



QUEENSTOWN LAKES DISTRICT COUNCIL
PLAN CHANGE HEARING COMMITTEE
REPORT FOR PLAN CHANGE 27A: NOISE STANDARDS PLAN CHANGE

FOR HEARING COMMENCING: FEBRUARY 2010

REPORT DATED: JANUARY 2010

**SUBMITTED BY: FOR AND ON BEHALF OF THE QUEENSTOWN
LAKES DISTRICT COUNCIL**

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Plan Change 27A – Noise Standards

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1.0 INTRODUCTION

This report has been written in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions and further submissions received following the public notification of Plan Change 27A and to make recommendations on those submissions.

The background information to this Plan Change is contained within the Section 32 evaluation prepared by the Queenstown Lakes District Council (QLDC) at the time that this Plan Change was notified. A copy of the Section 32 report is available on the Council's website: www.qldc.govt.nz. The purpose of the Plan Change is as follows:

To clarify, replace or update references to acoustic standards incorporated by reference in the Plan and revise provisions relating to noise to ensure they are consistent and clear, and reflect industry best practice.

At present the District Plan refers to the noise standards NZS 6801:1991 and NZS 6802:1991. Amongst other changes the Plan Change proposes to refer to the standards NZS 6801:2008 and NZS 6802:2008.

Since the District Plan was drafted these are the second new standards that have been created to replace those that are referenced in the plan. It is considered to be important to reference the updated standards to ensure that best practice is employed in measuring and assessing noise in the District.

In addition to the above, the Resource Management Act was amended in 2005 to be specific on the requirements for incorporating documents into a District Plan. Schedule 1 clause 32 states the following:

Proof of material incorporated by reference

(1) A copy of material incorporated by reference in a plan or proposed plan, including any amendment to, or replacement of, the material must be—

- (a) certified as a correct copy of the material by the local authority; and*
- (b) retained by the local authority.*

The District Plan is now required to reference specific standards as opposed to requiring noise to be measured “*in accordance with other relevant New Zealand Standards*” as currently stated. This proposed plan change therefore seeks to specifically reference the relevant standards as is required by Schedule 1 of the Resource Management Act.

The Section 32 report outlines the changes made in detail and the justification for these changes.

The following is a summary of the role of the standards that are being incorporated by reference (as copied from the Standards New Zealand website):

NZS 6801:2008 - Acoustics - Measurement of environmental sound

Defines basic quantities to be used for the description of sound in community environments and describes procedures for the measurement of these quantities. The procedures described are intended to enable consistent measurement of environmental sound for all

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conditions within the scope of the Standard. These procedures are referenced by other Standards in the Acoustics series. Users of this Standard are assumed to have a basic understanding of the science of acoustics and experience in sound measurement. The Standard may be cited in local authority rules, plans, and consent conditions or in National Environmental Standards to avoid the need for inclusion of technical information while ensuring national consistency in sound measurement methods.

NZS 6802:2008 - Acoustics - Environmental noise

Sets out procedures for the assessment of noise for compliance with noise limits, and provides guidance for the setting of noise limits for consent conditions, rules or national environmental standards. Assessment is based on a rating level which can be derived from simple and detailed assessment methods. These expand the methods used in the 1999 edition. Guidelines for setting noise limits and writing consent conditions have been revised, and guidelines for protection of health and amenity expanded to address common planning issues.

NZS 6803:1999 – Construction noise

Covers the measurement and prediction of noise from construction, maintenance and demolition work, and the assessment of such noise to determine whether action is required to control it. Intended to assist local authorities, developers, architects, engineers, planners, designers, and contractors to control noise on and from construction, maintenance and demolition sites. Includes detailed methodology for predicting noise from construction activities, and sound level data tables for a wide range of construction equipment.

NZS 6805:1992 - Airport noise management and land use planning

For use by territorial or regional government to control airport noise. Establishes maximum acceptable levels on noise for the protection of community health.

NZS 6807:1994 - Noise management and land use planning for helicopter landing areas

Details procedures for the measurement and assessment of noise from helicopter landing areas and recommends land use planning measures where necessary to mitigate the adverse effects of noise on land uses surrounding the helicopter landing area.

NZS 6808:1998 - Acoustics - The assessment and measurement of sound from wind turbine generators

Provides a suitable method for the measurement and assessment of sound from wind turbine generators. Also provides guidance on the limits of acceptability for sound received at residential and other noise sensitive locations. The standards may be applied during the wind turbine generator or windfarm development planning process, to confirm compliance with resource consent conditions covering sound levels, and for the investigation and assessment of noise complaints arising from wind turbine generators.

One of the more important changes in adopting the new standards is the change from using L_{10} to using L_{eq} as the means in which noise should be measured. The effect of this is that very marginally more noise will be permissible than is currently the case. However, using the antiquated L_{10} causes difficulties in measuring and therefore in enforcing noise limits. It is therefore considered that those that are adversely affected by noise will benefit from moving to the new standard.

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The plan change was publicly notified in August 2009 with the further submission period closing in November 2009. A total of 53 submissions and 13 further submissions were received. Of the original submissions, 37 of these were proforma submissions.

