

Before the Hearing Panel
Appointed by the Central Otago District Council

Under the Resource Management Act 1991

In the matter of Private Plan Change 14 to the Central Otago District Plan

Legal submissions in reply on behalf of New Zealand Cherry Corp (Leyser) LP Limited

19 November 2020

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**anderson
lloyd.**

Introduction

- 1 These submissions in reply are provided on behalf of NZ Cherry Corp, the Proponent of Plan Change 14 (**PC14**). Given the staggered nature of the hearing, and the series of refinements made to the proposal, these submissions seek to summarise the final proposal, and identify and respond to matters which remain in contention.
- 2 The PC14 is a comprehensive proposal incorporating an area of Outstanding Natural Landscape (**ONL**), a rural lifestyle development area (to be zoned RuRA(5)), and a Horticulture Block. It would provide a range of benefits, including:
 - (a) Up to 160 rural lifestyle sections, which will contribute to meeting projected unmet demand for properties of this type outside of urban Cromwell;
 - (b) Extension of the ONL to appropriately recognise and protect this feature;
 - (c) Public access within the ONL area, providing a recreational resource for the Cromwell community. As confirmed by the Cromwell Mountain Bike Club, NZ Cherry Corp has committed (outside of the plan change) to facilitating development of the proposed mountain bike tracks should PC14 be approved;
 - (d) Commitment to a 29 hectare horticultural development, which represents a significant increase in productivity of the site;
 - (e) Application of planning controls to a further 13.4 hectares identified as the RLA6 area, to enable productive use of this area;
 - (f) A pedestrian and cycle underpass at SH6, which will be an asset to both the future residents of the RuRA(5) zone and the wider community; and
 - (g) A comprehensive planning framework, incorporating a Structure Plan, policy and rules, to ensure the appropriate management of effects of arising from future development of the site.
- 3 While the rural lifestyle component of the proposal has attracted the most discussion during the course of the hearing, in my submission it is important that you consider the proposal as a whole, when assessing both the effects (positive and negative) of the proposal, and when undertaking a statutory assessment against relevant objectives and policies.
- 4 NZ Cherry Corp has undertaken extensive consultation through the development of the plan change and throughout the hearing process. As a result, agreement has been reached with:

- (a) Residents for Responsible Development Cromwell (**R4RDC**), in particular in relation to the extent, dimensions and location of, and rules to apply to, the RLA6 area, and the location of higher density development in the centre of the site. The RLA6 area has been designed to enable appropriate and practical productive use of those areas of the site most suited to these uses. As a result, R4RDC now supports PC14;
 - (b) NZTA regarding the ability of State Highway 6 and associated intersections to safely and efficiently accommodate additional traffic generated by the development, and the provision of a pedestrian and cycle underpass to ensure connectivity to the Cromwell centre for all modes of transport. As a result, NZTA is now neutral on PC14; and
 - (c) Jakimm Orchard, one of two neighbouring properties which submitted on PC14, regarding appropriate mitigation measures to manage potential for reverse sensitivity effects.
- 5 There is also a significant extent of agreement in the expert evidence that has been presented:
- (a) Land supply and demand – Ms Natalie Hampson identified demand for and limited supply of properties of the type that would be provided by PC14. There is no contrary expert evidence regarding land supply and demand. Mr Balderston (for ORC) confirmed that the area is currently experiencing significant negative social impacts from a lack of dwelling supply.¹
 - (b) Services and hazards - There is no disagreement on the ability of the site to be serviced, as addressed in the evidence of Mr Peter Dymock, or in relation to hazards, as addressed in the application document. In these respects, the site is appropriate for the development proposed.
 - (c) Noise - Mr Darran Humpheson is the only acoustic expert to provide evidence. He finds that measures proposed through PC14 will appropriately manage potential adverse noise effects to protect residential amenity of occupiers and mitigate potential for reverse sensitivity.²
 - (d) Landscape and visual effects – there is a high degree of agreement between the expert landscape architects that the landscape and visual effects will be acceptable, with a small exception in relation to effects on the eastern gully that is located within the Significant Amenity Landscape (**SAL**) area, as discussed further below.

