

Submission on Notified Resource Consent PL240771422



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Submission on Notified Resource Consent

Reference PL240771422 **Submitted** 26 Jul 2024 11:36

Notified Submission

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

Section 95A (public) Resource Management Act 1991

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

This is a submission on the following resource consent application:

Resource Consent Number	230398
Valuation Number	2844104500
Applicant	D J Jones
Location of Site	88 Terrace Street, Bannockburn
Brief Description of Application	20 Lot Subdivision Consent including construction of internal access roads
Submissions Close	08 August 2024

Writing a submission

The following will be required during this process:

- Your full name and address, telephone number and email address
- Whether you support or oppose the application for resource consent
- The reason for your submission
- The decision you wish the Council to make, including any conditions sought
- Whether you wish to be heard.

Privacy

The information you provide is official information and is used to help process your application. The information is held and used in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. Under the Privacy Act 2020 you have the right to see and correct any personal information that Council may hold about you.

Declaration

By continuing with this application you certify that: The information you provide is true and correct to the best of your knowledge. Yes

Notified Submission

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:

It is supported only by material that purports to be independent expert evidence, but has been prepared by a

person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

In lodging this submission, your submission, including contact details, become public information and will be available for anyone to view.

DETAILS OF SUBMITTER

Full name David Olds
Contact person (if applicable)
Electronic address for service of submitter: luthierdave@gmail.com
Phone number - day time 0204 076 9858
Postal address (or alternative method of service under [section 352](#) of the Act): 151 Paterson Road, Bannockburn, 9384

Your Application

Please select one regarding the application I oppose
Do you wish to be heard in support of this submission? Yes - I wish to be heard
Are you a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991? I am not
I would consider presenting a joint case if others make a similar submission Yes

Details of submission

The specific parts of the application that my submission relates to are: I oppose the application in its entirety - please see attached document

The submission - include: I oppose the application in its entirety - please see attached document

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

[David Olds - Resource Consent Submission - 230398.docx](#) (2 mb)

I seek the following decision from the consent authority.

Give precise details, including the general nature of any conditions sought Reject the application in it's entirety.

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

Any other comments?

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process. Yes

Please sign (click on the words CAPTURE)

A handwritten signature in black ink, appearing to read 'J. Olds', written in a cursive style.

Date signed:

26/07/2024



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
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(Form 13)

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Section 95A (public) Resource Management Act 1991

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To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consents@codc.govt.nz

DETAILS OF SUBMITTER

Full name: David Olds

Contact person (if applicable):

Electronic address for service of submitter: luthierdave@gmail.com

Telephone: 0204 076 9858

Postal address (or alternative method of service under [section 352](#) of the Act):

151 Paterson Road, Bannockburn, 9384

This is a submission on the following resource consent application: RC No: **230398**

Applicant: **D J Jones & N R Searell Family Trust** Valuation No: **2844104500**

Location of Site: **88 Terrace Street, Bannockburn**

Submissions Close 08 August 2024

Brief Description of Application: **Subdivision Consent for 20 Lot Residential Development including construction of an internal access road and rights of way, recreation reserve and balance lots.**

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)



www.centralotagonz.com

Please see attached document opposing the application

This submission is: *(attach on separate page if necessary)*

Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

please see attached

I/We seek the following decision from the consent authority:
(give precise details, including the general nature of any conditions sought)

The proposal should be rejected in its entirety

I ~~support~~ oppose the application OR ~~neither support or oppose~~ (select one)

I wish / ~~do not wish~~ to be heard in support of this submission (select one)

I ~~am~~/am not* a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (select one)

*I/We ~~are/are not~~ (select one) directly affected by an effect of the subject matter of the submission that:

(a) ~~adversely affects the environment; and~~

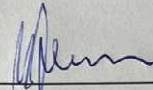
(b) ~~does not relate to trade competition or the effects of trade competition.~~

*Delete this paragraph if you are not a trade competitor.

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

*Delete this paragraph if not applicable.

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



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

26 July 2024

Date

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Notes to submitter

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 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;

It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

1. The specific parts of the application that my submission relates to are:

I oppose the application *in its entirety* based on the following:

- the average size of the proposed 20 residential lots is considerably less than the permitted average per the ODP
- the number of residential lots that are either wholly or partly inside the Building Line Restriction (BLR), and their high level of visibility from outside the Bannockburn township
- the incomplete/inadequate nature of the Landscape Assessment Report, and the incorrect statements and conclusions contained within it
- the detrimental impact on the visual landscape due largely to the proposed breach of the BLR, proposed breaches of skyline, and the ineffectiveness of proposed mitigation to reduce the impact of such breaches
- the effect that the proposed subdivision would have on traffic along Terrace Street
- the effect that lighting from the proposed subdivision would have on the wider landscape

2. My submission

2.1 – Average proposed residential lot size

The average lot size permitted within Residential Resource Area (4) is 2000 sqm. The proposal is for 20 residential lots with an average of 1696.4 sqm, considerably lower than the permitted average.

