

CENTRAL OTAGO DISTRICT COUNCIL
REPORT OF PLANNING OFFICER

APPLICATION	RC 230179
APPLICANT	TKO PROPERTIES LIMITED
ADDRESS	LAKEFRONT TERRACE, BENDIGO
LEGAL DESCRIPTION	LOT 1 DP 561457 (HELD IN RECORD OF TITLE 993471).
ACTIVITY DESCRIPTION	SUBDIVISION CONSENT FOR SUBDIVISION CREATING 33 LOTS WITH BUILDING PLATFORMS AND ONE BALANCE ALLOTMENT AT ROCKY POINT
ACTIVITY STATUS	NON-COMPLYING

1. BACKGROUND

- 1.1. The application has been publicly notified. 13 submissions were received in relation to the application, with 11 opposed and two neutral. Submissions primarily related to the visual, ecological and biodiversity effects of the proposal, effects on the values of the Bendigo Outstanding Natural Landscape, the adequacy of proposed water and wastewater provision, the provision of firefighting water and access, the increased risk of fire, and the adequacy of the provided information in relation to biodiversity and ecological effects, in particular. A fuller summary of the submissions is provided in Appendix One. However, I have had regard to all submissions in full when undertaking my assessment, even where a particular submitter has not been mentioned by name.
- 1.2. The site is located in the Rural Resource Area (2). This area is, essentially, a translation of the Rocky Point Conservation Zone from the Vincent County Scheme, enacted under the Town and Country Planning Act 1977. I understand that the zone was intended to provide for a specific style of development. For context, the Vincent County Scheme provided for the following land use activities:

Controlled activities in the development zone	<p>Dwellings, attached dwellings, apartments and accessory buildings provided:</p> <ul style="list-style-type: none"> • A landscaping plan is provided with application • Open space for each residential unit of 45m² with a minimum dimension of 5m • Building coverage did not exceed the lesser of 25% or 290m² • Buildings were set back 4m from boundaries • No single structure exceeded 120m² (50m² for accessory buildings) • Buildings were finished using specified colours and materials • Building were not visible from State Highway 8 or Lake Dunstan • Road access was from a single road onto Bendigo Loop Road and designed with a minimum of cut and fill • Pedestrian and cycle access was provided from all sites to the Department of Conservation Manuka Reserve and to State Highway 8
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	<ul style="list-style-type: none"> • A supply of potable water was available and there was satisfactory provision for effluent disposal • Maximum building height of 5.0m Walkways, cycleways, small shelters, interpretation panels and reserves within the meaning of the Reserves Act 1977
Controlled activities in the landscape protection area	Walkways, cycleways, small shelters, interpretation panels and reserves within the meaning of the Reserves Act 1977
Discretionary activities	Travellers' accommodation subject to compliance with the following: <ul style="list-style-type: none"> • A landscaping plan was provided with application • A landscaped area of 500m² was provided on each lot • Open space for each accommodation unit of 45m², with a minimum dimension of 5m • Site coverage of hard surfacing and buildings did not exceed 30% • Maximum building height of 7.0m • 6m setback from roads and 4m setback from internal boundaries • Buildings were finished using specified colours and materials • Buildings were not visible from State Highway 8 or Lake Dunstan • Road access was from a single road onto Bendigo Loop Road and designed with a minimum of cut and fill • Pedestrian and cycle access was provided from all sites to the Department of Conservation Manuka Reserve and to State Highway 8 • A supply of potable water was available and there was satisfactory provision for effluent disposal
Prohibited activities	Any building in the landscape protection area other than those specified as a controlled activity Planting of evergreen trees with dark green, blue and gold foliage, or with wilding potential Planting of exotic vegetation in the landscape protection area

1.3. Subdivision required the prior approval of a comprehensive concept plan. Minimum lot sizes were set by a need for residential buildings to comply with bulk and location and open space standards, or 2,000m² for travellers' accommodation. Subdivision would also require the sealing of Bendigo Loop Road from the subdivision entrance to State Highway 8, and the upgrade of the State Highway 8 intersection to comply with Transit NZ (Now NZTA) standards. Consultation with Transit/NZTA and ORC was required prior to lodging an application.

2. DESCRIPTION OF ACTIVITY

2.1. The application proposes to subdivide Lot 1 DP 561457 into 34 new allotments. Lots 1-27, 29, 30 and 33 are proposed to be used for residential purposes and travellers' accommodation. Land use consent has been applied for these activities. Lots 28, 31 and 32 are proposed to be used for unspecified communal activities. I understand that these activities would be the subject of future land use consents as needed and specific activities do not form part of the scope of this consent. However, they could include leisure activities, accommodation facilities, commercial activities or temporary activities. Three additional lots are proposed to be vested in Council as road. Lot 34 is proposed to be a balance lot containing the remainder of the land in the site. The specifics of the proposal, including proposed design standards for future buildings, details of proposed vegetation clearance, access, earthworks and infrastructure provisions are described in Section 1.4 of the Brown and Company assessment of effects provided in support of the application. In their response to a request for further information from Council the applicant clarified that firefighting water reticulation is proposed through the subdivision

and the access road was amended to have a minimum formed width of 6m and maximum gradient of 15%. I adopt this description for the purposes of this report with the following amendments:

- 2.2. Subsequent to the closing of submissions, the applicant varied their proposal as it related to the proposed offsetting and mitigation plantings. The original plantings proposed by the applicant and shown in Figure 11-1 of the Beale Consultants ecological report have been removed from the application. Instead, the applicant now proposes offset plantings and two active land management areas, to be secured by private covenant, over three areas of terrace face on Lot 2 DP 523873, located to the west of the property and owned by Bendigo Station Developments Limited (BSDL). Mr Beale has provided an updated memorandum to his ecological assessment considering this change. Proposed measures include the planting of kanuka plantings across a 1.75 hectare area to offset loss of kanuka within the application site, and placing a covenant over some 23.5 hectares of land where areas of cushionfield are proposed to be transposed from the application site and ongoing pest control would be undertaken to facilitate regeneration of cushionfield species in order to compensate for the loss of some 3.16 hectares of cushionfield habitat in the application site.
- 2.3. Subsequent to this, on 25 March 2024, the applicant advised Council of an intent to make further amendments to the application prior to the hearing. This included taking steps to reduce the earthworks associated with the proposal, reducing the curtilage areas of each residential lot, putting unspecified further limitations on land use outside the curtilage areas and shifting the proposed wastewater dispersal area to a basin behind Lot 20. They also identified that CKL, an engineering consultancy, has modelled and evaluated pre and post development stormwater flows and consider that stormwater effects beyond the site boundaries will be minimal. Council has requested further details about these changes. I expect these to be provided when the applicant circulates their hearing evidence, at the latest.
- 2.4. For completeness, I note that several of the expert reports provided in support of the application reference “Rocky Point” and “Bendigo Hills” developments. This application relates to Rocky Point, and a second application lodged concurrently by the applicant for Lot 2 DP 561457 relates to Bendigo Hills. Both applications utilise some of the same expert assessment. For the avoidance of doubt, any assessment related specifically to the Bendigo Hills development is not relevant to this application.

3. SITE DESCRIPTION

- 3.1. The subject site is well described Section 1.2 of the Brown and Company assessment of effects and Paragraphs 18 to 29 in the Baxter Design landscape assessment provided in support of the application and is considered to accurately identify the key features of the site. The applicant’s site description is adopted for the purposes of this report. The proposed offsetting and compensation areas consist of steeply sloping terrace risers along the southern side of Bendigo Loop Road. They are currently covered in a mixture of exotic grasses, low woody shrubs and herbs, and some extant areas of cushionfield.

4. REASONS FOR APPLICATION

Central Otago District Plan

- 4.1. The subject site is located within the Rural Resource Area (2) (RuRA(2)) of the Central Otago District Plan (the District Plan). The majority of the site is identified as an Outstanding Natural Landscape (ONL), with a pocket identified as Other Rural Landscape. This pocket is identified as a development area in Schedule 19.16 of the District Plan. The ONL is identified as a Landscape Protection Area. A small part of the south-eastern corner of the site is traversed by the Roxburgh – Twizel A high voltage

electricity transmission line. I understand that the proposal avoids any development within permitted setbacks from this power line under Rule 12.7.8 of the Plan.

- 4.2. Rule 4.7.2.ii.a of the District Plan provides for subdivision in the Rural Resource Area (2) as a controlled activity provided it is consistent with the concept plan in Schedule 19.16, complies with the minimum allotment sizes in Rule 4.7.2.ii.a.i and creates no new accesses to any State Highway. In this case, the proposal creates no new accesses to nearby State Highway 8. However, it is not consistent with the concept plan as development is located outside the development zone and the lots do not all comply with minimum allotment sizes. Rule 4.7.2.ii.a.i requires new lots in the RuRA(2) used for residential purposes have sufficient space to meet open space and yard standards, and any lot used for travellers' accommodation have a minimum area of 2,000m². As all residential lots are proposed to include travellers' accommodation, including lots less than 2,000m², and all lots other than Lots 29, 30 and 33 don't provide sufficient dimensions to accommodate buildings that comply with Rule 4.7.6A.a, the proposal breaches Rule 4.7.2.ii.a.i and should be considered a non-complying activity under Rule 4.7.5.iii of the Plan.
- 4.3. Page 22 of the application notes that dwellings on Lots 10-13, 15-19 and 21-24 comply with all requirements to be considered a controlled activity under Rule 4.7.2.i of the District Plan. During a site visit, I considered that the location of Lots 10-13 and 15-19 are located in a rising gully that overlooks Lake Dunstan. For example, Figure 1 shows the top of Lake Dunstan being visible at eye level from Lot 18. Given this, I consider it appropriate to take a precautionary approach and assess the proposal on the basis that dwellings on these lots would also be visible from Lake Dunstan, breaching Rule 4.7.2.i.e of the Plan.



Figure 1: Photograph from Lot 18 looking west towards the northern extent of Lake Dunstan.
Source: Site visit 09 March 2024.

- 4.4. Rule 4.7.6A.a requires minimum internal yards of 25m and front yards of 10m for residential buildings. All lots other than Lots 29, 30 and 33 have building platforms within 25m of internal boundaries. Most are also located within minimum front yards. A breach of this standard is a restricted discretionary activity under Rule 4.7.3.i of the Plan.

- 4.5. I concur with the remainder of the summary of consents required listed in Paragraph 2.1.1 of the Brown and Company assessment of effects provided in support of the application. I adopt this list (Other than Ms Shepherd's description of the rules applicable to the subdivision, residential activity and the breach of yard standards outlined above) for the purposes of my report.
- 4.6. Rule 4.7.6L.1 of the Plan limits subdivision and the permitted construction of buildings, access tracks and other works in areas of ONL. However, Rule 4.7.6L.2.c states that Rule 1 does not apply to freehold land listed in Schedule 19.6.3. This schedule includes Bendigo Station. Bendigo Station included Part Run 238M Wakefield and Tarras Survey District and Run 238L Wakefield Survey District, parts of which were freeholded under tenure review in 1994.¹ The application site sits between Runs 238L and 238M.² Therefore, I do not consider Rule 4.7.6L to be relevant to the proposal. However, I do note that the ONL notation was added to the site subsequent to its freeholding. I consider that other provisions in the District Plan related to ONL's, such as Objective 4.3.2 and Policy 4.4.1 would continue to apply to the proposal, regardless.
- 4.7. I also note the presence of Rule 4.7.6A.k of the District Plan, which requires no residential building be located within 150m of any oxidation pond or sewage treatment facility with capacity to service the equivalent of over 100 people. A breach of this rule would be a restricted discretionary activity under Rule 4.7.3.i of the Plan. The applicant has not proposed to breach this rule, and the reticulated wastewater system proposed to service Lots 8-20 would have a design capacity of 60 persons, based on the Mt Iron Geodrill wastewater suitability report provided with the application, which assumes an occupancy rate of 5 persons per lot. However, I note that, if the request from Aukaha in their submission that all residential allotments utilise a reticulated wastewater system is adopted by Council, such a system designed to accommodate wastewater from 30 allotments would need to have a design occupancy of 150 persons. Assuming the proposed treatment plant and dispersal fields are located in the same places as proposed, Council would need to consider a breach of this rule.
- 4.8. For completeness, I note that some standards for the area have changed in the transition between the Vincent County Scheme and the Central Otago District Plan. For example, the minimum yards for residential buildings have increased from 4m all around to 10m front and 25m internal yards, equivalent to other rural areas, and dwellings in the landscape protection area have changed from prohibited to controlled activities (Subject to standards), instead relying on the approval of an appropriate subdivision pattern to manage their effects on the landscape protection area. No submissions were received on the district plan that discussed these changes and in the time I had available to prepare this report CODC was not able to locate the original s32 report for the district plan to determine the reasons for these changes. However, we will keep looking and, if the panel considers it useful for their understanding of the history of the RuRA (2) and the s32 report is located prior to the hearing, this information can be circulated to all parties. In the interim, I have worked under the assumption that these changes were intentional decisions, for example with the yards reflecting general rural standards superseding the more site-specific provisions from the Vincent County Scheme, and the change from prohibited to discretionary activities reflecting the more effects-based regime introduced by the RMA, replacing the more directive Town and Country Planning Act 1977³.

¹ Landcorp Property Ltd *Bendigo Station Pastoral Lease* (22 September 1994). Published online by Public Access New Zealand at https://publicaccess.nz/Downloads/archives/po221_po223_bendigo.html#anchor31527

² Based on historic survey maps available from Maps Past at <http://www.mapspast.org.nz/>

³ Section 4(1) of the Town and Country Planning Act 1977 states that the purpose of district planning is to provide for the wise use and management of resources, and for the direction and control of development by local authorities. Conversely, the Section 5 of the Resource Management Act 1991

National Environmental Standards

- 4.9. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.
- 4.10. As part of my assessment of the application, I have undertaken a review of Council's records on the property and publicly available aerial photographs of the site on RetroLens dating back to 1958.⁴ These records, and anecdotal evidence from the applicant, indicates that the site has largely been undeveloped, with some historic use as dryland pasture. Based on the archaeological assessment provided with the application, there has been historic mining on the site. However, there does not appear to be any evidence of historic mining being undertaken in the vicinity of the proposed developable lots beyond initial exploration. Given this, I consider it more likely than not that no HAIL activities have been undertaken on the site and I do not consider the NESCS to be applicable to the proposal.
- 4.11. There are no other National Environmental Standards relevant to this application.

Overall Status

- 4.12. Under the particular circumstances of this case, I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a non-complying activity pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

5. PROCEDURAL MATTERS

- 5.1. Subsequent to notification, the applicant has varied the proposal to replace the plantings originally proposed for the site with new offset plantings and compensation areas on land not originally part of the application (Lot 2 DP 523873). Changes to the location of wastewater disposal and the curtilage areas of each residential lot have also been proposed. An applicant can make changes to an application any time up to when the hearing of the application is closed. However, Council needs to be satisfied that the changes remain within the scope of the original application in order to consider the changes without the application being withdrawn and relogged or re-notified. To do so, they must not increase the scale or intensity of the activity, significantly alter the character or effects of the proposal, and be unlikely to affect the public or any individuals differently to the original application. The proposal introduces the use of new privately owned land for environmental offsetting and compensation. I understand that the applicant has been in discussions with the relevant landowner and intends to provide comment from them at or prior to the hearing. Given this, I do not consider the inclusion of third party land in the application to be a significant procedural issue, in this case. The proposed changes impact on the way the ecological and biodiversity effects of the proposal will be considered by replacing previously proposed offsetting and compensation with new areas. Proposed species and the overall purpose of the offsetting and compensation, and the effects they are intended to address are the same. The same adverse effects

states its purpose as being managing development in a way that allows communities to provide for their wellbeing while, among other things, managing adverse effects of those activities on the environment.

⁴ Source: RetroLens. Retrieved from

<https://retrolens.co.nz/map/#/1308046.6687938576/5017643.3188918205/1308368.8389246953/5017997.138729674/2193/14>

are proposed to be managed, just in a different way. Those adverse effects are not anticipated to change in scale or nature. Changes to curtilage areas and the wastewater disposal field are either a contraction of the effects of the proposal, or relocating effects to a new area of the site. Given this, I do not consider the proposed changes to result in sufficiently different effects on the environment to warrant re-notification of the application. I consider that the proposed changes may have caused some submitters on the application to submit differently. However, I do not consider the changes to be sufficiently different that it might have caused anyone who did not submit to have submitted. In this context, I consider the proposed changes to be sufficiently within the scope of the original application that Council can consider the changes without a need to re-notify the application.

5.2. Council has also become aware of an additional procedural matter where further information requested by Council before notification was not made publicly available in the same locations as the application during the notification period. It is important that potential submitters have all pertinent information to hand when deciding whether to submit and what they will submit on. If the material omitted was potentially material to these points the application should be re-notified to allow anyone who may have submitted but chose not to because of the information available to do so, and to allow any person who did submit to vary their submission as appropriate. As soon as it became aware of this issue, all relevant information was re-circulated to submitters. In this case, the further information primarily sought to clarify and provide further detail on some of the specifics of the application related to the ecological assessment and infrastructure provision. Where completely new information was provided, such as indicative cross sections for the proposed subdivisional roads, made the development more compliant with Council's standards than originally applied for. Other information received was either already implied in the application, or clarified specific questions from Council staff, mainly with reference back to the initial application. I consider that some aspects, such as security of water supply and provision of firefighting water may have influenced the content of Aukaha's and FENZ's submission respectively. However, these are largely technical matters that I consider can be resolved relatively quickly at the hearing. Given these factors, I consider that the missing information at the notification stage was unlikely to have had a material impact on who chose to submit or on the contents of their submission in a way that cannot be resolved at the hearing. I do not consider this error to be sufficient to warrant re-notification of the application.

