CENTRAL OTAGO DISTRICT COUNCIL
SUPPLEMENTARY 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 30 LOTS WITH BUILDING PLATFORMS AND ONE BALANCE ALLOTMENT AT ROCKY POINT**
ACTIVITY STATUS	**NON-COMPLYING**

BACKGROUND

RC 230179 has been assessed on a publicly notified basis. Thirteen submissions were received, with eleven opposed and two neutral.

On 28 March 2024, Council circulated a report undertaken by Council staff under Section 42A of the Resource Management Act 1991 (The Act) assessing the above application for resource consent against the matters in Section 104 of the Act (The s42A report). The reporting officer recommended the application be declined. Subsequent to this, the applicant requested the consent be placed on hold and, on 29 July 2024, submitted an amended application. Further changes were proposed through the receipt of new subdivision plans and updated assessment on 04 September 2024.

The commissioner appointed to consider the application has concluded that the changes requested to date are in scope with the application as originally notified. They have directed Council prepare a supplementary s42A report to consider the revised proposal (Minute 2).

The purpose of this report is to act as an addendum to the original s42A report, in response to Minute 2. The scope of the report is to consider the effects of the proposed changes to the subdivision and whether the changes alter any conclusions made in the original s42A report about consistency with relevant planning documents, and whether the changes alter the reporting officer's recommendation to refuse consent. This addendum should be read in conjunction with the original s42A report. If a matter considered in the original report is not covered in this report, it should be assumed that the assessment and conclusions from the original report remain relevant and have not needed to be changed or discussed further.

DESCRIPTION OF AMENDED ACTIVITY

The amended proposal is described in detail in Section 1.4 of the amended Brown and Company assessment of effects provided in support of the application. I adopt this description for the purposes of this report. For completeness, the following changes are proposed relative to when the original s42A report was drafted (New lot numbers are used unless otherwise stated):

- Overall number of lots reduced from 33 to 30
- Lots along Bendigo Loop Road rearranged and a new lot added
- Former Lot 14 removed, new lot 10 added
- Lots 12-18 (Challet Lots) rearranged to all be long southern side of Road 102
- New Lots 20 and 21 in new location to the south of Lot 19
- Former Lots 23, 24 and 25 removed
- Building platforms of Lots 1-9 changed locations and reduced size
- Proposed public walking tracks located along a ridgeline and to a viewpoint point. Proposed to be accessed off Road 101
- Updates to design controls, including building size, form and materials usage
- Replacement of plantings within Lot 2 DP 523873 with offsetting and compensation plantings within Lots 1 and 2 DP 596985.
- Formalised protection of the balance land through a covenant requiring the protection of indigenous vegetation and habitats for indigenous fauna
- Development of a fire risk management plan and changes to landscaping requirements to manage risk of fire
- Consequential changes to service provisions

SITE DESCRIPTION

The site has been well described in the application material, particularly Section 1.2 of the amended Brown and Company assessment of effects and Paragraphs 19 to 31 in the amended Baxter Design landscape assessment provided in support of the amended application. I adopt this description for the purposes of this report.

REASONS FOR APPLICATION

The amended application does not change any of the reasons for which resource consent is required under the Central Otago District Plan, with the exception that the applicant proposes all buildings comply with the height standard in Rule 4.7.6A.f. For completeness, the proposal is a non-complying activity. Table 2 and Section 2.1.1 in the amended Assessment of Effects accurately describes the relevant provisions of the District Plan under which consent is required. I adopt this description for the purposes of this report.

At several points in the original s42A report, I considered that resource consent would be required for the clearance of indigenous vegetation on the site under Rule 4.7.6KA. However, under Rule 4.7.6KA.I.ii, where land has been freeholded under the Crown Pastoral Lease Act 1998, it is not subject to Rule 4.7.6KA. I understand that the site was formerly part of Run 238L,[1] which was freeholded in the early 1990's.[2] Therefore, vegetation clearance on the site would not be subject to Rule 4.7.6KA of the Plan.

Overall Status

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').

PROCEDURAL MATTERS

In Appendix Q to the amended application, Coterra provides some commentary on the background and history of the site. In section 4.3.1 the report outlines what Coterra considers to be ambiguity in the zoning of the site. It refers to apparent discrepancies between Paper

[1] Based on historic mapping recorded by Maps Past. Retrieved from http://www.mapspast.org.nz/.
[2] Landcorp Property Ltd (1993) *Bendigo Station Pastoral Lease*. Retrieved from https://publicaccess.nz/Downloads/archives/po221_po223_bendigo.html#anchor888390

Map 41D and Council's GIS mapping. I note that Plan change 17 to the District Plan confirms that the GIS District Plan maps (Now represented in Council's E-Plan) have replaced the paper maps as the authoritative District Plan mapping. I accept that this mapping has been required to be interpreted multiple times to get to its current state (Interpreting the concept plan in the Vincent County Scheme to paper District Plan maps, then taking the paper District Plan map CAD base and interpreting it to GIS) resulting in potential for the exact boundaries of the zone to shift. However, as the GIS maps are the authoritative version of the District Plan maps and have been based off the CAD drawings that formed the basis of the paper maps, I consider this map to show the correct version of the development zone for the purpose of considering this application. Regardless, all three versions illustrated by Coterra show the same general geographical features. In my opinion, this makes attempts to distinguish the proposal based on these interpretations of the development zone largely academic.

In Appendix R to the application, Rosie Hill and Ben Gresson provide their legal opinion on the application of the provisions of national policy statement, regional policy statements and the district plan to the application. In particular, I concur that Paragraphs 4 to 17 accurately set out the relevant legal principles to guide Council's assessment of the proposal.

ASSESSMENT OF EFFECTS

Affected Persons

No written approvals were provided in support of the amended application. I note that the written approval of John Perriam on behalf of Bendigo Station Developments Ltd (BSDL) had provided their written approval to a previous version of the application. Given the application has been changed since this approval was given, I consider this approval to no longer be valid and effects on BSDL should not be disregarded. In accordance with sections 95D(e), 95E(3) and 104(3)(a)(ii) of the Resource Management Act 1991, no effects on any party will be disregarded.

Effects on the Environment

Permitted Baseline and Receiving Environment

My conclusions in relation to the permitted baseline and receiving environment are unchanged from the original s42A report. This includes after considering paragraphs 24 to 26 of Ms Hill and Mr Gresson's legal opinion. To summarise, I do not consider there to be a relevant permitted baseline as no subdivision or residential activity can occur on the land as permitted activities. I do not consider it useful to apply farming activities as a permitted baseline to an application for activities that cannot be undertaken as a permitted activity and which would effectively preclude farming activities from occurring.

The current receiving environment is predominantly undeveloped vegetation covered hillside. I consider that a development consistent with the concept plan in Schedule 19.16 and Rules 4.7.2.i and 4.7.2.ii, able to be undertaken as controlled activities, forms part of the environment reasonably foreseeable under the District Plan.

Assessment of Effects

Consideration is required of the 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. This assessment builds on the original s42A report.

Visual and Landscape Effects

The amended application is supported by updated landscape assessment from Paddy Baxter. As part of the assessment, Mr Baxter has provided updated proposed design controls for future

buildings and has provided responses to the points of concern raised in the s42A report. They broadly consider that, when utilising these controls, future development on the lots will be adequately integrated into the surrounding landscape.

In terms of proposed Lots 20 and 21, these are contained within a largely visually isolated basin. While they are outside the development zone, I concur with Mr Baxter's position that buildings on these lots would not be particularly visible from outside the site. Despite both lots and their associated platforms being located outside the development zone in the Plan, I consider that future buildings on these lots would not result in any more than minor visual effects.

The visual effects of buildings at night were raised as a matter where Mr Baxter's original assessment was deficient in Paragraph 6.19 of the s42A report. In my opinion, 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. In response, Mr Baxter has proposed to reduce the allowable glazed area of buildings over north and west facing elevations of buildings from 80% to between 50% and 60% for buildings that overlook the Cromwell basin. More prominent buildings (Lots 11-18, 24 and 27-29) have the 50% cap. Lots 19-23 are proposed to have a larger 75% cap. The remainder would have 60%. He also argues that, from the distances the buildings will be visible from, any lighting would appear as small points in a wider landscape. I agree that the reduction in glazing would limit lightspill from windows relative to the initial application.

External lighting is proposed to be limited to downlighting with a maximum height of 1.2m, with low lux levels and which align to the International Dark Sky Association's (IDSA) Five Principles for Responsible Outdoor Lighting. Under these principles, outdoor lighting should be used only where needed, be targeted, low level, controlled and warm-coloured.[3] Lighting would be restricted to building entrances, driveways and outdoor living areas only. What lighting constitutes "Low level" is not specified. I also note that the proposed requirement for the use of "white light" may conflict with the fifth principle from the IDSA, which prefers warm coloured light. This could create issues for implementation of the controls. In the original s42A report, I suggested that the standards for exterior lighting in Plan Change 22 may be a useful starting point in determining what lighting standards might be acceptable.[4] These standards include requirements such as directing lighting away from roads or property boundaries, shielding of light sources from above, a colour temperature of 3000K or lower, and a maximum illumination of 12 lumens per m^2. I consider that these, or similar standards, would be more certain in their application, and would be sufficient to reduce the potential effects of exterior lighting at night to acceptable levels. Using warmer lighting would also have consequential benefits for insects, with use of warmer lighting preferred by Vikki Smith in her invertebrate assessment, as she notes that warmer lights are less attractive to insects. I consider that, subject to appropriately worded conditions of consent mixing the permitted locations, types and 1.2m maximum height for lighting from Mr Baxter's assessment with the 12 lumen per m^2 illumination standards from PC22, the nighttime visual effects of the proposed development from both inside and outside buildings can be adequately managed. A condition of consent should require a lighting plan be provided in support of any application for building consent, in order to allow Council to determine compliance with this condition.

In the original s42A report, I noted that several controls proposed by Mr Baxter did not appear to have been justified. In their amended Appendix A, Mr Baxter has specified a brief reason

[3] International Dark Sky Association (n.d.) *Five Principles for Responsible Outdoor Lighting* Retrieved from https://darksky.org/resources/guides-and-how-tos/lighting-principles/

[4] Plan Change 22 is viewable at https://lets-talk.codc.govt.nz/plan-change-22. Since the drafting of the original s42A report, decisions have been made on submissions and no appeals were received. This plan change can be treated as having full effect.

for each set of controls. These reasons are typically broadly worded, but I consider that they provide adequate justification for the proposed controls.[5]

In response to comments in Paragraph 6.21 of the original s42A report, Mr Baxter has recommended amended site coverage standards for the different building platforms to limit the total size of built form on each. These are tailored to the prominence and intended purpose of each platform, and generally provide less building footprint than initially proposed. They would also result in buildings smaller than otherwise would have been provided for under the Vincent Country Planning Scheme, with the exception of on Lots 27-30. I consider the limits proposed to be reasonable and appropriate to reduce the overall bulk of built form in the development.

Mr Baxter has clarified that references to steel in his assessment should have referred to corrugated steel. I consider this material to be appropriate is a rural context and avoids the risks of using flat steel identified in the original s42A report.

Under Section A3(f) of Mr Baxter's amended assessment received 27 July 2024, Lot 30 is proposed to retain a maximum 5.5m height. All other lots are proposed to have heights that comply with Rule 4.7.6A.f. The reason provided by Mr Baxter is that this lot is at a lower elevation than the other lots, and this height is sufficient to respond to the context of the wider Bendigo area. I note that, in his addendum memo received on 04 September 2024, Mr Baxter noted that all four lots fronting Bendigo Loop Road would have a maximum height of 5.0m.[6] I have assumed that a 5m height is now proposed. However, Mr Baxter may wish to clarify this prior to the hearing. Given the location of the platform at the base of the hill, I consider that a 5m maximum building height, in line with Rule 4.7.6A.f would be appropriate.

Mr Baxter proposes that building height be measured from a reference height for each platform, instead of at each point above natural ground level, as height is defined by the District Plan. He argues that this helps to make measuring height easier for future owners, given the sloping nature of the platforms. Conditions are also proposed that preclude excavation below the reference height to achieve a taller building. I agree that, using this system, such a condition would be necessary to avoid larger scale earthworks and larger buildings that might otherwise be provided for. However, I also note that setting the reference height either too high or too low could have a similar effect. For example, if the datum was set to the lowest point of the platform, more earthworks would be required. If it was set to the highest point, buildings would be able to be taller than otherwise would be the case. I could not find how Mr Baxter set the datum for each platform in his assessment. I consider that, in principle, setting a datum for each lot will be appropriate. However, I consider that it would be useful for the applicant to show how the reference heights were determined in order to allow me to be satisfied that the heights chosen will provide the right balance between building height above natural ground level, and the levels of earthworks required to comply with height standards.

Mr Baxter proposes a limited species list for planting on each lot. These are predominantly dryland woody shrubs. In their biodiversity offsetting and enrichment areas, Mr Beale has proposed a much wider range of species to be planted in offset and compensation areas, based on anticipated "climax" species in the area, as a method to increase the range of species present in the area. I understand that these species would be adapted to local conditions and consider that allowing a broader range of species on the developable lots may help to increase overall biodiversity while still helping screen buildings, providing residential amenities and the overall nature of the landscape. I consider it appropriate that the planting list be expanded to encompass the species recommended by both Mr Beale and Mr Baxter.

[5] For example, to frame consideration of any future request for buildings that depart from these controls.
[6] Paddy Baxter *Memo Re RC 230179 Scope/Key Changes/Effects Summary* (04 September 2024) at Paragraph 6.

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

Overall, I consider that the amended proposal will have reduced visual effects, particularly through the removal of several lots outside the development zone that would be visible from the north. The primary changes to the visual and landscape effects would be the addition of a fourth allotment, and associated future built form, on the flat land adjacent to Bendigo Loop Road, the removal of several lots where built form was anticipated to result in unjustified visual effects and adjustments to design controls to more strictly limit building design and materiality. On balance, I consider that the proposed changes to the subdivision layout and design controls are sufficiently justified and sufficiently reduce the effects of the proposal that I can consider the visual effects of the remainder of the development to be able to be managed to a minor level, at most.

Rural Character Effects

The District Plan anticipates a reasonably highly modified rural environment for the Rural Resource Area (2), with provisions for residential development at densities not otherwise provided for in the district's rural areas, subject to controls regarding the location and design of buildings to minimise their visibility from certain viewpoints beyond the site and the protection of other parts of the site from development. 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[7] and restrictions on residential buildings. The Rural Resource Area is typically less black and white when it comes to land use, requiring more site specific consideration of any given application involving residential buildings.

