

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

	ENV-2024-CHC-
Under	The Resource Management Act 1991 (the Act)
In the Matter	of an appeal pursuant to clause 14 of schedule 1 of the Act, concerning the Central Otago District Plan – Plan Change 19
Between	GRAEME CROSBIE Appellant
And	CENTRAL OTAGO DISTRICT COUNCIL Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
ON PLAN CHANGE 19**



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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
ON PLAN CHANGE 19**

To: The Registrar

Environment Court

Christchurch Registry

1. Graeme Crosbie appeals against a decision of the Central Otago District Council Plan Change 19 (**PC19**).
2. Mr Crosbie made a submission regarding PC19 (OS117; FS202).
3. Mr Crosbie is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991
4. Mr Crosbie received notice of the decision on 27 June 2024.
5. The decision was made by the Central Otago District Council (**CODC**).
6. Mr Crosbie appeals part of the decision as follows:
 - (a) PC19 Hearing Panel's Report section 5.4.1 which determined that Domain Road Vineyard at 46 Domain Road (**Site**) would not be rezoned to Large Lot Residential Zone (**LLRZ**).
7. The reasons for the appeal are:
 - (a) The Site is presently zoned Rural Resource Area. The Site sits comfortably within the Bannockburn township and has residential zones bordering the Site on 3 sides.
 - (b) The Site was identified for rezoning in the notified version of Plan Change 19.
 - (c) Developing the Site is a logical extension of Bannockburn. The Site is able to be serviced by the CODC's infrastructure and would provide housing capacity in an area where there is high demand.
 - (d) There is demand for housing capacity within Bannockburn, and the Decision defers addressing this to some unknown point in the future.

- (e) The Decision fails to appropriately weigh the benefits of rezoning the land. The Panel acknowledges that the Site is appropriate for development and would provide infilling of development in Bannockburn.
 - (f) Rezoning the Site would align with LLRZ objectives and policies as it would be well-connected to the surrounding Bannockburn area.
 - (g) The Decision places too much weight on the potential loss of amenity and character by rezoning the Site. The Site is not in any landscape or heritage and culture areas.
 - (h) The Site is not subject to the National Policy Statement for Highly Productive Land 2022 (**NPSHPL**).
 - (i) The Decision errs in finding it necessary to undertake further review of zoning for Bannockburn generally, deferring a decision on appropriate zoning of the Site through Plan Change 19.
 - (j) Strict adherence to the Cromwell Spatial Plan extent is flawed, particularly given the higher than expected growth in demand for housing capacity since the Cromwell Spatial Plan was developed. Zoning decisions should be responsive to new information regarding housing demands.
 - (k) Rezoning the site is appropriate and is an efficient and effective method to the achieve the objectives of PC19.
 - (l) Rezoning the site to Large Lot Residential would be consistent with the Council's function and the purpose of the Resource Management Act 1991.
8. Mr Crosbie seeks the following relief:
- (a) The whole of the Site is rezoned to Large Lot Residential 1.
9. The following documents are attached to this notice
- (a) A copy of Mr Crosbie's original submission and further submission.

- (b) A copy of the relevant part of decision;
- (c) A list of names and addresses of persons to be served with a copy of this notice.



Bridget Irving / Hannah Perkin

Solicitor for the Appellant

Date: 23 July 2024

Service details for Appellant:

Attention	Bridget Irving / Hannah Perkin
Address	Galloway Cook Allan Lawyers 123 Vogel Street, Level 2 DUNEDIN 9054
Telephone	(03) 477 7312
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Email (preferred)	bridget.irving@gallowaycookallan.co.nz hannah.perkin@gallowaycookallan.co.nz

Advice to Recipients of Copy of Notice

How to Become a Party to Proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. Your right to be a party to the proceedings in the Court may be limited by the trade competition

provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to Obtain Copies of Documents Relating to Appeal

