

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
CENTRAL OTAGO DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Of the Central Otago Operative District Plan  
(**CODP**) and Proposed Plan Change 19 to the  
Central Otago District Plan (**PC19**)

**AND**

**IN THE MATTER OF**

Applications to the Central Otago District  
Council (**CODC**) by **D. J Jones Family Trust**  
**and N.R Searell Family Trust** for subdivision  
and land use resource consents for residential  
subdivision and development at 88 Terrace  
Street, Bannockburn (**RC230398**)

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**EVIDENCE OF TONY DOUGLAS MILNE  
ON BEHALF OF D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST**

Dated: 27 September 2024

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Presented for filing by:  
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## INTRODUCTION

- 1 My name is Tony Douglas Milne.
- 2 I hold a Bachelor of Arts degree from the University of Canterbury and a Bachelor of Landscape Architecture degree from Lincoln University. I am a Fellow and Registered Member of the New Zealand Institute of Landscape Architects (NZILA).
- 3 I am a Landscape Architect and Director of Rough Milne Mitchell Landscape Architects Limited, which is a Christchurch based consultancy established in 2010.
- 4 I have been practising as a landscape architect since 1995. Our consultancy is involved in a wide range of landscape design and land planning projects throughout New Zealand. Many projects have involved preparing reports and evidence, which address matters of visual impact and landscape effects concerning proposed developments.
- 5 My role in relation to the application for resource consent (**Application**) to the Central Otago District Council (**CODC**) by D. J Jones Family Trust and N.R Searell Family Trust (**Trust** or **Applicant**), is as an independent expert witness to the Trust on landscape and visual matters.
- 6 The Application was publicly notified and a number of submissions were received in support of, and in opposition to the Application. On 20 September 2024 the CODC released an Officer Report for prepared under section 42A of the RMA containing an analysis of the Application and a recommendation in response to the Application (**Officer Report**).
- 7 Although this is not an Environment Court proceeding I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

## SCOPE OF EVIDENCE

- 8 In my evidence I address the following:

Evidence of Tony Douglas Milne on Behalf of D. J Jones Family Trust and N. R Searell Family Trust dated 27 September 2024

- (a) key points of my landscape and visual assessment dated 19 December 2023;
- (b) amendments made to the proposal following resource consent lodgement;
- (c) those submissions in opposition that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the submitter; and
- (d) those parts of the Officer Report that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the Officer Report.

### CONTEXT

- 9 The Trust has applied for a subdivision and land use resource consent for a residential subdivision comprising residential 20 lots, including the construction of an internal access road and rights of way, recreation reserve and balance lots (**Proposal**) at 88 Terrace Street, Bannockburn, legally referred to as Lot 4 DP339137 (**Site**).
- 10 The Site is 17.6ha in area and is accessed from the eastern extent of Terrace Street and is characterised as a large undeveloped residential zone allotment located at the edge of the existing Bannockburn township. The Site is bounded by Shepherd's creek to the east, Revell's Gully to the north, undeveloped residential land to the west and existing residential land generally to the south. The Site is currently bare, vacant land.
- 11 The Site is zoned Residential Resource Area (4) (**RRA(4)**) in the CODP and is partially within a building line restriction overlay (**BLR**) identified on the CODP maps (refer Sheet 3 of the GA). A restricted discretionary activity resource consent is required under the CODP for subdivision in the RRA(4) zone and to locate buildings within the BLR.

## SUMMARY OF MY INITIAL ASSESSMENT

- 12 I have earlier prepared a landscape assessment for the Proposal which was included in the Application<sup>1</sup>. In this section I will provide a brief summary of my assessment.
- 13 This summary outlines the findings of my landscape and visual assessment (**LVA**) of the proposed 20-lot residential subdivision at Water Race Hill, Terrace Street, Bannockburn (Lot 4 DP339137). The proposal, submitted by the Trust, involves residential development, the creation of a public reserve, and associated public access infrastructure.
- 14 My initial assessment considered the potential landscape and visual effects of the proposed development on the Site and its surrounding environment, with a focus on compliance with the Central Otago District Plan (**CODP**) and the proposed Plan Change 19 (**PC19**). Additionally, the assessment accounted for the Site's historical and cultural significance, given its proximity to heritage features connected to Bannockburn's gold mining era, and evaluated the importance of preserving these characteristics in the development.

### Site and Context

- 15 The Site is bordered by residential areas along Terrace Street, Smith's Gully, and the Bannockburn Inlet. It is currently vacant, but features a complex landscape shaped by historical gold mining activities. Key landform features include terraces, gullies, sluice faces, and water races, which serve as physical remnants of Bannockburn's early economic activity. These mining remnants hold not only historical significance but also contribute to the site's distinctive character. The wider Bannockburn area is recognised for its high-country terrain, defined by a combination of natural and human-modified landforms, including the Kawarau River gorge, the Carrick Range, and the Bannockburn Sluicings Historic Reserve.
- 16 The Site offers expansive views across these features, establishing a strong visual connection to the broader Central Otago landscape, and further enhancing its aesthetic significance. The contrast between the rugged natural elements and the agricultural lands used for viticulture and rural living highlights the area's transition from a primarily rural zone to a semi-rural lifestyle destination, supporting outdoor recreational activities and tourism.

