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**COMMISSIONERS RECOMMENDATIONS  
PROPOSED PLAN CHANGE 4**

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**Noise**

FOR CONSIDERATION BY  
COUNCIL  
29 APRIL 2018



<b>HEARING: Plan Change 4 - Noise</b>
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## 1. Introductory Comment

- 1.1 Plan Change 4: *Noise* has been developed in response to unforeseen issues arising in the District Plan provisions highlighted through the Lumbercube event. This has predominantly been a technical plan change to ensure that the District Plan provisions are enforceable.
- 1.2 Our job as Commissioners has been to consider the submissions received on the plan change and to make a recommendation to Council on what changes should be made to the District Plan.
- 1.3 There have been two clear and inter-related themes that have come through in the submissions and evidence we have heard and received.
- 1.4 The first of these is the importance of ensuring that there is adequate protection for residents from noisy activities. This has been clearly articulated and expressed by the two community associations – Mokoia and Eastside residents, along with a number of the submitters notably from Ngapuna and Lynmore. We would like to thank all of these submitters for the time and effort put into their submissions, and the professional approach taken, in terms of Lumbercube, and the on-going issues, in terms of Ngapuna.
- 1.5 We consider it is important here to acknowledge that the plan change will help Council to undertake enforcement action where there are breaches of the noise provisions in the District Plan and to control new activities. However, we also acknowledge that this will only be part of the solution, and recognise this will not address situations where a activity complies with the District Plan noise standards or resource consent conditions.
- 1.6 As such, we consider it is worth noting that Council is currently finalising its Spatial Plan which proposes the phasing out of the Industrial Zones from areas in close proximity to residential development, along with the creation of new Industrial Zones away from residential areas. These proposals are only in their infancy, and if supported will take some considerable time before significant land use change occurs. However, this is another positive step in addressing this issue for communities like Ngapuna.
- 1.7 This leads to the second theme of the submissions, which was ensuring that there is appropriate protection for existing noise generating businesses and activities. We heard evidence from submitters representing a range of businesses and activities that fall into this category, including Federated Farmers, Fonterra and the Thermal Brewing Company Ltd. In many ways, the issues raised by these submitters are the other side of the same coin. These businesses and activities, legitimately, want to ensure that there are appropriate provisions in place to avoid future issues with new activities that are sensitive to noise. These submitters have provided, in many cases, a detailed critique of the planning provisions. Detailed analysis of any proposed rules from a range of perspectives is an important component of ensuring that the final plan provisions are robust and workable for all parties. As such, we would like to note our appreciation to these submitters for their time and professional analysis.
- 1.8 Finally, and importantly, we note that ongoing monitoring of noise levels is a key recommendation of the Acoustic Report by Malcolm Hunt; and recommend that priority be given to ensuring that ongoing monitoring is adequately funded.

## 2. Legal Context

- 2.1 The RMA sets out the key decisions that need to be made by Commissioners hearing plan changes, and ultimately by the Council<sup>1</sup>.
- 2.2 The first of these is that the decision '*must include the reasons for accepting or rejecting the submissions ...*'.
- 2.3 The Reporting Planner has provided a comprehensive hearing report (see Appendix 2) which provides recommendations on whether each submission should be accepted or rejected with reasons. We have considered these recommendations along with the submissions and evidence provided at the hearing. Our recommendations on submissions are contained in Section 7 of this report.
- 2.4 Our decision must also include a further evaluation of the plan change<sup>2</sup>, again this further evaluation forms part of our report.
- 2.5 This report should be read in conjunction with:
- Appendix One: Recommended Amendments to District Plan;
  - Appendix Two: Summary of Submissions;
  - Appendix Three: Planners Hearing Report (Section 42A Report).
- 2.6 Under the *RMA Policy Committee Delegations* the Commissioners have delegated authority to make recommendations to Council in relation to PC4. Under clause 34(2) of the RMA the final decision on any plan change or district plan review must lie with full Council. As such, this is a recommendation only.

## 3. Key Changes Introduced through the Plan Change

- 3.1 The Reporting Planner has summarised the main proposed changes to the District Plan, and the reasons for these changes, as follows:
- *Insertion of amended wording around the location for noise measurement*
  - *Enhanced reference to relevant New Zealand Standards*
  - *Restructuring of noise provisions and consolidation and placement into a new dedicated Noise chapter, including new objectives, policies and environmental outcomes, and the addition of noise-specific assessment criteria*
  - *New definition of noise and statement of exemptions*
  - *New definition of Noise Sensitive Activities, incorporating parts of the existing definition of Activities Sensitive to Aircraft Noise*
  - *Clear distinction between noise generated and received within the same zone, and another zone*
  - *Some change to the acoustic treatment requirements for noise sensitive activities*

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<sup>1</sup> RMA, 1<sup>st</sup> Schedule, Clause 10.

<sup>2</sup> RMA, Section 32AA.

- *Some change to the activity status for applications for extensions in those areas subject to airport noise*

*The reasons for the changes include:*

- *Significantly reduced repetition of the same material, and overall condensation of the ODP*
- *Significantly reduces inconsistencies between similar provisions*
- *The approach to the management of noise is clearly discernible through an articulation of relevant objectives, policies and environmental outcomes that preface noise rules. This will aid interpretation of the provisions if they were to come under challenge.*
- *Remove redundant provisions or duplications*
- *Improves implementation*
- *In relation to activity status for noise sensitive activities near the airport, the new approach is less onerous and more reasonable*

## **4. The Hearing**

4.1 The hearing on PC4 was held on 3 November 2017. The Commissioners who sat on this Committee are:

- Chair: Commissioner Karen Hunt
- Commissioner: Rob Kent
- Commissioner: Gina Mohi

4.2 Nineteen submissions were received on the plan change and eight further submissions. Six groups or individuals presented their submissions to the Committee, and tabled evidence was provided from another four submitters.

4.3 The Hearing was reconvened on 8 February to hear expert evidence from Malcolm Hunt (Malcolm Hunt Associates) in relation to submissions received on the night-time and evening noise periods. Submitters were present and able to ask questions of clarification.

## **5. Format of this Report**

5.1 This report follows the format of the Reporting Planners Report, with a summary table of the submission points grouped by topic including our recommendation, followed by a discussion of the key points. For simplicity we refer to the Reporting Officers Report except where further discussion is considered necessary.

<b>6. General Submission Points</b>
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Submitter Number Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason (References refer to Planners Report)
8.19	<p>The PPC4 is, understandably, an amalgam of criteria and processes used in the past to regulate noise in Rotorua, including resource consenting. These regulations have ‘grown like Topsy’ over time without reference to long term purposes that determine scope.</p> <p><u>Amendment requested:</u> Formally adopt quadruple bottom-line policy making to determine the purpose and scope of all Council policy reviews, including regulations.</p>	Support with amendment	Reject	No change	4.1.2
	FS4.04	Oppose	Accept	No change	
8.1	<p>Supports a new chapter in the Operative District Plan (ODP) because it recognises that noise has the potential to cause annoyance and affect health, and must be regulated, and because it consolidates and advances previous provisions to cope with changed circumstances.</p> <p>In particular the RDRR endorses the recognition of ‘reverse sensitivity’ because it addresses the need to constrain or curtail lawfully established activity due to more recent activities and changed circumstances that generate sensitivities.</p>	Support	Accept	No change	2.3

8.18	<p>The Section 32 evaluation did not recognise the equal human rights of residents and ratepayers to noise regulations or justify itself by reference to agreed principles of policy making. Such principles are needed to ensure that policy review processes do not and/or are not seen to be biased. The current approach to evaluating and revising regulations could be improved by being made more reflective of principles drawn from representative democracy and the Treaty of Waitangi.</p> <p>To gain greater unity and coherence in the Rotorua community, the RDRR suggests that these principles be combined and elevated to the status of being human rights of all citizens.</p> <p><u>Amendment requested:</u> Formally adopt the principles of representative democracy and the Treaty of Waitangi and define these principles as human rights of all Kiwis in Rotorua.</p>	Support with amendment	Reject	No change	4.1.3
7.11	Support Section 32	Support	Accept	No change	2.3
	FS7.02	Support	Accept	No change	
7.12	Support Section 32: Telecoms Equipment	Support	Accept	No change	2.3
	FS7.02	Support	Accept	No change	
7.9	Support Section 32: Vibration discussion	Support	Accept	No change	2.3
	FS7.09	Support	Accept	No change	



8.20	<p>Reconfigure the policy development process, and adopt action research for policy making.</p> <p><u>Amendment requested:</u> Formally adopt an action research methodology to engage elected representatives, officials and partners in policy development and in capacity building.</p>	Support with amendment	Accept in part	No change	4.1.6
1.1	Fully supports the proposed plan change 4 to the Rotorua District Plan in respect of noise.	Support	Accept	No change	2.3
2.1	Supports proposed plan change 4 which ensures that rural activities can still operate in rural zones where appropriate and excludes noise from all vehicles and mobile machinery associated with forestry.	Support	Accept	No change	2.3
10.1	Supports in part Plan Change 4 (Noise) and specifically the Rotorua Lakes Council's decision to restructure the noise provisions so that they are consolidated and placed in a new dedicated noise chapter with consistent objectives, policies and environmental outcomes.	Supports in part	Accept	No change	2.3
17.1	<p>Retain the plan change with amendment to ensure consistency with the outcomes sought by the submitter on PC1 including, but not limited to, inclusion of a new objective and policy stream for the Airport (as proposed in PC1) and complete (and correct) coverage of all relevant rules for the Airport Noise Control Contours, including for subdivision;</p> <ul style="list-style-type: none"> <li>- The existing plan provisions for the Airport, in particular A7 Airport Noise and Development Controls; and</li> <li>- The specific requests for amendments set out in all parts of this submission.</li> </ul>	Supports in part	Reject	No change	4.1.7

4.1	Generally supports the reasons for the Plan Change  <u>Amendment requested:</u> To retain the provisions in the new Noise Chapter A11, including corresponding deletions to the noise provisions in the Zone chapters, except where otherwise requested by this submission.	Supports in part	Accept in part	No change	4.1.7
6.1	Support is on condition that the new noise bylaw provides a clear and precise interpretation for enforceability, litigation and prosecution in a court of law.	Supports	Accept	No change	4.1.8
	FS6.01	Support	Accept	No change	
19.4	The submitter owns and operates the Pig & Whistle Historic Pub. The submitter supports changes which seek to protect the legitimate operation of its business from the effects of reverse sensitivity.	Supports	Accept	No change	4.1.7
9.1	The submitter recounts the distress caused by the Lumercube episode and the lessons learnt. The submitter is also seeking confirmation that PC4 will ensure that an incident like Lumercube will not be repeated.	Supports	Accept	No change	4.1.4
7.6	We support the reference to the New Zealand Standard. As the Lumber cube 2015/2016 saga demonstrated, lack of objective standards was a fundamental factor in causing slow enforcement action by Council.  We note within the new Noise Chapter, Appendix 11, that the New Zealand Standard itself is not stated within the Chapter.  <u>Amendments requested:</u>  1. State in Appendix 11 that the Performance Standards to be used	Amend	Reject	No change	4.1.5

	are NZS 6081 and 6802. 2. Include definition in Appendix 11.				
8.17	Supports consequential amendments	Supports	Accept	No change	2.3

### GENERAL SUBMISSIONS - DISCUSSION

- 6.1 Submissions have been received on a range of topics relating to the plan change. These include general support for the plan change and the consolidation of noise provisions in one section of the District Plan. Submissions were also received relating to the process for developing the plan change, and support around reference to the NZ Standard on noise.
- 6.2 Tabled evidence was received from submitter No. 5 Horgan explaining that he considers that the plan change 'is neither justified' nor 'fit-for-purpose'.

### COMMISSIONERS RECOMMENDATIONS

- 6.3 We agree with and adopt the recommendations of the Reporting Planner's Report (sections 4.1.1 – 4.1.8). As such, no changes are proposed to the plan change provisions as a result of these submissions.

<b>A11.1: Introduction section of Appendix 11</b>
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Summary Table - submission points

Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
12.1	<p>The introduction sets the tone for the plan change and Federated Farmers therefore consider it important that this subject should be raised at an early stage with the theme followed through the rest of the noise chapter. We consider that the plan change should recognise the importance of existing agriculture activities to the Rotorua district and that it can only occur in the rural zone. These activities are vulnerable to and needs to be protected from reverse sensitivity.</p> <p><u>Amendment requested:</u></p> <p>Insert wording after the first paragraph:  <u>The rural zone is important to establish agriculture production activities and such activities is uniquely vulnerable to and needs to be protected from reserve sensitivity to noise. With the recent trend towards country living, existing agriculture and horticulture activities may be subject to an increasing number of complaints in respect of the noise of their day to day activities. The noise effects of these activities often cannot be readily avoided, remedied or mitigated by the person undertaking the activity without causing significant adverse economic effects. The levels of noise that are anticipated for the rural zone and associated with permitted activities, should be permitted in the District Plan. If people choose to live in the rural</u></p>	Support with amendment	Reject	No change	4.2.1-.3

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	<u>zone, they should be prepared to accept the inconvenience caused by normal noises associated with a working rural zone.</u>				
	FS2.02	Support	Reject	No change	
3.1	Support	Support	Accept	No change	2.3

INTRODUCTION SECTION OF APPENDIX 11 - DISCUSSION

- 6.4 The only submission requesting changes to the Introductory text was received from Federated Farmers (Sub 12) who also provided evidence to the Hearing.

COMMISSIONERS RECOMMENDATION

- 6.5 We have reviewed the submission and evidence of Federated Farmers and the evidence of the Reporting Planner in light of the proposed plan change provisions and the existing rural zone policy framework. We do not consider any changes are necessary to A11.1 Introduction.

<b>A11.2: Key Environmental Issues</b>
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Summary Table - submission points

Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
12.2	<p>The submitter is concerned that the Rural Zones are vulnerable from residential developments specifically targeting rural areas. People want to be surrounded by countryside but do not want the noise associated with rural activities, and this can be a threat to lawfully established and operating rural activities.</p> <p>Amendment requested:  <u>Unless deemed to be noise reverse sensitivity</u>, Activities within one zone generating noise which detracts from the amenity of adjacent zones, for example between Industrial and Residential zones, and between the Airport and surrounding Residential and Rural zones.</p>	Support with amendment	Reject	No change	4.3.1
	FS5.01	Oppose	Accept	No change	
12.3	<p>Further to submission point 12.2, we consider normal noise expected from usual existing rural activities should be allowed in a rural zone and not be held to an unrealistic standard for a working area with unique noise issues.</p> <p>We also refer to Issue 9.2.4 in the operative District Plan that specifically states that it is the residential development that needs to insure it avoids reverse sensitivity in rural zone not the existing activity in rural zones.</p>	Support with amendment	Accept in part	Change	4.3.2-.3



	<p><u>Amendment requested:</u></p> <p>Change the order of issue 3 and 4 around and amend new issue 4 (old issue 3) as follows:</p> <p><del>4.</del> 3. The perception of the Rural zones as being quiet environments that does not reflect the reality of these zones as productive working areas.</p> <p><del>3.</del> 4. The operation of rural and non-rural activities in the Rural zones that generate noise which detracts from amenity <u>level that can be expected in a Rural zone.</u></p>				
12.4	<p>This new issue is to bring over into this chapter Issue 9.2.4 of the current operative district plan which was applicable to noise but somehow not incorporated into this chapter. It recognise and provide for important existing agriculture activities and its unique vulnerability to reverse sensitivity. Adding this issue explains the protection against reverse sensitivity for usual agriculture noises in rural zones in subsequent objectives, policies and rules.</p> <p><u>Amendment requested:</u></p> <p>Insert New issue</p> <p><u>7. The rural area is a working environment, a place for primary production, associated industries and network utilities infrastructure. Noise can result from these activities and are to be expected within the rural environment. New Rural living can be incompatible with the existing working environment. The noise effects often cannot be readily avoided, remedied or mitigated without causing significant adverse economic effects. Residential</u></p>	Support with amendment	Reject	No change	4.3.4

	<u>development will need to mitigate the adverse effects created from such reverse sensitivity.</u>				
	FS2.03	Support	Reject	No change	
13.1	<p>Submitter supports the identification of key noise issues in the plan change. However, the list provided neglects to recognise the potential reverse sensitivity issues associated with noise arising from new sensitive activities locating within proximity of established rural industrial activities (such as Fonterra’s Reporoa Dairy Manufacturing Site) which are located in the rural environment.</p> <p><u>Amendment requested:</u></p> <p>Include new particular issue (7) as follows:  <u>7. Large-scale rural industrial activities which generate noise have established in the District’s rural environments.</u></p>	Support with amendment	Accept	Change	4.3.5
17.3	<p>The Submitter is concerned to ensure that the issue of reverse sensitivity in respect of the Airport is appropriately and consistency dealt with in the District Plan.</p> <p><u>Amendment requested:</u></p> <ol style="list-style-type: none"> <li>1. Amending Issue 2 to remove reference to “the Airport and surrounding Residential and Rural Zones” as this is not an example of activities within one zone that detract from the amenity of adjacent zones; and</li> <li>2. Deleting or amending Issue 6.</li> </ol>	Support with amendment	Accept in part	Change	4.3.6

8.1	<u>Amendment requested:</u> Insert additional key environmental issue: The advent of online-managed and short-term accommodation operations in residential zones that can generate noise, disturb the peace, and detract from existing amenity values without contributing to tourism infrastructure.	Support with amendment	Reject	No change	4.3.7
	FS4.01	Oppose	Accept	No change	

A11.2 KEY ENVIRONMENTAL ISSUES - DISCUSSION

- 6.6 Section A11.2 of the Noise Appendix identifies the 'Key Environmental Issues'. Four submitters requested amendments to these issues.

COMMISSIONERS RECOMMENDATION

- 6.7 We agree with the Council Planner's assessment and support the proposed amendments resulting from these recommendations as these clearly reflect the particular issues identified by submitters.

