

IN THE ENVIRONMENT COURT OF NEW ZEALAND

I Muri I Te Kōtihi Taiao O Aotearoa

ENV-2025-CHC

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN BANNOCKBURN RESPONSIBLE DEVELOPMENT INCORPORATED
(BRDI)

Appellant

AND CENTRAL OTAGO DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL BY BANNOCKBURN RESPONSIBLE DEVELOPMENT
INCORPORATED (BRDI)**

10 June 2025

To: The Registrar

Environment Court

Christchurch

1. BANNOCKBURN RESPONSIBLE DEVELOPMENT INCORPORATED (BRDI) appeals against the decision of the Central Otago District Council (the Council) to grant resource consent RC230398 to DJ Jones & NR Searell Family Trusts for a 26-lot residential subdivision at 88 Terrace Street, Bannockburn.
2. The Appellant made a submission opposing the application.
3. The Appellant received notice of the Council's decision on 21 May 2025.
4. The decision appealed is the decision of the Central Otago District Council to grant resource consent RC230398 to subdivide the land and to enable buildings within the Building Line Restriction (BLR) area and associated development.

5. The Appellant is appealing the whole of the decision.
6. The general reasons for this appeal (without limiting any specific reasons given for the appeal) include that the Decision:
 - (i) will not promote sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 (Act);
 - (ii) is contrary to Part 2 and other provisions of the Act;
 - (iii) will not meet the reasonably foreseeable needs of future generations;
 - (iv) will not enable social, economic and cultural well-being;
 - (v) is otherwise contrary to the relevant planning documents;
 - (vi) is inappropriate and inconsistent with the purpose and principles of the Act;
 - (vii) will not avoid, remedy or mitigate the adverse effects of the proposed activity;
7. The specific reasons for the appeal are as follows.
8. Failure to Properly Apply the Building Line Restriction (BLR) and Its Intended Protections
 - (i) The Building Line Restriction (BLR) was established to protect the integrity of the Bannockburn escarpment, preventing urban expansion into its highly sensitive landscape.
 - (ii) The Council erred in treating the BLR incursion as a mere Restricted Discretionary trigger, rather than recognizing it as a substantive planning constraint fundamental to preserving

visual character, landscape coherence, and environmental stability.

- (iii) Approval of this application sets a dangerous precedent, undermining the BLR's function across Bannockburn and beyond, eroding public confidence in planning protections.
- (iv) The Council's narrowed assessment scope under Rule 12.7.7 failed to fully consider the broader adverse effects of the development, particularly cumulative impacts and loss of landscape integrity.

9. Misapplication of Activity Status and Incomplete Rule Triggering

- (i) The Council incorrectly treated the application as requiring consent only for encroachment into the Building Line Restriction (BLR) as a Restricted Discretionary Activity, and for subdivision and geotechnical risk under discretionary pathways. However, the combination of significant earthworks, slope stability risks, and intensity of residential development over a visually sensitive area should have triggered consideration under more stringent or bundled assessment frameworks, including the potential for treatment as a Non-Complying Activity.
- (ii) The Council relied on the applicant's assertion that Comprehensive Residential Development (CRD) rules and Rule SUB-S5 did not apply. Yet the scale, design coherence, and integrated servicing aspects of the proposal arguably meet the threshold for a CRD classification under the Plan, which would require a broader and more rigorous discretionary assessment. By excluding these from scope, the Council may have incorrectly limited the breadth of effects considered.
- (iii) In treating the encroachment into the BLR as a Restricted Discretionary Activity, the Council narrowed its assessment to only specified matters under Rule 12.7.7, while

inconsistently relying on a broader Part 2 and section 104 analysis. This created an internal inconsistency in the decision-making framework.

- (iv) A more conservative approach to rule interpretation and activity bundling would have ensured that the potential cumulative and precedent effects were fully captured under a Discretionary or Non-Complying status.

