

Submission on Notified Application Concerning Resource Consent

Section 95A Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

This is a submission on the following resource consent application:

RC No: 230179 Rocky Point Bendigo
Applicant: TKO Properties Limited
Location of Site: Bendigo Loop Road
Lot 1 DP 561457, Title no 993471

DETAILS OF SUBMITTER

Full name: Central Otago Environmental Society (COES)
Contact person (if applicable): Phil Murray (Chair)
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Central Otago

Objects of COES

Central Otago Environmental Society (COES) is an independent body with the following stated aims:

- a. The protection and preservation of the natural landscape and character of Central Otago. This covers many values including landscape, amenity, aesthetic and Central Otago's endemic flora and fauna.
- b. Raising awareness of issues concerning the natural landscape, heritage and resources of Central Otago with the wider public.
- c. To encourage and support the Government, the Central Otago District Council, the Otago Regional Council, the Department of Conservation and other statutory authorities as appropriate, to establish policies and make decisions which will preserve and enhance the special character of Central Otago's landscapes, heritage and resources for the benefits of future generations.

Qualifications and experience of spokesperson

1. My name is Matthew James Sole.
2. I am an Archaeological Consultant.
3. I am self-employed, engaged in archaeological consultancy and statutory land management contract work since 2008 through to the present. I have been undertaking archaeological surveys and assessments for Queenstown Lakes District Council, Central Otago District Council (**CODC**), Department of Conservation (**DOC**), various forestry companies; Queenstown Trails Trust/Mahu Whenua Covenant, private property developments, Clutha Gold Trail land access negotiations involving 135 land parcels 15 and private land easements.
4. In my archaeological practise I apply a heritage landscape approach and undertake this on foot informed by pre field desk top research using GIS spatial data. I consider our natural historic biodiversity and paleontological discoveries as part of heritage landscape.
5. I was employed by DOC in Central Otago as a programme manager in Recreation and Heritage, and Community Relations role, 1996 – 2006.
6. I am a keen botanist and advocate for Central Otago's rare and endangered ecosystems having participated in rare plant surveys and resurveys some with Susan Walker of Landcare.
7. I submit on behalf of Central Otago Environmental Society (**COES**), I am an Executive Committee member of COES and I am authorised to give this evidence on COES' behalf.
8. As a community group dedicated to the preservation of the natural environment, we have particular concerns regarding the degradation of the unique biosphere of Central Otago. Many of the drivers of this diminishment of the ecological balance have been due to the intensification of agricultural land uses and extensive lifestyle subdivision many among significant natural areas and landscapes.
9. Such activities have continued apace under a growth permissive dated 16-year-old district plan operational since 2008. COES is frustrated that the issues responsible for environmental decline and extinction have been well known for the last few decades, and we are aware of no baseline biodiversity inventory, or any active monitoring or advocacy for Central Otago's rare and endangered flora and fauna and their associated ecosystems outside of the conservation estate.

10. Observations of CODC rural lifestyle Subdivision policy, objectives and rules, with subsequent re-subdivision, show that each iteration assessed as minor in effect, is driving a legacy effect, to death by a thousand cuts to inherent natural values.

The specific parts of the application that our submission relates to are:

