



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 41

Variation 2

Noise

**14 March 2016, 9.00 am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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TABLE OF CONTENTS

	Page
1. Executive Summary	1
2. Introduction	2
2.1 Report Author	2
2.2 Peer Review	2
2.3 How to Read this Report.....	2
2.4 Interpretation.....	2
2.5 The Hearing Process	3
3. Background	5
3.1 Industrial 1 and Industrial 1`A Zones.....	5
3.2 Rural Zones	6
4. Statutory Context / Legislative Requirements	8
4.1 Resource Management Act 1991	8
4.1.1 Part 2 of the RMA	8
4.1.2 Functions of Territorial Authorities under the RMA	8
4.1.3 Consideration of alternatives, benefits and costs	9
4.2 Relevant Planning Policy Documents	9
4.2.1 New Zealand Coastal Policy Statement 2010	9
4.2.2 National Policy Statements	10
4.2.3 National Environmental Standards.....	10
4.2.4 Operative Regional Policy Statement.....	10
4.2.5 Proposed Regional Policy Statement.....	11
4.2.6 Regional Plans.....	12
4.2.7 Iwi Management Plans.....	12
4.2.8 Management Plans and Strategies Prepared under other Acts	13
5. Analysis of submissions	14
5.1 Industrial 1 and Industrial 1A Zones	14
5.1.1 Enforcement of provisions.....	15
5.2 Rural Zone Notional Boundary	15
6. Discussion of Section 32 matters	16
6.1 Relevant Section 32AA matters	16
7. Concluding comments	17
Appendix 1 - Recommendations in response to submissions	19
Appendix 2 - Recommended Changes to Proposed District Plan	41

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1. EXECUTIVE SUMMARY

This report addresses 26 submission points and 17 further submissions that were received in relation to Variation 2 on Noise. These submissions and further submissions are both in support and opposition to the amendments proposed.

The removal of hours of operation and the increase in night time noise limits for the Industrial 1 and Industrial 1A Zones sparked a mixed response. The support comes predominantly from submitters that carry out activities within the industrial zones. A number of submitters opposed the amendments on the grounds of potential effects on neighbouring residential activities. The development of the Industrial 1 and 1A Zones was to address the sensitive interface between residential and industrial zones that existed under the previous planning regime. While the Variation introduces provisions that are less stringent than the Proposed District Plan as originally notified, the noise provisions are significantly more stringent than under the Operative District Plan. The recommendations within this report is to adopt the Variation on the grounds that the provisions provide a balance between allowing a limited range of industrial activities to continue within the Industrial 1 and 1A Zones, whilst controlling the adverse effects of these activities on the neighbouring areas. The noise limits at the Residential Zone boundary are not amended.

Amendments to the Rural 1 and Rural 2 Zone policies were supported by submitters and recommendations are to accept these changes. The amendments to the night time notional boundary rule received submissions both in support and in opposition. The recommendations support the Variation. The changes are essentially retaining the same noise levels as the Operative District Plan and will enable activity during the night in these zones, whilst continuing to protect the health and wellbeing of those carrying out noise sensitive activities.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am a Senior Policy Planner, at the Invercargill City Council, a position I have held since January 2003. I have over 15 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Gareth Clarke. Gareth is a Senior Policy Planner at the Invercargill City Council, a position he commenced in 2015. Gareth has nearly eight years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom, including four years as a Policy Planner at the Invercargill City Council. These roles have focused on both developing and implementing District Plans and planning documents. Gareth holds the qualifications of BA in Geography.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- A brief general background to Variation 2 – Noise.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to Subdivision.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on Definitions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“FS” means further submitter in Appendix 2

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013
“Provisions” is a term used to collectively describe Objectives, Policies and Rules
“RMA” means the Resource Management Act 1991

2.5 The Hearing Process

A hearing is to be held to consider the submissions lodged on Variations 1 - 8 to the Proposed Invercargill City District Plan 2013. This report applies to the Variation 2 – Noise.

This report does not necessarily reflect the recommendations made by staff in response to submissions and further submissions on the Proposed District Plan notified in August 2013. Decisions on original submissions and further submissions have yet to be notified. It is anticipated that decisions on the Proposed District Plan, as notified, will be released at the same time as decisions on this Variation. All submissions and further submissions on these issues will be considered in the final drafting of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee has heard the submissions and further submissions lodged on the Proposed District Plan. They will also consider submissions and further submissions on the Variation. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- The hearing should be reconvened to allow responses to any report prepared, or
- Any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or in opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

This Variation covers two issues. One of the issues relates to noise in the Rural 1 and Rural 2 (Rural Transition) Zones and the other relates to noise in the Industrial 1 (Light) and 1A (Marine) Zones.

3.1 Industrial 1 and 1A Zones

One of the concerns with the Enterprise Sub-Area zoning in the Operative District Plan that was identified through the plan review process was that it allowed for a full range of activities with few amenity controls. District Plan provisions for the Enterprise Sub-Areas located within a residential context were the same as for Enterprise Sub-Areas located within or adjoining Business or Rural areas. Noise was one of the big issues arising at the Enterprise/Domicile Sub-Area interface. The Operative District Plan enabled noise up to 65dB L_{Aeq} for both day time and night time in the Enterprise Sub-Area. Although the Operative District Plan included noise standards that were meant to protect residential activities, the noise levels in the Enterprise Sub-Area were substantially higher than the Domicile Sub-Area, which resulted in a problematic interface with a number of otherwise permitted activities in the Enterprise Sub-Area activities breaching noise rules at the zone boundary, or the accumulation of otherwise complying industrial activities pushing the noise limits. Concerns were also raised about the incompatibility of industry within residential areas, with potential adverse effects arising from issues such as hazardous substances, heavy traffic movements, the scale of buildings and structures, outdoor storage, visual amenity effects on streetscapes, and lighting.

The Proposed District Plan introduced the Industrial 1 (Light) Zone to enable small scale, light industry to continue within the urban environment within a residential context in zoned areas. Through the industrial zoning, the Proposed District Plan aims to encourage light industry (which includes warehousing, storage, wholesaling and service activities) to group in specified areas, rather than having it disperse throughout the City, so as to avoid the nuisance that this type of activity can create.

Introducing controls over the scale and nature of activities in the industrial areas close to sensitive activities was one means of controlling effects such as noise. Other methods to control noise used in the Proposed District Plan were restricting hours of operation and setting some relatively stringent noise limits at night time.

