

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report For Hearing commencing: 12 September 2016

Report dated: 17 August 2016

Report on submissions and further submissions
Chapter 36 Noise

File Reference: Chp. 36 S42A

Contents:

1. Executive summary
2. Introduction
3. Code of conduct
4. Scope
5. Background – Statutory
6. Background – Overview of the issues
7. General amendments and comments
8. Analysis of Submissions
9. Conclusion

- Appendix 1. Recommended revised chapter.
Appendix 2. List of Submission points with recommended decision.
Appendix 3. Section 32 Report.
Appendix 4. Section 32AA evaluation of the recommended changes.

Evidence referred to and relied on:

Dr Stephen Chiles, Acoustic Specialist – statement Chapter 36 Noise (Hearing Stream 05) dated 17 August 2016 and statement Noise – Informal Airports (Hearing Stream 02) dated 6 April 2016.
Mr Craig Barr - Section 42A Report Rural Zone Chapter 21 dated 7 April 2016

1. EXECUTIVE SUMMARY

1.1. The framework, structure and majority of the provisions in the Proposed District Plan (**PDP**), Chapter 36 Noise, should be retained as outlined and supported in the section 32 (**s32**) report. I consider that the provisions are more effective and efficient than the changes requested by submitters, except where recommended to be accepted, and are more appropriate than the Operative District Plan (**ODP**) and better meet the purpose of the Resource Management Act 1991 (**RMA**). Key reasons include:

- a. it is helpful to locate the majority of noise provisions in one District Wide chapter for ease of use and reference. Clarification has been added to address the interface of the Noise Chapter with the town centres zones;
- b. the measurement of noise at the receiving environment is appropriate as this is where the effects of noise are realised;
- c. use of specific controls in relation to helicopter noise have been introduced to ensure noise effects from helicopters can be appropriately managed;
- d. minor and non-substantive changes are recommended to remove duplication of text and add clarification words or phrases for plan efficiency and effectiveness reasons.

1.2. Several changes to the notified version are considered appropriate based on submissions received, and these are shown in the Revised Chapter attached as **Appendix 1 (Revised Chapter)**.

1.3. Submissions that have been made on definitions that are used in the Noise Chapter have been addressed in this 42A report. The definitions and any recommended changes are recorded in **Appendix 1** for clarity. To avoid any doubt the purpose of including the definitions in **Appendix 1** is not to recommend that they become part of the chapter.

2. INTRODUCTION

2.1. My name is Ruth Christine Cameron Evans. I am employed by Harrison Grierson as a Senior Planner and currently contracted to the Queenstown Lakes District Council (**Council**) to prepare this officer's report for Chapter 36 Noise (**Noise Chapter**). I hold the qualifications of Bachelor of Arts and Master of Regional and Resource Planning from the University of Otago. I am an intermediate member of the New Zealand Planning Institute and a full member of the Planning Institute of Australia. I have 11 years' experience in resource management planning. My experience includes planning for both private and government organisations in New Zealand and Australia. My current role includes provision of policy

planning services to local authority clients and resource consent services for land development clients.

2.2. I was not the principal author of the notified Noise Chapter.

3. CODE OF CONDUCT

3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I am authorised to give this evidence on the Council's behalf.

4. SCOPE

4.1. My evidence addresses the submissions and further submissions received on the notified Noise Chapter, to assist the Hearings Panel to make recommendations on the chapter.

4.2. Although this evidence is intended to be a stand-alone document and to also meet the requirements of s42A of the RMA, a more in-depth understanding can be obtained from reading the s32 report on the Noise Chapter provided as **Appendix 3**.

4.3. I discuss issues raised under broad topics and, where I recommend substantive changes to provisions, I assess those changes in terms of s32AA of the RMA (this is attached in **Appendix 3**).

4.4. Due to the breadth of the PDP and submissions, the hearing of submissions is separated into the respective chapters or grouped into themes as much as practical. Submissions associated with rezoning are out of scope of this hearing report and hearing stream (for example a new noise standard for a zone being pursued through a rezoning submission). **Appendix 2** indicates whether a submission, or further submission, has been accepted, accepted in part or rejected, considered out of scope or recommended to be transferred to another hearing stream.

4.5. I have read and considered the evidence of Dr Stephen Chiles, Acoustic Specialist prepared for this hearing. I have also read and considered the s42A report and reply of Mr Craig Barr, and the evidence of Dr Stephen Chiles prepared for the Rural hearing, as they relate to informal airports regulated by the provisions in Chapter 21 Rural Zone.

5. BACKGROUND - STATUTORY

- 5.1. Of relevance to the context of the Noise Chapter are two previous plan changes to the ODP; Plan Change 26 for Wanaka Airport, and Plan Change 35 for Queenstown Airport. The plan changes relate to noise boundaries and planning provisions for activities surrounding the airport. I am generally familiar with both of these plan changes.
- 5.2. The s32 report (**Appendix 3**) provides a detailed overview of the higher order planning documents applicable to the Noise Chapter. In summary, the following documents have been considered in the preparation of this chapter:
- a. **The RMA**, in particular the purpose and principles in Part 2, specifically those that emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations, taking into account the 'four well beings' (social, economic, cultural and environmental).
 - b. **The Local Government Act 2002 (LGA 02)**, in particular s14, Principles, relating to local authorities. The provisions of s14(c), (g) and (h) emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future-focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions of the LGA 02 also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones. Managing noise effects needs to be balanced with development in the District.
 - c. **Iwi Management Plans**: When preparing or changing a district plan, section 74(2A)(a) of the RMA states that Council's must "*take into account*" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:
 - i. *The Cry of the People, Te Tangi a Taurira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008); and
 - ii. *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (KTKO NRMP 2005).
 - d. **Operative Otago Regional Policy Statement 1998 (RPS)**: Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any operative Regional Policy Statement (RPS). The operative RPS contains a number of objectives and policies of relevance to the Noise Chapter. In particular, Objective 9.4.1

looks to promote the sustainable management of Otago's built environment in order to provide for amenity values. It reads:

Objective 9.4.1

To promote the sustainable management of Otago's built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) Provide for amenity values, and*
- (c) Conserve and enhance environmental and landscape quality; and*
- (d) Recognise and protect heritage values.*

Associated Policies 9.5.4 to 9.5.5 are relevant to noise. Policy 9.5.4 seeks to minimise the adverse effects of urban development on Otago's environment through avoiding, remedying or mitigating the creation of noise and vibration. Policy 9.5.5 seeks to maintain the quality of life for people and communities through avoiding remedying or mitigating the adverse effects on community health and safety. Objective 9.4.1 and related policies recognise that, to provide for the sustainable management of built resources, potential adverse noise effects must be avoided, remedied or mitigated. The PDP must therefore include objectives, policies and rules to minimise adverse effects of development, including through avoiding, remedying or mitigating noise, in giving effect to the RPS objective of sustainable management of the Otago Region's built environment. I consider that redrafted Objective 36.2.1 and notified Policies 36.2.1.1 and 36.3.1.2 (in conjunction with the proposed rules) will give effect to the RPS with respect to noise.

- e. **Proposed Otago Regional Policy Statement 2015 (PRPS):** Section 74(2) of the RMA requires that a district plan prepared by a territorial authority must "have regard to" any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and contains a number of relevant objectives and policies.
 - i. Objective 3.5 is that Infrastructure of national and regional significance is managed in a sustainable way. Policy 3.5.2 is to minimise adverse effects of infrastructure that has national or regional significance by (c) avoiding, remedying or mitigating other adverse effects on values. Policy 3.5.3 is to protect infrastructure of national or regional significance, by (a) restricting the establishment of activities that may result in reverse sensitivity effects; and (b) avoiding significant adverse effects on the functional needs of such infrastructure. This is relevant to the noise chapter as Policy 36.2.1.2 specifically requires that noise reverse sensitivity effects be avoided, remedied or mitigated. Rules are included in the PDP to implement this policy, for example through requiring that houses in the vicinity of Queenstown Airport are appropriately designed and ventilated to allow for windows to be closed to reduce the

effect of noise from the airport. With respect to road and rail infrastructure, noise from vehicles is a permitted activity Rule 36.4.1.

- ii. Objective 3.6 is that energy supplies to Otago's communities are secure and sustainable. Policy 3.6.5 is to protect electricity distribution infrastructure by (b) restricting the establishment of those activities that may result in reverse sensitivity effects; and (c) avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure. Protection for the operation of the electricity network is provided in the Noise Chapter through providing for noise from emergency and back up generators as a permitted activity (redrafted 36.4.7).
- iii. Objective 3.7 is that urban areas are well designed, sustainable and reflect local character. Policy 3.7.2 seeks to achieve this by encouraging use of low impact design techniques in subdivision and development, to (a) reduce potential adverse environmental effects. Policy 3.7.3, is to encourage the design of subdivision and development to reduce the adverse effects of Otago's colder climate, and higher demand and costs for energy, including by (a) maximising passive solar gain; and (b) insulating to warmer standards than those set under building legislation. This is relevant to the widespread use of mechanical heating devices, and their use in residential units to mitigate windows being closed to reduce noise from the airport.
- iv. Objective 3.8 is that urban growth is well designed and integrates effectively with adjoining urban and rural environments. This is to be achieved by (Policy 3.8.1) relating to managing for urban growth creation of new urban land in a strategic and co-ordinated way. This is to occur in turn by, (f) requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is: i. Below standards for human health, and (g) giving effect to the principles of good urban design, as detailed in Schedule 6. Urban form and design contributes to the community's identity and cohesion, and reflects community values. Schedule 6 of the PRPS includes matters such as a safe and enjoyable environment, provides lively and pleasant places for people to enjoy, reflects the importance of community spaces, provides a comfortable and safe urban environment, considers the impact of design on people's health and avoids or mitigates the effects of natural and man-made hazards. Managing adverse effects arising from noise plays a part in ensuring that urban growth is well designed and integrates with adjoining environments. The proposed rules are structured to manage noise in the receiving environment, which ensures that noise effects can be mitigated to an appropriate level dependent on what is anticipated in a particular zone.

- e. Objective 4.2.4.3 of Strategic Directions chapter of the PDP makes specific reference to noise. It reads:

Protect the Queenstown airport from reverse sensitivity effects, and maintain residential amenity, through managing the effects of aircraft noise within critical listening environments of new or altered buildings within the Air Noise Boundary or Outer Control Boundary.

- f. The Noise Chapter contains requirements for sound insulation (Rule 36.6.2) and ventilation systems (Rule 36.6.3) for buildings in the airport Outer Control Boundary and Air Noise Boundary to assist with managing noise effects and reverse sensitivity associated with Queenstown Airport.

6. BACKGROUND – OVERVIEW OF THE ISSUES

- 6.1. The purpose of the Noise Chapter is to manage the effects of noise throughout the District. Both the ODP and the PDP seek to control noise, and the effects of noise. The noise provisions in the ODP are spread throughout the various zone chapters, whereas the PDP consolidates the majority of objectives, policies and rules relating to noise in a single chapter. The exceptions are noise from the town centres of Queenstown and Wanaka, which is managed through the Town Centre chapters, and the Local Shopping and Business Mixed Use zones. The noise provisions in these chapters are therefore to be addressed in the Business Zones Hearing Stream 08.
- 6.2. The PDP seeks to take a balanced approach to development whilst anticipating the adverse effects from noise. Controls are included where appropriate. The ODP noise provisions were updated recently through Plan Change 27A to the ODP – Updating Noise Measurement and Assessment Standards, which was made operative in 2011. Many of the noise provisions in the ODP remain up to date and have been carried over to the PDP.
- 6.3. The rules in the notified Noise Chapter are drafted so that noise is controlled at-source, but the mitigation of effects is assessed in relation to noise effects on the receiving environment.
- 6.4. The Noise Chapter recognises that mitigation may be appropriate and necessary to achieve noise limits. The provisions of the noise chapter require mitigation to be provided either at the point of noise generation or at the point that noise is received, depending on the circumstances in each case. There are three scenarios where an activity requires mitigation at the point that noise is received. This is where there are new or altered receivers of noise in relation to the airport, roads, and in the Town centres (noting that the generation of noise in the centres is addressed in the town centres chapters).

- 6.5. Some of the rules in the Noise Chapter manage noise in combination with zone rules. For example, Rule 21.5.26 provides limits on fixed wing aircraft and helicopter movements through the regulation of informal airports¹ in the Rural Zone. These restrictions on helicopter and fixed wing aircraft movements complement the rules in the Noise Chapter by managing the frequency at which aircraft movements can occur, which in turn affects the frequency of noise events associated with the helicopter or fixed wing aircraft movements.
- 6.6. A number of submissions seek minor amendments, many of which are recommended to be accommodated. Other submissions seek substantive changes to the application of a rule, or the level of noise allowed under a rule. These have generally been recommended to be rejected, based on technical evidence provided by Dr Chiles and the section 32 assessment undertaken for the notified chapter.

7. GENERAL AMENDMENTS AND COMMENTS

- 7.1. I have recommended some general amendments to the Noise Chapter for the purposes of efficiency, and in accordance with previous directions of the Panel regarding the appropriate drafting of objectives and policies. I have rephrased Objective 36.2.1, in accordance with the Panel's procedural minute of 8 April 2016, which sets out that objectives should not commence with a verb. This amendment is considered to be appropriate and does not change the substance or intent of the objective. This amendment is not substantive.
- 7.2. I have included a number of minor amendments in the revised chapter that I consider improve clarity and efficiency of the PDP. These include:
- a. amending the purpose statement to include the words 'degree of noise' in the third sentence. As notified, the reference was to 'some' which is not clear. I consider amending to 'some degree of noise' improves the clarity of this sentence. This is a non-substantive change; and
 - b. amendments to the last paragraph have been recommended to clarify how this chapter applies in relation to noise requirements in the town centres. These amendments are non-substantive changes to explain this interface between chapters.
- 7.3. Notified Rule 36.5.3 contains noise standards for Millbrook Resort Zone and Jacks Point Resort Zone. As the standards are the same as those in notified Rule 36.5.4 (redrafted 36.5.3), it is considered that notified 36.5.3 can be consolidated with notified Rule 36.5.4 (redrafted 36.5.3) and deleted. Minor structural changes are required to accommodate this,

¹ Informal Airports are defined in Chapter 2 'Definitions' of the PDP as 'Means any defined area of land or water intended or designed to be used for the landing, departure movement or servicing of aircraft and specifically excludes the designated 'Aerodromes', shown as designations 2, 64, and 239 in the District Plan. Note: This definition does not apply to the airspace above land or water located on any adjacent site over which an aircraft may transit when arriving and departing from an informal airport'.

which do not change the operation of the rule. This is a non-substantive change. The effect of deleting notified 36.5.3 has required consequential renumbering.

- 7.4. Rule 36.5.17 aims to manage noise effects associated with noise from State Highway 6 at Jacks Point. I understand that similar rules exist in the notified Medium Density zone where there is a provision for setback of residential (and other noise sensitive) buildings from State Highway 6 or use of acoustic insulation. To keep consistency across the plan it is therefore recommended that this rule be transferred to the Jacks Point Zone and addressed in that hearing stream. I have deleted it from the revised chapter on this basis. This is a structural change, not a substantive change. As the rule is being deleted from this chapter, the current cross reference to notified 36.5.17 in notified 36.5.3 will need to be replaced with a cross reference to the relevant provision in the Jacks Point Zone Chapter following the hearing of that chapter.
- 7.5. Rule 36.6.2 sets out requirements for sound insulation within the Air Noise Boundary. In the second to last row relating to ceiling construction, the notified version referred to 1mm gypsum or plasterboard. This was a typographical error in the notified version and I recommend changing this to 9mm which I understand to be a standard width for gypsum or plasterboard. The notified rule is not workable, as 1mm plaster does not exist and would not be effective, I also note that the ODP refers to 9mm in relation to this material and Queenstown Airport Corporation (433) have made a submission that this be corrected.
- 7.6. Notified Rule 36.5.10 (redrafted 36.5.9) relates to noise from audible bird scaring devices. In the assessment location column, reference is made to 'At any point within a Residential Zone...'. I consider this reference is ambiguous, as a residential zone is not defined in the PDP. I have not made this change in the revised chapter due to scope, however I raise this as a matter for the Panel to consider. It may be clearer to list the zones that are considered residential. This could include Low Density Residential, Medium and High Density Residential (although both unlikely to be affected by bird scaring devices could be included for completeness), Arrowtown Residential Historic Management Zone, Large Lot Residential, Rural Residential, Jacks Point Zone, Waterfall Park Zone and Millbrook Resort Zone as these are the residential zones in the district that this rule should apply to.
- 7.7. Rule 36.6.1 relates to building design for activities sensitive to aircraft noise within the Rural Visitor Zone. I understand that the rule was notified incorrectly, and should only refer to the Rural Visitor Zone for Windermere, not all Rural Visitor Zones. The Windermere Rural Visitor Zone is located east of Wanaka Airport. I have not made this change in the revised chapter as I do not consider that there is scope to do so, however I raise this as a matter for the Panel to consider as I think it would be helpful to plan users if this clarification was included.

