

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:
Robert Schofield (Chair)
Loretta Lovell
Roger Maaka
Tim Aitken
Kate Taylor
Pip Burne

TOPIC:

General District-Wide Matters: Noise and Signs

PREPARED BY:

Stella Morgan

REPORT DATED:

28 February 2022

DATE OF HEARING:

30 March to 1 April 2022

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Appendix A – Recommended Amendments to Plan Provisions

Appendix B – Summary of Recommended Responses to Submissions and Further Submissions

Appendix C – Marshall Day Acoustics Re: Waipukurau Airfield Noise

List of Submitters and Further Submitters addressed in this Report

1. Noise**Submitter name**

Submitter Name	Submitter Number
Aerospread Ltd	S38
Bill MacGregor	S74
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Horticulture New Zealand (Hort NZ)	S81
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129
Ministry of Education	S73
New Zealand Defence Force (NZDF)	S29
New Zealand Pork Industry Board (Pork Industry Board)	S42
Waka Kotahi NZ Transport Agency (Waka Kotahi)	S78

Further submitter name

Further submitter Name	Further submitter number
Kāinga Ora - Homes and Communities (Kāinga Ora)	FS23
New Zealand Defence Force (NZDF)	FS12
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9
Silver Fern Farms Limited (Silver Fern Farms)	FS8
Waka Kotahi NZ Transport Agency (Waka Kotahi)	FS16

2. SIGNS**Submitter name**

Submitter Name	Submitter Number
Chorus New Zealand Limited (Chorus)	S117
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Heritage New Zealand Pouhere Taonga (HNZPT)	S55
Spark New Zealand Trading Limited (Spark)	S118
Vodafone New Zealand Limited (Vodafone)	S119
Waka Kotahi NZ Transport Agency (Waka Kotahi)	S78

Further submitter name

Further submitter Name	Further submitter number
Horticulture New Zealand (Hort NZ)	FS17
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	FS9

1.0 Introduction

1.1 Qualifications and Experience

- 1.1.1 My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners / Directors, established in 2015.
- 1.1.2 I hold a Bachelors degree in Geography, and a Master of Regional and Resource Planning, and am a full member of the New Zealand Planning Institute.
- 1.1.3 I have been a practicing planner for the past 30+ years. Prior to establishing Sage Planning, I was a planning consultant with Opus International Consultants (now WSP) for 10 years, and prior to that I worked in various roles including recreation planner and community development team leader (7 years) at Hastings District Council, and as a planner at Christchurch City Council, Queenstown Lake District Council, and Johnston Anderson Whitney Consultants.
- 1.1.4 Sage Planning has been engaged by Central Hawke's Bay District Council (CHB) as the lead planning consultants to assist with the full District Plan Review since August 2017. I was involved in scoping issues, preparing discussion documents, engagement with the community, and preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions and recommending amendments to the Draft Plan, and subsequent completion of the Proposed District Plan including preparation of accompanying Section 32 Evaluation Reports.

1.2 Code of Conduct

- 1.2.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.2.2 I am authorised to give this evidence on the Council's behalf to the Proposed District Plan Hearings Commissioners.

1.3 Conflict of Interest

- 1.3.1 I confirm that I have no real or perceived conflict of interest.

1.4 Involvement with the Proposed Plan

- 1.4.1 I was involved in scoping issues and preparing discussion documents for Council's District Plan Review Committee, engagement with the community, preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions to the Committee and recommending amendments to the Draft Plan, and subsequent completion of the Proposed District Plan including preparation of the accompanying Section 32 Evaluation Reports.
- 1.4.2 I contributed to the various discussion documents and draft plan provisions relating to the Urban Noise and Signs provisions, the reporting officer on informal submissions to the Draft District Plan on this topic, and contributing author of the Section 32 Remaining District Wide Chapters and Relocated Building Provisions Topic Report accompanying notification of the Proposed District Plan (PDP).

1.5 Preparation of this Report

- 1.5.1 My role in the preparation of this report has been to review, provide analysis on, and make recommendations on the submissions and further submissions received in relation to the contents of the Urban Noise and Signs provisions of the PDP.
- 1.5.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Scope of Report

2.1 Matters addressed by this Report

- 2.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the General District-Wide Matters: 'NOISE- Noise' and 'SIGNS-Signs' chapter of the PDP.

2.2 Overview of the Topic

- 2.2.1 The noise provisions are contained within the General District-Wide Matters 'NOISE – Noise' chapter of the PDP. The purpose of the noise provisions is to recognise and provide for activities with associated noise to operate, while controlling the effects of that noise to a reasonable level in order to protect the amenity of the environment.
- 2.2.2 The signs provisions are contained within the General District-Wide Matters: 'SIGN – Signs' chapter of the PDP. The purpose of the signs provisions is to address the potential safety and visual effects of signage on the environment.

2.3 Statutory Considerations

- 2.3.1 The PDP has been prepared in accordance with the RMA and in particular the requirements of section 74 (Matters to be considered by territorial authority) and section 75 (Contents of district plans).
- 2.3.2 As set out in the Section 32 Remaining District Wide Chapters and Relocated Building Provisions Topic Report, the key legislative requirements underpinning these provisions are:
- 2.3.3 Section 31 outlines the functions of territorial authorities under the RMA, including:
'(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.'
- 2.3.4 In addition, with respect to noise section 16 of the RMA is also relevant. 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.

2.4 Procedural Matters

- 2.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, undertaken on the submissions relating to the General District-Wide Matters: 'NOISE – Noise' and 'SIGN – Signs' chapters of the PDP prior to the finalisation of this section 42A report.
- 2.4.2 No further consultation with any parties regarding 'NOISE – Noise' and 'SIGN – Signs' provisions has been undertaken since notification of the provisions.

3.0 Consideration of Submissions Received

3.1 Overview of Submissions

- 3.1.1 As stated, this topic report addresses submissions received on the 'General District-Wide Matters: 'NOISE – Noise' and 'SIGN – Signs' chapter of the PDP.
- 3.1.2 Submissions were received as follows:
Noise
- 3.1.3 There are ten (10) submitters and five (5) further submitters across the whole 'General District-Wide Matters: NOISE – Noise' topic.
- 3.1.4 Forty-one (41) original submission points and twenty-three (23) further submission points were received on the provisions relating to this topic.
- 3.1.5 Of the 41 original submission points, 26 submission points are in support.

3.1.6 Submissions in opposition can be generally be summarised as follows:

- Amendments sought to Objective NOISE-O1 including a request to a) delete or b) broaden this objective.
- Points of clarification requested in relation to Objectives NOISE-O2, NOISE-O3 and NOISE-O4.
- Opposition to Policy NOISE-P2 and Standard NOISE S3 relating to noise sensitive activities within 100m of State Highways and the Rail Network.
- Minor amendment sought to Standard NOISE-S5(6) relating to educational facilities.
- Opposition to annual aircraft movement thresholds triggering compliance requirements (Standard NOISE-S5(21)).
- Amendment sought to include 'agricultural aviation movements' to the list of exemptions for Waipukurau Aerodrome (Standard NOISE-S5(22)).

Signs

3.1.7 There are six (6) submitters and five (5) further submitters across the whole 'General District-Wide Matters: SIGNS – Signs' topic.

3.1.8 Nine (9) original submission points and five (5) further submission points were received on the provisions relating to this topic.

3.1.9 Of the 9 original submission points, 5 submission points are in support.

3.1.10 The remaining 4 submissions seek amendments to Rule SIGN-R2 (official signs).

3.2 Structure of this Report

3.2.1 Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A General District-Wide Matters: 'NOISE- Noise' and 'SIGN -Signs' topic report as follows:

- Key Issue 1: Noise
- Key Issue 2: Signs

4.0 Key Issue 1 –Noise

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
S81.094	Hort NZ	NOISE-O2	Support	Retain NOISE-O2.	Accept
.					
S121.105	Federated Farmers	NOISE-O2	Support	Retain NOISE-O2 as proposed.	Accept
FS9.105	Forest & Bird		Oppose		Reject
S129.129	Kāinga 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
.					
S81.095	Hort NZ	NOISE-O3	Support	Retain NOISE-O3.	Accept
.					
S121.106	Federated Farmers	NOISE-O3	Support	Retain NOISE-O3 as proposed.	Accept
FS9.106	Forest & Bird		Oppose		Reject
S129.130	Kāinga 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
FS8.043	Silver Fern Farms		Oppose		Accept
FS16.36	Waka Kotahi		Amend	Retain NOISE-O3 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	Pork Industry Board	NOISE-O3	Support	Retain NOISE-O3 as proposed.	Accept
.					
S78.009	Waka Kotahi	NOISE-O3	Support	Retain NOISE-O3 as written.	Accept
FS23.174	Kāinga Ora		Oppose		Reject
S29.004	NZDF	NOISE-O4	Support	Retain objective as notified.	Accept
.					
S81.096	Hort NZ	NOISE-O4	Support	Retain NOISE-O4.	Accept
.					
S57.083	FENZ	NOISE-O4	Support	Retain NOISE-O4 as notified.	Accept
.					

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S78.010	Waka Kotahi	NOISE-O4	Support	Retain NOISE-O4 as written.	Accept
FS23.175	Kāinga Ora		Oppose		
S129.131	Kāinga 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
FS16.37	Waka Kotahi		Oppose	Retain NOISE-O4 as notified.	Accept
S129.132	Kāinga 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
.					
S78.011	Waka Kotahi	NOISE-P2	Support	Retain NOISE-P2 as written.	Accept
FS23.176	Kāinga Ora		Oppose		
S129.133	Kāinga Ora	NOISE-P2	Oppose	Delete NOISE-P2.	Reject
.					
S81.097	Hort NZ	NOISE-P3	Support	Retain NOISE-P3.	Accept
.					
S129.134	Kāinga Ora	NOISE-P3	Support	Retain NOISE-P3 as notified.	Accept
.					
S129.135	Kāinga Ora	NOISE-P4	Support	Retain NOISE-P4 as notified.	Accept
.					
S129.136	Kāinga 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
.					
S29.005	NZDF	NOISE-P6	Support	Retain policy as notified.	Accept
.					
S57.084	FENZ	NOISE-P6	Support	Retain NOISE-P6 as notified.	Accept
.					
S129.137	Kāinga Ora	NOISE-P6	Support	Retain NOISE-P6 as notified.	Accept
.					
S129.138	Kāinga Ora	NOISE-P7	Support	Retain NOISE-P7 as notified.	Accept
.					
S129.139	Kāinga Ora	NOISE-P8	Support	Retain NOISE-P8 as notified.	Accept
.					
S81.098	Hort NZ	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

