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The Chief Executive  
Opotiki District Council  
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OPOTIKI 3162

### **Submission to Proposed Opotiki District Plan 2016**

The Bay of Plenty District Health Board (BOPDHB) appreciates this opportunity to submit on the Opotiki District Council Proposed District Plan.

Toi Te Ora – Public Health Service (Toi Te Ora), the public health unit for the BOPDHB, provided feedback to the Draft District Plan in December 2015. Toi Te Ora and the Ministry of Health Environmental Noise Analysis and Advice Service have reviewed the Proposed District Plan. The following points are made with the aim of protecting and promoting the health of the population and reducing inequalities in health.

Public health approaches wellbeing and health in terms of the social, economic, cultural, environmental and political context and from a determinants of health perspective. Many of the crucial underlying factors that contribute to population health and wellbeing are directly influenced by the decisions and activities of Council.

The BOPDHB is keen to ensure that public health considerations are addressed by Council in its review of the Operative District Plan.

The BOPDHB does not wish to present a joint case at a Council hearing with others who have lodged similar submissions. The BOPDHB could not gain an advantage in trade competition through this submission.

Dr Phil Shoemack, Medical Officer of Health, is willing to meet to discuss or clarify any issue raised in this submission, and wishes to be heard at a hearing in support of this submission.

*Sally Webb.*

#### **Sally Webb**

Chair, Bay of Plenty District Health Board

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Submission

Provision number	Provision title	State whether you Support or Oppose the provision	Relief Sought (specify the amendments you wish to be made to the provision)	Reasons
1.11	Introduction  Assessment Criteria for Applications	Support with addition	Include 'water supply' in the list of what Council will have regard to when assessing subdivision activities.	<p>It is noted that the district plan includes consideration of the effect of any proposal on water bodies, indigenous vegetation and habitats. However, land use and subdivision consents must also consider the supply of potable drinking water.</p> <p>It is essential that residential subdivisions that do not propose to connect to a council water supply are supplied with a sufficient quantity of potable water, not only for drinking and cooking purposes, but also to operate sanitary facilities. The lack of a sufficient supply of water to operate onsite effluent treatment systems, and hand washing facilities, will increase the risk of infectious disease. It is important that the approval of any new building or subdivision must require a sufficient supply of potable water (<i>Section 123 Building Act, Section 39 and 69G of the Health Act</i>).</p>
1.15.2 (K)	Introduction - Environmental Results Expected	Support with amendment	Amend point K to read: the impacts of climate change are mitigated, managed and adapted to.	<p>Climate change affects the fundamental requirements for health – clean air, safe drinking water, sufficient food, and secure shelter.</p> <p>While the effects of climate change need to be identified and addressed, mitigating climate change should also be included</p>

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				<p>as an environmental outcome of Council's management of its district.</p> <p>BOPDHB encourages Council to develop initiatives designed to reduce the magnitude of climate change, not only to respond to the impact/effects of climate change.</p>
1.16 1.16.2 1.16.3	<p>Information required in relation to applications</p> <p>Written information</p> <p>Additional information for sites within the Mixed Activity Zone</p>	Support with addition	<p>Retain 1.16.2 (vi) a written analysis of any actual or potential effects that the activity may have on the environment, and the ways that these effects may be avoided, remedied, or mitigated.</p> <p>Add a requirement for the assessment of effects from activities in the mixed activity zone to include noise.</p>	Noise has the potential to be an on-going nuisance to health. It would be prudent for Council to proactively assess and manage noise at the outset rather than to address it in a reactive manner.
2.2 2.2.1, 2.2.2 2.8	<p>Residential Zone</p> <p>Objectives and Policies</p> <p>Expected environmental results</p>	Support with addition	<p>Retain the objectives and policies for this zone.</p> <p>Retain the expected environmental results</p> <p>Add an objective to provide for a healthy residential environment with a high level of amenity by providing a wide range of affordable, safe and suitable housing.</p>	<p>The quality, affordability, safety, and suitability of housing are all important determinants of health and wellbeing.</p> <p>BOPDHB supports Council's expected environmental results of a pleasant living environment with desirable living standards. However, the current objectives and policies in the Proposed District Plan will not fully capture this intent.</p> <p>A healthy home provides affordable, safe</p>

Provision number	Provision title	State whether you Support or Oppose the provision	Relief Sought (specify the amendments you wish to be made to the provision)	Reasons
				<p>and suitable shelter and is a key determinant of health. Housing needs to be affordable, safe and suitable for its occupants. Where the cost of housing (either as rent, or a mortgage) is high relative to household income it can result in crowding and inadequate housing. Crowding is associated with an increased risk of infectious disease such as meningococcal disease, rheumatic fever, and respiratory and skin infections.</p> <p>BOPDHB recommends that Council commits to the provision of a healthy residential environment.</p>
2.1	Residential Zone Resource Management Issues point 6.	Support with amendment	<p>Amend point 6 to read:</p> <p>Residential sites need to be suitable so that where on-site effluent treatment is appropriate there will be no unacceptable adverse effects on the site, or adjoining sites.</p>	<p>Sanitary services, either through collective systems, or by installations serving individual households, are essential for good health.</p> <p>Sites need to be of sufficient size so that onsite effluent treatment will not have an adverse effect on the site or adjoining sites. As well as being of sufficient size, sites also need to have soils suitable to receive the discharge and be located in areas which are not prone to flooding in order to prevent inundation of the disposal field.</p>
2.0 2.2.1.6	Residential Zone Policies	Support with addition	Amend the list of requirements to maintain and enhance a high level of amenity on residential sites by adding point 4 to the	Dwellings supplied from professionally designed and maintained reticulated systems (a network of connected pipes) are the most protective of public health.

