

**FORM 5**

**SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR  
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION IN  
ACCORDANCE WITH CLAUSE 6 OF SCHEDULE 1, RESOURCE  
MANAGEMENT ACT 1991**

To: Wanganui District Council

Submission on: Wanganui District Plan Change 41- Noise

Name of submitter: **New Zealand Fire Service Commission (NZFS Commission)**

Address: C/- Beca Ltd  
PO Box 3942  
WELLINGTON 6140

Attention: Claire Fell

Phone: 04 901 2381

Email: Claire.fell@beca.com

This is a submission on Wanganui Plan Change 41.

**This submission specifically relates to:**

- Aspects of the Proposed District Plan that may impact upon the operation of properties that the NZFS Commission owns.

**The NZFS Commission's submission is:**

In achieving the sustainable management of natural and physical resources under the RMA 1991, decision makers must have regard to the health and safety of people and communities. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment. The NZFS Commission has a responsibility under the Fire Service Act 1975 to provide for structural firefighting activities in a safe, effective and efficient manner. As such, the NZFS Commission monitors development occurring under the RMA 1991 to ensure that, where necessary, appropriate consideration is given to fire safety and the operation of property owned by the NZFS Commission. .

The NZFS Commission's main area of concern in relation to Plan Change 41 is the provision of noise within the outer commercial zone. The Wanganui Fire Station is located within the Outer

Commercial Zone. There are no immediate plans for any major alterations of this station or for any new stations at this stage.

Noise will be produced by operational activities at the fire station such as cleaning and maintaining equipment and training activities. Training may take place anywhere between 7.00am and 10pm. Cleaning and maintenance of equipment would generally take place during the day; however it may also be required after a call-out which could occur at any time. As the Wanganui Fire Station operates in an urban environment, there is no emergency siren; therefore, no special provision for the exemption of siren noise needs to be specified in the plan. The NZFS Commission has assessed that fire station activities will be capable of meeting the standards set out in NZS 6802:2008, with the exclusion of noise created by emergency sirens. It is noted that the Proposed District Plan Chapter standards for the Outer Commercial Zone are higher than the guidelines in NZS 6802:2008.

The NZFS Commission therefore supports Rule 17.5.9 as it reads as the rule allows for the NZFS Commission to carry out its day to day activities on fire station properties.

**The NZFS Commission does not wish to be heard in support of their submission.**

**If others make a similar submission the NZFS Commission does not wish to present a joint case with them at a hearing.**



.....  
(Signature of person authorised to sign on behalf of New Zealand Fire Service Commission)

12/06/2015

.....  
Date





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

PC41 Sub 2



**TO:** Wanganui District Council, PO Box 637, Wanganui

**Name:** (print in full) Stacey Kristina Pram

**This is a submission on Plan Change No.** 41 (Noise) **Closing Date:** .....

1. (a) ~~I could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) ~~I am/am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Allowing the use of gas gun bird scarers every 10 minutes  
between 6.30 am and 8 pm

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I strongly oppose this. I built a house in the country to enjoy  
peace and quiet. It would severely affect my enjoyment  
of this and also my investment should I ever decide to  
sell. I'm positive if the persons involved in making these changes  
lived in close proximity to Windermere, they would not make these changes

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

I would like no change made to the current plan in regards  
to the use of gas gun scarers

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

81b Western Line

RDI

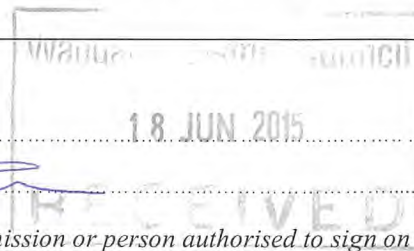
Wanganui

Signature: [Signature]

(Person making submission or person authorised to sign on

Day time phone No: 021 531 882 behalf of person making submission)

Email: stacey@pennbuilding.co.nz Date: 17/06/15



**Attention all Residents of Western Line, Watt Livingstone Rd, Simpson Rd and SH3**

Please take the time to read this as it will affect the value of your property and the peace and quiet you value.

Wanganui District Council is reviewing the District Plan. One proposal is to allow the use of gas gun bird scarers going off every 10 minutes between 6.30am and 8.00pm (13.5 hours) for 365 days = 29,930 shotgun sounding discharges per annum. Windermere Strawberries would be allowed to use 2 gas guns = 59860 discharges per annum. The Council is seeking community submissions (feedback) on this and several other proposals and will implement the changes later this year. Once implemented it will be many years before the Plan is reviewed again.

