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30 March 2023

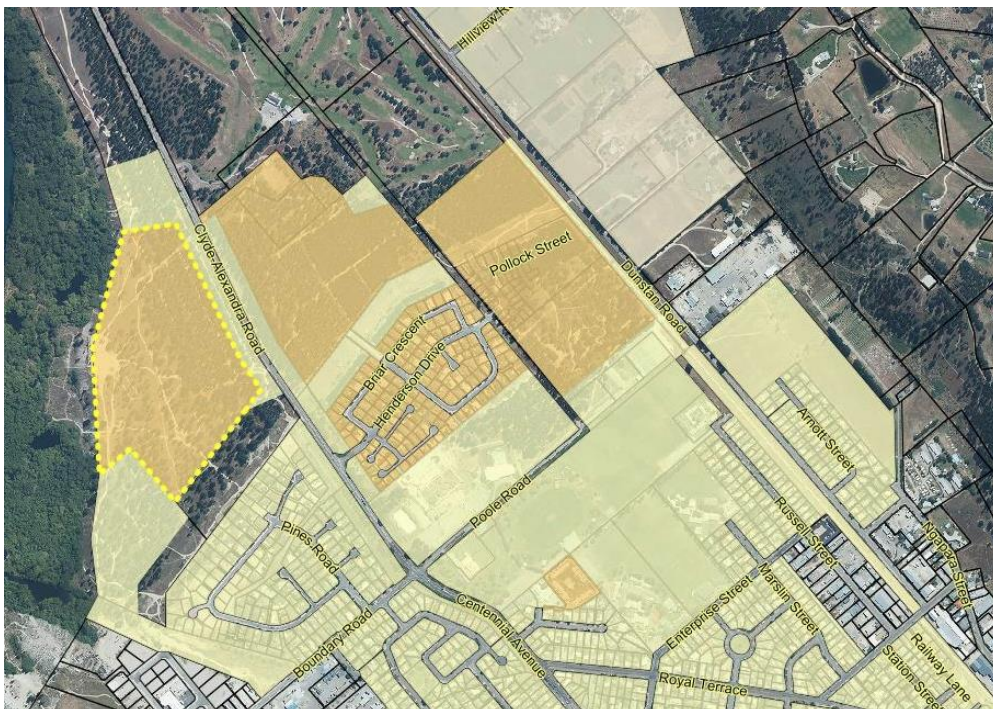
The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

By email: sanchia.jacobs@codc.govt.nz

Dear Sanchia

Central Otago District Council - Plan Change 19 – Alexandra Residential Zoning

1. We act for One Five Five Developments LP who owns land at 155 Dunstan Road, Alexandra.
2. We refer to the Central Otago District Council's (**Council**) notification of Plan Change 19 and the proposed rezoning of land in Alexandra for residential activity. In particular, we refer to the 35 hectare area of land owned by the Council and Ngai Tahu (**Council land**), shown in orange below, which has been notified to be rezoned as Medium Density Residential allowing subdivision of down to lot sizes of 200m².



3. Our client's land, which is located immediately northeast of the Council land, has been notified to be zoned Large Lot Residential, allowing subdivision of down to lot sizes of 2000m². Our client has made a submission seeking its land be up-zoned to allow for subdivision down to lot sizes of 500m². We understand the Council planners' position will be the zoning of the Council land means there will be sufficient supply of residential zoned land, and no further rezoning of land to higher densities is required.
4. Clearly, there is a significant economic benefit to the Council in having the Council land rezoned and able to be used for higher density residential development, and for competing landholdings not to be able to be used for such. Accordingly, the Council as landowner has a direct financial interest in the outcome of Plan Change 19.
5. Notwithstanding this, we note the Council has decided that submissions on rezonings of land under Plan Change 19 will be heard not by independent hearings commissioners, but by members of the Council itself.
6. Our client has significant concerns with this decision. There is at the very least the potential for actual or perceived conflicts of interest to arise if the Council is to be tasked with determining submissions on the Plan Change when it is affected in a different capacity to this extent. Indeed, a reasonable inference could be drawn that submissions will in fact have been pre-determined.
7. Whilst we accept the Council is not legally obligated under the Resource Management Act 1991 or otherwise to appoint independent commissioners, it is recommended and preferred for it to do so in cases such as this.
8. This letter is to formally request the Council reconsider its position and resolve to appoint independent commissioners to hear the submissions. If the Council intends to proceed with its decision not to appoint independent commissioners, then please take this letter as notice that any subsequent decision will be extensively scrutinised, and our client will pursue any remedies if it becomes apparent that any conflict of interest was a factor in the decision.

Yours faithfully

TODD & WALKER LAW



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