

Report to Statutory Management Committee

Date: 12 October 2015

Councillors

WANGANUI DISTRICT COUNCIL

Subject: **Section 42a Officers Report**
Proposed Plan Change 41 – Noise

Meeting Date: **29 October 2015**

Prepared for Chief Executive by: **Rachael Pull**

1.0 SUMMARY

- 1.1 Council is presently reviewing the District Plan in phases. This Plan Change is part of Phase 6 District Wide as it relates to every part of the District.
- 1.2 The purpose of Proposed Plan Change 41 (PC41) is to update the noise provisions for activities to take into account changes in social expectations, technology and preferred measuring standards and to combine the noise provisions into one chapter. Vibration provisions will also be amended to remove reference to the outdated New Zealand Standard 2631: 1985-1989.

RECOMMENDATIONS (Of the Statutory Management Committee)

That the Council:

1. receives the report.
2. adopts the Decisions Report including the evaluation required under section 32 of the Resource Management Act 1991.
3. accepts, accepts in part or rejects the submissions as set out in Section 7 of the Report for the reasons given.
4. adopts Proposed Plan Change 41 to the Wanganui District Plan.

Appendices:

1. **Copy of the Public Notice**
2. **Submissions Received**
3. **Proposed Chapter 17 - Noise**
4. **Section 32 Evaluation**
5. ***Review of District Plan Noise and Vibration Provisions*, by Malcolm Hunt Associates, 2014.**
6. **Expert comment of Noise and Vibration Issues raised by submitters. Malcolm Hunt Associates, 2015.**

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2.0 INTRODUCTION

- 2.1 This Plan Change is one of a series of changes proposed as part of Phase 6 of the wider District Plan review which also address district wide matters.
- 2.2 One of the significant effects for any activity is noise. Noise is defined as unwanted sound. Noise has the potential to adversely affect people's health and the amenity of an area.
- 2.3 The Resource Management Act 1991(RMA) requires every person to adopt the best practicable option to ensure that noise does not exceed a reasonable level. The creation of noise limits in the District Plan provides guidance to the public as to what a reasonable level of noise is for a permitted activity.

3.0 PROPOSED PLAN CHANGE

3.1 Purpose

The purpose of PC41 is to update the noise limits to provide for changes in how noise is measured, changes in technology for rural activities and changes in social expectations of reasonable noise. Through these changes the risk to people's health will reduce and the amenity of the environment could be enhanced.

3.2 Background Research

Noise is the single biggest environmental effect monitored and enforced under the District Plan with over 2000 complaints in 2014. Therefore a report assessing the current provisions of the District Plan was prepared by Malcolm Hunt Associates (see Appendix 5), which identified how the provisions could be revised to be more in line with current community expectations, monitoring practice and enforcement. From this report the proposed provisions were developed.

Based on feedback regarding making the District Plan as user friendly as possible, the provisions are proposed to be removed from the individual zones and Appendix D and combined into Chapter 17.

4.0 PROCEDURAL MATTERS

4.1 Consultation Summary

Consultation with a range of stake holders, in accordance with the requirements of Schedule 1, was undertaken as part of formulating the proposed Plan change.

Consultation undertaken:

- 3 September 2014 a background document and survey on the current Phase 6 provisions were posted online. This link was promoted at the Home and Living Show, in newspapers and newsletters, and in email to identified stakeholders.

- 27 March 2015 A draft version on the noise provisions were put online for comment. This was advertised via email and letter to the identified stakeholders and at the Rivertraders Market on 28 March 2015. Comments closed on 14 April 2015. Comment was received from several parties and incorporated where sufficient evidence was provided.
- A letter and email was sent to stakeholders affected by PC41 advising that Council would be notifying PC41 on 30 May 2015.
- Notification of all parties required by clause 5, 1st Schedule RMA following Council's decision to notify.

4.2 Key Statistics

PC41 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on 30 May 2015, with the period for submissions closing on Tuesday 30 June 2015. A copy of the public notice is included as Appendix 1.

A total of 29 submissions, were received at the close of submissions. Copies of submissions received are included in Appendix 2.

All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on Friday 31 July 2015. Five further submissions were received.

5.0 STATUTORY AND LEGISLATIVE FRAMEWORK

5.1 Resource Management Act 1991

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
 - b. *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - i. *the avoidance or mitigation of natural hazards*

2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

5(2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In accordance with Section 5 of the RMA, PC41 has been developed with a focus on providing for the community’s health and safety whilst avoiding or mitigating any adverse effects of activities on the environment, including people and property.

Section 7 matters to which particular regard shall be had in assessing this Plan change are:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

PC41 identifies that by restricting noise the amenity of the environment is enhanced.

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the RMA.

The RMA also specifically identifies specific requirements in regards to noise under section 16:

Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

5.2 National Policy Statements and Environmental Standards

The National Environment Standards for Telecommunication Facilities 2008 sets limits for noise emission levels. Rule 17.5.5 states that all telecommunication cabinets must comply with clause 9 of this standard.

5.3 Regional Policy Statement and Regional Plan (the One Plan)

Sections 75 (3) and (4) of the RMA require that a district plan must give effect to any regional policy statement and must not be inconsistent with any regional plan.

With regard to the One Plan, there are no provisions which are of particular relevance to noise and which fall under Wanganui District Council's jurisdiction. Therefore, for the purposes of this evaluation, it is considered that the proposed District Plan provisions relating to noise have given regard to the Regional documents.

6.0 Section 32 Evaluation

- 6.1 The RMA requires that when a Council undertakes a plan change that it produce a report evaluating the costs and benefits of primary options considered. This is known as a Section 32 evaluation. (Refer to Appendix 4)
- 6.2 A re-evaluation has been completed as required by s32A of the RMA to assess amendments that were proposed as a result of submissions.

7.0 SUBMISSION ANALYSIS

The following are the assessment of submissions and further submissions with recommendations by the Planning Officer.

7.1 Submitter Name: New Zealand Fire Service Commission

Submission No: 1.1pc41

Summary:

Support the proposed plan change. The Wanganui Fire Station is in the Outer Commercial Zone. The proposed noise limits for the zone are higher than the guidelines in NZS 6808:2008. The Fire Station is capable of meeting the standards in NZS6806:2008, and will therefore comply with the new noise standards.

Decision Sought:

Retain without modification Rule 14.5.9 as it reads.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.1pc41

Supports submission 1 as it meets the New Zealand Standard.

Officer Comments:

The support of the New Zealand Fire Service Commission and the MidCentral Public Health Services is noted and appreciated.

Officer Recommendations:

That submission 1 from the New Zealand Fire Service Commission and further submission 5 from the MidCentral Public Health Services be **accepted**.

No amendments are recommended as a result of this submission.

7.2 Submitter Name: Stacey Kristina Pram

Submission No: 2.1pc41

Address: 81b Western Line

Summary:

Opposed to the specific performance standards for gas guns as the country is a peaceful and quiet environment.

Decision Sought:

Retain existing provisions in the District Plan in relation to gas guns.

Submitter Name: Kevin and Mary-Anne Redington

Submission No: 3.1pc41

Address: 334 State Highway 3 North

Summary:

Opposed to the specific performance standards for gas guns.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Gerard, Marlene, Gerardus and Antoine Bonnet

Submission No: 4.1pc41

Address: 83 Western Line

Summary:

Opposed to the proposed rules in relation to bird scaring devices because the proposed limits are unreasonable and would cause excessive noise nuisance. The noise will cause constant irritation to the neighbours, affecting the peace, lifestyle and reason for living in the country. Additionally this will also devalue neighbouring properties. It will permanently affect the animals on adjoining properties. Research proved that Propane cannons become ineffective after a short while.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Donna Jackson

Submission No: 5.1pc41

Address: 352c State Highway 3 North

Summary:

Opposed to permitting gas guns. The activity will affect the peace and quiet of Westmere and the proposed noise invasion would adversely affect my wellbeing and property values.

Decision Sought:

No gas guns as a permitted activity in the Westmere area.

Submitter Name: Chris Robson

Submission No: 6.1pc41

Address: 352 State Highway 3 North

Summary:

Opposed to permitting gas guns. Westmere is a well populated area and this activity could affect property values. Native bird species could also be affected. The peace and quiet will definitely diminish.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Abigail Calman

Submission No: 7.1pc41

Address: 352b State Highway 3 North

Summary:

Opposed to permitting gas guns. Gas guns will destroy our peaceful and quiet environment. It could affect children's sleep patterns. Native bird species could also be affected. The value of our property would greatly decrease. I want to enjoy sitting outside in the summer in the peace and enjoy our surrounding.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Rodney Calman

Submission No: 8.1pc41

Address: 352b State Highway 3 North

Summary:

Opposed to permitting gas guns. Westmere is densely populated area and a gas gun going off every 10 minutes would severely irritate the peaceful nature of this area. Native bird species could also be affected.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Connor Jackson

Submission No: 9.1pc41

Address: 352c State Highway 3 North

Summary:

Opposed to permitting gas guns. I work at night and rely on the peaceful nature of this area to recuperate. This activity will upset myself and other shift workers in the area as well as spoil peaceful afternoons outside and devalue our properties.

Decision Sought:

No gas guns as a permitted activity at any time.

