

**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	KŌRAKI LIMITED and SCOTTSCOTT LIMITED 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. Kōraki Limited and ScottScott Limited (“**the Appellants**”) appeal against a decision of the Central Otago District Council Plan Change 19 (**PC19**).
2. The Appellants made a submission regarding PC19 (OS143; FS197).
3. The Appellants are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991
4. The Appellants received notice of the decision on 27 June 2024.
5. The decision was made by the Central Otago District Council (**CODC**).
6. The Appellants appeal part of the decision as follows:
 - (a) PC19 Hearing Panel’s Report section 5.8.5 which determined that land at 186 Hall Road and 27 Pipeclay Gully Road¹ (**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 close to the Bannockburn township. Developing the Site is a logical extension of Bannockburn. It is possible for the Site to be serviced by the CODC’s infrastructure, and rezoning the Site would provide housing capacity in an area where there is high demand.
 - (b) There is demand for housing capacity within Bannockburn, and the Decision defers addressing this to some unknown point in the future.

¹ Lot 1 DP 469342, Lot 2 DP 469342, Lot 3 DP 469342, and Section 1 SO 480705.

- (c) The Decision fails to appropriately weigh the benefits of rezoning the land.
 - (d) Rezoning the Site would align with LLRZ objectives and policies as it would be well-connected to the Bannockburn area.
 - (e) The Decision places too much weight on servicing constraints. The Site can be reasonably serviced by way of a privately funded upgrade or through a future council led upgrade.
 - (f) The Site, which is 7ha, is mapped as Land Use Capability Class 3 in the New Zealand Land Resource Inventory. The Site would meet the exception in clause 3.6(4) of the National Policy Statement for Highly Productive Land 2022.
 - (g) 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.
 - (h) 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.
 - (i) Rezoning the site is appropriate and is an efficient and effective method to the achieve the objectives of PC19.
 - (j) Rezoning the site to LLRZ would be consistent with the Council's function and the purpose of the Resource Management Act 1991.
8. The Appellants seek 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 the Appellants' 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: 9 August 2024

Service details for Appellant:

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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.

Original Submission

RESOURCE MANAGEMENT ACT 1991 – FORM 5

SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE TO CENTRAL OTAGO DISTRICT COUNCIL

Clause 6 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council
PO Box 122
Alexandra 9340

SUBMITTER: Kōraki Limited

ScottScott Limited

1. This is a submission on proposed Plan Change 19 (Plan Change 19) to the Operative Central Otago District Plan (Operative CODP).
2. Kōraki Limited and ScottScott Limited could not gain an advantage in trade competition through this submission.
3. This submission relates to Plan Change 19 in its entirety.
4. Kōraki Limited and ScottScott Limited wish to be heard in support of this submission and will consider presenting a joint case with other parties that make a similar submission.

General submission

5. Kōraki Limited and ScottScott Limited own the following parcels of land as identified below in Figure 1.

Kōraki Limited

Lot 1 DP 469342

Lot 2 DP 469342

Section 1 SO 480705

ScottScott Limited

Lot 3 DP 469342



Figure 1: Land in Bannockburn owned by Kōraki Limited & ScottScott Limited

6. The parcels of land are located at the edge of the existing Bannockburn residential zoned land; they are accessed from Hall Road, and Pipeclay Gully Road, albeit all of the land can be accessed via Hall Road.
7. It is considered that Lot 1 DP 469342, Lot 2 DP 469342, Section 1 SO 480705 and Lot 3 DP 469342 provide a logical extension to the Bannockburn residential area currently recognised as Residential Resource Area 4 (RR4) in the Operative CODP and the Bannockburn 'Large lot' residential zone proposed in Plan Change 19.
8. Figure 2 identifies RR4 as scheduled in the Operative CODP.

