



"This document has been supplied to Arizto Limited (the Agency) by the vendor or a third party and is merely passing this information over. The Agency has not verified the information nor warrants its accuracy. The Agency is hereby indemnified of any errors in the document and will not be held accountable for any persons who rely on this document to complete their own due diligence. We recommend you seek your own independent legal and/or technical advice."



Land Information Memorandum

Application

V K Abercrombie	Number:	L260203
27 Pembroke Street	Application Date:	05/03/2026
Ashhurst 4810		027 351 5121
Vickie Kay Abercrombie	Email:	Nz101@icloud.com

Property

Valuation Number:	2842115529
Location:	20A Sugarloaf Drive, Cromwell 9383
Legal Description:	LOT 2 DP 418764
Owner:	Abercrombie Vickie Kay & Keam Trustees (2010) Limited
Area (hectares):	0.8200

Rates

Government Valuation

Land:	\$	750,000
Capital Value:	\$	760,000
Improvements:	\$	10,000
Current Rates Year 2025 to 2026		

Rating Amount

Annual Rates:	\$	2,584.35
Current Instalment:	\$	646.09
Next Instalment Due:		20/05/26
Current Balance:	\$	501.02-
Water Balance (if any):	\$	

Note:

1. Rates are charged in four equal instalments for the period commencing 1 July and ending 30 June each year.
2. If you require further financial information regarding this property for settlement purposes, then the owner or their agent will need to contact the Council separately for this information.

Planning/Resource Management

Resource Area:	RURAL RESOURCE AREA
Subject To:	Outstanding Natural Features Heritage Value. Resource consent is required for clearance of vegetation in areas identified as Outstanding Natural Landscape where the area to be disturbed is greater than 50m² or greater in any one hectare in any continuous period of 5 years. Resource consent is required in areas identified as Outstanding Natural Landscape for any new structures, new bladed or excavated fence line, new fire break, new fertiliser bin, new stock yard, or firefighting water ponds.
Subject to:	Esplanade Provision Heritage Value on a nearby neighbouring property.
Subject to:	Flood Prone Hazard Notation.

The Central Otago District Plan contains the relevant rules for the Resource Area this land is zoned. There may be other matters of relevance to nearby land, which can be found on the District Plan maps.

Designation: No information located at Central Otago District Council. Planning Maps and Data ***attached***.

Consents:

- 22/01/13 RESOURCE CONSENT 130010: Change of conditions (40) and (42 - 49) of RC050246 as they relate to building platforms and design controls; Land use consent to establish building platforms on Lots 3, 5, 6 and 9 DP 418764 and to breach yard requirements. Granted by Committee 22/04/13. Copy of Decision and Amendment of Consent Notice ***attached***. *Located on a neighbouring property.*
- 22/07/09 RESOURCE CONSENT 090121: Change to subdivision conditions (26) and (55) of RC050246 being landscaping; Cancel land use consent condition (16) of RC050246 being landscape proposal plan.
- 27/03/09 RESOURCE CONSENT 090065: Change to conditions (8), (9), (11) - (16) (58) of the subdivision consent and condition (19) of the land use consent of RC050246. Granted by Delegated Authority 24/04/09
- 29/06/05 RESOURCE CONSENT 050246: 17 lot rural subdivision; land use consent to establish a residential activity on nominated building platforms on lots 1-14; lot 15 & 16 to vest as reserves, lot 17 to vest as road. Granted by Independent Commissioner 07/04/06. Copy of Environment Court Decision, Decision (includes variations), Survey Plans, Consent Notice, Flood Hazard Report, Water System Design and s224c ***attached***.
- 05/07/99 RESOURCE CONSENT 990071: Boundary adjustment between three titles. Granted by Delegated Authority 17/08/99. Copy of Decision and Survey Plan ***attached***.

National Environmental Standards – Contaminated Soil

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) came into effect on 1 January 2012. These standards apply to any property being developed where there may be a risk of contamination. If the land has previously been used for farming or other activities that could have left contaminants in the soil, an investigation may be required to make sure the site is safe for people.

A land use resource consent will be required to establish any residential activity on this property.

Outstanding Requisitions: No outstanding requisitions located at Central Otago District Council.

Building**Consents/Permits/ Pools/ Compliance Schedules:**

No information located at Central Otago District Council.

A site specific Geotech report may be required to be provided with the Building Consent Application.

A rapid number application can be made by emailing info@codc.govt.nz. It is recommended that this is completed before building work begins.

Outstanding Requisitions: No outstanding requisitions located at Central Otago District Council.

Sewer and Water

Sewer: Not available – private effluent disposal system is required for this property.
*On-site Wastewater Disposal System operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system. **No Wastewater Design Report located on the property file at CODC.***

Water: Not available - private potable water supply is required for this property.

Stormwater: Stormwater is usually discharged to property soak pits.

Public sewerage water or stormwater drains on property: No information found at Central Otago District Council.

Natural Hazards and Potential Natural Hazards**Otago Regional Council Hazard Information**

Information on natural hazards and potential natural hazards can be found on the Otago Regional Council's website: Natural Hazards Portal: [ORC AGOL Natural Hazards Portal](#) or email: naturalhazards.enquiries@orc.govt.nz

The Otago Regional Council Natural Hazards Portal is an interactive online map that shows where different natural hazards exist across Otago, such as flooding, alluvial fans, landslides, coastal erosion, and earthquakes. You can search by address, zoom in on areas, and click on map layers to see more details. It also includes links to supporting reports, documents, and photos that provide further context about the hazards in each area.

District Plan Hazard Information

Refer to District Plan for Natural Hazards Information: [Home - Central Otago District Plan](#)

The Central Otago District Plan (e-Plan) is an interactive online system that provides detail about a property in terms of zoning and any special features such as hazards. You can search by address, and the e-Plan will show the property, identify any hazards on a particular property and provide links to the relevant sections in the District Plan that apply.

Note: *The hazard information currently held in the Central Otago District Plan reflects the most accurate information held by the Central Otago District Council at the time the District Plan became operative. It may differ from information held by the Otago Regional Council on the Natural Hazard Portal, where more recent investigation has been done.*

Other Hazard Information

Flood Hazards:

*Refer to Flood Hazard Report attached to **RC050246**.*

Land Stability Hazards:

There is no information on the property file related to land stability hazards.

Seismic Hazards:

There is no information on the property file related to seismic hazards.

Other Natural Hazards:

There is no information on the property file related to any other natural hazards.

Climate Change:

The below links to climate change documents held by the Otago Regional Council reflect the information made available to the Central Otago District Council as at 17 October 2025.

https://www.orc.govt.nz/media/7591/niwa_climatechangereport_2019_final.pdf

<https://www.orc.govt.nz/media/9653/tt-otago-climate-change-risk-assessment-2021.pdf>

HAIL Sites and Special Land Features

Otago Regional Council provides an online mapping resource showing sites that fall under the Hazardous Activities and Industries List (HAIL), along with bore locations, to identify land that may be affected by past or present activities involving hazardous substances.

Listed Land Use Registered (HAIL Sites): [Otago Selected Land Use Sites](#)

No information located at Central Otago District Council.

Network Utility Operators

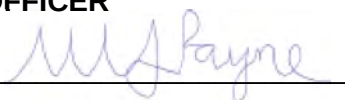
Information relating to the availability of supply, authorisations etc (e.g. electricity or gas) can be obtained from the relevant Network Utility Operator.

Notes

1. Code Compliance Certificates were not issued until the Building Act came into force on 1 January 1993. Should an evaluation of the building be required an independent qualified person should be consulted.
2. No title search has been done on this property.

3. Any future development on this property may be liable for a development contribution under the Local Government Act 2002.
4. Every care has been taken to ensure that the information supplied by the Council on this form is accurate. The Council relies on information available to it, and will not be held responsible for incomplete or inaccurate information provided, or for any errors or omissions made in good faith.

WENDY PAYNE - LIM OFFICER



Date: 11/03/2026



Planning Data

The information displayed is schematic only and serves as a guide.
It has been compiled from Central Otago District Council's records and is made available in good faith but its accuracy or completeness is not guaranteed.
Cadastral Information has been derived from Land Information New Zealand's (LINZ) Core Record System Database (CRS).
CROWN COPYRIGHT RESERVED. © Copyright Central Otago District Council.

Wednesday, March 11, 2026

Designations within 200m

None found.

Scheduled Activities within 200m

None found.

Heritage Buildings within 200m

None found.

Notable Trees within 200m

None found.

Active Faults within 200m

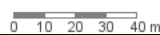
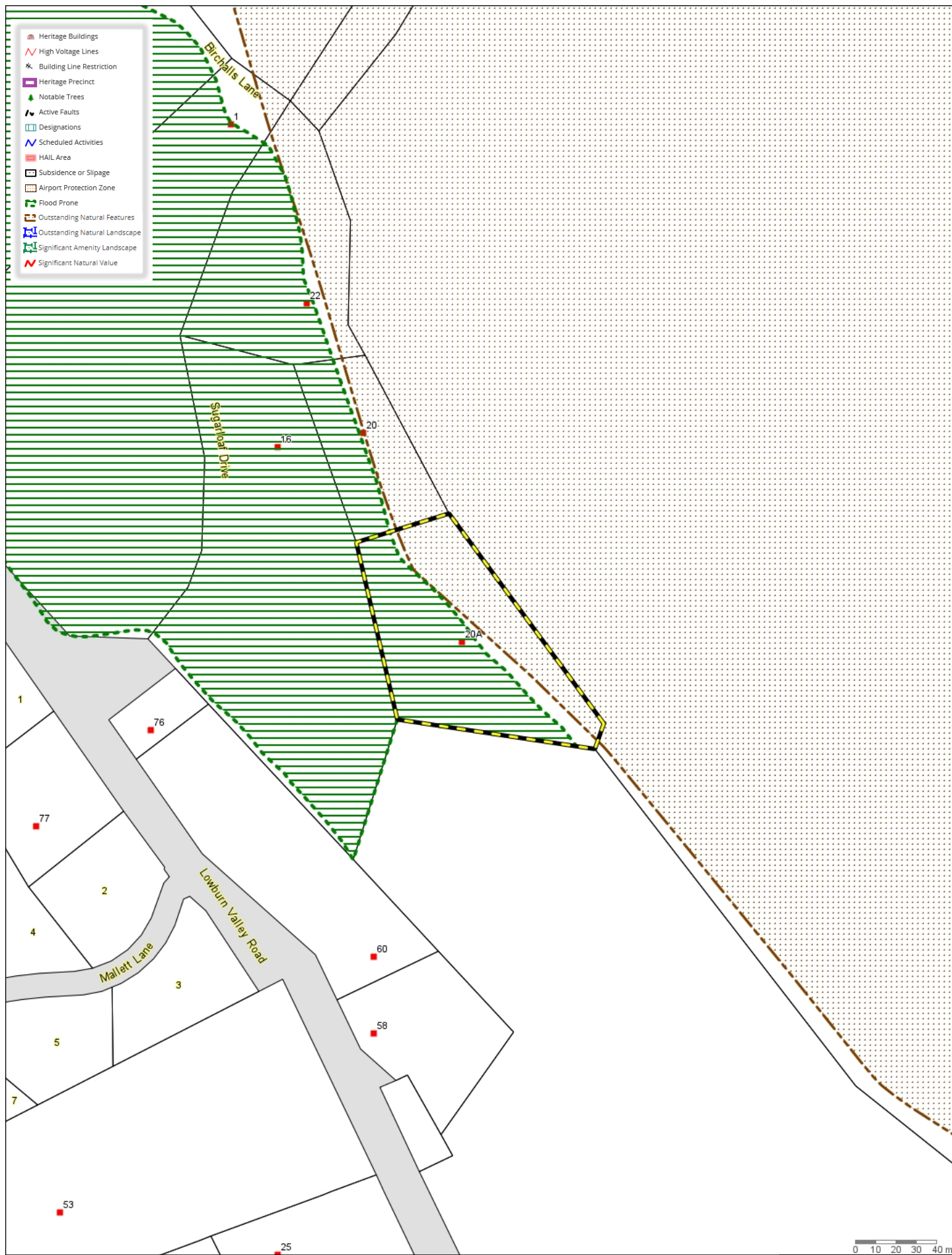
None found.

ORC Hazardous Land (Selected Land Use Sites) within 100m

None found.

Subsidence and Slip Areas within 200m

None found.



Planning Notations Map

The information displayed is schematic only and serves as a guide.
It has been compiled from Central Otago District Council's records and is made available in good faith but its accuracy or completeness is not guaranteed.
Cadastral Information has been derived from Land Information New Zealand's (LINZ) Core Record System Database (CRS).

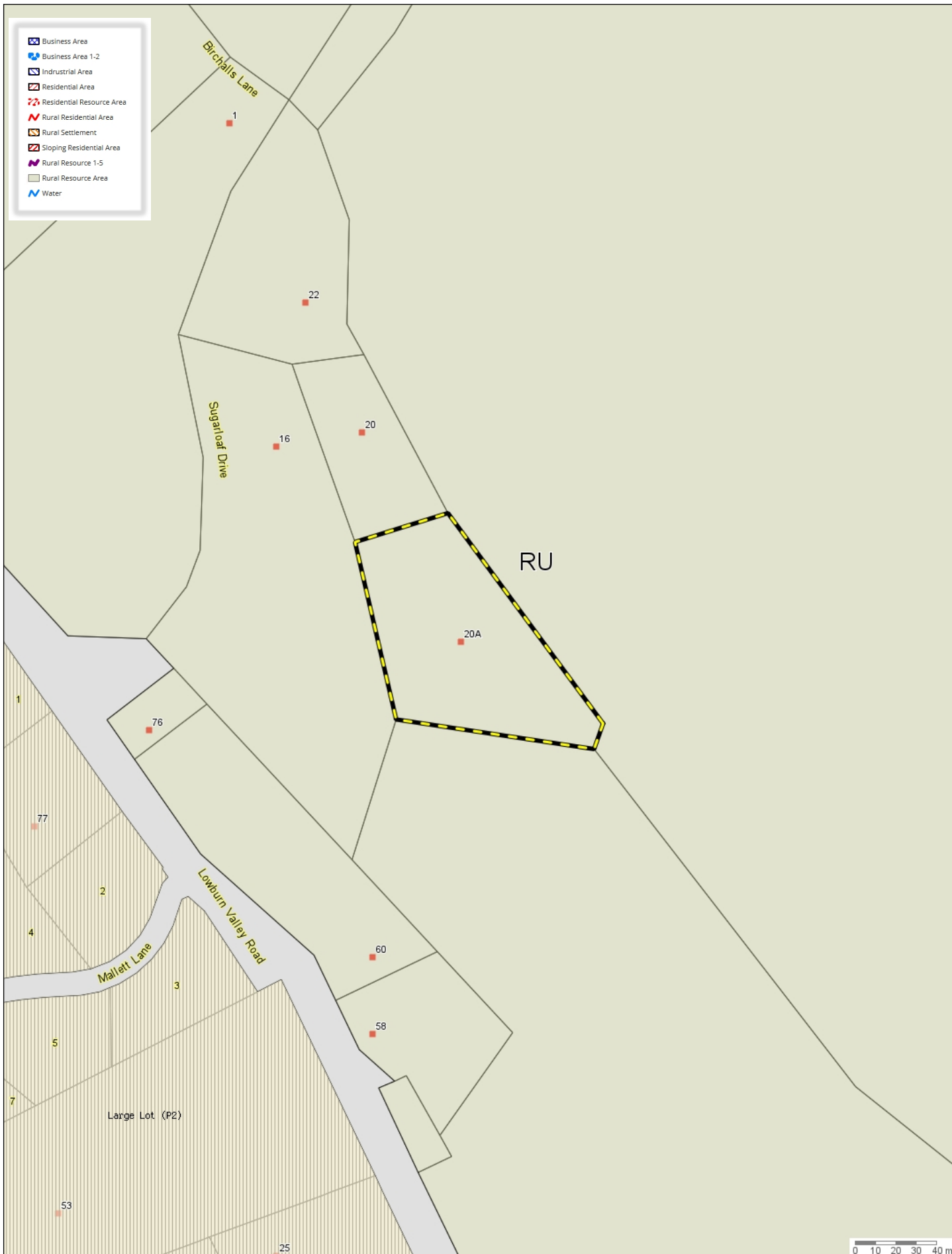
CROWN COPYRIGHT RESERVED. © Copyright Central Otago District Council.



Scale 1:2500

Wednesday, March 11, 2026

Original Sheet Size 210x297mm



Planning Zones Map

The information displayed is schematic only and serves as a guide.
It has been compiled from Central Otago District Council's records and is made available in good faith but its accuracy or completeness is not guaranteed.
Cadastral Information has been derived from Land Information New Zealand's (LINZ) Core Record System Database (CRS).

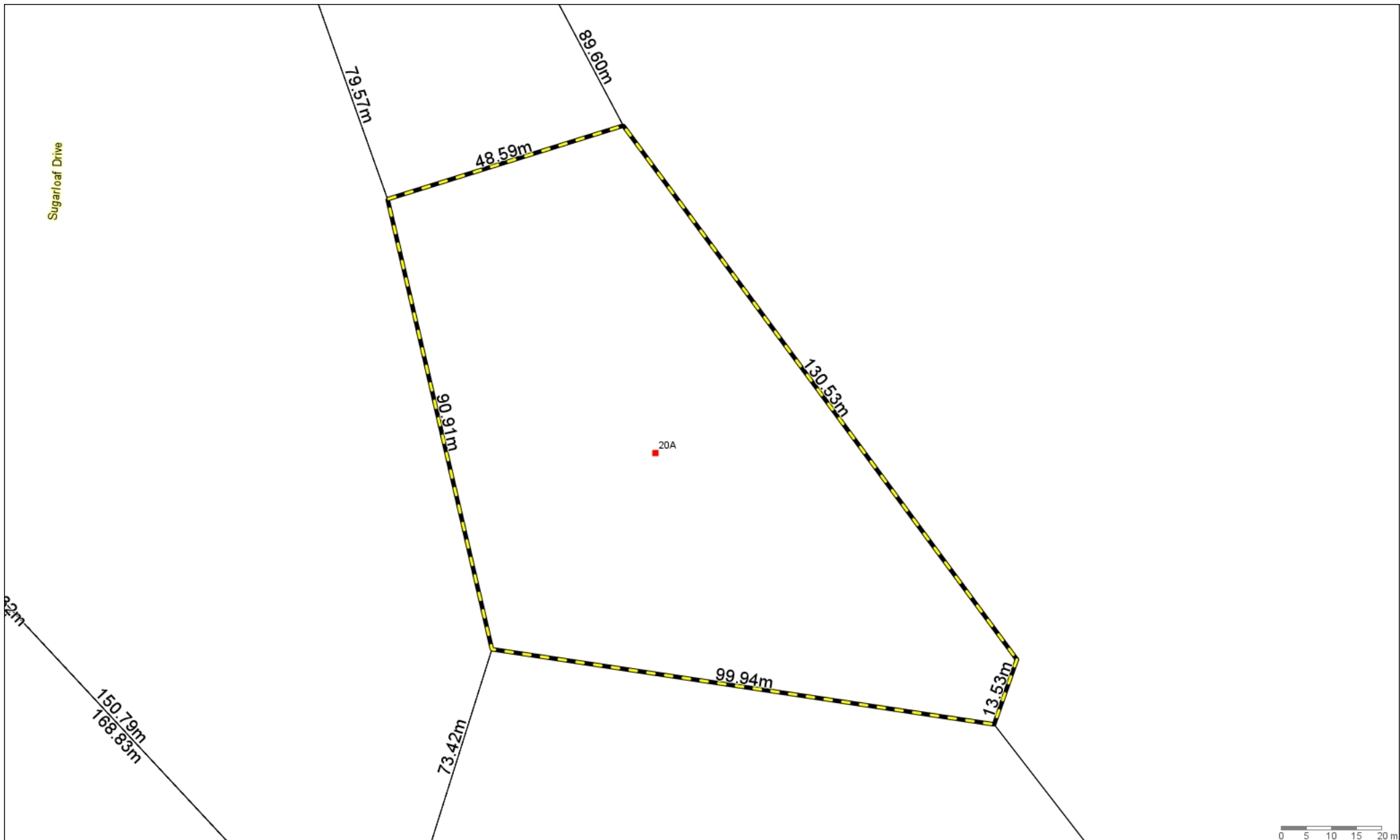
CROWN COPYRIGHT RESERVED. © Copyright Central Otago District Council.



Scale 1:2500

Wednesday, March 11, 2026

Original Sheet Size 210x297mm



Property Dimensions Map

The information displayed is schematic only and serves as a guide.
It has been compiled from Central Otago District Council's records and is made available in good faith but its accuracy or completeness is not guaranteed.
Cadastral Information has been derived from Land Information New Zealand's (LINZ) Core Record System Database (CRS).

CROWN COPYRIGHT RESERVED. © Copyright Central Otago District Council.



Scale 1:1000

Wednesday, March 11, 2026

Original Sheet Size 297x210mm



0 5 10 15 20 m



Aerial Photography Map

The information displayed is schematic only and serves as a guide.
It has been compiled from Central Otago District Council's records and is made available in good faith but its accuracy or completeness is not guaranteed.
Cadastral Information has been derived from Land Information New Zealand's (LINZ) Core Record System Database (CRS).

CROWN COPYRIGHT RESERVED. © Copyright Central Otago District Council.



Scale 1:1000

Wednesday, March 11, 2026

Original Sheet Size 297x210mm

CENTRAL OTAGO DISTRICT COUNCIL

MINARET RESOURCES LIMITED & MN FROST, LOWBURN – RC 130010

Minaret Resources Limited and MN Frost have made application for land use consent for residential building platforms on Lots 3, 5, 6 and 9 DP 418764; for land use consent for future dwellings and accessory buildings to breach the minimum side yard on Lots 1-6, 9 and 14 DP 418764; and to cancel or change conditions subject to Consent Notice CONO 8438773.10 originally being Conditions 40 and 42-49 of RC 050246. The sites subject to the application are located generally to the north-east of Lowburn Valley Road at Lowburn and are described as Lots 1-6, 9 and 14, as contained in Identifiers [Certificates of Title] 472092-472097, 472098 and 472101 at the Otago Land Registry.

The Council has given consideration to the information submitted in support of the application and to the additional information presented in a submission by Mr Dymock who appeared with Mr Frost in support of the application at the hearing. The Council has also given consideration to the additional information presented by Ms Dawe who appeared in support of a submission by M Borthwick and to the contents of a written submission provided by Mr Goldsmith in support of the submission by Sugarloaf Cherries Limited. The Council has given consideration to the contents of all submissions that are summarised at Annex 1 to this decision.

The site is located within the Rural Resource Area in the Operative Central Otago District Plan. Parts of the site are subject to an "Area of Outstanding Landscape Value" notation, a "Flood prone land" notation and an "Esplanade Provision" notation in the Operative Central Otago District Plan.

Plan Changes 5A-5W were publicly notified on 11 October 2008 and decisions on submissions on these plan changes were notified on 28 May 2011.

The decision on proposed Plan Change 5G contains a new Rule 4.7.3(vii) which provides for a residential building platform as a discretionary (restricted) activity. Land use consent is sought under this rule for Lots 3, 5, 6 and 9 DP 418764 on the basis that residential building platforms are proposed on these allotments that vary from those provided for in the context of RC 050246 (discussed further below).

The decision on proposed Plan Change 5K amends Rule 4.7.6A(a) to require a minimum side and rear yard of 25 metres and a front yard of 10 metres for buildings used for residential activity and/or an accommodation facility except on land subject to the Rural Residential notation in the Rural Resource Area. A breach of Rule 4.7.6A(a) is a discretionary (restricted) activity in terms of Rule 4.7.3(i). Land use consent is sought under this rule as future dwellings on the residential building platforms approved under RC 050246 and/or the current application under the new Rule 4.7.3(vii) would have discretionary (restricted) activity status rather than controlled activity status under Rule 4.7.2(i).

No appeal has been lodged in response to the relevant parts of the decisions on proposed Plan Changes 5G and 5K. Section 86F of the Act confirms that a rule in a proposed plan must be treated as operative (and any previous rules as inoperative) if the time for lodging appeals on the rule has expired and no appeals have been lodged. This is the case in this instance.

Section 221(3)(a) confirms that at any time after the deposit of the survey plan the owner may apply to a territorial authority to vary or cancel any condition specified in a consent

notice. Section 221(3)(b) enables the territorial authority to review any condition specified in a consent notice and to vary or cancel the condition.

Having regard to the above the proposal has been considered as an application for land use consent to a discretionary (restricted) activity pursuant to sections 104 and 104C of the Resource Management Act 1991; and as an application to vary or cancel conditions specified in a consent notice pursuant to section 221(3)(a) of the Resource Management Act 1991.

Background RC 050246

On or about 29 June 2005 Minaret Resource Limited made application for RC 050246 being an application for subdivision consent for a 17 lot subdivision and for land use consent to erect dwellings and accessory buildings on 14 of the proposed lots. Land use consent was also sought to undertake earthworks in the margins of the Lowburn and for the construction of a bund around two building platforms (being building platforms originally proposed but not consented) nearest to Lowburn Valley Road.

Subdivision and land use consent was granted to RC 050246 by Commissioner Parker in a decision dated 7 April 2006. Commissioner Parker's decision was subject to appeals to the Environment Court by Minaret Resources Limited, Anne Villiers and Fraser Goldsmith. These appeals were subject to Court assisted mediation. The outcome of the mediation was that the subdivision and land use consent RC 050246 as granted in Commissioner Parker's decision dated 7 April 2006 was confirmed subject to amendments to the subdivision plan and amended conditions of consent as contained in a consent order of the Environment Court issued by Judge Jackson on 19 March 2010.

The consent order that relates to RC 050246 provides for subdivision consent to be granted subject to 58 conditions; for land use consent for dwellings to be granted subject to 19 conditions; and for land use consent for the culvert to be granted subject to two conditions. Four additional general conditions relate to the land use consents for the dwellings and culverts.

Conditions 40 to 58 of the subdivision consent are subject to consent notice CONO 8438773.10. Conditions 40 and 42-49 of RC 050246 (that are subject to Conditions 16 and 19-26 of CONO 8438773.10) state as follows:

"Dwellings

40. *Any dwelling and/or accessory building to be erected on Lots 1-6, 9-11 and 14 shall be located within the building platform shown on the subdivision plan.*
- ...
42. *The roof pitch for all buildings on Lots 1-6, 9-11 and 14 shall be 28° to 40°. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.*
43. *The roofs of all buildings contained on Lots 1-6, 9-11 and 14 shall be clad in coloursteel Ironsand, Karaka or Greyfriars, roofing tiles of a like tone, cedar shingles or slate.*
44. *The final wall claddings for all buildings on Lots 1-6, 9-11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochre's [sic] or similar recessive muted earth tones.*

45. *All accessory buildings shall be clad and coloured to match the dwelling. All such buildings shall be designed so that they are in keeping with the dwelling.*
46. *Joinery colours (excepting timber) shall match roofing, gutter and spouting colours.*
47. *To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhand [sic] depth of at least 1 metre.*
48. *At the time a dwelling is erected on Lots 1-6, 9-11 and 14, all water storage facilities shall be either located underground or appropriately screened from views from surrounding public roads and places, except the public walking track within Lot 4 and Lots 15 and 16.*
49. *All clothes lines located within Lots 1-6, 9-11 and 14 shall be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.*
- ...

Condition 16 of CONO 8438773.10 makes specific reference to building platforms identified on DP 418764 and in other respects departs from Condition 40 RC 050246. Condition 16 of CONO 8438773.10 states as follows:

- "16. Any dwelling and/or accessory building, domestic water tanks, or any other structure shall be located on the building platforms identified on DP 418764 as areas H1, H2, H3, H4, H5, H6, H9, H10, H11 and H14."*

Discussion

At the outset the Council notes that the application relates to Lots 1-6, 9 and 14 DP 418764 only being properties that are owned by Mr Frost; and not to Lots 10 and 11 DP 418764 that are also subject to RC 050246 and that have been sold to other parties.

The Council also notes as a preliminary matter that while the application as lodged has been made to change and cancel conditions under both section 127 and section 221 of the Act; the application should be considered simply as an application to vary or cancel conditions pursuant to section 221(3)(a) as the survey plan for DP 418764 has been deposited.

The Council now addresses the three components of the application being the application for amended residential building platforms; the proposed yard breaches; and the application to vary or cancel conditions in consent notice CONO 8438773.10 below.

Residential Building Platforms

The applicant proposes to amend the residential building platforms shown on DP 418764 as these relate to Lots 3, 5, 6 and 9 DP 418764. The amended residential building platforms for Lots 3, 5, 6 and 9 DP 418764 are shown on plans prepared by Paterson Pitts Partners Limited dated 8 January 2013 that are attached to the application.

The applicants propose to surrender the land use consent for the dwelling component of RC 050246 as this consent relates to Lots 1-6, 9 and 14 DP 418764. As a consequence no land use consent would authorise dwellings on these allotments.

The applicant has made application for land use consent to authorise the amended residential building platforms on Lots 3, 5, 6 and 9 DP 418764 as Rule 4.7.2(i) as amended by the decision on proposed Plan Change 5G authorises residential activity as a controlled activity on a building platform shown on a plan of subdivision consented prior to 28 May

2011. The applicants seek consent to authorise the amended residential building platforms under Rule 4.7.3(vii) to ensure that any future application for a dwelling on those allotments has status as a controlled activity under Rule 4.7.2(i).

The applicants have advised that because of the irregular shapes of the building platforms on Lots 3, 5, 6 and 9 DP 418764 it is proving difficult to design a suitable house on those building platforms and that as a consequence those allotments are unmarketable. The applicants have emphasised that the location of the platforms remain essentially unchanged and the Council concurs with this assessment.

The residential building platforms are in the positions originally proposed by the applicant. The Council considers that development on the amended residential building platforms as now proposed would have no particular effect on the environment when compared to the existing building platforms. The Council has come to this conclusion having regard to the matters to which discretion is restricted in terms of Rule 4.7.3(vii).

This part of the application is essentially for a minor adjustment to of the shape of the platforms which coincide with the general location of platforms previously consented under RC 050246.

The applicants have sought a lapse period of 8 years for this land use consent on the basis that an extended time period will be required for the four lots to be built upon. The Council considers that an 8 year consent period as proposed is appropriate.

Yard Breach

The applicants have noted that Rule 4.7.6A(a) as amended by the decision on proposed Plan Change 5K has increased the side yard in the Rural Resource Area from 10 metres to 25 metres. Given that the land use consent component of RC 050246 that relates to dwellings is to be surrendered as this relates to Lots 1-6, 9 and 14 DP 418764 the applicants seek a generic land use consent to authorise breaches of the side yards.

The Council notes that the breaches of the side yards are a consequence of the location of the building platforms as shown on DP 418764. The applicants have noted that the outcome of the Environment Court mediation has resulted in clustering of the building platforms, particularly those closest to the Lowburn Inlet. The applicants seek land use consent to the yard breaches under Rule 4.7.3(i) so that any future application for a dwelling has status as a controlled activity in terms of Rule 4.7.2(i).

It is appropriate to acknowledge that the building platforms were identified in the context of RC 050246 that was granted consent prior to the public notification of proposed Plan Changes 5A-5W on 11 October 2008. Land use consent is sought for yard breaches that relate to the residential building platforms as originally consented under RC 050246 or for the amended configuration of such platforms as presented in terms of the current application.

The Council's conclusion is that the proposed yard breaches will have no particular effect upon the amenity values of neighbouring properties or on landscape values being the relevant matters to which discretion is restricted in terms of Rule 4.7.3(i).

The Council notes that the applicant has sought a lapse period of 8 years with respect to this land use consent, consistent with the lapsing period sought for the amended residential building platforms. Again the Council considers that such a lapse period is appropriate.

Conditions Specified in CONO 8438773.10

In the application as lodged the applicants sought to amend Condition 16 of CONO 8438773.10 and to cancel Conditions 19-26 of CONO 8438773.10. At the commencement of the hearing Mr Dymock confirmed that the applicants wished to modify the application to the effect that certain conditions subject to the application as lodged were to be cancelled, others were to be varied and others were to stand. Following consideration of the matters raised by Ms Dawe and the contents of the written submission provided by Mr Goldsmith for Sugarloaf Cherries Limited, the applicants sought further variations to the conditions specified in the consent notice. The Council has given consideration to the application of the basis of the cancellation and variation of conditions on CONO 8438773.10 as promoted by the applicants at the hearing.

The applicants seek to vary Condition 16 of CONO 8438773.10 that is derived from Condition 40 of RC 050246 to state as follows:

"16(a) Any dwelling and/or accessory buildings on Lots 1, 2, 4, 10, 11 and 14 DP 418764 shall be located on the building platforms identified on DP 418764 as areas H1, H2, H4, H10, H11 and H14.

16(b) Any dwelling and/or accessory building on Lots 3, 5, 6 and 9 DP 418764 shall be located on the following plans prepared by Paterson Pitts Partners Ltd, dated 8 January 2013, attached to and forming part of this consent notice.

Lot 3 C.1901.1.2B_5

Lot 5 C.1901.1.2B_2

Lot 6 C.1901.1.2B_3

Lot 9 C.1901.1.2B_4

16(c) The maximum footprint coverage of any dwelling within Lots 1-6, 9 and 14 DP 418764 shall be 450m²."

The Council considers that these changes are appropriate and are consistent with the land use consent with respect to residential building platforms which is supported above. The 450m² control on the footprint area of dwellings will serve to ensure that a dwelling does not occupy the full extent of the nominated residential building platforms. This amendment also acknowledges Ms Dawe's concern with respect to the need to accommodate substantial accessory buildings associated with farming activity on these rural allotments.

Condition 21 of CONO 8438773.10 is consistent with Condition 44 of RC 050246 and relates to the colour and materials used for wall claddings.

Ms Dawe expressed concern that the effect of the condition is to require that the final wall claddings for all buildings, including accessory buildings, be restricted to local schist or timber claddings. She considered that this was an unreasonable requirement for accessory buildings and her concerns were supported by the applicants at the hearing. As a consequence the applicants promoted that Condition 21 of CONO 8438773.10 refer to dwellings only.

The Council considers that this change is acceptable and notes that the effect of Condition 22 of CONO 8438773.10 (as varied) is to require that accessory buildings be clad, coloured and designed so that they are in keeping with the dwelling.

Conditions 19 and 24 of CONO 8438773.10 coincide with Conditions 42 and 47 of RC 050246. The applicants have noted that Conditions 19 and 24 of CONO 8438773.10, in combination, result in a situation where it is actually impossible to construct a dwelling of any

reasonable width or depth on Lots 5, 6 and 9 – 11 DP 418764. The applicants have provided a diagram to illustrate that at a 40° pitch a single dwelling of only 4.6 metres total width is possible; and at a 28° pitch a width of only 8.5 metres is possible. Mr Dymock illustrated this point by utilising the whiteboard at the hearing.

The applicants propose to delete the restrictions on roof pitch and the requirement for eaves, but to retain the maximum height limits specified in Condition 18 CONO 8438773.10 that coincides with Condition 41 of RC 050246. The maximum height condition provides for a dwelling and/or accessory building on Lots 1-4 and 14 DP 418764 to have a maximum height of 7 metres above existing ground level; and for a dwelling and/or accessory building on Lot 5, 6 and 9-11 DP 418764 to have a maximum height of 5.5 metres above existing ground level.

The Council acknowledges that the combination of roof pitch and a requirement for eaves creates practical difficulties with respect to the construction of dwellings on Lots 5-6 and 9-11 DP 418764 where a 5.5 metre maximum height applies albeit that Conditions 19 and 24 of CONO 8438773.10 will continue to apply to Lots 10 and 11 DP 418764. The Council also acknowledges that the dwellings are located in the valley floor at Lowburn and are not located in an elevated location. In these circumstances the requirement for non-reflective glazing or recessed roof overhangs would provide little benefit in terms of environmental effects. It is also acknowledged that the effect of the amended Condition 16(c) will be to restrict the footprint of any dwelling to a maximum of 450m² and this will prevent the construction of a large dwelling that occupies the entire residential building platform.

In all the circumstances the Council considers that Conditions 19 and 24 of CONO 8438773.10 should be cancelled as these relate to Lots 1-6, 9 and 14 DP 418764.

Conditions 22 and 23 of CONO 8438773.10 coincide with Conditions 45 and 46 of RC 050246. These conditions require that all accessory buildings be clad and coloured to match the dwelling and be designed so that they are in keeping with the dwelling; and that the joinery colours (excluding timber) shall match roofing, gutter and spouting colours.

Mr Dymock emphasised that the applicants are concerned that the direction to “match” the dwelling and/or roof, gutter and spouting colours is too restrictive; and the applicants promote instead that the phrase “in keeping with” be incorporated into the relevant conditions.

In all the circumstances the Council is satisfied that Conditions 22 and 23 of CONO 8438773.10 should be varied as promoted by the applicants at the hearing.

Condition 26 of CONO 8438773.10 coincides with Condition 49 of RC 050246. The condition requires that all clotheslines located within Lots 1-6, 9-11 and 14 be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.

The submission of Sugarloaf Cherries Limited that was lodged in response to the application has suggested an alternate wording for Condition 26 CONO 8438773.10 which maintains the intent of the condition but does not specifically require that clotheslines be located to the rear of dwellings. At the hearing the applicants promoted that the condition be changed to simply require that all clotheslines be screened from Lowburn Valley Road.

The Council is satisfied that Condition 26 of CONO 8438773.10 should be varied as suggested by the applicants at the hearing.

Objectives and Policies

The relevant objectives and policies of the Operative District Plan include Objectives 4.3.1 and 4.3.2 and Policies 4.4.1 and 4.4.10. It is noted that some of these objectives and policies have been amended as a consequence of the decisions on proposed Plan Changes 5C and 5D. The amended objectives and policies (which have been renumbered in some instances) include Objectives 4.3.1 and 4.3.3 and Policies 4.4.2 and 4.4.10.

In terms of Policy 4.4.1 and Policy 4.4.10 of the Operative District Plan the effects of the subdivision (in terms of the conditions specified in CONO 8438773.10 that the Council has supported the variation or cancellation of above) and of the land use activity can be managed in this instance to ensure that any adverse effects on open space, landscape, natural character and amenity values are avoided, remedied or mitigated. Adverse effects on the open space, landscape, natural character and amenity values of the rural environment will be avoided or mitigated having regard to the characteristics of the site and environs.

The amendments to the objectives and policies introduced by the decisions on proposed Plan Changes 5C and 5D place emphasis on maintaining the open natural character of the hills and ranges. In this instance the proposal does not affect the open natural character of hills and ranges.

The Council's conclusion is that the proposed subdivision (subject to the variation or cancellation of conditions of CONO 8438773.10 as supported above) and of the proposed land use activity are not contrary to the objectives and policies of the Operative District Plan and or to the objectives and policies as amended by the decisions on proposed Plan Changes 5C and 5D.

Submissions

The Council has given consideration to the contents of submissions when considering the application and when preparing this decision. The Council notes in response to the submission by E Rae that RC 050246 has authorised the subdivision of the land subject to this application at Lowburn and the identification of building platforms on the allotments. The flood history of the land was given particular consideration in the context of RC 050246.

The application for land use consent and the application to vary and cancel conditions specified in CONO 8438773.10 which the Council has supported above does not conflict with any national or regional planning document nor with the purpose of the Act which is to promote the sustainable management of natural and physical resources of the District nor to any other matter referred to in Part 2 of the Act.

Having regard to the reasons detailed above, the Council has resolved pursuant to sections 104 and 104C of the Resource Management Act 1991 to grant land use consent, subject to the following conditions:

Residential Building Platforms

1. Any dwelling and/or accessory building on Lots 3, 5, 6 and 9 DP 418764 shall be located on the building platforms identified on the following plans prepared by Paterson Pitts Partners Ltd, dated 8 January 2013:

Lot 3 C.1901.1.2B_5
Lot 5 C.1901.1.2B_2
Lot 6 C.1901.1.2B_3
Lot 9 C.1901.1.2B_4

2. Pursuant to section 125 of the Resource Management Act 1991 this land use consent shall lapse 8 years from the date of commencement of this consent.

Yards

1. This land use consent authorises yard breaches on Lots 1-6, 9 and 14 DP 418764 as shown on the plan prepared by Paterson Pitts Partners Limited being plan C.1901.1.2B_1 dated 8 January 2013 and/or to the extent required to authorise a yard breach consistent with the building platform shown on Lot 14 on DP 418764.
2. Pursuant to section 125 of the Resource Management Act 1991 this land use consent shall lapse 8 years from the date of commencement of this consent.

Variation and Cancellation of Conditions in CONO 8438773.10

The Council has resolved pursuant to section 221(3)(b) of the Resource Management Act 1991 that:

- (i) Condition 16 of CONO 8438773.10 as this relates to Lots 1-6, 9 and 14 DP 418764 is varied to state as follows:

"16(a) Any dwelling and/or accessory buildings on Lots 1, 2, 4, 10, 11 and 14 DP 418764 shall be located on the building platforms identified on DP 418764 as areas H1, H2, H4, H10, H11 and H14.

16(b) Any dwelling and/or accessory building on Lots 3, 5, 6 and 9 DP 418764 shall be located on the building platforms identified on the following plans prepared by Paterson Pitts Partners Ltd, dated 8 January 2013, attached to and forming part of this consent notice.

*Lot 3 C.1901.1.2B_5
Lot 5 C.1901.1.2B_2
Lot 6 C.1901.1.2B_3
Lot 9 C.1901.1.2B_4*

16(c) The maximum footprint coverage of any dwelling within Lots 1-6, 9 and 14 DP 418764 shall be 450m²."

- (ii) Conditions 19 and 24 as specified in CONO 8438773.10 as these relate to Lots 1-6, 9 and 14 DP 418764 are cancelled.

- (iii) Conditions 21, 22, 23 and 26 as specified in CONO 8438773.10 as this relates to Lots 1-6, 9 and 14 are varied to state as follows:

"21. The final wall claddings for all dwellings on Lots 1-6, 9 and 14 DP 418764 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochres or similar recessive muted earth tones.

