

**Before a Panel Appointed by the
Clutha District Council**

In the Matter of the Resource Management Act 1991 (**RMA**)

And

In the Matter of RM3030 being a resource consent application to subdivide a title within the Coastal Resource Area of the Clutha District Plan. The subdivision will create one lot (Lot 2) for rural residential activity within the Coastal Resource Area, whilst the balance lot (Lot 1) will be retained by the applicants with an existing dwelling (building consent issued).

**Evidence of Emma Rayner Peters
on behalf of Clark and Megan Campbell**

Dated 22nd August 2024

Background

1. My name is Emma Rayner Peters. I hold a BA and LLB both from the University of Otago and a First Class Honours degree and MA with Distinction, both from the University of Canterbury. I have worked as a solicitor in the areas of commercial and environmental law. I have been the principal of Sweep Consultancy Limited since 2003 providing resource management advice predominantly in the Dunedin City, Clutha, Waitaki, Queenstown Lakes and Central Otago districts. I have produced evidence for hearings at councils and the Environment Court.
2. This evidence has been prepared based upon my investigations and knowledge of the site including several site visits, submissions, *s42A Resource Management Act 1991 (RMA)* report and the reports and evidence (including supplementary graphics) of the landscape expert engaged by the applicants. The scope of this statement will cover the following matters:
 - Section 42A report recommendation.
 - Summary of the amendments made to the proposal since limited notification occurred.
 - Landscape including natural character.
 - Transportation / access.
 - Provision for firefighting and potable water tanks.
 - Mitigation planting.
 - Location of building platform on Lot 2 and height of buildings therein.
 - Cultural values of the landscape.
 - Draft conditions of consent.
3. The position taken in the *s42A* and in submissions received (as relevant) is canvassed for each of the matters listed above when each is being discussed below.
4. I acknowledge we are not before the Environment Court. However, I have read the Code of Conduct for Expert Witnesses within the Environment Court Consolidated Practice Note 2014 and I agree to comply with that Code. This statement is within my area of expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed

in this evidence.

Summary of Application & Amendments made since Limited Notification

5. The applicants have applied for resource consent to subdivide a title¹ they own at 239d Moturata Road, Taieri Beach. The subdivision will create one lot (Lot 2) for rural residential activity within the Coastal Resource Area, whilst the balance lot (Lot 1) will be retained by the applicants with building consent already issued for a dwelling². Land use consent to establish residential activity within the confines of an identified building platform on Lot 2 is also sought. The dwelling on Lot 2 will be self-serviced with respect to 3 waters.
6. The applicants have proffered various mitigation measures in the assessment of environmental effects, response to further information request and expert report and evidence.
7. In response to the submissions received and s42A report, the applicants have:
 - Increased the length of mitigation planting on the northern boundary.
 - Included a turnaround within ROW A.
 - Reduced the height of buildings within the building platform on Lot 2 to 4.5m.
 - Included provision for firefighting communal to Lots 1 and 2.
 - Agreed to and/or proffered additional conditions of consent as set out in this evidence including the revised set of draft conditions of consent³.

S42A Recommendation

8. The reporting planner recommends at paragraph [8]⁴ of the s42A report that:

“For the reasons set out in my assessment below, I consider that the relevant matters that relate to the adverse effects of the activity on natural character, landscape visual amenity and rural character, wastewater, access way and the imposition of financial contributions [are no more than

¹ Legally described as Lot 9 Deposited Plan 399272 contained in record of title 396019.

² BC 20254.

³ Appended at Appendix 2.

⁴ A similarly worded recommendation is set out at paragraph [189] of the s42A report. Ms Groenewegen has confirmed via email dated 20 August 2024 that both paragraphs were missing the words ‘are no more than minor’ at the end of the first sentence of both paragraphs [8] and [189].

minor]. I recommend that subject to appropriate conditions of consent, the adverse effects on the environment of the activity can be mitigated and that the consent be granted."

Landscape / Natural Character

9. The reporting planner competently sets out the issues with respect to landscape and natural character effects including concerns raised by submitters and the reporting planner's assessment at paragraphs [80] to [106] of the s42A report; concluding at paragraph [106] that:

"The adverse effects on natural character and landscape can be avoided or mitigated to the extent that they are no more than minor."

10. I concur with the reporting planner's conclusion.
11. In relation to effects on landscape and natural character, both landscape architects, Mr Forsyth (for the applicants) and Mr Moore (peer review for Council) agree that adverse effects are acceptable within the receiving environment.
12. Mr Moore considers at pages 7 and 8 of his peer review the effects of the proposed activity on the landscape and natural character, stating:

"I consider that the SEC analysis is brief but reaches reasonable conclusions regarding the nature and degree of landscape effects. I note that the area (including both the original 9 and 16 lot subdivisions) is currently undergoing a transition from an open, larger scale rural character to a more built, planted, and smaller scale rural residential character and I agree that within this context the proposed development represents a relatively minor intensification that will not fundamentally alter the character or landscape pattern. The proposed subdivision will result in lots that are still in scale with those in the surrounding area and the additional built form will be able to be accommodated without disruption to the planted gully system landscape framework. There will be no adverse effects on the coastal schist rock shelves and the site does not directly impact the Otuarae headland. The proposed mitigation measures will ensure good integration with the existing character of the rural-residential environment.

