

CENTRAL OTAGO DISTRICT COUNCIL

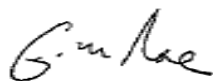
TKO PROPERTIES – RC230179

MINUTE 16 OF THE HEARING PANEL

1. The Applicant has responded to the matter raised in our Minute 15. This is attached for the information of the parties.
2. The Panel is satisfied that we now have sufficient information to go into formal deliberations, and therefore the hearing is now formally closed.
3. As part of our wider deliberations the Panel will carefully consider the concerns raised by the Department of Conservation in relation to the consent granted on the adjoining Bendigo Hills land, and the Applicant's response to those concerns.
4. We thank all parties for your participation, and patience, in what has been a lengthy hearing process. Through this process we have been able to garner all relevant information and evidence on the proposal, and to obtain responses from the officers and the submitters, which will greatly assist us to make our decision.
5. In terms of process matters, the application has been on hold since the last day of the hearing in November 2024. The Council Reporting Officer has advised that the statutory timeframes for processing the Application will have been exceeded. There are a number of reasons for the delays, one being that the original hearing date was vacated at the Applicant's request in order for an amended application to be lodged. Further time needed to then be factored in for supplementary reports and evidence to be prepared and reviewed, and to arrange for a new hearing date. following the hearing in November further amendments were made to the application and this required a further process to obtain further information, evidence and plans, and to appropriately enable feedback from the submitters and reporting officers at every step.
6. Accordingly, for those reasons, we ask the Applicant to please agree in terms of Section 37A of the RMA to a waiver of the statutory timeframes for the hearing process.
7. The Panel also signals we may not be able to issue our decision within the 15 working days statutory timeframe. It is a complex application, and in addition the Chair has been personally impacted by the damage to property caused in the recent flooding events in the Tasman District, and this is causing considerable disruption to his ability to work on this and other cases.
8. We therefore ask for your continued patience in this regard but will issue our decision as soon as this is possible.

DATED this 28th day of July 2025

Signed by



GM Rae, Chair of the Hearings Panel

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

UNDER

the Resource Management Act 1991

IN THE MATTER

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

BY

TKO PROPERTIES LIMITED

Applicant

MEMORANDUM OF COUNSEL IN RESPONSE TO MINUTE 14

Dated: 25 July 2025

MAY IT PLEASE THE COMMISSIONERS

Introduction

- [1] This Memorandum is filed on behalf of TKO Properties Limited (**Applicant**) in response to the Minute 14 from the Hearings Panel and the Memorandum of Counsel on behalf of the Director-General of Conservation *Tumuaki Ahurei* (**DOC**) dated 18th July 2025.
- [2] The Applicant's response, in summary to these matters, is:
- (a) The Applicant has made a very slight adjustment to its Planting and Protection Areas Plan¹ to remove an inadvertently located small area of compensation planting identified over an existing formed ROW.
 - (b) The Applicant has provided condition wording regarding any future need to vary separate resource consent (RC210148V2 **Bendigo Hills consent**) should there be an implementation issue in tandem with this consent.
 - (c) The Applicant has provided a short further ecological explanation to respond to DOC's concern as to 'double dipping' compensation across this consent and the Bendigo Hills consent.
 - (d) In response to DOC's Memorandum, the Applicant has not (and could not, lawfully) request the Panel to vary the Bendigo Hills consent which is separate to this process. The Applicant's approach across both this consent and the Bendigo Hills consent is legally sound.

Response to Minute 14

- [3] Relevantly, the Panel has requested:

the Applicant to provide a suitable condition and/or appropriate changes to the above-mentioned Plan, for our consideration, that would address the concerns conveyed by Department of Conservation.

¹ Previously referenced as BDG Plan reference SK158 dated 17.04.25.

Condition volunteered as to implementation

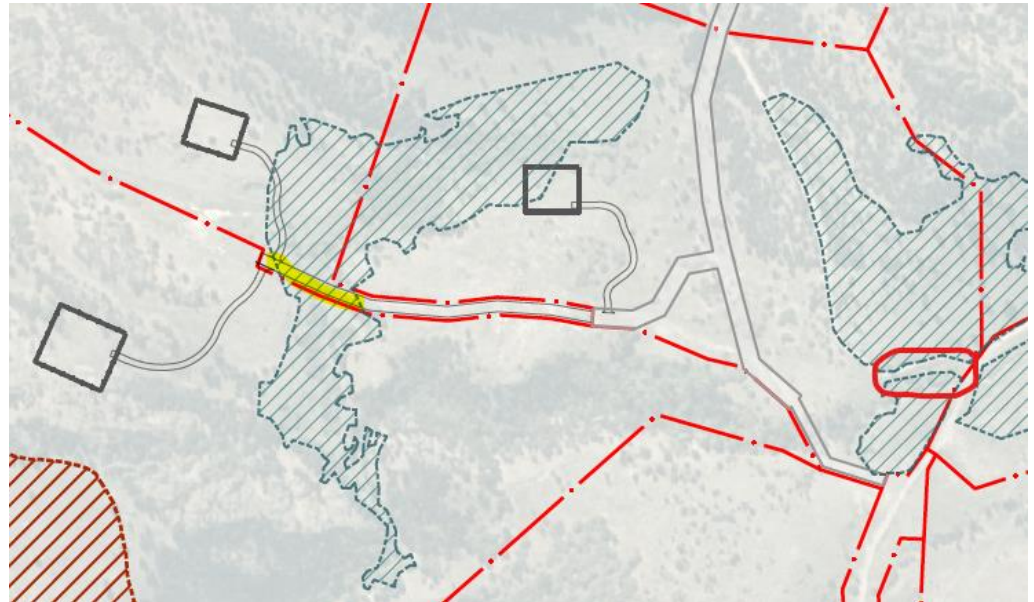
- [4] Mr Brown has provided wording for a new volunteered condition relating to implementation of this consent and the Bendigo Hills consent, as set out in **Appendix 1**². The condition is in the nature of 'for the avoidance of doubt' wording given it would be a matter required to be addressed by the consent holder at the stage of implementation, regardless. The legality of this approach in overlapping consents and implementation issues is further explained below.
- [5] Mr Brown has otherwise slightly amended conditions of consent to refer to the updated BDG plan reference.

Mapping update

- [6] In reviewing the Planting and Protection areas plan with more scrutiny, the Applicant has noticed that a small portion of existing road access was inadvertently identified as within a planting area on the BDG plan SK158. Dr Wells has confirmed in his attached memo³ (**Appendix 2**) that:
- (a) This area of ROW (being a formed existing DOC walkway easement to Bendigo Scenic Reserve) was never intended to be included in the compensation areas and was not accounted for on this basis ecologically.
 - (b) The accessway is formed and intended to be continued for use; it was never integral to the total compensation and planting area proposal and the areas of planting in Dr Wells' Appendix 1 to his evidence in chief were indicative only in this regard.
 - (c) To correct for this, an area of existing 4WD vehicle track in the 'Panorama Rise' offset/compensation site (to the east of Hemlock Gully) has been added to this site in the updated BDG plan.
- [7] This slight adjustment was effectively an accounting error in preparation of the BDG plans. Given the plan is to be implemented alongside the

² Further supplementary evidence of Mr Brown, dated 25 July 2025.
³ Wildlands supplementary memo 7080 dated July 2025.

Beale and Wildlands methodology as required by conditions (17 – 20) of this consent, this matter would likely have been picked up at the stage of implementation, anyway. However, for clarity the Applicant has taken the opportunity to update the plan now (**Appendix 3**). The area removed is highlighted below and the area added is circled:



Response to DOC Memorandum

- [8] As noted above, the Applicant has proposed a condition clarifying the need for a future variation if both this consent and the Bendigo Hills consent are to be implemented, presenting an issue of conflict.
- [9] DOC's Memorandum has raised 'five issues' with this with this approach. The Applicant's response is that this is an orthodox and legally accepted position (with or without such a volunteered condition), however given further issues have been raised by DOC, those now necessitate a further response. Each of the issues raised by DOC are paraphrased below for ease of cross referencing.

