

<b>Applicant</b>	Toko Development Limited
<b>RM Reference</b>	RM2893
<b>Location</b>	Coombe Hay Lane, Toko Mouth
<b>Proposal</b>	Land use and subdivision resource consent to create 18 new residential lots, a balance lot and a road to vest in Council.
<b>Legal Description</b>	Lot 9 DP 516455 and Lot 3 DP 512557
<b>District Plan Zoning</b>	Coastal Resource Area
<b>Activity Status</b>	Discretionary
<b>Notification</b>	Limited Notified
<b>Commissioner</b>	Colin Weatherall
<b>Date Decision Issued</b>	15 May 2024
<b>Decision</b>	Granted subject to conditions

### Hearing Appearances

**Hearing Dates** 14 February 2024 at the Council Chambers, Balclutha. Resumed hearing Thursday 14 March at the Balclutha Town Hall.

**Appearances for the Applicant**

Mr Simon Davies, Applicant.  
Ms Emma Peters, Planner  
Mr Michael Moore, Landscape  
Mr Craig Horne, Surveying  
Mr Grant Fisher, Transport  
Mr Zaa-id Shah, Three Waters

**Appearances for the Clutha District Council**

Mr Craig Barr, Planner and author of the s42A report  
Mr Bevan Mullions, Land Development Engineer

## 1 INTRODUCTION, PRELIMINARY MATTERS AND HEARING PROCESS

I have been delegated authority from the Council to hear and determine this application. I undertook a site visit on 14 February 2024 after considering the hearing material and prior to commencement of the hearing. I am also very familiar with the wider Toko Mouth to Taieri Mouth areas.

### Late Submission

As a preliminary matter, I refer to the submission of Heather and Graeme Wallace was received on 6 December 2023, two days following the close of submissions and outside of the specified time limits for making a submission.

I refer to the S42A report<sup>1</sup> of Mr Barr which sets out the relevant matters of consideration for considering waiving the date for a making a submissions.

Section 37 of the RMA enables the Council to extend a time limit, while section 37A requires that a waiver must not be granted unless specified matters are taken into account. Section 37A states:

*A consent authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account –*

- (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) its duty under section 21 to avoid unreasonable delay.*

The key matter at issue is whether any person, including the Applicant is prejudiced by the lateness of the submission, but not by the substance of the relief sought in the submission.

The submitters identify that the notice of service was sent to their PO Box which they only happened to check the day the submission period closed. The submitters, in their opinion therefore, had little time to prepare a submission. Despite this, the submission was filed only two working days following the close of submissions.

As noted by Mr Barr in his s42A report, the submission was filed well in advance of the preparation and filing of his s42A report, and I also note that other submitters such as the submission from Tanya and Ian Wilson also raised issue with the new housing and rural character effects. The Wallace submission does not raise any new matters not otherwise identified by other submitters, albeit the Wallace submission does appear to raise concern with the entire proposal.

Ms Peters for the Applicant opposed the waiver, but did not provide any reasons why, if a waiver were to be granted, the Applicant would be prejudiced.

I do not consider waiving the filing day by two days to result in any disadvantage the Applicant and nor would accepting the late submission delay processing of this application.

The late submission does not affect the timing in relation to the circulation of hearing documents or the hearing, and there is not considered to be an unreasonable delay in terms of section 21 of the RMA.

For these reasons, I grant the waiver to the late filing date of the Wallace submission.

### Hearing Process and Key Dates

At the hearing it became clear to me that despite the Council not supporting the Applicants proposed stormwater design, that Council officers were open to alternative design and that the Applicant was also open

---

<sup>1</sup> S42A Report of Craig Barr date 22 January 2024 at [58].

to reconsidering its stormwater design.

I adjourned the hearing, and along with some other questions offered the Applicant the opportunity to respond with a resumed hearing held on 14 March.

Following the resumed hearing and then some additional information provided by the Applicant, the Council officers filed a reply statement with recommended conditions on 4 April. On 7 April the Applicant filed its closing reply.

As discussed in greater detail below, the only key outstanding matter is whether the road is finished with metal/gravel, or a seal.

Upon considering this issue further, but without making a determination, I instructed Mr Barr to enquire with Council officers whether they would be open to accepting the deferral of sealing the road subject to a bond.

My reasoning for this is to provide for consideration of a scenario where titles of Lots 1-18 (in full or staged) are able to be issued and the sale of at least some of the lots completed to assist with the applicant's resources to have sealing undertaken on the proposed road.

Council officers responded on 18 April confirming that this could be supported subject to conditions. I then directed Mr Barr to ask the Applicant and offer a potential condition. Ms Peters responded on 22 April on behalf of the Applicant confirming that while sealing was not supported by the Applicant and they maintained their preference for a metal seal, if a consent was granted with a requirement to seal the road the bond condition would be supported and the draft condition would be acceptable.

I thank both the Applicant and the Council officers for their constructive input which has assisted me in my deliberations and narrowed the issued in contention.

Following the receipt of this information, I closed the hearing on 26 April 2024.

## **2 THE PROPOSAL**

Subdivision and land use resource consents are sought to create 19 Lots comprising 18 allotments for residential activity (Lots 1-18) and a balance lot (Lot 19), a right of way (ROW) access and to develop a new access road and vest it in the Council.

The new access road would connect the proposed subdivision sites with Coast Road and Toko Mouth Domain Road. The southeastern boundary of the subdivision site adjoins Coombe Hay Lane, a right of way which currently provides access to nine residential properties.

It is proposed that lots 1-18 will be able to be developed for residential activity (1 dwelling per site) and that the residential sites will be self-sufficient in relation to the supply of potable water and the disposal of wastewater. Water tanks will be used for the supply of potable water and firefighting purposes. Electricity will be provided to the boundary of the proposed lots and telecommunications will be via wireless technology.

Proposed Lots 1 to 18 range in size from 1600m<sup>2</sup> to 1.1ha. Lots 1, 2, 16, 17 and 18 will have access to a new road via a ROW located in the southern position of the subdivision area. Lots 4 to 15 will have frontage and access to the proposed new road. Lot 3 has frontage to both a ROW access and the proposed road.

The 21.8ha balance lot contains an existing dwelling and farm buildings and yards, will be retained for farming, and will have access to Coast Road, the new road and the ROW access adjacent to proposed Lots 1 and 18.

The subdivision plan does not identify a connection with the Coombe Hay Road ROW, but rather identifies that Coombe Hay Road will be upgraded and vested as road. This will require the redevelopment of the existing Coombe Hay Lane ROW and vesting of this ROW to the Council.

Stormwater from each residential lot will be collected and discharged to drainage swales via on-site detention systems. However, as discussed below this matter was not supported by the Council officers. Several

amendments were made to the application through the course of the hearing process by the Applicant, relating to the location of future buildings on some of the lots, firefighting, setbacks and landscaping. These amendments are addressed in greater detail below.

A suite of mitigation measures which are identified as part of the activity to avoid or mitigate adverse effects on the environment. Most of the mitigation measures are related to landscape and amenity, and as discussed in greater detail below, some matters were further refined by the Applicant during the course of the hearing process.

The mitigation measures include:

- a) All buildings shall be single story and a maximum of 5m height above existing ground level.
- b) For Lots 1 – 3 and 8 – 13, a minimum setback of 15m shall apply to all buildings from the top edge of the escarpment. Building siting shall otherwise be controlled as follows:
  - i) On Lot 12, buildings shall not be located above the 96m contour.
  - ii) On Lot 13, the dwelling is to be located within the building platform identified on the subdivision scheme plan.
- c) All buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 25%.
- d) All services are to be located below ground.
- e) The road is to be designed to reflect the existing Toko Mouth settlement character with gravel surface and soft edges (i.e. no kerb and channel). Any footpaths shall also have gravel surfaces, and there shall be no street lighting.
- f) Driveways are to retain an informal rural character with gravel surface and soft edges (i.e. no kerbs). Monumental gates and driveway lighting are not permitted.
- g) Water tanks will be sited, and / or buried and / or screened (by planting), and coloured to match the building colours, to have minimal visual impact from beyond the property.
- h) Fencing is to be confined to standard rural post and wire construction. Where boundary definition is required, planting rather than fencing is promoted.
- i) Except for the area required for driveway access (maximum 6m) a 3m strip along the road boundaries of the lots are to be established in locally appropriate indigenous species to provide a natural setting to the buildings.
- j) For Lots 1 – 3 and 8 – 13, a 5m wide strip along the escarpment boundaries is to be established in locally appropriate indigenous species to provide some screening of the houses as viewed from the township below, and to assist in maintaining bank stability.

### **3 THE ENVIRONMENT**

The subject site and wider environment is described accurately in Mr Moore's landscape assessment filed with the application documentation, with the following provided for context and summary.

The Site where the subdivision is proposed is located to the immediate west of the existing Toko Mouth settlement, upon an elevated terrace landform which has a gentle to moderate southeast slope toward the coast. While immediately adjoining the existing Toko Mouth settlement, the site is separated by a steep escarpment which is in the order of 10m height. The site is located adjacent to recently developed properties along Coombe Hay Lane.

The site is vegetated in pastoral grasses and the site has a rural clear rural working character. I note that while the Site is located within the Coastal Resource Area, it is at the landward extent of the Coastal Resource Area at that location and as described in Mr Moore's report, the site itself exhibits low levels of sensitivity to changes to natural character in a coastal environment context.

A previous subdivision of land on the eastern edge of the landform (RM2229) was approved in 2017. Lot 9 DP 516455 comprising one of the subject sites is a balance lot associated with that subdivision. This subdivision created 8 residential allotments now legally described as Lots 1 to 8 DP 516455 and the Coombe Hay Lane ROW. Some of the submitters to the application are residents along this right of way.

#### **4 RULE FRAMEWORK AND REASONS FOR CONSENT**

The Site is zoned Coastal Resource Area and Rural Resource Area under the Operative Clutha District Plan.

I note that the reasons for resource consent identified in Mr Barr's S42A report<sup>2</sup> differ from that provided in the Application as lodged, in that several additional rules have been identified as requiring a resource consent. I note that Ms Peters the planning expert for the Applicant, while not directly agreeing with those reasons for consent identified by Mr Barr did not take issue with that part of his S42A report. I also note that Ms Peters did not challenge the proposition from Mr Barr that except otherwise stated, the rules of the Rural Resource Area also apply to the Coastal Resource Area.

I concur with the reasons for consent identified in the S42A report and summarise the following consents are required as follows:

- A discretionary activity for subdivision in the Coastal Resource Area (Rule SUB.2);
- A controlled activity for roads and access to lots (Rule TRAN.1);
- A discretionary activity because the future dwellings on each lot will be closer than 200m to each other (Rule RRA.3(I)(a).2);
- A discretionary activity resource consent for seeking to not pay a financial contribution for reserves (Rule FIN.7) and roading (Rule FIN.10);
- A discretionary activity for not undertaking consultation (Rule COA.2);
- A restricted discretionary activity for dwellings in the Coastal Resource Area (Rule COA.4(b))
- A discretionary activity for subdivision in the Coastal Resource Area (Rule COA.5).
- A restricted discretionary activity under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES)

Overall the proposal shall be treated as a discretionary activity. Both Ms Peters and Mr Barr agree with the overall activity status.

#### **5 NOTIFICATION AND SUBMISSIONS**

The application has been processed on a limited notified basis, with notice of the application served on the following persons:

- Iwi (both Aukaha and Te Ao Marama);
- Department of Conservation;
- Otago Regional Council;
- Lots 1 to 8 DP 516455; and
- All landowners and residents of the existing baches/dwellings within the Toko Mouth (except the owners of the site being Toko Farms Limited and Toko Development Ltd).

