

**Before the Hearings Panel
At Central Hawke's Bay District Council**

Under Schedule 1 of the Resource Management Act 1991
In the matter of the Proposed Central Hawke's Bay District Plan
Between **Various**
Submitters
And **Central Hawke's Bay District Council**
Respondent

Supplementary Council Reply on 'Noise' Chapter, Hearing Stream 2 – Stella Ann Luoni Morgan

On behalf of Central Hawke's Bay District Council

Date: 27 May 2022

Introduction

1. My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited.
2. I have read the evidence and statements provided by submitters relevant to the Section 42 Report on the 'General District Wide Matters: Noise and Signs' topic, and the legal submissions relevant to this Section 42A Report. I also attended the hearing on these matters on Monday 14 March and Tuesday 15 March 2022
3. I have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in response to specific direction from the Hearings Panel as set out in Minute 07 Post Hearing Stream 2 for Expert Conferencing (refer paragraphs 4-10 Appendix 1 attached) and Scope for Relief sought by Kāinga Ora (refer paragraphs 11-13 Appendix 1 attached).
4. I am authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

5. My qualifications and experience are as set out in Section 1.1 of the Section 42 Report on the 'General District-Wide Matters: Noise and Signs' topic.
6. I can confirm that I am continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

7. Following Hearing 2 held on 30 March 2022, the Hearings Panel issued Minute 07 (attached in Appendix 1). This Minute required the following matters to be addressed and reported on back to the Hearings Panel by 27th May 2022.
 - Expert Conferencing on Rule NOISE-R3 of the Central Hawke's Bay Proposed District Plan
 - Scope for Relief Sought by Kāinga Ora with respect to various Noise Standards
8. Appendix 1 contains a copy of Minute 07 Post Hearing Stream 2
9. Appendix 2 contains a copy of the Memo that was circulated to conferencing participants prior to the conferencing (dated 26 April 2022)
10. Appendix 3 provides the responses received from Waka Kotahi and Kāinga Ora in response to the matters outlined in the Memo contained in Appendix 2.
11. Appendix 4 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the respective Section 42A Report (dated 28 February 2022) and the reporting officers Right of Reply (dated 6 May 2022).
12. Appendix 5 contains the table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in the table in Appendix B of the respective Section 42A Report (dated 28 February 2022) and the reporting officers Right of Reply (dated 6 May 2022).

Matter 1 – Expert Conferencing: Rule NOISE-R3

13. The request from the Panel for expert conferencing is set out as follows:

'4. One of the policies of the PDP in regard to the management of noise is Policy NOISE-P2, which seeks:

“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.”

5. This policy is given effect through Rule NOISE-S3:

‘1. The following Minimum External Sound Insulation Level Standards applies to all habitable spaces within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either:

- a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces, demonstrating that road- traffic/rail network sound levels will not exceed 40 dB LAeq(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 LAeq(24hr) outside the most affected part of the building exterior.*

2. The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary:

- a. Where new habitable spaces with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.’*

6. *Compliance with this standard is a permitted activity; non-compliance requires resource consent as a restricted discretionary activity.*

7. *This standard was opposed by Kāinga Ora, which considered that any requirements for noise within proximity of a State Highway or railway should be based on modelling to define specific setbacks according to the particular circumstances, rather than a blanket 100m delineation.*

8. *At the hearing on 30 March, the planning and acoustic advisers for the Council, Kāinga Ora and Waka Kotahi NZ Transport Agency were invited by the panel to attend the hearing together, virtually, so we could have the benefit of hearing expert advice from the three parties collectively. Arising from questions, it appeared that there was some level of agreement among the acoustic advisers that a staggered setback approach may be an acceptable alternative to a single setback standard. The staggered setbacks would be based on the speed limits applying to the relevant sections of State Highway. It was accepted that lower speeds generally generate less noise, and thus the setbacks in such areas could be reduced, particularly in urban areas.*

9. *The following process to reflect the parties’ agreement in wording for the PDP is proposed:*

- The reporting planner is to prepare draft wording for the setback rule and provide it to Kāinga Ora, and Waka Kotahi NZ Transport Agency, together with a draft recommendation as to whether and how the setback would be included in the PDP planning maps, by 29 April 2022;*
- Kāinga Ora and Waka Kotahi will have the opportunity to provide comment on the draft by 13 May 2022; and*
- The reporting planner is to take any comments from Kāinga Ora and Waka Kotahi into account when finalising her recommendation for inclusion in the right-of-reply to be filed on 27 May 2022. The reply should detail whether there was agreement, and to the extent that there was not, should provide sufficient detail to enable the commissioners to have a clear understanding of the areas and extent of, and reasons for disagreement.*

10. *A possible outcome is that the setbacks will be required to be mapped on the PDP planning maps. Acknowledging the extent of that task, and that the Panel has not yet reached a view as to whether mapping will be required, the reporting planner is not required to produce maps as part of her right of reply. After considering the reporting planner’s recommendations and any comments from Kāinga Ora and Waka Kotahi, the Panel may make a preliminary decision as to the requirement for maps at a later stage, and they may be required at a future date to be determined.*

14. Draft wording for the setback rule was circulated to Kāinga Ora and Waka Kotahi on 26th April. A copy of this is attached in Appendix 2. Feedback was provided by both parties and copies of their feedback is provided in Appendix 3.

15. The following response was received from Kāinga Ora:

'Kāinga Ora remains of the view that a modelled outcome is the most efficient and effective. If a modelled set back is not adopted, Kāinga Ora considers that no rule is appropriate. It does not support a staggered rule.'

'It has no specific comments on or alternative drafting for the drafting of the proposed new rule'

16. The following response was received from Waka Kotahi:

Noise-S3

'We concur that the proposed wording is generally fit for purpose and appreciate that a non-compliance with this standard elevates activities to be assessed as a restricted discretionary activity to enable a development to not proceed pursuant to S104(C).