Submitter Name: Matthew Morgan

Submission No: 10.1pc41

Address: 352c State Highway 3 North

Summary:

Opposed to permitting gas guns for the purpose of bird scaring. I am a shift worker who moved to this area so I can have peace and quiet for sleeping during the day. This activity would completely ruin my sleep, my lifestyle and would devalue my property (which contains my life savings). This is a well populated area.

Decision Sought:

No gas guns as a permitted activity in the Westmere area.

Submitter Name: Heather and Ian Brown

Submission No: 11.1pc41

Address: 352a State Highway 3 North

Summary:

Opposed to permitting gas guns for the purpose of bird scaring. The sound of the gas guns is loud and intrusive and scares more than just birds (visitors, children and the people who live here). We support Windermere Gardens in the area. As they are proposing to have most of the plants in plastic tunnel houses there is no need to have rules for a gas gun.

Decision Sought:

No gas guns as a permitted activity in the Westmere area.

Submitter Name: Ilma Smith

Submission No: 12.1pc41

Address: 334 State Highway 3 North

Summary:

Opposed to gas guns going off every 10 minutes. The gas guns shatter the peace and quiet when I'm inside and outside working in my large garden. It also disturbs native birds.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Graeme Kirk

Submission No: 13.1pc41

Address: 54 State Highway 3 North

Summary:

Opposed to the specific performance standards for gas guns. The area is well populated and this activity may affect property values. We are also shift workers and rely on the peace and quiet for the area for rest and wellbeing. The constant noise is not what we want to hear when sitting outside enjoying the summer evenings. When they were used last year, they were shut down due to complaints lodged with Council.

Decision Sought:

No gas guns as a permitted activity.

Submitter Name: Deborah Hickford

Submission No: 14.1pc41

Address: 390a State Highway 3 North

Summary:

Opposed to permitting gas guns in the Rural Zone. We value the peace and quiet of this area, which is why we live here.

Decision Sought:

Rejection of the Plan change in relation to gas guns.

Submitter Name: Keith Hindson, Gloria Rigg, Anthony and Ada Cameron

Submission No: 15.1pc41

Address: 45 and 46 Watt Livingstone Road

Summary:

Opposed to permitting gas guns and avian distress devices for the following reasons.

- Westmere contains approximately 250 residents.
- When used correctly, gas guns and avian distress alarms can be effective when a part of an Integrated Pest Management Plan. Currently the Plan Change allows a cheap and nasty approach.
- The effect of the proposed rule would sound like living in the middle of the WW1 Somme battlefield. This will not protect the health of the community.
- There has been no formal request received by Council to change the current provisions.
- Supportive of the initiative to insulate new dwellings, but the retrofit of existing rural dwellings would be expensive.
- Against Policies 17.3.2-4.

Decision Sought:

- One or more of the following options:
- Buy the residential properties in Westmere and return them to farmland.
- Retain Status Quo for gas guns and bird scaring devices (prohibited).
- Exclude gas guns and avian distress alarms within 600m of high density residential properties.
- Require best practice which is an Integrated Pest Management Plan for Council approval and monitoring before gas guns and other bird scaring devices are approved.

Submitter Name: Tony Boswell

Submission No: 16.1pc41

Address: 313 State Highway 3 North

Summary:

Support the allowance for bird scaring devices to assist farming activities. Not allowing bird scaring devices puts Wanganui rural businesses at a competitive disadvantage to other regions where they are common place and acknowledged as current best practice.

Decision Sought:

Allow bird scaring devices at levels commensurate with all other regions for all rural activities.

Submitter Name: Horticulture NZ

Further Submission No: 1.1pc41

Opposed to submissions 3-15 and supportive of submission 16 as the provisions for gas guns proposed are more stringent than other Councils and meeting the standards should enable use as a permitted activity in a rural production area.

Submitter Name: Federated Farmers

Further Submission No: 3.1pc41

Supportive of submission 16.1 in relation to bird scaring devices. Federated Farmers agrees with the comments made by the submitter, particularly to ensuring that the Wanganui District Plan aligns with other Council's Plans and making sure that rural businesses are not at a competitive disadvantage to other regions.

Officer Comments:

1. The submissions from the residents of Westmere and further submissions from Horticulture NZ and Federated Farmers are noted and appreciated.
2. The Manawatu-Whanganui Growth Study Opportunities Report (2015) identifies that rural production is an economic opportunity for the region. Council wishes to maximise the potential of our Class I and II land by clarifying what are acceptable ancillary activities in the rural zones. Therefore specific provisions (and restrictions) on particular rural ancillary activities have been developed as part of this Plan change.
3. After considering all the submissions, Council requested expert advice from Malcolm Hunt, a noise consultant. This report is attached as

Appendix 6. A summary of his recommendations in relation to issues raised in the submissions are supported and set out below:

- Because **bird scaring devices** have been unregulated until now, Westmere residents (and their animals) are particularly sensitive to the effects. He recommends that the performance standards for bird scarers are adopted as this will improve their amenity and health, but with the single event noise limit changed from L_{AE} 75dB to L_{AE} 65dB (which has been adopted by some other districts) as a result of the concerns raised by the submitters.
- Mr Hunt confirms that the proposed limits for **avian bird scaring devices** are still considered to be the best method of control and the evidence does not support a stronger requirement.
- The suggestion for the compulsory **integrated pest management plan** is one aspect of best practice, but is not necessary as a performance standard for a permitted activity.
- The suggestion that gas guns and avian distress alarms should be a **minimum of 600m** from highly dense residential properties is not necessary as these tools will now be controlled through the performance standards. The zones in the “Rural Environment” chapter of the District Plan are designed primarily for ‘rural activities’ to occur, which since the Industrial Revolution have included loud and heavy machinery such as tractors, harvesters and engines for milking and shearing equipment. The permitted baseline provides for mobile rural machinery to be excluded from noise provisions because of their temporary duration. The gas guns and avian distress alarms are an expected temporary sound within a Rural Environment and the levels proposed by the District Plan will ensure that the noise will not become unreasonable.

Officer Recommendations:

That submissions 2-16 from various residents of Westmere and further submissions 1 and 3 from Horticulture NZ and Federated Farmers be **accepted in part**.

The following amendments are recommended as a result of these submissions:

Chapter 17 - Noise

17.5.7b. The operation of **gas guns** for the purpose of bird scaring shall be permitted provided that:

- iv. Sound emitted from the device shall not exceed L_{AE} ~~75~~ 65 dB measured within the notional boundary of any rural dwelling or at any point within a residential zone. Sound levels shall be

measured in accordance with NZS6801:2008 *Acoustics – Measurement of Sound*.

7.3 Submitter Name: MidCentral Public Health Services

Submission No: 17.1pc41

Summary:

Supportive of Issues 17.1.1 and 17.1.2 as the inclusion of these issues are reasonable and necessary. Submissions are intended to be helpful, objective and independent as to promote the reduction of adverse environmental noise on the health of communities.

Decision Sought:

Retain provisions 17.1.1 (human health) and 17.1.2 (noise compatible with character).

Submitter Name: MidCentral Public Health Services

Submission No: 17.2pc41

Summary:

Supportive of the policies listed in Chapter 17, with minor amendments where stated in order to be accurate and clear for Plan users. Submissions are intended be helpful, objective and independent as to promote the reduction of adverse environmental noise on the health of communities.

Decision Sought:

1. Policy 17.3.1 (new activities adjoining transport networks) is retained.
2. Policy 17.3.2 (manage noise emissions to protect health) is retained.
3. Policy 17.3.3 (noise levels reflect locality) is retained, but amended for clarity.
4. Policy 17.3.3(b) is retained, but amended to consider noise mitigation measures other than just insulation.
5. Policy 17.3.4 (retain rural amenity without unduly restricting rural activities) is retained.
6. Policy 17.3.5 (measurement of noise) is retained, but amended the titles of the New Zealand Standards.

Submitter Name: Horticulture NZ

Further Submission No: 1.2pc41

Supportive of submission 17.2 as not unduly restricting rural activities is supported.

Officer Comments:

The support of the MidCentral Public Health Services and Horticulture NZ noted and appreciated.

The minor amendments proposed to policies 17.3.3 and 17.3.5 are reasonable and will help promote clarity for Plan users. It is recommended that they are accepted.

The policies of chapter 17 are also discussed in submission 25.3 (KiwiRail Holdings Limited) and 29.1 (Federated Farmers).

Officer Recommendations:

That submission 17 from MidCentral Public Health Services and further submission 1 from Horticulture NZ be **accepted**.

The following amendments are recommended as a result of these submissions:

17.3.3 Ensure that noise occurs at within limits that maintain and reflect the amenity values and character of the locality by:

- a. Limiting the sources, type, duration, timing or location of the noise;
- b. New noise sensitive activities are acoustically isolated to mitigate any adverse noise effects from existing noise generating activities. Noise sensitive activities are sound insulated to mitigate any adverse noise effects; from existing noise generating activities.
- c. Requiring adoption of the 'best practicable option' and regular maintenance of noise generating equipment or activities; and
- d. Requiring the use of landscaping to mitigate the perception of noise.

17.3.5 To ensure that there is a uniform approach to the measurement of noise effects and assessment of their adverse effects, all sound emissions shall be measured and assessed in accordance with:

- ...
b. New Zealand Standard 6802:2008 Acoustics - Assessment of Environmental Noise.
- ...
e. New Zealand Standard 6806:2010 Acoustics -Traffic Noise from New or Altered Roads
- ...
h. New Zealand Standard 6809:1999 Acoustics -Port Noise Management and Land Use Planning
- ...

