

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV- 2020-CHC-006

IN THE MATTER	Of an appeal pursuant to clause 14 of the First Schedule of the Resource Management Act 1991
BETWEEN	RIVER TERRACES DEVELOPMENT LIMITED Appellant
AND	CENTRAL OTAGO DISTRICT COUNCIL Respondent

SECTION 274 NOTICE – SUNCREST ORCHARD LIMITED

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor on record: Bridget Irving
Solicitor to contact: Derek McLachlan
P O Box 143, Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564
Email: bridget.irving@gallawaycookallan.co.nz
Email: derek.mclachlan@gallawaycookallan.co.nz

To: The Registrar
Environment Court
Christchurch Registry

1. Suncrest Orchard Limited ("Suncrest") wish to be a party to the following proceeding:
 - (a) *River Terraces Developments Limited v Central Otago District Council* - ENV-2020-CHC-06.
2. Suncrest made a submission on the Central Otago District Councils proposed Plan Change 13 (OS 164).
3. Suncrest is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Suncrest oppose PC13 in its entirety.
5. Suncrest is interested in the entire appeal, with a particular interest in the following issues:

Noise Effects and Reverse Sensitivity

- (a) PC13 introduces high density residential activity into an existing noisy environment that contains various consented or permitted activities such as motorsport and horticultural activities. Sources of noise include operation of machinery, bird-scaring, frost fighting and helicopters. Such activities are unavoidable and form a necessary component of horticulture activity.
- (b) PC13 is entirely incompatible with these activities and adverse effects cannot be avoided or mitigated. Mitigation measures proposed do not address the effects of the existing environment on the proposed development or reverse sensitivity effects.
- (c) PC13 does not provide for the growth or development of existing activities. Horticulture is a major economic contributor to the Cromwell community, and such contributions should not be put at

risk through the introduction of inappropriately located residential activity.

Health & Nuisance Effects

- (d) Exposure to noise will have significant adverse effects with respect to future resident's well-being because of nuisance, annoyance and reduced amenity values.

Loss of Productive Land

- (e) PC13 will result in a loss of productive potential. The site contains soils suitable for horticulture/viticulture and development will lead to a permanent loss in productive potential.

Air quality

- (f) PC13 will result in potential adverse effects such as dust, spray drift, odour or smoke associated with adjoining activities. The mitigation measures proposed are inconsistent with a standard of residential amenity.
- (g) The perception of spray drift or toxicity will be sufficient to create conflict between potential residents and existing operations.

Connection to existing township

- (h) The PC13 site is poorly integrated into existing township in terms of urban form and connectivity. The site is disconnected from existing residential areas and the Cromwell Town Centre. PC13 is inappropriate due to its location, lack of available public transport and poor cycling and walking connections.
- (i) The proposal's poor physical connection with Cromwell Township does not amount to efficient integration of urban land development and infrastructure.

Positive Effects

- (j) The Appellant has not demonstrated a housing shortfall over the short, medium or long term. Residential capacity can be provided by alternate sites within the urban boundaries of Cromwell. Large

scale developments should be co-ordinated with Council Planning documents such as the Cromwell Masterplan Spatial Framework.

- (k) PC13 is not necessary to give effect to NPS-UDC.
- (l) PC13 will not result in affordable housing, particularly given the acoustic insulation requirements.
- (m) Even if PC13 can provide affordable housing the site is inappropriate for residential activity.

6. I oppose the relief sought because:

- (a) PC13 is incompatible with the receiving environment. PC13 does not provide for the social, economic, cultural and environmental wellbeing of people and communities;
- (b) PC13 is contrary to the proposed and operative Otago Regional Policy Statements.
- (c) PC13 is contrary to the Objectives and Policies of the operative Central Otago District Plan.

7. Suncrest agree to participate in mediation or other alternative dispute resolution of the proceeding if directed by the Court, although given the fundamental concerns Suncrest has with PC13 mediation is not considered appropriate, we see little benefit in pursuing mediation in this case.



B Irving/D A McLachlan

Solicitor for Suncrest Orchard Limited

Dated this 16 day of March 2020

Address for service for Suncrest Orchards Limited:

Galloway Cook Allan

Lawyers

123 Vogel Street

P O Box 143

Dunedin 9054

Telephone: (03) 477 7312

Fax: (03) 477 5564

Contact Person: Bridget Irving / Derek McLachlan

Email: bridget.irving@gallowaycookallan.co.nz /

derek.mclachlan@gallowaycookallan.co.nz