

**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC230398
88 TERRACE STREET BANNOCKBURN**

APPLICATION	RC 230398
APPLICANT	DJ JONES AND NR SEARRELL FAMILY TRUSTS
ADDRESS	88 TERRACE STREET BANNOCKBURN
LEGAL DESCRIPTION	Lot 4 DP 339137 (HELD IN RECORD OF TITLE 474127).
ACTIVITY STATUS	DISCRETIONARY

INTRODUCTION

This report has been prepared under sections 95A to 95G of the Resource Management Act 1991 (the Act) to document the notification assessment of the application RC230398 to undertake a twenty-four lot subdivision of Lot 4 DP 339137. Further information was provided on 27 February 2024 and this information is considered to form part of the application.

BACKGROUND

Subdivision consent RC020256, authorised the subdivision of a 32.7215ha title into 15 residential allotments and one balance lot. At that time, Terrace Street was also realigned as part of this to provide safe sight lines along Bannockburn Road and to act as part of a proposed loop road to service future subdivision.

Further subdivision occurred for a four-lot residential development (Lots 21-25) and a residual title in 2009 was created as a result of subdivision consent RC080449. This subdivision application relates to the residual title created in 2009.

RC190154 sought to authorise 35 residential lots ranging in area from 700m² to 2449m² with an average lot size of 1307m². Access was to be from the end of Terrace Street and then over Lot 100, 101 and 102 plus a number of ROWs to give access to internal lots. Lot 200 will be the balance lot comprising an area of 4.04ha. This application was publicly notified and received 77 submissions; one in support, two neutral, two did not state and 72 in opposition. This application was withdrawn and the current application lodged to replace it in its entirety.

PROPOSAL

The applicant, DJ Jones and NR Serrell Family Trust, seeks resource consent to undertake a 24-lot subdivision at the site located at 88 Terrace Street, Bannockburn (See Figure 1).

The site comprises an area of 17.6140 hectares. The applicant proposes to configure the subdivision as follows:

- Lots 1-20 will be freehold lots for residential activity. The lots range in size from 1502m² to 2265m².
- Lot 30 is to be a 4100m² recreation/local purpose reserve located at the terminus of the Terrace Street road extension. The reserve will provide amenity, connection to the informal public trail and a lookout area to the north and east towards Cromwell, the wider Upper Clutha area and eastwards towards the Bannockburn Outlet and Surrounds. The applicant also proposes that the reserve will contain interpretive material associated with the former mining activity, heritage associations with the twin Water Race Hill water races (Archaeological Site identifier F41/369), and also potentially geomorphic explanations of the Upper Clutha area.
- Lot 40 is to be a balance freehold lot comprising an area of 4.44ha. The existing informal walkways within this area are proposed to be maintained, however no formal recognition of the walking areas is proposed.
- Lot 50 is a 7.82ha balance lot intended for future development. Lot 50 has frontage to Bannockburn Road and includes a recorded archaeological site being Revell's Basin sluicing's.
- Lot 51 is a 0.53ha balance lot which comprises a gully feature and contains a recorded archaeological gold workings gully feature F41/368 Pennyweights Sluicing's.
- Lot 100 will be a short loop road located on the southern side of the central road and will provide access to Lots 2, 6 and 15 to 20.
- Lot 101 will be the main access road extending Terrace Street from the current termination point.



Figure 1: Subject site (Source: Application)

The application identifies that Lots 4, 5, 6, 13, 14, 15 to 20 are located either entirely within, or such that future buildings will be located within a building line restriction area identified on the ODP Plan Maps. Lots 2, 10, 11 and 12 are also affected by the BLR, but it is more likely than not that houses will be able to be built outside, or partially outside the BLR.

The applicant volunteers the following development controls:

- On Lots 4,5,13,14, 15 – 20, a building platform of 500 m² shall be identified with all buildings and associated curtilage restricted to locate within the building platform areas. No built development shall be permitted outside the building platform, including clothes lines, swimming pools or other activities generally associated with a curtilage area.
- For all of Lots 1-20, a maximum built coverage of 300m². Should any dwellings be two storeys, the maximum footprint for the ground floor will be 200m².
- The access to Lot 6 shall be designed to limit the extent of earthworks required, and as far as practicable off the ridgeline.
- Exterior cladding shall be limited to timber (vertical or horizontal), schist, or corrugated iron in one of the following Colorsteel colours: Lichen, Sandstone Grey, Lignite, Ironsand, FlaxPod, Grey Friars, New Denim Blue.
- Roofing shall be constructed of corrugated iron in one of the of the following Colorsteel colours (or similar with a light reflectance value (LRV) of the less than 12%): Lignite, Ironsand, FlaxPod, Grey Friars, New Denim Blue.
- Fencing at lot boundaries shall be limited to 1.2 m high unpainted post and rail, post and wire or waratah and wire fencing. The addition of rabbit wire mesh is encouraged.
- Subdivision roading shall be asphalt or chip seal and have no kerb and channel.
- Shared paths within the recreation reserve and road reserve shall be local compacted gravel and/or schist stone.
- Planting for the road reserve, recreation reserve and private lots shall be undertaken in accordance with the planting palette in Appendix A of the RMM Assessment.
- Lot 30, planting shall be undertaken to provide visual screening of the built form on lots 5, 10-14 from viewpoints east of the site. Conditions relating to plant composition, size, and maintenance are offered.
- On Lots 1- 20 Buildings maximum height restrictions are proposed.

The application is supported by the following documents:

- Landscape and Visual Assessment, prepared by Rough Milne Mitchell Landscape Architects Ltd, dated 19 December 2023.
- Archaeological and Heritage Impact Assessment, prepared by Kopuwai Consulting, dated December 2023
- Combined Preliminary and Detailed Site Investigation, prepared by ENGEO, dated 4 November 2021
- Geotechnical Investigation, prepared by ENGEO, 24 may 2022 (supersedes Draft Geotechnical Investigation dated 2 December 2021)
- Transport Assessment, prepared by Bartlett Consulting, dated 7 August 2023

- Preliminary Erosion and Sediment control Plan, prepared by Landpro, dated 28 August 2023.

SITE DESCRIPTION

The subject site comprises an area of 17.6140ha and is situated on an alluvial terrace remnant on the eastern side of Bannockburn area, approximately 3 km northwest from the base of the Carrick Range and immediately west of the Bannockburn Inlet. The site is bordered by development along Bannockburn Road and Terrace Street including single family dwellings on sections ranging from 1500 – 2700m² and several commercial businesses on Bannockburn Road within the historic township of Bannockburn. There are no existing built structures on the site. A number of well-used but informal walking tracks run through the site. The main track runs from the vehicle entry on Bannockburn Road to Bannockburn Inlet on the Kawarau River arm. Vegetation consists of dryland pasture grass, wild thyme, briar rose, broom, and other weed species. There are random groupings of exotic poplar and willow tree species growing throughout the site aswell. No significant native vegetation is known to exist on the subject site.

