

FORM 5

SUBMISSION ON NOTIFIED PROPOSAL FOR PLAN CHANGE

Clause 6 of Schedule 1, Resource Management Act 1991



To Central Otago District Council

Name Public Health South

1. This is a submission on the following change proposed to the following plan (the proposal):

Proposed Plan Change 13 to the Central Otago District Plan

2. Public Health South could not gain an advantage in trade competition through this submission.

3. Background to submission

The Southern District Health Board (Southern DHB) presents this submission through its public health service, Public Health South. This Service is the principal source of expert advice within Southern DHB regarding matters concerning Public Health. Southern DHB has responsibility under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities. Additionally, there is a responsibility to promote the reduction of adverse social and environmental effects on the health of people and communities. With 4,250 staff, we are located in the lower South Island (South of the Waitaki River) and deliver health services to a population of 319,200.

Public health services are offered to populations rather than individuals and are considered a "public good". They fall into two broad categories – health protection and health promotion. They aim to create or advocate for healthy social, physical and cultural environments.

The broad reason for this submission is to provide objective and independent input to promote the reduction of adverse effects on the health of people and communities pursuant to the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.

Public Health South has statutory obligations for public health within this area under Crown funding agreements between the Ministry of Health and the Southern District Health Board. The Ministry of Health requires public health services to reduce any potential health risks by means including submissions on any Proposed Plan Changes to ensure matters of public health significance are considered by the local authority. Proposed Plan Change 13 (PC13) covers matters with potential health effects on people and communities.

Public health relates to ensuring that places and spaces where people live, learn, work and play, contribute to good health. Public health work focuses on the things that are outside individual control but affect the ability to live a full and healthy life. Public health action aims to create environments and conditions that prevent harm and support health and wellbeing in the first place. Within the land use planning context, public health outcomes can include factors such as good air quality, access to clean drinking water, residential housing quality, a quiet acoustic environment, and increased opportunities for safe physical activity. Ensuring the attainment of these outcomes can lead to a variety of public health benefits, including a reduced risk of chronic disease, cancers, and disability. While healthcare is important to those who already have disease or disability, working at a community and environmental level is also key, as it can reduce the prevalence of the factors that result in that disease or disability.

Public health takes an evidence-informed approach to building healthy communities and environments. These activities are delivered in partnership with a range of groups and organisations. Public health activities from within the health service are led by Public Health South, as part of the Southern District Health Board.

It is from this basis that Public Health South submits on PC13.

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

Plan Change 13 in its entirety.

5. Public Health South's submission is:

Public Health South was involved in the process for the Cromwell Motorsport Park. In particular, Public Health South was concerned to ensure that the noise generated by the operation of the Motorsport Park under that consent did not detrimentally impact the acoustic environment in the vicinity of the site. The outcomes secured by that process were appropriate for the predominantly rural environment within which the park is located, although the Court noted that the decision to approve resource consent of the Motorsport

Park was finely balanced.¹ The Map attached to this submission as **Appendix 1** depicts the noise levels of the Motorsport Park.

PC13 seeks to introduce noise sensitive and generally sensitive activities, including up to 900 residential units, into an environment that is affected by the Motorsport Park, and the Cromwell Speedway noise emissions. By their nature, the combination of activities that are provided for within the PC13 are sensitive. Public Health South consequently has concerns about the rezoning of the land to enable urban density residential development, and other noise sensitive land uses at the PC13 site.

Further, PC13 does not offer a full suite of objectives, policies and rules that recognise and provide for the management of this potentially significant reverse sensitivity impact. Public Health South considers that the proposal fails to provide for the sustainable management of the physical resource that comprises the subject site. On this basis, Public Health South considers that PC13 promotes an outcome that is contrary to the provision of Part 2 of the Resource Management Act, as the proposal does not:

- enable the people or community in the area to provide for their social, economic and cultural well-being, or for their health and safety (s5(2)). The noise associated with the operation of the existing Motorsport Park and Cromwell Speedway is significant, and exposure to it for a prolonged duration is likely to have significant reverse sensitivity effects.
- avoid, remedy or mitigate the reverse sensitivity effects of the proposed development (s5(2)(c)). PC13 does not provide a full suite of mechanisms that will enable the appropriate avoidance, remediation or mitigation of the significant reverse sensitivity effects that are present within this area.
- enable the maintenance and enhancement of amenity values (s7(c)). The ability of future residents of this area to enjoy their wider property will be significantly impacted by the site's proximity to the Motorsport Park and Speedway. PC13 proposes addressing the reverse sensitivity effects of the site's location via the inclusion of a restrictive no-complaints covenant. While this may avoid the potential for complaints, it does not suitably mitigate the actual and potential effects that result from the significant noise levels that may be generated by the Motorsport Park. As such, PC13 cannot be considered to maintain or enhance for amenity values.

