



FORM 6

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO,
SUBMISSION ON PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT
OR PLAN, CHANGE OR VARIATION**

Clause 8 of Schedule 1, Resource Management Act 1991

To Central Otago District Council
PO Box 122
ALEXANDRA

Name Public Health South

Address Private Bag 1921
DUNEDIN 9054

(Note: different address for service below)

1. This is a further submission in support of, or in opposition to, submissions on Proposed Plan Change 13 to the Central Otago District Plan ("PC13").
2. Public Health South is a party with an interest in the proposal that is greater than the interest of the general public. Southern District Health Board (Southern DHB) presents this submission through its public health service, Public Health South. Southern DHB delivers health services to a population of 319,200 and has responsibility under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities. It seeks to promote equity and to reduce adverse social and environmental effects on the wellbeing of people and communities. **They aim to create or advocate for healthy social, physical and cultural environments.** Public Health South's original submission on PC13 set out the reasons for their opposition to PC13.
3. The original submissions that Public Health South either supports or opposes are described, and the reasons for Public Health South's support or opposition are detailed, in the table attached as **Annexure A** to this further submission.
4. Public Health South seeks that the relief set out in **Annexure A**, in terms of allowing or disallowing original submissions, be granted.
5. Public Health South **does** wish to be heard in support of this further submission. If others make a similar submission, Public Health South will not consider presenting a joint case with them at a hearing.

ENTERED
29/10/18

Date: 26 October 2018

Signature



Tom Scott, Public Health South

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Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

ANNEXURE A
FURTHER SUBMISSION TABLE

PROVISION	SUBMITTER	THE PARTICULAR PARTS OF THE SUBMISSION PHS SUPPORTS OR OPPOSES	RELIEF SOUGHT BY SUBMITTOR	PUBLIC HEALTH SOUTH'S POSITION & REASONS	RELIEF SOUGHT												
Rule 20.7.7	Riverview Terrace Developments Ltd Submitter 298	298/1 – 298/3	<p>Modify PC 13 to add the following acoustic insulation standard as Rule 20.7.7(x):</p> <p>20.7.7(x) Acoustic Insulation of Buildings Containing Noise Sensitive Activities</p> <p>1) Noise Sensitive Spaces located within the River Terrace Resource Area shall be designed, constructed and maintained to ensure that the following Outdoor –Indoor Transmission Class (OITC) noise level reductions are achieved in the Acoustic Insulation Zones shown on the Acoustic Insulation Plan in 20.7.11</p> <table border="1"> <thead> <tr> <th>Acoustic Insulation Zone</th> <th>OITC for Bedrooms</th> <th>OITC for Other Noise Sensitive Spaces</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>30</td> <td>30</td> </tr> <tr> <td>B</td> <td>33</td> <td>25</td> </tr> <tr> <td>C</td> <td>30</td> <td>25</td> </tr> </tbody> </table> <p>a) The OITC assessment shall be determined in accordance with ASTM E1332-16 Standard Classification for Rating Outdoor-Indoor Sound Attenuation <i>(Nb. full submission point not shown)</i></p>	Acoustic Insulation Zone	OITC for Bedrooms	OITC for Other Noise Sensitive Spaces	A	30	30	B	33	25	C	30	25	<p>PHS opposes this submission.</p> <p>i) The provision of sound insulation does not address issues of residential amenity including in the outdoor environment.</p> <p>ii) The sound insulation criteria proposed are at a basic standard that could generally be achieved without any upgrades to normal building constructions. This will not provide adequate protection for residents in this degraded acoustic environment. The assessment of the external noise environment by Styles Group does not adequately take into account the distinctive characteristics of motorsport sound and understates the potential impacts.</p> <p>iii) The sound insulation requirements proposed have been specified in terms of ASTM standards rather than ISO standards that are commonly used for this application in New Zealand. As well as for consistency, ISO standards are preferred as New Zealand is a participating member of ISO so can influence and vote on the relevant standards.</p> <p>iv) The sound insulation standards will be negated by the absence of any requirements for ventilation and heating/cooling. If residents have to open windows to achieve reasonable internal thermal comfort, then the required sound insulation will be bypassed. Further, it is noted that the ventilation specification suggested in the Styles Group report has not been included in the submission, but regardless, that specification is inadequate to avoid windows needing to be opened.</p>	Reject submission.
Acoustic Insulation Zone	OITC for Bedrooms	OITC for Other Noise Sensitive Spaces															
A	30	30															
B	33	25															
C	30	25															
Rule 20.7.7	Riverview Terrace Developments Ltd Submitter 298	298/4 – 298/8 Section 2.3 of submission	<p>Rule 20.7.7(viii) and (ix) refer to restrictive no-complaint covenants that do not include or refer to any particular format and do not specify who determines that format. Modify Rules 20.7.7(viii) and (ix) to refer to a particular format for covenants in Rule 20.7.7(viii)(b) and Rule 20.7.7(ix)(b) by:</p> <p>(a) adding the following subclause: "is in a format and wording approved by the Council"</p> <p>(b) include references to the draft covenants in Appendix 2 [to the submission], either by including them in the rule</p>	<p>The reasons for Public Health South's opposition to the restrictive no-complaints covenant are set out in full in its original submission. In brief, the proposed provisions do not provide for the reasonable protection of the health of people and communities and do not avoid, remedy or mitigate adverse noise effects upon the health and amenity values of people in future buildings used for noise sensitive activities.</p>	Reject submission.												

