

Before the Hearings Panel

At Central Hawke's Bay District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Central Hawke's Bay District Plan

Between **Various**

Submitters

And **Central Hawke's Bay District Council**

Respondent

Council Reply on 'Noise and Signs' Topic – Hearing Stream 2 – Stella Ann Luoni Morgan

On behalf of Central Hawke's Bay District Council

Date: 6 May 2022

Introduction

1. My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited.
2. I have read the evidence and statement provided by submitters, and the legal submissions relevant to the Section 42 Report on 'Noise and Signs' topic.
3. I have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of matters raised through Hearing Stream 2, which was heard between Wednesday 30 March 2022.
4. Specifically, this reply statement addresses matters raised in the Section 42A Report -Noise and Signs, and in the evidence and statements tabled by submitters during the hearing.
5. I am authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

6. My qualifications and experience are as set out in Section 1.1 of the Noise and Signs Section 42A Report.
7. I can confirm that I am continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

8. Section 42A report authors have been asked to submit a written reply within 10 working days of the adjournment of the hearing.
9. The main topics addressed in this reply include:

Noise

- General Matters of Clarification requested by the Hearings Panel
 - i. Napier and Hastings Noise Rules
 - ii. Mapping of 100 m setback on State Highway / Rail Corridor and noise modelling for State Highway
 - iii. District Plan Review and Integrated Spatial Plan stakeholder engagement processes.
- Proposed rewording of Objective NOISE-O1
- Standard NOISE-S5(21) Waipukurau Aerodrome (relating to annual aircraft movements Aircraft movement 6,500 to 10,000)

Signs

- No further matters addressed.

10. The Hearings Panel have also requested the following matters to be reported back on separately by the 27th May 2022.
 - Expert Conferencing to take place with respect to Standard NOISE-S3.
 - Clarification from Kāinga Ora in relation to scope of evidence on a range of matters presented at the hearing by Acoustic Consultant to Kāinga Ora' Mr Styles, and reporting planner's response to matters that are determined to be in scope.

11. If I have not addressed a matter in this Reply that was raised by a submitter throughout the hearings process, I have no further reply to add to what I have set out in the Section 42A Report or evidence given at the Hearing.
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12. Appendix 1 of this reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Proposed District Plan Hearings Portal on the Council website.
13. Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the respective Section 42A Report.
14. Appendix 3 contains an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in the table in Appendix B of the respective Section 42A Report.
15. Appendix 4 includes additional information in response to general matters of clarification sought by the Panel including:
 - Excerpts from the Hastings District Plan and City of Napier District Plan
 - Maps of Central Hawke's Bay showing indicative 100 m setback for the State Highway and Rail networks (measured from the centre line)
 - Email from Waka Kotahi dated 14 April 2022
16. Appendix 5 contains a copy of Memo from Mr Steve Peakell of Marshall Day Acoustics, dated 28 April 2022

General Matters of Clarification as requested by the Hearings Panel

Napier & Hastings District Plan Noise Provisions

17. The Panel requested to see the Napier and Hastings District Plan provisions with respect to State Highways and Railway Corridors.
18. Chapter 25.1 NOISE is the relevant chapter of the Hastings District Plan and Chapter 57 NOISE is the relevant chapter of the City of Napier District Plan.
19. A copy of these provisions is provided in Appendix 4 attached.
20. *Mapping of 100 m setback on State Highway / Rail Corridor and noise modelling for State Highway*
21. The Panel requested to see a map of what the 100m setback looks like in Central Hawke's Bay. This is provided in Appendix 4 attached. Of note in the urban area of Waipukurau the State Highway passes through or adjacent to limited areas of residentially zoned land, while the Railway traverses the eastern residential area south of Takapau Road, these areas are already developed (although infill could occur). In Waipawa the state highway and rail network similarly do not impact on large areas of residentially zoned land, although there is a small stretch to the north of Waipawa that is zoned residential. I am also not aware of any proposals for residential rezoning within the proximity of these networks. This suggests that the issue of road and rail noise for noise sensitive residential activities in Waipukurau and Waipawa is quite limited. The state highway runs to the east of Ōtane and whilst the residential zone is located at least 100m distant from the highway a recent subdivision in close proximity is currently being developed. The railway runs through the centre of Ōtane, with a small setback (less than 100m) on either side.
22. The Panel requested confirmation of when Waka Kotahi's noise modelling for State Highways in Central Hawke's Bay will be completed. Waka Kotahi have confirmed that this is not expected to be completed until the second quarter of 2022. I have asked for this information to be forwarded to Council when it is available.

District Plan Review and Integrated Spatial Plan stakeholder engagement processes

23. The Panel requested information relating to Kāinga Ora's involvement in the District Plan review and 'Integrated Spatial Plan' and processes to date.
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District Plan Review

24. A summary of community and stakeholder consultation on the District Plan review (prior to notification) is provided in chapter 4 of the Section 32 Overview Report. Of note in 4.4 is the process for public consultation on the Draft District Plan.

Once the Draft District Plan was notified, Council entered into a community engagement phase which involved a range of methods including:

- Engagement Strategy prepared by Little Kowhai Communications (xx 2019)
- Media releases (14 & 21 May 2019)
- Public meetings (refer Table 9 below)
- Local newspaper brochure and advertising throughout
- Central Hawke's Bay District Council website information – including social media messaging on key topics, short videos presented by members of the Central Hawke's Bay community on key topics
- District Plan information pack for elected members, key staff and stakeholders, comprising a guide, various topic summary sheets, brochure, and feedback forms

Dates of public meetings are outlined below:

Table 9: Public Meetings

Date	Meetings
19 June 2019 Waipukurau Memorial Hall	Draft Plan public consultation meetings
24 June 2019 Elsthorpe Hall	Draft Plan public consultation meetings
25 June 2019 Otane Hall	Draft Plan public consultation meetings
26 June 2019 7-9pm Porangahau Hall	Draft Plan public consultation meetings
1 July 2019 Takapau Hall	Draft Plan public consultation meetings
2 July 2019 7-9pm Tikokino Hall	Draft Plan public consultation meetings
3 July 2019 CHB Municipal Theatre	Draft Plan public consultation meetings

25. As a result of this process a number of government and key stakeholder submitters presented at the informal hearings, including Waka Kotahi, KiwiRail, Heritage New Zealand etc. Kāinga Ora did not present at the informal plan hearing stage.

26. On 12 March 2021 the following government departments were sent an email inviting comment on the Proposed District Plan:

- Department of Conservation,
- Ministry for the Environment; and
- Ministry of Housing.

27. No comments were received.

28. On 4th June 2021, an email was sent to the following government departments advising that the Plan had been notified and that they could lodge a submission.

- Hon. Dr. Megan Woods Minister of Housing
- Hon. Kiritapu Allan Minister of Conservation
- Hon. Nanaia Mahuta Minister of Local Government
- Hon. Damien O'Connor Minister of Agriculture
- Hon. David Parker Minister for the Environment

Integrated Spatial Plan

29. The following Government Departments were invited to participate in the Integrated Spatial Plan process in May/June of 2020:

- Waka Kotahi
- KiwiRail

30. Both processes were also advertised extensively locally and regionally.

31. Thus, whilst Kāinga Ora were not specifically invited to either of these processes, the PDP was specifically notified to the Minister of Housing, who is one of the responsible Ministers for Kāinga Ora, and was advertised to key government agencies for distribution. There was significant advertising of the process both locally and regionally. The ISP was a more targeted process, but like the PDP had significant advertising both locally and regionally.

Proposed rewording of Objective NOISE-O1

32. Objective NOISE-O1 as notified reads as follows:

NOISE-O1 Ensure residents of the District are exposed to an appropriate level of noise for the zone in which they reside/live/work.

33. The following submissions were received to Objective Noise-O1:

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S81.093	Hort NZ	NOISE-O1	Support	Retain NOISE-O1.	Accept
.					
S121.104	Federated Farmers	NOISE-O1	Oppose	Delete NOISE-O1.	Reject
FS9.104	Forest & Bird		Oppose		
S129.128	Kāinga Ora	NOISE-O1	Oppose	Amend NOISE-O1 as follows: 'Ensure residents of the District are exposed to an appropriate level of noise for the zone in which they reside/live/work. Activities do not generate unreasonable noise effects which adversely affect amenity values, the health and wellbeing of people and communities, or noise sensitive activities.'	Reject
FS8.042	Silver Fern Farms		Oppose		Accept

34. These submissions are discussed at paragraphs 4.2.1 - 4.2.6 (page 7) and 4.3.2 - 4.3.7 (page 12) of my section 42A Noise and Signs topic report.

35. At the hearing the Panel requested the S42A officer to reconsider Kāinga Ora's submission (S129.128) with respect to Objective NOISE-O1, on the basis that in their view Kāinga Ora's wording is more consistent with the duty imposed by section 16 of the RMA to avoid unreasonable noise. Section 16 reads as follows:

‘16 Duty to avoid unreasonable noise

- (1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.
- (2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).’