11. The visual effects of the proposed buildings and roading and recreation tracks on Outstanding Natural Landscape (ONL) values outside of the development area and within DOC covenant area both within and outside development.
12. The subdivision and the subsequent adverse effects this will have on Outstanding Natural Landscape (ONL) values when viewed from State Highway 8, Lake Dunstan, Lake Dunstan Trail and SH6, public users of Bendigo Scenic Reserve, and associated Mt Koinga and Bendigo Loop tracks to and within the scenic reserve over looking the subdivision.
13. The adequacy of Landscape assessment in relation to public users of Bendigo Scenic Reserve, Mt Koinga and Bendigo Loop tracks and silence on the effects on trail users of Lake Dunstan Trail
14. The adequacy of Spring Annual and Saline Soil Biodiversity assessments in relation to the subdivision, building sites, road and recreational tracks, that are known to exist in neighboring blocks and are highly likely to exist within Lot 1 DP561457
15. The lack of assessment of effects from recreational tracks on historic values and dryland flora and fauna – specifically Kanuka and the highly threatened pigmy mistletoe .
16. As noted above the proposal also dissects and compromises the values within the existing Conservation Covenant 5009824.9 (Reserves Act) on Mt Koinga which was set up to protect –
 - 16.1. *“Protecting and enhancing the natural character of the land with particular regard to the natural functioning of ecosystems and to the native flora and fauna...”*
 - 16.2. *“Protecting the land as an area representative of a significant part of the ecological character of the Dunstan Ecological District as referred to in the draft survey report for the Protected Natural Areas Programme for the Lindis, Pisa and Dunstan Ecological Districts dated February 1987.”*
 - 16.3. *“Maintaining the landscape values of the land as referred to in the “Application for exchange of property rights” submitted to the Commissioner of Crown Lands.*
 - 16.4. *“Maintaining the historic values of the land as referred to in “The rich fields of Bendigo” by Jill Hamel February 1993.”.*

Note: this existing covenant needs protect from subdivision etc in perpetuity

17. Questionable and unproven Biodiversity Compensation Measures focusing on individual plan communities rather than an ecosystem approach.
18. The bias of the assessment of biodiversity towards kanuka climax population and the degree of diligence with spring annual and saline surveys and the failure to adopt avoidance of threatened, at risk and regionally important species is incongruent with ecological and botanical submissions from opposing expert evidence and advice.

19. The inadequate assessment of heritage for the development and landscape and heritage effects of proposed recreation tracks.
20. Absence of consideration of the cumulative and future increasing effects if these diverse entities are used beyond horticultural labour needs or are later separated from horticulture needs to be used as stand-alone accommodation and recreational businesses.
21. Because of the highly significant natural values and outstanding landscape, there needs to be a clause registered against the titles that protects them from further subdivision in perpetuity.
22. The proposal does not confine itself to the allowed Development Zone but encroaches onto adjoining Rocky Point Recreation Zone (CODC zone) established in the District Plan to protect the landscape values arising from the kanuka and associated semi arid ecosystem values present and the general ONL.
23. The increased risk of fire from this density of residential and accommodation subdivision and the need to recognise the potential risks to the wider locale that are exacerbated by the proposal.
24. The community benefit of employment is incommensurate to the impacts on rare and significant biodiversity and landscape values.
25. Precedence setting risk with adjoining land parcels with similar SNA and ONL values
26. Absence of application of the precautionary approach with such rare and significant ecological systems

This submission is:

27. COES opposes the application due to the adverse effects of buildings, curtilage, roading (water tabling) power supply, water supply, storm water and waste water tanks and disposal fields and recreational tracking on the Outstanding Natural Landscape (ONL) values identified by the district plan. These values are associated with public use of SH8, Lake Dunstan, Lake Dunstan Trail and SH6, public users of Bendigo Scenic Reserve, and associated Mt Koinga and Bendigo Loop tracks to and within the scenic reserve

The reasons for your views.

28. The area is zoned in the district plan as Outstanding Natural Landscape (ONL) consisting of - western faces of Dunstan Range representing one of the largest areas of relatively intact dryland systems at low levels and part of an indigenous vegetation sequence that goes to the alpine summit of the Dunstan Range in combination with a significant natural area SNA.
29. These are high public and tourist use areas appreciated for their high landscape and recreation values which incorporates natural character including both biophysical and experiential dimensions both of which typically have visual dimensions.

