

**CENTRAL OTAGO DISTRICT COUNCIL**  
**REQUESTED PLAN CHANGE 12 : WOONG TREE, CROMWELL**

**P20004**

**REPORT OF PLANNING CONSULTANTS PURSUANT TO SECTION 42A OF THE**  
**RESOURCE MANAGEMENT ACT 1991**

**1.0 INTRODUCTION**

On 13 March 2017 Woong Tree Holdings Limited requested a change to the Central Otago District Plan to change the zoning of land that is currently in the Residential Resource Area (6) to apply a mixture of Resource Area (zone) provisions. Such request was made pursuant to section 73(2) and clause 21 of Part 2 of the First Schedule to the Resource Management Act 1991 (the Act).

The requested plan change provides for parts of the land (which is described in the plan change provisions as the Woong Tree Overlay Area or Woong Tree Overlay) to be included in the Residential Resource Area, the Residential Resource Area (3) and the Residential Resource Area (11) to enable higher density residential subdivision and development to proceed in accordance with amended rules which will be specific to the Woong Tree Overlay Area. Part of the land is to be included in a Business Resource Area (2) to provide for travellers accommodation, shops and other commercial development. Portions of the site adjacent to State Highways 6 and 8B are to be included in the Rural Resource Area; such land to be subject to a Building Line Restriction. The plan change also provides for the Monterey Pine (*Pinus radiata*) known as the “Woong Tree” to be listed as a Notable Tree in the District Plan

The land subject to the request has frontage to State Highway 8B, State Highway 6 and Shortcut Road at Cromwell. This land is described as Section 3 SO 461514 and has an area of 25.4197 hectares.

The Council accepted the request pursuant to clause 25(2)(b) of Part 2 of the First Schedule to the Act on 12 April 2017.

**2.0 SUBMISSIONS**

The requested plan change was publicly notified as Plan Change 12 on 30 May 2017 and the closing date for submissions was 23 June 2017. Forty submissions were received in response to the requested plan change by the closing date for submissions.

We note that a submission was subsequently received by the Council from The Southern District Health Board c/- Public Health South; such submission being received on 6 July 2017. Section 37 of the Act provides for a local authority, in any particular case, to extend a time period or to waive a failure to comply with a requirement for the time of servicing documents. Having taken into account the matters listed in section 37A(1) of the Act we **recommend** that the late submission The Southern District Health Board c/- Public Health South be accepted. On this basis 41 submissions have been received in response to the requested plan change.

A summary of the submissions (including the late submission by The Southern District Health Board c/- Public Health South) was notified for further submissions on 19 August 2017, with further submissions closing on 4 September 2017. A total of 6 valid further submissions were received from TJ Affleck, BF Dawson, The NZ Transport Agency, PJ Piebenga, GF & A-L Sinnott and Wooing Tree Holdings Limited by the closing date for further submissions.

A further submission from ML Morpeth was received by the Council on 6 September 2017. Again having taken into account the matters listed in section 37A(1) of the Act we **recommend** pursuant to section 37 that the late further submission by ML Morpeth be accepted. On this basis 7 valid further submissions have been received in response to the requested plan change.

We note that several further submissions were lodged which we advise are invalid as they do not identify the original submission to which they relate. It appears that these “further submissions” simply express support for Plan Change 12 or reiterate issues raised by the further submitters in the context of their own original submissions; and the content of the “further submissions” may be traversed when the individuals concerned present their original submissions. The only invalid further submission which has come from persons who are not original submitters is that of K & M Herrick.

Having regard to the above we **recommend** that the “further submissions” received from PJ Goodwin as Trustee of Meadowvale Trust (3 further submissions), JM Hawker, K & M Herrick & WF White be declared invalid as they do not identify any submission to which they are relate.

We attach at Annex 1 a summary of the submissions and valid further submissions received in response to requested Plan Change 12. The further submissions are summarised in Annex 1 in the right hand column, adjacent to the summary of the corresponding original submission. We emphasise that we have only presented a summary of the contents of each submission and further submission in Annex 1 and acknowledge that further details are contained in the full text of the submissions and further submissions.

### **3.0 STATUS OF THIS REPORT**

The attention of the requestor, submitters and further submitters is drawn to the fact that the purpose of this report is to bring to the attention of the Hearings Panel all relevant factual information or issues which should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearings Panel and it should not be assumed that the Hearings Panel will reach the same conclusion or decision having considered all the evidence.

### **4.0 SCOPE OF PROPOSAL**

Plan Change 12 promotes amendments to the Operative Central Otago District Plan to remove the Residential Resource Area (6) and to apply a mixture of Resource Area (zone) provisions to some 25.4197 hectares of land that has frontage to State Highway 8, State Highway 6 and Shortcut Road at Cromwell.

As noted above the plan change provides for parts of the land (which is described in the plan change provisions as the Wooing Tree Overlay Area or Wooing Tree Overlay) to be included in the Residential Resource Area, the Residential Resource Area (3) and the Residential Resource Area (11) to enable higher density residential subdivision and development to proceed in accordance with amended rules which will be specific to the Wooing Tree Overlay Area. Part of the land is to be included in a Business Resource Area (2) to provide for travellers

accommodation, shops and other commercial development. Portions of the site adjacent to State Highways 6 and 8B are to be included in the Rural Resource Area; such land to be subject to a Building Line Restriction. The plan change also provides for the Monterey Pine (*Pinus radiata*) known as the “Wooring Tree” to be listed as a Notable Tree in the District Plan.

The Residential Resource Area (6) is subject to a minimum allotment area for subdivision of 4000m<sup>2</sup>. Plan Change 12 provides for denser subdivision of the land concerned as the minimum allotment area in the Residential Resource Area is 250m<sup>2</sup> (where a reticulated sewerage system is available); in the Residential Resource Area (3) is 1000m<sup>2</sup>; and in the Residential Resource Area (11) is 400m<sup>2</sup>.

New rules in Plan Change 12 which are specific to the Wooring Tree Overlay Area include:

- A stipulation that no vehicular access is permitted to the state highway [network] except via a [new] single lane roundabout at the State Highway 8B/Barry Avenue intersection; and that no new development shall occur west of and including the Business Resource Area (2) until the single lane roundabout and a pedestrian underpass is completed and operational.
- Limits on the number of residential allotments which can be created in the Residential Resource Area [50], the Residential Resource Area (3) [60] and the Residential Resource Area (11) [100]. Within the Residential Resource Area the maximum allotment area is to be 350m<sup>2</sup>, multi-unit development is to be provided for as a controlled activity, and side and rear yard, height and coverage rules are to be amended to provide for denser development; and a 15 metre yard is to be provided adjacent to the Residential Resource Area (6) to the north-east of the Wooring Tree Overlay Area.
- A limit on the maximum floor space permitted in the Business Resource Area (2) is 12,000m<sup>2</sup>; being a maximum of 6,000m<sup>2</sup> for travellers accommodation, 4,000m<sup>2</sup> for shops and 2,000m<sup>2</sup> for activities other than travellers accommodation and shops. All shops in the Business Resource Area (2) are to have a maximum floor area of 200m<sup>2</sup>.
- In the Rural Resource Area any building is to be a non-complying activity.
- The existing Building Line Restriction (BLR) is to be amended to provide a greater depth adjacent to the location of a future single lane roundabout; and otherwise the BLR is to be 30 metres off the boundary of State Highways 8B and 6 [as at present].
- The Monterey Pine (*Pinus radiata*) known as the “Wooring Tree” is to be listed as a Notable Tree in Schedule 19.4 of the Operative District Plan and shown by notation on Planning Map 13.

Plan Change 12 amends Section 4 : Rural Resource Area, Section 7 : Residential Resource Area, Section 8 : Rural Resource Area, Section 18 : Definitions, Section 19.4 : Register of Heritage Buildings, Places, Sites and Objects and Notable Trees and Planning Maps 12, 13, 13A and 14 to make various amendments, as summarised above.

The provisions of requested Plan Change 12, as publicly notified, are attached at Annex 2. The full text of the Sections of the District Plan amended by Plan Change 12 (with the proposed amendments incorporated) are presented in Attachment F to the request document (discussed further below).

## **5.0 DOCUMENT IN SUPPORT OF REQUESTED PLAN CHANGE**

When the plan change was requested in March 2017, a document prepared by Vivian + Espie Limited entitled “Wooing Tree Holdings Limited Private Plan Change to the Central Otago District Plan Application, Section 32 Evaluation and Assessment of Effects on the Environment” dated 13 March 2017 (“the request document”) was provided by the requestor which contains information that is of assistance when assessing the plan change in terms of the relevant provisions of the Act. The request document provides information with respect to the scope and purpose of the plan change; a description of the location and existing environment; a section 32 evaluation report (assessment) of alternatives; details of consultation undertaken by the requestor; a consideration of statutory matters; and an assessment of the effects of the proposal on the environment. Attached to the request document are various plans and supporting technical documents including:

Attachment A: Future Development Masterplan  
Attachment B: Certificate of Title  
Attachment C: Resource Consents  
Attachment D: Receiving Environment Plan  
Attachment E: Proposed Zoning Plan  
Attachment F: District Plan Changes Detail  
Attachment G: NZTA correspondence  
Attachment H: Landscape and Visual Effects Assessment  
Attachment I: Urban Design Assessment  
Attachment J: NZ Tree Register  
Attachment K: Detailed Site Investigation  
Attachment L: Services Report  
Attachment M: Traffic Impact Assessment

While the requestor has lodged a further submission in response to one matter raised in the original submission of the NZ Transport Agency (being 27/6) it is appropriate to note that the requestor has sought no amendments to the provisions of requested Plan Change 12, as publicly notified.

## **6.0 MATTERS RAISED IN SUBMISSIONS**

To avoid preparing an unnecessarily lengthy report and to avoid repetition we have chosen to address the matters raised in submissions on a collective basis below, rather than discussing the matters raised on a submission by submission basis. We again note that 41 original submissions and 7 valid further submissions have been lodged; and many of these submissions and further submissions raise multiple topics. Again we acknowledge that the contents of all submissions and further submissions are summarised in the document attached as Annex 1 to this report.

### **6.1 Provision for Higher Density Housing**

Fifteen of the submitters have raised concerns with respect to the higher density housing provided for in Plan Change 12. While some submitters have opposed Plan Change 12 in its entirety and seek to retain the Residential Resource Area (6) status of the land; others have promoted a minimum lot size of, say, 500m<sup>2</sup> for allotments to be created within areas subject to Plan Change 12.

Currently the Wooing Tree land is in the Residential Resource Area (6) which provides for a minimum lot area of 4000m<sup>2</sup>. Land has been subdivided in accordance with the 4000m<sup>2</sup> rule in the Residential Resource Area (6) generally to the east of Shortcut Road (in the

Roberts Drive/Bell Avenue areas) and to the north of Shortcut Road (toward Scott Terrace).

We acknowledge that land immediately to the north of the subject site, between the Wooing Tree property and the northern section of Shortcut Road, is located in the Residential Resource Area (6) but has been subdivided into lots smaller than 4000m<sup>2</sup>. The Environment Court in Olive Branch Investments Limited v CODC C31/2006 permitted this land to be subdivided into 20 residential allotments which were to vary in area between 916m<sup>2</sup> and 1095m<sup>2</sup>; the residential allotments being surrounded by open space which had an area of 2.25 hectares. In essence the Olive Branch subdivision has resulted in a density of approximately one dwelling per 2125m<sup>2</sup> across the Olive Branch property; with three clusters of small residential allotments which vary between approximately 900m<sup>2</sup> and 1100m<sup>2</sup> in area.

In our view it is appropriate to acknowledge the baseline of anticipated development which could result on the Wooing Tree site if the land subject to Plan Change 12 was subdivided into allotments having a minimum area of 4000m<sup>2</sup> in terms of the Residential Resource Area (6) rules. Such a subdivision is depicted on the plan at Attachment D to the request document. This indicates that the subject site could be subdivided into 48 residential allotments.

We also acknowledge that existing development in the Residential Resource Area (6) to the north and east of Shortcut Road features both substantial dwellings and large sheds on some of the properties. Such development could also be anticipated on the Wooing Tree site if it were subdivided and developed in accordance with the Residential Resource Area (6) rules. It is appropriate to note that any such built development would be set back 30 metres from the State Highway 6 and State Highway 8B frontages to comply with the current Building Line Restriction notation.

Plan Change 12 provides for a mixture of residential subdivision and development to occur across the subject site. We note that the intention is to provide for the Residential Resource Area (3), where a minimum lot area of 1000m<sup>2</sup> applies, generally at the periphery; to apply the Residential Resource Area (11) where a minimum lot area of 400m<sup>2</sup> applies more centrally; and to apply the Residential Resource Area where a minimum lot area of 250m<sup>2</sup> applies to a discrete area that is centrally located on the site. Within the Residential Resource Area provision is to be made for multi-unit development (as a controlled activity) with an associated relaxation of yards and recession planes; for increased site coverage of 80%; and for a maximum lot area of 350m<sup>2</sup> to apply.

The 30 metre wide Building Line Restriction is to be retained adjacent to the state highways; with a crescent effect to be achieved adjacent to the proposed roundabout (discussed further in 6.5 below). The Rural Resource Area is to apply to the land subject to the Building Line Restriction. We also note that a 15 metre building setback is proposed adjacent to the Olive Branch subdivision, to the north of the subject site.

The quantity of residential subdivision is to be controlled by rules provided for in Plan Change 12. Again we note that within the Residential Resource Area (3) there is to be a maximum of 60 residential allotments; within the Residential Resource Area (11) there is to be a maximum of 100 residential allotments; and within the Residential Resource Area there is to be a maximum of 50 residential allotments. The provision for multi-unit development as a controlled activity is likely to result in more residential units than residential allotments in the Residential Resource Area.

Attachment A to the request document is a Future Development Masterplan. The request document at Clause 2.3 emphasises that this is only one option for the development of the subject site; and that the Future Development Masterplan is simply an idea of how the requestor would like to develop its land in the future. Accordingly the Future Development Masterplan is not to be included in the District Plan.

In our view caution should be exercised when considering the Future Development Masterplan in the context of Plan Change 12. It is possible, for example, that the land could be transferred to another party who will simply choose to develop the land as provided for in terms of the mixture of Resource Areas provided in Plan Change 12 to their full potential. This may result in a different outcome in terms of the provision for open space and the retention of vineyards, to that shown on the Future Development Masterplan.

Several submitters have promoted that Plan Change 12 should be amended to provide for a minimum lot area of 500m<sup>2</sup> (or 1000m<sup>2</sup>). For example Heather McPherson (25/1) has promoted that the Residential Resource Area (12), which provides for a minimum allotment area of 500m<sup>2</sup>, be substituted for the Residential Resource Area (11). We note that the Residential Resource Area (12) was introduced into the District Plan via Plan Change 4B which became operative on 20 November 2009. That Plan Change provided for generally vacant land between Waenga Drive and State Highway 6/McNulty Road to be included in the Residential Resource Area (12). Substantial residential subdivision has occurred in recent times between McNulty Road and Waenga Drive based on this standard. We anticipate that the requestor, at the hearing, will explain why a minimum lot area of 400m<sup>2</sup> is more appropriate than, say, a minimum lot area of 500m<sup>2</sup> with respect to land currently identified as Residential Resource Area (11) in Plan Change 12.

Plan Change 12 provides for the Residential Resource Area (11) to apply to land beyond the Building Line Restriction/Rural Resource Area to the north of State Highway 8B, generally between the Sargood Road and Barry Avenue intersections. We anticipate that the requestor will also give consideration to whether the Residential Resource Area (3), which has a minimum lot area of 1000m<sup>2</sup> should apply to the strip of land closest to State Highway 8B. Such an amendment would appear consistent with the intent of providing for lower density residential subdivision and development at the periphery, with provision for higher density residential subdivision and development located centrally within the site.

M & L Wardill (38/5) have promoted that either reduced development or no development should occur at the south-western corner of the site; being an area marked in pink on the plan attached to the Wardill submission. In our view, given the Residential Resource Area (6) status of the site, such a restriction would be unreasonable. We also acknowledge that the strip of land adjacent to State Highway 6 and State Highway 8B (being a portion of the land shown in pink) is and will remain subject to the Building Line Restriction.

We consider that maintaining the existing Residential Resource Area (6) status of the land represents inefficient use of the land resource. As noted above land in the Residential Resource Area (6) to the north and east of Shortcut Road features substantial dwellings and, in many instances, large sheds; with some sites largely vacant beyond the dwelling curtilage. In our view Plan Change 12, which provides for a denser pattern of subdivision and development, will make more efficient use of this land resource which is strategically located with respect to commercial and community facilities at Cromwell.

Subject to further consideration being given to the matters which we have discussed above we consider that the provision for higher density housing, as provided for in Plan Change 12, is appropriate and is consistent with the relevant objectives and policies of the Operative District Plan.

## **6.2 Business Resource Area (2)**

Thirteen submitters have raised concerns with respect to the proposal to provide for retail activity and/or travellers accommodation in the proposed Business Resource Area (2) in Plan Change 12.

Plan Change 12 provides for 2.47 hectares of land to be zoned Business Resource Area (2). The relevant planning history is outlined in Section 3.4 of the request document and the relevant resource consents, being RC 010134 and RC 050408, are presented at Attachment C to the request document. RC 010134 which was granted to GW & JH Bews on 21 November 2001 authorised the establishment of a vineyard on the subject site; and RC 050408 which was granted to Wooing Tree Vineyard Limited on 22 February 2006 authorised an extension to an existing building to include the operation of a wine tasting and sales outlet including café dining, to erect signs advertising the site and to host private functions at the site. We note that RC 010134 and RC 050408 were granted subject to 16 and 28 conditions of land use consent, respectively.

While Plan Change 12 provides for 2.47 hectares of land to be included in the Business Resource Area (2) restrictions are proposed with respect to maximum floor space and building coverage within the Business Resource Area (2). The maximum floor space permitted in the Business Resource Area (2) is 12,000m<sup>2</sup> divided as follows:

- No more than 6000m<sup>2</sup> to be used for travellers accommodation.
- No more than 4000m<sup>2</sup> to be used as shops.
- No more than 2000m<sup>2</sup> to be used for “any activities other than travellers accommodation or shops”.

Furthermore the maximum building coverage is not to exceed 8000m<sup>2</sup> of the total Business Resource Area (2) area; and we understand that this will result in a maximum of 8000m<sup>2</sup> of the 12000m<sup>2</sup> being at ground floor level. We also acknowledge that within the Business Resource Area (2) a shop is to have a maximum floor area of 200m<sup>2</sup>. The effect of this rule in combination with the maximum floor space rule is that a maximum of 20 shops having a floor area of 200m<sup>2</sup> would be permitted. Additional shops would be provided for (up to a maximum aggregate floor space of 4000m<sup>2</sup>) if the floor area of shops is less than 200m<sup>2</sup>.

