

RESOURCE MANAGEMENT ACT 1991

FORM 6

FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN CHANGE
TO CENTRAL OTAGO DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council
PO Box 122
ALEXANDRA 9340



Name of person making further submission:

DJ Jones Family Trust and Suncrest Orchard Limited

This is a further submission in support of the following submissions on proposed Plan Change 13 to the Central Otago District Plan:

- Horticulture New Zealand
- 45 South Group of Companies (45 South Cherry Orchards Ltd & 45 South Management Ltd)
- Public Health South
- Mt Difficulty Wines Ltd
- Sarita Orchard Ltd

This is also a further submission in opposition to the following submissions on proposed Plan Change 13 to the Central Otago District Plan:

- River Terrace Developments Ltd (RTDL)
- Anthony Streeter

I am:

1. ~~A person representing a relevant aspect of the public interest, the grounds for saying this being:~~
2. A person who has an interest in the proposal that is greater than the interest the general public has, the grounds for saying this being:

DJ Jones Family Trust owns the adjoining orchard to the west of the subject plan change property which fronts onto Kawarau George Road/SH6. DJ Jones Family Trust began planting this Orchard in 1981. The orchard consists predominantly of plantings of Cherries, but also includes plantings of Nectarines, Peaches, Apples, Pears and Plums. These plantings have been undertaken to utilise the unique micro climate and soil conditions and are currently managed by Suncrest Orchard Limited.

3. ~~The local authority for the relevant area.~~

I support (~~or oppose~~) the submission of:

Horticulture New Zealand (rachel.mcclung@hortnz.co.nz - Submission #151)



(151/3) - The supply and use of land suitable for quality horticultural production is under pressure from urban development across New Zealand. Land fragmentation and reverse sensitivity issues are inhibiting horticultural operations. Where horticulture is established on production land, a considerable limiting factor to high production of quality fresh produce are the reverse sensitivity effects of urban encroachment. The Council must consider and provide for appropriate planning provisions that will be necessary to continue production to meet current and future food demand.

Support - The locality of this proposal is specially suited to the growing of high value horticultural crops which showcase the best that New Zealand horticulture can produce on a world stage. Encroachment into these areas by reverse sensitive activities puts the future of these established horticultural activities at risk.

(151/4) - A key planning consideration that is often overlooked is the reverse sensitivity effects on horticulture from urban encroachment. This can have the effect of imposing economic burdens and operational limitations on the existing activity or use thereby reducing their viability.

Support – Urban encroachment on horticultural activities is a major concern due the potential for higher levels of residential habitation to disrupt the current and future horticultural operations ability to respond to changes in horticultural methods that are demanded by the market in the future. For example, health authorities may increase the required setback required from dwellings when using certain sprays which may limit the ability of an existing orchard to continue spraying their crop.

(151/6) - District Plans often lack appropriate separation distances between urban and rural activities, forcing growers to then create a buffer within their own productive land.

Support – Reverse sensitivity from existing lawfully established activities to new areas that become rezoned is a major concern for any horticultural business. For example despite lawfully established horticultural activities having a certificate of compliance for the operation of helicopters for frost fighting and protecting fruit against splitting following rain on all parts of the our property, the operation of helicopters around residential areas and industrial areas of a town is governed by Civil Aviation Authority which limits helicopters ability to fly near residential activities due to health and safety concerns that are outside of the scope of the District Plan. The following is taken from the current CAA New Zealand Rules – Rule 91.311

“(a) A pilot-in-command of an aircraft must not operate the aircraft under VFR— (1) over any congested area of a city, town, or settlement, or over any open air assembly of persons at a height of less than 1000 feet above the surface or any obstacle that is within a horizontal radius of 600 metres from the point immediately below the aircraft;”

So in effect the rezoning of this land from anything other than its current rural zoning would put in place a 600m setback from our boundary and the erode our ability to undertake lawfully established and critically import activities on the orchard.

(151/7) - Horticultural production may involve many workers, loud noise and sometimes chemical sprays. These effects are acceptable within a rural environment and plan provisions generally provide for them. Unfortunately reverse sensitivity issues arise when urban dwellers expect a different level of amenity to what they experience when living on the urban-rural interface. Hort NZ is of the view that appropriate reverse sensitivity mitigation should be created within the urban land being developed, and not within the productive rural land.

Support – Rural land is almost impossible to be re-claimed once lost. So careful consideration needs to be given to protecting the areas in our District that have unique combinations of climate and soils

(151/10) - Reverse sensitivity from the urban encroachment proposed by PC 13 will have a significant impact on the future potential of crops, both grown and packed, in the Ripponvale area. As the Ripponvale orchards employ many workers and are a strong contributor to the local economy, this will impact the wider community.

