



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 33

Noise

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to the Noise provisions in the District Plan.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"dB" means dB L_{Aeq}.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"IAL" means Invercargill Airport Limited.

"Niagara" means Niagara Sawmilling Company Limited on behalf of Niagara Properties Ltd or Niagara Sawmilling Company Ltd.

"NZAS" means New Zealand Aluminium Smelters Limited.

"OCB" means the Outer Control Boundary.

"Oil Companies" means Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"SESEB" means the Single Event Sound Exposure Boundary.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

"VFS" means a Further Submission to a Variation.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE HEARING

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 28 April 2015.

At the commencement of the hearing Cr Sycamore declared a conflict of interest with regard to submissions lodged by Invercargill Airport Limited.

Section 42A Report

The Hearings Panel received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery explained that the approach to noise issues is similar in the Proposed District Plan to that taken in the Operative District Plan. Both include a District wide standard, with related policies in the different Zones as part of the anticipated amenity values. Noise has also informed decisions on zoning. However, there are a number of changes in the Proposed District Plan which update the provisions and respond to noise issues that have arisen since the Operative District Plan became operative.

Mrs Devery referred to submissions relating to the terminology used within the Proposed Plan, and having regard to advice from Stuart Camp of Marshall Day Acoustics, which was appended to her report, she recommended changes to ensure that the provisions are enforceable, accurate and compatible with the relevant noise standards.

Mrs Devery set out that within the rural areas, rules aim to provide appropriate residential amenity around noise sensitive activities, rather than the farmland as a whole, with two separate noise limits – a reasonably lenient one at the zone boundary and one consistent with the residential rules at the notional boundary of any noise sensitive activity. She highlighted this seeks to ensure a reasonable degree of protection for rural sites adjoining noise producing areas, such as areas in the vicinity of the Smelter Zone or the Industrial 3 or 4 Zones.

Mrs Devery referred to the provisions within the Proposed Plan that recognise transportation infrastructure is important for the functioning of the District but also acknowledged that adverse environmental effects, such as noise, can result. For this reason, she said that provisions have been included within the Proposed Plan to protect the infrastructure from reverse sensitivity complaints and the rules require noise sensitive activities that locate near transportation corridors to be designed, located and constructed to prevent issues of reverse sensitivity arising. She added that submissions are supportive of the principles behind these provisions but raise a number of concerns about the detail. Arising from these submissions she has recommended a number of changes. This included recognising the vibration caused by rail operations but not to the extent sought by KiwiRail.

Mrs Devery noted that while the Proposed District Plan requires acoustic insulation for new and altered noise sensitive activities within the Single Event Sound Exposure Boundary (SESEB) and the Outer Control Boundary (OCB) of Invercargill Airport, Invercargill Airport Limited (submission 103.64) has sought an even more stringent rule framework. She accepted that within the SESEB the noise generated by airport activities has the potential to be significant and not conducive to a healthy living environment, but was of the view that within this area it was appropriate for noise sensitive activities that do not meet required acoustic insulation standards to be classed as a non-complying, rather than prohibited as requested by IAL. She also noted IAL owned most of the land within the SESEB. Within the OCB, she also considered it appropriate for noise sensitive activities that were new, or existing and being extended without meeting required acoustic insulation standards, to also be non-complying.

Mrs Devery described the proposed Business 1 Zone Entertainment Precinct, noting the Proposed Plan seeks to encourage mixed use development including restaurants, bars and nightclubs, together with residential activities which could be affected by noise from these other sources. She therefore supported the approach of allowing noise sensitive activities subject to ensuring that they were designed and developed to ensure that the living environment inside protected occupants from disruptive noise generated elsewhere. She

also noted that the technical drafting of the rules resulted in minor errors that required amending.

Mrs Devery also described ongoing issues arising from industrial activities at Kennington impacting on nearby residences. She referred to monitoring of the noise in Kennington that has established the noise limits in the Operative District Plan are not being met at the Industrial/Rural interface, and noted enforcement action has been taken against Niagara Sawmilling Ltd. Mrs Devery opposed changes sought by Niagara on the basis that the noise provisions seek to maintain a reasonable and healthy living environment for those residing in the rural area, but allow for a higher level of noise at the Zone boundary.

Stuart Camp of Marshall Day Acoustics, in his written report, provided comment on the changes required to correct the minor technical errors. In the context of the submission from KiwiRail Holdings Limited he expressed concern at the complex task required to predict ground-borne vibration as it is highly dependent on both the rail and surrounding ground conditions. This required on-site measurement and he did not consider the cost of this was warranted, noting that many detached houses are located close to rail lines and the rail vibration appears to be tolerated. Mr Camp felt however for multi-storey buildings design controls were warranted to mitigate the effects of vibration.

Mr Camp considered the submissions from the Kennington area, expressing the view that Niagara was in error in describing as new the need for noise from a site in the Industrial 3 Zone to comply with the relevant limits of all surrounding sites. He noted this rule is in the Operative Plan and is not changing. He said what has changed however is the permitted noise level at the notional boundary of any noise sensitive activity in an adjoining zone, being reduced from 45 dB to 40 dB. Mr Camp strongly opposed any deletion of such a rule stating the approach adopted is important to retain the amenity at rural dwellings.

In response to questions from the Committee, Mr Camp stated that the framework for rules applying to temporary military training activities as promoted by the NZ Defence Force was overly complex, given that there were no NZDF bases in Southland. He noted that such activities are undertaken infrequently in the area and given their short term nature he was not aware of any complaints having been received. He agreed a specific rule was required where firing of guns was taking place, but for other activities he considered the approach of the Proposed District Plan requiring compliance with the general rules to be appropriate. Mr Camp also advised the Committee that shooting ranges had been listed as a discretionary activity because there was no one set of standards or rules that could apply to that activity and any proposal would need to be assessed having regard to what was proposed and its location.

Submitters Attending the Hearing

Federated Farmers

Ms Tanith Robb appeared on behalf of Federated Farmers of New Zealand, reading a statement prepared by David Cooper, Senior Policy Adviser for Federated Farmers.

Mr Cooper supported the recommendations in the Report and the amending of Rule 3.13.3 to exempt noise from livestock kept as part of agricultural activities from the noise limits. He also supported other changes recommended which referred to livestock noise, noting that certain farming activities such as weaning can temporarily exacerbate noise from livestock and this needed to be recognised and provided for.

Niagara Sawmilling Company Limited

Rex Chapman of Cruickshank Pryde appeared on behalf Niagara Sawmilling Company

Limited, together with Ross Richardson, Managing Director of Niagara, and David Blue, Property Manager. Mr Chapman noted reference should be made to "Niagara Sawmilling Company Limited" rather than "Niagara Properties Limited" which appears in the Section 42A Report¹. He then presented a written synopsis of his submissions which were based on advice the company had received from Dr Jeremy Trevathan of Acoustic Engineering Services in relation to the noise provisions in the Proposed Plan.

Mr Chapman read the report from Dr Trevathan in which he concluded that the proposed rules are significantly more restrictive on Niagara than what is in the Operative Plan. In his view the day-time limit measured at the zone boundary will not be more lenient than at present as stated by Mr Camp, rather it would remain at 65 dB, while the night-time limit will not remain unchanged, rather it will be reduced from 65 dB to 45 dB. Dr Trevathan considered that the new standards are likely to be unachievable. He also noted that measurement is also required at the notional boundary of dwellings and while this is an appropriate method of protecting rural amenity a 5 dB reduction was also occurring during both day and night to 50 dB and 40dB respectively. As houses are closer to the Niagara site and the noise characteristics different to those assumed by Mr Camp compliance with this rule is also problematic.

Dr Trevathan referred to the ongoing noise mitigation measures being undertaken on the site and indicated that further constraints would be difficult to achieve and may not be practical. He then referred to NZS 6802:2008 *Acoustics - Environmental Noise and Guidelines for Community Noise* which promotes a noise limit of 55 dB during day-time and 45 dB at night-time for "the reasonable protection of health and amenity associated with the use of land for residential purposes". This document also indicates that a night-time noise limit of 40 dB is more stringent than is required to protect sleep disturbance.

Dr Trevathan ended his report with the following statement:

Generally we consider a limit of 45 dB L_{Aeq} during the night time period to be adequate to protect sleep disturbance (rather than 40 dB L_{Aeq}). In the case of the Niagara site, it is worth considering whether the new noise limits will aspire to a level of amenity which is inconsistent with the current environment.

Mr Chapman added that the mitigation works undertaken by Niagara had resulted in compliance with the current night-time limit of 45 dB for those properties to the east of the plant, but a further reduction to 40 dB would not be achievable. For those properties to the south of the mill the company is confident it can achieve the existing 45 dB standard with initiatives currently in place, but a requirement to reduce noise further would be a step too far.

Mr Chapman then referred to Policy 8 for the Rural Zones noting the explanation recognises that the Rural 1 Zone is a working environment and is also affected by major transport infrastructure including the railway. It was his submission that the proposed rules were not seeking to protect existing amenity values but significantly enhance them. He went on to submit that the intent should not be to enhance the amenity in rural areas but maintain it. He considered the Section 42A Report prepared by Mr Watt on amenity values supported this approach and he had recommended changes to Objective 4 of the Industrial 3 Zone to reflect that.

¹ The submission (94) and further submission (FS49) received were both officially lodged by "Niagara Properties Ltd". A search of the Companies Register identified that this company does exist. Council staff advised Mr Chapman by email following the Hearing that the change of title should be formally corrected. At the date of this report, no further response on this issue has been received.

In reply to questions from the Committee, Mr Chapman explained that existing use rights would be difficult to argue because the plant does not operate 24/7 at all times. Any change in hours or installation of new machinery would likely go beyond existing use rights. Mr Blue added that the issue for nearby residents was to ensure compliance with the limits of the Operative Plan and there was no talk about reducing the limits further.

Rex Chapman requested a further report be sought from the Council's advisers to clarify and respond to the Acoustic Engineering Services Report, with an opportunity for the submitter to make further comment to the Council.

Quenton Stephens

Quenton Stephens made a verbal presentation to the Committee, explaining that he has lived at Kennington since 2008. After several years living there he noted that Niagara started increasing the days of production, including Saturdays and Sundays, and also the hours each day. He considers that creates a nuisance and causes health issues for him and his family. He explained that he allowed his boundary hedge to thicken and double glazed his house in an attempt to reduce the noise impact. Mr Stephens wanted clarity on the rules and their enforcement so that the company and the public had certainty as to the impacts of this industrial activity.

In reply to questions from the Committee, Mr Stephens advised that since the company commenced mitigation works on average there has been a reduction in noise but that is an average and there was no consistency in the hours of operation and noise levels, and on occasion no compliance with the noise rules after 10:00 pm.

Invercargill Airport Limited

Claire Hunter, Senior Resource Management Consultant of Mitchell Partnerships Limited appeared together with Chloe Surridge, IAL General Manager; Joe O'Connell IAL Board Chair and Stephen Peakall, acoustician with Marshall Day Acoustics.

Mr Peakall provided written evidence describing the provisions of NZS 6805:1992 *Airport Noise Management and Land Use Planning*, including recommendations in the Standard that:

- New noise sensitive activities within the Outer Control Boundary (OCB) be prohibited where practical, "unless a district plan permits such uses, subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment.
- All noise sensitive activities should be prohibited within the Airnoise Boundary (ANB).

Mr Peakall noted that the OCB covers different land use zones and that there would be an expectation that dwellings are permitted within the proposed Residential 1 and Otatara Zones. He did not see this as desirable and it should be avoided because it could give rise to reverse sensitivity issues, but if it did occur it should only be allowed if appropriate acoustic installation is installed both for new noise sensitive activities and expansion of existing ones.

Within the ANB Mr Peakall believed that the current approach of prohibiting all noise sensitive activities (as stated in the Airnoise Boundary designation) should be continued. The noise levels experienced within this area are unacceptably high and sound insulation will not fully mitigate the effect. For the same reason he is also of the view that all noise sensitive activities should be prohibited within the Single Event Sound Exposure Boundary (SESEB).

Mr Peakall also discussed comments made in the Section 42A Report with regard to definitions, expressing the view that workplace education schemes are part of normal office or workshop activities and therefore not strictly a noise sensitive activity and need not be provided for. Similarly some tertiary education facilities can also potentially be accommodated provided all activities were confined to acoustically insulated buildings, although in Invercargill there is probably no need for these within the SESEB.

Ms Hunter provided written evidence reiterating the main points made by Mr Peakall and supporting the submissions of IAL which were seeking to avoid reverse sensitivity issues. She referred to a "discussion document" prepared by IAL referenced in the Section 42A Report, noting that this had no statutory status and should not be had regard to by the Committee.

Ms Hunter explained that the intent of the IAL submission with the Rural, Industrial and Business zones is to prohibit any new noise sensitive activities within the airport noise contours so as to avoid any reverse sensitivity effects. She stated that given the purpose of these zones there was no need for these uses in those zones. She opposed the non-complying status recommended in the Section 42A Report.

Ms Hunter referred to the growing number of complaints and queries from residents in Otatara that have occurred as further residential development has occurred in that area, particularly when circuit training takes place at night from the flight training school. It was her view that in Otatara and residential areas, dwellings that were not acoustically insulated to the required standard should be prohibited. She considered that providing non-complying activity status gave a false sense that an application may be granted, when in her view it never should. Ms Hunter in reply to questions expressed concern that if the activity was not prohibited and an application was lodged the Council may process it without regard to IAL. She also indicated that affected persons had the opportunity of opposing the approach by way of a further submission, and none had been lodged.

Ms Hunter acknowledged that the changes recommended to 2.24.3 Policy 5 went some way to recognising reverse sensitivity effects, but she preferred the wording in the IAL submission. She also considered that Rule 3.13.13(B) should be deleted as it duplicated a condition of the IAL designations which had the status of a rule.

The differences between the submissions lodged to the OCB and SESEB and what was recommended in the Section 42A Report was attached in table form in an appendix to the evidence of Ms Hunter.

In reply to questions from the Committee Ms Hunter described that it was the main sleeping and living areas which were the most sensitive to airport noise. Service areas, kitchen areas separate from lounges, bathrooms, sheds and garages did not require such a quiet environment and acoustic insulation of these was not critical. She went on to suggest that the key was in the wording of the rules, with acoustic insulation being vital within "critical noise environments" with the trigger point being at the building consent stage. Ms Surridge added that while no specific issues had arisen in the past, IAL considered it vital to include provisions in the Proposed Plan to avoid future problems, particularly given the pressures for growth within Otatara and the surrounding rural area.

New Zealand Defence Force

Rob Owen, Environmental Manager within the Defence Property Group, provided written evidence in which he stated that temporary military training activities are essential and in many respects are identical to training activities carried out by other emergency services such as NZ Police, NZ Fire Service, the various ambulance services and Search and Rescue. In his view, noise resulting from the discharge of ammunition or explosives is the only effect of temporary military training activities that warrants specific management through the District Plan.

Mr Owen outlined the various activities undertaken by NZDF, which included driver training, medical and dental services, camp setup, including field kitchens and ablutions, Improvised Explosive Device Disposal (IEDD) exercises, dog training and what might be more conventionally understood by the term military training. He added that TMTAs may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

Mr Owen also explained that TMTAs are typically planned well in advance and, that for activities undertaken on land not owned by NZDF, time is required to secure landowner agreement. He added that in the case of training involving weapons firing and the use of explosives, safety templates and potential effects on neighbouring land need to be determined in advance. He indicated that appropriate standards have been incorporated into the NZDF submission to provide adequate protection to neighbours, particularly from explosive noise.

Manea Sweeney, Principal Planner at Tonkin & Taylor Limited Wellington also provided written evidence in which she proffered that requiring NZDF to seek controlled activity consent in the Rural Zone, and a discretionary or non-complying activity consent in any of the other zones every time it sought to undertake a TMTA would not only result in unnecessary costs and inefficiencies in regards to consent processing, implementation and enforcement, but it would also potentially restrict NZDF from fulfilling its obligations under the Defence Act 1990. Instead, she considers that a specific Permitted Activity rule for TMTAs relating to all zones, with standards specifically relating to noise, which could have more than minor effects, is an effective planning mechanism that will enable NZDF to undertake these activities across different zones in the District, with the appropriate controls in place to manage and minimise adverse effects. She then undertook an assessment of the rule she sought to be included in the Proposed Plan having regard to the matters set out in Section 32 of the RMA.

Material Tabled at the Hearing

H W Richardson Group

Megan Justice of Mitchell Partnerships Limited in a written statement of evidence stated that H W Richardson Group supported the recommendation in relation to their submission.

South Port NZ Ltd

Claire Hunter of Mitchell Partnerships Limited advised that South Port is satisfied with the recommendations in the Council Officer's report.

New Zealand Fire Service Commission

Alex Strawbridge of Beca advised that the Fire Service supported the content of the Section 42A Report, in particular the provision of an exemption of "warning devices" used by emergency services from the standard noise limits.

New Zealand Aluminium Smelters Limited

Ben Williams of Chapman Tripp advised that NZAS supports the recommendations in the Officer's report, in particular the recommendation for Rule 3.13.2 that the notional boundary rule alone is applied to NZAS in respect of the Rural Zone.

Harvey Norman

Laura Swan at Haines Planning Consultants Limited advised that Harvey Norman was satisfied with the recommendation in relation to their submission point 28.7.

THE HEARING FOR VARIATION 2

The hearing to consider the submissions lodged to Variation 2 was held in the Council Chambers of the Invercargill City Council on 14 March 2016.

At the commencement of the hearing Cr Sycamore declared a conflict of interest with regard to submissions lodged by Invercargill Airport Limited.

Section 42A Report

The Hearings Committee received a report from Liz Devery, Senior Policy Planner at the Invercargill City Council with respect to Variation 2. In that report Mrs Devery outlined the intent of Variation 2 was to:

- (i) Consult on a proposal to remove the hours of operation applying to the Industrial 1 and 1A Zones. While this had been recommended in response to submissions on the Proposed District Plan having regard to the issues raised in the submissions, the Council considered it appropriate to provide a further opportunity for input by way of a variation.
- (ii) The Proposed Plan required in the Rural 1 and 2 Zones a night time noise limit at the notional boundary of 40dB L_{Aeq} , while the Operative District Plan adopted 45dB L_{Aeq} . The Variation sought to revert back to the standard in the Operative District Plan, and also review the policies for the Rural 1 and 2 Zones to provide consistency with the rules.

Mrs Devery advised the Committee there is a misconception that the Variation will increase the noise limits adjacent to industrial areas from those that are currently in force. However, she explained that under the Operative District Plan industrial areas are zoned Enterprise where the noise limits permitted up to 65dB both day and night and while the night time noise limits proposed by the Variation are higher than what was originally notified in the Proposed Plan, they are significantly lower than the current situation. She added the Variation will enable activities to generate up to 50dB L_{Aeq} at the property boundaries but retains the 40dB L_{Aeq} limit at the Residential Zone boundary.

She also stated the Variation seeks to balance enabling light industries to continue to operate 24 hours a day while protecting the residential communities that reside in the neighbouring areas. It is her opinion that the 40dB L_{Aeq} limit would have precluded many activities in the Light Industrial Zones from operating during the night time.

Submitters Attending the Variation Hearing

Niagara Sawmilling Company Limited

Christine McMillan of Bonisch Consultants, together with David Blue of Niagara, in an oral presentation advised the Committee that Niagara supported Variation 2 and the change to the night time standards. She also noted that the area surrounding the company's site was a working environment zoned rural, rather than a traditional residential zone.

Quenton Stephens and Regina and Barry Stephenson

Quenton Stephens in a written statement expressed disappointment that the Council was doing a U-turn from its previous position of protecting residents at Kennington from undue noise. He was of the view that the Council was bowing to industrial pressure by changing the rule. He requested that the 40dBA level be retained.