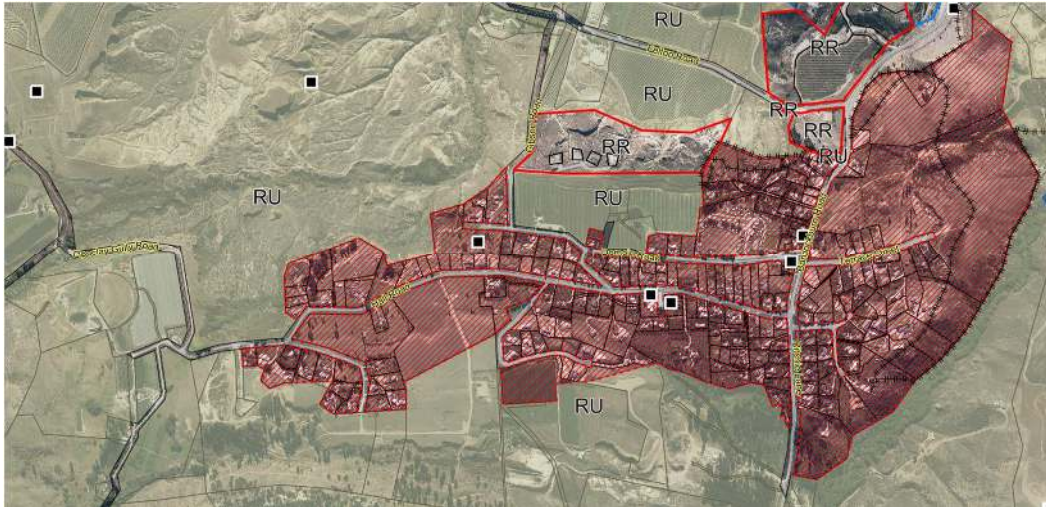


Figure 2: RR4 in the Operative CDDP

9. Figure 3 identifies the Bannockburn 'Large lot' residential zone proposed to replace RR4 under Plan Change 19.

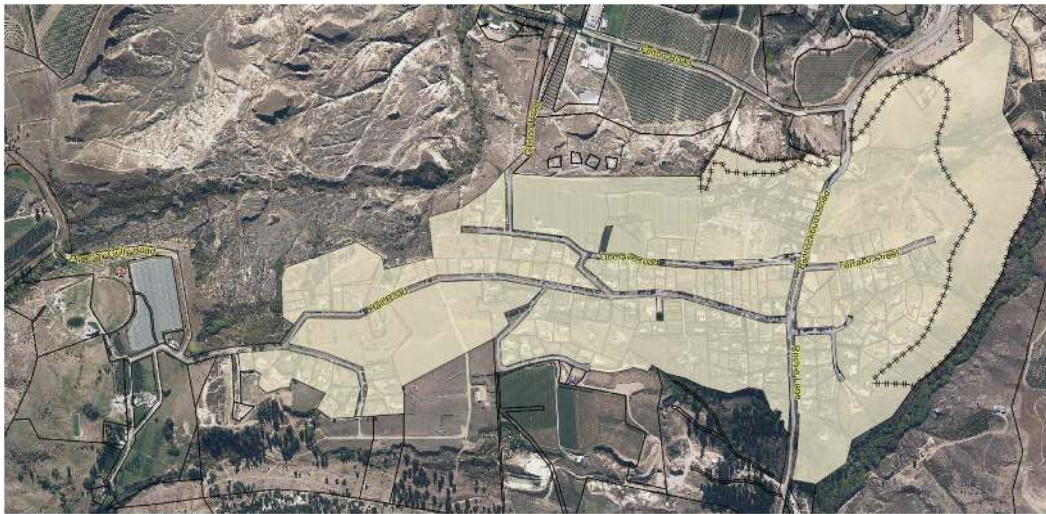


Figure 3: Plan Change 19 'Large lot' residential zone

10. Despite ongoing high demand for residential property in Bannockburn, as well as elsewhere within the district Plan Change 19 fails to recognise the land owned by Kōraki Limited and ScottScott Limited as suitable to be rezoned in line with the wider Bannockburn township.

