

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHĪ**

**Decision No. [2025] NZEnvC 260**

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First  
Schedule of the Act

BETWEEN GLADSTONE FAMILY TRUST

(ENV-2023-CHC-17)

Appellant

AND DUNEDIN CITY COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 6 August 2025

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991 (RMA), the  
Environment Court, by consent, orders that:



- (1) the appeal is allowed to the extent that Dunedin City Council is to amend the proposed Dunedin City Second Generation District Plan as set out in Appendices 1 – 3, attached to and forming part of this order;
- (2) the appeal otherwise remains extant.

B: Under s285 of the RMA, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This proceeding concerns an appeal by Gladstone Family Trust against a decision of the Dunedin City Council as part of Variation 2 to the Dunedin City Second Generation District Plan. The appellant sought that 21, 43, 55, 65, 75, 77, 79, 111 and 121 Chain Hills Road be rezoned and made subject to a Structure Plan Mapped Area (SPMA). Further, it sought that 90 Gladstone Road North and 98/100 Gladstone Road North be subject to a SPMA.<sup>1</sup>

[2] The hearing panel rejected the appellant's submission and did not rezone the site. The key reasons for this related to significant issues with all three waters servicing, concern regarding a proposed link road between Chain Hills Road and Irwin Logan Drive, and concern regarding landscape and visual effects associated with development above the 90-120m contour on the Chain Hill. Further parts of the site contain highly productive land and the hearing panel noted that rezoning those areas would be contrary to the National Policy Statement – Highly Productive Land (NPS-HPL).

[3] I have read and considered the consent memoranda of the parties dated 2 May 2025 and 4 July 2025 outlining the agreement reached between the parties to partially resolve the appeal.<sup>2</sup>

[4] The agreement reached involves rezoning two discrete parts of the wider appeal site. The rezoned areas will be contained within two separate SPMA that

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<sup>1</sup> The two Chain Hills Road sites (RS153 and RS204) were rejected for inclusion in Variation 2. The Variation 2 process deemed submissions on the rejected sites to be within scope.

<sup>2</sup> The HPL portion of the site in the north-east corner remains subject to appeal, as shown on the zoning map in Annexure B of the consent memorandum dated 30 June 2025. That part of the appeal site is depicted in red in Appendix 1.

will apply to two distinct areas of the wider site: the Pinfold Place SPMA and the Chain Hills SPMA.

[5] For the part of the site subject to the Pinfold Place SPMA, the agreement involves:

- (a) rezoning Areas A and B to Low Density Residential Zone, and Area C to General Residential 1 Zone;
- (b) a portion of the site will also be a New Development Mapped Area (NDMA) overlay;
- (c) within the Pinfold Place SPMA, a density limit of one residential activity per site is proposed, with a maximum of 33 sites (comprising 9 sites in Area A, 7 in Area B, and 17 in Area C);
- (d) development restrictions apply within the mapped “Restricted Development Area – Landscape” and to the 3m wide strip within the area depicted as “Restricted Development Area – Landscape (3m wide strip)” where no buildings or structures are permitted;
- (e) at the subdivision stage, a geotechnical investigation report and a landscape enhancement plan must be submitted.

[6] For part of the subject to the Chain Hills Road SPMA the proposal involves:

- (a) rezoning Areas A and B to Large Lot Residential 1, while Area C retains its Rural Residential 1 zoning;
- (b) a portion of the site will be subject to an SPMA overlay;
- (c) a density limit of one standard and one ancillary residential activity per site is proposed within the Large Lot Residential 1 portion (Areas A and B), with a maximum of 10 sites (9 in Area A and 1 in Area B). While the limit is one standard residential activity and one associated family flat per site, with a maximum of 3 sites for the Rural Residential 1 portion (Area C);

- (d) a “No Reticulated Waste Water Mapped Area” will apply to the Large Lot Residential 1 portion of the SPMA (Areas A and B);
- (e) two Restricted Development Areas will be established, depicted as “Restricted Development Area – Landscape and Biodiversity”, and another as “Restricted Development Area – Landscape Mitigation for Building Platforms” for where new buildings and structures are prohibited, and indigenous vegetation clearance is not allowed;
- (f) at subdivision stage, an integrated stormwater management plan and a landscape mitigation and biodiversity enhancement plan must be submitted.

[7] I have also read and considered the affidavit of Emma Spalding affirmed 30 June 2025. The affidavit explains the scope to make the changes sought and the rationale for the agreed changes in terms of s32AA RMA. The affidavit has satisfied me that the amendments sought are suitable.