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
FS12.5	NZDF		Support		Accept
S78.012	Waka Kotahi	NOISE-S3	Support	Retain NOISE-S3 as written.	Accept
FS23.177	Kāinga Ora		Oppose		Reject
S129.140	Kāinga Ora	NOISE-S3	Oppose	Delete NOISE-S3.	Reject
FS16.38	Waka Kotahi		Oppose	Retain NOISE-S3 as notified.	
S57.085	FENZ	NOISE-S5	Support	Retain NOISE-S5 as notified.	Accept
.					
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
.					
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
.					
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
.					
S74.001	B 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.	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
				g. Aircraft involved in agricultural aviation activities ancillary to primary production.'	
S129.141	Kāinga Ora	NOISE-S5	Oppose	Delete NOISE-S5, and reconsider it so as to ensure the standard achieves its intended purpose.	Reject
FS12.6	NZDF		Oppose	Reject submitters relief sought if it relates to the deletion of all of NOISE-S5.	Accept
S121.112	Federated Farmers	NOISE-AM1	Support	Retain NOISE-AM1 as proposed.	Accept
FS9.112	Forest & Bird		Oppose		Reject
S121.113	Federated Farmers	NOISE - Principal Reasons	Support	Retain 'NOISE - Principal Reasons' as proposed.	Accept
FS9.113	Forest & Bird		Oppose		Reject
S121.114	Federated Farmers	NOISE-AER3	Support	Retain NOISE-AER3 as proposed.	Accept
FS9.114	Forest & Bird		Oppose		Reject
S121.115	Federated Farmers	NOISE-AER4	Support	Retain NOISE-AER4 as proposed.	Accept
FS9.115	Forest & Bird		Oppose		Reject

- 4.1.1 In summary, there were forty-one (41) original submissions and twenty-three (23) further submissions received to the NOISE chapter of the PDP.
- 4.1.2 I note that Forest & Bird (FS9) have made a further submission opposing all relief sought in S121 by Federated Farmers. Their basis for opposition is that the amendments and decisions sought by this submitter would result in continued loss of indigenous biodiversity in Hawke's Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA.
- 4.1.3 In the context of this Key Issue, being submissions on the NOISE provisions of the PDP, these further submissions from Forest & Bird relating to biodiversity are not considered relevant. Whilst I have noted these further submissions in the 'matters raised by submitters' below, I have not considered them further in my analysis.

4.2 Matters Raised by Submitters

Objective NOISE-O1

- 4.2.1 S81.093 Hort NZ supports Objective NOISE-O1.
- 4.2.2 S121.104 Federated Farmers opposes Objective NOISE-O1. Their reasons for deleting this objective are that they consider it to be superfluous, with Objective NOISE-O2 essentially providing for the same outcomes.
- 4.2.3 Forest & Bird (FS9.104) opposes this submission point.
- 4.2.4 S129.128 Kāinga Ora opposes Objective NOISE-O1 and seeks it be amended 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.'**
- 4.2.5 Whilst they support the intent of this objective, they consider that in its current form, the scope is too narrow.
- 4.2.6 Silver Fern Farms (FS8.042) opposes this submission point. In their view, the submitter's proposed revision of Objective NOISE-O1 is less effective in addressing reverse sensitivity effects than the notified text, and would place the burden of noise mitigation on lawfully established activities. They consider that

this disregards 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.

Objective NOISE-O2

- 4.2.7 S81.094 Hort NZ supports retaining Objective NOISE-O2. In their view it is appropriate that there is differentiation across the different receiving environments in the district.
- 4.2.8 S121.105 Federated Farmers supports retaining Objective NOISE-O2. They consider that assessing activities against context and compatibility within receiving zones is highly appropriate and should facilitate an efficient and effective planning response. In their view, the character and function of each zone is important when deciding what noise activities are appropriate and in particular that farm noise in the rural zones should always be considered acceptable and in character.
- 4.2.9 Forest & Bird (FS9.104) opposes this submission point.
- 4.2.10 S129.129 Kāinga Ora seeks an amendment to Objective NOISE-O2 as follows:
- 'Activities generate noise effects that are compatible with the role, **and** function ~~and predominant character~~ of each receiving zone.'
- 4.2.11 Whilst Kāinga Ora generally supports the objective as proposed, they seek an amendment to remove the words 'predominant character', as in their view it is unclear how character relates to noise and vibration effects.

Objective NOISE-O3

- 4.2.12 S81.095 Hort NZ, S42.036 Pork Industry Board, S121.106 Federated Farmers, and S78.009 Waka Kotahi support retaining Objective NOISE-O3.
- 4.2.13 Forest & Bird (FS9.106) opposes Federated Farmers submission point.
- 4.2.14 Kāinga Ora (FS23.174) opposes Waka Kotahi's submission point on the basis that in general 'they support/oppose the proposed amendment, to the extent it is consistent/inconsistent with Kāinga Ora's primary submission'.
- 4.2.15 S129.130 Kāinga Ora seeks an amendment to Objective 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**.'
- 4.2.16 Whilst Kāinga Ora generally supports this objective they request the inclusion of the qualifier 'where practicable' to reflect that avoidance, remedying, and or mitigation may not in all cases eliminate all reverse sensitivity effects which may arise.
- 4.2.17 Silver Fern Farms (FS8.043) oppose this proposed amendment on the basis that in their view, the proposed addition of 'where practicable' to this objective is inappropriate, and that where a new noise sensitive activity locates near an existing lawfully established activity that generates noise, the burden is on the new activity (as the agent of change) to avoid, remedy or mitigate conflict and reverse sensitivity effects, or, to locate elsewhere. Silver Fern Farms does not agree that the PDP's objectives relating to noise should enable (or, contemplate enabling) land use conflicts generated by introducing noise sensitive activities into environments where noise is a reasonable existing characteristic. In their view, this is particularly so if the new activity has no functional need for the location - which is a matter addressed by Objective NOISE-O4.
- 4.2.18 Waka Kotahi (FS16.36) also oppose this proposed amendment. In their view use of the term 'where practicable' is vague and leads to ambiguity. They seek that Objective NOISE-O3 be retained as notified, or the threshold test in this objective be reconsidered to avoid ambiguity. In their view repeating the RMA terminology, 'avoid, remedy or mitigate' should generally not be used in an objective.

Objective NOISE-O4

- 4.2.19 S29.004 NZDF, S81.096 Hort NZ, S57.083 FENZ and S78.010 Waka Kotahi support retaining Objective NOISE-S4.
- 4.2.20 S129.131 Kāinga Ora seeks an amendment to Objective 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**.'

4.2.21 Waka Kotahi (FS16.37) opposes this submission point seeking that Objective NOISE-O4 be retained. In their view the use of the term 'where appropriate' is vague and leads to ambiguity.

Policy NOISE-P1

4.2.22 S129.132 Kāinga Ora seeks an amendment to Policy 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.'

4.2.23 Kāinga Ora generally supports the policy as proposed, however seeks amendments to remove the words 'predominant character' as in their view it is unclear how character relates to noise and vibration effects.

Policy NOISE-P2

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.

4.2.24 S78.011 Waka Kotahi supports retaining Policy NOISE-P2.

4.2.25 Kāinga Ora (FS23.176) opposes this submission point on the basis that in general 'they support/oppose the proposed amendment, to the extent it is consistent/inconsistent with Kāinga Ora's primary submission'.

4.2.26 S129.133 Kāinga Ora opposes Policy NOISE-P2. They consider a more appropriate means of managing internal sound levels for noise sensitive activities is through the maximum zonal noise levels and insulation requirements of the Building Act/Building Code.

Policy NOISE-P3

4.2.27 S81.097 Hort NZ and S129.134 Kāinga Ora support retaining Policy NOISE-P3.

Policy NOISE-P4

4.3.18 S129.135 Kāinga Ora supports retaining Policy NOISE-P4.

4.2.28 S129.136 Kāinga Ora seeks an amendment to Policy NOISE-P5 as follows:

'To allow noisy construction and demolition activities subject to ensuring the protection of the community from unreasonable noise **effects**.'

4.2.29 Whilst Kāinga Ora generally supports the policy as proposed, they seek inclusion of the word '*effects*' for clarification purposes.

Policy NOISE-P6

4.2.30 S29.005 NZDF, S57.084 FENZ, and S129.137 Kāinga Ora support retaining Policy NOISE-P6.

Policy NOISE-P7

4.2.31 S129.138 Kāinga Ora supports retaining Policy NOISE-P7.

Policy NOISE-P8

4.2.32 S129.139 Kāinga Ora supports retaining Policy NOISE-P8.

Standard NOISE-S1

4.2.33 S81.098 Hort NZ seeks an amendment to Standard 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.'

4.2.34 Hort NZ supports measurement at the notional boundary in the General Rural Zone (GRUZ) and the Rural Production Zone (RPROZ), but considers that the Rural Lifestyle Zone (RLZ) should also use the national boundary measure as it is similar in nature to the rural area.

- 4.2.35 NZDF (FS12.5) supports this submission point. They consider it is appropriate to measure noise at the notional boundary rather than the site boundary for sites in the Rural Lifestyle Zone, given the potentially large size of these properties with dwellings located a significant distance from the site boundary.

Standard NOISE-S3

- 4.2.36 S78.012 Waka Kotahi supports retaining Standard NOISE-S3.
- 4.2.37 Kāinga Ora (FS23.177) opposes this submission point on the basis that in general 'they support/oppose the proposed amendment, to the extent it is consistent/inconsistent with Kāinga Ora's primary submission'
- 4.2.38 S129.140 Kāinga Ora opposes Standard NOISE-S3. In their view the standard does not support the requirement to achieve maximum internal sound levels for sensitive activities (which are defined as including 'living' activities) in Residential zones and Rural Lifestyle areas. They consider that the nature of these zones under the Plan are such that internal noise levels can be appropriately managed through the insulation requirements of the Building Act and Building Code, in concert with the maximum zonal noise levels proposed under Standard NOISE-S4. They consider this is consistent with the approach taken by other Councils across New Zealand. Kāinga Ora further considers that there is a disconnect between this standard, which imposes noise insulation requirements on noise sensitive activities (i.e. the receiving site), and the activity, being the emission of noise (i.e. from the emitters).
- 4.2.39 Waka Kotahi (FS16.38) opposes this submission point and seeks that Standard NOISE-S3 be retained as notified.

Standard NOISE-S5

- 4.2.40 S57.085 FENZ supports retaining Standard NOISE-S5 as notified.
- 4.2.41 S73.012 Ministry of Education seeks an amendment to Standard NOISE-S5(6) 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.

- 4.2.42 S74.001 B MacGregor seeks an amendment to Standards NOISE-S5(21) and NOISE-S5(22) 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. ...'

'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.'**

- 4.2.43 Mr MacGregor considers that keeping an accurate track of every aircraft movement would impose a burden on a voluntary organisation of this type. He notes that the aerodrome is used by a wide variety of visiting aircraft and hosts club days, creating a considerable number of movements in a short period of time. He cites as example, a quiet weekend of flight training uses at least 200 movements by the aero club alone, so a minimum of 10,000 movements is needed to avoid having to invoke the requirement for AANC development. 15,000 movements should thus cover for aero club plus visiting aircraft, without an increase over current activity.

