

**RESOURCE MANAGEMENT ACT 1991 – FORM 5**

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

**Clause 6 of Schedule 1, Resource Management Act 1991**

**To: Central Otago District Council**  
**PO Box 122**  
**Alexandra 9340**



**SUBMITTER: Highlands Motorsport Park Limited (Highlands)**

1. This is a submission on proposed **Plan Change 13** to the Central Otago District Plan (Plan Change 13).
2. Highlands could not gain an advantage in trade competition through this submission.
3. This submission relates to Plan Change 13 in its entirety. Specific comment on provisions of Plan Change 13 are set out in Appendix 1 to this submission.
4. Highlands 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:**

1. Highlands Motorsport Park Limited operates the Highlands Motorsport Park facility at the corner of Sandflat Road and State Highway 6 in Cromwell. The motorsport park has been operating since 2013 and during that time has evolved into a premium tourism and motorsport facility. It currently operates pursuant to resource consent RM150225. The park offers a wide range of experiences including:
  - (a) Fast laps and Self-drive experiences in a range of ride cars;
  - (b) National motorsport museum, function centre & café;
  - (c) Mini golf and children's playground;
  - (d) Jurassic Park Safari;

- (e) Motor vehicle sculpture park;
  - (f) Dirt Buggy activities;
  - (g) Conference facilities;
  - (h) Bespoke events;
  - (i) Driver Training; and
  - (j) Go Kart facilities.
2. The track is utilised by vehicle and vehicle accessory manufacturers for the purposes of testing new products and promotions. This often works in conjunction with the Southern Hemisphere Proving Ground located on the Pisa Range. Manufacturers take advantage of the full range of features on the track including the skid pan. The track is also used for filming promotions.
  3. Driver training professionals, the police and businesses utilise the park for driver training. In particular, learning how to drive in adverse weather conditions to improve their safety and the safety of others on the roads.
  4. The museum facility attracts visitors in its own right but is also utilised for conferences and events. Highlands has organised and run a number of community events such as Christmas in the Park, an Annual Easter Egg Hunt and provided a venue for the likes of Camp Quality and Cure Kids hosting sick and terminally ill children and their families at the Park.
  5. Highlands' resource consent enables it to operate up to 16 "tier two" events. These are generally motor racing events such as the Festival of Speed, Highlands Sprint Series and Toyota Festival. Highlands also uses some of these Tier Two days for promotional activities such as Mad Mike's drifting demonstration or manufacturer launches. One such launch was the display of the Southern Hemisphere's only Aston Martin Vulcan (of which only 24 were ever produced) which attracted world-wide attention.
  6. Highland's has hosted promotional events associated with the New Zealand Golf Open ProAm including international guests competing on the track and the golf course. These events often garner international attention and provide an invaluable opportunity to promote Highlands and Central Otago's tourism industry more generally. Highlands most

recently hosted the welcome function for the Tri Nations Hockey Tournament held in Cromwell.

7. Since opening in 2013 Highlands has gone from strength to strength. In 2017 turnover exceeded \$6million dollars. Highlands employs 30 local staff undertaking various roles including track operations, event management and function coordination, sales, Café workers, groundsman, mechanics, drivers, accounts, front of House, graphic designers, maintenance workers and health and safety officers.
8. However, since becoming operational Highlands has not been without challenges. The terms of the original resource consent (RM070149) created some ambiguity about the types of activity and level of noise that Highland's day to day activities could generate. As a result there were numerous complaints and allegations that Highlands were operating in breach of the original resource consent conditions. Whilst no formal enforcement measures were ever taken by the Council the on-going uncertainty became untenable. In 2015 Highlands applied for a new resource consent to reauthorise the activities being undertaken at the site and clarify the areas of ambiguity within the original consent. During the preparation of that application Highlands conducted extensive public consultation to understand what aspects of it's operations were causing surrounding residents concern. Where possible Highlands made changes to address those concerns. Since that resource consent has been exercised the number of complaints has reduced significantly. In this last 12 months Highland's received no complaints.
9. Noise management is a significant aspect of the operations. One of the conditions of RM150225 required the preparation and annual review of a noise management plan. Highlands monitor noise levels constantly and work closely with Acoustic Engineers, Marshall Day to ensure that the effects of the Motorsport Park are managed appropriately.
10. The re consenting process was time consuming and costly, but serves to demonstrate the seriousness with which Highlands take it's obligations.
11. The start-up phase and re consenting process has also provided Highlands with a first hand understanding of the risks associated with residential activity in close proximity to it and the business interruption that results from reverse sensitivity issues. It is for this reason that Highlands are very concerned by Plan Change 13. It is Highlands' view that locating high density residential activity and associated noise sensitive activities in such close proximity to