The Proposed District Plan as notified does not define "habitable space", instead the PDP defines a "habitable room". Therefore, our only recommendation is that these definitions are married up.

Waka Kotahi has produced guidance for noise sensitive activities near the state highway network. We use the following definition of "habitable space"

'A space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods (refer NZ Building Code).'

For comparison, the Hastings District Plan also provides the following definition of "habitable space":

'means any room in a building used for a noise sensitive activity, excluding those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, kitchen, garage or storeroom.'

Comment and Recommendation:

17. As outlined in Minute 7, there was a level of agreement at Hearing Stream 2 between acoustic technical experts representing Waka Kotahi (Dr Stephen Chiles), Kāinga Ora (Mr Jon Styles) and Central Hawke's Bay District Council (Mr Damian Ellerton) that a noise standard presenting a staggered approach based on speed limit would more effectively address noise effects on the surrounding area than PDP notified Standard NOISE-S3. On that basis a revised draft standard was circulated to the submitting parties for comment (refer Memo attached in Appendix 2).
18. Agreement has not been reached between the parties, with Waka Kotahi supporting the change and Kāinga Ora reserving its position as originally submitted that this rule should be deleted (refer S129.140).
19. The application of distance setback thresholds from major transport routes, with associated provisions for acoustic design for noise sensitive activities within these setbacks, is a common method used in District Plans across the country to ensure appropriate protection from unreasonable noise associated with the operation of major transport routes¹. The Operative District Plan does not have any such methods in place and the issue of noise in this sense was raised during the Draft District Plan review process in submission from KiwiRail and Waka Kotahi. Both parties requested a 100m setback from State Highways and the Rail corridor, as a trigger to consider acoustic design for new or extended dwellings.
20. Whilst I note that Kāinga Ora's position is that District Plans should provide standards based on noise modelling, currently no District Plans in the country that have land use controls for sensitive activities near state highways have used this approach.² I also understand that Kāinga Ora have made a submission on this basis to other District Plan's currently being heard elsewhere in New Zealand, and while no decisions have yet been issued on this matter, this could result in a change in the way District Plans approach this issue.

¹ Refer Waka Kotahi supplementary evidence dated 31 March 2022, <https://www.chbdc.govt.nz/assets/Document-Library/District-Plan-Proposed/Hearing-Stream-2/Supplementary-Submitter-Evidence-Waka-Kotahi-Noise-Setback.pdf>

² Refer Waka Kotahi supplementary evidence dated 13 April 2022, <https://www.chbdc.govt.nz/assets/Document-Library/District-Plan-Proposed/Hearing-Stream-2/Waka-kotahi-Supplementary-Evidence-Hearings-Panel-following-Hearing-2.pdf>

21. Waka Kotahi have advised that noise modelling for the State Highway in Central Hawke’s Bay will be available in coming months, however currently this information is not available and it is therefore difficult to envisage an appropriate rule framework.
22. I also note the following from my Right of Reply to the Hearings Panel dated 6 May 2022 with respect to mapping of the 100 m setback on State Highway / Rail Corridor.

‘The Panel requested to see a map of what the 100m setback looks like in Central Hawke’s Bay. This is provided in Appendix 4 attached. Of note in the urban area of Waipukurau the State Highway passes through or adjacent to limited areas of residentially zoned land, while the Railway traverses the eastern residential area south of Takapau Road, these areas are already developed (although infill could occur). In Waipawa the state highway and rail network similarly do not impact on large areas of residentially zoned land, although there is a small stretch to the north of Waipawa that is zoned residential. I am also not aware of any proposals for residential rezoning within the proximity of these networks. This suggests that the issue of road and rail noise for noise sensitive residential activities in Waipukurau and Waipawa is quite limited. The state highway runs to the east of Ōtane and whilst the residential zone is located at least 100m distant from the highway a recent subdivision in close proximity is currently being developed. The railway runs through the centre of Ōtane, with a small setback (less than 100m) on either side.’

23. I therefore consider given the relatively limited nature of this issue for Central Hawke’s Bay, that the standard as proposed is an effective and efficient approach. New or extended residential activities that trigger the standard threshold will be required to demonstrate how they can achieve prescribed sound levels, thus providing for a bespoke response that takes into account both distance and site characteristics that may affect how each site receives noise. I do not consider it is necessary to map the setback on the PDP maps.
24. For these reasons, and given there was general agreement by technical experts that a staggered setback provision is an effective method for ensuring sensitive activities are not exposed to excessive noise when located adjacent to the State Highway or Rail network, and also taking into account Waka Kotahi’s feedback, I recommend adopting a revised Standard NOISE-S3 as set out below:

<p>NOISE-S3 <u>Noise sensitive activities within 100m of State Highways and the Rail Network within:</u></p> <ul style="list-style-type: none"> - <u>50m of a State Highway with a speed limit of less than 70km/h; or</u> - <u>100m of a State Highway with a speed limit of 70km/hr or more (measured from the nearest painted edge of the carriageway); or</u> - <u>100m of Rail Network Boundary</u> 	
<p>General</p>	<ol style="list-style-type: none"> 1. The following Minimum External Sound Insulation Level Standards applies to all habitable rooms 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: <ol style="list-style-type: none"> a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces rooms, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB L_{Aeq}(24hr) inside all habitable spaces rooms; or b. Provide a design report prepared by an acoustic specialist prior to construction of the habitable room/s, 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: <ol style="list-style-type: none"> a. Where new habitable rooms 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.