Provision number	Provision title	State whether you Support or Oppose the provision	Relief Sought (specify the amendments you wish to be made to the provision)	Reasons
2.6.9.1	Wastewater connections		list: The provision of reticulated sanitary services (sewerage and water).  Or  Policy is included to reflect that onsite effluent treatment systems are only appropriate for residential sites which meet strict criteria .related to the size and location of the lot, the type of soil, the cumulative impact of all onsite systems in the immediate location and the anticipated loading.	Human waste disposal by way of an onsite effluent treatment system is an acceptable solution to protect public health so long as certain criteria regarding the site are met, and provided the system is properly maintained and operated. Onsite systems are more prone to failure and when this occurs they pose a risk to residents through contamination of the environment. A study conducted by the Bay of Plenty Regional Council ( <i>EBOP, Onsite Effluent Disposal in the Bay of Plenty 2006</i> ) found around 55% of home owners did not maintain their septic tank and 20-49% were failing in some way.
2.0 2.3.4.1 2.5.1.2	Residential Zone  Restricted Discretionary Activities  Assessment criteria for restricted discretionary activities	Support	Retain points 2 and 2.5.1.2	BOPDHB supports point 2 which manages activities that do not comply with the rules for height and daylight protection and for them to be assessed as restricted discretionary activities. This is because managing both of these activities should enable Council to ensure overshadowing does not promote damp and mouldy living environments. Residences should also be safeguarded from a lack of privacy promoting a high quality residential environment.
2.0 2.3.4.1	Residential zone  Restricted Discretionary Activities	Support with amendment	Retain Point 3 and 2.5.1.3 wastewater connections and stormwater connections.	BOPDHB also supports Council maintaining discretion to grant or refuse resource consent for activities which do not comply with the rules for wastewater

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2.5.1.3  2.6.11.1	Assessment criteria for restricted discretionary activities Zone Standards (Water Supply)		Amend 'potable water connections' by adding the ability for the water supply to provide potable and adequate water for the lifetime of the activity.	connections, stormwater management and potable water supply.  It is important that as for wastewater Council should assess potable water connections but also the activity's ability to provide alternative potable water when a connection to Council infrastructure is not practicable. This because professionally operated and maintained reticulated water supplies, like those operated by Councils, are the most protective of health as opposed to individually operated supplies.
2.0 3.0 5.0 4.0 6.0 7.0	Residential Zone Town Centre Zone Marine Services Zone Mixed Activity Zone Industrial Zone Harbour Industrial Zone		Add cycle storage facilities (bicycle parking) and drinking water fountains in each urban zone.	BOPDHB supports strategies and initiatives that enhance active transport opportunities for our communities.  Providing these facilities and services will encourage physical activity through the use of active transport and provide convenient access to safe drinking water at no cost.  See below for further rationale why encouraging active transport is healthy for the population.
5.2  5.2.1  5.2.1.2, 5.2.1.3 and 5.2.1.4	Marine Services Zone  Objectives  Policies	Support	Retain policy 5.2.1.2, 5.2.1.3, and 5.2.1.4	BOPDHB supports maintenance and enhancement of pedestrian and cycle connections through the marine services zone. BOPDHB also supports ensuring access is safe and efficient and that connectivity is established between the

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				<p>town centre and the marine services zone.</p> <p>A. This is because these steps will result in a more physically active population. This helps to prevent some chronic diseases related to inactivity and helps to reduce motor vehicle use. This contributes to improved overall health of the population and of the environment.</p>
<p>5.0 and 7.0</p> <p>5.1 and 7.1</p>	<p>Marine Services Zone and the Harbour Industrial Zone</p> <p>Resource Management Issues</p>	<p>Support with addition</p>	<p>To protect the population and environment from unwanted organisms such as flies, mites, ticks, mosquitoes (including exotic mosquitoes capable of carrying disease) or other insects which may cause a nuisance to health to neighbouring residents.</p> <p>By ensuring design limits insect breeding habitat such as shallow water, areas of low or no current, vegetation submerged or at the water edge.</p>	<p>Recognise that the development of marine and harbour activities increase the potential of an unwanted organism entering New Zealand.</p> <p>It is suggested that either the district plan and/or development plan and policies should ensure the proposed activities do not facilitate the establishment of breeding habitats. For example stormwater swales, ponds and drainage channels should be constructed and designed in such a way that they do not give rise, or are capable of giving rise, to the breeding of unwanted organisms.</p> <p>Should an exotic mosquito become established much of New Zealand would inevitably be at risk of epidemics of disease. Some exotic mosquitoes have significant nuisance value. There is the potential for secondary infections as a consequence of bites. People of lower</p>

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				<p>socio-economic status have less disposable income for protective measures (eg netting, door/window screens, repellent) and are therefore likely to carry a higher disease burden.</p> <p>Infestations of aggressive day-biting and disease-carrying mosquitoes means that people, especially Maori, who gather kaimoana from traditional coastal areas may be at greater risk than other populations group.</p>
7.0 7.4.1.6	Harbour Industrial Zone Treatment of wastes produced on the site		Add: Pest mitigation and control measures to prevent any additional threat to the population or adjoining areas	As above
5.0 and 7.0 5.4.1.6(b), 7.4.1.6 5.5.1.1	Marine Services Zone and Harbour Industrial Zone Treatment of wastes produced on site. Activities not complying with Rules for wastewater connections, stormwater management and water supply.	Support with addition	Add that all new developments in these two zones shall connect to the Council's wastewater system and that the handling of their waste complies with Council's Trade Waste Bylaw	<p>BOPDHB recognises that wastewater derived from the activity may undergo onsite treatment prior to disposal to the Council sewerage system. However, development should only occur within these two new zones once Council has provided wastewater, stormwater and water supply services.</p> <p>This will safeguard the significant recreational and marine environments that are heavily used by the community and thus protect the health of the community. As previously mentioned in this submission, professionally operated and maintained reticulated water supplies, like those operated by Council,</p>

