

BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND IN THE MATTER	of an application for Private Plan Change 46
APPLICANT	Orchard Road Holdings Limited

STATEMENT OF EVIDENCE OF IAN PERCY

**SUBMITTER 46 – IAN PERCY AND FIONA AITKEN, IAN PERCY AND
FIONA AITKEN FAMILY TRUST, AITKEN'S FOLLY VINEYARD LIMITED**

DATED 19 AUGUST 2015

**GALLAWAY COOK ALLAN
LAWYERS
WANAKA**

Solicitor on record: J T Caunter
Solicitor to contact: J T Caunter
P O Box 450, Wanaka 9343
Ph: (03) 443 0044
Fax: (03) 443 6651
Email: jan.caunter@gallawaycookallan.co.nz

1. Introduction

- 1.1. My name is Ian Percy. I jointly own a property at 246 Riverbank Road with my wife, Fiona Aitken.
- 1.2. My wife and I have filed a submission opposing Plan Change 46 under our personal names, the name of our Family Trust and on behalf of our business, Aitkens Folly Vineyard Limited.
- 1.3. We both hold degrees in Geology, Fiona is a Fellow of the Geological Society and I am a member of the Society of Professional Well Log Analysts. We are both members of Central Otago Wine Growers and are active in the wine growing community, providing geological knowledge to help further the understanding of Central Otago terroir.

2. Details Of Our Property And The Vineyard Operation

- 2.1. Our property is a 5.41 hectare block, zoned Rural General. Our sole residence is a house built on the property in 2001 accessed from Riverbank Road. The bulk of the property is flat and planted in vines. The rear of the property backs onto a higher glacial terrace of approximately 4m rise, upon which the Applicant's proposed development will sit. At present there is a stand of managed timber grown on the slope on the terrace. The rest of the property is managed as a small farm with sheep, pigs and chickens.
- 2.2. We planted the vineyard in 2009, with pinot noir and chardonnay, with our first harvest taken in 2012. The vineyard is a commercial development and the vines are grown and managed by Aitken's Folly Vineyard Ltd and the grapes are made into wine in Wanaka by Maude Wine and sold under the Aitken's Folly label, which is wholly owned by myself and my wife. We produce award winning locally grown and made wines, which are sold both in the domestic and export markets. We are a solid contributor to the Wanaka economy, both as an employer and user of local products and services.
- 2.3. As part of our wine growing business, we have to provide frost mitigation measures. To this end, we sought and gained resource consent for a frost fan in 2011. This fan operates in spring and

autumn whenever the temperatures go below 0.5DegC, usually at night – as our intention is always to be the best neighbours we can be, we operate the frost fan as little as possible while still providing protection for our crop. For example, our resource consent states that we may turn the fan on at 2DegC, but in the interest of our neighbours we take the risk of turning the fan on at a lower temperature in order to minimise disruption. The operation of the frost fan is an absolute necessity to the viability of Aitken's Folly as a business.

- 2.4. As a commercial vineyard, we undertake all the usual operations associated with grape growing, including tractor based work such as weed and crop spraying, mowing and mulching, fertiliser spreading and vine trimming. This work often occurs either early in the morning (5am onwards) and may carry on late into the evening. This work is typically restricted to spring to autumn.
- 2.5. Much of the work done by ourselves on the vineyard is done by hand, with someone working outside in the vineyard between 7am and 7pm. This work continues all year round.
- 2.6. The vineyard operates a tasting room and cellar door at the property, open by appointment and currently hosting tours from two well established local Wanaka tour companies.
- 2.7. We are a local employer, employing one local person three days a week and employing contract labour during the busy times of the year.
- 2.8. To us as a family and a business, the vineyard represents a great monetary and emotional investment. It will take more years to recoup the initial outlay and we see ourselves as long term residents of Riverbank Road and the greater Wanaka community

3. **The Impact Of Plan Change 46 On Our Land Activities And Our Amenity Values**

- 3.1. There are two main ways in which the Applicant's proposed Plan Change affects us, one from a Vineyard Operation aspect and the other from a purely personal point of view.

