

- 1) My name is James Dicey, and I am the Chair of the Bannockburn Responsible Development Incorporated Society or BRDI for short. My wife and I have lived directly opposite the applicants' site for over 20 years on our vineyard and we look directly into the site. For reference we live immediately above Martin Early, who you heard from yesterday. We share a common driveway just after the bridge over the Bannockburn Creek.
- 2) I am a farmer, specialising in grape growing and we also are part owners of an eponymous wine brand. Fine wine, which we aspire to produce, at its essence tells the story of the land it is grown on, and over the years as we have lived on our vineyard and worked the land, we have formed a deep connection to both our site and the surrounding landscape. It informs our language, the narrative of our site, and our farming practices.
- 3) My wife is an artist, whose inspiration comes from her connection to the landscape. The applicants' site features regularly in her landscape paintings and imagery.
- 4) We have raised our family here and cannot ever consider living or moving elsewhere. We live here and play here – both on our property and in the swimming pool at the bottom of our driveway, known as the Bannockburn Inlet. That's where we take our kids swimming on hot summers days, where they learnt to kneeboard and wake surf and where we finish our summer floats down the Kawarau Arm of Lake Dunstan.
- 5) We really value the rural outlook and the absence of built form. While I appreciate you don't own your view, the BLR provided some comfort that the township of Bannockburn would not encroach on the rural idyl I have portrayed.
- 6) We, like our neighbours, personally have nothing to gain financially from opposing this resource consent, but the value we have all placed on the rural outlook has led us to reach deep into our pockets to fund the small coterie of experts we have scraped the funds together to engage. This includes not just those of us living around the Bannockburn Inlet, but other members of BRDI, some of whom have even less to gain being physically separated

from the site, but who feel strongly enough about how wrong this application is to also reach into their pockets and contribute.

- 7) Some of the people I feel the sorriest for if this application is approved are those that will not and can not have a say in this process, due to the way the RMA works. The applicant has followed proper process but the views of other users of the Inlet itself, cycle trail users and other recreational users of Bannockburn who spend quality time in the Bannockburn Inlet and in the community cannot have a voice. All the people we have spoken to who use that space are strongly opposed to houses looming over the Inlet.
- 8) In my evidence on behalf of BRDI, I provided the two key rationale for the creation of BRDI in the first place - namely the breach of minimum lot sizes and the breach of the Building Line Restriction. I understand that with the acceptance of PC19 the minimum lot sizing is largely a non-issue with the averaging being removed and the retention of minimum size, but the breach of the BLR is still the key issue.
- 9) The society currently has 84 members out of a community of 183 households, some 46%. Quite a startling level of community sentiment and involvement.
- 10) BRDI is NOT against responsible development. If the applicant had complied with the rules of the CODC and not sought such an egregious breach of the BLR the application would likely have had the support of the community, despite some of the other flaws in the application.
- 11) We need to acknowledge the historical contribution that the Jones Family has had on helping fund the early potable and wastewater schemes, as well as their willingness to let the community access the Bannockburn Inlet across their land. It is therefore confusing and difficult to reconcile their prior generosity with the application you see before you today.
- 12) There has been complete silence from the applicant when it came to consultation with the local community. We were completely surprised at the apparent offer for the community to take over Lot 40 after the CODC apparently balked at having the land vested with them. We wonder whether this is just so much lip service when no substantive protections have been

proffered to ensure the tracks are developed and access is protected for the local community. As a minimum, some form of covenant preventing additional development and providing continued access to lot 40 would be sensible, although the ability resides with you as I understand it to vest the land with the CODC.

13) Given the approach to date, we can only consider this offer to be disingenuous and that future development is considered for Lot 40. The applicant has been there before with prior applications, what's to stop them from revisiting this in the future, without appropriate protections?

14) This really feels like death by 1000 cuts, where multiple bites of the cherry are going to be taken. Well-developed detailed future development plans were presented by the applicant during PC19 which indicates the direction of travel here as relates to intention.

15) The precedent effect really must be considered, as the applicant owns land to the North of the current application site, which they have conveniently not discussed in this application, but certainly indicated during PC19 that they would be developing in the future.

16) I noted in my evidence on behalf of BRDI that several fatal flaws were present in the application, and nothing presented by the applicant yesterday alleviated any of the concerns I had about the critical points.

17) Specifically, in relation to the BLR – it was a CODC created RULE which has survived for over 35 years, including through the PC19 process where a number of parties submitted on the BLR and the commissioners accepted its validity, despite the assertions of the applicant that the BLR was not submitted on.