36. Kāinga Ora’s reasons for rewording the objective as sought is that in their view, the current wording is ‘too narrow’. Silver Fern Farms (FS8.042) have opposed this submission. In their view, Kāinga Ora’s proposed revision of Objective NOISE-O1 is less effective in addressing reverse sensitivity effects than the notified text. They consider the proposed re-wording would place the burden of noise mitigation on lawfully established activities. This would disregard the land uses, scale and type of effects and level of amenity contemplated by the relevant zone – which are fundamental to assessing proposals for sensitive activities in rural zones.

37. I assessed these submissions in my s42A report as follows:

‘PDP noise objectives read as follows:

- NOISE-O1** Ensure residents of the District are exposed to an appropriate level of noise for the zone in which they reside/live/work.
- NOISE-O2** Activities generate noise effects that are compatible with the role, function and predominant character of each receiving zone.
- NOISE-O3** Avoid, remedy or mitigate conflict any reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them.
- NOISE-O4** Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards.

These objectives work together as a ‘package’ to address and resolve the stated issue, in this case being Issue NOISE-I1: ‘exposure to excessive noise can adversely affect amenity values and the health and wellbeing of people and communities’. Greater detail on how Council will achieve these objectives is provided in the policies and the results they are seeking to achieve are set out in the ‘Anticipated Environmental Results. Objective NOISE-O1 relates directly to Anticipated Environmental Result NOISE-AER1 being ‘Residents are exposed to an appropriate level of noise’, whereas Objective NOISE-O2 relates to multiple Anticipated Environmental Results including:

NOISE-AER1 Residents are exposed to an appropriate level of noise.

NOISE-AER2 The amenity of residential areas and established noise-sensitive activities is safeguarded.

NOISE-AER3 Sufficient flexibility for noise-generating activities in the Rural Production, Plains Production and Commercial and General Industrial Zones, as well as noise associated with the operation of the Waipukurau Aerodrome, is provided.’

38. I have reconsidered the submission from Kāinga Ora with respect to this Objective. Whilst I remain of the opinion that adopting the alternative wording sought by Kāinga Ora would essentially make Objectives 2 and 3 redundant, and for these reasons do not support the alternative wording, I can support a minor amendment to align wording more closely with section 16 of the Act. This may in part address Kāinga Ora’s concerns whilst still maintaining the integrity of the ‘package’ of objectives:

NOISE-O1 Ensure residents of the District are not exposed to an appropriate unreasonable levels of noise for the zone in which they reside/live/work.

39. On this basis I change my original recommendations as follows:

Submission Point	Submitter (S) / Further Submitter (FS)	Position	Summary of Decision Requested	Amended Recommendation
S81.093	Hort NZ	Support	Retain NOISE-O1.	Accept-Accept in part (subject to amendment from other submissions)
S121.104	Federated Farmers	Oppose	Delete NOISE-O1.	Reject
FS9.104	Forest & Bird	Oppose		Accept
S129.128	Kāinga Ora	Oppose	Amend NOISE-O1 as follows: 'Ensure residents of the District are exposed to an appropriate level of noise for the zone in which they reside/live/work. Activities do not generate unreasonable noise effects which adversely affect amenity values, the health and wellbeing of people and communities, or noise sensitive activities.'	Reject Accept in part
FS8.042	Silver Fern Farms	Oppose		Accept Accept in part

40. I do not consider this recommended change materially differs from the notified approach and therefore section 32AA re-evaluation in my opinion is not warranted.

Standard NOISE-S5 (21) Waipukurau Aerodrome (relating to annual aircraft movements)

41. Mr Bill Macgregor (S74) Executive Officer for NZ Aviation in Agriculture (NZAAA) presented spoken evidence in support of his submission to increase the number of annual aircraft movements in Standard NOISE-S5(21)(b) & (c) from 6,500 to 15,000.
42. At the hearing Mr Macgregor indicated that whilst he sought an amendment to 15,000 annual aircraft movements in his written submission, even an increase from to 7,000 or 8,000 would in his view be beneficial. An increase would provide additional buffer for growth and at the same time be less onerous for the Aeroclub in terms of recording air traffic movements.
43. The Panel enquired of Council's acoustic consultant Mr Damian Ellerton (Marshall Day) if there was any room to move on this figure (without impacting the noise boundary) to provide for additional growth in air traffic. Mr Ellerton suggested that an increase within 10-15% might not affect the boundary but this should be confirmed with Mr Steve Peakell (Marshall Day's air traffic noise expert).
44. The advice from Mr Peakell on this matter is provided in Appendix 5 attached and is repeated here for the Commissioners convenience:

'Marshall Day Acoustics (MDA) has been asked to provide a response to the following question from the Commissioners regarding the Waipukurau Airfield noise boundaries:

"Is there any room to provide an increase in the annual air movement thresholds (for Waipukurau Aerodrome) to provide for additional growth?"

There are two aspects to this question that require addressing, namely;

- What level of activity can occur inside the proposed noise boundaries and is this able to be increased, and;*
- How compliance is determined.*

In response to the first part, any increase in the annual movements, beyond that envisaged in the contours would likely cause non-compliance. This is because an increase in activity would naturally result in an increase in noise contour extent (assuming the same aircraft types, runway and night-time use). In our opinion this would not be possible without also increasing the noise boundary footprint.

Notwithstanding this, there is no actual limit on the number of movements at the airfield, rather there is a performance standard in the form of a noise limit imposed instead. As long as the noise levels are not exceeded it does not matter what number of aircraft movements occur. The number enshrined in the rules is a trigger value at which compliance assessment commences.

However, we do not recommend altering the threshold, or the noise boundaries as they represent a fair level of both potential growth at the airfield, and protection of the local community. We note that the rules have been designed to limit the burden on the operator in term of compliance reporting, compared to that which occurs elsewhere.

This in itself does not necessarily mean non-compliance (depending on the nature and type of flights taking place) but provides a trigger for compliance to be measured. (Noted that the current PDP boundaries allow for 3% growth per annum as agreed to by the airport and set out in my s42A report at page 17 attached).

45. On the basis of this advice, I remain of the view that the annual aircraft movement threshold of 6,500 before any compliance monitoring is required, as set out in Standard NOISE-S5(21) is appropriate and I have not changed my position from that which is set out in Key Issue 1 at paragraph 4.3.60 of my Section 42A Noise and Signs Topic report.

Date: 6 May 2022



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APPENDIX 1

List of Expert Evidence, Legal Submissions, Submitter Statements

Submitter Evidence

Andrew Sowersby for Waka Kotahi New Zealand Transport Agency (S78, FS16)

Brendon Liggett for Kāinga Ora Homes and Communities (S129, FS23)

Michael Campbell (Planning: Noise) for Kāinga Ora Homes and Communities (S129, FS23)

Jon Styles (Noise) for Kāinga Ora Homes and Communities (S129, FS23)

Submitter Tabled Legal Submissions

Nick Whittington for Kāinga Ora Homes and Communities (S129, FS23)

Submitter Presentations

Natasha Reid for Waka Kotahi NZ Transport Agency (S78,FS16)

Supplementary Statements

Bill Macgregor Noise) (s74)

APPENDIX 2

Updated Recommended Amendments to Plan Provisions

NOISE – Noise

Introduction

It is almost inevitable that any activity undertaken in the environment will produce some noise effects. The RMA defines 'noise' as including vibration. Often noise has minimal effects (e.g. everyday household noises) or are of limited duration (e.g. lawn mowing). But in some cases, the effects of noise can become more significant, causing annoyance and having an impact on physical well-being and appreciation of amenity (such as sleep disturbance and noise-induced stress). Noise is often identified as a nuisance and the major cause of complaints and ongoing conflicts between neighbouring property owners.

Sensitivity to noise and expectations around what is acceptable noise varies depending on the character of the area, the duration of the noise, the distance and other buffering between the noise and the receiver, as well as the sensitivities of the individual.

The District Plan can minimise the risks and consequences of excessive noise through controls on the activity source of noise or on development near inherently noisy activities. Noise standards in the District Plan are consistent with the types of daily activities which occur within each zoned area. For example, the noise limit for noise received in the General Residential Zone is consistent with the types of daily activities which occur in an urban backyard, and the need for uninterrupted sleep. Similarly, commercial and industrial zones require noise limits which allow intended activities to take place, but with appropriate control of noise effects on more sensitive surrounding zones. Limits are also placed on noise associated with the operation of the Waipukurau Aerodrome.

The purpose of the noise standards in the District Plan is therefore to enable those activities with noise associated with them to operate, while controlling noise to a reasonable level in order to protect the amenity of the receiving environment.

The primary duty relating to noise under the RMA is contained in section 16. Section 16 imposes an overarching general duty on every person to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level. Enforcement of the section 16 duty is generally through the issuing of an enforcement order or abatement notice.