			<p>as draft covenants or by referring to them as document sitting outside the District Plan held by Council, in either case being draft covenants subject to final amendment and approval by Council prior to registration.</p> <p>Amend Rules 20.7.7(viii)(b)(ii) and (iii) and insert a new (v) as follows:</p> <p>(ii) In the case of Lot 400 DP 466637, prevents any owner or occupier of the servient land from complaining about or taking steps to prevent motorsports and related activities lawfully carried out as authorised by the terms and conditions of resource consent numbers RC 150225 and RC 150281 <u>including any variations operative prior to 19 May 2018.</u></p> <p>(iii) In the case of Lot 1 DP 403966, prevents any owner or occupier of the servient land from complaining about or taking steps to prevent speedway and stock car track and related activities lawfully carried out as authorised by the terms and conditions of the planning consent for those activities issued by the (former) Vincent County Council dated 29 September 1980 including any <u>variations effective operative prior to insert-dated-RTRA notified 19 May 2018.</u></p> <p>(v) In in a format and wording approved by the Council.</p> <p>Amend Rule 20.7.7(ix)(b)(ii) and insert a new (iv) as follows:</p> <p>(b)(ii) prevents any owner or occupier of the servient land from complaining about or taking any steps to prevent noise being <u>lawfully</u> generated in the normal course of orcharding activities being undertaken on the benefitting land, including noise from frost -fighting and bird-scaring,</p> <p>(iv) is in a format and wording approved by the Council.</p> <p>Make any other amendments, including adding additional legal descriptions, to achieve the objective of these rules which is to protect adjacent existing noise generating activities from complaints from residents or occupiers within the RTRA.</p> <p>Any alternative, additional and/or consequential amendments to the RTRA provisions (including plans), and to the wider District Plan provisions, as may be necessary or appropriate to achieve the RTRA as a new zone in the Central Otago District Plan.</p>		
<p>20.1 Introduction</p> <p>New Objective</p> <p>New Policy</p>	<p>Highlands Motorsport Park Limited</p> <p>Submitter number 144</p>	<p>144/9 -144/11, and</p> <p>Relief set out in Appendix 1 of the submission</p>	<p>Amendments sought to the Introduction statement 20.1 – submission seeks that the introduction be deleted and replaced with:</p> <p><i>“The River Terrace Resource Area is adjacent to a variety of existing activities that affect the nature of the existing environment such that it is not characteristic of a residential area. These include the Highlands Motorsport Park, the Central Otago Speedway, State Highway 6 and</i></p>	<p>PHS supports the amendment sought to the Introduction 20.1.</p>	<p>If PC13 is not rejected in its entirety, allow submission.</p>