In addition to the noise reverse sensitivity effects from motor sports, Public Health South has concerns about the following environmental effects resulting from PC13:

¹ Environment Court decision C131/2008, paragraph 110.

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- The potential for reverse sensitivity noise, and spray drift effects arising from a residential development establishing within a horticultural area.
 - The lack of connectivity of the site with the established urban environment of Cromwell.

The site is located adjacent to an established orchard. Potential effects arising from legitimate horticultural activities include noise from bird scaring devices, noise from orchard activities which do not occur during typical working hours or days, and potential for spray drift.

The s32 report discusses the mitigation proposed to manage the effects of spray drift, comparing the shelter planting and separation distances proposed on this western boundary with the recommendations of the New Zealand Standard 8409:2004 Management of Agrichemicals Guidelines, Part G6. In brief, the PC13 recommends a setback from activities sensitive to agrichemicals, including shelter, of 7m to mitigate the effects of a boom sprayer or air blast sprayer. However, the Guidelines referenced recommend a 10m setback where shelter is provided, and an air blast sprayer is used. The mitigation proposed is considered to be deficit.

The s32 report discusses the use of covenants to mitigate against noise from frost fighting devices and bird scaring devices. The comments relating to no complaints covenants discussed in relation to the motor sport noise equally apply to this noise source. No complaint covenants are suggested to manage this effect - the use of no complaints covenants is not avoiding, remedying or mitigating this potential reverse sensitivity effect.

Public Health South is concerned that the site is not well connected to the Cromwell community. The site is spatially separated from Cromwell by the motorsport facilities, rural land and industrial areas. The site is 3.7km from the edge of Cromwell township, and access to Cromwell is obtained via SH6 or via Pearson Road and the Bannockburn Road, which have speed limits of up to 100 km/hr. Walking and cycling to schools, shops and community facilities from the PC13 site is not provided for in the plan change. The location of PC13 does not promote transportation alternatives such as cycling and walking which have physical health benefits. Physical activity is associated with many positive outcomes for individuals, including reducing the risk of depression and chronic diseases like heart disease and diabetes.² In addition it also provides a number of community benefits such as increased productivity in local workplaces and improved perception of community safety

² *Physical activity and health conditions*. Ministry of Health: Wellington. 30 September 2016. <http://www.health.govt.nz/your-health/healthy-living/food-and-physical-activity/physical-activity/being-active-everyone-every-age/physical-activity-and-health-conditions> (accessed Apr 26, 2018)

as there are more people around in public places and increased livability in the local area.³ Currently only half of adults in New Zealand are physically active.⁴

Public Health South considers that the potential adverse effects of the proposal arising primarily from its location will result in adverse health and wellbeing effects on people eventually living at the plan change site. Public Health South therefore opposes the outcomes promoted by PC13 in its entirety and considers that PC13 should be rejected.

In summary Public Health South:

- a) Opposes PC13 as set out in this submission and in the specific relief sought in **Table 1** (attached as **Appendix 2**).
- b) The reasons for Public Health South's opposition are that PC13:
 - (i) Will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the RMA, and is otherwise contrary to Part 2 and other relevant provisions of the RMA; and
 - (ii) Does not represent sound resource management practice particularly with respect to managing reverse sensitivity effects.

6. Public Health South seek the following decision from the local authority:

The decision Public Health South seek from the Council is for the plan change to be rejected in its entirety. However, in the event that the plan change is not rejected in its entirety, **Table 1** attached sets out amendments to the proposed PC13 provisions that would assist in managing the reverse sensitivity effects that arise as a result of the PC13 location. Where amendment to the proposals is sought by stating new words to be inserted into the provisions, or seek amendment to the wording of specific parts, we assert that the scope of our Submissions is intended to also cover words to the like effect.

Public Health South seeks:

- a) That PC13 is rejected;
- b) In the event that PC13 is not rejected in its entirety, the relief sought in this submission, and in **Table 1** attached (or those with similar or like effect) be granted; or
- c) Such further or other relief as is considered appropriate or desirable to address and resolve the concerns expressed and relief sought in this submission be granted; and

³ Goodin, H. *Evidence Snapshot. Promoting Physical Activity at the Local Government Level*. Agencies for Nutrition Action, p 4, 2015. <http://www.healthyaucklandtogether.org.nz/assets/Uploads/ana-evidencesnapshot.pdf> (accessed Apr 26, 2018)

⁴ Ministry of Health. *Annual Data Explorer 2016/17. New Zealand Health Survey*. Ministry of Health: Wellington, 2017. <https://minhealthnz.shinyapps.io/nz-health-survey-2016-17-annual-data-explorer/ w 6c940484/ w 3eab79cd/#!/explore-topics> (accessed Apr 26, 2018)

- d) Any consequential amendments that may be necessary to give effect to a), b) and c) above be made; and
7. Public Health South wish to be heard in support of my submission.
8. If others make a similar submission, Public Health South will not consider presenting a joint case with them at a hearing.

