Nelson Resource Management Plan
Proposed Variation 07/01
- Port Noise

Volume One – Plan Amendments

July 2007

NELSON CITY COUNCIL

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1. INTRODUCTION

1.1 The Variation

The proposed Variation deals with the management of port noise in the vicinity of Port Nelson. It addresses both the effects of noise associated with the operation of the Port and the activities within the associated Port Industrial Area (Refer Planning Maps 6, 9 and 10).

The Port was established at its present location around 1841. Housing has always been located close to the port and, therefore, noise from port activities has always been a potential issue. In recent years, night-time port operations have become standard practice, as they have in other ports around the country. In recent times there has been a significant growth in apartment development immediately to the south of the existing port area.

Noise from the port has affected residents living in the area, particularly at night. While the port company has made significant efforts to reduce port noise, this still remains an issue. In resource management terms, there is a conflict between the need for the port company to continue to operate efficiently and effectively in a competitive shipping environment and to make best use of the significant natural and physical resources that comprise the port, and the need to safeguard the health and amenity of nearby residents.

It is unlikely that there is a resource management solution that ideally suits the needs of both residents and the port company. However, all parties have recognised that there is a need to find a workable solution to an ongoing issue. It is important to ensure there is an appropriate balance between the aspirations of the port company and the welfare of residents, in order to best serve the interests of the Nelson-Tasman region as a whole. While the approach taken by the Variation is not an original one, it has been modified to take account of the particular characteristics of the Nelson situation.

2. BACKGROUND

2.1 Need for a Variation

When the Council released its decisions on submissions to the then Proposed Nelson Resource Management Plan (in October 1996) these included provisions to manage the noise environment around the port utilising a draft version of the Port Noise Standard. These provisions were appealed to the Environment Court by Port Nelson Limited and W & M Win, who were at that time nearby residents. Port Nelson Limited's contention was that the noise limit line, as positioned in the Proposed Plan, was incorrectly placed. W & M Win requested a return to the Transitional Plan provisions, which identified maximum noise limits at the Port Noise Limit Line as shown on the planning maps.

The situation was further complicated by the fact that the Port Noise Standard (*NZS6809:1999, Acoustics – Port Noise Management and Land Use Planning*) was finalised in 1999 and the provisions in the Plan needed to be updated to reflect the final version.

The Environment Court determined, at its December 2003 hearing on the port noise issue (*W077/03*), that the appeals should be adjourned *sine die* to enable a Variation to the Plan to be prepared. The main reasons for this determination are outlined in the Section 32 Assessment document which accompanies this Variation. The Court also suggested that the Council and Port Nelson Limited consider the Port Chalmers noise decision (*C150/2003 & C41/2004*) in the preparation of the Variation.

In February 2005 the Nelson City Council Environment Committee considered a request from Port Nelson Limited that the Council agree in principle to initiate a Variation to the Proposed Resource Management Plan, based on the Port Chalmers approach. The Committee resolved that Port Nelson Ltd should prepare the draft Variation addressing port noise related issues and based on the approach used by Port Chalmers, with the Council reserving the right to amend the draft prior to public notification. It was further resolved that the Chief Executive would call a public meeting of all interested parties to discuss the terms and provisions of the variation. Since that date a number of meetings and workshops have been held, as detailed in the Section 32 assessment document.

A draft Variation developed by Port Nelson Limited was presented to the Council for its consideration in July 2005. During the course of 2006 a number of consultations took place between NCC staff/consultants and the Port Company and representatives of residents and other groups. Additional information was sought and provided, and redrafting of the Variation began in December 2006.

2.2 The Approach

The Variation involves a non-traditional approach to managing noise from the port and the associated Port Industrial Area. This approach differs from that in the Proposed Nelson Resource Management Plan which contains rules specifying particular noise limits (the noise limit line).

The proposed Variation adopts the following approach:

a) a continuing obligation on Port Nelson Ltd (the Port Operator) to minimise the amount of noise at source as far as practicable (a duty under Section 16(1) of the Resource Management Act 1991 which requires people to "*adopt the best practical option to ensure that the emission of noise from that land or water does not exceed a reasonable level"*)

b) the provision of acoustic insulation, and in some cases ventilation, for some existing houses, in order to mitigate the effects of port noise.

c) an offer of purchase for some dwellings in the area most affected by port noise

d) maintaining restrictions on subdivision and new dwellings within the noise-affected areas.

The Variation requires the Port Operator to:

a) prepare a Port Noise Management Plan

b) prepare a Port Noise Mitigation Plan

c) establish a Port Noise Liaison Committee.

The approach is based upon the Environment Court decision on Port Chalmers. However, the Variation differs in detail, to reflect differences between the Otago and Nelson situations, and also to include refinements to the Port Chalmers model and to the more recent Port Lyttleton proposal.

One of the major concerns voiced by residents about this approach was that it has no 'enforceable cap', or maximum noise level (Lmax), above which enforcement would result. Enforceable caps and Lmax levels have not been included as they are inconsistent with the management and mitigation approach adopted in this Variation. The Variation aims to primarily manage activities at the Port so that noise is minimised at source, and then to mitigate the effects of noise through acoustic insulation and, where necessary, property purchase.

The variation focuses primarily on the sleeping environment of residents, as it is recognised that it is the intrusion of noise during the night which causes the most significant effects. However, the Council, and its residents, have also been concerned about the effects of port noise on outdoor living areas, as this is recognised as an important part of the Nelson lifestyle.

Whilst there are few if any practical methods to effectively protect against noise received in outdoor areas, the successful implementation of an approved port noise management plan will also provide benefits in terms of port noise received in outdoor areas. This can be through methods and practices to reduce or minimise noise at source, staff training and awareness programmes and the role of the Port Noise Liaison Committee in investigating and acting upon noise complaints.

The Variation also includes provision for acoustic insulation costs and/or purchase of properties to be met, at various levels, by the Port Company, and the time frame within which this is to occur.

2.3 Content of Proposed Variation

The preparation of this Variation has involved a comprehensive review of the Nelson Resource Management Plan provisions in respect of port noise. It has included a review of the provisions dealing with the noise effects created by the Port Industrial Area as well as the land use restrictions for landowners near the Port Industrial Area, including future development (new residential units and additions to existing residential units, and buildings used for sleeping accommodation).

In addition, the review of the Variation has provided the opportunity to amend and/or clarify a number of terms and definitions.

Amendments proposed by the Variation affect the following chapters of the Proposed Plan:

Chapter 2 - Meanings of Words

Chapter 3 - Administration

Chapter 5 – District Wide Objectives and Policies

Chapter 7 – Residential Zone

Chapter 9 – Suburban Commercial Zone

Chapter 10 - Industrial Zone

Chapter 11 – Open Space Zone

Chapter 13 – Coastal Marine Area

Appendix 10 – Standards and Terms for Parking and Loading

Appendix 19 – Acoustic Insulation Requirements

Planning Maps 6, 9 and 10 (Left Hand Maps)

A new appendix has been added: Appendix 29 – Port Noise Management and Mitigation Plans, and Noise Liaison Committee.

In summary the key amendments proposed to Volumes 1, 2, 3 and 4 are:

- Clarification of terms "Port Industrial Area" and "Port Operational Area".
- New definitions to support the mitigation approach adopted.
- Amended objectives, policies, methods, and new rules, assessment matters and reasons to reflect the proposed approach to port noise management, including deletion of the noise limit line. Amendments to appendices (where required), and a new appendix containing the requirements of the Port Noise Management Plan and Mitigation Plan, and Noise Liaison Committee.
- Revision and updating of the port noise contours (contained in the Port Noise Management Plan, refer to Appendix 29).
- Deletion of Port Effects Advisory Overlay which covered the area between the 55dBA L_{dn} - 59 dBA L_{dn} contour (no rules applied to this area)

- Extension of the area covered by the Port Effects Control Overlay (the overlay previously covered the area between the 60 and 65 dBA L_{dn} contour) to include the 55dBA L_{dn} - 59 dBA L_{dn} contour area.
- Amended acoustic insulation requirements for new residential units and alterations to existing residential units.
- Changes to correct relevant omissions in the Proposed Plan.
- Consequential amendments.

The proposed amendments are shown as follows; proposed new text is shown as underlined and text to be deleted is shown as strikethrough. Any underlined or strikethrough text that is *also* highlighted refers to a separate plan change proposal and is not part of this Proposed Variation 07/01.

The accompanying Section 32 evaluation describes the reasons for, and effects of, the proposed amendments. This should be read in conjunction with the Proposed Variation.

3. THE AMENDMENTS

Amend the Proposed Nelson Resource Management Plan as follows:

Chapter 2 Meanings of words

Add new definitions or **amend** or **renumber** definitions as follows:

MW.iii	**Definitions**	
MW.3A	**Acoustic Certificate**	means a certificate signed by a qualified acoustic engineer certifying an Acoustic treatment of a residential unit and specifying a certified level of port noise within a residential unit.
MW.3B	**Acoustic Certificate Register**	means the register kept by the Port Operator that contains a list of all sites that have an Acoustic Certificate, the date of the certificate and the certified level of port noise for that site.
MW3C	**Acoustic treatment**	means acoustic treatment of a residential unit to achieve an indoor design level of 40 dBA L_{dn} (5 day) within all habitable spaces, either with ventilating windows open or with mechanical ventilation installed and operating, when port noise is at or below the certified level of port noise and shall include the cost of testing and obtaining an Acoustic Certificate.
MW.22A	**Certified level of port noise**	means the maximum level of port noise that a residential unit subject to an Acoustic Certificate for acoustic treatment can receive, provided that the certified level of port noise for any residential unit is set 3 dBA L_{dn} above the noise contour level for that site shown on the port noise contour map in the Port Noise Management Plan at the date the Certificate was issued.
MW71A	**Habitable space**	means a space used for activities normally associated with domestic living, but excluding any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room or other space of a specialised nature occupied neither frequently nor for extended periods.

MW.102	**Ldn**	~~means the day/night level and is the time-average sound level in decibels (re 20 micropascals) over a 24 hour period (from midnight to midnight) with the addition of a 10dBA penalty to night-time levels during the period from 10 pm to 7 am. The Ldn levels referred to in this Plan are the three-month rolling average of the daily Ldn values.~~ means the "Day Night Average Sound Level" as defined in NZS6801:1999 and is the night-weighted sound exposure level in A-frequency weighted decibels.
MW.102A	**Leq**	Leq, in decibels, is the value of the steady continuous A-weighted sound pressure level that, within the relevant measurement time interval, has the same mean square sound pressure as the sound under consideration, the level of which varies over time.
MW.111A	**Mechanical ventilation**	means a mechanical system or mechanical ventilation systems as described in Appendix 19.2ii a) or b).
MW.126A	**Noise-affected property**	means a site used for residential purposes that is situated in the Residential Zone adjacent to Port Nelson and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA L_{dn} but excludes: properties that have received acoustic treatment in accordance with rule INr40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.
MW.145	**Port Industrial Area**	~~includes~~ means the land and water space zoned industrial and de-lineated in pink on Maps 6R, 9R and 10R of Volume 4 of the Nelson Resource Management Plan. ~~limited to that area of land generally to the north of Haven Road and Queen Elizabeth II Drive and to the north and east of Wakefield Quay, on Maps 6R and 10R ov Volume 4 of this plan.~~
MW.145A	**Port noise**	means noise generated within the Port Industrial Area and includes i) Noise emanating from ships and boats at berth; and

ii) Noise associated with the handling of cargo; and
iii) Noise from trucks and machinery; and
iv) Noise from administrative, repair, storage and maintenance activities

but excludes:

i) Noise from ships and boats not at berth;
ii) Noise associated with construction of permanent Port Industrial Area facilities;
iii) Noise from an emergency situation;
iv) Noise from vehicles on public roads.