The supporting information submitted with the application site shows evidence of former gold mining works dating back to pre1900's as evidenced by a network of historic water races and deeply incised sluice gullies in the northwest with sluice faces and channels.

PLANNING FRAMEWORK

Central Otago District Plan.

The site is located within the Residential Resource Area [4]. A Building Line Restriction is identified on the the entire east to north facing slopes of the escarpment and lower parts of the hillside down toward the Bannockburn Inlet. There are no other annotations for the site.

Rule 7.3.3(i)(a) and (c) of the Central Otago District Plan states that where a subdivision will create lots with a minimum lot area of 1500m² and an average allotment size is no less than 2000m² within the Residential Resource Area [4] (RRA[4]), then, this is a restricted discretionary activity. The proposal will meet this standard.

Rule 12.7.7 Building Line Restrictions states that no building shall be erected within any building line restriction shown on the planning maps between the building line and the feature to which it relates. Lots 4, 5, 6, 13, 14, 15 to 20 are located either entirely within, or such that future buildings will be more likely than not located within the BLR. Breaches of Rule 12.7.7 are assessed as restricted discretionary activities.

Rule 7.4.4(ii) states that where a site is likely to be subject to land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation of any source is a discretionary activity. The Geotechnical investigation submitted with the application, identifies that the site is affected by slope stability issues and recommends conditions of consent to mitigate any risk during development of the site and in particular for the development of Lots 15, 16, 17, 18 and 19¹.

For completeness, I note that the future buildings for each lot are not proposed at this time and, as such, there is no trigger for Rule 7.3.5(ii). Rule 7.3.5(ii) states that buildings located on land which is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation of any source is a non-complying activity. I also note that with the development conditions proposed by the Geotechnical Assessment the hazard

¹ Please see hazard assessment discussion regarding the trigger for Rule 7.4.4(ii)

triggers may be reasonably resolved, such that Rule 7.3.5(ii) is not triggered by future development.

Plan Change 19

Under Plan Change 19, the site is proposed to be rezoned Large Lot Residential. While the release of the decisions on Plan Change 19 are imminent, at the time of writing this report, no PC19 rules have immediate legal effect, and there are no PC19 rules triggered by this application.

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NЕСS) came into effect on 1 January 2012. The NЕСS applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the NЕСS and/or might require resource consent.

In this instance, the subject site has had a historic mining activity undertaken on the land, and the proposed use of land involves a subdivision and soil disturbance. The application is supported by Combined Preliminary and Detailed Site Investigation, prepared by ENГEO, dated 4 November 2021 which concludes that any contamination detected was below the thresholds under the NЕСS for recreational, residential or commercial / industrial guideline criteria. The Combined Preliminary and Detailed Site Investigation confirms that the NЕСS is not triggered by this proposal. The findings of the Combined Preliminary and Detailed Site Investigation are relied upon for the purposes of this report.

There are no other National Environmental Standards relevant to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, all activities have the same activity status and the application is to be considered as a discretionary activity pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities and/or boundary activities (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

- A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)).*
- C: In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: Trade competition and the effects of trade competition (s95D(d)).*
- E: Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).*

WRITTEN APPROVALS

No written approvals have been submitted with the application.

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this instance, there is no permitted activity subdivision and, as such, there is no helpful permitted baseline to be applied to this application.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Effects of the Subdivision design

The original proposal (RC190154) involved a 38-lot subdivision of 38 residential lots which did not meet the minimum and average lots size requirements for the RRA (4) zone and included 24 lots being included within the BLR. The proposal now includes 20 residential allotments, two roading allotments, and four balance lots. The proposed residential lot sizes will meet

with the minimum size as set out in the provisions for RRA (4) to be considered as a restricted discretionary activity and are also generally consistent with lot sizes on Terrace Street and within the centre of Bannockburn. Each residential lot will gain access from a formed road or ROW access.

For the purposes of this report, I have separated out the effects of the subdivisional design on heritage, archaeological and cultural values and consider these later in this report.

The LVA notes that with Lot 30 to be vested with Council as a public reserve, Lot 40 to remain in private ownership to be used for rural productive activities such as grazing, and Lots 50 and 51 will serve as a balance lot, a dominance of open space will remain and development patterns will be consistent with existing settlement within Bannockburn.

The LVA identifies that, while the proposed subdivision will result in a substantial change to the site through the introduction of built form, roading, street trees, and amenity planting, it constitutes an extension of the semi-urban form of Bannockburn, and that this change can be anticipated based on the RRA(4) zoning. However, while these changes are largely anticipated given the underlying zoning, the proposed level of development is potentially greater than would be expected for the site given the breach of the BLR.

That said, the LVA considers that the subdivision will maintain the specific residential character and amenity of Bannockburn and the wider receiving environment through adherence to the RRA[4] minimum lot size and design controls to ensure built form is in keeping with the local vernacular, such that the effects of this will be low-moderate (minor). The LVA assessment is adopted for the purposes of this report and it is assessment that the effects of subdivisional design (excluding effects on heritage, archaeological and cultural values) are no more than minor.

Effects of the BLR Encroachment and landscape features

The application notes that the BLR within the site follows the ridgeline of Water Race Hill surrounding an area of lower landform and was established in 1987 by the Transitional (Vincent County) District Plan and initiated by a Plan Change. It is the applicant's understanding that the original purpose of the BLR was to contain Bannockburn within a 'hollow' so it would not be visible from the Cromwell Basin and to protect views around the Bannockburn Inlet. At the time of writing this report, I have no other information which would contradict this assumption.

I agree with the applicant that the BLR appears to be 'intact' in terms of buildings encroaching into it although development (housing and curtilage) adjacent to the ridgeline, along the crest of Hall Road, Domain Road and Terrace Street are visible from the wider Cromwell Basin, including from Bannockburn Inlet and locations east of the site. The applicant proposes that Lots 4, 5, 6, 13, 14, 15 to 20 be located either entirely within, or such that future buildings will be more likely than not located within the BLR (See Figure 2).

The application is supported by a Landscape and Visual Assessment (LVA), prepared by Rough Milne Mitchell Landscape Architects Ltd, dated 19 December 2023. The LVA is guided by the Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

The LVA assesses the landscape and visual effects of the associated with the subdivision and future development and focusses on the following matters:

- Effects associated with the breach of the BLR.
- Effects on the character, amenity, and settlement pattern within Bannockburn.