Eight persons made a submission on the application, all of whom were served notice. The submissions from Colin and Jayne Dickey, Adrienne McManus, Kathryn Ann Woodhead, and Ken McElrea supported the application.

The submission from Cliff and Elizabeth Brensell from 1360A Toko Mouth Road supported the activity but also sought that the Council should extend the tar seal to 100m north of their property located at the northern edge of Toko Mouth, in order to alleviate dust arising from vehicles travelling on Toko Road.

The submission from Aukaha on behalf of Te Rūnanga o Ōtākou opposed the proposal on the grounds that

---

<sup>2</sup> Ibid at [34] to [52].

the application did not provide sufficient information that wastewater and stormwater would be adequately managed. The Rūnanga's submission stated that it would like more information regarding how wastewater discharges from 18 new dwellings would be managed in light of the Site's proximity to the coastal environment, and how the stormwater projections were calculated and whether those projections support the assertion that post-development flows will be no more than pre-development flows.

Tanya and Ian Wilson's submission, while supporting the activity identified a concern regarding proposed lots 14, 15, 16, 17, and 18. Development on these lots could intensify the subdivision and potentially compromise its rural character, and seek that conditions are imposed which require all houses to be a minimum area of 75m<sup>2</sup>, new builds and a maximum height of 5m, with conformity to a colour scheme. The Wilson's also seek that buildings located behind the initial development along Coombe Hay Lane (specifically proposed lots 4, 5, 6, 7) should maintain a minimum setback from the road of 20 metres. This precaution is in place to prevent houses from being built too close to the road.

Heather and Graeme Wallace opposed the application, citing concern at the proposed 18 lots and the vesting of the road, including the introduction of through traffic onto Coombe Hay Lane which is currently a right of way.

I have been provided with full copies of all submissions, and have been provided with summaries in the documentation presented at the hearing.

No submitters attended the hearing.

While Te Rūnanga o Ōtākou did not attend the hearing, a written statement was filed on their behalf from Aukaha on 7 February 2024 and prior to the hearing.

## **6 SECTION 104 MATTERS**

### Permitted Baseline

Under section 104(2) of the RMA, the Council may disregard an adverse effect of a proposed activity on the environment if a plan permits an activity with that effect. Such activities form part of the permitted baseline. I note from the planning framework and reasons for consent identified above that any subdivision requires at least a restricted discretionary activity subdivision resource consent, and that any residential activity requires a restricted discretionary land use resource consent.

There are not any relevant permitted baseline effects that are able to be disregarded.

I have not been made aware of any resource consent on the subject site which are likely to be implemented that could form part of the environment.

### Receiving Environment

The site and wider area and its character are described above, furthermore, I have not been made aware of any resource consents on other sites in proximity to the activity which may have an influence on my consideration of the activity.

### Key Issues in Contention

Leading into the hearing, the key issues of contention identified by the Council officers in Mr Barr's s42A report were the adverse effects in relation to natural character and landscape effects, the efficacy of the stormwater system proposed, and whether the road should be finished with a seal as recommended by the Council officers, or whether a gravel/metal finish as proposed by the Applicant.

Mr Barr's s42A report concluded that the natural character and landscape adverse effects are minor in nature and appropriate, relying in part of the assessment undertaken by Mr Moore for the Applicant.

Notwithstanding, Mr Barr recommended that the application should be declined due to the proposed stormwater system design containing storage tanks on each residential lot which holds stormwater collected from the impervious areas of each site (not otherwise retained for domestic water supply) and then pumped onto the road to the wider stormwater network. The rationale for this design was to ensure post development stormwater flows from the site were not greater than pre development stormwater flows, thus mitigating potential adverse effects on the stormwater network.

In coming to this view Mr Barr relied on the advice from the Council's Land Development Engineer Mr Mullions, whom held reservations with the longevity of the holding tanks and pumping systems being maintained over the long term, compounded by 18 separate owners each being held responsible for each stormwater retention and pump system on their site.

The other key outstanding matter is in relation to roading, and while the matter was not agreed by Mr Barr he considered that the road finish and whether to seal or have a metal finish was a relatively binary matter and could be required by conditions of consent.

The stormwater matter on the other hand is not so binary and went beyond his and Mr Mullions functions as s42A authors in terms of devising an alternative design, leaving him with the only option at that time of recommending the consent be declined.

As events transpired at the first day of the hearing, Mr Mullions suggested that subject to additional information, that Council officers may support an alternative design whereby stormwater from each lot would be discharged directly to the existing stormwater network, subject to effects on the existing stormwater network. The Applicant agreed in principle and I adjourned the hearing to provide time for the Applicant to respond. An alternative stormwater design was presented at the resumed hearing on 14 March 2024.

The alternative design involves stormwater from each residential lot discharging directly to the stormwater network, with provision for upgrades to the existing network identified by Mr Shah for the Applicant. This is discussed in greater detail below. Council officers support the revised stormwater design.

At the conclusion of the resumed hearing held on 14 March 2024, and following the filing of Mr Barr's and the Applicant's reply statement, all matters and draft conditions of consent appear to be agreed except the road sealing issue, with the Applicant remaining of the view that a metal surface is appropriate.

The following provides a more detailed overview of the actual and potential effects on the environment, discussed through each topic.

#### Natural Character Effects and Landscape Effects

The Application was supported by an assessment and evidence presented at the hearing by Mr Mike Moore, landscape architect. I note that Mr Moore's evidence was the only expert landscape assessment available with neither the Council nor any submitters providing expert landscape advice. Mr Barr's s42A report accepted Mr Moore's assessment as part of his own assessment of the effects and relevant objectives and policies.

Mr Moore describes the Toko Mouth Settlement as identified as forming an existing modification to the natural character of the Toko Mouth dune country and has a distinct crib settlement character. Mr Moore describes the Toko Settlement as closely spaced lineal pattern of homes located along the roads or nestled against the back of the dunes or coastal escarpment that are generally single storey, modest in scale but variable in terms of age, style, materials and colour.

Mr Moore describes the Toko Mouth coastal area as having a medium (moderate) rating for natural character, but also notes that the Application Site while located within the Coastal Resource Area is at the edge of the coastal environment and the Application Site itself is on the boundary or just beyond the coastal environment, sitting at the top of an escarpment, with the escarpment to the east of the providing the appropriate definition of the inland extent of the coastal environment. Mr Moore considers that areas seaward of the escarpment, including the existing Toko Mouth Settlement are within the coastal environment. Related to the location of the activity Mr Moore concludes that the activity will have low effects on natural character, with no changes to natural processes or the character of the coastal environment.

Turning to landscape and rural amenity, Mr Moore's assessment describes that the Toko Mouth settlement and area has scenic qualities Mr Moore describes that the area has scenic qualities based upon the crib settlement character of Toko Mouth, the way it nestles recessively into the coastal and rural setting. For these reasons, Mr Moore considers that Toko Mouth has a strong sense of place based on its coastal crib character having a modest scale, limited boundary definition by fencing and the lack of urban infrastructure such as sealed roads, footpaths, kerb and channel and street lighting, which are important elements to respect.

Mr Moore described that the landscape mitigation strategy focused is to screen and contain the development as viewed from surrounding roads, particularly Toko Mouth Road and ensuring that buildings do not appear visually conspicuous as viewed from below the escarpment from the existing Toko Mouth Settlement, the coastal environment and upon arrival at Toko Mouth via Toko Mouth Domain Road.

Submitters Tanya and Ian Wilson, while supporting the proposal state in their submission their concern that buildings on proposed lots 14, 15, 16, 17 and 18 could intensify the subdivision and potentially compromise rural character. The Wilson's seek conditions requiring a minimum build area on each lot, that development is limited to new builds, building height is limited to 5m, specified colour schemes are required, and that buildings on the allotments located behind the existing Coombe Hay Lane development are separated from the road by 20m.

Submitters Heather and Graeme Wallace raise concern with the scale of the proposal. Te Rūnanga o Ōtākou state concern with the increasing number of subdivisions within their coastal takiwā. I note that neither submitter has provided additional evidence or submissions in relation to this matter, but those issues have been considered as part of my deliberations.

The subdivision will involve an extension to the existing Toko Mouth settlement, and will modify the rural character of the site to a rural residential character. However, I agree with Mr Moore and accept his evidence that notwithstanding the location of the activity within the Coastal Resource Area as zoned in the District Plan at least, the Site is at the boundary of the Toko Mouth coastal environment and adverse effects in a natural character context will be low.

Landscape effects related to rural character and amenity are relevant, as is the location of future buildings in relation to the escarpment forming the edge of the existing established Toko Mouth Settlement, noting that the existing allotments on Coombe Hay Lane approved by resource consent RM2229 has established a presence of rural living activity on the upper escarpment fringing Toko Mouth settlement.

I consider the proposed mitigation strategy comprising landscape planting on the escarpment edge of Lots 1-3 and 8-13 will assist with screening and softening the visual impact of buildings. The continuity and cohesiveness of this planting is as important part of integrating the development into the environment and I consider this continuity will be best achieved through a comprehensive planting regime undertaken at the outset of the development.

Future buildings on Lots 12 and 13 have the potential to be visually prominent owing to the elevation in topography and the relative separation of these buildings from the existing development portion of Coombe Hay Lane. The containment of future buildings within those identified building platforms is an important landscape mitigation component and provides certainty that visibility of buildings from the existing Toko Mouth settlement and existing public roads will be minimised, and the subdivision will represent a sensitive extension of the existing settlement.

The 5m building height applicable to all lots will also ensure the scale of buildings will be in keeping with the existing character of Toko Mouth and that buildings will not appear visually prominent from public locations, particularly when viewed from lower elevations in and around Toko Mouth settlement.

For these reasons I consider the adverse effects on natural character and landscape, rural character and visual amenity values will be minor.

Roadside planting proposed along the road boundary of other lots will be effective at integrating buildings but the benefits of this planting are for the most part internal to the future environment of the subdivision site itself and will also benefit the existing lots on the eastern side of Coombe Hay Lane.

I note that the Wilson submission seeks that buildings are setback 20m from the road boundaries. I consider



the agreed road boundary setbacks by Mr Moore, Ms Peter's and Mr Barr of 10m is appropriate to maintain a reasonable setback, space for plantings and landscaping taking into account the sizes of the allotments. I note that the Wilson's did not appear at the hearing nor provide any additional information in relation to their submission. I also agree that the setback requirements of 5m from a Right of Way frontage and 3m from internal boundaries is appropriate.

The Applicant has also volunteered conditions to ensure that buildings are finished in a visually recessive colour and that other landscaping treatment and boundary fencing limits are imposed. These will also assist with ensuing buildings will integrate successfully into the environment and will not be visually prominent.

For these reasons, the adverse effects in relation to natural character and landscape will be minor.

### Contaminated land

The application is supported by a remedial action plan prepared by EC Otago Consultants which is understood to be based upon a detailed site investigation previously undertaken on the property, which identified areas of contaminated land. The EC Otago Consultants report was not identified as a matter of contention and no representation was made at the hearing.

The EC Otago investigations identified hazardous activities have been undertaken on the part of the property subject to the subdivision that previously contained a shed, stockyards and a sheep dip and a rubbish burn pile which has resulted in soil contamination. Arsenic concentrations exceeding applicable residential standards are contained within part of Proposed Lot 1 and into a nearby part of proposed Lot 19. The extent of contaminated material which required remediation is limited to Lot 1 and the area of Lot 19 adjacent. The affected area of land comprises an area of 3,600m<sup>2</sup>.

Concentrations of soil contaminants in the remainder of the site over proposed Lots 2-18 are at or below background levels and do not constitute a hazardous activity and industrial land use (HAIL) site.