MW.145B	**Port noise contour map**	means the noise contour map referred to in Appendix 29.A.1.(i) and contained in the Port Noise Management Plan showing port noise $L_{dn\ (5\ day)}$ levels based on a busy 5 day operating scenario to provide for the identification of noise affected properties.
MW.145C	**Port Operator**	means Port Nelson Limited or its successors

AD11 Plan construction, AD 11.3 Description of overlays, AD11.3.i and AD11.3.14 Port effects overlays

1. **Delete** reference to "port effects advisory overlay" from the list of "other overlays" on page 3-21.

2. **Amend** AD11.3.14 Port Effects Overlay on page 3-26 as follows (includes removal of shading):

AD11.3.14 Port effects control overlays

Indicates an area~~s~~ likely to be subject to the effects of noise levels from the ~~operation of Port Nelson~~ Port Industrial Area. ~~Unlike the airport, the noise management provisions are based on present noise levels, as the Port Company's intention is to maintain or reduce these levels over the lifetime of the Plan.~~

~~a) Port Effects Control Overlay~~

The outer limit of the Port Effects Control Overlay represents a predicted noise level of ~~34.6~~ 10.92 Pasques (Ldn ~~60~~ 55 dBA). The line has been slightly adjusted to take in property boundaries. Land within this overlay is expected to be exposed to ~~potentially high~~ varying degrees of noise levels from port operations depending on the location of the land with respect to the Port. Rules in this Plan place some restrictions on housing in this area to avoid increasing the number of residential units exposed to the noise.

Acoustic insulation is required for new residential units or ~~significant~~ alterations to existing units. Where resource consents are required (eg for activities that are not residential, as defined in the Plan), effects of noise will be taken into account. ~~The approximate 109 Pasques (Ldn 65 dBA) contour (the Port Noise Limit Line), which is within the Port Effects Control Overlay, also regulates the maximum noise levels that the port operations can generate at Port Nelson.~~

~~b) Port Effects Advisory Overlay~~

~~This is the area between 34.6 Pasques (Ldn 60 dBA) and 109 Pasques (Ldn 55 dBA) noise level boundaries. The lines bounding the overlay have been adjusted to take account of property boundaries. There are no rules that apply to the Port Effects Advisory overlay. It is for information – to advise people of the levels of noise that the area is likely to be subject to in the future. The presence of the Effects Advisory Overlay may be taken into account when resource consent applications are being considered.~~

~~This is subject to a reference to the Environment Court (RMA 069/99). The relief sought is the replacement of the words "Port Nelson" with "port operational area".~~

Chapter 5 District Wide Objectives and Policies

1. **Amend** the Chapter 5 Consents list and DO12 and the accompanying reasons, policies and methods as follows:

Contents of this chapter

DO12 ~~The Port of Nelson~~ Port Industrial Area

DO12 Port ~~i~~Industrial ~~a~~Area

Objective

DO12.1 the Port Industrial Area

A ~~p~~Port Industrial Area which is enabled to function efficiently and effectively while avoiding, remedying, or mitigating ~~any~~ adverse effects on the community and the coastal marine area

policy

DO12.1.1 recognition of port resource

To recognise t~~T~~he Port Industrial Area ~~port industrial area should be recognised~~ as a significant regional physical resource which is part of the infrastructure of the wider Nelson/Tasman region. This is of particular importance in respect of its industrial nature and character, and location partly within the coastal marine area.

Explanation and Reasons

DO12.1.1.ii Ports are, by their very nature, industrial activities which are located across the interface of the land and sea. Some of these industrial activities take place at the interface, or within the Coastal Marine Area itself, including activities on wharves such as loading and unloading, and some processing. The confines of ~~Port Nelson Ltd's~~ the Port Operator's coastal permit can be considered to be the likely seaward limit of these types of activities.

Methods

DO12.1.1.iv Definition of the P~~p~~ort O~~o~~perational A~~a~~rea, the Port Industrial Area, and rules recognising the special needs of the port.

DO12.1.1.v Extension of industrial zone over wharf areas.

policy

DO12.1.2 future expansion at the P~~p~~ort I~~i~~ndustrial A~~a~~rea

Port activities should ~~generally~~ be confined to the Port Industrial Area. ~~those areas defined within Port Nelson Limited's Coastal Permit and Waterways Lease.~~

Explanation and Reasons

DO12.1.2.i The Port Industrial Aarea is located on a reclamation and is limited in space. Port Nelson Ltd The Port Operator owns most of the reclaimed land, and some of this is leased to non-port activities. Should expansion at the Port operational industrial area be necessary, there will need to be a rationalisation of existing tenure arrangements within the Pport Iindustrial Aarea, acquisition of freehold property within that area, or consent sought for further reclamation. Major issues may arise when considering reclaiming further land for port activities or general industrial activities. These issues are dealt with primarily in the coastal marine section of this Plan plan, and should be read in conjunction with this section. Minor reclamations within the confines of Port Nelson Limited's Coastal Permit to enable better use of existing resources are generally less of an issue, although cumulative effects of a number of such reclamations could be significant.

policy

DO12.1.3 noise effects

Noise effects arising from port-related activities should be managed in a way that is not incompatible with the neighbourhoods surrounding the Port Industrial Area. port operational area.

Explanation and Reasons

DO12.1.3.i There is no one technique for managing the effects of port noise. The Port Industrial Area port operational area is located in close proximity to established residential areas which may expect to experience continued noise effects from port operations and other activities within the Port Industrial Area i.e. it is not possible to avoid these effects in this context. The noise produced by the Port Industrial Area port is to be regulated managed, and other means of mitigation used, to address effects on and off site.

DO12.1.3.ii Noise contours which reflect the present level of effects experienced by adjacent properties will be used to determine the level of mitigation required. They will be regularly monitored, and updated if a change in the level of port noise occurs. have been produced. These are expected to reduce over a period of time as the port operational area proceeds with remedies such as relocation of noisy activities. These are reasonable noise levels in relation to the effects on the surrounding communities. Noise will be regulated by reference to those levels.

DO12.1.3.iii A special approach to the measurement of port noise is required because of the variable nature of these effects over time. This is now becoming standardised throughout New Zealand and will be applied to the port operational area as the basis for evaluating effects and developing rules.

Methods

DO12.1.3.~~iv~~ iii Rules regulating the generation of noise from leased areas of the Port Industrial Area. ~~port operational area, by reference to noise contours on the Planning Maps.~~

DO12.1.3.~~v~~ iv Measurement of port ~~operational area~~ noise, ~~and the processes for determining affected areas~~ will be generally as set out in NZS 6809 ~~the draft New Zealand Standard~~ "Acoustics – Port Noise Management and Land Use Planning".

DO12.1.3.~~vi~~ v ~~Mapping of a further area on the planning maps indicating those areas which are adversely affected by noise.~~ The Port Operator will be required by the Council to prepare and implement a noise management plan and a noise mitigation plan which provides for:

a) minimising port noise as far as practicable,
b) mitigation of effects of port noise on noise-affected properties,
c) ongoing community consultation/liaison on port noise issues,
d) monitoring of port noise.

~~This subject to a reference to the Environment Court (RMA 069/99). The relief sought is that the references in the above text (shaded) should be changed to "port operational area".~~

policy

DO12.1.4 management of noise receiving environment

The potential exposure of communities to port ~~operational area~~ noise should be managed to ensure that a reasonable balance is achieved between the operational needs of the Port Industrial Area ~~port operational area~~, and the amenities and well being of the community.

Explanation and Reasons

DO12.1.4.i ~~Two broad approaches to address the effects of noise are available. The first is to control the activities producing the noise, as under the previous policy. The second is~~ It is necessary to control the potential for people to be exposed to the adverse effects of noise, or excessive noise by limiting the numbers of houses in the most affected areas and requiring ~~sound~~ acoustic insulation of houses.

DO12.1.4.ii It is appropriate to limit the number ~~or type~~ of people likely to be exposed to port ~~operational area~~ noise in order to avoid, remedy or mitigate health and amenity effects. This can be done through rules which regulate or limit noise-sensitive activities ~~in noise affected areas~~. Residential activity is regulated because it is very sensitive to noise. Similarly, noise sensitive activities such as hospitals or schools may need protection, as does ~~be less appropriate~~. t~~T~~ourist accommodation. ~~because it is less sensitive to noise, may be acceptable~~. Within the Port Effects Control Overlay area, new residential, ~~schools, hospitals~~ or other noise sensitive activities ~~uses~~ will only be allowed where adequate protection from port noise is provided through construction or other provision. Alterations or additions to existing residen~~ces~~tial units or other noise

sensitive activities ~~uses~~ will be allowed only if the construction provides adequate sound insulation from port ~~operational area~~ noise. Such provisions are necessary to provide a reasonable living environment, particularly in respect to providing for sleep.

DO12.1.4.iii ~~Experience indicates that, in the absence of a "best" technique for managing port noise and the effects of port noise, a range of approaches is needed which is specific to the circumstances of the area.~~ The range of possible responses to, and the allocation of responsibilities to port noise can best be handled through an ongoing consultative process between ~~Port Nelson Ltd or its successor~~ the Port Operator, the Council and the community. See also method DO12.1.3.iv c) and DO12.1.5.ii ~~DO10.1.5.ii~~.

Methods

DO12.1.4.iv Rules requiring ~~additional~~ acoustic insulation of noise-affected properties that are either ~~in~~ new residential units or ~~and extensions~~ alterations to existing residential units. ~~existing dwellings in areas specially affected by noise from the port operational area~~.

DO12.1.4.v Rules restricting subdivision and the number of new residential units in areas affected by noise from the Port Industrial Area.

DO12.1.4.~~v~~ vi These areas are shown on the Planning Maps as the Port Effects Control Overlay.

~~This is subject to a reference to the Environment Court (RMA 069/99). The relief sought is that the two references in policy DO12.1.4 to "port", and the reference to "Port of Nelson" in paragraph DO12.1.4.iv, should all be changed to "port operational area".~~

policy

DO12.1.5 reduce disturbance arising from ~~the~~ port ~~industrial area~~ operations

To encourage operators within the Port Industrial Area ~~port industrial area~~ to continue to reduce or minimise the ~~its~~ level of adverse effects on the adjacent Residential Zone ~~to acceptable levels~~.

Explanation and Reasons

DO12.1.5.i ~~The effects of activities at the port industrial area should be mitigated to improve amenity values in the adjacent Residential Zone~~. It is recognised that the Port Operator ~~Port Nelson Ltd~~ has expended considerable effort in attempting to address the adverse effects of its activities, in particular through noise reduction practices and technologies. ~~Port Nelson Ltd~~ The Port Operator will be encouraged to continue its commitment to environmental management through its Environmental Consultative Committee and self monitoring of environmental effects of port operations through its Port Nelson Environmental Management Plan.

Methods

DO12.1.5.ii Support and participate in Port Environmental Consultative Committee.

DO12.1.5.iii Establish and operate a Port Noise Liaison Committee.

DO12.1.5.iv Prepare and operate a Port Noise Management Plan which includes methods to reduce noise emissions.

~~This is subject to a reference to the Environment Court (RMA 069/99). The relief sought is that the two references to "the port" (two in the policy & one each at the start of paragraphs DO12.1.6.i and DO12.1.6.ii) to be changed to "the port operational area".~~

2. Amend DO12e as follows:

DO12e environmental results anticipated and performance indicators

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below.

