

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

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Of the Central Otago Operative District Plan
(**CODP**) and Proposed Plan Change 19 to the
Central Otago District Plan (**PC19**)

AND

IN THE MATTER OF

Application to the Central Otago District
Council (**CODC**) by **D. J Jones Family Trust**
and N.R Searell Family Trust for subdivision
and land use resource consent for residential
subdivision and development at 88 Terrace
Street, Bannockburn (**RC230398**)

**LEGAL SUBMISSIONS IN REPLY FOR
D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST**

Dated: 11 April 2025

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INTRODUCTION

1. These submission in reply for the Applicant address the following matters:
 - a) Matters raised by BRDI representations;
 - b) Matters raised by Minute 12; and
 - c) Amendment to proposed conditions of consent in response to matters arising from the hearing.

MATTERS RAISED BY BRDI REPRESENTATIONS.

2. At the hearing Mr Gardner-Hopkin's appeared as project manager for Bannockburn Responsible Development Incorporated (**BRDI**) and presented representations on behalf of BRDI (**BRDI representations**). Each of the key matters raised in opposition to the Proposal by the BRDI representations are addressed in the following sections.

Interpretation of the BLR rule

3. There is common ground between BRDI and the applicant regarding the legal principles regarding plan interpretation, which are summarised in the BRDI representations¹ and need not be repeated here. There is, however, a significant difference between the parties with respect to application of those principles to the circumstances of this case.
4. The BRDI representations contend that there is a "gap" in the Operative District Plan (**ODP**) due a perceived absence of any specific objective or policy that ties clearly into the Building Line Restriction Rule 12.7.7. The representations then endeavor to fill this so-called 'gap' by interpreting the BLR rule and associated definition as "...in the nature of an "avoid" type policy direction." Reference is then made to background materials related to inclusion of the Building Line Restriction (**BLR**) in the former Vincent County Council District Scheme (**Vincent District Scheme** or **VDS**). These materials include a BLR objective and policy which the BRDI representations contend is "...therefore the genesis of the BLR, that has survived in the various schemes and plans since."²

¹ BRDI representations at [14]-[15]

² Supra at [9]-[24]

5. With respect, the BRDI representations do not survive scrutiny and cannot be relied on as providing a credible interpretation of the BLR rule and related provisions in the ODP for the reasons discussed below.
6. Firstly, the so-called 'gap' contended by BRDI does not exist. Whilst there is no specific objective or policy within the ODP that refers to the BLR Rule, when the ODP is read as a whole it is clear that BLR Rule 12.7.7 is deliberately drafted as a restricted discretionary rule with six matters over which the Council has restricted the exercise of its discretion (**management criteria**). Two of these are particularly relevant to assessment of the Proposal, namely:
 - a) The effect on the natural character of water bodies and their margins (**management criteria 1**).
 - b) The effect on amenity values of the neighbourhood in particular the character of the streetscape (**management criteria 2**).
7. It's noteworthy that the reason for the rule highlights the importance of amenity values "Building line restrictions are a useful technique to protect amenity values..."
8. Management criteria 1 of BLR Rule 12.7.7 supports implementation of objectives and policies of the ODP within Section 5 - Water Surface and Margin Resource Area. The case of the Applicant is that the Proposal does not engage these provisions due to the distance between the future built form and the margins of the Bannockburn Inlet such that the natural character values of the Inlet margins are not adversely affected.
9. Management criteria 2 supports implementation of objectives and policies of the ODP that seek to manage potential adverse effects on amenity values. See for example Section 6 - Urban Areas³, Section 7 - Residential Resource Areas⁴ and Section 16 - Subdivision⁵ of the ODP which each contain an objective and related policies that seek to manage potential adverse effects on amenity values. Further, Plan Change 19 replaces the Section 7 of the ODP and inserts objectives and policies related to management of adverse effects on amenity values.⁶ To assist the Panel, the table at **Appendix A** identifies each of the above-mentioned "amenity values" objectives and policies together with comments regarding weighting and application of same to the Proposal.

³ OPD Objective 6.3.2 – Amenity values; Policy 6.4.1(a)

⁴ ODP Objective 7.1.1 – Maintenance of residential character; Policy 7.2.2 – Amenity Values; Policy 7.2.5 – Open Space; Policy 7.2.7 – Residential resource areas (1)-(13)

⁵ ODP Objective 16.3.4 – Amenity values

⁶ Plan Change 19 Objective LLRZ-02 Character and amenity values of the Large Lot Residential Zone; SUB-01 Subdivision design; Policy SUB-P1 - Creation of new allotments; Policy SUB-P2 – Dual use

10. It can be seen from the above that the ODP is a carefully designed and coherent planning instrument and that Rule 12.7.7 fits comfortably within the architecture of the District Plan. The so-called 'gap' does not exist – rather this is a case where the ODP simply does not say what BRDI would like it to.
11. Accordingly, the Proposal should be assessed against the above provisions taking into account guidance from relevant caselaw. In this regard the High Court in *Gisborne DC v Eldamos Investments Ltd* discussed the importance of applying the law objectively when assessing amenity values:⁷

In making an assessment of amenity values, the Environment Court is not bound by the opinions of landscape architects, or what the local community thinks or values but must apply the law objectively.

12. In *Shell Oil NZ Ltd v Auckland CC*, the Planning Tribunal referred to the decision in *Shell Oil New Zealand Limited v Wellington City Council* where the definition of amenity values was discussed:⁸

The definition of 'amenity values' places strong emphasis on present neighbourhood character...

13. In *Waru v Tūpuna Maunga o Tāmaki Makaurau Authority* the High Court discussed the relationship between amenity values and historic heritage, stating:⁹

I accept that there is an overlap between the definitions in the RMA of "amenity values" and "historic heritage" but they are not the same. "Historic heritage" includes natural and physical resources that contribute to appreciation of New Zealand's history and cultures, deriving from historic qualities. Amenity values refers to natural or physical qualities and characteristics of an area that contribute to appreciation of its pleasantness, aesthetic coherence, cultural and recreational attributes. The latter does not include appreciation of history, although history may or may not be relevant to pleasantness, aesthetic coherence, cultural and recreational attributes.

14. Secondly, there is no legal basis for interpreting the BLR rule and associated definition as being an "avoid" type policy direction. The purpose and function of district plan rules is distinctly different from that of district plan policies. Put simply, rules are a method to implement objectives and policies within a district plan. They define which activities need to be audited via the resource

⁷ *Gisborne DC v Eldamos Investments Ltd* 26/10/05, Harrison J, HC Gisborne CIV-2005-485-1241 at [42]

⁸ *Shell Oil NZ Ltd v Auckland CC* W008/94 (PT) at page 18

⁹ *Waru v Tūpuna Maunga o Tāmaki Makaurau Authority* [2024] NZHC 1414, (2024) 25 ELRNZ 1112 at [127]

consent application process established by the RMA and they establish the activity status of such applications.

15. In the present case, the BLR Rule 12.7.7 provides that "...no building is to be erected within any building line restriction..." and any activity which does not comply with this rule "...shall be a discretionary restricted activity". The rule is quite clear; buildings within the building line restriction are not allowed and any proposal that does not comply with this rule will need to be assessed by the Council pursuant to a restricted discretionary consent application. There is nothing unusual or extraordinary about Rule 12.7.7.
16. Interpreting this rule as being an "avoid" type policy is highly unorthodox. It's noteworthy that the BRDI representations do not provide any legal rationale or caselaw authority in support of this approach to interpretation of a planning instrument.
17. Further, none of the above-mentioned objectives and policies that are implemented by management criteria 1 and 2 of Rule 12.7.7 include the word "avoid". Accordingly, there is no rationale in this case to apply dicta from the Supreme Court in *King Salmon*¹⁰ that "avoid" means "to not allow" because we are not here dealing with an avoid type policy.
18. Thirdly, BRDI's attempt to recruit objectives and policies from the Vincent District Scheme to fill the perceived 'gap' is flawed for several reasons.
19. The concept of a building restriction area for Bannockburn is first mooted in a report prepared by WD Patterson for the Vincent County Council dated December 1976 (**Patterson Report**) attached as **Appendix B**. On 10 March 1980 Proposed Scheme Change 4 to the VDS was publicly notified (**Proposed Scheme Change 4**). It proposed to rezone land at Bannockburn from rural to residential zone and identified on planning maps a building restriction area supported by an objective and conditional use rule for buildings erected in the restricted building area. The decision of the Council in late 1980 adopted these changes and they were incorporated into the VDS 1977 (**Scheme Change 4 Decision**). These provisions were 'rolled over' into the next version of the VDS which became operative on 26 November 1987 (**VDS 1987**). To assist the Panel, a summary timeline of the relevant planning instruments is attached at **Appendix C** for reference.

¹⁰ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 [17 April 2014]. This decision related to interpretation and application of highly directive "avoid" type policies in the NZCPS (Policy 13(1) and Policy 15(1)) and the Marlborough Regional Policy Statement (Policy 8.1.3) in the context of a salmon farming proposal in the Marlborough Sounds

20. It is acknowledged that the history of these documents is not straightforward however the BRDI representations are incorrect when they state that a BLR policy (quoted at paragraph 22) was introduced into the Scheme Statement. The quoted policy is from the Patterson Report; it was not included in Proposed Scheme Change 4 and consequently it does not feature in the Scheme Change 4 Decision or VDS 1987.
21. It is apparent from in the above-mentioned documents that the somewhat directive language of the BLR rule has been incorporated into the ODP, as shown below by text in bold below:
- VDS 1987 BLR rule 4.5.2.3(iii) – *"In order to maintain the landscapes character in views from the north and east, **no buildings may be erected** on that part of the zone which is shown in Planning Map 10 as "Restricted Building Area".*
 - ODP BLR rule 12.7.7(i) – *"**No building shall be erected** within any building line restriction shown on the planning maps between the building line and the feature to which it relates."*
22. However, the balance of the VCS 1987 BLR provisions have not been carried forward into the ODP. As mentioned in my opening submissions the VDS provisions regarding the BLR at Bannockburn are materially different from those in the ODP, and when those differences are properly considered it's apparent that the BLR provisions in the ODP represent a significant shift in planning policy compared to the VDS provisions.¹¹
23. In my view this shift in planning policy is not surprising given that 30 years passed between the Patterson Report in 1976 and the ODP becoming operative on 1 April 2008. During that time Bannockburn and its surrounds had changed markedly including for example the completion of the Dunstan Dam in 1993 and filling of Lake Dunstan including the Bannockburn Inlet soon afterwards.
24. Overall, as mentioned in my opening submissions,¹² the Applicant considers the VDS provides some useful historical context about the BLR but is otherwise irrelevant to assessment of the Proposal. The meaning of the BLR provisions is clear from the words used in the ODP and there is no need to resort to the VDS (which is almost 40 years old) as extrinsic material to aid interpretation of the ODP or to otherwise discern the underlying purpose of the BLR.

Precedent and integrity of the Plan

¹¹ Legal Submissions for the Applicant dated 25 February 2025 at [24]-[25]

¹² Supra at [56]

25. The BRDI representations state that the question of precedent and integrity of the plan (and the BLR Rule) is a key issue. The representations refer to the Applicant's submission on PC19 as illustrative of the Applicant's longer-term plans and argue that allowing the current Proposal will mean that future applications for development into the BLR cannot be prevented. BRDI also argues that there is simply no exception, or circumstances offered up, to justify intrusion into the BLR, and contend that consent should not be allowed on this basis alone.¹³
26. The BRDI representations seem divorced from the activity status of the Proposal and the outcomes anticipated for the Site by the ODP and PC19. The Site is zoned Large Lot Residential Zone by PC19. Non-compliance with the BLR Rule requires restricted discretionary consent and the Proposal is assessed overall as a restricted discretionary activity by Mr Barr. It is noted that the reporting officer's overall assessment is discretionary activity however none of the planning witness assessed the Proposal as a non-complying activity.
27. The application of precedent and plan integrity to discretionary and restricted discretionary activities is discussed by the Environment Court in *Campbell v Napier City Council*.¹⁴ The application before the Court was a restricted discretionary activity. The Court stated that:

We struggle with the introduction of the concept of precedent to cases involving applications for (restricted) discretionary consent. The concept, together with other concepts that are occasionally described as related, namely integrity of planning instruments, coherence and public confidence in the administration of plans, have caused enough difficulty in relation to non-complying activity applications.

28. The Court then traversed relevant case-law authority including reference to the Environment Court decision in *Scurr v Queenstown Lakes District Council*¹⁵ as follows (emphasis added):¹⁶

The Court in Scurr records that a grant of consent to a discretionary activity as a precedent in the sense of creating an expectation that a like application will be treated in a like manner, may not be as important as in the case of a non-complying activity, because most district plans assume that a discretionary activity will be acceptable on a variety of sites within a zone, and each must be assessed on a case by case basis. The Court proceeded to analyse certain provisions of the district plan there relevant, in particular a provision recording that discretionary activity status had been applied to certain activities "because in or on outstanding landscapes or features the relevant activities are inappropriate in almost all locations..." and "in visual amenity landscapes the relevant activities are inappropriate in many locations ... ". The Court recorded its view that such explanation worked against any assumption that the plan envisaged that discretionary activities will

¹³ BRDI representations at [28]-[32]

¹⁴ *Campbell v Napier City Council*, ENC Wellington W67/05, 8 August 2005

¹⁵ *Scurr v Queenstown Lakes District Council* Decision No C60/2005 (Judge McElrea's division)

¹⁶ *Campbell v Napier City Council* at [62] and [63]

occur on most sites in either type of landscape — an assumption that would leave little room for precedent arguments.

*Our own considered view of the statement of the High Court in *Manos* and the statements of this Court in *Scurr*, is that we generally do not disagree with them, but we think it appropriate to record our own understanding of what Blanchard J was saying. **We consider that the answer is that essentially it is all about having due regard to any relevant provisions of a plan or a proposed plan pursuant to s 104(1)(b) (iv). Therefore, it is probably not now good law as it was under previous legislation, that discretionary activity is “presumed to be appropriate in a zone subject to being approved for a particular site”. Instead, it is about what the objectives, policies, and other relevant provisions of the district plan provide.** In the *Scurr* case, the relevant provisions of the district plan made it clear that particular kinds of activities were inappropriate in almost all locations, so it could be said that something approaching the treatment of precedent in non-complying activity cases, might be at play.*

29. Overall the Court determined that “precedent” or “district plan integrity” or “consistent administration of the district plan” was not raised by the relevant provisions of the district plans.
30. In my submission, it is uncommon for precedent or plan integrity to be ‘live’ issues for a discretionary activity consent application; and more uncommon for a restricted discretionary activity application. In both instances, the significance or otherwise of precedent and integrity is informed by the provisions of the district plan. Where the relevant provisions discourage development in the location that is the subject of the consent application then precedent is an available and potentially important consideration.
31. Where this is not the case, then precedent and integrity is irrelevant because the relevant plan contemplates development subject to a merits-based assessment (i.e. on a case-by-case assessment of whether the subject proposal is acceptable in the context of the particular site and its locality.)
32. That is precisely the situation here because the ODP and PC19 do not contain any objectives or policy settings that discourage development within the BLR area. Instead, the application is assessed as a restricted discretionary activity that must be assessed against the management criteria at Rule 12.7.7(ii)(1)-(6). These management criteria are neutral in tenor and simply require an effects assessment against specified environmental values. Further, none of the objectives and policies against which the Proposal must be assessed under the ODP or PC19 seek to prevent or avoid development within the BLR area. Consequently, what is required in this case is a merits-based assessment of this particular Proposal.

33. This approach is consistent with the Environment Court decision in *Beacham v Hastings District Council* where the Court stated:¹⁷

We have said before, and must say again, that the floodgates argument does tend to be somewhat overused, and needs to be treated with some reserve. A short and inescapable point is that each proposal has to be considered on its merits. If a proposal can pass one or other of the s104D thresholds, then its proponent should be able to have it considered against the s104 range of factors. If it does not match up, it will not be granted. If it does, then the legislation specifically provides for it is a true exception to what the District Plan generally provides for...

Only in the clearest of cases, involving an irreconcilable clash with the important provisions, when read overall, of the District Plan and a clear proposition that there will be materially indistinguishable and equally clashing further applications to follow, will it be that Plan integrity would be imperilled to the point of dictating that the instant application should be declined.

34. The Beacham case related to a non-complying consent application. The argument for BRDI becomes even more difficult to sustain with respect to a restricted discretionary activity consent application, where the effects are minor, or when the central issue relates to impacts on “amenity values”. These points are discussed further in my opening legal submissions.¹⁸
35. Finally, the BRDI representations are incorrect to assert that no exceptions are offered up by the Applicant to justify intrusion into the BLR. My opening legal submission state that:¹⁹

The Proposal has several unique and distinguishing factors such as the protection of heritage values, provision of proposed tracks, creation of a recreation reserve, and the varied topography of the Site that would be difficult for others to replicate in terms of precedent.

36. There are other distinguishing factors that come to mind including that the Proposal will read as well-connected with the surrounding urban area including Terrace Street; that the Applicant has offered consent conditions controlling development on lots outside that BLR are even though such conditions wouldn’t be required by the ODP or PC19, that the applicant is prepared to offer a restrictive condition that there be no buildings on lot 40 thereby protecting open space and heritage values within this land.
37. Individually and collectively these factors make it unlikely that a materially indistinguishable proposal would come forward for consent within the BLR.

¹⁷ *Beacham v Hastings District Council* Env W075/2009 at [24]-[25]

¹⁸ See Legal Submissions for the Applicant dated 25 February 2025 at [110(b)-(d)]

¹⁹ Supra at [110(a)]

Part 2 RMA

38. The BRDI representations argue that it is appropriate to consider Part 2 in this case on account of the limited coherence in the "cascade" of plan provisions from objectives, to policies, to Rule 12.7.7.²⁰ The BRDI representations then proceed to evaluate the Proposal against matters at section 6(f) and various matters under section 7 RMA in support of BRDI's proposition that the Proposal does not meet the purpose of the Act.
39. The Court of Appeal considered the application of Part 2 under section 104 in *R J Davidson Family Trust v Marlborough District Council*²¹. That decision found it is necessary to consider Part 2 in making decisions on consent applications, where it is appropriate to do so. Whether it is "appropriate" depends on the planning documents in question.
40. The Court of Appeal stated that consent authorities should continue to undertake a meaningful assessment of the objectives and policies of the relevant plan. Where those documents have been prepared having regard to Part 2 of the RMA, and with policies designed to achieve clear environmental outcomes, consideration of Part 2 is not likely to be necessary as "*genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome.*"
41. For the reasons discussed above, the Applicant considers that the ODP does not lack coherence when management considerations 1 and 2 of Rule 12.7.7 are read given the proximity of the BLR area to the margins of the Bannockburn Inlet (management consideration 1) and in the context of the relevant objectives and policies related to amenity values (management consideration 2). Simply because the ODP does not say what BRDI would like it to say does not justify resort to Part 2.
42. Even so, if Part 2 is considered relevant the Applicant's view is that this does not assist BRDI because the expert evidence presented by the Applicant and by Ms Royce and Ms Pfluger readily satisfies each of the Part 2 matters referred to by BRDI.
43. For example, with respect to s6(f) RMA the evidence of Mr Sole contains a comprehensive assessment of the Proposal's potential adverse effects on heritage values and concludes that the overall effect of the subdivision on heritage features will be slight to moderate.²² This evidence was not seriously contested by BRDI. The only challenge came from Mr Murray, BRDI's planning

²⁰ BRDI representations at [34]-[35]

²¹ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 23

²² Evidence of Mr Sole at [29.4(j)]

witness, who conceded at the hearing that “Mr Sole has done a very good job”. Mr Murray’s concern was limited to methodology – how has Mr Sole integrated his findings into the design of the Proposal? The answer lies in Mr Sole’s evidence where he explains how his assessment has informed design of the Proposal.

44. Mr Sole’s evidence also includes the following overarching comments:²³

“This project is an example of best practice for identifying heritage and landscape values initially and then with informed considered design...” and that “...There is a high degree of recognition from all parties [within the Applicant’s project team] that the Water Race Hill has and is something unique and different which has endeared all to focus and make the most out of the combine attributes and challenges of this site and project.”

45. These comments are consistent with the Applicant’s approach, being to design a subdivision that carefully manages development within the BLR by restricting development to less sensitive land and managing potential adverse effects through detailed and stringent design controls and consent conditions. This has resulted in a Proposal that satisfies each of the various section 7 RMA matters referred to by BRDI.

Alternatives

46. The BRDI representations argue that the Applicant has failed to describe alternative locations or alternative methods for undertaking the activity.²⁴ However there is no particular obligation on an applicant for a resource consent to provide a consent authority with alternatives unless cl 6(1)(a) of Schedule 4 RMA applies (i.e. it is likely that the activity will result in significant adverse effects on the environment).²⁵ Further, in the absence of credible evidence of any significant adverse effect on the environment arising from the proposal, the consideration of alternatives is irrelevant.²⁶ In this case the weight of expert evidence concludes that the adverse effects of the Proposal are acceptable and the Applicant therefore considers there is no need to consider alternative locations for the Proposal.

MATTERS RAISED BY MINUTE 12

47. Each of the matters raised by Minute 12 is addressed below.

A written summary of the matters Mr Fowler addressed to the Panel in closing.

²³ Supra at [32]-[33]

²⁴ BRDI representations at [55]

²⁵ *Dumbar v Gore District Council* W189/96

²⁶ *Progressive Enterprises Ltd v North Shore CC* [2009] NZRMA 386 (EnvC)

Landscape and visual amenity effects

48. The setting around the Bannockburn Inlet is a mosaic or pattern made from a variety of landforms, vegetation and land uses. There are several dwellings located on the eastern and southern flanks of the Inlet, some of which appear closer to the margins of the Inlet than the future built form associated with the Proposal. This is evident from visiting the various Viewing Points shown on Sheet 7 of the Visual Simulations included in Mr Milne's Supplementary Statement of Evidence and subsequently updated and appended as Appendix C to Mr Milne's Summary Evidence presented at the hearing (attached at **Appendix D**).
49. The evidence from the landscape witnesses is that future built form associated with the Proposal will be most noticeable from VP4, VP5 and VP6. However, from these locations most views will be fleeting or transitional as the viewer moves through the landscape. For stationary views, the future built form will be perceived as a modest change to the existing wide and complex landscape surrounding the Inlet.
50. Ms Pfluger's evidence presented at the hearing comments as follows with respect to landscape and visual effects of the Proposal:²⁷

I note that a number of residential buildings are visible around the southern and eastern side of Bannockburn Inlet from the road, carparks and cycle trail and that residential development is not an unexpected element in this landscape. I arrived at my conclusions regarding landscape and visual effects based on the potential visibility of the proposed development in the context of the existing landscape character/ values and modifications.

Natural character effects

51. I draw the Panel's attention to Ms Pfluger's evidence presented at the hearing regarding natural character effects which states that:²⁸

While Lots 15-20 would be visible along the terrace edge from elevated viewpoints, they are set back from the Kawarau Inlet above Shepherd's Creek. When within the inlet area a number of buildings are visible in various directions in similar proximity and visibility to the proposed lots. I consider the existing natural character values of Bannockburn Inlet to be low to moderate due to the predominance of exotic plant species, and presence of man-made structures, trails and roads.

²⁷ Hearing Summary of Landscape & Visual Effects Assessment Prepared for Central Otago District Council by Yvonne Pfluger dated 5 March 2025 at [2.4]

²⁸ Supra at [3.1] and [3.2]

In my view, low to moderate adverse effects would mostly be of an experiential nature in relation to natural landform patterns and openness. In light of the proposed setback of the closest proposed building platform of over 250m (and associated difference in elevation) I consider that the physical effects on the natural elements and processes of the Bannockburn Inlet would be very low. Overall, the natural character effects are, in my opinion, appropriate in the context of the existing development within the Bannockburn inlet area.