6. ASSESSMENT OF EFFECTS

Written Approvals

6.1. The written approval of the person detailed in the table below has been obtained.

Person	Owner	Occupier	Address	Obtained
John Perriam (As director of Bendigo Station Developments Ltd ⁵)	✓		Lot 2 DP 523873 (No address, accessed off Bendigo Loop Road)	19 June 2023

6.2. I note that the application has been varied since the written approval of Mr Perriam was provided in a manner that directly impacts Bendigo Station Developments Ltd (BSDL) due to the inclusion of offsetting and compensation areas on their land. This means that, if Council were to grant consent, it could be ultra vires if BSDL has not agreed to provide access to their land or otherwise impact the works the consent holder would be required

⁵ Mr Perriam is the sole director of Bendigo Station Developments Ltd on the New Zealand Companies Register <https://app.companiesoffice.govt.nz/companies/app/ui/pages/companies/1286584>

to do to give effect to their consent, or has the ability to rescind this approval in the future. Given this, I do not consider it appropriate to disregard any effects on BSDL at this time. I understand that the applicant has been in discussions with Mr Perriam and intends to provide confirmation that he and BSDL is amenable to the amended proposal and the works on his land. If this is provided at or prior to the hearing, I will consider it appropriate for the panel to disregard any effects on BSDL.

Effects on the Environment

Permitted Baseline

- 6.3. Under Section 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.
- 6.4. The applicant argues that farming activities, tree planting, earthworks for road formation or general excavation compliant with Rule 4.7.6J are permitted activities of relevance to the application. There are no permitted subdivisions, residential activities or travellers' accommodation activities in the Rural Resource Area (2). These are the primary activities proposed, not those put forward by the applicant as forming a permitted baseline.⁶ Any earthworks are directly associated with the proposed activity that would be unlikely to occur in absence of the proposed works, so their effects should not be disregarded as permitted activities. I disagree with the applicant's assessment of the permitted baseline, and I consider that there is no relevant permitted baseline to be applied.

Receiving Environment

- 6.5. The existing and reasonably foreseeable receiving environment is made up of:
- The existing environment and associated effects from lawfully established activities;
 - Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
 - The existing environment as modified by any resource consents granted and likely to be implemented; and
 - The environment as likely to be modified by activities permitted in the district plan.
- 6.6. For the subject site, the existing environment is an undeveloped hillside at the base of the Dunstan Range currently clad in a mixture of dryland vegetation. The reasonably foreseeable receiving environment comprises a mixture of residential and travellers' accommodation development within the development zone identified in Schedule 19.16 in a manner consistent with controlled activity Rules 4.7.2.i and 4.7.2.ii of the District Plan, and open space within the landscape protection area.
- 6.7. The development pattern that may be anticipated by Rules 4.7.2.i and 4.7.2.ii can be tricky to ascertain. There is no hard minimum allotment size, other than 2,000m² for travellers' accommodation, and provided a reasonable dwelling could be built on any lot used for residential purposes that complied with the standards in Rule 4.7.6A, which includes yard standards of 25m from internal boundaries and 10m from road boundaries, and outdoor living areas of at least 45m², with a minimum dimension of 5m. The minimum yards, along with a need to provide for a reasonable building area set out an effective minimum allotment size. Allowing a 20x10m building platform, assuming all lots have a

⁶ Regardless, I note that activities such as farming, tree planting and horticulture on this site would likely require resource consent under Rule 4.7.6KA.I of the District Plan to clear more than half a hectare of indigenous vegetation, so would be unlikely to be permitted activities in the context of this site.

road frontage and arranging the lot to use the minimum amount of land for yards, this gives minimum residential lot dimensions of 70x45m, with an area of 3150m² (Figure 2).

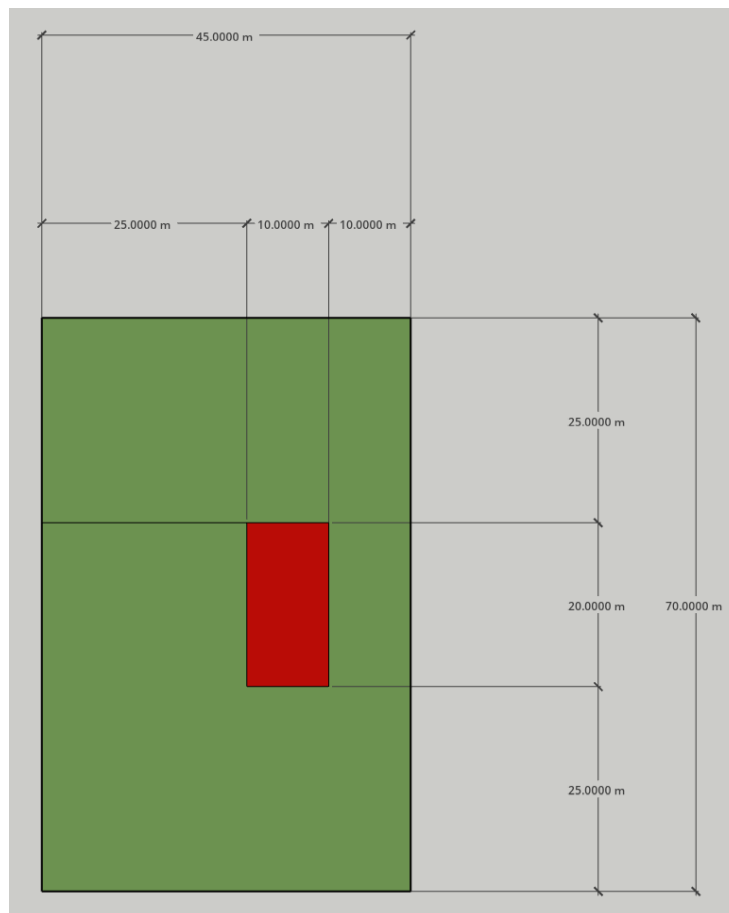


Figure 2: Diagram showing theoretical minimum allotment dimensions for a residential lot in the RuRA (2) based on current district plan standards and a 20x10m building platform (Red).

- 6.8. The development zone in the RuRA (2) has a total area of 15.6812 hectares.⁷ Of this area, 13.2850 hectares is located in the application site. The remainder is located in Lot 2 DP 324082, to the east of the application site. Assuming the entire development zone, including on neighbouring land could be subdivided (Minus the required 1 hectare developable balance lot) and 20% of the land is taken up by access roads, this gives a hypothetical yield of 37 allotments across the entire development zone. However, a significant number of these lots would be impossible to have a dwelling comply with the rules in Rule 4.7.2.i of the Plan because they would be in locations that are visible from Lake Dunstan and State Highway 8, and this calculation does not factor in the undulating terrain of the site, the actual roading layout, variability between the size or location of building platforms between lots, or the fact that it's unlikely that every lot would have exactly the minimum allowable area. Given this, I consider the actual yield of a completely compliant development would likely be much lower.
- 6.9. For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of productive rural land, including pastoral farming and viticulture interspersed with residential activities to the east and south west and protected public

⁷ This is based on measuring the mapped area on Council's GIS. I note that the concept plan in Schedule 19.16 shows the area as 21 hectares. It is not clear where this discrepancy originated. However, I note that the development zone has been translated from the schedule map onto paper district plan maps, then into GIS in a way that appears to be accurate to the shape, dimensions and setbacks of the development zone. I consider the area calculated from Council's GIS to be sufficiently reliable for the purposes of this example.

land as part of the Bendigo Scenic Reserve to the south. The site is bounded to the north west by State Highway 8 and Lake Dunstan.

- 6.10. It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment of Effects

- 6.11. Consideration is required of any relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

Visual and Landscape Effects

- 6.12. The application is supported by landscape evidence from Baxter Design. This assessment is heavily relied on by Ms Shepherd in her assessment. Mr Baxter ultimately concludes that the visual and landscape effects of the proposal can be managed to a point where its effects are low through the implementation of design controls for future buildings on the proposed lots and through requiring replanting of any areas of kanuka removed as part of the development. I note that Paragraph 55 of Mr Baxter's report indicates that a full suite of proposed design controls is provided in Appendix A. This appendix appears to be missing from the application. The applicant may wish to provide this prior to the hearing. For the purposes of this report, I have utilised the summary of the proposed design controls listed in Paragraphs 56, 57 and 58 of Mr Baxter's report. Several submitters raised concerns regarding the visual effects of the proposal, particularly in relation to buildings in the ONL.
- 6.13. Throughout his report, Mr Baxter refers to specific controls for Lots 10-19. This is on the basis that these are the smaller "Chalet" lots, which are relatively tightly located in the valley between Lots 1-9, and 21-26. Lot 14, which Mr Baxter includes in this area, appears to be more similar to the other residential lots in the development. It is significantly larger, in a different location on an elevated knoll, with different visual characteristics, and has a much larger building platform. I will address a couple of specific implications for this below, however, I have undertaken my assessment on the assumption that this is a mistake and Lot 14's design controls should be the same as the other residential lots. Mr Baxter may wish to clarify which set of controls Lot 14 is intended to sit within prior to the hearing.
- 6.14. The proposal will result in a significant change in the character of the landscape, taking what is currently a largely undeveloped hillside and set of gullies and introducing paved roads, dwellings and curtilage areas. A significant level of change is anticipated for the landscape through the provisions that apply to the Rural Resource Area (2), subject to strict limitations, such as avoiding visibility from State Highway 8 and Lake Dunstan, and the design and colour of buildings more generally, so this change will not result in significant adverse effects purely on the scale of change from the existing landscape character.
- 6.15. While the applicant has applied for resource consent for residential activity and travellers' accommodation on each lot, Council has been asked to consider the effects of future residential buildings without any details of how individual buildings will look or what landscaping, if any, is proposed around each one. Instead, it must be satisfied that the proposed design controls and curtilage areas put forward by the applicant will be sufficient to adequately address the visual effects of any dwelling and accessory buildings built within those parameters.
- 6.16. Dwellings on the majority of lots will be visible from State Highway 8, Lake Dunstan, or both. To mitigate this, Mr Baxter has recommended mono-pitch roof forms sloping with

the gradient of the surrounding landscape, limitations on glazing on northern and western walls, and the use of recessive colours and materials to help blend buildings into the landscape from these viewpoints. Colours, specifically, are proposed to be mid-dark greys or black tones with a reflectivity value of 27% or less for roofs, and timber weatherboard, board and batten or plywood with a reflectivity value less than 20%, stone or steel for walls. I note that Mr Baxter does not specify whether steel can be flat in profile or must be corrugated. Nor does he propose any limitations on its finish or colour. This may be a mistake by Mr Baxter as his guidelines as drafted could allow a plate of flat stainless steel with a mirrored sheen as an exterior wall finish. This would have a significant adverse effect and I have to assume this was not his intention. Mr Baxter may wish to clarify any proposed limitations on the design, finish or colour of steel at the hearing. The surrounding landscape in the site's hills is typically fairly dark in colour, with darker browns and greys dominating through the prevalent kanuka and schist outcrops. This is interspersed with lighter areas of more open ground, creating a mottled effect. Between Bendigo Loop Road and the base of the hills around Lots 31-33, the landcover is predominantly exotic grasses and low woody shrubs. I concur with Mr Baxter that, in principle, a dwelling could be designed and constructed with darker, recessive colours to blend into the kanuka, in particular and reduce, while not entirely eliminating, the visibility of buildings from view outside the site during the day. However, I have several concerns with the appropriateness of the measures proposed by Mr Baxter. These will be outlined below.

- 6.17. A maximum glazed area of a total of 80% of northern and western facing facades is proposed by Mr Baxter. He has not explained why this has been proposed. Glazing adds reflective surfaces, which can cause a dwelling to stand out more in the landscape, particularly when light hits them at shallower angles and reflects off it. While not noted by Mr Baxter, glazing can also contribute to lightspill at night by emitting light from inside buildings. By way of an example, Figure 3 below shows the permitted amount of glazing on a 10x20m building built to comply with Mr Baxter's other standards, such as height and roof form.

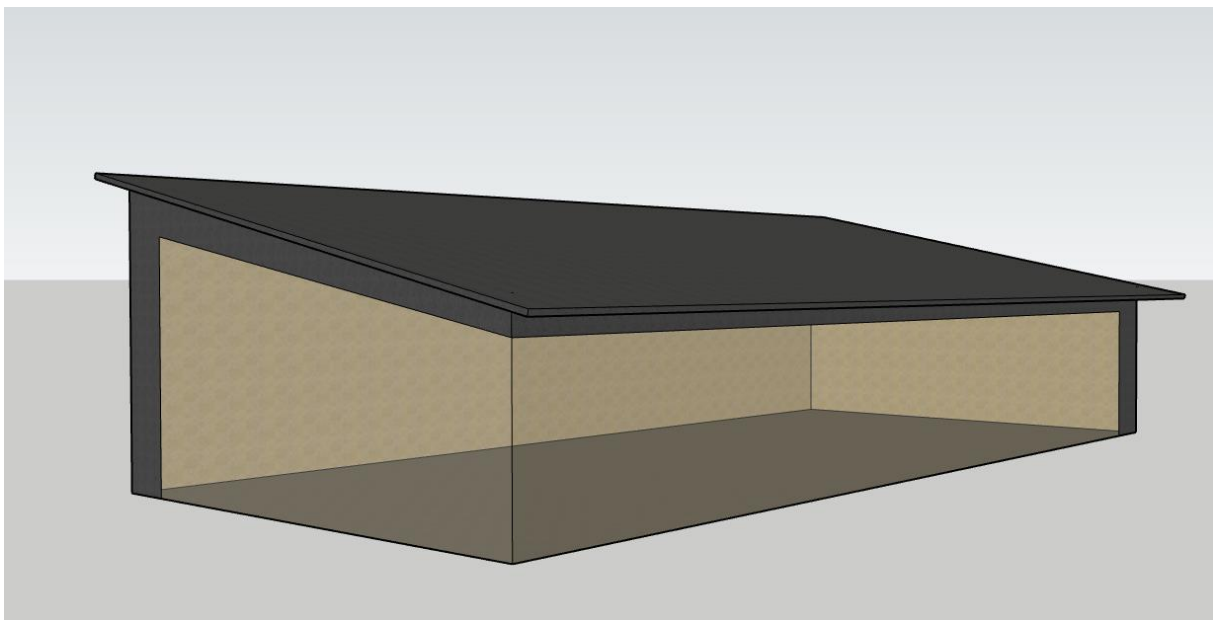


Figure 3: Mock up showing a mock-up of a permitted glazing area (Orange) for a 20x10m dwelling. As proposed, a dwelling this size or larger may be anticipated on any lot other than 10-13 and 15-19. This mock-up has a height to the lowest part of the roof of 3.5m, and 5.5m to the highest part. This gives a total northern and western façade area of 110m², and a permitted glazing area of 92m². The mock-up has a glazed area of 90.75m².

- 6.18. From the above example, a maximum glazed area of 80% of the northern and western facades allows for a significant glazed area. This serves to reduce the effectiveness of

the use of darker colours as, effectively, it allows almost the entire façade to be glazed. Given Mr Baxter has not justified this proposed condition in terms of how it serves to reduce the effects of glazing, I do not consider this standard to be an appropriate method of reducing the visual impacts of large areas of glazing.

- 6.19. Mr Baxter's assessment does not discuss the visual effects of the proposed buildings at night, other than recommending a condition that exterior lighting be limited to downlighting within the building platform at a maximum height of 1.2m. No limitations on illumination levels are proposed. I consider this to be a limitation of his assessment as artificial lighting, particularly in rural areas largely devoid of such light, can change the character of the landscape at night through lightspill. I consider that having lighting associated with dwellings visible in an elevated position on this hillside where built form is not intended to be present may have significant effects on the character of the rural nighttime environment, regardless of how well the dwelling could be designed to blend in during the day. While I accept that low height downlighting may not facilitate floodlighting or large levels of bright lighting, I consider that there may be a significant effect on the landscape at night from those bits of the development visible from the wider Cromwell basin. This includes from exterior and interior lighting, noting that Mr Baxter proposes that up to 80% of the facades of buildings facing over the Cromwell basin be able to be glazed, allowing for large potential for lightspill from interior lighting. I consider that further limitations on lighting, such as levels of illumination, shielding and reduced glazing, should be considered by the applicant. I consider that proposed lighting standards for exterior lighting under proposed Plan Change 22⁸ may be a useful starting point for determining what lighting standards might be acceptable, at least for exterior lighting.
- 6.20. It is not clear from the application why a 5.5m and 6.5m maximum heights are proposed for buildings rather than the 5m height for residential buildings specified in Rule 4.7.6A.f, or the 6m height for all other buildings in Rule 4.7.6A.f, other than this is what is recommended by Mr Baxter to help reduce the effects of buildings. A 5.5m or 6.5m high building will have greater visual effect than a 5m high building as it would sit taller and more prominently in the landscape. Mr Baxter also proposes that height be measured from floor level. The District Plan's definition of height measures from ground level. I also note that, in his proposed design controls for Lots 10-19, Mr Baxter proposes that the height would not include piles up to 900mm in height. Based on the definition of height in the District Plan, Mr Baxter recommends that buildings on these lots (Including Lot 14, which is located on an elevated knoll, visible from Lake Dunstan) could have a height above ground level of up to 6.4m. Mr Baxter's definition of height would result in a relatively low building compared to that based on the District Plan height definition if the building site were cut into the hillside, and a taller relative height if foundations or fill brought the floor level above ground level. It is not clear from Mr Baxter's assessment why he is recommending a 5.5m maximum height from floor level as a method of mitigating adverse visual effects when the District Plan requires 5m from natural ground level for dwellings by default. I do not consider a 5.5m maximum height to be justified by the application. If Council is to approve the application, I recommend that residential buildings and any building on Lot 28 be kept to a maximum height of 5m above natural ground level. Given the lower visual prominence of Lots 31 and 32, and that these lots are intended to be used for non-residential purposes, I consider that a 6m height would be more appropriate than the 6.5m proposed by Mr Baxter, in line with the permitted height for other rural buildings in areas of ONL. Again, I consider that this should be measured from natural ground level, per the definition of height in the district plan.
- 6.21. Attachment R to Mr Baxter's report proposes site coverage caps for each building platform. In particular, he proposes 100% coverage caps for Lots 10-19, 80% for Lots 28, 31 and 32, and 50% caps for all other lots. To put this into perspective, Lots 1, 2 and

⁸ Proposed Plan Change 22 is viewable at <https://lets-talk.codc.govt.nz/plan-change-22>

3 have platforms of 750m² each. This would allow 375m² of building footprint. Mr Baxter has proposed 100% building platform coverage for Lot 14, which has a 515m² building platform. Given the increased size of this lot relative to the other proposed 100% coverage platforms, I have assumed this is a mistake and the coverage should be 50%, in line with other platforms of a similar size. Mr Baxter may wish to clarify this at the hearing. Again, Mr Baxter does not go into detail on why these coverage areas are appropriate. For comparison, the equivalent Vincent County Scheme rules required building coverage of 25% of the site, or 290m², whichever is smaller (Noting that under these rules, the de-facto minimum lot size was also smaller). Given Mr Baxter has not justified why his proposed building coverage areas appropriately address the visual effects of buildings, I consider a maximum based on the VCC scheme rules to be more appropriate to manage the visual bulk of buildings on the proposed lots, and more in line with the intent of the Rural Resource Area (2). For completeness, I note that an 84m² building on Lot 12, the smallest lot in the development, would have a site coverage of 21%. This means that my proposed site coverage standard would not limit the proposed buildings Lots 10-13 and 15-19, but it would reduce built form on the other platforms to more appropriate levels, given the intent of the zone.

