

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: FERI ANNE EDWARDS

(Full name)

This is a submission on proposed Plan Change 14 to the Central Otago District Plan (the proposal).

I ~~could~~ could not* gain an advantage in trade competition through this submission. (* Select one)

I am/am not* 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:

* Reverse sensitivity effects - setbacks and amenity plantings with cover will not, in my opinion, manage potential issues as noted in my submission.
* Rural lifestyle development must avoid potential adverse effects on surrounding land uses.

My submission is: As per 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:

As per my accompanying letter
1) Protect the existing activity through rules in District Plans
2) Require the new activity to enter into a "no complaint" covenant via a land encumbrance.

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

But am happy to do so, if required A

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)

15th December 2019

Date

Electronic address for service of submitter: teri540309@gmail.com

Telephone No: 021 540 309

Postal Address: 2/0 144 Rippenvale Road
Rippenvale
Camwell 9384

Contact Person: Teri Edwards
(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.

Rural land fragmentation (the progressive breaking up of land parcels through subdivision in association with subsequent land use activities such as buildings, other structures, and roads) is detrimental to land conservation and economic gain, and discourages farmers from adoption of agricultural innovations. And, of course, it is the best land for agriculture and horticulture that is being lost at the fastest rate to housing and hobby farms. I realise there is little one can do to stop these developments and many argue that lifestyle blocks are productive however it is interesting to note that few owners of these lifestyle blocks earn the majority of their income from their land.

My concern is "reverse sensitivity" (a planning term, I believe, to describe how people moving to the countryside expect it to be peaceful, and serene). This is now happening in ALL horticultural areas, nationwide, and already active in this one. While local government are encouraging these developments (and in this case, I am told, suggesting that double the number of lifestyle blocks be applied for in anticipation of the increased demand, and population) so too should regulations be put in place that protect the horticulturalist / agriculturalist and allow them to continue, without the antagonism of "reverse sensitivity" and its exponents, in their respective industries and associated procedures i.e. pest and weed control / fertilising / frost fighting, as well as helicopters for water damage and/or fruit splitting / additional activity from seasonal workers & accommodation (e.g. parking) / pruning / netting / bird scaring, and so on.

Society needs to balance the right to grow vs the right to subdivide.

Please see below:

Reverse Sensitivity - The Common Law Giveth, and the RMA Taketh Away

New Zealand Journal of Environmental Law

Volume 3 (1999)

Pardy, Bruce; Kerr, Janine

Abstract: Reverse sensitivity is sensitivity not to environmental impact, but to complaint about environmental impact. Reverse sensitivity exists where an established use produces adverse effects and a new use is proposed for nearby land. It is the legal vulnerability of the established activity to objection from the new use. Under the Resource Management Act 1991 ('RMA'), new uses may be prohibited or limited on the ground of reverse sensitivity in order to protect established uses from having to modify their operations. Restricting new uses on this basis has significant consequences for the law of private nuisance, private land rights, and the interpretation and application of the RMA. It defeats the purpose of the common law rule that it is no defence that the plaintiff came to the nuisance. Private land rights become dependent upon public benefit and are apt to be compromised or extinguished in the absence of open and continuous use. Owners of vacant land must object to proposed activities with adverse effects in order to preserve future rights to use their own land. The RMA is reduced to a planning statute rather than an environmental protection regime. Adverse environmental impacts are permitted to continue and the existing uses that cause those impacts are protected from legitimate legal complaint.

To cite this article: Pardy, Bruce and Kerr, Janine. *Reverse Sensitivity - The Common Law Giveth, and the RMA Taketh Away* [online]. *New Zealand Journal of Environmental Law*, Vol. 3, 1999: 93-107.

Availability: <<https://search.informit.com.au/documentSummary;dn=377665415455487;res=IELHSS>> ISSN : 1174-1538. [cited 12 Dec 19].

In response to these issues the below strategies for dealing with reverse sensitivity effects have been suggested, and have included;

Protecting the existing activity through rules in district plans.

Requiring the new activity enter into a "no complaints" covenant via a land encumbrance.

A Edwards 13th December 2019

(TERI ANNE EDWARDS)

14 November 2019

Teri Anne Edwards
20 Ritchies Road
RD 2
CROMWELL 9384

PC00014

Dear Sir/Madam

PROPOSED PLAN CHANGE 14 : CENTRAL OTAGO DISTRICT PLAN

The Council has prepared Plan Change 14 to the Central Otago District Plan.

I enclose a copy of the public notice relating to Plan Change 14 for your consideration pursuant to clause 5(1A) and/or clause 5(4) of Schedule 1 to the Resource Management Act 1991. I have also enclosed a copy of Plan Change 14 and an Explanatory Statement that has been prepared to accompany the plan change.

Please note that proposed Plan Change 14 is to be publicly notified on Saturday 16 November 2019, and that submissions in response to Plan Change 14 are to be lodged at this office on or before Wednesday 18 December 2019.

Yours faithfully

Sanchia Jacobs
Chief Executive

per:

