

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

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New Zealand

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(Form 13)

Section 95A (public) Resource Management Act 1991 [@codc.govt.nz](mailto:resource.consents@codc.govt.nz)
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To: The Chief Executive
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DETAILS OF SUBMITTER

Full name: [Julie Ann Stretch and Mason Daniel Stretch](#)

Contact person (if applicable): [either of above.](#)

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Postal address (or alternative method of service under [section 352](#) of the Act):
[36 Terrace Street, RD 2, Bannockburn, 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 "RC230398 Mason and Julie Stretch Submission Form attachment"](#)

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 "RC230398 Mason and Julie Stretch Submission Form attachment"](#)

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

[See "RC230398 Mason and Julie Stretch Submission Form attachment"](#)

~~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:

(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.*”

Julie Stretch & Mason Stretch

4 August 2024

Signature

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 specific parts of the application that our submission relates to are:

1. Number and size of proposed residential lots (3.2, 3.2.1)
2. Building in an area subject to BLR (Building Line Restriction) (6.1, 6.2.1, 6.2.3, 6.2.4, 6.2.6, 6.2.7, 7.3.1)
3. Visual Impact on the Landscape (6.2.2, 6.2.3, 6.2.4, 6.2.6, 6.2.7., 6.8)
4. Effects on character, amenity and settlement pattern within Bannockburn (6.2.2)
5. Effects on the site's values (6.2.4)
6. Roading / Traffic (6.5.1, 6.5.3)
7. Proposed Mitigation (3.3, 6.2.1, 6.2.3, 6.2.4, 6.2.6, 6.2.7)
8. Lighting effects
9. Operational District Plan Objectives and Policies (7.3.1)
10. ODP Section 7 Residential Resource Area (7.3.2)

This submission is:

1. OPPOSE: Number and size of proposed residential lots (3.2, 3.2.1)

REASONS:

- The 20 proposed residential lots 1696.40 m² average lot size is 15% below the 2000m² average lot size prescribed by the operative district plan for a Residential Resource Area (4) land zoning.
- The full length of the western border of each of Lots 2, 3 and 6 is 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 lot size by including an access road of approximately 8m width which is not the main access to these lots. RC230398 should have a plan of existing and proposed easements. This would show that the existing right of access to lot 36 is protected and that it will come down on the titles for future proposed lots 2, 3 and 6.
- 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 is totally prescribed by a small flat area,

with the remainder of each lot essentially waste land. An additional consequence of this for each of lots 15-20 is that the building platforms abut each other, creating a more clustered, uniform and characterless development style.

- The lot size of RC230398 has also been inflated by the applicants retaining ownership of the balance lots (40, 50 and 51) for future development or subdivision. Without conditions proposed for their future development or subdivision, these lots cannot be considered when calculating the average lot size as future development of these lots will alter the averages.

CONCLUSION: If this application were approved it would create a precedent which would benefit the balance land of the applicant. 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.**

2. OPPOSE: Building in an area subject to BLR (Building Line Restriction) (6.1, 6.2.1, 6.2.3, 6.2.4, 6.2.6, 6.2.7, 7.3.1)

REASONS:

District Plan Rule 12.7.7 (i) states that “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”.

- RC230398 shows scant regard for the BLR which traverses through Water Race Hill. In particular:
 - Only 25% of the residential lots proposed on RC230298 are unaffected by the BLR.
 - Of the remaining 75% of the lots affected by the BLR:
 - 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
- The majority of the loop road (lot 100) and part of the main service road (lot 101) also fall within the BLR. These significant breaches of the BLR are unable to be mitigated and would lead to major adverse effects on the landscape and visual amenity values of the area. As such, the many skyline breaches would be clearly visible from Bannockburn Inlet, Lake Dunstan Cycle Trail, Cairnmuir Road and Paterson Road.