10. Adverse Landscape and Visual Effects:

- (i) The Council failed to adequately recognise and respond to the significant landscape and visual effects of the development, particularly those affecting the Bannockburn Inlet, a landscape of high natural character.
- (ii) The expert landscape evidence for the applicant was preferred over that for the Appellant, despite credible expert opinion (Ms. Anne Stevens) identifying moderate to high adverse effects from key public viewpoints and a degradation of the ridgeline and open space character.
- (iii) The permitted activity status under the Plan was misapplied to justify development that is inconsistent with the receiving environment and community expectations.

11. Loss of Amenity and Inappropriate Urban Expansion

- (i) The proposed subdivision represents an inappropriate expansion of urban development beyond the existing residential edge, disrupting the compact and coherent form of the Bannockburn settlement.
- (ii) The development will result in a significant and irreversible change in character for existing residents, particularly those

on Terrace Street, due to intensified housing, traffic, and loss of open space outlooks.

12. Precedent and Plan Integrity

- (i) The Council failed to consider the broader implications of the decision on district plan integrity, setting a precedent for development beyond the BLR in other sensitive locations.
- (ii) The activity status (Restricted Discretionary) does not obviate the need for careful application of landscape protection and heritage objectives under both the operative and proposed District Plans.

13. Inadequate Consideration of Alternatives and Cumulative Effects

- (i) The Council failed to require the applicant to adequately assess or pursue alternative development configurations that would avoid the BLR.
- (ii) Cumulative effects on heritage landscapes, open space, and community amenity were inadequately addressed.

14. Misapplication or Underapplication of Development Status

- (i) The Council may have misclassified the activity status of the proposal by limiting its assessment to breaches of the BLR as a Restricted Discretionary Activity. The scale, integration of development, and servicing may have required consent as a Comprehensive Residential Development (CRD), or otherwise as a full Discretionary or Non-Complying Activity.

- (ii) The failure to apply the bundling principle correctly has potentially limited the scope and rigour of assessment under section 104 of the Act.

15. Inadequate Weight Given to Operative District Plan Provisions

- (i) The Council gave undue weight to Proposed Plan Change 19 (PC19) while failing to properly apply provisions of the operative Central Otago District Plan (CODP), particularly those relating to the purpose and function of the BLR.
- (ii) The operative plan remains the primary legal planning instrument until fully replaced or overridden by higher-order instruments or successful appeals.

16. Procedural and Natural Justice Failures

- (i) The applicant's proposed conditions, including significant changes to mitigation, landscape treatments, and even lot design, evolved significantly during the hearing. This created uncertainty and limited the ability of submitters to fully respond.
- (ii) BRDI and other submitters were denied a meaningful opportunity to cross-examine or respond to new visual simulations and planning positions advanced late in the process.

17. Insufficient Consideration of Section 6 and 7 Matters

- (i) The Council failed to adequately recognise or provide for matters of national importance under s6 of the RMA, particularly:
 - 1. s6(a) the preservation of the natural character of the coastal environment (including margins of lakes);
 - 2. s6(f) the protection of historic heritage from inappropriate subdivision.
- (ii) Relevant s7 matters such as amenity values, the maintenance of the quality of the environment, and finite characteristics of natural resources were insufficiently considered.

18. Unresolved Regional Resource Consents

- (i) The activity will require Otago Regional Council consent for earthworks and discharges. No consent has been secured. Section 104(3)(c) precludes approval absent this.

19. Understatement of Natural Hazard Risks

- (i) The geotechnical risks identified were not treated with sufficient caution. Section 106 required more critical examination of potential land instability.

20. Inadequate Assessment of Roading and Traffic Safety

- (i) The proposed road design exceeds cul-de-sac limits under NZS 4404 and Council's own addendum. Traffic and safety risks were not appropriately addressed.

21. Insufficient Stormwater and Freshwater Protection

- (i) The site drains toward the Bannockburn Inlet. No robust assessment was provided on stormwater quality, climate change, or freshwater protection obligations.

22. Heritage Landscape Misrecognition

- (i) The Bannockburn Cultural Landscape Study was disregarded. It identifies this escarpment as a significant heritage landscape deserving formal recognition and protection.