30. The area is in close proximity to the well utilised Bendigo Wildlife Reserve, Bendigo Camping & Picnic Area, Bendigo Boat Ramp, Lake Dunstan shoreline rest areas and Lake Dunstan Trail. Activities associated with these areas are swimming, fishing boating, cycling, shoreline walking, camping and picnicking with direct walking access via Mt Koinga track. The Outstanding Natural Landscape(ONL) forms the foreground and backdrop to these highly used and diverse recreation and amenity space uses.
31. The Outstanding Natural Landscape (ONL) is a particularly noteworthy landscape incorporating the important geological feature of the western faces of the Dunstan Range with a district wide unique example of a near complete ecological altitudinal sequence from the lake Dunstan shoreline to the Dunstan Range summit.
32. It comprises intact indigenous semi-arid dryland biodiversity systems governed by topography, aspect and soil geology in among shrubland systems rising up to alpine systems all with their associated diverse endemic flora and fauna, some of which are very rare and increasingly under threat of extinction.
33. This altitudinal sequence contains important biodiversity, natural, physical, cultural and recreational values. These systems have value for carbon sequestration as well as soil and water conservation values.
34. More than 70% of drylands are now lost and only 3% are legally protected. (Ref DOC WEB Drylands)
35. The landscape surrounding and including the application site displays high levels of natural character and biodiversity intactness due mainly to the minimal human impact and light footprint except for the traversing transmission lines.
36. The introduction of the obvious modern sequence of complexes and associated infrastructure to this historic and highly significant and natural setting has more than minor adverse effects
37. The amenity values enjoyed by the public using adjacent public spaces, which are afforded by this outstanding landscape setting, include privacy, openness, spaciousness and the scale of the western Dunstan Range as a wider backdrop to the application site. This will be adversely disrupted by the introduction of this obvious modern sequence of complexes and associated infrastructure.
38. When viewed from SH8 and SH6, Rocky point forms part of the Dunstan Mountains western faces. It forms a smooth folded board layer with incised deep fissured gullies with an uneven exposed schist layer within and across it, along with some remnant glaciation features which feature some impressive buttresses and tors which affords distinctive sense of naturalness unique to Central Otago and its "world of difference".

39. With the encompassing ONL, there is a sense of exposure to the weather and 'ruggedness' which is reflected by the regenerating kanuka and grey shrubland interspersed with dry land spring annuals, ephemeral areas, saline soil areas, wetland seepages, hardy significant rare and threatened ecological systems.
40. The level of modification and human footprint proposed for this area by the application and the area's ONL classification under the District Plan are incongruous and incompatible. The placement of the worker/tourist accommodation and communal buildings among such an outstanding landscape and this SNA suit of ecological systems appears insensitive in terms of natural character, landscape and visual effects and the ongoing stewardship of rare and endangered ecological systems.

COES opposes the application due to unjustified subdivision of parcels for worker accommodation/tourist accommodation and communal buildings.

the reasons for your views.

41. Limited and questionable community benefit when considered against the adverse effects on biodiversity and landscape.
42. This proposal is insensitive to the highly significant ecological values and outstanding landscape with high potential for unintended consequences like fire (noting Mt Iron, there is increasing pressure from landowners and FENZ for kanuka to be removed from around houses to reduce fire risk. Should more subdivisions be allowed in areas of known high fire risk associated with high biodiversity values?).

COES opposes the application on the grounds of deficient biodiversity assessment of effects and the resulting modification of landform, potential destruction and loss of threatened dryland flora and fauna habitat.

the reasons for your views

43. Concern over the degree of diligence with ecological assessment including of the distinctive Otago dryland values of spring annuals, ephemeral areas and saline soils known to be present. Our view is that in light of the following articles both CODC and the applicant are defective in avoidance and offsetting.
- 43.1. <https://www.doc.govt.nz/nature/habitats/drylands/#:~:text=Drylands%20contain%20about%20half%20of,ear%20hawkweed%20and%20sweet%20brier.&text=Drylands%20have%20important%20biodiversity%2C%20natural,physical%2C%20cultural%20and%20recreational%20values.>
- 43.2. <https://i.stuff.co.nz/southland-times/news/69225068/central-otagos-indigenous-biodiversity-endangered>)
- 43.3. <https://newzealandecology.org/nzie/3547> The pattern of declines and local extinctions of endemic inland Lepidium species in the eastern South Island by Susan Walker, Michael A.C. Harding and Graeme Loh

44. The biodiversity assessment provided by the applicant doesn't appear to account for new at-risk species - *olearia odorata* and *poa maniototo*.