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				are the most protective of health.
7.0 7.2.3.2, 7.2.3.3	Harbour Industrial Zone Policies	Support	Adopt policy 7.2.3.2 and 7.2.3.	Development may impact negatively on public health unless there is adequate open space, or buffer zones, to separate two different land uses. A land buffer between industrial and other zones would reduce potential reverse sensitivity issues and other adverse effects already identified by Council such as noise, dust, and odour from the harbour industrial zone.
15 15.1.14	Subdivision Resource management issues	Support	Retain issue 14 which identifies that subdivisions need to have connections to appropriate services according to the location and infrastructure available.	Council goes to significant effort and expense to provide professionally managed water treatment and reticulation systems, the intention of which is to protect health.
15.5.6 15.5.6.1	General Standards for Subdivision Wastewater	Support	Retain the requirement that all new lots within any of Council's wastewater scheme boundaries shall connect to the Council's wastewater system.	In addition to the rationale above, this will help to maximise the health benefit from the public investment in water treatment.
15.5.6 5.5.8.1	General Standards for Subdivision Potable Water	Support with addition	Add that all new lots and/or buildings shall connect to the Council water supply, where available.	There should be an obligation for new allotments to connect to a Council reticulated water system when it is available.  This will help to maximise the health benefit from the public investment in water treatment.
15.4	Specific requirements for subdivision	Support with addition	Retain the requirement for subdivision to non-sewered lots to supply a report from an	Prior to consenting a subdivision the Regional Council should be given the opportunity to assess any adverse effect

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15.4.1.2(2)	Non-sewered lots in residential, mixed activity, industrial, harbour industrial and coastal settlement zones		<p>engineer which identifies the lot will be fit for purpose and complies with requirements for onsite effluent treatment systems set by the Bay of Plenty Regional Council.</p> <p>Add the above requirement for any lot that is not sewerred.</p>	<p>on the environment from reducing a lot size below 1200m<sup>2</sup>.</p> <p>There have been failures of onsite sewage systems in new subdivisions in the Bay of Plenty in recent years. This has resulted in contamination of the environment and the creation of health nuisance. Poor siting of disposal fields, small lot sizes, and inadequate construction of onsite systems have all been responsible.</p>
15.5  15.5.5(6)	General Standards for Subdivision  Water, Stormwater and Sewage Disposal	Support	Retain the requirement for all subdivision to provide an adequate supply of reticulated potable water to each lot. Where reticulation is not practicable, a means of adequate storage and continuous supply of potable water shall be provided to each lot.	<p>There is a high level of risk to health from the consumption of non-potable water and/or not having a sufficient amount of water. Professionally operated reticulated water supplies, such as those managed by Council are considered the most protective of health. Where no Council water supply is available, the next most protective option would be reticulated water supplied by a water supplier registered with the Ministry of Health. Individual bores or roof sources are the least protective of public health and should be the options of last resort.</p> <p>Tankered water is an acceptable solution only in times of disaster or other emergency event. A dwelling is not permitted to be occupied without an adequate and convenient supply of potable water (<i>Health Act, Section 39</i>)</p>

Provision number	Provision title	State whether you Support or Oppose the provision	Relief Sought (specify the amendments you wish to be made to the provision)	Reasons
				and is deemed an insanitary ( <i>Building Act, Section 123</i> ) building without a supply of potable water. The District Plan must have provision to ensure adequate water storage on each lot when a subdivision is not reticulated.
19	Definition Licensed premises	Support with amendment	Amend reference to Sale of Liquor Act to Sale and Supply of Alcohol Act 2012.	The Sale of Liquor Act 1989 has been superseded by the Sale and Supply of Alcohol Act 2012.
19	Definitions Potable water	Support with addition	Add the definition of 'potable water' as in the Health Act 1956: 'potable, in relation to drinking water, means water that does not contain or exhibit any determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards.'	The Building Act deems a building insanitary if it is without a supply of potable water and the Health Act does not permit dwellings to be occupied if there is an inadequate supply of potable water. Referencing the Health Act will assist by clarifying the situation for resource consent applicants and Council staff.
19	Definitions Adequate water supply	Support with addition	Add the definition of what an adequate supply of potable water is.  The Health Act 1956 states that an <b>adequate supply</b> , in relation to the drinking water supplied to a property, means either— (a) the minimum quantity of drinking water that is required by the occupants of that property, on an ongoing basis, for their ordinary	Not only does a water supply to a building have to be potable (safe) it must also be of sufficient volume to enable food preparation, hygiene and sanitation. As mentioned earlier in this submission without sufficient water to operate an onsite wastewater treatment system for example, the building will breach the Building Act and the Health Act and a nuisance exist that is likely to be injurious to health.  A water source needs to provide a

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			<p>domestic and food preparation use and sanitary needs; or</p> <p>(b) regulations have been made under section 69ZZY(1)(a) prescribing the quantity of drinking water, or a formula for determining the quantity of drinking water, that is an adequate supply to a property, the amount specified in, or calculated according to the formula set out in, those regulations</p>	<p>minimum of 300 litres per person per day for food preparation and sanitation inside the house. Water used for other household uses such as car washing and irrigation would be in addition to this minimum quantity.</p>
General			<p>Include a list of abbreviations</p>	<p>An abbreviation list will clarify shortened words or phrases used throughout the District Plan.</p>
General			<p>BOPDHB would like to see policy that requires development based on healthy design principles.</p> <p>BOPDHB would also like to see opportunities identified and implemented for existing urban zones to create healthy spaces and places.</p> <p>This may be achieved through a development code or guide.</p>	<p>All new public spaces should be designed to enhance liveability. For example planting fruit trees in residential areas, public places and reserves will assist the community to access healthy food options and support food security. Neighbourhoods should be designed to encourage walking and cycling as preferred everyday methods of transport. Water fountains should be conveniently located in neighbourhoods and urban spaces.</p> <p>The healthy spaces and places programme is a useful reference. <a href="http://www.healthyplaces.org.au/site/">http://www.healthyplaces.org.au/site/</a></p>

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				<p>The website includes:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">the Healthy Spaces &amp; Places Manual (PDF)</a></li> <li>▪ <a href="#">design principles</a> that are the foundation stones of healthier more active communities</li> <li>▪ different <a href="#">development types</a> where these principles can be applied</li> <li>▪ information about <a href="#">how to make planning for healthier communities happen</a></li> <li>▪ Australian <a href="#">case studies</a> that show what is achievable and which have potentially wider application, and</li> <li>▪ <a href="#">links to the health and planning research</a>.</li> </ul> <p>The following links to Toi Te Ora's website contains position statements on <a href="#">active transport</a>, <a href="#">food security</a>, <a href="#">sanitary services</a>, <a href="#">housing and health</a>, and <a href="#">smokefree</a> which may be useful.</p> <p>Toi Te Ora also produces a bi-annual Healthy Policies newsletter showcasing public health support available to council planners, advisors and policy makers. It provides information about the latest evidence, data and tools, and also local and national innovative case studies. The latest newsletter may be viewed</p>

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				here: <a href="http://www.ttophs.govt.nz/healthy_policies_update">http://www.ttophs.govt.nz/healthy_policies_update</a>

## Specific noise related submissions on Proposed Ōpōtiki District Plan 2016

The following submission points related to noise have been contributed by the Ministry of Health Environmental Noise Analysis and Advice Service. Please note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the plan, or consequential amendments to this proposed section, as a result of decisions about other parts of the plan.