23. Reverse Sensitivity to Productive Rural Land

- (i) Adjoining vineyards face reverse sensitivity risks due to proximity to new residential lots. PC19 rural interface policies were under-weighted.

24. Poor Public Open Space Design

- (ii) The proposed reserve (Lot 30) is topographically steep and not readily usable. It does not meet Council policy expectations for accessible public open space.

25. Segmentation and Deferred Development

- (i) Lot 50 is clearly intended for future development. Its exclusion from the present application prevents a full cumulative effects analysis, contrary to good planning practice.

26. Relief Sought

BRDI respectfully seeks that the Environment Court:

(i) Cancels the Council's decision to grant resource consent RC230398;

(ii) Declines the application for resource consent in its current form;

(iii) Alternatively, remits the matter back to the Council for reconsideration subject to directions or amendments that:

a. Exclude any development within the BLR;

b. Protect the open character of the eastern escarpment;

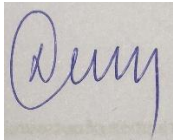
- c. Maintain and enhance public and cultural heritage values;
- d. Provide for alternative subdivision configurations that maintain the integrity of the landscape and community amenity.
- e. Orders such further or other relief as the Court sees fit;
- f. Awards costs in favour of the Appellant.

27. Attachments:

- A copy of the original submission by BRDI;
- A copy of the decision appealed;
- A list of names and addresses of persons to be served with a copy of this notice.

Dated: 11 June 2025

Signed for and on behalf of the Appellant:



James Dicey
Chair BRDI

Address for Service:

Bannockburn Responsible Development Inc.
c/o James Dicey
128 Cairnmuir Road, RD2, Cromwell, 9384

List of names and addresses of persons to be served with a copy of this notice.

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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
w.codc.govt.nz

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consent@codc.govt.nz

DETAILS OF SUBMITTER

Full name: Bannockburn Responsible Development Incorporated

Contact person (if applicable): James Dry

Electronic address for service of submitter: james@grapevine.co.nz

Telephone: 027 4450602

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

128 Carmichael Road, RD4, 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)

Please see the attached document

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.

Please see the attached document

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

Reject the proposal in its entirety

I ~~support~~/oppose the application ~~OR neither support or oppose~~ (select one)

I wish ~~to be heard~~ 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."



Signature

3/8/24

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.

Section	Reasons	Support/ Oppose
3.2, 3.2.1	Number and size of proposed residential lots 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. The 20 proposed residential lots have an average lot size of 1696.40 sqm, well below the prescribed average. No conditions are proposed to limit future development or subdivision of the balance lots (40, 50 and 51) and these will remain in the ownership of the applicants. They therefore cannot be considered when calculating the average lot size as future development of these lots will alter the averages. 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. * Note that the modification from 2000m2 to a minimum of 1500m2 with no lot size averaging is currently not operative as PC19 is subject to an appeal of this provision	Oppose
6.1, 6.2.1, 6.2.3, 6.2.4, 6.2.6, 6.2.7, 7.3.1,	Building in an area subject to BLR (Building Line Restriction). District Plan Rule 12.7.7 (i) states that <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> Of the 20 residential lots proposed on RC230298, only 5 of them are unaffected by the BLR when reviewing the building sites : • 8 lots (13-20) are fully within the BLR	Oppose

Section	Reasons	Support/ Oppose
	• 4 lots (4-6 and 12) are largely within the BLR • 3 lots (2,10 and 11) are partly within the BLR 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. 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. The applicant also 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 – i.e. the effect is greater than minor. 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.	
6.2.2, 6.2.3, 6.2.4, 6.2.6, 6.2.7. 6.8	Visual Impact on the Landscape The impact of the proposed development on the landscape has not been accurately or thoroughly assessed. This is especially the case from many of the selected vantage points to the east of the proposed development, including the Bannockburn Inlet, the Clyde-Cromwell cycle trail, Cairnmuir Road and Paterson Road. The assessment falls short in the following areas: • the photos provided are not of consistent format and focal length. They range from very wide angle taken on an iPhone to 30mm focal length on SLR. As such they show a more flattering view of the site than would the naked eye. A standard of 50mm should be used for all photographs	Oppose