7.4 Submitter Name: MidCentral Public Health Services

Submission No: 17.3pc41

Summary:

Support the assessment methods for mining explosives (Rule 17.5.4), but requests minor changes to the terminology.

Decision Sought:

1. '128 unweighted BZ' is replaced with '128 dB'.
2. 'blast noise (air blast)' is replaced with 'blast vibration'.

Officer Comments:

1. The support of MidCentral Public Health Services is noted and appreciated.
2. After considering the submission, Council requested expert advice from Malcolm Hunt, a noise consultant. This report is attached as Appendix 6. A summary of his recommendations in relation to issues raised in the submission are supported and set out below:
 - '128dB' is the correct term and should replace '128 unweighted BZ' in rule 15.5.4(a).
 - The term 'blast vibration' instead of 'blast noise (air blast)' is suitable for rule 15.5.4(e) as it is more technically appropriate as vibration from blasting will mostly have travelled through the ground. This means it is incorrect to refer to blast noise (air blast) as the source of the vibration being controlled. The amendment recommended by this submitter fixes this error and should be accepted.

Officer Recommendations:

That submission 17 from MidCentral Public Health Services be **accepted**.

The following amendments are recommended as a result of this submission.

Chapter 17 - Noise

17.5.4 Mining Explosives.

- a. The measurement of blast noise (air blast) from explosives related to mining, quarry, mineral processing or construction activity shall be carried out in accordance with AS 2187. Part 2: ~~1993~~ 2006 Explosives Storage and Use Part 2: Use of Explosives.
- b. Blast noise (air blast) from explosives related to mining, mineral processing or construction activity shall not exceed a peak sound pressure level of 128dB ~~unweighted BZ~~.

...

- e. The limit of particle velocity (peak particle velocity) from ~~blast noise (air blast)~~ blast vibration measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design.

**7.5 Submitter Name: MidCentral Public Health Services
Submission No: 17.4pc41**

Summary:

Support Rule 17.5.5 as provision is consistent with the National Environmental Standard for Telecommunication Facilities.

Decision Sought:

Retain Rule 17.5.5.

Officer Comments:

The support of the MidCentral Public Health Services is noted and appreciated.

Officer Recommendations:

That submission 17.4 from MidCentral Public Health Services be **accepted**.

No amendments are recommended as a result of this submission.

**7.6 Submitter Name: MidCentral Public Health Services
Submission No: 17.5pc41**

Summary:

Supportive of the gist of the provisions of Rules 17.5.7-10 (Noise controls for zones), but requests amendments to the provisions in order to comply with case law and provide clarity for Plan users

Decision Sought:

1. Rule 17.5.7(a) (Rural zone limits) is retained, but with minor amendments to the terminology.
2. Rule 17.5.7(b-c) (bird scaring devices) is retained.
3. Rule 17.5.8 (Residential zone limits) is retained, but with minor amendments to the terminology.
4. Rule 17.5.9 (Commercial zone limits) is retained, but with minor amendments to the terminology.

5. Rule 17.5.10 (Manufacturing zone limits) is retained, but with minor amendments to the terminology.

Submitter Name: Horticulture NZ

Further Submission No: 1.3pc41

Supportive of submission 17.5 as the provisions for gas guns proposed are more stringent than other Councils and meeting the standards should enable use as a permitted activity in a rural production area.

Officer Comments:

1. The support of the MidCentral Public Health Services and Horticulture NZ is noted and appreciated.
2. After considering all the submissions, Council requested expert advice from Malcolm Hunt, a noise consultant. This report is attached as Appendix 6. A summary of his recommendations in relation to issues raised in the submissions are supported and set out below:
 - Mr Hunt agrees that the proposed **Wording Changes** will provide for consistent terminology and should be adopted.
 - Mr Hunt agrees that the proposed change in terminology from **L_{max}** to **LAF_{max}** should be adopted to be consistent with the terminology used in the assessment and measurement standards cited.
 - Because **bird scaring devices** have been unregulated until now, Westmere residents are particularly sensitive to the effects. He recommends that the performance standards for bird scarers are adopted as this will improve their amenity and health, but with the single event noise limit changed from LAE 75 dB to LAE 65 dB (which has been adopted by some other districts) as a result of the concerns raised by the submitters.
 - Mr Hunt confirms that the proposed limits for **avian bird scaring devices** are still considered to be the best method of control and the evidence does not support a stronger requirement.

Officer Recommendations:

That submission 17.5 from MidCentral Public Health Services and further submission 1.3 from Horticulture NZ be **accepted be part**.

The following changes are recommended as a result of this submission:

Chapter 2 – Definitions

LAF_{max}: means the maximum noise level, measured in decibels, which is permitted at any time.

Chapter 17 - Noise

17.5.7 RURAL ENVIRONMENT.

All activities within the Rural Production, Rural Lifestyle or Rural General zones shall comply with the following:

- a. Noise emissions shall not exceed the following limits ~~when measured from~~ at any point within the notional boundary, unless provided for elsewhere in this section.

AVERAGE MAXIMUM NOISE LEVEL NOISE LIMIT dB LAeq(15min)			LAFmax dBA
Daytime 76.00am- 7.00pm	Evening 7.00pm-10.00pm	Night time 10.00pm-7.00am	Night time 10.00pm – 76.00am
50	45	40	75

17.5.8 RESIDENTIAL ENVIRONMENT.

All activities within the Residential, Coastal Residential or Rural Settlement zones shall comply with the following:

- a. Sound emissions from any activity shall not exceed the following limits at any point within ~~when measured on, or within~~, the boundary of any other site zoned for residential, coastal residential or rural settlement purposes.

AVERAGE MAXIMUM NOISE LEVEL NOISE LIMIT dB LAeq(15min)			LAFmax dBA
Daytime 7.00am-7.00pm	Evening 7.00pm-10.00pm	Night time 10.00pm-7.00am	Night time 10.00pm – 7.00am
55	45	40	75

17.5.9 COMMERCIAL ENVIRONMENT.

All activities within the Arts and Commerce, Riverfront, Central Commercial, Neighbourhood Commercial or Outer Commercial zones shall comply with the following:

- a. Sound emissions from any activity shall not exceed the following limits:

	<u>AVERAGE MAXIMUM NOISE LEVEL</u> <u>NOISE LIMIT</u> dB LAeq(15min)			<u>LAFmax</u> dBA
	Daytime 7.00am-7.00pm	Evening 7.00pm- 10.00pm	Night time 10.00pm- 7.00am	Night time 10.00pm – 7.00am
<u>At a Residential</u> <u>Zone Boundary</u>	55	45	40	75
<u>Other</u> <u>Boundaries</u> <u>Zones</u>	65			85

17.5.10 INDUSTRIAL ENVIRONMENT.

All activities within the Manufacturing zone shall comply with the following:

- a. Sound emissions from any activity shall not exceed the following limits when measured at the following boundaries at any point within the zones specified:

	<u>AVERAGE MAXIMUM NOISE LEVEL</u> <u>NOISE LIMIT</u> dB LAeq(15min)			<u>LAFmax</u> dBA
	Daytime 7.00am-7.00pm	Evening 7.00pm- 10.00pm	Night time 10.00pm- 7.00am	Night time 10.00pm – 7.00am
<u>At a Residential</u> <u>Zone Boundary</u>	55	45	40	75
<u>Other</u> <u>Boundaries</u> <u>Zones</u>	65			75

While not specifically provided for in the submissions, the following noise tables are also proposed to be altered in order to provide a consistent approach across the District Plan, which is a consequential amendment as a result of the recommendation and therefore a part of the submission.

Tables to be altered to refer to 'noise limit', 'LAFmax' and 'Zone' limits:

Rule 17.5.11(a), (b) and (d) - Airport Enterprise Zone

Rule 17.5.12(a), (b.i) and (b.ii.) - Reserves and Open Spaces

7.7 Submitter Name: MidCentral Public Health Services

Submission No: 17.6pc41

Summary:

Supportive of proposed definitions as they complement plan provisions.

Decision Sought:

Retain definitions specified in Plan Change.

Submitter Name: Wanganui District Council

Submission No: 18.1pc41

Summary:

Support the definitions of activities sensitive to noise, however requests a combined definition is created for ease of use.

Decision Sought:

The definitions for 'Activities sensitive to aircraft noise (ASAN)' and 'Noise sensitive activities' are combined and the terminology used throughout the Plan.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.2pc41

Supports submission 18 regarding the consolidation of terms. This is common sense.

Officer Comments:

The support of the MidCentral Public Health Services is noted and appreciated.

The different definitions for activities sensitive to noise were developed as a result of individual Plan changes over a period of time. The submission to combine these definitions is reasonable and will reduce confusion and complexity within the Plan.

Officer Recommendations:

That the submissions from MidCentral Public Health Services and Wanganui District Council be **accepted**.

The following amendments are recommended as a result of these submissions.

Chapter 2 - Definitions

~~**Activities Sensitive to Aircraft Noise (ASAN)** – means any residential activity, visitor accommodation, retirement villages, day care facility, buildings used for overnight patient medical care or educational facility (including all associated outdoor spaces for such activities).~~

Noise Sensitive Activities: means buildings or parts of buildings used for, or able to be used for the following purposes:

- Residential activity; or
- ~~Educational activity; or Community activity; or~~
- ~~Healthcare activity; or~~
- Marae activity.