a motorsport park is extremely poor resource management and is an entirely inappropriate use of the River Terraces land.

12. There is an inherent incompatibility between Motorsport facilities and high density residential activities. A number of examples exist in New Zealand that demonstrates the incompatibility of motorsport and noise sensitive activities including at Ruapuna in Christchurch and the recently announced closure of Western Springs in Auckland.
13. For this reason Highlands Motorsport Park oppose Plan Change 13 in its entirety and seek that the request is declined.

#### **Specific reasons**

14. Plan Change 13 fails to protect Highlands from reverse sensitivity effects and as such PC13 fails to avoid, remedy or mitigate the effects of this urban development on existing physical resources. It is also likely to lead to increased constraints on Highlands' ability to develop and evolve over time.
15. There is inadequate recognition within the introduction, objectives and policies of Plan Change 13 about the effect of Highlands and other activities on the receiving environment. Significant areas of the River Terraces Development will be subject to noise levels above those accepted to be appropriate for noise sensitive activities on a day to day basis. All of the River Terraces site will be exposed to high noise levels, up to  $70\text{dB}_{\text{Aeq}(15\text{ min})}$ , during the 16 tier two days and during Speedway events (totalling between 25-30 days per year). Some of the properties will be exposed to 55dB or more on a day to day basis whilst the balance of the site will be exposed to 50-55dB on a day to day basis.
16. The Plan Change 13 site is surrounded by non-residential noise sources (Highlands, Speedway, Orchards, State Highway) meaning residents will be subjected to noise from multiple sources and throughout the day and night. This will result in poor residential amenity and is likely to ultimately have effects on the health of residents.
17. Acoustic advice provided to Highlands concludes that a significant number of residents will be highly/significantly annoyed by levels of noise experienced within the site day to day. Motorsport noise has a distinctive character which tends to polarise people. Some will enjoy it, these people tend to be motorsport enthusiasts. Others will be ambivalent and the balance will find it highly irritating. Irritation from distinctive noise sources can still occur at



noise levels considered to be objectively reasonable. Levels of irritation and annoyance increase with noise level. In this case all residents of River Terraces will be exposed to noise levels considered above levels that cause serious annoyance.

18. With respect to Tier 2 and Speedway noise there are no methods that can be employed to sufficiently mitigate the effects of noise on the outdoor amenity of residents. The noise levels they will be exposed to are simply too high for any mitigation methods to be effective.
19. This will be exacerbated by the other noise generating activities surrounding the site (such as orchard activities and the state highway) which will result in cumulative noise effects and residential amenity that is significantly compromised. Noise effects will also combine with the other 'inconveniences' associated with events at the Speedway and Highlands such as traffic management. It is inevitable that residents will seek to limit their exposure to these effects by trying to reduce the level of activity at Highlands and other surrounding land uses. This is exacerbated even further by the high density nature of the proposed development because it simply increases the number of residents and therefore increases the number of people who will be annoyed.
20. Plan Change 13 includes no building controls to manage effects of Highlands on residents or to ensure that internal noise environments avoid adverse health effects for residents. The level of noise that will be experienced by residents during Tier 2 events is well in excess of the noise level considered to cause serious levels of annoyance. With standard construction methods noise levels within the dwellings will remain above these levels considered to cause moderate levels of annoyance with the windows closed.
21. The only mechanism promoted by Plan Change 13 is a no-complaints covenant. Highlands consider this to be wholly inadequate and transfers the responsibility for managing reverse sensitivity effects to Highlands and the Council. Evidence from other locations demonstrates that no-complaints covenants are not overly effective particularly as time passes and the original developer moves on.
22. Highlands is a significant contributor to Cromwell and Central Otago District. Development of high density residential activities and associated noise sensitive activities in such close proximity is entirely incompatible with Highlands, the speedway and other surrounding rural land uses. There are other more appropriate locations for the type of development proposed to be located.