11. This is despite the parcels of land being accessible from Hall Road (and Pipeclay Gully Road) and being currently serviced by council's reticulated water system and outside any significant amenity landscape notations.

12. Plan Change 19 also proposes to increase the minimum lot size anticipated for subdivision in Bannockburn from 1500 m² to 2000 m². This is a significant increase and doesn't correspond to the pattern of subdivision that has been routinely consented in Bannockburn over the life of the Operative CODP, and may well be contrary to the National Policy Statement for Urban Development 2020 (NPS-UD).
13. The NPS-UD strongly encourages Tier 3 authorities to do the things that Tier 2 and Tier 1 authorities must do under Part 2 and Part 3 of the NPS-UD. [Section 1.5 NPS-UD]. This includes providing sufficient development capacity for housing.
14. Kōraki Limited and ScottScott Limited support the intent of the Plan Change 19 to resolve ongoing issues with the Residential Resource Chapter and associated zoning, however, seeks that the 'Large Lot' residential zone over Bannockburn is extended over Lot 1 DP 469342, Lot 2 DP 469342, Section 1 SO 480705 and Lot 3 DP 469342 and that the minimum lot size for restricted discretionary subdivisions is maintained at 1500 m³.

Specific reasons

15. Plan Change 19 fails to provide adequate land for residential development in Bannockburn, despite extensive infill subdivision demonstrating a demand/need for additional land resources in Bannockburn to cater for growth.
16. The land available for development in Bannockburn as identified in Plan Change 19 is primarily located to the east of Bannockburn Road, however this land is subject to building line restrictions which potentially limit the extent to which it can be developed and materially effects the potential yield achievable in this area.
17. The extension of land for development to the west of Hall Road will provide for additional land suitable for residential development and avoids extended development of larger lot rural land located to the South of Bannockburn.
18. Kōraki Limited and ScottScott Limited proposes that the Plan Change 19 'Large lot' residential zone for Bannockburn is extended over properties that are accessible from Hall Road (as key route identified in the Cromwell Spatial Plan), are or will be serviced in future via council's reticulated water supply system and are not impacted by the Significant Amenity landscape (SAL) to the west of the Hall Road.
19. Included below is brief description of the characteristics of Lot 1 DP 469342, Lot 2 DP 469342, Section 1 SO 480705 and Lot 3 DP 469342 that make them suitable to be included within the Bannockburn 'Large lot' residential zone.

Accessible

20. Plan Change 19 fails to recognise that the length of Hall Road (before it turns south) is identified as a 'key road' in the Cromwell Spatial Plan. Plan. The lots at the western end of Hall Road are considered accessible, and accordingly, can be incorporated into Bannockburn 'Large lot' zone.

Serviceable

21. The existing dwelling on Lot 3 DP 469342 is already connected to reticulated water. It is understood that that the Bannockburn Water Supply Scheme requires upgrading which is scheduled to occur in 2024/2025, which would seem an opportune time to provide for capacity for subdivision of the western most land on Hall Road. It also seems apparent that council intends to upgrade it within the life of provisions proposed under Plan Change 19. It is therefore considered appropriate to extend boundary of the 'Large lot' zone to the extent of the area that could reasonably be serviced now by way of a privately funded upgrade or via a council led upgrade in the coming years.

Character

22. Immediately to the west of Hall Road, there is land scheduled as a Significant Amenity Landscape in the Operative CODP. It is not considered appropriate that the 'Large lot' zone extends over this land, rather the SAL provides a logical boundary for the Bannockburn 'Large lot' residential zone that is absent from Plan Change 19.
23. Figure 5 identifies the parcels of land that are proposed by this submission to form the new edge of the 'Large lot' zone over Bannockburn. It is noted that lots immediately to the south and east could also be included within the Bannockburn 'Large lot' residential zone based on the reasoning included within this submission and the underlying topography.
24. The lots shown in Figure 5 encompass flat land, which would not result in a proliferation of dwellings that protrude onto the skyline or are out of character with the surrounding residential character of Hall Road.



