

**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**)

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**EVIDENCE OF JAMES DICEY  
ON BEHALF OF BANNOCKBURN RESPONSIBLE DEVELOPMENT  
INCORPORATED**

Dated: 7 October 2024

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## INTRODUCTION

- 1 My name is James Dicey.
- 2 I am a resident of Bannockburn and have been living on Cairnmuir Road for over 20 years.
- 3 I am the Chairperson of Bannockburn Responsible Development Incorporated ("**BRDI**") and was the instigator of the creation of the society.

## SCOPE OF EVIDENCE

- 4 In my evidence I provide information on the following:
  - (a) Why BRDI was initially created and what its purpose is.
  - (b) Information on the membership of BRDI.
  - (c) What the BRDI position is on the application.
  - (d) What BRDI seeks from this hearing.

## BACKGROUND TO BRDI

- 5 The BRDI was created as a result of meetings held in 2021 in response to the initial resource consent application (RC190154) made by the applicant. A significant range of issues were identified with that application by the members of the Bannockburn community and a public meeting was called at the Bannockburn Bowling Club. This was attended by well over 70 people.
- 6 The primary purpose of the society is captured in the constitution of the BRDI:
  - (a) *"The responsible, sustainable quality growth and development of Bannockburn and surrounding areas in consultation with the residents of these areas."*
- 7 The critical issues that upset the community the most with RC190154 were:
  - (a) The application sought to authorize the creation of 35 lots ranging in area from 700m<sup>2</sup> to 2449m<sup>2</sup> with an average lot size of 1307m<sup>2</sup>, well below both the minimum lot size of 1500m<sup>2</sup> and average lot size of 2000m<sup>2</sup>.
  - (b) The application sought authorization to breach the Building Line with

24 of the 25 proposed lots, with 20 of these highly visible from the Bannockburn Inlet, the Lake Dunstan Cycle Trail and Cairnmuir Road.

- 8 There were a large number of other issues with RC190154 which also upset the community. Some, but not all, of these issues have been addressed by the application before the commissioners today.
- 9 As a result of the strength of feeling expressed at the meeting the participants agreed to form the BRDI and the society was registered with the Incorporated Societies register on 1 July 2021.
- 10 BRDI submitted on RC190154 and asked the for CODC to reject the application. The applicant withdrew the application prior to a decision being made.
- 11 It should be noted that at no stage during that process did the applicants nor any of their agents contact any members of the BRDI committee to discuss the application and the concerns of the community.
- 12 The BRDI played a significant role in advocating for the Bannockburn community during Plan Change 19 ("**PC19**"). BRDI committee members analysed the proposed plan change for issues relevant to the Bannockburn community and provided this information to its members.
- 13 Individual members of the community also contacted the BRDI and if the points they made aligned with the purpose of the BRDI then they were included in the submissions made by the BRDI.
- 14 BRDI has joined together as a s274 party to appeal proceedings in the Environment court for PC19 to ensure a voice at the table during mediation as well as enabling critical items to be addressed during the appeal if they are not satisfactorily resolved.

#### **BRDI MEMBERSHIP**

- 15 At the time BRDI was formed there were 64 members. During the PC19 process and the subsequent s274 notice this has increased to 82 members (from a total of 183 households located in Bannockburn according to the 2018 Census).
- 16 There is a committee of the BDRI who are consulted prior to making submissions and the society has held the requisite annual meetings and filed the financial reports. The BRDI is financially viable and liquid.

**BRDI POSITION ON THE APPLICATION**

- 17 In accordance with the purpose of the BRDI the society made a submission on the application. A copy of the submission is with the commissioners.
- 18 Nothing presented in either the peer review carried out on the landscape evidence, nor the s42A report, nor the subsequent evidence prepared and presented for this hearing has substantively changed the view of the BRDI about the core fatal flaws in the application, specifically:
- (a) The breach of the building line restriction and its impact on visual amenity.
  - (b) The inadequacy of the applicants' landscape assessment and the CODC peer review thereof.
  - (c) The incorrect assessment of effects, and the inability of the proposed "mitigations" to in any way address the impact on amenity value of the effects of this breach.
  - (d) The impact this development will have on the character, amenity and settlement pattern in Bannockburn and the lack of a concept plan for the full scale of development, as well as the lack of a Bannockburn centric spatial plan that would aid a holistic view of how this development fits into the future development of Bannockburn.
  - (e) The roading and traffic breaches which have not been adequately addressed, impacting other Terrace Street residents and more broadly other residents of Bannockburn.
  - (f) The lighting effects of both the subdivision, houses which are built there and the applications cumulative effects on the night sky.
  - (g) A lack of infrastructure planning, relating to potable and waste water and whether sufficient analysis has been undertaken at a Bannockburn wide level to gain confidence that there is sufficient capacity in the current system.
  - (h) Flaws in the notification process meaning non-residents who do not reside within the notification zone have not had a meaningful opportunity to provide input on this process - specifically users of the bike path (some 200,000+ to date according to the Southern

Lakes Trails website - <https://www.southernlakestrails.nz/lake-dunstan-trail>) as well as regular users of the Bannockburn Inlet.

Please see the email (attached as an appendix) I received from a long time campground user as an example.

- 19 The precedent that this application would set, if it is successful, will have ongoing ramifications for the remainder of the land that the applicant has previously stated (in the original application and during PC19) will be developed in the future. Nowhere has this been outlined in this application, although it was done so in their submission on PC19. This piecemeal approach to development, with the retention of large balance lots means that the commissioners are unable to understand the long term and complete implications of the decision they are being asked to make.

#### **WHAT THE BRDI ARE SEEKING FROM THIS HEARING**

- 20 The BRDI is pro the responsible, sustainable quality growth and development of Bannockburn. We fully support the development of properties outside the Building Line Restriction that comply with the District Plan and PC19, so long as the infrastructure issues (transport, potable and wastewater) are appropriately dealt with.
- 21 We seek the application as its currently drafted to be rejected in its entirety, unless the applicant is prepared to respect the Building Line Restriction and alter their application to effect this.
- 22 We suggest that the lack of provision of a full concept plan to the commissioners so they can assess the potential implications of the precedent they are in effect creating is a damning reflection on the manner in which this application has been drafted.

#### **CONCLUSION**

- 23 BRDI represent a large group of Bannockburn residents who are opposed to the current application.
- 24 The application as drafted should be rejected given the significant effects which cannot be adequately mitigated.
- 25 We support the development of the lots outside the Building Line Restriction

so long as the infrastructure issues are appropriately addressed but oppose the development of all lots inside the Building Line Restriction.

26 Thank you for the opportunity to present my evidence.

James Dicey  
2 October 2024

**Appendix 1:**