If you believe the use of gas guns so close to a densely populated area such as ours is not appropriate now is the time to make your concerns known to the Council in writing. The full changes are on the Council's website along with a form for submissions or speak to a planner at the Council offices 06 349 0001.

The closing date for submissions to the WDC District Plan, Review is 5.00pm 30<sup>th</sup> June 2015 1 of 2



334 State  
Highway 3  
Westmere

Please do not let this  
go through. No one around  
here needs that going

Thank you  
M & K Redington

**Rachael Pull**

---

**From:** Kevin Ross  
**Sent:** Monday, 29 June 2015 10:02 a.m.  
**To:** Rachael Pull  
**Cc:** Jonathan Barrett; Charlotte Almond  
**Subject:** Submission - new noise control policy - district plan  
**Attachments:** Submission2.doc; letter.pdf; Electronic submission strawberrry to.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Rachael

For your information and appropriate action.

Regards

Jan (on behalf of Kevin)

**From:** Gerard Bonnet [mailto:bonnetfamily@xtra.co.nz]  
**Sent:** Sunday, 28 June 2015 11:34 p.m.  
**To:** Kevin Ross  
**Subject:**

## Submission

(29/06/2015)

### SUBMISSION

To : Chief Executive, Wanganui District Council  
 Ref: New Noise Control policy - review District Plan

#### Introduction

**From ; Gerard Bonnet, 83 Western Line, RD1, Wanganui**

Tel: 06 3489315

I wish that the following people also appear in support of our submission:

Gerard Bonnet

Marlene Bonnet ( wife)

Gerardus Bonnet ( son)

Antoine Bonnet ( son)

#### General/Summary (if your submission is long)

We strongly oppose this proposal because unreasonable and excessive noise nuisance

We wish to make the following comments: The noise will cause constant irritation to neighbours,

effecting peace and lifestyle and reason for living in the country. Additionally this will

also devalue

neighbouring properties.

It will permanently affect the animals on properties. Research proved that Propane cannons become ineffective after a short while.

## Appendix 1

**URGENT ATTENTION**

**Attention all Residents of Western Line, Watt Livingstone Rd, Simpson Rd and SH3**

Please take the time to read this as it will affect the value of your property and the peace and quiet you value.

Wanganui District Council is reviewing the District Plan. One proposal is to allow the use of gas gun bird scarers going off every 10 minutes between 6.30am and 8.00pm (13.5 hours) for 365 days = 29,930 shotgun sounding discharges per annum. Windermere Strawberries would be allowed to use 2 gas guns = 59860 discharges per annum. The Council is seeking community submissions (feedback) on this and several other proposals and will implement the changes later this year. Once implemented it will be many years before the Plan is reviewed again.

If you believe the use of gas guns so close to a densely populated area such as ours is not appropriate now is the time to make your concerns known to the Council in writing. The full changes are on the Council's website along with a form for submissions or speak to a planner at the Council offices 06 349 0001.

The closing date for submissions to the WDC District Plan, Review is **5.00pm 30<sup>th</sup> June 2015**

Electronic submission to :

Kevin .ross@wanganui.govt.nz

## Submission

(29/06/2015)

### **SUBMISSION**

To : Chief Executive, Wanganui District Council

Ref: New Noise Control policy - review District Plan

### **Introduction**

**From ; Gerard Bonnet, 83 Western Line, RD1, Wanganui**

Tel: 06 3489315

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Antoine Bonnet ( son)

### **General/Summary (if your submission is long)**

We strongly oppose this proposal because unreasonable and excessive noise nuisance

We wish to make the following comments: The noise will cause constant irritation to

neighbours, effecting peace and lifestyle and reason for living in the country. Additionally this will

also devalue neighbouring properties. It will permanently affect the animals on properties. Research

proved that Propane cannons become ineffective after a short while.

## Appendix 1

letter



**TO: Wanganui District Council****To: Kevin Ross****kevin.ross@wanganui.govt.nz****Ref: Wanganui District Council reviewing of District Plan****A proposal allowing Gun Gas Scarers**

It is with deep concern that I received a notice in my mailbox about the proposal to allow the use of gas gun bird scarers causing unreasonable and excessive noise nuisance.

