

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan

Statement of evidence of Michael Campbell (Planning; noise)

17 March 2022

Hearing Stream 2 – 30 March 2022



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1. EXECUTIVE SUMMARY

1.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown). I have been engaged by Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) to provide evidence in support of its primary and further submissions to Central Hawkes Bay District Council’s (“**the Council**”) Proposed District Plan (“**the PDP**”).

1.2 In summary, I propose a number of amendments to the Noise section of the PDP.

1.3 The key points addressed in my evidence are:

- a) I recommend deletion of Policy P2 and Standard S3 pending an appropriate section 32 analysis of the noise and vibration effects in relation to roads and railway corridors.
- b) I am of the opinion that the proposed approach to managing noise effects near the roading network and the rail corridor have not been justified in terms of s32 and s32AA RMA and I oppose their inclusion in the PDP without compelling evidence that they are appropriate.
- c) Mr Styles, on behalf of Kāinga Ora, has raised a number of concerns regarding the effectiveness and efficiency of the proposed noise chapter and, in my opinion, those issues should be considered.
- d) I have recommended minor wording changes to the objectives, polices, of the noise chapter, as set out in **Appendix A** of my evidence.
- e) I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

2. INTRODUCTION

2.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (‘**Campbell Brown**’), a professional services firm in Auckland specialising in planning and resource management.

- 2.2 I graduated from Massey University in 1995 with a Bachelor's Degree in Resource and Environmental Planning (Honours).
- 2.3 I graduated from Massey University in 1995 with a Bachelor's Degree in Resource and Environmental Planning (Honours).
- 2.4 I began my career in planning and resource management in 1995. I was employed by the Auckland City Council as a planner from June 1995 to August 1998. I worked as a planner for the London Borough of Bromley in the United Kingdom from December 1998 to August 2000. I was employed by Haines Planning, a planning consultancy firm, from October 2000 to December 2003.
- 2.5 From January 2004 to October 2010, I worked for Waitakere City Council, beginning as a Senior Planner. In my final role at the Council, I was Group Manager Consent Services, where I oversaw the Planning, Building and Licensing Departments. In 2010, I started Campbell Brown together with my co-director Philip Brown.
- 2.6 I am a full member of the New Zealand Planning Institute. In July 2011, I was certified with excellence as a commissioner under the Ministry for the Environment's Making Good Decisions programme. In 2013, I was appointed to the Auckland Urban Design Panel. In 2014, I was awarded the New Zealand Planning Institute's Best Practice Award for Excellence in Integrated Planning, as well as the Nancy Northcroft Supreme Best Practice Award.
- 2.7 I have been involved in a number of plan review and plan change processes, including the Independent Hearings Panel hearings on the proposed Auckland Unitary Plan. In particular, I have been involved in the following policy planning projects:
- (a) Currently assisting Kāinga Ora with submissions, evidence and hearing attendance on the New Plymouth Proposed District Plan;
 - (b) The Proposed Auckland Unitary Plan, for a range of residential and commercial clients and assisted the Auckland Council with the Quarry Zone topic;

- (c) Plan change for Westgate Town Centre comprising residential and commercial activities;
- (d) Proposed Plan Change 59 in relation to a private plan change for approximately 1,800 homes in Albany;
- (e) Proposed Private Plan Change for a research integration campus for the University of Auckland.

Code of Conduct

2.8 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written 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 expressed in this evidence.

Scope of Evidence

2.9 The Urban Environment hearing addresses submission points on the provisions of the PDP that relate to the Urban Environment provisions of the PDP. The Council has prepared a s42A report to consider submissions and further submissions.

2.10 This evidence addresses Kāinga Ora's submission points¹, and further submission points² on the Noise matters within the PDP, as they relate to the recommendations of the s42A report on that topic.

2.11 I note that I have also considered the evidence of Mr Jon Styles (Acoustics) on behalf of Kāinga Ora.

2.12 With regard to the submission points listed below, I have reviewed the Council's s42A report and confirm my support for the following matters:

¹ Primary Submissions – S129.134, S129.135, S129.137, S129.138, S129.139, S129.128, S129.129, S129.130, S129.131, S129.132, S129.133, S129.136, S129.140, S129.141

² Further Submissions – FS23.174, FS23.175, FS23.176, FS23.177

a) Retention of Policies NOISE-P3, NOISE-P4, and NOISE-P6 to NOISE-P8.