¹ Evidence of Kyle Balderston, at paragraph 10a.

² Evidence of Darran Humpheson, 13 May 2020, paragraph 16.

- (e) Traffic - There is agreement between the traffic engineers regarding the ability of the roading network to safely and efficiently accommodate traffic from the PC14 development. Remaining differences of opinion regarding the pedestrian and cycle connectivity has been resolved by the agreement between NZ Cherry Corp and NZTA regarding provision and timing of the underpass.
- 6 In his closing remarks, Mr Whitney identified five reasons why he considered PC14 should be rejected:
- (a) Visual and landscape effects;
 - (b) Rural character;
 - (c) Reverse sensitivity;
 - (d) Integration; and
 - (e) Soils / productive land.
- 7 I address each of these points below.

1. Visual and landscape effects

- 8 Mr Whitney's concerns regarding landscape and visual effects, and his opinion that the latest amendments will exacerbate adverse landscape and amenity effects,³ are not shared by the landscape experts. Mr Whitney has particularly focussed on the effects as experienced from State Highway 6.
- 9 In assessing the notified proposal, Mr Milne considered the changes proposed by PC14 were appropriate, noting that the Structure Plan would avoid unacceptable effects on the surrounding landscape, and that there would be positive effects on landscape and amenity arising from expansion of the ONL and the provision of open space areas.⁴ Mr Espie found that there would be some low-degree adverse effects on landscape character, but that the changes would be relatively contained and in terms of broad-scale patterns of landscape character the changes would be consistent with their setting.

³ Supplementary section 42A report, 1 September 2020, at 5.4

⁴ Evidence of Tony Milne, 13 May 2020, paragraphs 73 and 74

- 10 Mr Espie originally noted that more consideration of the Ripponvale Road area was needed.⁵ Assessing the amended proposal, Mr Espie now finds that adverse effects in this location will be reduced and more rural and productive landscape character will be retained.⁶
- 11 In relation to effects on the SAL, Mr Espie finds that there will be some effect on the openness and naturalness of the hill slopes that lie within the SAL but this will be of low degree and considerably contained. He recommends reduced and reconfigured treatment of this part of the site.⁷ Mr Milne considers that effects on the SAL will be largely mitigated or avoided through large lot sizes and application of no build zones on the visually sensitive ridgelines. He considers that a low degree of openness and naturalness will be lost within the SAL.⁸
- 12 In respect of visual effects, Mr Milne concluded that the visual amenity would be largely retained, with effects from the assessed viewpoints generally in the range of low to moderate.⁹ Mr Espie also rated adverse effects up to moderate-low for the viewpoints provided. In respect of the final proposal, Mr Milne and Mr Espie¹⁰ agree that the changes would be positive for Ripponvale Road viewpoints, while Mr Milne also stated that increased density in the centre of the site would be noticeable to only a small degree from near viewpoints, and would not be readily noticeable in longer views.¹¹ This addresses the matter raised by Mr Whitney, regarding views from State Highway 6.
- 13 In my submission, the two highly experienced landscape experts presenting evidence on PC14 have reached the conclusion that the landscape and visual effects of the proposal are acceptable (subject to Mr Espie's further recommendation in respect of the SAL, discussed above). These conclusions have been reached on application of the witnesses' expertise and using accepted assessment methodologies, and should be preferred.

