

**BEFORE THE HEARING COMMISSIONERS
AT CENTRAL OTAGO**

IN THE MATTER of the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER of the Proposed Plan Change 13 to the
Central Otago District Plan

**SUPPLEMENTARY STATEMENT OF EVIDENCE
BY LYNETTE PEARL WHARFE
FOR HORTICULTURE NEW ZEALAND
28 JUNE 2019**

1. SUMMARY

- 1.1 I am Lynette Wharfe, consultant planner to HortNZ.
- 1.2 I have prepared a statement of evidence for this hearing (EIC), which sets out my qualifications and experience.
- 1.3 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out in Appendix 1 of my EIC. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SCOPE OF SUPPLEMENTARY EVIDENCE

- 2.1 This supplementary evidence responds to the supplementary evidence of Mr J Brown for River Terraces Development Ltd (RTDL) dated 21 June 2019. Attached to Mr Brown's evidence is the fourth version of the River Terrace Resource Areas (RTRA) Plan Change including modifications since adjournments of the hearing on 14 June 2019.
- 2.2 My statement addresses three matters:
 - (a) The appropriateness of Objective 20.3.1
 - (b) Provision of mitigations
 - (c) Additional imposition on orchardists

3. THE APPROPRIATENESS OF OBJECTIVE 20.3.1

- 3.1 Mr Brown is proposing that Objective 20.3.1 is amended as follows

Objective – Diversity of housing product and housing affordability and availability Increased short term (within 3 years) and medium term (within 10 years) housing supply, variety and choice by creating a well-designed residential development comprising a range of housing densities and typologies to enable a range of affordable price options available as soon as possible.
- 3.2 This objective was originally notified as 20.3.2.
- 3.3 The Proponent has emphasised the intent that the Plan Change will address availability and affordability of housing in Cromwell to service both Cromwell and areas beyond.

- 3.4 Mr Brown justifies the focus on affordability and availability is to achieve the purpose of the Act in that an integral component of people's and communities wellbeing is the provision of housing. He considers that Objective 20.3.1 addresses the need for housing to be available, affordable and well designed.
- 3.5 Para 12 he states:
- In focusing on diversity of product, design, affordability and availability of housing product in the short and medium term, I consider that the objective is the most appropriate to achieve the Act's purpose.*
- 3.6 While provision of housing is an important consideration it is not the only matter that needs to be considered under the Act's purpose, which inherently requires a balance between the range of matters.
- 3.7 The s32 (1) b) discussion of options only considers the reasonably practicable options in terms of provision of housing. It does not consider the objective alongside other requirements in s5 because he considers those matters have been addressed in earlier evidence (Para 9).
- 3.8 By implication he is setting aside the assessment of those matters to provide a narrow assessment of efficiency and effectiveness of proposed (revised) Objective 20.3.1.
- 3.9 I find no support for the focus on affordability and availability of housing in higher order documents.
- 3.10 The NPS-UDC seeks to provide sufficient development capacity to meet the needs of people and communities – it does not seek to proscribe the nature of housing development on the land.
- 3.11 The pRPS takes a similar approach in giving effect to the NPS-UDC.
- 3.12 Nor does the policy framework in Ch. 6 Urban Areas of the Operative District Plan provide a framework for consideration of affordability and availability.
- 3.13 In my opinion the focus on affordability and availability to the level of detail being prescribed in the Plan Change is inappropriate and any test of efficiency and effectiveness should not set aside the other relevant considerations under s5, including other matters that provide for the wellbeing of people and communities.

4. PROVISION OF MITIGATIONS

- 4.1 A number of mitigations are now being offered by the proponent to address potential reverse sensitivity effects on orchardists:

These include:

- (a) A 3m acoustic fence - 20.7.3 vii) f) i)
- (b) Boundary planting - 20.7.3 vii) f) iii)
- (c) A boundary setback of 5m - 20.7.1 ii) i)
- (d) A height limitation - 20.7.1 ii) a)
- (e) No-complaints covenants - 20.7.7 viii) a) iii-v)
- (f) Internal acoustic insulation - 20.7.7 ix)

4.2 Evidence has been presented regarding the efficiency and effectiveness of these mitigations and that they do not address the adverse effects that will be generated as a result of PC13.

4.3 Version 4 of PC13 extends the no-complaints covenant to additional orchards.

4.4 Evidence has been presented as to the efficiency and effectiveness of no-complaint covenants and I will not repeat that here.

4.5 Suffice to say that my concerns remain, including the limitation of the covenants to the existing owner. There needs to be surety that any no-complaint covenant remains with the land, not a combination of owner and land.

4.6 In the Supplementary evidence RTDL is not offering any new mitigations such as:

- (a) Larger setbacks from the Resource Area boundary
- (b) Reduced density adjacent to Rural Resource Area boundary

4.7 I note that there is a recommended change to include a Design Review Board, approved by Council but there appears to be no opportunity for those affected by the development to have input into the design review process.

4.8 If PC13 is to be approved then all possible mitigations need to be employed to address the adverse effects arising from the development.

5. ADDITIONAL CONSTRAINTS ON ORCHARDISTS

5.1 The recommended changes add a provision in the Orchard Covenant regarding contact email addresses in relation to agricultural spraying activities

- 5.2 The imposition of notification requirements to a large number of properties increases the constraints on orchardists and additional compliance cost to the businesses.
- 5.3 The orchard covenant is recommended to also include provisions relating to affected party approvals in respect of consent applications of audible bird scaring devices.
- 5.4 While the no-complaints covenant seeks to limit the ability of an adjoining property to object to a consent application there is the potential need to obtain written approval which would generate additional requirements on orchardists and open up the matters for debate and disagreement, albeit limited by the covenant.
- 5.5 In such circumstances the efficacy of the covenant could well be tested and this would place an unreasonable burden and uncertainty on the affected orchardists.
- 6. CONCLUSION**
- 6.1 Given the potential for adverse effects on orchardists and the proposed mitigation I do not consider that pPC13 is an appropriate location for residential development.
- 6.2 The changes addressed in the supplementary evidence of Mr Brown do not allay my concerns in that regard.
- 6.3 For these reasons, I recommend that the plan change be declined.

Lynette Wharfe

28 June 2019