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<sup>1</sup> Appendix B to the Original Application for a resource consent  
Evidence of Tony Douglas Milne on Behalf of D. J Jones Family Trust and N. R Searell Family Trust dated 27 September 2024

Bannockburn's landscape is further characterised by the presence of vineyard estates and historic sites that intertwine with the region's cultural and natural heritage, attracting both residents and visitors to the area.

- 17 Given the Site's proximity to the Bannockburn Sluicings Historic Reserve – a popular tourist area for recreation, walking, and cycling – the Site's potential development must be considered in the context of its role in the community. Informal walking tracks currently traverse the Site, and any future development will need to ensure the preservation of public access for recreational purposes, while maintaining its visual integrity and cultural links to the past.

### **Landscape Values**

- 18 The landscape values of the Site and receiving environment are:
- (a) Physical Attributes: The physical features of the Site include terraces, gullies, and mining remnants such as sluice faces and water races, all of which are remnants of Bannockburn's gold mining history. These historical elements provide an authentic link to the area's economic origins, playing a vital role in defining the landscape's character. The semi-arid landscape, characterised by dryland pasture and low-growing vegetation, presents a rugged but open terrain typical of the Central Otago high-country. The topography of the Site, with its rolling hills and visible mining scars, is a testament to its past economic activities while reflecting a long-standing balance between human intervention and natural processes. These features contribute to Bannockburn's strong sense of place within the wider Central Otago landscape.
  - (b) Perceptual Values: The Site's open landscape offers wide-ranging views toward the Carrick and Old Woman ranges, as well as the surrounding foothills and escarpments, creating a sense of visual coherence and clarity. The high legibility of the landscape enhances the Site's visual appeal and allows observers to appreciate its historical context. The seasonal variations across the area – from the autumnal colours in vineyards to snow-capped peaks in winter – add dynamic visual interest and heighten the site's aesthetic qualities. The pastoral, viticulture and horticulture land use contribute to a rural

working landscape character within the site and receiving environment. The Bannockburn Inlet and the clarity of the Kawarau River further enhance the scenic value of the Site and its surrounds. These waterways provide not only visual but also ecological value, contributing to the landscape's natural character and enhancing recreational use. The settlement pattern of Bannockburn maintains a somewhat rural character given the low density of built form, proximity of pastoral and viticultural activities, contained nature of the township by landform, and the views to the surrounding landscape.

- (c) Associative Values: The physical remnants of Bannockburn's gold mining history, such as sluice faces, water races, and other mining artifacts, are integral to the Site's identity. They symbolise Bannockburn's settlement during the 19th-century gold rush era and provide a tangible link to its past, enhancing the cultural significance of the landscape. The proximity of the Site to well-known recreational areas, including the Bannockburn Inlet, Lake Dunstan Trail and the Bannockburn Sluicings Historic Reserve, strengthens its role as a destination for outdoor enthusiasts and history buffs alike. These associative values play a key role in maintaining Bannockburn's connection to both its historical roots and its modern-day identity as a recreational hub. There are rural production and farming values attached to the surrounding pastoral, viticultural and horticultural land uses.

### **The Proposal**

19 The proposed subdivision consists of 20 residential lots, each with a minimum lot size of 1500m<sup>2</sup>. In addition to the residential lots, the proposal includes the creation of a 0.41-hectare public reserve (Lot 30) and two balance lots (Lots 40 and 50) to be used for rural purposes, primarily domestic grazing. The subdivision has been designed to prioritise the retention of open space and public access, integrating walking and cycling paths into the plan to ensure continued recreational use of the area. Public parking facilities will also be included to support increased visitor traffic and provide accessibility for residents and recreational users alike.

20 The layout of the subdivision has been thoughtfully designed to minimise its visual impact on the surrounding landscape, while maintaining the character

of Bannockburn. The careful placement of building platforms within the natural contours of the site ensures that new dwellings will not disrupt the visual integrity of the landscape. Key design controls will be applied to ensure that new residential dwellings blend harmoniously with the surrounding environment. These controls include restrictions on building height, platform location, and materials, aiming to minimise the visual prominence of the development from key public viewpoints, such as the Bannockburn Inlet, Cromwell Basin, and residential areas along Terrace Street.

- 21 The architecture of future built form will utilise recessive colours and materials that reflect the natural tones of the surrounding landscape. Planting plans include the use of endemic native species to provide visual screening and enhance biodiversity. Overall, the subdivision's design reflects a sensitive approach to maintaining the balance between new development and the preservation of Bannockburn's identity.

