

PROPOSED ASHBURTON DISTRICT PLAN

Section 11 Noise

Report No 8

Prepared by

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For

Ashburton District Council

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1.0 INTRODUCTION

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions received on Section 11 of the proposed District Plan, following the public notification of the Proposed Ashburton District Plan including Planning Maps, and to make recommendations on those submissions.
- 1.2 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this section of the proposed District Plan. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. The recommendations in this report are made on the basis of the information available at the time of writing. It should be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.3 This report has been prepared by Ken Gimblett. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the proposed District Plan.
- 1.4 Specialist technical input into the preparation of this report has also been provided by Mr Stuart Camp of Marshall Day Acoustics. Mr Camp assisted the Council with the preparation of the proposed District Plan provisions relating to noise management and has been engaged by the Council to continue to provide specialist advice in respect of submissions on those related provisions. A report prepared by Mr Camp is attached to this report as Appendix Three.

2.0 HOW TO READ THIS REPORT

- 2.1 This report is structured as follows:
 - Brief background to the plan section
 - Analysis of the submissions on provisions in this section
 - Statutory considerations
 - Recommendations, including changes to the proposed District Plan
- 2.2 Appendices attached to this report include:
 - Appendix One:** Summary of Recommendations on Submissions and Further Submissions
 - Appendix Two:** District Plan Amendments
 - Appendix Three:** Report to Hearing by Stuart Camp (Marshall Day Acoustics)

3.0 BACKGROUND

- 3.1 This report relates to the Noise section of the proposed District Plan; Section 11. This section includes provisions that apply to the management of noise and associated effects, and applies across the district.

4.0 ANALYSIS OF SUBMISSIONS

- 4.1 A range of submissions and further submissions were received on this section of the proposed District Plan. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide general discussion. Given the limited number of submitters and the nature of the relief sought my analysis of submissions below is generally in relation to individual submitter requests, consistent with the approach also taken by Mr Camp in his report. Based on this analysis, included in Appendix One to this report are my specific recommendations on each submission point (accept, accept in part, or reject).
- 4.2 Some aspects of this section did not attract submissions and therefore these aspects of the District Plan have not been discussed below, and I recommend that they be accepted as notified.
- 4.3 In respect of a number of the submissions considered in this report I have relied on the advice provided to me, and also the recommendations made by Mr Camp. Where that is the case rather than repeat or reiterate that discussion, I have simply made reference to Mr Camp’s report. Mr Camp will also be in attendance at the hearing.
- 4.4 Several submitters have expressed support for particular provisions within Section 11 or the noise section as a whole. Mr Camp acknowledges those submitters, but neither he nor I discuss those submissions in any detail, other than if they have relevance to discussing submissions in opposition and changes we recommend in response to those submissions.

Submission 553: Federated Farmers

- 4.5 The submitter has requested the noise standards for the Rural B and C zones be “synchronised” under Policy 11.1D.¹ Additionally the submitter seeks to raise Rural C noise levels to at least residential levels.²
- 4.6 Mr Camp has provided a general discussion on how the relevant noise rules are to be interpreted and applied, and I refer further to that below, along with recommended changes seeking to clarify the intention of the rules. In respect of the specific matters raised by this submitter, like Mr Camp, I anticipate those modifications concerning the receiving environment setting the basis for the noise limit rules as opposed to the generating site, may well satisfy the submitters concerns in that regard.

¹ Submission point 145.

² Submission point 146.

- 4.7 On other matters raised by the same submitter concerning an exemption for fixed motors for seasonal activities³ and provision for bird scarers used at night,⁴ I concur with the conclusions and recommendations made by Mr Camp not to accept these requests.

Submission 639: ADC

- 4.8 This is a standard submission⁵ in respect of how the rule provisions of the plan are structured and applied. The submission reflects the need for some modification in parts of the plan to avoid contradiction or uncertainty as to the activity status of some activities. That situation however does not arise within Section 11 and accordingly no consequential amendments are required.
- 4.9 Additionally the submission from Ashburton District Council seeks that references to external documents in the proposed District Plan should be made more explicit.⁶ Reference is made in this section to a number of other documents including the Resource Management Act and relevant New Zealand Standards. I have reviewed those references and consider that they are all appropriately worded including being dated to ensure clarity over which version of a document is intended to be referenced. I do not consider that there is a need to make any changes to these document references.