Temporary noise issues are dealt with under sections 326 and 327 of the RMA, which provide for intervention through the issuing of an excessive noise direction. The meaning of 'excessive noise' does not apply to any noise emitted by any:

- Aircraft being operated during, or immediately before or after, flight; or
- Vehicle being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998); or
- Train, other than when being tested (when stationary), maintained, loaded, or unloaded.

Issues

NOISE-I1 Exposure to excessive noise can adversely affect amenity values and the health and wellbeing of people and communities.

Explanation

Excessive noise can unreasonably interfere with people's peace and comfort, and their health and well-being. It is therefore important that the emission of noise is appropriately controlled, and the effects of noise mitigated, and that excessive noise is avoided, where the noise is under human control.

Objectives

NOISE-O1 Ensure residents of the District are not exposed to an appropriate unreasonable levels of noise for the zone in which they reside/live/work

NOISE-O2 Activities generate noise effects that are compatible with the role, function and predominant character of each receiving zone

NOISE-O3 Avoid, remedy or mitigate conflict and reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them.

NOISE-O4 Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards.

Policies

NOISE-P1 To maintain the predominant character and amenity of each zone by controlling the level of noise and vibration received in each zone, particularly at night.

NOISE-P2 To ensure that noise sensitive activities and the addition of habitable space to existing noise sensitive activities in the Commercial and General Industrial Zones, within 100m of state highways and the rail network, and within identified airnoise boundaries for the Waipukurau Aerodrome shown on the Planning Maps, are acoustically designed and constructed to mitigate noise arising from legitimately established activities.

NOISE-P3 To recognise that noise associated with agricultural, viticultural and horticultural activities is appropriate for the working nature of the rural environment by exempting it from the noise limits. The operation of noisy equipment (in particular, rural airstrips, audible bird scaring

Commented [SM1]: Hearing Stream 2 - Right of Reply dated 6 May 2022 - change of recommendation in S42A Urban Noise and Signs Topic Report, Issue 1, to **Accept in part** S129.128 Kainga Ora submission

devices and frost fans) is provided for, subject to appropriate controls.

- NOISE-P4** To manage the emission of noise associated with the Waipukurau Aerodrome through identification of airnoise boundaries on the Planning Maps and accompanying noise limits.
- NOISE-P5** To allow noisy construction and demolition activities subject to ensuring the protection of the community from unreasonable noise.
- NOISE-P6** To allow noisy activities of limited duration and frequency which are of importance to the community, such as noise associated with the operation of emergency services and temporary military training activities, subject to appropriate controls.
- NOISE-P7** To allow noise arising from temporary events subject to controls in terms of frequency, duration, timing and maximum noise limits.
- NOISE-P8** To allow noise arising from recreational activities of a normal recreational nature, such as sporting events and playground activities, subject to the overarching duty to avoid unreasonable noise

Rule Overview Table

Use/activity	Rule Number
Emission of noise	NOISE-R1

Rules

Note: The provisions of this chapter do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which specifically addresses noise associated with plantation forest activities.

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving the emission of noise.

NOISE-R1 Emission of noise		
All Zones	1. Activity Status: PER	2. Activity status where compliance not achieved: RDIS
	Where the following conditions are met:	Matters over which discretion is restricted:
	a. Compliance with:	

- | | |
|--|---|
| <ul style="list-style-type: none"> i. NOISE-S1; ii. NOISE-S2; iii. NOISE-S3; iv. NOISE-S4; and v. NOISE-S5. | <ul style="list-style-type: none"> a. NOISE-AM1. b. NOISE-AM2. c. NOISE-AM3. d. NOISE-AM4. e. NOISE-AM5. f. NOISE-AM6. g. NOISE-AM7. h. NOISE-AM8. i. NOISE-AM9. j. NOISE-AM10. k. NOISE-AM11. |
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Standards

NOISE-S1 Measurement and Assessment of Noise

General

1. Noise will be measured and assessed using the following standards:
 - a. NZS 6801:2008 Acoustics – Measurement of Environmental Sound
 - b. NZS 6802:2008 Acoustics – Environmental Noise
 - c. NZS 6803:1999 Acoustics – Construction Noise
 - d. NZS 6805:1992 Airport Noise Management and Land Use Planning
 - e. NZS 6806: 2010 Acoustics – Road Traffic Noise: New and altered roads
 - f. NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas
 - g. NZS 6808: 2010 Acoustics – Wind farm noise
 - h. NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning
2. Noise levels will be measured and assessed within the site boundary of the noise receiver unless specified otherwise. The assessment position for houses, dwellings and habitable buildings in the General Rural Zone, ~~and~~ the Rural Production Zone, ~~and the Rural Lifestyle Zone~~ is within the notional boundary as defined in [NZS6801](#).
Note: When it becomes evident a measurement location is not suitable, Council may, through the resource consent process, agree to the use of an alternative measurement location.

Commented [SM2]: S81.098 Hort NZ - Noise & Signs Topic, Key Issue 1

NOISE-S2 Vibration

General

1. Vibration from any activity will be measured and assessed as follows:

- a. Vibration received at a building with regard to building damage:
 - i. ISO 4866:2010 Mechanical vibration and shock – vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures.

NOISE-S3 Noise Sensitive Activities within 100m of State Highways and the Rail Network

Commented [SM3]: Waiting on conferencing

General

1. The following Minimum External Sound Insulation Level Standards applies to all habitable spaces within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either:
 - a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB $L_{Aeq(24hr)}$ inside all habitable spaces; or
 - b. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB $L_{Aeq(24hr)}$ outside the most affected part of the building exterior.
2. The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary:
 - a. Where new habitable spaces with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.

NOISE-S4 Noise Limits – Zone Specific

Receiving Zone(s):

General Residential Zone

1. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:
 - a. 0700 - 2200 hours – 50 L_{Aeq}
 - b. All other times – 40 L_{Aeq} / 70 L_{Amax}

Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	2. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within these receiving zones: a. To be measured and assessed within the notional boundary: i. 0700 - 2200 hours – 50 L_{Aeq} ii. All other times – 40 L_{Aeq} / 70 L_{Amax}
General Rural Zone Rural Production Zone	3. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within these receiving zones: a. To be measured and assessed within the notional boundary: i. 0700 - 2200 hours – 55 L_{Aeq} ii. All other times – 45 L_{Aeq} / 70 L_{Amax}
Commercial Zone	4. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone: a. 0700 - 2200 hours – 65 L_{Aeq} b. All other times – 60 L_{Aeq} / 75 L_{Amax} c. Octave band noise levels shall not exceed: i. 75dB $L_{eq(1\text{ minute})}$ at 63Hz ii. 65dB $L_{eq(1\text{ minute})}$ at 125Hz
General Industrial Zone	5. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone: a. 0700 - 2200 hours – 70 L_{Aeq} b. All other times – 60 L_{Aeq} / 75 L_{Amax}
NOISE-S5 Specific Activities exempt from the Noise Limits in NOISE-S4.	
<i>Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.</i>	
All Specific Activities listed under this standard	1. Noise shall be measured within the site boundary of a receiving site, or within the notional boundary of rural dwellings or habitable buildings (where stated).
Construction	2. Must comply with the provisions of NZS6803:1999 – Construction Noise.
Emergency Service Activities	3. Exempt, provided the noise source is a warning device or siren (including their routine testing and maintenance), when measured within the site boundary of a receiving site, or within the notional boundary of rural dwellings or habitable buildings.

Generators for continued power supply	4. Exempt, provided it is for temporary emergency use.
Recreational Activities of an everyday recreational nature	5. Exempt, providing the activity does not involve motorised activities or amplified sound. Examples include sporting events and playground activities.
Activities within the grounds of an Educational Facility	6. Exempt, providing the noise generated is through use of grounds and facilities during events associated with the educational facility concerned, and by students who live on site. Examples include use of school facilities for sport during term time and by student boarders who live on site.
Activities involving stock, vehicles and mobile machinery associated with primary production	7. Exempt, providing noise is limited in duration and machinery is not in a fixed location, and is generated by vehicles and mobile machinery associated with primary production activities and sections 16 and 17 of the RMA have been satisfied. Examples include stock sale yards and transporting areas, harvesting, spraying, and planting machinery.
Prospecting and Exploration (quarrying) activities	8. Must comply with the relevant zone noise limits at the specified measurement and assessment position for those zone(s), except that blasting noise and associated vibration must comply with the following: <ul style="list-style-type: none"> a. Occur only between 0700 hours and 1900 hours, and b. No more than 2 events per hour, with a maximum of 8 events per day, and c. All occupiers of dwellings or habitable buildings within a 2 kilometre range are advised in writing no less than 5 working days prior to the blasting occurring, and d. Overblast pressure incident on dwellings or habitable buildings does not exceed 115dB L_{Zpeak}, and e. Ground borne vibration does not exceed the limits specified in DIN4150-3 Part 3:2016 Vibrations in Buildings.
Temporary events (other than temporary military training)	9. Must comply with the zone noise limits at the specified measurement and assessment position for those zone(s), except as follows (on a per site basis): <ul style="list-style-type: none"> a. For 4 events in any 12 month period – a noise limit of 80dB $L_{Aeq(1\ hour)}$ within the respective adjacent zone(s) providing the event and pre event rehearsal do not individually exceed 3 hours in duration. Octave band noise levels at houses, dwellings or habitable buildings must not exceed: <ul style="list-style-type: none"> i. 95dB $L_{eq(1\ min)}$ at 63Hz

