

**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**)

EVIDENCE OF DAVID OLDS

Dated: March 2025

INTRODUCTION

- 1 My name is David Olds.
- 2 I am a resident of Bannockburn having lived on Paterson Road for 9 years.
- 3 I submitted in opposition to RC230398, and I am appearing today to reaffirm my opposition to that application and to the councils' recommendation to grant consent.
- 4 I am not opposed to development in Bannockburn, however I believe it should be well thought out and should occur on land that is identified as appropriate.
- 5 I consider that much of the land covered by this application is not appropriate for housing, and the existence of the Building Line Restriction (**BLR**) on this land indicates to me that previous councils have also deemed this land is not appropriate for housing.

SCOPE OF EVIDENCE

- 6 My evidence today will focus on four key areas:
 - a. The breach of the BLR and the negative effects flowing from this.
 - b. The inadequacy of the applicants' Landscape & Visual Assessment report (**LVA**) and the incorrect conclusions arrived at within that report.
 - c. The inadequacy of the council's peer review of that Landscape & Visual Assessment report, and their acceptance of its conclusions as being evidentially sound.
 - d. The precedent that would be set should consent be granted in its current form.

THE BUILDING LINE RESTRICTION (BLR)

- 7 My strongest objection to the application is the applicant's desire to build within the area affected by the BLR, and the adverse visual effects that will flow from this. These adverse effects will be most obvious from viewpoints to
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- the east of the site, around the Bannockburn Inlet. Most of the proposed lots are either wholly or partially within the restricted area and will be highly visible from this location. The applicant is not just seeking minor relief from the BLR, but is in effect asking for the BLR to be completely ignored.
- 8 To my knowledge the **existence** of the BLR is not disputed by either the applicant or the Council, nor is the intention for which it was established – namely : "*to contain Bannockburn within a hollow so it would not be visible from the Cromwell basin, and to protect views around the Bannockburn Inlet*" (as quoted in a number of documents including the LVA attached to the application – bold is mine).
- 9 The BLR has remained on planning maps to the current day, and was not altered by the recent PC19 process, despite it being mentioned in a number of submissions.
- 10 The **intent** of the BLR is as relevant today as it was when it was established in 1987. The view to the west of the Bannockburn Inlet remains largely open and clear of housing, and this view remains worthy of the protection afforded by the BLR.
- 11 There has not been any change in the regulatory environment which would make the BLR any less relevant today than when it was established.
- 12 Paragraph 5.2 in the Landscape & Visual Assessment report asserts that housing along Hall Rd and Domain Rd has been built since the establishment of the BLR and that this somehow means that building may be anticipated within the BLR. I do not agree with this assertion and argue that the presence of the BLR should mean that development is explicitly **not anticipated** in this area (given that is the whole purpose of a BLR). It should be noted that Hall Rd and Domain Rd cannot be seen from the Bannockburn Inlet so this assertion seems rather meaningless.
- 13 The LVA concludes that the negative visual effects due to a breach of the BLR would be low-moderate, and consider this to be appropriate. I strongly disagree with this conclusion. My comments on the adequacy of the LVA appear in the section below.
- 14 It is my opinion that the adverse effects of building within the BLR cannot be adequately mitigated, despite the proposed restrictions on building heights, and the proffered planting plan.

ADEQUACY AND ACCURACY OF THE LANDSCAPE & VISUAL ASSESSMENT REPORT AND ASSOCIATED GRAPHICS PACKAGE(S)

- 15 I do not profess to be an expert in Landscape Assessments or standards, so the comments and opinions below are those of a layperson. However, I do believe that there are some obvious failings in the LVA which should be clear to both professionals and non-professionals alike.
- 16 The choice of representative locations in the LVA appears to be heavily biased towards the applicant. Any objective analysis of effects should include at least one location directly opposite the subject site. The lack of this, although such vantage points are plentiful and obvious, leads to the conclusion that this is intentional rather than an oversight. (For an example of one such site see the photo attached below.)
- 17 The photographs in the original Graphics package attached to the application (RMM dated Jan 2024) included a mixture of focal lengths from a range of cameras. All photos were in wide angle showing the subject site in the far distance, with only vague indications of where the subject site was located. No overlays were provided showing the location of individual lots or building platforms.
- 18 A newer graphics package was provided in Sept 2024 as part of the applicants Expert Evidence. The photos in this package, while labelled as 50mm were still very wide angle with the subject site in the medium-to-far distance. No close-up pictures of the site were provided. (In contrast, please see the attached photo which is taken on a full format 50mm camera – the accepted standard for evidential photos.).
- 19 The Sept 2024 package also included graphic overlays intended to show the location of the individual lots. While the quality of these overlays was extremely poor, they were still useful in showing the extent to which these lots will be visible from the inlet. Given the high visibility of many of the lots it is difficult to support the assertion in the LVA that the negative visual effects of a breach of the BLR will be low-moderate.
- 20 At the request of the commissioners, an additional graphics package was prepared for this hearing, depicting how the site may look with houses and mitigation planting in place. While I will leave a full assessment of that package to those more qualified to comment, I would like to make the following points as a layperson:
- a) in my opinion, the images show the *absolute best* result that could be

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expected to occur from the development, with recessive houses nicely blending into one another, and perfectly integrated planting, tended carefully over a period of 10 years. The real-life effect is likely to be very different, and significantly worse, than what is portrayed

- b) the planting depicted in the images far exceeds that outlined in the application and the recommended conditions of consent, so shows an overly optimistic picture of what may occur
- c) the planting is depicted in late spring/early summer when it would have maximum foliage - again showing the site in the best possible light.
- d) significant additional planting is depicted within the residential lots in an obvious attempt to minimize the visual impact that the houses will have. Given that this additional planting is not specified in the application, or required of eventual landowners, it seems disingenuous to depict this in the images. A purchaser of one of these lots with a prime view of the Bannockburn Inlet will naturally want to maximize that view and is highly unlikely to plant and maintain tall trees that are going to negatively impact on that view.
- e) despite the comments above, I believe the new graphics package clearly shows that the visual impact would be greater than low-moderate as stated in the applicants evidence.

