

Submission on Notified Resource Consent PL240804720



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Submission on Notified Resource Consent

Reference PL240804720 **Submitted** 04 Aug 2024 09:44

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 Deborah Rochelle and Richard Allan Cameron
Contact person (if applicable) Richard Cameron
Electronic address for service of submitter: cameronfamily7400@gmail.com
Phone number - day time 0212275932
Postal address (or alternative method of service under [section 352](#) of the Act): 34 Terrace Street, RD2 Bannockburn, Cromwell 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: Entire application

The submission - include: Oppose
• whether you support or oppose the specific parts of the application or wish to have them amended; and See attached Appendix 1
• the reasons for your views.

[Appendix 1 RC230398 RA&DR Cameron Aug 2024.pdf](#) (770 kb)

I seek the following decision from the consent authority.

Give precise details, including the general nature of any conditions sought Reject this application

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)

DRC
FAE

Date signed:

04/08/2024

Appendix 1: RC230398_RA&DR Cameron

Area of concern	Comments
<p>Size and number of sections proposed</p>	<p>The land is zoned as Residential Resource Area (4) (RRA(4)) in the operative district plan. This zoning provides for residential activity with a minimum lot size of 1500 sqm, and an average lot size of 2000 sqm.</p> <p>The 20 proposed residential lots have an average lot size of 1696.40 sqm, well below the prescribed average.</p> <p>On top of this Lots 2, 3 and 6 border a legal right of way to access lot 36 (already developed and built on). This legal right of access has been included in the lot size calculation for lots 2, 3 and 6, thereby artificially inflating the average lot size.</p> <p>The size of lot 1 and lots 15-20 have also been artificially inflated by inclusion of land which is of such steep gradient as to be effectively unusable. The building platform on each of these lots minimal, with the remainder of each lot essentially waste land.</p> <p>Lastly, the average lot size of RC230398 has been inflated by the applicant's retaining ownership of the balance lots (40, 50 and 51) for future development or subdivision. These lots cannot be considered when calculating the average lot size in this application as future development of these lots will alter the averages and benefit the applicant by the precedent set.</p> <p>With the above in mind, we OPPOSE this application as presented. The integrity of the District Plan is at risk. Council has a duty of care to uphold the policies and rules of the district plan therefore council must decline the application.</p>
<p>Inadequate Rooding and Footpaths</p>	<p>The CODC current standards for roading and infrastructure services (code of practice) state the maximum number of houses on a dead-end street (cul de sac) is 20. There are already 19 lots on Terrace Street.</p> <p>The applicant proposes an additional 20 lots. This would mean there were nearly double (195%) the recommended number of lots being serviced by Terrace Street.</p> <p>If approved the significantly increased traffic will have adverse effects on the safety of the vehicular and pedestrian traffic along Terrace Street. It will also double the volume of traffic through the intersection of Bannockburn Road and Terrace Street, an intersection that has poor visibility and a tight turn as it currently stands.</p> <p>There will also be an increase in noise particularly during construction of both roading and services and subsequent housing. This will have a significant (not minor) impact/adverse effect in the presently peaceful street.</p> <p>Lastly, the proposed footpath location along the already developed portion of Terrace Street is just that proposed. Should the final development plans change the location of this footpath it would have a significant and adverse effect on our privacy and result in a substantial change to our personal environment.</p> <p>With the above significant (not minor) breaches to the roading standard and number of houses on a dead-end street rule, coupled with the adverse effects generated by the additional traffic (which cannot be mitigated), we OPPOSE this application.</p>

