

**BEFORE THE COMMISSIONERS APPOINTED BY THE CENTRAL OTAGO
DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of RC230179 an application for a 33-lot
subdivision at Rocky Point on Tarras-
Cromwell Road (SH8)

BY **TKO PROPERTIES LIMITED**

Applicant

STATEMENT OF EVIDENCE OF JEFFREY BROWN

Dated: 4 November 2024

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LAWYERS | NOTARY PUBLIC

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Statement of evidence of Jeffrey Brown

Table of Contents

Executive Summary	1
1 Introduction	2
2 The site, relevant existing consents, and the Proposal	4
3 Zoning and consents required	10
4 Effects on the environment	12
5 Objectives and policies	27
6 s104D of the Act	32
7 Precedent	32
8. Part 2 of the Act	32
9 Overall conclusion and conditions of consent	33

Attachment A: J Brown CV

Attachment B: Proposed conditions of consent

Attachment C: Assessment of relevant objectives and policies

Executive Summary

1. I support the application.
2. The land is subject to a bespoke, unique set of zoning provisions (the Rocky Point Recreation Zone) that enable subdivision and development to a reasonably dense form, for residential and travellers' accommodation. Two of the lots would also be for a communal leisure or commercial use.
3. The Proposal includes a stringent suite of design controls for built form and landscaping, and a range of measures for avoidance, minimisation and remediation of potential adverse effects on ecological values, as well as offset planting in seven locations within Rocky Point and within the adjoining Bendigo Hills property which is also owned by the applicant.
4. The Proposal requires controlled, restricted discretionary, discretionary and non-complying activity consents.
5. The zoning allows for permitted and controlled activities that could change the environmental conditions of the site considerably. The permitted activities include, for example, farming, horticulture, viticulture and vegetation removal, and the controlled activities include subdivision and development in accordance with the Rocky Point Recreation Zone. I consider that the permitted and controlled activities are relevant to the assessment of the Proposal.
6. In particular, I consider that the permitted activities could have adverse effects on the indigenous biodiversity values of the site.
7. I rely on and agree with the evidence of Mr Beale, Dr Wells and Ms King that, overall, the Proposal will have net benefits for the indigenous biodiversity values, through the measures for effects avoidance, minimisation and remediation, and the offset planting. Their evidence is based on a large body of ecological investigations and reports.
8. I rely on and agree with Mr Baxter in relation to the landscape and rural character effects of the Proposal, and consider that proposal is appropriate within the ONL setting.
9. Mr Carr's evidence demonstrates that there are no traffic-related problems with the proposal, and a condition is agreed with NZTA for the upgrade of the Bendigo Loop Road / State Highway 8 intersection.
10. Ms Rhynd and Mr Sternberg address the three waters infrastructure for the development and I am satisfied that the servicing methods will be appropriate.

11. Mr Jennings addresses the effects of the proposal on heritage values and considers that the two heritage items affected by the Proposal are of low heritage value and their values should be protected by record. Any adverse effects on cultural values are managed appropriately by the three waters response and the landscape response, as discussed above.
12. Positive effects arise from the new carpark and walking trails proposed and from the addition of housing stock in a good location where development is generally anticipated. The various ecological actions will have a net benefit for indigenous biodiversity values for the site and the wider surrounds.
13. I consider that the adverse effects of the Proposal are able to be managed and are no more than minor, and, overall, the effects are positive.
14. I address the relevant objectives and policies of the District Plan, the operative and proposed regional policy statements, and the relevant national policy statements. I consider that, overall, the proposal is consistent with and achieves those provisions.
15. I consider that the two gateway tests in s104 are passed.
16. The proposal achieves the purpose and principles in Part 2 of the Act, in my view.
17. The outcomes promoted in the Proposal are enshrined in conditions of consent. I provide a draft suite of conditions (a mark-up of the version from Mr Vincent's supplementary s42A report), should consent be granted.

1. Introduction

- 1.1 My name is Jeffrey Andrew Brown. I hold the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by Queenstown Lakes District Council from 1992 – 1996, the latter half of that time as District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown and Company Planning Group Ltd, a consultancy with offices in Auckland, Wellington, Wanaka and Queenstown. I have resided in Auckland since 2001.
- 1.2 **Attachment A** contains a more detailed description of my work and experience.

- 1.3 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and I agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.4 This evidence is on behalf of TKO Properties Limited (**TKO**). TKO has applied for consent to subdivide land at Rocky Point, Bendigo, to create 30 residential allotments, a balance lot and three lots to be vested as access road from Bendigo Loop Road.
- 1.5 I assisted with the preparation of this application. I also assisted with TKO's application for a ten lot subdivision to replace the six lots granted by RC210148 at the neighbouring site at Bendigo Hills, which is to the immediate south-west of the Rocky Point site and is owned by TKO. That ten lot application (RC230178) is currently on hold.
- 1.6 I am very familiar with the site and the wider surrounds, having visited the area on many occasions and the site several times for the purposes of this application (and the Bendigo Hills application).
- 1.7 In preparing my evidence, I have read the various submissions, the Section 42A report dated 28 March 2024 prepared by Mr Vincent for the Council and the Supplementary Section 42A report dated 27 September 2024 (**Supplementary s42A Report**). I have also read the evidence of the following experts for TKO:
- Simon Beale, Andrew Wells and Samantha King (Ecology);
 - Paddy Baxter (Landscape and Visual Amenity);
 - Chris Jennings (Archaeology and heritage);
 - Bronwyn Rhynd and John Sternberg (Infrastructure and servicing);
 - Jamie Cowan (Fire risk);
 - Shanon Garden (Management); and
 - Andy Carr (Transport).
- 1.8 I am familiar with the relevant sections of the CODC Operative District Plan, the Regional Policy Statements, and the other relevant planning instruments.
- 1.9 In this evidence I address:

- The site, relevant existing consents, and the proposal now before the Commission;
- The zoning and consents required;
- Effects of the proposal on the environment;
- The district, regional and national planning instruments;
- Part 2 of the Act;
- The proposed conditions of consent.

2. The site, relevant existing consents, and the proposal

The site

- 2.1 The Rocky Point site (Lot 1 DP561457, 68.7ha) is outlined in [Figure 1](#) below and is described in detail in the application and supporting documentation including the Landscape Assessment and the Ecological Assessment (Attachments E and H to the application, respectively).
- 2.2 The northern-most boundary adjoins Bendigo Loop Road, from which vehicle access is gained via (currently) a gravel farm track. The Bendigo Hills site (Lot 2 DP 561457) adjoins the site to the south-west, and to the south lies the Bendigo Scenic Reserve, a 1200ha reserve administered by the Department of Conservation, and which provides outdoor recreational opportunities (walking, tramping and mountain biking trails, and hunting by permit). To the immediate east of the site is Chinaman's Terrace, a rolling terraced landform that has been intensively developed for viticulture.
- 2.3 The site has a varied topography, described in detail in the Landscape Assessment and in Mr Baxter's evidence. In summary, the landscape includes a mix of rocky outcrops, steep escarpments, gullies, plateaus and valleys. Vegetation is predominantly grass and shrubland, in particular cushionfield and kanuka, as discussed in detail by Mr Beale and Dr Wells. There are no buildings, but human influence is apparent: there are access tracks, electricity transmission lines, fencing, and historic items. The site has been used traditionally for stock grazing but that use has been retired in recent years, which has led to regeneration of native kanuka.

Existing consents

- 2.4 RM210203 was granted in July 2021 for earthworks to establish a vehicle access to the Rocky Point site from Bendigo Loop Road. The works enabled by this consent

have been completed. RC230031 consented (among other things) a boundary adjustment between the site and the adjoining Bendigo Hills land.



Figure 1: Subject site (outlined in black (source is Appendix 1 to Dr Wells' evidence))

The Proposal

2.5 The Proposal now before the Commissioners is described in detail in the documents lodged with the Council on 26 July 2024¹ including the (updated) assessment of effects on the environment document (the **AEE**). The Proposal is the outcome of considerable further investigations commissioned by TKO since the submissions were filed and the original s42A Report was issued. The Proposal comprises:

(a) 30 lots with identified building platforms, being: Lots 1 – 26 which are located within or close to the Development Area of the Schedule 19:16 Concept Plan (which I discuss further in Part 3 below); and Lots 27 – 30 located on the lower terrace adjacent to Bendigo Loop Road. Further:

- Proposed Lots 12 – 18 are small lots (479m² – 737m²)² with small building platforms (all 84m²) to accommodate “cabin” style dwellings;
- Proposed Lots 1 – 11 and 19 – 30 are larger (1355m² – 2.108ha) with larger building platforms (272m² – 1394m²) except for Lot 11 which has a smaller building platform (84m²);
- 22 of the lots (Lots 1 – 10 and 19 – 30) have curtilage areas associated with the building platform.

(b) Three lots to be vested as access road (Lots 101 – 103);

(c) A balance lot (Lot 200) of 46.95ha, comprising open space, vegetation protection and enhancement, and walking and cycle tracks;

(d) The use of Lots 1 – 23 and 25 – 29 for residential living and travellers’ accommodation; and of Lots 24 and 30 for communal, residential, leisure, accommodation or commercial activities.

2.6 The layout of Proposal is shown in **Figure 2** below – this is the version shared with Mr Vincent on 4 September 2024³.

2.7 All buildings and residential curtilage elements will be subject to design and landscaping controls. These are set out in detail in the AEE and in Appendix A of Mr Baxter’s evidence (which includes the reasons for the specific controls) and are included in the suite of conditions (**Attachment C**). In summary the design controls

¹ The proposal has been updated since the original version was lodged on 16 June 2023

² Note that there is an error in Table 1 of the AEE – Lot 13 is 565m² in area, not 4565m²

³ This plan includes an update since the 26 July 2024 versions of the plans were filed with the Council: at the northeastern corner, adjacent to Bendigo Loop Road, the boundary adjustment with the neighbouring property to the east is no longer proposed.

restrict the bulk and location of buildings (including site coverage within the building platform areas, building height, external materials and colours, roof form, proportion of glazing, and lighting). The landscaping controls restrict planting, fencing and gates, earthworks, driveway and parking surfacing, and utilities and exterior service areas.



Figure 2: Proposed subdivision Mr Baxter's Attachment A, 31 Oct 2024

2.8 The Proposal also includes physical works necessary for the subdivision and development of the site, including:

- (a) Earthworks for the construction of access roads and to create building platforms on each of the residential lots;
- (b) Servicing of the lots with water supply and onsite wastewater and stormwater disposal, as described in the servicing report by CKL submitted with the application and in the evidence of Ms Rhynd and Mr Sternberg. In summary, domestic water will be provided from the Chinaman's Terrace water scheme, which TKL has rights to, and there is sufficient capacity for the development proposed. Wastewater will be disposed on-site for Lots 1 – 3 and 19 – 30, and the other lots will be joined to a package system with communal treatment and disposal. Stormwater will be disposed to soak pits or to a semi-reticulated system; conditions will require the full design to be approved by the Council

prior to works commencing. There is sufficient capacity in the existing power and telecommunications systems in the vicinity of the site.

2.9 Biodiversity values within the development area (including access areas, building platforms, and curtilage areas) will be affected, and some removal of vegetation (kanuka, cushionfield, grassland areas, and exotic herbfields) is necessary to enable the development. The Proposal therefore includes biodiversity actions, which are discussed in detail in the (updated) Ecological Impact Assessment (July 2024) (the **EIA**) by Simon Beale and Andrew Wells (Wildlands) and in their evidence, and in Samantha King's evidence on lizards. The actions align with the effects management hierarchy set out in the National Policy Statement – Indigenous Biodiversity (NPS-IB), and are summarised as follows:

- (a) Avoidance of adverse effects of development, as far as is practical, including (for example) the avoidance of effects on kanuka trees that host the nationally critical pygmy mistletoe, and avoidance of effects on other nationally threatened species, as discussed in the EIA at part 10.1, and avoiding lizard habitat, as discussed by Ms King⁴;
- (b) Minimisation of adverse effects through the design of the development and location of physical works – access, building locations, etc; and ongoing responsibilities to be required by consent notices, as described in part 10.2 of the EIA;
- (c) Remediation of adverse effects, including translocation of specimens of some species; creation of habitat; ongoing weed and pest control; bans / management of domestic predator species; ongoing monitoring and management; and restrictions on pesticides and herbicides, as described in part 10.3 of the EIA;
- (d) Biodiversity offsetting, to recreate plant compositions and structures that were most probably present in pre-settlement climax vegetation at the site and that are appropriate for present-day conditions, and to increase plant diversity at Rocky Point and the surrounding area. The offsetting is proposed at seven sites. Four of these are within Rocky Point (as shown on the plan at Appendix 2 of Dr Wells' evidence) and in three sites – Hemlock Gully, Panorama Rise, and Pylon Flat – within the Bendigo Hills site as shown on Appendix 1 of Dr Wells' evidence. Bendigo Hills is immediately south of Rocky Point and in TKO's ownership. Conditions of the Rocky Point consent will require that the offsetting works are completed prior to s224(c) certification and maintained in

⁴ Samantha King's evidence, paragraph 11

perpetuity by the Rocky Point Services Association. A current subdivision application by TKO for the Bendigo Hills area will contain conditions requiring access by Rocky Point onto the three Bendigo Hills offsetting areas and for the offsetting works required and the ongoing maintenance of the planting. I discuss these conditions in Part 4 of my evidence, below.

2.10 All of the ecological works, and ongoing management, is subject to conditions including the requirement for, and implementation of, a ecological enhancement and monitoring plan, as discussed by Mr Beale⁵.

2.11 In addition to the formal protection (through ecological and vegetation management plan / consent notice / covenant mechanisms) the Proposal also includes landscape mitigation planting around the building platforms/curtilage areas, along with rabbit and goat control and stock exclusion.

Rocky Point Services Ltd and the proposed land and infrastructure management structure

2.12 Mr Garden outlines how a services company, proposed to be named Rocky Point Services Limited (**RPSL**), will own and manage infrastructure at Rocky Point on behalf of owners⁶. I understand that this entity will be established by the Developer, will pass to incoming lot owners at the time of first acquisition, and will be formally linked to each individual lot titles through participation in the various land management covenants.

2.13 The functions of RPSL will include:

- (a) The ownership and operation of shared water infrastructure (domestic and firefighting);
- (b) The ownership and operation of shared wastewater infrastructure;
- (c) Ongoing oversight of the Design Control covenants;
- (d) Managing the ~47ha (Lot 200) Common Area; and
- (e) Delivering a Fire Risk Management Plan on behalf of all owners and residents.

⁵ Mr Beale's evidence, paragraphs 18 and 21

⁶ Mr Garden's evidence

2.14 I consider that the proposed land management structure will deliver the necessary land management commitments that may be imposed via land use and subdivision consent.

3. Zoning and consents required

3.1 The site is within the Rural Resource Area (2) (**RuRA2**) of the Operative District Plan (**ODP**); the site is zoned RuRA(2). Outside of the identified Recreation Zone, the site is identified as within the Outstanding Natural Landscape (ONL) classification as shown in **Figure 3** below. The site is not within a mapped Area of Significant Natural Vegetation (**SNV**⁷).

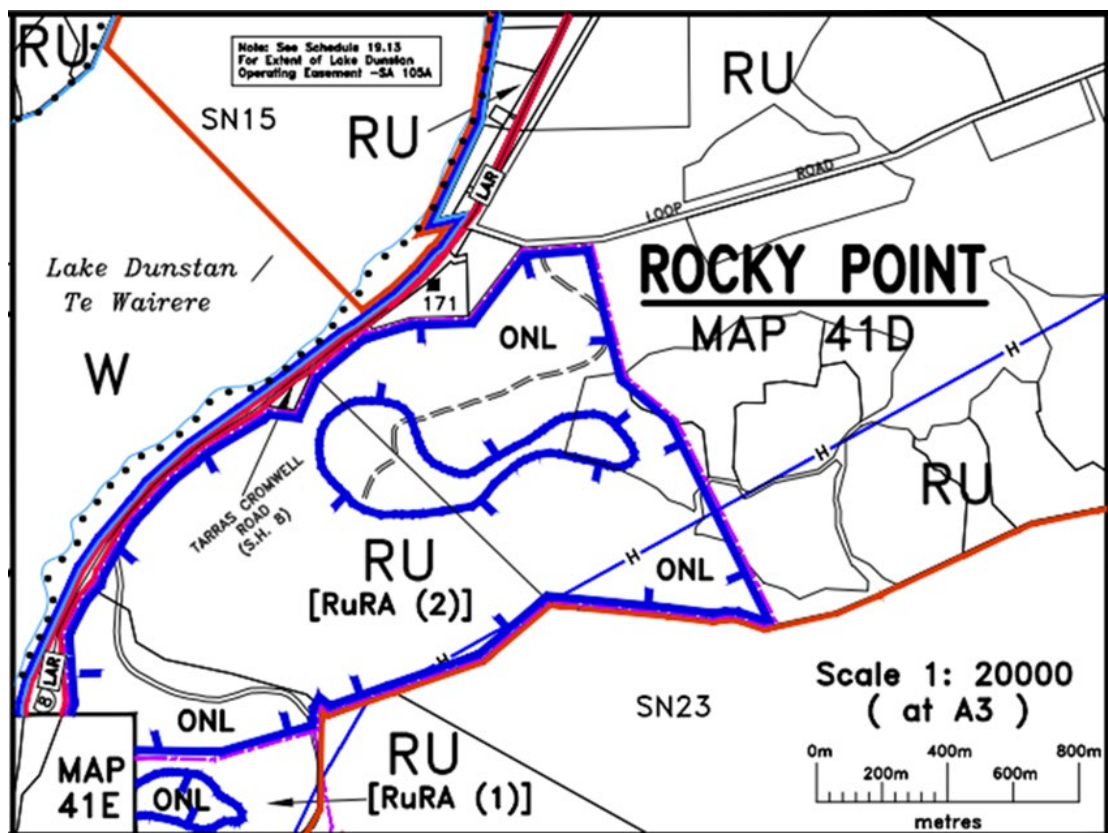


Figure 3: Site Zoning

3.2 The site is subject to Schedule 19.16 Concept Plan – Rocky Point Recreation Zone of the ODP which is copied at **Figure 4** below.

⁷ The updated maps on the Council's e-Plan use the term *Area of Significant Natural Value*

3.3 The concept plan contains the 'Development Area'⁸ in which development is anticipated. The Development Area is excluded from the ONL classification.

3.4 The remaining area is identified as a 'Landscape Protection Area', which is within the ONL. The Concept Plan notes that the Landscape Protection Area has been set aside because of its conservation value and that it acts as a "natural extension of the adjacent Bendigo Scenic Reserve". I note that the extension of the Scenic Reserve is, more pragmatically, within the southwestern (Bendigo Hills) portion of the RuRA(2) zone which neighbours the Scenic Reserve and connects it with the state highway. Bendigo Hills also contains the walking access/easement. Rocky Point on its own does not adjoin and is less connected to the Scenic Reserve.

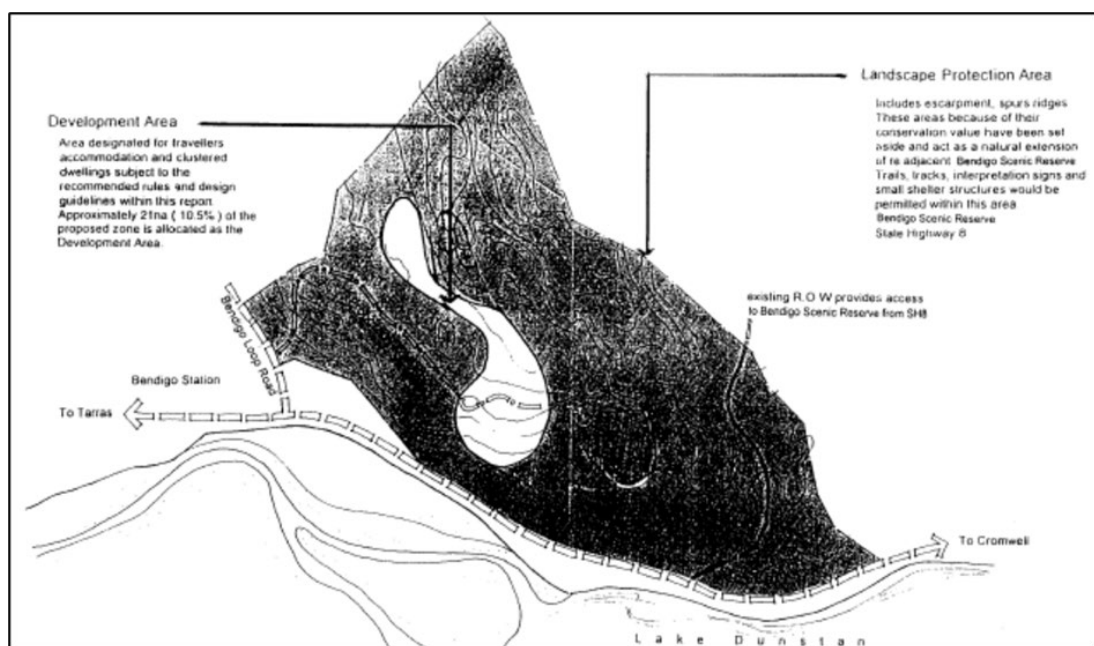


Figure 4: Schedule 19.16: Concept Plan – Rocky Point Recreation Zone

3.5 The consents required are as follows:

Land use:

1. **Controlled** activity consent under Rule 4.7.2(vii) for accommodation facilities (on all lots excluding Lots 14 to 18) in RuRA(2) where the standards are complied with.
2. **Restricted Discretionary** activity consent under Rule 4.7.3.i. for breaches of:

⁸ Area designated for travellers' accommodation and clustered dwellings subject to the recommended rules and design guidelines. Approximately 21ha (10.5%) of the proposed zone is allocated as the development area.

- Rule 4.7.2.vii Accommodation Facility – as Lots 13 to 18, when providing for travellers accommodation, are not capable of complying with the requirement to provide 500m² of landscaped area in accordance with the standards in 4.7.6;
 - Rule 4.7.6A Bulk and Location standards –
 - a. the minimum yards standard;
 - b. the open space standard in RuRA(2) for the requirement to provide 500m² of landscaped area for travellers accommodation on Lots 13-18;
 - f. the maximum height standard for a breach of the maximum height of 5m on Lots 11 – 18 and 30 (5.5m is proposed);
3. **Restricted Discretionary** activity consent under Rule 4.7.3.v for breach of standard 4.7.6G (onsite servicing) for Lots 4 to 18;
 4. **Discretionary** activity consent under Rule 4.7.4.i for Residential Activity that fails to comply with Rule 4.7.2.i.e (visible from State Highway or Lake Dunstan) for Lots 1-7, 10 and 23-30;
 5. **Discretionary** activity consent under Rule 4.7.4.v for Tree planting not associated with landscaping in the immediate vicinity of any building for the offset planting;

Subdivision:

6. **Discretionary** activity consent pursuant to Rule 4.7.4.iii. for a subdivision that does not comply with Rule 4.7.2.ii.a.iii (to comply with a Concept Plan); Breaches to the activity area boundaries shown in the Concept Plan are a Discretionary Activity under Rule 4.7.4iii(a);
7. **Non-Complying** activity consent pursuant to Rule 4.7.5.iii for a subdivision that does not comply with Rule 4.7.2.ii.a.i (lots created that do not meet the minimum allotment standards (bulk and location and open space and minimum lot size for travellers' accommodation).

3.6 Overall the proposal is for a non-complying activity.

4. Effects on the environment

Permitted baseline, existing environment and anticipated development

- 4.1 The following activities are permitted activities under Rule 4.7.1.(i) because they are not otherwise listed activities and would likely comply with (but would need still to be scrutinised under) the various standards:
- (a) Farming, Horticulture, Viticulture;
 - (b) Earthworks for the formation of roads and tracks provided the design standards are met (e.g. cut and fill batter is no more than 2m in height, etc.);
 - (c) Extraction and excavation of material that does not exceed 2000m² or a quantity of 3000m³; and
- 4.2 Rule 4.7.6.KA.I manages clearance of indigenous vegetation outside of the Areas of Significant Indigenous Vegetation⁹, Habitats of Indigenous Fauna and Wetlands identified in Schedule 19.6.1), and Rule 4.7.6L manages activities in ONLs, including (among other activities) earthworks. Neither of those rules apply to the subject land because both rules include an exemption for land that has been freeholded under Part 2 of the Crown Pastoral Land Act 1998. Accordingly under the District Plan there is no limit on the indigenous vegetation clearance and earthworks that could occur on the site in association with permitted activities of farming, including grazing, horticulture and viticulture.
- 4.3 Mr Vincent considers that there is no relevant permitted baseline to be applied as the primary activities proposed (subdivision and residential activities) cannot occur as permitted activities, and that comparing these activities with farming is not useful because farming could not occur if those activities did occur¹⁰.
- 4.4 In my view it is relevant to consider the potential ecological effects of permitted (non fanciful) activities as compared with the ecological effects of controlled activities and of TKO's proposal.
- 4.5 Various forms of farming are able to be carried out on the site, such as grazing. There is ample water supply, from the property's rights to the local water scheme, for irrigation. Areas of the Concept Plan (both inside and outside the Development Area as shown in my **Figure 4** above) could be established in, for example, vineyards – recognising that there are already large vineyards on the land to the immediate east

⁹ I note that the planning maps use the term *Area of Significant Natural Value*

¹⁰ S42A Supplementary Report, page 3

of Rocky Point. This neighbouring land has very similar or identical attributes as Rocky Point: the north-facing aspect, elevation range, range of slope, climate and (in all likelihood) soils and environmental conditions, and indeed one of the vineyard areas is within the Concept Plan area (and extends into the eastern end of the Development Area).

- 4.6 I consider it is reasonable to conclude that vineyards within parts of the Concept Plan would be a feasible, non-fanciful activity. Vineyards would change the existing natural – and in particular ecological – conditions of parts of the land where the slope and aspect are favourable to vineyards. This change is anticipated by the District Plan. The change would arise from the removal of existing vegetation, ground works, construction of the vine supports, planting of vines, installation and application of irrigation, use of sprays, maintenance of the vines and related activities between the vines including using machines for harvesting, and so on. All of these are permitted activities with no corresponding limitation on indigenous vegetation clearance and earthworks.
- 4.7 I have also discussed with the owner the likely possibility of farming or viticulture uses on the site being explored to generate revenue.
- 4.8 The Concept Plan states that the Landscape Protection Area is for conservation purposes, but there are no equivalent rules that would override the permitted activity status of a farming activity such as viticulture on the land.
- 4.9 My point here, therefore, is that the District Plan does not protect the ecological values of the site at present because feasible, non-fanciful permitted activities such as grazing and viticulture could prevail. As I understand the legal situation, neither s6(c) of the Act, nor the NPS-IB or the RPS would change this situation because they in themselves do not trigger any rule status.
- 4.10 It follows, therefore, that the proposed development, inside and outside the Development Area, would be a better ecological outcome than what the District Plan allows for, for the reasons discussed in Mr Beale's and Dr Wells' evidence. I therefore disagree with Mr Vincent that these permitted activities (i.e. the baseline) are not useful to assessing effects of the proposal.
- 4.11 Mr Vincent also considers a development consistent with the Concept Plan in 19.16 and Rules 4.7.2.i and 4.7.2.ii, able to be undertaken as controlled activities, forms part of the environment reasonably foreseeable under the District Plan. I agree with that assessment.

