

APPENDIX 1

Post Hearing feedback on PC13 draft plan provisions (based on John Olliver 15.09.23 version)

NB: Green text and strike-out are tracked changes suggested by submitters.

Red text and strike-out are tracked changes in response by WRCI and HCC

BH= Bevan Houlbrooke for submitters JO= John Olliver for WRCI KO=Kylie O'Dwyer for HCC

Provision	BH Comment	BH Suggestion	JO Comment	KO Comment
Policy 4.2.16 c.	Amendment supported		Agreed	Agreed
Setback rule 4.8.2 viii.	No amendment proposed to setback distance for residential activities.	Refer to submitter evidence.	Submitters sought 60m setback which is not agreed	Submitters sought 60m setback which is not agreed
Development layout and transport upgrades 4.8.12 d. iii.	No amendment proposed to transportation and access arrangements. Michael Hall still of the opinion that Mainstreet Place is a better connection point.	Refer to submitter evidence.	Connection to Mainstreet Place sought by submitters is not agreed	Connection to Mainstreet Place sought by submitters is not agreed
Development layout and transport upgrades 4.8.12 f. i.	Please clarify what legal mechanism(s) will be utilised to secure the buffer in perpetuity. At the hearing, a consent notice or vesting as legal road were mentioned as options. Neither are satisfactory because:	<i>The indicative open space area shown on Figure 4.5-1 adjoining Industrial zoned land must be established <u>in its entirety</u>, and legally secured in perpetuity, inclusive of landscaping. <u>Legal mechanisms shall include ??</u>;</i>	Agreed in part as follows; <i>The indicative open space area shown on Figure 4.5-1 adjoining Industrial zoned land must be established <u>in its entirety</u>, and legally secured <u>as open space</u> in</i>	KO agrees with JO

	<ul style="list-style-type: none"> • A consent notice can easily be cancelled or varied through a simple Council application process. • A public road would have consequential effects on adjoining industrial land (e.g. setbacks and screening) <p>Adjoining industrial landowners require certainty that a robust ownership and maintenance regime will be established and that their permitted development rights are not impinged (as would be the case if it was vested as road).</p>		<p><i>perpetuity, inclusive of landscaping.</i></p> <p>Reference to the actual legal mechanisms is unnecessary and is better left for consenting stage.</p>	
<p>Development layout and transport upgrades 4.8.12 f. ii.</p>	<p>Fence/bund should be located within the racecourse land holding and not on the boundary to avoid disturbance to any existing boundary treatments and to ensure it does not impose requirements on the industrial landowners in respect to the Fencing Act 1978. Highest part of fence/bund needs to be within 2m of boundary to ensure its effective.</p> <p>Fence/bund should be required along the entirety of the industrial zone boundary, regardless of existing buildings. It is plausible that</p>	<p><u>ii. An acoustically effective noise barrier and/or bund shall be designed and constructed such that:</u></p> <ul style="list-style-type: none"> • <u>it is at least 4m in height above the highest ground level or building ground floor level (whichever is the highest) of any adjoining industrial zone site;</u> • <u>it is located entirely within the open space area, but with the highest part of the noise barrier/bund being no further than 2m horizontally from the boundary of any adjoining industrial zone site;</u> 	<p>Agreed in part as follows;</p> <p><i>A noise barrier and/or bund, at least 4m in height above the ground level of the adjoining Industrial zone <u>site boundary, or the ground level 5m within the adjoining Industrial zone site, whichever is highest, must be constructed on the Industrial zone boundary or entirely within the open space area. except no barrier is required where existing buildings in the Industrial zone have a nil</u></i></p>	<p>KO agrees with JO</p>