⁵ Landscape and Visual Assessment Peer Review, paragraph 29

⁶ Supplementary Landscape Review Comments, paragraph 5

⁷ Supplementary Landscape Review Comments, paragraph 13

⁸ Evidence of Tony Milne, 13 May 2020, paragraph 12

⁹ Evidence of Tony Milne, 13 May 2020, paragraphs 100 and 136

¹⁰ Supplementary Landscape Review Comments, paragraph 6

¹¹ Supplementary evidence of Tony Milne, 16 September 2020, paragraphs 15, 19, 20

2. Rural character

- 14 Mr Whitney remains of the view that the proposal will have unacceptable effects on rural character. That assessment is based on his opinion that the PC14 proposal is for large lot residential development, and focusses on the smallest lots enabled by the plan change.¹²
- 15 To the contrary:
- (a) Mr Giddens has assessed the proposal in its entirety against the CODP provisions and National Planning Standard definitions. He concludes that the proposal is best characterised as rural living.¹³
 - (b) In respect of rural character, Mr Milne's evidence is that the proposal will maintain and enhance rural amenity values and reflect the policy outcomes for the Rural Resource Area.¹⁴ In relation to the most recent amendments, he considers that these will be acceptable within the application site and surrounding rural context, and in keeping with rural living character.¹⁵ A similar view is expressed by Mr Espie, who considers that the changes brought by PC14 are consistent with their setting.¹⁶
- 16 Mr Giddens has assessed the proposal against the objectives and policies of the Central Otago District Plan (**CODP**) and RPS documents regarding landscape, rural character and amenity values. He finds that the proposal is consistent with these provisions.¹⁷ His assessment is based on the proposal as a whole, as well as the suite of controls which will apply to the site (particularly location of density areas under the Structure Plan), and has relied on the evidence of relevant expert witnesses. In contrast, I submit that Mr Whitney's assessment is focussed almost entirely on the size of the smallest allotments within the development, without proper regard to the expert evidence on the effects arising from these allotments in the location proposed, or to the wider proposal.¹⁸ Consistent with Objective 4.3.9 of the CODP, the proposal is to provide for integrated development which provides for productive, rural lifestyle and recreational activities in a way that

¹² Section 42A report, at section 8.14

¹³ Evidence of Brett Giddens, 25 May 2020, paragraphs 42 – 55; and 16 September 2020, paragraphs 15 - 27

¹⁴ Evidence of Tony Milne, 13 May 2020, paragraph 17

¹⁵ Supplementary evidence of Tony Milne, 16 September 2020, paragraph 5

¹⁶ Landscape and Visual Assessment Peer Review, paragraph 23; see also Supplementary Landscape Review Comments, paragraph 5

¹⁷ Evidence of Brett Giddens, 25 May 2020, paragraphs 61 - 64

¹⁸ Section 42A report, 4 May 2020, at 8.14 and 9.2.1 (particularly paragraph 3)

avoids, remedies or mitigates effects, including effects on amenity values of the rural environment.

- 17 For the reasons set out above, the findings of Mr Milne, Mr Espie and Mr Giddens should be preferred. PC14 provides for maintenance of rural character in keeping with its surroundings and consistent with the policy outcomes sought for the Rural Resource Area.

3. Reverse sensitivity

- 18 NZ Cherry Corp is an experienced horticulture operator, who has been operating in this location and in proximity to residential uses for many years. It is in NZ Cherry Corp's interest to ensure that potential reverse sensitivity effects continue to be managed – to avoid detrimental impacts on its proposed investment in the expanded orchard, and to provide a high amenity and desirable development to attract future residents.
- 19 An advantage of the PC14 site is that it has limited interfaces with third party land that may give rise to the potential for reverse sensitivity effects. Given the nature of surrounding activities, the only area with potential for reverse sensitivity is land to the south of the PC14 site. NZ Cherry Corp has reached agreement with Jakimm Orchard regarding appropriate boundary treatment to manage potential reverse sensitivity effects arising from its operation.
- 20 The only immediate neighbour to appear at the hearing was Rockburn Wines Limited (**Rockburn**). Counsel for Rockburn presented submissions in relation to reverse sensitivity. I summarise those submissions as raising questions regarding: whether the introduction of new notional boundaries will alter the compliance point for permitted noise, with particular reference to the night time noise standard;¹⁹ the acceptability of noise experienced within the PC14 development; and the potential for complaints.
- 21 The creation of new residential units within the PC14 site will create new compliance points for noise standards, although Rockburn has provided no expert evidence to demonstrate that such standards could not be met. In addition, the existence of an established noise emitting activity does not sterilise the development potential of neighbouring land, under any zoning. Rockburn is not immune to development of new dwellings in close proximity under current zoning, as has been demonstrated by the Schooner Developments subdivision consent. That consent identifies five new building planforms on the adjacent land. The two closest units are located 71 and 73 metres from the Rockburn boundary, and 151 and 140 metres from the winery building, respectively. The application was