- 4.12 In the s42A report (March 2024) Mr Vincent noting that a hypothetical yield of 37 allotments (based on the area of the development zone) would likely be too high and that the actual yield of a compliant development would be much lower¹¹ taking into account the visibility from Lake Dunstan and State Highway 8, and other factors. I agree that attaining the hypothetical yield would be difficult within the ambit of the various development standards, but a yield of 25 – 30 complying lots would seem reasonable and feasible. Either way, the development, give or take a few lots, would change the environment.
- 4.13 Even at a lower yield than the 37 theoretical lots, development of the site (including landform modification arising from earthworks for the formation of access roads, building platforms, and installation of services, and vegetation modification or clearance to enable these) could potentially occur as a controlled activity to give effect to the anticipated purpose of the RuRA2 Concept Plan area.
- 4.14 The matters of control for a controlled activity subdivision within the Concept Plan area are as follows (my underlining of key matters):
1. **The adequacy of the allotment in respect of its ability to safely dispose of effluent and stormwater on-site, without compromising health, and the quality of ground and surface water resources.**
 2. **The provision of an adequate water supply, given the intended use of the subdivision.**
 3. **The location, design and construction of access, and its adequacy for the intended use of the subdivision.**
 4. **The provision of adequate utility services, (including roading), and in particular the location, design and construction of these services.**
 5. **Earthworks necessary to prepare the site for occupation and/or use.**
 6. **The effects of closer development and/or settlement patterns on:**
 - **Reserves and recreation facilities, including the provision and maintenance of such facilities,**
 - **Heritage sites, including archaeological sites and waahi tapu,**
 - **Sites, lakes and rivers and their margins and other features of cultural value to Kai Tahu ki Otago,**
 - **Notable trees, and areas of significant indigenous vegetation and significant habitats of indigenous fauna,**
 - **Water bodies and their margins, and**
 - **Natural features, landscapes and other significant amenity values.**
 7. **The provision of access to back land.**
 8. **The provision of esplanade reserves and strips.**
 9. **Any financial contributions necessary for the purposes set out in Section 15 of this Plan.**
 10. **Any amalgamations or easements that are appropriate.**

¹¹ Paragraph 6.8 of the s42A report.

11. Any other matters provided for in Section 220 of the Act.]

4.15 The matters of control provide the means for protection of the ecological values of the site through a controlled activity application, which is not otherwise protected, as I have discussed above. The matters also enable heritage and landscape values to be addressed (although noting that heritage values would be otherwise protected through the Heritage New Zealand Act provisions and processes).

Ecological effects

4.16 In addition to the evidence of Mr Beale, Dr Wells, and Ms King for this hearing, I have read or am familiar with the original ecological effects assessment report prepared by Beale Consultants (June 2023) and the Memorandum on the Effects Management Hierarchy, authored by Beale Consultants, reviewed by Wildland Consultants (February 2024), and the updated ecological assessments that now prevail in this case, which include:

- Updated Terrestrial Ecological Assessment, Beale Consultants and Wildlands Consultants (July 2024);
- Ecological Enhancement and Monitoring Plan, Beale Consultants and Wildlands Consultants (July 2024);
- Memorandum regarding Lizard Management, Wildlands Consultants (5 July 2024);
- Lizard Management Plan for Rocky Point Subdivision by Wildlands (Samantha King and Jade Christianson) (October 2024);
- Terrestrial invertebrate desktop assessment of a proposed subdivision at Rocky Point, Wildlands Consultants (4 July 2024);
- Saline/Sodic Soils identification and location, Roger Gibson Land and Sea Services (29 May 2024); and
- Vegetation succession and climax communities at Rocky Point, Beale Consultants and Wildlands Consultants (5 July 2024).

4.17 I have also read the original ecological peer review (March 2024) and the review of the proposed biodiversity offsetting (September 2024) both prepared by Mr Mike Harding.

4.18 I prefer the reporting and evidence of Mr Beale, Dr Wells and Ms King – as informed by the suite of specialist investigations and reports by the other experts – over the views of Mr Harding, for the following reasons:

- (a) The permitted baseline and receiving environment, as discussed in paragraphs 4.1 – 4.15 above; I reiterate that:
- notwithstanding Section 6(c) of the Act and the higher order instruments, the District Plan does not protect the ecological values of the site from the potential adverse effects of permitted activities (for example the rules do not prevent vegetation removal, or earthworks, across the site); and
 - a controlled activity consent for a complying development, including construction of roads, building platforms, and services, and their ongoing use, would undoubtedly change the site's environmental conditions.
- (b) Looking at this therefore at a “first principles” level:
- Mr Harding's starting point for his assessment and critique of the Beale / Wells *et al* assessments is that the ecological values of the site are already protected;
 - In my view the correct starting point is that the ecological values are not protected. This is further supported by the conclusions of Mr Beale and Dr Wells that the package of biodiversity measures proposed in this application achieve a net gain in biodiversity values, and are a superior outcome to a scenario of farming.
- (c) The extent of the *in situ* field research undertaken by Mr Beale, Dr Wells and the other specialists who have contributed to Mr Beale's and Dr Wells' findings.
- (d) The recognition by Mr Beale and Dr Wells that the cushionfields are an early succession plant that will inevitably be succeeded naturally by higher order species, and that the cushionfields have thrived because of grazing farm animals and rabbits¹²;
- (e) The offset planting proposed will enable increased cover and enhancement of indigenous woody vegetation, with species that were formally abundant but now uncommon or locally extinct¹³, which seems to me to be a very worthwhile action for the overall ecological health of the site and the wider locality;

¹² Simon Beale evidence for example pages 27 and 31

¹³ Andrew Wells' evidence for example paragraphs 50

- (f) The offsetting response advanced by Mr Beale and Dr Wells will not simply replicate the current point-in-time situation but promote a climax / mature vegetation community; I am persuaded by Dr Wells' discussion on this aspect of the offsetting¹⁴;
- (g) Mr Beale's and Dr Wells' collective rebuttal of Mr Harding's view about the appropriateness of the EIANZ criteria;
- (h) Mr Beale's and Dr Wells' collective rebuttal of Mr Hardings' views about whether the offsetting meets the principles of the for biodiversity offsetting in Appendix 3 of the NPS-IB;
- (i) Ms King's rebuttal of Mr Harding's critique of the lizard management issues¹⁵ and the overall intent of the Lizard Management Plan to provide "overall protective benefit" to the local lizard populations¹⁶;
- (j) As I discuss below, taking into account: the provisions of the District Plan, the extent of the ecological investigations and information collected; the extent of the effects management proposed; and the positive ecological effects, I consider that, overall, the net effects on indigenous biodiversity will be positive.

4.19 Mr Beale's evidence addresses the NPS-IB's effects management hierarchy and the manner by which the hierarchy is addressed for the Proposal, and I discuss the hierarchical steps out in my description of the proposal at paragraph 2.8 (a) – (d) above. All of the actions are hard-wired into conditions of consent so that the outcomes are certain and enforceable.

4.20 The draft conditions of consent are set out in [Attachment C](#). Of note, the key conditions for the indigenous biodiversity actions required are subdivision Conditions 5(c) and 10 – 11. These provide for options for the timing and staging of the planting, but, regardless, actions must be taken prior to s224(c) certification.

4.21 In summary, in light of:

- the updated assessments, the evidence of the ecological experts and the technical information they have gathered;
- the effects of permitted or controlled activities on the site;

¹⁴ *ibid*, for example paragraphs 71 – 72

¹⁵ Samantha King's evidence at paragraph 25

¹⁶ *ibid*, paragraphs 27 – 31

- the amendments to the proposal and the inclusion of a number of actions to protect ecological values;
- the imposition of the conditions of consent –

it is my opinion that the proposal will result in a net gain in biodiversity values and will therefore have a positive effect on biodiversity values overall.

Landscape and Visual Effects

4.22 In addition to the evidence of Mr Baxter, I have read or am familiar with the original landscape assessment (8 June 2023), addendum report (26 July 2024) and the attachments and plans.

4.23 TKO proposes a range of measures to avoid, minimise and remedy adverse effects on landscape and visual amenity values. These are addressed in the evidence of Mr Baxter and are transcribed into the proposed conditions of consent.

4.24 Mr Baxter was involved in the development of the Rocky Point Recreation Zone and Landscape Protection Area, has designed the proposal and prepared various iterations of landscape assessments and attachments. This has included reduction in lots and modifications to the various design controls, including providing greater controls over the location and sizes of building platforms and reduced heights, in response to submissions and the original s42A report and submissions received. Mr Baxter has considered the landscape effects in detail in his evidence. In summary, he concludes:

- (a) The proposed development has been designed so the bulk of the development is contained within the Development Area and where development is proposed within the ONL (within proposed Lots 20, 21, 24, 26 and 27 – 30), the building platforms have been located to reduce or eliminate adverse effects on views to the site and maintain and extend the existing cloak of kanuka;
- (b) Prescriptive design controls have been tailored to minimise the potential visual impact of development against the natural colours and form of the landscape;
- (c) Aside from Lots 27 – 30 which adjoin Bendigo Loop Road, a limited number of lots (Lots 24 and 26), will be visible, but barely discernible from State Highway 8, due to distance and proposed design controls;
- (d) Views from the central and western portions of Lake Dunstan will be distant (1.2km – 1.6km) and future dwellings will be barely distinguishable in these views;

- (e) Vast panorama views from the Bendigo Scenic Reserve will include partial visibility of Lot 24 and 25 which will be barely discernible, however the rest of the development will be screened by existing vegetation and landform;
- (f) Lights may be visible at night from outside the site, however the overall potential adverse effects will be low as a result of the design controls that limit the extent of glazing and outdoor lighting;
- (g) The proposal introduces a low level of change into the landscape character, most of which is anticipated within the Rocky Point Recreation Zone;
- (h) Given the considered placement of the proposed building platforms within the ONL, the overall low-density scale of the development and the proposed design controls, the proposal mitigates or avoids adverse landscape and visual amenity effects on the ONL and therefore protects the values of the ONL;
- (i) Additional planting mitigation for Lots 27 – 30 (adjacent to Bendigo Loop Road) as suggested by Mr Vincent and agreed by Mr Baxter will further absorb that development into the landscape;
- (j) Overall, there is a low level of adverse effects on landscape and visual amenity values.

4.25 I rely on, and agree with, Mr Baxter's conclusions on landscape character and visual amenity effects, and his conclusions that the values of the ONL will be protected and the development is appropriate in this context.

4.26 The draft conditions of consent are set out in [Attachment C](#). I have two general comments about the conditions, in response to issues raised by Mr Vincent.

4.27 The first is Mr Vincent's comment¹⁷ that:

Many of Mr Baxter's proposed requirements are very particular. I consider that this may cause additional burden for Council if it is required to consider a variation to this consent for each small departure (For example, a gable roof set at 26 degrees, rather than 25). Given this, I consider it appropriate to impose a consent notice condition requiring building be located within their respective platforms, impose other key design conditions required to manage the bulk of buildings, such as height and platform coverage exterior lighting and glazing as land use conditions, and impose a general condition requiring accordance with the remainder (For example roof form, fencing, earthworks and utilities), but allow

¹⁷ S42A Supplementary Report, page 6

for departures from these standards with the written approval of the Planning Manager.

- 4.28 In response, the conditions are structure such that the key bulk and location requirements are applied by consent notice (subdivision Condition 9), and by land use conditions (land use Conditions 3 – 7), while the more detailed design controls are set out in Appendix A to the land use conditions (and given effect to by land use Condition 7) with minor departures allowed with the written approval of the Planning Manager. I consider this to be an efficient method while still ensuring that the landscape effects of buildings are properly managed.
- 4.29 In response to Mr Vincent’s comments about measuring building height within each building platform¹⁸, Mr Baxter considers that the method of applying a height datum, with a “downhill elevation” and an “uphill elevation” is the most appropriate in this case¹⁹. The height datum and elevation heights are set out in the design control conditions (land use conditions, Appendix A, condition 1). I agree with that approach.

Servicing effects

- 4.30 Ms Rhynd has assessed various options for the management of stormwater and flood risk analysis for the proposal. She has prepared the stormwater management plan and considered the stormwater management and flood risk effects in detail in her evidence. I rely on her analysis and opinions.
- 4.31 To summarise, Ms Rhynd’s evidence concludes:
- (a) The best practicable stormwater management plan has been developed to be consistent with the regulatory requirements – to minimise or mitigate any detrimental effects on the receiving environment, to meet the CODC Guidelines and other regulatory requirements, and to install best practice low-impact design;
 - (b) Stormwater attenuation is not required for discharge runoff from the development, as the effects of the increase of runoff can be accommodated within the site development design without causing detrimental effects;
 - (c) Flood modelling and flood risk assessment has been undertaken to determine the flow presence, location and magnitude during large rainfall events and the changes to these due to the proposed development;

¹⁸ S42A Supplementary Report, page 5

¹⁹ Mr Baxter’s evidence, paragraph 107

- (d) The change in flow levels is minimal (between 7mm – 33mm) which is considered within the tolerances of modelling and there is no change in use of land due to flood flows post development;
- (e) The successful implementation of the stormwater management plan will preserve the mauri of the surface water.

4.32 Ms Rhynd addresses the various submissions in relation to stormwater effects²⁰, and I agree with her responses. Overall, I consider that the effects arising from stormwater runoff of the development can be managed appropriately, through the conditions of consent (subdivision Conditions 5(b), 8(h) and (i) and 9(b)), and any potential adverse effects will be minor.

4.33 Mr Sternberg has addressed the water supply and wastewater disposal aspects of the Proposal. He has assessed the various options for the provision of adequate water and wastewater services, has considered the effects of the proposed services in detail, and responded to the relevant matters raised in the submissions and the s42A report. In summary:

- (a) Mr Sternberg recommends the hybrid of on-site and communal treatment and disposal of wastewater due to its environmental, cultural and economic benefits;
- (b) Sufficient water supply can be drawn from the Chinamans Terrace water scheme, with necessary treatment, storage and boosting available to satisfy water quality, potable and fire demand requirements;
- (c) Individual water meters are proposed for each lot to measure water consumed to allow for water consumption trends and monitoring as well as water loss management;
- (d) Adequate fire-fighting volumes can be provided for the proposed development in accordance with SNZ PAS 4509:2008;
- (e) The communal wastewater facility has been relocated and wastewater will be pumped via low-pressure systems to the treatment plant;
- (f) Detailed design of the onsite wastewater systems will be carried out at building consent stage by a suitably qualified engineer, these are expected to consist of

²⁰ Bronwyn Rhynd's evidence, paragraphs 31 – 44

an Aerated Wastewater Treatment System with bed disposal, treating effluent to secondary levels in accordance with ASNZ 1547:2012;

- (g) The 'Rocky Point Services Association' (as discussed by Mr Garden) will provide an adequate operations and maintenance regime to ensure sustainable wastewater treatment and disposal solution.
- (h) The provisions made for water supply for domestic consumption, structure firefighting, wildfire fighting as well as the reticulation, treatment and disposal of wastewater are fit for purpose.
- (i) The above (services) are in accordance with the CODC Code of Practice, SNZ PAS 4509:2008, good engineering practice and are appropriate for the proposed development.

4.34 Mr Sternberg's various recommendations are included in the conditions of consent (subdivision Conditions 8(c), (d), (e), (f), (g), and land use Conditions 9 – 26).

4.35 I rely on Mr Sternberg's analysis with respect to the appropriateness of the proposed water and wastewater services and conclude that the effects of water supply and wastewater disposal will be no more than minor.

Traffic effects

4.36 Mr Carr considers the effects arising from traffic generation in detail in his evidence. He concludes, in summary:

- (a) With respect to the internal roading network, the proposed 15% gradient is supportable on the basis that it is aligned with the expectations of the most recent version of Standard NZS4404;
- (b) Traffic generated by visitor accommodation is lower than has been used in the assessments to date;
- (c) With the inclusion of a condition of consent relating to the upgrading of the State Highway 8 / Bendigo Loop Road intersection, any safety or efficiency related effects on the state highway will be appropriately managed. The proposed condition of consent states:

8(q) Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the Consent Holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the State Highway, including the upgrading of the Bendigo Loop Road/State Highway 8 intersection to a Diagram

E standard, have been constructed to the NZ Transport Agency standards.

- 4.37 I understand that the proposed condition wording is acceptable to NZTA. Various other conditions (subdivision Conditions 8((j) – (p)) are proposed for the construction of internal roading.
- 4.38 In reliance on Mr Carr’s analysis and conclusions I am satisfied that any potential adverse traffic effects of the Proposal will be minor.

Reverse sensitivity effects

- 4.39 Proposed Lot 25 adjoins the property to the east, which contains a vineyard. The building platform on Lot 25 is located 25m from the boundary, and the vineyard is sited 30m from the boundary. This is sufficient separation distance to avoid any potential health effects of the vineyard operation (such as spray drift) on the occupiers of Lot 25.
- 4.40 I do not consider that noise from frost fighting within the vineyard would be a significant factor for this application; the owner of the vineyard did not submit on the application.
- 4.41 Accordingly I consider that any adverse reverse sensitivity effects from the proposal would be minor.

Recreation effects

- 4.42 Mr Baxter’s plans (see his Attachments A and A1) show the proposed public carpark and walking trails, and Mr Garden will detail in the hearing, arrangements to ensure this public access outcome. The conditions of consent (subdivision Conditions 7(c), 8(r)) assure the outcome.
- 4.43 The Proposal will have no effects on users of Bendigo Scenic Reserve over and above the effects that could be anticipated by a complying development within the RuRA(2) Zone (and noting that Rocky Point does not share a boundary with the Scenic Reserve).
- 4.44 I consider that this is a positive public recreational outcome of the proposal.

Heritage effects

- 4.45 Mr Jennings has assessed the effects of the Proposal on archaeological and heritage sites present in the project area, and identifies two sites, both of low value, that would be affected by the development. He addresses the methods for managing the effects on these two sites.

- 4.46 The two affected sites, G41/771 and G41/773 (both earth bank features) will continue to degrade without intervention, and Mr Jennings considers that detailed recording of the sites prior to further development is an appropriate response, thereby protecting the sites “by record”²¹. This is addressed in advice notes 7 and 8 to the land use conditions.
- 4.47 Mr Jennings also responds to the matters raised by the submitters. I agree with his responses, and I agree with his overall conclusion that the Proposal's effects on heritage and archaeological matters will be appropriately managed through the proposed conditions of consent and the Heritage New Zealand Pouhere Taonga Act 2014.
- 4.48 The imposition of a discovery protocol and earthworks monitoring requirements is also proposed in the conditions (subdivision Condition 12).
- 4.49 I therefore consider that any potential adverse effects on heritage values will be minor.

Cultural effects

- 4.50 The submission by Aukaha raises cultural effects which I address as follows.
- 4.51 Aukaha is concerned about on-site wastewater and stormwater treatments, particularly due to the soil conditions on site. Their preference for wastewater is for a fully reticulated treatment system. Full reticulation is not feasible or necessary, and I consider that the methods of stormwater and wastewater management discussed by Ms Rhynd and Mr Sternberg respectively are appropriate and will adequately avoid adverse effects on the natural resources of the site, as I have addressed above.
- 4.52 A further concern of Aukaha is in relation to the cultural landscape of the site and the wider area, and the increased number of subdivisions, particularly the potential adverse effects on the Mata-au/Clutha River catchment. My view is that, while other subdivisions have occurred, the Proposal is within a Zone with a specific, bespoke suite of provisions that enable a level of development. While the Proposal is not fully compliant with the zone provisions, it is clear that a complying development would change the landscape, and that is the appropriate starting point to assess the Proposal. The various departures from the provisions do not change the fact that the District Plan anticipates change in this landscape. The methods for managing three-waters effects are sound and no adverse effects on the Mata-au/Clutha River catchment will arise.

²¹ Chris Jennings' evidence, paragraph 34

4.53 There is also a concern about potential over-allocation of water resources. The property is already allocated a volume of water from the local scheme, and no additional takes are necessary to facilitate the development.

Hazard risks

4.54 Mr Cowan addresses the wildfire risk and prepared an initial Wildfire Threat Assessment to determine the potential for a wildfire to impact the development and the measures to mitigate the risk. The mitigation measures are set out in Mr Cowan's evidence²², and the conditions of consent require implementation of these measures (land use Conditions 17 – 22).

4.55 In reliance on Mr Cowan's evidence and his recommendations on wildfire risk management, I consider that the risks are mitigated sufficiently and are acceptable.

Positive effects

4.56 The proposal will have positive social and economic benefits through the creation of additional allotments able to be used for residential and related purposes including travellers' accommodation. As I have discussed in paragraphs 4.16 – 4.21 above there are also positive ecological benefits arising, including:

- (a) An increase in the area of indigenous biodiversity over the ecological district as a result of the offsetting sites;
- (b) An increase in the diversity and resilience of biodiversity on both the development site and the offsetting sites, through the introduction of additional species of indigenous vegetation; and
- (c) Ongoing, long-term protection through restrictive covenants which achieve an overall net gain in indigenous biodiversity values, and a comparably positive outcome when compared to non-fanciful permitted scenarios for the site;
- (d) Positive outcomes for public access.

Summary of effects on the environment

4.57 Overall I consider that the adverse effects of the proposal are no more than minor. This reflects the potential adverse effects already anticipated by the District Plan (through permitted and controlled activities). Even without applying that baseline,

²² Jamie Cowan's evidence, paragraphs 21(a) – (q) and 22 – 24

taking into account the various ecological avoidance, minimisation, remediation and offsetting measures, I consider that the effects are no more than minor.

- 4.58 For the avoidance of doubt, even without applying the permitted baseline you would still conclude the overall effects are not more than minor.
- 4.59 Overall, and in reliance on, and agreement with, the experts in the various disciplines as I have addressed above, I consider that the net effects on the environment will be positive.

5. Objectives and policies

National Policy Statements

- 5.1 I consider that two National Policy Statements (**NPS**) are relevant to the proposal: the NPS for Freshwater Management (**NPS-FW**) and the NPS for Indigenous Biodiversity (**NPS-IB**).
- 5.2 In reliance on the evidence of Ms Rhynd and Mr Sternberg, I consider that the principles of the NPS-FW (as set out in Clause 1.3(4)), and the objectives and policies of the NPS-FW are achieved by the Proposal. The health and wellbeing of the freshwater resource, and the receiving environment for discharges, will be maintained through the design and implementation of the infrastructure. There are no adverse effects on downstream users, or on wetlands or waterbodies within the site, or on the wider Mata-au/Clutha River catchment.
- 5.3 The NPS-IB was gazetted in July 2023, following the original lodgement of the Application. As the site is not within an identified Significant Natural Area (**SNA**) in the ODP²³, the relevant provisions are those relating to indigenous biodiversity outside of SNAs. I assess the objectives and policies of the NPS-IB in Part 4 of [Attachment C](#). Key relevant provisions to the Proposal are discussed below.
- 5.4 The objective of the NPS-IB is:

The objective of this National Policy Statement is:

- (a) ***to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and***
- (b) ***to achieve this:***

²³ As set out in *Schedule 19.6.1: Areas of Significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands*.

- (i) *through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
- (ii) *by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
- (iii) *by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
- (iv) *while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

5.5 The key policy relating to indigenous biodiversity outside of SNAs is Policy 8:

- 8. *The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.***

5.6 “Maintaining indigenous biodiversity” is defined in Clause 1.7:

Maintaining indigenous biodiversity requires:

- (a) ***the maintenance and at least no overall reduction of all the following:***
 - (i) *the size of populations of indigenous species:*
 - (ii) *indigenous species occupancy across their natural range:*
 - (iii) *the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:*
 - (iv) *the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:*
 - (v) *connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:*
 - (vi) *the resilience and adaptability of ecosystems; and*
- (b) ***where necessary, the restoration and enhancement of ecosystems and habitats.***

5.7 As set out in Mr Beale’s evidence, the Proposal is consistent with maintaining indigenous biodiversity as it will have no overall reduction in the size and occupancy of indigenous species, and it will result in a net gain in biodiversity values. It will also have the effect of improving the connectivity between, and therefore the resilience of, indigenous biodiversity due to the size and location of the offsetting sites, and the ongoing protection of the remaining onsite biodiversity.

5.8 Clause 3.16 further sets out how indigenous vegetation outside SNAs is to be managed and requires that the effects management hierarchy must be applied to manage any significant adverse effects of new subdivision, use or development on

indigenous biodiversity. All other adverse effects (i.e. all those that are not significant) must be managed to give effect to the objectives and policies of the NPS-IB.

- 5.9 Mr Beale and Dr Wells address the effects management hierarchy and their investigations, reporting and evidence demonstrate that, following avoidance, minimisation, and remediation, the loss of cushionfields and kanuka scrubland represent residual adverse effects that cannot otherwise be avoided, remediated or mitigated, and hence the biodiversity offsetting is proposed.
- 5.10 Overall, the proposal in its entirety, which includes avoidance, minimisation, remediation, and offsetting measures, will result in a net gain in biodiversity values and therefore will have positive effects on indigenous biodiversity.
- 5.11 The proposal therefore achieves the policy of recognising and providing for the importance of maintaining indigenous biodiversity outside SNAs, and in fact goes beyond this. In all other respects I consider that the Proposal is consistent with the NPS-IB objective of maintaining indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity; and achieves the overall policy intent of the maintenance of indigenous biodiversity while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

Regional Policy Statements

- 5.12 The Operative RPS 2019 (**RPS2019**) was declared operative on 4 March 2024. Following a 2019 review of the region's freshwater management framework and the introduction in 2020 of new national regulations, the RPS2019 is being reviewed, and the Proposed Otago Regional Policy Statement 2021 (**PRPS2021**) was notified on 26 June 2021. Decisions of the Hearings Panel on provisions of the PRPS2021 were notified on 30 March 2024.
- 5.13 The objectives and policies relevant to the proposal are addressed in the Application as lodged, and that assessment is adopted for this evidence (and updated where necessary based upon changes to the PRPS2021 through commissioner decision, after lodgement of the application). In [Attachment B](#) I set out a full assessment for the relevant objectives and policies, the s42A report's assessment, and my comments on that assessment.
- 5.14 The key conclusions on the RPS2019 are:
- (a) The proposal will enhance the indigenous vegetation across the site through avoidance of indigenous vegetation removal where possible and proposed offsetting and enrichment planting in indigenous species. Through the planting

the Proposal will maintain overall the indigenous vegetation values and habitat within the site which will contribute to a wider ecological benefit;

- (b) The proposal will not adversely affect the life-supporting capacity of the soil as the use of the site for primary production is not viable given the natural character and ecological values that exist on the site. Earthworks will be minimised to only those areas necessary for the residential development and will be managed via an Earthworks Management Plan;
- (c) The natural character of the site will be maintained through the careful location and design of development, and the natural values of the site will be enhanced through the proposed offsetting and compensation planting and protection measures;
- (d) The proposal will adversely affect two archaeological sites (G41/771 and G41/773 – earth banks) however these are not identified as being of regional or national significance and therefore avoidance of adverse effects is not required. Effects on the identified archaeological sites will be minimised, mitigated and remedied through the design and location of the proposal, detailed recording of sites, the imposition of a discovery protocol and earthworks monitoring requirements.

5.15 My key conclusions on the PRPS2021 are:

- (a) The proposal protects ONL values by avoiding of adverse effects through locating the bulk of the development outside the ONL, and locating those building platforms within the ONL in areas which reduce or eliminate adverse effects on views from Lake Dunstan, while also avoiding any development near or on character features such as the large rocky knolls and densely vegetated gullies, to maintain the overall values of the ONL;
- (b) Potential adverse stormwater effects on freshwater resources are minimised, and wastewater is to be either reticulated or disposed on-site but all designs will be best-practice standard and adverse effects would be avoided or at least minimised to the extent possible, in accordance with the relevant policies;
- (c) While in a rural zoning, the proposal enables residential activity in a “Development Area” as set out in the ODP, which is an area which anticipates this type of activity and which will not give rise to reverse sensitivity effects;

- (d) The consistency of the proposal with the effects management hierarchy²⁴ for maintaining indigenous biodiversity has been addressed above in relation to the NPS-IB and the RPS2019.

5.16 For these reasons, overall in my view the Proposal achieves the objectives and policies of both the RPS2019 and the PRPS2021.

District Plan

5.17 The objectives and policies relevant to the proposal are addressed in the Application as lodged, and that assessment is adopted for this evidence. **Attachment C** sets out the Application's assessment for the objectives and policies, the equivalent assessment in the s42A reports, and my further comments.

5.18 My overall conclusions from that table are:

- (a) The Proposal contributes to social and economic wellbeing; indeed it is consistent with the intent for the very site specific, bespoke RuRA(2) zoning that applies to the land;
- (b) The Proposal maintains rural character through the layout of the development and suite of (stringent) design controls for buildings, outdoor spaces and landscaping, that are crafted to ensure that views into the site protect the values of the ONL;
- (c) The recreational opportunities are improved through the commitment to new public trails and carpark, and there are no adverse effects on existing users of local trails and recreational assets;
- (d) The Proposal recognises and provides for the protection of significant indigenous vegetation and habitats of indigenous fauna, as discussed by the ecology specialists. It will provide for the protection of large areas of indigenous vegetation on an ongoing basis – vegetation that would otherwise not be protected (in association with permitted activities). While there will be some loss of existing indigenous vegetation as a result of the proposal, this will be offset by the proposed planting that will recreate plant compositions that were likely present in pre-settlement climax vegetation and increase plant diversity

²⁴ Policy ECO-P6 sets out the effects management hierarchy for the PRPS21. It differs slightly from the NPS-IB hierarchy in that it requires the avoidance, remedying, and mitigating of effects (as opposed to the NPS-IB requiring avoidance, minimising and remedying) however given the PRPS21 must give effect to the NPS-IB, the assessment of the hierarchy as set out in NPS-IB is considered applicable here also.

at the site and in the surrounding area, and overall there is a net ecological benefit.

