

## 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: Wally Sanford  
Postal address: 28 Ethereal Crescent, RD3, Cromwell  
Phone: 027 408 1916  
Email: [mrwallysanford@gmail.com](mailto:mrwallysanford@gmail.com)

Contact person: Wally

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

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

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

- *The extents of the various zones as shown on the maps*
- *The lack of a construction vibration standard in the plan change documents*
- *Relocatable dwelling provisions*
- *Minor residential dwelling provisions*

This submission is:

- *The zoning for the bulk of Pisa Moorings (previously RRA3) is unclear. The maps indicate Large Lot residential Precinct 1 while the table at the start of the Residential Chapter Provisions indicates Low Density Residential – Precinct 1. This needs to be **amended** to better clarify the relevant owner's property rights.*
- *There doesn't appear to be any inclusion of a construction vibration standard in the plan change documents despite the importance of this being clearly described to multiple council managers in September 2019. The plan change needs to be **amended** to include a construction vibration standard.*
- *The spatial definition of the Large Lot (P1) to the west of Pony Court in Pisa Moorings needs to be more clearly defined or described as it does not appear to follow any cadastral, occupation or topographical features. This needs to be **amended** to better clarify the relevant owner's property rights.*
- *The low and medium density shading in the Plan Change 19 Zone maps include areas over private, public and paper roads, reserves, golf courses, schools, pools, and playgrounds and on the 'wrong' side of building*

line restrictions. Was this intentional? I don't think it is appropriate. This needs to be **amended** to better clarify the intentions and realistic yield of the plan change provisions

- The medium density zoning in Old Cromwell Town should be **amended** to a radius approach rather than a strip approach – particularly when considering the existing pattern of density in the area and the 'hub' that this higher density surrounds. Is a transport hub going to be constructed there?
- Where provision is provided for relocatable dwellings, there is reference to the timeframes for reinstatement. In what situations would a bond not be required and what works would the bond be designed to cover? The plan change provisions need to be **amended** to include some more specific detail here so council can respond more predictably and consistently to variable situations
- Where there is provision for a minor residential unit in the new plan provisions, the matter becomes discretionary if the minor unit will not use the same vehicle crossing as the main dwelling. It's important that the proposed additional vehicle crossing meets council standards (i.e. sealing to the boundary and in a manner not detrimental to the roadside drainage) and that the activity as a whole will be restricted to the bounds of the property concerned without the occupation spilling out onto the roadside berm. Can the standards be **amended** to include these matters specifically? This, along with monitoring of approved consents will avoid some bad outcomes that have transpired from the current district plan provisions and lack of consent monitoring.

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

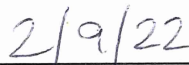
*I seek that the council take on board all of my comments above and implement the suggested amendments in a revised set of Plan Change 19 provisions. I encourage Council to seek expert construction vibration monitoring advice and assess the legal risk and risk to the physical implementation of not having a construction vibration standard formally in place.*

- **I oppose the application**
- **I wish to be heard in support of this submission**
- **I will consider presenting a joint case if others make a similar submission**

**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



Date

**Submissions close at 4pm on Friday 2 September 2022**

Submissions can be emailed to [districtplan@codc.govt.nz](mailto: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.*

## Wally Sanford

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**From:** Wally Sanford  
**Sent:** Friday, 2 September 2022 2:08 pm  
**To:** ann.rodgers@codc.govt.nz  
**Subject:** FW: Construction Vibration Standards re: Prospectors Park and beyond (also, contaminated land)

Hello Ann

Please see below prior correspondence with Council on the need for a construction vibration standard to support my (personal) PC19 submission.

How neighbouring properties and people are managed with ongoing construction is critically important to getting this plan change implemented 'on the ground'.

