontages. Relocating the R&R Hiab yard and increasing screening to the Grapevision yard will significantly reduce their visibility. While the existing shelterbelts do not provide complete screening, they do (and will increasingly) significantly mitigate the effects. The screening effect of the existing shelterbelts surrounding the now-proposed non-primary sector activities area is significantly better than much of the rest of the site, as can be seen by comparing Figures 3-5 with Figure 7-9 above.

The improved screening which is included in the proposal will further mitigate the visual effects, and over time bring the outdoor storage and related activities on the site into compliance with the permitted activity standards for visual screening. The additional plantings which are part of this work will also have a beneficial impact on landscape and amenity values.

Consolidating all non-primary sector activities within a single contiguous area will both make these mitigations easier to implement, and also reduce the level of visual effects that would exist even before those mitigations take effect. Once the proposed additional screening has fully taken effect, the visual effects of the existing and proposed activities will be consistent with the relevant permitted activity rules/standards, and these long-term effects are considered to be negligible. Whatever adverse visual/amenity effects there may be should be seen in the context of the significant improvements to the amenity value of the land (and by extension, the surrounding area) that have been made since the Muller family purchased it (see Section 1 of AEE).

Taking into account the proposed additional screening and therefore the temporary nature of the current visual/amenity effects, and the improvements made under this amendment to the proposal, the overall visual effects of the proposal are considered to be less than minor.

With regard to the effects on specific (groups of) adjoining properties:

- The combination of the factors discussed above with the natural contour of the land and the relocation of non-primary sector activities to the south will reduce visual effects on the land to the north to negligible levels (see Figures 6 and 7, including captions). The majority of the subject property north of Pearson Rd is a flat terrace set slightly higher than both the properties to the north and the area where most of the proposed non-primary sector activities will occur, which naturally limits visibility from north to south across the land. The proposed visual mitigation measures will reduce the visual effects of the activities subject to this consent application from the north to effectively zero over approximately the next two years, which means the overall visual effects on those properties will be negligible, particularly given that no dwellings are currently present on the relevant neighbouring lots. Unlike the original proposed areas which were most visible from the north and west, the land affected by the amended proposal will now essentially be only visible through gaps in the existing shelterbelt adjoining Pearson Rd and the southern end of Sandflat Rd (until the proposed visual mitigation measures take full effect and hide it almost entirely from public view). Even before these measures are in place, the activities will be largely invisible from the north and west.
- With regard to the properties to the south-west (primarily 180 Pearson Rd), visual effects will be minimal as the current activities requiring consent (i.e. R&R and Central Screening) will not be visible from those properties once shifted to the amended proposed location, and visual mitigation can be established ahead of any new activities closer to those properties. These properties are also set at a lower level than the area covered by this application, further limiting visual effects.



Figure 20: Looking south from inside the property boundary near 90 Stone Dr towards the existing Central Screening lease area and proposed additional non-primary sector activities in background. Note minimal visibility of Central Screening operation even without proposed mitigations in place. Photograph taken Winter 2023 inside boundary shelterbelt and at a higher elevation than most of the neighbouring land to the north, so the activities subject to this consent application will be even less visible from the neighbouring properties than the photograph suggests. Current R&R area (to be relocated) and Grapevision yard (consent not required) are out of shot to the right.

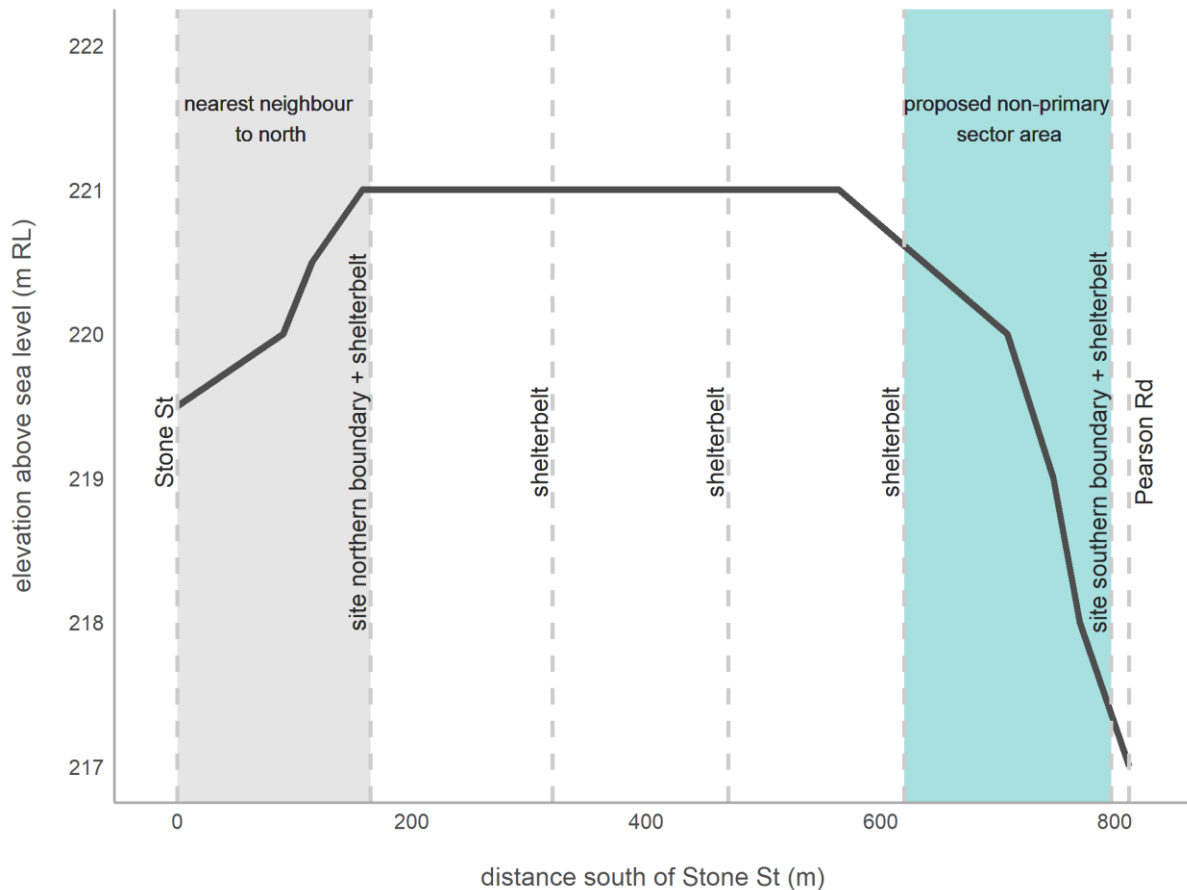


Figure 21: Ground elevation cross section along a line running north-south from Stone St to the Pearson Rd site entrance, illustrating how the natural landform and existing (albeit patchy) shelterbelts obscure view of the non-primary sector activity area from the north. Contours from Landpro aerial survey (within site) and attached Geosolve Geotechnical Investigation Plan for River Terrace Developments Ltd (neighbouring land). Note different scales on x and y axes.