### 1. Submission

The specific provision is:	2.1 Resource Management Issues sub-clause 3
<b>The Submission is:</b> The proposal is supported in part but with amendment:	
For the following reasons: In the context of this paragraph, it is “unreasonable noise, not “noise” <i>per se</i> which is the RMA issue.	
<b>The decision required is:</b> Allow the provision in part and amend as follows: In sub-clause 3, insert “unreasonable” before “noise.”	

### 1. Submission

The specific provision is:	2.3.2.1 and throughout the plan provisions for temporary military training as a permitted activity complying with the noise controls in Appendix 3. i.e. in 2.3.2.1, sub-clause 8, 3.3.2.1 sub-clause 13, 4.3.2.1 sub-clause 10, 5.3.2.1 sub-clause 7, 6.3.2.1 sub-clause 10, 8.3.1.1 sub-clause 13, 9.3.2.1 sub-clause 12 10.3.1.1 sub-clause 10, 11.3.2.1 sub-clause 13.
<b>The submission is:</b> The proposal is supported and should be allowed in the plan sub-sections listed above.	
<b>For the following reasons:</b> Setting limits which are common for all zones is sensible for the temporary military training activity which might occur in any Zone.	
<b>The decision required is:</b> Allow the provision. in the plan sections listed.	

### 2. Submission

The specific provision is:	Residential Zone 2.6.4.1 Noise
<b>The submission is:</b> The proposal is supported in part but with amendment in part as follows:	
Support:	
A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits".	
B. The table row heading "noise limits dB".	
C. The separate columns setting daytime and night-time noise limits.	
D. The time frame specified for day time.	
E. The acoustical metric LAeq used for both day time and night-time.	
F. The additional L <sub>Amax</sub> noise limit specified for night-time.	
G. The numerical values of the noise limits.	
H. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.	
Support with amendment:	
I. The use of the words "are not exceeded at any point within the boundary of any Residential site" is technically incorrect.	
J. The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.	
K. The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.	
L. The inclusion of reference to the construction noise standard In the paragraph under the noise	

limit table in each Zone, but with amendment to the correct title of the standard.

**For the following reasons:**

- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position.
- Limits are reasonable and appropriate.
- The words “at any point within the boundary of any Residential site” mean that noise can be measured at the source within the site. Whereas the intention is presumably to set a limit on any other site within the Zone.

**The decision required is:** Allow the provision in part and amend as follows:

- B. Delete “within the boundary” and substitute “any other”
- C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound.
- D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise.
- E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.

3. Submission

The specific provision is:	3. Town Centre Zone 3.1 Resource Management Issues
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**The submission is:** The reference to noise in sub-clause 2 is supported in part but with amendment.

**For the following reasons:** In the context of this paragraph, it is “unreasonable noise, not “noise” *per se* which is the issue.

**The decision required is:** Allow the provision in part and amend as follows: In sub-clause 2, insert “unreasonable” before “noise.”

4. Submission

The specific provision is:	Town Centre Zone 3.2 Objectives And Policies, 3.2.1.4
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**The submission is:** The proposal is supported in part but with amendment: Terminology “on the surrounding environment” coupled with “so that the qualities and characteristics of the zone” is ambiguous.

**For the following reasons:** The words may be interpreted as relating to “environments “outside the Town Centre Zone. This excludes consideration of noise management within the zone. Re-wording ensures both inside and outside the Zone noise management responsibilities are clear.

**The decision required is:** Allow the provision in part and amend as follows: Insert “both inside the Zone and” before “on the surrounding...”

5. Submission

The specific provision is:	Town Centre Zone 3.6.4.1 Noise
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**The submission is:** The proposal is supported in part but with amendment in part as follows:

Support:

- A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits"
- B. The table row heading "noise limits dB".
- C. The separate columns setting daytime and night-time noise limits.
- D. The time frame specified for day time.

- E. The acoustical metric LAeq used for both day time and night-time.
- F. The additional LAm<sub>ax</sub> noise limit specified for night-time.
- G. The words "are not exceeded at any point within the boundary of".
- H. The numerical values of the noise day time limits.
- I. Support the proviso for more stringent noise limits in any Residential Zone.
- J. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.

Support with amendment in part:

- K. Support the proviso for more stringent noise limits in any Residential Zone but the location "at the boundary" of a site within the Residential Zone is inappropriate terminology as the boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces.
- L. The inclusion of reference to the construction noise standard In the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard
- M. The numerical night-time noise limits are problematic.
- N. Omitted from this rule is a specification of how noise is to be measured or assessed as found in all other comparable plan sections. It is necessary to add a clause citing NZS6801:2008 and NZS6802:2008 as the basis for measurement and assessment, except where provided elsewhere.

**For the following reasons:**

- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position. Limits are reasonable and appropriate. The proviso of protecting Residential Zone activities is best achieved by setting the measurement location using best practice wording known to be effective in legal proceedings as in the proposed amendment.
- Name of construction standard is incorrect.
- The numerical noise limits are problematic in that 60dB LAeq is impractical as it is a level less than ordinary speech and will inhibit the Zone objectives given at 3.2.1. The limits set up potential clashes between competing businesses over reasonable noise levels consistent with Town Centre amenity values. A slightly less stringent noise limit should enable activities without unreasonable interference with other activities within the Zone.