The main issues raised through the submissions can be roughly divided into the following categories:

1. Inadequacy of Plan Change and Section 32 assessment
2. Lack of public consultation
3. Liberalisation of noise limits
4. Reduction in amenity values particularly in respect to aircraft noise
5. Plan Change should include a comprehensive review of all the District Plan noise provisions
6. Potential reverse sensitivity effects due to new provisions in the Town Centre zone

This report briefly summaries each submission and makes recommendations as to whether or not these submissions should be accepted or rejected; and finally, concludes with an overall recommendation based on the above. The report needs to be read in conjunction with the memo of Stephen Chils, included as Attachment B, which addresses some of the more technical issues raised in the submissions.

2.0 SUBMISSIONS

2.1 Proforma Submission

The following proforma submissions (27/9/1-27/37/1-1) were received:

SUBMITTER	ADDRESS
Arthurs Point Community Association	Arthurs Point
Geoff Argall	15 A Redfern Terrace, Arthurs Point
Philippa Argall	15 A Redfern Terrace, Arthurs Point
Simon Beale	61 Mathias Terrace, Arthurs Point
Sue Bradley	11 Crows Nest Rd, Arthurs Point
Christine Byrch	Unknown
Angela Champion	Unknown
Louise Cooper	Unknown
Tom Cowan	11 Crows Nest Rd, Arthurs Point
Edward Cruikshank	17 Littles Road, Queenstown
Tonya Cruikshank	17 Littles Road, Queenstown
Simon Dasies	Closeburn Station
Warwick Dicker	24 McChesney Rd, Arthurs Point
Sandra and Mike Fleming	51 Rutherford Rd, Lake Hayes
Frankton Community Association	Frankton
Lorna Gray	3 Morningstar Terrace, Arthurs Point
Simone Hart	17 Mathias Terrace, Arthurs Point
Victoria Hibbolt	9/70 Robins Rd, Queenstown
Peter Jahnsen	93 Thompson St, Queenstown
Steve and Mary Jenkins	36 Mc Chesney Rd, Arthurs Point
Kelvin Peninsula Community Association	Kelvin Heights Peninsula
Clive and Shane Manners Wood	101 Malaghans Rd, Queenstown
Kenneth Mitchell	70 Arthurs Point Rd, Arthurs Point
Ewen and Heather Rendel	Unknown
Darryl Sampson	Unknown
Elinor Slater	104 Atley Rd, Arthurs Point
Peter Smith	Unknown
D Sowry and J Allan	453 Littles Road, Queenstown
Colin Yuill	Unknown

- i) The submission states that the plan change was “*not prepared in accordance with RMA Section 32*” and not in accordance with the Objectives and Policies contained in the District Plan.

Comment

Under Section 32 of the Resource Management Act a local authority must undertake an evaluation that examines the extent to which each objective is the most appropriate way to achieve the purpose of the Act and whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The plan change does not propose to amend, delete or introduce any objectives to the District Plan and therefore an assessment of any proposed objectives is not relevant. This assessment would have been done prior to adopting the existing objectives. Further to this, given that the plan change will not increase the existing permitted noise levels, the proposal to update the existing standards will continue to ensure that the

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proposed provisions are the most appropriate method in achieving the existing objectives.

An example of those objectives specifically relevant include the following:

Section 5 Rural Areas - Objective 3

“Avoiding, remedying or mitigating adverse effects of activities on the rural amenity”

Section 7 Residential Areas- Objective 3 and 4

“Pleasant living environments within which adverse effects are minimised while still providing the opportunity for individual and community needs”.

“Non residential activities which meet community needs and do not undermine residential amenity located within residential areas”.

Section 8 Rural Living Areas- Objective 2

“Avoiding, remedying or mitigating adverse effects of activities on rural amenity”

Section 10 Town Centre – Objective 2- Amenity

“Enhancement of the amenity, character, heritage, environmental quality and appearance of the town centre.

“Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the District.”

The noise provisions in the District Plan fall under the relevant zone specific objectives that seek to protect amenity values. The proposed amendments to the District Plan are limited to updating the New Zealand Standard references relating to noise measurement and assessment. The plan change does not amend the purpose of the rules and will have negligible adverse effects over and above those effects already permitted under the Plan. As a result it is considered that the proposed amendments will ensure the rules will continue to be consistent with the relevant objectives and policies in the District Plan. The plan change will provide for a more efficient and effective method of measuring and assessing noise in the district while continuing to ensure that any adverse effects are mitigated. As a result, the proposed new noise standards and subsequent minor changes to the provisions will continue to safeguard existing amenity values.

Recommendation

Reject the submission that the plan change was not prepared in accordance with Section 32 or is contrary to the objectives and policies of the District Plan.

- ii) The submission also states that the plan change does not assess effects on property owners common law rights to quiet enjoyment, loss of building rights, imposition of Building Act costs to insulate buildings near noise sources proposed.

Comment

The proposed plan change will not increase permitted noise levels within the district. Amending references in the District Plan to the updated New Zealand standards will change the way noise is assessed and measured but will not result in a perceivable change in the level of noise districtwide.

As a result, the plan change will not alter existing building rights (it is noted that the concept of the notional boundary already exists in the District Plan), nor will it increase the noise levels and therefore the potential cost to insulate from noise sources. As a result, the above assessment requested in this submission is not considered necessary.

Recommendation

Reject the submission that an assessment should be undertaken to consider the matters raised above.

- iii) The submission states that the plan change does not record any consultation with the Ministry for the Environment, Iwi authorities, and the board of any foreshore and seabed reserve in the region.