- 6.22. Other measures proposed by Mr Baxter include limitations on domestic landscaping, a preclusion on fencing, other than post and wire, with rabbit mesh, in the curtilage areas, and limitations on the size of entry gates for lots. On the chalet lots, other limitations are more stringent, including limiting activities on the curtilage areas to gravel paths, grasses and kanuka, schist retaining walls, and a 3x3m screened area for domestic items and precluding any fencing. I concur that these limitations will help to reduce the domestication of the landscape.
- 6.23. While I note Mr Baxter's conclusions that the proposed visual and landscape effects of the proposal will be low and able to be adequately addressed through conditions of consent, Council must still be satisfied that these effects are appropriate in the planning context. This will be assessed in more detail as part of my overall assessment of the proposal. However, for the reasons outlined above, I do not currently consider that the effects of the proposal, particularly visual effects at night, will be adequately managed by the proposal, or that all the proposed mitigation measures are adequately justified. I cannot be satisfied that the visual and landscape effects of the proposal will be adequately managed.

Rural Character Effects

- 6.24. The District Plan anticipates development at relatively high densities within the development zone in the RURA(2), subject to standards related to the design, location and visibility of residential buildings and accessory buildings, in particular. The current character of the area is that of a series of undeveloped ridges and terraces at the foothills of the Dunstan Range. I note that the rural land to the south and east of the application site, located in the Rural Resource Area (1) and general Rural Resource Area respectively, has been developed with a mixture of residential and horticultural development in particular. These developments are also located on the foothills of the Dunstan Range, but are subject to different planning provisions to the application site. The Rural Resource Area (1) is subject to its own unique concept plan and restrictions on residential buildings. The Rural Resource Area is typically somewhat less black and white when it comes to land use, requiring more site specific consideration of any given application.
- 6.25. In some ways, I consider the directions for anticipated rural character in the District Plan for the RuRA(2) to be difficult to reconcile. On the one hand, a compliant subdivision in the development zone would be a controlled activity that Council would not be able to refuse. This would create an anticipation that dwellings could be built on the lots. However, dwellings on most of the land in the western half of the development zone, in

particular, would not be able to comply with the requirements for building, particularly Rule 4.7.2.1.e, without either significant earthworks or other landscaping as this area is an open hillside and terrace in plain view of Lake Dunstan (Figure 4). This may significantly affect the character of the area. As a result, there would be no guarantee that a dwelling could be built in this area.



Figure 4: Photograph from the western part of the development zone, near proposed Lots 1 and 2, showing the visibility of this part of the development zone from Lake Dunstan.

Source: Site visit 07 July 2023

- 6.26. Having regard to the above, I consider that the rules that apply to the Rural Resource Area (2) generally set an expectation that a relatively intensive development, with large amounts of built form is provided for. However, those buildings will not be visible from certain viewing locations outside the site. Buildings outside the development zone are highly discouraged. I consider that there are locations in the development zone where development could be located where it is able to be screened from view by the existing topography, for example around Lots 21-23, and the basin to the south-east of Lot 20, where the proposed wastewater disposal field is located. The area around Lots 10-13, 15-19 and 24-26 could also accommodate dwellings that are not visible from the State Highway or Lake Dunstan with minimal alterations to ground levels and vegetation. The area around Lots 4-9 could also achieve a similar result due to being set back from the edge of the terrace that forms the west of the development zone, albeit these lots are currently more exposed than those mentioned previously.
- 6.27. Looking more generally at the provisions of the Rural Resource Area, there is a general expectation that buildings, particularly residential buildings, will avoid being located in visually prominent locations or where they may impact on the open and natural appearing character of the district's hills and ranges. This creates a preference for keeping development closer to valley floors and minimising the spread of development up visually significant hillsides, terraces and ranges, or where buildings would be visible against the

skyline. I consider that this does not preclude buildings in these types of elevated locations, but the bar gets set higher in terms of the reduction and mitigation of the visual impact of those buildings to maintain that overarching open, rural character.

- 6.28. Lots 31, 32 and 33 sit at the base of the hills, on an area of flat land at the same elevation as Bendigo Loop Road. The other lots are all in an elevated position between 100 and 140m above the Cromwell Basin floor, in the foothills of the Dunstan Range.
- 6.29. My starting point for assessing buildings outside the development zone in the RuRA (2) is that they should not be visible from outside the site in order to maintain the undeveloped appearance anticipated by the District Plan for the Landscape Protection Area. Any domestic built form outside the development zone will detract from the anticipated character of the landscape, where it is visible. Mitigation of buildings that are visible, such as earthworks or plantings, should only be used where they facilitate buildings being completely screened, and which blend into the landscape themselves.
- 6.30. In terms of Lots 31-33, while they sit within the ONL, I consider these areas to be visually distinct from the more elevated parts of the site, sharing more in common with the Bendigo Station homestead on the northern side of Bendigo Loop Road and the dwelling and studio at 1390 Tarras-Cromwell Road, also located at the base of the hills. Development along the flat land at the base of the foothills is currently sporadic, with significant setbacks between clusters of built form set in a predominantly pastoral and viticultural context. The intended use of Lots 31 and 32 has not been formally stated as part of this proposal, although I note that the applicant has informally indicated that a commercial activity such as a shared cellar door venue providing a retail space for the several vineyards in the area is a possibility for one of the lots. Lot 33 is intended to be used for residential activity. The proposal would create a cluster of relatively intensive development near the Bendigo Loop Road / State Highway 8 intersection.
- 6.31. The proposal would introduce built form on several lots outside the development zone that are visible from surrounding land. As previously noted in my assessment of the visual and landscape effects of the proposal, I have serious reservations about the effects of anticipated built form on the character of the landscape. Two building platforms, namely on Lots 14 and 27 are located on visually prominent knolls (Figure 5), and Lot 28's building platform is located in a saddle between two knolls, one of which includes Lot 27's platform (Figure 6). Still other platforms, such as Lots 24-26 and 29-30 would result in buildings being in view of State Highway 8 (Figure 7) and others from Lake Dunstan, with at least limited visibility during the day, but with exterior and interior lighting potentially in full view at night.



Figure 5: View from near the building platform on Lot 27 This building platform is located on a knoll only particularly screened from State Highway 8 and Lake Dunstan by existing kanuka.
Source: Site visit 09 March 2024.



Figure 6: View from near the building platform on Lot 28 This building platform is located in a shallow saddle in full view of State Highway 8. Source: Site visit 09 March 2024.



Figure 7: Photo taken from the building platform on Lot 25. This building platform is located on a mostly flat terrace in full view of State Highway 8. Source: Site visit 09 March 2024.

- 6.32. In a context where the rural character anticipated by the District Plan by the RuRA (2) is that built form will not be visible from certain, important viewpoints, I struggle to see how the proposal, which includes a large number of buildings visible from these locations, to be consistent with that anticipated character. This applies both in the ONL and development area, but I consider that Council can set a lower bar for the visibility of buildings within the development area given built form is more anticipated here. It is not clear whether proposed measures to manage the visual impacts of these buildings will be appropriate or adequate. The proposal would locate building platforms in locations where buildings will be located on elevated knolls and terraces visible from a broad swathe of public and private land. I consider these effects to potentially be significant.

Ecological and Biodiversity Effects

- 6.33. The applicant's terrestrial ecologist, Mr Beale considers the proposal to have more than minor ecological effects. He has largely proposed that these effects be reduced through the location of building platforms and curtilage areas, avoiding areas of more mature kanuka, kanuka hosting pigmy mistletoe, or habitats of spring annuals. Remaining effects are proposed to be offset and compensated for through the planting of kanuka and through transferring some cushionfield on the application site to two new areas on neighbouring land, with the applicant volunteering a covenant requiring these areas be maintained and managed in perpetuity to facilitate the growth of these cushionfield habitats. Proposed management measures include woody plant, exotic vegetation and rabbit control, with the effectiveness checked by regular site walkovers. I note that the proposed measures would not preclude the land from being grazed, in line with its current use. Mr Beale's assessment and recommendations have been peer reviewed on behalf of COCD by Mr Mike Harding. Several submissions, including those from the Central Otago Environmental Society (COES) and Ms Wardle challenge the analysis undertaken

by Mr Beale in relation to the original application. I note that their points related to the proposed offsetting and compensation plantings have been superseded by the changes made to the application post notification. Their consideration about the assessment of the effects of the development without considering the offsetting and compensation remain relevant. However, Mr Harding's peer review specifically considered the new offsetting and compensation, not what was originally proposed.

- 6.34. Mr Beale and the submitters all agree that the proposal will result in significant effects on extant habitats of raoulia cushionfield within the proposed lots. However, they disagree on the significance classification of these habitats and the appropriateness of undertaking environmental compensation and offsetting. For context, Figures 7 (Above), 8 and 9 show representative photos of the cushionfield habitat at different parts of the site.

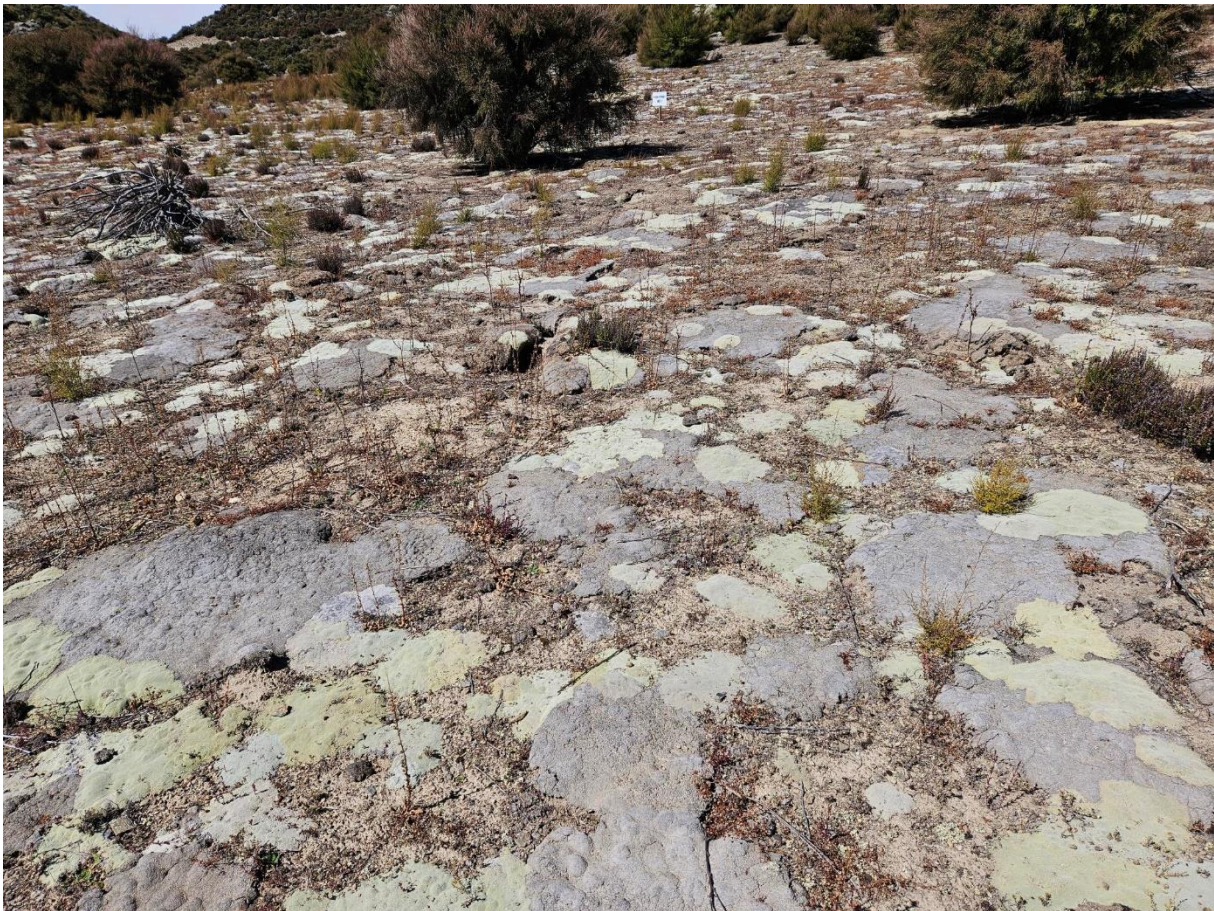


Figure 8: Example of existing ground cover near Lot 7 building platform. This is typical of all of Lots 1-7. Source: Site visit 09 March 2024



Figure 9: Example of existing ground cover over Lot 18. Source: Site visit 09 March 2024



Figure 10: Example of existing ground cover near Lot 21. Source: Site visit 09 March 2024

- 6.35. I accept that the bulk of the impacted cushionfield habitat is located within the development zone. Therefore, development that effects or causes the loss of those habitats could be a controlled activity that Council could not decline consent for. However, I note that the removal of more than half a hectare of indigenous vegetation requires resource consent to breach Rule 4.7.6KA.1. Therefore, I consider that Council would likely be in the same situation of needing to consider the effects of their removal and the appropriateness of environmental offsetting and/or compensation for the loss of these habitats, regardless of whether the proposed lots sat entirely within the development zone or not.
- 6.36. Both Ms Wardle and Mr Harding consider that the assessment of the species present on the site by Mr Beale is inadequate. In particular, Mr Harding considers that the ecological survey, which largely consisted of site walkovers over two days at different times of the year, does not provide information about the duration of each survey, the paths taken and points where assessments were made. This leads him to doubt the quality of the descriptions of biodiversity on the site. He concurs with Ms Wardle that there is likely to be other species present. Both Ms Wardle and Mr Harding are experts specifically in inland dryland ecosystems. I have no reason to doubt the likelihood that other species, including potentially at risk or threatened species, are present on the site than just those identified by Mr Beale. Given many species in Central Otago's dryland ecosystems tend to be small and difficult to observe, I concur with Mr Harding that a more thorough, focused survey, for example using the RECCE plot method, would be more appropriate to identify these species, which may not be immediately obvious during a site walkover.
- 6.37. Both Ms Wardle and Mr Harding also flag the possibility of inland saline ecosystems, a critically engendered ecosystem, in the application site. Several are known to exist to the south of the site. Mr Beale simply notes that no halophytic plants (Associated with saline ecosystems) were observed during his site walkovers. I concur with Ms Wardle and Mr Harding that, if inland saline ecosystems are present on the site, their damage or destruction as a result of the proposal would have significant, irreversible ecological effects. I note that Mr Beale references a site investigation undertaken in 2021 when discussing these ecosystems. This was focused on a neighbouring property, so is not of any particular relevance to this application other than to confirm that saline ecosystems are present in the surrounding environment. I do not consider it sufficiently certain that the presence of saline ecosystems has been ruled out around the proposed development works that I can conclude effects on these ecosystems will be avoided.
- 6.38. Changes to the proposed reticulated wastewater disposal area relocate the system to a new location with different environmental characteristics and likely to have a different mix of flora present. For example, the location is changed from a sunny, exposed, northwest facing slope with shallow topsoil to a more sheltered basin that, based on the surrounding terrain, may act as a natural retention area for stormwater. It is not clear what potential effect the system will have on ecological values in the new area and no updated assessment has been provided from Mr Beale considering these matters. I cannot be satisfied that the proposed new wastewater disposal area will not result in significant effects on the surrounding ecosystem.
- 6.39. Ms Wardle's submission considers that the application does not adequately address and consider effects on localised ecosystems associated with ephemeral seepages or waterways. She notes that these areas can appear dry but may seasonally flow or have high water tables, supporting other species, such as NZ mousetail or *Oleria lineata*. I concur with Ms Wardle that the site contains areas that would be prime candidates, both for ephemeral streams, and areas where seepage occurs. The application assumes that stormwater can be managed from the proposal with essentially no change in stormwater flows across the site. This is based on advice from CKL that was requested from the applicant, but not provided to Council at the time of writing this report. Without this report

and supporting comment from an ecological perspective, I cannot be satisfied that proposed stormwater measures will not change the hydrology of ephemeral streams and other, similar, areas in ways that adversely affect species adapted to these types of habitats.