In Section 2.3 of the request document (which explains the purpose of the plan change), it appears that the Business Resource Area (2) has the purpose of:

*“...enabling the continued operation of the Wooing Tree Cellar door and associated operations, providing for small scale business activities that support the Cellar Door. Visitor accommodation is enabled and this will also support the continued operation of the Wooing Tree as a wedding venue.”*

We have significant reservations whether the Business Resource Area (2) is necessary to enable the continued operation of the Wooing Tree Cellar door and associated operations. As noted above this activity has been authorised by resource consent and we note that RC 050408, in particular, is subject to 28 conditions which, amongst other matters, serve to

protect the amenities of neighbouring residential properties from effects associated with the consented commercial development on the site. We consider that the existing resource consent is sufficient to enable the continued operation of the Wooing Tree Cellar door activity; and we note that if the Business Resource Area (2) were applied that the existing Cellar door and associated operations may no longer be subject to the controls provided for in the conditions of RC 050408.

If travellers accommodation is required this could be provided for by, say, including part of the Business Resource Area (2) in the Residential Resource Area where travellers accommodation is a discretionary activity in terms of Rule 7.3.4(iii). It is important to note in this context that Rule 7.3.5(iii) confirms that travellers accommodation in the Residential Resource Areas (1) to (13) [which includes the Residential Resource Area (3) and the Residential Resource Area (11)] is a non-complying activity.

The extent of retail activity provided for in Plan Change 12 exceeds that which is necessary to support the continuing operation of the Wooing Tree Cellar door.

Currently retail activity is fragmented at Cromwell. Conventional retail activity is provided for in the Business Resource Area at the Cromwell Mall. Large scale (or “big box”) retailing is provided for in the Business Resource Area (1) in the Iles Street/Elspeth Street locality. Retail activity has also occurred in the Industrial Resource Area at Cromwell, including at McNulty Road; and visitor orientated retail activity is found in the Old Cromwell Heritage Precinct. In our view additional provision for retail activity in the Business Resource Area (2), as proposed in Plan Change 12, has the potential to further fragment retail activity at Cromwell. We also note that the request document is devoid of any assessment (including economic assessment) of what the effects are of providing for retail activity in the Business Resource Area (2) upon the wider Cromwell community. We do not consider that further fragmentation of retail activity is in the best interests of the Cromwell community.

Having regard to the above we conclude that providing for the Business Resource Area (2) via Plan Change 12, as proposed, is inappropriate and may have a significant adverse effect on the environment.

We anticipate that the applicant will provide a plan which shows the existing Business Resource Area (2) being allocated to other purposes being Residential Resource Area (3) (generally at the northern and possibly southern extent of the existing Business Resource Area (2)), the Residential Resource Area (for travellers accommodation in close proximity to the existing Wooing Tree Cellar door complex) and the Residential Resource Area (11) [or the Residential Resource Area (12) – see discussion in 6.1 above] (for the balance area).

The submission by P & J Johnstone (21/1) promoted that the land subject to Plan Change 12 should be used instead to redevelop the Commercial Heart of Cromwell. We simply note that any such proposal falls beyond the scope of Plan Change 12 as publicly notified.

### **6.3 Visual Entrance to Cromwell/Soil Resource**

Nine submitters have emphasised that the land subject to Plan Change 12 is sensitive, as it creates the first impression for those travelling into Cromwell via State Highway 6 and/or State Highway 8B.

The existing Wooing Tree Vineyard is clearly visible from State Highway 6 and 8B and serves to reinforce the relationship of Cromwell and environs with viticulture on a site that



is particularly visible from these routes which provide an entrance to the town as well as being routes utilised by visitors who are passing by. While the vineyard exists on the site the Council's decision on RC 010134 acknowledged that this may be an interim use until such time as the land is required for residential subdivision and development in accordance with its present Resource Area status.

As noted above it appears that the land could be subdivided into 48 allotments having a minimum area of 4000m<sup>2</sup>; and substantial dwellings and outbuildings could occur across the subject site (beyond the strips of land subject to the Building Line Restriction notation).

Given the Residential Resource Area (6) status of the land we consider that little weight should be placed on the existence of the vineyard in the context of assessing the effects of Plan Change 12. The land could be subdivided and developed for residential purposes at any time and the effect of Plan Change 12 is that such subdivision and development would occur at a greater density than currently provided for in the Residential Resource Area (6).

Plan Change 12 provides for the Rural Resource Area to apply to a strip of land which is 30 metres wide within the site (with a crescent adjacent to the roundabout at the intersection of State Highway 8B and Barry Avenue). The 30 metre strip coincides with the extent of the existing Building Line Restriction notation.

Several submitters have taken issue with the practicality of retaining a strip as narrow as 30 metres in grapevines as shown on the Future Development Masterplan. We note in this context that a headland space approximately 8 metres deep is currently provided between the State Highway 8B frontage and the commencement of the vine support structures. If a similar headland were provided adjacent to internal roads/residential allotments the strip retained or planted as vineyard would be very narrow. We also question the practicality of retaining the vines in terms of future maintenance if, say, this part of the site were transferred to some other party.

We note that the Future Development Masterplan provides for tree planting to occur in an Open Space area in the north-western portion of the proposed Rural Resource Area adjacent to State Highway 6. The potential may exist to establish planting/moundings elsewhere along the strip to be included in the Rural Resource Area; to provide visual and acoustic screening as suggested by Hessel Christiaan Van Wieren (37/4). Similar mounding and planting has occurred adjacent to greenfields residential development at Alexandra (Molyneux Estate) and commercial development at Cromwell (adjacent to Business Resource Area (1)) albeit that such mounding and planting has occurred on land designated for Recreation Purposes being D2 and D72, respectively. It is also acknowledged in this context that that portion of the proposed vineyard in the Rural Resource Area adjacent to the roundabout is significantly below the level of State Highway 8B and that any planting/mounding in this locality is likely to provide little, if any, visual and acoustic screening.

An alternative technique, which has recently been used in the context of Plan Change 11 which applied the Industrial Resource Area to the former Cromwell Saleyards site, was to impose a rule with respect to landscaping. Such rule has the effect of requiring that landscaping be established by the subdividing owner at the time of subdivision; and maintained, in future, by the owners of the respective allotments. Such an approach would overcome potential issues with respect to future maintenance of the land currently shown as being in the Rural Resource Area in the context of Plan Change 12. The disadvantage of

such an approach is that individual owners may fail to maintain those portions of their properties which form part of the landscape buffer.

Given that the practicality of the current provisions for the buffer strip have been raised by submitters we anticipate that the requestor will address the above matters further at the hearing.

Three submitters have expressed concern at the loss of highly productive soils; noting that soils are a finite resource.

Again we acknowledge in this context that the land is subject to the Residential Resource Area (6) provisions at present. The land could be subdivided and developed for residential purposes and given the prior allocation of this land for residential purposes (through the Operative District Plan) we do not consider that the proposal will have a significant adverse effect in terms of the loss of productive soils.

#### **6.4 Shortcut Road**

Nineteen submissions have raised issues associated with Shortcut Road. In particular most submitters are opposed to any closure of the Shortcut Road intersection with State Highway 8B.

We emphasise that Plan Change 12 does not promote the closure of Shortcut Road. The Traffic Impact Assessment prepared by Opus International Consultants Limited which is presented as Attachment M to the request document confirms on page 4 that:

*“The primary access to the rezoned area would be at the existing State Highway 8B and Barry Avenue intersection. The existing priority T-intersection would be converted to a roundabout. The secondary access to the rezoned area would be onto Shortcut Road on the east side.”*

Reference was made to the potential closure of the Shortcut Road/State Highway 8B intersection in correspondence from the NZ Transport Agency to Opus International Consultants Limited (for the requestor) dated 22 December 2016 which is Attachment G to the request document. That letter stated as follows:

*“The potential roundabout is located reasonably close to the Shortcut Road/SH8B intersection which is currently formed as a give-way controlled T-intersection. Our other initial comment regarding the potential roundabout [apart from the design of the roundabout itself] is that it should probably not only serve the proposed plan change area but also the development of the wider area on the north side of SH8B. To that end, we suggest the applicant explore the possibility of moving Shortcut Road traffic through the subject site and the as yet undeveloped 4<sup>th</sup> leg of the potential roundabout. This would enable the closure of the Shortcut Road/SH8B intersection which would then be no longer necessary.”*

Following careful perusal of the Plan Change 12 documentation we have come to the conclusion that the proposed roundabout will provide an alternate means for traffic that would otherwise use the Shortcut Road/SH8B intersection; but that there is no proposal in Plan Change 12 to close that intersection. Any such proposal falls outside the scope of Plan Change 12 and would be the subject of a separate statutory process, if initiated by the road controlling authorities.

We note that the southern limb of Shortcut Road provides an important link between properties in the Residential Resource Area (6) and the Cromwell Town Centre; and also provides an important link for Cromwell residents who reside south of State Highway 8B to the recreational resources of McNulty Inlet including the boat ramp, jetty/pontoon and Rotary Glen recreation area, the Aquatic Centre and the Lake Dunstan Boat Club. Some submitters have expressed concern that closure of the Shortcut Road/State Highway 8B intersection would mean that those towing boats would have to pass through the Wooing Tree subdivision.

The surveyed traffic volumes and predicted traffic volumes as detailed on pages 14/15 and 29 of the Traffic Impact Assessment indicate the traffic movements at the Shortcut Road/State Highway 8B intersection will not appreciably change as a consequence of Plan Change 12 when compared to the current situation.

We reiterate that Plan Change 12 contains no proposal to close the Shortcut Road/State Highway 8B intersection and accordingly the concerns expressed by the submitters appear to be met in this respect.

#### **6.5 Roundabout, Underpass & Connectivity**

Sixteen submissions have expressed support for the provision of a roundabout at the intersection of Barry Avenue with State Highway 8B; and many submitters have also expressed support for the proposed underpass.

The provision of a roundabout and underpass are integral to the proposal to the extent that no new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) west of and including the proposed Business Resource Area (2) is to be permitted until the roundabout and underpass is completed and operational. In our view this is an integral part of the proposal that is necessary to mitigate traffic effects associated with Plan Change 12.

The restriction contained in proposed Rule 7.3.6(vi)(e) [which requires the provision of a roundabout and underpass] anticipates that new development may occur to the east of the proposed Business Resource Area (2) without the provision of the roundabout and underpass. We anticipate that the requestor will provide justification for this aspect of the proposal at the hearing. We note in particular that an effect of such development on the eastern portion of the site will be to increase use of the State Highway 8B/Shortcut Road intersection and this effect does not appear to have been assessed in the Traffic Impact Assessment presented at Attachment M to the request document which compares the status quo with the full development as provided for in Plan Change 12, and not partial development of the eastern portion of the site only.

For completeness we note that the eastern portion of the site has not been planted out as vineyard; and accordingly this may be the portion of the site which is subdivided and developed for residential purposes first. Such activity, in the absence of the roundabout and underpass, may provide capital resources to assist in funding the provision of the roundabout and underpass to serve the balance of the land subject to Plan Change 12.

In conclusion it is appropriate to again acknowledge that most of the land proposed for development through Plan Change 12 will be dependent upon the provision of the roundabout and underpass.

Several submitters have promoted that the roundabout be double lane and not single lane as specified in the relevant provisions of Plan Change 12. The submission by the NZ Transport Agency has suggested various amendments which have the effect of removing the reference to a “single lane” roundabout. Those provisions also refer to the underpass being for pedestrians and cyclists. In our view these amendments are appropriate and will enable the roundabout to be constructed to an appropriate standard (which may or may not be double lane).

Some submitters have expressed concern that the potential underpass (as shown on the Future Development Masterplan at Attachment A to the request document) is located to the east of the Barry Avenue/State Highway 8B intersection.

The Landscape and Visual Effects Assessment at Attachment H to the request document at paragraph 5.12 confirms that it is envisaged that the pedestrian/cycle underpass would be located below the State Highway in the vicinity of the fruit sculpture. This sculpture is located to the west of the Barry Avenue/State Highway 8B intersection.

In our view the pedestrian/cycle underpass should be located to the west of the Barry Avenue/State Highway 8B intersection to provide better connectivity to the Cromwell Town Centre via either the paved area to the south of the fruit sculpture (ideally with the underpass surfacing on the Cromwell Mall side of the existing mounding) or via the sealed footpath which exists on the west side of Barry Avenue to the south of State Highway 8B. Such an arrangement will avoid pedestrians having to cross Barry Avenue when passing between any eastern underpass and the Cromwell Town Centre.

The NZ Transport Agency (27/6 and 27/16) has promoted that any activity which does not comply with the new Rules 7.3.6(vi)(d)–(f) (and Rules 8.3.6(xii)(a) and (b) that are proposed to apply in the Business Resource Area (2)) be a prohibited activity. These rules, amongst other matters, require the provision of a roundabout and underpass as discussed above.

Currently prohibited activities are rare in the Central Otago District Plan. Prohibited activities include tree plantings with Lodgepole pine (*pinus contorta*) in terms of Rule 4.7.5A(i) in the Rural Resource Area; and the production of nuclear power anywhere in the District in terms of Rule 13.7.4(iv). In our view prohibited activity status as promoted by the NZ Transport Agency is excessive in this instance and we support the position of the further submitter, Wooing Tree Holdings Limited (106/1), to the effect that non-complying activity status is appropriate for a breach of the relevant rules.

We envisage that the underpass will become popular with pedestrians and cyclists who wish to travel between the Cromwell Town Centre (and residential areas to the south) and the recreation resources which are available at McNulty Inlet. Accordingly we support those submitters who consider that provision should be made for connectivity for pedestrians and cyclists through the land subject to Plan Change 12 to Shortcut Road (and on to McNulty Inlet).

As noted above the relevant rules provide for a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road. The submission by G & J McDowell (23/12) opposes this on the basis that Wooing Tree already have an existing entrance off Shortcut Road. We note that the existing access serves the development authorised by RC 050408 and we question

why provision needs to be made for such alternative access in Rule 7.3.6(vi)(e). We anticipate that this matter will be addressed further by the requestor at the hearing.

In summary the roundabout and underpass are integral parts of the proposal and the relevant provisions should be refined, as promoted by submitters. In particular reference to a single lane roundabout should be deleted; the location of the underpass should be to the west of the Barry Avenue/State Highway 8B intersection and be explicitly provided for pedestrians and cyclists; and provision should be made for connectivity between the underpass and Shortcut Road, to provide access to the recreational resources which exist at McNulty Inlet.

#### **6.6 Designation of Open Space**

GM Stewart (34/16 & 34/17) has promoted that the buffers along the State Highway 6 and 8B frontages (which are proposed to be included in the Rural Resource Area) be vested in the Council as Reserve; and that Communal Open Space and Park Open Space, as identified on the Future Development Masterplan at Attachment A, should be designated for recreation purposes or otherwise provided for in the rules of the plan for the Wooring Tree Overlay [the site].

As noted above submitters have raised questions with respect to the practicality of establishing and maintaining vines in the buffer strip. If these areas were to be vested as Reserve the responsibility for maintaining the land would transfer to the Council. We acknowledge in this context that land on the opposite side of State Highway 8B is designated D72 and D82 for "Recreation Purposes" and "Amenity Planting Purposes", respectively, in the Operative District Plan. Other options would be to maintain this land in the ownership of the requestor as one lot (as proposed) or for landscaping to be established at the time of subdivision and the land held in individual allotments. Individual ownership applies with respect to properties in the Residential Resource Area (6) which is subject to a Building Line Restriction to the east of Shortcut Road albeit that a landscaped strip was not provided on those properties at the time of the original subdivision.

Mr Stewart has also promoted that the Communal Open Space and Park Open Space as shown on the Future Development Masterplan be designated or otherwise protected by rules. We acknowledge that the Communal Open Space is strategically located with respect to the Residential Resource Area where provision is to be made for an increased density associated with multi-unit development and a maximum lot area of 350m<sup>2</sup>.

We envisage that these suggestions will be addressed further by the requestor at the hearing.

#### **6.7 Infrastructure**

Four submitters have referred to effects on infrastructure; and some have noted that substantial upgrading will be required. The effects of stormwater disposal have also been raised by submitters.

The requestor has provided an infrastructure report prepared by Fluid Infrastructure Solutions Limited (at Attachment L to the request document) which assesses the water supply, wastewater and stormwater ("3 waters") requirements for the future development of the land subject to Plan Change 12.

The infrastructure report proposes that the site be serviced from the CODC water reticulation network at two connection points to provide a dual feed supply. While two

options have been identified, the preferred option is to connect into the existing 300mm diameter trunk watermain within the south-western area of the site and the 200mm diameter watermain at the intersection of Shortcut Road and Roberts Drive.

The infrastructure report advises that data from the hydraulic model (as provided by Rationale Limited) indicates that the supply pressures for future demand in the area are in the order of 60m; and that the pressure may reduce during peak flow conditions. The infrastructure report confirms that this pressure is within the target pressure guidelines of 25m to 80m.

While the infrastructure report has not assessed the capacity of the water supply network (source, treatment and storage); it notes that discussions with Council staff have not highlighted a capacity issue for the existing network.

Three options have been identified for servicing the area for wastewater being:

- Option 1 : Divide the site – south-west side of development to the existing Scott Terrace pump station and north-west side to gravity main on Roberts Drive.
- Option 2 : Connect entire development to the existing Scott Terrace pump station and upgrade pumps and rising main.
- Option 3 : Install a new pump station to service the site and pump directly to the Lowburn Rising Main.

The infrastructure report addresses each of these options and notes, in particular, that Option 3 is the most cost-effective option if Option 1 is not viable due to capacity issues in the Roberts Drive network.

There is no stormwater infrastructure in the vicinity of the development. The infrastructure report advises that the management of stormwater can be facilitated within the boundaries of the site with disposal to gravels. The infrastructure report recommends, at this stage, that the stormwater design be undertaken following the development of the roads and residential layout.

Our conclusion, following consideration of the infrastructure report provided with the request document, is that any effects in terms of in-ground 3 waters infrastructure are able to be mitigated by engineering solutions which we anticipate will be progressed at the subdivision consent stage. We anticipate that a similar conclusion is likely to be reached with respect to electricity and telecommunication services albeit that these services fall beyond the scope of the infrastructure report.

## **6.8 Scheduling of Wooing Tree**

Plan Change 12 provides for the inclusion of the Monterey Pine (*pinus radiata*) known as the “Wooing Tree” as Notable Tree number 26 in Schedule 19.4 Part B of the Operative District Plan. Attached to the request document at Attachment J is the relevant entry from The New Zealand Tree Register which relates to The Wooing Tree.

This initiative is supported by the Cromwell and Districts Community Trust (8/3). Given that the Wooing Tree is a local landmark inclusion in Schedule 19.4, as proposed, is appropriate.

## **6.9 Support for Plan Change 12**

Eight submitters have expressed support for Plan Change 12 in whole or in part. We note in particular that the submissions by DJ Stark (33/1) and GM Stewart (34/1) express support for residential aspects of the proposal only; and that the support of EA Heal (17/1) is conditional upon residential sections not being subdivided further. We also acknowledge that further submitters being TJ Affleck, BF Dawson, ML Morpeth and PJ Piebenga have expressed support for the various original submissions which expressed support for Plan Change 12.

## **6.10 Conclusion**

A variety of matters have been raised in the submissions. In some instances submissions relate to several topics, as discussed above. Our conclusion, following consideration of the matters raised in submissions, is that Plan Change 12 should be modified to address various matters raised in submissions, as identified by us above and as listed at the conclusion of this report in Part 10.0.