- 4.2.44 S38.005 Aerospread Ltd seek a similar amendment to Standards 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.
- 4.2.45 Aerospread Ltd consider that increasing voluntary workload and cost by tracking aircraft movements for little or no gain needs amending. They would like to see the number of movement that triggers greater compliance increased to at least 15,000 movements, if at all. Waipukurau Aerodrome is a unique privately owned community airfield that is run with a voluntary team who provide considerable contribution to both town and rural communities in the District. For example, weekend gliding championship, fuel, Search & Rescue, Firefighting, very cost effective flight training, hangarage, a home for local agricultural fixed-wing and helicopter firm's all supporting the community.
- 4.2.46 S38.006 Aerospread Ltd also seeks an amendment to Standard NOISE-S5(22) for Waipukurau Aerodrome, to include 'agricultural aviation movements' to the list of exemptions to the noise rules.
- 4.2.47 S129.141 Kāinga Ora opposes Standard NOISE-S5 seeking it be deleted. Kāinga Ora requests this standard be reconsidered to ensure it achieves its intended purpose. Kāinga Ora generally supports the intent of the standard to the degree that it enables identified noise generating activities where they provide a critical function and/or are established within zones where increased noise levels are appropriate for the types of activities reasonably anticipated to be established and are compatible with the predominant character and amenity values of the zone. However, they consider that in its current form the standard creates ambiguity about what it seeks to manage i.e. noise-generating activities or internal noise levels for noise sensitive activities (refer Standard NOISE-S5(24)).
- 4.2.48 NZDF (FS12.6) opposes this submission point. They consider it is not clear if Kāinga Ora's relief relates to the deletion of all of Standard NOISE-S5 or just Standard Noise-S5(24). If it is the deletion of Standard NOISE-S5 in its entirety, NZDF opposes this, as they consider it is appropriate to exempt certain activities from compliance with noise standards.

Assessment Matter NOISE-AM1

- 4.2.49 S121.112 Federated Farmers supports retaining Assessment Matter NOISE-AM1 as proposed. Forest & Bird (FS9.112) opposes this submission.

NOISE – Principal Reasons

- 4.2.50 S121.113 Federated Farmers supports retaining Assessment Matter NOISE - Principal Reasons as proposed. Forest & Bird (FS9.113) opposes this submission.

Anticipated Environmental Results NOISE-AER3

- 4.2.51 S121.114 Federated Farmers supports retaining Anticipated Environmental Result NOISE-AER3 as proposed. Forest & Bird (FS9.114) opposes this submission.

NOISE-AER4

- 4.2.52 S121.115 Federated Farmers supports retaining Anticipated Environmental Result NOISE-AER4 as proposed. Forest & Bird (FS9.115) opposes this submission.

4.3 Analysis

- 4.3.1 In summary, matters raised by submitters include:

- The need (or otherwise) for Objective NOISE-O1 (S121.104 Federated Farmers), or the need to broaden the scope of Objective NOISE-O1 (S129.128 Kāinga Ora).
- Delete the term 'predominant character' from Objective NOISE-O2 as it is unclear how relates to noise and therefore these words should be deleted (S129.129 Kāinga Ora).
- Additional wording sought: 'where practicable' in Objective NOISE-O3 (S129.130 Kāinga Ora); and 'to where appropriate' in Objective-NOISE-O4 (S129.131 Kāinga Ora);
- Policy NOISE-P2 and Standard NOISE S3 relating to noise sensitive activities within 100m of State Highways and the Rail Network.
- Noise exemptions for activities within the ground of an educational facility (Standard NOISE-S5(6)).
- Annual aircraft movements thresholds triggering compliance requirements (Standard NOISE-S5(21)).

- Inclusion of 'agricultural aviation movements' to the list of exemptions for Waipukurau Aerodrome (Standard NOISE-S5(22)).

Objectives

4.3.2 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.

4.3.3 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.

4.3.4 When read as a whole, I do not consider Objective NOISE-O1 to be 'superfluous'.

4.3.5 Kāinga Ora have sought Objective Noise-O1 be replaced with the following wording:

'Activities do not generate unreasonable noise effects which adversely affect amenity values, the health and wellbeing of people and communities, or noise sensitive activities.'

4.3.6 Silver Fern Farms (FS8.042) has opposed this on the basis that they consider proposed rewording is less effective in addressing reverse sensitivity effects and would place the burden of noise mitigation on lawfully established activities. Whilst I consider that 'unreasonable noise effects' could be further qualified by the noise rules and standards for each zone or specific activities, the inclusion of reference to noise sensitive activities could be interpreted in the way Silver Fern Farms have highlighted. The alternative wording also appears to combine elements of Objectives NOISE-O1, NOISE-O2 and NOISE-O3 and would potentially require consequential amendments to other parts of this chapter, and I do not see any benefit in rewording as proposed.

4.3.7 For these reasons I recommend that submission points S121.104 Federated Farmers and S129.128 Kāinga Ora be rejected.

4.3.8 Kāinga Ora seeks to delete the words '*predominant character*' from Objective NOISE-O2. Their full submission gives some further context to their views on how the term 'character' is used throughout the PDP. In particular they oppose '*the heavy emphasis upon the 'maintenance and enhancement' of character established through historical zoning patterns and under provisions of the Operative Central Hawke's Bay District Plan, and considers that the PDP is not currently framed to recognise that the character and built form of planned urban areas will evolve to deliver a compact and well-functioning urban form, and associated amenity values may change over time. In this regard, amendments are sought*

to ensure this is reflected more consistently throughout the objectives and policies of the various zones and to recognise and provide for growth now and into the future'.¹

- 4.3.9 The term 'predominant character' is used in Objective NOISE-O2 to reflect the differences in character across the range of zones that are provided for in the PDP. This is often reflected in the 'Explanation' section for each zone. For example, the General Rural Zone (GRUZ) 'Explanation' section describes the types of activities found within the rural environment, acknowledging that these play 'a large role in the formation of a common rural character and amenity' and can have potential to 'create noise, dust, and odour either of a temporary or intermittent nature beyond the boundary of the property concerned. These are legitimate farming practises which may nevertheless impact on the amenity of others. Because these practices are an accepted and integral part of land-based primary production, they should not be unreasonably constrained by other activities.' Another example is the General Residential Zone (GRZ) that states in the 'Explanation' section: 'Well-being is enhanced by a pleasant living environment. This often depends on the character of existing residential areas. This character includes the location and scale of open space, density and predominant style of residential development, and heights of buildings.... activities often generate traffic and can result in on-street parking, or cause noise and glare, particularly from outdoor activities, which can cause a nuisance for neighbours.'
- 4.3.10 With respect to noise, I am therefore of the view that referencing 'predominant character' in this way appropriately acknowledges the different type of noise generating activities that are anticipated within the respective zones, and contribute to their overall character.
- 4.3.11 For these reasons I recommend that S129.129 Kāinga Ora be rejected.
- 4.3.12 Kāinga Ora has sought the words 'where practicable' be added to Objective NOISE-O3.
- 4.3.13 Silver Fern Farms (FS8.043) and Waka Kotahi (FS16.16) oppose this amendment on the basis that it is inappropriate for reverse sensitivity reasons (Silver Fern Farms) and is vague and leads to ambiguity (Waka Kotahi).
- 4.3.14 The objectives have been written to respond to the stated issue for each respective section of the PDP and the implementation of these objectives are further guided by interpreting the relevant policies, rules and standards. With respect to the noise section of the PDP, my view is that the consideration of 'where practicable' can be better addressed through the specifics of a resource consent process, where the success of proposed measures to avoid, remedy or mitigate potentially adverse noise effects (i.e. 'where practicable') can be more properly assessed taking into account the particular facts of each situation.
- 4.3.15 For these reasons I recommend S129.130 be rejected.
- 4.3.16 Kāinga Ora has sought the words 'where appropriate' be added to Objective NOISE-O4.
- 4.3.17 Waka Kotahi (FS16.16) opposes this amendment on the basis that it is vague and leads to ambiguity.
- 4.3.18 For similar reasons to those outlined in para 4.3.14 above, (i.e. the appropriateness of a situation is better addressed through the resource consent process) I do not consider inclusion of these words helps clarify the objective, or is necessary, and I recommend S129.131 Kāinga Ora be rejected.

Policies

- 4.3.19 With respect to whether the words 'predominant character' in Policy NOISE-P1 should be retained or deleted, for the same reasons outlined in paragraph 4.3.9 above, I am satisfied that the reference is appropriate, and I recommend S129.132 Kāinga Ora be rejected.
- 4.3.20 With respect to Policy NOISE-P2, Kāinga Ora submits that maximum zonal noise levels and insulation requirements of the Building Act/Building Code is a more appropriate means of managing internal sound levels for noise sensitive activities than the method proposed. At pages 11 and 12 of their full submission they state:

'While Kāinga Ora recognises the need to ensure residential units and other buildings containing sensitive activities provide a pleasant and healthy environment that is not subject to excess noise, Kāinga Ora opposes the provisions of land use adjacent to the Railway corridor and considers that these are overly restrictive and do not efficiently manage activities within close proximity to the Railway. Kāinga Ora considers addressing the potential reverse sensitively [sic] effect should be the responsibility of the noise generator, rather than an individual building owner or developer. Kāinga Ora opposes the associated noise provisions in its current proposed state and seeks that these

¹ Paragraph 23 of Kāinga Ora's original submission

provisions are reviewed and amended in line with relief sought in Attachment 1. (In this case a request to delete policy NOISE-P2 which reference the rail network).

Similarly, Kāinga Ora considers that the provisions of land use adjacent to the State Highway network are overly restrictive and disproportionate to the level of risk, and as such do not efficiently manage activities within close proximity to state highways. Kāinga Ora opposes the associated noise provisions in its current proposed state and seeks that these provisions are reviewed and amended in line with relief sought in Attachment 1.' (In this case a request to delete Policy NOISE-P2 which references the state highway network).

- 4.3.21 The state highway and rail networks are important regional and national infrastructure, and the PDP has adopted an approach of requiring new residential development (including additions to existing dwellings) within 100m of either of these existing networks to be suitably acoustically insulated. Given the rail and state highway networks are existing, there is no real power to reduce noise effects, as suggested by the submitter. Whilst Councils are responsible for managing the effects of noise (s31(1(d))), it is important to note that the RMA excludes noise emitted by vehicles being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or trains, other than when being tested (when stationary), maintained, loaded, or unloaded from being considered as excessive noise (Sections 326). In that sense car and rail noise are exempt from the provision of a district plan and the requirement to require acoustic mitigation for new (or altered) noise sensitive activities within the 100m setback, is in my view not unreasonable.
- 4.3.22 I note that Waka Kotahi, who own and operate the state highway network, have submitted in support of retaining this policy (S78.011). In their full submission they reference their 'Guide to the management of effects on noise sensitive landuse near to the state highway network'². This guide acknowledges that 'Noise sensitive activities such as a new residential building near to an existing state highway can potentially be affected by road-traffic noise. This could cause annoyance and sleep disturbance potentially resulting in adverse health effects. In turn, this can cause reverse sensitivity effects on the state highway network.' This guide provides that noise sensitive activities in rural areas should not be located within identified buffer areas, however in urban areas where this is not practical, other measures should be employed including a requirement to provide suitable acoustic treatment.
- 4.3.23 I consider it is appropriate to have a policy that specifically relates to noise associated with transport networks, and that requires mitigation for new or extended noise sensitive activities that develop in proximity to such. These networks provide regional and national infrastructure that is important for the wellbeing of communities, and they need to be able to operate effectively and efficiently.
- 4.3.24 It would however be helpful to the Hearings Panel, if Kāinga Ora could provide evidence at the Hearing to demonstrate how deleting this policy in its entirety, and therefore not recognising this particular situation for sensitive noise activities, is a more efficient and effective method, and how it is a more appropriate alternative in terms of addressing exposure to excessive noise (as per Issue 1).
- 4.3.25 For the reasons outlined, I recommend S78.011 Waka Kotahi be accepted and S129.133 Kāinga Ora be rejected.
- 4.3.26 Submission points on Policies NOISE-P3, NOISE-P4, NOISE-P6, NOISE-P7 and NOISE-P8 support retaining these provisions. As no matters in opposition have been raised, I recommend these submissions be accepted.
- 4.3.27 S129.136 Kāinga Ora seeks an amendment to Policy NOISE-P5 by adding 'effects' to the term 'unreasonable noise' for clarification purposes. I note that s16 of the RMA uses the term 'unreasonable noise', and the policy wording is consistent with that. I am unsure if amending the policy as sought creates any greater clarity and Kāinga Ora may wish to further address this at the hearing.
- 4.3.28 In the interim, I recommend S129.136 Kāinga Ora be rejected.