As identified in Paragraph 6:25 of the original s42A report, 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. This may significantly affect the character of the area. As a result, there would be no guarantee that a dwelling could be built there. In order to manage this dissonance, I consider that more weight should be given to how the visual effects of buildings within the development zone will be reduced to acceptable levels, accepting that the plan anticipates buildings in this area. In the ONL. I consider that more weight should instead be given to avoiding buildings where they will be visually prominent from outside the site, particularly from Lake Dunstan and State Highway 8.

I consider that the appropriate starting point for the assessment of development of buildings outside the development zone 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. Mitigation of buildings that are visible, such as earthworks or plantings, should

[7] Presented in Schedule 19.15 of the District Plan.

only be provided for where they facilitate buildings being screened from view, and which blend into the landscape themselves.

For the lots entirely within the development zone (Lots 1-19, 22, 23 and 25) I am satisfied that the amended application, and additional design controls will be sufficient to reduce the visual footprint, and associated effects on the anticipated rural character of the area to a point where the effects will be minor, at most.

Proposed new Lots 27-30, located at the base of the site, continue to be visually distinct from development higher up the site, albeit still located within the ONL. My description of the receiving environment for this area at Paragraph 6.30 remains relevant. Three of these lots are intended to be used for residential activity, with Lot 30 intended to be used for some form of communal or commercial use, to be specified in the future.

Lots 27-30 cluster four sites, and their associated building platforms, in a relatively concentrated area that also includes 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. Generally speaking, I consider that the District Plan looks positively on clustering of development where it results in the wider landscape not being built up, provided the buildings themselves do not significantly detract from rural character and landscape values.

Taken on face value, the addition of a fourth lot in this cluster seems to be a measure by the applicant to offset the removal of lots in more elevated parts of the site, reducing the impacts of built form in these even more visually sensitive areas. However, it does not serve to fully avoid these areas being developed. I consider that the adverse rural character effects of the proposal, as experienced from Bendigo Loop Road traveling past the site, will increase in severity relative to the initial proposal due to the increased number of buildings. This is proposed to be offset somewhat by the reduced size and height of the additional buildings. I also note that most of the clusters of buildings in the area are heavily screened by mature vegetation, typically larger exotic trees. These help to break up the appearance of built form. I consider that similar landscaping, albeit prioritising the use of native species, would be beneficial in reducing the effects of this cluster of development to acceptable levels. I would consider these lots to adequately maintain the rural characteristics of the area if a condition was imposed requiring landscaping be implemented on each lot to help break up the form of buildings on the platforms, with the exact landscaping proposed being confirmed at the time resource consent is lodged for any residential building on Lots 27 to 29, or any commercial building on Lot 30, and the landscaping being planted prior to the construction of the building, in order to allow the plants as much of a head start as practicable. This may also require additional larger native species be provided in the planting list proposed by the applicant, which currently has predominantly scrubby species. Otherwise, I consider that the presence of buildings on four platforms will, more likely than not, result in more than minor effects on the current open rural character of the area.

In the original s42A report, I raised concerns with the visibility of buildings on Lot 28 (Now Lot 24) from the north, given its elevated location between two knolls and visibility in conjunction with other buildings in the development. The amended proposal keeps the building platform for this lot in the same place, but removed several nearby lots that would have had dwellings visible from similar viewpoints. Standards in relation to building height and size (site overage) have been reduced from 5.5m high to 4.5m high, and from 80% site coverage to 50%. The building platform on Lot 26, which would be visible from similar viewpoints to Lot 24, has also had a similar treatment. I consider that the reduction in the number of buildings, in particular, along with the amended design controls would notably reduce the potential impact of buildings in this part of the landscape, both during the day and at night. I consider that the presence of built form in this area will still result in an adverse effect on the anticipated rural character of

the area, given the intention of the District Plan that it would remain undeveloped. However, I am satisfied that this effect would be minor, at most.

Part of the anticipated character of the landscape protection area was to act as a natural extension of the neighbouring DOC reserve, and provide a level of public access, with tracks, information signage and small shelters being identified as anticipated activities in Schedule 19.16. The amended proposal includes two new public walking tracks, and a new public vehicle park off the access road. These tracks both traverse parts of the site that allow for views over the Bendigo area and the upper reaches of Lake Dunstan. I consider these tracks to be an appropriate use of the landscape protection area that would have less than minor effects on its anticipated character, while providing for an increased level of public access. It is not immediately clear from the application what standard the tracks would be built to and who will be responsible for operative and maintaining the tracks (For example, responsibility could fall to the landowners, the management entity running the other private infrastructure, DOC, or Council). Before I can be fully satisfied that the tracks will provide adequate public recreation access over the long term, I would prefer to have an indication of how the tracks will be formed and who the applicant anticipates would be responsible for the tracks.

Overall, I consider that the effects of the amended proposal on rural character will be minor, at most, provided recommendations about the screening of future buildings on Lots 27-30 are complied with. Otherwise, I consider that the density of built form adjacent to Bendigo Loop Road would likely have a more than minor effect on the current, largely undeveloped nature of this area.

Ecological and Biodiversity Effects

The application is supported by the following material regarding ecological and biodiversity effects:

- Terrestrial Ecology Impact Assessment – Simon Beale– Beale Consultants
- Memorandum Regarding Lizard Management – Samantha King – Wildlands
- Desktop Invertebrate Assessment – Vikki Smith – Wildlands
- Rocky Point Subdivision – Saline/Sodic Soils Identification and Location – Roger Gibson – Land and Sea Services
- Vegetation Succession and Climax Communities at Rocky Point – Andrew Wells and Kelvin Lloyd - Wildlands
- Summary of Offsetting Approach – Kelvin Lloyd – Wildlands
- Ecological Enhancement and Monitoring Plan – Simon Beale – Beale Consultants

I also note that the ecological impact assessment also refers back to the herpetological assessment undertaken by Dr Mandy Tocher in support of the initial application. I assume this assessment remains relevant to the initial proposal, subject to any changes in Ms King's assessment.

This material has been peer reviewed by Mike Harding. In particular, Mr Harding was asked to consider the following questions:

1. Does the application contain sufficient information?
2. Will the measures proposed in the adaptive land management regime be sufficient to fulfil its intended purpose?
3. Will the offsetting measures proposed in the adaptive land management regime likely be sufficient to achieve no net loss in biodiversity?
4. Are the proposed offset areas sufficiently proximate and equivalent that offsetting and compensation in these areas is useful to offset the effects on the application site?

I note that these questions were equivalent to a separate peer review undertaken by Mr Harding for the initial application. Mr Harding's comments will be discussed as appropriate.

Mr Beale's ecological assessment relies on the EIANZ criteria to determine the effects of the proposal. In his peer review, Mr Harding notes that the use of these guidelines can result in differences in calculated ecological values and magnitude of effects. Mr Harding also considers that the EIANZ method inadequately considers overall ecological integrity by allowing for assessing different components of the environment separately. I acknowledge that there are issues with how the EIANZ criteria can be applied, although I do not consider that this should automatically be fatal to any individual assessment provided it is undertaken in a way that is aware of, and seeks to address, these limitations (For example by explicitly considering cumulative effects on ecosystem function). My consideration of the ecological effects of the proposal will be undertaken with this point in mind.

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 offsetting. Offsetting will be considered later in this assessment.

Mr Beale's assessment considers effects of kanuka, cushionfield, spring annuals, pigmy mistletoe and other flora and fauna species separately, in line with EIANZ criteria. He concludes that effects on cushionfield and pigmy mistletoe habitats will be high, and low to moderate for other groups of species. I concur with Mr Harding that these effects should not be considered in isolation, or any particular set of effects discounted because they will be low for a particular subset of the environment. Taking these together, and considering the significant values inherent in the wider ecosystem into account, I consider that the proposed development would have a more than minor, if not significant, effect on the overall existing ecological values of the area. These effects would result from the modification and removal of locally significant vegetation and fragmentation of the ecosystem through the construction of infrastructure and buildings on the proposed lots.

The applicant proposes that the balance land be subject to a private covenant to the effect that the land be maintained in perpetuity for conservation purposes. I consider a covenant, such as one in favour of the QEII National Trust, to be reasonable to help ensure the remainder of the landscape protection area is protected from further development.

In response to concerns raised in submissions and the original s42A report, the site has been surveyed for the presence of saline/sodic soils. Dryland saline ecosystems are understood to be a highly uncommon and declining ecosystem in the Central Otago area. They are also understood to be highly sensitive to changes, particularly changes to water flows, which impact the distribution of salts. I note that the report appears to have utilised the lot numbering from the previous application for its reference points. One area, between Lots 23, 24 and 25 was identified as being saline dominated. Initially, this area would have been Lots 23, 24 and 25. However, the application has been amended to retain this saline area in the balance lot. Other areas identified as being saline included 0.1 hectares between Lot 26 and Lot 101, and a 0.2 hectare area to the north-west of former Lot 30. Other areas investigated included near Lots 1-7 and 28-30. More detailed assessment of these areas indicated that there were elevated levels of salts in the soil, but that these were not at high enough concentrations to classify as saline or sodic, and existing vegetation cover did not support these being highly saline or sodic areas.

The primary method proposed by the applicant to manage potential effects on saline/sodic soils is to avoid development in these areas. Given the rarity and sensitivity of these areas, I consider avoidance to be the most appropriate method of managing effects on them. In his peer review, Mr Harding considers that the assessment leaves some uncertainty around how the proposed development will affect indigenous species found in these areas due to flow-on effects. Based on Mr Gibson's descriptions of the factors influencing saline areas, I consider that flow-on effects are most likely where development is located in the rainwater catchment of the saline area, or where it would introduce plant species tolerant to salt that might

outcompete native plants. In this case, proposed roads and building platforms are predominantly located downstream of identified saline areas. The most notable exceptions are Lots 23 and 25, which are located at roughly the same elevation as the RPL23,24,25 saline area between them, and the proposed right of way providing access to Lot 5 DP 324082, which runs above area RPL30. As the right of way is not proposed to be formed as part of this application, I do not consider the establishment of a paper easement likely to have any notable effect, in itself. However, the formation of that right of way could affect the saline area by changing stormwater runoff patterns. Given there is no current access formation, I have no information to conclude whether this effect will be significant. The appropriateness of approving this right of way will be considered further later in this assessment.

For Lots 23 and 25, I consider that the biggest risk is that development on these lots changes water flows into the saline area, either by diverting additional water into the area or diverting water away from it (For example by changing the topography, undertaking plantings or introducing built form). Stormwater from Lot 23 is proposed to be piped to an ephemeral waterway to the west of the site with Lot 25's being discharged to a level spreader at the top of a gully downstream of the saline area. A condition is proposed requiring all stormwater be managed in this way. Given these lots are located on the same elevation as the saline area, I consider the likely effects from built form likely to be minor, at most. Other changes to ground level could more notably change stormwater runoff patterns and, hence, affect the saline areas. In order to avoid this, I recommend a condition be imposed as a consent notice on Lots 23 and 25 requiring future landowners demonstrate to Council how any proposed earthworks avoid changing stormwater runoff volume, speed or concentrations into the saline area, prior to undertaking any earthworks.

Mr Gibson's saline soils assessment is limited by time. It provides one snapshot of salinity, and he identifies that salt levels in any area would fluctuate over time. For example, a heavy rain event might flush salt out of the system, but over time new salts would accumulate as new salts are transported to the area. I concur with Mr Gibson that a series of analysis over time would have been preferable to more accurately identify areas that retain saline properties in the identified areas of interest. I am not certain how long these necessary timeframes would be. Therefore, while I accept the one-time assessment as a notable limitation, I consider that the assessment can broadly be relied on and should not be disregarded because of it.

The amended lizard assessment provided by Ms King indicates that, where possible, key lizard habitats will be avoided, including through aspects such as building platform and curtilage area design and construction, to be outlined in a future lizard management plan. It is not clear from the rest of the assessment exactly how these measures have been implemented and I do not consider a future lizard management plan to be the appropriate time to consider these types of measures, given the location of building platforms and curtilage areas will already be locked in if the application is approved. I also consider that the point raised in Paragraph 6.44 of the original s42A report that proposed design controls for buildings and landscaping proposed by Mr Baxter will be acceptable to achieve herpetological objectives has not been addressed in the amended application. I invite the applicant to confirm how building platform and cartilage locations have been located to minimise effects on lizard habitats, and how the design controls proposed by Mr Baxter will help achieve herpetological objectives prior to the hearing.

I understand that management of effects on lizard populations is still intended to be outlined primarily through the development of a lizard management plan after consent is granted. This means that the conclusions in Paragraphs 6.49 and 6.50 that there is a level of uncertainty about the types of measures that will be used to manage effects, and that it would be preferable to have an indication of likely locations for habitat reconstruction available prior to the hearing. However, provided this is undertaken, I consider the proposed measures would be sufficient to address adverse effects on lizard populations in the site.

In her submission, Ms Wardle recommended that Council consider a ban on owning cats in the development, to help reduce the risk of predation on lizards. I note that this would also help

reduce predation of other fauna in the area Restrictions to this effect were one of the management options put forward by Ms Tocher in her herpetological assessment. In Paragraph 6.45 of my assessment, I concluded that Council could reasonably impose a condition to this effect, either as a consent notice or a covenant. If consent is granted, I consider that a covenant in favour of Council would be the preferred mechanism to achieve this.

A desktop invertebrate assessment was provided in support of the amended application. The assessment concluded that the proposal would have adverse effects on invertebrates in the area, and recommended a range of measures to help manage these effects. In his peer review, Mr Harding considered that this was inadequate as no ground truthing had been undertaken to determine what actually exists on the site. I concur with Mr Harding that this creates a level of uncertainty about the accuracy of the assessment and, as a result, any measures proposed to help manage effects. The measures do broadly align with those put forward by Mr Beale, so I consider that they will be of at least general utility. I note that some other methods, such as limiting the use of high vibration activities during certain times of the day and year have not been pulled through to other assessments or the applicant's overall proposal. If the proposal would result in significant adverse effects on invertebrate species in the area without this measure in place, I would recommend the applicant advise why they are not taking this or a similar step to manage these potential effects.