Commented [SM4]: S73.012 Ministry of Education - Noise & Signs Topic, Key Issue 1

	<ul style="list-style-type: none"> ii. 85dB $L_{eq(1\ min)}$ at 125Hz iii. Secondary sub-clause iv. Secondary sub-clause <p>b. For 2 events in any 12 month period – a noise limit of 70dB $L_{Aeq(1\ hour)}$ within the respective adjacent zone(s) providing the event does not exceed 12 hours per day over a two day period.</p> <p>Octave band noise levels at dwellings or habitable buildings must not exceed:</p> <ul style="list-style-type: none"> i. 85dB $L_{eq(1\ min)}$ at 63Hz ii. 75dB $L_{eq(1\ min)}$ at 125Hz
Emergency Aviation Movements	10. Exempt.
Agricultural Aviation Movements	<p>11. Exempt for up to 14 days in any calendar year.</p> <p>12. Otherwise, must comply with the noise limits as for rural airstrips (NOISE-S5(13), (14) & (15)) and helicopter landing areas (NOISE-S5(16), (17) & (18)).</p>
Rural Airstrips	<p>13. The day-night average sound level (L_{dn}) generated by aircraft movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 55 dB L_{dn}, measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>14. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>15. Aircraft maintenance and engine testing that is ancillary to aircraft operations is excluded from the calculations above and must comply with the zone-specific noise limits in NOISE-S4.</p>
Helicopter Landing Areas <u>[other than those for temporary military training activities]</u>	<p>16. The day-night average sound level (L_{dn}) generated by helicopter movements (excluding emergency aviation movements, and agricultural aviation movements for up to 14 days in any calendar year) must not exceed 50 dB L_{dn} measured at the notional boundary of any building containing a noise sensitive activity on a separate site under different ownership in the General Rural and Rural Production Zones, or at the boundary of any site containing a noise sensitive activity in all other zones.</p> <p>17. Noise may be averaged over periods of seven consecutive days and the averaged value must not exceed 50 dB L_{dn}, and</p>

Commented [RM5]: S29.008 NZDF - Light & Temporary Activities Topic, Issue 2

	<p>in any case the limit must not be exceeded by 3 dB on any day.</p> <p>18. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise management and land use planning for helicopter landing areas.</p>
<p>Waipukurau Aerodrome/ Airport</p>	<p>19. Must comply with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>20. The Waipukurau Aerodrome must be managed so that the noise from aircraft operations does not exceed 65 dB L_{dn} outside the Air Noise Boundary (ANB) or 55 dB L_{dn} outside the Outer Control Boundary (OCB) as shown on the Planning Maps.</p> <p>21. Compliance with the ANB and OCB will be determined on the basis of the following:</p> <ul style="list-style-type: none"> a. A log of annual aircraft movements will be provided to the Council by 1 February each year, detailing the total number of fixed-wing and helicopter movements for the previous calendar year. b. Where the total number of annual aircraft movements are less than 6500 per year no compliance contouring is required. c. Where the total number of annual aircraft movements is greater than 6500, the operators of Waipukurau Aerodrome must produce 55 dB, and 65 dB Annual Aircraft Noise Contours (AANC), using airport noise prediction software and records of actual aircraft movements for the busiest 3 consecutive months of the previous year. These AANC are to be submitted to the Council to show compliance or otherwise with the OCB and ANB. The preparation of AANC will be required every 2 years thereafter. d. Where the AANC show that the calculated noise level exceeds 64 dB at any point on the ANB, noise measurements using infield monitoring are required for a minimum of 1 month (at one measurement location) to demonstrate compliance with the noise limit of the ANB, as shown on the Planning Maps. <p>22. Exemptions to these noise rules are provided for:</p> <ul style="list-style-type: none"> a. Aircraft operating in an emergency for medical or national / civil defence reasons. b. Air shows. c. Military operations. d. Aircraft using the airfield as a necessary alternative to an airfield elsewhere. e. Aircraft taxiing.

	f. Aircraft engine testing.
Wind farm wind turbine generators	23. Must comply with NZS 6808: 2010 Acoustics – Wind farm noise.
Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones	<p>24. Provided the total internal noise level in any habitable room does not exceed 35 dB $L_{Aeq(24 \text{ hours})}$ while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total noise level must include all intrusive noise and mechanical services.</p> <p>25. In determining the external noise level, an assumption that the noise incident upon the noise sensitive facade is from at least 3 separate activities simultaneously generating the maximum allowable noise level for that zone.</p> <p>26. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</p>
Audible bird scaring devices	<p>27. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB L_{Zpeak}, when measured within the notional boundary of any other site in the General Rural or Rural Production Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlements Zones.</p> <p>28. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</p> <p>29. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA L_{AE} when assessed at the notional boundary of any other site in the General Rural or Rural Production Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlement Zones.</p>
Frost fans	30. Noise generated by frost fans must not exceed 55 dB $L_{Aeq 10min}$ when assessed within the notional boundary of any other site in the General Rural or Rural Production Zones, or within the site boundary of any site in the Rural Lifestyle, General Residential or Settlement Zones.
Temporary military training activities	<p>31. Weapons firing and/or the use of explosives:</p> <ol style="list-style-type: none"> a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity. b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: <ol style="list-style-type: none"> i. 0700 – 1900 hours: 500m ii. 1900 – 0700 hours: 1,250m

- c. Where the minimum separation distances specified above cannot be met, then the activity must comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
 - i. 0700 – 1900 hours: 95 dBC
 - ii. 1900 – 0700 hours: 85 dBC

32. Mobile noise sources:

- a. Must comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, with reference to ‘construction noise’ taken to refer to mobile noise sources.
- b. Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

33. Fixed (stationary) noise sources:

- a. Must comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AF(max)}
0700 – 1900 hours	55 dB	N/A
1900 – 2200 hours	50 dB	
2200 – 0700 hours	45 dB	75 dB

- b. Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

34. Helicopter landing areas:

- a. Must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.
- b. ~~Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.~~

35. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.

Commented [RM6]: S29.010 NZDF - Light & Temporary Activities Topic, Key Issue 2

Assessment Matters

For Discretionary Activities, Council’s assessment is not restricted to these matters, but it may consider them (among other factors).

NOISE-AM1 Compatibility

1. The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone, including proximity of any existing noise sensitive activities.

NOISE-AM2 Ambient Noise Levels

1. Existing ambient noise levels.

NOISE-AM3 Vehicle Noise

1. If traffic generation during the night-time period is of concern, whether the noise level exceeds 55dB $L_{Aeq(1\text{ hour})}$ at the façade of a habitable space.
2. If it is likely that vehicles associated with an activity while travelling on public roads will generate more than 55dB $L_{Aeq(1\text{ hour})}$ at the façade of a habitable space.

NOISE-AM4 Degree of Exceedance of Noise Limits

1. The length of time for which specified noise levels will be exceeded, particularly at night, with regard to likely disturbance that may be caused.

NOISE-AM5 Community Benefit of Entertainment Activities

1. The value and nature of entertainment activities and their benefit to the wider community, having regard to the frequency of noise intrusion and the practicality of mitigating noise, or utilising alternative sites.

NOISE-AM6 Extent to which Achieving Relevant Limits is Practicable

1. The extent to which achieving the relevant limits is practicable, given any existing activities which create noise, particularly on the interface with commercial, industrial, or recreational activities and whether the environment is subject to significant noise intrusion from road, rail or air transport activities.

NOISE-AM7 Assessment of Noise and Mitigation Options

1. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options to reduce noise emissions.

NOISE-AM8 Other Relevant Standards, Codes of Practice and Assessment Methods

1. Any other relevant standards, codes of practice or assessment methods based on robust acoustic principles.

NOISE-AM9 Effects on Cultural Values

1. Effects of noise on cultural values associated with any sites and areas of significance to Maori identified in SASM-SCHED3 and on the Planning Maps, or marae.

NOISE-AM10 Waipukurau Aerodrome

1. In respect of noise associated with aircraft engines at the Waipukurau Aerodrome:
 - a. The degree to which excessive noise generation will affect the enjoyment of any public place or residential area in the vicinity.
 - b. The degree to which the noise contrasts with the characteristics of the existing noise environment in terms of level, duration and timing, and the impact of any cumulative increase.
 - c. The nature of measures to mitigate excessive noise levels and the degree to which they would be successful.