**The decision required is:** Allow the provision in part and amend as follows:

- A. Replace "the boundary of a site within the Residential Zone" with "any point within the Residential Zone"...
- B. In the noise table replace the day time noise limit with 70 LAeq and the night-time limits with "70 LAeq and 85 LAm<sub>ax</sub>".
- C. Add a new paragraph under the table as follows: "Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008, Acoustics-Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics-Environmental Noise."
- D. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.

6. Submission

The specific provision is:	Mixed Activity Zone 4.6.4.1 Noise
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**The submission is:** The proposal is supported in part but with amendment in part as follows:

Support:

- A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits"
- B. The table row heading "noise limits dB".
- C. The separate columns setting daytime and night-time noise limits.
- D. The time frame specified for day time.

- E. The acoustical metric LAeq used for both day time and night-time.
- F. The additional LMax noise limit specified for night-time.
- G. The words "are not exceeded at any point within the boundary of".
- H. The numerical values of the noise day time limits.
- I. Support the proviso for more stringent noise limits in any Residential Zone.
- J. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.

Support with amendment in part:

- K. The words "are not exceeded at any point within the boundary of any Mixed Activity Zone site"
- L. The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.
- M. The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.
- N. The inclusion of reference to the construction noise standard In the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.
- O. Support the proviso for more stringent noise limits in any Residential Zone but the location "at the boundary of a site" within the Residential Zone is inappropriate terminology as the boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces.

**For the following reasons:**

- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position. Limits are reasonable and appropriate. The provision of protecting Residential Zone activities is best achieved by setting the measurement location using best practice wording known to be effective in legal proceedings as in the proposed amendment.
- Names of the standards are incorrect.
- The words "are not exceeded at any point within the boundary of any Mixed Activity Zone site" mean that noise can be measured at the source within the site. Whereas the intention is presumably to set a limit on any other site within the Zone.

**The decision required is :Allow the provision in part and amend as follows:**

- A. Delete "the boundary of any" and insert "other site" before "Mixed"
- B. Replace "the boundary of a site within the Residential Zone" with "any point within the Residential Zone"...
- C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound.
- D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise.
- E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.

7. Submission

The specific provision is:	Marine Services Zone 5.5.5.1 Noise
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**The submission is:** The proposal is supported in part but with amendment in part as follows:

Support:

- A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits".
- B. The table row heading "noise limits dB".
- C. The separate columns setting daytime and night-time noise limits.
- D. The time frame specified for day time.
- E. The acoustical metric LAeq used for both day time and night-time.
- F. The additional LMax noise limit specified for night-time.
- G. The words "are not exceeded at any point within the boundary of".
- H. The numerical values of the noise day time limits.
- I. Support the proviso for more stringent noise limits in any Residential Zone.

J. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.

Support with amendment in part:

K. The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.

L. The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.

M. The inclusion of reference to the construction noise standard in the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.

N. The words "at any point within the boundary of a Marine Service".

O. Support the proviso for more stringent noise limits in any Coastal or Residential Zone but the location "at the boundary of a site" is inappropriate terminology as the boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces.

**For the following reasons.**

- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position. Limits are reasonable and appropriate. The proviso of protecting Residential Zone activities is best achieved by setting the measurement location using best practice wording known to be effective in legal proceedings as in the proposed amendment.
- Names of the standards are incorrect.
- The words "at any point within the boundary of a Marine Service" mean that noise can be measured at the source. Whereas the intention is presumably to set a limit on any other site within the Zone.

**The decision required is:** Allow the provision in part and amend as follows:

A. Delete "the boundary of a Marine Service" and substitute "another site within the Zone."

B. Replace "the boundary of a site within the Coastal or Residential Zone" with "any point within the Coastal or Residential Zone".

C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound.

D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise.

E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.

8. Submission

The specific provision is:	Industrial Zone Policies 6.2.2.2
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**The submission is:** The proposal to include noise is supported and should be allowed .

**For the following reasons:** The inclusion of noise is necessary and reasonable.

**The decision required is: Allow the provision.**

9. Submission

The specific provision is:	Industrial Zone 6.6.4.1 Noise
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**The submission is:** The proposal is supported in part but with amendment in part as follows:

Support:

A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits".

B. The table row heading "noise limits dB".

C. The separate columns setting daytime and night-time noise limits.

- D. The time frame specified for day time.
- E. The acoustical metric LAeq used for both day time and night-time.
- F. The additional LMax noise limit specified for night-time.
- G. The words "are not exceeded at any point within the boundary of".
- H. The numerical values of the noise day time limits.
- I. Support the proviso for more stringent noise limits in any Rural, Residential and Mixed Activity Zone.
- J. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.

Support with amendment in part:

- K. The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.
- L. The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.
- M. The inclusion of reference to the construction noise standard in the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.
- N. The words "at any point within the boundary of any Industrial Zone site" will not achieve provision intent.
- O. Support the proviso for more stringent noise limits in any Rural, Residential Zone and Mixed Activity Zone but the location "at the boundary of a site" is inappropriate terminology as the boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces.

**For the following reasons:**

- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position. Limits are reasonable and appropriate. The proviso protecting f Residential Zone activities is best achieved by setting the measurement location using best practice wording known to be effective in legal proceedings as in the proposed amendment.
- Names of the standards are incorrect.
- The words "at any point within the boundary of any Industrial Zone site" mean that noise can be measured at the source. Whereas the intention is presumably to set a limit on any other site within the Zone.

**The decision required is:** Allow the provision in part and amend as follows:

- A. Delete "the boundary of" and substitute "any other."
- B. Replace "the boundary of a site" with "any point"...
- C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound.
- D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise.
- E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.

10. Submission

The specific provision is:	Harbour Industrial Zone Policies 7.2.3.2
<b>The submission is:</b> The proposal to include noise is supported and should be allowed .	
<b>For the following reasons:</b> The inclusion of noise is necessary and reasonable.	
<b>The decision required is:</b> Allow the provision.	