CONCLUSION: As stated in the application and the Landscape Assessment report, the current BLR was established to “contain Bannockburn within a ‘hollow’ so it would not be visible from the Cromwell Basin and to protect views around the Bannockburn Inlet”. 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 set aside. **We require this application to be rejected.**

3. **OPPOSE: Visual Impact on the Landscape (6.2.2, 6.2.3, 6.2.4, 6.2.6, 6.2.7., 6.8)**

REASONS:

- The landscape assessment for RC230398 is inaccurate and not thorough. In addition, the applicant acknowledges that there would likely be skyline breaches from this proposed development. 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:
 - 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.
- The steepness of many proposed lots (especially 15-20) means that their building platforms sit high, leading to many significant skyline breaches.

CONCLUSION: Given the above we believe that a comprehensive peer review of the applicant’s incomplete Landscape Assessment Report should be undertaken. With a peer review completed it will become clear that the application creates significant adverse visual impacts, the result being that the **council is required to reject the application.**

4. OPPOSE: Effects on character, amenity and settlement pattern within Bannockburn (6.2.2)

REASONS:

- The applicant states (6.2.2 p1) that “The CODC promotes an open form of development within RRA(4), allowing for low density residential activity within the zone so long as any such development maintains the character of Bannockburn”. There are two significant reasons that the proposed development does not maintain the open and low density character of Bannockburn.
 - The average lot size of 2000m² is not met.
 - The steepness of many proposed sites (especially lots 15-20) restricts the position of the building platform, leading to clustered and essentially high density development.
- The applicant also erroneously states (Paragraph 3) that “While the proposed subdivision does constitute an extension of the semi-urban form of Bannockburn, this change can be anticipated based on the residential zoning”. This statement is ignoring the protection that the BLR provides by ensuring that the extension of the semi-urban form is contained within the hollow of Bannockburn and does not extend outside of that area.

CONCLUSION: The applicant concludes incorrectly (paragraph 2) that “the proposal will not result in adverse effects on the character of Bannockburn”, as evidenced by their own contradictory statement (6.2.4 p1) 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 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”. This statement is especially true with respect to the significant area of the proposed development (75% of lots) which is affected by the BLR. **The proposal should be rejected.**

5. OPPOSE: Effects on the site's values (6.2.4)

REASONS:

- 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 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”.
- The applicant’s additional statement that the above changes are “largely anticipated given the underlying zoning”, again ignores the significant area of the proposed development which is covered by the BLR. As mentioned above, the BLR is a protection measure to prevent such changes in the designated area.

CONCLUSION: The applicant’s statement that “the adverse effects on the values of the site will be low-moderate” is misleading as they would be much greater than low-moderate. **The application should be rejected.**

6. OPPOSE: Roding / Traffic (6.5.1, 6.5.3)

REASONS:

- The recommended number of lots serviced by a cul-de-sac is 20. With 19 lots already developed on Terrace Street, the applicant’s proposal for an additional 20 lots would fully exceed current CODC standards for roading and infrastructure services (code of practice NZS 4404, 2008 revision) by nearly doubling the lots serviced by Terrace Street.
- There would be a consequent doubling of traffic flow on Terrace Street, adversely affecting road noise and parking. It would also double the volume of traffic through the intersection of Bannockburn Road and Terrace Street, an intersection which has already been an accident site.

CONCLUSION: The application breaches the roading standard for the number of houses on a dead-end street and adverse effects cannot be mitigated, therefore **consent should be declined.**

7. OPPOSE: Proposed Mitigation (3.3, 6.2.1, 6.2.3, 6.2.4, 6.2.6, 6.2.7)

REASONS:

The mitigation proposed by the applicant suggests an “integrated approach to the proposal” (landscape assessment 3.3 p19), in an apparent attempt to ‘average out’ the significant negative impacts of the BLR breaches, skyline breaches etc. over the entire development site. An integrated mitigation approach is impossible to achieve, given that 75% of the proposed lots breach the BLR. In particular:

- Apart from planting on the reserve (lot 30), which may in time offer visual protection for lots 5 and 10-14, no mitigation could be offered to reduce the visual impacts of any other lots. In particular lots 4-5 and 15-20 are on such steep land that any dwellings would have to sit high on the site and consequently not blend into the landscape.
- Significant earthworks are required in order to excavate and prepare most sites and would be very obvious in the landscape.
- The applicant’s minimum house footprint of 300m² on a 500m² building platform is a large house, especially when placed on a steep lot.
- The applicant’s volunteered conditions of consent regarding colours, materials, fencing and roading are not mitigation. These are conditions which simply comply with the district plan.

CONCLUSION: 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 greater than low-medium. **The application should be rejected.**

8. OPPOSE: Lighting effects

REASONS:

- The house lighting from this subdivision would be visible from the wider area, with a significantly increased impact due to the majority of the development occurring within the BLR. Of particular note:
 - lighting from residences on lots 4-6 and 13-20 would be clearly visible in the near foreground from sites to the east of the development, including from Cairnmuir Road and Paterson Road and most likely visible from existing houses along Terrace Street and from other locations in the village.

CONCLUSION: The application should be rejected.

9. OPPOSE: Operational District Plan Objectives and Policies (7.3.1)

REASONS:

There are incorrect and contradictory statements made by the applicant within RC230398.

- In 7.3.1 the applicant states that: “The activity is consistent with Policy 6.4.1 because it will provide for new urban development in a location which has been identified as appropriate for urban development through the ODP (and PC 19). ***Overall, the adverse effects associated with buildings in the BLR can be managed so that amenity is maintained,*** while the overall subdivision as viewed collectively will increase amenity values through the provision of an open space and trail network. Policy 6.4.1 relates to the management of the loss of amenity values in the urban environment. The RMM landscape assessment identifies that many of the viewpoints of those lots within the BLR are from outside the urban environment and relate to views from public places in the Rural Resource Area. ***While there will be a loss of amenity associated with buildings within the BLR, the RMM landscape. and Kopuwai Consulting heritage assessments provide a high level of certainty as to the extent of effects of landscape, amenity and heritage values, and the addition of the reserve, trials and integration of heritage values will overall improve the quality of amenity in the environment.*** Both of the above highlighted statements are incorrect.
- The applicant then contradicts the above by confirming 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. These visual effects cannot be mitigated so it is therefore incorrect for the applicant to provide the statement that the “**adverse effects can be managed so that amenity is maintained**”

- We also contend that the RMM report and the inadequacy of the visuals “ ... **provide a high level of certainty as to the extent of the effects ...** ” and that overall they will “... **improve the quality of amenity in the environment**”

CONCLUSION: The many incorrect and contradictory statements, such as above, serve to further highlight flaws in RC230398. **The application should be rejected.**

10. OPPOSE: ODP Section 7 Residential Resource Area (7.3.2)



REASONS:

In 7.3.2. the application states that: “While the rural outlook of adjacent properties will change, **that change was inevitable because the land has been zoned for residential activity, and the adverse effects of locating buildings within the BLR has been carefully considered.**”

- As already stated, with the majority of the proposed development (75% of lots) being in breach of the protection provided by the BLR, this is not an “inevitable” consequence of the change in the “rural outlook of adjacent properties” and is indeed, totally unexpected. Change is only inevitable for land outside of the BLR. There has been no careful consideration of the adverse effects of buildings within the BLR.
- In this section, the applicant states that “**The mitigation measures, outlined in section 8 below will ensure that the qualities of the site and associated amenity values are overall maintained ...**”. As stated previously, the mitigation proposed will not succeed in mitigating the visual amenity effects associated with the lots inside the BLR.

CONCLUSION: The application should be rejected.

We seek the following decision from the consent authority: that the application is rejected in its entirety.

Signed: <i>Julie Stretch</i> (4 August 2024) 	Signed: <i>Mason Stretch</i> (4 August 2024) 
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