In reply to questions from the Committee, Mr Stephens indicated that operations occur between 6.00 am through to 10.00 pm, but on some occasions later. He added that now there is a baby residing at the house loss of sleep is a greater issue than before. It is of particular concern to him that there is a set of rules that should be followed but they are not.

Graeme Todd, legal counsel for the submitters, forwarded written submissions referring to the severe impact of the Niagara activities on the adjoining residential amenity and expressing the frustration of the residents at the Council's failure to take appropriate enforcement action. He also noted that the NZ Standard suggests a night-time level of between 30dBA and 45dBA and what is proposed is at the highest point of this. Mr Todd also referred to Objective 2 of the Rural 1 Zone that sought to maintain and enhance amenity values and as a consequence the changes proposed to the policy framework is inappropriate.

Clair Hikawai

Clair Hikawai in a written statement outlined that she is opposed to any increase in noise levels and hours of operation, particularly at night. She outlined that she had installed soundproof batts in the walls of her bedroom in her property in Ettrick Street, given that double glazing had been insufficient to reduce noise to an acceptable level from the Blue River Dairy factory.

Ms Hikawai also expressed concern at lack of progress over more than a year in reducing noise levels from the factory which was located on the opposite side of the road to her house. She also expressed concern for all people that live in a similar situation and comments in the Section 42A Report that suggested "theoretically" her property should not be affected by noise.

Paul Ellis and Jayson Payne

Paul Ellis make a verbal presentation to the Committee expressing anger at the noise problems from the Blue River Dairy factory over the past ten years. It has resulted in him buying and shifting to a new property, but he has been unable to sell his existing house because of noise. He was also frustrated by the lack of progress by the Council in managing noise from the site, and was of the view that Council favoured business ahead of residents. As a result, he opposed the revised rules which provided for an increase in allowable noise levels and considered the Blue River Dairy factory to be a heavy industry that was unsuited to its current location, with the major problems arising once milk powder drying was allowed on the site.

Jason Payne added that he held similar concerns with regard to the operation and the expansion that had taken place in recent years.

In reply to a question from the Committee, Mrs Devery explained that the current operation was able to establish and expand on the site by virtue of the Enterprise zoning in the Operative District Plan. Existing use rights provided for a continuation of the use, notwithstanding that under the Proposed Plan it would require resource consent approval.

Amy Iverson

Amy Iverson in a written statement described that as a resident of Fox Street she was concerned with the noise from the former showgrounds development, particularly from forklifts loading trucks and general traffic. She considers this will only get worse as more development occurs there and as a result she is opposed to any increase in the noise limits and hours of operation. In her view the status quo should remain.

Material Tabled at the Variation Hearing

Environment Southland

Gavin Gilder, Resource Planner at Environment Southland, advised by email that Environment Southland agreed with the content of the Section 42A Report.

Oil Companies

Karen Blair of Burton Consultants Limited advised in a written statement of the support of the Oil Companies for the Variation and the Section 42A Report. However, she stated, the Oil Companies had sought in their original submission a night time noise limit of 65dBA measured at any other site within the Industrial 1 and 1A Zones, while applying 50dBA at the residential interface.

Ms Blair also referred to the comment on page 37 of the Section 42A Report that changes had previously been recommended to the definition of "light industry". That change was also supported.

New Zealand Defence Force

By way of letter the NZ Defence Force advised of its support for the Variation and referred to the matters contained in its original submission.

MATTERS REQUIRING PARTICULAR CONSIDERATION

Airport Issues

IAL has sought provisions in the Proposed Plan relating specifically to the management of noise sensitive activities affected by the airport noise contours. Within areas affected by the airport noise contours IAL seeks to prohibit new noise sensitive activities and require existing buildings containing noise sensitive activities to be appropriately designed to mitigate the effects of aircraft noise. IAL also seeks prohibited activity status where the appropriate design standards are not met.

Mrs Devery in her Section 42A Report stated that following consultation with IAL provision was made in the Proposed Plan requiring acoustic insulation for new and altered noise sensitive activities within the SESEB and the OCB. She noted that this requirement applied only to the SESEB in the Operative District Plan. She also stated that the general framework of the rules in the Proposed Plan was derived from a discussion document prepared by IAL.

Mrs Devery acknowledged that within the SESEB the noise generated by airport activities has the potential to be significant and not conducive to a healthy living environment, including disruption to sleep. The SESEB overlays areas zoned Rural 1, Otatara, Industrial 1, Industrial 2, Business 3 and Residential 1. It also includes land designated for the Invercargill Prison. In the Proposed Plan as notified, noise sensitive activities that do not meet the acoustic insulation requirements are a non-complying activity. In addition, noise sensitive activities are also non-complying in the Industrial 1 and 2 and the Business 3 Zones.

Mrs Devery noted that for areas within the SESEB the Rural 1 Zoned land is largely owned by IAL, apart from a portion of land for three properties, none of which have noise sensitive activities within the SESEB. Mrs Devery accepts that where residential uses are sought within the Rural 1 land within the SESEB they should be considered as a non-complying activity. However, residential development and other noise sensitive activities are permitted within the Residential 1 and Otatara Zones and Mrs Devery agrees with IAL that the establishment of new noise sensitive activities, or alteration to any existing noise sensitive activity, should be a permitted activity only if subject to noise insulation requirements. However, she does not agree that where the noise insulation requirements are not met that prohibited activity status should apply. Rather she prefers non-complying status.

Mrs Devery outlined that within those parts of the OCB outside of the SESEB IAL seeks to prohibit noise sensitive activities in Zones where these activities are not otherwise permitted. They have also sought to prohibit noise sensitive activities within the Rural 1 Zone and there are at least ten properties within this area that are owned by parties other than IAL. It is the view of Mrs Devery that prohibiting noise sensitive activities within the OCB in the Rural 1 Zone is not appropriate, but that requiring them to be insulated is.

Within the Business 3, Industrial 1 and Industrial 2 Zones, noise sensitive activities are not otherwise permitted. These types of activities are non-complying in the Proposed Plan and Mrs Devery believes this is appropriate. Within the Residential 1 and Otatara Zones noise sensitive activities are permitted. Mrs Devery agrees that within the OCB requiring these types of activities to include noise attenuation should be required, but, again considers that non-complying activity status is appropriate where this attenuation is not provided.

At the hearing, Mr Peakall referred to NZS 6805:1992 *Airport Noise Management and Land Use Planning*, and the recommendation that new noise sensitive activities within the OCB be prohibited where practical, "unless a district plan permits such uses, subject to a requirement to incorporate appropriate acoustic insulation to ensure a satisfactory internal noise environment".

The Committee noted too the comments from Ms Hunter referring to the growing number of complaints and queries from residents in Otatara and that providing non-complying activity status gave a false sense that an application may be granted, when in her view it never should.

In considering the status of dwellings and other noise sensitive activities within the areas identified in the Proposed Plan as being affected by airport operations, the Committee accepted that the content of the discussion document referred to in the Section 42A Report was not a relevant matter and has given no weight to it. It did however consider the reference to it as relevant in so far as it helped explain the development of the provisions in the Proposed Plan.

The Committee also noted that there was no dispute as to the status of new noise sensitive activities within the Airnoise Boundary. This was subject to a designation of IAL and such

activities are prohibited within that area as part of the restrictions applying to the designation. The Committee also noted that Decisions 21/21 and 21/37 provided for Noise Sensitive Activities to be prohibited within the Airport Operations and Airport Protection Zone due to the excessive noise levels present in those areas.

The Committee had regard to the request of IAL to list all noise sensitive activities as prohibited within zones where they were not permitted. It is the view of the Committee that such an approach is not appropriate. The various rules in the Proposed Plan provide for different noise sensitive activities in varying ways. For example, in the Rural Zone, Residential and Home Stay activities are permitted, along with small-scale Residential Care activities and existing Educational activities. Visitor accommodation, Healthcare, Hospital and Marae activities are discretionary activities, alongside certain Educational and Residential Care activities. A blanket prohibition on all noise sensitive activities is not practical.

It is the view of the Committee that regard must be given to the effect that is sought to be managed. In the case of noise, amenity and health can be retained by the adoption of appropriate acoustic installation. In that regard the Committee concluded that the status of noise sensitive activities that did not provide the required acoustic insulation, should remain non-complying.

The Committee saw no merit in the arguments of IAL that it may be excluded from the resource consent process if Council staff concluded that IAL was not an affected person, and that IAL was reluctant to participate as a party in the consenting process. It is clear that a consent arising from a rule that refers to activities at Invercargill Airport will require consultation with IAL. To reinforce that, an addition is being made to the information to be submitted with a resulting resource consent requiring details to be provided of consultation with IAL and any response received. It is the view of the Committee that this will adequately address the concerns of IAL.

Ms Hunter also proffered that persons affected by the IAL submissions could have lodged a further submission in opposition, and as they had not then there was no legal impediment in the Council adopting the approach sought by IAL. The Committee accepts that the correct legal procedure had been followed, but also considered there was an issue of fairness in that it is highly likely that none of the affected parties were actually aware of the IAL submissions or its implications. The Committee was aware that good practice adopted elsewhere by submitters was to serve a copy of submissions on affected persons so that they can then make an informed decision on whether they wish to formally respond.

Kennington and Night-Time Noise Limits

The Committee is aware of the history of ongoing issues associated with noise from the Niagara Sawmilling Company Limited operations at Kennington. Notwithstanding action taken by Niagara to mitigate the effects of noise generated from the site, residents living nearby advise they still have problems and are also concerned that the provisions in the Proposed District Plan will reduce the standards that must be complied with. Niagara on the other hand has lodged submissions on the basis that the Proposed Plan introduces a more restrictive regime than what has applied in the past.

Mrs Devery, with input from Mr Camp, advised the Committee the noise provisions in the Proposed Plan are consistent with those in other plans around the country and with the relevant New Zealand Standards. The amenity values of the Rural 1 Zone² were, in their

² It is noted that the Rural 1 Zone will now be encompassed into the Rural Zone in line with Decision 35.

opinion, such that low levels of ambient noise are anticipated, although some other noise is anticipated in relation to agricultural and transportation activities. It was stated that it is not anticipated that the rural area will be subject to industrial noise.

Mrs Devery referred to Section 2.40.2 Objective 2 that seeks to maintain and enhance the amenity values of the Rural 1 Zone. In her view, this is appropriate in terms of the Part II of the RMA. She went on to say the noise policy in the Industrial 3 Zone gives effect to the Objectives, by recognising that the adjacent zone may have lower ambient noise expectations. She believes the rules are an effective and efficient means of meeting the Objectives and Policies and in addressing the resource management issues. The provisions provide for moderate levels of noise in the rural areas up to the notional boundary of dwellings, and in this way the amenity of residential use is protected.

Dr Trevathan in a written statement presented to the Committee in his absence, and in support of the submission of Niagara, referred to the ongoing noise mitigation measures being undertaken on the site and indicated that further constraints would be difficult to achieve and may not be practical. He then referred to NZS 6802:2008 *Acoustics - Environmental Noise and Guidelines for Community Noise* which promotes a noise limit of 55dB during day-time and 45dB at night-time for "the reasonable protection of health and amenity associated with the use of land for residential purposes". This document also indicates that a night-time noise limit of 40dB is more stringent than is required to protect sleep disturbance. Mr Chapman on behalf of Niagara then submitted that the proposed rules were not seeking to protect existing amenity values but significantly enhance them.

At the outset the Committee wishes to record that it is the role of the Proposed Plan through the objectives, policies and rules to set out the noise provisions that are appropriate within the various parts of the City District. The noise limits in the Plan take into account the potential for conflict between residential activities in the Rural Zone and noise generating activities in other zones by adopting rules applying to zone boundaries and notional boundaries of noise sensitive activities. If activities are not complying with the rules provided, then consideration is required as to whether enforcement action should be taken. Any concerns with regard to industrial activities that are not complying with either the District plan provisions, or conditions of a resource consent, are more appropriately considered in that context. Resolution of noise issues at Kennington and other areas cannot be resolved through the District Plan review process.

The Committee also notes that there was disagreement between the noise experts for the Council and Niagara but considered the issue before it was to determine the appropriate provisions that should be included in the Proposed Plan, and in that regard it concluded the structure of the proposed rules providing for a dualistic approach measuring sound at the zone boundary and the notional boundary of dwellings to be sound and appropriate for the Invercargill setting.

The Committee did however reach the view that the noise levels experienced within the rural environment, particularly at night were not pristine, and that it was not appropriate to achieve a night time noise level of a higher standard than that recommended by NZS 6802:2008 *Acoustics - Environmental Noise and Guidelines for Community Noise*, which promotes a noise limit of 55dB during day-time and up to 45dB at night-time for "the reasonable protection of health and amenity associated with the use of land for residential purposes". In that regard the Committee agreed with Niagara that the night-time noise limit of 40dB within the Rural Zone was inappropriate, but not just in the Kennington area, but throughout the District. For this reason, Variation 2 was notified amending the night-time noise limit when measured at the notional boundary of any noise sensitive activity in the Rural Zone from 40dB to 45dB. The Committee however did not accept that the noise limits within the rural areas surrounding the Niagara plant should be the same as within the Industrial 3 Zone. It

agreed with the assessment of Mrs Devery that 65dB is in excess of the World Health Organisation recommendation for healthy living environments and that it is not appropriate to permit such noise levels in living environments within the Proposed District Plan. The notional boundary provisions are designed to allow for a greater level of noise from adjoining activities, but to also protect those living and working within the Rural Areas. In other respects, the Committee considered the noise provisions should stay as notified.

Temporary Military Training Activities (TMTAs)

The NZDF sought a separate permitted activity rule for TMTAs in all zones subject to specified noise limits included in the submission. Where such activities do not comply with the standards then a restricted discretionary activity rule was sought.

Mrs Devery in her Section 42A Report rejected this approach, stating that in her view the District Plan should include provisions that control the potentially adverse effects arising from TMTAs, in particular the noise created by firing of weapons and the use of equipment. The provisions need to balance this control while acknowledging the role of these types of activities. She added that in her view the noise standards should be relatively simple, with the notified rule being more user friendly than the relief sought by the submitter. Advice received from Mr Camp referred to there being a number of flaws in the relief sought by the submitter that will make enforcement of the provision difficult.

Rob Owen and Manea Sweeney on behalf of the NZDF provided an explanation of the activities associated with temporary military training, including an assessment of relevant matters under Section 32 of the RMA, which the Committee considered very helpful. This reinforced the view of the Committee reached in considering the submissions in Decision 29/6 where it accepted that there was merit in the approach being promoted, based on the distance between TMTAs and noise sensitive activities. However, within the setting of Invercargill with a dominance of low lying and relatively level topography, the Committee held concerns as to the full effect of firing activities at night. While the Committee accepted that the submission of relevant information to the Council, as set out in the relief sought, together with the separation distances and noise limit promoted, was adequately managing the noise issues between 0700 and 1900 hours within the Rural Zone, it did not agree that noise generating activities were appropriate at other times. The Committee therefore resolved to provide for TMTAs within the Rural Zone, enabling explosive events and the firing of blank ammunition only between 0700 and 1900 hours on any given day.

The Committee was also of the view that the various activities comprising TMTAs described by Mr Owen in his evidence were permitted to varying degrees in other zones, removing the need for TMTAs to be listed in those zones.

SECTION 32 MATTERS

Requirements

The Committee was advised by Mrs Devery that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
 - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
 - Identifying other reasonably practicable options for achieving the objectives; and
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

Assessment

Mrs Devery in her Section 42A Report recommended a number of changes to the rules in the Proposed Plan. She assessed each of these having regard to the provisions of Section 32 of the RMA, concluding that all were desirable and would achieve the relevant objectives and policies of the Proposed Plan. The Committee agrees with that assessment and adopts it.

This Decision also makes changes to Business 3 Zone Policy 5 and to Rules 3.13.11, 3.13.13, 3.13.16 and 3.13.17. These amendments are as follows:

- Business 3 Zone Policy 5 Noise – Deletion of (C).
- Rule 3.13.11B(b) Activities Near Transport Corridors – Redrafting of the rule.
- Rule 3.13.13 Temporary Military Training – An amendment to include rules on firing of weapons, noise from mobile sources, noise from fixed sources and helicopter landing areas.
- Rule 3.13.16 Invercargill Airport Operations – Deletion of (B) specifying restrictions on aircraft noise within the Air Noise Boundary.
- Rule 3.13.16 Invercargill Airport Operations– Deletion of (C)(a) specifying permitted activity status for activities which comply with Appendix VI.
- Rule 3.13.17 Activity Status and Matters of Consideration – A new matter has been added when considering activities breaching the vibration limits along the railway.
- Rule 3.13.7 Activity Status and Matters of Consideration - Redrafting of the matters of consideration.

These changes differ to Mrs Devery's recommendations and therefore require further assessment under Section 32AA.

Section 32AA Further Evaluation

The detail of this Section 32AA assessment is reflective of the scale of the amendments. The amendments being assessed by this evaluation are considered to be of a minor scale and significance, and therefore it is not necessary or practical to quantify in detail the economic, social, cultural, environmental and employment effects of these changes.

Business 3 Zone Policy 5 Noise – Deletion of (C)

A new policy has been added to the Business 3 Zone which recognises that some parts of the Zone are subject to higher levels of noise generated by the transportation network. This Policy was a recommendation of Mrs Devery which has been adopted by the Committee. As a consequence of this change the Committee has deleted Policy 5(C) to remove duplication between provisions. It is considered that the new policy better reflects the issue and that the deletion of Policy 5(C) will provide for a more user friendly Plan.

Rule 3.13.11B(b) Activities Near Transport Corridors – Redrafting of the Rule

In the Section 42A Report, Mrs Devery recommended including a new rule specifying a base line model to use in the assessment of noise attenuation for activities close to the railway and state highways. The Committee has accepted this recommendation but has redrafted the rule recommended by Mrs Devery. It is considered that the changes made by the Committee simplify the rule but do not alter its outcome, and will ultimately aid plan users. It is not anticipated that any significant adverse effects will arise as a result of this change.

Rule 3.13.13 – Temporary Military Training Activities - Amendment to include rules on firing of weapons, noise from mobile sources, noise from fixed sources and Helicopter Landing Areas.

This decision redrafts the noise rules relating to temporary military training activities. The rule has been made more specific to the different types of activities and noise sources specifically that of firing of weapons, noise from mobile sources, noise from fixed sources and helicopter landing areas. It is considered that this change provides the right balance between controlling adverse effects and providing the NZDF with the ability to fulfil their obligations under the Defence Act 1990. It is not anticipated that any significant adverse effects will arise as a result of this change.

Rule 3.13.16 (previously 3.13.13) Invercargill Airport Operations – Deletion of (B) and (C)(a)

The Committee has deleted Rule 3.13.16(B) to avoid unnecessary duplication between the District Plan and the IAL designation.

Rule 3.13.16(C)(a) has also been deleted. The Committee is of the opinion that this provision was misleading, allowing activities that may not otherwise be permitted by the Zone Rules. Its deletion does not change the outcome of the rule, as permitted activity status is implied if compliance with Rule 3.13.16(C)(b) is achieved.

These changes will provide a more streamlined and user-friendly plan by removing rules which are in effect superfluous. No negative effects will arise as a result of these amendments. Due to the minor scale of this change, no further evaluation is considered necessary.

Rule 3.13.17 Activity Status and Matters of Consideration - New matter of consideration for activities breaching the vibration limits along the railway and minor redrafting.

Mrs Devery recommended the inclusion of a new rule on vibration in the railway network corridor. The Committee has accepted this recommendation and as a consequence of this new rule has added additional matters which are to be included with an application for resource consent. Some redrafting of the matters listed for consideration by the Council when assessing an application for resource consent has also occurred. These changes are minor in scale and will benefit plan users by aiding applicants in the resource consent process. It is not considered that any adverse effects will arise as a result of these amendments.

Dated at Invercargill this 11th day of October 2016

A stylized, cursive signature in blue ink, likely belonging to Darren Ludlow.