### **Other relevant matters**

[8] To give effect to the mediation agreement dated 29 July 2024, the parties have agreed that within six months of the court issuing this consent order a memorandum of encumbrance in favour of Dunedin City Council will be registered on the titles within the Chain Hills SPMA. This will set out site-specific landscape mitigation requirements. I record this here in the interest of completeness noting that the court is not asked to do anything with this part of the agreement.<sup>3</sup>

[9] Otago Regional Council gave notice of an intention to become a party to this appeal under s274 of the RMA and has signed the memorandum setting out the relief sought.

[10] The parties record that there are no issues of scope and that all matters

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<sup>3</sup> Consent memorandum dated 4 July 2025 at [6]-[7].

proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including, in particular Pt 2. Further, they record the amendments have been drafted to be in keeping with the 2GP Style Guide.

[11] No party seeks costs, all parties agreeing that costs should lie where they fall.

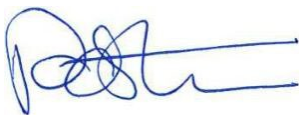
### **Outcome**

[12] The court understands for present purposes that:

- (a) all relevant parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.

[13] On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.

[14] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits.



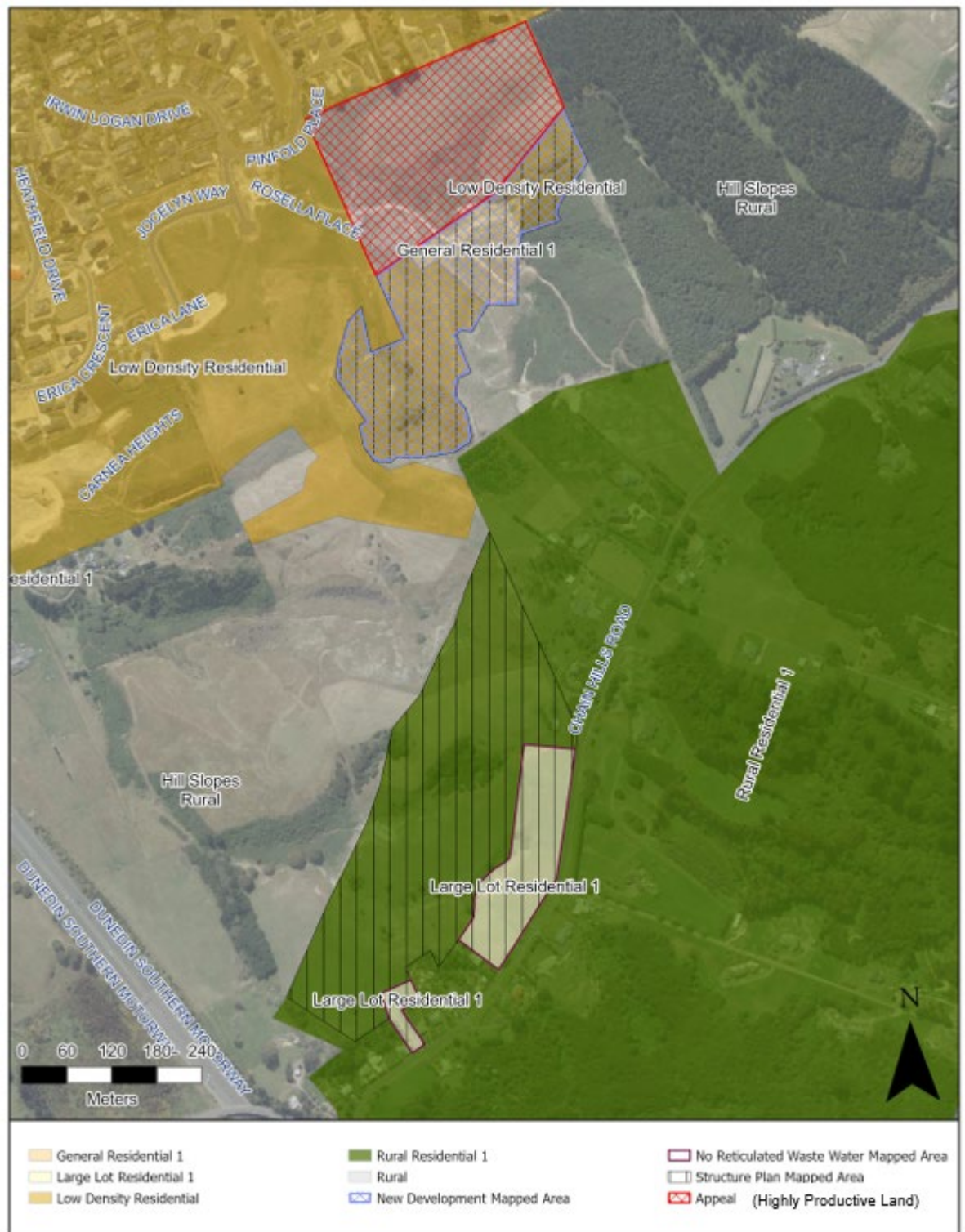
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**P A Steven**  
**Environment Judge**



