

Jimmy Sygrove

From: Brandon Jones <brandon.jones@duncancotterill.com>
Sent: Thursday, 28 March 2024 3:10 pm
To: District Plan; hermann@newfrankland.org
Cc: Katherine Forward; judchiz697@gmail.com
Subject: Further Submission on Plan Change 23 - Glen Dararach Trust [DC-DOCUMENTS.FID3640548]
Attachments: Glen Dararach Trust - Further submission PC23 (28 March 2024).pdf

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Good afternoon,

We act for Glen Dararach Trust.

For filing and by way of service, please find **attached** the further submission of Glen Dararach Trust.

This further submission is made in opposition Hermann Frank's submission (number 23.06) on Proposed Plan Change 23 – General Rural Zone, Natural Features and Landscapes, and Natural Character.

Kind regards,

Brandon Jones
Graduate

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FURTHER SUBMISSION ON PROPOSED PC23 TO THE MACKENZIE DISTRICT PLAN

Form 6 - Clause 8 First Schedule, Resource Management Act 1991

TO: Mackenzie District Council
PO Box 52, Main Street
Fairlie 7949

Attention: Mackenzie District Plan Change Submission

By email only: districtplan@mackenzie.govt.nz

Mackenzie District Plan Change Submission

Name of Submitter:

- 1 Robin, Raema and Grant Chisholm and Judith Baynes in their capacity as trustees of the Glen Dararach Trust (**the Trust**)

Address: C/- Duncan Cotterill,
148 Victoria Street,
PO Box 5,
Christchurch 8140

Contact: Grant Chisholm / Katherine Forward

Phone: 027 907 5233 / 03 372 6466

Email: judchiz697@gmail.com / katherine.forward@duncancotterill.com

Proposals this further submission is on:

- 2 This is a further submission in opposition to submissions made by Hermann Frank (submission number 23.06) on Proposed Plan Change 23 – General Rural Zone, Natural Features and Landscapes, and Natural Character (**PC23**) to the Mackenzie District Plan (**MDP**).

Submitter's interest in the proposals:

- 3 The Trust has an interest in the proposal that is greater than the interest the general public has, as it owns a property at 767 Gudex Road, Middle Valley, Fairlie.
- 4 The Trust property is directly affected by the Frank submission on PC23, which seeks to include additional Outstanding Natural Features (**ONF**), including a new/ extended ONF – Raincliff. The proposed new/ extended area is partly located on the Trust property.

Further submission details:

- 5 The Trust opposes all of the Frank submission and submits that this ought to be rejected in full. The Trust is particularly interested in the new/ extended ONF – Raincliff proposed.
- 6 Reasons include:
- 6.1 The proposed new/ extended ONF – Raincliff has not been subject to detailed site inspection, is not supported by qualified technical assessment against Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines, and was not identified for inclusion by Council technical experts in PC23 as notified. Mr Frank is not a landscape architect and is not qualified to classify landscape features as ONF.

- 6.2 The high level map included in the Frank submission is not at a scale that 'affected landowners' (or members of the public/ Council) can ascertain the extent of the new/ extended ONF – Raincliff. It is critical that boundaries are subject to rigorous assessment, particularly as ONF classification under the proposed rule framework, carries significant implications for land management. Further fine-grained delineation and map production is required.
- 6.3 Unlike other ONF included in PC23 as notified, there has been no engagement with affected landowners. Consultation regarding the Frank submission has been extremely poor and timeframes to participate in the PC23 hearing process have been tight. Inclusion of the proposed new/ extended ONF – Raincliff appears to be advanced by stealth. The Trust is very concerned that if the Council elect to support part/ all of the proposed new/ extended ONF – Raincliff, this will raise issues of procedural fairness.
- 6.4 A residential dwelling on the property appears to be located within one of the new/ extended ONF – Raincliff areas proposed in the Frank submission. It is inappropriate that buildings are included within an ONF – due in part to the planning implications and limits imposed on land use within the ONF overlay. This is a direct example of the mapping shortfalls in the Frank submission.
- 6.5 Some of the new/ extended ONF – Raincliff areas overlap proposed Wahi Tapu areas identified as significant (Māori rock art) in PC24 – Sites and areas of significance to Māori – as notified. Consideration must be afforded to the planning implications of multiple overlays pertaining to the same features. This gives rise to uncertainty and does not deliver sound resource management outcomes.
- 6.6 The Frank submission includes no evidence to support the presence of indigenous biodiversity within the proposed new/ extended ONF – Raincliff. The identified landscape features are located within a heavily modified working farm environment. The Trust rejects that additional protections are required to combat potential effects on natural values. Values that remain exist thanks to the stewardship of generations of landowners.
- 6.7 "Outstanding" is a high threshold which the Trust does not consider is met by the proposed new/ extended ONF – Raincliff as set out in the Frank submission.

Relief sought:

- 7 That the Frank submission be rejected in its entirety. If Council considers that some of the new/ extended ONF – Raincliff areas are appropriate, these (and their boundaries) must be subject to detailed site inspection and supported by expert landscape evidence. Ground truthing of boundaries to ensure they do not encompass existing built development should be non-negotiable, or in the alternative, planning mechanisms are introduced to exempt existing buildings at the Trust property along with any maintenance, upgrade or replacement.

Wish to be heard:

- 8 The Trust wishes to be heard in support of its further submission.
- 9 Where others are making a similar further submission, the Trust would consider presenting a joint case with them at the hearing.

Dated 28 March 2024



Katherine Forward / Brandon Jones

Solicitor for Glen Dararach Trust