Councillor Darren Ludlow (Chair)

A cursive signature in blue ink, likely belonging to Neil Boniface.

Councillor Neil Boniface

A cursive signature in blue ink, likely belonging to Graham Sycamore.

Councillor Graham Sycamore

A cursive signature in blue ink, likely belonging to Keith Hovell.

Keith Hovell

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APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
GENERAL	
<p>94.2 Niagara Sawmilling Company Ltd The submitter is concerned that the limits on the adjoining rural land are more stringent than the Industrial 3 Zone and that changes to the noise provisions could limit their ability to undertake permitted activities under the Industrial 3 Zone. The submitter also considers that there has been inadequate assessment of the noise provisions in the s32 report</p> <p><u>Decision Sought:</u> Provide an assessment of the alternatives, benefits and costs of the noise provisions, and more specifically the change in the manner in which noise is measured and assessed.</p> <p>FS3.1 Quenton Stephens, FS15.2 Shanan De Garnham, FS16.2 Dean Evans, FS17.2 Leona Evans, FS18.2 Michael and Michelle Grantham, FS36.3 Jeanett Bullock and FS41.2 William Fraser oppose Submission 94.2.</p> <p>FS30.12 Southern District Health Board oppose Submission 94.2 stating the submission lacks specificity required for a submission according to case law, especially in relation to submissions about any change to the way in which noise is measured and assessed.</p>	<p>Decision 33/1 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u> The assessment requested by the submitter has been undertaken in considering Submission 94.3 as part of Decision 33/20 below. There is no additional matter here that requires discussion as part of this submission.</p>
<p>65.95 ICC Environmental and Planning Services The submitter notes that the terminology needs to be tidied up to ensure that the references are enforceable, consistent, accurate and compatible with the relevant noise standard. Amend wording so that any reference to "...dBA L_{eq}" (or L_{dn}) should be amended to "...dB L_{Aeq}" (or L_{Adn}) and at 3.13.8(B)(b)(1), there is an L_{eq} term where the "eq" has not been subscripted.</p> <p>FS20.1 Bruce Maher supports Submission 65.69 stating that the noise levels need to be clearly stated so that it can be enforced</p> <p>FS30.6 Southern District Health Board support in part submission 65.95 stating amendments are necessary for consistency with standards for measurement and assessment stated in plan, however the example includes an error where L_{dn} is proposed to be amended to L_{Adn} which is contrary to convention, international and New Zealand usage. Accept decision sought, except reference to L_{Adn} which is not considered the correct convention</p>	<p>Decision 33/2</p> <p>(i) Submission 65.95 ICC Environmental and Planning Services is accepted.</p> <p>(ii) Submission 65.116 ICC Environmental and Planning Services is rejected.</p> <p>Amendments to District Plan Throughout the Proposed Plan, replace:</p> <ul style="list-style-type: none"> • dBA with dB • L_{eq} with L_{Aeq} • L_{max} with L_{Amax} <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The amendments correct errors and provide consistency with the New Zealand Standards. 2. L_{dn} is the correct terminology, not L_{Adn}.

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>65.116 ICC Environmental and Planning Services Oppose in part - Definition of "Airnoise Boundary" The submitter notes a drafting error, where the definition is inconsistent with terminology of the relevant NZS. Amend reference from 65dB Ldn to 65 dB L_{Adn}</p> <p>FS30.11 Southern District Health Board support Submission in part. The further submitter considers amendments are necessary for consistency with standards for measurement and assessment ie NZS6805 and NZS 6801 stated in the Proposed District Plan, however the submission includes an error where L_{dn} is proposed to be amended to L_{Adn} which is contrary to convention, international and New Zealand usage.</p>	
<p>105.8 ICC Environmental Health and Compliance Services The submitter notes that conflicts arise where industrial activity interfaces with noise-sensitive activities and seeks the development of buffers. For new Industrial subdivision or noise generating activities the submitter recommends that:</p> <ol style="list-style-type: none"> An appropriate buffer zone is determined to protect the existing nearby residential properties. Buffer zones to be included to protect the future residents of Residential Subdivisions near any Industrial Zones. <p>105.9 ICC Environmental Health and Compliance Services The submitter notes that conflicts arise in relation to noise in mixed-use urban environments. The submitter supports the exclusion of noise generating activities from residential areas. The submitter recommends that the Plan includes a provision to mitigate or reduce the effects where noise-generating activities seek to establish in noise-sensitive environments</p>	<p>Decision 33/3 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> The Proposed District Plan does not include any physical buffer provisions but the introduction of the Industrial 1 (Light) Zone was an attempt to ensure that heavy industry is physically separated from residential areas. The provisions as proposed for the Industrial 1 Zone include lower noise limits for night-time noise which seek to protect noise sensitive activities. The matters of consideration for consents for activities in breach of the noise provisions include proposals by the applicant to reduce noise. These may well include buffers. Buffers have also been introduced into the Proposed District Plan through provisions relating to transportation corridors requiring setbacks from the noise generating transportation activities, residential density standards and insulation requirements. The concept of notional boundaries also forms a buffer to protect noise sensitive activities. The effects of noise generated by different types of activities on noise sensitive activities was a consideration when drafting the Proposed District Plan to ensure that compatible activities are grouped together.

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>117.24 Southern District Health Board The submitter supports subject to amendments detailed in the submitter's other submissions the Proposed Plan in general insofar as it incorporates amendments to rules to avoid, mitigate and reduce adverse effects of noise on environmental health, and to promote the health of the people and communities in the District in a sustainable manner.</p> <p>FS34.5 ICC - Environmental Health and Compliance Services support Submission 117.24 and the use of NZS6801:2008 and NZS6802:2008 as a basis for measurement and assessment of environmental noise. The further submitter also considers that the noise provisions in the Proposed Plan should be designed to avoid, mitigate and reduce adverse effects of noise on environmental health and to promote the health of the people and communities in the District.</p>	<p>Decision 33/4 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> This is a general submission with specific matters dealt elsewhere.</p>
<p>103.54 Invercargill Airport Ltd Oppose 2.24.3 Business 3 Zone Policy 5 Noise in part.</p> <p>103.56 Invercargill Airport Ltd Oppose 2.29.3 Industrial 1 Zone Policy 2 Noise in part.</p> <p>103.57 Invercargill Airport Ltd Oppose 2.34.3 Otatara Zone Policy 4 Noise in part.</p> <p>103.59 Invercargill Airport Ltd Oppose 2.36.3 Residential 1 Policy 9 Noise in part.</p> <p>103.61 Invercargill Airport Ltd Oppose 2.40.3 Rural 1 Policy 8 Noise in part.</p> <p>The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours. Insert additional policies for areas affected by the airport noise contours that:</p> <ol style="list-style-type: none"> a. set out to prohibit noise sensitive activities; and b. to require existing buildings containing noise sensitive activities in these areas to be appropriately designed to mitigate the effects of aircraft noise. 	<p>Decision 33/5 These submissions are accepted in part.</p> <p>Amendments to District Plan</p> <ol style="list-style-type: none"> 1. Delete 2.24.3 Policy 5(C) 2. Amend the Explanation to 2.24.3 Policy 5 as follows: <p>Explanation: The character of the zone is such that reasonable levels of daytime noise should be both permitted and tolerated. Night time noise should not be objectionable in nearby residential areas. The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important that the operation of these essential utilities is not compromised by reverse sensitivity issues.</p> 3. Amend 2.34.3 Otatara Zone Policy 4 as follows: <p>To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the zone are subject to higher levels of noise generated by agricultural and transportation activities.</p> <p>Explanation: ... The "peace and tranquillity" of Otatara is also affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
	<p>sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.</p> <p>4. Amend 2.36.3 Residential 1 Zone Policy 9 as follows:</p> <p>To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the Residential Zone are subject to higher levels of noise generated by transportation activities.</p> <p><i>Explanation:</i> ... Residential “peace and tranquillity” is affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.</p> <p>5. Amend 2.40.3 Rural Policy 8 (renumbered Policy 9 as a result of decisions) as follows:</p> <p>Noise: To maintain ambient noise levels to protect health and amenity of noise sensitive activities, whilst allowing agricultural activities, and <u>to recognise</u> recognising that some parts of the zone are subject to higher levels of noise generated by transportation activities and farm activities.</p> <p><i>Explanation:</i> ... The “peace and tranquillity” of the Rural 1 Zone is also affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise.</p> <p>7. Include a new Policy in sections 2.24.3 Business 3 Zone, 2.29.3 Industrial 1 Zone, 2.34.3 Otatara Zone, 2.36.3 Residential 1 Zone, and 2.40.3 Rural Zone to the following effect:</p> <p><u>To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.</u></p> <p><i>Explanation:</i> <u>The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is</u></p>

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
	<p><u>important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. As set out on pages 7 - 9 of this Decision it is the view of the Committee that it is not appropriate within the SESEB and OCB in the zone rules to prohibit noise sensitive activities that did not provide adequate acoustic insulation but rather provide for them as a non-complying activity. 2. The District wide Transportation policies acknowledge the need to avoid, remedy or mitigate adverse effects including reverse sensitivity effects on the transportation network. However, an explicit policy is appropriate within the relevant zones to ensure regard is given to reverse sensitivity issues within those zones. Consequential changes are then required to other policies to remove duplication.
SECTION 2 ISSUES, OBJECTIVES AND POLICIES	
<p>117.55 Southern District Health Board The submitter supports the Zone specific issues, objectives, and policies set out in 2.21-2.43 and states that references to noise in these sections are important as they recognise potential for reverse sensitivity problems, and the need for avoidance of adverse effects to other activities within the zones and in adjoining zones while permitting Zone objectives consistent with policies. Retain</p> <p>FS3.4 Quenton Stephens supports Submission 117.55 and the need for the avoidance of adverse effects to other activities within zones and in adjoining zones</p>	<p>Decision 33/6 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitter supports the provisions and seeks no changes to them.</p>
RURAL 1 ZONE	
<p>53.65 NZ Transport Agency Support 2.40.3 Policy 8 Noise. Retain Policy 8 as proposed.</p> <p>90.18 H W Richardson Group Ltd support 2.40.3 Policy 8 Noise. The submitter considers it appropriate to recognise that some parts of the rural zone are subject to higher levels of noise and should not be compromised by reverse sensitivity issues.</p>	<p>Decision 33/7 These submissions are noted.</p> <p>Amendments to District Plan None required.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
Retain Policy 8.	<u>Reasons:</u> 1. The submitters support the Policy and seek its retention. 2. Decision 33/5 provides for additional policies to be included in the Plan to strengthen recognition of reverse sensitivity issues. Consequential to that a minor change is made to this Policy.
<p>94.5 Niagara Properties Ltd Oppose 2.40.3 Policy 8 Noise as the policy does not recognise that parts of the rural area are adjacent to industrial activities. The submitter objects to the use of the term “peace and tranquillity” in the explanation as the zone is a working environment and subject to noise associated with rural activities along with other permitted activities such as industry in adjoining zones</p> <p><u>Decision Sought:</u> Amend wording to recognise noise levels in parts of the Rural Zone are influenced by existing industrial activities and adjoining industrial zones.</p> <p>FS3.6 Quenton Stephens opposes Submission 94.5 stating the policy should recognise the “peace and tranquillity” that rural zones can have. Retain Policy 8 as notified.</p> <p>FS9.5 Ballance Agri-Nutrients Ltd support Submission 94.5 stating it has a service centre within an Industrial Zone adjoining the Rural 1 Zone. The further submitter is concerned that the policy does not acknowledge the need for the ongoing functioning of adjoining industrial areas to be protected from reverse sensitivity.</p>	<p>Decision 33/8 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u> 1. Policy 8 acknowledges that the Rural Zone is a working environment, by recognising the noise created by agricultural activities. 2. “Peace and tranquillity” are accepted as part of the general amenity of rural areas and it is appropriate to retain reference to it as part of the explanation to the policy.</p>
RURAL 2 ZONE	
<p>90.22 H W Richardson Group Ltd Support Policy 7 – Noise. The submitter considers it appropriate to recognise that some parts of the rural zone are subject to higher levels of noise and should not be compromised by reverse sensitivity issues. Retain Policy 7</p>	<p>Decision 33/9 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The Rural 2 Zone has been deleted by Decision 35/20.</p>
SECTION 3.13 RULES	
<p>79.33 KiwiRail Holdings Ltd The submitter suggests a new rule and assessment criteria on vibration. The submitter considers that vibration should be addressed in the Plan, in particular the</p>	<p>Decision 33/10 This submission is accepted in part.</p>

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Submission	Decision				
<p>potential for reverse sensitivity issues on the operation of the rail network arising from vibration. The submitter suggests a standard that they believe should be applied to noise sensitive activities within 60m of the railway designation boundary.</p> <p><u>Decision Sought:</u> Add a further rule to Section 3.13 to address “Ground-borne Noise” or vibration (as detailed in submission) AND add new assessment criteria for vibration in order to consider the size, nature and location of the building, any special topographical, building features or ground conditions which may mitigate vibration effects and any characteristics of the proposed use that make compliance with the standard unnecessary.</p> <p>FS30.18 Southern District Health Board support Submission 79.33 stating the decision sought provides rules to allowing objective assessment of vibration</p> <p>FS34.7 ICC Environmental Health and Compliance Services support Submission 79.33 and considers that vibration should be addressed in the Plan and there should be a distance restriction for noise sensitive activities</p>	<p>Amendments to District Plan</p> <p>1. A new rule be included in section 3.13 as follows, with consequential numbering changes as follows:</p> <p><u>3.13.12 Vibration in Rail Network Corridor</u> Any new building exceeding two storeys, or additions in excess of 25m² to an existing building exceeding two storeys, used for a noise sensitive activity that is within 40 metres of the closest railway track shall be designed and constructed to ensure that the following levels of vibration from trains shall not be exceeded based on the procedures set out in the Norwegian Standard NZ 8176E: 2nd edition September 2005 <i>Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings</i>.</p> <table border="1" data-bbox="1290 651 1957 778"> <tr> <th data-bbox="1290 651 1599 715"><u>Receiving Environment (New relocated or altered)</u></th><th data-bbox="1599 651 1957 715"><u>Class C criterion: Maximum Weighted Velocity, Vw,95</u></th></tr> <tr> <td data-bbox="1290 715 1599 778"><u>Noise Sensitive activities</u></td><td data-bbox="1599 715 1957 778"><u>0.3mm/s</u></td></tr> </table> <p>2. Amend 3.13.14(B) (renumbered 3.13.17 as a result of decisions) by including the following matters of consideration:</p> <p>(h) <u>For consents under Rule 3.13.12:</u></p> <p>(i) <u>Any special topographical, building features or ground conditions which will mitigate vibration effects</u></p> <p>(ii) <u>The size, nature, and location for the building on the site</u></p> <p>3. Amend 2.17.4 Transportation Methods of Implementation by adding the following:</p> <p>Method 12 <u>Share information with land owners and occupiers on the effects of existing transportation networks, such as noise and vibration.</u></p> <p><u>Reason:</u> Given the small number of train movements in the District, the large number of properties potentially affected and an absence of any issues in the past, a rule can only be justified where intensive development is occurring on a site.</p>	<u>Receiving Environment (New relocated or altered)</u>	<u>Class C criterion: Maximum Weighted Velocity, Vw,95</u>	<u>Noise Sensitive activities</u>	<u>0.3mm/s</u>
<u>Receiving Environment (New relocated or altered)</u>	<u>Class C criterion: Maximum Weighted Velocity, Vw,95</u>				
<u>Noise Sensitive activities</u>	<u>0.3mm/s</u>				

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<p>105.7 ICC Environmental Health and Compliance Services The submitter supports the use of NZS6801:2008 and NZS 6802:2008 as basis for measurement and assessment</p> <p>117.25 Southern District Health Board The submitter supports the use of NZS6801:2008 and NZS 6802:2008 as basis for measurement and assessment except where otherwise stated. The submitter considers that the heading should be amended to clarify the scope of the provision by adding after the word “measurement” the words “and assessment.”</p> <p>FS34.6 ICC Environmental Health and Compliance Services support Submission 117.25 and the use of NZS6801:2008 and NZS6802:2008 as a basis for measurement and assessment of environmental noise. The further submitter also considers that the noise provisions in the Proposed Plan should be designed to avoid, mitigate and reduce adverse effects of noise on environmental health and to promote the health of the people and communities in the District.</p>	<p>Decision 33/11 (i) Submission 105.7 ICC Environmental Health and Compliance Services is noted. (ii) Submission 117.25 Southern District Health Board is accepted.</p> <p>Amendments to District Plan Amend the heading of 3.13.1 to read “Noise measurement <u>and assessment</u>”.</p> <p><u>Reasons:</u> 1. The submitters support the provision. 2. A minor change is required to the heading for correctness.</p>
<p>28.7 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd Support 3.13.2 and considers this provision allows for an increased noise level to reflect the type of activities anticipated in the proposed Business 3 Zone.</p>	<p>Decision 33/12 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitter supports the provision and seeks no change to it.</p>
<p>59.3 Quenton Stephens Oppose 3.13.2 in part. The submitter opposes some of the changes to noise limits for the Rural 1 and Industrial 3 zones and is concerned that the proposed changes to noise limits for the Industrial and Rural zones will legitimise the emissions of noise that are already having a detrimental effect on the amenity of neighbours. The submitter is unsure why the changes appear to be creating a more permissive level of noise where the Rural 1 Zone meets the Industrial 3 Zone when there is a history of noise issues in Kennington. The submitter also opposes the introduction of a range of noise limits (LAeq and LAm_{ax}) for daytime and night time which appears to provide more scope for increased noise effects from industrial land uses at Kennington.</p> <p><u>Decision Sought:</u> 1. The noise provisions in the Plan need to effectively address the potential for conflict between rural residential and industrial land uses at Kennington. Introduce</p>	<p>Decision 33/13 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u> 1. The submitter supports a number of provisions in the District Plan and seeks no change to them. Any additional requests to amend the provisions of the Proposed Plan suggested by further submitters cannot be acted on as part of the original submission lodged. 2. It is the role of the Proposed Plan through the objectives, policies and rules to set out the noise provisions that are appropriate within</p>

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<p>noise limits into the Plan that will avoid, remedy or mitigate the emission of noise from industrial activities in the Industrial 3 Zone.</p> <ol style="list-style-type: none"> 2. Retain Rule 3.13.2(1) as proposed. 3. Retain lower noise L_{Amax} limit of the existing District Plan (70dB L_{Amax}) for the Rural 1 Zone in Rule 3.13.2 instead of 80dB L_{Amax}. 4. Retain the 50dB L_{Aeq} noise limit for daytime noise in the Rural 1 Zone as proposed. 5. Change the L_{Amax} of 80dB for the Rural 1 Zone in the daytime and retain a L_{Amax} of 65dB for both daytime and night time. 6. If the existing 65dB for both daytime and night time is not retained and the limits stay as amended, retain the night time limits of 40dB L_{Aeq} and 65dB L_{Amax} for the Rural Zone 7. Retain existing Plan approach whereby the noise limits of the adjoining zone apply for the Industrial zones when measured at or beyond the Zone boundary. 8. Retain the existing maximum noise limit that applies to industrial activity in Kennington of 70dBA L_{max} for the Industrial 3 Zone where it adjoins another zone. <p>FS14.2 Shanah De Garnham support Submission 59.3 and considers that there has been noise pollution due to the expansion of the Niagara Sawmill for 10 years. The further submitter considers that in supporting the submission the Council would be made aware that the issue needs to be dealt with within the RMA. The further submitter also considers that any change to increase noise limits on Industrial 3 Zone, where it adjoins another zone will exacerbate the continued noise that those on Kennington Road are dealing with.</p> <p>FS19.1 Michael and Michelle Grantham support Submission 59.3</p> <p>FS30.21 and 22 Southern District Health Board support in part Submission 59.3 and the decision sought in bullet points 6 and 8. The further submitter considers existing noise limits necessary to afford protection to residents. A new performance standard will mean there are two noise limits making enforcement more difficult or impossible, and decrease protection to residents.</p> <p>FS34.8 ICC Environmental Health and Compliance Services support in part Submission 59.3 stating the noise provisions in the Plan need to address potential and existing conflicts between rural residential and industrial land uses, such as the current situation in Kennington. The further submitter suggests that for new industrial subdivision or noise generating activities:</p>	<p>the various parts of the City District. The noise limits in the Plan take into account the potential for conflict between residential activities in the Rural Zone and noise generating activities in other zones by adopting rules applying to zone boundaries and notional boundaries of noise sensitive activities. If activities are not complying with the rules provided then consideration is required as to whether enforcement action should be taken. The concerns of the submitter in this submission are more appropriately considered in that context. Resolution of noise issues at Kennington cannot be resolved through the District Plan review process.</p> <ol style="list-style-type: none"> 3. The 70 L_{Amax} is to be retained for the Rural Zones at night-time, as in the Operative District Plan. A change is not appropriate. 4. The L_{Amax} limits in the Operative District Plan only applied to night-time. The addition of a daytime L_{Amax} is not increasing an existing level, but adding a new provision. 5. This submission does not impact on the provisions applying to the NZAS Smelter, farming activities or airport operations. 6. Variation 2 amends the night-time noise limit to 45dB.

