

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under Clause 14(1) of the First Schedule of
the Act

AND Plan Change 13 to the Central Otago District Plan

BETWEEN **RIVER TERRACE DEVELOPMENTS LTD**
Appellant

AND **CENTRAL OTAGO DISTRICT COUNCIL**
Respondent

**NOTICE OF 45 SOUTH GROUP OF COMPANIES WISH TO BE A PARTY TO
PROCEEDINGS**

Section 274 of the Resource Management Act 1991

Dated 10 March 2020

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

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NOTICE OF 45 SOUTH GROUP OF COMPANIES WISH TO BE A PARTY TO PROCEEDINGS

To The Registrar
Environment Court
Christchurch

1. The **45 SOUTH GROUP OF COMPANIES** (45 South Cherry Orchards Limited and 45 South Management Limited) wish to be a party to the following proceedings:

1.1. The appeal by River Terrance Developments Limited against the decision of the Central Otago District Council, on Plan Change 13 to the Central Otago District Plan.

2. The **45 SOUTH GROUP OF COMPANIES** is a person who made a submission about the subject matter of the proceedings.

3. The **45 SOUTH GROUP OF COMPANIES** is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

4. The **45 SOUTH GROUP OF COMPANIES** is interested in all of the proceedings.

5. Without limiting the previous paragraph, the **45 SOUTH GROUP OF COMPANIES** is interested in the following particular issues:

5.1. adverse reverse sensitivity effects on adjoining properties and activities including horticulture and motorsport;

5.2. the mechanisms proposed to try to manage adverse reverse sensitivity effects;

5.3. the inappropriateness of rezoning the site for predominately residential purposes;

5.4. the inability to meet expectations of residential amenity in the site;

- 5.5. the inability of the proposed Plan Change to meet its own objectives and policies;
- 5.6. the loss of production land;
- 5.7. the nonconformity with relevant objectives and policies of the Central Otago District Plan;
- 5.8. the proposal being contrary to the National Policy Statement for Urban Development Capacity and the operative and proposed Regional Policy Statements;
- 5.9. the desirability of spot rezoning of the kind proposed; and
- 5.10. the incompatibility of the proposal with the rational, orderly and comprehensive development of Cromwell and with the careful, strategic and co-ordinated approach contemplated by the operative Regional Policy Statement and by the Cromwell Masterplan.

6. The **45 SOUTH GROUP OF COMPANIES** opposes the relief sought including for the following reasons:

- 6.1. the proposed plan change is not sustainable management of the land and associated resources;
- 6.2. rezoning for residential purposes is incompatible with surrounding land uses and zoning;
- 6.3. residential use of the site will create adverse reverse sensitivity effects that cannot be avoided nor adequately mitigated;
- 6.4. the mechanisms proposed to manage adverse reverse effects are illusory and ineffective;
- 6.5. if approved, the plan change will have adverse social, economic and cultural effects on neighbours and the Cromwell community;
- 6.6. the proposal will not meet current expectations of residential amenity;
- 6.7. the plan change cannot achieve its own objectives and policies;

- 6.8. the plan change, if approved, will lead to an unnecessary loss of production land;
- 6.9. the plan change cannot be reconciled with the National Policy Statement for Urban Development Capacity, the Regional Policy Statement or relevant objectives and policies of the Central Otago District Plan;
- 6.10. the spot re-zoning of this land is not good resource management practice and is an example of poor urban design;
- 6.11. the proposed plan change undermines the coordinated and strategic development of Cromwell directed by the Regional Policy Statement or contemplated by the Cromwell Masterplan; and
- 6.12. the proposed plan change does not accord with community aspirations reflected in both the Cromwell Masterplan or with the weight of opposing submissions made to the Central Otago District Council.

7. The **45 SOUTH GROUP OF COMPANIES** agrees to participate in mediation or other alternative dispute resolution of the proceedings.

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A J Logan
Solicitor for the 45 South Group of Companies

Date: 10 March 2020

Address for service of person wishing to be a party:

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Note to person wishing to be a party

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

the period for lodging a notice of appeal ends, if the proceedings are an appeal;

or

the decision to hold an inquiry, if the proceedings are an inquiry; or
the proceedings are commenced, in any other case.

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

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

You must serve a copy of this notice on the other parties to the proceedings within the same 15 working day period.

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

Advice

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