Signature:



Tom Scott, Public Health South

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Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. 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 at 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.

APPENDIX 1

Noise Map for Highlands Motorsport

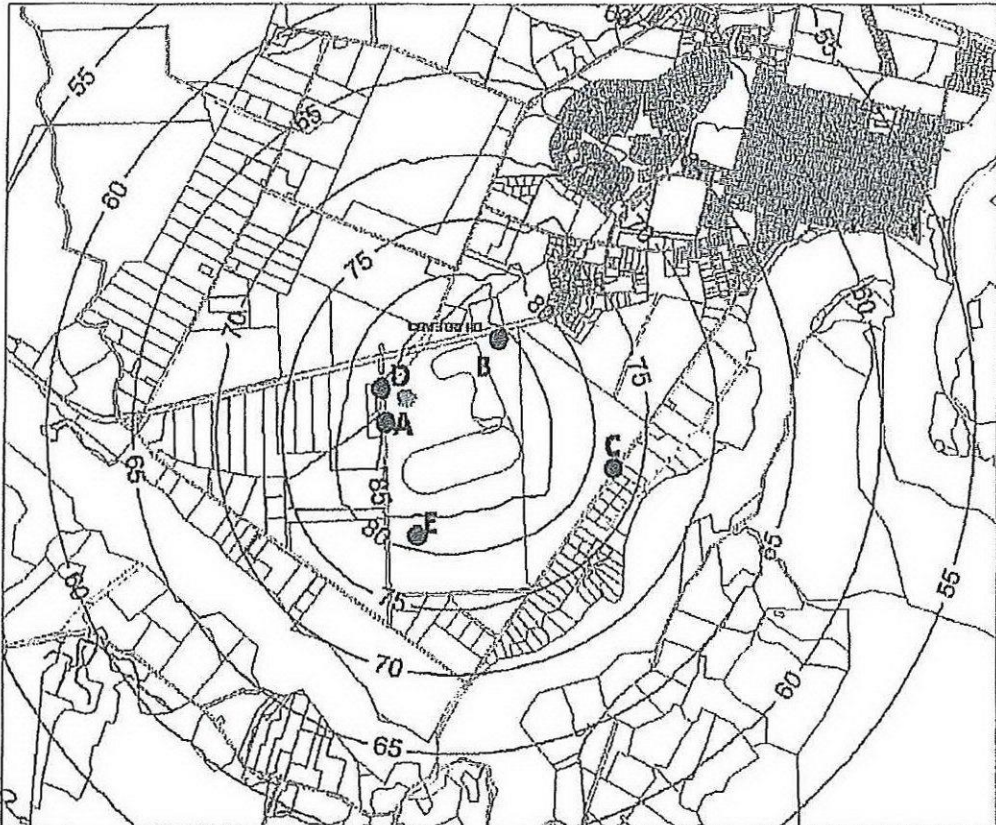


Figure 2: Predicted LAeq(5 MIN) worst-case sound pressure levels with proposed earth bunding in place from Brief of evidence of Malcolm James Hunt in ENV-2007-CHC-000337, I & E Armstrong & Ors. v Central Otago District Council, an appeal pursuant to section 120 of the Resource Management Act 1991