Methods

Methods, other than rules, for implementing the policies:

NOISE-M1 Noise Management Plans

Encouraging the establishment and operation of effective Noise Management Plans for specific sites or sector groups.

NOISE-M2 New Zealand Standards

Reference to various New Zealand Standards for measuring and assessing noise emission.

NOISE-M3 Industry Best Practice

Encouraging adoption of industry best practice e.g. Helicopter Association International's 'Fly Neighbourly' programme.

NOISE-M4 Section 16 RMA Unreasonable Noise

Control emission of unreasonable noise under section 16 of the RMA.

NOISE-M5 Monitoring and Enforcement

Monitoring and enforcement of noise as part of Council's functions under the RMA.

Principal Reasons

The principal reasons for adopting the policies and methods:

The District Plan seeks to control the level of noise and vibration received in each zone by setting noise limits that reflect the character and amenity of each zone, but also provides for those activities which are recognised as having different aural qualities associated with them, subject to specific noise standards. Activities such as construction, noise associated with normal agricultural, viticultural, and horticultural operations, emergency service activities and

temporary events such as concerts are provided for, subject to specific standards and the overarching duty to ensure noise does not exceed a reasonable level.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- NOISE-AER1** Residents are exposed to an appropriate level of noise.
- NOISE-AER2** The amenity of residential areas and established noise-sensitive activities is safeguarded.
- NOISE-AER3** Sufficient flexibility for noise-generating activities in the Rural Production, Plains Production and Commercial and General Industrial Zones, as well as noise associated with the operation of the Waipukurau Aerodrome, is provided.
- NOISE-AER4** Events and activities of limited duration or frequency that are inherently noisy are not unreasonably constrained.
- NOISE-AER5** Noise-sensitive activities located out-of-zone have adequate sound insulation.

APPENDIX 3

**Updated Table of Recommended Responses to Submissions
and Further Submissions**

NOISE

Table: Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S81.093	Horticulture New Zealand	NOISE-O1	Support	Retain NOISE-O1.	Accept <u>in part</u> (subject to amendment from other submissions)	No
S121.104	Federated Farmers of New Zealand	NOISE-O1	Oppose	Delete NOISE-O1.	Reject	No
FS9.104	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept	
S129.128	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-O1	Oppose	Amend NOISE-O1 as follows: ' Ensure residents of the District are exposed to an appropriate level of noise for the zone in which they reside/live/work. Activities do not generate unreasonable noise effects which adversely affect amenity values, the health and wellbeing of people and communities, or noise sensitive activities. '	Reject <u>Accept in part</u>	No-Yes
FS8.042	Silver Fern Farms Limited		Oppose		Accept <u>in part</u>	
S81.094	Horticulture New Zealand	NOISE-O2	Support	Retain NOISE-O2.	Accept	No
S121.105	Federated Farmers of New Zealand	NOISE-O2	Support	Retain NOISE-O2 as proposed.	Accept	No
FS9.105	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	
S129.129	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-O2	Amend	Amend NOISE-O2 as follows: 'Activities generate noise effects that are compatible with the role, and function and predominant character of each receiving zone.'	Reject	No
S81.095	Horticulture New Zealand	NOISE-O3	Support	Retain NOISE-O3.	Accept	No

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S121.106	Federated Farmers of New Zealand	NOISE-O3	Support	Retain NOISE-O3 as proposed.	Accept	No
FS9.106	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	
S129.130	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-O3	Amend	Amend NOISE-O3 as follows: 'Avoid, remedy or mitigate conflict and reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them, where practicable. '	Reject	No
FS8.043	Silver Fern Farms Limited		Oppose		Accept	
FS16.36	Waka Kotahi NZ Transport Agency		Amend	Retain NOISE-03 as notified or reconsider the threshold test in this objective to avoid ambiguity. Repeating the RMA by using the terminology, 'avoid, remedy or mitigate' should generally not be used in an objective.	Accept in part	
S42.036	New Zealand Pork Industry Board	NOISE-O3	Support	Retain NOISE-O3 as proposed.	Accept	No
.						
S78.009	Waka Kotahi NZ Transport Agency	NOISE-O3	Support	Retain NOISE-O3 as written.	Accept	No
FS23.174	Kāinga Ora - Homes and Communities		Oppose		Reject	
S81.096	Horticulture New Zealand	NOISE-O4	Support	Retain NOISE-O4.	Accept	No
.						
S129.131	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-O4	Amend	Amend NOISE-O4 as follows: 'Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards, where appropriate. '	Reject	No
FS16.37	Waka Kotahi NZ Transport Agency		Oppose	Retain NOISE-O4 as notified.	Accept	
S57.083	Fire and Emergency New Zealand	NOISE-O4	Support	Retain NOISE-O4 as notified.	Accept	No
.						
S78.010	Waka Kotahi NZ Transport Agency	NOISE-O4	Support	Retain NOISE-O4 as written.	Accept	No
FS23.175	Kāinga Ora - Homes and Communities		Oppose		Reject	

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S129.132	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P1	Amend	Amend NOISE-P1 as follows: 'To maintain the predominant character and amenity of each zone by controlling the level of noise and vibration received in each zone, particularly at night.'	Reject	No
.						
S78.011	Waka Kotahi NZ Transport Agency	NOISE-P2	Support	Retain NOISE-P2 as written.	Accept	No
FS23.176	Kāinga Ora - Homes and Communities		Oppose			
S129.133	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P2	Oppose	Delete NOISE-P2.	Reject	No
.						
S81.097	Horticulture New Zealand	NOISE-P3	Support	Retain NOISE-P3.	Accept	No
.						
S129.134	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P3	Support	Retain NOISE-P3 as notified.	Accept	No
.						
S129.135	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P4	Support	Retain NOISE-P4 as notified.	Accept	No
.						
S129.136	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P5	Amend	Amend NOISE-P5 as follows: 'To allow noisy construction and demolition activities subject to ensuring the protection of the community from unreasonable noise effects.'	Reject	No
.						
S57.084	Fire and Emergency New Zealand	NOISE-P6	Support	Retain NOISE-P6 as notified.	Accept	No
.						
S129.137	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P6	Support	Retain NOISE-P6 as notified.	Accept	No
.						
S129.138	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P7	Support	Retain NOISE-P7 as notified.	Accept	No

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
.						
S129.139	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P8	Support	Retain NOISE-P8 as notified.	Accept	No
.						
S81.098	Horticulture New Zealand	NOISE-S1	Amend	Amend NOISE-S1 as follows: '1. ... 2. ... The assessment position for houses, dwellings and habitable buildings in the General Rural Zone, The Rural Production Zone and the Rural Lifestyle Zone is within the notional boundary as defined in NZS6801.'	Accept	Yes
FS12.5	New Zealand Defence Force		Support		Accept	
S78.012	Waka Kotahi NZ Transport Agency	NOISE-S3	Support	Retain NOISE-S3 as written.	Accept	No
FS23.177	Kāinga Ora - Homes and Communities		Oppose		Reject	
S129.140	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-S3	Oppose	Delete NOISE-S3.	Reject	No
FS16.38	Waka Kotahi NZ Transport Agency		Oppose	Retain NOISE-S3 as notified.	Accept	
S74.001	Bill MacGregor	NOISE-S5	Amend	Amend NOISE-S5(21) as follows: '21. Compliance with the ANB and OCB will be determined on the basis of the following: a. ... b. Where the total number of annual aircraft movements are less than 6500 15,000 per year no compliance contouring is required. c. Where the total number of annual aircraft movements is greater than 6500 15,000 , the operators of Waipukurau Aerodrome must produce 55 dB, and 65 dB Annual Aircraft Noise Contours (AANC), using airport noise prediction software and records of actual aircraft movements for the busiest 3 consecutive months of the previous year. These AANC are to be submitted to the Council to show compliance or otherwise with the OCB and ANB. The preparation of AANC will be required every 2 years thereafter. d. ...' And amend NOISE-S5(22) as follows: '22. Exemptions to these noise rules are provided for: a. Aircraft operating in an emergency for medical or national / civil defence reasons. b. Air shows. c. Military operations. d. Aircraft using the airfield as a necessary alternative to an airfield elsewhere. e. Aircraft taxiing. f. Aircraft engine testing. g. Aircraft involved in agricultural aviation activities ancillary to primary production.'	Reject	No