Through the EC Otago Consultants advice, there will be required to be further investigation and sampling will be required to determine the full extent of contamination as part of the implementation of the RAP. Remedial options identified by EC Otago include excavating the soil with disposal off-site, excavation of soils with disposal on site within an encapsulation cell, dilution through mixing with clean material, and capping/containment to prevent direct contact, run-off and leaching.

EC Otago Consultants preferred recommendation is the removal of all contaminated soil within Lot 1 and the contaminated soil disposed of within a purpose designed encapsulation cell located on Lot 19, and therefore, outside of the land intended for residential use. If all contaminated soil is removed from Lot 1 the site will be suitable for residential use with no ongoing monitoring and maintenance. If capping is deployed on Lot 1, those areas will need to be defined by survey and recorded by way of instrument on the record of title and an ongoing management plan used to provide site owners with information relating to ongoing maintenance requirements. If the encapsulation cell is constructed it will be in the order of at least 50m long and 2m high.

There is sufficient certainty that contaminated areas can be managed in an appropriate way that renders Lot 1 capable of residential unit. I consider that the adverse effects on the environment will be minor, subject to appropriate conditions of consent.

### Traffic and roading

Traffic to the site will be via Toko Mouth Domian Road and the existing part of Coombe Hay Lane which is formed and located within road reserve, and over a portion of Coombe Hay Lane which is a ROW. Coombe Hay Lane has a formed width of 3-4m wide and gravel surface.

The new road through the subdivision will also connect with Coast Road, located along the northern boundary of the site. Coast Road has a formed width of 6m generally and has a gravel surface.

A transport assessment has been provided by the Applicant, prepared by Mr Grant Fisher of Modal Consulting Limited (Modal Report). I also had the benefit of hearing from the author or the traffic report and Applicant's traffic engineer Mr Grant Fisher via audio visual link.

The Modal Report describes the characteristics of the roading network, estimated average traffic generation of 19.8 vehicles at a peak hour, the existing roading character and the proposed roading including upgrades to Coombe Hay Lane.

The Modal Report also provides an assessment of the vertical alignment of the proposed roads. The maximum grade will be 12% at the steeper northern section near the Coast Road intersection, whereas the ARRB guidance recommends a maximum gradient of 8%. The Modal Report identifies that while the steeper section of the road would need to be sealed, the Applicant wishes to retain the option to lower the road alignment to potentially remove the need for sealing. Modal support either of these options from a transport effects perspective.

In terms of the road alignment and the new intersection location on Coast Road, Mr Fisher has identified that new intersection at Coast Road would be located where there is sufficient distance in both directions (east and west) along Coast Road and this matter has not been contested by the Council officers. Mr Fisher also confirmed in his view that the subdivision and the vehicle movements generated by the development can be safely and efficiently accommodated.

As noted above, the key matter of contention regarding roading is whether the road is sealed or finished in a metal surface.

Via his assessment, and in the hearing, Mr Fisher supports a metal road finish and in doing so cites the ARRB Unsealed Roads Best Practice Guide (ARRB).

The Applicant also raised the matter that a Council officer had at the time of a early site visit, purported to agree to a metal finish with the Applicant. Neither the Applicant nor Council officers had this information on record and I am unable to give this matter any weight.

Having carefully considered Mr Fisher's evidence that the road type and nature of traffic of that road can support a metal finish, and also that the surrounding road network is for the most part unsealed, I consider that maintenance and dust aspects are best addressed through the appropriate sealing of the road as part of the subdivision. I am also conscious of the granting of consent for a road serving 18 new lots to a metal finish to potentially set an undesirable precedent in terms of the role the Council play in its administration of the code of practice and subdivision and development works which where it is relatively clear to me that a development of this nature and scale anticipates that new roads are sealed.

In coming to this view, the rural residential nature of the subdivision whereby 18 residential lots are located in a relatively condensed node also supports sealing of the road. This is the best way to manage dust on existing inhabitants of Coombe Hay Lane and future inhabitants within the subdivision.

In making this determination I am conscious of the costs imposed on a subdivider in terms of sealing of the road. As discussed above I directed Mr Barr to make enquiries of Council staff and sought feedback from the Applicant as to the use of a financial bond mechanism that allows deferring the sealing of the road for a limited time period to allow the subdivider time to leverage from the sales of lots to assist with resourcing the sealing of the road. I consider that the imposition of a bond in this context to be of potential assistance and impose it as an optional condition available for the Applicant to take up.

With regard to the Brensell submission seeking Toko Mouth Road is sealed for a further 100m to the north of their property at 1360A Toko Mouth Road, while the subdivision will increase traffic to the area generally, it is a relatively small increase in the context of any vehicles which may travel on Toko Mouth Road, being located approximately 700m north of the site and Toko Mouth settlement. I do not consider the level of traffic and associated adverse effects created by the subdivision to justify additional sealing of the road at the location.

For the above reasons, I consider roading effects will be minor on the basis the road is constructed to a sealed finish.

### Stormwater

Stormwater was originally proposed consists of the following Lots 1-18 would containing an onsite stormwater detention tank which will collect stormwater from roofs. The tanks would moderate the release of water to the stormwater network with a flow control system to ensure post development post development flow rate to be

not greater than the pre-development flow rate from each lot based on a 10 year annual return interval.

Wider stormwater network management comprised the installation of cut off drains installed at the southern boundary of Lot 19 and Lots 10, 14, 17 and 18. Roadside swales on Coombe Hay Lane will collect stormwater runoff from pervious areas and impervious areas on each lot (driveways), and discharge from the detention tanks on each lot.

The existing 450mm diameter culvert located at the junction of Coombe Hay Lane would continue to receive predevelopment flow rates, then discharge from the escarpment and into the existing stormwater flow path and drainage system at Toko Mouth Domain.

An upgrade of an existing 225mm diameter culvert located under Coast Road for stormwater flows from the farm catchment and Lot 13.

100yr ARI stormwater flows would flow over secondary flow paths. The Wai360 report does not identify any of these being where buildings are likely to be located on the lots. Council Officers have not raised any issues with this.

As I have canvassed above, the Applicant has proposed an alternative stormwater management which formed the focus of a reconvened hearing, being the 'option 2 – no detention system' proposed by Mr Shah. The alternative does not comprise any site retention (other than domestic water supply) which involves stormwater from roads and from impervious areas (not collected for rainwater) on residential lots discharging to road stormwater network.

Option 2 comprises upgrades to the existing stormwater infrastructure located on Council land on the escarpment and lower slopes adjoining existing sections of Coombe Hay Lane, Toko Mouth Domain Road. These upgrades include an energy dissipation pond and Rip-Rap armoured swale for stormwater discharging to Rocky Valley Creek.

Council Officer's support option 2 over the former design.

The Applicant is commended for exploring alternative designs. I concur that the alternative is appropriate in favour of the original design, and the detailed design can be confirmed as part of the subdivision development. I note that the upgrades to the existing stormwater network comprising rock armouring and an enlarged stormwater dissipation area could occur as a matter of course in terms of the Council's maintenance of the existing stormwater system. In this context I consider the amendments to be within scope and not unreasonable anticipated as part of the development proposal.

I have also had regard to the submission from Te Rūnanga o Ōtākou who have raised concern with the Concerns with stormwater, in particular the pre and post development peak site runoff flow projections provided in Table 6.0 of the Onsite Wastewater Feasibility Assessment and Stormwater Management Plan. I note that no evidence was presented which supported their position.

For these reasons, I find that stormwater can be appropriately managed and the effects on the environment will be minor.

### Wastewater

Mr Shah in his Wai360 report submitted with the application provided confirmation, supported by exploratory test pits and assessment, that each lot is capable of an onsite wastewater treatment and disposal system, noting that a site specific design will be required for each lot at the time of construction and based on the nature and scale of each residential development.

I note the submission from Te Rūnanga o Ōtākou which identified the potential for adverse effects on the coastal environment which can arise from the installation of 18 individual onsite wastewater systems, and that there is insufficient information provided in the application to enable Te Rūnanga o Ōtākou to fully assess the potential impacts of onsite wastewater management for each lot and the subdivision on the coastal environment.

I acknowledge Te Rūnanga's concerns with the cumulative effects associated from a proliferation of

individual on site wastewater systems in a concentrated area near the coastal environment. However, their assertions were not further elaborated upon by way of evidence.

Mr Barr and Ms Peters both confirmed that the activity would be able to comply with Otago Regional Plan Rule 12.A.1.4 which manages the discharge of human sewage through on site wastewater systems. Therefore, I do not agree that there can be a cumulative effect. If there pre-existing on site wastewater systems at Toko Mouth which are not operating effectively, and that is not a matter able to be addressed through this resource consent.

I also note that the Applicant volunteers that the treatment systems are designed and installed to achieve secondary treatment.

For these reasons, both individually and collectively, I consider that adverse effects from on site wastewater will be minor.

### Other Effects

Other matters pertaining to soil and productive land, indigenous biodiversity, natural Hazards, earthworks and utilities were addressed in the application documents, Ms Peter's evidence and Mr Barr's s42A report and effects in relation to these matters were addressed with the summary for each that adverse effects would be minor. I adopt these findings and concur that the effects will be minor, subject to any relevant condition of consent being imposed.

### Objectives and Policies Framework

The relevant objectives and policies are in the Clutha District Plan, and a comprehensive assessment of these is in Mr Barr's s42A report<sup>3</sup>. Mr Barr concludes that the amenity values of the rural environment will be maintained and the identified important elements of the environment have been carefully considered as part of the subdivision design and mitigation strategy. This is particularly so despite the future buildings on the new 18 residential lots not achieving a separation of 200m. The activity will achieve Objective RRA.5 of the District Plan.

The activity is also considered to implement, and be consistent with Policy COA.1 because the Site is at the boundary of the coastal environment and will not adversely affect the natural character values, outstanding natural features or landscapes of the coastal environment, the amenity values of the coast, safety or the use and enjoyment of the coast by the public.

The activity will also be consistent with Policy COA.08 The activity is located adjacent to an existing rural settlement resource area identified in the District Plan. The activity comprises an expansion of this area and in the context of Toko Mouth is of a large scale, although I do not consider the activity to be intensive in the context of it constituting urban development.

The activity finds support in Objective SUB.1 which is to provide a flexible approach to both urban and rural subdivision and development that allows, in the majority of circumstances, the market to dictate allotment size, while ensuring adverse effects are avoided, remedied or mitigated. I find that that the activity can leverage from the enabling aspects of Objective SUB.1 while appropriately managing adverse effects on the environment.

---

<sup>3</sup> S42A Report of Craig Barr dated 22 January 2024 at [176].

The activity is consistent with the objectives and policies of the District Plan.

#### Higher Order Planning Documents

The only relevant higher order document relevant to this activity is the New Zealand Coastal Policy Statement (**NZCPS**). Mr Moore has addressed this in his landscape assessment appended to the application<sup>4</sup>, and as noted above Mr Barr has also considered this document. The NZCPS is also identified by the District Plan to be given effect to through District Plan Policy COA.08 and other Coastal Resource Area objective and policies. Those assessments consider the activity to be consistent with the Coastal Policy Statement because the development would be located on an escarpment that at the boundary of the coastal environment beyond the existing Toko Mouth settlement and the site is not sensitive from a coastal environment natural processes perspective and I adopt those findings see no need to repeat those policies or their assessment. The activity does not impact any outstanding natural feature or landscape and will avoid significant adverse effects and will avoid remedy or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment as required by Policy 15 of the NZCPS.

#### Section 104(3)(D)

This application was not publicly notified but has been processed on a limited notified basis. As required by section 104(3)D of the RMA, I have also had regard to whether the application should have been notified and was not. If this were the case I would not be able to grant the consent but refer the matter of public notification back to the Council. There have not been any submissions received by persons who were not served notice of the application, and no information has come to hand which indicates that the application should have been notified. There is no reason to decline the resource consent on this basis.