Mr Beale has proposed a range of measures to help manage effects on indigenous biodiversity from the proposed development. These include clearly defining vehicle accesses and movement areas to limit their operations to required areas, avoiding the movement or use of rock slabs, trimming vegetation where practical instead of removing them, relocating raoulia australis from the areas to be developed to around the mapped saline areas, creating new lizard and invertebrate habitats outside the areas to be developed, ongoing pest control and restrictions on the use of herbicides and pesticides. The application notes that these measures will not be sufficient to adequately manage effects on their own, and have, therefore, proposed additional offsetting. The appropriateness of this will be considered later in this assessment.

Overall, before any offsetting or compensation measures are considered, and noting that areas of saline soil are now proposed to be avoided, I consider that the proposal will have more than minor ecological and biodiversity effects, particularly due to the loss of indigenous vegetation to allow for provision of services and future development of the lots. I consider that these effects will only be partially managed by the measures proposed by the applicant, as these primarily seek to ensure that no greater effects occur than the applicant considers reasonably necessary to give effect to the development, with remediation measures including relocating some cushion plants to the identified saline areas and some habitat restoration only able to go some way towards reducing these effects.

Provision of Three Waters, Electricity and Telecommunications Services

I consider the conclusions in Paragraphs 6.51 to 6.55, as they relate to the provision of domestic water, remain relevant to the amended proposal. Overall, I consider that there will be adequate provision of domestic water. I note that assessment of the proposed water supply by CKL identifies that water quality from the Chinamans Terrace water scheme is generally good. However, they consider that treatment will be necessary to ensure potability based on testing undertaken by Analytica Laboratories. A mixture of point of supply and point of use treatment is proposed. I consider this to be appropriate.

Firefighting water is proposed to be supplied through the proposed water reticulation, to a FW2 rating based on SNZ-PAS 4509:2008. This is Fire and Emergency New Zealand's (FENZ) expected water supply standard for single dwellings. Further vegetation sprinklers are proposed in higher risk areas to help slow the spread of vegetation fires on the site. These sprinklers would be run off a separate reticulation network with a store of 340m^3 of water. Calculations undertaken by CKL indicate that there will be sufficient water available from the Chinamans Terrace water scheme to provide for domestic use and firefighting requirements,

subject to undertaking detailed design of the system. I consider this to be adequate provision of firefighting water. Based on the indicative water supply plans provided by CKL, all lots should have two hydrants within minimum distances required by SNZ PAS 4509:2008. However, after detailed design work is undertaken, any lots that are not close enough to be covered by hydrants, or where the flow rates specified in Table 2 of SNZ PAS 4509:2008 are not able to be met, a minimum 30,000 litre water storage tank with 20,000 litres retained for firefighting purposes would be required at the time and dwelling was constructed. If consent is granted, any lots that do not have hydrant coverage should be identified prior to the issue of Section 224(c) certification, and a consent notice condition registered against any new title(s) requiring a storage tank.

A mixture of on-site and reticulated wastewater disposal is proposed to service the subdivision. This is based on assessment by CKL, which builds off soil evaluations and wastewater recommendations from Mt Iron Geodrill provided in support of the original application. Updated test pit investigations of the proposed new wastewater dispersal area for the reticulated system have also been provided. Lots 1-3 and 19-30 are considered to be able to manage wastewater within the boundaries of the lots. However, site constraints remain such that CKL highly recommends these lots use secondary level treatment systems, at a minimum. These systems would need to be designed individually based on the size of any proposed buildings, and site-specific analysis in accordance with AS/NZS 1547:2012. CKL recommends that the remaining lots be connected to a pumped reticulated system, with its treatment plant and dispersal field located to the west of proposed Lot 20. With 15 lots proposed to be reliant on the reticulated wastewater system, I do not consider that the required wastewater plant would service more than 100 people (An average of 6.6 persons per lot) and, so, the system would not trigger Rule 4.7.6A.k of the Plan.

I note that the proposed reticulated system has been outlined on an assumption of an average occupancy of 2.7 persons per lot. I consider this to be a relatively low number, noting that a moderately sized two-bedroom dwelling could reasonably accommodate 3-4 people. In support of the original application, Mt Iron Geodrill assumed five persons per lot and 165 litres of wastewater per person per day, or 12,375 litres total per day for 15 lots. CKL indicates that the 2.7 persons per lot estimate was based on NZS 4404:2010. On review of Section 5 of NZS 4404:2010 (Wastewater), I could not find reference to 2.7 persons per lot being the assumed occupancy rate. The applicant may wish to clarify this at or prior to the hearing. Other mechanisms, such as low flow water fixtures could assist in reducing wastewater flows from each lot. However, these have not explicitly been proposed to be required by the applicant. I accept that the system is still subject to detailed design, and the applicant will not want to over-build the system. However, without justification of the assumptions used in CLK's report, or additional water saving measures to reduce wastewater flows, I cannot be certain that a wastewater system with a design flow of 9,000 litres per day will be adequate to service the lots that require reticulation.

Aukaha's submission requested that the whole subdivision be connected to a reticulated system in order to better manage risks to ground and surface water bodies. This option was considered by CKL, who identified that providing wastewater reticulation to all lots would allow for a higher level of treatment, but at a higher cost to construct and requiring more space for disposal of treated water. Given the ecological sensitivity of the area, I do not consider that particularly high weight should be given to the costs of any given system, or its complexity, if such a system is necessary to protect ecological values. However, if the mixed proposal put forward by the applicant would have acceptable effects on the environment, I consider that it would be appropriate. In this case, I am not satisfied that the proposed reticulated system would have adequate capacity to manage anticipated wastewater flows, based on the assumptions used by CKL. I consider that a failure of the system would cause inappropriate effects on the environment. I also note that resource consent will also be required for the reticulated system under the Regional Plan: Water for Otago, allowing more detailed consideration of the effects of any discharge on water. For the purposes of this application, I consider that a system that is adequately designed, built, maintained and operated can, in

principle, adequately manage its effects on the environment, subject to ORC consent. However, I cannot currently be certain that the system would be adequately designed based on the assumptions used by CKL.

Individual wastewater systems across Lots 1-3 and 19-30 will serve to disperse the application of wastewater across the wider development, reducing concentrations of effects associated with wastewater discharge, albeit each individual system may discharge water to a lower standard than a communal system. For these lots, given their size, I consider that secondary treatment systems designed to adapt to the limitations of each individual lot, and that is designed in accordance with AS/NZS 1547:2012, can be provided in a way that adequately manages the adverse effects of wastewater on the receiving environment.

While I agree with Aukaha that a fully reticulated system would likely have a lower environmental effect, I do not consider one likely to be necessary in this case. However, given my concerns with the assumptions used for the proposed reticulated system, I cannot consider the overall proposed wastewater management to be appropriate.

Discharging of stormwater from building and impervious surfaces to ground will be limited by underlying soil conditions across the site. The applicant has proposed a mixture of on-site soak pits and 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. The applicant has provided modelling and assessment of anticipated stormwater flows undertaken by CKL. This was referred to in the original application, but wasn't available at the time the s42A report was originally drafted. CKL's assessment indicates localised changes to runoff characteristics, for example around buildings on the proposed lots or along access roads.

Various options for managing stormwater are put forward by CKL. These include storage and beneficial re-use within allotments, use of soakpits where site conditions allow, or a semi-reticulated system utilising swales along roads or discharge to watercourses. Level spreaders or other mechanisms are proposed to reduce the velocity of stormwater flows at the point of discharge, in order to reduce erosion. An indicative layout is attached to CKL's assessment. Based on this layout, the assessment identifies that there may be some increased flood levels downstream adjacent to State Highway 8 during a 1% annual exceedance probability (AEP) rain event, with levels calculated to increase by up to 33mm. I understand that this is based on the assumption that culverts underneath the State Highway are blocked, resulting in a scenario assuming multiple points of failure.[8] Based on modelling, this would not be sufficient to inundate the highway, minimising the risk of effects on the operation of the road due to runoff in a 1% AEP rain event.

Overall, based on the updated assessment from CKL, I am satisfied that stormwater from future buildings and impervious surfaces resulting from the proposed subdivision can be adequately managed without significant adverse effects on water bodies, subject to conditions of consent. I also note that discharges of stormwater to water would be subject to the Regional Plan: Water for Otago. Further consents under that plan may be required.

My conclusions regarding electricity and telecommunications provisions in Paragraph 6.74 of the original s42A remain relevant to the amended application.

[8]Amended application Appendix O – Stormwater Management Plan and Flood Assessment at Page 15.

The communal three waters infrastructure is proposed to be managed by a private services entity. While I consider that the amended proposal would not allay concerns about private infrastructure services raised by Council's land development engineers in their advice,[9] 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. In this case, the applicant has provided draft constitution and contract for the management of these shared assets. I consider this to provide sufficient certainty that these private services, more likely than not will be adequately managed.

Traffic Effects and Adequacy of Access

The proposed access alignment within the subdivision is largely unchanged from the initial application, with the main changes being the removal of rights of way needed to access former Lots 14 and 30, and the addition of two lots onto the right of way that services proposed Lot 19 (Formerly Lot 20). I note that the amended application does not address the concerns raised in Paragraph 6.76 of the original s42A report that the formation of the access road should be reviewed by a suitably qualified person to confirm any signage, railings and widening were adequate to maintain the safe operation of steeper and tighter parts of the road. The amended application reduces the width of the proposed vested road to 5.5m, less than the 6m specified in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, recommended by Council's land development engineers and previously proposed by the applicant. Given the occasionally steep, winding nature of the proposed access road, I consider a 6m width to be appropriate to provide increased margins for error for road users. I consider the changes to the internal roading layout to not notably change the conclusions reached about the adequacy of the proposed internal roads in Paragraphs 6.76 and 6.78 of the original s42A report.

The proposal will result in a net reduction in the number of vehicle movements to and from the site per day. However, I consider that the development would still cause traffic movements along Bendigo Loop Road to increase enough to warrant the stretch between the new intersection into the subdivision and State Highway 8 be paved. If consent is granted, this should form a condition of consent.

The amended application is supported by an updated transport assessment from Andrew Carr. This assessment seeks to address concerns raised by NZTA, and reflected in the s42A report, that there was inadequate information to assess effects on State Highway 8.

Mr Carr's assessment notes that traffic volumes on State Highway 8 do not follow a "typical" commuter pattern with morning and evening peaks, instead currently rising over the source of the day, then falling off into the evening. He then assesses the effects of the proposal in terms of traffic generated at peak commuter times. On the assumption that most lots will be occupied by permanent residents, I consider this to be a reasonable assumption as most lots would generate a level of commuting traffic, for example to and from work in Wanaka or Cromwell, or to and from school. As the share of the development occupied by travellers' accommodation rises, however, I consider it likely that more traffic will be distributed outside of these peak times (Likely more closely matching the current rural/recreational traffic flows referenced in Mr Carr's report). Given the application proposes that each lot could be used for travellers' accommodation, I consider this to be a limitation on Mr Carr's assessment. The applicant may wish to update this assessment prior to the hearing to reflect this possible variability in traffic generation.

Mr Carr considers that, under current traffic flows, the Bendigo Loop Road / State Highway 8 intersection would warrant a formation in line with NZTA's Diagram E. I note that Diagram E is intended to be used for private accessways generating between 31 and 100 vehicle movements per day, including at least one heavy vehicle movement.[10] The current 140 vehicle

[9] s42A report at Paragraphs 6.64 and 6.73.
[10] New Zealand Transport Agency (2007) *Planning Policy Manual Appendix 5B: Accessway standards*

movements per day along Bendigo Loop Road estimated by Mr Carr would already exceed this standard, so I have used this as a loose guide, only. In practice, a specific intersection design agreeable to NZTA would be required based on both current traffic generation and the additional traffic generated from the proposal. Based on Mr Carr's analysis, during commuter hours, current and anticipated traffic generation would not warrant auxiliary turning lanes in any direction, but would warrant road widening to a Diagram E standard. I note that this assumes all lots are used exclusively for residential development. The applicant may wish to conduct an alternative assessment assuming different ratios of the development was being used for travellers' accommodation, in order to determine if there are scenarios where thresholds for turning lanes would be met.

It is evident from Mr Carr's assessment that the proposal would warrant some form of upgrade to the State Highway 8 / Bendigo Loop Road intersection will be required in order to manage effects on the safe and efficient operation of the road as a condition of consent. I consider that, in principle, the proposal will not cause such a significant change in traffic patterns on the road that upgrades beyond the intersection would be required, based on the current number of vehicles using the road. However, for the reasons given above, I am not certain that the NZTA Diagram E standard recommended by Mr Carr will be appropriate. State Highway 8 is a Limited Access Road managed by NZTA. Therefore, I would defer to NZTA's expectations for what is an appropriate formation of the intersection in the first instance. If the applicant and NZTA can come to an agreement on what upgrades would be required to manage effects on the operation of the highway, I will consider those effects to be adequately managed for the purposes of this assessment.

A new 10m wide right of way is proposed off Lot 101 to provide alternative access to Lot 5 DP 324082. Access to this lot is currently achieved over a formed right of way over Lot 2 DP 523873. The application notes that this is intended to allow for access to potential future development. I note that Lot 5 DP 324082 contains the remainder of the Rural Resource Area (2)'s development zone and, so, could feasibly be further subdivided. This access is not proposed to be formed. Given the access is an alternative only, and Lot 5 DP 324082 currently has adequate legal access over Lot 2 DP 523873, I consider it appropriate to not require the access be formed if it approves the right of way. This access is not required to service the subdivision, or provide access to land that does not otherwise have any. In this respect, it is immaterial to the subdivision and allowing or refusing to approve the right of way would have no implications for the wider application.

The right of way generally follows the terrain, climbing steadily before turning to travel almost directly up one of the ridges on the site. It is not clear what scale or nature of earthworks will be required to form the access in the future, what the gradient of the finished access would be, or how visually significant the resulting access would be, although I consider it unlikely that a 16.7% gradient will be exceeded, based on terrain information provided by the applicant. There is also a risk that the formation of the access will cause downstream effects on the RPL30 saline area identified in Mr Gibson's assessment, due to being located uphill from, and within the same catchment as, this saline area. I note that, prior to the formation of the right of way, Council would have an opportunity to fully consider the adequacy of any access formation, either through a resource consent for the development of Lot 2 DP 523873, or an application under Section 348 of the Local Government Act 1974. However, accepting the Right of Way now would create an expectation that it could be formed without significant adverse effects. Without knowing what level of earthworks would be required to form the access, and without any evidence in relation to its visual effects, or whether appropriate gradients can be met, and noting that it is not required to provide for this subdivision, I do not consider that this right of way should be approved as part of this application. However, if it is approved, I consider that Council should put on record that it does not guarantee that any specific formation of the access will be appropriate, in order to avoid creating any expectations it may not be able to

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and guidelines at pages 12 and 17. Retrieved from https://www.nzta.govt.nz/assets/resources/planning-policy-manual/docs/planning-policy-manual-appendix-5B-accessway-standards-and-guidelines.pdf

meet. The record should also highlight that the formation of the right of way would be subject to the exercise of Council's powers under Section 348 of the Local Government Act 1974 at any time the right of way is proposed to be formed, and that any formation of the right of way should manage its stormwater in such a way as to avoid adverse effects on the RPL30 saline area identified by Mr Gibson.