- Effects on the natural character of the Kawarau River and Bannockburn Inlet.
- Effects on the site's values including the open and rural character and the perceived ruggedness and naturalness of the site's landforms and vegetation patterns.
- Effects on the heritage and recreation values of the site, including on specific archaeological features.
- Visual amenity effects from public places within the surrounding area, particularly from locations east of the site, as well as from Bannockburn township and neighbouring private properties and businesses.

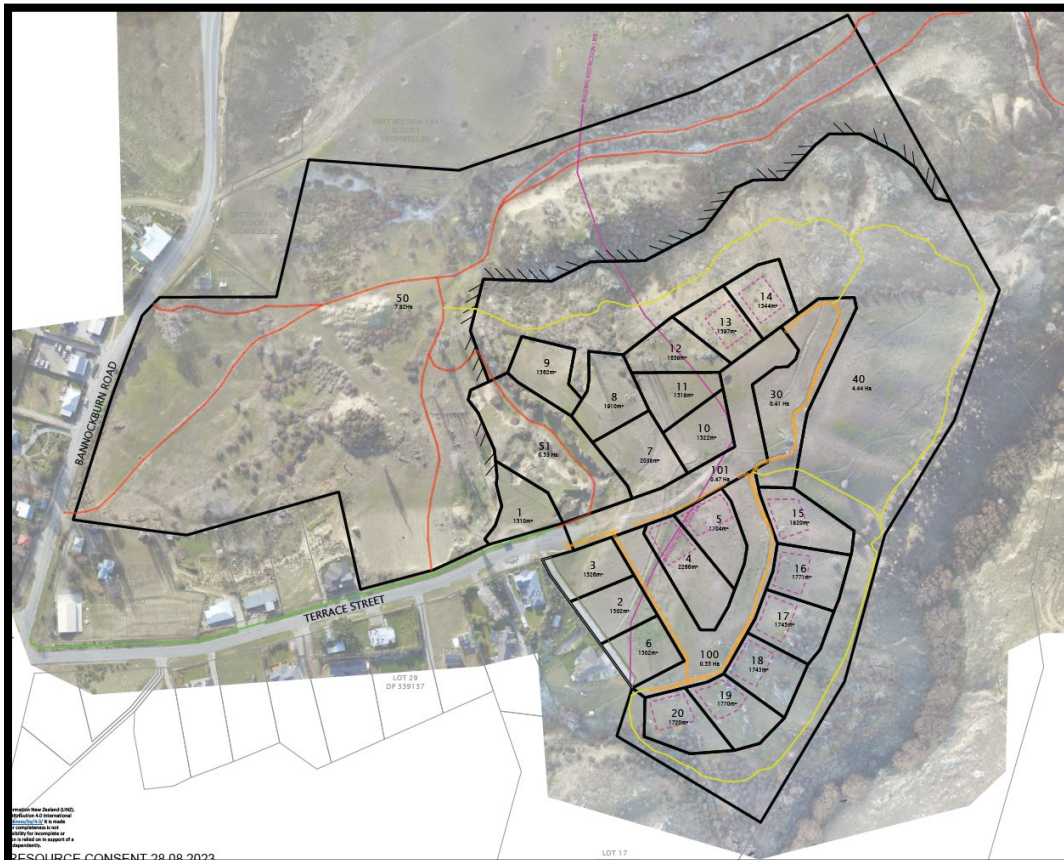


Figure 2: Subdivision Masterplan – Pink Line demarcates the BLR (Source Application)

The potential effects on heritage landscape have been separated out for the purposes of this report.

For completeness, I note that the applicant advises that within the BLR, bollard style lighting rather than street lights are proposed to minimise the impact on local residents and those viewing the area from outside the development.

An assessment has been undertaken from a number of Viewpoints identified in the LVA. In respect of those lots within the BLR, the LVA advises that the sensitivity of the subject site partially within the BLR overlay has required careful design of the subdivision proposal, including a reduction in the number of lots proposed within the BLR (compared with RC190154). In the current proposal, the applicant considers that lots located within the BLR will be generally viewed in the context of other existing built form and will appear as an extension of built form along Terrace Street. The recommended design controls including building platforms, height limits, planting mitigation and rules regarding materials and colour will ensure that the proposed built form within the BLR can be absorbed and effects largely mitigated when viewed in the context of adjacent development.

The applicant considers that the breach of the BLR will contribute to adverse effects, ranging from low-moderate to moderate. Notably, the view from the Kawarau Bannockburn Inlet (South of the recreation reserve) (Viewpoint 6) and Bannockburn Inlet Recreation Reserve (Viewpoint 7) is identified as being moderate/adverse (more than minor). The LVA notes that the values at Viewpoints 6 and 7 include rural character and amenity which is associated with the open and unbuilt nature of the hills. The scenic quality relates to the appreciation of the complex topography and a sense of ruggedness imparted by the terrain in combination with the sparse vegetation cover. Further, the hills and terraces contribute to the sense of containment experienced from Bannockburn Inlet.

From Viewpoint 6, the dwellings on lots 5 and 15 – 20 on south end of the escarpment will be visible, although setback from the Inlet. The LVA anticipates that future dwellings located on these lots will potentially break the skyline when viewed from this location. They will also form a new element in the scene, being the only dwellings visible from this location. Street trees and mitigation planting will also be visible and will partly screen the dwelling on lot 5 while also forming a backdrop to built form on Lots 15-20. Earthworks within lots 100 and 101 for the road and the walking track will also be somewhat visible in the short term.

From Viewpoint 7, Lots 15-20 will be visible however the LVA considers that these are set back from the Inlet, and anticipates that these will be partly screened by the existing landform and vegetation in the foreground. The LVA considers that the proposed mitigation through design controls will help to reduce the visual prominence of future dwellings on these lots. Even so, it is expected that future dwellings located on these lots will be partially visible and will potentially break the skyline when viewed from this location. They will also form a new element in the scene, being the only dwellings visible from this location. Mitigation planting and street trees will be somewhat visible and will form a partial backdrop to the built form on lots 15 – 20.

Overall, the LVA concludes that the effects of the proposal on the existing visual amenity will extend beyond the site but are relatively contained and finds that the effects on visual amenity overall are low-moderate and consider this degree of effects to be appropriate in the context.

The LVA was peer reviewed by Council's consultant Landscape Architect Yvonne Pfluger of Boffa Mischel. Ms Pfluger acted for Council in the review of the previous application for this site (RM190154) and the recommendations of the peer review for that earlier application are referenced in the subject application. Ms Pfluger's Peer Review confirms the use of the Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines, July 2022 as appropriate. Ms Pfluger agrees with the RMM's description of the landform and surrounding area for the site. Ms Pfluger also recognises the development restrictions recommended by the LVA and adopted by the applicant and supports the inclusion of these volunteered conditions. Ms Pfluger generally agrees with the findings of the LVA regarding the level of effect and considers the proposal to be a substantial improvement in comparison to the previous application RC190154.