Issue 1

- [10] *The compatibility problem is understated... substantial design changes for the subdivision would need to be developed and assessed by the applicant and approved by the Council in order for the consent to be varied. Fundamentally, variation of the [Bendigo Hills] conditions is outside the applicant's control*

- (a) As confirmed by the further supplementary statement of Mr Brown, the changes required to implement the Bendigo Hills plan only require slightly realigning one driveway and part of one building platform. He opines those changes would be minor in nature. The change to the planting and protection plan is also explained as a minor correction per the Wildlands supplementary memo, and summarised above.
- (b) No evidence has been provided by DOC to support the assertion that such a future variation would be so substantial
- (c) The Applicant acknowledges that any future variation would need to be developed and assessed by the Council. Whether that is granted or not is not an issue for concern for the Hearings Panel in this process. It goes towards the issue of whether the consent holder could in fact implement both consents, or not. That is a risk for the Applicant to take on, but it does not relate to the determination of effects on the environment associated with this consent, which stands entirely separate.

Issue 2

It would be unlawful for the Panel to treat the [Bendigo Hills] consent as being varied when deciding this application.

- [11] The Applicant has not asked the Panel to treat the Bendigo Hills consent as already being varied. It has not provided any plans to that effect, and it has acknowledged already in its reply submissions, that if there were to be a conflict between the two consents (in the circumstance of implementing both) then the Bendigo Hills consent may need to be varied.

Issue 3

Legally the Panel is required to treat those parts of the Hemlock Valley area shown in the P&P Plan (and as provided for in the [Bendigo Hills consent]) as being subject to development and accordingly, removed from the amount of compensation proposed.

- [12] This is effectively a restatement of issue 2 above. As set out in the further statement from Mr O'Sullivan (**Appendix 4**) on behalf of the Applicant, the Bendigo Hills consent is yet to commence any implementation. Further, he confirms it is not likely to be implemented in its current form in conjunction with this consent and a variation would need to be sought. The Panel does not therefore have to treat the Bendigo Hills plans as being part of the 'likely' future receiving environment, nor the compensation areas subject to development.
- [13] These very small areas of conflict (one driveway and a corner of one building platform for Bendigo Hills) in areas of planting and protection under this consent must be treated as if those will in fact be planted and protected according to conditions of this consent, if the consent holder wishes to implement this consent.

Issue 4

the value of the compensation proposal in the current application has been ecologically assessed on the basis of the entire Hemlock Gully area being available for planting and protection. However, this is clearly not the case and calls the compensation assessment before the Panel into question.

- [14] Dr Wells addresses this point in his supplementary memo 7080i. Planting and protection under this consent will continue as originally intended. Minor changes made to the BDG plan through this reply reflect the original ecological assessment intent, rather than a changed position. The ecological assessment and approach delineating Hemlock Gully in the Beale 2024 report were indicative and have been since supplemented by more detailed analysis and methodology contained in the Wildlands reports as required by conditions of consent⁴.
- [15] No ecological evidence has been provided to substantiate the significance of this area being removed on the plans (being a formed existing DOC walkway easement to Bendigo Scenic Reserve).

⁴ Condition 15 for example requires Compensation Planting shall be in accordance with the Beale Consultants reports from July 2024 as well as the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25.

Issue 5

It is not within the scope of the process for this consent application to vary the [Bendigo Hills] consent

- [16] This is effectively a restatement of issue 1 above. It is not disputed. The Applicant has never suggested the Panel in this process could or should vary the entirely separate Bendigo Hills consent.
- [17] Issues 1,2,3, and 5 raised by DOC are closely related. They essentially propose that an Applicant cannot seek to apply for, and obtain, multiple consents that might conflict, rather than treating this as an implementation of consent issue. That is not in accordance with case law.
- [18] Authority from the High Court in *Northcote Mainstreet Inc v North Shore City Council*⁵ establishes the ability for applicants to apply for successive and independent consenting rights. In summary:
- (a) The Act envisages landowners may apply for successive and related consents that overlap with, or supplement, activities authorised⁶.
 - (b) It is open to a landowner to test the market by putting in a number of applications and also seeing what the attitude of the planning authority is to a range of proposals⁷.
 - (c) a planning authority receiving a number of planning applications in respect of the same land is required to deal with them, and to deal with them even though they are mutually inconsistent with one the other.⁸

[235] In *Sutton v Moule* the Court of Appeal referred with approval to the English case of *Pilkington v Secretary of State for the Environment* [1974] 1 All ER 283. *Pilkington* also involved several consent applications being filed in respect of the same use under the Town and Country Planning

⁵ *Northcote Mainstreet Inc v North Shore City Council* [2006] NZRMA 137 (HC) at [233] – [236].

⁶ At [234].

⁷ At [235].

⁸ *Ibid.*

Act 1971 (UK). In considering whether a pre-existing planning permission rendered a subsequent permission relating to the same land use incapable of implementation, Lord Widgery CJ said (at p 286):

In the first place I have no doubt that a landowner is entitled to make any number of applications for planning permission which his fancy dictates, even though the development referred to is quite different when one compares one application to another. It is open to a landowner to test the market by putting in a number of applications and seeing what the attitude of the planning authority is to his proposals. Equally it seems to me that a planning authority receiving a number of planning applications in respect of the same land is required to deal with them, and to deal with them even though they are mutually inconsistent one with the other. Of course, special cases will arise where one application deliberately and expressly refers to or incorporates another, but we are not concerned with that type of application in the present case.

[236] I therefore do not consider that there is any legal impediment to an application being made for a resource consent when another consent is already in existence in relation to the same activity or use.

[19] In this instance, the Applicant has acknowledged that the Bendigo Hills consent is yet to be implemented, and in the instance of seeking to implement both consents, a variation would be required. It would be open to the Applicant to elect to implement one or the other (without any inconsistency or variation required) depending on market conditions. That is ultimately a commercial decision and a question of implementation, it does not go towards the issue of the grant of consent for this application, nor influence the likely future receiving environment.

[20] The situation would be different if Bendigo Hills consent was already implemented.

Conclusion

[21] By way of background to this further legal memorandum, it should be noted that many of the issues required to be addressed here are solely because of the further and sustained issues put forward in this process by DOC itself. It is necessary to correct the record in respect of

allegations that the Applicant has had an unfair opportunity to correct its case, because the majority of the Applicant's information provided post hearing has been a direct response to out-of-turn-issues raised by DOC.

[22] It is through DOC's participation in the hearing itself that has contributed to unexpected additional steps in the process, timing delays, and overall complexity. Some examples include:

- (i) Providing a memorandum dated 29 November 2024 after the hearing which was not requested by the Panel;
- (ii) In response to the Panel's invitation to confirm whether submitters had changed their opinion based upon the Applicant's written reply, DOC went further and provided additional evidence and legal submissions (then necessitating an Applicant final reply in response);
- (iii) On this occasion, again, Counsel has raised new and confusing legal issues in reply to a simple request for the Applicant to provide suggested wording for a condition or an updated plan that relates to implementation matters.

[23] DOC has been given fair and adequate opportunity throughout the hearing and post hearing process to participate, and the Applicant has sought to address its concerns constructively at each stage, rather than taking any more adversarial steps in opposing its continued provision of information that is not directed.

[24] The elapsed period since oral evidence was tested in the hearing does not make it stale, and this has no relevance to fairness of a hearing process under s 39(1).

[25] There are no clear or compelling reasons to suggest that the hearing has not been a fair and appropriate process in the circumstances, nor that there has been unreasonable delay.

[26] The provision of this further information will ultimately assist in responding to the issues raised by DOC (which for the reasons summarised above the Applicant does not accept are well founded) and

serve for a more robust and evidentially sound determination from the Panel.

Dated 25th July 2025

A handwritten signature in black ink, appearing to be 'REM Hill' or 'BB Gresson', written in a cursive style.

.....
R E M Hill / B B Gresson
Counsel for the Applicant

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

UNDER

the Resource Management Act 1991

IN THE MATTER

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

BETWEEN

TKO PROPERTIES LIMITED

Applicant

SUPPLEMENTARY REPLY OF JEFFREY BROWN

Dated:

25 July 2025

Introduction

1. My name is Jeffrey Brown. My qualifications and experience are set out in paragraphs 1.1 – 1.2 of my evidence in chief (**EIC**) dated 4 November 2024.
2. I confirm my commitment, as expressed in paragraph 1.3 of my EIC, to the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
3. The purpose of this supplementary reply is to respond to the matters raised in Minute 14 of the Panel dated 17 July 2025.

Matters in the Panel's Minute

We have one question of clarification for the Applicant, arising from its response to our point 3(a) in Minute 12. That is in relation to the compensation planting required by Condition 20 of RC210148V2 on the adjoining Lakefront Terrace site also owned by the Applicant TKO Properties Limited.

The Panel was interested to know how that consent, including the amended condition 20 as well as the site layout and intended development on the site, affects the proposed mitigation being offered as part of the application we are now considering.