2.13 My evidence will focus remaining submission points where Kainga Ora still seeks changes to the Noise provisions of the PDP.

2.14 Kāinga Ora sought amendments (**S129.128**) to Objective NOISE-O1 as follows (my changes in Red):

*'~~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.**~~'*

2.15 Kāinga Ora supports the intent of the objective; however, it considers that in its current form, its scope is too narrow. The Section 42A report is recommending rejecting this submission point. The reporting planner does not see any benefit in rewording the objective as proposed.

2.16 In my opinion, the wording proposed by Kiangia Ora provides a clearer basis for defining the outcomes sought by the proposed objective.

2.17 Kāinga Ora sought amendments (**S129.129**) 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.'*

2.18 Kāinga Ora generally supports the objective as proposed but seeks amendments to remove the word 'character'. It is unclear how character relates to noise and vibration effects. The Section 42A report is recommending rejecting this submission point. The reporting planner is 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. In my opinion, the different types of noise and vibration generating activities are adequately covered by reference to the role and function of each receiving zone.

2.19 Kāinga Ora sought amendments (**S129.131**) 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.**'*

2.20 Kāinga Ora generally supports the objective however requests the inclusion of the qualifier 'where appropriate' to reflect that noise exemptions will not be appropriate in all cases. The Section 42A report is recommending rejecting this submission point. For similar reasons to those outlined in para 1.9 the reporting planner does not consider inclusion of these words helps clarify the objective, or is necessary.

2.21 In my opinion, the use of the wording 'where appropriate' provides an appropriate qualifier for the policy that recognises that it may be necessary to take into account the specific nature of the noise issue to hand.

2.22 Kāinga Ora sought amendments (**S129.132**) 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.'

2.23 Kāinga Ora generally supports the policy as proposed and seeks amendments to remove the word 'character'. It is unclear how character relates to noise and vibration effects. The Section 42A report is recommending rejecting this submission point. For similar reasons to those outlined in para 2.18 above, the reporting planner does not consider deletion of 'predominant character' is necessary.

2.24 In my opinion, the different types of noise and vibration generating activities are adequately covered by reference to the role and function of each receiving zone.

2.25 Kāinga Ora (**S129.132**) sought to delete Policy NOISE-P2.

2.26 Consistent with subsequent submission points, Kāinga Ora opposes this policy and considers that a more appropriate means of managing internal sound

levels for noise sensitive activities needs to be considered. The Section 42A report is recommending rejecting this submission point. The Section 42A report notes the following:

- 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 land use 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).

- 2.27 Mr. Jon Styles on behalf of Kainga Ora has raised a number of concerns in relation to the proposal approach to managing internal sound levels for noise sensitive activities near the state highway and rail networks. I rely on the evidence of Mr Styles in relation to these issues. In my opinion, until a more complete section 32 analysis has been undertaken, it is premature to impose the current policy. I note that in the alternative, Mr Styles recommends that the reference to 100m should be replaced with words such as ‘mapped effects areas’ or similar to allow for the outputs of a noise modelling process to be used in the rules section.
- 2.28 Kāinga Ora sought amendments (**S129.136**) 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**.’*
- 2.29 Kāinga Ora generally supports the policy as proposed. It seeks inclusion of the word ‘effects’ for clarification purposes. The Section 42A report is recommending rejecting this submission point. The reporting planner notes that s16 of the RMA uses the term ‘unreasonable noise’, and the policy wording is consistent with that. In my opinion amending the policy will provide greater clarity for plan users.
- 2.30 Kāinga Ora (**S129.140**) sought to delete Standard NOISE-S3.
- 2.31 Kāinga Ora opposes the standard, and 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. 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 NOISE-S4. This is consistent with the approach taken by other Councils across New Zealand. Kāinga Ora also 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). The Section 42A report is recommending rejecting this submission point.

