

**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 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 building within a Building Line Restriction at 88 Terrace Street, Bannockburn (**RC230398**)

RESPONSE TO MINUTE 11

PREPARED BY

KIRSTYN ROYCE, SECTION 42A REPORT WRITER

DATED 27 MARCH 2025

1. Minute 11 was issued by the Commissioners on 10 March 2025. Following the Minutes, Mr Milne, Ms Pflueger and Ms Stevens provided supplementary Landscape Evidence which focussed on ‘the effect on amenity values of the neighbourhood, in particular the character of the streetscape’ (Rule 12.7.7) and, in particular, the effects on the property at 36 Terrace Street. The Panel then invited a review of Paragraph 65 of the section 42A assessment.
2. Paragraph 65 of the Section 42A report states that:

I note that the BLR is setback from the existing development from the Terrace Street neighbourhood and there is currently no streetscape character associated with the BLR in a typical sense as it is separated from the existing roading network and built form.
3. I accept that the statement within that paragraph was not worded as well as it could have been. The intention was to draw the Commissioner’s attention to fact that the subject site, including the BLR, is a large, vacant, open-space area despite the residential zoning and, therefore, is not a conventional suburban neighbourhood with a typical streetscape character that one would expect to find within a residential zoned area.
4. The proposed development will result in an extension of the Terrace Street neighbourhood and proposed Lots 3, 2 and 6 do abut the properties at 34 and 36 Terrace Street, although only Lot 6 and part of Lot 2 are included within the BLR. Proposed Lot 40 abuts 28A Terrace Street but no buildings are proposed for this lot.
5. When establishing the values associated with the amenity values of the neighbourhood and the character of the streetscape, I note that these are established through the relevant objectives and policies. The relevant PC19 objectives and policies are not under appeal and may be given significantly more weight than the Operative Plan provisions. The relevant objectives and policies are set out below:

PC19 Objective	PC19 Supporting Policy
<p>LLRZ -02 - Character and Amenity Values of the Large Lot Residential Zone</p> <p>The Large Lot Residential Zone is a pleasant, low-density living environment, which:</p> <ol style="list-style-type: none"> 1. contains predominantly low-rise and detached residential units on large lots; 2. maintains a predominance of open space over built form; 3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and 	<p>LLRZ-P1 Built Form</p> <p>Ensure that development within the Large Lot Residential Zone:</p> <ol style="list-style-type: none"> a) provides reasonable levels of privacy, outlook and adequate access to sunlight; b) provides safe and appropriate access and on-site parking; c) maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites; d) is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe; e) provides generous usable outdoor living space for residents and for tree and garden planting; f) maintains the safe and efficient operation of the road network;

4. is well-designed and well-connected into the surrounding area.	g) mitigates visual effects through screening of storage areas and provision of landscaping; and h) encourages water efficiency measures.
---	--

6. In terms of LLRZ – O2, Mr Milne and Ms Pfluger are in agreement that the development outside the BLR will lead to the most noticeable change on the neighbourhood amenity and streetscape character (Lots 1, 2, and 7) with Lots 4, 5 and 6 appearing in the backdrop from the eastern end of Terrace Street. Mr Milne assesses that with the implementation of the proposed design restrictions for future built form, the proposed streetscape character will result in an amenity outcome that will maintain and enhance the current Terrace Street character.
7. Ms Stevens appears to focus her assessment of the amenity values of the neighbourhood and the streetscape character on the rural outlook. Ms Stevens emphasises that the proximity and strong visual connection to rural landscape contributes to the sense of a small contained town with a strong sense of place. While I do not disagree that the rural outlook contributes to the sense of place, I recognise that objectives and policies relating to neighbourhood amenity and streetscape character do not place specific value on rural outlook. Furthermore, I note that while the site may contribute to the perceived “Rural Character” of Bannockburn, this is somewhat artificial given the underlying residential zoning.
8. When relying on Mr Milne’s evidence, I consider that the lot sizes and respective building platforms will ensure that future development will maintain a predominance of open space over built form and will provide good quality on-site amenity, in line with outcomes provided for by the provisions of the LLRZ. Furthermore, I assess that the proposal is generally well-designed and well-connected into the surrounding area and, with the volunteered conditions, will provide future opportunity for low-rise and detached residential units on large lots.
9. In terms of the second part of LLRZ-O2.3 which relates to the anticipated amenity values of adjacent sites, I have reviewed the supplementary evidence prepared by Mr Milne, Ms Pfluger and Ms Stevens.
10. With regard to specific effects on 36 Terrace Street, Mr Milne recognises that the eastern view from 36 Terrace Street will be directly into Lot 6 building platform. There will also be an oblique view across Lot 2, but Mr Milne considers that built form on Lot 2 can be established outside of the BLR. I support this recommendation.
11. Ms Pfluger also undertook specific assessment in respect of 36 Terrace Street and advised that:

“the only visual effects from buildings within the BLR would arise from built form on Lots 6 and 20. However, both buildings appear to be located outside the main outlook from the building; and Lot 20 will be located at a lower elevation without blocking the view.”
12. Ms Pfluger recommends that buffer planting along the western boundary of Lot 6 and the north-western corner of Lot 20 could assist in providing additional privacy and screening in relation to the existing residence at 36 Terrace St. I support this recommendation.