<b>A11.3: Objectives and Policies</b>
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Summary Table - submission points

Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
12.5	Objective A11.3.1: Supports this objective and seeks that it be retained or a similar objective be included that continues with the theme that in a rural zone a person should expect the noise that goes with a working rural environment.	Support	Accept	No change	2.3, 4.4.16
	FS8.06	Oppose	Reject	No change	
13.2	<p>Objective A11.3.1: The Reporoa site is zoned Industrial 2 (ID2) in the District Plan. This zone specifically provides for activities that will generate high levels of noise. The Reporoa site's Noise Control Boundary recognises that the site generates noise effects beyond its boundaries and affects land within the Rural Zone. These effects form part of the existing environment and need to be recognised in the wording of the Objective.</p> <p><u>Amendment requested:</u></p> <p>Amend Objective A11.3.1 as follows: A noise environment consistent with the character and amenity expected for the zone <u>taking into account existing activities.</u></p>	Support with amendment	Reject	No change	4.4.1

17.5	<p>Objective A11.3.1: The submitter generally supports the new objective and policy streams, however considers it appropriate to strengthen these provisions, or add new ones, to address the issue of reverse sensitivity in respect of the Airport and to recognise the existing provision of Airport Noise Contour Controls.</p> <p><u>Amendment requested:</u></p> <p>Amend Objectives 11.3.1 and 11.3.2 and their associated polices, or introduce a new objective and policy stream, to specifically address the issue of reverse sensitivity effects in respect of the Airport consistent with the existing provision of Airport Noise Contour Controls and that proposed for PC1 including, but not limited to:</p> <ul style="list-style-type: none"> <li>* Adding objectives that “The Airport is protected from reverse sensitivity effects” and “The adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise are avoided, remedied or mitigated”; and</li> <li>* Adding policies that specifically relate to each of the Airport Noise Control Contours.</li> </ul>	Support with amendment	Reject	No change	4.4.2-.3
	FS8.05	Oppose	Accept	No change	
12.6	<p>Policy A11.3.1.1 supported and seek that it be retained or a similar policy be included that continues with the theme that standards in a rural zone should reflect that zone’s function and permitted activities.</p>	Support	Accept	No change	2.3

13.3	<p>Policy A11.3.1.1 requires amendment to is more effectively expressed [sic] by removing reference to the specific methods as the means of control is proposed to be much broader than compliance with performance standards.</p> <p><u>Amendment requested:</u></p> <p>Control the potential adverse effects of noise on noise sensitive activities <u>including</u> by setting appropriate standards that reflect <u>the function of the zones</u> and permitted <u>activities within them</u>.</p>	Support with amendment	Accept	Change	4.4.4
12.7	<p>Policy A11.3.1.2: Submitter’s concern is with urban sprawl and subdivisions causing rezoned pockets of new zones amongst rural areas. These zones with noise reverse sensitivity will restrict permitted activities in rural zones nearby unless it is controlled. Although not appropriate for inclusion in a policy we support methods of control implied in Issue 9.2.4 (new A11.2) that it is the residential development that needs to control its own reverse sensitivity to a working rural environment.</p>	Support	Accept	No change	2.3
13.4	<p>Policy A11.3.1.4: Fonterra supports the exemption of noise associated with temporary activities and construction.</p>	Support	Accept	No change	2.3
5.6	<p>Policy A11.3.1.4: On occasion RNZ has to operate back-up generators. As a lifeline utility, it is essential that RNZ is able to use back-generators when required, and it is appropriate that such activity be exempt from noise level requirements. Minor amendment is required to clarify that the “other activities” referred to may be in any zone (not only the rural zone).</p>	Support with amendment	Accept	Change	4.4.5

	<p><u>Amendment requested:</u></p> <p>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities (<u>in any zone</u>) clearly of a temporary nature (e.g. Construction works, emergency back-up generators).</p>				
12.8	<p>Policy A11 3.1.4 Submitter supports the intent of this policy. Considers it can be clarified that activities of a temporary nature refers to other activities and not to activities associated with production land in rural areas.</p> <p>We also consider that the words proposed by NZS 6802:2008 about “activities associated with production land in rural areas” are more appropriate and clear and avoids ambiguity.</p> <p><u>Amendment requested:</u></p> <p>Exempt from the maximum permitted noise level requirements those activities which are:</p> <p>a. <u>Normal primary or agriculture production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act; and an integral part of accepted management practices of activities associated with production land in rural areas; as well as</u></p> <p>b. other activities clearly of a temporary nature (e.g. Construction works, emergency back- up generators).</p>	Support with amendment	Accept in part	Change	4.4.6 4.4.7
12.9	<p>Objective A11.3.2 supported but requests worded much stronger. It seeks to “avoid potential reverse sensitivity effects on lawfully established activities in the rural environment”.</p>	Support with amendment	Reject	No change	4.4.8



	<p><u>Amendment requested:</u></p> <p>Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity <u>and potential reverse sensitivity effects on lawfully established activities in the rural environment are avoided.</u></p>				
	FS8.07	Oppose	Accept	No change	
5.1	Supports Objective A11.3.2. It is important that RNZ is able to continue operating its existing facilities, without being impeded by new activities that are sensitive to noise.	Support	Accept	No change	2.3
13.5	<p>Supports Objective A11.3.2. but considers that amendment is needed to provide a clearer focus to address the issues raised in 11.2.</p> <p><u>Amendment requested:</u></p> <p><del>Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity</del>  <u>The operation and expansion of noise generating activities in the central city, rural and industrial zones is protected from noise sensitive activities.</u></p>	Support with amendment	Reject	No change	4.4.9
13.6	<p>Policy 11.3.2.1. Policy should be amended to restrict noise sensitive activities, rather than simply enabling activities in appropriate zones.</p> <p><u>Amendment requested:</u></p> <p><u>Direct noise sensitive activities away from noise generating activities</u></p>	Support with amendment	Accept in part	Change	4.4.10

	FS3.07	Support	Accept in part	Change	
	FS4.09	Oppose	Accept in part	Change	
5.2	<p>Policy A11.3.2.1. The proposed Policy wording does not quite achieve the Objective because it reads as though the focus is on the noise generated from the proposed new activity, rather than the noise from the existing activities (which should be the focus for a reverse sensitivity Policy).</p> <p><u>Amendment requested:</u></p> <p>Policy 11.3.2.1: Encourage activities to locate in <del>zones</del> <u>areas</u> where the noise generated <u>from existing activities, or noise anticipated by the zone rules</u>, is compatible with <u>the proposed other activities activity</u> and, where practicable, adjacent zones.</p>	Support with amendment	Accept	Change	4.4.10
	FS3.1	Oppose	Accept in part	Change	
12.10	<p>Policy A11.3.2.1: Submitter supports policy that addresses noise reverse sensitivity by encouraging activities that is compatible for the zone. As agriculture production activities can only be located in the rural zone, noise sensitive activities should not be established in or adjacent to rural zones.</p>	Support	Accept	No change	2.3

13.7	<p>Policy A11.3.2.2. Policy identifies some, but not all, practicable measures for the management of noise. Additional reference needs to be made to the use of noise control boundaries. Furthermore, the Policy would be more clearly expressed as avoiding, remedying and mitigating effects, as not all of the management measures proposed relate to mitigation.</p> <p><u>Amendment requested:</u></p> <p><u>Avoid, remedy and mitigate</u> adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, and building location <u>or noise control boundaries</u> to maintain the amenity of adjacent residential zones or marae and habitable buildings.</p>	Support with amendment	Accept in Part	Change	4.4.11
	FS3.08	Support	Accept	Change	
5.3	<p>Policy A11.3.2.2. It is important that development does not occur within the vicinity of RNZ's transmitter site because of the potential for reverse sensitivity effects. RNZ supports this policy because it seeks to mitigate adverse effects generated by infrastructure (which includes RNZ's facilities) through appropriate building location.</p>	Support	Accept	No change	2.3

12.11	Policy A11.3.2.2: As previous stated we support a policy to address noise reverse sensitivity by mitigation of the noise that reach noise sensitive activities or zones including use of buffer zones, landscape buffers and building locations.	Support	Accept	No change	2.3
5.4	Policy A11.3.2.3: While RNZ opposes any new development in the vicinity of its transmitter, if such development does occur it is important that it is appropriately insulated to mitigate any potential adverse noise effects.	Support	Accept	No change	2.3
13.8	Policy A11.3.2.4: <u>Amendment requested:</u> <del>Limit</del> Restrict the location of new residential activities sensitive to disturbance from lawfully established rural industries, recreation, infrastructure and network utilities to avoid reverse sensitivity effects.	Support with amendment	Reject	No change	4.4.12
5.5	Policy A11.3.2.4: As noted above, it is important that sensitive activities do not locate within the vicinity of RNZ's transmitter facilities.	Support	Accept	No change	2.3

12.12	<p>Policy A11.3.2.4: This is an extreme and unexplained watering down of operational Policy 9.3.4.1 and farming activities has been removed from the list of activities stated in that policy. Reverse Sensitivity is the issue and a current policy is applicable and should not have been watered down or changed without any reasons.</p> <p><u>Amendment requested:</u></p> <p><del>Limit the location of new residential activities sensitive to disturbance from</del> <u>Avoid reverse sensitivity effects on</u> lawfully established rural industries, recreation, <u>farming activities</u>, infrastructure and network utilities. <del>to avoid reverse sensitivity effects.</del></p>	Support with amendment	Reject	No change	4.4.13
	FS3.03	Support	Reject	No change	
9.2	<p>Policy A11.3.2.4:</p> <p><u>Amendment requested:</u></p> <p>Add the word <u>Industrial</u></p> <p>.....lawfully established <u>industrial</u>, rural industries....</p> <p>Reason to prevent the establishment new residential zoning adjacent to current industrial zones.</p>	Support with amendment	Accept in part	Change	4.4.14
9.1	<p>Policy A11.3.2.4: The recognition of adverse effects on noise particularly in cross boundary situations where Industrial and Residential zones interface is supported. The long-term objective in the RLC Spatial Plan objective of removing heavy industry away from residential areas is also supported.</p>	Support	Accept	No change	2.3

7.8	<p>Policy A11.3.2.4: 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. If a buffer zone is preserved, then unreasonable and impractical noise mitigation will not be required of the rezoned land activities.</p> <p><u>Amendment requested:</u></p> <p>Add an additional policy in 11.3.2 Limit the conversion of existing residential and rural-zoned land adjacent to residential zones, into industrial/commercial zone to preserve buffer space.</p>	Support with amendment	Accept in part	Change	4.4.15	
	FS6.07	Support	Accept in part	Change		
	FS7.02	Support	Accept in part	Change		

### A11.3 - OBJECTIVES AND POLICIES

- 6.8 The plan change proposes the inclusion of two policy streams relating to noise. The first of these relates to creating an appropriate noise environment (Objective A11.3.1 and Policies 11.3.1.1 – 5). The second relates to reverse sensitivity (Objective A11.3.2 and Policies 11.3.2.1 – 4).

#### Policy Stream 1: *Appropriate Noise Environment*

- 6.9 In relation to the first policy stream: *Appropriate Noise Environment*, submissions have been received from Federated Farmers, Fonterra, Rotorua Regional Airport and Radio New Zealand requesting amendments, along with a Further Submission from Geoffrey Shekell.
- 6.10 The Council Planner's Evidence has recommended alterations to the policies based on these submissions.
- 6.11 We agree these appropriately address the issues raised in relation to submissions.
- 6.12 We note, that Fonterra have requested that the Objective is amended to take into account existing activities. We consider the approach of the objective, alongside the supporting policy 11.3.1.1 and 11.3.1.2, adequately addresses Fonterra's concerns.

#### Policy Stream 2: Reverse Sensitivity

- 6.13 Submissions were received from Federated Farmers, Radio New Zealand, Fonterra, Mokoia Community Association and Eastside Residents Association.
- 6.14 The evidence of both Federated Farmers and Fonterra also focused on this aspect of the plan change.
- 6.15 The focus of the evidence from Federated Farmers was that that the plan change '*severely waters down reverse sensitivity issues, objectives and policies in the rural zone ...*'. The Council Planner's opinion was that the policy framework strengthened and supplemented the existing provisions which remain unaltered and was consistent with the approach taken in the District Plan to streamline provisions and avoid repetition. We also note that reverse sensitivity issues in rural zones are typically broader than just noise effects – odour and dust typically fall into this category also. Further, when Council is assessing an application for an activity with the potential for reverse sensitivity issues within the rural zone the Planner will initially check the Rural Zone Rules and corresponding Objectives and Policies. These Objectives and Policies remain unaltered.
- 6.16 In relation to Federated Farmers concerns we consider that Policy 11.3.2.4 adequately addresses the issues raised.
- 6.17 Federated Farmers have also requested that the range of noise generating activities that are exempted from the noise level requirements in Policy 11.3.1.4 is broadened in relation to normal primary and agricultural production activities. We note that the definition of 'Noise Level' provides explicit exemptions for vehicles and mobile machinery within the Rural Zone. We consider that these exemptions are appropriate.

- 6.18 Fonterra's evidence focused on the wording of Objective A11.3.2, where they requested amended wording (see para 3.5 of the evidence of Ian Johnson). Specifically, Fonterra were concerned that the reference to 'existing permitted activities' in the Objective does not provide recognition for subsequently consented noise generating activities.
- 6.19 We consider that Policy 11.3.2.1 and 11.3.2.4 adequately covers the issue raised. We note that the objectives and policies of the Zones, including the Rural Zone, still stand.
- 6.20 In relation to Fonterra's submission point 13.7 which requests amendments to Policy A11.3.2.2, we agree with the overall intent of the requested amendments with minor alterations as follows:

Avoid, remedy or mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, building location and/or noise control boundaries to maintain the amenity of adjacent residential zones or marae and habitable buildings.

#### Additional Objectives and Policies

- 6.21 It is also worth discussing the Evidence of Rowan Little on behalf of Rotorua Regional Airport here. Mr Little has highlighted that Plan Change 1 has proposed an objective (15.3.4) and policies (15.3.4.1 3) relating to reverse sensitivity and the airport. He argues that these policies would be more appropriately located within Appendix 11 with some additions and amendments (see para 7.2 of evidence). The evidence also detailed examples of other District Plans objectives and policies relating to Airport activities. The relief sought is to amend Objectives 11.3.1 and 11.3.2 and the associated policies, or to introduce a new policy stream to specifically address the issue of reverse sensitivity effects in relation to the Rotorua Regional Airport.
- 6.22 We have considered the proposed Objectives and Policies, and feel that plan change 1 is the appropriate time to hear and test the evidence with respect to Rotorua Regional Airport. We remain open-minded to where these objectives and policies should be located in the District Plan.



<b>A11.4: Environmental Outcomes</b>
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Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
5.7	“Infrastructure activities” is not defined in the Plan, however RNZ’s radio communication network is “infrastructure” for the purposes of the Resource Management Act and therefore this Environmental Outcome would apply to RNZ’s Facilities, which RNZ supports.	Support	Accept	No change	2.3 4.5.1
12.13	This continues the theme that in rural zones the reality of a working rural environment should be anticipated including normal rural farming noises.	Support	Accept	No change	2.3
12.14	Environmental Outcome 2: We consider that it should be made clear that it is not just the amenity of those in residential zones that ought to be taken into account.  Amendment requested: <del>Improved amenity w</del> Where residential zones interface with other zones, <u>improve amenity for the zones involved.</u>	Support with amendment	Reject	No change	4.5.2
	FS4.08	Oppose	Accept	No change	
12.15	We support outcome 5 which seeks that rural land continue to be used productively.	Support	Accept	No change	2.3

13.9	<p>Additional outcomes need to be identified to ensure that there is some means of reviewing the performance of the plan provisions in respect of the management of reverse sensitivity.</p> <p>Amendment requested:</p> <p><u>6. No reverse sensitivity effects within Noise Control Boundaries.</u></p> <p><u>7. The continued operation of large scale industry.</u></p>	Support with amendment	Accept in part	Change	4.5.3
	FS3.09	Support	Accept in part	Change	
17.4	Consequential amendments sought following submission point 17.3	Support with amendment	Reject	No change	2.3 4.5.4
12.16	<p>Current Outcome 9.4.4 was inexplicably omitted from the new chapter without any reason provided. We seek that the outcome be included in the new noise chapter.</p> <p>Amendment requested:</p> <p>Additional outcome: <u>No reverse sensitivity effects on existing activity as a result of rural residential or other incompatible use or development.</u></p>	Support with amendment	Reject	No change	4.5.5
	FS3.04	Support	Reject	No change	

#### A11.4 ENVIRONMENTAL OUTCOMES - DISCUSSION

6.23 Submissions were received on the environmental outcomes that the plan change provisions aim to achieve. Submissions were again received from Radio New Zealand, Federated Farmers, Fonterra and Rotorua Regional Airport, and Further Submissions from the Eastside Residents Association and Mercury.

#### COMMISSIONERS RECOMMENDATION

6.24 The Council Planner has recommended changes in light of the submission from Fonterra to include 'the operation of permitted and lawfully established industries in the rural zones' as an environmental outcome sought. We agree with this proposed change.

6.25 We agree with the Planners Assessment that no other changes are required.

6.26 In relation to the submission of Fonterra, we agree with the Council's Planner that the Noise Chapter will supplement and support the existing District Plan provisions and will strengthen and support noise and reverse sensitivity issues within the rural zone.

