

Request for further information	Draft responses/comments
RC230179 – Rocky Point	
<p>1. The Beale Consultants Ecological Report identifies high levels of effects on sensitive cushionfields and moderate effects on lizard habitats. It considers the effects of both this application and RC 2301798. These descriptors are interpreted as potentially being more than minor.</p> <p>Please provide comment from the author of the report confirming whether these high and moderate levels of effects should be related to this application, RC 230178 (Bendigo 10 Lot) or both.</p>	<p>We confirm that the level of ecological effect of the loss of cushionfield is scored as very high and level of ecological effect on lizard habitat is scored as moderate in accordance with the EIANZ Guidelines. These levels of effects as assessed apply to both RC 230178 and 230179.</p> <p>It is important to emphasise that the effects assessment set out in the ecology assessment and the biodiversity compensation measures proposed to address the residual adverse ecological effects on these habitats apply to both properties owing to their ecological interconnectedness at a landscape scale and associated ecosystem functions and services.</p>
<p>2. Section 10 of the Beale Consultants Ecological Report provided in support of this application identifies a range of proposed avoidance, mitigation and remediation measures. However, it does not indicate the extent to which these are anticipated to manage the nature and severity of adverse ecological effects of the proposal.</p> <p>Please provide comment from the author of the report assessing the impacts of the proposed avoidance, mitigation and remediation measures on ecological effects.</p>	<p>We have proposed avoidance, mitigation and remediation measures ('measures') for areas <u>within</u> and <u>beyond</u> the project area. The project area, as described in the ecological assessment, is land affected by construction of buildings, driveways, access roads, wastewater disposal fields and laydown and parking areas. The proposed measures are weighted heavily to avoiding adverse ecological effects impacting on land <u>beyond</u> the project area with the purpose of minimising the nature and severity of adverse ecological effects of the entire proposal.</p> <p>Avoidance measures also apply to <u>within</u> the project area with respect to protecting mature specimens of threatened and distinctive indigenous plant species and any rocky outcrops including buffers/no disturbance zones owing to their importance as lizard and invertebrate habitat. Additionally, the use of rock slabs for construction purposes is prohibited owing to their importance for lizard habitat while post construction avoidance measures extend to placing a ban on cats as pets to protect native birds, lizards and invertebrates.</p> <p>Achieving these measures in order to manage the on-site and potential off-site adverse ecological effects requires strict adherence to the site control measures outlined in Section 10 of the ecological assessment. These include clear definition of the</p>

	<p>construction sites, access ways, wastewater disposal areas, laydown and parking areas on the ground and in advance of construction.</p> <p>Managing the nature and severity of adverse ecological effects will also be achieved through mitigation measures involving trimming of indigenous woody shrubs within the project area as opposed to outright removal wherever possible, the retention of the root beds of felled trees and shrubs to avoid off-site effects and reducing the potential for the importation of problem weed species through use of a weed free gravel source in the local area coupled with follow up control measures as a safeguard.</p> <p>The creation of rocky habitat ahead of the works as described in Section 10 and in the lizard survey report seeks to remediate or reduce the severity of ecological effects on lizard populations located in the project area in addition to the proposed avoidance measures.</p>
<p>3. The Beale Consultants Ecological Report provided in support of this application appears to assume stormwater will be managed within the boundaries of each allotment.</p> <p>The Mount Iron Geodrill Wastewater Report provided in support of this application indicates that stormwater may need to be managed by a semi-reticulated system. This may have adverse ecological effects beyond the curtilage areas of each lot.</p> <p>Please provide updated assessment from the author of the Beale report considering the potential ecological effects of this stormwater management system.</p>	<p>On the basis that the stormwater runoff generated from the semi-reticulated system will be no greater than the redevelopment situation as reported by Mount Iron Geodrill, the potential for erosion of the margins of receiving waterways and along flow paths will not be exacerbated. Effects on woody and herbaceous vegetation bordering the receiving waterways and along flowpaths will therefore be no greater than exists at present due to natural runoff events</p>
<p>4. The Mount Iron Geodrill Wastewater Report provided in support of this application indicates that stormwater may need to be managed by a semi-reticulated system. In order to allow Council to understand the potential effects of this system, please provide an indicative stormwater network design.</p>	<p>The stormwater management is proposed to be either stormwater soak pits and/or attenuation such that the stormwater runoff from the site is as predevelopment state. It is envisaged that each site should be able to manage stormwater within the curtilage area for each site. The semi reticulated network as outlined in the Mt Iron Geodrill report refers to the use of natural waterways/flowpaths to carry runoff from attenuation at rates no greater than the predevelopment situation for rainfall events up to and including AEP 1% (RCP 8.5 2081 - 2100). Therefore, no new network for water flow should be required.</p>