#### **Landscape Effects**

- 22 The LVA assessed the potential landscape and visual effects of the proposed subdivision on Bannockburn's landscape character and visual amenity. The following key landscape effects were identified:
- (a) Building Line Restriction (BLR): The Site includes areas subject to a BLR, established to prevent development from being visible from the Cromwell Basin and to protect views of the Bannockburn Inlet. The lots within the BLR are subject to strict design controls, including limitations on building heights and platform sizes. These measures ensure that new dwellings will overall be visually unobtrusive and aligned with the BLR's purpose of protecting the visual amenity of key public viewpoints.
  - (b) Effects on Bannockburn's Character: The subdivision is consistent with the RRA(4) zoning, which allows for low-density residential development while maintaining the area's rural character. The proposed lot sizes and layout are comparable with those of neighbouring properties, ensuring that the new development complements and aligns with the existing settlement pattern. The retention of open space and rural use on the balance lots reinforces the semi-rural atmosphere of the site, helping to preserve

Bannockburn's identity as a country village. The creation of the public reserve will provide recreational opportunities for both residents and visitors, while also serving as a visual buffer between the residential development and the surrounding landscape.

- (c) Natural Character of the Bannockburn Inlet and Kawarau River: The proximity of the development to the Bannockburn Inlet and Kawarau River is a critical factor in the assessment of its landscape effects. While the subdivision introduces built form to the escarpment above the Inlet, the dwellings are set back from the escarpment edge to preserve the natural landform. 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 adjacent to 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.
- (d) Landscape Effects Summary: The development envisaged by this subdivision proposal carries and builds upon the existing development along Terrace Street. Therefore, one needs to consider that landscape effects will be in the context of this adjacent, and, in places, recent residential development. Given the recommended design controls and guidelines, it is considered the nature and scale of the proposal will align with and not degrade or erode the overall landscape values and landscape character of the receiving environment. The unique character, sense of place, and heritage values of the Site and surrounding environment are acknowledged and maintained.

### **Visual Effects**

- 23 Visual assessments were undertaken from representative public viewpoints (refer Sheets 6 – 18 of the GA) at various distances from the Site, to assess the potential visibility of the proposed subdivision. The visual effects are categorised as follows:



- (a) Long-range views: From distant viewpoints, such as the Cromwell Historic Precinct and Cairnmuir Road, the subdivision will blend into the surrounding landscape. Conformity with the Site's natural topography and the use of recessive colours in the building designs will ensure that the development is largely indistinguishable from the backdrop of mountains and foothills, resulting in *very low* visual effects. The use of design controls ensures minimal intrusion from the built form into the scenic quality of these key viewpoints.
- (b) Mid-range views: From mid-range viewpoints, such as the Bannockburn Inlet, Carrick Winery, and nearby hillsides to the east, the elevated lots on the escarpment will be partially visible. However, the implementation of design controls, the use of recessive colours, and mitigation planting of endemic flora, will ensure that the built form integrates into the landscape over time. The visual effects from these viewpoints are considered *low to moderate*, as the natural landform and in time vegetation will screen/filter views of the development.
- (c) Close-range views: From closer viewpoints, such as Bannockburn Road, Terrace Street, and within the Site itself, the new dwellings will be more clearly visible, marking a modest transition from a rural to a semi-urban character. However, the proposed scale and layout of the subdivision are consistent with Bannockburn's existing settlement pattern, and the visual effects are assessed as *low-moderate*.
- (d) Visual Effects Summary: The effects of the proposal on the existing visual amenity will extend beyond the Site but are relatively contained. The more distant views (Viewpoints 1 & 2) will be viewed against a vast and complex landscape, making the proposed development difficult to discern. Views near to the Site from the east, from around the Bannockburn Inlet, Cairnmuir Road and the surrounding rural environment (Viewpoints 3-8) are most relevant and potentially most impacted, as demonstrated from the key viewpoints identified. Views from Bannockburn township to the west of the site (Viewpoints 9-11), while also impacted, portray a different character given the existence of residential built form in the context. As a result,

I consider that the effects on visual amenity overall are low-moderate and consider this degree of effects to be appropriate in the context.