<b>A11.5: Rules - General</b>
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Summary Table - submission points

Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
3.2	There needs to be standards/limits in the new bylaw on types of noise not just volumes.	Support with amendment	Accept	No change	4.6.1
3.3	There needs to be far better systems in place by RDC "to act" upon complaints regarding excessive noise.	Support with amendment	Accept	No change	4.6.2
3.4	I support the reference to NZ noise standards NZ6802 and NZ6801.	Support	Accept	No change	2.3
3.5	I believe that the special characteristics of Rotorua need to be written into the bylaw namely: <ul style="list-style-type: none"> <li>- we live in a caldera- on cool winters night noise bounces back off inversion layers and magnifies</li> <li>- thumping noises do travel through the ground</li> <li>- allowances for measuring noise not just at the boundary but at heights of 2 and 3 level houses.</li> </ul>	Support with amendment	Accept	No change	4.6.3
3.8	RDC needs to assess ambient noise levels for all zones so that when activities happen we have good baseline data.	Support with amendment	Accept	No change	4.6.5
3.10	It is unclear what noise levels will be on public holidays.	Support with amendment	Accept	Change	4.6.6

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15.1	<p>Current wording requires inference to determine what noise levels apply to public holidays, and the extent of daytime and night time hours.</p> <p><u>Amendment requested:</u> Rerword to clarify</p>	Support with amendment	Accept in part	Change	4.6.6
	FS4.11	Support	Accept in part	Change	
3.11	<p>It is unclear what will happen when Te Ngae Road is upgraded. Construction noise from Te Ngae Road will need to be properly monitored when construction takes place.</p>	Support with amendment	Accept	No change	4.6.7
3.12	<p>More emphasis and analysis needs to be completed by the applicants when starting up new activities to show they are compliant for noise standards from day 1. We don't want to be on the back foot again like LumberCube.</p>	Support with amendment	Accept	No change	4.6.7
8.2	<p>'Reverse sensitivity' creates the need for the <u>retrospective evaluation</u> of cases where unanticipated technological changes or unexpected outcomes of a lawful activity justify the need to revisit and change or cancel a prior resource consent</p> <p><u>Amendment requested</u> to permit retrospective evaluation, modification and/ or cancellation of a resource consent.</p>	Support with amendment	Accept in part	No change	4.6.8
	FS2.06	Oppose	Accept in part	No change	

8.3	<p><u>Amendment requested</u> to ensure that Council locates the collection of qualitative data about noise with local advice and uses reliable data gathering methods to understand local and cultural evaluations of amenity values related to noise.</p>	Support with amendment	Reject	No change	4.6.3
	FS4.02	Oppose	Accept	No change	
8.4	<p><u>Amendment requested</u> to ensure that elected representatives work with officials to seek qualitative advice on health and amenity values about noise to help interpret local and cultural evaluations of amenity values related to noise (see Proposal 18).</p>	Support with amendment	Reject	No change	4.6.3
8.5	<p>The report on noise measured during the Lumber cube crisis has not been released even though the commercial sensitivity involved has long since lapsed and the measurement instrument and data collection were funded from the rates.</p> <p><u>Amendment requested</u> to require Council to release reports on noise measures as soon as commercial sensitivities end.</p>	Support with amendment	Reject	No change	4.6.9
8.21	<p><u>Amendment requested:</u></p> <ol style="list-style-type: none"> <li>1. Formally adopt a progressive Compliance Strategy that offers hosts Best Practice Guidelines, an Intervention Process to be followed by Councillors and Officials, and Prosecution Guidelines that detail legal liability and options available to Council.</li> <li>2. Council provided periodic workshops for councillors and officials to clarify the new Compliance Strategy</li> </ol>	Support with amendment	Accept in part	No change	4.6.17

4.2	<p><u>Amendments requested:</u></p> <p>To amend section A11.5 Rules as follows, or words to like effect:  “...  Permitted and controlled activities shall comply with the relevant performance standards in section A11.6, <u>except that these performance standards do not apply to infrastructure activities provided by Part 15 Infrastructure.</u>  ...”</p> <p>To amend the rule in Table A11.5.1: Activities in all Zones as follows, or words to like effect:  “Any activity stated as a permitted activity, <u>excluding activities permitted by Part 15 Infrastructure,</u> that does not meet the performance standards in A11.6.”</p>	Oppose	Accept in part	Change	4.6.10-.11
12.17	A11.5.1: We support that activities are restricted discretionary which would have been a stated as a permitted activities had they met the performance standards in A11.6.	Support	Accept	No change	2.3
8.13	A11.5.1 Advisory Note: RDRR supports this insertion because it will assist implementation.	Support	Accept	No change	2.3
8.11	A11.5.2	Support	Accept	No change	4.6.18
	FS5.02	Oppose	Reject	No change	

17.6	<p>A11.5.2: Submitter is not able to support the Council’s proposed limits for intensification, and corresponding activity status, which appear arbitrary and lack any detailed analysis.</p> <p>Instead, the submitter would support an additional standard or criteria requiring that the entire building envelope be bought up to standard, not just the extension.</p> <p><u>Amendment requested:</u> Retain the status quo; or Amend A11.5.2 to provide a more permissive planning framework for additions to existing noise sensitive activities within the Inner Noise Area where the entire building envelope is bought up to standard, not just the extension.</p>	Oppose	Reject	No change	4.6.12
	FS4.14	Oppose	Accept	No change	
17.8	<p>A11.5.2: The submitter supports the correction to the part of the rule table for the Air Noise Area on the basis that there are no CM3 or BI3 zoned properties within the Air Noise Area.</p> <p><u>Amendment requested:</u> Retain “NA” for activities in the CM3 and BI3 zones for the Air Noise Area.</p>	Support	Accept	No change	2.3
17.9	<p>A11.5.2: The submitter is concerned to ensure that the plan change capture all relevant rules as they relate to the Airport Noise Contour Controls in one chapter. For this reason, subdivision should be included.</p> <p><u>Amendment requested:</u></p> <p>Amend A11.5 to consolidate (and amend as appropriate) the rules for subdivision of land within the Airport Noise Contour Controls.</p>	Amend	Reject	No change	4.6.14



12.18	A11.5.2: We understand that there is very small area of Rural Zone within the Inner Noise Control Area (INCA) and that the INCA only captures a small part of each rural property affected. Accordingly, this should leave each rural property with sufficient areas to undertake noise sensitive activity outside the INCA if they wish to undertake such an activity.	Support	Accept	No change	4.6.12 4.6.13
	FS5.01	Oppose	Reject	No change	
13.10	A11.5.3: Fonterra considers that the most appropriate activity status for new noise sensitive activities proposing to establish within the Reporoa site's Noise Control Boundary should be as a Non-Complying Activity.  <u>Amendment requested:</u>  Change the status of noise sensitive activities inside the Reporoa Dairy Factory Noise control boundary from Discretionary to Non complying	Oppose	Reject	No change	4.6.15
13.11	A11.5.3:  Fonterra supports the retention of the performance standards for the Reporoa site, with the minor amendment to provide an interval (15 min) for the noise limit.	Support with amendment	Accept	Change	4.6.16

### A11.5 RULES GENERAL - DISCUSSION

6.27 A variety of submissions and further submissions were received on the noise standards and how noise is measured. We note that some of the matters raised are operational issues. We accept the Council Planners Evidence around the use of the New Zealand Standard, NZS6802:2008. The Council Planner has also recommended:

- Clarification of the noise limits during public holidays;
- Clarification around the application of the rules in relation to infrastructure activities.

#### A11.5 Rules (Introductory Text)

6.28 The Council Planner has recommended additional text within the introduction to the rules chapter clarifying how the Noise rules and performance standards apply to activities otherwise covered by the Infrastructure Chapter in relation to the submission from Mercury (Sub No. 4). Mercury has tabled evidence that they endorse this approach.

6.29 We agree with the proposed amendments.

#### Table A11.5.2: Airport Noise Contour Controls

6.30 Evidence was provided on behalf of Rotorua Regional Airport in relation to extensions to noise sensitive activities within the Inner Noise Control Area around the Airport. In the evidence, the Airport expressed concerns at the proposal to enable noise sensitive activities to extend by up to 25% of their gross floor area as a permitted activity, and proposed that this be limited to 10m<sup>2</sup>. The reason provided by the Airport for this change was that it would enable an average sized two person bedroom.

6.31 The Council Planner noted that in practice the size of dwellings within the Inner Noise Control Area were not large, and this would adequately control the size of any permitted extension.

6.32 We have seen insufficient relevant evidence to support the change from 25% to a fixed 10m<sup>2</sup> in the Inner Noise Control Area. We note that Eastside Residents Association (Sub 7.15) have provided support for the proposed 25% standard.

6.33 The Airport also addressed the issue of consolidating all of the Airport Noise Contour Controls in one chapter, recommending that subdivision and land use controls contained under Section A7.3 and A7.5 be transferred into Appendix 11: Noise.

6.34 We agree that this is a valid issue. However, we note that there are clear references in Appendix 11 which direct plan users and consenting staff through to Appendix 7 when assessing new activities sensitive to aircraft noise.

6.35 The Airport also proposed a new rule be inserted into Table A11.5.2: Airport Noise Contour Controls that would make any new activity, or an extension to an existing activity sensitive to aircraft noise a Prohibited Activity on Lot 5 DP 36536. This is beyond the scope of the original submission by the Airport and would potentially have significant implications for the owners of this site.

Table A11.5.3: Noise Sensitive Activities near the Reporoa Dairy Manufacturing Site

- 6.36 Evidence was also provided on behalf of Fonterra in relation to the activity status of noise sensitive activities within the 45 dB LAeq Noise Control boundary from Bill Akuhata, Environmental Manager and Ian Johnson, Consulting Planner.
- 6.37 Mr Akuhata's evidence outlined the history of the Reporoa plant including that the plant was established in 1968; and both submitters detailed the noise control boundary 'which requires Fonterra to manage its operation to comply with a certain noise limit, while also requiring any new sensitive activities (such as new houses), within the Noise Control Boundary to obtain resource consent as a discretionary activity'.
- 6.38 Mr Johnson noted that Fonterra owns 65% of the land within the Noise Control Boundary, and that all remaining land was in a single ownership.
- 6.39 At present, any new noise sensitive activity near the Reporoa Dairy Manufacturing site is classed as a Discretionary Activity. Fonterra has requested that the activity status for any new noise sensitive activities should be classed as Non-Complying as opposed to Discretionary.
- 6.40 Mr Johnson noted the obligation of Council to give effect to the Waikato Regional Policy Statement (WRPS), explained the continuous nature of noise at the Reporoa Site, and expressed concerns with the Discretionary Activity status for noise sensitive activities. A Section 32AA Assessment was provided with the evidence.
- 6.41 We acknowledge that under Section 75 of the RMA the plan change needs to give effect to the WRPS and appreciate that the policy framework has been outlined for us in Fonterra's Evidence.
- 6.42 Having reviewed this Policy Framework in light of Fonterra's evidence, we consider that the existing Discretionary Activity status for noise sensitive activities within the 45 dB LAeq Noise Control boundary does give effect to the WRPS. Policy 4.4 of the WRPS in relation to Regionally Significant Industry includes 'avoiding or minimising the potential for reverse sensitivity'. Any new noise sensitive activity within the Noise Control Boundary around the plant will need to be assessed in light of the Objectives and Policies of the District Plan which addresses reverse sensitivity effects and will allow these effects to be avoided or mitigated as appropriate.
- 6.43 As such, we agree with the Council's Planner that the existing Discretionary Activity status appropriately balances the rights of the factory owner and the rights of the land owner.

<b>A11.6: Performance Standards</b>
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Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
7.1	A11.6 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.	Support	Accept	No change	2.3
	FS6.02 Support	Support	Accept	No change	2.3
	FS7.02 Support	Support	Accept	No change	2.3
11.6	Moratorium on noise: All zones require a time period in which the noise will be stopped I.e. 20 working days max i.e. as per building consents <u>Amendment requested:</u> Council have a time period in which the noise will be stopped or injunction brought etc.	Oppose	Reject	No change	4.7.1
	FS6.06	Support	Reject	No change	
	FS7.02	Support	Reject	No change	
	FS2.08	Oppose	Accept	No change	

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7.2	<p>A11.6.1 Because of the inclusive of the word “and” in the A11.6.1 noise limit column, it is ambiguous to whether both types of level have to be exceeded before the activity is non-compliant.</p> <p>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><u>Amendment requested:</u></p> <p>Adopt the proposed noise limits as drafted by Council and remove the following from A11.6.1: Remove the word “and” from the night time limits</p>	Support with amendment	Accept	Change	4.7.2	
	FS6.03	Support	Accept	Change		
	FS7.02	Support	Accept	Change		
18.1	<p>A11.6.1 The use of the world "and" in the night-time column is wrong. It is ambiguous and open to confusion.</p> <p><u>Amendment requested:</u></p> <p>Remove <u>ALL</u> occurrences of the word "and" relating to night-time noise levels.</p>	Support with amendment	Accept	Change	4.7.2	
	FS6.11	Support	Accept	Change		

7.5	<p>A11.6.1: Shoulder period</p> <p>We oppose the night time period starting at 10pm because we believe based on our experience with the 2015/2016 Lumber cube saga, that there was significant nuisance and impact on families from:</p> <ul style="list-style-type: none"> <li>• non-compliant night-time noise levels causing sleep disturbance</li> <li>• stress in the adult population</li> <li>• reduced ability to undertake adult day time &amp; shift jobs</li> <li>• double stress of adults living and working in the Eastside community</li> <li>• impact on Lynmore School and children’s schooling.</li> <li>• loss of enjoyment of evening outdoor living and activities.</li> </ul> <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 neighbourhoods are quieting down and commercial/industrial businesses are likely to have finished long day shifts. 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> <p><u>Amendment requested:</u></p> <p>Change the day time period of 7am to 10pm, to 7am to 7pm within Plan Change A11.6.1 tables.</p>	Oppose	Accept in part	Change	4.7.3 - .7
FS1.01	Oppose	Accept in part	Change		
FS6.05	Support	Accept in part	Change		
FS7.02	Support	Accept in part	Change		

9.5	<p>A11.6.1: Shoulder period</p> <p>Re period -i.e. an intermediate noise level rating around before the 10pm daytime/night-time levels.</p> <p><u>Amendment requested:</u></p> <p>MCA would like to see the night-time period to begin at 7pm.</p>	Oppose	Accept in part	Change	4.7.3 - .7
	FS1.03	Oppose	Accept in part	Change	
6.2	<p>A11.6.1: Shoulder period</p> <p>I oppose Change Proposal A 11.6.1 subsections 1,2,3,4,5,6 and 7 "Daytime" description "7am to 10pm" to encroach the night-time sleep zone common to man.</p> <p>As responsible adults should, we accept the imperative for infants and young children to uninterrupted sleep. I/We have been deprived this luxury as resident tangata whenua at Ngapuna for some 50 years due to industrial factory noise sources.</p> <p><u>Amendment requested:</u></p> <p>I will support a nnb (new noise bylaws) protecting children's and all peoples health and wellbeing gained from uninterrupted sleep time.</p> <p>I support change to the "Daytime" hours to 7am to 8pm.</p>	Oppose	Accept in part	Change	4.7.3 - .7
7.4	<p>A11.6.1: Shoulder period: We support the elimination of the shoulder period to reduce rule confusion in the community.</p>	Support	Reject	Change	4.7.3 - .7

3.9	<p>A11.6.1: Shoulder period:</p> <p>I do not support the 7am to 10pm under A11.6.1 for Residential Zones.</p> <p><u>Amendment requested:</u></p> <p>It should be 7am to 7pm. Our children need their sleep too.</p>	Oppose	Accept in part	Change	4.7.3 - .7
11.1	<p>A11.6.1: Shoulder period:</p> <p><u>Amendment requested:</u></p> <p>Include in all zones a shoulder period of time from 6pm to 10 pm</p>	Oppose	Accept in part	Change	4.7.3 - .7
	FS4.05	Oppose	Accept in part	Change	
	FS6.08	Oppose	Accept in part	Change	
15.9	<p>A11.6.1: Shoulder period</p> <p>What work is being done looking at which options are best and why? Or is Council simply assuming that whatever rules are drafted here are axiomatically 'the best'.</p>	Oppose	Accept in part	Change	4.7.3 - .7
	FS8.01	Support	Accept in part	Change	
15.2	<p>A11.6.1: Public holidays</p> <p>On the topic of Public holidays given that there has been a move over the years to open up public holidays to normal commerce. Given that (presumably) the normal daytime allowable noise limits have been set with public health and safety in mind is there in fact any justification for having any lower noise levels for the daytime hours of public holidays than for any other day?</p>	Oppose	Reject	No change	4.7.9



	If 50 dB is the common/normal expected daytime residential noise level why should one expect it to be any less on a public holiday? Is Council in fact setting up conditions where every public holiday one can complain and discover that allowable noise limits are being breached?				
	FS4.12 Oppose	Oppose	Accept	No change	
15.6	A11.6.1 Location of noise measurement: The proposed changes indicate the location of noise measurement is to be “at any point within the receiving site” but is there any height restriction on that measurement point? One of the issues with Lumber cube was that the noise ‘rolled/bounced up the hill’ out of the caldera. The impacts impact depended not only on precisely what/where on a section one stood but how high off the ground one was at the time.	Support	Accept	No change	4.7.10
	FS6.10	Support	Accept	No change	
	FS8.03	Support	Accept	No change	
7.3	A11.6.1 Location of noise measurement: During 2015/16 Lumber cube saga, significantly higher noise readings (after technical building correction) were measured by the ERA at second floor bedrooms.  <u>Amendment requested:</u>  Change the proposed wording of the first sentence of A11.6.1: “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 ...”	Oppose	Reject	No change	4.7.10

	FS6.04	Support	Reject	No change	
	FS7.02	Support	Reject	No change	
14.1	<p>A11.6.1 Location of noise measurement:</p> <p>A significant number of serious complaints about the lumber cube noise were from people with upstairs bedrooms.</p> <p>NZS 6801:2008 cl. 6.1.2 requires that the measurement location is 1.2m to 1.5m above the immediate ground level. Clearly this is not relevant to upper story rooms. Cl 6.1.2 also provides for 'Alternative measurement heights could be specified in other Standards'</p> <p><u>Amendment requested:</u></p> <p>There needs to be clarification of noise measurement locations in the Proposed Plan Change to ensure that areas such as upstairs in a residential house are adequately protected.</p>	Oppose	Reject	No change	4.7.10
	FS4.10	Support	Reject	No change	
	FS6.09	Support	Reject	No change	

9.3	<p>A11.6.1 Location of noise measurement (erroneously identified in the submission as relevant to A11.6.2)</p> <p><u>Amendment requested:</u></p> <p>Confirmation sought that Standard NZS 6802 provided for the measurement of noise at elevations other than ground level, specifically adjacent to windows in multi storey dwellings. This is particularly relevant to evening noise levels where bedrooms are likely to be located at other than ground floor levels.</p>	Support	Accept	No change	4.7.10
15.8	<p>A11.6.1: Noise levels: Noise is a growing problem nationally and internationally and one real concern with the current Rotorua proposals is a failure to have any provisions in the proposals to work towards reducing ambient noise levels with time. One must ask why Rotorua's proposed noise regulation do not aim, at least in longer term, to reduce ambient noise levels.</p> <p>Rather than simply accepting zone noise levels as currently given the noise plan should outline not only where we are now and where we want to be is 5, 10, 20 or 30-years' time.</p>	Oppose	Reject	No change	4.7.12
	FS8.04, FS8.08: Support	Oppose	Reject	No change	
11.3	<p>A11.6.1: Noise levels:</p> <p><u>Amendment requested:</u></p> <p>Daytime noise level at 45 dB</p>	Oppose	Reject	No change	4.7.13
	FS4.06 Oppose	Oppose	Accept	No change	

15.3	<p>A11.6.1: Noise levels: A11.6.1 deals with noise generated and received within the same zone with sub-section 2.1 giving an annual noise level exemption for a (limited) number of large scale community events on Council owned/controlled property within City Centre 3.</p> <p>So, a residential zone with an apparent 40 dB noise limit could be subjected to 95 dB of noise from 10pm until 12.30am four times a year and 70 dB of noise from 10pm to 7am (the next day) for 4 days a year (two two-day events) with absolutely no recourse. That's simply not good enough. Council is approving a health hazard. This needs to be changed.</p>	Oppose	Reject	No change	4.7.14
11.2	<p>A11.6.1: Noise levels: All zones include in daytime include Monday to Friday , but weekends at night time levels</p> <p>As a community we have community activities such as clubs, societies, meetings which can require quietness</p> <p>As a community we wish to sit outside our places of residences especially in day light saving time undisturbed by noise at weekends</p> <p><u>Amendment requested:</u></p> <p>Include in all zones noise levels at daytime except weekends</p>	Oppose	Reject	No change	4.7.15
11.4	<p>A11.6.1: Noise levels:</p> <p><u>Amendment requested:</u></p> <p>Industrial zones noise levels should be at 65 dB daytime</p> <p>The industrial night time be at 35 dB</p>	Oppose	Reject	No change	4.7.6

