



# ADDERLEY HEAD

ENVIRONMENTAL LAW SPECIALISTS

13 May 2021

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ALEXANDRA 9340

By email: [oli.mcintosh@codc.govt.nz](mailto:oli.mcintosh@codc.govt.nz)

Dear Oli

## RESPONSE TO FURTHER INFORMATION REQUIRED FOR RC 190154

- 1 We refer to your Request for Further Information (**RFI**) letter, sent on 20 May 2019, regarding RC 190154 being a consent application for subdivision at Terrace Street, Bannockburn.
- 2 This letter contains our response to the RFI. We also include additional information in response to further matters raised by CODC planning officers during subsequent discussions with the applicant.
- 3 The additional information relates to key Resource Management Act 1991 (**RMA**) issues arising from the project, which are:
  - (a) effects on visual amenity and landscape values; and
  - (b) effects on heritage values.
- 4 To provide some context, please find below a brief overview of the developments on this project since May 2019.

### Developments since 2019

- 5 Since the RFI letter of May 2019, the trustees of the DJ Jones and NR Searell Family Trusts (the **applicant**) have sought advice on the RFI and the key RMA issues from their project team, who comprise:
  - (a) historic heritage expert Mathew Sole of Kopuwai Consulting;
  - (b) landscape architects Tony Milne and Angie Nelson of Rough and Milne Landscape Architects;
  - (c) planner Walt Denley of Landpro;
  - (d) surveyor Richard Ford of Landpro; and
  - (e) RMA lawyers Chris Fowler and Meg Buddle of Adderley Head.
- 6 The project team visited the site collectively on 18 March 2020. Several additional site visits have been completed by individual members of the project team in order to better understand the environmental effects of the proposal and to develop robust responses to these effects. In addition, members of the project team have collaborated to ensure that recommendations are feasible and accurately recorded in amended subdivision design plans.

### Amendments to the proposal

- 7 Based on the project team's recommendations, the applicant has decided to make the following changes to the proposal:
- (a) the number of residential lots included in the proposal has been decreased from 38 to 35 (by removal of original Lots 26, 27 and 32);
  - (b) a portion of original Lot 25, and the entirety of original Lot 26, is now located within Lot 200;
  - (c) the size of original Lots 27-35 has been increased;
  - (d) some sections of the site's historic water races are proposed to be adaptively reused, while others are proposed to be destroyed. This is subject to attaining an archaeological authority from Heritage New Zealand Pouhere Taonga; and
  - (e) a number of the historic fences posts found on the site will be removed, and reused elsewhere on the site where appropriate. This is subject to attaining an archaeological authority from Heritage New Zealand Pouhere Taonga.
- 8 A number of other amendments recommended by the project team have been accepted by the applicant, as discussed in the balance of this letter and appendices.
- 9 The above changes have been included in the amended subdivision design plans which are attached at **Appendix A**. To avoid confusion "original Lot(s)..." refers to lots that were included in subdivision design the original consent application of April 2019, and "new Lot(s)..." refers to lots that are included in the updated subdivision design shown in Appendix A.
- 10 Due to the changes to the proposal, an updated Objectives and Policies Assessment has been completed, and is included in **Appendix B**.

### **RFI response information**

- 11 In your RFI Letter, you made six distinct requests, regarding:
- (a) clarity regarding non-complying status of subdivision & land use consent for a breach of Rule 12.7.7;
  - (b) financial contributions;
  - (c) protection of archaeological sites;
  - (d) roading;
  - (e) reserves (Lot 200); and
  - (f) services.
- 12 We deal with each of these requests below in turn.

### Clarity regarding non-complying status of subdivision & land use consent for a breach of Rule 12.7.7

- 13 A revised conclusion on activity status, and a "gateway assessment" is provided in **Appendix C** to this letter, which has been completed for the new 35-lot subdivision design.
- 14 To summarise:
- (a) the subdivision activity has the status of non-complying under Rule 7.3.3(i)(c). After completing a gateway assessment, we conclude that the proposal meets the requirements of section 104D of the RMA; and
  - (b) the residential lots proposed within the area affected by the Building Line Restriction overlay require a restricted discretionary land use consent under Rule 12.7.7.

#### Financial contributions

- 15 We have reviewed the history of financial contributions made by the Trusts for services connections. We understand that all of these contributions have been converted into services for land already developed, and there are no existing contributions that have not been realised.
- 16 Therefore the applicant is not pursuing this point any further.

#### Protection of archaeological sites

- 17 The protection of historic sites is detailed in the Heritage Impact Assessment attached to this Letter at **Appendix D**, and is summarised further below in this letter.

#### Roading

- 18 See **Appendix E** for the response to your roading questions. There are no significant changes proposed to the roading element of the proposal, other than:
- (a) a right of way has been added, which provides access to new Lots 26, 27, 28, and 29 (refer to Appendix A at page 2).
- 19 The above changes are to minimise the effects on the historic water race, by minimising the amount of driveway crossing over this portion of the water race.