11. Submission

The specific provision is:	Harbour Industrial Zone 7.5.4.2 Noise
<p><b>The submission is:</b> The proposal is supported in part but with amendment in part as follows:</p> <p>Support:</p> <p>A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits"</p> <p>B. The table row heading "noise limits dB".</p> <p>C. The separate columns setting daytime and night-time noise limits.</p> <p>D. The time frame specified for day time and the consequent night-time limit.</p> <p>E. The acoustical metric LAeq used for both day time and night-time.</p> <p>F. The additional L<sub>Amax</sub> noise limit specified for night-time.</p> <p>G. The words "are not exceeded at any point within the boundary of".</p> <p>H. The numerical values of the noise day time limits.</p> <p>I. Support the proviso for more stringent noise limits in any Coastal or Rural Zone.</p> <p>J. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.</p> <p>Support with amendment in part:</p> <p>K. The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.</p> <p>L. The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.</p> <p>M. The inclusion of reference to the construction noise standard in the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.</p> <p>N. The words "at any point within the boundary of a Harbour Industrial zone site" will not achieve the intent of the provision.</p> <p>O. Support the proviso for more stringent noise limits in any Coastal or Rural Zone e but the location "at the notional boundary of a site" is inappropriate terminology as notional must be coupled with reference to a noise sensitive activity such as a dwelling and the notional boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces.</p> <p><b>For the following reasons:</b></p> <ul style="list-style-type: none"> <li>▪ Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position.</li> <li>▪ Limits are reasonable and appropriate.</li> <li>▪ The proviso of protecting Residential Zone activities is best achieved by setting the measurement location using best practice wording known to be effective in legal proceedings as in the proposed amendment.</li> <li>▪ Names of the standards are incorrect.</li> <li>▪ The words "at any point within the boundary of a Harbour Industrial zone site" mean that noise can be measured at the source in a site. Whereas the intention is presumably to set a limit on noise received on any other site within the Zone.</li> </ul>	
<p><b>The decision required is:</b> Allow the provision in part and amend as follows:</p> <p>A. Delete "the boundary of" and substitute "any other."</p> <p>B. Replace "the notional boundary of a site" with "any point within the notional boundary of a dwelling on another site"...</p> <p>C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound.</p> <p>D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise.</p> <p>E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.</p>	

12. Submission

The specific provision is:	8. Rural Zone Policies 8.2.3.1- 8.2.3.4
<p><b>The submission is:</b> The proposal is supported in part but with amendment by adding a policy that has been omitted.</p> <p><b>For the following reasons:</b> A policy relating to noise as an adverse effect has been omitted, despite its identification as an issue in section 8.1, sub-clause 5.</p> <p><b>The decision required is to: Allow the provision in part and amend as follows:</b> Add a new policy 8.2.3.5 as follows: “8.2.3.5 The mitigation or avoidance of potential adverse effects such as noise on noise-sensitive activities on other sites within the zone or within other zones.”</p>	

13. Submission

The specific provision is:	8. Rural Zone 8.5.1.5 and 8.5.1.6
<p><b>The submission is:</b> The proposal is supported in part but with amendment:as while the notional boundary concept is appropriate, in both sub-clauses where there is reference to “at the notional boundary of adjoining properties” “Noise levels” is also inappropriate terminology requiring amendment.</p> <p><b>For the following reasons:</b></p> <ul style="list-style-type: none"> <li>▪ Inappropriate terminology as “notional boundary” must be coupled with reference to a noise sensitive activity such as a dwelling and “at” the notional boundary is also inappropriate as the notional boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces.</li> <li>▪ “Noise levels” is also inappropriate terminology which is inconsistent with the terminology used in the measurement and assessment standards referenced in the plan.</li> </ul> <p><b>The decision required is:</b> Allow the provision in part and amend as follows: In 8.5.1.5 and 8.5.1.6 delete the words of each sub-clause 2 and substitute “Sound levels at any point within the notional boundary of any dwelling on another site.”</p>	

14. Submission

The specific provision is:	8. Rural Zone 8.6.7.1
<p><b>The submission is:</b> The proposal is supported in part but with amendment</p> <p>Support:</p> <ol style="list-style-type: none"> <li>A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits".</li> <li>B. The table row heading "noise limits dB".</li> <li>C. The separate columns setting daytime and night-time noise limits.</li> <li>D. The time frame specified for day time and the consequent night-time limit.</li> <li>E. The acoustical metric LAeq used for both day time and night-time.</li> <li>F. The additional LAm<sub>ax</sub> noise limit specified for night-time.</li> <li>G. The numerical values of the noise limits.</li> <li>H. Support the proviso for more stringent noise limits in any Coastal or Rural Zone.</li> <li>I. The noting of specific exceptions as requiring assessment under standards other than NZS6801 and NZS 6802.</li> </ol> <p>Support with amendment in part:</p> <ol style="list-style-type: none"> <li>J. The main clause before the table refers to the assessment location as “at any point within the boundary”, but the fourth column of the table includes the words “To be measured and assessed at the notional boundary.” This is a serious contradiction requiring amendment.</li> </ol>	

- K. While the notional boundary concept is appropriate for rural areas reference to it must be coupled with reference to a noise sensitive activity such as a dwelling. "At" the notional boundary (as used in the table fourth column) is also inappropriate as the notional boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces and best practice is to refer to any point within the notional boundary...etc".
- L. The words "at any point within the boundary of any site zoned Rural" will not achieve the intent of the provision.
- M. The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.
- N. The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.
- O. The inclusion of reference to the construction noise standard in the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.
- P. The audible bird scaring device sub-clause 1 is supported including the time frame and the numerical noise limit and the assessment location concept however the notional boundary must be coupled with reference to a building used for a noise sensitive activity and the acoustical metric ASEL is undefined.
- Q. The concept of neighbour written approval is supported to a limited extent, but not if it is applied to a tenanted property, and not in any Residential Zone, (the literal interpretation of the particular wording used), and an exemption for a dwelling on the same site confounds interpretation and is in any event unnecessary if the amendment makes clear the noise limit applies to other sites. The terminology "adjacent landowner" may be inadequate for some of some land parcel configurations.
- R. Support the frost fan sub-clause 2 numerical limit, metric and integration time.

