

From: Fraser Sinclair <Fraser@cmlaw.co.nz>
Sent: Monday, 18 September 2023 2:24 pm
To: District Plan
Cc: Fraser Sinclair; Kelly Checketts
Subject: RE: Plan Change 19 - Comments on Section 42A Reply Report

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Dear Tarryn

Further to below, we make the following comments regarding the Section 42A Reply Report:

Section 11. North Cromwell

1. At para 135 Ms White states “I also disagree that the Spatial Planning exercise did not involve community engagement, nor that it did not consider other opportunities for growth. These are detailed in the Spatial Plan document itself.”

The writer replies as follows: That statement appears to assume that the Spatial Plan document (or a draft version) was issued by the Council as part of the consultation/ community engagement process. That is not correct - the first version of the Spatial Plan itself was not produced by Council until after the community engagement part of the process was completed. The writer is not aware of any community engagement literature issued by Council that contained any specific proposals for rezoning the area now known as North Cromwell. Furthermore, no options were given for the community to submit once the Spatial Plan was produced.

As such, the Plan Change 19 process is the first opportunity for North Cromwell residents to engage on any proposals to rezone the area. The writer submits that it would be inappropriate to consider that the Spatial Plan in anyway evidences a process of community engagement or consultation regarding specific rezoning proposals in North Cromwell.

It is clear from the submissions received as part of Plan Change 19 that there is no community consensus on rezoning North Cromwell for greater density. The original Section 42 Report acknowledged this and declined to take a position on minimum lot sizing.

2. The writer agrees with the concept of a single zoning for North Cromwell and the original zoning proposals proposed by Plan Change 19 (dual zoning) would have created undesirable outcomes.

3. The writer continues to submit that the most appropriate zoning for North Cromwell (excluding Wooing Tree Estate) would be a zoning with a minimum lot size of 2000 m².

4. It is noted that Ms White suggests a single zoning of LLRZ (which now has a proposed minimum lot size of 1500 m²). If such an approach is adopted, the writer submits that it is inappropriate to then allow a ‘precinct 1 designation’ to the areas of land identified at para 145 of the Section 42A Reply Report. This would allow potentially allow a 400% reduction in minimum lot size for some of the land in question. The Section 42A Reply Report suggests that such a decrease “... would not undermine the character of the LLRZ areas... “ because it would only apply to “...discrete sites...”. The writer disagrees with such an assessment and characterisation and the areas identified are very significant in total land area and are some of the most prominent sites in North Cromwell. The writer specifically notes as follows regarding the land blocks identified in para 145:

3A Scott Terrace, Cromwell - Part Lot 2 DP 12759 – This site is highly visible from most properties along Stout Terrace (which are at approximately the same level as the site in question) and areas along the lake front. It also directly overlooks the Nohoanga site at McNulty inlet and Lake Dunstan Boat Club buildings. The property also directly adjoins 5 other lots along Scott Terrace and lake reserve.

The submissions from this landowner reference the special nature of this site and North Cromwell and only seek a minimum lot size of 1500 m2 in their own submissions. The submitters own evidence states that 1000m2 sites would encourage questionable lot shapes in order to maximise subdivision potential and "Upon review of an initial 1000m² layout option, and through discussion with the Submitter in relation to site coverage, the 1000m² option was discarded. Site coverage impact was a key factor in this consideration, as the PC19 notified standard for LLRZ (P1) was 40% as compared to the 30% for LLRZ. It was considered that this increased site coverage, together with a smaller average lot size, would compromise the character and amenity of North Cromwell."

The writer does not agree to rezone this land as precinct 1 and (contrary to the landowner's own submissions) allow a minimum lot sizing of 1000 m2.

90B Luggate-Cromwell Road, Cromwell - Lot 2 DP 547668
138 Luggate-Cromwell Road, Cromwell - Lot 1 DP 547668
Part Aurum Wines site - Lot 1 DP 578052, Lot 2 DP 578052, Lot 2 DP 498458
De Geest land - Lot 1 DP 23948

Most of the above sites are highly visible from State Highway 6 and the northern approach to Cromwell. That approach is currently largely rural in character and appearance and the new proposed density would result in a significant change.

As such, the writer disagrees with the proposal to apply a precinct 1 zoning as proposed by the Section 42A Reply Report. Any proposal to increase density of development in such areas should be via the Comprehensive Residential Development pathway allowing Council greater ability to control development impacts on those land parcels.

Kind regards
Fraser Sinclair and Kelly Checketts

From: District Plan <DistrictPlan@codc.govt.nz>

Date: 13 September 2023 at 2:13:01 PM NZST

To: District Plan <DistrictPlan@codc.govt.nz>

Subject: Plan Change 19

Afternoon

Section 42a reply report is available on the Lets Talk platform [Plan Change 19 - Residential Zoning | Let's Talk Central Otago \(codc.govt.nz\)](#)

Any comments can be made to districtplan@codc.govt.nz by Wednesday the 20th September
thanks

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