A number of submissions on the Proposed District Plan sought to remove the hours of operation and to allow activities to be carried out within the Industrial 1 (Light) and 1A (Marine) Zones at night time on the grounds that these restrictions will unnecessarily restrict operations on their sites. The staff report prepared to address these submissions¹ included recommendations that the hours of operation be removed, recognising that some activities can be carried out during the night time hours with few adverse effects. Having regard to the issues raised in the submissions and the views expressed in the staff report, the Council considered it appropriate to revisit the approach adopted in the Proposed District Plan through this Variation.

This Variation process has been used to consult on a proposal to remove the hours of operation to enable activities to be carried out in these areas during the night time hours. The Variation proposes to amend night time noise standards to enable some

¹ Section 42A Report No.36 – Business and Industrial Zones, Hearing 8-9 June 2015, available for viewing on www.icc.govt.nz/public-documents/dp-review-process/

activity to continue in these whilst keeping some restrictions on the permitted noise levels.

This Variation allows for greater levels of noise at the *property* boundary of Industrial 1 (Light) zoned sites at night time than the Proposed District Plan as notified, but retains the requirement that noise at the Residential Zone boundary meets the 40dB L_{Aeq} limit. The night time noise limits for the Industrial 1 (Light) and 1A Zones, as originally notified, required a limit of 40dB L_{Aeq} at the property boundary. Not all properties in the Industrial 1 (Light) and 1A Zones share a boundary with a residential area. This relatively low noise limit may preclude activities from being carried out in the Industrial 1 (Light) and 1A Zone during the night time and as such would potentially contradict the change to hours of operation. This 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.

3.2 Rural Zones

The policies in the Rural 1 and Rural 2 Zones recognise that these are working environments with the potential for noise emissions from farming activities. It is also recognised that some parts of these zones are subject to higher levels of noise emitted from the functioning of the transportation networks. The policies, however, suggest that the expectations are that ambient noise levels during the day are to be low. Given that the noise provisions allow for up to 65dB L_{Aeq} in the daytime, these policies are misleading. The ambient noise levels anticipated around noise sensitive activities are low and in line with the NZ Standards for the “reasonable protection of health and amenity” associated with these land uses. However, this cannot be said for the entire rural area. This Variation seeks to review the policies for the Rural 1 and 2 Zones.

The second issue in the Rural 1 and 2 Zones relates to the night time noise expectations at the notional boundary. *NZS 6802:2008: Acoustics - Environmental Noise* promotes a night time noise limit of between 30dB L_{Aeq} and 45dB L_{Aeq} for the reasonable protection of health and amenity associated with the use of land for residential purposes. The night time noise limits for the Rural 1 and 2 Zones is 45dB L_{Aeq} . However, at the notional boundary of any noise sensitive activity, the rule, as notified, states the night time noise limit to be 40dB L_{Aeq} .

In the Operative District Plan, the night time noise limit was 45dBA in the Rural Sub-Area, with noise from the Industrial, Industrial A and Smelter Sub-Areas limited to 45dBA at the notional boundary. Essentially, the Proposed District Plan limits have reduced the noise limit by approximately 5dB L_{Aeq} at the notional boundary in the rural zones.

The rural environment is recognised as a working environment with areas being subject to noise from existing activities, such as the transportation networks. This Variation proposes changes to the night time noise limit at the notional boundary of a residence back to 45dB L_{Aeq} , as opposed to the lower limit of 40dB L_{Aeq} .

A number of submissions were received on the noise provisions in the Proposed District Plan as originally notified. Some of these submissions related to the Rural 1 and Rural 2 Zones noise provisions. For example, a submission was received from Quenton Stephens (submitter 59) seeking to retain the night time noise limits at 40dB L_{Aeq} which was supported by the Southern District Health Board in a further submission (FS30.21). Niagara Properties Ltd (submitter 94) submitted seeking the retention of the 45dB L_{Aeq} night time noise limit. A number of further submitters

opposed this submission point, although the further submissions did not necessarily relate to this particular relief sought. As the summary of submissions did not spell out the relief sought in detail, it was appropriate to consider such an amendment through the Variation process, rather than dealing with the issue through the previous Hearing and decision making process for noise issues.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In developing the Proposed District Plan, there are a number of statutory requirements guiding the process and outlining what must be considered. I have detailed below a general outline of the relevant statutory requirements and how these relate to this particular Variation.

4.1 Resource Management Act 1991

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA. This process is similar to the process involved in a Plan Change.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that after considering a plan the local authority may decline, approve, or approve with modifications, the plan, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, the Council must consider Part 2 of the Act (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles of the Act.

The purpose of the RMA is set out in Section 5. The matters addressed within this report fall within the purpose of the RMA. In particular, the provisions are designed to provide for the sustainable use of resources whilst avoiding, remedying and mitigating the adverse effects on the environment. This Variation is in accordance with Section 5(1) and 5(2) of the RMA.

Section 6 of the RMA sets out matters of national importance that must be recognised and provided for. None of these is especially relevant to the issue of noise.

The maintenance and enhancement of amenity values is a matter that the Council is to have particular regard to under Section 7(c) of the RMA. The provisions related to noise in the Proposed District Plan demonstrate particular regard to amenity values.

Section 8 of the RMA obliges persons exercising functions and powers under the Act to take account of the principles of the Treaty of Waitangi. Representatives of Te Ao Marama were consulted in the development of this Variation.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. To give effect to the RMA, Section 31 of that Act requires a territorial authority to have functions including s31(1)(a):

“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”

The control of the emission of noise and mitigation of the effects of noise is set out as one of the functions of a territorial authority in Section 31(1) (d).

The provisions in the Proposed District Plan relating to Noise include policies and methods intended to manage the actual or potential effects of activities on the environment.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council’s obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Variation, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan. A further Section 32 assessment of any changes recommended is included in section 6 of this report.

4.1.4 Other Noise provisions within the RMA

Section 16 of the RMA requires that noise be kept to a reasonable level by adopting the best practicable option. This duty applies to every person who occupies or carries out an activity within New Zealand’s territorial boundaries. Generally if a noise exceeds the standards set by the rules, it will be treated as unreasonable. However, if a person complies with a national environmental standard, rule or applicable resource consent condition, the duty in Section 16 is not necessarily met. The occupier may still need to do more if the noise is unreasonable and a practicable option is available to reduce it.

The RMA also includes provisions covering “excessive noise”. This noise is of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person (other than the person responsible for it). There are enforcement options under these provisions as well.