25. As a result of the above conferencing, I therefore change my recommendation as set out in my s42A report as follows:

S78.012	Waka Kotahi	NOISE-S3	Support	Retain NOISE-S3 as written.	<u>Accept</u> <u>Accept in part</u>
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.	<u>Accept in part</u>

S32AA Evaluation

26. The change proposed, in isolation, is not considered to be a significant departure from the Proposed District Plan as notified.
27. The recommended change is considered minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

Matter 2 – Scope for Relief Sought by Kāinga Ora with respect to various Noise Standards

28. Minute 07 provided the following:

11. *At the hearing on 30 March 2022, I indicated that there were several questions relating to the scope of Kāinga Ora in relation to some of the relief being sought in their evidence to the Hearing. These questions are in relation to the expert evidence of Mr Styles, Kāinga Ora’s acoustic adviser as follows:*

- *Paragraph 12.3 (iv) Noise-S2 Vibration: there were no submissions made on this standard*
- *Paragraph 12.3(v) All noise standards: not all standards have submissions relating to them*
- *Para 12.3(vii) Assessment Matter Noise-AM3 Vehicle Noise: no submissions have been made on assessment matters other than AM1.*

12. *In addition, in relation to paragraph 12.3(vi) of Mr Styles’ evidence, it is unclear whether the comments in relation to the following are within scope: construction/ prospecting and exploration) temporary events/ emergency aviation movements. Kāinga Ora sought to have the entirety of standard NOISE-S5 deleted and reconsidered but it is not clear from the original submission whether its concern is only in relation to NOISE-S5(24):*

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.

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)).

13. *We request that, by Friday 6 May 2022, counsel for Kāinga Ora advise his view as to whether the above is within scope of the submission, identify the part of the submission relied on, and set out the precise amendments sought. The reporting planner should then address those matters as part of her reply on noise matters by Friday 27 May 2022.*

29. The following table sets out the above matters, the various responses, my comments and recommendations.

Minute O7 request	Issue being addressed / PDP provision	Submitter Evidence – Kāinga Ora (Jon Styles Noise)	Kāinga Ora response on Scope	Comments / Officer Recommendation
<p><i>Paragraph 12.3 (iv) Noise-S2 Vibration: there were no submissions made on this standard</i></p>	<p>Issue 1: NOISE-S2 Vibration</p>	<p>Para 12.3(iv) Noise S2 Vibration</p> <p>This standard is unclear and not fit for purpose. There is no information in the standard to assist plan users to understand the performance standard that must be achieved. The standard requires a plan user to purchase a copy of ISO-4866:201. At the time of this advice, these standard costs \$250.54 +GST20. The National Planning Standards requires this standard to be referenced in any plan rule to manage construction vibration, however NOISE-S2 applies the standard to all sources of vibration. NOISE-S2 does not contain any information to assist plan users to understand:</p> <ul style="list-style-type: none"> • Whether it applies to vibration generated from construction or operational vibration • What land use activities it applies to • What performance standard must be achieved (without having to obtain a copy of the standard) <p>I do not support the provisions of this standard being applied to all sources in the entire district. I have not seen any evaluation of whether this is appropriate and what the outcomes will be. I consider it an inappropriate standard to apply to the entire district. I recommend the rule is revised to be more specific or narrowed to specific vibration sources.</p>	<p>Kāinga Ora agrees there may not be scope to fix the issues Mr Styles identifies. There were no submissions on NOISE-S2 and there does not appear to be any relief sought on other provisions to which this might be consequential. If the Hearings Panel does not recommend any changes to provisions to which fixing the issue identified by Mr Styles could be consequential, but it considers that Mr Styles' opinion has merit, then the Council may be persuaded to progress a variation.</p>	<p>No specific submission point.</p> <p>As this matter is out of scope, the Panel has no recourse to make the changes as outlined by Mr Styles in respect to Standard NOISE-S2 Vibration</p> <p>No recommendation</p>
<p><i>Paragraph 12.3(v) All noise standards: not all standards have submissions relating to them</i></p>	<p>Issue 2: All Noise Standards</p>	<p>Para 12.3(v) – All noise standards:</p> <p>The majority of noise limits stated throughout the chapter are not expressed in accordance with the requirements of the Noise and Vibration Metrics Standard (NVMS)²¹. This requires that the noise limits are expressed using the symbols contained in the relevant acoustical standards.</p> <p>As an example, one of the zone noise limits in NOISE-S4 is expressed as "50 LAeq". The NVMS requires that this is expressed as 50 dB LAeq (t) or 50 dB LAeq (15min).</p>	<p>Kāinga Ora does not see this as an issue of scope. Mr Styles has identified that as expressed some noise limits are not consistent with the format required by the Noise and Vibration Metrics Standard. The Council's District plan is required to comply with this National Planning Standard regardless of where there are any submissions on them. Changes to make the expression compliant would not amount to substantive changes to the provisions, and counsel does not see any procedural fairness issues arising.</p>	<p>No specific submission point.</p> <p>Recommendation:</p> <p>As this is a technical correction and a requirement of the National Planning Standards, I recommend the NOISE chapter be amended to correct technical noise references. Council's acoustic advisor Mr O'Conner (Marshall Day) has advised that typically the LAeq (15min) is used and recommends that be used throughout the Plan.</p> <p>Changes have been made accordingly as set out in Appendix 4 attached.</p>

