

RESOURCE MANAGEMENT ACT 1991  
FORM 6

FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION ON  
PUBLICLY NOTIFIED PROPOSED PLAN CHANGE TO CENTRAL OTAGO DISTRICT  
PLAN

Clause 8 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council  
PO Box 122  
Alexandra 9340



**SUBMITTER: CENTRAL SPEEDWAY CLUB CROMWELL INCORPORATED (“Central  
Speedway Club”)**

1. This is a further submission in opposition of a submission made on proposed Plan Change 13 to the Central Otago District Plan (“PC13”).
2. Central Speedway Club is a person who has an interest in the proposal that is greater than the interest the general public has. Central Speedway Club’s interest in the application was outlined in detail in their original submission (submitter no 45).
3. Central Speedway Club oppose the entire submission of River Terraces Development Limited (“RTDL”) on PC13 submitter no 298.
4. Central Speedway Club wish to be heard in support of this submission and will consider presenting a joint case with other parties that make a similar submission.

**Summary**

5. PC13 is located within a rural area that has lawfully established activities. The development enabled by PC13 will result in reverse sensitivity effects that cannot be avoided, remedied or mitigated.

**Specific Points**

6. RTDL has introduced acoustic insulation framework as a method of reverse sensitivity protection. These can be summarised as:
  - (a) Requiring all noise sensitivity activities on the site to be adequately acoustically insulated from noise sources within the surrounding environment; and
  - (b) Requiring that all incoming residents and occupants of the site are made very well aware of the nature and scale of the noise effects that are permitted on nearby orchards, HMP and Speedway sites through a no-complaints covenant.

*Acoustic Insulation*

7. RTDL propose three categories of 'acoustic insulation zones.' This is proposed to give effect to Objective 20.3.10 – *Compatibility with surrounding activities* and the ASTM E1332-16 - *Standard Classification for Rating Outdoor-Indoor Sound Attenuation* ("OITC") . Central Speedway Club consider the proposed provision to be inadequate.
  - (a) The proposed insulation will not avoid residents being exposed to noise levels inconsistent with a residential area. They are not adequate to mitigate noise generated at Highlands and will result in significant adverse effects on residents.
  - (b) Acoustic insulation is limited to 'noise sensitive spaces' only.
  - (c) No mitigation is available for noise effects on outdoor areas.
  - (d) The Style's Group Report identifies that because the design of the dwelling is not available at the plan change stage, it is not possible to prepare precise specifications for construction. Therefore the outcome is uncertain.
  - (e) The proposed insulation rules require that buildings are designed, constructed and maintained to achieve OITC requirements in the Acoustic Insulation Plan, and that a report is required to confirm compliance. This places an obligation on future Lot owners to commission a report for every building constructed. This will be costly and inefficient and serves to demonstrate that the site is inappropriate for residential activity.
  - (f) For clarity, Central Speedway Club submit that the reverse sensitivity effects cannot be avoided, remedied or mitigated.

#### *No-Complaints Covenant*

8. RTDL has modified Rule 20.7.7 ((viii) and (ix) and provided draft restrictive no-complaints covenants within Appendix 2 of the submission.
  - (a) RTDL fail to address the administrative difficulties of enforcing no-complaints covenants.
  - (b) The Styles Report identifies that no-complaints covenants will raise 'awareness' and consider this to be the most important measure of protecting against reverse sensitivity effects. No consideration has been given to the ability to enforce the no-complaints covenant or the ability for the speedway to manage the inevitable complaints.
  - (c) The no-complaints covenant is restricted to 'Approved Activities' on the date on of the instrument. Essentially, a covenant does not provide for the development or growth of either motorsport or horticultural activities. This will hamstring future development of Highlands which fails to achieve sustainable management of it as a physical resource.
9. Overall, RTDL's proposal fails to adequately recognise and protect the existing activities surrounding the PC13 site.

#### **Relief Sought**

10. The application remains incompatible with the receiving environment. Central Speedway Club seek the following decision from Council:
  - (a) PC13 is refused.



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**Date: 29 October 2019**

B Irving / D McLachlan

Solicitor for Submitter

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