## **7.0 EFFECTS ON ENVIRONMENT**

Requested Plan Change 12 will apply a mixture of Resource Area provisions to the 25.4197 hectares of land that is subject to the requested plan change. The result will be to provide for more efficient use of the land resource than can be achieved under the Residential Resource Area (6) zoning of the land that has applied since the Central Otago District Plan became operative on 1 April 2008.

We have discussed the effects associated with Plan Change 12 in the context of the various matters raised in submissions as discussed in Part 6.0 of this report. The primary effect of Plan Change 12 (as amended in terms of our recommendations) is that a more concentrated form of residential subdivision and development with some visitor accommodation is to be provided for on the land subject to the plan change.

Such rezoning will have positive effects as it will provide for residential subdivision and development to occur at a greater density than currently provided for in the Residential Resource Area (6).

## **8.0 CONSIDERATION OF ALTERNATIVES**

Section 74(1) confirms that a change is to be in accordance with the Council's obligation to prepare and have particular regard to an evaluation report prepared in accordance with section 32. Section 32 establishes requirements for preparing and publishing evaluation reports on a proposed plan change as follows:

### ***“32. Requirements for preparing and publishing evaluation reports***

- (1) An evaluation report under this Act must-*
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by-*
    - (i) identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) summarising the reasons for deciding on the provisions; and*

- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must-*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-*
- (i) *economic growth that are anticipated to be provided or reduced; and*
- (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- ... ”

A section 32 evaluation has been prepared by the requestor, and this is presented in Section 6.0 of the request document prepared by Vivian + Espie Limited.

In our view there are four primary alternatives now available to the Council. These are to maintain the status quo; to apply an existing zone (eg. Residential Resource Area (11)) to the entire Wooing Tree site; to proceed with Plan Change 12 as notified; or to adopt modified Plan Change 12 provisions.

### **8.1 Status Quo – RRA(6)**

The status quo would maintain the current Residential Resource Area (6) zoning and rely on the resource consent processes to determine the most efficient and effective use of the land.

As noted above the Residential Resource Area (6) provisions could result in the land being subdivided to provide for 48 lots; with substantial dwellings and outbuildings possible on those properties. A positive effect of such an approach would be to maintain the existing pattern of development which is particularly apparent to the north and east of Shortcut Road. Such an approach would impose a cost as the land would not be efficiently used. We also acknowledge in this context that important elements of Plan Change 12, such as the roundabout and underpass, are unlikely to be viable if the land is simply subdivided and developed in accordance with the Residential Resource Area (6) provisions.

If this option were maintained it is likely that Residential Resource Area (6) subdivision and development would result in the loss of the opportunity to develop the land on a more integrated and efficient basis, as is now proposed.

In all the circumstances we do not favour the status quo option.

### **8.2 Apply a Single Existing Zone eg. RRA(11)**

A benefit of this option is that a uniform pattern of subdivision and development would occur across the Wooing Tree site. If the Residential Resource Area (11), say, was applied only this would enable subdivision to a minimum lot size of 400m<sup>2</sup>.

A disadvantage with this option is that it does not respond to the specific characteristics of the site, including the strategic location of the site at the visual entrance to Cromwell and to



the amenity of the surrounding properties. This option also does not provide for a mixture of housing typologies on the subject site.

In all the circumstances we do not favour this option.

### **8.3 Plan Change 12/Mixture of Resource Area Provisions**

This option is the one that is sought through requested Plan Change 12 as publicly notified. This provides for a range of different development typologies; with more concentrated residential subdivision and development to occur generally towards the centre of the site; and for the development of the Business Resource Area (2). Plan Change 12 provides for an efficient use of the land while, to a significant extent, mitigating effects on the amenity values of neighbouring properties.

A significant adverse effect with respect to Plan Change 12 may be associated with the establishment of a retail area within the proposed Business Resource Area (2). Such provision is not necessary to enable the on-going use of the Wooing Tree Cellar door complex and will result in fragmentation of retail activity at Cromwell.

In all the circumstances we do not favour Plan Change 12 as notified.

### **8.4 Modified Plan Change 12 Provisions**

This option makes provision for the residential subdivision and development provided for through Plan Change 12 as notified, deletion of the proposed Business Resource Area (2) and various modifications to the Plan Change 12 provisions to address concerns raised by various submitters.

This option has benefits in terms of facilitating a range of residential typologies, providing for the existing and future operations of the Wooing Tree Cellar door operation (including provision for travellers accommodation), and enhancing the provisions which are to be made with respect to traffic effects, particularly the provision of a roundabout to an appropriate standard and an underpass in an optimal location and with connectivity.

In our view the modified Plan Change 12 option will achieve efficient use of the land resource, will serve to mitigate effects on the amenity values of neighbouring properties and will be effective as it will apply specific existing zones to the subject site.

We favour this option.

### **8.5 Conclusion : Alternatives**

Our conclusion, following our consideration of the primary alternatives is that the fourth option, being modification of the Plan Change 12 provisions, particularly to remove the Business Resource Area (2), is the most appropriate alternative. Adoption of this fourth option will necessitate further evaluation of the modifications to Plan Change 12 in the Council's decision pursuant to section 32AA(1)(d)(ii) of the Act.

## **9.0 OTHER STATUTORY CONSIDERATIONS:**

### **9.1 Statutory Provisions**

Clause 29(4) of Part 2 of the First Schedule to the Act provides as follows:

- “(4) *After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to the evaluation, the local authority-*
- (a) may decline, approve, or approve with modifications the plan or change; and*
  - (b) must give reasons for its decision.”*

Such decision making is to be guided by the relevant statutory considerations.

The purpose of district plans is stated in section 72 of the Act:

**“72. Purpose of district plans** – *The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.*

The functions of territorial authorities under the Act are stated in section 31 of the Act as follows:

- “31. Functions of territorial authorities under this Act** – *(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;*
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of -*
    - (i) the avoidance or mitigation of natural hazards; and*
    - ...*
    - (iii) the maintenance of indigenous biological diversity;*
    - ...*
    - (f) Any other functions specified in this Act.*
  - (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.”*

Provision is made for a requested plan change in section 73(2) of the Act as follows:

- “(2) *Any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1.”*

Section 74 of the Act sets out the matters any change to a district plan is to be in accordance with. Section 74 states as follows:

- “74. Matters to be considered by territorial authority**
- (1) A territorial authority must prepare and change its district plan in accordance with-*
    - (a) its functions under section 31, and*
    - (b) the provisions of Part 2, and*
    - ...*
    - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
    - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
    - (f) any regulations.*

(2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to-*

...

- (b) *Any –*  
     (i) *Management plans and strategies prepared under other Acts;*  
     *and*

...

(2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district.*

...

(3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.”*

Section 75(3) and (4) provide direction with respect to the contents of district plans as follows:

**“75. Contents of district plans –**

(3) *A district plan must give effect to –*

(a) *any national policy statement; and*

...

(c) *any regional policy statement.*

(4) *A district plan must not be inconsistent with –*

...

(b) *a regional plan for any matter specified in section 30(1).*

...”

As noted above, section 74(1) confirms that a change to a district plan is to be in accordance with the provisions of Part 2; and we note that achieving the purpose of the Act (section 5 in Part 2) is the purpose of district plans in terms of section 72.

Part 2 matters include Sections 5, 6, 7 and 8 as presented below:

**“5. Purpose – (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.**

(2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*

(a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

(b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

(c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

**6. Matters of national importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:**

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development.*
- (g) *the protection of recognised customary activities.*
- (h) *the management of significant risks from natural hazards.*

7. **Other matters** – *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-*

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed.*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon.*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

8. **Treaty of Waitangi** – *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."*

## 9.2 Part 2

Subject to the modifications recommended in this report Plan Change 12, which provides for the Residential Resource Area (6) to be removed and a mixture of Resource Area provisions to be applied instead, is consistent with the purpose of the Act being to promote the sustainable management of natural and physical resources. Modified Plan Change 12 is entirely consistent with sustainable management as it will provide for managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing while:

- (a) Sustaining the potential of natural and physical resources to meet the reasonable foreseeable needs of future generations;
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.

We are satisfied that Plan Change 12, as modified, will be entirely consistent with section 5 of the Act.

We also consider that Plan Change 12, as modified, is consistent with sections 7(b), (c), (f) and (g) as the plan change is consistent with achieving the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment; and recognising any finite characteristics of natural and physical resources. There are no other matters stated in Part 2 which appear to be of any particular relevance to Plan Change 12.

### **9.3 Other Statutory Matters**

We confirm that the requested plan change is consistent with the functions of the Council in terms of section 31. In terms of sections 74 and 75, the regional policy statement, regional plan and management plans and strategies prepared under other Acts and relevant planning documents recognised by an iwi authority have been discussed in the documentation lodged in support of the requested plan change, and we do not consider it necessary to discuss these matters further.

### **10.0 RECOMMENDATIONS**

Following consideration of the requested plan change and the submissions and further submissions received, we recommend as follows:

1. That the submission by **Bruce Anderson (1/1-1/5)** be **accepted in part.**
2. That the submission by **Gary Anderson (2/1 & 2/2)** be **accepted.**
3. That the submission by **Viv Buchanan (3/1 & 3/2)** be **accepted.**
4. That the submission by **Andrew Conyngham Burton (4/1-4/4)** be **accepted in part.**
5. That the submission by **Richard Leonard Byrne & Wendy Grace Byrne (5/1-5/18)** be **accepted in part.**
6. That the submission by **Central Otago Queenstown Trails Network Trust (6/1-6/3)** supported by **ML Morpeth (102/1 – re 6/1 – 6/3)**, **The NZ Transport Agency (103/1)** and **PJ Piebenga (104/1)** be **accepted.**
7. That the submission by **Kelly Checketts (7/1-7/7)** be **accepted in part.**
8. That the submission by **Cromwell & Districts Community Trust (8/1-8/3)** supported by **ML Morpeth (102/2 – re 8/1-8/3)** and **PJ Piebenga (104/2)** be **accepted.**
9. That the submission by **Chris Cummings (9/1 & 9/2)** be **accepted.**
10. That the submission by **Hilliary Cummings (10/1 & 10/2)** be **accepted.**
11. That the submission by **William Robert Dunbar & 25 Others (11/1-11/18)** be **accepted in part.**
12. That the submission by **Richard & Jolanda Foale (12/1 & 12/2)** be **rejected.**

13. That the submission by **Paul James Goodwin & Leslie Robyn Goodwin (13/1-13/4)** be **accepted.**
14. That the submission by **Paul James Goodwin & Leslie Robyn Goodwin (14/1-14/4)** be **accepted.**
15. That the submission by **Paul James Goodwin & Leslie Robyn Goodwin (15/1-15/3)** be **accepted.**
16. That the submission by **Jennifer May Hawker (16/1)** supported by **ML Morpeth (102/3)** and **PJ Piebenga (104/3)** be **accepted in part.**
17. That the submission by **Elizabeth Adrienne Heal (17/1-17/5)** be **accepted in part.**
18. That the submission by **Jill Alexa Herron (18/1-18/8)** be **accepted in part.**
19. That the submission by **David Lewis Holden (19/1)** supported by **TJ Affleck (100/1), BF Dawson (101/1), ML Morpeth (102/4)** and **PJ Piebenga (104/4)** be **accepted in part.**
20. That the submission by **Richard & Paula Jackson (20/1-20/7)** be **accepted in part.**
21. That the submission by **Paul & Jocelyn Johnstone (21/1-21/5)** be **accepted in part.**
22. That the submission by **Basil John Lister (22/1 & 22/2)** be **accepted in part.**
23. That the submission by **Graeme & Jan-Marie McDowell (23/1-23/12)** supported by **PJ Piebenga (104/9 – re 23/10)** be **accepted in part.**
24. That the submission by **Geoffrey Neil & Margaret Ann McPhee (24/1 & 24/2)** opposed by **ML Morpeth (102/8 – re 24/1)** be **accepted in part.**
25. That the submission by **Heather McPherson (25/1)** be **accepted in part.**
26. That the submission by **David Samuel Moreton (26/1 & 26/2)** be **accepted.**
27. That the submission by **NZ Transport Agency (27/1-27/22)** opposed by **Wooing Tree Holdings Limited (106/1 – re 27/6)** be **accepted in part.**
28. That the submission by **Patricia Margaret O’Neill (28/1-28/16)** be **accepted in part.**
29. That the submission by **Heather Nola Pryor & John Ian Meredith (29/1-29/4)** be **rejected.**
30. That the submission by **Robert Stirling Robinson (30/1 & 30/2)** be **rejected.**
31. That the submission by **K Wally Sanford (31/1 – 31/3)** supported by **ML Morpeth (102/5 – re 31/1-31/3)** and **PJ Piebenga (104/5)** be **accepted in part.**
32. That the submission by **The Southern District Health Board c/- Public Health South (32/1 – 32/9)** supported by **NZ Transport Agency (103/2 – re 32/4)** be **accepted.**

33. That the submission by **David Garth Stark (33/1 – 33/4)** supported by **PJ Piebenga (104/6 – re 33/1 – 33/3 only)** be **accepted**.
34. That the submission by **Gordon McAlpine Stewart (34/1 – 34/17)** opposed by **ML Morpeth (102/9 – re 34/15 & 34/16)** and supported by **GF & A-L Sinnott (105/1 - re 34/1 -34/7, 34/14 – 34/17 inclusive)** be **accepted in part**.
35. That the submission by **Ruth & Ron Stilwell (35/1)** supported by **PJ Piebenga (104/10)** be **accepted in part**.
36. That the submission by **Robert Tovey (36/1)** supported by **ML Morpeth (102/6)** and **PJ Piebenga (104/7)** be **accepted in part**.
37. That the submission by **Hessel Christiaan Van Wieren (37/1 – 37/6)** be **accepted in part**.
38. That the submission by **Michael & Lisa Wardill (38/1 – 38/7)** be **rejected**.
39. That the submission by **Mrs Anne White (39/1 – 39/6)** be **accepted in part**.
40. That the submission by **William Finlayson White (40/1 – 40/9)** be **rejected**.
41. That the submission by **Janeen Margaret Wood (41/1 – 41/4)** supported by **ML Morpeth (102/7 – re 41/1 & 41/2)** and **PJ Piebenga (104/8)** be **accepted in part**.

As a consequence of these recommendations we further recommend that Plan Change 12 as publicly notified be approved subject to modification as presented in the text at Annex 3. In summary these modifications are:

- Deletion of the Business Resource Area (2) and all provisions relating thereto.
- Application of the Residential Resource Area (3) and the Residential Resource Area (11) to most of the land currently shown as Business Resource Area (2) in Plan Change 12; with an area of land to be allocated to the Residential Resource Area (for travellers accommodation in close proximity to the existing Wooing Tree Cellar door complex).
- Amendment to Rule 7.3.6(vi)(d) – (e) to remove reference to a “single lane” roundabout; and to explicitly provide for a pedestrian/cyclist underpass which is to be located to the west of the Barry Avenue/State Highway 8B intersection.
- Amendment to Rule 7.3.6(vi)(f) to require provision for connectivity for pedestrians and cyclists from the underpass to Shortcut Road and McNulty Inlet beyond.

Following further consideration of evidence to be provided by the requestor at the hearing we anticipate that consideration may be given to further modifications as follows:

- Provision for a minimum lot area of 500m<sup>2</sup> on land currently proposed to be Residential Resource Area (11).
- An adjustment to the zone boundary such that a portion of the land currently in the Residential Resource Area (11) adjacent to State Highway 8B be included in the Residential Resource Area (3) instead.

- Provision of an alternative to the Rural Resource Area/vineyard plantings in the buffer strip, possibly including the establishment of planting/moundings and/or the provision of landscaping to be maintained in future by individual owners if portions of the buffer strip are to be included in residential allotments.
- Removal of the reference to temporary access to the Wooing Tree Tasting Room in Rule 7.3.6(vi)(e).
- Provision for buffer areas and Communal Open Space and/or Park Open Space to be designated or otherwise provided for in the rules relating to Plan Change 12.

**JOHNSTON WHITNEY**



**W D WHITNEY**  
**Planning Consultant**

4 October 2017



## SUMMARY OF DECISIONS REQUESTED IN SUBMISSIONS & FURTHER SUBMISSIONS ON PLAN CHANGE 12 : WOONG TREE, CROMWELL THE OPERATIVE CENTRAL OTAGO DISTRICT PLAN

Submitter & Further Submitter Number & Name	Submission Summary	Submission Point Number	Decision Submission Summary	Requested Submission Summary	Further
1. Bruce Anderson	<p><b><u>Oppose</u></b> The specific provisions of the proposal that the submission relates to are:</p> <ul style="list-style-type: none"> <li>• High density housing negatively affecting property values in the adjacent areas.</li> <li>• Traffic increase.</li> <li>• Businesses competing with already struggling Mail tenants.</li> <li>• Weight on the existing infrastructure.</li> </ul> <p>The whole of the RR(6) area will lose its appeal to the people who have invested considerable sums to live in an area which allows only for large and desirable properties, this will also set a precedent where any existing resident and developer will want to lodge a request to subdivide the properties within the rest of the RR(6) area, further reducing the property values in general.</p> <p>As stated in the report presented by Opus there will be an increase in traffic accidents at the SH 8B and SH 6 intersection. The effect of slowing traffic at the proposed roundabout will be a difficult one to forecast, but, from personal experience of similar road changes the figures quoted of a 2 second delay are false as they do not allow for the “flow on affect” where each vehicle takes a similar amount of time to move away and cross the roundabout which will cause serious congestion at peak times.</p>	1/1			
		1/2			

We only need to look at the state of the shopping mall with a large number of shops lying empty and vacant land in the business district either not being used or at best under-utilised. Another (potential) 20 shops would be very difficult to fill and would certainly adversely affect the current business?	1/3
The report concedes that the current infrastructure in the vicinity is not adequate and will require substantial upgrading.	1/4
I am opposing the concept of the high density subdivision, but have no opposition to the area being subdivided as long as it remains within the RR(6) category it already is.	1/5

2.	Gary Anderson	<p><b><u>Oppose in Part/Support in Part</u></b>  The specific provisions of the proposal that the submission relates to are:</p> <ul style="list-style-type: none"> <li>• 4.1.1.2 Business Zone.</li> <li>• 4000m<sup>2</sup> of shops.</li> <li>• 2000m<sup>2</sup> of bar and restaurant.</li> <li>• 24,700m<sup>2</sup> of Business zoned land.</li> </ul> <p>The submitter supports the development of the land for residential purposes only.</p> <p>4000m<sup>2</sup> of shops is another town centre and should not be allowed.</p>	<p>2/1</p> <p>2/2</p>	<p>Support the RRA(11) and decline the BA(2).</p>
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3.	Viv Buchanan	<p><b><u>Oppose in Part</u></b>  The specific provisions of the proposal that the submission relates to are:</p> <ul style="list-style-type: none"> <li>• Shortcut Road closure.</li> <li>• 20 x 200m<sup>2</sup> shops.</li> </ul>	<p>The main access road should be designed to cope with large vehicles and increased flow for safety.</p> <p>No retail to be allowed.</p>
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If Shortcut Road is to be closed, the proposed accessway should be significantly wider to cope with large vehicles, boats, trailers etc. 3/1

The submitter does not wish to see a retail split between the existing town centre and the proposal. 3/2

4. Andrew Conyngnam  
Burton

**Oppose in Part and Support in Part**

The submitter is not opposed to subdivision but the proposed section sizes are simply greedy! 4/1 Decline the proposal in its current form.