6.4 Noise, waste and dust

The activities on site (particularly topsoil screening and the proposed stone masonry) do generate some noise, but the noise levels are in keeping with the surrounding environment, in particular the proximity to the roads, which are frequently used by heavy vehicles. The closest neighbour to the current activity which generates the most noise, topsoil screening, has observed that the noise from topsoil screening is generally not noticeable indoors, and not of concern when outdoors.

Any other future noise-generating activities associated with non-primary sector uses of the site will be managed to ensure compliance with the noise limits stated in Rule 4.7.6E. Therefore, noise will be no greater than the levels permitted given the land's zoning, with additional restrictions limiting potentially noisy activities to day time. This is in contrast to noisy horticultural/viticultural activities such as bird scaring and frostfighting which often generate noise at inconvenient times for neighbouring residents. We would argue that the overall noise effects of this proposal are less than what neighbours should reasonably have expected when moving to a rural area.

The mitigation measures and limits proposed in the original AEE are unchanged.

Dust generation from topsoil screening is mitigated with water, applied using sprinklers from the tank in the Central Screening yard (which in turn is supplied from the bores on site). Any future dust-

generating activities will be required to have dust suppression in place (most likely also using water), to ensure that minimal or no dust emissions occur outside the site. Some dust is also generated from the internal roads during dry weather, but this would rarely, if ever, reach the site boundary. Even if dust emissions beyond the site boundary were to occur (for example, during extreme winds), these would be highly unlikely to exceed the level of dust emissions which are typical along the unsealed part of Sandflat Rd.

None of the current activities on the site generate significant quantities of waste. As discussed above, the stone mason will generate 'waste rock' but this has a beneficial use on site. Any other waste created on site now and in the future will be carefully collected to eliminate windblown rubbish as far as is practicable, and removed from the site for appropriate disposal at the Cromwell Transfer Station or another suitable facility.

Taking all of the above into account, noise, waste and dust generation effects of the current and proposed activities are considered to be less than minor. These effects will not be out of proportion with similar activities that frequently occur on rural sites (for example, those envisaged by Policy 4.4.9 quoted in Section 7.2). To the extent that these effects do occur, they are as appropriate, if not more so, to the surrounding environment of the site than in a built-up commercial/industrial area (see Section 6.9 below).

6.5 Community health and safety

The current and proposed activities on site will have no adverse effects on "the health and safety of people and communities".

6.6 Effects on productive use of land

The soils at the site are not classed as 'highly productive' in the "Our Environment" GIS viewer (Landcare Research/Manaaki Whenua, 2022). Nonetheless, the soils are similar to surrounding horticultural land and are considered suitable for this purpose – and as stated earlier, this is MFT's long-term intention for the majority of the land. The areas selected for non-primary sector activities under this amended proposal are generally south-facing and therefore of less horticultural value than other parts of the site.

All of the current and proposed uses of the land by lessees of MFT (apart from NZ Nuts) are essentially temporary, with no permanent structures. While the lessees' activities are expected to be in place for approximately 5-10 years, at the conclusion of this period the lease areas can be vacated and could be relatively easily restored to a state where horticultural development could proceed. Further, the space allowed for non-primary-sector activities under this application is only approximately 3 % of the total property area - and a significant portion of this will in any case likely be required for activities such as garages, workshops, crop processing facilities and/or workers' accommodation when horticultural development occurs as intended.

Accordingly, the effects of the proposed activity on the productive use of the land are temporary and are considered less than minor.

6.7 Effects on heritage values

To the best of our knowledge, there are no wāhi tapu or other heritage features of significance to takata whenua on the site. The proposed activity will not have any effect on the mine shaft on the site, nor any other known heritage features.

6.8 Effects relating to the nature of the proposed activities

The commercial activities requiring consent are in practice broadly similar to what would be typical for the yard/hub of a large horticultural property (which the site will be when fully planted). The use of power tools and machinery, outdoor storage of large items, traffic generation due to staff coming to site, and activities generating noise and dust (within reasonable limits) are all expected in rural areas. The fact that this proposal happens to involve commercial activities with these characteristics rather than comparable activities related directly to horticulture/viticulture/agriculture/forestry does not in itself increase the effect of those activities, which are considered in keeping with the rural environment.

In the reasons given for the non-complying status of retail activity in the rural residential zone, one concern raised is “energy consumption and convenience by requiring people to travel significant distances to shop”. As noted above, this concern seems to be predicated on activities which meet the common-language definition of ‘retail’ and not only the much broader definition used by CODC.

In this case, the ‘retail’ aspects of the proposal are limited to a small proportion of ‘Mum and Dad’ customers (as opposed to the more typical landscaping contractors and similar business/wholesale purchasers) picking up trailer loads of landscaping supplies or similar. The availability of landscaping supplies such as these is limited in towns, and the sites where the products are used may be rural in any case. The use of the site as a transfer facility for soil cleanfill would be expected to result in a net reduction in vehicle kilometres travelled compared to the current situation.

In practice, there is a negligible difference in overall effects between the proposed activity and a hypothetical alternative involving all current and proposed activities apart from the ‘retail’ component. Overall, to the extent that this concern is relevant to the proposed activity at all, the effects are less than minor.

6.9 Consideration of alternatives

The most likely alternative way for MFT to derive an income from the land in advance of the intended horticultural (or similar) planting would be to subdivide lifestyle blocks off the parent site for sale. This would likely result in similar or greater effects on traffic, a permanent loss of the productive potential of part of the land, and a risk of exacerbating any reverse sensitivity effects that may need to be managed when horticultural development proceeds.