- (e) The evidence of Mr Carr, Ms Rhynd and Mr Sternberg regarding the infrastructure services for the development, and the conditions of consent ensuring implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil the various objectives and policies relating to servicing the development (roading and three waters);
- (f) Policies relating to heritage and cultural values are satisfied through the appropriate management of effects and the recognition of such effects in the design of the development (including for infrastructure) and in the formulation of conditions.

5.19 Overall I consider that the proposal is not contrary to, and achieves, the relevant objectives and policies of the national, regional and district-level planning instruments.

6. Section 104D of the Act

6.1 I consider that:

- (a) The Proposal has no more than minor adverse effects on the environment, taking into account the Zone's permitted and controlled activities, the design of the development, including the infrastructural servicing, and the methods by which the development will proceed, as dictated by the stringent conditions of consent. If I do not take into account the permitted and controlled activities, I still consider that the offsetting and other ecological measures proposed ensure that, overall, effects on ecological values are no more than minor;
- (b) The Proposal is not contrary to the objectives and policies of the various planning instruments.

6.2 The application therefore passes both of the s104D tests, in my view.

7. Precedent

7.1 The s42A report considers (at paragraph 7.50) that the proposal is not able to form a precedent outside RuRA(2), but that to approve the application will create a precedent for domestic built form within the landscape protection area that is visible from surrounding land.

7.2 I consider that the tight controls over the residual land (Lot 200) would prevent any further development within that lot, and a precedent would not arise.

8. Part 2 of the Act

8.1 The application document addressed sections 6 and 7 of the Act, and I will adopt and not repeat that assessment but will reiterate its findings that the proposal is consistent with the various matters of national importance and other matters to which regard must be had.

8.2 The proposal addresses the matters in section 5(2)(a)-(c) of the Act in the following manner:

- (a) It provides for peoples' well-being social and cultural well-being through the contribution, albeit small, to the provision of housing;
- (b) The potential of the natural and physical resources of the site will be sustained in the long term;
- (c) Water, soil and ecosystems will be safeguarded by the proposed avoidance, minimisation and remediation strategies and the offsetting in respect of biodiversity values; and
- (d) The applicant has taken considerable care to avoid, remedy or mitigate any potential adverse effects of the proposal on the environment.

8.3 I therefore consider that the proposal achieves the purpose of the Act.

9. Overall conclusion and conditions of consent

9.1 In my view the effects of the proposal are acceptable, and the proposal is consistent with the RuRA(2) and the relevant provisions of the District Plan and the higher order planning instruments. I therefore support the proposal.

9.2 **Attachment C** contains a suite of conditions for the application, if granted. The conditions are draft, intentionally, as there may be issues that arise before and during the hearing that conditions may needed, or reworded, to address.

J A Brown

4 November 2024

Curriculum vitae – Jeffrey Brown**Professional Qualifications**

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

May 2005 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, JBA, Queenstown – resource management consultant.

1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- Full member of the Resource Management Law Association
- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 – present)

ATTACHMENT B

Assessment of objectives and policies

Assessment of the provisions of the relevant planning instruments

1 Objective and Policies of the District Plan

1.1 Section 4 – Rural Resource Area

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 4.3.1	To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.	The proposal provides for social and cultural wellbeing through the provision of sites for rural residential living while maintaining environmental quality. The proposal has been carefully designed to maximise the provision for residential activity given the District's ongoing need for housing, but in a manner which minimises adverse effects of such development and provides environmental enhancements that would not otherwise occur. Lot sizes vary across the site in response to the specific opportunities and constraints presented by the environment – increasing the lot size / reducing density where the receiving environment is more sensitive, and locating development more intensively where it has the least impact on the key environmental quality measures including landscape, ecological and heritage. This is a more refined approach in response to the nature of the site, and provides a better outcome for environmental quality than would otherwise be achieved through a more rigid application of standards (such as yards, which are primarily used as a blunt tool to achieve a minimum level of residential amenity for dwellings) that are applicable across the Rural Resource Area. The proposal achieves this objective.	<i>[page 23 addendum to s42A report]</i> Objective 4.3.1 is an overarching provision that seeks to ensure the District Plan enables for a broad range of activities that allow rural communities to provide for their own wellbeing. However, at the same time, it requires such development maintain or enhance the environmental quality of the area. The proposal would provide an economic benefit for the applicant and, could broadly contribute to social wellbeing through the provision of public walking trails and lots able to be used for residential development, albeit limited somewhat by their location and the proposed additional use of all lots for travellers' accommodation. However, for the reasons provided throughout my report, I do not consider that the proposal adequately maintains the anticipated rural character values of the area, and so should be considered inconsistent with this objective.	I consider that the proposal does contribute to how the community provides for wellbeing, health and safety, and also maintains or enhances environmental quality, for the reasons addressed in Part 4 of my evidence in relation to effects on landscape / rural character (and in reliance on Mr Baxter's opinions on this theme); and in relation to effects on ecological values (and in reliance on Mr Beale's, Dr Wells' and Ms King's opinions on this theme); and in relation to the permitted baseline / receiving environment. Overall therefore I consider that the objective is achieved.
Objective	To protect the Districts	As discussed in the Landscape Assessment	<i>[page 22 addendum to s42A report]</i>	No change to original

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
4.3.2	outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow Landscape Management Area (including landforms) from the adverse effects of inappropriate subdivision, use and development.	<p>(Attachment E) the proposal does not give rise to inappropriate adverse effects, ensuring the ONL remains protected, taking into account the development anticipated within the Rocky Point Recreation Zone. While some lots are located outside of the Concept Plan area (the bulk being located within it), these have located to avoid adverse effects on views from Lake Dunstan (noting some areas within the Concept Plan area are more visible than those located outside it) and to minimise removal of indigenous vegetation. While some aspects of the proposal do not comply with the standards for the Rural Resource Area (such as visibility from public places), the activity status of non-compliance with these standards indicates that they are to be assessed on a case-by-case basis to determine the appropriateness of the proposal in the context. Location, in conjunction with design controls and the low density of development protects the landscape values of the ONL.</p> <p>The proposal achieves this objective.</p>	<p>Overall, I consider that the proposal would be inconsistent with Objectives 4.3.2 and 16.3.4, and Policy 4.4.2. For me to consider the proposal consistent with these provisions, either a redesign to reduce the visual and landscape effects of future buildings on Lots 27 to 30, or further mitigation of the visual and landscape effects of buildings would be required.</p> <p>While I broadly consider that the effects of the proposal on the values of the ONL will be minor, at most subject to conditions, the panel must still be satisfied that those effects will be appropriate in their context.</p> <p>In my opinion, the provisions of the Rural Resource Area (2) create a strong baseline for what style of development the Plan considers appropriate in this landscape. Namely, it anticipates that development is located in a particular identified area, and is screened from certain, important viewpoints, having regard to the visually prominent and significant location of the site. In exchange, landowners are provided with provisions that enable residential densities not otherwise provided for in the district's rural areas. In my opinion, it logically follows that development that fails to comply with both of these criteria would be considered inappropriate, short of any extenuating circumstance. I consider that development that fails one of those criteria would need to be considered on a case-by-case basis.</p> <p>While I consider the proposal to be an</p>	<p>assessment.</p> <p>The Proposal is not an inappropriate in the ONL, taking into account the layout, design and landscaping, as discussed by Mr Baxter.</p> <p>Additional mitigation planting is proposed for Lots 27 – 30, in response to Mr Vincent's assessment.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			<p>improvement on that initially proposed, I still do not consider that there are sufficient extenuating circumstances in the amended application as proposed to justify the proposed level of development outside the development zone in Schedule 19.16. In particular, I consider that the increased density of development along Bendigo Loop Road would not be justified without additional, significant screening to help break up the form of the buildings from view, given their increased density relative to what might otherwise be expected in a rural context.</p> <p>Overall, I consider that the amended proposal, as applied for, remains inconsistent with Objective 4.3.2 and Policy 4.4.1.</p>	
<p>Objective 4.3.3</p>	<p>To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.</p>	<p>As discussed in the Landscape Assessment (Attachment E) the proposal does not give rise to adverse effects on rural amenity. The proposed low density, design controls and sensitively located building platforms maintains the character of the area, again taking into account the development anticipated within the Rocky Point Recreation Zone. Lot sizes vary across the site in response to the specific opportunities and constraints presented by the environment – increasing the lot size / reducing density where the receiving environment is more sensitive, and locating development more intensively where it has the least impact on the landscape values and rural amenity, and particularly when viewed from outside the site. This is a more refined approach in response to the nature of the site, and provides a better outcome for</p>	<p>[para 7.12 s42A report]</p> <p>For the reasons provided in my assessment of effects, I consider that the proposal fails to adequately maintain the anticipated rural character of the site. I consider the proposal to be inconsistent with Objectives 4.3.3 and 16.3.4, and Policy 4.4.2.</p>	<p>No change to original assessment.</p> <p>I consider that The Proposal maintains rural character and amenity values through the layout of the development and suite of (stringent) design controls for buildings, outdoor spaces and landscaping, that are crafted to ensure that views into the site maintain the values of the ONL.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
		<p>environmental quality than would otherwise be achieved through a more rigid application of the rural standards (such as yards, which are primarily used as a blunt tool to achieve a minimum level of residential amenity for dwellings) that are applicable across the Rural Resource Area.</p> <p>The proposal achieves this objective.</p>		
Objective 4.3.4	<p>To maintain and enhance the quality of the District's recreation resources and public access to those resources.</p>	<p>The proposal includes provision of public access.</p> <p>The proposal achieves this objective.</p>	<p><i>[page 22 addendum to s42A report]</i></p> <p>An amount of public access to the area is proposed through the subdivisional road and provision of public walking trails. In doing so, it would enhance public access to the landscape protection area, in line within its intended purpose. While the trails do not provide any connectivity through to the nearby DOC reserve, as envisaged by the original provisions in the Vincent County Scheme, I note that the site has no frontage to this reserve, limiting the ability to provide access. Access is also available over the Mt Koina Track, also through the Rural Resource Area (2), to the south. I note my previous reservations that it is not clear who the applicant intends to be responsible for maintaining these trails. However, assuming the trails are maintained to a useable state, I consider the proposal to be consistent with Objectives 4.3.44 and 16.3.7, and Policy 4.4.13.</p>	<p>The trails will be maintained by Rocky Point Services.</p> <p>The Proposal will not adversely affect the use of the Bendigo Scenic Reserve, or other recreational assets.</p> <p>No further assessment necessary, and I agree with Mr Vincent's conclusion.</p>
Objective 4.3.5	<p>To maintain and enhance the quality of the District's water resources by avoiding, remedying or mitigating the</p>	<p>The proposal does not result in adverse effects on the water quality of Lake Dunstan.</p> <p>The proposal achieves this objective.</p>	<p><i>[para 7.18 s42A report]</i></p> <p>I do not consider there to be sufficient information about the proposed reticulated wastewater system to be</p>	<p>The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development,</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	adverse effects of land use activities adjacent to water bodies.		satisfied that the proposal will be adequate to manage wastewater in accordance with Objectives 4.3.5, 16.3.5 and 16.3.11, and Polies 4.4.5 and 16.4.4. <i>[page 22 addendum to s42A report]</i> The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.	and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this objective.
Objective 4.3.6	To preserve the natural character of the District's water bodies and their margins.	The nearest future built form provided for by the proposal is located approximately 300m distance, and across SH8, from the shores of Lake Dunstan. This distance, together with design controls and the low density of development, preserves the natural character of Lake Dunstan and its margins. The proposal achieves this objective.	While identified in the s42A report list of relevant provisions, it is not further expanded upon.	No change to original assessment.
Objective 4.3.7	To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.	The proposal does not compromise the life-supporting capacity of the District's soil. The site has a LUC class of 7 and the area being utilised for the development, mainly within an area anticipated for development, does not play a role in sustaining soil resources for present and future generations. The proposal achieves this objective.	The s42A does not consider this objective to be relevant to the proposal.	No change to original assessment.
Objective	To recognise and provide for the protection of areas of	The site does not contain areas of significant indigenous vegetation or significant habitats of	<i>[para 7.15 from s42A]</i>	No change to original

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
4.3.8	significant indigenous vegetation and significant habitats of indigenous fauna.	<p>indigenous fauna, as scheduled and mapped by the District Plan. However, based on the findings of the updated Ecological Assessment (Attachment H), the indigenous biodiversity within the site is ecologically significant (in terms of the assessment criteria set out in Appendix 1 of the NPS-IB) as the representativeness, rarity / distinctiveness, diversity and pattern and ecological context criteria are all triggered. The proposal is not contrary to this policy as it will provide for the protection of large swathes of indigenous vegetation on an ongoing basis - vegetation that would otherwise not be protected as the site is not subject to any rules preventing clearance of indigenous vegetation in association with permitted activities. While there will be some loss of existing indigenous vegetation as a result of the proposal, this will be offset by the proposed planting that will recreate plant compositions that were likely present in pre-settlement climax vegetation and increase plant diversity at the site and in the surrounding area.</p> <p>The proposal is not contrary to this objective.</p>	<p>Objective 4.3.8 and Policy 4.4.7 seek to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of development. They also seek to promote the retention and enhancement of other indigenous ecosystems, where they are not considered significant. While the area is not identified in the District Plan as a significant natural area, based on Mr Beale’s assessment, the submission from Ms Wardle and the peer review from Mr Harding there is a high level of value in the ecosystems present on the site, regardless of whether it is mapped or not. Regardless of the classification of the site’s ecosystems, I consider the proposal to be inconsistent with these provisions. The proposal fails to maintain the qualities of indigenous ecosystems though the location of building platforms and curtilage areas outside the identified development zone, where it is eminently practical to do so, and it is not clear that the proposed offsetting and compensation will be adequate to address these effects satisfactorily.</p> <p><i>[page 22 addendum to s42A]</i></p> <p>I consider that my conclusions in Paragraph 7.15 regarding Objective 4.3.8 and Policy 4.4.7 remain relevant to the application. I acknowledge that the applicant has removed some lots from outside the development zone, and avoided development in areas most likely to impact on saline ecosystems both</p>	<p>assessment.</p> <p>Permitted activities or Controlled activities could have adverse effects – potentially significant – on ecological values.</p> <p>Overall there is a net biodiversity gain.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			inside and outside the scheduled development zone. This would result in better outcomes than the original application. However, I still consider that it is practical to avoid effects on indigenous biodiversity outside the development zone through the designing the subdivision consistently with Schedule 19.16.	
Policy 4.4.1	<p>To recognise the District's outstanding natural landscapes and outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area which:</p> <p>(a) Are unique to the district, region or New Zealand; or</p> <p>(b) Are representative of a particular landform or land cover occurring in the Central Otago District or of the collective characteristics and features which give the District it's particular character; or</p> <p>(c) Represent areas of cultural or historic significance in the district, region or New Zealand; or</p> <p>(d) Contain visually or scientifically outstanding geological</p>	<p>As discussed in the Landscape Assessment (Attachment E), the proposed development recognises and respects the landscape it is within, taking into account the development anticipated by the Rocky Point Recreation Zone. While some lots are located outside of the Concept Plan area (the bulk being located within it), these have located to avoid adverse effects on views from Lake Dunstan (noting some areas within the Concept Plan area are more visible than those outside it) and to minimise removal of indigenous vegetation, While some aspects of the proposal do not comply with the standards for the Rural Resource Area (such as visibility from public places), the activity status of non-compliance with these standards indicates that they are to be assessed on a case-by-case basis to determine the appropriateness of the proposal in the context. Location, in conjunction with design controls and the low density of development protects the landscape values of the ONL, therefore the development is appropriate.</p> <p>The proposal achieves this policy.</p>	<p>[page 23 addendum to s42A report]</p> <p>While I broadly consider that the effects of the proposal on the values of the ONL will be minor, at most subject to conditions, the panel must still be satisfied that those effects will be appropriate in their context.</p> <p>In my opinion, the provisions of the Rural Resource Area (2) create a strong baseline for what style of development the Plan considers appropriate in this landscape. Namely, it anticipates that development is located in a particular identified area, and is screened from certain, important viewpoints, having regard to the visually prominent and significant location of the site. In exchange, landowners are provided with provisions that enable residential densities not otherwise provided for in the district's rural areas. In my opinion, it logically follows that development that fails to comply with both of these criteria would be considered inappropriate, short of any extenuating circumstance. I consider that development that fails one of those criteria would need to be considered on a case-by-case basis.</p> <p>While I consider the proposal to be an</p>	<p>Additional mitigation planting is proposed for Lots 27 – 30, in response to Mr Vincent's assessment.</p> <p>The controlled activity Rule 4.7.2.i.e requires that <i>"the dwelling, other residential buildings and accessory buildings are not to be visible from State Highway 8 and Lake Dunstan"</i>. The default status for breaching this is discretionary. I consider that the suite of controls imposed on the lots are sufficient to ensure that the development overall is not inappropriate and will protect the wider landscape.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>features; or</p> <p>(e) Have characteristics of cultural, historical and spiritual value that are significant to Kai Tahu ki Otago;</p> <p>(f) Have high natural character values and high landscape quality that can be distinguished from the general landscapes of the Central Otago District and provide protection for them from inappropriate subdivision, use and development.</p>		<p>improvement on that initially proposed, I still do not consider that there are sufficient extenuating circumstances in the amended application as proposed to justify the proposed level of development outside the development zone in Schedule 19.16. In particular, I consider that the increased density of development along Bendigo Loop Road would not be justified without additional, significant screening to help break up the form of the buildings from view, given their increased density relative to what might otherwise be expected in a rural context.</p> <p>Overall, I consider that the amended proposal, as applied for, remains inconsistent with Objective 4.3.2 and Policy 4.4.1.</p>	
Policy 4.4.2	<p>To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:</p> <p>(a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and</p>	<p>As discussed in the Landscape Assessment (Attachment E) the proposal avoids or mitigates potential adverse effects on the open space, landscape, natural character and amenity values through:</p> <p>(a) Careful considered building platform locations and design control conditions to maintain landscape values and rural amenity;</p> <p>(b) Increasing the lot size / reducing density where the receiving environment is more sensitive or where it is more visible from outside the site, and locating development more intensively where it has the least impact on the landscape values and rural amenity, and particularly when viewed from outside the site;</p>	<p>[para 7.12 s42A report]</p> <p>For the reasons provided in my assessment of effects, I consider that the proposal fails to adequately maintain the anticipated rural character of the site. I consider the proposal to be inconsistent with Objectives 4.3.3 and 16.3.4, and Policy 4.4.2.</p> <p>[page 22 addendum to s42A report]</p> <p>Overall, I consider that the proposal would be inconsistent with Objectives 4.3.2 and 16.3.4, and Policy 4.4.2. For me to consider the proposal consistent with these provisions, either a redesign to reduce the visual and landscape effects of future buildings on Lots 27 to 30, or further mitigation of the visual and landscape effects of buildings would be</p>	<p>No change to the original assessment, other than to confirm that Mr Baxter recommends further mitigation vegetation around Lots 27 – 30, to address Mr Vincent’s concern about the effects of development on those lots when viewed from the state highway.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>natural features,</p> <p>(b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,</p> <p>(c) The ability to adequately dispose of effluent on site,</p> <p>(d) Controlling the generation of noise in back country areas,</p> <p>(e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,</p> <p>(f) Controlling the spread of wilding trees.</p> <p>(g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.</p>	<p>(c) Effluent will be adequately be disposed of within the wider site (although not necessarily within individual lots) in a manner which minimises adverse effects on landscape, ecological and water quality values;</p> <p>(d) Limited generation of noise, both during construction and on an ongoing basis;</p> <p>(e) Responsive design of replacement and offset planting to not only ensure integration with existing planting patterns and species, but also to improve diversity and reflect likely pre-settlement conditions;</p> <p>(f) Ongoing vegetation maintenance and weed control measures; and</p> <p>(g) Careful considered appropriate building platform locations and, design control conditions to maintain landscape values and rural amenity.</p> <p>The proposal achieves this policy.</p>	<p>required.</p>	
Policy	To ensure that the	The consent holder will provide and maintain	[para 7.17 s42A report]	The evidence of Mr Carr, Ms

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
4.4.3	<p>development of infrastructure in the rural environment promotes sustainable management by:</p> <ul style="list-style-type: none"> a. Requiring developers to contribute a fair and reasonable proportion of the costs involved, and b. Maintaining and enhancing the safe and efficient operation of the infrastructure network (including roading), while avoiding, remedying or mitigating adverse effects. 	<p>the necessary infrastructure for the development at no cost to the community.</p> <p>The proposal achieves the policy.</p>	<p>Subject to the provision of additional information I consider that, in principle, the proposal will have adequate provision for other infrastructure consistent with Objective 16.3.2, and Policies 4.4.3, 16.4.3 and 16.4.6.</p> <p><i>[page 22 addendum to s42A]</i></p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.</p>	<p>Rhynd and Mr Sternberg regarding the infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this policy.</p>
Policy 4.4.5	<p>To assist the Otago Regional Council in its role of maintaining and enhancing water quality, by ensuring allotments are adequate for effluent disposal requirements and encouraging the use of land management techniques that maintain and/or enhance the life supporting capacity of water.</p>	<p>Requirements for a full assessment of effluent disposal requirements is anticipated as a consent condition and will be completed prior to the occupation of any dwelling. The Wastewater Disposal Assessment provided by Mt Iron Geodrill and the report by CKL (Attachment G) demonstrates that appropriate wastewater disposal options are available for the lots proposed.</p> <p>The proposal achieves this policy.</p>	<p><i>[para 7.18 s42A report]</i></p> <p>I do not consider there to be sufficient information about the proposed reticulated wastewater system to be satisfied that the proposal will be adequate to manage wastewater in accordance with Objectives 4.3.5, 16.3.5 and 16.3.11, and Polies 4.4.5 and 16.4.4.</p> <p><i>[page 22 addendum to s42A]</i></p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I</p>	<p>The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this policy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.	
Policy 4.4.6	<p>To ensure that the location, construction and/or operation of land use activities and subdivision make adequate provision for the protection of the soil resource by avoiding, remedying or mitigating the adverse effects of practices which may cause:</p> <p>(a) Erosion, instability or loss of topsoil, (b) Loss of nutrient or incidence of soil contamination, (c) Loss of soils with special qualities, (d) A reduction in vegetation cover and moisture holding capacity, and (e) Soil compaction.</p>	<p>The ground works will be managed by an Environmental Management Plan which will address the matters require by the policy. Extensive indigenous vegetation will remain onsite, and proposed earthworks are limited to roading and minor works to prepare build platforms. Erosion, compaction and the loss of soils will be very limited.</p> <p>The proposal achieves this policy.</p>	No assessment	No change to the original assessment.
Policy 4.4.7	<p>To protect areas of:</p> <p>a. Significant indigenous vegetation, b. Significant habitats of indigenous fauna, c. Significant wetlands, d. Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and</p>	<p>The site does not contain areas of significant indigenous vegetation or significant habitats of indigenous fauna, as scheduled and mapped by the District Plan. However, based on the findings of the updated Ecological Assessment (Attachment H), the indigenous biodiversity within the site is ecologically significant (in terms of the assessment criteria set out in Appendix 1 of the NPS-IB) as the representativeness, rarity / distinctiveness, diversity and pattern and ecological context</p>	<p>[para 7.15 from s42A] Objective 4.3.8 and Policy 4.4.7 seek to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of development. They also seek to promote the retention and enhancement of other indigenous ecosystems, where they are not considered significant. While the area is not identified in the District Plan as a significant natural area, based on Mr</p>	<p>For the reasons discussed in Part 4 of my evidence (in relation to effects on ecological values)) and in reliance on the body of ecological work undertaken for this application, including the evidence of Mr Beale, Dr Wells and Ms King, I consider that the Proposal adequately addresses the effects of the development on</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>e. Habitats of statutorily managed sports fish and game</p> <p>from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District.</p>	<p>criteria are all triggered. The proposal is not contrary to this policy as it will provide for the protection of large swathes of indigenous vegetation on an ongoing basis - vegetation that would otherwise not be protected as the site is not subject to any rules preventing clearance of indigenous vegetation in association with permitted activities. While there will be some loss of existing indigenous vegetation as a result of the proposal, this will be offset by the proposed planting that will recreate plant compositions that were likely present in pre-settlement climax vegetation and increase plant diversity at the site and in the surrounding area.</p> <p>The proposal is not contrary to this objective.</p>	<p>Beale's assessment, the submission from Ms Wardle and the peer review from Mr Harding there is a high level of value in the ecosystems present on the site, regardless of whether it is mapped or not. Regardless of the classification of the site's ecosystems, I consider the proposal to be inconsistent with these provisions. The proposal fails to maintain the qualities of indigenous ecosystems though the location of building platforms and curtilage areas outside the identified development zone, where it is eminently practical to do so, and it is not clear that the proposed offsetting and compensation will be adequate to address these effects satisfactorily.</p> <p><i>[page 22 addendum to s42A]</i></p> <p>I consider that my conclusions in Paragraph 7.15 regarding Objective 4.3.8 and Policy 4.4.7 remain relevant to the application. I acknowledge that the applicant has removed some lots from outside the development zone, and avoided development in areas most likely to impact on saline ecosystems both inside and outside the scheduled development zone. This would result in better outcomes than the original application. However, I still consider that it is practical to avoid effects on indigenous biodiversity outside the development zone through the designing the subdivision consistently with Schedule 19.16.</p>	<p>the indigenous biodiversity within the site. Taking into account the development anticipated by the District Plan, and suite of measures being adopted in the Proposal, I consider that the significant vegetation and habitats are being adequately protected and that indigenous ecosystems in the District will be reinstated and enhanced through the offsetting proposed and other measures of effects avoidance, minimisation and remediation.</p>
Policy 4.4.8	To ensure that the effects associated with some	The Rocky Point Recreation Zone anticipates significant change to the amenity values of the	<i>[page 22 addendum to s42A report]</i> For the reasons provided in my	No change to the original assessment and I agree with

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>activities including (but not limited to):</p> <p>(a) Noise (including noise associated with traffic generation, night time operations), and vibration,</p> <p>(b) The generation of a high level of traffic, in particular heavy vehicles,</p> <p>(c) Glare, particularly from building finish,</p> <p>(d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,</p> <p>(e) The generation of odour, dusts, wastes and hazardous substances, and</p> <p>(f) The use and/or storage of hazardous goods or substances do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.</p>	<p>area, and the nearest dwellings on other properties are a sufficient distance from the development proposed that effects on their amenity values will be minimal.</p> <p>Design controls aid in reducing any adverse effects from glare on neighbouring properties.</p> <p>There will be no visible outdoor storage areas or use or storage of hazardous materials will not arise. Any effects from dust can be managed by the environmental management plan.</p> <p>The proposal achieves this policy.</p>	<p>assessment of effects I consider that the proposal will not result in significant adverse effects on the amenity values of nearby landowners or occupants. The proposed development is considered highly unlikely to result in reverse sensitivity in relation to nearby land uses. I consider the proposal to be consistent with Policies 4.4.8 and 4.4.9.</p>	<p>Mr Vincent's analysis.</p>
<p>Policy 4.4.9</p>	<p>To recognise that some rural activities, particularly those of a short duration or</p>	<p>Due to the large size of the site, the carefully located development within it, and the proposed ongoing protection of the balance of</p>	<p>[page 22 addendum to s42A report] For the reasons provided in my assessment of effects I consider that the</p>	<p>No change to the original assessment and I agree with Mr Vincent's analysis.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.	the site for regenerative indigenous biodiversity purposes, reverse sensitivity effects associated with the proposed residential activity is unlikely to arise. The proposal achieves this policy.	proposal will not result in significant adverse effects on the amenity values of nearby landowners or occupants. The proposed development is considered highly unlikely to result in reverse sensitivity in relation to nearby land uses. I consider the proposal to be consistent with Policies 4.4.8 and 4.4.9.	
Policy 4.4.10	To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on: (a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges, (b) The natural character and values of the District's wetlands, lakes, rivers and their margins, (c) The production and amenity values of neighbouring properties, (d) The safety and efficiency of the roading network, (e) The loss of soils with special qualities,	The proposal avoids or mitigates potential adverse effects on the character and values of the Rural Resource Area by: (a) Careful locating of all building platforms and accessways, and requiring strict building controls; (b) Minimising the extent of built form that will be visible from beyond the site boundaries and ensuring what is visible is consistent with the character of the surrounding environment; (c) Providing generous setbacks from boundaries with adjoining properties and protecting (on an ongoing basis) the balance of the site for the purpose of the maintenance and regeneration of indigenous biodiversity; (d) Upgrading the State Highway 8 / Bendigo Loop Road intersection to Diagram E standard prior to titles being issued; (e) The site has no soils with special qualities for the purposes of rural productivity (noting that the saline/sodic soils identified	[page 23 addendum to s42A report] Policy 4.4.10 is a catchall provision intended to ensure development appropriately avoids, remedies or mitigates its effects on a range of matters. For the reasons provided throughout this report, I consider that the amended application as proposed does not adequately address all its effects on the environment and, so should be considered inconsistent with Policy 4.4.10. I have suggested a range of measures that I consider would more adequately manage the effects of the development on the environment to a level where I could consider the proposal consistent with this policy.	No change to original assessment. Additional mitigation planting is proposed for Lots 27 – 30, in response to Mr Vincent's assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,</p> <p>(g) The heritage and cultural values of the District,</p> <p>(h) The water quality of the District's surface and groundwater resources, and</p> <p>(i) Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.</p>	<p>are addressed below as part of the ecological values of the site);</p> <p>(f) Avoiding areas of kanuka tress that host threatened species and areas of saline/sodic soils, and offsetting remaining effects through the plantings of fest and shrubland plant communities to achieve an overall net gain in biodiversity;</p> <p>(g) Avoiding items / areas of archaeological value (though this value is limited) where practicable and recording in detail the items that will be affected by the development, creating a record that would not otherwise exist if left to continue to degrade naturally;</p> <p>(h) Adequately designed low impact stormwater management and wastewater disposal systems; and</p> <p>(i) Public walking tracks are proposed within the site, however these do not provide direct public access to or along lakes and rivers.</p> <p>The proposal achieves this policy.</p>		
Policy 4.4.12	To encourage land use practices that avoid, remedy or mitigate weed infestation, in particular wilding tree spread, and the spread of pest plants and animals throughout the district.	<p>The proposal includes ongoing management of pest species as part of the ongoing protection of the site for the maintenance and regeneration of indigenous biodiversity values and will contribute to avoiding the spread of wildings and other pests.</p> <p>The proposal achieves this policy.</p>	Not assessed	No change to the original assessment – pest management will be covered in the Ecological Enhancement and Monitoring Plan to be implemented through conditions of consent.
Policy 4.4.13	To promote the provision of public access opportunities to the Districts significant natural and physical land features including areas of	<p>As discussed above, the proposal provides for public walking tracks within the site which will allow the public to recreate on the site.</p> <p>The proposal achieves this policy.</p>	<p>[page 22 addendum to s42A report]</p> <p>An amount of public access to the area is proposed through the subdivisional road and provision of public walking trails. In</p>	No change to original assessment. I consider that the location and methods for enabling public access are

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	value for recreational purposes.		doing so, it would enhance public access to the landscape protection area, in line within its intended purpose. While the trails do not provide any connectivity through to the nearby DOC reserve, as envisaged by the original provisions in the Vincent County Scheme, I note that the site has no frontage to this reserve, limiting the ability to provide access. Access is also available over the Mt Koina Track, also through the Rural Resource Area (2), to the south. I note my previous reservations that it is not clear who the applicant intends to be responsible for maintaining these trails. However, assuming the trails are maintained to a useable state, I consider the proposal to be consistent with Objectives 4.3.44 and 16.3.7, and Policy 4.4.13.	appropriate.