#### Reserves (Lot 200)

- 20 See Appendix E for the response to your reserve question. There are no significant changes proposed to the reserve element of the proposal, other than:
- (a) the area of land that made up original Lot 26 is now included in Lot 200 instead; and
  - (b) a portion of the land that made up Lot 25 is now included in Lot 200 instead.
- 21 The above changes are in response to Rough and Milne's recommendations regarding landscape amenity and visual amenity effects, as discussed in more detail below.

#### Services

- 22 See **Appendix E** for the response to your services questions. There are no significant changes proposed to the services element of the proposal, other than:
- (a) the amendments required to service a 35 lot subdivision, as opposed to a 38 lot subdivision.

### **Additional information**

- 23 The applicant has commissioned further analysis, by various experts in the project team, of the impact of the proposal on visual amenity and landscape values, and effects on heritage values. The outcome of this analysis and recommended changes to the proposal are discussed below. The applicant proposes to adopt these changes recommended by their experts.

### Effects on visual amenity and landscape values

- 24 A fulsome Landscape Assessment from Rough and Milne Landscape Architects is attached to this letter at **Appendix F**. Key findings of the Assessment are as follows:
- (a) the development envisaged by this subdivision proposal carries and builds upon the existing development along Terrace Street. Therefore, one needs to consider that landscape effects will be in the context of this adjacent, and, in places recent, residential development;
  - (b) the proposal in its original form poses potential landscape effects on the open space, heritage, landscape, and natural character values of the subject site and surrounding environment being sought to be maintained by the current RRA(4) zoning; and
  - (c) the effects arising from the non-compliances of the subdivision proposal on the visual amenity are relatively contained to the immediate site surroundings, with some areas of the proposed subdivision being clearly visible, in particular to the east from the Bannockburn Boat Ramp and Reserve.
- 25 As a result of the key findings, Rough and Milne recommended a number of mitigation measures, including:
- (a) the number and size of lots should be amended by removal of at least three, being Lots 26, 27 and 32;
  - (b) the land that was Lot 26 should be included in Lot 200; and
  - (c) the current subdivision lot layout should be refined, Lot 25 reconfigured and Lots 27 and 32 absorbed by Lots 28-38 to reduce the number of lots on the south slope.
- 26 A full list of the recommended mitigation measures can be found at page 4 of the Assessment.
- 27 Rough and Milne concluded that if the above mitigation measures were adopted:
- (a) then any potential adverse landscape effects will be appropriately mitigated, as the nature and scale of the revised development will maintain the landscape values and character of the Cromwell Basin; and

- (b) adverse effects on visual amenity overall will be reduced to moderate-low.
- 28 The applicant has accepted and adopted all of the above recommendations and amends the proposal accordingly.

#### Effects on heritage values

- 29 A detailed Heritage Impact Assessment, from Mathew Sole of Kopuwai Consulting, is attached to this letter at Appendix D. Key findings of the Assessment are as follows:
- (a) Water Race Hill and the adjoining Revell's Gully, and interconnected, Slaughteryard Hill, contain a significant and diverse array of recorded and un-recorded archaeological sites and features associated with early 1860's goldmining through to the 1930's, as well as commonage grounds, farm stading, a historic main street stable site and hotel orchards;
  - (b) the historic heritage elements found on Water Race Hill, can be loosely grouped into the following categories:
    - (i) water races - main stem and minor distribution;
    - (ii) sluice faces, sluice gulches, sludge channels and tailings;
    - (iii) historic fences; and
    - (iv) reservoir and stacked schist rock retaining features.
  - (c) of the above four groups of heritage elements, only the water races and the historic fences will be physically affected by the subdivision proposal;
  - (d) the elements of twin water race components on Water Race Hill, which serviced the gold workings and later coal mines, the lower of twin branches, is proposed to be integrated into subdivision road reserve. Some less legible portions of the upper twin branch water race remnants will be sacrificed for destruction, along with identified fence sections, subject Heritage NZ approval via the pending archaeological authority application informed by this archaeological assessment;
  - (e) the lower water race along the bottom of the subdivision boundary along the true left of Shepherd's Creek servicing sluicing's along the creek and around to Revell's Gully is proposed for adaptive reuse as an informal bare ground walking trail in the old race formation within Lot 200. It is proposed for an archaeological authority to adaptively reuse the Shepherd's Creek water race in this way. No modification would be required to demarcate the trail, other than some pegging/trail marking, and bramble vegetation clearance;
  - (f) the partial removal of a section of the early farmstead fencing is recommended, subject to storing and reusing these old fence posts when maintaining those fence lines that are being retained, such as along the Shepherd's Creek Lot 4 boundary;
  - (g) a number of other recommendations were made, see the attached Heritage Impact Assessment at *Recommendations*;

- (h) overall, there has been a high level of design and significant investment in identifying remaining heritage values and incorporating them into the Water Race Hill subdivision and respecting the wider the DJ Jones and NR Searell Family Trusts property potential. These heritage values with the significant landscape attributes have been considered and sensitively designed into the subdivision.

### Conclusion

- 30 We trust that the above information satisfies your Request for Further Information. Should you require further information, please contact the authors.

Yours faithfully  
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