Another aspect to the alternatives to the proposal is alternative locations for the current non-primary-sector lessees, R&R and Central Screening. It is assumed that the most likely alternative location would be a site within Cromwell’s industrial area on/near McNulty Rd. R&R uses the subject site as a lay down space for materials which require a relatively large area to store effectively – this would be a very inefficient use of valuable urban commercial/industrial land, which is currently scarce in Cromwell.

Similarly, Central Screening's operation inherently involves some effects (primarily dust) which can be effectively managed on the site with the use of bunds, trees, sprinklers, and the distance between their operation and potential receptors. Accordingly, relocating these activities to the Cromwell industrial area would be likely to result in the dust and other effects of their operations having a meaningful nuisance impact on their (hypothetical) new neighbours, which is not the case currently.

Additionally, we can now also compare the amended proposal with the alternative possibility of the original proposal. As discussed above, the amendments proposed result in a significant improvement in the overall effects of the activities covered by the application.

Overall, the adverse environmental effects of likely alternatives to the proposal are considered to be greater than those of the proposal itself.

6.10 Issues related to the hazard zone

The Section 92 request for the application raised questions about two buildings on the subject property but outside the area covered by this consent application. The footprints of these buildings appear to overlap with a marked hazard zone and follow-up questions were asked regarding the status of these buildings after our response to the Section 92 request was provided. As per our email on August 2nd (attached), our understanding is that both of the relevant buildings were issued with a building consent and code compliance certificate when they were built in approx. 1996 (glasshouse and attached structures) and 2006 (workshop).

As stated in that email, these buildings are owned and operated by NZ Nuts (a lessee) and not by the Trust, and that they will not be affected by or used in any of the activities proposed under this application. Given that, in the event that there are any outstanding issues in relation to these buildings, we suggest that they be resolved separately as required and should not affect the present application.

6.11 Effects of amendments to original application

The changes made to the application since lodgement have resulted in a significant overall reduction in the effects, particularly in relation to visual effects. Overall, the amended proposal represents a smaller amount of the same activities originally proposed, and is therefore considered within the scope of the original application.

7 Regulatory assessment

7.1 District Plan Objectives and Policies

The relevant objectives from Section 4 of the CODP (Rural Resource Area) are:

- Objective 4.3.1 - To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.

- Objective 4.3.3 - To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.
- Objective 4.3.7 - Soil Resource: To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.
- Objective 12.3.1 - Safe and Efficient Roading Network: To promote the safe and efficient operation of the District's roading network.
- Objective 12.3.2 - Protection from Noise: To avoid, remedy or mitigate the adverse effects of noise on the District's amenity values and the health and wellbeing of the District's people.
- Objective 12.3.3 - Reducing the Adverse Effects of Signs: To avoid, remedy or mitigate the adverse effects of signs on traffic and the general amenity values of the District while recognising that signs are a necessary adjunct to many activities.
- Objective 12.3.7 – Transmission Lines: To ensure that activities avoid reverse sensitivity effects, avoid compromising the operation, maintenance, upgrading and development of the transmission network and avoid risk to people.

The associated policies are quoted below.

Policy 4.4.2 – Landscape and Amenity Values

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

(a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,

(b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,

(c) The ability to adequately dispose of effluent on site,

(d) Controlling the generation of noise in back country areas,

(e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,

(f) Controlling the spread of wilding trees.

(g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.

Policy 4.4.6 – Adverse Effects on the Soil Resource

To ensure that the location, construction and/or operation of land use activities and subdivision make adequate provision for the protection of the soil resource by

avoiding, remedying or mitigating the adverse effects of practices which may cause:

- (a) Erosion, instability or loss of topsoil,*
- (b) Loss of nutrient or incidence of soil contamination,*
- (c) Loss of soils with special qualities,*
- (d) A reduction in vegetation cover and moisture holding capacity, and*
- (e) Soil compaction.*

Policy 4.4.8 - Adverse Effects on the Amenity Values of Neighbouring Properties.

To ensure that the effects associated with some activities including (but not limited to):

- (a) Noise (including noise associated with traffic generation, night time operations), and vibration,*
- (b) The generation of a high level of traffic, in particular heavy vehicles,*
- (c) Glare, particularly from building finish,*
- (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,*
- (e) The generation of odour, dusts, wastes and hazardous substances, and*
- (f) The use and/or storage of hazardous goods or substances do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.*

Policy 4.4.9 - Effects of Rural Activities

To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.

Policy 4.4.10 – Rural Subdivision and Development

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

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

Policy 12.4.1 - Parking, Loading and Manoeuvring

To avoid, remedy or mitigate adverse effects on the safe and efficient operation of the roading network by requiring:

- (a) Safe and efficient access points to the roading network, and*
- (b) Off-road loading and manoeuvring space and facilities, and*
- (c) Off-street parking,*

where these are appropriate.

Policy 12.4.2 – Noise

To determine the suitability of noise generating activities in any given locality by having regard to:

- (a) The specific characteristics and amenity values of the locality from which the noise originates, and*
- (b) The sound pressure level of the proposed activity, and*
- (c) The frequency that the noisy activity takes place, and*
- (d) The length of time that the noise continues, and*
- (e) Any special characteristics of the noise,*

to ensure that the adverse effects of noise on other activities and the natural and physical resources of the locality (including cumulative effects) reflect standards acceptable to the community.

Policy 12.4.4 – Signs

To determine the suitability of signs in any given location by having regard to the sign's effect on the following matters:

- (a) The safe and efficient operation of the roading network, and*
- (b) The amenities of the locality, and*
- (c) Landscape values, and*
- (d) The character and scale of the building, site or area, and*
- (e) Any heritage, historical or cultural values present.*

Policy 12.4.7 - Management of Nuisance Effects

To encourage resource users to adopt management practices that avoid, remedy or mitigate the adverse effects of:

- (a) odour,*
- (b) lightspill and glare,*
- (c) dust, and*
- (d) electrical interference,*

on the use and enjoyment of neighbouring properties.

Policy 12.4.10 – Transmission Lines

The transmission network is of national significance and nearby activities are therefore to be managed to avoid adverse effects in terms of reverse sensitivity, in terms of compromising the operation, maintenance, upgrading and development of the transmission network and in terms of ensuring that activities that are particularly sensitive to the risks associated with transmission lines are not located in close proximity to those lines.

The proposal is consistent with these objectives and policies because it will enable the Muller Family Trust and its lessees to provide for their needs by earning an income from activities on the site and continue to provide support to the viticultural, horticultural, network utility and landscaping industries, among others. At the same time, MFT and its lessees intend to continue the overall

improvement of the amenity value of the property that has been a key feature of the Muller family's stewardship of the land.