- 6.40. In light of the concerns raised by Ms Wardle and Mr Harding, I do not consider that Mr Beale's assessment can be relied on. I consider that the adverse ecological effects on flora in and around the development will likely be more than minor, if not significant. Offsetting and compensation measures are proposed to help address these effects. These will be considered later in this report as part of my substantive decision making assessment.
- 6.41. The site is understood to contain habitat for lizard species. Two species identified on the site were Kawarau gecko (At risk – declining) and McCann's skink (Not threatened). The application is supported by expert herpetological assessment from Ms Tocher, of Lizard Expert NZ. Ms Tocher notes that both species appear to be prevalent across the application site. According to Figures 5 and 6 in her assessment, the greatest concentrations of both species were found through the more open parts of the site that are proposed to be developed, for example around Lots 10-20 and 24-28. However, Ms Tocher notes that lizard habitats, such as loose rock slabs and outcroppings, are present throughout the site. The range of the Kawarau gecko appears to be limited to the Dunstan, Cairnmuir and Old Woman Ranges, and parts of the Gibston Valley, Cardrona Valley and Ruby Island in Lake Wanaka.⁹ The McCann's skink has a wider range, extending through large areas of Southland, Otago and Canterbury.¹⁰
- 6.42. Risks to herpetological species from the proposed development include habitat loss through domestication, predation by domestic animals such as cats, and direct harm due to being crushed when their habitats are disturbed. In her submission, Ms Wardle requested Council consider imposing a condition banning the ownership of cats in the development to protect lizard fauna. Restrictions to this effect are one of the possible measures put forward by Ms Tocher.
- 6.43. The primary management mechanism proposed by Ms Tocher is the development of a lizard management plan, required by a condition of consent. She anticipates that this plan would include steps to minimise development footprints through the size of building platforms and curtilage areas, location and construction of accesses and hard stand areas, location of wastewater disposal systems, restrictions on moving or using rock slabs in gardens, restrictions on herbicide use and creating a preference for overhead services, rather than trenching. Trenching will be considered later in this report. Other proposed actions include indigenous plantings and/or the creation of new rock habitats by repurposing existing rocks removed as part of development works outside high traffic areas, importing fill material (Screened and confirmed to be weed free) instead of quarrying it on-site, and the application of a conservation covenant to suitable areas of the area where they are not already covered by existing covenants. She also notes that permits will be required under the provisions of the Wildlife Act 1953 for the catching and transplanting of lizards found in proposed works areas to other parts of the site.
- 6.44. I note that Mr Baxter has proposed design controls that relate to several of the proposed avoidance or minimisation actions proposed by Ms Tocher. It is not clear from Ms Tocher's assessment whether she has reviewed these measures or considers them to be acceptable to achieve her objectives. I also note that the applicant has proposed covenants limiting clearance of indigenous vegetation and introducing an obligation to

⁹ New Zealand Herpetological Society (n.d.) *Kawarau gecko*. Retrieved from <https://www.reptiles.org.nz/herpetofauna/native/woodworthia-cromwell>

¹⁰ New Zealand Herpetological Society (n.d.) *McCann's skink*. Retrieved from <https://www.reptiles.org.nz/herpetofauna/native/oligosoma-maccanni>

undertake weed control, but no positive actions to manage effects on lizard populations, such as enhancing lizard habitat.

- 6.45. I concur with Ms Wardle that the introduction of domestic animals, particularly cats, associated with the proposed development could have a significant effect on lizard and skink populations through predation. I note that Ms Tocher has proposed hedgehog control and restrictions on keeping cats or mustelids as pests as a method of reducing predation from introduced species. She also recommends incoming landowners are briefed to explain why pest control measures, such as the introduction of cats, mustelids, rodents and rabbits may impact on lizard populations. Given the applicant has suggested limitations on cats, I consider that Council could reasonably impose an ongoing condition, either as a consent notice or a covenant precluding owners of the lots from bringing cats onto the site. This would reduce effects on lizard species by limiting increases in predator species in the area associated with the development.
- 6.46. The proposed imposition of a lizard management plan requiring details of how effects on lizards will be appropriately avoided, remedied or mitigated, essentially, pushes detailed consideration of those effects until after a decision is issued on the consent. In order to be able to grant a consent subject to such a condition, Council must be satisfied that all relevant adverse effects on lizard populations can be adequately avoided, remedied or mitigated and have a reasonable level of certainty about what actions will be required to achieve this. The proposed measures also rely on the applicant obtaining other approvals under the Wildlife Act 1953 through the Department of Conservation for the catching and relocation of lizards around development areas. Council must also be satisfied that any approvals and conditions under that process would likely be sufficient to manage the effects on lizard species. Kawarau gecko is classified as an at risk – declining species with a very limited range. Therefore, I consider that relatively more information should be available at the consenting stage than for not threatened species in order to allow Council to be satisfied that effects on them can be adequately managed. Their margin of error for managing the Kawarau gecko without significant adverse effects on the population or its range is considered to be much narrower.
- 6.47. Applying the effects management framework in the National Policy Statement for Indigenous Biodiversity, the applicant should avoid effects in the first instance, then remedy, mitigate, offset or compensate for effects in that order of priority. The proposal does not seek to avoid lizard habitats outside the development area. Given development is not anticipated in this area by the District Plan, I consider avoidance to be the most appropriate method of managing effects on lizard populations outside the development area based the effects management framework. Within the development area, I consider that more weight can be given to methods lower down the hierarchy given development is more anticipated here.
- 6.48. Mr Harding raises similar concerns in his peer review around the initial herpetological survey as he does for Mr Beale's assessment. For example, no detail is given regarding weather conditions during the surveys, which can affect the numbers and locations of lizards found, and no information is provided about methods used to trap lizards. I consider this to potentially limit the validity of her conclusions and recommendations, somewhat.
- 6.49. Many of Ms Tocher's proposed avoidance and mitigation actions are just that, possible actions that could be taken. I do not consider this to give Council sufficient certainty about what measures are intended to be undertaken, which could then be fleshed out in a later lizard management plan. Given this, I would prefer if Ms Tocher solidified her list of intended avoidance and mitigation actions on Pages 11 and 12 of her assessment to help add a level of certainty to what measures will be used. This would allow Council to better consider the likely effectiveness of the proposed lizard management plan.

6.50. I concur with Ms Tocher that actions such as creating new rocky habitats and relocating lizards found away from development areas would help to reduce and remediate effects on these animals, provided pre-soil disturbance checks were thorough and new habitats were located in appropriate spots. However, I consider this to be more appropriate to address unavoidable effects within the development zone instead of across the entire proposal. Significant additional work will need to be undertaken prior to works commencing to identify lizard populations in areas to be developed, set up site control measures, identify suitable areas for habitat reconstruction and to set up those habitats. I consider that it would be beneficial if the applicant were to provide an indication of where habitat reconstruction is likely to occur and how that is anticipated to result in a net gain in indigenous biodiversity prior to the hearing. Provided this is undertaken and the applicant can demonstrate that there will likely be a net benefit, I consider the proposed measures would be sufficient to address adverse effects on lizard populations within the development zone.

Provision of Three Waters, Electricity and Telecommunications Services

6.51. The applicant has an agreement from the Chinamans Terrace Water Supply Scheme for 500,000 litres of water per day to service the subdivision. The applicant proposes that a separate private water supply entity would be set up to distribute water to the new lots. A copy of the agreement was provided in response to a further information request. It confirms that this allocation is for both Lots 1 and 2 DP 561457, and it is not clear how the supply is intended to be apportioned between the lots. However, I consider that 500,000 litres would be more than enough to provide a domestic supply to the proposed subdivision, on the basis of each lot requiring 1,000 to 1,500 litres per day. I also note that Clause 7.2 of the agreement states that the Chinamans Terrace Water Supply Scheme does not guarantee the quality of the water supply. The water would require treatment, either at point of use on each lot, or at point of supply by the entity set up to manage the water. The applicant has proposed water treatment be at point of use, secured by conditions of a consent notice.

6.52. Aukaha's submission indicates that the initial source of the water (Where Chinamans Terrace source the water for the scheme) is not clear in the application and raises concerns about the potential for overallocation of the catchment and ongoing certainty of the supply in the context of potential new limits on water takes as part of the development of the Otago Regional Council's proposed Land and Water Regional Plan.

6.53. I note that the entity set up to supply water would be considered a drinking water supplier under the Water Services Act 2021. Sections 21 and 22 of that Act requires drinking water suppliers provide a safe supply of drinking water and ensure that the water supplied complies with drinking water standards. Given the supply cannot be guaranteed by Chinamans Terrace to be of a certain quality, this would require treatment of the water at the point of supply. I consider the volume of supply the applicant is currently entitled to is sufficient to provide domestic water to the proposed new lots. I consider it appropriate that, if consent is granted, that conditions be imposed requiring the water supply entity be required to treat the water to a standard compliant with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022, instead of requiring point of use treatment, in order to maintain consistency with the obligations of a water supplier under the Water Services Act. I also recommend that conditions be imposed requiring copies of the ownership, management and operational documentation of the new water supply entity be provided to Council, along with as-built plans of the network and evidence of a legal entitlement of at least 1,000 litres of water is available to each lot per day, per the recommendations of Council's land development engineers.

6.54. In terms of Aukaha's concerns about the ongoing security of the water supply and potential overallocation of the catchment, I note that the water take for Chinamans Terrace would have required resource consent from the ORC, allowing consideration of

the allocation of water within the catchment. I do agree that there is potential for future limitations on the taking of water. However, the exact nature or extent of any such limitations cannot currently be known with any certainty. If they were ever to lose access to the current consented take for the short or long term, the responsibility of ensuring continuity of water supply would fall to the water supplier. At the current time, I consider the proposal to have an adequate supply of domestic water. Responsibility for managing any changes to this supply would be the responsibility of future owners. I do not consider that the concerns raised by Aukaha should be fatal to the proposal.

- 6.55. Based on information provided by the applicant, there will be a sufficient quantity of water available to service the proposed development from agreements with the Chinamans Terrace Water Supply Scheme. Subject to conditions related to the management of the supply, provision of as-builts, water treatment and ensuring a legal entitlement of at least 1,000 litres of water per day to each lot, in line with the suggested requirements of Council's land development engineer, I consider the proposal able to be adequately serviced for domestic water.
- 6.56. In their response to Council's further information request, the applicant confirmed that the development is proposed to have a reticulated firefighting supply servicing the proposed Lots 1-30, with hydrants located at regular intervals along the subdivisional roads and between Lots 29 and 30. Council's land development engineers recommend on-site storage. However, assuming firefighting water supply can be achieved through hydrants in the water reticulation consistent with SNZ PAS 4509:2008, on-site storage would not be required. In order to comply with SNZ PAS 4509:2008, the system would need to provide sufficient water storage and flows to provide an effective firefighting supply. Details on exact levels of storage proposed is missing from the application.
- 6.57. FENZ's submission assumes that all lots would have on-site storage and seeks to clarify that this storage needs to comply with SNZ PAS 4509:2008. FENZ's interests are predominantly ensuring access to a sufficient volume and rate of water for controlling and extinguishing fires. Given this, I see no reason why a reticulated system that also complied with the relevant parts of 4509 should not also be acceptable to FENZ. I invite them to clarify their position if this is not the case.
- 6.58. I note that a large volume of water would need to be stored to provide sufficient storage volume to comply with SNZ-PAS 4509:2008. Water for the development is proposed to be stored on Lot 2 DP 561457, but storage volumes are not specified in the application. The required volume should be determined by the applicant, in consultation with FENZ, prior to the hearing. However, I consider that, in principle, the proposed Lots 1-13 and 15-29 can have adequate provision for firefighting water through the reticulated water network.
- 6.59. Water is intended to be supplied at a fixed rate per lot each day. I note that on-site water storage will be required for each lot to provide a water reserve in the event of a supply disruption and to smooth out fluctuations in water usage. The exact size would depend on the requirements of the scheme operator. Council does not have a specific standard for water storage in an area that does not also require storage for firefighting purposes.¹¹ Council requires at least 20,000L of static water storage in a 30,000L tank where firefighting is required. This leaves 10,000L of storage for day-to-day use. I consider this to be a useful benchmark for what level of water storage would be required on each lot and, unless the applicant provides confirmation from Chinamans Terrace of what is an acceptable level of on-site storage for users of their scheme. Required on-site water storage volumes should be imposed as a consent notice on the proposed residential lots if consent is granted.

¹¹ Clause 9.8.2 of Council's Water Supply Bylaw 2008 puts the onus on the water user to provide any storage necessary for their purposes.

- 6.60. The applicant advises that Lots 14 and 30-33 would not be covered by the proposed hydrants. These lots would require on-site water storage. The exact volume of water would vary depending on the use of the lots. If Council grants consent, this should be registered as a consent notice on the new titles. Lots 14 and 30 (And any other lots found to not be covered during detailed design works of the water network) would require at least a 30,000 litre storage tank. Lots 31-33 would need to have sufficient volume to comply with SNZ PAS 4509-2008 depending on the final use of the lots. This could be determined as part of any future resource consent for the use of these lots, with the consent notice reinforcing the need to demonstrate compliance with the standard.
- 6.61. Detailed design works at the engineering approval stage would be required to confirm the proposed water supply complied with SNZ PAS 4509:2008. However, provided this is undertaken and aspects such as required water storage volumes for the networked water supply are determined, I consider that the proposal could provide adequate firefighting water storage and supply.
- 6.62. Mt Iron Geodrill has undertaken a broad assessment of the underlying soil conditions for Lots 1 to 33 and consider that on-site wastewater disposal could be practically achieved on Lots 1-7 and 21-33, but with several limitations including low permeability soils, locations of waterways and possible shallow bedrock. Lots 8 to 20 are not considered suitable for on-site wastewater management as these limitations are exacerbated by the small size of the lots. Instead, a reticulated wastewater system is proposed for these lots, with a possible treatment plant located along the northwestern side of Lot 8, and a dispersal field to the south-east of Lot 20. Given the dispersal field is proposed to move from its original location, I note the location of the treatment plant may also change to be closer to the dispersal field. I have assessed the application on the assumption that the treatment plant will remain in the same location as this is what is currently proposed. Council's land development engineers consider that a privately owned, communal reticulated wastewater system is undesirable due to potential issues with the management of the system and recommends against Lots 8-20 being serviced for wastewater in this fashion. However, they concur with Mt Iron Geodrill that the other lots could manage their wastewater on-site in accordance with AS/NZS 1547:2012. Aukaha's submission states a preference for a fully reticulated wastewater system, rather than individual wastewater systems on each site, given the potential risks to ground and surface water bodies from individualised systems and the uncertainty inherent in the application with how wastewater will be managed. I note that compliance with AS/NZS 1547:2012 intended to result in systems that adequately protect public health and the environment for systems with design flows up to 14,000 litres per week, or 10 persons. The standard notes that any system managing more wastewater, such as the proposed reticulated system, would need to be designed by a suitably qualified person.¹² Design of the treatment and discharge system would need to be site specific, but the design of laterals and mains would need to be based on NZS 4404:2004 and Council's 2008 addendum to that standard. I also note that the Regional Plan: Water for Otago manages the effects of wastewater discharges on surface and ground water quality. In particular, the proposed shared system would also require consent to breach Rule 12.A.1.4 of that plan as the discharge would exceed 2,000 litres per day.
- 6.63. I note that the wastewater concept put forward by Mt Iron Geodrill assumes the system would be used by 13 lots, with 5 persons per lot, and a daily flow allowance of 165 litres per person, per day, with buildings on each lot incorporating water reduction fixtures. This equates to 10,275 litres of wastewater to be treated per day. Mt Iron Geodrill's calculation in Section 6.1.1 of their report assumes 9,900 litres per day. This carries over into their indicative design calculations for the discharge fields. While not a large discrepancy, this may have implications for the design of the system. No ground

¹² AS/NZS 1547:2012, Clause 1.2.1.2.

investigations (Boreholes or test pits) have been provided in the proposed new dispersal field location. Therefore, the recommendations from Mt Iron Geodrill regarding the proposed drainage field are now largely irrelevant to the application.