11.5	<p>A11.6.1: Noise levels and noise metrics:</p> <p>15 minutes is too long a time period as per Lumber cube the noise is gone in about 7 minutes</p> <p><u>Amendment requested:</u></p> <p>Average at 5 min and max at 70 dB</p> <p>All zones decibel reading average be 5 minutes i.e. <math>L_{Aeq}</math> (5min)</p>	Oppose	Reject	No change	4.7.17	
	FS2.07	Oppose	Accept	No change		
	FS4.07	Oppose	Accept	No change		
8.10	<p>A11.6.1: Noise levels and noise metrics:</p> <p>Support time interval</p>	Support	Accept	No change	2.3	
13.13	<p>A11.6.1.9 Rural zones wording:</p> <p>Fonterra supports use of “notional boundary” when measuring noise</p>	Support	Accept	No change	2.3	
4.3	<p>A11.6.1.9 Rural zones wording:</p> <p>Performance standard A11.6.1 specifies the noise limits that apply to each of the Zones, from A11.6.1.1 (Residential Zones) through to A11.6.1.10 (Reserves, Community Assets and Water Zones).</p> <p>The opening sentence of A11.6.1 states “Noise levels shall not exceed the following limits when measured at any point within the <b>boundary of the receiving site</b>” but A11.6.1.9 for the Rural Zones states “Noise levels shall not exceed the following limits when measured at any point within the <b>notional boundary of any rural dwelling</b>” (emphasis added).</p> <p>Technically this means noise limits within the Rural Zone are</p>	Oppose	Reject	No change	4.7.18	

	<p>required to be met at the boundary of the receiving site <b>and</b> at the notional boundary.</p> <p><u>Amendment requested:</u></p> <p>To amend the opening sentence of performance standard A11.6.1 as follows, or words to like effect:</p> <p><u>“Unless otherwise specified in A11.6.1.1 to A11.6.10 below, Noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:”</u></p>				
12.19	<p>A11.6.1.9 Rural zones wording: Measurement Location.</p> <p>We note the proposed plan change suggest a new measurement location. We consider that the new measure can be improved. Firstly, the proposed definition in PC4 may (or may not) include the rural noise source’s own dwelling because it does not refer to the receiving site rather to “any rural dwelling”.</p> <p>NZS 6802:2008 in its example C8.4.2 clarifies that the measure location is “on another site zoned rural” and at 8.4.3 clarifies that the measurement location is on the receiving site. The current operational district plan refers to the measurement location to be “at the receiving site”. This makes sense as it ensures it is clear that the location for the measure is at the location where the noise may cause loss of amenity.</p> <p>The word “dwelling” is also problematic as the definition of notional boundary already includes dwelling.</p> <p><u>Amendment requested:</u></p> <p><u>Unless otherwise authorised, Noise levels shall not exceed the following limits when measured at any point within the notional</u></p>	Oppose	Reject	No change	4.7.19 -.21

	boundary of the receiving site any rural dwelling :				
	FS2.04	Support	Reject	No change	
	FS3.05	Support	Reject	No change	
	FS5.01	Oppose	Accept	No change	
12.20	<p>A11.6.1.9.1 Well drilling:</p> <p>This was specified as an exception to the rural noise standards in the operational district plan and should be clarified as such to avoid conflict with standard A11.6.1.9.</p> <p><u>Amendment requested:</u></p> <p><u>Well drilling is exempt from noise restrictions in A11.6.1.9 .</u></p> <p>Noise levels shall not exceed the following limits when measured at any point within the notional boundary of the receiving site any rural dwelling :</p>	Oppose	Reject	No change	4.7.21 - .22
	FS3.06 Support	Support	Reject	No change	
12.21	<p>A11.6.1.9.2: Audible bird scaring devices:</p> <p>This was an exception to the general rural noise standards in the operational district plan and should be clarified as such to avoid conflict with standard A11.6.1.9.</p> <p><u>Amendment requested:</u></p> <p><u>The following activities are exempt from noise restrictions in A11.6.1.9.</u></p> <p>Any audible bird scaring devices shall be operated as follows:</p>	Oppose	Reject	No change	4.7.21 - .22

	<p>i. Noise from audible explosive bird scaring devices shall only be operated between sunrise and sunset, and shall not exceed 100dB Lzpeak, when measured at any point within the notional boundary <u>of the receiving site to any dwelling</u> in the Rural zone, or at any point within the site boundary of any residential-zoned site.</p> <p>ii. ...</p>				
12.22	<p>A11.6.1.9.2: Frost fans: This was an exception to the general rural noise standards in the operational district plan and should be clarified as such to avoid conflict with standard A11.6.1.9.</p> <p><u>Amendment requested:</u></p> <p><u>The following activities are exempt from noise restrictions in A11.6.1.9.</u></p> <p>Any frost fan shall be operated as follows:</p> <p>i. Noise generated by frost fans shall not exceed 55dB LAeq (15min) when measured at any point within the notional boundary to <u>the receiving site any dwelling</u> in the Rural Zone, or at any point within the site boundary of any residential-zoned site.</p> <p>ii. ...</p>	Oppose	Reject	No change	4.7.21 - .22
12.23	<p>Insert new standard A11.6.1.9.4:</p> <p>We note there were specific agriculture production activities made exempt in the operative district plan (see ODP 9.6.6 d, e and f). There is no reason provided for omitting these activities and we seek they be included.</p> <p>Issue 9.2.4 (proposed new A11.2.7), Objective 9.3.4 (proposed new A11.3.2), Policy 9.3.4.1 (proposed new A11.3.2.5), Proposed Policy A11.3.1.4 and key outcome 9.4.4 (proposed new A11.6.6) require</p>	Oppose	Reject	No change	4.4.6 4.7.23



	<p>that specific agriculture production activities be made exempt from A11.6.1.9 in rural areas.</p> <p><u>Amendment requested:</u></p> <p>Insert new standard:</p> <p><u>9.4 Rural Zones – Agriculture Production activities</u></p> <p><u>Normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act</u></p> <p><u>is exempt from the standards required in A11.6.1.9.</u></p>				
	FS2.05	Support	Reject	No change	
12.24	<p>Insert new standard A11.6.1.9.5: This is really self-explanatory and to avoid absurd applications of the standards.</p> <p>NZS 6802:2008 in its example C8.4.2 clarifies that the measure location is “on another site zoned rural” and at 8.4.3 clarifies that the measurement location is on the receiving site. Similarly the current operational district plan refers to the measurement location to be “at the receiving site”.</p> <p><u>Amendment requested:</u> Insert new standard:</p> <p><u>9.5 Rural Zones - Activity on same site</u></p> <p><u>Where any activity exists on the same site as a noise source being assessed it is exempt from the standards required in A11.6.1.9.</u></p>	Oppose	Reject	No change	4.7.24
7.10	A11.6.2: Support	Support	Accept	No change	2.3
	FS7.02	Support	Accept	No change	

15.5	<p>A11.6.2: The wording indicates that specific activities in another zone is to be identified as the source of a breach of a lower noise zone area's limits. This may or may not be true.</p> <p><u>Amendment requested:</u></p> <p>The wording needs to say that noise from (all) activities in one zone with a higher allowable zone noise limit when coupled with any noise generated from within the lower limit zone itself may not breach the noise limits applying in that zone.</p>	Oppose	Reject	No change	4.7.25
	FS4.13	Oppose	Accept	No change	
12.25	<p>A11.6.2: Agriculture production activities is important to the district and can only take place in rural zones.</p> <p>We refer to our previous submissions on the exception 6 and the measurement location.</p> <p><u>Amendment requested:</u></p> <p>Noise levels from any activity shall not exceed the noise limits specified for the adjoining zone when measured at any point within the receiving site, or at any point within the notional boundary of <del>the receiving site any dwelling</del> in the Rural zones, except where <del>provided under:</del></p> <ol style="list-style-type: none"> <li>1. <u>Provided under</u> A11.6.1.9.2 (audible bird scaring devices), <del>and</del> A11.6.1.9.3 (frost fans) <u>or</u> A11.6.1.9.4.</li> <li>2. <u>Provided under</u> A11.6.1.10 and A11.6.1.10.1.</li> <li>3. Provided under A11.6.2.1.</li> <li>4. Octave band noise levels from the Commercial 1, 2, 4, 5 and 6 Zones should not exceed the following limits when measured at any point within any residential-zoned site:</li> </ol>	Oppose	Reject	No change	4.7.26

	<p>75dBZ LAeq (1 min) at 63Hz and 65dBZ LAeq (1 min) at 125Hz.</p> <p><u>5. Normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act.</u></p> <p><u>6. Where any activity exists on the same site as a noise source being assessed.</u></p>				
15.4	<p>A11.6.2: “noise levels from any activity shall not exceed the noise limits specified for the adjoining zone when measured at any point within the receiving site...” What exactly does that mean?</p> <p>I believe the intention is to say that permitted/allowable zone noise levels are not allowed to be breached anywhere in the zone even if the source of any noise causing breach is in another zone with a higher allowed zone noise limit which is not being breached by that or any specific noise source within that zone. But that’s not what is being said.</p>	Oppose	Reject	No change	4.7.27
	FS2.09	Support	Reject	No change	
8.7	<p>A11.6.2: RDRR supports these distinctions because they will assist implementation, <u>providing local advice is taken on the generation and reception of noise</u>. The choice of measurement location, even within a property, can yield significantly different results. Such local knowledge is to be valued</p> <p><u>Amendment requested:</u></p> <p>Ensure that local advice is sought regarding measurement locations.</p>	Oppose	Reject	No change	4.7.28

8.8	<p>A11.6.3: The treatment of noise <u>should not be restricted to acoustic treatments</u> and should be informed by engaging elected representatives who have a subtle appreciation of the values and culture of the residential area involved (RD1-RD5).</p> <p><u>Amendment requested:</u> to ensure that Council complements the acoustic treatment of noise sensitive activities with treatments that respond to local and cultural evaluations of amenity values related to noise, including health and residential peace (see Proposal 18).</p>	Oppose	Reject	No change	4.7.28
7.15	<p>A11.6.3.1a</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>	Support	Accept	No change	2.3

10.2	<p>A11.6.3.1a</p> <p>Deletion requested these activities are noise sensitive and are vulnerable to State Highway noise reverse sensitivity effects. It is appropriate to control the establishment of these activities when they are situated close to state highways to reduce potential conflicts and manage reverse sensitivity effects.</p> <p><u>Amendment requested:</u> The term "Noise Sensitive Activities" has the same meaning as that included in the Definitions, except that for the purposes of these performance standards does not include:</p> <ul style="list-style-type: none"> <li>* Conference facilities, communal lounges operated as part of a holiday park</li> <li>* Community facilities</li> </ul>	Oppose	Accept	Change	4.7.29	
	FS5.03	Oppose	Reject	No change		
	FS7.02	Support	Accept	No change		
8.15	A11.6.4 Supports	Support	Accept	No change	2.3	
13.12	A11.6.4 Supports	Support	Accept	No change	2.3	
13.16	A11.6.4 Supports	Support	Accept	No change	2.3	

## A11.6 PERFORMANCE STANDARDS - DISCUSSION

- 6.44 There are a large number of submissions on the Proposed Performance Standards. These are discussed by topic below.

### Night-Time/Shoulder Periods

- 6.45 A number of submissions have been received requesting that the night-time noise limit, which requires a lower level of noise, be earlier than that proposed (10pm). Reasons have been provided including ensuring that children can get to sleep; and enabling people to have quiet enjoyment of their homes, both inside and out, during the evening.
- 6.46 We note, that in responses to these submissions the Council Planner's evidence has stated the following:

*'It is not considered appropriate to expand the night time noise limits to 6pm or 7pm. This would not be reflective of prevalent patterns of activity, would be unduly onerous on noise generating activities, and is not consistent with the New Zealand Standards. However given the obvious community feeling on the matter, it is considered appropriate to introduce a shoulder period. This would strike a fairer balance between the increased sensitivity of residents in the evening and the need for some level of noise generating activity to continue into the evening'*

- 6.47 The Council Planner's report has recommended the following (the amended text is shown in grey):

1. Residential Zones (RD1, RD2, RD3, RD4, RD5)		
Daytime	7am to 10pm, any day except public holidays	50 dB L <sub>Aeq (15 min)</sub>
Evening	7pm to 10pm any day except public holidays	45 dB L <sub>Aeq (15 min)</sub>
Night-time	At all other times	40 dB L <sub>Aeq (15 min)</sub> and 70 dB L <sub>Amax</sub>

- 6.48 The verbal submissions from the Mokoia Community Association (Sub 10), Eastside Residents Association (Sub 7) and Peter Staite (Sub 6) all re-iterated that the issue of an earlier night-time noise limit was still an issue of concern for them. We note that the Eastside Residents Association have referenced the Marshall Day Acoustic Report in relation to other Territorial Authorities who also have earlier night-time noise limits.
- 6.49 Based on the clear community concern on this issue we have sought expert evidence on the appropriate evening noise limits from Malcolm Hunt Associates – Noise and Environmental Consultants.
- 6.50 Mr Hunt provided answers to a number of questions. These included a comparison with the noise limits of other similar sized Councils. The three Councils used as a comparison were the Far North

District Council, Waikato and Hastings. All had evening shoulder periods between the hours of 7pm and 10pm with noise limits of 45 dB (Waikato and Hastings) and 55dB (Far North).

6.51 Mr Hunt was asked 'if an evening shoulder was introduced what would be your recommended time definitions and noise level limits for a residential zone?'

6.52 In response Mr Hunt stated: 'We think residential sites would be adequately protected if the District plan noise limits were LAeq 55 day and 45 dB night, with a LAeq 50dB evening shoulder period.' However, he noted that 'the Standard does allow local authorities to consider making noise limits more or less stringent to suit their particular circumstances and requirements'. He concluded: 'Given the above, and the current LAeq noise limits for noise received on residential sites, one way forward would be:

Day 7am to 7pm            50dB  
 Evening 7pm to 10pm    45dB  
 Night 10pm to 7am        40dB'

6.53 Having heard the evidence of Malcolm Hunt the reporting planner, and the submissions of residents, we recommend the following limits:

1. Residential Zones (RD1, RD2, RD3, RD4, RD5)		
Daytime	7am to 7pm, any day except public holidays	50dB L <sub>Aeq</sub> (15 min)
Evening	7pm to 10pm any day except public holidays	45dB L <sub>Aeq</sub> (15 min)
Night-time	At all other times	40dB L <sub>Aeq</sub> (15 min) and 70dB L <sub>Amax</sub>

6.54 We consider that these noise levels when adhered to will provide reasonable protection of health and amenity in residential areas.

6.55 We acknowledge that there may be areas where these proposed changes may have little immediate impact. This is due to historical zoning and land use decisions, as highlighted in the submissions by Peter Staite, Mokoia Residents Association and Eastside Residents Association.

#### Noise Monitoring Plan

6.56 The panel also recommends that the Noise Monitoring Plan proposed in the Acoustic Report from Malcolm Hunt Associates be initiated by Council.

#### Location for the Measurement of Noise within the Rural Zone

6.57 The issue of where noise should be measured from within the Rural Zone was raised in the submission of Federated Farmers (Sub 12), and further expanded on in their evidence. Federated Farmers primary concern is that the measurement of noise should be undertaken at a site where the amenity is potentially affected rather than at the source (see paras 30 – 40).

- 6.58 Federated Farmers are also concerned that when read with the definition of notional boundary 'the measurement location will be the closer of any point within 20m from any rural dwelling or at any point within the legal boundary of any rural dwelling.'
- 6.59 The Council Planner's response highlighted that the proposed wording was consistent with the New Zealand Standard and that the wording would ensure the protection of tenants living on the same site as a noisy activity.
- 6.60 We note that Performance Standard A11.6.1 states that the measuring point is 'within the boundary of the receiving site'. It is therefore unnecessary to make the changes suggested by Federated Farmers.

#### Height of Measurement

- 6.61 G Horgan (Sub 15) has sought clarification as to what height is too high for noise measurements to be taken. He is seeking to ensure that the rules are clear and unambiguous.
- 6.62 The NZ Standards set out the procedures for measuring noise.
- 6.63 Mr Horgan also raises questions around the justification for different noise levels for public holidays, and exemptions for community events.
- 6.64 We acknowledge that people anticipate a similar noise environment on public holidays as on Sundays and as such the performance standards reflect this. We also acknowledge that where there are community events the expectation of the general public is that there is a greater level of tolerance to additional noise. We also note that there are controls on the number of community events that can occur with the additional noise allowance.

#### Exemptions

- 6.65 The evidence of Federated Farmers also addressed the issue of exempting certain activities from the noise standards. This included activities occurring on the same site. This relates to the discussion above. No changes are recommended as a result of this submission point.
- 6.66 Federated Farmers evidence also addressed their request for other agricultural activities to be exempted from the noise levels. The evidence requested 'a catch all exemption for normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act 1991', or the exemption of specific activities as detailed in para 47 of their evidence. We consider the most appropriate location for the management of noise from rural activities is within the District Plan as opposed to full reliance on Section 16 of the RMA.

#### Other Issues Raised

- 6.67 The other submissions addressed in this section include a moratorium on noise, removal of the word 'and' from the night-time noise limits, the lower noise limits on public holidays, confirmation that noise measurements can be taken at alternative heights, a long term reduction in noise levels, exemptions for community events. We agree with the recommendations of the Council Planner's Report.