22. All accessory buildings on Lots 1-6, 9 and 14 DP 418764 shall be clad, coloured and designed so that they are in keeping with the dwelling.

23. Joinery colours (excepting timber) on Lots 1-6, 9 and 14 DP 418764 shall be in keeping with roofing, gutter and spouting colours.

- ...
26. *All clothes-lines located within Lots 1-6, 9 and 14 DP 418764 shall be screened from Lowburn Valley Road."*

For the avoidance of doubt Conditions 20 and 25 of CONO 8438773.10 stand.

Withdrawal of RC 050274 – Land Use Consent for Dwellings

The Assessment of Effects attached to the application RC 130010 that was received by the Council on 22 January 2013 constitutes written notice that the consent holder has surrendered the land use consent for dwellings granted in the context of RC 050274 as this relates to Lots 1-6, 9 and 14 DP 418764; such document constituting written notice of such surrender pursuant to section 138(1) of the Resource Management Act 1991.

Note: *Land use consent will be required to authorise residential activity (dwellings) on Lots 1-6, 9 and 14 DP 418764.*

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



.....
L A VAN DER VOORT
MANAGER, PLANNING AND ENVIRONMENT

22 April 2013

Annex 1

SUBMITTER/S	SUMMARY OF SUBMISSION	DECISION REQUEST
M Borthwick	<u>Support</u> The submitter fully supports the surrender of the existing land use component of the consent and relying on the district plan by way of the variation 5 changes to determine land use. The reason for this is that variation 5 is a district wide set of rules that sets in place a holistic approach that everyone has had an opportunity to have their say on and while not everyone would agree that the outcomes from variation 5 are the best possible result for the district, they are the rules that now govern. To assess any future land use under these rules will create a far simpler and fairer way forward for potential purchasers of these lots while still providing high level of certainty for the community that any residential activity will be in keeping with the surroundings. In terms of the removal of roof pitch conditions, the submitter fully supports the applicant, as a mono pitch roof is far more in keeping with the environment at Lowburn than one with a steep pitch of up to 40° which has a far greater visual impact. The change to the building platforms in my view is insignificant in terms of the development and is justified in order to keep building activities to a defined area within the blocks.	Grant consent.
E Rae	<u>Neither Support or Oppose</u> The specific parts of the application that the submission relates to the submitter considers this to be the wrong place to build houses. She states that you don't build on a river bed [as] you are asking for trouble. The submitter notes that in 1999 the whole valley flooded down to the main highway. The submitter further states: Build there at your own risk – just look at History. Ask the locals they know what happens. Keep to the left hand side road only. And please don't even consider building on the top of Sugar Loaf. What about a camp site beside church at least flood won't hurt that as sites aren't permanent.	Just consider the consequence if the place floods. The submitter feels that people could be conned into buying, then have a disaster, namely a flood.
Sugarloaf Cherries Limited (F Goldsmith Director)	<u>Support in Part/Oppose in Part</u> Mr Goldsmith is the sole shareholder and director of Sugarloaf Cherries Limited, which owns the two properties (CTs OT1065 and OT1066) immediately up-valley of the overall Minaret Resources development site, adjoining Lots 11 and 14. 1. Minimum roof pitch	Grant consent in part as detailed in the submission.

	The submitter supports the application to dispense with the minimum 28 degree roof pitch requirement on Lots 6 and 9 and submits that any material negative effect, so far as public views of the outstanding natural landscape feature (of the Sugarloaf Terrace riser) are concerned, could be mitigated by Council requiring an additional condition lowering the height limit for any dwelling constructed with a flat or mono-pitch sloping roof to 4 metres, as the positive implications would mitigate the negative, which the submitter sees as follows: 1) Lots 5, 6, 9, 10 and 11 are the lots on which the building platforms are the most in 'line of sight' from either Lowburn Valley Road or the Lowburn Stream esplanade strip towards the Sugarloaf Terrace riser ONL area. Lots 10 and 11 are not the subject of the application for variation, so Lots 5, 6 and 9 are the most relevant. The submitter notes that there is a higher height limit on Lots 3 and 5. 2) The purpose of the 5.5m height limit on Lots 6 and 9 can only be to minimise the adverse effect of houses on the public and private views of the ONL area. There is no obvious reason that the submitter can think of why a house should have to have a pitched (as in upside down 'V') roof. Some houses on the other side of the valley have single-plane, slightly sloping roofs. The submitter agrees with the applicant's comment at page 3 of the application regarding the falsity of the suggested premise behind the prohibition on flat or mono-pitched roofs in a rural environment. 3) The effects on viewscape relate first, to the height and secondly, to the bulk of houses on the designated building platforms (putting aside matters of materials, colour palate, lux spill etc which are dealt with in other conditions). 4) The building platforms on Lots 5, 6 and 9 are several metres at ground level above the bed of the Lowburn Stream in which the Otago Regional Council planted flood protection willows in about 2004. Lot 5 is the most elevated. To the extent that the flood protection willows have the potential to screen 5.5m high dwellings on Lots 6 and 9 from public viewpoints, the willows would need to grow to a very considerable height in order to do so.	
--	--	--

	Note: The majority of the flood protection willows planted by the ORC on Lots 5, 6 and 9 died between their date of planting and 2007 as a result of stock grazing, so the potential screening effect is patchy. The submitter also records that no criticism of the applicant is implied in that observation. The applicant in fact discontinued stock grazing on the property on learning of the problem. The remaining willows have mostly survived since then. 5) In any event, the potential screening effect of the flood protection willows in the stream bed has to be regarded as uncertain, so screening of those two dwellings will be mainly a function of the native vegetation screening on the same level as the building platforms, as required under the consent conditions. 6) For a house oriented east-west on either of the designated building platforms, it presumably makes no difference whether a 5.5m roofline is pitched or flat, as the roofline will be roughly perpendicular to the line of sight, at least from Lowburn Valley Road. The more likely orientation of a dwelling on Lots 6 or 9 is north-south, as the main views are up-valley towards the Pisa Range or down-valley towards the inlet. 7) On Lots 5, 6 and 9, the application would increase the area of the building platform by 59%, 40% and 31% respectively (see section 3 below). 8) The potential visual bulk of a north-south oriented house with a flat or mono-pitch roof on an appreciably larger building platform is significant in comparison with a dwelling with a 28 degree roof pitch and a maximum width of 8.5m. A dwelling on the revised, rectangular building platforms on Lots 5, 6 and 9 could be as wide as 27m. There is an appreciable difference in visual "bulk" between a flat-roofed or mono-pitch house up to 27m wide and a pitched roof house 8.5m wide at the minimum 28 degree pitch angle. 9) The visual effect of a flat-roofed house oriented mostly north-south will be mainly on the adjacent houses on the site (Lots 10 and 11 looking down-valley towards the inlet and Lots 1-5 looking up-valley towards the Pisa Range). 10) A lot owner should be free to design a dwelling of whatever orientation and floor	
--	--	--

	plan he or she chooses within the designated building platform, i.e. the submitter does not think it is appropriate for Council to regulate the size or orientation of the floor plan of a house. 11) It is submitted that Council should impose a lower height limit on Lot 5, 6 and 9 (perhaps, 4 metres) for a dwelling without a pitched roof (or a dwelling with a pitch of less than 28 degrees if a single-plain, sloping roof counts as a "pitched" roof) to mitigate potential adverse effects of the greater visual bulk of a dwelling the dimensions of which is not constrained by the maximum 8.5m width depicted in the application. 12. Side yard The submitter understands the issue of the side yard requirement to be a technical one arising from a change in the rules since the original consent was granted and have no other comment on it. 13. Building platforms The change to the building platform on Lot 3 merely regularizes its shape to rectangular. The submitter does not see any issue with it. The main effect to the proposed changes to the building platforms on Lots 5, 6 and 9 is to enlarge them by 59%, 40% and 31% respectively (and in the case of Lot 9 to regularize its shape to rectangular). The enlargements on Lots 5 and 6 probably enable an owner to have greater flexibility in the orientation of a dwelling. As explained in section 1 of this submission, the submitter sees the main implication or issue as one of potential visual bulk. 14. Design controls Re CONO condition 19: For the reasons explained in section 1, the submitter supports cancellation for Lots 5, 6 and 9, subject to a condition requiring an overall lower height limit on those lots, and opposes cancellation of that condition for Lots 1-4 and 14 as those lots have a higher existing height limit and the rationale in the application does not appear to apply to them. Re CONO condition 20: If cancellation of condition 20 would mean that roofs are not necessarily going to be dark grey, then the submitter supports it. The submitter has never understood regulatory fascination with dark grey roofs. Any dark grey/slate colour is not complementary with the Central Otago environment and looks awful individually and	
--	--	--

	worse collectively. Just look at Wakatipu Basin. The submitter notes that Rule 4.7.6D requires both roofs and exterior walls to be “similar to and darker than the surrounding landscape colours”. There is no way that dark/slate greys of any sort are “similar to” the surrounding landscape colours on the subject site. Re CONO condition 21: The submitter notes that Rule 4.7.6D(a)(ii), note 4, could be interpreted as implying that all the colours listed as being “acceptable” in the table are automatically considered to be “similar to and darker than the surrounding landscape colours”. Since the “surrounding landscape colours” on this site, including the ONL area, are very definitely solely in the “... muddy earth browns ... or similar recessive muted earth tones ...” spectrum, as varied in due course by the native vegetation screen planting required under the consent conditions, the submitter opposes the proposed change to the more permissive (rather than more comprehensive) colour spectrum that appears to be contemplated by Rule 4.7.6B but supports the more permissive “finish” alternatives set out in Rule 4.7.6D(a)(i). (The existing condition 21 restricts final wall claddings to “... local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish”). The submitter thinks Coloursteel, weathered corrugated iron or brick (e.g. mudbrick) are not objectionable provided the existing condition requirement for “earthy coloured stains” or “muddy earth browns, greys, ochres or similar muted earth tones” is retained. Re CONO condition 22: The submitter opposes cancellation of condition 22. All this requires is that accessory buildings be clad in colour to match the dwelling and designed so that they are in keeping. That seems sensible. Re CONO condition 23: This condition requires that “joinery colours (excepting timber) shall match roofing, gutter and spouting colours”. If “match” means “the same as”, the submitter can see there might be a problem, as aluminium joinery does not necessarily come in the same colour palette as cladding. If “match” means “be complementary with”, the submitter doubts there is a problem with the condition. Rule 4.7.6D does not appear to deal with it. The submitter is not sure why timber should be an exception to the condition, unless the	
--	---	--

	reference is supposed to be “excepting unpainted timber”. It is submitted that the condition should be retained but amended to read “joinery colours (except unpainted timber) shall be complementary with roofing, gutter and spouting colours”. Re CONO condition 24: This condition deals with glare and potential reflectivity. This seems to be a technical matter and the submitter is uncertain how Rule 4.7.6D (which requires “... a Reflectivity Value (RV) of less than 38%”) deals with that in comparison with the consent condition requiring non-reflective glazing or the glazed areas “... to be recessed by roof overhangs to provide for a minimum overhang depth of at least one metre”. The condition should ensure non-reflectivity to the extent reasonably possible. Re CONO condition 25: This condition requires water storage facilities to be either located underground “or appropriately screened from views from surrounding public roads and places, except to the public walking track within Lot 4 and Lots 15 and 16”. The submitter opposes cancellation of the condition. The existing condition is site-specific. The exception for views from the public walking track is sensible, because the public walking track looks down on building platforms and the only way to screen a water tank from above is to put a roof on it. The existing condition does not appear to have caused any difficulty with the existing house on Lot 10. Re CONO condition 26: This condition requires clotheslines to be not visible from the Lowburn Valley Road. If that is the purpose of the condition, then the location of the clothesline is irrelevant so long as it is screened and the consent conditions require vegetation screening at building platform level. The submitter suggests amendment to the condition to read: “All clotheslines located within Lots 1-6, 9-11 and 14 shall be located or screened such that they are not visible from Lowburn Valley Road”.	
A Villiers	<u>Oppose in Part</u> The specific parts of this application that the submission relates to are the proposed cancellation of Conditions 42 to 49 of RC 050246 with regards to Lots 1-6, 9 and 14 DP 418764 only and change to Condition 30 of the same consent. The submission opposes part of the application as	That the status quo remains as to resource consent conditions and building platform size for the lots identified in the submission.

	outlined because: The applicant claims (see Planning Matters, paragraph 2, page 7 of Paterson Pitt's report) that "It is not possible to bury modern standard water tanks and that the restrictions on clothes lines and other signs of domesticity are simply foolish." And that 'signs of domesticity go hand in hand with dwellings.' This is simply not true. It may take a little more effort and financial commitment to achieve but it is certainly possible. As a submitter in opposition to the original subdivision application, the submitter reminds Council that it was pointed out at the time that the establishment of this density of housing in the Sugarloaf landscape under consideration was not acceptable. For the applicants to come back several years on because the sections haven't sold, and say domesticity is "...an accepted and integral part of rural dwellings" is not only fatuous, it also pushes the envelope of consent conditions which were negotiated and reluctantly conceded in good faith as the outside limit of what was acceptable. To suggest that these conditions should now be modified because these controls "are making the lots unmarketable" is a spurious claim. The submitter suggests that if the price was realistic in the prevailing market, the lots would sell, restrictions and all. To make the modifications requested by the applicant would set a dangerous precedent for development in the Lowburn area, the corollary of which risks unacceptably compromising the amenity, landscape and environmental values of the area as recognised and acknowledged in the current District Plan. The submitter accepts that the yard requirements have changed since the Resource Consent was issued in 2009. The submitter does not accept that this justifies increasing the size of the building platforms as proposed in this application. It implies that a dwelling must be large to be of value and that is simply not true. Modest dwellings are very suited to this landscape, if there must be dwellings at all.	
--	---	--

RC 130010
2842115530

William Fraser Building
1 Dunorling Street, Alexandra 9320
PO Box 122, Alexandra 9340
New Zealand

TEL *64 3 440 0056
FAX *64 3 448 9196
EML codcalex@codc.govt.nz
WEB www.codc.govt.nz

Registrar General of Land
Land Information New Zealand
Private Bag 4721
CHRISTCHURCH 8140

AMENDMENT OF CONSENT NOTICE CONO 8438773.10

RESOLVED that pursuant to Section 221(3) (b) of the Resource Management Act 1991, condition 16 of CONO 8438773.10 as this relates to Lots 1-6, 9 and 14 DP 418764 is varied to state as follows:

- "16(a) Any dwelling and/or accessory buildings on Lots 1, 2, 4, and 14 DP 418764 shall be located on the building platforms identified on DP 418764 as areas H1, H2, H4, and H14.*
- 16(b) Any dwelling and/or accessory building on Lots 3, 5, 6 and 9 DP 418764 shall be located on the building platforms identified on the following plans prepared by Paterson Pitts Partners Ltd, dated 8 January 2013, attached to and forming part of this consent notice.*
- Lot 3 C.1901.1.2B_5*
Lot 5 C.1901.1.2B_2
Lot 6 C.1901.1.2B_3
Lot 9 C.1901.1.2B_4
- 16(c) The maximum footprint coverage of any dwelling within Lots 1-6, 9 and 14 DP 418764 shall be 450m²."*

RESOLVED that pursuant to Section 221(3) (b) of the Resource Management Act 1991 Conditions 19 and 24 as specified in CONO 8438773.10 as these relate to Lots 1-6, 9 and 14 DP 418764 are cancelled.

RESOLVED that pursuant to Section 221(3)(b) of the Resource Management Act 1991 Conditions 21, 22, 23 and 26 as specified in CONO 8438773.10 as this relates to Lots 1-6, 9 and 14 are varied to state as follows:

- "21. The final wall claddings for all dwellings on Lots 1-6, 9 and 14 DP 418764 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochres or similar recessive muted earth tones.*

22. *All accessory buildings on Lots 1-6, 9 and 14 DP 418764 shall be clad, coloured and designed so that they are in keeping with the dwelling.*

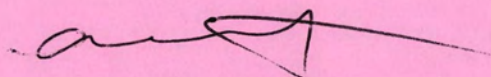
23. *Joinery colours (excepting timber) on Lots 1-6, 9 and 14 DP 418764 shall be in keeping with roofing, gutter and spouting colours.*

...

26. *All clothes-lines located within Lots 1-6, 9 and 14 DP 418764 shall be screened from Lowburn Valley Road."*

Note: For the avoidance of doubt Conditions 20 and 25 of CONO 8438773.10 shall stand.

Dated at Alexandra this Thursday, June 20, 2013



.....
Louise van der Voort
Manager, Planning and Environment
(pursuant to delegated authority)

COPY

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 120 of the
Act

BETWEEN MINARET RESOURCES LIMITED
(ENV-2006-CHC-000319)

AND ANNE CAROLINE VILLIERS
(ENV-2006-CHC-000320)

AND FRASER ROBERT GOLDSMITH
(ENV-2006-CHC-000323)

Appellants

AND CENTRAL OTAGO DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch



CONSENT ORDER

Introduction

- [1] The Court has read and considered the appeal, the respondent's reply, and the memorandum of the parties received on 26 February 2007. However, the processing of this consent memorandum was put on hold at that time due to the need to confirm the parties acceptance of a minor amendment to the documents they had all signed. The final confirmation was received on 14 March 2007.
- [2] The Lowburn Action Group gave notice of an intention to become a party under s274 and have signed the memorandum setting out the relief sought.
- [3] No other person has given notice of an intention to become a party under s274.
- [4] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
- (a) All parties to the proceedings have executed the memorandum requesting this order;
 - (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order



[5] Therefore the Court orders, by consent, that:

Resource consent RC 050246 granted to Minaret Resources Limited by the Central Otago District Council in its decision dated 7 April 2006 is confirmed *subject to* the amendments included in the subdivision plan attached and the conditions of consent set out below:

SUBDIVISION

The subdivision comprised in this application RC 050246 shall be undertaken in accordance with plans C 1057.1.20F Sheet 1 of 2 and C.1057.1.21F Sheet 2 of 2 such plans dated 25 January 2007.

Easements

1. *Right of way easements A – H and J – R as shown on the plan of subdivision shall be duly granted or reserved, easements L, O, P being for non-motorised traffic (by foot, bicycle, horse) only.*
2. *Any other easements required to protect access or access to services shall be duly granted or reserved.*

Roading and Access

3. *Prior to section 224(c) certification the consent holder shall construct a carriageway in right of ways C and D and on the unformed portion of legal road off Lowburn Valley Road to the following standard:*
 - a) *4.5 metre seal width within a minimum 10-20 metre wide corridor.*
 - b) *Two coat chip seal grade 3 and grade 5.*



- c) *4% normal camber and designed super elevation and widening on curves.*
 - d) *0.25 m wide unsealed shoulders on both sides of the carriageway.*
 - e) *Pavement design to be in accordance with NZS 4404:2004 and the CODC Addendum.*
 - f) *Side shoulders 4 (horizontal):1 (vertical) having 1.6 metre width on both sides of the carriageway.*
 - g) *Cut batter 1:1, fill batter 2:1 (steeper stable slopes allowable in rock).*
 - h) *Rock armoured water channels on steeper sections.*
 - i) *Maximum gradient 1 in 10.*
 - j) *Suitably sized culverts located in water courses*
 - k) *Road sign, give way markings and road name to Council approval.*
4. *Prior to section 224(c) certification the consent holder shall construct a gravel or sealed carriageway within right of ways A, B, E-H, J-K and M-N from the end of the seal referred to in condition 3 to at least the standards set in Council's "Standards for Gravel Roads for Inclusion on Central Otago District Council Roading Hierarchy - December 2000" for tracks subject to the carriageway having a 4.5 metre top width within a minimum 10 metre wide corridor and provided that shallow trafficable side drains are provided along generally level sections of the carriageway,*
5. *The consent holder shall construct an appropriate box culvert structure over the Low Burn with capacity to accommodate at least a 10 year return storm as provided in TNZ Bridge Manual, Table 2.1, Category 3.*



6. *Prior to section 224(c) certification the consent holder shall form and seal the intersection of the unformed legal road and Lowburn Valley Road in accordance with Figure 12.3 of the amended Proposed District Plan (attached), with an intersection light. This intersection to be constructed to TNZ side road junction standard and Section 12.7.1 of the amended Proposed District Plan.*

Notes: 1. Full engineering plans and specifications shall be approved by the Chief Executive prior to construction of the works required at the intersection.

2. Intersection lighting and design may be undertaken having regard to any other subdivisional roading works in the immediate locality.

7. *Upon the deposit of the survey plan, Lot 17 shall vest in the name of the Central Otago District Council as Road.*

Wastewater

8. *The consent holder shall design and install wastewater reticulation for Lots 1-6 that shall discharge into the Lowburn sewer.*

- 9 a. *The consent holder shall install a rising main of a design and route approved by the Chief Executive to enable wastewater to be pumped from Lots 1-6.*

Note: *The rising main referred to in condition 9a is a private drain to the point of connection to the Lowburn Sewer, for which the Council accepts no responsibility.*

- b. *At such time that a dwelling is constructed on Lots 1-6, the consent holder or successor shall install an on-site household wastewater pump of a design approved by the*



Chief Executive, that connects to a rising main that discharges into the Lowburn sewer.

c. On-site treatment and disposal of wastewater is not permitted on Lots 1-6.

d. A wastewater financial contribution of \$16,470 exclusive of Goods and Services Tax (6 x \$2,745) shall be payable for Lots 1-6.

Note: Conditions 9b and c shall be subject to a consent notice for Lots 1-6 that shall be registered in terms of section 221 of the Resource Management Act 1991.

- 10. Prior to section 224(c) certification the consent holder shall provide details as to how the rising main is to be connected to the existing Lowburn sewer in a manner which does not adversely affect the existing system. In particular, the consent holder shall demonstrate that sufficient capacity and emergency storage is available in the Lowburn Hall Pump Station to accommodate wastewater discharged from the subdivision.*
- 11. At the time of construction of a dwelling on Lots 9-11 and 14 an on site waste water disposal system that complies with the requirements of AS/NZS 1547:2000 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.*
- 12. A copy of the design and designer producer statement for Lots 9-11 and 14 shall be supplied to the Chief Executive. The dwelling shall not be constructed on Lots 9-11 and 14 until the design and producer statement have been supplied to the Chief Executive.*



13. *The designer shall supervise the installation and construction of the system on Lots 9-11 and 14 and shall provide a construction producer statement to the Chief Executive.*
14. *An operation and maintenance manual for Lots 9-11 and 14 shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as built plan of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owners maintenance and operating manual have been supplied to the Chief Executive.*
15. *The maintenance and operating manual shall be transferred to each subsequent owner of Lots 9-11 and 14.*
16. *Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.*

Note: *Conditions 11-16 shall be subject to a consent notice for Lots 9-11 and 14 that shall be registered in terms of section 221 of the Resource Management Act 1991.*

Water

17. *The consent holder shall be responsible for providing appropriate water supply reticulation that is adequate to serve the subdivision.*



18. a. *The consent holder shall either connect the water supply reticulation in the subdivision to the Cromwell town water supply system, which shall vest in the Council on expiry of the construction defects liability period on such terms and conditions that are acceptable to the Chief Executive, that shall include but not be limited to:*

- Provision of a hydraulic model of the supply to demonstrate compliance with the design consumer demands and fire fighting requirements.*
- Construction with materials acceptable to the Chief Executive.*

or

Install a private domestic water supply reticulation system that shall provide for:

- A maximum domestic supply to each allotment of 3000 litres/household/day.*
- The water supply to be owned and operated by a suitable management entity, details of which shall be forwarded to the Chief Executive prior to section 224(c) certification.*

b. *Any private drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 by the management entity which owns and manages the supply, and the results forwarded to the Chief Executive. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standards then the management entity shall be responsible for the provision of*



water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.

- c. A copy of the operation and maintenance manual for any private drinking water supply shall be forwarded to the Chief Executive prior to section 224(c) certification.*

Notes: *1. Condition 18b shall be subject to a consent notice that shall be registered in terms of section 221 of the Resource Management Act 1991.*

2. Should any private domestic water supply ultimately serve more than 25 people for more than 60 days per year (five or more dwellings) then the consent holder shall notify Public Health South, of the details of the water supply and shall have the supply registered by the Public Health Unit.

- 19. At the time a dwelling is erected on any allotment, domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank on each allotment. Of this total capacity a minimum of 20,000 litres shall be maintained at all times as a fire fighting reserve. Alternatively, an 11,000 litre fire fighting reserve is to be made available for each dwelling in association with a sprinkler system installed in each dwelling to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:*

- (a) Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Couplings (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100*



mm coupling has 100 mm hose tail) provided that the consent holder shall provide written confirmation to the Chief Executive to confirm that the couplings are appropriate for fire fighting purposes.

- (b) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. Access shall be maintained at all times to the hardstand area.

20. Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

Note: Conditions 19 and 20 shall be subject to a consent notice in terms of section 221 of the Resource Management Act 1991.

Electricity and Telecommunications

21. It shall be the consent holders responsibility to obtain the consent of Aurora Energy Limited and Telecom New Zealand Limited as to the position of electricity and telephone services to serve Lots 1 – 6, 9-11 and 14. The consent holder shall be responsible for installing all such services underground to the boundary of each of those allotments.
22. The consent holder shall supply evidence of the consents referred to in Condition 21 to the Chief Executive prior to section 224(c) certification.
23. It shall be the responsibility of the consent holder to meet the costs associated with the installation and upgrading of the electricity and



telecommunication reticulation necessary to meet the needs of the subdivision.

Reserves & Esplanade Strips

24. *Upon deposit of the survey plan, Lots 15 and 16 shall vest in the name of the Central Otago District Council as Scenic Reserves.*
25. *Esplanade strips shall be created over Lots 1, 5, 6 and 9 - 11 that shall have a width of 10 metres. The instrument creating the new strips shall have no access restrictions and shall prohibit the erection of fencing across the strips.*

Note: *The consent authority agrees to cancel the existing 5 metre wide strips in CT OT 19A/1130, and to take all relevant measures in terms of section 234 of the Act.*

Landscape and Design Controls

26. *The establishment of any trees or other planting within Lots 1 - 6, 9-11 and 14 shall be restricted to those plant species included in the General & Curtilage Area Plant List prepared by Peter Rough Architects Ltd and which formed part of the application for resource consent.*

Note: *Condition 26 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act.*

27. *The burning or removal of native vegetation located on the outwash fans to the rear of the platforms located on Lots 5, 6 and 9 - 11 is prohibited.*



Note: Condition 27 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act.

28. No building shall be erected on the upper portions of Lots 4 and/or 14 aside from ancillary farm buildings that may be required for the purposes of ongoing farm operations. Any such building shall be restricted to the areas marked 'S', 'T' and 'U' on the plan of subdivision.

Note: Condition 28 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act.

Flood Hazard

29. Prior to section 224(c) certification, the consent holder shall construct deflector banks and/or channels to divert stormwater runoff from the terrace slopes and fans away from the building platforms identified on the plan of subdivision, and on any subsequent survey or title plans prior to section 223 approval.
30. The deflector banks and/or channels shall be designed by a suitably qualified professional, who shall obtain any necessary resource consent from the Otago Regional Council for the proposed structures for defence against water; and a copy of any such resource consent shall be provided to the Chief Executive prior to section 224(c) certification.
31. Prior to section 224(c) certification, the consent holder shall provide a construction review producer statement from the designer of the deflector banks and/or channels that the works have been constructed in accordance with his/her designs and comply



with any conditions of resource consent applied by the Otago Regional Council for the defences against water.

32. *Prior to section 224(c) certification, the consent holder shall provide to the Chief Executive a copy of a management plan for the deflector banks and/or channels to include as a minimum:*
- (i) The purpose of each structure (what it can do);*
 - (ii) The working of each structure (to mitigate the adverse effect i.e. how it works to mitigate the effect of increased stormwater runoff);*
 - (iii) The location of the structures on each site, including a plan showing where the structure can be located on the site;*
 - (iv) Life-expectancy of the structures including when replacement of the structures is expected;*
 - (v) Maintenance techniques to address:*
 - i. Potential causes of proposed structures' failure.*
 - ii. Frequency of inspection and method of inspection.*
 - iii Action to be taken if cleaning and/or repair is needed.*
33. *The consent holder shall submit to the Chief Executive a landscaping plan for the deflector banks (if any) for approval and when approved, the consent holder shall establish the landscaping prior to section 224(c) certification.*
34. *The owners of Lots 1-6, 9-11 and 14 shall maintain in perpetuity those deflector banks and/or channels required for flood mitigation purposes and their associated landscaping within Lots 1-6, 9-11 and 14 in accordance with the approved landscape plan and in accordance with the management plan for the deflector banks and/or diversion channels.*



35. *Any dwelling and/or accessory building, domestic water tanks, or any other structure shall be located on the building platforms identified on the plan of subdivision, and on any subsequent survey or title plans prior to section 223 approval.*

Note: *Conditions 34 and 35 shall be subject to a consent notice on Lots 1-6, 9-11 and 14 that shall be registered pursuant to section 221 of the Act.*

36. *Any dwelling on Lots 1 and 2 shall have a minimum floor level of RL 200m above sea level or 0.6m above ground level, whichever is the greater.*

Note: *Condition 36 shall be subject to a consent notice on Lots 1 and 2 that shall be registered pursuant to section 221 of the Act.*

Other

37. *There shall be no further subdivision of or development on Lots 1-6, 9-11 and 14 for residential or any other purposes other than is provided for by this resource consent.*

Note: *Condition 37 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act*

38. *The subdivision may be staged and all conditions relevant to a particular stage shall be complied with prior to section 224(c) certification for that stage.*

39. *Prior to the issue of certificate in terms of section 224(c) the consent holder shall provide the Chief Executive with a detailed*



schedule with the costs of all infrastructure works that are to vest in the Council.

Dwellings

40. *Any dwelling and/or accessory building to be erected on Lots 1 – 6, 9-11 and 14 shall be located within the building platform shown on the subdivision plan.*
41. *The maximum building height for a dwelling and/or accessory buildings on Lots 1 – 4 and 14 shall be 7 metres above existing ground level and the maximum building height for a dwelling and/or accessory buildings on Lots 5, 6 and 9-11 shall be 5.5 metres above existing ground level.*
42. *The roof pitch for all buildings on Lots 1 – 6, 9-11 and 14 shall be 28° to 40°. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.*
43. *The roofs of all buildings contained on Lots 1 – 6, 9-11 and 14 shall be clad in coloursteel Ironsand, Karaka or Greyfriars, roofing tiles of a like tone, cedar shingles or slate.*
44. *The final wall claddings for all buildings on Lots 1 – 6, 9-11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochre's or similar recessive muted earth tones.*
45. *All accessory buildings shall be clad and coloured to match the dwelling. All such buildings shall be designed so that they are in keeping with the dwelling.*



46. *Joinery colours (excepting timber) shall match roofing, gutter and spouting colours.*
47. *To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhand depth of at least 1 metre.*
48. *At the time a dwelling is erected on Lots 1 – 6, 9-11 and 14, all water storage facilities shall be either located underground or appropriately screened from views from surrounding public roads and places, except the public walking track within Lot 4 and Lots 15 and 16.*
49. *All clothes lines located within Lots 1 – 6, 9-11 and 14 shall be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.*
50. *At the time a dwelling is erected on Lots 1 – 6, 9-11 and 14, the provision of electricity and telecommunications services within the allotment shall be laid underground to the dwelling.*
51. *Monument gates or other road frontage furniture other than simple post and rail or stone are prohibited:*
52. *Unless otherwise specified within the conditions of this consent, boundary fencing is to be in standard post and wire only, and the only other fencing permitted under this condition is that provided for the purposes of excluding stock around planting areas.*



Pastoral Management Area – Lots 4 and 14

53. *The use of that part of Lots 4 and 14 on the terrace tread shall be restricted to pastoral use or horticultural shrub, vine or groundcover crops.*
54. *No buildings shall be located within that part of Lots 4 and 14 on the terrace tread other than ancillary farm buildings that may be required within Lots 4 and 14 for the purposes of ongoing farming operations. Any such building shall be restricted to the areas marked S, T and U on the plan of subdivision.*

General and Curtilage Planting Plan

55. *The consent holder shall implement all landscape planting detailed in the Landscape Proposal Plan prepared by Peter Rough Architects Ltd (as modified to provide for building platforms as shown on the plan of subdivision) prior to the erection of any dwelling within Lots 1 – 6, 9-11 and 14. This shall include the implementation of all boundary and internal road planting necessary to give effect to the Landscape Proposal Plan, which shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.*

Lighting

56. *All exterior lighting shall be fixed and be capped, filtered or pointed downwards and screened so as to reduce lux spill.*



Relocatable Buildings

57. *There shall be no relocatable or second hand buildings used other than new or near new buildings which have been assembled off site.*

Hazard Mitigation

58. *Any future dwelling on Lots 1 & 2 shall have a minimum floor level of 200 m above sea level.*

Note: *Conditions 40 to 58 shall be subject to a Consent Notice on Lots -6, 9-11 and 14 that shall be registered pursuant to section 221 of the Act.*

Notes: 1. *All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent shall be paid prior to section 224(c) certification.*

2. *The consent holder's attention is drawn to the provisions of sections 9-21 of the New Zealand Historic Places Act 1993 which require an archaeological authority to modify or destroy any archaeological site.*

3. *Development contributions of \$72,560.00, and \$14,270.00 (exclusive of Goods and Services Tax) are payable for water (if condition 18a invoked) and roading pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to section 224(c). The Council may withhold a certificate under section 224(c) of the Resource Management Act 1991 if the required development and financial contributions have not been paid, pursuant to section 208 of the*



Local Government Act 2002 and Section 15.5.1 of the Proposed District Plan.

LAND USE:

Dwellings

1. *Any dwelling and/or accessory building to be erected on Lots 1 – 6, 9-11 and 14 shall be located within the building platform shown on the subdivision plan.*
2. *The maximum building height for a dwelling and/or accessory buildings on Lots 1 – 4 and 14 shall be 7 metres above existing ground level and the maximum building height for a dwelling and/or accessory buildings on Lots 5, 6 and 9-11 shall be 5.5 metres above existing ground level.*
3. *The roof pitch for all buildings on Lots 1 – 6, 9-11 and 14 shall be 28° to 40°. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.*
4. *The roofs of all buildings contained on Lots 1 – 6, 9-11 and 14 shall be clad in coloursteel Ironsand, Karaka or Greyfriars, roofing tiles of a like tone, cedar shingles or slate.*
5. *The final wall claddings for all buildings on Lots 1 – 6, 9-11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochre's or similar recessive muted earth tones.*



6. *All accessory buildings shall be clad and coloured to match the dwelling. All such buildings shall be designed so that they are in keeping with the dwelling.*
7. *Joinery colours (excepting timber) shall match roofing, gutter and spouting colours.*
8. *To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhand depth of at least 1 metre.*
9. *At the time a dwelling is erected on Lots 1 – 6, 9-11 and 14, all water storage facilities shall be either located underground or appropriately screened from views from surrounding public roads and places, except the public walking track within Lot 4 and Lots 15 and 16.*
10. *All clothes lines located within Lots 1 – 6, 9-11 and 14 shall be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.*
11. *At the time a dwelling is erected on Lots 1 – 6, 9-11 and 14, the provision of electricity and telecommunications services within the allotment shall be laid underground to the dwelling.*
12. *Monument gates or other road frontage furniture other than simple post and rail or stone are prohibited:*
13. *Unless otherwise specified within the conditions of this consent, boundary fencing is to be in standard post and wire only, and the*



only other fencing permitted under this condition is that provided for the purposes of excluding stock around planting areas.

Pastoral Management Area – Lots 4 and 14

14. *The use of that part of Lots 4 and 14 on the terrace tread shall be restricted to pastoral use or horticultural shrub, vine or groundcover crops.*
15. *No buildings shall be located within that part of Lots 4 and 14 on the terrace tread other than ancillary farm buildings that may be required within Lots 4 and 14 for the purposes of ongoing farming operations. Any such building shall be restricted to the areas marked S, T and U on the plan of subdivision.*

General and Curtilage Planting Plan

16. *The consent holder shall implement all landscape planting detailed in the Landscape Proposal Plan prepared by Peter Rough Architects Ltd (as modified to provide for building platforms as shown on the plan of subdivision) prior to the erection of any dwelling within Lots 1 – 6, 9-11 and 14. This shall include the implementation of all boundary and internal road planting necessary to give effect to the Landscape Proposal Plan, which shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.*

Lighting

17. *All exterior lighting shall be fixed and be capped, filtered or pointed downwards and screened so as to reduce lux spill.*



Relocatable Buildings

18. *There shall be no relocatable or second hand buildings used other than new or near new buildings which have been assembled off site.*

Hazard Mitigation

19. *Any future dwelling on Lots 1 & 2 shall have a minimum floor level of 200 m above sea level.*

LAND USE: CULVERT

1. *The consent holder shall obtain all necessary consents from the Otago Regional Council to authorise the culvert.*
2. *The consent holder shall construct an appropriate structure (box culvert) over the Low Burn with capacity to accommodate at least a 10 year return storm as provided in TNZ Bridge Manual, Table 2.1, Category 3.*

GENERAL

Dwellings and Culverts

- (a) *Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's expense.*



(b) *The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:*

(i) *Administration, monitoring and inspection relating to this consent; and*

(ii) *Charges authorised by regulations.*

(c) *Upon erection of a dwelling or completion of works requiring land use consent on any of Lots 1 – 6, 9-11 and 14, the consent holder shall advise the Chief Executive in writing (quoting RC 050246) that all conditions of this consent have been adhered to.*

(d) *Pursuant to section 125 land use consent shall expire 8 years following the date of the commencement of this consent.*

[6] The appeals are otherwise dismissed.

[7] There is no order as to costs.

DATED at CHRISTCHURCH

19

March 2007.

J R Jackson

Environment Judge

Issued:

19 MAR 2007



2842115534
RC050246

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

13 December 2019

+64 3 440 0056
info@codc.govt.nz
www.codc.govt.nz

Minaret Resources Ltd
C/- Patterson Pitts Partnership Ltd
PO Box 84
Cromwell 9342

Dear Sir/Madam

Application for Resource Consent: RC050246 – Lowburn Valley Rd, Lowburn

This is to advise that the application for 17 Lot subdivision in a Rural Resource Area on a property situated on Lowburn Valley Road, Cromwell described as Pt Sec 43 Blk V Cromwell SD, Lot 2 DP 25337, Lots 2, 3 & 4 DP 27566, Sec 2 Blk V Wakefield SD as contained in Record of Title OT19A/1129 and OT19A/1130, has been approved by the Environment Court, subject to the following conditions:

Subdivision

The subdivision comprised in this application RC050246 shall be undertaken in accordance with plans C 1057.1.20F Sheet 1 of 2 and C1057.1.21F Sheet 2 of 2 such plans dated 25 January 2007.

Easements:

1. Right of way easements A – H and J – R as shown on the plan of subdivision shall be duly granted or reserved, easements L, O, P being for non-motorised traffic (by foot, bicycle, horse) only.
2. Any other easements required to protect access or access to services shall be duly granted or reserved.

Roading and Access:

3. Prior to section 224c certification the consent holder shall construct a carriageway in right of ways C and D and on the unformed portion of legal road off Lowburn Valley Road to the following standard.
 - a) 4.5 metre seal width a minimum 10-20 metre wide corridor.
 - b) Two coat chip seal grade 3 and grade 5.
 - c) 4% normal camber and designed super elevation and widening on curves.
 - d) 0.25 metre wide unsealed shoulders on both sides of the carriageway.
 - e) Pavement design to be in accordance with NZS 4404:2004 and the CODC addendum.

- f) Side shoulders 4 (horizontal):1 (vertical) having 1.6 metre width on both sides of the carriageway.
 - g) Cut batter 1:1 fill batter 2:1 (steeper stable slopes allowable in rock).
 - h) Rock armoured water channels on steeper sections.
 - i) Maximum gradient 1 in 10.
 - j) Suitably sized culverts located in water courses.
 - k) Road sign, give way markings and road name to council approval.
4. Prior to section 224c certification the consent holder shall construct a gravel or sealed carriageway within the right of ways A, B, E-H, J-K and M-N from the end of the seal referred to in condition 3 to at least the "Standards for Gravel Roads for inclusion on Central Otago District Council Roading Hierarchy – December 2000" for tracks subject to the carriageway having 4.5 metre top width within a minimum 10 metre wide corridor and provided that shallow trafficable side drains are provided along generally level sections of the carriageway.
 5. The consent holder shall construct an appropriate box culvert structure over the Low Burn with capacity to accommodate at least a 10 year return storm as provided in TNZ bridge manual, Table 2.1, Category 3.
 6. Prior to section 224c certification the consent holder shall form and seal the intersection of the unformed legal road in Lowburn Valley Road in accordance with Figure 12.3 of the amended Proposed District Plan (attached), with an intersection light. This intersection to be constructed to TNZ side road junction standard and Section 12.7.1 of the amended Proposed District Plan.

Notes:

1. Full engineering plans and specifications shall be approved by the Chief Executive prior to construction of the works required at the intersection.
2. Intersection lighting and design may be undertaken having regard to any other subdivision roading works in the immediate locality.

7. Upon the deposit of the survey plan, lot 17 shall vest in the name of the Central Otago District Council as road.

Wastewater:

- ~~8. The consent holder shall design and install wastewater reticulation for lots 1-6 that shall discharge onto the Lowburn sewer.~~

The consent holder shall design and install wastewater reticulation for lots 1-6 and 9-11 that shall discharge onto the Lowburn sewer.

9.
 - ~~a) The consent holder shall install a rising main of a design and route approved by the Chief Executive to enable wastewater to be pumped from Lots 1-6.~~
 - a) The consent holder shall install a rising main of a design and route approved by the Chief Executive to enable wastewater to be pumped from Lots 1-6 and 9-11.

Note: The rising main referred to in condition 9 (a) is a private drain to the point of connection to the Lowburn sewer, for which the Council accepts no responsibility.

~~b) At such time that a dwelling is constructed on Lots 1-6, the consent holder or successor shall install an on-site household wastewater pump of a design approved by the Chief Executive, that connects to a rising main that discharges into the Lowburn sewer.~~

b) At such time that a dwelling is constructed on Lots 1-6 and 9-11, the consent holder or successor shall install an on-site household wastewater pump of a design approved by the Chief Executive, that connects to a rising main that discharges into the Lowburn sewer.