Support – we are very concerned about the potential impact new reverse sensitivity from changing urban boundaries will have on our ability to continue to maintain our current business operations which a strong contributor to the local economy.

(151/11) - The PC 13 evaluation does not adequately assess the actual and potential adverse effects on the significant horticultural operations in the immediate environment – including the environmental, economic and social impacts on the horticulture.

Support – we do not feel the proposal has adequately assessed the contribution of the existing horticultural operations and the potential negative impacts that changes to zoning can have on these lawfully established activities.

(151/16) - The AEE does not adequately assess the actual and potential reverse sensitivity effects on horticulture; and fails to adequately assess the environmental, economic and social impact on significant horticultural operations as a result of the proposal.

Support

(151/17) - A no complaints covenant is not appropriate mitigation or sustainable management for a development of this scale. It will not result in the adverse effects of adjoining rural activities being avoided or mitigated. To say that people can choose not to live here is an unacceptable mitigation measure to avoid reverse sensitivity. Hort NZ strongly believes that reverse sensitivity effects on horticulture will not be avoided or mitigated by PC 13.

Support

45 South Group of Companies (45 South Cherry Orchards Ltd & 45 South Management Ltd) (alastair.logan@rossdowling.co.nz - Submission 123)

(123/3) - Orchards are noisy activities. Sources of noise include the operation of machinery, bird scaring, frost fighting and helicopters. The noise generated by the operation of orchards is incompatible with the activities proposed for the Plan Change 13 site.

Support – We do not feel adequate assessment has been given to the noise generated by existing lawfully established horticultural activities.

(123/5) - Noise will lead to reverse sensitivity issues for existing lawfully activities. Owners and occupiers of adjacent land cannot and should not be expected to cease or modify noise-generating activities or otherwise curtail their operations to avoid or mitigate noise effects from noise on the Plan Change 13 site. The rezoning of land will expose people to an unacceptable level of noise.

Support.

(123/8) - Orchards using agrichemicals. The use of agrichemicals in proximity to residential activities gives rise to further reverse sensitivity issues in relation, in particular, to odour and toxicity. These issues will inevitably lead to conflict between residents and existing lawful activities.

Support – the use of agrichemicals have very specific usage guides, and these are not compatible with residential activities.

(123/9) - Prunings and trees that have been removed are burnt; and burning is desirable for biosecurity reasons. Fires are another source of land use conflict

Support.

(123/18) - Part of the Plan Change 13 site is suitable for horticultural activities. Adoption of Plan Change 13 will remove its productive potential.

Support – The PC13 site has very similar characteristics to our existing neighbouring orchard, so could be considered as suitable for investment as a horticultural site.

(123/20) - The NPSUDC requires decision makers to consider the effects of urban development at the local, district, regional and greater scale. Both the horticultural industry and Highlands have a significant economic benefit to the Cromwell area and beyond. This proposal has the potential to severely compromise the viability of these lawfully established activities and reduce their social and economic contribution to the community.

Support.

(123/31) - The proposed development is disconnected from the Cromwell Town Centre and does not represent a logical extension of the township.

Support.

Public Health South (megan.justice@mitchelldaysh.co.nz – Submission 285)

(285/3) - PC 13 seeks to introduce noise sensitive and generally sensitive activities, including up to 900 residential units, into an environment that is affected by the Highlands and Speedway noise emissions. PHS has concerns about the rezoning of the land to enable urban density residential development, and other sensitive land uses, at the PC 13 site

Support.

(285/4) - PC 13 does not offer a full suite of objectives, policies and rules that recognise and provide for the management of this potentially significant reverse sensitivity impact. PHS considers that the proposal fails to provide for the sustainable management of the physical resource that comprises the subject site. On this basis PHS considers that PC 13 promotes an outcome that is contrary to the provisions of Part 2 of the RMA.

Support.

(285/5) - The proposal does not enable the people or community in the area to provide for their social, economic and cultural wellbeing, or for their health and safety (s5(2)) – noise associated with the operation of Highlands and the Speedway is significant, and exposure to it for a prolonged duration is likely to have significant reverse sensitivity effects

Support – And further to this point the noise associated with the ongoing management of horticultural activities is significant at different times of year, with exposure to same likely to have significant reverse sensitivity effects.

(285/6) - The proposal does not avoid, remedy or mitigate the reverse sensitivity effects of the proposed development (s5(2)(c)) - PC 13 does not provide a full suite of mechanisms that will enable the appropriate avoidance, remediation or mitigation of the significant reverse sensitivity effects that are present within the area.

Support.

(285/7) - The proposal does not enable the maintenance and enhancement of amenity values (s7(c)) – the ability of future residents of this area to enjoy their wider property will be significantly impacted by the site's proximity to Highlands and the Speedway. PC 13 proposes addressing the reverse sensitivity

effects of the sites location via the inclusion of a restrictive no complaints covenant. While this may avoid the potential for complaints, it does not suitably mitigate the actual and potential effects that result from the significant noise levels that may be generated by Highlands. As such PC 13 cannot be considered to maintain or enhance amenity values.