Submission 238: D Robertson

- 4.10 Although supportive of the particular provisions, the submitter identifies several policies within the Transport section of the Plan (Section 10) that they consider are better located within the Noise section (Section 11).⁷
- 4.11 Like Section 11, Section 10 is a district wide section containing provisions in respect of the array of transport systems within the district. The three policies identified by the submitter concern the establishment of air noise boundaries surrounding the Ashburton airport (Policy 10.4K); the restriction and management of noise sensitive activities in the vicinity of the airport (Policy 10.4M); and the control of the location and appearance of buildings at the airport, having regard to the sensitivities of surrounding activities, landscape and amenity values (Policy 10.4N).
- 4.12 I appreciate the intentions of the submitter, particularly where policies do concern noise related issues, and I accept that there is often apparent relevance in multiple parts of the plan for policy statements. While I recommend partly accepting this request, I do not however fully support the modifications the submitter proposes.
- 4.13 I disagree with the request insofar as I do not support relocating Policy 10.4N as sought. Although Policy 10.4N has some connection with noise and associated nuisance in that the location of airport buildings may have some relevance in that regard, the policy is also intended to address a range of other potential effects arising from buildings and

³ Submission point 147.

⁴ Submission point 148.

⁵ Submission point 74.

⁶ Submission point 75.

⁷ Submission point 2.

their location relative to surrounding activities (e.g. visual detracting). I consider there is a real risk that those other intentions may well be lost or overlooked if the policy were to be relocated to the section of the plan dealing specifically and exclusively with noise issues. Accordingly I favour retaining this policy within the Transport section, but adding specific explanation of this policy into the relevant section.

4.14 The argument to retain policies 10.4K and 10.4M within Section 10 is however less compelling as they are quite specific to controlling airport related noise, and although not raised by the submitter I note Policy 10.4L regarding noise monitoring of future scheduled air services is equally specific. Arguably these three policies could sit more comfortably within Section 11, and I have some sympathy with that proposition in view of the following factors:

- There is no airport specific zone with its own discrete objectives, policies and rules provisions, and within which those policy provisions could otherwise sit. The airport land is instead proposed to be designated for those purposes, with an underlying rural zoning.
- In the case of Policy 10.4M, I note the exact same policy is repeated in both the rural and residential zone sections of the plan (Policies 3.4G and 4.1I respectively). As the zones surrounding the airport are either rural or residential and the focus of the policy is on managing activities within those zones in the vicinity of the airport, it seems appropriate that that is the case. It does however raise the question as to whether the policy also needs to be repeated elsewhere, including in the Noise section, and I can see little necessity for that. My preference therefore would be to simply remove the policy from Section 10, but that in itself raises issues of the scope available to do so given that Mr Robertson has not sought that extent of relief, and nor has any other submitter.
- Policy 10.4K is not directly linked to any of the rules contained within the Transport section, but does directly support Rule 11.8.9 within the Noise section. That rule is specific to noise from aircraft and management of associated effects in accordance with the relevant New Zealand Standard (NZS 6805). The two provisions are clearly linked and I therefore recommend relocating Policy 10.4K as has been sought and making any other incidental changes necessary to both sections to reflect that change - policy explanation, anticipated environmental results, methods of implementation, and the like.
- As noted, I consider there is also reason to relocate Policy 10.4L to the Noise section. This policy is very specific to proposed noise monitoring in the event that scheduled air services commence from the Ashburton airport. However again that relief has not been requested by any submitter, and potential issues of scope arise.

4.15 I have discussed both the above matters of scope with Mr Aidan Prebble who is advising the Council on legal matters associated with the hearing process. His response is that the deletion of Policy 10.4M would constitute an incidental change given the general nature and intention of the submitters' request. The exact same policy still remains in the other relevant sections of the plan, and no party would be prejudiced by not further repeating it in Section 11.

- 4.16 In respect to Policy 10.4L I am advised that its relocation would also be considered an incidental amendment, in still retaining the unaltered policy within the plan (albeit relocated), and again no party would be prejudiced by its relocation.
- 4.17 Additionally, the Ashburton District Council has also sought a minor correction to the reference to NZ Standard 6805 within Policy 10.4K.⁸ I support amending this reference in the relocated policy to read “... as recommended in NZS 6805 ...”
- 4.18 In summary therefore I recommend relocating policies 10.4K and 10.4L and associated provisions to Section 11, deleting Policy 10.4M, and retaining Policy 10.4N with amended explanation and reasons for the policy.

Submission 280: M G & J Holmes, & Holmeslee Enterprises Ltd

- 4.19 The submitters seek that Rule 11.8.1 provide that the same noise limits that apply to the Business B and C zones also apply within Area 1 of the Business E Zone⁹ or any consequential or effective alternative relief.¹⁰
- 4.20 The Business E Zone applies to the North East Industrial Park (known as the Ashburton Business Estate), with the identified Area 1 forming a buffer to neighbouring rural residential development. Mr Stuart Camp has considered this submission and explained the intention of the relevant rules, and the general principle that noise produced in the Business E Zone (as in any zone) must comply with the potentially more stringent noise rules in all surrounding zones based on the rules specified for those zones. In response to this and several other several submissions concerning how the noise rules are to be applied,¹¹ Mr Camp has suggested some clarification of that intention in Table 11.1 and also the addition of an explanatory footnote to ensure that is made clearer.
- 4.21 I agree with the suggested amendment to Table 11.1 and further recommend the following by way of an additional explanatory footnote to the Table:

“e) The noise rule that is applicable to a site, is based on the zoning of the site receiving the noise and not the site that is generating the noise.”