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<ul style="list-style-type: none"> • An appropriate buffer zone is determined to protect the existing nearby residential properties • A buffer zone to protect future residential subdivisions near any Industrial zones <p>FS2.38 NZAS Ltd oppose in part submission 59.3 stating although no noise limit is applied in the Smelter Zone, the further submitters operations need to meet the noise levels of the adjoining zones. The further submitter therefore supports the higher noise limits currently included in the Proposed Plan for the Rural 1 Zone. Retain the noise limits set in rule 3.13.2 as notified</p> <p>FS4.31 Federated Farmers oppose Submission 59.3 stating it is inconsistent and inappropriate to require farming to operate at lower noise levels than other businesses and industries. The further submitter believes that noise is a necessary by-product of agricultural activities</p> <p>FS5.26 Invercargill Airport Ltd oppose in part Submission 59.3 and considers that any amendments to the noise standards should not adversely impact on the operational requirements of the airport and should be consistent with the relevant standards for the OCB ANB and SESEB</p> <p>FS30.20 Southern District Health Board oppose in part Submission 59.3. The further submitter opposes the decision sought in Bullet Point 5 which seeks to change the L_{Amax}. The further submitter considers that part seeking daytime L_{max} noise limits is opposed as unjustified in s.32 analysis, unnecessary for reasonable protection of people's health, contrary to assessment standard NZS6802:2008 cited in the plan and likely to prevent realisation of zone objectives.</p> <p>FS49.2 Niagara Properties Ltd oppose Submission 59.3 and considers that the rules are in line with industrial noise limits in other District Plans and that noise within the Industrial 3 zone should not be required to comply with the noise limits of any other zone, other than at the notional boundary of any noise sensitive activity within the other zone. Retain the noise limits as set out in Rule 3.13.2(A) and remove the requirement of Rule 3.13.2 that noise from any site within the Industrial 3 Zone must comply with the relevant limits of all surrounding sites.</p>	

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<p>71.54 NZAS Ltd Oppose 3.13.2 in part stating that noise generated within the Smelter Zone should only be required to comply with the noise limits of the Rural Zone at the notional boundary of any residence located outside the Smelter Zone. The submitter also notes some confusion in the use of the term “site” and “sites” within the rule, but understands that it is intended that the zone standards of the surrounding sites apply</p> <p><u>Decision Sought:</u> That the “no limit” reference be retained in relation to noise in the Smelter Zone AND amend 3.13.2(1) as follows:</p> <p>(1) For clarity, noise from any site <u>(except for any site located within the Smelter Zone)</u> shall comply with the relevant <u>zone</u> limits for all surrounding sites. Hence, at the boundaries of zones, measurements of noise emissions will be based on the zoning of the site affected by the noise, not of the site generating the noise.</p> <p>(1A) <u>Noise generated by any activity within the Smelter Zone is not required to comply with the relevant limits of any other zone except at the notional boundary of any residence within the other zone.</u></p> <p>FS30.23 Southern District Health Board support in part Submission 71.54 as the submission in part clarifies the scope of the rule but that alternative wording in relation to the notional boundary is preferred per Southern District Health Board’s submission</p>	<p>Decision 33/14 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 3.13.2 by adding the following:</p> <p>(2) <u>Noise generated in the Smelter Zone need not comply with the Rural Zone boundary noise limits set out in 3.13.2(A) above on any property within the Rural Zone, but shall comply with the notional boundary limits.</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The amendment provides for continuation of the provisions of the Operative District Plan which are considered appropriate. 2. The submitter advised acceptance of the amendment above.
<p>75.19 McDonalds Restaurants (NZ) Ltd The submitter supports the noise limits as being generally consistent with similar zones throughout the country. Retain the noise limits</p>	<p>Decision 33/15 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitter supports the provision and seeks no change to it.</p>
<p>94.3A Niagara Properties Ltd The submitter opposes the provisions as they relate to the notional boundary of any noise sensitive activity within a zone. The submitter considers that the noise limits on the rural land adjoining the Industrial 3 zone should be the same as those for the Industrial 3 area.</p> <p><u>Decision Sought:</u> Amend 3.13.2 (A) to remove limits on noise “when measured at the notional boundary of any noise sensitive activity within a zone”.</p> <p>FS2.39 NZAS Ltd opposes Submission 94.3 as it supports the measurement of noise at the notional boundary. Removing the notional boundary requirement would result in</p>	<p>Decision 33/16 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. As noted on page 10 of this Decision, the Committee did not accept that the noise limits within the rural areas surrounding the Niagara plant should be the same as within the Industrial 3 Zone. It agreed with the assessment of Mrs Devery that 65dB is in excess of the

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<p>the further submitter having to meet the lower Rural 1 noise limit at the Zone boundary. This would not be a sensible option and could result in the smelter operations being curtailed when an adverse effect was not actually occurring (as no one would hear the noise being generated). Retain Rule 3.13.2(A) as notified</p> <p>FS3.2 Quenton Stephens opposes Submission 94.3 stating rural areas should have a lower noise limit than industrial areas</p> <p>FS15.3 Shanan De Garnham, FS16.3 Dean Evans, FS18.3 Michael and Michelle Grantham, FS36.4 Jeanette Bullock and FS41.3 William Fraser oppose Submission 94.3</p>	<p>World Health Organisation recommendation for healthy living environments and that it is not appropriate to permit such noise levels in living environments within the Proposed District Plan. The notional boundary provisions are designed to allow for a greater level of noise from adjoining activities, but to also protect those living and working within the Rural Areas.</p> <p>2. The Committee did accept however that the night-time noise level throughout the rural areas of the District should be set at 45dB as recommended by the World Health Organisation, and to that end a Variation to the Proposed Plan was notified. As set out on pages 11 and 12 and in Decision 33/52 this Variation has been accepted.</p>
<p>94.3B Niagara Properties Ltd Support 3.13.2(A) Table and the change to the daytime L_{Amax} for the Industrial 3 zone, and the night-time noise limit for the Rural 1 Zone. Retain:</p> <ol style="list-style-type: none"> the night-time noise limit for the Rural 1 Zone the daytime L_{Amax} for the Industrial 3 zone <p>FS3.3 Quenton Stephens opposes Submission 94.3 and is concerned that the submission may result in the ability to increase noise levels adjacent to industrial areas.</p> <p>FS15.4 Shanan De Garnham, FS16.4 Dean Evans, FS18.4 Michael and Michelle Grantham and FS41.4 William Fraser oppose Submission 94.3.</p> <p>FS30.24 Southern District Health Board oppose in part Submission 94.3 and considers that limits on noise are essential and at any point within notional boundary is appropriate and sustainable assessment location in rural area.</p> <p>FS30.25 Southern District Health Board support in part Submission 94.3, being bullet point (b) of the decision sought. The further submitter considers daytime L_{AFmax} limits are unnecessary, unjustified and contrary to the assessment standard cited for assessment</p> <p>FS36.2 Jeanette Bullock oppose Submission 94.3 stating the Council has an obligation to protect the health and well-being of its residents.</p>	<p>Decision 33/17 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u></p> <ol style="list-style-type: none"> The submitter generally supports the provision. The L_{Amax} limits in the Operative District Plan only applied to night-time. The addition of a daytime L_{Amax} is not increasing an existing level, but adding a new provision.

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<p>117.26 Southern District Health Board Support 3.13.2 (A) Table in part. The submitter supports the proposal with amendments to ensure terminology in the heading is consistent with the terminology used in the measurement and assessment standards cited and with words in (A). Replace heading “noise levels from” with “Noise limits for”.</p> <p>117.27 Southern District Health Board Support 3.13.2 (A) Table in part subject to amendments.</p> <ul style="list-style-type: none"> – The submitter supports the time frames for day and night. – The submitter suggests amendments to the descriptors to ensure they are consistent with the measurement and assessment standards cited. – The submitter supports L_{AFmax} limits at less stringent Zones with amenity values tolerating less stringent noise limits, particularly at night-time to avoid sleep disturbance in more sensitive Zones. However, the submitter raises concerns that the proposed reduction in night-time noise limits in some of the Zones will lead to confusion, particularly for enforcement of existing activities compared to new activities. The submitter also believes these proposed night-time noise limits are contrary to the objectives and policies within the Business 1 Zone which seek to “reinvigorate” the Invercargill CBD. <p><u>Decision Sought:</u> Allow the provision in part and amend as follows</p> <ol style="list-style-type: none"> a. Replace both instances of “L_{Aeq}” as column headings with “$L_{Aeq(15min)}$” b. Replace both instances of “L_{Amax}” as column headings with “L_{AFmax}” c. Reconsider changes to Operative Plan L_{AFmax} noise limits during night time <p>FS3.5 Quenton Stephens support Submission 117.27 The further submitter supports the concept and need for appropriate limits for industrial activities located adjacent rural and residential areas, particularly at night-time to avoid sleep disturbance in more sensitive zones.</p>	<p>Decision 33/18 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The submitters generally support the provision. 2. The proposed heading is identical to the heading used in the Operative District Plan. It is not considered that there is any need to amend the title. 3. The review of the Operative District Plan resulted in the creation of a number of new Zones and there was a need to address the noise limits considered acceptable. The changes made are considered appropriate. 4. While there may be difficulties where existing use rights allow for greater levels of noise this is not a justification to retain the status quo. 5. It is not necessary to amend the acoustic terminology on the grounds of simplicity. In relation to the request for the addition of a “15min” notation to the term L_{Aeq}, NZS6802 adopts a measurement time of 15 minutes and therefore this addition is not necessary. Where the measurement time is different, this is stated. The standards also allow L_{Amax} as an acceptable alternative to L_{AFmax}.
<p>117.28 Southern District Health Board Oppose 3.13.2(A) Table in part. The submitter opposes certain provisions and believes they should be disallowed except to the extent an amendment may rectify the defect.</p> <ol style="list-style-type: none"> A. Opposes measurement location expressed as “at or within” being an expression subject of adverse comment in the Environment Court and implying two measurement locations. B. Opposes row 11 heading phrase “measured at the notional boundary.” The word 	<p>Decision 33/19 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 3.13.2(A) as follows:</p>

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<p>“at” implies close proximity to a lot boundary that may be impractical to access for numerous reasons e.g. ditches, hedges.</p> <p>C. Opposes row 13 heading phrase “measured at any site” The word “at” implies close proximity to a lot boundary that may be impractical to access for same reasons in paragraph B.</p> <p>D. Opposes in second to last row phrase “at or within” for same reasons in paragraph A.</p> <p>E. Opposes in last row phrase “at the notional boundary” for same reasons in paragraph B and should apply to a noise sensitive activity not just a dwelling.</p> <p>F. Opposes the addition of a daytime L_{AFmax} limit in all zones as an unprecedented provision that lacks justification, will complicate enforcement of noise control and is unnecessary for the reasonable protection of public health or the amenity values of any zone during the daytime.</p> <p>G. Opposes row 6 (Business 1-5 Zone) night-time noise limits being made more stringent than the operative District Plan because the submitter believes that this lacks justification, will complicate enforcement of noise control and is unnecessary for the reasonable protection of public health or the amenity values of these Business zones. The submitter states that having regard to the effect of 3.13.2 (A) sub-clause (1) (under the table) to apply the more stringent noise limit for an adjoining site zoning, the proposed night time $L_{Aeq(15min)}$ noise limit will frustrate the proposed Objectives and Policies for all the Business Zones .particularly Business 1 CBD Zone Policy 5.</p> <p><u>Decision Sought:</u> Allow the provision in part and amend as follows</p> <p>a. Replace third row instance of “at or within” with the words, “at any point within”</p> <p>b. Replace in Row 11 heading “measured at” with “measured at any point within”</p> <p>c. Replace in Row 13 heading “measured at” with “measured at any point”</p> <p>d. Replace in the second to last row the phrase “at or within the boundary of any site” with the words, “On any site.”</p> <p>e. Replace in the last row the phrase “at the notional boundary” with “At any point within the notional boundary of any noise sensitive activity.”</p> <p>f. Reconsider changes to Operative Plan $L_{Aeq(15min)}$ night time noise limits.</p>	<table><tr><th>Table Row</th><th>Existing wording</th><th>Amended wording</th></tr><tr><td>3</td><td>“.. at or within the boundary...”</td><td>“... at <u>any point</u> within the boundary...”</td></tr><tr><td>11</td><td>“... measured at the notional boundary...”</td><td>“... measured at <u>any point within the notional boundary...</u>”</td></tr><tr><td>13</td><td>“...measured at any site...”</td><td>“...measured at <u>any point...</u>”</td></tr><tr><td>14</td><td>“...at or within the boundary of any site...”</td><td>“... <u>On any site..</u>”</td></tr></table> <p><u>Reasons:</u></p> <p>1. Changes within the table will clarify the intent of the rules and address the potential difficulty that can arise in measuring precisely “at” a boundary.</p> <p>2. The night-time noise limits in the Business 1 - 5 zones are considered appropriate as notified. Where residential and noise sensitive activities are provided for in the Business Zones, it is necessary to ensure that the night-time noise levels are appropriate. To be vibrant, a business area does not necessarily have to be noisy. The approach in the Proposed District Plan, and the City Centre Action Plan, includes encouraging mixed uses into the City Centre, including residential and visitor accommodation. The proposed noise rules better provide for the desired mix of uses in these areas.</p>	Table Row	Existing wording	Amended wording	3	“.. at or within the boundary...”	“... at <u>any point</u> within the boundary...”	11	“... measured at the notional boundary...”	“... measured at <u>any point within the notional boundary...</u> ”	13	“...measured at any site...”	“...measured at <u>any point...</u> ”	14	“...at or within the boundary of any site...”	“... <u>On any site..</u> ”
Table Row	Existing wording	Amended wording														
3	“.. at or within the boundary...”	“... at <u>any point</u> within the boundary...”														
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13	“...measured at any site...”	“...measured at <u>any point...</u> ”														
14	“...at or within the boundary of any site...”	“... <u>On any site..</u> ”														
<p>117.29 Southern District Health Board</p> <p>The submitter supports 3.13.2(A) Noise Levels from Activities clauses (1)-(5) in part.</p> <p>A. Opposes words used in 3.13.2(A) sub-clause (1). The submitter believes the words “For clarity,” implies something needs to be made clear but there is nothing in the table above the sub-clause to imply the intent of the sub-clause.</p>	<p>Decision 33/20</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Delete the words “For clarity” from 3.13.2(1).</p>															

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<p>The submitter believes this is poor drafting given the attitude of the Courts to “notes” after tables and rules. The intent is in fact a critical component of noise rules replacing a section with plain meaning found in the Operative Plan rules (4.34.3). The submitter believes the provision’s intent needs re-drafting to avoid uncertainty of application</p> <p>B. Opposes sub-clause (2) on the grounds that the submitter believes it contradicts section 6.1 of NZS 6802:2008 and may not be an appropriate location for measurement of noise because of other technical reasons explained in the standard. The submitter states that the use of the term “façade” is problematic due to connotations of frontage. Further, the submitter states that the effect of the clause will in some circumstances compel a measurement to be made in a completely irrelevant location when an appropriate location may in fact exist.</p> <p>C. Supports sub-clauses (3) and (4) except for word “intended for outdoor living” in (3) which are problematic due to the uncertainties of “intent” and possible exclusion of “Juliet balconies” from the scope of the sub-clause.</p> <p>D. The submitter believes that the words in (5) “fence or other noise control structure” are problematic as it implies all fences have a noise control function which many do not to any extent whatsoever. The sub-clause adds nothing to the rule which is not already expressed addressed in NZS 6801:2008 and NZS6802:2008 when making an assessment, without the uncertainty of the poor drafting in the proposed sub-clause</p> <p><u>Decision Sought:</u> Allow the provision in part and amend as follows:</p> <ol style="list-style-type: none"> Insert in sub-clause (1) before the words “for clarity...”a new sentence, “Sound received on any site must comply with the noise limit in the above table for the Zoning of that site.” and consequentially renumber others. Delete sub-clause (2) In (3) delete “intended for outdoor living.” Delete sub-clause (5) <p>FS2.40 NZAS Ltd oppose in part Submission 117.29 noting that the noise generated within the Smelter Zone should only be required to comply with the noise limits of the surrounding zones at the notional boundary. Therefore the further submitter does not oppose the decision sought by submission 117.29(a).</p>	<p><u>Reasons:</u></p> <ol style="list-style-type: none"> The submitter supports various provisions. Reformatting of the provisions in response to submissions addressed in Decision 14 General Issues – Formatting will clarify which parts of the provisions are notes and which are parts of the Rules. However, removing the term “for clarity” will also assist. Sub-clause 2 is important as it provides for situations where sites are developed right up to the boundary. In sub-clause 3 the term “intended for outdoor living” is not sufficiently problematic that it should be deleted. It is meant to include “Juliet Balconies”, where people cannot access the outside area. These architectural features do not protrude out from the building to enable people to exit the indoors. Sub-clause 5 has been drafted in recognition that different fences or noise control structures will have varying noise reduction abilities. The sub-clause simply directs the “effects of such feature” is taken into account.

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<p>65.96 ICC Environmental and Planning Services Support 3.13.3(B)(a) in part. The submitter considers that the activity status for shooting ranges should be made clearer to ensure that comprehensive assessment of noise effects is undertaken on a case-by-case basis, given the absence of a relevant NZ Standard for assessing shooting noise</p> <p>Decision Sought: Review the definition of commercial recreation activities and ensure the status of those activities reflects this concern OR Include shooting ranges in the activity status lists for each zone OR Include restrictions on shooting ranges in the noise rule.</p> <p>FS30.7 Southern District Health Board support Submission 65.96 and considers the suggested relief is consistent with assessment standards cited for noise and case-by-case assessment has always proved necessary for shooting ranges.</p>	<p>Decision 33/21 This submission is noted.</p> <p>Amendments to District Plan Include the following in Rule 3.13:</p> <p>3.13.8 Shooting ranges <u>Shooting ranges, including but not restricted to those involving the use of rifles, shotguns and handguns, shall be a discretionary activity.</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. While the noise rule specifically excludes shooting ranges from the noise levels there are no other provisions within the Proposed Plan that relate to shooting ranges and as such the status of these activities is unclear. 2. The noise effects created by shooting ranges should be assessed on a case-by-case basis.
<p>53.72 NZ Transport Agency Support 3.13.3(B)(b). Retain.</p> <p>88.85 Federated Farmers Support 3.13.3 in part. The submitter considers an extra category should be included to account for the noise generated by livestock within the rural zones, particularly around weaning time and other seasonal activities. Adopt the rule but include an additional exemption clause as follows:</p> <p>(B) Within the Rural 1 and 2 zones, the keeping of livestock as part of normal farming activities is exempt from the noise limits detailed in Rule 3.13.2 above.</p>	<p>Decision 33/22 (i) Submission 53.72 NZ Transport Agency is noted. (ii) Submission 88.85 Federated Farmers is accepted.</p> <p>Amendments to District Plan Add to Rule 3.13.3</p> <p>(B) <u>Within the Airport Protection, Industrial 3, Industrial 4, Otatara, Residential 3 and Rural Zones, noise from livestock kept as part of agriculture is exempt from the noise limits detailed in Rule 3.13.2 above."</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The submitters generally support the provision. 2. It is accepted that noise from livestock kept as part of agricultural activities should be exempt from the noise limits within those zones where it is a permitted activity. 3. There is no definition of what "normal farming activities" means and as a result reference to agriculture is appropriate.