...

Again, I consider that the SEC analysis [on natural character effects] is brief but reaches reasonable conclusions. Whilst natural character is relatively strongly

expressed below the coastal terrace, it is now significantly modified by rural residential development above this and one more dwelling involving little change to the overall built density in the wider area will not result in more than minor adverse effects on the degree of naturalness, nor the natural character attributes (natural landform / indigenous vegetation / natural coastal processes etc). I consider that adverse natural character effects will not be significant in this context and that the proposed conditions will appropriately mitigate them."

Transportation / Access

13. The reporting planner correctly states in the s42A report at paragraph [111] that:
- "Access will be gained through the ROW A, there is no new proposed access ways, access to both Lots 1 and 2 will be gained through the existing access to the subject site. An internal ROW has been proposed which would allow Lot 1 to gain access over Lot 2, this will not affect any of the other property owners."*
14. Mr Mullions, Land Development Engineer for Clutha District Council (**Council**), raised several technical matters with the access to the proposed activity. These included⁵:
- The existing vehicular crossing serving 5 existing Lots and 1 new Lot off ROW A is to be upgraded in accordance with rule TRAN.4 (IV) (a) and diagram 11 (b), sealed for a distance of 10 meters from the edge of seal in Moturata Road. The seal shall be 5.7m wide at the throat with gates (if any) set back 10 meters from the edge of seal in Moturata Road.
 - A turn around area shall be formed in ROW A in accordance with NZS4404-2010 section 3.3.16.1 and figure 3.4.
 - Right of way B shall have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404 section 3.3.16.
15. At paragraphs [112] to [114] of the s42A, the reporting planner sets out the above advice from Mr Mullions and concludes at paragraph [112] that:
- "Based on the above and referring to Mr Mullions advice in the report I recommend that the roading effects will be minor."*
16. I concur with the reporting planner's summary of the concerns of submitters in relation to traffic and roading at paragraphs [108] and [109]. In relation to those concerns, I note the following:

⁵ Source: Appendix 1 *Council Officer Advice* of the s42A report.

- Traffic movements associated with a dwelling on Lot 1 which has received building consent, form part of the permitted baseline and, therefore, cannot be considered when assessing adverse effects of the proposed activity with respect to either the subdivision or residential activity on Lot 2.
- The sealing and turnaround proposed by Mr Mullions are required by the relevant standards and are incorporated to ensure that the access including intersection with Moturata Road, operate safely and efficiently. In this regard, compliance with relevant transportation standards overrides an adjoining neighbour's concerns about potential loss of amenity resulting from compliance with those standards.

Firefighting Provision & Potable Water:

17. I concur with paragraph [121] of the s42A report in which the reporting planner sets out the position in relation to firefighting provision at the time of application for resource consent.
18. However, the applicants now propose a communal firefighting provision for both Lots 1 and 2. This communal firefighting provision including hard standing area is shown on the amended subdivision scheme plan with the relevant part reproduced below at Figure 1 and will be installed prior to receiving s224(c) certification from Council. The necessary easements will be granted at the time of subdivision.

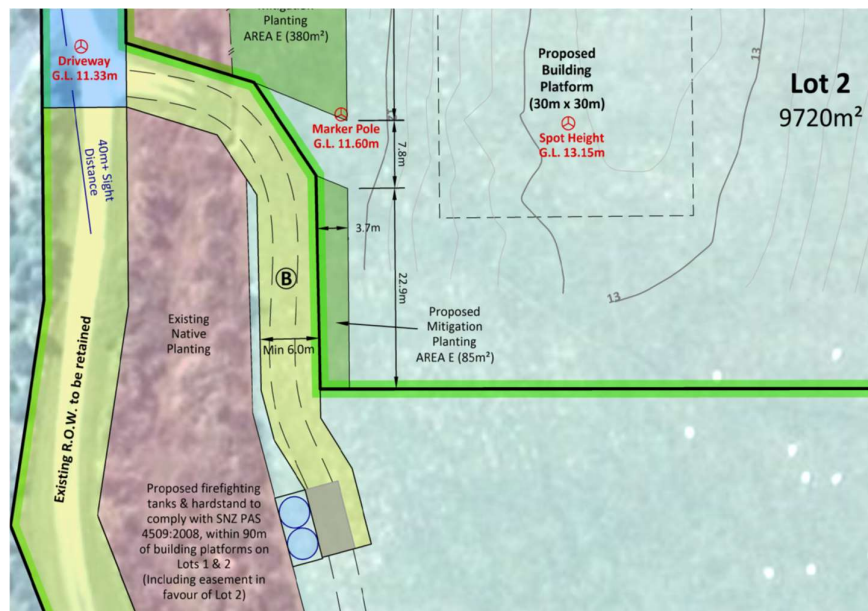


Figure 1: Communal Firefighting Provision for Lots 1 and 2.

19. The primary reason for this change is to reduce the visual clutter of number of

tanks for proposed Lot 2. Mr Forsyth supports this change and states in his evidence at paragraph 11, fourth bullet point:

“The proposed location of the two fire storage tanks will be against the western boundary fence line and the established wetland planting that follows it, which will screen these elements from outside view. I consider this to be a better landscape solution than locating the tanks on the open and more elevated terrace areas associated with the consented and proposed dwellings..”

