

Your Reference : LU 0147 22

Our Reference : 220754

12 September 2022

Waipa District Council  
Private Bag 2402  
Te Awamutu 3840

Email: [submissions@waipadc.govt.nz](mailto:submissions@waipadc.govt.nz).

Dear Sir/Madam,

### **submission on application**

The following submission is made on behalf of Nicholas Jennings and Vanessa Jennings (598 Parallel Road). The submission opposes Kiwifruit Investments Ltd consent application at 582 Parallel Road, Cambridge.

This submission is lodged in response to the notice dated 16 August 2022 for limited notification of land use application LU/0147/22. The submission is attached as Appendix A to this letter.

This letter also acts as formal service on the applicant. The submitters wish to be heard at a hearing and would be willing to attend a pre-hearing meeting if required. A copy of this submission has been served on the Applicant.

Yours sincerely,



Sarah Davidson  
**Senior Planner**

Copy to:  
Barker & Associates Ltd  
5/47 Alpha Street  
Cambridge 3434

**APPENDIX A**

**SUBMISSION ON LU/0147/22**

## UNDER THE RESOURCE MANAGEMENT ACT 1991

**IN THE MATTER OF** an application pursuant to section 88 of the Act by **Kiwifruit Investments Ltd** for partially retrospective and partially prospective land use consent to construct vertical and horizontal overhead artificial kiwifruit shelter buildings

**Council Ref: LU/0147/22**

### **SUBMISSION ON A LIMITED NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT**

**Name of Submitters:** Nicholas B Jennings and Vanessa L Jennings

#### **Application Details**

1. This submission is on an application by Kiwifruit Investments Ltd (“The Applicant”) for a partially retrospective land use consent to construct a vertical and horizontal overhead artificial kiwifruit shelter at 582 Parallel Road, Cambridge (“The Subject Site”).
2. The Applicant seeks partially retrospective resource consent and partially prospective resource consent as the partly erected shelter building does not comply with the following rules under the Operative Waipa District Plan (WDP), resource consent is required as a Discretionary Activity under the WDP.
  - *Rule 4.4.2.1: Discretionary Activity*
  - *Rule 4.4.2.2: Restricted Discretionary Activity*
  - *Rule 4.4.2.7: Discretionary Activity*
  - *Rule 4.4.2.10: Restricted Discretionary Activity*
3. Overall, resource consent is sought as a Discretionary Activity under the WDP.

#### **Submitters Details**

4. Nicholas Jennings and Vanessa Jennings are owners and occupiers of 598 Parallel Road, Cambridge. The property at 598 Parallel Road is 0.65 ha in area and is legally described as Lot 1 DPS 894413 BLKS XI XII Hamilton Survey District contained in Record of Title (“RT”) SA70D/523.
5. The Submitters are landowners who currently reside on the property.
6. The Submitters are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (“the Act”).

## Submission Details

7. The Submitters oppose the Application as they do not consider the issues below have been appropriately addressed.
8. The Submitters consider that the resource consent application lodged 28 June 2022 is deficient for the following reasons amongst other matters:
  - 8.1. The Application does not include elevation plans of the building (artificial structure as specified in Application) to accurately assess the height, appearance and bulk of the building.
  - 8.2. The Application has failed to address Rule 26.4.2.1 of the WDP in relation to setback from water bodies where buildings are proposed to be constructed over and within 23 metres of water bodies.
  - 8.3. The Application has not considered Waikato Regional Council consent requirements and does not confirm if other resource consents are required from Waikato Regional Council. This is a requirement under Schedule 4(2)(1)(e) of the Act.
  - 8.4. The Application specifies the proposal will not disrupt the biodiversity species composition, habitat structure and ecosystem function within the adjoining SNA. An ecology assessment has not been included in the Application to support this conclusion and the Application fails to consider actual and potential adverse effects on Significant Natural Areas.
  - 8.5. The Application does not adequately address the National Environmental Standards for Freshwater 2020 (NES-FW) in relation to natural wetlands and it is unclear whether natural wetlands will be affected by the activity and if consent is required under the NES-FW.
  - 8.6. The Application fails to provide an assessment against the National Policy Statement for Freshwater Management.
  - 8.7. The Application relies on a 6-metre high Cryptomeria shelterbelt planted near all three boundaries of 598 Parallel Road and the Subject Site to mitigate adverse effects of the kiwifruit shelter building. The Application applies the permitted baseline to the proposed shelterbelt. Applying the permitted baseline is not appropriate in this instance as the shelterbelt is likely to have adverse shading and amenity effects being 6 metres high. The Application has not considered alternative mitigation measures to address adverse effects of the kiwifruit shelter building.
  - 8.8. The adverse visual and amenity effects of the structures prior to the shelterbelts reaching maturity have not been adequately considered in the Application and the Application has not considered the potential adverse visual and amenity effects during this period.
  - 8.9. The meaning of 'effect' under the Act also includes any cumulative effect. The Application fails to consider the adverse cumulative effects of existing and consented buildings on site, other kiwifruit buildings in the receiving environment and the effects of the structures on amenity of the travelling public and local residents.
  - 8.10. The site coverage calculations within the Application have not taken into account existing buildings on the Subject Site.
9. The Submitters consider the proposal will result in significant adverse effects on them and the environment generally including but not limited to:
  - 9.1. Adverse visual effects as a result of a 6-metre-high building that is located less than 9 metres off the northern, eastern and western boundary of 598 Parallel Road.
  - 9.2. Adverse effects on amenity values as a result of a building that has 65.11% site coverage (excludes existing buildings). This is a significant change in the built form

of the receiving environment that features low density and widely spaced built form and the Application in its current form will impact the aesthetic values of the property at 598 Parallel Road, Cambridge.

- 9.3. Adverse effects on the rural character of the receiving environment that features low density built form.
10. The submitters also consider the proposal is contrary to the objectives and policies of the ODP including but not limited to:
  - 10.1. Objective 4.3.1, Policies 4.3.1.1 and 4.3.1.3.
  - 10.2. Policies 4.3.2.3 and 4.3.2.4.
  - 10.3. Objective 4.3.3, Policy 4.3.3.4.
  - 10.4. Objective 4.3.7, Policies 4.3.7.1 and 4.3.7.2.
  - 10.5. Objective 4.3.8 and Policy 4.3.8.2.
  - 10.6. Objective 26.3 and Policies 26.3.1.1, 26.3.1.2 and 26.3.1.4.
  - 10.7. The Submitters also consider the proposal to be contrary to the objectives and policies of the Waikato Regional Policy Statement, in particular Objective 3.12.

### **Decision Sought**

11. The Submitters seek that the application be declined. It is the Submitters' view that the Application does not meet Section 88 and Schedule 4 requirements for the reasons given in paragraphs 8.1 to 8.10 above. Granting the application would also have significant adverse effects and is contrary to the Objectives and Policies identified in Paragraphs 10.1 to 10.7.

### **Wish to be Heard**

12. The Submitters wish to be heard in support of their submission.

**DATED:** 12 September 2022

**Sarah Davidson** on behalf of **Nicholas Jennings and Vanessa Jennings**