<b>A11.7 – Restricted Discretionary Activities &amp; Assessment Criteria</b>
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Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
19.1, 19.2	<p>The submitter is concerned to ensure that:</p> <ul style="list-style-type: none"> <li>* The new minimum acoustic insulation requirements are in fact superior to those they replace; and</li> <li>* That having a fixed location for measuring compliance will not prevent a noise compliance officer taking a pragmatic and reasonable approach when responding to noise complaints and making assessments about excessive noise.</li> </ul> <p>Subject to those qualifications, the submitter generally supports the:</p> <ul style="list-style-type: none"> <li>* Inclusion of noise specific objectives and policies</li> <li>* Inclusion of amended wording to clarify the location of noise measurement</li> <li>* Changes to the acoustic treatment requirements for noise sensitive activities, and providing a consolidated definition of that term</li> </ul> <p><u>Amendment requested:</u></p> <p>Make the following specific amendments:</p> <ul style="list-style-type: none"> <li>* A11.7 Restricted Discretionary Activities to include criteria relevant to when noise sensitive activities fail to meet the minimum acoustic insulation requirements and other requirements of A11.6.3.2.</li> <li>* In the absence of appropriate and acceptable changes to A11.7, provide a more onerous activity status than restricted discretionary</li> </ul>	Oppose	Accept in Part	No change	4.8.1 - .3

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	for noise sensitive activities that fail to meet the minimum acoustic insulation requirements and other requirements of A11.6.3.2.				
17.7	<p>The submitter generally supports the intent of the plan change to provide a more permissive planning framework for additions to existing noise sensitive activities within the Inner Noise Area. However, the submitter is not able to support the Council's proposed limits for intensification, and corresponding activity status, which appear arbitrary and lack any detailed analysis. Instead, the submitter would support an additional standard or criteria requiring that the entire building envelope be brought up to standard, not just the extension.</p> <p><u>Amendment requested:</u></p> <p>Consequential and/or appropriate amendments to A11.7 Restricted Discretionary Activities and/or A7 Airport Noise and Development Controls.</p>	Oppose	Reject	No change	4.8.4
3.6	I support fully A11.7.1	Support	Accept	No change	2.3
3.7	<p>I feel grieved that our own witnesses information and data was dismissed totally by RDC over the LumberCube debacle.</p> <p><u>Amendment requested:</u></p> <p>There needs to be better collaboration between complaints and the regulatory body.</p>	Support with amendment	Accept	No change	4.8.5 2.3
7.13	<p>A11.7.1:</p> <p>The assessment criteria does not contain reference to the New Zealand Assessment Standard. Therefore, there is no performance</p>	Oppose	Reject	No change	4.8.6

	<p>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.</p> <p><u>Amendment requested:</u> State that the New Zealand Noise Assessment Standard NZS6802 method will be applied in A11.7.1 criteria</p>				
	FS 7.02	Support	Reject	No change	
8.9	<p>A11.7.1:</p> <p><u>Amendment requested:</u></p> <ol style="list-style-type: none"> <li>1. To cope with instances of technological changes leading to a significant number pf complaints.</li> <li>2. To modify criterion 7 to include the enjoyment of any residential accommodation</li> <li>3. To modify criterion 10 include guidance drawn from robust qualitative data</li> <li>4. To modify criterion 12 to include the interface with residential peace</li> <li>5. To modify criterion 16 to include “robust qualitative evidence of cultural norms about health and amenity</li> </ol>	Oppose	Reject	No change	4.8.7
	FS4.03 Oppose	Oppose	Accept	No change	
12.26	<p>A11.7.1:</p> <p><u>Amendment requested:</u> Amend as follows:</p>	Oppose	Reject	No change	4.8.8 - .11

	<p>A11.7.1: Assessment Criteria</p> <p>2. If the noise is incompatible with A11.6.2 tThe nature of any adjoining zone(s), if the activity pre-dates the adjoining zone(s), and the compatibility of the noise generating activity with the expected environmental results for those adjoining zone(s).</p> <p>14. The adequacy of information provided by the applicant.</p> <p>15. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options.</p>				
9.4	<p>A11.7.1:</p> <p><u>Amendment requested:</u></p> <ul style="list-style-type: none"> <li>• A11.7.1 Assessment Criteria. Part 16 refers to; ....Any other relevant standards, codes of practice....</li> </ul> <p>This implies there is reference elsewhere to specific standards, but there are none listed in this section. MCA suggests that a further criterion is added above '16' listing the name and number of the specific standards referenced in this plan change, namely NZS 6801:2008 and NZS6802;2008.</p>	Oppose	Reject	No change	4.8.12
12.27	<p>A11.7.2:</p> <p>Our primary issues are:</p> <ol style="list-style-type: none"> <li>that the previous assessment criteria were significantly added to without any reasons or justification provided. Criteria 3, 5, 7, 8 and 9 were introduced without explanation.</li> <li>The criteria 5, 6, 7 and 8 have nothing to do with noise received by the Additions and they are inappropriate as criteria to assess noise effects.</li> </ol> <p>3. Criteria 3: Covenants are not always appropriate. They have to be</p>	Oppose	Reject	No change	4.8.13 - .14

	<p>volunteered in an application or imposed as a condition of consent. We do not consider they are assessment criteria rather conditions that can be imposed on a resource consent if appropriate.</p> <p><u>Amendment requested:</u></p> <p><del>3. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7 Airport Noise and Development Controls; and the means of securing any conditions of consent.</del></p> <p><del>5. Any assessment criteria applicable to the activity within the residential zones.</del></p> <p><del>6. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.</del></p> <p><del>7. The potential to detract from the qualities and characteristics specified of a landscape or feature identified in Appendix 2 Natural Heritage Inventory or the natural character of the environment.</del></p> <p><del>8. How the proposal affects the appearance of the outstanding natural feature or landscape.</del></p> <p><del>9. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation option.</del></p>				
	FS5.01	Oppose	Accept	No change	
7.14	<p>A11.9</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</p>	Oppose	Reject	No change	4.8.15 - .16

	<p>enough to ensure appropriate level of scrutiny and due diligence when considering non-compliant activities.</p> <p><u>Amendment requested:</u></p> <p>State that the Assessment Criteria of A11.7.1 will be the criteria for assessment in A11.9</p>				
FS2.10		Oppose	Accept	No change	
FS7.02		Support	Reject	No change	

**A11.7 – Restricted Discretionary Activities, & A11.9 Assessment Criteria - Discussion**

- 6.68 Evidence was presented on behalf of the Thermal Brewing Company Limited (Sub 19) questioning whether the proposed changes to the acoustic insulation standards would relax the insulation requirements for new accommodation activities within the City Centre.
- 6.69 We understand the concern of the submitter. However, the standards have been inserted on the advice of the acoustic consultant. As such, we are comfortable that the proposed standard is appropriate for new accommodation activities in the City Centre.
- 6.70 The Thermal Brewing Company's evidence also included a request for additional assessment criteria for assessing noise sensitive activities that failed to meet the performance standard (A11.6.3.2) or a change in activity status.
- 6.71 We consider that the inclusion of Assessment Criteria, as proposed by this submitter, will ensure that appropriate consideration is given to reverse sensitivity issues when resource consent applications are considered. As such, we have recommended the inclusion of the three Assessment Criteria proposed by the submitter. We do not consider that changing the activity status to Non-Complying, as proposed by the submitter, would be appropriate or in-line with Council's overall direction for the City Centre.
- 6.72 The proposed assessment criteria are as follows:
- 17. Whether the proposed activity is likely to lead to potential conflicts with, or adverse effects on, lawfully established noise generating activities in the locality.
  - 18. Methods of reducing noise sensitivity.
  - 19. Whether the proposed activity achieves the relevant reverse sensitivity objectives and policies of Appendix 11.
- 6.73 We agree with the analysis of the submissions and recommendations for the remainder of these points as set out in the Council Planners Report.

<b>Part 17 – Definitions</b>
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Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
2.2	Support	Support	Accept	No change	2.3
8.12	Support	Support	Accept	No change	2.3
12.28	<u>Amendment requested:</u> Add new points under Noise Level – Rural Zones as follows: * ...superseding them will need to be satisfied). * <u>Water pumps, dairy sheds, enclosure for livestock, shearing sheds and general livestock noise.</u> * <u>Normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act.</u> * <u>Where any activity exists on the same site as a noise source being assessed.</u>	Oppose	Reject	No change	4.9.1
	FS2.01	Support	Reject	No change	
13.14	Support	Support	Accept	No change	2.3
13.15	Support	Support	Accept	No change	2.3



15.7	<p><u>Amendment requested:</u></p> <p>So, the ODP wording about Noise should include a statement that where there is any reference to the plan conforming to NZS 6802:2008 that reference is to be read as the Plan conforming to the most recent NZ Noise standard (currently NZS 6802:2008). Alternatively, it could read conform to the most restrictive of the most recent NZ standard on noise or (select specify some other national/ international rules) which the Rotorua Council believes is more likely to be keep up to date and reflect the latest research results.</p>	Support with amendment	Accept in part	No change	4.9.2
	FS8.02	Support	Accept in part	No change	
17.10	Support	Support	Accept	No change	2.3
17.11	<p>The submitter has identified that Advice Note 2 to the definition of “noise level” should also include reference to the Commercial 3 zone.</p> <p><u>Amendment requested:</u></p> <p>Amend Advice Note 2 to the definition of “noise level” to include reference to the Commercial 3 zone.</p>	Support with amendment	Accept	Change	4.9.3
8.6	<p><u>Amendment requested:</u></p> <p>To authorize the collection of normal ambient noise in potentially sensitive locations in a range of conditions to provide baseline for future comparisons.</p>	Support with amendment	Accept	No change	4.9.4
7.7	Support	Support	Accept	No change	2.3

5.8	<p>The definition of 'noise level' excludes noise from emergency back-up generators in a number of zones, but does not include the Rural Zones. RNZ's Facilities are located in the Rural Zone, and sometimes require the operation of back-up generators. Therefore, RNZ submits that the 'noise level' definition should be amended to also exclude back-up generator noise in the Rural Zones.</p> <p><u>Amendment requested:</u></p> <p>...</p> <p>City Centre; Commercial; Industrial; Business and Innovation; Reserves; <u>Rural</u>; Community and Water zones:</p> <p>* Emergency back-up generators</p>	Support with amendment	Accept	Change	4.9.5	
	FS1.3. For the reasons given in their submission	Support	Accept	Change		
	FS3.2 The exemption in the 'noise level' definition for emergency back-up generators in a number of the District Plan zones should equally apply in the Rural Zone as sought by the submitter.	Support	Accept	Change		

DEFINITIONS - DISCUSSION

- 6.74 Finally, we have considered the submissions relating to the definitions.
- 6.75 In relation to Submission 8.6 we accept in part the submission and have recommended to Council that the Noise Monitoring Plan be adopted.
- 6.76 In relation to Federated Farmers submission requesting additional exclusions, we consider that the existing definition and corresponding rules provide an appropriate balance between enabling normal rural activities to occur while protecting amenity. We note that there are very few noise complaints dealt with by Council within the Rural Zone.

<b>Other parts of the District Plan referred to in Submissions</b>
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Submitter Number# Point	Summary of Submission	Submitter position	Commissioners Recommendation	Recommended Amendment	Reason
16.1	Deletion of assessment matters regarding flightpaths in various chapters <u>Amendment requested:</u> Retain the deletion of 5.9.2.a, 6.9.2.1.a, 7.9.2.2.a, 8.9.2.1.a, 9.9.2.3.a and 10.9.2.2.a.	Support	Accept	No change	2.3
8.14	5.9.2.a, 6.9.2.1.a, 7.9.2.2.a, 8.9.2.1.a, 9.9.2.3.a and 10.9.2.2.a. <u>Amendments</u> to cope with potential instances of drone technology leading to complaints about noise.	Oppose	Reject	No change	4.10.2
19.3	Part 5 Central City	Support with amendment	Reject	No change	4.10.1
8.16	9.6.7.a(iii)	Support	Accept	No change	2.3
13.7	Planning Maps 395, 546	Support	Accept	No change	2.3

**Planning Considerations**

6.77 No evidence was presented on these sections of the plan change. We accept the Reporting Planner's evidence.

<b>APPENDIX 1: Recommended Amendments to the District Plan</b>
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**PLAN CHANGE 4 – ROTORUA OPERATIVE DISTRICT PLAN**

*The text below has been marked up. Where text has simply been transferred from the Zone Chapter into the new Noise Appendix 11 with no substantive changes other than minor editorial amendments such as updating of referencing, the text is not underlined. Where there are substantive amendments to the text or new text added then these changes are underlined, as proposed through PC4 as Notified.*

*Changes arising out of consideration of submissions and further submissions are underlined and highlighted in grey, or struck through (in new Appendix 11).*

# PART 4 RESIDENTIAL

Table 4.5: Activities in the Residential 1 – 5 Zones

Special Land Features					
Airport Noise Contour Controls <sup>[PC.4 – See Appendix 11 “Noise”]</sup>					
<del>47.</del> Any addition to an existing activity sensitive to aircraft noise within the inner noise control area as shown on the Planning Maps	RD	NA	NA	NA	NA
<del>48.</del> Any new activity sensitive to aircraft noise within the inner noise control area as shown on the Planning Maps	D	NA	NA	NA	NA
<del>49.</del> Any new or extension to an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	Pro	NA	NA	NA	NA

## 4.6 PERFORMANCE STANDARDS

### 6. Noise [PC.4– See Appendix 11 “Noise”]

See Appendix 11: Noise

The noise limits shall be as follows:

- a. ~~Noise from any activity within any residential zone shall not exceed the following limits when measured at the boundary of the receiving residential site:~~

Daytime	7am to 10pm, any day except public holidays	50dB L <sub>Aeq</sub>
Night-time	At all other times	40dB L <sub>Aeq</sub> and 70dB L <sub>Amax</sub>

~~Note: Construction noise is exempt from these restrictions.~~

The following activities are exempt from these restrictions:

- ~~i. Construction noise, (NZS6803:1999 will be used for the assessment of construction noise)~~
  - ~~ii. Temporary military training activities; and~~
  - ~~iii. Emergency services activities.~~
- b. ~~Noise sensitive activities that are within 40 metres of a state highway with a speed limit of less than 70KM/Hr, or within 80 metres of a State Highway with a speed limit of 70km/hr or more shall comply with the noise mitigation requirements contained in Appendix 11, State Highway Noise Mitigation Requirements.~~

### 4.8.2 Assessment Criteria for Specific Activities

Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities:

#### ~~2. Any Addition to Existing Activities Sensitive to Aircraft Noise within the Inner Noise Control Area~~ [PC.4– See Appendix 11 “Noise”]

Council shall restrict its discretion to the following matters:

- ~~a. The nature, size and scale of the proposed additions.~~
- ~~b. The application of the applicable acoustic performance standards listed under Appendix 7 Airport Noise and Development Controls, to existing parts of the structure housing the activity sensitive to aircraft noise.~~

- ~~c. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7, Airport Noise and Development Controls, and the means of securing any conditions of consent.~~
- ~~d. Whether, having regard to all the circumstances the nature, size and scale of the addition is likely to lead to potential conflict with and adverse effects upon airport activities.~~
- ~~e. Any assessment criteria applicable to the activity within the residential zones.~~
- ~~f. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.~~
- ~~g. The potential to detract from the qualities and characteristics specified of a landscape or feature identified in Appendix 2 Natural Heritage Inventory or the natural character of the environment.~~
- ~~h. How the proposal affects the appearance of the outstanding natural feature or landscape.<sup>[PC.4]</sup>~~

#### 4.9.2 Assessment Criteria for Specific Activities

##### ~~1. Any New Activities Sensitive to Aircraft Noise, Within the Inner Noise Control Area~~<sup>[PC. 4– See Appendix 11 “Noise”]</sup>

- ~~a. The nature, size and scale of the proposed additions.~~
- ~~b. The application of the applicable acoustic performance standards listed under Appendix 7, Airport Noise and Development Controls, to existing parts of the structure housing the activity sensitive to aircraft noise.~~
- ~~c. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7, Airport Noise and Development Controls, and the means of securing any conditions of consent.~~
- ~~d. Whether, having regard to all the circumstances the nature, size and scale of the addition is likely to lead to potential conflict with and adverse effects upon airport activities.~~
- ~~e. Any assessment criteria applicable to the activity within the residential zones.~~
- ~~f. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.~~



# PART 5

## CITY CENTRE

### 5.6 PERFORMANCE STANDARDS

#### 6. Noise [PC.4– See Appendix 11 “Noise”]

##### See Appendix 11: Noise

- a. ~~Unless otherwise specified under 5.6.6.c noise from any activity, shall not exceed the following limits:~~

Daytime	<del>7am to 10pm, any day except public holidays</del>	<del>65dB L<sub>Aeq</sub></del>
Night-time	<del>At all other times</del>	<del>60dB L<sub>Aeq</sub> and 75dB L<sub>Amax</sub></del>

- b. ~~Noise from any activity shall not exceed the noise limits specified for the adjoining zone when measured at the notional boundary or within the receiving site.~~
- c. ~~Noise emitted for large scale community events located on council owned or controlled property within city centre 3 shall comply with the following standards and limits:~~
- ~~i. For four events in any 12 month period a noise limit of 95dB L<sub>Aeq</sub> (1 hour) within relevant adjacent zones.~~
  - ~~ii. For the four events provided for under i. above the events shall conclude by 12.30am.~~
  - ~~iii. For two events in any 12 month period a noise limit of 70dB L<sub>Aeq</sub> (1 hour) within relevant adjacent zones providing the event does not exceed 12 hours per day over a two day period.~~
  - ~~iv. All other events shall comply with the noise standards specified under 5.6.16.a.~~
  - ~~v. Octave band noise levels within residential zones shall not exceed 85dB L<sub>Aeq</sub> (1 min) at 63Hz and 75dB L<sub>Aeq</sub> (1 min) at 125Hz.~~
- d. ~~The following activities are exempt from the above noise restrictions:~~
- ~~i. Construction noise (NZS6803:1999 will be used for the assessment of construction noise)~~

- ii. ~~Temporary military training~~
- iii. ~~Helicopters~~
- iv. ~~Back-up generators~~
- v. ~~Emergency services.~~<sup>[PC.4]</sup>

### ~~13. Acoustic Treatment for Residential and Tourist Accommodation, and Noise Sensitive Activities~~ <sup>[PC.4– See Appendix 11 “Noise”]</sup>

~~Any residential, tourist accommodation and noise sensitive activities shall be provided with the following acoustic treatment:~~

- a. ~~All new residential and tourist accommodation shall be designed and constructed to ensure noise from activities on adjacent sites during night time hours will not exceed 35 dBA L<sub>30</sub> in bedrooms and 40 dBA L<sub>30</sub> in other habitable areas (e.g. living and dining rooms).~~
- b. ~~Under this rule habitable areas do not include transit and utility areas such as corridors, kitchens, bathrooms and storage areas.~~
- c. ~~If the internal noise criteria cannot be achieved with windows and doors open, then a forced air ventilation or air conditioning system which complies with the NZ Building Code shall be provided so that the acoustic and ventilation criteria can be achieved simultaneously with windows and doors closed. Noise from any ventilation system shall not cause the internal noise criteria to be exceeded.~~
- d. ~~At time of application for building consent, an acoustic design certificate from a suitably qualified and experienced acoustic engineer will be required demonstrating how the internal noise criteria will be achieved.~~
- e. ~~The acoustic design of tourism or residential accommodation is not required to include mitigation from noise generated by large scale community events as detailed in 5.6.1.6.c and defined in Part 17 Definitions.~~
- f. ~~Noise sensitive activities that are within 40 metres of a State Highway with a speed limit of less than 70km/hr, or within 80 metres of a State Highway with a speed limit of 70km/hr or more shall comply with the noise mitigation requirements contained in Appendix 11, State Highway Noise Mitigation Requirements.~~ <sup>[PC.4]</sup>