Anticipated environmental results	Indicators	Data source
DO12e.1 ~~Port industrial area remaining viable while avoiding, remedying or mitigating adverse effects~~. An effective and efficient Port Industrial Area, where adverse environmental effects are avoided, remedied or mitigated.	**DO12e.1.1** The number and significance of e<u>E</u>nvironmental issues arising from port activities.	Council records. Reports from Council inspections. The Port Operator's Issues Register and complaint records. Records of the Port Noise Liaison Committee.
DO12e.2 An environment where people living in noise sensitive locations are protected from port noise through appropriate levels of acoustic insulation.	**DO12e.2.1** The number and proportion of residential units and other noise sensitive buildings within or adjacent to the Port Industrial Area with acoustic insulation.	Resource consents granted. Council records. The Port Operator's records, including acoustic certificate register.

DO12e.3 ~~Port operations do not exceed noise limits.~~ A managed port noise environment where noise is minimised to the greatest extent practicable.	**DO12e.3.1** Level of port noise complaints from residents ~~around~~ living near the ~~port operational area~~ Port Industrial Area.	Regular port noise monitoring. Audit of Port Operator's monitoring data. Council records.

1. Amend the explanation to policy RE1.4 in Chapter 7 as follows:

policy

RE1.4 lower density areas

The open spaciousness of development should be maintained within those areas identified on the Planning Maps for lower density development.

Explanation and Reasons

RE1.4.i The residential area at the northern foot of the Grampians, the Tahunanui Hills, and the Ardilea Avenue subdivision in Stoke have a low level of building density and corresponding open spaciousness of development compared with most other residential areas in Nelson. These areas have developed a certain character as a result of past patterns of development, and in the case of the Tahunanui Hills and Grampians area, past restrictions on infill because of a slope risk hazard have helped maintain the open character. The Glen and the Marsden Valley Residential Area have a lower building coverage limit to recognise their rural setting. The townscape variety, and opportunities for larger sections including ability to sustain larger trees, that these areas offer is protected through a stricter limitation on building density than elsewhere in the city. The purpose of the lower density areas adjacent to the airport and the Port Industrial Area (the Airport and the Port Effects Control Overlays) is to minimise the number of residences exposed to noise from the airport and the Port Industrial Area, rather than to preserve visual or related characteristics. The low density residential land on Main Road, Stoke, was rezoned from Rural, in part to provide a greater level of protection from industrial type activities. The density has been kept low to preserve some measure of its former character, while at the same time recognising that the area will eventually be fully developed for residential purposes.

The Marsden Valley Residential Area is also recognised for the rural character of the area in which it is located. A lower density of residential development is therefore considered important. (See Objective RE4)

Methods

RE1.4.ii Rules controlling minimum site size, and lower allowable level of building coverage.

2. **Amend** the methods attached to policy RE2.1 in Chapter 7 as follows:

policy
RE2.1 noise

Noise levels received at adjacent site boundaries should be consistent with a predominantly residential environment.

Explanation and Reasons

RE2.1.i Noise is a particularly important amenity consideration in urban areas where people are living in close proximity. This policy aims to ensure noise received on or from an adjacent site is reasonable for a residential zone.

Methods

RE2.1.ii Information about rights and responsibilities of neighbours in terms of noise complaints.

RE2.1.iii Enforcement provisions of the Resource Management Act and Health Act.

RE2.1.iv Rules relating to maximum noise levels.

RE2.1.v The Council's 24 hour noise control service.

RE2.1.vi Rules requiring provision of a landscaped bund along the residential/industrial interface in the Nayland Road South area at the time of subdivision adjoining this zone interface.

RE2.1.vii Rules requiring the erection of an acoustic fence along the residential/industrial interface in Main Road, Stoke (within the Industrial Zone) prior to any industrial activity taking place.

RE2.1.viii Rules requiring acoustic insulation in new residential units and alterations to existing residential units, in areas specially affected by noise from the Port Industrial Area.

RE2.1.ix Rule requiring minimum site areas for subdivision in areas affected by noise from the Port Industrial Area.

3. **Amend** the contents page of the residential rule table on page 7-19 as follows:

Contents of residential zone rule table

REr.65	Airport Effects Control Overlay ~~and Port Effects Control Overlay~~ - Acoustic insulation of buildings
REr.65A	**Port Effects Control Overlay - Acoustic insulation of residential units**
REr.66	Airport Effects Advisory Overlay ~~and Port Effects Advisory Overlay~~

4. **Amend** Assessment Criterion REr.20.4(c) in the Residential Rule Table in Chapter 7 as follows:

rule table
residential zone

Assessment Criteria	Explanation
REr.20.4 c) whether the activity is in the Airport or Port Effects Control Overlay, or the Airport ~~or Port~~ Effects Advisory Overlay and the relevant objectives and policies of ~~DO10.1.3.iii.~~ DO11.1.3 and DO12.1.4.	REr.20.5

5. **Amend** the explanation column in Residential Rule REr.22.5 (Comprehensive Housing) as follows:

Assessment Criteria	Explanation
	REr.22.5 Note: Comprehensive housing development with minimum site areas less than that set out in REr.64.~~3~~ 1a) is not considered appropriate in the Airport or Port Effects Overlays. The plan seeks to minimise the number of residential units exposed to the noise from the airport and port. Residential units are required also to comply with acoustic insulation ~~standards~~ requirements as specified in Rule REr.~~64~~ 65 and 65A.

6. **Amend Rule REr.64 (Airport Effects Control Overlay and Port Effects Control Overlay) as follows:**

Item	Permitted	Controlled	Discretionary/Non-complying
REr.64 **Airport Effects Control Overlay and Port Effects Control Overlay** **Minimum site area**	REr.64.1 a) In the Airport Effects Control Overlay and the Port Effects Control Overlay, every residential unit must have a net area of at least 600m^2 allocated exclusively to it within the site. b) Paragraph (a) does not apply to a single residential unit on a single allotment where: i) the subdivision was granted before 25 October 1996, or ii) the allotment was created by a subdivision approved by the Council, and was not identified on the subdivision plan as a lot for a utility service or access, and iii) the site was previously located within the Port Effects Advisory Overlay in the Proposed Plan as amended by decisions in October 1999 and the subdivision was granted before 14/07/07.	REr.64.2 not applicable	REr.64.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
REr.64.4 a) the location of the site in relation to the noise contour, and the main source of the noise. b) the potential cumulative effects of higher density residential activities. c) see also the assessment criteria for Rules REr.23 (minimum site area) and REr.24 (site coverage).	REr.64.5 Land within the Airport and Port Effects Control Overlays as shown on the Planning Maps, is predicted to be exposed to potentially high noise levels from the airport or ~~port~~ Port Industrial Area ~~between Ldn 60 and 65 dBA (34.6 and 109 Pasques)~~. In order to avoid increasing the number of residential units exposed to the noise, a density restriction has been imposed on these areas. An exemption is provided for allotments less than 600 m^2 if they existed, or were granted subdivision consent, before the Plan was notified on 25 October 1996. A further exemption is provided for allotments less than 600m^2 if they were previously located within the Port Effects Advisory Overlay and if they existed, or were granted subdivision consent, before 14 July 2007. One residential unit is permitted on such an allotment by these exemptions. In order to be a permitted activity, the residential unit would have to comply with other rules e.g. site coverage, daylight admission, parking. Note: Comprehensive housing development is not considered appropriate in the Airport or Port Effects Control Overlays, as the Plan seeks to minimise the number of residential units exposed to the noise from these areas. (See REr.22 – comprehensive housing development).

7. Amend Rule REr.65 by deleting the words "and Port Effects Control Overlay" as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
REr.65 **Airport Effects Control Overlay ~~and Port Effects Control Overlay~~** **Acoustic insulation of buildings**	REr.65.1 Within the Airport Effects Control Overlay ~~and the Port Effects Control Overlay~~, construction, or substantial alteration of a building is permitted if:	REr.65.2 not applicable	REr.65.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
REr.65.4 a) the location of the site in relation to the noise contour, and the main source of the noise. b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c) the nature of the activity, and its susceptibility to noise. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e) the potential cumulative effects of an increased exposure to noise.	REr.65.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from ~~the port or~~ the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 (acoustic insulation requirements) provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.

8. Introduce a new Rule REr.65A "Port Effects Control Overlay" as follows:

	Permitted	**Controlled**	**Non-Complying**
REr.65A **Port Effects Control Overlay** **Acoustic insulation of buildings**	REr.65A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 40dBA L_{dn} inside any new or altered habitable space and has minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with paragraph (a) above, and c) the acoustic engineer provides certification that the finished construction/alteration complies with paragraph a) above.	REr.65A.2 not applicable	REr.65A.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	**Explanation**
Not applicable	REr.65A.5 The rule is based on the predicted exposure of the property to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the acoustic insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification by a suitably qualified acoustic engineer is considered appropriate.

9. Amend Rule REr.66(Airport Effects Overlay and Port Effects Advisory Overlay) as follows:

REr.66 **Airport Effects Advisory Overlay ~~and Port Effects Advisory Overlay~~**	REr66.1 Note: no special rules apply to this overlay which defines the area between the Ldn 55 and 60 dBA (10.9 and 34.6 Pasques) noise contours. The overlay is to advise that the areas will be subject to the effects of airport ~~or port~~ noise.	REr. 66.2 not applicable	REr.66.3 not applicable `
REr.66.4 a) in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport ~~or port~~ noise.		REr.66.5 The land between the Ldn 55-60 dBA (10.9 to 43.6 Pasques noise contours is unlikely to be exposed to airport ~~or port~~ noise sufficient to require mandatory acoustic insulation. However it is likely to be subject to some noise nuisance. This provision may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.	
REr.67.4		REr.67.5	

10. Amend Rule REr.107.2 (f) (Subdivision General) as follows:

subdivision rules

Item	Permitted	Controlled
REr. 107 Sub-division General	REr.107.1 Not a permitted activity	REr.107.2 Any subdivision is controlled, if: a) it complies in all respects with all the relevant standards in Appendices 10 to 12, and 14, and b) the land is not in a Services, Natural Hazard, Landscape, or Heritage Overlay (excluding Wakefield Quay Precinct) shown on the Planning Maps, and c) esplanade reserves or strips as indicated in the Riparian Overlay of the dimensions set out in Appendix 6, Table 6.2, are created and vested in the Council, and d) the minimum finished ground level for any land allotment (excluding water bodies) is 15.35m NCC Datum, except in the Inundation Overlay, and. e) the minimum finished ground level is greater than the crown level of the road to which the piped stormwater from the allotment is drained, except in the Inundation Overlay, and f) the net area of every allotment is at least: Lower Density Area: 600m^2 **Port Effects Control Overlay 600m²** Lower Density Area (Stoke): 1,000m^2 average with a minimum of 850m^2 Higher Density Area: 300m^2 Remainder of Zone: 400m²

Chapter 9 Suburban Commercial Zone

1. Amend the explanation and reasons to policy SC2.6 and add an additional method SC2.6.vii on page 9-5 as follows:

SC2.6 Wakefield Quay - Leisure Area

Explanation and Reasons

SC2.6.i Much of the waterfront area has a utilitarian appearance which reflects its origins as a working port. With the reorganisation of the Port ~~Nelson~~ ~~operational~~ Industrial A~~a~~rea, and the movement of a number of activities from Wakefield Quay to the reclamation and other sites, the Council is taking the opportunity to upgrade this area. The amenity of the seaward side of Wakefield Quay is being enhanced, which makes the landward side more attractive for commercial developments or other activities that might capitalise on a seaside location. Because of the importance of the coastal environment, and the visibility and high use of the area by both local residents and the wider public, any development within the precinct needs to be sympathetic to the setting and the uses located behind it. Any development in this area should also be aware, however, of the close proximity of the Port Operational Area, and the industrial nature of its present and likely future operations. Port activities can be expected to occur within the Port Industrial Area, and in particular the area defined by Port Nelson Limited's coastal permit (shown by the dotted line on the Planning Maps, and may include ship manoeuvring or potentially (subject to resource consent) extension of existing facilities.