Submission 322: M & M Howden

- 4.22 Mr Camp has again addressed this submitter’s request concerning prescribing a minimum setback distance from dwellings for devices such as gas guns, to avoid noise disturbance for nearby activities.¹² Instead of a required setback as sought, his recommendation is that there be an advisory note added to Rule 11.8.7 (concerning audible devices in Rural Zones) indicating a typical distance setback required to meet the noise limits prescribed by the rule in relation to neighbouring dwellings. The note would

⁸ Submission 639, submission point 93.

⁹ Submission point 4.

¹⁰ Submission point 7.

¹¹ Refer Submission 262: Roosters, Chickens and Weasel Ltd, submission points 1 and 2. Also Submission 553: Federated Farmers, submission points 145 and 146.

¹² Submission point 3.

further urge careful consideration of achieving the required noise levels prior to installation, where devices are to be located closer than that distance.

- 4.23 I fully support Mr Camp’s conclusions and the recommended addition of the following advisory note to Rule 11.8.7:

“Note: Gas guns typically require a setback distance of around 600 metres to comply with this rule. For installations closer than this to neighbouring dwellings, growers should check noise levels carefully before installation.”

Submission 541: AgResearch Ltd

- 4.24 The submitter seeks two amendments in respect of the noise provisions, both of which have been discussed in detail by Mr Camp. On the request to delete the noise rule applicable at the boundary of a rural site (and simply relying on a notional boundary rule in relation to any dwelling in a rural zone)¹³ I accept the reasoning of Mr Camp not to support that change.

- 4.25 Mr Camp further rejects the submitters request to exempt noise from all farming activities from complying with the noise limits prescribed by Rule 11.8.1.¹⁴ Like Mr Camp I do not support a position that a rural environment needs no control over the effects of noise associated with the diversity of farming activity that can and does occur, particularly in relation to sensitive elements of that environment such as dwellings.

- 4.26 I support the recommendation to reject these two requests.

Submission 601: KiwiRail (NZ Railways Corporation)

- 4.27 This submission seeks confirmation of the exemption of rail level crossing warning devices from Rule 11.8.1.¹⁵ As Mr Camp has concluded, such devices are anticipated to fall within the existing exemption h), although I believe that might helpfully be made more explicit. Accordingly I recommend accepting the submitters request in adding the following wording to the existing exemption clause h):

“... railway sidings or stations) and level crossing warning devices.”

Submission 607: ANZCO Foods Ltd

- 4.28 As discussed by Mr Camp in his report, a key concern for the submitter is the consequence of a new dwelling establishing on neighbouring land in the Rural B Zone and the implication that has for further development that might occur on the ANZCO site then complying with the notional boundary noise rule. Mr Camp has explained how he does not support the specific relief sought by the submitter to increase the noise limits generally in respect of the notional boundary of dwellings within the Rural A and B Zones. I agree with his conclusions in that respect and would not support such generic

¹³ Submission point 15.

¹⁴ Submission point 16.

¹⁵ Submission point 2.

relaxation of the notional boundary noise limits for the Rural A and B Zones. He does however propose an alternative approach to address the submitters specific concerns in respect of the ANZCO meat processing facilities located adjacent to Seafield Road (as shown on Planning Map R73).

- 4.29 Under the Proposed Plan provisions the ANZCO site is subject to two noise limit rules – one applies at the boundary of the site/zone at the interface with the surrounding Rural B Zone; the other applying at the notional boundary around any existing or future rural dwelling within the neighbouring rural zone. If a rural dwelling were to locate reasonably close to the ANZCO site boundary, which also equates to the Business F Zone boundary, the situation potentially arises where the more restrictive noise limits applying at the notional dwelling boundary (compared to those limits applying at the site boundary) are more onerous on activities within the ANZCO site achieving compliance. From my discussions with Mr Camp, I understand that situation is probably only likely to arise within about 150m of the boundary of the ANZCO site, and beyond that sort of distance the site/zone boundary noise limit will likely prevail in determining compliance with the noise standards.
- 4.30 Mr Camp makes the point that the probability of a rural dwelling establishing in close proximity to the ANZCO site is low, recognising the nature of the activities that occur on that site and the proximity of other rural dwellings already established in the vicinity. Nevertheless it is possible.
- 4.31 In considering this issue, essentially it falls to weighing the interests of one or other parties. Maintaining the notional boundary rule in proximity to the ANZCO site favours the amenity interests of any future rural dwelling over the possible expanded operations of ANZCO or other user of the site. Conversely, not applying the notional boundary rule in close proximity favours the interests of the established and potentially expanded operations of ANZCO over any future rural dwelling, if it were to establish.
- 4.32 On balance, and like Mr Camp, I tend towards favouring the interests of the submitter in this context for several reasons:
- The operations of ANZCO are well established and future expansion of those operations on-site is certainly conceivable.
 - The prospect of a rural dwelling establishing in close proximity of the site boundary is probably quite remote particularly given the particular nature of the activity.
 - The presence already of rural dwellings in the general area may suggest further dwellings to be less likely.
 - Not applying the notional boundary rule in close proximity to the site would still leave the 65/45 dB (day/night) restriction applying at the Business F/Rural B Zone interface.
 - In the context of the site and its surroundings, Mr Camp's identification of a 150m distance before the site/zone boundary noise limit was likely to determine compliance does not define a significantly large affected area outside of the Business F Zone itself.