## APPENDIX 1

Agreed zoning



**APPENDIX 2**

Amended planning provisions and maps for the Pinfold Place SPMA

## Annexure A

### Overlays & Mapped Areas to be Applied:

- Area A = Low Density Residential Zone
- Area B = Low Density Residential Zone
- Area C = General Residential 1 Zone
- "New Development Mapped Area" overlay to cover Areas A, B and C
- "Pinfold Place Structure Plan Mapped Area" overlay to cover Areas A, B and C

### 15.8.32 Pinfold Place Structure Plan Mapped Area Rules

#### 15.8.32.1 Application of structure plan mapped area rules

- a. The performance standards in Rule 15.8.32 apply to all parts of the **Pinfold Place structure plan mapped area**, including land zoned General Residential 1 and land zoned Low Density Residential.

#### 15.8.32.2 Land use performance standards

- a. Density
  - i. Standard residential activities in the **Pinfold Place structure plan mapped area** must not exceed a density of one residential activity per site (note that Rule 15.8.32.4.a limits the maximum number of sites in the **Pinfold Place structure plan mapped area**), except that:
    1. one ancillary residential unit is allowed per site in association with a standard residential activity, provided that the number of habitable rooms across both the primary residential activity and the ancillary residential unit does not exceed:
      1. one habitable room per 100m<sup>2</sup> of site area in the General Residential 1 zone; or
      2. one habitable room per 150m<sup>2</sup> of site area in the Low Density Residential zone.
  - ii. Activities that contravene this performance standard are non-complying activities.
  - iii. For the sake of clarity, this performance standard supersedes Rule 15.5.2 and is additional to Rule 15.5.14.

#### 15.8.32.3 Development performance standards

- a. Location
  - i. New buildings and structures must not be located within the 'Restricted Development Area - Landscape' or the 'Restricted Development Area - Landscape (3m wide strip)' as shown on Figure 15.8.32A.
  - ii. Activities that contravene this performance standard are non-complying activities.

#### 15.8.32.4 Subdivision performance standards

- a. Maximum number of sites
  - i. The maximum number of resultant sites within the **Pinfold Place structure plan mapped area** is as follows:
    1. Area A: 9 sites.
    2. Area B: 7 sites.



3. Area C: 17 sites.
- ii. Note: the actual number of sites that can be achieved after meeting the requirements of Rule 15.8.32.5.a and other standards and requirements may be less than these figures.
- iii. Resultant sites created and used solely for the following purposes are exempt from both clause i and clause ii of this performance standard:
  1. scheduled ASBV or QEII covenant;
  2. reserve;
  3. access;
  4. utility; or
  5. road.
- iv. Activities that contravene this performance standard are non-complying activities.
- v. For the sake of clarity, this performance standard is additional to Rule 15.7.4.

#### 15.8.32.5 Special information requirements

- a. Geotechnical investigation report
  - i. Applications for subdivision activities within the **Pinfold Place structure plan mapped area** must include a geotechnical investigation report by a suitably qualified person (usually a geotechnical engineer), unless such a plan has already been approved as part of an earlier subdivision consent. This assessment must:
    1. examine the ground stability over the whole mapped area;
    2. determine adequate setbacks from steep slopes and identified areas of instability;
    3. identify any “No Build Areas” where development, including earthworks, should be avoided;
    4. identify areas suitable for residential development and a suitable building platform for each resultant lot; and
    5. include identification and assessment of areas of uncontrolled fill and include measures to ensure the land is sufficiently stable to support development.
  - ii. For the sake of clarity, the standard assessment guidance in Rule 11.5.2.5 still applies.
- b. Landscape enhancement plan
  - i. Areas to be included
    1. Applications for subdivision must include a landscape enhancement plan (prepared by a suitably qualified or experienced ecologist or landscape architect) for the following areas (unless this plan has been provided and accepted through an earlier subdivision consent application):
      1. areas marked ‘Restricted Development Area – Landscape’ on Figure 15.8.32A; and
      2. areas marked ‘Restricted Development Area – Landscape (3m wide strip)’; and
      3. any resultant sites located wholly or partially above the 90m contour.
  - ii. Landscape enhancement plan requirements
    1. The landscape enhancement plan must outline how the values listed below will be maintained and enhanced:
      1. When viewed from public places within Mosgiel, including Kinmont Park, Joe Brown Reserve, Brooklands Park, and Peter Johnston Park; the Chain Hills above and surrounding the **Pinfold Place structure plan mapped area** exhibit landscape values which