7.8. The end of the Noise Chapter contained some 'references' which read: "REFERENCES: IEC 61672-1:2002, IEC 60942:2003, ISO 2922:2000, ISO 14509-1:2008". I recommend that these be deleted as they are unnecessary and may cause confusion due to lack of context. The two IEC references are not used in the chapter, and the two ISO references are included in the rule they relate to (Rule 36.3.16). This is a non-substantive change as there is no link between the references at the bottom of the chapter and the provisions in the chapter.

8. ANALYSIS OF SUBMISSIONS

8.1. A small number of submissions and further submissions were made on the Noise Chapter. A number of the further submissions either generally oppose or support a submission, and do not actually appear to be on the Noise Chapter. However, for the avoidance of doubt, I have considered all further submissions and recommended in the Table in **Appendix 2** whether they should be accepted, accepted in part, transferred to another hearing stream, or rejected.

8.2. The RMA, as amended in December 2013, no longer requires a report prepared under s42A, or the Council decision, to address each submission point but, instead, requires a summary of the issues raised in the submissions.

8.3. Because of the relatively low number of submissions on the Noise Chapter, the analysis of the submissions is set out according to the specific part of the Chapter submitted on. Where efficient and appropriate, a particular submission is singled out.

8.4. Given the technical nature of most of the provisions within the Noise Chapter, I have relied on expert evidence and recommendations from acoustic specialist Dr Stephen Chiles in forming recommendations on many submissions.

8.5. A number of submissions were received that support various components of the chapter. These are identified in **Appendix 2**. I have only commented on these where they are relevant to the assessment of other submissions, however I confirm I have read these submissions and taken them into account when suggesting any amendments to the chapter.

8.6. Where I have recommended changes to the chapter as a result of submissions, I consider that the recommended changes assist the chapter in giving effect to the RPS and the objective of sustainable development, and having regard to the PRPS and the broad objectives of minimising adverse effects.

Submissions on 36.1 – Zone Purpose

- 8.7. Submitter 714 (Kopuwai Investments Limited) seek that the purpose of the Noise Chapter be amended so that it is explicit that the objectives, policies and rules do not require consideration in relation to activities undertaken within the Town Centre zones. Whilst I acknowledge that the submitter's point is partially correct in terms of how the noise provisions work within the PDP, I do not consider such a statement necessary as in my opinion it is already quite clear as to where the provisions apply and where they do not. I also note that the (receiving) noise limits set for residential zones around the Town Centre zones will apply to noise emissions generated in the Town Centre but received in a residential zone, therefore the Noise Chapter is still broadly relevant to development within the Town Centre zone. For these reasons I recommend that this submission point be rejected.
- 8.8. There are, however, also rules for ventilation requirements contained in Rule (notified 36.7; redraft 36.6.3) which apply to the Wanaka and Queenstown Town Centre zones. The Queenstown Town Centre zone and Wanaka Town Centre zone cross reference to 36.6.3 for ventilation requirements. I have therefore recommended an amendment to the zone purpose and a clarification to 36.3.2.9 to alert plan users to the applicability of Chapter 36 for uses in the Town Centres zones for ventilation requirements. I consider that these amendments have no substantive effect on the operation of the provisions of the Noise Chapter and are purely for clarification. I note that the PDP contains references to Table 5 of Rule 36.6.3. The effect of the proposed amendments has resulted in Table 5 being deleted, and the reference should only be to the Rule, not the Table throughout the other chapters of the PDP.
- 8.9. Submitter 649 (Southern District Health Board) seeks that the word 'nuisance' be deleted from the third sentence of the first paragraph as 'adverse effects' is the most appropriate terminology and is consistent with the RMA. I agree with the relief sought by this submitter for the reasons outlined in the submission, and recommend that it be accepted.
- 8.10. The Southern District Health Board has sought that 'duration and timing' in the last sentence of the first paragraph be changed to 'duration, or timing' as the way it is currently worded may create ambiguity as it implies that all of the matters listed are to be interpreted conjunctively. I agree with this relief sought for the reasons outlined in the submission, and recommend that it be accepted as the change is grammatically correct.
- 8.11. The Southern District Health Board) has also sought that the use of the term 'levels' in the purpose statement be replaced with the phrase 'noise limits'. I agree with the submitter on this point and recommend that the relief sought be accepted as it is grammatically correct.

This amendment also clarifies that noise thresholds exist that, if exceeded, may trigger a resource consent requirement.

- 8.12. The Southern District Health Board has also suggested that the phrase 'can be controlled through' in relation to the Civil Aviation Act 1990 be changed to 'is controlled under', as the Civil Aviation Act 1990 does control noise. I agree with the submitter on this point and recommend that the relief sought be accepted as it is grammatically and factually correct.
- 8.13. A number of submissions and further submissions (including 433 (Queenstown Airport Corporation), 1365 (New Zealand Defence Force) and FS1211 (New Zealand Defence Force)) support the notified purpose of the noise chapter. I recommend that these submissions be accepted, with the minor amendments outlined above, which are considered to provide further clarity in this section and do not alter the overall intent or substance.

Submissions on Policy 36.2.1.2

- 8.14. Submitter 717 (The Jandel Trust) and submitter 847 (FII Holdings Limited) seek that (notified and redraft) Policy 36.2.1.2 be amended as they submit that it implies that only new noise generating activities can create reverse sensitivity effects. Submission 717 as a whole is supported by FS1270 (Hansen Family Partnership), and the amendment to the policy is supported by FS1211 (New Zealand Defence Force). FS1029 (Universal Developments Limited) opposes submission 717 in its entirety. In my opinion the notified version of the policy does not stipulate or define whether an activity to which the policy applies is new or existing. It simply seeks to avoid, remedy or mitigate adverse noise reverse sensitivity effects, whether they be from an existing use, or created by a sensitive use establishing nearby. I recommend that these submissions seeking amendments to the policy be rejected.
- 8.15. I note there are no other submissions that seek changes to Objective 36.2.1 or Policy 36.2.1.1. A number of submissions support the notified objective and policies in the Noise Chapter.

Submissions on 36.3.2 – Clarification

- 8.16. Submitter 717 (The Jandel Trust) and submitter 847 (FII Holdings Limited) seek that further clarification be included in the clarification section in 36.3.2, in that existing noise generating activities have existing use rights regarding where noise is measured from. For example, in the Rural zone, activities in the ODP and PDP require compliance at the notional boundary of the closest dwelling or platform whereas in a residential zone (in the ODP and PDP) compliance is required at the site boundary. A change to zoning or zone standards may

alter the compliance location, which the submitter contends would create a significant noise reverse sensitivity effect. FS1029 (Universal Developments Limited) opposes submission 717 in its entirety.

- 8.17. If it can be demonstrated that the existing activity is lawfully established with evidential proof of an existing use, then existing use rights will apply. Further, an activity may be lawfully established under a resource consent, or as a permitted activity with a certificate of compliance. In terms of clarifying the existing use rights, I do not consider that it is a matter for the PDP to specifically state, as it is a matter of law set out in the RMA. For these reasons I recommend that the submission be rejected.
- 8.18. Submitter 635 (Aurora Energy Limited) seeks that 36.3.2.7 be amended to exempt the temporary use of emergency generators and back-ups from noise limits. These submitters also seek a new permitted activity rule for sound from the temporary operation of emergency and back-up electricity generators. This submission point is specifically addressed in the evidence of Dr Chiles.² Dr Chiles considers temporary sounds from emergency generators to be tolerated by most people at higher levels than permanent sound sources, and considers the exemption sought to be appropriate in terms of noise effects. Dr Chiles recommends that time limits be placed on noise from generator testing. I accept his technical recommendation, and recommend that the relief sought be accepted in part, as a separate permitted activity rather than an amendment to 36.3.2.7. I recommend the inclusion of the following new permitted activity:

(Redraft) 36.4.7

Sound from emergency and backup electrical generators:

- (a) operating for emergency purposes; or*
- (b) operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700.*

- 8.19. Submitter 433 (Queenstown Airport Corporation) requests that 36.3.2.8 which clarifies that sound from aircraft operations are not subject to Table 2 noise limits should also include Wanaka Airport. As noise limits for aircraft operation are controlled by the designations for each airport, it is considered appropriate to accept this submission point. I have amended 36.3.2.8 accordingly.
- 8.20. A number of submitters and further submitters support the various clarifications, for example submitter Southern District Health Board (649) and New Zealand Defence Force (1365).

² Dr Chiles evidence section 6

Submissions on 36.4 Rules – Activities (Permitted Activities)

- 8.21. Submitter 433 (Queenstown Airport Corporation) seeks that notified Rule 36.4.6 be deleted as the rule is superfluous. I agree with this submission as noise associated with aircraft movements is controlled through the designation, and further clarification provided in 36.3.2.8 as it relates to Wanaka airport also give effect to this submission. I recommend that this submission be accepted. I have deleted 36.4.6 accordingly.
- 8.22. Submitter 607 (Te Anau Developments Limited) and submitter 621 (Real Journeys Limited) seek that noise from vessels be provided for as a permitted activity, similar to noise from vehicles on roads. These two submissions are generally supported by FS1345 (Skydive Queenstown Limited) and supported in part by FS1097 (Queenstown Park Limited) in relation to vessels for public transport. Dr Chiles' evidence³ is that sound from motorised craft has the potential to cause significant adverse noise effects and that noise on water can have more of an effect than noise on land. In reliance on Dr Chiles' evidence, I consider that these adverse noise effects should be controlled by the PDP, due to noise being an adverse environmental effect and the potential for it to adversely effect residences and recreation areas located along the edges of lakes and rivers in the District. I recommend that the submission be rejected.
- 8.23. A number of submitters support the permitted activities provided for in the Noise Chapter. Southern District Health Board (649) supports the permitted activities, FS1211.11 (New Zealand Defence Force) supports this submission in relation to providing for temporary military training activities and notes the same support in its primary submission (1365), New Zealand Transport Agency (791) supports Rule 36.4.1. Submitter 438/748 (New Zealand Fire Service/NZ Fire Service) support Rule 36.4.3.

Submissions on 36.5 Rules - Standards

Rule 36.5 Table 2 (notified and redraft)

- 8.24. The notified version of Table 2 contained an error in column 2. The notified version heading read "Activity or sound source". In fact, the provisions relate to the receiving environment, not the noise generator, and therefore the column heading should have read "Zones the sound is received in." The intended application of this table is further clarified by Clarification 36.3.2.7 in which it is clear that the limits are intended to apply to the zone in which sound from an activity is received. I have therefore proposed change in the revised Chapter to amend the column heading to state "Zones the sound is received in" and ensures that the intent of the rules is clear.

³ Dr Chiles evidence paragraph 7.2.

8.25. Submitter 52 (Graeme Lester) seeks the noise limits for residential zones be implemented as soon as possible. I note that the rules take legal effect in accordance with the Council's decision once it has been made.

Rule 36.5.2 (notified and redraft)

8.26. Submitter 433 (Queenstown Airport Corporation) seeks that Rule 36.5.2 be deleted and replaced with Rule 17.5.6, as Rule 36.5.2 does not specify acceptable levels for land based noise. Rule 17.5.6 is located in the Airport Mixed Use Zone chapter, and relates to the maximum noise from land based activities in adjacent (listed) zones. I consider that Rule 36.5.2 is preferable to Rule 17.5.6. This is based on the structure of the PDP compared to the ODP, the grouping of the majority of noise rules in a district-wide chapter, and the fact that noise limits are stipulated for the receiving environment, rather than at the point of noise generation. It is my preference that Rule 17.5.6 be deleted. However, Rule 17.5.6 has not yet been addressed by a s 42A report and is outside the scope of this hearing stream and this s42A report. I cannot recommend that it be deleted at this stage. Therefore, I recommend that the submission be rejected insofar as it seeks to delete the Rule 36.5.2. However, I recommend that reference to land based activities could be included in Rule 36.5.2 as sought by the submitter.

8.27. I have reviewed the current structure of (notified and redraft) Rule 36.5.2 and consider that it could benefit from some amendments to include specific matters of discretion, as opposed to the notified version which states that "Discretion is restricted to the extent of effects of noise generated on adjoining zones." In my opinion this discretion is too broad for a restricted discretionary activity and as currently drafted is not helpful for the assessment of an application. However, I acknowledge that there may not be scope given in submissions to change this. If the Panel was of a view to recommend a change, then I consider the following would be appropriate to include:

Discretion is restricted to following:

Extent and effects of the noise with respect to:

a. Duration, timing, character and level of the noise; and

b. Proximity and nature of the receiving environment.

Rule 36.5.3 (notified and redraft)

8.28. Submitter 632 (RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks Point (RCL)) seeks to amend the assessment locations in Rule 36.5.3 to include the Village Activity Area.

This submission as a whole has been opposed by a number of further submissions (FS 1217, 1219, 1252, 1275, 1277, 1283, and 1316⁴). The reason given by the submitter is that it is appropriate that noise limits apply in this part of the zone. As described above, the purpose of the standard is that it applies in the receiving environment, not within the zone itself. I therefore do not consider that the relief sought by the submitter will address the concerns raised in the submission, as the effect of the requested amendment will be to limit noise received in the Village Activity Area to the same limits as noise received in the Residential Activity Areas, not the noise generated from it.

- 8.29. I have discussed this submission point with the submitter's agent, who clarified that the intent of the submission point was to address the gap created by the assessment location only referring to Residential Activity Areas, and that the submitter considers that there should also be limits on noise received in the Village Activity Area. The notified version does not include any noise limits for other activity areas. Dr Chiles has noted in his evidence⁵ that the requested relief would provide a good standard of amenity in the Village Activity Area; however, because the noise limits are stringent, the rule would not provide for activities such as cafes with outdoor seating. Dr Chiles notes that, if protection of amenity is paramount, then the relief sought could be accepted, however it will not provide for the wider range of activities in the Village Activity Area. Based on Dr Chiles's evidence, and a recent conversation with the submitter's agent clarifying the intent of the submission, I recommend an amendment to notified 36.5.6 (redrafted 36.5.5) to include the Village Activity Area in the receiving zones for this higher noise limit, to ensure that noise is appropriately managed in this area.

Rule 36.5.3 (notified and redraft)

- 8.30. Submitter 762 (Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**'Jacks Point'**)) seeks an alternative standard in Rule 36.5.3 for noise generated in Jacks Point Village and Education Innovation Campus (EIC) Activity Areas of the Jacks Point Zone and received in the Residencies/Residential Activity Areas. The submitter seeks the same time and noise limits as the notified rule, but with a restricted discretionary activity status for non-compliance with the standard – whereas the rule was notified with non-compliance being a non-complying activity. Jacks Point submits that sound within the Village and EIC Activity Areas should be subject to a separate assessment and standards reflective of the nature of

⁴ HL Dowell and MJM Brown Home Trust, Bravo Trustee Company, Tim & Paula Williams, Jacks Point Residents and Owners Association, 'Jacks Point', Harris-Wingrove Trust, MJ and RB Williams and Brabant
⁵ Dr Chiles evidence section 9.1

the anticipated environment. No specific matters of discretion have been suggested by the submission. This submission is opposed by a number of further submissions⁶.

8.31. I note that the purpose of this rule is that noise is assessed in the receiving environment and not within the zone itself where it is generated. Given the sensitive nature of the receiving environment and the residential nature of Jacks Point generally, I do not recommend a restricted discretionary activity status. I consider the robust assessment and the gateway test required under section 104D of the RMA to be appropriate. The non-complying activity status is also consistent with the status for non-compliance with the majority of rules within the Noise Chapter and should be retained for consistency across the chapter. I recommend that the submission point be rejected.