**For the following reasons:**

- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position. Limits are reasonable and appropriate. The proviso of protecting Residential Zone activities is best achieved by setting the measurement location using best practice wording known to be effective in legal proceedings as in the proposed amendment.
- Names of the standards are incorrect.
- The words "at any point within the boundary of any site zoned Rural" means that noise can be measured at the source in the site where the noise is emitted. Whereas the intention is presumably to set a limit on noise received at some noise-sensitive location on another site within the Rural Zone.
- Notional boundary terminology must be coupled with reference to a building used for a noise sensitive activity such as a dwelling. The unit ASEL is undefined in the plan and in the edition of standards referenced and needs updating to conform with their terminology.
- The concept of neighbour's written approval is supported to a limited extent, but not if it is applied to a tenanted property where the occupant is not the landowner. It is not appropriate at all within a Residential Zone which is the literal interpretation arising from the syntax of the sentence used. This can be avoided by changing sentence structure. Further it is unclear if the conditional exemption also applies to Residential land, and the exemption of consideration of a dwelling on the same site confounds interpretation further and can be avoided by re-wording "Adjacent landowner" may be inadequate terminology because of some site configurations where a non-adjacent land parcel with a noise sensitive activity could be inappropriately exempted from protection under the rule intent.

**The decision required is:** Allow the provision in part and amend as follows:

- A. Delete in clause 8.6.7.1 "boundary of any site zoned Rural" and substitute "notional boundary of any dwelling on another site within the Rural Zone."
- B. Delete column 4 in the table.
- C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound.
- D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics-Environmental Noise.

- E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise. Delete sub-clause 1 (b) and replace with the following: “(b) Not exceed 65dB LAE at any point within the notional boundary of any dwelling on another site in the Rural Zone, or at any point within any Residential Zone. In any Rural zone this noise limit shall not apply where the land owner of other land and the current occupant of any dwelling on that land in any season, has given written approval to the user of the bird scaring device/s and a copy of that approval has been supplied to the Environment and Planning Manager.
- F. Written approval to the activity and a copy has been provided to the Council. In sub-clause 1 (b) relating to audible bird scaring devices, insert “at any point within” before the words “boundary of any Residential Zone”
- G. In sub-clause 1 (b) relating to audible bird scaring devices, delete “dB ASEL” and substitute “dB LAE”.

15. Submission

The specific provision is:	9. Coastal Zone 9.6.4.3 Habitable buildings within 300m of Harbour Industrial Zone
<p><b>The submission is:</b> The proposal is supported in part but with amendment:</p> <ul style="list-style-type: none"> <li>A. Provisions address reverse sensitivity but “habitable buildings in a new dwelling” terminology requires amendment.</li> <li>B. Numerical sound levels and the bedroom/other habitable room differential sound levels and the acoustical metrics are supported, but not the terminology “internal noise level” which needs amendment.</li> <li>C. Separation distance is supported for application to potential new dwellings within 300m of the Harbour Industrial Zone.</li> <li>D. Support the acoustic design certificate method for deemed compliance.</li> <li>E. Support in part the requirement for alternative means of ventilation but not as drafted for reasons given below.</li> </ul>	
<p><b>For the following reasons:</b></p> <ul style="list-style-type: none"> <li>▪ The provisions address reverse sensitivity and protect the Harbour Industrial Zone as a physical resource of the district from encroachment by potentially noise sensitive activities.</li> <li>▪ “Habitable buildings in a new dwelling” terminology and should be amended for consistency with the remainder of the clause.</li> <li>▪ “Internal noise level” is terminology inconsistent with the standards for measurement and assessment referenced and inconsistent with the terminology “internal sound levels” used in the second para of the rule. The misnamed “internal noise levels” are better described as “design sound levels” (because in this plan there is no explanation of the conditions for determination of the sound levels.</li> <li>▪ “Windows open” is the wrong opening configuration because it implies that when windows are closed, the internal sound level will be some 15-25 dB lower which is an impractical sound level unprecedented in New Zealand and far more stringent than is necessary for undisturbed sleep or protection against activity interference or Rural amenity values associated with habitable rooms in dwellings.)</li> <li>▪ “Support in part the terminology “internal sound levels” but the reference to “above” section of the rule contradicts the terminology in that part of the rule which is “internal noise level.” For reasons in paragraph C above, “design sound levels” is preferred terminology.</li> <li>▪ Support in part the requirement for alternative means of ventilation but not as drafted. The clause sets a requirement conditional on the window being open but this is the wrong basis. The correct basis (as elsewhere in New Zealand) is to require that where design sound level can only be complied with by closing windows, then alternative ventilation means must be provided. This is consistent with the clause referring to the Building Code shown in the box.)</li> </ul>	
<p><b>The decision required is:</b> Allow the provision in part and amend as follows:</p> <ul style="list-style-type: none"> <li>A. Delete “habitable buildings” and substitute “habitable rooms”.</li> <li>B. Delete “internal noise level” in the first paragraph and the third paragraph and substitute in each case “design level”.</li> <li>C. Delete “internal sound levels” in the second paragraph and substitute “design levels”.</li> </ul>	

D. Delete “where the internal noise level cannot be met with ventilating windows open,” and substitute, “Where windows must be closed to attain the design sound levels, ”.