Standards

- 4.3.29 Inclusion of reference to the 'Rural Lifestyle Zone' into Standard NOISE-S1 has been requested (S81.098 Hort NZ, supported by NZDF (FS12.5)).
- 4.3.30 Standard Noise-S1(2) relates to the measurement and assessment of noise in the General Rural Zone (GRUZ) and the Rural Production Zone (RPROZ). It identifies that the assessment positions for houses, dwellings and habitable buildings in these zones, is within the 'notional boundary' as defined in NZS6801.

² <https://www.nzta.govt.nz/resources/effects-on-noise-sensitive-land/>

- 4.3.31 'Notional boundary' is defined in the PDP as 'a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building'³ It is relevant when considering noise effects in rural areas, as they generally comprise large sites that often may have one or more noise sensitive activities located within the same site. The Rural Lifestyle Zone (RLZ) has a minimum net site area of 4000m², and as such also comprises larger sites where one or more noise sensitive activities may be contained within the same site. In my opinion, it is not unreasonable to also apply a notional boundary for noise, to sites within this zone.
- 4.3.32 I therefore recommend S81.098 Hort NZ be accepted.
- 4.3.33 Standard NOISE-S3 sets out requirements for noise mitigation for habitable spaces within 100 m of the State Highway or Rail Network. Kāinga Ora, in line with their submission to delete POLICY NOISE-P3, seeks this standard be deleted. Waka Kotahi, who own and operate the state highway network seeks it be retained.
- 4.3.34 Kāinga Ora considers that internal noise levels of sensitive activities such as 'living' activities, can be appropriately managed through the insulation requirements of the Building Act and Building Code, in concert with the maximum zonal noise levels proposed under Standard NOISE-S4 and that such an approach is taken by other Councils across New Zealand. Their view is that there is a disconnect between this standard, which imposes noise insulation requirements on noise sensitive activities (i.e. the receiving site), and the activity, being the emission of noise (i.e. from the emitters). I also note Kāinga Ora submit that their approach is consistent with the approach taken by other Councils across New Zealand.
- 4.3.35 Waka Kotahi opposes this submission point noting that the Building Act is not designed to manage reverse sensitivity.
- 4.3.36 As with my response to similar submission points on Objective NOISE-P2 above (refer para 4.3.21 - 4.3.23), I am of the opinion that the PDP approach is appropriate. It would however be helpful if Kāinga Ora could provide evidence at the Hearing, demonstrating how their approach could result in a more efficient and effective way to address the issue of noise, including examples of how other Councils have included alternative provisions to address this, and alternative provisions that could be applied in the Central Hawke's Bay situation for the Hearings Panel to consider.
- 4.3.37 Standard NOISE-S5 provides for a range of activities that are specifically exempt from the Noise Limits. Kāinga Ora seeks the entire standard be deleted, whilst a number of other submitters have requested amendments to certain aspects of this standard.
- 4.3.38 Whilst Kāinga Ora's have submitted that they generally support the intent of this standard, they consider that in its current form it has the potential to create ambiguity about what it is seeking to manage. They specifically cite Standard NOISE-S5(24) that exempts residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones from the respective noise limits for those zones subject to the following:
24. *Provided the total internal noise level in any habitable room does not exceed 35 dB LAeq(24 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.*
 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.*
 26. *Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.*
- 4.3.39 As noted by NZDF(FS12.6) it is not clear from Kāinga Ora's submission whether they oppose the whole standard, or just this particular provision, and it would be helpful if Kāinga Ora could clarify this at the hearing. I also note, Kāinga Ora have not proposed any alternative wording.
- 4.3.40 With respect to Standard NOISE-S-5(24)-(26) this provision recognises the commercial and industrial nature of these zones and hence the potential for higher levels of noise that could have adverse effects on noise sensitive activities which can also locate in these zones. In recognition of the predominant function of these zones being non-residential, these provisions place the onus on the developer / owner of the habitable space to provide appropriate noise mitigation.
- 4.3.41 I do note that other than 'Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones' which are noise sensitive activities, all other activities listed in Standard NOISE-S5 are

³ PDP Definitions

noise generating activities, and in that sense this standard could be regarded as ambiguous. If the Hearings Panel agree, an option to address this would be to move the provisions in Standard NOISE-S5 (24)-(26) to a separate standard, in a similar manner to Standard NOISE-S3 (relating to Noise Sensitive Activities within 100m of State Highways and the Rail Network).

- 4.3.42 It would be helpful however, if Kāinga Ora could expand in their evidence for the Hearing, on how this provision, or these provisions in general, result in ambiguity and provide their preferred wording for the Hearings Commissioners to consider that would address this matter.
- 4.3.43 In the interim, I consider there is not sufficient justification to delete either this particular provision, or the standard in its entirety, and I recommend that S129.141 Kāinga Ora be rejected.
- 4.3.44 The Ministry of Education seeks a minor amendment to Standard NOISE-S5(6) to remove the words 'during the school term'. They advise that school facilities may be used for 'education purposes' throughout the year and this would be unreasonably limited by restricting the exemption to term time.
- 4.3.45 The full term used in this standard is as follows 'Examples include use of school facilities for sport during term time and by student boarders who live on site' (underline added) and is an example of activities within the grounds of an education facility that are exempt from the noise limits in Standards NOISE-S4. With respect to this particular activity, I note that Standard NOISE-S5(5) excludes 'recreational activities' (including sporting events and playgrounds), from the noise limits. In my opinion the same approach should be applied to sporting events within school facilities.
- 4.3.46 I also note that Ministry of Education sites are 'designated' sites and activities on these sites are controlled by the purpose of their respective designation. Limiting the use of the site in the way currently expressed in this standard could be in conflict with the designation which is not the intention of this standard.
- 4.3.47 For these reasons I recommend S73.012 Ministry of Education be accepted.
- 4.3.48 Aerospread and B MacGregor both oppose the threshold limits on aircraft movements proposed in Standard NOISE-S5(21), seeking an increase in the thresholds or that these be deleted entirely.
- 4.3.49 Marshall Day Acoustics were contracted by Council to assist with reviewing the noise provisions for the PDP. Their advice included recommending an Air Noise Boundary (ANB) and Outer Control Boundary (OCB) that have been adopted into the PDP (as shown on the District Plan Maps). The ANB and OCB have been determined taking into account the predominant landuse activities within proximity to the airfield and the presence or likely future development of activities sensitive to air noise, as well as the current activities that take place within the airfield.
- 4.3.50 Standard NOISE-S5(21) sets out how measurement and assessment of noise at the ANB and OCB boundaries will be determined. It provides that compliance with air noise contouring, and requirements demonstrating compliance with the ANB and OCB, will be triggered after certain annual air movement thresholds are exceeded. The air noise movement thresholds in the PDP reflect the advice of Marshall Day Acoustics⁴ who prepared their advice after consulting with key stakeholders at the airport.
- 4.3.51 B MacGregor submits that '*a quiet weekend of flight training will use at least 200 movement in a short period of time*' and in his view a minimum of 10,000 movements is required. Both B MacGregor and Aerospread Ltd are concerned that given the field is run by volunteers triggering compliance requirements at the levels notified in the PDP would be a burden.
- 4.3.52 Council has RMA responsibilities in ensuring appropriate noise management across the District and the provisions for Waipukurau Aerodrome/Airport reflect the recommendations provided by Marshall Day Acoustics. These recommendations took into account data provided to Marshall Day Acoustics in 2017 and formed the basis for the development of the ANB and OCB, as well as the provisions for airport noise control. The provisions also allow for some growth in activities at the airfield over the 10 year period of the PDP.
- 4.3.53 Marshall Day Acoustics have considered the submission points from B MacGregor and Aerospread Ltd and provided their response as set out in Appendix C to this report. Of note, they provide more detail about how the noise boundaries and associated annual air movement threshold numbers for triggering compliance were arrived at as follows:

⁴ Refer Appendix C attached to this report

‘The airfield noise boundaries were prepared in 2017/2018 using historic movement data from the airfield users. These boundaries represent noise limits which the airport must not exceed, as well as guidelines for land use planning.

When establishing the location of noise boundaries, an allowance for the expected growth of the airport is made. NZS 6805 recommends a minimum 10 year projection of future aircraft operations. We note that it is not uncommon for airports around New Zealand to use 20 to 30 years as the future growth scenario or runway capacity. In terms of NZS 6805, aircraft operations include both fixed wing and helicopter flight operations.

Consultation with the aero club occurred around expected future operations. We note the original advice from the aero club of 7% growth for agricultural fixed wing movements and 4% growth per annum for all other movements was used as the starting point for noise boundaries.

However, once the aeroclub reviewed the contour extents and raised concerns regarding the potential obligations on them, a lesser growth of 3% per annum was applied.

The information used in the boundary generation is thus summarised below:

Year	Fixed Wing				Helicopter		Total
	Club Movements	Circuits	Private	Agricultural	Private	Agricultural	
2017	1825	466	365	2920	182.5	365	6124
2027	2373	606	475	3796	237	475	7961

...

Complimenting the noise boundaries are a set of noise management rules, which enshrine the methods used to ensure airport noise does not exceed the noise boundary limits. In this case noise rules have been prepared that attempt to apply a pragmatic approach to airfield noise management.

The noise limits are based on the NZS 6805 performance-based approach. Aircraft movement numbers are to be used to demonstrate compliance until certain movement thresholds are reached.

As the thresholds are reached, the aerodrome operator would take increasingly detailed measures to assess compliance. This ensures that initially, where ready compliance is likely, the cost of monitoring is not onerous.

We recommended the initial threshold to be 6500 movements and this is enshrined in the PDP text. This was based on the future annual movement numbers inherent in the boundaries being 7961 (refer table above). With less than 6500 movements we consider compliance is likely to be achieved.

Once movements exceed 6500, compliance is not guaranteed so further investigation is warranted.’