- 3.2. From a personal view, the amenity of our property will be adversely affected by a number of proposed parts of PC46.
- 3.3. The proposed road access is perhaps our biggest issue. The road as proposed, enters the PC46 land at an elevation above our property of 4m and continues along the ridgeline until it turns North at the corner of our section. Any traffic coming down this proposed road from Ballantyne Road will have its lights pointed directly at our house for 300m. Because of the topography of the land, there will be no effective way to mitigate this glare and noise.
- 3.4. The proposed road access represents a complete loss of rural amenity due to its built form, street lighting, large volumes of noise and glare from headlights.
- 3.5. From a safety point of view, it appears that no consideration has been given to sun strike at the proposed junction location. As we drive this road every single day we are well aware that in the winter months, this is a major problem approaching the proposed intersection from the South – we can change the position of the junction, but you can't change the position of the sun!
- 3.6. Also from a safety perspective, much has been made of the safety implications of mixing residential and industrial traffic if Road 3 disappears. In our opinion this is a very short sighted approach – as soon as traffic reaches Ballantyne Road, residential and industrial traffic will be mixed anyway, and this will be for a greater time and distance than simply moving the junction further up Ballantyne Road to Gordon Road, especially with the entrance to the already consented Ballantyne Road Mixed Use Area (PC16 Three Parks) and its mix of yard based and high and low density employment zones being off this same road and closer to town. If ORHL were serious about this being a safety issue rather than a vanity issue, then residential traffic would be diverted to avoid these industrial areas as much as possible, not maximize travel through them along Ballantyne Road – see attached diagram
- 3.7. Despite the opinions of the various experts, we wish to be clear that we remain opposed to Road 3 on traffic safety grounds. We drive this road several times every single day and have practical knowledge

that is not evident simply by conducting a paper exercise or computer traffic modelling as performed by the three traffic consultants who have already looked at the junction.

- 3.8. The proposed industrial area extension is the second contentious area for us. We are on record with QLDC as having expressed our severe disappointment about the council processes followed during the Applicant's submission on PC36 Ballantyne Road industrial area, in which the Applicant managed to secure an extension of the industrial area originally proposed. That extension is now being relied upon by the Applicant to add yet more industrial land. The impact on residents of Riverbank Rd was completely ignored during this PC36 process and we would like to see no further encroachment of the industrial area.
- 3.9. The proposed industrial extension will further erode the rural amenity presently enjoyed by us on our property.
- 3.10. With the currently occupied industrial land, we regularly hear noise at our boundary of greater than 55db (as measured on a Trotec hand held decibel reader) which breaches the QLDC set maximum noise levels for Industrial zoned land. Any encroachment of industrial land closer to our property will only increase that noise level. Both from a personal point of view as the owners and users of a private property and as workers in a rural environment, this is unacceptable to us as well as being a breach of the standing acoustic rules, which allow no more than 40db before 8am and 50db after.
- 3.11. We note that Mr Bryce alleges that general amenity considerations such as noise are covered by a "robust policy and rule framework which seeks to respond to amenity related concerns". We are concerned that these place no burden on conformance and enforcement on either council or the industrial land owner and instead rely on neighbours complaining rather than business owners being responsible citizens. We say this because we observe that noise regulations are already breached every single week in the existing Ballantyne Road Precinct.
- 3.12. Light pollution from the existing industrial land also degrades our rural amenity. Several businesses in the Ballantyne Road industrial area

visible from our property now run their lights all night and have proved resistant to change when approached, citing insurance and commercial reasons for keeping their lights burning all night. This will only increase as industrial land encroaches toward our existing rural general land.

- 3.13. We see that the section 42 report tells us that according to existing policy, we should expect “high quality planting and mounding of the open spaces where this is specifically identified as required in the provisions in order to mitigate the visual effects of development within the zone”. None of this has happened for the existing Ballantyne Precinct industrial area even though it has been in existence for two years. This gives us no confidence that procedure will be followed or enforced.
- 3.14. Visually, the industrial area encroaching towards our property will stand on the ridgeline and further dominate what should be a rural outlook. The Baxter Design Group landscape reports are wrong when they suggest that the terrace on which the industrial land would stand would provide an adequate visual buffer – in reality the presence of the terrace makes the development stand out more against the skyline. The colours already allowed for industrial units make the buildings stand out against the rural backdrop (an example is the bright red of the Morgan Engineering building) and this will only be amplified as they get nearer.
- 3.15. We also strongly reject the section 42 recommendation that building height will not result in loss of visual amenity for us. With a 7m tall building at the edge of the industrial zone, we will lose approximately 50% of our mountain views (please see attached diagram, plus maths available on request!)
- 3.16. From a strictly business point of view, the proposed housing development presents us with problems on business survivability and viability.
- 3.17. As previously mentioned, our vineyard relies upon frost protection during the vulnerable periods of vine growth from mid-October to end-April. Our frost fan use is consented by QLDC under RM100294.