Minute O7 request	Issue being addressed / PDP provision	Submitter Evidence – Kāinga Ora (Jon Styles Noise)	Kāinga Ora response on Scope	Comments / Officer Recommendation
		<p>I recommend that all noise limits in the chapter are checked and updated to ensure consistency with the NVMS</p> <p>²¹ The NVMS is part of a National Planning Standard and is required to be adopted.</p>		
<p><i>Para 12.3(vii) Assessment Matter Noise-AM3 Vehicle Noise: no submissions have been made on assessment matters other than AM1.</i></p>	<p>Issue 3: Standard Noise- AM3 Vehicle Noise</p>	<p>Para 12.3(vii) NOISE-AM3 Vehicle noise: This indicates that a noise level of 55dB_{LAeq(1hr)} would be reasonable for traffic noise received at night time.</p> <p>I consider that this is much higher than reasonable, especially for traffic associated with a land use activity. Noise levels this high would generate significant adverse effects including severe annoyance and adverse health effects if it were permitted outside a residential dwelling at night. I consider that the zone or activity standards should apply and that this provision should be deleted.</p>	<p>Kāinga Ora agrees there may not be scope to fix the issues Mr Styles identified. There were no submissions on NOISE-AM3 and there does not appear to be any relief sought on other provisions to which this might be consequential. If the Hearings Panel does not recommend any changes to provisions to which fixing the issue identified by Mr Styles could be consequential, but it considers that Mr Styles' opinion has merit, then the Council may be persuaded to progress a variation.</p>	<p>No specific submission point.</p> <p>As this matter is out of scope, the Panel has no recourse to make the changes as outlined by Mr Styles in respect to Standard NOISE-S2 Vibration.</p> <p>No recommendation</p>
<p><i>In addition, in relation to paragraph 12.3(vi) of Mr Styles' evidence, it is unclear whether the comments in relation to the following are within scope: construction/ prospecting and exploration) temporary events/ emergency aviation movements.</i></p> <p><i>Kāinga Ora sought to have the entirety of standard NOISE-S5 deleted and reconsidered but it is not clear from the original submission whether its concern is only in relation to NOISE-S5(24):</i></p>	<p>Issue 4:</p>	<p>Para 12.3(vi)- NOISE S5 Specific activities exempt from the noise limits in NOISE-S4:</p> <p>This list includes a list of many activities that are either (a) exempt from any noise limits (b) managed by noise performance standards that vary from the underlying zone standards. I consider that there must be clear distinction between (a) and (b). This could involve creating two separate sections: 1) exemptions, and 2) activity-specific rules.</p> <p>I have identified the following issues:</p> <ul style="list-style-type: none"> - Construction <p>This is not an "exemption" as the standard requires compliance with the noise limits in NZS 6803:1999. At the time of preparing this advice, the price of NZS6803 from Standards New Zealand is approximately \$150 including GST. I support updates to the standard that enable the plan user to determine the relevant noise limits for construction noise without holding a copy of the</p>	<p>Kāinga Ora considered that there is scope to make any changes proposed by Mr Styles. Kāinga Ora's submission sought a fundamental reconsideration of this standard as demonstrated by the relief sought, which was to delete the standard and redraft it. Any person who wished to submit in favour of maintaining the standard was able to do so. No procedural unfairness could arise from making changes to the standard as proposed by Mr Styles.</p>	<p>S129.141 Kāinga Ora</p> <p>Construction</p> <p>I do not agree with Mr Styles points regarding standard NOISE-S5 relating to Construction. It is common practise to quote NZS6803:1999 and resource consents often impose conditions requiring an applicant to demonstrate compliance with such standards.</p> <p>Prospecting and Exploration (quarrying activities)</p> <p>Temporary events (other than temporary military training)</p> <p>I do not agree with Mr Styles points regarding standard NOISE-S5 relating to Prospecting and Exploration (quarrying activities) and Temporary events (other than temporary military training). It is the specific activities listed in the adjacent column that are exempt not the general activity itself.</p> <p>Definition of Emergency</p>

Minute O7 request	Issue being addressed / PDP provision	Submitter Evidence – Kāinga Ora (Jon Styles Noise)	Kāinga Ora response on Scope	Comments / Officer Recommendation
		<p>standard. Rule E25.6.27 of the Auckland Unitary Plan is a good example.</p> <p>Clause 7.3 of NZS6803:1999 specifically states that the PDP should state the numerical limits that apply, rather than simply referring to the tables in the standard, or indeed just the standard itself.</p> <ul style="list-style-type: none"> - Prospecting and Exploration (quarrying activities) <p>This activity is not an “exemption”. The standard requires that compliance with the underlying noise limits and list of noise and vibration performance standards.</p> <ul style="list-style-type: none"> - Temporary events (other than temporary military training) <p>This activity is not an “exemption”. The standard requires compliance with the list of performance standards to be achieved.</p> <ul style="list-style-type: none"> - Emergency aviation movements <p>I recommend “emergency” is defined.</p> <ul style="list-style-type: none"> - Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones <p>This standard is not clear on the noise source that is subject to the “exemption”. This performance standard contains acoustic insulation requirements, and is not an exemption.</p> <p>I have fundamental concerns relating to the appropriateness of noise sensitive activities in the General Industrial Zone (which authorises noise levels up to 70 dB L Aeq during the day and 60 dB LAeq at night. I consider this noise environment to be incompatible with noise sensitive land use, and inconsistent with the objectives and policies that seek to avoid conflict.</p> <p>As above, the mechanical ventilation requirements in this standard relies on the New Zealand Building Code which is not suitable for this application.</p>		<p>The PDP has a specific definition for ‘Emergency Aviation Movements’ in Part 1: Interpretation / Definitions section of the Plan.</p> <p>Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones</p> <p>Whilst it may be appropriate in some industrial zones to prohibit noise sensitive activities such as residential dwellings from establishing, the General Industrial zone in Waipukurau and Waipawa are mixed use zones, and in Waipukurau, contain small pockets of existing residential activity.</p> <p>Residential activities are not actively encouraged in this Zone and their establishment or extension, would require a discretionary activity resource consent pursuant to Rule GIZ-14.</p> <p>In my opinion the approach with respect to noise sensitive activities as set out in this standard is appropriate.</p> <p>I do however agree that Standard NOISE-S5 relating to ‘Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones’ is not clear on the noise source that is subject to the exemption, and consider it reads more as a noise limit.</p> <p>Therefore, for purposes of clarity and plan user readability I recommend Standard NOISE-S5 relating to ‘Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones’ is moved to the relevant zone noise limit standard within Standard NOISE-S4 Noise Limits as set out in Appendix 4 attached.</p>

30. As a result of the above conferencing, I therefore change my recommendation as set out in my s42A report as follows:

S129.141	Kāinga Ora	NOISE-S5	Oppose	Delete NOISE-S5, and reconsider it so as to ensure the standard achieves its intended purpose.	Reject Accept in part
FS12.6	NZDF		Oppose	Reject submitters relief sought if it relates to the deletion of all of NOISE-S5.	Accept

Date: 27 May 2022



Stella Morgan
Planning Consultant to
Central Hawke's Bay District Council

APPENDIX 1

Copy of Minute 07 Post Hearing Stream 2

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Central Hawke's
Bay District Plan Review

**Seventh Memorandum and Direction of the Hearings Panel
DIRECTIONS FOLLOWING HEARING 2**

Introduction

1. The second Hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP) was held in the Council Chamber of the Central Hawke's Bay District Council on 30 March 2022, adjourning at 5pm.
2. The Hearing heard submissions on the provisions of the Proposed District Plan that relate to urban environment, sustainability, and general district wide matters which includes Urban Form & Development, General Residential Zone, Commercial Zone, General Industrial Zone, Settlement Zone, Subdivision - Urban, Sustainable Subdivision & Building, Light, Noise, Signs, and Temporary Activities.