The submitter is opposed to anything else other than subdivision for housing. Minimum section size should be 500m<sup>2</sup> or more. 4/2

The submitter also opposes the intended plan to close off Shortcut Road which the submitter uses regularly. 4/3

The submitter is in favour of a roundabout and an underpass for people. 4/4

5. Richard Leonard Byrne &  
Wendy Grace Byrne

**Oppose**

The submitters oppose Plan Change 12 which seeks to establish over dense residential developments in its entirety; for the following reasons: Decline the proposed plan change.

The proposal is a non-complying subdivision by stealth. 5/1

The original plan as presented in December 2016 is drastically changed to the new plan presented with no prior notification. It does not satisfy either limb of section 104D of the RMA as the effects are more than minor and the proposal is contrary to the relevant objectives and policies of the Operative Plan.

Acceptance of the proposal will create an undesirable precedent and other landowners will be able to rely on this outcome, if granted, to further advance similar, high-density developments. 5/2

5/3

The lack of detail provided in the Wooing Tree proposal precludes clear visualization of the final development. Specifically:

No indication is given of the range and type of housing accommodation to be made available (single/duplex/multi). The nature, extent and location of accommodation to be provided in the proposed childrens' facility are not made known.

No indication of the nature and extent of the Travellers Accommodation has been given.

No indication of the location and capacity of the proposed underpass has been given.

No indication has been given of the vehicular and pedestrian traffic flow within the proposed development. There is no evidence of any internal greenway.

5/4

The proposed density is contrary to the agreed long term vision for Cromwell.

5/5

There are no unique or special circumstances to warrant the True Exception test under section 104(1)(c) of the RMA which requires the Council to have regard to any other matters considered relevant and reasonably a [sic] to determine and application. Consistent administration and interpretation of the Plans by the Council is a desired outcome for consents – a key matter of relevance [to] the Commissioner.

5/6

The proposal has not given sufficient weighting to RMA Part 2 Matters, specifically:

Section 5(2)(c) "avoiding, remedying or mitigating any adverse effects of activities on the environment".

Section 7(b) "The sufficient use of development of natural and physical resources" [sic] (c) "The maintenance and enhancement of amenity values", and Section (f) "The maintenance and enhancement of the quality of the environment".

Section 7(j) “The benefit to be derived from the use and development of renewable energy.

5/7

The proposal will neuter highly productive primary soils for future use. It will in part remove the ability to use that land in a primary capacity. Soils are regarded as a finite resource. This development will consume a large tract of this finite resource.

5/8

Rezoning is not an efficient use of the natural and physical resource. Further intensification should be limited to land not desirable or suitable to primary use.

5/9

The character and amenity will be affected significantly.

5/10

Traffic, and the integration and functioning of a safe roading network will be adversely affected. Traffic generation accessing and exiting a state highway will be unsafe.

5/11

It is not accepted that the proposed development will be appropriately serviced. There will be additional, heavy demand and loading on the relevant networks.

5/12

The adverse effect on amenity values and character in the immediate and wider setting will adversely affect adjacent property values.

5/13

The proposal may have issues in terms of the RC SA [sic ?] requirements in terms of stormwater quality and quantity.

5/14

The proposal is not consistent with the Otago Regional Policy Statement or the Proposed Regional Policy Statement.

5/15

The submitters oppose any further retail development on the Wooing Tree site. The current cafe and wine tasting operation are appropriate for the site but the proposed expansion should be in the designated retail area in the Cromwell Mall or the Cromwell Old Town Centre Area.

5/16

The routing of Shortcut Road traffic through the proposed development clearly implies that the Shortcut Road/State Highway 8 intersection will be closed. All residents in the immediate vicinity of the proposed development who use the intersection on a daily basis will be particularly and significantly affected. It is considered that the residents located to the immediate east, north and north-east of the proposed development should also be regarded as "affected persons". Consideration of the proposed development should be postponed until appropriate public notice has been given and above all affected persons have received prior warning of the closure.

5/17

The submitters applaud the decision of the independent commissioners to decline the plan to develop residential sections on rural land on the outskirts of Wanaka. The basis of this decision was that the proposal would change the character of the rural landscape and adversely affect the value of the landscape from both public view and those of the neighbours. The Wooing Tree proposal would have exactly the same detrimental affect on the character of the landscape and the value of the landscape to the public and to the neighbours.

5/18

Finally, in the event that development does take place in accordance the provisions of the current Central Otago District Plan, the submitters require a 50 metre green space on each boundary of the Wooing Tree property and strict provisions as to noise and dust pollution during the development.

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6. Central Otago Queenstown Trails Network Trust	<b>Support</b> The specific provision of the proposal that the submission relates to is the pedestrian underpass.	Adopt Plan Change 12 and ensure provision for a pedestrian underpass.
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<p><b>Further Submitters</b>  <b>102 ML Morpeth</b>  <b><u>LATE – FURTHER</u></b>  <b><u>SUBMISSION</u></b>  <b><u>RECEIVED 6</u></b>  <b><u>SEPTEMBER 2017</u></b></p>	<p>The submitter's Trails Network will connect Cromwell to Clyde, Gibbston and Wanaka via the shores of Lake Dunstan. The submitter's mandate and funding does not extend to building the connecting tracks into townships. The submitter does foresee however that walkers and riders will take a direct route into Cromwell.</p>	6/1	<p><b>102/1 ML Morpeth (re 6/1-6/3)</b>  <u>Support</u>  Supports the proposal for Plan Change 12 and agrees for provision of safe cycle/pedestrian access in underpass.</p>
<p><b>103 NZ Transport Agency</b>  <b>104 PJ Piebenga</b></p>	<p>The submitter therefore supports the proposed underpass provided for in Plan Change 12.</p>	6/2	<p><b>103/1 NZ Transport Agency (re 6/3)</b>  <u>Support</u>  Providing good pedestrian and cyclist access to and through the development builds on the principles of travel demand management by encouraging the use of multi-modal transport. This will contribute to the sustainable management of the transport system.</p>
<p>The submitter would also suggest that provision for access through the development for pedestrians and cyclists be considered too. This would ensure a safe connection to the town centre.</p>	6/3	<p><b>104/1 PJ Piebenga</b>  <u>Support</u>  The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.</p>	
<p>7. Kelly Checketts</p>	<p><u>Oppose</u>  The submitter believes that the land holding in question is a very sensitive piece of land due its proximity to three separate entrance points to Cromwell and Lake Dunstan. It has strong amenity value to Cromwell and is significant in creating first impressions of Cromwell for those visiting. It creates a vineyard ambience crucial to Cromwell promoting itself to the wine tourism industry.</p>	7/1	<p>Reject the plan change in its current form. The submitter may support an amended application on the basis of a stand-alone zone for this specific land holding that includes a detailed and complete development proposal that can be fully assessed and providing that:</p>
<p>The land holding is also significantly overlooked from many road approaches and any residential development of the</p>	7/2		

site needs to be tightly controlled (in terms of building heights, design, locations, density, materials and landscaping) to ensure the development does not create a negative impression of the town to visitors and residents. The land is currently significant in forming a positive impression of Cromwell and therefore any development needs to ensure that this is continued and any residential use of the site is adequately screened from the road approaches.

It is believed that re-designating the land as sought will be inadequate in controlling the coherent future development of such a sensitive piece of land.

If a plan change proceeds in any form the following specific matters need to be adequately resolved:

a) Transport – the round-about and pedestrian underpass as proposed need to be in place before any development commences. However, Shortcut Road needs to be re-aligned to feed into the roundabout and the existing entrance to Highway 8B closed to avoid inappropriate and heavy use of Shortcut Road as a means of avoiding the roundabout and subsequent turnoff. The juncture with Highway 8B is already dangerous during heavy traffic periods and will become more so due to its close proximity to the roundabout.

Residential development will also be significant additional lake users. As such the footpath must be extended to be continuous all the way [to] Lake Dunstan to ensure safe passage (pedestrian users currently need to use the road for a section). Landscaping (in native vegetation) should be required to screen the footpath from the road and control erosion.

b) Stormwater – significant development is proposed and all stormwater systems planned must ensure any discharge to the lake is prevented (including through development).

1. The minimum lot size per residential lot is no less than 2000m<sup>2</sup>;
2. The business zone is removed; and
3. The matters as set out in the submission are fully addressed.

7/3

7/4

7/5

7/6



The information provided in the application is insufficient to assess this. The quality of lake water in Lake Dunstan must not be impacted by the proposed development. As a vineyard operation will continue care needs to be taken to ensure that any spray cannot enter the drainage systems.

7/7

c) Landscaping – the maintenance of the vines (those remaining) should be a condition of any development. The vines are also inadequate (especially in winter when leaves are lost) to screen the development and additional hard (possibly earth barriers) and soft landscaping will be required to screen the development from the road.

8. Cromwell & Districts  
Community Trust

**Further Submitters**

**102 ML Morpeth**  
**LATE – FURTHER**  
**SUBMISSION**  
**RECEIVED 6**  
**SEPTEMBER 2017**

**104 PJ Piebenga**

**Support**

The specific provision of the proposal that the submission relates to is the pedestrian underpass.

The submitter follows the Cromwell Community Plan as the Trust's mandate is to make submissions on behalf of the community. From the very first plan greenways have been identified as a feature of our town that is well utilised and enjoyed. In our 2008 plan there was a recommendation to "Ensure that future planning has allowance for extension of the greenway network". The submitter sees Plan Change 12 as offering this greenspace and as a linking mechanism through the pedestrian underpass this will be an extension of the greenway network.

The submitter also had occasion to write to Transit New Zealand in April 2013 (letter attached to submission) requesting the installation of an underpass for safety reasons. The submitter hopes that this proposal will ensure that we finally get an underpass under the highway.

In Cromwell's first Community Plan all of the Notable Trees in Schedule 19.4 were listed as an Appendix. It would be marvellous to include the iconic tree into this schedule.

Adopt Plan Change 12 and ensure provision for a pedestrian underpass, greenways and that the "Wooping Tree" be listed as a Notable Tree in Schedule 19.4.

8/1

**102/2 ML Morpeth (re 8/1-8/3)**

**Support**

Supports the proposal for Plan Change 12 and agrees for provision of safe pedestrian access in underpass, greenways and notable tree protection.

**104/2 PJ Piebenga**

**Support**

The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.

8/2

8/3



<p>11. William Robert Dunbar &amp; Others being:          Judith Anne Batt          William Mervyn Batt          Frederick James Black          Doreen Ann Braden          Russell Wayne Braden          Megan Bridget Christensen          Quentin Joseph Hayes          Tineke Petronella Hayes          James Hunter          Shirley Joan Hunter          Lorinda Lawson          Malcolm Lawson          Alexander Mackenzie          Robyn Mackenzie          Duncan John McCrostie          Liane Jane McCrostie          Ricky Lindsay Mogenssen          Patricia Margaret O'Neill          Kenneth Walter Patterson          Patricia Mary Patterson          Amanda Jane Seyb          Kelvin John Seyb          Cheryl Marie Tredinnick          Leslie Raymond Tredennick          Helen Kaye Wreford</p>	<p><b>Oppose</b>          The submitters oppose Plan Change 12 which seeks to establish over-dense residential development in its entirety, for the following reasons:           The lack of detail provided in the Wooing Tree proposal precludes clear visualization of the final development. Specifically:</p> <ul style="list-style-type: none"> <li>• No indication is given of the range and type of housing accommodation to be made available (single/duplex/multi).</li> <li>• The nature, extent and location of accommodation to be provided in the proposed childrens' facility are not made known.</li> <li>• No indication of the nature and extent of the Travellers Accommodation has been given.</li> <li>• No indication of the location and capacity of the proposed underpass has been given.</li> <li>• No indication has been given of the vehicular and pedestrian traffic flow within the proposed development.</li> <li>• There is no evidence of any internal greenway.</li> </ul> <p>The proposed density is contrary to the agreed long term vision for Cromwell, which stipulates close residential development will be to the south of the highway. Properties to the north of the highway have been acquired by the current owners who treasure the open plan development of 4000m<sup>2</sup> blocks.</p> <p>The proposal will neuter highly productive primary soils for future use. It will in part remove the ability to use that land in a primary capacity. Soils are regarded as a finite resource. This development will consume a large tract of this finite resource.</p>	<p>11/1</p> <p>11/2</p> <p>11/3</p>	<p>Reject Proposed Plan Change 12 in its entirety.</p>
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Rezoning is not an efficient use of the natural and physical resource. Further intensification should be limited to land not desirable or suitable to primary use.	11/4
The character and amenity will be affected significantly.	11/5
Traffic, and the integration and functioning of a safe roading network will be adversely affected. Traffic generation accessing and exiting a state highway will be unsafe.	11/6
It is not accepted that the proposed development will be appropriately serviced. There will be additional, heavy demand and loading on the relevant networks.	11/7
The adverse effect on amenity values and character in the immediate and wider setting will adversely affect adjacent property values.	11/8
The proposal is not consistent with the Otago Regional Policy Statement or the Proposed Regional Policy Statement.	11/9
The submitters oppose any further retail development on the Wooing Tree site. The current café and wine tasting operation are appropriate for the site but the proposed expansion should be in the designated retail area in the Cromwell Mall.	11/10
The routing of Shortcut Road traffic through the proposed development clearly implies that the Shortcut Road/State Highway 8 intersection will be closed. All residents in the immediate vicinity of the proposed development who use the intersection on a daily basis will be particularly and significantly affected. It is considered that the residents located to the immediate east, north and north-east of the proposed development should also be regarded as "affected persons". Consideration of the proposed development should be postponed until appropriate public	11/11

notice has been given and above all affected persons have received prior warning of the closure.

11/12

The short vine rows as shown on the plan are completely impractical from an operational viewpoint. They will be short lived if in fact they are planted at all.

11/13

The proposal makes a significant issue of open greenways etc. Who is going to maintain them?

11/14

Part 2.6.33 states that 10% of the Business Area but 10,000m<sup>2</sup> is indicated on 2.47 Ha that is 40%.

11/15

Part 1 on p 56 states there will be 10,000m<sup>2</sup> of buildings but then says a maximum of 8000m<sup>2</sup> – confusing.

11/16

Of major concern is the amount of traffic and noise generated by 210 residential blocks plus travellers accommodation, wine bars etc etc

11/17

It would be a serious planning error to fragment Cromwell's current business area. The Mall area is 4.9 Ha within the surrounding roads and is currently under utilised.

11/18

Finally, in the event that development does take place in accordance with the provisions of the current Central Otago District Plan, the submitters require a 50 metre green space on each boundary of the Wooing Tree property and strict provisions as to noise and dust pollution during the development.

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12. Richard & Jolanda Foale **Oppose**

The specific provisions of the proposal that the submission relates to are destroying the Wooing Tree Vineyard and splitting the town across the main highway.

Decline the plan change application and not allow the vineyard to be destroyed

The submitters oppose the proposal because destroying Cromwell's iconic Wooring Tree Vineyard and subdividing the land into residential sections will have an adverse effect on the outlook and character of Cromwell, negatively impact on its tourism prospect and split the town across the main highway.

12/1

12/2

13. Paul James Goodwin & Leslie Robyn Goodwin

**Oppose**

The submitters have a property at 11 Lakeview Terrace, Cromwell.

Not to change Shortcut Road or the access at either end of the same road.

The specific provisions of the proposal that the submission relates to are the changes to roading.

The current roading works very well in all aspects and would be a huge inconvenience to all locals if changed.

13/1

The submitters firmly oppose any changes made to existing roading in particular "Shortcut Road and Partridge Road" to be left as they are.

13/2

Shortcut Road and the access at either end of the same road is currently practicable and works extremely well especially as a bypass taking pressure off the Queenstown-Wanaka intersection of the main highway.

13/3

Council needs to listen to its ratepayers and not to out of town "fly by night" developers.

13/4

14. Paul James Goodwin & Leslie Robyn Goodwin

**Oppose**

The submitters have a property at 9 Stout Terrace, Cromwell.

Not to change Shortcut Road or the access at either end of the same road

The specific provisions of the proposal that the submission relates to are the changes to roading.

<p>The current roading works very well in all aspects and would be a huge inconvenience to all locals if changed.</p>	14/1
<p>The submitters firmly oppose any changes made to existing roading in particular "Shortcut Road and Partridge Road" to be left as they are.</p>	14/2
<p>Shortcut Road and the access at either end of the same road is currently practicable and works well.</p>	14/3
<p>Council needs to listen to its ratepayers and not to out of town "fly by night" developers. Don't let money talk.</p>	14/4
<hr/>	
<p>15. Paul James Goodwin &amp; Leslie Robyn Goodwin</p>	<p><b><u>Oppose</u></b> The submitters have a property at 38 Bell Avenue, Cromwell.</p>
<p>The specific provisions of the proposal that the submission relates to are the changes to roading.</p>	<p>Not to change road access at either end of Shortcut Road.</p>
<p>The current roading works very well in all aspects and would be hugely inconvenient to locals if changed.</p>	15/1
<p>The submitters firmly oppose any changes made to existing roading in particular "Shortcut Road and Partridge Road" to be left as they are.</p>	15/2
<p>Existing roads work very well, and as a retiring couple soon to live there the submitters would not want changes made.</p>	15/3
<hr/>	
<p>16. Jennifer May Hawker <b>Further Submitters</b> <b>102 ML Morpeth</b> <b><u>LATE – FURTHER</u></b> <b><u>SUBMISSION</u></b></p>	<p><b><u>Support</u></b> The submitter supports the proposal being Plan Change 12 which allows accommodation and retail activity which can only benefit Cromwell.</p> <p>Approve Proposed Plan Change 12. <b>102/3 ML Morpeth</b> <b><u>Support</u></b> Supports the proposal for Plan Change 12, agrees can only benefit Cromwell.</p>

104/3 PJ Piebenga

Support

The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.

17. Elizabeth Adrienne Heal	<p><b>Support Conditionally</b>          The submitter supports the proposal to develop a residential subdivision, maintain the notable "Wooring Tree" (Pinus radiata) and develop a boutique accommodation and shopping area within the proposed subdivision.</p>	17/1	Support the proposal subject to larger sections not being subdivided into smaller building sites.
	<p>The specific provisions of the proposal that the submission relates to are ensuring that the larger sized proposed sections within the new development are not able to be further subdivided into smaller building sites once purchased. The 800m<sup>2</sup> – 1000m<sup>2</sup> sections should remain that size.</p>	17/2	
	<p>The submitter supports the proposal to allow for a variety of sized residential sections such that the larger sections not be subdivided into smaller plots by building companies or private buyers (land banking) as in other areas within our community. The submitter trusts 1000m<sup>2</sup> sections could not be further subdivided and allow for one building per site. The submitter disagrees with building sites as small as 250m<sup>2</sup> and 300m<sup>2</sup> in our town.</p>	17/3	
		17/4	
		17/5	

18. Jill Alexa Herron	<p><b>Oppose</b>          The specific provisions of the proposal that the submission relates to are:</p> <ul style="list-style-type: none"> <li>Density of housing – medium and high.</li> </ul>		Decline the application or amend to: <ul style="list-style-type: none"> <li>Disallow medium and high density housing.</li> </ul>
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- Commercial area (effects on The Mall and the Cromwell Heritage Precinct).