- 3.18. According to the acoustic report by MDA commissioned by Aitken's Folly Vineyard during the resource consent process in 2011, the noise generated by the fan was modelled and the proposed housing development will see noise in the 50-55db range.
- 3.19. Any restriction of frost fan use below that currently in place due to reverse sensitivity issues would mean the economic unviability of our vibrant, growing Wanaka business.
- 3.20. Because of the possibility of having 100 houses in the 50-55db "grudgingly accepted" noise zone, in the interests of being good neighbours and attempting to come up with an acceptable compromise solution, we have been investigating ways of making our frost fan quieter. New 4 blade fans are available as a retrofit option to our fan which are quieter and have a less intrusive SAC, but we are not in a position to fit these as they represent a \$10-15,000 financial outlay which we are understandably reluctant to spend as the only real benefit would be to ORHL, however we see real benefits in noise reduction which would align with the proposed mounding/planting and buffer zone.

4. **Relief Sought**

- 4.1. Plan Change 46 should be rejected in its entirety.
- 4.2. If some or all of the Plan Change is approved, we seek the following:
- 4.3. Rooding
 - (a) Road 3 is deleted from the Plan both on an amenity and safety basis and alternative access provided.
- 4.4. Industrial
 - (a) The proposed industrial extension is limited to buildings of less than 6m with a colour scheme fitting for a rural environment.
 - (b) Noise limitations are to be enforced, possibly through restriction of allowed activities within the industrial area.

- (c) A buffer zone as currently identified in the plan change should be retained and heavily landscaped and planted.

4.5. Residential

- (a) A buffer zone of at least 50m should be in place to mitigate reverse sensitivity issues. This could be achieved by providing a transition zone of larger lot size properties on the South Eastern PC46 boundary with building platforms to the North of the lots to provide a standoff from our property and also aid in the softening of the hard urban edge.
- (b) Maximum building height of 6m.
- (c) A restriction on further subdivision.

4.6. General

- (a) Controls should be included within the plan change to address reverse sensitivity issues, thereby not relying on legally unenforceable covenants.
- (b) Earthworks and planting are provided to screen our property from any new activity
- (c) Any open space land is to remain free of all buildings or vehicle access.