Methods

SC2.6.vii Rules requiring acoustic insulation for residential units, or any building used for sleeping accommodation.

2. Amend the contents page of the Suburban Commercial Zone rule table on page 9-11 of Chapter 9 to change the title of Rule SCr.69 and add a new rule SCr.69A as follows:

Contents of suburban commercial zone rule table

SCr.69	Airport Effects Control Overlay ~~and Port Effects Control Overlay~~
SCr.69A	Port Effects Control Overlay

3. Amend Rule SCr.69 as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
SCr.69 **Airport Effects Control Overlay ~~and Port Effects Control Overlay~~** **Acoustic insulation of buildings**	SCr.69.1 Within the Airport Effects Control Overlay ~~and the Port Effects Overlay~~, construction, or substantial alteration of a residential unit, or any building used for sleeping accommodation, is permitted if: a) either, the bedrooms (and living areas in the case of a residential unit), where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design (with the windows and doors shut) will reduce noise levels to at least 45 dBA inside the new or altered bedrooms (and living areas in the case of a residential unit).	SCr.69.2 not applicable	SCr.69.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
SCr.69.4 a) the location of the site in relation to the noise contour, and the main source of the noise. b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c) the nature of the activity, and its susceptibility to noise. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e) the potential cumulative effects of an increased exposure to noise.	SCr.69.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the ~~port or the~~ airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.

4. Introduce a new Rule SCr.69A as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
SCr.69A **Port Effects Control Overlay** **Acoustic insulation of buildings**	SCr.69A.1 Within the Port Effects Control Overlay, construction, or alteration of a residential unit, or any building used for sleeping accommodation, is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 45dBA L_{dn} inside the new or altered habitable space and has minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified acoustic engineer to demonstrate that the building design complies with paragraph (a) above, and c) the acoustic engineer provides an acoustic certificate that the finished construction/alteration complies with paragraph a) above.	SCr.69A.2 not applicable	SCr.69A.3 Activities that contravene a permitted condition are non-complying

Assessment Criteria	Explanation
Not applicable	SCr.69A.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.

1. **Amend** Description INd.3, policy IN1.3, and the explanations and reasons and methods for Policy IN2.2 as follows:

INd Description

INd.3 The Port Industrial Area ~~industrial area~~ is predominantly located on land reclaimed from Nelson Haven, and comprises all industrial land on the seaward side of Haven Road and Wakefield Quay. The primary purpose of this area was originally for loading and unloading of ships. Over time, activities associated with port activities and non-port related activities have also developed; such as seafood processing plants, transport depots, storage facilities, boat builders, general port servicing activities, and a marina for fishing boats and recreational craft. One sector of the reclamation has been largely devoted to bulk storage of fuels. There are also a number of industrial activities located in this area which have no direct relationship to the Port.

The environment in the Port Industrial Area ~~industrial area~~ will, by its function, have a high component of heavy industry. The environment, however, needs to recognise the close proximity of the Residential Zone, outcomes being sought in the Leisure Area of the adjoining Suburban Commercial Zone, and the recreational users of the Haven, including the specific outcomes being sought for the Marina (see Sch.M attached at the end of the chapter). Chapter 5 contains specific objectives and policies for the Port Industrial Area.

policy

IN1.3 non-industrial activities in the P~~p~~ort Industrial A~~a~~rea

Non-industrial activities should not locate in the Port I~~i~~ndustrial A~~a~~rea unless they have a direct relationship with the coastal environment, ~~or~~ the marina, or the port.

Explanation and Reasons

IN1.3.i Marine-related activities which are not industrial activities have a need to locate in the Port Industrial Area ~~industrial area~~. These include activities which service the Port, such as customs offices, those which directly service the marina and are essential ancillary services, or activities which have a direct relationship with the coast ~~provide recreational facilities such as~~ i.e. sea-scouts, and are essential ancillary activities e.g. ~~dining and accommodation, and~~ training rooms ~~facilities~~. Other activities may also be appropriate, provided they do not contravene other outcomes sought by the Plan in terms of the appropriate location of non-industrial activities. *[plan change 05/02]* The approach has been to allow these activities by consent ~~way of exception~~, rather than creating either a special zone for marine-related activities, or a commercial zoning which would permit more than is necessary and conflict with the efficiency of use objective particularly in relation to the reclamation.

policy

IN2.2 nuisances

IN2.2.ii Adverse effects such as shading of adjacent properties, visual effects of outdoor storage of materials and equipment, and noise can seriously degrade the environment of adjacent properties which may be zoned for other activities. This policy primarily seeks to ensure that where activities establish on the edges of the Industrial Zone, care is taken to ensure that these effects do not occur or are minimised and/or mitigated.

IN2.2.xi A Port Noise Mitigation Plan and rules requiring mitigation for noise affected properties adjacent to the Port Industrial Area.

IN2.2.xii Rules requiring acoustic insulation for buildings with bedrooms and/or living areas within and adjacent to the Port Industrial Area.

IN2.2xiii A Port Noise Management Plan to include methods to reduce noise emissions.

INr rules

2. Amend the third paragraph of Rule INr.1 on page 10-10 to read as follows:

INr.1 Rule table - rules

Note also that the Industrial Zone extends over ~~that~~ part of the Coastal Marine Area ~~utilised by the Port of Nelson for~~ to include wharves, berthage areas, ~~or the~~ and areas for the manoeuvring of vessels within the Port Operational Area. Within this area the provisions of both Chapter 10 (Industrial Zone) and Chapter 13 (Coastal Marine Area) apply. Where there is any conflict, the Coastal Marine Area provisions shall take precedence.

3. Amend the contents page of Industrial Zone rule table on page 10-13 to remove the shading on INr.37 and INr.40 and change rule headings as follows:

Contents of industrial zone rule table

INr.23	Port Industrial Area ~~zone~~ exceptions
INr.40	Port Industrial Area noise management
INr.71	Airport Effects Control Overlay ~~and Port Effects Control Overlay~~ - Acoustic Insulation of Buildings
INr.71A	Port Effects Control Overlay - Acoustic Insulation of Buildings
INr.72	Airport Effects Advisory Overlay ~~and Port Effects Advisory Overlay~~

4. Amend Rule INr.20.1(b) and the explanation in INr.20.5 as follows:

rule table

Item	Permitted	Controlled	Discretionary/Non-complying
INr.20 Residential units	INr.20.1 Construction of a new residential unit is permitted if: a) it is ancillary to a permitted industrial activity on the site, and b) where it is within the Airport or Port Effects Control Overlay, the residential unit complies with the relevant rule INr.7~~2~~1 (Airport Effects Control Overlay – acoustic insulation of buildings) or INr.71A (~~airport and~~ Port Effects Control Overlay~~s~~ – acoustic insulation of buildings), and	INr.20.2 not applicable	INr.20.3 Activities which contravene a permitted condition are discretionary, except where condition INr.20.1b is contravened, where the activity is non-complying.

Assessment Criteria	Explanation
INr.20.4 a) any potential cumulative effects on the stock of industrial land of allowing activities to locate within the Zone. b) the need to locate a residential activity in this Zone. c) the amenities available to the occupants of the area such as access to open space. d) the nature of any adjoining activities and their potential to create adverse impacts on anyone living in the area. e) for units within the areas in INr.20.1 (b) the ability to avoid or mitigate the effects of noise on the residential activity.	INr.20.5 The rule restricts the establishment of residential units in the Industrial Zone in order to protect the scarce industrial land resource, and ensure its full utilisation for industrial purposes. The rule allows for essential residential living within the Industrial Zone, for example, where a caretaker may be required for security or monitoring reasons. Where units are proposed within the areas identified as having high noise levels within or near to the ~~port~~ Port Industrial Area and airport, there is a particular need to address the effects of noise. Acoustic insulation is required for residential units within the Airport and Port Effects Control Overlays to reduce the effects of airport and port noise on residential units.

5. Amend Rule INr.23 as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
INr.23 Port Industrial Area ~~zone~~ exceptions	INr.23.1 Office, recreational, and other facilities (excluding commercial accommodation) within the Port I~~i~~ndustrial A~~a~~rea are permitted if: a) such activities relate directly to or serve activities in port area and are essential ancillary activities. ~~the Coastal Marine Area~~ *[plan change 05/02]*~~.~~	INr.23.2 not applicable	INr.23.3 Activities which contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
INr.23.4 a) any actual or potential cumulative effects of allowing such activities to locate in the Port Industrial Area ~~Zone~~ and such effects on other zones. b) the scale of the activity in relation to the industrial area it will serve. c) the relationship of the proposed activity to the coastal marine area and to activities in the coastal marine area. d) the efficiency and sustainability of use of Port infrastructure and resources.	INr.23.5 Rule provides exception for activities which rely on the special coastal [*plan change 05/02*] characteristics of the Port Industrial Area ~~area and Zone~~ which may not otherwise be permitted in the area, but represent only essential services which are ancillary to permitted activities. [*plan change 05/02*] For the avoidance of doubt, activities that are permitted by other rules in this table eg. network utilities, are not constrained by rule INr.23.1. The intention of this rule is to limit the intrusion of non-industrial activities into the Port Industrial Area, protect scarce industrial and reclaimed land, minimise the need to reclaim more, and maximise the use of land for industrial purposes. [*plan change 05/02]*

6. Amend Rules INr.37 and INr.38 as follows, and remove shading:

Item	Permitted	Controlled	Discretionary/Non-complying
INr.37 **Noise <u>(General)</u>**	INr.37.1 Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed: a) **Day Time** L_{10}: 65 dBA b) **Other Times** L_{10}: 55 dBA L_{max}: 75 dBA (Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. ~~Note:~~ This rule does not apply to aircraft noise<u>, noise generated within the Port Operational Area</u> or off-site traffic noise.	INr.37.2 not applicable	INr.37.3 Activities that contravene a permitted condition are discretionary.
INr.38 **Noise** **At <u>or within</u> residential boundary, and boundary of the former railway reserve (Nayland <u>Road</u> South Industrial Area)**	INr.38.1 Noise levels measured at, or within the boundary of, any site in the Residential Zone, or at or beyond the southeastern boundary of the former railway reserve adjacent to the Nayland <u>Road</u> South industrial area, must not exceed: a) **Day Time** L_{10}: 55 dBA b) **Other Times** L_{10}: 45 dBA L_{max}: 75 dBA Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991. c) Parts a) and b) of this rule do not apply to building and demolition activities, which, when assessed at, or within, any site within the Residential Zone, must comply with the provisions of NZS6803P: 1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition". <u>This rule does not apply to noise generated by the Airport, and within the Port operational area, and received within the Airport Effects Control Lines and the Airport and Port Effects Control Overlays. These effects are addressed by separate rules in the Plan.</u>	INr.38.2 not applicable	INr.38.3 Activities which contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
INr.38.4 As above.	INr.38.5 As above. This rule also requires that noise generated within the Nayland Road South industrial area not exceed residential standards when measured at or beyond the boundary between the former railway reserve and the adjoining properties to the south east. This is to protect the amenities of both the former railway reserve and the properties, particularly the residences, between it and Main Road Stoke. ~~(This rule does not relate to noise generated by the Airport and Port Nelson and received within the Airport and Port Effects Control Lines and the Airport and Port Effects Overlays. These effects are addressed by separate rules in the Plan.)~~