Reporting Officers' Right-of-Reply

3. At the end of the hearing, the four s42A reporting officers were each requested to provide a written right-of-reply to respond to matters arising during the hearing. These rights-of-reply are to be provided to the District Council for circulation to all relevant parties by the close-of-business on Friday 6 May 2022, except where the directions below provide for further steps for completion before the reply can be finalised.

Expert Conferencing

4. One of the policies of the PDP in regard to the management of noise is Policy NOISE-P2, which seeks:

“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.”

5. This policy is given effect through Rule NOISE-S3:
 1. *The following Minimum External Sound Insulation Level Standards applies to all habitable spaces within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either:*
 - a. *Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB LAeq(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 LAeq(24hr) outside the most affected part of the building exterior.*
 2. *The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary:*
 - a. *Where new habitable spaces with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.*
6. Compliance with this standard is a permitted activity; non-compliance requires resource consent as a restricted discretionary activity.
7. This standard was opposed by Kāinga Ora, which considered that any requirements for noise within proximity of a State Highway or railway should be based on modelling to define specific setbacks according to the particular circumstances, rather than a blanket 100m delineation.
8. At the hearing on 30 March, the planning and acoustic advisers for the Council, Kāinga Ora and Waka Kotahi NZ Transport Agency were invited by the panel to attend the hearing together, virtually, so we could have the benefit of hearing expert advice from the three parties collectively. Arising from questions, it appeared that there was some level of agreement among the acoustic advisers that a staggered setback approach may be an acceptable alternative to a single setback standard. The staggered setbacks would be based on the speed limits applying to the relevant sections of State Highway. It was accepted that

lower speeds generally generate less noise, and thus the setbacks in such areas could be reduced, particularly in urban areas.

9. The following process to reflect the parties' agreement in wording for the PDP is proposed:
- The reporting planner is to prepare draft wording for the setback rule and provide it to Kāinga Ora, and Waka Kotahi NZ Transport Agency, together with a draft recommendation as to whether and how the setback would be included in the PDP planning maps, by 29 April 2022;
 - Kāinga Ora and Waka Kotahi will have the opportunity to provide comment on the draft by 13 May 2022; and
 - The reporting planner is to take any comments from Kāinga Ora and Waka Kotahi into account when finalising her recommendation for inclusion in the right-of-reply to be filed on 27 May 2022. The reply should detail whether there was agreement, and to the extent that there was not, should provide sufficient detail to enable the commissioners to have a clear understanding of the areas and extent of, and reasons for disagreement.
10. A possible outcome is that the setbacks will be required to be mapped on the PDP planning maps. Acknowledging the extent of that task, and that the Panel has not yet reached a view as to whether mapping will be required, the reporting planner is not required to produce maps as part of her right of reply. After considering the reporting planner's recommendations and any comments from Kāinga Ora and Waka Kotahi, the Panel may make a preliminary decision as to the requirement for maps at a later stage, and they may be required at a future date to be determined.

Scope for Relief sought by Kāinga Ora

11. At the hearing on 30 March 2022, I indicated that there were several questions relating to the scope of Kāinga Ora in relation to some of the relief being sought in their evidence to the Hearing. These questions are in relation to the expert evidence of Mr Styles, Kāinga Ora's acoustic adviser as follows:
- *Paragraph 12.3 (iv) Noise-S2 Vibration: there were no submissions made on this standard*
 - *Paragraph 12.3(v) All noise standards: not all standards have submissions relating to them*
 - *Para 12.3(vii) Assessment Matter Noise-AM3 Vehicle Noise: no submissions have been made on assessment matters other than AM1.*
12. In addition, in relation to paragraph 12.3(vi) of Mr Styles' evidence, it is unclear whether the comments in relation to the following are within scope: construction/ prospecting and exploration) temporary events/ emergency aviation movements. Kāinga Ora sought to have the entirety of standard NOISE-S5 deleted and reconsidered but it is not clear from the original submission whether its concern is only in relation to NOISE-S5(24):

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.

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)).

13. We request that, by Friday 6 May 2022, counsel for Kāinga Ora advise his view as to whether the above is within scope of the submission, identify the part of the submission relied on, and set out the precise amendments sought. The reporting planner should then address those matters as part of her reply on noise matters by Friday 27 May 2022.

Use of Modelling for Noise Standards

14. Subsequent to the hearing, and in response to questions at the hearing, we helpfully received a copy of a spreadsheet forwarded to the Council by the Waka Kotahi NZ Transport Agency that comprehensively identifies all of the District Plan provisions relating to the management of noise for reverse sensitivity along road corridors across New Zealand.
15. In response, the Panel seeks additional information from Waka Kotahi NZ Transport Agency, about how many local authorities have used noise modelling as the basis upon which their District Plan provisions for defining setbacks for managing sensitive land uses along road corridors have been set. This is requested to be provided by Friday 29 April 2022 so it can be addressed in the reporting planner's reply by Friday 27 May 2022.