## 5.6.2 City Centre Zone 2 (Southern City)

### 6. Noise <sup>[PC.4– See Appendix 11 “Noise”]</sup>

See Appendix 11: Noise

- a. ~~Unless otherwise specified noise from any activity within any city centre zone, shall not exceed the following limits when measured at the boundary of the residential zone:~~

Day time	7am to 10pm, any day except public holidays	65dB <sub>L<sub>Aeq</sub></sub>
Night-time	At all other times	60dB <sub>L<sub>Aeq</sub></sub> and 75dB <sub>L<sub>Amax</sub></sub>

- b. Noise from any activity shall not exceed the noise levels specified for the adjoining zone when measured at the notional boundary or within the receiving site.
- c. The following activities are exempt from the above noise restrictions:
- i. Construction noise (NZS6803:1999 will be used for the assessment of construction noise)
  - ii. Temporary military training
  - iii. Helicopters
  - iv. Back-up generators
  - v. Emergency services <sup>[PC.4]</sup>

## 5.9.2 Assessment Criteria for Specific Activities

### 1. Helicopter Take-Off and Landing Areas

- a. Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes. These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point. <sup>[PC.4- See</sup>

Appendix 11 "Noise"]

# PART 6 COMMERCIAL

Table 6.5: Activities in the Commercial 1 – 6 Zones

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6

Rules	Zones					
	CM1	CM2	CM3	CM4	CM5	CM6
Special Land Features [PC.4- See Appendix 11 "Noise"]						
Airport Noise Contour Controls						
52. Any addition to an existing Activity Sensitive to Aircraft Noise within the Inner Noise Control Area as shown on Planning Maps	NA	NA	RD	NA	NA	NA
53. Any new Activity Sensitive to Aircraft Noise within the Inner Noise Control Area as shown on the Planning Maps	NA	NA	D	NA	NA	NA
54. Any new or extension to an Activity Sensitive to Aircraft Noise within the Air Noise Area as shown on the Planning Maps	NA	NA	Pro	NA	NA	NA

## 6.6 PERFORMANCE STANDARDS

### 6. Noise [PC.4- See Appendix 11 "Noise"]

#### See Appendix 11: Noise

#### a. Commercial 1, 2, 4, 5 and 6

Unless otherwise specified, noise from any activity, shall not exceed the following limits:

Daytime	7am to 10pm, any day except public holidays	65dB L <sub>Aeq</sub>
Night time	At all other times	60dB L <sub>Aeq</sub> and 75db L <sub>Amax</sub>

ADVICE NOTE: Octave band noise levels should not exceed:

75dB L<sub>Aeq(1min)</sub> at 63Hz and 65dB L<sub>Aeq(1min)</sub> at 125Hz

#### b. Commercial 3

Unless otherwise specified, noise from any activity shall not exceed the following noise limits:

Daytime	7am to 10pm, any day except public holidays	50dB $L_{Aeq}$
Night time	At all other times	40dB $L_{Aeq}$ and 70dB $L_{Amax}$

- e. ~~Activities Sensitive to Noise adjacent to Strategic Roads listed in Appendix 3, Road Hierarchy:~~
- i. ~~Noise sensitive activities that are within 40 metres of a state highway with a speed limit of less than 70km/hr, or within 80 metres of a State Highway with a speed limit of 70km/hr or more shall comply with the noise mitigation requirements contained in Appendix 11, State Highway Noise Mitigation Requirements.~~
  - ii. ~~Rule 6.6.3.c.i shall not apply to Maori cultural training facilities at Te Puia, being the site inclusive of land legally described as Section 1 SO408975.~~
- d. ~~Noise from any activity shall not exceed the noise levels specified for the adjoining zone when measured at the boundary or within the receiving site.~~
- e. ~~The following activities are exempt from the above noise restrictions:~~
- i. ~~Construction noise (NZS6803:1999 will be used for the assessment of construction noise)~~
  - ii. ~~Temporary military training~~
  - iii. ~~Helicopters~~
  - iv. ~~Back up generators~~
  - v. ~~Emergency services~~

#### ~~14. Acoustic Treatment for Residential, Tourism Accommodation and Noise Sensitive Activities~~ [PC.4- See Appendix 11 "Noise"]

~~Any residential, tourism accommodation and noise sensitive activities shall be provided with the following acoustic treatment:~~

- a. ~~All residential and tourism accommodation created either by new development or the alteration of an existing building within a commercial zone shall be designed and constructed to ensure noise from activities on adjacent sites during night time hours will not exceed 35 dBA  $L_{10}$  in rooms used for sleeping (bedrooms) and 40 dBA  $L_{10}$  in other habitable areas (e.g. living and dining rooms).~~
- b. ~~Under this rule habitable areas do not include transit and utility areas such as corridors, kitchens, bathrooms and storage areas.~~
- c. ~~If the internal noise criteria cannot be achieved with windows and doors open, then a forced air ventilation or air conditioning system which complies with the NZ Building Code shall be provided so that the acoustic and ventilation criteria can be achieved simultaneously with windows and doors closed. Noise~~

~~from any ventilation system shall not cause the internal noise criteria to be exceeded.~~

- ~~d. Prior to building consent, an acoustic design certificate from a suitably qualified and experienced acoustic engineer is required demonstrating how the internal noise criteria will be achieved.~~
- ~~e. Noise sensitive activities that are within 40 metres of a state highway with a speed limit of less than 70km/hr, or within 80 metres of a state highway with a speed limit of 70km/hr or more shall comply with the noise mitigation requirements contained in Appendix 11 – State Highway Noise Mitigation Requirements. [PC.4]~~

## 6.8.2 Assessment Criteria for Specific Activities

### ~~2. Any Addition to an Existing Activity Sensitive to Aircraft Noise within the Inner Noise Control Area [PC.4– See Appendix 11 “Noise”]~~

~~Council shall restrict its discretion to the following matters:~~

- ~~a. The nature, size and scale of the proposed additions.~~
- ~~b. The application of the relevant acoustic performance standards listed in Appendix 7, Airport Noise and Development Controls to existing parts of the structure housing the activity sensitive to aircraft noise.~~
- ~~c. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7 Airport Noise and Development Controls; and the means of securing any conditions of consent.~~
- ~~d. Having regard to all the circumstances the nature, size and scale of the addition, whether it is likely to lead to potential conflict with and adverse effects upon airport activities.~~
- ~~e. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.~~

## 6.9.2 Assessment Criteria for Specific Activities

### 1. Helicopter Take-Off and Landing Areas

- ~~a. Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes to be located so that no residential zones are flown over at lower than 300 metres above ground level at that point. [PC.4– See Appendix 11 “Noise”]~~

### ~~2. New Activities Sensitive to Aircraft Noise within the Inner Noise Control Area [PC.4– See Appendix 11 “Noise”]~~

- ~~a. The nature, size and scale of the proposed additions.~~
- ~~b. The application of the relevant acoustic performance standards listed in~~

Appendix 7 Airport Noise and Development Controls, to existing parts of the structure housing the activity sensitive to aircraft noise.

- e. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7, Airport Noise and Development Controls; and the means of securing any conditions of consent.
- d. Having regard to all the circumstances the nature, size and scale of the addition, whether it is likely to lead to potential conflict with and adverse effects upon airport activities.
- e. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.

## PART 7 INDUSTRIAL

### 7.6 PERFORMANCE STANDARDS

#### 6. Noise [PC.4 – See Appendix 11 “Noise”]

##### See Appendix 11: Noise

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

Daytime	7am to 10pm, any day except public holidays	75dB $L_{Aeq}$
Night time	At all other times	70dB $L_{Aeq}$ and 80dB $L_{Amax}$

- b. Noise from any activity shall not exceed the noise levels specified for the adjoining zone when measured at the notional boundary or within the receiving site. Activities located within the Reporoa Dairy Manufacturing Site (Planning Map 395) shall not exceed 45 dB  $L_{Aeq}$  when measured at the 45dB  $L_{Aeq}$  noise control boundary as shown on Planning Maps 395 and 546 except that where the noise control boundary is located within land in common ownership with the Reporoa Dairy Manufacturing Site noise shall be measured at the boundary with land not in common ownership with the Reporoa Dairy Manufacturing Site.
- c. Noise within the block bounded by Fairy Springs Road, Victory Road, Russell Road and Salisbury Road, shall not exceed the noise limit specified for the residential zones at the site boundary of a household unit.
- d. The following activities are exempt from the above noise restrictions:

- i. ~~Construction noise (NZS6803:1999 will be used for the assessment of construction noise)~~
- ii. ~~Temporary military training~~
- iii. ~~Helicopters~~
- iv. ~~Back-up generators~~
- v. ~~Emergency services~~

## 7.9.2 Assessment Criteria for Specific Activities

### 2. Helicopter Take-off and Landing Areas

- a. ~~Whether approach paths to and from all helicopter facilities, other than for temporary or emergency purposes are to be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~ [PC.4 – See Appendix 11 “Noise”]

# PART 8

# BUSINESS AND INNOVATION

## 8.6 PERFORMANCE STANDARDS

### 8.6.1 Scion Innovation Park Performance Standards

- 6. Noise [PC.4 – See Appendix 11 “Noise”]

See Appendix 11: Noise

- a. ~~Noise from any activity shall not exceed the following limits:~~

Daytime	<del>7am to 10pm, any day except public holidays</del>	<del>50dB <math>L_{Aeq}</math></del>
Night-time	<del>At all other times</del>	<del>40dB <math>L_{Aeq}</math> and 75dB <math>L_{Amax}</math></del>



- b. ~~Noise from any activity shall not exceed the noise levels specified for the adjoining zone when measured at the notional boundary or within the receiving site.~~
- c. ~~The following activities are exempt from the above noise restrictions:~~
- ~~i. ~~Construction noise (NZS6803:1999 will be used for the assessment of construction noise)~~~~
  - ~~ii. ~~Helicopters~~~~
  - ~~iii. ~~Temporary military training~~~~
  - ~~iv. ~~Back up generators~~~~
  - ~~v. ~~Emergency Services~~~~

## 8.6.2 Waipa Business Park Performance Standards

### 6. Noise [PC.4 – See Appendix 11 “Noise”]

See Appendix 11: Noise

The noise limits shall be as follows:

- a. ~~Noise from any activity shall not exceed the following limits when measured at the boundary of any residential zone:~~

Daytime	<del>7am to 10pm, any day except public holidays</del>	<del>75dB <math>L_{Aeq}</math></del>
Night time	<del>At all other times</del>	<del>70dB <math>L_{Aeq}</math> and 80dB <math>L_{Amax}</math></del>

- b. ~~Noise from any activity shall not exceed the noise levels specified for the adjoining zone when measured at the notional boundary or within the receiving site.~~
- c. ~~The following activities are exempt from the above noise restrictions:~~
- ~~i. ~~Construction noise. (NZS6803:1999 will be used for the assessment of construction noise)~~~~
  - ~~ii. ~~Temporary Military training.~~~~
  - ~~iii. ~~Helicopters.~~~~
  - ~~iv. ~~Back up generators~~~~
  - ~~v. ~~Emergency Services~~~~

## 8.6.3 Eastgate Business Park Performance Standards

### 6. Noise [PC.4 – See Appendix 11 “Noise”]

See Appendix 11: Noise

The noise limits shall be as follows:

- a. Noise from any activity shall not exceed the following limits when measured at the notional boundary of the receiving site:

Daytime	7am to 10pm, any day except public holidays	75dB $L_{Aeq}$
Night-time	At all other times	70dB $L_{Aeq}$ and 80dB $L_{Amax}$

- b. The following activities are exempt from the above noise restrictions:

- i. Construction noise (NZS6803:1999 will be used for the assessment of construction noise)
- ii. Temporary Military training
- iii. Helicopters
- iv. Emergency Services
- v. Back-up generators [PC.4 – See Appendix 11 “Noise”]

## 8.9.2 Assessment Criteria for Specific Activities

### 1. Helicopter Take-Off and Landing Areas

- a. Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes to be located so that no residential zones are flown over at lower than 300m above ground level at that point. [PC.4 – See Appendix 11 “Noise”]

# PART 9 RURAL

Table 9.5: Activities in the Rural Zones

Rules	Zones		
	RR1	RR2	RR3

Rules	Zones		
	RR1	RR2	RR3
<del>Airport Noise Contour Controls [PC.4 – See Appendix 11 “Noise”]</del>			
<del>58. Any addition to an existing activity sensitive to aircraft noise within the inner noise control area shown on the Planning Maps</del>	<del>RD</del>	<del>NA</del>	<del>NA</del>
<del>59. Any new activity sensitive to aircraft noise within the inner noise control area shown on the Planning Maps</del>	<del>D</del>	<del>NA</del>	<del>NA</del>
<del>60. Any new or extension to activity sensitive to aircraft noise within the Air Noise Area as shown on the Planning Maps</del>	<del>Pro</del>	<del>NA</del>	<del>NA</del>
<del>132. Any noise sensitive activity within the 45 dB L<sub>Aeq</sub> Noise Control boundary surrounding the Reporoa Dairy Manufacturing site [PC.4 – See Appendix 11 “Noise”]</del>	<del>D</del>	<del>NA</del>	<del>NA</del>

## 9.6 PERFORMANCE STANDARDS

### 6. Noise [PC.4– See Appendix 11 “Noise”]

#### See Appendix 11: Noise

Noise levels from any activity within any rural zone shall not exceed the following limits when measured at the notional boundary of the receiving site:

Daytime	7am to 10pm, any day	50dB L <sub>Aeq</sub>
Night time	and at all other times	40dB L <sub>Aeq</sub> and 75dB L <sub>Amax</sub>

Noise sensitive activities that are within 40 metres of a state highway with a speed limit of less than 70km/hr, or within 80 metres of a state highway with a speed limit of 70km/hr or more shall comply with the noise mitigation requirements contained in Appendix 11 – State Highway Noise Mitigation Requirements.

The following activities are exempt from the above noise restrictions;

- a. Construction noise, (NZS6803:1999 will be used for assessment of construction noise.)
- b. Temporary military training,

- c. Helicopters;
- d. Aircraft operating for a purpose accessory to a permitted agricultural activity.
- e. Emergency services.
- f. Vehicles and mobile machinery associated with agricultural and forestry production that are of limited duration and not in a fixed location (note that the requirements of 516 and 517 of the Resource Management Act or any relevant provision superseding them will need to be satisfied).
- g. Noise levels from well drilling shall not exceed the following limits when measured at the notional boundary of a dwelling within the rural zone:

Daytime	7am to 10pm, any day	70dB $L_{Aeq}$
Night time	At all other times	60dB $L_{Aeq}$ and 85dB $L_{Amax}$

- h. Any new building with habitable rooms within the Electricity Generation Core Site Noise Control Boundary identified on Planning Maps 213 and 540 shall be designed to achieve an internal noise level of 35dB  $L_{Aeq}$ . If windows are required to be closed to achieve the required internal noise level the building shall be designed and constructed to provide an alternative means of ventilation in accordance with clause G4 of the New Zealand Building Code. [PC.4]

## 7. Noise: Bird Scaring Devices and Frost Fans [PC.4 – See Appendix 11 “Noise”]

- a. Any audible bird scaring devices shall be operated as follows:
  - i. Noise from audible explosive bird scaring devices shall only be operated between sunrise and sunset, and shall not exceed 100dB  $L_{Zpeak}$  when measured within the notional boundary of any rural zoned site, or within the site boundary of any residential zoned site.
  - ii. Discrete sound events of a bird scaring device including shots or audible sound shall not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour.
  - iii. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dB SEL when assessed at the notional boundary of any rural zoned site, or within the site boundary of any residential zoned site.
  - iv. A legible notice is fixed to the road frontage of the property on which the device is being used, giving the name, address and telephone number of the person responsible for the operation of any such device(s).
- b. Any frost fans shall be operated as follows:
  - i. Noise generated by frost fans shall not exceed 55dB  $L_{Aeq}$  (15min) when assessed within the notional boundary of any rural zoned site, or within

~~the site boundary of any residential zoned site.~~

- ii. ~~A legible notice is fixed to the road frontage of the property on which it is being used, giving the name, address and telephone number of the person responsible for its operation.~~

### ~~3. Noise [PC.4 – See Appendix 11 “Noise”]~~

- a. ~~Potential adverse effects generated from noise associated with the congregation of people and vehicles.~~
- b. ~~The hours of operation of any activity which generates noise.~~
- c. ~~The location of noise generating activities in relation to adjoining, existing residential activities.~~
- d. ~~Potential for there to be reverse sensitivity arising from the location of new residential activities adjoining, existing non-residential activities.~~
- e. ~~Methods employed to mitigate the adverse effects of noise and vibration.~~

#### 9.6.7.a.iii

- iii. ~~Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dB SEL when assessed at the notional boundary of any rural zoned site, or within the site boundary of any residential zoned site.~~

## 9.8.2 Assessment Criteria for Specific Activities

### ~~2. Any Addition to an Existing Activity Sensitive to Aircraft Noise within the Inner Noise Control Area [PC.4 – See Appendix 11 “Noise”]~~

~~Council shall restrict its discretion to the following matters:~~

- a. ~~The nature, size and scale of the proposed additions.~~
- b. ~~The application of the applicable acoustic performance standards listed in Appendix 7 – Airport Noise and Development Controls to existing parts of the structure housing the activity sensitive to aircraft noise.~~
- c. ~~Whether, having regard to all the circumstances (including location in relation to the Airport, likely exposure of the site to aircraft noise, noise attenuation and ventilation measures proposed, and the number of people to be accommodated) the nature, size and scale of the addition is likely to lead to potential conflict with and adverse effects upon airport activities.~~

- d. ~~Whether it is reasonable to require acoustic treatment measures (including measures for internal air quality purposes) in existing rooms, or whether such measures should be limited to the additions.~~
- e. ~~Any assessment criteria applicable to the activity under any other part of the district plan.~~
- f. ~~Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site. [PC.4]~~

## 9.9.2 Additional Assessment Criteria for Specific Activities

### 1. ~~Any New Activity Sensitive to Aircraft Noise, within the Inner Noise Control Area [PC.4 – See Appendix 11 “Noise”]~~