- 2.32 The reporting planner is of the opinion that the PDP approach is appropriate. They note that it would 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.
- 2.33 As noted above, Mr Jon Styles has raised a number of concerns in relation to the proposed approach to managing internal sound levels for noise sensitive activities near the state highway and rail network. I rely on the evidence of Mr Styles in relation to these issues. In my opinion, until a more appropriate section 32 analysis has been undertaken, it is premature to impose the current policy. I also discuss this issue further below.
- 2.34 I acknowledge that major infrastructure networks have the potential to generate some level of adverse effects on land in the immediate vicinity and, where appropriate, planning instruments should recognise and address those effects, noting that effects should only be mitigated following adopting of the Best Practicable Option to internalise the effects as far as possible. However, it is also important that those restrictions are no more stringent than necessary, otherwise there is a risk of unnecessary costs imposed on developers (and current and future home or business owners) and a risk that land is not developed efficiently to its full potential.
- 2.35 In my opinion, it is appropriate that the infrastructure providers (KiwiRail and Waka Kotahi) are incentivised to ensure that practical measures are undertaken to reduce noise at source, while at the same time utilising the PDP to manage those significant actual or potential effects that cannot be controlled at source, if required.

- 2.36 I do note that it would be helpful if a nationwide approach was adopted to provide a consistent approach in dealing with potential health and safety effects generated by the road and rail network.
- 2.37 At the same time, any rules should only be required to manage the actual or potential effects on noise sensitive uses. In my view, any significant adverse health and safety effects should be dealt with, but I have not seen any evidence that reverse sensitivity and health and safety effects arise in the context of these rail or road corridors and the transport authorities have not provided evidence of the road or rail network having to constrain or cease its operations as a result of complaints.
- 2.38 There have been no controls imposed under the Central Hawke's Bay Operative District Plan in relation to noise sensitive uses adjoining the railway and there is no indication that there have been issues arising on adjoining landowners in terms of reverse sensitivity or health and safety effects on adjacent land.
- 2.39 Kāinga Ora is concerned that insufficient justification has been to warrant the controls that have been proposed in the PDP, particularly in relation to residential zones. I agree with that concern.
- 2.40 No information has been provided as to the actual frequency and nature of the use of the Railway land, particularly in terms of frequency, hours of operation, types of trains or future anticipated growth. Similarly, I am not aware of any analysis identifying those areas within the urban area that experience noise levels requiring mitigation in terms of health effects, particularly in terms of more sensitive sleep times. While I acknowledge the importance of these regionally significant infrastructure corridors, I have concerns as to:
- (a) The planning justification for the proposed buffer controls sought by the submitters, and the suggestion that their absence will give rise to reverse sensitivity effects that will compromise the operation of these transport corridors and/or create health effects;

- (b) The absence of an evidence-based analysis as to the appropriateness of the proposed rules (i.e. evidence which demonstrates the actual or future level of noise likely to be generated beyond the transport corridors after the BPO has been adopted to internalise effects), particularly in terms of managing the effects on health, if such effects arise;
- (c) The consideration of the degree to which such effects could or should be managed at source; and
- (d) The appropriateness of the controls in terms of sections 32 and 32AA (e.g. their reasonableness, practicality and cost implications).

Planning Justification – Reverse Sensitivity / Health Effects

- 2.41 In terms of the planning justification for the rules, the further submitters are concerned at the potential for the operational efficiency of the rail/road network to be compromised through reverse sensitivity effects, together with the health effects arising from sensitive activities locating along the transport corridors.
- 2.42 I have not seen any evidence to date that demonstrates a reverse sensitivity effect is occurring on these particular networks to the point where their efficiency and operational ability has been (or is at risk of being) compromised. I am unable to conclude, based on the information provided, that there is a significant adverse reverse sensitivity or health effect that is required to be managed to the extent sought by the submitters.
- 2.43 I have a particular concern that the planning rationale does not distinguish between established development near existing rail and road networks and proposed new urban development which may well be encroaching into the “effects” area of an established infrastructure network.
- 2.44 The extent of the area over which the submitters are seeking additional acoustic and vibration controls would indicate that there is currently a significant actual or potential effect manifesting itself, and one that requires

a significant geographic area to be managed. I am currently not able to reconcile the magnitude of the potential reverse sensitivity effect against the geographic magnitude of the corridors that are being sought. I therefore have concerns about the planning justification for controls that seek to manage reverse sensitivity relating to the railway or road network.

