

Form 33

Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, Mark Thomson Mitchell, wish to be a party to the following proceedings:

- ENV-2024-CHC-073, being an appeal by North Cromwell Society Incorporated against the decision of Central Otago District Council on Plan Change 19 to the operative Central Otago District Plan.

I am:

- a person who made a submission about the subject matter of the proceedings

I am not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

I am interested in all of the proceedings.

I am interested in the following particular issues:

1. My ownership of 3A and 9 Scott Terrace, Cromwell, and the uncertain and conflicting "Area" references in the Notice of Appeal, particularly with reference to Figures 1, 2 and 3.
2. The appeal does not appear to give regard to the detailed and relevant evidence I prepared and filed through my Plan Change 19 submission/hearing.
3. The inclusion of my 3A Scott Terrace property within the area on Figure 1 of the Notice of Appeal, being referred to as the "*Area of land of interest to the North Cromwell Society Incorporated (outlined in red)*". It is unclear why my 3A Scott Terrace property has been included.
4. Figure 2 in the Notice of Appeal, being referred to as the "*PC19 land subject to this Appeal (outlined/shaded in red)*", not being correctly/consistently referenced in the Notice of Appeal. In particular:
 - a. Under the header "*Decision/ part of the Decision appealed against*" on page 2, paragraph 4 notes "*This appeal is limited to: (a) the parts of the Decision that relate to all provisions affecting development within the area that we refer to as the 'North Cromwell Rural Lifestyle Area' (identified in Figure 2 below, on the following page); and*
 - b. Under the header "*Relief sought*" on pages 9 and 10, paragraph 22 incorrectly/inconsistently references Figure 1 where it is noted "*We seek the following relief: (a) Primary relief: That the PC19 provisions applying to the area of land identified in Figure 1 above be rejected, and the operative*

provisions providing for rural residential subdivision and development at 4,000m² densities be retained”.

5. The poorly defined nature of, and reference to, Figure 3 in the Notice of Appeal, being referred to as *“Indicative area of land where new residential subdivision and development should be subject to a comprehensive structure plan prepared in consultation with the local community”*. The basis for the defined area and proposed structure plan process is not clear or logical, as this includes all properties on Scott Terrace and Stout Terrace (including my Scott Terrace properties), together with those on one side of Shortcut Road and Lakeview Terrace, with no apparent relationship to landform or the long-established pattern of development.
6. While the references to the *“North Cromwell Rural Lifestyle Area”* appear to be related (or intended to be related) to the Figure 2 *“PC19 land subject to this Appeal (outlined/shaded in red)”*, I take issue with this terminology, particularly if the scope of the appeal includes my land. The *“Rural Lifestyle Area”* and *“rural environment”* terminology used throughout the Notice of Appeal implies that some form of existing rural zoning applies, and this is certainly not the case, with the longstanding operative zoning being Residential Resource Area (6). This zoning applies to my Scott Terrace properties and the majority of the area generally referred to as *“North Cromwell”* throughout the Plan Change 19 process.
7. I do not consider that the *“Rural Lifestyle Area”* description is accurate in terms of the built form, character and connectivity present within *“North Cromwell”* generally. Instead, *“North Cromwell”* may be better described as a *“Well-established Large Lot Residential Area”* which is located within 1.5km of the Cromwell Mall / Town Centre Precinct (as referenced in the Cromwell Masterplan / Spatial Plan), and which is well connected and serviced in relation to the remainder of Cromwell, with roading/access and three waters infrastructure that typically meets Council’s current urban standards (NZS 4404:2004, the related 2008 Addendum, and the 2015 Roding Policies).

I oppose the relief sought because—

1. The primary relief sought is retention of the operative District Plan provisions and zoning with respect to the *“area of land identified in Figure 1”*. The reference to Figure 1 appears to be an error, as this includes my 3A Scott Terrace property and is at odds with the reference to Figure 2 in paragraph 4 of the Notice of Appeal.
2. The secondary relief sought, in paragraph 22(c)(i), is an amendment to the Plan Change 19 provisions to *“prevent (or not allow) subdivision or residential development below 2,000m²”*, and this is directly contrary to the detailed evidence that was presented as part of my submission and hearing.
3. The secondary relief sought, in paragraph 22(c)(ii), is recognition that the area identified in Figure 1, including my 3A Scott Terrace property, *“does not contain urban characteristics, rather it contains rural lifestyle/residential characteristics that should be retained*, and this statement is not correct in relation to the established pattern and density of residential development or the well-established roading and three waters infrastructure in the area (which has been in place for approximately 18 years with respect to Scott Terrace).
4. The secondary relief sought, in paragraph 22(c)(iii), includes the requirement for *“new subdivision or residential development to be subject to careful consideration / assessment of matters including: ensuring subdivision or development will maintain*

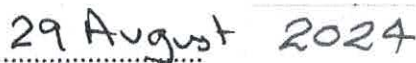
rural residential amenity values and characteristics", and this does not align with the existing/operative or proposed residential zoning/provisions.

5. The secondary relief sought, in paragraph 22(c)(iv), is the requirement for "*any subdivision or residential development of densities below 4,000m² to be publicly notified and undertaken in accordance with a bespoke structure plan*", with the area to which this would apply being poorly defined, and with this requirement not providing an obvious or straightforward consenting pathway to allow for any growth in order to meet demand or the outcomes of the Cromwell Master / Spatial Plan and Plan Change 19 processes.
6. The secondary relief sought, in paragraph 22(c)(viii), is for buildings to be restricted to a single story height, and it is not considered appropriate to impose this type of restriction through the Plan Change 19 zoning/provisions. It is considered that this is better managed through potential private covenants at the time of subdivision.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person wishing to be a party



Date

Address for service of person wishing to be a party:

Telephone: 0204 160 1180

Fax/email: campbell@coterra.co.nz

Contact person: Campbell Hills

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 form 33: amended, on 10 October 2013, by regulation 8(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by regulation 8(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by regulation 8(3) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by regulation 8(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 33: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).