APPENDIX 2

Table 1

Provision	Position and Submission	Decision Requested
<p>20.2.4 Ensuring compatibility with surrounding activities</p> <p>New urban development should recognise existing environmental values and the existing effects of – and potential effects on – nearby activities. Methods should be adopted to ensure that activities are compatible.</p>	<p>Support</p> <p>The issue identifies that a considered response to the character of the receiving environment is key to achieving a high quality development in this location. Public Health South considers this an appropriate issue that has been identified, however notes that it has not been translated into a suitable planning methodology to manage these issues.</p>	<p>Should PC13 be confirmed, retain Issue 20.2.4.</p>
<p>20.3 – Objectives</p> <p>Where any of the objectives of the River Terrace Resource Area conflict with the objectives in the sections listed above, the objectives of the River Terrace Resource Area shall prevail.</p> <p>20.4 – Policies</p> <p>Where any of the policies of the River Terrace Resource Area conflict with the policies in the sections listed above, the policies of the River Terrace Resource Area shall prevail.</p>	<p>Oppose</p> <p>This approach is inconsistent with the approach taken in the remainder of the District Plan. The objectives and policies contained in Sections 3, 6, 12, 13, 14, 15, 16, and 17 of the District Plan provide a framework for the consistent management of resources across the entire district, and adopting a piecemeal approach such as that proposed will result in a dilution of those outcomes, and will be contrary to Part 2 of the Resource Management Act 1991.</p>	<p>Should PC13 be confirmed, deletion of the words as follows:</p> <p>20.3 – Objectives</p> <p>Where any of the objectives of the River Terrace Resource Area conflict with the objectives in the sections listed above, the objectives of the River Terrace Resource Area shall prevail.</p> <p>20.4 – Policies</p> <p>Where any of the policies of the River Terrace Resource Area conflict with the policies in the sections listed above, the policies of the River Terrace Resource Area shall prevail.</p>
<p>20.3.1 Objective – Efficient, co-ordinated, integrated greenfields development</p>	<p>Oppose</p> <p>PC13 does not provide for a “high quality” of residential amenity. The Objectives fail to recognise</p>	<p>Should PC13 be confirmed, amend the objectives as follows:</p>

Efficient greenfields development that is co-ordinated by way of a Structure Plan to achieve an integrated, connected, high quality residential neighbourhood.

20.3.3 Objective – Well-designed built environment

A well-designed built environment that provides for and positively responds to roads and open spaces, provides high quality amenity for residents, and contributes to public safety.

that the quality of the existing acoustic environment within the vicinity of the subject site is significantly degraded.

20.3.1 Objective – Efficient, co-ordinated, integrated greenfields development

Efficient greenfields development that is co-ordinated by way of a Structure Plan to achieve an integrated, and connected, high quality residential neighbourhood.

20.3.3 Objective – Well-designed built environment

A well-designed built environment that provides for and positively responds to roads and open spaces; ~~provides high quality amenity for residents;~~ and contributes to public safety.

20.3.10 Objective – Compatibility with surrounding activities

Development which is undertaken in a manner that is compatible with the surrounding land uses including State Highway 6, motorsport activities, orcharding.

Support

PC13 fails to take into account the motorsport activities that occur in very close proximity to the proposed zone. The Motorsport Park can generate noise levels of between 80 and 85dBA LAeq(5 min) on the site that is the subject of PC13, and yet the Plan Change does not include any specific requirements for acoustic insulation or treatment for dwellings on the site, nor do they account for noise from orcharding activities, nor the cumulative effects of all noise sources in this area. The rules proposed by PC13 therefore do not provide for the compatibility of residential activities on this site with the Motorsport Park in particular. Notwithstanding this, the compatibility of any activities on the site with the existing environment is an appropriate consideration, and as such the objective should be retained, should PC13 be confirmed.

Should PC13 be confirmed, retain Objective 20.3.10.

20.4.5 Policy – Form of development

Manage the height, bulk, location, form and appearance of buildings and site landscaping and fencing, to:

- (a) achieve a variety of residential densities and character.
- (b) provide usable and accessible outdoor living space and privacy and to have access to daylight and sunlight.
- (c) allow neighbouring properties to have a reasonable standard of sunlight access and privacy.

Support in part

This policy is directed towards ensuring suitable amenity outcomes on the site. The acoustic environment has a significant impact on amenity, however while the policy identifies general design requirements, it does not address the role of the site’s location in close proximity to the Motorsport Park and orcharding. It is critical that the policy framework for the Resource Area provides some guidance as to the impact of the existing noise environment on the form that development takes, aside from requiring the establishment of a no-complaints covenant.

Should PC13 be confirmed, amend Policy 20.4.5 as follows.

20.4.5 Policy – Form of development

Manage the height, bulk, location, form and appearance of buildings and site landscaping and fencing to:

...

- (d) require the provision of an indoor acoustic environment that is insulated from the noise effects of other activities in the area which provides for the wellbeing of the residents.

Policy – Compatibility with surrounding established land uses

Policy 20.4.11B: Ensure that sensitive activities (including residential and any childcare or other care activity) are adequately protected from spray drift from adjoining rural production activities.

Support in part

Rural production activities can have a number of effects that are not compatible with sensitive activities, such as residential activities. In respect of the subject site, other rural and horticultural activities that can result in reverse sensitivity effects include frost fans and gas guns.

Should PC13 be confirmed, amend policy 20.4.11B as follows:

Ensure that sensitive activities (including residential, educational, retirement village and any childcare or other care activity) are adequately protected from the anticipated effects that result spray drift from adjoining rural production activities.

