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BEFORE THE CENTRAL OTAGO DISTRICT COUNCIL

Under

the Resource Management Act
1991

In the Matter

of the hearing of submissions on
the Central Otago District Plan –
Proposed Plan Change 19

**Summary of Legal Submissions on behalf of
S Davies (Submitter 147)**

Dated: 26 May 2023

MAY IT PLEASE THE PANEL

INTRODUCTION

1. These submissions are a summary of the pre-filed legal submissions for Mr Davies.
2. Mr Davies owns approximately 16.8 ha of land located at 69 Hall Road, Bannockburn (Site).
3. The Site includes the Doctors Flat Vineyard, which Mr Davies owns and operates. The Vineyard was established in 2002 by Mr Davies and produces internationally acclaimed Pinot Noir.
4. The Site is split zoned Rural Resource Area (RU) and Residential Resource Area (4) (RRA(4)) in the Operative Plan. Approximately 2.39 ha of the Site is within the residential zone, which covers the vineyard, and the northern part of the Site immediately adjacent to the established Lynn Lane residential development. The remainder of the Site is zoned rural. (See Figure of 1 Mr Woodward's evidence for zone plan).
5. The Site has an extensive consenting history.
6. The existing vineyard has been established pursuant to a resource consent, as it is partly located within the residential zone which does not provide for vineyards
7. Through vineyard activities, Mr Davies has established that much of the Site is unproductive, and he has progressively developed these unproductive parts for residential activities.
8. Most recently, he has obtained resource consent to develop the north/northeast part of the Site (See Mr Woodward's Figure 2, pink area).
9. The subdivision consent for this area (the Consented Area) provides for the creation of 4 lots and dwellings, with access from Lynn Lane. This part of the Site has a split zoning - residential/rural - in the Operative Plan (see Figure 1 of Mr Woodward's evidence). Implementation of the subdivision consent is presently underway, with CODC approving the survey plan in November 2022.

10. Mr Davies intends to continue operating the Vineyard and producing the acclaimed Doctors Flat Pinot Noir. He also seeks an economic use for the part of his land that has no productive value but is contiguous with established residential development.

PC19

11. The Cromwell Spatial Plan, which led to PC19, recognizes the operative residential zoning of Mr Davies' Site (refer Mr Woodward's Figure 1), and anticipates that this land will be available for further development and growth at Bannockburn.
12. The intent of PC19, as explained in the section 32 evaluation, is to replace the current extent of the Residential Resource Area with an updated zone framework, which for Bannockburn is the Large Lot Residential Zone, and to zone land in accordance with the spatial plans:
- *“Replace the current Section 7 Residential Resource Area of the Plan with a new Residential Zone Section, comprising:*
 - *a Large Lot Residential Zone chapter;*
 - *a Low Density residential Zone chapter;*
 - *a Medium Density Residential Zone chapter; and*
 - *a Residential Subdivision chapter; and*
 - *Amend the planning maps to rezone land in general accordance with what has been identified in the Vincent and Cromwell Spatial Plans and to reflect the new zone names above”*
13. In accordance with this intent, all RRA(4) zoned land at Bannockburn is rezoned Large Lot Residential under notified PC19. The exception to this is Mr Davies' land, which is not addressed by notified PC19, and is seemingly thus downzoned to rural.
14. This 'downzoning' is not addressed in the section 32 evaluation for PC19. That is, it is not explained, and the costs and benefits are not assessed.

15. All things considered (particularly the intent of PC19m and how it deals with other operative residentially zoned land), the omission of Mr Davies' residentially zoned land from PC19 is an anomaly and appears to be inadvertent.

MR DAVIES' SUBMISSION

16. Mr Davies' submission on PC19 seeks:
- (a) The effective reinstatement of the operative 2.39ha residential development capacity of his land, (albeit it in its modified LLRZ form), to address the anomaly in notified PC19 (whereby this capacity was removed without explanation); and
 - (b) the transfer part of this capacity from the vineyard (1.9ha in area) to a part of the Site that is wholly unproductive (2 ha in area), some 250 metres to the east; and
 - (c) a zoning for the Consented Area that recognizes the consented and soon to be established residential activity (noting that part of this area is zoned residential under the Operative Plan).