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
.						
S73.012	Ministry of Education	NOISE-S5	Amend	Retain NOISE-S5(6) with minor amendment as follows: Activities within the grounds of an Educational Facility 6. Exempt, providing the noise generated is through use of grounds and facilities during events associated with the educational facility concerned, and by students who live on site. Examples include use of school facilities for sport during term time and by student boarders who live on site.	Accept	Yes
.						
S38.005	Aerospread Ltd	NOISE-S5	Amend	Amend NOISE-S5(21)(b) & (c) for Waipukurau Aerodrome to amend annual aircraft movements from 6500 per year to at least 10,000 movements per year.	Reject	No
.						
S38.006	Aerospread Ltd	NOISE-S5	Amend	Amend NOISES5(22) for Waipukurau Aerodrome, by adding agricultural aviation movements to this list of exemptions to the noise rules.	Reject	No
.						
S57.085	Fire and Emergency New Zealand	NOISE-S5	Support	Retain NOISE-S5 as notified.	Accept	No
.						
S129.141	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-S5	Oppose	Delete NOISE-S5, and reconsider it so as to ensure the standard achieves its intended purpose.	Reject	No
FS12.6	New Zealand Defence Force		Oppose	Reject submitters relief sought if it relates to the deletion of all of NOISE-S5.	Accept	
S121.112	Federated Farmers of New Zealand	NOISE-AM1	Support	Retain NOISE-AM1 as proposed.	Accept	No
FS9.112	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	
S121.113	Federated Farmers of New Zealand	NOISE - Principal Reasons	Support	Retain 'NOISE - Principal Reasons' as proposed.	Accept	No
FS9.113	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	
S121.114	Federated Farmers of New Zealand	NOISE-AER3	Support	Retain NOISE-AER3 as proposed.	Accept	No
FS9.114	Royal Forest and Bird Protection Society of		Oppose		Reject	

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
	New Zealand Incorporated					
S121.115	Federated Farmers of New Zealand	NOISE-AER4	Support	Retain NOISE-AER4 as proposed.	Accept	No
FS9.115	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	

SIGNS

Table: Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officers Recommendation	Amendments to Proposed Plan
S121.116	Federated Farmers of New Zealand	SIGN-P4	Support	Retain SIGN-P4 as proposed.	Accept	No
FS9.116	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	
S57.095	Fire and Emergency New Zealand	SIGN-P4	Support	Retain SIGN-P4 as notified.	Accept	No
S117.067	Chorus New Zealand Limited	SIGN-R2	Amend	Amend SIGN-R2 as follows: '1. Activity Status: PER Where the following conditions are met: a. Signs are located on the site to which they relate (or, in the case of signs for network utilities, are placed within legal road). ...'	Accept in part	Yes
FS9.495	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	
S121.117	Federated Farmers of New Zealand	SIGN-R2	Amend	Clarify which types of signs are covered by the rule, and provide for health and safety notices as a 'Permitted Activity'. Amend SIGN-R2 as follows: 'Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve 1. ... 2. Activity Status: PER• the sign is required to meet legislative requirements, such as health and safety legislation; and/or• the sign provides information or instruction relating to public safety, such as equipment use, property entrances or for security purposes, and is no larger than reasonably necessary to convey the information. Note: This rule is not subject to any Effects Standards in the District Plan.'	Reject	No
FS9.117	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept	
FS17.74	Horticulture New Zealand		Support		Reject	
S119.067	Vodafone New Zealand Limited	SIGN-R2	Amend	Amend SIGN-R2 as follows: '1. Activity Status: PER Where the following conditions are met:	Accept in part	Yes

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officers Recommendation	Amendments to Proposed Plan
				a. Signs are located on the site to which they relate (or, in the case of signs for network utilities, are placed within legal road). ...'		
S118.067	Spark New Zealand Trading Limited	SIGN-R2	Amend	Amend SIGN-R2 as follows: '1. Activity Status: PER Where the following conditions are met: a. Signs are located on the site to which they relate (or, in the case of signs for network utilities, are placed within legal road). ...'	Accept in part	Yes
S78.022	Waka Kotahi NZ Transport Agency	SIGN-S5	Support	Retain SIGN-S5 as written.	Accept	No
S78.023	Waka Kotahi NZ Transport Agency	SIGN-S7	Support	Retain SIGN-S7 as written.	Accept	No
S121.118	Federated Farmers of New Zealand	SIGN-AER1	Support	Retain SIGN-AER1 as proposed.	Accept	No
FS9.118	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject	

APPENDIX 4

Additional Information requested by the Hearings Panel

Hastings and City of Napier District Plan Noise Provisions

Hastings District Plan Chapter 25.1.Noise (partially Operative 21 Feb 2022)

<https://eplan.hdc.govt.nz/eplan/#Rules/0/80/1/0/0>

OBJECTIVE NSO3 To avoid noise sensitive activities where they will be located in existing high noise environments and the adverse effects of that noise cannot reasonably be mitigated.

POLICY NSP7 Manage noise from the road network to ensure the community is not exposed to unacceptable levels of road traffic noise.

Explanation

Road traffic is a predominant source of noise in the community and impacts to some extent on almost all residents of the District. Major roads which have significant impact include Havelock Road, Omahu Road, Pakowhai Road, Maraekakaho Road, Heretaunga Street and Karamu Road. Land use activities alongside existing and future major roads capable of carrying large traffic volumes such as the Hawke's Bay Expressway should be compatible with the high traffic noise environment.

RULE TABLE 25.1.5 - NOISE		
RULE	ACTIVITY	ACTIVITY STATUS
NS1	Any activity that meets the Performance Standards for the relevant Zone and the General and/or Specific Performance Standards and Terms in Sections 25.1.6 and 25.1.7.	P
NS2	Any Permitted Activity that does not meet the General and/or Specific Performance Standards and Terms in Sections 25.1.6 and 25.1.7.	RD

Standard 25.1.7D Noise Sensitive Activities within Specified Road Noise Boundaries.

- a) The following Minimum External Sound Insulation Level Standards shall apply to all habitable spaces within any noise sensitive activity within the Major Arterial Road Noise Boundary as shown in Appendices 11, 14 and 80 and within the Collector Road 'Noise Boundary' as shown in Appendix 13B (including the addition or alteration of a habitable space which exceeds 10% of the existing gross floor area):
 - i. The habitable space within the noise sensitive activity shall achieve a Minimum External Sound Insulation Level of the building envelope of Dtr, 2m, nTw + Ctr >30 dB for outside walls of any habitable spaces.
 - ii. Where it is necessary to have windows closed to achieve the acoustic design requirements, an alternative ventilation system shall be provided. Any such ventilation system shall be designed to satisfy the requirements of the Building Code and achieve a level of no more than NC30 in any habitable space.
- b) For land within Appendices 11 and 14 the Standard in (a) above does not apply to noise sensitive activities which can comply with the following:
 - i. The habitable space within the noise sensitive activity is greater than 80 metres from the edge of the road carriageway; or
 - ii. Noise screening (such as a noise barrier fence) is constructed so that noise levels measured at the location of the building housing the noise sensitive activity, in accordance with NZS6806:2010, do not exceed 55 dB LAeq (24hour) outdoors.
- c) For land within Appendices 13B and 80, the Standard in (a) above does not apply to noise sensitive activities which can comply with the following:
 - i. The habitable space within the noise sensitive activity is greater than 75 metres from the edge of the road carriageway; or
 - ii. Noise screening (such as a noise barrier fence) is constructed so that noise levels measured at the location of the building housing the noise sensitive activity, in accordance with NZS6806:2010, do not exceed 57 dB LAeq (24hour) outdoors.
- d) An Acoustic Design Report must be provided to the Council prior to any Building Consent being granted or where no Building Consent is required, prior to the commencement of the use. The Acoustic Design Report must be prepared by a person qualified and experienced in acoustics. The Report is to indicate the means by which the noise limits specified in this Standard will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the acoustic design requirements specified in this Standard.

- e) Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the Standard in 25.1.7C(a) above.
-

Objective 57.5 To avoid noise sensitive activities where they will be located in existing high noise environments and the adverse effects of that noise cannot reasonably be mitigated.

Policies

To achieve this objective the Council will:

- 57.5.1 Ensure that noise sensitive activities and the addition of a habitable space to existing noise sensitive activities in non-residential zones are acoustically designed and constructed to mitigate noise arising from legitimately established commercial and industrial activities.
- 57.5.2 Require acoustic insulation of new noise sensitive activities and the addition of a habitable space to existing noise sensitive activities where they are located within a noise control boundary such as those surrounding the Strategic Arterial Road Routes and the Port of Napier.

Noise rules are provided in both the Noise chapter (Chapter 57) and the Zone chapters.

The Noise chapter provides for the following exemptions:

57.9 Exemptions from Maximum Noise Limits

1. The noise conditions and vibration conditions in any part of the Plan, unless specifically stated, will not apply to the following, and are therefore considered permitted activities:

....

d. To vehicles travelling on a road (this does not apply to stationary vehicles).

e. To trains, other than on private sidings, or when being tested (when stationary), maintained, loaded, or unloaded.

...

Example of zone chapter provisions are:

Chapter 8 Hardinge Road Residential Zone:

8.22 Noise

1. The following noise conditions shall apply to all [land](#) uses (including noise from fixed plants such as air conditioning units and other similar devices), other than those exempted in Rule 57.9:

a. The following [noise limits](#) must not be exceeded at any point beyond the [site](#) boundary, except where expressly provided for elsewhere in this Plan:

Control Hours	Noise Level
0700 to 1900 hours	50 dB L _{Aeq} (15 min)
1900 to 2200 hours	45 dB L _{Aeq} (15 min)
2200 to 0700 hours the following day	40 dB L _{Aeq} (15 min)
2200 to 0700 hours the following day	70 dB L _{AFmax}

b. All [land](#) uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.