The notice was send anonymously. It was not sent by the farm owner of Windermere Strawberry Farm. The notice mentioned that Wanganui District Council is reviewing the District Plan. This proposal would allow businesses like the Winderemere Strawberry farm to use these devices. The notice mentions potential 29930 discharges per gun and for 2 guns, 59860 discharges yearly. These discharges being allowed between 6:00 am to 8:00 pm. This is ridiculous, outrageous and shocking to the neighbours in close proximity.

My property is not far away from the current Strawberry farm, and if discharges would be allowed, it will without a doubt effect our peace and lifestyle and reason for living in the country. Additionally this will also devalue my property.

Many people farm with animals and noise nuisance will permanently adversely affect the animals.

Research proved that Propane cannons become ineffective after a short while.

I cannot believe that the Council will even consider such practices. How can the rights of one person for financial gain, violate the rights of others.

Speaking to my local councillor, Ray Stevens, it is already a practice in Hawks bay. Hastings Council has a policy in place for residential and rural areas. Even this policy scares me with noise level and noise nuisance allowed. Audible bird scare devices allowed during the months December

to May , with rural sound limit at 115 dBC, with 3 shots within a 1 minute period, limited to 4 an hour or to a total of 12 individual shots an hour.

As far as I know and being informed , the council has not consulted the neighbourhood, Western Line, Watt Livingstone Road, Simpson Road and SH3 residents, in any way or form about this officially!! According to the notice, submissions closing date is 30 June 2015. This is undemocratic and inflict on my human rights.

I have reviewed the Wanganui District Council website and 10 year plan, but cannot find anything in this regard specifically .

In opposition to this is a strict Noise Control policy from 2009. I quote:  
**"Wanganui District Council Noise Control Policy 2009"**

The purpose of this policy is to document Council's policy towards noise control to ensure Council's responsibilities are discharged in a manner that is fair and transparent and public nuisance, caused by noise, is minimised. Council has developed this policy and associated procedure to ensure the noise control service it delivers is discharged in a manner that is fair, transparent, effective and legally defensible.

This Council has also signalled that it wants to take a hard line against noise makers that cause statutory nuisance and this policy should assist in ensuring the service is effective in controlling nuisance noise.

Noise is categorised within the Resource Management Act 1991 as either '**unreasonable**' (section 16) or '**excessive**' (section 322).

**Unreasonable noise** is defined by the Act as noise that exceeds a reasonable level as prescribed in a District Plan or Resource Consent.

**Excessive noise** on the other hand, is defined as any noise under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any other person.

Usually speaking **unreasonable noise** involves commercial or occupational noises of a constant nature that continues over some period of time. Whereas **excessive noise** usually involves short term one off noise nuisances such as party, stereo and band noise.

The following objectives set out what the Council wants to achieve with this policy document.

4.1 To minimise and manage public nuisance caused by excessive noise.

4.2 To discharge Council's responsibilities and **service in a manner that is fair, transparent, consistent and legally defensible.**"

As I have not received Council formal notice, or informed about the process, I have no other choice than to write to the CEO directly.

I use this letter therefore as my extreme opposition to this idea if there is any truth in it. I will not accept this in any shape or form!!



Gerard Bonnet

Owner and rate payer of 83 Western Line, RD1, Wanganui.

Tel number : 06 3489315

29/06/2015

Marlene Bonnet ( wife)



Gerardus Bonnet ( son)





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



30 JUN 2015  
 RECEIVED

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Donna Jackson

This is a submission on Plan Change No. 41 Closing Date: 30 June 2015

1. (a) ~~I could/could not~~\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I ~~am/am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Operation of gas guns for the purpose of bird scaring

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I oppose this proposal.  
 We built our dream home in what we thought was a peaceful area. We have outdoor living areas to make the most of the summer and tranquility. I have a home office and I often work from home when I need peace and quiet.

Use additional pages if required

PTO

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

No use of gas guns in the Westmere area at Windemere Gardens or any other business in the area

Use additional pages if required

5. ~~I do/do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would/would not~~\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

352c State Highway 3, Wanganui

Signature:

Donna Jackson

(Person making submission or person authorised to sign on

Day time phone No: 027 410 2512

behalf of person making submission)

Email: iamdonnaj@hotmail.com

Date: 29/6/15

One of my neighbours has advised that when the gas gun went off at Windermere gardens (last summer?) she got a terrible fright and thought it was a gun shot. It was at a ridiculous time (about 6:30am) on a weekend.

I moved to Westmere for peace and quiet and certainly state that this proposed noise invasion would adversely affect my wellbeing, not to mention, devalue our property significantly.