### **Compliance with Statutory Provisions**

- 24 The proposed subdivision complies with the CODP provisions for the Residential Resource Area (**RRA**) and is consistent with the objectives of RRA(4) zoning. The proposal maintains a balance between accommodating low-density residential growth and preserving Bannockburn’s rural character and landscape values. The subdivision’s design controls, setbacks, and mitigation measures ensure the development aligns with the landscape provisions of the CODP particularly in terms of maintaining open space and protecting the area’s scenic quality. The inclusion of a public reserve and enhanced public access further supports the CODP’s goals of providing recreational opportunities while protecting the distinctive landscape values of Central Otago.
- 25 I understand that the decisions on submissions to PC19 have modified LLRZ Policies LLRZ-P1, and introduced Policy LLRZ-P9 which guides comprehensive residential development. The Lot sizes are compliant with the LLRZ (PC19) minimum lot size of 1500m<sup>2</sup>, and effects will be appropriately mitigated, as the nature and scale of the revised development will maintain the landscape values and character of the Cromwell Basin.
- 26 Furthermore, the Site represents a strategic location to consider the LLRZ comprehensive residential development provisions. In a nutshell, the built form and landscape outcome resulting from this proposed subdivision, when considering the PC19 provisions<sup>2</sup>, will from an urban form, landscape and amenity perspective result in an appropriate outcome for the Site. One which also reinforces a key purpose of the LLRZ which is the maintenance of a high open space to built form ratio,
- 27 Regarding the BLR, compliance is obviously not achieved. Given the recent history of development in Bannockburn which has seen dwellings built along the south eastern side of Terrace St resulting in built form visible on the ridgeline (albeit outside of the BLR), it is reasonable to conclude that landscape change arising from the proposed development

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<sup>2</sup> CODP PC19 – LLRZ-O1 Purpose of the Large Lot Residential Zone, LLRZ-O2 Character and Amenity Values of the LLRZ, LLRZ-P1 Built Form, LLRZ-P2 Residential Activities, LLRZ-P9 Comprehensive Development  
Evidence of Tony Douglas Milne on Behalf of D. J Jones Family Trust and N. R Searell Family Trust dated 27 September 2024

within the BLR is not a 'new' proposition in terms of visibility of built form in this part of Bannockburn. Therefore, while there is no development approved in the BLR, dwellings already present within the immediate setting suggests that there is potential for the landscape to absorb some development beyond the BLR within this location.

### **Conclusion**

28 In summary, the proposed 20-lot subdivision has been carefully designed to minimise its impact on Bannockburn's landscape and visual amenity. The layout, combined with strict design controls and comprehensive mitigation measures, ensures that the development will have *low to very low* long-term visual effects. The subdivision complies with the zoning requirements and landscape provisions of the CODP and aligns with the objectives of PC19. By retaining open space, enhancing public access, and integrating archaeological and recreational features, the proposal delivers positive outcomes for both the landscape and the Bannockburn community. The subdivision is considered appropriate for the Site and will have no more than minor adverse effects on the landscape character and values of Bannockburn.

### **PROJECT PROCESS AND APPLICATION AMENDMENTS**

29 This section provides a summary of the application amendments.

30 There have been several changes to the Landscape Plan as lodged with the application. These changes address aspects of the proposal that were raised in submissions, the Officer Report and peer review of the landscape and visual assessment report. These changes have also followed further field work the RMM team have undertaken.

31 As part of my evidence, I provide an A3 Graphic Attachment in colour including an updated Landscape Plan, viewpoint images and additional new graphics. I refer to this throughout my evidence as GA.

32 Amendments to the Landscape Plan and GA include:

- (a) Refinement in the location and alignment of proposed mitigation planting shown on the landscape plan.
- (b) Locating and showing the stormwater secondary flow paths on the landscape plan.
- (c) Provision of additional lighting controls.

- (d) Provision of a condition requiring development of lots within the BLR to occur in accordance with a Landscape Management Plan.
  - (e) Provision of a Landscape Management Plan in regard to (d) above.
  - (f) Additional graphics depicting lot boundaries draped over Google Earth Modelling.
  - (g) Updated ZTV analysis that reflects design control conditions regarding maximum building heights.
- 33 The amended Landscape Plan is shown on Sheet 5, the updated ZTV mapping is shown on Sheets 19 – 30 and the additional graphic material is shown on Sheets 7 – 18 of the GA.

### **RESPONSE TO SUBMISSIONS**

- 34 Some submissions are opposed to the Application. A range of reasons are given for their opposition, some of which relate to my area of expertise.
- 35 The approach I have adopted in this statement of evidence is to identify topics across the submissions in opposition where I disagree with the submission, to explain my reasons for disagreement and in some cases to clarify matters that have been mis-understood.
- 36 The topics I address include:
- (a) Process and Methodology;
  - (b) Night Time Lighting Effects;
  - (c) Effects on Character, Amenity and Settlement Pattern of Bannockburn;
  - (d) BLR and Skyline Breaches and Proposal Visibility;
  - (e) Earthworks; and
  - (f) Effectiveness of Mitigation.

### **Process and Methodology**

- 37 A matter raised by submitters<sup>3</sup> was the accuracy and the level of effects as stated in the Landscape and Visual Assessment, prepared by Rough Milne Mitchell Landscape Architects Ltd, dated 19 December 2023. In my opinion the LVA report was very thorough. We also take comfort that Ms Pfluger's

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<sup>3</sup> Submitters 06 and 12

S95a assessment has not raised these concerns. However, for completeness, and in response to matters raised by submitters I make the following comments.

38 The landscape assessment was undertaken in accordance with, and informed by, Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (**TTatM**), and the relevant statutory documents and provisions of the Resource Management Act (**RMA**) and the CODP.