¹⁹ Legal submissions for Rockburn, paragraph 11

processed and granted on a non-notified basis, and no conditions are imposed to manage potential noise or reverse sensitivity effects.

- 22 In comparison, the PC14 proposal requires buildings be setback a minimum of 80 metres from the Rockburn boundary, maintenance of shelter belt planting along the site boundary, and acoustic insulation (35 dB Rw+Ctr) of dwellings within approximately 250 metres of the Rockburn boundary.
- 23 Mr Humpheson's evidence is that requirements for noise insulation will appropriately manage potential noise and reverse sensitivity effects arising from operations at Rockburn, making reference to the potential for trucks and machinery to access the winery at all hours of the night.²⁰ In response to questions, Mr Humpheson advised that he considered this mitigation was the "gold standard". There is no other acoustic evidence that suggests Mr Humpheson has not appropriately assessed the potential noise effects or efficacy of the proposed mitigation. In addition, NZ Cherry Corp has also now volunteered an 80 metre setback for dwellings from the Rockburn boundary, which was not recommended by Mr Humpheson.
- 24 More generally, potential for reverse sensitivity effects relating to noise and spray drift has been addressed by:
- (a) Requirements for noise insulation of dwellings within areas identified on the Structure Plan. These requirements have been designed to achieve World Health Organisation guidelines for internal noise levels;
 - (b) The location of the lowest density RLA6 area along the southern boundary of the site, in areas closest to third party productive land;
 - (c) Requirements for dwellings to be set back 80m from Rockburn Winery, and 30m from the Jakimm Orchard, together with a requirement for a dense shelterbelt planting along this site boundary; and
 - (d) Requirements for building setbacks and a 15m planted amenity edge between the Horticulture block and adjacent rural lifestyle properties (excluding the RLA6 area).
- 25 These controls will appropriately address potential for amenity effects for future RuRA(5) residents, and potential reverse sensitivity effects on those operating on surrounding land. In respect of noise effects on outdoor amenity associated with helicopter use, it is noted that this would arise infrequently and would be of short

²⁰ Evidence of Darran Humpheson, 13 May 2020, paragraph 67

duration. The level of outdoor activity associated with the rural lifestyle properties is expected to be low during these periods.²¹

4. Integration

- 26 In my submission this issue is resolved, following agreement with NZTA regarding the provision of a pedestrian and cycle underpass.
- 27 It is important to remember that the purpose of the zone to provide a *rural* living environment, which is necessarily located in the rural area. In this context, the site's location is approximately 3km (by road) from Cromwell centre is relatively proximate, particularly with regard to the proximity of existing satellite *residential* settlements at locations including Bannockburn, Lowburn and Pisa Moorings.
- 28 The existing roading network can safely and efficiently service the site, and confirmation of the provision of a pedestrian and cycle underpass ensures connectivity for all modes of transport. The site will also be serviced by reticulated water and wastewater. Accordingly, the site is appropriately integrated with Cromwell, having regard to its intended purpose.