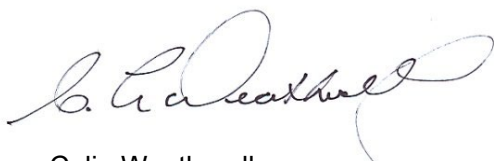
### **7 PART 2 MATTERS**

I do not consider it necessary to traverse Part 2 matters in great depth, this is because the Clutha District Plan is considered the most relevant and complete planning document for the purposes of this activity. I also note that Mr Barr has addressed these in this s42A report<sup>5</sup>, and those findings are adopted.

### **8 SECTION 104B DETERMINATION**

I have found from the above assessment of the proposal that the effects on the environment of the proposal are acceptable, and that the proposal will be consistent with the relevant District Plan objectives and policies, subject to compliance with conditions of consent.

I am therefore satisfied that the proposal can be granted consent, pursuant to sections 104, 104B and 108 of the RMA, subject to the Conditions in Appendix 1.



Colin Weatherall

---

<sup>4</sup> Mike Moore Landscape Architect 'Proposed Subdivision, Toko Developments Ltd, Toko Mouth. Natural Character and Landscape Effects Assessment' dated 17 June 2021 at Page 17.

<sup>5</sup> S42A Report of Craig Barr dated 22 January 2024 at [197].

Hearings Commissioner  
15 May 2024

## Appendix 1 Conditions

### General

1. The activity must be undertaken in general accordance with the approved plans attached to this consent, and the information provided with the resource consent application and further information received by the Council and entered into its file as RM2893, except where modified by the following conditions.
  - *Subdivision Plan: Proposed Subdivision of Lot 9 DP 516455 & Lot 3 DP 512557 dated 14 March 2024, sheet 1. Ref: Davies P67.*
  - *Stormwater Management Plans prepared by Wai 360 forming Appendix A of 'Option 2 Stormwater Management Plan With No Detention System. Project Number: W000002, dated 11 March 21024. Comprising:*
    - *Sheet C400 – Stormwater Layout Plan*
    - *Sheet C410 Energy dissipation pond, layout plan & details*
    - *Sheet C421 Details*
    - *Sheet C421 Standard Details*
  - Landscape escarpment setback: Figure 1 of the Mike Moore Landscape Architect Landscape Figures

*Advice Note:* Figure 1 contains a subdivision scheme which is superseded. The purpose of Figure 1 is to identify the escarpment setback.

2. All electricity and telecommunications services shall be located below ground.

### Accidental Discovery

3. During any earthworks associated with this resource consent. if any artefact and/or historical, cultural, or archaeological material of Māori origin or likely to have significance to Māori is found or uncovered during undertaking work authorised by this resource consent, the following must be complied with:
  - a) Work shall cease immediately; the area secured, and any uncovered material must remain untouched;
  - b) Advice of the discovery must be given within 24 hours of the discovery to the Group Manager Planning and Regulatory, Clutha District Council and Heritage New Zealand (Pouhere Taonga); and
  - c) No work shall recommence until:
    - i) Three working days have elapsed since the advice has been given or earlier if agreement has been reached with Iwi and Clutha District Council; and
    - ii) An Authority has been issued by Heritage New Zealand if the find involves an archaeological site.
4. While undertaking earthworks approved by this land use consent, the consent holder must ensure that:
  - a) All practicable measures are used to prevent erosion and to control and contain sediment-laden stormwater run-off from the site and the roading network during any stages of site disturbance associated with subdivision works. The consent holder shall supply the Council with a copy of any Regional Council resource consent required for the residential subdivision development.
  - b) Construction activity on the sites must not exceed the following hours typical duration construction noise limits below.

<b>Time of Week</b>	<b>Time Period</b>
Weekdays	0730-1800
Saturdays	0800-1800
Sundays and public holidays	No Works allowed

## **Staging**

5. This subdivision may be staged. For the purposes of issuing approvals under sections 223 and 224(c) of the Resource Management Act 1991, the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed. This consent may be progressed in any order and all stages may be combined, providing all necessary subdivision works (such as servicing, provision of formed legal access and other works required to satisfy conditions of this consent), are completed for each stage, prior to certification being issued as necessary under sections 223 and 224(c) of the Resource Management Act 1991. Any balance lots created shall either be serviced to Council's standards or held together in one title with a serviced lot.

### **Section 223 Certification**

*The following condition of consent must be complied with to Council's satisfaction before a certificate is issued under section 223 of the Resource Management Act 1991.*

6. The consent holder shall ensure all necessary Easements and Easements in Gross for Utility Services, Access and Private Drainage for this subdivision and easements to be cancelled shall be shown on the cadastral dataset and that the cadastral dataset shall include a Memorandum of Easements. The costs of the preparation and registration must be met by the consent holder.

### **Section 224(c) Certification**

7. *The following conditions of consent must be complied with to Council's satisfaction before a certificate is issued under section 224(c) of the Resource Management Act 1991 (unless otherwise stated as a consent notice condition).*

## **Engineering Review and Acceptance**

8. Prior to any works, the consent holder shall obtain 'Engineering Review and Acceptance' from the Council for development works to be undertaken and information requirements specified in conditions [9 to 11] below. The application shall include all development items listed below unless a 'partial' review approach has been approved by Council. The 'Engineering Review and Acceptance' application(s) shall include copies of all specifications, calculations, design plans and relevant design certificates as is considered by Council to be both necessary and adequate, to detail the following requirements:

[Note: At Council's discretion, specific designs may be subject to a Peer Review, organised by the Council at the applicant's cost.]

## **Roading and Accesses**

9. Roding design showing all proposed construction details for the new road to vest, new intersection to Coast Road, and upgrade of the existing road formation between Toko Mouth Domain Road and the development site, shall be submitted to and approved by the Council prior to construction. The roading design shall be in general accordance with the Modal Consulting Report, except as amended as follows:



## Formation of Roads

### Roads to vest (including the upgrade of the existing Coombe Hay Lane ROW):

- a) Minimum formed width of 5.7m and sealed formation or,
- b) Sealing of the road may be deferred a period of time no later than three years from the date of certification pursuant to section 224(c) of the Resource Management Act 1991, subject to the imposition of a financial bond. To meet the bond requirement, either:
  - I. The bond shall be guaranteed by a guarantor acceptable to the Clutha District Council who shall be bound to pay for the carrying out of any works required to meet requirements of Condition 9(a) in the event of any default by the consent holder, or
  - II. The consent holder shall provide the Clutha District Council with such security as is acceptable to the Clutha District Council for the performance of any works required to meet the requirements of Condition 9(a) in the event of any default by the consent holder.

Advice Note: The bond amount shall be a sum agreed upon by the Consent Holder and the Clutha District Council at the time it is enacted.

- c) Provision of minimum Safe Stopping Distances at the proposed intersection in accordance with the ARRB Unsealed Roads Best Practice Guide.
- d) The roads shall have a metal shoulder or flush kerb (kerb and channel is optional).

### Formation of Rights of Way

- e) The ROW shall be constructed to an all weather metalled surface in accordance with NZS4404-2010 Clause 3.3.16 Private ways, private road, and other private accesses.

### Consent Notice Condition

- f) Driveways shall have an informal rural character with gravel surface and soft edges (i.e. no kerbs). Monumental gates and driveway lighting are not permitted.

## Electricity Supply

10. The Consent holder shall provide confirmation of electricity supply to the boundary of Lots 1-18 inclusive.

## Stormwater

Prior to S224C

11. Stormwater shall be designed and undertaken in general accordance with the Wai360 Report '*Toko Farms Limited – Toko Mouth Residential Subdivision Development (TMRSD) – Option 2 Stormwater Management Plan with No Detention System*' dated 11 March 2024, Ref: RP-24-03-11\_ZS\_W000002.Docx.

## Landscape Mitigation

12. A landscaping plan with the species and density of plantings, and any irrigation or maintenance methods shall be submitted for approval. The planting plan shall be in general accordance with the Mike Moore Natural Character and Landscape Assessment

(date 17 June 2021) as identified in Appendix A: Road Boundary Planting Strip, and Appendix B: Escarpment Boundary Planting Strip to those lots as identified in Appendix 4b/Figure 1 of the Mike Moore Report, approved as part of the consent documentation.

Prior to section 224c

13. For Lots 1-3 and 8-13, landscape plantings shall be undertaken over the area identified as the 5m screen planting 'Escarpment Boundary Planting Strip' identified in Figure 1 of Mike Moore's Landscape Figures stamped as part of the approved consent documentation. The planting shall be undertaken as prescribed in Appendix B of the Mike Moore Landscapes Natural Character and Landscape Effects Assessment, stamped as approved as part of the consent documentation.

Consent Notice Condition:

14. For Lots 1-15 and 18 (i.e all lots except Lots 16 & 17), at a time no later than the occupation of dwellings and/or the time of obtaining a code of compliance certificate for any buildings, the owner at the time shall undertake landscape plantings within the 3m wide road or right of way frontage areas as identified in in Figure 1 of Mike Moore's Landscape Figures stamped as part of the approved consent documentation. The planting shall be undertaken as prescribed in Appendix A of the Mike Moore Landscapes Natural Character and Landscape Effects Assessment, stamped as approved as part of the consent documentation.
15. Any landscaping installed as part of the requirements of resource consent RM2983 comprising roadside or right of way planting and/or escarpment boundary plantings shall be maintained at a density on each lot of 80%. As necessary, plantings shall be replaced with similar species to maintain a planting coverage of 80%.

### **Contaminated Land Remediation**

Prior to section 224c

16. A remedial action plan and contaminated land management plan shall be submitted to Council for approval. Contaminated Land Remediation shall be undertaken in general accordance with the findings and recommendations of the EC Otago Ltd reports titled:
  - a) 'Site Remedial Action Plan – Coombe Hay Lane Toko Mouth for Toko Developments Ltd – March 2022'; and
  - b) 'Contaminated Soil Management Plan, Coombe Hay Lane Toko Mouth for Toko Development Limited – March 2022'.

Consent Notice Condition

17. In the event the land remediation includes the retention of contaminated material on any lot, including Lot 19, a consent notice shall be registered on the records of title for the affected lots identifying the presence of contaminated material and any land management practices including the observance of any contaminated land management plan.

The final wording of the consent notice instrument shall be checked and approved by the Council's solicitors at the consent holder's expense prior to registration to ensure that all of the Council's interests and liabilities are adequately protected.

### **Fire Fighting Water Supply**

Prior to section 224c

18. The consent holder shall install a communal fire fighting static supply to serve all lots, except Lot 13, comprising not less than two 25,000l water tanks with appropriate fire fighting connections and hard stand area which will meet the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or subsequent amendments), as identified in the two separate locations on the approved plan of subdivision.
19. The water tanks shall be a dark green or grey colour.
20. The consent holder shall install landscaping comprising a 3m planting strip established adjacent to the water tanks as identified on the approved plan of subdivision, and shall consist of plantings as prescribed in Appendix A of the Mike Moore Landscapes Natural Character and Landscape Effects Assessment, stamped as approved as part of the consent documentation.
21. The consent holder shall establish a suitable management organisation which shall be responsible for implementing and maintaining the on-going maintenance of the communal fire-fighting supply, including ensuring a static supply is maintained at all times.

#### Consent Notice Condition

22. A consent notice shall be registered on Lot 4 and Lot 19 identifying the ongoing protection and maintenance of the communal fire fighting supply and landscape planting.
23. For Lot 13 and any other lot which is not served by the communal fire-fighting supply, the owner at the time of construction of a residential dwelling shall install a static fire fighting supply on site. The fire fighting requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or subsequent amendments) including access to tanks must be complied with.