20. The firefighting provision communal to Lots 1 and 2 will require changes to the draft conditions of consent as follows:

- Insertion of a new Section 224(c) certification consent condition requiring that the firefighting provision including access to, and hard standing area, be installed prior to receiving s224(c) certification.
- Deletion of consent condition 11.a).

21. I concur with paragraph [119] of the s42A report where the reporting planner sets out how the application states potable water will be supplied to the resultant dwelling on Lot 2. However, at paragraph [129] in their assessment of potable water, the reporting planner states:

“...the tanks shall be located within the approved building platform.”

22. The applicants request that there is provision for the potable water tanks to be located off the approved building platform. This would require the following change to draft consent condition Their reasoning for this request are that it provides for:

- Greater flexibility on the building platform for the dwelling and any associated ancillary buildings.
- Location of the potable water tanks in a more visually recessive area of the site in association with existing indigenous planting.

23. This will require the following change to draft condition of consent 11.c):

“All dwellings and their ancillary buildings, ~~including water tanks,~~ must be confined to the Building Platforms...”

Mitigation Planting

24. At paragraph [103] the reporting planner states:

"...I generally, agree with the proposed planting plan, however, this could be extended along the northern boundary of Lot 2 in relation to the Duggan Submission suggestions as shown in Figure 8 [of the s42A report]."

25. Figure 8 of the s42A report is reproduced below.

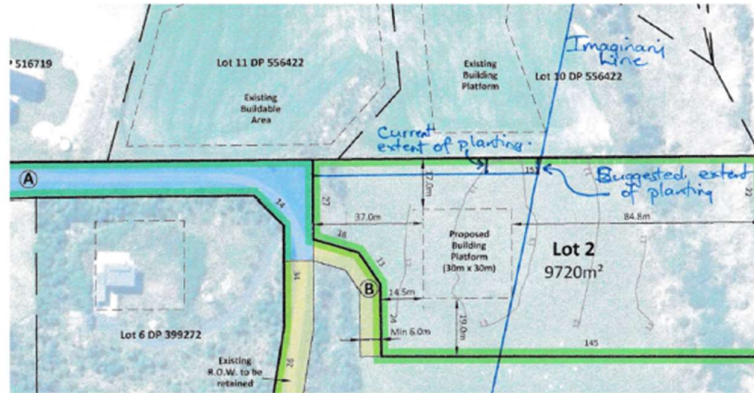


Figure 8: Proposed Planting extension from the Duggan Submission

26. One of the applicants, Mr Clark Campbell, met with Mr Duggan on site and agreed to the extent of the new mitigation planting on the northern boundary. In good faith the applicants have had that extent fenced and planted as shown on the amended subdivision scheme plan sheet 3⁶ and in the photos shown in Figure 2 below.

⁶ Refer to purple shaded area entitled: 'Existing Coastal Planting Area C'.



Figure 2: Photos Showing Agreed Extension of Mitigation Planting on Northern Boundary⁷.

27. Given that this mitigation planting has been undertaken, draft consent condition 12.a) requires deletion.
28. The application included an *Assessment of Landscape and Visual Effects* prepared by Mr Hugh Forsyth, Registered Landscape Architect. Mr Mike Moore, Registered Landscape Architect has conducted a peer review of Mr Forsyth's assessment.
29. In relation to mitigation planting, Mr Moore recommends that:

⁷ First three photos supplied by Mr Clark Campbell. Last photo supplied by Mr Hugh Forsyth with annotation inserted by Ms Peters.

“2. Amend Appendix C as follows: (a) Planting is to be undertaken with the native species listed below, or other locally appropriate indigenous species capable of reaching at least 4m height and suitable for successful establishment in this area. (b) Planting is to be maintained to encourage successful establishment and is to be managed to ensure that its screening / mitigating function is sustained on an ongoing basis. Any plants that die or fail to thrive are to be replaced as quickly as practicable.”

30. The applicants agree to these changes to Appendix C of Mr Forsyth’s assessment.

Location of Building Platform on Lot 2 & Height of Buildings

31. In his peer review, Mr Moore also recommended:

“That consideration be given to further mitigating the effects of development on Proposed Lot 2, on the visual amenity of the dwellings to the west of the site by locating the BP approximately 10m further west (which would result in it being generally lower and more closely associated with the proposed contextual / screening plantings) and / or by reducing the maximum building height to 4m.”