7.8 Submitter Name: Ruth Botten
Submission No: 19.1pc41
Address: 18a Purnell Street

Summary:

Oppose any increase in noise limits for the Racecourse. Current noise levels are too loud.

Decision Sought:

A lowering of the noise limits or retention of the existing noise limits at the Racecourse.

Submitter Name: Donald Ross
Submission No: 20.1pc41
Address: 18a Purnell Street

Summary:

Oppose any increase in noise limits for the Racecourse. Current noise levels are too loud.

Decision Sought:

Retention of existing noise conditions.

Submitter Name: Richard Overton
Submission No: 21.1pc41
Address: 20 Purnell Street

Summary:

Opposed to current noise provisions. Want stronger noise limits or better enforcement of the regulations relating to noise emanating from private or commercial premises which have an effect on the neighbourhood.

Decision Sought:

To enforce and/or change the noise regulations.

Submitter Name: Diana Fowler
Submission No: 22.1pc41
Address: 6 Hutchison Crescent

Summary:

Oppose any increase in noise limits for the Racecourse. Current noise levels are too loud.

Decision Sought:

Retention of existing noise conditions.

Submitter Name: Graeme Filer
Submission No: 23.1pc41
Address: 54 Field Street

Summary:

Oppose any increase in noise limits for the Racecourse. Current noise levels are too loud.

Decision Sought:

Retention of existing noise conditions.

Officer Comments:

1. The submissions in opposition from Ms Botten, Mr Ross, Mr Overton, Ms Fowler and Mr Filer are noted and appreciated.
2. There are several changes in noise levels proposed for the racecourse (which is zoned Reserves and Open Spaces), but this should result in an overall improved noise impact on surrounding activities and more accurate monitoring and enforcement.
3. The way the noise is measured will be changed from the L10 method to the LAeq(15min) method. This means the noise will be measured in a more precise way over a longer period. The day and night time levels have remained the same.
4. A new provision for one-off noise (such as a starting bang) is now also provided for by the use of a Lmax measurement. Previously these could not be controlled adequately, but by providing a limit for these types of sounds, we can better manage noise effects on the surrounding environment.
5. In the past 5 years there were 58 complaints regarding excessive noise at the racecourse. The majority of these were deemed by Council to be an unreasonable level of noise. The issue seems to be the users of the facility breaching the existing noise limits more than the noise limits being too high. Education of the users of the racecourse and enforcement action where necessary are likely to yield a better noise environment than lowering the existing noise levels.

Officer Recommendations:

That submissions 19-23 from Ms Botten, Mr Ross, Mr Overton, Ms Fowler and Mr Filer be **rejected**.

No amendments are recommended as a result of this submission.

7.9 Submitter Name: New Zealand Transport Agency

Submission No: 24.1pc41

Summary:

Supportive of the intention to protect noise sensitive activities from the transport network. The Transport Agency recommends a provision that specifies the internal noise level instead of how the building performs as it relates more closely to the effect that is anticipated to be avoided and it ensures each building is appropriately designed in relation to its distance from the State Highway network.

Decision Sought:

Amend Rule 17.5.3 to restrict noise sensitive activities within 20 metres of the state highway and to require noise sensitive activities within 80 metres of the state highway to have an internal noise level of 40 dB $L_{Aeq(24hr)}$ or habitable spaces and no greater than the maximum limits in AS/NZS 2107:2000.

**Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna
(Architectural Designers New Zealand Inc)**

Further Submission No: 4.1pc41

Opposed to submission 24 in relation to mitigating state highway noise on adjoining sites. The RMA requires that noise should be mitigated by the operator of the activity. While it is unreasonable to expect no noise from the state highway network that should not mean that adjoining owners should be faced with the entire responsibility for mitigation. The District Plan rules should strike a balance between network operators and their neighbours to mitigate noise from the network activities.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.3pc41

Supports submission 24 regarding the reverse sensitivity of noise provisions. The submitter has supplied a better provisions than Rule 17.5.3(b) as it is effects based rather than prescriptive and supports inclusion of 'PPF' definition.

Officer Comments:

1. The submissions from the New Zealand Transport Agency, the MidCentral Public Health Services and the Architectural Designers New Zealand Inc are noted and appreciated.
2. The New Zealand Transport Agency request that noise sensitive activities are restricted within 20 metres of the state highway is unnecessary as it was already adopted for Plan change 36 and applies in the Rural Production and Rural General zones. It is currently under appeal by the New Zealand Transport Agency. There are only a

handful of properties along Riverbank Road that are not covered by this rule (as they are zoned Rural Lifestyle) and they are already fully developed. It is a structural setback and therefore belongs in the structure rules for each zone as opposed to the noise chapter.

It is not considered to be within the scope of Plan change 41.

3. After considering all the submissions, Council requested expert advice from Malcolm Hunt, a noise consultant. This report is attached as Appendix 6. A summary of his recommendations in relation to issues raised in the submissions are supported and set out below:
 - The definition for '**Protected Premises and Facilities**' (PPF) is not required as there is an adequate definition proposed for 'Noise Sensitive Activities'. A double up of definitions stating the same thing is unnecessary and can cause confusion within the Plan.
 - The definition for '**habitable room**' is reasonable to alter as the alteration will then match the building code which will make compliance easier for developers.
 - The New Zealand Transport Agency and MidCentral Public Health Services agree that traffic on the state highway network can cause adverse noise effects on neighbouring **noise sensitive activities**. Mr Hunt's report attached shows that this effect does exist and should be managed by the ISO standards. A difference of opinion occurs with the approach. The approach proposed by the Plan change is preferred over the approach requested by the New Zealand Transport Agency and MidCentral Public Health Services for the following reasons:
 - i. By using a standard based on building elements, the design noise levels do not have to be estimated by each and every user of the rule.
 - ii. The proposed rule is more workable for Plan users. It takes away the uncertainty and risk for designers and Plan users.
 - iii. State highways 3 and 4 contain low levels of traffic with low growth projections for the coming decade. A standard of noise insulation that is used for highways with high levels of traffic is too onerous in terms of the costs/benefits for development in Wanganui. State highway 4's predicted traffic is sufficiently low that no restriction on state highway setback is necessary and additional noise insulation should not be necessary.
 - iv. This method still requires the New Zealand Transport Agency to use best practice to mitigate the noise effect of the state highway. The method proposed by the New Zealand Transport

Agency would place the burden of noise mitigation solely on the adjoining land owners.

- v. The New Zealand Transport Agency method has the potential to be subjective through determining which 24 hour period to measure (i.e a weekend), the assumptions of future growth and the exclusion of non-traffic sounds.
- vi. The difference in costs between the different methods of noise insulation are hard to compare, therefore the tables below focus on the additional costs of noise insulation above the building code.

New Zealand Transport Agency compliance costs¹

Type of dwelling	Cost of project	Cost of Noise Insulation compliance	% of total cost of project on noise insulation
New single story house 20m from SH	\$235,000	\$21,900 + Noise reports	9% + noise reports
New single story house 60m from SH	\$235,000	\$11,900 + Noise reports	5% + noise reports
New single story house 90m from SH	\$235,000	\$7,900 + Noise reports	3% + noise reports

Proposed Plan change 41 (DnTw+Ctr >30dB) compliance costs²

Type of dwelling	Cost of project	Cost of Noise Insulation compliance	% of total cost of project on noise insulation
1 Bedroom Mid-floor apartment	\$84,000	\$1,500	1.8%
2 Bedroom Penthouse apartment	\$144,900	\$8,100	5.6%
Villa Retrofit 1 Bedroom Extension with Ensuite	\$63,300	\$7,700	12.2%

¹ NZ Transport Agency Building Treatment Costing Study December 2013

² Rider Hunt Elemental Estimated Cost Report for Port-Noise Acoustic Design Requirements July 2006

Both these methods have higher noise insulation costs, the larger the project. However, while the Transport Agency's method reduces insulation costs the further from the state highway network, it increases infrastructure costs and reduces available productive land as longer accessways will be required to achieve a cost effective setback. The Plan change 41 method has set costs that can be shopped around for and puts the ultimate decision of location and compliance method in the hands of the owner.

This additional cost is excessive and unnecessary to mitigate effects on a new building for an effect that does not cause an issue in Wanganui (8 complaints for the region over the past year), is unreasonable. The projected growth in traffic for Wanganui over the lifetime of the District Plan is 2% per annum³. The potential increase in traffic does not warrant this level of futureproofing.

- vii. The ability to monitor and determine effectiveness of the Plan is achievable with the provisions proposed in Plan change 41.
- 4. However, whilst the detailed approach of the submitters is not supported, it is accepted that the provisions which specify reserve sensitivity should be altered to be more specific.
- 5. Generally a new house meets a noise insulation standard of $DnTw+Ctr < 28dB$. Bringing a new house up to a standard of $DnTw+Ctr > 30dB$ will be only a minor additional cost to the owner of the site. 30dB is the level set by the WHO Night Noise Guidelines For Europe (2009) and noise at this level or below appears to have no substantial biological effects. Therefore setting the minimum level at 30dB for noise insulation means that we are providing for the health of the community.