As such, noise can be enforced through the District Plan, through Section 16, or through the excessive noise provisions of the RMA.

4.2 Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement 2010

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement.

The New Zealand Coastal Policy Statement 2010 recognises that the 'sounds' of the sea are part of the experiential attributes of the natural character of the coastal environment (Policy 13(2)(h)). These 'sounds' are recognised within the Coastal Environment policies of the Proposed District Plan. Noise may affect the values of these 'sounds' and where a resource consent is required for a site within the Coastal Environment, then the Coastal Environment provisions will need to be considered as set out in Section 3.2 of the Proposed District Plan.

This Variation addresses noise in rural and light industrial areas. The Coastal Environment within the Invercargill City District includes some of these environments. Proposals in this Variation to increase the maximum noise limits will, therefore, affect parts of the coastal environment. The noise limits proposed in this Variation for the Rural 1, Industrial 1 (Light) and 1A Zones are less than, or similar to, the noise limits in the Operative District Plan and as such should not result in effects beyond on the status quo.

I consider that this Variation gives effect to the New Zealand Coastal Policy Statement 2010.

4.2.2 National Policy Statements

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements (NPS). There is no NPS that is particularly relevant to this Variation, although it is noted that the National Policy Statements do refer to the consideration of adverse effects on the environment in their policies; see for example Policy 7 of the National Policy Statement for Electricity Transmission 2008 which refers to minimising adverse effects on urban amenity.

4.2.3 National Environmental Standards

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard (NES). The changes subject to this Variation do not conflict with any NES.

4.2.4 Operative Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement (RPS).

There are no objectives and policies in the Southland Regional Policy Statement (1997) that are specifically relevant to the noise provisions. There are policies that refer to the built environment. Those that I believe are most relevant are set out below:

Objective 10.1

To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.

Objective 10.2

To maintain and enhance the environmental quality of the Regions built environment.

Policy 10.1

Encourage development and use of the built environment that provides for the efficient use of existing facilities and infrastructure while simultaneously avoiding the development of unnecessary additional infrastructure.

Policy 10.3

Encourage the use of corridors for network utilities where practicable, where this will result in mitigation of environmental effects.

Policy 10.7

Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

The Noise provisions give effect to the above objectives by seeking to manage the adverse effects on the environment. The Noise Rule seeks to maintain amenity values by providing standards that need to be met and, where they cannot be met, requiring resource consent to ensure adverse effects are considered and reduced, mitigated or avoided recognising the relationship between different components of the built environment. The Noise provisions also recognise the need for corridors for network utilities, in particular transportation corridors.

4.2.4 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. Decisions were released on the Proposed RPS on 6 June 2015. For the purposes of this report, the decisions on submissions to that policy statement form part of the considerations.

There are a number of provisions within the Proposed Policy Statement that are relevant to the noise provisions in the Rural Land/Soils, Urban, and Infrastructure/Transportation sections. The following policies are some of those that are relevant to the noise issues addressed in this Variation.

Rural Land/ Soils:

Issue RURAL.2

Subdivision, land use change and development in rural areas of Southland, while important to economic and social well-being, can adversely affect soil, water, amenity, tangata whenua cultural values, landscapes, the transportation network, and can give rise to reverse sensitivity issues.

Policy RURAL.1 – Social, economic and cultural wellbeing

Recognise that use and development of Southland's rural land resource enables people and communities to provide for their social, economic and cultural well-being.

Policy RURAL.2 – Land use change and land development activities

Manage subdivision, land use change and land development activities in rural areas of Southland, in a way that maintains or enhances rural amenity values and character.

Urban:

Objective URB.1

Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes.

Policy URB.1

The adverse effects of urban development on the environment should be avoided, remedied or mitigated.

Infrastructure

Objective INF.1

Southland's infrastructure – Southland's regional, national and critical infrastructure is secure, operates efficiently and is integrated with land use and the environment.

Policy INF.3 – Infrastructure protection

Protect regional, national and critical infrastructure from new incompatible land uses and activities under, over or adjacent to the infrastructure.

Issue TRAN.2

Transport corridors and related transport movements can give rise to adverse public health and environmental effects.

Objective TRAN.1 – Transport and land use

Development of transport infrastructure and land use take place in an integrated and planned manner which:

- (a) integrates transport planning with land use;*
- (b) protects the function, safety, efficiency and effectiveness of the transport system;*
- (c) minimises potential for reverse sensitivity issues to arise from changing land uses;*
- (d) provides for positive social, recreational, cultural and economic outcomes;*
- (e) minimises the potential for adverse public health and environmental effects.*

Policy TRAN.5 – Management of built environment

Avoid, remedy or mitigate the adverse effects of development on transport infrastructure.

It is my opinion that regard has been had to these provisions. The rural noise provisions recognise the existence of transportation networks. Adverse effects of noise on the different environments are the key focus of the provisions, with the intention of maintaining and enhancing the amenity values of the different zones.

4.2.6 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan.

The Regional Coastal Plan for Southland includes provisions on noise. These relate to the CMA and are mainly focused on the internal waters of Fiordland, which adjoins the Southland District. The Coastal Plan also refers to noise contours around what is known in the Proposed Plan to be the Seaport Zone. This Variation does not seek to amend the noise contours in this area. The provisions in the Proposed District Plan are not inconsistent with the Regional Coastal Plan.

4.2.7 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

Ngāi Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*.

Whilst there are no noise specific provisions within the Iwi Management Plan, the policies on subdivision and development focus on encouraging developers to strive to achieve positive community outcomes alongside economic gain. This Variation seeks to address the balance between protecting residential and noise sensitive activities from some of the effects of agricultural, commercial and industrial activities, working toward positive community outcomes alongside economic gain.

The issues and policies of the Iwi Management Plan have been had regard to in the development of this Variation.

4.2.8 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

There are various references to noise issues throughout the Council's spatial plan, *The Big Picture* (prepared under the Local Government Act). Of particular relevance to this Variation, the spatial plan recognises the relationships between the residential areas and neighbouring enterprises, and seeking the maintenance of what each group values about the areas. This Variation addresses some of the noise issues that are present at the interface of the different zones, which is one aspect of these relationships.

5. ANALYSIS OF SUBMISSIONS

This report addresses the 26 submission points and 17 further submissions that were received in relation to this Variation.