• Disallow except tourism.

commercial accommodation/wine activity

18/1

The submitter opposes medium and high density of housing and resulting number of sections. The proposal should be amended to fit existing provision for 4000m<sup>2</sup> lots only.

18/2

While there are merits to this concept (retaining vines and open areas) this is in essence a large housing and commercial subdivision of around 160 sections, close to a highway in a highly visible, town frontage area.

18/3

The proposal seems to be presented as a solution for a perceived shortage of residential land. The submitter does not believe there is any such shortage. There is plenty of scope for more housing around Cromwell and there are other proposals pending.

18/4

Cromwell is not in any predicament that necessitates putting medium and high density housing in such a highly visible area, right beside the highway at the town entrance. This would seriously detract from the attractiveness of Cromwell's entranceway and is particularly unfavourable in light of the large sums of public and private money recently spent in beautifying this whole area.

18/5

Cromwell has the potential to grow as a tourist destination and we need to protect that now. This proposal will only detract from the unique setting Cromwell is fortunate enough to have and would destroy the town's rural outlook. Due to the contour of the land general traffic, tourists and some businesses will be looking straight into multiple backyards, despite the buffer zones.

18/6

It has been presented as a boutique vineyard village. Due to the density of housing proposed the submitter believes the reality is more of a highly visible residential and

commercial subdivision with significant amounts of medium to high density housing. Much thought and consultation has obviously gone in to this proposal with the community in mind and the submitter sincerely wishes Wooring Tree well with their plans, however, she strongly believes that this particular concept is not in the best interests of Cromwell and that the public need to have a clear and realistic idea of what is being proposed here.

18/7

The commercial area, if it was to contain cafes and retail outlets would compete with and have a negative effect on The Mall businesses, the Cromwell Heritage Precinct and other existing retail such as the Freeway Orchard complex.

18/8

Despite rapid growth, the submitter doesn't believe there is enough volume of residents or visitors to support another separate commercial area. To the submitter this would be a good example of bad planning. Accommodation, however and wine tourism (tasting rooms etc) could be suitable and beneficial activities.

19. David Lewis Holden

**Further Submitters**

100 TJ Affleck

101 BF Dawson

102 ML Morpeth

LATE – FURTHER

SUBMISSION

RECEIVED 6

SEPTEMBER 2017

104 PJ Piebenga

**Support**

The submitter is a neighbour of the proposed subdivision who supports Plan Change 12. The reason for such support is that for Cromwell to keep growing we need more sections, and this subdivision will help.

19/1

Allow Plan Change 12.

**100/1 TJ Affleck**

Support

Cromwell needs more residential sections close to town.

**101/1 BF Dawson**

Support

Logical area for expansion of township.

**102/4 ML Morpeth**

Support

Supports the proposal for Plan Change 12 and agrees that the development is

needed for Cromwell's continuing growth.

**104/4 P J Piebenga**

Support

The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.

20. Richard & Paula Jackson

Oppose

The submitters oppose Plan Change 12, which in their opinion would establish an area of high density, travellers accommodation, Retail and Commercial activity in an inappropriate area.

Specifically, the submitters oppose Plan Change 12 for the following reasons,

- The smaller lot sizes and subsequent increase in habitable dwellings and therefore population, does not compliment the character of the larger sites of the existing subdivisions in the adjacent area.
- The inclusion of further Retail and Commercial activity to the site will detract from the Town centre and will do nothing to enhance or maintain the Town centres appeal or long-term viability.
- Intensive development of the site will generate higher traffic volumes and even with the inclusion of a proposed roundabout, at peak demand times throughout the year the residents in the existing subdivisions will face significant delays accessing and exiting the State Highway safely.
- There is also a concern that NZ Transport [NZTA] may decide that it is necessary to close or somehow restrict the access to Shortcut Road in order to ensure the safe

20/1

Decline Plan Change 12 and recommend to the applicant that a more suitable plan be lodged with lot sizes that are within keeping of the existing developments with no additional Retail or Commercial activity.

20/2

20/3

20/4

20/5

and efficient flow of traffic on the State Highway. This again would have a further, adverse effect on the residents of the existing subdivisions.

20/6

The submitters are not opposed to residential development of the site, but in its proposed form, the impact on the current landowners and residents would be significantly, more than minor.

20/7

Finally, in the event that Plan Change 12 is successful, the submitters would request that remedial work be undertaken to improve the alignment and sightlines at the intersection of Lakeview Terrace and Shortcut Road.

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21. Paul & Jocelyn  
Johnstone

**Oppose**

While the submitters are not opposed to some form of development of this vineyard area they do object to the proposal as it stands.

Decline Plan Change 12 as it stands.

21/1

The submitters do not believe that this area is suitable for intensive residential subdivision. This is the logical area that should be used to redevelop the commercial heart of Cromwell. The current mall is simply not functioning effectively for a retail or commercial area. Accordingly, this proposed plan change should focus on providing commercial land and development opportunities as opposed to intensive residential spaces. There is other land on the fringes of Cromwell presently vacant or in orchards that could be subdivided for residential purposes. We should not use this prime centrally located land for housing development but for commercial development.

21/2

21/3

The submitters strongly object to any suggested proposal that Shortcut Road be closed. The submitters live in Roberts Drive, at present it is a convenient drive along Shortcut Road on to the State Highway and then into town. The proposed closure of Shortcut Road off the State Highway would cause huge inconvenience to the

submitters whenever they leave their home. The submitters would have to travel all the way out to the Cromwell Wanaka State Highway and effectively have to face three additional busy intersections to arrive at the Cromwell town centre. This would be massively inconvenient and completely unacceptable to the submitters.

In summary:

- a) While the submitters are not opposed to some form of development of the subject land, the proposal as it presently sits is significantly flawed both in terms of not achieving healthy development outcomes for the future of Cromwell; and
- b) Because of the significant proposed impact upon existing residents who live close by. A significant rethink of this proposal needs to be undertaken. This does not have to be mutually exclusive with the Wooing Tree landowners achieving an effective and profitable redevelopment of their land.

21/4

21/5

22. Basil John Lister

**Support Conditionally**

The submitter supports Plan Change 12 in principle but with the following conditions:

1. No future closure of access from SH 8B to Shortcut Road should be enacted. The reason for this is that all traffic to McNulty Inlet, Scott Terrace, Roberts Drive etc would have to go through the Wooing Tree subdivision. Given this means boats on trailers the roading shown on the overlay plan is inadequate (cars parked on roadside would render it one way).
2. The 250m<sup>2</sup> minimum size shown is too small where sections are all together as shown. Insufficient off street parking will mean very poor access for emergency services as has already been observed in other recent subdivisions in Cromwell.

22/1

22/2

Approve the plan change subject to the conditions stated in the submission.

<p>23. Graeme &amp; Jan-Marie McDowell</p>	<p><b><u>Oppose in Part</u></b>  The specific provisions of the proposal that the submission relates to are:</p> <ul style="list-style-type: none"> <li>• Specific areas to be rezoned.</li> <li>• Closure of Shortcut Road entrance to State Highway 8B.</li> <li>• Single lane roundabout.</li> </ul>	<p>Decline application in current form but allow with possible changes.</p>
<p><b>Further Submitter</b>  <b>104 PJ Piebenga</b></p>	<p>The submitters have no problem with the overall concept of the Wooing Tree subdivision idea. They do oppose some of the following proposed changes.</p> <p>The submitters do not believe the proposed closure of Shortcut Road should have anything to do with the proposed Plan Change 12 for the Wooing Tree subdivision and as Shortcut Road is not part of their property.</p> <p>The submission relates to the following provisions:</p>	<p><b>104/9 PJ Piebenga (re 23/10) Support</b>  The further submitter agrees with those who support a two lane roundabout.</p>
	<p><b>Proposed future Closure to Shortcut Road from Highway 8B</b></p> <p>The submitters oppose this in its entirety. They purchased their three adjoining sections being 1 Shortcut Road, 3 &amp; 5 Fraser Court for their location and accessibility to State Highway 8B. The submitters have consents in place for a Vineyard, B&amp;B and Tasting Room all which are accessed by the public via Shortcut Road via Highway 8B. If the entrance to Shortcut Road was to close the submitters would lose most of their Tasting Room customers. Anyone wanting to enter Shortcut Road would have to automatically enter the Wooing Tree overlay area. This also appears to divert traffic in the direction of the Wooing Tree Tasting Room and the proposed retail/visitor accommodation area which could be seen as a commercial gain to them also. At the Xmas holiday period between Xmas and New Year</p>	<p>23/1</p>
	<p>23/2</p>	<p>23/3</p>

2015 and 2016 the submitters noted vehicles on Shortcut Road backed up 120m on most evenings as people were coming back from the lake. Most vehicles were towing boats. The submitters are sure all future section owners of the Wooing Tree overlay would not want this traffic diverted past their sections. The submitters also feel there is a safety issue with so much traffic being diverted through residential streets with many towing boats and trailers. Whereas at present Shortcut Road is an Urban Local Road passing through RRA (6) Rural Residential sections/land.

23/4

**Proposed zone changes which include B [BA(2)] Light Commercial/Visitor Accommodation**

The submitters oppose this being included as there is already enough retail space close by which includes the Cromwell Mall area which is currently underutilised and the submitters see this would further fragment the retail areas.

23/5

The submitters have no objection to Visitor Accommodation as this is often needed in busy periods and peak holiday times.

23/6

**Proposed zone changes which include R-High Density Residential**

The submitters oppose this being included. They believe a minimum lot size of 250m<sup>2</sup> would detract from the whole rural open space idea that is intended by the rest of the area zoning including the areas adjacent to the Wooing Tree overlay. People purchased sections in the area for the open space, not to be enclosed by multi-unit housing.

23/7

**Proposed zone changes which include R-[RRA (11)] Medium Density Residential**

The submitters oppose this being included. They believe a minimum lot size of 400m<sup>2</sup> would detract from the whole rural open space idea that is intended by the rest of the area zoning including the areas adjacent to the Wooing Tree overlay. People purchased sections in the area for the open space.

23/8

The submitters have no objection to R-[RRA (3)] zoning with a minimum 1000m<sup>2</sup> lot size. This could be reduced to as low as 700m<sup>2</sup>.

23/9

**Proposed single lane roundabout**

The submitters oppose this being a single lane roundabout. The Opus report for the traffic numbers were taken between January 2015 and October 2016 missing out the busiest time of the year being Xmas holiday period. The three vehicle number reports for the three intersections was taken on Tuesday 25<sup>th</sup> October 2016, being the quietest part of the week and one of the quieter months of the year. The submitters believe that a new roundabout should cater for future growth of the whole region not just the proposed Wooing Tree overlay. At present traffic approaching from the east and turning into Cromwell have a free turn, with a single lane roundabout this doesn't happen so must cause more delays.

23/10

The submitters believe a two-lane roundabout would cater for the future growth and reduce delays in busy periods.

23/11

**Proposed extra access to Shortcut Road from Wooing Tree overlay prior to roundabout being completed**

The submitters oppose this as the Wooing Tree already have an existing entrance roadway. They believe the new entrance way is wanted to stop any disruption to their existing entrance way which would hinder traffic to their business. Their existing entrance road way already caters for heavy vehicles which are required for vineyard associated activities therefore could cater for any traffic needed with construction.

23/12

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24. Geoffrey Neil & Margaret  
Ann McPhee

**Oppose**  
The specific provisions of the proposal that the submission relates are:

Minimise the size of sections to 500m<sup>2</sup>.  
Leave the roading (Shortcut Road) as is.



**Further Submitter**  
**102 ML Morpeth**  
**LATE – FURTHER**  
**SUBMISSION**  
**RECEIVED 6**  
**SEPTEMBER 2017**

- Density of the subdivision.
- Roading changes.

The density of the subdivision would indicate housing would be available for low socio economic owners. Is this the look Cromwell needs at its entrance?

The change in roading would create more danger to pedestrians and children if the entrance is through the new subdivision. A lot of boats use Shortcut Road to the ramp.

**102/8 ML Morpeth (re 24/1)**

Oppose

The further submitter disagrees with the statement that: 'The density of the subdivision would indicate housing would be available for low socio economic owners. Is this the look Cromwell needs at its entrance?'

24/1

24/2

Higher density does not necessarily equate to 'low socio economic owners.' Many homeowners look to downside to a smaller, low maintenance (yet stylish) home base later in life – perhaps as they wish to travel more frequently. Other potential buyers of high density housing may be looking for a smaller, low maintenance second home or holiday pad. Additionally, high density does not necessarily equate to low spec building. The further submitter likes the prospect of multi-zoned, well thought out, stylish subdivision of varying density. As the plan encompasses green spaces and sightlines to the Wooing Tree and the mountain ranges surrounding the basin, it would be a great place to base yourself in Central Otago either as a resident or a visitor. The development could potentially include a beautifully landscaped hot pool complex, a day spa, bike paths, and more wine tourism opportunities alongside the residential zone... in the further submitter's view, this would be a good look for Cromwell's entrance.

25. Heather McPherson	<p><b><u>Oppose in Part</u></b>  The specific provisions of the proposal that the submission relates to are the application of Residential Resource Area (11) in the Wooing Tree development.</p> <p>The submitter promotes that:</p> <ol style="list-style-type: none"> <li>RRA (11) should be substituted with RRA (12); minimum allotment size 500m<sup>2</sup>.</li> <li>The allocation mix of areas outlined in the application section 6.1 Table be maintained in the final scheme development with the exception of RRA (11) to be substituted with RRA (12).</li> </ol> <p>The reason for the submission is that RRA (11) allows too higher housing density.</p>	<p>25/1</p> <p>25/2</p> <p>25/3</p>	<ol style="list-style-type: none"> <li>The Wooing Tree development be denied to use RRA (11) but allowed to use RRA (12) to encourage larger lot sizes in the development.</li> <li>The Wooing Tree development approval be bound by the land Zone and Area use ratios as set out in the report Table 6.1</li> </ol>
26. David Samuel Moreton	<p><b><u>Support Conditionally</u></b>  The specific provisions of the proposal that the submission relates to are:</p> <ul style="list-style-type: none"> <li>Underpass.</li> <li>Public walking/cycling access to underpass through the development.</li> </ul> <p>The submitter considers that:</p> <ol style="list-style-type: none"> <li>The underpass should be west of the roundabout on SH 8B.</li> <li>A public walkway/cycleway should link the underpass to an access point on the northern boundary of the development.</li> </ol>	<p>26/1</p> <p>26/2</p>	<p>Grant Plan Change 12 subject to the amendments/conditions specified in the submission.</p>

27. NZ Transport Agency  
(NZTA)

**Further Submitter**  
**106 Wooing Tree Holdings**  
**Limited**

**Support in Part/Oppose in Part**  
*General Comment*

The NZTA acknowledges that residential development of the subject site has been indicated for some time through the current zoning as RRA(6). The current zoning RRA(6) could provide for a rural residential form of development, with a minimum lot size of 4000m<sup>2</sup> and a residential dwelling on each of the potential 48 lots. The submitter also recognises that the growth of Cromwell is well underway with several residential subdivisions in the adjoining areas north and north east of the site accommodating current residential growth. Consequently, the development of the land immediately north of the Cromwell area has transformed from a rural to a sub-urban environment.

**Reasons for submission**

The NZTA's statutory objective is to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. Some of these functions relevant in this case are:

- to promote an affordable, integrated safe, responsive, and sustainable land transport system
- to manage the State highway system in accordance with the relevant legislation; and
- to assist, advise, and co-operate with approved organisations (such as regional councils and territorial authorities).

27/1

**106/1 Wooing Tree Holdings Limited**  
**(re 27/6)**

**Oppose**

Under Plan Change 12 as publicly notified, if any activity that fails to comply with Rules 7.3.6(vi) Access (d) to (f) then a Non-Complying Activity resource consent is required. Non-Complying Activity resource consents are assessed in accordance with section 104D of the Resource Management Act 1991. Section 104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either – the adverse effects of the activity on the environment will be minor; or the application is for an activity which will not be contrary to the objectives and policies of the District Plan. Non-Complying resource consent status is therefore appropriate [for] managing adverse effects on the environment and there is no need to change that status to a Prohibited Activity as sought by NZTA.

27/2

The further submitter seeks that NZTA submission point 27/6 be disallowed.

In submitting on this Plan Change proposal, the NZTA is pursuing these objectives and functions in relation to the land transport system, and in particular the State highway system, and contributing to the objectives of the New Zealand Transport Strategy.

**Specific Provisions**

**Section 4 : Rural Resource Area**

**Support Policy 4.4.2(h), Rule 4.7.5(vii) & Rule 4.7.6M**

The proposed plan change includes a Rural Resource Area immediately adjacent to State Highway 6 (SH6) and State Highway 8B (SH8B). This area has been designed to be an open space buffer from the adjoining State highways. This buffer area will also help address potential reverse sensitivity effects from traffic noise. Accordingly, the NZTA supports the location of the proposed Rural Resource Areas within the Wooing Tree overlay and supports new Policy 4.4.2(h), Rule 4.7.5(vii) and Rule 4.7.6M which strongly discourage buildings within this area.

27/3 1. Retain Policy 4.4.2(h), Rule 4.7.5(vii) and Rule 4.7.6M as proposed.

27/4  
27/5

**Section 7 : Residential Resource Area**

**Amend Rule 7.3.5(vi)**

It is proposed that any activity that fails to comply with Rules 7.3.6(vi) Access (d) to (f) will be a non-complying activity. The NZTA supports the intent of this rule but notes that consent can still be granted for non-compliances with Rules 7.3.6(vi) Access (d) to (f). The NZTA suggests that those activities that fail to comply with Rules 7.3.6(vi) Access (d) to (f) will adversely affect the safety, efficiency and functionality of the State highway. The NZTA therefore suggests that activities that fail to comply with Rules 7.3.6(vi) Access (d) to (f) should be a Prohibited Activity.

27/6 2. Amend Rule 7.3.5(vi) so that any activity that fails to comply with Rules 7.3.6(vi) Access (d) to (f) is a Prohibited Activity.

**Amend Rule 7.3.6(vi)(d)**

Rule 7.3.6(vi)(d) requires all vehicular access from the subject site to the State highway to be via the proposed roundabout only. The NZTA supports this component of

27/7 3. Amend Rule 7.3.6(vi)(d) to read:  
*No vehicle access is permitted from the Wooing Tree Overlay Area to the State*

this rule as it will contribute to the sustainable management of the State highway.

Rule 7.3.6(vi)(d) also provides some technical requirements regarding the design of the roundabout. The NZTA suggests the technical design should not be included in this rule because if the development is put on hold or is not progressed for some time then this design may no longer be appropriate. For this reason the NZTA suggests this rule should be amended to require the roundabout to be constructed to NZTA's standards. This will enable the design to take into consideration any significant increases in traffic volumes on SH8B and design considerations relevant at the time of construction.

#### **Amend Rule 7.3.6(vi)(e)**

Rule 7.3.6(vi)(e) restricts development to that residential component east of the Business Resource Area (2) until the proposed roundabout and pedestrian underpass has been completed and is operational. The NZTA supports this Rule as it will provide for staged development that sustainably manages the adverse effects on the transport network.

However, the NZTA suggests the rule should be amended to recognise that cyclists will also utilise the underpass. Reference to specifics regarding the design of the roundabout should be removed as the actual design requirements will not be definitively known until the time of construction.

~~highway except via a single-lane roundabout (incorporating a 44m diameter central island) as recommended by Ausroads Guide to Traffic Engineering) constructed to the NZ Transport Agency's standards at the former intersection of SH8B and Barry Avenue.~~

27/8

27/9

4. Amend Rule 7.3.6(vi)(e) to read:  
No new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) west of and including the Business Resource Area (2) of the Wooing Tree Overlay Area shall be permitted until the single-lane roundabout referred to in Rule 7.3.6(vi)(d) and a pedestrian/cyclist underpass is completed and operational. Development that is permitted to occur shall be designed to connect to the single-lane roundabout referred to in Rule 7.3.6(vi)(d) as the primary access to the State Highway once completed and operational.

27/10

27/11

**Amend Rule 7.3.6(vi)(f)**

The NZTA supports the provision of a legal road through the subdivision to connect Shortcut Road to the proposed roundabout. This is important as the roundabout will provide safe access to SH8B from Shortcut Road. In view of this, the NZTA suggests that this legal road should be designed and constructed to the same standard as Shortcut Road as it may serve a similar function to Shortcut Road in the future.

27/12

5. Amend Rule 7.3.6(vi)(f) to read:  
Legal road access shall be included in the design of the subdivision so that Shortcut Road connects to the single lane roundabout referred to in Rule 7.3.6(vi)(d).

27/13

The NZTA also suggests reference to specifics regarding the design of the roundabout should be removed as the actual design requirements will not be definitively known until the time of construction. The NZTA suggests this rule should be amended accordingly.

27/14

**Support Rule 7.3.6(xii)(b)**

Rule 7.3.6(xii)(b) requires new residential buildings in the Residential Resource Areas to be designed to meet noise performance standards. The NZTA supports the inclusion of this rule in the proposed plan change as it will address potential reverse sensitivity effects from road traffic noise.

27/15

6. Retain Rule 7.3.6(xii)(b) as proposed.

**Section 8 : Business Resource Area**

**Amend Rule 8.3.5(ii)**

It is proposed that any activity that fails to comply with Rule 8.3.6(i), (xii) and (xiii) will be a non-complying activity. The NZTA supports the intent of this rule but notes that consent can still be granted for non-compliances with Rule 8.3.6(xii)(a) and (b). The NZTA suggests that those activities that fail to comply with Rule 8.3.6(xii)(a) and (b) will adversely affect the safety, efficiency and functionality of the State highway. The NZTA therefore suggests that activities that fail to comply with Rules 8.3.6(xii)(a) and (b) should be a Prohibited Activity.

27/16

7. Amend Rule 8.3.5(ii) so that any activity that fails to comply with Rule 8.3.6(xii)(a) and (b) is a Prohibited Activity.

**Support Rule 8.3.6(i)(b)**

The NZTA supports Rule 8.3.6(i)(b) which restricts the size of the floor area in the Business Resource Area. This will restrict high traffic generating businesses and manage the demand to travel which will contribute to the sustainable management of the transport network.

27/17

8. Retain Rule 8.3.6(i)(b) as proposed.

**Amend Rule 8.3.6(xii)(a)**

Rule 8.3.6(xii)(a) requires all vehicular access from the Business Resource Area(2) to the State highway to be via the proposed roundabout only. The NZTA supports this component of this rule as it will contribute to the sustainable management of the State highway.

27/18

9. Amend Rule 8.3.6(xii)(a) as follows:  
No vehicle access is permitted from the Business Resource Area (2) of the Wooing Tree Overlay Area to the State Highway except via a single-lane roundabout ~~(incorporating a 44m diameter central island as recommended by Ausroads Guide to Traffic Engineering)~~ constructed to the NZ Transport Agency's standards at the former intersection of SH8B and Barry Avenue

27/19

Rule 8.3.6(xii)(a) also provides some technical requirements regarding the design of the roundabout. The NZTA suggests the technical design should not be included in this rule because if the development is put on hold or is not progressed for some time then this design may no longer be appropriate. For this reason the NZTA suggests this rule should be amended to require the roundabout to be constructed to NZTA's standards. This will enable the design to take into consideration any significant increases in traffic volumes on SH8B and design considerations relevant at the time of construction.

**Amend Rule 8.3.6(xii)(b)**

Rule 8.3.6(xii)(b) restricts development within Business Resource Area (2) until the proposed roundabout and pedestrian underpass has been completed and is operational. The NZTA supports this Rule as it will provide for staged development that sustainably manages the adverse effects on the transport network.

27/20

10. Amend Rule 8.3.6(xii)(b) as follows:  
No new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) within the Business Resource Area (2) of the Wooing Tree Overlay Area shall be permitted to occur until the single lane roundabout referred to in Rule 8.3.6(xii)(a) and pedestrian/cyclist

27/21

However, the NZTA suggests the rule should be amended to recognise that cyclists will also utilise the underpass. Reference to specifics regarding the design of the roundabout should be removed as the actual design

requirements will not be definitively known until the time of construction.

*underpass across the State Highway is completed and operational.*

**Support Rule 8.3.6(xiii)**

Restricting the floor space of the different activities will assist in managing the demand to travel which will contribute to the sustainable management of the transport network. For this reason the NZTA supports this rule.

27/22 11. Retain Rule 8.3.6(xiii) as proposed.

28. Patricia Margaret O'Neill

**Oppose**

The specific provisions of the proposal that the submission relates to are:

- Changes the landscape of a neighbourhood and natural resources.
- Splits the town retail space.
- One off decision impacts whole town.

Decline plan change.

The submitter is a resident of Cromwell. Her objections are raised when she has been inundated with ideas over several years to get traffic into the township and only recently there has been development of the green space around the big fruit. The Information Centre has been moved as a means to have people come into the business area.

28/1

In the past land to the north of the town was made Residential 6 so as not to be subdivided and now there is a change to have high density housing and retail on the north side of State highway 8.

28/2

This is a one off opportunity to say no and keep the entrance to Cromwell with a vineyard and the glorious colours of the seasons to show off what Cromwell and this landscape has to offer. Just this week the submitter read that Central Otago is on its way to have this region registered as a formal wine region. What a mockery if we

28/3



<p>are to stand by and have this vineyard carved up. The submitter believes it would be better for the R6 area of the Wooing Tree to apply for consent to change this to vineyard and have a bigger production/area.</p>	28/4
<p>The District Council appears to the submitter to be doing things ad hoc.</p>	28/5
<p>The proposed plan is not supportive of our local schools accessing the McNulty Aquatic Centre nor those that use the yacht club. A roundabout and an underpass would be useful but at the end of Shortcut Road to service the town not to service a private development. An underpass would allow walkers and bikers the ability to cross from the towns green ways access down to McNulty Inlet and the lake. Getting across SH8 can be difficult.</p>	28/6
<p>It would be prudent to not proceed with any changes to the district plan as it sets a precedent and the township will become like a bach with add ons. There is no thought given to the old Cromwell township when new retail is planned with this venture.</p>	28/8
<p>Has the Council actually tried to get large retail businesses to this area and if so where are these to be operated from? Our new retirement village is becoming established and servicing the needs of some of our residents.</p>	28/9
<p>Our Council would be better at having our Mall bought out by a large conglomerate and restyled to provide better retail, eating and service areas.</p>	28/10
<p>In summation the submitter argues:</p>	28/11
<ul style="list-style-type: none"> <li>• The proposal only benefits the owners of the Wooing Tree.</li> <li>• It is not an efficient use of natural and physical resources.</li> </ul>	28/12

- SH8 changes are being made to meet a private enterprise not that of the public.
- It is short-sighted to think of housing sections when there is already development within the town with Gair estate, Summerlands and the village.
- Develop the vineyard to cover the entire space.
- Use this as an opportunity to develop a town plan whereby there is foresight in place for the next twenty years. Learn from what has happened in Queenstown.

28/13

28/14

28/15

28/16

29. Heather Nola Pryor &  
John Ian Meredith

**Oppose**

The specific provisions of the proposal that the submission relates to are changing the subject land in the Residential Resource Area (6).

The submitters promote that the subject land be retained in the Residential Resource Area (6) for the following reasons:

1. The submitters' personal environment will be adversely affected.  
Vivian and Espie have drawn up a conceptual Development Plan of the area if it is developed as RR6 zoning (Appendix 2, Attachment D) showing 48 residential x 1 acre sections. This scenario would be acceptable to the submitters, being the development they bought into. The submitters did not anticipate looking out over, and putting up with the associated noise and traffic of 210 houses, plus accommodation, shops and other commercial development.
2. The environment of Cromwell will be adversely affected.  
Driving into Cromwell via SH 8B provides a unique experience compared to driving into any other NZ town. This uniqueness will be lost if 210 houses plus commercial development are on view. The vineyard is photographed

29/1

29/2

29/3

Do nothing (the status quo) [thereby declining Plan Change 12] and retain the subject land in the Residential Resource Area (6).

by tourists many times every day of the year. However if the vines do go, 48 leafy properties are much more unique than the usual high density housing of other NZ towns. All the locals the submitters have spoken to agree with this apart from those who will gain financially from Plan Change 12.

29/4

30.	Robert Stirling Robinson	<p><b><u>Oppose</u></b> The submitter opposes Plan Change 12 because the high density housing and smaller lot sizes proposed are not in keeping with the existing subdivisions which include larger sites next door.</p> <p>That the applicant lodge a new plan with residential sections of a size no less than 1000m<sup>2</sup>.</p>	30/1	Decline Plan Change 12 and that the applicant lodge a new plan with residential sections no less than 1000m <sup>2</sup> in area.
31.	K Wally Sanford	<p><b><u>Support</u></b> The specific provisions of the proposal that the submission relates to are all provisions under sections 1 and 2 of proposed Plan Change 12.</p> <p>The submitter is in support of the proposed zoning change. The existing zoning of RRA (6) is completely inappropriate for the subject piece of land.</p> <p>All provisions of proposed Plan Change 12 provide for a much more appropriate use of the land and will serve Cromwell's changing needs well.</p>	31/1	Approve proposed Plan Change 12 as presented.
102	<p><b>Further Submitters</b> <b>ML Morpeth</b> <b>LATE – FURTHER</b> <b>SUBMISSION</b> <b>RECEIVED 6</b> <b>SEPTEMBER 2017</b></p>	<p>The submitter is in support of the proposed zoning change. The existing zoning of RRA (6) is completely inappropriate for the subject piece of land.</p>	31/2	<p><b>102/5 ML Morpeth (re 31/1-31/3)</b> <b>Support</b> Supports the proposal for Plan Change 12 and agrees that the development will serve Cromwell's changing needs well.</p>
104	PJ Piebenga	<p>All provisions of proposed Plan Change 12 provide for a much more appropriate use of the land and will serve Cromwell's changing needs well.</p>	31/3	<p><b>104/5 PJ Piebenga</b> <b>Support</b> The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.</p>

<p>32. The Southern District Health Board c/- Public Health South <b><u>LATE – SUBMISSION RECEIVED 6 JULY 2017</u></b></p> <p><b>Further Submitter</b> <b>103 NZ Transport Agency</b></p>	<p><b><u>Neither Support or Oppose Introduction</u></b> Southern District Health Board (SDHB) presents this submission through its public health service, Public Health South (PHS). This Service is the principal source of expert advice within Southern DHB regarding matters concerning Public Health. Southern DHB has responsibility under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities. Additionally there is a responsibility to promote the reduction of adverse social and environmental effects on the health of people and communities.</p> <p>Public Health services are offered to populations rather than individuals and are considered a “public good”. They fall into two broad categories – health protection and health promotion. They aim to create or advocate for healthy social, physical and cultural environments.</p> <p>The submission is intended to provide general commentary to the Council (CODC) relating to proposed District Plan Change 12.</p> <p><b><u>General Comments</u></b> Urban design and the environments in which people live, work and play create the conditions that promote health and wellbeing. The submitter supports the CODC District Plan providing for development in a way that protects health and creates environments that enable people to live full and healthy lives. The submitter neither supports nor opposes Plan Change 12 but makes recommendations if the district plan change is made.</p> <p>Urban design can positively impact health through provision for green space, street connectivity, safe walking and cycling opportunities, public space to foster social connectivity, and increased density to limit the sprawl of Cromwell.</p>	<p>32/1</p> <p>32/2</p> <p>32/3</p> <p>32/4</p>	<p>If Plan Change 12 is accepted, the submitter supports the use of urban design principles that promote community cohesion and provides opportunities for physical activity, walking and cycling, and access to connected green space. This would also provide connectivity within the main area of Cromwell through safe and attractive walking and cycling options across SH 6 [sic - 8B].</p> <p><b>103/2 NZ Transport Agency (re 32/4) Support</b> Incorporating urban design elements into the development will assist in providing open space and movement networks and ensuring land use and transport integration. Incorporating urban design elements into the development will contribute to the sustainable management of the transport system.</p>
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**Opportunities for active transport, walking and cycling**

Physical activity is associated with many positive health outcomes for individuals, including reducing the risk of obesity, heart disease, type 2 diabetes, cancer and helping manage depression. The design of communities can make it easier for people to be active as part of everyday life.

32/5

The proposed plan change allows for development in an area that is separated from the main residential and business area of Cromwell by SH6 [sic – SH 8B], with a speed limit of 80km/hour. This creates a barrier to connectivity and safe walking or cycling into the main area of Cromwell. The submitter agrees with Vivian & Espie's report that consideration would need to be given to provision of safe pedestrian and cycling connections across SH6. This needs to be achieved in a way that supports walking and cycling in the places where people naturally wish to cross the road, in a way that is attractive and safe. The suggested provision of an underpass needs to be carefully considered and designed as they have potential to create situations where people feel unsafe due to lack of visibility within a confined space. Safe crossing areas need to be usable day and night and by all ages and physical abilities, and should consider Crime Prevention through Environmental Design principles. As SH6 would in effect dissect two parts of the town, the submitter recommends assessing the appropriateness of the 80km/hour speed limit.

32/6

The provision of public green space and greenways within the development is important to promote active lifestyles, social interaction and mental wellbeing, and should connect to and continue the greenways that run through Cromwell.

32/7

If the plan change progresses, the submitter supports in principle the recommendation for option 3 which provides for mixed use that enables provision of local services and

32/8

destinations, and increased density as a way to limit urban sprawl, provided appropriate infrastructure is in place.

**Summary**

If the proposed change to the district plan is accepted, Public Health South supports the use of urban design principles that promote community cohesion and provides opportunities for physical activity, walking and cycling, and access to connected green space. This would also provide connectivity with the main area of Cromwell through safe and attractive walking and cycling options across SH6 [sic – SH 8B].

32/9

33. David Garth Stark

**Further Submitter  
104 PJ Piebenga**

**Support in Part/Oppose in Part**

The specific provisions of the proposal that the submission relates to are:

- Lot size
- Pedestrian safety
- Retail zone

Cromwell has shown strong growth over recent years and there has been an increasing shortage of options for new residential development. In light of this the submitter considers that to continue to promote 4,000m<sup>2</sup> sections is inappropriate as an inefficient use of an increasingly scarce land resource, results in expensive sections and is a poor use of infrastructure with a high marginal cost on future ratepayers. The proposed subdivision plan is an appropriate proposal in this context and should provide more affordable accommodation options for residents in the future.

The submitter is in favour of the proposed underpass to provide pedestrian and cyclist access across the state highway. There are an increasing number of residents on the northern side of state highway 8B and it would be great

33/3

Approve the plan change permitting smaller lot sizes conditional on the underpass being developed; and if possible make provision for safe off-road access to the lake utilising the underpass potentially via Rotary Glen.

**104/6 PJ Piebenga (re 33/1-33/3 only)**

**Support**

The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.

33/1

33/2

to have a safe way to get across an increasingly busy road. This would also promote walking and cycling access from the town centre to the lake adding to the town centre's appeal and capitalizing further on the investments that the Council has made in the Big Fruit reserve area and the town centre. The underpass will also assist with access from the town centre to the proposed cycle trail that will run alongside the lake. It would be great to see a subdivision plan that provided for an off-road access through the subdivision utilizing the underpass and going to the lake via Rotary Glen if that was possible.

33/4

The submitter disagrees with the proposal to provide for retail shops in the plan. The submitter does not consider that it is a good idea to further fragment Cromwell's retail offering and potentially draw more people away from The Mall. A lot of money has been spent by the Council on upgrading The Mall and the submitter can't see any sense in undermining this investment. The underpass into town should enable The Mall to service any retail demand originating from the northern side of state highway 8B.

34. Gordon McAlpine  
Stewart

**Further Submitters**  
102 **ML Morpeth**  
**LATE – FURTHER**  
**SUBMISSION**  
**RECEIVED 6**  
**SEPTEMBER 2017**  
105 **GF & A-L Sinnott**

**Support in Part/Oppose in Part**

The specific provisions of the proposal that the submission relates to are:

- The proposed [BA2] zoning
- The proposed [RU] zoning adjacent to SH6 and SH8B
- The "Communal Open Space" & "Park Open Space" shown on the Future Development Master Plan

1. The submitter fully supports the proposed intensification of the residential area in the Wooing Tree property.

Cromwell is becoming deprived of residential lots and it appears that there will be no new titled lots available in the

- Delete the proposed [BA(2) business] zoning and replace it with [R] and/or [RRA(11) residential zoning]
- Designate the [RU] buffer zone adjacent to SH6 and SH8B for "Recreation Purposes", or otherwise provide for this in the rules of the plan.
- Designate the "Park Open Space" and "Communal Open Space" on the proposed zoning plan for "Recreation Purposes", or otherwise

34/1

34/2

next 12 months. Currently there are only two sections being marketed in the town's residential zone.

Under section 31(1)(aa) RMA 91 Council must zone sufficient land to cater for Cromwell's future residential growth. Although it only applies to high growth urban areas with populations of over 30,000, the National Policy Statement on Urban Development Capacity 2016 also gives Council guidance as to Central Government Policy on the need to provide sufficiently zoned residential land capacity in high growth areas.

2. The submitter agrees with the requestor's contention that the continued zoning of the site for large lot (4000m<sup>2</sup>) residential subdivision is a waste of the land and infrastructure resource of such a large site, so close to the centre of Cromwell.

3. The submitter commends the requestor's proposal for a comprehensive master planned development of the site to provide for a range of housing styles of mixed density. Overall, the submitter considers the master plan responds well for the site and is an excellent example of good contemporary urban design.

4. The roundabout proposal is supported and will be of benefit to the town. It is noted that right turning traffic out of Shortcut Road should be directed to use it.