(see Mr Woodward's Figure 1 and Figure 4, page 11).

17. The relief sought by Mr Davies would:
- (a) Retain the development capacity at Bannockburn provided under the Operative District Plan (and assumed in the spatial planning and intended to be carried over under PC19); and
 - (b) Apply a rural zoning to the vineyard area that would recognise and protect the productive capacity of the Vineyard land and enable a continuation of this established activity;
 - (c) Apply a residential zoning to the area consented for residential development that recognises and aligns with the consent and accords with adjacent Lynn Lane development.
18. For the avoidance of doubt, the relief sought would protect the established Vineyard operation, while retaining but transferring the operative development

capacity inherent in the Vineyard block to closely unproductive land, and better recognise and align with existing and consented land uses.

19. In terms of the consent which Mr Davies seeks to be recognised by an LLR zoning, as I have noted, this provides for 4 residential lots and identifies building platforms within which future buildings must be located. The zoning relief that Mr Davies' proposes applies a Building Line Restriction (BLR) to the Consented Area that ensures that the building platforms identified under the consent are recognized and respected by the proposed zoning. The BLR would also apply to other parts of the Site, including the more sloped and visually exposed parts, and areas containing in heritage features. These areas would be kept free of future dwellings and buildings. (See Mr Woodward's evidence, Page 20, Figure 7).
20. No submitter/further submitter has opposed the relief.

EVIDENCE

21. Evidence has been filed in support of Mr Davies' submission. Summaries will be presented today by:
- (a) Mr Davies. I note that appended to Mr Davies' pre-lodged evidence is a heritage assessment by archaeologist, Matt Sole. As I have just indicated, the proposed BLR picks up Mr Sole's recommendations on heritage matters.
 - (b) Ben Espie, landscape architect.
 - (c) Richard Ford, Licensed Cadastral Surveyor. Mr Ford will address infrastructure and servicing.
 - (d) Jake Woodward, Planner.
22. Dr Reece Hill, Soil Scientist has also prepared evidence that has been pre-filed. As indicated yesterday, Dr Hill can address any questions you may have from him in writing, if necessary.

SECTION 42A REPORT

23. In her report on submissions, Ms White records that since PC19 was notified, CODC has undertaken a further yield assessment, to ascertain whether the

notified PC19 zonings would provide sufficient capacity for forecast demand. The updated yield assessment indicates that at a Ward level, there is sufficient housing supply for forecast demand (a point disputed by Mr Woodward), while for Bannockburn, there is an undersupply of around 200 dwellings under medium growth projections and 300 dwellings under high growth projections. This is a very significant shortfall, and indicates a lack of housing supply to meet demand at Bannockburn. It is matter that you must address in your decision, noting that ensuring there is provision of sufficient housing supply to meet demand is a function of CODC under section 31 of the Act.

24. In Ms White's view, rezoning sites to the south of the Bannockburn township, which is where Mr Davies' Site is located, is logical from an urban form perspective, and zoning more land is likely necessary given the identified shortfall.
25. Much of this southern land has a Land Use Capacity 3 classification in the New Zealand Land Resource Inventory (**NZLRI** or **Land Resource Inventory**), which, pursuant to the National Policy Statement on Highly Productive Land (**NPS-HPL**) could preclude its rezoning for urban purposes, unless the tests in clause 3.6(4) of the NPS-HPL are met. Ms White's view is that they likely are. Mr Woodward agrees. The LUC classification and the NPS-HPL are addressed in detail shortly.
26. Ms White does not expressly address Mr Davies' submission, on the basis that she is unclear on the land to which it relates. However, on the basis of another submission that addresses part of Mr Davies' land (submission 150, Landpro), Ms White recommends an LLR zoning for the parts of Mr Davies' land that are zoned RRA(4) in the Operative Plan. That is, she recommends the effective reinstatement of operative RRA(4) zoning (albeit in its modified LLRZ form). This is due to the identified shortfall of residentially zoned land at Bannockburn. It also addresses the anomaly in notified PC19 and the first part of Mr Davies' submission and is generally supported by Mr Davies, albeit that he proposes to transfer the development capacity of this zoned area to a more suitable part of the Site that unlike the Vineyard area, has no productive use or value and is better suited to housing. As I have noted, this would retain the productive capacity of the Vineyard, and thus achieve two goals:
 - (a) The objective of PC19 (to provide for housing demand); and

- (b) The intent of the NPS-HPL.
27. Given this, the focus on your inquiry is on whether the development capacity in the operative residential area should be transferred (transposed) 250 metres to the east to an unproductive part of the Site.