The balance lots (40, 50 and 51) are to remain in the ownership of the applicant, and may be subject to future development, so cannot be included in the calculations of average lot size.

Approving this application would create a precedent which would benefit the balance land of the applicant. It would also compromise the character, amenity value and settlement pattern within Bannockburn.

It is the council's responsibility to uphold the integrity of the district plan, and as such I believe they should reject this application outright.

2.2 - Building Line Restriction

There is a Building Line Restriction (BLR) that passes through the proposed development. As stated in the application and the accompanying Landscape Assessment report, this BLR 'was established in 1987 with a purpose of ***“containing Bannockburn within a ‘hollow’ so it would not be visible from the Cromwell Basin and to protect views around the Bannockburn Inlet”***’.

Of the proposed 20 residential lots in this application

- 8 lots (13, 14 and 15-20) are **fully** within the BLR
- 4 lots (4,5,6 and 12) are **largely** within the BLR
- 3 lots (2,10 and 11) are **partly** within the BLR
- only 5 lots are unaffected by the BLR

- in addition to this, the majority of the loop road (lot 100) and part of the main service road (lot 101) also fall within the BLR.

The BLR runs along the ridgeline through the property, and all of the proposed residential lots that lie within the restricted area would be clearly visible from many points to the east of the proposed subdivision (as acknowledged in 6.2.6 table of visual effects) - including from the Bannockburn Inlet, Cairnmuir Road, Paterson Road, Carrick Winery, and the Dunstan cycle trail. The application also acknowledges that there will likely be breaches of the skyline resulting from many of the lots within the BLR. This clearly contravenes the intention of the BLR, and in the absence of any change in the regulatory environment it is hard to see why the original intent of the BLR should be ignored.

The application is not just seeking relief for a minor breach of the BLR - it is in effect asking that the BLR be completely set aside.

For this reason I believe the council must decline this application in its entirety.

2.3 – Impact on visual amenity values

The applicants have provided a Landscape Assessment report which concludes that:

“ ... the adverse effects on visual amenity overall are **low-moderate** and consider this degree of effects to be appropriate. The adverse effects on landscape values will be **minor**. (6.2.7 Summary of Visual Effects)

I believe that the Landscape Assessment Report and its accompanying photographs fall well short in many areas, making it impossible to support the above conclusion:

- the photos provided in the report are taken in various formats and at various focal lengths, from iPhone photos in wide angle to other photos at 30mm focal length. All photos provide a very different, and much kinder, perspective of the site than the naked eye would (*Note – it is my understanding that the accepted standard for photographs used for this purpose specifies a 50mm focal length*)
- the photos only show the general location of the site, with no overlays indicating the boundaries of the site.
- no overlays showing the location of the individual lots are provided making it impossible to assess which of the proposed lots will be visible from each location, and to what extent they will be visible.
- no profile poles have been erected on the site making it impossible to assess the likelihood of skyline breaches, the extent of these breaches, and to assess the volume and types of earthworks that may be required in order to build on the steeper sites (4-6 and 15-20)
- no rendered visual representation of what the site may look like when houses are present on the proposed lots have been presented. Without such a rendering it is not possible to assess the likely impacts of the proposal.

The applicant acknowledges that the proposal will introduce new built form elements into the landscape from many of the selected vantage points, and acknowledges that there will likely be skyline breaches

from a good number of these vantage points. (see 6.2.6 table of visual effects from each vantage point). This is especially the case with buildings on the steeper sites mentioned above, which will be clearly visible from many of the vantage points to the east of the site.

The steepness of many of the lots (especially 6 and 15-20) and the positioning of the building platforms at the top end of these lots suggest that the buildings on these will sit high on the lots, leading to greater visibility and a higher likelihood of skyline breaches when viewed from the east.

The applicant seeks to lower the perceived effect of these new built forms by stating that they will blend in with existing housing along Terrace Street. (6.2.1 and table 6.2.6). I would consider the opposite to be true - that the **cumulative** effect of the existing housing and the new proposed housing **increases** the impact of these on the visual landscape. It should be noted that some of the existing houses that are currently visible from these vantage points also break the skyline in an obvious manner, and this is the very reason why we need to prevent further breaches.