provide a sense of enclosure for Mosgiel and a predominantly rural backdrop and skyline comprising vegetation, forestry and paddocks with any houses visually subservient, acknowledging an existing area of low density residential zoning located to the south-west of the **Pinfold Place structure plan mapped area** extending up some ridges to approximately the 146m contour at the highest point.

2. The landscape enhancement plan must ensure that:
  1. landscaping proposed within the 'Restricted Development Area – Landscape' is capable of reaching a height that will provide landscape mitigation and a vegetated setting and (for lots wholly or partly above the 90m contour) backdrop for future built form in the **Pinfold Place structure plan mapped area** when viewed from public places within Mosgiel;
  2. for lots wholly or partly above the 90m contour, landscaping within the 'Restricted Development Area – Landscape (3m wide strip)' is capable of providing a vegetated backdrop for any future built development when viewed from public places within Mosgiel; and
  3. landscaping required on resultant sites located wholly or partially above the 90m contour must be capable of reaching a height that will provide landscape mitigation for future built form when viewed from public places within Mosgiel, provided as follows:
    1. sites within Area A must have a landscaping strip of at least 2m width along the entire length of the northern and western boundaries of the sites (except that a gap may be left in the landscaping strip for the purposes of obtaining access to the site, as necessary); and
    2. sites within Area B must have a landscaping strip of at least 2m width along the entire length of the northern boundary of the sites (except that a gap may be left in the landscaping strip for the purposes of obtaining access to the site, as necessary).
3. The landscape enhancement plan must include the following:
  1. an outline of the objectives of the enhancement plan;
  2. a description of the area to be enhanced and protected, including description of vegetation values present that should remain, presence of any problematic weed species (and how these will be managed), animal pest control and fencing;
  3. a schedule of ecologically appropriate species to be planted, to provide landscape mitigation to built development;
  4. a plan depicting location, species density and staging of planting;
  5. any site preparation required; and
  6. measures that will be used to protect, monitor and maintain plantings, including replacement of dead plants.

iii. Implementation

1. Any planting required within the 'Restricted Development Area – Landscape' must be undertaken within five years of the issue of titles for the subdivision. The planting will be the responsibility of the property owner. The subdivision must include an appropriate legal mechanism in relation to the 'Restricted Development Area – Landscape' to ensure the planting required by Rule 15.8.32.5.b.i.1 is undertaken by the property owner within five years of the issue of title and maintained in perpetuity.

2. Any planting required within the 'Restricted Development Area – Landscape (3m wide strip)' and any planting required on resultant sites located wholly or partially above the 90m contour must be undertaken within the first growing season (1st May to 30th September) following construction of a dwelling on the resultant site. The subdivision must include an appropriate legal mechanism in relation to the 'Restricted Development Area – Landscape (3m wide strip)' and any planting required on resultant sites located wholly or partially above the 90m contour, to ensure the planting required by Rule 15.8.32.5.b.i.1 is undertaken by the property owner within the first growing season (1st May to 30th September) following construction of a dwelling on the resultant site and maintained in perpetuity.

#### **15.8.32.6 Assessment guidance**

- a. In addition to assessment guidance for subdivision activities in rules 15.11.4 and 15.11.5 the following guidance applies.