<p>Building Line Restriction (BLR) Breaches</p>	<p>District Plan Rule 12.7.7 (i) states that:</p> <p><i>“No building shall be erected within any building line restriction shown on the planning maps between the building line and the feature to which it relates”</i></p> <p>Of the 20 residential lots proposed on RC230298, only 5 of them are unaffected by the BLR when reviewing the building sites:</p> <ul style="list-style-type: none"> • 8 lots (13-20) are fully within the BLR • 4 lots (4-6 and 12) are largely within the BLR • 3 lots (2,10 and 11) are partly within the BLR <p>In addition to this, the majority of the loop road (lot 100) and part of the main service road (lot101) also fall within the BLR.</p> <p>Residential activity on the lots breaching the BLR will be clearly visible from many of the locations discussed in the Landscape Assessment report, including from the Bannockburn Inlet, Lake Dunstan Cycle Trail, Cairnmuir Road and Paterson Road.</p> <p>The applicant acknowledges that skyline breaches may be apparent from a number of these locations (6.2.6 – table of visual effects). The adverse effects on the visual and landscape amenity values due to these breaches cannot be mitigated.</p> <p>While it could be conceded that change was inevitable for the land outside the BLR, the express intent of the BLR was to ensure that this change did not inevitably occur on the land inside the BLR. This is clearly not the case in this application.</p> <p>As stated in the application and the Landscape Assessment report, the current BLR was established to <i>“contain Bannockburn within a ‘hollow’ so it would not be visible from the Cromwell Basin and to protect views around the Bannockburn Inlet”</i>. The above effects are contrary to the intent of the BLR and in the absence of any change in the regulatory environment, the original intent of the BLR should not be ignored.</p> <p>On the basis that the impact/adverse effect of the breaches of the BLR will be significant (not minor) and precedent setting in a negative way we OPPOSE this application.</p>
<p>Impact/adverse effect on landscape</p>	<p>The impact/adverse effect on the landscape made by the development and associated houses is inaccurate and not thorough. In addition, the applicant acknowledges that there would likely be skyline breaches from this proposed development.</p> <p>This is especially true of the selected vantage points to the east of the proposed development (e.g. Bannockburn Inlet, Lake Dunstan Cycle Trail, Cairnmuir Road and Paterson Road) where:</p> <ul style="list-style-type: none"> • The provided photographs vary in format and focal length. • There are no overlays provided to show the exact location and extent of the proposed development, nor the exact location of individual lots and allocated building platforms. • Profile poles have not been used to determine the likelihood and extent of skyline breaches and to illustrate the extent of housing within the BLR. • There has been no rendered visual representation provided to show the visual impacts of the site when houses are placed on each lot. <p>Also, the steepness of many proposed lots (especially 15-20) means that their building platforms sit high, leading to many significant skyline breaches.</p> <p>On the basis the landscape assessment is inaccurate and the impact/adverse effect of the development which is significant (not minor) we OPPOSE this application.</p>

<p>Effects on character, amenity and settlement pattern within Bannockburn</p>	<p>The CODC promotes an <i>open form</i> of development within RRA(4), allowing for <i>low density</i> residential activity within the zone <i>so long as any such development maintains the character of Bannockburn</i>".</p> <p>While the proposed development meets the minimum lot size as presented. The calculation is inflated based on the inclusion a legal right of way to access Lot 36 (already developed), significant portions of steep, unusable land and lots 40, 50 and 51 which will be retained by the applicant for future development thus making the calculation inaccurate. It also does <i>not</i> meet the average lot size. In addition, the steepness of some of the lots (16-20) and the positioning of their building platforms, means that houses built on these lots will be clustered together in a manner inconsistent with low density development.</p> <p>Paragraph 3 states that "While the proposed subdivision does constitute an extension of the semi-urban form of Bannockburn, this change <i>can be anticipated</i> based on the residential zoning". This statement is not correct when the BLR is considered. The express intent of the BLR is to ensure that the extension of the semi-urban form is contained within the hollow of Bannockburn and does <i>not</i> extend outside of that area.</p> <p>Despite the proposed "adherence to the minimum lot size and the use of design controls" the proposal will not "maintain the specific rural character and amenity of Bannockburn and the wider receiving environment" as stated in paragraph 3. Rather, it will result in a cluster of dwellings in a relatively small area, and introduce new built forms in an area that is expressly protected from such activity by the BLR.</p> <p>The application also states that from many locations, particularly to the east of the site, and especially around the Bannockburn Inlet, built forms will now be visible in the landscape that previously would not be visible – i.e. you will be able to see housing where you previously could not. They also acknowledge that in some cases these new built forms will likely breach the skyline and ridgeline.</p> <p>The conclusion in paragraph 2 that "the proposal will not result in adverse effects on the character of Bannockburn" is incorrect, as evidenced by the applicants own statement in 6.2.4 p1 that:</p> <p><i>"The proposed subdivision will result in a substantial change to the site through the introduction of built form, roading, street trees, and amenity planting. This will result in a reduction in the perceived naturalness and ruggedness of the site, a reduction in the open and unbuilt nature of the site, and a reduction in rural amenity and the working rural character"</i> This statement is especially true with respect to the area affected by the BLR.</p> <p>With the above in mind, we OPPOSE this application.</p>
<p>Lighting effects</p>	<p>The house lighting from this subdivision will be visible from 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 would have previously been expected.</p> <p>In particular, lighting from residences on sites 4-6 and 13-20 will be clearly visible in the near foreground from sites to the east of the development, including from Cairnmuir Road and Paterson Road. It is difficult to assess from the plans but lighting from these homes may also be visible from existing houses along Terrace Street and from other locations in the village.</p> <p>With the above in mind, we OPPOSE this application.</p>