Comment

The Ministry for the Environment and Ngai Tahu were both served notice of the plan change through the public notification process. It is noted that neither parties chose to submit on the plan change. Consultation was not carried out with the board of any foreshore or seabed reserve as this is only required if applicable and it is clearly not relevant to this plan change.

Recommendation

Reject the above submission that consultation was insufficient.

- iv) Item 5 of the submission states that the plan change “*understates the environmental costs of the proposed changes, the RMA section 32 report hardly mentions any costs at all*”.

Comment

As outlined in item 2.1(i) above, the Section 32 assessment is considered adequate in respect to meeting the requirements of the Resource Management Act. The assessment includes a cost and benefit analysis for both options and finds that not undertaking the plan change outweighs the cost of retaining the status quo.

Recommendation

Reject the above submission that the Section 32 report was inadequate in respect to assessing the costs of the proposed plan change.

- v) The submission also states that the plan change “*does not assess that NZS 6807 1994 Helicopters is being introduced for all zones in the District for non-residential activities. NZS6807 was not previously referenced in the District Plan*”.

Comment

Refer to paragraph 1 in Attachment B for comment.

Recommendation

Reject the above submission point as the noise limited and methodology in NZS 6807:1994 were already applicable under the District Plan.

- vi) The submission states that the plan change does not assess the effects of the Notional Boundary being introduced as a measuring point, a relaxation of the Helicopter Standard NZS 6807:1994 which requires the *property boundary* as a measuring point in built up areas. The submission states that this change has negative implications for future land use.

Comment

The existing plan provisions for all sound sources require measurement points to be taken “*either at or within the notional boundary of any residential unit*” within the Rural General Zone. The concept of a notional boundary is only used in the rural environment. Within all other zones, the existing plan provisions require measurement to be taken at the boundary of any other site in the zone. The notional boundary measurement point is therefore not being introduced to the plan as it already exists. It is being amended, insofar as the plan change requires measurement to be taken *within the boundary* of any other site within the zone as opposed to *at the boundary*. The existing provisions include both provisions (*within* and *at* the property boundary) subject to the zone. Hence this is not a new concept in the district plan but is being introduced in some zones in an attempt to provide some consistency throughout the District Plan. It is recognised in NZS 6802:2008 that requiring a measurement point at a property boundary is not good practice as measurements can be obstructed or influenced by objects such as ditches, fencing or buildings for example. In respect, however, to reference to the NZS 6807:1994 standard, as outlined in Rule 5.3.5.2.v (d) helicopter noise limits will continue to be measured in accordance with this standard.

Recommendation

Reject the above submission for reasons outlined above.

- vii) The proposed plan change proposes to introduce NZS 6802:2008 to the District Plan. The submission states that the assessment does not assess the building rights issue of this standard which states “any existing dwelling”. The submission states that this standard is “*designed to exclude effects on future buildings close by a noise source and may force requirements for expensive acoustic building methods for buildings at medium distance or prevent their being erected at all close by.*”

Comment

As outlined above, the concept of measuring sound in the rural environment within the notional boundary is not new to the District Plan. Please refer to paragraph 2 in Attachment B for further comment.

Recommendation

Reject the above submission as the plan change does not alter any building rights.

- viii) Item 9 of this submission states that the plan change does not assess the issue of removing the protection in NZS 6802:1991 for a 5 dB L₁₀ reduction to noise performance standards for noise with “*special audible characteristics*”... *such as tonality and impulsiveness*”.

Comment

Refer to paragraph 3 in Attachment B for comment.

Recommendation

Reject the above submission as protection from special audible characteristics has not been removed.

- x) Item 10 states that the plan change does not adequately identify the alternatives such as using a greater distance than 20m from the notional boundary in rural areas.

The purpose of the plan change is to update the existing plan provisions so that they reflect current best practice. The 20m notional boundary is recognised in both the District Plan and in the existing and updated standards as being a common measuring

point that is used as best practice. It is considered sufficient to protect dwellings or land in the vicinity of dwellings that are considered to require the greatest level of protection from adjacent noise emissions. As a result, it is considered that the use of any alternative measure would be inconsistent with the purpose of the plan change.

Recommendation

Reject the submission for reasons outlined above.

- xi) The submission also states that the plan change underestimates the effects of moving from typically 50dBA L₁₀ in the District Plan at present to 50dBA L_{Aeq(15 min)} measurement method.

Comments

Refer to paragraph 4 in Attachment B for comment.

Recommendation

Reject the submission as the difference between 50dBA L₁₀ and 50dBA L_{Aeq(15 min)} has not been underestimated.

- xii) Item 12 states the plan change does not assess the effects of changing noise measurement periods

Comments

Refer to paragraph 5 in Attachment B for comment.

Recommendation

Reject the submission as measurement periods have not significantly changed.

- xiii) The submission also states that the plan change does not assess the effect of removing NZS6801 1991 4.2 “background plus” assessment that states “L₁₀ *should not exceed the background sound level by 10dBA or more*”, to protect particularly quiet environments, especially in the 30-50dBA L₁₀ range.

Comments

Refer to paragraph 6 in Attachment B for comment.

Recommendation

Reject the submission as the removal of “background plan” from NZS 6802 has no bearing on the District Plan noise limits.