PC19 and earthworks rule

52. During the hearing Mr Barr and Ms Royce each noted that an earthworks consent is now required for the Proposal under PC19 Rule LLRZ-R11(2) which restricts the maximum volume of land excavated within any site in any 12-month period to 200m³.
53. Both planning witness considered that the information already provided by the Applicant was adequate to inform an effects assessment for the purposes of this rule, with conditions able to be imposed to manage those effects, and that it was appropriate to grant an earthworks consent under PC19 if the Panel decides to approve the Proposal. Earthworks conditions included in the proposed consent conditions at 7 l) and m).

Heritage effects

54. The matters addressed verbally at the hearing on this subject are discussed above.

Precedent and plan integrity

55. The matters addressed verbally at the hearing on this subject are discussed above.

Conditions of consent

56. The matters addressed at the hearing on this subject are discussed below.

A response to the matter raised by Mr Gardner-Hopkins and submitters on the opportunity to prevent future development on the balance lot 40 via a covenant or similar legal mechanism.

57. During the hearing Ms Royce was asked by the Panel whether she considered a condition is required to preclude future development on lot 40. Ms Royce replied "No" because development on this site was unlikely and so there was no need for a consent notice precluding future development.

58. The Applicant has carefully considered this matter and is willing to volunteer a condition of consent preventing the location of dwellings in lot 40 should the Panel considered such an conditions is appropriate in the circumstances of this case. A suitable consent condition is included in the revised consent conditions discussed below.

A response to any other pertinent matters arising from the presentation of submitter statements, including the additional comments from experts on landscape, amenity and streetscape and the comments from Ms Royce.

Activity status of application

59. The Applicant maintains its view that the correct overall activity status of the Proposal is restricted discretionary activity.
60. Should the Panel assess the overall activity status of the Proposal as discretionary, the Panel must still consider the relevant matters for discretion and the underlying objectives and policies of the ODP and PC19 to guide assessment of the Proposal.²⁹
61. Even if the Proposal is assessed as a discretionary activity, the Applicant has demonstrated that it is nonetheless deserving of consent through the comprehensive expert evidence presented in support of the Proposal. In this regard, there is a high level of consistency between the applicant's evidence and the expert views of the Council witnesses Ms Pfluger (landscape and visual amenity effects) and Ms Royce (statutory planning matters). In particular, Ms Royce recommends grant of consent notwithstanding her view that the Proposal should be assessed as fully discretionary.

Weighting of ODP and PC19

62. The Application was lodged on 22 December 2023 and the hearing occurred on 4-5 March 2025. During that period PC19 was notified for submissions. Among other matters, PC19 deleted Chapter 7 of the ODP in full and replaced it with a new 'Residential Zones' chapter. PC19 decisions on submissions were publicly notified on 8 June 2024 and renotified on 27 June 2024.
63. The Environment Court received 15 appeals on PC19 decisions regarding a range of issues, although none of the appeals have a material bearing on PC19 provisions relevant to assessment of the Proposal³⁰ (except for appeals that seek to further reduce the minimum lot size in the LLRZ to 1,000 m² discussed in my opening legal submissions).³¹

²⁹ As required by s104(1)(b) RMA

³⁰ See Craig Barr Statement of Evidence at [107]-[118]

³¹ See Legal Submissions for the Applicant at [28]-[32] for further details

64. This means that the PC19 rules relevant to the Proposal must be treated as having legal effect.³²
65. With respect to objectives and policies, it is settled law that the closer the proposed plan comes to its final content, the more regard is had to it.³³ The weight to be given to a proposed plan would in general be greater the further the relevant provisions have been exposed to testing along the statutory course prescribed by Part 1 of the First Schedule.³⁴
66. In *Guthrie v Queenstown Lakes District Council* the Environment Court noted that:³⁵

The parties were agreed that the Regional Policy Statement (RPS) for Otago 1998 and the Partially Operative Otago Regional Policy Statement 2019 are relevant, but, in the event of conflict, greater weight should be given to the 2019 document.

67. Applying the above jurisprudence to the circumstances of this case means that the PC19 Chapter 7 objectives and policies should be given substantial weight and the former Chapter 7 objectives and policies given relatively little weight due the extent to which the former has been tested through the Schedule 1 hearing process.
68. This outcome is relevant to assessing the weight to be given to Ms Stevens landscape evidence. Mr Barr identifies in his Summary of Evidence ³⁶presented at the hearing parts of Ms Stevens evidence that are incorrect with respect to PC19 which appear to have a significant bearing on Ms Steven's assessment of the Proposal. Mr Barr also notes that Ms Stevens has not appreciated the extent to which PC19 has advanced through the plan change process and is relying on provisions from ODP Section 7 which are soon to be rendered inoperative, in particular Policy 7.2.8 – Management of Change, which Ms Stevens relies upon to refer to Policies 4.4.10 and 4.8.10 which are policies of the Rural resource Area. Mr Barr does not support Ms Steven's view that these policies are relevant to the Application.³⁷ In my submission, Mr Barr's view must be correct given that Policy 7.2.8 is to be replaced by PC19 objectives and policies.

Confirmation of whether the Applicant wishes to respond in any way to the evidence and statements of submitters (in particular in the context of the discussion with Mr Dicey for BRDI at the hearing on the relative effects of individual allotments), in terms of any possible reduction in allotment numbers and/or change in locations?

³² RMA section 86B(1)

³³ *Queenstown Central Ltd v Queenstown Lakes DC* [2013] NZHC 815 at [9]

³⁴ *Hanton v Auckland City Council*, PT Auckland A10/94, 1 March 1994 page 32

³⁵ *Guthrie v Queenstown Lakes District Council* [2021] NZEnvC 79 [17]

³⁶ Craig Barr Summary of Evidence presented at hearing at [30]-[32]

³⁷ Supra at [34]-[40]

69. Because the weight of expert evidence supports the Proposal as presented at the hearing, the Applicant does not consider any change to the number and location of lots is required to meet the requirements of the RMA and the relevant planning instruments.
70. However, should the Panel be minded to adopt a different view and consider that modification of the Proposal with respect to number and/or location of allotments then the Applicant would invite the Panel to issue an Interim Decision to this effect rather than decline the Proposal in total. This would allow the Applicant to present an amended suite of plans and conditions in conformity with the Interim Decision.

AMENDMENT TO PROPOSED CONDITIONS OF CONSENT IN RESPONSE TO MATTERS ARISING FROM THE HEARING

71. The Panel may recall that my legal submissions included at Appendix F as Updated Proposed Conditions of Consent dated 25 February 2020. These conditions have been revised by the Applicant to address various matters raised during the hearing. Attached as **Appendix E** is a further version of Proposed Conditions of Consent dated 11 April 2025 with amendments shown as tracked changes. The "approved plans" referred to at condition 1 of the consent conditions are attached as **Appendix F**.
72. The various matters raised regarding consent conditions at the hearing are discussed below.

Landscape and amenity effects

Building platforms on each lot

73. The plan of subdivision and landscape master plan have been amended to show a building platform on all lots proposed to contain residential activity. The building platforms comply with the LLRZ road boundary setback and internal yard setback requirements. The split platform over Lot 7 is to take into account an escarpment gully feature and overland flow path. Consequential amendments to Conditions 1, 5 b) are made in relation to the identification and registration of building platforms and as part of the section 223 certification, and consent notice condition 7 a).

Mitigation planting

74. Additional mitigation planting is proposed, as recommended by Ms Pfluger, to extend further downslope from the Lot 30 Reserve gully feature and into Lot 40 and shown on the amended Landscape Mitigation Plan. The amendment requires consequential amendments to Conditions 1 and 6 n).

75. An additional condition is proposed to address the potential adverse effects from earthworks at the time of subdivision development works, and as a consent notice condition to be complied with at the time of future development on Lots 1-20. The condition is at 6 m i) and is:

All batter slopes and scaring from earthworks not remediated by planting undertaken as part of the Landscape Master Plan shall be revegetated with grass.

76. Condition 7 k) requires that at the time of development of Lots 3-5 and 12-20 by future owners, for any building consent for any dwelling or accessory buildings, a landscape plan prepared by a suitably qualified landscape architect is be submitted and approved by the Council.

77. A new limb (v) which requires plants that have a high or moderate flammability class as identified in the *FireSmart: Protecting Our Communities from Interface Fires* manual, as recommended by Ms Pfluger.

78. The Council Officer's recommended conditions also included a limb which states:

For Lots 15-20, planting areas between and below the sloping sites must be established and must be of a form similar to that within the Lot 30 reserve area. Planting for Lots 15-20 should include a comprehensive structural planting area around the building platforms to avoid the built form appearing visually prominent on the open escarpment.

79. The Applicant supports this condition which has been included at limb (vi).

80. The Applicant also supports the additional planting species recommended by Ms Anne Steven for the BRDI and these have been included in the Revised Proposed Plant List 11 April 2025.

81. Lastly, in relation to Condition 7 k), clarity has been added in relation to the timing of completion of planting, with a time timeframe of 6 months and that plantings shall be maintained.

82. The Council Officer's recommended conditions propose amendments to Conditions 7 o) and p) that landscaping within roads and the reserve (Lot 30) must be certified by the Council's Parks and Recreation Manager.

83. This requirement is inherent as part of the subdivision development design and Council acceptance process, and is considered better included as an advice note, which has been proposed as Advice Note No. 14.

Building Height

84. Consent notice condition 7 g) has been amended in relation to Lots 15-17 so that the maximum building height must be no more than 8m in total height from lowest ground level to top roof level to avoid the appearance of three storey townhouses. This condition was recommended by Ms Pfluger and is reflected in the s42A Officer's recommended conditions. This condition is supported.
85. Consent Notice Condition 7 g) (building Height) has been amended to reflect Mr Ford's evidence to reference the building height measurements in terms of New Zealand Vertical Datum 2016.

Lighting references

86. Proposed Condition 7 h) has been amended to reflect the lighting restrictions supported in Paragraph 48 of Mr Milne's evidence in chief.

Lot 6 and Access

87. Consent Notice condition 7 c) has been amended to more specifically refer to the intention of this condition, being to locate the access off the ridgeline.

Transportation effects

Finish of Footpaths

88. An amendment is proposed by the Applicant to Condition 6 g(ix) (Terrace Street extension) as part of the subdivision development works to provide an unsealed footpath. The Applicant has promoted from the outset that all footpaths be unsealed footpaths to ensure infrastructure is consistent with the character of Bannockburn. The change is consistent with the remainder of the footpath treatment for all road areas.
89. The Council Officer's recommended conditions have not altered this condition but have altered related condition 6 h viii) (Loop Road Lot 100) so that an asphaltic concrete footpath is required.
90. An asphaltic surface is not supported by the Applicant because it does not maintain the character of the existing Bannockburn Road environment. Nor would this be consistent with the

recommendations in Mr Sole's Heritage Assessment because it would affect the legibility of the use of the former water races as footpath areas.

Swales

91. Conditions 6 g viii) (Terrace Street extension) and h vii) (Loop Road) and j ix) (ROWS) refer to a requirement for a 4% crossfall on the road swale. Mr Ford has advised that this is not likely to be practicable to achieve in all instances. Changes are recommended to provide greater flexibility so that the outcomes contemplated by preliminary engineering plan showing the typical driveway crossing of historic water race can be achieved.

Rights of Way

92. With regard to the gradient of rights of way, proposed condition 6 j xii) states:

That any private access ROW may have a maximum gradient of 1 in 5 (20%). This may be increased to 1 in 4.5 (22.2%) for short straight lengths up to 20m maximum length. Any portion of an access with a gradient greater than 16% is to have a higher friction surfacing such as exposed aggregate or brushed concrete or similar.

93. The S42A officer's recommended condition is:

The ROWs may exceed a gradient of 16.7% only with the approval and certification of the Council's Infrastructure Manager at the time of Engineering Acceptance/Approval, and with the designed specific surface treatments to be certified of the Council's Infrastructure Manager.

94. The Applicant's proposed condition reflects the expert assessments by Mr Bartlett and Mr Ford. The Applicant's condition is preferred and considered to be more appropriate because it reflects the site specific assessment undertaken. It is noted that the Council have not provided an engineering officers report nor attendance at the hearing to justify their changes, rather they appear to be based on the Council template.

95. The Council Officer's report also seeks to change condition 6 k) as follows:

All new shared right-of-way serving ~~two or more~~ lots between 2-4 lots.

96. The proposed rights of way do not cater for more than 3 lots. The Applicant considers that there is no need for this amendment.

Heritage archaeology

Accidental Discovery Protocol

97. Condition 6 t) has been retained in its current location and form and would be engaged with any subdivision development works.
98. The equivalent Accidental Discovery Protocol condition is now also proposed as part of the consent notice condition 7 n) and applies to all Lots that will be held in a record of title.
99. The Council Officer's recommended conditions have relocated the subdivision development works aspect from within condition 6 (prior to section 224c), to under the general condition 2. This relocation does not seem to have any material affect. The Council Officer's recommendations have also included the condition as a consent notice matter which is consistent with the Applicant's proposed changes.

Heritage archaeology within the proposed road reserve would need approval and sign off by CODC CE

100. The Council Officer proposed an advice note under condition 6 i) (subdivision development design and works to be undertaken in accordance with the Application's Heritage Assessment) which states:

NOTE: No heritage elements are to be passed over to Council ownership or administration without the agreement in writing of the Chief Executive Officer.

101. This change is not supported by the Applicant because it delegates approval of an important element of the Proposal to the Council CEO. This outcome is inconsistent with settled case-law authority to the effect that such a condition is unlawful.

Advice Note

102. Minor amendments to the advice note have been made to clarify that all lots would require an archaeological authority in the event that soil disturbance is undertaken.

Lot 30 Reserve

103. Condition 6 q) is proposed to State 'Lot 30 shall be vested as a reserve to the Central Otago District Council.
104. The S42A Officer's recommended condition is:

Formally offer Lot 30 to the Central Otago District Council for vesting as a reserve.

105. The Council's via its Open Space and Parks manager has agreed to Lot 30 being vested, with email communication confirming support for the Reserve³⁸ forms part of the application documentation. The condition recommended by the Council does not reflect the certainty required in terms of the reserve in its proposed allotment shape being followed through the survey and subdivision process.
106. Further, similar to the above, this change delegates approval of an important element of the Proposal to the Council CEO. This outcome is inconsistent with settled case-law authority to the effect that such a condition is unlawful.

Lot 40

107. After considering matters raised by submitters in the hearing, the Applicant has proposed that a consent notice condition is imposed which prohibits buildings on Lot 40 and is proposed in condition 7 q)

Other Matters

108. An amendment proposed in the s42A Officer's recommendation to Condition 6 s) in relation to financial contributions referring to 20 lots (rather than one lot) is supported.
109. Amendments to the references to Trails, to refer to Trails and Tracks are proposed to Conditions 6 v) to reflect the status and nature of the access over Lot 40.
110. Consent Notice conditions 7 ("Design Control conditions" preamble, 7 b) and g)) have had a minor correction to make it clear that the conditions apply to all of Lots 1-20 unless specified otherwise.
111. The Council Officer' has included two land use conditions, if considered necessary, which state:

Land use condition (if necessary)

1. *All buildings on Lots 4, 5, 6, 13, 14, 15-20 must be contained within the Building Platforms as shown on the record of title. No built development is permitted outside the building platform, including items such as clothes lines, swimming pools or other activities generally associated with a curtilage area.*
2. *Pursuant to section 116, not building works may occur on Lots 4, 5, 6, 13, 14, 15-20 until records of title created by RC230398 have been issued.*

³⁸ Application Document. Response to Further Information Request dated 27 February 2024. URL link: <https://www.codc.govt.nz/repository/libraries/id:2apsqkk8g1cxbyoqohn0/hierarchy/Services/Planning/Notified%20Consents/230398%20D%20J%20Jones%20%26%20N%20R%20Searell%20Family%20Trust/04.%20Response%20to%20Further%20Information%20Request%20-%2027%20February%202024>

112. The Applicant does not intend to enable the construction of any buildings prior to completing the subdivision and so condition 1 is not necessary.
113. In any case, condition 2 as proposed appears to cancel out this ability.

The earthworks and other land use aspects are inherent to the subdivision development works and the Application and condition framework encapsulates both section 9 (Use of land) and section 10 (subdivision) RMA 1991 aspects. It is for the Panel to determine whether they note this as a specific land use decision. However, the Applicant's view is that no specific land use conditions are considered necessary or appropriate.

Earthworks

114. Consent Notice Condition 7 m) (requirement for an erosion and sediment control plan) has been amended to avoid any doubt that the condition relates to Lots 1-20.

DATED 11th day of April 2025



C Fowler

Counsel for D. J Jones Family Trust and N.R Searell Family Trust

APPENDIX A

OPERATIVE DISTRICT PLAN – AMENITY VALUES		
Objective/Policy	Text of Objective/Policy	Relevance to the Proposal (high/medium/low) and any other comments
ODP Section 6: Urban Areas		
6.3.2	<p>Objective - Amenity Values</p> <p>To manage urban growth and development so as to promote the maintenance and enhancement of the environmental quality and amenity values of the particular environments found within the District's urban areas.</p>	<p>Refer to AEE (page 57) which stated in relation to this objective and Policy 6.4.1 (copied in full):</p> <p><i>"The activity is consistent with Policy 6.4.1 because it will provide for new urban development in a location which has been identified as appropriate for urban development through the ODP (and PC 19). Overall, the adverse effects associated with buildings in the BLR can be managed so that amenity is maintained, while the overall subdivision as viewed collectively will increase amenity values through the provision of an open space and trail network. Policy 6.4.1 relates to the management of the loss of amenity values in the urban environment. The RMM landscape assessment identifies that many of the viewpoints of those lots within the BLR are from outside the urban environment and relate to views from public places in the Rural Resource Area.</i></p>
6.4.1	<p>Policy - Maintenance of Quality of Life within Urban Areas</p> <p>To maintain and, where practicable, enhance the quality of life for people and communities within the District's urban areas through:</p> <ul style="list-style-type: none"> (a) Identifying and providing for a level of amenity which is acceptable to the community; and (b) Avoiding, remedying or mitigating the adverse effects on the community's social, economic and cultural wellbeing and health and safety which may result from the use, development and protection of natural and physical resources, and (c) Recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing. 	<p><i>While there will be a loss of amenity associated with buildings within the BLR, the RMM landscape and Kopuwai Consulting heritage assessments provide a high level of certainty as to the extent of effects of landscape, amenity and heritage values, and the addition of the reserve, trials and integration of heritage values will overall improve the quality of amenity in the environment.</i></p>

		<p><i>Policy 6.4.1(c) acknowledges that change is inevitable as part of the use of urban land for a community to provide for its wellbeing. This activity will result in changes, but they are done so in a sympathetic manner while provide for greater wellbeing through the formalising of the use of the site by the public for a walking trail, the integration of heritage features and creation of a high amenity extension to Terrace Street.</i></p> <p><i>The activity is consistent with the above objectives and policies".</i></p>
ODP Section 7: Residential Resource Area		
7.1.1	<p>Objective - Maintenance of Residential Character To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as the Residential Resource Area as well as the social, economic and cultural wellbeing, and health and safety of the residents and communities within those areas.</p>	This objective will be replaced by the PC 19 objectives and policies.
7.2.1	<p>Policy - Residential Character To ensure that the character and amenity values of residential areas are protected by ensuring that the adverse effects of:</p> <ul style="list-style-type: none"> (a) Excessive noise including noise associated with traffic generation and night time operations, (b) The generation of traffic over and above that normally associated with residential activities and in particular heavy vehicles, and demand for parking, (c) Glare, particularly from building finish, and security lighting, 	This objective will be replaced by the PC 19 objectives and policies.

	<p>(d) Structures at the street frontages that do not complement the character and/or scale of development in the neighbourhood,</p> <p>(e) A reduction in privacy, access to daylight and sunlight</p> <p>(f) A reduction in visual amenity due to excessive signage, large areas of hard standing surfaces, and the storage of goods or waste products on the site,</p> <p>(g) The generation of odour, dust, wastes and hazardous substances,</p> <p>(h) The use and/or storage of hazardous goods or substances, and</p> <p>(i) The loss of a sense of amenity, security and companionship caused by non-residential activities. are avoided, remedied or mitigated.</p>	
7.2.2	<p>Policy - Amenity Values</p> <p>To ensure that the amenity values of residential sites, including privacy and ability to access adequate daylight and sunlight, are not significantly compromised by the effects of adjoining development.</p>	This objective will be replaced by the PC 19 objectives and policies.
7.2.5	<p>Policy - Open Space</p> <p>To maintain the amenity value of open space within the District's residential environments.</p>	This objective will be replaced by the PC 19 objectives and policies.
7.2.7	<p>Policy - Residential Resource Areas (1) – (13)</p> <p>To ensure that subdivision and development in the areas shown as Residential Resource Areas (1) – (13) complement the character and amenity of these areas and provide for the protection of significant landscape features, where such features are present.</p>	<p>This objective will be replaced by the PC 19 objectives and policies.</p> <p>Assessed at Page 58 of the AEE.</p>

	<p><i>Within the Residential Resource Area specific areas have been identified where it is appropriate to apply different standards for subdivision allotment sizes, bulk and location or with respect to other effects of activities. In most instances the areas concerned have had specific planning provisions applied to them in the Transitional District Plan that recognise their particular characteristics. These characteristics are discussed below.</i></p> <p>...</p> <p><i>The area of land identified as Residential Resource Area (4) applies to Bannockburn, on the eastern side of Bannockburn Road and both sides of Hall Road west until just beyond Miners Terrace. The area is capable of accommodating low density residential development in a manner that provides privacy for the occupiers of dwelling houses and maintains the rural character of Bannockburn. An open form of development is promoted.</i></p>	
ODP Section 16: Subdivision		
16.3.4	<p>Objective - Amenity Values</p> <p>To ensure, where appropriate, that amenity 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.</p>	<p>The objective is relevant but also covers all resources areas (zones) across the District. The objective appears to be more relevant to the Rural Resource Area.</p> <p>The AEE (page 61) states:</p> <p><i>The landscape and heritage values of the site have been carefully considered as part of the design of the subdivision. The amenity values of the environment have been carefully</i></p>

		<i>considered and those values integrated into the design and mitigation measures of the proposal. The activity is consistent with this objective.</i>
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PLAN CHANGE 19 – AMENITY VALUES		
Objective/Policy Reference	Text of Objective/Policy	Relevance to the Proposal (high/medium/low) and any other comments
LLRZ-02	<p><i>Character and Amenity Values of the Large Lot Residential Zone</i></p> <p><i>The Large Lot Residential Zone is a pleasant, low-density living environment, which:</i></p> <ol style="list-style-type: none"> <i>1. contains predominantly low-rise and detached residential units on large lots;</i> <i>2. maintains a predominance of open space over built form;</i> <i>3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and</i> <i>4. is well-designed and well-connected into the surrounding area.</i> 	<p>This Objective is not subject to appeal and can be given considerable weight (more than those in ODP Section 7).</p> <p>Reference to amenity in the preamble, and ‘on-site’ amenity in limb 3.</p> <p>The reference to amenity in the title is values neutral.</p> <p>The reference to amenity in limb 3 relates to the outcome of development on the development site, not managing amenity on external properties.</p>
LLRZ-P1	<p><i>Built Form</i></p> <p><i>Ensure that development within the Large Lot Residential Zone:</i></p>	<p>This policy is not subject to appeal and can be given considerable weight (more than those in ODP Section 7).</p> <p>No references to amenity.</p>

	<ol style="list-style-type: none"> 1. <i>provides reasonable levels of privacy, outlook and adequate access to sunlight;</i> 2. <i>provides safe and appropriate access and on-site parking;</i> 3. <i>maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites;</i> 4. <i>is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe;</i> 5. <i>provides generous usable outdoor living space for residents and for tree and garden planting;</i> 6. <i>maintains the safe and efficient operation of the road network;</i> 7. <i>mitigates visual effects through screening of storage areas and provision of landscaping; and</i> 8. <i>encourages water efficiency measures.</i> 	
LLRZ-P2	<p><i>Residential Activities</i></p> <p><i>Provide for a range of residential unit types and sizes to meet the diverse and changing residential demands of communities.</i></p>	<p>This policy is not subject to appeal and can be given considerable weight (more than those in ODP Section 7).</p> <p>No references to amenity.</p>
SUB-O1	<p><i>Subdivision Design</i></p> <p><i>The subdivision of land within residential zones creates sites and patterns of development that are consistent with the</i></p>	<p>This policy is not subject to appeal and can be given considerable weight (more than those in ODP Section 7).</p> <p>Refers to 'amenity values anticipated within that zone'.</p>

	<p><i>purpose, character and amenity values anticipated within that zone.</i></p>	<p>The amenity anticipated in the LLRZ are informed by LLRZ-P1, and in this case the BLR matter would also be engaged.</p>
SUB-P1	<p><i>Creation of New Allotments</i></p> <p><i>Provide for subdivision within residential zones where it results in allotments that:</i></p> <ol style="list-style-type: none"> <i>1. reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and</i> <i>2. are of a size and dimension that are sufficient to accommodate the intended built form for that zone;</i> <i>3. minimise natural hazard risk to people's lives and properties; and</i> <i>4. are adequately served by public open space that is accessible, useable and well-designed.</i> 	<p>This policy is not subject to appeal and can be given considerable weight (more than those in ODP Section 7).</p> <p>Limb 1 refers to (creation of allotments that) reflect the intended pattern of development and consistent with ...amenity values of the zone.</p> <p>Again, the amenity values to be derived from the 'zone' are informed by the lot size and policy LLRZ-P1, with the BLR being an added matter.</p> <p>The policy focus is on a zone outcome, rather than a any particular environment or referring to a specific neighbourhood context.</p>
SUB-P2	<p><i>Dual Use</i></p> <p><i>Recognise the recreation and amenity benefits of the holistic and integrated use of public spaces, through:</i></p> <ol style="list-style-type: none"> <i>1. encouraging subdivision designs which provide multiple uses for public spaces, including stormwater management and flood protection areas; and</i> <i>2. integration of walking and cycling connections with waterways, green spaces and other community facilities.</i> 	<p>This policy is not subject to appeal and can be given considerable weight (more than those in ODP Section 7).</p> <p>This policy also relevant in this context because the proposal provides open space, both as land to vest (reserve) and the formalisation of the track through Lot 40 and proposed covenant over Lot 40.</p>

BANNOCKBURN

Its future as a residential community

Prepared for Vincent County Council

by W.D. Paterson
Regional Planning Officer, Dunedin Metropolitan Regional
Planning Authority

Planning Consultant to Vincent County Council

December 1976



POST OFFICE BANNOCKBURN

ONE : SUMMARY AND CONCLUSIONS

1.01 The purpose of this report is to assist the County Council to arrive at a balanced decision on two inter-related matters relating to the future of Bannockburn.