- 4.3.54 One of the submitters also raised a concern that that a busy weekend of activity may trigger compliance assessment unduly. Marshall Day Acoustics have commented on this point as follows:

‘The contours are prepared using a noise exposure metric which is based on the busiest three months of activity. Thus one busy weekend by itself would not cause the AANC requirement to be triggered. It would require multiple busy weekends which would not be possible, and as we understand it, does not occur in practice. The contours do allow for such busy weekends, but also with resultant periods of respite as well.’

- 4.3.55 Based on this advice, I am satisfied that the annual aircraft movement threshold of 6,500 before any compliance monitoring is required, is appropriate.

- 4.3.56 Aerospread and B MacGregor have also sought an amendment to Standard NOISE-S5(22) to add ‘Aircraft involved in agricultural aviation activities ancillary to primary production’ to the list of exemptions outlined in this standard.

- 4.3.57 I note the exemptions in Standard NOISE-S5(22) provide for particular types of events or operations that may use the airport occasionally, but not on a regular basis, and as such there is a tolerance to the noise effects associated with these activities. Aircraft taxiing and aircraft engine testing are also exempted. As shown above, agricultural aviation movements currently comprise approximately just under half of the total air traffic movements at the Waipukurau Aerodrome.

- 4.3.58 Marshall Day Acoustics have commented on this submission point as follows:

‘Submissions also sought the exemption of agricultural aircraft from compliance assessment. From a noise perspective these were included in the noise boundary development so in theory should be included in compliance

assessment. Further, if these aircraft are exempted there would in effect be no mechanism to control their noise emissions from a regulatory point of view.

They comprise approximately 50% of the movements used in the assessment and therefore should they be excluded then theoretically that would permit a doubling of club/private activity to occur whilst not exceeding the noise boundaries. The resultant increase in noise effect could be noticeable, but unlikely to be significant.

There may be other planning reasons to exclude them from compliance but from a noise perspective we consider they should be included.'

- 4.3.59 I am not aware of any planning reasons why agricultural aviation movements should be excluded. I am of the opinion that they are part of the airfields 'core business' and are an activity that could expand over time with an associated increase in adverse noise impact. I therefore do not consider agricultural aviation movements fit with the exemptions in Standard NOISE-S5(22) and I consider it would be inappropriate to exempt such air movements.
- 4.3.60 On the basis of the above reasons, I recommend that S74.001 B MacGregor, S38.005 and S38.006 Aerospread be rejected.

Other Matters

- 4.3.61 S121.113 Federated Farmers (supporting Assessment Matter NOISE-AM1), S121.114 Federated Farmers (supporting Anticipated Environmental Result NOISE-AER3) and S121.115 Federated Farmers (supporting NOISE-AER4) have all been opposed by Forest & Bird (FS9). However for the reasons outlined in paragraphs 4.1.2 and 4.1.3 above I have not given any weight to these further submissions in this instance.
- 4.3.62 On the basis that these submissions are in support, I recommend that S121.113, S121.114 and S121.115 Federated Farmer be accepted.

4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that the PDP section on Noise be amended (as outlined in Recommended Amendments below).
- 4.4.2 I recommend that the following submission(s) be **accepted**:
- Hort NZ, S81.093, S81.094, S81.095, S81.096, S81.097, S81.098
 - Federated Farmers, S121.105, S121.106, S121.112, S121.113, S121.114, S121.115
 - Pork Industry Board, S42.036,
 - Waka Kotahi, S78.009, S78.010, S78.011, S78.012
 - NZDF, S29.004, S29.005
 - FENZ, S57.083, S57.084, S57.085
 - Kāinga Ora, S129.134, S129.135, S129.137, S129.138, S129.139
 - Ministry of Education, S73.012
- 4.4.3 I recommend that the following submission(s) be **rejected**:
- Federated Farmers, S121.104
 - Kāinga Ora, S129.128, S129.129, S129.130, S129.131, S129.132, S129.133, S129.136, S129.140, S129.141
 - Aerospread Ltd, S38.005, S38.006
 - Bill MacGregor, S74.001
- 4.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

4.5 Recommended Amendments

- 4.5.1 I recommend the following amendments are made:
amendments– ~~strike through~~ and underlined.

Standards

NOISE-S1 Measurement and Assessment of Noise	
General	<ol style="list-style-type: none"> 1. Noise will be measured and assessed using the following standards: <ol style="list-style-type: none"> 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. <i>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.</i>

...

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).
...	
Activities within the grounds of an Educational Facility	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.

4.6 Section 32AA Evaluation

4.6.1 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

5.0 Key Issue 2 – Signs

5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
Policies					
S121.116	Federated Farmers	SIGN-P4	Support	Retain SIGN-P4 as proposed.	Accept
FS9.116	Forest & Bird		Oppose		Reject
S57.095	FENZ	SIGN-P4	Support	Retain SIGN-P4 as notified.	Accept
.					
S121.117	Federated Farmers	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
FS9.117	Forest & Bird		Oppose		Accept
FS17.74	Hort NZ		Support		Reject
Rules					
S117.067	Chorus	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
FS9.495	Forest & Bird		Oppose		Reject
S119.067	Vodafone	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
.					
S118.067	Spark	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
Standards					
S78.022	Waka Kotahi	SIGN-S5	Support	Retain SIGN-S5 as written.	Accept
.					
S78.023	Waka Kotahi	SIGN-S7	Support	Retain SIGN-S7 as written.	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
.					
Anticipated Environmental Results					
S121.118	Federated Farmers	SIGN-AER1	Support	Retain SIGN-AER1 as proposed.	Accept
FS9.118	Forest & Bird		Oppose		Reject

5.1.1 In summary, nine (9) original submissions and five (5) further submissions have been received on the SIGNS chapter of the PDP.

5.2 Matters Raised by Submitters

Policies

- 5.2.1 S121.116 Federated Farmers and S57.095 FENZ supports Policy SIGN-P4.
- 5.2.2 Forest & Bird (FS9.116) opposes Federated Farmers submission.

Rules

5.2.3 S117.067 Chorus, S119.067 Vodafone and S118.067 Spark seek an amendment to Rule 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).**

5.2.4 The network utility providers acknowledge that the rule permits signs associated with network utilities in all zones, up to an area of 3m². They note that the rule is restricted to signs within any site, which by definition sites does not include roads. They consider this rule should be extended to include the legal road corridor, as often a telecommunications company will erect temporary signage advising of upgrade work to the network. This signage, and work, is often placed in legal road, and they seek the rule be amended to reflect this. They note that the placement of any sign within a legal road must be approved by the road controlling authority via Corridor Access Requests, and that this process ensures such signs are placed in safe and appropriate locations.

5.2.5 Forest & Bird (FS9.495) opposes Chorus’ submission.

5.2.6 S121.117 Federated Farmers seeks an amendment to Rule 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.'

5.2.7 Federated Farmers submit that their proposed amendment clarifies which types of signs are covered by the rule, and provides for health and safety notices as a permitted activity. They consider the rule header covers a wide and varied range of purposes and whilst the intention is supported, improvement could be made with some descriptors or examples which make it clear which types of signs are covered by the rule. They also note that some health and safety notices may not be 'official signs' as such but are used to meet legislative requirements or convey important health and safety information and should be enabled.

5.2.8 This submission point is supported by Hort NZ (FS17.74) and opposed by Forest & Bird (FS9.117). Hort NZ support that there should be clarify regarding signs relating to public safety, including signs regarding hazardous substance.

Standards

5.2.9 S78.022, S78.023 Waka Kotahi support standards SIGN-S5 Illumination and Movement, and SIGN-S7 Signs within or over roads, as notified.

Anticipated Environmental Results

5.2.10 S121.118 Federated Farmers supports anticipated environmental result SIGN-AER1 Adequate signage to convey the information necessary for the social, economic and cultural welfare of the community, as notified.

5.2.11 Forest & Bird (FS9.118) opposes this submission.

5.3 Analysis

5.3.1 In summary the key amendments sought to the SIGNS chapter relate to the rules as follows:

- Amendment sought to Rule SIGN-R2 to reference network utilities.
- Additional permitted activity rule sought for signs to clarify in relation to health and safety.

5.3.2 Rule SIGN-R2 provides for ‘Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve’ located on the ‘site’ to which they relate (Rule SIGN-SR2 condition (a)). Chorus, Vodafone and Spark, seek an amendment to clarify that condition a), also provides for official signs within the road network by including the words **‘or, in the case of signs for network utilities, are placed within legal road’**. This is on the basis that ‘roads’ do not fall within the PDP definition for ‘site’. It is noted that the network utility submitters also acknowledge that the placement of a sign in legal road must be approved by the Road Controlling Authority via Corridor Access Requests, that ensures such signs are placed in safe and appropriate locations.

5.3.3 The PDP definition for ‘site’, prescribed by the National Planning Standards, is as follows:

‘means:

- a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system is the whole of the land subject to the unit development or cross lease.’

5.3.4 Section 12 of the Land Transfer Act defines ‘record of title’ and this definition does not reference roads, therefore the utilities companies are correct that this Rule does not relate to roads.

5.3.5 As any operator seeking to erect signage (official or otherwise) within a road corridor requires the consent of the relevant Road Controlling Authority, it may not always be necessary to control signs in roads via the District Plan. To clarify this situation for this rule, I recommend amending the rule and adding an advisory note as follows:

SIGN-R2 Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> a. Signs are located on the site to which they relate-, <u>or within a legal road.</u> b. A sign must not exceed 3m² in area where it is visible from any public road, public land or adjacent property. c. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size. d. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means.
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Note: Official signs within any road reserve are not controlled by these rules where they have the consent of the relevant Road Controlling Authority (RCA), or Waka Kotahi NZ Transport Agency in the case of State Highways.

- 5.3.6 It would be helpful to the Hearings Panel if the network utility submitters could provide feedback on this approach and the proposed wording at the hearing.
- 5.3.7 My recommendation is that S117.067 Chorus, S119.067 Vodafone and S118.067 Spark be accepted in part.
- 5.3.8 Federated Farmers request for additional provision within Rule SIGN-R2 relating to health and safety signage seeks to provide additional clarity for these types of signs. In their view, such amendment is necessary because health and safety signs might not always be considered as official signs as such, for example when they are used to meet legislative requirements or convey important health and safety information.
- 5.3.9 Whilst I note that 'official sign' is not separately defined term in the PDP, I am unclear as to why a health and safety sign for the purposes cited by Federated Farmers would not be an official sign. If a sign is required in response to legislation such as the Health and Safety at Work Act 2015 or the Hazardous Substances and New Organisms Act 1996, I consider that would be an official sign.
- 5.3.10 I also consider that signs denoting property entrances or security messaging (as identified in Federated Farmers proposed permitted rule bullet point 2), would not be considered official signs (as they are not required by legislation) and should not be included under this rule. They would more appropriately be considered under Rule SIGN-R7. Whilst I note that the standards associated with this rule limit the size and number of signs (depending on the zone they are located in), any number of traffic directional signs can be erected in the rural zones (Standard SIGN-S1(3)(a)) as long as individual signs do not exceed 1m².
- 5.3.11 I note Federated Farmers proposed permitted activity rule provides for a sign to be '*no larger than reasonably necessary to convey the information*', whereas Rules SIGN-R2 limits official signs to 3m². I consider that if a sign for official purposes needs to be larger than 3m², it is appropriate that it is scrutinized through the restricted discretionary consent process as there may be potential for adverse effects such as effects on traffic, visual amenity effects or cumulative effects.
- 5.3.12 I am also of the opinion that a second permitted activity status under this rule as proposed, would be confusing as it would be unclear which provisions would apply
- 5.3.13 For these reasons I do not consider the additional provisions as sought by Federated Farmers are necessary and recommend this submission be rejected.