Some new houses of solid construction with double glazing can achieve $DnTw+Ctr > 35dB$, which is a higher level of insulation against noise effects.

Officer Recommendations:

That the submissions New Zealand Transport Agency, the Architectural Designers New Zealand Inc and MidCentral Public Health Services are **accepted in part**.

The following amendments are recommended as a result of these submissions.

³ Malcolm Hunt Associates Reverse Sensitivity Noise Advice August 2015

Chapter 2 – Definitions

Habitable room means any room in a dwelling that is used or that can be used as a sitting room, a living room, a bedroom, a dining room or a family room.

means a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

Chapter 17 - Noise

17.5.3 Noise Sensitive Activities (including dwellings).

New, altered or relocated buildings for a noise sensitive activity on any site within any rural, commercial or manufacturing industrial zones (excluding the Airport Enterprise Zone) or within 30 metres of a railway designation or within 50 metres of any portion of the state highway 3 designation where a posted speed limit exceeding 70km/hr applies, shall comply with the following:

- a. Any habitable room space within a new or altered building shall be designed to achieve an insulation rating of no less than:

$$\cancel{D_{nT,w} + C_{tr} > 30 \text{ dB}} \quad D_{2m,nT,w} + C_r > 30 \text{ dB}$$

for the external building envelope of each habitable room when tested and verified in accordance with the following standards:

- i. AS/NZS1276.1:1999 Acoustics – Rating of sound insulation in buildings and of building elements Part 1: Airborne sound insulation.

AS/NZS ISO717.1:2004 Acoustics – Rating of sound insulation in buildings and of building elements – Airborne sound insulation.

- ii. ISO 140-5:1998 Acoustics – Measurement of Sound Insulation in Buildings and of Building Elements Part 5: Field Measurements of Airborne Sound Insulation of Façade Elements and Facades.

ISO 16283-1:2014 Acoustics – Field measurement of sound insulation in buildings and of building elements – Part 1: Airborne sound insulation.

- b. Compliance with this performance standard shall be achieved when the design and construction of each habitable room:
 - i. accords with the exact construction specification and schedule as set out in 17.6.

Note: A new dwelling constructed to the Building Code will comply with this performance standard.

or

- ii. an acoustic design certificate is provided to Council by a suitably qualified and experienced acoustic engineer (suitable to Council) which confirms that when built to the recommended design and specification will achieve the minimum acoustic insulation standard of $D_{nT,w} + C_{tr} > 30 \text{ dB}$ $D_{2m,nT,w} + C_r > 30 \text{ dB}$ for the external building envelope of each habitable room.

or

- iii. providing an acoustic design certificate prepared by an acoustic engineer acceptable to Council stating the outdoor noise level at the most affected exterior of the building containing the habitable room will be unlikely to exceed:

55dB $L_{Aeq(1hr)}$ for rail traffic noise

57 dB $L_{Aeq(24hr)}$ for road traffic noise

or

- iv. If a landscaping or physical noise insulation solution is developed, an acoustic design certificate is provided to Council by a suitably qualified and experienced acoustic engineer (suitable to Council) which confirms that when built to the recommended design and specification will achieve the minimum acoustic insulation standard of $D_{2m,nT,w} + C_r > 30 \text{ dB}$ for the external building envelope of each habitable room.

- c. If the above standard cannot be met with open-able doors and windows then:

i. mechanical air ventilation shall be required in accordance with provisions of the New Zealand Building Code G4- Ventilation.

ii. At the same time as meeting this requirement, the sound of the system must not exceed 30 dB $L_{Aeq(30secs)}$ when measured 1m away from any grille or diffuser.

iii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB $L_{Aeq(30secs)}$ when measured 1m away from any grille or diffuser.

7.10 Submitter Name: New Zealand Transport Agency

Submission No: 24.2pc41

Summary:

Support definitions for 'noise sensitive activities' and 'reverse sensitivity'.

Decision Sought:

Retain definitions for 'noise sensitive activities' and 'reverse sensitivity'.

Submitter Name: Horticulture NZ

Further Submission No: 1.4pc41

Supportive of submission 24.2 as the definition is clear and will assist the Plan.

**Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna
(Architectural Designers New Zealand Inc)**

Further Submission No: 4.2pc41

Opposed to submission 24. The RMA requires that noise should be mitigated by the operator of the activity. While it is unreasonable to expect no noise from the state highway network that should not mean that adjoining owners should be faced with the entire responsibility for mitigation. The District Plan rules should strike a balance between network operators and their neighbours to mitigate noise from the network activities.

Officer Comments:

- a. The support of the New Zealand Transport Agency and Horticulture NZ is noted and appreciated.
- b. The further submission from Architectural Designers New Zealand Inc goes beyond the scope of the submission by the New Zealand Transport Agency and should be rejected.
- c. The definition for 'reverse sensitivity' is proposed to be retained.
- d. The definition for 'noise sensitive activities' is proposed to be altered and combined with the definition for 'activities sensitive to aircraft noise (ASAN)'. The different definitions for activities sensitive to noise were developed as a result of individual Plan changes over a period of time. Submission 18 seeks to combine these definitions and this is reasonable and will reduce confusion and complexity within the Plan.

Officer Recommendations:

That submission 24.2 from the New Zealand Transport Agency and further submission 1.4 from Horticulture NZ be **accepted in part** and that further submission 4.2 from Architectural Designers New Zealand Inc be **rejected**.

The following amendments are recommended as a result of these submissions.

Chapter 2 - Definitions

Noise Sensitive Activities: means buildings or parts of buildings used for, or able to be used for the following purposes:

- Residential activity; or
- ~~Educational activity; or Community activity; or~~
- ~~Healthcare activity; or~~
- Marae activity.

7.11 **Submitter Name: KiwiRail Holdings Limited (KiwiRail)**

Submission No: 25.1pc41

Summary:

Support the proposed definition of noise, however recommends that vibration is added to the definition to be consistent with the RMA.

Decision Sought:

Retention of the definition for noise, with the inclusion of vibration.

Submitter Name: NZ Transport Agency

Further Submission No: 2.1pc41

Supportive of submission 25.1 adding vibration to the noise definition as both can be produced by motor vehicles and can result in reserve sensitivity effects.

**Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna
(Architectural Designers New Zealand Inc)**

Further Submission No: 4.3pc41

Opposed to submission 25.1. The RMA requires that noise should be mitigated by the operator of the activity. While it is unreasonable to expect no noise from the state highway network that should not mean that adjoining owners should be faced with the entire responsibility for mitigation. The District Plan rules should strike a balance between network operators and their neighbours to mitigate noise from the network activities.

Officer Comments:

The support of KiwiRail Holdings Limited and the New Zealand Transport Agency is noted and appreciated.

The further submission from Architectural Designers New Zealand Inc goes beyond the scope of the submission by the New Zealand Transport Agency and should be rejected.

The inclusion of vibration into the definition of noise is reasonable and will provide clarity to Plan users.

Officer Recommendations:

That submission 25.1 from KiwiRail Holdings Limited and the further submission 2.1 from the New Zealand Transport Agency be **accepted** and that further submission 4.3 from Architectural Designers New Zealand Inc be **rejected**.

The following amendments are recommended as a result of these submissions:

Chapter 2 - Definitions

Noise means unwanted sound or vibration affecting people. For the purposes of this Plan, the following sounds and vibrations are exempt from this definition provided that best practicable options are implemented to minimise noise...

7.12 Submitter Name: KiwiRail Holdings Limited (KiwiRail)

Submission No: 25.2pc41

Summary:

Supportive of moving the provisions for reverse sensitivity adjacent to the rail corridor from the Residential Zone to the Noise Chapter, however there is concern that the mitigation might be overlooked.

Decision Sought:

Retain as notified.

**Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna
(Architectural Designers New Zealand Inc)**

Further Submission No: 4.4pc41

Opposed to submission 25.2. The RMA requires that noise should be mitigated by the operator of the activity. While it is unreasonable to expect no noise from the railway network that should not mean that adjoining owners should be faced with the entire responsibility for mitigation. The District Plan

rules should strike a balance between network operators and their neighbours to mitigate noise from the network activities.

Officer Comments:

The support of KiwiRail Holdings Limited and the opposition of Architectural Designers New Zealand Inc is noted and appreciated.

The further submission from Architectural Designers New Zealand Inc goes beyond the scope of the submission by KiwiRail Holdings Limited and should be rejected.

The provisions being moved to the noise chapter are unlikely to be overlooked given the number of activities that they will apply to, beyond the railway line setback. As the railway line is defined on the District Plan maps, this should also provide encouragement to Plan users to check the provisions.

The alternative is to have all the provisions in all the zone chapters, which makes the Plan bulky and less user friendly.

Officer Recommendations:

That submission 25.2 from KiwiRail Holdings Limited be **accepted** and further submission 4.4 from Architectural Designers New Zealand Inc are **rejected**.

No amendments are recommended as a result of this submission.

7.13 Submitter Name: KiwiRail Holdings Limited (KiwiRail)

Submission No: 25.3pc41

Summary:

Supportive of Policy 17.3.1 (new activities adjoining transport networks) and Policy 17.3.3(b) (insulation of noise sensitive activities).

Decision Sought:

Retain as notified Policies 17.3.1 and 17.3.3(b).