39 The assessment to determine the nature and scale of landscape effects was carried out using the seven-point scale set out in Figures 1 and 2 below and forms part of the TTatM methodology, which I have used for the purpose of my evidence.

Very Low	Low	Low - Moderate	Moderate	Moderate - High	High	Very High
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Figure 1: The seven-point landscape and visual effects rating scale<sup>4</sup>

Very Low	Low	Low - Moderate	Moderate	Moderate - High	High	Very High
Less than Minor	Minor		More than Minor		Significant	

Figure 2: The comparative scale of degree of effects<sup>5</sup>

40 Where effects on landscape values are experienced in views, an assessment of effects was carried out with a focus on changes to publicly accessible views (where people tend to congregate or pause to take in the view) and to private views. This has been aided by visual tools, including Google Earth and photo viewpoint overlays.

Landscape Effects

41 Landscape effects are most likely to derive from changes to rural character and identified landscape values arising from the introduction of built form into the rural landscape, earthworks, and the proposed vegetation. A full description of landscape effects is set out in the landscape and visual amenity assessment attached to the resource consent application. I make further comments on landscape effects in response to matters raised through submissions below.

<sup>4</sup> 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'.

<sup>5</sup> Ibid

### Visual Effects

- 42 Visual effects are a subset of landscape effects. They are effects on landscape values as experienced in views<sup>6</sup>. I have underlined this text because it is the basis of my assessment of visual effects and in accordance with TTatM. The visual effects assessment considers the extent to which the proposal would be visible from public places, including recreation tracks as well as private residences, and the effects of that visibility on visual amenity values.
- 43 Visual amenity is a measure of the visual quality of a landscape as experienced by people living in, working in, or travelling through it. The assessment also takes into account the criteria<sup>7</sup> to determine the magnitude of visual effects and that the visibility of development will not necessarily equate to adverse visual effects on amenity or landscape values.
- 44 A full description of visual effects is set out in the landscape and visual amenity assessment attached to the resource consent application. I have included a table at **Appendix A** to this evidence that summarises the effects from all representative viewpoints. I have added an additional Viewpoint (VP12) into this table. This viewpoint responds to submitters concerns regarding views from properties at higher elevations adjacent to Patersons Road.
- 45 Furthermore, and to appease concerns raised regarding the photo-panoramas used, a site visit was made on 25 September 2024, and photographs from all viewpoints were taken using a 50mm lens (refer Sheets 7 – 18 of the GA).

### **Night Time Lighting Effects**

- 46 Several submitters<sup>8</sup> raised concerns regarding the potential visibility and impact of residential and street lighting resulting from the proposed development. It is considered these matters have been adequately covered in the LVA<sup>9</sup>.
- 47 Regarding street lighting, in my opinion a flexible approach is possible subject to CODC approval. As I understand, street lighting is only recommended as per the Transportation assessment – 2008 CODC addendum to NZS4404:2004.

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<sup>6</sup> Ibid

<sup>7</sup> Distance, context, elevation, audience, size, movement, degree of change and weather.

<sup>8</sup> Submitter 04 and 06

<sup>9</sup> Landscape and Visual Assessment – Page 33, prepared by Rough Milne Mitchell Landscape Architects Ltd, dated 19 December 2023.

To that extent, and through experience in similar developments, I consider bollard lighting (no more than 1.0m in height) can be easily designed in a way to minimise light spill upwards and outwards, as a potential street lighting option. Bollard lights could be located at the intersections of the loop road with the two Terrace Street extension intersections. These would be located opposite the intersections with mitigation planting also located adjacent. This planting will double as screening / a backdrop while also containing any light spill outwards.

- 48 Regarding Lot lighting, and to limit the potential effects of exterior lighting, I suggest the following as an additional condition of consent for the development:

*“To minimise night sky intrusion, exterior lighting is permitted but shall only be in the form of downlighting to avoid unnecessary glare. Up-lighting for the purpose of accentuating trees, walls or other landscape features is not permitted. All fixed exterior lighting shall be directed away from neighbouring properties. Exterior lighting on buildings shall be fixed, no higher than 1 metre above finished ground level, capped, filtered, or pointed downwards and screened so as to reduce lux spill. There shall be no lighting of vehicle accessways within any sites.”*

- 49 In my opinion this satisfies any concerns in relation to night lighting effects. Overall, I consider that the potential broader adverse night-time effects can be managed, and the night time coherence of the Bannockburn settlement and surrounding environment can be maintained.

### **Effects on Character, Amenity and Settlement Pattern of Bannockburn**

- 50 Several submitters<sup>10</sup> raised issues with the potential cumulative effects of the proposed development on landscape character and visual amenity. Issues raised included creep or spill over of urban development into a natural area of high visual amenity negatively impact the character, amenity and settlement pattern of Bannockburn, and the loss of the specific rural character and amenity of Bannockburn and the wider receiving environment.