**RELIEF REQUESTED:**

A. Highlands request that Plan Change 13 be refused in its entirety.

**OR**

B. If Plan Change 13 is not refused Highlands seek amendments to the provisions as set out in Appendix 1.

**AND**

C. Any other necessary or consequential relief required to give effect to the relief sought by Highlands in Appendix 1.

Signed:



B Irving

Solicitor for Submitter

**Date:** 20 June 2018

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**APPENDIX 1 – SPECIFIC SUBMISSIONS WITH RESPECT TO THE PROVISION OF PLAN CHANGE 13**

<b>PROVISION</b>	<b>SUBMISSION</b>	<b>REASON</b>	<b>RELIF SOUGHT</b>
Planning Map 44	Reject Change or Accept subject to the amendments requested in this table	Rezoning of the land in Plan Change 13 is inappropriate. If it is determined that the rezoning can take place Highlands seek addition of suite of Issues, Objectives, Policies and Methods to manage the potential effects to the extent possible, but acknowledge that some effects cannot be mitigated and residents will experience compromised amenity and living environments as a result.	No amendment to the zoning of the site
Planning Map Legend	As above	As above	As above
20.1 – Introduction	Amendment required if Plan Change is accepted	The proposed introduction fails to acknowledge or recognise the nature of the surrounding activities and the consequences that this has on the amenity that can be expected within River Terraces. It fails to acknowledge Highlands and the Speedway as physical resources that need to be sustainably managed. The introduction also fails to recognise the incompatible nature of high density residential and other associated noise sensitive facilities (child care, schools, retirement living) and motorsport activities. This failure then permeates the balance of the proposed plan change	The final paragraph of the Introduction be deleted and replaced with the following:  <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 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 Areas to varying degrees. Highlands Tier 2 days and Speedway events generate noise effects on outdoor amenity that cannot be mitigated for residents within the River Terraces Resource Area. Significant levels of acoustic insulation and ventilation will be required for all buildings within the River Terraces Resource area to mitigate the effects of Highlands Tier 2 and Speedway events on indoor living environments. Objectives, Policies, Rules and other Methods are included within the River Terrace Resource Area to protect existing activities from reverse sensitivity effects.”</i>
20.2.4 Ensuring compatibility with surrounding activities	Amendment required if Plan Change is accepted	In Highland’s view High Density Residential and noise sensitive development and motorsport are not compatible. Plan Change 13 needs to be amended to more specifically recognise the existing activities, their effect on the existing environment and that residential amenity values within River Terrace Resource Area will be compromised as a result.	20.2.4 be replaced with the following: <i>“The existing environment surrounding River Terrace Resource Area includes significant tourism and community facilities including Highlands Motorsport Park and Cromwell Speedway that need to be protected from reverse sensitivity effects arising from increased noise sensitive activity in close proximity. Methods must be adopted to ensure that adverse effects on these existing activities are avoided.</i>
Explanation to Issues	Amendment required if Plan Change is	As above	Explanation to issues be amended as follows:



	accepted		Final sentence deleted and replaced with the following: <i>“Existing activities surrounding the River Terrace Resource Area are important contributors to the social, economic and cultural wellbeing of the Cromwell and Central Otago Communities that need to be protected from adverse effects arising from the development of the River Terraces Resource Area for residential/noise sensitive purposes.</i>
Objectives	Amendments required if plan change accepted	<p>The Objectives fail to adequately address the reality of the existing environment and the design/development responses required within the River Terrace Resource Area to address the existing environment</p> <p>The Objectives also fail to recognise the significance of Highlands and the need for it to be able to evolve over time. It is important that the provisions of River Terraces are clear about what effects take priority.</p>	<p>Addition of a new Objectives be added as follows: <i>“Objective: Protect existing activities from adverse effects – Subdivision design, site layout and building design takes account of the effects generated by existing activities surrounding the River Terrace Resource Area, particularly Highlands Motorsport Park, Cromwell Speedway and Horticulture Activities so that constraints on those activities caused by reverse sensitivity effects are avoided.</i></p> <p>Addition of a new Objective 20.3.5 as follows: <i>Objective: Healthy Buildings – Construction of buildings that provide a quiet and healthy internal environments that protect residents, to the extent possible from effects of existing activities surrounding the River Terrace Resource Area.</i></p> <p><i>“Objective – Ongoing evolution of Highlands Motorsport Park Highlands is a significant resource that must be enabled to evolve over time to be sustainable and to support the wellbeing of the community. The needs of Highlands to develop its activities is of greater importance than the wellbeing of the occupants of The River Terrace Resource Area.”</i></p>
Objective 20.3.10	If Plan Change is accepted Delete Objective	This objective implies compatability between residential activity and surrounding activities. Effects of Highlands and Speedway cannot be mitigated to acceptable level which will significantly compromise residential amenity. The inability to mitigate effects means these activities are not compatible.	Delete objective
New Policy	New policies and amendments if Plan Change accepted	As above is relation to Objectives	<p>Amend Policy 20.4.5 to Addition of new paragraphs to Policy 20.4.5 <i>(d) Protect outdoor living space to the extent possible from noise emanating from existing activities (in particular Tier 1 activities at Highlands Motorsport Park) surrounding the River Terrace Resource Area;</i> <i>(e) Recognise that effects from some existing activities, (in particular Tier 2 activities at Highlands Motorsport and Speedway race events) cannot be mitigated and will compromise the amenity and health of residents within the River Terraces Resource Area.</i></p> <p><i>Policy: Reverse Sensitivity – Manage the development to avoid to the extent possible effects from existing activities surrounding the River Terrace Resource Area by:</i></p>



			<p>(a) Constructing buildings with sufficient sound insulation performance to achieve appropriate internal noise levels at all times;</p> <p>(b) Orientating buildings and locating outdoor living spaces behind structures to provide some protection from noise generated by the day to day activities of Highlands Motorsport Park.</p> <p><u>Policy – Ongoing evolution of Highlands Motorsport Park</u> When considering any proposal by Highlands Motorsport Park in relation to activities on any land owned or occupied by Highlands Motorsport Park, priority will be given to the benefits of Highlands over the wellbeing of occupants of the River Terrace Resource Area.”</p>
Policy 20.4.11C	Amendment required if Plan Change is accepted	This policy implies compatibility between residential activity and surrounding activities. Effects of Highlands and Speedway cannot be mitigated to acceptable level which will significantly compromise residential amenity and possibly the health of residents.. The inability to mitigate effects means these activities are not compatible. It is incumbent on the new activities i.e. River Terraces to avoid effects on existing activities	Delete Policy 20.4.11C and replace with New Policy 20.4.12 as follows:  <u>“20.4.12 – Policy – Avoid reverse sensitivity effects on existing land uses.</u> Control subdivision and development to mitigate the effect of noise from Highlands Motorsport Parks and Cromwell Speedway and avoid adverse reverse sensitivity effects on those existing activities..
20.5.1 – Methods of Implementation	Amendment required if Plan Change is accepted	As highlighted above Highlands consider the proposed residential development to be incompatible with the existing activities surrounding the plan change site. This renders the site inappropriate for residential development of the type proposed. If the Plan Change is to proceed significant amendment to the provisions is required in order to provide an adequate degree of protection for Highlands and Cromwell Speedway from reverse sensitivity effects.	Amend the provision as follows:  ...Rules are included to control the development of noise sensitive activities to avoid, to the extent possible, adverse effects of noise from Highlands Motorsport Park and Cromwell Speedway.  Reason: ... Development Parcel Plan will best achieve the development aspirations set out in the objectives and policies for the Resource Area and protect existing activities surrounding the Resource Area from reverse sensitivity effects.
20.6.1 – Principal reasons for adopting objectives, policies and methods	Amendment required if Plan Change is accepted	As above.  The Acoustic standards that are required to appropriately mitigate the effects of noise are such that it is unlikely that buildings constructed within River Terraces will be	Amend 3 <sup>rd</sup> paragraph of 20.6.1 as follows:  The Resource Area is surrounded by existing activities that compromise the level of residential amenity that can be expected within the Development. The Provisions recognise these existing effects and include measures to reduce the impact of them on people within the resource area to the extent possible.