- xiv) Item 14 of the submission states that the plan change does not assess the effects of changing from L₉₅ “*residual sound level*” in NZS6802 1991 to L₉₀ “*background sound level*” in NZS6802 2008.

Comments

Refer to paragraph 7 in Attachment B for comment.

Recommendation

Reject the submission as neither the L₉₀ nor L₉₅ are included in the District Plan.

- xv) Item 15 states that the plan change does not assess the effects of removing L_{max} for night time.

Comment

Refer to paragraph 8 in Attachment B for comment.

Recommendation

Reject the submission as maximum noise limits have been retained at night. The terminology has changed but the limits are the same.

In respect to the above submission points, the submitter seeks the following relief:

- i) Withdraw plan change, carry out further consultation with community groups and prepare a new Section 32 report.

Further Submission

A further submission was received from Christine Byrch in support of the proforma submission above, seeking that the plan change undertakes a comprehensive review of the noise provisions in the District Plan as opposed to just changing the way noise is measured and assessed.

A further submission in support of this submission was received from all those parties listed in the proforma submission under 2.2 below.

Recommendation

Reject relief sought in both the original and further submission for reasons outlined above.

2.2 Proforma Submission

The following proforma submissions (27/1/1-4 - 27/8/1-4) were also received from the following submitters who are all owner/ operators of licensed premises in Queenstown’s town centre:

SUBMITTER	ADDRESS
Frenzy Group Limited	Queenstown Town Centre
ACB Holdings	Queenstown and Wanaka Town Centre
Ellis Hospitality Group Limited	Queenstown Town Centre
Bar None Limited	Queenstown Town Centre
Southern Pub Company Limited	Queenstown Town Centre
Subculture	Queenstown Town Centre
The World Limited	Queenstown Town Centre
Watertight Investments Limited	Queenstown Town Centre

- i) **Review of all District Plan Noise Provisions**

The main issue raised in this submission was the opposition towards Council not undertaking a complete review of the existing District Plan noise provisions, as opposed to the proposal to just update the existing noise standards.

Comment

While it is acknowledged that the existing noise levels may need to be considered for review at some time in the future, Council is yet to consider the most appropriate time for this to occur. The purpose of this plan change is simply to update the old New Zealand Standards and address some of the inconsistencies around the noise provisions in the district plan.

Recommendation

Reject this submission point for reasons outlined above.

ii) Inadequate Section 32 Analysis

The submission also states that the Section 32 was inadequate, specifically stating there is little evidence to justify the plan change, the implications of not undertaking plan change is overstated and there was an inadequate analysis of effects

Comment

Refer to 2.1 (i) above for comment.

Recommendation

Reject this submission point that the Section 32 assessment was inadequate.

iii) No Consultation

The submission states that “*no consultation has been undertaken with stakeholders and landowner who have land and/or interests in the Town Centre Zones or other zones in the district*”.

Comment

Due to the negligible adverse effects the plan change will have, over and above those effects already existing, on noise levels, consultation prior to notification of the plan change was not considered necessary. There is no statutory obligation under the RMA to consult prior to notification of a plan change, with the exception of those specifically listed in Schedule 1 of the Act. Under Section 82 of the Local Government Act 19 the level of consultation required is dependent on the size of the decision sought. Due to the negligible effects the proposed plan change will have on noise levels in the district, consultation prior to notification was not deemed necessary.

Recommendation

Reject this submission point suggesting that consultation should have been carried out prior to notification.

iv) Compounding Existing Inconsistencies in the District Plan

The submission states that the plan change will compound existing inconsistencies in the District Plan, potentially creating a conflict between noise generating activities in Town Centres and sensitive receivers. It is suggested that the way to avoid this is to review the noise rules as a whole. This submission suggest that the daytime and night time hours in the noise rules in the Town Centre zone need to be amended.

Comment

As outlined above, the purpose of the plan change is to update the existing noise standards that are referenced in the District Plan and rectify any existing inconsistencies with the existing noise provisions. In order to amend the noise limits as suggested above, a full review of the noise provisions will need to be undertaken. Amending the noise provisions in the town centre as suggested would be outside the scope of this plan change.

Recommendation

Reject the submission point to amend the noise provisions in the Town Centre zone.

v) Noise Limits

The submitter states that there has not been any assessment undertaken to support the proposition that noise levels should remain “as is”, with reference to the L_{Aeq} to L_{10} change.

Comment

The Section 32 report includes a cost and benefit assessment of this change stating “*changing the Plan noise limited from L_{10} to L_{eq} creates a slight difference between the two values and in some (albeit few) instances, the noise limits would become marginally more lenient.*” The benefits of the change are stated as including “*the provisions of the plan will be updated to align them with current acoustic standards and best practice without changing the intent of the provisions*”. This change is necessary in order to update the standards referenced in the District Plan and hence achieve the purpose of this plan change.

Recommendation

Reject the above submission point for reasons outlined above.

vi) Implications for Resource Consents

This submission also states that the Section 32 report does not detail or justify why the current standards are “*inefficient in the consideration and assessment of individual resource consent application*” and opposes any changes to the District Plan which may have implications for its resource consent to operate licensed premises. The submitter seeks an additional clause be added to the proposed rules to protect the existing use rights of consented premises.

Comment

All resource consents approved prior to any applicable plan change are protected by existing use rights. It is not considered necessary to include a further provision in the District Plan as sought by the submitter.