2. The following acoustic insulation conditions shall apply to all [new noise sensitive activities](#) and the addition of a [habitable space](#) to an [existing noise sensitive activity](#) within the Port Noise Boundary (excluding the Port Inner Noise Boundary):

a. All [new habitable spaces](#) within [buildings](#) used for the [noise sensitive activity](#) must be adequately insulated from noise arising from the [land](#) uses within the [Port Industrial Zone](#).

b. Adequate sound insulation must be achieved by constructing the [building](#) to achieve a spatial average indoor design sound level of 45 dBA L_{dn} in all [new habitable spaces](#). The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order.

c. In order to achieve this standard either:

i. An acoustic design report must be provided to the Council prior to any [building](#) consent being granted, or where no [building](#) consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the [noise limits](#) specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the [noise limits](#) specified in this rule; or

ii. Compliance with the requirements in the following table will be deemed to achieve the required insulation standard specified in this rule. A report must be provided to the Council prior to any [building](#) consent being granted demonstrating compliance with the requirements listed in the following table and will form part of the [building](#) consent application. The report must be prepared by the person responsible for undertaking the [building](#) work.

Matters:

- The sound level likely to be generated.
- The nature and frequency of the noise including any special audible characteristics.
- The compatibility within the neighbourhood.
- The [effects](#) of noise on [amenity values](#).
- The length of time for which specified noise levels is exceeded, especially at night.
- The likely adverse [effects](#) on-site and beyond the [site](#).
- The mitigation measures to reduce noise generation.

Building Element	Requirement
Wall	<ol style="list-style-type: none"> 20mm timber weather boards exterior cladding. Internal lining two layers of 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation in wall cavity. Brick veneer. Internal lining 1 layer of 10mm thick gypsum plasterboard.
Window	<ol style="list-style-type: none"> Up to 20% of wall area 7mm laminated glazing (1mm interlayer). Up to 50% of wall area 11mm laminated glazing (1mm interlayer).
Roof	<ol style="list-style-type: none"> Pitched roof greater than 20°: steel cladding of 0.5mm or greater or tiles. Ceiling lining of two layers of minimum 10mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m³ in ceiling cavity. Skillion roof: steel cladding of 0.5mm or greater. Ceiling lining of two layers of minimum 13mm thick gypsum plasterboard. Minimum 75mm thick fibreglass or polyester or wool insulation of 14kg/m³ in ceiling cavity.
Floor	<ol style="list-style-type: none"> On grade slab. Two layers of 20mm thick particle board.

a. Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the rule in (b) above.

b. It will be a condition of [subdivision of land](#) (as defined in the Act) that a consent notice issued under Section 221 of the Act must be entered into before the issue of a Section 224 Certificate, with such a consent notice to be registered on the Certificate(s) of Title of the relevant [lot\(s\)](#). The consent notice is required to ensure that compliance with the acoustic insulation requirements in 2(b) above are achieved.

Chapter 5 Main Residential Zone:

<p>5.22 Noise</p> <p>1. The following noise conditions shall apply to all land uses (including noise from fixed plants such as air conditioning units and other similar devices), other than those exempted in Rule 57.9:</p> <p>a. The following noise limits must not be exceeded at any point beyond the site boundary, except where expressly provided for elsewhere in this Plan:</p> <table border="1" data-bbox="284 1473 946 1704"> <thead> <tr> <th>Control Hours</th> <th>Noise Level</th> </tr> </thead> <tbody> <tr> <td>0700 to 1900 hours</td> <td>50 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>1900 to 2200 hours</td> <td>45 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>40 dB L_{Aeq} (15 min)</td> </tr> <tr> <td>2200 to 0700 hours the following day</td> <td>70 dB L_{AFmax}</td> </tr> </tbody> </table> <p>b. All land uses must comply in all respects with the relevant conditions in Chapter 57 (Noise) of this Plan.</p> <p>2. The following acoustic insulation conditions shall apply to all new noise sensitive activities within the State Highway Noise Boundary and/or Willowbank Noise Boundary:</p> <p>a. Where any building used for a noise sensitive activity is to be located within the State Highway Noise Boundary and/or Willowbank Noise Boundary as shown on the planning maps:</p>	Control Hours	Noise Level	0700 to 1900 hours	50 dB L _{Aeq} (15 min)	1900 to 2200 hours	45 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	40 dB L _{Aeq} (15 min)	2200 to 0700 hours the following day	70 dB L _{AFmax}	<p>Matters:</p> <ul style="list-style-type: none"> The sound level likely to be generated. The nature and frequency of the noise including any special audible characteristics. The compatibility within the neighbourhood. The effects of noise on amenity values. The length of time for which specified noise levels is exceeded, especially at night. The likely adverse effects on-site and beyond the site. The mitigation measures to reduce noise generation.
Control Hours	Noise Level										
0700 to 1900 hours	50 dB L _{Aeq} (15 min)										
1900 to 2200 hours	45 dB L _{Aeq} (15 min)										
2200 to 0700 hours the following day	40 dB L _{Aeq} (15 min)										
2200 to 0700 hours the following day	70 dB L _{AFmax}										

- b. The standard in (a) above does not apply to [noise sensitive activities](#) which can comply with the following:
- i. The habitable room within the [noise sensitive activity](#) is greater than 80 metres from the edge of the nearest traffic lane where the posted speed limit is at least 70km/hour; or
 - ii. (Noise screening (such as a noise barrier [fence](#)) is constructed so that noise levels measured at the location of the [building](#) housing the [noise sensitive activity](#), do not exceed 55 dB L_{Aeq} (24hour) outdoors.
- c. An acoustic design report must be provided to the Council prior to any [building](#) consent being granted or where no [building](#) consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the [noise limits](#) specified in this standard will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the acoustic design requirements specified in this standard.
- d. Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the standards in (a) above.

3. The following acoustic insulation conditions shall apply to all [new noise sensitive activities](#) within the [Airport Noise Boundary](#):

- a. Where any [new noise sensitive activity](#) is established within the [airport noise boundary](#) as shown on the planning maps:
- i. All [habitable spaces](#) within the [building](#) must be adequately insulated from noise arising from aircraft operations associated with the Hawke's Bay Airport.
 - ii. Adequate sound insulation must be achieved by constructing any [building](#) to achieve a spatial average indoor design sound level of 40 dBA L_{eq} in any room used for sleeping and 45 dBA L_{eq} in all other [habitable spaces](#). The indoor design level must be achieved with windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order.
 - iii. The owner must produce to the Council an acoustic design report prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the [noise limits](#) specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the [noise limits](#) specified in this rule.
- b. Prior to any person requesting a Certificate of Compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with the rule in 3(a) above.
- c. It will be a condition of [subdivision of land](#) (as defined in [the Act](#)) that a consent notice issued under Section 221 of [the Act](#) must be entered into before the issue of a Section 224 Certificate, with such a consent notice to be registered on the Certificate(s) of Title of the relevant [lot\(s\)](#). The consent notice is required to ensure that compliance with the acoustic insulation requirements in 3(a) above are achieved.