A number of submitters raised concerns related to the interface of the Industrial 1 (Light) Zone and the Residential 1 Zone. Many of these concerns relate to existing noise issues with submitters worried that the Variation will enable activities to generate more noise, which they believe will adversely affect their health and wellbeing, and the general amenities of their neighbourhoods. There are also submissions in support of changes to the Industrial 1 Zone noise limits and the hours of operation.

There is a mix of opinions about changes to the noise provisions at the Rural Notional boundary.

The submissions addressed in this report are summarised in table form, along with recommended responses and notes advising where issues have been addressed elsewhere, in **Appendix 1** of this report.

5.1 Industrial 1 and 1A Zones

There is a misconception by a number of the submitters that the Variation will increase the noise limits from those that are currently in force. As set out in Section 3 of this report, the Industrial 1 Zone was introduced into the Proposed District Plan as a means of enabling light industrial activities to be carried out but limiting the scale of their effects recognising that these areas are located in close proximity to residential neighbourhoods. In the Operative District Plan, which is what is currently enforced, these areas were identified as being in the Enterprise Sub-Area where the noise limits permitted up to 65dB both day and night. While the night time noise limits proposed by this Variation are higher than what was originally notified in the Proposed District Plan, they are significantly lower than the status quo. The 50dB L_{Aeq} night time limit in the Industrial 1 Zone is more compatible with a residential environment than the previous limit of 65dB.

Existing use rights will enable existing activities to continue where they can establish that their activity was lawfully established and carried out under previous planning regimes. However, owners and occupiers will still be subject to section 16 of the RMA to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

It should also be noted that the rules do not change the noise expectations at the boundaries of the residential zones. As such, theoretically this Variation will not affect the amenities of the residential areas. However, requiring the reduction of noise at night time the provisions will send a message to land owners in the Industrial 1 Zone that they have to consider noise management at night-time given the context of these areas. This differs from the Operative District Plan approach.

I do acknowledge that the Proposed District Plan, as notified, did promote an even lower night time noise expectation, and restricted any activities from operating during the night. Section 3 of this report details reasons for developing this Variation. I believe the reasons are robust and support the removal of the hours of operation. Not all sites in the Industrial 1 Zone adjoin a residential property and there are some light industrial activities that may be able to be carried out with minimal adverse effects on the neighbouring areas. Precluding all activities is difficult to justify and is not an

effects based approach. A preferable approach is to address the effects of these activities and enable certain activities to continue, subject to environmental standards, such as noise.

This Variation seeks to find a balance between enabling light industries to continue to operate 24 hours a day and protecting the residential communities that reside in the neighbouring areas. It is my opinion that the 40dB L_{Aeq} limit would have precluded many activities in the Light Industrial Zones from operating during the night time. Shifting the limit up to 50dB will enable night time activity, but will require the industrial operations to scale down their effects during the night time.

The night time noise limit set by this Variation is not out of line with other District Plans. While not all industrial areas throughout the country have the same amenity expectations, there are zones similar to the Industrial 1 Zone. Following are some examples from around the country. In Ashburton, the noise limits for their zone equivalent to our light industrial zone is 55dB L_{Aeq} . The Proposed Dunedin City District Plan proposes up to 60dB L_{Aeq} . In The Nelson Resource Management Plan, the noise limits for the Industrial zone at night time are 55dBA at the property boundary and 45dBA at the boundary of a Residential Zone boundary. In New Plymouth, the noise standards for the equivalent zone allows up to 60dBA on any day, at any time. In the Christchurch Plan the permitted night time noise levels for the equivalent zone is 48dBA L_{10} . I also note that the Proposed Southland District Plan, for example, has set its night time noise limit for the Industrial Zone at 55dB L_{Aeq} . (The Proposed Southland District Plan does not differentiate between heavy and light industrial areas.) It is my opinion that the 50dB L_{Aeq} limit is not unreasonable.

5.1.1 Enforcement of provisions

A number of submitters have raised concerns based on experience that they have had living in proximity to activities carried out within the Enterprise Sub-Area. A number of the issues relate to enforcement of the District Plan. This is not the forum for discussing site-specific complaints or operations. However, the Council has a policy to respond to noise complaints. Where an issue is identified, the Council will work with the relevant parties to address issues and enforcement action will be taken where necessary.

5.2 Rural Zone Notional Boundary

Submissions have been received both supporting and opposing the proposed change to the notional boundary. As stated in section 3 of this report, the Variation proposes returning the night time notional boundary requirements in the Rural Zones back to 45dB as set out in the Operative District Plan.

The intention of this Variation is to maintain the amenity values in the Rural Zones whilst not inhibiting other activities that may be legitimately carried out within these environments. Rural areas are not always tranquil, quiet places, but they can also be places of work.

This Variation will not adversely affect anyone carrying out a noise sensitive activity within the rural areas, but it will essentially maintain the status quo. The noise limit permitted at the notional boundary will meet the World Health Organisation recommendations in terms of protecting health and safety of those carrying out a residential activity.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report.

The first step of Section 32 requires that objectives be assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify 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)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

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.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Section 32AA Further Evaluation

No changes to the Variation are recommended. A further evaluation under Section 32AA is therefore not considered necessary.

7. CONCLUDING COMMENTS

This report includes discussion and recommendations on the eight submissions received on Variation 2 - Noise. The provisions promoted by my recommendations will not enable any noise beyond what is currently permitted under the Operative District Plan. The provisions are either significantly less or the same as the status quo, and seek to maintain and enhance amenity values for noise sensitive activities within the District whilst providing for economic activities within appropriate areas. It is recommended that the Variation be accepted and, as such, the Proposed District Plan be amended to reflect these provisions.