~~c) On-site treatment and disposal of wastewater is not permitted on Lots 1-6.~~

c) On-site treatment and disposal of wastewater is not permitted on Lots 1-6 and 9-11.

~~d) A wastewater financial contribution of \$16,470 exclusive of Goods and Services Tax (6 x \$2,745) shall be payable for Lots 1-6.~~

d) A wastewater financial contribution of \$27,705 exclusive of Goods and Services Tax (9 x \$2,745) shall be payable for Lots 1-6 and 9-11.

~~*Note: Conditions 9b and c shall be subject to a consent notice for Lots 1-6 that shall be registered in terms of section 221 of the Resource Management Act 1991.*~~

Note: Conditions 9b and c shall be subject to a consent notice for Lots 1-6 and 9-11 that shall be registered in terms of section 221 of the Resource Management Act 1991.

10. Prior to section 224(c) certification the consent holder shall provide details as to how the rising main is to be connected to the existing Lowburn sewer in a manner which does not adversely affect the existing system. In particular, the consent holder shall demonstrate that sufficient capacity and emergency storage is available in the Lowburn Hall Pump Station to accommodate wastewater discharged from the subdivision.

~~11. At the time of construction of a dwelling on Lots 9-11 and 14 an on-site waste water disposal system that complies with the requirements of AS/NZS 1547:2000 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.~~

11. At the time of construction of a dwelling on Lot 14 an on-site waste water disposal system that complies with the requirements of AS/NZS 1547:2000 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.

~~12. A copy of the design and designer producer statement for Lot 14 shall be supplied to the Chief Executive. The dwelling shall not be constructed on Lot 14 until the design and producer statement have been supplied to the Chief Executive.~~

12. A copy of the design and designer producer statement for Lot 14 shall be supplied to the Chief Executive. The dwelling shall not be constructed on Lot 14 until the design and producer statement have been supplied to the Chief Executive.

~~13. The designer shall supervise the installation and construction of the system on Lots 9-11 and 14 and shall provide a construction producer statement to the Chief Executive.~~

13. The designer shall supervise the installation and construction of the system on Lot 14 and shall provide a construction producer statement to the Chief Executive

~~14. An operation and maintenance manual for Lots 9-11 and 14 shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as built plan of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owners maintenance and operating manual have been supplied to the Chief Executive.~~

14. An operation and maintenance manual for Lot 14 shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as built plan of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owners maintenance and operating manual have been supplied to the Chief Executive.

~~15. The maintenance and operating manual shall be transferred to each subsequent owner of Lots 9-11 and 14.~~

15. The maintenance and operating manual shall be transferred to each subsequent owner of Lot 14.

~~16. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.~~

16. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.

~~*Note: Conditions 11-16 shall be subject to a consent notice for Lots 9-11 and 14 that shall be registered in terms of section 221 of the Resource Management Act 1991.*~~

Note: Conditions 11 – 16 shall be subject to a consent notice for Lot 14 that shall be registered in terms of section 221 of the Resource Management Act 1991.

Water:

16. The consent holder shall be responsible for providing appropriate water supply reticulation that is adequate to serve the subdivision.

18.
a) The consent holder shall either connect the water supply reticulation in the subdivision to the Cromwell town water supply system, which shall vest in the Council on expiry of the construction defects liability period on such terms and

conditions that are acceptable to the Chief Executive, that shall include but not be limited to:

- Provision of a hydraulic model of the supply to demonstrate compliance with the design consumer demands and firefighting requirements.
- Construction with materials acceptable to the Chief Executive.

Or

- A maximum domestic supply to each allotment of 3000 litres/household/day
 - The water supply to be owned and operated by a suitable management entity, details of which shall be forwarded to the Chief Executive prior to section 224c certification
- b) Any private drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 by the management entity which owns and manages the supply, and the results forwarded to the Chief Executive. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standards then the management entity shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
- c) A copy of the operation and maintenance manual for any private drinking water supply shall be forwarded to the Chief Executive prior to section 224(c) certification.

Notes:

1. Condition 18b shall be subject to a consent notice that shall be registered in terms of section 221 of the Resource Management Act 1991.

2. Should any private domestic water supply ultimately serve more than 25 people for more than 60 days per year (five or more dwellings) then the consent holder shall notify Public Health South, of the details of the water supply and shall have the supply registered by the Public Health Unit.

19. At the time a dwelling is erected on any allotment, domestic water and firefighting storage is to be provided by a standard 30,000 litre tank on each allotment. Of this total capacity a minimum of 20,000 litres shall be maintained at all times as a firefighting reserve. Alternatively, an 11,000 litre firefighting reserve is to be made available for each dwelling in association with a sprinkler system installed in each dwelling to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:

- a) Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Couplings (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100mm coupling has 100 mm hose tail) provided that the consent holder shall provide written confirmation to the Chief Executive to confirm that the couplings are appropriate for fire fighting purposes.
- b) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. Access shall be maintained at all times to the hardstand area.

20. Firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

Notes: Conditions 19 and 20 shall be subject to a consent notice in terms of section 221 of the Resource Management Act 1991.

Electricity and Telecommunications:

21. It shall be the consent holders responsibility to obtain the consent of Aurora Energy Limited and Telecom New Zealand Limited as to the position of electricity and telephone services to serve Lots 1-6, 9-11 and 14. The consent holder shall be responsible for installing all such services underground to the boundary of each of those allotments.
22. The consent holder shall supply evidence of the consents referred to in Condition 21 to the Chief Executive prior to section 224(c) certification.
23. It shall be the responsibility of the consent holder to meet the costs associated with the installation and upgrading of the electricity and telecommunication reticulation necessary to meet the needs of the subdivision.

Reserves and Esplanade Strips:

24. Upon deposit of the survey plan, Lots 15 and 16 shall vest in the name of the Central Otago District Council as Scenic Reserves.
25. Esplanade strips shall be created over Lots 1, 5, 6 and 9-11 that shall have a width of 10 metres. The instrument creating the new strips shall have no access restrictions and shall prohibit the erection of fencing across the strips.

Notes: The consent authority agrees to cancel the existing 5 metre wide strips in CT OT 19A11130, and to take all relevant measures in terms of section 234 of the Act.

Landscape and design Controls:

- ~~26. The establishment of any trees or other planting within Lots 1-6, 9-11 and 14 shall be restricted to those plant species included in the General & Curtilage Area Plant List prepared by Peter Rough Architects Ltd and which formed part of the application for resource consent.~~
26. a) The consent holder or successor shall implement all landscape plantings detailed in the 'Landscape Plan – Sugarloaf Subdivision', prepared by Pukerau Nursery and dated 13 May 2009. This shall include the implementation of all screen planning of the building platforms on Lots 5, 6, 9, 10 and 11 within one growing season of the grant of a building consent for a dwelling on that allotment, which shall thereafter be maintained in accordance with that plan. If any building platform screening plant on Lots 5, 6, 9, 10 and 11 should die or become diseased it shall be replaced.
- b) All existing Poplars and Willows on all allotments shall be retained. Should they die or become diseased they shall be replaced.

~~*Note: Condition 26 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act.*~~

Note: Conditions 26 (a) and (b) shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act."

27. The burning or removal of native vegetation located on the outwash fans to the rear of the platforms located on Lots 5, 6 and 9-11 is prohibited.

Note: Condition 27 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act.

28. No building shall be erected on the upper portions of Lots 4 and/or 14 aside from ancillary farm buildings that may be required for the purposes of ongoing farm operations. Any such building shall be restricted to the areas marked 'S', 'T' and 'U' on the plan of subdivision.

Note: Condition 28 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act.

Flood Hazard:

29. Prior to section 224(c) certification, the consent holder shall construct deflector banks and/or channels to divert stormwater runoff from the terrace slopes and fans away from the building platforms identified on the plan of subdivision, and on any subsequent surveyor title plans prior to section 223 approval.
30. The deflector banks and/or channels shall be designed by a suitably qualified professional, who shall obtain any necessary resource consent from the Otago Regional Council for the proposed structures for defence against water; and a copy of any such resource consent shall be provided to the Chief Executive prior to section 224(c) certification.
31. Prior to section 224(c) certification, the consent holder shall provide a construction review producer statement from the designer of the deflector banks and/or channels that the works have been constructed in accordance with his/her designs and comply with any conditions of resource consent applied by the Otago Regional Council for the defences against water.
32. Prior to section 224(c) certification, the consent holder shall provide to the Chief Executive a copy of a management plan for the deflector banks and/or channels to include as a minimum:
- (i) The purpose of each structure (what it can do);
 - (ii) The working of each structure (to mitigate the adverse effect i. e. how it works to mitigate the effect of increased storm water runoff);
 - (iii) The location of the structures on each site, including a plan showing where the structure can be located on the site;
 - (iv) Life-expectancy of the structures including when replacement of the structures is expected;
 - (v) Maintenance techniques to address:
 - i. Potential causes of proposed structures 'failure,
 - ii. Frequency of inspection and method of inspection.
 - iii Action to be taken if cleaning and/or repair is needed.
33. The consent holder shall submit to the Chief Executive a landscaping plan for the deflector banks (if any) for approval and when approved, the consent holder shall establish the landscaping prior to section 224(c) certification.
34. The owners of Lots 1-6, 9-11 and 14 shall maintain in perpetuity those deflector banks and/or channels required for flood mitigation purposes and their associated

landscaping within Lots 1-6, 9-11 and 14 in accordance with the approved landscape plan and in accordance with the management plan for the deflector banks and/or diversion channels.

35. Any dwelling and/or accessory building, domestic water tanks, or any other structure shall be located on the building platforms identified on the plan of subdivision, and on any subsequent survey or title plans prior to section 223 approval.

Note: Conditions 34 and 35 shall be subject to a consent notice on Lots 1-6, 9-11 and 14 that shall be registered pursuant to section 221 of the Act..

36. Any dwelling on Lots 1 and 2 shall have a minimum floor level of RL 200m above sea level or 0.6m above ground level, whichever is the greater.

Note: Condition 36 shall be subject to a consent notice on Lots 1 and 2 that shall be registered pursuant to section 221 of the Act.

Other:

37. There shall be no further subdivision of or development on Lots 1-6, 9-11 and 14 for residential or any other purposes other than is provided for by this resource consent.

Note: Condition 37 shall be subject to a consent notice that shall be registered pursuant to section 221 of the Act

38. The subdivision may be staged and all conditions relevant to a particular stage shall be complied with prior to section 224(c) certification for that stage.

39. Prior to the issue of certificate in terms of section 224(c) the consent holder shall provide the Chief Executive with a detailed schedule with the costs of all infrastructure works that are to vest in the Council.

Dwellings:

40. Any dwelling and/or accessory building to be erected on Lots 1-6, 9-11 and 14 shall be located within the building platform shown on the subdivision plan.

41. The maximum building height for a dwelling and/or accessory buildings on Lots 1-4 and 14 shall be 7 metres above existing ground level and the maximum building height for a dwelling and/or accessory buildings on Lots 5, 6 and 9-11 shall be 5.5 metres above existing ground level.

42. The roof pitch for all buildings on Lots 1-6, 9-11 and 14 shall be 280 to 400. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.

43. The roofs of all buildings contained on Lots 1-6, 9-11 and 14 shall be clad in coloursteel Ironsand, Karaka or Greyfriars, roofing tiles of a like tone, cedar shingles or slate.

44. The final wall claddings for all buildings on Lots 1-6, 9-11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochre's or similar recessive muted earth tones.
45. All accessory buildings shall be clad and coloured to match the dwelling. All such buildings shall be designed so that they are in keeping with the dwelling.
46. Joinery colours (excepting timber) shall match roofing, gutter and spouting colours.
47. To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhang depth of at least 1 metre.
48. At the time a dwelling is erected on Lots 1 - 6, 9-11 and 14, all water storage facilities shall be either located underground or appropriately screened from views from surrounding public roads and places, except the public walking track within Lot 4 and Lots 15 and 16.
49. All clothes lines located within Lots 1 - 6, 9-11 and 14 shall be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.
50. At the time a dwelling is erected on Lots 1-6, 9-11 and 14, the provision of electricity and telecommunications services within the allotment shall be laid underground to the dwelling.
51. Monument gates or other road frontage furniture other than simple post and rail or stone are prohibited:
52. Unless otherwise specified within the conditions of this consent, boundary fencing is to be in standard post and wire only, and the only other fencing permitted under this condition is that provided for the purposes of excluding stock around planting areas.

Pastoral Management Area – Lots 4 and 14:

53. The use of that part of Lots 4 and 14 on the terrace tread shall be restricted to pastoral use or horticultural shrub, vine or groundcover crops.
54. No buildings shall be located within that part of Lots 4 and 14 on the terrace tread other than ancillary farm buildings that may be required within Lots 4 and 14 for the purposes of ongoing farming operations. Any such building shall be restricted to the areas marked S, T and U on the plan of subdivision.

General and Curtilage Planting Plan:

- ~~55. The consent holder shall implement all landscape planting detailed in the Landscape Proposal Plan prepared by Peter Rough Architects Ltd (as modified to provide for building platforms as shown on the plan of subdivision) prior to the erection of any dwelling within Lots 1-6, 9-11 and 14. This shall include the implementation of all boundary and internal road planting necessary to give effect to the Landscape Proposal Plan, which shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.~~

Lighting:

56. All exterior lighting shall be fixed and be capped, filtered or pointed downwards and screened so as to reduce lux spill.

Relocatable Buildings:

57. There shall be no relocatable or second hand buildings used other than new or near new buildings which have been assembled off site.

Hazard Mitigation:

- ~~58. Any future dwelling on Lots 1 & 2 shall have a minimum floor level of 200 m above sea level.~~

As a consequence of the cancellation of Condition 58 the advice note after that condition shall be amended as follows and inserted after Condition 57:

~~Note: Conditions 40 to 58 shall be subject to a Consent Notice on Lots 6, 9-11 and 14 that shall be registered pursuant to section 221 of the Act.~~

~~Note: Conditions 40 — 57 shall be subject to a Consent Notice on Lots 1-6, 9-11 and 14 that shall be registered pursuant to section 221 of the Act."~~

~~Note: Conditions 40 – 54, 56, and 57 shall be subject to a Consent Notice on Lots 1-6, 9-11 and 14 that shall be registered pursuant to section 221 of the Act."~~

Notes: 1. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent shall be paid prior to section 224(c) certification.

2. The consent holder's attention is drawn to the provisions of sections 9-21 of the New Zealand Historic Places Act 1993 which require an archaeological authority to modify or destroy any archaeological site.

3. Development contributions of \$72,560.00, and \$14,270.00 (exclusive of Goods and Services Tax) are payable for water (if condition 18a invoked) and roading pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to section 224(c). The Council may withhold a certificate under section 224(c) of the Resource Management Act 1991 if the required development and financial contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5.1 of the Proposed District Plan.

Land Use

Dwellings:

- ~~1. Any dwelling and/or accessory building to be erected on Lots 1-6, 9-11 and 14 shall be located within the building platform shown on the subdivision plan.~~
- ~~1. Any dwelling and/or accessory building, domestic water tanks, or any other structure shall be located on the building platforms identified on DP 418764 as areas H1, H2, H3, H4, H5, H6, H9, H10, H11 and H14 provided that a barn may be located on Lot 11 DP 418764 in the position authorised by RC 160468.~~
1. Any dwelling and/or accessory building, domestic water tanks or any other structure shall be located on the building platforms identified on DP 418764 as areas H1, H2, H3, H4, H5, H6, H9, H10, H11 and H14, provided that a barn may be located on Lot 11 DP 418764 in the position authorised by RC 160468. Also, that a shed may be located on Lot 10 418764 in the position authorised by RC190354.
2. The maximum building height for a dwelling and/or accessory buildings on Lots 1-4 and 14 shall be 7 metres above existing ground level and the maximum building height for a dwelling and/or accessory buildings on Lots 5, 6 and 9-11 shall be 5.5 metres above existing ground level.
3. The roof pitch for all buildings on Lots 1-6, 9-1 J and J 4 shall be 28° to 40° Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.
- ~~3. The roof pitch for all buildings on Lots 1-6, 9-11 and 14 shall be 28° to 40° provided that a barn with a roof pitch of 15° is permitted on Lot 11 DP 418764 as authorised by RC 160468. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.~~
3. The roof pitch for all buildings on Lots 1-6, 9-11 and 14 shall be 28° to 40° provided that a barn with a roof pitch of 15° is permitted on Lot 11 DP 418764 as authorised by RC 160468. Also, that a shed with a gable roof authorised by RC190354. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.
4. The roofs of all buildings contained on Lots 1-6, 9-11 and 14 shall be clad in coloursteel Ironsand, Karaka or Greyfriars, roofing tiles of a like tone, cedar shingles or slate.
- ~~5. The final wall claddings for all buildings on Lots 1-6, 9-11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochre's or similar recessive muted earth tones.~~
- ~~5. The final wall claddings for all buildings on Lots 1-6, 9-11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish provided that a barn with coloursteel cladding is permitted on Lot 11 DP 418764 as authorised by RC 160468. Colours for a plaster finish shall be muddy earth browns, greys, ochre's or similar recessive muted earth tones.~~
5. The final wall claddings for all buildings on Lots 1 -6, 9 – 11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish provided that a shed with coloursteel cladding is permitted on Lot 10 DP 418764 and 11 DP 418764 as authorised by RC190354 and RC160468.

- ~~6. All accessory buildings shall be clad and coloured to match the dwelling. All such buildings shall be designed so that they are in keeping with the dwelling.~~
- ~~6. All accessory buildings shall be clad and coloured to match the dwelling provided that a barn is permitted to be clad in coloursteel on Lot 11 DP 418764 as authorised by RC 160468. All such buildings shall be designed so that they are in keeping with the dwelling...."~~
6. All accessory buildings shall be clad and coloured to match the dwelling, provided that a barn is permitted to be clad in coloursteel on Lot 11 DP 418764 as authorised by RC 160468. Also permitted is, a shed on Lot 10 DP 418764 can be finished in Ironsand for the roof and walls as authorised by RC190354.
7. Joinery colours (excepting timber) shall match roofing, gutter and spouting colours.
- ~~8. To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhang depth of at least 1 metre.~~
8. To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhang depth of at least 1 metre except for the shed on Lot 10 DP 418764 authorised by RC190354.
9. At the time a dwelling is erected on Lots 1 - 6, 9-11 and 14, all water storage facilities shall be either located underground or appropriately screened from views from surrounding public roads and places, except the public walking track within Lot 4 and Lots 15 and 16.
10. All clothes lines located within Lots 1-6, 9-11 and 14 shall be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.
11. At the time a dwelling is erected on Lots 1-6, 9-11 and 14, the provision of electricity and telecommunications services within the allotment shall be laid underground to the dwelling.
12. Monument gates or other road frontage furniture other than simple post and rail or stone are prohibited:
13. Unless otherwise specified within the conditions of this consent, boundary fencing is to be in standard post and wire only, and the only other fencing permitted under this condition is that provided for the purposes of excluding stock around planting areas.

Pastoral Management Area – Lots 4 and 14:

14. The use of that part of Lots 4 and 14 on the terrace tread shall be restricted to pastoral use or horticultural shrub, vine or groundcover crops.
15. No buildings shall be located within that part of Lots 4 and 14 on the terrace tread other than ancillary farm buildings that may be required within Lots 4 and 14 for the purposes of ongoing farming operations. Any such building shall be restricted to the areas marked S, T and U on the plan of subdivision.

General and Curtilage planting Plan:

- ~~16. The consent holder shall implement all landscape planting detailed in the Landscape Proposal Plan prepared by Peter Rough Architects Ltd (as modified to provide for building platforms as shown on the plan of subdivision) prior to the erection of any dwelling within Lots 1—6, 9-11 and 14. This shall include the implementation of all boundary and internal road planting necessary to give effect to the Landscape Proposal Plan, which shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.~~

Lighting:

17. All exterior lighting shall be fixed and be capped, filtered or pointed downwards and screened so as to reduce lux spill.

Relocatable Buildings:

18. There shall be no relocatable or second hand buildings used other than new or near new buildings which have been assembled off site.

Hazard Mitigation:

- ~~19. Any future dwelling on Lots 1 & 2 shall have a minimum floor level of 200 m above sea level.~~
19. Any future dwelling on Lots 1 and 2 shall have a minimum floor level of RL 200 above sea level or 0.6m above ground level, which ever is the greater.

Land Use: Culvert

1. The consent holder shall obtain all necessary consents from the Otago Regional Council to authorise the culvert.
2. The consent holder shall construct an appropriate structure (box culvert) over the Low Burn with capacity to accommodate at least a 10 year return storm as provided in TNZ Bridge Manual, Table 2.1, Category 3.

General

Dwellings and Culverts:

- a) Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's expense.
- b) The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
 - (i) Administration, monitoring and inspection relating to this consent,' and

(ii) Charges authorised by regulations.

- c) Upon erection of a dwelling or completion of works requiring land use consent on any of Lots 1-6, 9-11 and 14, the consent holder shall advise the Chief Executive in writing (quoting RC 050246) that all conditions of this consent have been adhered to.
- d) Pursuant to section 125 land use consent shall expire 8 years following the date of the commencement of this consent.

[6] The Appeals are otherwise dismissed.

[7] There is no order as to costs

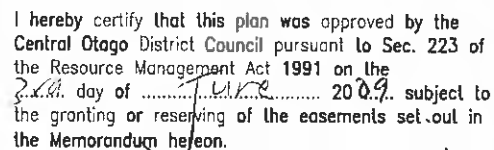
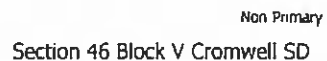
Conditions 8, 9 a), 9 b), 9 c), 9 d), 11, 12, 13, 14, 15, 16 and 58 of the subdivision consent and condition 19 of the land use consent have been amended following change of condition RC090065. Decision dated 24th April 2009.

Conditions 26 a), 26 b), and 55 of the subdivision consent and condition 16 of the land use consent have been amended following change of condition RC090121. Decision dated 24th July 2009.

Conditions 40, 42, 44 and 45 of the subdivision consent have been amended following change of condition RC160468. Decision dated 24th February 2016.

Conditions 40, 42, 44, 45, and 47 of the subdivision consent have been amended following change of condition RC190354. Decision dated 13th December 2019.

*NOTE: Due to changes to CONO 8438773.10 through RC190354 references to permissions on Lot 11 DP 418764 approved through RC160468 may have been removed from the underlying consent notice. All structures approved under RC160468 have been established legally. Also note the conditions within this document have been amended to recognise the mistakes and may not match those of the underlying consent notice. *



The site plan illustrates the layout of the Lowburn Valley Road project. Key features include:

- Roads:** Lowburn Valley Road, Mallett Drive, Birchalls Lane, and Lowburn Terrace.
- Diagonal Roads:** Diag. JA, Diag. L, Diag. GB, Diag. R, Diag. O, Diag. OB, Diag. OC, and Diag. OB.
- Sections and Lots:**
 - Section 1 (SO 22525) containing lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Easements:** Esplanade Strip 10m Wide, 10m Wide, and 10m Wide.
- Other Features:** Birchalls Lane, Mallett Drive, and Lowburn Terrace.

T 1/15

Digitally Generated Plan
Generated on: 05/05/2009 3:13pm Page 8 of 22

Digital Title Plan
LT 418764
DRAFT



Digital Title Plan - LT 418764

Survey Number	LT 418764
Surveyor Reference	C1057 Sugarloaf
Surveyor	Myles Eliot Garmonsway
Survey Firm	Paterson Pitts Partners Ltd (Cromwell)
Surveyor Declaration	

Survey Details

Dataset Description	Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566		
Status	Initiated		
Land District	Otago	Survey Class	Class III Cadastral Survey
Submitted Date		Survey Approval Date	
		Deposit Date	

Territorial Authorities

Central Otago District

Comprised In

CT 2066
CT 188394
CT OT19A/1130

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area H14 Deposited Plan 418764	Land Covenant		
Easement S Deposited Plan 418764	Easement		
Area H2 Deposited Plan 418764	Land Covenant		
Lot 17 Deposited Plan 418764	Road	0.0831 Ha	
Area H1 Deposited Plan 418764	Land Covenant		
Area H4 Deposited Plan 418764	Land Covenant		
Area H5 Deposited Plan 418764	Land Covenant		
Area H6 Deposited Plan 418764	Land Covenant		
Lot 14 Deposited Plan 418764	Fee Simple Title	54.1130 Ha	472101
Easement E Deposited Plan 418764	Easement		
Easement F Deposited Plan 418764	Easement		
Easement G Deposited Plan 418764	Easement		
Easement H Deposited Plan 418764	Easement		
Lot 15 Deposited Plan 418764	Vesting on Deposit for Scenic Reserve (Territorial Authority)	24.9550 Ha	472102
Easement J Deposited Plan 418764	Easement		
Easement K Deposited Plan 418764	Easement		
Easement M Deposited Plan 418764	Easement		
Easement O Deposited Plan 418764	Easement		
Easement P Deposited Plan 418764	Easement		



Digital Title Plan - LT 418764

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Easement Q Deposited Plan 418764	Easement		
Easement T Deposited Plan 418764	Easement		
Easement U Deposited Plan 418764	Easement		
Easement V1 Deposited Plan 418764	Easement		
Easement W Deposited Plan 418764	Easement		
Easement X1 Deposited Plan 418764	Easement		
Easement X2 Deposited Plan 418764	Easement		
Easement Y Deposited Plan 418764	Easement		
Easement Z Deposited Plan 418764	Easement		
Area H3 Deposited Plan 418764	Land Covenant		
Area H9 Deposited Plan 418764	Land Covenant		
Area H10 Deposited Plan 418764	Land Covenant		
Area H11 Deposited Plan 418764	Land Covenant		
Lot 2 Deposited Plan 418764	Fee Simple Title	0.8200 Ha	472093
Lot 3 Deposited Plan 418764	Fee Simple Title	0.3806 Ha	472094
Lot 5 Deposited Plan 418764	Fee Simple Title	2.7970 Ha	472096
Lot 6 Deposited Plan 418764	Fee Simple Title	6.7880 Ha	472097
Lot 9 Deposited Plan 418764	Fee Simple Title	4.8900 Ha	472098
Lot 10 Deposited Plan 418764	Fee Simple Title	2.3755 Ha	472099
Lot 11 Deposited Plan 418764	Fee Simple Title	2.3280 Ha	472100
Lot 16 Deposited Plan 418764	Vesting on Deposit for Scenic Reserve (Territorial Authority)	25.2720 Ha	472103
Easement M1 Deposited Plan 418764	Easement		
Easement J1 Deposited Plan 418764	Easement		
Easement L Deposited Plan 418764	Easement		
Easement L1 Deposited Plan 418764	Easement		
Easement K1 Deposited Plan 418764	Easement		
Easement G2 Deposited Plan 418764	Easement		
Easement G1 Deposited Plan 418764	Easement		
Easement F1 Deposited Plan 418764	Easement		
Easement E1 Deposited Plan 418764	Easement		
Easement A1 Deposited Plan 418764	Easement		
Easement A2 Deposited Plan 418764	Easement		
Easement C1 Deposited Plan 418764	Easement		
Easement C2 Deposited Plan 418764	Easement		
Easement B1 Deposited Plan 418764	Easement		
Easement C3 Deposited Plan 418764	Easement		
Easement B Deposited Plan 418764	Easement		
Easement D Deposited Plan 418764	Easement		
Easement C Deposited Plan 418764	Easement		
Lot 1 Deposited Plan 418764	Fee Simple Title	1.7590 Ha	472092
Lot 4 Deposited Plan 418764	Fee Simple Title	51 5240 Ha	472095
Easement N1 Deposited Plan 418764	Easement		



Digital Title Plan - LT 418764

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Easement N Deposited Plan 418764	Easement		
Easement A3 Deposited Plan 418764	Easement		
Easement A Deposited Plan 418764	Easement		
Easement R Deposited Plan 418764	Easement		
Easement V2 Deposited Plan 418764	Easement		
Total Area		178.0852 Ha	

PLAN TITLE:

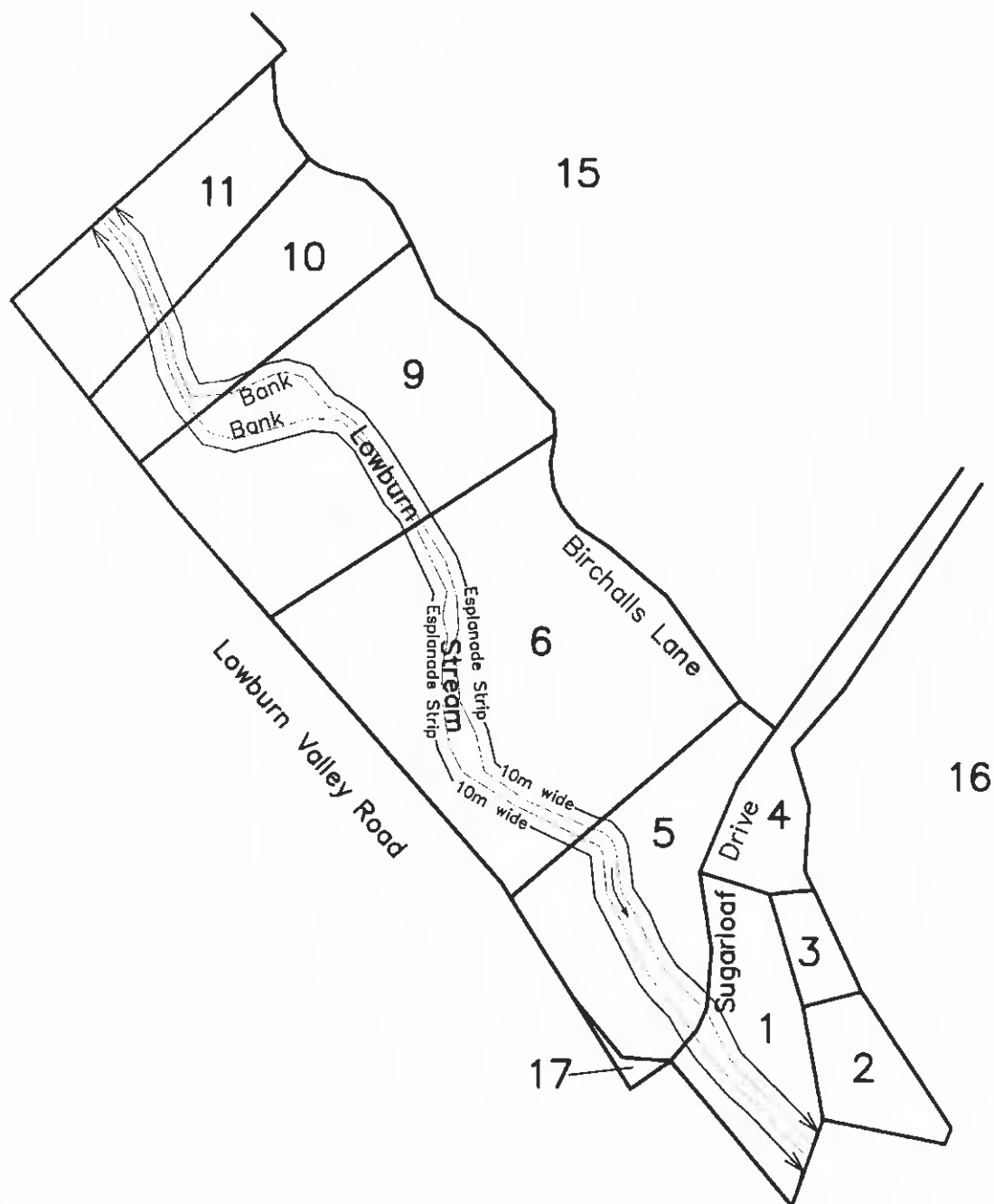
*Lots 1-6, 9-11, 14-17 Being a Subdivision
of Lot 2 DP 345933 and Lot 4 DP 27566,
and Easements over Lot 1 DP 27566*

DP 418764 C1057 Sugarloaf

Paterson Pitts Partners Ltd.

Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *Plan Graphic showing Esplanade Strip along the Lowburn*



Schedule / Memorandum

PLAN TITLE:

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

LT 418764

C1057

RC 050246

Paterson Pitts Partners Ltd.

Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *Easements*

MEMORANDUM OF EASEMENTS

PURPOSE	SERV. TENE.	SHOWN	DOM. TENE.
Right to Convey Sewage	Lot 1	B, C, C2, C3	Lots 2-6, 9-11
	Lot 3	A	Lots 1, 2, 4-6, 9-11
	Lot 4	B1, D	Lots 1-3, 5, 6, 9-11
	Lot 5	E, E1	Lots 1-4, 6, 9-11
	Lot 6	F, F1	Lots 1-5, 9-11
	Lot 9	G, G1	Lots 1-6, 10, 11
	Lot 10	G2, H	Lots 1-6, 9, 11
	Lot 11	K, K1	Lots 1-6, 9, 10
Right to Convey Water	Lot 1	A2, B, C3, C	Lots 2-6, 9-11 & 14
	Lot 2	A1, A3	Lots 1, 3-6, 9-11, 14
	Lot 3	A	Lots 1, 2, 4-6, 9-11, 14
	Lot 4	B1, D	Lots 1-3, 5, 6, 9-11, 14
	Lot 5	E, E1	Lots 1-4, 6, 9-11, 14
	Lot 6	F, F1	Lots 1-5, 9-11, 14
	Lot 9	G, G1	Lots 1-6, 10, 11, 14
	Lot 10	G2, H	Lots 1-6, 9, 11, 14
	Lot 11	J, J1, K, K1	Lots 1-6, 9, 10, 14
	Lot 14	N, N1	Lots 1-6, 9-11
	Lot 1 DP 27566	M, M1	Lots 1-6, 9-11, 14

SCHEDULE OF EASEMENT TO BE EXTINGUISHED

PURPOSE	SHOWN	CREATED BY
Right of Way	A DP 345933	5454630.1

SCHEDULE OF EXISTING EASEMENT

PURPOSE	SERV TENE	SHOWN	CREATING DOCUMENT
Mining Certificate Pursuant to Section 417 Resource Management Act 1991	LOT 14	V2	MINING CERTIFICATE 6564359.1

Schedule / Memorandum

PLAN TITLE:

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

LT 418764

C1057

RC 050246

Paterson Pitts Partners Ltd.

Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *Easements*

MEMORANDUM OF EASEMENTS

PURPOSE	SERV. TENE.	SHOWN	DOM. TENE.
Right of Way	Lot 3	A	Lot 2
	Lot 1	B	Lots 2, 3 & 4
	Lot 1	C, C3	Lots 2-6, 9-11 & 14
	Lot 4	D	Lots 5, 6, 9-11 & 14
	Lot 5	E	Lots 6, 9-11 & 14
	Lot 6	F	Lots 9-11 & 14
	Lot 9	G	Lots 10, 11 & 14
	Lot 10	H	Lots 11 & 14
	Lot 11	J, K	Lot 14
	Lot 1 DP 27566	M	Lot 14

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	SERV. TENE.	SHOWN	GRANTEE
Right of Way	Lot 1	C, C3	Central Otago District Council
	Lot 4	D, R, Q	
Pedestrian, Cycle and Equestrian Access	Lot 1	C, C3	Central Otago District Council
	Lot 4	D, R, Q, O, P	
	Lot 14	N	
	Lot 1 DP 27566	M	
	Lot 11	J, J1, L	

MEMORANDUM OF EASEMENTS

PURPOSE	SERV. TENE.	SHOWN	DOM. TENE.
Right of Way	Lot 1	C, C3	Lot 1 DP 27379, Lot 207 DP 404040
Right of Way	Lot 4	D, R, Q	Lot 1 DP 27379, Lot 207 DP 404040

Areas O, P, Q, S, T, U, V1, V2, W, X1, X2, Y, Z are covenants subject to restrictive landuse.

Areas H1, H2, H3, H4, H5, H6, H9, H10, H11, H14 are areas to define building platforms.

Schedule / Memorandum

PLAN TITLE:

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

LT 418764

C1057

RC 050246

Paterson Pitts Partners Ltd.

Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *Easements*

MEMORANDUM OF EASEMENTS IN GROSS

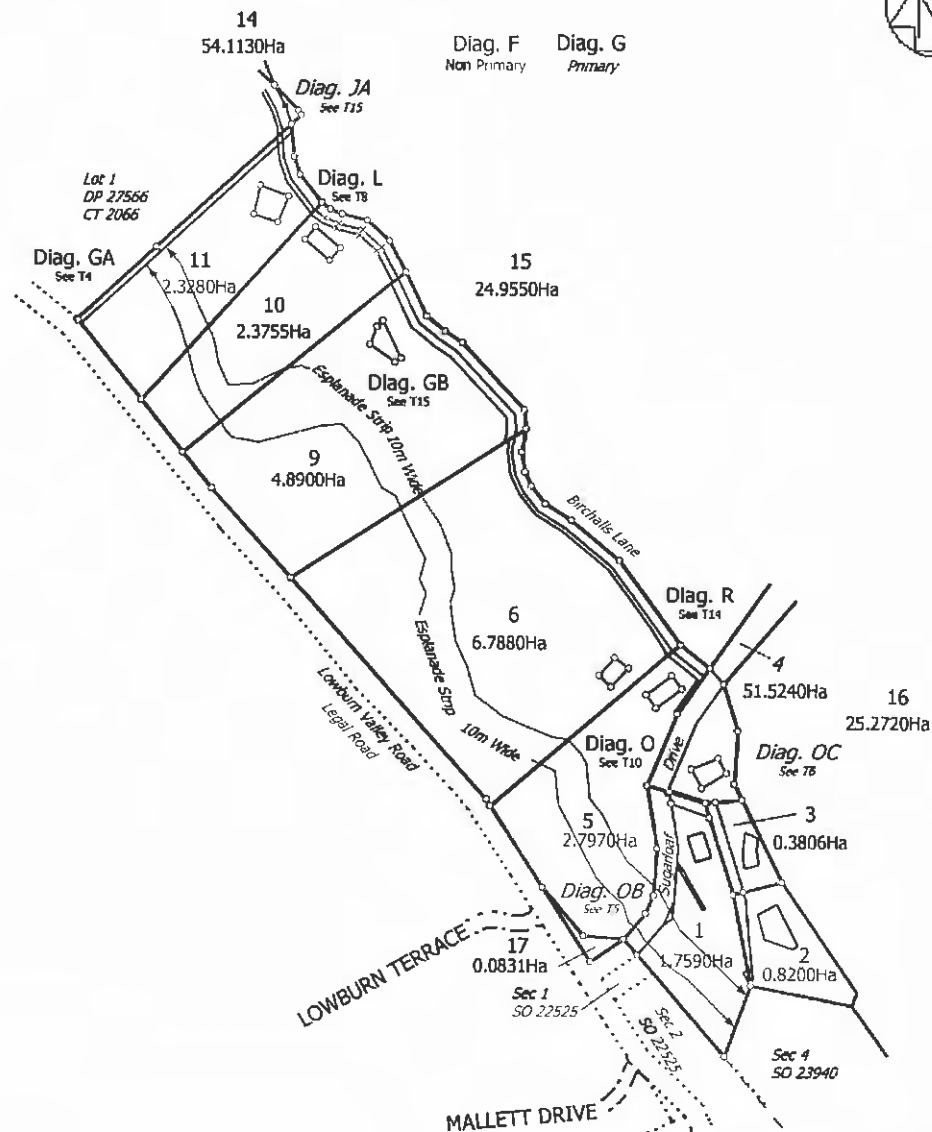
PURPOSE	SERV. TENE.	SHOWN	GRANTEE
Right to Convey Telecommunications and Computer Media	Lot 1	B, C, C2, C3	Telecom New Zealand Limited
	Lot 3	A	
	Lot 4	B1, D	
	Lot 5	E, E1	
	Lot 6	F, F1	
	Lot 9	G, G1	
	Lot 10	G2, H	
	Lot 11	K, K1, J, J1	
	Lot 1 DP 27566	M, M1	
	Lot 14	N, N1	

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	SERV. TENE.	SHOWN	GRANTEE
Right to Convey Electricity	Lot 1	B, C, C1, C3	Aurora Energy Limited
	Lot 3	A	
	Lot 4	B1, D	
	Lot 5	E, E1	
	Lot 6	F, F1	
	Lot 9	G, G1	
	Lot 10	G2, H	
	Lot 11	J, J1, K, K1, L, L1	
	Lot 1 DP 27566	M, M1	
Right to install and maintain a transformer	Lot 14	N, N1	
	Lot 1	C3	
	Lot 11	J1	

MEMORANDUM OF EASEMENTS

PURPOSE	SERV. TENE.	SHOWN	DOM. TEN.
Right to Occupy for Bore and Right to Pump	Lot 1	A2	Lots 2, 3, 4, 5, 6, 9, 10, 11, 14
	Lot 2	A3	Lots 1, 3, 4, 5, 6, 9, 10, 11, 14
Right to Convey Electricity	Lot 1	A2	Lots 2, 3, 4, 5, 6, 9, 10, 11, 14
	Lot 2	A1, A3	Lots 1, 3, 4, 5, 6, 9, 10, 11, 14



Lot 16 to vest in Central Otago District Council as Scenic Reserve
Lot 15 to vest in Central Otago District Council as Scenic Reserve
Lot 17 to vest in Central Otago District Council as Road
Subject to Part IV A Conservation Act 1987 (affects the former Sec 2 SO 22347)

Both banks of the Lowburn are subject to 10m wide Esplanade Strip - Refer to attached Plan Graphic

Diag. A
Non Primary



Section 46 Block V Cromwell SD

Lot 1 DP 345933

Diag. AA
See T11

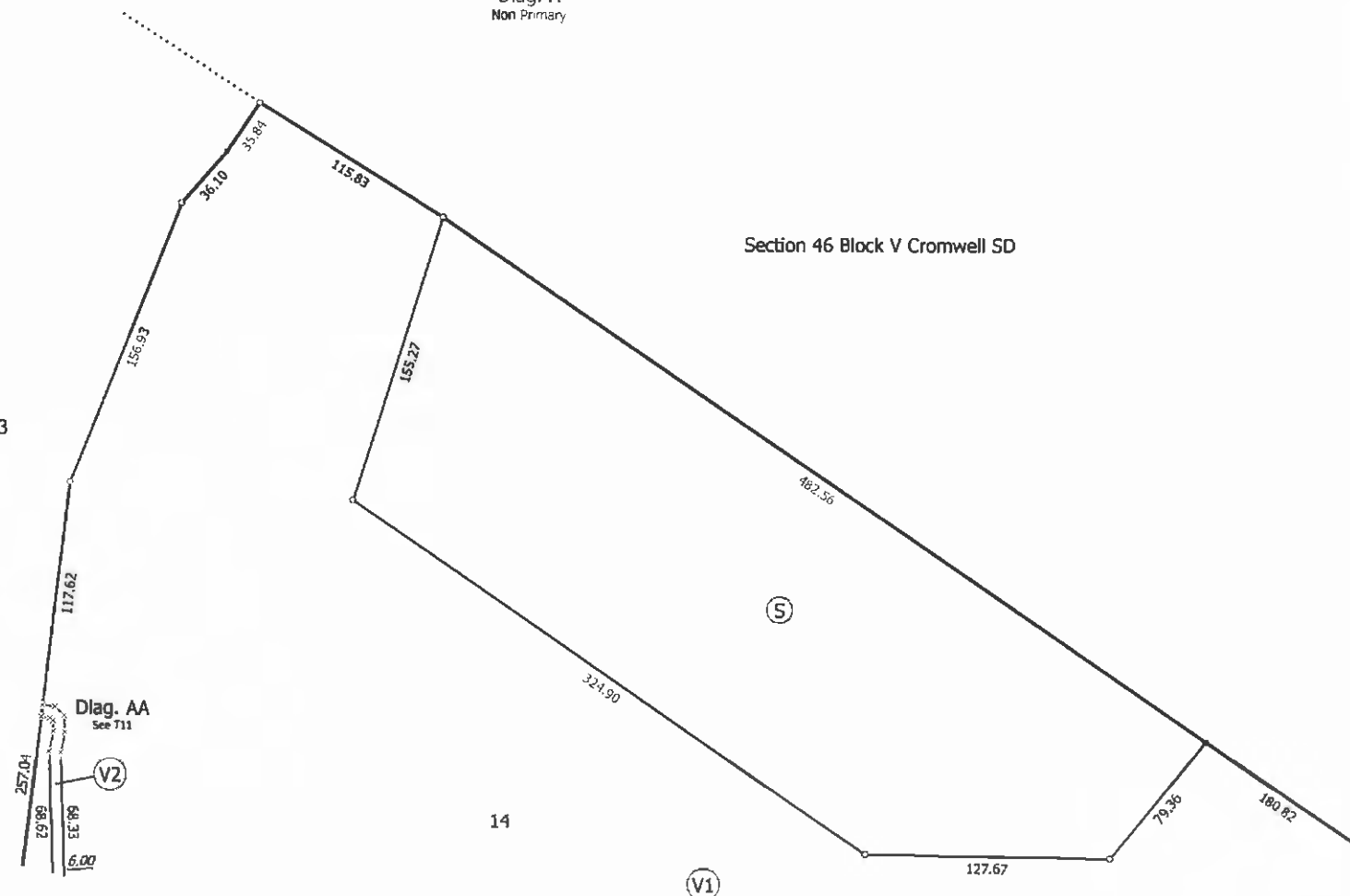
257.04
68.62
68.33
6.00

V2

14

V1

S



T 2/15

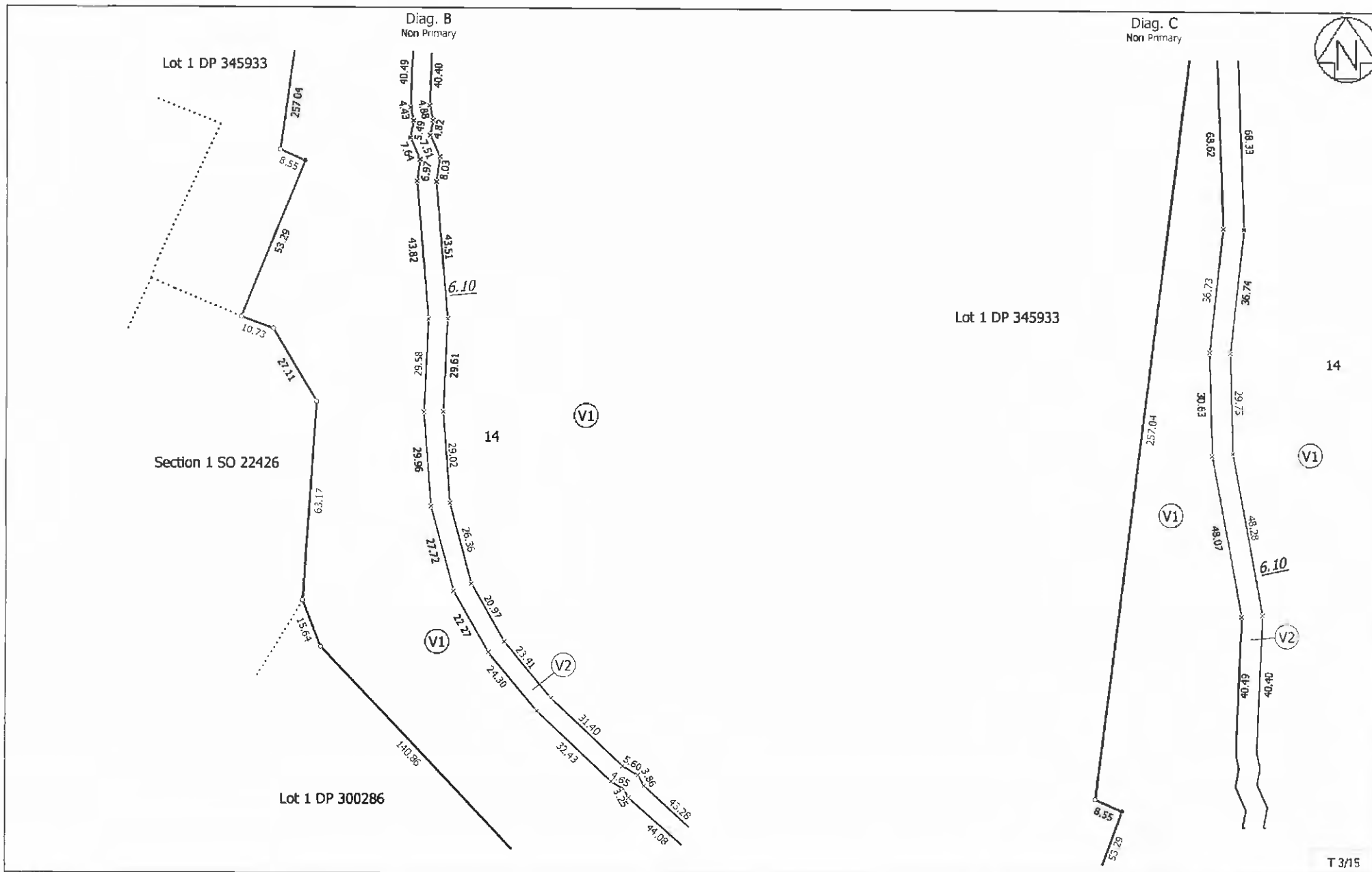
Land District Otago

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor: Myles Eliot Garmonsway
Firm: Peterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 9 of 22



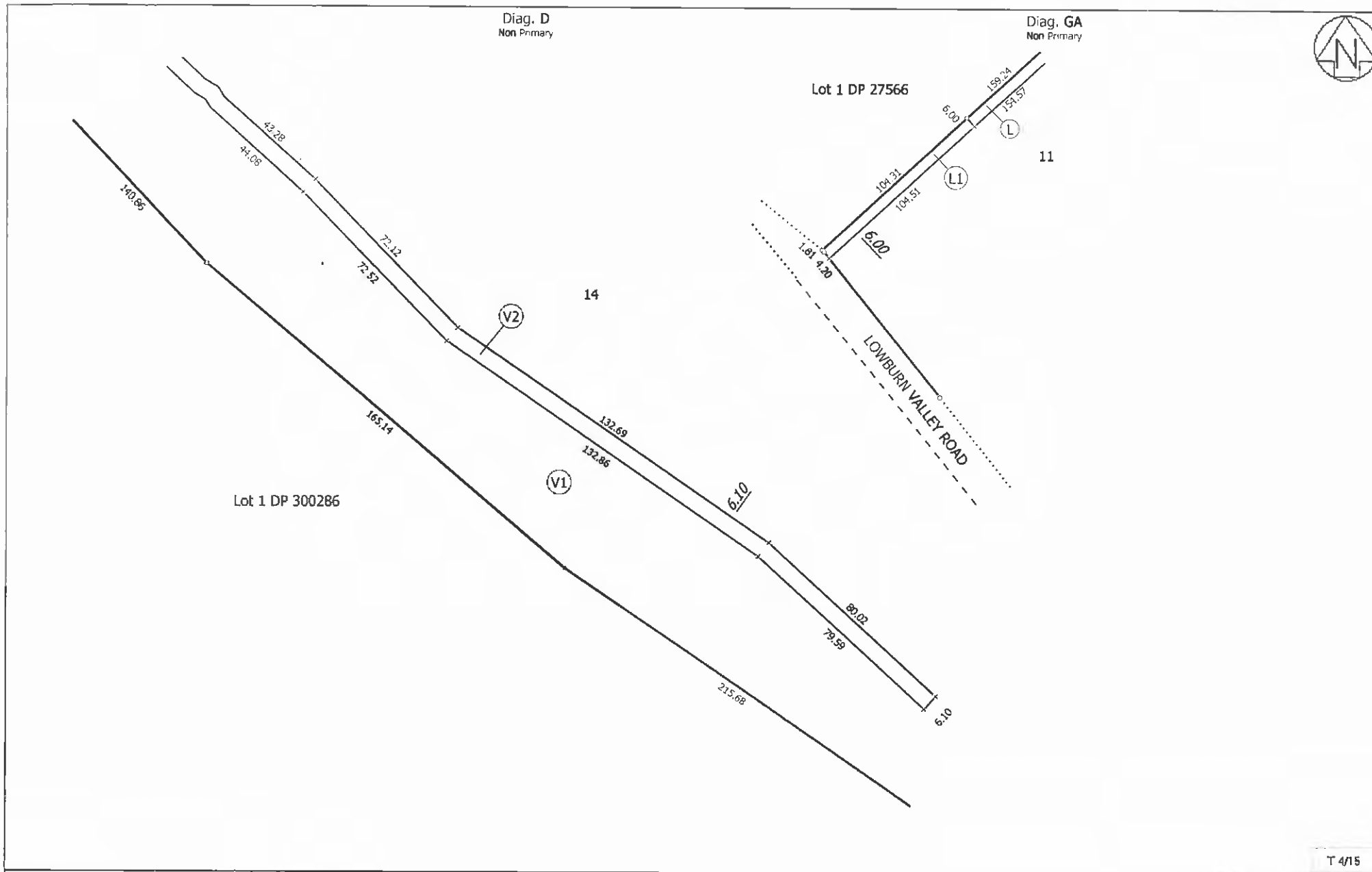
Land District Otago

Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 10 of 22

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor: Myles Eliot Garmonsday
Firm: Paterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT



T 4/15

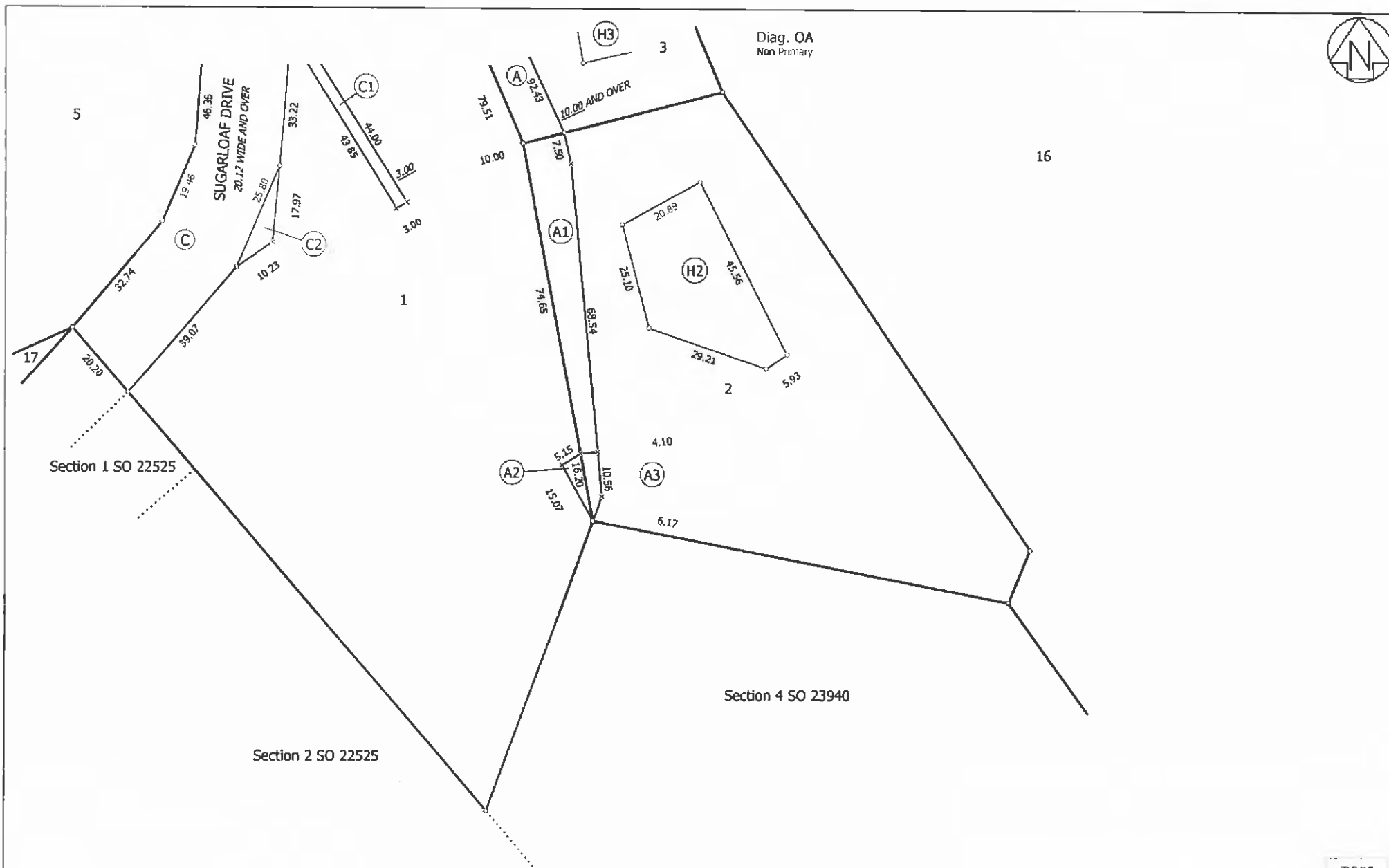
Land District: Otago

Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 11 of 22

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor: Myles Eliot Garmonsway
Firm: Paterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT



Land District Otago

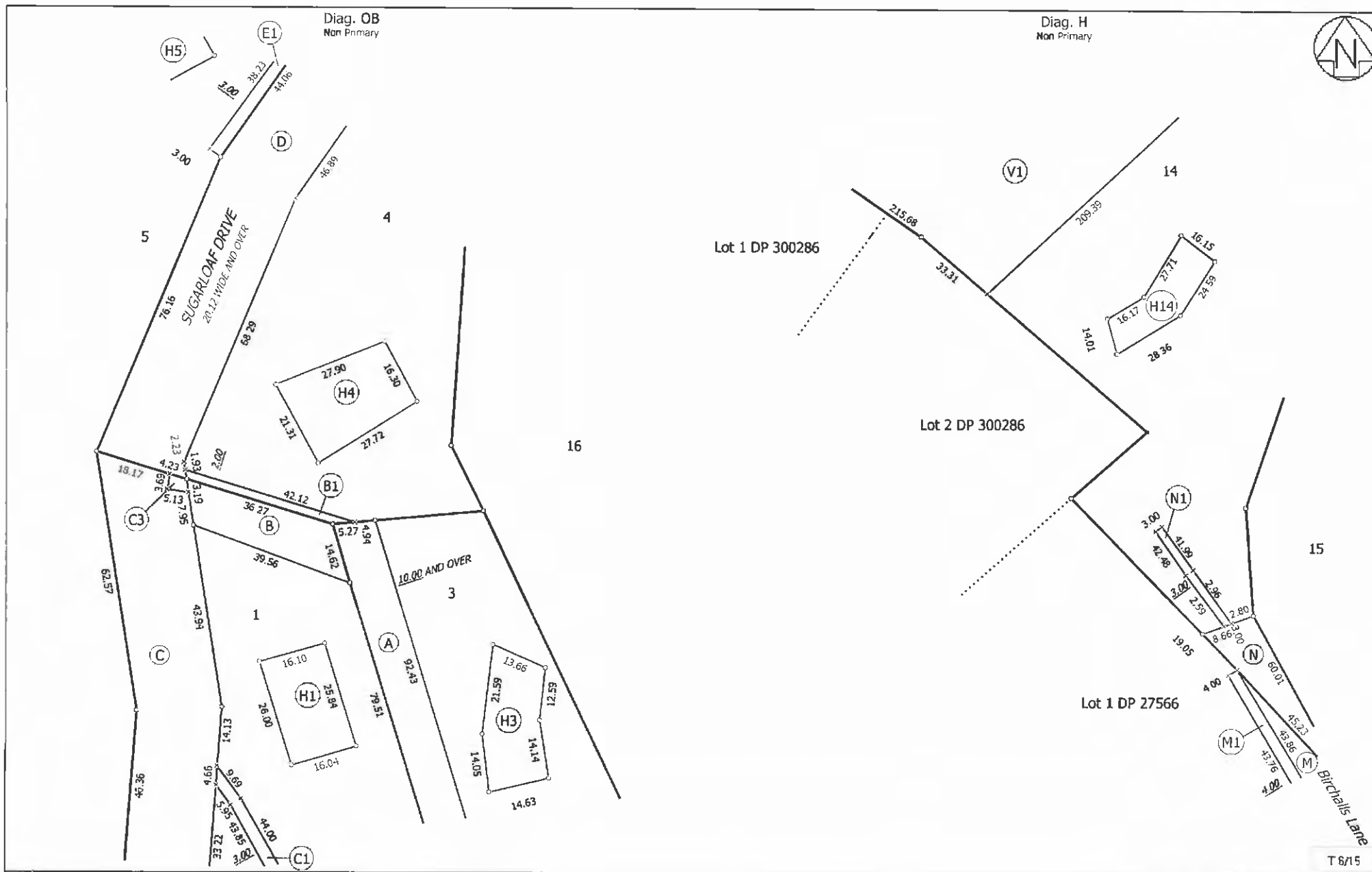
Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 12 of 22

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor: Myles Eliot Garmonsway
Firm: Paterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

T 5/15



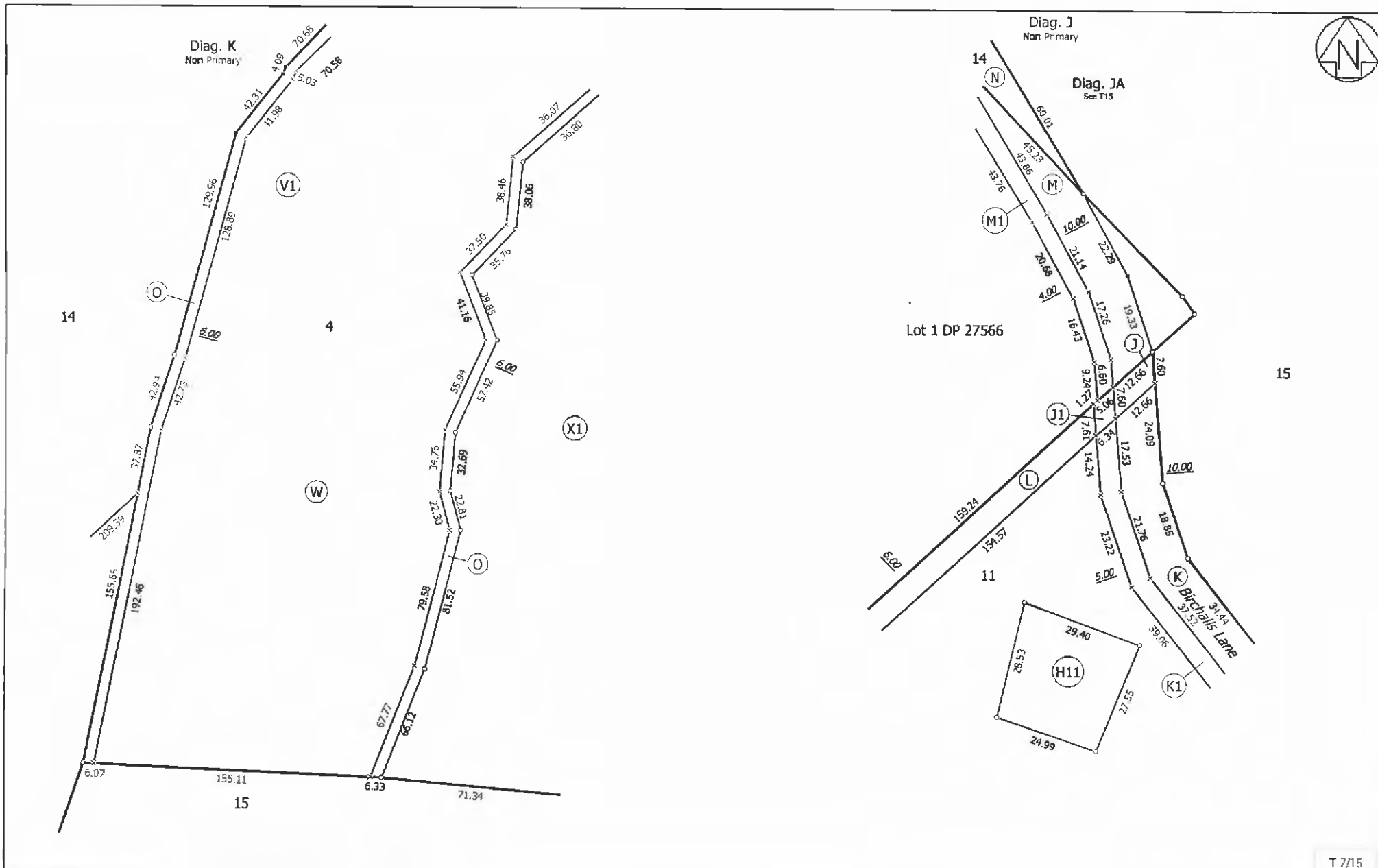
Land District Otago

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor Myles Eliot Garmonsway
Firm: Peterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 13 of 22



Land District Ofago Digitally Generated Plan Generated on: 05/05/2009 3:13pm Page 14 of 22	Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566	Surveyor: Myles Elton Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell)	Digital Title Plan LT 418764 DRAFT
---	---	---	---

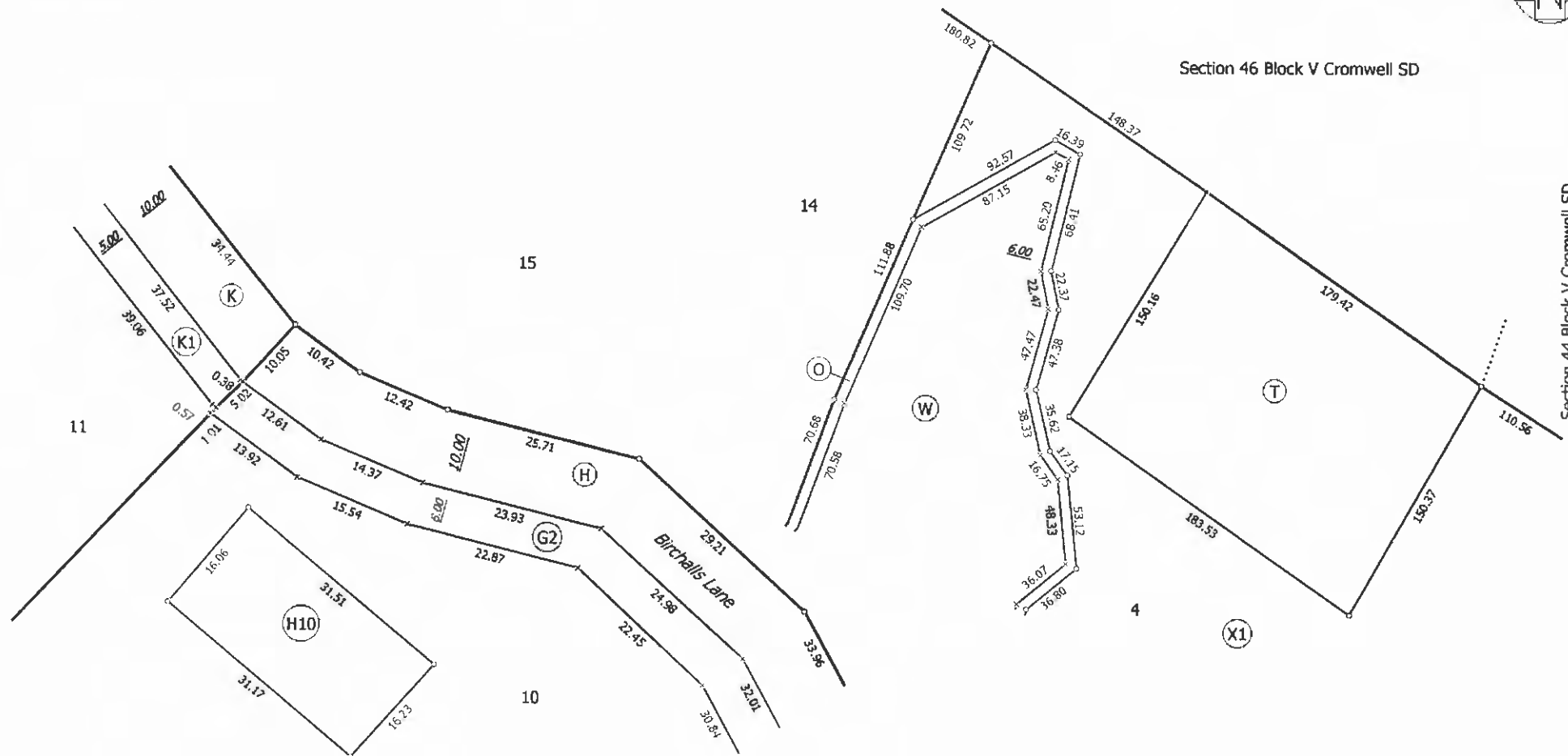
Diag. L
Non Primary

Diag. M
Non Primary



Section 46 Block V Cromwell SD

Section 44 Block V Cromwell SD



T 8/15

Land District Otago

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

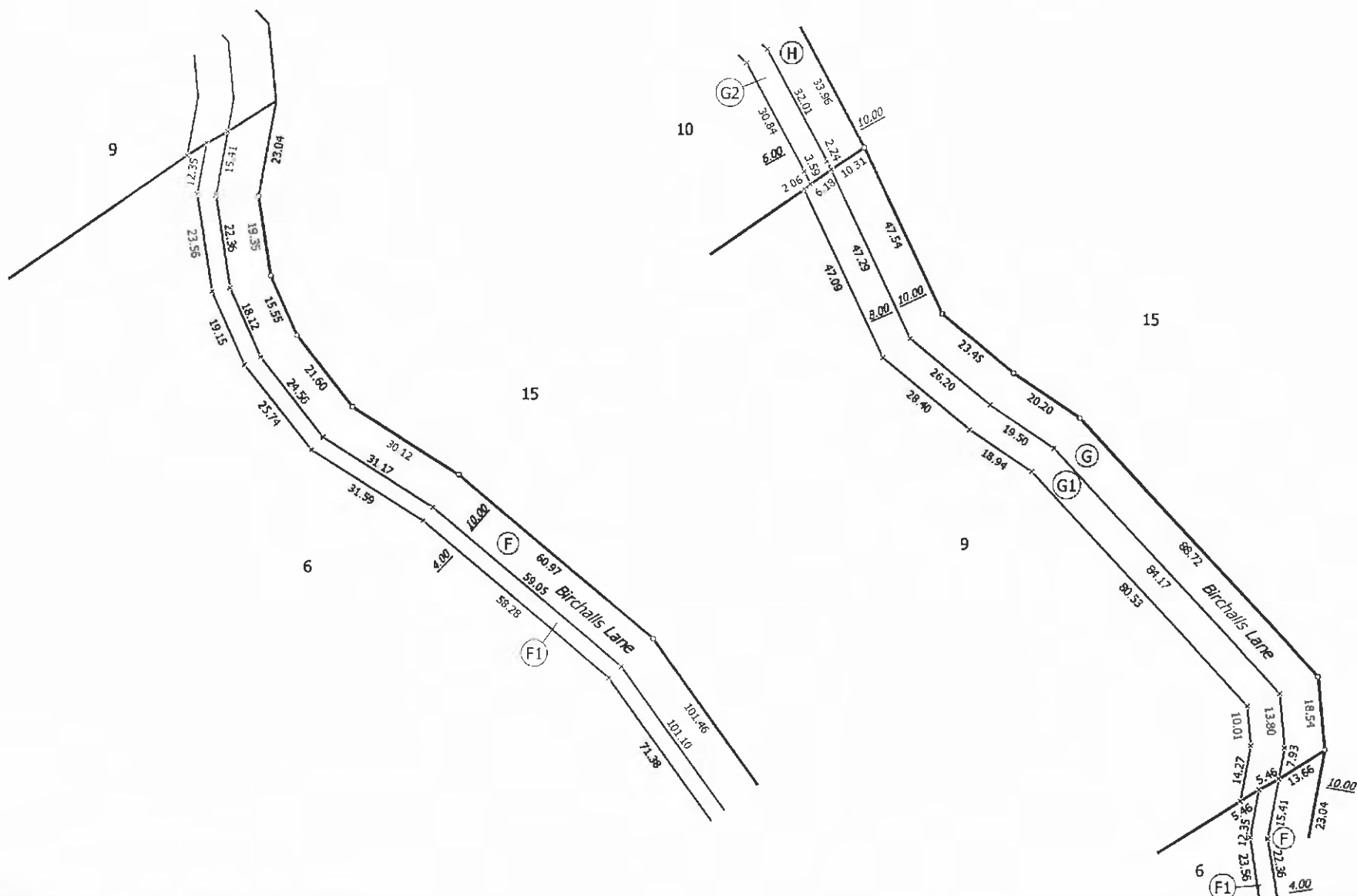
Surveyor: Myles Eliot Garmonsway
Firm: Paterson Potts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

Digitally Generated Plan
Generated on: 05/05/2009 3:13pm Page 15 of 22

Diag. P
Non Primary

Diag. N
Non Primary



Land District Office

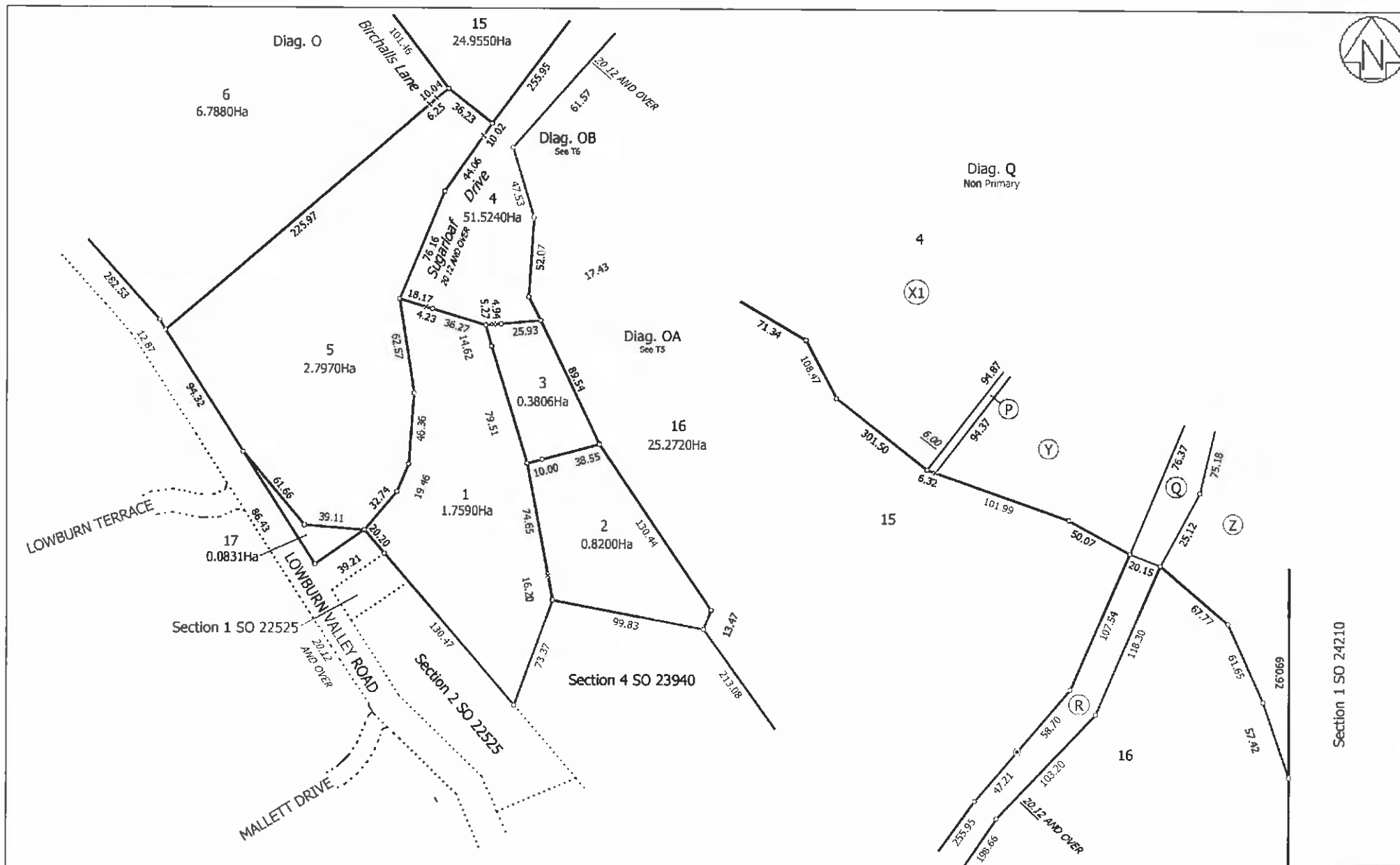
Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Digitally Generated Plan
Generated on: 05/05/2009 3:13pm Page 16 of 22

Surveyor: Myles Eliot Garmonsway
Firm: Paterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

T 9/15



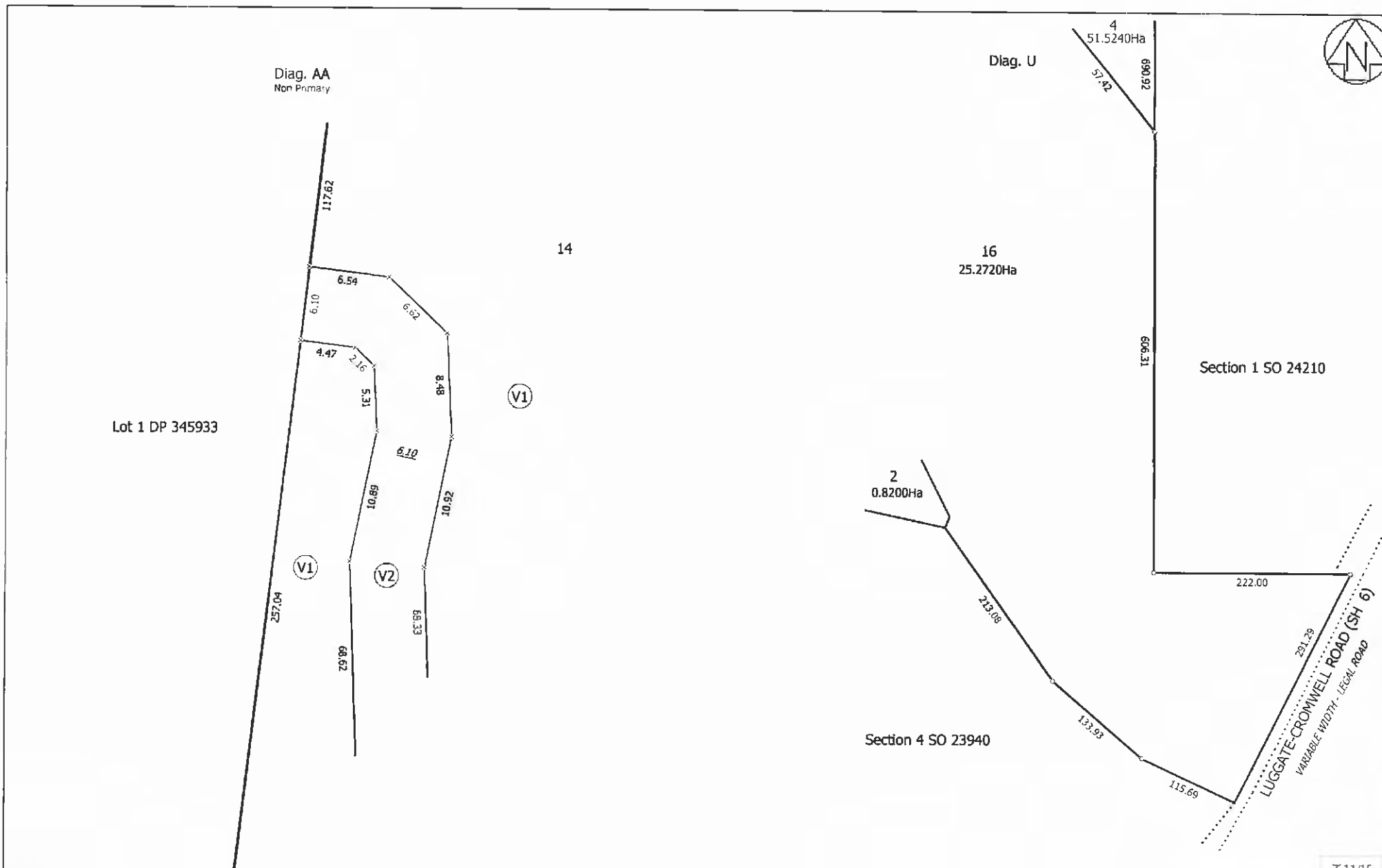
Land District Otago

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor Myles Eliot Garmonsway
Firm Peterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

Digitally Generated Plan
Generated on: 05/05/2009 3:13pm Page 17 of 22



Land District Otago

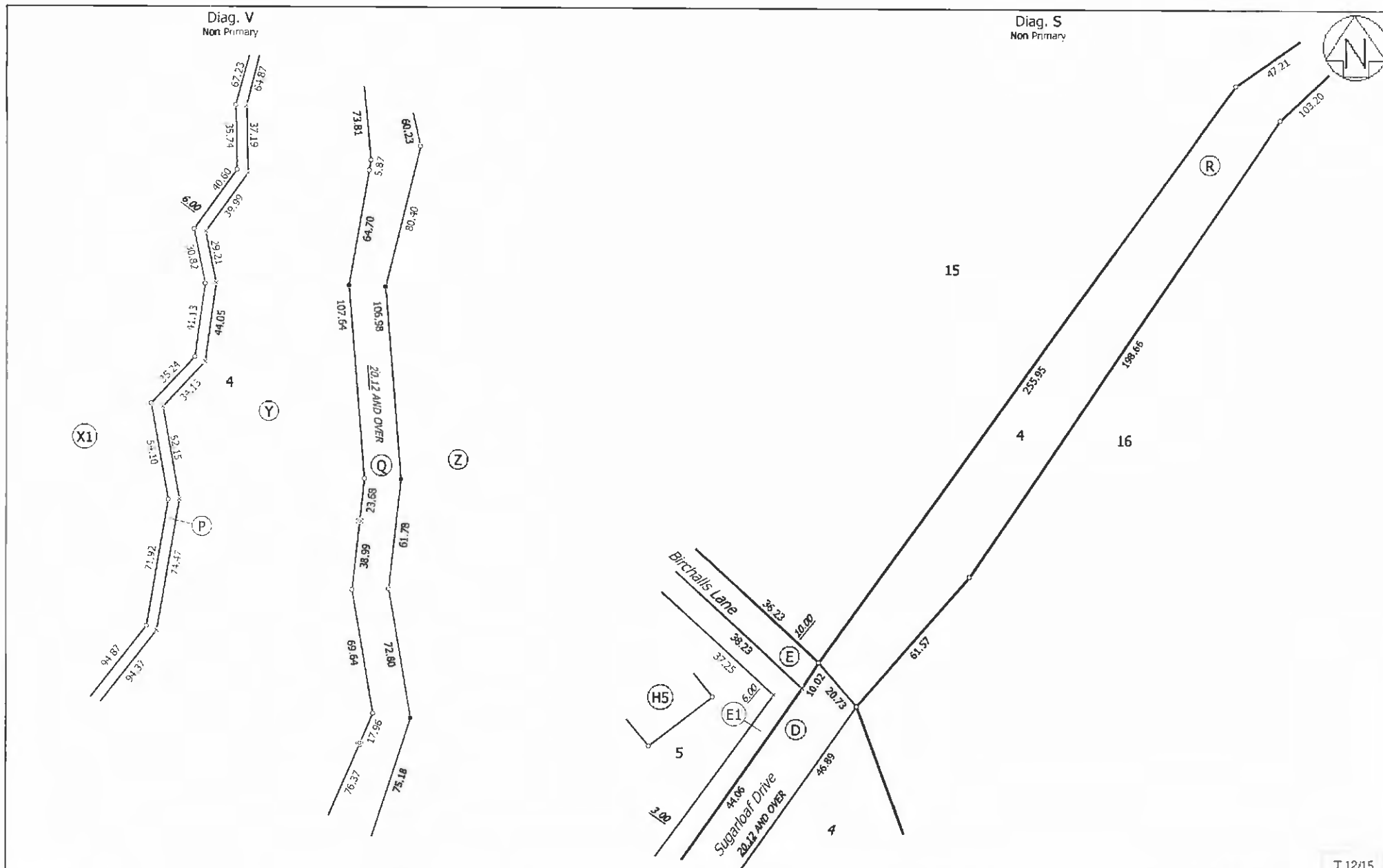
Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor Myles Eliot Garmansway
Firm Paterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 18 of 22