Rule 36.5.4 (notified and redraft)

8.32. Submitter 767 (Lake Hayes Cellar Limited) has requested an amendment to notified Rule 36.5.4 (redrafted Rule 36.5.3) (Table 2) to exempt the Rural Residential Zone within the Commercial Overlay and include a new standard for sound from the Commercial Overlay of the Rural Residential Zone received within a residential zone or at any point within the notional boundary in a Rural Zone. Dr Chiles has provided technical evidence on this submission.⁷ Dr Chiles does not consider it appropriate to change the protection of residential amenity for nearby residential sites because there were detailed noise assessments made as part of the resource consents associated with the submitter's activity (Amisfield). I agree with this assessment for the reasons outlined by Dr Chiles, and therefore recommend that this submission be rejected. In addition, this submission is in relation to a requested new zone (Residential Zone Commercial Overlay) and any noise rules related to it are only relevant if the new zone request is accepted. The submission point should therefore be transferred to the rezoning hearings.

Assessment location Rule 36.5.4 (notified) (36.5.3 redraft)

8.33. Submission 391 (Sean and Jane McLeod) seeks that the assessment location in Rule 36.5.4 should be 'at the boundary of the site', as opposed to 'at any point within the site', with the reason that sound should be measured at the point that it is disturbing someone. Dr Chiles⁸ notes that specifying noise limits that apply at any point within the site is the most conservative approach, and the most appropriate as sound is not always highest at the boundary of a site due to topography or a boundary fence. NZS 6802: 2008 Acoustics – Environmental noise also requires noise limits to apply within the site and not at a boundary.

⁶ Further submissions 1217 (HL Dowell and MJM Brown Home Trust), 1219 (JM Smith, Bravo Trustee Company and SA Freeman), 1252 (Tim and Paula Williams), 1283 (MJ Williams and RB Brabant) and 1316 (Grant and Anne Harris as trustees of the Harris-Wingrove Trust).

⁷ Dr Chiles evidence section 10

⁸ Dr Chiles evidence section 11

I accept this technical recommendation, and recommend that the submission point be rejected for the reasons given by Dr Chiles.

Walter Peak Rural Visitor Zone (notified 36.5.4) (36.5.3 redraft)

- 8.34. Submitter 621 (Real Journeys Limited) requests that notified Rule 36.5.4 (redraft Rule 36.5.3) excludes noise from activities in the Walter Peak Rural Visitor Zone, including noise from activities within the Walter Peak Rural Visitor Zone, and noise beyond the boundary received on the surface and margins of any lake or river. This submission is generally supported by FS1345⁹.
- 8.35. I consider that it could be appropriate to exclude noise *received* within the Walter Peak Rural Visitor Zone, given the unique nature of the zone. However, the Walter Peak Rural Visitor Zone is not a Stage 1 zone, so this submission point will need to be addressed again in Stage 2 once the purpose of this zone has been defined. Noise *generated* in this zone but received in the Rural General Zone should still be controlled, consistent with the rest of the noise chapter and in particular Rule 36.5.1 (notified and redrafted).
- 8.36. With respect to the exclusion sought for noise received on the surface and margins of any lake or river, I note that the noise limits in the rural zone (being the zoning of most of the lakes and rivers in the district) are measured at the notional boundary of a residential unit (notified and redrafted Rule 36.5.1), and as there are no residential units on the lake, then no noise limits apply for sound received in or on the lake. The PDP does not seek to control noise received on the water. I therefore recommend that this part of the relief sought be rejected.

Rule 36.5.5 (notified) (redrafted 36.5.4)

- 8.37. Queenstown Airport Corporation (433) seeks that this rule be retained as notified. No change to the rule is sought by other submitters and I therefore recommend that this submission point be accepted.

Rule 36.5.7 (notified) and (redrafted 36.5.6)

- 8.38. I note that the preparation of the PDP has been undertaken in a staged manner. The Noise chapter is a District-Wide chapter and applies across the District. The notified Noise Chapter also contains a number of standards that are specific to zones. These are for both zones that have been notified in Stage 1 and for some zones that are anticipated to be notified in Stage 2. Bunnings Limited (746) has requested that the noise standards in relation to the Industrial Zone be deleted and re-notified in Stage 2. I consider that such relief is practical

⁹ Skydive Queenstown Limited

as it will result in the noise standards for the Industrial Zone being considered at the same time as the other Industrial Zone provisions. Therefore, in response to the submission of Bunnings Limited (746), I have recommended that the reference to Industrial zones be deleted (and consequently will be notified in Stage 2). There is not however scope in submissions to delete references to other zones that are yet to be notified. I note that an amendment to the Noise Chapter may be required in Stage 2, to ensure noise received in these other zones is managed in accordance with the relevant zone purpose (once these have been drafted), and potentially to adjust zone names and/or ensure only those zones that exist in the District are included.

Rule 36.5.7.2 (notified) (redrafted 36.5.6.2))

8.39. Submitter 649 (Southern District Health Board) seeks that notified Rule 36.5.7.2 (redrafted 36.5.6.2) be amended to replace the unit dBA with dB; the descriptor L10 with LAeq(15min); and Lmax with LAFmax. It is submitted that these should be amended to be consistent with the notations used in the rest of the table. I consider that the relief sought is appropriate for the reasons outlined by the submitter and have made the amendment. I note that I have recommended that the rule be amended to remove Industrial Zones. The Industrial Zones are Stage 2 zones.

8.40. Aside from the above, there are structural issues with notified Rule 36.5.7 (redrafted Rule 36.5.6) as outlined by Dr Chiles. The rule contains duplicate and conflicting noise limits and Dr Chiles considers the notified wording of the rule to be unusable and has suggested a correction which I agree will address the issues with the notified rule. However, in my opinion there may not be scope to recommend a change to this rule.

Notified Rule 36.5.11 (redraft Rule 36.5.10)

8.41. Submitter 649 (Southern District Health Board) submits that the noise limits in notified Rule 36.5.11 (redraft Rule 36.5.10) for frost fans is inadequate to protect people and should be changed from 85 dB LAFmax to 55 dB LAeq(15min). Dr Chiles¹⁰ has assessed this submission, and agrees that the limit of 55 dB LAeq(15min) proposed by the submitter is appropriate, noting that 85 dB LAFmax would not adequately control noise effects. I accept his technical assessment on this matter and recommend that the submission point be accepted for the reasons set out by Dr Chiles.

¹⁰ Dr Chiles evidence section 12

Notified 36.5.13 (redraft 36.5.12)

- 8.42. A number of submissions were received on notified Rule 36.5.13 (redrafted Rule 36.5.12) for helicopters.
- 8.43. Some submissions comment on matters that interface with the Rural Zone chapter (Chapter 21), which has been heard in a separate hearing stream. I have read the s42A report for the Rural Zone as it relates to informal airports¹¹, and the evidence of Dr Chiles for both the rural hearing¹² and this hearing. In my opinion the combination of rules across both chapters is appropriate to control the adverse effects associated with aircraft or helicopter noise, as the zone rules control the frequency of movements, and the noise rules control the noise associated with the movement. Further, the structure of the PDP is such that the majority of noise rules are contained in one activity wide chapter.
- 8.44. Submissions 713 (Heli Tours Limited), 662 (I and P Macauley), 660 (Andrew Fairfax), 607 (Te Anau Developments Limited) and 621 (Real Journeys Limited) (with 607 and 621 generally supported by FS1345 (Skydive Queenstown Limited)) submit that noise should be measured as Lmax, not Ldn. Dr Chiles' expert evidence on this matter¹³ is that Ldn is more appropriate because adverse effects from helicopter noise relates to both sound level and frequency of movements, and LAFmax would only control the sound level, not the number of movements. I agree it is necessary to control noise level and number of movements, and recommend that the relief sought by these submitters be rejected.
- 8.45. The same submissions also request that non-compliance with the standard should be a discretionary activity rather than a non-complying activity. Given the potential for helicopter noise to have significant effects on residential units if it exceeds the limits set out in the PDP, I consider the non-complying status to be appropriate. While a minor increase beyond the limit may not have more than minor effects, a higher degree of non-compliance could result in significant adverse effects which should require a robust assessment and application of the section 104D gateway test. A non-compliance with a 'minor' effect will pass both limbs of s104D with regard to noise, therefore I do not consider the non-complying activity to be too onerous. Non-complying activity status is also consistent with other general zone noise limits.
- 8.46. Submitter 243 (Christine Byrch) (opposed in full by FS1224 and FS1245), and submitter 475 (Arthurs Point Protection Society) (opposed by FS1245) submit that the helicopter noise standards should be the same as the general zone noise standards. Dr Chiles has provided

¹¹ Section 16 of Mr Craig Barr - Section 42A Report Rural Zone Chapter 21 dated 7 April 2016
¹² Dr Chiles statement Noise – Informal Airports (Hearing Stream 02) dated 6 April 2016
¹³ Dr Chiles evidence sections 13.1 and 13.2

evidence on the history of this issue in the District.¹⁴ Dr Chiles raises the question of how to allow for the infrequent nature of helicopter movements compared to other sound sources and considers that a broad judgement is required. His evidence is that NZS 6807 provides appropriate noise limits. Dr Chiles concludes¹⁵ that the proposed limits for helicopter noise in the Noise Chapter, combined with the controls on helicopter movements set out in the Rural Zone, is appropriate to manage adverse noise effects of helicopters. Dr Chiles' evidence for the Rural hearing¹⁶ and the section 42A report for the Rural Zone¹⁷ are relied on with respect to the expert opinion provided on limits for helicopter movements. I accept and agree with this expert advice, and recommend that these submissions be rejected for the reasons outlined by Dr Chiles.

8.47. Submission 310 (Jon Waterston) seeks that the status quo be retained for helicopter and fixed wing aircraft noise standards (opposed by FS1245¹⁸) and that informal airports that exceed the noise standards should be a non-complying activity and publicly notified. With regard to retaining the status quo, I do not support this for the reasons outlined in this evidence and set out in the section 32 report (**Appendix 3**). I also refer to the evidence presented by the Council in the rural hearing in relation to informal airports. In relation to the activity status, I note that most non-compliances with the noise standards are a non-complying activity pursuant to Tables 2 and 3, including that for non-compliance with noise limits for helicopter and fixed wing aircraft noise (Rules notified 36.5.13 and 36.5.14, redrafted 36.5.12 and 36.5.13 respectively), which is consistent with the relief sought by the submitter. With regard to public notification, I consider this should be assessed on a case by case basis, in accordance with the provisions of section 95 of the RMA. I therefore recommend this part of the submission be rejected.

8.48. Submission 574 (Skyline Enterprises Limited) seeks a limit of 65dB Ldn (the noise limit for commercial areas in NZS6807) at a specified location in the commercial area of the Skyline. The submission is seeking that a new 'Commercial Tourism and Recreation Sub-Zone' should apply to Skyline's facilities and some areas currently outside of Skyline's lease / occupation areas. With regard to the Noise Chapter, the submitter requests that sound from helicopter landing areas within this sub-zone be measured '5m West of the entrance to the Zip Trek platform on the Skyline Access Road. This submission is opposed in full by FS1063 (Peter Fleming and Others). I note that the Environment Court has considered an application for resource consent in relation to this site, and in the decision determined that a commercial area noise limit is not appropriate, and instead specified

¹⁴ Dr Chiles evidence sections 13.5 and 13.6

¹⁵ Dr Chiles evidence section 13.13

¹⁶ Dr Chiles statement Noise – Informal Airports (Hearing Stream 02) dated 6 April 2016 section 6 and paragraph 7.2

¹⁷ Paragraphs 16.10, 16.32 and 16.33 of Mr Craig Barr - Section 42A Report Rural Zone Chapter 21 dated 7 April 2016

¹⁸ Totally Tourism Limited

alternative limits as outlined by Dr Chiles.¹⁹ It is therefore recommended that this submission point be rejected.

- 8.49. Submission 143 (Richard Bowman) supports the notified rule. This is opposed by FS1093 (TR Currie) submitting that the proposed provisions and relief sought in this submission are unduly restrictive. Submission 433 (Queenstown Airport Corporation), submission 1366 (Moraine Creek Limited) and 571 (Totally Tourism Limited) and submission also supports the rule as notified. As it is proposed to retain notified Rule 36.5.13 (redrafted Rule 36.5.12) for the reasons outlined above I recommend that submissions 143, 1366 and 433 and 571 in relation to this rule be accepted and FS1093 be rejected.

Notified 36.5.14 (redrafted Rule 36.5.13)

- 8.50. Submissions (Te Anau Developments Limited) and 621 (Real Journeys Limited) seek that the rule be amended to refer to Lmax, not Ldn, and to also amend the rule so that non-compliance is a discretionary activity, not a non-complying activity. With regard to the notation, I consider a similar approach to notified Rule 36.5.13 (redrafted 36.5.12) be used, and that the submission point be rejected. With regard to activity status I consider the robust assessment and the gateway test required under section 104D of the RMA to be appropriate. The non-complying activity status is also consistent with the status for non-compliance with the majority of rules within the Noise Chapter and should be retained for consistency across the chapter. As mentioned earlier in relation to notified Rule 36.5.13 (redrafted 36.5.12), a non-compliance with a 'minor' effect will pass both limbs of s104D with regard to noise, therefore I do not consider the non-complying activity to be too onerous.

- 8.51. Queenstown Airport Corporation (433) supports this rule, supported by Skydive Queenstown Limited (FS1345). I recommend these submissions be accepted as there is no change proposed to the rule.

Notified 36.5.15 (redrafted Rule 36.5.14)

- 8.52. Submission 580 (Contact Energy Limited) supports the notified Rule. No change to this is proposed by other submissions and I recommend that the submission point be accepted.

Notified 36.5.16 (redrafted Rule 36.5.15)

- 8.53. Submitter 243 (Christine Byrch) has requested notified standard 36.5.16 (redrafted 36.5.15) relating to commercial motorised craft be reduced on the basis that noise from large boats is

¹⁹ Dr Chiles evidence 13.3

already too loud. This submission is opposed in full by FS1224. Ms Byrch considers that this restriction should extend to on-boat commentary. Dr Chiles has noted in his evidence²⁰ that the standards have been in place for many years (under the ODP) and he is not aware of any significant complaints. Dr Chiles considers that the noise limits provide an appropriate balance between enabling activities and controlling adverse effects. I accept this technical advice and recommend that the submission be rejected. With respect to controlling sound from on-board sound systems, I acknowledge Dr Chiles's evidence that sound from on-board sound systems cannot be practically controlled under the test standards for motorised craft. This type of sound could default to the general noise rules, however this is problematic due to the definition of site explicitly referring to 'an area of land'. In this case I consider the noise could be best managed by Council under section 16 of the RMA, which requires every occupier of land to adopt the best practicable option to ensure that the emission of noise from that land does not exceed a reasonable level.

- 8.54. From a plan efficiency point of view, I note that notified Rule 36.5.16 (redrafted Rule 36.5.15) refers to 36.8 of the chapter. In section 7 of this report I have flagged that these rules could be consolidated, and the balance of 36.8 be deleted.
- 8.55. Dr Chiles has provided evidence²¹ on the problems with the balance of 36.8 and the requirements for testing²². , For the tests to be effective they would need to be conducted at numerous locations on numerous days each year. This would represent a substantial cost to QLDC and potentially to motorised craft operators. Even then, a craft only temporarily in the District might not be able to get tested at a convenient time each year.
- 8.56. Rule notified 36.5.16 (redrafted 36.5.15) for commercial motorised craft effectively duplicates the requirements of (notified) Rule 36.8.1.1 and (notified) Rule 36.8.1.2. For plan efficiency reasons, it is considered that (notified) Rule 36.8.1.1 and (notified) Rule 36.8.1.2 can be combined and consolidated with notified Rule 36.5.16 (redrafted 36.5.15), and notified Rule 36.8.1.1 and (notified) Rule 36.8.1.2 can be deleted.
- 8.57. The balance of notified Rule 36.8 (notified 36.8.1.3 through to notified 36.8.3.3) relates to testing for motorised craft. As discussed by Dr Chiles, this rule is considered impractical and inconsistent with the referenced standards.²³ Submitter 607 (Te Anau Developments Limited) and submitter 621 (Real Journeys Limited) request relief to "amend table to include noise from vessels as a permitted activity...". While it is not considered appropriate to remove the limits for motorised craft entirely, for the reasons outlined by Dr Chiles²⁴, it is considered that removing the testing requirements addresses the submitters' concerns in

²⁰ Dr Chiles evidence para 7.9

²¹ Dr Chiles evidence section 7

²² Dr Chiles evidence paragraph 7.2

²³ Dr Chiles evidence paragraph 7.2

²⁴ Dr Chiles evidence paragraph 7.5

part. It is therefore recommended that the testing rule (notified Rule 36.8.1.3 through to notified Rule 36.8.3.3) be deleted. Scope to delete this part of the rule is provided by submissions Submitter 607 (Te Anau Developments Limited) and submitter 621 (Real Journeys Limited) request that noise from vessels be completely exempt. Removing the testing requirements provides partial relief to these submitters. I note that submitter 649 (Southern District Health Board) has submitted in support of 36.8 generally. I recommend that submission 649 be rejected insofar as it supports the testing days, but accepted insofar as it relates to support for the balance of the rule which is proposed to be retained.