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<p>117.30 Southern District Health Board</p> <p>Support 3.13.3 in part</p> <p>A. The exemption for trains and warning devices is unnecessary for land designated for rail purposes. The submitter believes that trains on private sidings should not be exempted from general rules.</p> <p>B. The submitter believes there should be additional activities added to the list of exemptions:</p> <ul style="list-style-type: none"> i. Warning devices used by emergency services ii. In residential areas, activities of a normal domestic nature including recreational activities, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music. iii. Where any residential activity exists on the same site as a noise source being assessed <p><u>Decision Sought:</u> Allow the provision in part and amend as follows:</p> <ul style="list-style-type: none"> a. Delete sub-clause (B) (c) b. Add to sub-clause (B) the following <p style="padding-left: 40px;">In any Residential Zone to activities of a normal domestic nature including recreational activities, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music.</p>	<p>Decision 33/23</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Amend 3.13.3(B) (renumbered as 3.13.3(C) as a result of decisions) as follows:</p> <p>The noise limits detailed in Rule 3.13.2 above do not apply to noise from the following sources:</p> <ul style="list-style-type: none"> (c) Trains <u>on land designated for railway purposes</u> (including at railway yards, railway sidings or stations) and level crossing warning devices. (d) <u>Warning devices used by emergency services, as set out in Rule 3.13.14</u> (d)(e) Any noise source specifically listed in Rules 3.13.4 – 3.13.16 below. below as being assessed in accordance with another New Zealand Standard. <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The submitter generally supports the provision. 2. The exemption for trains is unnecessary for designated land. However, trains on private sidings should not be exempt and rewording to clarify this is considered appropriate. 3. The exemption for warning devices used by emergency services is stated in Rule 3.13.11(B) but this could be further highlighted by including it in this sub-clause and cross-referencing to the rule. 4. While “normal residential” activities are at times exempt from noise rules, activities such as night-time workshop activity and/or heat pump units, should comply with noise rules. 5. Where there are multiple residential units on a site there is a need to ensure that noise from one does not impact on others. As a consequence an exemption from noise limits where any residential activity exists on the same site is not appropriate.

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<p>117.31 Southern District Health Board Support 3.13.4. The submitter supports this provision as the appropriate standard for construction noise assessment.</p> <p>65.97 ICC Environmental and Planning Services Support 3.13.4 in part. The submitter considers that the wording of this provision is misleading and inaccurate in that construction noise standard is more than a set of noise limits to be complied with. Amend 3.13.4 by replacing the wording "...is to comply with..." with "... <u>shall be measured and assessed in accordance with</u>..."</p> <p>FS30.8 Southern District Health Board support in part Submission 65.97 to the extent similar to its submission 117.31.</p> <p>71.55 NZAS Ltd Support 3.13.4 in part. The submitter considers a minor amendment is required to make it clear that construction noise complying with the standard is permitted. Amend 3.13.4 as follows: Construction noise <u>that complies</u> is to comply with NZS 6803:1999 Acoustics Construction Noise <u>is a permitted activity</u>.</p>	<p>Decision 33/24</p> <p>(i) Submission 117.31 Southern District Health Board is noted.</p> <p>(ii) Submission 65.97 ICC Environmental and Planning Services is accepted in part.</p> <p>(iii) Submission 71.55 NZAS Ltd is rejected.</p> <p>Amendments to District Plan</p> <p>1. Rule 3.13.4 is amended as follows: Construction noise is to comply with NZS 6803:1999 Acoustics Construction Noise <u>the following noise limits:</u></p> <table border="1" data-bbox="1285 608 1962 703"> <thead> <tr> <th>Days and Times</th><th>Noise Limit</th></tr> </thead> <tbody> <tr> <td>Monday to Saturday 0730 – 1800</td><td>70dB L_{Aeq} and 85 L_{Amax}</td></tr> <tr> <td>All other times</td><td>45dB L_{Aeq} and 75 dB L_{Amax}</td></tr> </tbody> </table> <p>2. Consequently, Rule 3.13.3(B)(d) (renumbered as 3.13.3(C)(e) as a result of decisions) is amended as follows:</p> <p>(d) Any noise source specifically listed <u>in Rules 3.13.4 – 3.13.16 below</u> below as being assessed in accordance with another New Zealand Standard</p> <p><u>Reasons:</u></p> <p>1. The submitters generally support the provision.</p> <p>2. The construction standard is more than a set of noise limits. It includes assessment criteria and suggested alternatives. Rule 3.13.4 and the alternative suggested by the SDHB do not constitute a measureable standard against which compliance can be assessed or complied with.</p> <p>3. Rule 3.13.17(A) states that where an activity does not meet the relevant noise standards then the activity is a discretionary activity. The statement sought by NZAS is therefore not required.</p>	Days and Times	Noise Limit	Monday to Saturday 0730 – 1800	70dB L _{Aeq} and 85 L _{Amax}	All other times	45dB L _{Aeq} and 75 dB L _{Amax}
Days and Times	Noise Limit						
Monday to Saturday 0730 – 1800	70dB L _{Aeq} and 85 L _{Amax}						
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Submission	Decision																																																
<p>117.32 Southern District Health Board Support 3.13.5 in part. The submitter notes that the title to the standard for the assessment of helicopter landing area noise needs amended. Replace “Pads” with “Areas”</p>	<p>Decision 33/25 This submission is accepted.</p> <p>Amendments to District Plan Rule 3.13.5 is amended as follows:</p> <p>Noise from any helicopter landing pad is to comply with NZS6807:1994 <i>Noise Management and Land Use Planning for Helicopter Landing Pads Areas</i>.</p> <p><u>Reason:</u> An error in the name of the Standard requires correction.</p>																																																
<p>88.86 Federated Farmers Support 3.13.6</p> <p>117.33 Southern District Health Board Support 3.13.6. The submitter supports this provision as the appropriate standard for the assessment of wind farm noise</p>	<p>Decision 33/26 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitters support the provision and seeks no change to it.</p>																																																
<p>65.98 ICC Environmental and Planning Services Support 3.13.7 Business 1 Zone – Entertainment Precinct in part. The submitter considers that this rule needs to clearly specify what the external noise source is, in order for an applicant to design to achieve a specified internal noise level.</p> <p><u>Decision Sought:</u> Add the following to the end of the 3.13.7(A)(a):</p> <p>“...based on an incident external noise level as follows:” with the following table added:</p> <table><tr><td></td><td colspan="7">Octave Band Centre Frequency (Hz)</td></tr><tr><td></td><td>63</td><td>125</td><td>250</td><td>500</td><td>1000</td><td>2000</td><td>4000</td></tr><tr><td>Design sound pressure level incident on building façade (dB re 2 x 10-5 Pa</td><td>62</td><td>56</td><td>52</td><td>56</td><td>57</td><td>53</td><td>45</td></tr></table>		Octave Band Centre Frequency (Hz)								63	125	250	500	1000	2000	4000	Design sound pressure level incident on building façade (dB re 2 x 10-5 Pa	62	56	52	56	57	53	45	<p>Decision 33/27 (ii) Submission 65.98 is accepted in part. (ii) Submission 117.34 is noted.</p> <p>Amendments to District Plan Add the following to the end of the Rule 3.13.7(A)(a) (renumbered as 3.13.9(A)(a) as a result of decisions):</p> <p>...based on an incident external noise level as follows:</p> <table><tr><td></td><td colspan="7">Octave Band Centre Frequency (Hz)</td></tr><tr><td></td><td>63</td><td>125</td><td>250</td><td>500</td><td>1000</td><td>2000</td><td>4000</td></tr><tr><td>Design incident sound pressure level at building façade (dB re 2 x 10-5 Pa</td><td>71</td><td>61</td><td>54</td><td>48</td><td>45</td><td>44</td><td>44</td></tr></table>		Octave Band Centre Frequency (Hz)								63	125	250	500	1000	2000	4000	Design incident sound pressure level at building façade (dB re 2 x 10-5 Pa	71	61	54	48	45	44	44
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<p>FS30.9 Southern District Health Board support in part Submission 65.98 and considers that the submitter is partly correct but that an alternative approach may be better using D2m, Nt+Ctr and ISO 717-1:2013.</p>																																																	

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<p>117.34 Southern District Health Board Support 3.13.7. The submitter believes that the provisions address potential reverse sensitivity problems and to enable Objectives and Policies for Zone to be complemented by necessary rules for internal design levels.</p>	<p><u>Reason:</u> The addition provides certainty as to the external noise level to be adopted in implementing the rule.</p>
<p>75.20 McDonalds Restaurants (NZ) Ltd Support 3.13.7 in part. The submitter considers that the reverse sensitivity issues that may arise in the Entertainment Precinct may also arise where residential activities are established elsewhere and that it is appropriate to extend this rule to apply all noise sensitive activities within all the Business Zones.</p> <p><u>Decision Sought:</u> Amend 3.13.7 as follows:</p> <p><u>Noise sensitive activities in Business 1-5 zones Business 1 Zone—Entertainment Precinct</u> (A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 1 Zone—Entertainment Precinct <u>Business 1 – 5 zones</u> shall:...</p>	<p>Decision 33/28 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The intention is that in the Entertainment Precinct the owner of properties used for noise sensitive activities is responsible for the insulation to reduce noise effects, rather than solely requiring the building owners and tenants to control the noise escaping the premises. This requires joint responsibility for both the noise generator and noise receiver. 2. If this provision applied to all Business Zones it would discourage residential activity from locating within these Zones.
<p>118.2 Bruce Maher Comment on 3.13.7. The submitter would like the Council to address the level of noise tolerance within the entertainment precinct.</p>	<p>Decision 33/29 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The purpose of the provision is to enable noise generating activities, compatible with the city centre, to be carried out, particularly in the evening and night-time. There is no clear issue arising from the submission that can be responded to.</p>

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<p>24.63 South Port NZ Ltd Support 3.13.8. The submitter considers the noise limit proposed to be consistent with best practice management of Port noise and should be retained.</p> <p>117.35 Southern District Health Board Support 3.13.8 in part. The submitter supports the provision subject to a minor amendment. The submitter states that the provisions referred to are appropriate for the special needs of a port and are consistent with settlements of appeals. Delete the colon between the words “Noise” and “Management” in the title of the NZS 6809:1999.</p>	<p>Decision 33/30 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitter supports the provision and seeks no change to it.</p>
<p>53.73 NZ Transport Agency Support 3.13.9 Activities Near Transport Corridors. Retain.</p>	<p>Decision 33/31 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitter supports the provision and seeks no change to it.</p>
<p>79.32 KiwiRail Holdings Ltd Oppose 3.13.9 Activities Near Transport Corridors. The submitter seeks the insertion of the acoustic performance standard into all zones in the Plan or in a location in the Plan which will apply district-wide.</p> <p>The submitter considers that noise sensitive activities raise similar reverse sensitivity issues regardless of where they are located and that a performance standard addressing these adverse effects should be a district-wide rule. The submitter suggests a standard that encourages the internalisation of effects to achieve a reasonable level of internal acoustic amenity through building and section layout and design.</p> <p><u>Decision Sought:</u> Delete Rule 3.13.9 as it applies to the railway corridor and replace with a new rule (detailed in the submission) AND add new assessment criteria for noise sensitive activities in all zones to consider the degree of noise attenuation proposed and the effects of reverse sensitivity on the operation of the rail network.</p> <p>FS30.17 Southern District Health Board support in part Submission 79.32 noting the decision sought seeks to ensure reverse sensitivity issues addressed to protect strategic infrastructure from incompatible developments in close proximity which are</p>	<p>Decision 33/32 These submissions are accepted in part.</p> <p>Amendments to District Plan Rule 3.13.9 (renumbered as 3.13.11 as a result of decisions) is amended as follows:</p> <p>Activities Near Transport Corridors: Any noise sensitive activity located within:</p> <p>(A) Forty metres of the closest railway track.</p> <p>(B) Eighty metres of the seal edge of a State Highway and arterial road where the speed limit is more than 70 kph.</p> <p>Is to be designed, sited and constructed to ensure that the following internal noise <u>design</u> levels are not exceeded:</p> <p>(a) 35dB L_{Aeq(1 hour)} (one hour) inside bedrooms or 40dB L_{Aeq(1 hour)} (one hour) inside <u>teaching spaces and other habitable spaces.</u></p> <p>(b) <u>For the purposes of compliance with these limits:</u></p> <p>(i) <u>Road traffic noise shall be calculated based on existing traffic flow.</u></p> <p>(ii) <u>Train noise shall from the closest rail track be deemed to be:</u></p> <ul style="list-style-type: none"> • <u>70dB L_{Aeq(1 hour)} up to 12 metres</u>

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<p>sensitive to noise and vibration from transportation corridors, by imposition of rules which will afford reasonable protection for noise sensitive activities while allowing operation of transportation network, add appropriate assessment criteria. The further submitter notes however that classification of what is noise sensitive may need amendment so is partly supported.</p> <p>117.36 Southern District Health Board</p> <p>Support 3.13.9 in part. The submitter believes that provisions fail to include orientation and possible use of barriers against sound propagation which are likely to be more cost-effective than acoustical treatment of the building envelope. Further, the submitter states that the words “internal noise levels” are imprecise when the intention is to set indoor design levels without complementary verification methods.</p> <p>Sub-clause (a) requires qualification to require its performance standard is met with doors and windows required for ventilation shut, as is provided in Appendix VI – Noise Sensitive Insulation Requirements.</p> <p><u>Decision Sought:</u> Support subject to amendment:</p> <p>a. In (B) replace “ noise levels” with “design levels”</p> <p>b. In (B) after the word “exceeded” add “having regard to any noise barriers:”</p> <p>c. Add a new sub-clause “(b) Where (a) applies, if design sound levels must be met with doors and windows required for ventilation closed, ventilation in bedrooms and other habitable areas shall comply with Appendix VI table 2 and its accompanying clauses as if the site was within the Outer Control Boundary (OCB) and Single Event Sound Exposure Boundary (SESEB) as shown on the District Planning maps.”</p> <p>FS28.18 NZ Transport Agency oppose in part Submission 117.36 in that the submitter’s suggested amendment (b) is not necessary. They comment that there is a number of noise mitigation tools available to developers and that it does not matter what mitigation measures are used. What is important is for buildings to achieve the required internal noise environment, as is specified by Rule 3.13.9.</p>	<ul style="list-style-type: none"> • <u>67dB L_{Aeq(1 hour)} between 12 and 24 metres</u> • <u>61dB L_{Aeq(1 hour)} between 24 and 40 metres</u> <p><u>Note:</u> <u>Compliance with this rule must be achieved concurrently with any building code ventilation requirements.</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. While accepting the intent of ensuring an appropriate level of internal noise from externally sourced transportation corridors, the changes sought by KiwiRail were not clear and would add significant compliance costs for little benefit. 2. For consistency it is appropriate to include additional performance standards in the District wide rule that apply to both road and rail activities. 3. The low frequency of railway traffic within Invercargill City, the large number of properties potentially affected and an absence of any issues in the past, do not justify the imposition of stringent requirements on noise sensitive activities up to 100m away from the railway lines as sought by the submitter. 4. Appendix VI of the Proposed District Plan includes detailed ventilation requirements for the Outer Control Boundary and the Single Event Sound Exposure Boundary. These standards are very similar to those sought to be included in the noise provisions by the submitter. However, the same will be achieved with a simple statement that the internal noise levels should be achieved with any building code ventilation requirements. 5. As the noise levels will only be used during the design of a new project it is appropriate to replace the term “noise levels” with “design levels”. 6. The additional wording suggested by NZTA is not necessary as the rule allows for any method of noise control to be used, including noise barriers.

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<p>90.24 H W Richardson Group Ltd Support 3.13.9 Activities Near Transport Corridors. The submitter considers that noise sensitive activities that locate near transport corridors should be designed, sited and constructed to prevent issues of reverse sensitivity arising. Retain Rule 3.13.9.</p> <p>FS28.17 NZ Transport Agency support Submission 90.24 agreeing that noise sensitive activities locating in close proximity to transport corridors should be designed, sited and constructed to prevent potential reverse sensitivity issues.</p>	<p>Decision 33/33 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitter supports the provision and seeks no change to it.</p>
<p>26.3 NZ Defence Force Oppose 3.13.10 in part. The submitter wishes to ensure that the noise standards included in the Proposed District Plan are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with. In doing so the submitter has developed revised noise control standards to control noise effects from Temporary Military Training Activities that it is seeking to have included in District Plans nationwide. The replacement noise standards proposed by the submitter are attached to the submission and focus on compliance at dwellings, residentially zoned sites and buildings used for residential, education or healthcare purposes.</p> <p><u>Decision Sought:</u> That the noise standards attached to this submission be included for Temporary Military Training Activities in all zones.</p> <p>FS30.26 Southern District Health Board support Submission 26.3 stating the new rules are consistent with approach nationwide and necessary for nationally important activities while affording reasonable protection to the health and amenity of people and communities in the vicinity of such temporary activities.</p> <p>117.37 Southern District Health Board Support 3.13.10 in part. The submitter believes that the provisions need to be amended to ensure that they utilise the correct terminology to be consistent with the rest of the Plan and the measurement and assessment standards cited. The submitter states that description of the explosives noise metric frequency is inaccurate and contradictory stating that there is no frequency weighting</p> <p><u>Decision Sought:</u> Support subject to amendment:</p> <p>a. In (B) Replace “noise levels shall not exceed” with “sound levels within any other Zone or at any point within the notional boundary of any noise sensitive activity on another site, shall not exceed”</p>	<p>Decision 33/34 This submission is accepted in part.</p> <p>Amendments to District Plan Replacing Rule 3.13.10 as provided for by Decision 29/6.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. As set out on pages 2 - 3 of Decision 29 it is appropriate to provide for temporary military training activities in the Rural Zone with adoption of the default rules in other Zones. 2. The distribution and character of activities within the Invercargill setting, and the geography of the land make it unsuitable to undertake explosive events outside of the hours 0700 - 1900. 3. The changes sought by SDHB have where appropriate been incorporated into Decision 29/6.

