

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 16

Inner City Noise

Summary of Decisions Requested

Notification of Submissions Date

07 September 2013

Further Submissions Close

5pm Monday 11 November 2013



Introduction

This document contains a Summary of Decisions Requested by persons making submissions on the Nelson Resource Management Plan, Proposed Plan Change 16 (Inner City Noise). In total 15 submissions were received. The summary is in accordance with the requirements of Schedule 1, Clause 7, Public notice of submissions, Resource Management Act 1991 (RMA).

Format

The decisions sought by each party in their submissions are listed by topic. Where possible the words are those of the submitter. The original submissions should be referred to for a full understanding of the particular points raised by each submitter.

Further Submissions

Further submissions are invited and may be made in accordance with Schedule 1, Clause 8, Clause 8A and Form 6, RMA. A guide to making a further submission is included on the following page. A further submission form is available to ensure that your further submission meets these requirements.

Closing Date

The closing date for further submissions is **5pm, Monday 11 November 2013**.

Contact Person

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Guide to Making a Further Submission

Important Information:

- Any person representing a relevant aspect of the public interest, or who has a greater interest than the general public, can make a further submission.
- A further submission may only be made in support of, or in opposition to an original submission to Plan Change 16.
- A further submission must state whether you support or oppose an original submission (or part thereof) and whether or not you wish to be heard on your further submission.
- A copy of your further submission must be served on the original submitter to which your further submission relates, within five working days of making your further submission to the Nelson City Council.
- Further submissions must be received by Nelson City Council prior to 5pm, Monday 11 November.

The Summary of Decisions Requested summarises the decisions that have been requested in the original submissions received. If you intend to make a further submission, it is recommended that you read the full original submission.

Full copies of the original submissions are available by contacting Reuben Peterson at the details below.

Copies of this Summary of Decisions Requested document are available for viewing at Civic House and at Nelson, Tahunanui and Stoke Libraries, by contacting Reuben Peterson on 03 546 0295 or reuben.peterson@ncc.govt.nz, or online at www.nelsoncitycouncil.co.nz (search phrase = Plan Change 16). Further submission forms are also available at these locations.

When preparing your further submission, please use the **Submitter Number** and **Statement Number** in the tables below to indicate what submission point you are referring to.

Clearly state whether you support or oppose the decision requested you are making a further submission on.

Give the reasons for your support or opposition.

Use the **Further Submission Form** to help set out your further submission. It is in your best interests to make your further submission as clear as possible. If you have any questions regarding how to prepare a further submission, please contact Reuben Peterson.

One copy of the further submission must be sent to Council and a second copy sent to the original submitter within 5 working days of providing Council with the further submission.

The postal addresses of submitters for the purpose of service of further submissions, as per Schedule 1, Clause 8A, Service of further submissions, RMA, is provided at the end of this document.

Summary of Decisions Requested

Plan Change 16 (Inner City Noise)

Topic / Submitter Name	Submission Number	Statement Number	Decision Requested
Amendment 1 Acoustic Insulation			
Kent Thomas Inglis	1	1	Delete acoustic insulation of inner city residential units
James Mackay Purves	4	1	Delete. Deal with the polluter/pollutant at the source, not the results of the problem. This creates work and fees for Council. Let developers/accommodation providers decide what is appropriate in the inner city and if they get it wrong the market will punish them
Port Nelson Noise Liaison Committee	5	1	Retain section AP19.2.iii
Port Nelson Limited	7	1	Retain section AP19.2.iii
Graeme Downing and Stephanie Trevena	8	1	Retain rule ICr.43.A acoustic insulation of accommodation in Inner City Zone
Nelson Marlborough District Health Board	11	1	Retain ICr.43A.1 permitted column with consequential addition. Add to Chapter 2 Definitions, a definition for the acoustical descriptor " $D_{2m, nT} + C_{tr}$ " which is undefined in the Proposed Plan, or the Operative Plan or NZS6801:2008 or NZS6802:2008 and will otherwise be incomprehensible to readers of the Plan. See Amendment 2, submitter 2, Statement 8.
Nelson Marlborough District Health Board	11	2	Amend ICr.43A.4 as follows: Add new items e) The effectiveness of any noise barriers" and d) Any balconies" and in b) delete the words "of exposure".
Nelson Marlborough District Health Board	11	3	Retain ICr.43A.4 Explanation
Nelson Marlborough District Health Board	11	4	Amend AP19.2 clauses AP19.2.i and AP19.2.ii as follows: Replace bullet points with numeration. In six places delete the terms "dBA L_{eq} (15min)" and substitute "dB LA_{eq} (15min)". Replace "design noise level" with "design sound level". In 19.2.ii b) last sentence delete the word "levels".
Nelson Marlborough District Health Board	11	5	Amend AP19.3 and AP19.3.i as follows: In the second line replace "Insulations" with "Insulation". Replace "design noise level" with "design sound level".
Nelson Marlborough District Health Board	11	6	Amend AP19.3 and AP19.3.ii as follows: In sub clauses a) and b) in two places delete the terms "dBA L_{eq} (15min)" and substitute "dB LA_{eq} (15min)". Replace "design noise level" with "design sound level". In 19.3.ii a) and in 19.3.ii b) in the last sentence of each sub clause, replace "noise levels" with "sound levels".