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APPENDIX 1: RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

SUBMITTER	SUBMISSION	RECOMMENDATION
GENERAL		
<p>2.1 Paul E Ellis</p>	<p>Oppose</p> <p>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>RELIEF SOUGHT</p> <p>Not stated</p> <p>FS 2.2 Blue River Dairy LP <i>Oppose submission 2.1</i> 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>Reject</p> <p>Under the Operative District Plan, the noise provisions for the Enterprise Sub-Area enabled up to 65dB L_{Aeq} for both night and day. The Proposed District Plan was drafted in recognition of issues at the interface between the Enterprise Sub-Area and the Domicile Sub-Area. The Industrial 1 (Light) Zone was introduced into the Proposed District Plan. In this Zone, the range of activities permitted has been restricted. The noise limits were reduced significantly and restrictions placed on hours of operation. As decisions have yet to be publicly notified, the provisions of the Proposed District Plan have not been given effect to.</p> <p>It is acknowledged that the Variation does increase the permitted noise limits and remove the hours of operation for activities within the Industrial 1 (Light) Zone from those provisions proposed in the Proposed District Plan. The night time noise limits in this Zone are however 15dB L_{Aeq} lower than the Operative District Plan.</p> <p>Some light industrial activities can be carried out with very few adverse environmental effects. Removing the hours of operation will enable these activities to continue to operate at night-time, with controls over the scale of effects in terms of noise emitted from the site.</p> <p>It should be noted that under both the Operative District Plan and the Proposed District Plan, activities carried out within the Enterprise Sub-Area and the Industrial 1 (Light) Zone should meet the residential noise limits at the Zone boundary. Theoretically, this should mean that those residing nearby should not be affected by adverse noise.</p> <p>The issues raised by the submitter relate to enforcement of the provisions. The Council is currently working with the relevant parties to resolve noise</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
		<p>issues in the submitter's neighbourhood.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>3.1 Jayson A Payne</p>	<p>Oppose</p> <p>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>RELIEF SOUGHT</p> <p>Businesses required to stay within their stipulated noise limits without adversely affecting the neighbouring residential areas</p> <p>FS 2.3 Blue River Dairy LP Oppose submission 3.1</p> <p>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>Reject</p> <p>See reasons set out in response to submission 2.1 above.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>4.1 Clair E Hikawai</p>	<p>Oppose</p> <p>The submitter is concerned about ongoing long term noise issues in their neighbourhood undermining residential property values, and peace and tranquillity.</p> <p>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>RELIEF SOUGHT</p> <p>More stringent noise control and dB limits for Industrial Zones that border residential zones.</p>	<p>Reject</p> <p>See reasons set out in response to submission 2.1 above.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>FS 2.4 Blue River Dairy LP <i>Oppose submission 41</i> 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>6.1 Mark T MacKenzie</p>	<p>Oppose</p> <p>The submitter is concerned about the effects of increasing the noise levels from 40dB to 50dB on adjoining residential areas.</p> <p>The submitter believes that there should be a buffer between residential areas and industrial areas.</p> <p>RELIEF SOUGHT</p> <p>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 seeks the retention of the hours of operation and not to increase the noise levels to 50dB_{LAeq}</p> <p>FS 2.6 Blue River Dairy LP <i>Oppose submission 6.1</i> 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>Reject</p> <p>As stated in response to submission 2.1 above, the Industrial 1 (Light) Zone was developed to act as a buffer between residential and heavy industrial activities. It is acknowledged that industries can affect the amenities of neighbouring residential areas and the Enterprise Sub-Area in the Operative District Plan had very few environmental standards and enabled significant structures and a wide range of activities to occur adjacent to residential areas. The Industrial 1 (Light) Zone seeks to reduce the scale of effects whilst enabling the industrial properties to continue to be utilised. The heavier industrial activities are encouraged to locate in the other industrial zones, which are separated from residential areas. The Industrial 2, Industrial 3 and Industrial 4 Zones provide for larger buildings, more noise and a different range of activity types.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
<p>9.2 New Zealand Defence Force</p>	<p>Oppose in part</p> <p>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.</p> <p>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.</p> <p>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 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>RELIEF SOUGHT</p> <p>Include a new provision in 3.13 Noise to address noise from Temporary Military Training Activities as follows:</p> <p>Rule x.x: Temporary Military Training Activities are permitted activities, provided they comply with the noise standards specified in Table x below.</p> <p>Table x</p>	<p>Noted</p> <p>This submission is not directly relevant to the Variation. The Variation introduces proposed changes to Rule 3.13.2 and Rule 3.29.1. The submission relates to 3.13.10.</p> <p>The matters raised in the submission were addressed in a previous District Plan Hearing held in April 2015. The submitter sought the same relief in this submission as they had previously sought in the submission dealt with in April 2015. The details of the further submission differ slightly from the detail in the further submitter's original further submission discussed in 2015.</p> <p>A decision on those earlier submissions has not yet been released.</p>

SUBMITTER	SUBMISSION				RECOMMENDATION
	Noise Controls				
	Type of military noise source	Standards			
	1. Weapons firing and/or the use of explosives	1. 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.			
		2. Compliance with the noise standards below:			
			Time (Monday to Sunday)	Separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity	
		i. Live firing of weapons and single or multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with
			1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with
		ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
			1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) below are complied with
		Conditions to be complied with if minimum separation distances for sources 1(i) and 1(ii) cannot be met:			
		Condition	Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity	
		(a)	0700-1900hrs	Peak sound pressure level of 120 dBC	

SUBMITTER	SUBMISSION			RECOMMENDATION
	(b)	1900-0700hrs	Peak sound pressure level of 90 dBC	
	(c)	<p>The activity is undertaken in accordance with a Noise Management Plan prepared by a suitably qualified expert and provided to Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> • A description of the site and activity including times, dates, and nature and location of the proposed training activities. • Methods to minimise the noise disturbance at noise sensitive receiver sites such as selection of location, orientation, timing of noisy activities to limit noise received at sensitive receiver sites. • A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations. • A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event. • A method for following up any complaints received during or after the event, and any proposed de-briefing meetings with Council. 		
	2. Mobile noise sources, excluding sources 1(i) and 1(ii)	Compliance with the noise limits set out in Tables 2 and 3 of <i>NZS6803:1999 Acoustics – Construction Noise</i> , with reference to 'construction noise' taken to refer to other, mobile noise sources*		
	Note: mobile noise sources (other than firing of weapons) include sources such as personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment			
	3. Fixed (stationary) noise sources, excluding sources 1(i) and	Time (Monday to Sunday)	Noise level at the notional boundary to any building housing a noise sensitive activity *	
		0700 to 1900 hours	55 dB L _{Aeq} (15 min)	
		1900 to 2200 hours	50 dB L _{Aeq} (15 min)	n.a.

