

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: Le Fresh International Limited**

1. This is a submission on proposed Plan Change 13 to the Central Otago District Plan (Plan Change 13).
2. Le Fresh International Ltd could not gain an advantage in trade competition through this submission.
3. This submission relates to Plan Change 13 in its entirety. Specific comment on provisions of Plan Change 13 are set out in Appendix 1 to this submission.
4. Le Fresh International Ltd wish to be heard in support of this submission and will consider presenting a joint case with other parties that make a similar submission.

**General Submission:**

5. Le Fresh International Ltd buys fruit for the export market from selected growers within NZ. This includes fruit grown on land adjoining the proposed plan change.
6. Horticulture activities involve long hours, many workers, loud noises and sometimes agricultural sprays. These are acceptable within the rural environment and the Plan provides for them.
7. The land adjoining the plan change, produces in excess of 10% of the total NZ cherry export crop along with some for the NZ market and other varieties of fruit for both the local and export markets.
8. Horticulture is a significant employer of staff in the local market.
9. Le Fresh International Ltd have serious concerns with the proposed plan change eroding the ability for growers to continue their lawful horticulture activities at this location. This location represents a specific mix of local soil conditions, suitable micro climate and local district rules that are present on only a very small amount of land within the District and cannot be replaced by alternative land.
10. There is an inherent incompatibility between Horticultural activities and residential activities.

11. For these reasons Le Fresh International Ltd oppose Plan Change 13 in its entirety.

**Specific Reasons:**

12. There is inadequate recognition with the introduction, objectives and policies within the plan change documents about the effect of Horticulture and other rural activities on the receiving environment. Significant areas of the River Terraces Development will be subject to horticultural sprays and to noise levels above those generally accepted to be appropriate for residential activity on a day and night basis. All of the River Terrace site will be exposed to high noise levels when frost fighting, controlling birds and harvesting is occurring on the site.
13. Plan Change 13 fails to protect the existing rural activities being undertaken on surrounding Horticultural Land from reverse sensitivity effects.
14. The Plan Change 13 site is surrounded by non-residential noise sources (Highlands, Speedway, Orchards and State Highway) meaning residents will be subjected to noise from multiple sources throughout the day and night. This will result in poor residential amenity for residents. Specifically, horticultural activities in this area utilise wind machines, which can be in operation from mid to late August through until January. These machines start automatically when the critical temperature is reached, usually around 0.5-1.0 degree Celsius. There are no normal operating hours for these machines, they can operate at any time day or night, depending on when the critical temperature is reached. Helicopters are also used at different times during the season to assist with frost fighting and to remove excess water from fruit after rain events to prevent fruit from splitting. Bird control activities are undertaken. Other orchard machinery is operated on the site all year round. Harvesting can generate significant noise also.
15. It is inevitable that residents will seek to limit their exposure to these effects by trying to reduce the noise generating activities of adjoining land through controls on land use activities.
16. Horticultural spraying is subject to strict operating guidelines, which have specific setbacks from residential land and neighbour notification requirements. These guidelines are Hazardous Substances and New Organisms Act 1996 (HSNO), Approved Code of Practice; New Zealand Standard, NZS8409:2004 (or NZS8409:1999). However, spraying regulations as contained in the code of practice are updated over time and have the potential to get stricter, which could increase the setback distances required from residential activities which may restrict the ability to manage existing horticultural crops. If residential is established on the Plan Change 13 site, this may limit grower's ability to spray their trees and affect their ability to produce quality fruit for the export and local market.
17. There is also inadequate recognition of the value of the shelterbelts planted as windbreaks near the boundaries of the existing horticultural properties. These shelterbelts are an important tool to manage airflow into the orchard. These shelterbelts may cause significant shading to adjoining land.
18. The only mechanism promoted by Plan Change 13 is a no complaints covenant. Le Fresh International Ltd consider this to be wholly inadequate and transfers responsibility for managing reverse sensitivity effects to the surrounding rural land uses and Council. Evidence

from other location demonstrates that no-complaints covenants are not overly effective particularly as time passes and the original developer moves on.

19. Horticulture is a significant contributor to Cromwell and Central Otago District economy. Development of high density residential activities in such close proximity is entirely incompatible with horticultural activities, other surround rural activities and existing consented activities occurring in the surrounding environs. There are other more appropriate locations for the type of development proposed to be located, which would have less effects on surrounding landowners.
20. There is no consideration given to the security of the adjoining tree crops from residential activities increasing the number of people in the environs. Theft of the very valuable crops from established fruit trees is a real concern. With any increase in numbers of people in the vicinity of the crop, the risk of fruit theft increases.