- 4.33 In my conclusion it would not seem unreasonable in the interests of either ANZCO or prospective future rural residents close by to provide an exemption from the notional boundary noise limitation for the area within 150m of the site/zone boundary for that part of the site containing the principal processing operations (i.e. essentially to the north of Seafield Road). My understanding is that equates to the area within the Business F Zone identified as “Area 1A” on the Outline Development Plan contained within Section 5: Business Zones, Appendix 5-1A. Such an exception could simply be identified by way of an addition to the existing listed exemptions under Rule 11.8.1 as follows:

“m) The notional boundary noise limits identified in Table 11-1 shall not apply in respect of any dwelling on an adjoining site zoned Rural B within a distance of 150 metres of the boundary of the area identified as Area 1A within the Business F Zone as shown on the Outline Development Plan contained within Section 5: Business Zones, Appendix 5-1A. Note: As a consequence new rural dwellings within 150 metres of the boundary of Area 1A may be exposed to noise levels higher than otherwise anticipated under the noise rules.”

- 4.34 Additionally I would recommend the following addition to section 11.5.1 outlining the reasons for the noise standards in the plan:

“A specific exemption from complying with the notional boundary rule applies in respect of future dwellings located within 150 metres of part of the ANZCO meat processing site situated within the Business F Zone alongside Seafield Road. This exemption recognises the characteristics of the current processing activities of the site and seeks to minimise potential constraint on future development within this part of the site as a consequence of noise generated by the activities occurring within it, while also recognising the limited likelihood of new rural dwellings seeking to locate on neighbouring rural land in close proximity to the north of the site.”

- 4.35 If the Hearing Panel were to agree to this site specific exemption, a matter both Mr Camp and I have discussed is whether there may be other comparable situations where a similar exemption at the interface of Business and Rural zones would be justified. The focus of the ANZCO submission is quite site specific but in terms of the scope of relief potentially may allow for broader change. That may be a matter warranting further consideration, and if necessary, variation of the proposed plan to maintain consistency of approach. In my view however the context of the ANZCO site and its situation is quite distinguishable and unique, and such that broader amendment would not be warranted.

5.0 STATUTORY CONSIDERATIONS

- 5.1 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations below are both effective and efficient and will ensure that the methods contained in this section are the most appropriate for achieving the objectives of the Plan. Subject to those changes that have been recommended, I consider that this section of the Plan is appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

6.0 ERRORS AND CORRECTIONS

- 6.1 Within Section 11 there is one referencing correction necessary to the rules provisions: Section 11, Noise, page 11-6, 11.6.2 a) should refer to “Noise Standards” not “Site Standards” to maintain consistency with the terminology used in this section of the plan. I recommend this be made as a minor and incidental correction.

7.0 RECOMMENDATIONS

- 7.1 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, the Noise section of the proposed District Plan should be accepted.

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 8
SECTION 11: NOISE

APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
S233	Catholic Diocese of Christchurch	6	Children's play remains excluded from complying with the noise rules in Section 11.	Accept
S233	Catholic Diocese of Christchurch	9	Make any other consequential amendments required to give effect to the relief sought.	Accept
S238	David H Robertson	2	Transfer Policies 10.4K, M and N of the Transport Section to Section 11: Noise.	Accept in part
S240	Silver Fern Farms	66	No change required to Section 11.	Accept in part
F50	<i>Roosters Chickens & Weasel Limited</i>	66	<i>Oppose</i>	Accept in part
S262	Roosters Chickens & Weasel Limited	1	That where a site is zoned Business A, B, C, D, E or F and immediately adjoins a Residential A, B, C or D Zone that the noise levels set out in Table 11.1 for those Business Zones be at the adjacent Residential Zone level. Therefore the submitter requests that Rule 11.8.1 be amended at Table 11.1 so that noise level from activities within any site shall not exceed the limits set out in Table 11.1 except where they are immediately adjacent to Residential A, B, C, and D, noise levels shall be 50dB LAeq (1hr) and 75dB LAF (max) during the day time, and 40dBA Laeq (1hr) and 65 dbLAF, max during the night time.	Accept in part
S262	Roosters Chickens & Weasel Limited	2	Any consequential or alternative relief which better gives effect to the issues raised in the submission.	Accept in part
S280	Holmeslee Enterprises	4	That Rule 11.8.1 provide that the noise limits within Area 1 of Business E Zone be the same as the proposed noise limits in the Business B and C Zones being daytime:	Accept in part

