

RESOURCE MANAGEMENT ACT 1991

FORM 5

**SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE
TO CENTRAL OTAGO DISTRICT PLAN**

Clause 6 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council
PO Box 122
ALEXANDRA 9340

Name of Submitter: Rockburn Wines Limited
.....
(Full name)

This is a submission on proposed Plan Change 14 to the Central Otago District Plan (the proposal). I could not gain an advantage in trade competition through this submission.
(* Select one)

I am directly affected by an effect of the subject matter of the submission that-
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.
(Delete entire paragraph if you could not gain an advantage in trade competition through this submission)
(* Select One)

The specific provisions of the proposal that my submission relates to are:
Attached
.....
.....
.....
.....
(Please give details and continue on additional page if necessary)

My submission is:
Attached
.....
.....
.....
.....
(Please include:
• whether you support or oppose the specific provisions or wish to have them amended; and
• reasons for your views;
and continue on additional page if necessary)

I seek the following decision from the local authority:
Attached
.....
.....
.....
(Please give precise details)

I wish/do-not wish to be heard in support of my submission.
(Please strike out as applicable)

If others make a similar submission, I will consider presenting a joint case with them at a hearing.
(Please delete if you would not consider presenting a joint case)



.....
Signature of Submitter

(or person authorised to sign on behalf of submitter)

(A signature is not required if you make a submission by electronic means)

18/12/2019.....

Date

Electronic address for service of submitter: phil.page@gallowaycookallan.co.nz

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PO Box 143

Dunedin 9054

Contact Person: Phil Page, Counsel for Rockburn Wines Limited
(name & designation, if applicable)

**SUBMISSIONS CLOSE IN RESPONSE TO PROPOSED PLAN CHANGE 14 ON
WEDNESDAY 18 DECEMBER 2019**

Note to person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

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.

RESOURCE MANAGEMENT ACT 1991 – FORM 5

SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE TO CENTRAL OTAGO DISTRICT COUNCIL

Clause 6 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council

PO Box 122

Alexandra 9340

SUBMITTER: Rockburn Wines Limited

1. This is a submission on Proposed Plan Change 14 to the Central Otago District Plan (**Plan Change 14**).
2. Rockburn Wines Limited (**Rockburn**) could not gain an advantage in trade competition through this submission.
3. This submission relates to Plan Change 14 in its entirety.
4. Rockburn wishes to be heard in support of this submission and will consider presenting a joint case with other parties that make a similar submission.

Introduction

5. Rockburn owns and operates a winery at 156 Ripponvale Road, Cromwell, legal description Lot 1 DP 362547.
6. Rockburn is contiguous to the proposed Plan Change 14 site. Rockburn relocated their facility to Ripponvale in 2015 as a result of ongoing growth and demand. A significant factor in relocating to Ripponvale was the rural environment supportive of productive agricultural activities.
7. Plan Change 14 currently fails to protect Rockburn from reverse sensitivity effects. Rockburn is concerned about the potential incompatibility of residential development close to an existing winery that operates 24/7 during vintage. Plan Change 14 has the potential to result in additional constraints on Rockburn's activities and ability to develop over time.

8. For this reason, Rockburn opposes Plan Change 14 in part, and seeks amendments to ensure reverse sensitivity concerns can be addressed.

Specific Reasons

9. Proposed Plan Change 14 is opposed on the following basis:

Noise

- (a) Noise from rural activities has the potential to adversely impact residents of Plan Change 14. Residential development is inherently incompatible with rural activities that produce noise at night. During vintage, trucks and heavy machinery must access the winery at all hours of the night.
- (b) Currently the nearest house is approximately 150m from the winery. That house is associated with an established orchard. Rural people understand the seasonal demands of production and are tolerant of each other's needs. Rockburn has no confidence that new residents not involved in primary production will be as tolerant of Rockburn's winery as our current neighbour is. "Lifestyle" people are more concerned with protecting their lifestyle, which does not usually include making wine in the middle of the night.
- (c) Plan Change 14 retains Rule 4.7.6E to control noise. No assessment is made of whether these noise controls remain appropriate for the density of residential activity promoted by Plan Change 14, or whether that rule adequately protects Rockburn.
- (d) All proposed dwellings should meet the World Health Organisation standards for acceptable noise levels within habitable spaces.
- (e) There are no methods available to mitigate noise on outdoor residential activity. This is inconsistent with outdoor amenity values associated with rural residential activity.
- (f) Noise is particularly subjective, which tends to polarise people. Some will be ambivalent to the noise of rural activities, whereas others will consider it intrusive and highly irritating. Irritation and annoyance can occur even when noise remains at levels that are objectively reasonable.

Objectives, Policies and Rules.

- (g) Plan Change 14 is inconsistent with the Objectives and Policies of the Operative Central Otago District Plan. In particular, proposed Policy 4.4.18 which is inconsistent with the operative District Plan framework.
- (h) Plan Change 14 is inconsistent with the Objectives and policies of the National Policy Statement – Urban Development Capacity.
- (i) Reverse sensitivity effects have not been adequately addressed within the application, and fails to give effect to the operative Regional Policy Statement and proposed Regional Policy Statement, most notably the following policies:
 - (i) Proposed RPS, Objective 4.5 and Policy 4.5.1; and
 - (ii) Proposed RPS, Objective 5.3 and Policy 5.3.1

Use of land

- (j) The land adjacent to Rockburn's winery is a well-established orchard. Appendix L (Landcare Research Soil Investigation) does not assess the soil for suitability for horticulture. It simply reports that the soil type is not suitable for "intensive arable cropping". That is hardly a relevant observation in Cromwell. Nobody is suggesting intensive arable cropping as a use of this land. The land on the Waenga soil type (shown in brown) is well suited for horticulture and has available water in a storage pond.
- (k) Rockburn is concerned about the loss of good horticulture land in Central Otago to housing. Land suitable for horticultural production should not be converted to houses.

Relief Sought:

- 10. Rockburn opposes the design of Plan Change 14:
 - (a) It places residential activity on land that is suitable for horticultural production and is currently used for that activity. Good production land is becoming scarce in the Central Otago District. The best production land on the site is the existing orchard on the alluvial fan close to Rockburn Winery. That land should not be used for houses. RLA2 and RLA4 should be shown as "H" (Horticulture) with no houses permitted.

- (b) The RLA4 and RLA2 areas place houses too close to Rockburn's Winery and risks creating reverse sensitivity effects. Rockburn objects to any new lifestyle housing development north and west of the Ripponvale Road corner within the areas shown as RLA4 and RLA2. If the Plan Change is allowed at all, RLA2 and RLA4 should instead be shown as "H" (Horticulture) with no houses permitted.
11. Rockburn opposes Plan Change 14 on the basis that reverse sensitivity issues have not adequately been provided for. Rockburn request that the application is declined unless Rockburn's winery activities are fully protected.



P J Page / D A McLachlan

Solicitor for Rockburn Wines Limited