Heritage and Archaeological Effects

The application is supported by assessment from Chris Jennings, Archaeologist. The amended application largely relies on the same evidence and assessment considered in the original s42A report. The application identifies several archaeological items within the site. Two, identified as G41/771 and G41/772 are located on lots that are subject to changes. The third, G41/773 is located in the alignment of the proposed road. G41/774 is located in the balance lot. I consider that my conclusions in relation to Items 773 and 774 are unchanged as the proposal has not changed in relation to these items, and will focus on Items 771 and 772.

Item 772 is located outside the proposed curtilage or building areas of Lot 6. It is located towards the rear of that site, away from areas that are likely to need to be disturbed. In this context, I concur with Mr Jennings that the proposal will have no more than minor effects on this item.

The amended proposal removes the proposed shared access for Lots 2 and 3, which would have crossed Item 771, requiring its destruction, to having a shared access for Lots 1 and 2, and a separate access for Lot 3. I consider this to reduce the extent of damage likely to this item, although I consider that damage associated with constructing the access for Lot 3. Given that Item 771 will still be affected by the proposal, I consider my conclusions in relation to the effects on this item to be unchanged.

There is an identified risk that some archaeological material was not identified by Mr Jennings' assessment. Mr Jennings notes in their updated assessment that some areas, such as the proposed walking tracks, have not been assessed. This is a limitation of Mr Jennings' assessment. There is a possibility that archaeological material may be present in these areas. I note that some, such as around Lots 20 and 21, are in the covenant area, and others, such as the walking tracks, are outside it.

My conclusions at paragraph 6.85 of the original s42A report remain relevant to the amended proposal. Regardless of any decisions on this application, the applicant would still be obliged to obtain approvals from Heritage New Zealand Pouhere Taonga and the Director General of Conservation in order to disturb archaeological sites on the site and within the area covered by the conservation covenant.

In Paragraph 6.89 I concluded that I did not consider the archaeological effects of the proposal to be significant. However, I stopped short of considering the proposed management of those effects to appropriate, citing concerns that DOC, who are the beneficiaries of a covenant over two of the items, had opposed the proposal in part due to archaeological matters within the area of the covenant. Given DOC's position has not been changed to date, I do not consider that my position can change. Mr Jennings has argued in Paragraph 24 of his amended assessment that the site was not specifically named in the covenant, and the covenant does not require any management of items, meaning they will degrade over time, regardless of actions by the applicant. My understanding of the covenant is that it applies to any archaeological material, and does not specify any particular sites. I consider that the assertation from Ms Hill and Mr Gresson that the covenant is uncertain in effect is nullified by the fact that the covenant does have effect in its current form. If one of the parties to the covenant is of the opinion that the covenant is not fit for purpose for any reason, then they should work with the other parties to the covenant to change it. While I agree with Mr Jennings that the covenant does not require any ongoing protections of archaeological materials allowing natural degradation, it does limit human actions that degrade the items, which is what

is proposed. However, noting that the authority to enforce the covenant is held by DOC, not Council, and the additional protection of the sites offered by the Heritage New Zealand Pouhere Taonga Act 2014, I do not consider that this, on its own, should be fatal to the application if all other matters can be resolved adequately.

Cultural Effects

I consider that additional information will need to be provided by the applicant in relation to water management, particularly wastewater, before I can conclude that the cultural effects of the proposal can be managed to a point where they will be minor, at most.

Risk of Fire

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. The amended application is supported by a proposed Fire Risk Management Plan, prepared by the applicant, proposed to be reviewed by a suitably qualified person and adapted as needed based on their recommendations prior to it being implemented by future landowners. Proposed measures include the installation of sprinkler systems in the balance lot to help protect houses along likely fire travel paths up hillsides and gullies, maintenance of firefighting water storage, and restrictions around types of vegetation and building materials to reduce flammability.

Plantings in the vicinity of dwellings, in addition to kanuka, is proposed to be limited to those listed in Clause B3(f) of Mr Baxter's proposed design controls. I note that none of the species provided are listed in FENZ's list of species with different flammability ratings. However, based on the characteristics of the plants (Typically dryland species with lots of woody, densely packed growth, small leaves and low retained moisture content) relative to plants with low or moderate flammability characteristics in FENZ's list, I think it is unlikely that these species will have low flammability risk. However, I accept that these species have been chosen for their ecological characteristics and suitability to dryland environments foremost. In their assessment of vegetation succession in the area, Kelvin Lloyd identified that species such as kāpuka (Broadleaf) and tī kōuka (Cabbage tree) could reasonably be added to the appropriate planting mix, and are more fire resistant species. I do not consider these to be unreasonable to include without compromising my previous conclusions about the visual and landscape effects of the proposal.

Sprinklers are proposed to be installed on the uphill approaches to most dwellings where the adjoining hillside is scrub covered, in order to help slow the spread of fire towards the dwellings. I understand that these would primarily seek to provide a deluge of water, dampening and cooling burning and unburning vegetation and the ground. 340m^3 of water is proposed to be retained for this purpose. It is not clear from the application how much time this volume would allow the sprinklers to run. However, I am satisfied that they would have, at least some benefit in slowing the spread of fire, allowing time for residents to react to a fire that threatened their site. Subject to later review from a suitably qualified and experienced fire engineer, and provided the system is adequately maintained, I have no reason to believe that this system would not be helpful in slowing the spread of wildfire and helping protect future dwellings within the development.

Fire breaks are proposed in the fire management plan. It is not clear from the plan where these will be or their required length and width, and the possibility of permanent fire breaks has not been considered by Mr Beale, Mr Lloyd or Mr Baxter in their respective assessments. While I accept that fire breaks are a useful method for managing the spread of fire between different areas, I do not consider that their potential ecological and landscape effects have been considered by the application to be satisfied that their effects will be acceptable. Conversely, I cannot be satisfied from the information provided that the management of wildfire will be

adequate if the fire breaks are removed from the plan, as that scenario has not been considered by the applicant.

In Paragraph 6.95 of the original s42A report I noted that the proposal created a situation where 30 developable allotments in an area with vegetation that might be prone to wildfire had one point on ingress or egress that may be blocked by fire. I invited FENZ to comment on this aspect as they see fit, while noting that they did not raise this as a concern in their submission. The amended proposal keeps the same single point of access but reduces the number of lots reliant on it to 26, and proposes more active measures to help slow the spread of fire towards buildings. I consider that this lowers the risk. However, I still invite FENZ to comment of whether they are comfortable that this arrangement will not result in an unacceptable risk to the safety of occupants of the subdivision, or on fire crews, or if a more formal second point of access to the subdivision would be preferable.

Overall, given the discrepancies identified between the draft fire management plan and other assessments provided in support of the application, I cannot be satisfied that the risk of fire will be adequately managed without resulting in adverse effects on other aspects of the proposal. Review of the proposed fire management plan to implement actions that are consistent with other assessments provided in support of the application may assist in changing this conclusion.

Positive Effects

My conclusions regarding the positive effects of the proposal remain unchanged from my original s42A report. 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. I also consider there to be a public benefit in terms of the provision of walking tracks through parts Lot 200.

SUBSTANTIVE DECISION ASSESSMENT

Effects

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 am not satisfied that that the adverse effects on the environment arising from the proposal will be no more than minor.

Offsetting or Compensation Measures

Three areas of planting are proposed, in order to offset losses of indigenous plants due to construction of infrastructure and buildings associated with the development. Four additional areas are proposed to have compensatory plantings established. Both types of plantings generally seek to utilise species currently present on the site, and those considered likely to have been present pre-settlement of the area.

The most recent principles regarding developing biodiversity offsets are listed in Appendix Three of the National Policy Statement for Indigenous Biodivrsity (NPS-IB). I will have regard to these principles in assessing whether the proposed offsetting is appropriate. To summarise, the NPS-IB considers biodiversity offsets inappropriate where the affected biodiversity is sufficiently irreplaceable or vulnerable, the effects are uncertain but potentially significant or irreversible, or there are no feasible methods to achieve gains within an acceptable time period. Offsets should be able to demonstrate an overall net gain in biodiversity relative to those being lost at the impact site, having regard to their type, amount and condition, is appropriate to the landscape context, avoids adverse effects on indigenous biodiversity in the offset area, and will continue achieving outcomes in the long term, while minimising time delays between effects and the benefits of offsetting occurring.

In his peer review, Mr Harding considered that the proposed offset plantings did not satisfy the principles for biodiversity offsetting in Appendix 3 of the NPS-IB. In particular, he considered that offsetting requires the condition of the offset plantings to be equivalent to or exceed those being lost at the impact site based on the present-day environment and, due to the high levels of vulnerability and irreplaceability of cushionfield ecosystems.

Mr Beale considers that the loss of cushionfield habitat, in particular, are not irreplaceable or vulnerable, based on aerial observations indicating the presence of approximately 168 hectares of cushionfield habitat in the vicinity of the site and observations that this habitat is a transitional one, with cushionfield being an early coloniser of degraded land that would eventually make way for other species. Mr Harding considers that the ecosystem is either chronically or acutely threatened, depleted to less than 20% of its former extent. I concur with Mr Harding's concerns about the vulnerability of the ecosystems in the application site. The site includes dryland ecosystems that are acutely threatened, and have been in decline through the district. In the context of the wider ecological district, just because there is approximately 168 hectares of cushionfield habitat in the vicinity of the site does not mean that the ecosystem is not vulnerable or difficult to replace. Dryland and cushionfield habitats have been declining in extent in Central Otago for an extended period of time. The proposal would result in a continuation of that loss. I find more benefit in Mr Beale's statements that cushionfield habitat is a transitional ecosystem. However, the provisions of the NPS-IB require consideration of the values of an area as they appear currently when determining significance, so this should be the baseline when determining whether an area is vulnerable, not a possible future state.

There is disagreement between the applicant's ecologists and Mr Harding's assessment of the appropriateness of the proposed species to be used in the offsetting areas. Mr Beale concludes that it is appropriate to use species that would be associated with "climax" development, on the basis that the extant cushionfield habitat is a transitory ecosystem that, over time, would be replaced with more extensive shrubby vegetation. Mr Harding considers that proposed offsetting species should be based on what is currently present, and relying on potential "climax" species to offset loss of cushionfield is not appropriate as the quality and structure of the ecosystem would be different. On this point, I find myself agreeing with Mr Beale. While the proposed range of species for the offsetting and compensation areas is not directly equivalent to those proposed to be lost, they are similar and related through being dryland species. I do not consider that it is appropriate to require landowners effectively lock certain ecosystems into place, particularly if that ecosystem is transitory in nature. However, I also consider that the species used in offsetting areas should be sympathetic to existing species in the area in order to avoid displacing harm to other areas of indigenous biodiversity. I also consider that there should be sufficient certainty in what the anticipated "climax" species are, in order to minimise the risk of inappropriate species being planted.

The report on vegetation succession provided in support of the amended application accepts that pre-settlement vegetation patterns are uncertain, and that it is not clear exactly how the species suspected to have been present will respond to present day conditions, including fire regimes. In order to manage this, the report proposes that a broad range of species be introduced, in addition to a considerable component of plants known to be present in the current environment, then allowing these areas to develop naturally, where possible, in order to ensure those plants best suited to current conditions are present. I consider that this does mean there is a risk that the offsetting will be less effective than anticipated, due to the possibility that a larger number of species that don't grow well in the area are used. This would slow the rate at which the offsetting helps increase biodiversity in the area. Eventually, I consider that there will be an increase in biodiversity in the offsetting areas. However, I consider the timeline to be uncertain.

Mr Harding considers that the proposed offsetting plantings may result in leakage effects, displacing harm to indigenous vegetation within the proposed offsetting areas in order to meet the planting rates proposed for offsetting. I concur that this is a risk that has not been identified

by Mr Beale. Instead, Mr Beale considers that indigenous biodiversity is not a significant part of the offset areas, so leakage is not an issue. In this matter, I concur with Mr Harding. Appendix 3, Clause 5 of the NPS-IB requires offsetting avoid displacing harm to other indigenous biodiversity, for example, by introducing new species that may outcompete existing ones, or removing indigenous plants to make way for new ones. It does not distinguish between areas with small or significant areas of indigenous biodiversity. I consider that the exact mix of species used in each area should be reflective of the existing species present and planted in a way that minimises effects on those existing plants. I consider this to be particularly important around the ephemeral seepage wetland in the Hemlock Gully site and the cushionfield on the Pylon Flat site. I consider that this can be done, in principle, based on the information provided in support of the amended application. The applicant is invited to comment on their likely distribution of plant species at or prior to the hearing in order to confirm whether they intend to do this.

I concur with Mr Beale that the proposed offsetting would introduce new species into the area, increasing the diversity of species present, and would result in a better outcome than if no offsetting were to occur. I also concur that, visually, the proposed mix of species is generally appropriate in this landscape context.

Overall, I am concerned that the appropriateness of the mix of species used for offsetting is uncertain due to a lack on information about what the “climax” communities of the area would be. This may result in poor uptake of plants and a longer lag between the loss of biodiversity within the proposed development site and the accrual of benefits from the offset site. I am also not convinced that the indigenous biodiversity proposed to be lost is not sufficiently replaceable or non-vulnerable that offsetting its loss is appropriate.

Overall, I consider that the proposed offset and compensation plantings will serve to notably reduce the biodiversity effects of the proposal, to a point where I consider the adverse effects in the long term, after any offsets are fully established, to be minor at most. However, I also cannot be satisfied that the offsetting is appropriate for the entire application when considered in terms of the principles of the NPS-IB.