5. Soils and productive land

- 29 There is general agreement that the best available soil mapping information is that of Leamy and Saunders (1967). However Mr Hill considers that the information should be treated with caution due to the scale of the mapping, especially with regard to the accuracy of the soil map unit boundaries.
- 30 The particular focus of this hearing has been on the Waenga 5 soils. In relation to the mapped Waenga 5 areas, Mr Hill considers that, based on available site slope information, inaccurate soil map boundaries are likely to reduce the actual area of Waenga 5 soils by approximately 5 hectares.²² He also identifies that modified soils are likely to occupy approximately 5.4 hectares of the Waenga soils (W5/b and W5+W3/c), reducing the productive capability of these areas.²³ As previously noted, additional areas within the Waenga 5 soils fall within the stormwater corridor, and Mr Larsen has commented on the impediment this feature creates to the establishment of cherry orchards.
- 31 In respect of the proposed RPS, there is no direct evidence that supports the PC14 soils being identified as "significant soils". In Mr Hill's opinion, the PC14 soils do not meet the criteria contained in the definition of "significant soils"

²¹ Evidence of Darran Humpheson, 13 May 2020, paragraphs 39 - 41

²² Evidence of Reece Hill, paragraph 17(b)

²³ Evidence of Reece Hill, paragraph 17(e)

because they do not meet any of the five criteria set out in the definition.²⁴ This view was confirmed by Mr Giddens during presentation of his evidence on 5 November 2020, where he expressed the view that all five limbs should be considered before making an overall assessment on the definition. Mr Balderston for the ORC also considers that significant soils are not present on the site.²⁵

32 In respect of the operative RPS, there is a difference of opinion as to whether the soils are "high class".

- (a) The definition requires *"soils that are capable of being used intensively to produce a wide variety of plants including horticultural crops. The definition required good soil and other resource features that in combination are capable of producing a wide range of crops. It does not include areas that may be suited to one or two specialist crops, largely due to the climate rather than soil quality."*
- (b) Mr Hill undertakes this assessment taking into account the full range of soils information available, and analysing this against the wording of the definition in relation to "a wide variety of plants", "good soil and other resource features", and exclusion of areas "suited to one or two specialist crops, largely due to the climate rather than soil quality".²⁶ In particular, he considers the soil and climate limitations identified for the site, and concludes that a limited number of crops are suited to the site, as a result of climate rather than soil quality. Mr Hill notes that Mr Edwards statements regarding climate limitations align with his own.²⁷
- (c) Mr Whitney's assessment is heavily reliant on the classification of soils in the McIntosh report. I have previously addressed why this is not appropriate.²⁸
- (d) Mr Gibson and Ms Wharfe also place particular emphasis on the McIntosh report. In addition, Ms Wharfe states that the McIntosh and operative RPS definitions are the same.²⁹ This is incorrect, as the operative RPS definition includes the additional direction that high class soils "do not include areas that may be suited to one or two specialist crops, largely due to the climate rather than soil quality". Mr Gibson addresses whether the crops suited to the site are specialist crops based on his own definition of "specialist",

²⁴ Evidence of Reece Hill, paragraph 97

²⁵ Evidence of Kyle Balderston, paragraph 26

²⁶ Evidence of Reece Hill, paragraph 79

²⁷ Evidence of Reece Hill, paragraph 84

²⁸ Legal submissions for NZ Cherry Corp, 16 September 2020, paragraphs 9 - 10

²⁹ Supplementary evidence of Lynette Wharfe, 29 October 2020, paragraph 5.26

rather than considering whether they are suited to the area largely due to the climate rather than soil quality.³⁰ He also undertakes his assessment in the local Cromwell Basin or Central Otago context,³¹ rather than on a regional basis as is appropriate.

- (e) Accordingly, in my submission Mr Gibson and Ms Wharfe have not accurately assessed the operative RPS definition of "high class soils", and the evidence of Mr Hill should be preferred.