		'affordable'.	...  (c) <i>Requires the construction of buildings that will address the effects of the existing activities and create healthy internal living environments for people.</i>  (d) <i>Recognises that not all effects from existing activities can be avoided and that this will adversely affect the amenity experienced by residents and protects existing activities surrounding the neighbourhood from reverse sensitivity that may arise.</i>  <i>Delete paragraph (d) and replace with</i>  (e) <i>Provides a range of lot sizes to create choice of housing types.</i>
20.7.1 – Rules	Amendment required if Plan Change is accepted	As highlighted above Highlands consider the proposed residential development to be incompatible with the existing activities surrounding the plan change site. This renders the site inappropriate for residential development of the type proposed. If the Plan Change is to proceed significant amendment to the provisions is required in order to provide an adequate degree of protection for Highlands and Cromwell Speedway from reverse sensitivity effects.  Putting in place specific building controls is necessary to minimise the risk of reverse sensitivity to the extent possible.	Amend Rule 20.7.1(ii)(f) as follows: <i>“Outdoor Living space – <u>size</u>”</i>  Add new rule 20.7.1(ii)(fa): <i>“ Outdoor Living Space – Location Any outdoor amenity area shall be on the opposite side of the dwelling from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway.”</i>  Add new rule 20.7.1(ii)(fb): <i>“Noise Insulation Any dwelling located shall be constructed to comply with 40 dB D<sub>tr,2m,nT</sub> + C<sub>tr</sub></i>  <i>The buildings will require a ventilation system that enables windows and doors to remain closed in order to achieve the sound insulation performance specified above. An acoustic design report shall be submitted by an appropriately qualified and experienced acoustic specialist confirming that the building design achieves the sound level difference prior to the issue of building consent.”</i>  Amend 'reasons' for Rule 20.7.1(ii) by adding the following: <i>“ The standards applicable to buildings within the River Terraces Resource Area will help manage the effects of noise from the Highlands Motorsport Park and Cromwell</i>



			<p><i>Speedway. The design and acoustic insulation standards are required to minimise the potential for their to be adverse effects on the health and amenity of residents within the Zone. With respect to outdoor amenity the provisions seek to reduce noise effects to the extent possible but will not protect residents from noise disturbance.</i></p> <p>Failure to comply with these standards is a prohibited activity – refer proposed rule 20.7.6(ii)</p>
Rule 20.7.3(i)	Amendment required if Plan Change is accepted	Highlands requests a number of extra standards to avoid, remedy and mitigate the effects of noise sensitive activities within the proposed plan change site. The controls are critical to reducing the risk that noise sensitive activities does not give rise to reverse sensitivity effects by putting in place measures to minimise the effects of noise on residents. If a person proposes to carry out residential activity that does not comply with these standards it will completely undermine the objectives and policies that seek to protect existing activities. For that reason the consequence of a breach of proposed rule 20.7.1(ii)(fa), (fb) needs to be prohibited activity in order to provide adequate protection for Highlands and speedway from reverse sensitivity.	<p>Amend 20.7.3(i) as follows:</p> <p style="padding-left: 40px;">(i) <i>“Breach of Standards for Permitted or Controlled Activities</i></p> <p style="padding-left: 80px;"><i>Any Activity or building listed in Rules 20.7.1(ii)(a)-(f), (g)-(j)…”</i></p> <p>A new rule requested below that prohibits activities that do not comply with 20.7.1(ii)(fa) and (fb)</p>
Rule 20.7.3(ii)	Amendment required if Plan Change is accepted	As highlighted above Highlands consider the proposed residential development to be incompatible with the existing activities surrounding the plan change site. This renders the site inappropriate for residential development of the type proposed. This concern is more acute in relation to retirement living given the sensitivity of older people who are likely to be at home more than typical residents and therefore likely to be exposed to noise levels more frequently. They may also have a desire to rest during the day. If the Plan Change is to proceed significant amendment to the provisions is required in	<p><i>Add new rule 20.7.3(ii)(ca) and (cb):</i></p> <p><i>“(ca) Outdoor Living Space – Location</i> <i>Any outdoor amenity area shall be on the opposite side of the building from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway.”</i></p> <p><i>(cb) Noise Insulation</i> <i>Any building shall be constructed to comply with 40 dB D<sub>tr,2m,nT</sub> + C<sub>tr</sub></i></p> <p><i>The buildings will require a ventilation system that enables windows and doors to remain closed in order to achieve the sound insulation performance specified above. An acoustic design report shall be submitted by an appropriately qualified and experienced acoustic specialist confirming that the building design achieves the sound level difference prior to the issue of building consent.”</i></p>