7. Amend the existing text in INr.40.1 and INr.40.4 as follows, and amend INr.40.5 as shown below:

Item	Permitted	Controlled	Discretionary/Non-complying
INr.40 **Port Industrial Area noise management**	INr.40.1 ~~a) Noise from activities in Port Nelson shall be managed so that:~~ ~~i) the rolling 5 day noise level of 109 Pasques (65dBA Ldn) is not exceeded at or beyond the Port Noise Limit Line as shown on the Planning Maps, and~~ ~~ii) the following short term measured noise levels are not exceeded at or beyond the Port Noise Limit Line as shown on the Planning Maps:~~ ~~7am to 10pm~~ ~~3.6 Pasques (70dBA Leq (15 minutes))~~ ~~10pm to 7am~~ ~~1.6 Pasques (65dBA Leq (15 minutes)), 85dBA Lmax, and~~ ~~b) Compliance assessment of a (i) may be performed using Leq (up to 15 minutes) measurements of specific activities. These values must be representative of port activities when calculating the overall pasques (or Ldn) value, taking into account the night time penalty. Where these calculations are used to indicate compliance assessment, a full description of the calculation method shall be provided in any reports, and~~ ~~c) Noise levels shall be measured and assessed in accordance with draft New Zealand Standard DZ 6809, v 14. Acoustics Port Noise Management and Land Use Planning.~~ Activities in the Port Industrial Area which emit noise shall be permitted if: a) The Port Operator has produced within 6 months of notification of Variation 07/01, and at all times thereafter operates in accordance with, a Port Noise Management Plan which includes, but is not limited to, the matters set out in Appendix 29.A; and b) The Port Operator has produced within 6 months of notification of Variation 07/01, a Port Noise Mitigation Plan, and thereafter implements and complies with the Mitigation Plan for the purchase or acoustic treatment of noise-affected properties which includes but is not limited to the matters set out in Appendix 29.B; and c) The Port Operator has within 6 months of notification of Variation 07/01, established, and thereafter maintains and participates in, a Port Noise Liaison Committee which operates in accordance with the requirements set out in Appendix 29.C	INr.40.2 not applicable	INr.40.3 Activities that contravene a permitted condition are non-complying.

Assessment Criteria	Explanation
INr.40.4 ~~a) the nature of the port activity likely to generate the excess noise.~~ ~~b) the frequency, duration and location source of the noise~~ ~~c) whether the exceedance period is temporary~~ ~~d) the area affected by the additional noise and the sensitivity to noise of the activities in these areas~~ Not applicable	INr.40.5 Port noise management can be undertaken through a range of methods. This rule provides ~~a standard and measurement as to the level of noise, on a long term average basis, that is acceptable in the area. This rule provides the basis for noise control for activities at Port Nelson.~~ for noise to be managed primarily through the use of management/mitigation plans, and community liaison. The reason for this approach, which derives from Environment Court Decision C150/2003 for Port Chalmers, is to ensure that port noise is minimised and mitigation of the effects of port noise is provided to noise affected properties while enabling the Port Industrial Area and the Port Operational Area within it to continue to remain operational. The approach requires the Port Operator to provide or contribute towards acoustic insulation (and in a few cases offer house purchase) depending on the level of noise received as determined by the port noise contours. Monitoring of noise levels on a regular basis is an important aspect of this approach and will be required. Note that activities located within the Port Industrial Area but not located within the Port Operational Area must also comply with INr 37 and INr 38. ~~This rule is subject to two references to the Environment Court (RMA 069/99 & RMA 087/99) consequently this rule is not operative.~~

8. Amend Rules INr.71, INr.71A and INr.72 as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
INr.71 **Airport Effects Control Overlay ~~and Port Effects Control Overlay~~** **Acoustic insulation of buildings**	INr.71.1 Within the Airport Effects Control Overlay ~~and Port Effects Control Overlay~~, construction, or substantial alteration of a building is permitted if: a) either, the bedrooms and living areas, where they are new or substantially altered, incorporate acoustic insulation in accordance with Appendix 19 (acoustic insulation requirements), or b) the building consent application is accompanied by a certificate from a suitably qualified and experienced acoustic engineer to demonstrate that the building design will reduce ~~air~~ noise levels to at least 45 dBA inside the new or altered bedrooms and living areas (with the windows and doors shut).	INr.71.2 not applicable	INr.71.3 Activities that contravene a permitted condition are non-complying.
INr.71A **Port Effects Control Overlay** **Acoustic insulation of buildings**	INr.71A.1 Within the Port Effects Control Overlay, construction, or alteration of a building is permitted if: a) the building is acoustically insulated to reduce noise levels to no greater than 45dBA L_{dn} inside any new or altered habitable space and has minimum ventilation requirements as set down in Appendix 19 (acoustic insulation requirements), and b) prior to the commencement of any construction or site works a certificate is obtained from a suitably qualified and experienced acoustic engineer to demonstrate that the building design complies with paragraph (a) above and c) the design/acoustic engineer provides certification that the finished construction/alteration complies with paragraph a) above.	INr.71A.2 not applicable	INr.71A.3 Activities that contravene a permitted condition are non-complying.

INr.72 **Airport Effects Advisory Overlay** ~~**Port Effects Advisory Overlay**~~	INr.72.1 Note: no special rules apply to this overlay which defines the area between the Ldn 55 and 60 noise contours. The overlay is to advise that the area will be subject to the effects of airport noise.	INr.72.2 not applicable	INr.72.3 not applicable

Assessment Criteria	**Explanation**
INr.71.4 a) the location of the site in relation to the noise contour, and the main source of the noise. b) the number of people likely to be exposed to the noise, the type of noise, and the duration of exposure. c) the nature of the activity, and its susceptibility to noise. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity. e) the potential cumulative effects of an increased exposure to noise.	INr.71.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from ~~the port or~~ the airport, on a long term basis. The rule provides for mitigation of potential adverse effects by the acoustic insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards in Appendix 19 provide one way of meeting the permitted condition. Alternative methods of meeting the standard can be used, if certified by a suitably qualified acoustic engineer.
INr.71A.4 not applicable	INr.71A.5 The rule is based on the predicted exposure of the site area within the overlay to noise levels from the Port Industrial Area. The rule provides for mitigation of potential adverse effects by the insulation of parts of buildings that are most likely to be sensitive to noise. In order to ensure that the standard is met, certification of a suitably qualified and experienced acoustic engineer is considered appropriate.
INr.72.4 In the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport ~~or port~~ noise.	INr.72.5 The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport ~~or port~~ noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.

Chapter 11 Open Space and Recreation Zone

1. Amend the rule description for Rule OSr.54 on the contents page of the Open Space and Recreation Zone rule table on page 11-19, by deleting the words "and Port Effects Advisory Overlay".

2. Amend the Open Space and Recreation Zone Rule Table of Chapter 11 as follows:

Rule table

Item	Permitted	Controlled	Discretionary/Non-complying
OSr.53 **Airport Effects Control Overlay and Port Effects Control Overlay**	OSr.53.1 Note: no special rules apply to ~~this~~ these overlays in the Open Space and Recreation Zone. ~~which defines the area between the Ldn 60 and 65 (34.6 to 109 Pasques) noise contours, other than in relation to permanently occupied residential units where acoustic insulation to minimum measures set out in Rule REr.65 (airport and port effects control overlays - acoustic insulation of buildings) is required.~~ The overlays are ~~is~~ to advise that the area will be subject to the effects of airport or port noise. For an example of their application in other zones see Rules REr.65 (Airport Effects Control Overlay – acoustic insulation of buildings) and REr 65A (Port Effects Control Overlay - acoustic insulation of buildings).	OSr.53.2 not applicable	Osr.53.3 not applicable

Assessment Criteria	Explanation
OSr.53.4 in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport or port noise.	OSr.53.5 The land ~~between the Ldn 60-65 (34.6 to 109 Pasques) noise contours~~ within the airport and port effects control overlays is likely to be exposed to airport or port noise. Some recreational activities may be affected by noise. This may help people decide the type of activities they establish in the area. If a resource consent is needed they may be required to incorporate acoustic insulation when they are building. ~~This is mandatory in the case of a residential unit that is to be permanently occupied for residential purposes.~~

OSr.54 **Airport Effects Advisory Overlay ~~and Port Effects Advisory Overlay~~**	OSr.54.1 Note: no special rules apply to this overlay which defines the area between Ldn 55 and 60 (10.9 to 34.6 Pasques) noise contours. The overlay is to advise that the area will be subject to the effects of airport ~~or port~~ noise.	OSr.54.2 not applicable	OSr.54.3 not applicable

Assessment Criteria	Explanation
OSr.54.4 in the case of discretionary applications, consideration will be given to the nature of the activity and its likely sensitivity to the effects of airport ~~or port~~ noise.	OSr.54.5 The land between the Ldn 55-60 dBA (10.9 to 34.6 Pasques) noise contours is unlikely to be exposed to airport ~~or port~~ noise to a great degree. However, it is likely to be subject to some noise nuisance and some recreational activities may be affected. This may help people decide the type of activities they establish in the area, or whether they choose to incorporate acoustic insulation when they are building.

1. Amend **CMd4.** Description of the Port Area on page 13-3 of Chapter 13 as follows,:

CMd	**Description**
CMd4	**Port Industrial Area ~~area~~**

CMd4.i The Port ~~Company~~ Operator, Port Nelson Ltd, has a coastal permit to exclusively occupy the Coastal Marine Area beneath the wharves and adjacent to the wharves. The permit applies to an area extending a distance of 60m out from the Main Wharf, Brunt Quay, McGlashen Quay and Kingsford Quay. Around the rest of the port reclamation and the north-western margin of the Maitai reclamation, the permit applies to an area extending 30m out from the shoreline. The permit also confers occupancy rights to an area of 10m radius around each of the navigation aids sited in the Coastal Marine Area in the vicinity of the Port. The permit is issued by the Minister of Transport under section 384A of the Resource Management Act, and is valid until the year 2026. The effect of the permit is to enable Port Nelson Ltd to manage and operate the Port-related undertakings that it acquired under the Port Companies Act 1988. Port Nelson Ltd also possesses a waterway lease over navigation channels and approaches to the Port, valid until 2010. The lease gives the Company the right to manage surface water activities in the area, in terms of its commercial operations. The area of the lease includes the area covered by the coastal occupancy permit.

CMd4.ii The Port ~~Company's~~ Operator's rights over the areas referred to above are exercised subject to the requirements of the Resource Management Act 1991 and subject to the direction and control of the Harbourmaster with respect to the control of navigation and safety under the Harbours Act 1950 and any regulations or bylaws made under that Act. The Harbourmaster is a contracted employee of the Nelson City Council.

CMd4.iii The Port ~~Company~~ Operator annually reviews a Port Development Plan which covers the operation and development of the commercial port area including the area of the Coastal Marine Area over which the ~~Company~~ Port Operator holds an occupancy permit. All areas of land and water used for recreational purposes are excluded. In addition, the ~~Company~~ Port Operator has prepared a Port Environmental Management Plan in consultation with interested parties. This Plan covers issues such as ~~noise,~~ odour, traffic generation, dust and contaminated discharges. Noise is dealt with separately by the preparation of a Port Noise Management Plan and a Port Noise Mitigation Plan.

Chapter 5 DO12 contains specific objectives and policies for the Port Industrial Area.

2. Add a cross-reference at the end of paragraph CM4.6.i and amend CM4.6 as follows:

Explanation and Reasons

CM4.6.i Unreasonable noise in the coastal environment may be generated by construction works, operations on port wharves, or noisy recreational vessels, such as powerboats and jet skis. Excessive noise is out of character with the coastal environment and with the maintenance and enhancement of amenity values. The policy recognises that noise can spoil people's appreciation of the natural character and aesthetics of the coastal environment and, in the extreme, may be harmful to human health or disturb livestock or wildlife. See also section DO12 (~~The~~ Port Industrial Area ~~of Nelson~~) which addresses separately the issue of port noise ~~dealing with Port noise~~.