Ms Pfluger considers that the following potential effects of buildings within the BLR need to be considered in light of the following two district plan matters:

- *Visual effects of buildings enabled under the proposal on the surrounding area, including viewpoints to the east around the Bannockburn Inlet and from residential areas within Bannockburn to the south/ south-west. This includes effects of location of buildings within the area identified through the BLR to the east of the highpoints of Water Race Hill Terrace.*

- *Landscape effects of development extending on the slopes of the Water Race Hill Terrace slopes, including landscape character change to the adjacent rural environment and experience of recreational users*

Ms Pfluger advises that the BLR serves the purpose of ensuring that the amenity value of the landscape to the east and the natural character values of the Kawarau River can be maintained. She notes that while Lots 15-20 would be visible along the terrace edge from elevated viewpoints, these are set back from the Kawarau Inlet along Shepherd's Creek. She, therefore, considers their visual prominence to be of a lesser concern than buildings within Lot 30 were under the previous application.

Ms Pfluger agrees with the LVA that from most viewpoints the proposed development would be viewed in the context of existing dwellings within Bannockburn. The only viewpoints that currently do not include visible built development are the close-up ones along Bannockburn Inlet (VP 6 and 7). From these viewpoints the proposal would not appear as an extension to built form on Terrace Street, but as an introduction of completely new development. Ms Pfluger advises that there are some viewpoints where buildings would break the skyline. While it is correct that views from the north and north-east are limited or only occur at long viewing distances, the views from the east are at short and mid viewing distances with elevated buildings potentially appearing on the skyline from specific nearby viewpoints around Bannockburn Inlet. Critically, Ms Pfluger advises that the mitigating effect of the proposed planting on Lot 30 for VP 6 and 7 is likely to take around 10 years due to the wide spacing (3m) of plants before mitigation offered by this planting will be effective.

However, Ms Pfluger agrees that the reduction in the number of lots proposed within the BLR in this application has reduced the visual effects along the visually most sensitive part of the landform contained within Lot 30. While viewpoints in the Bannockburn Recreation Reserve would experience more than minor visual effects, Ms Pfluger considers that the majority of visual effects from other viewpoints would be minor or less than minor with the exception of VP 6 and 7.

Overall, Ms Pfluger considers that the effects on the landscape and natural character of the Bannockburn Inlet would be minor (low-moderate) and acceptable in the context of the existing development within Bannockburn.

When reaching a conclusion on the effects of the BLR Encroachment and the protection of important landscape features, I have considered the assessments of both the LVA and Ms Pfluger, both of which assess the visual effects for Viewpoints 6 and 7 as more than minor, despite reaching an overall conclusion that, with the proposed design restrictions and mitigation planting, the effects will be low-moderate (minor) overall. I am also mindful that Ms Pfluger's advice that the planting on Lot 30 intended to mitigate the effects from Viewpoints 6 and 7 will take approximately 10 years to become effective. In making my assessment for the purposes of s95A-F, I am guided by relevant caselaw involving Trilane Industries Limited² where the Court found at paragraphs [59 -61] that:

[59] I therefore consider the Council erred in ignoring a temporary adverse effect which was moderate in scale by taking account that it would be mitigated in due course. Each adverse effect, whether temporary or permanent, had to be assessed. They could be discounted if they fell within the permitted baseline (being effects of an activity which are permitted under a district rule or regional plan). They could also

² Trilane Industries Limited v Queenstown Lakes District Council and Nature Preservation Trustee Limited CIV-2020-425-000002 [2020] NZHC 1647

be discounted if proposed mitigation would reduce the extent of effect to minor from the outset. However, neither of those scenarios were relevant here.

[60] Here, the Council appears to have taken a global view of the effects on landscape and visual amenity, including over time, to reach the view that effects on landscape and amenity are minor. That is not the correct approach. It would be the equivalent of saying that temporary construction noise effects could be ignored, simply because, once built, the noise effects of the activity would be negligible.

[61] Similarly, when relying on mitigation, it is correct to say that conditions which directly mitigate adverse effects of an activity can be taken into account when assessing adverse effects, for notification purposes. However, in this case, there was an identified delay before the primary mitigation, being revegetation, would be effective. Whether or not, those timeframes were acceptable for the purpose of granting consent, they did not mitigate the more than minor adverse visual effects which arose in the interim, for the purpose of public notification.

As such, I consider that the visual effects arising from Lots 15-20 being those lots within the BLR when viewed from Viewpoints 6 and 7 will be more than minor, at least in the short/temporary term.

Effects on Heritage and cultural Values

The applicant recognises that the site is unique in that although zoned for urban development, it contains heritage features which require management. The design of the subdivision and associated earthworks is expected to have some degree of effect on these features.

I agree with the applicant that the site does not contain any scheduled items in the District Plan and does not trigger Rule 14.7.1. Furthermore, the archaeological sites present on the application site are not registered in the District Plan, therefore Rule 14.7.4(b) applies and the HPA 1993 applies, (as superseded by its replacement legislation the Heritage New Zealand Pouhere Taonga Act 2014).

That said, I consider that the effects of the proposal on heritage and archaeological values are relevant to three assessment matters. The first being the subdivisional design, the second being the landscape values associated with the heritage values and on specific archaeological features, and the third is the degree of disturbance associated with the earthworks. Objective 16.3.6 of the District Plan directs that subdivision does not facilitate development that may adversely affect heritage and cultural values and Policy 16.4.7 which requires that the design of subdivision, where relevant to the intended use, facilitates the retention of the heritage values of a site or area. Section 6(f) of the RMA recognises and provides for the the protection of historic heritage from inappropriate subdivision, use, and development.

The applicant recognises that the site is unique in that although zoned for urban development, it contains heritage features which require management. The application includes an Archaeological and Heritage Impact Assessment (AHIA), prepared by Kopuwai Consulting, dated December 2023.

The subject site is identified as containing archaeological features³ as identified in the AHIA. The physical features of the site include historic water races, sluice faces, sludge channels and old fence lines provide a distinctive identity and reflect the heritage of Bannockburn and the site. The AHIA advises that:

“Using the Significance of Effects Matrix, the site qualifies as being an undesignated historic landscape that would justify special historic landscape designation, a landscape of regional value; with averagely well preserved historic landscape with reasonable coherence, time-depth, and rich and diverse array of historic industries. The heritage landscape has high context to the main street, nearby heritage landscapes, (private and public) along the historic Kawarau River terrace sequences, in particular the Landmark Bannockburn Sluicing’s Historic Reserve. The prominent landforms of Slaughteryard Hill and Water Race Hill off Terrace Road between Shepherd’s and Revell’s Gorges have their own significant contribution to the wider landscape and past cultural history.”