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<sup>10</sup> Submitters 06, 08 and 11

- 51 In my opinion these matters have been adequately covered in the LVA<sup>11</sup>. To reiterate, it is considered the proposed development will read as a logical extension of the existing Bannockburn settlement pattern, as it follows the existing pattern of settlement on Terrace Street.
- 52 More importantly from a landscape planning perspective, there are several topographical and heritage constraints that result in areas of the Site that are not well suited for development. The proposed subdivision provides for a creative response to these constraints and the opportunity for the protection of the topographical and heritage features. It is considered an integrated subdivision proposal that is sympathetic to the landscape context.
- 53 It is considered that the proposed lot sizes will still deliver a high level of spaciousness around future buildings, especially in the context of the lots that are set aside for open space and reserves. These lots generally align with the key heritage elements to be maintained and acknowledged.
- 54 While the proposed subdivision does constitute an extension of the semi-urban form of Bannockburn, this change can be anticipated based on the ODP RRA(4) zoning. The proposal seeks to maintain the specific rural 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.
- 55 Additionally, the proposal will maintain open space, rural outlook, and recreation amenity through the designation of a public reserve and the establishment of Lot 40 and the balance lot (Lot 50). Within this setting future built form will appear modest in scale and of an intensity, that will sit comfortably within the context of the Bannockburn settlement.

### **BLR, Skyline Breaches and Proposal Visibility**

- 56 Several submitters<sup>12</sup> raised issues with the potential effects of the proposed development within the BLR including skyline breaches and visibility of development. These included assertions that all lots that lie within the BLR would be visible from many points to the east of the proposed subdivision, effects are contrary to the intent of the BLR, and that the LVA was incomplete

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<sup>11</sup> Landscape and Visual Assessment – prepared by Rough Milne Mitchell Landscape Architects Ltd, dated 19 December 2023.

<sup>12</sup> Submitters 04, 06 and 12



due to the fact visual simulations or similar had not been used to assess the potential effects.

- 57 I acknowledge these concerns but do not agree with these submitters. As demonstrated, built form on Lots 15 – 20 will be seen from some of the selected representative viewpoints. However, following a review of the LVA Report, I am comfortable with, and do not resile, from the conclusions drawn at Section 5.2 of that report.
- 58 Furthermore, since its inception, the township of Bannockburn has seen growth, but regarding the original BLR, this appears 'intact' in terms of buildings encroaching into it. However, despite this, development (housing and curtilage) adjacent to the ridgeline, particularly 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 (as demonstrated by several of the viewpoint photographs).
- 59 Therefore, it's reasonable to conclude that landscape change arising from the proposed development within the BLR is not a 'new' proposition in terms of visibility of existing development within the immediate setting and that there is potential for the landscape to absorb some development beyond the BLR within this location.
- 60 It is my understanding 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. 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.
- 61 Paired with the recommended design controls including 500m<sup>2</sup> building platforms on those lots within the BLR area, built form height limits, planting mitigation and rules regarding materials and colour, the proposed built form within the BLR will not result in unacceptable adverse effects on those values the BLR is ensuring to maintain.
- 62 The sensitivity of the elevated and exposed topography (escarpment) of the area of the Site within the BLR overlay has required careful design of the subdivision proposal. Those lots that are located within the BLR are generally viewed in the context of other existing built form (as described in

the Visual Effects section of this report) and will appear as an extension of built form along Terrace Street.

- 63 In saying that, it is acknowledged that the only viewpoints that currently do not include visible built development are the close-up ones along Bannockburn Inlet (VP 6 and 7, refer Sheets 12 and 13 of the GA). From these viewpoints the proposal would not appear as an extension to built form on Terrace Street, but as an introduction of new development. Potentially built form on Lots 15 and 18 when viewed from VP6 would break the skyline. Additional landscape mitigation planting has been proposed to mitigate these potential effects on landscape values, as experienced from these viewpoints and this is discussed below.

Assessing the Impact the Built Form will have on the Landscape

- 64 As alluded to above, some submitters questioned the lack of simulations and built form outcome modelling. In assessing the potential effects of the proposal, visual simulations have not been required and were not identified as being necessary in the CODC peer review undertaken by Ms Pfluger. Built form modelling has been undertaken to inform internal decision making. Having considered these submissions, I have advised that the erection of building poles on the lots may aid the Commissioners in their understanding of the proposal on site. These will be in place prior to the hearing.
- 65 To confirm our previous findings, further analysis using a 3D Google Earth model and additional ZTV mapping has been undertaken, which reinforces our understanding that only the building platforms of lots 15-20 within the BLR will be visible from the eastern viewpoints. The lots within the BLR which can be seen from the following viewpoints to the east of the proposal are as follows:
- (a) Viewpoint 2: lots 14-18.
  - (b) Viewpoint 3: lots 15-18.
  - (c) Viewpoint 4: lots 15-18.
  - (d) Viewpoint 5: lots 15-19.
  - (e) Viewpoint 6: lots 15-18.
  - (f) Viewpoint 8: lots 15-19.
  - (g) Viewpoint 12: lots 15 - 18