The copy of this notice served on you does not attach a copy of the relevant decision. These documents may be obtained, on request, from the Appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

List of names of persons to be served with this notice

Name	Address	Email Address
Gordon Stewart	452 Bannockburn RD2, Cromwell, 9384	Bannockburn452@gmail.com
Gordon and Jenn McGregor	8a Terrace Street, Bannockburn, RD2, 9384	gkmcgregor@gmail.com
Brigid Anne & Jason David Short	22 Domain Road, RD 2, Bannockburn	shortsff@xtra.co.nz
David Olds	151 Paterson Rd, RD 2, Cromwell, 9384 (Bannockburn)	David.olds@aderant.com
Donna Hall	78 Hall Road, Bannockburn	donna@donnahall.nz
Antony P Lingard	26 Domain Road, Bannockburn	N/A
Perkins Miller Family Trust	35 Domain Road, Bannockburn	harvey@peopleandplaces.co.nz
Astrid Gleneblaza	8 Seager Lane, Hillmorton, 8024, Christchurch	Astrid.geneblaza@gmail.com
Niall & Julie Watson	440 Bannockburn Road	njwatsonnz@gmail.com
Peter and Ngaire Grellet	33 Domain Road, Bannockburn	grellet@xtra.co.nz

Suz Allison	29 Domain Road, Bannockburn	suznlloyd@xtra.co.nz
Jill Marshall	407 Jubilee Hill Road, RD2, Otautau	Landjmarshall72@gmail.com
Jack Longton and Karen Lilian Searle	6 Hodson Road, Bannockburn	jack@tiqvah.co.nz
Robyn Jane Fluksova and Jindrich Fluksa	24 Domain Road Bannockburn 9384	jfluksa@yahoo.co.nz
Professor Jennifer Dixon	20 Pacific Parade, Surfdale, Auckland 1081	Jennydixon017@gmail.com
Meirion (Mike) & Celia Davies	16 Uxbridge Street, Dunedin 9010	mikecelia@yahoo.com
Dr Wendy Bamford and Mr Graham Bamford	26 Hall Road, Bannockburn, RD2, Central Otago	wbamford@xtra.co.nz
Jim and Diane Walton et al	39 Domain Road Bannockburn, 41 Domain Road Bannockburn	jwwdhw@gmail.com
Geoffrey Owen and Ingrid Janice Poole	18 Kowhai Drive, Wanaka, 9305	poolefam@xtra.co.nz

James Dicey	128 Cairnmuir Road, RD 2, Bannockburn, 9384	James@dicey.nz
Residents for Responsible Development of Cromwell	21 Magnetic Place, Cromwell	T.tinworth@xtra.co.nz
Mason and Julie Stretch	36 Terrace Street, RD 2, Cromwell, 9384	Kapatotoro@outlook.com
Jones Family Trust and Searell Family Trust	Town Planning Group, PO Box 2559, Queenstown	craig@townplanning.co.nz
Bannockburn Responsible Development Inc.	128 Cairnmuir Road, RD 2, Bannockburn, 9384	James@dicey.nz
John and Rowan Klevstul and Rubicon Hall Road Ltd	Town Planning Group, PO Box 2259, Queenstown	office@townplanning.co.nz
James and Gillian Watt	68 Hall Road, RD 2, Cromwell	James.b.watt53@gmail.com
Ralph Allen and Jostina Riedstra	6 Kakapo Street, St Leonards, Dunedin, 9022	ralphallen@orcon.net.nz
Roger Evans	286 Peninsula	Roger.evans@stafford.co.nz