Submissions on 36.6 – Airport noise (notified and redraft)

- 8.58. Submission 383 (QLDC – corporate submission) has submitted that 36.6.2 (notified and redraft), which concerns sound insulation requirements for Queenstown Airport and Wanaka Airport, requires updating to reflect modern building materials, and that the rule application needs improvements, possibly through requiring acoustic assessments for new or altered buildings in the Air Noise Boundary. This submission point is opposed by FS1340 (Queenstown Airport Corporation) for the reason that the construction materials in Table 4 were subject to intensive investigations in Plan Change 35. FS1340 further notes that there is an option to provide a certificate from an acoustic specialist to achieve the indoor design sound level specified.
- 8.59. I agree with QLDC that the table should refer to modern building materials in so far as the materials listed should include all available options that achieve the sound level, which may include additional 'modern' materials. Dr Chiles has provided some suggested changes in relation to glazing, and it is recommended that Table 2 of Rule 36.6.2 be amended to accommodate these. I recommend that this part of the submission be accepted. I have made these changes in the revised chapter provided as **Appendix 1**.
- 8.60. Submission 433 (Queenstown Airport Corporation) has submitted that the typographical amendment relating to the width of gypsum or plasterboard be corrected, and suggest the following deletion: Ceiling: 1 layer ~~4mm-9mm gypsum or plasterboard~~. I have noted earlier that this error should be corrected to refer to 9mm and recommend that the submission be accepted.
- 8.61. With respect to *requiring* acoustic assessments for new or altered buildings in the Air Noise Boundary as sought by QLDC, my preference is to avoid this being a *requirement* in order to meet permitted activity status as it places an extra cost on applicants. If it was one of a number of options available to achieve permitted activity status, then I consider this to be suitable as an applicant could choose to provide the acoustic assessment to meet the rule, but would have other options available that do not require specialist input. If an alternative or

lesser standard than what is required in Table 2 of Rule 36.6.2 is proposed, then I consider that a specialist assessment would be justified as part of the resource consent process. However, such an assessment may not be necessary in all cases when the standard is otherwise met. I recommend that this part of the submission be rejected.

- 8.62. Submission 80 (David Jerram) submits that Rule 36.6.3, which covers ventilation requirements for Queenstown Airport and Wanaka Airport, should include a requirement for cooling, as well as heating. This is opposed by further submission FS1077 (Board of Airline Representatives of New Zealand (BARNZ) which seeks that the rules be unaltered as they reflect the outcomes of Plan Change 35. I agree that ventilation includes both heating and cooling components and, in my opinion, the rule should accommodate both aspects. On this basis, I recommend that submission 80 be accepted. The proposed redrafted rule (based on the Beca 2014 report referred to by Dr Chiles and which would replace notified 36.3.3 and 36.7) is as follows:

Critical Listening Environments must have a ventilation and cooling system designed, constructed and maintained to achieve the following:

- i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.*
- ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.*
- iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C. At the same time, the sound of the system must not exceed 35 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.*

- 8.63. Submission 433 (Queenstown Airport Corporation) has submitted that the ventilation requirements in 36.6.3 (notified and redraft) should be amended to be more practical. Dr Chiles has agreed that the rule requires amendments; however, he does not agree that the lower airflow rates requested by submission 433 are appropriate, or that ventilation sound levels should not be allowed to increase over the levels specified in the ODP and PDP to

avoid cumulative noise effects and noise disturbance from the system itself²⁵. I agree with, and accept, Dr Chiles' expert advice on these matters and recommend that submission 433 be accepted in part, insofar as it seeks adjustments to the rule generally. The proposed amended rule is provided in the paragraph above. I note that this amendment deletes Table 5 of the rule, and cross references in this chapter and others should be updated accordingly.

- 8.64. As part of an overall assessment on this section and recommendation of a replacement rule, Dr Chiles has recommended amendments to notified and redraft 36.6.3 (and notified and redraft 36.7 which effectively duplicates 36.6.3, but relates to a selection of business zones). I accept Dr Chiles' technical recommendation on this matter, and consider it gives effect to submission 80, and partial effect to submission 433.
- 8.65. Submission 310 (John Waterston) opposes the provisions for informal airports and noise, particularly noise from helicopters and fixed wing aircraft. Mr Waterston submits that the noise standards should remain the same as in the Operative District Plan. This is opposed by FS1245 (Totally Tourism Limited). I refer to my reasoning outlined in relation to Rule 35.5.13 and recommend that submission 310 be rejected.

Submissions on 36.8 – Acoustic Measurement and Assessment (notified and redraft)

- 8.66. Submitter 607 (Te Anau Developments Limited) and submitter 621 (Real Journeys Limited) request that noise emitted from vessels operating at low or moderate speed passenger transport services be excluded from Rule 36.8.1. In my opinion it is not appropriate to exclude these activities because, if the noise exceeds the limit, then assessment through the resource consent process is appropriate. I note that there are amendments proposed to the balance of 36.8, to delete the testing requirements, which goes some way to accepting the relief sought by the submitter. I recommend that this submission be accepted in part.
- 8.67. Submitter 758 (Jet Boating New Zealand Limited) seeks a more lenient noise limit for vessels competing in jet boat race events during the hours of 0800 and 1800. Dr Chiles has noted that the increase sought is significant and could have adverse noise effects²⁶. For these reasons I recommend that noise from such an activity should be managed on a case by case basis through the resource consent process. I therefore recommend that this submission be rejected.

²⁵ Dr Chiles evidence para 14.11
²⁶ Dr Chiles evidence para 7.8

Submissions on Definitions Relating to Noise

Noise

8.68. Submission 243 (Christine Byrch) (opposed in full by FS1224 and FS1340) submits that the day/night level should be deleted on the basis that any level of noise can be made to comply by averaging over a long enough time. This submitter contends that this has only been introduced to allow for helicopter noise, which should not be treated differently to general noise. I refer to comments made above in relation to notified Rule 36.5.13 (redrafted Rule 36.5.12) and recommend that this submission be rejected.

Notional boundary (see below)

8.69. Submission 649 (Southern District Health Board) supports the definition of 'notional boundary', with an amendment suggested to remove the word 'façade' and replace it with 'any side'. The Health Board contends that façade is inappropriate as it can have connotations of 'frontage' which is can be contrary to how the definition is intended to be applied. I agree with this submission point and recommend that it be accepted.

Support for various definitions

8.70. Submitter 433 (Queenstown Airport Corporation) submits that it supports a number of definitions in the PDP that relate to noise, including 'design sound level', 'indoor design sound level', and 'non-critical listening environment'. Submitter 433 also supports in part 'critical listening environment', with a minor amendment sought that does not alter its context in the noise chapter. These submission points could be accepted in the context of the noise chapter, however I understand that they have been deferred to the Airport Mixed Use hearing. I note definitions apply across multiple chapters and will potentially be heard in more than one hearing.

Miscellaneous submission points

8.71. Submission 115 (Florence Micoud) submits that landscape is not only visual, and there should be noise regulations on the lakes and rivers near habitations, and that speed limits must be reduced to a speed so that engines cannot be heard from the shore. The submitter considers that Sundays should be chainsaw, lawnmowers and loud machinery free. I consider that given noise controls apply across all parts of the District, then these sounds will be appropriately controlled with respect to the zone they are received in. Expert advice (during the preparation of the chapter, and in evidence provided for this hearing) has informed what the appropriate limits should be for different receiving environments. I consider it important to strike a balance between providing for development, and ensuring

the adverse effects of development on everyday amenity are appropriately managed. I further note that Council has the ability to control noise (by abatement notice) pursuant to section 16 of the RMA if the noise from such activities exceeds a reasonable level. For these reasons I recommend that this submission point be rejected.

- 8.72. Submission 159 (Karen Boulay) submits that noise control and police should regularly monitor the situation in town after 12.00 am due to the increased level of noise and disturbance. I acknowledge the submitter's concern, and note that noise limits apply in the town centre under the PDP to control and manage adverse noise effects and can be enforced accordingly by Council's enforcement officers and noise control. The requirement for this is not explicitly specified in the PDP and is managed by Council and the police if required with respect to civic safety.
- 8.73. A number of submission points on the Noise Chapter (in particular those by submitter 433, Queenstown Airport Corporation) have been consistently opposed by FS1097 (Queenstown Park Limited) and FS1117 (Remarkables Park Limited). The basis for the opposition is retaining consistency in the PDP with Plan Change 35 and seeking that any amendments do not constrain any existing development opportunity within the Remarkables Park Zone or impose additional controls to Plan Change 35. As far as I am aware there are not any changes being made as part of this chapter that materially affect development in the Remarkables Park Zone.

9. CONCLUSION

- 9.1. On the basis of my analysis within this evidence, I recommend that the changes within the Revised Chapter in **Appendix 1** are accepted.
- 9.2. The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient manner; and give effect to the purpose and principles of the RMA.



Ruth Christine Cameron Evans
Consultant Planner, Harrison Grierson
17 August 2016

Appendix 1. Recommended Revised Chapter

NOISE 36

Key: Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Dated 17 August 2016.

36 Noise

36.1 Purpose

The purpose of this section is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause ~~nuisance and give rise to~~ adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, ~~or and~~ timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

Comment [RE1]: Non-substantive clarification

Comment [RE2]: Submission 649

Comment [RE3]: Submission 649

The Resource Management Act (RMA) 1991 requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. "Reasonable" noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise levels limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

Comment [RE4]: Submission 649

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft ~~can be controlled through~~ is controlled under section 29A of the Civil Aviation Act 1990.

Comment [RE5]: Submission 649

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in 36.7, n ~~Noise in relation to received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centres Zone chapters. This is due to the town centre-specific complexities on noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is still managed under this chapter.~~

Comment [RE6]: Added for clarity

Comment [RE7]: Added for clarity

Comment [RE8]: Added for clarity

Comment [RE9]: Added for clarity.

36.2 Objectives and Policies

36.2.1 Objective - ~~Control the adverse effects. The adverse effects of noise emissions are controlled to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities~~ is managed.

Comment [RE10]: Objective rephrased in accordance with the Panel's procedural minute of 8 April 2016.

Policies

- 36.2.1.1 Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.
- 36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

NOISE 36

36.3 Other Provisions

36.3.1 District Wide

Attention is drawn to the following District Wide Chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as ~~Operative District Plan (ODP)~~.

Comment [RE12]: Changes made for consistency with other chapters. Plan guidance only, no change in substance.

25 Earthworks (22 ODP)	27 Subdivision	
<u>1 Introduction</u>	<u>2 Definitions</u>	<u>3 Strategic Direction</u>
<u>4 Urban Development</u>	<u>5 Tangata Whenua</u>	<u>6 Landscapes</u>
24 Signs (18 Operative ODP)	25 Earthworks (22 Operative ODP)	<u>26 Historic Heritage</u>
<u>27 Subdivision</u>	<u>28 Natural Hazards</u>	<u>29 Transport (14 Operative ODP)</u>
30 Energy and Utilities and Renewable Energy	31 Hazardous Substances (16 Operative ODP)	<u>32 Protected Trees</u>
<u>33 Indigenous Vegetation</u>	<u>34 Wilding Exotic Trees</u>	<u>35 Temporary Activities and Relocated Buildings</u>
<u>36 Noise</u>	<u>37 Designations</u>	<u>Planning Maps</u>

Comment [RE11]: Change to reflect incorrect chapter reference.

36.3.2 Clarification

36.3.2.1 The following tables describe activities, standards and subsequent level of activity for resource consent purposes. Any activity that is not Permitted requires resource consent, and any activity that is not specifically identified in a level of activity, but breaches a standard, requires resource consent as a Non-complying activity.

36.3.2.2 The following abbreviations are used in the tables:

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

36.3.2.3 Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.

36.3.2.4 Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.

36.3.2.5 In addition to the above, the noise from the following activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.

36.3.2.6 Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.

NOISE 36

- 36.3.2.7 Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.8 The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.
- 36.3.2.9 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones.
- 36.3.2.10 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

Comment [RE13]: Submission 433

Comment [RE14]: Added for clarity

Comment [RE15]: Amended to reflect the correct zone name.

Comment [RE16]: Added for clarity

36.4 Rules - Activities

Table 1 – Activities

	Activity	Activity Status
36.4.1	Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).	P
36.4.2	Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.	P
36.4.3	Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.	P
36.4.4	Sound from temporary military training activities.	P
36.4.5	In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.	P
36.4.6	Sound from aircraft movements within designated airports.	P
36.4.7 36.4.6	Sound from telecommunications cabinets in road reserve.	P
36.4.7	<u>Sound from emergency and backup electrical generators:</u> <u>(a) operating for emergency purposes; or</u> <u>(b) operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700.</u>	P

Comment [RE17]: Submission 433

Comment [RE18]: Submission 635

36.5 Rules- Standards

Table 2	Standard				Non-compliance status
	Activity or sound source Zones sound is received in	Assessment location	Time	Noise limits	
36.5.1	Rural Zone (Note: refer 36.5.2 for noise received in the Rural Zone from the Queenstown Airport Mixed Use Zone).	Any point within the notional boundary of a residential unit	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
	Gibbston Character Zone		2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC
36.5.2	Sound from land based activities in the Queenstown Airport Mixed Use Zone received in the Residential Zones and the Rural Zone.	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone	0700h to 2200h	55 dB L _{Aeq(15 min)}	RD
			2200h to 0700h	45 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	Discretion is restricted to the extent of effects of noise generated on adjoining zones.
36.5.3	Millbrook Resort Zone	Any point within the Residencies / Residential Activity Areas	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
	Jacks Point Resort Zone		2000h to 0800h	40 dB L _{Aeq(15 min)}	NC
	(see also 36.5.17)			75 dB L _{AFmax}	

Comment [RE19]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE20]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Comment [RE21]: Submission 433

Comment [RE22]: Moved to notified 36.5.4 (redraft 36.5.3) with minor amendment to align with structure of notified 36.5.4 (redraft 36.5.3)

Comment [RE23]: Note that this will require updating with the Jacks Point Zone Chapter rule reference as notified 36.5.17 is recommended to be transferred to the zone chapter.