21 If they have not already, I strongly encourage the commissioners to walk the short section of cycle trail between location 5 and the cycle bridge at the end of the reserve (location 6) and to look up at the site to assess this impact for themselves.

22 The combination of the above inadequacies has resulted in the photographic and graphical evidence being non-objective and highly slanted towards the applicant. I am inclined to believe that this is not accidental - but is a deliberate attempt to downplay the negative effects of the proposed development inside the BLR.

COUNCIL'S REVIEW OF THE LANDSCAPE & VISUAL ASSESSMENT REPORT

23 The s42A report relies heavily on the information and conclusions provided in the applicant's LVA. This is apparent when reviewing paragraphs 69-75 of the report. The s42A report also indicates that the LVA was peer reviewed by the Council's consultant Landscape Architect, Ms Pfluger, and states in paragraph

85 that "*consistent expert assessments* (i.e. between the LVA and Ms Pfluger) *are adopted for the purposes of this report*".

- 24 It is noted that Ms Pfluger also provided feedback and advice to the applicant's project team during the redesign of the subdivision in 2022-2023, and that feedback was taken on board during the redesign. This being the case, it is not surprising that there is now agreement between these expert assessments. I do however question whether this provides a true ***independent and objective*** assessment of the applicants LVA, as the reviewer is unlikely to be critical of an application informed by her own advice.
- 25 In Ms Pfluger's Peer Review of the LVA it states that her review was based on a desktop review of the information provided in the LVA, along with a "brief site visit undertaken on 25th March 2024" to confirm that the environment and site conditions had not changed materially since her review in 2021.
- 26 As stated above, I believe there were inadequacies in the graphic and photographic evidence provided in the LVA and its associated graphics package(s). This issue was also raised during the submissions stage by a number of submitters, and as such I believe this evidence should have been more seriously scrutinized by Ms Pfluger during her peer review. She does indicate in 1.2 of her report that "no Visual Simulations were provided" and Mr Tony Douglas Milne in his expert evidence states in paragraph 64 that "visual simulations have not been required and were not identified as being necessary in the CODC peer review undertaken by Ms Pfluger". This all appears to be very convenient, and has the appearance of being more of a 'rubber stamp exercise' than a true objective review..
- 27 Visual evidence is an important tool in assessing visual impacts, and without good quality visual evidence I believe any assessment of visual impacts is not evidence-based. As such the acceptance of the LVA assertions and conclusions in the peer review is flawed.
- 28 As previously mentioned, additional graphical evidence was requested by the commissioners for this hearing, and as a result of this (not withstanding my previous comments) Ms Pfluger has now recommended modifications to the conditions of consent along with additional planting. This supports my contention that the inadequacies in the previously provided graphical evidence had an influence on the peer review which was favorable to the applicant.

PRECEDENT TO BE SET BY GRANTING THIS CONSENT

- 29 The applicant also owns the adjacent land to the north and the west of the subject site and have indicated their intention to develop this land in the future (as shown by their submissions and evidence during the PC19 process).
- 30 The land to the north of the site is also subject to a BLR, and if the BLR is not respected under the current application then it will be very difficult for the council to defend it in future applications. This has the potential to lead to more inappropriate development along the slopes above the Bannockburn Inlet in the future.
- 31 As is their right, the applicant has chosen to pursue the development of their land in a staged manner. As a result, each consent granted will influence each subsequent stage. While the Council can only adjudicate on the application before them, I believe they have an obligation to look at this application in the context of future development of the whole site. By selecting this particular block of land to develop first, and by testing the limits of support for the BLR, the applicant is also influencing the limits for the level of future development. This application is clearly the "thin end of the wedge"

SUMMARY

- 32 My main opposition to this application stems from the applicants desire to build within the BLR, and the negative effects that will flow from that. The BLR was established with a specific goal in mind, and this application runs in direct opposition to that goal. In my view, the negative effects arising from such development cannot be adequately mitigated.
- 33 Due to inadequacies in the visual evidence (photographs and visual simulations) I do not believe that the applicant has proven that the effects of this breach will be low-moderate as stated in their application, and as relied on in the s42A report. A viewing of the site from one of the many viewpoints directly opposite makes this very clear, and the erection of poles over the last few days also helps to show how visible the new built forms will be in the landscape.
- 34 I do not believe that the council's peer review of the LVA was sufficiently robust, and as a result it incorrectly accepted the assertions and conclusions

of the LVA. This peer review has again been heavily relied on in the s42A report.

- 35 Granting of consent in its present form would set a dangerous precedent for future development on the remainder of the applicant's site, with an increased negative effect on the visual landscape.
- 36 The applicant understandably has a desire to maximize the yield on their land. In this case however, I believe this desire has led to a badly planned subdivision which seeks to maximize yield at the expense of the local environment. The applicant holds ample land within the BLR which is available for development without the need to extend development into the protected area.
- 37 The Council has an obligation to uphold the integrity of the BLR, and to ensure that the high amenity value afforded by an un-spoilt Bannockburn Inlet is protected for current and future generations.
- 38 I am seeking that the application be rejected in its entirety.
- 39 Thank you for the opportunity to present my evidence.

David Olds
March 2025