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 8
SECTION 11: NOISE

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
	Limited		LAeq (1 hour) 60dB, LAF max 85dB and night time: LAeq (1 hour) 50dB, LAF max 75dB.	
S280	Holmeslee Enterprises Limited	7	Any consequential or alternative relief which better gives effect to the issues raised.	Accept in part
S322	Mark and Melanie Howden	3	A minimum set distance (say 500m) in which the use of devices (such as gas guns) within this set distance then be deemed a non permitted activity.	Accept in part
S327	Lake Hood Extension Project - Joint Venture	17	No change sought to the Noise section, in particular 11.8.2.	Accept in part
S327	Lake Hood Extension Project - Joint Venture	18	No change sought to the Noise section, in particular 11.8.3.	Accept in part
S478	Ministry of Education	4	Children's play remain excluded from complying with the proposed noise rules.	Accept
S541	AgResearch Limited	15	Delete the Rural A and B noise standards in Table 11-1 OR Make any alternative changes appropriate to achieve the same outcome being sought by AgResearch.	Reject
S541	AgResearch Limited	16	Amend Exemption (e) as follows: (e) Farming Activities Within rural zones, any operational rural equipment which is mobile during its normal use and which is associated with primary production (e.g. tractors, harvesters, and farm vehicles). This includes items such as motorbikes and chainsaws used as part of primary production activity but does not include recreational motorbike tracks or long term sawmilling. This exemption does not	Reject

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 8
SECTION 11: NOISE

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
			include any fixed motors or equipment, frost fans or gas guns. OR Make any alternative changes appropriate to achieve the same outcome being sought by AgResearch.	
S553	Federated Farmers of New Zealand	145	Synchronise the noise standards for Rural B and C under Policy 11.1D.	Accept in part
S553	Federated Farmers of New Zealand	146	Raise Rural C noise levels to at least residential levels	Accept in part
S553	Federated Farmers of New Zealand	147	Amend 11.8.1 Exemptions e) to allow for fixed motors for seasonal activities.	Reject
S553	Federated Farmers of New Zealand	148	Amend Site Standard 11.8.7 to make provision for bird scarers etc used on birds such as geese and ducks active at night	Reject
S598	TrustPower Limited	71	Retain section 11.8.10 as notified.	Accept
S601	New Zealand Railways Corporation (KiwiRail)	1	That Rule 11.8 Noise Standards, 11.8.1 Noise Standards for Zones including Exemptions item (h) be retained as proposed.	Accept in part
S601	New Zealand Railways Corporation	2	NZRC (Kiwi Rail) submits that Rule 11.8 Noise Standards, 11.8.1 Noise Standards for Zones should be altered by adding a further clause: Add to Rule 11.8 Noise Standards, 11.8.1 Noise Standards for Zones, Exemptions item (h) after 'Vehicles on public roads or trains on rail lines (including at railway	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 8
SECTION 11: NOISE

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
	(KiwiRail)		yards, railway sidings or stations)' and level crossing warning devices.	
S607	ANZCO Foods Limited	3	Modify Table 11-1 Noise limits to reflect NZS6802:2008 Acoustics-Environmental Noise which sets a day time noise limit of 55db and a night time noise limit of 45db.	Accept in part
S607	ANZCO Foods Limited	4	Retain the noise limits for Business Zone F as measured at or within the boundary of any site within this zone.	Accept
S639	Ashburton District Council	74	Changes may be required to the structure of rules in all Zones to provide clarification and avoid any contradiction/confusion over the interpretation of rules.	Not relevant to this chapter
F3	Greenstone Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd, Chevron NZ	74	Oppose	Not relevant to this chapter
F5	Transpower New Zealand	74	Oppose	Not relevant to this chapter
F16	TrustPower Limited	74	Oppose	Not relevant to this chapter
F65	Ashburton Licensing Trust	74	Support	Not relevant to this chapter
F71	Electricity Ashburton Limited	74	Support	Not relevant to this chapter
S639	Ashburton District Council	75	References to external documents in the Proposed District Plan should be made more explicit.	Not relevant to this chapter

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 8
SECTION 11: NOISE

Submitter Number	Submitter Name	Point Number	Relief sought	Recommendation
S639	Ashburton District Council	93	Amend Policy 10.4K as follows: Policy 10.4K To establish an Air Noise Boundary (combined Ldn 65 and SEL 95 contour) and Outer Control Boundary (Ldn 55) for Ashburton Airport as recommended in NZ6805 "Airport Noise Management and Land Use Planning.	Accept

APPENDIX TWO: DISTRICT PLAN AMENDMENTS

Section 10: Transport, Section 10.3: Objective and Policies

Delete and Amend Policies as follows:

...