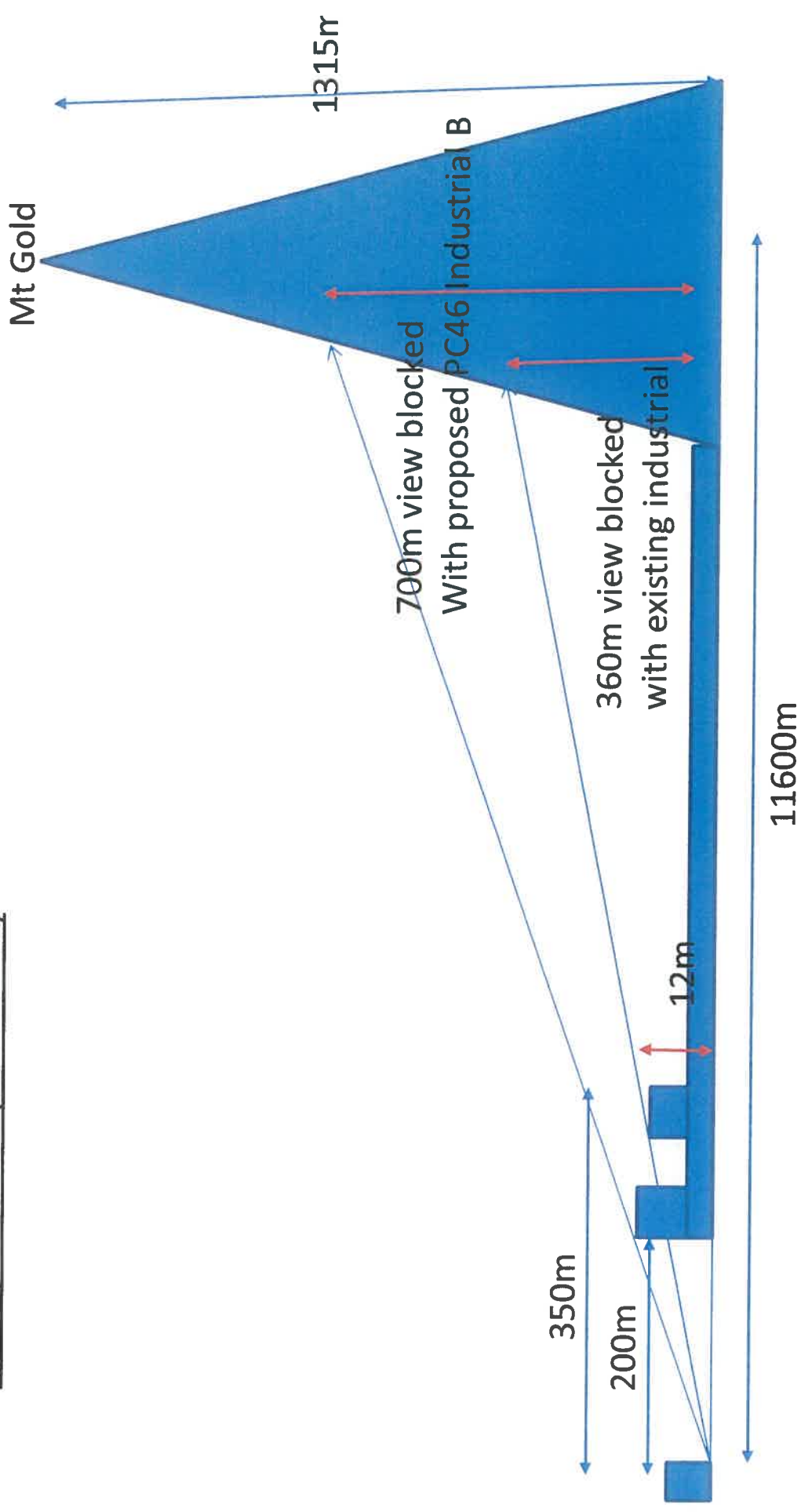
5. Conclusion

- 5.1. We'd like to thank the Commissioners for taking the time to listen to us – we apologise for the length and detail. We initially brought these concerns to light with the developer in April 2013 after a visit from his planner in the hope that a two way discussion could be had on any possible mitigation of our concerns but we were advised by Orchard Rd Holdings that they did not agree with any of our points and we should submit against them (letter attached). We hope that you pay our concerns more attention than the Applicant did.

Ian Percy

Date: 19 August 2015

Loss of Mountain Views with PC46 Proposed Industrial B Zone from
246 Riverbank Rd (not to scale)