Despite this, I consider that the District Plan does anticipate an amount of indigenous biodiversity loss within the development zone in Schedule 19.16 and through a controlled activity consenting pathway that does not include control over effects on indigenous biodiversity. Therefore, I cannot consider this to be fatal to considering those parts of the development within the development zone, where I consider that offsetting of those effects would be more appropriate and may result in benefits beyond those required by the Plan. For the lots outside the development zone, and which will impact on vulnerable ecosystems, I consider the proposed offsetting to be less appropriate.

Objectives and Policies

I consider that the amended application warrants re-consideration of all objectives and policies in the District Plan considered relevant to the application. The proposed changes touch on aspects of all the relevant provisions, as follows:

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 Roading 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

As outlined in my assessment of effects, I consider that the starting point for considering development in the Rural Resource Area (2) should be that buildings in the development zone are generally anticipated, and any effects on rural character could, in principle, be appropriately managed through mitigation measures if they are visible from outside the site. Buildings outside the development zone should not be visible without mitigation in the first instance, and particular care should be given to the appropriateness of any mitigation proposed if a building is visible. In terms of the proposed lots with platforms within the development zone, I consider that the proposed platform locations and updated building design controls are sufficient to adequately maintain the anticipated rural characteristics of the area.

For Lots 20 and 21, I consider that their location in a largely isolated valley sufficiently screens them from view that they will maintain the visual appearance of the site from nearby viewpoints. I consider that future development on these lots will not notably detract from the rural characteristics of the area.

Future buildings on Lots 24 and 26 will be visible from State Highway 8, in an elevated location and will not be fully screened from view. Instead, the applicant has proposed to rely on recessive building design to blend the building in with the surrounding landscape and a reduction in the number of lots visible in this area relative to the initial application. Changes to the design controls include a reduction in the maximum building height from 5.5m to 4.5m on Lot 24 and 3.8m on Lot 26, with 50 and 56% site coverage, and reduced glazing areas on public facing facades from 80% to 50% and 60% for Lots 24 and 26 respectively. I consider that additional controls in relation to exterior lighting, to help further reduce the nighttime appearance of development on these lots would be necessary to reduce the visual impacts of these lots to a point where I could consider rural character to be adequately maintained.

Future buildings on Lots 27-30 will be visible from Bendigo Loop Road at the base of the hills. I consider that four dwellings, and accessory buildings, could result in density of development

that detracts from the rural character of the area. Given the expectation that dwellings outside the development zone would be largely invisible, I consider that this density of development visible from Bendigo Loop Road would not adequately maintain the rural character of the area.

Overall, I consider that the proposal would be inconsistent with Objectives 4.3.2 and 16.3.4, and Policy 4.4.2. For me to consider the proposal consistent with these provisions, either a re-design to reduce the visual and landscape effects of future buildings on Lots 27 to 30, or further mitigation of the visual and landscape effects of buildings would be required.

For the reasons provided in my assessment of effects I consider that the proposal will not result in significant adverse effects on the amenity values of nearby landowners or occupants. The proposed development is considered highly unlikely to result in reverse sensitivity in relation to nearby land uses. I consider the proposal to be consistent with Policies 4.4.8 and 4.4.9.

I consider that my conclusions in Paragraph 7.15 regarding Objective 4.3.8 and Policy 4.4.7 remain relevant to the application. I acknowledge that the applicant has removed some lots from outside the development zone, and avoided development in areas most likely to impact on saline ecosystems both inside and outside the scheduled development zone. This would result in better outcomes than the original application. However, I still consider that it is practical to avoid effects on indigenous biodiversity outside the development zone through the designing the subdivision consistently with Schedule 19.16.

The conclusions in Paragraphs 7.16 to 7.19 of the original s42A report remain applicable to the proposal. While I consider that the applicant has made advances in the quality of information provided regarding infrastructure, I consider there to be a couple of matters that remain outstanding that mean I cannot consider the proposal to be consistent with Objectives 4.3.5, 16.3.1 and 16.3.2, and Policies 4.4.3, 4.4.5, 16.4.1, 16.4.2, 16.4.3, 16.4.6 and 16.4.7.

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

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.

I consider the proposed internal roading to be generally adequate, subject to the provision of additional information regarding safety features. I note that upgrades will be required to the Bendigo Loop Road / State Highway 8 intersection, however, I am not certain that the standard recommended by the applicant will be adequate without comment from NZTA. At the current time, I do not consider the proposal to be consistent with Objective 16.3.1 and Policies 16.4.1 and 16.4.2. However, if the applicant can propose an access formation that is acceptable to NZTA and address safety concerns raised by Council's engineers, I would consider that the proposal is consistent with these provisions.

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

Objective 4.3.2 and Policy 4.4.1 seek to give effect to Section 6(b) of the RMA by requiring Council protect areas of ONL from inappropriate subdivision, use or development. While I broadly consider that the effects of the proposal on the values of the ONL will be minor, at most subject to conditions, the panel must still be satisfied that those effects will be appropriate in their context.

In my opinion, the provisions of the Rural Resource Area (2) create a strong baseline for what style of development the Plan considers appropriate in this landscape. Namely, it anticipates that development is located in a particular identified area, and is screened from certain, important viewpoints, having regard to the visually prominent and significant location of the site. In exchange, landowners are provided with provisions that enable residential densities not otherwise provided for in the district's rural areas. In my opinion, it logically follows that development that fails to comply with both of these criteria would be considered inappropriate, short of any extenuating circumstance. I consider that development that fails one of those criteria would need to be considered on a case-by-case basis. While I consider the proposal to be an improvement on that initially proposed, I still do not consider that there are sufficient extenuating circumstances in the amended application as proposed to justify the proposed level of development outside the development zone in Schedule 19.16. In particular, I consider that the increased density of development along Bendigo Loop Road would not be justified without additional, significant screening to help break up the form of the buildings from view, given their increased density relative to what might otherwise be expected in a rural context.

Overall, I consider that the amended proposal, as applied for, remains inconsistent with Objective 4.3.2 and Policy 4.4.1.

Policy 4.4.10 is a catchall provision intended to ensure development appropriately avoids, remedies or mitigates its effects on a range of matters. For the reasons provided throughout this report, I consider that the amended application as proposed does not adequately address all its effects on the environment and, so should be considered inconsistent with Policy 4.4.10. I have suggested a range of measures that I consider would more adequately manage the effects of the development on the environment to a level where I could consider the proposal consistent with this policy.

Objective 4.3.1 is an overarching provision that seeks to ensure the District Plan enables for a broad range of activities that allow rural communities to provide for their own wellbeing. However, at the same time, it requires such development maintain or enhance the environmental quality of the area. The proposal would provide an economic benefit for the applicant and, could broadly contribute to social wellbeing through the provision of public walking trails and lots able to be used for residential development, albeit limited somewhat by their location and the proposed additional use of all lots for travellers' accommodation. However, for the reasons provided throughout my report, I do not consider that the proposal adequately maintains the anticipated rural character values of the area, and so should be considered inconsistent with this objective.

Overall, I consider that the conclusion in Paragraph 7.23 of the original s42A report that the proposal should be considered inconsistent with the objectives and policies of the District Plan remains relevant. While I consider the proposal to be a shift in the right direction, and I consider there to be measures that could help the proposal become consistent with the above provisions, I consider that the current proposal does not adequately maintain the anticipated character of the Rural Resource Area (2).

Section 104D Gateway Tests

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.

For the reasons provided above, I consider that the proposal will be inconsistent with the objectives and policies in the District Plan, but the effects on the environment will be offset to a point where they are minor, at most. I consider that the proposal passes one of the gateway tests. Council can use its discretion to consider the application under Section 104B.

Operative and Proposed Regional Policy Statements

The Partially Operative Otago Regional Policy Statement 2019 (PORPS2019) was declared operative on 15 March 2021. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 26 June 2021. The PRPS2021 is subject to a number of appeals. The following provisions of both documents are relevant to the amended 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-O9 – 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

Given the PRPS2021 is subject to appeal, I consider it appropriate that more relative weight be given to the operative RPS2019.

An amount of public access to the area is proposed through the subdivisional road and provision of public walking trails. In doing so, it would enhance public access to the landscape protection area, in line within its intended purpose. I note my previous reservations that it is not clear who the applicant intends to be responsible for maintaining these trails. However, assuming the trails are built and maintained to a useable state, I consider the proposal to be consistent with RPS2019 Objective 5.1 and Policy 5.1.1.

HCV-HH-O3 and its associated policies require the protection of historic heritage through avoiding significant effects on areas with historic heritage values and only remedying or mitigating those effects where they cannot be avoided. Policy 5.2.3 sets a similar requirement, where effects on values that contribute to the area or place being of regional or national significance should be avoided as a first priority, then residual effects remedied or mitigated. Other effects should be minimised. I consider that effects on archaeological values will be adequately managed. The reorientation of accesses to Lots 1, 2 and 3 reduces the likely impacts on Item G41/771. The items present are not understood to notably contribute to the area being of regional or national significance. I consider the proposal to be consistent with these provisions.

Provided agreement can be reached on an appropriate access formation for the State Highway 8 / Bendigo Loop Road intersection and assessment regarding the adequacy of safety measures on the subdivision road can be provided, I consider that the proposal would be consistent with RPS2019 Objective 4.3 and Policy 4.3.5, and PRPS2021 EIT-TRAN-O7, O9, P18, P21 and P22.

For the reasons provided throughout this report, I do not consider that the proposal adequately maintains the open space and landscape values of the Landscape Protection Area identified in Schedule 19.16. I consider the proposal to be inconsistent with RPS 2019 Policy 3.2.4 and PORPS. NFL-O1 and NFL-P2.

Policy 3.1.9 in the RPS2 019 requires the maintenance and enhancement of indigenous biodiversity Policy 3.1.13 seeks to encourage and facilitate developments that protect or restore indigenous habitat and facilitate the regeneration of indigenous species. In this case, I consider that the proposed offsetting and compensation plantings would, in the long term, contribute to the regeneration of indigenous ecosystems in the area, at the loss of vulnerable cushionfield habitats. However, given the context for the Rural Resource Area (2) in the District Plan, and the notable loss of habitat the District Plan would provide for, I consider that some recognition of this potential benefit from the amended application is warranted.

RPS 2019 Policy 3.2.2 and PRPS 2021 ECO-P6 require 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 these policies and associated objectives.

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 be consistent with the intent of PORPS2019 Objective 5.3 and Policy 5.3.1.

I consider that the amended application, subject to the provision of additional information and the imposition of conditions, can adequately manage its effects on the operation of the

transport network in a way that is consistent with Policy 4.5.3 and EIT-TRAN-P21 and their associated objectives.

National Policy Statements

NPS-UD

The conclusions in relation to the National Policy Statement for Urban Development 2020 (NPS-UD) in Paragraphs 7.37 to 7.39 of the original s42A report remain relevant to the amended proposal. I consider that no weight should be given to the NPS-UD and, 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 its objectives and policies.

NPS-IB

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 using a range of native species described in Table 11.1 of the Ecological Enhancement and Monitoring Plan provided with the amended application.

I will make one change to how I assess the proposal against the NPS-IB compared to the original s42A report. Clause 3.16 directs Councils to apply the effects management hierarchy in relation to any significant effects. Effects not considered significant can be managed without strict adherence to the hierarchy. The original s42A report was drafted on the basis that all effects needed to be managed using the effects management hierarchy. This does not change my interpretation of the effect of the policies and objective of the NPS-IB outlined in Paragraph 7.43 of the s42A report, specifically that 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 there is no net loss of indigenous biodiversity across the country as the overarching objective. While not strictly necessary,[11] I consider that the most reliable option for ensuring this objective is met at a resource consenting level, is to ensure each individual development creates no overall loss of biodiversity within that development's area.

The conclusion in Paragraph 7.41 of the original s42A report that vegetation in the area likely meets the criteria to be considered a significant natural area (SNA) under the NPS-IB remains relevant to the proposal. I also consider that the conclusion in this paragraph that, if the area were a mapped SNA, the proposal would likely be inconsistent with the provisions of the NPS-IB, remains relevant. The receiving environment has not changed, and the amended proposal still fails to avoid loss of ecosystem representation and extent, or reduction in ecosystem function, particularly for cushionfield ecosystems.

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 to any significant effects on biodiversity and consider whether the proposal is consistent with the objectives and policies of the NPS-IB. Mr Beale identifies that the proposal will have significant effects on indigenous biodiversity, particularly for cushionfield ecosystems.

[11] For example, if one development resulted in a net loss of biodiversity, but a neighbouring, unrelated, development resulted in an equivalent net gain, the objective of the NPS-IB would, arguably, be met. However, neither development can influence the other. That means the appropriateness of the former, when considered in isolation, would be uncertain.

In Section 10 of his ecological impact assessment, Mr Beale outlined a range of actions proposed to avoid, minimise, remedy, and offset the biodiversity effects of the proposal. I concur with Mr Beale that the proposal adequately avoids significant effects on saline ecosystems through realigning lots to avoid identified saline areas. I also consider that the reduction in the number of lots outside the development zone that will result in removal of significant cushionfield habitats is being reduced. However, I still consider that these effects will be significant, and have not been adequately avoided in the first instance, by locating all development within the development zone. I remain of the opinion that the development does not appropriately apply the effects management framework in the NPS-IB.

I find whether to conclude the proposal consistent with the NPS-IB to be a fine line. On the one hand, I consider that the proposal will, more likely than not result in an overall loss of biodiversity in the long term, due to the proposed offsetting and enrichment plantings, achieving the objective of the policy. I consider that these plantings can, in principle, be undertaken without leakage effects on indigenous biodiversity in the offset areas. On the other hand, the proposal will have significant effects on existing indigenous biodiversity that are not managed in line with the effects management framework required by clause 3.16. Given this, and the identified uncertainty about the effectiveness of the proposed offset plantings, I still consider the amended application to be inconsistent with the provisions of the NPS-IB. However, if more certainty about the proposed offsetting was available, such that I can be confident that a net biodiversity gain can be reliably achieved within reasonable timeframes, I think that this would be sufficient to tip the balance in the other direction.

NPS-HPL

The conclusions in relation to the National Policy Statement for Highly Productive Land 2022 in Paragraph 7.45 of the original s42A report remain relevant to the proposal. The NPS-HPL is not applicable to the application.

Other Matters

Cromwell Spatial Plan

I consider the conclusions in Paragraph 7.46 in relation to the Cromwell Spatial Plan to remain relevant to the amended proposal. I do not consider the proposal to be inconsistent with the intent of the Cromwell Spatial Plan.