		order to provide an adequate degree of protection for Highlands and Cromwell Speedway from reverse sensitivity effects.	<p>Amend 'reasons' for Rule 20.7.3(ii) by adding the following:  <i>"The standards applicable to buildings within the River Terraces Resource Area will help manage the effects of noise from the Highlands Motorsport Park and Cromwell Speedway. The design and acoustic insulation standards are required to minimise the potential for their to be adverse effects on the health and amenity of residents within the Zone. With respect to outdoor amenity the provisions seek to reduce noise effects to the extent possible but will not protect residents from noise disturbance."</i></p> <p>Failure to comply with these standards is a prohibited activity – refer proposed rule 20.7.6(ii)</p>
Rule 20.7.3(iii)	Amendment required if Plan Change is accepted	As above	<p>Changes above to Rule 20.7.3(ii) must also apply to 20.7.3(iii) as set out in Rule 20.7.3(iii)(a).</p> <p>Failure to comply with these standards is a prohibited activity – refer proposed rule 20.7.6(ii)</p>
Rule 20.7.3(iv)	Amendment required if Plan Change is accepted	Activities within the Neighbourhood Overlay include noise sensitive activities such as childhood and community facilities. These types of activities require protection from noise for the same reason as residential or retirement activities.	<p>Amend rule 20.7.3(iv) as follows:</p> <p><i>"Outdoor Living Space – Location  Any outdoor amenity area shall be on the opposite side of the dwelling from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway."</i></p> <p>Add new rule 20.7.3(iv)(h) and (i):  <i>"Noise Insulation  Any building shall be constructed to comply with 40 dB <math>D_{tr,2m,nT} + C_{tr}</math></i></p> <p><i>The buildings will require a ventilation system that enables windows and doors to remain closed in order to achieve the sound insulation performance specified above. An acoustic design report shall be submitted by an appropriately qualified and experienced acoustic specialist confirming that the building design achieves the sound level difference prior to the issue of building consent.</i></p> <p><i>"Outdoor amenity area – Location  Any outdoor amenity area shall be on the opposite side of the buildings from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway."</i></p>