5.4 Recommendations

- 5.4.1 For the reasons outlined above, I recommend that the SIGN provisions be amended (as outlined in Recommended Amendments below).
- 5.4.2 I recommend that the following submission(s) be **accepted**:
- Federated Farmers, S121.116, S121.118
 - FENZ, S57.095
 - Waka Kotahi, S78.022, S78.023
- 5.4.3 I recommend that the following submission(s) be **accepted in part**:
- Chorus, S117.067
 - Vodafone, S119.067
 - Spark, S118.067
- 5.4.4 I recommend that the following submission(s) be **rejected**:
- Federated Farmers, S121.117
- 5.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

5.5 Recommended Amendments

5.5.1 I recommend the following amendment is made:

SIGN-R2 Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve

All Zones

1. Activity Status: PER

Where the following conditions are met:

- a. Signs are located on the site to which they relate—or within a legal road.
- b. A sign must not exceed 3m² in area where it is visible from any public road, public land or adjacent property.
- c. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size.
- d. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means.

Note: Official signs within any road reserve are not controlled by these rules where they have the consent of the relevant Road Controlling Authority (RCA), or Waka Kotahi NZ Transport Agency in the case of State Highways.

5.6 Section 32AA Evaluation

5.6.1 In my opinion the minor change proposed, in isolation, is not considered to be a significant departure from the Proposed District Plan as notified.

5.6.2 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

6.0 Conclusion

6.1 Topic Conclusions

6.1.1 Submissions have been received in support of, and in opposition to the Proposed District Plan.

6.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in Appendix A of this report.

6.1.3 I consider that the proposed provisions will be the most appropriate means to achieve the purpose of the Resource Management Act 1991, and achieve the relevant objectives of the Proposed District Plan in respect to the proposed provisions.

6.2 Topic Recommendations

6.2.1 I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The Proposed Central Hawke’s Bay District Plan is amended in accordance with the changes recommended in Appendix A of this report.

APPENDIX A

Recommended Amendments to Plan Provisions

Tracked Change Amendments

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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 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 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

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 Where the following conditions are met: a. Compliance with:	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted:

- | | |
|--|---|
| <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. |
|--|---|

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 [SM1]: 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:

	<ul style="list-style-type: none"> a. Vibration received at a building with regard to building damage: <ul style="list-style-type: none"> 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.
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NOISE-S3 Noise Sensitive Activities within 100m of State Highways and the Rail Network

General	<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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.
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NOISE-S4 Noise Limits – Zone Specific

Receiving Zone(s):

General Residential Zone	<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. 0700 - 2200 hours – 50 L_{Aeq} b. All other times – 40 L_{Aeq} / 70 L_{Amax}
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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: <ol style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i. 75dB L_{eq(1 minute)} at 63Hz ii. 65dB L_{eq(1 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: <ol style="list-style-type: none"> 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.

Note: Regardless of the exemptions below, all land uses are subject to section 16 and Part 12 of the RMA.

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 [SM2]: S73.012 Ministry of Education - Noise & Signs Topic, Key Issue 1

	<ul style="list-style-type: none"> ii. 85dB $L_{eq(1 \text{ min})}$ 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 $L_{Aeq(1 \text{ hour})}$ 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 $L_{eq(1 \text{ min})}$ at 63Hz ii. 75dB $L_{eq(1 \text{ min})}$ 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 (other than those for temporary military training activities)	<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 [RM3]: 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 [RM4]: 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.

SIGN – Signs

Introduction

Signs and other forms of outdoor advertising provide information to the general public. Information includes messages about: availability of goods and services, notice of forthcoming events, directions to traffic and pedestrians, and identification of particular sites or premises. Signage is also required by legislation/regulation for health and safety purposes. Signs are essential for the information they provide, adding vibrancy and colour and contribute indirectly to economic viability.

Issues

SIGN-I1 Safety and Visual Effects

Signs can result in adverse effects on traffic safety and visual amenity.

Explanation

Signs and other forms of outdoor advertising may have adverse environmental effects, particularly on visual amenities in certain areas, and may compromise traffic and pedestrian safety through causing distraction.

Objectives

SIGN-O1 Provide for a range of signs, to meet the needs of the District's communities, which do not cause a nuisance, distraction or hazard to other activities, vehicular traffic or pedestrians, or detract from the visual amenities or character of the environment where they are located.

Policies

SIGN-P1 To ensure that signs are displayed in a manner that does not compromise the character, attractive appearance and visual amenity of the different areas of the District.

SIGN-P2 To ensure that the display of signs does not adversely affect traffic safety by causing confusion or distraction or by obstructing views.

SIGN-P3 To ensure all signs are constructed and placed in a manner which does not pose a danger to property or people.

SIGN-P4 To enable signs required by legislation or regulation such as the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015.

- SIGN-P5** To limit the number and size of signs in the various zones to avoid clutter, reflecting the respective character and amenity of an area.

- SIGN-P6** To enable the display of a wide range of signs, limited only by public safety and access needs, and consistency with the overall character of the area.

- SIGNS-P7** To encourage the consolidation of information signs in order to reduce the effects of such signs on visual amenity and traffic safety.

- SIGNS-P8** To ensure that signs are maintained in good order and do not deteriorate to the point where their original purpose cannot be fulfilled.

Rule Overview Table

Use/activity	Rule Number
Traffic signs or signs denoting the name of a street or the street number of the premises	SIGN-R1
Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve	SIGN-R2
Temporary signs for community, educational and recreational events and during building construction	SIGN-R3
Signs advertising that a property is for sale	SIGN-R4
Signs painted, or attached directly, onto vehicles or trailers	SIGN-R5
Sandwich boards, magazine signs or display stands	SIGN-R6
All other signs visible from any public place or thoroughfare not otherwise provided for	SIGN-R7

Rules

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 signage.

SIGN-R1 Traffic signs or signs denoting the name of a road or the street number of the premises

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size. b. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions. b. Any likely cumulative effects of allowing the sign to be erected.
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SIGN-R2 Official signs or signs for any public purpose or in connection with any public or network utility, community facility or public reserve

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Signs are located on the site to which they relate, or within a legal road. b. A sign must not exceed 3m² in area where it is visible from any public road, public land or adjacent property. c. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size. d. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means. <p><u>Note: Signs within any road reserve are not controlled by these rules where they have the consent of the relevant</u></p>	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The degree to which the sign may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily intrude into a driver's field of view. b. The potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions. c. The visual impact of the sign and its potential effects on the amenity of the locality. d. The potential of the sign to adversely affect public
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Commented [SM1]: S117.067 Chorus, S119.067 Vodafone, S118.067 Spark
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Road Controlling Authority (RCA), or Waka Kotahi NZ Transport Agency in the case of State Highways.

- health and safety, or to reduce public convenience.
- e. Any likely cumulative effects of allowing the sign to be erected.

SIGN-R3 Temporary signs for community, educational and recreational events and during building construction

All Zones

1. Activity Status: PER

Where the following conditions are met:

- a. A sign must not exceed 3m² in area.
- b. Signs must not be erected more than 12 months prior to the date of the commencement of the activity advertised nor remain erected more than one month following completion of that activity.
- c. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size.
- d. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means.

2. Activity status where compliance not achieved: RDIS

Matters over which discretion is restricted:

- a. The need to impose conditions relating to the location, design and appearance of the sign and the period for which it may be erected or operated.
- b. The visual impact of the sign and its potential effects on the amenity of the locality.
- c. The degree to which the sign may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily intrude into a driver's field of view.
- d. The potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions.
- e. Any likely cumulative effects of allowing the sign to be erected.

SIGN-R4 Signs advertising that a property is for sale

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Signs are located on the site to which they relate. b. Signs must not exceed 1m² in area. c. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size. d. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The visual impact of the sign and its potential effects on the amenity of the locality. b. The degree to which the sign may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily intrude into a driver's field of view. c. The potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions.
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SIGN-R5 Signs painted, or attached directly, onto vehicles or trailers

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Signs affixed to vehicles or trailers must be incidental to the primary use of that vehicle or trailer, and not parked with the express purpose to be visible from a public place or road. b. Signs must not contain lights or illumination which flash, move, rotate, vary in intensity, colour or size. c. Signs must not visibly move, revolve, rotate, create an optical illusion of movement or change colour, whether by electrical or other means. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The visual impact of the sign and its potential effects on the amenity of the locality. b. The potential of the sign to adversely affect public health and safety, or to reduce public convenience. c. The degree to which the sign may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily
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		<p>intrude into a driver's field of view.</p> <p>d. The potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions.</p> <p>e. Any likely cumulative effects of allowing the sign to be erected.</p>
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SIGN-R6 Sandwich boards, magazine signs or display stands

<p>Settlement Zone</p> <p>Commercial Zone</p> <p>General Industrial Zone</p> <p>General Residential Zone</p> <p>Large Lot Residential Zone (Coastal)</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The signs are positioned adjacent to the trading premises selling such items and are positioned in such a way as not to create a hazard to pedestrian traffic or obstruct the doors of parked vehicles.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SIGN-S1; ii. SIGN-S2; iii. SIGN-S3; iv. SIGN-S4; v. SIGN-S5; vi. SIGN-S6; and vii. SIGN-S7. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The potential of the sign to adversely affect public health and safety, or to reduce public convenience.</p> <p>b. Any likely cumulative effects of allowing the sign to be erected.</p>
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SIGN-R7 All other signs visible from any public place or thoroughfare not otherwise provided for

<p>General Residential Zone</p> <p>Large Lot Residential Zone (Coastal)</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Signs are limited to advertising a lawful use of the site, located on the site on which the activity occurs and must advertise only services,</p>	<p>3. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The visual impact of the sign and its potential</p>
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	<p>products or events available or occurring on the site.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SIGN-S1(1) and SIGN-S1(2); ii. SIGN-S2(1); iii. SIGN-S3; iv. SIGN-S4; v. SIGN-S5; vi. SIGN-S6; and vii. SIGN-S7. 	<p>effects on the amenity of the locality.</p> <ul style="list-style-type: none"> b. The degree to which the sign may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily intrude into a driver's field of view. c. The potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions. d. The potential of the sign to adversely affect public health and safety, or to reduce public convenience. e. Any likely cumulative effects of allowing the sign to be erected. f. The need to impose conditions relating to the location, design and appearance of the sign and the period for which it may be erected or operated. g. The need to impose conditions to enter into a performance bond agreement to ensure compliance with any condition that may be imposed.
All Other Zones	<p>2. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. SIGN-S1; ii. SIGN-S2; iii. SIGN-S3; iv. SIGN-S4; v. SIGN-S5; vi. SIGN-S6; vii. SIGN-S7; and viii. SIGN-S8. 	