In our opinion, the proposal is able to do the above without generating significant adverse effects (taking mitigations into account). In particular:

- There will be no long-term (and minimal short term) effects on the productive capacity of the land.
- The proposed activities will not in any way compromise the electricity transmission lines crossing the site.
- The Muller family's stewardship of the land has resulted in an overall significant improvement in its amenity value over the last several decades. The comparatively insignificant visual amenity effects associated with the proposed activities will be mitigated.
- The proposed signage will comply with all of the relevant rules apart from the total number of signs on the site. However the number of signs is not excessive given the size of the property and length of road frontage.
- Noise, dust and other effects associated with the proposal are not significant and will be effectively mitigated in accordance with the proposed conditions outlined below.
- The traffic likely to be generated by the proposed activities will be in keeping with the scale of the land, and probably less than likely alternative uses (i.e. rural residential subdivision).

The following policies are of limited relevance, but are included for completeness:

- **17.4.2 Control of Land Use in Hazard Areas** - *To take into account the vulnerability of land and activities to hazard events when managing land uses in a particular area.*
- **17.4.3 Subdivision and the Erection of Buildings** - *To restrict subdivision and the erection of buildings in areas where there is a reasonable probability that a hazard may cause material damage.*
- **17.4.4 Intensification of Hazard Effects** - *To ensure that the location, design and/or operation of subdivision and land use activities does not increase the intensity and frequency of existing hazards unless such adverse effects can be avoided, remedied or mitigated.*

The proposed activity has been designed in consideration of relevant hazards, does not involve subdivision or the erection of permanent buildings, and does not, in our opinion, have the potential to increase the intensity or frequency of relevant hazards. Therefore, it is considered to be consistent with the above policies.

7.2 Partially Operative Otago Regional Policy Statement 2019

This regional policy statement was declared partially operative in March 2021. It includes the following relevant objectives and policies.

Objective 1.1

Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.

Policy 1.1.1 Economic wellbeing

Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

Policy 1.1.2 Social and cultural wellbeing and health and safety

Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- a) Recognising and providing for Kāi Tahu values;*
- b) Taking into account the values of other cultures;*
- c) Taking into account the diverse needs of Otago's people and communities;*
- d) Avoiding significant adverse effects of activities on human health;*
- e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;*
- f) Promoting good quality and accessible infrastructure and public services.*

Policy 4.3.1 Managing infrastructure activities

Recognise and provide for infrastructure by all of the following:

- a) Protecting and providing for the functional needs of lifeline utilities and essential or emergency services;*
- b) Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;*
- c) Improving efficiency of natural and physical resource use;*
- d) Minimising adverse effects on existing land uses, and natural and physical resources;*
- e) Managing other activities to ensure the functional needs of infrastructure are not compromised.*

Policies 4.3.2 – 4.3.6 regarding infrastructure that has regional or national significance prevail where there is a conflict with policy 4.3.1.

Policy 4.4.6 Energy efficient transport

Enable energy efficient and sustainable transport for Otago's communities, by all of the following:

- a) Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas;*
- b) Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by all of the following:*
 - i. Placing a high priority on walking, cycling, and public transport, where appropriate;*
 - ii. Maximising pedestrian and cycling networks connectivity, and integration with public transport;*
 - iii. Having high design standards for pedestrian and cyclist safety and amenity;*
- c) Enabling the development or upgrade of transport infrastructure and associated facilities that both:*
 - i. Increase freight efficiency; and*
 - ii. Foster the uptake of new technologies for more efficient energy uses, and renewable or lower emission transport fuels.*
- d) Fostering uptake of public transportation through provision of safe, reliable and well sheltered alternatives to private transport.*

Policy 4.5.2 Integrating infrastructure with land use

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

- a) Recognising and providing for the functional needs of infrastructure;*
- b) Locating and designing infrastructure to take into account all of the following:*
 - i. Actual and reasonably foreseeable land use change;*
 - ii. The current population and projected demographic changes;*
 - iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;*
 - iv. Natural and physical resource constraints;*
 - v. Effects on the values of natural and physical resources;*
 - vi. Co-dependence with other infrastructure;*
 - vii. The effects of climate change on the long-term viability of that infrastructure;*

viii. Natural hazard risk.

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

Policy 5.3.1 Rural activities

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

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

b) Providing for mineral exploration, extraction and processing;

c) Minimising the loss of significant soils;

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

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

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

Policy 5.3.2 Distribution of commercial activities

Manage the distribution of commercial activities by:

a) Enabling a wide variety of commercial, social and cultural activities in central business districts, and town and commercial centres;

b) Enabling smaller commercial centres to service local community needs;

c) Restricting commercial activities outside of a) and b) when such activities are likely to undermine the vibrancy and viability of those centres;

d) Encouraging the adaptive reuse of existing buildings.

The activity is considered to be consistent with the above policies for the reasons described in Section 7.1, and because:

- While the proposed activities on site are not strictly rural activities, nor are they incompatible with the rural environment, and given the proposed mitigations they will not generate significant adverse effects. Given that both current non-primary sector lessees require a large land area to operate effectively (which would be prohibitively expensive in the Cromwell industrial area or a similar location), their operations could be accurately

described as having “a functional need to locate in rural areas.” This also means that allowing the proposal will not meaningfully “undermine the vibrancy and viability of [commercial] centres” (to the extent that Policy 5.3.2 was intended to cover situations such as this at all).

- The site has easy access to State Highway 6 and therefore facilitates efficient use of the transport network for the lessees and their customers. As noted above the proposed activities on site will generally not be highly compatible with an urban location and therefore there is no meaningful contribution to urban sprawl, particularly given that the proposed land uses occupy a small proportion of the property and are not permanent.
- Heritage values are protected by the proposal, and no adverse effects on health or safety will occur as a result.

7.3 National Policy Statement for Highly Productive Land

This national policy statement is intended to enhance protection for highly productive land from inappropriate subdivision, use, and development. The soils at the property are not classified as ‘highly productive’ in the ‘Our Environment’ GIS viewer (Landcare Research/Manaaki Whenua, 2022). However, the site soils are similar to surrounding horticultural land and this is the intended long term use of most of the site.