13. With regard to LLRZ -P1, I note that the proposal does not provide for built form at this time but rather provides building platforms for lots within the BLR which signal that future development may occur on the site. The building platforms are positioned within each lot in a manner which respects the minimum boundary setbacks, and volunteered conditions of consent impose height restrictions. I note the assessment of Ms Pfluger that the building platforms for Lots 6 and 20 are outside of the main outlook of 36 Terrace Street. As such, I anticipate that future development can be undertaken in a manner which ensures:

- reasonable levels of privacy, outlook and adequate access to sunlight for adjacent sites.
- maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites; and
- provides generous usable outdoor living space for residents and for tree and garden planting.

14. While I consider that the objectives and policies of the Operative District Plan have little weight given that the relevant PC19 provisions are not under appeal, an assessment of these is undertaken for completeness.

Operative Objective	Plan	Supporting Policies
<p>Objective 7.1.1 – Maintenance of Residential Character</p> <p>To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as the Residential Resource Area as well as the social, economic and cultural wellbeing, and health and safety of the residents and communities within those areas.</p>	<p>Plan 7.1.1 – Residential Character</p>	<p>Policy 7.2.1 - Residential Character</p> <p>To ensure that the character and amenity values of residential areas are protected by ensuring that the adverse effects of:</p> <ol style="list-style-type: none"> a) Excessive noise including noise associated with traffic generation and night time operations, b) The generation of traffic over and above that normally associated with residential activities and in particular heavy vehicles, and demand for parking, c) Glare, particularly from building finish, and security lighting, d) Structures at the street frontages that do not complement the character and/or scale of development in the neighbourhood, e) A reduction in privacy, access to daylight and sunlight f) A reduction in visual amenity due to excessive signage, large areas of hard standing surfaces, and the storage of goods or waste products on the site, g) The generation of odour, dust, wastes and hazardous substances, h) The use and/or storage of hazardous goods or substances, and i) The loss of a sense of amenity, security and companionship caused by non-residential activities.

	<p>Policy 7.2.2 - Amenity Values</p> <p>To ensure that the amenity values of residential sites, including privacy and ability to access adequate daylight and sunlight, are not significantly compromised by the effects of adjoining development.</p>
	<p>Policy 7.2.7 - Residential Resource Areas (1) - (13)</p> <p>To ensure that subdivision and development in the areas shown as Residential Resource Areas (1) - (13) complement the character and amenity of these areas and provide for the protection of significant landscape features, where such features are present.</p> <p>The area of land identified as Residential Resource Area (4) applies to Bannockburn, on the eastern side of Bannockburn Road and both sides of Hall Road west until just beyond Miners Terrace. The area is capable of accommodating low density residential development in a manner that provides privacy for the occupiers of dwelling houses and maintains the rural character of Bannockburn. An open form of development is promoted.</p>

15. Policy 7.2.1 sets out those matters which are considered to contribute to residential character. There is nothing in this proposal which would adversely impact on those matters identified in Policy 7.2.1.
16. I have assessed that, with the setbacks being achieved and the volunteered height restrictions, the potential built form within the building platform is not expected to adversely affect the privacy and ability to access adequate daylight and sunlight on adjacent sites as directed by Policy 7.2.2 which seeks to ensure that amenity values are not significantly compromised.
17. With regard to Policy 7.2.13, I note that the Residential Resource Area [4] has been superseded by the Large Lots Residential zoning. That said, when, when relying on the evidence of Mr Milne and Ms Pfluger, I assess that the subdivision, with its large lot format along with Lots 30, 40 and 51 to be retained as undeveloped lots, will ensure that the proposal will result in an open form of development which will result in low density residential development in a manner that provides privacy for the occupiers of dwelling houses. The proposal is also expected to maintain the rural style character of Bannockburn, as far as this is possible, given the underlying residential zoning of the site.
18. When considering the assessments of the Landscape Architects, the residential zoning of the site and the objectives and policies which defines those values associated with the amenity values of the neighbourhood and the streetscape character, I consider that the proposal will present as a conventional extension of the Terrace Street neighbourhood, and once developed, the area will exhibit a similar form and style as a continuation of the existing Terrace Street streetscape. Overall, I have assessed that, subject to the volunteered conditions of consent, the

effects of the development within the BLR on the amenity values of the neighbourhood, in particular the character of the streetscape will be acceptable.

Kirstyn Royce

27 March 2025