Standards

SIGN-S1 Quantity and Area	
Large Lot Residential Zone (Coastal)	<ul style="list-style-type: none"> 1. Signs are limited to a single sign for each road frontage of any site. 2. The area of a sign or combination of signs, per site, must not exceed 0.5m² in area.

General Residential Zone	<i>Note: For the purposes of measuring the area of any sign, a double-sided sign is measured as the area of one side only.</i>
General Rural Zone Rural Production Zone Rural Lifestyle Zone	<p>3. The maximum number of signs on any site must not exceed 2, except that this rule does not apply to:</p> <ul style="list-style-type: none"> a. traffic directional signs, provided that each individual sign does not exceed 1m²; and does not advertise any activity; b. signs that are not visible from a public road or place. <p>4. The area of a sign or combination of signs, per site, must not exceed 3m² in area.</p> <p><i>Note: For the purposes of measuring the area of any sign, a double-sided sign is measured as the area of one side only.</i></p>
Settlement Zone	<p>5. The area of a sign or combination of signs, per site, must not exceed 3m².</p> <p><i>Note: For the purposes of measuring the area of any sign, a double-sided sign is measured as the area of one side only.</i></p>
Commercial Zone General Industrial Zone	<p>6. The area of any free-standing sign must not exceed 5m².</p> <p><i>Note: For the purposes of measuring the area of any sign, a double-sided sign is measured as the area of one side only.</i></p>
SIGN-S2 Height	
Large Lot Residential Zone (Coastal) General Residential Zone	<p>1. The highest point of a sign must not exceed 3 metres above ground level or be no higher than the eaves of the building to which it relates, whichever is the lesser.</p>
General Rural Zone Rural Production Zone Rural Lifestyle Zone	<p>2. Signs must comply with the height requirements for the zone in which they are located.</p> <p>3. The highest point of a sign attached to a building must not exceed the highest point of the roof.</p>

Settlement Zone	<ol style="list-style-type: none"> 4. Signs must comply with the height requirements for the zone in which they are located. 5. The highest point of a sign attached to a building must not exceed the highest point of the roof.
Commercial Zone	
General Industrial Zone	

SIGN-S3 Position

- All Zones**
1. Signs must not be erected on or adjacent to a road which will:
 - a. obstruct the line of sight of any corner, bend, intersection or vehicle crossing.
 - b. obstruct, obscure or impair the view of any traffic sign or signal.
 - c. create a hazard to pedestrian traffic or obstruct doors of parked vehicles.
 2. Signs, except traffic signs, must not be sited closer than:
 - d. 10m to any intersection or any pedestrian crossing where the speed limit is less than 80kph.
 - e. 100m to any intersection where the speed limit is greater than 80kph.
 3. The minimum visibility distance from a motorist to a sign must be in accordance with the distances set out in the following table:

Regulatory Speed Limit (kph)	Minimum Visibility Distance from a Motorist to a Sign (m)
Up to 70	80
70 to 99	180
100	250

SIGN-S4 Design

- All Zones**
1. On roads with speed limits over 50kph, the lettering of all signs must be in accordance with the sizes set out in the following table:

Regulatory Speed Limit (kph)	Minimum Lettering Height (mm)	
	Message Designed to Slow or Stop Vehicles within 50 m of the Sign	Message Designed to be Read whilst Driving Past the Sign
Up to 70	200	125
70 to 99	250	150
100	300	200
 2. Lettering at the bottom of a sign is exempt from sizes specified in the above table provided that the lettering is no larger than 10mm. The purpose of such lettering is for reading by pedestrians.
 3. Signs must not be erected on or adjacent to a road which will:

	<ol style="list-style-type: none"> a. resemble or be likely to be confused with any traffic sign or signal. b. use reflective materials that may interfere with a road user's vision.
SIGN-S5 Illumination and Movement	
All Zones	<ol style="list-style-type: none"> 1. Signs must not be erected on or adjacent to a road which will use flashing or revolving lights unless used to identify a hazard. 2. Signs must not be illuminated by any method whatsoever, such that its illumination casts light or reflected light on to any other property. 3. Signs visible from an arterial road in a 100kph legal road speed area, must not be illuminated unless the premises are open for business.
SIGN-S6 Condition	
All Zones	<ol style="list-style-type: none"> 1. All signs erected in the District must be maintained in good order. 2. Signs must be removed, repaired or upgraded where they have become disfigured or vandalised to the extent that they do not fulfil their original purpose or become a danger to public safety.
SIGN-S7 Signs within or over roads	
All Zones	<ol style="list-style-type: none"> 1. Signs within road reserve, and signs on, under or attached to verandahs and/or attached to buildings which extend over roads, must comply with the requirements of the District Plan for signs in the zone in which the associated building is located. <p><i>Note: Signs within the road reserve can only be erected with the consent of the relevant road controlling authority. All signs within the road corridor will be required to be designed to comply with the New Zealand Transport Agency standards 'Manual for Traffic Signs and Markings, Parts 1 and 2'.</i></p>
SIGN-S8 Verandah signs	
Settlement Zone	<ol style="list-style-type: none"> 1. Signs attached to, but under, street verandah must be: <ol style="list-style-type: none"> a. no closer than 2.5m to the footpath below. b. setback at least 500mm from the kerb of the road. c. be at least 1.5m away from any other under verandah sign. 2. Street verandah fascia signs must be no closer than 2.5m to the footpath below. 3. Signs attached to a structure or the face of a building must be setback 300mm from the kerb of a road.
Commercial Zone	
General Industrial Zone	

Methods

Methods, other than the above rules, for implementing the policies:

SIGN-M1 Road Controlling Authority Powers

The exercise of control as owner and designating authority for all roads in the District, other than State Highways, which are controlled by the New Zealand Transport Agency.

SIGN-M2 Bylaws

Council's 'Control of Advertising Signs (Part 08) Bylaw'.

SIGN-M3 Advocacy

Council support for the establishment of information signs for the District's settlements and for sites of historical and natural interest.

Principal Reasons

The principal reasons for adopting the policies and methods:

Signs should be compatible with public safety, convenience, access and the maintenance and enhancement of amenity. The amenity of areas with a predominantly residential character or natural character can be compromised by a clutter of, or inappropriate, signs.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

SIGN-AER1 Adequate signage to convey the information necessary for the social, economic and cultural welfare of the community.

SIGN-AER2 Minimal adverse effects of signs on traffic and pedestrian safety.

SIGN-AER3 Maintenance and enhancement of the visual amenities of the residential and rural areas of the District.

SIGN-AER4 A variety of signage within the business areas and townships of the District that maintain and enhance the character and amenity of areas where they are located.

APPENDIX B

Summary 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	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	No
FS8.042	Silver Fern Farms Limited		Oppose		Accept	
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-O3 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

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
FS23.175	Kāinga Ora - Homes and Communities		Oppose		Reject	
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

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
.						
S129.138	Kāinga Ora - Homes and Communities (Kainga Ora)	NOISE-P7	Support	Retain NOISE-P7 as notified.	Accept	No
.						
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:	Reject	No

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
				'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.'		
.						
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	

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
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 New Zealand Incorporated		Oppose		Reject	
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	

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Officers Recommendation	Amendments to Proposed Plan
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: 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
.						
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 C

Marshall Day Acoustics Re: Waipukurau Airfield Noise

MEMO

Project:	Waipukurau Airfield	Document No.:	Mm 002
To:	Central Hawkes Bay District Council	Date:	18 February 2022
Attention:	Stella Morgan	Cross Reference:	
Email:	stella@sageplanning.co.nz	Project No.:	20170771
From:	Steve Peakall	No. Pages:	2
		Attachments:	No
CC:			
Subject:	CHBDC airfield noise provisions		

Marshall Day Acoustics has been asked to provide further details and technical information that was used to generate the Waipukurau Airfield noise boundaries notified in the Proposed District Plan. This is in response to two submissions received that seek amendments to the noise compliance rules associated with the airfield.

The airfield noise boundaries were prepared in 2017/2018 using historic movement data from the airfield users. These boundaries represent noise limits which the airport must not exceed, as well as guidelines for land use planning.

When establishing the location of noise boundaries, an allowance for the expected growth of the airport is made. NZS 6805 recommends a minimum 10 year projection of future aircraft operations. We note that it is not uncommon for airports around New Zealand to use 20 to 30 years as the future growth scenario or runway capacity. In terms of NZS 6805, aircraft operations include both fixed wing and helicopter flight operations.

Consultation with the aero club occurred around expected future operations. We note the original advice from the aero club of 7% growth for agricultural fixed wing movements and 4% growth per annum for all other movements was used as the starting point for noise boundaries.

However, once the aero club reviewed the contour extents and raised concerns regarding the potential obligations on them, a lesser growth of 3% per annum was applied.

The information used in the boundary generation is thus summarised below:

Year	Fixed Wing				Helicopter		Total
	Club Movements	Circuits	Private	Agricultural	Private	Agricultural	
2017	1825	466	365	2920	182.5	365	6124
2027	2373	606	475	3796	237	475	7961

This data is further broken down for input into the model by

- aircraft type
- type of operation (arrival/departure/touch-and-go/circuit)
- day time (7am – 10pm) or night time (10pm – 7am)
- runway and flight track used.

Complimenting the noise boundaries are a set of noise management rules, which enshrine the methods used to ensure airport noise does not exceed the noise boundary limits. In this case noise rules have been prepared that attempt to apply a pragmatic approach to airfield noise management.

The noise limits are based on the NZS 6805 performance-based approach. Aircraft movement numbers are to be used to demonstrate compliance until certain movement thresholds are reached.

As the thresholds are reached, the aerodrome operator would take increasingly detailed measures to assess compliance. This ensures that initially, where ready compliance is likely, the cost of monitoring is not onerous.

We recommended the initial threshold to be 6500 movements and this is enshrined in the PDP text. This was based on the future annual movement numbers inherent in the boundaries being 7961 (refer table above). With less than 6500 movements we consider compliance is likely to be achieved.

Once movements exceed 6500, compliance is not guaranteed so further investigation is warranted.

The submitters seek an increase of movements allowed to 10,000 to 15,000 annual movements, which is a level higher than envisaged in the contours. In our opinion this would not be possible without also increasing the noise boundary footprint.

One of the submitters raises a concern that a busy weekend of activity may trigger compliance assessment unduly. The contours are prepared using a noise exposure metric which is based on the busiest three months of activity. Thus one busy weekend by itself would not cause the AANC requirement to be triggered. It would require multiple busy weekends which would not be possible, and as we understand it, does not occur in practice. The contours do allow for such busy weekends, but also with resultant periods of respite as well.

Submissions also sought the exemption of agricultural aircraft from compliance assessment. From a noise perspective these were included in the noise boundary development so in theory should be included in compliance assessment. Further, if these aircraft are exempted there would in effect be no mechanism to control their noise emissions from a regulatory point of view.