<p>5. The applicant advises that they have a right to take 500kL from the Chinaman's water scheme. Given the scale of the subdivision, please provide evidence of a legal right to take water, its volume, quality and whether there are any seasonal variations. This is requested in order to confirm the adequacy of the water supply and to inform any conditions that may need to be imposed related to treatment.</p>	<p>Please refer to Attachment A for a copy of the Water Supply & Services Agreement between Chinamans Terrace Services Company Limited and TKO Properties Limited. TKO have 18 shares in the Company and a water quote of 500,000 litres per day.</p>
<p>6. Discussions with the applicant indicate that firefighting water for some allotments may be provided through hydrants consistent with SNZPAS 4509:2008 within the networked water supply. Section 4.6 of the application notes that firefighting water would be stored within individual allotments. Please clarify how firefighting water is proposed to be supplied to the development.</p>	<p>Rocky Point will have a reticulated firefighting supply with hydrants every 90m (as illustrated in Attachment B). Proposed Lots 14 & 30 are isolated and will therefore have their own tanks as with Lots 31 – 33.</p> <p>We are currently preparing a firefighting supply report and will provide this as soon as it is available.</p>
<p>7. The application proposes an access road with a formed width of 5.5m and a maximum gradient of between 16.7% and 20%. Council's standard for local sealed rural roads is for a formed width of 6.0m and a maximum gradient of 10%. The only assessment of the appropriateness of this road formation is to minimise earthworks and the north facing aspect will reduce the risk of ice. Roads not built to standard may have adverse effects in terms of the operational effectiveness of the road and the safety of road users beyond the risk of ice. Please provide an expanded assessment of the effects on the operational effectiveness and safety of this proposed road formation.</p>	<p>Please refer to Attachment C for the updated roading layout plans and Attachment D for the roading assessment, prepared by C Hughes & Associates.</p>
<p>8. Council considers that the proposed subdivision will not be consistent with the concept plan for the Rural Resource Area (2). This is because the concept plan in Schedule 19.16 of the Plan identifies the area subject to the subdivision as areas to be set aside to act as an extension to the adjacent Bendigo Scenic Reserve. This description does not anticipate residential development in this area. The</p>	<p>Rule 4.7.2(ii)(a) Except as otherwise provided for in (b) below and Rule 4.7.4(iii), subdivision shall be a <u>controlled activity</u> provided the following standards are complied with</p> <ul style="list-style-type: none"> iii. Concept Plans ... <p>In the area identified as "Rural Resource Area (2)" on the planning maps subdivision shall comply with the concept plan attached as Schedule 19.16.</p> <p>As stated in the AEE, controlled activity consent is sought for the proposed subdivision that is contained within the Development Area of Schedule 19.16. The</p>

<p>applicant is invited to amend the application to reflect this as they see fit.</p>	<p>lots proposed outside of the Development Area do not “comply” with the concept plan in Schedule 19.16 and are assessed under Rule 4.7.4(iii).</p> <p>Rule 4.7.4(iii) Except as otherwise provided for in Rule 4.7.2(ii)(b) subdivision that: (a) Creates an allotment that fails to comply with any of the standards set out in Rules 4.7.2(ii)(a)(iii) to (vii) is a <u>discretionary activity</u>.</p> <p>As stated in the AEE, discretionary activity consent is sought under Rule 4.7.4(ii) for the proposed lots that are outside the Development Area and therefore not in accordance with the concept plan in Schedule 19.16.</p> <p>On this basis, there is a clear consenting pathway for subdivisions that do not comply with the concept plan, requiring discretionary activity consent. Both the AEE and the Baxter Design Group Landscape Assessment acknowledge that the proposal includes allotments that are located outside the Development Area and that these have been sensitivity designed to reduce or eliminate adverse effects from Lake Dunstan (in comparison with where they could alternatively be located within the Development Area).</p> <p>The description of the Landscape Protection Area within Schedule 19.16 is <i>“Includes escarpment, spurs ridges. These areas because of their conservation value have been set aside and set as a natural extension of the adjacent Bendigo Scenic Reserve. Trails, tracks, interpretation signs and small shelter structure would be permitted within this area. Bendigo Scenic Reserve State Highway 8”</i>.</p> <p>Given that the District Plan provides a consenting pathway (as a discretionary activity) for subdivision that does not comply with the concept plan in Schedule 19.16, development cannot be considered to be prohibited in this area, or even non-complying. The applicant's view is that the outcomes proposed in the application are superior, in respect of effects on landscape values and on the wider reserve, than if all development is required to located within the development area on the concept plan. As a discretionary activity, the proposal as lodged should be assessed on its merits in the context of the relevant objectives and policies.</p>
<p>RC230178 – Bendigo</p>	
<p>9. The Beale Consultants Ecological Report provided in support of this application identifies high levels of effects on sensitive cushionfields and moderate effects on lizard habitats. It</p>	<p>We confirm that the level of ecological effect of the loss of cushionfield is scored as very high and level of ecological effect on lizard habitat is scored as moderate in accordance with the EIANZ Guidelines. These levels of effects as assessed apply to both RC 230178 and 230179.</p>