- 6.64. Where a management structure is provided in support of a proposal including a reticulated wastewater system that clearly outlines the entities responsible for the system and their obligations, I do not consider the private ownership and management of a reticulated wastewater network should automatically be considered unacceptable management of wastewater. I do not consider there to be reasons why such a system could never work, in principle, although I do also accept the concerns of Council's engineers that a communal system can be poorly managed, particularly where ongoing responsibilities are not clear and there are no or limited formal procedures in place to manage the system. Poorly managed systems can have adverse effects for both the parties connected to the system and the receiving environment. The effect of a failure is also potentially much greater than if an individual allotment's system fails. Currently, there is no information about the intended operation or management of the shared system.
- 6.65. I note that the proposed dispersal area is at a higher elevation than the lots it would service and the proposed treatment plant. Assuming the treatment plant remains in the same place, gravity connections could be made to the plant, with treated wastewater then needing to be pumped up to the dispersal field. I consider this to be largely an engineering matter, with the only risks to the environment being the added complexity of the system creating a higher risk of the system failing in the event that it is not constructed, operated or maintained adequately.
- 6.66. I note that the proposed wastewater reticulation is indicative only and crosses step terrain in some parts, for example between Lots 11 and 12. While the system generally flows downhill towards the treatment plant, it is not immediately clear from the site investigation plan showing the proposed system that the gradients of its pipe network will keep wastewater flows below the 3m/s upper limit specified in Clause 5.3.5.6 of NZS 4404:2004. Wastewater flowing too fast can impact on the operation of the system through leaving solid material behind in the pipe or cause hydraulic jumping at gradient changes, potentially damaging the pipe. I consider that, in principle, the network could be designed to avoid this. However, if consent were to be granted, the consent holder would need to be able to demonstrate Clause 5.3.5.6 was complied with, or precautions taken in accordance with the clause prior to Council giving engineering acceptance for the works prior to them commencing.
- 6.67. Reticulated wastewater for all the proposed lots, as requested by Aukaha, would serve to concentrate wastewater discharge to one location. This would avoid localised effects on groundwater quality and vegetation growth associated with individualised treatment and disposal systems, but would likely result in a greater overall effect around the discharge point of the network. No information is available about the design of the treatment and discharge system proposed by the applicant, and the applicant has confirmed that they do not propose to adopt Aukaha's requested changes. As identified previously, several aspects of the Mt Iron Geodrill assessment have been superseded without replacement information being provided. Limited detail is available to Council regarding any follow-up investigations undertaken by CKL at the time of writing. Given this, I cannot be satisfied that either the system proposed by the applicant, or that proposed by Aukaha will be adequate to manage wastewater from the subdivision.
- 6.68. Lots 1-11, 15 and 16 are all located within 150m of the proposed shared wastewater treatment plant and dispersal field. Locating residential activities close to larger scale wastewater treatment plants can have effects on the amenity of the occupants of the residential activity and have potential reverse sensitivity effects. These effects have not been considered by the applicant. In the event that Council accepts the proposal by

Aukaha that the entire development utilise the reticulated wastewater network and considers the proposal as a breach of Rule 4.7.6A.k, there is insufficient information for me to conclude that effects on their amenity, or on their health, will be adequately managed by the proposal. I would require details about the design and intended operation of the treatment plant, in particular. In the event that Council accepts the partially reticulated, partially on-site reticulated wastewater disposal proposed by the applicant, I consider that these effects would be acceptable in the context of the District Plan framework.

- 6.69. Overall, I consider it likely that the proposal will be able to be adequately serviced for wastewater. However, I consider that there is currently insufficient information to make a definitive conclusion. Nor do I consider there to be sufficient information to make a recommendation between the systems proposed by the applicant and Aukaha. However, with the information available to me, I consider it is likely that wastewater management proposed by the applicant can be achieved without significant adverse effects on the environment.
- 6.70. In terms of stormwater, the applicant has proposed a mixture of on-site soak pits or a semi-reticulated stormwater system discharging into overland flow paths on the site. Stormwater from roads is proposed to be managed using swales along low sides of the carriageway. No specific designs for a semi-reticulated network are proposed, with the applicant instead requesting Council impose a condition requiring a detailed design for the system be developed to comply with NZS 4404:2010, and supplied to Council prior to s223 certification. Aukaha's submission considers that this leaves uncertainty regarding the adequacy of stormwater management and the potential flow-on effects on the receiving environment. Information from the applicant indicates that CKL has modelled anticipated stormwater flows, but this has not been made available to Council at the time of writing. Council's land development engineers consider that a semi-reticulated system could be practicable, provided the management of the system was adequate. I consider that compliance with NZS 4404:2010 would be sufficient to ensure stormwater was being managed adequately from an engineering perspective, but would not necessarily adequately manage the environmental effects of that stormwater. However, I also note that the Regional Plan: Water for Otago manages the effects of stormwater discharges on surface and ground water quality. In particular, stormwater disposal is managed under Rules 12.B.1.8 and 12.B.1.9 of that plan. Therefore, I will consider the potential effects of stormwater discharge in more general terms.
- 6.71. Stormwater management systems tend to concentrate water from impervious surfaces into smaller areas over faster time periods than the same volume of rainwater on an equivalent pervious surface. The wider site is known to have limited capacity for discharging stormwater to ground. It is likely that water typically mostly flows along the surface or near surface soils into overland flow paths and onto lower, better draining, land or into small natural basins within the hills. No details of current overland flows or the proposed stormwater management options have been provided with the application, other than that a semi-reticulated system is preferred. The applicant proposes that detailed design work would occur after consent is granted. I concur with Aukaha that this does not provide sufficient information about how stormwater from anticipated future development is intended to be managed. I do not consider that Council should grant consent on the basis of a stormwater system intended to mimic pre-development stormwater flows when Council does not have information about those flows. For a semi-reticulated system, like that proposed, I would expect to see, at a minimum, details of natural flow paths, and indications of proposed flow paths, retention locations, discharge points and an indication of how the system is intended to be managed in order to allow assessment of the adequacy of the system.
- 6.72. The proposed roads include several long, steep sections. Stormwater running through steeper swales can pick up speed and cause scouring of the swale and, over time, impact

on the safe operation of the road. Rock armouring is typically used in these cases to slow the flow of water, along with short distances between diversion points away from the road, or to mudtanks and soakpits. If consent is granted, conditions should be imposed requiring stormwater management be demonstrated to avoid scouring or pooling of water in low points of the road (For example around Chainage 945) as part of the engineering approval process for the subdivision.

- 6.73. My conclusions regarding the acceptability of a privately owned, reticulated wastewater network also apply to a reticulated stormwater network. Provided they have adequate management provisions to avoid poor operation and maintenance of the network, I do not consider that they should never be allowed. I note that any stormwater management associated with the proposed subdivisional roads would need to be taken over by Council as part of the vesting of the roads.
- 6.74. Electricity and telecommunications connections are proposed to be installed underground to each lot, extending connections from existing infrastructure. I note that this runs contrary to one of the recommendations of Ms Tocher, who recommends that utilities be provide above ground where possible to minimise disturbance to lizard habitat. The proposal will add a not insubstantial amount of new residential users to both networks. It is not clear from the application what, if any, upgrades to existing infrastructure, or new supporting infrastructure, such as transformers or power line capacity upgrades would be required to service the development. I note that no telecommunications companies, nor Aurora Energy, the local electricity distribution company submitted on the application. Any upgrades to the relevant networks would need to be undertaken to their standards. Effects of trenching would be temporary, with the ground not being able to be further developed after the utilities are laid. Recommendations from Mr Beale include that these connections be made within road reserve, where possible, to limit wider disturbance. Effects could be managed during works and habitats restored or offset afterwards elsewhere on the site. Conversely, overgrounding these connections would result in further permanent changes to the landscape character of the area. I consider that the laying of electricity and telecommunications infrastructure underground and upgrades to existing infrastructure would be appropriate in the context of the subdivision.

Traffic Effects and Adequacy of Access

- 6.75. Assuming an average of eight vehicle movements per day for a residential activity, the proposed residential allotments would generate approximately 240 vehicle movements per day. The proposed communal/commercial lots would generate additional trips, depending on their use.
- 6.76. Details of the intended formation of the proposed access roads (Lots 101, 102 and 103) was provided to Council as part of the further information request. It proposes a minimum 6.0m wide carriageway within a 20m wide legal corridor, with gradients between 10 and 15% for three stretches; between chainage 180.57 and 635.77 (15%), between chainage 792.82 and 848.87 (10.36%), and between chainage 995.14 and 1147.01 (15%). Council's land development engineer has recommended that Council impose a maximum gradient of 10%, in line with the Local Sealed standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, unless Council's infrastructure manager is satisfied that the proposed formation would be acceptable. Council's infrastructure manager has reviewed the application. They have confirmed that they would be accepting of a 15% gradient, provided the formation was reviewed by a transport engineer and any signage, railings, widening or other safety measures were applied in accordance with their recommendations. Otherwise, they would not be satisfied that the formation was adequate. I note that FENZ have indicated that they consider the proposed access roads and a slope of 15% to be adequate for their fire appliances. I also note that Mr Suddaby, a registered surveyor, provided his consideration of the

formation as part of the applicant's response to Council's further information request, which includes provisions for signage, barriers and curve gradients. I note that Mr Suddaby is not a transport expert, so I cannot consider this information to be sufficient. Unless this information is provided by a suitably qualified person, I am not in a position to say that the proposed subdivisional roads will be adequate for the proposal.

- 6.77. Council's land development engineers have recommended that Bendigo Loop Road be required to be sealed between the intersection with Lot 101 and the intersection with State Highway 8 (Approximately a 260m length of the road) to a Local Sealed (300-500 ADT) standard, which includes a minimum 6.5m wide carriageway sealed with chip seal or asphaltic concrete. The proposed subdivision will significantly increase traffic along the road from current levels and would, on its own, generate close to, if not over the 300 ADT threshold for sealing the road to this standard. Given this, I consider it appropriate that, if consent is granted, the applicant be required to seal this part of Bendigo Loop Road in accordance with the conditions recommended by Council's engineers.
- 6.78. Several rights of way are proposed. Council's land development engineer has recommended a suite of conditions requiring these be built in accordance with the right of way standards in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004. I consider this to be adequate for the proposed rights of way.
- 6.79. Traffic generated from the proposal will utilise the State Highway 8 / Bendigo Loop Road intersection for most trips. This intersection is currently built without slip or turning lanes. Vehicles wanting to turn right into Bendigo Loop Road, in particular, need to wait in the traffic lane, with no space for other vehicles to pass. Approximately 300m of visibility is available of this intersection when approaching from the south, more from the north. No changes to this intersection have been proposed by the applicant. State Highway 8 is a limited access road in this location. NZTA note in their submission that the highway carries an average of under 3,000 vehicle per day. NZTA's submission also highlights that there was no integrated traffic assessment undertaken to support the application. As such, they do not consider there to be sufficient information to adequately assess the effects of the proposal on the State Highway.
- 6.80. I concur with NZTA that there is not currently sufficient information to determine the level of adverse effect on State Highway 8 from the information provided in support of the application and what level of upgrade to the intersection with Bendigo Loop Road, if any, would be required.
- 6.81. Overall, I cannot be satisfied that the traffic effects of the proposal on State Highway 8 will not be significant, and I do not consider that the proposal has adequately considered measures to manage these effects. As NZTA is the road controlling authority for State Highway 8, I consider that Council should, in the first instance, require any upgrades to the State Highway 8 / Bendigo Loop Road in line with any considered adequate by NZTA in order to reduce effects on the safe and efficient operation of the intersection. The applicant may wish to liaise with NZTA on this matter. I also do not consider there to be justification in Council accepting the proposed internal subdivision roads due to their proposed gradients, without confirmation from a transport expert regarding necessary safety provisions to mitigate the risk to road users.
- 6.82. There is currently no right of public access through Lot 1 DP 561457. I note that a public access easement for the Mt Koinga Track runs through Lot 2 DP 561457, to the south of the site. Several proposed walking or cycling tracks are proposed through the proposed balance lot. It is not clear from the application whether these tracks would be publicly accessible or not. However, I note that all parts of the indicative network show access from a public road, either State Highway 8, or the subdivisional roads. The applicant may wish to clarify the management and rights of access for these tracks at the hearing. In general, walking tracks are an anticipated feature of this landscape, both in and outside

the development zone. The tracks shown on the plans provided with the application show access to various points of interest, including gullies, hilltops and the historic sluicing area near Lot 30. If the tracks are intended to be publicly accessible and have provision for their ongoing management, I consider that they would provide adequate access through this part of the landscape protection area. If the applicant intends these tracks to be private, no public access would be provided to the area other than on the subdivisional roads. I consider that this will have an effect on public access, but, given that public access is currently precluded other than along the Mt Koinga Track, I do not consider that this effect would be significant on its own.

Heritage and Archaeological Effects

6.83. The application is supported by an archaeological assessment from Mr Chris Jennings, archaeological researcher at the University of Otago.

6.84. There are four known archaeological sites on the application site. I understand these were all identified by Mr Jennings during a site visit undertaken in support of this application and subsequently declared as archaeological sites. They are identified by the New Zealand Archaeological Association as follows:

G41/771 – Earth bank from colonial period understood to be in fair condition

G41/772 – Stone wall from colonial period understood to be in good condition

G41/773 – Earth bank with stone revetting from colonial period understood to be in poor condition

G41/774 – Gold sluicings and tailings from the colonial period understood to be in poor condition¹³

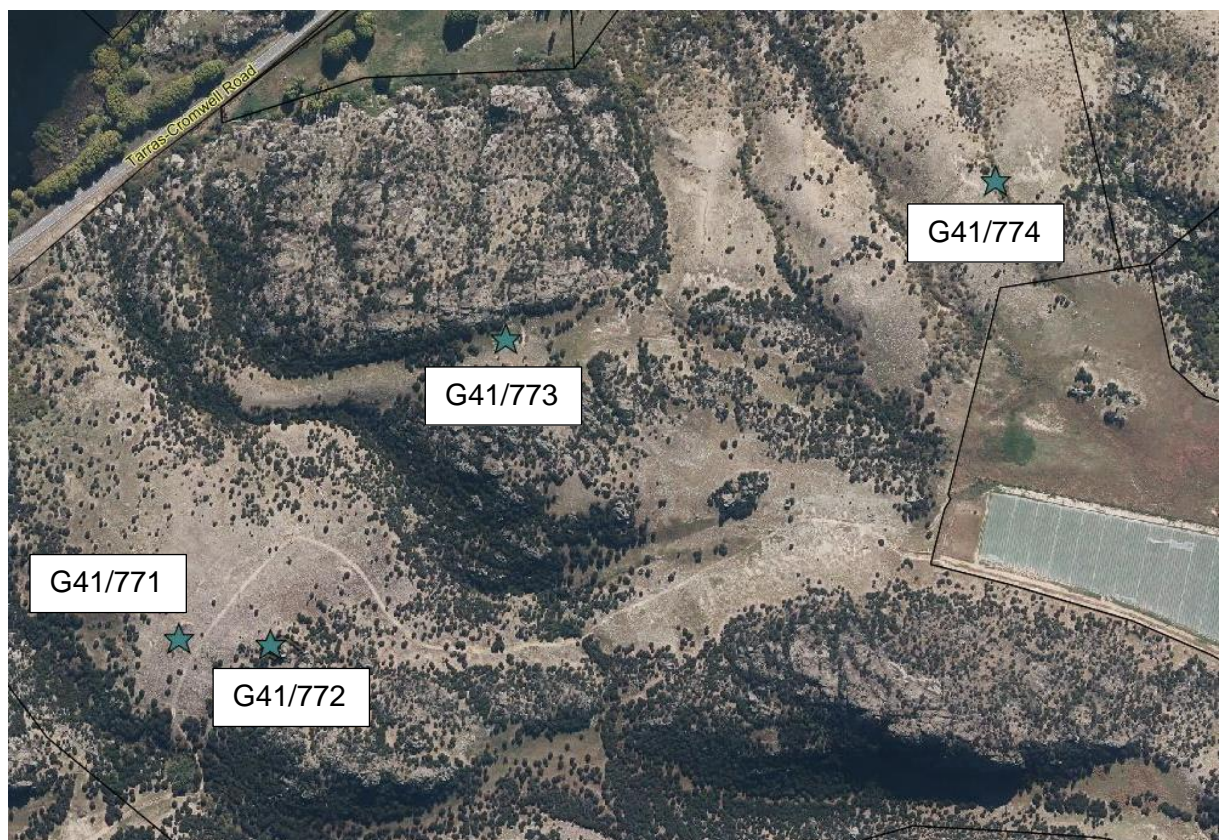


Figure 11: Location of known archaeological sites on the application site.

¹³ Based on Figure 22 of Mr Jennings' report, I note that potential archaeological material associated with G41/774 extends past the point identified on the New Zealand Archaeological Authority's record, with evidence of mine tailings extending into two adjoining gullies.

- 6.85. I note that, regardless of any decision made by Council in relation to this application, the applicant and any subsequent landowner would still require an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or otherwise disturb these sites. I also note that Items 771 and 772 are located within a conservation covenant over the property (Document ID 110111430). Regardless of any decisions of Council under the RMA, no buildings or other structures are able to be built close to them without the approval of the Minister of Conservation. In particular, this would impact buildings on Lots 2, 3, 5 and 6, which are closest to these two items. I note that Director General of Conservation has submitted in opposition to the proposal, in part in relation to effects on historic sites in the area. They requested that the application be amended to avoid these sites.
- 6.86. The proposal would have the greatest potential effect on items G41/771 and G41/773. Both of these items would be impacted by roading associated with the subdivision. G41/772 is located further away from building platforms, curtilage areas or other proposed works, minimising the likelihood of direct modification of the material identified by Mr Jennings. Item G41/774 may be impacted by the creation of the access for Lot 30. I note that this also does not preclude the presence of other archaeological material that Mr Jennings was not able to identify during his walkover of the site, either due to the material being underground, or covered by kanuka or other vegetation. Given this, if Council grants consent, I consider it appropriate to include an accidental discovery protocol as an ongoing condition of consent highlighting the process to be followed in the event that unidentified archaeological material is uncovered on the proposed lots. However, I consider that the proposed subdivision and land use is unlikely to result in significant effects on item G41/772 and I consider the archaeological authority process to be the appropriate method of managing any residual effects.
- 6.87. Mr Jennings notes that most, if not all of items G41/771 and G41/773 will need to be destroyed in order to form the proposed access road and right of way servicing Lots 2 and 3. The rest of item G41/771 would also be at risk of modification or destruction through landscaping of Lot 2, given it is located within that lot's curtilage area. Road construction will also likely affect the mined areas identified in item G41/774. Mr Jennings has not sought to quantify these effects, but considers that they can be appropriately managed through the archaeological authority process, detailed recording of Items G41/771, 772 and 774, and monitoring of each site during works, including investigation and recording of any subsurface features or artefacts discovered during works.
- 6.88. I accept Mr Jennings' observations that Items G41/771 and G41/773 are both in poor condition and 771, in particular, is of an indeterminate age. The four sites are understood to be related to the operation of the Morven Hills Station and, subsequently, Bendigo Station, and exploratory gold mining in the foothills behind the former settlement of Wakefield.
- 6.89. Recording of the proposed sites to be removed would serve to retain some of their values as examples of potential historic farming practices. It is not immediately clear from the application what level of significance should be provided to the affected items, however, reading into Mr Jennings' assessment, it appears that he does not consider them likely to hold significant value. Therefore, I do not consider the proposed modification and destruction of these archaeological sites to have significant adverse effects, looking in isolation. However, in light of the submission from DOC, as the covenantee of a covenant requiring their approval for the alteration or destruction of any archaeological material within the southern parts of the site, I cannot consider the measures proposed by Mr Jennings, particularly as they relate to item G41/771, to be adequate to address the effects on archaeological values.