They comprise approximately 50% of the movements used in the assessment and therefore should they be excluded then theoretically that would permit a doubling of club/private activity to occur whilst not exceeding the noise boundaries. The resultant increase in noise effect could be noticeable, but unlikely to be significant.

There may be other planning reasons to exclude them from compliance but from a noise perspective we consider they should be included.

MEMO

Project:	Waipukurau Airfield	Document No.:	Mm 001
To:	Central Hawkes Bay District Council	Date:	30 July 2018
Attention:	Helen O'Shaughnessy	Cross Reference:	-
Email:	helen.oshaughnessy@chbdc.govt.nz	Project No.:	20170771
From:	Steve Peakall	No. Pages:	3
		Attachments:	Yes
Subject:	Waipukurau Airfield Noise		

1.0 INTRODUCTION

Marshall Day Acoustics (MDA) has been engaged by Central Hawkes Bay District Council (CHBDC) to develop future set of aircraft noise contours for Waipukurau Airfield.

Airport noise contours (and the subsequent noise boundaries) provide the basis for the implementation of New Zealand Standard NZS 6805 in the District Plan. We recommend that the proposed Outer Control Boundary and Air Noise Boundary, based on the future contours and as shown in Attachment 1 be implemented.

We also recommend the introduction of District Plan noise rules relating to land use planning controls and noise associated with Waipukurau Airfield that reflect the future noise boundaries and to incorporate the recommendations of NZS 6805.

2.0 LAND USE PLANNING RECOMMENDATIONS

2.1 Inside the Outer Control Boundary

In keeping with the provisions of NZS 6805, MDA recommends that new 'Activities Sensitive to Aircraft Noise' (ASANs) inside the OCB be prohibited where practicable to do so.

NZS 6805 recommends that noise sensitive activity is prohibited between the OCB and the ANB unless a district plan permits it subject to appropriate sound insulation requirements (inside the ANB the Standard recommends that noise sensitive activity is prohibited). This approach recognises that not all effects of aircraft noise can be mitigated by insulating buildings, particularly for residential activity.

People generally have a desire and an expectation to be able to spend time in the garden, entertain guests outdoors and leave doors and windows open. In these situations, the level of aircraft noise exposure cannot be practicably mitigated. If new residential activity is to be permitted between the OCB and the ANB it can be expected that some residents would be annoyed by aircraft noise outdoors.

MDA supports the NZS 6805 approach to prohibit new noise sensitive activity inside the OCB as a desirable starting point but acknowledges that other factors such as historical land use development, landowners' expectations of property rights and regional pressures on developable land can modify land use restrictions that would otherwise be imposed by a territorial authority because of moderate noise effects.

For Waipukurau Airfield, the proposed OCB covers rural zoned land only, none of which is currently shown on District Plan Maps as being earmarked for Future Urban Development (FUD).

It is understood that there is no existing expectation for urban residential development of Rural zoned land which lies within the proposed OCB. Accordingly, it is recommended that:

- Any new ASANs inside the proposed OCB should be prohibited unless strongly associated with a genuine rural land use; and

- Any alterations or additions to *existing* ASANs in all zones within the proposed OCB should be subject to sound insulation measures to ensure an acceptable internal noise environment is achieved.

Historically in most cases sound insulation standards for noise sensitive uses around airports have been specified as an internal noise criterion. Buildings must be built to achieve the target internal noise level based on the future external noise exposure defined by the airport noise contours.

If this approach is implemented, then the following design criterion is recommended:

- Internal noise level of 40 dB L_{dn} in all habitable rooms

2.2 Inside the Air Noise Boundary

NZS 6805 recommends that noise sensitive activity is prohibited inside the ANB.

Noise environments greater than 65 dB L_{dn} are not suitable for residential activity. Sound insulation measures can improve internal noise environments but do not fully mitigate the effects for residential activity, particularly in outdoor living areas or where residents wish to open windows and doors.

NZS 6805 recommends that land use controls to prohibit new noise sensitive activities should be imposed within the ANB. This approach is recommended for Waipukurau Airfield.

There are no *existing* ASANs inside the proposed ANB and therefore sound insulation controls for alterations or additions to existing ASANS would not be required.

2.3 Ventilation Systems

In most situations, the required sound insulation standard cannot be achieved with doors or windows open. As almost all houses in New Zealand rely on open windows to provide ventilation, alternative methods such as mechanical systems are necessary to achieve minimum ventilation standards. Alternative ventilation can typically be achieved using moderately inexpensive ducted fan systems in ceiling spaces, which bring air from the outside into habitable rooms.

It is recommended that alternative ventilation is a specified requirement for noise sensitive activities located inside the noise boundaries. Such a system should also be designed to comply with an acceptable level of ventilation noise inside the dwelling. Typical limits are 30 - 35 dB L_{Aeq} in bedrooms, and 35 - 40 dB L_{Aeq} inside other habitable rooms.

Where ventilation systems are required, they should also meet suitable ventilation performance standards

We note that MDA are not experts in ventilation system requirements, and third-party advice would be required.

2.4 Summary of Recommendations

We recommend that:

- New Activities Sensitive to Aircraft Noise (ASAN) located within the Outer Control Boundary (OCB), should be prohibited, unless there is a strong existing expectation of residential development, such as associated with a rural use;
- New ASANs located within the Air Noise Boundary (ANB) should be prohibited;
- Alterations and additions to *existing* ASANs located within the Outer Control Boundary (OCB) in all zones should be fitted with appropriate sound insulation, and;

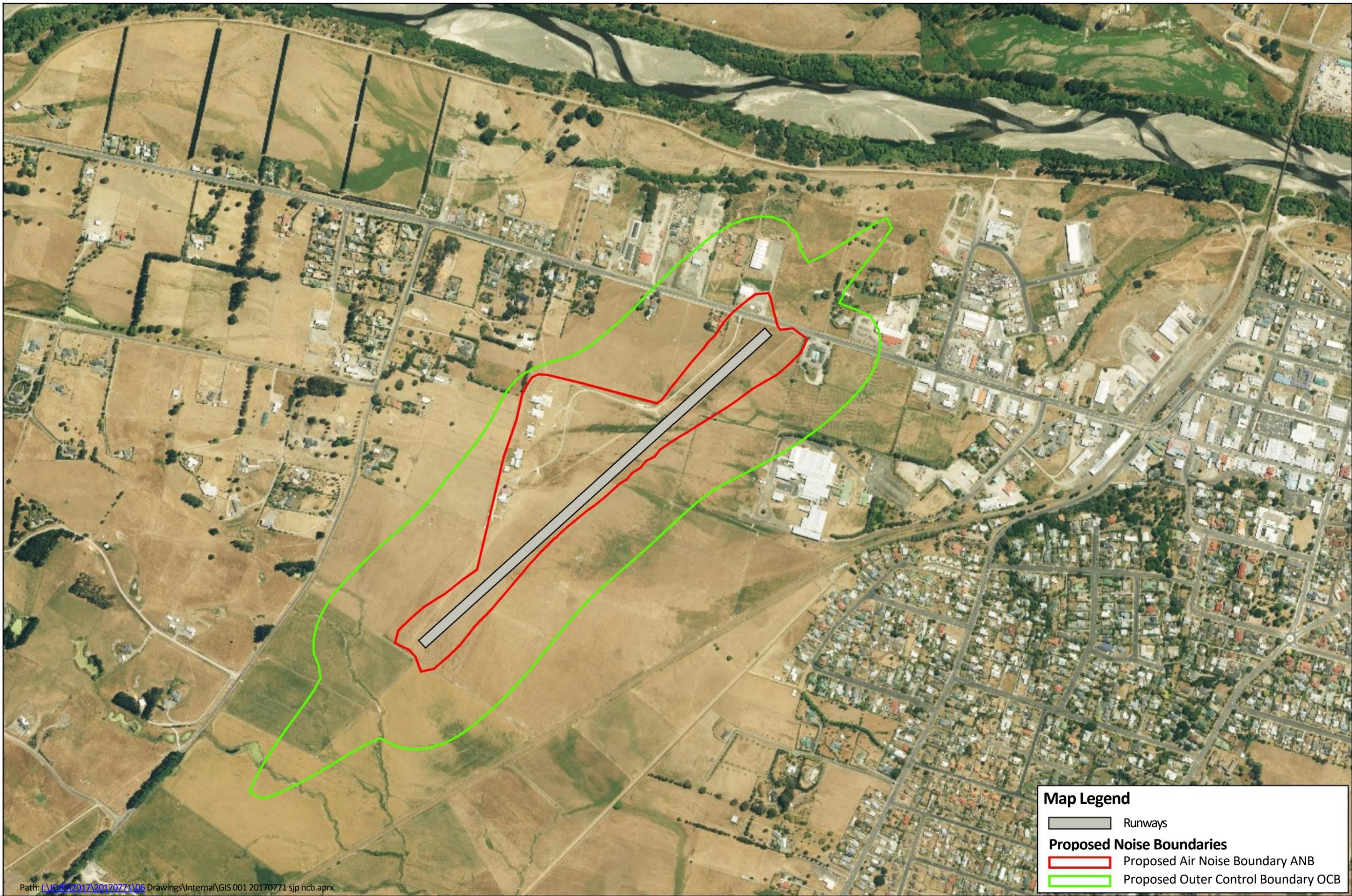
- Where sound insulation is required a ventilation system (or systems) should be provided. Noise from such a system should not exceed a reasonable level.

3.0 AIRPORT NOISE CONTROL RECOMMENDATIONS

3.1 Airport Noise Management

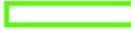
We recommend that:

- The Waipukurau Airfield shall 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). The ANB and OCB will be as shown on the District Plan Maps. Compliance with the ANB and OCB shall be determined on the basis of following:
- A log of annual aircraft movements shall be provided to the Central Hawkes Bay District Council by 1 February each year, detailing the total number of fixed wing and helicopter movements for the previous calendar year;
- In the first instance where the total number of annual aircraft movements are less than 6500 per year no compliance contouring is required.
- Where the total number of annual aircraft movements is greater than 6500, the operators of Waipukurau Airfield shall 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 three consecutive months of the preceding year. These AANC are to be submitted to the Central Hawkes Bay District Council to show compliance or otherwise with the OCB and ANB. The preparation of AANC shall then be required every two years thereafter.
- Where the AANC show that the calculated noise level exceeds 64 dB at any point on the ANB, then noise measurements using infield monitoring is required for a minimum of one month (at one measurement location) to demonstrate compliance with the noise limit of the ANB, as shown on the planning maps; and;
- Exemptions to these noise rules should be provided for:
 - Aircraft operating in an emergency for medical or national / civil defence reasons;
 - Air shows;
 - Military operations;
 - Aircraft using the airfield as a necessary alternative to an airfield elsewhere;
 - Aircraft taxiing;
 - Aircraft engine testing; and
- All helicopter operators be made aware of the Helicopter Association International's "Fly Neighbourly" program and should avoid, where possible flying over or close to residential areas.



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Map Legend

-  Runways
- Proposed Noise Boundaries**
-  Proposed Air Noise Boundary ANB
-  Proposed Outer Control Boundary OCB