SUBMITTER	SUBMISSION				RECOMMENDATION
	1(ii)	2200 to 0700 hours the next day	45 dB L _{Aeq} (15 min)	75 dB L _{AFmax}	
	<p>Note: fixed (stationary) noise sources (other than firing of weapons and explosives) include noise sources such as power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.</p>				
	4. Helicopter landing areas	Compliance with noise limits set out in <i>NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*</i>			
	<p>* Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound</p>				
	<p>FS1.1 Southern District Health Board Support in part submission 9.2</p>				
	<p>The further submitter supports the gist of the proposal except for some wording that they consider needs to align with what the Southern District Health Board seeks in its own submissions. These changes are:</p>				
	<ul style="list-style-type: none"> - In the table, second column, 5th row, the words “the notional boundary to” should be amended to “at any point within the notional boundary of”... - And in the 11th row (4th row on the summary of submissions, page 8) the words “at the notional boundary to” should be amended to “at any point within the notional boundary of”... - And, in the same row the words “noise level” be amended to “noise limit” for consistency with the terminology used in the standard cited and words used elsewhere in the Submitters table. - And, in the row item 3 “Fixed stationary sources...” the words “noise level” be amended to “noise limit” for consistency with the terminology used in the standard cited and words used elsewhere in the Submitters table. - And, in the asterisk note the words “noise level” be amended to “sound levels” for consistency with the terminology used in the standard cited. 				