33 I make the following further comments in regard to interpretation of the definition:

- (a) It is open to the Commissioners to interpret the definition consistently with the latest direction in the proposed RPS (which is beyond challenge but has not formally been made operative) when determining which soils support a wide range of crops. The proposed RPS definition captures soils that are LUC 1, 2 or 3e, having regard also to the degree of significance of the soils for primary production. The soils on the PC14 site do not meet this criteria, as addressed at paragraph 31 above;
- (b) For the crops which are most suited to the site (summerfruit, particularly cherries, and grapes), soils of the class found on the PC14 site are not a determinative factor of a suitable location. In fact, these crops are routinely grown throughout the district on poorer soils.
 - (i) As Mr Hill noted in response to questions, if summerfruit and grapes were considered to be "a wide range of crops", this could result in all soils of class LUC 1, 2 3, and 4s – 7s being considered suitable for a wide range of crops, and therefore assessed as "high class", and would capture an extensive area of land.
 - (ii) Mr Edwards assessed that factors relevant to the productive potential of land in Central Otago are, in order of importance: water for irrigation; climate / microclimate; topography / aspect; economic cost; labour supply; and finally soil type. Mr Edwards' evidence is that crops which are suited to Central Otago can be established across a range of soil types, subject to provision of irrigation.³²
- (c) Considering a purposive approach to interpretation of the provisions, in my submission the purpose of controls on loss of high class soils is to ensure that where there is a wide range of crops which are dependent on high

³⁰ Supplementary evidence of Roger Gibson, 29 October 2020, paragraph 4.5

³¹ Supplementary evidence of Roger Gibson, 29 October 2020, paragraphs 2.3, 4.2, 6.10

³² Evidence of Paul Edwards, 13 May 2020, paragraph 11

class soils, this resource is retained for that use. However, in this case the crops suited to the site are not dependent on soils, and are grown on a range of soils of varying quality. The limiting factor on the extent of production is likely to be availability of water (as discussed below), not the soil resource. In these circumstances, protecting the PC14 soils does little to advance the purpose of the policy.

- 34 For the reasons set out in paragraphs 32 and 33, the PC14 soils should not be considered as high class soils under the operative RPS.
- 35 Turning to the productive value of the site more generally, there is broad agreement that the flattest areas of the PC14 site have productive potential. It is also generally accepted that water is necessary to enable productive use. The cherry orchard expansion will utilise the currently available water. NZ Cherry Corp remains of the view that additional water supply via RICL is not viable to support commercial operations. The scheme is at capacity at peak times and has previously exceeded take restrictions, as confirmed by RICL. Mr Heller's evidence is that there is currently groundwater allocation available, and that the aquifer could be expected to yield 15L/s in this location.³³ This remains subject to availability at the time of consenting. The allocation limit is 4Mm³/annum. In 2012, 1.7Mm³ had been allocated. As at May 2019, approximately 3.39Mm³ had been allocated.³⁴ In addition, Mr Heller assesses that the total allocation from the aquifer is only likely to be sufficient to irrigate 55% all available land within the aquifer zone.³⁵ If groundwater supply was secured for the site, this could support productive uses within the RLA6 area.
- 36 The site is subject to a number of other limitations which may not prevent, but would impact on, productive uses on the site. These include wind, frost, overland flow paths through the centre of the site, and modification of soils through past land uses.³⁶
- 37 The PC14 proposal appropriately responds to the productive potential of the site, by:
- (a) Confirming and facilitating the 29 hectare cherry orchard expansion. This is a significant benefit which will be realised as a result of PC14;