Conservation Covenant

I consider the comments in Paragraphs 7.47 and 7.48 of the original s42A report to remain relevant to the amended proposal, although I understand that DOC has not had the ability to formally comment on the amended proposal. For the reasons provided in my assessment of effects in this report, and in Paragraph 7.49 of the original s42A report, I consider that ongoing opposition from DOC, as the beneficiary of the covenant, would be evidence in favour of finding the proposed development to be inappropriate in the context of the RMA.

Precedent

I consider the conclusions reached in Paragraphs 7.50 and 7.51 of the original s42A report in relation to precedent remain relevant to the application. Given the unique zoning of the site, I do not consider that the proposal will cause a precedent for development outside the Rural Resource Area (2). I consider that the consideration of development outside the development zone will create a precedent for other potential development within the Rural Resource Area (2). However, I anticipate that any precedent set through this proposal will reinforce the high bar that ought to be set for any development outside the development zone to minimise its environmental effects and measures should be taken to ensure the intent of the landscape protection area, as described in Schedule 19.16, is adhered to.

Section 6 of the Resource Management Act 1991

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. I have previously concluded that the proposal will be inconsistent with this objective. Therefore, I consider that the current proposal would be contrary to Section 6(b).

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. The site is not identified in the District Plan as containing areas of significant indigenous flora or fauna. Material provided in support of the application indicates that the site may include significant natural areas in the context of the NPS-IB.

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 most 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. These will need to be addressed before I can consider the proposal to be consistent with Section 6(f).

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

Part 2

Based on the findings above, I do consider that the current proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would not promote the sustainable management of District's natural and physical resources.

OVERALL CONSIDERATION

I consider the purpose of the Rural Resource Area 2 to be to allow for an increased level of development within part of the site, while protecting the remainder from development. The primary emphasis on protecting areas is to protect landscape and recreation values, essentially having the area act as an extension to the neighbouring DOC reserve. Based on descriptions of the Rocky Point Conservation Zone in the Vincent County Planning Scheme, biodiversity was not considered a significant matter, other than by identifying that the area has dense manuka/kanuka coverage. However, even this reference is framed in terms of the important visual and landscape characteristics of the site. More recently, Council has been required to give greater weight to loss of indigenous biodiversity, for example, through the NPS-IB, albeit that the District Plan has not been updated to give effect to this document to date, and still anticipates potentially significant loss of open dryland habitats 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. In my opinion, this means less weight should be given to the provisions of the NPS-IB for development inside the development zone, and more weight to development outside it (Namely Lots 20, 21, 24 and 26-30).

Applying the NPS-IB principles for offsetting, I consider that the proposed biodiversity offsetting and compensation, and other ecological enhancement actions proposed by the applicant may not be appropriate to compensate for loss of biodiversity associated with the development. Taking into consideration the District Plan's acceptance of the loss of open dryland and cushionfield habitats within the development zone I do not consider that this should be fatal to

the application if more certainty can be provided that offsetting will result in a net benefit within reasonable timeframes. In the interim, given the NPS-IB's directive to use such measures only where it is not practicable to avoid, minimise or remedy significant effects, such as loss of cushionfield habitats, I am left to conclude that, for those lots outside the development zone where the proposal would result in loss of indigenous biodiversity[12], avoidance of these effects remains my preferred method of managing the identified significant effects on indigenous biodiversity.

I consider the conclusion in Paragraph 8.5 that the proposal will have adequate provision for infrastructure, subject to additional information being provided, remains relevant to the amended proposal.

I consider that the amended proposal will result in improved outcomes that are more in line with the environmental character anticipated by the District Plan for the area than the original proposal. However, I consider there to be some outstanding maters that remain, and which mean that I cannot consider the proposal to be fully appropriate in the planning context. Therefore, I recommend the application be refused unless these matters can be addressed.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that the panel refuse consent to the proposed activity, in accordance with sections 104 and 104B of the Resource Management Act 1991.

In the event that the outstanding matters raised in the above report at, or prior to, the hearing, I will be willing to re-consider whether to recommend approval of the application. In support of this, I have provided a draft certificate of the conditions that I consider necessary to be imposed under section 108 of the Act listed below, in the event that the panel resolves to grant consent.

Adam Vincent
Planning Officer – Intermediate

Date: 27 September 2024

[12] Primarily Lots 20, 21, 24 and 26, but also Lots 27-30 to a lesser extent due to different, less significant, vegetation patterns.

Consent Type: Subdivision and Land Use Consent

Consent Number: RC 230179

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

Location of Activity: Lakefront Terrace, Bendigo

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

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

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

Subdivision Conditions:

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

Plan Name	**Reference**	**Author**
Subdivision layout		
Rocky Point TKO Properties Ltd Overall layout and Enlargement 1-4	Drawing W1665 Sheets 1-5 Revision G	Coterra
Landscape and Design Controls		
Revised Scheme Plan	4371-SK125 – 29 Aug 2024	Baxter Design
Lots 1-19, 19-21, 22-25, 26 and 27-30	4371-SK130–SK134 – 29 Aug 2024	Baxter Design
Rocky Point Schedule of Lots	4371-SK129 – 12 Jul 2024	Baxter Design
Ecological Mapping		
Ecology Mapping	4371-SK127 – 29 Aug 2024	Baxter Design
Proposed Offset Sites at Bendigo Hills	26/06/2024	Wildlands
Indicative Location of Enrichment Planting Sites	Ecological Enhancement and Monitoring Plan Figure 4-1	Beale Consultants
Infrastructure		
Rocky Point TKO Properties Ltd Cross Sections	Drawing W1665 Sheet 5 Revision A	Coterra
Long Road Sections	Drawing W1874 Sheets 1-6 Revision A	Coterra

Infrastructure Mapping	4371-SK128 29 – Aug 2024	Baxter Design
Indicative Water and Wastewater Plans 1-5	Drawings 5001, 6001, 6003, 6003 and 6004, Revision A	CKL
Indicative Stormwater / OLFP Layout 1 of 1	Drawing 4001, Revision 2	CKL

2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:

    a) Administration, monitoring and inspection relating to this consent; and

    b) Charges authorised by regulations.

3. The subdivision may be staged. Any conditions relevant to a stage must be satisfied prior to section 224(c) certification for that stage.

4. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and Council's July 2008 Addendum to that standard. Together these two documents form the Council's Code of Practice for subdivision.

5. Certificates Schedule 1A, Schedule 1B, and Schedule 1C are to be submitted at the appropriate times as per NZS 4404:2004 where required by Council.

6. Prior to the commencement of works occurring on site approved by this subdivision consent, the consent holder must:

    a) Receive council Engineering Acceptance of the designs including:

        i. Confirming who their representative is for the design and execution of the engineering work.

        ii. Provide copies of design: reports, calculations, specifications, schedules, and drawings, as applicable.

    b) Install all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off and dust from the site during any stages of site disturbance that may be associated with this subdivision.

    c) Provide to Council for certification a lizard management plan prepared by a suitably qualified and experienced herpetologist. The plan should include, at a minimum:

        i) Measures for minimising damage to lizard habitats during subdivisional works

        ii) Remediation of lizard habitats that are damaged during subdivisional works

        iii) Locations and nature of new lizard habitat creation to offset any areas destroyed during subdivisional works to ensure no net loss in extent of lizard habitat

    d) Update the Proposed Offset Sites at Bendigo Hills, Indicative Location of Enrichment Planting Sites plans and Ecological Enhancement Monitoring Plan to specify plantings for each offsetting and compensation area to ensure that only species that will not outcompete existing indigenous species in the area, and change planting patterns to avoid the removal of indigenous vegetation already in the area.

7. Measures to avoid, minimise and remedy adverse effects on indigenous biodiversity must be implemented at all times during subdivisional works in general accordance with Section 10 of the Terrestrial Ecology Impact Assessment and Terrestrial Invertebrate Assessment lodged as Appendices H and L to the amended application respectively, and the updated lizard management plan required above. The applicant must keep records of how these measures are being implemented on the site. These records must be made available to Council on request.

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

    a) If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.

    b) The right of way over Lot 200 providing access to Lot 5 DP 324082 must not be shown on the plan of subdivision.

    c) Public access easements must be provided over the walking tracks identified on the Revised Scheme Plan 4371-SK125 – 29 Aug 2024 provided in support of the amended application.

    d) The building platforms and curtilage areas identified for Lots 1-30 must be shown on the plan of subdivision

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

    a) Plant out the offsetting and enrichment planting areas shown on the updated Proposed Offset Sites at Bendigo Hills and Indicative Location of Enrichment Planting Sites plans and implement the Ecological Enhancement Monitoring Plan submitted as Appendix I to the amended application, including ensuring provision for any ongoing monitoring and reporting required by the plan.

    b) Implement the pest control measures listed in the Ecological Enhancement Monitoring Plan submitted as Appendix I, and including measures to manage mustelids, hedgehogs and feral cats, to the amended application, including ensuring provision for their ongoing operation.

    c) An operational domestic water supply must be designed and constructed to the boundary of each allotment. In general accordance with the Indicative Water Supply Plan Drawings 6001, 6002, 6003 and 6004, Revision 5 and in accordance with NZS 4404:2010. The system must be designed and constructed to provide a minimum of 1,000 litres of water per day to each allotment.

    d) A bacteriological and chemical water test of the network water supply, sourced from a suitably qualified laboratory, must be provided to the Chief Executive. The water test must be accompanied by a laboratory report which clearly details any non-compliance with Maximum Allowable Values (MAVs) and Guideline Values (GVs) under the Water Services (Drinking Water Standards for New Zealand) Regulations 2022 and identifies appropriate means of and costs for any necessary remedial treatment.

    e) The reticulated water network must be provided with fire hydrants sufficient to provide firefighting water coverage at the distances and pressures specified in Table 2 of SNZ PAS 4509:2008. Where any lot is not provided with sufficient coverage, the following must be registered as a consent notice on that lot:

i) At the time residential activity is established on Lot [X] minimum domestic water and firefighting storage is to be provided by;

(a) A standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve. Alternatively an 11,000 litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:

(i) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder shall provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.

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

(iii) The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.

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

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

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

(b) Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the Fire and Emergency New Zealand is obtained for the alternative method.

f) A separate water reticulation network and sprinklers for fire control must be constructed in general accordance with the Indicative Water Supply Plan Drawings 6001, 6002, 6003 and 6004, Revision 5. This system must be supplied from a static reserve with a capacity of at least 340m^3.

g) A reticulated wastewater network to service Lots 4-18 must be designed and constructed by a suitably qualified and experienced person in general accordance with the Indicative Wastewater Plan Drawing 5001, Revision 5 and in accordance with NZS 4404:2010. The system must be designed and constructed to accommodate at least [12,500] litres per day.

h) Stormwater reticulation and disposal must be constructed for each lot in general accordance with the Indicative Stormwater Layout Drawing 4001, Revision 2 and in accordance with NZS 4404:2010.

i) *Formal ownership, management, and operational documents are to be provided for the new entity/entities responsible for managing any private shared three waters or fire management infrastructure, and an operation-and-maintenance manual including as-builts shall be prepared to demonstrate extent of properties serviced, to what degree, and how.*

j) Lots 101, 102 and 103 (Subdivisional roads) must be formed to the Local Sealed standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

   i) 20.0m minimum road reserve.

   ii) 6.0m minimum sealed carriageway width with widening on curves

   iii) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.

   iv) Road shoulder of 0.25m width metal.

   v) 4% normal camber and designed super-elevation.

   vi) Subgrade >CBR of 7.

   vii) Rock armouring to be provided to side-channels along steeper sections.

   viii) Shallow trafficable side-drains / water channels over level sections, if any.

   ix) Suitably sized culverts in water courses.

   x) [Safety upgrades/signage for subdivisional roads placeholder condition]

   xi) Road gradient must not exceed 15%.

   xii) A cul-de-sac head in accordance with Figure 3.4 of NZS 4404:2004 must be installed at the terminus of the road within Lot 103

k) The right of way servicing Lots 1 to 7 must be formed to the Local Access A standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

   i) The right of way may remain in private ownership

   ii) Vehicle entranceway to the proposed Right of Way from the vested road Lot 101 must be constructed in compliance with Part 29 of Council's Roading Policies January 2015.

   iii) 5.5m formed carriageway metal width with widening on curves.

   iv) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.

   v) 5-8% normal camber and designed super-elevation.

   vi) Subgrade >CBR of 7

   vii) Rock armouring to be provided to side-channels along steeper sections.

   viii) Shallow trafficable side-drains / water channels over level sections, if any.

ix) A well bound durable surfacing metal to be provided that is resistant to unravelling and provides good all-weather traction.

x) Suitably sized culverts in water courses.

xi) Shared access to Lots 1-2, 4-5 and 6-7, and an individual access to Lot 3, must be provided in accordance with Part 29 of Council's Roading Policies January 2015.

xii) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

xiii) 10.0m minimum road reserve.

xiv) Sections over 12.5% gradient shall be sealed.

xv) No section shall exceed 16.7% gradient.

l) The right of way servicing Lots 19 to 21 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

i) 4.5m minimum formed width.

ii) 10.0m minimum road reserve.

iii) 5-8% normal camber.

iv) Subgrade >CBR of 7.

v) Durable well-bound wearing course to be constructed over pit-run base to provide all weather traction and prevent surface unravelling.

vi) Shallow trafficable side-drains / water channels over level sections.

vii) Rock armouring of side channels over steeper sections.

viii) Stormwater discharging to soak pits within the ROW or to natural water courses.

ix) Vehicle entranceway to the proposed Right of Way from the vested road Lot 103 shall be constructed in compliance with Part 29 of Council's Roading Policies January 2015.

x) Sections over 12.5% gradient must be sealed.

xi) No section may exceed 16.7% gradient.

xii) Access to individual lots must be provided in accordance with Part 29 of Council's Roading Policies January 2015.

m) The right of way servicing Lot 25 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

i) 4.5m minimum formed width.

ii) 10.0m minimum road reserve.

iii) 5-8% normal camber.

iv) Subgrade >CBR of 7.

v) Durable well-bound wearing course to be constructed over pit-run base to provide all weather traction and prevent surface unravelling.

vi) Shallow trafficable side-drains / water channels over level sections.

vii) Rock armouring of side channels over steeper sections.

viii) Stormwater discharging to soak pits within the ROW or to natural water courses.

ix) Vehicle entranceway to the proposed Right of Way from the vested road Lot 103 shall be constructed in compliance with Part 29 of Council's Roading Policies January 2015.