			<p><u>Orchard Activities. It is recognised that these existing activities all generate noise and other effects that will compromise the amenity values of the River Terraces Resource Area to varying degrees. Highland Tier 2 days and Speedway events generate noise effects on outdoor amenity that cannot be mitigated for residents within the River Terrace Resource Area. Significant levels of acoustic insulation and ventilation will be required for all buildings within the River Terrace Resource Area to mitigate the effects of Highland Tier 2 and Speedway events on indoor living environments. Objectives, Policies, Rules and other Methods are included within the River Terraces Resource Area to protect existing activities from reverse sensitivity effects.”</u></p> <p>Include new Objective: <u>Objective: Healthy Buildings – Construction of buildings that provide quiet and healthy internal environments that protect residents, to the extent possible from effects of existing activities surrounding the River Terrace resource Area.</u></p> <p>Include new Policy: <u>Orientating building and locating outdoor living spaces behind structures to provide some protection from noise generated by the day to day activities of Highland Motor Park.</u></p>		
<p>Rules 20.7.1 and 20.7.3</p>	<p>Highlands Motorsport Park Limited</p> <p>Submitter number 144</p>	<p>Relief set out in Appendix 1 of the submission</p>	<p>Highlands Motorsport Park Limited submitted on Permitted Activity Rules:</p> <ul style="list-style-type: none"> - 20.7.1(ii) Residential Activities and buildings within Residential sub-areas A and B, <p>and Restricted Discretionary Rules:</p> <ul style="list-style-type: none"> - 20.7.3(ii) (buildings for residential activities in the retirement living overlay); - 20.7.3(iii) (buildings for centralised activities in the retirement living overlay); - 20.7.3(iv) (buildings within the neighbourhood centre overlay); - 20.7.3(v) (buildings within the education overlay); - 20.7.3(xi) (travellers' accommodation in Residential Sub-Areas A and B. <p>These submission points seek to include new noise insulation requirements and outdoor amenity area location requirements under the specific standards for the activities provided for by the above rules.</p> <p>These submissions also seek that failure to comply with the “outdoor amenity location” standard and the “noise insulation” standard comprises a Prohibited Activity.</p>	<p>PHS supports this submission insofar as the rule framework is clearer than the rule framework notified.</p> <p>As notified, section 20.7.7 General Standards includes the noise insulation requirements. Discretionary rule 20.7.4 (i) requires all proposals comply with the general standards, and if proposals do not comply with the general standards, then the proposal is a Discretionary Activity. PHS’s original submission sought that more robust noise insulation standards be included in section 20.7.7.</p> <p>The notified rule framework is overly complicated and could be simplified by including the insulation standards (as set out in PHS’s original submission) within Rules 20.7.1, 20.7.3(i), 20.7.3(ii), 20.7.3(iii), 20.7.3(vi), 20.7.3(v) and 20.7.3(ix), or alternatively each of the rules could explicitly state that activities must also comply with the General Standards in Rule 20.7.7.</p> <p>PHS also supports Highlands Motorsport Park Limited’s submission that a failure to comply with the standards is a prohibited activity, given the anticipated adverse health effects associated with the location of the PC13 site.</p>	<p>If PC13 is not rejected in its entirety, PHS seeks that the rule framework that links the requirement for all activities to comply with the noise insulation standard are more clearly indicated, and that failure to comply with these standards comprises a Prohibited Activity of the activities listed in rules 20.7.1 and 20.7.3.</p>

				Please note that PHS seeks that the noise insulation standards set out in its original submission are preferred over the noise insulation standard sought by Highlands Motorsport Park Limited.	
Rules 20.7.7, 20.7.4, and 20.7.5	Highlands Motorsport Park Limited Submitter number 144	Relief set out in Appendix 1 of the submission	Highlands Motorsport Park Limited submitted on General Standards Rules 20.7.7 – seeking inclusion of the acoustic insulation requirements and location of outdoor amenity areas be General Standards, in order to ensure that these requirements apply to all buildings and activities. The submitter also sought an amendment to Discretionary Activity Rule 20.7.4(i) to exclude non-compliance with the noise insulation and outdoor amenity area location standards from being a Discretionary activity, and instead sought an amendment to Rule 20.7.5 to make a breach of the amended General Standards (Rule 20.7.7) a non-complying activity.	PHS supports the inclusion of the general standard relating to the location of outdoor amenity areas as it will assist in managing the adverse noise effects on residents. PHS supports the amendment to rule 20.7.5 that would result in any proposal/activity that does not achieve the General Standards set out in 20.7.7 to be a non-complying activity, as a non-complying activity status is more appropriate for a breach of these important standards. (It is noted that this submission point is in addition to the submission point on rules 20.7.1 and 20.7.3 which seeks that non-compliance with the noise insulation standards for the activities listed rules 20.7.1 and 20.7.3 comprises a Prohibited Activity).	If PC13 is not rejected in its entirety, PHS seeks that the Highlands Motorsport Park Limited submission is allowed. PHS notes that the noise insulation standards set out in its original submission which it sought to be included in General Standard 20.7.7, is preferred over the noise insulation standard set out in the Highlands Motorsport Park submission.
Rule 20.7.3	Kawarautrust Orchard Limited Submitter number 167	176/11	Rule 20.7.3(viii)(f) provides for subdivision as a discretionary restricted activity, and clause (f) relates to shelter belt planting. The submitter states that the minimum requirements for shelterbelts at maturity should be specified for this vegetation buffer, and states that there is no certainty that a 2m high vegetation buffer is capable of providing 'shelter' envisaged in the New Zealand Standard.	PHS supports this submission and considers more certainty is required to ensure the buffer promoted is effective.	If PC13 is not rejected in its entirety, PHS seeks that the rule requiring shelter belt planting is amended to ensure it achieves its intended purpose, and that any rule is based on evidential information.
ALL	Mayshield Properties Ltd Submitter number 227	227/1-227	The specific provisions of the proposal that the submission relates to are the absence of controls of any substance in relation to the dwelling/buildings to protect them from noise associated with the Motorsport Park with the exception of a no complaints covenant. The proposed rules suggest an acoustic insulation standard for residential buildings or buildings containing activities sensitive to road noise within 80 metres of State Highway 6. This rule needs further amending as follows- <i>An acoustic insulation standard for residential buildings or buildings containing activities sensitive to both road noise and motorsport noise within 125 metres of State Highway 6 and within 125 metres of Sandflat Road.</i> <i>Erection of sound barriers in the form of motorway style fences/bunds with plantings to absorb or deflect road noise and motorsport noise.</i>	PHS supports this submission insofar as it seeks noise insulation requirements for all residential activities, and suggests other noise mitigation measures, such as a noise bund.	If PC13 is not rejected in its entirety, PHS considers that all forms of noise mitigation should be considered to manage adverse effects on sensitive activities.