16. Submission

The specific provision is:	10. Coastal Settlement Zone 10.6.4.1 Noise
<p><b>The submission is:</b> The proposal is supported in part but with amendment:</p> <p>Support:</p> <p>A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits".</p> <p>B. The table row heading "noise limits dB".</p> <p>C. The separate columns setting daytime and night-time noise limits.</p> <p>D. The time frame specified for day time and the consequent night-time limit.</p> <p>E. The acoustical metric LAeq used for both day time and night-time.</p> <p>F. The additional LMax noise limit specified for night-time.</p> <p>G. The numerical values of the noise limits.</p> <p>Support with amendment in part:</p> <p>H. The words “at any point within the boundary of any Coastal Settlement site” will not achieve the intent of the provision.</p> <p>I. Omitted from this rule is a specification of how noise is to be measured or assessed as found in all other comparable plan sections. It is necessary to add a clause citing NZS6801:2008 and NZS6802:2008 as the basis for measurement and assessment, except where provided elsewhere.</p> <p>J. The inclusion of reference to the construction noise standard In the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.</p> <p><b>For the following reasons:</b></p> <ul style="list-style-type: none"> <li>▪ The words “at any point within the boundary of any Coastal Settlement Zone site” means that noise can be measured at the source in the site where the noise is emitted. Whereas the intention is presumably to set a limit on noise received at some noise-sensitive location on another site within the Zone.</li> <li>▪ Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position.</li> <li>▪ Limits are reasonable and appropriate.</li> <li>▪ Titles of the standards are incorrect and must be correctly stated.</li> <li>▪ The basis for measurement and assessment must be specified by reference to appropriate standards as in every other plan section.</li> </ul>	
<p><b>The decision required is:</b> Allow the provision in part and amend as follows:</p> <p>A. In the first paragraph in clause 10.6.4.1, delete “the boundary of” and substitute “any other.”</p> <p>B. Add after the table, and before the construction noise paragraph, “Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:2008, Acoustics-Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics-Environmental Noise.”</p> <p>C. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise.</p> <p>D. Delete blank column 4 in the table.</p>	

17. Submission

The specific provision is:	11. Ōhiwa Harbour Zone 11.7.5 Noise sub-clauses 1-3
<p><b>The submission is:</b> The proposal is supported in part but with amendment</p>	

**Support:**

- A. The wording "activities on a site shall be designed and conducted so as to ensure that the following noise limits"
- B. The table row heading "noise limits dB"
- C. The separate columns setting daytime and night-time noise limits
- D. The time frame specified for day time and the consequent night-time limit
- E. The acoustical metric LAeq used for both day time and night-time
- F. The additional LMax noise limit specified for night-time
- G. The numerical values of the noise limits.

**Support with amendment in part:**

- H. The main clause before the table refers to the assessment location as "at any point within the boundary", but the fourth column of the table includes the words "measured at the notional boundary." This is a serious contradiction requiring amendment.
- I. While the notional boundary concept is appropriate for rural areas including the Ohiwa Harbour Zone shown on the planning maps, reference to the notional boundary must be coupled with reference to a noise sensitive activity such as a dwelling. "At" the notional boundary (as used in the table fourth column) is inappropriate as the notional boundary may not be accessible for measurement purposes because of physical obstacles or presence of reflective surfaces and best practice is to refer to any point within the notional boundary...etc".
- J. The words "at any point within the boundary of any Ohiwa Harbour Zone" will not achieve the intent of the provision.
- K. The requirement in sub-clause 2 that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.
- L. The requirement in sub-clause 2 that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.
- M. In sub-clause 3 reference to the construction noise standard in the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.

**For the following reasons:**

- The main clause before the table refers to the assessment location as "at any point within the boundary...", but the fourth column of the table includes the words "Measured at the notional boundary." This is a serious contradiction requiring amendment.
- While the notional boundary concept is appropriate for coastal areas, reference to it must be coupled with reference to a noise sensitive activity such as a dwelling.
- The words "at any point within the boundary of any Ohiwa Harbour Zone site" will not achieve the intent of the provision.
- Terminology must be consistent with the standards referenced, names of documents referenced must be legally correct and the form of rules should conform with best practice known to be probative in legal proceedings especially regarding the assessment position.
- Titles of the standards are incorrect and must be correctly stated.
- The requirement that noise be measured in accordance with NZS6801:2008 but with amendment to the correct title of the standard.
- The requirement that noise be assessed in accordance with NZS6802:2008 but with amendment to the correct title of the standard.
- The inclusion of reference to the construction noise standard in the paragraph under the noise limit table in each Zone, but with amendment to the correct title of the standard.

**The decision required is:** Allow the provision in part and amend as follows:

- A. In the first paragraph in clause 11.7.5.1, delete "boundary of any" and substitute "notional boundary of any dwelling within any other"
- B. Delete column 4 in the table
- C. Amend incorrect title of NZS 6801 to NZS 6801:2008 Acoustics-Measurement of Environmental Sound
- D. Amend incorrect title of NZS 6802 to NZS 6802:2008 Acoustics- Environmental Noise
- E. Amend incorrect title of NZS 6803 to NZS 6803:1999 Acoustics- Construction Noise

18. Submission

The Specific Provision Is:	17. Network Utilities 17.3.4 Discretionary Activities 17.3.4.6 2. Noise, Vibration Effects And 17.5 Assessment Criteria For Discretionary Activities
<p><b>The submission is:</b> The proposals in 17.3.4.6 sub-clauses 2 (a) and 17.5 (b) and sub-clause 9 (c) and (d) as assessment criteria are supported in part but with amendment:</p> <p><b>For the following reasons:</b> Appropriate characteristics of noise are described but with amendment to the terminology “emitted noise, of emissions” the last words being unnecessary and reference to emissions being problematic. This is because noise is a human perception of unwanted sound, whereas the performance standards referred to elsewhere in this section are on the basis of “noise” that is unwanted sound as for example received in the (Residential Zone and Coastal Settlement Zone in rule 17.3.4.3).</p>	
<p>The decision required is: Allow the provision in part and amend as follows:</p> <p>A. In 17.3.4.6 sub-clauses 2 (a) and sub-clause 17.5 9 (c) delete “of emitted noise of emissions” and substitute “noise”</p> <p>B. In 17.3.4.6 sub-clauses 2 (b) and sub-clause 17.5 9 (d) delete “emitted”</p>	

19. Submission

The specific provision is:	Definitions And Appendices Appendix 3: Noise Controls – Type Of Military Noise Source
<p><b>The submission is:</b> The proposal is supported in part but with amendments that might be sought by New Zealand Defence in its formal submissions to the present form of the rules which have been adopted in amended form elsewhere in New Zealand.</p> <p><b>For the following reasons:</b> Adequate provisions are required which enable the purposes of training but provide a reasonable level of protection for people and communities from the temporary activities from adverse noise effects.</p>	
<p><b>The decision required is:</b> Allow the provision in part with any subsequent amendment proposed by NZ Defence Force.</p>	