Submitter Name: NZ Transport Agency

Further Submission No: 2.2pc41

Opposed to submission 25.3 in relation to the insulation controls. The Transport Agency is seeking the same outcome as KiwiRail but consider it is best achieved by specifying internal noise levels as it ensures an adequate design.

**Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna
(Architectural Designers New Zealand Inc)**

Further Submission No: 4.5pc41

Opposed to submission 25.3. The RMA requires that noise should be mitigated by the operator of the activity. While it is unreasonable to expect no noise from the railway network that should not mean that adjoining owners should be faced with the entire responsibility for mitigation. The District Plan rules should strike a balance between network operators and their neighbours to mitigate noise from the network activities.

Officer Comments:

The support of KiwiRail Holdings Limited and the opposition of the New Zealand Transport Agency and Architectural Designers New Zealand Inc is noted and appreciated.

The submission relates to policies 17.3.1 and 17.3.3(b). The policies are needed to provide guidance on how to assess activities against the proposed rules. They could relate to either the proposed standards in PC41 or the standards suggested in submission 24. Therefore alteration or removal of these policies are not required.

The further submission from the New Zealand Transport Agency and Architectural Designers New Zealand Inc goes beyond the scope of the submission by KiwiRail and should be rejected.

Officer Recommendations:

That submission 25.3 from KiwiRail Holdings be **accepted** and further submissions 2.2 and 4.5 from the New Zealand Transport Agency and Architectural Designers New Zealand Inc are **rejected**.

No amendments are recommended as a result of this submission.

7.14 Submitter Name: KiwiRail Holdings Limited (KiwiRail)

Submission No: 25.4pc41

Summary:

Supportive of Rule 17.5.3 (insulation of new noise sensitive activities) as it is consistent with what was adopted through the Phase 2 appeal. Recommended that altered buildings are also included, as changing uses could result in reverse sensitivity effects. KiwiRail also supports ventilation clause (c).

Decision Sought:

Retain as notified Rule 17.5.3, except with the inclusion for altered buildings.

Submitter Name: NZ Transport Agency

Further Submission No: 2.3pc41

Supports in part submission 25.4 in relation to requiring alterations to buildings to comply with the reverse sensitivity provisions for noise. The

Transport Agency is seeking the same outcome as KiwiRail but consider it is best achieved by specifying internal noise levels as it ensures an adequate design as opposed to what was notified.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.5pc41

Supportive of submission 25.4 in relation to the insulation controls. May need to be incorporated into the Transport Agency's submission if adopted.

**Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna
(Architectural Designers New Zealand Inc)**

Submission No: 26.1pc41

Summary:

Oppose Rule 17.5.3 (insulation of new noise sensitive activities). Agree that residential activities must expect noise and insulate against it in commercial, industrial and rural zones and railway lines, however forcing people to meet the cost of insulating against sound is questionable.

Support the inclusion of the noise insulation table in Rule 17.6, but are concerned about the requirement for reports by 'suitably qualified acoustic engineers'.

Decision Sought:

Removal of proposed rule 17.5.3 as people who choose to live next to the stated environments will have accepted the noise of the adjoining activities.

Submitter Name: NZ Transport Agency

Further Submission No: 2.4pc41

Opposed in part to submission 26.1 as there is a risk that new noise sensitive activities such as dwellings that choose to locate near established state highways may object to the effects of the state highway.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.6pc41

Supportive in part of submission 26.1 as the principle is supported, but the comments aren't. Addressing reserve sensitivity via rules is a sustainable measure to avoid and mitigate noise effects on regionally important infrastructure.

Officer Comments:

1. The support of KiwiRail Holdings Limited, the New Zealand Transport Agency and MidCentral Public Health Services and the opposition of Architectural Designers New Zealand Inc is noted and appreciated.

2. After considering all the submissions, Council requested expert advice from Malcolm Hunt, a noise consultant. This report is attached as Appendix 6. A summary of his recommendations in relation to issues raised in the submissions are supported and set out below:
- Including altered buildings (to cover change of use) is practical and should be adopted. It is more likely that an altered building would not meet the minimum noise level as a typical new dwelling will achieve $DnTw+Ctr < 28dB$ and a house of solid construction and double glazing can achieve $DnTw+Ctr > 35dB$ ⁴. Altered buildings are generally older and not as well insulated.
 - Given that new dwellings and alterations built to the building code can typically achieve an insulation rating of $DnTw+Ctr < 28dB$, it is unreasonable to require noise sensitive activities in the rural zone (apart from activities near state highways and the rail network) to achieve a level of $DnTw+Ctr < 30dB$ as the rural zones also require a minimum distance from all boundaries for new structures, which is partly designed to mitigate reverse sensitivity noise effects. Therefore additional requirements for all rural noise sensitive activities is questionable and should be deleted.
 - The traffic on the state highway and railway networks as well as certain activities in areas can cause adverse noise effects on neighbouring noise sensitive activities. Mr Hunt's report confirms that this effect does exist and should be managed by the ISO standards. A difference of opinion occurs with the approach. The approach proposed by the Plan change is preferred (which is partly the result of the Phase 2 decision) over the approach requested by the New Zealand Transport Agency and MidCentral Public Health Services for the following reasons:
 - By using a standard based on building elements, the design noise levels do not have to be estimated by each and every user of the rule.
 - The proposed rule is more workable for Plan users. It takes away the uncertainty and risk for designers and Plan users.
 - A separate way of noise insulation that is different for traffic noise compared to other background noises from the railway and commercial activities is unreasonable and could lead to conflict of provisions. The noise from the state highway network doesn't have the ability to affect health differently than noise produced by the railway network or commercial activities.

⁴ Malcolm Hunt Associates. Email 30 September 2015

A single method is preferred to prevent conflict on provisions or unnecessary compliance costs.

- State Highway 3 and 4 contain low levels of traffic with low growth projections for the coming decade. A standard of noise insulation that is used for highways with high levels of traffic is too onerous in terms of the costs/benefits for development in Wanganui.
- This method still requires the New Zealand Transport Agency to use best practice to mitigate the noise effect of the state highway. The method proposed by the New Zealand Transport Agency would place the burden of noise mitigation solely on the adjoining land owners.
- The New Zealand Transport Agency method has the potential to be subjective through determining which 24 hour period to measure (i.e a weekend), the assumptions of future growth and the exclusion of non-traffic sounds.
- The difference in costs between the different methods of noise insulation are hard to compare, therefore the tables below focus of the additional costs of noise insulation above the building code.

New Zealand Transport Agency compliance costs⁵

Type of dwelling	Cost of project	Cost of Noise Insulation compliance	% of total cost of project on noise insulation
New single story house 20m from SH	\$235,000	\$21,900 + Noise reports	9% + noise reports
New single story house 60m from SH	\$235,000	\$11,900 + Noise reports	5% + noise reports
New single story house 90m from SH	\$235,000	\$7,900 + Noise reports	3% + noise reports

⁵ NZ Transport Agency Building Treatment Costing Study December 2013

Proposed Plan change 41 (DnTw+Ctr >30dB) compliance costs⁶

Type of dwelling	Cost of project	Cost of Noise Insulation compliance	% of total cost of project on noise insulation
1 Bedroom Mid-floor apartment	\$84,000	\$1,500	1.8%
2 Bedroom Penthouse apartment	\$144,900	\$8,100	5.6%
Villa Retrofit 1 Bedroom Extension with Ensuite	\$63,300	\$7,700	12.2%

Both these methods have higher noise insulation costs, the larger the project. However, while the Transport Agency's method reduces insulation costs the further from the state highway network, it increases infrastructure costs and reduces available productive land as longer accessways will be required to achieve a cost effective setback. The Plan change 41 method has set costs puts the ultimate decision of location and compliance method in the hands of the owner.

- This additional cost is excessive and unnecessary to mitigate effects on a new building for an effect that does not cause an issue in Wanganui (8 complaints for the region over the past year), is unreasonable. The projected growth in traffic for Wanganui over the lifetime of the District Plan is 2% per annum⁷. The potential increase in traffic does not warrant this level of futureproofing.
- The ability to monitor and determine effectiveness of the Plan is achievable with the provisions proposed in Plan change 41.
- Both methods require the sensitive activity to provide insulation, however the insulation method in PC41 still requires the owner of the nosily activity to adopt best practice to reduce noise effects. If the adjoining properties had to cover the entire cost of noise mitigation, the Architectural Designers New Zealand Inc, would be correct as that is against section 16 of the Act which requires the person

⁶ Rider Hunt Elemental Estimated Cost Report for Port-Noise Acoustic Design Requirements July 2006

⁷ Malcolm Hunt Associates Reverse Sensitivity Noise Advice August 2015

carrying out the activity to adopt the best practicable option to avoid a reasonable level of noise.

3. Mr Hunt has confirmed that the NZ Acoustical Society has devised a system based on expertise and qualifications. The term ‘Member ASNZ’ is intended to be used to identify those persons holding suitable experience and qualifications. They do not publish a Member’s Register, but interested parties can submit an enquiry to determine whether a person is an ASNZ Member, thereby confirming that the person meets the minimum qualifications and experience requirements. The term ‘**suitably qualified acoustic engineer**’ is commonly used in New Zealand legislation relating to environmental noise and building acoustics. Therefore a suitably qualified acoustic engineer according to Council will meet this standard.

