

Presented at hearing 2 July 2019 by
T. Scott.

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BEFORE THE HEARING COMMISSIONERS

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an application by River Terrace Developments Limited to Central Otago District Council requesting a change to the Central Otago Operative District Plan hereafter referred to as Plan Change 13. The request is to change the zoning of land to apply a new River Terrace Resource Area to land that is currently in the Rural Resource Area and part of which is subject to the Rural Residential notation in the Operative District Plan

CONSENT AUTHORITY Central Otago District Council

Brief of Thomas John Scott on Behalf of the Southern District Health Board

- 1.0 My name is Thomas John Scott. I am a Health Protection Officer designated under the Health Act 1956. I am also the Team Leader of Healthy Environments at Public Health South. Public Health South is a department of the Southern District Health Board.
- 2.0 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. With 4,250 staff, we are located in the lower South Island (South of the Waitaki River) and deliver health services to a population of 335,990.
- 3.0 The Ministry of Health requires Public Health Services to reduce any potential health risks by means including submissions on any proposed plan changes to ensure matters of public health significance are considered by the local authority. In our opinion Proposed Plan Change 13 has the potential to give rise to significant health effects on the health of any future residents.
- 4.0 Public Health South is active in formal advocacy and take advantage of articulating a public health view on proposals both at a Southern District Level and a National Level. For Resource Consents and Plan Changes our position is normally neutral - stating that our preference is to ensure that in the event consent is granted that public health issues are taken into account. We seldom oppose proposals.
- 5.0 Given the potential for serious adverse health effects of this proposed plan change we not only oppose the proposal, but we have engaged a planning expert and have requested and been granted analytical and advisory expertise from the Ministry of Health funded experts in the issues of environmental noise and air quality.
- 6.0 On one another occasion we opposed a proposal in this location for the establishment of the Highlands Motorsport Park that was eventually granted consent by the Environment Court in 2008. The issue at that time was the public health impact of noise on neighbouring residential property.
- 7.0 Public Health South has also had input into the Cromwell Master Plan Process. In our opinion and from a sustainability point of view Cromwell, should grow within its existing

footprint and that its centre needs to be redeveloped to incorporate mixed use activity (including residential housing). We indicated that we did not support satellite development. We understand that this was the prevailing view of local stakeholders arising from the consultation process. This has been reflected in the final decision document¹.

- 8.0 Our submission on Plan Change 13 stated that in the event consent was granted, Plan Change 13, would expose potential residents to the public health effects of noise from the Motor Sport Park, Cromwell Speedway, Suncrest Orchard and traffic on State Highway 6. We also had concerns about risk of chemical contamination of residential property through spray drift from the orchard. In addition, we raised the issue of the proposed plan change's connectivity to the existing Cromwell infrastructure and the potential for active transport.
- 9.0 As our experts have pointed out their written evidence to date, we are concerned that the use of "no-complaints" covenants is not an appropriate use of this type of legal instrument given that it effectively permits a public health hazard to continue and does nothing to mitigate it. We would even go so far to suggest that no complaints covenants are in breach of the Universal Human Right to free speech.
- 10.0 We note the applicant's response to the matter of connectivity with the footpath /cycle connection to Cromwell, although as mentioned above, as part of the Masterplan process, we submitted that development should be contained within Cromwell's footprint, rather than through satellite development. We believe the noise issues are irrevocable and we refer you to the evidence of Dr Steven Chiles and the Joint Witness Statement of the expert acoustics witnesses. On the matter of spray drift our witness Louise Wickham has concluded the controls advocated by the current New Zealand Standards are inadequate in this context. She has recommended a separation distance of 100 metres between the existing orchard and any potential residential activity would be the minimum necessary to avoid any potential public health risk from spray drift.
- 11.0 Public Health South is also active in housing matters with our original focus in 2012, on the health benefits of warmer homes. Since that time we have been active in housing supply issues as it is our experience that when housing is in short supply it is the most vulnerable members of our community that suffer. Given the shortage of (affordable and accessible) housing in Queenstown-Lakes and Central Otago, we have been active in articulating the need for more housing. While we been active in this area of work, we do not advocate additional housing at all costs. Through our work with the Cromwell Master Planning process we are given to understand that much of Cromwell's housing needs can be met within the "footprint" outlined by the aforementioned Master Plan process and that there is no need to resort to satellite development.
- 12.0 We consider that Megan Justice as our planning advisor has provided a thorough planning synopsis that takes into account the expert advice of our witnesses. We are also grateful for the context she has provided for for purpose of non-complaints covenants. We assert the context of new residential activity in the face of Queenstown Airport is quite different to the context of this current application.

¹ 7th June 2019: Cromwell 'Eye to the Future' Masterplan Spatial Framework
https://www.codc.govt.nz/your-council/project-updates/Cromwelleyetothefuture/Documents/Cromwell%20Spatial%20Framework%20-%20Stage%201%20Spatial%20Plan%20Report_LR.pdf

13.0 We firmly believe that this particular proposal will give rise to untenable public health risks that in our view will be very difficult to effectively mitigate. It is on this basis that we recommend the Application for Plan Change 13 be declined in its entirety.