18) Understanding the history of this no build area is vital so as to understand the context of its creation and why it has survived. The current occupants of the CODC seats influencing the shape of this application should, in our view, have done more research on the BLR to understand why it was created, what it was protecting and why it has survived. The short answer is that it is still as relevant today as it ever was – the underlying rationale for

removing Bannockburn from sight whilst approaching the township is as relevant today as it ever was, as is the need to protect the rural idyl that users of the Bannockburn Inlet experience and value. Apart from one breach (which by the way was not notified by the CODC), the BLR is still intact.

- 19) The effects of the breach of the BLR have been poorly considered in our view. The experts have consistently utilised an de minima approach – trying to present as little information as late as possible. A recent example of this is the height poles that were erected very late (presumably not to warn others in the community and Inlet users as to what was happening) which do not follow common practice of being erected at the outer corners of the building platforms. When I saw them and appreciated the scale and impact of what has been proposed it reconfirmed why we have opposed this development so vehemently.
- 20) The visual representations are from a few select locations, mostly favourable to the applicant and provide little overall context of the impact on other public spaces, such as the layover you pulled into and the water component of the Inlet. There seems to be an over reliance on process to overwhelm common sense here when the application is viewed in its entirety.
- 21) From a review this morning of the site poles it became readily apparent that there will need to be significant, and material cut and fill to achieve suitable building platforms. As I understand it this is a land use consent and as such a complete earthwork plan should have been presented to you. Is this just poor planning or emblematic of a systematic under representation of effects which to us appears to have dogged this application? The suggestion that the eventual landowners should take the approach Wellington has, with massive piles, would further serve to increase the impact on the land with the apparent heights of the resultant buildings. The spatial representations do not present these cuts/fills in any meaningful way beyond some fanciful optimal outcome 10 years in the future.
- 22) There is a real need for a Bannockburn spatial plan to drag all the elements together. The lack of this has led to multiple appeals under PC19 and they are all going to suffer from the

same lack of a comprehensive overview and lack of cohesiveness. An example presented today was the apparent demand for Bannockburn housing and how this application was a necessary solution. What was not mentioned was the subdivision further up Hall Road. Stage 1 of Grey Croft Estate is a 9-lot subdivision which has been on the market for over 24 months, and they have been unable to sell the final 3 titles despite significantly dropping the price. Whilst I appreciate a 30-year view is required of the Council, the suggested demand is just not currently there, and beyond some assertions, no expert evidence has been provided that provides the necessary analysis.

- 23) If all the appeals of Plan Change 19 are realised and assuming 1500m<sup>2</sup> sections and a conservative yield of 50%, this would equate to 117 sections by our reckoning. This is an additional 64% supply excluding this application. Do we really have a problem? Without the extra data I would suggest that any claims of solving issues is baseless and self-serving, and based on conjecture only.
- 24) As regards infrastructure, from what I heard yesterday, its still not clear to me whether there actually is sufficient potable and wastewater capacity for the current breaches of the BLR. If future developments to the north of this site owned by the applicant utilise the precedent effect, then I am uncertain whether there would be capacity. As the applicant has just used the CODC model and not undertaken their own analysis I am unsure how the applicant can satisfy you that there is sufficient capacity.
- 25) We have also heard that the breach of the CODC roading rules as relates to Cul-de-Sacs is still in play. I did not hear the transport expert address this in his evidence.
- 26) The same applies to lighting – there has been piecemeal attempts to address parts of the lighting issue, with road lighting and some house lighting dealt with but not a holistic and comprehensive picture presented by a lighting expert. We did hear that the CODC is more concerned about the retention of dark skies but the cumulative effects of what has been proposed has not, in our view, been properly analysed and presented.

27) The last item which came up yesterday was the lack of completion of the archaeological plan as required by Heritage NZ. As noted by the applicant's expert there are two processes that run side by side and apparently no certainty as to the outcome of such a process run via Heritage NZ. Feasibly such a process could result in additional conditions that would necessitate a variation to conditions imposed during this application but would effectively take it outside this current process. It is staggering that the applicant has had since at least 2017 to complete such a process and they have not. It is my submission that this, in and of itself, presents so much uncertainty to you who must make the decision that you should reject the application as it currently stands until this process is completed.

28) In summary, this application has a number of unresolved material issues which by themselves should lead to the rejection of this application. When they are joined together the combined flaws in the application, we submit, leave you with no other option than to reject the application in its entirety - and we strongly urge you to do this.