32. I note that Mr Moore’s recommendation includes an ‘and/or’ and, therefore, any of moving the building platform, reducing the maximum height of buildings or both suffices.
33. The applicants elect to retain the building platform for Lot 2 in its current location being the location that received limited notification. Instead, the applicants proffer to reduce the maximum height of buildings erected on that building platform to **4.5m**.
34. 4.5m represents the halfway point between the two landscape experts, Mr Forsyth (for the applicants) who supports a 5m maximum height limit and Mr Moore (for Council) who supports a 4m maximum height limit.
35. In addition, 4.5m maintains consistency of maximum height across decisions for subdivisions involving sites fronting the coastal marine environment. As noted by Mr Duggan in his submission, 4.5m is the maximum height for buildings erected on identified building platforms in the subdivision to the immediate north of the subject site.
36. This will require the following changes to the draft conditions of consent:

- Deletion of draft consent condition 11.d).
- Amendment to draft consent condition 11.e): *“All buildings shall be a maximum height of 4.5m above existing ground level.”*

Cultural Values of the Landscape

37. I was contacted by a representative of Te Ao Marama Inc regarding this application. That representative suggested including a consent condition which provided the opportunity for a Kaitiaki Monitor to be present whilst earthworks were being conducted due to the potential for hāngī or urupā sites being present.
38. The representative provided a draft framework for such a consent condition which I provided comment on after receiving instructions from the applicants.
39. Just prior to finalising this evidence, the representative from Te Ao Marama Inc advised that although there were shared interests the lead should be taken by Aukaha. The information was duly supplied to Aukaha.
40. After discussion, with the applicants, the following consent condition was arrived at and is included in the revised draft conditions of consent appended at Appendix 2.

“Kaitiaki Monitor

- a) Notification of earthworks is to be given to Aukaha no less than 10 working days prior to commencement of any earthworks on Lot 2.*
- b) The consent holder provides permission for a Kaitiaki Monitor to be present during earthworks on Lot 2 at 239d Moturata Road, Taieri Beach.*
- c) The Kaitiaki monitor will be a suitably qualified representative from Aukaha and attend at their own discretion and cost. Aukaha will provide the name and qualifications of the Kaitiaki Monitor to the consent holder no later than 3 working days prior to commencement of earthworks.”*
41. In my opinion the inclusion of permission for a Kaitiaki Monitor to attend during earthworks on Lot 2 is reasonable and will help safeguard the cultural values of the landscape. Likewise, the sensitive design (including siting of the Lot 2 building platform in close proximity to existing indigenous vegetation), setback from

coastal environment, controls on built elements and extent of mitigation planting proposed, all help to safeguard the cultural values of the landscape.

42. The extensive mitigation planting proposed, and that planted pursuant to previous consents, goes some way to returning this landscape to something more akin to its original landcover than rural pastureland represents.
43. In their submission Aukaha state that it is their preference that coastal developments within cultural landscapes of significance have access to a reticulated wastewater and stormwater network. However, in this part of the Coastal Resource Area there are no such reticulated services for the proposed residential activity on Lot 2 to connect to.
44. In any event the dispersal of treated wastewater and stormwater from the residential activity on Lot 1 falls within the permitted baseline because both resource consent and building consent have already been granted for this dwelling.
45. With respect to the dispersal of treated wastewater on Lot 2, it is noted that the dispersal of the treated wastewater falls within the permitted baseline as it will comply with all relevant performance standards in Regional Plan: Water for Otago, Rule 12.A.1.4⁸. There can be no cumulative effects if the activity status is permitted.
46. The reporting planner states at paragraphs [125] – [126] of the s42A report:

“[125]...I agree with Mr Mullion’s advice to accept the volunteered condition requiring secondary treatment for the Onsite Wastewater. The proposed lot size complies with the District Plan’s requirements of 4000m² for onsite wastewater dispersal without any cross boundary contamination occurring. [126] I have included recommended conditions of consent⁹...”
47. Likewise, a condition of consent governing the disposal of stormwater has been included in the draft conditions of consent included in the s42A report.

⁸ Analysis of compliance with Rule 12.A.1.4 was included with the application at appendix 6 therein.

⁹ The reporting planner has confirmed that the relevant condition of consent was mistakenly left out of the s42A report and has provided the wording recommended by Council’s Land Development Engineer, Mr Mullions. That wording has been included in the revised draft conditions of consent appended to this evidence at Appendix 2 – see consent condition 14.a).

Draft Conditions of Consent

48. A revised set of draft conditions of consent is included at Appendix 2.

Conclusion

49. The reporting planner recommends at paragraph [189] of the s42A report that:

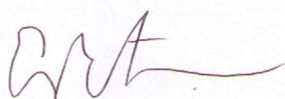
“I consider that the relevant matters that relate to the effects of the activity on natural character, landscape visual amenity and rural character, access way and the imposition of financial contributions [are no more than minor]. I recommend that subject to appropriate conditions of consent, the adverse effects on the environment of the activity can be mitigated and recommend the consent be granted.”¹⁰

50. A revised set of draft conditions of consent is included at Appendix 2 with explanation of the substantive changes provided in this evidence.

51. I concur with the reporting planner that any adverse effects arising from the proposed activity (that is, subdivision of the site into two lots and establishment of residential activity on the identified building platform on Lot 2) are, at worst, **no more than minor** with some effects being in the range negligible to less than minor as set out in the assessment of environmental effects included with the application.