NOISE 36

Table 2	Standard	Assessment location	Time	Noise limits	Non-compliance status
36.5.43	<p>Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.2 for noise received in the Residential Zones from the Queenstown Airport Mixed Use Zone).</p> <p>Arrowtown Residential Historic Management Zone</p> <p>Rural Residential Zone</p> <p>Rural Lifestyle Zone</p> <p>Townships Zones</p> <p>Waterfall Park Resort Zone</p> <p>Rural Visitor Zones (excluding the Rural Visitor Zone Walter Peak).</p> <p>Quail Rise Special Zone</p> <p>Meadow Park Special Zone</p> <p>Ballantyne Road Special Zone (excluding Activity Area C)</p> <p>Shotover Country Special Zone (Activity Areas 11a-1e, 4 and 5a-5e)</p> <p>Penrith Park Special Zone</p> <p>Bendemeer Special Zone</p> <p>Mt Cardrona Station Special Zone (Activity Areas 2, 3 and 4)</p> <p>Kingston Village Special Zone (Activity Areas 1,3 and 4)</p> <p>Millbrook Resort Zone (Residential Activity Area)</p> <p>Jacks Point Resort Zone (Residential Activity Area)</p>	Any point within any site.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC

Comment [RE19]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE20]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Comment [RE24]: Submission 621

Comment [SG25]: Clarification

NOISE 36

Standard					Non-compliance status
Table 2	Activity or sound source Zones sound is received in	Assessment location	Time	Noise limits	
36.5.54	Queenstown Airport Mixed Use Zone	At any point within the zone.	Any time	No limit	P
36.5.65	Shotover Country Special Zone (Activity Areas 2a-2c and 3) Mt Cardrona Station Special Zone (Activity Area 1) Ballantyne Road Special Zone (Activity Area C) Jacks Point Resort Zone (Village Activity Area)	Any point within any site	0800h to 2200h	60 dB L _{Aeq(15 min)}	NC
			2200h to 0800h	50 dB L _{Aeq(15 min)}	NC
				75 dB L _{AFmax}	
36.5.76	Kingston Village Special Zone (Activity Area 2) Industrial Zones	36.5.76.1 Any point within Activity Area 2 boundary	0800h to 2000h	60 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	50 dB L _{Aeq(15 min)}	NC
				75 dB L _{AFmax}	
			2200h to 0700h	45 dB L _{Aeq(15 min)}	NC
			75 dB L _{AFmax}		
		0700h to 2200h	60 dB L _{Aeq(15 min)}	NC	
		36.5.76.2 Any point within the boundary of Activity Areas of 2a, 3, 4, 5, 6, 7 and 8	2200h to 0700h	50 dB L _{Aeq(15 min)}	NC
		75 dB L _{AFmax}			
	2000h to 0800h	40 dB L _{Aeq(15 min)}	NC		
		75 dB L _{AFmax}			
	2200h to 0800h	65dB A _{dB} L ₁₀ A _{eq(15 min)}			
		75dB A L _{max}			

Comment [RE19]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE20]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Comment [RE26]: Submission 632

Comment [RE28]: Amended to reflect consequential renumbering.

Comment [RE27]: Submission 746.

Comment [RE29]: Amended to reflect consequential renumbering.

Comment [RE30]: Submission 649

NOISE 36

Table 2	Standard				Non-compliance status	
	Activity or sound source	Zones sound is received in	Assessment location	Time		Noise limits
				2000h to 0800h	65dBA L ₁₀ 75dBA L _{max}	

Comment [RE19]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE20]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.87	Certain Telecommunications Activities in Road Reserve The Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008 provide for noise from telecommunications equipment cabinets	36.5.8.1 36.5.7.1 Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points: a. if the side of a building containing a habitable room is within 4 m of the closest	0700h to 2200h	50 dB L _{Aeq(5 min)}	Refer
			2200h to 0700h	40 dB L _{Aeq(5 min)}	NESTF

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE32]: Amended to reflect consequential renumbering

NOISE 36

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
	<p>located in the road reserve as a permitted activity, subject to the specified noise limits.</p> <p>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.</p>	<p>boundary of the road reserve, the noise must be measured—</p> <ul style="list-style-type: none"> • at a point 1 m from the side of the building; or • at a point in the plane of the side of the building; <p>b. in any other case, the noise must be measured at a point that is—</p> <ul style="list-style-type: none"> • at least 3 m from the cabinet; and • within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	<p>2200h to 0700h</p>	<p>65 dB L_{AFmax}</p>	
		<p>36.5.8.2 36.5.7.2 Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the</p>	<p>Any time</p>	<p>60 dB L_{Aeq(5 min)}</p>	
			<p>2200h to</p>	<p>65 dB L_{AFmax}</p>	

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE33]: Amended to reflect consequential renumbering

NOISE 36

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
		<p>following points:</p> <p>c. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured—</p> <ul style="list-style-type: none"> • at a point 1 m from the side of the building; or • at a point in the plane of the side of the building; <p>d. in any other case, the noise must be measured at a point that is—</p> <ul style="list-style-type: none"> • at least 3 m from the cabinet; and • within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	0700h		
36.5.98	<p>Wind Turbines</p> <p>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise.</p>	At any point within the notional boundary of any residential unit.	Any time	40 dB $L_{A90(10 \text{ min})}$ or the background sound level $L_{A90(10 \text{ min})}$ plus 5 dB, whichever is higher	NC

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

NOISE 36

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.409	Audible Bird Scaring Devices The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations). In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period. Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day. The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.	36.5.40.1 36.5.9.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.	Hours of daylight but not earlier than 0600h.	65 dB L_{AE} shall apply to any one event	NC
		36.5.40.2 36.5.9.2 In any public place.	At any time	90 dB L_{AE} is received from any one noise event	
36.5.410	Frost fans Sound from frost fans.	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	85 dB L_{AFmax} 55 dB $L_{Aeq}(15min)$	NC

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE34]: Amended to reflect consequential renumbering

Comment [RE35]: Amended to reflect consequential renumbering

Comment [RE36]: Amended to reflect consequential renumbering

Comment [RE37]: Submission 649

NOISE 36

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.4211	<p>Vibration</p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p>	On any structures or buildings on any other site.	Refer to relevant standard	Refer to relevant standard	NC
36.5.4312	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>For the avoidance of doubt this rule does not apply to designated airports.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.14 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>	At all times	50 dB L _{dn}	NC
36.5.4413	<p>Fixed Wing Aircraft</p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to designated airports.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.13 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>	At all times	55 dB L _{dn}	NC

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

NOISE 36

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.1514	<p>Construction Noise</p> <p>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p>	At any point within any other site.	Refer to relevant standard	Refer to relevant standard	D
36.5.1615	<p>Commercial Motorised Craft</p> <p>Motorised craft on the surface of lakes and rivers must be operated and conducted such that a maximum sound level is not exceeded, when measured and assessed in accordance with 36.8</p> <p><u>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</u></p>	<u>Refer 36.8-25 metres from the craft</u>	<p>Refer 36.8</p> <p><u>0800h to 2000h</u></p> <p><u>2000h to 0800h</u></p>	<p>77 dB L_{Asmax}</p> <p><u>77 dB L_{Asmax}</u></p> <p><u>67 dB L_{Asmax}</u></p>	NC

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE38]: Consolidated with 36.8 for efficiency reasons due to duplication between this rule and 36.8.

NOISE 36

Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.17	Jacks Point State Highway Noise	Any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq(24 hour) in bedrooms and 40 dBA (Leq (24 hour) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics — Recommended design sound levels and reverberation times for building interiors.			NC

Comment [RE31]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE39]: Relocated to Jacks Point zone chapter for consistency and structural reasons, as the other residential chapters will contain noise rules associated with SH setbacks.

NOISE 36

36.6 Airport Noise

36.6.1 Wanaka Airport

Within the Rural Visitor Zone, the construction of, alteration, or addition to any building containing an activity sensitive to aircraft noise shall be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in ~~Table 5 Rule 36.6.3~~. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in ~~Table 5-Rule 36.6.3~~.

Comment [RE40]: Amended to reflect correct reference.

Comment [RE41]: Amended to reflect correct reference.

36.6.2 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB).

Building Element	Minimum Construction	
External Walls	Exterior Lining:	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation:	Not required for acoustical purposes
	Frame:	One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)
Windows/Glazed Doors	4mm glazing with effective compression seals or for double glazing 6mm-6mm airgap 6mm Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide.	
Pitched Roof	Cladding:	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement
	Insulation:	100mm thermal insulation blanket/batts
	Ceiling:	1 layer 9mm gypsum or plaster board
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm fibre cement
	Sarking:	None Required
	Insulation:	100mm thermal insulation blanket/batts
	Ceiling:	1 layer 19mm gypsum or plasterboard
External Door	Solid core door (min 24kg/m ²) with weather seals	

Comment [RE42]: Submission 383

Comment [RE43]: Correction of typographical error; submission 433

Note: The specified construction materials in this table are the minimum required to meet the Indoor Design Sound Level. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (eg fire, Building Code etc) would also need to be implemented.

NOISE 36

36.6.3 Ventilation Requirements for the Queenstown and Wanaka Airport (Table 5)

The following table sets out ~~applies to~~ the ventilation requirements within:

(a) the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB); and

~~(b) the Wanaka and Queenstown Town Centre Zones, Local Shopping Centre Zone and the Business Mixed Use Zone.~~

Critical Listening Environments must have a ventilation and ~~cooling system~~ designed, constructed and maintained to achieve the following:

Comment [RE44]: Submission 80

~~i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.~~

~~ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.~~

~~iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C and no less than 18°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.~~

Comment [RE45]: Submissions 80 and 433

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	4-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	4-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

36.7 Ventilation Requirements for other Zones (Table 6)

~~The following table (Table 6) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.~~

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting

NOISE 36

Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

36.8 Acoustic Measurement and Assessment

Comment [RE46]: Submissions 607 and 621, and consolidated with 36.5.16 for plan efficiency reasons.

36.8.1 Acoustic Measurement and Assessment of Motorised Craft on the Surface of Rivers and Lakes

- 36.8.1.1 All motorised craft operating on the surface of lakes and rivers within the District must have and display a current acoustic certificate of fitness. Testing shall be undertaken on a strictly controlled "test" day, and shall be conducted by an enforcement officer appointed pursuant to the Act.
- 36.8.1.2 The measured sound pressure level shall not exceed a maximum A weighted level:
- 77 dB LASmax for vessels to be operated between the hours of 0800 to 2000;
 - 67 dB LASmax for vessels to be operated between the hours of 2000 to 0800.
- 36.8.1.3 Retesting will be undertaken at not more than 12 monthly intervals. Additional monitoring measurements shall be performed in order to check that the noise of the craft remains within the prescribed limits and no noticeable changes have occurred since the previous testing of the craft and/or allowing modification to the same.
- 36.8.1.4 All sound measuring equipment and methods used shall be in compliance with the standards stated in the above references.
- 36.8.1.5 The following test conditions shall be complied with as closely as possible, but if unavoidable variations have to be made, these must be stated in the test report. In no instance shall the integrity of the test be compromised.
- 36.8.1.6 The noise emitted by warning devices and the like are excluded, however ancillary noise generated or associated with the operation of the craft, other than the motive device, may be measured separately or in conjunction with the test.

36.8.2 Test Conditions

- 36.8.2.1 The following instrument shall be used:

NOISE 36

- ~~A class 1 sound level meter and an acceptable wind screen.~~
- ~~A sound level calibrator.~~
- ~~A wind speed anemometer.~~
- ~~An engine speed tachometer.~~

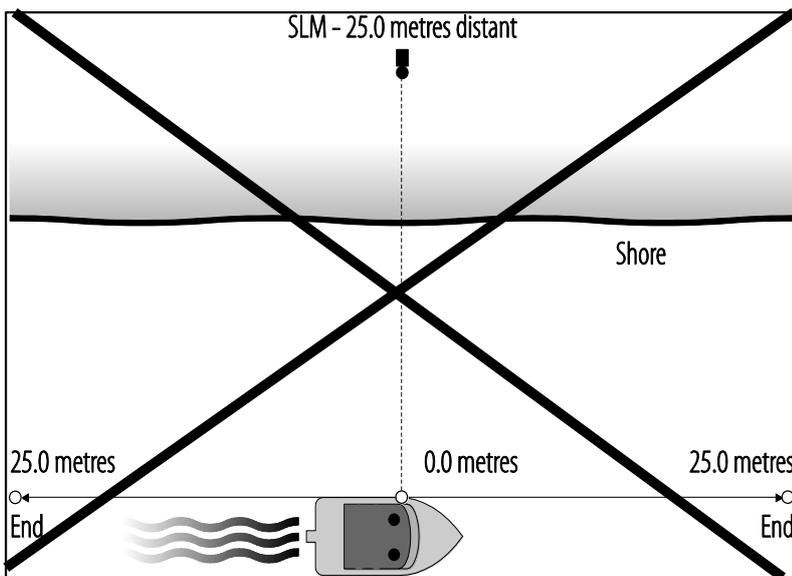
36.8.2.2 ~~Measured Quantities – "A" weighted, slow response sound level, expressed in decibels (dB).~~

36.8.2.3 ~~Acoustic Environment – The test site shall be such that sufficient free field sound propagation exists, (ie 30m clearance from reflective surfaces).~~

36.8.2.4 ~~There shall be no obstacles between the craft and the microphone and the area between shall be open and free from sound absorbing materials. Meteorological conditions shall be within standard acceptable limits and the wind velocity shall not exceed 5m/sec.~~

36.8.2.5 ~~Test Course – The depth of water must be sufficient for the normal operation of the craft.~~

- ~~Craft shall run either against the stress or current or in slack water.~~
- ~~A set straight line course shall be used to ascertain the acoustic measurements, as detailed:~~



36.8.2.6 ~~Operating Conditions – The test run shall commence at sufficient distance downstream to obtain stabilised engine conditions when the craft passes the microphone. The craft shall be driven by a competent person who is mutually acceptable to the operator of the craft and the enforcement officer. The loading condition of the craft shall be stated in the report. All openings and hatches shall be set and located in their normal operational condition and the craft's engine system shall be at normal operating temperature.~~

36.8.2.7 ~~The boat shall pass all three markers on a straight course at wide open throttle with the engine operating at the midpoint of the manufacturer's recommended full throttle rpm range.~~

NOISE 36

- 36.8.2.8 The engine speed tolerance shall be +/- 100rpm if this falls within the full throttle speed range. If a single top speed rpm is recommended, the tolerance shall be +0, -100rpm.
- 36.8.2.9 Boats which are sold with the power units installed (for example, outboards and stern drives) shall be tested in this combination. Outboard motorboats shall be tested with a motor or motors for which the boat is rated, since sound level is dependent upon boat design and construction.
- 36.8.2.10 The boat shall pass within 0.5m to 1.0m on the far side of all three markers.
- 36.8.2.11 Test Procedure—Principally that the maximum A-weighted sound pressure level indicated during the passage of the craft be retained. The sound level will be accumulated as the craft passes at right angles to the microphone and will be measured until the craft has travelled a distance of 25 m. The meter shall be set for slow response.

Two passes shall be made and the mean value of the measurements rounded to the nearest integral decibel shall be obtained. If the sound intensity is louder along one side of the craft, then the measurements shall be conducted at this side. The background noise level shall be recorded and shall be at least 10dBA lower than measured level for the boat being tested.

All craft may not be able to be recorded according to the above method and any deviation shall be in compliance with ISO 2922:2000 or ISO 14509-1:2008. Other statistical and accumulated sound levels may also be recorded and retained for evaluation.

36.8.3 Test Report

- 36.8.3.1 The test report shall include a reference to the Standards and all relevant details concerning:
- The nature of the tests.
 - The craft design or make, operator, engine and exhaust system.
 - The test site locality, water conditions, meteorological conditions, for example temperature, and wind velocity, if relevant.
 - The measurement equipment.
 - The background noise level.
 - The loading of the craft.
 - The A-weighted sound pressure levels.
 - The presence of pure tones or noise of an impulsive character.
 - A conclusion, evaluating the test results and considerations.
- 36.8.3.2 The craft shall, upon compliance and following testing exhibit a current acoustic certificate label in a prominent place, which will be issued by the enforcement officer.
- 36.8.3.3 All craft shall be retested, should any modification be made to the craft or engine componentry that could alter the acoustic integrity and another certificate, upon compliance, will be issued.

REFERENCES: IEC 61672-1:2002, IEC 60942:2003, ISO 2922:2000, ISO 14509-1:2008

Comment [RE47]: Deleted for plan efficiency reasons as unnecessary and confusing text. The two IEC references are not used, and the two ISO references are included in the rule they relate to (Notified Rule 36.3.16, redrafted Rule 36.3.15).

DEFINITIONS

The following definitions have submission points coded to them for this chapter are included here for reference:

Critical listening environment

Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical living environments.

Design sound level

Means 40 dB Ldn in all Critical Listening Environments.

Indoor design sound level

Means 40 dB Ldn in all Critical Listening Environments.

Noise

Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise.

Ldn: Means the day/night level, which is the A-frequency-weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).

LAeq(15 min): Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).

LAFmax: means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.

Noise Limit: Means a LAeq(15 min) or LAFmax sound level in decibels that is not to be exceeded.

In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.

Non-critical listening environment

Means any space that is not regularly used for high quality listening or communication including bathroom, laundry, toilet, pantry, walk-in-wardrobe, corridor, hallway, lobby, cloth-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.

Notional boundary

Means a line 20m from the façade any side of any residential unit or the legal boundary whichever is closer to the residential unit.