Shading Examples

16. At Hearing 2, we were provided with illustrative shading diagrams by Kāinga Ora's urban design expert, Mr Rae, as part of his evidence to demonstrate the differences in shading between that created by compliance with the residential development controls in the PDP and those being sought by Kāinga Ora. Mr Rae used two flat or near flat sites in Waipukurau to base his shading examples.
17. In response to questions from the Panel, Mr Rae agreed that he would prepare and submit comparable illustrative shading diagrams for sloping sites. Accordingly, we request that the following sites be used:
 - 20 Rose Street, Waipawa – Lot 1 DP 7610, Area: 1000m²
 - 87 Porangahau Road, Waipukurau – Lot 6 DP 9858, Area: 800m²
18. Preferably, this information should be supplied to the Council by close-of-business on Friday 29 April 2022 so it can be addressed in the reporting planner's reply by 27 May 2022.

Site Inspection

19. Arising from a submission heard during Hearing 1, we consider it would be useful to have the Council's landscape planning adviser, John Hudson, undertake a site visit to proposed Significant Amenity Feature SAF-6, Tangarewai Stream, upstream from the Ashley-Clinton Road bridge, not including that area identified as a SNA. The Panel specifically seek advice on whether the attributes of this section of Tangarewai Stream warrant being a SAF, given the mix of exotic and indigenous vegetation and the weedy nature of much of the existing vegetation in this section. Any such advice should be reported by 29 April 2022.

Hearing Procedures and Schedule

20. In our Minute #5, we noted that "the Hearings Panel will monitor progress on the first two hearings and whether changes are required to the hearing procedures before making directions on the timetabling of subsequent hearing streams". As a result of our review following Hearing 2, we do not propose to make any changes to the hearing procedures at this point in time.
21. In consultation with the Council's management team, a confirmed schedule for some or all of the remainder of the hearings will be issued shortly. As noted in Minute #5, that schedule will not be a formal notice – formal notices for each hearing will be issued prior to each hearing.

Communications

22. As a reminder, the primary point of contact for all matters relating to the hearings is Jessie Williams, who can be contacted at districtplan@chbdc.govt.nz, phone (06) 857 8060, or email her at districtplan@chbdc.govt.nz).
23. The key location for up-to-date information on the hearings is the PDP Hearings Page currently located at <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/>.

Dated 12 April 2022



Robert Schofield

Chair of the Central Hawke's Bay District Council District Plan Hearings Panel

APPENDIX 2

Copy of Memo circulated to conferencing participants (dated 26 April 2022)

Memo

To: Brendon Liggett, Kāinga Ora; Natasha Reid, Waka Kotahi NZ Transport Agency

From: Stella Morgan

Cc: Andrew Sowersby; Asher Davidson; Helen O’Shaughnessy; Dylan Muggeridge

Date: 26 April 2022

Re: **Central Hawke’s Bay Proposed District Plan, Noise chapter, Standard NOISE-S3**
 Response to Directions following Hearing 2 (Minute 07 dated 12 April 2022)

- 1.0 This memo is in response to Directions from the Hearings Panel following Hearing 2 held on 30 March 2022 (Refer Minute 07 dated 12 April 2022 attached as **Attachment 1**). The Minute sets out a staged process for determining whether there can be an agreed position on Noise Standard NOISE-S3 of the Central Hawke’s Bay Proposed District Plan.
- 2.0 Step 1 of that process is for the reporting planner to prepare draft wording of the setback rule. Accordingly, proposed amended wording for NOISE Standard NOISE-S3 is as follows:

NOISE-S3 Noise sensitive activities within 100m of State Highways and the Rail Network

- **50m of a State Highway with a speed limit of less than 70km/h; or**
- **100m of a State Highway with a speed limit of 70km/hr or more (measured from the nearest painted edge of the carriageway); or**
- **100m of Rail Network Boundary**

General	<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> <ol 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.
----------------	---

	<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>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>
--	---

- 3.0 The suggested wording is based on the agreed matters recorded in the Minute and the general agreement by parties representing Kāinga Ora and Waka Kotahi at the Hearing that a 100m setback from a State Highway is appropriate in higher speed environments (generally rural areas).
- 4.0 There was also general agreement that the setback limit in the lower speed environments (generally urban areas), should be less than 100 but no specific setback was decided. I have suggested 50m in the above standard however invite Kāinga Ora and Waka Kotahi to comment on this.
- 5.0 Maps are provided in **Attachment 2** (for discussion purposes only) showing an indicative 100m setback line (measured from the centre line) of the State Highway and Rail Network.
- 6.0 As per Minute 07, Kainga Ora and Waka Kotahi are to provide comment on the above draft Standard by **13 May 2022**.



Stella Morgan
Sage Planning
Consultant Planner to Central Hawkes Bay District Council

APPENDIX 3

Response to Matters Outlined in Memo dated 26 April 2022

Response from Waka Kotahi

Response from Kāinga Ora

From: [Jessie Williams](#)
To: [District Plan](#)
Subject: FW: Directions from Hearings Panel following Hearing 2 to the Central Hawke's Bay Proposed District Plan
Date: Friday, 6 May 2022 12:05:10 pm
Attachments: [image8729454.png](#)
[image409528.png](#)
[image610135.png](#)
[image186203.png](#)
[image046082.png](#)

Use of Modelling for Noise Standards (paras 14 and 15). Are you please able to provide a response reading the Panels question about noise modelling and other District Plans?



Jessie Williams
District Plan Hearings Administrator
Central Hawke's Bay District Council

PO Box 127
28 - 32 Ruataniwha Street
Waipawa 4210

06 857 8060
0273 049 665

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Got an idea or feedback? Fantastic! You can [let us know here](#)

Together we thrive!
www.chbdc.govt.nz

From: Natasha Reid <Natasha.Reid@nzta.govt.nz>
Sent: Wednesday, 13 April 2022, 12:52 pm
To: Stella Morgan <stella@sageplanning.co.nz>; Sowersby, Andrew <Andrew.Sowersby@wsp.com>
Cc: Dylan Muggerridge <dylan.muggerridge@chbdc.govt.nz>; Connie Mills <connie.mills@nzta.govt.nz>
Subject: RE: Directions from Hearings Panel following Hearing 2 to the Central Hawke's Bay Proposed District Plan

Thanks Stella

I have been in touch with our noise expert, Dr Stephen Chiles this morning, and he provides the following response:

With respect to the question in paragraph 15:

There are no district plans (operative or proposed) with district wide land use controls for sensitive activities near state highways defined by modelled noise contours. There are numerous district plans where staggered distances for controls have been informed by indicative noise calculations or modelling. I can point to some examples but cannot definitively confirm the extent to which this has explicitly happened in each district plan. With respect to the first of these points, noise contours are being discussed as part of current mediation, but that is confidential.