Topic / Submitter Name	Submission Number	Statement Number	Decision Requested
Nelson Marlborough District Health Board	11	7	Retain AP19.3.iv and table 3 and notes
Hospitality NZ	12	1	Retain acoustic insulation of inner city residential units and short term living accommodation
Amendment 2 Noise Generating Activity			
Graeme Downing and Stephanie Trevena	8	2	Amend Noise Generating Activity definition as follows: First bullet point, delete the words "from a sound system with greater than 100w output".
Graeme Downing and Stephanie Trevena	8	3	Amend Noise Generating Activity definition as follows: First and second bullet points replace "11.00pm" and "1.00am" respectively with 10.00pm.
Graeme Downing and Stephanie Trevena	8	4	Amend ICr.42A.1 as follows: Add new sub clause "or d) Results in any increase in the hours amplified music is played or any increase in the volume the amplified music is played at"
Graeme Downing and Stephanie Trevena	8	5	Amend AP13.1.2 as follows: Add new sub clause "and c) The provision of a Monitoring Report to the Council at least once a year."
Graeme Downing and Stephanie Trevena	8	6	Delete AP13.2
McDonalds Restaurant (NZ) Ltd	10	1	ICr.42A insert the following exclusion "subpoint (a) above does not apply to internal (unlicensed) restaurant or dining space that would otherwise not fall to be considered a noise generating activity."
Nelson Marlborough District Health Board	11	8	Amend Noise Generating Activity definition as follows: Replace Chapter 2 definition for term " L_{max} " with " L_{max} includes LAF_{max} and is the maximum A frequency weighted, F-time-weighted sound pressure level during a time period as defined in NZS6801:2008." Add new definition - " $D_{2m,nT} + C_{tr}$, (enlarged for clarity) is a standardised single number in decibel as a measure of facade performance. It is the difference between the outdoor sound level measured 2 metres from the facade (including the effects of reflection from the facade) and the spatial average sound level inside the receiving room. It includes a spectrum adaption term to take into account lower frequency sound. See ISO 140-5 (1998) Acoustics - Measurement of sound insulation in buildings and of building elements - Part 5: Field measurements of airborne sound insulation of facade elements and facades. The single number is evaluated according to the method given in ISO 717-1:2013 Acoustics - Rating of sound insulation in buildings and building elements - Part 1: Airborne sound insulation".
Nelson Marlborough District Health Board	11	9	Retain rule ICr.42A

Topic / Submitter Name	Submission Number	Statement Number	Decision Requested
Nelson Marlborough District Health Board	11	10	Retain Appendix 13
Nelson Marlborough District Health Board	11	11	Amend AP13.1 as follows: a) Replace "design noise level" with "design sound level". b) After "acoustic insulation" add, "or noise barrier" b) Replace "noise levels and meet the design noise level" with "noise and comply with the design sound level" g) Replace "govern the maximum noise output" with "limit sound emissions"
Nelson Marlborough District Health Board	11	12	Retain AP13.2
Nelson Marlborough District Health Board	11	13	Amend AP13.1.3 as follows: Amend title to "Measurement and assessment of Noise" After the word "and" insert "assessed in accordance with"
Nelson Marlborough District Health Board	11	14	Amend AP13.2.1 as follows: Delete "or in forming an opinion under 327(1)" Delete the last two words in sub-clause AP13.2.1.ii e "or excessive"
Nelson Marlborough District Health Board	11	15	Amend AP13.2.1.ii as follows: In b) Replace "noise level" with "sound level" and Replace b) "noise meter to determine actual noise level" with "sound level meter".
Nelson Marlborough District Health Board	11	16	Retain AP13.2.2
Hospitality NZ	12	2	Delete. The new Sale and Supply of Alcohol Act together with noise control provisions of the Resource Management Act a robust and sufficient way to address noise generating activities without the need to require noise generating activities to apply for a resource consent to allow for consideration of noise issues.
Barbara Riddell	14	1	Decrease noise levels
Amendment 3 Maximum Noise Level ($L_{AF_{max}}$)			
Nelson Marlborough District Health Board	11	17	Amend ICr.42 and ICr.42.1 as follows: Amend heading to "Night time noise limits". Replace "noise measured" with "The sound level assessed". Replace "facade" with "side". Replace "maximum noise levels" with "noise limit". Replace Chapter 2 definition for L_{max} with " L_{max} includes $L_{AF_{max}}$ and is the maximum A frequency weighted, F-time-weighted