Further, the term ‘sensitive activities’ should be defined in the District Plan to provide certainty as to when this policy shall apply.

Policy 20.4.11C: Ensure that potential reverse sensitivity effects on nearby activities, including State Highway 6, motorsport activities and orcharding are adequately managed.

Support in part

The Policy suggests the importance of carefully managing the potential reverse sensitivity effects on nearby activities, however PC13 does not propose any specific rules that give effect to this Policy as it

Should PC13 be confirmed, retain Policy 20.4.11C.

relates to the Motorsport Park and Speedway. PC13 instead relies on a mechanism that specifically prevents residents from complaining about the effects of these activities. The most common approach to the management of this issue is the use of covenants and District Plan rules that require appropriate acoustic insulation that provide a satisfactory indoor environment for residents. The PC13 approach is inadequate, and rules should be inserted into PC13 to provide this outcome.

<p>20.6 Principal Reasons for Adopting Objectives Policies and Methods</p>	<p>Support in part</p> <p>This section of PC13 fails to recognise that the acoustic environment will adversely impact on the quality of the resultant development that will occur within this zone. The diverse nature of noise within this environment requires careful consideration.</p>	<p>Should PC13 be confirmed, amend section 20.6 to reflect:</p> <ul style="list-style-type: none"> • the requirement to isolate noise sources from developments to achieve high quality urban outcomes • the need to protect residential and other sensitive land use activities from external noise sources
<p>Rule 20.7.1 (ii) (i) Set-back from Resource Area boundary</p> <p><i>The minimum setback of buildings from the Resource Area boundary shall be 5m.</i></p>	<p>Oppose</p> <p>It is unclear if this setback is sufficient to protect sensitive activities from the effects of rural production activities occurring in adjoining sites. Additional evidence is required to determine what an appropriate setback should be.</p>	<p>Should PC13 be confirmed, amend provisions as required and based on evidential information about appropriate setbacks from rural production activities, including spray drift.</p>
<p>Rule 20.7.3 Discretionary (Restricted) Activities</p> <p>(ii) Buildings for residential activities within the Retirement Living Overlay</p> <p>(d) Set-back from Resource Area boundary</p>	<p>Oppose</p> <p>It is unclear if this setback is sufficient to protect sensitive activities from the effects of rural production activities occurring in adjoining sites. Additional evidence is required to determine what an appropriate setback should be.</p>	<p>Should PC13 be confirmed, amend provisions as required and based on evidential information about appropriate setbacks from rural production activities, including spray drift.</p>

The minimum setback of buildings from the Resource Area boundary shall be 5m.

An appropriate matter of discretion should be included to address non-compliances with this standard.

20.7 Rules – River Terrace Resource Area, 20.7.7 General Standards

20.7 Rules – River Terrace Resource Area, 20.7.7 General Standards (vii)

and

Chapter 18 Definitions

Oppose

The proposed rules provisions in PC13 are less than adequate for the reasonable protection of the health and amenity of people in future dwellings, as no provision is made for adequate supply, flow and temperature of air in all seasons when doors and windows are closed to mitigate emission of traffic noise from the State Highway to attain the specified “internal noise levels.”

Provisions in noise rules for air supply, flow and temperature control are now considered standard where, doors and windows of dwellings (and other buildings used for noise-sensitive activities), must be closed to meet indoor acoustic design levels in habitable room. In Central Otago, provision needs to be made for winter and summer seasonal conditions.

The section 32 evaluation is deficient in that it does not adequately consider the complementary provisions for adequate noise insulation of dwellings from highway or cumulative effects with motorsport and potentially, orcharding noise sources.

The terminology “internal noise level.” is potentially confusing as it is not defined in the plan and is inconsistent with the terminology used in the acoustical standards referenced elsewhere in the District Plan.

It is noted that the criteria proposed in Rule 20.7.7(vii) is less stringent at 40 dB LAeq(24h) in

Should PC13 be confirmed, amend this provision as follows:

1. In Rule 20.7.7 (vii), replace the first paragraph with the following:

- A. Any new residential building, or buildings containing noise-sensitive activities, where the building is located within 80m of any State Highway 6 road boundary, shall be designed, constructed and maintained to achieve an external to internal noise reduction of not less than 40 dB $D_{tr,2m,nT,w} + C_{tr}$ to any habitable room; or, be designed and constructed to achieve an indoor design sound level of 35 dB LAeq(1h) inside bedrooms and 40 dB LAeq(1h) inside non-habitable rooms.
- B. For the purposes of Rule 20.7.7 (vii):
 - (1) External to internal noise reduction shall be based on ISO 717-1:2013 Acoustics – Rating of sound insulation in buildings and of building elements – Part 1: Airborne sound insulation.
 - (2) External noise shall take account of any increases in noise from projected traffic growth on the nearest part of State Highway 6, (or the nearest equivalent part), during a period of not less than 10 years from the commencement of construction of any dwelling.

