



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056



(Form 13)

Section 95A (public) Resource Management Act 1991

@codc.govt.nz
w.codc.govt.nz

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

DETAILS OF SUBMITTER

Full name: TIMOTHY J. D. JAMES

Contact person (if applicable):

Electronic address for service of submitter: tjdjames.nz@gmail.com

Telephone: 0274 844004

Postal address (or alternative method of service under [section 352](#) of the Act):
154A CAIRNMUIR ROAD, NEVIS
RD2 CROMWELL 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)

SEE ATTACHED

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.

SEE ATTACHED

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

DECLINE APPLICATION
SEE ATTACHED

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 am/am not (select one) directly affected by an effect of the subject matter of the submission that:

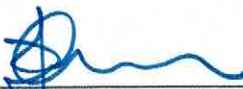
- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

*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

2/8/24

Date

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

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

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.

The Chief Executive

31 July 2024

Central Otago District Council

PO Box 122

Alexandra 9340

30 June 2021

Dear Sir/Madam

Submission **Opposing** RC No 230398

Specific parts of the application that my submission relates to are:

1. Non-Compliance with Building Line Restriction.
2. Effects on the Natural Character of Water Bodies and their Margins.
3. Effects on Amenity Values on the Neighbourhood.
4. Non-Complying Subdivision Lot Size.
5. Non-Complying Rooding.
6. Positive Effects.
7. Precedents.
8. Insufficient information to undertake an Assessment of Effects.

This Submission is as follows:

General: This application is not consistent with the Rules and intent of the R[RRA(4)] Zone.

1. Non-Compliance With Building Line Restriction (BLR).

The BLR is clearly shown on the District Plan Zoning Plan.

The BLR generally follows the ridge line across Water Race Hill.

The Applicant, Reporting Consultants, Council and Local Community are in general agreement that the BLR was established by a Plan Change in 1987 by the Transitional (Vincent County) District Plan, with a purpose to contain Bannockburn within the "hollow" so that residential development was not visible from the Cromwell Basin and to protect views around the Bannockburn Inlet.

The previous application No RC 190154 by the same applicant stated: *"There is a BLR that applies to the subject site. The BLR prohibits new buildings, relocated buildings, relocated buildings, and /or extended or substantially rebuilt buildings to stand within the area subject to the restriction."*

The CODC District Plan under Section 18 Definitions:

Building Line Restriction: means a restriction imposed on a site to ensure that when new buildings are erected.....no part of any such building shall stand within the area subject to the restriction or.....

The Applicant is cognisant of the BLR but again in this the second Application ignored it and again does not respect the District Plan in the Application.

The Application has 12 of the Lots or 60% located either partly or wholly within the area subject to the BLR.

The previous Stages of this development south of Terrace Street have respected the BLR, but in this Application it is ignored.

The CODC in the gateway test indicates that any built form in the restricted area is a Restricted Discretionary Activity, and as such each lot would require a Land Use Consent application for any building to be constructed in the restricted area. The CODC may approve building with restrictive conditions or decline the application, in review of the subject Application it is quite conceivable that the lots could be sold, where no buildings approval could be granted.

Again, this second Application is a gross misrepresentation of the requirements of the District Plan and its intent.

Council are required to **decline** this application.

2. Effects on the Natural Character of Water Bodies and their Margins.

Rule 12.7.7 (ii) 1

A key Assessment of Effects criteria is the effects on the Natural Character of Water Bodies and their margins.

At present the Bannockburn Inlet is surrounded by an unspoiled and natural escarpment, that gives it a rural backdrop. This gives the location its character and, in my opinion, it is of a high visual amenity.

The Assessment of Visibility and Visual Effects prepared by RMM appears incomplete and misleading in its assessment.

The RMM report: p19

The assessment needs to be impartial, detached and balanced. This appears to be the case in the text, but in the conclusions and especially regarding Viewpoints 5-8 the reporting needs to be reviewed.

Effects on the natural character of the River and Inlet.

The natural character of the Kawarau River and Bannockburn Inlet have been identified as important....

Potential adverse effects on the natural character of the Kawarau River and Bannockburn Inlet are primarily related to the proposed development of Lots 15-20 on the east facing escarpment above the Inlet. These lots breach the BLR and it is understood that the purpose of the BLR is to protect views from the Inlet.

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 the built form on the terraces surrounding the inlet which contribute to its natural character. This is considered to be an adverse effect of a low-moderate degree.