The proposed activities are not permanent in nature and not inconsistent with this long term use, given that converting the entire site to productive horticulture is a very large project that will take an extended period of time. Therefore, although this NPS may not apply, nonetheless the proposal is in our opinion consistent with the intent of it.

7.4 National Policy Statement for Freshwater Management

The *National Policy Statement for Freshwater Management* (NPS-FM) was issued in 2020 and amended in February 2023. The core concept behind the NPS-FM is Te Māna o te Wai, a te Ao Māori concept which relates to the fundamental value of water, and also recognizes that protecting the health of freshwater in turn results in the wider environment also being protected.

The nearest freshwater bodies to the site are the Kawarau Arm of Lake Dunstan and the Cromwell Terrace Aquifer (the NPS-FM covers groundwater as well as surface water). Although the Lake is approx. 50 m from the property at the closest point, it is 500 m from the activities covered by this application. It is not credible that the proposal will have a meaningful effect on water quality in Lake Dunstan.

The Cromwell Terrace Aquifer is located directly beneath the site at a depth of approx. 27-29 mbgl (as measured at wells F41/0483 and F41/0350 on site and recorded in ORC’s [‘Consents in Otago’ GIS viewer](#)). The proposal does not directly involve any activities which could conceivably have an adverse effect on groundwater quality at that depth.

Hypothetically, if any current or future activity on site was to require some form of incidental discharge to ground that could plausibly impact groundwater, this would need to be authorized by ORC either as a permitted activity (in which case compliance with the conditions would be a strong indication of minimal effects), or via a resource consent (in which case any impacts and any relevant NPS-FM matters would be considered in detail).

Taking all of the above into account, we do not believe that any further consideration of the NPS-FM is required for this application.

7.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The site is not listed in the ORC's [Listed Land Use Register](#). There are a number of verified HAIL (Hazardous Activities and Industries List) sites on the neighbouring land to the north (River Terrace development site), but all of these appear to have had remediation/management completed, based on the information available from the ORC register. Also, as noted in the application, the land slopes downwards to the north from the site's northern boundary, so contamination due to off-site surface water discharges from these neighbouring activities can be safely ruled out.

The nearest verified HAIL sites which, based on the information available from ORC, do not appear to have been investigated and managed/remediated are either on the opposite side of the Kawarau River or more than 1 km from the application site.

Although a significant portion of the site is used as an orchard, the orchard has been operated organically for several decades, and therefore this is not considered a HAIL activity. Mining activity on the site was highly localised and there is no evidence that it was consistent with *Hazardous activities and industries list code E7*.

In any case, the current and proposed lease areas do not overlap with these current historical land uses, and therefore this NES does not apply. The information presented in this section strongly suggests that the absence of a listing for the site in the ORC's register is appropriate.

7.6 Part II of RMA

In relation to the matters discussed in Part II of the *Resource Management Act 1991*:

- There are no matters of national significance associated with the proposal.
- Amenity effects will be less than minor (and reducing over time) under the proposal, while the other matters mentioned in Section 7 are not considered relevant.
- There is no inconsistency between the proposed activity and the principles of the Te Tiriti o Waitangi.

Therefore, the activity is considered to be consistent with the purpose of the Act as defined in Section 5.

8 Consent duration and conditions

A consent term of 10 years is sought.

The following conditions are proposed (with comments in italics):

1. Visual mitigation measures shall be put in place along the green lines shown in the Current and Proposed Lease Areas plan, version 4 as follows:
 - o Along property boundary: within 3 years of commencement of this consent.
 - o Within property boundary: by April 2024.

Advice note: visual mitigation will generally be bunds along the site boundary and additional plantings or coppicing to fill out existing shelterbelts within the boundary, as shown on the attached landscaping plan. The timeline mentioned here and in the following condition are to enable trees to be planted during the growing season within the site, and for sufficient waste rock to accumulate for bund formation along the boundaries.

2. Should any trees planted along the green lines shown in the Landscaping Plan, version 2 die or require removal (due to risk of falling, etc), they shall be replaced by the end of the following April after this is observed.

Advice note: established trees cut off near the base for the purposes of coppicing (encouraging vigorous new growth of low branches for near-ground visual screening) would not be in breach of this condition, and replanting near coppiced trees is only required if the coppicing fails.

3. All dust-generating activities shall be managed to prevent any persistent discharges of visible dust across the site boundary.

4. All noise-generating activities shall be managed to prevent noise in excess of 55 dBA (L10) or 70 dBA (Lmax) at the notional boundary of the nearest dwelling.

Advice note: these are the daytime noise limits under Rule 4.7.6F of the CODP, i.e. consistent with what noise can be generated as a permitted activity.

5. Topsoil screening, stone cutting and any other activities with the potential to generate noise at or close to the levels described in Condition 4 shall be carried out only during the hours of 8 am-6 pm, Monday to Friday and 9am to 2 pm Saturdays.

6. This consent permits a maximum of one sign to be constructed, with a maximum area of 3 m³, and with the location and design of the sign to be as described in the application.

Advice note: For clarity, this is in addition to the signage at the property already allowed under consent RC 220369, signs for navigation within the site, and any other signage allowed as a permitted activity under the CODP.

7. All buildings excluding the existing Grapevision workshop canopy shall be painted in a shade of brown, green, grey blue, grey, terracotta, tussock or dark red which is similar to or darker than colours already present in the surrounding environment, with a reflectivity value of less than 32 % for rooves and 38 % for all other external surfaces.

8. The consent holder shall keep a record of any breaches of the above conditions and/or complaints, and provide this record to CODC annually, together with a description of the response to the issue and any changes to site management implemented as a result.

9. Non-primary sector activities at the site shall be as described in the application, and in particular:

- a) shall not involve any permanent buildings, and

- b) shall collectively occupy no more than 2.5 ha at the site, as indicated on the Current and Proposed Lease Areas plan, version 4

10. Non-primary sector activities on the site shall be limited to:

- a) outdoor storage of containers, construction materials and similar inert products;
- b) processing of natural products such as soil and stone (e.g. stonemasonry, topsoil screening);
- c) sales of soil, gravel, and similar landscaping products;
- d) ancillary activities directly related to one of the above.

Advice note: conditions 9 and 10 are not intended to restrict the existing horticultural and viticultural activities on the site, nor any activities that would otherwise be able to be carried out as permitted activities.

11. All materials stored outside in the current R&R Hiab lease area shall be relocated to within the area covered by this consent within 3 months of commencement.