T 11/15



Land District: Otago

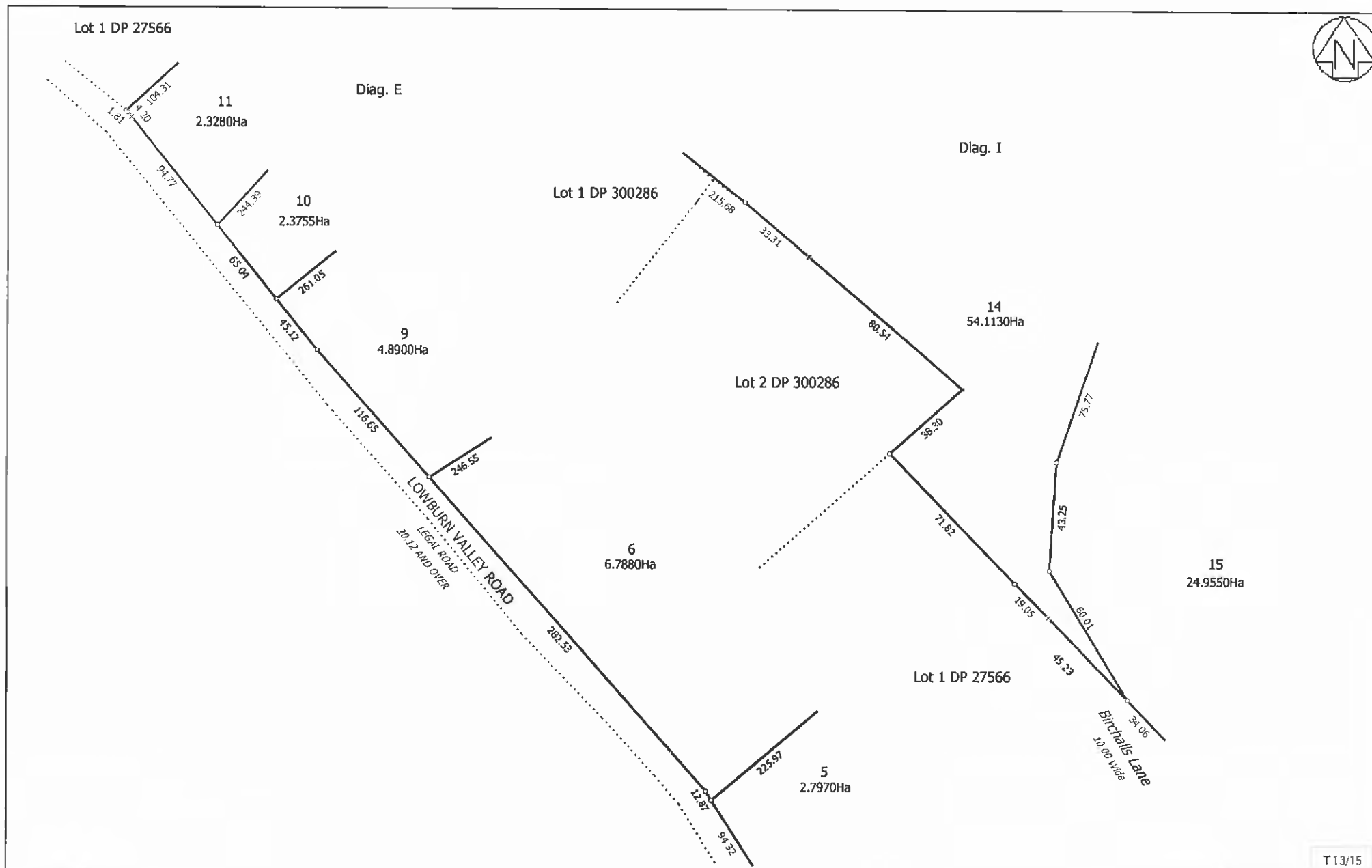
Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 19 of 22

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor: Myles Elliot Garmonsway
Firm: Peterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT

T 12/15

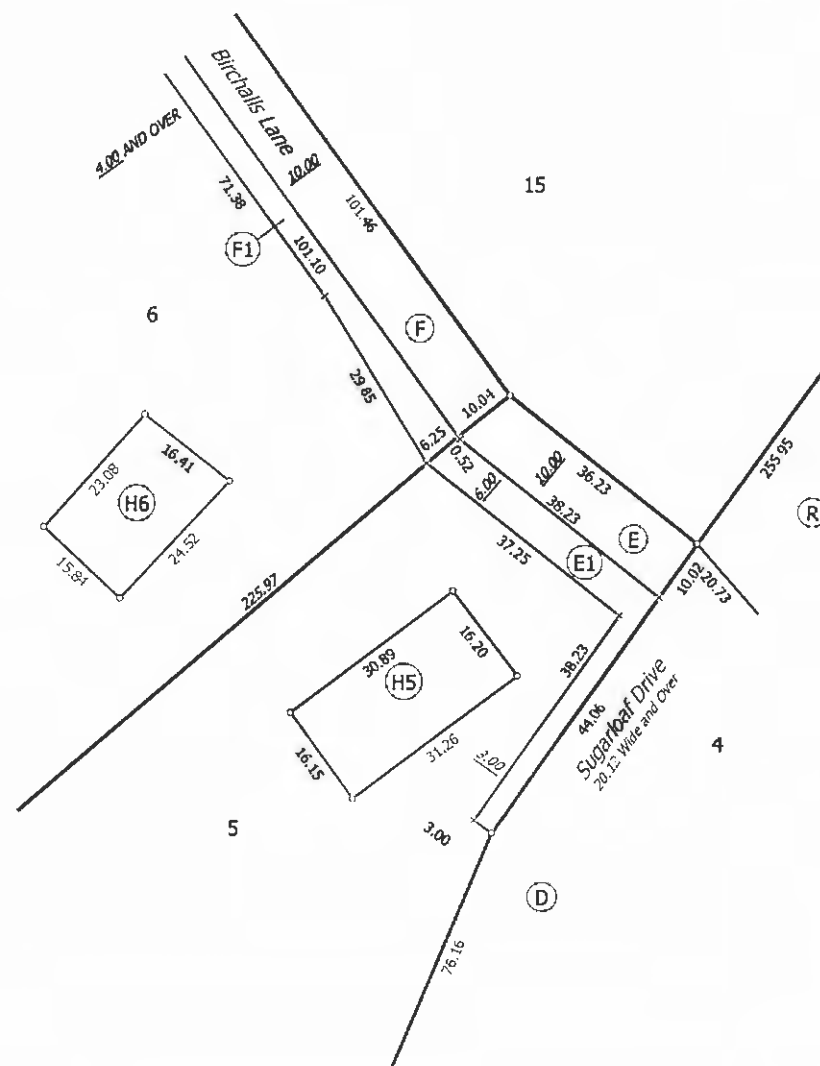
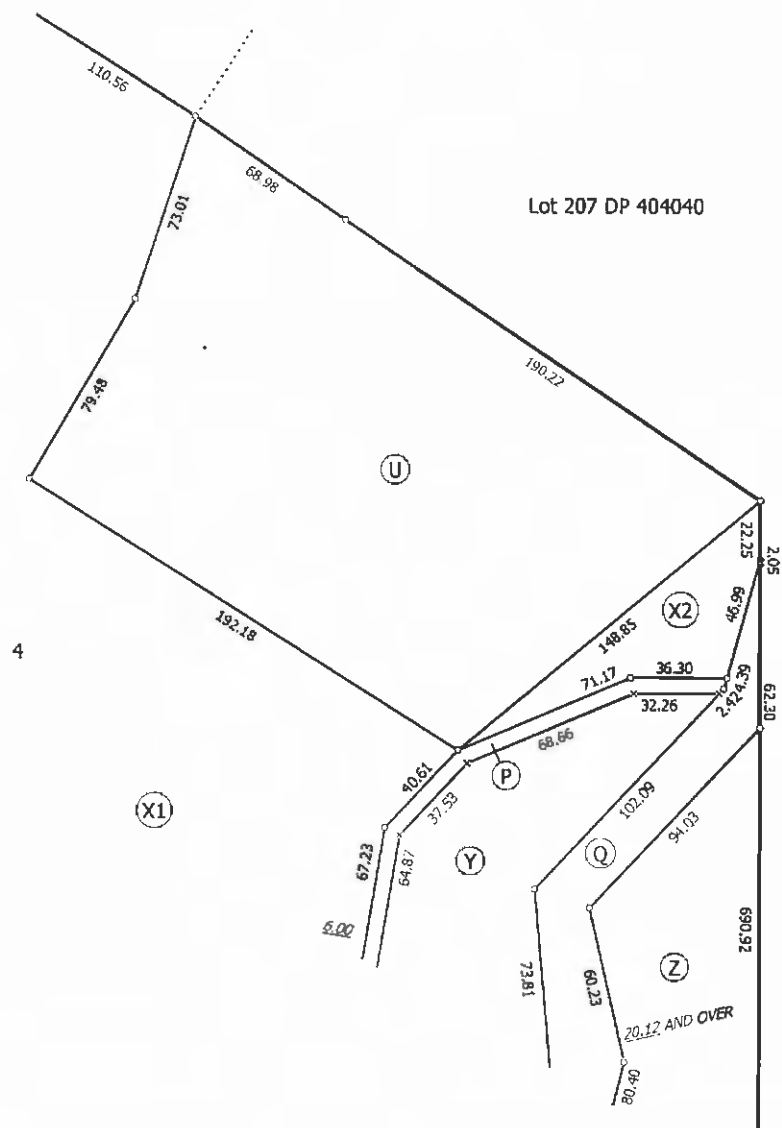


T13/15

Land District Otago Digitally Generated Plan Generated on: 05/05/2009 3:13pm Page 20 of 22	Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell)	Digital Title Plan LT 418764 DRAFT
---	---	---	---

Diag. T
Non Primary

Diag. R
Non Primary



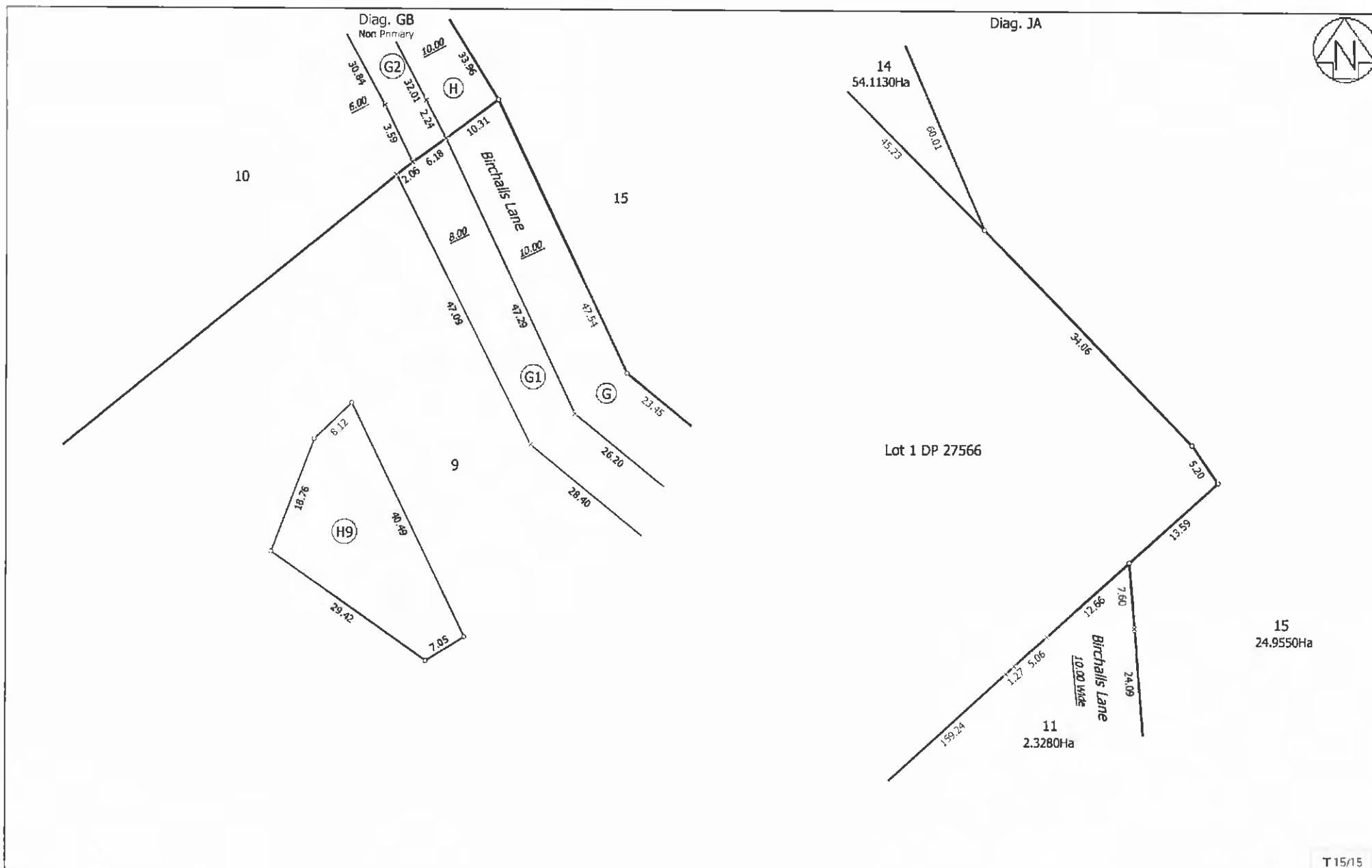
T 14/15

Digitally Generated Plan
Generated on 05/05/2009 3:13pm Page 21 of 22

Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566

Surveyor: Myles Eliot Garmonsway
Firm: Paterson Pitts Partners Ltd (Cromwell)

Digital Title Plan
LT 418764
DRAFT



Land District Otago Digitally Generated Plan Generated on: 05/05/2009 3:13pm Page 22 of 22	Lots 1-6, 9-11, 14-17 Being a Subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and Easements Over Lot 1 DP 27566	Surveyor: Myles Eliot Garmonsway Firm: Paterson Pitts Partners Ltd (Cromwell)	Digital Title Plan LT 418764 DRAFT
---	---	---	---

IN THE MATTER of Lots 1 – 6, 9 – 11, 14 - 17 DP 418764 being a subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, CT's OT19A/1130 and 188394

AND

IN THE MATTER of resource consent RC 050246 from the Central Otago District Council to subdivide the above land.

CONSENT NOTICE PURSUANT
TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

PATERSON PITTS PARTNERS LTD
REGISTERED SURVEYORS
P O Box 84
CROMWELL



In accordance with conditions of the following resource consents granted pursuant to Sections 104B and 104D of the Resource Management Act 1991 and changes to conditions granted pursuant to Sec 127 of the Act:

- Consent RC 050246 dated 13 April 2006, subject to a consent order of the Environment Court ENV-2006-CHC-00319 to 00323 dated 19 March 2007.
- Change of conditions RC 090065 dated 24 April 2009.
- Change to conditions RC 090121 dated 24 July 2009;

the following conditions are to be imposed on an ongoing basis by a consent notice to be registered against the certificates of title for Lots 1 – 6, 9 – 11 and 14 DP 418764.

Wastewater

1. At such time that a dwelling is constructed on Lots 1 – 6 and 9 – 11, the consent holder or successor shall install an on-site household wastewater pump of a design approved by the Chief Executive, that connects to a rising main that discharges into the Lowburn sewer.
2. On-site treatment and disposal of wastewater is not permitted on Lots 1 – 6 and 9 – 11.
3. At the time of construction of a dwelling on Lot 14 an on-site wastewater disposal system that complies with the requirements of AS/NZS 1547:2000 'On-site Domestic Wastewater Management' shall be designed by a suitably qualified professional.
4. A copy of the design and designer producer statement for Lot 14 shall be supplied to the Chief Executive. The dwelling shall not be constructed on Lot 14 until the design and producer statements have been supplied to the Chief Executive.
5. The designer shall supervise the installation and construction of the system on Lot 14 and shall provide a construction producer statement to the Chief Executive.
6. An operation and maintenance manual for Lot 14 shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built plan of the system dimensioned in relations to the legal property boundaries. A code of compliance certificate for the dwelling



and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive.

7. The maintenance and operating manual shall be transferred to each subsequent owner of Lot 14.
8. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.

Water Supply and Firefighting

9. Any private drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 by the management entity which owns and manages the supply, and the results forwarded to the Chief Executive. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standards then the management entity shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
10. At the time a dwelling is erected on any allotment, domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank on each allotment. Of this total capacity a minimum of 20,000 litres shall be maintained at all times as a fire fighting reserve. Alternatively, an 11,000 litre fire fighting reserve is to be made available for each dwelling in association with a sprinkler system installed in each dwelling to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:
 - (a) Either: 70mm Instantaneous Couplings (Female) NZS 4505, or 100mm Suction Couplings (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100mm coupling has 100mm hose tail) provided that the consent holder shall provide written confirmation to the Chief Executive to confirm that the couplings are appropriate for fire fighting purposes.



- (b) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. Access shall be maintained at all times to the hardstand area.
- 11. Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

Landscape and Design Controls

- 12.
 - (a) The consent holder or successor shall implement all landscape plantings detailed in the 'Landscape Plan – Sugarloaf Subdivision', prepared by Pukerau Nursery dated 13 May 2009, and attached to this consent notice. This shall include the implementation of all screen planting of the building platforms on Lots 5, 6, 9, 10 and 11 within one growing season of the grant of a building consent for a dwelling on that allotment, which shall thereafter be maintained in accordance with that plan. If any building platform screening plant on Lots 5, 6, 9, 10 and 11 should die or become diseased it shall be replaced.
 - (b) All existing Poplars and Willows on all allotments shall be retained. Should they die or become diseased they shall be replaced.
- 13. The burning or removal of native vegetation located on the outwash fans to the rear of the platforms located on Lots 5, 6 and 9 – 11 is prohibited.
- 14. No building shall be erected on the upper portions of Lots 4 and/or 14 aside from ancillary farm buildings that may be required for the purposes of ongoing farm operations. Any such building shall be restricted to the areas marked 'S', 'T' and 'U' on DP 418764.

Flood Hazard

- 15. The owners of Lots 1 – 6, 9 – 11 and 14 shall maintain in perpetuity those deflector banks and/or channels required for flood mitigation purposes and their associated landscaping within Lots 1 – 6, 9 – 11 and 14 in accordance with the approved landscape plan and in accordance with the management plan for the deflector banks and/or diversion channels prepared by David Hamilton & Associates Ltd and attached to this consent notice.



16. Any dwelling and/or accessory building, domestic water tanks, or any other structure shall be located on the building platforms identified on DP 418764 as areas H1, H2, H3, H4, H5, H6, H9, H10, H11 and H14.
17. Any dwelling on Lots 1 and 2 shall have a minimum floor level of RL 200m above sea level or 0.6m above ground level, whichever is the greater.

Dwellings

18. The maximum building height for a dwelling and/or accessory buildings on Lots 1 – 4 and 14 shall be 7 metres above existing ground level and the maximum building height for a dwelling and/or accessory buildings on Lots 5, 6 and 9 – 11 shall be 5.5 metres above existing ground level.
19. The roof pitch for all buildings on Lots 1 – 6, 9 – 11 and 14 shall be 28° to 40°. Flat roofs are only permitted as connections between buildings and shall not exceed 20% of the total roof area.
20. The roofs of all buildings contained on Lots 1 – 6, 9 – 11 and 14 shall be clad in coloursteel Ironsand, Karaka or Greyfriars, roofing tiles of a like tone, cedar shingles or slate.
21. The final wall claddings for all buildings on Lots 1 – 6, 9 – 11 and 14 shall be restricted to local schist stone or timber claddings, which are to be finished in earthy coloured stains or be in plaster finish. Colours for a plaster finish shall be muddy earth browns, greys, ochre's or similar recessive muted earth tones.
22. All accessory buildings shall be clad and coloured to match the dwelling. All such buildings shall be designed so that they are in keeping with the dwelling.
23. Joinery colours (excepting timber) shall match roofing, gutter and spouting colours.
24. To minimise glare and potential reflectivity, all buildings shall include either non-reflective glazing or the glazed areas are to be recessed by roof overhangs to provide for a minimum overhang depth of at least 1 metre.
25. At the time a dwelling is erected on Lots 1 – 6, 9 – 11 and 14, all water storage facilities shall be either located underground or appropriately



screened from views from surrounding public roads and places, except the public walking track within Lot 4 and Lots 15 and 16.

26. All clothes lines located within Lots 1 – 6, 9 – 11 and 14 shall be located to the rear of the dwelling, such that they are not visible from Lowburn Valley Road.
27. At the time a dwelling is erected on Lots 1 – 6, 9 – 11 and 14, the provision of electricity and telecommunications services within the allotment shall be laid underground to the dwelling.
28. Monument gates or other road frontage furniture other than simple post and rail or stone are prohibited.
29. Unless otherwise specified within the conditions of this consent, boundary fencing is to be in standard post and wire only, and the only other fencing permitted under this condition is that provided for the purposes of excluding stock around planting areas.

Pastoral Management Area – Lots 4 and 14

30. The use of that part of Lots 4 and 14 on the terrace tread shall be restricted to pastoral use or horticultural shrub, vine or groundcover crops.

Lighting

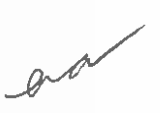
31. All exterior lighting shall be fixed and be capped, filtered or pointed downwards and screened so as to reduce lux spill.

Relocatable Buildings

32. There shall be no relocatable or secondhand buildings used other than new or near new buildings which have been assembled off site.

Other

33. There shall be no further subdivision of or development on Lots 1 – 6, 9 – 11 and 14 for residential or any other purposes other than is provided for by this resource consent.



DATED this.....2nd.....day of September.....2009

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

f

by its Chief Executive.....east.....

L.A. van der Voort
(Pursuant to delegated authority/)

east

KEY

Public walking track
marked every 40m by
white pegs 300mm above ground

Dwelling & Curtilage Building Platforms
No restriction on landscaping
(i.e. Planting List does not apply)

Lowburn Stream
Existing riparian willows and poplars to be retained

Native grey shrubland screen planting
from Native Species list

10m wide public access esplanade strip
on either side of Lowburn
Legal Access (unmarked) moves with stream

Note: (1) Landscape Plan does not include Lots 15 & 16

(To vest in Council as Scenic Reserve)

(2) Upper terrace tread of Lots 4 & 14 (pastoral management area)
restricted to pastoral use or horticultural shrub, vine or ground cover crops

(3) All existing riparian willows and poplars to be retained

(4) Landscape plantings by future owners to be restricted to the following:

(a) Trees from the exotic tree species list planted only in the lee
of the existing riparian willows and poplars

(b) Screen plantings of native grey shrubland plants (as per the
native plant list) in front of the building platforms in
Lots 5, 6, 9, 10 & 11 as shown on the plan

(5) Screen planting of the building platforms in Lots 5, 6, 9, 10 & 11
as required in note 4(b) above to be:

- Width 3m - 6m,

- Length 35m - 60m as indicated on the plan

- Plants randomly spaced 1m - 2m apart with an average of 1.5m apart

- Plant grades Hiko V150 to PB3

- Each plant to have 100g 8-9mlh control release fertilizer at planting

- Each plant to have 500mm mulch, 75mm settled depth, to control weeds and retain moisture

- Whilst plants have been chosen for their ability to tolerate dry conditions, it is expected that

irrigation of plantings (other than in the Lowburn Stream Bed) will be required until plants are well established.

- Screen plantings shall be fenced off from stock and rabbits

(6) Mass planting of trees and shrubs (other than that outlined in notes (4) and (5) above)

between the foot of the Sugarloaf terrace riser and Lowburn Valley Road is not permitted

(7) Screen planting of building platforms on Lots 5, 6, 9, 10 & 11 as per notes 4(b) and (5) above shall be established
within one growing season of the grant of a building consent for a dwelling on that allotment
and shall thereafter be maintained in perpetuity

(8) Existing riparian willows and poplars on Lots 1 and 5 to be replaced if they die or become diseased.

(9) Otago Regional Council flood protection willows on Lots 5, 6, 9, 10 and 11 shall be replaced if they die or become diseased,
if required for continued flood protection

(10) Planting within building platforms is unrestricted.

PATERSON PITTS PARTNERS LTD
Consultants in Surveying,
Resource Management, Land Planning & Development
30 The Mall, PO Box 84, CROWLEY
Telephone: (033) 445 1826 Facsimile: (033) 445 1812

LANDSCAPE PLAN - SUGARLOAF SUBDIVISION PREPARED BY PUKERAU NURSERY

ISSUE	AMENDMENTS	Notes: Rotation 20°	DATE	SCALE	DATE
A	Original				
B	Annotation changes				
C	Pukerau Nursery				
D	Goldsmith				
E					

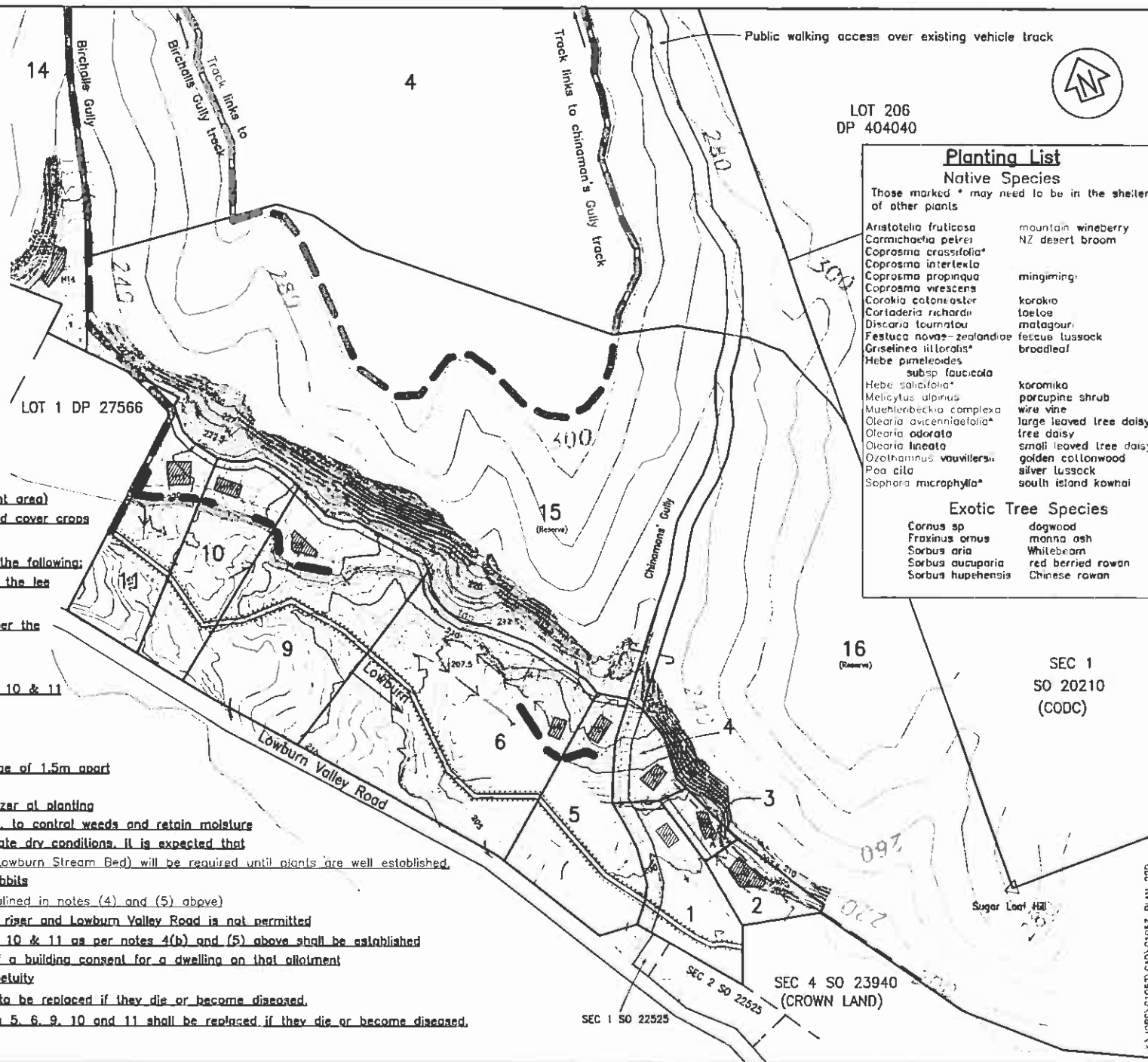
RC 050246

13 May 2009

1:5000

1 OF 1

C.1057 3 220



Planting List

Native Species

Those marked * may need to be in the shelter of other plants

Aristotelia fruticosa	mountain wineberry
Carmichaelia peltata	NZ desert broom
Coprosma crassifolia*	
Coprosma intertexta	
Coprosma propinqua	mingimingi
Coprosma virescens	
Corokia cotoneaster	korokio
Cortaderia richardii	taeloe
Discaria toumatou	matagouri
Festuca novae-zealandiae	fescue tussock
Gesneria littoralis*	broadleaf
Hebe pimeleoides	
subsp. faucicola	
Hebe salicifolia*	koromiko
Melicope alpinus	porcupine shrub
Muehlenbeckia complexa	wire vine
Olearia avicennioides*	large leaved tree daisy
Olearia odorata	tree daisy
Olearia lineata	small leaved tree daisy
Ozothamnus vauvilliersii	golden cottonwood
Poa cila	silver tussock
Sophora microphylla*	south island kowhai

Exotic Tree Species

Cornus sp	dogwood
Fraxinus ornus	mannan ash
Sorbus aria	Whitebeam
Sorbus aucuparia	red berried rowan
Sorbus hupehensis	Chinese rowan

Minaret Resources Limited - Sugarloaf Subdivision Management Plan for Bunds / Deflector Banks, Drainage Channels and Access Road Box Culvert and Channel Modifications

1. Introduction

Minaret Resources Limited has been granted resource consent by CODC for a subdivision at Lowburn (RC 050206). The decision refers to Paterson Pitts Partners plans C 1057.1.20F and C.1057.1.21F dated 25 January 2007.

Paragraph 32 of the CODC decision requires a management plan for the deflector banks and/or channels prior to section 224(c) certification. There is a requirement in the approved subdivision consent (Paragraph 34) that "The owners of Lots 1-6, 9-11 and 14 shall maintain in perpetuity those deflector banks and/or channels required for flood mitigation purposes and their associated landscaping within Lots 1-6, 9-11 and 14 in accordance with the approved landscape plan and in accordance with the management plan for the deflector banks and/or diversion channels."

In addition the Otago Regional Council consents for the box culvert and channel works in the Lowburn and the bunds and deflector banks also require that suitable provision be made for maintenance.

2. Design Concepts

2.1 Bunds / Deflector Banks and Drainage Channels

The building platforms are on or above a river terrace of the Lowburn River that is well above a flood hazard from the Lowburn itself. Lots 1 through 6 could be affected by stormwater runoff from Chinaman Gully or from the terrace faces to the north or north east of the lots. Lots 9 to 11 could be affected by surface runoff from the terrace faces and fan to their north or from overland flow deriving from the property to the west of Lot 11. Lot 14 is in the lower reaches of Birchalls Gully that is about 40 metres wide adjacent to the building platform.

The approach taken is to assess flood flows for the 1% AEP (Annual Exceedance Probability) event and base design conservatively around flows calculated using the Rational Method (BIA Verification Method E1/VM1) using design rainfall figures from HIRDS v.2. This standard is higher than required under the Building Code and thus also allows some provision for climate change (as at the sites the 1% event is about 33% greater than the 2% AEP event).

It has been assumed that the minimum floor levels for dwellings will be at least 0.3m above ground level.

Where a suitable channel and bund arrangement can be co-located with the proposed access road and watertable then this approach has been adopted.

Under high flow conditions pre subdivision there can be fine sands, silts and gravels carried by the flows and localised scour can also occur. The design of banks provides significant freeboard in case of deposition of material and the banks are intended to be topsoiled and

sown with grasses to reduce erosion potential. With the works in place some scour and deposition of material can be expected under high intensity rainfall situations. Maintenance of the channels and banks to retain the original design capacity will therefore be required from time to time.

2.2 Lowburn Access Road Crossing

The Otago Regional Council recommended culvert standards apply to the twin box culvert and are:

- Passage of the 50 year return period flood by overtopping of the embankment to a maximum depth of 0.2m, and
- Passage of the 2-year return period flood with no heading up

In order to achieve a similar design flood grade to the situation without the crossing it was necessary to lower the invert of the Lowburn over some 300 metres. This distance extends downstream into the Crown land area associated with the Lowburn Inlet part of Lake Dunstan. The minimum design channel cross section is 6m bottom width and 2:1 batters. Under flood conditions the gravel bed will move significant material. Some erosion and alignment changes are expected under flood conditions.

In a superdesign event the flows can go around the true left bank (first) as well as a shallow flow across the approach road on the right.

Fish & Game required that at low flows there should be a greater depth of flow than would have been provided if the culvert was placed with a level floor and the culverts have been designed to concentrate the flow to one side under low flow conditions.

Rock rip rap has been placed upstream and downstream of the twin box culvert to limit erosion issues.

The Low Burn channel will periodically fill up with sediment in major flood events and need to be dug out. This occurred in 1999 without a culvert and it will happen again. Aggradation of the bed will reduce the capacity of the culvert to pass flood flows. For this reason provision has been sought for periodic maintenance to maintain channel capacity up and downstream of the culvert. The initial works provided for a preformed pool and riffle channel bed slope but it was recognised that the channel will reorganise itself and that maintenance of this pool and riffle system by intervention with machinery on a regular basis was not intended. When a major sediment removal exercise is however carried out a pool and riffle profile can be implemented at no great additional cost.

The Otago Regional Council consent 2005.322 for channel maintenance is attached to the channel management plan.

3. Site Details

3.1 Bunds / Deflector Banks and Drainage Channels

Figure 1 shows representative cross sections for the bunds / deflector banks and channels. Where the access road is also acting as a bank it will have the top width required for that section of road.

Figures 2 and 3 show details of the proposed works for each Lot.

Table A shows the design parameters for the bunds, banks and drainage channels.

Table B summarises the purpose, workings, life expectancy and inspection and maintenance requirements.

The management plan attached incorporates these figures and tables.

3.2 Lowburn Access Road Crossing

The box culverts are twin 3 x 2 m concrete box culverts laid with a 2 degree cross fall. The culvert has a nominal fall of 0.1m through the culvert. The nominal size rip rap is 500mm and thickness 800mm.

END

David Hamilton & Associates Ltd
Consulting Engineers
3 McMillan St
Maori Hill
Dunedin 9010
New Zealand

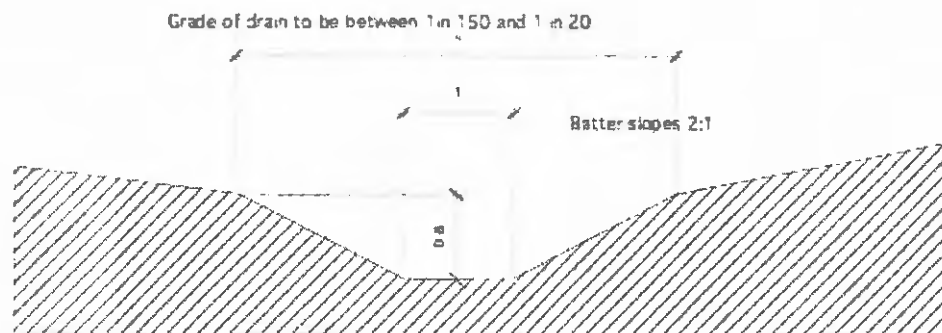
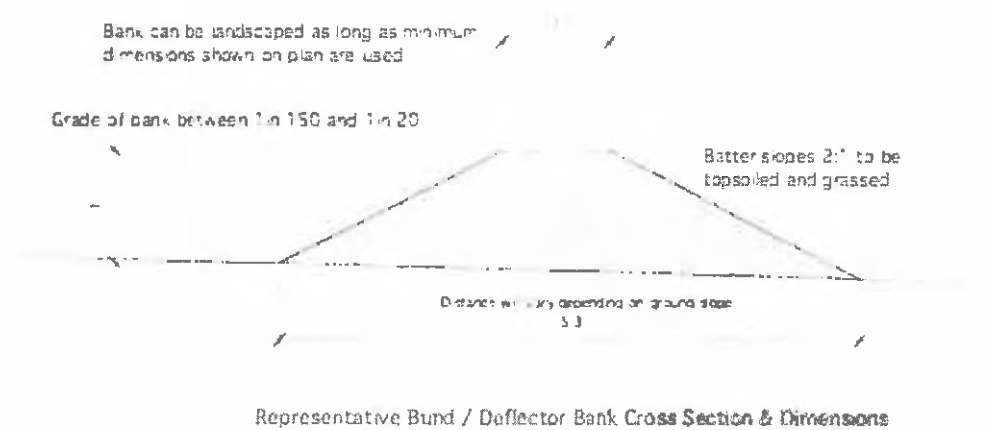
Phone: 64 3 466 7225
Fax: 64 3 466 7227
Mobile: 021 338 555
Email: david@davidhamilton.co.nz

**Minaret Resources Limited – Lowburn Subdivision
Management Plan for Bund and Deflector Bank Earthworks
and Drainage Channels**

1. As built plans of the works for each lot shall be provided to each lot owner.
2. The works are designed to cope with a 1% Annual Exceedance Probability heavy rainfall event by diversion of the flows away from building platforms in a manner that does not compromise the neighbouring properties.
3. Under high flow conditions fine sands, silts and gravels can be expected to be carried by the flows and localised scour can also occur. The design of banks provides significant freeboard in case of deposition of material and is intended to be topsoiled and sown with grasses to reduce erosion potential. With the works in place some scour and deposition of material can be expected under high intensity rainfall situations. Maintenance of the channels and banks to retain the original design capacity will therefore be required from time to time.
4. The works identified as channel shall be inspected at least annually, or after an event that is likely to result in deposition of material or erosion of the channel.
5. Should the inspection reveal that the design depth of the waterway has been reduced by more than 20% then the deposited material shall be removed and spread away from the channel in a position that it is not washed back into the channel.
6. Low growing grasses and herbs and lichens are acceptable vegetation in the channels. Tree and shrub species that grow in the channels should be removed.
7. Works identified as bund / deflector banks shall be inspected at least annually, or after an event that may result in high velocity water against the banks or deposition of material just upstream of the banks.
8. Should the inspection reveal that the design height of the bank as measured from the upstream toe of the bank to the crest of the bank has reduced by more than 20% then the deposited material shall be removed or the crest and batter slopes increased to reinstate the design height.
9. Grass or tussock cover on the banks should be maintained if possible. Tree species should be removed from bunds/ deflector banks. Shrub species that remain at less than 700mm diameter are acceptable but when they exceed this size they should be either pruned or removed.

Attached

Figure 1 Representative cross sections for banks and channels
Figures 2 and 3 showing location of structures
Design Standards Table and critical dimensions
Summary Management Plan Table



Note: The Bund / Deflector bank height may vary as in the detailed table.

The height is measured at the upstream toe to the crest level.

Batter slopes and top widths are minimum but flatter slopes and wider top widths can be used

The bottom width of the drainage channel and the channel depth may vary - see table with invert levels and depths for each lot with a channel.