SUBMITTER	SUBMISSION	RECOMMENDATION
<p>16.1 Quenton Stephens</p>	<p>Oppose</p> <p>The submitter opposes the Variation</p> <p>RELIEF SOUGHT</p> <p>Retain the noise provisions as notified as part of the Proposed District Plan process</p>	<p>Reject</p> <p>The reasons for Variation 2 - Noise are robust. The suggested changes will not adversely affect any noise sensitive activity beyond those activities lawfully established under the Operative District Plan. In reality, some of the provisions promoted by Variation 2 are more restrictive than the Operative District Plan. The Variation is more enabling for a range of different activities in the District than the proposed District Plan as notified. I believe that this Variation finds a balance between maintaining and enhancing amenity values enjoyed by the community and providing for economic activities.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>17.1 G C and H V McLellan</p>	<p>Oppose</p> <p>The submitter objects to the increase in noise level.</p> <p>RELIEF SOUGHT</p> <p>Not stated</p>	<p>Reject</p> <p>See response to submission 16.1 above.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>SECTION TWO – ISSUES, OBJECTIVES AND POLICIES</p>		
<p>2.40.3 Policy 8 Noise and 2.41.3 Policy 7 Noise</p>		
<p>9.1 New Zealand Defence Force</p>	<p>Support 2.40.3 Policy 8 Noise and 2.41.3 Policy 7 Noise</p> <p>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</p>	<p>Accept</p> <p>It is considered that the amended wording of the Policies better reflects the expectations in relation to noise within the rural environments.</p> <p>RECOMMENDATION:</p> <p>It is recommended that 2.40.3 Policy 8 Noise and 2.41.3 Policy 7 Noise be retained as notified as part of the Variation.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>greater direction when assessing the potential amenity effects on sensitive receivers from activities, and is less prescriptive than the previous wording.</p> <p>RELIEF SOUGHT:</p> <p>Retain 2.40.3 Policy 8 Noise as notified as part of the Variation</p> <p>AND</p> <p>Retain 2.41.3 Policy 7 Noise as notified as part of the Variation</p>	
2.40.3 Policy 8 Noise		
<p>5.2 Niagara Sawmilling Company Ltd</p>	<p>Support 2.40.3 Policy 8 Noise</p> <p>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.</p> <p>RELIEF SOUGHT:</p> <p>Retain 3.13.2(A) as notified as part of the Variation</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>It is recommended that 2.40.3 Policy 8 Noise is retained as notified as part of the Variation.</p>
<p>18.1 Southern District Health Board</p>	<p>Support 2.40.3 Policy 8 Noise</p> <p>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>RELIEF SOUGHT:</p> <p>Retain 2.40.3 Policy 8 Noise as notified as part of the Variation</p> <p>AND</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>It is recommended that 2.40.3 Policy 8 Noise is retained as notified as part of the Variation.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	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.	
2.41.3 Policy 7 Noise		
18.1 Southern District Health Board	<p>Support 2.41.3 Policy 7 Noise</p> <p>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>RELIEF SOUGHT:</p> <p>Retain 2.41.3 Policy 7 Noise as notified as part of the Variation</p> <p>AND</p> <p>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>Accept</p> <p>RECOMMENDATION:</p> <p>It is recommended that 2.41.3 Policy 7 Noise is retained as notified as part of the Variation.</p>
SECTION THREE – RULES		
GENERAL		
8.1 Hector McKinnel	<p>Oppose hours of operation and night time noise limits for Industrial 1 Zone</p> <p>The submitter refers to historical noise issues with Blue River Dairy Company.</p> <p>The submitter 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</p>	<p>Reject</p> <p><i>See discussion in Section 5 of this Report and in response to submission 2.1 above.</i></p> <p>Section 3 of this report sets out the background as to the development of the Industrial 1 Zone. This Zone was created in recognition of the issues at the interface between residential and industrial areas. Under the Operative District Plan, these areas were zoned Enterprise Sub-Area and the environmental standards in these parts of the District were the same as industrial areas some distance from residential areas. There were very few</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>has little faith in activities meeting these limits.</p> <p>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.</p> <p>The submitter questions why the noise limits in the Industrial 1 Zone is higher than the noise limits in the Rural Zones.</p> <p>The submitter raises property valuation concerns.</p> <p>RELIEF SOUGHT:</p> <p>Not stated</p> <p>FS 2.18 Blue River Dairy LP <i>Oppose submission 8.1</i></p> <p>The further submitter supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.</p>	<p>restrictions on the scale of effects generated. In terms of noise, the Enterprise Sub-Area enabled up to 65dB during the day and the night time. The Industrial 1 Zone introduces more stringent restrictions on night time noise.</p> <p>The noise limits at the residential zone boundaries are not being altered by this Variation. Theoretically, this means that residential amenity will not be affected. The changes proposed are to the noise limits that activities will be required to meet at their property boundary. Not all sites within the Industrial 1 Zone are directly adjacent to a residentially zoned property. Requiring activities in the Industrial 1 Zone to meet 40dB at their property boundary would mean that the night time noise limits in the Industrial 1 Zone are the same as in the Residential Zones. This may preclude any activity from occurring in the night time in the Industrial 1 Zone. Enabling an additional 10dB L_{Aeq} will provide for some activity to occur at night, but with less adverse effects on neighbouring properties.</p> <p>50dB is not out of line with other District Plan provisions for light industrial areas.</p> <p>The Council is aware of the submitter's concerns about noise issues related to operations at the Blue River Dairy site. Enforcement action has been taken and the parties are in the process of addressing the matter. This is an ongoing process.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>11.1 Barry R Munro</p>	<p>Oppose hours of operation and night time noise limits for Industrial 1 Zone</p> <p>The submitter opposes an increase from 40dB to 50dB because this is a 10x logarithmic increase.</p> <p>The submitter opposes the removal of hours of operation allowing 24 hours operation.</p>	<p>Reject</p> <p><i>See discussion in Section 5 of this report and recommendation in response to submissions 2.1 and 8.1 above.</i></p> <p>I acknowledge that this Variation will increase the permitted noise in the Industrial 1 Zone by 10dB. However, I note that the recommended night time noise limit is 15dB less than the Operative District Plan.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>RELIEF SOUGHT:</p> <p>Retain noise levels at 40dB in the Industrial 1 Zone.</p> <p>To retain the ability to restrict hours of operation.</p> <p>FS 2.10 Blue River Dairy LP Oppose submission 11.1</p> <p>The further submitter supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.</p>	<p>Activities within the Industrial 1 Zone will need to meet the residential standards at the zone boundary.</p> <p>The recommendations will enable some activity to occur in the industrial areas at night time whilst retaining controls over the scale of effects of these activities.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>12.1 Amy M Iverson</p>	<p>Oppose hours of operation and night time noise limits for Industrial 1 Zone</p> <p>The submitter 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>Reject</p> <p><i>See discussion in Section 5 of this report and recommendation in response to submissions 2.1 and 8.1 above.</i></p> <p>Some activities associated with activities on the site should be allowed to continue. These activities would need to meet the noise limit within the Zone and the noise limits at the residential boundaries.</p> <p>The Plan cannot regulate vehicles using the road. Once the activity is on private property then the Council may be able to enforce noise rules.</p> <p>The definition of Hours of Operation in the Proposed District Plan did not restrict deliveries, or the time when only maintenance, housekeeping/cleaning or security staff may be in the building. As such, the delivery of vehicles would not necessarily have been restricted during the night time. It is noted that the duty to avoid unreasonable noise is still applicable despite the noise standards.</p> <p>The Proposed District Plan also includes rules regulating the amount of lightspill permitted in the different zones. Where lightspill is an issue, the Council has the ability to take enforcement action or work with land owners to avoid any nuisance.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>RELIEF SOUGHT:</p> <p>Retain the status quo in relation to hours of operation and the noise limits for the Industrial 1 Zone.</p> <p>FS 2.11 Blue River Dairy LP Oppose submission 12.1</p> <p>The further submitter supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.</p>	<p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>
<p>10.1 L O’Callaghan</p>	<p>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</p> <p>The submitter 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.</p> <p>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>RELIEF SOUGHT:</p> <p>Not stated</p> <p>FS 2.9 Blue River Dairy LP Oppose submission 10.1</p>	<p>Reject</p> <p><i>See section 5 of this report and recommendations in response to submissions 2.1 and 8.1 above.</i></p> <p>The provisions promoted by this Variation do not increase the noise limits above what is permitted under the Operative District Plan.</p> <p>RECOMMENDATION:</p> <p>Retain the provisions as notified in Variation 2 – Noise.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	The further submitter supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.	
RULE 3.13.2		
7.1 H W Richardson	<p>Support Rule 3.13.2(A)</p> <p>The submitter supports the proposed noise limits within this Rule as the noise limits better provide for industrial activities.</p> <p>RELIEF SOUGHT:</p> <p>Retain Rule 3.13.2(A) as notified as part of the Variation</p> <p>FS 2.7 Blue River Dairy LP <i>Support submission 7.1 and 7.2</i></p> <p>The further submitter supports retention of Rule 3.29.1 as notified in Variation 2.</p> <p>FS 4.1 Amy M Iversen <i>Oppose submission 7.1</i></p> <p>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>Accept</p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.13.2(A) as notified in Variation 2.</p>