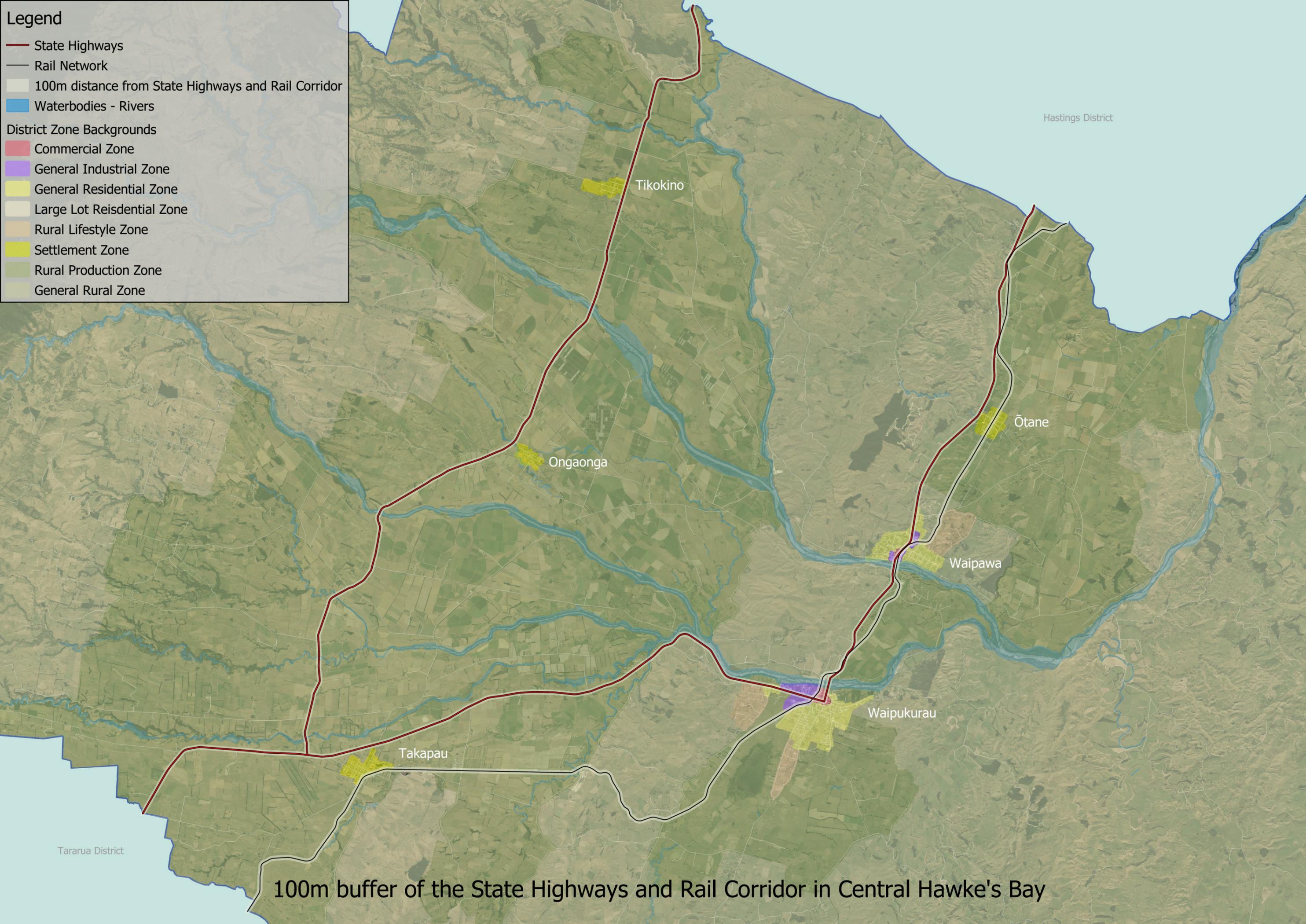
Maps of Central Hawke's Bay showing indicative 100 m setback for the State Highway and Rail networks (measured from the centre line)

Legend

- State Highways
- Rail Network
- 100m distance from State Highways and Rail Corridor
- Waterbodies - Rivers

District Zone Backgrounds

- Commercial Zone
- General Industrial Zone
- General Residential Zone
- Large Lot Residential Zone
- Rural Lifestyle Zone
- Settlement Zone
- Rural Production Zone
- General Rural Zone



100m buffer of the State Highways and Rail Corridor in Central Hawke's Bay



100m buffer of the State Highway and Rail Corridor in Ōtane



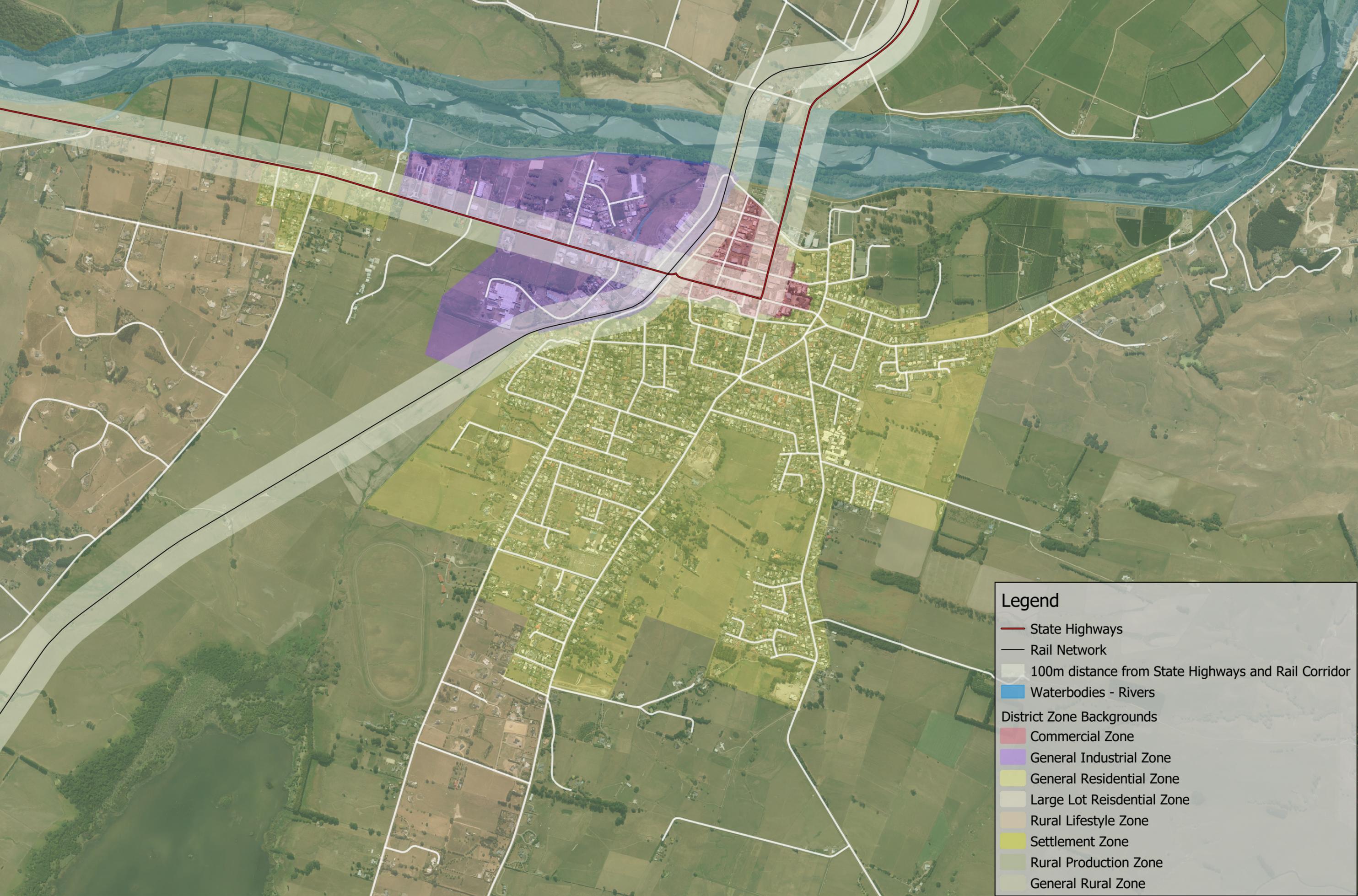
Legend

- State Highways
- Rail Network
- 100m distance from State Highways and Rail Corridor
- Waterbodies - Rivers

District Zone Backgrounds

- Commercial Zone
- General Industrial Zone
- General Residential Zone
- Large Lot Residential Zone
- Rural Lifestyle Zone
- Settlement Zone
- Rural Production Zone
- General Rural Zone

100m buffer of the State Highways and Rail Corridor in Waipawa



100m buffer of the State Highways and Rail Corridor in Waipukurau

APPENDIX 5

Memo from Steve Peakell of Marshall Day Acoustics, dated 28 April 2022

MEMO

Project:	Waipukurau Airfield	Document No.:	Mm 003
To:	Central Hawkes Bay District Council	Date:	28 April 2022
Attention:	Stella Morgan	Cross Reference:	
Email:	stella@sageplanning.co.nz	Project No.:	20170771
From:	Steve Peakall	No. Pages:	1
CC:		Attachments:	No
Subject:	CHBDC airfield noise issues		

Marshall Day Acoustics (MDA) has been asked to provide a response to the following question from the Commissioners regarding the Waipukurau Airfield noise boundaries:

“Is there any room to provide an increase in the annual air movement thresholds (for Waipukurau Aerodrome) to provide for additional growth?”

There are two aspects to this question that require addressing, namely;

- What level of activity can occur inside the proposed noise boundaries and is this able to be increased, and;
- How compliance is determined.

In response to the first part, any increase in the annual movements, beyond that envisaged in the contours would likely cause non-compliance. This is because an increase in activity would naturally result in an increase in noise contour extent (assuming the same aircraft types, runway and night-time use). In our opinion this would not be possible without also increasing the noise boundary footprint.

Notwithstanding this, there is no actual limit on the number of movements at the airfield, rather there is a performance standard in the form of a noise limit imposed instead. As long as the noise levels are not exceeded it does not matter what number of aircraft movements occur. The number enshrined in the rules is a trigger value at which compliance assessment commences.

However, we do not recommend altering the threshold, or the noise boundaries as they represent a fair level of both potential growth at the airfield, and protection of the local community. We note that the rules have been designed to limit the burden on the operator in term of compliance reporting, compared to that which occurs elsewhere.