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Chris Robson

This is a submission on Plan Change No. 41 Closing Date: 30 June 2015

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).  
 (b) I am/am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

To allow the use of gas gun bird scarer going off every 10 mins between 6.30am-8pm at Windermere Gardens or any other location

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

We oppose this submission as the area affected is now an area that is well populated and may have adverse effect on property values. My concern lies with the disturbance of native bird species that reside in this area and the level of peace + quiet that will definitely diminish.

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

We seek the decision to not allow this to take place at all.

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I would/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

352 State Highway 3, RD4, Westmere

Signature: [Signature]

(Person making submission or person authorised to sign on

Day time phone No: 027570063

behalf of person making submission)

Email: curveballs@xtra.co.nz

Date: 29th June, 2015





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Abigail Jane Calman

This is a submission on Plan Change No. 41 Closing Date: 30-6-15

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).  
 (b) I am/~~am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

The use of a gas gun that scares birds

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I strongly oppose the use of the gun. We moved to this area for the peace & quiet but still being close to the city. By allowing this change, our peaceful environment will be destroyed. We are planning on starting a family & believe we would struggle to get young children to sleep. I also believe that not

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

To not allow the use of the gas gun bird scarer as it would destroy the peace, ruin our environment that native birds enjoy & decrease the value of our property through no fault of our own.

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

352B State Highway 3  
Nestmere  
Wanganui

RD4

Signature:

Abigail Calman

(Person making submission or person authorised to sign on

Day time phone No: 02102457830

behalf of person making submission)

Email: abbisenella@yahoo.co.nz

Date: 29.6.15

only with it scare the birds that eat the strawberries, but also the beautiful Native Tui & Wood pigeons we have living in our garden. PC411 Sub 7  
The value of our property would greatly decrease. Another reason we purchased this land is for re-sale potential, this would greatly decrease our ability to get what our property is now worth. I also want to enjoy sitting outside in the summer in the peace & enjoy our surrounding.





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) *Rochey Calnan*

This is a submission on Plan Change No. *41* Closing Date: *30/6/15*

1. (a) I ~~could~~**could not**\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I **am/am not**\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

*The use of gas gun bird scarers at Waiatawa Strawberry Farm.*

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

*I oppose this submission as the area in which we live is a densely populated area were a gun like sound going off up to every 10 mins would severely irritate the peaceful nature of this area. 2-5 years ago i would not have bought this property if i had knew this could PTO*

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

*To not allow use of the gas gun bird scarer.*

Use additional pages if required

5. I ~~do~~**do not**\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I **would/would not**\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

*3526 State Highway 3, R.D.4, Westmere.*

Signature: *[Signature]*

(Person making submission or person authorised to sign on

Day time phone No: *345 1848*

behalf of person making submission)

Email: *rscalnan@yahoo.co.nz*

Date: *29-6-15*



become a reality.

I am also concerned about other bird life we have in this area, I currently enjoy co-inhabitating with native birds such as Kereru, Tui and King Fisher.



Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Connor Jackson

This is a submission on Plan Change No. 41 Closing Date: 30/06/2015

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/am-not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

the use of gas gun bird scarers

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I work at nights into the early hours of the morning and rely on the peaceful nature of this area to recuperate. I am very concerned that this will upset myself and other shift workers in the area, that it will spoil the peaceful afternoons we have outside on nice days, PTO

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

to prevent the use of gas gun bird scarers at any time

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

352C State Highway 3  
Westmere  
Wanganui

Signature: [Signature]

(Person making submission or person authorised to sign on

Day time phone No: 027 222 1733

behalf of person making submission)

Email: spleencheese@gmail.com

Date: 29/06/2015

and will significantly devalue our properties.

PC41 Sub 9





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Matthew Henry Morgan

This is a submission on Plan Change No. 4N Closing Date: 30th June 2015

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Operation of gas guns for the purpose of bird scaring.

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I oppose this proposal for many reasons. I am a shift worker and I moved to this area so I can have peace and quiet for sleeping during the day. I have also put my life savings into this home and would be horrified if a gas PTO

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

No use of gas guns in the westmere area at Windermere Gardens or any other business in the area

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

352c State Highway 3, Wanganui

Signature: Morgan

(Person making submission or person authorised to sign on

Day time phone No: 027 5288800

behalf of person making submission)

Email: matt.morgan@hotmail.co.nz

Date: 30-6-2015

gun was allowed to be used. This would completely ruin my sleep, plus my lifestyle and would devalue my property. This is a well populated area now, and I cannot believe that this proposal has even reached consideration.