1.02 The first of these is whether the Council should make provision through its district scheme for residential development in the Bannockburn area and if so what particular provisions should be incorporated in the scheme to guide and control the development in an appropriate manner.

1.03 The second matter is whether the Council should take positive steps to foster residential development in Bannockburn by acquiring and developing a block of approximately 50 hectares of land which has been offered to it for purchase.

1.04 While in the time available I have not been able to investigate all related questions as fully as I would have liked, I believe I am able to offer proposals which are soundly based and which can help in formulating Council policy.

1.05 I believe that there are sufficient reasons for the Council to zone land for residential purposes at Bannockburn, particularly for holiday and recreational use, but care will be needed to prevent it becoming merely a dormitory settlement for workers in the expanded town of Cromwell. Care will also be needed to preserve the historic and scenic character of the area. Encouragement should be given for uses which will allow enjoyment of the Bannockburn by the greatest possible number of New Zealanders, not only those that can afford to build on the limited number of sites that will be available.

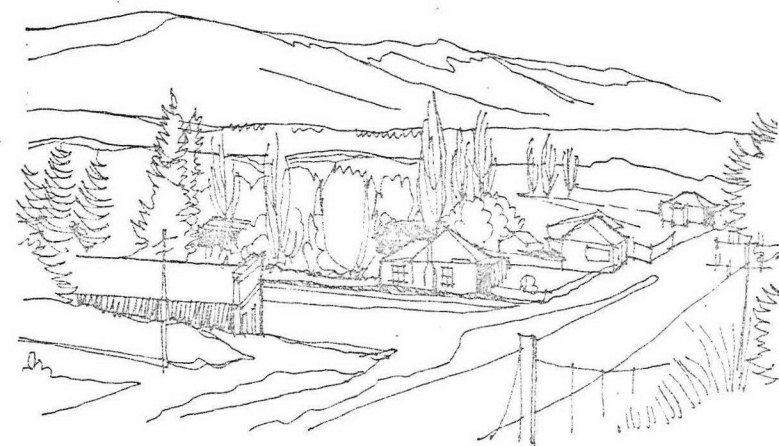
1.06 The question of Council purchase of land is more difficult to resolve. It would certainly give the opportunity for the Council, through comprehensive planning of a large block of land, to ensure that a well designed settlement is produced and to establish standards for the rest of the community. The Council could also introduce uses which might not eventuate were the land to remain in private or in fragmented ownership. Provided the price is right and finance can be obtained I would recommend purchase of the land. If this is not possible, appropriate provisions in the district scheme can guide the type and form of future development but of course they cannot force any present or future owners of the land to develop it

for residential or other purpose if they do not wish to do so.

1.07 The main part of the report which follows outlines the background and reasons for these conclusions. It is followed by draft proposals for the scheme statement and code of ordinances which could be incorporated in the district scheme by means of a scheme change.

1.08 I have not investigated such matters as land values, development costs, water supply and sewerage. Other officers of the Council will be better placed to advise on these. I understand however that a satisfactory piped water supply can be provided and I have assumed that septic tanks will be adequate to cope with a low density development.

1.09 No attempt has been made so far to seek the opinions of the present inhabitants of the area. Presumably some of the permanent residents and those who spend their holidays in the area would wish it to remain quiet and undeveloped. Others will presumably welcome an upsurge of activity and an inflow of investment. No proposal can fully meet both points of view. If, as I recommend, some limited development is to take place, it should be designed and carried out in a manner which will have as little as possible adverse impact on those who value the quiet and seclusion that Bannockburn offers.



Bannockburn today

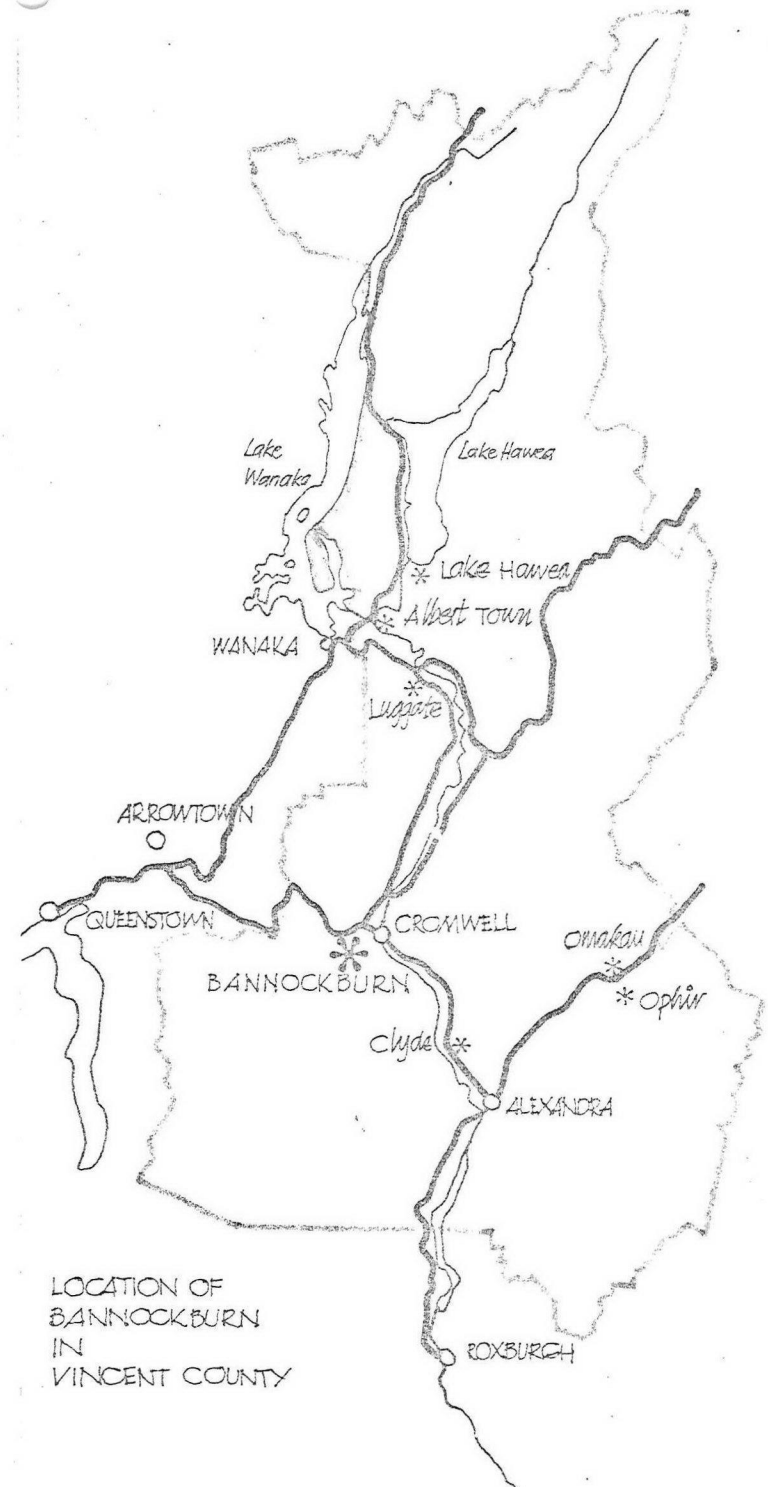
TWO : PLANNING CONSIDERATIONS

2.01 The proposed district scheme for Vincent County makes no provision for any form of urban zoning at Bannockburn. This is a deliberate expression of the Council's policy to restrict residential and other urban uses in the immediate future to those townships where development is presently occurring in subdivisions intended for residential use and where there exists a need and a Council commitment for the provision of public services. Concentration of residential development in this limited number of townships would allow the provision of such services by the Council and other public authorities in the most economical manner and over a shorter time scale. It would go some way also to ensuring that the services would not be under-utilised and thus spread the cost over a larger number of ratepayers.

2.02 It was always recognised, however, that although Bannockburn had not been subdivided for residential development it has great attraction and has a potential for greater use as a holiday centre. It is now felt that there is justification for taking a fresh look at the situation.

2.03 In recent years there has been considerable tourist and holiday expansion in Queenstown and Wanaka (both of which are outside the County) putting pressure on land values and also reducing the attractiveness of these areas for quiet family holidays. Pressure has also been put on rural land for sites for permanent and holiday homes. A further impetus for reconsideration of the situation is the proposed Clutha Valley Development which will bring large numbers of workers to the area, focus attention on the Upper Clutha Valley generally, and cause a massive expansion of Cromwell which will, for the duration of the construction period at least, make that town less attractive as a holiday residential centre. There will be considerable upheaval during the next 20 years in places adjacent to the river and future lakes which will cause people to look elsewhere.

2.04 Bannockburn is a logical choice. It is right on the doorstep of Cromwell and the future Cromwell Lake (whichever scheme is approved by Government), yet it is sited apart, visually separated from the activities on the floor of the Clutha and Kawarau valleys.

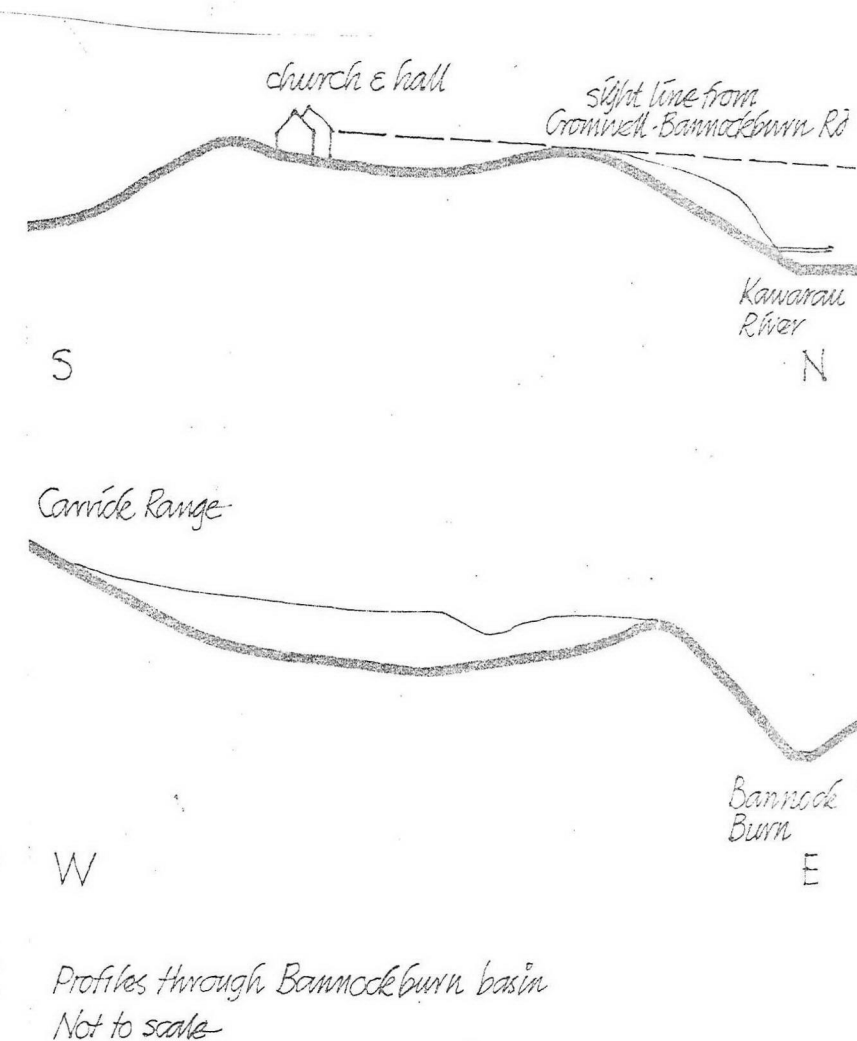


2.05 It can be argued too that Bannockburn would not be in direct competition with the other townships in the County zoned for residential development. Clyde is at the other end of the Cromwell Gorge. Luggate and Lake Hawea are 40 to 50 kilometres away. The only possible conflict with small holiday communities could be with a new Lowburn or other townships which may be sited on the shores of a future Lake. The main concern would be however that if a residential zone is to be established at Bannockburn it would be attractive as a dormitory suburb of Cromwell. This could deprive Cromwell of some of its more affluent and potentially influential citizens. This would be bad planning and contrary to the stated objectives of the County, the Borough and the Ministry of Works and Development of creating a balanced and socially integrated community in Cromwell. It would also prevent the development of Bannockburn as a holiday centre and put pressures on other adjacent areas for more land to be made available for holiday use.

2.06 Thus, there is a strong case for making provision for appropriate zoning at Bannockburn to allow it to be developed for residential recreational use but not to allow it to become a dormitory suburb of Cromwell.

2.07 Bannockburn has a unique physical location. The lower eastern slopes of the Carrick Range are broken into a series of rounded spurs and valleys forming a small scale intimate farming landscape, in contrast to the bare hills which flank it on east and west and the expanse of the Cromwell Flat to the north. The largest of these spurs extending into the angle formed by the confluence of the Kawarau River and the Bannock Burn, into both of which it drops steeply, has a shallow depression on its crest. It is in this tilted saucer shaped depression that the main part of the Bannockburn township lies.

2.08 Because of this natural configuration of its setting, Bannockburn remains virtually invisible to the traveller approaching it from north or south. On the way from Cromwell the only two buildings which catch the eye are the Church and Hall, so well tucked below the skyline are all the others. This sense of surprise and visual containment is sufficiently inherent in the character of Bannockburn that future development should be designed to maintain and enhance it.



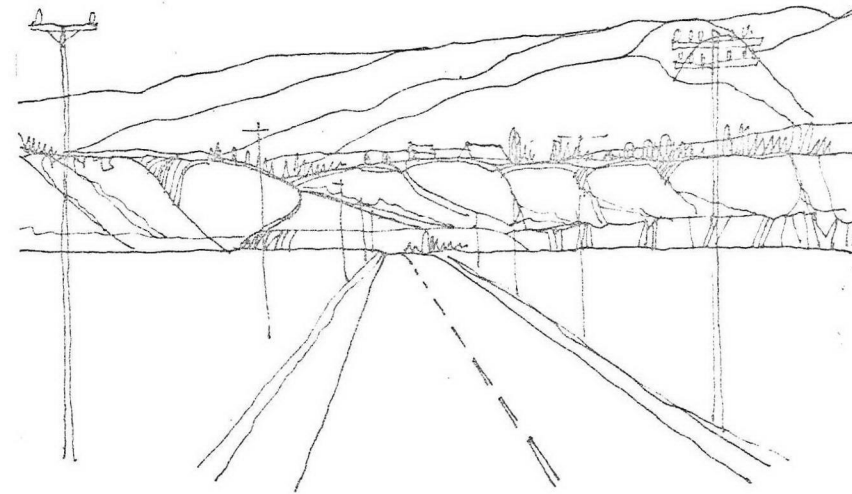
2.09 This suggests that future buildings should be contained within the rim of the basin and not allowed to encroach on the skyline when viewed from outside, and that the outward facing slopes to the north, east and south and the slopes of the Carrick range on the west should be protected from building.

2.10 If this principle of containment is accepted, this immediately puts a physical limit on future development. Rural zoning may be sufficient to protect the surrounding landscape in most directions but some special protection may be necessary in some directions.

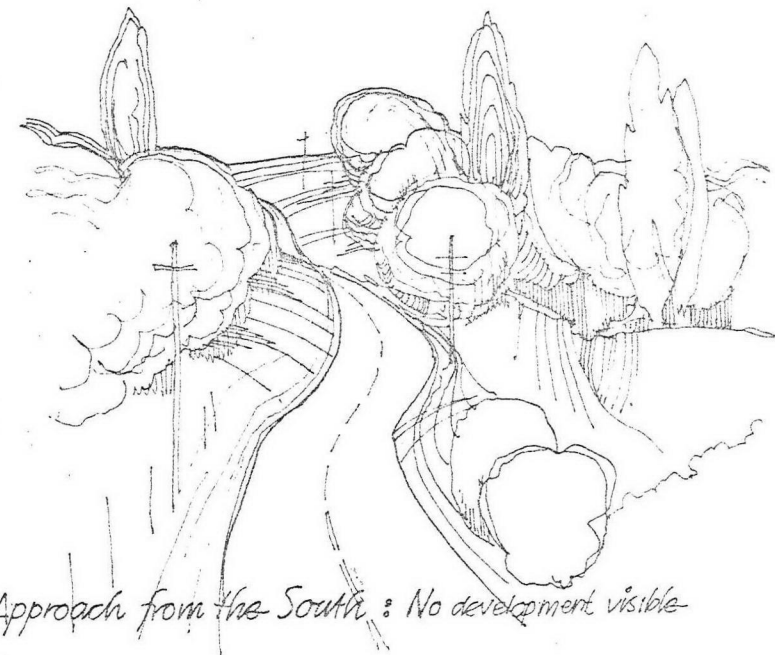
2.11 The physical limitation on size should not be construed as a disadvantage. It will have positive benefits in retaining a visually compact and recognisable community with close contact to its rural surroundings. If future expansion is deemed necessary it should take place as a visually separate self-contained community, perhaps in the Schoolhouse Road/Gully Road area to the south.

2.12 Bannockburn as it exists today is a relic of the gold-mining days and many of its buildings date back to that period. It still functions as a social focus for the locality as its hotel, post office, Church and hall testify. The existing buildings are scattered, but its nucleus is the main road between the hotel and the post office, with extension along Domain and Hall Road. The school, now used for other purposes, is some distance away.

2.13 Apart from its physical setting, what gives Bannockburn its singular attraction is the sense of history provided by the old randomly spaced buildings which have quietly mellowed with the years, coupled with the unspoiled rural landscape and groupings of mature trees. Any plans made for the future must try to preserve these, however difficult this will be as any process of development means change. Encouragement will be needed for the preservation of old buildings and for their adaption in some cases to new uses. However housing generally should be in scale with the old, designed and sited as unobtrusively as possible and with more generous open space provisions between buildings than in normal residential areas. Large buildings or groups of buildings, such as a collection of holiday cabins should be sited only where they can be largely screened from view, perhaps by large trees.



Approach from the North : Only the church and hall visible



Approach from the South : No development visible

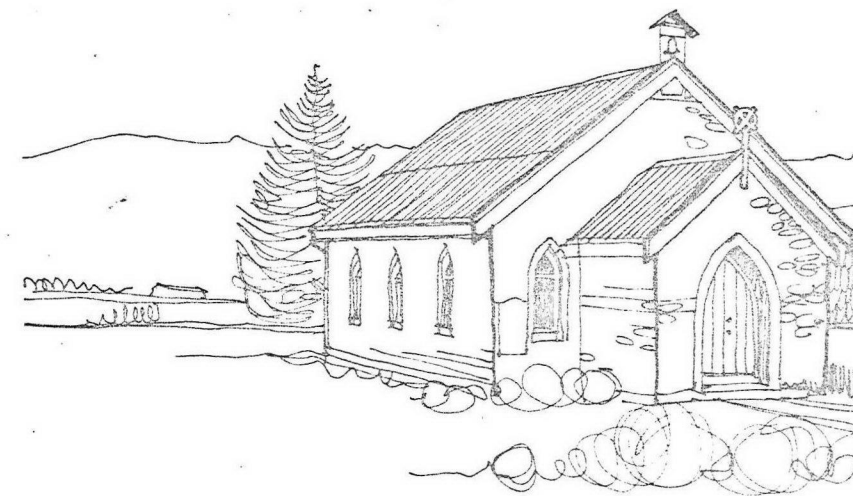
2.14 The total area which is suitable for residential expansion is about 40 or 50 hectares (100 to 125 acres) but not all of this will become available for housing as some is occupied by other uses such as orchards (which should be encouraged to remain) or domain and not all landowners will wish to subdivide their land. It is difficult to foresee what range of section sizes will be likely to eventuate or what total number are likely to come on the market.

2.15 Bannockburn land is however a scarce resource and one which is valuable to the public as a whole. It is therefore desirable that some of it be retained for general public use by the provision of more camping space, cabins for short or longterm lease and by provision of open spaces particularly for picnicking and passive recreation. A good example of wide public benefit coming from the Bannockburn resource is the adaptation of the school as the Otago Primary Schools Adventure Camp.

2.16 In planning for the future open space pattern consideration should be given to access to the nearby goldmining relics some of which could become part of the Otago Goldfields Park and to the recreational opportunities of the future lake and its shoreline. Two tree-lined gullies leading from the main road eastward towards the Bannock Burn could provide useful linkages with envisaged recreational facilities on the shores of the Bannockburn inlet of the future lake.



OLD STORE BANNOCKBURN



CHURCH BANNOCKBURN

THREE : PROPOSED LAND PURCHASE

3.01 The land which is offered for sale to the Council is in five blocks with a total area of about 50 hectares. It is shaped roughly in a semicircle with its diameter forming the western boundary along the main road. The outer half of the area slopes down, in places steeply, towards the River and the valley of the Bannock Burn. This outer half should remain free from building, though if it can be controlled from building by a suitable ordinance, there is no reason why it could not be subdivided to provide grounds for buildings built in the inner half.

3.02 The inner half is part of the Bannockburn basin. Although some small areas may have drainage problems, on the whole it would appear to offer an almost ideal site for residential and recreational development. It is sheltered, it has many large mature trees and has only one existing dwelling. It contains about half of the total area of the Bannockburn basin which is recommended for possible residential development. If it is retained in one ownership a much better form of development is possible than would be the case with more fragmented ownership.

3.03 If the Council purchases the land it will be able to ensure that its objectives for the area are carried out. It will be able to introduce uses other than straightforward subdivision for houses which may not be attractive to the private landowner and it will be able to control the rate of development.