Ngā mihi

Natasha

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan

Submissions on behalf of Kāinga Ora – Homes and Communities (Scope)

10 May 2022

Hearing Stream 2



SOLICITOR
Dr C Kirman
Kāinga Ora – Homes and Communities
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Wellington 6144
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Submissions on behalf of Kāinga Ora – Homes and Communities (Scope)

- 1 In the Hearings Panel's Seventh Minute (Directions following Hearing 2) it identifies four "scope" issues relating to Mr Styles' evidence and seeks a response from Kāinga Ora. Each of the four issues is addressed in turn.
- 2 As para 12.3 of Mr Styles' evidence makes clear, the matters listed in that clause do not necessarily relate to Kāinga Ora's submission. They are matters that Mr Styles identified in the course of preparing his evidence that he considered he could usefully comment on in order to assist the panel.

Issue 1: Para 13.2(iv) – Noise S2 Vibration

- 3 Kāinga Ora agrees there may not be scope to fix the issues Mr Styles identifies. There were no submissions on NOISE-S2 and there does not appear to be any relief sought on other provisions to which this might be consequential. If the Hearings Panel does not recommend any changes to provisions to which fixing the issue identified by Mr Styles could be consequential, but it considers that Mr Styles' opinion has merit, then the Council may be persuaded to progress a variation.

Issue 2: Para 12.3(v) – Noise standards

- 4 Kāinga Ora does not see this as an issue of "scope". Mr Styles has identified that as expressed some noise limits are not consistent with the format required by the Noise and Vibration Metrics Standard. The Council's District Plan is required to comply with this National Planning Standard regardless of whether there are any submissions on them. Changes to make the expression compliant would not amount to any substantive change to the provisions, and counsel does not see any procedural fairness issues arising.

Issue 3: Para 12.3(vii) – Noise AM3 Vehicle Noise

- 5 Kāinga Ora agrees there may not be scope to fix the issues Mr Styles identifies. There were no submissions on NOISE-AM3 and there does not appear to be any relief sought on other provisions to which this might be

consequential. If the Hearings Panel does not recommend any changes to provisions to which fixing the issue identified by Mr Styles could be consequential, but it considers that Mr Styles' opinion has merit, then the Council may be persuaded to progress a variation.

Issue 4: Para 12.3(vi) – Noise S5

- 6 Kāinga Ora considers that there is scope to make any changes proposed by Mr Styles. Kāinga Ora's submission sought a fundamental reconsideration of the standard as demonstrated by the relief sought, which was to delete the standard and redraft it. Any person who wished to submit in favour of maintaining the standard was able to do so. No procedural unfairness could arise from making changes to the standard as proposed by Mr Styles.

WHO Environmental Noise Guidelines

- 7 The Panel requested the WHO Environmental Noise Guidelines referred to in para 3.8 of Mr Styles' evidence. A link was provided in footnote 10 of his evidence and they are attached to this memorandum.

Date: 10 May 2022



.....
Nick Whittington
Counsel for Kāinga Ora – Homes and Communities

Appendix 4

Updated Recommended Amendments to Plan Provisions

(Note: Changes as a result of Conferencing and Additional Information are shown in **bold underline**)

NOISE – Noise

Introduction

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

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

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

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

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

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

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

Issues

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

Explanation

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

Objectives

NOISE-O1 Ensure residents of the District are **not** exposed to an appropriate **unreasonable** 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

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

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

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

Rule Overview Table

Use/activity	Rule Number
Emission of noise	NOISE-R1

Rules

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

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

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

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

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, the Rural Production Zone, and the Rural Lifestyle Zone is within the notional boundary as defined in [NZS6801](#).
Note: When it becomes evident a measurement location is not suitable, Council may, through the resource consent process, agree to the use of an alternative measurement location.

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

NOISE-S2 Vibration

General

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

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

NOISE-S3 Noise sensitive activities within 100m of State Highways and the Rail Network within:

- **50m of a State Highway with a speed limit of less than 70km/h; or**
- **100m of a State Highway with a speed limit of 70km/hr or more (measured from the nearest painted edge of the carriageway); or**
- **100m of Rail Network Boundary**

General

1. The following Minimum External Sound Insulation Level Standards applies to all habitable spaces **rooms** within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either:
 - a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces **rooms**, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB $L_{Aeq(24hr)}$ inside all habitable spaces **rooms**; or
 - b. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces **rooms**, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB $L_{Aeq(24hr)}$ outside the most affected part of the building exterior.
2. The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary:
 - a. Where new habitable spaces **rooms** 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.