Comment [RE48]: Submission 649

Appendix 2. List of Submitters and Recommended Decisions

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
19.18		Kain Fround		Support	General support.	Accept		Chapter generally
21.61		Alison Walsh		Support	General support.	Accept		Chapter generally
115.9		Florence Micoud		Other	Landscape is not only visual. Add noise regulations: On the lakes and rivers near habitations, speed limits must be reduced to a speed so that engines can't be heard from the shore. Sundays should be chainsaw, lawnmowers and loud machinery free. Banning chemical pesticides and fertilisers use or at least restrict it significantly.	Reject		Miscellaneous submission points
159.8		Karen Boulay		Other	Noise control and police should regularly monitor the situation after 12.00.	Reject		Miscellaneous submission points
243.20		Christine Byrch		Oppose	Delete Ldn - the helicopter noise standard. Reduce the maximum allowed noise from commercial motorised craft.	Reject		s42a - Definitions
243.20	FS1224.20	Matakauri Lodge Limited		Oppose	The submitter opposes this submission and considers that the Proposed District Plan and Visitor Accommodation Sub-zone is an appropriate method to recognise and enable visitor accommodation on Lot 2 DP 27037. Seeks it to be	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
243.20	FS1245.16	Totally Tourism Limited		Oppose	Assures that there is in effect no noise standard for assessment of helicopter noise. Seeks that this submission be disallowed.	Accept		s42a - Definitions
574.3		Skyline Enterprises Limited		Other	That the PDP is amended to incorporate the proposed changes to the Noise Chapter as outlined within the body of this submission and the attachments.	Reject		Notified 36.5.13
574.3	FS1063.21	Peter Fleming and Others		Oppose	Oppose all	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
621.126		Real Journeys Limited		Not Stated	Chapter 36 Table 1 - Noise Amend table to include noise from vessels as a permitted activity (the permitted activity standards should not just be limited to noise from vehicles using roads)	Reject		Notified 36.5.16
433.110		Queenstown Airport Corporation	36.1 Purpose	Support	Retain the Purpose statement as notified.	Accept in Part		36.1 Zone Purpose
433.110	FS1211.6	New Zealand Defence Force	36.1 Purpose	Support	Agrees that the third paragraph particularly notes that the onus to manage noise should not always fall on the noise generator, and in some instances the obligation should fall on the noise receiver. Recognises the potential for reverse sensitivity effects. Seeks this provision to be allowed.	Accept in Part		36.1 Zone Purpose
433.110	FS1097.396	Queenstown Park Limited	36.1 Purpose	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		36.1 Zone Purpose
433.110	FS1117.156	Remarkables Park Limited	36.1 Purpose	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		36.1 Zone Purpose

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
649.4		Southern District Health Board	36.1 Purpose	Other	Support in part: Support the gist of the first paragraph but with amendments to terminology for consistency with this chapter and other parts of the proposed plan and the terminology used in the standards cited. Term "nuisance" only used here is inappropriate in RMA context. The decision required is : In the first sentence delete 'nuisance and give rise'. In the last sentence, replace 'duration and timing' with 'duration, or timing'. For the following reasons. Term 'nuisance' is used with the term 'adverse effects'. Latter is consistent with RMA terminology whereas the term 'nuisance' relates to civil torts. Its ordinary usage is not mentioned in the RMA and the basis for nuisance is not the 'sustainable management ethos of the RMA. The word 'and used' in the phrase 'duration and timing of noise' implies it and the preceding terms must be or should be interpreted conjunctively rather than disjunctively of as alternative elements and the ambiguity can be avoided by avoiding the word 'and'.	Accept		36.1 Zone Purpose
649.5		Southern District Health Board	36.1 Purpose	Not Stated	Our Submission is: Support the gist of the second paragraph but with amendments to terminology for consistency with this chapter and other parts of the proposed plan and the terminology used in the standards. Reference to 'noise levels' in phrase 'prescription of noise levels' is inappropriate. The Proposal is supported in part but with the following amendments: Replace 'noise levels' with 'noise limits'. If the words are retained add 'sets upper limits for' before 'noise levels for each zone'. Note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the Proposal, or consequential amendments to this section, as a result of decisions about other parts of the Proposal. For the following reasons. In the phrase 'prescription of noise levels' the term 'levels' is wrong as the plan sets 'noise limits' for each zone, not a prescribed 'level' for each zone	Accept		36.1 Zone Purpose
649.6		Southern District Health Board	36.1 Purpose	Other	Support in part. Support the gist of the fourth paragraph but with amendments to terminology for consistency with this chapter and other parts of the proposed plan and the terminology used in other statutes. The phrase 'can be controlled through' is inappropriate as the statute is in force and applied. Recommend the following amendment: Replace 'can be controlled through' with 'is controlled under'. Note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the Proposal, or consequential amendments to this section, as a result of decisions about other parts of the Proposal. For the following reasons. The Civil Aviation Act 1990 provisions for control of aircraft noise have been in effect for many years and it is misleading to imply they 'can' control noise rather than actually do control aircraft noise, in a manner outside Council jurisdiction.	Accept		36.1 Zone Purpose
714.15		Kopuawai Investments Limited	36.1 Purpose	Other	Amend the zone purpose as follows: <i>"...Noise in relation to town centres is not addressed in this chapter, but rather in the Town Centres chapters. This is due to the town centre-specific complexities on noise in those zones, and its fundamental nature as an issue that interrelates with all other issues in those zones. Therefore, the objectives, policies and rules in this chapter do not require consideration in relation to activities undertaken within the Town Centre."</i>	Accept in Part		36.1 Zone Purpose
1365.8		New Zealand Defence Force	36.1 Purpose	Support	Retain 3rd paragraph - in some instances the obligation for noise management should fall on the noise receiver	Accept		36.1 Zone Purpose
197.28		Jeffrey Hylton	36.2 Objectives and Policies	Support	General support.	Accept		General amendments and comments
719.155		NZ Transport Agency	36.2 Objectives and Policies	Support	Retain Policy 36.2.1.2 as proposed.	Accept		Submissions on Policy 36.2.1.2
649.7		Southern District Health Board	36.2.1Objective 1	Support	Reasonable provisions consistent with sustainable management for the district. For the following reasons. Identifies noise as a potential adverse effect on people and communities and a statutory responsibility under RMA for Council to control.	Accept in Part		General amendments and comments
649.7	FS1211.7	New Zealand Defence Force	36.2.1Objective 1	Support	Recognises that various activities occur throughout the District. Agrees that it is appropriate to provide for activities that may result in noise effects, with suitable and reasonable controls on the activity, while managing potential conflicts between activities. Seeks that the provision to be allowed.	Accept in Part		General amendments and comments
717.19		The Jandel Trust	36.2.1Objective 1	Support	Retain Objective 36.2.1	Accept in Part		General amendments and comments
717.19	FS1211.8	New Zealand Defence Force	36.2.1Objective 1	Support	Recognises that various activities occur throughout the District. Agrees that it is appropriate to provide for activities that may result in noise effects, with suitable and reasonable controls on the activity, while managing potential conflicts between activities. Seeks that the provision to be allowed.	Accept in Part		General amendments and comments

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
717.19	FS1029.25	Universal Developments Limited	36.2.1Objective 1	Oppose	Universal seeks that the entire submission be disallowed	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
717.19	FS1270.125	Hansen Family Partnership	36.2.1Objective 1	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
717.20		The Jandel Trust	36.2.1Objective 1	Not Stated	Amend as follows: 36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects, <u>and avoid or mitigate new noise sensitive activities from establishing in the proximity of consented or existing noise generating activities.</u>	Reject		Submissions on Policy 36.2.1.2
717.20	FS1211.9	New Zealand Defence Force	36.2.1Objective 1	Support	Agrees that reverse sensitivity is a significant issue for infrastructure providers and associated activities. Supports specific provisions acknowledging this and seeking to protect against reverse sensitivity effects.	Reject		Submissions on Policy 36.2.1.3
717.20	FS1029.26	Universal Developments Limited	36.2.1Objective 1	Oppose	Universal seeks that the entire submission be disallowed	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
717.20	FS1270.126	Hansen Family Partnership	36.2.1Objective 1	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
719.154		NZ Transport Agency	36.2.1Objective 1	Support	Retain	Accept in Part		General amendments and comments
847.18		FII Holdings Limited	36.2.1Objective 1	Support	Retain Objective 36.2.1	Accept in Part		General amendments and comments
847.18	FS1270.24	Hansen Family Partnership	36.2.1Objective 1	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Accept in Part		General amendments and comments
847.19		FII Holdings Limited	36.2.1Objective 1	Other	Amend as follows: 36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects, <u>and avoid or mitigate new noise sensitive activities from establishing in the proximity of consented or existing noise generating activities.</u>	Reject		Submissions on Policy 36.2.1.2
847.19	FS1270.25	Hansen Family Partnership	36.2.1Objective 1	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Reject		Submissions on Policy 36.2.1.2
1365.9		New Zealand Defence Force	36.2.1Objective 1	Support	Objective 1 - Retain as notified - provide for activities that create noise effects with suitable controls and managing conflicts between activities	Accept in Part		General amendments and comments
1365.10		New Zealand Defence Force	36.2.1Objective 1	Support	Objective 1, Policy 1 - Retain as notified - provide for activities that create noise effects with suitable controls and managing conflicts between activities	Accept		General amendments and comments
1365.11		New Zealand Defence Force	36.2.1Objective 1	Support	Objective 1, Policy 2 - Retain as notified - provide for activities that create noise effects with suitable controls and managing conflicts between activities	Accept		General amendments and comments
433.111		Queenstown Airport Corporation	36.3.2 Clarification	Other	Amend as follows: 36.3.2.8 <u>The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown and Wanaka Airport.</u>	Accept		Submissions on 36.3.2 – Clarification
433.111	FS1097.397	Queenstown Park Limited	36.3.2 Clarification	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
433.111	FS1117.157	Remarkables Park Limited	36.3.2 Clarification	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
635.80		Aurora Energy Limited	36.3.2 Clarification	Other	Oppose in part. Amend Clarification - Rule 36.3.2.7 as follows: Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment (excluding temporary operation of emergency and backup generators) must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.	Accept in Part		Submissions on 36.3.2 – Clarification
649.8		Southern District Health Board	36.3.2 Clarification	Support	Support the gist of the clarification and 36.3.2.3 about how noise is to be measured and assessed, including by reference to NZ standards NZS 6801:2008 and NZS6802:2008 and by other New Zealand standards where they have been referenced; 36.3.2.4 prescription of noise standards in tables; 36.3.2.5 exempt activities listed; 36.3.2.6 specific provisions for aircraft noise. For the following reasons. Basis for measurement and assessment of noise is latest editions of appropriate New Zealand Standards and tabulation of noise limits in rules is a sensible method of layout. Exemptions for table 1 activities are reasonable.	Accept		Submissions on 36.3.2 – Clarification
649.8	FS1211.10	New Zealand Defence Force	36.3.2 Clarification	Support	Agrees that the clarification of the application of the rules and associated noise standards is supported as it confirms and ensures a consistent approach.	Accept		Submissions on 36.3.2 – Clarification
717.21		The Jandel Trust	36.3.2 Clarification	Not Stated	Add a new matter: <u>36.3.2.11 Compliance with the noise standards for those activities lawfully established in the Rural Zones prior to the District Plan review being adopted shall be administered in accordance with the zone rules at the time that the activity was consented or lawfully established. To avoid doubt, compliance location would remain at the notional boundary of the residential units or platforms that were in place at the time that the consent was granted or activity was lawfully established.</u>	Reject		Submissions on 36.3.2 – Clarification
717.21	FS1029.27	Universal Developments Limited	36.3.2 Clarification	Oppose	Universal seeks that the entire submission be disallowed	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
717.21	FS1270.127	Hansen Family Partnership	36.3.2 Clarification	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
847.20		FII Holdings Limited	36.3.2 Clarification	Other	Insert new item: <u>36.3.2.11 Compliance with the noise standards for those activities lawfully established in the Rural Zones prior to the District Plan review being adopted shall be administered in accordance with the zone rules at the time that the activity was consented or lawfully established. To avoid doubt, compliance location would remain at the notional boundary of the residential units or platforms that were in place at the time that the consent was granted or activity was lawfully established.</u>	Reject		Submissions on 36.3.2 – Clarification
847.20	FS1270.26	Hansen Family Partnership	36.3.2 Clarification	Support	Supports. Seeks the submission be allowed, subject to a consistent zoning regime being applied to the land north of and adjoining State Highway 6 between Hansen Road and Ferry Road.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
1365.12		New Zealand Defence Force	36.3.2 Clarification	Support	Retain clarification of rules and noise standards to ensure consistent approach	Accept		Submissions on 36.3.2 – Clarification
607.57		Te Anau Developments Limited	36.4 Rules - Activities	Not Stated	Amend table to include noise from vessels as a permitted activity (the permitted activity standards should not just be limited to noise from vehicles using roads)	Reject		Submissions on 36.4 Rules – Activities (Permitted Activities)
607.57	FS1097.563	Queenstown Park Limited	36.4 Rules - Activities	Support	Support in part: Support amending the table to include noise from vessels that provide public transport	Reject		Submissions on 36.4 Rules – Activities (Permitted Activities)
649.9		Southern District Health Board	36.4 Rules - Activities	Support	P status appropriate for the listed activities having regard to the other plan provisions. Submitter recommends to allow the provision.	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
649.9	FS1211.11	New Zealand Defence Force	36.4 Rules - Activities	Support	Agrees that it is appropriate that TMTA are provided for as permitted activities throughout the District. Notes that there are no relevant performance standards relating to TMTAs, and this is a reflection of the limited extent of TMTAs undertaken in the District.	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)
719.156		NZ Transport Agency	36.4.1	Support	Retain	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)
438.41		New Zealand Fire Service	36.4.3	Support	Retain 36.4.3 as notified	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)
708.1		NZ Fire Service	36.4.3	Support	Approve Rule 36.4.3 as currently worded and as a Permitted Activity.	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)
1365.13		New Zealand Defence Force	36.4.4	Support	Table 1 - Provide for TMTAs as permitted activities	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)
433.112		Queenstown Airport Corporation	36.4.6	Oppose	Delete the rule in its entirety.	Accept		Submissions on 36.4 Rules – Activities (Permitted Activities)
433.112	FS1097.398	Queenstown Park Limited	36.4.6	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.112	FS1117.158	Remarkables Park Limited	36.4.6	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
635.81		Aurora Energy Limited	36.4.7	Other	Oppose in part. Add Rule 36.4.8 as a <i>Permitted Activity</i> as follows: 36.4.8 Sound from the temporary operation of emergency and back-up electricity generators	Accept in Part		Submissions on 36.3.2 – Clarification
52.1		Graeme Lester	36.5 Rules- Standards	Support	That the proposed noise limits for the residential zones be implemented as soon as possible	Accept		Submissions on 36.5 Rules - Standards
391.20		Sean & Jane McLeod	36.5 Rules- Standards	Other	That in rule 36.5.4 that the assessment point be changed to 'at the boundary of the site'.	Reject		Submissions on 36.5 Rules - Standards
475.1		Arthurs Point Protection Society	36.5 Rules- Standards	Oppose	That the Hearing Panel reject proposed rule 36.5.13 seeking the introduction of NZS6807:1994, NZS Noise Management and Land Use Planning for Helicopter Landing Areas in the Second Generation District Plan, in particular Table 1 Ldn averaging to replace the Leq method currently in the District Plan.	Reject		Submissions on 36.5 Rules - Standards
475.1	FS1245.14	Totally Tourism Limited	36.5 Rules- Standards	Oppose	Assures that there is in effect no noise standard for assessment of helicopter noise. Seeks that this submission be disallowed.	Accept		Submissions on 36.5 Rules - Standards
475.2		Arthurs Point Protection Society	36.5 Rules- Standards	Oppose	That the Hearing Panel reject proposed rule 36.5.13 seeking the introduction of NZS6807:1994, NZS Noise Management and Land Use Planning for Helicopter Landing Areas in the Second Generation District Plan, in particular Table 1 Ldn averaging to replace the Leq method currently in the District Plan.	Reject		Submissions on 36.5 Rules - Standards
475.2	FS1245.15	Totally Tourism Limited	36.5 Rules- Standards	Oppose	Assures that there is in effect no noise standard for assessment of helicopter noise. Seeks that this submission be disallowed.	Accept		Submissions on 36.5 Rules - Standards