In particular we observe that Department of Conservation (DoC) had noted that condition 20 creates 'double-dipping' in that the area on Rocky Point that had been set aside as compensation for the loss of Threatened and At-risk species in relation to Rocky Point will also be used to compensate for the Lakeview Terrace development's effects on Threatened and At-risk species. The concern is that this will further reduce the compensation being offered in respect of the current application. DoC also pointed out there will be greater intensification of development in Lakefront Terrace on land set aside for compensation for Rocky Point and the plan for the new lots shows accessways driveways and a building platform/curtilage area within the proposed compensation and offset planting areas for Rocky Point. The plan referred to is the 'Planting and Protection Areas, Infracore – Bendigo Hills, SK158 – 25 April 2025', as attached.

The Applicant's Final Reply states that this condition does not affect the Rocky Point application. It goes on to say at paragraph 74 that if this application is approved (i.e. the Rocky Point application) RC210148 can be varied to realign the driveways so that they do not extend into compensation planting area required for the Rocky Point application. This is described in the Final Reply as an implementation issue, stating that: "A condition of consent requiring this may be appropriate and is acceptable to the applicant if required".

We request the Applicant to provide a suitable condition and/or appropriate changes to the above-mentioned Plan, for our consideration, that would address the concerns conveyed by Department of Conservation.”

4. As discussed in the Applicant's Legal Submissions dated 13 July 2025, if this application is approved, and in order to implement it, there is a duty to undertake offset and compensation planting within Bendigo Hills prior to Section 224c certification, as required by draft Condition 15.
5. In relation to the third paragraph cited above, no area on Rocky Point has been set aside or relied upon for compensation planting associated with the effects of RM210148V2 (Bendigo Hills). Rather, land within the Bendigo Hills area is to be utilised for offset / compensation planting associated with the effects of the Rocky Point development on ecological values.
6. On the double-dipping issue raised in the Panel's third paragraph above, I have reviewed the memorandum from Wildlands (Dr Andrew Wells) dated 23 July 2025 which explains the way in which the planting areas have been located and calculated, and I agree with Dr Wells that the planting for each of the two subdivisions (Rocky Point and Bendigo Hills) is distinct and that no double-dipping arises.
7. In response to the Panel's request for the wording of a suitable condition to address the changes to the subdivision plan for RM210148V2, the following is offered:

If the consent holder of RM210148 elects to implement that consent, the consent holder shall vary that consent to ensure that the building platform on Lot 9 and the accessway to Lot 8 is relocated outside of the compensation planting area required under RM230179 and illustrated in the 'Planting and Protection Areas' plan prepared by Baxter Design Group (Ref SK158 and dated 19 July 2025).

8. The proposed changes required to RM210148V2 would be minor in nature and simply require a slight realignment to an access way and reorientation of a building platform (within the immediate areas of the approved locations) to ensure avoidance of the proposed offset / compensation planting area is achieved.

Conditions of consent

9. The updated suite of conditions is at **Attachment A**. All relevant conditions have been updated to reflect the updated 'Planting and Protection Areas' plan reference.

J A Brown, 25 July 2025

Attachment One: Recommended Conditions:

Blue text (s42A author amendments – 3 June 2025)

Red text (underline and strikethrough are added by the applicant – 25 July 2025)

Consent Type: Subdivision and Land Use Consent

Consent Number: RC 230179

Purpose: Subdivision consent for subdivision creating 29 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.

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, Enlargement 1-4 and Cross Sections	Drawing W1665 Sheets 1-5 Revision H and A	Coterra
Landscape and Design Controls		
Revised Scheme Plan	4371-SK125 – 22 April 2025	Baxter Design
Lots 1-18, 19-21, 22-25, 26 and 27- 30	4371-SK130–SK134 –30 October 2024, Nov 2024 and 22 April 2025	Baxter Design
Rocky Point Schedule of Lots	4371-SK129 – 12 Feb 2025	Baxter Design
Lots 27 – 30	4371-SK137 – 12 Feb 2025	Baxter Design
Ecological Mapping		

Planting and Protection Areas – Rocky Point	SK161 – 17 April 2025 and SK158 – 17 April 18 July 2025	Baxter Design
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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

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) Ensure 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) Ensure any roading material or gravel or fill of any kind must come from a source which is free of any weed seeds in particular those of gorse, scotch broom and tree lupin. River beds are highly likely to be contaminated with these seeds. The source must be approved prior to use.
 - d) Provide to Council for certification a lizard management plan in general accordance with the Draft Lizard Management Plan recommended by Samantha

King (Wildlands Consultants). The plan should include, at a minimum:

- i) Measures for avoiding high quality lizard habitats where possible and minimising damage to lizard habitats during subdivisional works ii)
Remediation of lizard habitats that are damaged during subdivisional works

- ii) 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
 - e) Provide to Council for certification a landscaping plan showing how Archaeological feature G41/773 will be protected including by minor rerouting of the access road and the location of the public carpark.
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 included 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 and parking spaces identified on the Revised Scheme Plan 4371-SK125 –22 April 2025 provided in support of the amended application.
 - d) The building platforms and curtilage areas (as applicable) 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 developer must complete the following potable water supply, wastewater disposal and stormwater disposal must be provided in accordance with the following:
- a) 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.
 - b) 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.
 - c) 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 Lots 1 – 6 and 8 – 30 minimum domestic water and firefighting storage is to be provided by;
 - (a) A standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve. Alternatively an 11,000 litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:
 - (i) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder shall provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.
 - (ii) All connections shall be capable of providing a flow rate of 25 litres per second at the connection point
 - (iii) The connection shall have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.

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

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

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

- (b) Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the Fire and Emergency New Zealand is obtained for the alternative method.
- d) ~~A Fire Risk Management Plan, that includes the following shall be submitted to the Council for approval:~~
 - ~~1— Provision for a secondary emergency fire exit;~~
 - ~~2— Measures detailed within the FENZ fire smart guidance;~~
 - ~~3— Hydrant water supplies that meet the FW2 classification under NZ PAS4509;~~
 - ~~4— 26 wildfire sprinklers in the gully's downslope and near to the building platforms;~~

~~5—Water storage and supply to enable ember sprinklers to operate on houses where required; and~~

~~6—Access roads that meet the FENZ width and clearance requirements.~~

- e) A separate water reticulation network and sprinklers for fire control must be constructed in general accordance with the Indicative Water Supply Plan Drawings 6001, 6002, 6003 and 6004, Revision 5. This system must be supplied from a static reserve with a capacity of at least 340m³.
- f) 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.
- g) Stormwater management (including reticulation and disposal) shall be undertaken in general accordance with the Stormwater Management Plan (Rev 2, dated 12/07/2024), including addendum (dated 31/10/2024) and in accordance with NZS 4404:2010.
- h) ~~Formal ownership, management, and operational documents are to be provided for the Management Entity to be established and responsible for:~~
 - i. ~~managing the private shared three waters and fire management infrastructure;~~
 - ii. ~~ongoing oversight of the design controls for site landscaping and buildings;~~
 - iii. ~~ongoing maintenance of the public carpark, walking tracks and interpretive signage;~~
 - iv. ~~ongoing management and protection of Lot 200;~~
 - v. ~~implementation and management of offset planting in accordance with Condition 10—12.~~

10. Prior to Section 224(c) certification, all subdivisional roads, rights of way, access points and public paths must be formed in accordance with the following:

- a) 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 ~~or as otherwise approved by Council Engineers~~, with the following amendments:
- b) 20.0m minimum road reserve.
 - i. 6.0m minimum sealed carriageway width with widening on curves
 - ii. Design in accordance with Austroads Guide for Geometric Design of Rural Roads.
 - iii. Road shoulder of 0.25m width metal.
 - iv. 4% normal camber and designed super-elevation.
 - v. Subgrade >CBR of 7.
 - vi. Rock armouring to be provided to side-channels along steeper sections.
 - vii. Shallow trafficable side-drains / water channels over level sections, if any.
 - viii. Suitably sized culverts in water courses.