Family Trust	Road, Kawarau Falls, Queenstown, 9300	
Ros and Peter Herbison	45 Domain Road, Bannockburn, 9384	rospete@xtra.co.nz
Werner Murray	23A Miners Terrace Bannockburn	carolynwerner@mac.com
Kōraki Limited	27 Pipeclay Gully Road, RD 2 Cromwell	klscott@outlook.co.nz
Harold Kruse Davidson	206 Hall Road, RD 2, Cromwell 9384	Krusedavidson@hotmail.com Della@landpro.co.nz
Charles and Nicola Hughes	10 Terrace Street	Charliehugs76@gmail.com
Britta Sonntag	55 Hall Road RD2 Cromwell 9384	Britta_huwald@hotmail.com
Cairine Heather MacLeod	PO Box 248 Cromwell 9342	campbell@chasurveyors.co.nz

Resource Management Act 1991

Submission on Notified Proposed Plan Change to Central Otago District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

(FORM 5)

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

Details of submitter

Name: Graeme Crosbie _____

Postal address: 29 Hall Road Bannockburn

(Or alternative method of service under section 352 of the Act)

Phone: _021 2247661

Email: info@domainroad.co.nz

Contact person: _____
(Name & designation, if applicable)

This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).

I am not* a trade competitor for the purposes of section 308B of the Resource Management Act 1991
*(*select one)*

I am not 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.*

The specific provisions of the proposal that my submission relates to are:

(details, attached on separate page)

Bannockburn LLRZ – Domain Road Vineyard _____

Bannockburn LLRZ – Lot Sizes _____

This submission is:

on separate page

I / We seek the following decision from the consent authority:

(Give precise details, including the general nature of any conditions sought)

Alter the proposed Bannockburn LLRZ lot size to 1000m2 _____

- I support the application
- I do not wish to be heard in support of this submission
- I will consider presenting a joint case if others make a similar submission

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.

Signature _____

Date _____

2 September 2022

Submissions close at 4pm on Friday 2 September 2022

Submissions can be emailed to districtplan@codc.govt.nz

Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a 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.*

Domain Road Vineyard - LLRZ

As one of the owners of Domain Road Vineyard, my Submission generally supports the rezoning of the vineyard as LLRZ.

Domain Road Vineyard fits naturally to within the boundaries of Bannockburn and infrastructure already exists to support this. It is important to us however that we can still carry on our viticultural practices with existing use rights.

Bannockburn LLRZ – Lot sizes

My submission calls for an amendment to the Bannockburn LLRZ lot size.

All of the current land zoned for residential in Bannockburn, plus the Domain Road Vineyard land, is contained within the proposed Large Lot zone under Plan Change 19. It is proposed that this Large Lot zone has minimum lot size of 2000m². This represents an increase in minimum lot size which currently is 1500m² with an average of 2000m². Typically general community expectation is that minimum lot sizes decrease over time to allow for increased infill subdivision opportunities to make increased use of existing infrastructure. However at present this Plan Change does not do this.

I submit that a minimum lot size of 1000m² would allow for infill where properties are currently less than 4000m². 1000m² lot size would still allow for adequate amenity space within the community. The current minimum lot size is 1500m² and it would seem counterproductive to be increasing this.

Resource Management Act 1991

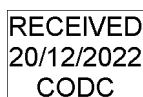
FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE TO THE CENTRAL OTAGO DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991

(FORM 6)

19/202

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



Name of person making further submission

Name: Graeme Crosbie_____

Postal address: 46 Domain Road, Bannockburn,

(Or alternative method of service under [section 352](#) of the Act)

Phone: 0212247661_____

Email: info@domainroad.co.nz_____

Contact person: Graeme Crosbie_____

(Name & designation, if applicable)

This is a further submission in support of (or in opposition to) a submission on Proposed Plan Change 19 to the Central Otago District Plan.

I am:

1. A person representing a relevant aspect of the public interest, the grounds for saying this being:

.....; or

2. A person who has an interest in the proposal that is great than the interest the general public has, the grounds for saying this being:

Owner of affected property at 46 Domain Road.....; or

(Please state whether you are a person who may make a submission under 1 and/or 2 above and also specify/explain the grounds for saying that you come within category 1 and/or 2)

3. The local authority for the relevant area.

I support (or oppose) the submission of:

See attached submissions on Plan Change 19
(Please state the name and address of original submitter and submission number and submission point number of the original submission)

The reasons for my support (or opposition) are:

See attached submissions
.....
.....
.....