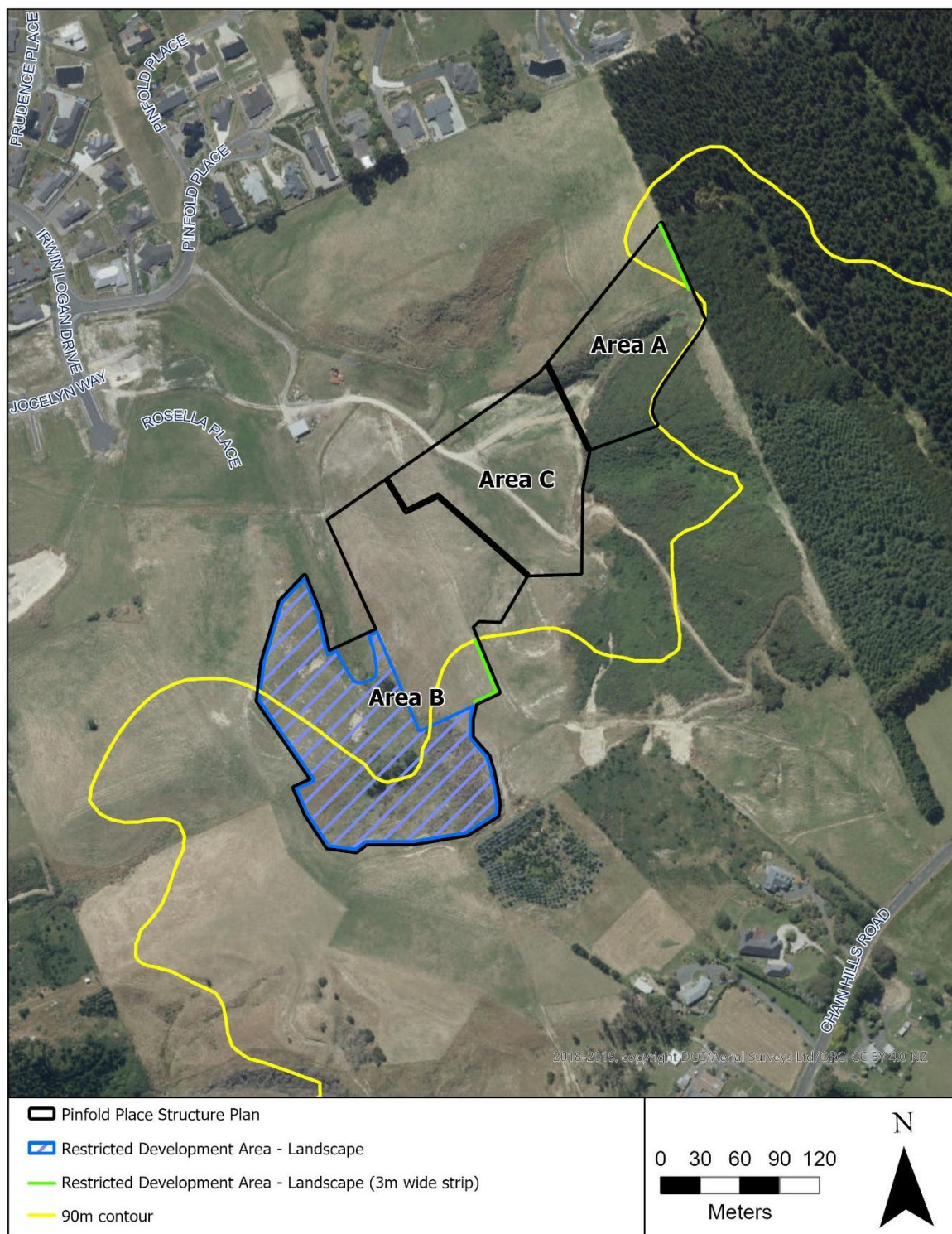
##### *General assessment guidance:*

- b. In assessing effects related to risk from natural hazards, Council will consider the geotechnical investigation report submitted with the application (as required by Rule 15.8.32.5.a).
- c. In assessing effects on landscape values, Council will consider the landscape plan submitted with the application (as required by Rule 15.8.32.5.b).

##### *Conditions that may be imposed include:*

- d. A requirement that 'no build' areas and building platforms identified by the geotechnical investigation report required by Rule 15.8.32.5.a are registered on the records of title by way of consent notice.
- e. A requirement for legal instruments and bonds to ensure the planting required by Rule 15.8.32.5.b is undertaken and maintained in perpetuity, in accordance with the plan submitted under Rule 15.8.32.5.b, and to establish the legal responsibilities for the ongoing maintenance of the planted areas.
- f. A requirement that land within the 'Restricted Development Area - Landscape' and 'Restricted Development Area – Landscape (3m wide strip)' on Figure 15.8.32A must be held in the same title or titles as a residential land use within the **Pinfold Place structure plan mapped area**.