It is difficult to conclude this when the purpose of the BLR is restrict any built form development in this location. In other words, any residential development in an area that is in its natural state and protected by the BLR, should be classified higher than RMM assess.

Further to the above form RMM on p35 they conclude:

...the proposed built form within the BLR can be absorbed and effects largely mitigated when viewed in context with adjacent development.

There are however some exceptions to this, as demonstrated by viewpoints immediately around the Bannockburn Inlet, from which the built form may be perceived as a spill over from Bannockburn township and form a new element. From these viewpoints, as described previously, the breach of the BLR will contribute to adverse effects, ranging from low-moderate to moderate. This change will result in a reduction in the rural amenity and scenic quality of these views, through a change to the open and unbuilt nature of the hill and ruggedness and visual simplicity of the escarpment above the inlet due to the introduction of the built form.

This statement is telling, the affects are incongruent with location and as such Council is required to **decline** this application.

Comments on assessment:

To assess the effects RMM need to complete an actual visual assessment showing on the photographs the lot boundaries and super impose on the photos the bulk and location for development on each building site.

The photography needs to comply with NZI LA Best Practice 10.2. It does not appear that this is the case, creating an inconstancy in the photographic evidence and the actual effect.

3. Effects on Amenity Values on the Neighbourhood.

Rule 12.7.7 (ii) 2

A key Assessment of Effects criteria is the effects on the amenity values on the Neighbourhood.

The RMM reporting does not assess this Rule, and their silence is deafing.

This not only pertains to the neighbours in Terrace Street, but also the neighbours east of Water Race Hill who are visually affected by this Application.

With my experience as a Land Surveyor and subdivision designer over the last 35 years, I can clearly see the development impact from the current plans, with a road, street lighting and 8 dwellings built east of the BLR, on the natural escarpment face.

This development will result in an unacceptable creep of urban development into a natural area of high visual amenity.

This effect is directly opposite my property at 154A Cairnmuir Road and is in full view on my property, and as such it injuriously affects myself and my neighbours in Cairnmuir Road whose views look west to the Application site.

This effect is major and is not in context with the natural visual attributes of this location and as such the Council are required to **decline** this application.

I invite Councils Reporting Planner and RMM to my property to view the potential impacts.

4. Non-Complying with the Subdivision Lot Sizes for the Zone.

This application breaches the Average Lot Size requirement.

The Average Lots Size calculation should only include the residential lot yield, and not include Future Development Lots 40, 50 and 51, Reserve Lot 30 and Road to Vest.

This gives an average lot size of 1696m², which is below the Zone Rules requirement.

There are no mitigating circumstances in the Application, and as such, this application needs to be **declined** on this basis alone.

5. Non-Complying with Roding Standards. The Scheme Plan shows a extension to Terrace Street terminating in a cul-de-sac head. With the present 19 lots and the additional 20 makes a total of 39 lots on a cul-de-sac. The CODC Standards require a maximum of only 20 lots.

6. Positive Effects:

Section 6 of the application report appears to be the smallest Section. There in essence are negligible positive effects for the public or local neighbourhood from this proposal. The walking trails are subject to the whim of the owner, not protected by easements, the small reserve viewing area is limited as it would be landscaped and the footpath on Terrace Street is an engineering requirement. The negative effects are substantial while the positive effects are minimal.

7. Precedents:

Section 7.8.1 of the Planners application report.

The rhetoric in this section of the report is not backed up with fact and is an arbitrary commentary.

The precent will be set to build residential development within the BLR.

The pressure will be applied for development firstly north through Revell's Gully to Slaughter Yard Hill. Then to the western slopes of Shepherds Creek south of the subject application.

This application is the (not so) thin edge of the wedge for development in an inappropriate and visually sensitive area.

On this count alone this application is required to be **declined**.

8. Insufficient information to undertake an Assessment of Effects.

This Application has insufficient information to complete a full Assessment of Effects.

a) Future Development of Lot 40. The Applicant appears to conclude that this lot will provide mitigation for the noncompliance aspects of the development but does not offer any comment of providing a covenant, consent notice or similar to restrict future development. The Applicant does not offer to provide the walking tracks within this area with an Easement in Gross to allow the public continuity of access. In essence this lot does not provide any secure mitigation for the noncompliance aspects of the development.

b) Future Development Lot 51. The Applicant does not describe if this will Vest in Council or like Lot 40 will remain in their ownership and thus provide limited public access.

c) Future Development Lot 50 (Concept Plan).

The large balance Lot 50 that will be developed in the future. Previous applications for subdivision of this land were accompanied by a Concept Plan.