(Please give reasons and continue on an additional page if necessary)

I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):

As per my attached submissions.....
.....
(Please give precise details)

I wish to be hearing in support of my further submission.

If others make a similar submission , I will consider presenting a joint case with them at a hearing.
(Please delete if you would not consider presenting a joint case)

.....
Signature of person making Further Submission
(or person authorised to sign on behalf of person making further submission)
(A signature is not required if you make a submission by electronic means)

Date: ...19 December 2022.....

Email: ...info@domainroad.co.nz.....

Telephone No: 0212247661

Postal Address: 46 Domain Road
Bannockburn 9384
.....

Contact Person: Graeme Crosbie, owner Domain Road Vineyard Ltd
(name & designation, if applicable)

Submissions close at 4pm on Tuesday 20 December 2022

Submissions can be emailed to districtplan@codc.govt.nz

Note to person making submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

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.

Plan Change 19

Submission Number	name	Support /oppose	Reason for support opposition
34	Gordon Stewart	Support	Sensible to look at reducing lot sizes in Bannockburn town
27,71, 86, 115	McGreggor, Short, Olds, Hall	Oppose	Rezoning of Domain Road is a sesnsible extension to the Bannockburn town being mostly serviced and surrounded on three sides by residential activity.
45, 52, 78, 85, 92, 103, 105, 119, 120, 154	Lingard, Perkins Miller, Geneblaza, Watson, Grellet, Allison, Marshall, Longton and Searle, Fluksa, Dixon.	Oppose in part	Rezoning of Domain Road is a sesnsible infill extension to the Bannockburn town being mostly serviced from Domain Road and a sewage connection terminating in the Bannockburn Domain. The site is currently surrounded on three sides by residential activity, The 4th side has a 4 lot residential developement. Lot size and building platform setback should be in keeping with the Bannockburn residential zoning rules. I appose rezoning south from Bannockburn to Schoolhouse Road while existing infill sites exist.
56, 84, 97, 101	Davies, Bamford, Walton, Owen and Poole	Oppose	Rezoning of Domain Road is a sesnsible infill extension to the Bannockburn town being mostly serviced from Domain Road and a sewage connection terminating in the Bannockburn Domain. The site is currently surrounded on three sides by residential activity, The 4th side has a 4 lot residential developement. Lot size and building platform setback should be in keeping with the Bannockburn residential zoning rules.
70, 75	J Dicey, Residents for Responsible Development of Cromwell group.	Oppose in part	2000m site size for Bannockburn LLRZ is excessive and a more sensible size should be adopted. Rezoning of Domain Road is a sesnsible infill extension to the Bannockburn town being mostly serviced from Domain Road and a sewage connection terminating in the Bannockburn Domain. The site is currently surrounded on three sides by residential activity, the fourth side has a rural residential activity with four residential sites.
74	Stretch	Oppose in part	2000m site size for Bannockburn LLRZ is excessive and a more sensible size should be adopted.
82	Jones Family Trust, Searelll Family Trus	Support in part	Amend the LLRZ (S1) and SUB-S1 to provide for a minimum of 1000m2 and an average of 1500m2 in Bannockburn. More sensible lot size.

140	J Dicey	Oppose	2000m site size for Bannockburn LLRZ is excessive and a more sensible size should be adopted. Rezoning of Domain Road is a sensible infill extension to the Bannockburn town being mostly serviced from Domain Road and a sewage connection terminating in the Bannockburn Domain. The site is currently surrounded on three sides by residential activity, the fourth side has a rural residential activity with four residential sites.
163	Klevstyl, Ruibicon Hall Road Ltd	Oppose	I oppose rezoning south from Bannockburn to Schoolhouse Road while existing infill sites exist.