Section	Reasons	Support/ Oppose
	• no overlays are provided to show the location and extent of the site. Instead an arrow showing the general location of the site is provided, making it difficult to determine what would be visible from each location • no overlays are provided to show the individual lots and building sites making it impossible to determine which lots would be visible from each location, and to what extent they will be visible • no profile poles have been erected on site making it impossible to determine the likelihood and extent of any skyline breaches and extents of residential housing opportunities inside the BLR • no rendered visual representation has been provided showing what the site may look like when houses are placed onto each of the lots. Such a rendering must be undertaken to assess the visual impacts. • No provision of a bulk mass simulation of the built form of the residential dwelling. This means it is impossible to assess the impact the built form will have on the landscape. This calls into question how veracity of the conclusions reached. The applicant acknowledges that the proposal will introduce new built form elements into the landscape from many of the selected vantage points, and that there will likely be skyline breaches from a number of these vantage points. (6.2.3 and 6.2.6 table of visual effects from each vantage point). The steepness of many lots (especially 6 and 15-20) and the positioning of the building platforms at the top end of these suggests that buildings on these lots will sit high on the sites, leading to greater visibility and likelihood of persistent skyline breaches. Dwelling height controls have no effect on skyline and ridgeline effects as these effects will persist regardless of building height. Taking the above into account, the applicants assessment that the adverse effects on landscape values will be minor is incorrect (6.2.7 – Summary of visual effects) Given the above we believe that a comprehensive peer review of the applicants 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.	
6.2.2	Effects on character, amenity and settlement pattern within Bannockburn	Oppose

Section	Reasons	Support/ Oppose
	6.2.2 p1 states that “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>”. While the proposed development does meet the minimum lot size, it does <i>not</i> meet the average lot size. In addition, the steepness of some of the lots (particularly 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. 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. 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. 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 : <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. The proposal should be rejected.	

Section	Reasons	Support/ Oppose
6.2.4	Effects on the site's values In 6.2.4. the applicant correctly states that : <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> They then add that : <i>"While these changes are largely anticipated given the underlying zoning, the proposed level of development is potentially greater than would be expected for the site given the breach of the BLR ..."</i> This first part of this statement is incorrect. The changes should not be "largely anticipated" in the area affected by the BLR – given that the express intent of the BLR is to prevent such changes. The conclusion that <i>"the adverse effects on the values of the site will be low-moderate"</i> is incorrect. They will be greater than low-moderate. The application should be rejected.	Oppose
6.5.1, 6.5.3	Roading / Traffic The CODC current standards for roading and infrastructure services (code of practice) is NZS 4404 2008 revision.	Oppose

Section	Reasons	Support/ Oppose
	The recommended maximum number of houses serviced by a cul-de-sac is 20. There are already 19 lots on Terrace Street and 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. As all access to the new lots would be via the cul-de-sac, this proposal would also more than double the current traffic flows on Terrace Street, with adverse effects on both road noise and parking. It will also double the volume of traffic through the intersection of Bannockburn Road and Terrace Street 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.	
3.3, 6.2.1, 6.2.3, 6.2.4, 6.2.6, 6.2.7	Proposed Mitigation The applicant offers various conditions as mitigation to the impacts on visual amenity values, and breaches of the BLR, including : • 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 The applicant has suggested an 'integrated approach to the proposal' (landscape assessment 3.3 p19) in that they have offered height and coverage restrictions on some lots which would be greater than those required (i.e. those lots outside the BLR) and hope to offset these against the negative effects of lots within the BLR. This is an incorrect proposal and an attempt to 'average out' 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 5 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.	Oppose