THE LAW

28. Yesterday I addressed you on the legal framework within which you must consider submissions and make your decisions. A couple of points to highlight:
- (a) Your decision must ensure that there is sufficient development capacity in respect of housing to meet the expected demands of the district (section 31(1)(aa));
 - (b) There is no presumption that PC19 as notified is correct;
 - (c) It is the 'noes' not the 'ayes' that need to be justified in the Plan;
 - (d) The least restrictive regime should be preferred.

PLAN CHANGE 19 OBJECTIVE

29. I have also previously addressed the objective or purpose of PC19 which is to respond to demand for residential land and provide for anticipated growth over the life of the District Plan and beyond. As you will know, this objective must be borne in mind when applying the statutory framework and working through the tests therein.
30. On demand, you need to bear in mind that this is not just about the number of houses provided, but also the nature and location of these. Demand is multi-faceted in this regard.

ZONING OPTIONS

31. For the purposes of applying section 32, and determining the 'most appropriate' option, the zoning options before you are:
- (a) **Option A:** Removing the RRA(4) Zone from the site altogether as per PC19 as notified. Presumably an rural zoning would then apply to the Site,

(although this is somewhat unclear, given PC19 does not propose any rural zonings);

- (b) **Option B:** Retaining the current residential zone boundaries of the Operative District Plan but renaming the RRA(4) Zone to the PC19 LLR Zone, including associated amendments to the zone provisions. This is Ms White's recommendation. It is effectively the operative zoning status quo, albeit that the zone name and some provisions are updated (the RRA(4) becomes the LLRZ);
- (c) **Option C:** Mr Davies' relief, being the transfer of the development capacity contained in the operative RRA(4) residential zoning of the Vineyard area and Ms White's recommended Option B, to an area of unproductive land 250 metres to the east, and in addition, the application of the LLRZ to the entirety of the Consented Area.

KEY ISSUES

- 32. Ms White supports the submission in part, being an LLR zoning for part of the Site, however, she has not considered the full relief as she did not understand it.
- 33. As the zoning relief Mr Davies' seeks is comparable to the operative regime, which Ms White effectively supports, the focus of your inquiry is the effects of transposing the residentially zoned area 250 metres to the east, and extending the zoning over the entirety of the consented area (noting again that part of that area is zoned RRA(4)).
- 34. Landscape evidence has been provided which assesses the landscape impacts of zoning the new area. Mr Espie's assessment is that no landscape effects arise.
- 35. Part of the new zoned area is LUC class 3 land in the New Zealand Land Resource Inventory. You therefore need to consider the NPS HPL.
- 36. Infrastructure is a matter raised by Ms Muir and Ms White generally for all rezoning requests at Bannockburn. This is therefore another focus of your enquiry.
- 37. I now address these latter two matters in turn.

NPS-HPL

38. The National Policy Statement on Highly Productive Land (NPS-HPL) came into force on 17 October 2022, with immediate effect. While this was after the notification of and submission period for PC19, PC19 must nonetheless 'give effect' to it (section 75(3)(a) of the Act).
39. The NPS-HPL applies to 'highly productive land', and places restrictions on the use of that land, including for urban (residential) development and zonings.
40. 'Highly productive land' is land that as mapped as such by a regional council, or, where, as here, no mapping has been undertaken, and until such time as it is, it is land that is, at the time the NPS-HPL came into force, is (relevantly) (clause 3.5(7)):
- (a) zoned general rural or rural production; and
 - (b) LUC 1, 2, or 3 land.
41. In terms of the first limb, Ms White and Mr Woodward agree that the Operative District Plan's Rural Resource Area, being the zoning of part of the Site at the time the NPS-HPL came into force, is equivalent to a 'general rural' or 'rural production' zone. This means that part of Mr Davies Site meets the first limb of the 'highly productive land' definition.
42. We then need to consider the second limb, and whether Mr Davies' land is 'LUC 1,2, or 3 land', as defined.
43. The NPS-HPL defines LUC 1, 2 or 3 land as:
- "...land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification."*
44. For some context to this definition, the Land Use Capability Classification (**LUC**) is a system in use in New Zealand since the 1950s that classifies all of New Zealand's rural land into one of eight classes, based on its physical characteristics and attributes. Class 1 land is the most versatile and can be used for a wide range of land uses. Class 8 land is the least versatile and has many physical limitations.