³³ Evidence of Tom Heller, paragraph 27

³⁴ Evidence of Tom Heller, paragraphs 11 - 14

³⁵ Evidence of Tom Heller, paragraph 14

³⁶ Evidence of Paul Edwards; Evidence of Ricky Larsen

- (b) Providing a further 13.4 hectares of land for productive uses within the RLA6 area. Whilst productive land uses are not required in this area, PC14 imposes controls on both the minimum lot size (4ha) and the extent (1,000m²) and location of built form, to protect the productive potential of this land. To the extent there is uncertainty regarding ultimate use, that is no different from the current rural zoning; and
 - (c) Retaining areas capable of being utilised for productive use within the RLA 2 – 5 areas, through imposition of controls which require all buildings to be contained within a 1000m² platform, and that location of building platforms to consider retention of the remainder of the site for productive use.³⁷
- 38 The location of the RLA6 area has been developed in consultation with R4RDC, having regard to the resource on the site, to best enable productive use. Mr Hill confirms that the RLA6 area makes the best use of the large contiguous area of suitable soils, noting that the remaining Waenga 5 soil area is broken up by the presence of modified soil areas. I also note that additional remaining areas within the Waenga 5 soils fall within the stormwater corridor. Mr Larsen has previously commented on the impediment of this feature to the establishment of cherry orchards.
- 39 In assessing the proposal against the objectives and policies of the RPS documents, Mr Giddens has taken into account the entire proposal, including confirmed expansion of the commercial cherry orchard, the enabling of productive use on the RLA6 area, and the retention of soils and potential for productive uses within the remainder of the RuRA(5) area.³⁸ In contrast, the assessments of Mr Whitney and Ms Wharfe focus on the loss of soils under the higher density RLA areas. These soils include areas which Mr Hill has identified as modified, or are subject to the overland flow path, and have not been identified as the preferred area for larger scale productive uses through negotiation with R4RDC.
- 40 Review of the various assessments also shows that Mr Giddens has more particularly considered the specific wording of the relevant policies and has assessed the proposal against that direction. In particular, neither the policies, or the National Planning Standard definition of 'productive use', require *commercial* productive use. The PC14 proposal will provide for a range of commercial and hobby scale productive uses across the site. Assessments by Ms Wharfe and Mr Whitney give little, if any, recognition to these enabled productive uses.

³⁷ Rule 4.7.2 (viii)

³⁸ Evidence of Brett Giddens, 16 September 2020, paragraphs 64, 67, 80

41 For these reasons, the conclusions of Mr Giddens should be preferred. The proposal is consistent with the objectives and policies of the proposed RPS, and gives effect to the operative RPS.

Conclusion

42 NZ Cherry Corp is significant horticultural business within Cromwell, and has many years' experience growing in this location and in proximity to residential uses. NZ Cherry Corp is also part owned by Infinity Investment Group Holdings Limited, an experienced property developer (and farming entity) in the South Island. NZ Cherry Corp understands what is required for a successful greenfield development, in proximity to horticultural uses. It has developed the PC14 proposal to ensure that the project is both economically viable and produces a desirable, high amenity, and in demand product that is readily marketable.

43 NZ Cherry Corp is also a longstanding member of the Cromwell community and this has influenced its approach to development of the plan change an consultation. As has been noted throughout (including by some submitters), NZ Cherry Corp has undertaken extensive consultation and has engaged with the community and submitters in an effort to deliver the best outcome for the site and the community.

44 At the time of writing these submissions, there has been no further announcement regarding the timeframe for review of the 1998 District Plan, or plan changes to give effect to the Cromwell Masterplan. In the absence of sufficient rezoning, demand (or a portion of it) will continue to be met by ad-hoc subdivision of the rural zone, which can present a range of negative effects. In contrast, PC14 provides a detailed framework to deliver rural living lots while managing potential adverse effects and delivering a range of benefits which would not otherwise be realised.

45 For these reasons, PC14 represents the most appropriate option for the site, and should be approved.

Final amendments to the proposal

46 As signalled at the hearing on 5 November 2020, the Proponent has accepted two final amendments to its proposal for PC14, relating to retention of the Ripponvale Amenity Edge planting and removal of reference to any "other formalised crossing point" in the rule requiring the SH6 pedestrian and cycle pass. Accordingly, and for ease of reference, I attach:

- (a) Final structure plan (no changes from the version supplied with legal submissions dated 16 September 2020) – **Appendix 1**

- (b) Final PC14 provisions, showing all changes proposed in red track changes, and removing any text that relates to proposed PC14 amendments which are no longer pursued – **Appendix 2**

Dated this 19th day of November 2020

A handwritten signature in black ink, appearing to read 'S Eveleigh', written in a cursive style. The signature is positioned above a horizontal line.

Sarah Eveleigh

Counsel for the NZ Cherry Corp (Leyser) LP Limited