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
649.10		Southern District Health Board	36.5 Rules- Standards	Other	Support the assessment locations specified as 'at any point within the notional boundary' where appropriate and 'at any point within' other specified areas. Support the time frames specified for application of noise limits and support the prescription of noise limits using the LAeq(t) descriptor and the specification of 15 minute integration times. Support the additional specification of LAFmax numerical limits at night time. Support numerical noise limits proposed However in 36.5.7.2 night time noise limits have been stated as L10 and Lmax noise limits rather than LAeq(t) and LAFmax noise limits consistent with elsewhere in the table. Support in part with the following amendment: In 36.5.7.2 for the time frame 2200h to 0800h replace the unit dBA with dB and replace the descriptor 'L10' with 'LAeq(15min)', and replace 'Lmax' with 'LAFmax'	Accept		Submissions on 36.5 Rules - Standards
649.11		Southern District Health Board	36.5 Rules- Standards	Not Stated	Support in general specific noise limits for specified activities but with amendments to 36.5.11 Frost fans. Support in part with the following amendment: In Rule 36.5.11, replace '85 dB LAFmax' with '55 LAeq(15 min)'. For the following reasons: Noise limits for telecommunications appliances, wind farms , audible bird scaring devices, helicopters, fixed wing aircraft, vibration construction noise, commercial motorised craft and Jacks Point state highway noise are reasonable and appropriate levels of protection for people and communities. However frost fan rule noise limit is inadequate to protect people from adverse noise effects as a district-wide noise rule (notwithstanding the Gibbston Character Zone) . Lmax limit alone fails to account for increased annoyance where there are special audible characteristics present that should be penalised by an adjustment as prescribed in NZS 6802:2008.	Accept		Submissions on 36.5 Rules - Standards
433.113		Queenstown Airport Corporation	36.5.2	Other	Delete Rule 36.5.2 and include relocated proposed rule 17.5.6 in its place.	Accept in Part		Submissions on 36.5 Rules - Standards
433.113	FS1097.399	Queenstown Park Limited	36.5.2	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.113	FS1117.159	Remarkables Park Limited	36.5.2	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
632.68		RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	36.5.3	Not Stated	Amend the assessment locations to include the Village Activity Area	Accept in Part		Submissions on 36.5 Rules - Standards
632.68	FS1217.69	HL Dowell and MJM Brown Home Trust	36.5.3	Oppose	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR in submission 632 is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
632.68	FS1219.69	Bravo Trustee Company	36.5.3	Oppose	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR in submission 632 is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives of the Proposed District Plan having regard to its efficiency and effectiveness, and taking into account the costs and benefits.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
632.68	FS1252.69	Tim & Paula Williams	36.5.3	Oppose	The submitter opposes this submission and considers that operative provisions as they relate to the Jacks Point zone provide the most appropriate and effective controls to provide for sustainable resource management within Jacks Point. The submitter considers the re-zoning of open space land referred to as OSCR is inappropriate and would result in significant adverse effects that have not been quantified or assessed. The submission does not promote or give effect to Part 2 of the Act. Matters raised in the submission do not meet section 32 of the Act. Are not the most appropriate method for achieving the objectives. The submitter seeks the submission be disallowed.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
632.68	FS1277.72	Jacks Point Residents and Owners Association	36.5.3	Oppose	Opposes. Believes that the rezoning will have cumulative adverse effects on landscape values, creating potential lightspill effects in the absence of specific measures to avoid such effects, and will not maintain the character and amenity values of the residential environment. Seeks that the submission be disallowed.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
632.68	FS1316.68	Harris-Wingrove Trust	36.5.3	Oppose	Submission be disallowed	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
632.68	FS1275.242	"Jacks Point" (Submitter number 762 and 856)	36.5.3	Oppose	Opposes. Agrees that the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest. Seeks that to the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
632.68	FS1283.182	MJ and RB Williams and Brabant	36.5.3	Oppose	Reject submission	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
762.8		Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	36.5.3	Other	Support in part Amend Rule 36.5.3 as shown in the table of submission 762.	Reject		Submissions on 36.5 Rules - Standards
762.8	FS1316.135	Harris-Wingrove Trust	36.5.3	Oppose	Submission be disallowed	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
762.9		Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	36.5.3	Not Stated	Insert a new Rule 36.5.3.1 which proposes a new standard for sound for Jacks Point Village and EIC activity Areas of the Jacks Point Zone, as shown in the table on page 9 of submission 762.	Reject		Submissions on 36.5 Rules - Standards
762.9	FS1316.136	Harris-Wingrove Trust	36.5.3	Oppose	Submission be disallowed	Reject		Further submission opposing entire submission generally. This matter does not relate to noise.
621.127		Real Journeys Limited	36.5.4	Not Stated	Amend rule to exclude noise from activities in the Walter Peak Visitor Zone. Include the following within the rule: These standards shall not apply in the following circumstances: • noise emitted from activities carried out within the Rural Visitor Zone Walter Peak. • noise beyond the boundary received on the surface and margins of any lake or river.	Accept in Part	Out of scope not within Stage 1 of the PDP	Rule 36.5.4 - Walter Peak Rural Visitor Zone (notified and redraft)
767.18		Lake Hayes Cellar Limited	36.5.4	Other	Amend Rule 36.5.4, as follows: Rural Residential Zone, <u>except within the commercial overlay</u>		Deferred to the hearing on mapping	
767.19		Lake Hayes Cellar Limited	36.5.4	Not Stated	Insert a new Rules 36.5.4.1: Activity or sound source: <u>Commercial Overlay of the Rural Residential Zone</u> Assessment Location: <u>At any point within a Residential Zone and at any point within the notional boundary in a Rural Zone</u> Time: <u>0800h to 2200h</u> Noise Limits: <u>50 dB L Aeq(15 min)</u> Non Compliance Status: <u>NC</u> Time: <u>2200h to 0800h</u> Noise Limits: <u>40 dB L Aeq(15 min) 75 dB L AFmax</u> Non Compliance Status: <u>NC</u>		Deferred to the hearing on mapping	
433.114		Queenstown Airport Corporation	36.5.5	Support	Retain the rule as notified.	Accept		Submissions on 36.5 Rules - Standards

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
433.114	FS1097.400	Queenstown Park Limited	36.5.5	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.114	FS1117.160	Remarkables Park Limited	36.5.5	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
746.7		Bunnings Limited	36.5.7	Not Stated	Delete the reference to Industrial Zones in the noise provisions at Rule 36.5.7.	Accept		Submissions on 36.5 Rules - Standards
143.2		Richard Bowman	36.5.13	Support	Strongly supports the retention of the proposed noise limits for helicopters in 36.5.13 where levels must not exceed 50 dB Ldn at any point within the boundaries of a residential unit.	Accept		Submissions on 36.5 Rules - Standards
143.2	FS1093.3	T R Currie	36.5.13	Oppose	The submitter considers that informal airports should be able to be located within 500m of the formed legal roads or the notional boundary of any residential unit or building platform not located on the same site. Informal airports were historically and are currently a common part of the Rural Zone in the Queenstown Lakes District Council area. The proposed provisions and relief sought in this submission are unduly restrictive. The submitter seeks that the whole submission be disallowed.	Reject		Submissions on 36.5 Rules - Standards
433.115		Queenstown Airport Corporation	36.5.13	Other	Retain the rule as notified.	Accept		Submissions on 36.5 Rules - Standards
433.115	FS1097.401	Queenstown Park Limited	36.5.13	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.115	FS1117.161	Remarkables Park Limited	36.5.13	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
571.4		Totally Tourism Limited	36.5.13	Support	Support Rule 36.5.13 re helicopters and such further or consequential or alternative amendments necessary to give effect to this submission. See uploaded submission para 4.9	Accept		Submissions on 36.5 Rules - Standards
607.58		Te Anau Developments Limited	36.5.13	Not Stated	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity.	Reject		Submissions on 36.5 Rules - Standards
660.6		Andrew Fairfax	36.5.13	Oppose	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-compliance is a discretionary activity, not a non-complying activity.	Reject		Submissions on 36.5 Rules - Standards

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
662.6		I and P Macauley	36.5.13	Oppose	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-compliance is a discretionary activity, not a non-complying activity.	Reject		Submissions on 36.5 Rules - Standards
713.3		Heli Tours Limited	36.5.13	Other	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity.	Reject		Submissions on 36.5 Rules - Standards
1366.9		Moraine Creek Limited	36.5.13	Support	Support in full	Accept		Submissions on 36.5 Rules - Standards
433.116		Queenstown Airport Corporation	36.5.14	Support	Retain the rule as notified.	Accept		Submissions on 36.5 Rules - Standards
433.116	FS1345.47	Skydive Queenstown Limited	36.5.14	Support	I request that the relief sought by the original submitter be allowed (i.e. Rule 3 6. 5.14 being retained as notified) and consistent with my original submission #122, that Rule 21.5.21 be amended to reference Rule 36.5.14.	Accept in Part		Submissions on 36.5 Rules - Standards
433.116	FS1097.402	Queenstown Park Limited	36.5.14	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.116	FS1117.162	Remarkables Park Limited	36.5.14	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
607.59		Te Anau Developments Limited	36.5.14	Not Stated	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity.	Reject		Submissions on 36.5 Rules - Standards
621.128		Real Journeys Limited	36.5.14	Not Stated	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity.	Reject		Submissions on 36.5 Rules - Standards
580.13		Contact Energy Limited	36.5.15	Support	Retain the rules for construction noise.	Accept		Submissions on 36.5 Rules - Standards
80.1		David Jerram	36.6 Airport Noise	Oppose	We submit that :- Table 4 is amended to include the requirement for cooling where necessary. (Submission relates to 36.6.3 Table 4)	Accept in Part		Submissions on 36.6 – Airport noise (notified and redraft)
80.1	FS1077.6	Board of Airline Representatives of New Zealand (BARNZ)	36.6 Airport Noise	Oppose	Leave condition D1 16 unaltered	Reject		Submissions on 36.6 – Airport noise (notified and redraft)
80.2		David Jerram	36.6 Airport Noise	Oppose	Table 4 is amended to include the requirement for cooling where necessary (Submission relates to 36.6.3 Table 4)	Accept in Part		Submissions on 36.6 – Airport noise (notified and redraft)
310.7		Jon Waterston	36.6 Airport Noise	Oppose	The Submitter opposes the provisions for informal airports and noise, particularly noise from helicopters and fixed wing aircraft. The noise standards should remain the same as in the Operative District Plan.	Reject		Submissions on 36.6 – Airport noise (notified and redraft)
310.7	FS1245.18	Totally Tourism Limited	36.6 Airport Noise	Oppose	Assures that there is in effect no noise standard for assessment of helicopter noise. Seeks that this submission be disallowed.	Accept		Submissions on 36.6 – Airport noise (notified and redraft)
383.72		Queenstown Lakes District Council	36.6 Airport Noise	Other	Amend to ensure format addresses modern building solutions and is not unnecessarily restrictive to building and resource consent processing – or requires outdated building materials to be used which are less appropriate. Further investigation needed to determine an appropriate response to improve the application of this rule in consent processing.	Accept in Part	Deferred to Hearing Stream Business	Submissions on 36.6 – Airport noise (notified and redraft)
383.72	FS1340.49	Queenstown Airport Corporation	36.6 Airport Noise	Oppose	The acceptable construction materials set out in Table 4 were subject to intensive investigations during the promulgation of PC35 and are an appropriate means of achieving acoustic insulation within the OCB. Furthermore, the rules relating to this table and the acoustic insulation of ASAN provide the opportunity for an applicant to either undertake their construction works in accordance with Table 4 OR submit a certificate from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level specified. It is therefore not necessary to update Table 4.	Reject		Submissions on 36.6 – Airport noise (notified and redraft)

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
649.12		Southern District Health Board	36.6 Airport Noise	Support	Support the gist of these provisions as reasonable and appropriate. Support the compliance method. Reason for this: Provisions are necessary for protection of people in habitable buildings in the vicinity of airports from aircraft noise.	Accept		Submissions on 36.6 – Airport noise (notified and redraft)
433.117		Queenstown Airport Corporation	36.6.3	Other	Retain Table 4 as notified, subject to the following typographical amendment: Minimum Construction <i>Ceiling: 1 layer 1mm-2mm gypsum or plasterboard</i>	Accept in Part		General amendments and comments / Submissions on 36.6
433.117	FS1097.403	Queenstown Park Limited	36.6.3	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.117	FS1117.163	Remarkables Park Limited	36.6.3	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.118		Queenstown Airport Corporation	36.6.3	Other	Retain Table 5 as notified, subject to the amendments set out in Annexure D of the submission .	Reject		Submissions on 36.6 – Airport noise (notified and redraft)
433.118	FS1097.404	Queenstown Park Limited	36.6.3	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
433.118	FS1117.164	Remarkables Park Limited	36.6.3	Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.	Reject		Further submission opposing entire submission generally.
649.13		Southern District Health Board	36.8 Acoustic Measurement and Assessment	Support	Support provisions as proven workability and reasonable standards. For the following reasons. Provisions are workable for the special circumstances of this district with reasonable test methods and noise limits.	Reject		Submissions on 36.8 – Acoustic Measurement and Assessment (notified and redraft)
621.129		Real Journeys Limited	36.8.1	Not Stated	Amend 36.8.1 to exempt or alter the noise measurement standards in relation to vessels operating moderate speed passenger transport services, including the "TSS Earnslaw" and other larger passenger service vessels. Insertion of the following wording into the provision is requested: These matters shall not apply to noise emitted from vessels operating low or moderate speed passenger transport services.	Accept in Part		Submissions on 36.8 – Acoustic Measurement and Assessment (notified and redraft)

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
758.12		Jet Boating New Zealand	36.8.1	Support	Add bullet point as follows: <ul style="list-style-type: none"> ? 92 dB LASmax for vessels competing in jet boat race events to be operated between the hours of 0800 to 1800. 	Reject		Submissions on 36.8 – Acoustic Measurement and Assessment (notified and redraft)

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
243.40		Christine Byrch		Other	Rewrite the definitions based on the following comments: Noise -Ldn: delete the day/night level, . I thought that this measure was not accepted by QLDC when last advertised? Any level of noise can be made to meet a standard by averaging it over a long enough time period. This level has been introduced simply to allow helicopter noise. Why are helicopters a special case? They should meet the noise standards as every other activity is required to do.	Reject		Submissions on Definitions Relating to Noise
243.40	FS1340.1	Queenstown Airport Corporation		Oppose	QAC submits that the noise definition should be consistent with NZS6802:2008 Acoustics – Environmental Noise, as per the notified provision.	Accept		Submissions on Definitions Relating to Noise
433.18		Queenstown Airport Corporation		Other	Critical Listening Environment: Support in part. Amend the definition as follows: “Critical Listening Environment” <i>Means any space that is regularly used for high quality listening or communication, for example principal living areas, bedrooms and classrooms, but excludes “Non-critical living Listening eEnvironments”.</i>		Deferred to Hearing Stream Business	Submissions on Definitions Relating to Noise
433.18	FS1117.74	Remarkables Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.18	FS1097.304	Queenstown Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.20		Queenstown Airport Corporation		Support	Design Sound Level: Retain the definition as notified.		Deferred to Hearing Stream Business	Submissions on Definitions Relating to Noise
433.20	FS1117.76	Remarkables Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.20	FS1097.306	Queenstown Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.23		Queenstown Airport Corporation		Support	Indoor Design Sound Level: Retain the definition as notified.		Deferred to Hearing Stream Business	Submissions on Definitions Relating to Noise