1.2 Section 12 – District Wide provisions

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 12.3.1	To promote the safe and efficient operation of the District's roading network.	The proposal will not compromise the safe and efficient operation of the District's roading network as the intersection will be required to be upgraded prior to the lots obtaining titles. The proposal achieves this objective.	Not assessed.	No change to the original assessment; Mr Carr's conclusions are consistent with the policy.
Objective 12.3.2	To avoid, remedy or mitigate the adverse effects of noise on the District's amenity values and the health and wellbeing of the District's	Taking into account the development anticipated by the Rocky Point Recreation Zone, and the layout and	Not assessed.	No change to the original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	people.	form of the development, any potential effects on any persons' amenity values or health or wellbeing will be avoided, remedied or mitigated. The proposal achieves this objective.		
Objective 12.3.3	To avoid, remedy or mitigate the adverse effects of signs on traffic and the general amenity values of the District while recognising that signs are a necessary adjunct to many activities.	Any signage will be minimal and will not adversely affect traffic safety or amenity values. The proposal achieves this objective.	Not assessed.	No change to the original assessment.
Objective 12.3.5	To ensure that activities avoid, remedy or mitigate nuisance to adjoining properties from odour, dust, lightspill, glare and electrical interference.	The proposed layout and design of the development ensure adjoining properties will be protected from any odour, dust, lightspill, glare and electrical interference during construction and when the development is complete The proposal achieves this objective.	Not assessed.	No change to the original assessment.
Objective 12.3.6	To recognise the contribution that temporary activities make to the social, economic and cultural wellbeing and health and safety of the District's people and communities while ensuring environmental quality is maintained.	Temporary activities can be undertaken on the site as of right, provided the relevant standards are complied with.	Not assessed.	No change to the original assessment.
Objective 12.3.7	To ensure that activities avoid reverse sensitivity effects, avoid compromising the operation, maintenance, upgrading and development of the transmission network and avoid risk to people.	No development is proposed adjacent to the transmission network and there is no potential for adverse reverse sensitivity effects. The proposal achieves this objective.	Not assessed.	No change to the original assessment.
Policy 12.4.1	To avoid, remedy or mitigate adverse effects on the safe and efficient operation of the roading network by requiring: (a) Safe and efficient access points to the roading network, and	The roading network will be accessed by the existing Bendigo Loop Road, providing safe and efficient access. The proposal achieves this policy.	Not assessed.	No change to the original assessment, and with reference to Mr Carr's conclusions.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(b) Off-road loading and manoeuvring space and facilities, and</p> <p>(c) Off-street parking, where these are appropriate</p>			
Policy 12.4.2	<p>To determine the suitability of noise generating activities in any given locality by having regard to:</p> <p>(a) The specific characteristics and amenity values of the locality from which the noise originates, and</p> <p>(b) The sound pressure level of the proposed activity, and</p> <p>(c) The frequency that the noisy activity takes place, and</p> <p>(d) The length of time that the noise continues, and</p> <p>(e) Any special characteristics of the noise, to ensure that the adverse effects of noise on other activities and the natural and physical resources of the locality (including cumulative effects) reflect standards acceptable to the community.</p>	The proposal will not generate excessive noise that breaches the noise standards.	Not assessed.	No change to the original assessment.
Policy 12.4.3	To recognise that noise from temporary activities can be reasonably controlled by requiring compliance with noise limits which are less stringent than those applied to other activities.	The proposal does not include any temporary activities that will generate noise exceeding the noise limits.	Not assessed.	No change to the original assessment.
Policy 12.4.7	<p>To encourage resource users to adopt management practices that avoid, remedy or mitigate the adverse effects of:</p> <p>(a) odour,</p> <p>(b) lightspill and glare,</p> <p>(c) dust, and</p>	The layout and design of the proposal (including restriction of exterior lights and areas of glazing) ensures adjoining properties will be protected from any adverse effects of odour, dust, lightspill, glare and electrical interference.	Not assessed.	No change to the original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	(d) electrical interference, on the use and enjoyment of neighbouring properties.	The proposal achieves this policy		
Policy 12.4.9	To enable the operation of temporary activities that promote the social, economic and cultural wellbeing, and health and safety of the District's people and communities while ensuring that any adverse effects that exceed performance standards of the District Plan are of a short duration only.	As discussed above, temporary activities can be undertaken on the site as of right, provided the relevant standards are complied with.	Not assessed.	No change to the original assessment.
Policy 12.4.10	The transmission network is of national significance and nearby activities are therefore to be managed to avoid adverse effects in terms of reverse sensitivity, in terms of compromising the operation, maintenance, upgrading and development of the transmission network and in terms of ensuring that activities that are particularly sensitive to the risks associated with transmission lines are not located in close proximity to those lines.	No development is proposed adjacent to the transmission network and there is no potential for adverse reverse sensitivity effects. The proposal achieves this policy.	Not assessed.	No change to the original assessment.

1.3 Section 13 – Infrastructure

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 13.3.2	To enable the efficient operation and development of utilities including the transmission network while ensuring that effects on amenity, heritage, landscape values and public safety are avoided, remedied or mitigated.	All required utilities will be reticulated to lot boundaries in a common services trench, ensuring that effects on amenity, heritage, landscape values and public safety are avoided. The proposal achieves this objective.	Not assessed.	No change to the original assessment.
Objective 13.3.4	To protect the District's outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow	As discussed in the Landscape Assessment (Attachment E) the proposal avoids or mitigates potential	Not assessed.	No change to the original assessment, and in reliance on Mr Baxter's opinions on the

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	Landscape Management Area (including landforms) from the adverse effects of inappropriate subdivision, use and development.	adverse effects of the proposal on the ONL, and the development is appropriate within the ONL, taking into account the development anticipated within the Rocky Point Recreation Zone. The proposal achieves this objective.		appropriateness of the development in respect of the ONL.
Objective 13.3.5	To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment.	As discussed in the Landscape Assessment (Attachment E) the proposal maintains rural amenity values created by the open space, landscape, and natural character of the rural environment, taking into account the development anticipated within the Rocky Point Recreation Zone. The proposal achieves this objective.	Not assessed.	No change to the original assessment.
Policy 13.4.11	To recognise that some established activities may generate noise and other effects that can disturb neighbours, by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics.	The development is located sufficient distance from boundaries to avoid any adverse sensitivities or reverse sensitivities from arising. The proposal achieves the policy.	Not assessed.	No change to the original assessment.

1.4 Section 14 – Heritage Buildings, Places, Sites, Objects and Trees

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 14.3.4	To recognise and provide appropriate protection for the values associated with the District's archaeological sites.	The proposal provides appropriate protection for the archaeological values on the site through the research and assessment of any archaeological values on the site, avoiding items / areas of archaeological value (though this value is limited) where practicable	[page 22/23 addendum to s42A report] Objective 14.3.4 and Policy 14.4.6 promote the conservation of archaeological sites by ensuring development near such sites recognises and	No change to the original assessment, and in reliance on Mr Jennings' views.
Policy 14.4.6	To provide for the conservation of values associated with the District's archaeological sites by:			

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(a) Identifying such registered sites, on the planning maps.</p> <p>(b) Ensuring that works carried out within or near such sites recognise and provide for their values where appropriate.</p> <p>(c) Requiring an assessment of the values associated with any such sites as part of any subdivision or land use consent in circumstances where a significant adverse effect may result, and requiring protection where such values are considered to be significant.</p>	<p>and recording in detail the items that will be affected by the development, creating a record that would not otherwise exist if left to continue to degrade naturally.</p>	<p>provides for their values, and protection of those values where they are considered significant. Overall, I consider that the archaeological effects of the proposal can be managed adequately in accordance with these provisions.</p>	

1.5 Section 16 – Subdivision

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 16.3.1	<p>To ensure that subdivision avoids, remedies or mitigates adverse effects on the safe and efficient operation of the District's roading network.</p>	<p>Any potential adverse effects on the roading network are avoided by the use of an existing road (Bendigo Loop Road) and intersections, and the proposed access to the development area is suitable. The intersection will be upgraded as discussed above.</p> <p>The proposal achieves this objective.</p>	<p><i>[para 7.16 s42A report]</i></p> <p>While I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features, I consider the proposal to not provide an adequate level of access to State Highway 8 from Bendigo Loop Road. I consider the proposal to be inconsistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2.</p> <p><i>[page 22 addendum to s42A]</i></p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable</p>	<p>I rely on Mr Carr's evidence on effects on the roading network. He concludes that the effects are acceptable, and NZTA has endorsed the conditions proposed, therefore I consider that the objective is achieved.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			<p>to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.</p> <p>I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features. I note that upgrades will be required to the Bendigo Loop Road / State Highway 8 intersection, however, I am not certain that the standard recommended by the applicant will be adequate without comment from NZTA. At the current time, I do not consider the proposal to be consistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2. However, if the applicant can propose an access formation that is acceptable to NZTA and address safety concerns raised by Council's engineers, I would consider that the proposal is</p>	

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			consistent with these provisions.	
Objective 16.3.2	To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.	The proposed subdivision can be adequately serviced as discussed above. The proposal achieves this objective.	<i>[para 7.17 s42A report]</i> Subject to the provision of additional information I consider that, in principle, the proposal will have adequate provision for other infrastructure consistent with Objective 16.3.2, and Policies 4.4.3, 16.4.3 and 16.4.6. <i>[page 22 addendum to s42A]</i> The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.	The evidence of Mr Carr, Ms Rhynd, and Mr Sternberg collectively demonstrate that the methods of servicing the development are appropriate.
Objective 16.3.3	To ensure that subdivision does not facilitate development that may potentially be at risk from hazards.	No hazards have been identified in the planning maps for this property. The proposal achieves this objective.	Not assessed.	No change to the original assessment. Mr Cowan's evidence addresses the methods to be implemented to manage fire risk.
Objective	To ensure, where appropriate, that amenity	This is addressed in detail in objectives	<i>[page 22 addendum to s42A]</i>	No change to original

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
16.3.4	values of the District created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.	and policies in Chapters 4, 12 and 13 above and in the landscape and ecological assessments. The proposal achieves the objective.	<i>report</i> Overall, I consider that the proposal would be inconsistent with Objectives 4.3.2 and 16.3.4, and Policy 4.4.2. For me to consider the proposal consistent with these provisions, either a redesign to reduce the visual and landscape effects of future buildings on Lots 27 to 30, or further mitigation of the visual and landscape effects of buildings would be required.	assessment. Additional mitigation planting is proposed for Lots 27 – 30, in response to Mr Vincent's assessment.
Objective 16.3.5	To ensure that subdivision does not facilitate development that may compromise the life-supporting capacity of the District's water and soil resources.	The proposal involves development on a minor percentage of the site. The life-supporting capacity of the district's water and soil resources will not be compromised. The proposal achieves this objective.	<i>[para 7.18 from s42A report]</i> I do not consider there to be sufficient information about the proposed reticulated wastewater system to be satisfied that the proposal will be adequate to manage wastewater in accordance with Objectives 4.3.5, 16.3.5 and 16.3.11, and Polies 4.4.5 and 16.4.4.	The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this objective.
Objective 16.3.6	To ensure that subdivision does not facilitate development that may adversely affect heritage and cultural values including cultural values of importance to Kai Tahu ki Otago.	It is not expected that the proposal will have effects that are incompatible with Kai Tahu ki values and this will be confirmed over the process of the application, as discussed in Section 4.4 above.	While identified in the s42A report list of relevant provisions, it is not further expanded upon.	I have addressed heritage and cultural effects in Part 4 of my evidence, and I conclude that any potential effects are minor, having been recognised in the design of the development (including for infrastructure) and in the formulation of conditions.
Objective	To ensure that subdivision contributes to the	The proposal does not impact on the	<i>[page 22 addendum to s42A</i>	No change to original

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
16.3.7	open space, recreation and reserve needs of the community.	<p>open space, recreation and reserve needs of the community. As discussed above, public tracks are provided and will enable the public to recreate on the site.</p> <p>The proposal achieves this objective.</p>	<p><i>report]</i></p> <p>An amount of public access to the area is proposed through the subdivisional road and provision of public walking trails. In doing so, it would enhance public access to the landscape protection area, in line within its intended purpose. While the trails do not provide any connectivity through to the nearby DOC reserve, as envisaged by the original provisions in the Vincent County Scheme, I note that the site has no frontage to this reserve, limiting the ability to provide access. Access is also available over the Mt Koinga Track, also through the Rural Resource Area (2), to the south. I note my previous reservations that it is not clear who the applicant intends to be responsible for maintaining these trails. However, assuming the trails are maintained to a useable state, I consider the proposal to be consistent with Objectives 4.3.44 and 16.3.7, and Policy 4.4.13.</p>	assessment. The formation of the public trails and their ongoing upkeep are required by conditions of consent.
Objective 16.3.8	To ensure, where appropriate, that subdivision maintains and where appropriate enhances public access:	To the extent relevant, public access to the Bendigo Scenic Reserve is maintained and public tracks will further enhance the public access in the area.	Identified as relevant but not assessed.	No change to original assessment. The formation of the public trails and their ongoing upkeep are required

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(a) To and along the margins of the District's lakes and rivers.</p> <p>(b) To the District's reserves and areas of public open space.</p> <p>(c) To sites of heritage and cultural values.</p> <p>(d) To sites of cultural importance to Kai Tahu ki Otago.</p>	The proposal achieves this objective.		by conditions of consent.
Objective 16.3.9	<p>To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies or mitigates adverse effects on:</p> <p>(a) The stability of land.</p> <p>(b) Water quality within natural watercourses and the stability of their margins.</p> <p>(c) Neighbouring properties in respect of the effects of noise, dust and vibration.</p>	<p>No natural water courses are affected by the proposal. Physical works involved in preparing land avoids adverse effects on land and neighbouring properties due to the distance of the works from the boundaries.</p> <p>No adverse effects from stability, water quality or noise, dust and vibration will arise.</p> <p>The proposal achieves this objective.</p>	Identified as relevant but not directly assessed.	No change to original assessment.
Objective 16.3.10	To ensure subdivisions are designed to facilitate an appropriate and co-ordinated ultimate pattern of development having regard to the particular environment within which the subdivision is located.	<p>The development is consistent with and, overall, an improvement on the pattern of development anticipated within the Rocky Point Recreation Zone.</p> <p>The proposal achieves the objective.</p>	Not assessed.	No change to original assessment.
Objective 16.3.11	To ensure that subdivision in areas without reticulated foul sewage services does not facilitate development that has an adverse effect on soil, surface and groundwater resources, and public health.	<p>The subdivision can be adequately serviced without adverse effect on soil, water resources, and public health.</p> <p>The proposal achieves this objective.</p>	<p>[para 7.18 s42A report]</p> <p>I do not consider there to be sufficient information about the proposed reticulated wastewater system to be satisfied that the proposal will be adequate to manage wastewater in accordance with Objectives 4.3.5, 16.3.5 and 16.3.11, and Polies 4.4.5 and</p>	The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this objective.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			16.4.4.	
Policy 16.4.1	<p>To require that all subdivisions have legal and physical access that:</p> <p>(a) Is of a standard that is adequate for the intended use of allotments having regard to current and likely future traffic levels and the safe and convenient movement of vehicles and pedestrians, and</p> <p>(b) That integrates with the existing roading network in a safe and efficient manner, except in circumstances where Council is satisfied that section 321(2) and (3) of the Local Government Act 1974 is to apply or where no new lots are to be created.</p>	<p>The proposed access is appropriate for the traffic level anticipated and will integrate with the existing road network in a safe and efficient manner.</p> <p>The proposal achieves this policy.</p>	<p>[para 7.16 s42A report]</p> <p>While I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features, I consider the proposal to not provide an adequate level of access to State Highway 8 from Bendigo Loop Road. I consider the proposal to be inconsistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2.</p> <p>[page 22 addendum to s42A]</p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.</p> <p>I consider the proposed internal roading to be generally adequate, subject to the</p>	<p>This is now addressed through the conditions proposed, as agreed by NZTA, as discussed by Mr Carr.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			<p>provision of additional information regarding safety features. I note that upgrades will be required to the Bendigo Loop Road / State Highway 8 intersection, however, I am not certain that the standard recommended by the applicant will be adequate without comment from NZTA. At the current time, I do not consider the proposal to be consistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2. However, if the applicant can propose an access formation that is acceptable to NZTA and address safety concerns raised by Council's engineers, I would consider that the proposal is consistent with these provisions.</p>	
Policy 16.4.2	To encourage the use of existing access points to rural State highways and arterial roads to avoid or mitigate adverse effects on the safe and efficient operation of these roads.	<p>The proposal will use an existing access point to the rural state highway, from Bendigo Loop Road.</p> <p>The proposal achieves this policy.</p>	<p><i>[para 7.16 s42A report]</i></p> <p>While I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features, I consider the proposal to not provide an adequate level of access to State Highway 8 from Bendigo Loop Road. I consider the proposal to be inconsistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2.</p>	<p>This is now addressed through the conditions proposed, as agreed by NZTA, as discussed by Mr Carr.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			<p>[page 22 addendum to s42A]</p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.</p> <p>I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features. I note that upgrades will be required to the Bendigo Loop Road / State Highway 8 intersection, however, I am not certain that the standard recommended by the applicant will be adequate without comment from NZTA. At the current time, I do not consider the proposal to be consistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2. However, if the applicant can propose an access formation</p>	

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			that is acceptable to NZTA and address safety concerns raised by Council's engineers, I would consider that the proposal is consistent with these provisions.	
Policy 16.4.3	To require that the land to be subdivided is supplied with services and infrastructure that are adequate for the intended use of the land to be subdivided without the public interest being adversely affected.	The subdivision can be adequately serviced. The proposal achieves this policy.	[para 7.17 s42A report] Subject to the provision of additional information I consider that, in principle, the proposal will have adequate provision for other infrastructure consistent with Objective 16.3.2, and Policies 4.4.3, 16.4.3 and 16.4.6. [page 22 addendum to s42A report] The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.	The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this policy.
Policy	To require that subdivisions within unreticulated areas are designed to ensure that each	The proposal will ensure adequate provision for water and safe disposal of	[para 7.18 s42A report]	The evidence of Ms Rhynd and Mr Sternberg regarding the

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
16.4.4	<p>allotment:</p> <p>(a) Has the ability to adequately dispose of effluent and stormwater on site without compromising health, the life-supporting capacity of soil resources, the quality of ground and surface water resources, and the drainage and amenity values of adjoining properties: and that,</p> <p>(b) An adequate supply of water can be provided, where this is appropriate to the intended use of the allotment.</p>	<p>effluent and stormwater.</p> <p>The proposal achieves this policy.</p>	<p>I do not consider there to be sufficient information about the proposed reticulated wastewater system to be satisfied that the proposal will be adequate to manage wastewater in accordance with Objectives 4.3.5, 16.3.5 and 16.3.11, and Polies 4.4.5 and 16.4.4.</p>	<p>three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this policy.</p>
Policy 16.4.6	<p>To require that all physical works within subdivisions are designed and constructed in accordance with NZS 4404:1981 which is the Council's Subdivision Code of Practice unless Council determines modification of this code is necessary given the local conditions and particular circumstances affecting the subdivision.</p>	<p>All physical works within the proposed subdivision will be designed and constructed in accordance with NZS 4404:1991.</p> <p>The proposal achieves this policy.</p>	<p><i>[para 7.17 s42A report]</i></p> <p>Subject to the provision of additional information I consider that, in principle, the proposal will have adequate provision for other infrastructure consistent with Objective 16.3.2, and Policies 4.4.3, 16.4.3 and 16.4.6.</p> <p><i>[page 22 addendum to s42A report]</i></p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and</p>	<p>The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, fulfil this policy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.	
Policy 16.4.7	<p>To require that the design of subdivision, where relevant to the intended use, provides for the following matters:</p> <ul style="list-style-type: none"> (a) Facilitates convenient, safe and efficient access to all allotments including pedestrian access where appropriate. (b) Facilitates the safe and efficient provision and operation of services and infrastructure. (c) Facilitates access to passive solar energy resources. (d) Facilitates any foreseeable subsequent development or redevelopment including the economic provision of roading and network utility services. (e) Facilitates adequate provision of, or contribution to, the open space, recreational and reserve needs of the community with physical links to existing reserve areas where this is practicable. (f) Facilitates an appropriate level of access to heritage sites, natural features and water bodies where appropriate. (g) Facilitates development which keeps earthworks to a minimum. (h) Facilitates retention of the heritage values of a site or area. 	<p>The various relevant components of this policy have been addressed in detail in Section 4 above, and the design of the subdivision outlined in Section 2, takes these matters into account.</p> <p>The proposal achieves this policy.</p>	<p><i>[para 7.19 s42A report]</i></p> <p>The proposal should facilitate adequate access within the subdivision but, based on current available information is unlikely to facilitate the safe operation of the State Highway 8 / Bendigo Loop Road intersection. In principle, the design of the subdivision should provide safe and efficient provision of infrastructure, subject to the provision of additional information. I consider that all lots will have adequate access to passive solar energy. Further subdivision of the land or nearby properties that may rely on this development for access is not anticipated. It is not currently clear whether public access will be provided along proposed walking tracks in the landscape protection area, as anticipated by the concept plan to provide access to landscape features. I would expect some level of public access to be appropriate in this case. The proposal will result in earthworks, particularly for creating the access road. However, I consider that these</p>	<p>No change to the original assessment. The evidence of Ms Rhynd and Mr Sternberg regarding the three waters infrastructure services for the development, and the implementation and ongoing operation of the services through the proposed Rocky Point Services Limited, should satisfy Mr Vincent's residual concerns regarding this policy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			<p>have been minimised adequately, taking into account the steep terrain the access road must cross. Overall, I consider that the proposal adequately addresses most, but not all, matters in Policy 16.4.7.</p> <p><i>[page 22 addendum to s42A report]</i></p> <p>The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.</p>	

2. Operative Regional Policy Statement 2019 (RPS19)

2.1 Chapter 1 – Resource management in Otago is integrated

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 1.1	Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	The proposal provides for economic, social and cultural wellbeing by providing for a range of rural living, accommodation and related activities as anticipated within the Rocky Point Recreation Zone. The proposal achieves this objective.	Not assessed.	No change to original assessment.
Policy 1.1.2	Social and cultural wellbeing and health and safety Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following: a) Recognising and providing for Kāi Tahu values; b) Taking into account the values of other cultures; c) Taking into account the diverse needs of Otago's people and communities; d) Avoiding significant adverse effects of activities on human health; e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing; f) Promoting good quality and accessible infrastructure and public services.	The proposal provides for the social and cultural wellbeing by providing employment during the construction phase, future living opportunities and a range of accommodation and commercial activities. It is not expected that the proposal will result in effects that are incompatible with manawhenua values.	Not assessed.	No change to original assessment.
Objective 1.2	Recognise and provide for the integrated management of natural and physical	The proposal provides for a comprehensive development that	Not assessed.	No change to original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>resources to support the wellbeing of people and communities in Otago</p>	<p>integrates natural and physical resources through careful design based on the Rocky Point Recreation Zone, and by appropriately managing impacts on nature conservation values and landscape values.</p>		
<p>Policy 1.2.1</p>	<p>Integrated resource management Achieve integrated management of Otago's natural and physical resources, by all of the following:</p> <ul style="list-style-type: none"> a) Coordinating the management of interconnected natural and physical resources; b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment; c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest; d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary; e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits. f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement. g) Promoting healthy ecosystems and ecosystem services; h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits. 	<p>The proposal achieves integrated resource management.</p>	<p>Not assessed.</p>	<p>No change to original assessment.</p>

2.2 Chapter 2 - Kāi Tahu values and interests are recognised and kaitiakitaka is expressed

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 2.1	The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions	<p>The proposal does not undermine the principles of Te Tiriti o Waitangi and it is not expected that the proposal will have effects that are incompatible with Kāi Tahu ki values, and this will be confirmed over the process of the application.</p> <p>The proposal achieves the objectives and policies relating to Kāi Tahu values and Te Tiriti o Waitangi.</p>	Not assessed.	No change to the original assessment.
Policy 2.1.1	<p>Treaty obligations</p> <p>Promote awareness and understanding of the obligations of local authorities in regard to the principles of Te Tiriti o Waitangi, tikaka Māori and kaupapa Māori.</p>			
Policy 2.1.2	<p>Treaty principles</p> <p>Ensure that local authorities exercise their functions and powers, by:</p> <ul style="list-style-type: none"> a) Recognising Kāi Tahu's status as a Treaty partner; and b) Involving Kāi Tahu in resource management processes implementation; c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation; d) Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka; e) Ensuring Kāi Tahu have the ability to: <ul style="list-style-type: none"> i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; ii. Determine how best to express that relationship; 			