	<p>buildings are removed and sites are redeveloped in the foreseeable future.</p> <p>Fence/bund needs to consider overland flow paths (Iain Smith s42A addendum).</p> <p>Recommend wording covers 4m above the highest building ground-floor level or external ground level. The issue here is that floor levels of facilities can be higher than open ground levels. The fence/bund needs to be higher than the highest levels relative to the boundary to keep works shielded.</p> <p>Need to manage fence in location of the Vet's carpark to ensure industrial activities around this location are protected.</p> <p>BH additional comments 4/10/2023</p> <ul style="list-style-type: none"> • Generally supportive of change for fence/bund height to be measured relative to ground levels 5m within site boundary. Acoustic engineer however has advised some consideration of floor levels would be preferable – but that 	<ul style="list-style-type: none"> • <u>it is located along the entire length of the industrial/medium density residential zone boundary inclusive of locations where existing buildings have a nil setback from the boundary;</u> • <u>a gate can be established between the existing carpark identified on Figure 4.5-1 and Lot 13 DPS 6240 for the duration that this property is used for healthcare services, provided the gate is acoustically effective and remains closed when not in use;</u> • <u>it is in accordance with best practice and is certificated by a suitably qualified acoustic expert; and</u> • <u>it does not impede overland stormwater flow as indicatively shown on Figure 4.5-1 and ensures flood waters are not diverted or displaced onto any other site to any greater degree than would occur without that structure.</u> 	<p>setback from the boundary. The <u>noise barrier and/or bund must be designed and constructed in accordance with best practice and certified by a suitably qualified acoustic noise expert. The noise barrier and/or bund must be designed and constructed so that it does not impede overland flow as indicatively shown on Figure 4.5-1 and ensures flood waters are not diverted or displaced onto any other site to any greater degree than would occur without the barrier/bund.</u></p> <p>'Noise barrier' is a term already used in the ODP (Rule 1.2.2.16) whereas 'acoustically suitable solid fence' is not.</p> <p>The noise barrier is not the most important component of noise mitigation but supplements treatment of the residential buildings.</p> <p>Designing the barrier to take into account different ground levels at the boundary is practicable but taking into</p>	
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	<p>information is not currently known to any detail.</p> <ul style="list-style-type: none"> • Supportive of change to require fence/bund along entire industrial zone boundary (regardless of the presence of buildings on the boundary). • Not supportive of there being no control over the location of the fence/bund relative to the boundary. Acoustic engineer has advised that not having the fence in close proximity to the industrial zone boundary will notably reduce its effectiveness. Needs to be addressed by a rule or assessment criteria. • Not supportive of there being no measures to ensure the fence/bund will be effective in/around the vet car park area. 		<p>account building floor levels is too complex and uncertain given they could change.</p> <p>The acoustic performance of existing walls on the boundary is unknown so they should not be relied on for mitigation.</p> <p>The wording relating to impeding the overland flow is sourced from ODP rule 22.5.5 which applies to fences and walls in Flood Hazard Areas.</p>	
<p>Development layout and transport upgrades 4.8.12. f. iii.</p>	<p>This clause references Rule 1.2.2.24 (Information Requirements). Rule 1.2.2.24 however only applies to “subdivision applications”. It is plausible that a land use consent application is applied for in advance of a subdivision application, and</p>	<p>Amend Rule 1.2.2.24 so that it applies to subdivision and land use applications.</p>	<p>Agreed</p>	<p>Agreed</p>

	therefore these information requirements would not need to be submitted.			
Development layout and transport upgrades 4.8.12 g.	Requirement for a no complaints covenant has not been included. It was offered up at the hearing by the applicant and recommended in the s42A planning addendum. Wording as per Bevan Houlbrooke evidence provided.	<p><u>g. The applicant, as part of any resource consent application to establish noise-sensitive activities in the Noise Sensitive Area shown on the Te Rapa Racecourse Medium Density Residential Precinct Plan (Figure 4.5-1), is willing to voluntarily offer to enter into a no-complaints covenant in favour of the owner(s) of any Industrial zoned site adjoining the Noise Sensitive Area, and shall include the matters set out below:</u></p> <p><u>i) the covenant(s) shall be registered against the record of title(s) of the land upon which the proposal is situated; and</u></p> <p><u>ii) the covenant(s) shall be registered in favour of any owner(s) of an adjoining Industrial zoned site that agrees to be a Covenantee; and</u></p> <p><u>iii) the covenant(s) shall be to the effect that no owner or occupier or successor of land shall object to, complain about, bring or contribute to any proceedings (whether in contract, tort (including negligence), equity, nuisance, public nuisance, under any statute or otherwise, and whether</u></p>	Not agreed. See legal submissions.	Not agreed. S42A Addendum did not recommend a no complaints covenant.