			<p>Amend 'reasons' for Rule 20.7.3(iv) by adding the following:  <i>"The noise insulation and outdoor amenity area standards applicable to buildings within the Neighbourhood Centre Overlay will help manage the effects of noise from the Highlands Motorsport Park and Cromwell Speedway. They are required to minimise the potential for there to be adverse effects on the health and amenity of residents and people carrying out activities within the Overlay. With respect to outdoor amenity the provisions seek to reduce noise effects to the expect practical but will not protect residents from noise disturbance.</i></p> <p>Failure to comply with these standards is a prohibited activity – refer proposed rule 20.7.6(ii)</p>
Rule 20.7.3(v)	Amendment required if Plan Change is accepted	<p>As highlighted above Highlands consider the proposed residential development to be incompatible with the existing activities surrounding the plan change site. This renders the site inappropriate for residential development of the type proposed. This concern is more acute in relation to the education overlay given the sensitivity of children when they are being educated children will need a quiet environment in order to learn. High noise levels during the school day have the potential to disrupt class and are likely to provoke the ire of teachers and parents alike.</p> <p>If the Plan Change is to proceed significant amendment to the provisions is required in order to provide an adequate degree of protection for Highlands and Cromwell Speedway from reverse sensitivity effects.</p>	<p>Amend rule 20.7.3(v) as follows:</p> <p><i>Add new rule 20.7.3(v)(f) and (g):</i>  <i>"Noise Insulation</i>  <i>Any building shall be constructed to comply with 40 dB <math>D_{tr,2m,nT} + C_{tr}</math></i></p> <p><i>The buildings will require a ventilation system that enables windows and doors to remain closed in order to achieve the sound insulation performance specified above. An acoustic design report shall be submitted by an appropriately qualified and experienced acoustic specialist confirming that the building design achieves the sound level difference prior to the issue of building consent.</i></p> <p><i>" Outdoor amenity area – Location</i>  <i>Any outdoor amenity area shall be on the opposite side of the buildings from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway."</i></p> <p>Amend 'reasons' for Rule 20.7.3(v) by adding the following:  <i>"The standards applicable to buildings within the Education Overlay will help manage the effects of noise from the Highlands Motorsport Park and Cromwell Speedway. The design and acoustic insulation standards are required to minimise the potential for there to be adverse effects on the health of residents and people carrying out activities within the Overlay. With respect to outdoor amenity the provisions seek to reduce noise effects to the expect practical but will not protect residents from noise disturbance.</i></p> <p>Failure to comply with these standards is a prohibited activity – refer proposed rule 20.7.6(ii)</p>
Rule 20.7.3(ix)	Amendment required	As highlighted above Highlands consider the	Amend Rule 20.7.3(xi) as follows:

	if Plan Change is accepted	proposed residential development to be incompatible with the existing activities surrounding the plan change site. This renders the site inappropriate for the development of the type proposed. Visitor accommodation has the potential to create greater reverse sensitivity effects because guests may not be aware of the nature of the existing activities and therefore have higher expectations about levels of amenity. They are also unlikely to be aware of the effect of any no-complaints covenant. If the Plan Change is to proceed significant amendment to the provisions is required in order to provide an adequate degree of protection for Highlands and Cromwell Speedway from reverse sensitivity effects.	<p><i>Visitor Accommodation in Residential Sub-Areas A and B</i>  <i>Visitor accommodation in Residential Sub-Areas A and B is a restricted discretionary activity provided that any building meets the following standards:</i></p> <p><i>“Noise Insulation</i>  <i>Any building shall be constructed to comply with 40 dB <math>D_{tr,2m,nT} + C_{tr}</math></i></p> <p><i>The buildings will require a ventilation system that enables windows and doors to remain closed in order to achieve the sound insulation performance specified above. An acoustic design report shall be submitted by an appropriately qualified and experienced acoustic specialist confirming that the building design achieves the sound level difference prior to the issue of building consent</i></p> <p><i>Outdoor amenity area – Location</i>  <i>Any outdoor amenity area shall be on the opposite side of the buildings from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway.”</i></p> <p>Amend ‘reasons’ for Rule 20.7.3(xi) by adding the following:  <i>“The standards applicable to buildings within the River Terraces Resource Area will help manage the effects of noise from the Highlands Motorsport Park and Cromwell Speedway. The design and acoustic insulation standards are required to minimise the potential for their to be adverse effects on the health and amenity of residents and people carrying out activities within the Zone. With respect to outdoor amenity the provisions seek to reduce noise effects to the expect practical but will not protect residents from noise disturbance.</i></p> <p>Failure to comply with these standards is a prohibited activity – refer proposed rule 20.7.6(ii).</p>
Rule 20.7.7	Amendment required if Plan Change is accepted	The rules within Plan Change 13 obviously do not provide for all activities. Given that it is considered important to include an acoustic insulation standard for all buildings so that it is clear that this issue must be addressed for any activity, not only those specifically provided for in the zone.	<p>Add new standard to 20.7.7</p> <p><i>“Acoustic Insulation of buildings</i>  <i>Any building shall be constructed to comply with 40 dB <math>D_{tr,2m,nT} + C_{tr}</math></i></p> <p><i>The buildings will require a ventilation system that enables windows and doors to remain closed in order to achieve the sound insulation performance specified above. An acoustic design report shall be submitted by an appropriately qualified and experienced acoustic</i></p>