5. The submitter opposes the creation of 8000m<sup>2</sup> of commercial land. Cromwell already has retail spread across four distinct areas – The Mall, Iles Street, McNulty Road and Old Cromwell. A fifth commercial area appears quite unjustified as all the above zones have room to expand. The Mall shopping for instance can be extended along the West side of the Paperplus/Subway car park if/when more retail is required.

provide for this in the rules of the plan.

**102/9 ML Morpeth (re 34/15 & 34/16)**

Oppose

The further submitter would like to see some vines on the site retained, especially in the 'buffer' zones around the outside of the development. Apart from being visually pleasing and appropriate, they will refer to the history of the site and will emphasise the fact that this is indeed, 'Wooring Tree Wine Village'.

34/3

**105/1 GF & A-L Sinnott (re 34/1-34/7, 34/14-34/17)**

Support

The submission by GM Stewart considers the need for more residential sections, considers the size of sections and considers potential risks to the vineyard buffer etc.

34/4

34/5

The further submitters do not support disallowing commercial space entirely, but would like to see this restricted to retail space catering specifically to tourists and not competing with retail options in The Mall.

34/6

34/7



34/8

6. The local Community Board has spent some 2.2 million dollars in recent years improving the northern side of The Mall and plans to continue the upgrade. The creating of a competing zone so close would be counter-productive to this in the submitter's opinion.

34/9

7. Having commercial activity including retail on both sides of the Highway will be confusing for passers-by and would create more traffic problems.

34/10

A restaurant/café/wine tasting complex already exists at the Wooring Tree and is more than sufficient to cater for the social needs of residents.

34/11

8. The submitter believes that the proposed [BA(2)] commercial zoning does not comply with District Plan Objective 8.1.1 "Community Focal Points" and Policy 8.2.7 "Cromwell Business Area" – ie. to protect the Cromwell Mall as the focal point of the Cromwell community; and that its complex provisions will unduly complicate the District Plan.

34/12

9. The further fragmentation of Cromwell's business and retail precincts to the detriment of the Mall is also contrary to the Cromwell Community Plan's vision of the importance of enhancing and maintaining focus on the vibrancy of the Mall as being a "stand out issue" (c.f. page 23 of the Cromwell Community Plan as attached to the submission). Of particular note in the Cromwell Community Plan is the finding of the "Urbanisation Report" that the Cromwell Mall has twice the amount of retail space expected of a town of its population. It is difficult therefore to see the justification for a further commercial area to service the town.

34/13

10. The importance of maintaining the Cromwell Mall as the commercial focal point of the town is further highlighted in District Plan Issue 6.2.7 viz:

*"The business areas of the District's main towns are a*

*significant resource which contain substantial public and private investment in buildings and physical services. These areas are generally the community focal points of the district and convey the town's image to residents and visitors alike. The character and sustainable management of these areas can be compromised by sporadic growth.*"

34/14

11. It is unclear as to whether the proposed buffer areas along SH6 and SH8B are to remain in private ownership or become public reserves. While it is fully appreciated that the requestor may wish to continue to maintain this area in vines, the submitter believes the Council must take a longer term view in the wider interests of the community at large and the residents within the development. The requestors and/or their viticultural entity are not going to be around forever. A long narrow (only 30m wide) vineyard held in a separate privately owned freehold title is unlikely to be a commercially viable proposition in the long term. From a practical viticultural management viewpoint, the submitter points out that by the time suitable headlands for machine manoeuvring are taken into account, the vineyard rows will only be a few metres long.

34/15

34/16

12. There is therefore no guarantee that the vineyard will remain as a buffer in the long term, or that private ownership of such land will ensure that its function as a landscaped buffer will continue in perpetuity. The submitter believes that the purpose of maintaining a buffer zone is best provided for by this land vesting in Council as reserve on subdivision of the site, as applies to the existing buffer on the south side of SH8B and along SH6 south of the intersection of SH6 and SH8B (and as also along SH8 within residential zoned land at the northern outskirts of Alexandra).

34/17

13. it is also unclear whether the "Communal Open Space" and "Park Open Space" in the Master Plan are to be public or private spaces. The submitter considers that both these

areas should be public open space and designated as such in the District Plan, or otherwise provided for in the rules of the plan for the “Wooring Tree” overlay.

The submitter has attached to the submission a zoning plan modified to incorporate the amendments promoted in the submission; and has also provided an extract from the Cromwell Community Plan.

35. Ruth & Ron Stilwell  
**Further Submitter**  
**104 PJ Piebenga**

**Oppose in Part**

The specific provisions of the proposal that the submission relates to are the new Rules 7.3.6(vi)(d), (e) and (f) regarding a single lane roundabout.

The single lane roundabout proposed needs to be amended to a double lane roundabout. This is a major state highway thoroughfare as well as a proposed major intersection for the Cromwell township. Let's learn from Queenstown's debacle and future proof; roads will get busier not less.

35/1

Amend Plan Change 12 such that the proposed single lane roundabout is changed to a double lane roundabout.

**104/10 PJ Piebenga**

**Support**

The further submitter agrees with those who support a two lane roundabout.

36. Robert Tovey

**Further Submitters**

**102 ML Morpeth**  
**LATE – FURTHER**  
**SUBMISSION**  
**RECEIVED 6**  
**SEPTEMBER 2017**  
**104 PJ Piebenga**

**Support**

The submitter thinks that this multi-zoned subdivision would be great for the region as it has been well thought out to include both a residential and commercial blend.

36/1

Allow the change of land use.

**102/6 ML Morpeth**

**Support**

Supports the proposal for Plan Change 12 and agrees it is a well thought out, multi zoned subdivision.

**104/7 PJ Piebenga**

**Support**

The further submitter also disagrees with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout.

37. Hessel Christiaan Van Wieren

**Oppose**

The specific provisions of the proposal that the submission relates to are:

- The provision of allowance for travellers accommodation and shops and other commercial development.
- The provision for buffer zone fronting to state highways – plan shows only vines of several metres.

1. Concerning provision of allowing shops and commercial development seems at odds with the previous (or current) plans to bring more life or use into the current Mall area.

The allowance of this provision would indicate there is no long term planning of the future of the town development in regard to the Mall.

Allowing uncontrolled or no integrated planning of adhoc market driven development is inconsistent with the needs of the community, and a model of a central thriving town centre area.

2. That the provision of a buffer zone should include a mound/raised area parallel to the state highways with plantings so as to provide a sound barrier and a visual effect.

This should already be compulsory for new subdivision areas fronting large traffic areas and state highways.

The McNulty Road area of new housing with homes a metre away from the Road is an appalling sight and a poor insight on future housing planning in this town.

The provision for travellers accommodation and shops and other commercial development needs to be put aside (at least) until the community gets an updated well notified plan of the future of the Mall/town centre.

37/1

37/2

37/3

37/4

37/5

37/6

38. Michael & Lisa Wardill

**Support in Part**

The specific provision of the proposal that the submission relates to are impact/reduction of Open Space Values.

The submitters do not wish to present their submission at the hearing however they are happy to answer any questions, if any, regarding their submission via mobile number 027 600 8807.

The submitters support the development subject to certain amendment.

The site forms part of the existing Wooing Tree sub zone and all Central Otago District Council consents issued to date, being RC 010134 and RC 050408, include reference that the present Rural Resource Area has been designed to be an open space buffer zone from the adjoining State Highways with discouragement against building within the RRA area to maintain open space values.

The submitters acknowledge a need for these historic Council planning assessments to be considered in light of housing provisions and in light of the application provided however the submitters do not consider that certain aspects of the open space values are being sufficiently protected/retained by the present proposal.

Specifically, the submitters are concerned that the topography of the site does not support development near the SH6/SH8a [sic – SH 8B] intersection and will be contrary to the provision of open space values at/near this location. From SH6 the application sightlines marked as Viewpoints 10 & 11 provide an open view across the landscape towards the Cromwell town and, due to the gently sloping land, also provide viewing into the depressive nature of the site whereby the mix of lower and medium density housing proposed near the corner will, in the submitters' view, detract from the open space values by

Reduce or no development near the intersection of SH 6/SH 8A [sic SH 8B] ie. the triangle as marked on the plan attached to the submission.

38/1

38/2

38/3

obstructing views into and across the site. This is also the route travelled by many visitors to Cromwell and their experience will be affected by this reduction in open space values on this approach.

38/4

Based on the present viewpoints it is also unlikely, in the submitters' opinion, that a 30m buffering zone that includes some retained vineyard plantings will be sufficient to prevent the background development being overly visible and thus adversely affecting the open spaces values.

38/5

The submitters seek that either reduced development or no development occurs in this particular corner of the site and they have marked up a masterplan (refer the pink area) to illustrate their amended development preference. The submitters have no opposition to the remainder of the site as this does not form part of the main viewscapes on the Cromwell approaches for locals and visitors.

38/6

Ultimately, the submitters would like to preserve at least some of the open space character of the SH6 approach to Cromwell that the RRA presently affords by way of viewscapes across the site when travelling south towards the above-mentioned State Highway intersection.

38/7

The recently developed Cromwell mall, fruit, and associated landscapes have undergone significant public funding and upgrades and the submitters commend these initiatives. The reduction in open space values in the highlighted areas will, in the submitters' opinion, inhibit viewing of these areas from further afield unless amended.

39. Mrs Anne White

**Oppose**

The specific provisions of the proposal that the submission relates to are:

- Safety especially related to children and bike traffic.
- The possible closure of Shortcut Road.

Decline Plan Change 12 in its current form.

- Visual image of Cromwell.

The proposed change to the Wooing Tree will have both environmental and social implications to the Cromwell township.

39/1

Most importantly there will be an increase in pedestrian traffic, of concern there will be children crossing a main state highway to attend schools and recreational activities.

39/2

The submission voices the submitter's concern, that it is essential to have an underpass for all pedestrian and bike riders, connecting the shopping area of Cromwell to the new proposal.

39/3

As its name implies Shortcut Road was designed as a shortcut for the local's living along Wanaka Road, and as an alternative route to both Wanaka and down onto the lake. It has a historical significance, from a dusty short cut road to its present day.

39/4

To close the road would close a shorter alternative route into existing housing areas and down to the lake. It also would close an alternative road through to Wanaka.

39/5

Lastly the visual image of Cromwell presenting as having a rural landscape with the grape vines in close proximity to its township would be lost if dense residential housing goes ahead. There should be limited housing, and greater guidelines to provide space that is well managed to provide an interface between the state highway and proposed development.

39/6

40. William Finlayson White

**Oppose**

The specific provisions of the proposal that the submission relates to are:

Decline Plan Change 12 in total – leaving land zoned R6 with minimum lot size of 4000m<sup>2</sup>.

- Traffic management for Wooing Tree subdivision – underpass. 40/1
  - Number of lots for Wooing Tree subdivision. 40/2
  - Height; non restriction for business buildings. 40/3
  - High density housing. 40/4
  - The possibility that, if this proposal is accepted that it could be sold to a big developer who may apply for a change to the housing plan. This is totally undesirable. 40/5
  - There is a distinct possibility that Shortcut Road joining State Highway 8B will be closed. 40/6
- The submitter is opposed to Plan Change 12 for the Wooing Tree area. This plan goes against the areas present planned R6. 40/7
- The proposed plan change will have a huge detrimental effect on the town of Cromwell. 40/8
- It will split the business retail area of Cromwell. 40/9

41. Janeen Margaret Wood

Further Submitters

102 ML Morpeth

LATE – FURTHER

SUBMISSION RECEIVED

6 SEPTEMBER 2017

104 PJ Piebenga

**Support**

The specific provisions of the proposal that the submission relates to are:

- Pedestrian underpass.
- Overall development.

The submitter is personally in support of the full development. She sees herself moving to this sort of area when downsizing becomes an option. Critical to that would be the necessity for a roundabout and an underpass to safely and easily reach the town centre. The submitters concern, however, is the current proposed location of the underpass to the east of Barry Avenue. If it is located there then users would have to traverse several driveways into The Gate before getting to the pedestrian crossing by Lode

Implement Plan Change 12 to enable Wooing Tree Holdings Limited to implement their future development plan.

**102/7 ML Morpeth (re 41/1 & 41/2)**

Support

Supports the proposal for Plan Change 12 and agrees for provision of a safe cycle/pedestrian underpass.

41/1

**104/8 PJ Piebenga**

Support

The further submitter also disagrees

41/2

41/3



Lane and The Mall. The submitter suggests that a safer location would be to the west of Barry Avenue and an exit/entry point onto the Big Fruit Reserve.

41/4

with those opposed to the commercial area; disagrees with those opposed to small sections (eg. 250m<sup>2</sup>); and agrees with those who support a two lane roundabout. The submitter notes the comment of the submitter that "She sees herself moving to this sort of area when downsizing becomes an option".

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**Further Submissions Not Summarised (Invalid)**

- 107 PJ Goodwin Trustee of Meadowvale Trust
- 108 PJ Goodwin Trustee of Meadowvale Trust
- 109 PJ Goodwin Trustee of Meadowvale Trust
- 110 JM Hawker
- 111 K & M Herrick
- 112 WF White

**RESOURCE MANAGEMENT ACT 1991**

**CENTRAL OTAGO DISTRICT PLAN**

**PLAN CHANGE 12 : WOONG TREE, CROMWELL**

1. Amend Section 4 : Rural Resource Area of the Operative Central Otago District Plan by inserting a new Policy 4.4.2(h), a new Rule 4.7.5(vii) and a new Rule 4.7.6M to strongly discourage buildings in the Rural Resource Area in the Woong Tree Overlay Area; to make such buildings a non-complying activity; and to stipulate that such land be maintained in either predominantly vineyard plantings or a treed park like character, a breach being a non-complying activity.
2. Amend Section 7 : Residential Resource Area of the Operative District Plan by:
  - i) Amending Section 7.1 Objectives to confirm that the objectives relate to the Woong Tree Overlay Area.
  - ii) Amending the Explanation to Policy 7.2.7 to confirm that the Residential Resource Area (3) and the Residential Resource Area (11) have also been applied to land within the Woong Tree Overlay Area to manage interface effects between existing residential activities, the State Highways and new development.
  - iii) Inserting a new Rule 7.3.2(vi) to provide for multi-unit development in the Residential Resource Area of the Woong Tree Overlay Area as a controlled activity; with a corresponding amendment to Rule 7.3.3(vi).
  - iv) Inserting a new Rule 7.3.2(vii) to provide for one care centre or community facility (limited to a childrens educational facility) in the Residential Resource Area (11) of the Woong Tree Overlay Area as a controlled activity.
  - v) Amending Rule 7.3.3(i)(c) to provide for:
    - Any subdivision in the Residential Resource Area within the Woong Tree Overlay Area to not exceed a maximum lot size of 350m<sup>2</sup> and a total of 50 residential allotments.
    - Any subdivision in the Residential Resource Area (3) within the Woong Tree Overlay Area to not exceed 60 residential allotments.
    - Any subdivision in the Residential Resource Area (11) within the Woong Tree Overlay Area to not exceed 100 residential allotments.
    - Amendments to be made to the Reason, accordingly.
  - vi) Inserting a new Rule 7.3.6(iii)(b)(iii) to stipulate a minimum front yard of 3 metres in the Residential Resource Area of the Woong Tree Overlay Area.
  - vii) Inserting a new Rule 7.3.6(iii)(c)(iii) to stipulate minimum side and rear yards of 1.8 metres in the Residential Resource Area of the Woong Tree Overlay Area

provided that no side yards are required for buildings adjoined by a common wall for a multi-unit development under new Rule 7.3.2(vi).

- viii) Inserting a new Rule 7.3.6(iii)(iv) to require a 15 metre yard in the Residential Resource Area (3) adjacent to the north-eastern boundary of the Wooing Tree Overlay Area.
- ix) Amending Rule 7.3.6(iii)(f)(1) and inserting a new Rule 7.3.6(iii)(f)(5) to stipulate that no recession planes are required in the Residential Resource Area of the Wooing Tree Overlay Area for buildings which are adjoined by a common wall for multi-unit development under new Rule 7.3.2(vi).
- x) Amending Rule 7.3.6(iv) to stipulate in a new Rule 7.3.6(iv)(i) a maximum site coverage of 80% to apply within the Residential Resource Area of the Wooing Tree Overlay Area; and to amend the Reason, accordingly.
- xi) Amending Rule 7.3.6(vi) by inserting new Rules 7.3.6(vi)(d), (e) and (f) which relate to access within the Residential Resource Areas of the Wooing Tree Overlay Area as follows:

*“(d) No vehicle access is permitted from the Wooing Tree Overlay Area to the State Highway except via a single lane roundabout (incorporating a 44m diameter central island as recommended by Ausroads Guide to Traffic Engineering) constructed at the corner of SH8B and Barry Avenue.*

*“(e) No new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) west of and including the Business Resource Area (2) of the Wooing Tree Overlay Area shall be permitted until the single lane roundabout referred to in Rule 7.3.6(vi)(d) and a pedestrian underpass is completed and operational. Development that is permitted to occur shall be designed to connect to the single lane roundabout referred to in Rule 7.3.6(vi)(d) as the primary access to the State Highway once completed and operational.*

*“(f) Legal road access shall be included in the design of the subdivision so that Shortcut Road connects to the single lane roundabout referred to in Rule 7.3.6(vi)(d).”*

- xii) Inserting a cross reference which confirms that a breach of the new Rules 7.3.6(vi)(d)-(f) is a non-complying activity; and amending Rule 7.3.5 by inserting a new Rule 7.3.5(vi), accordingly.
  - xiii) Amending Rule 7.3.6(xii) by renumbering the existing rule as Rule 7.3.6(a), and by inserting a new Rule 7.3.6(xii)(b) to stipulate that new residential buildings in the Residential Resource Areas of the Wooing Tree Overlay Area within 80m of the seal edge of State Highway 6 and 8B are to be designed to meet noise performance standards as specified in the new Rule 7.3.6(xii)(b).
3. Amend Section 8 : Business Resource Area of the Operative District Plan by:
- i) Inserting a new Policy 8.2.8 which relates to the Business Resource Area (2) of the Wooing Tree Overlay Area to provide for the development of high quality travellers accommodation and associated “vineyard village” themed retail and

commercial activities in a manner that complements other business areas at Cromwell; and to amend the Explanation which follows, accordingly.