Where the road is used as a bund/deflector bank the watertable is the drainage channel

A4 Scale: 1: 50

David Hamilton & Associates Ltd

May 2007

Minaret Resources Limited
Lowburn Subdivision
Representative Cross Sections
Bunds, Deflector Banks and Drainage Channels

Figure 1

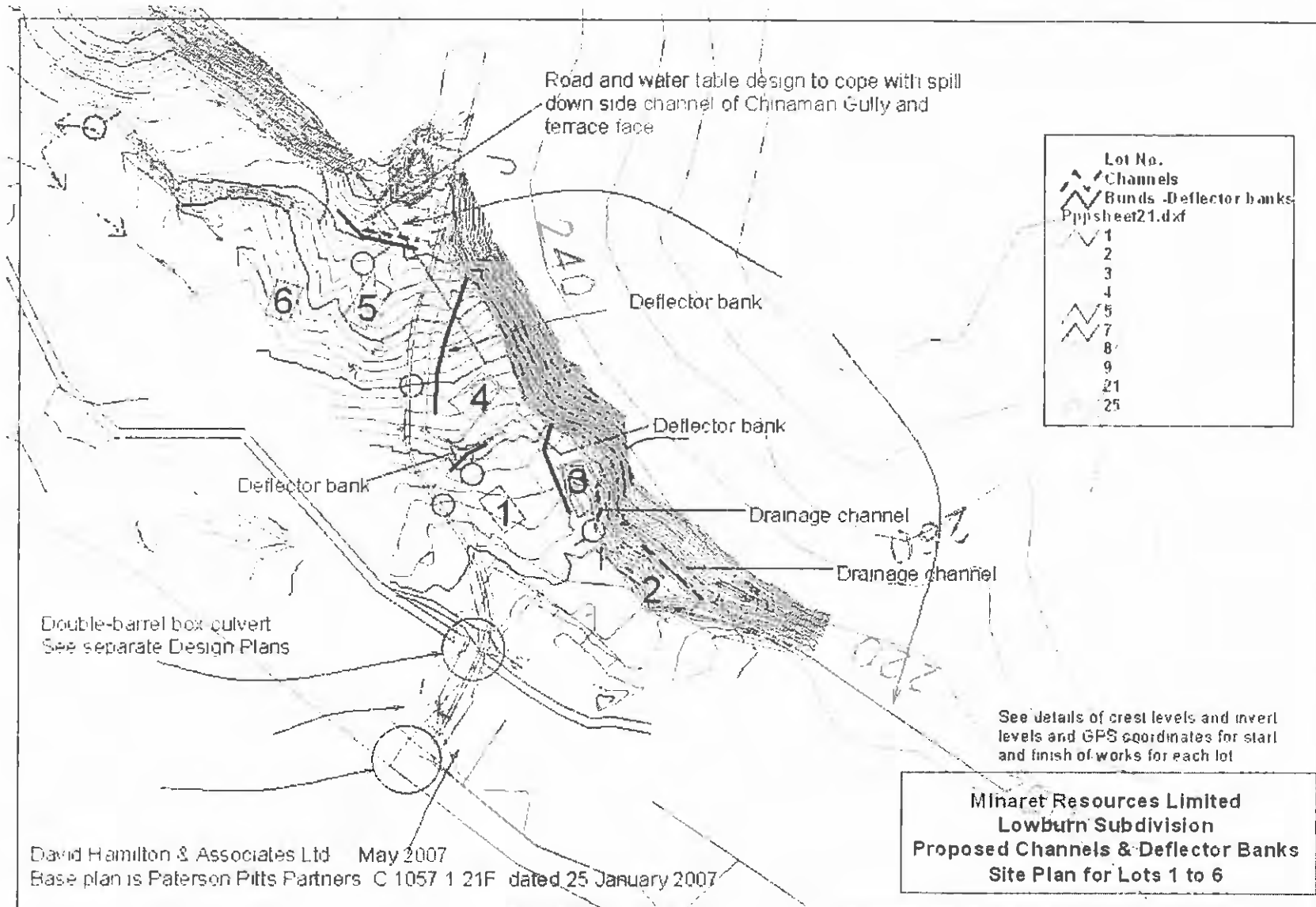


Figure 2

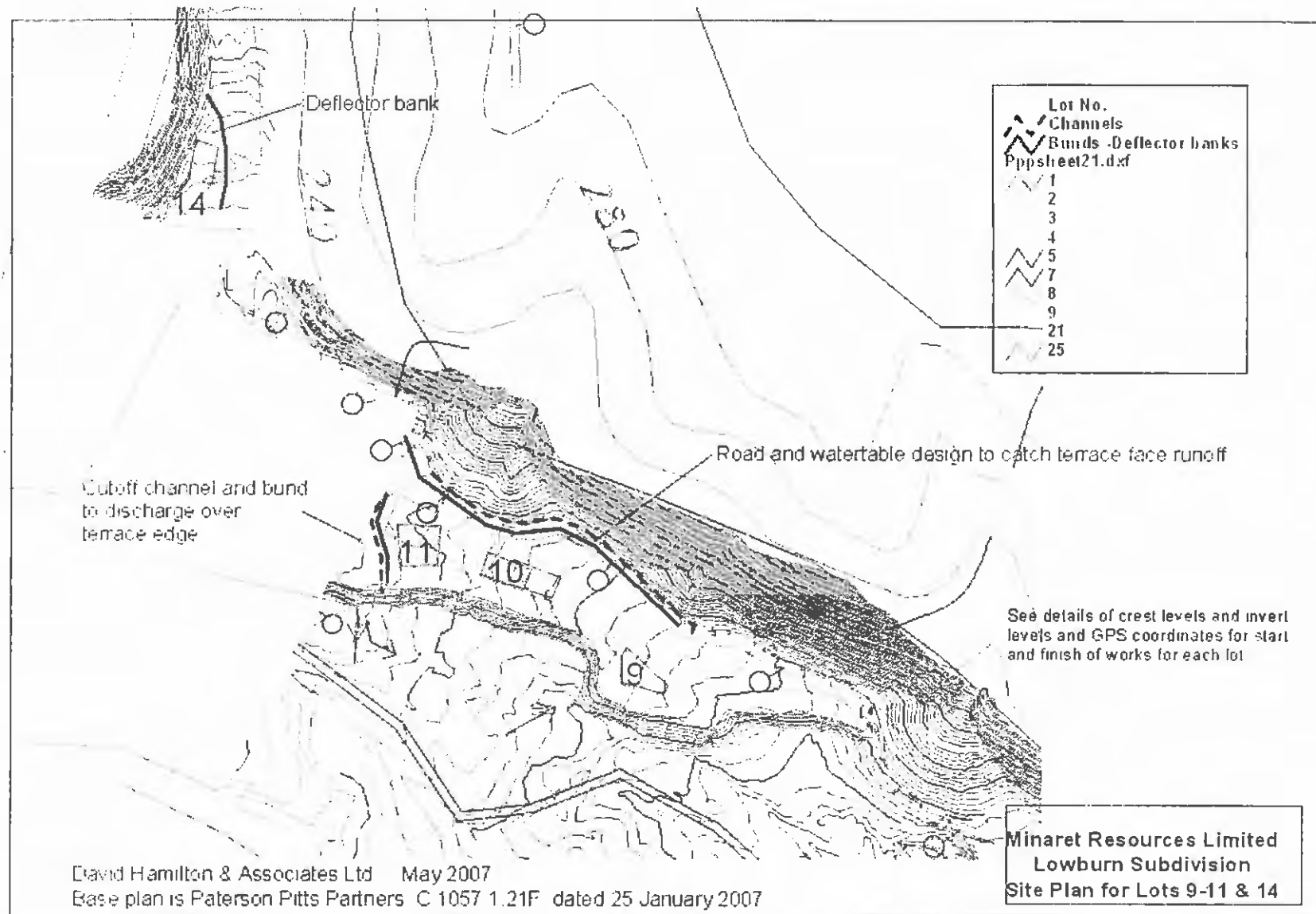


Figure 3

Proposed Works		Minaret Resources Limited			Lowburn Subdivision				
See attached plans		Design Standard 100 year = 1% AEP							
		Coordinates in term of PPP Plan Sheet 21 provided as dwg file							
Works	Lot No.	Easting	Northing	Crest Level RLM	Invert Level RLM	Overall length m	Nominal Height / Depth m	Bottom width m	Comments
Bund East End	H1	279769	671014	203.2	202.5		0.7		Block off water race
Bund West End	H1	279747	670998	202.9	202.2	25	0.7		Taper to GL over 3m
Catch Drain NW	H2	279870	670949	203.5	203		0.4	0.5	
Catch Drain SW	H2	279904	670914	202.5	202	49	0.4	0.5	Discharge clear of bldg platform
Catch Drain N	H3	279839	670983	201.1	200.8		0.3	0.5	
Catch Drain S	H3	279838	670968	200	200.7	15	0.3	0.5	Discharge clear of bldg platform
Bund N	H3	279812	671026	203.5	203		0.5		Tie into terrace
Bund Mid	H3	279805	671009	202.5	202		0.5		
Bund S	H3	279822	670970	201	201.5	59	0.5		Taper to GL over 5m
Bund N	H4	279759	671120	210.5	209.5		1		Tie into terrace
Bund M1	H4	279744	671083	208	207		1		
Bund M2	H4	279740	671060	206.5	205.5		1		
Bund S	H4	279738	671034	205	204	88	1		Taper to GL over 5m
Road as Bund W	H5	279691	671145	211			1		
Road as Bund E	H5	279724	671137	210.8		34	1		
Channel W	H5	279698	671146		210		1	1	
Channel E	H5	279728	671141		209.9	30	1	1	
Road as Bund W	H6	279679	671159	211.3			0.3		Tie into terrace
Road as Bund E	H6	279691	671145	211		19	1		

Table A1

Works	Lot No.	Easting	Northing	Crest Level RLM	Invert Level RLM	Overall length m	Nominal Height / Depth m	Bottom width m	Comments
Road as Bund W	H9	279316	671396	218			0.7		
Road as Bund E	H9	279360	671359	216.7		58	0.6		
Channel W	H9	279320	671401		217.3		0.7	0.5	
Channel E	H9	279368	671362		216.1	62 +	0.6	0.5	Low section of road to east & block off old water race
Road as Bund W	H10	279217	671431	220			0.7		
Road as Bund E	H10	279316	671396	218		106	0.7		
Channel W	H10	279219	671437		219.3		0.7	0.5	
Channel E	H10	279320	671401		217.3	106	0.7	0.5	
Road as Bund W	H11	279163	671494	221.5			0.5		
Road as Bund E	H11	279217	671431	220		84	0.7		
Channel W	H11	279180	671467		220.3		0.7	0.5	
Channel E	H11	279219	671437		219.3	50	0.7	0.5	
Cutoff Drain N	H11	279150	671456		220.4		0.5	1	
Cutoff Drain S	H11	279146	671392		220	60	0.7	1	Fan out to 3m at terrace edge
Cutoff Bund N	H11	279145	671447	220.9			0.5		
Cutoff Bund S	H11	279142	671387	220.5		65	0.5		Natural ground level
Bund N	H14	279025	671729	232.3			1		Tie into terrace
Bund Mid	H14	279040	671692	230.8			1		
Bund S	H14	279033	671651	229.5		78	1		Taper to GL over 5m

Table A2

Minaret Resources Ltd-Lowburn Deflector Banks & Channels Management Plan

Maintenance Minaret Resources Limited Lowburn Subdivision									
See attached plans									
Works	Lot No.	Overall length m	Nominal Height / Depth m	Bottom width m	Purpose & Working	Life expectancy	Potential Causes of Failure	Maintenance techniques	
								Frequency of Inspection	Action required
Bund	H1	25	0.7		Deflector bank for stormwater flows from terrace face or spill from Chinaman Gully	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Remove sediment accumulated if 20% of the design depth lost. Prune or remove vegetation over 700mm diameter. Repair erosion holes and top up bank height if stock or vehicle tracking evident
Catch Drain	H2	49	0.4	0.5	Drain for stormwater flows off terrace face	Permanent	Scour, siltation, plant growth choking channel	Annual and event related	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal. Repair scour holes with rip rap or cobbles
Catch Drain	H3	15	0.3	0.5	Drain for stormwater flows off terrace face	Permanent	Scour, siltation, plant growth choking channel	Annual and event related	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal. Repair scour holes with rip rap or cobbles
Bund	H3	59	0.5		Deflector bank for stormwater flows from terrace face or spill from Chinaman Gully	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Remove sediment accumulated if 20% of the design depth lost. Prune or remove vegetation over 700mm diameter. Repair erosion holes and top up bank height if stock or vehicle tracking evident
Bund	H4	88	1		Deflector bank for stormwater flows from Chinaman Gully also provides buffer protection for Lots 1-3	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Remove sediment accumulated if 20% of the design depth lost. Prune or remove vegetation over 700mm diameter. Repair erosion holes and top up bank height if stock or vehicle tracking evident
Road as Bund	H5	34	1		Diverts potential stormwater overflow from Chinaman Gully and terrace face away from building platform	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Repair erosion holes upstream face and top up bank height if overflow scour has occurred
Channel	H5	30	1	1	Diverts potential stormwater overflow from Chinaman Gully and terrace face away from building platform	Culvert 50 yrs	Scour, siltation, plant growth choking channel, blocked culvert	Annual and event related. Culvert monthly	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal. Repair scour holes with rip rap or cobbles. Unblock culvert
Road as Bund	H6	19	1		Deflector bank for stormwater flows from terrace face or spill from Chinaman Gully	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Repair erosion holes upstream face and top up bank height if overflow scour has occurred

Table B1

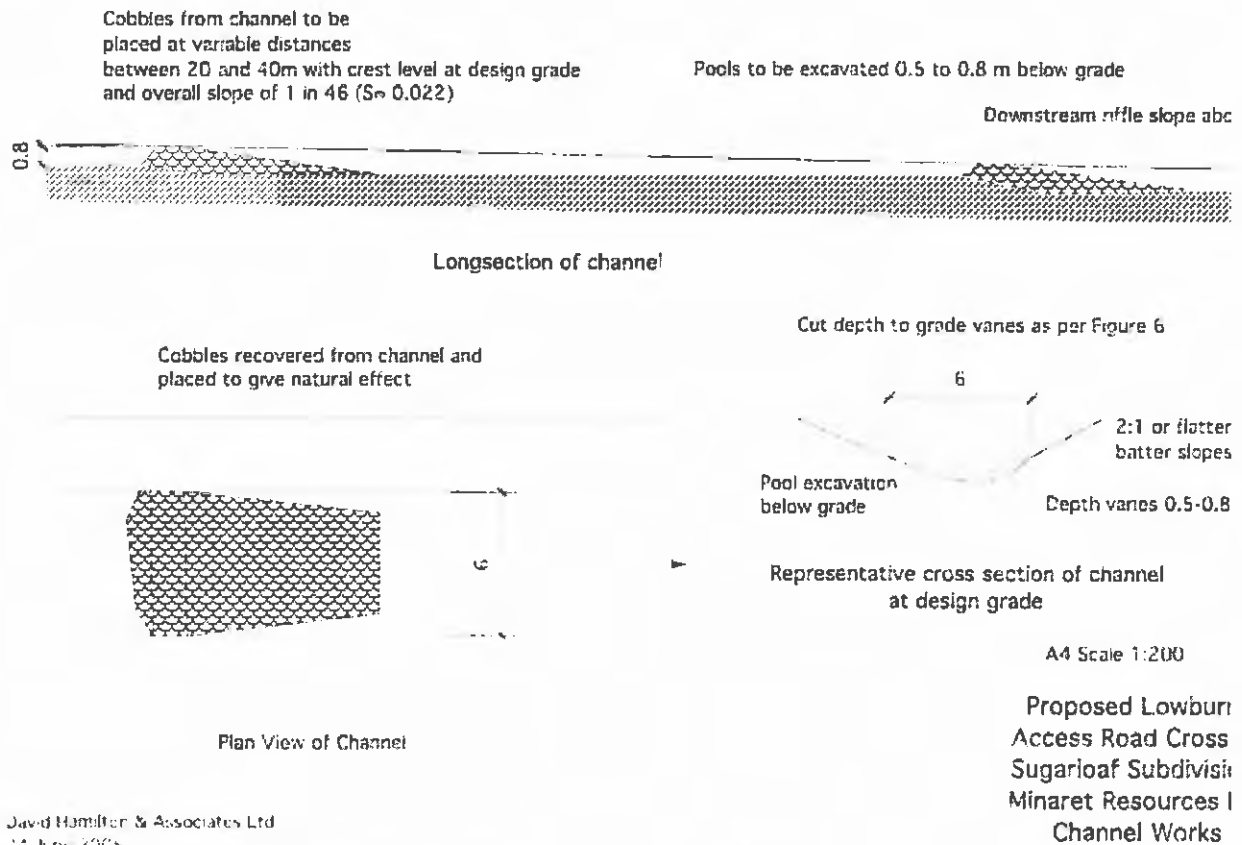
Minaret Resources Ltd-Lowburn Deflector Banks & Channels Management Plan

Works	Lot No.	Overall length m	Nominal Height / Depth m	Bottom width m	Purpose & Working	Life expectancy	Potential Causes of Failure	Frequency of inspection	Action required
Road as Bund	H9	58	0.6		Diverts potential stormwater overflow from terrace face away from building platform	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Repair erosion holes upstream face and top up bank height if overflow scour has occurred
Channel	H9	62 +	0.6	0.5	Diverts potential stormwater overflow from terrace face away from building platform	Culvert 50 yrs	Scour, siltation, plant growth choking channel, blocked culvert	Annual and event related. Culvert monthly	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal. Repair scour holes with rip rap or cobbles. Unblock culvert
Road as Bund	H10	106	0.7		Diverts potential stormwater overflow from terrace face away from building platform	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Repair erosion holes upstream face and top up bank height if overflow scour has occurred
Channel	H10	106	0.7	0.5	Diverts potential stormwater overflow from terrace face away from building platform	Permanent	Scour, siltation, plant growth choking channel	Annual and event related	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal
Road as Bund	H11	84	0.7		Diverts potential stormwater overflow from terrace face away from building platform	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Repair erosion holes upstream face and top up bank height if overflow scour has occurred
Channel	H11	50	0.7	0.5	Diverts potential stormwater overflow from terrace face away from building platform	Permanent	Scour, siltation, plant growth choking channel	Annual and event related	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal
Cutoff Drain	H11	60	0.7	1	Diverts potential stormwater overflow from upstream river terrace flat away from building platform	Permanent	Scour, siltation, plant growth choking channel, erosion at terrace edge drop	Annual and event related	Remove sediment accumulated if 20% of design depth lost. Weed control/ removal. Rock rip rap protection if terrace edge erodes from drain flows
Cutoff Bund	H11	65	0.5		Downstream bank for cutoff drain to increase flow capacity	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Remove sediment accumulated if 20% of the design depth lost. Prune or remove vegetation over 700mm diameter. Repair erosion holes and top up bank height if stock or vehicle tracking evident
Bund	H14	78	1		Deflector bank for stormwater flows from Birchalls Gully	Permanent	Rabbit holes, erosion of upstream face, siltation upstream, large vegetation growth	Annual and event related	Remove sediment accumulated if 20% of the design depth lost. Prune or remove vegetation over 700mm diameter. Repair erosion holes and top up bank height if stock or vehicle tracking evident

Table B2

Minaret Resources Limited – Lowburn Subdivision Management Plan for Low Burn Channel & Box Culvert Access

1. The Otago Regional Council consent 2005.332 is attached. Note that this requires photos to be taken before and after each period of disturbance, notification to ORC before the work, and returns to be made for gravel extraction (whether exercised or not) every April and October.
2. The Low Burn should be inspected at least annually and after significant flows in the channel to assess whether there is a need for channel maintenance.
3. The build up of sediment within the box culverts and debris and sediment above the box culverts will be the most visible and also the most significant for access. If inspection of the box culverts indicates a build up of more than 0.5m averaged across the entrance width then a maintenance clean should be scheduled.
4. The extent of the work upstream and downstream should be assessed to return to a nominal 6m bottom width, 2:1 side batter and depth of at least 1.5m and to the overall grade of 1 in 46. If feasible the pool and riffle approach should be taken as in Figure 4.



David Hamilton & Associates Ltd
24 June 2009

Figure 4

Consent No: 2005.332

LAND USE CONSENT

Pursuant to Sections 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Minaret Resources Limited

Address: Level 8, Otago House, 481 Moray Place, Dunedin

To disturb the bed of the Low Burn

for the purpose of extracting up to 2,100 cubic metres of gravel per year for channel maintenance work

for a term expiring 1 November 2017

Location of activity: Low Burn between 550 metres and 850 metres upstream of State Highway 6, Lowburn, Cromwell

Upstream limit map reference: NZMS 260 G41:112-720

Downstream limit map reference: NZMS 260 G41:114-718

Conditions:

1. The works shall be located generally as shown in Figure 1 (attached to this consent) and undertaken as described in the application for consent dated 28 June 2005. If there are any inconsistencies between the application and this consent, the conditions of this consent shall prevail.
2. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. A copy of this consent shall be present on site at all times while the work is being undertaken.
3. The total volume of gravel extracted during the term of this consent shall not exceed 21,000 cubic metres.
4. Prior to any extraction, the consent holder shall advise the Consent Authority's Manager Engineering of its intention to extract gravel and the quantity of gravel to be extracted.
5. The finished gradient of the channel shall be no steeper than 1:46.
6. Hours of work under this consent shall be from 7.00 am to 7.00 pm, Monday to Saturday. Works shall not be undertaken on Sundays or Public Holidays.

7. Fuel storage tanks and machinery working and stored in the construction area shall be maintained at all times to prevent leakage of oil and other contaminants into the Low Burn. No refuelling of machinery shall occur within the Low Burn.
8. All machinery shall be water blasted prior to being brought on site and following completion of the works, to reduce the potential for pest species being introduced to or taken from the watercourses. Machinery and equipment that has worked in watercourses shall, prior to entering and leaving the site, also be cleaned in accordance with Biosecurity New Zealand recommendations, as stated on its May 2006 fact sheet titled "Don't Spread Didymo". The consent holder shall ensure that wash water does not directly discharge into surface water.
9. All works shall be undertaken, as far as practicable, outside the wet bed of the Low Burn.
10. The consent holder shall ensure that any bed disturbance is limited to the extent necessary to carry out the works.
11. The consent holder shall minimise damage to riparian vegetation when exercising this consent.
12. The consent holder shall ensure that fish passage is not impeded as a result of the works.
13. The consent holder shall ensure the works authorised by this consent do not cause any flooding, erosion, scouring, land instability or property damage. Should such effects occur due to the exercise of this consent, the consent holder shall, if so required by the Consent Authority and at no cost to the Consent Authority, take all such action as the Consent Authority may require to remedy any such damage.
14. Prior to, or immediately following completion of the works authorised by this consent, the consent holder shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and any other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the works commencing.
15. The consent holder shall ensure that any damage to the banks of the Low Burn, including damage to riparian vegetation, be reinstated to a quality at least equivalent to that prior to the works commencing, within one month of completion of the works.
16. Representative photographs shall be taken of the site:
 - (a) before works commence; and
 - (b) immediately after the completion of works and rehabilitation of the site.These photographs shall be provided to the Consent Authority within one month of the final photographs being taken.

17. The consent holder shall keep a record of the quantity of gravel or other material removed. A return of the quantities removed shall be forwarded to the Consent Authority by the 30th of April and October each year, and at any other frequency as the Consent Authority stipulates in writing.

Note: The consent holder must pay an inspection and management fee to the Consent Authority. The fee is set by the Consent Authority under Section 36 of the Resource Management Act 1991 and the Local Government Act 2002.

18. The Consent Authority may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent within 3 months of each anniversary of the commencement of this consent for the purpose of:

- (a) determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
- (b) ensuring the conditions of this consent are consistent with any National Environmental Standards.

19. If the consent holder:

- (a) Discovers koiwi tangata (human skeletal remains), or Maori artefact material, the consent holder shall without delay:
 - (i) notify the Consent Authority, tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police; and
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

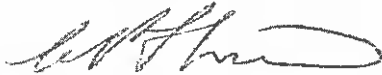
Site work shall recommence following consultation with the Consent Authority, the New Zealand Historic Places Trust, tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- (b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (i) stop work within the immediate vicinity of the discovery or disturbance; and
 - (ii) advise the Consent Authority, the New Zealand Historic Places Trust, and in the case of Maori features or materials, the tangatawhenua, and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and

- (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall recommence following consultation with the Consent Authority.

Issued at Dunedin this 9th day of November 2007



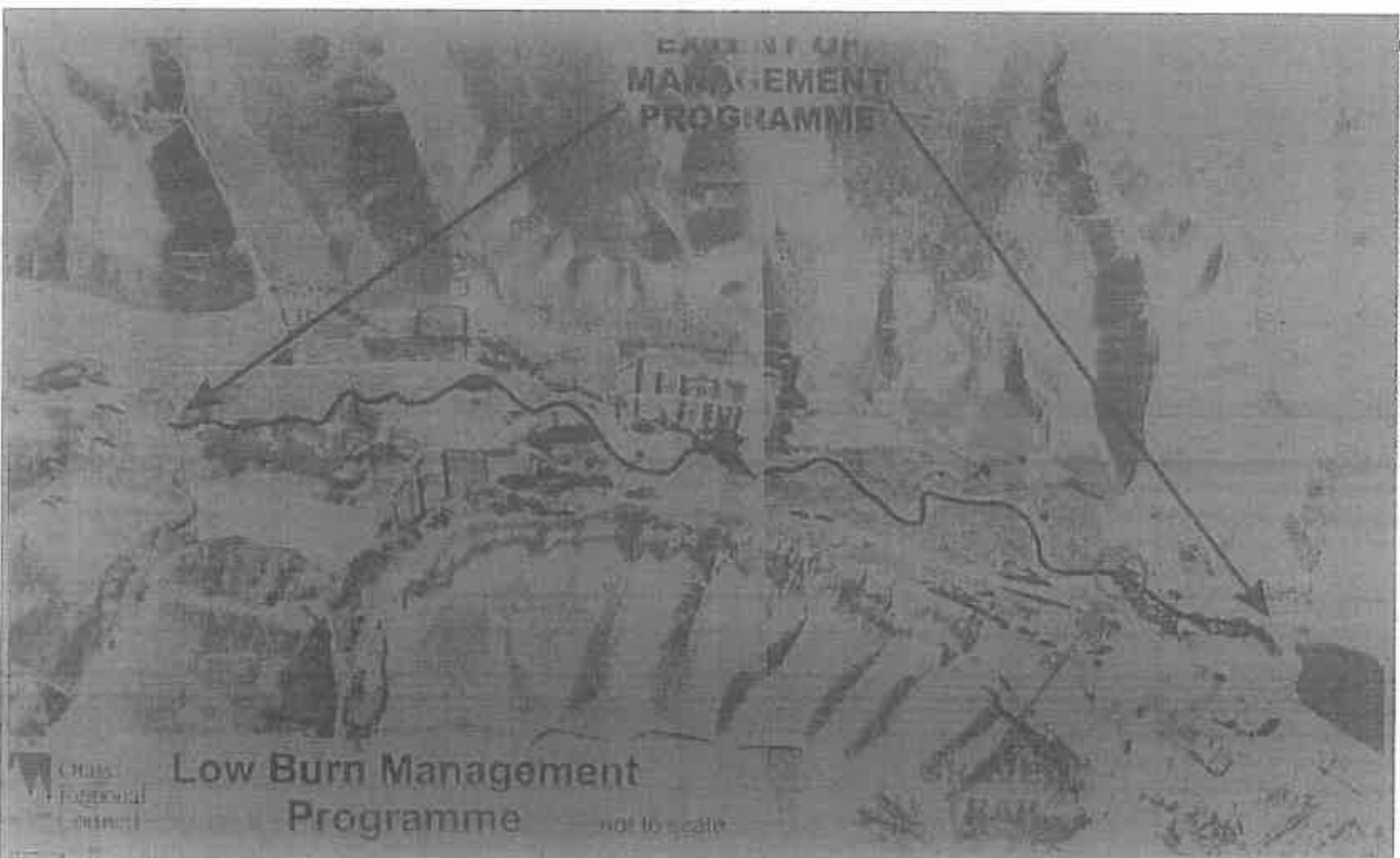
Christopher P Shaw

Manager Consents

DH LaCie 234 GB Disk DH\Projects LowburnSubdFrost May07Design MinaretResMgmtPlan_090610.doc

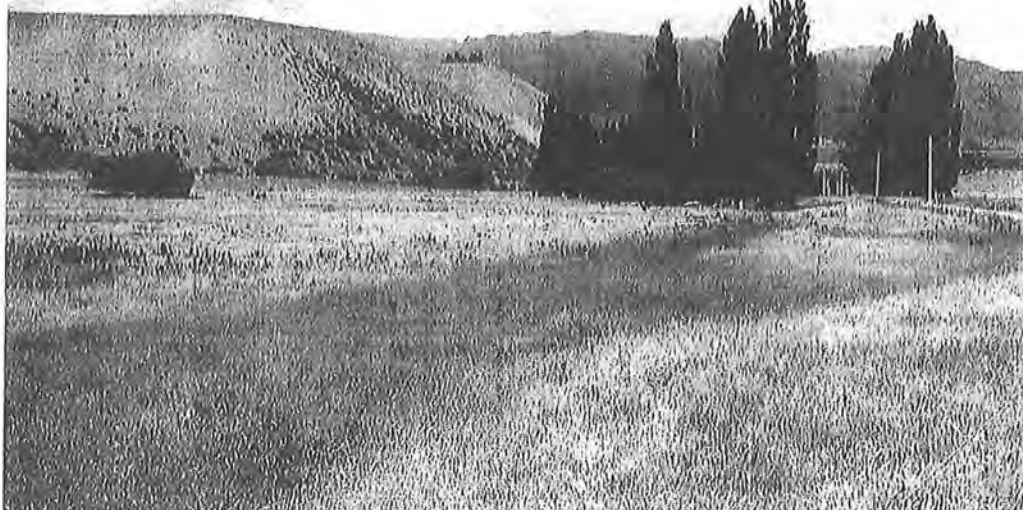


Figure 1 – Land Use Consent 2005.332



A handwritten signature in black ink, consisting of a series of loops and strokes, located at the bottom right of the page.

**Proposed Sugarloaf Subdivision
Lowburn
Flood Hazard Report**



June 2005

Prepared for Minaret Resources Ltd

by

**David Hamilton & Associates Ltd
P O Box 1420
Dunedin**

**Telephone: 03 454 3380
Fax: 03 454 3292
Email: david@davidamilton.co.nz**

Rd just after the flood have also been obtained from CODC records. A selection of these are shown as Figure 5. Silt and debris lines are evident in a number of the photos.

The Swann Rd culvert was washed out in the 1999 flood. This 1.8m diameter culvert should have been able to take about 9 -10 m³/s. Inspection of the video indicates that the flood was probably about 2.5 -3 times the capacity of the culvert, or say 25-30 m³/s. This flood also resulted in some bank erosion and some earthworks have been undertaken by ORC in the channel to limit the bank direct attack. In a major flood further erosion can be expected.

Regional flood estimation (Flood Frequency in New Zealand, McKerchar & Pearson, Publication No.20 Hydrology Centre, Christchurch, 1989) analysis produces:

$$Q_{\text{mean annual flood}} = 0.53 \times \text{Area}^{0.8}$$

that for the 46 km² catchment yields

$$Q_{\text{MAF}} = 11.3 \text{ m}^3/\text{s}$$

Return Period	Regional Flood Multiplier of MAF	Standard Error of Estimate	Design Flood m ³ /s
Mean Annual Flood 1:2.3	1.0		11.3 m ³ /s
1:10 year AEP	1.83	20%	21 m ³ /s ± 4 m ³ /s
1:20 year AEP	2.19	23%	24.7 ± 6 m ³ /s
1:50 year AEP	2.65	26%	30 m³/s ± 8 m³/s
1:100 year AEP	3.0	28%	34 m ³ /s ± 10 m ³ /s
1:200 year AEP	3.35	29%	38 m ³ /s ± 11 m ³ /s

Table 1: Design Flood Estimates

These estimates seem to be realistic when compared with the 1999 flood information. The 1:100 AEP flood represents a flood flow of 0.74 m³/s/km². A check on other large Central Otago floods for comparisons of specific flood discharges has been done. The following table shows this information.

Catchment Name	Catchment Area km ²	Flood date	Flood Flow m ³ /s	Specific Flood Discharge m ³ /s/km ²
Manuherikia at Falls Dam	360	1995	360	1.0
Dunstan Creek at Gorge	157	1995	130	0.83
Lindis River at Lindis Peak	542	1995	273	0.50
Lower Manorburn Dam	398	1995	114	0.29
Fraser at Laing Rd	245	1995	75	0.31
Arrow River at Beetham	245	1995	130	0.53
Cardrona R at Albert Town	346	1999	124	0.36
Nevis at Wentworth	689	1999	954	1.38

Table 2: Comparison with other catchments

Lowburn Cross Sect	Flood Design Level m		Building Platform	Comment
	34 m ³ /s	50 m ³ /s	Lot No	
XS 1	198.1	198.3	1	Downstream bdry
XS 2	199.5	199.7	1,2,3,4	Access crossing
XS 3	204.2	204.5	5	
XS 4	208.5	208.7	6,7,12,13	
XS 5	212.5	212.7	10,13	
XS 6	215.7	215.9	11	
XS 7	216.8	217.0	14	Upstream property

Table 3: Flood water levels for design and superdesign events

The proposed building platforms as shown on the proposed subdivision plan 23 June 2005 are all above both the 50 and 100 year AEP events in the Lowburn.

8. Building Sites

Building sites have been identified on Lots 1-14 in the Lowburn Valley. There is one other lot in the valley (Lot 17) that is to be vested as road. The other lots either have no building sites identified or are on the high terrace well above flood level and these would be subject to only on-site rainfall ponding rather than off-site water. Surface flooding on this permeable ground is not expected to be an issue on these sites assuming that roof, road and driveway runoff is taken into account when locating any buildings and wastewater disposal fields.

The three gullies appear to have been formed naturally, rather than during gold mining operations. The approximate catchment area of each of the three gullies is over 100ha. The 1999 flood video showed fine silt deposition on these fans. These gullies have fans that could cause problems during heavy rain if not diverted from the building platform areas by low deflector banks of approximately 1m height. The high terrace slopes behind and north of the building sites could also generate sufficient runoff to cause local problems if not provided for by similar banks. These could be appropriately landscaped and should aim to not concentrate flows onto neighbouring land. It may be suitable for two or more lots to share facilities.

If flows are concentrated then a consent may be required for diversion. Under the Regional Plan: Water discharge of stormwater (Section 12.4.1) and drainage water (Section 12.5.1) are permitted activities subject to certain conditions. The conditions include "the discharge does not cause flooding of any other person's property, land instability, sedimentation or damage." If the conditions are not met then the activity is a restricted discretionary activity, for which a resource consent is required.

A diagram of these deflector banks is attached as Figure 7. These may be required for all of Lots 1-11, and Lot 14. Detailed design of these deflector banks should be carried out when the final location of the building on each lot is being determined. Lots 12 & 13 adjacent to Lowburn Valley Road are satisfactory from local stormwater.

acceptable to the ORC engineering section. The works are considered to be a defence against water. They will not increase water levels nor redirect floodwaters onto other lands. The longsection and representative cross section of the proposed work is shown as Figure 15. Earthworks for the bank total about 920 m³. Rip rap quantity is 190 m³.

Associated with the longitudinal works it is also considered that:

- Minimum building platform level shall be at least RL 209.5 or 0.5m above ground level whichever is the higher for Lot 12.
- Minimum building platform level for Lot 13 shall be RL 208.5 or 0.5m above ground level whichever is the higher.

10. Consenting Issues

10.1 Flood hazard

The house sites shown on the plan of the subdivision (PPP Plan – Proposed Subdivision C1057.1.1.10D) are safe from a flood on the Lowburn or the side gullies that has a 1% AEP (annual exceedance probability), a better standard than required by the Building Act 1991, subject to the following remedial works:

- (1) buildings on Lots 1 & 2 shall have a minimum floor level of 200.0 m asl.
- (2) Deflector banks and channels for houses located on Lots 1-11 and 14 to divert surface runoff from the terrace slopes and fans to their north
- (3) Set back of all houses a minimum of 15 metres from the top of the terrace above the north or true left bank of the Lowburn.
- (4) Minimum building platform level shall be RL 209.5 or 0.5m above natural ground level whichever is the higher for Lot 12.
- (5) Minimum building platform level shall be RL 208.5 or 0.5m above natural ground level whichever is the higher for Lot 13.
- (6) Rock protection facing to a low bank be constructed in front and upstream of Lots 12 and 13 building platform sites as shown on the drawings. Detailed design subject to survey and approval by the Otago Regional Council for a defence against water.

10.2 Management Issues

The following management issues should be provided for in consent conditions:

- (a) Dwellings on Lots 1-14 be located where shown on the building platforms on the plan of the subdivision and that this be enforced by a consent notice.
- (b) That deflection banks/diversion channels for Lots 1-11 and 14 be designed and supervised by a suitably qualified professional engineer, prior to the issue of a building consent, and that this be the subject of a consent notice to be registered on the titles.

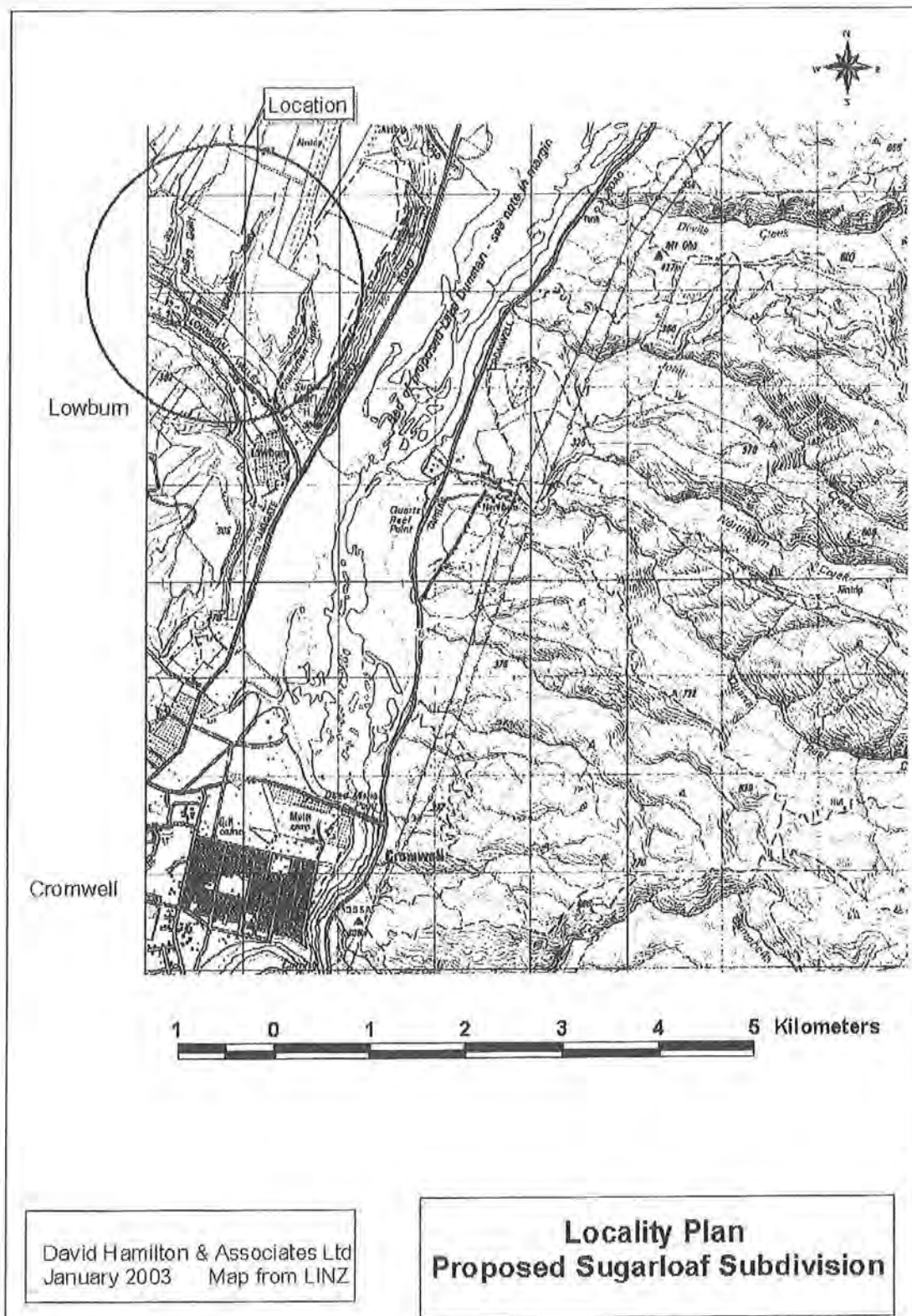
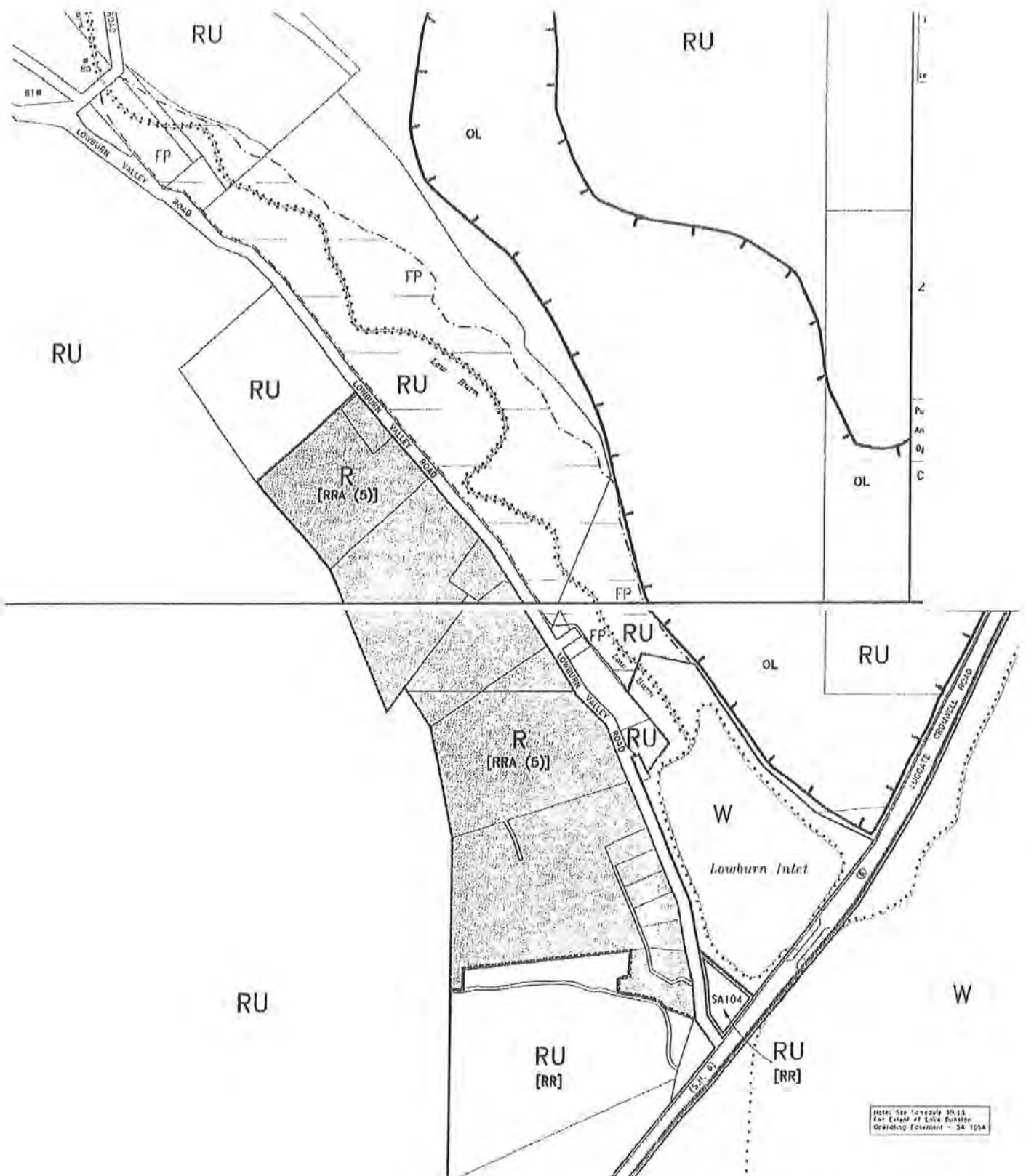