- 66 I would also like to reiterate that these viewpoints have been selected as they are representative of the public views of the Site and are similar to private views attained from the surrounding landscape.
- 67 Following the additional analysis undertaken I am comfortable that the potential effects of the proposed development within the BLR including skyline breaches and visibility of development have been thoroughly considered and assessed accurately and appropriately.
- 68 Further to that, the above information has been overlaid on an electronic Google Earth model and this has been lodged with this Evidence (refer Sheets 7 – 18 of the GA) and will be available for the Hearing. It is important to note that this modelling has been undertaken to assist in the understanding the spatial arrangement of the proposed development on the Site. It should not be used to assess the extent of visibility and needs to be viewed in the context of each viewpoint photo.

### **Earthworks**

- 69 Submitter 11 raises concerns regarding the visual impact of earthworks. Having considered this I am of the opinion that this is mainly a temporary effect, which has previously been assessed in sections 5.3 and 6.1 of the LVA. However, the submitter's concern seems to be around earthworks required to build on Lots within the BLR rather than the proposed roading. Therefore, I suggest further mitigation of these effects can be captured in additional development controls - refer to [72] below.

### **Effectiveness of the Mitigation**

- 70 Some Submitters<sup>13</sup> presented concerns with the inadequacy of proposed mitigation for the development. This included questioning the effectiveness of the mitigation planting shown on Lot 30, along with the suite of mitigation measures (maximum platform and footprint sizes, building height restrictions and planting) to mitigate the visual effects resulting from new built forms being present within the BLR.
- 71 Ms Pfluger's peer review also raises concerns regarding the time it will take (in her opinion 10 years) for the planting mitigation, planted at the spacings specified, to be effective. As outlined in the following paragraph, a Landscape

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<sup>13</sup> Submitter 04

Management Plan is now proposed as a design control, and in my opinion this will assist in ensuring certainty of the effectiveness of proposed mitigation planting. Furthermore, I suggest species to be planted for mitigation, shall be planted at a maximum 1.5 metre spacings.

72 I am generally comfortable with the suite of development controls and the proposed mitigation vegetation contained within the Application and captured within the Officer Report<sup>14</sup>. However, these can be strengthened for the betterment of the proposal and further mitigation of potential landscape character and visual effects. This includes:

- (a) *Additional mitigation planting on Lots 15 – 20 – refer Landscape Plan, Sheet 5 of the GA. This planting shall be undertaken within 18 months of the code of compliance issuing for the Dwelling. These landscape areas shall be maintained by the landowners and cannot be altered or removed;*
- (b) *Additional mitigation planting on Lots 30 and 40 – refer Landscape Plan, Sheet 5 of the GA;*
- (c) *The requirement for a Landscape Management Plan for the mitigation planting as shown on the Landscape Plan – refer **Appendix B**; and*
- (d) *The requirement of a Landscape Management Plan to be prepared by a suitably qualified landscape architect that shall be submitted to Council for approval at the time of Building Consent for any proposed dwelling or accessory buildings for Lots 3 – 5 and 12 – 20. This Landscape Management Plan shall show the following:*
  - i. A maximum 500m2 curtilage;*
  - ii. Planting and grassing of any cut and fill batters for earthworks for driveways or building platforms;*
  - iii. Planting to integrate any buildings and any associated water tanks into the landscape;*
  - iii. Planting to soften and filter views of built form in views from properties located on Cainmuir and Patersons Road to the east of the site:*

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<sup>14</sup> Section 42A Report, Appendix 1 Draft Conditions of Consent, Design Controls a) – j), Page 10  
Evidence of Tony Douglas Milne on Behalf of D. J Jones Family Trust and N. R Searell Family Trust dated 27 September 2024

- iv. *Ongoing maintenance obligations: and*
- vi. *Landscaping in accordance with the approved Landscape Plan shall be implemented within 18 months of Building Consent being approved and maintained in accordance with the approved plan.*

73 It is considered these additional design controls will further mitigate the visual effects of built form and any associated earthworks on lots located within the BLR.

#### **RESPONSE TO OFFICER REPORT AND PEER REVIEW OF MS PFLUGER**

74 The Officer Report recommends acceptance of the Application. A range of reasons are given for their recommendation, some of which relate to my area of expertise.

75 Overall, in my opinion the Commissioners can take a great deal of comfort, in relation to landscape and visual matters, that there is general agreement between myself and Ms Pfluger. Further to that I note at [85] of the Officer report Ms Royce concludes *"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 within the BLR, on the natural character of water bodies and their margins and the amenity values of the neighbourhood, in particular the character of the streetscape, will be acceptable overall."*

76 I have no disagreement with the Officer Report. However, I do wish to comment on two matters. First, at [73] the Officer Report quotes the LVA and notes that the proposed built form within the BLR will be *"located well away from the water body margin..."* I can confirm that from the closest viewpoint to the east of the Site, VP 6, the boundary of the closest lot (15) is some 270m from the Inlet edge. The closest corner of the proposed building platform measures 291m from the Inlet edge.