The AHIA advises that it is likely given its sequences of gold mining, farm stabling and Bannockburn commonage use, that the Water Race Hill land will have subsurface features such as artefact scatters and possible foundation remnants from miner camps/huts, and or stabling structures, remaining in-situ. These features may be intercepted and or disturbed during subdivision earth works development, roading and services installation, along with subsequent residential development for the new dwellings and or with trenching and excavation associated with telecoms, water, power and waste services.

In terms of the historic water races, the applicant advises that the upper portion of the two twin races F41/369 within Lot 30 will be retained. All of the lower water race will be repurposed into a schist metalled narrow foot path within the remnant water race structure, with appropriate residential drive crossing treatments which allow combined residential driveway use and allow active access and egress along the pedestrian footpath on the adapted downslope water race berm. The upper race portions of the water race within the road reserve will be destroyed and less legible portions traversing residential Lots 2, 4, and 6 would be likely to be modified subject to building platform location and earthworks. The applicant anticipates that the entirety of the water race through Lot 2 where it crosses centrally through the lot will be destroyed to facilitate residential development.

Within the proposed road, the key portion of the upper race within Lots 30 and 40 leading to the flume pipe abutment for crossing Revell’s Gorge will be retained with the lower race being adaptively repurposed as a metal footpath. The new road reserve includes sections of twin historic water races; the upper race F41/369 will have southern extents destroyed and disturbed with the lower race a branch of F41/369 will be preserved by adaptive reuse as an active path with respective treatments for roadway and driveway crossings to integrate the subdivision development.

The applicant confirms that there is a total distance of 1704m of water race of which:

- 526 m (31%) is proposed for destruction.
- 433 m (25%) is proposed for retention and preservation.

³ Site Number/s and/or possible unrecorded, subsurface archaeological sites and or material:- F41/369 Upper and Lower Water Race Hill race branches to Revell’s Basin and Gorge; and a branch race to F41/368 Pennyweights Sluiced gully remnants; F41/385 Revell’s Basin workings and wrs; F41/372 Shepherd’s Ck Gorge water race below Water race hill eastern Lot parcels; pending record for historic post and wire fence line ex Sect 40 SO_3081 June 1915;

- 745 m (44%) m is proposed for adaptive reuse.

The applicant advises that collectively, 1178 m (69%) of the 1704m of historic water race is combined for preservation and adaptive reuse.

The AHIA supports the destruction of the water races in the locations identified on the basis the areas supported for retention and adaptive use are undertaken. The adverse effects of the areas of water race which will be lost are minor in the context of the protection of the remainder of the race and its reuse as part of the subdivision development.

With regard to heritage fences, the applicant advises that the heritage sections of fence line identified and assessed for removal have been damaged with old tree windfall, lack of maintenance due to retirement from stocking and indiscriminate public access cutting through sections of fence line. The applicant notes that coincidentally, these more degraded sections are sited between and through the proposed lots. The applicant volunteers that any historic fence posts considered practicable for salvaging are being recommended for ongoing repair and maintenance for the heritage fence line identified for retention along the Lot 4 Shepherd's Creek boundary.

The AHIA also suggests that if any fence posts are not reused immediately and need to be retained, the fence posts could be stockpiled within Lot 40, and could be utilised by a local volunteer group (such as the Goldfields Heritage Trust) if the posts along the Shepherd's Creek Lot 4 boundary need to be replaced.

Of the total length of remaining fencing of 853 m:

- 320 m (37.5%) of fence line will be removed and post salvaged where possible; and
- 533 m (62.5%) of fence line will be retained.

The AHIA supports the removal of the fences as proposed subject to the recommendations which are volunteered as conditions at Section 8.4 of the application.

In terms of the effects on heritage landscape values, the AHIA includes a criteria for evaluating heritage landscape effects. The AHIA recognises that identifies that the site is part of a landscape of regional value, with 'averagely well-preserved' historic landscapes with reasonable coherence, time-depth, and rich and diverse array of historic industries. The applicant notes that the prominent landforms of Slaughteryard Hill and Water Race Hill off Terrace Road between Shepherd's and Revell's Gorges have their own significant contribution to the wider landscape and past cultural history. The AHIA concludes that in terms of the magnitude of impact on the heritage landscape, the visual change and intrusion of the residential subdivision is noticeable to many aspects of the heritage landscape resulting in moderate (more than minor) changes to the historic landscape character. With respect to the overall effects on the heritage landscape character, the AHIA found that the overall effect of the proposed subdivision on heritage features is assessed as being slight (less than minor) to moderate (more than minor) effects.

The applicant assesses that the water race hill subdivision proposal will have a minor to moderate effect on the heritage landscape through its visual intrusion on what is at present an open and legible landscape with the past endeavours, particularly of alluvial goldmining and farm steading clear and present on the current landscape.

While the Site contains archaeological sites associated with early European settler occupation and several of these will be modified as part of the subdivision development, the applicant has not sought an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 at this time, preferring instead to secure a resource consent before undertaking the work

associated with an AA approval. That said, I note that the AHIA identifies Heritage New Zealand as a potentially affected party to this application.

I also note that with regard to indigenous cultural heritage values. The AHIA recognises that:

while Tangata Whenua traversed and occupied sites in the Bannockburn and Hawksburn, no recorded sites are present on the two land parcels (the absence of recorded sites doesn't mean that Tangata Whenua archaeological evidence is absent) and historic research associated with this project has not come across any specific Tangata Whenua references, apart from those referenced in the Bannockburn Heritage Landscape Study.

And that

"While no specific evidence Maori cultural values presence has been recorded or noted, the site is extensive and well modified. There may have been values present in the past, but this is not an assessment of those values as this is the responsibility of the appropriate iwi group to provide. To the report writer's knowledge, no current consultation with Ngā Tahu has taken place."

For completeness, I note the submission for RC190154 made by Aukaha on behalf Te Rūnanga o Ōtākou and Hokonui Rūnanga identifies the relationship that Kā Rūnaka have with the area. The proposed subdivision is near Te Wairere (Lake Dunstan, which encompasses the Bannockburn Inlet) which is a Statutory Acknowledgement area. Because of its location at the confluence of Mata-au and Kawarau Rivers, the Aukaha submission advised that Te Wairere was an important staging post on journeys inland and down-river. The whole of the river on which Te Wairere lies was part of a mahinga kai trail that led inland and was used by Otago hapū including Kāti Kuri, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāi Tuahuriri. The Aukaha submission also advised that Bannockburn is an important site in Māori legend.

The submission also noted that although there are no recorded Māori archaeological sites within the boundary of the site there is the potential to disturb unrecorded sites. Kā Rūnaka raised specific concerns regarding the effects of the previous subdivision on the visual and amenity values of the subdivision in this cultural landscape. The matters raised by Kā Rūnaka for RC190154 have not been addressed by as part of the current application but are likely still to remain relevant. For these reasons, I consider the effects of the proposal on cultural values to have the potential to be minor or more than minor.