Cultural Effects

- 6.90. In his assessment, Mr Jennings considered that there was unlikely to be any notable archaeological material related to historic Māori occupation or use of the site. The applicant has relied on this observation to conclude that the cultural effects of the proposal will be minimal. Drawing on the content of Aukaha's submission, I consider that cultural effects should be viewed more broadly than simply history of occupation. Instead, it should also include associative values when considered in conjunction with other parts of the environment or cultural narrative.
- 6.91. The application site is bordered to the northwest by the Mata-au and Te Wairere, the Clutha River and Lake Dunstan, respectively. This waterway and the wider Cromwell basin are associated with seasonal migrations through the area for resource gathering, including kai in the Mata-au and trade. The basin is identified by Kai Tāhu as a wāhi tupuna in draft mapping, centred largely along the Mata-au and the Lindis River, reinforcing these cultural associations. Effects such as visual and landscape effects, changes to water quality or quantity, and loss of access to the Mata-au and Te Wairere in particular can all adversely affect these cultural values.
- 6.92. In this case, the proposal would not impinge on access to important waterways. I have already concluded that I do not consider there to be sufficient information to confirm that effects on water quality from wastewater and stormwater discharges will be adequately managed, although I don't consider these effects likely to be significant. I note that Aukaha's submission raises a concern with subdivision through the area more generally having effects on the cultural landscape and on wai māori. Each subdivision has to be considered on its own merits based on the provisions of the district plan. I note Aukaha's concerns on this point, but consider that these more general concerns might be better addressed through a policy response looking at the provisions of the rural chapter of the District Plan. Given this, I do not currently consider there to be sufficient information to confirm that cultural effects will be adequately managed. However, I consider them unlikely to be significant.

Risk of Fire

- 6.93. Several submitters, including Fire and Emergency New Zealand (FENZ) raised concerns about the increased risk of fire due to the density of development and surrounding vegetation.
- 6.94. FENZ notes that kanuka is highly flammable and requests that consideration be given to the use of plant species with lower flammability in areas of new plantings to lower the risk of fire starting. FENZ includes a list of lower flammability plants, which includes species such as kohuhu or cabbage tree.¹⁴ Landscape mitigation proposed by the applicant, based on advice from Mr Baxter, is to allow kanuka as the only tree for landscaping planting, with the exception of 20m² of exotic, low growing, plantings. I concur with FENZ and other submitters that larger areas of kanuka, particularly where they are located close to dwellings or accessory buildings, can increase fire risk. I understand that kanuka was chosen as the primary landscaping plant to blend in with the existing hillside, which is predominantly covered in kanuka. Lower flammability plantings and exclusion zones around buildings would limit the risk of fire starting or spreading to buildings. I consider that this could be adequately managed by conditions of consent. However, I consider that it might be useful for the applicant to give some consideration to what other lower flammability plant species might be viable for the site to provide options with lower fire risk while maintaining landscape management objectives, and whether exclusion zones around buildings would be useful in managing the risk of fire spreading to buildings in the development.

¹⁴ The link provided in FENZ's submission led to a missing page. I have based this list off the list on FENZ's website at <https://fireandemergency.nz/outdoor-and-rural-fire-safety/protect-your-home-from-outdoor-fires/flammability-of-plant-species/#low>

6.95. I note that the proposed subdivision includes 30 developable allotments with a single point of ingress or egress that would also likely need to be used by FENZ access to water supplies from the subdivision in the event of a fire. At any time, these lots could be occupied by multiple groups of people unfamiliar with the area in a travellers' accommodation context who may need to evacuate on short notice in the event of a wildfire. Having a single point of access, particularly one that might be affected or blocked by a fire, could limit a FENZ response to a fire or endanger the safety of occupants of a site if they cannot efficiently or safely leave the area. I note that FENZ has not commented on this point in their submission. However, if they are amenable to the proposal having a single point of access, I consider that this will not have an unacceptable effect on the safety of occupants and on the efficiency of a FENZ response in the event of a fire. I invite them to comment as they see fit on whether a formal second point of access to the subdivision would be preferable.

Positive Effects

6.96. I concur with the applicant that the proposal will have a positive social and economic benefit through the creation of additional allotments able to be used for residential purposes and accommodation facilities.

7. SUBSTANTIVE DECISION ASSESSMENT

Effects

7.1. In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. I do not consider there to be sufficient information provided in support of the application to conclude that the effects of the proposal will not be significant. While a level of environmental change and associated visual, landscape and ecological effect is anticipated in the Rural Resource Area (2), I am not satisfied that these effects arising from development provided for by the proposed subdivisional layout will be appropriately managed through the measures proposed by the applicant.

Offsetting or Compensation Measures

7.2. Measures have been proposed by the applicant to both offset and compensate for loss of indigenous biodiversity associated with the proposed subdivision and future development. This includes planting kanuka across a 17,500m² area and a covenanted land management area to facilitate cushionfield habitat of 235,000m², split over two areas. The likely effectiveness of these measures has been peer reviewed by Mr Harding. Figure 12 shows a representative example of the existing vegetation on the easternmost compensation area.



Figure 12: Example of current groundcover on the easternmost compensation site. Source: Site visit 09 March 2024.

- 7.3. I note that the proposed planting areas on the BSDL property are both flanked on multiple sides by vineyards and other developed land owned by third parties. It is not clear from the amended application what impacts the use of fungicides, pesticides and other chemicals on these vineyards may have on the establishment and long term success of the proposed compensation areas, other than an observation from my site visit that there is cushionfield plants growing within the compensation areas. The applicant may wish to expand on this at or prior to the hearing.
- 7.4. Some transplanting of cushionfield plants to the compensation area is proposed. While I have to give Mr Beale the benefit of the doubt that this transplanting can be successful, it is not clear how successful this transplanting will be. Low success rates would reduce the rate of development of the compensation areas.
- 7.5. Mr Harding considers that proposed monitoring, consisting of annual site walkovers and subjective assessment of changes in vegetation cover would be of little assistance to confirm the purpose of the offsetting and compensation is being fulfilled. Instead, Mr Harding recommends a baseline survey followed by more thorough, scientific process using measurements at fixed locations compared to control points outside the area impacted by conservation management activities. I concur with Mr Harding that a simple site walkover and photographs taken once a year would be unlikely to provide robust evidence of the success or otherwise of the proposed offsetting and compensation.
- 7.6. Appendixes 3 and 4 of the National Policy Statement for Indigenous Biodiversity 2023 set principles for biodiversity offsetting and compensation. They indicate that offsetting should not be used where indigenous biodiversity is irreplaceable, or the effects are uncertain but likely to be significant or irreversible. Offsetting should achieve a net gain in biodiversity over the lifespan of the activity the offset relates to with minimal time lag

between loss of values and the maturity of the offset planting, and should be undertaken close to the impact site in the same ecological district. Under these principles, compensation should not be used where the impacted biodiversity is irreplaceable or vulnerable, or the effects are uncertain but likely to be significant or irreversible. Compensation should ensure values lost are addressed by positive effects at a greater scale than the adverse effects, achieves a net gain in indigenous biodiversity over the lifespan of the activity the offset relates to with minimal time lag between loss of values and the maturity of the compensation planting, and should be undertaken close to the impact site in the same ecological district. Both offsetting and compensation need viable funding sources over the term for which it is required.

- 7.7. In relation to the proposed offsetting, I concur with Mr Beale that the offsetting would, in the long term, increase the area of kanuka habitat, and its associated carrying capacity for other species. The proposed offsetting site is directly adjacent to existing kanuka stands on the application site which would be avoided by the proposal. This reduces fragmentation in the ecosystem.
- 7.8. In relation to proposed compensation, Mr Harding considers that several of the species likely to be present in areas dominated by kanuka should be considered vulnerable. He also considers that there is insufficient certainty in the likely effects in the information provided by the applicant. Based on Mr Beale's assessment, I consider that the effects on indigenous biodiversity from the proposal that are proposed to be compensated for would likely be significant without any other measures. I consider that effects around buildings and curtilage areas would, more likely than not, be irreversible in that specific area, but may not be irreversible over the ecological area. It is not clear from where funding is to be obtained to undertake the works, although I assume this would need to be levied from future landowners within the development.
- 7.9. At the time of writing, no updated comments from BSDL or evidence of agreements between the applicant and BSDL have been provided to Council confirming that their land will be made available on an ongoing basis for the proposed offsetting and compensation areas. Unless this is provided, I do not consider that Council can be satisfied that the proposed measures will be available to the applicant if consent were to be granted. I also consider that imposing any conditions requiring works in the proposed covenant areas would be ultra vires, as fulfilling the conditions would be contingent on the discretionary approval of a third party. Therefore, based on the information currently available, I am not satisfied that the offsetting and compensation proposed by the applicant will be appropriate to address the ecological effects of the proposal. If the comment or other agreements mentioned above were provided to Council, I still consider that the proposed offsetting and mitigation would likely be insufficient to fully address the adverse effects on indigenous biodiversity, for the reasons provided above.
- 7.10. If Council considers the proposed offsetting and compensation to be appropriate and grants consent, I note that Ms Wardle submitted that Council should take a sufficient bond from the applicant that any works required for offsetting and compensation can proceed for at least 10 years in the event that the applicant fails to adequately follow any requirements of their plans. I note that the applicant proposes to be covenanted to undertake the works in perpetuity. A bond would need to allow for the release of the held funds after a certain period of time. Council could not hold it in perpetuity. I consider that a bond would be beneficial to ensure the availability of ongoing operation of the covenanted areas, for example while the area was maturing. However, a bond could not be held over the entire length of time the compensation is required under the NPS-IB, so Council must be satisfied that a shorter period (For example 10 years, as proposed by Ms Wardle) would be adequate. This would require details of ongoing costs of the monitoring and maintenance of the area, and estimations about the length of time the areas are anticipated to take to establish and mature. I am broadly supportive of Council

taking a bond. However, more detail would be required for me to be satisfied that any bond to be taken would be appropriate.

Objectives and Policies

7.11. The following objectives and policies are relevant to the proposal:

Objectives:

- 4.3.1 – Needs of the District's People and Communities
- 4.3.2 – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area
- 4.3.3 – Landscape and Amenity Values
- 4.3.4 – Recreation Resources
- 4.3.5 – Water Resources
- 4.3.6 – Margins of Water Bodies
- 4.3.8 – Significant Indigenous Vegetation and Habitats of Indigenous Fauna
- 14.3.4 – Archaeological Sites
- 16.3.1 – Adverse Effects on the Roding Network
- 16.3.2 – Services and Infrastructure
- 16.3.4 – Amenity Values
- 16.3.5 – Water and Soil Resources
- 16.3.6 – Heritage Values
- 16.3.7 – Open Space, Recreation and Reserves
- 16.3.8 – Public Access
- 16.3.9 – Physical Works Involved in Subdivision
- 16.3.11 – Effluent Disposal

Policies:

- 4.4.1 – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area
- 4.4.2 – Landscape and Amenity Values
- 4.4.3 – Sustainable Management of Infrastructure
- 4.4.5 – Effects on Water Quality
- 4.4.7 – Significant Indigenous Vegetation, Wetlands and Wildlife
- 4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties
- 4.4.9 – Effects of Rural Activities
- 4.4.10 – Rural Subdivision and Development
- 4.4.13 – Public Access to Significant Features
- 14.4.6 – Archaeological Sites
- 16.4.1 – Adequate Access
- 16.4.2 – Existing Access
- 16.4.3 – Adequate Infrastructure
- 16.4.4 – Unreticulated Areas
- 16.4.6 – Construction Standards
- 16.4.7 – Subdivision Design

7.12. For the reasons provided in my assessment of effects, I consider that the proposal fails to adequately maintain the anticipated rural character of the site. I consider the proposal to be inconsistent with Objectives 4.3.3 and 16.3.4, and Policy 4.4.2.

7.13. It is not clear whether public access to the recreation area will be provided, other than along the subdivisional roads. This will need to be clarified before I can confirm that the proposal will be consistent with Objectives 4.3.4 and 16.3.7, and Policy 4.4.13.

7.14. Objective 14.3.4 and Policy 14.4.6 promote the conservation of archaeological sites by ensuring development near such sites recognises and provides for their values, and protection of those values where they are considered significant. Overall, I consider that

the archaeological effects of the proposal can be managed adequately in accordance with these provisions.

- 7.15. Objective 4.3.8 and Policy 4.4.7 seek to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of development. They also seek to promote the retention and enhancement of other indigenous ecosystems, where they are not considered significant. While the area is not identified in the District Plan as a significant natural area, based on Mr Beale's assessment, the submission from Ms Wardle and the peer review from Mr Harding there is a high level of value in the ecosystems present on the site, regardless of whether it is mapped or not. Regardless of the classification of the site's ecosystems, I consider the proposal to be inconsistent with these provisions. The proposal fails to maintain the qualities of indigenous ecosystems through the location of building platforms and curtilage areas outside the identified development zone, where it is eminently practical to do so, and it is not clear that the proposed offsetting and compensation will be adequate to address these effects satisfactorily.
- 7.16. While I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features, I consider the proposal to not provide an adequate level of access to State Highway 8 from Bendigo Loop Road. I consider the proposal to be inconsistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2.
- 7.17. Subject to the provision of additional information I consider that, in principle, the proposal will have adequate provision for other infrastructure consistent with Objective 16.3.2, and Policies 4.4.3, 16.4.3 and 16.4.6.
- 7.18. I do not consider there to be sufficient information about the proposed reticulated wastewater system to be satisfied that the proposal will be adequate to manage wastewater in accordance with Objectives 4.3.5, 16.3.5 and 16.3.11, and Policies 4.4.5 and 16.4.4.
- 7.19. The proposal should facilitate adequate access within the subdivision but, based on current available information is unlikely to facilitate the safe operation of the State Highway 8 / Bendigo Loop Road intersection. In principle, the design of the subdivision should provide safe and efficient provision of infrastructure, subject to the provision of additional information. I consider that all lots will have adequate access to passive solar energy. Further subdivision of the land or nearby properties that may rely on this development for access is not anticipated. It is not currently clear whether public access will be provided along proposed walking tracks in the landscape protection area, as anticipated by the concept plan to provide access to landscape features. I would expect some level of public access to be appropriate in this case. The proposal will result in earthworks, particularly for creating the access road. However, I consider that these have been minimised adequately, taking into account the steep terrain the access road must cross. Overall, I consider that the proposal adequately addresses most, but not all, matters in Policy 16.4.7.
- 7.20. Objective 4.3.2 and Policy 4.4.1 seek to protect areas of Outstanding Natural Landscape from inappropriate subdivision and development, giving effect to Section 6(b) of the RMA. I consider that the rules in Section 4 and the concept plan in Schedule 19.16 of the District Plan provide a baseline for what could be considered an "acceptable" level of development. Having regard to this baseline and the assessment provided throughout this report, I do not consider the proposed measures to be adequate to manage the effects of the proposal where it is located within the ONL. I consider the proposal to be inconsistent with these provisions.

- 7.21. Policy 4.4.10 is a catchall provision intended to ensure development appropriately avoids, remedies or mitigates its effects on a range of matters. For the reasons provided throughout my report, I do not consider the proposal to adequately address its effects on the environment. I consider the proposal to be inconsistent with this policy.
- 7.22. Objective 4.3.1 is an overarching provision that seeks to ensure the District Plan enables for a broad range of activities that allow rural communities to provide for their own wellbeing. However, at the same time, it requires such development maintain or enhance the environmental quality of the area. The proposal would provide an economic benefit for the applicant and, could broadly contribute to social wellbeing through the provision of lots able to be used for residential development, albeit limited by their location and the proposed additional use of all lots for travellers' accommodation. However, for the reasons provided throughout this report, I consider the proposal to fail to maintain the anticipated character of the area. I consider that there are alternative development patterns that could provide similar benefits while maintaining this character. The proposal is not consistent with this objective.
- 7.23. On balance, I consider that the proposal should be considered contrary to the objectives and policies of the District Plan. In particular, Objectives 4.3.1, 4.3.2 and 4.3.3, and associated policies 4.4.1 and 4.4.2 set the framework for all rural development that the other provisions of the district plan built on. The proposal does not adequately maintain the anticipated rural character of the area due to the proposed location of buildings in a visually significant landscape without strongly justified mitigation measures. Additionally, the proposal will have potentially significant effects on indigenous biodiversity and there are several outstanding questions regarding the adequacy of infrastructure provision.