20.7.7 General Standards	New Zealand Transport Agency Submitter number 254	254/1	The text of the plan change includes an exception regarding the application of the general standards 'as set out in Rules 20.7.1-20.7.3' The nature and consequence of this exception is unclear. The submitter seeks that the nature and consequence of the exception to the General Standards is clarified.	PHS agrees that this exception is unclear and should be deleted as it contradicts Discretionary Rule 20.7.4 which requires all proposals to achieve the General Standards.	If PC13 is not rejected in its entirety, PHS seeks that the text of Rule 20.7.7 be amended to state that the General Standards in 20.7.7 apply for all proposals, activities and buildings in the River Terrace Resource Area.
General Standards 20.7.7 (vii) rule	New Zealand Transport Agency Submitter number 254	254/1	NZTA has sought that the Rule 20.7.7(vii) be amended to <u>"take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development."</u>	PHS agrees that the future-proofing of noise insulation is required. PHS has provided alternative wording for this rule in its original submission but seeks that the underlined words be included as part of its original wording sought for this rule.	If PC13 is not rejected in its entirety, PHS seeks that the text of Rule 20.7.7 be amended to include the underlined wording set out in this submission point.
General	Otago Regional Council Submitter number 261	261/13-14	The Otago Regional Council has raised concerns about air quality and has sought that the use of low or no emission heating systems should be required within the PC 13 area; and the CODC should promote the use of low emission communal heating systems as developments of this type, ie. medium to high density residential housing with anchor community centre activities, are particularly suitable to such heating systems.	PHS supports the requirement to manage emissions from heating sources to manage health effects associated with air quality.	If PC13 is not rejected in its entirety, PHS seeks that air emissions are appropriately managed within the PC13 area.
20.1 Introduction	Transpower New Zealand Ltd Submitter number 373	Set out in Schedule 1 to the submission	20.1 Introduction – Transpower seeks that a new clause be inserted into the Introduction: <u>Sections 11-15 of the District Plan contain issues, objectives, policies, rules and standards which apply district wide, including in the River Terrace Resource Area. Where any of these district wide provisions (Sections 11-15) conflict with the provisions of the River Terrace Resource Area (Section 20) the district wide provisions (Sections 11-15) shall prevail.</u>	PHS supports the insertion as these 'District Wide' sections of the District Plan are relevant to the River Terrace Resource Area.	If PC13 is not rejected in its entirety, PHS seeks that this new clause is inserted into 20.1 Introduction.
Policy 20.4	Transpower New Zealand Ltd Submitter number 373	Set out in Schedule 1 to the submission	Amend Policy 20.4 as follows: <u>Where any of the policies of the River Terrace Resource Area conflict with the policies in the sections listed above, the policies in the sections listed above of the River-terrace-Resource-Area shall prevail.</u>	PHS considers this amendment to be appropriate, as it is consistent with the operative District Plan.	If PC13 is not rejected in its entirety, PHS seeks that Policy 20.4 is amended as requested by Transpower.
All	Anthony Streeter Submitter number 353	Entire submission	Submitter supports PC13 in its entirety and seeks that this is approved.	PHS opposes this submission for the reasons set out in its original submission.	Reject submission.