

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-00073

**I TE KOTI TAIAO O AOTEAROA
OTAUTAHU ROHE**

UNDER THE

Resource Management Act 1991 ("**Act**")

IN THE MATTER OF

An appeal under Schedule 1, Clause 14(1), of the Act in relation to the Central Otago District Council's decision on Private Plan Change 14

BETWEEN

NEW ZEALAND CHERRY CORP (LEYSER) LP

Appellant

AND

CENTRAL OTAGO DISTRICT COUNCIL

Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS:
RESIDENTS FOR RESPONSIBLE DEVELOPMENT CROMWELL**

15 JULY 2021

Counsel instructed:

JGH BARRISTER

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TO: The Registrar
Environment Court
By email: Christine.McKee@justice.govt.nz

AND TO: The Appellant
By email: sarah.eveleigh@al.nz
By email: jessica.hardman@al.nz

AND TO: The Respondent
By email: info@codc.govt.nz

Wish to be party

1. Residents for Responsible Development Cromwell ("**R4RDC**") wishes to be a party to the following appeal:

New Zealand Cherry Corp (Leyser) LP v Central Otago District Council (ENV-2020-CHC-73) being an appeal against decisions of the Central Otago District Council on the proposed private Plan Change 14 ("**PC14**") to the Central Otago District Plan

2. The appeal challenges the decision by Central Otago District Council ("**CODC**"), made through its independent commissioners, to decline the PC14 as sought by New Zealand Cherry Corp (Leyser) LP ("**Appellant**").
3. PC14 sought to create a new 'Rural Resource Area (5)' at Shannon Farm, Cromwell, to provide for "rural lifestyle" subdivision and development, including through the rezoning of 142 hectares of rural land with frontage to Ripponvale Road, to facilitate that development as well as the expansion of an adjacent cherry orchard. The total land area subject to Plan Change 14 was originally in the region of 244 hectares.

Interest

4. R4RDC made a submission on PC14.
5. In addition, R4RDC's object, as a Society, is:

The responsible, sustainable quality growth and development of Cromwell and surrounding areas in consultation with the residents of these areas.

6. R4RDC has supported from, and is representative of, many of the local community. Accordingly, R4RDC also has an interest in the proceedings that is greater than the interest that the general public has.

No prohibited trade competition purposes

7. R4RDC is not a trade competitor for the purposes of Section 308D of the Act.

Extent of interest

8. R4RDC participated actively through the PC14 process, and while it initially opposed PC14, it ultimately reached a position where it could largely accept the proposal. However, it does not consider the Decision to be

unreasonable, for the reasons given by the Independent Commissioners who heard and considered all the evidence and submissions before them.

9. R4RDC also accepts that the issues are not straightforward, and that there is likely to be further evidence on appeal, if not further modifications to PC14 and what it seeks to enable.
10. R4RDC is therefore interested in the Appeal in its entirety (including the particular matters raised in its original submission, its evidence, and through correspondence with the Council commissioners hearing the plan change request). R4RDC wishes to better understand the “version” of PC14 that the Appellant is going to advance on through the Appeal and the evidence that it will adduce in support of that version; together with the position and evidence of others, including other members of the community.

Relief sought

11. R4RDC:
 - (a) conditionally opposes the relief sought in the Appeal, pending further information and evidence, and any modifications to PC14 that might still be made; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant “superior” planning instruments as required under the Act – that may or may not require further modifications to PC14, and if those outcomes cannot be achieved, the decline of the PC14; and
 - (c) seeks costs of and in respect of its participation in the proceedings.

Mediation

12. R4RDC agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 15 July 2021



J D K Gardner-Hopkins
Counsel for R4RDC

R4RDC’s address for service is c/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington.

Documents for service on R4RDC should however be emailed to james@jghbarrister.com. Where formal service of any document is required, service should only be considered complete and/or effective when receipt of that email is acknowledged.