#### Wastewater

##### Consent Notice Conditions Lots 1-18

24. On-site wastewater shall be designed to achieve secondary treatment. At the time of development any wastewater design shall observe the findings of the Wai360 onsite wastewater feasibility assessment, dated 6 May 2022, entered into Council records as part of the approved consent documentation for RM2893.

#### Building Design and Location

##### Consent Notice Conditions Lots 1-18

25. The following condition shall be registered on the record of title for Lots 1-18:
  - a) On Lots 1-18 all buildings shall be single story and a maximum of 5m height above existing ground level.
  - b) All buildings shall be located the minimum distance from the following features as follows:

##### Setback from Roads

- I. 10m, except Lots 3 and 7 shall be 5m.

##### Setback from Rights of Way

- II. 5m.

#### Setbacks from internal boundaries

- III. 5m, except Lots 8, 9 and 10 shall be 3m.

#### Building Platforms

- IV. Lots 12 and 13 – buildings shall be located within the building platform areas identified on the plan of subdivision.

#### Setback from Escarpment

- V. Lots 1, 2, 3, 8, 9, 10 and 11: buildings shall be located a minimum 15m from the edge of the escarpment, the escarpment setback is identified as the red dashed line on Figure 1 of the Mike Moore Landscape Architect Landscape Figures stamped as part of the approved consent documentation.

Advice Note: Figure 1 contains a subdivision scheme which is superseded. The purpose of Figure 1 is to identify the escarpment setback.

#### Building colours and materials

- VI. All buildings are to be finished in either naturally weathered timber or locally appropriate stone, or in colours that have low levels of contrast with the colours of its rural landscape setting. Painted surfaces will have light reflectivity ratings of no more than 25%.
- VII. Water tanks will be sited, and / or buried and / or screened (by planting), and coloured to match the building colours, to have minimal visual impact from beyond the property.

#### Boundary fencing

- VIII. Fencing is to be confined to standard rural post and wire construction. Solid panel or timber paling boundary fencing is not permitted. Where boundary definition is required, planting rather than fencing is promoted.

### **Solar Panels**

#### Consent Notice Conditions Lots 1-18

26. Solar Panels are permitted to be installed, subject to the following:
  - I. Solar panels shall be designed to minimise glare and visual prominence;
  - II. Solar Panels shall be located on roofs and shall be no higher than 400mm above the 5m height limit for buildings.

### **Financial Contributions**

27. The consent holder shall pay a financial contribution pursuant to the rule FIN.7(e) for Lots 1 to 18 inclusive of \$560.00 per Lot. The Reserves Contribution of \$10,080.00 shall be paid at the time the section 224(c) certificate is to be issued.

#### **Financial Contribution Advice Notes**

- The consent holder shall make a written request to the Manager Regulatory and Planning requesting that an Invoice be created for the payment of the Reserves Contribution.

- The consent holder shall email the Manager Planning and Regulatory [planning@cluthadc.govt.nz](mailto:planning@cluthadc.govt.nz) advising when the Reserves Contributions has been paid to Council using the resource consent number RM2893 as the reference and advising which condition the confirmation relates to.

### **General Advice Notes**

- Pursuant to section 36 of the Resource Management Act 1991 and Clutha District Council's Fees and Charges Schedule, the consent holder shall be responsible for all costs associated with the monitoring of this consent in accordance with the schedule.
- This resource consent does not authorise any building work. The consent holder could be required to apply for a Building Consent under the Building Act 2004 to authorise some of the works that are required to be complied with under this resource consent. It is recommended that the consent holder seeks professional advice on what works will require Building Consent.
- As at time of building consent, the consent holder shall apply for a Rural Address Identification Numbers or RAPID Numbers with Council's ICT Team, GIS Officer. The consent holder is to provide written confirmation by emailing the Group Manager Regulatory and Planning by emailing [planning@cluthadc.govt.nz](mailto:planning@cluthadc.govt.nz) advising what the RAPID numbers are that has been allocated to the sites that the residential dwelling will be constructed on.
- The activity will require a resource consent under the Otago Regional Plan Water for Otago Rule 14.5.2.1 associated with earthworks for residential activity.
- Construction traffic is encouraged to access the Site via Coast Road and avoid heavy vehicles on Toko Mouth Road.



**CLUTHA DISTRICT COUNCIL**

Consent No. RM2893

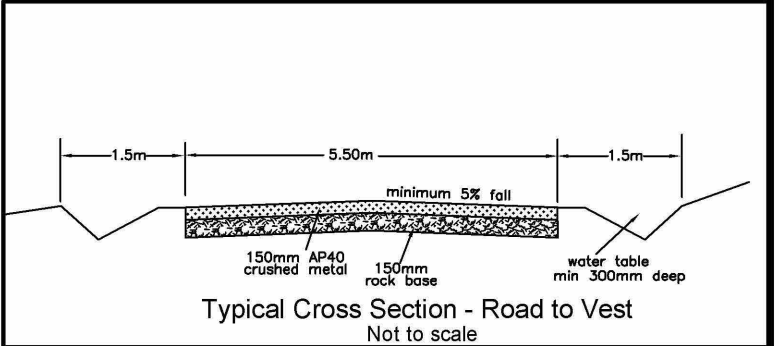
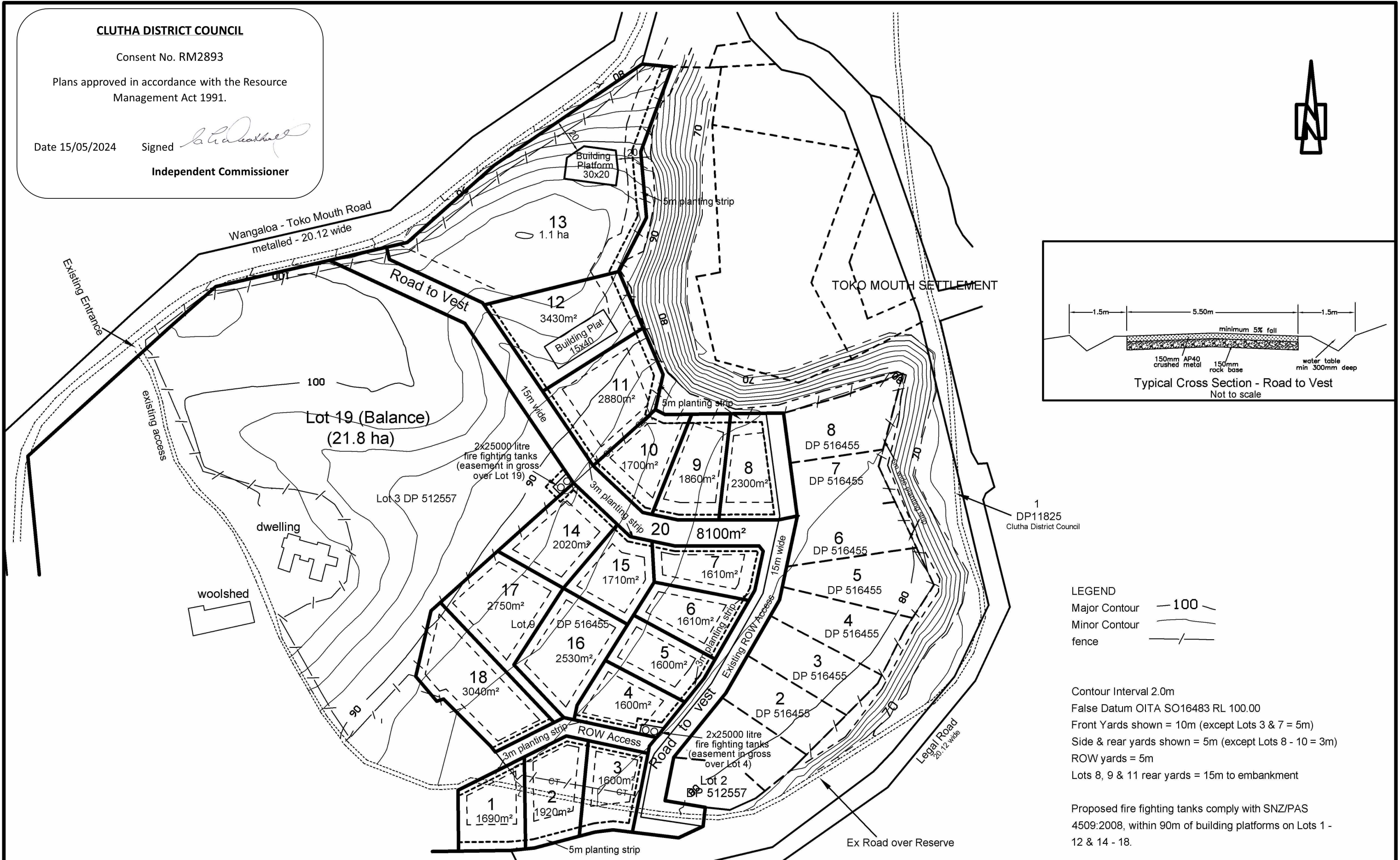
Plans approved in accordance with the Resource Management Act 1991.

Date 15/05/2024

Signed



Independent Commissioner



**LEGEND**  
 Major Contour — 100 —  
 Minor Contour — —  
 fence — / —

Contour Interval 2.0m  
 False Datum OITA SO16483 RL 100.00  
 Front Yards shown = 10m (except Lots 3 & 7 = 5m)  
 Side & rear yards shown = 5m (except Lots 8 - 10 = 3m)  
 ROW yards = 5m  
 Lots 8, 9 & 11 rear yards = 15m to embankment

Proposed fire fighting tanks comply with SNZ/PAS 4509:2008, within 90m of building platforms on Lots 1 - 12 & 14 - 18.

**CRAIG HORNE**

Registered Surveyor

5 MAIN SOUTH ROAD EAST TAIERI  
 P.O. BOX 56 MOSGIEL

PH (03) 4847008  
 FAX (03) 4847009

**Proposed Subdivision of  
 Lot 9 DP 516455 & Lot 3 DP 512557**

Ref: Davies P67

SHEET  
**1**  
 OF

Drawn CH	Checked	A3 SCALE
Traced	14 March 2023	1:2000

**CLUTHA DISTRICT COUNCIL**

Consent No. RM2893

Plans approved in accordance with the Resource  
Management Act 1991.