Section 104D Gateway Tests

- 7.24. Under Section 104D, Council must refuse a resource consent application unless it is satisfied that the proposal will either have minor effects on the environment, or the proposal will be consistent with the objectives and policies of the District Plan. If either of these gateway tests are met, it can exercise its discretion under Section 104B.
- 7.25. In this case, the proposal will have more than minor effects for the reasons provided in my assessment of effects, and is considered to be inconsistent with the objectives and policies of the District Plan. The proposal fails both gateway tests and I consider that consent should be refused on this basis.
- 7.26. While I am not satisfied that the gateway tests in Section 104D have been passed, in the event that the panel disagrees, I have undertaken further assessment against the other matters listed in Section 104 below.

Partially Operative and Proposed Regional Policy Statements

- 7.27. The Partially Operative Otago Regional Policy Statement 2019 (PORPS2019) was declared partially operative on 15 March 2021. The Proposed Otago Regional Policy Statement 2021 (PRPS2021) was notified on 26 June 2021. The following provisions of both documents are relevant to the proposal:

PORPS2019:

Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded

Policy 3.1.1 Fresh water

Policy 3.1.9 Ecosystems and indigenous biological diversity

Policy 3.1.13 Environmental enhancement

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced where degraded

Policy 3.2.2 Managing significant indigenous vegetation and habitats

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes
Objective 4.3 Infrastructure is managed and developed in a sustainable way
Policy 4.3.5 Protecting infrastructure with national or regional significance
Objective 5.1 Public access to areas of value to the community is maintained or enhanced
Policy 5.1.1 Public Access
Objective 5.2 Historic heritage resources are recognised and contribute to the region's character and sense of identity
Policy 5.2.3 Managing historic heritage
Objective 5.3 Sufficient land is managed and protected for economic production
Policy 5.3.1 Rural activities

PRPS2021:

LF-LS-02 – Use of Land
LF-LS-P21 – Land Use and Fresh Water
LF-FW-P15 – Stormwater and Wastewater Discharges
ECO-O1 – Indigenous Biodiversity
ECO-O2 – Restoring or Enhancing
ECO-O3 – Kaitiakitaka and Stewardship
ECO-P1 – Kaitiakitaka
ECO-P3 – Protecting Significant Natural Areas and Taoka
ECO-P6 – Maintaining Indigenous Biodiversity
EIT-TRAN-07 – Effective, Efficient and Safe Transport
EIT-TRAN-09 – Effects of the Transport System
EIT-TRAN-P18 – Integration of the Transport System
EIT-TRAN-P21 – Operation of the Transport System
EIT-TRAN-P22 – Sustainable Transportation
HCV-HH-O3 – Historic Heritage Resources
HCV-HH-P5 – Managing Historic Heritage
HCV-HH-P6 – Enhancing Historic Heritage
NFL-O1 – Outstanding and Highly Valued Natural Features and Landscapes
NFL-P2 – Protection of Outstanding Natural Features and Landscapes

- 7.28. It is not clear from the information available to me with the application that the proposal will contribute to achieving environmental outcomes for fresh water through the management of its stormwater and wastewater discharges, in particular. I consider the proposal to be inconsistent with Policy 3.1.1 and LF-LS-02, LF-LS-P21 and LS-FW-P15.
- 7.29. Policy 3.1.9 in the PORPS2019 requires the maintenance and enhancement of indigenous biodiversity Policy 3.1.13 seeks to encourage and facilitate developments that protect or restore indigenous habitat and facilitate the regeneration of indigenous species. The proposal attempts this through offsetting and compensation areas. However, as identified by Mr Harding, there are limitations in the assessments supporting this part of the proposal that call into question the appropriateness of these measures. I do not consider that the applicant should benefit from Policy 3.1.13 and would not maintain an area of predominantly indigenous vegetation earmarked to be kept in a largely undeveloped state though other planning documents. I do not consider the proposal to be consistent with these provisions.
- 7.30. Policy 3.2.2 requires the application of the same effects managed hierarchy as in the NPS-IB when considering applications affecting areas of significant indigenous biodiversity. The proposal fails to adequately avoid adverse effects and would fail to protect a potentially significant area of indigenous flora and fauna in accordance with this policy
- 7.31. ECO-P6 requires the application of the same effects managed hierarchy as in the NPS-IB when considering applications affecting indigenous biodiversity. The proposal fails to

adequately avoid adverse effects and would fail to protect a potentially significant area of indigenous flora and fauna in accordance with ECO-P2. I consider the proposal to be inconsistent with these policies and associated ECO-O1, ECO-O2 and ECO-O3.

- 7.32. PORPS Policy 4.3.5, and EIT-TRAN-O7 and EIT-TRAN-O9 and associated policies seek to ensure the integration of the transport network with land use and avoid adverse effects on the operation of the roading network. In the case of Policy 4.3.5, Council is directed to avoid significant effects and avoid, remedy or mitigate other effects on the operation and functional needs of regionally significant infrastructure, such as the transport network. While potentially strict in their application, especially the PRPS2021 provisions, I consider that these provisions can be adequately addressed primarily through compliance with relevant construction standards, in this case. Compliance with relevant standards is not proposed. I consider the proposal to fail to adequately avoid effects on the operation of the transport network, failing EIT-TRAN-P21 and Policy 4.3.5. The proposal would not encourage reduction in reliance on fossil fuels in terms of EIT-TRAN-P22.
- 7.33. It is not clear whether public access to the recreation area will be provided, other than along the subdivisional roads. This will need to be clarified before I can confirm that the proposal will be consistent with Objective 5.1 and Policy 5.1.1.
- 7.34. HCV-HH-O3 and its associated policies require the protection of historic heritage through avoiding significant effects on areas with historic heritage values and only remedying or mitigating those effects where they cannot be avoided. Policy 5.2.3 sets a similar requirement, where effects should be minimised as a first priority, then residual effects remedied or mitigated. I consider that there would likely be alternative access routes, in particular, that would avoid or otherwise minimise effects on archaeological sites in the area. For example, access to Lots 2 and 3 and the curtilage area on Lot 2 could be realigned to avoid affecting G41/771, as could the access road for Lot 30 to avoid affecting G41/774. I do not consider the proposal to have appropriately followed the effects management regime set out in these provisions.
- 7.35. The proposal is in an area intended since prior to the current district plan for a mixture of rural residential and landscape protection purposes. I consider the uses proposed by the development to not be inconsistent with PORPS2019 Objective 5.3 and Policy 5.3.1.
- 7.36. For the reasons provided throughout my report, I do not consider the proposal to adequately provide for the protection of the values of the ONL or potentially significant areas of indigenous flora and fauna on the site from inappropriate development. I consider the proposal to be inconsistent with PORPS Objective 3.2 and PRPS NFL-O1, and associated policies.

National Policy Statements

NPS-UD

- 7.37. WK-NZTA has referenced the National Policy Statement for Urban Development 2020 (NPS-UD). Central Otago District has not formally been identified as a Tier 3 council, subject to the NPS-UD at the time of writing. However, based on current urban growth projections for the Cromwell township and pending resolution of current uncertainty about whether satellite areas such as Pisa Moorings and Bannockburn should be counted towards the urban population of the township, the area may become an urban area as defined in the policy statement in the near future. Therefore, I will give some consideration to the NPS-UD. However, given CODC is not currently a Tier 3 council, I consider that any weight given to the NPS-UD at the current time should be very low.

- 7.38. The underlying objectives of the NPS-US are that New Zealand's urban environments are well functioning, with a range of housing typologies, prices and locations, with good accessibility for all people between housing, jobs, community services and open and natural spaces.
- 7.39. The Rural Resource Area (2) is a rural zone established prior to the advent of the NPS-UD that is intended to facilitate a pocket of relatively dense rural residential development. It is not an urban zone. Nor does the District Plan intend it to form part of an urban area. Provisions of the NPS-UD related directly to urban development, for example enabling development capacity, would not be relevant to this application. In terms of Policies 1(c) and (e), I accept that the proposed development will be less convenient for residents in terms of access to jobs, community facilities and other services such as retail activities. It will also generate more greenhouse gas emissions than if the proposed residences were located in or directly adjacent to the Cromwell township. However, this is part of the nature of living in a rural context. If the NPS-UD were to be given any weight in relation to the proposal, I do not consider that the proposal would be inconsistent with the objectives and policies of the NPS-UD.

NPS-IB

- 7.40. The primary objective of the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) is to ensure there is no overall loss of indigenous biodiversity after the commencement date of the policy statement. The proposal will result in a loss of biodiversity, particularly of cushionfield ecosystems, in the lots intended to be built on. This is proposed to be mitigated through offset plantings of kanuka and compensation through relocating and habitat maintenance of cushionfield plants to two locations on a neighbouring property. As previously noted when assessing the adequacy of the proposed offsetting, these measures would currently be ultra vires as Council has no guarantee that the relevant landowner would allow access to their land for the proposed offsetting and compensation. The proposal would fail to comply with the NPS-IB on that basis. However, on the understanding that the applicant intends to provide approval of Mr Perriam, I will consider against the NPS-IB, regardless.
- 7.41. The site is not identified as containing any significant natural areas (SNA's) in the District Plan, as defined in the NPS-IB. If Council becomes aware of a potentially significant natural area, Clause 3.8(6) of the NPS-IB requires Council to undertake an assessment of the area in accordance with Clause 3.8(2) as soon as practicable and, if a new SNA is identified, include this in the next appropriate plan or plan change. Under Clause 3.8(2), Council is directed to use the assessment criteria in Appendix 1 of the policy statement. This includes considering the representativeness, diversity and pattern, rarity and distinctiveness, and the area's ecological context. An area would need to meet one of the four criteria. Table 8-4 of Mr Beale's original ecological assessment considers that the area scores highly on all four categories and could be considered ecologically significant based on each criterion. In the event that saline ecosystems are present, I consider their rarity likely to mean they would be considered significant natural areas in their own right. I consider this to be sufficient information that Council's obligations under Clause 3.8(6) of the NPS-IB are triggered. Therefore, my preference would be that the processing of the application either be suspended until an assessment can be undertaken and, if not, consent be refused. If the area is considered an SNA, Clause 3.10(2) would direct Council to require avoid any loss of ecosystem representation and extent, disruption to ecosystem function or ecosystem fragmentation, among other things. For reasons provided throughout my report, I consider that these effects would be unlikely to be avoided due to the location of building platforms, curtilage areas and associated subdivisional works destroying large areas of established indigenous vegetation and increased fragmentation of the ecosystem if Council were to accept the proposed offsetting and mitigation areas. Therefore, I would consider the proposal to be inconsistent with the NPS-IB in this scenario.

- 7.42. In the event that the panel concludes that Clause 3.8 is not triggered, or it cannot delay or refuse consent on the basis that Council has not undertaken necessary works to confirm whether the area is an SNA under Clause 3.8(6), Clause 3.16 directs Councils to apply the effects management framework set out in the policy statement and consider whether the proposal is consistent with the objectives and policies of the NPS-IB. To summarise, the effects management framework requires development first, avoid effects on areas of indigenous biodiversity where practicable, otherwise minimise those effects, otherwise remedy the effects after the fact. Only where more than minor residual effects cannot be avoided, remedied or mitigated should offsetting be used, and only compensated for as a last resort. If the proposal's effects cannot be adequately compensated for, the proposal should be refused. The proposal fails to avoid loss of indigenous biodiversity. I consider this to be less of a concern inside the development zone, where a level of biodiversity loss is anticipated by the District Plan. However, outside the development zone, other than for the provision of access roads and utilities, I do not consider there to be any reason why effects on indigenous biodiversity cannot be avoided. The proposal as a whole fails Clause 3.16(1) for this reason. However, for land within the development zone, I consider that steps to minimise and mitigate effects (For example steps taken by the applicant to limit built form and modification of the environment around the proposed building platforms), followed by offsetting and compensation for residual more than minor effects may be more appropriate. However, for the reasons provided earlier in my report, I am not satisfied that the proposed measures proposed by the applicant, particularly the offsetting and compensation measures, will be appropriate to adequately address the residual effects that have not been remedied or mitigated.
- 7.43. In terms of the objectives and policies of the NPS-IB, Council must take a precautionary approach when considering effects on indigenous biodiversity, and must recognise and provide for the maintenance of indigenous biodiversity outside SNA's. Inside SNA's the policies of the NPS-IB require avoidance or appropriate management of effects on indigenous biodiversity. In doing so, it must ensure no net loss of indigenous biodiversity across the country. I consider that the proposal will have effects on indigenous biodiversity that may meet the significance criteria in the NPS-IB that are not proposed to be managed consistently with the effects management framework. Based on Mr Harding's peer review, there is not sufficient information with the application to confirm that proposed offsetting and compensation (If Council considers these measures to be appropriate) would be sufficient to ensure no net loss of indigenous biodiversity within the application. I consider that the proposal would not be consistent with the policy direction in the NPS-IB.
- 7.44. Overall, I consider the proposal to be inconsistent with the NPS-IB.

NPS-HPL

- 7.45. The National Policy Statement for Highly Productive Land 2022 seeks to avoid the loss of highly productive land in the country. Currently, highly productive land is defined as land identified as LUC 1, 2 or 3 in the New Zealand Land Resource Inventory as no further mapping has been undertaken by the Otago Regional Council at the date of writing. The application site is identified in the inventory as LUC 7. Therefore, the NPS-HPL is not applicable to the application.

Other Matters

Consistency with Cromwell Spatial Plan

- 7.46. NZTA considers the proposal to be inconsistent with the Cromwell Spatial Plan, as it is not identified as a future growth area in that plan. I note that the study area for the

Cromwell Spatial Plan did not extend into the Bendigo rural areas, and the RuRA (2) zoning significantly pre-dates the Cromwell Spatial Plan by several decades. Given this, I do not consider the proposal to be inconsistent with the intent of the Cromwell Spatial Plan.

Conservation Covenant

- 7.47. Parts of the site, including the development zone are covered by a conservation covenant in favour of the Minister of Conservation. The area covered by the covenant is shown in Figure 12 below.

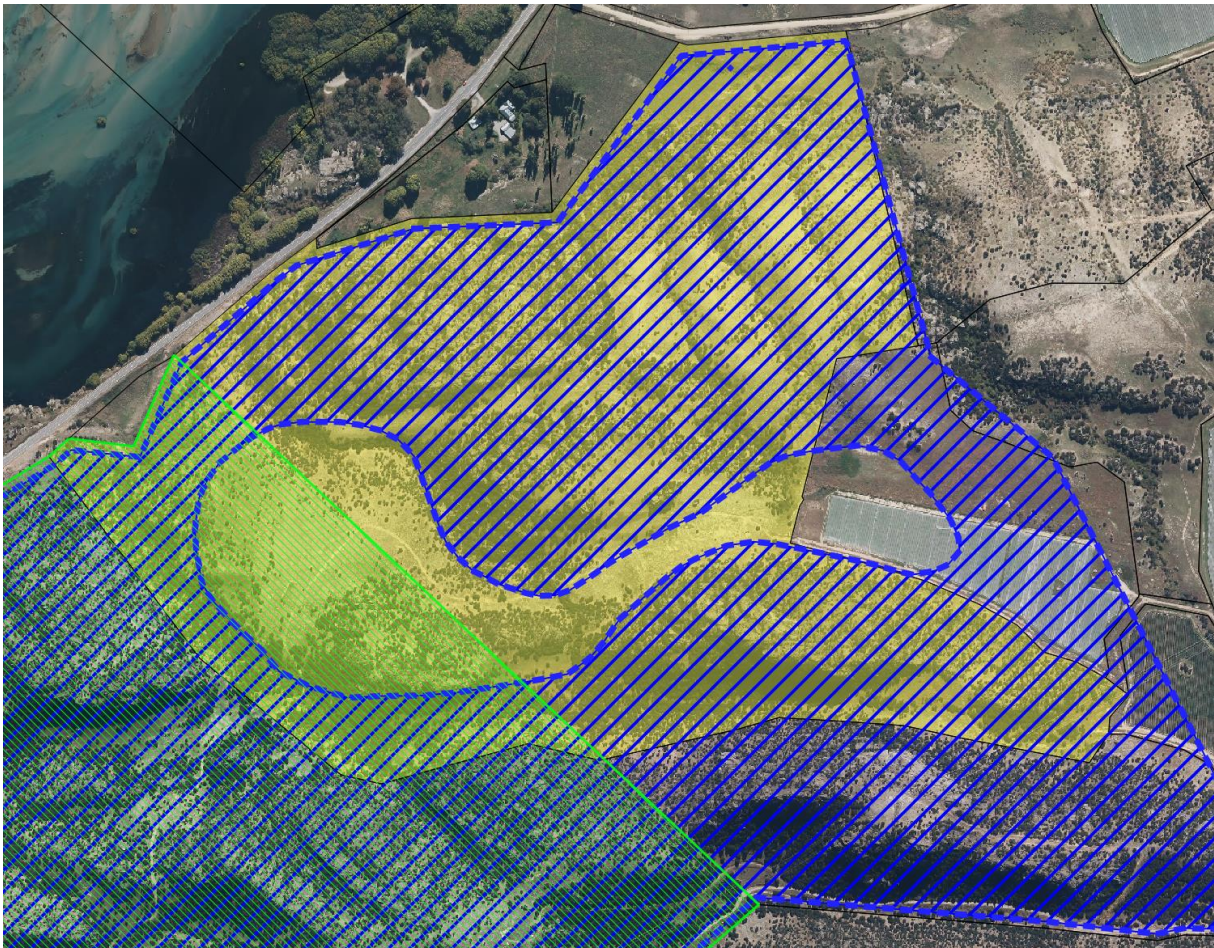


Figure 12: Map showing the ONL notation from the District Plan (Blue stripe) and conservation covenant (Green stripe) as it relates to the site (Yellow). The development zone is the area of the site not in the ONL. Conservation covenant data is sourced from the Department of Conservation at <https://doc-deptconservation.opendata.arcgis.com/search?groupIds=2f464d8a0dde474cb63d44183fa0f556>.