52. It is, therefore, open to the Commissioner to grant consent to the proposed activity.

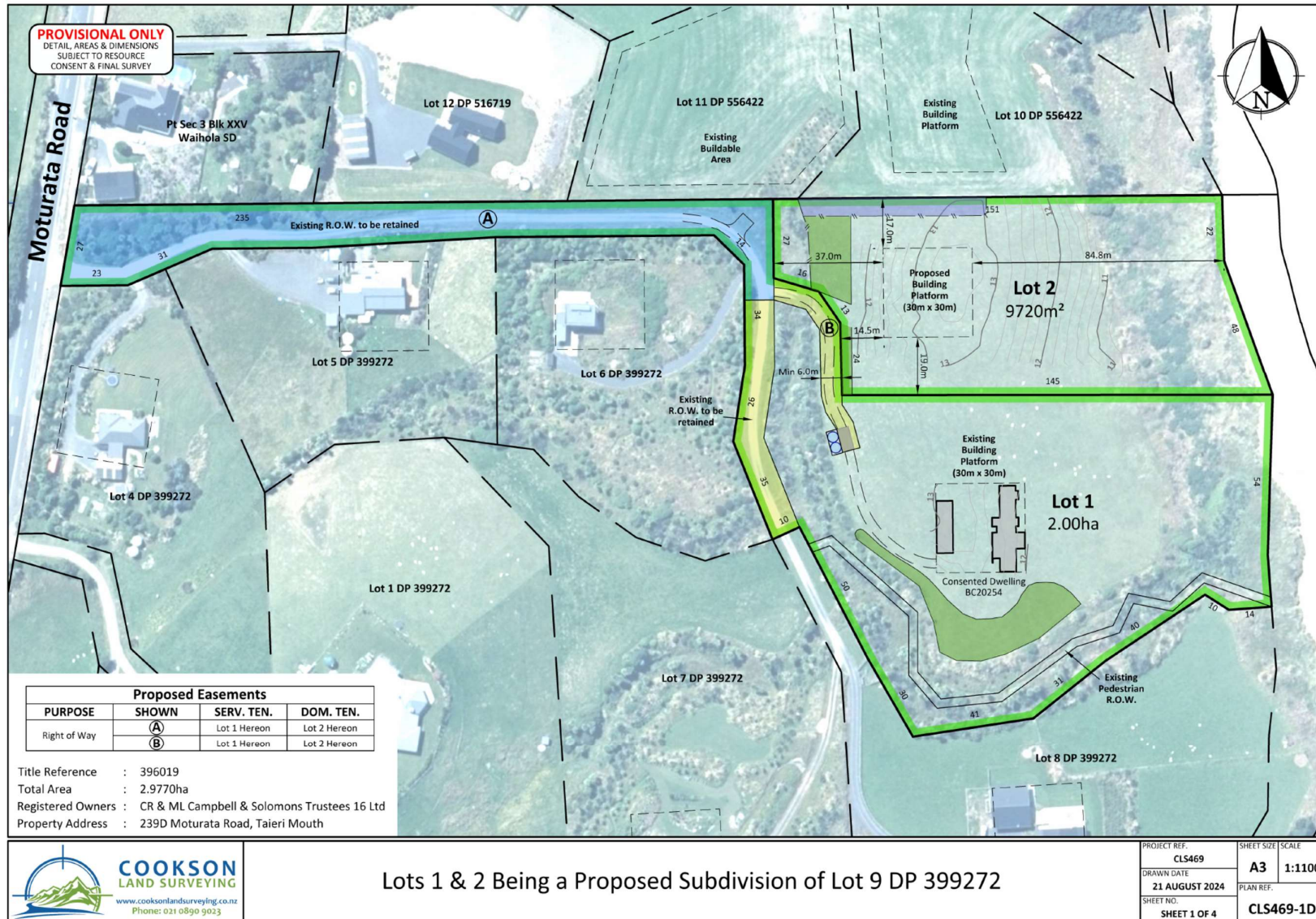
Dated this 22nd day of August 2024



Emma Rayner Peters (BA (First Class Honours), MA (Distinction), LLB)

¹⁰ See footnote 4 for an explanation of the bracketed insertion.

Appendix 1: Amended Subdivision Scheme Plan.



PROVISIONAL ONLY
 DETAIL, AREAS & DIMENSIONS
 SUBJECT TO RESOURCE
 CONSENT & FINAL SURVEY



200m Rad. From
Proposed Building
Platform



Lots 1 & 2 Being a Proposed Subdivision of Lot 9 DP 399272

PROJECT REF. CLS469	SHEET SIZE A3	SCALE 1:1800
DRAWN DATE 21 AUGUST 2024	PLAN REF.	
SHEET NO. SHEET 2 OF 4	CLS469-1D	

PROVISIONAL ONLY
 DETAIL, AREAS & DIMENSIONS
 SUBJECT TO RESOURCE
 CONSENT & FINAL SURVEY



Proposed Easements			
PURPOSE	SHOWN	SERV. TEN.	DOM. TEN.
Right of Way	(A)	Lot 1 Hereon	Lot 2 Hereon
	(B)	Lot 1 Hereon	Lot 2 Hereon