Section	Reasons	Support/ Oppose
	While the planting proposed for the reserve lot (30) 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. 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 cannot 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. The landscape analysis provides no modelling of the earthworks required for the residential platforms so its not possible to understand the impact this will have on the amenity value on the landscape. It should also be noted that 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. The other volunteered conditions of consent, with respect to colours, materials, fencing, roading etc are simply consistent with those in the district plan and should not be considered to offer anything additional in terms of mitigation when consider the impact of amenity and landscape breaches. 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.	
	Lighting effects 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.	Oppose

Section	Reasons	Support/ Oppose
	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. No modelling of the night time impact of both bollard and house and other curtilage built development has been presented making it impossible for the effects to be assessed. Cumulatively, this could be significant, until this has been developed it is impossible to draw complete conclusions on effects. For this reason the application should be rejected.	
7.3.1	ODP Objectives and Policies 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). <i>Overall, the adverse effects associated with buildings in the BLR can be managed so that amenity is maintained,</i> 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. <i>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.</i>	Oppose

Section	Reasons	Support/ Oppose
	The highlighted statements are incorrect. The application itself 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. These visual effects cannot be mitigated so it is incorrect to provide the statement that the <i>“adverse effects can be managed so that amenity is maintained”</i> We also contend that the RMM report and the inadequacy of the visuals provided do not <i>“ ... provide a high level of certainty as to the extent of the effects ... ”</i> and that overall they will <i>“... improve the quality of amenity in the environment”</i> Both of these statements are incorrect.	
7.3.2	7.3.2. ODP Section 7 Residential Resource Area In 7.3.2. the application states that : <i>“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.”</i> While it could be conceded that change was inevitable for the land <i>outside</i> the BLR, the express intent of the BLR was to ensure that this change did not inevitably occur on the land inside the BLR. The contention that the location of buildings inside the BLR has been carefully considered is incorrect.	Oppose

Section	Reasons	Support/ Oppose
	This section later states that : <i>"The mitigation measures, outlined in section 8 below will ensure that the qualities of the site and associated amenity values are overall maintained"</i> As stated above the mitigation proposed will not succeed in mitigating the visual amenity effects associated with the lots inside the BLR.	
3.2.3	Lot 40: Balance Lot Whilst the CODC has rejected accepting this lot as a local purpose reserve due to its steepness the applicant has not volunteered conditions to ensure continued public access to walkways. Additionally, no indigenous biodiversity regeneration is proposed beyond passive regeneration i.e., not managing the balance lot. Accordingly any mitigation or amenity considerations should be excluded. We recommend that the applicant should formally volunteer permanent walkways on Lot 40 to enshrine public access and be required to undertake restorative indigenous biodiversity regeneration to ensure the amenity value of this balance lot is preserved.	
	The Cromwell Spatial Master Planning exercise initiated by the Cromwell Community Board considered the areas for urban densification and the rural urban boundaries as part of its remit. Paraphrasing the conclusions reached during than process was than the urban boundaries needed to be maintained and additional residential development needed to be concentrated within the urban areas already allocated and any densification should occur particularly the township of Cromwell. From a Bannockburn context the level of analysis conducted during the Cromwell Masterplan exercise was insufficient to be considered as Bannockburn focused master planning exercise. The panel stated this in Plan Change 19 in Cl.155 and particularly Cl.256 where they stated: <i>"The Panel is also of the view that some of the future growth options in Bannockburn are better dealt with through a township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn"</i>	Oppose

Section	Reasons	Support/ Oppose
	The commissioners further stated in Cl.272: “future growth options in Bannockburn are better dealt with through a township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn.” The breach of the BLR by this resource consent is prior to any township-specific Spatial Planning exercise and the application lacks sufficient information to determine whether there is sufficient need for these additional platforms in the broader context. The application additionally does not present data on the impact this development would have on the overall amenity values of the Bannockburn township. We recommend that the application be rejected until a Bannockburn focused spatial master plan is completed.	
6.6	Servicing The applicant states: “It is considered that there is sufficient capacity in the network, being a subdivision on residential zoned land which complies with the ODP’s density standards.” In Plan Change 19 Cl. 265 Ms. Muir stated in her s42a evidence that: “to service this site would require significant upgrading to existing water reticulation and storage capacity. Water would need to be pumped to this area which would result in higher operating costs. It would also require capacity increases in wastewater treatment. Concluding that these upgrades “exceed current infrastructure planning provisions for level of service and growth”. Ms. Muir further states (Cl. 266): With respect to water, she notes that capacity constraints relate to the volume of water that can be delivered through the main Bannockburn pipeline to the Bannockburn reservoir. The application should be rejected until additional analysis on the ability to service this, and the any further development of the site, has been completed. By approving the application prior to this analysis will be creating a future issue and potentially compromise current dwellings in Bannockburn.	Oppose
3.3	Building Platforms	Oppose