Recommendation

Reject the above submission point for reasons outlined above.

vii) Ambiguities in Drafted Rules

The submitter considers that the rules as drafted contain a flaw which will result in interpretational issues because “*sound*” is not defined in the District Plan. Reference should be made to “*noise*” which is defined in the District Plan and referenced throughout the Act.

Comment

It is agreed that the reference to “*sound*” in the proposed provisions may potentially cause interpretational issues at a later date, due to the absence of a definition in the District Plan. The words “*sound*” and “*noise*” have different meanings in New Zealand Standards and the usage in the plan change is consistent with the meanings used in the standards. Altering “*sound*” to “*noise*” would be inconsistent with these standards.

A new definition of “*sound*” in the District Plan would address the issues identified and retain consistency with the relevant standards.

Recommendation

Accept the submission point in part by including the following definition in the District Plan:

“*Sound shall have the same meaning as in NZS 6801:2008 Acoustics - Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise*”.

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viii) Provision for Smokers

The submitter seeks that an additional clause to the plan change be included to address the provision for smokers using the outdoor areas of licensed premise after 10pm.

Comment

Introducing the above clause would fall outside the scope of this plan change.

Recommendation

Reject the above submission point as it would fall outside the scope of this plan change.

ix) Clause 10.7.5.2 (ii) (b)

The submitter seeks that the following clause be deleted from the Town Centre provisions. The clause reads:

“Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone”.

Comment

The above clause was proposed in order to protect activities in one zone from noise generated in an adjoining zone. A similar provision already exists in the Residential and Remarkable Park Zones. The purpose of introducing this provision districtwide was to provide some consistency with the District Plan noise provisions, as outlined in the purpose of the Plan Change. This submission, however, as well as the submission by Good Group and Westward, opposes this new provision as they consider that the provision could generate reverse sensitivity effects between activities in adjoining zones.

The purpose of this provision is to protect amenity values in respect to the particular zone. This submitter, however, opposes the inclusion of this rule as it considers it could compromise activity in the Queenstown Town Centre Zone due to this requirement to comply with noise levels in the adjoining Rural General Zone. The proposed rule however, requires sound to comply with noise limits in the Rural General Zone at any point within the notional boundary of any residential unit. The only Rural General zoning around the Queenstown Town Centre is the underlying zoning of Lake Wakatipu and the Queenstown Gardens, neither of which support, nor are likely to support, any residential units. This provision has been proposed to provide some consistency in the District Plan in respect to the noise provisions. The adverse effects of introducing this provision will be negligible. The benefits in comparison include a more consistent approach to managing noise throughout the District Plan as well as more protection towards safeguarding on site amenity in respect to each particular zone.

In respect to the above, the submission seeks the following relief:

- i) Withdraw Plan Change and advance new Plan Change addressing the noise rules as a whole; or
- ii) Amend Rule 10.6.5.2 (ii) to read:
 - (a) Noise from activities measured in accordance with NZS 6801:2008 assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

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- (i) daytime (0800 to 2300hrs) 60 dB $L_{Aeq(15\ min)}$
- (ii) night time (2300 to 0800 hrs) 50 dB $L_{Aeq(15\ min)}$
- (iii) night time (2200 to 0800 hrs) 70 dB L_{AFmax}

(b) Noise activities in the Town Centre Transition sub-zone measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

- (i) daytime (0800 to 2300 hrs) 50 dB $L_{Aeq(15\ min)}$
- (ii) night time (2300 to 0800 hrs) 40 dB $L_{Aeq(15\ min)}$
- (iii) night time (2200 to 0800 hrs) 70 dB L_{AFmax}

(c) The noise limits in (a) and (b) shall not apply to construction noise which shall be assessed in accordance with NZS 6803:1999.

(d) The noise limits in (a) and (b) shall not apply to noise from sources outside the scope of NZS 6802:2008. Noise from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, NZS 6807:1994 or NZS 6808:1998.

(e) The noise limited in (a) and (b) shall not apply to noise generated from smokers within designated outdoor areas of licensed premises.

(f) Subsections (a) and (b) shall not apply to licensed premises that have resource consent granted (insert date that PC27A becomes operative).

- iii) The Plan Change be placed on hold while another Plan Change is advanced addressing the noise rules as a whole. This will allow the related plan changes to be considered together; or
- iv) The Plan Change is approved with an amendment to Rule 10.6.5.2 (ii) and the creation of a Town Centre Sound Sub Zone which excludes the Town Centre Zones from the proposed changes to the rules.

Further Submission

This submission was opposed in its entirety, including relief sought, by Church Lane No. 5 Ltd particularly in respect to items 2.2(iv), 2.2(vi), 2.2(viii) listed above.

Lakes Consulting Limited lodged a further submission on behalf of those parties listed above, in support of their original submission.

A further submission was also received from Spire Luxury Hotels Limited in opposition to the whole of this submission. This submitter considers that the relief sought does not achieve purpose of the Act, is contrary to objectives and policies of the District Plan and the proposed amendments to the plan change will have adverse effects on residential and other noise-sensitive activities within and adjoining the Town Centre Zones. This submitter seeks that the submission be rejected.

Recommendation

For the reasons outlined above, accept relief sought in part in 2.2(vii) by including a definition for “*sound*” in the district plan and reject remaining relief sought for reasons outlined above.