x) Sections over 12.5% gradient shall be sealed.

xi) No section shall exceed 16.7% gradient.

n) The rights of way servicing Lots 1-2, 4-5 and 6-7 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

i) 4.5m minimum formed width.

ii) 10.0m minimum road reserve.

iii) 5-8% normal camber.

iv) Subgrade >CBR of 7.

v) Durable well-bound wearing course to be constructed over pit-run base to provide all weather traction and prevent surface unravelling.

vi) Shallow trafficable side-drains / water channels over level sections.

vii) Rock armouring of side channels over steeper sections.

viii) Stormwater discharging to soak pits within the ROW or to natural water courses.

ix) Sections over 12.5% gradient shall be sealed.

x) No section shall exceed 16.7% gradient.

o) Bendigo Loop Road between State Highway 8 and the intersection with Lot 101 must be upgraded to a Local Sealed standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004, with the following amendments:

i) 6.5m minimum sealed carriageway width with widening on curves.

ii) Design in accordance with Austroads Guide for Geometric Design of Rural Roads.

iii) Surfacing to be two-coat chip seal, or asphaltic concrete.

iv) Road shoulder of 0.25m width metal.

v) 4% normal camber and designed super-elevation.

vi) Subgrade >CBR of 7.

vii) Rock armouring to be provided to side-channels along steeper sections.

viii) Shallow trafficable side-drains / water channels over level sections

ix) Suitably sized culverts in water courses.

x) Metal depths to NZS4404:2004 and Council's July 2008 Addendum standards.

p) New vehicle entranceways to each of proposed Lots 8 – 18, 24, 26, and 27-30 must be individually constructed in compliance with the requirements of Part 29 of Council's Roading Policies January 2015.

q) [State Highway 8 / Bendigo Loop Road intersection upgrade placeholder condition]

r) Walking tracks, a gravelled vehicle parking area and any necessary navigational or interpretational signage must be constructed in general accordance with the locations shown on the Revised Scheme Plan 4371-SK125 – 29 Aug 2024 submitted in support of the amended application.

s) [Placeholder for required construction standard for walking tracks]

t) [Placeholder for ongoing maintenance of walking tracks, carpark and signage]

u) Underground electricity and telecommunications connections must be provided to the boundary of Lots 1 to 30. Where lots are accessed off a right of way, the electricity and telecommunications connections must be extended along the right of way to the buildable area of the lot.

v) As-built drawings for any infrastructure to be vested in Council or private infrastructure in vested roads are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and shall comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in *.dwg/*.dxf or *12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

w) A suitably worded covenant, to be between the future owners of Lot 200 and either Central Otago District Council, the Department of Conservation, the Queen Elizabeth II National Trust, or an equivalent agency, must be drafted for registration on Lot 200 to the effect that Lot 200 will be maintained for conservation purposes in perpetuity.

x) A suitably worded covenant, to be between the future owners of Lots 1-30 and Central Otago District Council must be drafted for registration of Lots 1-30 to the effect that no landowner or occupant will keep cats on the property.

y) Payment of a reserves contribution of $30,008.62 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan on the basis of 29 additional dwelling equivalents.

10. Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration on each of the certificates of title for Lots 1 to 30 hereon, for the following ongoing conditions:

    a) Buildings must comply with the following standards:

        i) All residential buildings and accessory buildings must be located on the building platform identified on the relevant lot, with the following exceptions:

            (a) Verandahs and eaves are permitted to extend up to 2.75m outside of the RBP from exterior walls on elevations orientated towards Lake Dunstan and the north

            (b) Decks are permitted on Lots 11-18 and may extend up to 2.5m outside of the RBP's on those lots and must not exceed 25m^2 in area

            (c) Decks can extend 2.5m past the RBP on all other lots

            (d) Small structures not exceeding 5m^2 in footprint size or 2.5m in height are permitted within the curtilage areas on each lot

    b) Stormwater from buildings, landscaping and impervious surfaces on Lots 23, 25 and 26 must be designed, constructed and maintained so as to not increase stormwater runoff into the saline areas identified in Figure 10 of the Rocky Point Subdivision Bendigo Saline/Sodic Soils Identification and Location report by Roger Gibson lodged in support of RC 230179.

Land Use Conditions:

1. This consent authorises residential activity and travellers' accommodation on the building platforms on Lots 1-23, 25 and 26-29, in general accordance with the information provided in support of the application and as amended by the following conditions.

2. Travellers' accommodation on Lots 1-23, 25 and 26-29 is limited to single groups of guests per allotment.

3. All buildings must be located within the identified building platform on the lot with the following exceptions:

    a) Verandahs and eaves are permitted to extend up to 2.75m outside of the RBP from exterior walls on elevations orientated towards Lake Dunstan and the north

    b) Decks are permitted on Lots 11-18 and may extend up to 2.5m outside of the RBP's on those lots and must not exceed 25m2 in area

    c) Decks can extend 2.5m past the RBP on all other lots

    d) Small structures not exceeding 5m2 in footprint size or 2.5m in height are permitted within the curtilage areas on each lot. These structures must be clad in a recessive colour with an LRV less than 25%.

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

Lot No.	Height	Height Datum RL	Platform Coverage
Lot 1	Downhill elevation – 3.0m Uphill elevation – 3.8m	+292.00	55% (220m^2)
Lot 2	Downhill elevation – 3.0m Uphill elevation – 3.8m	+291.50	49% (220m^2)
Lot 3	Downhill elevation – 3.0m Uphill elevation – 3.8m	+292.00	49% (220m^2)
Lot 4	Downhill elevation – 3.0m Uphill elevation – 3.8m	+297.00	52% (220m^2)
Lot 5	Downhill elevation – 3.0m Uphill elevation – 3.8m	+297.00	56% (220m^2)
Lot 6	Downhill elevation – 3.0m Uphill elevation – 3.8m	+298.00	56% (220m^2)
Lot 7	Downhill elevation – 3.0m Uphill elevation – 3.8m	+299.00	55% (200m^2)
Lot 8	Downhill elevation – 3.0m Uphill elevation – 3.8m	+296.00	55% (200m^2)
Lot 9	Downhill elevation – 3.0m Uphill elevation – 3.8m	+300.00	54% (200m^2)
Lot 10	5.0m Pile foundations maximum 1200mm in height	+304.00	54% (150m^2)
Lot 11	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 12	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 13	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)

Lot 14	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 15	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 16	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 17	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 18	5.0m Pile foundations maximum 1200mm in height	Natural ground level	100% (84m^2)
Lot 19	4.5m	+332.50	91% (250m^2)
Lot 20	4.5m	+329.00	63% (250m^2)
Lot 21	4.5m	+333.00	49% (250m^2)
Lot 22	4.5m	+322.00	63% (250m^2)
Lot 23	4.5m	+322.00	65% (250m^2)
Lot 24	4.5m	+323.00	50% (250m^2)
Lot 25	Downhill elevation – 3.0m Uphill elevation – 3.8m	+328.00	65% (220m^2)
Lot 26	Downhill elevation – 3.0m Uphill elevation – 3.8m	+302.00	56% (260m^2)
Lot 27	5.0m	+203.00	49% (350m)^2
Lot 28	5.0m	+204.00	61% (350m^2)
Lot 29	5.0m	+210.00	57% (350m^2)
Lot 30	5.0m	+210.00	47% (350m^2)

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

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

Lot No.	Glazing
Lot 1	60% of any 3.0m high elevation
Lot 2	60% of any 3.0m high elevation
Lot 3	60% of any 3.0m high elevation
Lot 4	60% of any 3.0m high elevation
Lot 5	60% of any 3.0m high elevation
Lot 6	60% of any 3.0m high elevation
Lot 7	60% of any 3.0m high elevation
Lot 8	60% of any 3.0m high elevation
Lot 9	60% of any 3.0m high elevation
Lot 10	60% of any 3.0m high elevation
Lot 11	50% of total external wall area across all elevations combined
Lot 12	50% of total external wall area across all elevations combined
Lot 13	50% of total external wall area across all elevations combined
Lot 14	50% of total external wall area across all elevations combined
Lot 15	50% of total external wall area across all elevations combined
Lot 16	50% of total external wall area across all elevations combined
Lot 17	50% of total external wall area across all elevations combined
Lot 18	50% of total external wall area across all elevations combined
Lot 19	75% of northern elevation and 50% total external wall area across all elevations combined
Lot 20	75% of northern elevation and 50% total external wall area across all elevations combined
Lot 21	75% of northern elevation and 50% total external wall area across all elevations combined
Lot 22	75% of northern elevation and 50% total external wall area across all elevations combined
Lot 23	75% of northern elevation and 50% total external wall area across all elevations combined
Lot 24	50% of northern elevation
Lot 25	60% of any 3.0m high elevation

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

6. Plantings on each lot are limited to up to 30m^2 of herb and garden planting within 5m of the dwelling, and maintained to not exceed 1m in height, and otherwise the species listed in Appendix Two.

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

   a) Any exterior lighting must be downlighting and located no more than 1.2m above ground level.

   b) All fixed exterior lighting must be directed away from adjacent roads and property boundaries

   c) All outdoor lighting must have a colour temperature of light emitted of 3,000K or lower

   d) Lighting must be limited to a maximum of 12 lumens per m^2

   e) Lighting must align to the Five Lighting Principles for Responsible Outdoor Lighting published by the International Dark Sky Association.

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

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

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

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

10. Prior to the construction of any building on Lots 27-29, landscape planting must be established to screen the building from Bendigo Loop Road. A landscaping plan demonstrating compliance with this condition must be provided at the time building consent is lodged for any building on these lots.

11. Water filtration and UV sterilisation treatment must be provided at the water source or at point of use, at the Building Consent stage to achieve full compliance with Water Services (Drinking Water Standards for New Zealand) Regulations 2022 by means outlined in the Laboratory Report required by subdivision Condition 8(d) above or other solutions acceptable to the Chief Executive. To further clarify, the water must as a minimum requirement achieve full compliance with mandatory provisions of Water

Services (Drinking Water Standards for New Zealand) Regulations 2022 including all Maximum Allowable Values (MAV's) as detailed in the Laboratory Report and the consent holder or successor must be alerted to any exceedance of Guideline Values (GV's) for which additional treatment is strongly recommended

12. At the time of construction of a dwelling on Lots 1-3 and 19-30, an on-site wastewater disposal system that complies with the requirements of AS/NZS 1547:2012 “On-site Domestic Wastewater Management” must be designed by a suitably qualified professional.

13. The designer must supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.

14. An operation and maintenance manual must be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual must include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system will not be issued until the construction producer statement and a copy of the owner’s maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual must be transferred to each subsequent owner of the disposal system.

15. Disposal areas must be located such that the maximum separation (in all instances greater than 50 metres) is achieved from any water course or any water supply bore.

16. At the time of construction of a dwelling or any other building that generates wastewater on Lots 4-18, the dwelling must connect to the reticulated wastewater system.

17. Stormwater from buildings and impervious surfaces must either be stored for beneficial re-use within the site, or discharged to the outfalls shown on the Indicative Stormwater Layout Drawing 4001 Revision 2.

Advice Notes:

1. *All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent shall be paid prior to Section 224(c) certification.*

2. *Land uses on Lots 24 and 30 have not been considered as part of this application. Any future use of these lots will need to comply with Rule 4.7.1 and the permitted activity standards in Rule 4.7.6 f the District Plan (Or any superseding rule), or further resource consent will be required.*

3. *Development contributions for roading of $46,343.08 (exclusive of goods and services tax) are payable for roading pursuant to the Council’s Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development and Financial Contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5.1 of the Operative District Plan.*

4. *Prior to the commencement of works to upgrade any existing road within existing road reserve, the consent holder needs to obtain approval from Central Otago District Council’s Roading Manager in order to undertake works on the road.*

5. *As the potable water supply will be a network supply, the supplier should be aware of the requirements of, and their obligations under, the Water Services Act 2021.*

6. *Management of the risk of fire, for example through developing, adopting and implimenting fire management plans, is the responsibility of the consent holder, future landowners and any entity set up to manage the development.*

7. *Prior to any disturbance of archaeological items G41/771, G41/772, G41/773 or G41/774, an archaeological authority will be required from Heritage New Zealand Pouhere Taonga. Any requirements of the archaeological authority will need to be complied with in addition to any requirements of this consent.*

8. *Many sites in Central Otago have archaeological value. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 confirm that any site with evidence of human occupation or activity prior to 1900 is considered an archaeological site. Many of these sites have not been formally identified through survey. The modification, damage or destruction of any known or unknown archaeological site by a landowner or contractor without an archaeological authority from Heritage New Zealand is a criminal offence under this Act. Please note that this Consent is not an Archaeological Authority. It is recommended that the consent holder contact Heritage New Zealand's archaeologists for more information.*

9. *In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.*

10. *Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.*

11. *It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.*

12. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.*

Appendix One: Land Use Design Controls

Appendix A

ARCHITECTURE AND LANDSCAPE DESIGN CONTROLS

TKO Properties – Bendigo - Rocky Point
JULY 2024

A. ARCHITECTURAL DESIGN CONTROLS

A1. KEY OBJECTIVES

The objectives of the following architectural controls seek to achieve a high-quality architectural design complementary to the Rocky Point character of the site, ensuring that the dwellings are:

- At an appropriate scale to the surrounding landscape character of the wider Bendigo Mountain Range,
- At a scale that can be visually absorbed into the wider landscapes texture and pattern, with appropriate landscaping without compromising landscape character
- A balanced composition of solid, void and glazed openings,
- Clad in visually recessive wall and roof materials,
- Finished in selected colours that are complementary with the dark hues and saturation found naturally in the surrounding landscape.

A2. SITE COVERAGE

Objective: To ensure the Rocky Point landscape character and values are maintained by promoting an appropriate ratio of open space and dwelling scale.