Methods

CM4.6.ii Rules controlling noise levels or conditions on coastal permits that require general standards to be met.

CM4.6.iii Opportunities to enhance amenity values and to actively protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

~~This is subject to a reference to the Environment Court (RMA 069/99). The relief sought is that the words "operations on port wharves" be deleted, and the sentence "See also section DO12 (The Port of Nelson) dealing with Port Noise" should be replaced with "This policy does not apply to port noise, which is covered by DO12".~~

3. Remove the shading of rules CMr.55 and CMr.56 in the **Coastal Marine Area**, and amend the Coastal Marine Area Noise Rule as follows:

rule table

Item	Permitted	Controlled	Discretionary/Non-complying
CMr.55 **Noise** **[note – this rule is a regional rule]**	CMr.55.1 a) Noise levels generated by any activity, other than construction, maintenance or demolition work, measured at, or within any Residential Zone must not exceed: **Day Time** L_{10}: 55 dBA **Other Times** L_{10}: 45 dBA L_{max}: 75 dBA (Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.) b) All measurements and assessment in accordance with NZS 6801:1991 and NZS 6802:1991. c) the above standards do not apply to noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves. This rule does not apply to noise generated by the Airport, or within the Port Operational Area, and received within the Airport Effects Control Lines or the Airport and Port Effects Control Overlays. These effects are addressed by separate rules in the Plan.	CMr.55.2 not applicable	CMr.55.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
CMr.55.4 a) the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause. b) the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residential units. c) whether the noise is likely to detract from the general environmental quality being proposed for the area. d) the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.	CMr.55.5 The rule is to prevent unreasonable levels of noise affecting neighbouring properties. The standards take account of the time, whether day or night, and whether a week day or weekend. Recurring noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance e.g. noise associated with construction. NZS 6801:1991 is New Zealand Standard (Measurement of Sound). NZS 6802:1991 is New Zealand Standard (Assessment of Environmental Sound). ~~This rule does not relate to noise generated by the Airport and Port Nelson and received within the Airport and Port Effects Control Lines and the Airport and Port Effects Overlays. These effects are addressed by separate rules in the Plan.~~ ~~This rule is subject to two references to the Environment Court (RMA 110/99 & RMA 087/99), consequently this rule is not operative.~~

Item	Permitted	Controlled	Discretionary/Non-complying
CMr.56 **Noise -** construction, maintenance or demolition [note – this rule is a regional rule]	CMr.56.1 Noise levels generated by construction, maintenance or demolition work, measured at, or within any Residential Zone must not exceed: a) the standards set out in NZS 6803P: 1984, "The measurement and assessment of noise from construction, maintenance or demolition work". Noise shall be measured and assessed in accordance with the standard.	CMr.56.2 not applicable	CMr.56.3 Activities that contravene a permitted condition are discretionary.

Assessment Criteria	Explanation
CMr.56.4 Criteria contained in the NZ Standard.	CMr.56.5 This rule makes allowance for construction, maintenance or demolition work, which are temporary activities and for which a higher noise tolerance is acceptable. ~~*This rule is subject to a reference to the Environment Court (RMA 069/99), consequently this rule is not operative.*~~

VOLUME 3 Appendices

Appendix 19 – Aacoustic Iinsulation Rrequirements

1. Amend Appendix 19 by creating a new heading AP19.1 and deleting reference to the Port Effects Control Overlay, as follows:

Ap19.1 Airport Effects Control Overlay

Ap19.1.i The provisions in ~~these tables~~ Tables 1 and 2 are the minimum measures which are an approved method of complying with the acoustic insulation rules applying within the Airport Effects Control Overlay ~~and the Port Effects Control Overlay~~. The rules apply in the Residential Zone, the Industrial Zone, the Suburban Commercial Zone, and are a matter to be taken into account in any development in the Open Space and Recreation Zone and the Conservation Zone.

The tables apply within areas exposed to noise levels of Ldn 60 to 62 (34.6 to 54.8 Pasques), and Ldn 62 (54.8 Pasques) and above in the Airport Effects Control Overlay. The precise location of these ~~two~~ areas is shown on the map~~s~~ in this Appendix. The application of these provisions shall be determined in accordance with the location of these lines.

2. Remove the reference to the Port Effects Control Overlay from the headings to Tables 1 and 2 on page A19-2.

table 1 - acoustic insulation of living areas and bedrooms within inner part of airport effects control overlay ~~and the port effects control overlay~~ (Ldn 62 (54.8 Pasques) and above)

table 2 - acoustic insulation of living areas and bedrooms within the outer part of the airport effects control overlay ~~and the port effects control overlay~~ (Ldn 60 to 62 (34.6 to 54.8 Pasques))

3. Delete Figure 2 in Appendix 19.

4. Add a new section AP19.2 detailing the acoustic insulation requirements in the Port Effects Control Overlay only, including ventilation as detailed below:

Ap19.2 Port Effects Control Overlay

Ap19.2.i Acoustic insulation requirements for the Port Effects Control Overlay are included in the rules for the respective zones. However, no minimum construction requirements for habitable spaces (MW71A) are specified for the Port Effects Control Overlay. Instead, the rules require certification from an acoustic engineer that the building design will achieve the required design noise level for that zone and certification on completion of the works.

Ap19.2.ii In addition, the minimum ventilation requirements for habitable spaces require either:

(a) A mechanical system or mechanical ventilation systems capable of:

- providing at least 15 air changes of outdoor air per hour in the principal living room of each building and give 5 air changes of outdoor air per hour in the other habitable spaces of each building, in each case with all external doors and windows of the building closed with the exception of such windows in non-habitable spaces that need to be ajar to provide air relief paths;
- enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;
- limiting internal air pressure to not more than 30 Pascals above the ambient air pressure;
- being individually switched on and off by the building occupants, in the case of each system; and
- creating no more than L_{eq} 40dBA in the principal living room, no more than L_{eq} 30 dBA in the other habitable spaces, and no more than L_{eq} 50dBA in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

Note: This is the ventilation option provided for by the Port Noise Mitigation Plan. In the event that qualifying residents opt for the following (more expensive) air conditioning option (option (b), their financial contribution under the Mitigation Plan will be correspondingly greater.

or: (b) Air conditioning plus mechanical outdoor air ventilation capable of:

- providing internal temperatures in habitable spaces not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research ("NIWA") (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the habitable spaces closed;
- providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;
- each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and

- creating no more than L_{eq} 40dBA in the principal living room, no more than L_{eq} 30 dBA in the other habitable spaces, and no more than L_{eq} 40 dBA in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.

and:

(c) a mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

5. Add a new Appendix 29 as follows:

appendix 29

Port Noise Management and Mitigation Plans and Port Noise Liaison Committee

AP29 Overview

This appendix prescribes the matters that the Port Operator shall include in the Port Noise Management Plan and Port Noise Mitigation Plan and the composition of, and other matters relating to, the Port Noise Liaison Committee required by Rule INr 40.

AP29.A PORT NOISE MANAGEMENT PLAN

AP29.A.1 Minimum Port Noise Management Plan Provisions

AP29.A.1.i The Port Noise Management Plan required under Rule INr. 40.1 a) shall contain the following:

(a) Port Noise Management Plan objectives.

(b) Detailed procedures for the implementation of Rule INr40 including the Port Noise Mitigation Plan outlined in AP29.B and the establishment and maintenance of a Port Noise Liaison Committee outlined in AP29.C.

(c) A list of Port Noise Liaison Committee functions.

(d) Procedures for recommendations of the Port Noise Liaison Committee to be considered and determined by the Port Operator.

(e) Noise modelling; noise monitoring; auditing and reporting procedures.

(f) Complaint handling procedures.

(g) Procedures for achieving noise reduction through Port operational procedures and staff and contractor training.

(h) Procedures for alterations to the Port Noise Management Plan.

(i) A Port noise contour map (see AP29.A.2.i(d) below).

AP29.A.2 Minimum Monitoring and Reporting Requirements

AP29.A.2.i The minimum monitoring and reporting requirements are as follows:

(a) The Port Operator shall maintain at its expense sound level monitoring equipment and shall arrange for a suitably qualified person to perform continuous monitoring of noise emanating from port activities for at least the first five years. The monitoring equipment shall as a minimum record noise levels statistics in 15-minute periods so that the $L_{eq,}$ L_{max} and L_{95} can be calculated for each 15-minute period. In addition, the monitoring equipment shall be capable of recording the actual sound when a pre-set threshold or set of thresholds is exceeded, so that the sound can be listened to at a later time. Recordings shall be kept for a minimum of seven days.

(b) The Port Operator shall provide the results of the sound level monitoring to the Nelson City Council and Port Noise Liaison Committee on a monthly basis. The results shall be in summary form showing L_{eq}, calculated L_{dn} and L_{max} levels within two weeks of the end of each month. Significant port noise emissions shall be highlighted and correlated with port activity, wind speed and wind direction.

(c) When sound level monitoring indicates that port noise may be exceeding 65 dBA $L_{dn\ (5\ day\ average)}$ or 65 dBA $L_{eq\ (15\ min,\ 10pm\ -7am)}$ at noise-affected properties that are not shown on the Port Noise Contour Map as eligible for mitigation under Section AP29.B.1 of Appendix 29.B, the results of monitoring shall be recorded, investigated and reported to the Port Noise Liaison Committee. The investigation shall identify as far as possible those noise-affected properties receiving port noise at or above such levels.

(d) The Port Operator shall produce and include in the Port Noise Management Plan a port noise contour map based on a busy 5 day

operating scenario. The contour map shall be updated on an annual basis for the first five years, and every two years thereafter. Port noise contours shall be modelled at 1dB intervals between 55L_{dn} and 70L_{dn}.

(e) To ensure the accuracy of the port noise contour map prepared in accordance with paragraph (d), the Port Operator shall arrange for a suitably qualified person to perform field verification of calculated sound exposure levels and assessed $L_{eq\ (15\ min)}$ levels of port noise at monitoring points identified in the Port Noise Management Plan. These monitoring points shall be as decided by agreement between the Port Operator's acoustic consultant and the Nelson City Council and, if they cannot agree, then at the points determined by the Nelson City Council.

(f) Those noise-affected properties eligible for mitigation under Section AP29.B.1 of Appendix 29.B shall be identified on the port noise contour map.

(g) The Port Operator shall maintain an Acoustic Certificate Register. A copy of the register and Acoustic Certificates for noise-affected properties shall be supplied to the Nelson City Council. Copies of the register and acoustic certificates shall also be held at the offices of the Port Operator and the Nelson City Council and made available to members of the public on request.

(h) When a noise complaint is received the Port Operator will immediately advise the Nelson City Council if the complaint is not received through the Nelson City Council.

(i) The Port Operator shall maintain a register of noise complaints and report the details of complaints and action taken to investigate and resolve complaints to the Port Noise Liaison Committee at the earliest opportunity.

(j) Copies of the Port Noise Management Plan are to be held at the offices of the Port Operator and the Nelson City Council and made available to members of the public on request.

(k) An annual update of noise modelling information is to be made available to property owners whose properties are shown on the current Port Noise contour map for the first five years and every two years thereafter.