Figure 4: Lots over which the Bannockburn 'Large lot' residential zone is proposed to extend

Relief requested:

Plan Change 19 is amended to extend the proposed Bannockburn 'Large lot' residential zone over Lot 1 DP 469342, Lot 2 DP 469342, Section 1 SO 480705 and Lot 3 DP 469342

Signed:

2 September 2022

Kate Scott & Scott Levings

Directors Koraki Limited & ScottScott Limited

Contact Details:

Address: 27 Pipeclay Gully Road
RD 2 Cromwell

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Email: klscott@outlook.co.nz

Further Submission

RESOURCE MANAGEMENT ACT 1991 – FORM 6

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

Clause 8 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council
PO Box 122
Alexandra 9340

SUBMITTER: Kōraki Limited
ScottScott Limited

1. This is a further submission in support of or in opposition to submissions on proposed Plan Change 19 (Plan Change 19) to the Operative Central Otago District Plan (Operative CODP).
2. Kōraki Limited and ScottScott Limited is a person who has an interest in the proposal that is greater than the interest the general public has, on the basis that Kōraki Limited and ScottScott Limited own Lot 1 DP 469342, Lot 2 DP 469342, Section 1 SO 480705, and Lot 3 DP 469342 located within the Bannockburn township on the edge of the proposed Bannockburn Large Lot Residential Zone (LLRZ), and on the basis that Kōraki Limited and ScottScott Limited were an original submitter.
3. Kōraki Limited and ScottScott Limited wish to be heard in support of this further submission and will consider presenting a joint case with other parties that make a similar submission.

Further Submission

4. Kōraki Limited and ScottScott Limited makes the following further submissions;

No.	Submitter	Further Submission	Reason	Relief Sought
127	Harold Kruze Davidson	Support	The parcel of land identified is located on the edge of the existing Bannockburn residential zoned land and should be included in the Bannockburn 'Large Lot Residential Zone'.	Allow the submission and extend the LLRZ to cover the land identified by the submitter subject to appropriate servicing and design guidelines.
156	Werner Murray	Support	Support the re-instatement of the multi-unit development rule, on the grounds that there are increasing needs for a variety of housing options, including multi-generational living arrangements as an example. LLRZ should provide for multiple units as they can be absorbed in larger lot sizes subject to appropriate controls.	Allow the submission and provide for multi-unit development within the LLRZ zone.
34	Gordon Stewart	Support in Part	Support the need to consider smaller minimum lot sizes than those proposed by the Bannockburn LLRZ. Minimum lot size of current RR4 zone (1500m ²) should be retained at outer fringes of Bannockburn, but infill development should be considered allowing for smaller sized allotments within the existing developed area of Bannockburn.	Allow the submission provided that the LLRZ for Bannockburn is extended and mixed lot sizes are provided for.
117	Graeme Crosbie	Support in Part	Support the need to consider smaller minimum lot sizes than those proposed by the Bannockburn LLRZ. Minimum lot size of current RR4 zone (1500m ²) should be retained at outer fringes of Bannockburn, but infill development should be	Allow the submission provided that the LLRZ for Bannockburn is extended and mixed lot sizes are provided for.

No.	Submitter	Further Submission	Reason	Relief Sought
			considered allowing for smaller sized allotments within the existing developed area of Bannockburn.	
47	Roger Evans Family Trust	Support	Support the need to provide for Domain Road Vineyard to be zoned as LLRZ including protection of the elevated ridge line from built form. The retention of the rural zoning of this block of land would remain out of character with the rest of Bannockburn and would not provide for the future growth needs of Bannockburn.	Allow the submission as it provides a natural extension of the Bannockburn LLRZ in keeping with the demand for growth, while protecting the ridgeline from in appropriate development.
82	Jones Family Trust and Searell Family Trust	Support in Part	Support the proposal to provide for mixed zoning within this location. This will help to provide for a vibrant and well serviced community within Bannockburn. Support the provision for an average lots size of 1500m2 in the LLRZ.	Allow the submission provided that the LLRZ for Bannockburn is extended and provides for appropriate servicing and design guidelines.