2.3 Remarkables Park Submission

The following submission was received from Remarkables Park Limited:

- i) The Remarkables Park submission (27/50/1) supports the plan change in part but seeks that the current text 6.2.5.2.iv (Airport Mixed Use Zone) in the District Plan be reinstated.

Comment

The existing plan text requires noise levels to be measured “at any Residential Zone boundary or at any boundary of Activity Areas 1,3,4,6 and 7 of the Remarkables Park Zone”. The proposed text, however, seeks to amend this to “at any point within any Residential Zone or at any point within Activity Areas 1,3,4,6 and 7 of the Remarkables Park Zone”. This amendment has come about as a result of the change made to how noise is measured under the updated New Zealand noise standards, as outlined above in 2.1 (vi). For reasons outlined, the change in measuring points will have negligible effects on the level of noise permitted under the District Plan.

Recommendation

Reject relief sought for reasons outlined above.

- ii) Further to the above, this submission seeks that “Activity Area 8” in the Remarkable Parks Zone be included in this rule as the submitter believes it was unintentionally omitted from the existing plan text.

Comment

The above rule, however, also excludes Activity Area 2 and 5 as well as 8. As a result, it appears intentional that these three Activity Areas were excluded from the provisions in the Queenstown Airport Mixed Use Zone. It is therefore recommended that this relief is rejected.

Recommendation

Reject relief sought for reasons outlined above.

- iii) This submission also seeks that Rule 6.2.5.2 iv (b) be reinstated.

Comment

The submitter states that this rule provides protection from noise arising from activities outside the Remarkable Park Zone. The current District Plan text, however, does not include the above provision (b) and therefore it is unclear as to where this relief is sought. The rule currently reads:

Rule 6.2.5.2 iv Noise

On any site, activities shall be conducted such that the following noise levels are not exceeded at any Residential Zone boundary or any boundary of Activity Areas 1,3,4,6 and 7 of the Remarkables Park Zone:

- 0800-2000 hrs 55dBA L₁₀ (Monday –Saturday)
- 2000-0800 hrs 45dBA L₁₀ and 70dBA L_{max}

Recommendation

It is therefore recommended that this part of the submission is also rejected as the existing rule does not include provision (b) as stated in the submission.

2.4 Arthurs Point Protection Society Incorporated

The submission by the Arthurs Point Protection Society Incorporated (27/39/1) raises a number of concerns with the plan change and considers that the “*proposed changes will significantly increase noise level rules in the District Plan*”. The submission also considers that the Section 32 assessment is insufficient and does not adequately assess the costs and benefits of the plan change or assess effects on property owners common law rights to quiet enjoyment due to increasing noise rules, loss of building rights, and imposition of Building Act costs to insulate buildings near noise sources proposed. Concern over the lack of community consultation on the proposed changes is also raised. The Arthurs Point Protection Society request that QLDC withdraw Plan Change 27, undertake consultation and then prepare a further Section 32 report for notification.

The submitter seeks the following relief:

- i) Withdraw Plan Change and undertake further public consultation and new Section 32 report.

Further Submission

A further submission by Mike Dunn and Becky Ozanne supports the submission for APPSI with reference to the opposition to introducing the new noise standards NZS6807 1994 and NZS 6802 2008 to the District Plan. The submitter considers that the LAeq measurement (50 percentile noise) is a relaxation from the current 10th percentile noise. The submission further states that the impact on the Arthurs Point residents has not been assessed properly and that plan change 27A “*should not be introduced by a Council that is concerned about the amenity values of its community.*” The relief sought is consistent with that sought above.

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of this submission.

Comment

Refer to item 2.1 (i), (ii), (iii) and 2.2 (iii) above. Further to this, it is noted that the LAeq is not a 50th percentile but rather an “energy average”.

Recommendation

Reject the above submission points for the reasons outlined above.

2.5 D and J Baird

D and J Baird (27/40/1) submit that the noise provisions within the Gibbston Valley Character Zone should not be subject to any changes.

The submitter seeks the following relief:

- i) Object to any changes to the Gibbston Valley Zone noise provisions

Comment

The proposed changes to the Gibbston Valley noise provisions will not exacerbate any perceivable noise levels in this zone. The plan change will introduce reference to the updated New Zealand Standards and will amend the existing provisions so that they are consistent with those in other zones. Any adverse effects from this change in respect to noise levels will be negligible.

Recommendation

Reject the above submission for reasons outlined above.

2.6 Michael Clark

Michael Clark (27/42/1) opposes the plan change and seeks that no change is undertaken to the District Plan provisions due to concern regarding a potential increase in noise levels.

The submitter seeks the following relief:

- i) Withdraw Plan Change, undertake further consultation with community groups and prepare a further Section 32 report.

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of this submission.

Comment

It is not the intent of the plan change to alter permitted sound levels. The permitted levels, however, should be easier to enforce by introducing more robust assessment methods, which as stated is the purpose of the plan change. Due to the difference in the way noise is measured under the new updated New Zealand Standards, in some instances the numerical sound levels may be slightly higher, but within the context of the more robust assessment regime the resulting difference should generally not be perceivable. There should not be any instances where levels could significantly increase.

Recommendation

Reject the above submission for reasons outlined above.

2.7 W E and M Cooper Village Green Family Trust

The submitter (27/54/1) opposes the plan change “*until the applicant guarantees that there is no liberalisation of the existing noise levels*”.