			<p><i>specialist confirming that the building design achieves the sound level difference prior to the issue of building consent</i></p> <p><i>Outdoor amenity area – Location</i>  <i>Any outdoor amenity area shall be on the opposite side of the buildings from Highlands Motorsport Park/Cromwell Speedway so that there is solid built form between the outdoor amenity area and the Highlands Motorsport Park/Cromwell Speedway.”</i></p> <p>Consequential amendment to Rule 20.7.4(i) to exclude the above standard and amendment to Rule 20.7.5 to include a breach of the above standard as a non-complying activity.</p>
Rule 20.7.7(viii)	Amendment required if Plan Change is accepted	<p>As highlighted above Highlands consider the proposed residential development to be incompatible with the existing activities surrounding the plan change site. This renders the site inappropriate for the development of the type proposed. If the Plan Change is to proceed a full suite of provisions is required to recognise and protect Highlands from reverse sensitivity including explicit acknowledgement of the fact that there are some effects that cannot be mitigated. A covenant is required to assist in managing reverse sensitivity, but does not avoid it. Significant improvement to Rule 20.7.7(viii) is required before it can be considered an appropriate method.</p> <p>The proposed rule essentially freezes Highlands in time and may prevent it from being able to evolve it's activities. The issue relates to noise effects, therefore complaints should be prohibited against all activities that occur at Highlands that comply with the noise conditions of the consent.</p>	<p>Rule 20.7.7 amended to address the following:</p> <ul style="list-style-type: none"> <li>a. Include all Cromwell Motorsport Park Trust Land by adding Lot 1 DP 307492</li> <li>b. Correctly refer to the resource consent (RM150225) that Highlands operates under and include any variations thereof.</li> <li>c. prohibit complaints with respect to any activities that comply with the noise standards in (RM150225</li> <li>d. Requires all complaints to be made to a River Terraces Residents Association in the first instance. Only if there is evidence of a breach of the conditions RM150225 can the residents association then make a complaint to Highlands through its existing complaints procedure.</li> <li>e. If any complaints are unfounded the covenant include a penalty regime</li> <li>f. Provision preventing any resident (directly or by proxy) from objecting to any Plan Change or new resource consent for activities that Highlands may seek, so long as existing noise conditions continue to be met.</li> </ul> <p>The form and terms of the Covenant must be produced and included as an Appendix to the Zone so as to avoid potential for disagreement about the terms when implementing the Plan Change.</p>

<p>Rule 20.7.6 – Prohibited Activities</p>	<p>Amendment required if Plan Change is accepted</p>	<p>Appropriate acoustic protection is critical to managing conflict between existing activities and the proposed River Terraces Zone. Therefore a breach of these standards would totally undermine the Objectives and Policies and must be prohibited.</p>	<p>Add new Prohibited Activity Rule as follows:</p> <p><i>“20.7.6(ii) – Any activity that does not comply with the noise insulation and outdoor amenity-location standards in Rule 20.7.1 and 20.7.3 is a prohibited activity.</i></p> <p><i>Reason:</i></p> <p><i>The establishment of the River Terraces Resource Area introduces a significant level of residential activity in close proximity to the Highlands Motorsport Park and Cromwell Speedway which both produce noise levels that will have adverse effects that cannot be readily mitigated. Therefore, standards are required to minimise these effects of noise to the extent possible. Given the importance of these standards to the establishment of residential activity within the Reverse Sensitivity Noise Overlay Area no flexibility regarding compliance with these standards is provided.”</i></p>
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