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<p>b. Replace L10 with “L_{Aeq(15min)}” in the table</p> <p>c. In the proviso under the table delete the phrase “non-frequency weighted”</p>	
<p>101.9 NZ Fire Service Commission Oppose 3.13.11 in part. The submitter believes that the exemption in (B) should be extended to include warning devices associated with emergency service training activities to allow for the drills and training activities it carries out on its sites</p> <p><u>Decision Sought:</u> Amend 3.13.11 to read:</p> <p>(B) Sound from warning devices used by emergency services are exempt from all noise limits, <u>this includes warning devices associated with emergency service training activities</u>”</p> <p>FS2.41 NZAS Ltd support Submission 101.9 to exempt warning devices associated with emergency service training activities from the noise limits</p> <p>FS30.27 Southern District Health Board support Submission 101.9 and considers that an appropriate amendment enabling the safety of the community should be promoted.</p>	<p>Decision 33/35 This submission is accepted.</p> <p>Amendments to District Plan Amend 3.13.11(B) (renumbered as 3.13.14(B) as a result of decisions) as follows:</p> <p>(B) Sound from warning devices used by emergency services, <u>including warning devices associated with emergency service training activities,</u> are exempt from all noise limits.</p> <p><u>Reason:</u> The suggested addition clarifies the scope of the exception.</p>
<p>103.63 Invercargill Airport Ltd Support 3.13.11. The submitter considers it appropriate to permit aircraft operations for use during emergencies. Retain 3.13.11 as notified</p> <p>117.38 Southern District Health Board Support 3.13.11. The submitter supports the provisions as this is essential for the health and safety of people and communities and notes that emergency landing of aircraft are outside the scope of the RMA being within CAA jurisdiction. Retain 3.13.11 as notified.</p>	<p>Decision 33/36 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reason:</u> The submitters support the provision and seeks no change to it.</p>
<p>117.39 Southern District Health Board Support 3.13.12 Temporary Activities/Events in part. The submitter raises concern that the possibility of continuous activity at one location over six days may not be sustainable if there are noise sensitive activities nearby, so intermittency on one site should be limited. The submitter notes that the intermittency frequency is a matter for local governance.</p>	<p>Decision 33/37 This submission is accepted.</p> <p>Amendments to District Plan Amend Rule 3.13.12(C) (renumbered as 3.13.15(C) as a result of decisions) as follows:</p> <p>There are no more than six events (days) on the site in any one calendar year <u>provided</u></p>

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<p><u>Decision Sought:</u> Support subject to amendment similar to:</p> <p>(C) provided no single event shall exceed 3 days on the site and no further event shall occur on the same site within 3 weeks.</p>	<p><u>no single event shall exceed three consecutive days on the site.</u></p> <p><u>Reason:</u> The submitter's concerns are accepted but greater flexibility in the "stand-down" period is required.</p>
<p>65.99 ICC Environmental and Planning Services Support 3.13.13 in part. The submitter considers that it needs to be clarified that this rule was drafted to apply to the Invercargill Airport, as it could unintentionally be applied to applications for other airfields, for example.</p> <p><u>Decision Sought:</u> Include a rule either before or after 3.13.5 "Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning" AND Amend Rule 3.13.13 to clarify the fact that the provisions apply only to operations that are the subject of designations by Invercargill Airport Limited.</p> <p>FS5.27 Invercargill Airport Ltd support Submission 65.99 and agrees that clarity in this regard would be appropriate</p> <p>FS30.10 Southern District Health Board supports Submission 65.99 in that the decision sought clarifies ambiguity of application and scope of the rule.</p> <p>103.64 Invercargill Airport Ltd Oppose 3.13.13 in part. The submitter considers (B) to be superfluous as it repeats requirements inherent in the designation. The submitter does not consider the rules relating to noise sensitive activities are appropriate.</p> <p><u>Decisions Sought:</u> Retain 3.13.13(A) and delete 3.13.13(B). Also Delete 3.13.13(C) and replace with rules detailing different activity statuses and design requirements within the Outer Control Boundary and the Single Event Sound Exposure Boundary</p> <p>117.40 Southern District Health Board Support 3.13.13 as it is consistent with designation conditions and necessary for sustainable management of a physical resource of the district and protection of people and communities from unreasonable noise. Retain 3.13.13 as notified.</p>	<p>Decision 33/38 These submissions are accepted in part.</p> <p>Amendments to District Plan</p> <ol style="list-style-type: none"> 1. Include with subsequent renumbering the following: <ul style="list-style-type: none"> <u>3.13.6 Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.</u> 2. Amend 3.13.13 (renumbered as 3.13.16 as a result of decisions) as follows: <ul style="list-style-type: none"> <u>Aircraft Invercargill Airport Operations</u> (A) Noise from aircraft operations, including take offs and landings, flight operations, routine engine testing or ground running, and the running of auxiliary power units (being the subject of designations by Invercargill Airport Limited) are exempt from the noise limits detailed in Rule 3.13.2 above. (B) Notwithstanding Rule 3.13.2 above, the maximum levels of noise generated from aircraft operations are as follows: <ul style="list-style-type: none"> (1) Airnoise Boundary: 65Ldn dBA 65 dB L_{dn} the Airnoise Boundary as detailed in the District Planning Maps. Noise will be measured in accordance with New Zealand Standard NZS6805:1992 Airport Noise Management and Land Use Planning. (C) Acoustic insulation – Within those areas identified on the District Planning Maps as being within the Single Event Sound Exposure Boundary and/or the Outer Control Boundary: <ul style="list-style-type: none"> (a) New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity, which comply with the specification contained in

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	<p>Appendix VI Noise Sensitive Insulation Requirements, are a permitted activity.</p> <p>(b) — New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements, are a non-complying activity.</p> <p><u>Reason:</u></p> <ol style="list-style-type: none"> 1. As set out on pages 7 - 9 of this Decision it is the view of the Committee that it is not appropriate within the SESEB and OCB in the zone rules to prohibit noise sensitive activities that did not provide adequate acoustic insulation but rather provide for them as a non-complying activity. 2. It is accepted that Rule 3.13.13(B) in effect duplicated matters appropriately set out in the IAL designation of Invercargill Airport. 3. Rule 3.13.13(C)(a) is misleading, allowing activities that may not otherwise be permitted by the Zone activity rules. 4. A minor change is required to the rule heading to avoid confusion, and application to other airports.
<p>53.74 NZ Transport Agency Support 3.13.14(A). Retain Rule 3.13.14(A) as proposed.</p> <p>117.41 Southern District Health Board Support 3.13.14 in part. The submitter supports the list of topics to be taken into account but suggests amendment of terminology to ensure consistency with standards cited.</p> <p><u>Decision Sought:</u> Support subject to amendments:</p> <ol style="list-style-type: none"> a. In (a), insert after “nature” the word “,timing” b. In (d), replace “ambient noise levels” with “ambient sound.” 	<p>Decision 33/39</p> <ol style="list-style-type: none"> (i) Submission 53.74 NZ Transport Agency is noted. (ii) Submission 117.41 Southern District Health Board is accepted. <p>Amendments to District Plan Amend 3.13.14(B) (renumbered as 3.13.17(B) as a result of decisions) as follows:</p> <ol style="list-style-type: none"> (a) The maximum level of noise likely to be generated, its nature, <u>timing</u>, character and frequency and the disturbance this may cause to people in the vicinity (d) Existing ambient <u>sound</u> noise levels. <p><u>Reason:</u> The amendments provide consistency with the relevant NZ Standard.</p>

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<p>53.75 NZ Transport Agency Support 3.13.14(B) in part. The submitter considers that it would be appropriate that the written approval of the NZTA as a requiring authority be included as a matter for the discretion of Council.</p> <p><u>Decision Sought:</u> Amend Rule 3.13.14(B) by inserting an additional matter, as follows:</p> <p>(h) Whether the written approval of the NZ Transport Agency has been obtained.</p>	<p>Decision 33/40 This submission is accepted in part.</p> <p>Amendments to District Plan Include an additional clause under 3.13.14(B) (renumbered as 3.13.17(B) as a result of decisions) as follows:</p> <p>(i) <u>The nature of the environment, including any existing noise generating activities that may give rise to reverse sensitivity effects and methods proposed to address:</u></p> <p>(i) <u>The degree of noise attenuation achieved by the noise sensitive activity</u></p> <p>(ii) <u>The effects of reverse sensitivity on the operation of the transportation network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transportation network</u></p> <p>(iii) <u>The nature of the environment including the scale of noise generated by the transportation network</u></p> <p>(iv) <u>Details of consultation with operators of the transportation network and the response received.</u></p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. NZTA sought an addition to the rule because of concern with reverse sensitivity effects from noise sensitive activities adjacent to state highways. Including matters of consideration similar to that sought by the submitter would ensure that these issues are considered through the consent process and such a matter should apply to all transportation modes. 2. Whether the written approval has been received or not is a matter considered when determining notification rather than a matter for determination of the consent. The wording of this type of provision should be focused more on the results of consultation with these infrastructure providers.

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DEFINITIONS	
<p>117.52 Southern District Health Board Definitions to add: Acoustic terminology. The submitter seeks the inclusion of new definitions relating to acoustic terminology. The submitter believes that this would allow the ordinary reader to understand the key terminology without reference to an external document. Add the following new definitions:</p> <p>Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics –Environmental noise.</p> <p><u>L_{dn}: Means the day/night time average level, or night-weighted sound exposure level which is the A-frequency weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).</u></p> <p><u>L_{Aeq}(15 min):Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).</u></p> <p><u>LAFmax: means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.</u></p> <p><u>Noise Limit: Means a L_{Aeq}(t) or LAFmax sound level in decibels that is not to be exceeded.</u></p>	<p>Decision 33/41 This submission is accepted in part.</p> <p>Amendments to District Plan Include the following definitions in Section 4 Definitions:</p> <p><u>L_{Aeq}: Means the equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.</u></p> <p><u>L_{Amax}: Means the A-frequency-weighted maximum noise level. The highest noise level which occurs during a measurement period.</u></p> <p><u>L_{dn}: Means the day/night noise level, which is a 24 hour L_{Aeq} with a 10dB penalty applied to the night-time (2200 – 0700 hours).</u></p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. The additions will assist understanding the Plan provisions. 2. It is not considered necessary to define the term “noise limit” or to state that all acoustic terms shall have the meaning given in NZS6801 and NZS6802.
<p>79.37 KiwiRail Holdings Ltd Support definition of Noise Sensitive Activity. The submitter considers the definition is comprehensive and addresses the full range of noise sensitive activities. Retain.</p> <p>FS30.19 Southern District Health Board support in part Submission 79.37 and an appropriate definition but considers it may need amendment</p> <p>103.74 Invercargill Airport Ltd Support definition of “Noise Sensitive Activity”. The submitter considers the definition captures those activities sensitive to aircraft noise, and supports the exemption of training related to airport or aircraft operations. Retain definition as notified</p> <p>15.39 Ballance Agri-Nutrients Ltd Support in part definition of Noise Sensitive Activity. The submitter supports the list of activities included within the definition and agrees that they are sensitive to noise emissions. The submitter also considers that “recreational activities” as defined within the Proposed Invercargill City District Plan should be included within the definition due</p>	<p>Decision 33/42</p> <ol style="list-style-type: none"> (i) Submissions 79.37 KiwiRail Holdings Ltd and 103.74 Invercargill Airport Ltd are noted. (ii) Submission 15.39 Ballance Agri-Nutrients Ltd is rejected. <p>Amendments to District Plan None required.</p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. KiwiRail Holdings Ltd and Invercargill Airport Ltd support the definition and seek no change to it. 2. The activities listed as noise sensitive tend to have a residential/sleeping component to them or are activities that require quiet. Recreational activities are not sufficiently sensitive enough to be included within this definition.

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<p>to the inherent sensitivity to noise that these activities have. The submitter considers it to be of vital importance that the listed activities be excluded from the Industrial Zones unless it can be demonstrated, through the resource consent process, that any reverse sensitivity effects associated with noise emissions can be fully mitigated</p> <p><u>Decision Sought:</u> Amend 'Noise Sensitive Activities' as follows:</p> <p>Noise Sensitive Activities: Means buildings or parts of buildings <u>or land</u> used for or able to be used for the following purposes: ...</p> <p>(l) <u>Recreational Activity.</u></p>	<p>3. Decision 29/7 removes the term “recreational activity” from the District Plan because it falls within other definitions.</p>
<p>117.51 Southern District Health Board</p> <p>Support definition of “notional boundary” in part. The submitter agrees with the intention of the definition however, believes it should be aligned with the definition for “noise sensitive activities” by replacing the reference to residence with “building used for a noise sensitive activity in any Residential 1A, or 3 or Rural Zone”</p> <p><u>Decision Sought:</u> Amend the definition to read:</p> <p>Notional Boundary: Means a line 20 metres from the side of residence <u>building used for a noise sensitive activity in any Residential 1A, or 3 or Rural Zone</u> or the legal boundary where the boundary is closer to the building than 20 metres.</p>	<p>Decision 33/43</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Amend definition of “Notional boundary” as follows:</p> <p>Notional Boundary: Means a line 20 metres from the any side of a residence-building <u>used for a noise sensitive activity</u> or the legal boundary where the boundary is closer to the building than 20 metres.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. Rule 3.13.2(A) refers to the measurement of the notional boundary in relation to noise sensitive activities and amending the definition avoids any confusion. 2. No reference to particular zones is required within the Definition as that is done in the Rules.
APPENDIX VI – NOISE SENSITIVE INSULATION REQUIREMENTS	
<p>103.73 Invercargill Airport Ltd</p> <p>Support. The Airport considers the standards are consistent with current best practice. Retain Appendix VI as notified.</p> <p>117.50 Southern District Health Board</p> <p>The submitter supports Appendix VI subject to amendments. The submitter believes that provisions are practical and enabling noise sensitive activities indoors without reasonable noise while sustainably managing nearby airport physical resources of the District, however notes typographical errors.</p>	<p>Decision 33/44</p> <ol style="list-style-type: none"> (i) Submission 103.73 Invercargill Airport Ltd is noted. (ii) Submission 117.50 Southern District Health Board is accepted in part. <p>Amendments to District Plan</p> <p>In Appendix VI amend:</p> <ol style="list-style-type: none"> (a) 65Db L_{AE} to 65dB L_{AE}

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<p><u>Decision Sought:</u> Support provisions, subject to amendments:</p> <p>a. After heading “OCB” amend “40dB” to “40dBA”</p> <p>b. After heading “SESEB” amend “65Db” to “65dB” and amend “40Db” to “40 dBA”</p>	<p>(b) 40Db L_{dn} to 40dB L_{dn}</p> <p><u>Reason:</u> The change provides consistency through the Plan.</p>
ENTERTAINMENT PRECINCT	
<p>118.1 Bruce Maher</p> <p>Oppose Zoning of Entertainment precinct. The submitter is concerned about the zoning of part of his property within the Entertainment Precinct due to the higher level of ambient noise allowed for within the Entertainment Precinct.</p> <p><u>Decision Sought:</u> Remove Entertainment Precinct zoning from the part of the submitters property at 8-10 Dee Street.</p>	<p>Decision 33/45</p> <p>This submission is accepted in part</p> <p>Amendments to District Plan</p> <p>Amend District Planning Map 9 by moving the boundary of the Entertainment Precinct north as it sits across 10 Dee Street. See blue dotted line on map in Appendix 3.</p> <p><u>Reason:</u> A minor change is appropriate to ensure that the part of the building currently used for visitor accommodation, is not within the Entertainment Precinct. This will encourage a range of activities to be carried out within and around Wachner Place.</p>
<p>100.1 Vibrant Invercargill</p> <p>Comment on Entertainment Precinct. The submitter considers placing the Central Business District into the District Plan is important for the future, assisting investors such as property owners, businesses, for those that live and work within the CBD area and along with cultural and community activity. The submitter has provided a report on the “Proposed Entertainment District” which offers a number of suggestions:</p> <ol style="list-style-type: none"> The scope of the Entertainment Precinct should be for mixed use The boundaries of the Precinct are too tight Residential accommodation on upper floors should not be excluded One or more new hotels should be accommodated within the precinct There is a need for more restaurants and licensed cafes More investment by the private sector is necessary and desirable Consideration should be made of the scale, hours of operation, street frontages, noise and location of licensed premises Under-awning lighting should be improved in Tay and Dee Sts There is an urgent need to address the issues of earthquake prone buildings The mix of evening uses should be varied <p>FS20.2 Bruce Maher support in part Submission 101.1 and suggestion 11 as it</p>	<p>Decision 33/46</p> <p>These submissions are noted.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> The matters raised by submitters generally sit outside of the District Plan. The concept behind the Entertainment Precinct is to highlight a specific area of the Central Business District where activities generating noise are not restricted by reverse sensitivity complaints from noise sensitive activities. Mixed use development is encouraged within the Business 1 Zone, where residential and noise sensitive activities are permitted. However, the Proposed Plan sets aside a part of the Business 1 Zone to encourage the co-location of cafes and restaurants and activities operating into the evening and night to create a ‘hub’. Having residential and noise sensitive activities located within the vicinity of noise

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<p>relates to noise in the entertainment precinct. The further submitter considers that it makes more sense to require the building owners and tenants to control the noise escaping the premises, rather than all the surrounding premises upgrading their sound proofing at cost to the owners. The further submitter specifically refers to potential effects of noise from nightclubs affecting nearby visitor accommodation businesses</p> <p>FS35.3 Vibrant Invercargill support Submission 100.1. The further submitter would like to amend the original submission, specifically change the title of section 6 of John Montgomery's report from "Suggestions' to 'Needs"</p> <p>105.11 ICC Environmental Health and Compliance Services Support Entertainment precinct in concept. The submitter supports the concept of the Entertainment precinct, pending the outcome of any Local Alcohol Policy that the council may adopt under the Sale and Supply of Alcohol Act 2012.</p> <p>106.1 Trevor Thayer The submitter notes that the area does not allow inner city living to co-exist, and questions whether it would be possible to overlap the uses</p>	<p>generating entertainment-type activities can cause conflict and the issue of noise needs to be addressed. Within the Entertainment Precinct, the noise sensitive activities retain their permitted activity status, but within this area the owners of the noise sensitive activity are responsible for noise attenuation and acoustic insulation and providing a habitable environment.</p> <p>3. The egress of noise and especially loud music from licensed premises within the Entertainment Precinct will continue to be governed by the reasonable and offensive noise provisions of the RMA and will also be subject to the general Zone noise limits.</p> <p>4. Hotels are not excluded from operating within the Entertainment precinct, however should they be located in this precinct they need to be aware of the noise requirements.</p> <p>5. The Local Alcohol Policy 2014 and the Proposed District Plan provisions overlap, but they are addressing different issues and do not need to mirror each other.</p>
VARIATION 2	
GENERAL	
<p>V2.1 Paul E Ellis Oppose. The submitter opposes the Variation on the grounds that the noise in the Ettrick Street area is too loud already and the Council has not addressed the problem</p> <p>V3.1 Jayson A Payne The submitter opposes the Variation on the grounds that the area is already loud and Blue River Dairy in particular are constantly exceeding their noise limits</p> <p><u>Decision Sought:</u> Businesses required to stay within their stipulated noise limits without adversely affecting the neighbouring residential areas.</p> <p>VFS2.2 and VFS2.3 Blue River Dairy LP oppose Submissions V2.1 and V3.1 and supports retention of the changes to the Proposed District Plan as promoted by way of Variation 2 as originally notified.</p> <p>V4.1 Clair E Hikawai Oppose. The submitter is concerned about ongoing long term noise issues in their</p>	<p>Decision 33/47 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> Under the Operative District Plan, the noise provisions for the Enterprise Sub-Area enabled up to 65dB L_{Aeq} for both night and day. What is provided for in the Variation is a reduction in allowable noise measured at residential boundaries. The Industrial 1 (Light) Zone is designed as a buffer between other industrial and residential activities with a limited range of uses being permitted and more stringent controls on noise. Given the latter, no control is required on hours of operation.