45. The New Zealand Land Resource Inventory mapping (**Land Resource Inventory Mapping**), which is referenced in the NPS-HPL definition, was undertaken in the 1970s at a regional scale (1:50,000). The LUC unit boundaries it maps do not always align with topography and other geographic features, primarily because the Land Resource Inventory LUC mapping is based on hard copy maps showing 20 metre topography.
46. As Dr Hill explains, more recent technology enables a much closer examination of land and may identify different LUC boundaries to those mapped in the Land Resource Inventory due to the different (finer) scale of the mapping (between 1:5,000 and 1:15,000).
47. Ms White relies on the Land Resource Inventory Mapping classification of Mr Davies' Site. This classifies part of the Site as LUC 3, with the remainder being LUC 7 (non-productive). LUC 3 is highly productive land for the purposes of the NPS-HPL.
48. However, the NZLRI mapping is not the 'be all and end all' for the purposes of the NPS-HPL, and, since Ms White prepared her report, Dr Hill has undertaken more detailed investigations of the Site, as contemplated by the latter part of the definition. To recap: *"LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification."*
49. His assessment, using the Land Use Capability classification, is that the Site is not LUC class 1, 2, or 3, but that part is LUC 4 (at best) and the remainder, is LUC 7. (See Dr Hill's Appendix 5 for the NZLRI mapping (Red = LUC 7; Green = LUC 3). See Appendix 8 for more detail his more detailed mapping).
50. LUC 4 (and 7) land is not 'highly productive land' for the purpose of the NPS-HPL. Thus the NPS-HPL does not apply to the Site and need not be considered in your inquiry. That is, the NPS-HPL does not preclude or restrict rezoning the Site for residential purposes.
51. Given Ms Rodgers had some difficulty yesterday with understanding how Dr Hill's assessment could be accounted for in this process and in the context of the NPS-HPL, it may assist if I again take you through 'LUC 1, 2 or 3 land' definition in the

NPS-HPL, that is, the key part of definition of 'highly productive land' and how you should interpret and apply that.

52. The definition states:

"LUC 1, 2 or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification."

53. For the purposes of applying the definition presently, it may assist to consider the established principles of statutory interpretation, which are authoritative and binding on you (that is, you must follow them).

- (a) Firstly, you must ask what the plain and ordinary meaning of the words used in the definition are, and what an ordinary, reasonable member of the public examining the definition would take from the words.
- (b) You need to consider the context of the definition, and in this regard, the scheme and purpose of the NPS, particularly if there is ambiguity in the phrasing.
- (c) The interpretation you adopt should avoid creating injustice, absurdity, anomaly or contradiction.

54. Applying these principles to the definition: the words in the definition "***or by any more detailed mapping that uses the Land Use Capability classification***" are clear, plain and straightforward. There is no ambiguity in the phrasing. An ordinary reader would interpret them as anticipating and permitting more detailed soil mapping, so long as the Land Use Capability classification system is used.

55. The rationale for the ability for a landowner to undertake more detailed soil mapping is clear when the purpose and scheme of the NPS-HPL is considered:

- (a) The purpose of the NPS-HPL is to protect highly productive land for use in land based production. Highly productive land is recognised as a resource with finite characteristics and long term value for land based production.