Policy 10.4K

To establish an Air Noise Boundary (combined Ldn 65 and SEL 95 contour) and Outer Control Boundary (Ldn 55) for Ashburton Airport as recommended in NSZ 6805 “Airport Noise Management and Land Use Planning.”

Policy 10.4L

To ensure that a noise monitoring regime is established at the Airport when scheduled air services commence.

Policy 10.4M

To restrict the location of future noise sensitive activities in areas adjacent to the Airport, whilst at the same time managing existing noise sensitive urban development surrounding the airport.

Policy 10.4N K

To ensure that the external appearance of buildings and their location on the Airport property have regard to and are sympathetic to surrounding activities, and landscape and amenity values.

....

Explanation and Reasons

...

There are many ways to reduce the local impact of transport and traffic, including reducing the amount of traffic on roads, improving pedestrian access, encouraging the use of public transport, improving the amount of convenient off-street parking available (both public and private), and encouraging development forms which make other forms of transport more attractive. The adoption of policies directed at the above outcomes should also help conserve energy and provide for a more sustainable transport environment.

The introduction of air noise boundary controls at Ashburton Airport not only protects the Airport but also sets a finite limit on the amount of aircraft noise that could be generated by an expanded airport in the long term. The establishment of suitable noise monitoring procedures will ensure compliance with such restrictions. Built development at important transport facilities such as the airport can impact on the outlook and amenity values of surrounding activities, particularly where they are nearby and residential in nature. While the design and appearance of such transport facilities are often strongly influenced by their purpose and function, regard also needs to be given to the potential to adversely impact on other surrounding activities and on amenity values when determining their location and appearance.

....

Section 10: Transport, 10.5 Methods of Implementation

Delete and Amend as follows:

Through the District Plan

...

- The adoption of a long-term plan of development at Ashburton Airport which allocates air side and landside activities within the designation for airport purposes and delineates the location of long-term landscaped buffer zones.
- ~~The introduction of air noise boundary rules in the zones around the airport perimeter to protect the airport from the effects of the intrusion of noise sensitive activities.~~

...

Section 11: Noise, 11.2 Objective and Policies

Add new (relocated) policies and explanation as follows:

Policy 11.1F

To establish an Air Noise Boundary (combined Ldn 65 and SEL 95 contour) and Outer Control Boundary (Ldn 55) for Ashburton Airport as recommended in NSZ 6805 “Airport Noise Management and Land Use Planning.”

Policy 11.1G

To ensure that a noise monitoring regime is established at the Airport when scheduled air services commence.

Explanation and Reasons

The simplest and most effective way to minimise conflicts between noise generating activities and noise sensitive areas is to achieve separation of the land uses wherever possible. Industrial, commercial and recreational activities which produce high levels of noise should not be located in or immediately adjacent to residential areas or where there are high amenity values that may be diminished due to noise nuisance. Industrial and commercial activities are best located within or adjacent to existing industrial and commercial areas where noise has a lesser effect. Recreational activities which generate noise, such as motor sports, are best located in those rural areas where there are relatively few dwellings. Where noisy activities in rural areas are not clustered together, and the frequency of use is limited, the adverse effects are lessened.

The introduction of air noise boundary controls at Ashburton Airport not only protects the Airport but also sets a finite limit on the amount of aircraft noise that could be generated by an expanded airport in the long-term. The establishment of suitable noise monitoring procedures will ensure compliance with such restrictions.

Section 11: Noise, 11.4 Methods of Implementation

Amend as follows:

Through the District Plan

- The use of rules to put in place performance standards for noise.
- The use of zoning to separate activities which generate adverse effects from noise sensitive areas. Zoning therefore reflects location (proximity to residential areas); the quality of amenity sought and function of activities provided for.
- The introduction of air noise boundary rules in the zones around the airport perimeter to protect the airport from the effects of the intrusion of noise sensitive activities.

Outside the District Plan

- Section 38 enforcement proceedings and Section 16 abatement notices for unreasonable noise.

Section 11: Noise, 11.5 Reasons for Rules
Amend by adding as follows:

A specific exemption from complying with the notional boundary rule applies in respect of future dwellings located within 150 metres of part of the ANZCO meat processing site situated within the Business F Zone alongside Seafield Road. This exemption recognises the characteristics of the current processing activities of the site and seeks to minimise potential constraint on future development within this part of the site as a consequence of noise generated by the activities occurring within it, while also recognising the limited likelihood of new rural dwellings seeking to locate on neighbouring rural land in close proximity to the north of the site.