Date 15/05/2024

Signed



**Independent Commissioner**



# Appendix A

**Wai360 Drawings**

**Sheet C400**

Stormwater Layout Plan

**Sheet C410**

ENERGY DISSIPATION POND, LAYOUT PLAN & DETAILS

**Sheet C421**

Details

**Sheet C421**

Standard Details



**CLUTHA DISTRICT COUNCIL**  
 Consent No. RM2893  
 Plans approved in accordance with the Resource Management Act 1991.

Date 15/05/2024 Signed *[Signature]*  
 Independent Commissioner

**NOTES:**

- SWALE DRAIN # 1
- SWALE DRAIN # 2
- SWALE DRAIN # 3
- CUT-OFF DRAIN 1
- CONTOUR DISPERSAL SWALE
- EXISTING DRAIN
- EXISTING PARCELS
- PROPOSED PARCELS

Refer to Sheet C420 for Swale Details



18 Hula St, Saint Leonards, Dunedin Phone: 0212600157  
 Email: zaaid@wai360.co.nz Web: www.wai360.co.nz



CLIENT:  
**TOKO FARMS LIMITED**

PROJECT TITLE:  
**TOKOMOUTH PROPOSED SUBDIVISION OF LOT 9 DP 516455 & LOT 3 DP 512557**

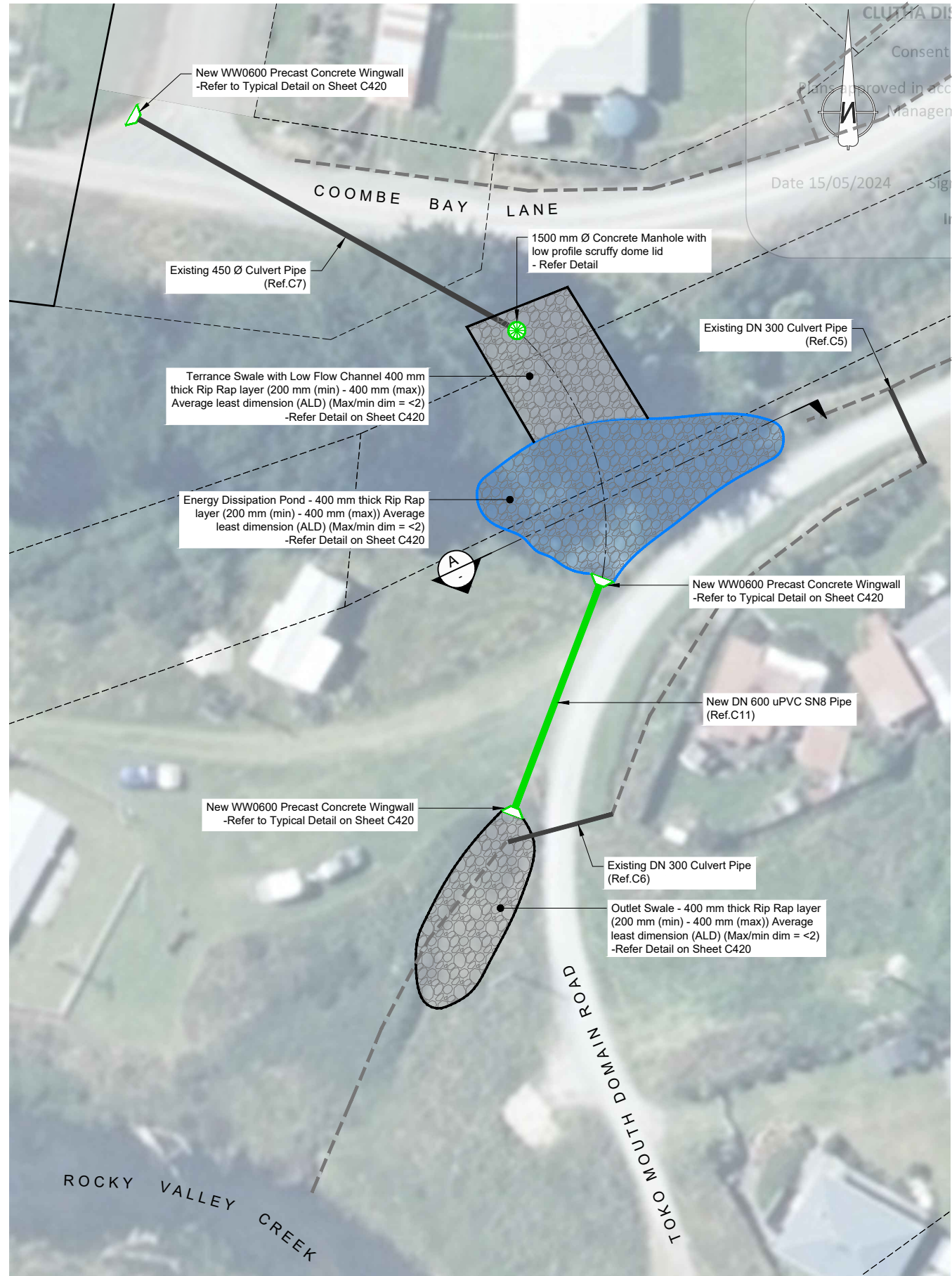
SHEET TITLE:  
**STORMWATER LAYOUT PLAN**

No.	REVISION:	APPROVED BY:	DRAWN BY:	DATE:
A	For Consent	Z.S	J.P	11/03/2024

JOB NUMBER: W000002	
A1 SCALE: 1:1500 m	A3 SCALE: 1:3000 m
REV: A	SHEET No: C400

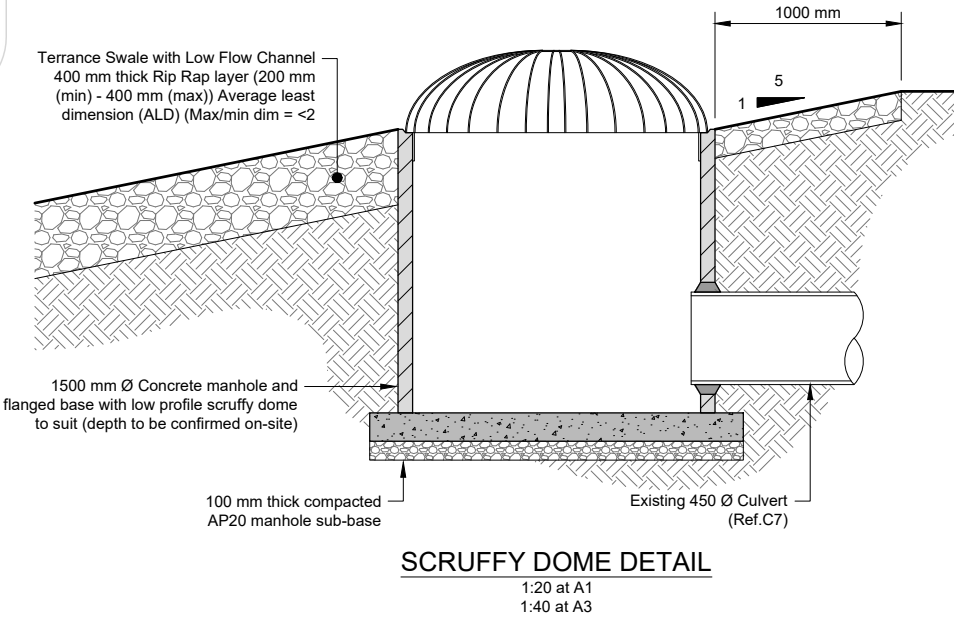
The information, data and drawings contained within this document is property of Wai360 Ltd. Contents of this document is confidential and intended for the recipient specified only and shall not be reproduced in whole or part, without prior written consent of Wai360 Ltd



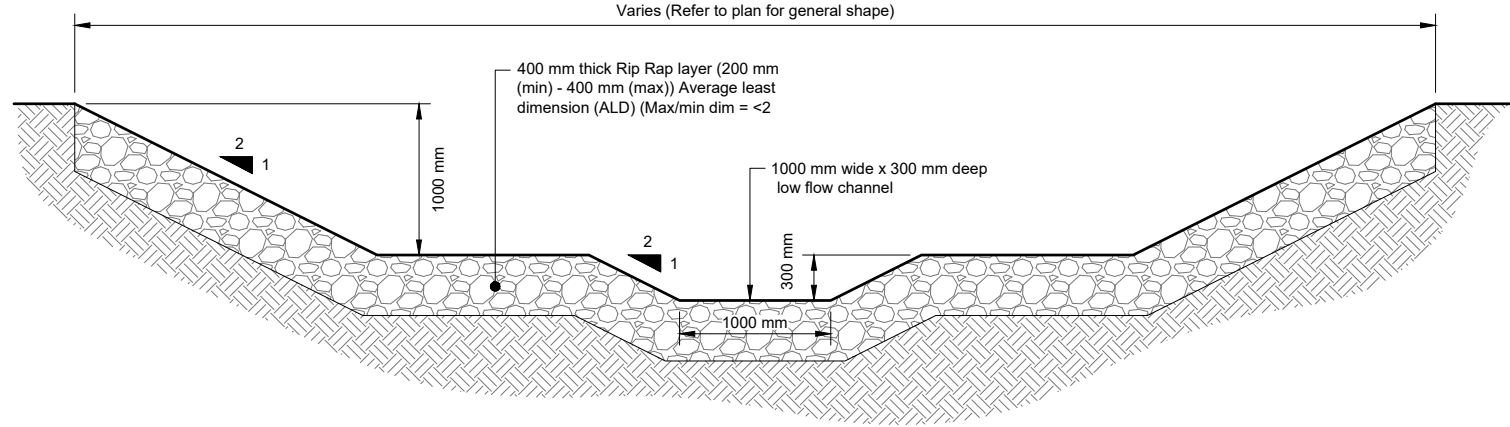


**1**  
C400  
**DISCHARGE POND PLAN**  
1:250 at A1  
1:500 at A3

CLUTHA DISTRICT COUNCIL  
Consent No. RM2893  
Plan approved in accordance with the Resource Management Act 1991.  
Date 15/05/2024  
Signed *[Signature]*  
Independent Commissioner



**SCRUFFY DOME DETAIL**  
1:20 at A1  
1:40 at A3



**A**  
**TYPICAL ENERGY DISSIPATION POND CROSS-SECTION**  
1:25 at A1  
1:50 at A3

18 Hula St, Saint Leonards, Dunedin Phone: 0212690157  
Email: zaaid@wai360.co.nz Web: www.wai360.co.nz



CLIENT:  
**TOKO FARMS LIMITED**

PROJECT TITLE:  
**TOKOMOUTH PROPOSED  
SUBDIVISION OF LOT 9 DP  
516455 & LOT 3 DP 512557**

SHEET TITLE:  
**ENERGY DISSIPATION POND  
LAYOUT PLAN & DETAILS**

No.	REVISION:	APPROVED BY:	DRAWN BY:	DATE:
A	For Consent	Z.S	J.P	11/03/2024

JOB NUMBER: W000002	
A1 SCALE: Varies	A3 SCALE: Varies
REV: A	SHEET No: C410

The information, data and drawings contained within this document is property of Wai360 Ltd. Contents of this document is confidential and intended for the recipient specified only and shall not be reproduced in whole or part, without prior written consent of Wai360 Ltd