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>f) Having particular regard to the exercise of kaitiakitaka;</p> <p>g) Ensuring that district and regional plans:</p> <ul style="list-style-type: none"> i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; ii. Recognise and provide for statutory acknowledgement areas in Schedule 2; iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu; <p>h) Taking into account iwi management plans.</p>			
Objective 2.2	Kāi Tahu values, interests and customary resources are recognised and provided for			
Policy 2.2.1	<p>Kāi Tahu wellbeing</p> <p>Manage the natural environment to support Kāi Tahu wellbeing by all of the following:</p> <ul style="list-style-type: none"> a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and, b) Safeguarding the life-supporting capacity of natural resources. 			
Policy 2.2.2	<p>Recognising sites of cultural significance</p> <p>Recognise and provide for the protection of wāhi tūpuna, by all of the following:</p> <ul style="list-style-type: none"> a) Avoiding significant adverse effects on those values that contribute to the identified wāhi tūpuna being significant; b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna; 	<p>The site does not include any identified sites of cultural significance or wāhi tūpuna.</p> <p>The Archaeological Assessment (Attachment D) identifies general area-wide historic uses (for example oven sites located on banks of Clutha) as Māori transit through site. Specific section on Archaeological, Māori and</p>	Not assessed.	No change to the original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	c) Managing the identified wāhi tūpuna sites in a culturally appropriate manner.	other values. The following is all it contains if relevance to Iwi cultural values:		
Policy 2.2.3	<p>Wāhi tūpuna and associated sites</p> <p>Enable Kāi Tahu relationships with wāhi tūpuna by all of the following:</p> <p>a) Recognising that relationships between sites of cultural significance are an important element of wāhi tūpuna;</p> <p>b) Recognising and using traditional place names.</p>	<p><i>Although early Māori were active throughout the wider region, these sites are generally situated near larger rivers, specifically the Mata-au/Clutha River, the Kawarau River and smaller water courses such as Bendigo Creek. Based on the regional distribution of these archaeological sites it is unlikely that any Māori sites are present within the assessment area.</i></p> <p>CODP identifies waahi tapu site in Part A of Schedule 19.4 – nothing is listed for Bendigo</p> <p>The area is not subject to a Statutory Acknowledgement and also has no specific mention in the Kāi Tahu ki Otago Natural Resource Management Plan.</p>		

2.3 Chapter 3 – Otago has high quality natural resources and ecosystems

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 3.1	The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded	<p>The values of the ecosystem and land have been recognised as discussed in the Ecological Assessment (Attachment H). The proposed compensation planting will maintain these values.</p> <p>The proposal achieves this objective.</p>	Identified as relevant but not assessed.	No change to the original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Policy 3.1.1	<p>Safeguard the life-supporting capacity of fresh water and manage fresh water to:</p> <ul style="list-style-type: none"> a) Maintain good quality water and enhance water quality where it is degraded, including for: <ul style="list-style-type: none"> i. Important recreation values, including contact recreation; and, ii. Existing drinking and stock water supplies; b) Maintain or enhance aquatic: <ul style="list-style-type: none"> i. Ecosystem health; ii. Indigenous habitats; and, iii. Indigenous species and their migratory patterns. c) Avoid aquifer compaction and seawater intrusion; d) Maintain or enhance, as far as practicable: <ul style="list-style-type: none"> i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; ii. Coastal values supported by fresh water; iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and iv. Amenity and landscape values of rivers, lakes, and wetlands; e) Control the adverse effects of pest species, prevent their introduction and reduce their spread; f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and, 	<p>The proposal does not have any impact on fresh water quality or natural functioning of nearby water bodies. As discussed in the Stormwater Management Plan and Flood Risk Assessment (Attachment O), the proposal avoids, remedies and/or mitigates the adverse effects of natural hazards such as flooding.</p> <p>The proposal achieves this policy.</p>	<p><i>[para 7.28 of s42A report]</i></p> <p>It is not clear from the information available to me with the application that the proposal will contribute to achieving environmental outcomes for fresh water through the management of its stormwater and wastewater discharges, in particular. I consider the proposal to be inconsistent with Policy 3.1.1 and LF-LS-O2, LF-LS-P21 and LS-FW-P15.</p> <p><i>[page 25 addendum to s42A report]</i></p> <p>In this case, I consider that the proposed offsetting and compensation plantings would, in the long term, contribute to the regeneration of indigenous ecosystems in the area, at the loss of vulnerable cushionfield habitats. However, given the context for the Rural Resource Area (2) in the District Plan, and the notable loss of habitat the District Plan would provide for, I consider that some recognition of this potential benefit from the amended application is warranted.</p>	<p>No change to the original assessment, but add that the considerable ecological work and outcomes of the methods adopted for the effects management hierarchy will achieve, overall, positive outcomes for the ecosystem health of the site and the wider area, as noted by Mr Vincent in his s42 supplementary comments.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.			
Policy 3.1.3	<p>Water allocation and use</p> <p>Manage the allocation and use of fresh water by undertaking all of the following:</p> <ul style="list-style-type: none"> a) Recognising and providing for the social and economic benefits of sustainable water use; b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges; c) Ensuring the efficient allocation and use of water by: <ul style="list-style-type: none"> i. Requiring that the water allocated does not exceed what is necessary for its efficient use; ii. Encouraging the development or upgrade of infrastructure that increases efficiency; iii. Providing for temporary dewatering activities necessary for construction or maintenance. 	<p>The proposal can be adequately serviced in relation to fresh water.</p> <p>The proposal achieves this policy.</p>	Not assessed.	No change to original assessment, and note the evidence of Ms Rhynd and Mr Sternberg in relation to water use.
Policy 3.1.7	<p>Soil values</p> <p>Safeguard the life-supporting capacity of soil and manage soil to:</p> <ul style="list-style-type: none"> a) Maintain or enhance as far as practicable <ul style="list-style-type: none"> i. Soil biological diversity; ii. Biological activity in soils; iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere; 	<p>Large scale productive farming or horticulture/viticulture is incompatible with preservation of the natural character/amenity, and the related ecological value, that exists across the site.</p> <p>However, areas of the site (ie. those outside of the identified curtilage areas) will be protected from development and this can be assured through the conditions of consent.</p>	Not assessed.	No change to original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<ul style="list-style-type: none"> iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination; v. Soil fertility where soil is used for primary production; b) Where a) is not practicable, minimise adverse effects; c) Recognise that urban and infrastructure development may result in loss of soil values. d) Control the adverse effects of pest species, prevent their introduction and reduce their spread; e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained. 	<p>Pest species will be managed appropriately.</p> <p>Heritage values are recognised and will be protected.</p> <p>The proposal achieves this policy.</p>		
Policy 3.1.8	<p>Soil erosion</p> <p>Minimise soil erosion resulting from activities, by undertaking all of the following:</p> <ul style="list-style-type: none"> a) Using appropriate erosion controls and soil conservation methods; b) Maintaining vegetative cover on erosion prone land; c) Remediating land where significant soil erosion has occurred; d) Encouraging activities that enhance soil retention. 	<p>Where possible, vegetation cover will be maintained. The proposed compensation planting will enhance soil retention. Earthworks will be undertaken in accordance with an Environmental Management Plan to ensure best practice erosion and sediment control measures are implemented.</p> <p>The proposal achieves this policy.</p>	Not assessed.	No change to original assessment.
Policy 3.1.9	<p>Ecosystems and indigenous biological diversity</p> <p>Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine</p>	<p>Ecosystems and indigenous biological diversity are addressed in detail in the Ecological Assessment (Attachment H).</p>	<p>[para 7.29 of s42A report]</p> <p>Policy 3.1.9 in the PORPS2019 requires the maintenance and enhancement of indigenous</p>	<p>No change to the original assessment and I rely on Mr Beale's and Dr Wells' views regarding the effects on ecological values to conclude</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>environments to:</p> <p>a) Maintain or enhance:</p> <ul style="list-style-type: none"> i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna; ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity; <p>b) Maintain or enhance as far as practicable:</p> <ul style="list-style-type: none"> i. Areas of predominantly indigenous vegetation; ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity; iii. Areas buffering or linking ecosystems; <p>c) Recognise and provide for:</p> <ul style="list-style-type: none"> i. Hydrological services, including the services provided by tall tussock grassland; ii. Natural resources and processes that support indigenous biological diversity; <p>d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	<p>The proposal maintains and enhances ecosystem health and indigenous biological diversity across the site through avoidance of vegetation removal where possible and proposed offsetting and enrichment planting of a range of native species across the sites.</p> <p>The proposal achieves this policy.</p>	<p>biodiversity Policy 3.1.13 seeks to encourage and facilitate developments that protect or restore indigenous habitat and facilitate the regeneration of indigenous species. The proposal attempts this through offsetting and compensation areas. However, as identified by Mr Harding, there are limitations in the assessments supporting this part of the proposal that call into question the appropriateness of these measures. I do not consider that the applicant should benefit from Policy 3.1.13 and would not maintain an area of predominantly indigenous vegetation earmarked to be kept in a largely undeveloped state though other planning documents. I do not consider the proposal to be consistent with these provisions.</p> <p><i>[page 25 addendum to s42A report]</i></p> <p>Policy 3.1.9 in the RPS2019 requires the maintenance and enhancement of indigenous biodiversity Policy 3.1.13 seeks to encourage and facilitate developments that protect or restore indigenous habitat and facilitate the regeneration of indigenous species. In this case, I consider that the</p>	<p>that policy is achieved.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			proposed offsetting and compensation plantings would, in the long term, contribute to the regeneration of indigenous ecosystems in the area, at the loss of vulnerable cushionfield habitats. However, given the context for the Rural Resource Area (2) in the District Plan, and the notable loss of habitat the District Plan would provide for, I consider that some recognition of this potential benefit from the amended application is warranted.	
Policy 3.1.11	<p>Natural features, landscapes, and seascapes</p> <p>Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.</p>	<p>The values of the natural features across the site and landscape have been recognised and are addressed in detail in the Landscape Assessment (Attachment E).</p> <p>The proposal achieves this policy.</p>	Not assessed.	No change to the original assessment.
Policy 3.1.13	<p>Environmental enhancement</p> <p>Encourage, facilitate and support activities that contribute to the resilience and enhancement of the natural environment, by where applicable:</p> <ul style="list-style-type: none"> a) Improving water quality and quantity; b) Protecting or restoring habitat for indigenous species; c) Regenerating indigenous species; d) Mitigating natural hazards; e) Protecting or restoring wetlands; f) Improving the health and resilience of: <ul style="list-style-type: none"> i. Ecosystems supporting indigenous biological diversity; 	<p>As discussed above and within the Ecological Assessment (Attachment H), the proposal introduces a number of new (native vegetation) species to the site and will contribute to the resilience and enhance of the natural environment through improved biological diversity on the site. An Ecological Enhancement and Monitoring Plan (to be complied with on an ongoing basis, as required by conditions of consent) includes measures to control species and maintain indigenous vegetation in perpetuity.</p>	<p>[para 7.29 of s42A report]</p> <p>Policy 3.1.9 in the PORPS2019 requires the maintenance and enhancement of indigenous biodiversity Policy 3.1.13 seeks to encourage and facilitate developments that protect or restore indigenous habitat and facilitate the regeneration of indigenous species. The proposal attempts this through offsetting and compensation areas. However, as identified by Mr Harding, there are limitations in the assessments supporting</p>	<p>No change to the original assessment and I rely on Mr Beale's and Dr Wells' views regarding the effects on ecological values to conclude that policy is achieved.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<ul style="list-style-type: none"> ii. Important ecosystem services, including pollination; g) Improving access to rivers, lakes, wetlands and their margins, and the coast; h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors; i) Controlling pest species. 	<p>The proposal achieves this policy.</p>	<p>this part of the proposal that call into question the appropriateness of these measures. I do not consider that the applicant should benefit from Policy 3.1.13 and would not maintain an area of predominantly indigenous vegetation earmarked to be kept in a largely undeveloped state though other planning documents. I do not consider the proposal to be consistent with these provisions.</p> <p><i>[page 25 addendum to s42A report]</i></p> <p>Policy 3.1.13 seeks to encourage and facilitate developments that protect or restore indigenous habitat and facilitate the regeneration of indigenous species. In this case, I consider that the proposed offsetting and compensation plantings would, in the long term, contribute to the regeneration of indigenous ecosystems in the area, at the loss of vulnerable cushionfield habitats. However, given the context for the Rural Resource Area (2) in the District Plan, and the notable loss of habitat the District Plan would provide for, I consider that some recognition of this potential benefit from the amended application is</p>	

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			warranted.	
Objective 3.2	Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded	The site does not contain identified areas of significant indigenous vegetation however, as discussed in the Ecological Assessment (Attachment H) the site does contain kanuka (Scrub and shrubland) and cushionfield species which are ecologically significant.	[<i>para 7.36 of s42A report</i>] For the reasons provided throughout my report, I do not consider the proposal to adequately provide for the protection of the values of the ONL or potentially significant areas of indigenous flora and fauna on the site from inappropriate development. I consider the proposal to be inconsistent with PORPS Objective 3.2 and PRPS NFL-O1, and associated policies.	For the reasons set out in my evidence and in reliance on the expert opinions of Mr Beale, Dr Wells and Ms King I consider that the Proposal adequately protects the natural resources of the site and overall enhances ecological values.
Policy 3.2.2	Managing significant indigenous vegetation and habitats Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following: a) In the coastal environment, avoiding adverse effects on: i. The values that contribute to the area or habitat being significant; ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; iv. Indigenous ecosystems and vegetation types that are threatened	As previously discussed, the proposal will enhance the indigenous vegetation across the site through avoidance of indigenous vegetation removal where possible and proposed offsetting and enrichment planting in indigenous species. Through the planting the proposal will maintain overall the indigenous vegetation values and habitat within the site which will contribute to a wider ecological benefit, and fulfils limb (b) of the policy. Limb (g) is fulfilled through the management plan methods which will be assured through the conditions of consent. To the extent relevant, the proposal achieves this policy.	[<i>para 7.30 s42A report and page 25 addendum to s42A</i>] Policy 3.2.2 requires the application of the same effects managed hierarchy as in the NPS-IB when considering applications affecting areas of significant indigenous biodiversity. The proposal fails to adequately avoid adverse effects and would fail to protect a potentially significant area of indigenous flora and fauna in accordance with this policy.	No change to the original assessment and in reliance on the evidence of the ecologists regarding the NPS-IB's effects assessment hierarchy and the manner by which each step is assessed and concluded, the overall outcome on biodiversity values is positive.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>in the coastal environment, or are naturally rare;</p> <ul style="list-style-type: none"> v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; vi. Areas containing nationally significant examples of indigenous community types; and vii. Areas set aside for full or partial protection of indigenous biological diversity under other legislation; <ul style="list-style-type: none"> b) Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant; c) Avoiding significant adverse effects on other values of the area or habitat; d) Remedying when other adverse effects cannot be avoided; e) Mitigating when other adverse effects cannot be avoided or remedied; f) Encouraging enhancement of those areas and values that contribute to the area or habitat being significant; g) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread. 			
Policy 3.2.4	<p>Managing outstanding natural features, landscape and seascapes</p> <p>Protect, enhance or restore outstanding natural features, landscapes and seascapes, by all of the following:</p>	<p>As discussed in the Landscape Assessment (Attachment E) overall, the proposal protects the values of the ONL, through the design of the subdivision and the building and landscaping controls volunteered and</p>	<p><i>[page 25 addendum to s42A report]</i></p> <p>For the reasons provided throughout this report, I do not consider that the proposal</p>	<p>No change to the original assessment.</p> <p>I consider that the values of the ONL, overall, are maintained through the</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>a) In the coastal environment, avoiding adverse effects on the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding;</p> <p>b) Beyond the coastal environment, maintaining the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding;</p> <p>c) Avoiding, remedying or mitigating other adverse effects;</p> <p>d) Encouraging enhancement of those areas and values that contribute to the significance of the natural feature, landscape or seascape.</p>	<p>to be locked in via conditions of consent, and taking into account the development anticipated by the Rocky Point Recreation Zone.</p> <p>The proposal achieves the policy.</p>	<p>adequately maintains the open space and landscape values of the Landscape Protection Area identified in Schedule 19.16. I consider the proposal to be inconsistent with RPS 2019 Policy 3.2.4 and PORPS. NFL-O1 and NFL-P2.</p>	<p>various design controls and additional mitigation proposed by Mr Baxter.</p>

2.4 Chapter 4 – Communities in Otago are resilient, safe and healthy

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 4.3	Infrastructure is managed and developed in a sustainable way.	<p>The proposed infrastructure will be developed and managed appropriately and sustainably.</p> <p>To the extent relevant, the proposal achieves this objective.</p>	<p>[para 7.32 s42A report]</p> <p>PORPS Policy 4.3.5, and EIT-TRAN-O7 and EIT-TRAN-O9 and associated policies seek to ensure the integration of the transport network with land use and avoid adverse effects on the operation of the roading network. In the case of Policy 4.3.5, Council is directed to avoid significant effects and avoid, remedy or mitigate other</p>	<p>The infrastructure required for the Proposal is adequately described and assessed by Mr Carr, Ms Rhynd and Mr Sternberg and I rely on their opinions.</p> <p>There is agreement with NZTA as to conditions of consent for the intersection of Bendigo Loop Road and the state highway.</p>
Policy 4.3.5	<p>Protect infrastructure with national or regional significance, by all of the following:</p> <p>a) Restricting the establishment of activities that may result in reverse sensitivity effects;</p>	<p>The proposal does not give rise to adverse effects on national or regionally significant infrastructure.</p>		

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<ul style="list-style-type: none"> b) Avoiding significant adverse effects on the functional needs of such infrastructure; c) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure; d) Protecting infrastructure corridors from activities that are incompatible with the anticipated effects of that infrastructure, now and for the future. 		<p>effects on the operation and functional needs of regionally significant infrastructure, such as the transport network. While potentially strict in their application, especially the PRPS2021 provisions, I consider that these provisions can be adequately addressed primarily through compliance with relevant construction standards, in this case. Compliance with relevant standards is not proposed. I consider the proposal to fail to adequately avoid effects on the operation of the transport network, failing EIT-TRAN-P21 and Policy 4.3.5. The proposal would not encourage reduction in reliance on fossil fuels in terms of EIT-TRAN-P22.</p> <p><i>[page 25 addendum to s42A report]</i></p> <p>Provided agreement can be reached on an appropriate access formation for the State Highway 8 / Bendigo Loop Road intersection and assessment regarding the adequacy of safety measures on the subdivision road can be provided, I consider that the proposal would be consistent with RPS2019 Objective 4.3 and Policy 4.3.5, and PRPS2021 EIT-TRAN-07, 09,</p>	

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
			P18, P21 and P22.	

2.5 Chapter 5 – People are able to use and enjoy Otago’s natural and built environment

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 5.1	Public access to areas of value to the community is maintained or enhanced.	The proposal enhances public access through the site and within the area via the provisions of public walking tracks.	[page 25 addendum to s42A report]	No further assessment other than reiterating that the public access trails and the construction and maintenance of these (through Rocky Point Services Limited) will be managed by conditions of consent.
Policy 5.1.1	Maintain or enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following: a) Protecting public health and safety; b) Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats; c) Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu; Ensuring a level of security consistent with the operational requirements of a lawfully established activity.	The proposal achieves this objective and policy.	An amount of public access to the area is proposed through the subdivisional road and provision of public walking trails. In doing so, it would enhance public access to the landscape protection area, in line within its intended purpose. I note my previous reservations that it is not clear who the applicant intends to be responsible for maintaining these trails. However, assuming the trails are built and maintained to a useable state, I consider the proposal to be consistent with RPS2019 Objective 5.1 and Policy 5.1.1.	
Objective 5.2	Historic heritage resources are recognised and contribute to the region’s character and sense of identity	An Archaeological Assessment (Attachment D) was undertaken to understand and recognise the archaeological features and heritage values associated with the site, in fulfilment of the policy.	Not assessed.	No change to original assessment.
Policy 5.2.1	Recognising historic heritage Recognise all the following elements as characteristic or important to Otago’s historic heritage: a) Residential and commercial buildings;		Not assessed.	

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<ul style="list-style-type: none"> b) Māori cultural and historic heritage values; c) 19th and early 20th century pastoral sites; d) Early surveying, communications and transport, including roads, bridges and routes; e) Early industrial historic heritage, including mills and brickworks; f) Gold and other mining systems and settlements; g) Dredge and ship wrecks; h) Coastal historic heritage, particularly Kāi Tahu occupation sites and those associated with early European activity such as whaling; i) Memorials; j) Trees and vegetation. 			
Policy 5.2.3	<p>Managing historic heritage Protect and enhance places and areas of historic heritage, by all of the following:</p> <ul style="list-style-type: none"> 1) Recognising that some places or areas are known or may contain archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value; 2) Applying these provisions immediately upon discovery of such previously unidentified archaeological sites or areas, wāhi tapu or wāhi taoka; 3) Avoiding adverse effects on those values that contribute to the area or place being of regional or national significance; 	<p>As discussed in the Archaeological Assessment (Attachment D) the site recorded are associated with activities that relate to early colonial European occupation in the mid-1800s. The proposal is likely to affect the archaeological values of two recorded sites. The recommendations made in the assessment will form conditions of consent to ensure the historic heritage associated with the site is protected where possible.</p> <p>The proposal achieves the policy.</p>	<p>[page 25 addendum to s42A report]</p> <p>HCV-HH-O3 and its associated policies require the protection of historic heritage through avoiding significant effects on areas with historic heritage values and only remedying or mitigating those effects where they cannot be avoided. Policy 5.2.3 sets a similar requirement, where effects on values that contribute to the area or place being of regional or national significance should be avoided as a first priority, then residual effects remedied or mitigated. Other effects should be minimised. I consider that</p>	<p>No change to original assessment; agree with Mr Vincent's conclusion.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	4) Minimising significant adverse effects on other values of areas and places of historic heritage; 5) Remedying when adverse effects on other values cannot be avoided; 6) Mitigating when adverse effects on other values cannot be avoided or remedied; 7) Encouraging the integration of historic heritage values into new activities; 8) Enabling adaptive reuse or upgrade of historic heritage places and areas where historic heritage values can be maintained.		effects on archaeological values will be adequately managed. The reorientation of accesses to Lots 1, 2 and 3 reduces the likely impacts on Item G41/771. The items present are not understood to notably contribute to the area being of regional or national significance. I consider the proposal to be consistent with these provisions.	
Objective 5.3	Sufficient land is managed and protected for economic production	The site does not contain highly productive land and is therefore does not necessitate protection for economic production.	<i>[page 40 s42A report]</i> The proposal is in an area intended since prior to the current district plan for a mixture of rural residential and landscape protection purposes.	No change to original assessment.
Policy 5.3.1	Rural activities Manage activities in rural areas, to support the region's economy and communities, by: 1) Enabling primary production and other rural activities that support that production; 2) Providing for mineral exploration, extraction and processing; 3) Minimising the loss of significant soils; 4) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; 5) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency; 6) Providing for other activities that have a functional need to locate in rural areas.	There is no opportunity for adverse reverse sensitivity effects given the separation from any farming activity. The proposal achieves the policy.	I consider the uses proposed by the development to not be inconsistent with PORPS2019 Objective 5.3 and Policy 5.3.1.	

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective 5.4	Adverse effects of using and enjoying Otago's natural and physical resources are minimised	The proposal minimises adverse effects on the environment through sensitively designed development. All effects are known and understood, and there is no uncertainty about the potential outcomes. The proposal achieves the policy.	Not assessed.	No change to original assessment.
Policy 5.4.3	Precautionary approach to adverse effects Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.			
Policy 5.4.5	Pest plants and animals Control the adverse effects of pest species, prevent their introduction, reduce their spread and enable the removal and destruction of material for biosecurity purposes, to safeguard all of the following: a) The viability of indigenous species and habitats for indigenous species; b) Ecosystem services that support economic activities; c) Water quality and water quantity; d) Soil quality; e) Human and animal health; f) Recreation values; g) Landscapes, seascapes and natural character; h) Primary production.	This is addressed in detail in the Ecological Assessment (Attachment H). The proposal does not introduce pest species, rather native vegetation that will enhance the ecosystem services. To the extent relevant, the proposal achieves this policy.	Not assessed.	No change to original assessment.
Policy 5.4.6	Offsetting for indigenous biological diversity Consider indigenous biological diversity offsetting, when: a) Residual adverse effects of activities cannot be avoided, remedied or mitigated;	The proposal includes biological diversity offsetting as discussed in detail in the Ecological Assessment (Attachment H) to address the residual adverse effects associated with the proposal. The offset aligns with the directives of the National Policy Statement for Indigenous Biodiversity, specifically Appendix 3	Not assessed.	No change to original assessment. I have checked with Mr Beale and Dr Wells who consider that clause (c) of the policy is met the Proposal.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>b) The offset achieves no net loss and preferably a net gain in indigenous biological diversity;</p> <p>c) The offset ensures there is no loss of individuals of Threatened taxa other than kānuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), and no reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than mānuka (<i>Leptospermum scoparium</i>), under the New Zealand Threat Classification System (“NZTCS”);</p> <p>d) The offset is undertaken where it will result in the best ecological outcome, preferably;</p> <ul style="list-style-type: none"> i. Close to the location of development; or ii. Within the same ecological district or coastal marine biogeographic region; <p>e) The offset is applied so that the ecological values being achieved are the same or similar to those being lost;</p> <p>f) The positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity;</p> <p>g) The offset will achieve biological diversity outcomes beyond results that would have occurred if the offset was not proposed;</p> <p>h) The delay between the loss of biological diversity through the proposal and the gain or maturation of the offset’s biological diversity outcomes is minimised.</p>	<p>which sets out the principles for biodiversity offsetting.</p> <p>The proposal achieves this policy.</p>		

3. Proposed Regional Policy Statement 2021 (note – provisions shown are the final tracked change decisions version (March '24))

3.1 Mana whenua

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective MW-O1	Principles of Te Tiriti o Waitangi The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and Papatipu Rūnaka to ensure that what is valued by <i>mana whenua</i> is actively protected in the region.	As discussed above in relation to the PORPS provisions, the proposal does not undermine the principles of Te Tiriti o Waitangi and it is not expected that the proposal will have effects that are incompatible with Kāi Tahu ki values, and this will be confirmed over the process of the application.	The s42A report did not identify any Mana Whenua (MW) provisions as relevant to the proposal.	No change to original assessment.
Policy MW-P1	Treaty obligations Promote awareness and understanding of the obligations of local authorities in regard to the principles of Te Tiriti o Waitangi, tikaka Māori and kaupapa Māori.	The proposal achieves the objectives and policies relating to Kāi Tahu values and Te Tiriti o Waitangi.		
Policy MW-P2	Treaty principles <i>Local authorities</i> exercise their functions and powers in accordance with Treaty principles, by: 1) recognising the status of Kāi Tahu and facilitating Kāi Tahu involvement in decision-making as a Treaty partner, 2) including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua, 3) recognising and providing for Kāi Tahu values and resource management issues, as identified by <i>mana whenua</i> , in resource management decision-making processes and plan implementation,			

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, <i>water</i>, sites, wāhi tapu, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them,</p> <p>5) ensuring that <i>regional</i> and <i>district plans</i> recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, tōpuni, <i>nohoaka</i> and customary fisheries identified in the NTCSA 1998, including by actively protecting the mauri of these areas,</p> <p>6) having particular regard to the ability of Kāi Tahu to exercise kaitiakitaka,</p> <p>7) actively pursuing opportunities for:</p> <ul style="list-style-type: none"> a. delegation or transfer of functions to Kāi Tahu, and b. partnership or joint management arrangements, and <p>8) taking into account iwi management plans when making resource management decisions.</p>			

3.2 Integrated Management

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective IM-O1	<p>Long term vision (<u>mō tātou, ā, mō kā uri ā muri ake ne</u>)</p> <p>The management of natural and physical resources in Otago, by and for the people of</p>	The proposal provides for social wellbeing through the provision of sites for residential and travellers' accommodation, and related activities,	Not assessed.	No change to original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	Otago, in partnership with including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves a healthy, and resilient, and safeguarded natural environment, systems, and including the ecosystem services it provides they offer , and supports the well-being of present and future generations, <i>mō tātou, ā, mō kā uri ā muri ake nei</i> .	taking into account the Rocky Point Recreation Zone, while maintaining environmental quality and safeguarding the natural systems of the area. The proposal achieves this objective.		
Objective IM-O2	Ki uta ki tai The management of nNatural and physical resources management and decision making in Otago embraces ki uta ki tai, recognising that the <i>environment</i> is an interconnected system, which depends on its connections to flourish, and must be <u>managed considered</u> as an interdependent whole	The proposal recognises the environment holistically through the development enabled by the Rocky Point Recreation Zone and the recognition of the potential impacts of development on the environment and its interconnected components. The proposal achieves this objective.	Not assessed.	No change to original assessment.
Objective IM-O3	Environmentally Sustainable impact Otago's communities <u>provide for their social, economic and cultural well-being in ways carry out their activities in a way that support or restore preserves</u> environmental integrity, form, functioning, and <i>resilience</i> , so that the life-supporting capacities of air, <i>water</i> , soil, and ecosystems <u>are sustainably managed</u> , and indigenous <i>biodiversity</i> endure for future generations.	The proposal does not compromise the life-supporting capacity of the District's air, water, soil, ecosystems, or indigenous biodiversity. Consent conditions are volunteered to ensure that impacts are managed appropriately, and the environment remains, overall, sustainable for indigenous biodiversity and environmental integrity. The proposal achieves this objective.	Not assessed.	No change to original assessment.
Policy IM-P13	Managing cumulative effects In resource management decision-making, <u>recognise and manage the impact of cumulative effects on the form, functioning and resilience of Otago's environment (including resilience to climate change) and the opportunities available for future generations.</u>	Cumulative effects will be limited when considering what the Rocky Point Recreation Zone provides for. Otago's environmental integrity, form, function, and resilience, and opportunities for future generations will remain protected.	Not assessed.	No change to original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	Otago's environmental integrity, form, function, and resilience, and opportunities for future generations, are protected by recognising and specifically managing the cumulative effects of activities on natural and physical resources in plans and explicitly accounting for these effects in other resource management decisions.	The proposal achieves this policy.		