Section 11: Noise, 11.6 Rules
Amend as follows:

11.6.2 Restricted Discretionary Activities

- a) Any activities not meeting either General or ~~Site Noise~~ Standards shall be Restricted Discretionary Activities with respect to noise, with the exercise of the Council's discretion being restricted to the matter(s) specified in the assessment matters.

...

Section 11: Noise, 11.8 Noise Standards
Amend as follows:

11.8.1 Noise standards for zones

...

Notes:

...

- e) The noise rule that is applicable to a site, is based on the zoning of the site receiving the noise and not the site that is generating the noise.

Exemptions:

...

- h) Vehicles on public roads or trains on rail lines (including at railway yards, railway sidings or stations) and level crossing warning devices.

...

m) The notional boundary noise limits identified in Table 11-1 shall not apply in respect of any dwelling on an adjoining site zoned Rural B within a distance of 150 metres of the boundary of the area identified as Area 1A within the Business F Zone as shown on the Outline Development Plan contained within Section 5: Business Zones, Appendix 5-1A. Note: As a consequence new rural dwellings within 150 metres of the boundary of Area 1A may be exposed to noise levels higher than otherwise anticipated under the noise rules.

...

11.8.7 Audible Devices in Rural Zones

...

Note: Gas guns typically require a setback distance of around 600 metres to comply with this rule. For installations closer than this to neighbouring dwellings, growers should check noise levels carefully before installation.

APPENDIX THREE: REPORT TO HEARING BY STUART CAMP (MARSHALL DAY ACOUSTICS)

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of a proposed review of the
Ashburton District Plan

REPORT TO HEARING BY STUART CAMP

1 Introduction

- 1.1 My name is Stuart Camp. I am a Principal in the national acoustical consulting firm of Marshall Day Acoustics. I hold a Science degree from Auckland University, majoring in Mathematics and Acoustics. I have worked in the field of acoustics with Marshall Day Acoustics for the last 28 years. I established the Christchurch office in 1997.
- 1.2 I have been involved with a large number of environmental noise assessment projects in New Zealand, Australia, and Malaysia, and presented evidence at both Council and Environment Court hearings many times.
- 1.3 I prepared the proposed noise rules notified in the Plan Change. I have now reviewed the submissions received, and prepared comments to assist the hearing panel with their deliberations.

2 Submissions in support

- 2.1 I note that Silver Fern Farms, KiwiRail, Lake Hood, Trustpower, the Catholic Diocese, and the Ministry of Education, have all lodged submissions in support of some or all of the proposed noise rules. I will not comment separately on these in my report, but may refer to them when discussing submissions in opposition.

3 **Submission 262: Roosters Chickens & Weasel Ltd**

- 3.1 This submission makes it clear that the wording of the noise rules in 11.8.1 is not sufficiently clear, because the remedy sought is exactly what the rules already propose.
- 3.2 In essence, the proposed rules always apply a noise rule consistent with the site **receiving** the noise, not the site **generating** it. Hence, to use this submitter's example, residential land next to a business zone will only ever receive noise appropriate to a residential zone.
- 3.3 Submission 553 (Federated Farmers) makes similar comments, and on re-reading the rules, I suggest that additional clarity may be obtained by adding the word "other" to Table 11.1 to give "...When measured at or within the boundary of any **other** site zoned: ...".
- 3.4 I would also be happy with other wording that makes it clear that the noise rule which applies to a site is based on the zoning of the site **receiving** the noise.
- 3.5 It may also be useful to add a footnote to the table of noise limits to provide additional clarity as to how the rules are applied.

4 **Submission 280: Holmes and Holmeslee**

- 4.1 This submission requests a reduction in noise limits for Area 1 of the Business E zone (the North-East Ashburton Industrial Zone). As with my discussion in section 3, such a reduction is not required. The higher limit specified for this zone is only applicable when the noise affects another site within the same zone. Any noise produced in this zone must comply with more stringent noise limits at all surrounding zones based on the rules specified for those zones.
- 4.2 In particular, this submitter owns residential land adjoining the business E zone, and I am satisfied that my recommended re-wording of the rules will ensure that this submitter's concerns are properly addressed.

5 Submission 322: Howden

- 5.1 This submission asks that the rules for bird scarers (11.8.7) includes a minimum setback/buffer requirement, and suggests something like 500 metres.
- 5.2 I am generally not in favour of strict setback rules because growers may find quieter methods for protecting their crops. However, there is some merit in a setback in this case, if only to provide an indication of the distance required to comply with the rules.
- 5.3 I suggest adding an advisory note to this rule along the lines of "...Note: Gas guns typically require a setback of around 600 metres to comply with this rule. For installations closer than this to neighbouring dwellings, growers should check noise levels carefully before installation..."