Support.

(285/8) - PHS is also concerned about the following environmental effects resulting from PC 13 being the potential for reverse sensitivity noise, and spray drift effects arising from residential development establishing within a horticultural area; and the lack of connectivity of the site with the established urban environment of Cromwell.

Support.

(285/9) - The site is located adjacent to an established orchard. Potential effects arising from legitimate horticultural activities include noise from bird scaring devices, noise from orchard activities which do not occur during typical working hours or days, and potential for spray drift.

Support – horticultural activities can happen at all times of the day and night and the effect of these activities have effects that can travel significant distance from their source, i.e. noise and spray drift.

(285/10) - The s32 report discusses the mitigation proposed to manage the effects of spray drift, comparing the shelter planting and separation distances proposed on this western boundary with recommendations of NZS 8409:2004 Management of Agrichemicals Guidelines, Part G6. In brief PC 13 recommends a setback from activities sensitive to agrichemicals, including shelter, of 7m to mitigate the effects of a boom sprayer or air blast sprayer. However the Guidelines referenced recommend a 10m setback where shelter is provided, and an air blast sprayer is used. The mitigation proposed is considered to be deficient.

Support – Guidelines around the use of agrichemicals is subject to ongoing reviews. So while the setback from activities sensitive to agrichemicals is set at 'X' it may easily become 'Y' in the future, which would erode an Orchards ability to use agrichemicals on some parts of the orchard.

(285/11) - The s32 report discusses the use of covenants to mitigate against noise from frost fighting devices and bird scaring devices. The comments relating to no complaints covenants discussed in relation to the motorsport noise equally apply to this noise source. No complaint covenants are suggested to manage this effect – the use of no complaints covenants is not avoiding, remedying or mitigating this potential reverse sensitivity effect.

Support.

(285/12) - PHS is concerned that the site is not well connected to the Cromwell community. The site is spatially separated from Cromwell by the motorsport facilities, rural land and industrial areas. The site is 3.7 km from the edge of Cromwell township, and access to Cromwell is obtained via SH6 or via Pearson Road and the Bannockburn Road, which have speed limits of 100kph. Walking and cycling to schools, shops and community facilities from the PC 13 site is not provided for in the plan change. The location of PC 13 does not promote transportation alternatives such as cycling and walking which have physical health benefits. Physical activity is associated with many positive outcomes for individuals, including reducing the risk of depression and chronic diseases like heart disease and diabetes. In addition it also provides a number of community benefits such as increased productivity in local work places and improved perception of community safety as there are more people around in public places and increased liveability in the local areas. Currently only half of adults in New Zealand are physically active

Support.

(285/13) - PHS considers that the potential adverse effects of the proposal arising primarily from its location will result in adverse health and wellbeing effects on people eventually living on the PC 13 site. PHS therefore opposes the outcomes promoted by PC 13 in its entirety and considers that PC 13 should be rejected.

Support.

Mt Difficulty Wines Ltd (matt@mtdifficulty.nz – Submission 249)

(249/2) - The ME report within the Plan Change 13 document highlights that Cromwell has enough potential for sections for development through to the mid 2020s allowing enough time for both the 10 year District Plan to be developed and the Cromwell Master planning exercise to be completed. There is no time pressure to accelerate development by allowing the creation of a special housing resource area as proposed by Plan Change 13.

Support – The District Plan review will allow the community and decision makers the ability to look at the whole District to decide where changes to land zoning are most appropriate, as opposed to this process which is lead by one land Owner to the potential exclusion of all other land owners within an area.

(249/7) - Plan Change 13 will forever remove what has the potential to be very valuable and productive orchard and/or vineyard land. Although the land as currently constituted may not be productive a land use change to either orchards or vineyards would have significantly added to the productivity of the land and this has not been properly considered.

Support – The area of PC13 has very similar characteristics to our own orchard which directly neighbours the property. We do not feel that significant assessment by the applicants has been made of the alternative use of the land for horticulture.

Sarita Orchard Ltd (saritaorchard@xtra.co.nz – Submission 310)

(310/5) - In the event of an unwanted pest eg. Queensland Fruit Fly getting into the area the presence of 900 more houses would impede eradication efforts. The area would almost certainly be within the MPI exclusion zone with all the Inconvenience that entails.

Support – In the event of exclusion zone being put in place by the Ministry of Primary Industries to try and deal with an introduced pest, this area would almost certainly include the land area of PC13.

(310/6) - The soils of the Ripponvale Flats need to be protected. This application will not do that.