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) HEATHER BROWN & Ian Brown

This is a submission on Plan Change No. 41 Closing Date: 30/6/2015

1. (a) I ~~could~~<sup>could not</sup> gain an advantage in trade competition through this submission. (\*please delete one).

(b) I ~~am~~<sup>am not</sup> directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

operation of Gas Guns for the purpose of bird scaring

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I oppose this proposal.  
The boom is very loud & intrusive & not only scares birds but everything else - the people who live here - visitors - children <sup>animals</sup> are great supporters of Windmere gardens & value their presence <sup>into</sup>

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

No approval for use of gas guns in the westmere area at Windmere Gardens or any other business in the area.

Use additional pages if required

5. I ~~do~~<sup>do not</sup> wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~<sup>would not</sup> be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

352A State Highway 3 - Wanganui

Signature: H. Brown

(Person making submission or person authorised to sign on

Day time phone No: 027-2956288 behalf of person making submission)

Email: heatherbrown36@gmail.com Date: 29/6/15

in the area. I note that they ~~are~~ <sup>are supposed to</sup> have most plants in plastic tunnel houses + under netting + should have no requirements for a gas gun.





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) ILMA JOY SMITH

This is a submission on Plan Change No. 41 Closing Date: 30.6.15

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/~~am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Windermere Gardens who use Gas Gun bird scarers going off every 10 mins between 6-30am - 8pm

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons): Disturb Native

I have owned this property for 53 yrs. Planted a large garden with trees, shrubs, roses, etc to enjoy my later years gardening. The Gas Guns shatter the peace & quiet when I'm outside & inside. I oppose this submission

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

I seek the decision to not allow this to take place.

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

344 No 4 RD. SH3, NH, Wanganui 4574

Signature: ILMA JOY SMITH

(Person making submission or person authorised to sign on

Day time phone No: 063450782

behalf of person making submission)

Email:                     

Date: 30.6.15





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Mr & Mrs Kirk

This is a submission on Plan Change No. 41 Closing Date: 30 June 2015

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).

(b) I am/am-not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

To Allow the use of gas gun bird scarers  
going off every 10 mins between 6:30am - 8pm at  
Windermere Gardens or any other location Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

We oppose this submission as the area affected  
is now an area that is well populated and may  
have adverse effect on property values. We are also  
shift workers & rely on the peace & quiet of the  
area for rest & well-being. The constant noise is not what we P.T.O.  
 Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

We seek the decision to not allow this  
to take place at all.

Use additional pages if required

5. I do/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I would/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

54 Simpson Rd  
RDU

Wanganui

Signature: [Signature]

(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No: 021-1033393

Email: kirk.4@xtra.co.nz

Date: 29-6-15

PC41 Sub 13  
want to hear when sitting outside  
enjoying the summer evenings. We note that  
~~this~~ ~~were~~ these guns were discharged last  
summer but were shut down due to  
several people in the area lodging  
a complaint with the council.





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) *Deborah Ann Hickford*

This is a submission on Plan Change No. .... Closing Date: *30/6/15*

1. (a) ~~I could/could not~~\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) ~~I am/am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

*The use of gas gun bird scarers at Windermere Strawberries in SH3*

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

*Myself and my family definitely oppose the proposal for the above item. We have not lived long at our property but value the peace and quiet this area offers. We would not have bought this place if we had known we would be exposed to such noise.*

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

*Reject any proposed plan change that would allow the above to go ahead.*

Use additional pages if required

5. I do/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I would/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

*390A State Highway 3, RD4, Wanganui*

Signature: *D. Hickford*

(Person making submission or person authorised to sign on

Day time phone No: *06 348 7972*

behalf of person making submission)

Email:

Date: *30/6/15*





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



**TO:** Wanganui District Council, PO Box 637, Wanganui

**Name:** (print in full) Keith Hindson

**This is a submission on Plan Change No. ....41..... Closing Date: 30th June 2015.....**

1. (a) I ~~can~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/~~am not~~ directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Noise in the Rural Zone specifically the use of gas guns and avian distress alarms

*Use additional pages if required*

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I oppose the proposed District Plan Review Six, Change 41.

Refer to my submission attached for the full details. re the use of gas guns and avian distress alarms

*Use additional pages if required*

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

Refer to the attached submission for the full details of my submission and the decisions required.

