

From: Rachael Law
To: [District Plan](#)
Cc: grstewart1314@gmail.com; marystewart58@xtra.co.nz; [James Stewart](#)
Subject: Stewart - Submission on CODC Proposed Plan Change 19
Date: Tuesday, 30 August 2022 2:54:42 pm
Attachments: [Stewart PC19 submission.pdf](#)
[Stewart PC19 Form 5.pdf](#)
[Stewart PC19 submission map.pdf](#)

Hi there,

Please see attached:

- Form 5,
- submission, and
- location map

for Mary and Graeme Stewart, landowners of Lot 1 DP 25669, 510 Bannockburn Road, Bannockburn, on Proposed Plan Change 19.

Regards,

Rachael Law

Planner

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Resource Management Act 1991

Submission on Notified Proposed Plan Change to Central Otago District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

(FORM 5)

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

Details of submitter

Name: Mary and Graeme Stewart

Postal address: 444 Bannockburn Road, Cromwell 9384
(Or alternative method of service under [section 352](#) of the Act)

Phone: 0278 613 400

Email: grstewart1314@gmail.com marystewart58@xtra.co.nz

Contact person: Rachael Law, Paterson Pitts Group, Agent on behalf of submitter.
rachael.law@ppgroup.co.nz

(Name & designation, if applicable)

This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).

I am am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (*select one)

~~*I / We am / am not (select one) 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 this paragraph if you are not a trade competitor.~~

The specific provisions of the proposal that my submission relates to are:

(Give details, attach on separate page if necessary)

See attached

This submission is:

(Attach on separate page if necessary) Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

See attached _____

I / We seek the following decision from the consent authority:

(Give precise details, including the general nature of any conditions sought)

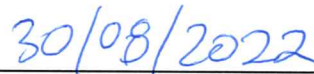
See attached _____

- **I support / oppose the application OR neither support nor oppose** (select one)
- **I wish / do not wish to be heard in support of this submission** (select one)
- ~~*I / We will consider presenting a joint case if others make a similar submission~~
**Delete this paragraph if not applicable.*

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.



Signature *Rachael Law, agent
on behalf of submitter*



Date

Submissions close at 4pm on Friday 2 September 2022

Submissions can be emailed to districtplan@codc.govt.nz

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.

Stewart – Submission on Proposed Plan Change 19

Name: Mary and Graeme Stewart

Postal address: 444 Bannockburn Road

Bannockburn

CROMWELL 9384

Phone: 0278 613 400

Email: grstewart1314@gmail.com marystewart58@xtra.co.nz

Submission:

The submitters are the landowners of Lot 1 DP 25669, 510 Bannockburn Road, Bannockburn. The submitters support PC19 provisions and zoning as it relates to this site.

Reason for submission:

The site's current zoning is Rural Resource Area (RU) under the Operative District Plan. They have recently acquired resource consent under RC 220087 (see Appendix A to this submission) to undertake various light industrial, commercial and rural storage activities at the subject site.

The submitter wishes to continue to exercise the rights of their consent, and considers that a residential zoning would be inappropriate for the site given its topography. The presence of cliffs on the site and the resultant shadowing and lack of sunlight, in particular to the north of the site in winter, makes residential activities undesirable on this site. The submitter would, as part of any future plan change involving Industrial and Commercial Zoning changes in the District, like to see the site, being Lot 1 DP 25669, rezoned as Light Industrial Zone to reflect this existing use and topographical constraints.

The submitters wish that any new residential activities on sites that share common boundaries with Lot 1 DP 25669 be constructed with buffers from their site. This could either be a physical setback from the site boundaries, or in the form of adequate noise insulation requirements. This is to protect their consented activities from any potential reverse sensitivity effects from new residential activities.