Officer Recommendations:

That submissions 25.4 and 26.1 from KiwiRail Holdings Limited and Architectural Designers New Zealand Inc be **accepted in part** and further submissions 2.3, 2.4 5.5 and 5.6 from the New Zealand Transport Agency and Mid Central Public Health Services be **rejected**.

The following amendments are recommended as a result of this submission.

Chapter 17 - Noise

17.5.3 Noise Sensitive Activities (including dwellings).

New, altered or relocated buildings for a noise sensitive activity on any site within any rural, commercial or industrial manufacturing zones (excluding the Airport Enterprise Zone) or within 30 metres of a railway designation state highway 3 designation shall comply with the following:.....

7.15 Submitter Name: Stephen Palmer, Paul Harrison, Jim Richardson and Paul McKenna

(Architectural Designers New Zealand Inc)

Submission No: 26.2pc41

Summary:

Oppose the phased review of the District Plan. The constant changes of the rules is a risk to our clients, and the constant consultation puts people off.

Decision Sought:

Consider reviewing the rest of the Plan together, instead of in phases.

Submitter Name: Paul McKenna

Submission No: 27.1pc41

Summary:

Oppose the phased review of the District Plan. The current process consists of constant consultation of multiple plan changes without adequate time to respond. Many members of the public do not understand how the changes will affect them until they find they can no longer do it.

Decision Sought:

Consider reviewing the rest of the Plan together, instead of in phases.

Officer Comments:

1. The opposition of Architectural Designers New Zealand Inc and Paul McKenna is noted and appreciated.
2. The decision to review the District Plan as a rolling review as opposed to a full review was a Council decision made on 23 November 2009.
3. The ability to alter the way the Plan is reviewed can only be determined at a full Council meeting.

Officer Recommendations:

That submissions 26.2 and 27.1 from Architectural Designers New Zealand Inc and Paul McKenna be **rejected**.

No amendments are recommended as a result of this submission.

7.16 Submitter Name: Paul McKenna

Submission No: 27.2pc41

Summary:

Oppose Rule 17.5.3 (insulation of new noise sensitive activities) for the following reasons:

1. It is illegal. The Building Act stipulates that no one is required to build in a way more onerous than the Building Code (section 18).
2. It is illogical to require this additional cost on everyone on the basis that there may only possibly be a need in the future.
3. In order for noise design to be effective, a source of noise needs to be identified. Engineers design insulation to protect against an activity, not a zone.
4. The responsibility of protecting against a noise hazard rests with the one producing the hazard, not the adjoining activities.
5. The additional cost may break the camel's back on many projects with the net result of stifling growth in our already slow economy.

Decision Sought:

Removal of proposed rule 17.5.3.

Submitter Name: NZ Transport Agency

Further Submission No: 2.5pc41

Opposed in part to submission 27.2 as there is a risk that new noise sensitive activities such as dwellings that choose to locate near established state highways may object to the effects of the state highway.

Officer Comments:

1. The opposition of Paul McKenna and the further submission from the New Zealand Transport Agency is noted and appreciated.
2. The comment that the proposed noise sensitive activity provisions are illegal is inaccurate. All development must comply with both the Building Act (2004) and the Resource Management Act (1991). The submitter believes that section 18 of the Building Act states that no work is required to be more restrictive than the Building Code. The actual words state that:

18 Building work not required to achieve performance criteria additional to or more restrictive than building code

- (1) *A person who carries out any building work is not required by this Act to—
 - (a) achieve performance criteria that are additional to, or more restrictive than, the performance criteria prescribed in the building code in relation to that building work; or
 - (b) take any action in respect of that building work if it complies with the building code.*
- (2) *Subsection (1) is subject to any express provision to the contrary in any Act.*

The maximum level of the building code applies only within the Building Act context as stated in subsection 1. Higher limits in other acts are not excluded by this provision. Also subsection 2 of section 18, then allows section 37 to override this provision. Section 37 of the Building Act states that until a resource consent is granted, no building work may proceed. Therefore it is legal to require a higher level of noise insulation than that required by the Building Code.

3. Council currently receives over 2000 noise complaints per year. While the majority of these relate to residential activities, there are instances where the concern relates to activities that can affect the health of neighbouring noise sensitive activities. It is not solely about protecting against a possible future need for noise insulation, it is also to deal with issues occurring now. The option proposed by PC41 relies less on predictions for the future than other methods.

4. Zones and designations define which activities can occur in an area, therefore using them as the threshold for noise insulation is a reasonable way to prevent reserve sensitivity effects from noise. Engineers should be able to design to achieve the permitted baseline.
5. Section 16 of the Resource Management Act does require the producer of the noise to adopt best practice. However, sometimes nearby noise sensitive activities can be affected even when best practice is adopted. Therefore a set standard of additional insulation against noise will protect these activities, while still requiring the producer of the noise to adopt best practice.
6. The cost of additional noise insulation has been taken into account during the determination of the method of noise insulation. Overall it came down to a balance between costs and effects. Plan Change 41 provisions provide a good balance between costs and effects compared to other methods proposed by submitters:
 - The variation in costs between the different methods of noise insulation is hard to compare, therefore the tables below focus of the additional costs of noise insulation above the building code.

New Zealand Transport Agency compliance costs⁸

Type of dwelling	Cost of project	Cost of Noise Insulation compliance	% of total cost of project on noise insulation
New single story house 20m from SH	\$235,000	\$21,900 + Noise reports	9% + noise reports
New single story house 60m from SH	\$235,000	\$11,900 + Noise reports	5% + noise reports
New single story house 90m from SH	\$235,000	\$7,900 + Noise reports	3% + noise reports

⁸ NZ Transport Agency Building Treatment Costing Study December 2013

Proposed Plan change 41 (DnTw+Ctr >30dB) compliance costs⁹

Type of dwelling	Cost of project	Cost of Noise Insulation compliance	% of total cost of project on noise insulation
1 Bedroom Mid-floor apartment	\$84,000	\$1,500	1.8%
2 Bedroom Penthouse apartment	\$144,900	\$8,100	5.6%
Villa Retrofit 1 Bedroom Extension with Ensuite	\$63,300	\$7,700	12.2%

Both these methods have higher noise insulation costs, the larger the project. However, while the Transport Agency's method reduces insulation costs the further from the state highway network, it increases infrastructure costs and reduces available productive land as longer accessways will be required to achieve a cost effective setback. The Plan change 41 method has set costs that can be shopped around for and puts the ultimate decision of location in the hands of the owner.

7. The risk that a house is built near established state highways and that the activity is affected by the noise of the state highway if the PC41 provisions are used is low. The proposed provisions highlight that there is a noise effect from the state highways, which will bring it to attention, much like an advice note. The cost of the additional insulation would also reduce the risk. There are also other methods that future residential activities could adopt such as landscaping if there is a continued issue. The scale of the risk is also low, with few houses built annually in the areas adjoining the state highways.

Officer Recommendations:

That submission 27.2 from Paul McKenna be **rejected** and further submission 2.5 from the New Zealand Transport Agency be **accepted in part**.

No amendments are recommended as a result of this submission.

⁹ Rider Hunt Elemental Estimated Cost Report for Port-Noise Acoustic Design Requirements July 2006

7.17 Submitter Name: New Zealand Defence Force

Submission No: 28.1pc41

Summary:

Opposed to the following parts of the proposed Plan change:

1. The definition of noise is broad and does not provide any practical use in terms of the application of the Plan provisions.
2. The vibration performance standards are not appropriate for a permitted activity as it is subjective and not easily quantifiable. NZDF considers such a standard unworkable.

Decision Sought:

1. Remove the proposed definition of noise and exclude the listed activities from the relevant rules.
2. Amend the proposed performance standard for vibration to refer to the appropriate standard.

Submitter Name: NZ Transport Agency

Further Submission No: 2.6pc41

Opposed to submission 28.1 in relation to the definition of 'noise'. When incompatible land uses are located near each other, conflict between the activities often results, typically through complaints from the more sensitive activity.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.4pc41

Opposed to submission 28.1 as submission has implications throughout the Plan but provides no wording to substitute for the global editorial approach in drafting the Plan which promotes consistency and readability.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.7pc41

Supportive in part of submission 28.1 as it relates to vibration. The criteria is subjective and not easily quantifiable. The word 'offensive' is particularly problematic given the High Courts findings in *Zdrahal v Wellington City Council* [1995] 1 NZLR 700 (HC). Note former standard is out of date and s32 analysis does not contemplate an updated reference to a more appropriate standard.

Officer Comments:

1. The opposition of the New Zealand Defence Force and further submissions opposed to submission 28.1 from the New Zealand

Transport Agency and Mid Central Public Health Services are noted and appreciated.

2. The **definition of noise** in the District Plan is valid and useful. It identifies the types of sounds that were previously listed in Appendix D of the Plan and not subject to the District Plan rules for noise as they are not covered by the relevant New Zealand Standards.
3. Mr Hunt confirms that there are no relevant New Zealand Standards to assess **vibration effects**, therefore the issue is proposed to be dealt with under the nuisance provisions of the Health Act 1956, or as an adverse effect that there is a duty to manage under section 17 of the RMA. Therefore all reference to vibration in the Performance Standards of the zones shall be removed, however reference in the objectives and policies shall remain. The inclusion of vibration into the definition of noise is reasonable and will provide clarity to Plan users.