*Use additional pages if required*

5. I ~~do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would not~~\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

**7. Address for service:**

45 Watt Livingstone Rd, RD4 Wanganui 4574

**Signature:** Keith Hindson

(Person making submission or person authorised to sign on

**Day time phone No:** 027.545.1701 behalf of person making submission)

**Email:** keith.hindson@yahoo.com

**Date:** 26th June 2015

## **Submission on Wanganui District Council, District Plan Review, Phase Six: Plan Change 41 Noise in the Rural Zone**

### **Background**

“Westmere” stretches from the city boundary on the western edge of the city well in to rural zone which, over the years, the council has allowed a substantial area to be sub divided into numerous parcels of land ranging from less than 1 acre to several hectares with the majority being 1ha or thereabouts. The area with possibly the highest density of subdivision is around parts of Western Line, Watt Livingstone Road, Simpson Road and SH3 with some 100 properties housing approximately 250 residents, with a high proportion being elderly and/or infirm, with 10 more approved sub divisions awaiting development, potentially housing a further 25 residents. In the midst of all this residential housing there is Windermere Strawberries a commercial berry farm on 9.0079ha and a commercial farm between St Oswalds Drive and SH3 and several more commercial farms on the outer fringes of the residential roads identified above.

The proposed change to the District Plan, Change 41 Noise in the Rural Zone rules allowing the use of gas guns and avian distress alarms will affect some 250 residents in 100 residential/lifestyle properties and a further 25 in approved subdivisions awaiting development, in close proximity to existing commercial rural activities in Westmere. The change will also affect many more residents that live near a commercial activity elsewhere in the rural zone where “farmers” affected by crop damage elects to go down the cheap and nasty option of using gas guns or avian distress alarms without regard for the environmental damage they cause and their appalling lack of effectiveness, once birds are habituated to the discharges. No one can deny crop pests are annoying causing financial loss. The council’s proposed solution of allowing gas guns to be used unmonitored six times per hour combined with avian distress alarms both from 6.30am to 8.00pm, 365 days per year with no one checking that it is actually needed. More importantly, will the use control the crop damage or not ? This is an environmental and community catastrophe waiting to happen.

Windermere Strawberries has come into conflict with the Council several times when (contrary to the current District Plan) it illegally used several gas guns on numerous occasions in a futile attempt to minimise crop damage. At that point Windermere Strawberries verbally advised the Council’s Resource Management Planner they would request a district plan change allowing the use of gas guns.

Meanwhile, in an article in the Wanganui Chronicle on 9<sup>th</sup> June 2015 the current owner of Windermere Strawberries states they are expanding their protected cropping to increase the crop yield and “expects to break even this year” and stated “bird scarers will not be needed”. However, that position could quickly change if the business changes hands, as it has done twice in quick succession recently or the business fails to either break even or return a profit on its investment in protected cropping and resorts to using gas guns or avian distress alarms.

**WDC Resource Management Planner, Rachel Pull advises that prior to the public consultation phase on the proposed changes to the District Plan that no formal request had been received from any resident or commercial operation seeking the inclusion of gas gun usage or avian distress alarms in the District Plan. This raises the question why has it been included in the review if there is no demand ?**

### **Issues**

I applaud the Council initiative to reduce the effects of noise pollution in new homes elsewhere in the District plan where there is an existing source of noise generating activities. I believe few if any properties in the rural zone especially in and around Windermere Strawberries are compliant, most being several years old or more. Accordingly they will not have the full benefit of noise mitigating construction techniques and materials. These materials can drastically reduce the ingress of ambient noise when all the doors and windows are shut. Then again, despite all that technology what happens when one follows Energy Efficiency and Conservation Authority (EECA) advice to open all the windows to vent homes daily or on a nice sunny day when everyone invites friends and family around to enjoy the ubiquitous BBQ? It will be accompanied by a cacophony of discharges from gas guns and avian distress alarms sounding especially over the summer period making outdoor living totally unbearable, totally destroying the residential amenity of the area for some 250 residents.

**In this instance, what happens when a noise generating activity is proposed years after the development of numerous residential properties such as at Westmere? Who has existing use rights ?**



**As the District Plan Review, Phase Six: Plan Change 41 use of gas guns and avian distress alarms is a Council initiative I fully expect the Council will fund the retrospective acoustic upgrades to some 110 houses estimated at around \$50,000 or more per property. Total cost of acoustic upgrades is in the order of \$5.5million!**

I note one of the noise mitigation techniques proposed is landscaping to mitigate the perception of noise. No amount of landscaping (including terra forming) can disguise the noise of numerous gas gun discharges which can travel a great distance especially when the constantly changing wind direction and intensity is taken into account.