3.04 If the Council decides not to purchase the land it will not be able to initiate development. It will only be able to control, as far as the district scheme permits, what may be proposed by the owners.

3.05 From the town planning point of view Council ownership of this land will be highly desirable. While the two blocks shown as B and C contain the greatest proportion of land suitable for more intensive development, acquisition of the whole block is recommended to ensure proper planning of the total area.

APPENDIX 1

Suggested Draft Additions to the Scheme Statement

POLICY

The Council intends to permit limited residential and recreational development in the Bannockburn area to cater principally for the holiday needs of New Zealanders, and intends to control this development by means of the district scheme to maintain as far as practicable the unique historical character and landscape qualities of the area.

OBJECTIVES

(1) To allow subdivision of land to provide sites for the erection of dwellings primarily for use as holiday homes at Bannockburn.

To this end a Residential (Bannockburn) Zone will be established.

(ii) To ensure that sites will be available for the erection of holiday homes and not used for permanent dwellings.

To this end there will be stipulated a maximum floor area of ⁸⁰100 m² for dwellings as a predominant use.

(iii) To prevent an enlarged Bannockburn becoming a dormitory community for persons working in Cromwell.

To this end the maximum floor area specified in (ii) above will be helpful. However it is recognised that some people will have genuine need to live in Bannockburn and for this reason dwelling houses in excess of ²⁰100 m² may be permitted as conditional uses.

(iv) To maintain the small village character of Bannockburn.

To this end the area of Res. B. zoning should not be extended beyond the proposed boundaries. Any future residential needs should be provided for by residential communities in other parts of the Bannockburn Valley separated by a buffer of rural land.

(v) To maintain the landscape character as viewed from adjacent highways and other vantage points.

To this end the erection of buildings will be confined within the Bannockburn Basin, and no buildings will be permitted on the skyline or on the outward facing slopes. Where necessary control will be exercised by means of a Building Restriction Area.

(vi) To maintain the rural character of Bannockburn and provide privacy to the occupiers of dwellings.

To these ends multiple dwellings or high buildings will not be permitted and minimum distances between buildings will be specified.

(vii) To encourage the preservation and restoration of existing historic buildings.

To this end a variety of appropriate uses will be permitted as conditional uses.

(viii) To allow the enjoyment of the Bannockburn and Central Otago environment by the maximum number of people.

To this end the Council, in addition to allowing the erection of individual dwellings, will encourage the establishment of new camping grounds, cabin accommodation, and recreation areas. The Council will also consider the desirability of providing such facilities itself.

(ix) To preserve the visual environment of the Bannockburn community.

To this end the Council will make special requirements for the height and external appearance of buildings and will require power and telephone lines to be provided underground from the nearest point of supply on existing Highways or otherwise aligned to cause minimum intrusion on the landscape.

APPENDIX 2

Suggested Draft Additions to the Code of Ordinances

RESIDENTIAL (BANNOCKBURN) ZONE : PREDOMINANT AND CONDITIONAL USES

Predominant Uses

(i) Dwellinghouses provided

- (a) that the gross floor area of each dwellinghouse (excluding garage or carport) shall not be less than 40 m² and shall not exceed ~~100~~₈₀ m², and
- (b) no dwellinghouse shall be located less than 10 m from any boundary of the site or 20 m from any other dwellinghouse on any other or on the same site, and
- (c) on every scheme plan of subdivision each allotment that is intended for the erection of one or more dwellinghouses shall show a "building platform" for each intended dwellinghouse of a practicable shape not less than 100 m² in area and in a location which is suitable for building.

(ii) Buildings accessory to dwellinghouses, including garages and carports, provided

- (a) the gross floor area of all buildings accessory to each dwellinghouse shall not exceed 40 m², and
- (b) no accessory building shall be located less than 5 m from any boundary of the site.

(iii) Horticulture including orcharding

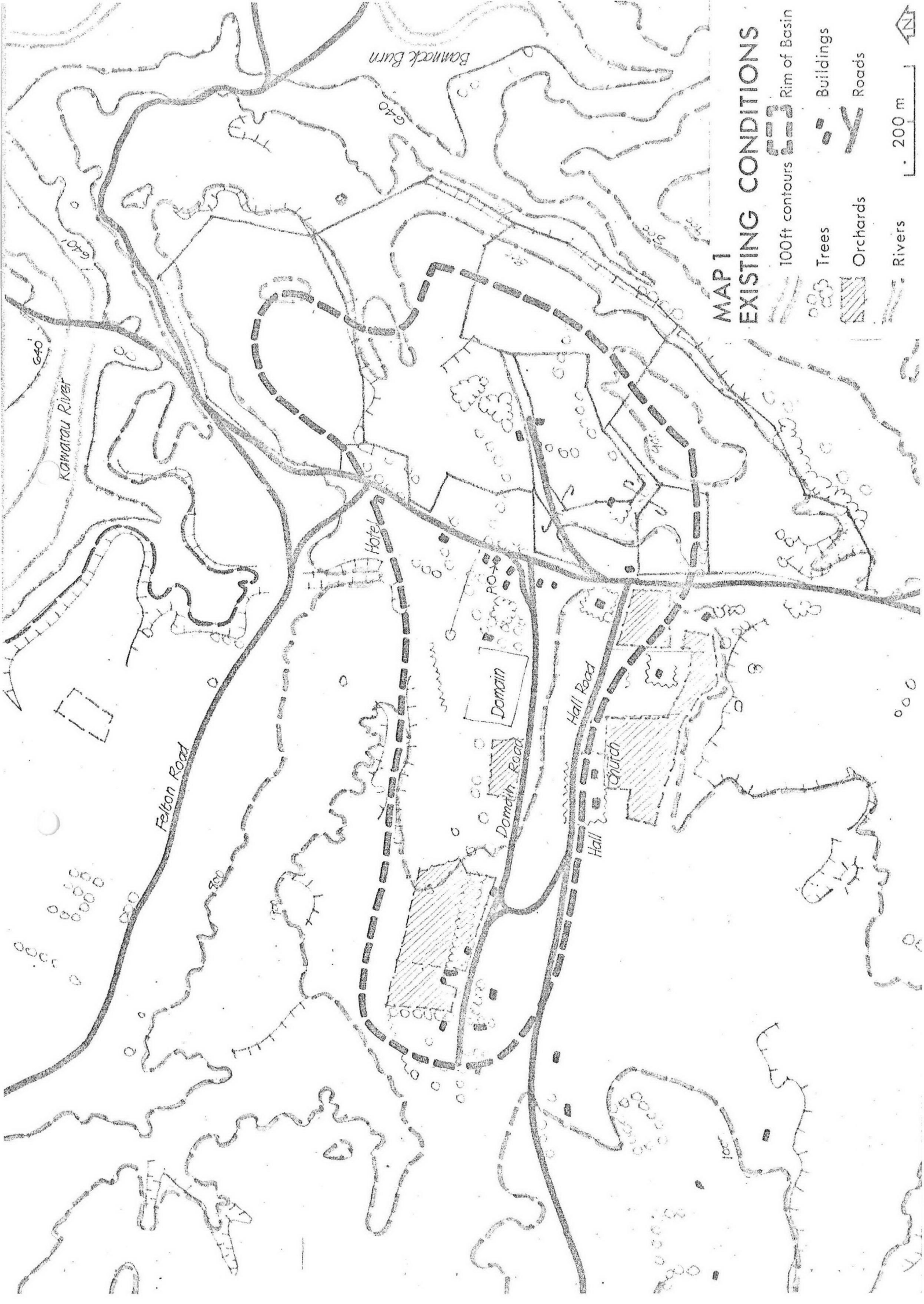
(iv) Buildings accessory to horticulture including orcharding, including dwellinghouses

(v) Parks, gardens and outdoor recreation areas

(vi) Camping grounds for tents and caravans

Conditional uses

- (i) The extension or rebuilding of the Bannockburn Hotel
- (ii) Dairies and shops for the sale of foodstuffs, provided the floor area of sales and display areas does not exceed 60 m².
- (iii) The use or adaptation of existing buildings as museums, art galleries, Churches, halls, craft workshops or craft salerooms, restaurants or tearooms, or other use of a similar nature.
- (iv) Buildings, including dwellinghouses accessory to any of the above conditional uses.
- (v) Dwellinghouses which do not meet the requirements for predominant uses .
- (vi) Buildings, including dwellinghouses, accessory to the use of land for parks, gardens and outdoor recreation areas .
- (vii) Buildings including dwellinghouses, accessory to the use of ground for camping grounds.
- (viii) Travellers accommodation provided as an accessory to camping grounds.



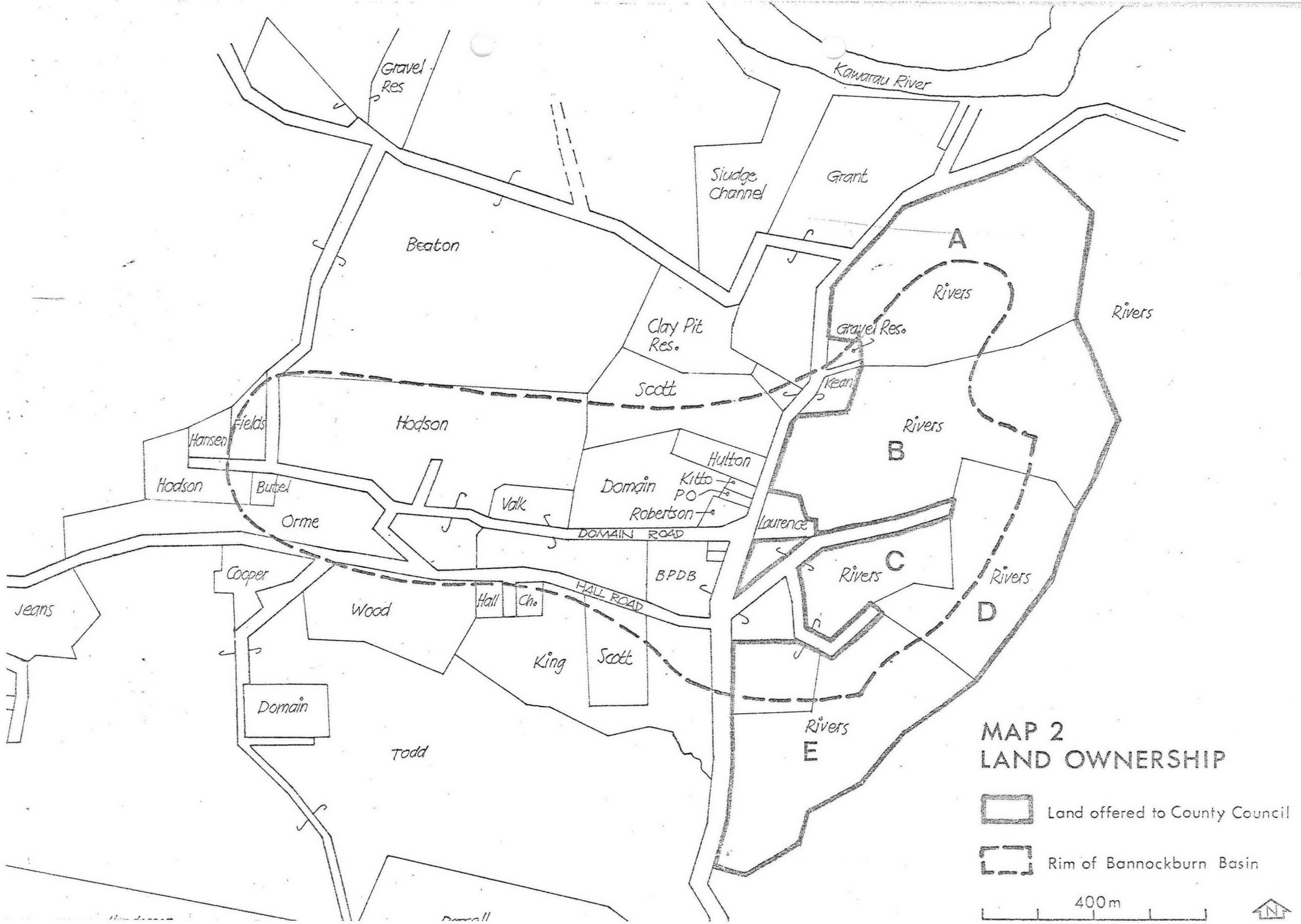
MAP 1

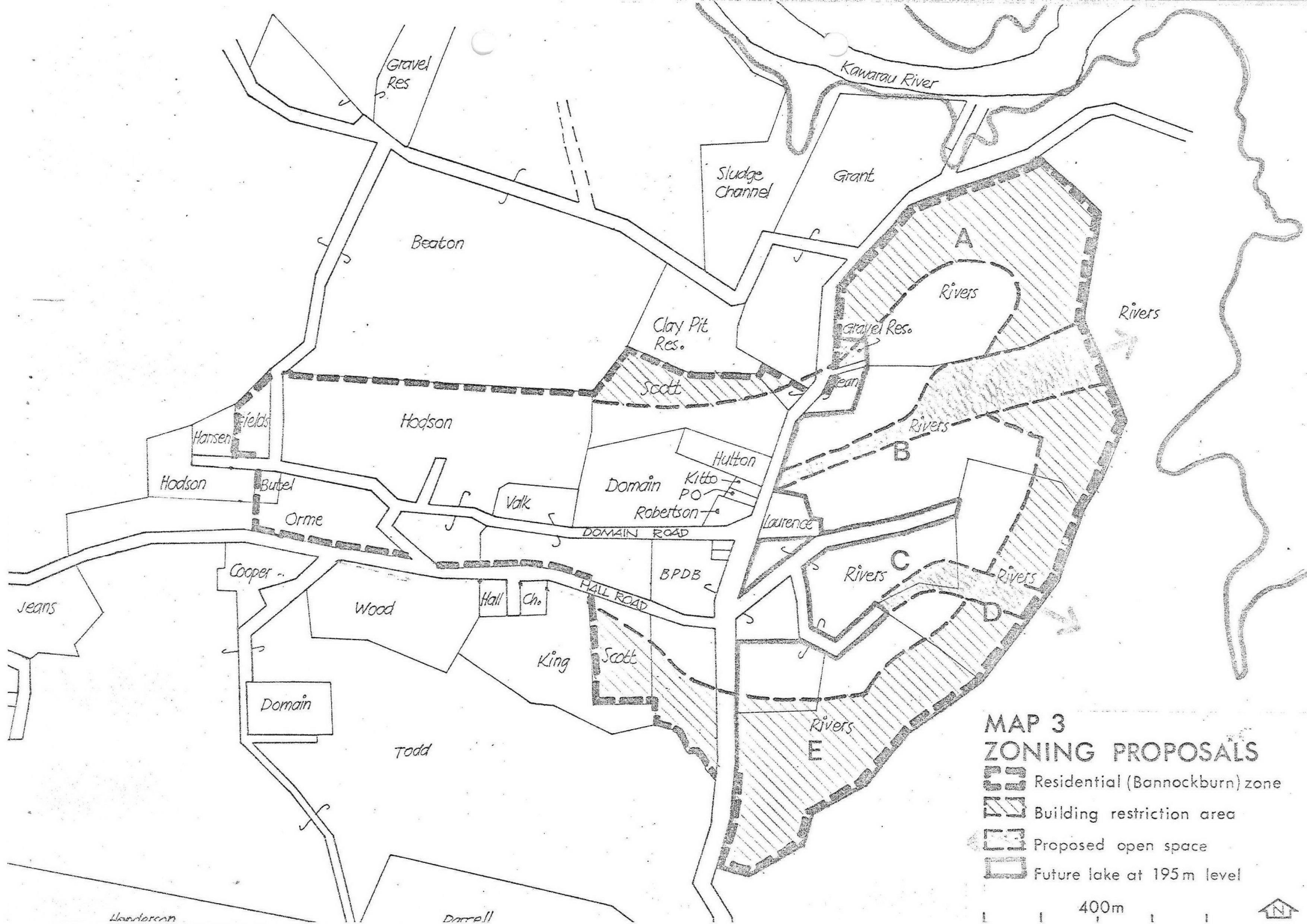
EXISTING CONDITIONS

- 100 ft contours
- Rim of Basin
- Trees
- Buildings
- Orchards
- Roads
- Rivers





200 m

N





MAP 3 ZONING PROPOSALS

-  Residential (Bannockburn) zone
-  Building restriction area
-  Proposed open space
-  Future lake at 195m level

400m



APPENDIX C

Vincent County Plan District Scheme – Timeline

Document	Date	Comments
"Bannockburn – its future as a residential" community – report prepared for Vincent County Council	December 1976	<p>Purpose of report was to assist the County Council in arriving at a decision on two inter-related matters relating to the future of Bannockburn.</p> <p>The first matter (relevantly) was in relation to whether the Council should make provision through its district scheme for residential development in the Bannockburn area and how this should be incorporated and controlled.</p> <p>The report included a map of Bannockburn titled "Map 3 Zoning Proposals". This map reflected the planning considerations set out in the report and included a Building Restriction Area, to contain future buildings within the rim of the basin. This was the first iteration of the concept of a Building Line Restriction (BLR) in Bannockburn.</p>
The Vincent County Plan District Scheme 1977	Became operative on 1 August 1977	<p>The first version of the Vincent County District Scheme (District Scheme) prepared under the Town and Country Planning Act 1953. The purpose of the District Scheme was to provide for the future development of the County of Vincent. The District Scheme covered a 20-year term from 1975-1994.</p> <p>When the District Scheme became operative it did not include reference to any residential zone at Bannockburn or the BLR.</p>
Regional Planning Authority advice regarding a possible Scheme Change to the Vincent County District Scheme relating to Bannockburn	29 January 1980	<p>This letter from the Dunedin Metropolitan Regional Planning Authority, W.D Patterson to the County Clerk of the Vincent County put forward for discussion, a possible scheme change that would modify the zoning proposals which were originally illustrated on Map 3 of the 1976 "Bannockburn – its future as a residential community" report.</p> <p>The modification was to split the proposed area of the Residential (Bannockburn) Zone into two parts. Both zones would have the BLR over part of the area. (n.b. at this stage the BLR was still referred to as the 'Building Restriction Area'.)</p> <p>The letter states that if the proposal is accepted by the Council's engineering and health advisors, W.D Patterson will prepare the details of the proposed change to the District Scheme.</p>
Vincent County District Scheme Proposed Scheme Change 4 Residential	10 March 1980	<p>The purpose of this document was to introduce the proposed Scheme Change 4 provisions regarding residential use of the Bannockburn area.</p>

Development at Bannockburn		<p>Relevantly, this set out the proposed objectives relating to residential development in the Bannockburn residential zones and the BLR (referred to as the 'Building Restriction Area').</p> <p>The document included Planning Map 10, which showed Proposed Scheme Change 4 over Bannockburn and the Building Restriction Area.</p>
Planning Consultants Report on Objections to Scheme Change 4	30 October 1980	This document sets out the list of the objectors to Scheme Change No. 4. The objections cover several different aspects of the scheme change. None of the objections are relevant to the BLR or in opposition to the introduction of a residential area in Bannockburn.
<p>Decision of the Council on Objections to Scheme change 4</p> <p>Residential Zone and BLR inserted into Vincent County District Scheme Plan 1977 by change 4 sometime in late 1980.</p>	Assumed to be sometime in late 1980	<p>The purpose of this document was to set out the Decision of the Council on the objections to Scheme Change 4. The document provides that the Council is of the opinion that the scheme change should proceed but in a modified form to take account for the information presented at the hearing.</p> <p>The remainder of the document confirms the new provisions for the Residential Bannockburn Zone and the proposed BLR (referred to as the 'Building Restriction Area').</p> <p>Following this decision, the Residential Bannockburn Zone and the BLR were inserted into the Vincent County District Scheme Plan 1977 by Change 4 sometime in late 1980.</p>
Vincent County Council District Scheme	Became operative 26 November 1987	This document was the first review of the Vincent County District Scheme and incorporated the Scheme Change 4 provisions relating to the Residential Bannockburn Zone and the BLR (referred to as the 'Building Restriction Area').



LEGEND

- LAND PARCEL BOUNDARY (LDS)
- SITE BOUNDARY
- PROPOSED LOT BOUNDARY
- PROPOSED BUILDING PLATFORM
- VIEWPOINT

PROPOSED SUBDIVISION LAYOUT
AS PER RECEIVED DRAWINGS BY
LANDPRO

0 100 200 m
SCALE 1:5000 @ A3

Proposed conditions of consent for RC 230398 11 April 2025

CONDITIONS:

General

1. The proposed activity must be undertaken in general accordance with the approved plans ~~attached to this certificate as Appendices 1, 2 and 3 being~~referenced as:

- i. ~~Scheme plan dated 25 August 2023 by Landpro, and Earthworks Plan dated 22 November 2022 by Landpro~~Scheme Plan s15303 RC2 01 Rev E dated 10 April 2025 prepared by Landpro;
- ii. ~~Scheme Plan s15303 RC2 02 Rev E dated 10 April 2025 prepared by Landpro;~~
- iii. ~~Indicative Earthworks s15303 12 01c Rev A dated 25 August 2023 prepared by Landpro;~~
- iv. ~~Preliminary Engineering Layout Proposed Subdivision Of Lot 4 DP 339137 Terrace Street, Bannockburn' Drawing No. 15 01 dated 28.08.23 prepared by Landpro;~~
- v. ~~Typical Driveway Crossing Of Historic Water Race Proposed Subdivision Of Lot 4 DP 339137 Terrace Street, Bannockburn. Revision I dated 26.02.21 prepared by Landpro;~~
- vi. ~~Spatial plan over 2014 LINZ aerial of Heritage Landscape features (derived from Figure 9 of Appendix 1 'Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C December 2023', forming Attachment [C] of the Application) prepared by Kopuwai Consulting;~~
- vii. ~~Proposed Subdivision Landscape Mitigation Plan dated 11 April 2025 prepared by RMM;~~
- viii. ~~Landscape Management Plan dated 27 September 2024 prepared by RMM; and~~
- ix. ~~Revised Planting List dated 11 April 2025 prepared by RMM.~~

~~Landscape masterplan and planting Schedule~~

and the information provided with the resource consent application received by the Council on 22 December 2023, and further information received on 27 February 2024, except where modified by the following conditions.

2. The Consent holder is responsible for all contracted operations relating to the exercise of this consent and must ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and must ensure compliance with land use consent conditions.
3. The consent holder must 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.
4. Prior to the commencement of works occurring on site approved by this subdivision consent, the consent holder must:

- a) Provide a letter to Council advising who the supervisor must be for the design and supervision of the subdivision works.
- b) Provide notice to the Planning and Regulatory Services Manager by email to resource.consents@codc.govt.nz of the start date of the works. This notice must be provided at least five (5) working days before the works are to commence.
- c) Unless modified by other conditions, all designs and approvals must be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.
- d) Provide copies of design: reports, calculations, specifications, schedules, and drawings, as applicable.
- e) Receive Council Engineering certification of the design/s as applicable.
- f) Prepare an Erosion, Dust and Sediment Control Plan. The Plan must be prepared by a suitably qualified and experienced person and must be submitted to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz for certification.
- g) Install all measures identified in the Erosion, Dust and Sediment Control Plan to mitigate erosion and to control and contain sediment-laden stormwater run-off and dust from the site and to water during any stages of site disturbance that may be associated with this subdivision.

Advice Note: The Consent Holder shall submit a copy of the Otago Regional Council resource consent for earthworks associated with residential activity to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz.

- h) Provide evidence to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz that, if required, all necessary consents have been obtained from the Otago Regional Council.
- i) Undertake all subdivision works in accordance with the Archaeological and Heritage Impact Assessment, prepared by Kopuwai Consulting, dated December 2023 including adaptive reuse of heritage items. Records of how the recommendations in the Archaeological and Heritage Impact Assessment have been met are to be maintained and presented to a warranted Council Officer upon request.
- j) Provide evidence to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz that all necessary Archaeological Authorities for the subdivision works have been obtained.