Commented [SM3]: HS2 RoR (dated 27 May 2022) Amend recommendation on S78.012 Waka Kotahi from 'Accept' to 'Accept in Part'

NOISE-S4 Noise Limits – Zone Specific

Receiving Zone(s):

General Residential Zone

1. Noise from any activity (other than those specific activities in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:

	<ul style="list-style-type: none"> a. 0700 - 2200 hours – 50 $L_{Aeq(15min)}$ b. All other times – 40 $L_{Aeq(15)}$ / 70 L_{Amax}
Rural Lifestyle Zone Large Lot Residential Zone (Coastal)	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ul style="list-style-type: none"> i. 0700 - 2200 hours – 50 $L_{Aeq(15min)}$ ii. All other times – 40 $L_{Aeq(15min)}$ / 70 L_{Amax}
General Rural Zone Rural Production Zone	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. To be measured and assessed within the notional boundary: <ul style="list-style-type: none"> i. 0700 - 2200 hours – 55 $L_{Aeq(15min)}$ ii. All other times – 45 $L_{Aeq(15min)}$ / 70 L_{Amax}
Commercial Zone	<ul style="list-style-type: none"> 4. Noise from any activity (other than <u>residential units/ occupancies/ habitable spaces</u> or 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 – 65 $L_{Aeq(15min)}$ b. All other times – 60 $L_{Aeq(15min)}$ / 75 L_{Amax} c. Octave band noise levels shall not exceed: <ul style="list-style-type: none"> i. 75dB $L_{eq(1\ minute)}$ at 63Hz ii. 65dB $L_{eq(1\ minute)}$ at 125Hz 5. <u>Residential units/ occupancies/ habitable spaces:</u> <ul style="list-style-type: none"> a. <u>Internal noise level in any habitable room must not exceed 35 dB $L_{Aeq(24\ hours)}$ 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.</u> b. <u>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.</u> 6. <u>Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</u>
General Industrial Zone	<ul style="list-style-type: none"> 7. Noise from any activity (other than <u>residential units/ occupancies/ habitable spaces</u> or those specific activities

Commented [SM4]: HS2 RoR (dated 27 May 2022)
Amend recommendation on S129.141 Kainga Ora from 'Reject' to 'Accept in Part'

	<p>in NOISE-S5) must not exceed the following limits (dB) when measured within this receiving zone:</p> <ol style="list-style-type: none"> 0700 - 2200 hours – 70 $L_{Aeq(15min)}$ All other times – 60 $L_{Aeq(15min)}$ / 75 L_{Amax} <p>8. Residential units/ occupancies/ habitable spaces:</p> <ol style="list-style-type: none"> Internal noise level in any habitable room must not exceed 35 dB $L_{Aeq(24\ hours)}$ 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. 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. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.
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Commented [SM5]: HS2 RoR (dated 27 May 2022) Amend recommendation on S129.141 Kainga Ora from 'Reject' to 'Accept in Part'

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	9. 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	10. Must comply with the provisions of NZS6803:1999 – Construction Noise.
Emergency Service Activities	11. 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	12. Exempt, provided it is for temporary emergency use.
Recreational Activities of an everyday recreational nature	13. 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	14. 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 and by student boarders who live on site.
Activities involving stock, vehicles and mobile machinery associated with primary production	15. 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	16. 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)	17. 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 ii. 85dB $L_{eq(1\ min)}$ at 125Hz iii. Secondary sub-clause iv. Secondary sub-clause b. For 2 events in any 12 month period – a noise limit of 70dB $L_{Aeq(1\ hour)}$ within the respective adjacent

Commented [SM6]: S73.012 Ministry of Education - Noise & Signs Topic, Key Issue 1

	<p>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	18. Exempt.
Agricultural Aviation Movements	19. Exempt for up to 14 days in any calendar year. 20. 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)).
Rural Airstrips	21. 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. 22. Aircraft noise must be measured and assessed in accordance with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning. 23. 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.
Helicopter Landing Areas (other than those for temporary military training activities)	24. 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. 25. 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. 26. Helicopter noise must be measured and assessed in accordance with the provisions of NZS 6807:1994 – Noise

Commented [RM7]: S29.008 NZDF - Light & Temporary Activities Topic, Issue 2

	management and land use planning for helicopter landing areas.
Waipukurau Aerodrome/ Airport	<p>27. Must comply with the provisions of NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>28. 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>29. 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>30. 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.

Wind farm wind turbine generators	31. Must comply with NZS 6808: 2010 Acoustics – Wind farm noise.
Residential units/ occupancies/ habitable spaces in Commercial and General Industrial Zones	<p>32. 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>33. 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>34. Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</p>
Audible bird scaring devices	<p>35. 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>36. 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>37. 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	38. 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>39. 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

Commented [SM8]: HS2 RoR (dated 27 May 2022) Amend recommendation on S129.141 Kainga Ora from 'Reject' to 'Accept in Part'

	<p>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:</p> <ul style="list-style-type: none"> i. 0700 – 1900 hours: 95 dBC ii. 1900 – 0700 hours: 85 dBC <p>40. 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>41. 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" style="margin-left: 40px;"> <thead> <tr> <th style="background-color: #4F81BD; color: white;">Time (Monday to Sunday)</th> <th style="background-color: #4F81BD; color: white;">L_{Aeq} (15 min)</th> <th style="background-color: #4F81BD; color: white;">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>42. 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. <p>43. Noise levels will be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</p>	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										

Commented [RM9]: S29.010 NZDF - Light & Temporary Activities Topic, Key Issue 2

Assessment Matters

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

NOISE-AM1 Compatibility

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

NOISE-AM2 Ambient Noise Levels

1. Existing ambient noise levels.

NOISE-AM3 Vehicle Noise

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

NOISE-AM4 Degree of Exceedance of Noise Limits

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

NOISE-AM5 Community Benefit of Entertainment Activities

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

NOISE-AM6 Extent to which Achieving Relevant Limits is Practicable

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

NOISE-AM7 Assessment of Noise and Mitigation Options

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

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

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

NOISE-AM9 Effects on Cultural Values

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

NOISE-AM10 Waipukurau Aerodrome

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

Methods

Methods, other than rules, for implementing the policies:

NOISE-M1 Noise Management Plans

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

NOISE-M2 New Zealand Standards

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

NOISE-M3 Industry Best Practice

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

NOISE-M4 Section 16 RMA Unreasonable Noise

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

NOISE-M5 Monitoring and Enforcement

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

Principal Reasons

The principal reasons for adopting the policies and methods:

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

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

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

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

APPENDIX 5

Table of Recommended Responses to Submissions and Further Submissions

NOISE

Table: Summary of Recommended Responses to Submissions and Further Submissions

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

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

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

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

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

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