Figure 1



Flood Hazard (FP) area in CODC District Plan

Figure 3

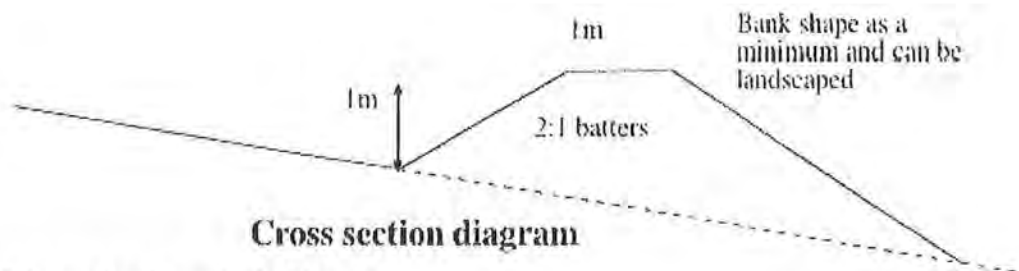
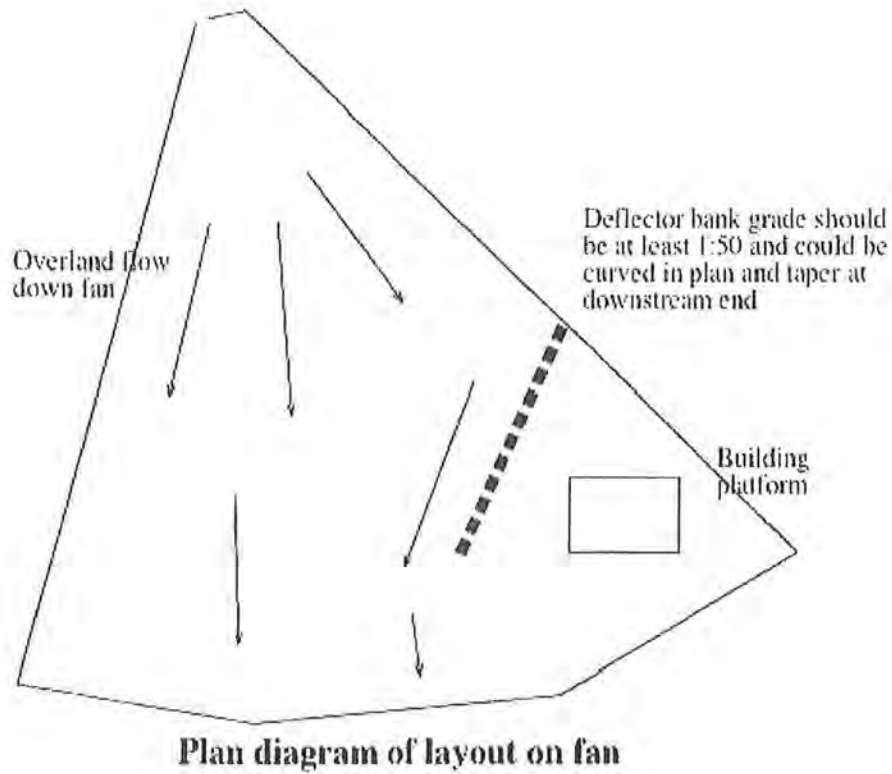
Proposed Sugarloaf Subdivision Flood Hazard Report



David Hamilton & Associates Ltd Jan 2003

**Proposed Sugarloaf
Subdivision
Lowburn
November 1999
Flood Photos**

Figure 5



Final design details required with each building

----- **Proposed Sugarloaf Subdivision
Diagram of deflector banks
recommended Lots 1-11 & 14**

David Hamilton & Associates Ltd

Figure 7

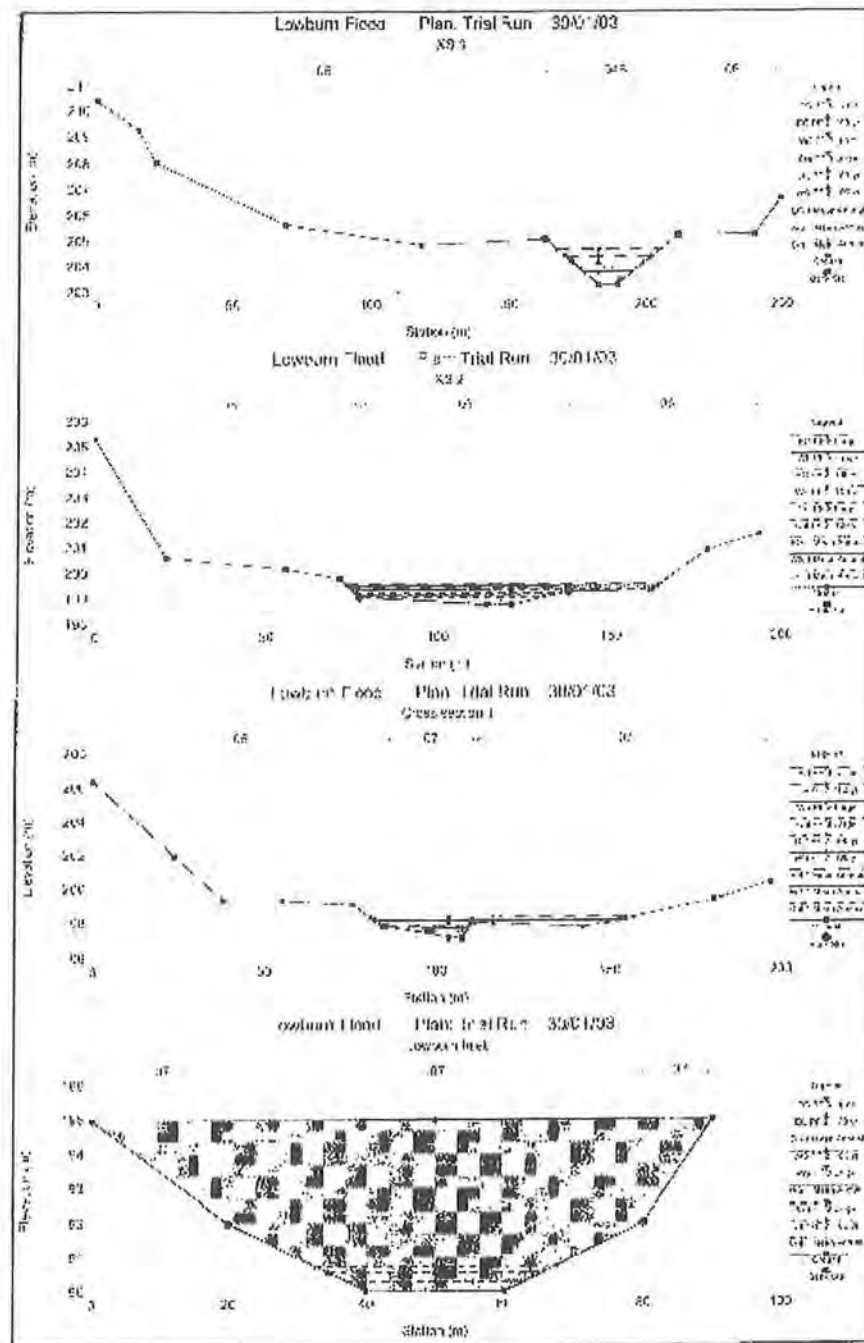


Figure 9a: Lowburn Cross Sections with Design Flood Information

Table 4: Hydraulic Parameters

Reach	River Sta	Profile	Q Total (cfs)	Min. Chl El (ft)	W.S. Elev (ft)	Ort W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (ft ²)	Top Width (ft)	Floods # Chl
Lower	70	1 Mean Annual	11.00	215.53	216.18	215.04	216.25	0.011501	1.05	8.77	18.85	0.50
Lower	70	PF 2 100 yr	31.00	215.58	216.26	215.31	216.74	0.005017	1.84	18.46	28.62	0.50
Lower	70	PF 3 Large	50.00	215.68	216.65	215.81	217.62	0.004901	1.84	28.90	31.52	0.58
Lower	60	1 Mean Annual	11.00	214.27	215.02	214.51	215.12	0.012500	1.49	7.26	16.49	0.71
Lower	60	PF 2 100 yr	31.00	214.27	215.35	215.35	215.52	0.015530	2.14	14.50	22.39	0.65
Lower	60	PF 3 Large	50.00	214.27	215.67	215.67	215.91	0.015817	1.85	20.55	123.49	0.65
Lower	50	1 Mean Annual	11.00	211.73	212.18	212.19	212.28	0.005531	1.35	7.91	41.53	1.01
Lower	50	PF 2 100 yr	31.00	211.73	212.76	212.35	212.53	0.005250	1.65	13.57	57.68	1.00
Lower	50	PF 3 Large	50.00	211.73	212.50	212.50	212.57	0.007427	1.84	27.65	65.13	0.95
Lower	40	1 Mean Annual	11.00	207.56	208.15	209.07	208.21	0.013372	1.07	10.29	29.52	0.67
Lower	40	PF 2 100 yr	31.00	207.56	208.38	208.28	208.49	0.014329	1.45	21.04	52.42	0.73
Lower	40	PF 3 Large	50.00	207.56	208.59	209.44	208.70	0.014543	1.52	34.13	51.95	0.74
Lower	30	1 Mean Annual	11.00	203.27	203.78	202.76	203.55	0.026553	1.84	5.99	17.51	1.00
Lower	30	PF 2 100 yr	31.00	203.27	204.13	204.13	204.40	0.024384	2.31	13.41	25.12	1.01
Lower	30	PF 3 Large	50.00	203.27	204.50	204.35	204.88	0.025295	2.55	9.63	30.17	1.01
Lower	20	1 Mean Annual	11.00	186.74	187.17	186.05	187.19	0.007571	0.72	15.30	58.14	2.45
Lower	20	PF 2 100 yr	31.00	186.74	187.58	186.21	187.43	0.006364	1.59	30.07	87.77	0.51
Lower	20	PF 3 Large	50.00	186.74	188.11	186.90	187.18	0.006207	1.30	41.90	90.15	2.51
Lower	10	1 Mean Annual	11.00	187.15	187.15	187.57	187.68	0.017500	1.75	5.24	23.12	1.01
Lower	10	PF 2 100 yr	31.00	187.15	188.00	187.00	187.18	0.041065	1.55	15.57	59.12	0.82
Lower	10	PF 3 Large	50.00	187.15	188.15	186.15	187.55	0.056577	2.14	23.60	59.83	0.82
Lower	02	1 Mean Annual	11.00	180.00	187.00	180.70	187.00	0.000000	0.00	184.98	90.00	0.00
Lower	02	PF 2 100 yr	31.00	180.00	187.00	180.55	187.00	0.000002	0.00	184.98	90.00	0.01
Lower	02	PF 3 Large	50.00	180.00	187.00	180.75	187.00	0.000005	0.11	184.98	90.00	0.01

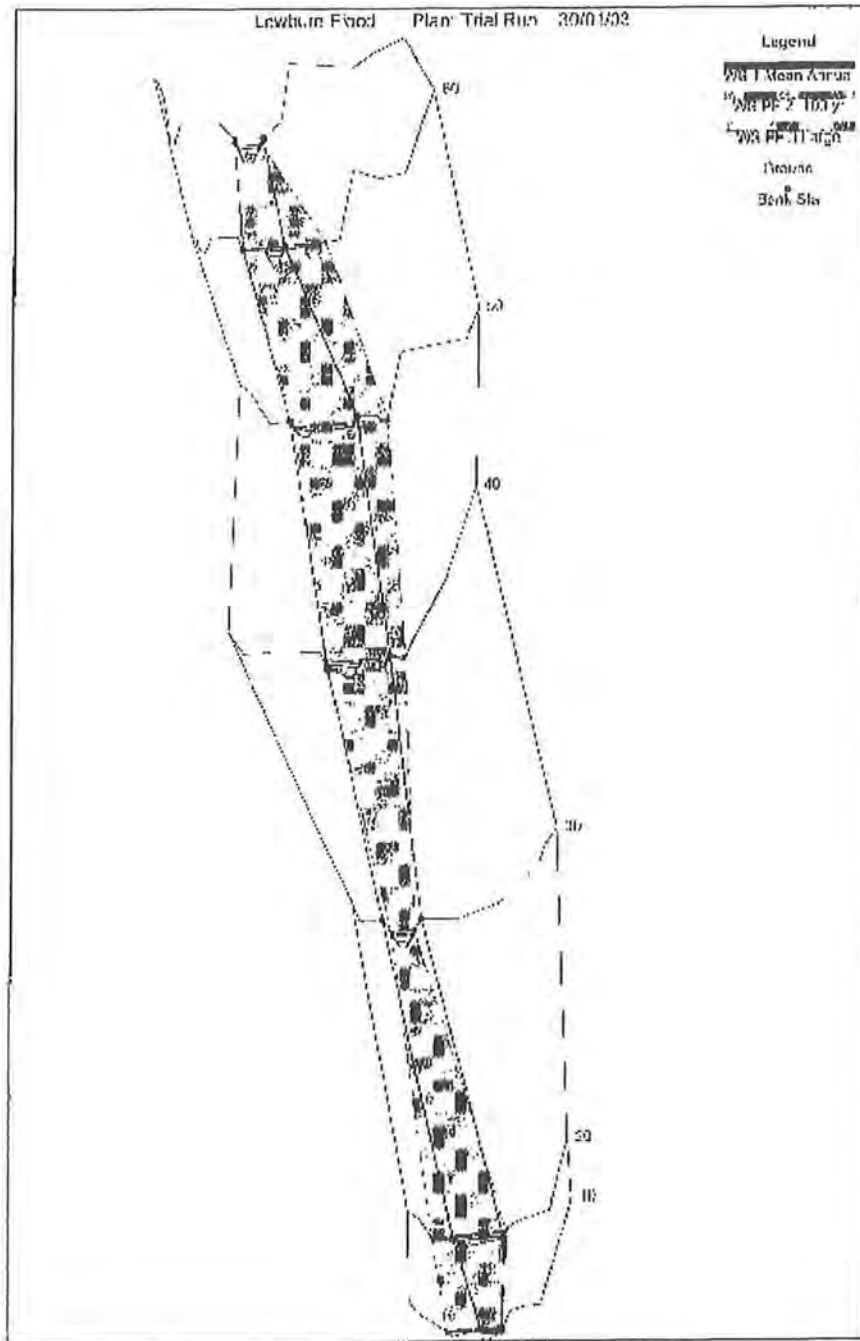


Figure 11: Perspective view of Lowburn Channel with cross sections



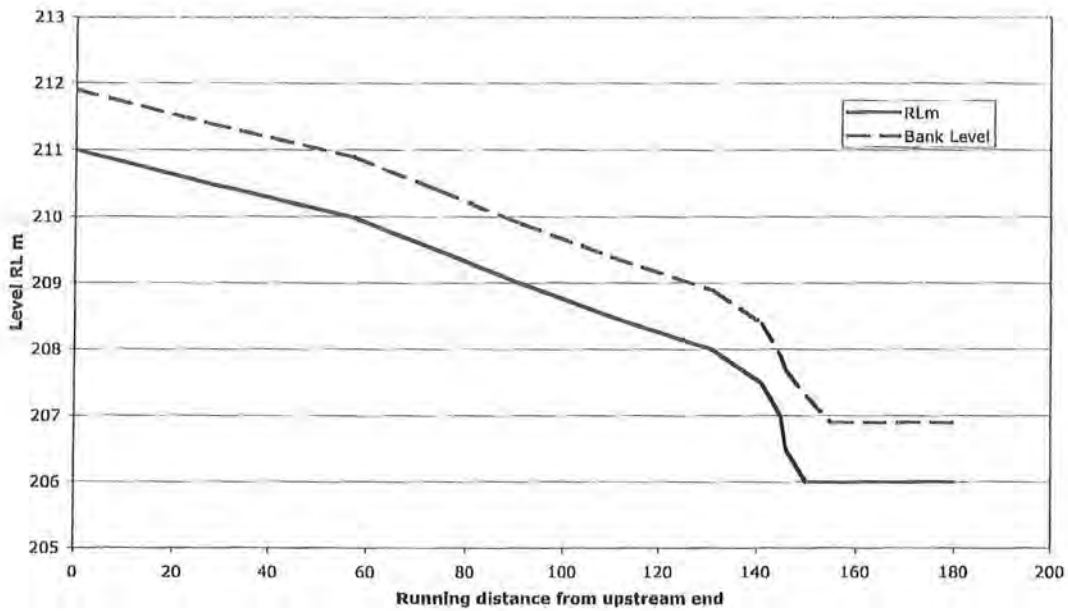
Looking upstream from cross section 5 showing two year old plantings established on right bank at this location



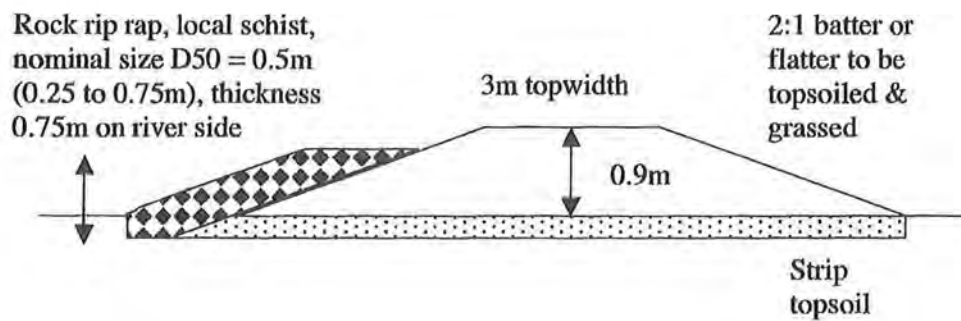
Looking downstream from just below cross section 3 towards existing ford and proposed access road crossing site

**Figure 13:
Lowburn Photos
22 June 2005**

Lowburn Proposed low bank Lots 12 & 13



(a) Longsection



(b) Representative Cross section (diagrammatic)

Figure 15: Longsection and Cross Section of Proposed right bank works

Proposed Sugarloaf Subdivision Lowburn Access Road Crossing

David Hamilton & Associates Ltd

1. Introduction

A new subdivision is proposed at Lowburn. The developer is seeking to create a number of rural residential sections and requires an access road across the Lowburn. Flooding in 1999 has provided a sound base for assessing the flood risk at this site. An existing access road to an orchard and the old airfield crosses the Lowburn and this crosses the natural riverbed. It is desired to provide a crossing that will improve access by construction of a ford or bridge and limit the requirements for vehicles in the riverbed itself.

2. Location

See attached locality plans (Figure 1,2 and 3). The site is at Map Ref. G41: 113719 on the Lowburn about 200m upstream from the Lowburn Inlet.

3. Site & Catchment Area Description

The catchment area is 46 km². The elevation at the site is about 198m asl. The top of the catchment reaches 1691m at Mt Dottrel on the Pisa Range. The catchment is primarily used for extensive grazing of tussock and improved pasture. Some orchards and vineyards occupy small blocks in the lower part of the catchment.

The valley floor that was affected by the 1999 flood was some 80m wide at this point. The active riverbed is only about 8m wide at this point. The valley slope is relatively steep at about 0.020 or 1 m per 50m. There are a number of willows downstream that affect the flow but are having a positive effect on limiting bank erosion. Clearance of fallen limbs should however be carried out. One old willow will need to be removed. The stream can carry significant quantities of sediment during freshes and floods. State Highway 6 was originally served by a ford across the Lowburn near the Lowburn Hotel before the road was relocated with the formation of Lake Dunstan.

4. Otago Regional Council Design Standards

The ORC have advised that they consider rural roads should have a design standard to pass the 50-year return period flood as follows:

Bridge Standard: Passage of the 50 year return period flood with a minimum clearance of 0.6m (for debris)

Culvert standard: Passage of the 50 year return period flood by overtopping of the embankment to a maximum depth of 0.2m, and
Passage of the 2-year return period flood with no heading up

Erosion Protection: Culvert inlet and outlet structures, rock lined channels should allow the passage of the 20-year return period flood flow without damage.

ORC want higher flows to be assessed for potential problems as well.

Catchment Name	Catchment Area km ²	Flood date	Flood Flow m ³ /s	Specific Flood Discharge m ³ /s/km ²
Manuherikia at Falls Dam	360	1995	360	1.0
Dunstan Creek at Gorge	157	1995	130	0.83
Lindis River at Lindis Peak	542	1995	273	0.50
Lower Manorburn Dam	398	1995	114	0.29
Fraser at Laing Rd	245	1995	75	0.31
Arrow River at Beetham	245	1995	130	0.53
Cardrona R at Albert Town	346	1999	124	0.36
Nevis at Wentworth	689	1999	954	1.38

Table 2: Comparative Flood Flows

The Lowburn flood estimates appear satisfactory from this comparison.

6. Lake Dunstan Levels

The level of Lake Dunstan in the 1999 flood is known to have been about 195.5m. The future design flood level of Lake Dunstan in approximately 90 years time for an inflow of 3200 m³/s has been estimated by Opus as 196.8m. A draft report by MacMurray 2002 on the sedimentation and predicted flood levels gives an ultimate equilibrium flood water level in Lake Dunstan at the confluence of the two arms as 199.28m around 2180 (189 years from the filling of the lake). This level could translate to a similar level in the Clutha Arm of the lake at the Lowburn Inlet. The Lowburn Inlet is infilling with silt but this is unlikely to be as significant as the Lake Dunstan ultimate flood level impact. For the access crossing design a Lowburn Inlet water level of 197.0m is used.

7. Survey Information &

Hydraulic Modelling of Channel through Subdivision

Paterson Pitts Partners surveyed 7 cross sections between Lots 1 and 11 on the Lowburn in January 2003. The spacing of the cross-sections is shown in Figure 3. Cross sections 1, 2 and 3 are shown in Figure 4 A, B, C.

These cross sections have been entered into a hydraulic modelling programme called HEC-RAS v 3.1. This software is produced by the Hydrologic Engineering Centre of the US Army Corps of Engineers and is a robust well-proven package. This indicated that some additional cross-sections would be required for full modelling of the length because of the steepness of the channel and the changes in cross sectional area between sections. This is not considered critical here in that the nature of results indicates that there is no danger of flood water depths from the Lowburn reaching the proposed building platform levels.

A start level of RL 195.5m at the inlet and various flows and various channel roughness coefficients (Mannings n) have been run back up to Cross section 7. A comparison of water widths and levels at various locations has been done for 30 m³/s as an assumed threshold for 1999 flood. The channel was reshaped after the 1999 flood and errors could well creep in by trying to model using the 2002 cross sections.

Using the same cross sections and a Mannings n of around 0.06 (varies as shows on the cross-sections) the model has been run for a Lake Dunstan level of 197.0m and

The proposed invert levels of the culvert will match the new channel grade but be depressed by 0.1m, and no hindrance to fish passage is envisaged. See Figure 6.

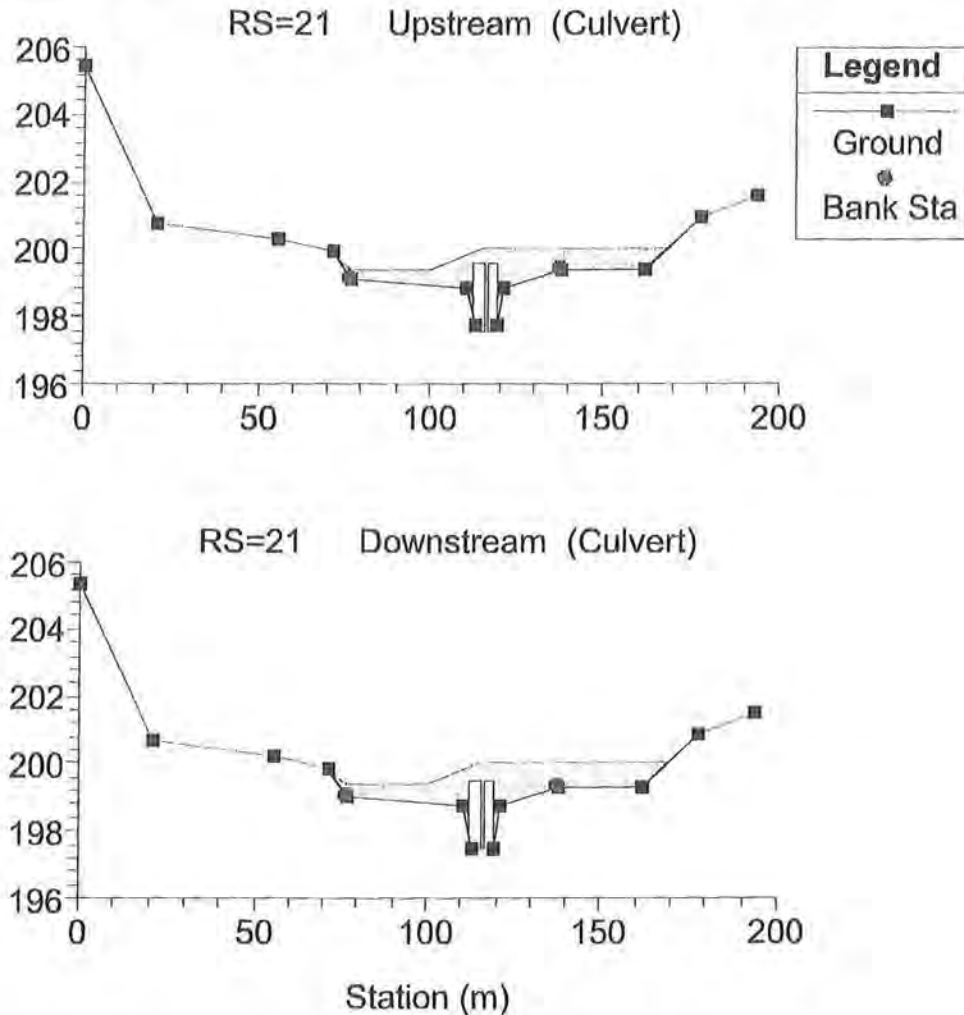


Figure 5: Cross sections upstream and downstream of box culverts looking downstream showing 31 m of low access road for major floods

The culvert design details are summarised in Table 4 derived from Hec-Ras. This shows that for a flow of $30\text{m}^3/\text{s}$ that $25.72\text{ m}^3/\text{s}$ is passing through the culverts and $4.28\text{ m}^3/\text{s}$ passing over the 31 metre low section of approach road (road level RL 199.4m) with an average depth of 0.20m. This meets the ORC criteria.

It is proposed to use rock rip rap at both entrance and exit to the culverts and on the downstream side of the overflow section of road. See drawings.

Discussions have been held with both Fish & Game and the Department of Conservation relating to the proposed culvert and bed deepening. Their comments have been incorporated in the design drawings. Modifications resulting from this consultation are:

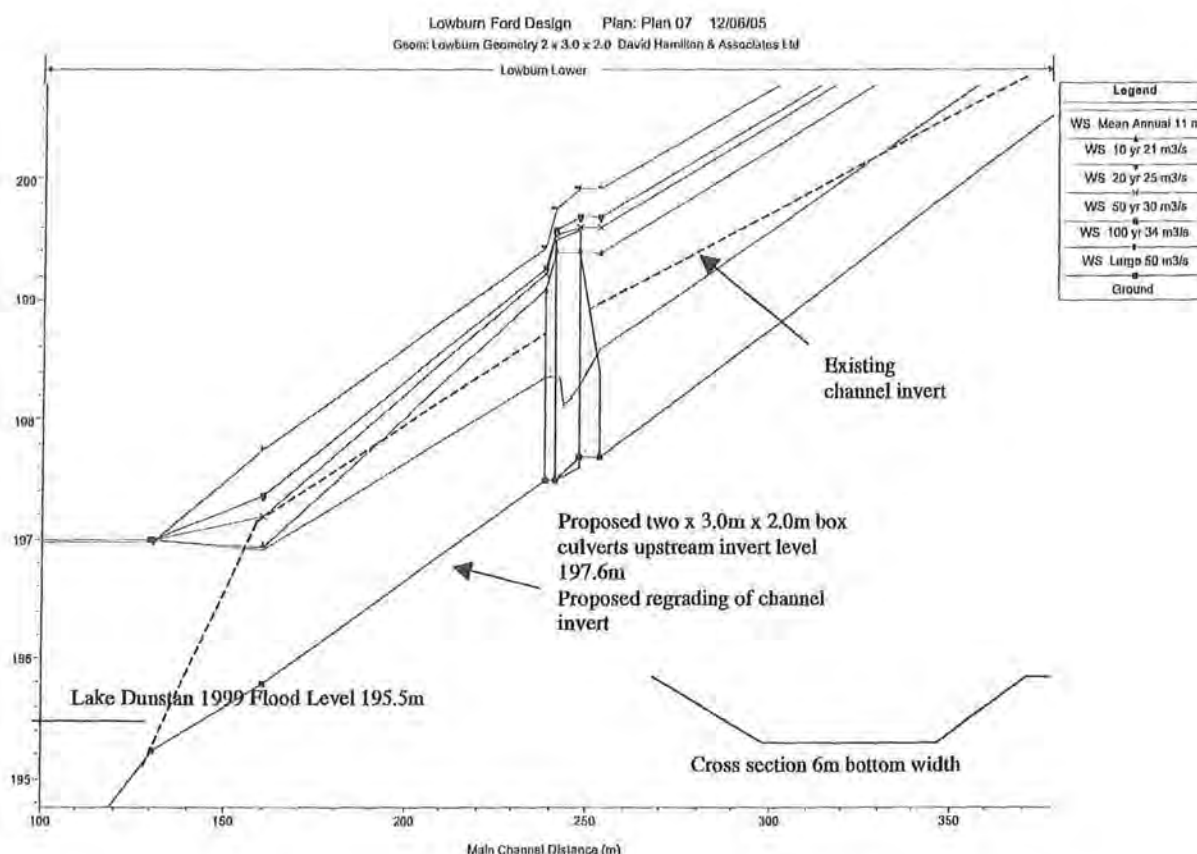


Figure 6: Design longsection near box culvert with the various flood flows shown
The average bed gradient will be developed with pools and riffles (see text)

9. Consents to be sought

The ORC Regional Plan: Water requires that a Land Use consent for the erection or placement of a structure and for the alteration of the bed of a river be sought. The gravel extraction for the lowering of the bed will provide material for the approach roading, proposed low bank (defence against water) for Lots 12 and 13 and will require a consent.

Temporary diversion of the Lowburn to enable culvert construction is a part of the application. This is considered to be a permitted activity in terms of Rule 12.3.2.3 as it is a diversion being carried out for the purposes of allowing the erection and placement of a lawful structure, and the other conditions can be met

This report with attachments should provide sufficient details for the proposed access crossing.

The ORC consents to be sought, including those for placement of the gravel are:

- Schedule 1: General Consent Application Details
- Schedule 10: Access crossing, Defence against water

10.3. Assessment of Effects

a. Natural and human uses

The existing creek bed runs primarily through private land. At the downstream end the Lowburn runs through the Crown land and into the Lowburn Inlet that is part of the operating easment for Lake Dunstan. Any works in this area will be to remove willow blockages of the stream and to taper out the channel regrading. Apart from the few days when the machinery is operating no hindrance to public access will be involved. Fish passage will not be impeded by the culvert as it will be laid at or slightly lower than the existing invert level. The Fish & Game Otago have been consulted as to timing for the works and the preferred time is when the Lowburn dries up normally January-February-March and prior to the spawning season. Doc would also prefer the work to be carried out when there is no flow.

b. Natural character

The creek was substantially reworked after the 1999 flood. There was disturbance by nature to the natural character up and downstream of the site and then reshaping to provide a more natural low flow channel. The forming of the access crossing will change the character in the immediate vicinity. The proposed pool/riffle development will provide good habitat directly and this will naturally develop from this start. It is envisaged that the existing character may take two to three years to mellow with natural revegetation again after the proposed works

c. Amenity values

The channel will be similar to present up and downstream of the access crossing. Amenity values are not expected to be significantly affected.

Trout use the Lowburn for spawning. April to September is the main period involved. With the section of the channel normally being dry for some weeks a year in summer-autumn the best timing for the work would be over this period. Loss of amenity would not be significant should these conditions prevail. The proposed pool/riffle reinstatement

d. Other users

There are not other users in this area at present.

e. Movement of water or sediment

The stream naturally can carry high bedload and debris during storm events. The culvert design is aimed to keep moving through the site although if large willow branches or major sediment loads arrive at the culvert it is expected that blockage could occur. The proposed works provide an overflow waterway on the left bank. If this is used the water would flow back into the channel downstream before the Lowburn Inlet

When material has accumulated in the channel blocking the culvert it is proposed that machinery will periodically be needed to enter the channel for the purposes of returning the culvert waterway area and the rock rip protection to the design profiles.

Development of a pool/riffle arrangement within the overall new average gradient is proposed as reinstatement works following gravel extraction.

10.8. Reclamation or deposition of a substance

The only substances that have not been reworked from the existing bed and banks will be imported rock rip rap. At this stage the exact source of this has not been identified. It is likely to be schist rock obtained from other construction activity in the Cromwell-Mt Pisa area. The schist rock is a local material and will blend into the landscape satisfactorily. Construction of the low bank for Lots 12 & 13 will use local material.

11. Conclusion

A double barrelled box culvert is a practical option for the access road with provision for up to 1:50 AEP flows to pass through the culvert and with no more than 0.20 m spill over a low section of road on the true left bank. Larger flows would also spill out the left side. Rip rap protection upstream and downstream of the box culverts and the overspill section of road will limit damage in these larger events. Some repair work should be expected in the larger events.

The regrading of the channel for hydraulic capacity purposes will also provide gravel for the approach roading and banking for Lots 12 and 13 upstream. This banking is to provide a conservative, belts and braces approach for Lots 12 and 13. There is considerable floodway capacity with the overall floodway width from the proposed bank on Lot 12 to the opposite left bank of 170 metres.

David Hamilton

F.I.PENZ

David Hamilton & Associates Ltd

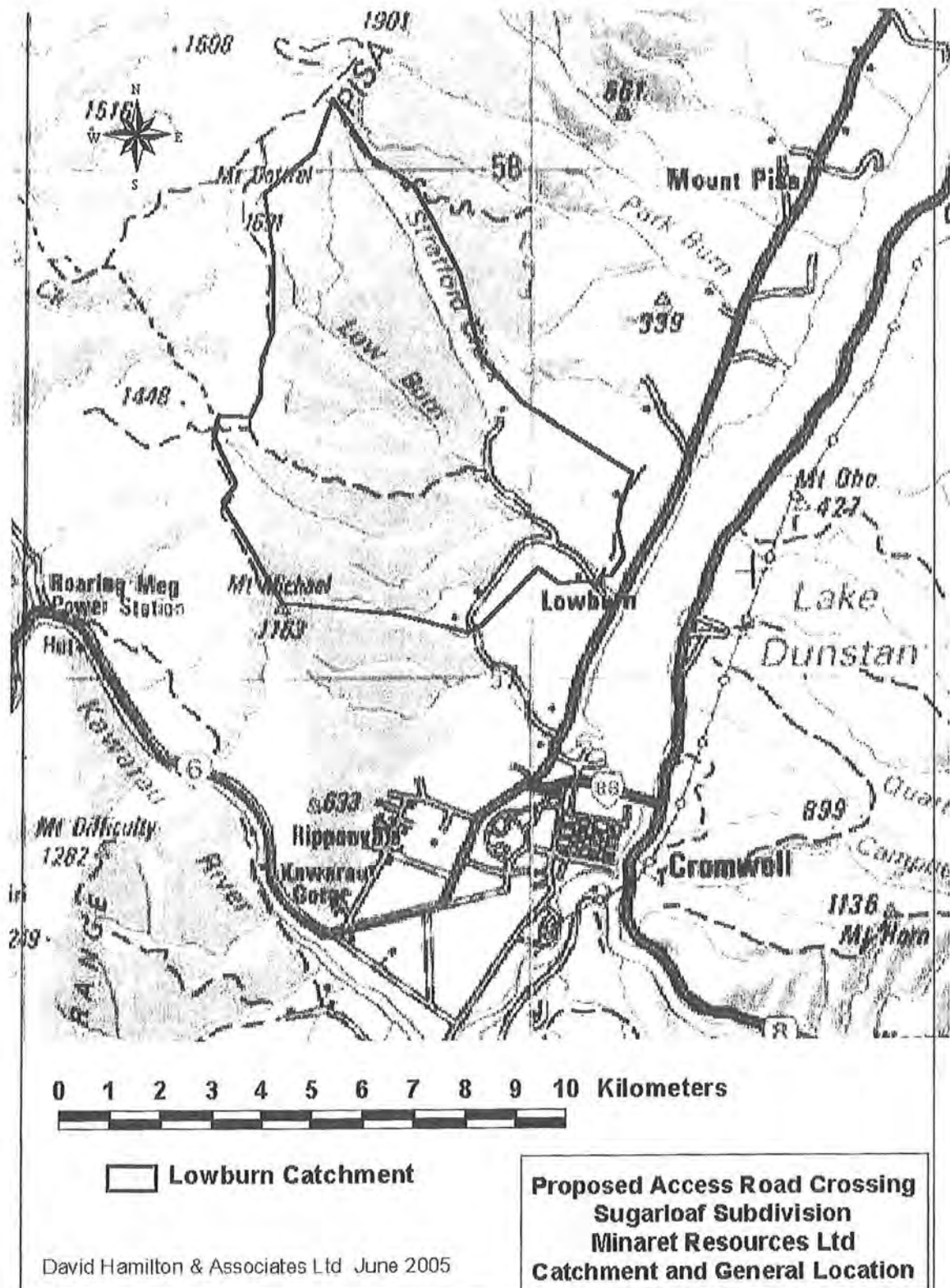


Figure 1

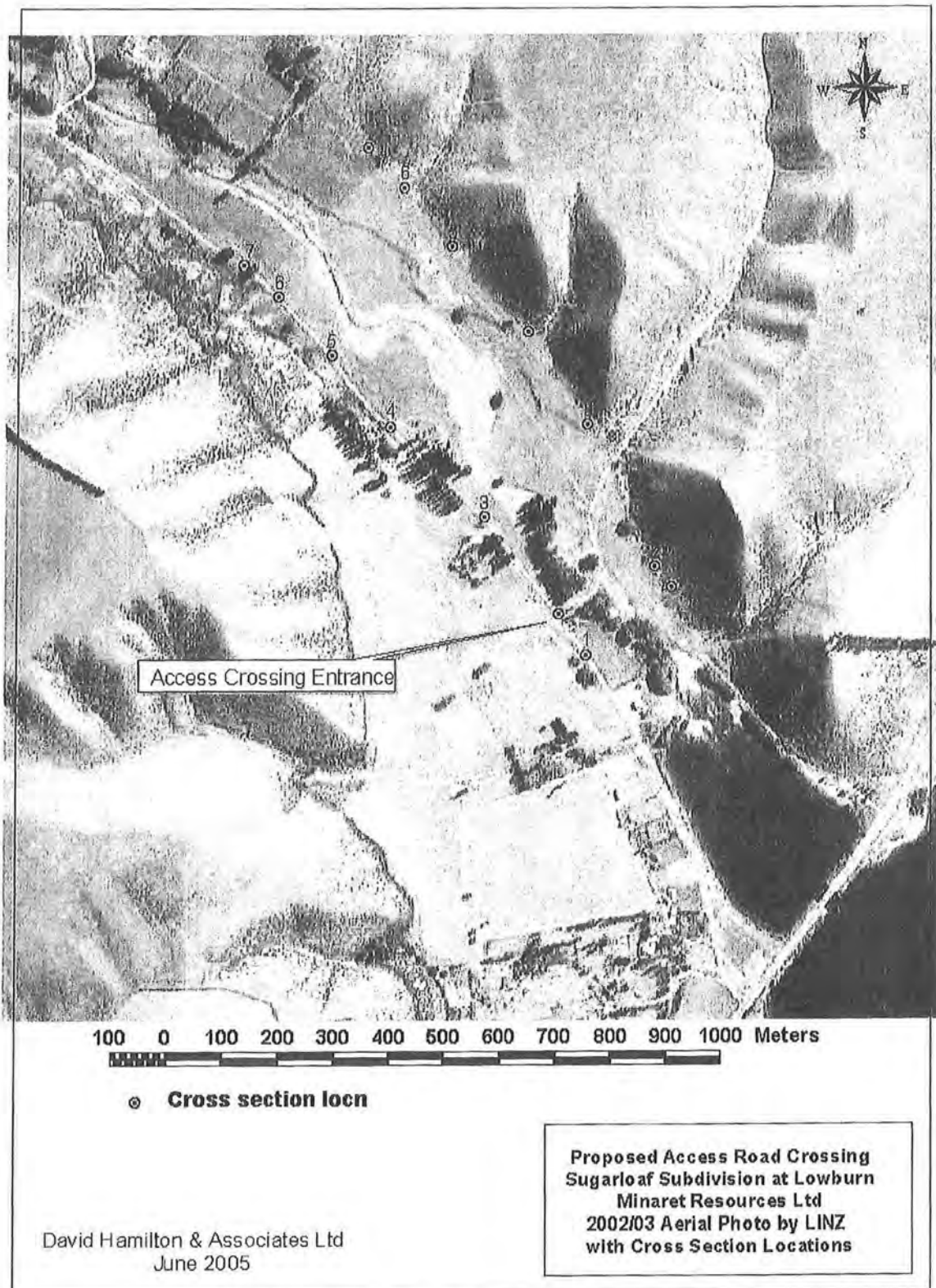


Figure 3

Proposed Sugarloaf Subdivision Flood Hazard Report



Swann Rd
and adjacent
washout



Middle reaches
of proposed
subdivision shows
bank erosion



Site of access
road crossing
Lots 1 & 2

Lowburn
November 1999
Flood Photos
from Video

David Hamilton & Associates Ltd Jan 2003

Figure 5

32m overflow section of road

Two x 3.0m x 2.0m Box Culverts
Zero Cover Highway Loading

Rip rap nominal size D50 at 0.5m, thickness 0.8m

Rip rap inlet and outlet rock splayed at 45 degrees

Batter slopes of channel and road embankment are 2:1

Plan View

Road Level Weir RL 199.4m

Road Level RL 199.7m

Road Level RL 199.9m

0.2m crossfall over 6.8m

Rip rap nominal size D50 at 0.5m
Thickness 0.8m

CL Upstream Invert RL 197.6

2 degree crossfall for low flow

Upstream Elevation

Scale at A4: 1:100

Proposed Lowburn Access Road Crossing Sugarloaf Subdivision

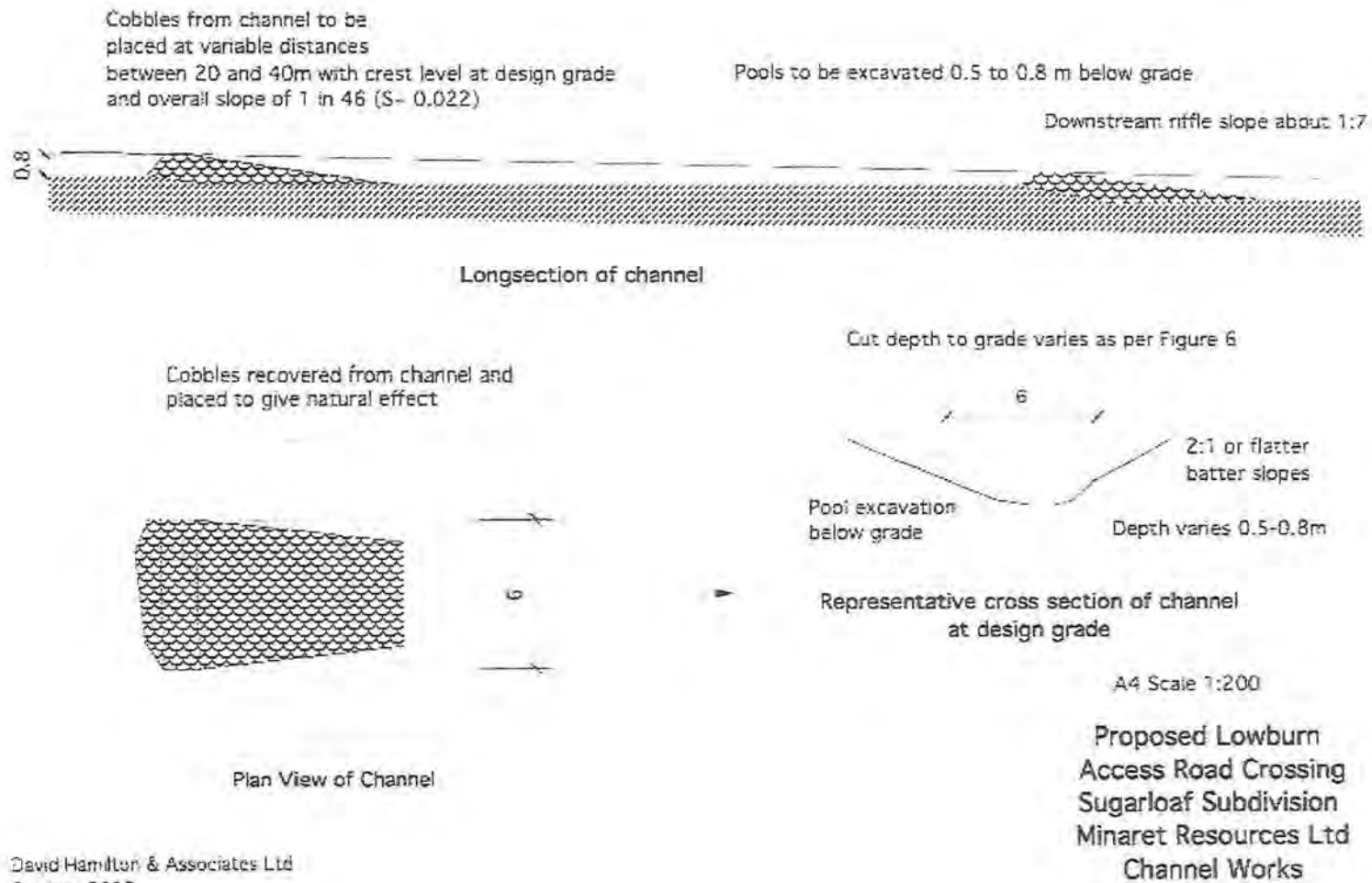
David Hamilton & Associates Ltd

Scale at A4: 1:100

Proposed Lowburn
Access Road Crossing
Sugarloaf Subdivision
Minaret Resources Ltd

Figure 8

Lowburn Access Crossing & Channel Regrading



David Hamilton & Associates Ltd
24 June 2005

Figure 10

Ken Higgle Ltd

Water Systems Consultant

Postal Address
PO Box 52,
Alexandra 9340

Office/Yard
305 Dunstan Road,
Alexandra

Contact
Phone & Fax 03 4487673
Cell phone 0274 716 411

email
khiggle@es.co.nz

Minaret Resources – Lowburn Subdivision Water System Design

1 February 2009

Description

- Bore supply with submersible pump pumping direct to lot connections
- Submersible pump controlled by demand - pressure switch/pressure tank
- Low level probe in bore
- Lot connections Acuflo restrictors
- Lot owners provide own storage
- 5 micron cartridge filter/UV treatment with solenoid shutdown in event of low UV transmission
- Pump/plant capacity to enable irrigation capacity to establish bund plantings in short term

Design Summary/Specs

Water Required

Lots	10
Allocation	10 @ up to 3,000 l/day each
Water required	up to 30,000 l/day

Water Available

Supply	Steel lined bore
Diameter	150mm
Total Depth	11.33m
SWL	3.43m
Top of leader	10.25m
Screen	1.0m x 140mm OD SS – 2.5mm slot
Test pump	1.9l/s for 2 hours with 0.85m DD and stable
Bore permit (ORC)	2008.538
Allowable take	25,000 l/day @ 1.5 l/s permitted under existing RWP (1,000,000 l/day permitted when RWP Plan Change 1C becomes operative)

Water Quality

Water analysis	As attached
----------------	-------------

No bacteria were present in test.