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			sound pressure level during a time period, and is defined in NZS6801:2008".
Nelson Marlborough District Health Board	11	18	Retain ICr.42.4 and ICr.42.5
Nelson Marlborough District Health Board	11	19	Amend heading in contents page to "Night time noise limits"
Barbara Riddell	14	2	Enforce drum limits. Music, singing are fine. Throbbing from drums is over the top
Amendment 4 ICr.43 Noise received at sites in the Residential Zone			
Graeme Downing and Stephanie Trevena	8	9	Amend ICr.43 as follows: Add a night time low frequency noise limit
Nelson Marlborough District Health Board	11	20	Amend ICr.43 as follows: Replace two occurrences of LA _{eq} with LA _{eq} (15min)
Nelson Marlborough District Health Board	11	21	Amend ICr.43 as follows: Replace "ambient noise levels" with "ambient sound level".
Hospitality NZ	12	3	Retain ICr.43
Gaile Noonan	13	1	Properties within say 150 metres of any proposed new development emitting noise on a regular basis should have their properties noise protected at the cost of the applicant not the home owner
Amendment 5 Enforce noise using provisions of the RMA			
Graeme Downing and Stephanie Trevena	8	7	Oppose deletion of ICr.42. Amend by updating the noise measures to equivalent 2008 NZS Standards as per the parallel proposed amendments to rule ICr.43 and add to the noise levels in rule ICr.42 to deal with bass frequencies at night time "63Hz Octave Band: 70dBL10"
Graeme Downing and Stephanie Trevena	8	8	Delete ICr.42B
Nelson Marlborough District Health Board	11	22	Delete ICr.42B and ICr.42B.5
Hospitality NZ	12	4	Council should develop and implement guidelines to control officers to help with anomalies
Amendment 6 Ongoing education			
Hospitality NZ	12	5	Retain, support non regulatory approaches
Changes to Policy			
Graeme Downing and Stephanie Trevena	8	10	Retain IC5.1
Nelson Marlborough District Health Board	11	23	Retain IC4.2, IC4.2.ii and IC4.2.iv
Nelson Marlborough District Health Board	11	24	Amend as follows - IC4.2.v use of sections 316, 320 and 322 of the Resource Management

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			Act 1991 for enforcement of unreasonable noise, and section 327 of the Act to control excessive noise.
Nelson Marlborough District Health Board	11	25	Amend IC4.3.v by replacing "or" with "and".
Nelson Marlborough District Health Board	11	26	Amend IC5.1.ii by replacing "or" with "and"
General Submission			
Dan McGuire	2	1	Retain the proposal as a whole
Peter Mayes	3	1	Consider a device that is connected to the electricity supply to amplifiers, at a set noise level it trips the power and cannot be reset for a set time. This is mandatory for use in clubs, pubs in the UK.
Charles and Rosemary Shaw	6	1	Retain the proposal as a whole. It will go some way to improving the enjoyment of people who have chosen to live permanently close to the centre and those who are staying for a short time.
Michelle McLean	9	1	Would like inner city noise to be prevented from intruding into residential areas, after 9pm at the latest during the week.
Nelson Marlborough District Health Board	11	27	Retain the proposal as a whole as it incorporates amendments to rules to avoid, mitigate and reduce adverse effects of noise on environmental health, and to promote the health of the people and communities in the District in a sustainable manner.
Hospitality NZ	12	6	Retain, broadly supportive of the proposed plan change.
C Sharp Family Trust	15	1	LATE SUBMISSION Retain. Excellent proposal to enhance inner city living. Higher density residential is essential if the city is to become a better place to live.

Address for Service of Submitters

Plan Change 16 (Inner City Noise)

Sub #	Submitter Name	Submitter Address
1	Kent Thomas Inglis	9 Ajax Avenue Nelson 7010
2	Dan McGuire	PO Box 582 Nelson 7040
3	Peter Mayes	2/8 Norwich Street Stoke Nelson 7011
4	James Purves	1 st Floor, 121 Trafalgar Street Nelson 7010
5.	Port Nelson Noise Liaison Committee	C/- Port Nelson Ltd PO Box 844 Nelson 7010 Attention: Thomas Marchant
6.	Charles and Rosemary Shaw	15 Erin Street Nelson 7010
7	Port Nelson Ltd	PO Box 844 Nelson 7010 Attention: Thomas Marchant
8	McFadden McMeeken Phillips	PO Box 656 Nelson 7040 Attention: Graeme Downing
9	Michelle McLean	6 Harper Street Nelson 7010
10	McDonalds Restaurant Ltd	Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Kay Panther Knight
11	Nelson Marlborough District Health Board	Public Health Service PO Box 647 Nelson 7040 Attention: G E Cameron
12	Hospitality NZ	PO Box 3263 Richmond Nelson 7050 Attention: Jeanette Swift & Ron Taylor
13	Gaile Noonan	9 Hathaway Terrace Nelson 7010
14	Barbara Riddell	15 Riverside Nelson 7010
15	LATE SUBMISSION C Sharp Family Trust	319 Hardy Street Nelson 7010 Attention: Chris Sharp