Prior to Section 223 Certification

5. 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 and access, 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) All 500m²-residential building platforms ~~must be identified for Lots 4, 5, 13, 14 15-20 as identified on the Landscape Master Scheme Plan referenced in Condition 1, and~~ shall be shown on the legal plan of subdivision and the co-ordinates must be

Prior to Section 224(c) Certification

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

Water (prior to section 224(c) certification)

- a) Submit a final water reticulation design to Council's General Manager 3 Waters for certification. The final water reticulation design must meet the requirements of NZS 4404:2004 and the Council's July 2008 Addendum and include but not be limited to rider mains, fire hydrants and necessary incidental equipment) from the Cromwell (Bannockburn) Water Supply. No works may occur until the final design has been certified
- b) In accordance with the certified final water reticulation design, must at a minimum:
 - i) Extend the existing 150mm water main on Terrace St for the length of the proposed formed road
 - ii) Install standard DN25 water connection for each serviced lot with an approved Acuflo toby/meter assembly at the road boundary and with the tail extending to buildable platform on rear lots.
 - iii) Install Fire hydrants within the new water reticulation network to serve the subdivision in compliance with SNZ PAS 4509:2008, and NZS4404: 2004 and Council's 2008 Addendum to NZS4404:2004

Wastewater (prior to section 224(c) certification)

- c) Submit a final wastewater reticulation design to Council's General Manager 3 Waters for certification. The final wastewater reticulation design must meet the requirements of NZS 4404:2004 and the Council's July 2008 Addendum and discharge to the Cromwell (Bannockburn) Wastewater Reticulation System. No works may occur until the final design has been certified
- d) In accordance with the certified final wastewater reticulation design must at a minimum
 - i) Install a cleaning eye for each lot.
 - ii) Alternatively, lots which are required to be serviced by pressure sewer must have a Boundary Valve Kit (BVK) installed at the boundary in lieu of a cleaning eye.
 - iii) Provide standard DN100 sewer connections to the boundaries of any lot with a gravity connection or a DN63 pumped line for any property where a gravity connection cannot be achieved. Connections must be extended to the buildable areas of all rear allotments.

Stormwater (prior to section 224(c) certification)

- e) Stormwater from roads and other impervious surfaces must be disposed of via a soak-pit designed by a suitably qualified and experienced professional.

Electricity

- f) Operational power and telecommunication connections must be provided underground to each Lots 1 - 20, and for rear lots ducts must be extended to the buildable area of Lots 8 and 9 via the right-of-way such that these services may be supplied at time of dwelling construction.

Access (prior to section 224(c) certification)

- g) The road shown as Lot 101 (extension of Terrace Street) on the subdivision plan, must be constructed and vested in accordance with the "Cul-de-sac" Local Road standard in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and requirements:
- i) A minimum sealed carriageway width of 7.0 metres.
 - ii) A minimum road reserve width of 20.0 metres
 - iii) A subgrade CBR >7
 - iv) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
 - v) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
 - vi) A carriageway crossfall of 4%.
 - vii) Shallow trafficable side-drains / water channels over level sections.
 - viii) Where practicable, berms of 100mm depth clean topsoil between the channel and road boundary must be formed, trimmed and grassed to a mowable standard, unless it is otherwise practicable to form the berms with a 4% crossfall. Berms of 100mm depth clean topsoil between the channel and road boundary must be formed with a 4% crossfall, trimmed and grassed to a mowable standard.
 - ix) An ~~asphaltic concrete~~unsealed footpath of 1.5m width shall be constructed on one side of the road, and it must connect to the new Terrace Street footpath to be constructed.
 - x) Cul-de-sac turning head must be constructed at the northern-eastern end.
 - xi) Parking bays must be constructed adjacent to Lots 5 and 30.
- h) The road shown as Lot 100 (loop road) on the subdivision plan, must be constructed and vested in accordance with the "Cul-de-sac" Local Road standard in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and requirements:

- i) A minimum road reserve width of 20.0 metres
 - ii) A subgrade CBR >7
 - iii) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
 - iv) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
 - v) A carriageway crossfall of 4%.
 - vi) Shallow trafficable side-drains / water channels over level sections.
 - vii) Where practicable, berms of 100mm depth clean topsoil between the channel and road boundary must be formed, trimmed and grassed to a mowable standard, unless it is otherwise practicable to form the berms with a 4% crossfall. Berms of 100mm depth clean topsoil between the channel and road boundary must be formed with a 4% crossfall, trimmed and grassed to a mowable standard.
 - viii) An unsealed footpath of 1.5m width shall be constructed on one side of the road, and it must connect to the new footpath to be constructed within Lot 101, the extension of Terrace Street.
- i) Individual vehicle accessway/crossings to serve Lots 1 to 5, and 10 to 14, must be constructed from Terrace Street or the new roads (Lots 100 & 101) to be constructed to serve the proposed subdivision in accordance with the requirements of Part 29 of Council's Roading Policies January 2015. Additionally, the entranceways for Lots 3, 4, 5, and 10 must have a minimum separation distance of 15m from the nearest road intersection.
- j) All new shared right-of-way serving two or more lots must be constructed in accordance with the right-of-way (2-4 lots/DUs) standards in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and requirements:
- i) A minimum sealed carriageway width of 4.0 metres.
 - ii) A minimum road reserve width of 6.0 metres.
 - iii) A subgrade CBR >7.
 - iv) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
 - v) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
 - vi) A 4% crossfall must be provided across the carriageway.
 - vii) Shallow trafficable side-drains / water channels over level sections.
 - viii) Stormwater must be disposed of by soakpit within the right-of-way.
 - ix) Where practicable, berms of 100mm depth clean topsoil between the channel and road boundary must be formed, trimmed and grassed to a mowable standard, unless it is otherwise practicable to form the berms with

~~a 4% crossfall. Berms of 100mm depth clean topsoil between the channel and road boundary must be formed with a 4% crossfall, trimmed and grassed to a mowable standard.~~

- x) Sealed vehicle crossings/entranceways must be provided within the right-of-way to the boundary of each lot served in accordance with Part 29 of Council's Roading Policies 2015.
 - xi) A sealed vehicle crossing/entranceway must be installed to the right-of-way in accordance with Part 29 of Council's Roading Policies 2015.
 - xii) That any private access ROW may have a maximum gradient of 1 in 5 (20%). This may be increased to 1 in 4.5 (22.2%) for short straight lengths up to 20m maximum length. Any portion of an access with a gradient greater than 16% is to have a higher friction surfacing such as exposed aggregate or brushed concrete or similar.
- k) A single 1.5m footpath must be installed along the full length of the existing Terrace Street. This footpath must be located on the northern side of the street and must include a crossing point over Bannockburn Road to allow pedestrians to access the existing footpath network on the western side of Bannockburn Road.
- l) Three LED streetlights must be installed as shown in the plan 'Preliminary Engineering Layout Proposed Subdivision Of Lot 4 DP 339137 Terrace Street, Bannockburn' Drawing No. 15_01 dated 28.08.23 and vested in accordance with NZS4404:2004, and Council's Addendum to NZS4404:2004, and any District Plan requirements. For the avoidance of doubt streetlights are to be provided at intersections and footpath crossings. In other locations bollard lighting is to be provided to illuminate the footpaths and pedestrian areas within the vested road network (Lots 100 & 101).
- m) Planting and landscaping undertaken within roads shall be landscaped in general accordance with the Landscape Master Plan and maintained in accordance with the 'Proposed Landscape Master Mitigation Plan, Landscape Maintenance Plan and Revised Plan List', prepared by RMM dated 27 September 2024 11th April 2025, for a period agreed with the Council.
- m)/i) All batter slopes and scaring from earthworks not remediated by planting undertaken as part of the Landscape Master Plan shall be revegetated with grass.

Reserve Planting and Planting on Lot 40 (prior to section 224(c) certification)

- n) Lots 30 and 40 shall be landscaped in general accordance with the 'Proposed Subdivision Landscape Master Mitigation Plan, Landscape Maintenance Plan and Revised Proposed Plant List' dated 11th April 2025. Plantings shall be and maintained in accordance with the Landscape Maintenance Plan, prepared by RMM dated 27 September 2024, for a period agreed with the Council.

Advice Note: The planting shown on the 'Proposed Subdivision Landscape Mitigation Plan' at the boundaries of all other Lots, and in particular Lots 4, 5, 9, the portion of planting area within Lot 15 but adjacent to Lots 30 and 40, and all of Lots 16-20 shall be undertaken by future Lot owners as provided for in Conditions 7 j) and k).

- o) Shared paths within the recreation reserve and road reserve shall be local compacted gravel and/or schist stone.

- p) Heritage interpretive panels must be prepared and installed under the supervision of a suitably qualified and experienced person. Any reference to mana whenua history or values must only be included with the express permission of the relevant rūnaka whose takiwa the site falls within.
- q) Lot 30 shall be vested as a reserve to the Central Otago District Council.

Engineering Design and Assets (prior to section 224(c) certification)

- r) Provide Producer Statements in an approved format from a suitably qualified professional certifying the engineering adequacy and compliance with Council consent conditions relating to:
 - i) engineering design of subdivision works.
 - ii) construction and construction review of subdivision works.

Financial Contributions (prior to section 224(c) certification)

- s) Payment of a reserves contribution of \$45,530.5 (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 ~~one~~ 20 additional dwelling equivalents.

Advice Note: The consent holder and the Council may negotiate the financial contributions calculation as part of the vesting of Lot 30 as a reserve, in recognition of the development and vesting of Lot 30 as a reserve.

Accidental Discovery Protocol (prior to section 224(c) certification)

- t) If during any site disturbance, the consent holder or subsequent owners:
 - i) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:
 - a) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - b) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- ii) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - a) stop work within the immediate vicinity of the discovery or disturbance; and
 - b) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - c) arrange for a suitably qualified archaeologist to undertake a survey of the site.
- iii) Site work may recommence following consultation with the Consent Authority.

Trails ~~and~~ Tracks (prior to section 224(c) certification)

- v) The Trails or tracks shown on the approved plan of subdivision referenced in Condition 1 shall be formed and/or formalised as follows:
 - a) Indicative Proposed Track: The trail shall be retained in its current condition in so far as practicable with only limited additional formation so as to retain its heritage association. Where the track ~~Trail~~ passes over Lot 40 and Lot 51 there shall be an easement in gross registered in favour of the Central Otago District Council, to provide for the ongoing public use of the existing ~~trail~~ track. Any additional formation to the track shall be undertaken in a manner consistent with the recommendations of the Kopuwai Consulting Report forming Attachment C of the application document titled: *Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023.*
 - b) NZCT Grade 1 or 2: These shall be formed within the road reserve and reserve Lot 30. The Trails shall be designed and formed in a manner consistent with the recommendations of the Kopuwai Consulting Report forming Attachment C of the application document titled: *Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023.*

Advice Note: The informal track shown over Lot 50 is for information purposes only.

Consent Notice Conditions

- 7. Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration on the records of title the following ongoing conditions:

Design controls (Consent Notice Conditions) ~~Applies to Lots 1-20 unless otherwise stated~~

- a) All future buildings ~~on Lots 4, 5, 13, 14, 15-20~~ shall be contained within the Building Platforms as shown as a consent notice Area [X] as shown on Land Transfer Plan [XXXXX] No built development is permitted outside the building platform, including

items such as clothes lines, swimming pools or other activities generally associated with a curtilage area.

- b) Built coverage on Lots 1-20 must not exceed a maximum total of 300m². Should any dwellings be two storeys, the maximum footprint for the ground floor must not exceed 200m².
- c) The access to Lot 6 must be designed to limit the extent of earthworks required, and as far as practicable be located off the ridgeline.
- d) Exterior cladding is limited to timber (vertical or horizontal), schist, or corrugated iron in one of the following Colorsteel colours: Lichen, Sandstone Grey, Lignite, Ironsand, Flax Pod, Grey Friars, New Denim Blue.
- e) Roofing shall be constructed of corrugated iron in one of the of the following Colorsteel colours (or similar with a light reflectance value (LRV) of the less than 12%): Lignite, Ironsand, FlaxPod, Grey Friars, New Denim Blue.
- f) Fencing at lot boundaries shall be limited to 1.2 m high unpainted post and rail, post and wire or waratah and wire fencing. The addition of rabbit wire mesh is encouraged.
- g) Buildings on Lots 1-20 shall be subject to the following maximum height limitations, measured in terms of New Zealand Vertical Datum 2016 (NZVD16):

Maximum Building Height & Roof Elevation			
Lot Number	Maximum Building Height	Maximum Roof Elevation	Notes
1, 2, 3	5m	269 masl	
4, 6	4.2m	269.2 masl	
5	4.2m	270.2 masl	
7, 8, 9	7.5m	269 masl	
10	5m	269.5 masl	
11, 12, 13, 14	4.2m	271 masl	Buildings to be stepped with grade
15, 16, 17, 18, 19	5m	265 masl	Buildings to be stepped with grade, <u>and in addition, on Lots 15-17 the maximum building height must be no more than 8m in total height from lowest ground level to top roof level to avoid the appearance of three storey townhouses</u>
20	5m	266 masl	Buildings to be stepped with grade

- h) ~~Any outdoor lighting must be fixed, capped, filtered or pointed downwards and screened to reduce light spill. No outdoor feature lighting is permitted~~ To minimise night sky intrusion, exterior lighting is permitted but shall only be in the form of downlighting to avoid unnecessary glare. Up-lighting for the purpose of accentuating trees, walls or other landscape features is not permitted. All fixed exterior lighting shall be directed away from neighbouring properties. Exterior lighting on buildings shall be fixed, no higher than 1 metre above finished ground level, capped, filtered, or pointed downwards and screened so as to reduce lux spill. There shall be no lighting of vehicle accessways within any sites.
- i) Stormwater from buildings and other impervious surfaces within each Lot must be stored for beneficial reuse or disposed of via a soak-pit designed by a suitably qualified and experienced professional within the boundary of each lot.

Landscaping (Consent Notice Conditions)

- j) On Lots ~~4, 5, 9, 13, 14,~~ 15-20, within 18 months of the code of compliance issuing for the Dwelling, mitigation planting shall be undertaken as shown on ~~the Landscape Mitigation Plan, 11th April 2025 Sheet 5 of the Graphic Attachment,~~ and using species identified in the Plant List (Plant Mix 3: Private Lot Amenity Planting within Building Platforms, and Plant Mix 4: Private Lot Revegetation Planting outside Building Platforms, prepared by RMM and attached as *[Add sheet to Consent Notice Documentation]*. These landscape areas shall be maintained by the landowners and cannot be altered or removed.
- k) ~~On Lots 3 – 5 and 12 – 20, a~~ landscape plan ~~to be~~ prepared by a suitably qualified landscape architect that shall be submitted to Council for approval at the time of Building Consent ~~for any proposed dwelling or accessory buildings for Lots 3 – 5 and 12 – 20.~~ This Landscape Plan shall be consistent with requirements of the preceding Condition j), and shall have regard to and show the following:
 - i. A maximum 500m² curtilage;
 - ii. Planting and grassing of any cut and fill batters for earthworks for driveways or building platforms;
 - iii. Planting to integrate any buildings and any associated water tanks into the landscape;
 - iii. Planting to soften and filter views of built form in views from properties located on Cainmuir and Patersons Road to the east of the site:
 - ~~iv.~~ Ongoing maintenance obligations: and
 - ~~iv-v.~~ Avoiding plants within 10m of buildings that have a high or moderate flammability class as identified in the FireSmart: Protecting our Communities from Interface Fires manual.
 - vi. For Lots 15-20, planting areas between and below the sloping sites must be established and must be of a form similar to that within the Lot 30 reserve area. Planting for Lots 15-20 should include a comprehensive structural planting area around the building platforms to avoid the built form appearing visually prominent on the open escarpment.
 - vi. Landscaping in accordance with the approved Landscape Plan shall be implemented within 18 months of Building Consent being approved and maintained in accordance with the approved plan.

Slope Stability (Consent Notice Conditions)

- I) The subdivision development design and implementation shall observe the recommendations of the Engeo geotechnical report titled Geotechnical Investigation - Lot 4 Water Race Hill, Bannockburn, entered into Council records as part of the approved documentation of resource consent RC230398, including but not limited to the following specific measures:
- I. Lot 18: Specific engineering mitigation design will be required to address creep of surficial soil overlying shallow bedrock for any development.
 - II. Lots 15, ~~16~~ to 19: Development on these lots must adhere to engineering practices suitable for hillslope development, including:
 1. Implementation of subsoil drainage.
 2. Minimisation of cutting and filling.
 3. Proper disposal of stormwater, grey water, and black water without discharge to the slope.
 4. Construction of appropriately engineered retaining walls where necessary.
 - III. Lots 1 and 9, foundation construction shall be set back from the crest at a horizontal distance at least twice the adjacent vertical slope height.
 - IV. All Lots: Engineering practices suitable for hillside construction shall be incorporated as necessary.

Earthworks (Consent Notice Conditions)

- ~~k)m)~~ For Lots 1-20 aA site-specific erosion and sediment control plan, commensurate with the scale of proposed disturbance, shall be prepared prior to initiating ground disturbing activities. General advice and guidance that is appropriate minor works can be found in the Building on Small Site Brochure from the Auckland Council. Link: Building on small sites (aucklandcouncil.govt.nz).

All site disturbance must undertake erosion and sediment control and dust control by adopting the following principles:

- Limiting the duration and extent of soil disturbance as practicable.
- Avoiding work during heavy rain.
- Diverting clean stormwater away from excavations/exposed soil.
- Containing runoff within the excavations during rainfall events.
- Brushing or sweeping vehicle wheels that have been in contact with exposed soil clean prior to leaving the site.
- Regular visual monitoring of the effectiveness of erosion and sediment control measures shall take place throughout the duration of the soil disturbance activity until the soil is returned to an erosion resistant state.

Accidental Discovery Protocol (Consent Notice Condition)

- n) For Lots 1-20, 40, 50 and 51, if during any site disturbance, the consent holder or subsequent owners:

i) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:

a) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.

b) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

ii) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:

a) stop work within the immediate vicinity of the discovery or disturbance; and

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

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

iii) Site work may recommence following consultation with the Consent Authority.

Heritage (Consent Notice Conditions)

4.0) The following heritage controls are imposed on the lots identified in accordance with Figures 1-10 in Appendix 1 of the Kopuwai Consulting Report forming Attachment C of the application document titled: *Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023.*

Note: The Figures referred to in 4.0) must be attached to the consent notice

LOT	Feature	Condition
1	Retain & protect (blue)shallow sluicing's water race & sluice face (yellow)	No earthworks, hard landscaping features or structures allowed to be built over these areas attached as Appendix 2.

9	Retain & protect (blue) shallow sluicing's water race bordering Pennyweight sluicing F41/368 Lot 51 (excepting branch (red)) in Lot 9	Sluice gulch: No earthworks, hard landscaping features or structures allowed to be built over these areas.
40	Within Lot 40 preserve lower remnants sluicing's Penny weights & others; water race remnants; hand revetted stacked wall sections; hardwood post and wire fence line remnants x 2; hand stacked tailings-	The Lot owner is alerted to the presence of archaeological items.
50	Lot 50 incorporates and protect west facing terrace sluice face off Lot 1 & pedestal mining claim boundary marker 2. Protection of these features. (F41/385 Revell's Gully Sluicing's)	The Lot owner is alerted to the presence of archaeological items.
51	Retain & protect (blue) shallow sluicing's water race bordering Pennyweight sluicing & the sluicing's F41/368 (excepting branch (red) in Lot 9)	The Lot owner is alerted to the presence of archaeological items.

m)p) In the event that subdivision development works, or processes associated obtaining an archaeological authority identifies additional measures to manage heritage items, as necessary for a particular lot, then a consent notice shall be registered on the Records of Title for the affected lots detailing requirements for the lot owner(s).

Lot 40 Building Restriction (consent notice condition)

Q) Buildings are prohibited upon Lot 40.

ADVICE NOTES:

Earthworks

1. An earthworks consent will be required from the Otago Regional Council
2. Existing ground level to calculate approved building height will need to be established at the time of survey.
3. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.

Heritage

4. An Archaeological Authority will be required on all lots before any site disturbance occurs and in particular:
 - Lot 6: Apply for archaeological authority to destroy portions marked (red) on plan; being (F41/369 Upper water race)
 - Lot 9: Apply for authority to modify/destroy (red) branch water race Lot 9 (supplied from F41/369 Upper water race)
 - Lots 16, 17, 18 & 19: Apply for authority to modify/destroy (red) sections of branch water race that traverses the lots.
 - Lots 20: Apply for archaeological authority to remove section of hardwood post & wire fence line & repurpose hardwood posts. Apply for authority to modify/destroy (red) sections of branch water race that also traverse Lots 16, 17, 18 & 19.
 - Lot 30: Apply for archaeological authority to modify/disturb portions marked (blue) on plan traversing lots 30. (F41/369 Upper water race) Apply for archaeological authority for adaptive reuse 267m of lower water race as footpath and destruction of 3 sections for roadway/driveways and 2 sections for pathways & single track crossings totalling 10m (F41/369 linked lower water race).
 - Lot 40: Apply for an archaeological authority to adaptively reuse the water race as public walking track within Lot 40.
 - Lot 51: Apply for authority to modify/destroy (red) branch water race Lot 9 (supplied from F41/369 Upper water race).
 - Lot 100 (Road): Apply for archaeological authority to destroy portions (marked red) as shown on plans traversing the road. Adaptive reuse of remaining components.

Development Contributions

5. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.
6. Development contributions for roading of \$32,882.96, Water supply of \$53,947.36 and wastewater \$51,861.83 (exclusive of goods and services tax) are payable for 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.

Access

7. It is the consent holder's responsibility to obtain all necessary Temporary Traffic Management Plans, Corridor Access Requests or any other approvals to undertake works within the road reserve. These approvals should be obtained prior to the works commencing.

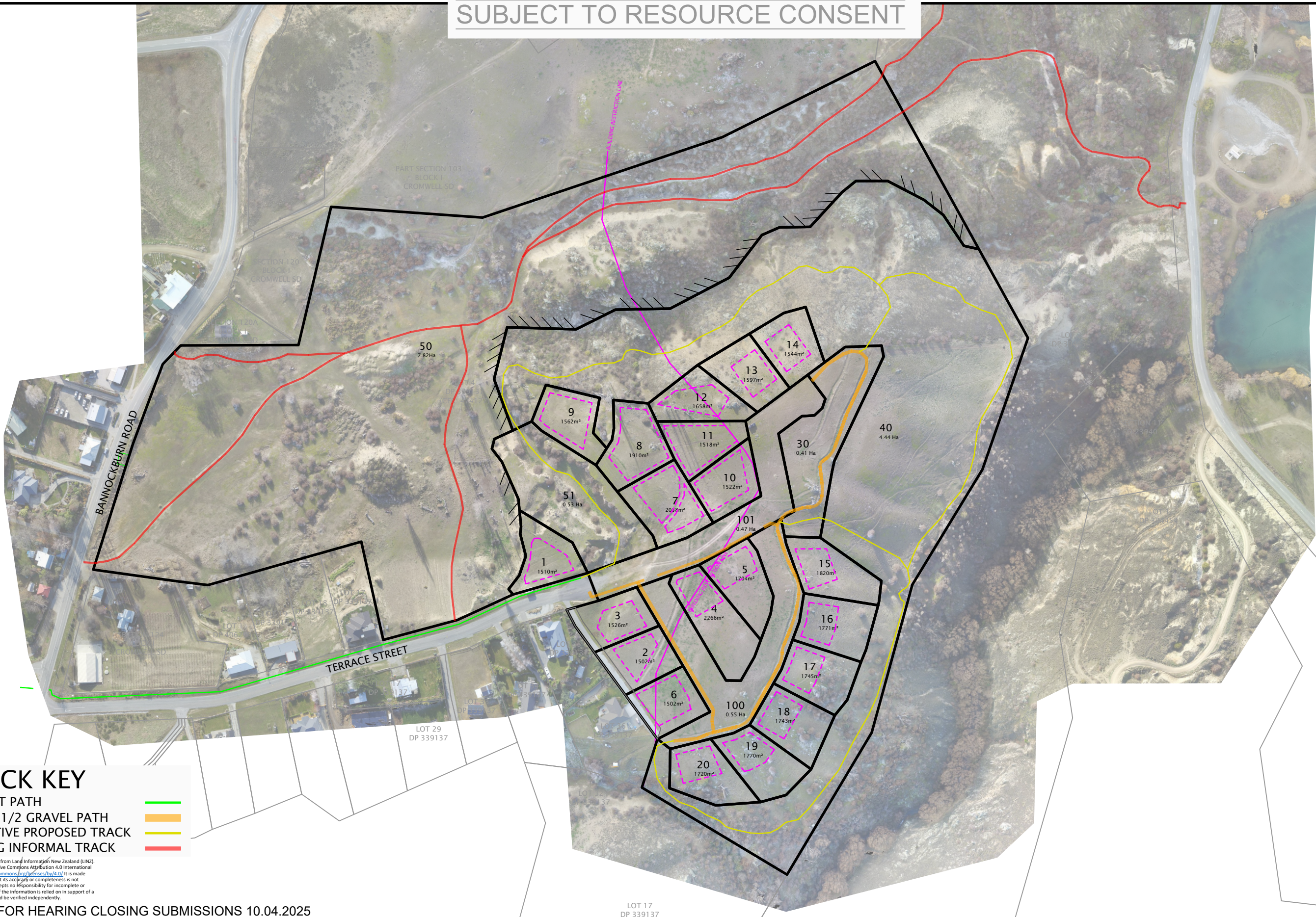
General

8. 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.
9. The consent holder must 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.
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.
13. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Landscaping Undertaken within Roads and Lot Reserve

14. Planting and Landscaping undertaken within the proposed road reserve and Lot 30 Reserve, including maintenance periods shall be agreed and certified by the Council's Parks and Recreation Manager.