COES opposes the application due to the deficiency in the Biodiversity Compensation Measures which are a result of concerns with the degree of diligence in biodiversity survey and assessment and in the application of Biodiversity Compensation Measures.

the reasons for your views

45. The current application biodiversity compensation measure is based on a less than robust survey and assessment of biodiversity values.

46. The effects management hierarchy (Avoid-Remedy-Mitigate-Offsetting- No-net loss: Net gain- Environmental Compensation) has to be followed in that order. Compensation is the last resort measure which should only be applied if off-setting is not possible.

46.1. The bias of the assessment of biodiversity towards kanuka climax population and the degree of diligence with spring annual and saline surveys and the failure to adopt avoidance of threatened, at risk and regionally important species is incongruent with ecological and botanical submissions from opposing expert evidence and advice

46.2. Questionable and unproven Biodiversity Compensation Measures focusing on individual plan communities rather than a ecosystem approach.

46.3. COES recommends the NZ Journal of Ecology paper - What effects must be avoided, remediated or mitigated to maintain indigenous biodiversity? <https://newzealandecology.org/nzje/3445> as a more precautionary approach to protecting biodiversity.

46.4. There should also be evidence that steps to avoid values have been taken. The original consented subdivision lies within the development zone. This proposal extends into the Reserves Act conservation covenant and the CODC ONL (Rocky Point Recreation Zone) zone that contains kanuka, so avoidance has not been attempted.

COES opposes the application on the grounds of deficiency in archaeological assessment of the effects on the developments heritage and associated recreation tracks and the resulting modification / destruction of historic values.

the reasons for your views

47. As revealed by DOC senior heritage advisor Dr Matthew Schmidt, the heritage assessment has been shown to be inadequate in its scope (with new additional sites found) and the inadequate interpretation of sites/features found and their association as components of a complete heritage system – water collection, storage and delivery to alluvial gold workings, along with the context relationship to the wider Bendigo complex and the likely hood of miner occupation and further artefact discovery.

48. As previously noted there appears to be no evidence of archaeological survey or assessment of the proposed recreational track network and given the additional new sites found during a foot survey, the reliance on spatial data is questionable in terms survey adequacy.

49. The internal recreational track network should be archaeologically assessed by foot for effects on remaining archaeological values and overall assessment reviewed in light of the heritage system value, completeness, group value and context.

50. COES endorses

50.1. Kate Wardle's tabled letter and her offset plan Appendix 7 subject to botany assessment values

50.2. Di Lucas submission

50.3. DOC submissions

50.3.1. Richard Andrew Ewans

50.3.2. Elizabeth Williams

50.3.3. Matthew Schmidt

51. We seek the following decision from the consent authority:

Decline the application.

1. If the development goes ahead the covenant/ public land instruments need to be established at the start of the development and should include remedial weed and pest control.
2. And a Bond paid to cover risks associated with proposed Biodiversity Compensation Measures.

We oppose the application. We wish to be heard in support of this submission.

We are not* a trade competitor for the purposes of [section 308B](#) of the Resource

Management Act 1991 (select one)

***We will consider presenting a joint case if others make a similar submission**

We do not request (select one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 below as you may incur costs relating to this request."

X

M J Sole
COES Secretary

Signature (COES Secretary) Matthew Sole Date 16 11 2024

(to be signed by submitter or person authorised to sign on behalf of submitter)