

RESOURCE MANAGEMENT ACT 1991 – FORM 5

SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE 14 TO CENTRAL OTAGO DISTRICT COUNCIL

Clause 6 of Schedule 1, Resource Management Act 1991

To: **Central Otago District Council**

**PO Box 122**

**Alexandra 9340**

**SUBMITTERS: DJ Jones Family Trust and Suncrest Orchard Limited**

1. This is a submission on proposed Plan Change 14 to the Central Otago District Plan (Plan Change 14).
2. DJ Jones Family Trust or Suncrest Orchard Limited could not gain an advantage in trade competition through this submission.
3. This submission relates to Plan Change 14 in its entirety. Specific comment on provisions of Plan Change 14 are set out in Appendix 1 to this submission.
4. DJ Jones Family Trust and Suncrest Orchard Limited 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. DJ Jones Family Trust owns orcharding properties in the Rippovale area, some of which were established as early as 1981. These orchards consists predominantly of plantings of Cherries, but also includes plantings of Nectarines, Peaches, Apples, Pears and Plums. These plantings have been undertaken to utilise the unique micro climate and soil conditions and are currently managed by Suncrest Orchard Limited. Horticulture activities involve long hours, many workers, loud noise and sometimes agrichemical spraying. These are acceptable within the rural environment and the Plan provides for them.
6. DJ Jones Family Trust and Suncrest Orchard Limited have serious concerns with the proposed plan change eroding the ability or orchardists to continue the lawful horticulture activities currently undertaken in the surrounding area and the precedent that this proposal would have on other orcharding areas surrounding the Cromwell township. Orchard areas around this location have a unique mix of local soil conditions, available water supply and an ideal microclimate that provides suitable winter chilling and dry summer conditions that are essential for summer fruit growing. There is a limited amount of land such as this, with appropriate local district zoning, available in the Cromwell basin.

7. There is an inherent incompatibility between Horticultural activities and residential at any density.
8. For these reasons DJ Jones Family Trust and Suncrest Orchard Limited oppose Plan Change 14 in its entirety.

**Specific Reasons:**

9. Plan Change 14 fails to protect the existing rural activities being undertaken on orchard land and land suitable for additional orcharding activities from reverse sensitivity effects.
10. The Plan Change 14 site is subject to non-residential noise sources which will subject residents to noise from multiple sources through out the day and night at different times of year. This will result in poor amenity for residents. Specifically there are many frost fans in operation on surrounding orchards, 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 a rain event to prevent fruit from splitting. Other orchard machinery is operated on the site all year round along with bird scaring activities. When harvesting, up to 150 people can be present within an orchard, and these picking teams can generate significant noise also.
11. It is inevitable that future residents would 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.
12. Horticultural spraying is subject to strict operating guidelines, which have specific setback from residential land and neighbour notification requirements. These guidelines are in The Hazardous Substances Regulations 2017, Approved Code of Practice; New Zealand Standard, NZS8409:2004 (or NZS8409:1999). There are various setbacks from residential activities depending on the type of spraying being undertaken as contained in the Code of Practice and Work Safe guidelines. However spraying regulations as contained in the code of practice are updated over time and have the potential to get a lot stricter (as they are in other parts of the world), 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 14 site, this will limit neighbouring orchard's ability to spray their trees and affect their ability to produce quality fruit.
13. It is not clear what mechanics are promoted by Plan Change 14, whether or not covenants or consent notices might be employed in an effort to protect the ongoing viability of surrounding orcharding activities. Evidence from other locations demonstrates that no-complaints covenants are not overly effective.
14. DJ Jones Family Trust and Suncrest Orchard Limited are significant contributors to Cromwell and Central Otago District along with other orcharding businesses. Development of additional

residential activities in such close proximity horticulture is entirely incompatible with the established activities within this Rural Zone.

**Relief Requested:**

15. A. DJ Jones Family Trust and Suncrest Orchard Limited request that Plan Change 14 be refused in its entirety.

OR

16. B. If Plan Change 14 is not refused, DJ Jones Family Trust and Suncrest Orchard Limited seek amendments to the provisions to protect existing use rights and provide a one hundred metre buffer along the Plan Change's boundary to reduce their future complexity in undertaking ongoing orcharding activities on neighbouring land and a no complaints consent notice should be included on all titles created.

**Address for service:**

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