SUBJECT TO RESOURCE CONSENT



TRACK KEY

ASPHALT PATH
NZCT G 1/2 GRAVEL PATH
INDICATIVE PROPOSED TRACK
EXISTING INFORMAL TRACK

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resource consent it should be verified independently.

ISSUED FOR HEARING CLOSING SUBMISSIONS 10.04.2025

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Client
JONES SEARELL FAMILY TRUST

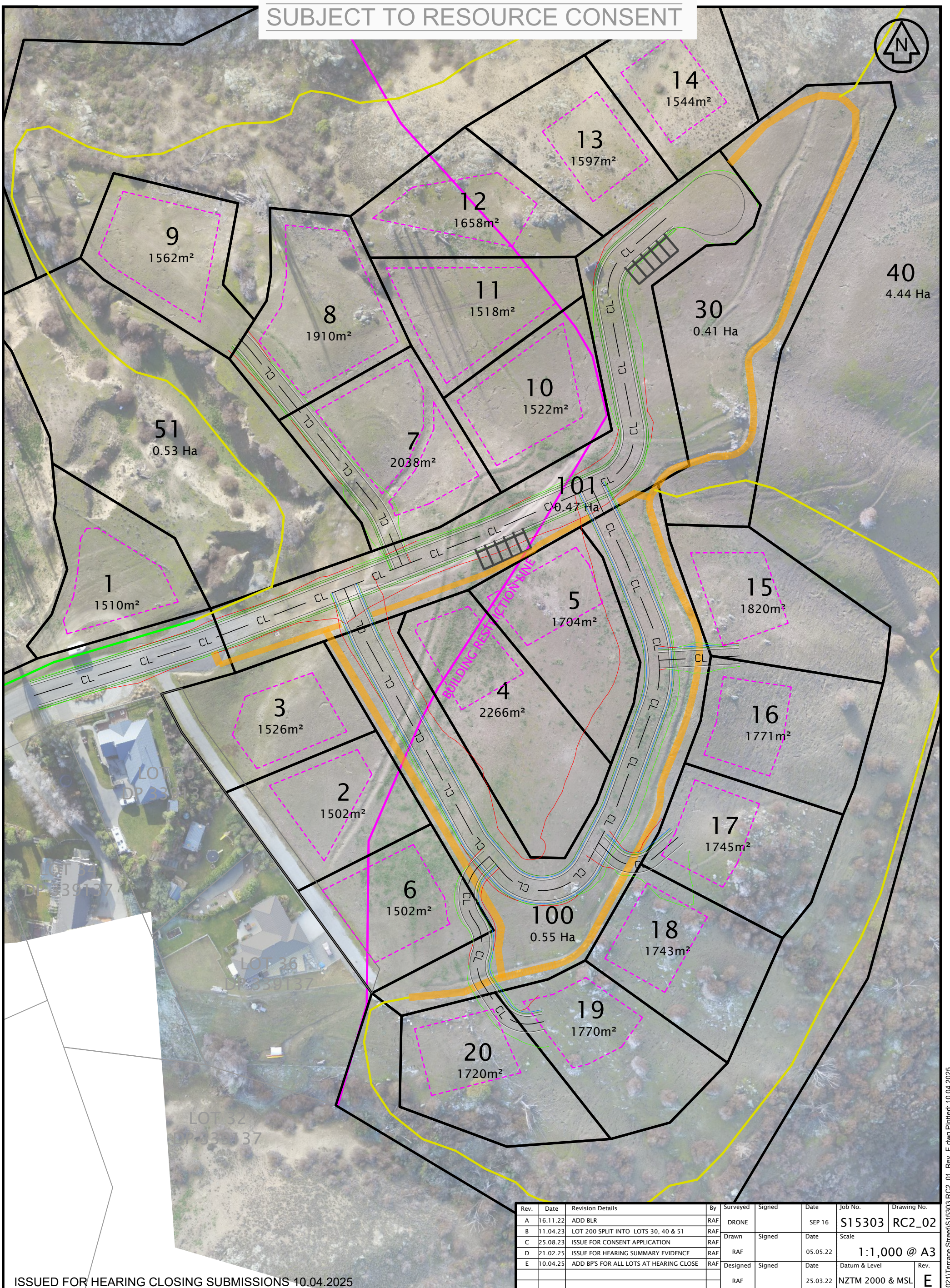
NOTES

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OVERVIEW: LOTS 1 - 20, 30, 40, 50, 51, 100 & 101
BEING PROPOSED SUBDIVISION OF LOT 4 DP 339137
TERRACE STREET, BANNOCKBURN

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
A	16.11.22	ADD BLR	RAF	DRONE		SEP 16	S15303	RC2_01
B	11.04.23	LOT 200 SPLIT INTO LOTS 30, 40 & 51	RAF					
C	25.08.23	ISSUE FOR CONSENT APPLICATION	RAF	Drawn	Signed	Date	Scale	1:1,250 @ A1 1:2500 @ A3
D	21.02.25	ISSUE FOR HEARING SUMMARY EVIDENCE	RAF			19.07.22		
E	10.04.25	ADD BP'S FOR ALL LOTS AT HEARING CLOSE	RAF	Designed	Signed	Date	Datum & Level	Rev.
						12.07.22	NZTM 2000 & MSL	E

D:\DATA L - Local working\2021\Terrace Street\15303.RC2_01_Rev_E.dwg Plotted: 10.04.2025



ISSUED FOR HEARING CLOSING SUBMISSIONS 10.04.2025

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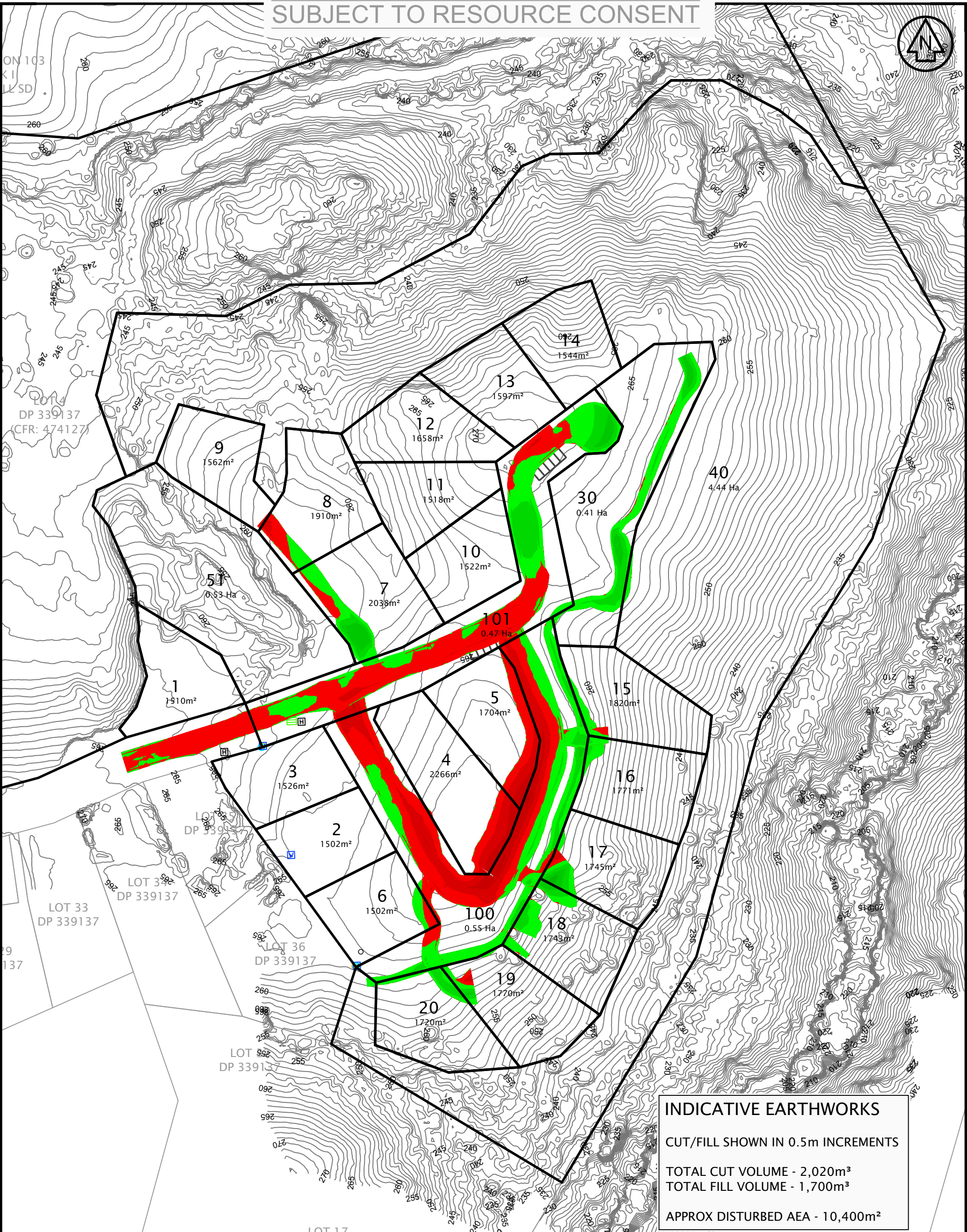
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RESIDENTIAL LOTS: LOTS 1 - 20, 30, 40, 50, 51, 100 & 101
BEING PROPOSED SUBDIVISION OF LOT 4 DP 339137
TERRACE STREET, BANNOCKBURN

Abstract

SUBJECT TO RESOURCE CONSENT



INDICATIVE EARTHWORKS
CUT/FILL SHOWN IN 0.5m INCREMENTS
TOTAL CUT VOLUME - 2,020m³
TOTAL FILL VOLUME - 1,700m³
APPROX DISTURBED AEA - 10,400m²

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
A	25.08.23	UPDATE EARTHWORKS FOR REVISED LOTS	RAF	DRONE		SEP 16	S15303	12_01c
				Drawn	Signed	Date	Scale	
				RAF		14.02.22	1:1,500 @ A3	
				Designed	Signed	Date	Datum & Level	Rev.
				R & M		NOV '21	NZTM 2000 & MSL	A

ISSUED FOR EROSION & SEDIMENT CONTOL PLANNING 28.08.2023



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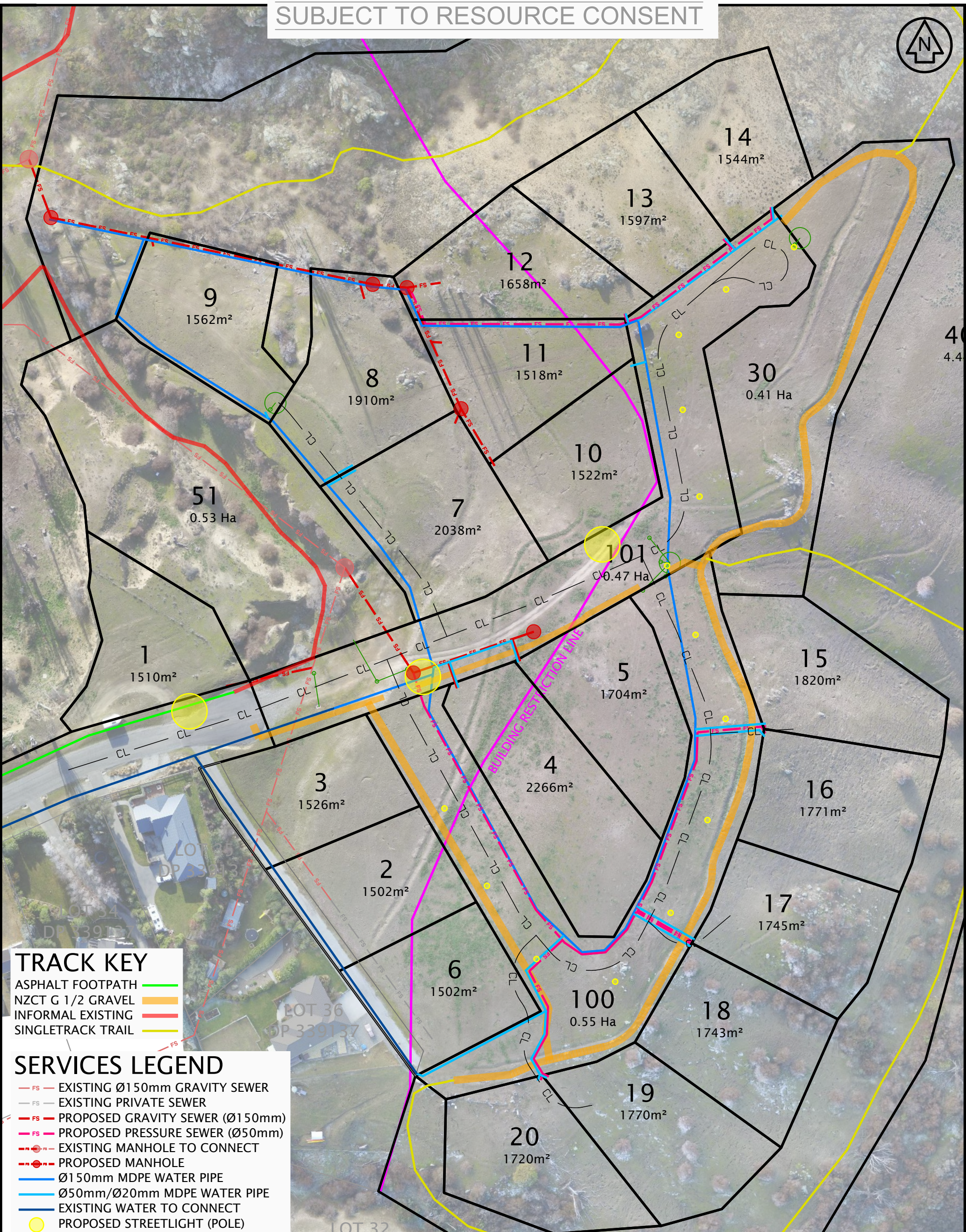
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**INDICATIVE EARTHWORKS PLAN
PROPOSED SUBDIVISION OF LOT 4 DP 3391 37
TERRACE STREET, BANNOCKBURN**

D:\DATA L - Local working\2021\Terrace Street\12.EWK.dwg Plotted: 28.08.2023

SUBJECT TO RESOURCE CONSENT



TRACK KEY

- ASPHALT FOOTPATH
- NZCT G 1/2 GRAVEL
- INFORMAL EXISTING
- SINGLETRACK TRAIL

SERVICES LEGEND

- FS EXISTING Ø150mm GRAVITY SEWER
- FS EXISTING PRIVATE SEWER
- FS PROPOSED GRAVITY SEWER (Ø150mm)
- FS PROPOSED PRESSURE SEWER (Ø50mm)
- FS EXISTING MANHOLE TO CONNECT
- FS PROPOSED MANHOLE
- Ø150mm MDPE WATER PIPE
- Ø50mm/Ø20mm MDPE WATER PIPE
- EXISTING WATER TO CONNECT
- PROPOSED STREETLIGHT (POLE)
- PROPOSED STREETLIGHT (BOLLARD)
- PROPOSED SOAKPIT/SUMP

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ISSUED FOR CONSENT APPLICATION 29.08.2023

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
-	-	-	-	DRONE	-	SEP 16	S15303	15_01
-	-	-	-	Drawn	Signed	Date	Scale	
-	-	-	-	RAF	-	28.08.23	1:1,000 @ A3	
-	-	-	-	Designed	Signed	Date	Datum & Level	Rev.
-	-	-	-	RAF	-	APRIL 23	NZTM 2000 & MSL	-



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PRELIMINARY ENGINEERING LAYOUT
PROPOSED SUBDIVISION OF LOT 4 DP 339137
TERRACE STREET, BANNOCKBURN

D:\DATA L - Local working\2021\Terrace Street\15_ENG.dwg Plotted: 29.08.2023

SUBJECT TO RESOURCE CONSENT



ROAD FORMATION
TWO COAT CHIPSEAL

HISTORIC RACE INVERT
CONTINUES TO FLOW
DURING STORM EVENTS

Ø300mm
CULVERT @
RACE INVERT

SLOT
DRAIN

DRIVEWAY ACCESS
MAX 20% GRADE
ASPHALT SURFACE
TO LOT BOUNDARY

STACKED SCHIST
HEADWALLS FOR
CULVERT

ROAD FILL/BATTER/RETAINING

DRIVEWAY FILL
BATTER/RETAINING

NZCT GRADE 1/2
SHARED USE TRAIL
"PAVED CROSSING"
OF DRIVEWAY

NZCT GRADE 1/2
SHARED USE TRAIL
GAP20 FORMATION

ROAD / LOT BOUNDARY

ACCESS RAMP FOR
CONSTRUCTION
EQUIPMENT TO LOTS

LOT BOUNDARY

ROAD CENTRELINE

ROAD FORMATION
TWO COAT CHIPSEAL

NZCT GRADE 1/2
SHARED USE TRAIL
"PAVED CROSSING"
OF DRIVEWAY

SLOT DRAIN

DRIVEWAY ACCESS
MAX 20% GRADE

ASPHALT SURFACE

Ø300mm CULVERT
PLACED AT INVERT
OF HISTORIC RACE

RAMP FOR CONSTRUCTION
EQUIPMENT ACCESS TO LOTS

NATURAL GROUND

CROSS SECTION 1

ROAD CENTRELINE

ROAD FORMATION
TWO COAT CHIPSEAL

NZCT GRADE 1/2
SHARED USE TRAIL
GAP20 FORMATION

HISTORIC RACE INVERT
CONTINUES TO FLOW
DURING STORM EVENTS

NATURAL GROUND

CROSS SECTION 2

ISSUED FOR CONSENT APPLICATION 26.02.2021



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Client
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TYPICAL DRIVEWAY CROSSING OF HISTORIC WATER RACE
PROPOSED SUBDIVISION OF LOT 4 DP 339137
TERRACE STREET, BANNOCKBURN

Rev.	Date	Revision Details	By	Surveyed	Signed	Date	Job No.	Drawing No.
E	13.11.18	PREPARE CONSENT APPLICATION VERSION	RAF	DRONE		SEP 16	S15303	01_DXR
F	01.07.19	ADD ENGINEERING INFORMATION FOR R.F.I.	RAF					
G	21.01.21	REVISE TO 35 LOT LAYOUT	RAF	Drawn	Signed	Date	Scale	V. 1:50 @ A3
H	19.02.21	REVISE TO TRACK & ACCESS TO LOTS 26-29	RAF			08.09.17		HZ. 1:100 @ A3
I	26.02.21	ADDITION OF DRIVEWAY X RACE DETAILS	RAF	Designed	Signed	Date	Datum & Level	Rev.
						08.09.17	NZTM 2000 & MSL	I

L:\S15303 - Jones Searell Family Trust - 7 Lot Subdivision\CAD\S15303.04.RC_REV_1.dwg Plotted: 02.03.2021

Heritage Landscape of the interconnected wider surrounds of the DJ Jones and NR Searell Family Trusts Lot 4 Revell's Basin & Gully & Part Section 103 Slaughteryard Hill

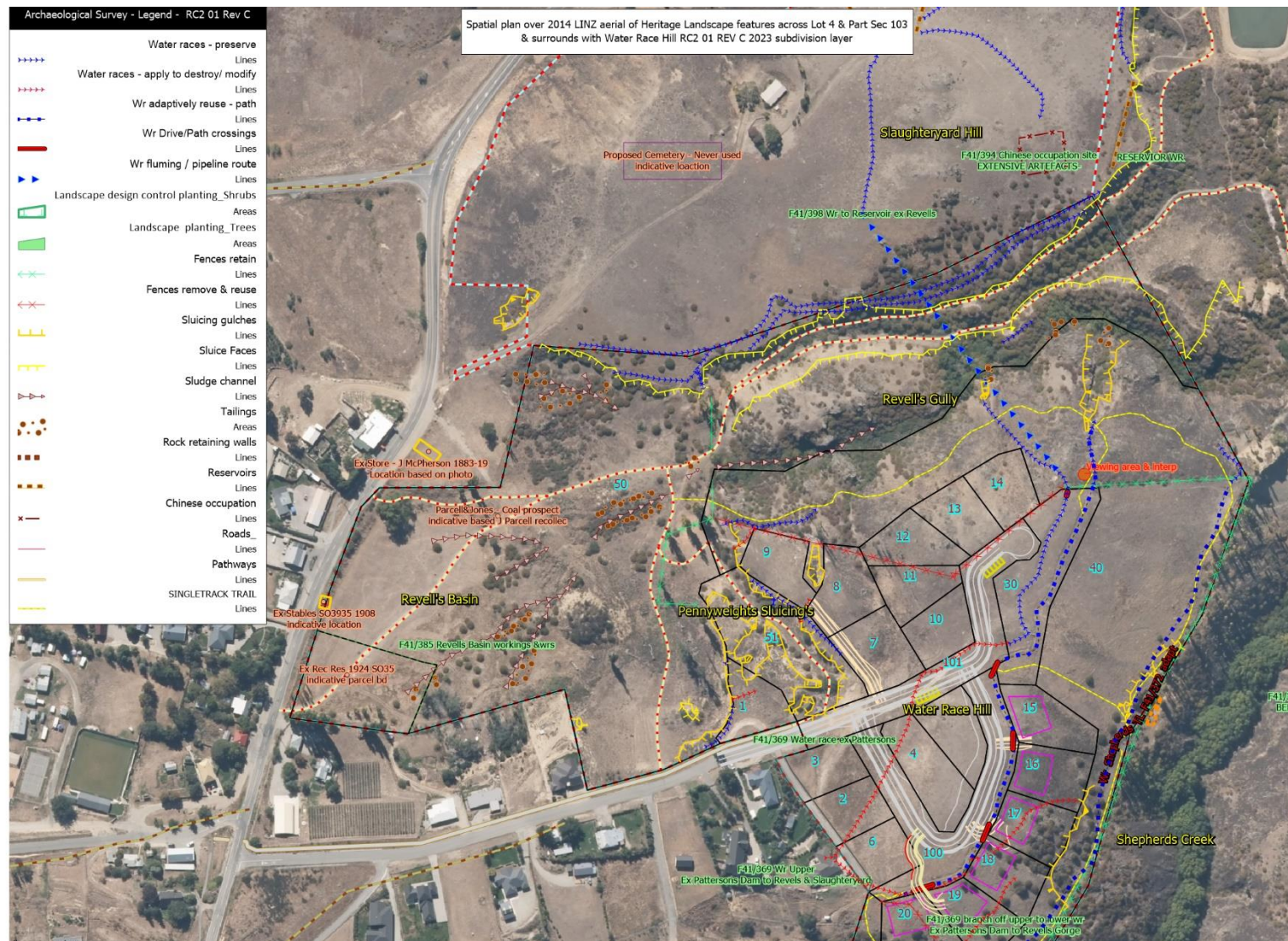


Figure 9 Spatial plan over 2014 LINZ aerial of Heritage Landscape features across Lot 4 & Part Sec 103 & surrounds with Water Race Hill RC2 01 REV C 2023 subdivision layer

Proposed Subdivision Landscape Mitigation Plan - 11th April 2025



Legend	
	Overall Property Boundary
	Building Line Restriction
	Residential Lot
	Building Platform
	Road Reserve
	Private Reserve
	Balance Lot
	Easement
	Road
	Indicative proposed walkways
	Existing informal walkways
	Car Parking
	Proposed Mitigation Planting
	Street Trees Type 1
	Street Trees Type 2
	Potential Soakpit and Secondary/ Tertiary Over Land Flow Path Locations

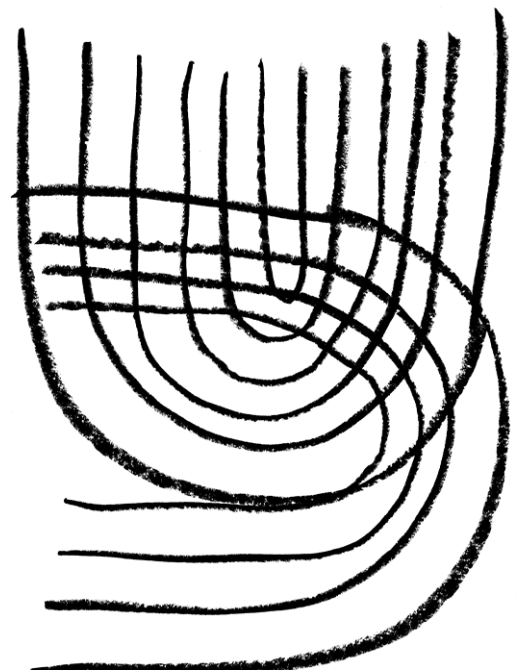


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Landscape Management Plan – RC230398

27 September 2024

Design Control Issue



Contents

A	Planting Maintenance Plan	3
1.	Planting Implementation & Establishment	3
2.	Planting Maintenance Schedule	6
3.	Weed Management Strategy	9
4.	Monthly Planting Establishment Report	10

A Landscape Management Plan

This Landscape Management Plan (**LMP**) outlines the applicant's approach to managing the mitigation planting as shown on the subdivision landscape plan. The purpose of the LMP is to ensure the mitigation planting effectively establishes. The LMP covers planting implementation, establishment, and maintenance.