- ii) Amending the Reason which relates to Rule 8.3.1(i) to insert reference to standards which relate to the Business Resource Area (2) of the Wooing Tree Overlay Area.
- iii) Amending Rule 8.3.2(iv) to exclude provision for vehicle oriented activity as a controlled activity within the Business Resource Area (2) of the Wooing Tree Overlay Area.
- iv) Inserting a new Rule 8.3.2(v) to provide for all buildings in the Business Resource Area (2) of the Wooing Tree Overlay Area as a controlled activity; and to insert a new Reason which relates to the new Rule 8.3.2(v).
- v) Amending Rule 8.3.6(i) by renumbering the existing Rule as Rule 8.3.6(a) and by inserting a new Rule 8.3.6(i)(b) to stipulate that the maximum area of a shop in the Business Resource Area (2) of the Wooing Tree Overlay Area is 200m<sup>2</sup>.
- vi) Amending Rule 8.3.6(ii) to require a yard of 15 metres adjacent to the north-east boundary of the Wooing Tree Overlay Area.
- vii) Inserting a new Rule 8.3.6(xii) and associated Reason which relates to the Business Resource Area (2) of the Wooing Tree Overlay Area as follows:

**“(xii) Access – Within the Business Resource Area (2) of the Wooing Tree Overlay Area**

*(a) No vehicle access is permitted from the Business Resource Area (2) of the Wooing Tree Overlay Area to the State Highway except via a single lane roundabout (incorporating a 44m diameter central island as recommended by Ausroads Guide to Traffic Engineering) constructed at the corner of SH8B and Barry Avenue.*

*(b) No new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) within the Business Resource Area (2) of the Wooing Tree Overlay Area shall be permitted to occur until the single lane roundabout referred to in Rule 8.3.6(xii)(a) and pedestrian underpass across the State Highway is completed and operational.*

*Reason*

*Development in these areas must not affect the safe and efficient operation of the State highway network.”*

- viii) Inserting a new Rule 8.3.6(xiii) which relates to the Business Resource Area (2) of the Wooing Tree Overlay Area as follows:

**“(xiii) Maximum Floor Space within the Business Resource Area (2) of the Wooing Tree Overlay Area**

*The maximum Floor Space (as defined) within the Business Resource Area (2) within the Wooing Tree Overlay Area shall be 12,000m<sup>2</sup> divided as follows:*

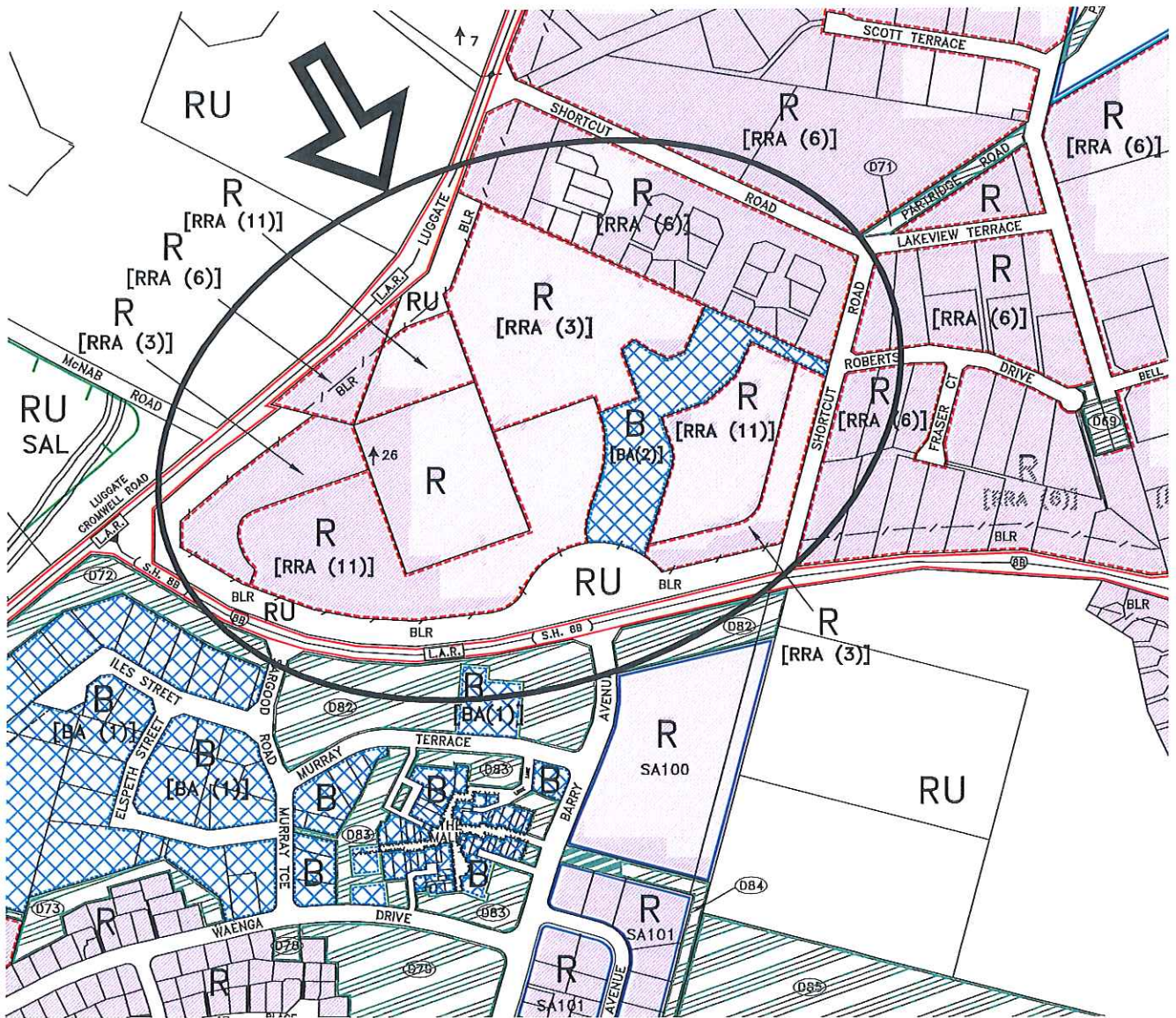
- (a) No more than 6,000m<sup>2</sup> of the permitted Floor Space shall be used for Travellers Accommodation;
- (b) No more than 4,000m<sup>2</sup> of the permitted Floor Space shall be used for Shops;
- (c) No more than 2,000m<sup>2</sup> of the permitted Floor Space shall be used for any activities that than Traveller's Accommodation or Shops.

In addition to above, the maximum building coverage shall not exceed 8,000m<sup>2</sup> of the total Business Resource Area (2) area."

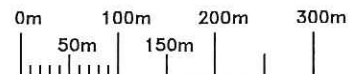
- ix) Inserting cross references which confirm that a breach of the new Rule 8.3.6(xii) and of the new Rule 8.3.6(xiii) is a non-complying activity; and amending Rule 8.3.5(ii) accordingly.
4. Amend Section 18 – Definitions by inserting new definitions as follows:
- “**External Appearance**’ in relation to buildings the Business Resource Area (2) of the Wooing Tree Overlay Area, means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls.”
  - “**Urban Design**’ in relation to the layout of buildings the Business Resource Area (2) of the Wooing Tree Overlay Area, means the matters contained in the New Zealand Design Protocol (2005) – or any amendments thereof.”
  - “**Wooing Tree Overlay Area/Wooing Tree Overlay**’ means the land bounded by Shortcut Road and State Highway 6 and 8B at Cromwell that is legally described as Section 3 SO 461514.”
5. Amend Schedule 19.4 Register of Heritage Buildings, Places, Sites and Objects and Notable Trees to include a new item being Notable Tree No 26 being a Monterey Pine (*Pinus radiata*) known as the “Wooing Tree” that is located in the Wooing Tree Overlay Area.
6. Amend Planning Maps 12,13, 13A and 14 to rezone land in the Wooing Tree Overlay Area being Section 3 SO 461514 from Residential Resource Area (6) to Residential Resource Area, Residential Resource Area (3), Residential Resource Area (11), Business Resource Area (2) and Rural Resource Area. The existing Building Line Restriction is to be amended to provide a greater depth adjacent to the location of a future single lane roundabout; and the Monterey Pine (*Pinus radiata*) known as the “Wooing Tree” is to be shown by notation as Notable Tree No 26 on Planning Map 13.

Notes: 1. New text to be inserted (as presented in quotation marks) is underlined.  
 2. For full details of text amendments see Attachment F to the plan change request document entitled “Wooing Tree Holdings Limited Private Plan Change to the Central Otago Operative District Plan Application, Section 32 Evaluation and Assessment of Effects on the Environment” prepared by Vivian + Espie Limited and dated 13 March 2017.

# PLAN CHANGE 12 : MAP AMENDMENT



MAPS 12, 13, 13A & 14 – Scale 1:7500



**Annex 3 (Plan Change 12 Incorporating Modifications  
Recommended in section 42A Report)**

**RESOURCE MANAGEMENT ACT 1991**

**CENTRAL OTAGO DISTRICT PLAN**

**PLAN CHANGE 12 : WOONG TREE, CROMWELL**

1. Amend Section 4 : Rural Resource Area of the Operative Central Otago District Plan by inserting a new Policy 4.4.2(h), a new Rule 4.7.5(vii) and a new Rule 4.7.6M to strongly discourage buildings in the Rural Resource Area in the Woong Tree Overlay Area; to make such buildings a non-complying activity; and to stipulate that such land be maintained in either predominantly vineyard plantings or a treed park like character, a breach being a non-complying activity.
2. Amend Section 7 : Residential Resource Area of the Operative District Plan by:
  - i) Amending Section 7.1 Objectives to confirm that the objectives relate to the Woong Tree Overlay Area.
  - ii) Amending the Explanation to Policy 7.2.7 to confirm that the Residential Resource Area (3) and the Residential Resource Area (11) have also been applied to land within the Woong Tree Overlay Area to manage interface effects between existing residential activities, the State Highways and new development.
  - iii) Inserting a new Rule 7.3.2(vi) to provide for multi-unit development in the Residential Resource Area of the Woong Tree Overlay Area as a controlled activity; with a corresponding amendment to Rule 7.3.3(vi).
  - iv) Inserting a new Rule 7.3.2(vii) to provide for one care centre or community facility (limited to a childrens educational facility) in the Residential Resource Area (11) of the Woong Tree Overlay Area as a controlled activity.
  - v) Amending Rule 7.3.3(i)(c) to provide for:
    - Any subdivision in the Residential Resource Area within the Woong Tree Overlay Area to not exceed a maximum lot size of 350m<sup>2</sup> and a total of 50 residential allotments.
    - Any subdivision in the Residential Resource Area (3) within the Woong Tree Overlay Area to not exceed 60 residential allotments.
    - Any subdivision in the Residential Resource Area (11) within the Woong Tree Overlay Area to not exceed 100 residential allotments.
    - Amendments to be made to the Reason, accordingly.
  - vi) Inserting a new Rule 7.3.6(iii)(b)(iii) to stipulate a minimum front yard of 3 metres in the Residential Resource Area of the Woong Tree Overlay Area.
  - vii) Inserting a new Rule 7.3.6(iii)(c)(iii) to stipulate minimum side and rear yards of 1.8 metres in the Residential Resource Area of the Woong Tree Overlay Area

provided that no side yards are required for buildings adjoined by a common wall for a multi-unit development under new Rule 7.3.2(vi).

- viii) Inserting a new Rule 7.3.6(iii)(iv) to require a 15 metre yard in the Residential Resource Area (3) adjacent to the north-eastern boundary of the Wooing Tree Overlay Area.
- ix) Amending Rule 7.3.6(iii)(f)(1) and inserting a new Rule 7.3.6(iii)(f)(5) to stipulate that no recession planes are required in the Residential Resource Area of the Wooing Tree Overlay Area for buildings which are adjoined by a common wall for multi-unit development under new Rule 7.3.2(vi).
- x) Amending Rule 7.3.6(iv) to stipulate in a new Rule 7.3.6(iv)(i) a maximum site coverage of 80% to apply within the Residential Resource Area of the Wooing Tree Overlay Area; and to amend the Reason, accordingly.
- xi) Amending Rule 7.3.6(vi) by inserting new Rules 7.3.6(vi)(d), (e) and (f) which relate to access within the Residential Resource Areas of the Wooing Tree Overlay Area as follows:

“(d) No vehicle access is permitted from the Wooing Tree Overlay Area to the State Highway except via a single lane roundabout (incorporating a 44m diameter central island as recommended by Ausroads Guide to Traffic Engineering) constructed to the NZ Transport Agency’s standards at the corner intersection of SH8B and Barry Avenue.

“(e) No new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) west of and including the Business Resource Area (2) of a line 120 metres parallel to Shortcut Road and within the Wooing Tree Overlay Area shall be permitted until the single lane roundabout referred to in Rule 7.3.6(vi)(d) and a pedestrian/cyclist underpass to the west of the State Highway 8B/Barry Avenue intersection is completed and operational. Development that is permitted to occur shall be designed to connect to the single lane roundabout referred to in Rule 7.3.6(vi)(d) as the primary access to the State Highway once completed and operational.

“(f) Legal road access shall be included in the design of the subdivision so that Shortcut Road connects to the single lane roundabout referred to in Rule 7.3.6(vi)(d); and connectivity shall be provided through the Wooing Tree Overlay Area for pedestrians and cyclists between the underpass and Shortcut Road which provides access to recreational facilities to the north at McNulty Inlet.”

- xii) Inserting a cross reference which confirms that a breach of the new Rules 7.3.6(vi)(d)-(f) is a non-complying activity; and amending Rule 7.3.5 by inserting a new Rule 7.3.5(vi), accordingly.
- xiii) Amending Rule 7.3.6(xii) by renumbering the existing rule as Rule 7.3.6(a), and by inserting a new Rule 7.3.6(xii)(b) to stipulate that new residential buildings in the Residential Resource Areas of the Wooing Tree Overlay Area within 80m of the seal edge of State Highway 6 and 8B are to be designed to meet noise performance standards as specified in the new Rule 7.3.6(xii)(b).



3. Amend Section 8 : Business Resource Area of the Operative District Plan by:

- i) Inserting a new Policy 8.2.8 which relates to the Business Resource Area (2) of the Wooing Tree Overlay Area to provide for the development of high quality travellers accommodation and associated “vineyard village” themed retail and commercial activities in a manner that complements other business areas at Cromwell; and to amend the Explanation which follows, accordingly.
- ii) Amending the Reason which relates to Rule 8.3.1(i) to insert reference to standards which relate to the Business Resource Area (2) of the Wooing Tree Overlay Area.
- iii) Amending Rule 8.3.2(iv) to exclude provision for vehicle oriented activity as a controlled activity within the Business Resource Area (2) of the Wooing Tree Overlay Area.
- iv) Inserting a new Rule 8.3.2(v) to provide for all buildings in the Business Resource Area (2) of the Wooing Tree Overlay Area as a controlled activity; and to insert a new Reason which relates to the new Rule 8.3.2(v).
- v) Amending Rule 8.3.6(i) by renumbering the existing Rule as Rule 8.3.6(a) and by inserting a new Rule 8.3.6(i)(b) to stipulate that the maximum area of a shop in the Business Resource Area (2) of the Wooing Tree Overlay Area is 200m<sup>2</sup>.
- vi) Amending Rule 8.3.6(ii) to require a yard of 15 metres adjacent to the north-east boundary of the Wooing Tree Overlay Area.
- vii) Inserting a new Rule 8.3.6(xii) and associated Reason which relates to the Business Resource Area (2) of the Wooing Tree Overlay Area as follows:

*“(xii) Access Within the Business Resource Area (2) of the Wooing Tree Overlay Area*

*(a) No vehicle access is permitted from the Business Resource Area (2) of the Wooing Tree Overlay Area to the State Highway except via a single lane roundabout (incorporating a 44m diameter central island as recommended by Ausroads Guide to Traffic Engineering) constructed at the corner of SH8B and Barry Avenue.*

*(b) No new development (other than a new temporary access from the existing Wooing Tree Tasting Room to Shortcut Road or internally within the property to a new road to access Shortcut Road) within the Business Resource Area (2) of the Wooing Tree Overlay Area shall be permitted to occur until the single lane roundabout referred to in Rule 8.3.6(xii)(a) and pedestrian underpass across the State Highway is completed and operational.*

*Reason*

*Development in these areas must not affect the safe and efficient operation of the State highway network.”*

- viii) Inserting a new Rule 8.3.6(xiii) which relates to the Business Resource Area (2) of the Wooing Tree Overlay Area as follows:

~~“(xiii) Maximum Floor Space within the Business Resource Area (2) of the Wooing Tree Overlay Area~~

~~The maximum Floor Space (as defined) within the Business Resource Area (2) within the Wooing Tree Overlay Area shall be 12,000m<sup>2</sup> divided as follows:~~

- ~~(a) No more than 6,000m<sup>2</sup> of the permitted Floor Space shall be used for Travellers Accommodation;~~
- ~~(b) No more than 4,000m<sup>2</sup> of the permitted Floor Space shall be used for Shops;~~
- ~~(c) No more than 2,000m<sup>2</sup> of the permitted Floor Space shall be used for any activities that than Traveller’s Accommodation or Shops.~~

~~In addition to above, the maximum building coverage shall not exceed 8,000m<sup>2</sup> of the total Business Resource Area (2) area.”~~

ix) ~~Inserting cross references which confirm that a breach of the new Rule 8.3.6(xii) and of the new Rule 8.3.6(xiii) is a non-complying activity; and amending Rule 8.3.5(ii) accordingly.~~

4. Amend Section 18 – Definitions by inserting a new definitions as follows:

- ~~“‘External Appearance’ in relation to buildings the Business Resource Area (2) of the Wooing Tree Overlay Area, means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls.”~~
- ~~“‘Urban Design’ in relation to the layout of buildings the Business Resource Area (2) of the Wooing Tree Overlay Area, means the matters contained in the New Zealand Design Protocol (2005) or any amendments thereof.”~~
- ~~“‘Wooing Tree Overlay Area/Wooing Tree Overlay’ means the land bounded by Shortcut Road and State Highway 6 and 8B at Cromwell that is legally described as Section 3 SO 461514.”~~

5. Amend Schedule 19.4 Register of Heritage Buildings, Places, Sites and Objects and Notable Trees to include a new item being Notable Tree No 26 being a Monterey Pine (*Pinus radiata*) known as the “Wooing Tree” that is located in the Wooing Tree Overlay Area.

6. Amend Planning Maps 12, 13, 13A and 14 to rezone land in the Wooing Tree Overlay Area being Section 3 SO 461514 from Residential Resource Area (6) to Residential Resource Area, Residential Resource Area (3), Residential Resource Area (11), ~~Business Resource Area (2)~~ and Rural Resource Area. The existing Building Line Restriction is to be amended to provide a greater depth adjacent to the location of a future single lane roundabout; and the Monterey Pine (*Pinus radiata*) known as the “Wooing Tree” is to be shown by notation as Notable Tree No 26 on Planning Map 13.

*Notes:* 1. New text to be inserted (as presented in quotation marks) by Plan Change 12 is underlined.

2. For full details of text amendments see Attachment F to the plan change request document entitled “Wooing Tree Holdings Limited Private Plan Change to the Central

*Otago Operative District Plan Application, Section 32 Evaluation and Assessment of Effects on the Environment” prepared by Vivian + Espie Limited and dated 13 March 2017. It is anticipated that an amended version of Attachment F will be presented by the requestor at the hearing to incorporate modifications promoted by the requestor following consideration of this report; and that a final version of Attachment F will be attached to the decision of the Hearings Panel on Plan Change 12.*

*3. Modifications resulting from section 42A report recommendations include deletions which are shown by strike out and additions which are shown by double underlining.*

*4. It is anticipated that the requestor will provide an amended version of Plan Change 12 : Map Amendment which provides for the deletion of the Business Resource Area (2) with provision for the Residential Resource Area (3), Residential Resource Area (11) and Residential Resource Area (for travellers accommodation) to apply to this land instead.*