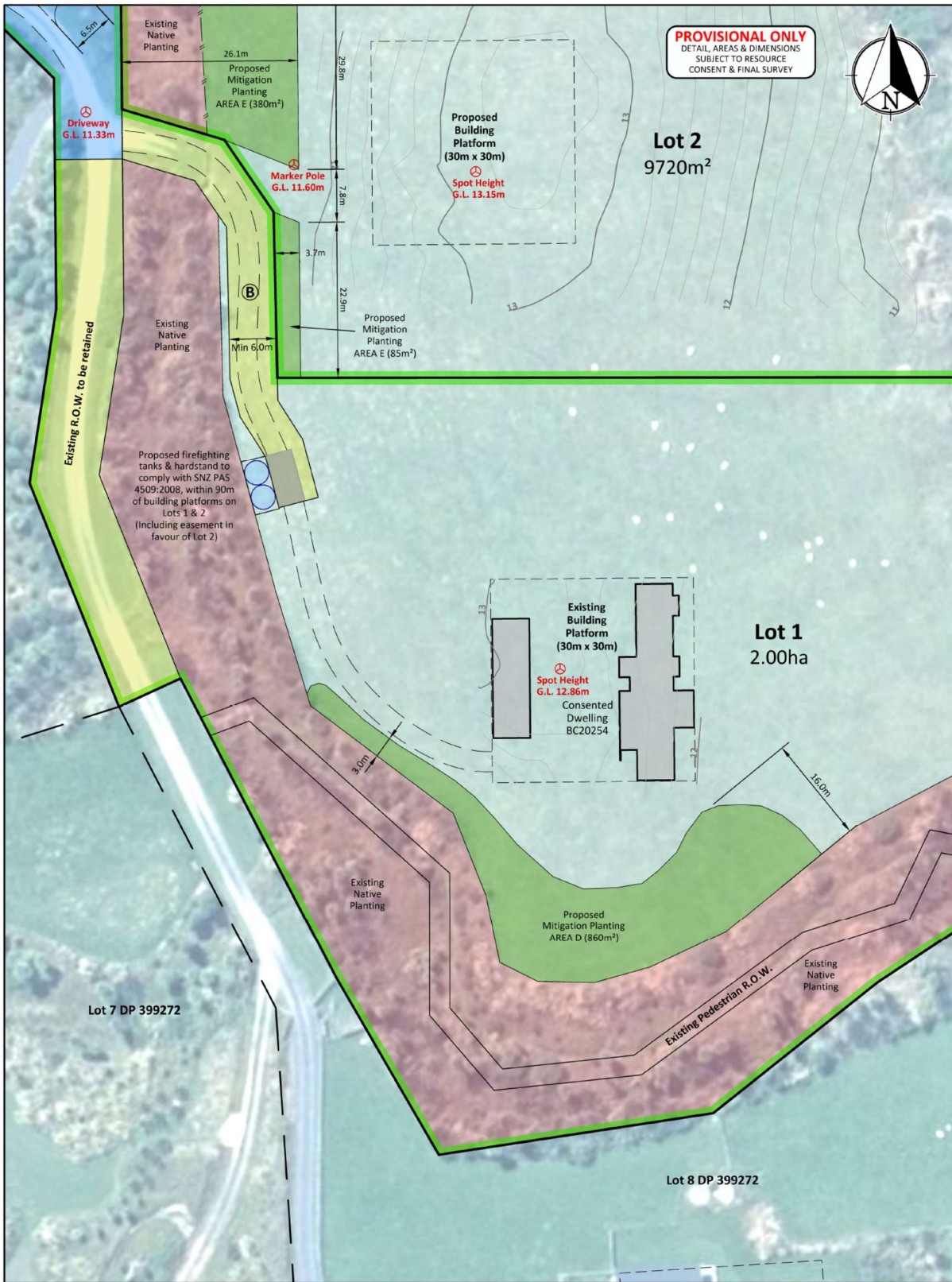
Title Reference : 396019
 Total Area : 2.9770ha
 Registered Owners : CR & ML Campbell & Solomons Trustees 16 Ltd
 Property Address : 239D Moturata Road, Taieri Mouth

Proposed firefighting tanks & hardstand to comply with SNZ PAS 4509:2008, within 90m of building platforms on Lots 1 & 2 (Including easement in favour of Lot 2)



Lots 1 & 2 Being a Proposed Subdivision of Lot 9 DP 399272 Lot 2 Detail Plan

PROJECT REF. CLS469	SHEET SIZE A3	SCALE 1:500
DRAWN DATE 21 AUGUST 2024	PLAN REF.	
SHEET NO. SHEET 3 OF 4	CLS469-1D	



Appendix 2: Revised Draft Conditions of Consent.

Conditions

1. That the proposal be given effect to in general accordance with the application received by Council on the 29 January 2024 and the documents held on the Council resource consent file RM3030.
2. The consent holder shall ensure that a copy of this consent is kept on site at all times, during the activity authorised by this consent. The consent holder shall ensure that all workers and contractors on the site are familiar with the conditions of consent.

Kaitiaki Monitor

3.
 - a) Notification of earthworks is to be given to Aukaha no less than 10 working days prior to commencement of any earthworks on Lot 2.
 - b) The consent holder provides permission for a Kaitiaki Monitor to be present during earthworks on Lot 2 at 239d Moturata Road, Taieri Beach.
 - c) The Kaitiaki monitor will be a suitably qualified representative from Aukaha and attend at their own discretion and cost. Aukaha will provide the name and qualifications of the Kaitiaki Monitor to the consent holder no later than 3 working days prior to commencement of earthworks.

Accidental Discovery

- 3-4. 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

Section 223 Certification

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

- 4-5. 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

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.

