

SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

Section 95A (public) Resource Management Act 1991

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.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: Central Otago-Lakes Branch Forest and Bird

Contact person (if applicable):

Andrew Penniket (Chair)

Electronic address for service of submitter: andrew@deepandmeaningful.co.nz

Telephone: 021342187

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

P.O Box 576

Wanaka

This is a submission on the following resource consent application: RC No: **230179**

Applicant: **TKO Properties Limited** Valuation No: **2841112780**

Location of Site: **Lakefront Terrace, Bendigo**

Brief Description of Application: **Subdivision consent for subdivision creating 33 lots with building platforms and one balance allotment at Rocky Point**

Submissions close: **12 October 2023**

The specific parts of the application that my submission relates to are:
(give details, attach on separate page if necessary)

The whole application

RECEIVED
12/10/2023
CODC

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 separate attached page)

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

Decline the Applicant in its entirety

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.”**

12 October 2023

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

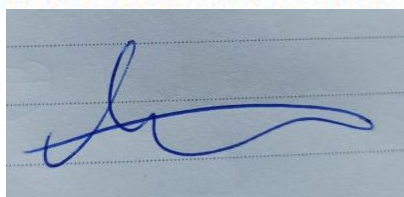
1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

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.

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12 October 2023

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Forest & Bird
GIVING NATURE A VOICE

12 October 2023

Chair/Secretary
Central Otago-Lakes Branch
c/o 3 Cliff Wilson Street
WANAKA 9305

Central Otago District Council
P O Box 122
ALEXANDRA 9340

Dear Sir/Madam

Re : TDC Application for Subdivision and Development, Rocky Point RC230179

The Royal Forest & Bird Protection Society Inc. of New Zealand (Forest & Bird) is Aotearoa New Zealand's leading independent conservation organisation. Forest & Bird has played an important role in protecting and preserving New Zealand's environment and native species for a century.

Forest & Bird is independently funded by private subscription, donations, and bequests.

Forest & Bird has for many years had a strong interest and involvement in protecting and restoring nature on land, in freshwater and in the ocean, throughout the country including in Gore and Southland. Our Forest & Bird strategic objectives are as follows:

- **Climate Centred:** Ensuring our country does everything we can to keep the climate safe for all life on Earth. The impact of climate change will be at the centre of everything we do.
- **Economy that Supports Nature:** A Community that recognises that the long-term economy is dependent on a healthy environment for nature's intrinsic and lifegiving values.
- **Vibrant Landscapes:** Stable, healthy ecosystems full of native animals and plants.
- **Energised Water, Rivers and Wetlands:** Rivers, streams and freshwater that run clean, healthy and are teeming with life.
- **Oceans Alive:** Protected and preserved marine life and ecosystems.

Forest & Bird have an active volunteer branch in Central Otago, part of a network of 45 volunteer led branches nationally, whose multigenerational members and supporters play an important and active role in protecting and restoring the region's native species and habitats in their respective districts. Within Forest & Bird there is a wealth of knowledge and expertise on protecting and restoring Aotearoa New

Forest & Bird has been involved in resource management processes around New Zealand for many years, at the national, regional and district level advocating for the protection and enhancement of nature and natural landscapes.

This submission by the Central Otago-Lakes branch of Forest and Bird (COLB FB) is on the proposed subdivision and development on Lot 2 DP561457 Rocky Point, Bendigo by TKO Properties Ltd.

COLB FB opposes the application and submits it should be declined in its present form.

The reasons for opposing it are:

Ecological Values:

1. Insufficient information on ecological values in particular seasonally present and diminutive species and those of saline sites including undisturbed soils. These values are present close by and are expected to be present on the Site.
2. Part of the site is Critically Threatened Land Environment supporting native species. There should be no further loss of these areas¹. Naturally uncommon species such as saline species are also a priority for protection. National Priority 4 is to protect the habitat of threatened species. This has to include buffering.
3. The assessment by S Beale concludes that the ecological values are very high, the indigenous habitat is significant, and that proposal will have High adverse effects particularly with reference to rocky and dryland cushionfield communities. This effects the invertebrates and lizard species that utilize these areas as habitat.
4. As stated in the Beale report the dryland cushion field communities would be permanently removed. This is contrary to s6c of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the relevant Objectives and Policies in the COD Plan.
5. The dryland and saline communities cannot be recreated elsewhere. These are special communities that are being cumulatively shriveled in extent by development for residential use as well as by intensified farming. They are becoming rarer and rarer. The leading cause of species decline and eventual extinction not just in NZ but globally, is the fragmentation, shrinking and/or complete loss of habitat. Species that were once common and widespread such as Raoulia species are now on the declining/at risk or threatened list because of this. The CODC has a statutory obligation to protect and encourage the restoration of these communities including buffering and to prevent any further loss.
6. Furthermore, the proposed species for compensation are all trees and shrubs. They do not include any cushionfield, grassland or rocky habitat species. COLB FB disagrees that compensation can be offered or is appropriate. Rather, effects on significant ecological values should be avoided. The Criteria and Policies for Biodiversity Compensation of the Otago Regional Policy Statement are not met.

Landscape Values:

7. Insufficient assessment of effects on landscape character, landscape values including visual values. There will be more than minor adverse effects on rural landscape character and associated amenity values, and the values of the ONL including on biophysical values,

¹ National Priority 1 www.doc.govt.nz/contentassets/13f28b4f23de4a2f9659390da194f902/protecting-our-places-brochure.pdf

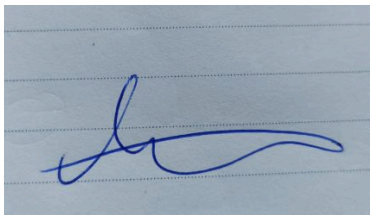
perceptual values including open space, natural character, landscape integrity and legibility and visual coherence, and on associative values in context. This is a cumulative and direct effect.

8. The development spreads beyond the agreed Development area into the Landscape Protection area. This undermines and is contradictory to the purpose of the LPA.
9. The proposal is contrary to and undermines the purpose of the Koinga Conservation Covenant (Reserves Act).
10. The issue of increased fire risk

Decision Sought:

We seek that the consenting authority declines this application in its present form. It is our view that more information needs to be provided and taken into account. The proposal needs to be re-designed to avoid effects on significant ecological values and on ONL; to avoid development of any kind within the Landscape Protection and Conservation Covenant areas; and to adequately mitigate effects on rural landscape character and amenity within the Development Area.

Yours sincerely



Andrew Penniket
Chair, Central Otago-Lakes Branch F&B

Cc – Chelsea McGaw

Regional Conservation Manager (RCM) – Otago and Southland

Royal Forest and Bird Protection Society of New Zealand Incorporated.

c.mcgaw@forestandbird.org.nz 0272792500