**Relief Requested**

21. A. Le Fresh International Ltd request that Plan Change 13 be refused in its entirety.

**Address for service:**

Ingrid Hofma

Le Fresh International

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To: **Central Otago District Council**  
**PO Box 122**  
**Alexandra 9340**

**SUBMITTER: Freshmax NZ Limited**

1. This is a submission on proposed Plan Change 13 to the Central Otago District Plan (Plan Change 13).
2. Freshmax NZ Ltd could not gain an advantage in trade competition through this submission.
3. This submission relates to Plan Change 13 in its entirety. Specific comment on provisions of Plan Change 13 are set out in Appendix 1 to this submission.
4. Freshmax NZ Ltd wish to be heard in support of this submission and will consider presenting a joint case with other parties that make a similar submission.

**General Submission:**

5. Freshmax NZ Ltd buys fruit for the export market from selected growers within NZ. This includes fruit grown on land adjoining the proposed plan change.
6. Horticulture activities involve long hours, many workers, loud noise and sometimes agricultural sprays. These are acceptable within the rural environment and the Plan provides for them.
7. The land adjoining the plan change, produces in excess of 7% of the total NZ cherry export crop along with some for the NZ market and other varieties of fruit for both the local and export markets.
8. Horticulture is a significant employer of staff in the local market.
9. Freshmax have serious concerns with the proposed plan change eroding the ability for growers to continue their lawful horticulture activities at this location. This location represents a specific mix of local soil conditions, suitable micro climate and local district rules that are present on only a very small amount of land within the District and cannot be replaced by alternative land.
10. There is an inherent incompatibility between Horticultural activities and residential activities.
11. For these reasons Freshmax oppose Plan Change 13 in its entirety.

**Specific Reasons:**

12. There is inadequate recognition with the introduction, objectives and policies within the plan change documents about the effect of Horticulture and other rural activities on the receiving environment. Significant areas of the River Terraces Development will be subject horticultural sprays and to noise levels above those generally accepted to be appropriate for residential activity on a day and night basis. All of the River Terrace site will be exposed to high noise levels when frost fighting, and harvesting is occurring on the site.
13. Plan Change 13 fails to protect the existing rural activities being undertaken on surrounding Horticultural Land from reverse sensitivity effects.
14. The Plan Change 13 site is surrounded by non-residential noise sources (Highlands, Speedway, Orchards and State Highway) meaning residents will be subjected to noise from multiple sources through out the day and night. This will result in poor residential amenity for residents. Specifically, horticultural activities in this area utilise wind machines, which can be in operation from mid to late August through until January. These machines start automatically when the critical temperature is reached, usually around 0.5-1.0 degree Celsius. There are no normal operating hours for these machines, they can operate at any time day or night, depending on when the critical temperature is reached. Helicopters are also used at different times during the season to assist with frost fighting and to remove excess water from fruit after rain event to prevent fruit from splitting. Bird control activities are undertaken. Other orchard machinery is operated on the site all year round. Harvesting can generate significant noise also.
15. It is inevitable that residents will seek to limit their exposure to these effects by trying to reduce the noise generating activities of adjoining land through controls on land use activities.
16. Horticultural spraying is subject to strict operating guidelines, which have specific setback from residential land and neighbour notification requirements. These guidelines are Hazardous Substances and New Organisms Act 1996 (HSNO), Approved Code of Practice; New Zealand Standard, NZS8409:2004 (or NZS8409:1999). However spraying regulations as contained in the code of practice are updated over time have the potential to get stricter, which could increase the setback distances from required from residential activities which may restrict the ability to manage existing horticultural crops. If residential is established on the Plan Change 13 site, this may limit grower's ability to spray their trees and affect their ability to produce quality fruit for the export and local market.
17. There is also inadequate recognition of the value of the shelterbelts planted as windbreak planted near the boundaries of the existing horticultural properties. These shelterbelts are an important tool to manage airflow into the orchard. These shelterbelts may cause significant shading to adjoining land.
18. The only mechanics promoted by Plan Change 13 is a no complaints covenant. Freshmax NZ Ltd consider this to be wholly inadequate and transfers responsibility for managing reverse sensitivity effects to the surrounding rural land uses and Council. Evidence from other location demonstrates that no-complaints covenants are not overly effective particularly as time passes and the original developer moves on.

19. Horticulture is a significant contributor to Cromwell and Central Otago District economy. Development of high density residential activities in such close proximity is entirely incompatible with horticultural activities, other surround rural activities and existing consented activities occurring in the surrounding environs. There are other more appropriate locations for the type of development proposed to be located, which would have less effects on surrounding landowners.
20. There is no consideration given to the security of the adjoining tree crops from residential activities increasing the number of people in the environs. Theft of the very valuable crops from established fruit trees is a real concern. With any increase in numbers of people in the vicinity of the crop, the risk of fruit theft increases.

**Relief Requested**

21. A. Freshmax NZ Ltd request that Plan Change 13 be refused in its entirety.

**Address for service:**

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