<p>considers the effects of both this application and RC 230179. These descriptors are interpreted as potentially being more than minor. Please provide comment from the author of the report confirming whether these high and moderate levels of effects should be related to this application, RC 230179, or both.</p>	<p>It is important to emphasise that the effects assessment set out in the ecology assessment and the biodiversity compensation measures proposed to address the residual adverse ecological effects on these habitats apply to both properties owing to their ecological interconnectedness at a landscape scale and associated ecosystem functions and services.</p>
<p>10. Section 10 of the Beale Consultants Ecological Report provided in support of this application identifies a range of proposed avoidance, mitigation and remediation measures. However, it does not indicate the extent to which these are anticipated to manage the nature and severity of adverse ecological effects of the proposal. Please provide comment from the author of the report assessing the impacts of the proposed avoidance, mitigation and remediation measures on ecological effects.</p>	<p>We have proposed avoidance, mitigation and remediation measures ('measures') for areas <u>within</u> and <u>beyond</u> the project area. The project area, as described in the ecological assessment, is land affected by construction of buildings, driveways, access roads, wastewater disposal fields and laydown and parking areas. The proposed measures are weighted heavily to avoiding adverse ecological effects impacting on land <u>beyond</u> the project area with the purpose of minimising the nature and severity of adverse ecological effects of the entire proposal.</p> <p>Avoidance measures also apply to <u>within</u> the project area with respect to protecting mature specimens of threatened and distinctive indigenous plant species and any rocky outcrops including buffers/no disturbance zones owing to their importance as lizard and invertebrate habitat. Additionally, the use of rock slabs for construction purposes is prohibited owing to their importance for lizard habitat while post construction avoidance measures extend to placing a ban on cats as pets to protect native birds, lizards and invertebrates.</p> <p>Achieving these measures in order to manage the on-site and potential off-site adverse ecological effects requires strict adherence to the site control measures outlined in Section 10 of the ecological assessment. These include clear definition of the construction sites, access ways, wastewater disposal areas, laydown and parking areas on the ground and in advance of construction.</p> <p>Managing the nature and severity of adverse ecological effects will also be achieved through mitigation measures involving trimming of indigenous woody shrubs within the project area as opposed to outright removal wherever possible, the retention of the root beds of felled trees and shrubs to avoid off-site effects and reducing the potential for the importation of problem weed species through use of a weed free gravel source in the local area coupled with follow up control measures as a safeguard.</p> <p>The creation of rocky habitat ahead of the works as described in Section 10 and in the lizard survey report seeks to remediate or reduce the severity of ecological effects on</p>

	lizard populations located in the project area in addition to the proposed avoidance measures.
<p>11. Council considers that the proposed subdivision will not be consistent with the concept plan for the Rural Resource Area (2). This is because the concept plan in Schedule 19.16 of the Plan identifies the area subject to the subdivision as areas to be set aside to act as an extension to the adjacent Bendigo Scenic Reserve. This description does not anticipate residential development in this area. The applicant is invited to amend the application to reflect this as they see fit.</p>	<p>Rule 4.7.2(ii)(a) Except as otherwise provided for in (b) below and Rule 4.7.4(iii), subdivision shall be a <u>controlled activity</u> provided the following standards are complied with</p> <p style="padding-left: 40px;">iii. Concept Plans</p> <p style="padding-left: 40px;">...</p> <p style="padding-left: 40px;">In the area identified as “Rural Resource Area (2)” on the planning maps subdivision shall comply with the concept plan attached as Schedule 19.16.</p> <p>As stated in the AEE, controlled activity consent is sought for the proposed subdivision that is contained within the Development Area of Schedule 19.16. The lots proposed outside of the Development Area do not “comply” with the concept plan in Schedule 19.16 and are assessed under Rule 4.7.4(iii).</p> <p>Rule 4.7.4(iii) Except as otherwise provided for in Rule 4.7.2(ii)(b) subdivision that:</p> <p>12. Creates an allotment that fails to comply with any of the standards set out in Rules 4.7.2(ii)(a)(iii) to (vii) is a <u>discretionary activity</u>.</p> <p>As stated in the AEE, discretionary activity consent is sought under Rule 4.7.4(ii) for the proposed lots that are outside the Development Area and therefore not in accordance with the concept plan in Schedule 19.16.</p> <p>On this basis, there is a clear consenting pathway for subdivisions that do not comply with the concept plan, requiring discretionary activity consent. Both the AEE and the Baxter Design Group Landscape Assessment acknowledge that the proposal includes allotments that are located outside the Development Area and that these have been sensitivity designed to reduce or eliminate adverse effects from Lake Dunstan (in comparison with where they could alternatively be located within the Development Area).</p> <p>The description of the Landscape Protection Area within Schedule 19.16 is “<i>Includes escarpment, spurs ridges. These areas because of their conservation value have been set aside and set as a natural extension of the adjacent Bendigo Scenic Reserve. Trails, tracks, interpretation signs and small shelter structure would be permitted within this area. Bendigo Scenic Reserve State Highway 8</i>”.</p>

	<p>Given that the District Plan provides a consenting pathway (as a discretionary activity) for subdivision that does not comply with the concept plan in Schedule 19.16, development cannot be considered to be prohibited in this area, or even non-complying. The applicant's view is that the outcomes proposed in the application are superior, in respect of effects on landscape values and on the wider reserve, than if all development is required to be located within the development area on the concept plan. As a discretionary activity, the proposal as lodged should be assessed on its merits in the context of the relevant objectives and policies.</p>
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