Previous Application RC No 190154. *“As part of previous subdivisions, a Concept Plan (Plan No W115A C. Hughes and Associates October 2002) was included which identified a potential future subdivision pattern and reserve linking to Bannockburn.”*

This Application does not include such a plan and appears to disregard it completely.

A Concept Plan for the total land holding is required to be part of this Application for completeness and showing how the whole development will look and work. The future Reserves and public connections need to be described as part of this Application. This Concept Plan is fundamental as will show how the development will integrate and complement the existing Bannockburn community.

The Application mentions pedestrian linkages but does not show these or indicate what will be constructed and in what location. A plan showing this, including Revells Gully and any future vesting/easements is required to be consistent with the Application.

There is no local neighbourhood reserve in the location dedicated to a children’s play area and a local meeting place for the neighbourhood residents. This would be a requirement of a flat 3000m2 neighbourhood reserve and needs to be addressed in the Concept Plan.

d) Geotechnical Reporting. A Geotechnical Investigation has been prepared to assess the suitability of the Application as to geological and slope constraints. This report address the suitability of road construction and of the house sites on the eastern escarpment. The report indicates building sites on Lot 15-19 range from Risk Class 2-3, with building slopes 1: 6 to 1:1.5 with the majority of the sites being 1:3 to 1:2 on challenging geology. This is an extreme grade to construct dwellings. I request that Council seek a peer review comment on if such sites are practical and appropriate in this location.

e) Construction Silt and Dust Control Plans: The Application does not provide reporting on silt and dust controls during construction. I request for clarity of this Application

that an Environment Management Plan (EMP) be prepared and be as part of this Application.

This is seen to be consistent with an application in this locality and with the geology.

The receiving waters of the Bannockburn Inlet is sensitive receiving environment and needs to be protected from silt runoff during construction.

- f) Stormwater Analysis Report: There is no reporting on the pre and post development Stormwater Controls for Road and House sites.

This Report should also have a plan of a proposed public network, detention requirements and address overland flow routes and their capacity and downstream effects.

Soakage options would also need to be assessed by the geotechnical consultant as water controls on the steep slopes of Lots 15 to 20 would be of concern.

This report is a fundamental in assessing effects on the immediate environment and the receiving environment being the Bannockburn Inlet.

- g) Infrastructure Reporting: The application does not include an infrastructure report, this is required to ensure that there is sufficient water pressure and flow to service the development and if there is sufficient fire fighting flows. This report should also comment on the local network's wastewater capacity.

- h) Street Lighting: The assessment of visual effects indicates that street light illumination will be an issue, no plans of the proposed street lighting and the extent of illumination and the night visual effects has been part of the Application. This has been flagged by RMM and the application Planner as an issue and needs to be addressed with reporting and plans.

A strip of streetlights on or below the ridge line is an unacceptable effect.

- i) Visual Effects: As outlined in 2 above, the visual effects assessment reporting needs to undertake a visual simulation of Lots 12-20 that are inside the BLR, this would include the boundary lines and maximum bulk and location of possible dwellings on the proposed building sites.

This further information is considered essential for the reporting Landscape Architect to assess the visual amenity of the proposal.

Following this information being available I request the Council obtain a further peer review assessment by a Landscape Architect in terms of the NZ Landscape Assessment Guidelines.

This expert must assess the before and after development where I suspect the effects will be more than current assessment of Moderate!

Without this information I fail to see how the Applicant and the CODC can assess the visual and environmental impacts of this proposed development.

General Comment:

In reviewing the application and considering the issues brought up with the proposal such as

- the breaching the BLR with residential housing,
- the Visual effects on the Natural Landscape,
- the Amenity Values on the Neighbourhood.
- the unreported Stormwater Effects on the sensitive receiving environment,
- the unreported effects of earthworks during construction,
- the loss of Heritage values (circa 40%). If there was no development inside the BLR, this would not be an issue.
- the Geotechnical constraints on Lots 15-20,

then in consideration of the development opportunities the Applicant has within future development Lot 50, I find this Application an excess at the cost to the natural attributes of the locality and the neighbourhood.

I seek the following decision from the Central Otago District Council: **Decline** this Application.

I **oppose** this Application.

I wish to be **heard** is support of my submission.

I am not a trade competitor.

I am **directly affected** by an affect of the subject matter of submission that adversely affects the environment.

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

I do not request 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 hearing commissioners who are not members of the local authority.

Tim James

154A Cairnmuir Road

Bannockburn

Cromwell.