**Figure 15.8.32A: Pinfold Place structure plan**



**APPENDIX 3**

Amended planning provisions and maps for the Chain Hills SPMA.

## Annexure A

### Overlays and Mapped Areas to be Applied:

- Area A and B – Zoned Large Lot Residential 1
- Area C – Zoned Rural Residential 1
- “No DCC Reticulated Wastewater Mapped Area” overlay to cover Areas A and B
- “Chain Hills Road Structure Plan Mapped Area” overlay to cover Areas A, B and C

### 15.8.33 Chain Hills Road Structure Plan Mapped Area Rules

#### 15.8.33.1 Application of structure plan mapped area rules

- a. The performance standards, assessment guidance and special information requirements in Rule 15.8.33 apply to all parts of the **Chain Hills Road structure plan mapped area**, including land zoned Large Lot Residential 1 (Area A and Area B) and land zoned Rural Residential 1 (Area C). For any rule contraventions in Area C, the assessment guidance in Section 17 also applies.

#### 15.8.33.2 Land use performance standards

- a. Density
  - i. Standard residential activities in the **Chain Hills Road structure plan mapped area** must not exceed a density of one residential activity per site (note that Rule 15.8.33.4.a limits the maximum number of sites in the **Chain Hills Road structure plan mapped area**), except that:
    1. in the Large Lot Residential 1 Zone (Area A and Area B), one ancillary residential unit is allowed per site in association with a standard residential activity; and
    2. in the Rural Residential Zone 1 (Area C), one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.
  - ii. Activities that contravene this performance standard are non-complying activities.
  - iii. For the sake of clarity, this performance standard supersedes Rules 15.5.2 and 17.5.2, and is additional to Rules 15.5.14 and 17.5.3.

#### 15.8.33.3 Development performance standards

- a. Building location
  - i. New buildings and structures must not be located within the ‘Restricted Development Area – Landscape and Biodiversity’ or ‘Restricted Development Area – Landscape Mitigation for Building Platforms’ as shown on Figure 15.8.33A.
  - ii. Activities that contravene this performance standard are restricted discretionary activities.
- b. Vegetation clearance
  - i. Indigenous vegetation clearance must not occur in the area marked ‘Restricted Development Area – Landscape and Biodiversity’ or ‘Restricted Development Area – Landscape Mitigation for Building Platforms’ on Figure 15.8.33A.
  - ii. The following types of vegetation clearance are exempt from Rule 15.8.33.3.b.i:
    1. clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;
    2. clearance for the maintenance of fences (including gates), provided:
      1. any fence posts are located outside of the dripline of mature indigenous trees listed in Appendix 10A.3; and

2. the erection of new fences does not damage:
  1. specimens of threatened plant species listed in Appendix 10A.1;
  2. important breeding refuge, feeding or resting sites for indigenous fauna listed in Appendix 10A.2; or
  3. mature indigenous trees listed in Appendix 10A.3.
3. clearance for the maintenance (but not extension) of existing network utilities, irrigation infrastructure, tracks, drains, structures, roads, or firebreaks;
4. clearance that is consistent with or provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987;
5. clearance for the purpose of the sustainable customary harvest of food or resources undertaken by Manawhenua, in accordance with tikaka Māori;
6. clearance that is required to remove material infected by unwanted organisms as declared by Ministry for Primary Industries' Chief Technical Officer, or to respond to an emergency declared by the Minister for Primary Industries under the Biosecurity Act 1993;
7. clearance of a pest plant listed in Appendix 10B to Section 10 of the Plan; and
8. clearance that is necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities.
- iii. Activities that contravene this performance standard are restricted discretionary activities.
- iv. For the sake of clarity, this performance standard is additional to Rule 17.6.10.

#### 15.8.33.4 Subdivision performance standards

- a. Maximum number of sites
  - i. The maximum number of resultant sites within the **Chain Hills Road structure plan mapped area** is as follows:
    1. Area A: Nine sites.
    2. Area B: One site.
    3. Area C: Three sites.
  - ii. The first subdivision of the **Chain Hills Road structure plan mapped area** must include separation of Area A and Area B from Area C and creation of a maximum of three sites within Area C, either through subdivision or amalgamation of existing titles. The subdivision must provide for access through Areas A and B as necessary to ensure all three sites within Area C have legal and physical access.
  - iii. The first subdivision of the **Chain Hills Road structure plan mapped area** must provide for one building platform per site within Area C, in the general positions indicated on Figure 15.8.33A. The building platforms are to have a maximum area of 700m<sup>2</sup> each.
  - iv. Resultant sites created and used solely for the following purposes are exempt from clause i of this performance standard:
    1. scheduled ASBV or QEII covenant;
    2. reserve;
    3. access;
    4. utility; or
    5. road
  - v. Activities that contravene this performance standard are non-complying activities.
  - vi. For the sake of clarity, this performance standard is additional to Rs 15.7.4 (Area A and Area B) and 17.7.5 (Area C).