bedrooms than that set in another part of the District Plan (i.e. SECTION 7: RESIDENTIAL RESOURCE AREA, 7.3.6 (xii) Acoustics: Residential Resource Area (13)) where the design level is 35 dB LAeq(24h) in bedrooms and 40 dB LAeq(24h) in other habitable rooms. Since the purpose of PC13 Rule 20.7.7 (vii) is, in terms of reverse sensitivity, the same as the existing Rule 7.3.6 (xii) in Residential Resource Area (13), the new rule should adopt the same acoustic values as indoor design levels.

However, that latter rule is of its time and no longer is appropriate given current best practice, but its acoustic values are useful as an alternative acoustic design level to the Weighted Standardised Level Difference metric now proposed. This is a preferred method of defining external to internal noise emission. It means the building envelope must reduce the outdoor sound level by 40 dB when tested in accordance with the prescribed test method. For Council and designers, rules based on ISO 717-1:2013 are preferred because they can be readily checked. The optional design criteria gives choice to designers.

Public Health South is neutral about the encumbrance mentioned in the second paragraph of Rule 20.7.7 (vii), and notes that the encumbrance requirement (for a consent notice) is used in conjunction with provisions requiring a specified degree of acoustic insulation of habitable rooms in future buildings used for noise-sensitive activities, from highway noise. This is in contrast with the other provisions of PC13.

In the sentence under the heading "*Reasons:*" the term '*sensitive activities*' is used. The term

- (3) Compliance with this Rule can be achieved by providing the Council with a design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed can meet the rule acoustic design levels or external to internal noise reduction.

2. Add a new rule (x) to proposed Rule 20.7.7 as follows:

- (x) The following applies to the ventilation requirements within Rules 20.7.7 sections (vii) to (ix) where it is necessary to have windows closed to achieve the acoustic design requirements or external to internal noise reduction:
 - (1) Habitable rooms must have a system(s) designed, constructed and maintained to achieve the following:
 - a. An outdoor air ventilation system. The ventilation rate must be able to be controlled by the occupant in increments as follows:
 - i. a low air flow setting that provides air at a rate of between 0.35 and 0.5 air changes per hour. The sound of the system on this setting must not exceed 30 dB LAeq(30s) when measured 1m away from any grille or diffuser;
 - ii. a high air flow setting that provides at least 5 air changes per hour. The sound of the

'sensitive activities' is undefined in the Operative Plan and would be better described as "noise-sensitive activities."

Amendments of the kind and to the like effect proposed herein may make the PC13 acceptable, to a degree, by this submitter.

system on this setting must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.

- b. The system must provide, either by outdoor air alone, combined outdoor air and heating / cooling system or by direct room heating / cooling:
 - i. cooling that is controllable by the occupant and can maintain the temperature within the habitable room at no greater than 25°C; and
 - ii. heating that is controllable by the occupant and can maintain the temperature within the habitable room at no less than 18°C; and
 - iii. the sound of the system when in heating or cooling mode must not exceed 35 dB LAeq(30s) when measured 1m away from any grille or diffuser.
- c. A relief air path must be provided to ensure the pressure difference between the habitable room and outside is never greater than 30Pa.
- d. If cooling is provided by a heat pump, then the requirements of sub-clauses a. ii. and c of this rule do not apply.

3. Add two new definitions to the proposed new Section 20: River Terrace Resource Area, or as a consequential alternative provision, add to the

definitions chapter of the Operative Plan Section
18 - DEFINITIONS;

(a) Noise-sensitive activities

(1) means any—

- (i) residential activity, including activity in visitor accommodation or retirement accommodation;
- (ii) educational activity;
- (iii) health care activity;
- (iv) congregation within any place of worship;
- (v) activity at a marae; but

(2) does not include an activity if it was not lawfully established

(b) External to internal noise reduction

Dtr, 2m, nT,w +Ctr

means the Weighted Standardised Level Difference of the external building envelope (including windows, walls, roof/ceilings and floors where appropriate) and is a measure of the reduction in sound level from outside to inside a building.

4. In the paragraph headed "*Reason:*", substitute "*noise-sensitive*" for "*sensitive*"

(It is noted that the new definitions shall only apply to the River Terrace Resource Area to avoid inconsequential changes to the remainder of the District Plan).