Section	Reasons	Support/ Oppose
	Some of the lots partially outside the BLR (Lots 6, 2, 10, 11, 12) do not have nominated building platforms and there is a chance that built development (clothes lines, swimming pools, garden sheds etc) could be located within the BLR. A condition has been volunteered for the other lots which are outside the BLR to prevent additional impact on the visual and landscape amenity. We recommend that the proposal be modified to include these lots and the application be rejected until this is completed.	
6.7	Sedimentation The steep nature of properties in the BLR should necessitate a consent is required from the ORC for sedimentation management during development of both the infrastructure and the residential properties - sediment, if it does result from the development (particularly as a result of a thunderstorm), would enter Shepherds Creek and the Bannockburn Inlet. The substance of the proposal is a simple silt fence. Based on the experience of living in Bannockburn it is likely that a thunderstorm would occur during the summer months – it seems unlikely that a simple silt fence will be enough to counter the effects 20mm in 20 minutes could have, resulting in a catastrophic silt event directly into Shepherds Creek and then into the Bannockburn Inlet. For this reason the application should be rejected until an engineered sedimentation plan has been presented and accepted by the ORC.	Oppose
6.2.2	Effects on the character, amenity, and settlement pattern within Bannockburn The site has not been subject to any rural productive use and the size and location of Lot 40 will preclude this form occurring as there is no future commercial access possible with the design of the subdivision and the vesting of Lot 30. The "dominance of open space will remain" is only as a result of not developing lot 50 and awareness of the additional effects on the landscapes of developing lot 40. As a minimum a no build covenant needs to be proffered on lot 40 and on the area of balance lot 50 which breaches the BLR. Balance lot 50 cannot be considered as part of the retention of open space, rural outlook and recreation amenity as it can still be subject to additional subdivision in the future and neither can Lot 40 due to the lack of protection suggested by the applicant.	Oppose

Section	Reasons	Support/ Oppose
	For this reason the application should be rejected.	
	Flaws in the public notification process The majority of users of the Bannockburn Inlet will not have had an opportunity to become aware of the application due to the manner in which it has been advertised and the timing of the application. The majority of use of the Bannockburn Inlet is during the summer period from immediately post-Christmas to the end of February. These users travel from outside Bannockburn to come to the Bannockburn Inlet and from outside of the CODC district boundary. Consequently, they will not be aware of the application and the amenity value they enjoy in the Bannockburn Inlet will be degraded without any opportunity to comment. Whilst the applicant has complied with the strict notification requirements of the RMA it can be argued that a broader notification is required given the likely impact on non-resident users of the Bannockburn Inlet. The application should be rejected until a broader and wider notification occurs.	Oppose
7.9	Purpose and Principles of the RMA The proposal does not "preserve the natural characters of lakes, rivers and their margins" as required by Section 6 of the RMA: <i>"(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development"</i> This is the antithesis of appropriate subdivision and development. The proposed development changes the natural character through the imposition of built form on a rural and lake/river environment and the mitigation measures do not sufficiently and cannot mitigate the negative effects built form will have on the lake margins. For this reason we require the development to be rejected.	Oppose
6.2	Landscape and Visual Amenity	Oppose