1. Planting Implementation & Establishment

1.1 Cultivation and Final Preparation

Cultivate planting areas to a depth of 250mm to form a firm and friable tilth suitable for pit planting by hand.

During cultivations remove all weed including weed root off site.

Grade to smoothly flowing or even contours to the finished levels by hand or machine as necessary.

1.2 Stone/Debris Picking

After cultivating remove all stones, grass sods and other debris larger than 75mm in any dimension and all roots in excess of 15mm diameter or 200mm length.

1.3 Topsoil

Supply and install topsoil to planting areas to achieve finished surface levels, and to ensure specified topsoil depths are achieved. Remove existing earth where necessary to accommodate topsoil and soil conditioner in planters to achieve finished surface levels.

1.4 Soil Cultivation and Conditioner

Supply and incorporate soil conditioner to all planting areas at the rate of 0.075m³ per m² (75mm depth) worked into the top 150mm of existing soil.

1.5 Plant Materials

Plant materials shall be first class specimens of nursery stock, true to type with well-developed and well-shaped trunk or stem and head. They shall be hardened-off to cope with the climatic conditions of the site.

The roots shall have a high percentage of fibrous roots that have grown to the edge of their containers. Plants with roots that are wound round their containers in circular fashion or otherwise obviously root bound shall be rejected. Plants shall be consistent in quality and size for the same species.

1.6 Planting Season

No planting or transplanting shall take place in exceptionally hot dry weather or in exceptionally wet or frosty soil or weather conditions.

1.7 Plant Material

Containerised plants shall be thoroughly watered the day before they are to be removed from containers. If plants are dry, they are to be submerged in water for five minutes until all air bubbles stop rising. Allow time to drain before planting.

Balled and container plants, shall have cloth cordage or container removed immediately prior to planting. Care shall be taken to ensure that the root ball is not disturbed during container removal or planting. Any wire containment and hessian shall be removed.

Plants shall be set in their final positions with main stem vertical and at such a depth that the soil, when firmed down is at the same height as the nursery earth marks on the stem or the container soil level. Loose roots shall be spread out in a natural fashion; the soil being carefully placed under and amongst them to fill all voids and firmed in. Any major roots which become accidentally broken off or frayed shall be cleanly cut off from the plant.

If plants are slightly pot bound the roots shall be loosened, trimmed and spread out to ensure healthy growth. Roots shall not be exposed to the sun or wind. The planting hole shall be a third larger than the root ball and the soil at the bottom of the hole loosened.

Each plant shall be watered thoroughly after planting, ensuring that the moisture has penetrated to the full depth of the root ball (initial watering is also important to settle the soil around the roots).

1.8 Fertiliser for Planting

Well-balanced six-month slow-release fertiliser including available nitrogen, phosphorus and potassium plus magnesium and trace elements. Fertiliser in granular form to allow distribution through the backfill mix.

All plants shall be planted with controlled, slow release fertiliser such as 'Nutricote' or 'Osmocote Plus' or 'Grotabs' of composition 6:15:3 (N:P:K). Fertiliser shall be applied to the backfill of each tree, shrub, and groundcover in accordance with the following application rates. In all cases, the fertiliser shall be mixed with the soil in the base of the prepared hole prior to placement of the root ball. Care shall be taken to avoid the roots having direct contact with the fertiliser.

Plant size:Application rate per plant:(gms or tab)

1.5L 12g or 1x tab

3L 12g or 1x tab

5L 20g or 2x tab

Fertiliser shall be applied prior to mulching.

1.9 Mulching of Plants – Wool Mulch Matting

Biomac-Wool Mulch R500 (Ex Geofabrics NZ Ltd) or an approved equivalent shall be installed underneath all mitigation planting areas.

The existing grass cover (including weeds) shall be sprayed with a suitable herbicide and allowed to completely die off prior to installation of the wool mulch.

The wool mulch shall be rolled down the slope rather than across the slope. The top of the wool mulch matting shall be trenched in 200mm, except on the existing trees side. The top of the wool mulch on this side shall be pegged to the ground within the dripline of the trees.

The joins between the rolled wool mulch shall have a minimum overlap of 200mm. Secure all joins at the overlap (through both layers of wool mulch) with 230mm long U staples. The staples shall be placed every 0.5m to 1.0m. Any minor depressions should also be pinned to ensure soil contact is achieved for 90% of the matting area.

The completion of the wool mulch matting shall be inspected by the Contract Administrator prior to planting. This is a hold point.

Following inspection, the Contractor shall plant into the wool mulch by cutting a slit and planting into a planting hole as per the relevant planting specification.

After planting, the Contractor shall close the wool mulch around the base of the plant and pin down to fix the wool mulch in place.

1.10 Rabbit Proof Guards

Install rabbit proof guards as per the 'Fiber Guard Assembly and Installation Guide' provided by Advanced Landscape System Ltd.

Ensure all punched inlets are removed to maximise light and airflow through installed guard.

For sloping sites make use of the guards angled top, which allows the guard to be installed upright on sloping ground.

Water Generally

A suitable water supply shall be installed for watering plants (or water carts if necessary). Water carts, hoses and sprinklers sufficient to provide an adequate water supply to the plant material shall be brought to the site.

Prior to Planting:

All plants shall be thoroughly watered a few hours prior to planting to ensure successful establishment, preferably by standing the plants in their pots in a trough of water and soaking until saturated prior to planting. All shrubs are to be copiously watered in such a way that the entire shrub station is moistened to field capacity to encourage settlement.

After Planting:

All plants shall be watered as required to ensure their survival. In the interests of good horticultural practice watering shall be sufficient to give 300mm minimum depth penetration and not just surface dampening. Attention must be paid to watering during and after planting to ensure successful establishment. Notwithstanding any prevailing restrictions by the local authority on the use of water for watering any plants, it is expected special arrangements may be necessary to ensure regular and adequate watering of trees and shrubs to ensure successful establishment.

Drought Conditions:

If during a drought some planting has not been carried out, planting may be delayed by agreement. If water supply is likely to be restricted, water from other approved sources will need to be used.

2. Planting Maintenance Schedule

Ref	Item	Minimum Frequency	Action
2.2	Watering	To maintain moisture content as specified. (Refer 3.3) Minimum recommendation once per month. Once per week over the first summer growing season. As required thereafter to maintain growth.	Water all plants
2.3	Pests and diseases	Check at 1-month intervals first 12 months, 3-month interval for the following two years.	Check for pests and diseases and apply appropriate treatment to ensure plants are pest and disease free.
2.4	Rabbit Proof Guards	As per above.	Ensure that rabbit proof guards are well maintained and remain in place.
2.5	Pruning	As per above.	All dead and weak branches to be removed.
2.6	Plant maintenance, vandalism, losses, and replacement	As per above.	Replace any plant losses as per approved landscape plans. Refer to specification 2.6 and follow.
1.8	Fertilisation	Implement at 6-month intervals or at the recommended rate depending on type and period of slow release. A schedule of fertilisation must be supplied at quotation as variation to this specification.	Fertilise each plant (not wetland areas, if applicable) to the recommended slow release period of manufacturers specification.
3.0	Weed Control	Check at 1-month intervals first 12 months, then check at 3-month intervals through growing seasons and less over winter for the following two years.	Refer Section 3.0 for specific species treatments.

2.1 Scope

Maintenance shall include watering, weed removal, plant trimming, cultivation, insect, and disease control, checking stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.

Ensure that the plants installed will survive and grow. Water the plants installed as frequently as necessary, taking into consideration Cromwell's low annual precipitation and hot dry summers. Inspect the landscaping works as necessary to confirm the health of the plants, existence of pests, diseases, or vandalism. At the end of the maintenance period, re-position mulch where required and replacement of plant losses will be required.

Maintenance **shall not include** replacement of plants stolen, and/or those damaged by vandalism, spillage of fuels and chemicals, extreme / unforeseen weather events or by vehicle damage.

2.2 Watering

The Contractor shall provide sufficient water to all lawn areas, trees and planting to maintain plants in a healthy condition. For trees, soil moisture shall contain an average volumetric water content of between 20 and 30%. This value shall be determined through taking four readings corresponding approximately to

the four points of the compass. The readings shall be at 500mm below the topsoil surface and 300mm from the trunk for trees up to PB95 grade and 500mm from the trunk for PB150 grade and above trees.

For trees, this moisture content relates approximately to 40 litres of water per application in order to saturate the root ball. For trees larger than PB150 grade, each application should be approximately 80 litres of water. As a guide, shrubs and groundcover should receive 5 litres of water each per application in order to saturate the root ball. Applications should occur at least once a week during Summer (October – March), fortnightly during Spring/ Autumn (April - May and September - October) and monthly during Winter (June to August).

Water shall be applied evenly and radially around the root ball to a distance of 600mm from the base of the trunk or to the extremity of the tree's drip line, whichever is the greater. Water shall be applied at low pressure from a height of less than 500mm. Care shall be taken to avoid the displacement of soil or mulch whilst undertaking watering.

Installation of a portable irrigation system (i.e. K-line sprinklers and drippers) is acceptable. Additional to irrigation systems, carry out watering by handheld hoses at regular intervals as necessary during dry conditions to ensure successful plant establishment and growth. Water shall be applied until the top 200mm of topsoil around each plant is saturated. Do not water during the hot part of the day. Watering nozzles shall be fine rose or sprinkler heads to prevent damage to growth areas of the plants.

2.3 Noxious Pests and Diseases

Monitor the works for insect and plant disease problems. If present, identify the problem and apply appropriate remedy by accepted horticultural practices including chemical or biological methods.

Take all suitable precautions for the safe handling and application of herbicides, fungicides and insecticides and use these strictly in accordance with the manufacturer's specifications. In all cases, apply sprays on windless days. If the site is in a public area, the public shall be advised by signage that spraying is occurring and shall be directed away from the spray area.

Avoid damage to neighbouring properties caused by spraying.

2.4 Rabbit Proof Guards

Make good any rabbit proof guards that have been disturbed by rabbits or strong winds. Ensure bamboo stakes securing guards are firmly in the ground and guards are upright.

Remove rabbit proof guard when plants become too big for the guard and before the guard damages the plant.

2.5 Pruning

The Contractor shall remove all weak, dead, diseased or damaged growth, including spent flower heads. Sight lines at intersections and driveways shall be maintained and signs shall not be obscured. Pruning shall not be carried out during leaf burst or leaf fall.

Pruning shall be carried out on shrubs and groundcover by an appropriately qualified horticulturalist to maintain a high standard of presentation, display and plant vigour and to maintain the desired shape and size. An arborist qualified to international arboriculture standards shall undertake all tree pruning.

The following pruning techniques shall be employed where appropriate:

- Tips shall be pinched or purged, as appropriate for species, to give desired shape and size.
- Form pruning of young plants to ensure compact form and shape.
- Undercutting of groundcovers at border edges.
- Plants shall be pruned so that they do not smother neighbouring plants.

Plant vandalism, loss, and replacement

All losses of plants during the 12 month establishment period must be replaced in the first available planting season (between May and October). Replacements shall be the same as those specified, unless otherwise agreed. Any defective stakes, ties, etc. shall be replaced as soon as possible.

3. Weed Management Strategy

3.1 Scope

Weed control is required to maximize the survivability of plants in their first 12 months of growth. Weeds and pasture grasses are key competitors for new plantings. The weed management program should be undertaken in a proactive as opposed to a reactive manner. It will ensure that weeds do not compete with the new plantings. To this end weeds and grasses shall always be controlled before they flower, set seed or get to half the height of the new plantings.

3.2 Weed Control Method

Weeds and grasses will not be allowed to grow over the top of new plantings. If this does occur, weeds must be pulled back from each plant prior to any spraying being undertaken. In some cases, this may require hand pulling of weeds as opposed to spraying. Note that all weed removal shall be undertaken by hand-pulling in the first instance, with spraying to be used if this is not applicable/suitable. (refer section 3.4). Regular maintenance visits shall be undertaken. They are required to:

- a) Review work done in the month(s) prior to that visit.
- b) Assess the condition of plantings and identify any issues.
- c) Undertake weed control work to be done.
- d) Identify and confirm work for upcoming months.
- e) Review weed control species lists and identify any new threats.

3.3 Release Spraying

Release spraying shall be undertaken, only if explicitly required. It is anticipated that not less than two release sprays will be undertaken over the period of 12 months. If it is determined that more sprays are necessary to control weeds and/or disease/infection, then these will be performed with confirmation from the Applicant.

Those undertaking spraying shall adhere to the spraying specifications as set out under the Growsafe manual. All chemicals used shall be approved. Detailed spray diaries shall be kept and progressively forwarded to CODC as work is done. Marker dye is to be used every time spraying is undertaken.

3.4 Manual Weed Control

Releasing of plants shall not be solely limited to the use of herbicides. It is preferred that plants are to be hand pulled or dug out wherever practical. Care needs to be taken to ensure the whole plant is removed and that it is disposed of in such a manner that it does not regrow. Crews will be experienced in weed identification and knowledge of which weeds can be hand pulled as opposed to those that cannot.

4. Monthly Planting Establishment Report

Contract No:							
Project Area:							
Job Name:							
Contractor:							
Establishment Period:				From:		To:	
Inspection Date	Watering	Weed control	Litter Removal	Landscape Maintenance - List	Plant/Lawn Vandalism, Losses and Damage – likely causes	Signed	
I confirm that the above inspections and work were carried out during this period.							
Signed:				Date:			
Name:							
Company:							

Revised Proposed Plant List 11 April 2025

- A plant palette of appropriate plant and specimen tree species for the road reserve, recreation reserve and private lots has been prepared, refer to the below list.
- Mitigation planting is proposed within Lot 30 to provide visual screening of built form on lots 5, 10-14 from viewpoints east of the site.
- Mitigation planting will consist of 10% *Coprosma propinqua*, 10% *Cordyline australis*, 10% *Kunzea serrotina*, 10% *Leptospermum scoparium*, 15% *Myrsine divaricate*, 5% *Olearia odorata*, 10% *Plagianthus regius*, 15% *Pseudopanax crassifolius*, 10% *Sophora microphylla*, 10% *Griselinia littoralis*.
 - Plants will be supplied at PB3 size or larger, and planted at a spacing of 3m centres to achieve sufficient coverage.
 - All plants shall have a slow-release fertiliser, wool mulch collar, and plant guard installed to deter rabbit and hare browsing.
 - A temporary irrigation system shall be installed and operation for the first three years from the date of planting. All planting shall have been installed and healthy for a period of no less than three months from the date of planting prior to Council certification inspection.
 - When implementing all planting refer to the Fire Emergency New Zealand (FENZ) Guidelines regarding plant flammability, and planting in proximity to structures. Please refer to the following website pages ;
<https://www.checkitsalright.nz/reduce-your-risk/low-flammability-plants>
<https://www.checkitsalright.nz/reduce-your-risk/protecting-your-property>

Street Trees

<i>Liquidambar styraciflua</i> 'Worplesdon'	Sweet Gum
<i>Quercus robur</i> 'Fastigiata'	Upright Oak
<i>Liriodendron tulipifera</i> 'Fastigiata'	Upright Tulip Tree

Reserve Trees

<i>Cordyline australis</i>	Cabbage Tree
<i>Plagianthus regius</i>	Ribbonwood
<i>Populus</i> 'Crow's Nest'	Lombardy Poplar
<i>Quercus rubra</i>	Red Oak
<i>Sophora microphylla</i>	Kowhai

Plant Mix 1: Mitigation Planting & Screening

<i>Coprosma propinqua</i>	Mingimingi
<i>Cordyline australis</i>	Cabbage Tree
<i>Kunzea serrotina</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Myrsine divaricate</i>	Weeping matipo
<i>Olearia odorata</i>	Scented Tree Daisy
<i>Plagianthus regius</i>	Ribbonwood

<i>Pseudopanax crassifolius</i>	Lancewood
<i>Sophora microphylla</i>	Kowhai
<i>Griselinia littoralis</i>	New Zealand Broadleaf

Plant Mix 2: Amenity Planting within Road Reserves

<i>Chionochloa rubra</i>	Red Tussock
<i>Coprosma acerosa</i> 'Hawera'	Groundcover Coprosma
<i>Festuca novae-zelandiae</i>	Hard Tussock
<i>Hebe cupressoides</i> 'Nana'	Dwarf Evergreen Hebe
<i>Lavandula</i> spp.	Lavender
<i>Libertia</i> spp.	NZ Iris
<i>Muehlenbeckia axillaris</i>	Creeping Wire Vine
<i>Phormium cookianum</i>	Mountain Flax
<i>Poa cita</i>	Silver Tussock
<i>Thymus serpyllum</i>	Wild Thyme

Plant Mix 3: Private Lot Amenity Planting within Building Platforms*

<i>Chionochloa flavicans</i>	Dwarf Toe
<i>Chionochloa rubra</i>	Red Tussock
<i>Coprosma acerosa</i> 'Hawera'	Groundcover Coprosma
<i>Coprosma propinqua</i>	Mingimingi
<i>Cordyline australis</i>	Cabbage Tree
<i>Corokia</i> 'Geenty's Green'	Green Corokia
<i>Corokia</i> 'Bronze King'	Bronze Corokia
<i>Festuca novae-zelandiae</i>	Hard Tussock
<i>Hebe cupressoides</i> 'Nana'	Dwarf Evergreen Hebe
<i>Kunzea serrotina</i>	Kanuka
<i>Leptospermum scoparium</i>	Manuka
<i>Lavandula</i> spp.	Lavender
<i>Libertia</i> spp.	NZ Iris
<i>Muehlenbeckia astonii</i>	Shrubby Tororaro
<i>Muehlenbeckia axillaris</i>	Creeping Wire Vine
<i>Olearia odorata</i>	Scented Tree Daisy
<i>Pachystegia</i> spp.	Marlborough Rock Daisy
<i>Phormium cookianum</i>	Mountain Flax
<i>Pittosporum</i> 'Stephens Island'	NZ Pittosporum
<i>Plagianthus regius</i>	Ribbonwood
<i>Poa cita</i>	Silver Tussock
<i>Pseudopanax crassifolius</i>	Lancewood
<i>Rudbeckia</i> spp.	Coneflower
<i>Sedum</i> spp.	Sedum
<i>Sophora microphylla</i>	Kowhai
<i>Thymus serpyllum</i>	Wild Thyme

*In addition to the above list, fruiting orchard trees and olive trees are also permitted.

Plant Mix 4: Private Lot Revegetation Planting outside Building Platforms

<i>Coprosma virescens</i>	
<i>Corokia cotoneaster</i>	Korokio
<i>Festuca novae-zelandiae</i>	Hard Tussock
<i>Kunzea serrotina</i>	Kanuka
<i>Melicytus alpinus</i>	Porcupine Shrub

Poa cita
Thymus serpyllum

Silver Tussock
Wild Thyme

Plant Mix 5: Open Space Reserve Revegetation Planting

<i>Aciphylla aurea</i>	Golden Spaniard
<i>Carmichaelia australis</i>	Native Broom
<i>Coprosma propinqua</i>	Minigmingi
<i>Coprosma virescens</i>	Mikimiki
<i>Corokia cotoneaster</i>	Korokio
<i>Festuca novae-zelandiae</i>	Hard Tussock
<i>Kunzea serrotina</i>	Kanuka
<i>Melicytus alpinus</i>	Porcupine Shrub
<i>Olearia odorata</i>	Scented Tree Daisy
<i>Ozothamnus leptophylla</i>	Mountain Cottonwood
<i>Pimelea aridula</i>	New Zealand Daphne
<i>Poa cita</i>	Silver Tussock
<i>Thymus serpyllum</i>	Wild Thyme

Proposed conditions of consent for RC 230398 11 April 2025

CONDITIONS:

General

1. The proposed activity must be undertaken in general accordance with the approved plans ~~attached to this certificate as Appendices 1, 2 and 3 being referenced as:~~

- i. ~~Scheme plan dated 25 August 2023 by Landpro, and Earthworks Plan dated 22 November 2022 by Landpro, Scheme Plan s15303 RC2 01 Rev E dated 10 April 2025 prepared by Landpro;~~
- ii. ~~Scheme Plan s15303 RC2 02 Rev E dated 10 April 2025 prepared by Landpro;~~
- iii. ~~Indicative Earthworks s15303 12 01c Rev A dated 25 August 2023 prepared by Landpro;~~
- iv. ~~Preliminary Engineering Layout Proposed Subdivision Of Lot 4 DP 339137 Terrace Street, Bannockburn' Drawing No. 15 01 dated 28.08.23 prepared by Landpro;~~
- v. ~~Typical Driveway Crossing Of Historic Water Race Proposed Subdivision Of Lot 4, DP 339137 Terrace Street, Bannockburn. Revision I dated 26.02.21, prepared by Landpro;~~
- vi. ~~Spatial plan over 2014 LINZ aerial of Heritage Landscape features (derived from Figure 9 of Appendix 1 'Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C December 2023', forming Attachment JCI of the Application) prepared by Kopuwai Consulting;~~
- vii. ~~Proposed Subdivision Landscape Mitigation Plan dated 11 April 2025 prepared by RMM;~~
- viii. ~~Landscape Management Plan dated 27 September 2024, prepared by RMM; and~~
- ix. ~~Revised Planting List dated 11 April 2025 prepared by RMM,~~

• Landscape masterplan and planting Schedule

and the information provided with the resource consent application received by the Council on 22 December 2023, and further information received on 27 February 2024, except where modified by the following conditions.

