

# SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

## Section 95A Resource Management Act 1991

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To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

## DETAILS OF SUBMITTER

Full name: Central Otago Heritage Trust

Contact person (if applicable):

Derek Graye Shatkky

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

Telephone: 0274 995 141

Postal address (or alternative method of service under [section 352](#) of the Act):  
10 Coulson Place. Alexandra

This is a submission on the following resource consent application: RC No: **210170**

Applicant: **Brassnocker Road Limited Partnership** Valuation No: **2846204103**

Location of Site: **Brassnocker Road, Chatto Creek**

Brief Description of Application: **Non complying (15) lot subdivision plus (2) lots to vest as legal road and (1) lot to be held in common in Rural Resource Area**

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

Heritage matters

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.*

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Please refer to attached submission

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

Please refer to attached submission

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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.”*

*DC Shattley*

15/09/2021

**Signature**

**Date**

*(to be signed by submitter or person authorised to sign on behalf of submitter)*

**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 ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

**To:** The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

## DETAILS OF SUBMITTER

**Name:** Central Otago Heritage Trust  
**Contact:** Derek Graye Shattky  
**E-mail:** grayeshattky@gmail.com **Tel:** 0274 995 141  
**Address:** 10 Coulson Place. Alexandra

This is a submission on the following resource consent application: **RC No:210170**

**Applicant:** Brassknocker Road Limited Partnership Valuation No: **2846204103**

**Location of Site:** Brassknocker Road, Chatto Creek

**Brief Description:** Non-complying (15) lot subdivision plus (2) lots to vest as legal road and (1) lot to be held in common in Rural Resource Area

### Our Submission

We draw the District Council and the Applicant's attention to the fact that two water races, both examples of historic heritage built before 1865, traverse the proposed subdivision site. Given the potential for these races to be adversely affected during the development (in particular by modification as a consequence of installing culverts and utilities, the COHT submits that it is necessary that the proposal be considered in the light of the provisions of the Resource Management Act Sec 7, the NZ Heritage Pouhere Taonga Act and the CODC's District Plan Provisions: 4.1, 4.2.2, 4.2.15, 4.3.2, 4.4.10 (g), 4.7.3 (iv), 4.7.3(iv), 4.7.3 (v1) 10, 4.7.4 (iii) 1., 14.1, , 14.3.2, 14.4.2, 14.4.6 and 14.4.7

Collectively, the above provisions specifically note the *"special and distinctive character of Central Otago's landscapes and the contribution of archaeological and historic heritage features to that character."* They also provide for the recognition, assessment, protection and preservation of the heritage values associated with such features.

### Known Heritage Elements

The subject property was once part of the Moutere Run, the first Central Otago pastoral occupation license taken up by Messrs Watson, Sheehan and Johnson in March 1858. The two water races traversing the property (see subdivision plan) were constructed before 1865; the Upper race (bordering Lots 9 -15 and Lot 16) is known as the Manuherekia Irrigation Race; the second, lower race is now identified as the Alexandra Borough Race which once supplied domestic water to Alexandra.

Both races, by reason of age and the history surrounding their construction and use, are recognised as 'historic heritage' which leads the COHT to believe that there may well be other undiscovered heritage values on the site that deserve to be properly explored, assessed and if appropriate, protected.

### **Assessment of Environmental Effects**

In our view, the Application's assessment of environmental effects does not provide sufficient certainty for the Council to make a decision in the following aspects:

- a. *Para 2.3.6 Entrances* refers to a proposed de-commissioning of the Borough Race, thereby avoiding any requirement for bridges or culverts, overlooking it seems, the fact that the Race is a *historic heritage* element afforded protection by the references noted above.
- b. *Para 2.10 Landscape and Design Controls* makes no provision for the protection of historic heritage, which is contrary to the objectives and policies of the District Plan
- c. *Para 3.2 Assessment Matters*. The COHT notes with interest, that despite acknowledging the presence of the two water races, (para 3.2) the application ignores their archaeological and historic heritage significance and is seemingly oblivious to the considerable potential for those races and other historic heritage to be modified or damaged by preliminary landscaping, roading, drainage and reticulation activities. Compliance by future owners is not the whole answer, as the layout of the subdivision as shown in the application plans is expected to potentially impact on the structure and heritage character of the water races on the application site. Future owners will be required to follow the terms of the subdivision plan, and therefore the potential impacts of those modifications need to be assessed before consent is granted. This is a non-complying activity where the applicant must demonstrate that the impact of the activity is not contrary to the provisions of the District Plan. This is difficult for the Council (and indeed the public) to assess when no information as to these impacts has been provided to the Council.
- d. *Para 3.3 Objectives and Policies* The applicant does not discuss the policies and objectives that apply to heritage buildings, places, sites and objects.

### **Conclusion**

**COHT neither supports or opposes the application;** however, we do consider that the application brings to public attention heritage values associated with Central Otago's gold mining era and more specifically, the provision of a water supply to the early settlement of Alexandra. Consequently:

- a. **We request that prior to Council's further consideration of this application, the Applicant be required to undertake an archaeological survey and provide an assessment of the site's heritage values together with proposals to ensure the on-going preservation of those values.**

Alternatively,

- b. **We request that the CODC, when considering the resource consent, apply conditions which will ensure that both the water races and any associated historic heritage are appropriately protected from inappropriate modification or accidental damage during development of the subdivision.**

Further we request that:

- c. **The Council record for each individual section, where appropriate, the presence of historic**

**heritage features such as a historic water race**, in order that that this information be preserved by way of Land Information Management reports and be available to future purchasers;

- d. **The CODC note both water races for inclusion on Schedule 19** when the District Plan is reviewed, and the schedule updated.

**We wish to be heard in support of the submission.**

**We are not a trade competitor for the purpose of section 308B of the Resource Management act1991.**

**We are not directly affected by an effect of the subject matter of the submission that**

- a. **adversely affects the environment.**

**We will consider presenting a joint case if others make a similar submission.**

**We do not request, pursuant to Section 100A of the Act, that you delegate your functions, powers and duties to hear and decide the application to one or more hearing commissioners who are not members of the local authority.**

A handwritten signature in black ink, appearing to read "D. Shattley". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

16 September 2021