Adequacy of Information, Analysis and Assessment

- 2.45 In terms of the appropriateness of the relief sought, I do not consider that that sufficient information is currently available where a conclusion can reasonably be reached that the proposed controls are appropriate.
- 2.46 In my opinion, and as noted above, there are a significant number of matters that would need to be examined further in order to reach a conclusion that the relief sought is appropriate in terms of s32. Given the extent of amendments sought and their onerous nature, a thorough assessment of options, costs and benefits is required. In my opinion, any consideration of such provisions must be “evidence based.”
- 2.47 The proposed relief sought by the submitters needs to be considered through an examination of some quantifiable measures which could include such matters as the frequency of instances where a reverse sensitivity issue has arisen, a more robust consideration of potential costs to the community, and a consideration of options and alternatives available. In my opinion, this must be underpinned by a technical analysis of acoustic and vibration effects for the actual environment which can be used to inform the need for the proposed noise and vibration controls.
- 2.48 No detailed analysis has been provided by the submitters via a s32AA assessment or similar evaluation. Such an assessment would need to consider the appropriateness of the geographic extent of the corridor width sought or any discussion on the apportionment of the burden of these rules on the existing environment or future urban development areas as opposed to the generators of the noise and vibration source. I also note the general

duty under s16 of the Resource Management Act 1991 (“RMA”) to avoid unreasonable noise also applies as a guiding principle.

2.49 By contrast, in the provisions currently under consideration, it is proposed that the burden to mitigate the effects of the road and rail network operations will be placed solely on the surrounding community and the territorial authority to manage. There does not appear to be a corresponding obligation placed upon the submitters to manage their impacts in terms of noise and vibration. I am unable to conclude that the relief sought is an appropriate planning response.

2.50 In my opinion, a proper s32 evaluation should also include the following considerations:

- (a) Changes being made to any conditions upon future designations so that the network utility operators take reasonable steps to reduce the likelihood of effects arising beyond their corridor and adopt technologies and practices to reduce noise emissions at source. (e.g. by improving the quality of the road or rail surface, imposing speed limits and implementing maintenance and repair regimes that minimise noise and vibration and prevent them from increasing over time);
- (b) An assessment of alternatives including different methods or timeframes for achieving the same outcome or the application of rules only to future urban areas (e.g. this could include using permitted standards and/or relying on other legislation such as the Building Act, supplemented by a requirement for mechanical ventilation for sensitive noise activities that front a road or rail corridor);
- (c) Consideration of the effects of the uptake of electric vehicles alongside other low-emission forms of transport;
- (d) A focus on those urban areas that may be most severely impacted upon by noise/vibration and options for adopting a targeted approach to manage those localised effects. That might include tailored controls

such as noise barriers or other methods to reduce noise and/or vibration that could be accommodated within an existing designated corridor.

- 2.51 In terms of effectiveness and efficiency (Section 32(b)(ii)), I do not consider that the current controls that are being sought are efficient or effective. The imposition of the additional controls would introduce another level of compliance (and cost) to be achieved where altering an existing building or constructing a new one. The relief sought places the onus onto the landowner to determine whether compliance with the rules can be achieved, thus likely requiring an acoustic assessment, and the use of specialists to consider matters of noise and vibration. On this basis, there is an additional layer of complexity and time for both the landowner and the territorial authority in implementing the relief sought. Additionally, I note that there is no requirement on the part of the network utility operator to be involved in providing guidance or assistance.
- 2.52 In terms of the s32AA assessment on the “Risk of acting or not acting”, at this stage, there is no evidence that the increase in noise exposure would result in a situation where the operations of the rail and road network will be restricted (or indeed that the areas proposed to be included within the corridor are experiencing levels of noise which may necessitate mitigation).
- 2.53 The additional costs associated with complying with the relief sought by the submitters will likely result in additional costs of construction and may make development (including intensification) within 100m of a railway corridor or a state highway less viable and could impact on the provision of affordable housing. At the least, I consider that, given the geographic extent of the corridors proposed through the District, an economic analysis of the potential costs would be required to assist in reaching a sound planning conclusion.
- 2.54 I note that a similar issue was considered as part of the development of the Auckland Unitary Plan (“AUP”) and a proposed High Land Transport Noise Overlay (“**HLTN Overlay**”) which extended 40m either side of high volume roads and rail corridors as part of the notified version of the AUP. The

Submitters (the same as the current submitters to the PDP) sought a 100m corridor with similar design controls in their original submissions.