Roading Access Upgrade

5-6. The existing vehicular crossing serving 5 existing Lots and 1 new Lot off ROW A is to be upgraded in accordance with Clutha District Plan rule TRAN.4 (IV) (a) and diagram 11 (b), sealed for a distance of 10 meters from the edge of seal in Moturata Road. The seal shall be 5.7m wide with gates (if any) set back 10 meters from the edge of seal in Moturata Road.

Right of Way Upgrade and Construction

6-7. The consent holder shall construct a turnaround area and shall be formed in ROW A in accordance with NZS4404-2010 section 3.3.16.1 and figure 3.4.

7-8. Right of way B shall have a minimum legal width of 6m and a minimum formed lane of 2.5m with metalled shoulders in accordance with NZS4404 section 3.3.16.

Installation of Firefighting Provision

9. The consent holder must install in the location identified on the subdivision scheme plan:

a) The two, 25,000 Litre water tanks to be used as static reserve for firefighting purposes. The tanks must be filled with water as part of the installation process, and the water must be maintained in the tanks so it is available for firefighting purposes. If positioned above ground, the tanks must be coloured to blend with the surrounding rural landscape with a light reflectance value of 30% or less, and must be screened by locally appropriate planting to ensure that they have minimum visual impact from beyond the property, provided that the screening enables the safe and efficient operation of access to the tanks for the purposes of firefighting and replenishing the water supply therein.

b) Access to the static firefighting reserve and a hard standing area that complies with requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or subsequent amendments).

Electricity

8-10. The consent holder shall provide confirmation of electricity supply to the boundary of Lot 2.

9-11. Where a wired electricity connection will not be provided to the site, the consent holder shall provide written confirmation to the Manager Planning from a Company that specialises in Off Grid Electricity Installation confirming that Off Grid Electricity services are suitable for Lot 2.

Telecommunications/Internet

~~10-12.~~ Where wired telephone communication and internet services will not be provided the consent holder shall provide written confirmation to the Manager Planning from a Wireless Network Utility Provider confirming that wireless telecommunication and internet services are available over the Building Platform site of Lots 2 and that the signal strength is not less than 85%.

Mitigation Planting For Lot 1

13. The consent holder must ensure that the mitigation planting in relation to Lot 1 as shown on the Subdivision Scheme Plan provided to Council prepared by: Cookson Land Surveying, titled: Lots 1 and 2 being a proposed subdivision of Lot 9 DP 399272, Project Reference: CLS469, Date: 21st August is planted. Planting and maintenance of that planting must be in accordance with Condition 15 b) – h) and any relevant parts of Consent Notice 7921033.5 which will transfer to the record of title for Lot 1.

Consent Notice

~~11-14.~~ Pursuant to Section 221 of the Resource Management Act 1991, the consent holder shall prepare a Consent Notice to be registered against the record of Titles for Lot 2 for the following matters:

~~Fire Fighting Water Tanks~~

~~a) — At the time of construction of the residential dwelling on the property owner shall ensure that the firefighting requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (or subsequent amendments) including access to the tanks is complied with.~~

Wastewater

a) Lot 2 shall be serviced by on-site wastewater treatment via, at minimum, an approved secondary treatment system with dispersal to field or such other solution designed by a suitably qualified person.

Stormwater

b) Stormwater from hard surfaced areas shall be drained to sumps and/or to an approved existing stormwater drainage system within Lot 2, the site. The development of Lot 2 shall include at the time of Building Consent, a drainage plan, demonstrating that post development flows are no more than pre-development flows and that the existing stormwater flow paths through Lot 2 remain viable post development.

Building Platform

c) All dwellings and their ancillary buildings, ~~including water tanks~~, must be confined to the Building Platforms on Lot 2 as shown on the Subdivision Scheme Plan provided to Council Prepared by: Cookson Land Surveying, Titled: Lots 1 and 2 being a proposed subdivision of Lot 9 DP 399272, Project Reference: CLS469, Date: ~~3 March~~ 21st August 2024.

~~Recommended Building Platform Siting~~

~~d) The Building Platform shall be relocated 10 metres to the west.~~

Site Development of Lot 2

- e)d) All buildings shall be a maximum height of 4.5m above existing ground level.
- f)e) 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 30% whilst the roof colour shall have a reflectivity rating of no more than 10%.
- g)f) The colour and materials of the dwelling, ancillary buildings and water tanks shall be submitted for Council's approval prior to, or together with, the application for building consent.
- h)g) All services within Lot 2 are to be located below ground.
- i)h) No pre-existing dwellings shall be established on site. For the purpose of this requirement, pre-existing dwellings mean a previously used building intended for use as a dwelling to the site. This does not include new prefabricated dwellings erected off-site.
- j)i) Outdoor lighting shall be:
- (i) Shielded from above in a manner that the edge of the shield shall be below the whole of the light source.
 - (ii) Have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 40nm. This therefore includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.
 - (iii) All fixed exterior lighting shall be directed away from adjacent properties, roads, and marine environment.
- k)j) New fencing shall be constructed from post and wire or traditional drystone walls using local rocks only;
- l)k) No monumental gates or lighting shall be associated with driveways or accessways.
- ~~m) Any plantings further than 15m from the dwelling are to be native species identified in Condition 12(f).~~
- n)l) Woodlots and / or plantations of exotic trees shall not be established.
- o)m) New tree and shrub plantings further than 15m from the residential unit are to consist of indigenous species only with a mature height of no more than 7m and must consist of those species identified in Condition 15 f). New tree and shrub plantings within 15m of a the residential unit must not exceed a mature height of 5m.

