



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand



(Form 13)

03 440 0056

Section 95A (public) Resource Management Act 1991 [@codc.govt.nz](mailto:resource.consents@codc.govt.nz)
www.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: Charles & Nicola Hughes

Contact person (if applicable):

Electronic address for service of submitter: nicolahugs26@gmail.com

Telephone: 03 4451218

Postal address (or alternative method of service under section 352 of the Act):
10 Terrace Street

Bannockburn RD 2

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)

refer 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.*

refer attachment

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

Decline Application RC 230398

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."

Charlie Hughes

Nicola Hughes


Signature


Date

02082024

(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.

**Submission Opposing Application RC 230398
DJ Jones Family Trust & NR Searell Family Trust**

Submitters: C & N Hughes 10 Terrace Street Bannockburn RD 2 Cromwell

The specific part of the application that my submission relates to are:

- 1 Non complying lot sizes in RRA(4) zone.
- 2 Noncompliance with building line restriction
- 3 Noncompliance with roading standards and code of practice
- 4 Reserves and walkways
- 5 Effects on amenity values in the neighborhood.

My submission is

1 Non complying lot sizes in RRA (4) zone

The proposed average lot size (1696m²) is well below the permitted average lot size for Bannockburn (2000m²) as per operative District Plan.

Rule 7.3.3 (i) (c) stipulates the minimum lot area to be 1500 M² provided that the average lot area is no less than 2000 m². The applicant shows a blatant disregard for this rule.

Of the 20 proposed lots –2 are above the required average of 2000 m².

- All are above required minimum of 1500m²

The adverse effects of breaching Rule 7.3.3(i) (c) are significant and cannot be mitigated.

The RRA(4) zone as it relates to the applicant's property has been in place since the Vincent County Council plan became operational on 18th December 1987 i.e.: 37 years.

The breach of this rule is contrary to the policy 7.2.7.

Residential Resource areas (1-12)

"To ensure that subdivision and development in the area shown as Residential Resource Areas (1) – (12) complement the character and amenity of these areas and provide for the protection of significant landscape features, where such features are present.

The area of land identified as Residential Resource area (4) applies to Bannockburn, on the eastern side of Bannockburn Road and both sides of Hall Road west until just beyond Miners Terrace. The area is capable of accommodating low density residential development in a manner that provides privacy for the occupiers of dwelling houses and maintains the rural character of Bannockburn. An open form of development is promoted"

The application does not enhance the maintenance of residential character as set out in objectives 7.1.1

"To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as Residential Resource area as well as the social, economic and cultural wellbeing and health and safety of the residents and communities within those areas."

This application does not enhance the built characters amenity values of Bannockburn. The built form in Bannockburn is the low density large lot size and open form of development. This is the special and unique character of Bannockburn.

If this application was approved the special character of Bannockburn would be compromised and lost forever. 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 Non Compliance with building line restriction

The application proposes 12 of the 20 lots for residential purposes be located within the Building line Restriction (BLR).

Rule 12.7.7 (i) states

“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”

The relevant planning map is 8 & 8A the building Line restriction on applicant’s land is along the entire northern and eastern portion of land and within the area of this application it is the ridge and eastern faces sloping down to Shepherds Creek & Bannockburn inlet.

This building restricted area has been in place for over 37 years and is stated in the transitional district plan of Vincent County Council operative date 18 December 1987. Ordinance 4.5.2 Residential Bannockburn Zone.

Ordinance 4.5.2.3 (iii)

Subdivision of land and use of land as sites for permitted uses.

“ (iii) In order to maintain the landscape character in views from the north and east, no buildings may be erected on that part of the zone which is shown in Planning Map 10 B as “restricted building area”. Plan B is attached.

As a result of plan review 1998 maps 8 & 8a were amended 1st July 2000 to clarify BLR in a more definite way i.e. West and East sides (i.e.: an area).

Operative date 1April 2008.

I have included the history of the BLR because of the length of time it has been in place (37 years) and undisputed.

The applicant proposes 12 of the 20 lots to be located within the BLR. Nine of these will be visible from public places being Bannockburn Inlet, Lake Dunstan Cycle Trail and Cairnmuir Road. Of these 9 houses most will be on the skyline when viewed from Bannockburn Road and Bannockburn Inlet. (My visual observation based on 50 years as a land surveyor 39 of which were based in Cromwell).

In addition, a formed and legal road will be constructed along this ridge line to provide access to these allotments.

The permitted baseline for the number of houses within the BLR is zero. The promotion of 12 allotments within this BLR zone is totally an inappropriate subdivision and not justifiable. The 9 lots and new road is highly visible on this ridge.