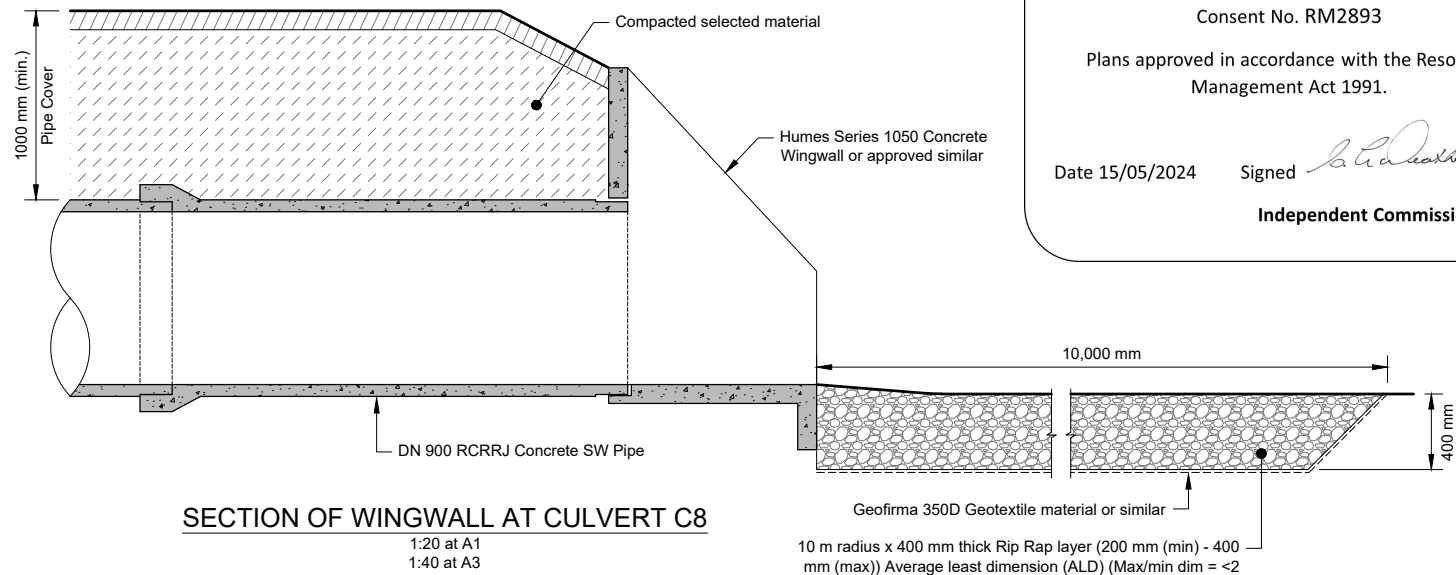
**CLUTHA DISTRICT COUNCIL**

Consent No. RM2893

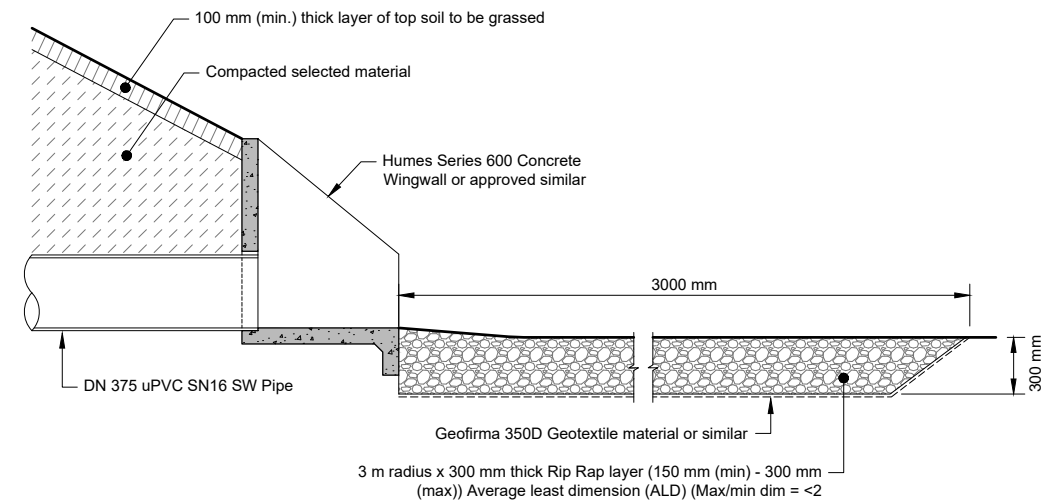
Plans approved in accordance with the Resource Management Act 1991.

Date 15/05/2024

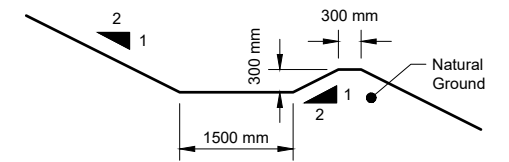
Signed *[Signature]*  
Independent Commissioner



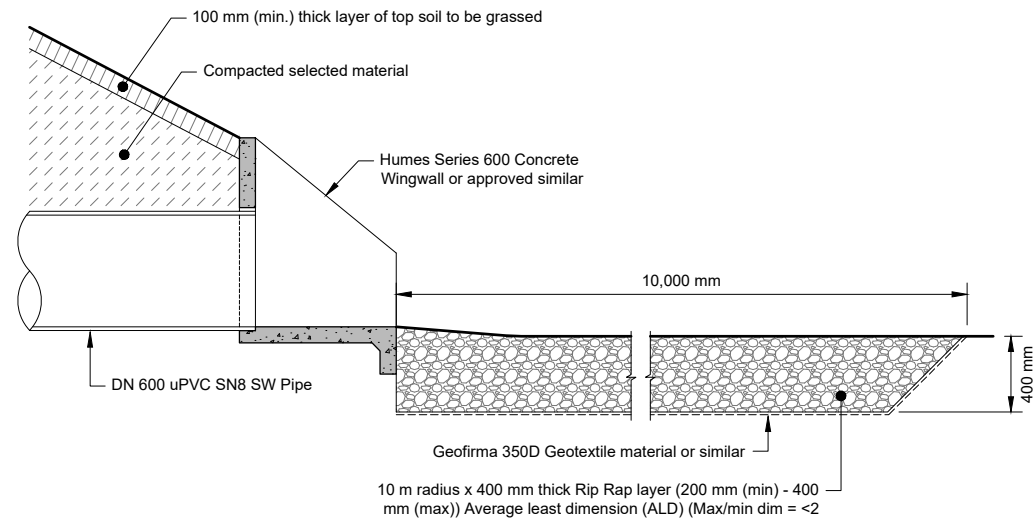
**SECTION OF WINGWALL AT CULVERT C8**  
1:20 at A1  
1:40 at A3



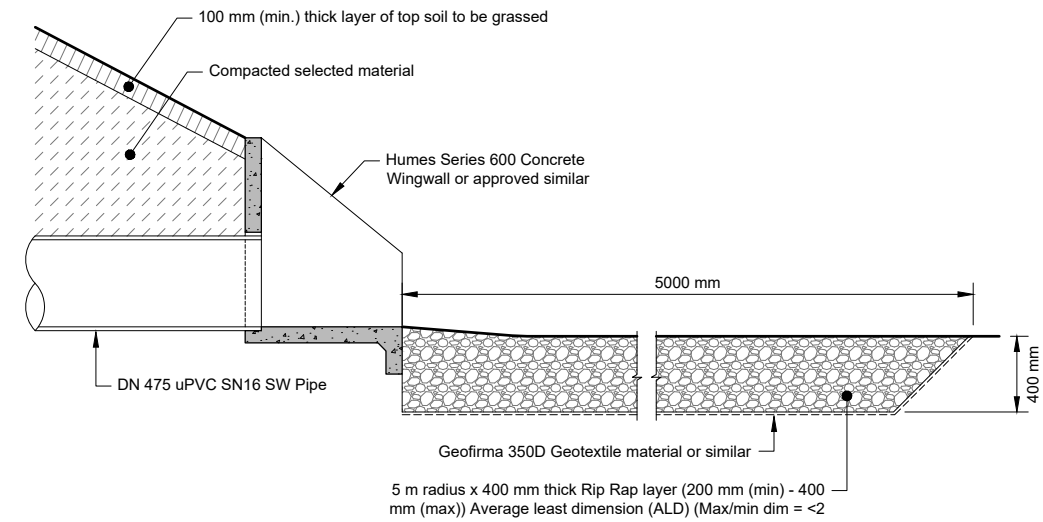
**SECTION OF WINGWALL AT CULVERT C9 & C12**  
1:20 at A1  
1:40 at A3



**CONTOUR DISPERSL SWALE SECTION**  
1:50 at A1  
1:100 at A3

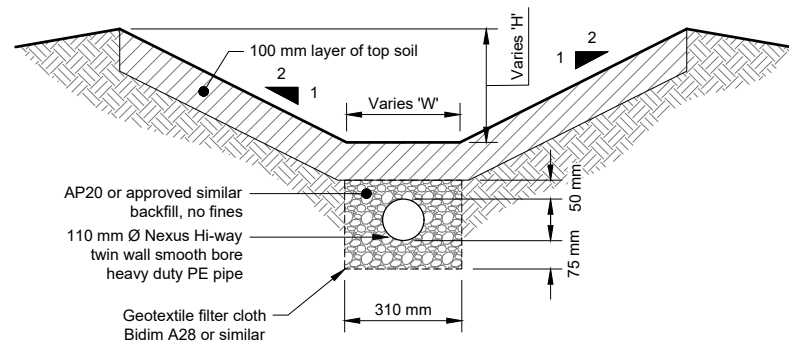


**SECTION OF WINGWALL AT CULVERT C11**  
1:20 at A1  
1:40 at A3

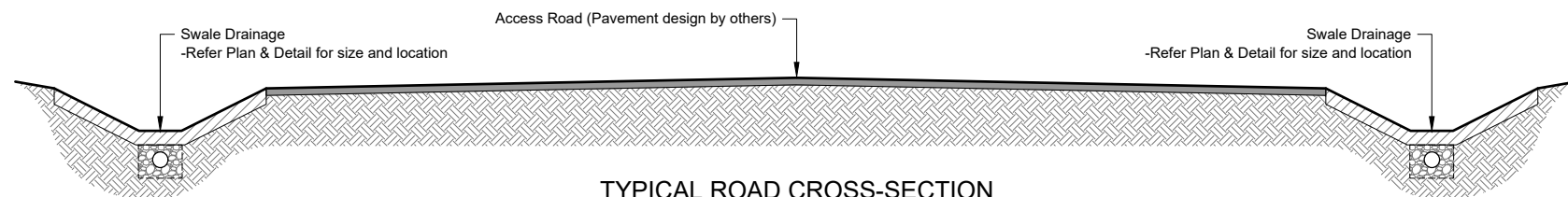


**SECTION OF WINGWALL AT CULVERT C10**  
1:20 at A1  
1:40 at A3

SWALE DRAIN SIZING TABLE		
SWALE No.	'W' BASE WIDTH (mm)	'H' BASE HEIGHT (mm)
SWALE DRAIN #1	300	300
SWALE DRAIN #2	500	300
SWALE DRAIN #3 & CUT-OFF DRAIN 1	500	1000