5.4 PC19 Proposed Zoning - Bannockburn

5.4.1 Domain Road Vineyard Zoning



Figure 3 – Bannockburn

150. Key matters raised by submitters opposed to the proposed re-zoning included that Domain Road Vineyard was not included in Spatial Plan and therefore was not part of wider community consultation; that there are other options for growth that will not have the same effects on the settlement that have not be explored; loss of productive use, and the impact on views and character of the Township Effects not having properly been considered.
151. Mr Dicey⁴⁵ presented his view that the Domain Road Vineyard is afforded protection under NPS-HPL. The Panel does not agree with this position, however as noted by Ms White in the Stage 2 s42A Report, while the NPS-HPL does not apply to this site, that does not mean that the Panel cannot consider the effect of the rezoning in terms of impacts on productive use of the Domain Road Vineyard site.
152. A number of submitters oppose the proposed LLRZ zoning of the Domain Road Vineyard in Bannockburn. Allen & Jostina Riedstra⁴⁶ oppose LLRZ of their property at 49 Domain Road, which is located to the south-west of the Vineyard, preferring to retain the existing zoning.
153. In his evidence to the Panel, Graeme Crosbie⁴⁷ supports Domain Road Vineyard being zoned LLRZ, emphasising the largely urban surrounding of the site, and the impact of this on vineyard operations in terms of reverse sensitivity.
154. The zoning of this site is discussed by Ms White in her Stage 2 s42A report, where she confirms her view that the location of the site would provide a logical expansion of the

⁴⁵ Submitter #70

⁴⁶ Submitter #29

⁴⁷ Submitter #117

township, the site is able to be serviced by Councils Infrastructure, and it would assist in providing supply in an area where there is high demand.

155. Following the hearing of submissions Ms White in her reply considered that given the loss of the productive use of the land and the high level of amenity and character the community derive from the rural use of the site, and should the Panel agree to recommend that the Council consider growth options in Bannockburn further through a township-specific Spatial Planning exercise, then it would be appropriate to consider the Domain Road vineyard site as part of such a process, rather than rezoning it now.

Panel Findings

156. The Panel has considered the submissions received in relation to the proposed re-zoning of the Domain Road Vineyard and while the Panel considers that the Vineyard site is a logical extension of the township, as indicated by Ms White, this needs to be balanced against the loss of the productive use of the land and the high level of amenity and character the community derive from the rural use of the site.
157. The Panel finds that it would be more appropriate for the Domain Road Vineyard to remain rural at this time.

5.4.2 Bannockburn Density/ Minimum Allotment

158. PC19 applies the LLRZ to Bannockburn Township, which results in a minimum density requirement of 2000m². This was applied to be broadly consistent with the current zoning, which, while applying a lower minimum of 1500m², requires an average of 2000m².
159. The Panel heard continued support from some submitters for the proposed 2000m² minimum being applied, on the basis that this is considered consistent with character of the area.
160. Other submitters continue to support a lower minimum of 1000m² applying in Bannockburn. Some noting that there are already some sections in Bannockburn of this size, and it is therefore better to plan for this rather than allow it only on an ad hoc basis as it would assist in addressing the lack of supply to meet demand and provide for a more flexible range of densities at Bannockburn reflecting the pattern of development which has occurred to date in Bannockburn and provide for a more efficient use of land for housing.
161. While supporting a lower minimum lot size of 1000m², Mr Barr in his evidence seeks that this is coupled with an average of 1500m² being applied. He considers that 1500m² is a better reflection of the development which has occurred to date and not detrimental to character of Bannockburn.
162. This was supported by Mr Milne, who states that the pattern of settlement in Bannockburn consists of large lot residential varying in size from 1500m² - 3000m² with some smaller 1000m² sections closer to town centre. He considers 1000m² min and