Officer Recommendations:

That submission 28.1 from the New Zealand Defence Force is **accepted in part** and the further submissions 2.6, 5.4 and 5.7 from the New Zealand Transport Agency and MidCentral Public Health be **accepted in part**.

The following amendments are recommended as a result of these submissions:

Chapter 17 - Noise

Noise means unwanted sound or vibration affecting people. For the purposes of this Plan, the following sounds and vibrations are exempt from this definition provided that best practicable options are implemented to minimise noise ...

The following performance standard is removed from the rules section of each Zone chapter:

Vibration.

~~No activity shall cause a vibration considered offensive or objectionable.~~

7.18 Submitter Name: Wanganui Federated Farmers of New Zealand

Submission No: 29.1pc41

Summary:

Support/oppose the following parts of the proposed Plan change:

1. The definition of 'Noise' needs to have the word 'intermittent' removed to the exemption for rural machinery. Some activities such as regular dairy milking cannot be considered intermittent. However, the exemption is appreciated and supported.

2. The introduction to the Noise Chapter (17) is amended to clarify that aircraft noise generated after the craft has left the ground is not controlled under the RMA.
3. That provision has been made for the intermittent operation of farm airstrips and helicopter landing areas so that they are not unduly restricted. This could be achieved by adding an additional sentence to Issue 17.1.2, Policy 17.3.4 and Rule 17.4.1 or be excluded under the definition for 'noise'.

Decision Sought:

1. The definition of 'Noise' needs to have the word 'intermittent' removed to the exemption for rural machinery. The rest of the definition is retained.
2. Amend the Introduction to Chapter 17 to exclude aircraft noise generated after the craft has left the ground.
3. That the District Plan excludes from the definition of noise or permits the noise generated from the intermittent operation of farm airstrips and helicopter landing areas.

Submitter Name: Horticulture NZ

Further Submission No: 1.5pc41

Supportive of submission 29.1 for the following reasons:

1. Clarity as to what 'intermittent' means is needed if it remains in the definition of 'noise'.
2. The RMA does not control aircraft noise after take-off and before landing.
3. Intermittent use of aircraft and helicopters is necessary for rural production activities and should be provided for as part of the permitted farming activity.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.9pc41

Opposed to submission 29.1 as it relates to the introduction of Chapter 17. The proposed addition is misleading and ultra vires the Act.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.10pc41

Supportive in part to submission 29.1 as it relates Noise rules. MidCentral accepts the use of farm airstrips, but is opposed to helicopter landing areas as permitted activities as 'ancillary activities' is undefined and experience nationwide shows helicopter landing areas should be discretionary or controlled activities subject to compliance with NZS6807:1994. Opposed to

the addition of airstrips and helicopter landing areas to the exemptions of the 'noise' definition as it would undermine the objectives for the rural area. No wording of the exemption clause has been supplied and that part of the submission lacks the specificity required to be a valid submission under the Leith test.

Officer Comments:

1. The submissions from Wanganui Federated Farmers of New Zealand, Horticulture NZ and MidCentral Public Health Services are noted and appreciated.
2. The word '**intermittent**' is unclear and it is proposed to be replaced with 'mobile'. The intention is that transport machinery would not be included as it is transient and not regular, but short term regular activities that occur in the same location such as milking need to comply with the noise rules.
3. Mr Hunt advises that section 9(8) of the RMA prevents any Council from prescribing controls for aircraft in the air, however Council does have the right and the responsibility under the RMA to prescribe controls for aircraft using landing areas, **landing strips** or the airport. These activities will be managed under the following standards:
 - NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas noise provisions
 - NZS6805:1992 Airport Noise Management and Land Use PlanningTherefore these activities are not exempt from the definition of noise as there are particular standards to govern the activity while on the ground.
4. The provision for agricultural airstrips as a permitted activity was determined during Plan change 36, and is not under review as part of this Plan change.
5. The **introduction** to the chapters of the Plan have no legal weight and are a good location to advise Plan users of additional requirements. Stating activities that the RMA does not apply to is a reasonable use of this section and is not ultra vires to the Act.

Officer Recommendations:

That submission 29.1 from Wanganui Federated Farmers of New Zealand and further submissions 1.5, 5.9 and 5.10 from Horticulture NZ and MidCentral Public Health Services be **accepted in part**.

The following amendments are recommended as a result of the submissions:

Chapter 2 - Definitions

Noise means unwanted sound or vibration affecting people. For the purposes of this Plan, the following sounds and vibrations are exempt from

this definition provided that best practicable options are implemented to minimise noise:

- e. Livestock noise and intermittent noise from mobile rural machinery in the rural zones.

Chapter 17 - Noise

Introduction ...

Airports, and their associated flight operations, generate noise. This noise is distributed over a wide geographical area, and can vary from barely perceptible to significant nuisance depending on the sensitivity to air noise of the activity where the noise occurs. These provisions manage the relationship between air noise and land use activities that may be sensitive to that air noise. It should be noted that aircraft noise generated after the aircraft has left the ground is not controlled under the Resource Management Act.

7.19 Submitter Name: Wanganui Federated Farmers of New Zealand

Submission No: 29.2pc41

Summary:

Support/oppose the following parts of the proposed Plan change:

1. Opposed to the inclusion of a Bird Management Plan. It is not practical for the District Council to enforce the practical applications for farmer pest management – this sits with the Regional Council. The noise provisions proposed will mitigate and manage undue noise effects to surrounding communities.
2. Amend the provisions for Noise Sensitive Activities to allow for engineered noise barriers/landscaping to be considered also in order to achieve a safe noise environment.
3. Amend the Daytime noise levels to start at 6am, which reflects standard rural operating practice.

Decision Sought:

1. Remove all reference to 'Bird Management Plan' from the District Plan.
2. Amend the provisions for Noise Sensitive Activities to allow for engineered noise barriers/landscaping to be considered also in order to achieve a safe noise environment.
3. Amend the Daytime noise levels to start at 6am.

Submitter Name: Horticulture NZ

Further Submission No: 1.6pc41

Supportive of submission 29.2 for the following reasons:

1. Rural activities commence earlier than 7am.

2. A bird management plan should not be required.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.8pc41

Supportive in part of submission 29.2 as it relates to the Bird Management Plan. Submitter's point in relation to the words 'prepared and accepted by Council' create uncertainty who is to prepare the Plan and 'accepted by Council's an arbitrary process not authorised in the RMA and undefined in the proposed Plan. The process would better lie in codes of practice developed alongside the Plan as has been the case in some other districts.

Submitter Name: MidCentral Public Health Services

Further Submission No: 5.11pc41

Supportive in part to submission 29.2 as it relates to noise prevention barriers. However if the Transport Agency's submission is adopted, this submission will be unnecessary as barriers are a routine possible whole or part noise mitigation measure contemplated in their proposed provisions.

Officer Comments:

1. The support of the Wanganui Federated Farmers of New Zealand, Horticulture NZ and MidCentral Public Health Services is noted and appreciated.
2. It is agreed that the inclusion of a Bird Management Plan is outside the scope of the Noise Plan Change. It is a tool of best practice, however is not a RMA requirement.
3. It is reasonable to provide for alternative noise mitigation options such as noise barriers and landscaping.
4. It is reasonable to amend daytime noise levels in the Rural Zones only to start at 6am as it reflects standard rural operating procedure.

Officer Recommendations:

That submission 29.2 from Wanganui Federated Farmers of New Zealand and further submissions 1.6, 5.8 and 5.11 be **accepted**.

The following amendments are recommended as a result of this submission:

Chapter 2 –Definitions

Bird Management Plan: means a document that outlines how farmer managers bird populations while also managing adverse effects (including noise) on the surrounding environment. It includes the following:

- A map showing the issues;
- Description of the area and the bird problems;
- Damage caused by birds;

- Management strategies and resources;
- Monitoring records; and
- Communications with neighbours.

Chapter 17 -Noise

17.5.3 Noise Sensitive Activities (including dwellings).

...

b. Compliance with this performance standard shall be achieved when the design and construction of each habitable room:

- i. accords with the exact construction specification and schedule as set out in 17.6.

or

- iv. If a landscaping or physical noise insulation solution is developed, an acoustic design certificate is provided to Council by a suitably qualified and experienced acoustic engineer (suitable to Council) which confirms that when built to the recommended design and specification will achieve the minimum acoustic insulation standard of $D_{2m,nT,w} + C_r > 30$ dB for the external building envelope of each habitable room.

17.5.7 RURAL ENVIRONMENT.

All activities within the Rural Production, Rural Lifestyle or Rural General zones shall comply with the following:

- a. Noise emissions shall not exceed the following limits when measured from at any point within the notional boundary, unless provided for elsewhere in this section.

<u>AVERAGE MAXIMUM NOISE LEVEL</u> <u>NOISE LIMIT</u> dB LAeq(15min)			<u>LAFmax</u> dBA
Daytime 76.00am- 7.00pm	Evening 7.00pm-10.00pm	Night time 10.00pm-7.00am	Night time 10.00pm – 76.00am
50	45	40	75

...

- c. The operation of **avian distress alarms** for the purpose of bird scaring shall be permitted provided that:
 - i. The device shall not be used within 300 metres of a notional boundary of any dwelling unless a Bird Management Plan is prepared and accepted by Council.