2.55 The Independent Hearings Panel rejected this approach and recommended deleting the HLTN Overlay. In summary, the key reasons for the rejection were:

(a) An absence of a robust cost-benefit analysis – given that the HLTN Overlay would affect a very large group of property owners. An assessment of the implications of the provisions and which sectors of the community would bear those costs was not provided.

(b) The HLTN Overlay effectively transfers costs associated with noise mitigation to individual property owners. There would be no obligation on the transport corridor operators to mitigate noise effects or share costs incurred by property owners as is the case with examples such as Auckland International Airport Limited which contributes to the costs of noise mitigation and which they considered was a more balanced approach.

2.56 Kāinga Ora (**S129.141**) sought to delete Standard NOISE-S5 and reconsider it so as to ensure the standard achieves its intended purpose.

2.57 Kāinga Ora generally supported 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 characteristics and amenity values of the zone. Notwithstanding the above, Kāinga Ora considers 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 NOISE-S5(24)). Deletion and reconsideration was sought so as to ensure the standard achieves its intended purpose. The Section 42A report is recommending rejecting this submission point.

- 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 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.

2.58 I note that Mr Styles reviewed this standard and he has raised a number of technical issues with respect to the application of Standard S5. I support the concerns raised by Mr Styles and I defer to him as an expert on these technical issues. These concerns relate to the following sections; Construction, Prospecting and Exploration (quarrying activities), Temporary events (other than temporary military training), Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones.

2.59 Mr Styles has also raised a number of issues in relation to wording of the following sections of the Noise chapter: Introduction, Noise-I1, Noise S2 Vibration, All Noise standards, NOISE-AM3 Vehicle noise. While there may be issues with respect to submission scope to address these points, they do raise concerns with the effectiveness and efficiency of the proposed noise chapter and in my view those issues should be considered. I defer to Mr Styles on these issues.

3. CONCLUSION

3.1 In conclusion, I am of the opinion that the proposed approach to managing noise effects near the roading network and the rail corridor have not been justified in terms of s32 and s32AA RMA and I oppose their inclusion in the PDP without compelling evidence that they are appropriate.

3.2 Mr Styles has raised a number of concerns regarding the effectiveness and efficiency of the proposed noise chapter and, in my opinion, those issues should be considered.

3.3 I have recommended other minor wording changes to the objectives, policies, as set out in **Appendix A** of my evidence.

- 3.4 I have prepared a section 32AA assessment for these minor changes as set out in **Appendix B** of my evidence.



Michael Robert Campbell
17 March 2022

Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan

Black Bold and Underlined and ~~Strikethrough Text~~ – Officer’s recommended changes, as set out in Section 42a report.

Red Bold and Underlined and ~~Strikethrough Text~~ - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

Red Bold and Underlined and ~~Strikethrough Text~~ - Additional changes proposed by Jon Styles

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 Unreasonable~~ 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 unreasonable~~ 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. Activities do not generate unreasonable noise effects which adversely affect amenity values, the health and wellbeing of people and communities, or noise sensitive activities.~~
- NOISE-O2** Activities generate noise effects that are compatible with the role, **and 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, *where appropriate*.

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 air noise 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 air noise 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 effects.

- 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 Part2: 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	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. NOISE-S1; ii. NOISE-S2; iii. NOISE-S3; iv. NOISE-S4; and v. NOISE-S5. </div> <div style="width: 45%;"> <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. 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. </div> </div>

STANDARDS

NOISE-S1 Measurement and Assessment of Noise	
1. 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 Soundb. NZS 6802:2008 Acoustics – Environmental Noisec. NZS 6803:1999 Acoustics – Construction Noised. NZS 6805:1992 Airport Noise Management and Land Use Planninge. NZS 6806: 2010 Acoustics – Road Traffic Noise: New and altered roadsf. NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areasg. NZS 6808: 2010 Acoustics – Wind farm noiseh. NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning2. Noise levels will be measured and assessed within the site boundary of the noisereceiver unless specified otherwise. The assessment position for houses, dwellings and habitable buildings in the General Rural Zone and the Rural Production Zone is

