

## Jimmy Sygrove

---

**From:** Brandon Jones <brandon.jones@duncancotterill.com>  
**Sent:** Thursday, 28 March 2024 3:13 pm  
**To:** District Plan; hermann@newfrankland.org  
**Cc:** Katherine Forward; David Morgan  
**Subject:** Further Submission on Plan Change 23 - Raincliff Station Limited [DC-DOCUMENTS.FID3640493]  
**Attachments:** Raincliff Station Ltd - Further submission PC23 (28 March 2024).pdf

**CAUTION:** This email originated from outside Mackenzie District Council. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

We act for Raincliff Station Limited.

For filing and by way of service, please find **attached** the further submission of Raincliff Station Limited.

This further submission is made in opposition to 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

[d +64 3 372 6589](tel:+6433726589) | [p +64 3 379 2430](tel:+6433792430)  
[duncancotterill.com](http://duncancotterill.com) | [View Duncan Cotterill LinkedIn](#)

Duncan Cotterill Plaza, 148 Victoria Street, Christchurch | Ōtautahi  
PO Box 5 Christchurch | Ōtautahi 8140 New Zealand | Aotearoa

[Click here for office directions](#)



This message may contain confidential and privileged information. If you have received this e-mail in error, please advise us by return e-mail or telephone and then delete this e-mail together with all attachments. Please visit <https://duncancotterill.com/terms-conditions/email-disclaimer> for other important information concerning this message.

## 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](mailto:districtplan@mackenzie.govt.nz)

### Mackenzie District Plan Change Submission

#### Name of Submitter:

1 Raincliff Station Limited (**RSL**)  
Address: C/- Duncan Cotterill,  
148 Victoria Street,  
PO Box 5,  
Christchurch 8140  
Contact: David Morgan / Katherine Forward  
Phone: 027 230 3357 / 03 372 6466  
Email: [david.raincliff@outlook.com](mailto:david.raincliff@outlook.com) / [katherine.forward@duncancotterill.com](mailto: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 RSL has an interest in the proposal that is greater than the interest the general public has, as it owns a property at 1761 Spur Road, Middle Valley, Fairlie.  
4 The RSL 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 RSL property.

#### Further submission details:

5 RSL opposes all of the Frank submission and submits that this ought to be rejected in full. RSL 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. RSL are very concerned that if the Council elect to support part/ all the proposed new/ extended ONF – Raincliff, this will raise issues of procedural fairness.
- 6.4 The Raincliff Station Manager's house and ancillary buildings appear 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. RSL, to the best of its knowledge, is not aware of any Māori rock art on its property. 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. RSL 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 RSL 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 RSL property along with any maintenance, upgrade or replacement.

**Wish to be heard:**

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

Dated 28 March 2024



---

**Katherine Forward / Brandon Jones**

Solicitor for Raincliff Station Limited