3.3 Freshwater

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Policy LF-FW-P15	<p>Stormwater and wastewater discharges</p> <p>Minimise the adverse effects of direct and indirect discharges of stormwater and wastewater to fresh water by:</p> <p>1) except as required by LF-VM-O2 and LF-VM-O4, preferring discharges of wastewater to land over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water, and</p> <p>2) requiring:</p> <p>(a) all sewage, industrial or trade waste to be discharged into a reticulated wastewater system, where one is available,</p> <p>(aa) <u>integrated catchment management plans for management of stormwater in urban areas.</u></p> <p>(b) all stormwater to be discharged into a reticulated system, where one is <u>made available by the operator of the</u></p>	<p>Requirements for a full assessment of effluent disposal requirements is anticipated as a consent condition and will be completed prior to the occupation of any dwelling. Required standards will be met. The assessment provided by Mt Iron Geodrill and CKL (Attachment G) demonstrates that wastewater disposal (onsite and communal) options are available for the lots proposed and wastewater can be discharged to land. Vegetation is being retained wherever possible to control stormwater.</p> <p>The proposal achieves this policy.</p>	<p>[para 7.28 s42A report]</p> <p>It is not clear from the information available to me with the application that the proposal will contribute to achieving environmental outcomes for fresh water through the management of its stormwater and wastewater discharges, in particular. I consider the proposal to be inconsistent with Policy 3.1.1 and LF-LS-O2 [sic], LF-LS-P21 and LS-FW-P15.</p>	<p>No change to original assessment and to the extent this policy is relevant the evidence of Ms Rhynd confirms that the methods for stormwater servicing of the development will fulfil the relevant aspects of the policy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p><u>reticulated system, unless alternative treatment and disposal methods will result in the same or improved outcomes for freshwater.</u></p> <p>(c) implementation of methods to progressively reduce <u>unintentional stormwater inflows to the frequency and volume of wet weather overflows</u> and minimise the likelihood of dry weather overflows occurring for reticulated stormwater and wastewater systems,</p> <p>(d) on-site wastewater systems to be designed and operated in accordance with best practice standards,</p> <p>(e) <u>that any stormwater and wastewater discharges do not prevent water bodies from meeting any applicable water quality standards set for FMUs and/or rohe, and</u></p> <p>(f) the use of water sensitive urban design techniques to avoid or mitigate the potential adverse effects of contaminants on receiving water bodies from the subdivision, use or development of land, wherever practicable, and</p> <p>3) promoting the reticulation of stormwater and wastewater in urban areas <u>where appropriate, and</u></p> <p>(a) <u>promoting source control as a method for reducing contaminants in discharges and the use of good practice guidelines for managing stormwater.</u></p>			

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Policy LF-FW-P16	<p><u>Discharges containing animal effluent, sewage, greywater and industrial and trade waste</u></p> <p><u>Minimise the adverse effects of direct and indirect discharges containing animal effluent, sewage, greywater and industrial and trade waste to fresh water by:</u></p> <ol style="list-style-type: none"> 1) <u>phasing out existing discharges containing sewage or industrial and trade waste directly to water to the extent practicable,</u> 2) <u>requiring:</u> <ol style="list-style-type: none"> (a) <u>new discharges containing sewage or industrial and trade waste to be to land,</u> (b) <u>discharges of animal effluent from land-based primary production to be to land,</u> (c) <u>that all discharges containing sewage or industrial and trade waste are discharged into a reticulated wastewater system, where one is made available by its owner, unless alternative treatment and disposal methods will result in improved outcomes for fresh water,</u> (d) <u>implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated wastewater systems,</u> (e) <u>on-site wastewater systems and animal effluent systems to be</u> 	<p>As discussed in the various reports, the proposed wastewater disposal systems will be designed in accordance with best practice standards and will minimise any potential adverse effect on the environment.</p> <p>To the extent relevant, the proposal achieves this policy.</p>	<p>Not assessed.</p>	<p>No change to original assessment. The evidence of Mr Sternberg addresses the wastewater disposal methods for the development and I consider that the Proposal achieves the relevant aspects of the policy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p><u>designed and operated in accordance with best practice standards.</u></p> <p>(f) <u>that any discharges do not prevent water bodies from meeting any applicable water FMUs and/or rohe.</u></p> <p>3) <u>to the greatest extent practicable, requiring the reticulation of wastewater in urban areas, and</u></p> <p>4) <u>promoting source control as a method for reducing contaminants in discharges.</u></p>			

3.4 Land and soil (note the UFD provisions have been relocated to LF-LS by the Hearing Panel decision and will be renumbered)

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective LF-LS-O11	<p>Land and soil</p> <p>The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained <u>protected</u> now and for future generations.</p>	<p>The proposal does not compromise the life-supporting capacity of the district's soil. The site has a LUC class of 7 and the proposal results in development of the Rocky Point Recreation Zone with large areas revegetated or protected.</p> <p>The proposal achieves this objective.</p>	Not assessed.	No change to original assessment.
Objective LF-LS-O12	<p>Use, development and protection of land</p> <p>The use of land in Otago maintains soil quality and contributes to achieving environmental outcomes for fresh water.</p> <p><u>The use, development, and protection of land and soil:</u></p> <p>(1) <u>safeguards the life-supporting capacity of soil.</u></p>	<p>Soil quality will be maintained, and native vegetation will be maintained where possible, enhanced through compensation planting areas and protected in perpetuity. This will assist with preventing soil erosion and overland flow into water sources.</p> <p>The proposal achieves this objective.</p>	Not assessed.	No change to original assessment.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(2) <u>contributes to achieving environmental outcomes for fresh water, and</u></p> <p>(3) <u>recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago's people and communities.</u></p>			
Policy LF-LS-P17	<p>Soil values Maintain the mauri health and productive potential of soils, <u>to the extent reasonably practicable</u> by managing the use and development of land in a way that is suited to the natural soil characteristics and that sustains <u>mauri through</u> healthy:</p> <ol style="list-style-type: none"> 1) soil biological activity and biodiversity, 2) soil structure, and 3) soil fertility. 	<p>Beyond the area required to establish building platforms and access the site will be protected from development. The mauri, health and productive potential of soils will therefore be maintained.</p> <p>The proposal achieves this policy.</p>	Not assessed.	No change to original assessment.
Policy LF-LS-P18	<p>Soil erosion Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by:</p> <ol style="list-style-type: none"> 2) maintaining vegetative cover on erosion-prone land, <u>to the extent practicable</u>, and 1) implementing effective management practices to retain topsoil in situ and minimise the potential for soil to be discharged to water bodies, including by controlling the timing, duration, scale and location of soil exposure, <u>and</u> 2) promoting activities that enhance soil retention. 	<p>The proposal makes provision for the protection of soil resource by its low density and footprint of development (comparative to what is anticipated within the 'Development Area' of the Rocky Point Recreation Zone), restrictive curtilage areas and compensation planting and protection. Extensive areas of indigenous vegetation will remain onsite, and proposed earthworks are limited to roading and minor works to prepare build platforms. Erosion, compaction and the loss of soils will be limited.</p> <p>The proposal achieves this policy.</p>	Not assessed.	No change to original assessment.
Policy LF-LS-P21	<p>Land use and fresh water Achieve the improvement or maintenance of</p>	<p>The discharge of contaminants is not anticipated by the proposal. No natural water courses are affected by the</p>	<p>[para 7.28 s42A report] It is not clear from the</p>	No change to original assessment, and I rely on the evidence of Ms Rhynd and Mr

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>fresh water quantity or quality <u>The health and well-being of waterbodies and freshwater ecosystems is maintained</u> to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</p> <ol style="list-style-type: none"> 1) <u>reducing or otherwise maintaining the adverse effects of</u> direct and indirect discharges of contaminants to water from the use and development of land, and 2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, 3) <u>recognising the drylands nature of some of Otago and the resulting low water availability, and</u> 4) <u>maintaining or, where degraded, enhancing, the habitat and biodiversity values of riparian margins.</u> 	<p>proposal. The Water and Wastewater Assessment (Attachment G) demonstrates that wastewater disposal options are available for the development.</p> <p>The proposal achieves this policy.</p>	<p>information available to me with the application that the proposal will contribute to achieving environmental outcomes for fresh water through the management of its stormwater and wastewater discharges, in particular. I consider the proposal to be inconsistent with Policy 3.1.1 and LF-LS-O2 [sic], LF-LS-P21 and LS-FW-P15.</p>	<p>Sternberg, which address the methods and effects of stormwater and wastewater disposal, in support of my view that the policy is achieved.</p>

3.5 Ecosystem and indigenous biodiversity

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective ECO-01	Indigenous biodiversity Otago's indigenous biodiversity is healthy and thriving and any <u>overall decline in condition, quality, quantity and diversity is halted.</u>	The values of indigenous biodiversity is recognised as detailed in the Ecological Assessment (Attachment H). The proposal includes offsetting and enrichment planting which will assist in maintaining and improving Otago's indigenous biodiversity. The proposal achieves this objective.	[para 7.31 s42A report] ECO-P6 requires the application of the same effects managed hierarchy as in the NPS-IB when considering applications affecting indigenous biodiversity. The proposal fails to adequately avoid adverse effects and would fail to protect a potentially	For the reasons set out in Part 4, of my evidence (in relation to effects on ecological values), I consider that the Proposal's ecological effects response is appropriate and that the effects management hierarchy has been properly applied and will be implemented accordingly through the conditions of
Objective ECO-02	Restoring or and enhancing <u>Restoration and enhancement activities result</u>	The proposal will enhance indigenous biodiversity of the area.		

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	in an A net overall increase in the extent and occupancy of Otago's indigenous biodiversity results from restoration or enhancement.	The proposal achieves this objective.	significant area of indigenous flora and fauna in accordance with ECO-P2. I consider the proposal to be inconsistent with these policies and associated ECO-O1, ECO-O2 and ECO-O3.	consent. Overall the Proposal will result in net benefits for indigenous biodiversity.
Objective ECO-O3	<p>Kaitiakitaka and stewardship</p> <p>Mana whenua exercise their role are recognised as kaitiaki of Otago's indigenous biodiversity, and Otago's communities are recognised as stewards, who are responsible for:</p> <ol style="list-style-type: none"> 1) te hauora o te koiora (the health of indigenous biodiversity), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taiao (the health of the wider environment), while 2) providing for te hauora o te takata (the health of the people). 	While it is not expected that the proposal will have effects that are incompatible with mana whenua values, and the applicant will consult with the Mana whenua over the process of the application, as discussed above, and taking into account the findings of the archaeological expert.		I do not consider that adverse effects on cultural values are a determining factor for this application for the reasons set out in Part 4 of my evidence.
Policy ECO-P1	<p>Kaitiakitaka</p> <p>Recognise the role of <u>Enable Kāi Tahu to exercise their role as kaitiaki of Otago's indigenous biodiversity by:</u></p> <ol style="list-style-type: none"> 1) involving partnering with Kāi Tahu in the management of indigenous biodiversity <u>to the extent desired by mana whenua,</u> 1A) working with Kāi Tahu to identify and the identification of indigenous species and ecosystems that are taoka, 2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous biodiversity, and 3) providing for <u>facilitating</u> access to and use of indigenous biodiversity by Kāi Tahu, including mahika kai, according to tikaka. 			
Policy	Protecting significant natural areas and	The themes in this policy are	Identified in the s42A report list	No change to the original

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
ECO-P3	<p>taoka</p> <p>Outside the coastal environment, and eExcept as provided for by ECO-P4 and ECO-P5ECO-P5A, protect significant natural areas and indigenous species and ecosystems that are taoka by:</p> <p>1) first avoiding adverse effects that result in:</p> <p>(a) any reduction of the area or values (even if those values are not themselves significant) identified under ECO-P2(1), or</p> <p>(aa) loss of ecosystem representation and extent,</p> <p>(ab) disruption to sequences, mosaics, or ecosystem function,</p> <p>(ac) fragmentation of significant natural areas or the loss of buffers or connections within an SNA,</p> <p>(ad) a reduction in the function of the significant natural area as a buffer or connection to other important habitats or ecosystems, or</p> <p>(ae) a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an significant natural area for any part of their life cycle,</p> <p>(b) any loss of Kāi-Tahu taoka values identified by mana whenua as requiring protection under ECO-P2(2), and</p> <p>2) after (1), applying the biodiversity effects management hierarchy (in relation to indigenous biodiversity) in ECO-P6 to areas and values other than those covered by ECO-P3(1), and</p>	<p>addressed in detail in the Ecological Assessment (Attachment H). The biodiversity effects management hierarchy has been implemented. Building platforms and access routes have been carefully located to avoid adverse effects wherever possible. Areas of indigenous vegetation will be maintained and enhanced through compensation planting and ongoing protection.</p> <p>The proposal achieves this policy.</p>	<p>of relevant provisions but not assessed.</p>	<p>assessment, and I rely on the evidence of Mr Beale and Dr Wells as to the appropriateness of the actions in relation to the effects management hierarchy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>3) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified <u>and mapped</u> in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with IM-P45IM-P6(2).</p>			
<p>Policy ECO-P6</p>	<p>Maintaining indigenous biodiversity <u>Outside the coastal environment and excluding areas protected under ECO-P3, manage Maintain</u> Otago's indigenous biodiversity (excluding the coastal environment and areas managed under ECO-P3) by:</p> <p>(1) <u>applying the following biodiversity effects management hierarchy (in relation to indigenous biodiversity) to manage significant adverse effects on indigenous biodiversity), and</u></p> <p>(2) <u>requiring the maintenance of indigenous biodiversity for all other adverse effects of any activity, and</u></p> <p>...</p> <p><u>applying the following biodiversity effects management hierarchy in decision-making on applications for resource consent and notices of requirement:</u></p> <p>1) <u>avoid adverse effects as the first priority,</u> 2) <u>where adverse effects demonstrably cannot be completely avoided, they are remedied,</u> 3) <u>where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,</u> 4) <u>where there are residual adverse effects after avoidance, remediation, and</u></p>	<p>As discussed in the Ecological Assessment (Attachment H) the biodiversity offsetting effects management hierarchy has been implemented and the proposal includes offsetting that result in positive ecological effects.</p> <p>The proposal achieves this policy.</p>	<p>ECO-P6 requires the application of the same effects managed hierarchy as in the NPS-IB when considering applications affecting indigenous biodiversity. The proposal fails to adequately avoid adverse effects and would fail to protect a potentially significant area of indigenous flora and fauna in accordance with ECO-P2. I consider the proposal to be inconsistent with these policies and associated ECO-O1, ECO-O2 and ECO-O3.</p>	<p>No change to original assessment, and confirmed in the evidence of Mr Beale, Dr Wells and Ms King.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>mitigation, then the residual adverse effects are offset in accordance with APP3, and</p> <p>5) if biodiversity offsetting of residual adverse effects is not possible, then:</p> <p>(a) the residual adverse effects are compensated for in accordance with APP4, and</p> <p>(a) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.</p>			
<p>Policy ECO-P8</p>	<p><u>Restoration and Enhancement</u></p> <p>The extent, occupancy and condition of Otago's indigenous biodiversity is increased by:</p> <ol style="list-style-type: none"> 1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species, 2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and intrinsic values, and 3) buffering or linking ecosystems, habitats and ecological corridors, <u>ki uta ki tai</u> and 4) <u>prioritising all the following for restoration:</u> <ol style="list-style-type: none"> (a) <u>significant natural areas whose ecological integrity is degraded,</u> (b) <u>threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems,</u> (c) <u>areas that provide important connectivity or buffering functions,</u> 	<p>As discussed in the Ecological Assessment (Attachment H) the proposed offsetting and enrichment planting will increase the diversity of the homogenous kanuka shrubland. Ongoing protection, monitoring and maintenance will also be achieved.</p> <p>The proposal achieves this policy.</p>	<p>Not assessed.</p>	<p>No change to original assessment, and the evidence of Mr Beale, Dr Wells and Ms King confirms my view that the Proposal achieves the policy.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(d) <u>areas of indigenous biodiversity on native reserves and Māori land where restoration is advanced by the Māori landowners.</u></p> <p>1) <u>any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.</u></p>			
Policy ECO-P10	<p><u>Integrated approach management</u> <u>Manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means: Implement an integrated and co-ordinated approach to managing Otago's ecosystems and indigenous biodiversity that:</u></p> <p>(1) <u>ensuring any permitted or controlled activity in a regional plan or district plan rule does not compromise the achievement of ECO-O1,</u></p> <p>(2) <u>recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, fresh water, and the coastal marine area, including:</u> <u>(a) the migration of fish species between fresh and coastal waters, and</u> <u>(b) the effects of land-use activities on coastal biodiversity and ecosystems,</u></p> <p><u>(2A) acknowledging that climate change will affect indigenous biodiversity and managing activities which may exacerbate the effects of climate change,</u></p> <p>(3) <u>providing for the coordinated management and control of subdivision, use and development, as it affects</u></p>	The proposal represents an integrated approach to managing indigenous biodiversity and will overall result in positive outcomes as discussed in the Ecological Assessment (Attachment H).	Not assessed.	No change to the original assessment. Clause (5) of the policy is relevant and is achieved by the Proposal.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>indigenous biodiversity across administrative boundaries, promotes collaboration between individuals and agencies with biodiversity responsibilities,</p> <p>(4) working towards aligning strategies and other planning tools required or provided for in legislation that are relevant to indigenous biodiversity, supports the various statutory and non-statutory approaches adopted to manage indigenous biodiversity,</p> <p>(5) recognising the critical role of people and communities in actively managing the remaining indigenous biodiversity occurring on private land, and</p> <p>(6) adopting regulatory and non-regulatory regional pest management programmes.</p>			
ECO-M7B	<p><u>Information requirements</u></p> <p><u>Local authorities must:</u></p> <p>(1) <u>require that, in relation to an application for a resource consent for an activity that would have more than minor adverse effects on indigenous biodiversity, the application is not considered unless it includes a report that:</u></p> <p>(a) <u>is prepared by a suitably qualified ecologist and, as required, any other person with suitable expertise, such as someone with expertise in mātauraka Māori; and</u></p> <p>(b) <u>complies with subclause (2); and</u></p> <p>(c) <u>is commensurate with the scale and significance (to indigenous biodiversity) of the proposal.</u></p> <p>(2) <u>the report required within ECO-M2(4A)</u></p>	Not assessed	Not assessed	Mr Beale's, Dr Wells' and Ms King's evidence, and the suite of accompanying specialist investigations and reports, demonstrate that the application contains the information required by this RPS method. The offset planting is in accordance with the principles for biodiversity offsetting in APP3 of the PRPS21 and with the information required by Appendix 3 of the NPS-IB.

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p><u>above must:</u></p> <p>(a) <u>include a description of the existing ecological features and values of the site; and</u></p> <p>(b) <u>include a description of the adverse effects of the proposal on <i>indigenous biodiversity</i> and how those effects will be managed; and</u></p> <p>(c) <u>identify any effects on identified taoka; and</u></p> <p>(d) <u>identify the ecosystem services associated with <i>indigenous biodiversity</i> at the site; and</u></p> <p>(e) <u>include an assessment of the ecological integrity and connectivity within and beyond the site; and</u></p> <p>(f) <u>include mātauraka Māori and tikaka Māori assessment methodology, where relevant; and</u></p> <p>(g) <u>if <i>biodiversity offsetting</i> is proposed, set out:</u></p> <p style="padding-left: 20px;">(i) <u>a detailed plan of what is proposed, including a quantified loss and gain calculation, the currency used in the calculation, and the data that informs the calculation and plan; and</u></p> <p style="padding-left: 20px;">(ii) <u>a description of how the relevant principles in APP4 have been addressed; and</u></p> <p style="padding-left: 20px;">(iii) <u>an assessment of the likely success of the plan in achieving a net gain in biodiversity values; and ...</u></p>			

3.6 Energy, infrastructure and transport

Provision	Detail	Assessment	Assessment in s42A report	Further assessment
Objective EIT-TRAN-07	<p>Effective, efficient, and safe transport</p> <p>Otago has an integrated air, land and <u>sea water-based</u> transport network that:</p> <ol style="list-style-type: none"> 1. is effective, efficient and safe, 2. connects communities and their activities within Otago, with other regions, and internationally, and 3. is resilient to natural hazards <u>and the effects of climate change, and the changing needs of communities.</u> 	Not assessed.	<p>PORPS Policy 4.3.5, and EIT-TRAN-07 and EIT-TRAN-09 and associated policies seek to ensure the integration of the transport network with land use and avoid adverse effects on the operation of the roading network. In the case of Policy 4.3.5, Council is directed to avoid significant effects and avoid, remedy or mitigate other effects on the operation and functional needs of regionally significant infrastructure, such as the transport network. While potentially strict in their application, especially the PRPS2021 provisions, I consider that these provisions can be adequately addressed primarily through compliance with relevant construction standards, in this case. Compliance with relevant standards is not proposed. I consider the proposal to fail to adequately avoid effects on the operation of the transport network, failing EIT-TRAN-P21 and Policy 4.3.5.</p> <p>The proposal would not encourage reduction in reliance on fossil fuels in terms of EIT-</p>	<p>The evidence of Mr Carr demonstrates that the Proposal can proceed, in the manner anticipated by the conditions agreed with NZTA, so that adverse effects on the transportation network do not arise.</p> <p>The RuRA(2) Zone is located somewhat distant from any urban centre and there is no possibility that the Proposal can in its own right can reduce dependence on fossil fuels, short of imposing conditions for owners to have electric vehicles, have solar panels and so on. Societal trends towards electric vehicles, solar panels etc. will prevail in any case, and such interventionist conditions are not necessary in my view.</p>
Objective EIT-TRAN-09	<p>Effects of the transport system</p> <p>The contribution of transport to Otago's greenhouse gas emissions is reduced and communities are less reliant on fossil fuels for transportation.</p>	Not assessed.		

Provision	Detail	Assessment	Assessment in s42A report	Further assessment
			TRAN-P22.	
...				
Policy EIT-TRAN-P21	<p>Operation of the transport system</p> <p>The efficient and effective operation of the transport system is maintained by:</p> <ol style="list-style-type: none"> 1. avoiding <u>or mitigating</u> adverse effects of activities on the functioning of the transport system, 2. avoiding the impacts of incompatible activities, <u>to the extent reasonably practicable,</u> including those that may result in reverse sensitivity effects, 3. <u>avoiding or minimising the effects of activities and development so that the avoiding development that forecloses an</u> opportunity to adapt, upgrade or develop the transport system to meet future transport demand, <u>is not compromised,</u> 4. promoting the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes, 5. promoting methods that provide more efficient use of, or reduce reliance on, private motor vehicles, including ridesharing, park and ride facilities, <u>bus hubs, bicycle facilities,</u> demand management and alternative transport modes, and 6. encouraging a shift to using renewable energy sources. 	Not assessed.	Same assessment as for Objective EIT-TRAN-09 above.	Same assessment as for Objective EIT-TRAN-09 above.
...				

