

 <p>ROTORUA LAKES COUNCIL Te kaunihera o ngā roto o Rotorua</p>	<p>Submission form</p> <p>PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN</p> <p><i>Form 5 - Clause 6 of First Schedule, Resource Management Act 1991</i></p>	<p>Submission number <i>Office use only</i></p>
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(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line

OR Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046

OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

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

Full Name Of Submitter:	Eastside Residents Association ("ERA")	Address For Service:	PO Box 2056, Rotorua
Full Postal Address:	PO Box 2056 Rotorua		Our speakers to the submission will be advised
Telephone No: 07 3933133 Email: eastsiderag@gmail.com		Mobile Phone: 027 7816239	

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

An ERA Representative wishes/~~do not wish~~ [delete one] to be heard in support of our submission.

If others make a similar submission, we ~~will~~ **WILL NOT** [delete one] consider presenting a joint case with them at a hearing.

We ~~could~~ **COULD NOT** [delete one] gain an advantage in trade competition through this submission.

Signature of submitter

Date

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

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

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

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
<p>Plan Change 4 Noise A.11.6</p> <p>Noise descriptors</p>	SUPPORT	<p>We support the adoption of New Zealand Standards NZS6801 and 6802 noise descriptors (hereinafter referred to as “the New Zealand Standards”) to the District Plan to avoid confusion in the community on how the noise level average is measured for assessment.</p>	<p>Include the New Zealand Standards reference times to the District Plan Performance Standards as drafted.</p>

<p>A11.6 Noise Limits</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>We believe the stated noise limits are appropriate in keeping with best practice of other councils in New Zealand and that the noise levels are suitable in relative to the residential residual levels in Eastside.</p> <p>Because of the inclusive of the word “and” in the A.11.6.1 noise limit column, it is ambiguous to whether both types of level have to be exceeded before the activity is non-compliant.</p> <p>For example, the noise limit column currently states: Nighttime 40Db L_{Aeq} (15 min) and 70Db L_{Max}.</p> <p>By removing the word “and”, it makes it quite clear, as other councils do in their performance standards, that only one of the technical levels needs to be exceeded to be determined non-compliant.</p>	<p>Adopt the proposed noise limits as drafted by Council and remove the following from A.11.6.1:</p> <p>Remove the word “and” from the night time limits</p>
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<p>A 11.6.1 Location of Noise Measurement</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>We support the Plan wording change to clarify the noise measurement location.</p> <p>However, during 2015/16 Lumbercube saga there was confusion between the community and council to whether the measurement point within the boundary was the nearest point of noise reception from the source and that it should only be at ground floor. Significantly higher noise readings (after technical building correction) were measured by the ERA at second floor bedrooms.</p> <p>We proposed the words from NZ6802 8.4.3 are included to state: “the appropriate measurement position will generally be at any point within the area desired to be protected”.</p>	<p>Change the proposed wording of the first sentence of A.11.6.1:</p> <p><i>“Noise levels shall not exceed the following limits when measured at any point <u>within an area desired to be protected</u> within the boundary of the receiving site ...”</i></p>
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A11.6.1 Time Frames	SUPPORT	We support the elimination of the shoulder period to reduce rule confusion in the community.	No change
Time Frames of Night-time	OPPOSE	<p>We oppose the night time period starting at 10pm because we believe based on our experience with the 2015/2016 Lumbercube saga, that there was significant nuisance and impact on families from:</p> <ul style="list-style-type: none"> • non-compliant night-time noise levels causing sleep disturbance • stress in the adult population • reduced ability to undertake adult day time & shift jobs • double stress of adults living and working in the Eastside community • impact on Lynmore School and children's schooling. • loss of enjoyment of evening outdoor living and activities. <p>We recommend that the night time period should start at 7pm, which is the time that families are preparing children for sleep, activities in the neighborhoods are quieting down and commercial/industrial businesses are likely to have finished long day shifts.</p> <p>This time is supported by the fact that other communities and councils in 13 NZ locations have earlier day time finish periods, with some as early as 6pm.</p>	Change the day time period of 7am to 10pm, to 7am to 7pm within Plan Change A.11.6.1 tables.

Appendix 11 Reference to New Zealand Standards	SUPPORT WITH AMENDMENT	<p>We support the reference to the New Zealand Standard as an important technical objective performance standard for enforcement.</p> <p>As the Lumbercube 2015/2016 saga demonstrated, lack of objective standards was a fundamental factor in causing slow enforcement action by Council.</p> <p>We note within the new Noise Chapter, Appendix 11, that the New Zealand Standard itself is not stated within the Chapter. We initially noted in the Operative District Plan Report (ODP Report) 3.4.1, that the proposed changes table includes the New Zealand Standard in the definition. Therefore, why is this definition not included in Appendix 11?</p>	State in Appendix 11 that the Performance Standards to be used are NZS 6081 and 6802.
Definitions and Exemptions	SUPPORT	We support the exemptions as stated.	No change

Reverse sensitivity	SUPPORT WITH AMENDMENT	<p>We believe it is important that currently zoned residential and rural zoned land adjacent to residential is not converted into industrial or commercial to prevent nuisance.</p> <p>If restrictive policy 11.3.2.4 is acceptable, then protection of existing residential zones should be. This is in line with the proposed Spatial Plan to reduce and shift industry adjacent to residential areas in the Caldera.</p> <p>If a buffer zone is preserved, then unreasonable and impractical noise mitigation will not be required of the rezoned land activities.</p>	<p>Add an additional policy in 11.3.2</p> <p>Limit the conversion of existing residential and rural-zoned land adjacent to residential zones, into industrial/commercial zone to preserve buffer space.</p>
Vibration	SUPPORT	No comment	No change
Within zone and between zones	SUPPORT	No comment	Support change

Centralisation	SUPPORT	No comment	Support as drafted
Noise from Telecomms equipment	SUPPORT	No comment	Support as drafted
A.11.7.1 Noise Assessment Matters	SUPPORT WITH AMENDMENT	The assessment criteria does not contain reference to the New Zealand Assessment Standard. Therefore, there is no performance standard specifically stated to be used. The New Zealand standard is the best practice and will be used by council and community, so for clarity should be stated.	State that the New Zealand Noise Assessment Standard NZS6802 method will be applied in A.11.7.1 criteria

<p>A.11.9</p> <p>Non-complying activities – method of assessment</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>We refer to the assessment criteria of A .11.7.1</p> <p>Our view is Assessment based only on merits against the requirement of the Resource Management Act is not specific enough to ensure appropriate level of scrutiny and due diligence when considering non-compliant activities.</p>	<p>State that the Assessment Criteria of A.11.7.1 will be the criteria for assessment in A11.9</p>
<p>A.11.6.3.1 a</p> <p>State Highway</p> <p>Airport</p>	<p>SUPPORT</p>	<p>On balance of financial cost and considerations of reverse sensitivity, we support the adoption of the 25 % building extension threshold for the requirement of additional acoustic insulation in zones impacted by the State Highways corridors and Rotorua Airport Noise Contour.</p>	<p>Support as drafted</p>