Overall, the applicant assesses that the overall impact on the heritage values and heritage landscape context needs to be considered in the context of the zoning which permits residential development. The applicant considers that while there will be change, this change is not change in isolation and the development is considered to be an anticipated extension of the settlement of Bannockburn.

While I agree that the proposal does need to be considered in the context of the residential zoning of the land, I also recognise the direction set by Objective 16.3.6 and Policy 16.4.7 of the District Plan and Section 6(f) of the RMA recognises and provides for the the protection of historic heritage from inappropriate subdivision, use, and development.

The AHIA notes that the assessment of effects in RMA heritage in terms of magnitude of effects is challenging when a new multi- dimensional layer/s in terms of residential subdivision is introduced into the heritage landscape. While sections of individual historic features and heritage system components can be retained and protected, their legibility, context and interpretation can become diluted and incoherent. With the individually effected heritage elements of water races and fences, the losses to heritage water race and fence components

can be deemed minor in physical lineal terms and in archaeological contribution, however, the AHIA recognises that the minor effects associated with this subdivision continue to accumulate. and what remains of the water race and fence features post subdivision now need meaningful interpretation to explain the dislocated remains and their function in the wider heritage system and landscape.

I agree with the AHIA which considers that:

“The reductionist approach, apportioning of effect from the subdivision proposal to just individual elements is problematic. This is because while in percentage terms the destruction and loss can appear medium to small in terms of physical amount of the component element affected; in terms of contribution to interpretation and appreciation across the wider heritage system, it can be more detrimental across a heritage landscape and heritage system especially when such new large, physically and visually disruptive element is introduced into it.”

While the AHIA advises that the proposal is a well-considered and thought-out design recognising and working with the respective community heritage, landscape and amenity values of Water Race Hill, I note that the cumulative loss of the of individual historic features and heritage system components will lead to adverse effects on the Heritage landscape values which have the potential to be moderate (more than minor). As noted above, I consider that there is also the potential for adverse cultural effects to be minor on Kā Rūnaka.

Earthworks

The subdivision design will result in earthworks, including a total cut volume or 2020m³ and Total fill volume of 1700m³ will occur over a 10,400m² area (See Figure 3). These earthworks do not include earthworks to prepare building platforms or enable future development of the resultant lots. The application includes a Combined Preliminary and Detailed Site Investigation, prepared by ENGEO, dated 4 November 2021 which concludes that any contamination detected was below the thresholds under the NESCS for recreational, residential or commercial / industrial guideline criteria and confirms that the NESCS does not apply to this site.

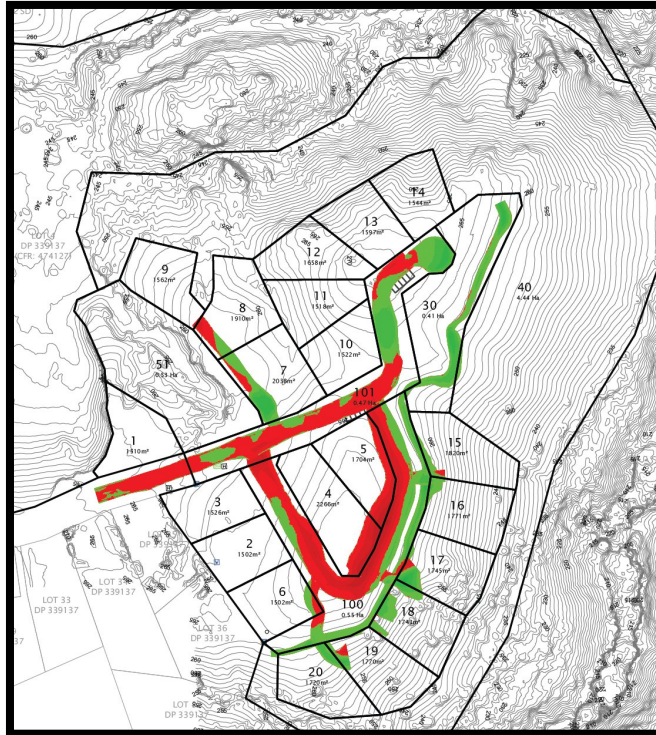


Figure 3 Earthworks Plan – Red = Cut Green = Fill (Source: Application)

An Erosion and Sediment Control Map prepared by Landpro, dated 28 August 2023 has been submitted with the application. Notwithstanding the effects of the earthworks on heritage and cultural values assessed above, I note that earthworks are a common feature of site development within a residential zoning. Notwithstanding the effects on heritage or cultural value, I assess that the effects of the earthworks are assessed as less than minor, providing the sediment, dust and erosion discharges are managed as per the Erosion and Sediment Control Map, For completeness, I note that the Regional Plan Water also contains rules regarding earthworks which the applicant will need to be mindful of.

Effects on open space and recreational needs of the community

A 4100m² recreation/local purpose reserve is proposed to be located at the terminus of the Terrace Street road extension. The reserve will provide amenity, connection to the informal public trail and a lookout area to the north and east towards Cromwell, the wider Upper Clutha area and eastwards towards the Bannockburn Outlet and Surrounds. The reserve is also proposed to contain interpretive material associated with the former mining activity, heritage associations with the twin Water Race Hill water races and also potentially geomorphic explanations of the Upper Clutha area. The applicant intends to vest Lot 30 with Council.

The applicant assesses that Lot 30 will provide opportunities for recreation with potential to establish a look out for viewing the Bannockburn Inlet and the mountain ranges in the distance.

Ms Pfluger agrees with the LVA that the proposal has recreation benefits and considers that the formalisation of the walkway connections through the balance lots (Lot 51, 30 and 40) to be a positive effect of the proposal. I consider that the effects on open space and recreational needs of the community will be less than minor.

The provision of adequate network utility services and infrastructure.

The applicant proposed to connect to Council services which will be extended into the site.

With regard to wastewater, the applicant advises that the subject site has a number of Ø150mm uPVC foul sewer lines present. The applicant proposes that connection is made into two of the existing manholes on the property. One additional lateral connection direct to the existing network is also required to be made for Lot 1. New wastewater infrastructure will be provided via both conventional gravity sewer and private pumped sewer systems (as are common in other areas of Bannockburn and wider CODC area). Each type of wastewater infrastructure is identified on the preliminary engineering layout plan and will be subject to detailed design for engineering approval. Where possible, wastewater infrastructure is proposed to be located within areas of land to vest in CODC (Lots 100, 101 and 51). In some areas, private property is traversed and easements will be created where necessary. Existing infrastructure will have easements registered across Lot 3 and 51 and possibly Lot 2 subject to confirmation of assets location.