CODC may carry out a review of the above conditions in accordance with the RMA (or successor legislation) during the consent period, if it so chooses.

9 Conclusions

A decision to grant the resource consent application(s) under Section 104D is recommended on the basis that:

- a) the adverse effects on the environment are less than minor, and in the case of visual/amenity effects will reduce over time; and
- b) the proposal is consistent with the requirements of the RMA, relevant regional/district plan objectives and policies and other relevant matters.

Note that CODC would be able to grant the application even if only one of the above points were true.

Granting the resource consent application(s) will be consistent with the purpose of the RMA for the reasons explained within this report. The proposed activities are highly unlikely to result in significant adverse effects, and whatever effects there may be will be avoided, remedied or mitigated as far as practicable.

Kind regards,



Tim Muller

Trustee

Muller Family Trust

Attached:

1. CODC meeting notes
2. Current and Proposed Lease Areas Plan
3. Landscaping Plan
4. Geosolve Geotechnical Investigation Plan (for neighbouring site, showing contours)
5. August 2nd email regarding buildings on site

Activities - 222 Pearson Road, Cromwell

2 Nachrichten

Stephanie Dwyer <Stephanie.Dwyer@codc.govt.nz>

28. Februar 2023 um 14:18

An: Tim Muller

Cc: Resource Consents <Resource.Consents@codc.govt.nz>, Rachel Stanton <Rachel.Stanton@codc.govt.nz>

Hi Tim,

Following on from the meeting today, I have provided a summary of what was discussed (including clarification of what rules apply) are included below.

The site is located at [222 Pearson Road, Cromwell](#). The site is zoned Rural Residential Area (notation of the Rural Resource Area).

There are three activities occurring on site:

1. Storage of Horticultural Equipment.
2. Central Screening Business
3. Storage of temporary buildings, and equipment.

The following rules apply to the above activities:

- Buildings/Structures: Any buildings (whether temporary or permanent) will need to comply with the setbacks, height, and colour palette outlined under the general standards outlined under Rule 4.7.6 of the Plan (refer to Rule 4.7.6A(a) and (f), and Rule 4.7.6D of the Plan).
- Storage: Any area used for storage purposes that is used for period of more than 6 months that is completely screened (a.k.a not visible) from public road, reserve, other public land or any other adjacent site boundary is a permitted activity under Rule 4.7.6F, otherwise it is a restricted discretionary activity under Rule 4.7.3(i) of the Plan. This rule applies to all activities on the site.
- Any commercial, manufacturing, and industrial activity (with exception to farming, horticulture, viticulture, network utilities and forestry activities) within the Rural Residential notation of the Rural Resource Area, is a discretionary activity under Rule 4.7.4(i) of the Plan. This does include the central screening business, and the storage company.
- Retail Activity: Operating a retail activity that does not comply with Rule 4.7.2(i) of the Plan, is a non-complying activity under Rule 4.7.5(i) of the Plan.
- Signs: Any more than one advertising sign on a site does not comply with Rule 4.7.6H of the Plan. The Plan allows for a breach of this Rule as a restricted discretionary activity under Rule 4.7.3(i).

Matters that need to be addressed in the Assessment of Environmental Effects:

- Background Information: Provide a description of the activities that have occurred on the site, and any enforcement action that have been undertaken or brought to your attention, and any relevant consents.
- Description of the Activity: Provide a full description of the activities that require consent, including process, hours of operation and period of operation, traffic generation, number of people working on site, volumes of materials stored on site, and signage.
- Reasons for consent: Outline the zoning, and the relevant rules that apply.
- Assessment: Address the effects of noise, dust, traffic, visual, signage on neighbouring properties and road network, also address signage, any matters of discretion (can be used as a guide), and propose mitigation measures (bundling, fencing, vegetations, buildings) and consent conditions to reduce the effect of the activity.
- Notification and Affected Parties: An assessment notification and assessment on affected parties is also required to be included in the application. It is recommended written approval from adjacent landowner, and occupiers is sought and obtained. Any effects on these parties can be disregarded.
- Documentation: Site Plan, Photographs of site and signage, Record of Title and written approvals from neighbouring landowners and occupiers.

General Information about applying for a resource consent:

- Complete Application Form - [Application for Resource Consent - Form 9.pdf \(codc.govt.nz\)](#)
- Provide supporting document (refer to points outlined above).
- Obtain written approvals - [Form 15 \(codc.govt.nz\)](#)
- For information on the resource consent process, applicable forms, affected persons approval forms, guidance for completing an Assessment on the Effects of the Environment (AEE) etc, please see: <https://www.codc.govt.nz/services/planning/resource-consent>.
- The online portal to lodge an application can be found here: [Resource Consents: Details - Central Otago District Council \(codc.govt.nz\)](#)
- The cost to lodge an application is \$1,500. Any additional costs will be charged back to you. More information on our associated fees and charges can be located via: [Fees and Charges - Central Otago District Council \(codc.govt.nz\)](#)

Please note the following:

- Additional information may be required in the application; and
- A hearing will likely be required for the non-complying activity.
- I have attached a couple of examples to this email.

Let me know if you have any questions.

Thanks,

Stephanie



STEPHANIE DWYER

p +64 3 262 9605

PLANNING OFFICER

m +64 22 010 4873

[1 Dunorling Street](#)

e Stephanie.Dwyer@codc.govt.nz

PO Box 122, Alexandra 9340

w www.codc.govt.nz

New Zealand

FOLLOW US ON



CENTRAL OTAGO
A WORLD OF DIFFERENCE
Regional identity partner

CODC supports flexible working arrangements, including working outside the office and sometimes at irregular hours. I may have sent this outside of your working hours and only anticipate a response during your working hours.