### 15.8.33.5 Special information requirements

#### a. Stormwater management information

- i. Applications for subdivision within Area A and B of the **Chain Hills Road structure plan mapped area** must include an integrated stormwater management plan.
- ii. The stormwater management plan and design of the stormwater infrastructure must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management.
- iii. The stormwater management plan must contain the following stormwater management information:
  1. A risk based assessment to determine what measures (if any) are needed to manage flows downstream of the land;
  2. the techniques to be used to manage stormwater, and the location and extent to which these techniques are accommodated on-site;
  3. how the design of stormwater management techniques will ensure that there will be no increase in peak post-development stormwater discharge rates (taking into account climate change and cumulative effects) when compared with pre-development flows;
  4. a maintenance plan for stormwater infrastructure, including actions to be taken to ensure the on-going management and maintenance of on-site mitigation measures and the responsibilities for this.
- iv. For the sake of clarity, this Special Information Requirement is in addition to Rule 9.9.3.

#### b. Landscape mitigation and biodiversity enhancement plan

- i. Areas to be included:
  1. Applications for subdivision in Area C must include a landscape mitigation and biodiversity enhancement plan (prepared by a suitably qualified or experienced ecologist or landscape architect) for the following areas identified on Figure 15.8.33A (unless this plan has been provided and accepted through an earlier subdivision consent application):
    1. 'Restricted Development Area – Landscape and Biodiversity' and
    2. 'Restricted Development Area – Landscape Mitigation for Building Platforms'.
- ii. Landscape mitigation and biodiversity enhancement plan requirements:
  1. The landscape mitigation and biodiversity enhancement plan must outline how the values listed below will be maintained and enhanced:
    1. When viewed from public places within Mosgiel, including Kinmont Park, Joe Brown Reserve, Brooklands Park, and Peter Johnston Park; the Chain Hills exhibit landscape values which provide a sense of enclosure for Mosgiel and a predominantly rural backdrop and skyline comprising vegetation, forestry and paddocks with any houses visually subservient, acknowledging an existing area of low density residential zoning located to the north of the **Chain Hills Road structure plan mapped area** extending up some ridges to approximately the 146m contour at the highest point.
    2. Indigenous biodiversity values of the Chain Hills, recognising the biodiversity value provided by areas of indigenous forest located within gullies (on a land environment that retains less than 10% of its original cover), comprising kānuka (*Kunzea robusta*), kōtukutuku (*Fuchsia excorticata*), kōhūhū (*Pittosporum tenuifolium*), large-leaved pōhuehue (*Muehlenbeckia australis*), māhoe (*Melicytus ramiflorus*),



tātarāmoa (*Rubus cissoides*), pūniu (*Polystichum vestitum*), little hard fern (*Blechnum penna-marina*), and Carex and Juncus species.

2. The landscape mitigation and biodiversity enhancement plan must ensure that:
  1. landscaping proposed within the 'Restricted Development Area – Landscape and Biodiversity' is capable of reaching a height that will provide landscape mitigation and a vegetated setting for future built form in Area C of the **Chain Hills structure plan mapped area** when viewed from public places within Mosgiel;
  2. landscaping proposed within the 'Restricted Development Area – Landscape Mitigation for Building Platforms' is capable of reaching a height that will provide landscape mitigation and a vegetated setting or backdrop for future built form in Building Platforms 2 and 3 of the **Chain Hills structure plan mapped area** when viewed from public places within Mosgiel.
3. The landscape mitigation and biodiversity enhancement plan must include the following:
  1. an outline of the objectives of the enhancement plan;
  2. a description of the areas to be enhanced and protected, including description of vegetation values present that should remain, presence of any problematic weed species (and how these will be managed), animal pest control and fencing;
  3. a schedule of ecologically appropriate species to be planted, to provide landscape mitigation to built development and enhance indigenous biodiversity values.
  4. a plan depicting location, species density and staging of planting;
  5. any site preparation required; and
  6. measures that will be used to protect, monitor and maintain plantings, including replacement of dead plants.