**20.7 Rules – River Terrace Resource Area,
20.7.7 General Standards (viii) Reverse
sensitivity- Motorsport activities**

Oppose

Public Health South is opposed to the inclusion in a Rule relating to a matter of civil contract namely, the non-complaint covenant requirement mentioned in Rule 20.7.7 (viii) (a) not complemented (as is normally the case), by rules requiring adequate insulation of buildings used for noise sensitive activities from external motorsport noise. This is inconsistent with the provisions of proposed rule (vii) (in its unamended form and in the form proposed by this submitter's amendment) where in both forms of rule, noise insulation of buildings used for noise sensitive activities is required.

The proposed rules provisions are 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. No provision is made for their adequate insulation from motorsport noise to afford a reasonable indoor acoustic environment necessary for healthy living.

The lack of noise insulation requirements to complement the no-complaint covenant justifies outright opposition to PC13, as it potentially allows for the establishment of a residential area of perhaps as many as 2,500 people as an immediate neighbour of two noisy motorsport venues with no means of noise mitigation to protect people and the community from this noise.

Additionally, there is a cumulative effects noise issue. While not likely to be coincident, combined effects on people and the community of

As an alternative relief to rejection of PC13 in its entirety, amend this provision as follows:

1. In Rule 20.7.7 (viii), add new paragraphs (d), (e) and (f) as follows;
 - (d) Any new residential building, or buildings containing noise-sensitive activities, shall be designed, constructed and maintained to achieve an external to internal noise reduction of not less than 40 dB Dtr,2m, nT,w + Ctr to any habitable room; or, be designed and constructed to achieve an indoor design sound level of 35 dB LAEq(1h) inside bedrooms and 40 dB LAEq(1h) inside non-habitable rooms.
 - (e) For the purposes of Rule 20.7.7 (viii):
 - i. external to internal noise reduction shall be based on ISO 717-1:2013 Acoustics – Rating of sound insulation in buildings and of building elements – Part 1: Airborne sound insulation.
 - ii. Compliance with this Rule can be achieved by providing the Council with a design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed can meet the rule acoustic design levels.
 - (f) The ventilation requirements of Rule 20.7.7 (x) shall apply where it is necessary to have windows closed to achieve the acoustic design requirements in this rule(viii).
2. In the paragraph headed "*Reason:*", add to the proposed paragraph:

motorsport and orcharding activity noise are likely to enhance adverse human perception of these sounds and exacerbate adverse health effects. This effect cannot be avoided, remedied or mitigated by a non-complaint covenant alone, but can be mitigated by complementary noise insulation provisions.

The section 32 analysis is deficient in that it does not adequately consider the complementary provisions for adequate noise insulation of dwellings from motorsport noise or cumulative effects with orcharding noise sources and potentially road traffic noise on State Highway 6 for properties within 80m of the Highway.

In the appeal that upheld the decision to approve Highland Motorsport Park, consideration of existing residential activities in the area was about houses hundreds of meters away and the residential area of the town more than a kilometre away. "Coming to a nuisance" is problematic and raises reverse sensitivity issues for facilities like the speedway and the motorsport park. This motorsport activity may now be considered as a physical resource of the district requiring protection from Plan Changes in their immediate locale that enable development of land for potentially noise sensitive activities.

Further, provision (c) allows development to occur without either covenant nor noise insulation. This could result in a situation where any residents of dwellings, or other buildings built for use by noise sensitive activities, would be adversely affected by motorsport noise and able to demand Council enforcement of s.16 of the Act. This could result in enforcement orders to cause cessation of the

"Residents coming to the area will find existing amenity values of the neighbourhood include motorsport noise from established activities. This includes routine use of the motorsport track as well as limited events such as races. Noise insulation requirements will afford residents reasonable protection of their health and indoor amenity from motorsport noise while they are indoors. This will to some extent offset the existing amenity values outdoors which include intrusive characteristics of noise and high sound levels from speedway events and use of the motorsport track for routine and event activities.

motor sports activities because of unreasonable noise.

In the alternative to rejecting PC13 in its entirety and recognising the decision maker may nevertheless determine to accept PC13, with amendments. For that contingency Public Health South seek amendment to PC13 to make it, to the extent possible, consistent with other provisions in the District Plan. Such amendments are essential for reasons set out in the above submission on Rule 20.7.7 General Standards (vii) and the new definitions sought.

Amendments of the kind and to the like effect proposed in the adjacent Colum may make PC13 acceptable, to a degree, by Public Health South.