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<p>neighbourhood undermining residential property values, and peace and tranquillity. The submitter believes that Industrial 1 properties that share a boundary with residential zones need to have different rules in place to protect residential amenity values.</p> <p><u>Decision Sought:</u> More stringent noise control and dB limits for Industrial Zones that border residential zones.</p> <p>V6.1 Mark T MacKenzie Oppose. The submitter is concerned about the effects of increasing the noise levels from 40dB to 50dB on adjoining residential areas. The submitter believes that there should be a buffer between residential areas and industrial areas.</p> <p><u>Decision Sought:</u> Undertake a citywide initiative to gradually remove light industrial zoning where only a road separates it from residential areas. Existing businesses could continue with the current limitations but would be encouraged to move to more appropriate, well-defined and sufficiently buffered areas such as the old Showgrounds area and the Bluff Road/Awarua areas.</p> <p>The submitter also seeks the retention of the hours of operation and not to increase the noise levels to 50dB_{L_{Aeq}}</p> <p>VFS2.4 and VFS2.6 Blue River Dairy LP oppose Submissions V4.1 and V6.1. The further submitter supports retention of the changes to the Proposed District Plan as promoted by way of Variation 2 as originally notified.</p>	<p>3. Issues related to enforcement are subject to separate processes outside of the District Plan review process.</p>
<p>V9.2 New Zealand Defence Force Oppose in part. The submitter is concerned that the noise provisions subject to this Variation do not reflect the relief sought in their original submission for Temporary Military Training Activities. The submitter has developed provisions for noise emitted by Temporary Military Training Activities that it is seeking to have included in district plans nationwide.</p> <p>The submitter's submission includes the detail for their preferred provisions, with minor amendments to the relief sought in their original submission for the Proposed District Plan. The provisions proposed by the submitter focus on compliance at dwellings, residentially zoned sites and buildings used for residential, educational or healthcare purposes and can be applied across all zones.</p> <p>In summary, the submitter proposes standards that divide noise sources from</p>	<p>Decision 33/48 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The matters raised by the submitter are not relevant to Variation 2. 2. The issue of Temporary Military Training Activities is considered on page 11 of this Decision and Decision 33/34 above together with General Issues Decision 29/6.

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<p>Temporary Military Training Activities into three categories. Each of the three categories is considered to have difference noise characteristics, and therefore a different set of standards for controlling noise.</p> <p><u>Decision Sought:</u> Include a new provision in 3.13 Noise to address noise from Temporary Military Training Activities as set out in the submission.</p> <p>VFS1.1 Southern District Health Board supports in part Submission V9.2 but the relief requires amending to align with what the Southern District Health Board seeks in its own submissions.</p>	
<p>V16.1 Quenton Stephens Oppose. The submitter opposes the Variation. Retain the noise provisions as notified as part of the Proposed District Plan process.</p> <p>17.1 G C and H V McLellan Oppose. The submitter objects to the increase in noise level.</p>	<p>Decision 33/49 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The rural areas of the Invercargill District comprise a working rural environment, which together with transport routes contributes to an amenity which is not pristine. As a consequence, it is appropriate to adopt a night time noise standard at the upper end of that recommended in NZS 6802. 2. The provisions in the Proposed Plan as modified by Variation 2 are more restrictive than those of the Operative Plan, and represents an appropriate balance between maintaining and enhancing amenity values enjoyed by the community and providing for economic activities.
SECTION TWO – ISSUES, OBJECTIVES AND POLICIES	
2.40.3 Policy 8 Noise and 2.41.3 Policy 7 Noise	
<p>V9.1 New Zealand Defence Force Support 2.40.3 Policy 8 Noise and 2.41.3 Policy 7 Noise. The submitter considers the amended wording of the policies reflects the nature of the rural environment, where higher noise levels can be expected in certain parts of the zone, resulting from activities expected in the Rural zones.</p> <p>The submitter considers that the amendments to the policies provides greater</p>	<p>Decision 33/50 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The original submitters support the provisions in Variation 2 and

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<p>direction when assessing the potential amenity effects on sensitive receivers from activities, and is less prescriptive than the previous wording.</p> <p><u>Decision Sought:</u> Retain 2.40.3 Policy 8 and 2.41.3 Policy 7 as notified as part of the Variation.</p> <p>V5.2 Niagara Sawmilling Company Ltd Support 2.40.3 Policy 8 Noise. The submitter supports the removal of the wording 'low daytime ambient noise levels and lower night time' and the addition of the wording 'to protect health, and amenity of noise sensitive activities' on the grounds that the amendment removes the ambiguity of wording. Retain 3.13.2(A) as notified as part of the Variation</p> <p>V18.1 Southern District Health Board Support 2.40.3 Policy 8 Noise and 2.41.3 Policy 7 Noise. The submitter considers that, in the context of the proposed amended plan, the policy is more sustainable and consistent with section 5 of the Resource Management Act 1991.</p> <p>Retain the Policies as notified as part of the Variation subject to any amendments to like effect arising from the consolidation, reordering or expansion of like provisions in this section or elsewhere in the plan, or consequential amendments to this proposed section as a result of decisions on other parts of the Plan.</p> <p>VFS3.2 Quenton Stephens and Regina Stephenson oppose Submission V5.2 and the removal of the wording "low daytime ambient noise levels and lower night time" and the addition of "protect health and amenity of noise sensitive activities". The submitter does not believe that there is ambiguity in the Proposed Plan, and that the wording proposed will add ambiguity.</p>	<p>seek no change to them.</p> <p>2. The amended wording of the Policies better reflects the expectations in relation to noise within the rural environments.</p> <p>3. The wording adopted does not introduce ambiguity but allows for a reasonable range of activities to be carried out in the rural areas whilst also protecting the health and wellbeing of those living and working within these parts of the District.</p>

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SECTION THREE – RULES	
GENERAL	
<p>V8.1 Hector McKinnel Oppose hours of operation and night time noise limits for Industrial 1 Zone. The submitter refers to historical noise issues with Blue River Dairy Company and is concerned that the Variation may increase the hours of operation and noise limits permitted in Industrial 1 Zones.</p> <p>The submitter acknowledges that the noise levels at the Residential boundary are not to be changed, however the submitter states that he has little faith in activities meeting these limits. The submitter is concerned with the impacts of the Variation on residential amenity, and the health and well-being of residents in neighbouring Industrial 1 Zones.</p> <p>The submitter considers that there should be different noise limits for industrial activities neighbouring residential areas. The submitter questions why the noise limits in the Industrial 1 Zone is higher than the noise limits in the Rural Zones and also raises property valuation concerns.</p> <p>V10.1 L O’Callaghan Oppose the increase in night time noise limits at the notional boundary in the Rural 1 and Rural 2 Zones and night time noise limits for Industrial 1 Zone and is opposed to the increase in the night time noise limit to 45dB at the notional boundary of noise sensitive activities in the Rural 1 and Rural 2 Zones. The submitter is also opposed to the increase in night time noise limits within the Industrial 1 Zone. The submitter considers that if there is an absence of impact on neighbouring residential then the existing sound limits are not applied in any case. In this sense, the submitter considers that the current provisions are not currently restrictive of industrial activities.</p> <p>The submitter states that the existing noise levels best protect a balance of rights for residential properties. The submitter questions the need for amendments when currently the submitter considers problems do not arise from existing noise levels without a substantiated concurrent impact on residential property owners.</p> <p>V11.1 Barry R Munro Oppose hours of operation and night time noise limits for Industrial 1 Zone and opposes an increase from 40dB to 50dB because this is a 10x logarithmic increase. The submitter also opposes the removal of hours of operation allowing 24 hour</p>	<p>Decision 33/51 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The District Plan provisions set appropriate standards in relation to noise. Issues associated with enforcement action take place outside of the current process of considering submissions. 2. The Industrial 1 zoning introduces a number of restrictions on the use of sites and more stringent standards than applied under the provisions of the Enterprise Zone in the Operative District Plan. 3. Although Variation 2 enables an increase in noise generated from sites, measured at their property boundary, it does not alter the noise standard at the zone boundary, and therefore will have a neutral effect on adjoining residential areas. 4. Control on the hours of operation was intended to protect nearby residential activities from effects such as noise and lightspill. As there are standards in place applying to those effects the control on the hours of operation is not required. 5. District Plan provisions do not control noise from vehicles on public roads and in that regard the status quo does apply. 6. The Rural 2 Zone has been deleted by Decision 35/20.

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<p>operation.</p> <p><u>Decision Sought:</u> Retain noise levels at 40dB in the Industrial 1 Zone and retain the ability to restrict hours of operation.</p> <p>V12.1 Amy M Iverson Oppose hours of operation and night time noise limits for Industrial 1 Zone and believes the status quo should remain within the decibel ratings and operating hours because any reasonable business located in this area should be more than capable of operating within those timeframes. In addition, the submitter considers the negative effect on residents from those increased operations from traffic noise is not acceptable.</p> <p>The submitter opposes the changes to the permitted decibel ratings and the removal of limitations of operation. The submitter considers the decibel rating is too much of an increase and there is no clear easy way to police this. The submitter believes that any business regardless should be able to operate and function normally and conduct any activities it needs to consider the amount of light required. The submitter considers that the limitations on the hours of operation also protect neighbouring residents from increased traffic flow to and from, from their work vehicles, clients and employees at times of night the majority of people are sleeping. For example, the Commercial Vehicle Centre having a truck come in at 2am for servicing whilst using Fox Street.</p> <p><u>Decision Sought:</u> Retain the status quo in relation to hours of operation and the noise limits for the Industrial 1 Zone.</p> <p>VFS2.9, VFS2.10, VFS2.11 and VFS2.18 Blue River Dairy LP oppose Submissions V8.1, V12.1 and V11.1 and supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.</p>	
RULE 3.13.2	
<p>V5.1 Niagara Sawmilling Company Ltd Support Rule 3.13.2(A) Rural 1 Zone. The submitter supports the increase in night time LA_{eq} noise limits for Rural 1 Zone 'when measured at the notional boundary of any noise sensitive activity on a site within a zone' from 40dB to 45dB. Retain 3.13.2(A) as notified as part of the Variation</p> <p>V7.1 H W Richardson Support Rule 3.13.2(A). The submitter supports the proposed noise limits within this</p>	<p>Decision 33/52</p> <p>(i) Submissions V5.1 Niagara Sawmilling Company Ltd, V7.1 H W Richardson and V18.3 Southern District Health Board are noted.</p> <p>(ii) Submissions V13.1 and V13.2 Todd Meikle and V14.1 Regina and Barry Stephenson are rejected.</p> <p>Amendments to District Plan</p>

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<p>Rule as the noise limits better provide for industrial activities. Retain Rule 3.13.2(A) as notified as part of the Variation.</p> <p>V18.3 Southern District Health Board Support Rule 3.13.2(A). The submitter considers that in the context of the proposed amended plan, the less stringent noise limit is more sustainable having regard to the protection afforded to any noise sensitive activities that might be nearby.</p> <p>Retain the Rule as notified as part of the Variation subject to any amendments to like effect arising from the consolidation, reordering or expansion of like provisions in this section or elsewhere in the plan, or consequential amendments to this proposed section as a result of decisions on other parts of the Plan.</p> <p>VFS2.5, VFS2.7 and VFS2.13 Blue River Dairy LP supports Submissions V5.1, V7.1 and V18.3 and retention of Rule 3.29.1 as notified in Variation 2.</p> <p>VFS3.1 Quenton Stephens and Regina Stephenson oppose Submission V5.1 and the increase in proposed night-time LA_{eq} from 40dB to 45dB. The submitter states that Niagara Sawmilling Company Ltd has already publicly notified that all operations at night will finish and that they will change to 7 days a week. On this ground, the further submitter considers that the Proposed District Plan will not affect the submitter.</p> <p>VFS4.1 Amy M Iversen opposes Submission V7.1. The further submitter considers that the submitter may cater to industrial activities, but does not consider any impact on residents and people having to live with the impacts of this business 24 hours a day. The further submitter considers that it is unreasonable to allow such a huge increase without any investigation into the impacts on the residents that surround them. The further submitter believes that an increase and no limitation on hours of work would be significant.</p> <p>V13.1 Todd Meikle Oppose Rule 3.13.2(A) Rural 1 and Rural 2 Zone and changes to the Rural 1 and Rural 2 Zone night time noise limits. The submitter would like to see these remain as they are at 40dB. The submitter lives close to his boundary and values the peace and quiet. The submitter considers that the increase in noise limits will have an impact on his family's health and wellbeing.</p> <p><u>Decision Sought:</u> Either retain the night time noise limit as 40dB; OR lower the night time noise limit.</p>	<p>None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The original submitters support the provisions of Variation 2 and seek no explicit change to them. 2. As set out on pages 11 and 12 of this Decision: <ol style="list-style-type: none"> (a) The rural areas of the Invercargill District comprise a working rural environment, which together with transport routes contributes to an amenity which is not pristine. As a consequence, it is appropriate to adopt a night time noise standard at the upper end of that recommended in NZS 6802. (b) The provisions in the Proposed Plan as modified by Variation 2 are more restrictive than those of the Operative Plan, and represents an appropriate balance between maintaining and enhancing amenity values enjoyed by the community and providing for economic activities. 3. The Rural 2 Zone has been deleted by Decision 35/20.

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>V14.1 Regina and Barry Stephenson Oppose Rule 3.13.2(A) Rural 1 Zone. The submitters are concerned about the night time noise limit being raised to 45dB. The submitter notes that the Rural 1 Zone is directly adjacent to an industrial activity and that on still, frosty nights the noise is amplified and even from 30 Rimu Road it sounds as if it is right outside the submitter's residence. The submitter is concerned that residents closer to the industrial activity would experience greater noise. The submitters are also concerned about disturbance of sleep.</p> <p>The submitters also oppose more Rural 1 Zone land at Kennington to be changed to Industrial 3 Zone, or changed from Rural.</p> <p><u>Decisions Sought:</u></p> <ul style="list-style-type: none"> (i) Retain the night time noise limit at 40dB in the Rural 1 Zone. (ii) No other Rural 1 Zoned land be zoned Industrial 3, or changed from Rural 1 in Kennington. <p>V13.2 Todd Meikle Oppose Rule 3.13.2(A) Industrial 1 and Industrial 1A Zone. The submitter opposes any change to the Industrial 1A and Industrial 1 Zone from 40dB to 50dB in these zones. The submitter considers that this change could affect his family's health and wellbeing</p> <p>VFS2.12 Blue River Dairy LP oppose Submissions V13.1 and V13.2 and supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.</p>	
<p>V1.1 Oil Companies Support in part / Oppose in part Rule 3.13.2 Industrial 1 and Industrial 1A Zone. The submitter considers the amendments to Rule 3.13.2 better reflects the operational expectation for industrial activities and more appropriately facilitates the operation of such activities on a 24/7 basis than the currently proposed provisions. However, the submitter notes that the limits in the Variation are lower than set out for the Enterprise Sub-Area in the Operative District Plan.</p> <p>The submitter considers that, given the limitation on sensitive activities within the Industrial 1 and 1A Zones, and the application of specific noise levels at residential sites, it is not necessary to apply such a low limit between sites having industrial</p>	<p>Decision 33/53 This submission is accepted in part.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. Variation 2 does increase the night time LAeq noise limit in the Industrial 1 and 1A zones from 40dBA to 50dBA. 2. Experience with the Enterprise Zone in the Operative District Plan has shown that in the Invercargill setting it becomes problematic to

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>zonings.</p> <p><u>Decisions Sought:</u></p> <p>(i) Increase the night time LAeq noise limit in the Industrial 1 and 1A zones from 40dBA to 50dBA; and</p> <p>(ii) Amend the change proposed to 3.13.2(A) by increasing the night time LAeq noise limit in the Industrial 1 and 1A zone from 50dBA to 65dBA.</p> <p>FS V1.2 Southern District Health Board supports Submission V1.1 and considers that night-time intra-zonal limit should be same as daytime i.e. 65dB LAeq and otherwise prevent night time ability to exercise zone purposes. It is an intra-zonal rule so does affect other zones.</p> <p>VFS2.1 Blue River Dairy LP support Submission V1.1 and retention of the changes to the Proposed District Plan as promoted by way of Variation 2 as originally notified.</p>	<p>achieve an appropriate noise level at the zone boundary when individual activities are able to generate noise of up to 65dB during both the day and the night at their property boundary.</p>
RULE 3.29.1	
<p>V1.2 Oil Companies</p> <p>Support in part Rule 3.29.1. The submitter considers that the proposed provisions relating to the hours of operation are not appropriate, including insofar as they fail to recognise that many light industries need to be operational on a 24/7 basis.</p> <p>The submitter notes that the definition of “Light Industry” includes a similar restriction and that that restriction should, as a consequence of the proposed change in Variation 2, also be deleted.</p> <p><u>Decisions Sought:</u></p> <p>(i) Accept the change proposed to Rule 3.29.1(A) by deleting the requirement that premises shall only operate between the hours of 7am and 10pm; and</p> <p>(ii) Make consequential change to the definition of “Light Industry” to delete the restriction on the hours of operation.</p> <p>V7.2 H W Richardson</p> <p>Support Rule 3.29.1. The submitter considers that it is appropriate that the hours of operation for permitted activities within the Industrial 1 (Light) Zone are not limited by the District Plan. The submitter considers that restricting the hours of operation of all activities is not effects based and has the potential to unduly restrict activities and introduce a requirement for resource consent for activities with effects that are</p>	<p>Decision 33/54</p> <p>These submissions are accepted.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> Variation 2 provides for the deletion of the rule applying to the hours of operation. Decision 32/17 deletes reference to the hours of operation in the definition of “Light Industry”.

APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p>potentially less than minor. Retain Rule 3.29.1 as notified as part of the Variation</p> <p>V18.4 Southern District Health Board Support Rule 3.29.1. The submitter considers that in the context of the proposed amended plan, deleting restricted time frame for application of noise limits is effects based consistent with the need to be sustainable, having regard to the protection afforded to any noise sensitive activities that might be nearby through proposed noise limits.</p> <p>Retain the Rule as notified as part of the Variation subject to any amendments to like effect arising from the consolidation, reordering or expansion of like provisions in this section or elsewhere in the plan, or consequential amendments to this proposed section as a result of decisions on other parts of the Plan.</p> <p>VFS2.7 Blue River Dairy LP support Submission V7.2 and retention of Rule 3.29.1 as notified in Variation 2.</p>	
<p>V15.1 Kylie Fowler Oppose Rule 3.29.1. The submitter opposes the removal of hours of work in the Industrial 1 and Industrial 1A Zones. The submitter notes that given the proximity of these zones to residential properties in Bluff and no enforcement in Bluff, it is unrealistic to expect the residents to trust in the businesses to maintain noise levels at the boundary. The submitter considers that businesses that wish to operate during the night need to conduct their business in the Seaport Zone or away from the community.</p>	<p>Decision 33/55 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> 1. The District Plan provisions set appropriate standards in relation to noise. Issues associated with enforcement action take place outside of the current process of considering submissions. 2. Control on the hours of operation was intended to protect nearby residential activities from effects such as noise and lightspill. As there are standards in place applying to those effects, the control on the hours of operation is not required.

SECTION 2 ISSUES, OBJECTIVES AND POLICIES

2.17 TRANSPORTATION

2.17.4 Methods of Implementation

Method 14 Share information with land owners and occupiers on the effects of existing transportation networks, such as noise and vibration.³

2.24 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

2.24.3 Policies

⁴Policy 5 Noise:

~~(C) — To acknowledge and accommodate the operational requirements of the airport, the State Highways and the railway.~~

Explanation: *The character of the zone is such that reasonable levels of daytime noise should be both permitted and tolerated. Night time noise should not be objectionable in nearby residential areas. ~~The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important that the operation of these essential utilities is not compromised by reverse sensitivity issues.~~*

⁵**Policy # Noise:** To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.

2.29 INDUSTRIAL 1 (LIGHT) ZONE

2.29.3 Policies

⁶**Policy # Noise:** To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is

³ Decision 33/10

⁴ Decision 33/5

⁵ Decision 33/5

⁶ Decision 33/5

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important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.

2.34 OTATARA ZONE

2.34.3 Policies

⁷**Policy 4 Noise:** To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the zone are subject to higher levels of noise generated by agricultural and transportation activities.

Explanation: “Peace and tranquillity” are important dimensions to the amenity of Otatara, as are the opportunities for rural activities such as agriculture. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. However, it is important to recognise the existence of rural activities within the Otatara Zone and ensure they are not compromised by reverse sensitivity issues involving noise.

~~The “peace and tranquillity” of Otatara is also affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.~~

⁸**Policy # Noise:** To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: “Peace and tranquillity” can be affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.