3.7 Historic heritage

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective HCV-HH-O3	<p>Historic heritage resources</p> <p>Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, and <u>people's understanding and appreciation of it is enhanced, and that it is protected is preserved</u> for future generations <u>against inappropriate subdivision, use and development.</u></p>	<p>The Archaeological Assessment Attachment D) recommends methods for the protection of the historic retaining wall and a consent condition is volunteered to ensure this occurs.</p> <p>The proposal achieves this policy.</p>	<p>[page 25 addendum to s42A]</p> <p>HCV-HH-O3 and its associated policies require the protection of historic heritage through avoiding significant effects on areas with historic heritage values and only remedying or mitigating those effects where they cannot be avoided. Policy 5.2.3 sets a similar requirement, where effects on values that contribute to the area or place being of regional or national significance should be avoided as a first priority, then residual effects remedied or mitigated. Other effects should be minimised. I consider that effects on archaeological values will be adequately managed. The reorientation of accesses to Lots 1, 2 and 3 reduces the likely impacts on Item G41/771. The items present are not understood to notably contribute to the area being of regional or national significance. I consider the proposal to be consistent with these provisions.</p>	<p>No change to original assessment.</p>
Policy HCV-HH-P5	<p>Managing historic heritage</p> <p><u>Except as provided for in EIT-INF-P13, protect historic heritage from inappropriate subdivision, use and development by:</u></p> <ol style="list-style-type: none"> 1) requiring the use of accidental discovery protocols <u>in accordance with APP11,</u> 2) avoiding adverse effects on areas or places <u>which have been identified as having with</u> special or outstanding historic heritage values or qualities, <u>except that in circumstances (a) to (f) below, they are remedied or mitigated to the extent practicable:</u> <ol style="list-style-type: none"> (a) <u>where HCV-HH-P6 applies, or</u> (b) <u>a project has significant public benefit that outweighs the loss of historic heritage, or</u> (c) <u>the activity has functional or locational constraints and has a significant public benefit,</u> (d) <u>the area or place is already impacted by an existing, lawfully established activity, or</u> (e) <u>there is significant risk to safety or property, or</u> 			

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
	<p>(f) <u>any adverse effects are minor and relate to work necessary to adapt a historic heritage building to modern use.</u></p> <p>3) <u>Avoiding, remedying or mitigating significant adverse effects on other areas or places with historic heritage values or qualities,</u></p> <p>4) <u>avoiding, as the first priority, other adverse effects on areas or places with historic heritage values or qualities,</u></p> <p>5) <u>where adverse effects demonstrably cannot be completely avoided, remedying or mitigating them, and</u></p> <p>1) <u>recognising that for infrastructure, EIT-INF P13 applies instead of HCV HH-P5(1) to (5).</u></p>			

3.8 Natural features and landscapes

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Objective NFL-O1	<p>Outstanding and highly valued natural features and landscapes</p> <p>The areas and values of Otago's outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in:</p> <p>4) <u>the protection of them from inappropriate subdivision, use and development outstanding natural features and landscapes, and</u></p> <p>1) <u>2) the maintenance or enhancement of highly valued natural features and landscapes.</u></p>	<p>As discussed in the Landscape Assessment (Attachment E) the proposal mitigates or avoids adverse landscape and visual amenity effects on the ONL and therefore protects the values of the ONL overall.</p> <p>The proposal achieves this objective and policy.</p>	<p>[page 25 addendum to s42A report]</p> <p>For the reasons provided throughout this report, I do not consider that the proposal adequately maintains the open space and landscape values of the Landscape Protection Area identified in Schedule 19.16. I consider the proposal to be inconsistent with RPS 2019 Policy 3.2.4 and PORPS. NFL-O1 and NFL-P2.</p>	<p>The development in my view is not inappropriate for the reasons discussed in this evidence at Part 4 of my evidence in relation to landscape effects, and in reliance on Mr Baxter's assessment of the effects on the values, at his paragraphs 105 – 106.</p>

Provision	Detail	Assessment in application	Assessment in s42A report	Further assessment
Policy NFL-P2	<p>Protection of outstanding natural features and landscapes</p> <p>Protect outstanding natural features and landscapes from <u>inappropriate subdivision, use and development</u> by:</p> <p>1A) <u>avoiding exceeding the landscape capacity of the natural feature or landscape.</u></p> <p>1) maintaining <u>avoiding adverse effects on</u> the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, and</p> <p>2) <u>avoiding, remedying or mitigating other adverse effects and</u></p> <p>3) <u>managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13.</u></p>			

Urban form and development ¹			
Objective UFD-O4	<p>Development in rural areas</p> <p>Development in Otago's rural areas occurs in a way that:</p> <p>1) avoids impacts on significant values and features identified in this RPS,</p> <p>2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless there is an operational need</p>	<p>The proposal provides for development within and surrounding the Rocky Point Recreation Zone which specifically provides for a "Development Area" and anticipates residential and travellers' accommodation and related activities.</p> <p>The site does not contain highly productive soils and the proposal does not impact significantly on the values</p>	<p>Not assessed.</p> <p>No change to original assessment.</p>

¹ Note that this objective has been relocated to the "Land and Soil" section of the PORPS21

	<p>for the development to be located in rural areas;</p> <p>3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>4) provides for the ongoing use of rural areas for primary production and rural industry, and outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.</p> <p><u>4A) does not compromise the long term viability of primary production and rural communities.</u></p>	<p>and features identified in the RPS, including nature conservation landscape, and heritage values</p> <p>The proposal achieves this objective.</p>		
<p>Policy UFD-P7</p>	<p>Rural Areas</p> <p>The management of <u>development in rural areas:</u></p> <p>1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS;</p> <p>2) <u>outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,</u></p>	<p>The proposal provides for the maintenance of important features and values identified by the RPS. The proposal does not create reverse sensitivity issues or adversely affect primary production potential, being located on land with a low productivity and LUC rating.</p> <p>The proposal achieves this policy.</p>	<p>Not assessed.</p>	<p>No change to original assessment.</p>

	<p>3) prioritises land-based enables primary production particularly on land or soils identified as on highly productive land in accordance with LF-LS-P19the NPS-HPL, except as provided for in (5) below,</p> <p>4) facilitates rural industry and supporting activities,</p> <p>5) enables the use by Kāi Tahu of Native Reserves and Māori Land, for papakāika, kāika, nohoaka, marae and marae related activities in accordance with MW-P4directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,</p> <p>6) restricts the establishment of non-rural residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity or fragmentation, the productive capacity of highly productive land, or existing or anticipated primary production and rural industry activities except as provided for in (5) or the NPS-HPL, and...</p>			
<p>Policy UFD-P8</p>	<p><u>Rural lifestyle and rural residential zones development</u></p> <p>The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:</p> <p>1) the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</p> <p>2) despite the direction in (1), also it avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where</p>	<p>The proposal does not necessarily include the establishment, development or expansion of rural lifestyle or rural residential zones, rather it is giving effect to the Rocky Point Recreation Zone. To the extent relevant, the proposal does not negatively impact on rural production potential, amenity values, nature conservation values, or give rise to reverse sensitivity effects.</p> <p>To the extent it is relevant, the proposal achieves the policy.</p>	<p>Not assessed.</p>	<p>No change to original assessment.</p>

	<p>the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,</p> <p>3) it minimises impacts on existing or anticipated primary production, rural industry and other rural activities rural production potential, amenity values and the potential for reverse sensitivity effects to arise,</p> <p>4) it avoids, as the first priority, highly productive land identified in accordance with LF-LS-P16 except as provided for in the NPS-HPL,</p> <p>5) the suitability of the area to accommodate the proposed development is demonstrated, including:</p> <p>(a) capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),</p> <p>(b) particular regard is given to the individual and cumulative impacts of domestic water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and</p> <p>(c) likely future demands or implications for publicly funded services <u>including emergency services</u> and additional infrastructure, and</p> <p>(a) provides for the maintenance and wherever possible, enhancement,</p>			
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	of important features and values identified by this RPS.			
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4. National Policy Statement for Indigenous Biodiversity

Provision	Detail	Assessment	Assessment in s42A	Further assessment
Objective	<p>(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and</p> <p>(b) to achieve this:</p> <ul style="list-style-type: none"> (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future. 	Not assessed in application.		The Proposal will result in net positive outcomes for indigenous biodiversity in the site and wider surrounds, and there is no overall loss of indigenous biodiversity. The Proposal therefore achieves the objective.
Policy 1	Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.	<p>While this policy is primarily a policy and plan-making policy, tangata whenua have been engaged with via the submission process.</p> <p>To the extent that it is relevant, the proposal achieves the policy</p>	.	No change to the original assessment.

Provision	Detail	Assessment	Assessment in s42A	Further assessment
Policy 2	<p>Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:</p> <ul style="list-style-type: none"> (a) managing indigenous biodiversity on their land; and (b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and (c) actively participating in other decision-making about indigenous biodiversity. 	<p>While this policy is primarily a policy and plan-making policy, Kāi Tahu whānau exercise kaitiakitanga in the Mata-Au catchment and have provided input via the submission process. The submission did not raise any specific concerns about indigenous biodiversity. To the extent that it is relevant, the proposal achieves the policy.</p>		No change to the original assessment.
Policy 3	<p>A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.</p>	<p>The effects of the proposal on indigenous biodiversity are clearly understood. The application includes a comprehensive [EIA] that sets out the effects of the proposal on indigenous biodiversity in detail and concludes that there will be an overall net gain in biodiversity values as a result of the proposal. Granting the application is therefore consistent with a precautionary approach.</p> <p>The proposal achieves the policy.</p>		No change to the original assessment.
Policy 4	<p>Indigenous biodiversity is managed to promote resilience to the effects of climate change.</p>	<p>The proposal will result in a net gain in biodiversity (enhancement planting), in addition to the protection of large areas of existing kanuka and cushionfield. The additional planting, plus the ongoing management of all areas, will promote its resilience to the effects of climate change (such as increases in drought occurrence).</p> <p>The proposal achieves the policy.</p>		No change to the original assessment.
Policy 5	<p>Indigenous biodiversity is managed in an integrated way, within and across</p>	<p>The site does not cross administrative boundaries. The proposal recognises the interconnectedness of the</p>		No change to the original assessment.

Provision	Detail	Assessment	Assessment in s42A	Further assessment
	administrative boundaries.	environment by providing for coordinated management of the ongoing protection of the indigenous biodiversity. The proposal achieves the policy.		
Policy 6	Significant indigenous vegetation and significant habitats of indigenous fauna are identified as SNAs using a consistent approach.	The site is not within an identified SNA as defined ² .		No change to the original assessment.
Policy 7	SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.	The site is not within an identified SNA as defined.		No change to the original assessment.
Policy 8	The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.	This policy is assessed in detail in [the application].		The overall ecological response recognises and provides for maintaining indigenous biodiversity outside of an SNA, as described in the various reports and in the evidence of Mr Beale, Dr Wells and Ms King. The policy is achieved.
Policy 9	Certain established activities are provided for within and outside SNAs.	The site is not within an identified SNA as defined and the proposal does not involve an established activity as defined ³ .		No change to the original assessment.
Policy 10	Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised	The proposal contributes to well-being through the provision of housing in a desirable location and in a manner which		No change to the original assessment.

² **SNA**, or **significant natural area**, means: (a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and (b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

³ **Established** activity means: an activity (including maintenance, operation, and upgrade) that: (a) is in, or affects, an SNA; and (b) is not a new subdivision, use, or development.

Provision	Detail	Assessment	Assessment in s42A	Further assessment
	and provided for as set out in this National Policy Statement.	avoids, remedies and mitigates adverse effects on the environment. The proposal achieves the policy.		
...				
Policy 13	Restoration of indigenous biodiversity is promoted and provided for.	The proposal restores and enhances indigenous biodiversity on the site.		No change to the original assessment.
Policy 14	Increased indigenous vegetation cover is promoted in both urban and non-urban environments.	The proposal will increase the indigenous vegetation cover on the site.		No change to the original assessment.
Policy 15	Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.	While there are currently no provisions in any plans or policy statements relating to highly mobile fauna, the site likely supports the highly mobile fauna species pīhoihoi / NZ pipit and karearea / eastern falcon (as identified in Appendix 2). In addition, the proposed ongoing management of the site's indigenous biodiversity will result in additional knowledge of the land over time. The proposal achieves the policy to the extent practicable.		No change to the original assessment.
Policy 16	Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale.	This is a policy or plan-making policy for the regional council.		No change.
Policy 17	There is improved information and regular monitoring of indigenous biodiversity.	The Ecological Assessment (Attachment H) sets out the effects of the proposal on indigenous biodiversity in detail and has therefore improved the available information. In addition, the proposed ongoing management of the site's indigenous biodiversity, and the sites of the offsetting and compensation planting, will result in additional knowledge of the		No change to the original assessment other than to note that the Proposal does not include compensation planting.

Provision	Detail	Assessment	Assessment in s42A	Further assessment
		land over time. The proposal achieves the policy to the extent practicable.		

ATTACHMENT C

DRAFT Conditions of consent

Consent Type: Subdivision and Land Use Consent

Consent Number: RC 230179

Purpose: Subdivision consent for subdivision creating 30 lots with building platforms and one balance allotment at Rocky Point. Land use consent for residential activity and travellers' accommodation breaching yard standards.

Location of Activity: Lakefront Terrace, Bendigo

Legal Description: Lot 1 DP 561457 (Record of Title 993471).

Lapse Date: [Date of commencement plus five years], unless the consent has been given effect to before this date.

[Conditions in square brackets are placeholder conditions pending the receipt of additional information from the applicant]

Red text (underline and strikethrough are added by the Applicant – 4th November 2024)

Subdivision Conditions:

1. The subdivision must be undertaken in general accordance with the information provided in support of the amended application on 29 July 2024 and 04 September 2024, and the below plans, as amended by the following conditions.

Plan Name	Reference	Author
Subdivision layout		
Rocky Point TKO Properties Ltd Overall layout and Enlargement 1-4	Drawing W1665 Sheets 1-5 Revision G	Coterra
Landscape and Design Controls		
Revised Scheme Plan	4371-SK125 – 29-Aug <u>31 October</u> 2024	Baxter Design
Lots 1- 18 <u>9</u> , 19-21, 22-25, 26 and 27-30	4371-SK130–SK134 – 29-Aug <u>30 October</u> 2024	Baxter Design
Rocky Point Schedule of Lots	4371-SK129 – 12-Jul <u>31 October</u> 2024	Baxter Design
Ecological Mapping		
Ecology Mapping	4371-SK127 – 29-Aug <u>31 October</u> 2024	Baxter Design
Proposed Offset Sites at Bendigo Hills	2608/067 /2024	Wildlands
Indicative Location of Enrichment Planting Sites	Ecological Enhancement and Monitoring Plan Figure 4-1	Beale Consultants
Infrastructure		
Rocky Point TKO Properties Ltd Cross Sections	Drawing W1665 Sheet 5 Revision A	Coterra
Long Road Sections	Drawing W1874 Sheets 1-6 Revision A	Coterra
Infrastructure Mapping	4371-SK128 29 – Aug 2024	Baxter Design

Indicative Water and Wastewater Plans 1-5	Drawings 5001, 6001, 6003, 6003 and 6004, Revision A	CKL
Indicative Stormwater / OLFP Layout 1 of 1	Drawing 4001, Revision 2	CKL

1. 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:
 - a) Administration, monitoring and inspection relating to this consent; and
 - b) Charges authorised by regulations.
2. The subdivision may be staged. Any conditions relevant to a stage must be satisfied prior to section 224(c) certification for that stage.
3. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and Council's July 2008 Addendum to that standard unless otherwise approved by Council Engineers. Together these two documents form the Council's Code of Practice for subdivision.
4. Certificates Schedule 1A, Schedule 1B, and Schedule 1C are to be submitted at the appropriate times as per NZS 4404:2004 where required by Council.
5. Prior to the commencement of works occurring on site approved by this subdivision consent, the consent holder must:
 - a) Receive council Engineering Acceptance of the designs including:
 - i. Confirming who their representative is for the design and execution of the engineering work.
 - ii. Provide copies of design: reports, calculations, specifications, schedules, and drawings, as applicable.
 - b) Install all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off and dust from the site during any stages of site disturbance that may be associated with this subdivision.
 - c) Provide to Council for certification a lizard management plan in general accordance with the Draft Lizard Management Plan recommended by Samantha King (Wildlands Consultants) prepared by a suitably qualified and experienced herpetologist. The plan should include, at a minimum:
 - i) Measures for minimising damage to lizard habitats during subdivisional works
 - ii) Remediation of lizard habitats that are damaged during subdivisional works
 - iii) Locations and nature of new lizard habitat creation to offset any areas destroyed during subdivisional works to ensure no net loss in extent of lizard habitat
 - d) ~~Update the Proposed Offset Sites at Bendigo Hills, Indicative Location of Enrichment Planting Sites plans and Ecological Enhancement Monitoring Plan to specify plantings for each offsetting area to ensure that only species that will not outcompete existing indigenous species in the area, and change planting patterns to avoid the removal of indigenous vegetation already in the area.~~
6. Measures to avoid, minimise and remedy adverse effects on indigenous biodiversity must be implemented at all times during subdivisional works in general accordance with Section 10 of the Terrestrial Ecology Impact Assessment and Terrestrial Invertebrate Assessment lodged as Appendices H and L to the amended application respectively, and the updated lizard management

plan required above. The applicant must keep records of how these measures are being implemented on the site. These records must be made available to Council on request.

7. Prior to certification of the survey plan, pursuant to Section 223 of the Resource Management Act 1991, the subdivider must ensure the following:

- a) If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.
- b) The right of way over Lot 200 providing access to Lot 5 DP 324082 must not be shown on the plan of subdivision.
- c) Public access easements must be provided over the walking tracks identified on the Revised Scheme Plan 4371-SK125 – ~~29-Aug~~ 31 October 2024 provided in support of the amended application.
- d) The building platforms and curtilage areas identified for Lots 1-30 must be shown on the plan of subdivision

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

- ~~a) Plant out the offsetting and enrichment planting areas shown on the updated Proposed Offset Sites at Bendigo Hills and Indicative Location of Enrichment Planting Sites plans and implement the Ecological Enhancement Monitoring and Vegetation Management Plan submitted as Appendix I to the amended application, including ensuring provision for any ongoing monitoring and reporting required by the plan.~~
- ~~b) Implement the pest control measures listed in the Ecological Enhancement Monitoring and Vegetation Management Plan submitted as Appendix I, and including measures to manage mustelids, hedgehogs and feral cats, to the amended application, including ensuring provision for their ongoing operation.~~

[Conditions 8a and b above are now replaced by Condition 10 – 12]

- c) An operational domestic water supply must be designed and constructed to the boundary of each allotment. In general accordance with the Indicative Water Supply Plan Drawings 6001, 6002, 6003 and 6004, Revision 5 and in accordance with NZS 4404:2010. The system must be designed and constructed to provide a minimum of 1,000 litres of water per day to each allotment.
- d) A bacteriological and chemical water test of the network water supply, sourced from a suitably qualified laboratory, must be provided to the Chief Executive. The water test must be accompanied by a laboratory report which clearly details any non-compliance with Maximum Allowable Values (MAVs) and Guideline Values (GVs) under the Water Services (Drinking Water Standards for New Zealand) Regulations 2022 and identifies appropriate means of and costs for any necessary remedial treatment.
- e) The reticulated water network must be provided with fire hydrants sufficient to provide firefighting water coverage at the distances and pressures specified in Table 2 of SNZ PAS 4509:2008. Where any lot is not provided with sufficient coverage, the following must be registered as a consent notice on that lot:
 - i) At the time residential activity is established on ~~Lot [X]~~ Lots 1 – 30 minimum domestic water and firefighting storage is to be provided by;
 - (a) 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. 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:

- (i) 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.
- (ii) All connections shall be capable of providing a flow rate of 25 litres per second at the connection point
- (iii) 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.

Note: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. In particular, the following should be noted:

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

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

- (b) Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the Fire and Emergency New Zealand is obtained for the alternative method.
- (c) Ongoing compliance with the Fire Risk Management Plan approved under Condition [x] below.
- (d) Prior to Section 224(c) certification the consent holder shall submit for approval by the Council the Fire Risk Management Plan.
- f) A separate water reticulation network and sprinklers for fire control must be constructed in general accordance with the Indicative Water Supply Plan Drawings 6001, 6002, 6003 and 6004, Revision 5. This system must be supplied from a static reserve with a capacity of at least 340m³.
- g) A reticulated wastewater network to service Lots 4-18 must be designed and constructed by a suitably qualified and experienced person in general accordance with the Indicative Wastewater Plan Drawing 5001, Revision 5 and in accordance with NZS 4404:2010. The system must be designed and constructed to accommodate at least [12,500] litres per day.
- h) Stormwater reticulation and disposal must be constructed for each lot in general accordance with the Indicative Stormwater Layout Drawing 4001, Revision 2 and in accordance with NZS 4404:2010.
- i) *Formal ownership, management, and operational documents are to be provided for the new entity/entities responsible for managing any private shared three waters or fire management infrastructure, and an operation-and-maintenance manual including as-builts shall be prepared to demonstrate extent of properties serviced, to what degree, and how.*
- j) Lots 101, 102 and 103 (Subdivisional roads) must be formed to the Local Sealed standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

- i) 20.0m minimum road reserve.
 - ii) 6.0m minimum sealed carriageway width with widening on curves
 - iii) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.
 - iv) Road shoulder of 0.25m width metal.
 - v) 4% normal camber and designed super-elevation.
 - vi) Subgrade >CBR of 7.
 - vii) Rock armouring to be provided to side-channels along steeper sections.
 - viii) Shallow trafficable side-drains / water channels over level sections, if any.
 - ix) Suitably sized culverts in water courses.
 - x) [Safety upgrades/signage for subdivisional roads placeholder condition]
 - xi) Road gradient must not exceed 15%.
 - xii) A cul-de-sac head in accordance with Figure 3.4 of NZS 4404:2004 must be installed at the terminus of the road within Lot 103
- k) The right of way servicing Lots 1 to 7 must be formed to the Local Access A standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:
- i) The right of way may remain in private ownership
 - ii) Vehicle entranceway to the proposed Right of Way from the vested road Lot 101 must be constructed in compliance with Part 29 of Council's Rooding Policies January 2015.
 - iii) 5.5m formed carriageway metal width with widening on curves.
 - iv) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.
 - v) 5-8% normal camber and designed super-elevation.
 - vi) Subgrade >CBR of 7
 - vii) Rock armouring to be provided to side-channels along steeper sections.
 - viii) Shallow trafficable side-drains / water channels over level sections, if any.
 - ix) A well bound durable surfacing metal to be provided that is resistant to unravelling and provides good all-weather traction.
 - x) Suitably sized culverts in water courses.
 - xi) Shared access to Lots 1-2, 4-5 and 6-7, and an individual access to Lot 3, must be provided in accordance with Part 29 of Council's Rooding Policies January 2015.
 - xii) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
 - xiii) 10.0m minimum road reserve.
 - xiv) Sections over 12.5% gradient shall be sealed.
 - xv) No section shall exceed 16.7% gradient.

- l) The right of way servicing Lots 19 to 21 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:
- i) 4.5m minimum formed width.
 - ii) 10.0m minimum road reserve.
 - iii) 5-8% normal camber.
 - iv) Subgrade >CBR of 7.
 - v) Durable well-bound wearing course to be constructed over pit-run base to provide all weather traction and prevent surface unravelling.
 - vi) Shallow trafficable side-drains / water channels over level sections.
 - vii) Rock armouring of side channels over steeper sections.
 - viii) Stormwater discharging to soak pits within the ROW or to natural water courses.
 - ix) Vehicle entranceway to the proposed Right of Way from the vested road Lot 103 shall be constructed in compliance with Part 29 of Council's Roading Policies January 2015.
 - x) Sections over 12.5% gradient must be sealed.
 - xi) No section may exceed 16.7% gradient.
 - xii) Access to individual lots must be provided in accordance with Part 29 of Council's Roading Policies January 2015.
- m) The right of way servicing Lot 25 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:
- i) 4.5m minimum formed width.
 - ii) 10.0m minimum road reserve.
 - iii) 5-8% normal camber.
 - iv) Subgrade >CBR of 7.
 - v) Durable well-bound wearing course to be constructed over pit-run base to provide all weather traction and prevent surface unravelling.
 - vi) Shallow trafficable side-drains / water channels over level sections.
 - vii) Rock armouring of side channels over steeper sections.
 - viii) Stormwater discharging to soak pits within the ROW or to natural water courses.
 - ix) Vehicle entranceway to the proposed Right of Way from the vested road Lot 103 shall be constructed in compliance with Part 29 of Council's Roading Policies January 2015.
 - x) Sections over 12.5% gradient shall be sealed.
 - xi) No section shall exceed 16.7% gradient.

- n) The rights of way servicing Lots 1-2, 4-5 and 6-7 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:
- i) 4.5m minimum formed width.
 - ii) 10.0m minimum road reserve.
 - iii) 5-8% normal camber.
 - iv) Subgrade >CBR of 7.
 - v) Durable well-bound wearing course to be constructed over pit-run base to provide all weather traction and prevent surface unravelling.
 - vi) Shallow trafficable side-drains / water channels over level sections.
 - vii) Rock armouring of side channels over steeper sections.
 - viii) Stormwater discharging to soak pits within the ROW or to natural water courses.
 - ix) Sections over 12.5% gradient shall be sealed.
 - x) No section shall exceed 16.7% gradient.
- o) Bendigo Loop Road between State Highway 8 and the intersection with Lot 101 must be upgraded to a Local Sealed standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:
- i) 6.5m minimum sealed carriageway width with widening on curves.
 - ii) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.
 - iii) Surfacing to be two-coat chip seal, or asphaltic concrete.
 - iv) Road shoulder of 0.25m width metal.
 - v) 4% normal camber and designed super-elevation.
 - vi) Subgrade >CBR of 7.
 - vii) Rock armouring to be provided to side-channels along steeper sections.
 - viii) Shallow trafficable side-drains / water channels over level sections
 - ix) Suitably sized culverts in water courses.
 - x) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

[Condition (j) – (o) were originally proposed by Mr Vincent, however these should be subject to detailed design under the Engineering Acceptance process]

- p) New vehicle entranceways to each of proposed Lots 8 – 18, 24, 26, and 27-30 must be individually constructed in compliance with the requirements of Part 29 of Council's Rooding Policies January 2015.
- q) [State Highway 8 / Bendigo Loop Road intersection upgrade placeholder condition]. The Consent Holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the State Highway, including the upgrading of the Bendigo Loop Road/State Highway 8 intersection to a Diagram E standard, have been constructed to the NZ Transport Agency standards.

- r) Walking tracks, a gravelled vehicle parking area and any necessary navigational or interpretational signage must be constructed in general accordance with the locations shown on the Revised Scheme Plan 4371-SK125 – 29-Aug 31 October 2024 submitted in support of the amended application.
 - s) ~~[Placeholder for required construction standard for walking tracks]~~ Walking tracks shall be established over natural ground with obstacles removed to enable unimpeded walking access along a designated route. The route shall be sign posted with periodic way finding signage.
 - t) ~~[Placeholder for ongoing maintenance of walking tracks, carpark and signage]~~ The management entity shall be responsible for the ongoing maintenance of public walking tracks and associated signage.
 - u) Underground electricity ~~and telecommunications~~ connections must be provided to the boundary of Lots 1 to 30. Where lots are accessed off a right of way, the electricity ~~and telecommunications~~ connections must be extended along the right of way to the buildable area of the lot.
 - v) As-built drawings for any infrastructure to be vested in Council or private infrastructure in vested roads are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and shall comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dwg/*.dxf or *.12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.
 - w) ~~A suitably worded covenant, to be between the future owners of Lot 200 and either Central Otago District Council, the Department of Conservation, the Queen Elizabeth II National Trust, or an equivalent agency, must be drafted for registration on Lot 200 to the effect that Lot 200 will be maintained for conservation purposes in perpetuity.~~
 - x) A suitably worded covenant, to be between the future owners of Lots 1-30 and Central Otago District Council must be drafted for registration of Lots 1-30 to the effect that no landowner or occupant will keep cats on the property.
 - y) Payment of a reserves contribution of \$30,008.62 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan on the basis of 29 additional dwelling equivalents.
 - z) Any roading material or gravel or fill of any kind must come from a source which is free of any weed seeds in particular those of gorse, scotch broom and tree lupin. River beds are highly likely to be contaminated with these seeds. The source must be approved prior to use.
 - aa) Provide evidence to the Chief Executive that weed control of the site has been undertaken to remove wildling pines and broom plants. The evidence must also demonstrate that the site has been checked for any other plants of broom or gorse or other woody weed that can practically and reasonably be controlled now before they become widespread and these must also be removed.
9. Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration on each of the certificates of title for Lots 1 to 30 hereon, for the following ongoing conditions:
- a) Buildings must comply with the following standards:
 - i) All residential buildings and accessory buildings must be located on the building platform identified on the relevant lot, with the following exceptions:
 - (a) Verandahs and eaves are permitted to extend up to 2.75m outside of the RBP from exterior walls on elevations orientated towards Lake Dunstan and the north

- (b) Decks are permitted on Lots 11-18 and may extend up to 2.5m outside of the RBP's on those lots and must not exceed 25m² in area
 - (c) Decks can extend 2.5m past the RBP on all other lots
 - (d) Small structures not exceeding 5m² in footprint size or 2.5m in height are permitted within the curtilage areas on each lot
- b) Stormwater from buildings, landscaping and impervious surfaces on Lots 23, 25 and 26 must be designed, constructed and maintained so as to not increase stormwater runoff into the saline areas identified in Figure 10 of the Rocky Point Subdivision Bendigo Saline/Sodic Soils Identification and Location report by Roger Gibson lodged in support of RC 230179.

Biodiversity Management and Enhancement

Offset Planting

10. Prior to Section 224(c) certification, the consent holder shall

EITHER:

- (a) Implement the required Offset Planting works within the areas marked "Hemlock Gully", "Panorama Rise" and "Pylon Flat" on the plan "Proposed offset sites at Bendigo Hills" prepared by Wildlands, dated 08/07/2024, within Lots 4, 8 and 9 of the proposed subdivision of Lot 2 DP 561457 ("Bendigo Hills"). The species and density/spacings of the Offset Planting shall be in accordance with Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment* by Beale Consultants, dated [xx] 2024, and with Section 5 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, prepared by Beale Consultants, dated [xx] 2024; and
- (b) Implement the required Offset Planting works within the four proposed offset sites at Rocky Point as shown on the plan "Proposed offset sites at Rocky Point" prepared by Wildlands, dated [xx] 2024. The species and density/spacings of the Offset Planting shall be in accordance with Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment* by Beale Consultants, dated [xx] 2024, and with Section 5 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, prepared by Beale Consultants, dated [xx] 2024; and
- (c) Enter into a bond covering the maintenance of all Offset Planting works as required by and undertaken in accordance with clauses (a) and (b) above. The bond shall cover the maintenance of all the required planting, and annual reporting, for a period of 5 years following the completion of the planting, and to cover the costs of replacing planting that dies or becomes diseased, damaged or is otherwise removed, to the extent required by the *Rocky Point Ecological Enhancement and Monitoring Plan* dated [xx] 2024 Section 8 (monitoring) and Section 9 (annual reporting). The bond will be released upon approval of the Council that the Offset Planting has fulfilled the objectives set out in Section 11.2 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment*, dated [xx] 2024.