2. The Consent holder is responsible for all contracted operations relating to the exercise of this consent and must ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and must ensure compliance with land use consent conditions.
3. The consent holder must 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.
4. Prior to the commencement of works occurring on site approved by this subdivision consent, the consent holder must:

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- a) Provide a letter to Council advising who the supervisor must be for the design and supervision of the subdivision works.
- b) Provide notice to the Planning and Regulatory Services Manager by email to resource.consents@codc.govt.nz of the start date of the works. This notice must be provided at least five (5) working days before the works are to commence.
- c) Unless modified by other conditions, all designs and approvals must be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.
- d) Provide copies of design: reports, calculations, specifications, schedules, and drawings, as applicable.
- e) Receive Council Engineering certification of the design/s as applicable.
- f) Prepare an Erosion, Dust and Sediment Control Plan. The Plan must be prepared by a suitably qualified and experienced person and must be submitted to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz for certification.
- g) Install all measures identified in the Erosion, Dust and Sediment Control Plan to mitigate erosion and to control and contain sediment-laden stormwater run-off and dust from the site and to water during any stages of site disturbance that may be associated with this subdivision.

Advice Note: The Consent Holder shall submit a copy of the Otago Regional Council resource consent for earthworks associated with residential activity to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz.

- h) Provide evidence to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz that, if required, all necessary consents have been obtained from the Otago Regional Council.
- i) Undertake all subdivision works in accordance with the Archaeological and Heritage Impact Assessment, prepared by Kopuwai Consulting, dated December 2023 including adaptive reuse of heritage items. Records of how the recommendations in the Archaeological and Heritage Impact Assessment have been met are to be maintained and presented to a warranted Council Officer upon request.
- j) Provide evidence to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz that all necessary Archaeological Authorities for the subdivision works have been obtained.

Prior to Section 223 Certification

- 5. 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 and access, 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) All 500m²-residential building platforms ~~must be identified for Lots 4, 5, 13, 14-15-20 as identified on the Landscape MasterScheme Plan referenced in Condition 1, and~~ shall be shown on the legal plan of subdivision and the co-ordinates must be

provided to the Planning and Regulatory Services Manager at resource.consents@codc.govt.nz.

Prior to Section 224(c) Certification

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

Water (prior to section 224(c) certification)

- a) Submit a final water reticulation design to Council's General Manager 3 Waters for certification. The final water reticulation design must meet the requirements of NZS 4404:2004 and the Council's July 2008 Addendum and include but not be limited to rider mains, fire hydrants and necessary incidental equipment) from the Cromwell (Bannockburn) Water Supply. No works may occur until the final design has been certified
- b) In accordance with the certified final water reticulation design, must at a minimum:
 - i) Extend the existing 150mm water main on Terrace St for the length of the proposed formed road
 - ii) Install standard DN25 water connection for each serviced lot with an approved Acuflo toby/meter assembly at the road boundary and with the tail extending to buildable platform on rear lots.
 - iii) Install Fire hydrants within the new water reticulation network to serve the subdivision in compliance with SNZ PAS 4509:2008, and NZS4404: 2004 and Council's 2008 Addendum to NZS4404:2004

Wastewater (prior to section 224(c) certification)

- c) Submit a final wastewater reticulation design to Council's General Manager 3 Waters for certification. The final wastewater reticulation design must meet the requirements of NZS 4404:2004 and the Council's July 2008 Addendum and discharge to the Cromwell (Bannockburn) Wastewater Reticulation System. No works may occur until the final design has been certified
- d) In accordance with the certified final wastewater reticulation design must at a minimum
 - i) Install a cleaning eye for each lot.
 - ii) Alternatively, lots which are required to be serviced by pressure sewer must have a Boundary Valve Kit (BVK) installed at the boundary in lieu of a cleaning eye.
 - iii) Provide standard DN100 sewer connections to the boundaries of any lot with a gravity connection or a DN63 pumped line for any property where a gravity connection cannot be achieved. Connections must be extended to the buildable areas of all rear allotments.

Stormwater (prior to section 224(c) certification)

- e) Stormwater from roads and other impervious surfaces must disposed of via a soak-pit designed by a suitably qualified and experienced professional.

Electricity

- f) Operational power and telecommunication connections must be provided underground to each Lots 1 - 20, and for rear lots ducts must be extended to the buildable area of Lots 8 and 9 via the right-of-way such that these services may be supplied at time of dwelling construction.

Access (prior to section 224(c) certification)

- g) The road shown as Lot 101 (extension of Terrace Street) on the subdivision plan, must be constructed and vested in accordance with the "Cul-de-sac" Local Road standard in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and requirements:

- i) A minimum sealed carriageway width of 7.0 metres.
- ii) A minimum road reserve width of 20.0 metres
- iii) A subgrade CBR >7
- iv) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
- v) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
- vi) A carriageway crossfall of 4%.
- vii) Shallow trafficable side-drains / water channels over level sections.
- viii) Where practicable, berms of 100mm depth clean topsoil between the channel and road boundary must be formed, trimmed and grassed to a mowable standard, unless it is otherwise practicable to form the berms with a 4% crossfall. Berms of 100mm depth clean topsoil between the channel and road boundary must be formed with a 4% crossfall, trimmed and grassed to a mowable standard.
- ix) An ~~asphaltic concrete~~unsealed footpath of 1.5m width shall be constructed on one side of the road, and it must connect to the new Terrace Street footpath to be constructed.
- x) Cul-de-sac turning head must be constructed at the northern-eastern end.
- xi) Parking bays must be constructed adjacent to Lots 5 and 30.

- h) The road shown as Lot 100 (loop road) on the subdivision plan, must be constructed and vested in accordance with the "Cul-de-sac" Local Road standard in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and requirements:

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- i) A minimum road reserve width of 20.0 metres
 - ii) A subgrade CBR >7
 - iii) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
 - iv) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
 - v) A carriageway crossfall of 4%.
 - vi) Shallow trafficable side-drains / water channels over level sections.
 - vii) Where practicable, berms of 100mm depth clean topsoil between the channel and road boundary must be formed, trimmed and grassed to a mowable standard, unless it is otherwise practicable to form the berms with a 4% crossfall. Berms of 100mm depth clean topsoil between the channel and road boundary must be formed with a 4% crossfall, trimmed and grassed to a mowable standard.
 - viii) An unsealed footpath of 1.5m width shall be constructed on one side of the road, and it must connect to the new footpath to be constructed within Lot 101, the extension of Terrace Street.
- i) Individual vehicle accessway/crossings to serve Lots 1 to 5, and 10 to 14, must be constructed from Terrace Street or the new roads (Lots 100 & 101) to be constructed to serve the proposed subdivision in accordance with the requirements of Part 29 of Council's Roadway Policies January 2015. Additionally, the entranceways for Lots 3, 4, 5, and 10 must have a minimum separation distance of 15m from the nearest road intersection.
- j) All new shared right-of-way serving two or more lots must be constructed in accordance with the right-of-way (2-4 lots/DUs) standards in Table 3.1 of Council's 2008 Addendum to NZS 4404:2004, with the following modifications and requirements:
- i) A minimum sealed carriageway width of 4.0 metres.
 - ii) A minimum road reserve width of 6.0 metres.
 - iii) A subgrade CBR >7.
 - iv) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.
 - v) A two-coat chip seal, standard concrete, or 30mm depth asphaltic carriageway.
 - vi) A 4% crossfall must be provided across the carriageway.
 - vii) Shallow trafficable side-drains / water channels over level sections.
 - viii) Stormwater must be disposed of by soakpit within the right-of-way.
 - ix) Where practicable, berms of 100mm depth clean topsoil between the channel and road boundary must be formed, trimmed and grassed to a mowable standard, unless it is otherwise practicable to form the berms with

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~~a 4% crossfall. Berms of 100mm depth clean topsoil between the channel and road boundary must be formed with a 4% crossfall, trimmed and grassed to a mowable standard.~~

- x) Sealed vehicle crossings/entranceways must be provided within the right-of-way to the boundary of each lot served in accordance with Part 29 of Council's Roading Policies 2015.
 - xi) A sealed vehicle crossing/entranceway must be installed to the right-of-way in accordance with Part 29 of Council's Roading Policies 2015.
 - xii) That any private access ROW may have a maximum gradient of 1 in 5 (20%). This may be increased to 1 in 4.5 (22.2%) for short straight lengths up to 20m maximum length. Any portion of an access with a gradient greater than 16% is to have a higher friction surfacing such as exposed aggregate or brushed concrete or similar.
- k) A single 1.5m footpath must be installed along the full length of the existing Terrace Street. This footpath must be located on the northern side of the street and must include a crossing point over Bannockburn Road to allow pedestrians to access the existing footpath network on the western side of Bannockburn Road.
- l) Three LED streetlights must be installed as shown in the plan 'Preliminary Engineering Layout Proposed Subdivision Of Lot 4 DP 339137 Terrace Street, Bannockburn' Drawing No. 15_01 dated 28.08.23 and vested in accordance with NZS4404:2004, and Council's Addendum to NZS4404:2004, and any District Plan requirements. for the avoidance of doubt streetlights are to be provided at intersections and footpath crossings. In other locations bollard lighting is to be provided to illuminate the footpaths and pedestrian areas within the vested road network (Lots 100 & 101).

m) Planting and landscaping undertaken within roads shall be landscaped in general accordance with the Landscape Master Plan and maintained in accordance with the 'Proposed Landscape Maintenance Mitigation Plan, Landscape Maintenance Plan and Revised Proposed Plant List', prepared by RMM dated 27 September 2024¹¹ April 2025, for a period agreed with the Council.

~~n) All batter slopes and scaring from earthworks not remediated by planting undertaken as part of the Landscape Master Plan shall be revegetated with grass.~~

Reserve Planting and Planting on Lot 40 (prior to section 224(c) certification)

- n) Lots 30 and 40 shall be landscaped in general accordance with the 'Proposed Subdivision Landscape Master Mitigation Plan, Landscape Maintenance Plan and Revised Proposed Plant List' dated 11th April 2025. Plantings shall be and maintained in accordance with the Landscape Maintenance Plan, prepared by RMM dated 27 September 2024, for a period agreed with the Council.

Advice Note: The planting shown on the 'Proposed Subdivision Landscape Mitigation Plan' at the boundaries of all other Lots, and in particular Lots 4, 5, 9, the portion of planting area within Lot 15 but adjacent to Lots 30 and 40, and all of Lots 16-20 shall be undertaken by future Lot owners as provided for in Conditions 7 j) and k).

- o) Shared paths within the recreation reserve and road reserve shall be local compacted gravel and/or schist stone.

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- p) Heritage interpretive panels must be prepared and installed under the supervision of a suitably qualified and experienced person. Any reference to mana whenua history or values must only be included with the express permission of the relevant rūnaka whose takiwa the site falls within.
- q) Lot 30 shall be vested as a reserve to the Central Otago District Council.

Engineering Design and Assets (prior to section 224(c) certification)

- r) Provide Producer Statements in an approved format from a suitably qualified professional certifying the engineering adequacy and compliance with Council consent conditions relating to:
 - i) engineering design of subdivision works.
 - ii) construction and construction review of subdivision works.

Financial Contributions (prior to section 224(c) certification)

- s) Payment of a reserves contribution of \$45,530.5 (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 ~~one~~ 20 additional dwelling equivalents.

Advice Note: The consent holder and the Council may negotiate the financial contributions calculation as part of the vesting of Lot 30 as a reserve, in recognition of the development and vesting of Lot 30 as a reserve.

Accidental Discovery Protocol (prior to section 224(c) certification)

- t) If during any site disturbance, the consent holder or subsequent owners:
 - i) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:
 - a) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - b) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- ii) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - a) stop work within the immediate vicinity of the discovery or disturbance; and
 - b) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
 - c) arrange for a suitably qualified archaeologist to undertake a survey of the site.
- iii) Site work may recommence following consultation with the Consent Authority.

Trails and Tracks (prior to section 224(c) certification)

- v) The Trails or tracks shown on the approved plan of subdivision referenced in Condition 1 shall be formed and/or formalised as follows:
 - a) Indicative Proposed Track: The trail shall be retained in its current condition in so far as practicable with only limited additional formation so as to retain its heritage association. Where the track ~~Trail~~ passes over Lot 40 and Lot 51 there shall be an easement in gross registered in favour of the Central Otago District Council, to provide for the ongoing public use of the existing ~~trail~~track. Any additional formation to the track shall be undertaken in a manner consistent with the recommendations of the Kopuwai Consulting Report forming Attachment C of the application document titled: *Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023.*
 - b) NZCT Grade 1 or 2: These shall be formed within the road reserve and reserve Lot 30. The Trails shall be designed and formed in a manner consistent with the recommendations of the Kopuwai Consulting Report forming Attachment C of the application document titled: *Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023.*

Advice Note: The informal track shown over Lot 50 is for information purposes only.

Consent Notice Conditions

- 7. Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration on the records of title the following ongoing conditions:

Design controls (Consent Notice Conditions) Applies to Lots 1-20 unless otherwise stated

- a) All future buildings ~~on Lots 4, 5, 13, 14, 15-20~~ shall be contained within the Building Platforms as shown as a consent notice Area [X] as shown on Land Transfer Plan [XXXXX] No built development is permitted outside the building platform, including

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items such as clothes lines, swimming pools or other activities generally associated with a curtilage area.

- b) Built coverage ~~on Lots 1-20~~ must not exceed a maximum total of 300m². Should any dwellings be two storeys, the maximum footprint for the ground floor must not exceed 200m².
- c) The access to Lot 6 must be designed to limit the extent of earthworks required, and as far as practicable be located off the ridgeline.
- d) Exterior cladding is limited to timber (vertical or horizontal), schist, or corrugated iron in one of the following Colorsteel colours: Lichen, Sandstone Grey, Lignite, Ironsand, Flax Pod, Grey Friars, New Denim Blue.
- e) Roofing shall be constructed of corrugated iron in one of the of the following Colorsteel colours (or similar with a light reflectance value (LRV) of the less than 12%): Lignite, Ironsand, FlaxPod, Grey Friars, New Denim Blue.
- f) Fencing at lot boundaries shall be limited to 1.2 m high unpainted post and rail, post and wire or waratah and wire fencing. The addition of rabbit wire mesh is encouraged.
- g) Buildings ~~on Lots 1-20~~ shall be subject to the following maximum height limitations, measured in terms of New Zealand Vertical Datum 2016 (NZVD16):

Maximum Building Height & Roof Elevation			
Lot Number	Maximum Building Height	Maximum Roof Elevation	Notes
1, 2, 3	5m	269 masl	
4, 6	4.2m	269.2 masl	
5	4.2m	270.2 masl	
7, 8, 9	7.5m	269 masl	
10	5m	269.5 masl	
11, 12, 13, 14	4.2m	271 masl	Buildings to be stepped with grade
15, 16, 17, 18, 19	5m	265 masl	Buildings to be stepped with grade, <u>and in addition, on Lots 15-17 the maximum building height must be no more than 8m in total height from lowest ground level to top roof level to avoid the appearance of three storey townhouses</u>
20	5m	266 masl	Buildings to be stepped with grade

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- h) ~~Any outdoor lighting must be fixed, capped, filtered or pointed downwards and screened to reduce light spill. No outdoor feature lighting is permitted. To minimise night sky intrusion, exterior lighting is permitted but shall only be in the form of downlighting to avoid unnecessary glare. Up-lighting for the purpose of accentuating trees, walls or other landscape features is not permitted. All fixed exterior lighting shall be directed away from neighbouring properties. Exterior lighting on buildings shall be fixed, no higher than 1 metre above finished ground level, capped, filtered, or pointed downwards and screened so as to reduce lux spill. There shall be no lighting of vehicle accessways within any sites.~~
- i) Stormwater from buildings and other impervious surfaces within each Lot must be stored for beneficial reuse or disposed of via a soak-pit designed by a suitably qualified and experienced professional within the boundary of each lot.

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Landscaping (Consent Notice Conditions)

- j) On Lots ~~4, 5, 9, 13, 14,~~ 15-20, within 18 months of the code of compliance issuing for the Dwelling, mitigation planting shall be undertaken as shown on ~~the Landscape Mitigation Plan, 11th April 2025 Sheet 5 of the Graphic Attachment,~~ and using ~~species identified in the Plant List (Plant Mix 3: Private Lot Amenity Planting within Building Platforms, and Plant Mix 4: Private Lot Revegetation Planting outside Building Platforms,~~ prepared by RMM and attached as [Add sheet to Consent Notice Documentation]. These landscape areas shall be maintained by the landowners and cannot be altered or removed.
- k) ~~On Lots 3 – 5 and 12 – 20, a~~ landscape plan ~~to be~~ prepared by a suitably qualified landscape architect that shall be submitted to Council for approval at the time of Building Consent ~~for any proposed dwelling or accessory buildings for Lots 3 – 5 and 12 – 20.~~ This Landscape Plan shall ~~be consistent with requirements of the preceding Condition j), and shall have regard to and~~ show the following:
- A maximum 500m² curtilage;
 - Planting and grassing of any cut and fill batters for earthworks for driveways or building platforms;
 - Planting to integrate any buildings and any associated water tanks into the landscape;
 - Planting to soften and filter views of built form in views from properties located on Cainmuir and Patersons Road to the east of the site;
 - ~~iv.~~ ~~Ongoing maintenance obligations: add~~
 - ~~iv-v.~~ ~~Avoiding plants within 10m of buildings that have a high or moderate flammability class as identified in the FireSmart: Protecting our Communities from Interface Fires manual.~~
 - ~~vi.~~ ~~For Lots 15-20, planting areas between and below the sloping sites must be established and must be of a form similar to that within the Lot 30 reserve area. Planting for Lots 15-20 should include a comprehensive structural planting area around the building platforms to avoid the built form appearing visually prominent on the open escarpment.~~
 - ~~vi.~~ Landscaping in accordance with the approved Landscape Plan shall be implemented within 18 months of Building Consent being approved and maintained in accordance with the approved plan.

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Slope Stability (Consent Notice Conditions)

- I) The subdivision development design and implementation shall observe the recommendations of the Engeo geotechnical report titled Geotechnical Investigation - Lot 4 Water Race Hill, Bannockburn, entered into Council records as part of the approved documentation of resource consent RC230398, including but not limited to the following specific measures:
- I. Lot 18: Specific engineering mitigation design will be required to address creep of surficial soil overlying shallow bedrock for any development.
 - II. Lots 15- to 19: Development on these lots must adhere to engineering practices suitable for hillslope development, including:
 1. Implementation of subsoil drainage.
 2. Minimisation of cutting and filling.
 3. Proper disposal of stormwater, grey water, and black water without discharge to the slope.
 4. Construction of appropriately engineered retaining walls where necessary.
 - III. Lots 1 and 9, foundation construction shall be set back from the crest at a horizontal distance at least twice the adjacent vertical slope height.
 - IV. All Lots: Engineering practices suitable for hillside construction shall be incorporated as necessary.

Earthworks (Consent Notice Conditions)

k)m) For Lots 1-20 aA site-specific erosion and sediment control plan, commensurate with the scale of proposed disturbance, shall be prepared prior to initiating ground disturbing activities. General advice and guidance that is appropriate minor works can be found in the Building on Small Site Brochure from the Auckland Council. Link: Building on small sites (aucklandcouncil.govt.nz).

All site disturbance must undertake erosion and sediment control and dust control by adopting the following principles:

- Limiting the duration and extent of soil disturbance as practicable.
- Avoiding work during heavy rain.
- Diverting clean stormwater away from excavations/exposed soil.
- Containing runoff within the excavations during rainfall events.
- Brushing or sweeping vehicle wheels that have been in contact with exposed soil clean prior to leaving the site.
- Regular visual monitoring of the effectiveness of erosion and sediment control measures shall take place throughout the duration of the soil disturbance activity until the soil is returned to an erosion resistant state.

Accidental Discovery Protocol (Consent Notice Condition)

n) For Lots 1-20, 40, 50 and 51, if during any site disturbance, the consent holder or subsequent owners:

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i) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:

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a) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.

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b) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

ii) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:

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a) stop work within the immediate vicinity of the discovery or disturbance; and

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

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

iii) Site work may recommence following consultation with the Consent Authority.

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Heritage (Consent Notice Conditions)

4o) The following heritage controls are imposed on the lots identified in accordance with Figures 1-10 in Appendix 1 of the Kopuwai Consulting Report forming Attachment C of the application document titled: *Archaeological & Heritage Impact Assessment: Lot 4 DP 339137 Terrace Street Bannockburn. Water Race Hill Subdivision - RC2 01 REV C 2023.*

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Note: The Figures referred to in 4o) must be attached to the consent notice

LOT	Feature	Condition
1	Retain & protect (blue)shallow sluicing's water race & sluice face (yellow)	No earthworks, hard landscaping features or structures allowed to be built over these areas attached as Appendix 2.

9	Retain & protect (blue) shallow sluicing's water race bordering Pennyweight sluicing F41/368 Lot 51 (excepting branch (red)) in Lot 9	Sluice gulch: No earthworks, hard landscaping features or structures allowed to be built over these areas.
40	Within Lot 40 preserve lower remnants sluicing's Penny weights & others; water race remnants; hand revetted stacked wall sections; hardwood post and wire fence line remnants x 2; hand stacked tailings-	The Lot owner is alerted to the presence of archaeological items.
50	Lot 50 incorporates and protect west facing terrace sluice face off Lot 1 & pedestal mining claim boundary marker 2. Protection of these features. (F41/385 Revell's Gully Sluicing's)	The Lot owner is alerted to the presence of archaeological items.
51	Retain & protect (blue) shallow sluicing's water race bordering Pennyweight sluicing & the sluicing's F41/368 (excepting branch (red) in Lot 9)	The Lot owner is alerted to the presence of archaeological items.

m)p) In the event that subdivision development works, or processes associated obtaining an archaeological authority identifies additional measures to manage heritage items, as necessary for a particular lot, then a consent notice shall be registered on the Records of Title for the affected lots detailing requirements for the lot owner(s).

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Lot 40 Building Restriction (consent notice condition)

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Q) Buildings are prohibited upon Lot 40.

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ADVICE NOTES:

Earthworks

1. An earthworks consent will be required from the Otago Regional Council
2. Existing ground level to calculate approved building height will need to be established at the time of survey.
3. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.

Heritage

4. An Archaeological Authority will be required on all lots before any site disturbance occurs and in particular:
- Lot 6: Apply for archaeological authority to destroy portions marked (red) on plan; being (F41/369 Upper water race)
 - Lot 9: Apply for authority to modify/destroy (red) branch water race Lot 9 (supplied from F41/369 Upper water race)
 - Lots 16, 17, 18 & 19: Apply for authority to modify/destroy (red) sections of branch water race that traverses the lots.
 - Lots 20: Apply for archaeological authority to remove section of hardwood post & wire fence line & repurpose hardwood posts. Apply for authority to modify/destroy (red) sections of branch water race that also traverse Lots 16, 17, 18 & 19.
 - Lot 30: Apply for archaeological authority to modify/disturb portions marked (blue) on plan traversing lots 30. (F41/369 Upper water race) Apply for archaeological authority for adaptive reuse 267m of lower water race as footpath and destruction of 3 sections for roadway/driveways and 2 sections for pathways & single track crossings totalling 10m (F41/369 linked lower water race).
 - Lot 40: Apply for an archaeological authority to adaptively reuse the water race as public walking track within Lot 40.
 - Lot 51: Apply for authority to modify/destroy (red) branch water race Lot 9 (supplied from F41/369 Upper water race).
 - Lot 100 (Road): Apply for archaeological authority to destroy portions (marked red) as shown on plans traversing the road. Adaptive reuse of remaining components.

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Development Contributions

5. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.
6. Development contributions for roading of \$32,882.96, Water supply of \$53,947.36 and wastewater \$51,861.83 (exclusive of goods and services tax) are payable for 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.

Access

7. It is the consent holder's responsibility to obtain all necessary Temporary Traffic Management Plans, Corridor Access Requests or any other approvals to undertake works within the road reserve. These approvals should be obtained prior to the works commencing.

General

8. 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.
9. The consent holder must 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.
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.
13. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Landscaping Undertaken within Roads and Lot Reserve

14. Planting and Landscaping undertaken within the proposed road reserve and Lot 30 Reserve, including maintenance periods shall be agreed and certified by the Council's Parks and Recreation Manager.

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