18.3 Southern District Health Board	<p>Support Rule 3.13.2(A)</p> <p>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>Accept</p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.13.2(A) as notified in Variation 2.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>RELIEF SOUGHT:</p> <p>Retain Rule 3.13.2(A) as notified as part of the Variation</p> <p>AND</p> <p>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>FS 2.13 Blue River Dairy LP Support submission 18.3 The further submitter agrees in terms of the less stringent noise limit being more sustainable having regard to the protection afforded by any noise sensitive activities that might be nearby.</p>	
<p>5.1 Niagara Sawmilling Company Ltd</p>	<p>Support Rule 3.13.2(A) Rural 1 Zone</p> <p>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.</p> <p>RELIEF SOUGHT:</p> <p>Retain 3.13.2(A) as notified as part of the Variation</p> <p>FS 2.5 Blue River Dairy LP Support submission 5.1 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>FS3.1 Quenton Stephens and Regina Stephenson Oppose submission 5.1 The further submitter opposes the increase in proposed night-time LA_{eq} from 40dB to 45dB. The submitter states that Niagara Sawmilling</p>	<p>Accept</p> <p>This rule applies to all Rural 1 Zone areas and will allow a range of agricultural activities to be carried out within the Rural Zones without compromising the health and wellbeing of those carrying out noise sensitive activities.</p> <p>The Variation essentially retains the noise limits at the notional boundary from the Operative District Plan and should not result in an increase in noise.</p> <p>The New Zealand Standard NZS6802:2008: <i>Acoustics – Environmental Noise</i> recommends noise up to 45dB L_{Aeq} is reasonable for the protection of health and amenity associated with the use of land for residential purposes. The 20m buffer provided for by the notional boundary around noise sensitive activities should result in even lower levels of noise at the sensitive site. As a result, the noise levels enjoyed by the noise sensitive activity will be lower than 45dB L_{Aeq} and provide for some “peace and tranquillity”.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>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>Activities being carried out in an adjoining Zone are required to meet the Rural Zone noise limits at the zone boundary. This Variation will not enable more noise to be generated from activities outside the Rural Zones than what is currently permitted under the Operative District Plan.</p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.13.2(A) as notified in Variation 2.</p>
<p>13.1 Todd Meikle</p>	<p>Oppose Rule 3.13.2(A) Rural 1 and Rural 2 Zone</p> <p>The submitter opposes changes to the Rural 1 and Rural 2 Zone night time noise limits.</p> <p>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>RELIEF SOUGHT:</p> <p>Retain the night time noise limit as 40dB;</p> <p>OR</p> <p>Lower the night time noise limit.</p> <p>FS 2.12 Blue River Dairy LP Oppose submission 13.1 and 13.2 The further submitter supports retention of the changes to the Proposed District Plan promoted by way of Variation 2 as originally notified.</p>	<p>Reject</p> <p><i>See recommendation in response to submission 5.1 above.</i></p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.13.2(A) as notified in Variation 2.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
<p>14.1 Regina and Barry Stephenson</p>	<p>Oppose Rule 3.13.2(A) Rural 1 Zone</p> <p>The submitter is 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 submitter is concerned about disturbance of sleep.</p> <p>The submitter further requests that no other Rural 1 Zoned land be zoned Industrial 3, or changed from Rural 1 in Kennington.</p> <p>RELIEF SOUGHT:</p> <p>Retain the night time noise limit at 40dB in the Rural 1 Zone.</p> <p>AND</p> <p>Oppose more Rural 1 Zone land at Kennington to be changed to Industrial 3 Zone, or changed from Rural.</p>	<p>Reject</p> <p><i>See recommendation in response to submission 5.1 above.</i></p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.13.2(A) as notified in Variation 2.</p>
<p>1.1 Oil Companies</p>	<p>Support in part / Oppose in part Rule 3.13.2 Industrial 1 and Industrial 1A Zone</p> <p>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 zonings.</p>	<p>Accept in part</p> <p>The intention of the Industrial 1 Zone is to enable a range of industrial activities to occur in zoned areas close to residential areas. While theoretically activities within these areas should meet the residential noise limits at the zone boundary, history has shown that this interface is problematic and noise has been an issue. By including noise limits that are lower during the night than the day, the Proposed District Plan is ensuring that owners and occupiers of these sites are aware of the sensitivities of the surrounding areas and the importance of limiting their environmental effects. Activities that need to emit up to 65dB during both the day and the night should consider locating in one of the other three Industrial Zones provided for in the Proposed District Plan that have greater separation from noise sensitive activities.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>RELIEF SOUGHT:</p> <p>Increase the night time LAeq noise limit in the Industrial 1 and 1A zones from 40dBA to 50dBA</p> <p>AND</p> <p>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 1.2 Southern District Health Board Support submission 1.1 The further submitter considers that night-time intra-zonal limit should be same as daytime i.e. 65 dB LAeq and otherwise prevent night time ability to exercise zone purposes. It is an intra-zonal rule so does affect other zones.</p> <p>FS 2.1 Blue River Dairy LP Support submission 1.1 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>RECOMMENDATION</p> <p>It is recommended that Rule 3.13.2 be retained as notified as part of the Variation.</p>
<p>13.2 Todd Meikle</p>	<p>Oppose Rule 3.13.2(A) Industrial 1 and Industrial 1A Zone</p> <p>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>RELIEF SOUGHT:</p> <p>Not stated</p> <p>FS 2.12 Blue River Dairy LP Oppose submission 13.1 and 13.2 The further submitter supports retention of the changes to the</p>	<p>Reject</p> <p>The noise provisions continue to meet the recommendations of the World Health Organisation in terms of protecting the community's health and wellbeing. As stated in section 5 of this report and in response to submissions above, activities in the Industrial 1 Zone will be required to meet the Residential Zone noise limits.</p> <p>RECOMMENDATION</p> <p>It is recommended that Rule 3.13.2 be retained as notified as part of the Variation.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	Proposed District Plan promoted by way of Variation 2 as originally notified.	
RULE 3.29.1		
1.2 Oil Companies	<p>Support in part Rule 3.29.1</p> <p>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>RELIEF SOUGHT:</p> <p>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</p> <p>AND</p> <p>Make consequential change to the definition of “Light Industry” to delete the restriction on the hours of operation.</p>	<p>Accept</p> <p>It is acknowledged that there are a number of activities that may be able to be carried out at night within the Industrial 1 Zone that may not have adverse effects on the neighbouring areas.</p> <p>Changes to the definition of ‘light industry’ were recommended in response to submissions in the section 42A Report No. 32 – Definitions.</p> <p>RECOMMENDATION:</p> <p>That the provisions be retained as notified as part of Variation 2</p>
7.2 H W Richardson	<p>Support Rule 3.29.1</p> <p>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 potentially less than minor.</p>	<p>Accept</p> <p><i>See discussion in Section 5 of this report and recommendation in response to submissions above, particularly 1.2.</i></p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.29.1 as notified in Variation 2.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>RELIEF SOUGHT:</p> <p>Retain Rule 3.29.1 as notified as part of the Variation</p> <p>FS 2.7 Blue River Dairy LP Support submission 7.1 and 7.2 The further submitter supports retention of Rule 3.29.1 as notified in Variation 2.</p>	
<p>15.1 Kylie Fowler</p>	<p>Oppose Rule 3.29.1</p> <p>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>RELIEF SOUGHT:</p> <p>Not stated</p>	<p>Reject</p> <p>See discussion in section 5 of this report and recommendations in response to submissions above.</p> <p>There are industrial zones in Bluff that are appropriate for industrial activities that generate effects greater than those permitted in the Industrial 1 (Light) and Industrial 1A (Marine) Zones. The noise provisions promoted by this Variation seek to enable a range of activities to continue to operate within the light industrial zones with restrictions on the scale of effects to maintain and enhance the amenity values of those residing in neighbouring residential areas.</p> <p>The Council enforces the District Plan and the RMA in Bluff to the same extent as the remainder of the District.</p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.29.1 as notified in Variation 2.</p>
<p>18.4 Southern District Health Board</p>	<p>Support Rule 3.29.1</p> <p>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</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.29.1 as notified in Variation 2.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
	<p>nearby through proposed noise limits.</p> <p>RELIEF SOUGHT:</p> <p>Retain Rule 3.13.2(A) as notified as part of the Variation</p> <p>AND</p> <p>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>	

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APPENDIX 2 - RECOMMENDED CHANGES TO THE VARIATION

(Underline indicates recommended additions, strikethrough indicates recommended deletions to the provisions notified in the Variation.)

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.40 Rural 1 Zone

2.40.3 Policies

Policy 8 Noise: No change.

Explanation: No change.

2.41 Rural 2 (Rural Transition) Zone

2.41.3 Policies

Policy 7 Noise: No change.

Explanation: No change.

SECTION THREE - RULES

3.13 Noise

3.13.2 Noise Levels from Activities

(A) No change.

3.29 Industrial 1 (Light) and Industrial 1A (Marine) Zones

3.29.1 Permitted Activities: No change.