Specific Relief sought:

Amend the provisions (including any consequential amendments or amendments which result in the same effect sought) as follows:

| Notified Provision | Relief sought | Reasons |
|--------------------|--|--|
| | Insert new provision to all Residential Zones: | Inserting this provision into all residential zones protects the interests and activities of this landowner / submitter from |

| Notified Provision | Relief sought | Reasons |
|--------------------|---|--|
| | <p><u>XRZ-SX – Setback from Light Industrial Zone</u></p> <ol style="list-style-type: none"> 1. <u>Habitable rooms within any:</u> <ol style="list-style-type: none"> a. <u>New residential units; or</u> b. <u>Additions exceeding 50m² to existing residential units</u> <p><u>Must be setback a minimum of 30m from the boundary of any Light Industrial Zone; Or</u></p> 2. <u>Habitable rooms within any:</u> <ol style="list-style-type: none"> a. <u>New buildings used for a residential unit;</u> b. <u>Additions exceeding 50m² to existing buildings used for a residential unit; or</u> c. <u>An existing building where its use is changed to be for a residential unit;</u> <p><u>Must be designed, constructed and maintained to meet an internal noise level of $D_{2m,nT,w} + C_{tr} > 35$ dB.</u></p> 3. <u>A design certificate from a suitably qualified and experienced professional shall be provided to Council prior to the construction of any residential unit demonstrating that the standards in XRZ-SX-2 will be achieved.</u> | <p>potential reverse sensitivity effects from new or additions to existing residential activities in the vicinity of their site, which is requested to be rezoned to Light Industrial Zone in future, and from other areas of Light Industrial in the District.</p> <p>The proposed standard offers two options for mitigation, through a physical setback or through a construction standard, and applies only to habitable rooms within residential units. The restriction to habitable rooms is to allow for bathrooms, or other such rooms which are infrequently used, to be exempt from this standard.</p> <p>The proposed standard reflects current best practice noise standards and is consistent with the Noise and Vibration Standard of the National Planning Standards 2019.</p> <p>The elevation to RDIS for non-compliance with this standard and the matters of discretion proposed allow for the consideration of alternative noise mitigation options taking into account specific site characteristics.</p> <p>Alternative relief sought: Should the rezoning of the site to Light Industrial Zone not be accepted, it is sought instead that the same rule and setbacks for residential activities is applied to the site specifically. This will enable the protection sought from reverse sensitivity effects from any new residential activities.</p> |

| Notified Provision | Relief sought | Reasons |
|--------------------|--|---------|
| | <p>Matters of discretion where compliance is not achieved with <u>XRZ-SX-1</u> or <u>XRZ-SX-2</u> are restricted to:</p> <ol style="list-style-type: none"> 1. <u>Whether there is screening by other structures or distance from noise sources;</u> 2. <u>The ability to meet the appropriate levels of acoustic insulation through alternative technologies or materials;</u> 3. <u>The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and</u> 4. <u>The impact of any residential activity that does not provide the required noise insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint.</u> <p>Alternative relief sought: that this new rule is added and specifically applied to setbacks from the subject site.</p> <p><u>XRZ-SX – Setback from Lot 1 DP 25669</u></p> <ol style="list-style-type: none"> 1. <u>Habitable rooms within any:</u> <ol style="list-style-type: none"> a. <u>New residential units;</u> <u>or</u> b. <u>Additions exceeding 50m² to existing residential units</u> <u>Must be setback a minimum of 30m from the boundary of any Light Industrial Zone; Or</u> | |

| Notified Provision | Relief sought | Reasons |
|--------------------|---|---------|
| | <p>2. <u>Habitable rooms within any:</u></p> <ul style="list-style-type: none"> a. <u>New buildings used for a residential unit;</u> b. <u>Additions exceeding 50m² to existing buildings used for a residential unit;</u> <u>or</u> c. <u>An existing building where its use is changed to be for a residential unit;</u> <p><u>Must be designed, constructed and maintained to meet an internal noise level of $D_{2m,nT,w} + C_{tr} > 35$ dB.</u></p> <p>3. <u>A design certificate from a suitably qualified and experienced professional shall be provided to Council prior to the construction of any residential unit demonstrating that the standards in XRZ-SX-2 will be achieved.</u></p> | |

Stewart PC19 Submission

Location Map

Created Date: 26/08/2022
Created Time: 2:41 PM
Created By: anonymous



Scale: 1:4194
Original Sheet Size A4
Projection: NZTM2000

The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps.

Digital map data sourced from Land Information New Zealand (LINZ).
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If the information is relied on in support of a resource consent it should be verified independently.