- ix. ~~[Safety upgrades/signage for subdivisional roads placeholder condition]~~
 - x. Road gradient must not exceed 15%.
 - xi. A cul-de-sac head in accordance with Figure 3.4 of NZS 4404:2004 ~~or as otherwise approved by Council Engineers~~, must be installed at the terminus of the road within Lot 103
- c) The right of way servicing Lots 1 to 6 must be formed to the Local Access A standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004 ~~or as otherwise approved by Council Engineers~~, 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, 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.
- d) 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 ~~or as otherwise approved by Council Engineers~~, 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 Rooding 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 Rooding Policies January 2015.
- e) 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 ~~or as otherwise approved by Council Engineers~~, 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 Rooding Policies January 2015.
 - x) Sections over 12.5% gradient shall be sealed.
 - xi) No section shall exceed 16.7% gradient.
- f) The rights of way servicing Lots 1-2, 4-5 and 6 must be formed to the Right of Way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004 ~~or as otherwise approved by Council Engineers~~, 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.
- g) 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 ~~or as otherwise approved by Council Engineers~~, 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.
- h) 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.
- i) The Consent Holder shall provide to Council, correspondence from the NZ Transport Agency confirming that works in the State Highway, including the upgrading of the Bendigo Loop Road/State Highway 8 intersection to a Diagram E standard, have been constructed to the NZ Transport Agency standards.
- j) Walking tracks—and a gravelled vehicle parking area must be constructed in general accordance with the locations shown on the Revised Scheme Plan 4371-SK125 –22 April 2025 submitted in support of the amended application.
- k) Walking tracks shall be established to a poled route standard. The route shall be sign posted with periodic way finding signage. This shall include navigational or interpretive signage of heritage and archaeological values.
- l) Implementation of the landscaping plan to protect heritage feature G41/773 as certified by Condition 6(e) above.

- m) Underground electricity connections must be provided to the boundary of Lots 1 – 6 and 8 – 30. Where lots are accessed off a right of way, the electricity connections must be extended along the right of way to the buildable area of the lot.
 - n) 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.
11. Prior to Section 224(c) certification, the consent holder must prepare and register the following covenants between the specified parties:
- a) A suitably worded covenant, to be between the future owners of Lot 200 and Central Otago District Council must be drafted for registration on Lot 200 to the effect that Lot 200 will be maintained for conservation purposes in perpetuity as set out in Condition 11 (a) – (f).
 - b) A suitably worded covenant between the Central Otago District Council and the future owners of Lots 1 – 6 and 8 – 30 and Lot 2 DP561457 for registration on Lots 1 – 30 and Lot 2 DP561457 to the effect that the vegetation within the offset sites as defined in Condition 10(a) is protected in perpetuity.
 - c) 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- 6 and 8 – 30 to the effect that no landowner or occupant will keep cats on the property.
12. Prior to Section 224(c) certification, the consent holder must also undertake the following:
- a) Formal ownership, management, and operational documents are to be provided for the Management Entity to be established and responsible for:
 - i. managing the private shared three waters and fire management infrastructure;
 - ii. ongoing oversight of the design controls for site landscaping and buildings;
 - iii. ongoing maintenance of the public carpark, walking tracks and interpretive signage;
 - iv. ongoing management and protection of Lot 200;
 - v. implementation and management of offset planting in accordance with Condition 14 and 15.
 - b) A Fire Risk Management Plan, that includes the following shall be submitted to the Council for approval:
 - i. Provision for a secondary emergency fire exit;
 - ii. Measures detailed within the FENZ fire smart guidance;
 - iii. Hydrant water supplies that meet the FW2 classification under NZ PAS4509;
 - iv. 26 wildfire sprinklers in the gully's downslope and near to the building platforms;

- v. Water storage and supply to enable ember sprinklers to operate on houses where required; and
 - vi. Access roads that meet the FENZ width and clearance requirements.
- c) 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.
 - d) Provide evidence to the Chief Executive that weed control of the site has been undertaken to remove wildling pines and other problem weed plants. The evidence must also demonstrate that the site has been checked for plants of broom or gorse or other woody weed that can practically and reasonably be controlled now before they become widespread and these must also be removed.
13. ~~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) ~~All lot owners are required to be part of the Management Entity as required by Condition 8(i) of RC230179.~~

~~In the absence of a Management Entity, or in the event that the Management Entity established is unable to undertake, or fails to undertake, its obligations and responsibilities, the lot owners shall be responsible for establishing a replacement Management Entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.~~
 - b) ~~Buildings must comply with the following standards:~~
 - i) ~~All residential buildings and accessory buildings must be located on the building platform identified on the relevant lot, with the following exceptions:~~
 - (a) ~~Verandahs and eaves are permitted to extend up to 2.75m outside of the RBP from exterior walls on elevations orientated towards Lake Dunstan and the north~~
 - (b) ~~Decks are permitted on Lots 11-18 and may extend up to 2.5m outside of the RBP's on those lots and must not exceed 25m² in area~~
 - (c) ~~Decks can extend 2.5m past the RBP on all other lots~~
 - (d) ~~Small structures not exceeding 5m² in footprint size or 2.5m in height are permitted within the curtilage areas on each lot~~
 - c) ~~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.~~
 - d) ~~compliance with the Fire Risk Management Plan approved under Condition 8(c)(i)(c).~~

Biodiversity Management and Enhancement

Offset / Compensation Planting

14. Prior to Section 224(c) certification, the consent holder shall submit to the Central Otago District Council for certification a final version of the *Rocky Point Ecological Enhancement and Monitoring Plan (EEMP)*. The updated EEMP shall in addition to the management of the offset / compensation planting sites at Bendigo Hills, include the management of the offset / compensation planting sites within Lot 200, the areas of cushionfield maintenance and additional high value woody vegetation plantings (“Proposed Offset / Compensation Planting Areas” on the BDG Plan reference SK158 dated ~~17/04/18/07~~/25) and management of the ecological values of the balance of Lot 200.

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

EITHER:

(a) Implement the required Offset and Compensation Planting works within the areas marked

“Proposed Offset / Compensation Planting Areas” on the BDG Plan reference SK158 dated ~~17/04/18/07~~/25. The species and density/spacings of the Offset / Compensation Planting shall be in accordance with Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment* by Beale Consultants, dated July 2024, and with Section 5 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, prepared by Beale Consultants, dated July 2024 and as otherwise required by the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25; and

(b) Establish and implement procedures for the management entity to maintain and protect the cushionfield maintenance areas shown on the BDG Plan reference SK158 dated ~~17/04/18/07~~/25. The implementation of these areas must be for a period of 35 years with provision for a review after 15 years. The review must be undertaken by an ecologist with drylands expertise and must consider whether management measures have been effective at maintaining cushionfield ecosystem quality and extent, and whether these benefits are outweighing any costs to the functioning of the wider ecosystem. Any recommended changes from the review must be implemented, unless otherwise approved by the Central Otago District Council Planning Manager; and

(c) Enter into a bond covering the maintenance of all Offset and Compensation Planting works as required by and undertaken in accordance with clauses (a) and (b) above. The bond shall cover the maintenance of all the required planting, and annual reporting, for a period of 5 years following the completion of the planting, and to cover the costs of replacing planting that dies or becomes diseased, damaged or is otherwise removed, to the extent required by the *Rocky Point Ecological Enhancement and Monitoring Plan* dated July 2024 Section 8 (monitoring) and Section 9 (annual reporting). The bond will be released upon approval of the Council that the Offset / Compensation Planting has fulfilled the objectives set out in Section 11.2 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment*, dated July 2024 and as otherwise required by the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25.

OR:

- (d) Implement the first stage (2025) of required Offset and Compensation Planting works within one or more of the areas marked “Proposed Offset / Compensation Planting Areas” on the BDG Plan reference SK158 dated ~~17/04/18/07~~/25 or the four offset planting areas within Rocky Point, as set out in the programme in Section 10 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, dated July 2024. The species and density/spacings of the Offset and Compensation Planting shall be as described in Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment* by Beale Consultants, dated July 2024, and in accordance with Section 5 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, July 2024 and as otherwise required by the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25; and
- (e) Establish and implement procedures for the management entity to maintain and protect the cushionfield maintenance areas shown on the BDG Plan reference SK158 dated ~~17/04/18/07~~/25. The implementation of these areas must be for a period of 35 years with provision for a review after 15 years. The review must be undertaken by an ecologist with drylands expertise and must consider whether management measures have been effective at maintaining cushionfield ecosystem quality and extent, and whether these benefits are outweighing any costs to the functioning of the wider ecosystem. Any recommended changes from the review must be implemented, unless otherwise approved by the Central Otago District Council Planning Manager; and
- (f) Prepare a consent notice for registration on the record of title for Lots 1 – 6 and 8 – 30 and 200 in accordance with section 221 of Resource Management Act 1991 requiring that the further stages of the required Offset and Compensation Planting, being the stages for 2026, 2027, 2028, and 2029 as set out in the programme in Section 10 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, dated July 2024, are implemented in accordance with the Section 11 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment*, dated 2024, and in accordance with the *Rocky Point Ecological Enhancement and Monitoring Plan* dated July 2024 and as otherwise required by the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25;
- (g) Enter into a bond that covers:
 - (i) the implementation of the further stages of the required Offset / Compensation Planting, as set out in the programme in Sections 5.3 and 10 of the *Rocky Point Ecological Enhancement and Monitoring Plan*, dated July 2024; as required by clause (d) above and as otherwise required by the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25; and
 - (ii) the maintenance of all stages of the Offset / Compensation Planting works as required by and undertaken in accordance with clauses (c) and (d) above. The bond shall cover the maintenance of all the required planting, and annual reporting, for a period of 5 years following the completion of the planting, and to cover the costs of replacing planting that dies or becomes diseased, damaged or is otherwise removed, to the extent required by the *Rocky Point Ecological Enhancement and Monitoring Plan* dated July 2024 Section 8 (monitoring) and Section 9 (annual reporting). The bond will be