Signed:



20 December 2022

Kate Scott & Scott Levings

Directors Kōraki Limited & ScottScott Limited

Contact Details:

Address: 27 Pipeclay Gully Road
RD 2 Cromwell

Phone: 0274957486

Email: klscott@outlook.co.nz

Decision (Extract)

Panel Findings

317. The Panel accepts the evidence of Ms Muir that the site is unable to be serviced at this time.
318. The Panel agrees with Ms White and considers that it would be more appropriate for the site to remain rural and future growth options in Bannockburn are better dealt with through a more detailed township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn and the site should remain zoned Rural Resource Area.

5.8.5 Harold Kruse Davidson and Koraki Limited and ScottScott Limited (#143)



Figure 14

319. The submitter seeks that land at the end of Hall Road is rezoned LLRZ. Mr Curran indicated in his evidence that despite being highly productive land, the site can be rezoned because it provides for necessary residential development capacity.⁸¹
320. Mr Curran is of the view that development capacity (in terms of Clause 3.6(4)(a) of the NPS-HPL) should be considered at a township level.
321. Ms White notes that provision for development capacity cannot be determined without consideration of other options which would provide for this capacity. In other words,

⁸¹ Stage 2 Evidence of Matthew Curran (#143 - Harold Kruse Davidson and Koraki Limited and ScottScott Limited), paras 16-22

rezoning this land may not be necessary to provide development capacity if there are other, more appropriate options to provide the necessary capacity.

322. Mr Curran also considers that urban form is not an impediment to the rezoning of this land,⁸² but this is not supported by an urban design or landscape assessment.
323. Ms Muir has indicated that to service this site require significant upgrading to existing water reticulation and storage capacity. It would also require capacity increases in wastewater treatment. These upgrades exceed current infrastructure planning provisions for level of service and growth.

Panel Findings

324. Ms Muir has indicated the site is unable to be serviced at this time.
325. The NPS-HPL applies to the site and there is difficulty in undertaking an assessment of whether the rezoning of this site meets clause 3.6(4) of the NPS-HPL in isolation from consideration of other options for the provision of development capacity.
326. The Panel agrees with Ms White and considers that it would be more appropriate for the site to remain rural and future growth options in Bannockburn are better dealt with through a more detailed township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn and the site should remain zoned Rural Resource Area.

5.8.6 Nakita Smith and Kieran Parsons (#100)

327. Submitters are seeking to provide for LLRZ on Lots 50 DP 511592 and part Lot 51 DP 511592, Lot DP 460583 and Lot 2 DP 460583 on School House Road, Bannockburn, as shown in figure 14. The site has an area of approximately 14ha on Schoolhouse Road and Hall Road currently zoned as Rural Resource Areas, subject to a LUC 3 soil classification.
328. Ms Muir has indicated that to service this site require significant upgrading to existing water reticulation and storage capacity. It would also require capacity increases in wastewater treatment. These upgrades exceed current infrastructure planning provisions for level of service and growth.

⁸² Stage 2 Evidence of Matthew Curran (#143 - Harold Kruse Davidson and Koraki Limited and ScottScott Limited), paras 23-27

List of names of persons to be served with this notice

Name	Address	Email Address
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Brigid Anne & Jason David Short	22 Domain Road, RD 2, Bannockburn	shortsff@xtra.co.nz
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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
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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	18 Kowhai Drive, Wanaka, 9305	poolefam@xtra.co.nz

Ingrid Janice Poole		
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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
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