<p>Proposed Mitigation</p>	<p>The applicant offers various conditions as mitigation to the impacts on visual amenity values, and breaches of the BLR, including:</p> <ul style="list-style-type: none"> • designated building platforms for some lots • maximum built coverage for all lots (300 sqm) • maximum footprint for two-stored houses (200 sqm) • planting on the reserve lot (30) to partially screen some of the lots <p>The applicant has suggested an ‘integrated approach to the proposal’ (landscape assessment 3.3 p19) and they have offered height and coverage restrictions on some lots in the hope to offset these against the negative effects of lots within the BLR. This is an incorrect proposal and an attempt to lessen the negative impacts associated with a breach of the BLR, skyline breaches etc. over the entirety of the sub-division. A reduction in building coverage and height on the lots outside the BLR will make no difference at all to the visual impact and loss of amenity value due to the presence of sites inside the BLR.</p> <p>While the planting proposed for the reserve lot over a long duration may offer some visual protection for lots 5 and 10-14 it will provide little or no mitigation for the remaining sites inside the BLR.</p> <p>There is no mitigation that could be offered to reduce the visual impacts of the other lots (lots 4-5 and 15-20 in particular). Given the steepness of those lots it is likely that any dwellings will be located high on the lots meaning any attempt to help them blend into the landscape will be unable to be achieved. In addition to that, the extent of earthworks required in order to excavate and prepare sites may also be very obvious in the landscape and damage historical features like water races and other historical items.</p> <p>The volunteered minimum footprint of 300 sqm on a 500 sqm building platform is not a small house – especially when the steepness of the lots and the location of the building platforms at the top of the lots is taken into account.</p> <p>The proposed mitigation cannot offset the negative impacts of breaches of the BLR and skyline breaches, meaning that the negative visual impacts of this proposal will be significant.</p> <p>With the above in mind, we OPPOSE this application.</p>
<p>Effects on the site’s values</p>	<p>The applicant correctly acknowledges (6.2.4) that “The proposed subdivision will result in a substantial change to the site through the introduction of built form, roading, street trees, and amenity planting. This will result in a reduction in the naturalness and ruggedness of the site, a reduction in the open and unbuilt nature of the site, and a reduction in rural character”.</p> <p>The applicant’s additional statement that the above changes are “largely anticipated given the underlying zoning”, again ignores the fact a significant area of the proposed development is covered by the BLR. The BLR is a protection measure to prevent such changes in the designated area.</p> <p>On the basis that the impact/adverse effect of the subdivision will be significant (not minor) and precedent setting in a negative way for the current residents of Terrace Street and the Bannockburn community we OPPOSE this application</p>
<p>Conclusion</p>	<p>We as residents of Terrace Street and therefore directly affected by this application are not against development. We do however value the character of our street and Bannockburn and the items in the District Plan put in place to protect this character.</p> <p>Any application should comply with the standards for roading and infrastructure services, the District Plan and be in a manner fitting of the character of Bannockburn.</p> <p>On the basis that the impact/adverse effect of the subdivision will be significant (not minor) and precedent setting in a negative way for the current residents of Terrace Street and the Bannockburn community we OPPOSE this application.</p>