View From House at 246 Riverbank Rd

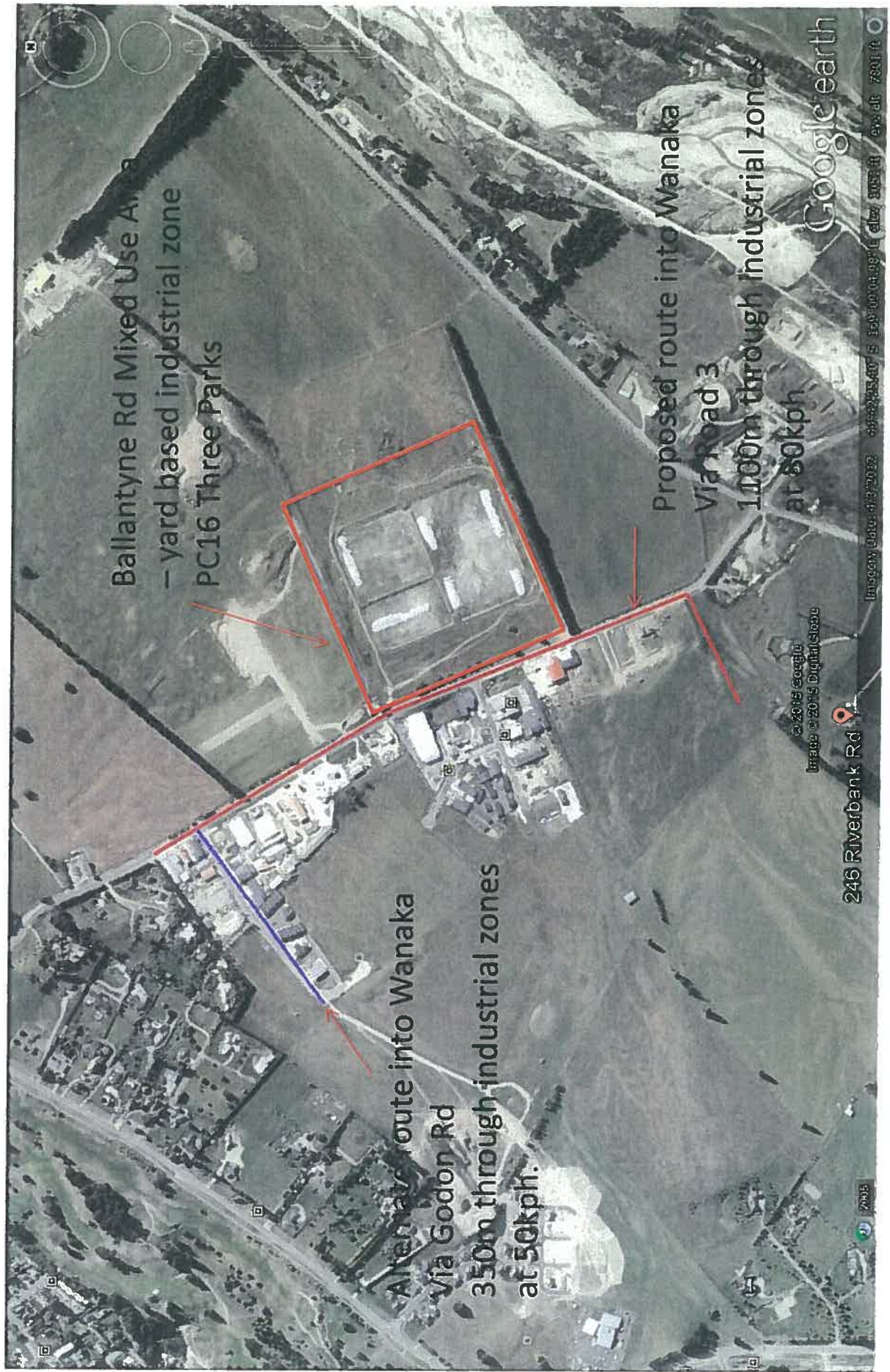
Mt Gold

Mt Iron

View with 7m buildings at edge of PC46 Industrial B

Current View with 7m buildings





Ballantyne Rd Mixed Use Area
- yard based industrial zone
PC16 Three Parks

Alternate route into Wanaka
Via Godon Rd
350m through industrial zones
at 50kph.

Proposed route into Wanaka
Via Road 3
1000m through industrial zones
at 50kph

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246 Riverbank Rd

Google earth

Imagery Date: 01/12/2012 05:15:00.04:09:16 alt: 750 ft

RECEIVED
30 APR 2013

BY: _____

**ORCHARD ROAD HOLDINGS LTD
PO BOX 170
DUNEDIN 9054**

TELEPHONE (03) 474-9911

29 April 2013

Andrew Lovelock
Lovelock Law
21 Brownston Street
Wanaka

Dear Andrew

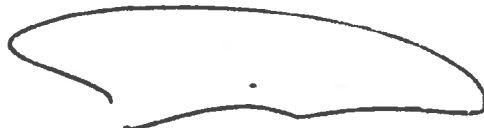
Re: Ballantyne Ridge

Thank you for your further letter of 26th April 2013.

We don't agree with your summary points.

We will proceed to lodge the plan change and obviously you will be able to make submissions to that.

Yours faithfully



Allan Dipple

cc Alison Noble