released in stages upon approval of the Council that the Offset / Compensation Planting undertaken for that stage has fulfilled the objectives set out in Section 11.2 of the report *Rocky Point Subdivision Terrestrial Ecology Impact Assessment*, dated July 2024 and as otherwise required by the Wildlands Supplementary Information on Threatened/At Risk Plant Survey at Rocky Point, dated 10/02/25.

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

16. ~~Prior to Section 224(c) certification, a consent notice must be prepared for registration on the records of title for all lots, pursuant to section 221 of the Resource Management Act 1991, for the following on-going conditions:~~

- ~~a. That the owner of the lot, including of Lots 1—6 and 8—30 and 200, retain and maintain, in perpetuity, the existing native vegetation and associated fauna habitat, within the lot, outside the building platform and curtilage areas shown on the plans.~~
- ~~b. Ensure that stock is excluded from the Lots 1—6 and 8—30 and 200.~~
- ~~c. That the owner of the Lots 1—6 and 8—30 and 200 shall undertake property wide weed control, and rabbit and goat control, in accordance with Sections 6 and 7, respectively, of the *Rocky Point Ecological Enhancement and Monitoring Plan* dated July 2024; and other plant and animal pest management as necessary to ensure the maintenance of indigenous biodiversity values throughout the lots. Weed control must be frequently undertaken to remove wildling pines, gorse, broom and other problem woody plant species.~~
- ~~d. The Management Entity shall be responsible for the ongoing maintenance of public walking tracks and associated interpretive signage.~~
- ~~e. The Management Entity shall be responsible for the ongoing maintenance and management of the cushionfield management areas as shown on the BDG Plan titled “Proposed Offset / Compensation Planting Areas” on the BDG Plan reference SK158 dated 17/04/25~~
- ~~f. There shall be no further subdivision of Lot 200.~~

~~Provided that a Management Entity may be established to fulfil the obligations in clauses a) — c) above collectively on behalf of all lot owners.~~

17. If the consent holder discovers any feature or archaeological material that predates 1900, heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:

- a) stop work within the immediate vicinity of the discovery or disturbance,
- b) advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014; and
- c) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Subdivision consent notice conditions

18. 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) All lot owners are required to be part of the Management Entity as required by Condition 12(a) of RC230179.

In the absence of a Management Entity, or in the event that the Management Entity established is unable to undertake, or fails to undertake, its obligations and responsibilities, the lot owners shall be responsible for establishing a replacement Management Entity and, in the interim, the lot owners shall be responsible for undertaking all necessary functions.

- b) ~~Buildings must comply with the following standards:~~ All residential buildings and accessory buildings must be located on the building platform identified on the relevant lot, with the following exceptions:

- i. 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
- ii. 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
- iii. Decks can extend 2.5m past the RBP on all other lots
- iv. Small structures not exceeding 5m² in footprint size or 2.5m in height are permitted within the curtilage areas on each lot

- c) 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.

- d) All landowners must ensure their ongoing compliance with the Fire Risk Management Plan approved under Condition 12(b) of RC 230179.

- e) Prior to the construction of any building on Lots 27-30, landscape planting must be established to mitigate views of the building from Bendigo Loop Road in general accordance with the locations and species shown on The Lots 27-30 Planning Plan reference 4371-SK137. A landscaping plan demonstrating compliance with this condition must be provided at the time building consent is lodged for any building on these lots. A copy of the landscaping plan is available on Council's records under RC 230179.

- f) That the owner of the lot, including of Lots 1 – 6 and 8 – 30 and 200, retain and maintain, in perpetuity, the existing native vegetation and associated fauna habitat, within the lot, outside the building platform and curtilage areas shown on the plans.

- g) Ensure that stock is excluded from the Lots 1 – 6 and 8 – 30 and 200.

- h) That the owner of the Lots 1 – 6 and 8 – 30 and 200 shall undertake property wide weed control, and rabbit and goat control, in accordance with Sections 6 and 7, respectively, of the *Rocky Point Ecological Enhancement and Monitoring Plan*

dated July 2024; and other plant and animal pest management as necessary to ensure the maintenance of indigenous biodiversity values throughout the lots. Weed control must be frequently undertaken to remove wildling pines, gorse, broom and other problem woody plant species.

- i) The Management Entity shall be responsible for the ongoing maintenance of public walking tracks and associated interpretive signage.
- j) The Management Entity shall be responsible for the ongoing maintenance and management of the cushionfield management areas as shown on the BDG Plan titled "Proposed Offset / Compensation Planting Areas" on the BDG Plan reference SK158 dated ~~17/04/18~~07/25
- k) There shall be no further subdivision of Lot 200.

Provided that a Management Entity may be established to fulfil the obligations in clauses f) – h) above collectively on behalf of all lot owners.

19. If the consent holder of RM210148 elects to implement that consent the consent holder shall vary that consent to ensure that the building platform on Lot 9 and the accessway to Lot 8 is relocated outside of the compensation planting area required under RM230179 and illustrated in the 'Planting and Protection Areas' plan prepared by Baxter Design Group (Ref SK158 and dated 19 July 2025).

Subdivision 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. 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.
- 3. 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.
- 4. 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.
- 5. Management of the risk of fire, for example through developing, adopting and implementing fire management plans, is the responsibility of the consent holder, future landowners and any entity set up to manage the development.
- 6. 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.
- 7. 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.

8. *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.*

9. 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.
10. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

LAND USE CONDITIONS:

1. This consent authorises residential activity and travellers' accommodation on the building platforms on Lots 1- 6 and 8 – 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- 6 and 8 – 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 maximum height and building coverage for the relevant platform set out in Appendix One.
5. Plantings on each lot are limited to up to 30m² of herb and garden planting within 5m of the dwelling, and maintained to not exceed 1m in height, and otherwise the species listed in Appendix Two.
6. Exterior lighting (Both on and off buildings) must comply with the following standards:
 - a) Any exterior lighting must be downlighting and located no more than 1.2m above ground level.
 - b) All fixed exterior lighting must be directed away from adjacent roads and property boundaries
 - c) All outdoor lighting must have a colour temperature of light emitted of 3,000K or lower
 - d) Lighting must be limited to a maximum of 12 lumens per m²
 - e) Lighting must align to the Five Lighting Principles for Responsible Outdoor Lighting published by the International Dark Sky Association.

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

7. Internal lighting must comply with the following:
 - a) There shall be no spill of light through any skylights after 10pm;
 - b) Window coverings shall be installed for large glass doors and windows that allow light to spill outside (e.g., high vaulted and dormer windows);
 - c) Shielded and tiled light fittings are used for indoor lights that are fitted near glass doors, windows and skylights.
8. 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.

9. ~~Prior to the construction of any building on Lots 27-30, landscape planting must be established to mitigate views of 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.~~
10. 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.
11. 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.
12. The designer must supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.
13. 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.
14. 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.