The submitter seeks the following relief:

- i) No liberalisation of existing noise levels

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of the submission point that the plan change be withdrawn but opposes the relief sought to retain the status quo.

Comment

As outlined above in 2.1 (iii), 2.2 (iii) and 2.6 above, any potential effects from the proposed changes to the noise provisions will be negligible

Recommendation

Reject submission point for reasons outlined above.

2.8 Peter Fleming and Associates

This submitter (27/49/1) states that they support and oppose the plan change. The submission states “*we support the “noise pollution” plan change 27A although we are not totally clear as to its objectives*”. The submitter questions what effect the plan change will have on noise pollution in licensed areas. The submission also opposes the plan change as “*the agenda behind the plan change is not explained in a rational and professional manner*”. Particular reference is made to the effects of noise from aircraft noise on townships and residential and rural areas.

The submitter seeks the following relief:

- i) Abandon Plan Change as it fails to provide a satisfactory Section 32 analysis

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of this submission.

Comment

As stated, the purpose of the plan change is to update existing references to New Zealand Standards in the District Plan that are currently out of date with “*best practice*” in respect to the measurement of noise. It is not intended to increase the level of noise permitted in the district and subsequently the plan change does not include any changes to the permitted noise levels in each zone. Furthermore, the proposed amendments will not change the level of aircraft noise in the district.

Recommendation

Reject the above submission for reasons outlined above.

2.9 Good Group Limited and Westwood Group Holdings Limited

This submission (27/43/1, 27/43/2) supports revising the noise standards but is concerned that the proposed method of noise measurement may be harder to comply with due to a longer measurement period. The submitter states that even when restaurants and bars are operating in a responsible manner it can be difficult to comply with the noise limits especially when outdoor areas are frequented by patrons. Furthermore, the submitter considers that the proposed new requirement for activities to comply with noise limits in the adjoining zone is too onerous and also considers the current noise limits in the town centre too restrictive.

The submitter seeks the following relief:

- i) Oppose Rule 10.6.5.2
- ii) Support Plan Change but consider further review of noise limits in District Plan should be undertaken along with a further Plan Change

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of the submission that Rule 10.6.5.2 should be deleted. The submitter also supports the submission point that the plan change needs to address all the issues.

This submission is opposed through a further submission by Church Lane No.5 Limited. This submission considers that due to the mixed use activity permitted in the town centre relaxing

the noise standards will adversely affect visitor accommodation and residential premises and activities.

Comment

The proposed plan change will change the way noise is measured under the updated standards. While there may be some minor leniency in respect to some noise sources, compliance with the current noise standards will still be required. As a result, any perceivable effects, over and above those effects already permitted under the District Plan, will be negligible.

Further to this, the measurement period required by NZS 6802:2008 is no longer duration than required by NZS 6802:1991. Both require a representative period. The assessment is now required to be over 15 minutes but for a steady sound a shorter representative measurement could be used as the basis for assessment.

Recommendation

Reject the submission for reasons outlined above.

2.10 Dame Elizabeth Hanan

This submission (27/44/1) states that the noise levels are too high in the Residential and Rural General Zone, including noise from helicopter landing areas.

The submitter seeks the following relief:

- i) That noise levels be reduced particularly in the rural general zone

Further Submission

A further submission was received by this submitter in support of her original submission. It requested the following:

“Nothing in the standards shall be used to increase noise limits in condition of resource consents or rules in plans.”

“Flight sectors should be restricted to avoid residential areas as far as it is practical to do so”.

Further to this, the submission states that night time levels should be lower than those stated in the plan change.

Comment

The noise limits are not under consideration as part of this plan change and therefore there is no ability through this process to change the existing provisions in the District Plan. A complete review of the noise provisions would need to be undertaken in order to review the noise limits.

Recommendation

Reject the above submission for reasons outlined above.

2.11 John Murray Hanan

This submitter (27/46/1) states that he opposes the increase in noise levels in the rural area. The submission states that *“NZS 6807 should not be adopted as present shrinking rural areas are tourist vistas and ought to be in same category as protected overflight sites like*

Milford Track.” It also states that the night noise level would be held at current lower levels of 35dBA and that the proposed amendments to the district plan should be deleted.

The submitter seeks the following relief:

- i) Delete proposed amendments, retain the old standards NZS6802 and retain current night levels.

Comment

Refer to item 2.7 above for comment. Further to this, it is also noted that 35dBA is not a current noise limit under the District Plan.

Recommendation

Reject the above submission for reasons outlined above.

2.12 Heliworks Queenstown Helicopters Limited

The submission from Heliworks (27/45/1) supports the plan change stating *“the plan change seeks to make reference to the most up to date standards. In doing so, the ambiguities and inefficiencies of the 1991 standards will be rectified”* and further states *“the result of the changes will ensure that the references to noise standards are up to date taking account of the developments in research and understanding of acoustics and refer to standards which reflect industry best practice and achieve consistency in assessment”*

The submitter seeks the following relief:

- i) Proceed with plan change as notified

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in opposition to the submission point that the plan change meets the requirements of the RMA.

Comment

The above submission supports that intent of the plan change specifically acknowledging the benefits of explicitly referencing NZS 6807:1994 in the District Plan.

Recommendation

Accept the above submission for reasons outlined above.