AP29.A.3 Procedure for measuring Port noise

AP29.A.3.i Port noise shall be measured as follows:

(a) in accordance with NZS 6801:1999 Acoustics - Measurement of Sound, and assessment shall be in accordance with NZS 6809:1999 Acoustics - Port Noise Management and Land Use Planning, provided that:

i) subject to sub-clause (b) i) of this clause, the Rating Level described in clause 7.3 of NZS 6809:1999 shall be determined for the sole purpose of defining any $L_{eq\ (15\ minute)}$ sound level, required for the purposes of Appendices 29.A and 29B; and

ii) adjustments for any special audible characteristic to any Leq (15min) made in accordance with clause 7.3 and A6 of NZS 6809:1999 shall, except for audible warning devices, not apply to noise from log and container handling activities. The above exception for log and container handling activities shall also apply to audible warning devices on ships where there is no practical alternative for safety reasons.

(b) For the purpose of comparison with noise criteria specified in Appendix 29.B the following will apply:

i) In calculating any $L_{dn,\ (5\ day\ average),}$ one ship visit of up to five days duration, shall be deemed to be one occasion.

ii) In assessing any $L_{eq\ (15\ minute)}$ sound level between 10pm and 7am the following day, one ship visit of up to five days duration shall be deemed to be one occasion.

AP29.B PORT NOISE MITIGATION PLAN

AP29.B.1 Mitigation for noise-affected properties above 65dBA

AP29.B.1.i The Port Operator shall offer to purchase or provide Acoustic treatment for Noise affected properties which:

- are shown on the current Port noise contour map as being above the 65 dBA contour; or
- receive a measured 65 dBA $L_{eq\ (15\ min,\ 10pm\ -7am)}$ or greater on more than three occasions (more than 24 hours apart) during any rolling 12 month period.

The following conditions and standards shall apply to the offer to purchase or provide Acoustic treatment:

(a) The owner of each property shall have the right to elect whether to accept either the offer of purchase or the offer of acoustic treatment and there is no time limit on the owner's acceptance of the offer.

(b) If an owner elects to choose the offer of purchase, the purchase price shall be the fair market value of the property which shall be determined as if the property was not affected by noise from the Port Industrial Area.

(c) Acoustic treatment of properties shall be carried out by the Port Operator in accordance with procedures specified in the Port Noise Mitigation Plan. The Port Operator shall not be required to spend on Acoustic treatment more than 50% of the value of the property after deducting the land value for the property.

(d) Where the assessed cost of Acoustic treatment exceeds 50% of the value of the house (excluding land value) the Port Operator shall advise the property owner of the cost of Acoustic treatment and offer the property owner the option of making up the difference in the cost of Acoustic treatment to enable the Port Operator to obtain an Acoustic Certificate, or having the Port Operator purchase the property. If the property owner elects purchase of the property the provisions of (a) and (b) above and AP29.B.5 shall apply.

(e) If port noise received by a property which has received Acoustic treatment pursuant to this Appendix 29B exceeds the Certified level of Port noise for that property, then the Port Operator shall offer to either purchase the affected property or to undertake further acoustic treatment, despite the previous election of Acoustic treatment.

(f) The provisions of clauses (a) and (b) above and Ap29.B.5 (i) shall apply to the offer made pursuant to clause (e).

(g) Properties purchased by the Port Operator pursuant to this Appendix 29B may not be used for residential purposes unless they receive Acoustic treatment and have obtained the appropriate Acoustic Certificate.

(h) The Port Noise Mitigation Plan shall provide for the time frame and staging of any work required to be implemented by the Port Operator in accordance with Section AP29.B.4 below.

AP29.B.2 Mitigation for Noise-affected properties 60dBA and up to 65 dBA

AP29.B.2.i The Port Operator shall contribute towards the costs of Acoustic treatment for Noise affected properties which:

- are shown on the current Port noise contour map as being between the 60 and 65 dBA contours, or
- receive an assessed 60-65 dBA $L_{eq\ (15\ min,\ 10pm\ -\ 7am)}$ on more than three occasions (more than 24 hours apart) during any rolling 12 month period.

The requirement to provide Acoustic treatment shall apply as follows:

(a) The Port Operator shall contribute 50% of the cost of Acoustic treatment but shall not be obliged to contribute more than that sum. If the property owner does not decide to contribute the difference, the Port Operator shall not be obliged to provide the Acoustic treatment.

(b) Acoustic treatment of properties shall be carried out in accordance with procedures specified in the Port Noise Mitigation Plan. The Port Noise Mitigation Plan shall provide for the staging of this work in accordance with Section AP29.B.4 below.

AP29.B.3. Mitigation for noise-affected properties 55dBA and up to 59dBA

AP29.B.3.i The Port Noise Liaison Committee will provide technical advice to the owners of properties. On request by the owner, the Port Operator may offer, on the recommendation of the Port Noise Liaison Committee, to contribute up to 50% of the costs of acoustic treatment for properties which are shown on the current port noise contour map as being between the 55 and 59 dBA contours. The following conditions shall apply to the provision of technical advice or an offer to provide acoustic treatment:

(a) Acoustic Treatment of noise-affected properties shall be carried out in accordance with procedures specified in the Port Noise Mitigation Plan.

(b) The Port Noise Mitigation Plan shall provide for the staging of this work in accordance with Section AP29.B.4 below.

AP29.B.4 Staging of mitigation for noise-affected properties

AP29.B.4.i The Port Noise Mitigation Plan shall provide a time frame and procedure for the carrying out of Acoustic treatment and property purchase which shall include:

i) Stage 1

The offer required to be made by the Port Operator pursuant to AP29.B.1 shall be made within one year of the notification of Variation 07/01 and shall provide for settlement of the purchase or completion of Acoustic treatment, whichever the case may be, within six months of either the fair market value of a property being determined , or the property owner's acceptance of the offer, whichever is the later. In the case of an offer made pursuant to AP29.B.1.i (e) it shall be made within two months of it being established that the Certified level of Port noise is being exceeded, but otherwise the provisions in this clause for settlement shall apply.

ii) Stage 2

The Port Operator shall make offers to contribute towards the cost of Acoustic treatment in accordance with AP29.B.2 progressively over a three year period from notification of Variation 07/01 proceeding in one decibel intervals from the most affected property to the least affected.

iii) Stage 3

All requests from property owners in accordance with AP29.B.3.i shall be considered by the Port Noise Liaison Committee on a case by case basis and a recommendation made to the Port Operator.

AP29.B.5. Procedure for assessing value of properties

AP29.B.5.i The Port Noise Mitigation Plan shall provide that the fair market value of a property shall be determined as follows:

(a) by agreement between two valuers, one acting for the Port Operator and one acting for the property owner;

(b) if the two valuers are unable to agree, then the fair market value shall be determined by a valuer agreed upon by the two valuers or, if they are unable to agree on a valuer, then by a valuer appointed by the President of the Nelson Branch of the New Zealand Law Society.

(c) For the purposes of determining the value of the house under clauses AP29.B.1.i (c) and (d) the provisions of (a) above shall apply.

AP29.C PORT NOISE LIAISON COMMITTEE

AP29.C.1. Port Noise Liaison Committee composition

AP29.C.1.i The Port Noise Liaison Committee required under Rule INr40 c) shall comprise members appointed by the following organisations with equal representation from each group:

- The Port Operator
- The Nelson City Council
- Representatives of residents living in the Port Hills residential area
- Representatives of Port Industrial Area users and cargo owners

The Port Noise Liaison Committee shall be constituted as a separate committee from the Port Nelson Environmental Consultative committee, irrespective of whether the two committees have a common or similar membership.

AP29.C.2 General Duty to Committee

AP29.C.2.i Subject to anything to the contrary in this Appendix 29 the Port Operator shall implement such recommendations of the Port Noise Liaison Committee as can be implemented within budget and without compromising the efficiency, safety and competitiveness of port operations.

AP29.C.3 Role of the Port Noise Liaison Committee

AP29.C.3.i The Port Noise Liaison Committee shall consider all noise issues arising from the port operation and carry out the functions identified in the Port Noise Management Plan and any functions identified in Appendix 29.B.

AP29.C.4 Port Noise Liaison Committee Resourcing

AP29.C.4.i The Port Operator shall provide for the establishment and support of the Port Noise Liaison Committee as follows:

(a) The Port Operator will provide secretarial and logistic support for the Committee.

(b) The Port Operator shall arrange for the Committee to meet on not less than four occasions each year and shall identify procedures in the Port Noise Management Plan for calling a special meeting of the Committee.

(c) The port operator shall provide a budget that makes adequate provision for the committee to undertake its functions including the investigation and recommendation of noise reduction measures within the Port Operational Area.

(d) An annual summary of the activities of the Port Noise Liaison Committee taken from the minutes of the Committee meetings is to be provided to owners of Noise-affected properties.

VOLUME 4 Planning Maps

1. Amend the legend (left-hand maps) and replace planning maps 6L, 9L and 10L with new planning maps 6L, 9L and 10L as shown in Appendix A.

APPENDIX A PLANNING MAPS

LEGEND: LEFT HAND MAPS

PLANNING MAPS LEGEND (LEFT HAND MAPS ONLY)

NOTE 1: Flood Paths not defined on the Planning Maps are shown in a table in the front page of the Planning Maps.

OVERLAYS

- Services Overlay
- Land Management Overlay
- Proposed Road (Indicative Alignment Only)
- Road To Be Stopped
- Potential Quarry Overlay
- Launching Ramps
- Riparian Overlay (See App5 and Zone Chapters)
- Port Nelson Ltd Coastal Permit

AIRPORT EFFECTS OVERLAYS
See Map A4.1for Extent of Overlays

- Outer Limit of Airport Effects Advisory Overlay
- Outer Limit of Airport Effects Control Overlay
- Airport Effects Limit Overlay
- Airport Effects Advisory Overlay
- Airport Effects Control Overlay

PORT EFFECTS OVERLAY

- Port Effects Control Overlay

ELECTRICAL TRANSMISSION LINES (ETL)

- 33kV ETL
- 66kV ETL
- 110kV ETL
- 220kV ETL

MAP EXTENT SYMBOLS

- 1:2,500
- 1:5,000
- 1:10,000
- 1:25,000
- Map Limit Outlines

OVERLAYS
AREAS OF SIGNIFICANT CONSERVATION VALUE (ASCV)

- Conservation Overlay
- Marine ASCV

NATURAL HAZARD OVELAYS

- Fault Hazard Overlay

SLOPE RISK OVERLAYS (S.R.O.)

- Grampians S.R.O.
- Tahunanui Slump Core S.R.O.
- Tahunanui Slump Fringe S.R.O.