15. At the time of construction of a dwelling or any other building that generates wastewater on Lots 4- 6 and 8 – 18, the dwelling must connect to the reticulated wastewater system.
16. 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.
17. That a Management Entity be established to ensure adequate provision and maintenance of water supply and wastewater treatment and disposal facilities are provided and that an appropriate monitoring, testing, reporting and maintenance regime is established to ensure compliance with Taumata Arowai Quality Assurance requirements.
18. That adequate and safe access be provided for maintenance vehicles to all water storage and treatment facilities, wastewater treatment facilities, fire hydrants and wild fire equipment.
19. That a water supply agreement be established by the Management Entity to confirm the allowable quota of water per day, and allowable peak flow rate, together with any conditions, to be allocated for the Rocky Point development from the Chinaman's water supply scheme. Arrangements must be made for measurement and recording of water supply against the agreement.
20. That adequate water quality and supply is maintained for the provision of potable, fire and wildfire water. Water quality is to be of an acceptable standard to enable proper functionality of point of entry treatment systems to provide safe drinking water, in accordance with Drinking Water Standards NZ.
21. That the Management Entity establish an appropriate operating and maintenance regime to ensure monitoring of treatment system performance and to ensure that all point of entry water treatment systems are monitored and replaced in accordance with supplier's specifications, to ensure a sustainable supply of safe drinking water quality in accordance with Drinking Water Standards NZ.
22. That vegetation sprinklers and ember suppression systems be installed to control spread of wildfires. Wildfire protection sprinklers and any associated control valves and communication and control systems will need regular inspections and testing to ensure adequate response, functionality and reliability. Emergency/contingency plans are required to address quality/security of supply issues.
23. That an operations and maintenance (O&M) guideline be made available for (but not limited to) the water pretreatment systems (if required), water storage, reticulation, pumps (if required), individual filtration and UV systems, hydrants, sprinklers, pressure reduction valves and control valves. Appropriate servicing/replacement protocols and frequencies must be established to ensure safe and sustainable water treatment and supply.
24. That on-site site-specific investigations are carried out for each lot by a suitably qualified engineer to design an on-site wastewater treatment and land disposal system, in accordance with ASNZ1547:2012.
 - The onsite systems are expected to consist of an Aerated Wastewater Treatment System (AWTS) with bed disposal. Due to lot size, ecological effect, soil type and topographical location, lots 1 – 3 and 19 – 30 are recommended for

implementation of on-site treatment and disposal (TBC at building consent stage).

25. That where lots are deemed unsuitable for on-site treatment and disposal (Lots 4 – 6 and 8 – 18): adequate provision be made for communal wastewater treatment and disposal facilities and maintained to ensure secondary treatment as per ASNZ1547:2012 and a minimum quality of;
 - BOD5 less than or equal to 20 g/m³ (mg/l) with no sample greater than 30 g/m³
 - TSS less than or equal to 30 g/m³ with no sample greater than 45 g/m³
 - That 50% reserve area for wastewater disposal be provided for the communal wastewater treatment facility.
26. That an operations and maintenance (O&M) guideline be made available for (but not limited to) the proposed communal wastewater treatment and disposal facilities. Appropriate servicing/replacement protocols and frequencies must be established to ensure safe and sustainable wastewater treatment and disposal.
27. If the consent holder discovers any feature or archaeological material that predates 1900, heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - a) stop work within the immediate vicinity of the discovery or disturbance;
 - b) advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014; and
 - c) arrange for a suitably qualified archaeologist to undertake a survey of the site.
28. If the consent holder of RM210148 elects to implement that consent the consent holder shall vary that consent to ensure that the building platform on Lot 9 and the accessway to Lot 8 is relocated outside of the compensation planting area required under RM230179 and illustrated in the 'Planting and Protection Areas' plan prepared by Baxter Design Group (Ref SK158 and dated 19 July 2025).

Land Use Advice Notes:

1. ~~All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent shall be paid prior to Section 224(c) certification.~~
2. Land uses on Lots 24 and 30 have not been considered as part of this application. Any future use of these lots will need to comply with Rule 4.7.1 and the permitted activity standards in Rule 4.7.6 of the District Plan (Or any superseding rule), or further resource consent will be required.
3. ~~Development contributions for roading of \$46,343.08 (exclusive of goods and services tax) are payable for roading pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon application under the Resource Management Act 1991 for certification pursuant to Section 224(c). The Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development and Financial Contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5.1 of the Operative District Plan.~~

4. *Prior to the commencement of works to upgrade any existing road within existing road reserve, the consent holder needs to obtain approval from Central Otago District Council's Roading Manager in order to undertake works on the road.*
5. *As the potable water supply will be a network supply, the supplier should be aware of the requirements of, and their obligations under, the Water Services Act 2021.*
6. *Management of the risk of fire, for example through developing, adopting and implementing fire management plans, is the responsibility of the consent holder, future landowners and any entity set up to manage the development.*
7. *Prior to any disturbance of archaeological items G41/771, G41/772, G41/773 or G41/774, an archaeological authority will be required from Heritage New Zealand Pouhere Taonga. Any requirements of the archaeological authority will need to be complied with in addition to any requirements of this consent.*
8. *In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.*
9. *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.*
10. *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.*
11. *The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.*
12. *Future homeowners should be made aware of the risks and have the following strategies in place:*
 - *Construction materials should be of low flammability particularly on the downslope side of any buildings. See FENZ "Wildfire Safer Housing Guide" Protect your home from outdoor fires | Fire and Emergency New Zealand*
 - *All residents should have a fire plan, including a household evacuation plan.*
 - *Activities that could start a fire should be managed to minimise the risk on an ignition, such as mowing grass on hot dry windy days.*
 - *Continual management of vegetation to ensure it meets the guidelines as per the "Fire Smart Documents"*
 - *Internal sprinklers are recommended to reduce the likelihood of fire spreading inside a house and from the house to other properties.*

Appendix One – Design Controls

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

Lot No.	Height	Height Datum RL (MASL)	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 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	Natural ground level	100% (84m ²)

	Pile foundations maximum 1200mm in height		
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

- 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 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

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

For all lots:

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

- *Corokia cotoneaster* Korokia
- *Olearia lineata*
- *Olearia odorata*
- *Coprosma propinqua*
- *Coprosma crassifolia*
- *Coprosma virescens*
- *Ozothamnus vauvilliersii* Mountain cottonwood
- *Meuhlenbeckia axillaris*

(vii) All noxious weeds within lots shall be controlled by lot owner.

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

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

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

5. Internal lighting must comply with the following:

- a) There shall be no spill of light through any skylights after 10pm;
- b) Window coverings shall be installed for large glass doors and windows that allow light to spill outside (e.g., high vaulted and dormer windows);
- c) Shielded and tiled light fittings are used for indoor lights that are fitted near glass doors, windows and skylights.

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

- (a) Lots 1 – 6 and 8 – 10, 25 and 26: All buildings shall be in monopitch ('flat') forms only to follow the natural grade of the Rocky Point landscape forms. The 'downhill' elevation (being that facing towards the primary view or drop in elevation) shall be a maximum of 3m high in height sloping back up continuous to a maximum height of 3.8m. Roof slope shall be in accordance with the plans **Baxter Design Plan SK130, SK132, and SK133** dated 30 October 2024.
- (b) Lots 11 – 18: All buildings shall be standalone 'cabins' with footprints of maximum area of 84m². Maximum height shall be 5.5m, with single gabled roof forms between 20 and 35 degrees only. No hip roofs are permitted. All buildings shall be constructed on timber piles with piles not to exceed 1200mm in height. Decks are

permitted and may extend up to 2.5m outside of the RBPs, provided that any deck shall not exceed 25m² in area.

- (c) Lots 19 – 23: Buildings shall not exceed 4.5m in height and shall have a gable roof only. A break in the gable (flat roof) is permitted up to maximum 3m in height.
- (d) Lot 24: The building shall be designed as a typical farm building and shall not exceed 4.5m in height. The roof shall be gabled in form between 20-25 degrees, with the gable running west to east along the building form. A break in the gable (flat roof) is permitted up to 3m in height.
- (e) Lots 27 – 29: Buildings shall not exceed 5.0m in height and shall have a gable roof form. A break in the gable (flat roof) is permitted up to 3m in height.
- (f) Lot 30: The building shall not exceed 5.5m in height. The roof shall either be a gable form between 20-25 degrees or shall be in a monopitch ('flat') form. A break in the gable (flat roof) is permitted up to 3m in height.
- (h) For Lots 1 – 6 and 8 – 10 and 19 – 30, the datums are specified for each dwelling on a level RBP. Building heights are determined from those specified datums. No buildings shall exceed the specified heights by way of excavation below the specified datums
- (i) For all lots:
 - (i) Flat connections are permitted between gabled and monopitch building forms. Any flat connections are to be level with to or below gutter levels. Flat connections shall be at 3m high and not exceed 15% of the building's footprint. All windows on the lower elevation shall be either recessed 1m back from the building edge or the roofline shall extend 1.5m past the windows.
 - (ii) All roof colours should have an LRV of less than 27%. Roof materials shall be restricted to one material from the listed materials only.
 - (iii) Each building platform has a specified R.L. datum as set out on the schedule **SK129** with maximum heights for dwellings on each RBP noted.

