

IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI

Decision No. [2024] NZEnvC 59

IN THE MATTER of the Resource Management Act 1991

AND an appeal under s120 of the Act

BETWEEN WILDON DAIRY LIMITED

(ENV-2023-CHC-34)

Appellant

AND CENTRAL OTAGO DISTRICT  
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 27 March 2024

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**CONSENT ORDER**

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A: Under s279(1)(b) RMA,<sup>1</sup> the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the amended conditions of consent and plans attached as Appendix 1 and Appendix 2 to this Order;
- (2) the appeal is otherwise dismissed.



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Resource Management Act 1991.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

## REASONS

### Introduction

[1] This proceeding concerns an application for resource consent by Wildon Dairy Limited to undertake a seven-lot rural subdivision at the corner of Racecourse and Mawhinney Road near Omakau. The proposal was for two titles for rural residential purposes and the other allotments were to be held together as the balance land in a third title.

[2] The application was declined by the Central Otago District Council ‘the Council’.

[3] I have read and considered the consent memorandum of the parties dated 22 March 2024. The parties’ memorandum explains that they have reached an agreement that will reduce the proposal and resolve the appeal (with one rural residential lot and the remaining balance of land held in two titles). The parties have advised the court that the amended proposal addresses the Council’s reasons for declining the original proposal.

### Relevant matters


[4] Omakau Area Irrigation Company has given notice of an intention to become a party under s274 of the RMA and has signed the memorandum setting out the relief sought.

[5] No other person has given notice of an intention to become a party under s274 of the Act.

[6] The parties advise that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

### Outcome

[7] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



**J J M Hassan**  
Environment Judge



## Appendix 1 – Conditions of Consent

### General

1. The subdivision shall be undertaken in general accordance with the plan of subdivision attached as Appendix 2.
2. All subdivision works shall comply with NZS 4404:2004 and the Council's July 2008 Addendum to NZS 4404:2004, as modified by these conditions of consent.

### Section 223

3. Any easements required to protect access or for access to services shall be duly granted or reserved.

Note: The memorandum of easements prepared for the cadastral dataset submitted for section 223 certification shall show all existing easements or interests carried down onto the new lots or cancelled as appropriate.

4. The following amalgamation condition must be endorsed on the survey plan:  
  
That Lots 2, 3 and 5 hereon be held in the same record of title, and Lots 4 and 6 hereon be held in the same record of title.
5. The consent holder must provide for the registration of marginal strips at least 10 metres wide on each side of Thompsons Creek where it adjoins Lot 1.

### Natural Hazards

6. Prior to Section 224(c) certification, pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared for registration on the title for Lot 1 for the following on-going conditions:

- a. The site is located within an alluvial fan that may experience floodwater during high rainfall events. Any future development, including the change in use of existing buildings, should take into account these natural hazard risks, including obtaining suitably qualified advice on minimum floor levels for habitable buildings and by ensuring any unconsolidated fill or earthworks do not impede or present an increased risk for the site or to those sites upgradient or downgradient of the site.

### Access

7. Prior to 224c certification, the consent holder must either:
  - a. Upgrade the existing vehicle entranceway from Mawhinney Road to serve Lot 1. The entranceway must be demonstrated to comply with the requirements of Part 29 of Council's Roding Policies, January 2015, or a new vehicle entranceway shall be constructed to these requirements.
  - b. Construct a new vehicle entranceway from Racecourse Road to serve Lot 1. The entranceway must be constructed to comply with the requirements of Part 29 of Council's Roding Policies, January 2015, or a new vehicle entranceway shall be constructed to these requirements.
8. Prior to Section 224(c) certification, an adequate network water supply shall be provided to Lot 1, in accordance with Council's Addendum, Clause 6.3.15 Small Rural Water Supplies and other relevant provisions of NZS 4404:2004 and Council's July 2008 Addendum, with the following specific requirements:
  - a. Necessary easements must be in place for pipework and access to the water source if required.

- b. Source water must be sampled and tested by a testing laboratory recognised by the Taumata Arowai with bacteriological and chemical testing to the satisfaction of the Executive Manager of Infrastructure Services.
- c. Any non-compliance with Maximum Allowable Values (MAVs) and Guideline Values (GVs) under Drinking Water Standards for New Zealand 2005 (revised 2018) shall be highlighted in the Laboratory Report and an appropriate means of remedial treatment described and installed at the time of building, to be subject to a consent notice.
- d. A formal water supply document describing water entitlement to the property of at least 1000 litres/day must be provided to Council.
- e. As-builts of the reticulation layout and description of the subdivision water system, including the property connections, boundary meters/valves, and backflow preventer must be provided to Council.
- f. The consent holder must install a standard water connection to Lot 1 including a standard valve, meter/restrictor assembly, and backflow preventer.

### Firefighting

9. Prior to Section 224(c) certification, pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared for registration on the title for Lot 1 for the following on-going conditions:
  - a. At the time residential activity is constructed on Lot 1 minimum domestic water and firefighting storage is to be provided by:
    - i. A standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve. Alternatively, an 11,000 litre firefighting reserve is to be made available to the building in association with

a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site.