	<p>within the notional boundary as defined in NZS6801.</p> <p><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></p>
<p>NOISE-S2 Vibration</p>	
<p>General</p>	<p>1. Vibration from any activity will be measured and assessed as follows:</p> <p style="padding-left: 20px;">a. Vibration received at a building with regard to building damage:</p> <p style="padding-left: 40px;">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.</p>
<p>NOISE-S3 Noise Sensitive Activities within 100m of State Highways and the Rail Network</p>	
<p>General</p>	<p>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:</p> <p style="padding-left: 20px;">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 LAeq(24hr) inside all habitable spaces; or</p> <p style="padding-left: 20px;">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 LAeq(24hr) outside the most affected part of the building exterior.</p> <p>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:</p> <p style="padding-left: 20px;">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.</p>
<p>NOISE-S4 Noise Limits – Zone Specific</p>	
<p>Receiving Zone(s):</p>	
<p>General Residential Zone</p>	<p>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:</p> <p style="padding-left: 20px;">a. 0700 - 2200 hours – 50^{LAeq} 50 dB LAeq (t) <u>(NOTE - all noise limits need updating to meet the requirements of the NVMS)</u></p> <p style="padding-left: 20px;">b. All other times – 40 LAeq / 70 LAmax</p>
<p>Rural Lifestyle Zone</p> <p>Large Lot Residential Zone (Coastal)</p>	<p>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:</p> <p style="padding-left: 20px;">a. To be measured and assessed within the notional boundary: i.</p> <p style="padding-left: 40px;">0700 - 2200 hours – 50 LAeq</p> <p style="padding-left: 20px;">ii. All other times – 40 LAeq / 70 LAmax</p>
<p>General Rural Zone</p> <p>Rural Production Zone</p>	<p>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:</p> <p style="padding-left: 20px;">a. To be measured and assessed within the notional boundary: i.</p> <p style="padding-left: 40px;">0700 - 2200 hours – 55 LAeq</p> <p style="padding-left: 20px;">ii. All other times – 45 LAeq / 70 LAmax</p>

Commercial Zone	4. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone: a. 0700 - 2200 hours – 65 LAeq
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	<p>b. All other times – 60 L_{Aeq} / 75 L_{Amax}</p> <p>c. Octave band noise levels shall not exceed:</p> <p>i. 75dB $L_{eq}(1 \text{ minute})$ at 63Hz</p> <p>ii. 65dB $L_{eq}(1 \text{ minute})$ at 125Hz</p>
General Industrial Zone	<p>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:</p> <p>a. 0700 - 2200 hours – 70 L_{Aeq}</p> <p>b. All other times – 60 L_{Aeq} / 75 L_{Amax}</p>
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	<p>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).</p>
Construction	<p>2. Must comply with the following noise limits: <<insert noise limits from NZS6803:1999>> provisions of NZS6803:1999 – Construction Noise.</p>
Emergency Service Activities	<p>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.</p>
Generators for continued power supply	<p>4. Exempt, provided it is for temporary emergency use.</p>
Recreational Activities of an everyday recreational nature	<p>5. Exempt, providing the activity does not involve motorised activities or amplified sound. Examples include sporting events and playground activities.</p>
Activities within the grounds of an Educational Facility	<p>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.</p>
Activities involving stock, vehicles and mobile machinery associated	<p>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.</p>

with primary production	
Prospecting and Exploration (quarrying) activities	<p>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:</p> <ul style="list-style-type: none">a. Occur only between 0700 hours and 1900 hours, andb. No more than 2 events per hour, with a maximum of 8 events per day, andc. 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, andd. Overblast pressure incident on dwellings or habitable buildings does not exceed 115dB L_{zpeak}, ande. 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)	<p>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):</p> <ul style="list-style-type: none"> a. For 4 events in any 12 month period – a noise limit of 80dB $L_{Aeq}(1 \text{ hour})$ 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 $L_{eq}(1 \text{ min})$ at 63Hz ii. 85dB $L_{eq}(1 \text{ min})$ at 125Hz iii. Secondary sub-clause iv. Secondary sub-clause 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. Octave band noise levels at dwellings or habitable buildings must not exceed: <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	<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 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>
Waipukuru Aerodrome/ Airport	<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</p>

