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2. Resource Management Act 1991

3. Submission on Notified Proposed Plan Change to

4. Central Otago District Plan

*Clause 6 of Schedule 1, Resource Management Act 1991*

5. (FORM 5)

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

6. Details of submitter

Name: Stephen Davies

Postal address: 69 Hall Road, Bannockburn, 9384

Phone: 03 445 4161

Email: steve.d@xtra.co.nz

Contact person: Steve Davies

*(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**

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

I'm asking council to use the opportunity Plan Change 19 presents to 1) amend the zone boundary to accommodate an Environment Court decision, and 2) extend the residential zone boundary in exchange for rezoning productive land from Residential to Rural zoning.

Please refer to the plan's and further information attached

*(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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**I seek the following decision from the consent authority:**

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

That the land described on the attached document and plan, including a modified Lot 50 and the Residential sections granted by Environment Court NZEnv C193 be zoned as RRA(4) in keeping with the adjacent land to the north. In exchange for this extension of the residential zone, 1.98 Ha of land currently zoned RRA (4) and planted in 20 year old vines, see plan attached and described in RC 020122, be rezoned as rural.

- \_\_\_\_\_ I **support the application**
- \_\_\_\_\_ I **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.**

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**Signature**

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**Date**

## **7. Submissions close at 4pm on Friday 2 September 2022**

**Submissions can be emailed to [districtplan@codc.govt.nz](mailto: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:*

To Whom it may Concern,

This is a submission on proposed Plan Change 19 (**PC19**) of the Central Otago District Plan.

I, Steve Davies (the Submitter) could not gain an advantage in trade competition through this submission.

I would ask council to consider my submission of two parts in regard to the rural residential zone boundaries bisecting land owned by Doctors Flat Vineyard Ltd and Rubicon Hall Road Ltd in Bannockburn.

I'm asking council to use the opportunity Plan Change 19 presents to 1) amend the zone boundary to accommodate an Environment Court decision, and 2) extend the residential zone boundary in exchange for rezoning productive land from Residential to Rural zoning.

## **Part 1**

I request council amend the rural residential zone boundary to fully include the residential sections granted by the Environment Court Decision Number 2017 NZEnv193 in the Residential Zone.

I also request council rationalise the boundary to be a straight (east west) line, as on the attached plan, so as to more accurately represent the topographic division between the gully formations and the level to rolling land to the south, hence making this a practical and orderly amendment.

To give some context I'll list the relevant consents in favour of the land owned by Doctors Flat Vineyard Ltd since 2002 and a portion owned by Rubicon Hall Road limited, since 2006.

2002 RC 020122 Application granted to plant vineyard on 1.89 Ha of RRA (4).

2006 RC 50467 Application granted to separate approximately 4.3 Ha of land unsuitable for farming for future subdivision. Further consents granted within that area are: RC 060028, RC 160312 and NZEnv C193.

2006 RC 060028 Consent granted to subdivide sections wholly within the RRA(4).

2017 RC 160312 Consent granted to subdivide sections wholly within the RRA(4).

2017 Decision No. (2017) NZEnvC193. The decision grants consent to subdivide residential titles that bridge the residential and rural zone.

The expectation and intention, confirmed by council's language in the RC 50467 consent to separate the 4.3 Ha, was to progressively subdivide land that wasn't suitable for farming and retain vines on land that is productive.

The decision recorded "*the proposed subdivision will reflect the land use and zoning more accurately.*" The planner's report noted that the new Lot 1 "*may be subject to future application for subdivision.*"

As it transpired, when I applied to subdivide the remaining portion of the new title granted via RC 50467 (RC 160365) council was resistant to consenting residential sections that bridged the rural and residential zones. Subsequently we lodged an appeal to the environment court.

Our main assertion was that the land is not fit for farming and its best use, considering it is partially in the residential zone and its proximity to Bannockburn, was residential as implied by council consenting to the original 4.3 Ha separation. We also asserted the relevant portion of the zone boundary was drawn without consideration for land use or topography.

In the planners report regarding RC 160365, Our Ref: 52/2/1261 & 52/4/989, page 5 para 4, Mr Whitney made the assertion:

*“The zone boundary is not arbitrary as it generally coincides with a change in topography”.*

This is demonstrably incorrect as is evident on the topo plan attached, where the line bisects the gully formation with no consideration for the topography. Mr Whitney rescinded his assertion in evidence to the Environment Court Hearing: ENV-2017-CHC-16, para 27 where he describes the zone boundary as the outcome of a submission by the landowner of the time Mr Dennison. Hence the initial rejection of RC 160365 was partly based on incorrect information and the Environment Court allowed the appeal and granted consent for residential sections in this area.

I therefore ask that council amend the zone boundary to fully include the consented sections in the Residential Zone as I have described on the plan attached.

## **Part 2**

In addition to part one, I ask council to exchange the residential capacity and zoning of the 1.89 Ha of RRA (4) land, currently planted in vines, with a modified version of Lot 50 as on the plan attached.

The RRA (4) area in question was planted in 2002 as consented by RC 020122. It has since proven to be a productive and valuable piece of vineyard land as described and verified in the introduction portion of my evidence before the Environment Court ENV-2017-CHC-16.

The land in Lot 50, plan attached, is made up of the Dennison Gravel Pit, land that has been modified and harvested to supply gravel to council per an agreement in 2011, two historic and protected water race tunnels and miscellaneous remnants of mining activity and water races. As such it cannot reasonably be used for vineyard.

This would mean rezoning a modified Lot 50 as residential land in exchange for rezoning all of the vineyard as rural. I see, in the case of the Domain Road Vineyard, zone changes from productive rural land to residential are proposed. The exchange of zoning proposed in my submission will release residential capacity and protect both the productive capacity and an element of the mixed rural residential character we associate with Bannockburn.

Part two of this submission is the preferred outcome. I believe it is consistent with the aims and objectives of Plan Change 19, as it protects productive land and releases residential capacity in a fair and logical way.

I will of course employ professional planners and surveyors to provide accurate plans, reports and information to address any and all issues of concern to council and the community.

I would like to be heard in support of this submission.

Also, please note this land area will be included in a joint submission with the Klevstul neighbours to the south. If they are successful, this submission will be superseded.

Best Regards

Steve Davies  
Doctors Flat Vineyard  
69 Hall Road  
Bannockburn  
Cromwell 9384

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