Controls:

(a) All dwellings and garage are to be contained within the prescribed Residential Building Platforms (RBP) and together shall not exceed the site coverages set out below for each lot (refer schedule **Baxter Design Plan 4371-SK129**

Lot 1	RBP 400m^2	55% site coverage	(220m^2 maximum)
Lot 2	RBP 450m^2	49% site coverage	(220m^2 maximum)
Lot 3	RBP 450m^2	49% site coverage	(220m^2 maximum)
Lot 4	RBP 421m^2	52% site coverage	(220m^2 maximum)
Lot 5	RBP 393m^2	56% site coverage	(220m^2 maximum)

Lot 6	RBP 392m²	56% site coverage	(220m² maximum)
Lot 7	RBP 400m²	55% site coverage	(220m² maximum)
Lot 8	RBP 360m²	55% site coverage	(200m² maximum)
Lot 9	RBP 373m²	54% site coverage	(200m² maximum)
Lot 10	RBP 278m²	54% site coverage	(150m² maximum)
Lots 11-18	RBP 84m²	100% site coverage	(84m² maximum)
Lot 19	RBP 272m²	91% site coverage	(250m² maximum)
Lot 20	RBP 395m²	63% site coverage	(250m² maximum)
Lot 21	RBP 250m²	49% site coverage	(250m² maximum)
Lot 22	RBP 400m²	63% site coverage	(250m² maximum)
Lot 23	RBP 385m²	65% site coverage	(250m² maximum)
Lot 24	RBP 499m²	50% site coverage	(250m² maximum)
Lot 25	RBP 339m²	65% site coverage	(220m² maximum)
Lot 26	RBP 465m²	56% site coverage	(260m² maximum)
Lot 27	RBP 714m²	49% site coverage	(350m² maximum)
Lot 28	RBP 575m²	61% site coverage	(350m² maximum)
Lot 29	RBP 611m²	57% site coverage	(350m² maximum)
Lot 30	RBP 1494m²	23% site coverage	(350m² maximum)

Reason for the above controls: The residential building platform and site coverage have been tailored to respond to the landscape sensitivity issues of each lot. Providing smaller platforms with prescribed site coverages reflects those lots which have a higher potential for visibility.

A3. BUILDING FORM, ROOF AND HEIGHT CONTROLS

Objective: To reduce the visual scale of the dwelling in the surrounding environment.

Controls:

(a) **Lots 1-10, 25 and 26:**

All buildings on these lots shall be in monopitch ('flat') forms only to follow the natural grade of the Rocky Point landscape forms. The 'downhill' elevation (being that facing towards the primary view or drop in elevation) shall be a maximum of 3m high in height sloping back up continuous to a maximum height of 3.8 metres. Refer to plans **Baxter Design Plan SK130**, **SK132**, and **SK133** for roof slope indication.

Reason for the above controls: Buildings on these lots are potential more visible from a wider field of distant viewpoints and these controls respond accordingly by reducing the potential visual acuity of any built form.

(b) **Lots 11-18**:

These are standalone small 'cabin' lots with footprints of 84m^2. Buildings on these lots are permitted to 5.5m in height with single gabled roof forms between 20 and 35 degrees only. No hip roofs are permitted. All structures on lots 11-18 shall be constructed on timber piles with the piles not to exceed 1200mm in height.

Reason for the above controls: Buildings on these lots are located within a small and visually discrete 'valley' and are screened from the wider field of distant viewpoints. The intention of these controls is to create a small cluster of 'cabins'.

(c) **Lot 19-23**:

All buildings on these lots shall not exceed 4.5m in height. All dwellings on these lots shall have a gable roof only. A break in the gable (flat roof) is permitted up to 3m in height.

Reason for the above controls: Buildings on these lots are located within more visually discrete areas and are generally screened from the wider field of distant viewpoints, as such, the design controls respond accordingly.

(d) **Lot 24**:

This communal / commercial building shall impart the amenity of a typical farm building. A building on this lot shall not exceed 4.5m in height. The roof shall be gabled in form between 20-25 degrees, with the gable running west to east along the building form. A break in the gable (flat roof) is permitted up to 3m in height.

Reason for the above controls: The scale and form of a building on this lot is intended to impart the amenity of a typical farm building.

(e) **Lots 27-29:**

All buildings on these lots shall not exceed 5.0m in height. All dwellings on these lots shall have a gable roof form. A break in the gable (flat roof) is permitted up to 3m in height.

Reason for the above controls: These lots are on a lower elevation and these controls ensure the scale and form of buildings on these lots respond to the context of the Bendigo area.

(f) **Lot 30**

A building on this lot shall not exceed 5.5m in height. The roof shall either be a gable form between 20-25 degrees or shall be in a monopitch ('flat') form. A break in the gable (flat roof) is permitted up to 3m in height.

Reason for the above controls: This lot is on a lower elevation and these controls ensure the scale and form of any building form on this lots respond to the context of the Bendigo area.

General Notes; Building form, roof and heights

(a) The datums are specified for each dwelling on a level RBP (excluding Lots 11-18). Building heights are determined from those specified datums. No buildings shall exceed the specified heights by way of excavation below the specified datums.

(b) Flat connections are permitted between gabled and monopitch building forms. Any flat connections are to be level with to or below gutter levels. Flat connections shall be at 3m high and not exceed 15% of the buildings footprint. All windows on the lower elevation (the 'view' elevation shall be either recessed 1m back from the building edge or the roofline shall extend 1.5m past the windows.

(c) All roof colours should have an LRV of less than 27%. Roof materials shall be restricted to one material from the listed materials only.

(d) Each building platform has a specified R.L. datum as set out on the schedule **SK129** with maximum heights for dwellings on each RBP noted.

(e) Verandahs and eaves are permitted to extend up to 2.75m on elevations orientated towards Lake Dunstan and the north outside of the RBP and are encouraged on Lots 1-10, 25 and 26.

(f) Decks are permitted on the 'cabin' lots 11-18 and may extend up to 2.5m outside of the RBP's on those lots and shall not exceed 25m^2 in area.

(g) Decks can extend 2.5m past the RBP on all other lots.

A4. ROOF MATERIAL + EXTERNAL WALL CLADDING

Objective: To ensure an appropriate range of materials, which complement the natural characteristics of the environment and are recessive within the landscape.

Controls:

(a) Lots 1-10, 25 and 26

Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar

Wall claddings: Exterior wall materials shall be restricted to the following materials only:

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

Reason for the above controls: To promote a contiguous pattern of similarly dark coloured dwellings.

(b) Lots 11-18:

Roof material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar

Wall claddings: Exterior wall materials shall be restricted to the following materials only:

- Horizontal rusticated weatherboard left to weather or in a clear 'natural' stain or in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain.

Reason for the above controls: To promote a contiguous pattern of similar 'Cabins' on these lots.

(c) Lots 19-23

Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar

Wall claddings: Exterior wall materials shall be restricted to the following materials only:

- **Natural timber cladding**, left to weather or in a clear 'natural' stain,
- **Stained timber cladding**, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain,
- **Corrugated Iron cladding**, in colorsteel 'Flaxpod' or similar
- **Steel tray cladding** in Colorsteel 'Flaxpod' or similar, to match roof finish.

- **Concrete**, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive,
- **Locally sourced schist stone**, laid horizontally with dark tinted mortar/grout
- **Steel sheet cladding**, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting

Reason for the above controls: To promote a contiguous pattern of similarly dark coloured dwellings.

(d) Lot 24

Roof and Wall claddings: A building on this lot is to be clad in locally sourced schist stone stacked horizontally' or aged uncoloured corrugated iron or a combination of both.

Reason for the above controls: The scale and form of a building on this lot is intended to be 'long and low' from northern views imparting the amenity of a typical farm woolshed building.

(e) Lots 27-29

Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar or in aged corrugated iron

Wall claddings: Exterior wall materials shall be restricted to the following materials only:

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

(f) Lot 30

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

Wall claddings: Exterior wall materials shall be restricted to the following materials only:

- **Natural timber cladding**, left to weather or in a clear 'natural' stain,
- **Stained timber cladding**, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain,
- **Corrugated Iron cladding**, in colorsteel 'Flaxpod' or similar
- **Steel tray cladding** in Colorsteel 'Flaxpod' or similar, to match roof finish.
- **Concrete**, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive,

- **Locally sourced schist stone**, laid horizontally with dark tinted mortar/grout.
- **Steel sheet cladding**, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting

General Notes; Joinery, Gutters and Downpipes

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

(b) 'The Woolshed' is to be clad in locally sourced schist stone stacked horizontally' or aged uncoloured corrugated iron. Timber barge boards are permitted

A.5 WINDOW AND GLAZING

Objective: To control glazing percentage of each elevation and mitigate potential reflectivity and cumulative light spill form all distant viewpoints.

Controls:

(a) **Lots 1-10, 25 and 26:**

Glazing on all 'view' elevations (being the elevations facing wider views, generally on elevations of 3 metres high), shall be restricted to 60% of that elevation, the rest of the elevation to be solid and clad as specified above

Reason for the above control: Dwellings on these lots are potentially more visible from a wider field of distant viewpoints and these controls are intended to limit visible light spill.

(b) **Lots 11-18**:

Glazing is permitted an all elevations and shall not exceed 50% of the total wall area (all elevations combined)

Reason for the above control: These 'cabins' are visually discrete and light spill is visually contained within landform.

(b) **Lots 19-23**:

Glazing on all northern elevations (being the elevations facing wider views) shall be restricted to 75% of that elevation. Overall, glazing shall not exceed a maximum of 50% of all elevations combined.

Reason for the above control: Dwellings on these lots are less visible from a wider field of distant viewpoints and these controls aim to limit the potential of visible light spill.

(c) **Lot 24**:

Glazing on the northern elevation of this building shall not exceed 50% of that elevation

Reason for the above control: A building on this lot is potentially visible from a wide field of distant viewpoints and these controls are intended to limit visible light spill and reflectivity from those viewpoints.

(d) **Lots 27-29**

Glazing shall not exceed a maximum of 50% of all elevations combined.

Reason for the above control: The 3 dwellings on Lots 27-29 are at a low elevation with very limited visibility from wider views.

(d) **Lots 30**

Glazing shall not exceed a maximum of 60% of all elevations combined.

Reason for the above control: The built form on Lot 30 is at a low elevation with very limited visibility from wider views.

General Notes; Windows and Glazing

(a) All glazing shall be non-reflective.
(b) Glazing is to be recessed into any elevation by a minimum of 250mm

B. LANDSCAPE DESIGN CONTROLS

B1. KEY OBJECTIVES

The objectives of the following landscape controls are to ensure that the designed landscape will:

- Maintain the existing scale of vegetative cover visible from all from wider viewpoints,
- Prescribe landscape treatments that will ensure the designed 'domestic' landscape is in character with the existing Rocky Point landscape character.
- Preserve the Kanuka landscape present along the slopes of Rocky Point

B2. CURTILAGE AREAS

Objective: To ensure that minimal structures are visible from outside of the site and to avoid any spread of visible domestic clutter.

Controls:

(a) All buildings, structures, fixed clothes lines, play equipment, sculptures or any other items associated with domesticated landscaping and structures are to be located within the curtilage areas and out of locations where they may be visible from wider views,
(b) Small structures that are permitted in the curtilage areas may not exceed 5m^2 in footprint size or 2.5m in height (garden sheds by way of example). These structures shall be clad in a recessive colour with LRV less than 25%.
(c) No garden art or sculptures beyond the curtilage areas are permitted.

B3. PLANTING

Objective: To ensure that any planting integrates into the existing context and landscape patterns.

Controls:

(a) Where not prohibited by fire management requirements, only Kanuka shall be utilised for the purposes of tree or shrub planting
(b) Where not prohibited by fire management requirements, all tree planting (kanuka) shall be planted and maintained by the lot owner. Any deceased kanuka shall be replaced and planted by the lot owner during the planting season immediately following their loss.
(c) Any existing Kanuka that is removed (not including those removed for fire management) is to be replaced within the lot boundary where permitted by fire management.
(d) Herb and garden planting is permitted is permitted with 5m of the dwelling and shall not exceed 1m in height or 30m^2 in area.
(e) All areas outside the curtilage areas shall be maintained in its existing state, retaining existing Kanuka planting where permitted by fire management.
(f) Outside of Kanuka, a mixture of dryland species can also be planted to aid in preventing ecological fragmentation. These species are limited to those below:
    i. *Corokia cotoneaster* Korokia
    ii. *Olearia lineata*
    iii. *Olearia odorata*
    iv. *Coprosma propinqua*
    v. *Coprosma crassifolia*
    vi. *Coprosma virescens*
    vii. *Ozothamnus vauvilliersii* Mountain cottonwood
    viii. *Meuhlenbeckia axillaris*
(g) All noxious weeds within lots shall be controlled by lot owner.

B4. FENCING AND GATES

Objectives:

- Reduce the level of manmade shapes and structures in the natural environment of Rocky Point.

Controls:

(a) No fencing materials outside the curtilage area are permitted

(b) Fencing within the curtilage area is restricted to 1m high post and wire fencing only for the purpose of containing pets and for rabbit proofing.

(c) Any gate or feature wall shall be 1.0m high only, unless required for retaining. Materials will be limited to the following:

- Timber left to weather naturally
- Locally sourced schist stone, laid horizontally,
- Mild steel left to weather.
- A combination of the above

B5. EARTHWORKS, DRIVEWAY AND PARKING

Objectives:

- To ensure surface materials are complimentary with the surrounding landscape.

Controls:

(a) Vehicle courtyards are restricted to gravel or exposed aggregate only.

(b) Driveways shall be in gravels only

B6. EXTERNAL LIGHTING

Objectives:

- Lighting will be used for the purpose of illuminating the dwelling entries, driveways and outdoor living areas only and reduce potential for night time light pollution

Controls:

(a) Any external lighting shall be restricted to down lighting only and no higher than 1.2m.

(b) Lighting should not create any light spill and shall be low lux level. Light sources are to be LED, incandescent, halogen or other 'white light'. Sodium vapour or other coloured lighting is not allowed.

(c) Lighting shall align to the 5 Five Principles for Responsible Outdoor Lighting from the International Dark-Sky Association.

B7. UTILITIES AND EXTERIOR SERVICE AREAS

Objectives:

- To appropriately screen exterior services.

Controls:

(a) Air conditioning units, meters or any other electronic units relating to the house shall be painted to match house cladding or screened with planting.

(b) No air conditioning units, heat pumps etc or other units of any kind are permitted to be mounted on the roof.

(c) All site utilities such as gas supply, electrical supply, storm water piping, foul sewer, and telecommunications, shall be underground or contained within the building structure.

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

Appendix Two: Plant Species List

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

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

Herbs, Mosses, Ferns and Vines
Raoulia australis
Muehlenbeckia australis
Muehlenbeckia complexa
Meuhlenbeckia axillaris
Rubus schmidelioides
Bryophytes
Asplenium flabellifolium
Polystichum neozelandicum
Asplenium richardii
Pellaea calidirupium