- (b) The NPS-HPL has immediate and far reaching effect. It precludes or significantly limits the use of highly productive land for any non-rural or productive use. It stymies development.
 - (c) At first blush, it applies to all NZLRI LUC 1, 2 and 3 land. However, as Dr Hill explains, the NZLRI is based on coarse grained mapping (1:50,000) using relatively unsophisticated technology (hard copy maps at 20m contours). It does not necessarily reflect what is on the ground.
 - (d) More detailed and technologically advanced mapping undertaken by regional councils will in time supplant the NZLRI mapping, but not likely for at least another 4–5 years (or more), because, while regional councils must undertake this mapping by no later than October 2025, a First Schedule RMA process will then follow, involving a plan change, notification, submissions, and most likely appeals.
 - (e) In this context it is easy to understand why the NPS-HPL, through the ‘LUC 1, 2 and 3 land’ definition, allows more detailed mapping to be undertaken that improves on the coarse scaled NZLRI mapping, before regionals council undertake their mapping and this makes its way into (operative) regional plans.
56. The definition thus provides a pathway for individual landowners to investigate whether the NZLRI mapping classification is appropriate for their land. But, they must do so using a consistent and established methodology that is recognised by the NPS-HPL: the LUC classification system. If, through this mapping, the land is determined to be not highly productive (or here, non-productive) then it need not be protected under the NPS-HPL.
57. Taking a ‘plain and ordinary meaning approach’ in this context: LUC 1, 2, or 3 land is land that is mapped as such per the NZLRI, or through other more detailed mapping that uses the Land Use Capability classification . That detailed mapping has been undertaken here by highly qualified soil scientist, Dr Hill. Using the LUC classification, Dr Hill maps the land as LUC class 4 at best. LUC 4 land is not ‘highly productive land’ as defined in the NPS-HPL and the NPS-HPL does not apply.
58. This is not a novel or controversial proposition, but one which the NPS-HPL contemplates, and which is supported by evidence.

59. If the NPS-HPL intended to preclude site specific soil assessments by landowners it would have stated as much. It does not.
60. I note that if you do not accept Dr Hill's evidence, there is a pathway for the rezoning under NPS-HPL clause 3.6(4). I have addressed this at length in my full legal submissions, as has Mr Woodward in his evidence. In summary, you may allow urban (residential) rezoning of highly productive land (i.e. LUC 1, 2 or 3 land) if the rezoning is:
- (a) required to provide sufficient development capacity to meet expected demand for housing in the district; and
 - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
 - (c) the benefits outweigh the costs.
61. Ms White considers that these test are likely met on the bases that:
- (a) There is will be a significant shortfall of residential housing supply at Bannockburn over the life of the District Plan (a shortfall of 200 houses under medium growth projections and 300 houses under high growth projections). The first test is thus met if demand is assessed on a township basis;
 - (b) Given all the land around Bannockburn is constrained by either topographical (to the north and east) or productive soils (to the south and west) constraints, there are no other reasonably practical and feasible options for expanding the Bannockburn township so as to provide for growth other than on highly productive land;
 - (c) The costs and benefits are likely to be similar for all land sought to be rezoned, albeit that this might be influenced by the extent of land based production that is currently occurring. Noting here, no production is occurring nor could occur on the NZLRI mapped LUC 3 land due to very poor soils (or for some areas, no soil).
62. Mr Woodward generally agrees with Ms White but he also notes:

- (a) There may be a shortfall of land in the District under PC19, given the deficiencies in the Rationale reporting and PC19's focus on providing for capacity in the Cromwell Medium Density Residential Zone, where such capacity may not be realised;
 - (b) Not everyone wishes to live on a 200m² medium density residential section in the Cromwell township. There are different drivers and demands for living in the lower density environment of Bannockburn. Demand for lower density residential housing is not presently met by PC19. In this regard, demand is not only concerned with the number of houses, but the nature and location of those. Demand is not met at Bannockburn, particularly with regards to the latter.
 - (c) The costs and benefits of rezoning Mr Davies' land have been assessed, and there are more benefits than costs. The land is not currently used for productive purposes and, on the evidence of Dr Hill and Mr Davies, is not suitable for such use. Moreover, zoning would recognize the actual productive capacity of the vineyard (which, is LUC class 3, but not 'highly productive land' for the purpose of the NPS-HPL, given it was zoned residential at the time the NPS-HPL came into force).
63. In furtherance of the discussion on the first test, whether the rezoning is necessary to meet demand, Ms White queries whether it must be demonstrated that rezoning a submitter's land is necessary to meet expected demand for housing in the *district*, as opposed to demand on a *township* or *ward* basis.
64. With reference to the established principles of interpretation (outlined earlier) it would lead to an absurd outcome if the test (district demand) was applied on a literal basis, so that LUC 1, 2 or 3 land could only be rezoned for urban purposes if necessary to meet housing needs of the district on a district wide basis, and if there was no other available land in the district.
65. To suggest, for example (and by way of a theoretical analogy) that housing does not need to be provided in Cromwell because there is a surplus in Alexandra would fail to take account of the demand and/or desire to live in a particular location (Cromwell) and the needs of the community and its residents to do so in order to have ready access to employment, schooling, and other amenities (in