		<u>seeking damages or injunctive or other relief or orders), or otherwise opposing, any adverse environmental effects, including noise, dust, traffic, vibration, glare or odour, resulting from any lawfully established industrial activities undertaken by the Covenantee, or its subcontractors and lessees.</u>		
Air discharge consents 9.3 i.	Amendment supported		Amendment sought to 9.3 i agreed	Amendment sought to 9.3 i not agreed. Excluding the PC13 site from this requirement creates an inconsistency in the application of the plan, as there is no reason to differentiate the PC13 site.
Noxious and Offensive activities 9.3 j. & k.	No amendments have made in relation to Noxious and Offensive Activities.	Refer to submitter evidence.	Amendments sought to 9.3 j and k are not agreed	Amendments sought to 9.3 j and k are not agreed
Subdivision Table 23.3e xvii.	Amendment supported.		Agreed	Agreed
Information requirement 1.2.2.24 a	Information requirements only apply to subdivision applications. Details of legal mechanisms to hold	a. <u>All subdivision resource consent applications that include subdivision of land to create propose any of the open spaces</u>	Agreed except for minor rewording to match	KO agrees with JO

	<p>open space in perpetuity should also be included.</p>	<p><i>shown on the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1) must include a landscape plan for that area of open space that includes;</i></p> <p><i>i. Landscape design for areas of public open space and stormwater management;</i></p> <p><i>ii. Details of landscape treatment to integrate the site with the Te Rapa Racecourse and to provide a visual buffer between the Precinct and adjoining Industrial-zoned land, including trees capable of growing to heights to achieve visual screening to the extent practicable;</i></p> <p><i>iii. Details of plant types and species, including use of indigenous plants wherever practicable;</i></p> <p><i>iv. Details of <u>an acoustically suitable solid fence and/or bund noise barrier and/or bund at least 4m high on the common boundary with Industrial-zoned land or within the open space area</u> as required by Rule 4.8.12 f. <u>ii.</u></i></p> <p><i>v. Identification of any areas for public access and areas that are</i></p>	<p>amended wording of 4.8.12 f ii as follows;</p> <p><i>a. All <u>subdivision resource consent</u> applications that <u>propose include subdivision of land</u> to create any of the open spaces shown on the Te Rapa Racecourse Medium-Density Residential Precinct Plan (Figure 4.5-1) must include a landscape plan for that area of open space that includes;...</i></p> <p><i>iv. Details of a <u>noise barrier and/or bund at least 4m high on the common boundary with Industrial-zoned land or within the open space area</u> as required by Rule 4.8.12 f <u>ii.</u>...</i></p> <p><i>vii. Details of implementation and ongoing maintenance plans and maintenance responsibilities for open space areas, <u>and legal mechanisms to secure them in perpetuity</u>; and...</i></p> <p>...</p>	
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<p>Assessment Criteria 1.3.3 P b. xii and xiii.</p>		<p><i>xii. provides an effective acoustic barrier within the landscaped open space buffer or on the industrial zone boundary that integrates with the landscape and urban design of the open space area and accommodates the overland flow paths.</i></p> <p><i><u>xiii. implements a no-complaints covenant in accordance with Rule 4.8.12 g.</u></i></p>	<p>xii is agreed with minor rewording to match 4.8.12f ii as follows;</p> <p><i>xii. provides an effective acoustic barrier <u>at least 4m high</u> within the landscaped open space buffer or on the industrial zone boundary that integrates with the landscape and urban design of the open space area and <u>accommodates does not impede the</u> overland flow</i></p>	<p>xii is agreed as per JO rewording.</p> <p>xiii is not agreed.</p>

			<p><u>path and ensures flood waters are not diverted or displaced onto any other site to any greater degree than would occur without the barrier/bund.</u></p> <p>xiii is not agreed. See legal submissions.</p>	
<p>Assessment Criteria 1.3.3 P c.</p>	<p>The provisions read as rules and not assessment criteria and would better sit within Chater 25.8. Some criteria are prescriptive, yet others not, e.g. terminology such as “reasonable”. What is reasonable, and to whom?</p> <p>In relation to c. ii, low frequency levels need to be explicit, or at least have a reference point. For the 35dBA in bedrooms, suggest a low frequency reference point in the order of 45dB Leq (15min) at 63Hz and 40dB Leq (15 min) at 125Hz is warranted. A tolerance of +3dB could be allowed for subjective “reasonable” assessment.</p> <p>In relation to c. iii, this needs to apply to i) and ii).</p>	<p>Change from being assessment criteria to rules. Amend ii) to be explicit and amend iii) to reference i and ii).</p>	<p>Not agreed. Provisions enable flexibility as there is no accepted internal low frequency noise level for bedrooms.</p>	<p>Not agreed. Provisions enable flexibility as there is no accepted internal low frequency noise level for bedrooms.</p>

4/10/2023