	<p>operations does not exceed 65 dB L_{dn} outside the Air Noise Boundary (ANB) or 55dB 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> <ol 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> <ol 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.
<p>Wind farm wind turbine generators</p>	<p>23. Must comply with NZS 6808: 2010 Acoustics – Wind farm noise.</p>
<p>Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones</p>	<p>24. Provided the total internal noise level in any habitable room does not exceed 35 dB L_{Aeq}(24 hours) while at the same time complying <u>with the following requirements:</u></p> <ol style="list-style-type: none"> a) <u>Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> b) <u>For bedrooms and sleeping areas either:</u> <ol style="list-style-type: none"> i. <u>is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour and provides relief for equivalent volumes of spill air; or</u> ii. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature in habitable rooms between 18 degrees Celsius and 25 degrees Celsius; and,</u> c) <u>does not generate more than 35 dB L_{Aeq}(30s) when measured 1 metre away from any grille or diffuser.</u> <p>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</p>

	<p>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 expert 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	<p>30. Noise generated by frost fans must not exceed 55 dB $L_{Aeq 10min}$ when assessed</p>

	<p>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.</p>											
<p>Temporary military training activities</p>	<p>31. Weapons firing and/or the use of explosives:</p> <ul 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: <ul 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: <ul style="list-style-type: none"> i. 0700 – 1900 hours: 95 dBC ii. 1900 – 0700 hours: 85 dBC <p>32. Mobile noise sources:</p> <ul style="list-style-type: none"> 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. <p>33. Fixed (stationary) noise sources:</p> <ul style="list-style-type: none"> 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. <table border="1" data-bbox="507 967 1425 1173"> <thead> <tr> <th style="background-color: #ADD8E6;">Time (Monday to Sunday)</th> <th style="background-color: #ADD8E6;">L_{Aeq} (15 min)</th> <th style="background-color: #ADD8E6;">L_{AF}(max)</th> </tr> </thead> <tbody> <tr> <td>0700 – 1900 hours</td> <td>55 dB</td> <td rowspan="2">N/A</td> </tr> <tr> <td>1900 – 2200 hours</td> <td>50 dB</td> </tr> <tr> <td>2200 – 0700 hours</td> <td>45 dB</td> <td>75 dB</td> </tr> </tbody> </table> <ul style="list-style-type: none"> 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. <p>34. Helicopter landing areas:</p> <ul style="list-style-type: none"> 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. 	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
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										

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 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 hour) at the façade of a habitable space.~~

NOISE-AM4 Degree of Exceedance of Noise Limits

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

NOISE-AM5 Community Benefit of Entertainment Activities

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

NOISE-AM6 Extent to which Achieving Relevant Limits is Practicable

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

NOISE-AM7 Assessment of Noise and Mitigation Options

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

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

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

NOISE-AM9 Effects on Cultural Values

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

NOISE-AM10 Waipukurau Aerodrome

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

METHODS

Methods, other than rules, for implementing the policies:

NOISE-M1 Noise Management Plans

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

NOISE-M2 New Zealand Standards

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

NOISE-M3 Industry Best Practice

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

NOISE-M4 Section 16 RMA Unreasonable Noise

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

NOISE-M5 Monitoring and Enforcement

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

PRINCIPAL REASONS

The principal reasons for adopting the policies and methods:

The District Plan seeks to control the level of noise and vibration received in each zone by setting noise limits that reflect the character and amenity of each zone, but also provides for those activities which are recognised as having different aural qualities associated with them, subject to specific noise standards. Activities such as construction, noise associated with normal agricultural, viticultural, and horticultural operations, emergency service activities and temporary events such as concerts are provided for, subject to specific standards and the overarching duty to ensure noise does not exceed a reasonable level.

ANTICIPATED ENVIRONMENTAL RESULTS

The environmental results anticipated from the policies and methods:

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

NOISE-AER5 Noise-sensitive activities located out-of-zone have adequate sound insulation.

Appendix B - Section 32AA assessment

Having regard to section 32AA, the following is noted:

Noise

Effectiveness and efficiency

- The recommended amendments to the Noise provisions will more effectively deliver on the chapter's objectives to manage and noise effects within the Central Hawkes Bay context.

Costs/Benefits

- The recommended amendments will not result in any additional costs in administering the PDP.

Risk of acting or not acting

- The risk of not acting is that there is less clarity in dealing with the noise issues that arise in the district

Decision about most appropriate option

- The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.