- a. ~~Whether, having regard to all the circumstances (including location in relation to the Airport, likely exposure of the site to aircraft noise, noise attenuation and ventilation measures proposed, and the number of people to be accommodated) the nature, size and scale of the activity is likely to lead to potential conflict with and adverse effects upon airport activities.~~
- b. ~~Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.~~
- c. ~~The desirability of reasonably limiting the intensity of development and activities within the Inner Control area, including in relation to proposed subdivisions and higher density residential development.~~
- d. ~~Whether it is reasonable to require acoustic treatment measures (including measures for internal air quality purposes) in existing rooms, or whether such measures should be limited to the additions.~~

### 3. Helicopter Take-Off and Landing Areas

- a. ~~Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes. These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point. [PC.4 – See Appendix 11 “Noise”]~~

# PART 10

# RESERVES, COMMUNITY ASSETS AND WATER

## 6. Noise [PC.4 – See Appendix 11 “Noise”]

### See Appendix 11: Noise

The noise limits shall be as follows:

- a. ~~Noise emitted in relation for temporary community and district events shall not exceed the following standards and limits when measured at the boundary of the receiving site:~~

<del>Four events up to 3 hours duration per every 12 month period</del>	<del>80 dB L<sub>Aeq</sub> (1 hour)</del>
<del>Three events every 12 month period, up to 12 hours per day for two consecutive days</del>	<del>70 dB L<sub>Aeq</sub> (1 hour)</del>
Octave band levels	85dB L <sub>Aeq</sub> (1 minute) at 63 Hz 75dB L <sub>Aeq</sub> (1 minute) at 125 Hz

- b. ~~The following activities are exempt from the above noise restrictions:~~
- ~~i. NZS6803:1999 will be used for the assessment of construction noise~~
  - ~~ii. Temporary military training~~
  - ~~iii. Emergency Services~~
  - ~~iv. Back-up generators~~
- c. ~~Other than that specified above noise from any activity shall not exceed the following limits when measured at the boundary of the zone:~~

Daytime	7am to 10pm, any day except public holidays	50dB L <sub>Aeq</sub>
Night-time	And at all other times	45dB L <sub>Aeq</sub> and 75dB L <sub>Amax</sub>

## 10.9.2 Assessment Criteria for Specific Activities

### 2. Helicopter Take-Off and Landing Areas

- a. ~~Approach paths to and from all helicopter facilities, other than for temporary or emergency purposes. These shall be located so that no residential zones are flown over at lower than 300 metres above ground level at that point.~~ [PC.4 – See Appendix 11 “Noise”]

# APPENDIX 7

## AIRPORT NOISE AND DEVELOPMENT CONTROLS

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### A7.3 SUBDIVISION and LAND USE CONTROLS WITHIN THE AIR NOISE AREA, and INNER CONTROL AREA ~~and OUTER CONTROL AREA~~ <sup>[PC.4]</sup>

1. Acoustic Standards for Additions and New Activities Located Within the Inner Noise Control Area; and extensions to an existing activity sensitive to aircraft noise within the Air Noise Area. <sup>[PC.4]</sup>
  2. Acoustic standards for additions to existing activities sensitive to aircraft noise (except for educational facilities including Kōhanga Reo) and any new activities sensitive to aircraft noise, (except for educational facilities (including Kōhanga Reo) in the Inner Control Area, as well as Papakāinga-, and extensions to an existing activity sensitive to aircraft noise within the Air Noise Area. <sup>[PC.4]</sup>
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# APPENDIX 11

## NOISE

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### A11.1 INTRODUCTION

Noise is a particularly important amenity consideration, and therefore a dedicated chapter and specific rules are included in the District Plan. The rules aim to avoid, remedy or mitigate the adverse effects of noise from activities on residents. The rules also aim to maintain a reasonable balance between the amenity expected in noise sensitive areas and the viable functioning of permitted and lawfully established activities. As such Reverse Sensitivity is also a focus of the Noise provisions. Reverse Sensitivity is the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse effects generated by the first activity. A range of provisions are included, such as the requirement that new dwellings in the Central City includes insulation that provides an acceptable internal noise environment, reducing the potential for noise complaints arising from sleep disturbance. Other mechanisms are implemented at the zoning stage where appropriate buffers and separation distances are set between uses and zones that may clash.

In addition to the rules the enforcement orders and abatement notice procedures of the Act will be used to control unreasonable noise.

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### A11.2 KEY ENVIRONMENTAL ISSUES

Noise has the potential to cause annoyance and affect health, depending on:

- when and where it occurs;
- its duration;
- physical characteristics, including the sound pressure level (loudness) and frequency (pitch);
- its steadiness;
- variations of these properties; and
- whether special audible characteristics are present.

Particular issues are:

1. The operation of non-residential activities within residential zones that generates noise which detracts from existing amenity
2. Activities within one zone generating noise which detracts from the amenity of adjacent zones, for example between Industrial and Residential zones, and between the Airport and surrounding Residential and Rural zones.
3. The operation of rural and non-rural activities in the Rural zones that generate noise which detracts from an amenity level that can be expected in a Rural zone.
4. The perception of the Rural zones as being quiet environments that does not reflect the reality of these zones as productive working areas
5. The expectation by residents of a certain standard of amenity in the Central City that conflicts with the permitted noise environment and the primary function of the Central City
6. The operation of aircraft, including particularly helicopters; from landing areas in Residential and Rural zones that detract from the amenity of those zones. in the residential and rural zones.
7. Large scale rural industrial activities which generate noise which are lawfully established and operating and are in the District's rural environments.

## A11.3 OBJECTIVES AND POLICIES

The specific Objectives and Policies for Noise are stated below. The Objectives and Policies below shall be read in conjunction with the various Zone provisions, Parts 1-3 and the technical requirements in Parts 13-17.

### Appropriate Noise Environment

<u>Objective A11.3.1</u>	
<u>A noise environment consistent with the character and amenity expected for the zone</u>	
<u>Policy 11.3.1.1</u>	<u>Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the each zone's function of the zones and permitted activities within them.</u>
<u>Policy 11.3.1.2</u>	<u>Avoid the potential adverse effects of noise on noise sensitive activities by ensuring at time of zoning the potential for noise reverse sensitivity is taken into account</u>
<u>Policy 11.3.1.3</u>	<u>Control the potential adverse effects of noise generated in one zone and received in another zone</u>

<a href="#">Policy 11.3.1.43</a>	<u>Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites</u>
<a href="#">Policy 11.3.1.54</a>	<u>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas (well drilling, audible bird scaring devices, frost fans) as well as other activities (in any zone) clearly of a temporary nature (e.g. Construction works, emergency back- up generators).</u>

## Reverse Sensitivity

<p><u>Objective A11.3.2</u></p> <p><u>Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity</u></p>	
<a href="#">Policy 11.3.2.1</a>	<u>Encourage activities to locate in zones areas where the noise generated is compatible with other activities and, where practicable, adjacent zones from existing activities, or noise anticipated by the zone rules, is compatible with the proposed activity.</u>
<a href="#">Policy 11.3.2.2</a>	<u>Avoid, remedy or mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, building location and/or noise control boundaries to maintain the amenity of adjacent residential zones or marae and habitable buildings.</u>
<a href="#">Policy 11.3.2.3</a>	<u>Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to major infrastructure are appropriately insulated.</u>
<a href="#">Policy 11.3.2.4</a>	<u>Limit the location of new residential activities sensitive to disturbance from lawfully established urban and rural industries, recreation, and infrastructure activities and network utilities to avoid reverse sensitivity effects.</u>

## A11.4 ENVIRONMENTAL OUTCOMES

The efficiency and effectiveness of the policy framework of this part will be the focus of ongoing monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:

1. Amenity of zones consistent with that anticipated.
2. Improved amenity where residential zones interface with other zones.
3. No reverse sensitivity effects at the interface of industrial zones and infrastructure activities and other zones.
4. No reverse sensitivity effects within the Central City zones
5. The continued viable production of rural land and operation of permitted and lawfully established industries in the rural zones.

## A11.5 RULES

Tables A11.5.1 and A11.5.2 identify the status of activities which are provided for in this part of the plan.

The following abbreviations for the zones are used in activity tables A11.5.1 and A11.5.2:

<u>Abbreviation:</u>	<u>Zone Name:</u>	<u>Zone Description:</u>
<u>RD<sub>1</sub> =</u>	<u>Residential<sub>1</sub></u>	<u>Low Density Living</u>
<u>RR<sub>1</sub> =</u>	<u>Rural<sub>1</sub></u>	<u>Working Rural</u>
<u>Bl<sub>3</sub> =</u>	<u>Business and Innovation</u>	<u>Eastgate</u>
<u>CM<sub>3</sub></u>	<u>Commercial<sub>3</sub></u>	<u>Neighbourhood Centres</u>

The following abbreviations are used for classes of activities in tables A11.5.1 and A11.5.2:

<u>P = Permitted</u>	<u>C = Controlled</u>	<u>RD = Restricted Discretionary</u>
<u>D = Discretionary</u>	<u>NC = Non-complying</u>	<u>Pro = Prohibited</u>

The 'NA' abbreviation in the activity table refers to where an activity is not applicable to the zone.

The activity classes in tables A11.5.1 and A11.5.2 are explained in the User Guide at the front of the district plan.

Meanings for the terms in tables A11.5.1 and A11.5.2 can be found in Part 17 Definitions; zone descriptions in the relevant Parts.

Permitted and controlled activities shall comply with the relevant performance standards in section A11.6.

Activities must also be assessed against the Zone Chapters.

The activity status may be altered if the site contains or is adjacent to an item identified in Appendix 1 Cultural and Historic Heritage Inventory or Appendix 2 Natural Heritage Inventory, of the plan.

The zone rules below, and associated performance standards, do not apply to infrastructure activities unless specifically stated or referred to. Infrastructure rules and performance standards are located in Part 15 - Infrastructure.

Table A11.5.1: Activities in all Zones

<u>Rules</u>	<u>All zones</u>
<u>General</u>	
<u>Any activity stated as a permitted activity that does not meet the performance standards in A11.6.</u>	<u>RD</u>
<u>ADVICE NOTE: Noise levels from telecommunications cabinets located within road reserves shall comply with Clause 9 of the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.</u>	

Table A11.5.2: Airport Noise Contour Controls

<u>Airport Noise Contour Controls</u>				
<u>(Map references: 329, 330, 339, 362, 363, 364, 367, 368, 369)</u>				
<u>Zone:</u>	<u>CM<sub>3</sub></u>	<u>RD<sub>1</sub></u>	<u>RR<sub>1</sub></u>	<u>BI<sub>3</sub></u>
<u>Any addition to an existing activity sensitive to aircraft noise within the Inner Noise Control Area shown on the Planning Maps, that increases the total gross floor area of the noise sensitive activity by more than 25% of the total gross floor area that existed before the date on which Council makes a decision on submissions on this rule under section 86B of the Resource Management Act 1991.</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>	<u>RD</u>

<u>Airport Noise Contour Controls</u> (Map references: 329, 330, 339, 362, 363, 364, 367, 368, 369)				
<u>Zone:</u>	<u>CM<sub>3</sub></u>	<u>RD<sub>1</sub></u>	<u>RR<sub>1</sub></u>	<u>BL<sub>3</sub></u>
Any new activity sensitive to aircraft noise within the Inner Noise Control Area shown on the Planning Maps	D	D	D	D
Any new or extension to an existing activity sensitive to aircraft noise within the Air Noise Area as shown on the Planning Maps <sup>3</sup>	<u>NA</u>	Pro	Pro	<u>NA</u>

Table A11.5.3: Noise Sensitive Activities near the Reporoa Dairy Manufacturing site

Rules	RR1 zone
Any noise sensitive activity within the 45 dB L <sub>Aeq (15 min)</sub> Noise Control boundary surrounding the Reporoa Dairy Manufacturing site.	D

## A11.6 PERFORMANCE STANDARDS

### A.11.6.1 Noise generated and received within the same zone

Note these rules shall be read in conjunction with A11.6.2-.4<sup>4</sup>

Noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:

1. Residential Zones (RD1, RD2, RD3, RD4, RD5)		
Daytime	7am to 10pm, any day except public holidays	50 dB L <sub>Aeq (15 min)</sub>
Evening	7pm to 10pm any day except	45 dB L <sub>Aeq (15 min)</sub>

<sup>3</sup> Note: This rule is subject to plan change 1.

<sup>4</sup> Administrative change under clause 16, first schedule, RMA.

	public holidays	
Night-time <u>and</u> <u>public holidays</u>	At all other times	40 dB L <sub>Aeq (15 min)</sub> <u>and</u> 70 dB L <sub>Amax</sub>

## 2. City Centre Zone 1 (Mid City) and City Centre Zone 3 (Northern Edge)

Daytime	7am to 10pm, any day except public holidays	65 dB L <sub>Aeq (15 min)</sub>
Night-time <u>and</u> <u>public holidays</u>	At all other times	60 dB L <sub>Aeq (15 min)</sub> <u>and</u> 75 dB L <sub>Amax</sub>

### 2.1 City Centre Zone 1 (Mid City) and City Centre Zone 3 (Northern Edge) – Community Events

Noise levels for large scale community events located on council owned or controlled property within City Centre 3 shall comply with the following standards and limits:

- vi. For four events in any 12 month period a noise limit of 95 dB L<sub>Aeq (1 hour)</sub> at any point within the receiving site in adjacent zones.
- vii. For the four events provided for under i. above the events shall conclude by 12.30am.
- viii. For two events in any 12 month period – a noise limit of 70 dB L<sub>Aeq (1 hour)</sub> at any point within the receiving site in adjacent zones providing the event does not exceed 12 hours per day over a two day period.
- ix. All other events shall comply with the noise standards specified under A.11.6.1.2
- x. Octave band noise levels within residential zones shall not exceed 85 dB L<sub>ZeQ (1 min)</sub> at 63Hz and 75 dB L<sub>ZeQ (1 min)</sub> at 125Hz.

## 3. City Centre Zone 2 (Southern City)

Day-time	7am to 10pm, any day except public holidays	65 dB L <sub>Aeq (15 min)</sub>
Night-time <u>and</u> <u>public holidays</u>	At all other times	60 dB L <sub>Aeq (15 min)</sub> <u>and</u> 75 dB L <sub>Amax</sub>

#### 4. Commercial 1, 2, 4, 5 and 6 Zones

Daytime	7am to 10pm, any day except public holidays	65 dB $L_{Aeq (15 min)}$
Night-time <u>and</u> <u>public holidays</u>	At all other times	60 dB $L_{Aeq (15 min)}$ <u>and</u> 75 dB $L_{Amax}$

#### 5. Commercial 3 Zone

Daytime	7am to 10pm, any day except public holidays	50 dB $L_{Aeq (15 min)}$
Night-time <u>and</u> <u>public holidays</u>	At all other times	40 dB $L_{Aeq (15 min)}$ <u>and</u> 70 dB $L_{Amax}$

#### 6. Industrial Zones (ID1, ID1E, ID2, T)

Daytime	7am to 10pm, any day except public holidays	75 dB $L_{Aeq (15 min)}$
Night-time <u>and</u> <u>public holidays</u>	At all other times	70 dB $L_{Aeq (15 min)}$ <u>and</u> 80 dB $L_{Amax}$

##### 6.1 Industrial Zones – Reporoa Dairy Manufacturing Site

Activities located within the Reporoa Dairy Manufacturing Site (Planning Map 395) shall not exceed 45 dB  $L_{Aeq (15 min)}$  when measured at the 45 dB  $L_{Aeq}$  noise control boundary as shown on Planning Maps 395 and 546 except that where the noise control boundary is located within land in common ownership with the Reporoa Dairy Manufacturing Site noise shall be measured at the boundary with land not in common ownership with the Reporoa Dairy Manufacturing Site.

##### 6.2 Industrial Zones – Block bounded by Fairy Springs, Victory, Russell and Salisbury Roads

Noise levels within the block bounded by Fairy Springs Road, Victory Road, Russell Road and Salisbury Road, shall not exceed the noise limit specified for the residential zones at any point within the site boundary of a household unit.



## 7. Business &amp; Innovation: Scion Innovation Park (BI1)

Daytime	7am to 10pm, any day except public holidays	50 dB $L_{Aeq(15\ min)}$
Night-time <u>and</u> <u>public holidays</u>	At all other times	40 dB $L_{Aeq(15\ min)}$ <u>and</u> 75 dB $L_{Amax}$

## 8. Business &amp; Innovation: Waipa Business Park (BI2) and Eastgate Business Park (BI3)

Daytime	7am to 10pm, any day except public holidays	75 dB $L_{Aeq(15\ min)}$
Night-time <u>and</u> <u>public holidays</u>	At all other times	70 dB $L_{Aeq(15\ min)}$ <u>and</u> 80 dB $L_{Amax}$

## 9. Rural Zones (RR1, RR2, RR3)

Noise levels shall not exceed the following limits when measured at any point within the notional boundary of any rural dwelling:

Daytime	7am to 10pm, any day	50 dB $L_{Aeq(15\ min)}$
Night-time	At all other times	40 dB $L_{Aeq(15\ min)}$ <u>and</u> 75 dB $L_{Amax}$

## 9.1 Rural Zones – Well drilling

Noise levels shall not exceed the following limits when measured at any point within the notional boundary of any rural dwelling:

Daytime	7am to 10pm, any day	70 dB $L_{Aeq(15\ min)}$
Night-time	At all other times	60 dB $L_{Aeq(15\ min)}$ <u>and</u> 85 dB $L_{Amax}$

## 9.2 Rural Zones – Audible bird scaring devices

Any audible bird scaring devices shall be operated as follows:

- i. Noise from audible explosive bird scaring devices shall only be operated between sunrise and sunset, and shall not exceed 100 dB  $L_{Zpeak}$ , when measured at any point within the notional boundary to any dwelling in the Rural zone, or at any point within the site boundary of any residential-zoned site.
- ii. Discrete sound events of a bird scaring device including shots or audible sound shall not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour.
- iii. A legible notice is fixed to the road frontage of the property on which the device is being used, giving the name, address and telephone number of the person responsible for the operation of any such device(s).

## 9.3 Rural Zones – Frost fans

Any frost fans shall be operated as follows:

- i. Noise generated by frost fans shall not exceed 55 dB  $L_{Aeq (15min)}$  when measured at any point within the notional boundary to any dwelling in the Rural zone, or at any point within the boundary of any residential- zoned site.
- ii. A legible notice is fixed to the road frontage of the property on which it is being used, giving the name, address and telephone number of the person responsible for its operation.