For water, an existing Ø150mm PVC main runs along the Southern side of Terrace Street with Ø50mm rider mains servicing the Northern properties. A further Ø50mm HDPE dead end line services 36 Terrace Street (and a number of existing connections to the subject site). New Water connections will be extended to each lot. Where possible, water infrastructure is proposed to be located within areas of road to vest in CODC (Lots 100 and 101). In some areas, to ensure a looped main is constructed, provide new connections and allow for future network extension, private property is traversed easements will be created where necessary. Existing infrastructure will have easements registered across Lot 2, 3 and 6.

The applicant advises that Stormwater discharge in Bannockburn is typically via soakpit, however there are some existing sumps discharging to overland flow on the subject site. Soakpits are proposed to deal with stormwater from impervious surfaces on individual allotments and to discharge runoff generated by the roads associated with the development. Soakpit and sump locations indicated on the preliminary layout depict where stormwater is required to be captured and managed. The final design, supported by geotechnical advice will be undertaken through engineering approval process.

Power and telephone services will be provided underground to the boundary of each residential allotment.

The applicant is currently in discussions with CODC Engineering to confirm final services layout but advises that, based on feedback to date, changes, if any, will fall within the scope of the current application such that any notification devices should not be at risk.

Based on the proposed density of the subdivision, I consider that the any effects arising from network utility services and infrastructure will be no more than minor.

The effect on the safe and efficient operation of the roading network.

The application is supported by a traffic assessment prepared by Bartlett Consulting which assesses the potential effects on the wider road network, and the effects of the subdivision's layout in terms of access to each lot and sight distance and access gradient.

The Bartlett Consulting assessment confirms that the onsite traffic effects can be managed through the design process. The proposed onsite road network will be designed in accordance with the CODC Addendum to NZS 4404:2004 that access Lots 100 and 101 will be developed as local roads serving up to 20 residential dwellings with a separate footpath which will also link with proposed off-road paths/trails within Lots 30, 40, 50 and 51.

The Bartlett Consulting assessment notes that the shared access ROW have been considered based on their preliminary design information. The gradients of the shared accesses ROW from Lot 100 (loop road) will breach the gradient requirements of the CODC Addendum to

NZS 4404:2004. Bartlett Consulting recommends that the gradient of these shared private access ROW, serving 15/16, 17/18 and 19/20 be designed in accordance with the current NZ Standards with the access surfacing amended to accommodate winter conditions in Central Otago. The final design of these shared access ROW may be considered through the engineering approvals process.

Vehicle crossings can be located and designed in accordance with the ODP although it is recommended that the location of some vehicle crossings are restricted, as recommended, for Lots 3, 4, 5 and 10.

The proposed subdivision relies on access from Terrace Street, an urban local road within the CODC road hierarchy. This road is formed with a 7m sealed carriageway width which is appropriate for the anticipated traffic flows. However, to improve pedestrian safety it is recommended that a 1.5m footpath is provided along the full length of Terrace Street with a crossing over Bannockburn Road to meet with the existing footpath on the western side of Bannockburn Road.

Streetlighting is proposed to be extended down Terrace Street in a similar manner as existing until reaching the Building Line Restriction. The streetlighting will cover all intersections proposed by the development. As noted previously, where beyond the BLR, the applicant proposes that bollard style lighting is implemented to minimise the impact on local residents and those viewing the area from outside the development. The applicant notes that streetlighting is only recommended in the transportation assessment, so the bollard lighting should be considered an optional inclusion and not necessarily a stringent condition applied to this consent.

Based on the findings of the Bartlett Consulting report, I consider that, subject to those recommendations, the proposed subdivision will not have any adverse transport effects on the safety or efficiency of the adjacent transport network including the local pedestrian and cycling environment.

Provision of esplanade strips or reserves

No requirement for the provision of esplanade strips or reserves has been identified.

Effects of Natural Hazards

The application is supported by and ENGeo Geotechnical report which finds that:

- Proposed lots along the southern boundary (Lots 15, 16, 17 and 19), occupy moderately sloping relief and have been assessed as development risk class 2. ENGeo consider these proposed lots unlikely to accelerate, worsen or result in material damage to the land, provided good engineering practice for hill slope development (AGS, 2007)⁴ is applied.
- Proposed Lot 18 has been categorised as development risk class 3 due to its location on moderately sloping ground and ground cracking identified during the ENGeo site assessment. the source of ground cracking is likely due to creep of surficial soil overlying shallow bedrock up to 0.3 m depth. ENGeo consider that it is not clear that there is a significant risk from the geohazard identified, but opine that this hazard will be able to be mitigated through a combination of good

⁴ "Practice Note Guidelines for Landslide Risk Management 2007": Journal and News of the Australian Geomechanics Society Volume 42 No 1 March 2007

engineering practises for hill slope development and specific engineering mitigation design (AGS, 2007).

- Setback zones are recommended to be applied along the western crests of both Lot 1 and 9 to reduce crest loading from nearby structures and promote slope stability of the adjacent banks. Foundation construction in Lot 1 and 9 are recommended to be setback from the crest at a horizontal distance at least twice the adjacent vertical slope height (V). The vertical slope height may be measured from the top of the talus apron that buttresses the base of the vertical slope. The ENGEO report notes that this is steeper than allowed for in Section 3.1.2 of NZS3604, however ENGEO considers it to be appropriate for the granular materials encountered in both lots. Setback distances are recommended to be further assessed and defined by a surveyor during detailed design works for Lot 1 and 9.

The ENGEO report recognises the preliminary stage of the subdivision works and recommends a range of preliminary foundation recommendations are provided below based on our investigations and observations:

- Foundations bearing on the native gravelly alluvial, engineered fill or bedrock materials can be designed for a geotechnical Ultimate Bearing Capacity (UBC) of 300 kPa. As required by Section B1/VM4 of the New Zealand Building Code, a strength reduction factor of 0.33 or 0.50 must be applied to all recommended geotechnical ultimate soil capacities (for shallow foundations) in conjunction with their use in factored design load cases for serviceability and ultimate limit state conditions, respectively.
- Foundations bearing on lacustrine silts and sand material should be further assessed for specific bearing capacities during detailed design works.

The ENGEO report notes, however, that given the preliminary stage of the subdivision works, further investigation and analysis may be required to support detailed design and Building Consent (by others) once development plans are further progressed.

While the ENGEO report confirms the resultant lots can be developed in a way such that these will not be affected material damage by erosion, falling debris, subsidence, slippage or inundation of any source, this is only the case if the ENGEO recommendations are adopted. Without complying with those recommendations, it appears that some of the lots will be subject to a slope instability hazard.