2.13 Veronica and Michel Logez

This submission (27/47/1) opposes the plan change as it considers that it has not been prepared in accordance with RMA Section 32 costs, benefits and alternatives and is not in accordance with the objectives and policies contained in the District Plan. Relief sought includes withdrawal of the plan change, consultation with community groups and a new Section 32 report prepared and notified.

The following relief is sought by the submitter:

- i) The plan change has not been prepared in accordance with the Section 32 of the RMA, and not in accordance with the objectives and policies contained in the District Plan.

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of this submission.

Comment

Refer to 2.1 (i) above for comment.

Recommendation

Reject submission for reasons outlined above.

2.14 Clifton Denzil Palmer

The submitter (27/48/1) states that “*the entire plan change is too difficult to understand as to the actual practical effect, and increased leniency is proposed when the opposite should be.*” The plan change is opposed stating that with the benefits of new technology, noise limits should be tightened up not loosened as is proposed.

The submitter seeks the following relief:

- i) Oppose the Plan Change as noise limits should be tightened up not loosened.

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of this submission point that the plan change should be withdrawn.

Comment

Refer to item 2.7 for comment

Recommendation

Reject above submission for reasons outlined above.

2.15 Marc Scaife

The submission by Marc Scaife (27/51/1) states “*that there is no point in tinkering with technical issues relating to aircraft noise measurement at this state; what is needed is a comprehensive, district wide policy framework for assessing the adverse impact of light aircraft and the setting up of a regulatory framework to reduce this impact.*” The submission raises the following issues;

1. The impact and cumulative effect of aircraft on the public at large needs to be considered, not just those effects around landing sites
2. A regulatory approach, such as the use of standards, to measuring aircraft should not be used due to the inherent diversity and complexity required when considering such activities on a case by case basis.
3. The impact of low aircraft extends beyond the issues of noise as it also involves effects such as loss of privacy.
4. The impact of a light aircraft in the current unregulated flight path is highly unpredictable and can occur on private land as well as public. A noise standard to control these effects cannot be applied or relied on.

The submitter seeks the following relief:

- i) Undertake a systematic review of the entire light aircraft issue.

Comment

The relief sought in this submission is outside the scope of this plan change.

Recommendation

Reject above submission for reasons outlined above.

2.16 Victoria Shaw

Victoria Shaw (27/52/1), from Eichardts Hotel, submitted in opposition to the plan change. The submitter considers that the plan change will result in a substantial increase in noise levels and that there was a lack of due process given to the plan change, including the lack of public consultation and the limited submission period. The submission seeks that *“the plan change be withdrawn, publicly consulted on and a new RMA Section 32 report prepared and re-advertised”*

The submitter seeks the following relief:

- i) Withdraw Plan Change due to lack of public consultation, and increase in noise levels that will result. Undertake public consultation, and prepare a further Section 32 report.

Further Submission

Lakes Consulting Limited lodged a further submission on behalf of those parties listed in item 2.2 in support of this submission.

Comment

Refer to item 2.1, 2.2 9iii) and 2.6 above for comment.

Recommendation

Reject the above submission for reasons outlined above.

2.17 Spire Luxury Hotels Limited

This submitter (27/53/1) is concerned about the effects on night time noise in the town centre as a result of the plan change. The submitter considers that introducing the new assessment methodology is at odds with the underlying aims of the District Plan with respect to noise levels. Further to this, the submission states that *“the plan change sends out the wrong message to bar owners and operators that are presently flouting the laws”*. It further states that emphasis needs to be focused on businesses containing noise within their premises rather than trying to accommodate technology for measuring noise outside these buildings. The submitter is concerned over the lack of public consultation *“especially as the effects will be more than minor if applied to the town centre at night time”*.

The submitter seeks the following relief:

- i) Town Centre night time hours be withdrawn and the status quo night time provisions be retained in this zone.

Further Submission

A further submission from Church Lane No 5 Limited was received in support of this original submission.

Lakes Consulting Limited also lodged a further submission on behalf of those parties listed in item 2.2 in support of the submission point that the plan change should be withdrawn but in opposition to retaining the existing Town Centre Rules.

Comment

The night time noise limits will not be relaxed as a result of this plan change. An amendment to the town centre sub zone noise limits has been made in order to rectify an existing anomaly where the District Plan currently fails to provide for any noise limits in this zone between the hours of 0800 and 0900. The provision currently identifies the night time hours from 2200 - 0800 and the daytime hours 0900 – 2200. This is obviously an oversight in the drafting of these provisions and it is proposed to correct this so the day time hours read 0800-2200, so that the provisions are consistent with the daytime hours in all other zones.

Further to this, the current noise standards referenced in the District Plan are outdated and the method of assessment and measurement of noise does not reflect industry best practice. Updating the way noise is measured under the District Plan will have negligible adverse effects, over and above those already existing, on noise levels in both the town centre and the wider district.

Recommendation

Reject the above submission for reasons outlined above.

2.18 Richard Bowman

This submitter (27/41/1) opposes the plan change if it is to result in any increase to noise levels in relation to the landing and operation of helicopters in and around residential properties.

Comment

As outlined above, any adverse noise effects as a result of the plan change will be negligible over and above those effects already existing.

Recommendation

Reject the above submission for the reason identified above.

Plan Change 27A – Noise Standards

Appendix A - Recommended Amendments to Plan Provisions

Plan Change 27A – Noise Standards

Appendix B - Acoustic Assessment