The applicant has not provided any onsite physical location of buildings, height restrictions so the true visual effects cannot be assessed.

In spite of the mitigating measures promoted by the applicant landscaping, building materials, colours heights etc. There will be 12 buildings partly or wholly within the building line restriction. This is a gross abuse of the plan policies and rules.

The adverse effects on the visual and landscape amenity values on this ridge containing new roading and 12 houses cannot be mitigated. The effect on neighborhood character and amenity is more than minor. The application should therefore be declined.

Furthermore if the application is approved it will **CREATE A PRECEDENT** for buildings within the balance of applicants' land.



Building restriction
area plan.pdf

3 Noncompliance with roading standard and code of practice

Roading

Councils' current standards for roading and infrastructure services (code of practice) is NZS 4404 2004 2008 revision. The maximum number of houses on a dead end street (cul de sac) is 20. There are already 19 on Terrace Street. The applicant proposes an additional 20 houses an increase of 105% The accepted standard for assessing traffic flows is 8 traffic movements per lot per day. This equates to 160 traffic movements on top of the existing 152 (almost double).

The increased traffic (105%) will have adverse effects on the safety of the vehicular and particularly pedestrian traffic along Terrace Street and intersection with Bannockburn Road. Although the applicant has promoted a footpath along Terrace Street this needs to be extended northward along Bannockburn Road to a safe crossing place opposite the Post Office. There is plenty of room along this section of Bannockburn Road as the true boundary is 5 metres East of the existing fence where existing stormwater main is located.

Increase in noise particularly during construction of both roading and services and subsequent housing will be significant in the presently peaceful street. Traffic congestion especially parking on berms during house construction will be a problem. Protection/destruction of the water races would be a real challenge and once the subdivision is complete to the issue of title stage Council will then be responsible and liable for protection and maintenance of the water races to eternity and satisfaction of Heritage NZ. The applicant breaches the roading standard and number of houses on a dead end street. The adverse effects cannot be mitigated; therefore, consent should be declined.

4 Reserves & Walkways

The application includes a public reserve lot 40 area 0.41ha located on the ridgeline. It encompasses some archeological features. Water races which are converted to walkways and provides a good lookout particularly of Bannockburn Inlet and Shepherds creek to the east and limited view of Bannockburn to the west.

Lot 40 4.44ha should also be included as public reserve as it includes archeological items and would eliminate any future issues of building within the BLR on Water Race Hill.

Lot 51 0.53ha Pennyweights Slucings shown as a balance lot to be retained by the applicant should be included as a public reserve. Although it is recorded as an archeological site it has been grossly modified with the construction of council's wastewater main running full length and more recently construction of bike jumps. It is now a poor example of sluiced faces. Superior examples are in the DOC sluicing's west of Bannockburn. Little regard has been made of the stormwater runoff from existing and future roading which will accumulate in vicinity of lot 3 and subsequently flow down gully scouring out the wastewater pipeline. Provision should be made to pipe the stormwater down through Pennyweights sluicing's to Rivells gully.

Existing tracks are shown on the application plans but there is no commitment to construct or formalize them into walking paths providing access from Terrace Street to the Bannockburn Inlet. The track through Pennyweights sluicing's should be formed and formalized as a walking track through a public reserve. The track shown west of lot 1 is too steep to use as a walking track.

Reserves and Walkways are inadequately addressed in the application.

5 Effects on amenity values on the Neighborhood

The breaches of the district plan (lot sizes and BLR) outlined above are significant and have a major adverse effect on the unique character of Bannockburn.

The breaches will destroy the unique character of open space living and will adversely affect the wellbeing and amenity values of the Bannockburn community. The adverse effects on the environment arising from the proposed 20 lot subdivision cannot be avoided or mitigated.

If the application is approved it will **CREATE A PRECEDENT** and nullify the policies and rules of the RRA 4 Zone. The integrity of the District Plan must be upheld and is the duty of council to do this. Therefore, the application must be declined.

6 Section 104D RMA 1991

Section 104D of the Act requires that, in relation to adverse effects, a consent authority may grant resource consent for a non-complying activity only if the adverse effects on the environment will be minor, or the application is not contrary to the objectives and policies of the plan.

As outlined above the adverse effects of the proposed subdivision are considered to be more than minor.

Furthermore, the proposal is considered to be contrary to the Plan objectives and policies.

The threshold test of Section 104D is therefore considered not to be satisfied and Council must refuse resource consent.