If Rule 7.4.4(ii) is not triggered as argued by the applicant, then technically speaking Council has little or no discretion to apply the ENGEO recommended conditions and the slope stability issues will remain unresolved. That said, it is expected that the natural hazard matter can be resolved at subdivision stage prior to any site development such that future land use can be developed in a manner so that the various lots will not be subject to Rule 7.5.3(ii).

Subject to the recommendations set out in the ENGEO Geotechnical report, the effects of the subdivision (and potential future land use) will be less than minor.

The effect on the natural character of water bodies and their margins.

The subject site is sufficiently setback from water bodies and their margins so as not adversely affect the natural character of these. Specifically, the LVA submitted with the application states that:

“Regarding potential adverse effects on the natural character of the Bannockburn Inlet, the proposed built form within the BLR will result in new built form on the slopes above the Inlet. While located well away from the water body margin this will constitute a modification to the landforms surrounding the inlet which contribute to its natural character. As a result, it is likely that built form on the terraces surrounding the Inlet will result in a reduction in natural character. This is considered to be an adverse effect of a low-moderate degree.”

Ms Pfluger agrees with the LVA in that the visual dominance of buildings on the skyline above Shepherds Creek would, in her view, increase the visual presence of man made structures in the immediate context of the waterbody and decrease the perceived natural character currently experienced by recreationist in the area. I agree with the LVA that while the natural and open character of the site itself will be reduced, the proposed development is in keeping with existing surrounding development and has been sensitively designed to minimise potential adverse effects on the open and natural character of the receiving environment. Ms Pfluger agrees with the LVA that the adverse effects on the natural character of the Inlet are acceptable if the proposed mitigation measures are implemented.

The consistent expert assessments are adopted for the purposes of this report and I assess that the effects of the proposal, and in particular those lots with the BLR, will have a no more than minor on the natural character of water bodies and their margins.

The effect on amenity values of the neighbourhood

The proposed residential lot sizes comply with the minimum size as set out in the provisions for RRA (4) and are also generally consistent with lot sizes on Terrace Street and within the centre of Bannockburn.

In relation to Residential Resource Area (4) under Policy 7.2.7 the RMM report outlines that:

“while the proposal constitutes an extension of the semi-urban form of Bannockburn, this change can be anticipated based on the ODP and the proposal seeks to maintain the specific characteristics of Bannockburn and the wider receiving environment through adherence to the RRA (4) minimum lot size and design controls to ensure built form is in keeping with the local vernacular, as well as protection of open space and recreation amenity through the designation of a public reserve and maintenance of an open and rural outlook from Bannockburn Road. Given the current zoning within the CODP, it is accepted that the landscape of the subject site has the capacity to be developed in line with the provisions for RRA (4). The proposed lot comply with the minimum size as set out in the provisions for RRA (4) and are also consistent with existing development adjacent to the site on Terrace Street.”

While most of the proposed lots would not meet the minimum lot size of 2000m² permitted under the Large Lot Residential Zoning under PC 19, decisions have not been released for PC19 at this time and I agree with the RMM assessment that the proposed subdivision is generally in character with existing residential development within Bannockburn and the built form along Terrace Street, noting that the effects within the BLR have been assessed previously within this report.

Given the relatively central location within Bannockburn, I consider the proposed lot size to be appropriate in light of the current zoning and the proposed open space provided within the development. The proposal would, in my view, result in a density *“providing for detached dwellings on large sites and maintaining a high open space to built form ratio”* as anticipated by the underlying zoning such that the effects on the amenity values of the neighbourhood will be no more than minor.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall, the proposed activity is likely to have adverse effects on the wider environment which are more than minor. Therefore, public notification is required under Step 3.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined ‘special circumstances’ as those *“outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique.”* The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC [(1997) NZRMA 433 (HC), Urban Auckland v Auckland Council [(2015) NZHC 1382, (2015) NZRMA 235]*].

In this instance, the applicant previously sought to subdivide site (RC190154). RC190154 was publicly notified and received over 77 submissions with only one submission in support. Given the high public interest in the previous application by the same applicant, I consider that

there are sufficient grounds to consider that there are special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to sections 95A(8)(b)(i) and 95(9)(a), public notification is required as identified in the assessments above.

SECTION 95B LIMITED NOTIFICATION

Section 95B(1) requires a decision whether there are any affected persons (under s95E). Given the recommendation to publicly notify the application, steps 1-4 to determine Limited Notification are not relevant.

SERVICE

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) The consent authority must serve that notice on—

- (a) every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:*
- (b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:*
- (c) the regional council or territorial authority for the region or district to which the application or review relates:*
- (d) any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*

Other local authorities and bodies that the consent authority considers should have notice of the application are as follows:

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) The consent authority must serve that notice on—

- (a) every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:*
- (b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:*
- (c) the regional council or territorial authority for the region or district to which the application or review relates:*

- (d) *any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*
- (e) *the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:*
- (f) *the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area:*
- (g) *Heritage New Zealand Pouhere Taonga, if the application or review—*
 - (i) *relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or*
 - (ii) *affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014:*
- (h) *a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.*
- (ha) *a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:*
 - (i) *Transpower New Zealand, if the application or review may affect the national grid.*

An assessment of the above persons has been undertaken and it is considered appropriate to serve notice on the following parties set out in the table below:

Party to be served
Aukaha Limited
Hokonui Rūnanga
Te Rūnanga O Ngai Tahu
Heritage New Zealand Pouhere Taonga
Otago Regional Council

In terms of adjacent landowners, I consider that a copy of the application should be served on the parties in the following table and Figure 4 below, being those parties which access their properties from Terrace Street:

Property address	Property address	Property address
8 Terrace Street,	8A Terrace Street,	8B Terrace Street,
3 Prospect Lane,	5 Prospect Lane,	10 Terrace Street,
461 Bannockburn Road,	12 Terrace Street,	14 Terrace Street,
15 Terrace Street,	17 Terrace Street,	18 Terrace Street,
19 Terrace Street,	20 Terrace Street,	21 Terrace Street,
24 Terrace Street,	26B Terrace Street,	26A Terrace Street,
26 Terrace Street,	28 Terrace Street,	30 Terrace Street,
28A Terrace Street,	32 Terrace Street,	34 Terrace Street,
36 Terrace Street,		



Figure 4: Parties on whom notice is recommended to be served

NOTIFICATION PROCESS

Given the decisions made under s95A and s95B, the application is to be processed on a publicly notified basis, with notice being served on the above parties.

It is noted that the tests applied, as to whether an application should be notified or not, are separate to the tests to be considered in making a decision on the application itself.

Prepared by:

Kirstyn Royce
Planning Consultant

Date: 20 May 2024

Reviewed by:

Oli McIntosh
Planning Consultant

Dated: 21/05/2024

Approved under Delegated Authority by:



Tanya Copeland
Acting Planning Manager

Date: 22 May 2024