Thanks

Wally

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**From:** Wally Sanford  
**Sent:** Wednesday, 18 September 2019 2:26 pm  
**To:** Louise van der Voort <Louise.VanderVoort@codc.govt.nz>  
**Subject:** RE: Construction Vibration Standards re: Prospectors Park and beyond (also, contaminated land)

Hi Louise

Put simply, roads cannot be built to standard without annoying people through significant noise and vibration disturbance. You will find that some people accept this *temporary* disturbance as part of a bigger picture but not everyone is that diplomatic.

The way the various vibration standards have been explained to me is that the DIN standard is globally accepted and the only one that will allow Prospectors Park to progress to our next planned stage (adjacent to the Dunes). The same can be said for the other developments I listed.

The general idea of infilling Cromwell as the primary (residential) outcome of the masterplan would be severely limited if the AS/NZS or British vibration standards were adopted. Roads will need to be improved and Right of Ways constructed in close proximity to existing houses.

[TWO ORIGINAL PARAGRAPHS REMOVED in 2022]

If my feedback ever seems unconstructive please call me for a 'please explain'.

Cheers

Wally



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**From:** Louise van der Voort <[Louise.VanderVoort@codc.govt.nz](mailto:Louise.VanderVoort@codc.govt.nz)>  
**Sent:** Wednesday, 18 September 2019 12:43 PM  
**To:** Wally Sanford <[wally@landpro.co.nz](mailto:wally@landpro.co.nz)>; David Campbell <[David.Campbell@codc.govt.nz](mailto:David.Campbell@codc.govt.nz)>; Peter Greenwood <[peter.greenwood@codc.govt.nz](mailto:peter.greenwood@codc.govt.nz)>; Quinton Penniall <[Quinton.Penniall@codc.govt.nz](mailto:Quinton.Penniall@codc.govt.nz)>  
**Cc:** Julie Muir <[Julie.Muir@codc.govt.nz](mailto:Julie.Muir@codc.govt.nz)>  
**Subject:** RE: Construction Vibration Standards re: Prospectors Park and beyond (also, contaminated land)

Hi Wally

I am interested in your comments about Council's ability to deliver the Cromwell Masterplan being reliant on the adoption of a construction vibration standard. Perhaps you could explain.  
 As always Wally, I am interested to hear your constructive feedback.

Regards



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**From:** Wally Sanford <[wally@landpro.co.nz](mailto:wally@landpro.co.nz)>  
**Sent:** Wednesday, 18 September 2019 12:29 PM  
**To:** David Campbell <[David.Campbell@codc.govt.nz](mailto:David.Campbell@codc.govt.nz)>; Peter Greenwood <[peter.greenwood@codc.govt.nz](mailto:peter.greenwood@codc.govt.nz)>; Quinton Penniall <[Quinton.Penniall@codc.govt.nz](mailto:Quinton.Penniall@codc.govt.nz)>  
**Cc:** Julie Muir <[Julie.Muir@codc.govt.nz](mailto:Julie.Muir@codc.govt.nz)>; Louise van der Voort <[Louise.VanderVoort@codc.govt.nz](mailto:Louise.VanderVoort@codc.govt.nz)>  
**Subject:** Construction Vibration Standards re: Prospectors Park and beyond (also, contaminated land)

Hello

I'm sending this email to follow up on CODC's progress regarding the adoption of a construction vibration standard.

Of the following standards, we understand that the DIN standard is the only one that is vibration and science based and would realistically allow our current project, Prospectors Park to proceed and therefore should be adopted.

This is not selfish in the sense that all of the following developments will be affected.

- Freeway Orchard,
- Wooing Tree,

- particularly the Sew Hoy land, and
- ‘friendly fire’ within developments (Prospectors Park and Gair Ave) as successive stages affect previously completed stages

The other standards either relate to different vibration sources (i.e. blasting) and/or are nuisance related which is subjective, not scientific. As previously advised to CODC by Simon de Bono of STR8 2U Systems and Solutions Ltd “It is important to note that the DIN standard is a global standard and highly recognised as the best standard for this type of monitoring where earthmoving / construction equipment is being used as it clearly identifies the limits for residential dwelling and commercial buildings / structures”.