Turbidity (3.38 NTU) exceeds MAV (2.5) but will reduce with pumping and settling of the bore.

No other MAVs or GVs have been exceeded for determinands tested

Water Treatment

Bore protection	Sealed bore cap to be fitted
Pre filter	2 x 5 micron Jumbo (20" x 4.5") depth cartridges in parallel
UV reactor	Trojan Pro20 UV unit – capacity 1.26 l/s with 40 mJ/cm2 dosage with solenoid shutdown
Layout	As per attached schematic

Reticulation System

Storage	Min 1 x 30,000 l tank per lot provided by lot owner at time of building
Tobies	Acuflo SS restrictors 2.0 l/m (2,880 l/day) +/- 10% 300mm box with 350mm riser
Laterals	DN25PN12 MDPE blue pipe
Mains	1200m DN63PN12 MDPE blue pipe
Layout	As per attached plan

Bore pump Selection

Irrigation duties (Bund irrigation)

Lot	Sprinklers	Flow l/s	Head m
Lot 1	5	0.5	29.5
Lot 3	7	0.7	38.3
Lot 4	10	1.0	48.9
Lot 14	8	0.8	65.5
Lot 11	8	0.8	56.9

(Head is pressure required at start of 63mm main)

Maximum irrigation duties	Lot 4	Lot 14
Head required at start of main	48.9 m	65.5 m
Plant/filter loss	12.4 m	8.0 m
Filter clogging – allow	5.0 m	5.0 m
Pipe and fittings loss	0.8 m	0.5 m
PWL	<u>4.0 m</u>	<u>4.0 m</u>
Total Head	71.1 m	83.0 m
Duties	1.0 l/s @ 71.1 m	0.8 l/s @ 83.0 m

Domestic duties

Total restrictor flow	10 @ 2.0 l/m = 20 l/m = 0.33 l/s
Target Pumping hours	8 hrs per day
Target Pumping rate	1.0 l/s

To obtain 200 kPa residual at Lot 14 building platform (end of system and highest point)

Residual 200 kPa	20.4 m
Lateral loss (100m DN25PN12)	0.1 m
Restrictor loss	10.0 m
Main loss	0.3 m
Rise – Bore to Lot 14 platform	<u>32.0 m</u>
Required at start of main	62.8 m

With 62.8m head at start of main, and estimated on same basis as above, estimated platform residuals for lots are :-

Lot	Platform RL m	Platform Residual kPa
Lot 2	203	477
Lot 3	202	487
Lot 1	202	489
Lot 4	205	462
Lot 5	208	424
Lot 6	207	433
Lot 9	217	338
Lot 10	219	320
Lot 11	220	304
Lot 14	231	200

Head required at start of main	62.8 m
Plant/filter loss (0.33 l/s)	1.4 m
Filter clogging – allow	5.0 m
Pipe and fittings loss	0.8 m
PWL	<u>4.0 m</u>
Total Head	74.0 m

Duties 1.0 l/s @ 74.0 m

Pump selection Grundfos SP5A-17 1.5 kW
Capacity 1.1 l/s @ 80.7 m

Curve/specs as attached

Pump controls	Pressure switch/ Pressure tank
Pressure settings	700/900 kPa
Tank volume	450 litres
Pre-charge	630 kPa
Average pumping rate	0.9 l/s
Pump starts	8.75/hour – estimated maximum

Low water protection	Low level probe in bore
Pump Setting	Base of pump at 11.23m
Riser/pipework	40mm

System Capacity

Maximum system capacity (limited by treatment plant) would be 1.26 l/s (108,000 l/day) with appropriate restrictors fitted and 24 hours running per day

Attached :-

- Bore log
- Water analysis
- Grundfos SP5A-17 graph/specs
- Reticulation plan SL2

- System schematic SL3
- Trench specs
- Schedule
- Design Certificate

WATER TESTING LABORATORY

Lake Street Invercargill
 ph(03) 216 2189 fax (03) 216 2789

22-Dec-08

Lab Reference Number: B-12168

McNeill Drilling Water Test Report: Alexandra

Name: Frost
 Murray

Address:

Order No: D 66090

Date Received: 16/12/2008 10:00

Date Sampled: 17/12/2008 14:00

Sample Description: Water

Bacteriological Analysis

Test	Result	Units	Method
Total Coliform:	less than 1	Colony Forming Units per 100ml	(APHA 21ed 9222 B)
Faecal Coliform:	less than 1	Colony Forming Units per 100ml	(APHA 21ed 9222 D)
Enterococci:	less than 1	Colony Forming Units per 100ml	(APHA 21ed 9230 C)

Physical and Aggregate Properties

Test	Result	Units	Method
pH:	6.79		(APHA 21ed 4600-H+ B)
pH after Aeration:	7.06		(APHA 21ed 4600-H+ B)
Turbidity:	3.38	NTU	(APHA 21ed 2130 B)
Total Hardness:	48	mg per litre as CaCO ₃	(APHA 21ed 2340 C)
Calcium Hardness:	40	mg per litre as CaCO ₃	(APHA 21ed 2340 C)
Magnesium Hardness:	8	mg per litre as CaCO ₃	(APHA 21ed 2340 C)

Chemical Analysis

Test	Result	Units	Method
Iron:	0.19	mg per litre	(APHA 21ed 3500-Fe B)
Nitrate Nitrogen:	0.01	mg per litre as N	(NWASCO 38)
Ammoniacal Nitrogen:	0.02	mg per litre as N	(NWASCO 38)
Chloride:	2	mg per litre	(APHA 21ed 4500-Cl-B)
Manganese:	0.01	mg per litre	(APHA 21ed 3500-Mn B)

Bacteriologically this water sample showed no signs of contamination. A soft water sample.

A. Cooker
 Lab Manager

Works and Services Directorate

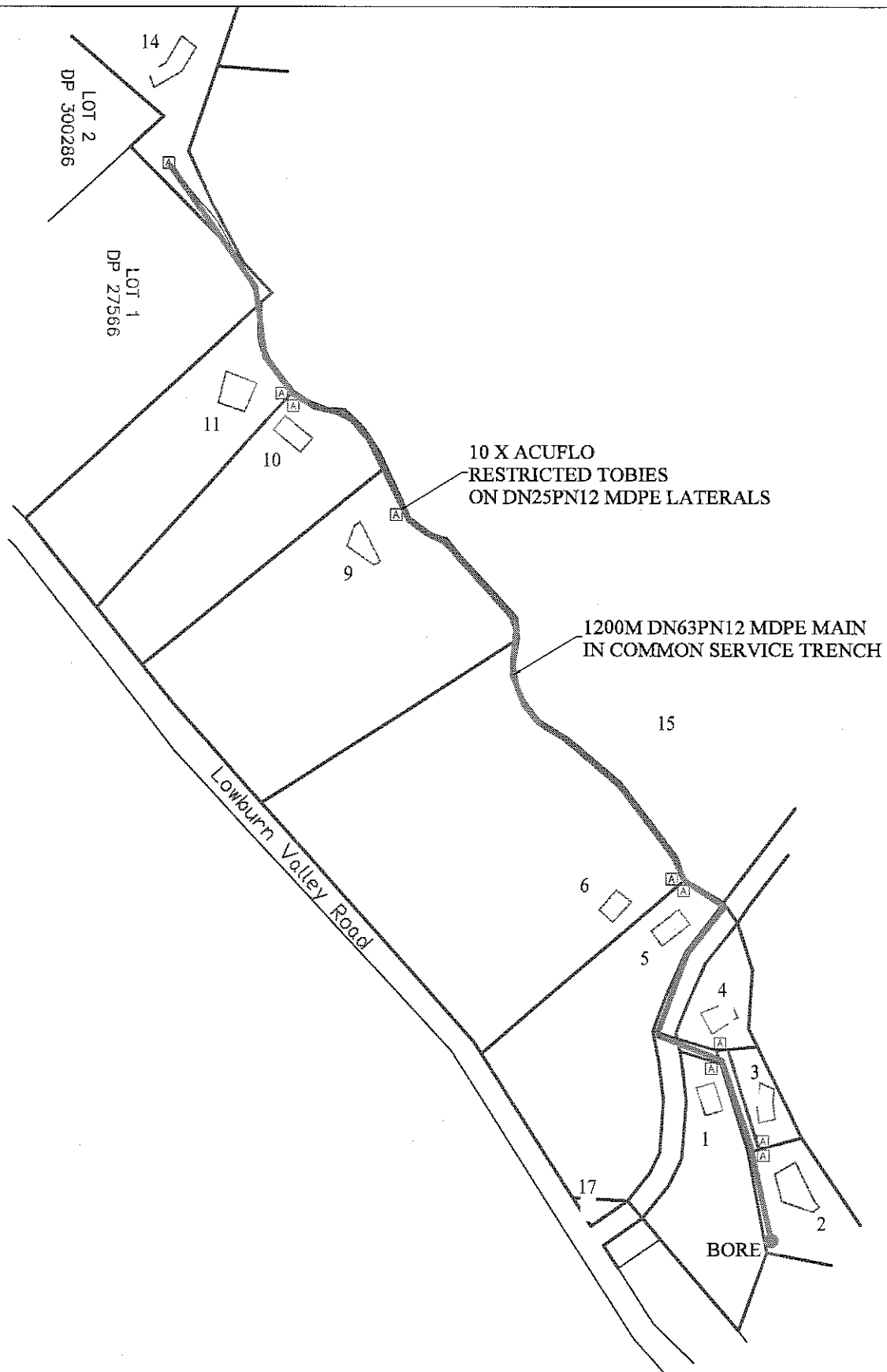
Civic Administration Building • 101 Esk Street • Private Bag 90104 • Invercargill 9840 • New Zealand
 Telephone: (03) 211 1777 • Fax: (03) 211 1432 • DX No. YA90023



1 P 9056 ON

McNeill Drilling / Pumping

22 Dec 2008 16:55



Ken Higgle Ltd

Water Systems Consultant

P.O. Box 52,
Alexandra

Phone/Fax 03 4487673
Cell 0274 716411
email khiggle@es.co.nz

DOMESTIC WATER SYSTEM FOR MINARET RESOURCES LOWBURN SUBDIVISION

DRAWN :- K. HIGGLE

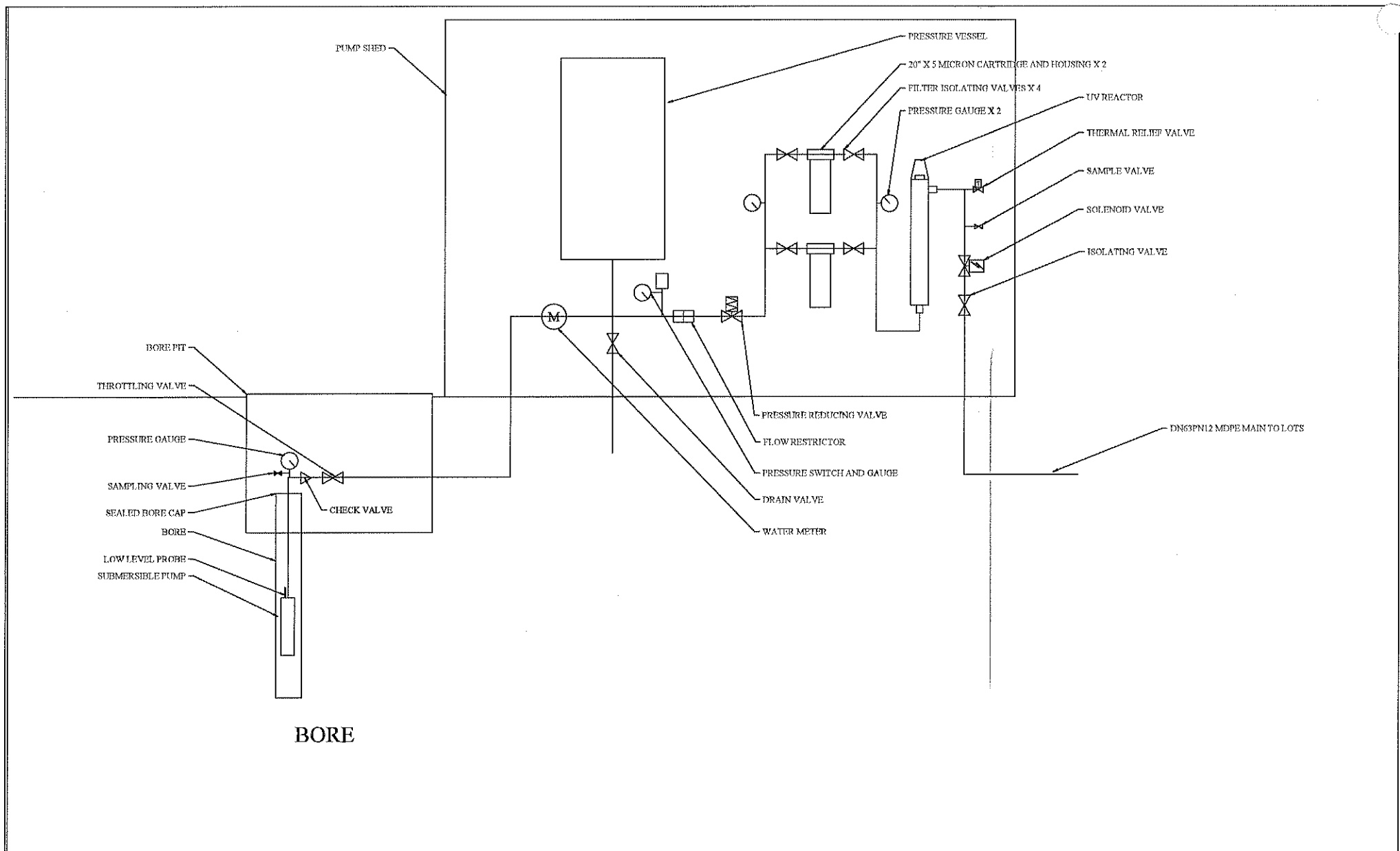
SCALE :- 1:5000 (A4)

REF :-

SL2

DATE :- 29/1/09

FILE :- P&H



Ken Higgle Ltd
 Water Systems Consultant,
 P.O. Box 52,
 Alexandra
 Phone/fax 03 4487673
 Cell 0274 716411
 Email khiggle@es.co.nz

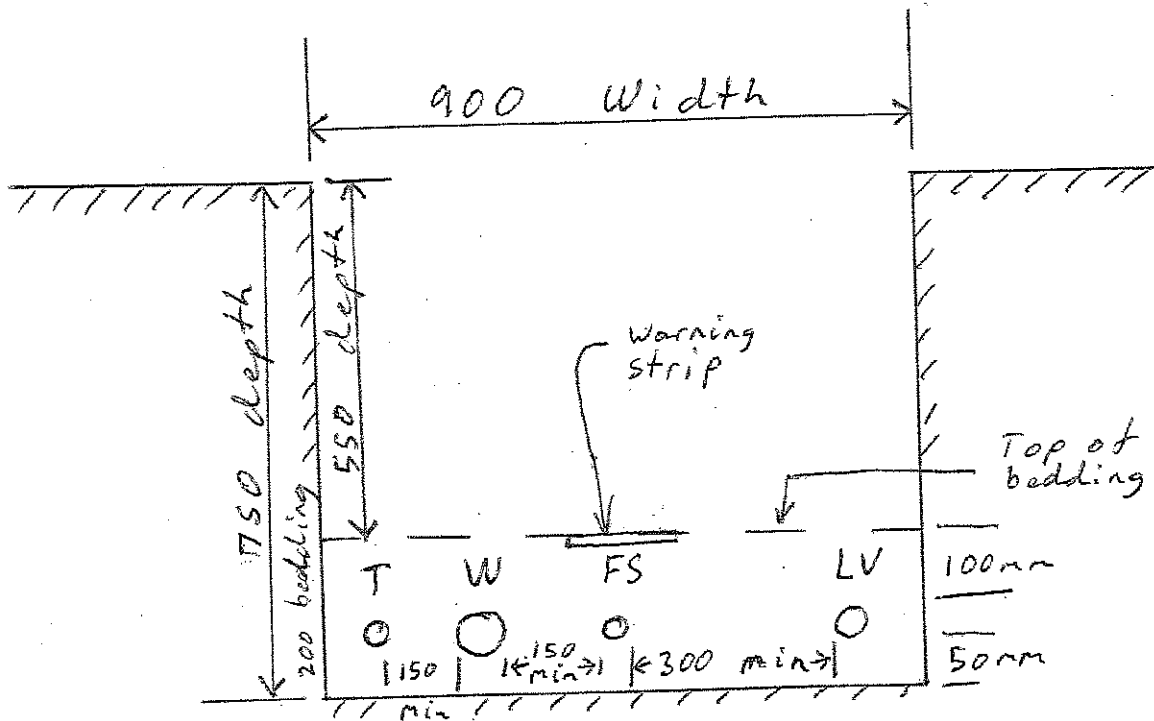
*DOMESTIC WATER SUPPLY FOR MINARET RESOURCES
 LOWBURN SUBDIVISION
 - PUMP STATION AND TREATMENT PLANT SCHEMATIC*

DRAWN :- K. HIGGLE
 DATE :- 31/1/09
 SCALE :- N.T.S
 FILE :- P&H

REF :-

SL3

Paterson Pitts Partners Ltd
Registered Surveyors
PO Box 84 Cromwell 9342



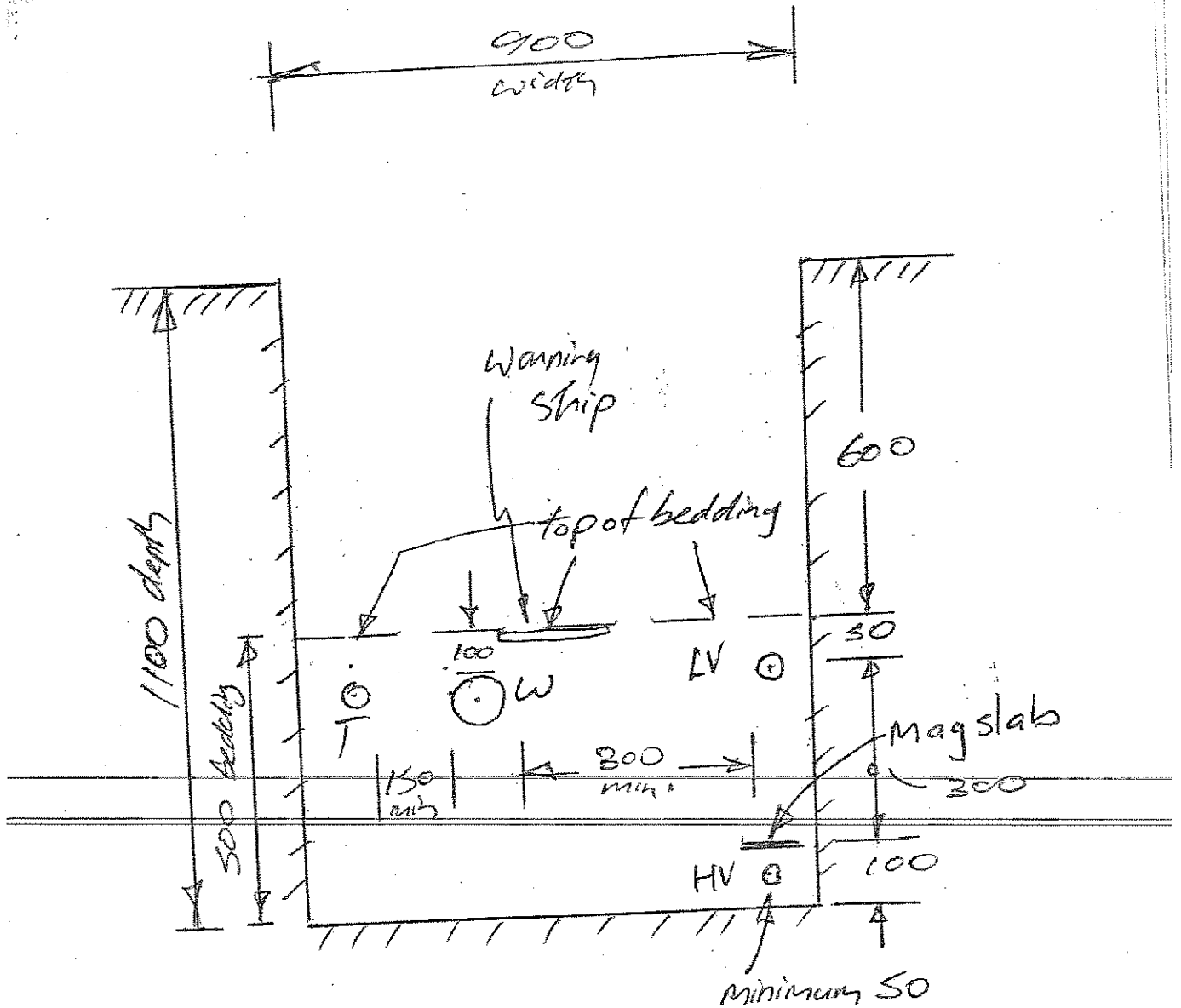
Sugar Leaf Subdivision

Utility Service Trenching Details

Low Voltage Power Supply

Bedding required $0.18 \text{ m}^3/\text{m}$ of trench

Paterson Pitts Partners Ltd
Registered Surveyors
PO Box 84 Cromwell 9342



Sugar Loaf Subdivision

Utility Service Trenching Details

High Voltage Power Supply.

Bedding required $0.45 \text{ m}^3/\text{m}$ of trench

Minaret Resources Ltd – Lowburn Subdivision Domestic Water Supply Schedule

Supply and install

- 1 Grundfos SP5A-17 3 phase submersible pump in bore with 40mm galv riser pipe, cooling shroud and low level probe
- 1 1.1 x 1.1 x 1.0m bore pit with insulated steel lid
- 1 Bore head fittings including sealed fabricated 150mm bore cap with bend, check valve, sampling valve, pressure gauge and throttling valve
- 1 450l diaphragm type pressure tank rated 1000 kPa with pressure switch set to 700/900 kPa, pressure gauge, pipework and drain valve
- 1 Water treatment plant including pressure reducing valve, flow restrictor, 2 x 20" x 4.5" Jumbo 5 micron spun polypropolyne depth elements and housings, differential gauges, isolating valves, Trojan Pro 20 UV reactor, shut-down solenoid and pipework
- 1 Power supply, switchboard and wiring for pump and treatment plant
- 1 Insulated pumpshed to house pressure system, treatment plant and electrical switchboard. Pump house heated with thermostat

1200m DN63PN12 MDPE blue main and end cap as per spec

- 10 Acuflo FFC900SS manifolds with filter and 2.0 l/m SS restrictor elements fitted in 300mm Acuflo midi valve box with 350mm riser and base on DN25PN12 MDPE blue laterals

Pressure test main and tobies to 1200 kPa and disinfect

Commission system

Appendix 2.2 - Design certificate - Land development/subdivision work

ISSUED BY:

KEN HIGGIE LTD

(Approved certifier firm)

TO:

MINARET RESOURCES LTD

(Developer/Owner)

TO BE SUPPLIED TO:

CODC

(Territorial authority)

IN RESPECT OF:

SUGARLOAF SUBDIVISION RC 050246

(Description of land developments/subdivision work)

AT:

LOWBURN VALLEY ROAD

(Address)

KEN HIGGIE

(Consultant/Designer)

has been engaged by

MINARET RESOURCES LTD

(Developer/Owner)

to provide WATER SUPPLY DESIGN services in respect of the land development and/or subdivision work described above.

I KEN HIGGIE have the qualifications and experience relevant to this project as set out herein and have designed the subject works and confirm that the design is to current engineering practice, and that I believe on reasonable grounds that it satisfies all relevant resource consent conditions, all relevant (insert name of authority) requirements and applicable codes and standards. I/My practice holds professional indemnity insurance in the sum of \$ 1,000,000 and run-off cover.

K. J. Higgie

Date 2-2-09

(Signature of approved certifier on behalf of the approved certifier firm)

B. E. (AGRICULTURAL)

(Professional Qualifications)

Member

RPSurv/MNZIS

☒

CPEng

☒

Practice Field

Civil

☒

Mechanical

☒

Structural

☒

Electrical

☒

Geotechnical

☒

Industrial

☒

Environmental

☒

305 DUNSTON ROAD

ALEXANDRIA

(Address)

Note: This statement shall only be relied upon by the Territorial Authority named above. Liability under this statement accrues to the approved certifier firm only. The total maximum amount of damages payable arising from this statement and all other statements provided to the Territorial Authority in relation to this land developments/subdivision work, whether in contract, tort or otherwise (including negligence), is limited to the sum of £100,000.

Outstanding works

**Certificate issued pursuant to the Resource Management Act
1991**

2842115500

RC050246: LOTS 1-6, 9-11, 14-17 DP 418764 BEING A SUBDIVISION OF LOT 2 DP 345933 AND LOT 4 DP 27566, AND EASEMENTS OVER LOT 1 DP 27566

In the matter of Lots 1-6, 9-11, 14-17 DP 418764 being a subdivision of Lot 2 DP 345933 and Lot 4 DP 27566, and easements over Lot 1 DP 27566, and pursuant to section 224(c) of the Resource Management Act 1991, I hereby certify that some of the conditions of subdivision consent have been complied with and a consent notice prepared for the remaining conditions.

Dated at Alexandra this 2nd day of September 2009



LOUISE van der VOORT
MANAGER, PLANNING AND ENVIRONMENT
(pursuant to delegated authority)

August
18 July 1999

28421/155
LV:rjm

Dunstan Developments Limited
C/- Paterson Pitts Partners Limited
P O Box 84
CROMWELL

Dear Sir

SUBDIVISION: DUNSTAN DEVELOPMENTS LIMITED, LOWBURN VALLEY ROAD,
LOWBURN

This is to advise that the application for the subdivision of the property described as, Lots 1 & 3 DP 25337, Sections 49, 50 and 51 & Part Section 43 Block V Cromwell Survey District has been approved by the Chief Executive under delegated authority subject to the following conditions:

1. Pursuant to section 220(1)(b)(i)
"That Lots 2 and 3 hereon be transferred to the owner of Lot 2 DP 25337, Section 2 SO 22347 and Part Section 43 Block V Cromwell Survey District (CT 17B/780) and that one certificate of title be issued to include all parcels (LRR ...).
2. Pursuant to sections 405A and 230 of the Resource Management Act 1991 an esplanade strip shall be created to enable public access along both banks of the Lowburn.
3. The esplanade strip created in terms of Condition 2 shall be 5 metres in width along both banks of the Lowburn.
4. The instrument creating the esplanade strip under section 232 shall be in accordance with the Tenth Schedule to the Resource Management Act 1991 and shall include all prohibitions listed in clause 2 (of the Tenth Schedule); shall exclude provisions for fencing in terms of clause 3; shall specify that the strip is to be closed outside daylight hours and for lambing during the months of September and October in terms clause 7; and the provisions of clause 4 shall not apply to the esplanade strip.

Note: All charges incurred by the Council relating to the administration, inspection and supervision of conditions of consent shall be paid prior to section 224(c) certification.

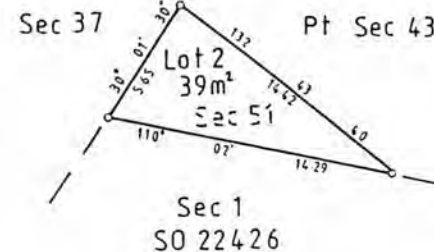
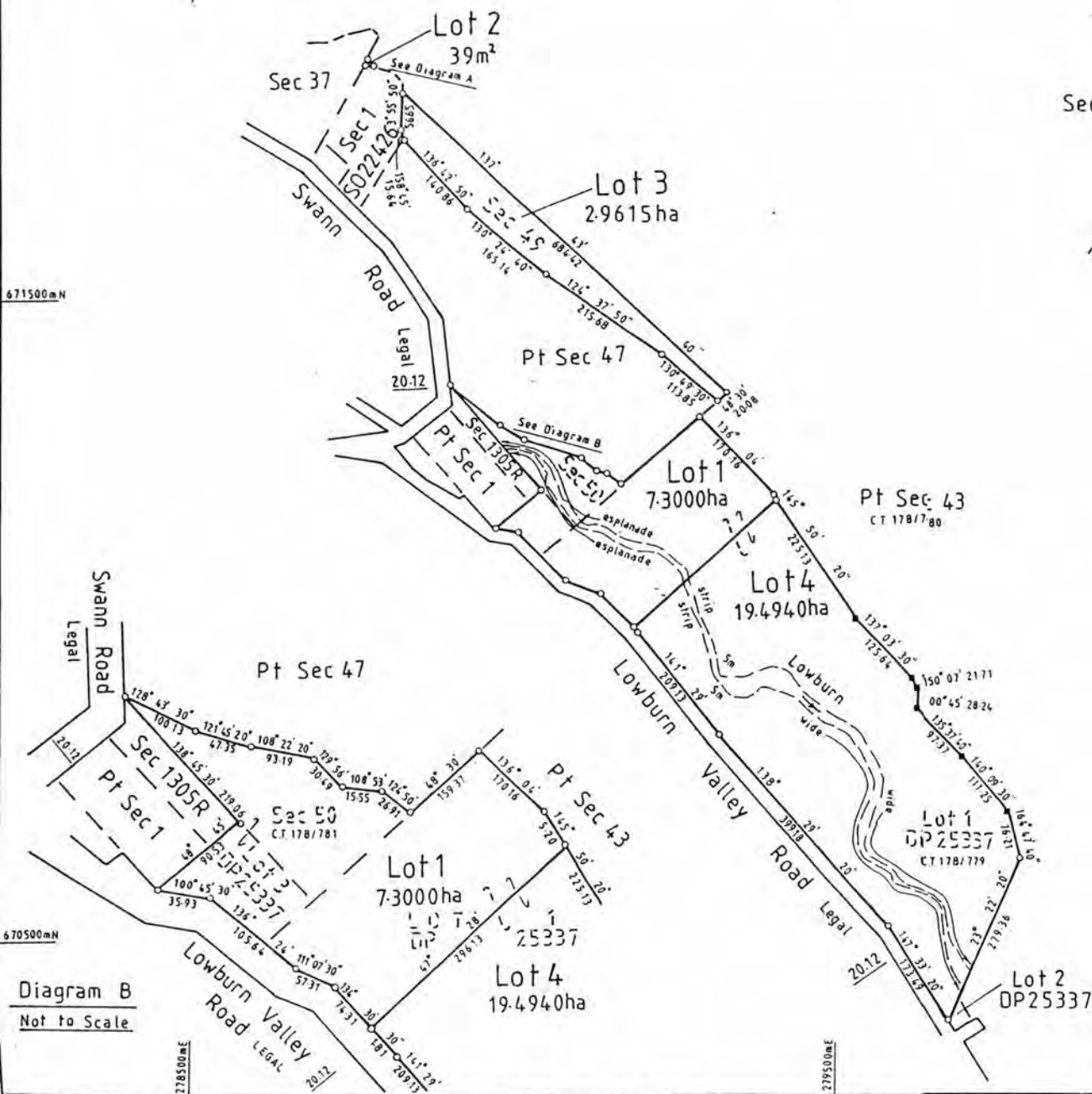
The reasons for this decision is that the proposed subdivision is consistent with the relative provisions of the Vincent Section of the Central Otago Transitional District Plan and the Proposed Central Otago District Plan and does not contravene the provisions of the Resource Management Act 1991.

I draw your attention to section 357 of the Resource Management Act which confers the right of objection to the Council to the conditions of consent.

A survey plan sealing fee of \$50 plus goods and services tax is payable on depositing the plan for execution.

Yours faithfully

LOUISE van der VOORT
PLANNING & DEVELOPMENT OFFICER



Approvals

I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE CENTRAL OTAGO DISTRICT COUNCIL PURSUANT TO SEC 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 14 DAY OF SEP 1999 AND SUBJECT TO THE AMALGAMATION CONDITION SETOUT HEREON THAT LOTS 2 AND 3 HEREON BE TRANSFERRED TO THE OWNER OF LOT 2 DP25337, SECTION 2 SO22347 AND PART SECTION 43 BLOCK V CROMWELL SD ICT178/7801 AND THAT ONE CERTIFICATE OF TITLE BE ISSUED TO INCLUDE ALL PARCELS (CSH) AND FOR PURPOSES OF SEC 224(1) RESOURCE MANAGEMENT ACT 1991 THAT ALL OF THE CONDITIONS OF THE SUBDIVISION CONSENT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE SAID COUNCIL.

AUTHORISED OFFICER

Datum: Geodetic 1949
Circuit: Lindis Peak

Total Area 29.7594ha

Comprised in C.T. 178/779 (all)
C.T. 178/781 (all)

I, PETER LANGDON OYMOCK
Registered Surveyor and holder of an annual practising certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.
Dated at CROMWELL this day of 19 Signature

Field Book p. Traverse Book p.
Reference Plans SO21332
DP25337
Examined Correct

Approved as to Survey

..... / / Chief Surveyor

Deposited this day of 19

for Registrar General of Land

File
Received
Instructions

LAND DISTRICT Otago

SURVEY BLK. & DIST. V Cromwell

NZMS 261 SHT RECORD MAP No

LOTS 1-4 BEING A SUBDIVISION OF
SECS 49, 50 & 51 BLK V CROMWELL S.D. &
LOTS 1 & 3 DP25337

TERRITORIAL AUTHORITY Central Otago Dist

Surveyed by Paterson Pitts Partners

Scale 1:5000 Date August 1999

671500mN

670500mN

Diagram B
Not to Scale

LAND DISTRICT of Otago
SURVEY BLK. & DIST. V Cromwell
NZMS 261 SHT RECORD MAP No

LOTS 1-4 BEING A SUBDIVISION OF
SECS 49, 50 & 51 BLK V CROMWELL S.D. &
LOTS 1 & 3 DP25337

TERRITORIAL AUTHORITY Central Otago Dist
Surveyed by Paterson Pitts Partners
Scale 1:5000 Date August 1999

A.J. BEVIN, SURVEYOR GENERAL, LAND INFORMATION, NEW ZEALAND.

LINZ FORM D13 "APPROVED 08/02/07"

Approvals

I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE CENTRAL OTAGO DISTRICT COUNCIL PURSUANT TO SEC 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE ____ DAY OF ____ 1999 AND SUBJECT TO THE AMALGAMATION CONDITION SETOUT HEREON THAT LOTS 2 AND 3 HEREON BE TRANSFERRED TO THE OWNER OF LOT2 DP25337, SECTION 2 S02247 AND PART SECTION 43 BLOCK V CROMWELL SD (CT178/780) AND THAT ONE CERTIFICATE OF TITLE BE ISSUED TO INCLUDE ALL PARCELS (CSN ____) AND FOR PURPOSES OF SEC 224(c) RESOURCE MANAGEMENT ACT 1991 THAT ALL OF THE CONDITIONS OF THE SUBDIVISION CONSENT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE SAID COUNCIL.

AUTHORISED OFFICER

Datum: Geodetic 1949
Circuit: Lindis Peak

Total Area 29.7594ha

Comprised in C.T. 178/779 (all)
C.T. 178/781 (all)

I, PETER LANGDON OYMOCK
Registered Surveyor and holder of an annual practising certificate (or who may act as a registered surveyor pursuant to section 25 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1972 or any regulations made in substitution thereof.
Dated at CROMWELL this ____ day of ____ 19 ____
Signature

Field Book p. Traverse Book p.
Reference Plans S021332
DP25337
Examined Correct

Approved as to Survey

...../...../..... Chief Surveyor

Deposited this day of 19

for Registrar General of Land

File
Received
Instructions

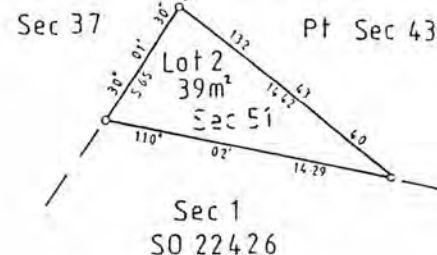


Diagram A - Not to Scale