Support – The Ripponvale Flats represent a unique mixture of climate and soils that facilitate the growth of high value export crops. This area should be protected for these types of uses.

River Terrace Developments Ltd (RTDL) (office@brownandcompany.co.nz – Submission 298)

(298/1) - Modify PC 13 to add the following acoustic insulation standard as Rule 20.7.7(x): 20.7.7(x) Acoustic Insulation of Buildings Containing Noise Sensitive Activities

20.7.7(x) Acoustic Insulation of Buildings Containing Noise Sensitive Activities

- 1) Noise Sensitive Spaces located within the River Terrace Resource Area shall be designed, constructed and maintained to ensure that the following Outdoor – Indoor Transmission Class (OITC) noise level reductions are achieved in the Acoustic Insulation Zones shown on the Acoustic Insulation Plan in 20.7.11*

a) The OITC assessment shall be determined in accordance with ASTM E1332-16 Standard Classification for Rating Outdoor-Indoor Sound Attenuation;

b) Noise Sensitive Spaces includes: i) Bedrooms, kitchens, living areas and any other habitable rooms in dwellings; ii) classrooms and indoor learning areas, lecture theatres in schools or educational facilities; iii) conference or function spaces, bedrooms and living areas associated with visitor accommodation; iv) Noise sensitive spaces in medical facilities; and v) Any other rooms containing noise sensitive activities that are occupied frequently or for extended periods, but does not include spaces insensitive to noise such as hallways, laundries, bathrooms, toilets, garages, closets, lobbies, workshops or storage spaces.

c) Compliance with this rule shall be demonstrated by a report from a suitably qualified and experienced acoustics expert. The report shall detail the constructions and assumptions used in the calculation process. Noise measurement is not required.

Oppose – We do not think that modifying acoustic standards for building envelopes will adequately mitigate against reverse sensitivity issues with adjoining land uses. For example what provision has been made to ensure residents will keep their insulated windows closed at all times? Any assumptions would be on a closed building envelope. However, this is not how New Zealanders live and use their houses, especially our desire to have indoor/outdoor flow from our kitchen and living areas, which are considered noise sensitive environments.

(298/2) - The proposed Standard 20.7.7(x) ensures that noise sensitive areas of dwellings/buildings in the River Terrace Resource Area (RTRA) are constructed so that the occupants are not adversely affected by noise generated external to the site (from the Motorsport Park, Speedway and adjacent orchard activities); and the Standard has been informed by an Assessment of Noise Effects report that is attached as Appendix 1 to the submission. Minimum standards of construction for noise sensitive activities are an effective mechanism to ensure that people are not disturbed by noise; and the new Standard 20.7.7(x) will work in tandem with the standard requiring registration of restrictive no-complaint covenants to ensure purchasers of properties are aware of the established land uses surrounding the RTRA. A section 32 analysis for the new Rule 20.7.7(x) is included in the submission.

Oppose – We do not feel that a no complaints covenant approach will adequately safeguard the existing orchard operations. This is because it would not address the expectation that a large development area would be suitable. Similarly it would not stop other people or organisations complaining.

Anthony Streeter (p.t.streeter@cromwell.school.nz – Submission 353)

(353/1) - Cromwell is in a phase of rapid growth and the application allows for the most suitable option to cater for the growth of the Cromwell urban area.

Oppose – Limited regard has been given to the alternative uses this land would be suitable for. For example the PC13 land has very similar characteristics to the established horticultural land directly neighbouring it.

(353/2) - The area under PC 13 is the lowest cost option for the CODC in the provision of required infrastructure to subdivision boundaries, in terms of a large subdivision. Cromwell's growth is dependent on the supply of affordable housing.

Oppose – This is a speculative comment. A full study of the viability and suitability of all land surrounding the Cromwell township would need to be undertaken in order to back up this statement.

(353/3) - This area is the most suitable also because it reduces pressure on land that is intensively cultivated with stone and pip fruit.

Oppose – We disagree with this statement. Changing the zone of this area from Rural will increase the pressure on orchard land by potentially limiting the ability of orchards to effectively manage their crops through the use of established and legitimate orcharding practices.

I wish to be heard in support of my further submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



26/10/2018

Signature of person making Further Submission
(or person authorised to sign on behalf of person making further submission)
(A signature is not required if you make your submission by electronic means)

Date

Electronic address for service of person making further submission:

Jones.fam@xtra.co.nz

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9384

Contact Person: Michael Jones - on behalf of DJ Jones Family Trust and Suncrest Orchard Limited

FURTHER SUBMISSIONS IN SUPPORT OF, OR IN OPPOSITION TO, ANY SUBMISSION ON PROPOSED PLAN CHANGE 13 CLOSE ON MONDAY 29 OCTOBER 2018

Note to person making Further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;

- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.