2.36 RESIDENTIAL 1 ZONE

2.36.3 Policies

⁹**Policy 9 Noise:** To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, ~~recognising that some parts of the Residential Zone are subject to higher levels of noise generated by transportation activities.~~

⁷ Decision 33/5

⁸ Decision 33/5

⁹ Decision 33/5

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Explanation: *The residential areas of the city have the lowest tolerance to noise of any of the city environments. “Peace and tranquillity” are important dimensions to residential amenity for most people. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. Noise is the most common issue in neighbourhood disputes in which the Council has to become involved.*

~~*Residential “peace and tranquillity” is affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.*~~

¹⁰Policy # Noise: To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: Residential “peace and tranquillity” can be affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.

2.40 RURAL 4 ZONE

¹¹Policy 98 Noise: To maintain ambient noise levels to protect health and amenity of noise sensitive activities, whilst allowing agricultural activities, and to recognise ~~recognising~~ that some parts of the zone are subject to higher levels of noise generated by ~~transportation activities and farm activities~~.

Explanation: Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural 4 Zone. However, it is important to recognise that the Rural 4 Zone is a working environment and rural activities such as agriculture, horticulture and forestry need to be provided for to ensure they are not compromised by reverse sensitivity issues involving noise.

~~*The “peace and tranquillity” of the Rural 1 Zone is also affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise.*~~

¹²Policy 10 Noise: To recognise that some parts of the Rural Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: “Peace and tranquillity” can be affected by major transportation infrastructure, in particular the railways, state highways and the airport. However, it is important that the functioning of this infrastructure is not

¹⁰ Decision 33/5

¹¹ Decision 33/5

¹² Decision 33/5

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.

SECTION THREE RULES¹³

3.13 NOISE

3.13.1 Noise Measurement and assessment¹⁴: Sound levels are to be measured in accordance with the provisions of NZS 6801 2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008: Acoustics Environmental Noise, except where expressly provided elsewhere in the Plan.

3.13.2 Noise Levels from Activities

(A) All activities are to be designed and operated so that the following noise limits are not exceeded:

	Day time 0700 - 2200		Night time 2200 - 0700	
¹⁵	L _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at or <u>any point</u> within the boundary of any other site within a zone:				
...
When measured at the <u>any point</u> within the notional boundary of any noise sensitive activity on a site within a zone:				
...
When measured at any <u>site point</u> not within Invercargill City:				
At or within the boundary of any site <u>On any site</u>	65dB	85dB	45dB	70dB
...

In applying this rule:

- (1) ~~For clarity, noise~~¹⁶ from any site shall comply with the relevant limits for all surrounding sites. Hence, at the boundaries of zones, measurements of noise emissions will be based on the zoning of the site affected by the noise, not of the site generating the noise.

¹³ Decision 33/2 corrects notations for noise levels

¹⁴ Decision 33/11

¹⁵ Decision 33/19 varies text in column

¹⁶ Decision 33/20

Note: Underline indicates additions, strikethrough indicates deletions.

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- (2) Noise generated in the Smelter Zone need not comply with the Rural Zone boundary noise limits set out in 3.13.2(A) above on any property within the Rural Zone, but shall comply with the notional boundary limits.¹⁷
- (23) Where there are buildings within one metre of a site boundary, compliance with the noise limits will be assessed one metre from the façade of those buildings.
- (34) Day time noise limits are intended to provide amenity for outdoor activities. Assessment of compliance at upper levels of multi-storey buildings shall therefore be confined to balconies intended for outdoor living.
- (45) Night time noise limits are intended to allow for sleep amenity. Assessment of compliance at upper levels of multi-storey buildings shall therefore include locations immediately outside bedrooms.
- (56) Where a fence or other noise control structure is erected on a site boundary, compliance assessment shall consider the effect of such structure.

3.13.3 Exemptions:

- (A) Within the Rural 1, ~~Rural 2,~~¹⁸ Airport Protection and Otatara Zones, any operational equipment which is mobile during its normal use and which is associated with primary production (e.g. tractors, harvesters and farm vehicles) is exempt from the noise limits detailed in Rule 3.13.2 above. This includes items such as motorbikes and chainsaws used as part of primary production activity but does not include recreational motorbike tracks or long term sawmilling. This exemption does not include fixed motors or equipment, forestry operations between 2200 and 0700 the following day, factory farming, bird scaring devices and frost fans.
- ¹⁹ (B) Within the Airport Protection, Industrial 3, Industrial 4, Otatara, Residential 3 and Rural Zones, noise from livestock kept as part of agriculture is exempt from the noise limits detailed in Rule 3.13.2 above.
- (BC) The noise limits detailed in Rule 3.13.2 above do not apply to noise from the following sources:
- (a) Shooting ranges
 - (b) Vehicles on a public road.
 - (c) Trains on land designated for railway purposes (including at railway yards, railway sidings or stations) and level crossing warning devices.²⁰

¹⁷ Decision 33/14

¹⁸ Consequential to Decision 35/20

¹⁹ Decision 33/22

²⁰ Decision 33/23

Note: Underline indicates additions, strikethrough indicates deletions.

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(d) Warning devices used by emergency services, as set out in Rule 3.13.14²¹

~~(d)~~(e) Any noise source specifically listed in Rules 3.13.4 – 3.13.16 below, ~~below as being assessed in accordance with another New Zealand Standard²²~~

²³**3.13.4** Construction noise is to comply with ~~NZS 6803:1999 Acoustics Construction Noise~~ the following noise limits:

Days and Times	Noise Limit
<u>Monday to Saturday 0730 – 1800</u>	<u>70dB L_{Aeq} and 85 L_{Amax}</u>
<u>All other times</u>	<u>45dB L_{Aeq} and 75dB L_{Amax}</u>

3.13.5 Noise from any helicopter landing pad is to comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Pads* ~~Areas~~.²⁴

3.13.6 Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.²⁵

3.13.67 Noise from wind farms is to comply with NZS6808:2010 *Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators*.

3.13.8 Shooting ranges

Shooting ranges, including but not restricted to those involving the use of rifles, shotguns and handguns, shall be a discretionary activity.²⁶

3.13.97 Business 1 Zone – Entertainment Precinct

(A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 1 Zone – Entertainment Precinct shall:

²⁷(a) Be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 *Recommended design sound levels and reverberation times for building interiors* based on an incident external noise level as follows:

	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1000	2000	4000
<u>Design incident sound pressure level at building façade (dB re 2 x 10⁻⁵ Pa)</u>	<u>71</u>	<u>61</u>	<u>54</u>	<u>48</u>	<u>45</u>	<u>44</u>	<u>44</u>

²¹ Decision 33/23

²² Decision 33/23

²³ Decision 33/24

²⁴ Decision 33/25

²⁵ Decision 33/38

²⁶ Decision 33/21

²⁷ Decision 33/27

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- (B) Prior to the operation of any noise sensitive activities on the site, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to the Council demonstrating that the above internal sound levels will be achieved.

3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone–

- (A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 2 Zones shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 Recommended design sound levels and reverberation times for building interiors.²⁸

3.13.118 Seaport 1 and 2 Zones²⁹

- (A) Long Term Noise Limit - The night-weighted sound exposure from activities undertaken in the Seaport 1 and 2 Zones shall not exceed:
- (a) An average sound level of 65dBA L_{dn} beyond the Inner Control Boundary calculated over five consecutive days.
 - (b) An average sound level of 68dBA L_{dn} beyond the Inner Control Boundary calculated over any continuous 24 hour period.
- (B) Short Term Noise Limits - Sound from activities undertaken shall not exceed the following noise limits at any point beyond the Inner Control Boundary:
- (a) 2200 to 0700 the following day 60dBA $L_{Aeq(9hr)}$ provided that:
 - (1) No single 15 minute sound measurement shall exceed 65dBA L_{Aeq} .
 - (2) No single sound measurement shall exceed 85dBA L_{Amax} .
 - (b) For the purpose of this rule:
 - (1) Sound will be measured using a representative 15 minute L_{Aeq} value when calculating the L_{dn} or nine hour L_{Aeq} values.
 - (2) Sound will be measured and assessed in accordance with the provisions of NZS6809:1999 Acoustics – Port Noise: Management and Land Use Planning.

²⁸ Decision 36/15 and Decision 36/45

²⁹ Consequence of Decisions 22/11 and 22/13

Note: Underline indicates additions, strikethrough indicates deletions.

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³⁰**3.13.129 Activities Near Transport Corridors:** Any noise sensitive activity located within:

- (A) Forty metres of the closest railway track.
- (B) Eighty metres of the seal edge of a State Highway and arterial road where the speed limit is more than 70 kph.

Is to be designed, sited and constructed to ensure that the following internal ~~noise~~ design levels are not exceeded:

- (a) 35dB $L_{Aeq(1\text{ hour})}$ ~~(one hour)~~ inside bedrooms or 40dB $L_{Aeq(1\text{ hour})}$ ~~(one hour)~~ inside teaching spaces and other habitable spaces.
- (b) For the purposes of compliance with these limits:
 - (i) Road traffic noise shall be calculated based on existing traffic flow.
 - (ii) Train noise shall from the closest rail track be deemed to be:
 - 70dB $L_{Aeq(1\text{ hour})}$ up to 12 metres
 - 67dB $L_{Aeq(1\text{ hour})}$ between 12 and 24 metres
 - 61dB $L_{Aeq(1\text{ hour})}$ between 24 and 40 metres

Note: Compliance with this rule must be achieved concurrently with any building code ventilation requirements.³¹

³²**3.13.13 Vibration in Rail Network Corridor**

Any new building exceeding two storeys, or additions in excess of 25m² to an existing building exceeding two storeys, used for a noise sensitive activity that is within 40 metres of the closest railway track shall be designed and constructed to ensure that the following levels of vibration from trains shall not be exceeded based on the procedures set out in the Norwegian Standard NZ 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.

<u>Receiving Environment (New relocated or altered)</u>	<u>Class C criterion: Maximum Weighted Velocity, Vw,95</u>
Noise Sensitive activities	0.3mm/s

³⁰ Decision 33/32

³¹ Decision 33/32

³² Decision 33/10

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3.13.1410 Temporary Military Training³³

~~(A) Other than for the use of firearms or explosives, noise levels as a result of temporary military training activities are not to exceed the noise levels set out in the noise standards above (Rule 3.13.2) for the surrounding zone(s).~~

~~(B) For the use of firearms or explosives, noise levels shall not exceed:~~

Time on any day	L₁₀ dB	L_{max} dB
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 0730 the following day	55	75

~~Provided the limits for impulsive noise arising from any use of explosives ammunition, or pyrotechnics at any time, shall not exceed a peak non-frequency weighted sound pressure level of 122dBC (peak).~~

(A) Weapons firing and/or the use of explosives

(a) Notice is provided to the Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.

(b) Weapons firing and the use of explosives is limited to the hours of 0700 to 1900 hours.

(c) The separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity shall be at least:

- (i) 1,500 metres for the live firing of weapons and single or multiple explosive events
- (ii) 750 metres for the firing of blank ammunition

(d) Sound levels at any point within the notional boundary to any building housing a noise sensitive activity shall not exceed a peak sound pressure level of 120dB L_{Cpeak}.

(B) Noise from Mobile Sources

Noise from mobile sources, including but not limited to personnel, light and heavy vehicles, self-propelled equipment and earthmoving equipment, shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" referring to noise from mobile sources.

(C) Noise from Fixed (Stationary) Sources

³³ Decision 29/6

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Noise from fixed (stationary) noise sources, other than provided for in 1 above, including but not limited to power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems shall not exceed the following when measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound:

- (a) at any point within the notional boundary of any building housing a noise sensitive activity;
- (b) at any point within, any land zoned Residential 1, 1A, 2 or 3 or Otatara.

<u>Time</u>	<u>Noise Level</u>
<u>0700 - 1900 hours</u>	<u>55dB L_{Aeq(15 mins)}</u>
<u>1900 - 2200 hours</u>	<u>55dB L_{Aeq(15 mins)}</u>
<u>2200 - 0700 hours the following day</u>	<u>40dB L_{Aeq(15 mins)}</u> <u>75dB L_{AFmax}</u>

(D) Helicopter Landing Areas

The operation of helicopter landing areas shall comply with the noise limited set out in NZ6807 Noise Management and Land Use Planning for Helicopter Landing Areas.

3.13.1514 Emergencies

- (A) Aircraft operations for defence purposes, civil defence, search and rescue, medical emergency or during any emergency landing of any aircraft, are exempt from all noise limits.
- (B) Sound from warning devices used by emergency services, including warning devices associated with emergency service training activities, are exempt from all noise limits.³⁴

3.13.1612 Temporary Activities/Events: Except where otherwise provided for, noise from temporary activities held outdoors in a public place is exempt from the above rules provided:

- (A) It meets a noise limit of 70dB L_{Aeq(1hr)} measured at the boundary of a site containing a dwelling; and
- (B) All activities creating a noise level greater than permitted for the zone in which activity is located, cease by 2200; and
- (C) There are no more than six events (days) on the site in any one calendar year provided no single event shall exceed three consecutive days on the site.³⁵

3.13.1713 Aircraft ~~Invercargill Airport Operations~~³⁶

- (A) Noise from aircraft operations, including take offs and landings, flight operations, routine engine testing or ground running, and the running of

³⁴ Decision 33/35

³⁵ Decision 33/37

³⁶ Decision 33/38

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auxiliary power units (being the subject of designations by Invercargill Airport Limited) are exempt from the noise limits detailed in Rule 3.13.2 above.

(B) ~~Notwithstanding Rule 3.13.2 above, the maximum levels of noise generated from aircraft operations are as follows:~~

(1) ~~Airnoise Boundary: 65Ldn dBA at or outside the Airnoise Boundary as detailed in the District Planning Maps. Noise will be measured in accordance with New Zealand Standard NZS6805:1992 Airport Noise Management and Land Use Planning.~~

(C) Acoustic insulation – Within those areas identified on the District Planning Maps as being within the Single Event Sound Exposure Boundary and/or the Outer Control Boundary:

(a) ~~New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity, which comply with the specification contained in Appendix VI Noise Sensitive Insulation Requirements, are a permitted activity.~~

(b) ~~New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activities which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements, are a non-complying activity~~

3.13.1814 Activity Status and Matters of Consideration

(A) Where an activity does not meet the relevant zone noise standards set out in Rules 3.13.1 - 3.13.1613 above, the activity is a discretionary activity.

(B) Applications under Rule 3.13.14(A) above shall address the following matters, which will be among those taken into account by the Council:

(a) The maximum level of noise likely to be generated, its nature, timing,³⁷ character and frequency and the disturbance this may cause to people in the vicinity.

(b) The nature of the zone within which the noise generating activity is located and the compatibility of the proposal with the expected environmental results for that zone.

(c) 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).

(d) Existing ambient sound ~~noise levels~~.³⁸

³⁷ Decision 33/39

³⁸ Decision 33/39

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- (e) The potential for cumulative noise effects to result in an adverse outcome for receivers of noise.
- (f) The proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant.
- (g) Any other standards, codes of practice or assessment methods based on robust acoustic principles.
- ³⁹(h) For consents under Rule 3.13.12,
 - (i) Any special topographical, building features or ground conditions which will mitigate vibration effects
 - (ii) The size, nature, and location for the building on the site.
- (i)⁴⁰ The nature of the environment, including any existing noise generating activities that may give rise to reverse sensitivity effects and methods proposed to address:
 - (i) The degree of noise attenuation achieved by the noise sensitive activity
 - (ii) The effects of reverse sensitivity on the operation of the transportation network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transportation network
 - (iii) The nature of the environment including the scale of noise generated by the transportation network
 - (iv) Details of consultation with operators of the transportation network and the response received.

SECTION FOUR DEFINITIONS

L_{Aeq}: Means the equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.⁴¹

L_{Amax}: Means the A-frequency-weighted maximum noise level. The highest noise level which occurs during a measurement period.⁴²

L_{dn}: Means the day/night noise level, which is a 24 hour L_{Aeq} with a 10dB penalty applied to the night-time (2200 – 0700 hours).⁴³

Notional Boundary: Means a line 20 metres from ~~the any~~ side of a ~~residence building~~ used for a noise sensitive activity or the legal boundary where the boundary is closer to the building than 20 metres.⁴⁴

³⁹ Decision 33/10

⁴⁰ Decision 33/40

⁴¹ Decision 33/41

⁴² Decision 33/41

⁴³ Decision 33/41

⁴⁴ Decision 33/43

Note: Underline indicates additions, strikethrough indicates deletions.

SECTION FIVE – APPENDICES

APPENDIX VI – NOISE SENSITIVE INSULATION REQUIREMENTS

All applications for new noise sensitive activities and additions to existing noise sensitive activities within the Single Event Sound Exposure Boundary (SESEB) or Outer Control Boundary (OCB) as shown on the District Planning Maps, shall be insulated from aircraft noise so that the internal noise environment shall not exceed:

OCB	All habitable Rooms	40dB L _{dn}
⁴⁵ SESEB	Bedrooms: 65dB <u>65dB</u> L _{AE} All Habitable Rooms (including bedrooms)	40dB <u>40dB</u> L _{dn}

The following guidelines for insulation have been developed to achieve the required internal noise environment:

TABLE 1: SOUND INSULATION REQUIREMENTS – ACCEPTABLE CONSTRUCTIONS – BEDROOMS INSIDE SESEB

BUILDING ELEMENT	MINIMUM CONSTRUCTION		
External Walls	Exterior Lining	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement	
	Insulation	75mm thermal insulation blanket/batts	
	Frame	Two layers of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)	
Windows/Glazed Doors	6mm glazing with effective compression seals or for double glazing 8mm-12mm airgap-6mm		
Pitched roof	Cladding	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement	
	Insulation	100mm thermal insulation blanket/batts	
	Ceiling	2 layers 9mm gypsum or plasterboard	
Skillion Roof		Skillion Roof Option 1	Skillion Roof Option 2
	Cladding	0.5mm profiled steel or 6mm fibre cement	0.5mm profiled steel or 6mm fibre cement
	Sarking	200mm particle board or plywood	None Required
	Insulation	100mm thermal insulation blanket/batts	100mm thermal insulation blanket/batts
	Ceiling	1 layer 9mm gypsum or plasterboard	2 layers 9mm gypsum or plasterboard
External Door	Solid Core door (min 24kg/m2) with weather seals		

⁴⁵ Decision 33/44

Note: Underline indicates additions, strikethrough indicates deletions.

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Note: The specified constructions in this table are the minimum required to meet the acoustic standards. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (e.g. fire, Building Code etc) would also need to be implemented.

TABLE 2: VENTILATION REQUIREMENT

All noise sensitive activity applications within the Outer Control Boundary (OCB) and Single Event Sound Exposure Boundary (SESEB) as shown on the District Planning maps

Room Type	Outdoor Air Ventilation Rate (Air Changes per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2ac/h	Min 5ac/hr
Other habitable areas	1-2 ac/hr	Min 15ac/hr

Noise from ventilation systems shall not exceed 35dB $L_{Aeq(1min)}$ on High Setting and 30dB $L_{Aeq(1min)}$ on Low Setting. Noise levels shall be measured at a distance of 1m to 2m from any diffuser.

Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.

Each system providing the low setting flow rates if to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18°C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of three equal heating stages.

If air conditioning is provided to any space then the high setting ventilation requirements for that space is not required.

Note: Underline indicates additions, strikethrough indicates deletions.

CHANGES TO ENTIRE PLAN

⁴⁶Replace:

- dBA with dB
- L_{eq} with L_{Aeq}
- L_{max} with L_{Amax}

PLANNING MAPS

Amend District Planning Map 9 by shifting the location of the Entertainment Precinct over 8-10 Dee Street. See Appendix 3.

⁴⁶ Decision 33/2

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Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 3 - MAP OF 10 DEE STREET, INVERCARGILL

Light blue dashed line indicates amendment to the boundary of the Entertainment Precinct. The Green dashed line indicates the boundary of the Entertainment Precinct as notified.