**As the District Plan Review, Phase Six: Plan Change 41 use of gas guns and avian distress alarms is a Council initiative I fully expect at the very least the Council will monitor every noise generating activity several times each day for compliance as the wind direction and intensity constantly changes ?**

Nothing can temper the noise from even one single gas gun discharging every 10 minutes between 6.30am and 8.00pm (13.5 hours) for 365 days = **29,930 discharges per annum**. Windermere Strawberries has used gas guns illegally on several occasions in the past, resulting in the council confiscating the gas guns for being in breach of the District Plan. Windermere Strawberries then obtained several more and used them yet again illegally until ordered to desist. Given their past disrespect for the District Plan what chance do we or other residents living in close proximity to Windermere Strawberries and the other commercial activities have of enjoying the peaceful life we once enjoyed if the new rules are adopted especially as proposed ?

The proposed rule for gas gun usage allows every lifestyle block property owner to use at least one gas gun. If you multiply the cumulative effects of 29,930 discharges per annum, per gas gun, by 110 properties in and around Windermere Strawberries when used in accordance with the proposed rules, it would sound like living in the middle of the WW1 Somme battlefield. When avian distress alarms with no limits on how many time they can be used between 6.30am and 8.00pm are added to the equation, this multiplies the noise pollution generated several fold. Is this the outcome the Council believes is what the rural community wants or needs and more importantly is it in accordance with the ethos of the Resource Management Act ?

Ashburton DC District Plan rules on gas gun usage states that in most instances gas guns in the rural zone typically require a setback of some 600m to achieve compliance with their noise limit of 65 dB (LAE) which is less than the noise limit WDC proposes. A setback of around 600m would be impossible to achieve at the majority of the Westmere properties, where there can be as little as 50m or 60m separating many of the residential dwellings.

Worldwide research shows crop pests quickly become habituated to gas guns and avian distress alarms, some after a relatively short duration i.e. several days and ignore them completely. Research also shows some crop pests get so habituated to gas gun and avian distress alarm use they fly into feed on a crop when they are used alerting them food is available. Gas gun and avian distress alarm use needs to reflect the period of peak crop damage and be limited to that period, not used 24/7, otherwise we will be no better off than in the good old days using DDT on every plant and pest, just in case !

Evidence shows gas guns and avian distress alarms can be effective when used as part of an Integrated Pest Management Plan (bird management plan). An Integrated Pest Management Plan includes: pest identification, crop and area used, period of crop damage, management options including: visual, audible, chemical, habitat modification, exclusion and lethal, positioning and duration of pest scaring, impact on neighbouring properties and noise mitigation strategies, neighbour notification and site information signage and any other information the Council deems necessary.

Used correctly gas guns and avian distress alarms as part of an Integrated Pest Management Plan may be effective but when not, they are a cheap and nasty solution and therefore a futile means of control. Ultimately this leads to environmental damage and neighbour irritation while crop damage continues virtually unabated.

#### **Policy Considerations**

I ask you to consider:

- 1) How does the potential 365 day use of gas guns and avian distress alarms in Westmere, at and around Windermere Strawberries, sit when measured against policy: **17.3.2**
  - To manage noise emissions at levels, time restrictions or in locations which protect the health of individuals and the community ?
- 2) How does the potential 365 day use of gas guns and avian distress alarm in Westmere, at and around Windermere Strawberries, sit when measured against policy: **17.3.3**
  - Ensure that noise occurs at limits that maintain and reflect the amenity values and character of the locality by:
    - Limiting the sources, type, duration, timing or location of the noise;
    - Noise sensitive activities are sound insulated to mitigate any adverse noise effects; from existing noise generating activities.
    - Requiring adoption of the 'best practicable option' and regular maintenance of noise generating equipment or activities; and
    - Requiring the use of landscaping to mitigate the perception of noise.?
- 3) How does the potential 365 day use of gas guns and avian distress alarms in Westmere, at and around Windermere Strawberries, sit when measured against policy: **17.3.4**
  - To maintain the character and amenity values of the rural zones with respect to noise, without unduly restricting rural activities. Limits for noise received by occupants of dwellings will be set to avoid restrictions on rural activities, provided that such activities adopt the best practicable option.