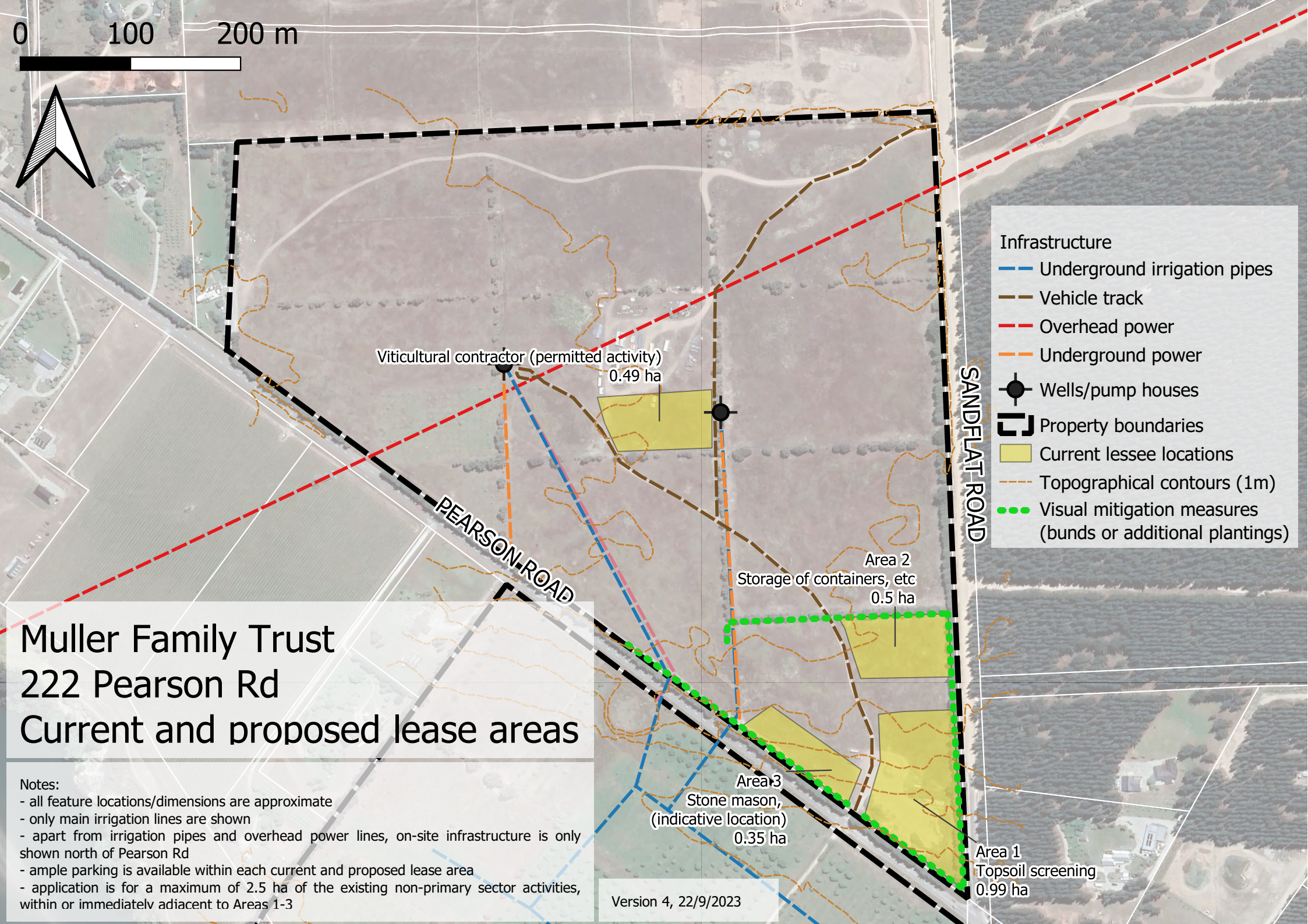
If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

2 Anhänge

220339 Example Application for Portacoms .pdf
6685K

220268 Application - temporary buildings.pdf
2744K

0 100 200 m



- Infrastructure**
- Underground irrigation pipes
 - Vehicle track
 - - - Overhead power
 - - - Underground power
 - Wells/pump houses
 - Property boundaries
 - Current lessee locations
 - - - Topographical contours (1m)
 - Visual mitigation measures (bunds or additional plantings)