6 Submission 541: AgResearch

- 6.1 With respect to rural sites, the noise rules as proposed specify a reasonably lenient noise rule at the boundary of a rural site, and a more stringent rule at the notional boundary of any dwelling in a rural zone. This submission suggests that there is no need to have both these controls, and asks that the zone boundary rule be deleted.
- 6.2 My reasoning for setting both rules is that neither rule on their own addresses all possible scenarios.
- 6.3 The boundary rule addresses the situation where a large rural property currently has no dwellings on it. Without this, it would be possible for a neighbouring business zone (for example) to produce high levels of noise on the rural property, thereby preventing the rural landowner from building a house at a later stage. However, as noted, this rule is reasonably lenient, acknowledging that pasture doesn't demand as much protection as houses.
- 6.4 The notional boundary rule ensures that the noise level at any house is consistent with the level of noise considered appropriate for any other house in the district, irrespective of zone.

- 6.5 In most cases, the notional boundary noise rule will be the limiting factor, and as such, I believe that there is no need to delete the site boundary rule.
- 6.6 This submission also seeks to modify exemption (e) for farming activities in 11.8.1 to exempt ALL farming activities. I have already discussed in section 7 why I do not consider this appropriate.

7 Submission 553: Federated Farmers

- 7.1 As discussed, my comments in section 3 also apply to this submission. The first 2 points in this submission, asking to "...synchronise the standards for the two Rural Zones [C and B]..." and to "...raise Rural C noise levels to at least residential levels..." are addressed by my recommendation in section 3.
- 7.2 In addition, this submission seeks to amend an exemption at 11.8.1, to "...allow for fixed motors for seasonal activities...".
- 7.3 The basis for the proposed exemptions is that mobile farming equipment is appropriate in a rural environment, and shouldn't be curtailed because of noise rules, whereas "fixed motors or equipment" denotes equipment which under normal use is in one location. This is to address noise from such items of equipment as irrigation pumps, because there is unlikely to be any real cost or inconvenience in complying with noise rules from fixed items.
- 7.4 In most cases, noise from fixed motors will comply with District Plan noise rules without any specific noise control treatment, because it will be assessed at the notional boundary of a neighbouring dwelling, and this is often a long way away.
- 7.5 In my view, allowing mobile equipment to be exempt, but requiring fixed equipment to comply is appropriate, and won't preclude farmers from doing what they currently do or expect to do. I also note that the operative District Plan noise rules specifically apply to "...stationery motors or equipment...", and hence the proposed rules are simply maintaining the existing situation.
- 7.6 Unless the submitter has more specific examples of what is meant by "...fixed motors for seasonal activities...", I recommend rejecting this submission.

- 7.7 This submission also seeks to "...make provision for bird scarers etc used on birds such as geese and ducks active at night..." (rule 11.8.7). I do not agree with this.
- 7.8 Bird scarers are inherently noisy, and are often the cause of complaints from residents. The proposed noise rules for this activity are of necessity a compromise between the need to protect crops and the desire of neighbours to enjoy their property. As such, it would be inappropriate to allow scarers during the night, UNLESS a much more stringent noise limit was applied.
- 7.9 I am not aware of any research into the effects of bird scarers on sleep, and therefore cannot suggest an appropriate noise rule for night-time. However, I would expect a separation distance of 3 km or more to be required from any dwelling, which is unlikely to be achievable.
- 7.10 I therefore recommend that this submission be rejected.

8 **Submission 601: Kiwirail**

- 8.1 Kiwirail ask that the words "...and level crossing warning devices..." are added to exemption (h) of 11.8.1. In my view, such devices are assumed within the existing exemption for trains, and I therefore support this clarification.

9 **Submission 607: ANZCO**

- 9.1 ANZCO are concerned that the proposed notional boundary noise rule for rural zones "...may unduly restrict future development at [their] site should a dwelling be built in the neighbouring Rural B zone...", and ask for a relaxation of the rules accordingly.
- 9.2 I can understand this concern. However, it is important to note that the ANZCO site is currently subject to a noise limit of 55/45 (day/night) at the B6 zone boundary. The zone boundary is reasonably close to the existing buildings on site.

- 9.3 The proposed rules would relax this rule to 65/45 (day/night), although they would also introduce a 50/40 rule at the Fairton settlement. Hence, ANZCO will be less restricted, unless a new dwelling is constructed close to the B6 zone.
- 9.4 Given the nature of the ANZCO operations, I consider it unlikely that there will be new dwellings built closer than the existing dwellings. However, I suggest creating a buffer zone around the ANZCO site and adding an advisory note along the lines of "...new dwellings within 150 metres of the ANZCO site may be exposed to noise levels higher than anticipated under the District Plan noise rules...".
- 9.5 With this buffer distance in place, any new development on the ANZCO, by virtue of having to comply with the zone boundary noise rules, would almost certainly also comply with the notional boundary noise rule.

Stuart Camp
2 May 2011