7. Roof materials and external wall cladding

- (a) Lots 1– 6 and 8 – 10, 25 and 26:
 - i. Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar;
 - ii. Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - i. Natural timber cladding, left to weather or in a clear 'natural' stain;
 - ii. Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain;
 - iii. Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar;
 - iv. Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish;

- v. Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive;
 - vi. Locally sourced schist stone, laid horizontally with dark tinted mortar/grout;
 - vii. Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting.
- (b) Lots 11 – 18:
- i. Roof material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar
 - ii. Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - i. 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.
- (c) Lots 19 – 23:
- (i) Roof Material: All roof material on these lots shall be **Steel tray roof** in Colorsteel 'Flaxpod' or similar or in **corrugated iron**, in Colorsteel 'Flaxpod' or similar
 - (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - Natural timber cladding, left to weather or in a clear 'natural' stain,
 - Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain,
 - Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar
 - Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish.
 - Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive,
 - Locally sourced schist stone, laid horizontally with dark tinted mortar/grout
 - Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting
- (d) Lot 24:
- i. Roof and Wall claddings: the building shall be clad in locally sourced schist stone stacked horizontally or in aged un-coloured corrugated iron, or a combination of both. Timber barge boards are permitted also.
- (e) Lots 27 – 29:
- i. Roof Material: All roof material on these lots shall be Steel tray roof in Colorsteel 'Flaxpod' or similar or in corrugated iron, in Colorsteel 'Flaxpod' or similar or in aged corrugated iron;

- ii. Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - Natural timber cladding, left to weather or in a clear 'natural' stain;
 - Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain;
 - Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar;
 - Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish;
 - Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive;
 - Locally sourced schist stone, laid horizontally with dark tinted mortar/grout;
 - Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting.
- (f) Lot 30:
 - (i) Roof Material: All roof material on this lot shall be Steel tray roof in Colorsteel 'Flaxpod' or similar or in corrugated iron, in Colorsteel 'Flaxpod' or similar or in aged corrugated iron
 - (ii) Wall claddings: Exterior wall materials shall be restricted to the following materials only:
 - Natural timber cladding, left to weather or in a clear 'natural' stain,
 - Stained timber cladding, in a 'Drydens' Stain Elm wood oil, or similar, or in a black stain,
 - Corrugated Iron cladding, in colorsteel 'Flaxpod' or similar
 - Steel tray cladding in Colorsteel 'Flaxpod' or similar, to match roof finish.
 - Concrete, either in situ or precast. Low light reflection coefficient to be achieved through texture or oxide additive,
 - Locally sourced schist stone, laid horizontally with dark tinted mortar/grout.
 - Steel sheet cladding, in mild steel, with steel oil ('Penetrol' or similar) to prevent rusting.
- (g) All lots: For steel and aluminium joinery all window and door joinery, gutters and downpipes shall be coloured to match the roof and exterior wall cladding. Timber window and door joinery is permitted on all buildings. No galvanized finishes are permitted.

8. Curtilage areas

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

- (i) All buildings, structures, fixed clothes lines, play equipment, sculptures or any other items associated with domesticated landscaping and structures are to be located within the curtilage areas and out of locations where they may be visible from wider views,

- (ii) No garden art or sculptures beyond the curtilage areas are permitted.

9. Fencing and gates

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

Fencing required for the purposes of stock exclusion, and plant and pest management is excluded from this control.

10. Development – Earthworks, driveways and parking

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

11. Development – External lighting

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

12. Development – Utilities and exterior service areas

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

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

Notes:

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

13. **General**

(a) For all lots:

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

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

- (v) Any roading material or gravel or fill of any kind must come from a source which is free of any weed seeds, in particular those of gorse, scotch broom and tree lupin. River beds are highly likely to be contaminated with these seeds. The source must be approved by the CODC Planning Manager prior to use.
- (vi) There shall be no further subdivision of Lots 1 – 6 and 8 – 30.

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

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

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
Muehlenbeckia axillaris
Rubus schmidelioides
Bryophytes
Asplenium flabellifolium
Polystichum neozelandicum
Asplenium richardii
Pellaea calidirupium

Our Ref: 7080i

23 July 2025

TKO Properties Ltd
c/- Centennial Avenue ALEXANDRA

Dear Shanon

CLARIFICATION OF PROPOSED COMPENSATION PLANTINGS FOR ROCKY POINT AND BENDIGO HILLS ESTATE

As part of the ecological effects management packages for the proposed Bendigo Hills Estate and Rocky Point subdivisions, various compensation measures were proposed within Bendigo Hills Estate and Rocky Point. These included plantings of woody indigenous vegetation, legal protection, and cushionfield maintenance.

Minute 14 of the Hearing Panel (dated 17 July 2025) has referenced concerns raised by the Department of Conservation (DOC) around 'double-dipping' in compensation measures between the two subdivisions. In relation to this, the compensation measures proposed for addressing the ecological effects of the Bendigo Hills Estate subdivision were all additional to the measures already proposed for the Rocky Point subdivision. These additional measures included 1.0 hectares of plantings, legal protection of large areas of indigenous-dominant vegetation and habitats, and three cushionfield maintenance areas within Bendigo Hills. This is outlined in more detail below.

Paragraphs 36-41 of the evidence of Andrew Wells presented at the hearing identify the proposed biodiversity offset/compensation sites for the Rocky Point development – three at Rocky Point (including 'Areas A-E' added to the Panorama Rise site), and four at Bendigo Hills Estate. Paragraph 54 of this evidence provides a summary table of the proposed sites and their areas, outlining how the required 6.4 hectares of plantings were proposed to be spread across the offset/compensation sites identified at Rocky Point and Bendigo Hills Estate. This table is presented below:

Offset	Impact area (hectares)	Offset area (hectares)	Offset sites and areas (hectares)
Shrubland offset	1.74	2.10	Rocky Point - 0.58 Hemlock Gully – 1.52 (of 1.77 available)
Cushionfield offset	3.95	4.30	Pylon Flat – 1.53 Panorama rise – 1.26 Areas A-E – 1.51 (of 1.69 available)

Note that the available land area in the identified offset/compensation sites was 0.43 hectares greater than what was required for the Rocky Point effects management package. This excess 0.43 hectares was arbitrarily split between the Hemlock Gully and 'Areas A-E' offset/compensation sites at Bendigo

Hills Estate in the above table, although it could have been placed entirely within either one of these sites (including the wider Panorama Rise site in which Areas A-E sit). This is because these sites are both well suited to 'shrubland offset' plantings (containing moderate to deep soils as noted in paragraphs 38 and 39 of the evidence), and to 'cushionfield offset' plantings.

Note also that the four offset/compensation sites at Rocky Point are shown in Plan SK158 as the four blue markers at the south and west of Rocky Point. The other two blue markers show the locations of the enrichment plantings added to the effects management package after the hearing and outlined in Wildland Consultants (2025a).

With this background, we can now consider the 1.0 hectares of compensation plantings required under the Bendigo Hills Estate subdivision consent. This 1.0 hectares planting would utilise the 0.43 hectares of excess offset/compensation site area at Bendigo Hills Estate outlined in the above table, as well as 0.57 hectares from an additional suitable compensation site identified by Wildland Consultants (2025b) adjoining the Hemlock Gully site.

In this way, the 6.4 hectares of plantings proposed in the Rocky Point effects management package is in no way affected or compromised by the 1.0 hectares of planting required under the Bendigo Hills Estate consent. If both developments were to proceed, there would be combined plantings of 7.4 hectares.

ADDITIONAL POINTS RELATING TO THE HEMLOCK GULLY SITE

The Panel also notes that the Bendigo Hills Estate subdivision layout plan ('Planting and Protection Areas, Infracon – Bendigo Hills, SK158 – 25 April 2025') shows an accessway, and part of a building platform/curtilage area within the proposed Hemlock Gully offset/compensation site for Rocky Point. Wildlands' planting plan assumed that the existing road and public right of way that passes through the middle of the Hemlock Gully planting area would remain unplanted. This area was always intended to be excluded from the planting area because it forms part of the existing DOC walkway easement to Bendigo Scenic Reserve, and provides vehicle access to the westernmost proposed lots. The proposed offset/compensation site diagrams presented in the July 2024 Beale Consultants report and appended to my evidence in chief were indicative only in this regard. Inclusion of this existing formed road/right of way within the hatched planting area of Hemlock Gully was an oversight in the final mapping of the subdivision layout plans.