77 Second, at [81] the Officer Report highlights Ms Pfluger's advice that the mitigating effect of proposed planting on Lot 30 for VP 6 and 7 is likely to take 10 years. I have reflected on this, and as discussed at [72] above additional mitigation planting and measures to ensure the effectiveness of this planting are proposed – refer also Appendix B to my evidence. I believe this satisfies this matter.

**CONCLUSION**

78 A summary of my evidence is provided above.

79 Thank you for the opportunity to present my evidence.

Tony Milne  
27 September 2024

## APPENDIX A

## Summary of Visual Effects from Representative Viewpoints

Representative Viewpoints	Assessment Rating	Description of Adverse Effects
<b>VP1 – Cromwell Historic Precinct</b>	Neutral	The proposed development will blend in with the scale and pattern of the landscape and will maintain the existing visual amenity values experienced from this viewpoint.
<b>VP2 – Cairnmuir Road, viewing distance 2.4km from Site</b>	Very Low	The proposal will integrate seamlessly into the current visual environment with very little material loss to the rural amenity and scenic quality of the overall scene.
<b>VP3 – Cairnmuir Road, viewing distance 900m from Site</b>	Low - Moderate	In the context of the existing visible development, the proposed design controls and mitigation planting, it is likely that the proposal will not contrast significantly with the existing scene and will appear as an extension to existing visible built development. This will result in a small reduction in rural amenity and scenic quality due to the temporary effects of earthworks and the increase in built form on Water Race Hill. It will also contribute to a minor loss in the visual simplicity of the Site as perceived from this location.
<b>VP4 – Lake Dunstan Trail, viewing distance 800m from Site</b>	Low - Moderate	In the context of the existing visible development, the proposed design controls and mitigation planting, it is likely that the proposal will not contrast significantly with the existing scene. This will result in a small reduction in rural amenity and scenic quality due to the temporary effects from earthworks and the increase in built form on Water Race Hill.
<b>VP5 – Bannockburn Inlet Boat Ramp, viewing distance 800m from Site</b>	Low - Moderate	Visible built form will constitute a minor loss of the key values for this scene, being rural amenity, the ruggedness of the topography, and the sense of containment due to the temporary effects of earthworks and the introduction of built form on an elevated and currently open hillside.
<b>VP6 – Bannockburn Recreation Reserve, viewing distance 200m from Site</b>	Moderate	Visible built form will result in a reduction in the rural amenity and scenic quality of this view, through a change to the open and unbuilt nature of the hill and the ruggedness and visual simplicity of the upper pasture due to the introduction of built form and earthworks.

<b>VP7 – Bannockburn Recreation Reserve, viewing distance 500m from Site</b>	Low - Moderate	Only a small amount of the proposal will be visible, along with its setback from the Inlet and the small scale and recessive colour of the built form (as guided by the design controls). is likely to result in a small reduction in the rural amenity and scenic quality experienced from this view due to the presence of built form on the hillside.
<b>VP8 – Patersons Road, viewing distance 900m from Site</b>	Low - Moderate	In the context of the existing visible development, the proposed design controls, and mitigation planting, it is likely that the proposal will not contrast significantly with the existing scene and will appear as an extension to existing visible built form. This will result in a small reduction in rural amenity and scenic quality due to the increase in built form on Water Race Hill. It will also contribute to a minor loss in the visual simplicity of the Site as perceived from this location.
<b>Bannockburn Township – VP9 - 11</b>	Low - Moderate	The proposed built form will be visible in the context of similar development and will likely appear as an extension to the existing development on Terrace Street. This will constitute a minor reduction in the rural amenity and scenic quality of the Site as perceived from Bannockburn Road, however the openness and rural amenity in the foreground will be maintained.
	Low – Moderate also Positive	With regard to scenic quality, it is anticipated that views to the Cairnmuir Range and Slaughter Yard Hill will be potentially impacted due to built form in the foreground. However, there are also potential positive effects to be experienced from this viewpoint through the increased amenity of a pleasant streetscape and built form of a scale and style which complements the existing residential character of Bannockburn.
	Negligible	The built form is anticipated based on the underlying zoning and it is also expected that the built form will be in keeping with the existing form and character of development along Terrace Street. The rural residential character of the scene will be maintained, as will the scenic quality of the mountains in the distance.
<b>Residences Associated with Patersons Road</b>	Low	In the context of the existing visible development, the proposed design controls, and mitigation planting, it is likely that the proposal will not contrast significantly with the existing scene and will appear as an extension to existing visible built form. This will result in a small reduction in rural amenity and scenic quality due to the increase in built form on



		Water Race Hill. It will also contribute to a minor loss in the visual simplicity of the Site as perceived from this location.
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**Landscape Management Plan**