Viticultural contractor (permitted activity)
0.49 ha

Area 2
Storage of containers, etc
0.5 ha

Area 3
Stone mason,
(indicative location)
0.35 ha

Area 1
Topsoil screening
0.99 ha

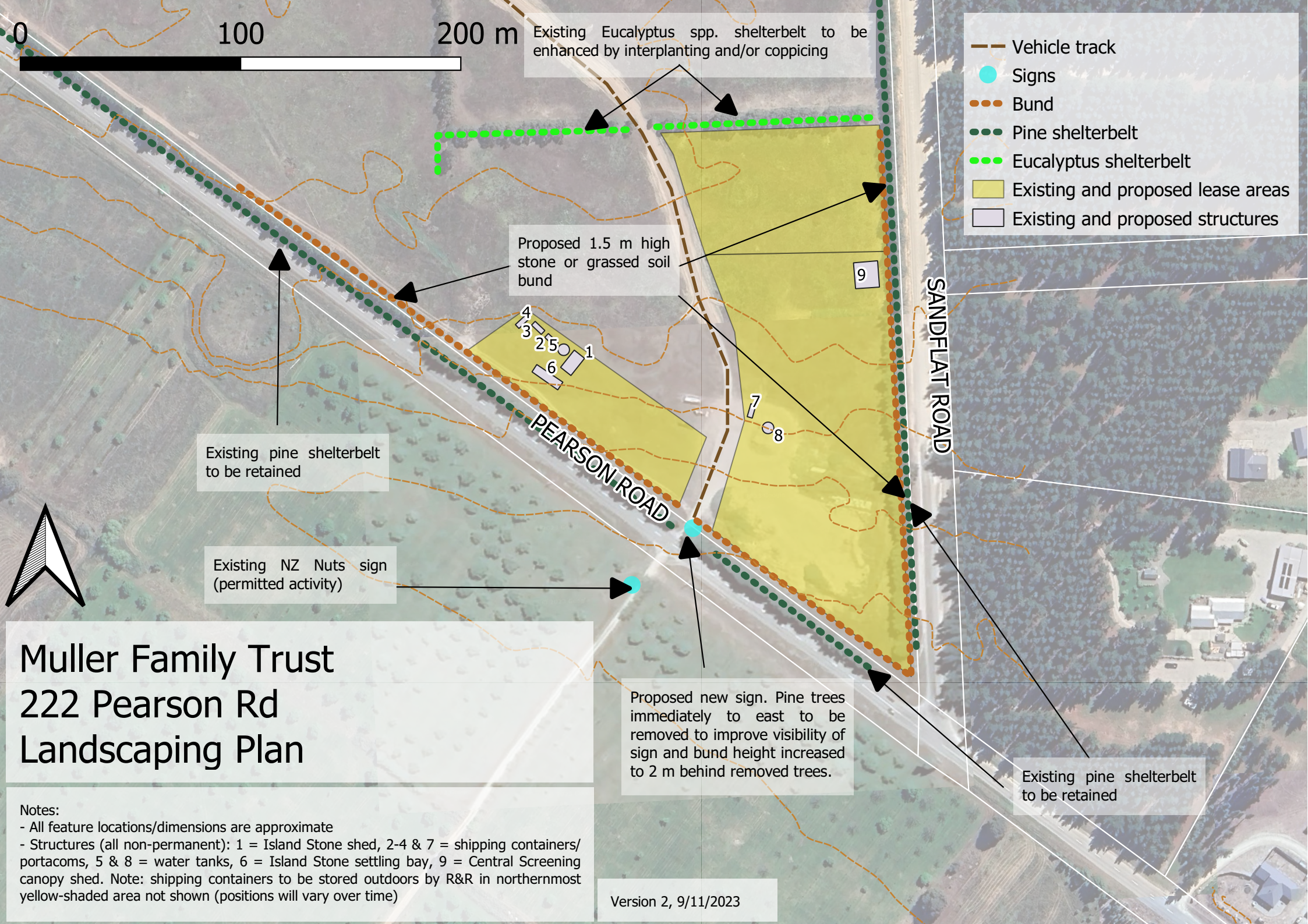
Muller Family Trust

222 Pearson Rd

Current and proposed lease areas

Notes:

- all feature locations/dimensions are approximate
- only main irrigation lines are shown
- apart from irrigation pipes and overhead power lines, on-site infrastructure is only shown north of Pearson Rd
- ample parking is available within each current and proposed lease area
- application is for a maximum of 2.5 ha of the existing non-primary sector activities, within or immediately adjacent to Areas 1-3



- Vehicle track
- Signs
- - - Bund
- Pine shelterbelt
- Eucalyptus shelterbelt
- Existing and proposed lease areas
- Existing and proposed structures

Existing Eucalyptus spp. shelterbelt to be enhanced by interplanting and/or coppicing

Proposed 1.5 m high stone or grassed soil bund

Existing pine shelterbelt to be retained

Existing NZ Nuts sign (permitted activity)

Proposed new sign. Pine trees immediately to east to be removed to improve visibility of sign and bund height increased to 2 m behind removed trees.

Existing pine shelterbelt to be retained

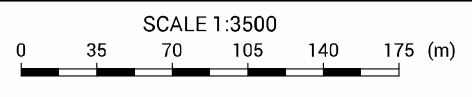
Muller Family Trust

222 Pearson Rd

Landscaping Plan

Notes:

- All feature locations/dimensions are approximate
- Structures (all non-permanent): 1 = Island Stone shed, 2-4 & 7 = shipping containers/portacombs, 5 & 8 = water tanks, 6 = Island Stone settling bay, 9 = Central Screening canopy shed. Note: shipping containers to be stored outdoors by R&R in northernmost yellow-shaded area not shown (positions will vary over time)



Key:

- GeoSolve Test Pit Locations
- Paterson Pitts Permeability Test Locations
- Site contours, 0.5m intervals
- Proposed subdivision outline

GEOSOLVE
 Level 1, 70 MacAndrew Road, South Dunedin
 www.geosolve.co.nz

DRAWN	WCG	Nov.17
DRAFTING CHECKED	JAS	Nov.17
APPROVED	FAW	Nov.17
CADFILE: 170574_SP.dwg		
SCALES (AT A3 SIZE): 1:250		
PROJECT No: 170574		

River Terrace Developments Limited
 Geotechnical Investigation
 Sandflat Road, Cromwell
 Investigation Plan

FIG No: Appendix A - Figure 1a

REV.	1
------	---

Fwd: RC230107 - Application for recourse consent - 54 Ray Street, Cromwell - Request for further information

Muller Family Trust [REDACTED]
An: Olivia Stirling <OliviaS@barker.co.nz>
Cc: NZ Nuts [REDACTED]

2. August 2023 um 13:34

Hello again Olivia,

Since our conversation last week we've looked in our files re the buildings in the mapped hazard zone (as shown on Figure 2 of our S92 response, copied below).



Figure 2: CODC GIS viewer screenshot showing location of existing buildings (unaffected by current proposal) near subsidence hazard zone. From south to north: Workshop (1), drying shed (2), firewood shed (3), glasshouse (4), nut processing unit (5), garage and swimming pool (6), house (7), derelict cottage now used for storage (8), woolshed (9).

[This folder](#) contains the 1996 building consent document and plans for extensions to the propagation house, with an associated plan showing all of buildings 2-4 as marked on the Figure, as well as the CCC for the 2006 consent for construction of the shed (building 1 in the Figure). We don't seem to have a copy of the actual building consent for the second one (at least not to hand), but obviously the CCC confirms that it was consented, and was completed in accordance with the consent.

I've also copied screenshots from the CODC GIS viewer showing the information recorded there on the two relevant consents.

▼ BUILDING CONSENTS ◀ 5 OF 10 ▶		▼ BUILDING CONSENTS ◀ 10 OF 10 ▶	
Consent ID	050908	Consent ID	960357
Current Status	Code Compliance Cert. Issued	Current Status	Code Compliance Cert. Issued
Process Days to Issue	12	Process Days to Issue	9
CCC Process Days	0	CCC Process Days	0
Status Date	22/06/2006 12:00:00 AM	Status Date	10/05/2002 12:00:00 AM
Status Note	ALL	Status Note	ALL
Proposal	Erect a new shed.	Proposal	Additions to building
Proposed Use		Proposed Use	PROPAGATION HOUSE

There are a bunch more hard copy documents, so let me know if you need any more information in relation to that and we may have it on file.

I assume this will resolve your question in relation to the status of those buildings but let me know if you need any more information. I'd also like to point out that these buildings are owned and operated by NZ Nuts (a lessee) and not by the Trust, and that they won't be affected by or used in any of the activities proposed under this application. Given that, in the event that there are any outstanding issues in relation to these buildings, I suggest that they be resolved separately as required and shouldn't affect the present application.

Regarding your comment on signage, I believe this is covered in point 2(1) of our S92 response, and also discussed in the original AEE.

With all of that in mind, I'd appreciate it if you could confirm whether, in your opinion, any further consents are needed that we haven't already applied for.

Happy to discuss.

Regards,

Tim

[Zitierter Text ausgeblendet]