**TYPICAL SECTION OF SWALE**  
1:10 at A1  
1:20 at A3



**TYPICAL ROAD CROSS-SECTION**  
1:25 at A1  
1:50 at A3

No.	REVISION:	APPROVED BY:	DRAWN BY:	DATE:
A	For Consent	Z.S	J.P	11/03/2024

JOB NUMBER: W000002	
A1 SCALE: Varies	A3 SCALE: Varies
REV: A	SHEET No: C420

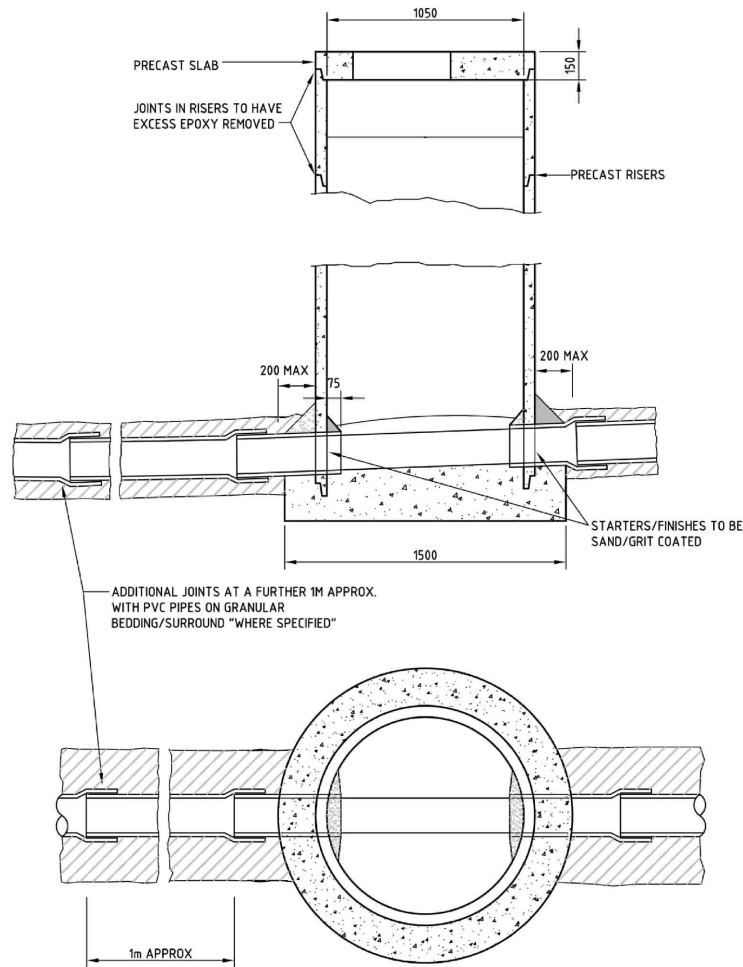




Water and Waste Services



SUBDIVISION AND DEVELOPMENT CODE - APPENDIX A1



APPLICABLE FOR SW & WW

BASED ON DRAWING F744

PRECAST MANHOLE FOR uPVC PIPES  
GRANULAR BEDDING AND SURROUND

REV A MAY 2009

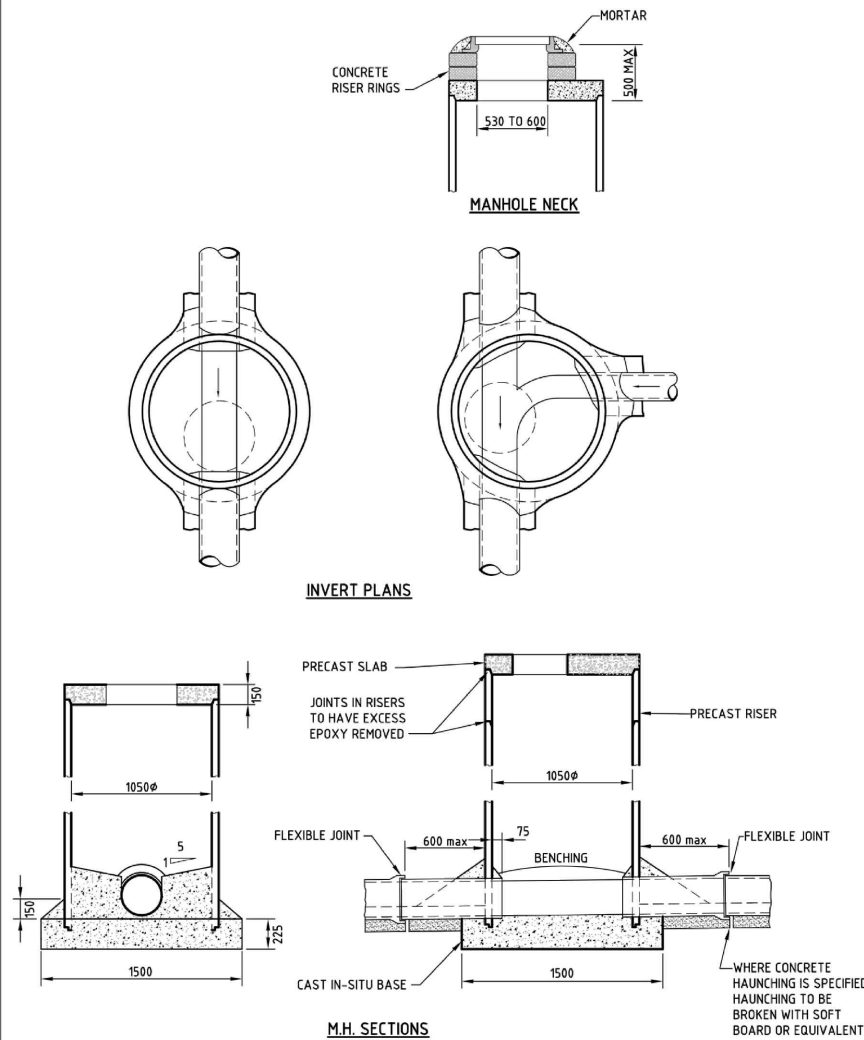
Drawing No. 10329

S:\CAD\CLIENT\DC\STANDARD DETAILS\WATER & WASTE SERVICES

Water and Waste Services



SUBDIVISION AND DEVELOPMENT CODE - APPENDIX A1



APPLICABLE FOR SW & WW

BASED ON DRAWING F589

PRECAST MANHOLES  
WITH APPROVED COVER AND FRAME

REV A MAY 2009

Drawing No. 10330

S:\CAD\CLIENT\DC\STANDARD DETAILS\WATER & WASTE SERVICES

Water and Waste Services

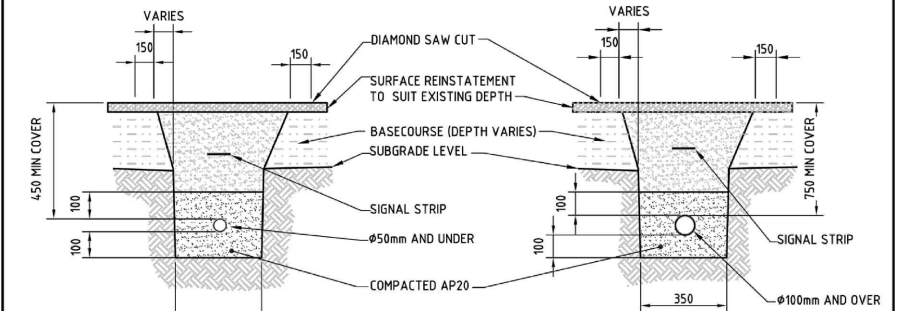


SUBDIVISION AND DEVELOPMENT CODE - APPENDIX A1

TRENCH DIMENSIONS FOR WATERMANS AND RIDERMANS			
PIPE DIAMETER	MINIMUM WIDTH	MINIMUM COVER UNDER CARRIAGEWAYS	MINIMUM COVER UNDER GRASS BERMS/FOOTPATHS
15-50mm	350	600	450
100-150mm	450	750	600
150-200mm	550	750	600

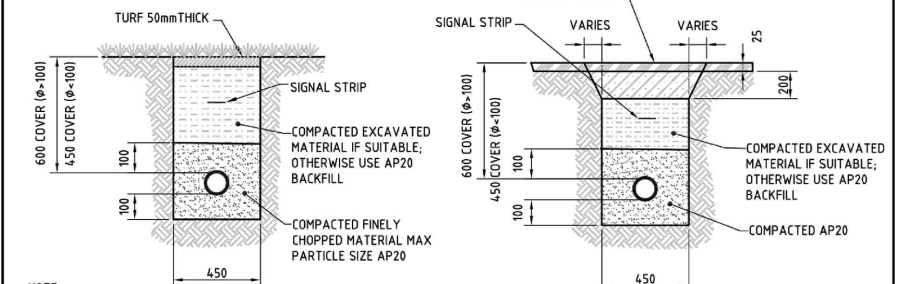
NOTE:  
COVER OVER SERVICE PIPES VARIES FROM 750mm AT THE MAIN TO 300mm AT THE STOPCOCK. ALL DIMENSIONS IN MILLIMETRES.

BEDDING, BACKFILLING AND SURFACE REINSTATEMENT



SEALED CARRIAGEWAYS AND FOOTPATHS  
(RIDERMAN)

SEALED CARRIAGEWAYS



UNSEALED ROAD

NOTE:  
CUT TURF 50mm THICK FILL TRENCH TO TOP WITH COMPACTED MATERIAL. LAY TURF ON TOP OF TRENCH AND ROLL AND WATER UNTIL A LEVEL GROUND SURFACE IS ACHIEVED.

MOWN VERGES

NOTE:  
ALL uPVC AND POLYETHYLENE (PE) PIPES ARE TO BE SPIRALLY WOUND WITH LIVESTRAND ELECTRIC FENCING TAPE TIED TO METAL VALVES OR FITTINGS AT ENDS.

APPLICABLE FOR WATERMANS

BASED ON DRAWING F2000

BEDDING, BACKFILL AND SURFACE REINSTATEMENT

REV A MAY 2009

Drawing No. 10334

S:\CAD\CLIENT\DC\STANDARD DETAILS\WATER & WASTE SERVICES

No.	REVISION:	APPROVED BY:	DRAWN BY:	DATE:
A	For Consent	Z.S	J.P	11/03/2024

JOB NUMBER:	
W000002	
A1 SCALE: N.T.S	
A3 SCALE: N.T.S	
REV:	SHEET No:
A	C421



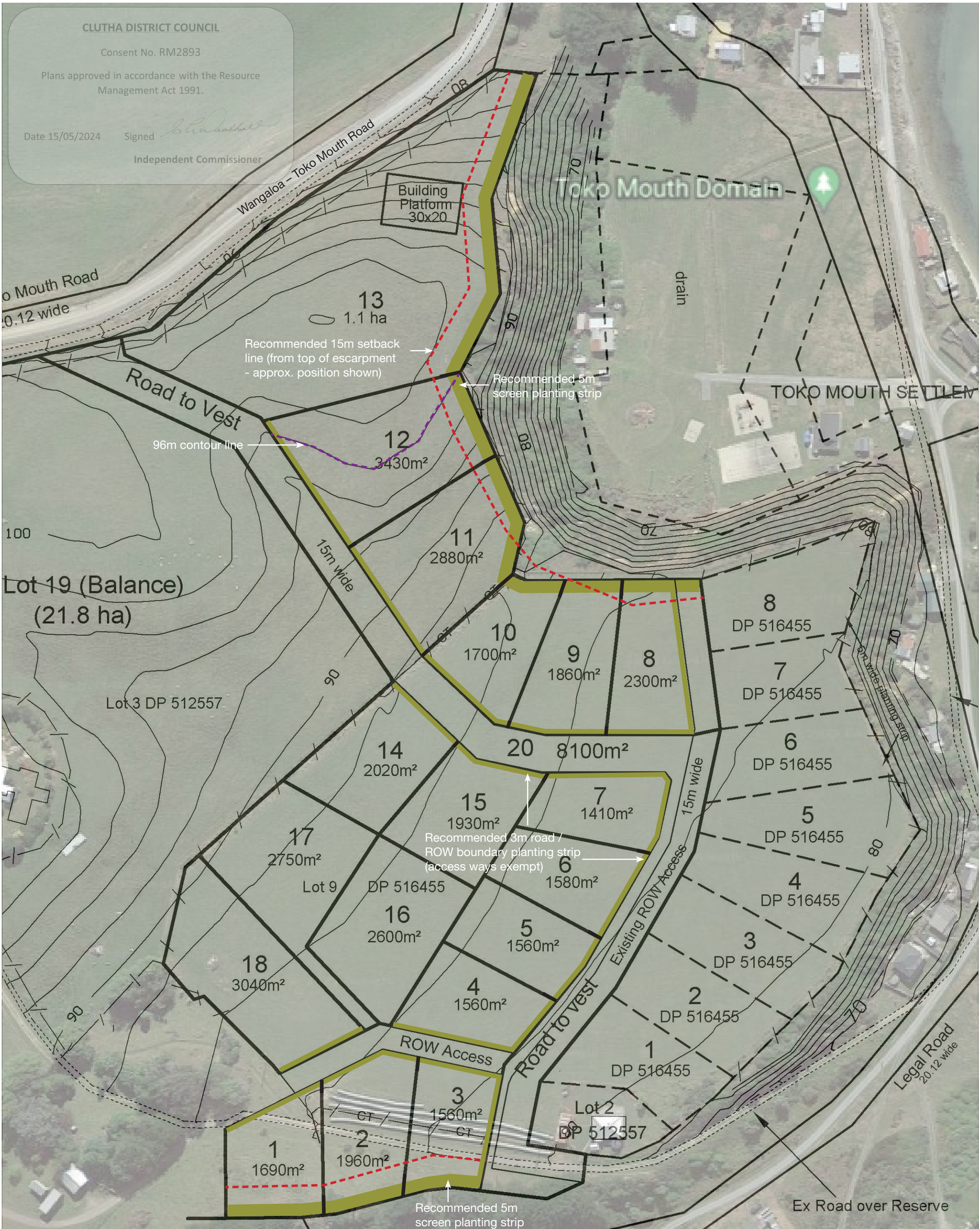


Figure 1: Proposed Subdivision Plan, Toko Developments Ltd, Toko Mouth