

Submission form

PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN

Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to: The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18TH JULY 2017

Full Name Of Submitter:	Thermal Brewing Company Limited	Address For Service: [Agent if applicable]	c/- Lara Burkhardt Holland Beckett Lawyers Private Bag 12011 Tauranga
Full Postal Address:	See Address for Service		
Telephone No:	Email:	Telephone No: 07 578 2199	Email: lara.burkhardt@hobec.co.nz
Mobile Phone:		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

I could not gain an advantage in trade competition through this submission.

Signature of submitter

Date 18 July 2017

(NOTE: A signature is not required if you make an electronic submission on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and/or suggested changes you want the council to make in relation to the provision.</i>
<p>A11.1 Introduction</p> <p>A11.2 Key Environmental Issues</p> <p>Objective A11.3.1 and associated polices</p> <p>Objective A11.3.2 and associated policies</p> <p>A11.4 Environmental Outcomes</p> <p>A11.5 Rules</p> <p>A11.6 Performance Standards</p> <p>A11.7 Restricted Discretionary Activities</p> <p>A11.8 Discretionary Activities</p> <p>Definition of “noise sensitive activities”</p>	<p>Support with amendment</p>	<p>The submitter owns and operates the Pig & Whistle Historic Pub located on the northeast corner of the intersection of Haupapa and Tutanekai Streets in the Central City.</p> <p>The submitter generally supports the reasons and main changes for the plan change as they relate to the City Centre 1 zone in which it business operates. In particular, the submitter supports changes which seek to protect the legitimate operation of its business from the effects of reverse sensitivity.</p> <p>The submitter is however concerned to ensure that:</p> <ul style="list-style-type: none"> • The new minimum acoustic insulation requirements are in fact superior to those they replace; and • That having a fixed location for measuring compliance will not prevent a noise compliance officer taking a pragmatic and reasonable approach when responding to noise complaints and making assessments about excessive noise. <p>Subject to those qualifications, the submitter generally supports the:</p> <ul style="list-style-type: none"> • Inclusion of noise specific objectives and policies 	<p>Retain the plan change, subject to making further refinements which address the reasons for the submission and which better achieve the desired outcomes that:</p> <ul style="list-style-type: none"> • The amenity of the City Centre is consistent with that anticipated; and • That there are no reverse sensitivity effects within the City Centre zones. <p>Make the following specific amendments:</p> <ul style="list-style-type: none"> • A11.7 Restricted Discretionary Activities to include criteria relevant to when noise sensitive activities fail to meet the minimum acoustic insulation requirements and other requirements of A11.6.3.2. • In the absence of appropriate and acceptable changes to A11.7, provide a more onerous activity status than restricted discretionary for noise sensitive activities that fail to meet the minimum acoustic insulation requirements and other requirements of A11.6.3.2.

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
		<ul style="list-style-type: none"> • Inclusion of amended wording to clarify the location of noise measurement • Changes to the acoustic treatment requirements for noise sensitive activities, and providing a consolidated definition of that term <p>There are also some aspects of the proposed provisions which require further refinement as follows:</p> <ul style="list-style-type: none"> • For activities that fail to meet the minimum acoustic insulation and other requirements of A11.6.3.2 there does not appear to be any directly applicable restricted discretionary criteria against which to assess the appropriateness of the activity. • In the absence of such criteria, restricted discretionary status is not appropriate. • There is also an absence of clear, consistent and appropriate criteria for noise sensitive activities that are classed as discretionary activities under the City Centre 1 zone rules. 	<ul style="list-style-type: none"> • Either new Appendix 11 or the City Centre Zone chapter to provide clear, consistent and appropriate criteria for noise sensitive activities that are classed as discretionary activities under the City Centre 1 zone rules and/or to provide stronger policy direction that is focused on avoiding reverse sensitivity effects. <p>Similar and / or consequential amendments (including to definitions) that would satisfactorily address the matters raised in this submission.</p>