Because this road/right of way was inadvertently included in the overall area of the Hemlock Gully offset/compensation site, the area of this site was slightly miscalculated in the final planting and protection area plan. To correct for this, an area of existing 4WD vehicle track in the 'Panorama Rise' offset/compensation site (to the east of Hemlock Gully) has been added to this site in the updated Plan SK158. This 4WD track was not originally included in the offset/compensation site in Plan SK158 in case it was needed for ongoing vehicle access; however, it has been confirmed that this is not required. The addition of this track to the planting site ensures that there is no reduction in the total area of compensation planting sites resulting from the oversight.

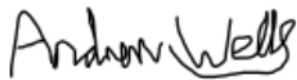
The subdivision layout plan referred to by the Panel also shows portions of one driveway and one building platform within the Hemlock Gully offset/compensation site. If those areas of development are to be implemented as well as the Rocky Point consent, then this driveway and building platform will need to be moved slightly so that they completely avoid the Hemlock Gully planting site. The footprints of the driveway and building platform in question were included in the calculation of total area affected by the development when determining appropriate compensation measures for Bendigo Hills Estate; therefore, the realignment of these features will not alter the compensation measures proposed.

The preceding discussion in this memo also provides resolution of the further point raised by DOC in relation to the Hemlock Gully site:

i. The value of the compensation proposal in the current application has been ecologically assessed on the basis of the entire Hemlock Gully area being available for planting and protection. However, this is clearly not the case and calls the compensation assessment before the Panel into question.

As outlined in the above discussion and clarifications, the Hemlock Gully site will continue to be available for planting and protection as originally intended, if the changes to the driveway and building platform are made. It was never intended that the right of way would form part of the Hemlock Gully site, and the ecological assessment was undertaken on this basis. Transferral of this small land area to the adjoining Panorama Rise ensures no loss of total planting area, and does not alter the compensation assessment.

Yours sincerely



Andrew Wells
Senior Ecologist
Wildland Consultants Ltd

Reviewed and approved for release by:

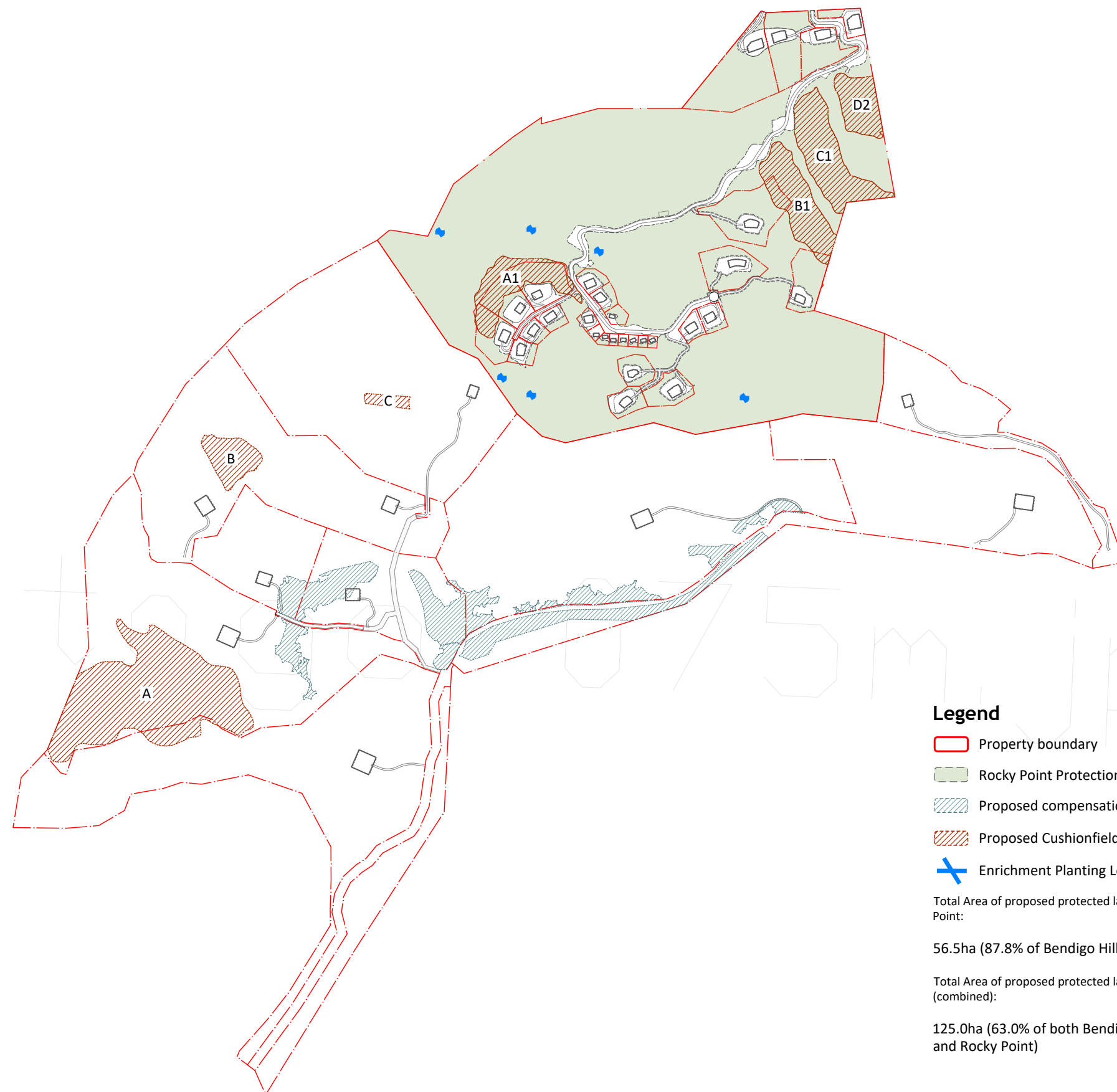
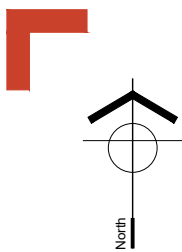


Kelvin Lloyd
Senior Principal Ecologist
Wildland Consultants Ltd

REFERENCES

Wildland Consultants (2025a). Supplementary information on Threatened/At Risk plant survey at Rocky Point, December 2024. *Contract report 7080e prepared for TKO Properties Limited*. 27pp.

Wildland Consultants (2025b). Additional ecological assessment of proposed new lots at Bendigo Hills Estate subdivision. *Contract report 7080f prepared for TKO Properties Limited*. 11pp.



Legend

- Property boundary
- Rocky Point Protection Zone
- Proposed compensation and offset planting areas (6.2Ha)
- Proposed Cushionfield Maintenance Areas (14.4Ha)
- Enrichment Planting Locations

Total Area of proposed protected land at Rocky Point:

56.5ha (87.8% of Bendigo Hills Site)

Total Area of proposed protected land (combined):

125.0ha (63.0% of both Bendigo Hills and Rocky Point)

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

UNDER

the Resource Management Act 1991

IN THE MATTER

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

BETWEEN

TKO PROPERTIES LIMITED

Applicant

SUPPLEMENTARY EVIDENCE OF TIMOTHY O’SULLIVAN

Dated: 22 July 2025

Statement of evidence of Tim O'Sullivan

Introduction

- [1] My name is Timothy Dermott O'Sullivan.
- [2] I am the director of TKO Properties Limited (**TKO**), the applicant.
- [3] I have authority to give evidence on TKO's behalf in respect of RC230179.

Response to Minute 14

- [4] Minute 14 has inquired about the relationship between compensation planting conditions proposed for Rocky Point and the consent conditions issued for Bendigo Hills.
- [5] TKO is the consent holder for the adjacent Bendigo Hills development. It is yet to commence any implementation of that consent.
- [6] I acknowledge that, in order to implement both the Bendigo Hills and Rocky Point consents in parallel, there would need to be a minor amendment sought to the Bendigo Hills consent through a separate and future process to address a minor conflict between the consented Bendigo Hills scheme and the offset / compensation planting areas proposed for Rocky Point.
- [7] These changes to the Bendigo Hills consent would require slightly re-positioning the platform on Lot 9 and a minor realignment of the driveway into Lot 8. This does not create an issue in terms of design and feasibility of that consent.
- [8] TKO is committed to the delivery of offset / compensation plantings and protection areas required by both consents.

Tim O'Sullivan



Date: 25 July 2025