Consent Notice for Planting

~~12-15.~~ Pursuant to Section 221 of the Resource Management Act 1991, the consent holder shall prepare a Consent Notice to be registered against the record of Titles for Lot 2 for the following matters:

- a) The mitigation planting areas identified for Lot 2 on the Subdivision Scheme Plan provided to Council

Prepared by: Cookson Land Surveying, Titled: Lots 1 and 2 being a proposed subdivision of Lot 9 DP 399272, Project Reference: CLS469, Date: 21st August 2024, Figure 2, 'Proposal and Mitigation', Attachment 1, 239d Moturata Road are to be planted no later than 12 months subsequent to issue of code compliance certificate for the dwelling on Lot 2, prior to issue of a 224c certificate for proposed Lot 1, an additional 15 metres on the northern boundary is also to be planted.

- b) Plants are to be a minimum at PB3 and planted at a rate of 1.2m centres and to be protected with paper or bamboo eco planting guards.
- c) Planting is to be undertaken with the native species listed below, or other locally appropriate indigenous species capable of reaching at least 4m height and suitable for successful establishment in this area.
- d) All new planting areas are to be protected for two years with a horticultural windbreak mesh to a height of 1.2m+ or similar method that achieves protection from on shore wind for this period.
- e) Planting is to be maintained to encourage successful establishment and is to be managed to ensure that its screening / mitigating function is sustained on an on-going basis. Any plants that die or fail to thrive are to be replaced as quickly as practicable.

Planting Guidelines

- f) The following native species are recommended because they are consistent with the character of the area and planting regime for previous subdivision. Other species may be added with interplanting of more sensitive coastal trees undertaken when the initial canopy reaches 3m; e.g. kowhai.

*Recommended Species **

- Griselinia littoralis (Broadleaf)
 - Hebe salicifolia (Koromiko)
 - Melicytus ramiflorus (Mahoe)
 - Myoporum laetum (Ngaio)
 - Myrsine australis (Matipo)
 - Pittosporum tenuifolium (Kohuhu)
 - Cordyline australis (Ti kouka / Cabbage tree)
- g) Control for rabbits and hares is recommended to be undertaken six weeks prior to planting, if these pest species are present. A watering regime of at least 1 litre of water per plant per week for the summer period of the first growing season is recommended, i.e. November to the end of February, or after the first two week dry period following the start of November.
 - h) Weeding with the planting guards will improve plant viability in early life. Allowing grass growth between the plants will provide additional wind shelter while maintaining a clear radius of 300mm from the plant

stem free from competing plants. The wind screening will encourage canopy development and spread until the 1.2m point, when native regeneration planting species begin to thicken up and develop a more robust form, often at 2 – 3 years.

Reserves Financial Contributions

~~13-~~16. Pursuant to rule FIN.7 of the Clutha District Plan, the consent holder shall pay a Reserves Contribution based on the creation of one new allotments available for residential development. The financial contributions are based on Council's 2024/2025 Fees and Charges which is \$560.00 (Five-Hundred and Sixty Dollars) per Lot created. The total Financial Contribution to be paid for Lots 2 of \$560.00 per Lot is: \$560.00 (Five-Hundred and Sixty Dollars).

<p style="text-align: center;">Cost breakdown of the Reserves Contribution per Lot created for residential use based on Council's 2024/2025 Fees and Charges:</p>
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<p style="text-align: center;">\$560.00 per residential Lot created x 1 Residential Lots = \$560.00</p>

Advice Notes

1. Unless otherwise specified 'Council' refers to the Regulatory Services Department of the Clutha District Council.
2. 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.
3. This resource consent does not authorise any building work. The consent holder may be required to apply for a Building Consent under the Building Act 2004 to authorise some of the works that are to be complied with under this resource consent. The consent holder shall seek professional advice on what works will require Building Consent.
4. Prior to any work on Council's Roads a Traffic Management Plan (TMP) and/or Corridor Access Request (CAR) is to be submitted for approval.
5. There are no Council reticulated services within the immediate vicinity, Lot 2 is required to be self-sufficient for Potable Water. With any rural/coastal subdivision, the consent holder and future landowners are encouraged to contact Council's Services Team regarding water requirements. Resource consent will be required from the Otago Regional Council if the wastewater system does not comply with all relevant performance standards in Regional Plan: Water for Otago, Rule 12.A.1.4.
6. Future Lot Owners of Lot 2 are advised that electricity and telephone/internet services have not been connected to ~~this these~~ Lots. It will be the responsibility of the Future Lot Owners to install these Services and pay any costs associated with their installation to service their property.
7. Any written confirmation is to be provided to the Manager Planning by emailing it to planning@cluthadc.govt.nz using the resource consent number as the reference and quoting the condition it relates to.

8. At the time of Building Consent any breach to the District Plan will require further Resource Consent.