- DIN 4150-3 Structural vibration – Effects of vibration on structures
- BS 5228-2 Code of practice for noise and vibration control on construction and open sites - Part 2: Vibration
- BS 6472-1 Guide to evaluation of human exposure to vibration in buildings.
- NZS 6803 (Noise)<https://www.nzta.govt.nz/roads-and-rail/highways-information-portal/technical-disciplines/noise-and-vibration/construction-and-maintenance-noise/nzs-6803/>
- NZTA’s State Highway construction and maintenance noise and vibration guide is attached FYI.

A decision needs to be made ASAP as Council’s ability to deliver on the Cromwell masterplan is at stake if the wrong standard is adopted.

We understand that QLDC reference the DIN Standard.

There is much to discuss on this topic with suitably qualified experts (not myself) and surely processes to follow so can you please assure me that the necessary action plan is underway and advise of an expected date for an outcome?

Worst case scenario is proceeding with no standard or an inappropriate standard and is very bad for us and for council.

Council also need to adopt better systems for dealing with contaminated land. Our latest communications with council regarding contaminated land could have and should have been better regarding the material we are dealing with, but it would appear CODC are just as flat-footed on contaminated land as they are with construction vibration standards. More on that later.

Thanks

Wally

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Friday, **2 August 2019**

# Complaint halts subdivision work

By **Pam Jones (/author/Pam%20Jones)**

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**Regions (/regions) > Central Otago (/regions/central-otago)**

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A section of work on the Prospector's Park subdivision in Cromwell has been put on hold following complaints from Michael Laws about vibrations from the work.

But the contractor doing the work says it has operated within the developer's consent and acted in "good faith" regarding the complaint.

Mr Laws lives in The Dunes subdivision, which backs on to the Prospector's Park subdivision, which is being developed on the site of the old Cromwell Top 10 Holiday Park.



**Michael Laws**

Mr Laws contacted the Otago Daily Times to say vibrations from the work last month had been "headache-inducing".

Compacting equipment doing the work had been 10m from his back fence and caused vibrations and "crackling noises that approximate a small earthquake", he said.

He could not see how the effects of the work could "possibly be interpreted as less than minor" for any consent issued for the work.

"When that activity impedes or destroys the enjoyment of one's home, it is clearly not a consentable activity." (<https://www.odt.co.nz/news/national/why-i-believe-david-bains-guilty>)

## 'Why I believe David Bain's guilty'

John Searle and Richard Wallis, of CHP Developments Ltd, have land use consent from the Central Otago District Council for bulk earthworks associated with the consented subdivision, on Alpha St.

A representative of CHP Developments could not be contacted. [Read Next Story >](#)

Civil Construction Ltd is doing the earthworks at present.

A Civil Construction spokesman said the company stopped work on the site immediately and "in good faith" following Mr Laws' complaint last month.

The company had completed works to date "in accordance with the consent and within industry best practice" and was "awaiting further instruction" about the outcome of a meeting between Mr Laws and the development's engineer "as how to proceed in the future", the spokesman said.

Council planning manager David Campbell said the district council had received one complaint about the subdivision work, from Mr Laws.

The earthworks consent said the contractor "shall carry out the works in such a manner as to cause the least inconvenience to the principal and the public", and to comply with all statutory and local authority requirements regarding noise, Mr Campbell said.

However, there were no limits or conditions for vibrations, nor specific controls for them in the council's district plan, he said.

Civil Construction was not in breach of the consent, "other than some timing of works issues Michael [Laws] noticed, but didn't make us aware [of]".

A Facebook page for the Prospector's Park subdivision says stage two of the development is sold out and the sections are titled, and stage three is starting soon.

The subdivision will have 173 sections in total, ranging in size from 250sq m to 2055sq m.

[pam.jones@odt.co.nz](mailto:pam.jones@odt.co.nz) (mailto:pam.jones@odt.co.nz)

(<https://www.odt.co.nz/news/national/why-i-believe-david-bains-guilty>)

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**'Why I believe David Bain's guilty'**

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