Cromwell). Providing for housing elsewhere in the district to where demand arises would inevitably give rise to other effects, such as increased transport costs, related congestion and emissions for example, as residents would need to travel to employment, schooling, and for access to amenities for example. This does not sit well with the sustainable management purpose of the RMA.

66. Furthermore, when considering demand for housing, it is necessary to consider the nature of that demand, as I have touched on already. Demand for low density residential living (2000m² lots), as the LLRZ at Bannockburn provides, cannot be met by provision of medium density housing (200m² lots) in Cromwell township, or elsewhere.
67. If considered on a township basis, then the first test in NPS-HPL clause 3.6(4)(a) is met by Mr Davies' proposed rezoning. Even if a considered on a wider (ward or district wide) basis the subclause is met, given, as Mr Woodward outlines in his evidence, the deficiencies of the Rationale reporting that underpins PC19, and the likely shortfall of zoned land under PC19 as notified (regarding the uptake of maximum yield within the MDR zoned areas) .

INFRASTRUCTURE

68. Ms White, relying on Ms Muir, identifies infrastructure capacity, water supply and waste water in particular, as a constraint to the rezonings sought for land south of Bannockburn, but noting again that she does not expressly address the relief sought by Mr Davies.
69. While there may be water and wastewater constraints to rezoning *new* residential land, that is, land not previously zoned for residential activities, Mr Davies' submission does not fall into that category.
70. Mr Davies' submission seeks the *transfer* of an existing residential zoning to closeby land. The size of the two areas is comparable: 1.9ha of existing RRA(4) zoning (which Ms White recommends is reinstated as LLRZ), compared with a 2ha area for the proposed LLRZ area (excluding the Consented Area). The theoretical yield both zones would be the same, as would anticipated demand on the network. There would be no increase. That is, Mr Davies' zoning relief does not alter the status quo in terms of infrastructure provision.

71. Infrastructure and servicing of the Consented Area was considered the time subdivision consent was granted. The consent allows the establishment of four residential lots. This would also be the outcome under an LLR zoning for this area given the proposed BLR, which limits the location of buildings (dwellings) and thus achievable yield. Again, zoning this land would result in no additional demand on the infrastructure network over and above that anticipated and assessed under the subdivision consent (RC160365). In any case, the subdivision consent (RC160365) is in the process of being implemented, with infrastructure provision to be dealt with pursuant to that consent.
72. In summary, the zoning relief sought by Mr Davies will not introduce additional load on the network capacity beyond that already accounted for under the operative zoning regime. For the avoidance of doubt, this is because the land proposed to be rezoned is either already consented for such development (the Consented Area), or seeks an equivalent area and theoretical density of residential zoning to that already accounted for in the Council's infrastructure planning under the Operative Plan (the remainder of the relief area).
73. Thus, while capacity constraints may apply to and preclude new zonings elsewhere, they are not an impediment to rezoning Mr Davies' Site.

CONCLUSION

74. Mr Davies' land is a very suitable candidate for rezoning, because it:
- (a) is contiguous to the established residential area;
 - (b) retains residential capacity of the operative residential zoning regime, which PC19 intends to carry over, but it applies that capacity to wholly unproductive land that is much better suited to housing than the operative zoned area;
 - (c) does not contain highly productive soils and is otherwise unproductive;
 - (d) would present as a coherent extension of the Bannockburn township and would not give rise to any adverse landscape effects;
 - (e) can be serviced for infrastructure, resulting in no increase in demand from the operative zoned situation;

- (f) Would recognise consented development;
- (g) Ms White recommends it, albeit her recommendation relates to land in a slightly different but closeby location;
- (h) It would have the consequential benefit of recognising and providing for the established vineyard, a physical productive resource;
- (i) No submitter opposes it.

Dated this 26th day of May 2023



R Wolt
Counsel for S Davies