- 7.48. The objectives of the covenant are the protection and enhancement of the natural and ecological character of the covenanted land, with particular regard to ecosystem function. In particular, it places obligations on the landowner to keep the land free of noxious plants, rubbish and vermin. The covenantor must also not allow any structure, undertake any earthworks or plant any trees near historic sites on the land without the prior approval of the Minister of Conservation. It is not Central Otago District Council's role to interpret, apply or enforce the terms of a covenant it is not a party to. This falls to the parties to the covenant. However, I note its existence and the submission by the Director General of Conservation, the head of the operational arm of the covenantee, which opposes the proposal in part on the grounds that the proposal will not be consistent with the intent of the covenant. I also consider that CODC should be cautious about approving a resource

consent that may be directly contrary to a covenant it becomes aware of through considering an application, without the input of the covenanting parties.

- 7.49. In this case, I note that DOC, the covenantee, has submitted in opposition to the proposal and request that the proposal be amended to avoid identified heritage sites, particularly within the covenant area, and undertake further ecological assessments to ensure that effects on the ecology of the area is adequately managed. It stands to reason that DOC considers the proposal to be inconsistent with the terms of the covenant. For the reasons given throughout this report, I consider that there is enough justification for Council to consider the proposal contrary to the District Plan. However, I consider that the current opposition of the proposal by the covenantee further reinforces that conclusion.

Precedent

- 7.50. Granting resource consent for an activity can create a precedent where future applications for similar activities may expect similar treatment, at least in terms of process (Noting that the appropriateness of every application is assessed on its own merits). In this case, the proposal is limited to a distinct sub-set of the Rural Resource Area, in a distinct geographical location covering land owned by both the applicant and a couple of third parties. Therefore, I do not consider the proposal able to form a precedent outside the Rural Resource Area (2). However, I consider that approving the proposal will create a precedent insofar as it demonstrates that Council is amenable to domestic built form within the landscape protection area that is visible from surrounding land.
- 7.51. For completeness, I note that Council has previously approved a subdivision of six lots, five of which are entirely within the landscape protection zone, under RC 210148. The sixth lot is in the Rural Resource Area (1). This decision was notified on 13 December 2021 and approves the subdivision and associated building platforms in part on the basis that buildings on the platforms would each be invisible from outside the site, other than for very small glimpses, and largely invisible from each other. Therefore, the two applications are sufficiently distinguishable from each other that any precedent created by RC 210148 for developable lots outside the development zone is not applicable to this application.

Section 6 of the Resource Management Act 1991

- 7.52. The protection of areas of ONL from inappropriate subdivision and development is identified as a matter of national importance in Section 6(b) of the RMA. This is reflected in Objective 4.3.2 of the District Plan. For the reasons provided throughout my report, I do not consider the proposal to be an appropriate subdivision and use of the ONL.
- 7.53. The protection of areas of significant indigenous vegetation and significant habitats for indigenous fauna is a matter of national importance in Section 6(c) of the RMA. For the reasons provided throughout my report, I do not consider the proposal to adequately protect potentially significant indigenous vegetation.
- 7.54. The protection of historic heritage from inappropriate subdivision, use and development is identified as a matter of national importance in Section 6(f) of the RMA. For the reasons provided throughout my report, I consider that some aspects of the proposal are able to be appropriately managed. However, there are outstanding questions relating to the appropriateness of proposed works impacting archaeological sites within the conservation covenant.
- 7.55. Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

8. OVERALL CONSIDERATION

- 8.1. The proposal is multi-faceted, and is in an area with a unique in the district planning framework that, on paper, allows for significantly more intensive development patterns than might otherwise be anticipated or provided for in the District's other rural areas. The rules in the District Plan seek to tightly constrain this development in order to manage the potential effects of this pattern of development, particularly on high value landscapes through avoiding development in visually prominent locations both inside and outside the area where development is anticipated. However, on balance, my conclusions on the application put before Council are reasonably straightforward.
- 8.2. The proposal includes development in locations not anticipated by the district plan where proposed visual and landscape mitigation measures are not justified and, in some cases run contrary to existing activity standards in the district plan, or may act against the intent of other mitigation measures. The proposal is considered to detract from the anticipated, unique in the district, character of the area through the location of building platforms in areas where buildings will have adverse effects on the landscape. The proposal is not considered to be an appropriate use of the ONL in this location. Given the intent of the zone, I consider these matters to weigh heavily against the proposal.
- 8.3. There is currently insufficient information to conclude that the transport effects of the proposal will be appropriately managed. I consider that effects on the operation of State Highway 8 will likely be significant without upgrading of the intersection with Bendigo Loop Road, and contrary to the provisions of the proposed and partially operative regional policy statements, and flagged as a concern by NZTA. Given the status of the road as a limited access state highway, I do not consider that Council should be considered the effects on this road are adequately managed unless NZTA is also satisfied.
- 8.4. I consider there to be a fine line to be drawn in relation to the ecological effects. Currently, I do not consider the proposal as it stands to be appropriate as effects outside the development area are not avoided in line with the NPS-IB. However, I consider the District Plan to anticipate potentially significant loss of open dryland habitat and its associated plant species through a development that complied with the concept plan and associated provisions. In such a case, protection of the land outside the area proposed to be developed, and offsetting and compensation would likely be the only viable alternatives, meaning less weight should be given to the provisions of the NPS-IB. However, in the current context, I consider that the proposal's inconsistency with the NPS-IB and its associated potential effects on indigenous biodiversity weighs significantly against the proposal.
- 8.5. In principle, I consider that the proposal should be able to be adequately provided with three waters, electricity and telecommunications infrastructure, subject to the provision of more detail prior to a decision being made to increase certainty about some aspects of the proposed infrastructure provision. However, adequate infrastructure is a basic requirement of any subdivision, so I consider that adequate provision of infrastructure should not be reason to grant consent on its own.
- 8.6. While the proposal will have some positive effects, I do not consider these to be sufficient to outweigh the adverse effects of the proposal.
- 8.7. Overall, for the reasons provided above, I consider that consent for the current application is inconsistent with the purpose of the RMA, and should be refused. However, I may be able to consider recommending approval for an amended application that is more in line with the pattern of development anticipated by the District Plan, and which addresses the concerns raised throughout my report.

RECOMMENDATION

For the reasons provided above, I recommend that the panel refuse consent to the proposed activity, in accordance with sections 104 and 104B of the Resource Management Act 1991.

I consider that substantial additional information, and potential changes to the proposed subdivision layout and effect management measures would be required before I am in a position to support the proposal. As a result, I have not drafted possible conditions at the current time. If the panel considers it relevant or useful, I am able to provide draft conditions prior to or at the hearing on their request.



Adam Vincent
PLANNING OFFICER - CONSENTS

Date: 28 March 2024

APPENDIX ONE: SUMMARY OF SUBMISSIONS

Name	Support/Oppose	Reasons
<p>Central Otago Environmental Society</p>	<p>Oppose</p>	<p>Considers that there is insufficient landscape assessment in relation to users of the Bendigo Scenic Reserve, Mt Koinga and Bendigo Loop Tracks and ecological assessment in relation to spring annual plants and saline soils in relation to the proposed building sites, roads and recreational tracks. Considers that the proposal compromises the values set out to be protected in the conservation covenant applying to the site. Consider that the surrounding area is appreciated for its high landscape values and is highly used by tourists and the general public. The site forms the backdrop to multiple recreational activities. Landscape includes intact semi-arid dryland biodiversity, with endemic flora and fauna, some of which is rare and becoming under threat of extinction. Notes that 70% of dryland ecosystems have been lost and only 3% are legally protected.</p> <p>Considers that landscape has high natural character and biodiversity due to having minimal human impacts. Argues that the level of modification proposed by the application would be incongruous with the ONL classification of the land. Also considers there to be limited community benefit from the proposal in terms of provision of accommodation when weighed against the ecological and landscape effects. Considers that there may also be an increased risk of fire from the development and notes that other areas where development has intensified, such as Mt Iron, there is increasing pressure to further remove kanuka stands to limit wildfire potential.</p> <p>Considers that there is insufficient consideration of the biodiversity effects of the proposal, particularly around the loss of threatened dryland flora and fauna and the proposed mitigation and compensation as notified is flawed as it is based on an incomplete survey of the biodiversity of the area and without adequate assessment of the ecological gains and losses associated with proposed offsetting and environmental compensation.</p> <p>Considers that there is insufficient archaeological assessment on Sites G41/297 and G41/19 of the proposed subdivision and recreational tracks and associated modification or destruction of these sites.</p> <p>Endorses the submission of Kate Wardle.</p>

		<p>Submitter requests that, if consent is granted, conditions be imposed precluding further subdivision in the future.</p> <p>Overall, submitter requests consent be refused.</p>
Helen Pledger	Oppose	<p>Considers that the proposal will adversely affect the biophysical, associative, landscape and perceptual elements of the ONL, and open space, natural character, amenity values, geological features, heritage values and significant indigenous vegetation. Requests consent be refused.</p>
Ruth Moorhouse	Oppose	<p>Opposes the application on the ground of it being a non-complying activity that will have major effects due to ONL notation and location of Lots 9, 11, 12,13, 21, 22, 23, 24, 27, 28, 29, 31, 32 and 33 partially or fully located in the Landscape Protection Area which is intended to be set aside for conservation values. Proposal breaches several Council standards including the removal of 41,000m² of kanuka and cushionland, which is an at risk species.</p>
Lilian Lucas	Oppose	<p>Considers that proposal will adversely affect the ONL, open space, rural character and amenity values, significant indigenous vegetation, geological features and heritage values. Considers that the proposal fails to protect the landscape. Requests consent be refused unless it is re-designed to comply strictly with District Plan rules</p>
Fire and Emergency New Zealand	Neutral	<p>Requests that conditions volunteered by the applicant related to water supply reference SNZ/PAS 4509:2008 rather than only relating to firefighting water supply and that the gradient for access roads and rights of way be limited to 1:5 (20%). Additionally, requests that a condition be imposed requiring accessways for any building more than 70m from a road or right of way have an access carriageway width of at least 4m and at least 3.5m at the entrance. Notes that kanuka has a high flammability and requests that lower flammability plant species be used to reduce wildfire risk</p>
Department of Conservation	Oppose	<p>Submission highlights that the applicant has not referenced the conservation covenant over parts of the property that require the covenanted land be managed with the objectives of protecting and enhancing the natural character of the land as an area representative of the character of the Lake Dunstan Ecological District and the historic values of the land. Notes that the covenantor must obtain the approval of the Minister of Conservation to erect any fence, building, structure or other improvements near historic sites on the land. Considers that the proposal will have potentially significant adverse effects on the environment due to the proposed indigenous vegetation clearance in an area dominated by at-risk plant species including at least two threatened species, and flow</p>

		<p>on effects on lizards and their habitats. Submitter does not think the applicant has provided enough information to fully understand these effects. Considers that the area would likely be considered an area of significant indigenous biodiversity in terms of the criteria in the NPS-IB and RPS's. Submitter is not convinced that proposed management of effects, including compensation proposed (At the time the consent was notified) will be sufficient to appropriately address the effects. Considers the proposal contrary to CODP Objectives 4.3.8, 14.3.2 and 16.3.6, PORPS 2019 Objectives 3.1 and 3.2, PRPS 2021 Objective ECO-O1 and NPS-IB Objective 2.1. Requests that the application be declined or, if consent is intended to be granted, require further ecological assessment to more accurately identify species present on the site, to ensure ecological effects are appropriately considered and addressed, and to inform offsetting, and to avoid identified historic heritage sites within the conservation covenant area.</p>
Land Information New Zealand	Neutral	<p>Considers that the proposal will have a less than minor visual effect on the lakebed.</p>
Waka Kotahi – New Zealand Transport Agency	Oppose	<p>Notes that the NPS-UD requires Councils to plan for well-functioning urban environments and considers that the NPS-UD forms a useful framework to support strategic transport outcomes, particularly in Policy 1. Considers that the proposal is quite remote from existing urban environments and will be heavily reliant on private vehicles using the State highway network for resident's day-to-day needs. Notes that development is outside the growth areas identified in the Cromwell Spatial Plan, which sought to generally consolidate urban form, making it inconsistent with the Spatial Plan. Submitter does not consider that there is sufficient information in the application to fully consider potential traffic and road safety implications for State Highway 8, Bendigo Loop Road and the intersection of these roads. Requests that a full integrated transport assessment be required if Council is to consider granting consent. Submitter indicates that an upgrade of the SH8/Bendigo Loop Road intersection to a minimum Diagram E standard would be required, along with a separate right hand turn bay. Requests that the current application be refused unless the requested information is provided.</p>
Kate Wardle	Oppose	<p>Does not support the development of the Rocky Point Recreation Zone due to its ONL notation and effects on biodiversity and landform values, including kanuka woodland, Raoulia cushionfields, rocklands and potential saline wetlands. Notes that Schedule 19.16 states that the recreation zone is set aside to act as a natural extension to the Bendigo Scenic Reserve, with tracks, interpretation</p>

		<p>signs and associated structures being the only anticipated development. Argues that the proposal will result in a net loss of biodiversity values, the fragmentation of ecosystems and be contrary to the conservation covenant on the southern parts of the site. Notes that there is no provision for public access to the Rocky Point Recreation Zone area.</p> <p>Submitter considers that there is a lack of information in relation to effects of spring annual species that are likely to be present on the site, both within and outside the development zone, but were not captured by the ecological assessment. Notes the presence of two spring annual species along the nearby Mt Koinga track. Many similar sites in the District have been impacted or lost due to subdivision and resulting development.</p> <p>Notes that inland saline wetlands are critically endangered and are present around the application site, for example near Mt Koinga Track. Considers that they are likely to also be present around the application site. However, no assessment of saline sites has been provided with the application. Considers that saline ecosystems typically occupy flatter land that would likely be the focus of housing sites, resulting in the loss of these ecosystems.</p> <p>Considers that application fails to take into consideration cumulative effects of various threatened or at risk species. Criticises the application of Ecological Effect Criteria when assessing effects on threatened species and ecosystems that are considered likely to be present, and notes the presence of a critically threatened Land Environment of New Zealand Unit but does not provide relevant offsetting or compensation. Considers that areas of Raoulia cushionfield, which have been destroyed on nearby land developed for viticulture increases its significance on this site.</p> <p>Considers that compensation can only be considered for residual effects on indigenous vegetation that cannot otherwise be avoided, remedied, mitigated or offset. Argues that compensation is not appropriate because offsetting has not been considered, the vegetation to be affected is chronically threatened and the proposal will continue the loss of an already regionally threatened species. No attempts from applicant to manage effects on pygmy mistletoe. Considers that the proposal as notified fails to compensate for the loss of cushionfield or saline ecosystems and fails to meet Objective 3.1 and associated policies in the PORPS2019.</p>
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Philip Blakely	Oppose	<p>Considers that the proposal fails to protect the ONL and areas of significant indigenous vegetation, heritage values and natural character. Requests consent be refused.</p>
Aukaha	Oppose	<p>Notes that Kāi Tahu have deep rooted relationships with the Mata-au catchment and the application site is located within a draft wāhi tupuna area which holds mahika kai, nohoaka and ara tawhito values associated with the seasonal use of the area as part of traditional migration patterns through the lower South Island. The relationship of Kāi Tahu rūnaka with the Mata-au catchment is considered a matter of national importance under the RMA (Section 6(e)). Kā Rūnaka are concerned with the number of subdivisions in the catchment generally and the effects they have on the cultural landscape and wai māori. Specifically to this application, they are concerned about the uncertainty regarding the management of wastewater and stormwater, including how discharges will be managed. Specifically, the wastewater suitability report is indicative only. Kā Rūnaka request a fully reticulated wastewater system be provided to all lots rather than individual systems. Submitter also considers there to be inadequate certainty regarding stormwater management, noting the potential limitations in sotrmawter disposal to ground within the site. Requests further information</p>

		<p>be provided in relation to the proposed water supply's adequacy to service the subdivision into the future in the context of potential changes to water allocations under the under development Land and Water Regional Plan for Otago. Requests consent be refused.</p>
<p>Forest and Bird Central Otago – Lakes Branch</p>	<p>Oppose</p>	<p>Considers that there is insufficient information in the application as notified around ecological values, including in relation to seasonally present species and saline soils anticipated to be present on the site. Notes that S Beale's assessment indicates very high ecological values and that the proposal would have high adverse effects, particularly on rocky and dryland cushionfield communities, including the removal of several dryland cushionfield communities. Argues that this is contrary to Section 6(c) of the RMA. Argues that dryland and saline communities cannot be recreated elsewhere and are becoming rarer and rarer due to farming intensification and other development. Environmental compensation as notified did not include any new cushionfield, grassland or rocky habitat species, only trees and woody shrubs. Submitter argues that this compensation is insufficient.</p> <p>Considers that there will be more than minor effects on rural landscape character and on the values of the ONL. Development into the Landscape Protection Area is considered to undermine the purpose of that area and undermines the purpose of the conservation covenant. Notes the potential for increased fire risk from the development.</p> <p>Requests consent be refused.</p>
<p>Shonagh Kenderine</p>	<p>Oppose</p>	<p>Proposed buildings, curtilage, roading and utilities would adversely affect the ONL and indigenous biodiversity in terms of the NPS-IB in the area and would have significant effects on open space, rural character, amenity and heritage values.</p> <p>Endorses the Central Otago Environmental Society submission.</p> <p>Requests the consent be refused.</p>