- ii. In order to ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:
  1. Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder shall provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.
  2. All connections shall be capable of providing a flow rate of 25 litres per second at the connection point.
  3. The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.
  4. Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

- b. Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the New Zealand Fire Service is obtained for the alternative method.
- c. Any new water tanks shall be coloured dark green, dark grey, or dark brown, and located in such a manner as to ensure it is not visible against the skyline when viewed from any public place.

#### Wastewater

- 10. Prior to Section 224(c) certification, the consent holder shall:
  - a. Provide a report prepared by a suitably qualified professional verifying that wastewater disposal can be achieved within the boundary of the title composed of Lot 1, in compliance with Clause 5.5 a) of Council's Addendum July 2008 to NZS4404:2004 (note compliance with 2012 version of AS/NZS1547 required).
- 11. Prior to Section 224(c) certification, pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared for registration on the title for Lot 1 for the following on-going condition:
  - a. At the time residential activity is constructed on Lot 1, a report prepared by a suitably qualified professional must be provided which details the design and installation of an on-site wastewater disposal system, in compliance with Clause 5.5 b) - e) of Council's Addendum July 2008 to NZS4404:2004 (note compliance with 2012 version of AS/NZS1547 required) for Council certification.

#### Stormwater

- 12. Prior to Section 224(c) certification, pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared for registration on the title for Lot 1 for the following on-going condition:



- a. Stormwater from buildings and impermeable surfaces established on Lot 1 shall be discharged to soakpit(s) contained entirely within those lots. Confirmation of the stormwater discharge system shall be confirmed in writing to the CODC Chief Executive at the time a new dwelling is constructed on the lots.

#### Electricity and telecommunications

13. Prior to Section 224(c) certification, new underground power supply connections shall be provided to the boundaries of Lot 1.
14. Prior to Section 224(c) certification, pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared for registration on the title for Lot 1 for the following on-going condition:
  - a. The consent holder or successor is responsible for sourcing and meeting all costs associated with the installation of telecommunication services for any future land use on Lot 1. Any new telecommunication services shall be laid underground, or provided wirelessly.

#### Financial contributions

15. Prior to section 224(c), payment of a reserves contribution of \$1,034.78 + GST calculated in terms of Rule 15.6.1 of the Operative Central Otago District Plan.

#### Reverse sensitivity

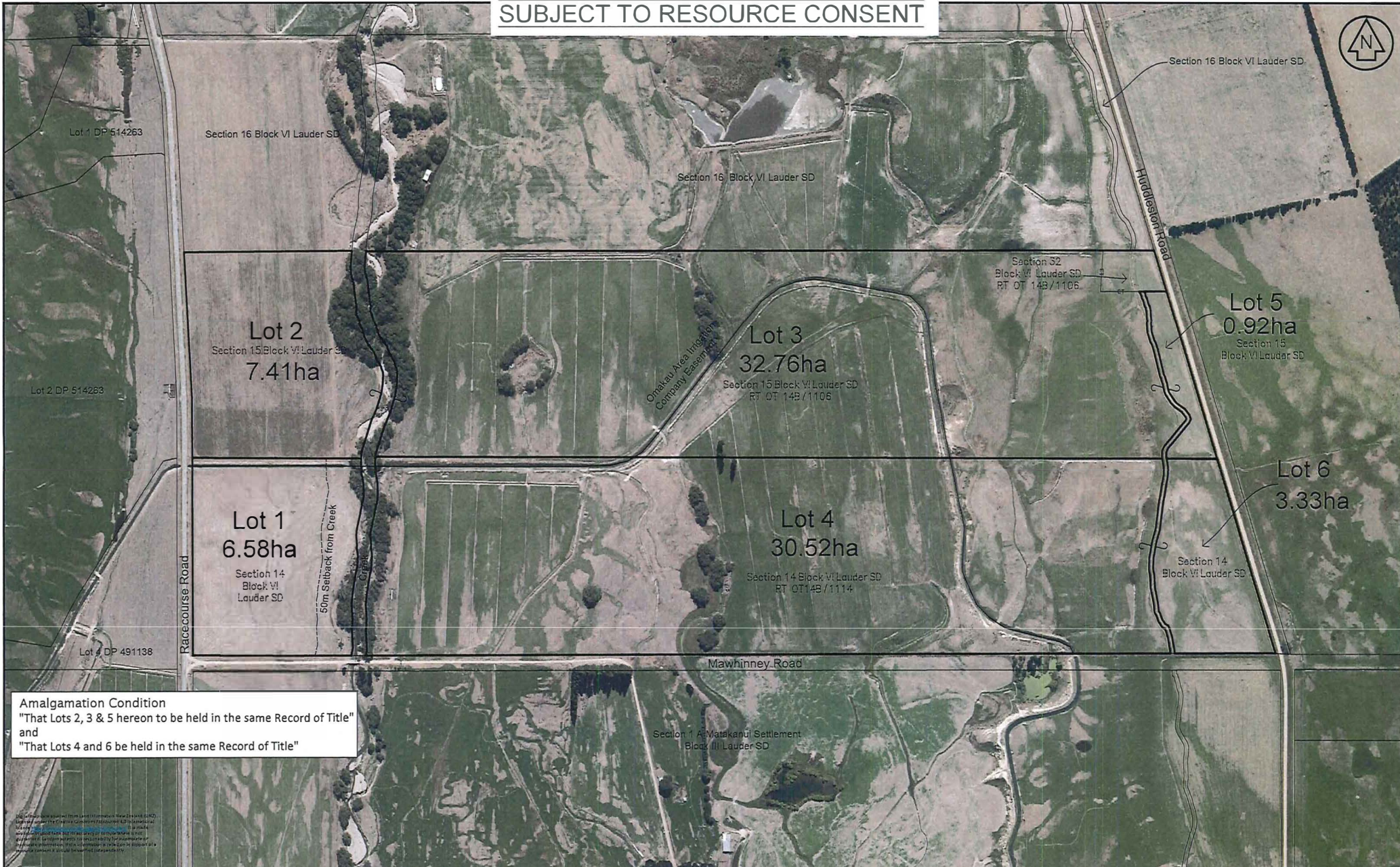
16. Prior to Section 224(c) certification, pursuant to Section 221 of the Resource Management Act 1991, a consent notice must be prepared for registration on the title for Lot 1 for the following on-going conditions:
  - a. The consent holder/s is/are aware of and will take reasonable and appropriate steps to advise all purchasers, lessees, licences or tenants, or any other users having an interest in Lot 1 hereon of:

- i. Horticultural, viticultural, and agricultural activities that can occur as of right in the Rural Resource Area; and
  - ii The usual incidence of these activities including (but not limited to) stock handling, haymaking, chemical spraying, pest control (including by use of poison, night shooting and helicopters), deer stag roaring, irrigation, frost control and bird scaring, which may have amenity impacts beyond the boundaries of adjoining properties.
  - iii The need for appropriate siting, design and screening of dwellings and other sensitive uses to mitigate adverse effects associated with noise and spray drift from adjacent horticultural activities.
- b. No residential buildings, associated fences or tree plantings are to be established within 6m of the water's edge of the Omakau Irrigation Company Limited water race.
  - c. No residential buildings shall be constructed within 50m of Thompsons Creek.
  - d. The Omakau Irrigation Company Limited water race must be adequately fenced to exclude all stock from the race.

Appendix 2 – Plan



**SUBJECT TO RESOURCE CONSENT**



**Amalgamation Condition**  
 "That Lots 2, 3 & 5 hereon to be held in the same Record of Title"  
 and  
 "That Lots 4 and 6 be held in the same Record of Title"

200 Crown Right reserved from Lot 11 (former New Zealand Dairy) owned under the Crown's General Reserve (G.R.) in the Land Transfer Office. The Crown's Right reserved from Lot 11 is a right of way for the purpose of the Crown's General Reserve (G.R.) in the Land Transfer Office. The Crown's Right reserved from Lot 11 is a right of way for the purpose of the Crown's General Reserve (G.R.) in the Land Transfer Office. The Crown's Right reserved from Lot 11 is a right of way for the purpose of the Crown's General Reserve (G.R.) in the Land Transfer Office.

C:\12505\dallas\SERVER\2008R201169-Wildon Dairy Ltd - Potential Rural Subdivision Racecourse Road\_0864\_SHAREDRIVE\IMPORT\CAD\21169\_01\_SCL\_REV\_H.dwg Plotlet: 08.11.2023



**Client**  
WILDON DAIRY LTD

**NOTES**  
 - All dimensions shown are in metres unless otherwise shown  
 - Copyright on this drawing is reserved  
 - Check electronic data against the hardcopy plan to ensure all notes/versions  
 of this plan is being used as part of sale and purchase agreement then tick done so on the basis that it is preliminary only, final dimensions and area may vary on final survey

**PROPOSED SUBDIVISION OF SECTIONS 14, 15 AND 32  
 BLOCK VI LAUDER SD**

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
B	28.10.21	Section 16 lots removed from the subdivision	SLB				21169	01_01
C	17.2.22	2 small lots added	SLB					
D	17.7.22	Lot 4 leg in added and access	SLB		Signed			
E	30.8.22	LOTS 2 & 4 REMOVED, LOTS RE NAMED	SLB		SLB	10.9.21	1:2500.000 @ A1	
F	23.02.23	Sheet 2 added for Hearing, B's, setbacks etc	SLM	Designed	Signed		1:5000 @ A3	
G	9.10.23	Lots 1 & 2 now lot 1 only, lot #'s adjusted	SLM					
H	6.11.23	Amalgamation condition changed	SLM				LP2000	H