## 10. Reserves, Community Assets and Water

Noise levels from temporary community and district events shall not exceed the following limits when measured at any point within the boundary of the receiving site in any adjoining zone:

Four events up to 3 hours duration per every 12 month period	80 dB $L_{Aeq (1 hour)}$
Three events every 12 month period, up to 12 hours per day for two consecutive days	70 dB $L_{Aeq (1 hour)}$
Octave band levels	85 dB $L_{Zeq (1 minute)}$ at 63 Hz 75 dB $L_{Zeq (1 minute)}$ at 125 Hz

### 10.1 Reserves, Community Assets and Water – all other events

Other than that specified above under 10, noise levels from any activity shall not exceed

the following limits when measured at the boundary of the zone:		
Daytime	7am to 10pm, any day except public holidays	50 dB $L_{Aeq(15\text{ min})}$
Night-time <del>and public holidays</del>	At all other times	45 dB $L_{Aeq(15\text{ min})}$ <del>and</del> 75 dB $L_{Amax}$

### A11.6.2: Noise generated and received within different zones

Noise levels from any activity shall not exceed the noise limits specified for the adjoining zone when measured at any point within the receiving site, or at any point within the notional boundary of any dwelling in the Rural zones, except where provided under:

1. A11.6.1.9.2 (audible bird scaring devices), and A11.6.1.9.3, (frost fans).
2. A11.6.1.10 and A11.6.1.10.1
3. A11.6.1.2.1
4. Octave band noise levels from the Commercial 1, 2, 4, 5 and 6 Zones should not exceed the following limits when measured at any point within any residential-zoned site:

75 dBZ  $L_{Aeq}$  dB  $L_{Zeq(1\text{ min})}$  at 63Hz and 65 dBZ  $L_{Zeq(1\text{ min})}$  at 125Hz<sup>5</sup>

### A11.6.3: Acoustic treatment of noise sensitive activities

1. Noise sensitive activities near State Highways

#### ADVICE NOTES:

- ~~The term "Noise Sensitive Activities" has the same meaning as that included in the Definitions, except that for the purposes of these performance standards does not include:~~
  - ~~Conference facilities, communal lounges operated as part of a holiday park~~
  - ~~Community facilities~~
- This performance standard shall not apply to Maori cultural training facilities at Te Puia, being the site inclusive of land legally described as Section 1 SO408975.
- The requirements of Clause G4 of the New Zealand Building Code will apply at the same time as to the requirements contained in this performance standard A11.6.3.

In the Residential, City Centre 1 and 3, Commercial 1-6 and Rural zones:

Noise sensitive activities that are within 40 metres of a state highway with a speed limit of less than 70km/hr, or within 80 metres of a State Highway with a speed limit

<sup>5</sup> Correction under Clause 16, 1<sup>st</sup> Schedule, RMA.

of 70km/hr or more (measured from the nearest painted edge of the carriageway), shall comply with the noise mitigation requirements contained below:

- a.
  - i. Any new residential unit or extension/alteration to an existing residential unit that exceeds 25% of the existing gross floor area, shall meet an internal road-traffic design sound level of 40 dB  $L_{Aeq(24h)}$  inside all habitable rooms,
  - ii. any new noise sensitive activity other than residential activity shall meet an internal road-traffic design sound level of 40 dB  $L_{Aeq(24h)}$  inside all habitable rooms and teaching areas.

An acoustics design report from a suitably qualified acoustics specialist shall be provided to the Council demonstrating compliance with A11.6.3.1.a prior to the commencement of construction.

- b. As an alternative to complying with A11.6.3.1.a, any new noise sensitive activity, including extension/alteration to a residential unit which exceeds 25% of the existing gross floor area, shall comply with the following:
  - i. The windows of all habitable rooms and teaching areas shall be constructed with glazing that includes a laminated pane that is at least 6.38mm thick and covers the glazed area.
  - ii. A ventilation system shall be installed in accordance with A11.6.3.1.d below.

ADVICE NOTE: An acoustic design report will not be required for compliance with A11.6.3.1.b.

- c. A11.6.3.1.a and A11.6.3.1.b do not apply if:
  - i. It can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics specialist that the road-traffic noise level from any existing state highway is less than 55 dB  $L_{Aeq(24h)}$  on all façades of a new noise sensitive activity, or extension/alteration to an existing noise sensitive activity, or
  - ii. The nearest façade of the dwelling is at least 50 metres from any state highway and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to habitable rooms to any part of the road surface of any state highway, or
  - iii. The NZ Transport Agency provides written consent that the performance standards do not need to be applied to a proposed activity.

Explanatory note: A11.6.3.1.c.iii is intended to provide for circumstances where the expectation of human occupancy of buildings would, by reason of the period of occupancy or vulnerability, not be sensitive to state highway noise. It may also account for other circumstances which may not justify the compliance costs including the viability of the proposed activity or where it is apparent that the occupants of a building are unlikely to be subject to noise issues, such as low traffic volumes or building design.

- d. A ventilation system installed under A11.6.3.1.b.ii above shall comply with one of the following:
- i. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) shall not exceed 40 dB  $L_{Aeq(30s)}$  in the largest habitable room (excluding bedrooms) and 35 dB  $L_{Aeq(30s)}$  in all other habitable rooms and teaching areas, when measured 1 metre away from any grille or diffuser, or
  - ii. Comprise a system capable of providing at least 6 air changes per hour in the largest habitable room (excluding bedrooms) and teaching spaces and at least 5 air changes per hour in all other habitable rooms, and
    - 1) The noise level generated by the system shall not exceed 40 dB  $L_{Aeq(30s)}$  in the largest habitable room (excluding bedrooms) and 35 dB  $L_{Aeq(30s)}$  in all other habitable rooms, when measured 1 metre away from any grille or diffuser, and
    - 2) The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation, and
    - 3) The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25 degrees Celsius.

## 2. Noise sensitive activities within City Centre and Commercial zones, and the Ohakuri Electricity Generation Core Site

In the City Centre 1 and 3, Commercial 1-6 zones and the Electricity Generation Core Site Noise Control Boundary identified on Planning Maps 213 and 540:

- a. Any new noise sensitive activities shall meet the minimum acoustic insulation standard of  $D_{2m,nT,w} + C_r > 30$  dB for the external building envelope of each habitable room and when tested and verified in accordance with the following standards:
  - AS/NZS ISO717.1:2004 Acoustics – Rating of sound insulation in buildings and of building elements – Airborne sound insulation.
  - ISO 16283-1:2014 Acoustics – Field measurement of sound insulation in buildings and of building elements – Part 1: Airborne sound insulation.
- b. Under this performance standard habitable areas do not include transit and utility areas such as corridors, kitchens, bathrooms and storage areas.
- c. If the internal noise criteria cannot be achieved with windows and doors open, then a forced-air ventilation or air conditioning system which complies with the NZ Building Code shall be provided so that the acoustic and ventilation criteria can be achieved simultaneously with windows and doors closed. Noise from any ventilation system shall not cause the internal noise criteria to be exceeded.

- d. At the time of application for building consent, an acoustic design certificate from a suitably qualified and experienced acoustic engineer will be required demonstrating how the internal noise criteria will be achieved.
- e. The acoustic design is not required to include mitigation from noise generated by large scale community events as detailed in A.11.6.1.10 and defined in Part 17 Definitions.

#### A.11.6.4 Construction Noise

All construction noise shall comply with the relevant noise levels stated in NZS6803: 1999, and shall be measured and assessed in accordance with NZS 6803:1999 'Acoustics – Construction Noise'.

### A11.7 RESTRICTED DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT

Activities are expected to meet the performance standards of the zone, however in instances where one or more performance standards are not met, Council will limit its discretion to the extent to which the activity will avoid, remedy or mitigate the effects of the non-compliance in achieving the purpose of the relevant performance standard and the objectives and policies relevant to the matter of discretion.

For activities relating to Section 6 matters listed in Appendix 1 Cultural Historic Heritage Inventory and Appendix 2 Natural Heritage Inventory the assessment criteria below shall be read in conjunction with the provisions in Appendix 9 Section 6 Matters.

#### A11.7.1: Assessment Criteria

1. The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone.
2. The nature of any adjoining zone(s), and the compatibility of the noise generating activity with the expected environmental results for those adjoining zone(s).
3. Existing ambient noise levels.
4. The length of time for which specified noise levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused.
5. The potential for cumulative noise effects to result in an adverse outcome for receivers of noise.
6. The likely adverse impacts of noise generating activities both on and beyond sites, on a site, on visitors, users of business premises, or on public places in the vicinity.
7. The extent to which the noise may detract from enjoyment of any recreation or conservation area.

8. The maximum level of noise likely to be generated, its nature, character and frequency, and the disturbance this may cause to people in the vicinity.
9. Whether the noise generated would be of such a level as to create a threat to the health or well-being of persons living or working in the vicinity.
10. The proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant.
11. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.
12. The extent to which achieving the relevant limits is practicable, given any existing activities which create noise, particularly on the interface with commercial, industrial or recreational activities.
13. The extent to which achieving the relevant limits is practicable where the existing noise environment is subject to significant noise intrusion from road, rail or air transport activities.
14. The adequacy of information provided by the applicant.
15. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options
16. Any other relevant standards, codes of practice or assessment methods based on robust acoustic principles.
17. Whether the proposed activity is likely to lead to potential conflicts with, or adverse effects on, lawfully established noise generating activities in the locality.
18. Methods of reducing noise sensitivity.
19. Whether the proposed activity achieves the relevant reverse sensitivity objectives and policies of Appendix 11.

### A11.7.2 Specific Assessment Criteria

Any Addition to Existing Activities Sensitive to Aircraft Noise within the Inner Noise Control Area, that increases the total gross floor area of the noise sensitive activity by more than 25% - Council shall restrict its discretion to the following matters:

1. The nature, size and scale of the proposed additions.
2. The application of the applicable acoustic performance standards listed under Appendix 7 Airport Noise and Development Controls, to existing parts of the structure housing the activity sensitive to aircraft noise.
3. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7 Airport Noise and Development Controls; and the means of securing any conditions of consent.
4. Whether, having regard to all the circumstances the nature, size and scale of the addition is likely to lead to potential conflict with and adverse effects upon airport activities.

5. Any assessment criteria applicable to the activity within the residential zones.
6. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.
7. The potential to detract from the qualities and characteristics specified of a landscape or feature identified in Appendix 2 Natural Heritage Inventory or the natural character of the environment.
8. How the proposal affects the appearance of the outstanding natural feature or landscape.
9. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options



## A11.8 DISCRETIONARY ACTIVITIES: METHOD OF ASSESSMENT

Council may grant or decline an application for a discretionary activity and may impose conditions.

In assessing the proposal, Council may consider all relevant objectives and policies within the district plan, all potential environmental effects, and any matters outlined in the Act without limitation as part of the decision making process. Conditions may be imposed in relation to any of these matters. Whilst not limiting the exercise of its discretion, Council may also consider the particular matters below for the activities listed as discretionary in the activity table.

For activities relating to Section 6 matters listed in Appendix 1 Cultural Historic Heritage Inventory and Appendix 2 Natural Heritage Inventory the assessment criteria below shall be read in conjunction with the provisions in Appendix 9 Section 6 Matters.

### A11.8.1: Assessment Criteria for Any New Activity Sensitive to Aircraft Noise within the Inner Noise Control Area

1. Whether, having regard to all the circumstances (including location in relation to the Airport, likely exposure of the site to aircraft noise, noise attenuation and ventilation measures proposed, and the number of people to be accommodated) the nature, size and scale of the activity is likely to lead to potential conflict with and adverse effects upon airport activities.
2. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site.
3. The desirability of reasonably limiting the intensity of development and activities within the Inner Control area, including in relation to proposed subdivisions and higher density residential development.
4. The application of the applicable acoustic performance standards listed under Appendix 7 Airport Noise and Development Controls.
5. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7 Airport Noise and Development Controls; and the means of securing any conditions of consent.

## A11.9 NON-COMPLYING ACTIVITIES: METHOD OF ASSESSMENT

Applications for resource consent must be assessed on their merits against the requirements of the act. Consent for a non-complying activity may be granted only if Council is satisfied that either:

1. the adverse effects of the activity on the environment (other than any effect on a person who has given written approval to the application) will be minor:  
or
2. the application is for an activity that will not be contrary to the Objectives and Policies of the District Plan.

If the proposal meets either of the two tests, council can then consider all other relevant matters and may grant or decline an application. If neither test is met, Council must decline the resource consent application.

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## PART 17

# DEFINITIONS

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Term	Definition
Noise level	<p>Noise Level means a sound level measured in accordance with NZS6802:2008 <i>Acoustic – Measurement of Environmental Sound</i> and assessed, unless otherwise stipulated, with NZS6802:2008 <i>Acoustics – Environmental Noise</i>, but excludes the noise from the following sources:</p> <p>All zones:</p> <ul style="list-style-type: none"> <li>• Construction: Sounds generated by construction, maintenance and demolition activities shall be assessed and controlled by reference to New Zealand Standard NZS 6803:1999 <i>Acoustics – Construction Noise</i>.</li> <li>• Temporary Military training</li> <li>• Emergency Services</li> <li>• Noise from helicopter landing areas: shall be assessed and controlled by reference to the provisions of NZS6807:1994 – Noise management and land use planning for helicopter land areas</li> <li>• Wind turbine generators with swept area greater than 80m<sup>2</sup>: shall be assessed and controlled by reference to NZS6808:2010 <i>Acoustics – Wind Farm Noise</i></li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• Emergency drilling in relation to geothermal bores</li> </ul> <p>City Centre; Commercial; Industrial; Business and Innovation; Reserves, <u>Rural</u>, Community and Water zones:</p> <ul style="list-style-type: none"> <li>• Emergency back-up generators</li> </ul> <p>Rural zones:</p> <ul style="list-style-type: none"> <li>• Vehicles and mobile machinery associated with agricultural and forestry production that are of limited duration and not in a fixed location (note that ss16 and 17 of the RMA or any relevant provisions superseding them will need to be satisfied).</li> </ul>
<p>ADVICE NOTES:</p> <ol style="list-style-type: none"> <li>1. S. 326 RMA Act exempts noise from aircraft (including helicopters), vehicles being driven on a road, and trains.</li> <li>2. The control of noise from Rotorua Airport is contained within Appendix 6, Appendix 7 and the Noise chapter through land controls on noise sensitive activities in the Residential 1, Rural 1, <u>Commercial 3</u> and Business and Innovation 3 zones, and has been prepared in reference to the NZ Standard for Airport Noise Management and Land Use Planning 6805:1992.</li> </ol>	
Activities sensitive to aircraft noise	<p><del>Conference facilities and communal lounges operated as part of a holiday park, community facilities, community housing, comprehensive residential developments, household units, educational facilities, daycare centres, hospitals, kōhanga reo, wharenuī, hospitals, medical centres, papakāinga, paramedical care facilities, retirement homes and villages.</del></p>
Noise Sensitive Activities	<p>Buildings or parts of buildings used for –</p> <ol style="list-style-type: none"> <li>a) Residential activities, including household units, tourist accommodation, bed and breakfast and rest homes (except where the residential activity is accessory to another non-sensitive use), <u>papakāinga</u>;</li> <li>b) Wharenuī,</li> <li>c) Hospitals, <u>including medical centres, paramedical care facilities</u>;</li> <li>d) Educational facilities, <u>including kohanga reo</u>;</li> <li>e) Daycare centres</li> <li><u>f) conference facilities and communal lounges operated as part of a holiday park</u></li> </ol>

Term	Definition
	<u>g) community facilities</u>
<u>ADVICE NOTE: the terms "Noise Sensitive Activities" and "Activities sensitive to aircraft noise" are synonymous, except where stated in relation to acoustic treatment and state highways.</u>	

## APPENDIX 11

STATE HIGHWAY NOISE MITIGATION  
REQUIREMENTS

## A11.1 STATE HIGHWAY NOISE MITIGATION REQUIREMENTS

Where required by a Rule in the Plan, noise sensitive activities within the specified distance of a state highway (measured from the nearest painted edge of the carriageway) shall comply with the following performance standards.

Note: The requirements of Clause G<sub>4</sub> of the New Zealand Building Code will apply at the same time as to the requirements contained in this Appendix.

- A11.1.1 1. Any new residential unit or extension/alteration to an existing residential unit that exceeds 25% of the existing gross floor area, shall meet an internal road traffic design sound level of 40 dB L<sub>Aeq</sub>(24h) inside all habitable rooms;
2. any new noise sensitive activity other than residential activity shall meet an internal road traffic design sound level of 40 dB L<sub>Aeq</sub>(24h) inside all habitable rooms and teaching areas.

An acoustics design report from a suitably qualified acoustics specialist shall be provided to the Council demonstrating compliance with performance standard A11.1.1 prior to the commencement of construction.

- A11.1.2 As an alternative to complying with Rule A11.1.1, any new noise sensitive activity, including extension/alteration to a residential unit which exceeds 25% of the existing gross floor area, shall comply with the following:

1. The windows of all habitable rooms and teaching areas shall be constructed with glazing that includes a laminated pane that is at least 6.38mm thick and covers the glazed area.
2. A ventilation system shall be installed in accordance with performance standard A11.2.4 below.

ADVICE NOTE: An acoustic design report will not be required for compliance with performance standard A11.1.2

- A11.1.3 Performance standards A11.1.1 and A11.1.2 above do not apply if:

1. It can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics specialist that the road traffic noise level from any

existing state highway is less than 55 dB  $L_{Aeq}$  (24h) on all façades of a new noise sensitive activity, or extension/alteration to an existing noise sensitive activity, or

2. The nearest façade of the dwelling is at least 50 metres from any state highway and there is a solid building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to habitable rooms to any part of the road surface of any state highway, or
3. The NZ Transport Agency provides written consent that the performance standards do not need to be applied to a proposed activity.

Explanatory note: A11.1.3.3 is intended to provide for circumstances where the expectation of human occupancy of buildings would, by reason of the period of occupancy or vulnerability, not be sensitive to state highway noise. It may also account for other circumstances which may not justify the compliance costs including the viability of the proposed activity or where it is apparent that the occupants of a building are unlikely to be subject to noise issues, such as low traffic volumes or building design.

A11.1.4 A ventilation system installed under performance standard A11.1.2.2 above shall comply with one of the following:

1. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) shall not exceed 40dB  $L_{Aeq}$  (30s) in the largest habitable room (excluding bedrooms) and 35dB  $L_{Aeq}$  (30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser, or
2. Comprise a system capable of providing at least 6 air changes per hour in the largest habitable room (excluding bedrooms) and teaching spaces and at least 5 air changes per hour in all other habitable rooms, and
  - a. The noise level generated by the system shall not exceed 40 dB  $L_{Aeq}$  (30s) in the largest habitable room (excluding bedrooms) and 35dB  $L_{Aeq}$  (30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser, and
  - b. The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation, and
  - c. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25 degrees Celsius.

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[PC.4 draft]

**APPENDIX 2: Planners Hearing Report**