Given the above, an assessment of a low-moderate effect on the landscape cannot be supported. The effect will be greater than low-moderate.

I believe the council should decline this application in its entirety. Should this not occur then I believe that the council should seek a **comprehensive peer review** of the Landscape Assessment Report in order to validate the visual impacts of this development.

2.4 – Inadequacy of proposed mitigation

The applicant proposes to include building height and footprint size restrictions on **all** lots to mitigate the various proposed breaches (BLR, skyline etc). They state that these restrictions will also apply to the 5 sites not affected by the BLR and indicate that this should be considered when assessing the mitigation for those sites **within** the BLR. This is a totally illogical assumption. A reduction in the building size and height of the 5 lots outside the BLR will make no difference whatsoever to the visual impact and loss of amenity value due to the 15 sites that are affected by the BLR.

This appears to be a case of attempting to “average out” the negative impacts of a breach of the BLR over the entirety of the subdivision, which makes no logical sense at all.

No additional mitigation could be provided to reduce the visual impact of houses built on lots 4-6 and 15-20. Given the steepness of these sites it is likely that any dwellings will be high on the sites making any attempt to make them blend into the landscape very difficult to achieve – i.e. their impact will be greater than low-moderate.

From the site plan it appears that the proposed planting on the reserve lot (30) would do very little, if anything, to mitigate the visual effects of the houses on lot 6 and 15-20. While it may offer some protection for sites 12-14, this would only be partial cover in terms of screening these properties.

The proposed mitigation (maximum platform and footprint sizes, building height restrictions and planting) will not mitigate the visual effects due to new built forms being present within the BLR.

I believe the council should decline this application in its entirety.

2.5 - Impact on traffic along Terrace Street

The addition of an extra 20 residential properties at the end of Terrace Street will have a highly negative impact on the traffic flows up and down that road. Given that the proposed subdivision is accessed via a cul-de-sac, every vehicle access to those new houses will be along this one road. That will impact in respect to traffic noise, street lighting etc.

I believe there are currently around 19 houses on Terrace Street, so the addition of a further 20 would effectively double the current traffic flow, as well as increasing the volume of traffic through the intersection of Terrace Street and Bannockburn Road.

I understand that the CODC standards for roading and infrastructure recommend a maximum 20 houses to be serviced by a cul-de-sac. Given that the current for Terrace Street is 19, and that this proposal would effectively exceed that by 100%, it seems to sit well outside guidelines.

This part of the proposal seems to be very poorly thought out, and as such the council should decline the application in its entirety.

2.6 – Lighting effects

The house lighting from this subdivision will be visible from many vantage points in the wider area. While this may have been anticipated to some extent based on the land designation, the proposal to allow sites within the BLR will make this impact much greater than what may have been expected. Lighting from residences on sites 4-6, 13-14 and 15-20 will be clearly visible in the near foreground from sites to the east of the development, including from Cairnmuir Road and Paterson Road. At present, the lighting from Bannockburn village is largely contained within the bowl (as intended by the BLR), but if this proposal is accepted that will no longer be the case.

It is acknowledged that the proposal indicates that street lighting within the BLR will be bollard lighting rather than overhead lighting, but this does not address the issue of house lighting.

I believe the council should reject this application in its entirety.

3.0 - Conclusion

I believe the proposed subdivision must be declined by the council.

The proposal to include many lots either wholly or partially within a long established BLR makes the proposal impossible to support. The resulting visual impacts on areas of significant recreational value to both residents and visitors (such as the Bannockburn Inlet and cycle trail) are significant. The express intent of the BLR was to prevent the spill of urban development over the lip of the village, and this proposal ***does exactly the opposite of that***. Once development inside the BLR is allowed, it can never be turned back, and the unique landscape around the Bannockburn Inlet will be forever compromised.

The applicant states in a number of places within the application and accompanying landscape assessment report that building activity “**may be anticipated**” due to the residential zoning of the site. While that statement may be true for the area of the proposal that sits outside the BLR, it is totally incorrect with respect to the area within the BLR. The BLR is there expressly to ensure that such activity is **not anticipated** within that area and is **not permitted** within that area.

When weighing the positive and negative aspects of the proposal there is very little that comes down on the positive side apart from the provision of additional housing opportunities, the addition of a reserve on a small portion of the land, and the provision of a footpath for Terrace Street. While I do not discount the need for housing in the area, such housing should be provided for in areas that have been identified for that purpose (including the applicants site outside of the BLR) and in a manner that is sympathetic to the receiving environment. This proposal does not do that.

It is the responsibility of the Council to uphold the integrity of the district plan, and I believe they can only do so by rejecting this application outright.