Section	Reasons	Support/ Oppose
	A brief analysis of the RMM landscape assessment (appended as Attachment B to the application) identifies a number of fundamental flaws in the assessment which are a result of an insufficient initial review of the document by the CODC planning department. A high level summary of the major flaws are identified below: a) There has been no ecological survey of the site prepared and there may be vulnerable native species on the site present. b) There is little analysis of the site in context in the landscape assessment. There is no detailed analysis of the site and its elements with respect to cultural heritage, specifically how the site's features fit in to the wider heritage assemblage and their significance of Bannockburn despite the completion by the Department of Conservation of a Bannockburn Heritage Landscape Study published in 2004 - https://www.doc.govt.nz/globalassets/documents/science-and-technical/SfC244.pdf; the existing character and defining elements of the town of Bannockburn; the site's contribution to existing public and private amenity including from the water's surface; the "common usage" patterns (recreational pathways); and the significance of the site and its contribution to landscape character and visual values (for example, a prominent skyline and ridgeline viewed from popular recreational areas). c) In particular there is no study of the existing character of the built-up residential area of Bannockburn (such as data on section sizes and shapes, spatial arrangement, streetscape typologies, building character, vegetation types, etc). This is necessary to determine whether the proposed development accords with the existing character and upholds it/contributes positively to it. d) There is no mention of surface water activities and significance of the site as part of the lake's setting. e) There is also no detailed analysis of the building line restriction area, to confirm the reason for its presence and its on-site presence, and to demonstrate an understanding of what it is to achieve. f) The BLR is really an area not just a line. The feature to which it relates is not clearly identified in text or on an existing site plan. Our understanding is that it relates to the escarpment facing the Bannockburn Inlet and Kawareu River up to and including the crest. It is the open character (absence of built development) and relatively natural character with a "clean" ridgeline/skyline (and possibly the heritage features to those that know of them) that contributes to the amenity of the landscape as enjoyed from the Inlet and viewpoints public and private further east and north, and its role as part of the margin of the Inlet (for which natural character is to be preserved under s6a of the Resource Management Act).	

Section	Reasons	Support/ Oppose
	g) With regard to the two assessment matters relevant to landscape and visual effects assessment arising from the breach of the BLR: 1. The assessment does not identify the margin of the lake and whether the site is part of the margin, or assess its level of natural character. Our view is that the eastern and northern escarpment areas, up to the crest, are part of the margin. A preliminary assessment is of a low-moderate degree of Natural character at best. Openness is high as there are no buildings on the escarpment at present. 2. The contextual analysis does not sufficiently tease out what comprises the amenity values of the neighbourhood. h) There has not been an adequate analysis of what the particular landscape elements and patterns are that make Bannockburn township distinctive and special and what provides the “acceptable level of amenity” and the particular environmental quality to its residents and visitors. i) In our view the recommendations are inadequate; they do not achieve a meaningful level of protection of the natural open skyline and ridgeline within the site, or the open character of the escarpment which also appears as a natural landform. j) With no detailed analysis of the existing character and defining elements and features of Bannockburn, it is not possible to assess the degree to which the proposed subdivision respects and reflects this character. At the very least, there should be an analysis of existing lot sizes, building density and spatial disposition to demonstrate consistency. k) It is correct that subdivision for housing and residential land use is anticipated and provided for by the RR4 overlay. This includes a restriction on any building within the BRL area to achieve and protect certain things. l) No private views have been assessed. This is normal practice however as it depends on the invitation of private property owners, and is often carried out after or as part of submissions. m) There would remain a significant skyline and ridgeline effect with what appears to be suburban development spilling over the crest of the escarpment. This area is meant to have a high level of openness and retain its natural character. A “clean” skyline is a critical part of this in our view. Openness within the BLR on the site has been markedly reduced. In our opinion, the adverse visual effect remains mod-high (which is equivalent to a “more than minor” adverse effect)	

Section	Reasons	Support/ Oppose
	Due to the paucity of appropriate and sufficient landscape and amenity analysis that a cursory analysis of the RMM report presents we recommend that the application is rejected until a proper analysis is undertaken and that as a MINIMUM if the CODC does decide to allow the application to continue an independent peer review is conducted of of the RMM report.	