FLOOD HAZARD OVERLAYS

- Floodpath Overlay (Also See Note 1, Flood Path Table)
- Flood Overlay
- Inundation Overlay

HERITAGE OVERLAYS

- Heritage Building, Object, Place
- Heritage and Landscape Trees
- Heritage Precincts
- Wakefield Quay Precinct

DESIGNATIONS

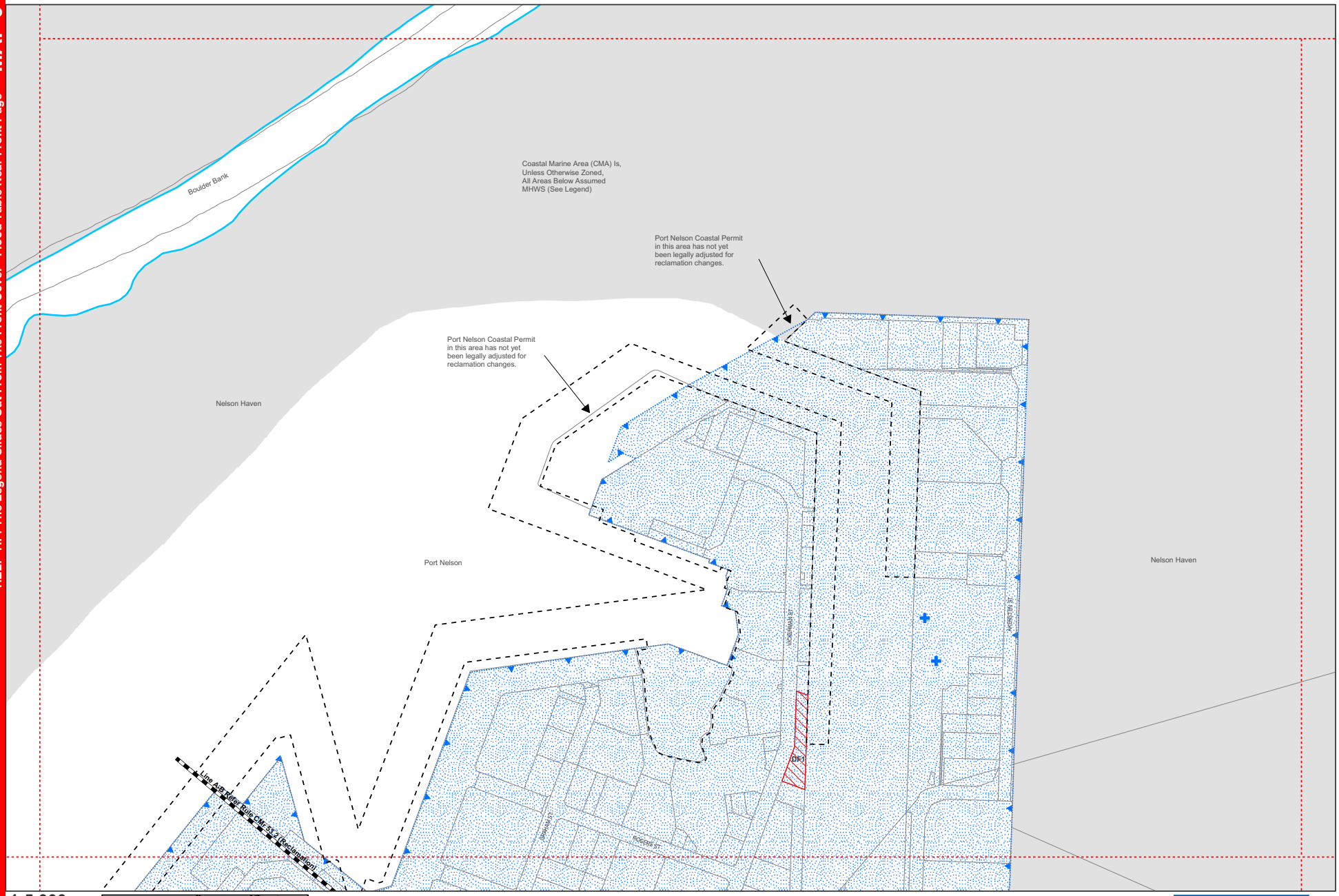
- Designation Area

SYMBOLS

- Public Car Parking Square and Places
- Nelson City Boundary
- Bridge Location - (No Rules Apply)

MAP 6

HELP TIP: The Legend Slides Out From The Front Cover - Flood Table Near Front Page



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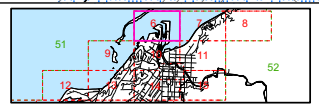
MAP 6



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Maps Generated by Nelson City Council's GIS System
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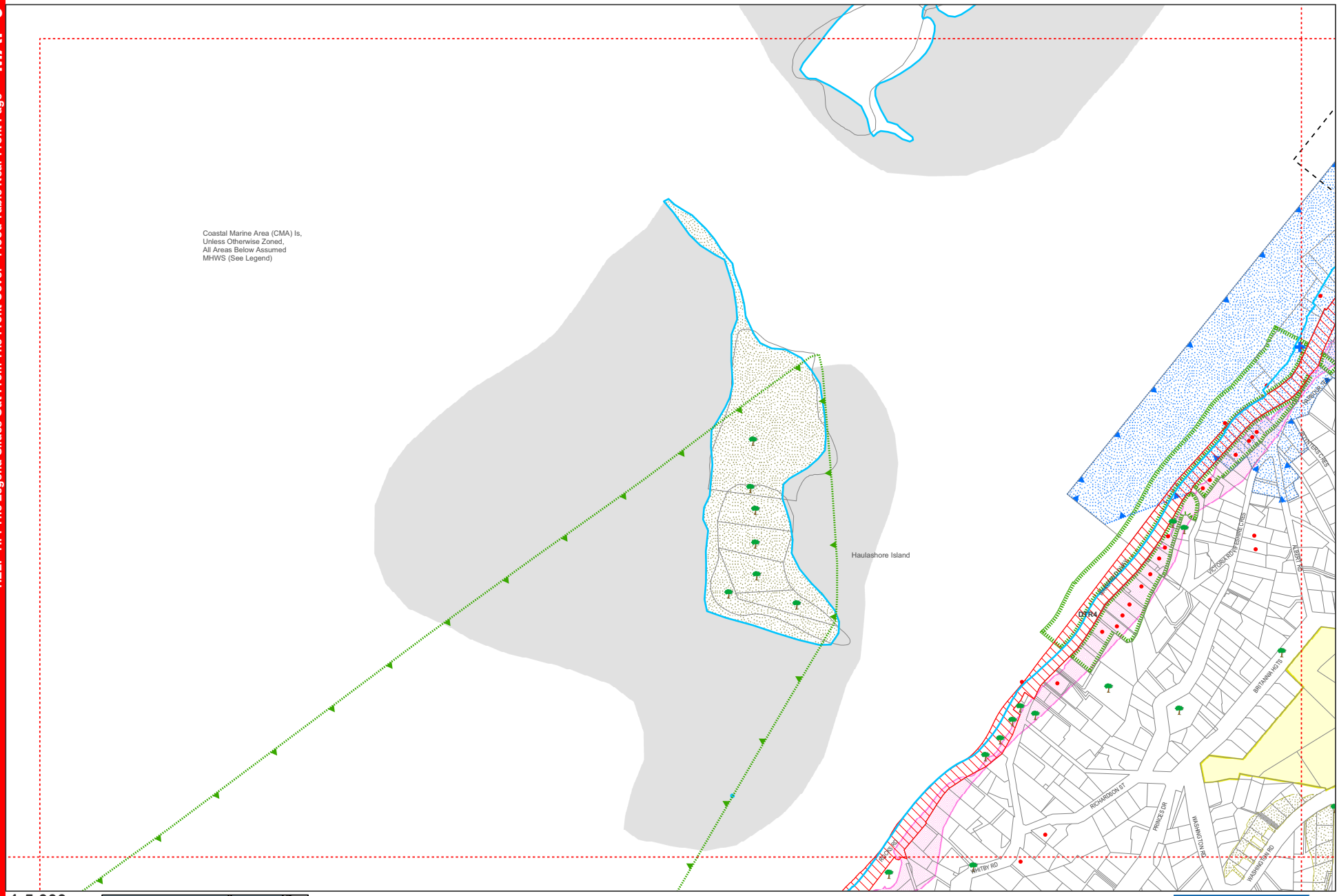
OPERATIVE IN PART (EXCLUDING REGIONAL COASTAL PLAN)
16 JUNE 2007

NELSON CITY COUNCIL

NELSON RESOURCE MANAGEMENT PLAN

MAP 9

HELP TIP: The Legend Slides Out From The Front Cover - Flood Table Near Front Page



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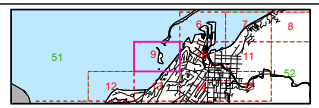
MAP 9



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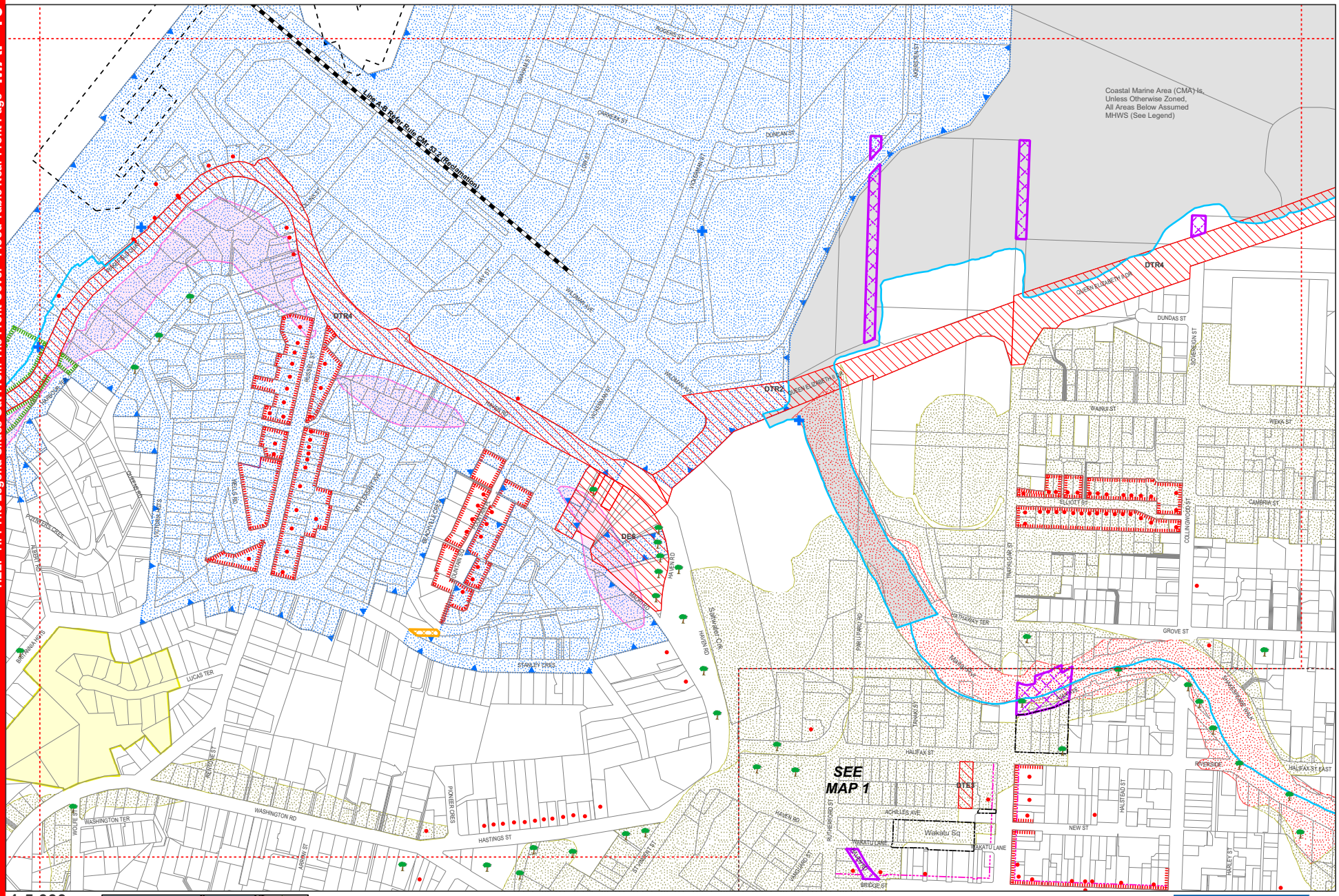
NELSON CITY COUNCIL

NELSON RESOURCE MANAGEMENT PLAN

HELP TIP: The Legend Slides Out From The Front Cover - Flood Table Near Front Page

MAP 10



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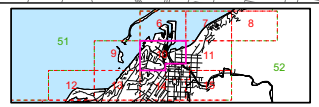
MAP 10



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