Advice Note: it is recommended that the planting within the 'Restricted Development Area – Landscape and Biodiversity' should incorporate indigenous tree species from the following list: kahikatea (*Dacrycarpus dacrydioides*), mataī (*Prumnopitys taxifolia*), tōtara (*Podocarpus totara*), manatū/lowland ribbonwood (*Plagianthus regius*), narrow-leaved lacebark (*Hoheria angustifolia*), kōwhai (*Sophora microphyllum*), kāpuka/broadleaf (*Griselinia littoralis*), kōtukutuku/fuchsia (*Fuchsia excorticata*), kōhūhū (*Pittosporum tenuifolium*), tarata (*Pittosporum eugenoides*), and makomako/wineberry (*Aristotelia serrata*).

### iii. Implementation

1. Any planting required within the 'Restricted Development Area – Landscape and Biodiversity' must be undertaken within three years of the issue of titles for the subdivision. The planting will be the responsibility of the property owner. The subdivision must include an appropriate legal mechanism in relation to the 'Restricted Development Area – Landscape and Biodiversity' to ensure the planting required by Rule 15.8.33.5.b.i.1.1 is undertaken by the property owner within three years of the issue of titles and maintained in perpetuity.
2. Any planting required within the 'Restricted Development Area – Landscape Mitigation for Building Platforms' must be undertaken within the first growing season (1st May to 30th September) following construction of a dwelling on the same site. The subdivision must include an appropriate legal mechanism

in relation to the 'Restricted Development Area – Landscape Mitigation for Building Platforms', to ensure the planting required by Rule 15.8.33.5.b.i.1.2 is undertaken by the property owner within the first growing season (1st May to 30th September) following construction of a dwelling on the resultant site and maintained in perpetuity.

#### 15.8.33.6 Assessment guidance for performance standard contraventions

- a. In the case of contravention of Rule 15.8.33.3.a or Rule 15.8.33.3.b, the following matter of discretion applies:

Performance standard		Matter of discretion	Guidance for the assessment of resource consents
i.	Building Location (Rule 15.8.33.3.a)  Vegetation Clearance (Rule 15.8.33.3.b)	1. Effects on biodiversity	Relevant objectives and policies: Objective 10.2.1 Policy 10.2.1.1

#### 15.8.33.7 Assessment guidance for subdivision

- a. In addition to the matters of discretion and assessment guidance for subdivision activities provided in Rule 15.11.4 (for Area A and B) and Rule 17.10.4 (for Area C), the following guidance applies.

##### *General assessment guidance:*

- b. In assessing effects on efficiency and affordability of infrastructure (stormwater) and effects of stormwater from future development, Council will consider the stormwater management information submitted with the application (as required by Rule 15.8.33.5.a).
- c. For Areas A and B, in assessing effects on neighbourhood residential character and amenity, and in particular current or future intended character of the neighbourhood, Council will consider the values outlined in 15.8.33.5.b.ii and the landscape mitigation and biodiversity enhancement plan submitted with the application (as required by Rule 15.8.33.5.b).
- d. For Area C, in assessing effects on biodiversity values and effects on rural residential character and visual amenity, Council will consider the values outlined in 15.8.33.5.b.ii and the landscape mitigation and biodiversity enhancement plan submitted with the application (as required by Rule 15.8.33.5.b).

##### *Conditions that are likely to be imposed include:*

- e. A requirement for legal instruments and bonds to ensure the planting required by Rule 15.8.33.5.b is undertaken and maintained in perpetuity, in accordance with the plan submitted under Rule 15.8.33.5.b, and to establish the legal responsibilities for the ongoing maintenance of the planted areas.
- f. A requirement that land within the 'Restricted Development Area - Landscape and Biodiversity' and the 'Restricted Development Area – Landscape Mitigation for Building Platforms' on Figure 15.8.33A be held in the same title or titles as a residential land use within the **Chain Hills Road structure plan mapped area**.
- g. A requirement that the building platforms in Area C are registered on the records of title by way of consent notice.

#### **New cross reference to be inserted in Rural Residential Zone Rule 17.3.2 (after 17.3.2.12)**

##### *Rules applying in the **Chain Hills Road structure plan mapped area***

- X. Residential activities, development activities and subdivision activities within the **Chain Hills Road structure plan mapped area** are also managed under Rule 15.8.33 **Chain Hills Road Structure Plan Mapped Area**.

Figure 15.8.33A: Chain Hills Road structure plan