20.7 Rules – River Terrace Resource Area, 20.7.7 General Standards, (ix) Reverse sensitivity - Orchardring activities

Oppose

The provision of Rule 4.7.6E (d) have been noted, and albeit PC13 proposes a separate River Terrace Resource Area which will be different to the Rural Resource Area (as a whole), there may be inconsistencies between Rule 4.7.6 E (d) and PC13 Rule 20.7.7 (ix) which merit further consideration.

Public Health South is opposed to the inclusion in a Rule in a District Plan relating to a matter of civil contract namely, the no-complaint covenant requirement mentioned in Rule 20.7.7 (ix) (a), where it is not complemented (as is normally the case), by rules requiring adequate insulation of buildings used for noise sensitive activities from external orcharding activity (including noisy bird scaring devices and frost mitigation wind machines). This is inconsistent with the provisions of proposed rule 20.7.7(vii) (in its notified form and

As an alternative relief to rejection of PC13, is to amend this provision as follows:

1. In Rule 20.7.7(ix), add a new paragraphs (d), (e) and (f) as follows;
 - (d) Any new residential building, or buildings containing noise-sensitive activities, shall be designed, constructed and maintained to achieve an external to internal noise reduction of not less than 40 dB Dtr,2m,nT,w + Ctr to any habitable room; or, be designed and constructed to achieve an indoor design sound level of 35 dB LAEq(1h) inside bedrooms and 40 dB LAEq(1h) inside non-habitable rooms.
 - (e) For the purposes of Rule 20.7.7 (ix);
 - i. external to internal noise reduction shall be based on ISO 717-1:2013 Acoustics -- Rating of sound insulation in buildings

in the form proposed by this submitter's amendment) where noise insulation of buildings used for noise sensitive activities is required.

The proposed rule provisions are inconsistent with s.5(1) and (2) of the Act as 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. No provision is made for their adequate insulation from orcharding noise activities to enable a reasonable indoor acoustic environment necessary for healthy living.

Additionally, there is a cumulative effects noise issue. While not likely to be coincident, combined effects on people and the community of motorsport and orcharding activity noise are likely to enhance adverse human perception of these sounds and exacerbate adverse health effects. This effect cannot be avoided, remedied or mitigated by a non-complaint covenant alone, but can be mitigated to some degree by complementary noise insulation provisions.

The lack of a noise insulation requirement to complement the non-complaint covenant justifies outright opposition to PC13 as it potentially allows for the establishment of a residential area of perhaps as many as 2,500 people as an immediate neighbour of established or potentially expanded orcharding activities with no means of noise mitigation to protect people and the community from unreasonable noise with distinctive and intrusive characteristics, including for wind machines, at night-time.

and of building elements – Part 1:
Airborne sound insulation.

- ii. Compliance with this Rule can be achieved by providing the Council with a design report (prior to construction) and a design certificate (prior to occupation) prepared by a suitably qualified acoustics specialist stating the design proposed can meet the rule acoustic design levels.
 - (f) The ventilation requirements of Rule 20.7.7 (x) shall apply where it is necessary to have windows closed to achieve the acoustic design requirements in this rule (ix).
2. In the paragraph headed "Reason:", add to the proposed paragraph,
- "Residents coming to the area will find existing amenity values of the neighbourhood include potentially intrusive noise from established orcharding activities. This includes intermittent and seasonal use of wind machines at night-time and percussive bird scaring devices plus potential night-time use of other equipment such as sprayers. Noise insulation requirements will afford residents reasonable protection of their health and indoor amenity from orcharding activity noises while they are indoors. This will to some extent offset the existing amenity values outdoors which include intrusive characteristics of potentially intrusive sounds of wind machines, bird scaring devices and other orcharding activities on adjoining or nearby land and potential cumulative effects of those activities with the high sound levels from speedway events*

The section 32 analysis is deficient in that it does not adequately consider the complementary provisions for adequate noise insulation of dwellings from these noises or their cumulative effect with motorsport noise sources, and potentially road traffic noise on State Highway 6 for properties within 80m of the Highway.

Further, provision (c) allows development to occur without either covenant nor noise insulation. This could result in a situation where any residents of dwellings, or other buildings built for use by noise sensitive activities, would be adversely affected by motorsport noise and able to demand Council enforcement of s.16 of the Act. This could result in enforcement orders to cause cessation of the motor sports activities because of unreasonable noise.

In the alternative to rejecting PC13 in its entirety, and recognising that the decision maker may nevertheless determine to accept PC13, with amendments, for that contingency Public Health South seek amendment of PC13 to the extent possible, consistent with other provisions in the operative District Plan. Such amendments are essential for reasons set out in the submission on Rule 20.7.7(vii) above. Amendments of the kind and to the effect proposed herein may make the Plan Change acceptable to a degree by Public Health South.

and use of the motorsport track for routine and event activities.