OR:

- (d) Implement the first stage (2025) of required Offset Planting works within one or more of the areas marked "Hemlock Gully", "Panorama Rise" and "Pylon Flat" on the plan "Proposed offset sites at Bendigo Hills" prepared by Wildlands, dated 08/07/2024, within Lots 4, 8 and 9 of the proposed subdivision of Lot 2 DP 561457 ("Bendigo Hills") or the four offset planting areas within Rocky Point, as set out in the programme in Section 10 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, dated [xx] 2024. The species and density/spacings of the Offset Planting shall be as described in Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment* by Beale Consultants,

dated [xx] 2024, and in accordance with Section 5 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, [xx] July 2024; and

- (e) Prepare a consent notice for registration on the record of title for [Lots 1 – 30 and 200] in accordance with section 221 of Resource Management Act 1991 requiring that the further stages of the required Offset Planting, being the stages for 2026, 2027, 2028, and 2029 as set out in the programme in Section 10 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, dated [xx] 2024, are implemented in accordance with the Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment*, dated [xx] 2024, and in accordance with the *Rocky Point Ecological Enhancement and Monitoring Plan* dated [xx] 2024;
- (f) Enter into a bond that covers:
 - (i) the implementation of the further stages of the required Offset Planting, as set out in the programme in Sections 5.3 and 10 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, dated [xx] 2024; as required by clause (d) above; and
 - (ii) the maintenance of all stages of the Offset Planting works as required by and undertaken in accordance with clauses (c) and (d) above. The bond shall cover the maintenance of all the required planting, and annual reporting, for a period of 5 years following the completion of the planting, and to cover the costs of replacing planting that dies or becomes diseased, damaged or is otherwise removed, to the extent required by the *Rocky Point Ecological Enhancement and Monitoring Plan* dated [xx] 2024 Section 8 (monitoring) and Section 9 (annual reporting). The bond will be released in stages upon approval of the Council that the Offset Planting undertaken for that stage has fulfilled the objectives set out in Section 11.2 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment*, dated [xx] 2024.

Protection of balance land, stock exclusion, and plant and pest management

- 11. Prior to Section 224(c) certification, a consent notice must be prepared for registration on the records of title for all lots, pursuant to section 221 of the Resource Management Act 1991, for the following on-going conditions:
 - a) That the owner of the lot, including of Lots 1 – 30 and 200, retain and maintain, in perpetuity, the existing native vegetation and associated fauna habitat, within the lot, outside the building platform and curtilage areas shown on the plans [xxx];
 - b) Ensure that stock is excluded from the Lots 1 – 30 and 200.
 - c) That the owner of the Lots 1 – 30 and 200 shall undertake property wide weed control, and rabbit and goat control, in accordance with Sections 6 and 7, respectively, of the *Rocky Point Ecological Enhancement and Monitoring Plan* dated [xx] 2024; and other plant and animal pest management as necessary to ensure the maintenance of indigenous biodiversity values throughout the lots. Weed control must be frequently undertaken to remove wildling pines and broom. The lots must be checked for any other plants of broom or gorse or other woody weed that can practically and reasonably be controlled.

Provided that a management entity may be established to fulfil the obligations in clauses a) – c) above collectively on behalf of all lot owners.

- 12. If the consent holder discovers any feature or archaeological material that predates 1900, heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - a. stop work within the immediate vicinity of the discovery or disturbance;

b. advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014; and

c. arrange for a suitably qualified archaeologist to undertake a survey of the site.

Land Use Conditions:

1. This consent authorises residential activity and travellers' accommodation on the building platforms on Lots 1-23, 25 and 26-29, in general accordance with the information provided in support of the application and as amended by the following conditions.
2. Travellers' accommodation on Lots 1-23, 25 and 26-29 is limited to single groups of guests per allotment.
3. All buildings must be located within the identified building platform on the lot with the following exceptions:
 - a) Verandahs and eaves are permitted to extend up to 2.75m outside of the RBP from exterior walls on elevations orientated towards Lake Dunstan and the north
 - b) Decks are permitted on Lots 11-18 and may extend up to 2.5m outside of the RBP's on those lots and must not exceed 25m² in area
 - c) Decks can extend 2.5m past the RBP on all other lots
 - d) Small structures not exceeding 5m² in footprint size or 2.5m in height are permitted within the curtilage areas on each lot. These structures must be clad in a recessive colour with an LRV less than 25%.
4. All buildings must comply with the design controls in Appendix 1. Departures from these standards may be approved with the written approval of the Planning Manager.
5. Exterior lighting (Both on and off buildings) must comply with the following standards:
 - a) Any exterior lighting must be downlighting and located no more than 1.2m above ground level.
 - b) All fixed exterior lighting must be directed away from adjacent roads and property boundaries
 - c) All outdoor lighting must have a colour temperature of light emitted of 3,000K or lower
 - d) Lighting must be limited to a maximum of 12 lumens per m²
 - e) Lighting must align to the Five Lighting Principles for Responsible Outdoor Lighting published by the International Dark Sky Association.

At the time building consent is lodged for any building incorporating exterior lighting, an exterior lighting plan must be provided demonstrating that any new exterior lighting will comply with the above standards.

~~6. All water tanks shall be located within the curtilage areas, be buried underground a minimum of 60%, fully screened by planting and must be in dark colours.~~

7. Except as otherwise required by Conditions 4 to 8, buildings must be designed and constructed in accordance with the design controls attached in Appendix One, unless otherwise approved in writing by the Planning Manager.

Note: For the avoidance of doubt, any control listed in the design controls but also listed in Conditions 4 to 8 will require an application be made to vary the condition, and cannot be departed from using the written approval process in Condition 9.

8. Prior to the construction of any building on Lots 27-~~29~~ 30, landscape planting must be established to screen the building from Bendigo Loop Road. A landscaping plan demonstrating compliance with this condition must be provided at the time building consent is lodged for any building on these lots.
9. Water filtration and UV sterilisation treatment must be provided at the water source or at point of use, at the Building Consent stage to achieve full compliance with Water Services (Drinking Water Standards for New Zealand) Regulations 2022 by means outlined in the Laboratory Report required by subdivision Condition 8(d) above or other solutions acceptable to the Chief Executive. To further clarify, the water must as a minimum requirement achieve full compliance with mandatory provisions of Water Services (Drinking Water Standards for New Zealand) Regulations 2022 including all Maximum Allowable Values (MAV's) as detailed in the Laboratory Report and the consent holder or successor must be alerted to any exceedance of Guideline Values (GV's) for which additional treatment is strongly recommended.
10. At the time of construction of a dwelling on Lots 1-3 and 19-30, an on-site wastewater disposal system that complies with the requirements of AS/NZS 1547:2012 "On-site Domestic Wastewater Management" must be designed by a suitably qualified professional.
11. The designer must supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.
12. An operation and maintenance manual must be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual must include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system will 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 must be transferred to each subsequent owner of the disposal system.
13. Disposal areas must be located such that the maximum separation (in all instances greater than 50 metres) is achieved from any water course or any water supply bore.
14. At the time of construction of a dwelling or any other building that generates wastewater on Lots 4-18, the dwelling must connect to the reticulated wastewater system.
15. Stormwater from buildings and impervious surfaces must either be stored for beneficial re-use within the site, or discharged to the outfalls shown on the Indicative Stormwater Layout Drawing 4001 Revision 2.
16. That a Service Agency be established to ensure adequate provision and maintenance of water supply and wastewater treatment and disposal facilities are provided and that an appropriate monitoring, testing, reporting and maintenance regime is established to ensure compliance with Taumata Arowai Quality Assurance requirements.
17. That adequate and safe access be provided for maintenance vehicles to all water storage and treatment facilities, wastewater treatment facilities, fire hydrants and wild fire equipment.
18. That a water supply agreement be established by the Service Agency to confirm the allowable quota of water per day, and allowable peak flow rate, together with any conditions, to be allocated for the Rocky Point development from the Chinaman's water supply scheme. Arrangements must be made for measurement and recording of water supply against the agreement.
19. That adequate water quality and supply is maintained for the provision of potable, fire and wildfire water. Water quality is to be of an acceptable standard to enable proper functionality of point of entry treatment systems to provide safe drinking water, in accordance with Drinking Water Standards NZ.

20. That the Service Agency establish an appropriate operating and maintenance regime to ensure monitoring of treatment system performance and to ensure that all point of entry water treatment systems are monitored and replaced in accordance with supplier's specifications, to ensure a sustainable supply of safe drinking water quality in accordance with Drinking Water Standards NZ.
21. That vegetation sprinklers and ember suppression systems be installed to control spread of wildfires. Wildfire protection sprinklers and any associated control valves and communication and control systems will need regular inspections and testing to ensure adequate response, functionality and reliability. Emergency/contingency plans are required to address quality/security of supply issues.
22. That an operations and maintenance (O&M) guideline be made available for (but not limited to) the water pretreatment systems (if required), water storage, reticulation, pumps (if required), individual filtration and UV systems, hydrants, sprinklers, pressure reduction valves and control valves. Appropriate servicing/replacement protocols and frequencies must be established to ensure safe and sustainable water treatment and supply.
23. That on-site site-specific investigations are carried out for each lot by a suitably qualified engineer to design an on-site wastewater treatment and land disposal system, in accordance with ASNZ1547:2012.
 - The onsite systems are expected to consist of an Aerated Wastewater Treatment System (AWTS) with bed disposal. Due to lot size, ecological effect, soil type and topographical location, lots 1 – 3 and 19 – 30 are recommended for implementation of on-site treatment and disposal (TBC at building consent stage).
24. That where lots are deemed unsuitable for on-site treatment and disposal (Lots 4 – 18): adequate provision be made for communal wastewater treatment and disposal facilities and maintained to ensure secondary treatment as per ASNZ1547:2012 and a minimum quality of;
 - BOD5 less than or equal to 20 g/m³ (mg/l) with no sample greater than 30 g/m³
 - TSS less than or equal to 30 g/m³ with no sample greater than 45 g/m³
 - That 50% reserve area for wastewater disposal be provided for the communal wastewater treatment facility.
25. That an operations and maintenance (O&M) guideline be made available for (but not limited to) the proposed communal wastewater treatment and disposal facilities. Appropriate servicing/replacement protocols and frequencies must be established to ensure safe and sustainable wastewater treatment and disposal.
26. If the consent holder discovers any feature or archaeological material that predates 1900, heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - a. stop work within the immediate vicinity of the discovery or disturbance;
 - b. advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014; and
 - c. arrange for a suitably qualified archaeologist to undertake a survey of the site.

Advice 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. *Land uses on Lots 24 and 30 have not been considered as part of this application. Any future use of these lots will need to comply with Rule 4.7.1 and the permitted activity standards in Rule 4.7.6 of the District Plan (Or any superseding rule), or further resource consent will be required.*
3. *Development contributions for roading of \$46,343.08 (exclusive of goods and services tax) are payable for 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 Operative District Plan.*
4. *Prior to the commencement of works to upgrade any existing road within existing road reserve, the consent holder needs to obtain approval from Central Otago District Council's Roading Manager in order to undertake works on the road.*
5. *As the potable water supply will be a network supply, the supplier should be aware of the requirements of, and their obligations under, the Water Services Act 2021.*
6. *Management of the risk of fire, for example through developing, adopting and implementing fire management plans, is the responsibility of the consent holder, future landowners and any entity set up to manage the development.*
7. *Prior to any disturbance of archaeological items G41/771, G41/772, G41/773 or G41/774, an archaeological authority will be required from Heritage New Zealand Pouhere Taonga. Any requirements of the archaeological authority will need to be complied with in addition to any requirements of this consent.*
8. *Many sites in Central Otago have archaeological value. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 confirm that any site with evidence of human occupation or activity prior to 1900 is considered an archaeological site. Many of these sites have not been formally identified through survey. The modification, damage or destruction of any known or unknown archaeological site by a landowner or contractor without an archaeological authority from Heritage New Zealand is a criminal offence under this Act. Please note that this Consent is not an Archaeological Authority. It is recommended that the consent holder contact Heritage New Zealand's archaeologists for more information.*
9. *In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.*
10. *Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.*
11. *It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.*
12. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.*

Appendix One: Land Use Design Controls

[Mr Baxter's design controls wording amended and replaced with the following Appendix A.]

Appendix A – Design Controls

- Buildings must not exceed the following maximum height and building coverage for the relevant platform

<u>Lot No.</u>	<u>Height</u>	<u>Height Datum RL</u>	<u>Platform Coverage</u>
<u>Lot 1</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+292.00</u>	<u>55% (220m²)</u>
<u>Lot 2</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+291.50</u>	<u>49% (220m²)</u>
<u>Lot 3</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+292.00</u>	<u>49% (220m²)</u>
<u>Lot 4</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+297.00</u>	<u>52% (220m²)</u>
<u>Lot 5</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+297.00</u>	<u>56% (220m²)</u>
<u>Lot 6</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+298.00</u>	<u>56% (220m²)</u>
<u>Lot 7</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+299.00</u>	<u>55% (200m²)</u>
<u>Lot 8</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+296.00</u>	<u>55% (200m²)</u>
<u>Lot 9</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+300.00</u>	<u>54% (200m²)</u>
<u>Lot 10</u>	<u>5.0m</u> <u>Pile foundations maximum</u> <u>1200mm in height</u>	<u>+304.00</u>	<u>54% (150m²)</u>
<u>Lot 11</u>	<u>5.0m</u> <u>Pile foundations maximum</u> <u>1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 12</u>	<u>5.0m</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>

	<u>Pile foundations maximum 1200mm in height</u>		
<u>Lot 13</u>	<u>5.0m</u> <u>Pile foundations maximum 1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 14</u>	<u>5.0m</u> <u>Pile foundations maximum 1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 15</u>	<u>5.0m</u> <u>Pile foundations maximum 1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 16</u>	<u>5.0m</u> <u>Pile foundations maximum 1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 17</u>	<u>5.0m</u> <u>Pile foundations maximum 1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 18</u>	<u>5.0m</u> <u>Pile foundations maximum 1200mm in height</u>	<u>Natural ground level</u>	<u>100% (84m²)</u>
<u>Lot 19</u>	<u>4.5m</u>	<u>+332.50</u>	<u>91% (250m²)</u>
<u>Lot 20</u>	<u>4.5m</u>	<u>+329.00</u>	<u>63% (250m²)</u>
<u>Lot 21</u>	<u>4.5m</u>	<u>+333.00</u>	<u>49% (250m²)</u>
<u>Lot 22</u>	<u>4.5m</u>	<u>+322.00</u>	<u>63% (250m²)</u>
<u>Lot 23</u>	<u>4.5m</u>	<u>+322.00</u>	<u>65% (250m²)</u>
<u>Lot 24</u>	<u>4.5m</u>	<u>+323.00</u>	<u>50% (250m²)</u>
<u>Lot 25</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+328.00</u>	<u>65% (220m²)</u>
<u>Lot 26</u>	<u>Downhill elevation – 3.0m</u> <u>Uphill elevation – 3.8m</u>	<u>+302.00</u>	<u>56% (260m²)</u>
<u>Lot 27</u>	<u>5.0m</u>	<u>+203.00</u>	<u>49% (350m²)</u>
<u>Lot 28</u>	<u>5.0m</u>	<u>+204.00</u>	<u>61% (350m²)</u>
<u>Lot 29</u>	<u>5.0m</u>	<u>+210.00</u>	<u>57% (350m²)</u>
<u>Lot 30</u>	<u>5.0m</u>	<u>+210.00</u>	<u>47% (350m²)</u>

Refer to plans Baxter Design Plans SK130, SK132, and SK133 for roof slope indication

2. Exterior glazing on all lots must be non-reflective, recessed into any elevation be at least 250mm, and comply with the following areas:

<u>Lot No.</u>	<u>Glazing</u>
<u>Lot 1</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 2</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 3</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 4</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 5</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 6</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 7</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 8</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 9</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 10</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 11</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 12</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 13</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 14</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 15</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 16</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 17</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 18</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 19</u>	<u>75% of northern elevation and 50% total external wall area across all elevations combined</u>
<u>Lot 20</u>	<u>75% of northern elevation and 50% total external wall area across all elevations combined</u>
<u>Lot 21</u>	<u>75% of northern elevation and 50% total external wall area across all elevations combined</u>
<u>Lot 22</u>	<u>75% of northern elevation and 50% total external wall area across all elevations combined</u>
<u>Lot 23</u>	<u>75% of northern elevation and 50% total external wall area across all elevations combined</u>
<u>Lot 24</u>	<u>50% of northern elevation</u>

<u>Lot 25</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 26</u>	<u>60% of any 3.0m high elevation</u>
<u>Lot 27</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 28</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 29</u>	<u>50% of total external wall area across all elevations combined</u>
<u>Lot 30</u>	<u>60% of total external wall area across all elevations combined</u>

3. Plantings on each lot are limited to up to 30m² of herb and garden planting within 5m of the dwelling, and maintained to not exceed 1m in height, and otherwise the species listed in Appendix Two.

For all lots:

- (i) Where not prohibited by fire management requirements, only Kanuka shall be utilised for the purposes of tree or shrub planting
- (ii) Where not prohibited by fire management requirements, all tree planting (kanuka) shall be planted and maintained by the lot owner. Any deceased kanuka shall be replaced and planted by the lot owner during the planting season immediately following their loss.
- (iii) Any existing Kanuka that is removed (not including those removed for fire management) is to be replaced within the lot boundary where permitted by fire management.
- (iv) Herb and garden planting is permitted is permitted with 5m of the dwelling and shall not exceed 1m in height or 30m² in area.
- (v) All areas outside the curtilage areas shall be maintained in its existing state, retaining existing Kanuka planting where permitted by fire management.
- (vi) Outside of Kanuka, a mixture of dryland species can also be planted to aid in preventing ecological fragmentation. These species are limited to those below:
 - *Corokia cotoneaster* Korokia
 - *Olearia lineata*
 - *Olearia odorata*
 - *Coprosma propinqua*
 - *Coprosma crassifolia*
 - *Coprosma virescens*
 - *Ozothamnus vauvilliersii* Mountain cottonwood
 - *Meuhlenbeckia axillaris*
- (vii) All noxious weeds within lots shall be controlled by lot owner.

4. **Exterior lighting (Both on and off buildings) must comply with the following standards:**

- a) Any exterior lighting must be downlighting and located no more than 1.2m above ground level.
- b) All fixed exterior lighting must be directed away from adjacent roads and property boundaries
- c) All outdoor lighting must have a colour temperature of light emitted of 3,000K or lower
- d) Lighting must be limited to a maximum of 12 lumens per m²
- e) Lighting must align to the Five Lighting Principles for Responsible Outdoor Lighting published by the International Dark Sky Association.

At the time building consent is lodged for any building incorporating exterior lighting, an exterior lighting plan must be provided demonstrating that any new exterior lighting will comply with the above standards.

5. **Building form, roof and height controls**

- (b) Lots 1 – 10, 25 and 26: All buildings shall be in monopitch ('flat') forms only to follow the natural grade of the Rocky Point landscape forms. The 'downhill' elevation (being that facing towards the primary view or drop in elevation) shall be a maximum of 3m high in height sloping back up continuous to a maximum height of 3.8m. Roof slope shall be in accordance with the plans **Baxter Design Plan SK130, SK132, and SK133** dated 30 October 2024.
- (c) Lots 11 – 18: All buildings shall be standalone 'cabins' with footprints of maximum area of 84m². Maximum height shall be 5.5m, with single gabled roof forms between 20 and 35 degrees only. No hip roofs are permitted. All buildings shall be constructed on timber piles with piles not to exceed 1200mm in height. Decks are permitted and may extend up to 2.5m outside of the RBPs, provided that any deck shall not exceed 25m² in area.
- (d) Lots 19 – 23: Buildings shall not exceed 4.5m in height and shall have a gable roof only. A break in the gable (flat roof) is permitted up to maximum 3m in height.
- (e) Lot 24: The building shall be designed as a typical farm building and shall not exceed 4.5m in height. The roof shall be gabled in form between 20-25 degrees, with the gable running west to east along the building form. A break in the gable (flat roof) is permitted up to 3m in height.
- (f) Lots 27 – 29: Buildings shall not exceed 5.0m in height and shall have a gable roof form. A break in the gable (flat roof) is permitted up to 3m in height.
- (g) Lot 30: The building shall not exceed 5.5m in height. The roof shall either be a gable form between 20-25 degrees or shall be in a monopitch ('flat') form. A break in the gable (flat roof) is permitted up to 3m in height.
- (h) For Lots 1 – 10 and 19 – 30, the datums are specified for each dwelling on a level RBP. Building heights are determined from those specified datums. No buildings shall exceed the specified heights by way of excavation below the specified datums
- (i) For all lots:
 - (i) Flat connections are permitted between gabled and monopitch building forms. Any flat connections are to be level with to or below gutter levels. Flat connections shall be at 3m high and not exceed 15% of the building's footprint. All windows on the

lower elevation shall be either recessed 1m back from the building edge or the roofline shall extend 1.5m past the windows.

- (ii) All roof colours should have an LRV of less than 27%. Roof materials shall be restricted to one material from the listed materials only.
- (iii) Each building platform has a specified R.L. datum as set out on the schedule **SK129** with maximum heights for dwellings on each RBP noted.

6. **Roof materials and external wall cladding**

(j) Lots 1 – 10, 25 and 26:

- (i) Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar;
- (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - Natural timber cladding, left to weather or in a clear 'natural' stain;
 - Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain;
 - Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar;
 - Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish;
 - Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive;
 - Locally sourced schist stone, laid horizontally with dark tinted mortar/grout;
 - Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting.

(k) Lots 11 – 18:

- (i) Roof material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar
- (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - Horizontal rusticated weatherboard left to weather or in a clear 'natural' stain or in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain.

(l) Lots 19 – 23:

- (i) Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar
- (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - Natural timber cladding, left to weather or in a clear 'natural' stain,

- Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain,
- Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar
- Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish.
- Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive,
- Locally sourced schist stone, laid horizontally with dark tinted mortar/grout
- Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting

(m) Lot 24:

- (i) Roof and Wall claddings: the building shall be clad in locally sourced schist stone stacked horizontally or in aged un-coloured corrugated iron, or a combination of both. Timber barge boards are permitted also.

(n) Lots 27 – 29:

- (i) Roof Material: All roof material on these lots shall be Steel tray roof in Colorsteel 'Flaxpod' or similar or in corrugated iron, in Colorsteel 'Flaxpod' or similar or in aged corrugated iron;

- (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:

- Natural timber cladding, left to weather or in a clear 'natural' stain;
- Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain;
- Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar;
- Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish;
- Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive;
- Locally sourced schist stone, laid horizontally with dark tinted mortar/grout;
- Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting.

(o) Lot 30:

- (i) Roof Material: All roof material on this lot shall be Steel tray roof in Colorsteel 'Flaxpod' or similar or in corrugated iron, in Colorsteel 'Flaxpod' or similar or in aged corrugated iron

- (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:

- Natural timber cladding, left to weather or in a clear 'natural' stain,

- Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain,
- Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar
- Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish.
- Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive,
- Locally sourced schist stone, laid horizontally with dark tinted mortar/grout.
- Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting.

(p) All lots: For steel and aluminium joinery all window and door joinery, gutters and downpipes shall be coloured to match the roof and exterior wall cladding. Timber window and door joinery is permitted on all buildings. No galvanized finishes are permitted.

7. **Curtilage areas**

For all curtilage areas as shown on the plans [BDG plans SK4371-SK130-SK134, dated 30 October 2024]:

- (i) All buildings, structures, fixed clothes lines, play equipment, sculptures or any other items associated with domesticated landscaping and structures are to be located within the curtilage areas and out of locations where they may be visible from wider views,
- (ii) No garden art or sculptures beyond the curtilage areas are permitted.

8. **Fencing and gates**

(z) For all lots:

- (i) No fencing materials outside the curtilage area are permitted
- (ii) Fencing within the curtilage area is restricted to 1m high post and wire fencing only for the purpose of containing pets and for rabbit proofing.
- (iii) Any gate or feature wall shall be 1.0m high only, unless required for retaining. Materials will be limited to the following:
 - Timber left to weather naturally
 - Locally sourced schist stone, laid horizontally,
 - Mild steel left to weather.
 - A combination of the above

9. **Development – Earthworks, driveways and parking**

(aa) For all lots:

- (i) Vehicle courtyards are restricted to gravel or exposed aggregate only.
- (ii) Driveways shall be in gravels only

10. **Development – External lighting**

(bb) For all lots:

- (i) Any external lighting shall be restricted to down lighting only and no higher than 1.2m.
- (ii) Lighting should not create any light spill and shall be low lux level. Light sources are to be LED, incandescent, halogen or other 'white light'. Sodium vapour or other coloured lighting is not allowed.
- (iii) Lighting shall align to the 5 Five Principles for Responsible Outdoor Lighting from the International Dark-Sky Association.

11. **Development – Utilities and exterior service areas**

(cc) For all lots:

- (i) Air conditioning units, meters or any other electronic units relating to the house shall be painted to match house cladding or screened with planting.
- (ii) No air conditioning units, heat pumps etc or other units of any kind are permitted to be mounted on the roof.
- (iii) All site utilities such as gas supply, electrical supply, storm water piping, foul sewer, and telecommunications, shall be underground or contained within the building structure.

All water tanks shall be located within the curtilage areas, be buried underground a minimum of 60%, fully screened by planting and shall be in dark colours.

Notes:

- 1. Ground level must be established for each residential building platform at the time of survey.
- 2. A 'continuous length' will be measured as follows for walls that modulate: where modulation involves a step-back of one metre or more in depth it will be counted as a new wall, but where modulation is less than one metre in depth it will be considered a continuous length. A modulated building with shadow lines will assist to integrate it into the kanuka landscape.

12. **General**

(dd) For all lots:

- (i) and amenity plantings) that are known to have weed potential including Planting of non-indigenous vegetation for the purpose of amenity (and ornamental garden) or production (a vegetable garden) up to 30m² within the curtilage area of each
- (ii) All machinery used for residential building or access construction must be washed down prior to coming on site to remove soils or material that could be carrying weed seeds.
- (iii) Plants (gardens plants on the National Pest Plant Accord and/or Otago Regional Council weed register are prohibited.
- (iv) Development/plantings and soil disturbance is not permitted in the observed areas and areas of interest for Saline Soils of saline soils and cushion plants as shown in the Plans attached to this consent notice.

Note: The Plan showing the observed areas and areas of interest for Saline Soils and cushion plants must be attached to the consent notice.

(v) Any roading material or gravel or fill of any kind must come from a source which is free of any weed seeds, in particular those of gorse, scotch broom and tree lupin. River beds are highly likely to be contaminated with these seeds. The source must be approved by the CODC Planning Manager prior to use.

(vi) There shall be no further subdivision of Lots 1 – 30.

Note: The consent holder is bound by the Conservation Covenant attached at Appendix 2 of this consent and this consent does not infer any rights or authorisation which are contrary to the Conservation Covenant. Authorisation from the Minister of Conservation will be required to undertake any works on the site in accordance with Conservation Covenant.

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Appendix Two: Plant Species List

Trees

Cordyline australis
Griselinia littoralis
Hoheria angustifolia
Kunzea serotina
Myrsine australis
Pittosporum tenuifolium
Plagianthus regius
Pseudopanax ferox
Sophora microphylla
Myrsine divaricata
Olearia lineata

[Ti kōuka](#)

[Kāpuka](#)

Shrubs

Kunzea ericoides
Veronica pimeleoides
Vittadinia australis
Carmichaelia compacta
Coprosma dumosa
Coprosma crassifolia
Coprosma propinqua
Coprosma virescens
Corokia cotoneaster
Melicope simplex
Melicytus alpinus
Olearia odorata
Ozothamnus vauvilliersii
Veronica salicifolia

[Corokia cotoneaster](#)

[Olearia lineata](#)

[Olearia odorata](#)

[Coprosma propinqua](#)

[Coprosma crassifolia](#)

[Coprosma virescens](#)

[Ozothamnus vauvilliersii](#)

[Meuhlenbeckia axillaris](#)

Herbs, Mosses, Ferns and Vines

Raoulia australis
Meuhlenbeckia australis
Meuhlenbeckia complexa
Meuhlenbeckia axillaris
Rubus schmidelioides
Bryophytes
Asplenium flabellifolium
Polystichum neozelandicum
Asplenium richardii
Pellaea calidirupium