### Summary

The Council has created this potentially explosive situation by allowing virtually unrestricted residential subdivision and development for many years with some 110 high density residential properties in very close proximity to high intensity commercial operations in the rural zone in Westmere. As the Council can't rescind the subdivision approvals one option would be to purchase the residential properties by private treaty or the Public Works Act where necessary. That will be costly for ratepayers with the average lifestyle property price being in the \$600,000 to \$700,000 range, totalling \$71.5 million and then what to do with the land and buildings, return them to farming land ? It may be better for the Council to buy the adjacent farm land and sell that for residential subdivision which may recover a greater proportion of the outlay but is it politically acceptable. Essentially the Council has to accept the houses and commercial properties are there to stay and find a way around this issue.

Now is the time review and validate the need to include the use of gas guns and avian distress alarms in the rural zone in the District Plan review. The easy option given the lack of submissions seeking its inclusion is for the status quo to remain i.e. the use of gas guns and avian distress alarms are prohibited. The hard option is to address the possible conflicting residential and commercial requirements if gas guns and avian distress alarms are to be permitted in the revised District Plan. As stated previously retrospective acoustic upgrades are costly and probably don't achieve the desired outcome of restoring a peaceful and quiet community especially where everyone enjoys the outdoor life.

The Council also needs to recognise their past subdivision planning mistakes. This could be to prohibit the use of all gas guns and avian distress alarms in either all or part of the rural zone. One possibility could be just to exclude the use of gas guns and avian distress alarms within 600m of the high density residential property bounded by numbers 8 to 100 Western Line, numbers 10 to 85 St Oswalds Drive, numbers 6 to 109 Watt Livingstone Road, numbers 6 to 54 Simpson Road and numbers 199 to 392 State Highway 3 due to the proximity of a large number of residential properties housing some 275 residents before conflict arises. A similar exclusion zone could include any other densely populated area(s) in the rural zone where both the Council and community deem it needs excluding, if and when the land usage changes requiring the use of gas guns and avian distress alarms.

The rules on the use of gas guns and avian distress alarms as proposed needs to be reviewed, being more proactive by requiring the submission of a comprehensive Integrated Pest Management Plan for Council approval and actively monitored regularly for ongoing compliance on a full cost recovery basis.

Should the Council adopt the use of gas guns and avian distress alarms in the rural zone, as proposed in the District Plan Review Six the Council Plan Change 41, it is potentially exposing itself to a legal and costly challenge.

## Proposal

In considering this request dutifully you will be assisting both the Council and yourselves in fulfilling its legal, moral and environmental obligations to the numerous residents of Westmere and elsewhere in the District encompassed by the District Plan Review, Phase Six: Plan Change 41 by:

- 1) determining the actual necessity for including gas gun and avian distress alarm usage in the rural zone as part of its review of the District Plan Review, Phase Six: Plan Change 41 Noise.
  - a. should the Council determine there is not a legitimate need for gas guns and avian distress alarms it specifically excludes their use in the District Plan Review, Phase Six: Plan Change 41 Noise to prevent any future ambiguity.
  - b. should the Council determine there is a legitimate need for gas gun and avian distress alarm usage in the District Plan Review, Phase Six: Plan Change 41, the Council proceeds by:
- 2) adopting best practice by requiring the submission of an Integrated Pest Management Plan for Council approval. Information required includes but is not limited to: pest identification, crop and area of use, period of crop damage, management options including: visual, audible, chemical, habitat modification, exclusion and lethal, positioning and duration of pest scaring, impact on neighbouring properties and noise mitigation strategies, neighbour notification and site information signage and any other information the Council deems necessary
- 3) implementing regular on site monitoring for compliance with the approved Integrated Pest Management Plan
- 4) introducing a fee for approving an Integrated Pest Management Plan and regular on site monitoring for its compliance and effectiveness on a full cost recovery basis including noise control call out fees
- 5) excluding the use of gas guns and avian distress alarms in the District Plan Review, Phase Six: Plan Change 41, Noise: within 600m of numbers 8 to 100 Western Line, numbers 10 to 85 St Oswalds Drive, numbers 6 to 109 Watt Livingstone Road, numbers 6 to 54 Simpson Road and numbers 199 to 392 SH3 due to the 110 high density residential properties and approved subdivisions being in close proximity to several commercial properties adjacent to them to avoid the potential destruction of the residential amenity highly valued by all the residents alike.

## Submitted by:

Keith Hindson and Gloria Marie Rigg  
45 Watt Livingstone Rd  
RD4  
Wanganui 4574

Anthony Kelvin Cameron and Ada Mary Cameron  
46 Watt Livingstone Rd  
RD4  
Wanganui 4574