Appendix 2 to the Section 42A report for Chapter 36 - Noise

Original Point No	Further Submission No	Submitter	Lowest Clause	Submitter Position	Submission Summary	Planner Recommendation	Deferred	Issue Reference
433.23	FS1117.79	Remarkables Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.23	FS1097.309	Queenstown Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35 Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.26		Queenstown Airport Corporation		Support	Non Critical Listening Environment: Retain the definition as notified.		Deferred to Hearing Stream Business	Submissions on Definitions Relating to Noise
433.26	FS1117.82	FII Holdings Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35. Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
433.26	FS1097.312	Queenstown Park Limited		Oppose	Oppose all amendments to definitions that are inconsistent with Plan Change 35 Oppose all amendments to any provisions that seek to impose controls in addition to those proposed under Plan Change 35. Oppose all amendments that seek to place additional restrictions on existing urban zones such as the Remarkables Park Zone. Oppose all amendments that seek to undermine or circumvent the Plan Change 35 and Lot 6 NoR proceedings that are currently before the Environment Court. Oppose all amendments that seek to enable urban activities on airport land where such activities are constrained on land adjoining or near the airport (Frankton and Remarkables Park). Oppose all amendments that seek to reduce open space or buffer areas between the airport and adjoining urban zones. Oppose all amendments that seek to constrain any existing development opportunity within the Remarkables Park Zone. Any amendments or provisions supported/opposed by QAC that seek to achieve any of the outcomes set out above be rejected.		Deferred to Hearing Stream Business	Further submission opposing entire submission generally.
649.20		Southern District Health Board	2.2 Definitions	Not Stated	Part 1 Definitions Definition 'Notional boundary': The concept is essential for predominantly rural districts to recognise effects of noise upon people not land <i>per se</i> are the issue for noise under RMA, but the term 'facade' is inappropriate. The submitter supports in part but with the following amendment: Replace 'the facade' with 'any side' For the following reason: Concept is essential for predominantly rural districts to recognise effects of noise upon people not land <i>per se</i> are the issue for noise under RMA, but the term 'facade' is inappropriate and inconsistent with the measurement and assessment standards cited for noise which were amended in 1999 to remove the term facade after the Environment Court deemed the term had connotations of "frontage" which were not always inherent in notional boundary and were sometimes contrary to the purpose of the concept as an applied assessment location.	Accept		Submissions on Definitions Relating to Noise

Appendix 3. Section 32 Report



Section 32 Evaluation Report

Noise

Contents

Section 32 Evaluation Report: Noise.....	2
1. Strategic Context	2
2. National Planning Documents	3
3. Regional Planning Documents	3
4. Iwi Management Plans	4
5. Resource Management Issues.....	5
6. Purpose.....	5
7. Evaluation of proposed Objective - Section 32 (1) (a).....	6
8. Evaluation of Options for Achieving the Proposed Objective	7
9. Scale and Significance Evaluation – Section 32(1)(c).....	10
10. Evaluation of the proposed provisions Section 32 (1)(b)(ii).....	10
11. The risk of not acting	20
12. Summary.....	20

Section 32 Evaluation Report: Noise

1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act demands an integrated planning approach and direction:

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 31 RMA is relevant as it describes the functions of territorial authorities, and states;

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district

Including provisions for noise, with the recognition that certain levels of noise are anticipated by the Plan, allows for an integrated approach by;

- Acknowledging the long term benefits from a balanced approach to development whilst anticipating the effects from noise, across the District.
- Enabling limited controls where practicable.
- Recognising that the RMA already has specific noise provisions.

Local Government Act 2002

With reference to other Acts, Sections 14 (c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

(c) when making a decision, a local authority should take account of—

(i) the diversity of the community, and the community's interests, within its district or region; and

(ii) the interests of future as well as current communities; and

(iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):

(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and

- (h) in taking a sustainable development approach, a local authority should take into account—
- (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Section 14 is of relevance, as the control of noise is a wide ranging subject which reflects the diversity of the community. The strategic aims for the District allow a general increase in development and therefore anticipate that such effects as noise will also increase.

2. National Planning Documents

National Environmental Standards

National environmental standards are regulations made under section 43 of the RMA. They can prescribe technical standards, methods or other requirements for environmental matters. In some circumstances, local authorities can impose stricter standards. There is one national environmental standard which is relevant to the proposed noise chapter and zone noise rules, the National Environmental Standard for Telecommunications Facilities “NESTF”) Regulations 2008.

The proposed noise chapter and zone noise rules does not impose a greater prohibition or restriction on an activity to which the NESTF already imposes. Therefore, no further evaluation of the NESTF is required for this evaluation (section 32(4)).

3. Regional Planning Documents

Regional Policy Statement

Otago's Regional Policy Statement (“RPS”) promotes the sustainable management of natural and physical resources by giving an overview of the resource management issues facing Otago, and by setting policies and methods to manage Otago's natural and physical resources. The RPS is currently under Review itself, the District Plan must *give effect* to the Operative RPS and must *have regard to* the Proposed RPS.

The Operative RPS contains a number of objectives and policies that are relevant to this noise chapter review of the District Plan, namely Objective 9.4.1 and associated Policies 9.5.4 to 9.5.5. Objective 9.4.1 promotes the sustainable management of Otago's built environment in order to provide for amenity values. Policy 9.5.4 seeks to minimise the adverse effects of urban development on Otago's environment through avoiding, remedying or mitigating the creation of noise and vibration and Policy 9.5.5 seeks to maintain the quality of life for people and communities through avoiding remedying or mitigating the adverse effects on community health and safety. The proposed noise chapter and zone noise rules give effect to the relevant operative RPS provisions.

Proposed RPS

Objective 3.5 Infrastructure of national and regional significance is managed in a sustainable way, and requires that (Policy 3.5.2) adverse effects of infrastructure that has national or regional significance are managed by (c) avoiding, remedying or mitigating other adverse effects on values. Policy 3.5.3 Protecting infrastructure of national or regional significance – includes the need to (a) restrict the establishment of activities that may result in reverse sensitivity effects; and (b) avoiding significant adverse effects on the functional needs of such infrastructure.

Objective 3.6 Energy supplies to Otago's communities are secure and sustainable, requires (Policy 3.6.5) the protection of electricity distribution infrastructure by b) restricting the establishment of those activities that may result in reverse sensitivity effects; and c) avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure.

Objective 3.7 requires that urban areas are well designed, sustainable and reflect local character which is to be achieved by (Policy 3.7.2) encouraging use of low impact design techniques in subdivision and development, to a) reduce potential adverse environmental effects, (Policy 3.7.3) designing for warmer buildings to encourage the design of subdivision and development to reduce the adverse effects of Otago's colder climate, and higher demand and costs for energy, including by: a) maximising passive solar gain; and b) insulating to warmer standards than those set under building legislation. This is relevant to the widespread use of mechanical heating devices.

Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments by (Policy 3.8.1) managing for urban growth creation of new urban land in a strategic and co-ordinated way, in turn by, f) requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is: i. Below standards for human health and g) giving effect to the principles of good urban design, as detailed in Schedule 6. (Urban form and design - contributes to the community's identity and cohesion, and reflects community values. Such as: a safe and enjoyable environment, provides lively and pleasant places for people to enjoy, reflects the importance of community spaces, provides a comfortable and safe urban environment, considers the impact of design on people's health and avoids or mitigates the effects of natural and man-made hazards.

4. Iwi Management Plans

Kai Tahu Ki Otago Resource Management Plan

The Kai Tahu Ki Otago Resource Management Plan (2005) (NRMP) is the principal planning document for Kai Tahu Ki Otago (KTKO) ((KTKO is used to describe the four Papatipu Runanga and associated whanau and ropu of the Otago Region). Chapter 5 of the NRMP identifies issues, objectives and policies for the Otago Region as a whole, and includes the following objectives:

- i. The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.*
- ii. Ki Uta Ki Tai management of natural resources is adopted within the Otago region.*
- iii. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region.*
- iv. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.*
- v. The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.*

Chapter 10 sets out objectives and policies as they are relevant to the Clutha/Mata-au Catchment, in which the Queenstown Lakes District is contained. No provisions have been identified that are directly related to the management of noise effects in the District.

Ngai Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan (2008)

The Ngai Tahu Ki Murihiku Natural Resources and Environmental Iwi Management Plan (Murihiku Plan) was issued in 2008 and consolidates Ngai Tahu Ki Murihiku values, knowledge and perspectives on natural resources and environmental management issues. The Murihiku Plan identifies kaitiakitanga, environmental and social, economic, health and wellbeing outcomes that need to be recognised when considering the

proposed noise chapter and zone noise rules. The proposed noise chapter and zone noise rules will assist in achieving the relevant objectives and policies contained in the Murihiku Plan.

5. Resource Management Issues

Section 31(1)(d) of the RMA requires territorial authority to give effect to the purpose of the Act through “*the control of the emission of noise and the mitigation of the effects of noise*”.

Section 16 RMA Duty to avoid unreasonable noise

(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

(2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).

Noise may be generated from a wide variety of activities in both the rural and urban environment. Industry, transport, recreation, and households can all create noise that may influence a person’s well-being by, for example, preventing sleep, inducing stress, disturbing concentration. The key resource management issue associated with noise are *the adverse noise effects that can arise from different activities occurring in close proximity*.

Section 9 of the RMA sets out the restrictions on use of land. Clause (5) states that “*This section applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority*”. Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and designation conditions. However, this is different from controlling noise from aircraft that are in flight. The Resource Management Act 1991 (RMA) which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft can be controlled through section 29A of the Civil Aviation Act 1990.

The Act requires territorial authorities to manage the effects of noise from activities on land and on the surface of water. For the Queenstown Lakes District, the surface of the Lakes and rivers are commonly used for recreational and commercial boating activities. For the purpose of managing activities on the surface of water, these areas are zoned Rural in the District Plan, unless otherwise specified on the District Planning maps. Therefore, for the most part, the Rural zone noise limits apply to activities taking place on the surface of rivers or lakes.

6. Purpose

It is noted that Plan Change 27: Updating Noise Measurement and Assessment Standards were made operative in 2011. Therefore, for the most part, the noise provisions contained in the operative District Plan remain appropriate and up to date.

Further, aside from the reverse sensitivity noise issues arising from entertainment activities in Queenstown’s town centre and Wanaka’s town centre, no other new noise management issues have been identified that require addressing through the District Plan Review. These issues have been addressed via the changes proposed to the Town Centres section of the District Plan via the District Plan review.

However, the District Plan does not contain a specific noise chapter. Including a specific noise chapter will provide for the appropriate management of noise effects for the District, including setting out the objective and policies specific to manage noise issues and including a rule framework incorporating the majority of the zone-based noise limits that are currently contained in the zone chapters.

The overarching purpose of the dedicated chapter in the District Plan for noise is to enable the sustainable management and growth of the Queenstown Lakes District in a manner that appropriately manages the effects of noise emissions.

7. Evaluation of proposed Objective - Section 32 (1) (a)

Section 32(1)(a) of the RMA requires the evaluation to examine the extent that a new objective is the most appropriate way to achieve the purpose of the Act. One new objective is proposed as part of the proposed noise chapter and zone noise rules. This section of the report considers the objective in the context of the purpose of the Act.

The purpose of the Act demands an integrated planning approach and direction:

Section 5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The remaining provisions in Part 2 of the Act, particularly section 7, provide a framework within which objective is required to achieve the purpose of the Act and provisions are required to achieve the relevant objective. Section 7 (abbreviated below) is particularly relevant to this proposed objective:

Section 7 Other Matters

In achieving the purpose of this Act, all persons exercising functions and power under it, in relation to managing the use, development, and protecting of natural and physical resources, shall have particular regard to

—

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

The extent to which the proposed objective meets the overarching purpose of the Act is set below.

<i>Proposed Objective</i>	<i>Most Appropriate in Achieving Part 2</i>
Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.	<p>In terms of addressing noise effects, the proposed objective is considered to be the most appropriate to meet the purposes of the Act. The objective focuses on managing noise effects, either from source or from the receiver. An objective that requires the management of adverse effects is consistent with s5(2)(c).</p> <p>The objective is the most appropriate means of achieving section 7(b), (c), and (f). Managing noise effects enables the efficient use of the land resource for the District by enabling activities to operate effectively in proximity to one another. Managing noise effects contributes to maintaining and enhancing amenity values and quality of the environment.</p>

The above objective has been considered against Part 2 of the Act. The proposed objective is considered the most appropriate method of achieving the purpose of the Act, as it seeks to controls the adverse effects of activities and is therefore enabling of activities provided the effects can be appropriately managed.

8. Evaluation of Options for Achieving the Proposed Objective

As required by section 32(1)(b)(ii) RMA, the following section considers the reasonably practicable options for achieving the proposed objective. This assessment is carried out in relation to the provisions of the proposed noise chapter and zone noise rules, which includes the proposed policies and rules contained within the proposed Noise section and the noise rules contained in the Zone chapters.

Reasonably practicable options considered to for achieving the objective (Section 32(1)(b)(i))

Proposed Objective:

Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.

Option 1: No change: Retain the current District Plan framework which only includes noise rules that apply to each zone, and as conditions of designations.

Option 2: Amend and correct where necessary the operative noise provisions for the various zones and retain the current rule framework for noise management.

Option 3: Amend and correct the operative noise provisions where necessary, and restructure all the noise rules mainly within a new section in the District Plan to specifically address noise issues, and provide new objectives and policies and rules, including standards that apply in all zones.

	Option 1: No change	Option 2: Amend operative provisions whilst retaining existing Plan framework	Option 3: New Noise Section for noise standards in the District.
Costs	<ul style="list-style-type: none"> Does not enable the opportunity to correct and update the current noise rules. No opportunity to provide an objective, policies and rules that apply District Wide, which in many cases introduce the New Zealand Standards that apply to certain activities. 	<ul style="list-style-type: none"> Has costs associated with going through the District Plan Review process (but this is required by legislation). Uncertainty of the status of certain activities will remain, such as the use of sirens. Duplication in the noise rules and limits for each zone. 	<ul style="list-style-type: none"> Financial costs associated with going through the District Plan Review process (but this is required by legislation).
Benefits	<ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Low cost for Council. 	<ul style="list-style-type: none"> Retains, but with some improvements, the approach parties are familiar with. 	<ul style="list-style-type: none"> Moving most of the noise rules into one chapter will be easier to use as many of the noise rules require adherence to the adjacent zone noise limits. These will be more easily accessible in the one place for the majority of occurrences. Provides one-stop-shop for most activities, whereby an activity permitted in a zone can find the applicable noise standard within the same section of the Plan.

			<ul style="list-style-type: none"> • Provide clarity and certainty for those activities that are not currently addressed in the Districts Plan, such as noise limits for military training activities. • Manages activities which take place in any zone, within the District wide noise standards.
Summary	Based on the above assessment, Option 3 is considered the most appropriate option for achieving the objective.		

9. Scale and Significance Evaluation – Section 32(1)(c)

The level of detailed analysis undertaken for the evaluation of the proposed objective and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline (Section 32(3)).
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

10. Evaluation of the proposed provisions Section 32 (1)(b)(ii)

Under section 32 (2)(a) an assessment under section 32(2)(b)(ii) must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for —

- (i) *economic growth that are anticipated to be provided or reduced; and*
- (ii) *employment that are anticipated to be provided or reduced (section 32(2)(a)).*

For the proposed noise chapter and zone noise rules, no change to the opportunities for economic growth are anticipated, nor are any changes to employment opportunities anticipated.

The necessary assessment of the proposed policies, rules and other methods under sections 32(1)(b)(ii) and (2)(a), is provided below. The proposed policies, rules for the Noise chapter of the Proposed District Plan have been assessed for their appropriateness in achieving the proposed objectives for the zone and the relevant objectives of the overarching Strategic Directions chapter of the proposed plan.

The proposed policies outlined in this section are new to the District Plan. Many of the rules proposed do not significantly depart from those of the Operative Plan.

Proposed Objective: Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.

(Strategic Directions Chapter)

Proposed Objective 3.2.1.3: Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.

Proposed Objective 3.2.3.1: Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

<i>Proposed provisions</i>	<i>Environmental, Economic, Social and Cultural Costs</i>	<i>Environmental, Economic, Social and Cultural Benefits</i>	<i>Effectiveness, Efficiency & Appropriateness</i>
<p>Policy</p> <p>Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.</p>	<p>The policy seeks to manage noise effects that are generated by activities. The policy may make it more difficult for some activities to take place in the District, where these activities cannot avoid, remedy or mitigate noise effects. However, the policy requires that the adverse effects of unreasonable noise be avoided, remedied or mitigated, and therefore any costs arising from activities not achieving this policy are considered acceptable and consistent with the purpose of the Act.</p>	<p>The policy is part of the framework of provisions that will assist with managing noise effects in the District. This policy enables the Council to consider how subdivision and land use activities might result in adverse noise effects on other activities.</p> <p>It is noted that 'water' in the District is zoned Rural unless otherwise stated. Therefore this policy applies to activities taking place on the surface of water.</p>	<p>The policy is an efficient means of implementing the relevant objectives, by providing clear noise standards that activities must achieve in order to manage unreasonable noise effects.</p> <p>The policy is effective in achieving the objective as it enables the Council to consider how subdivision and land use activities (including activities on the surface of lakes and rivers) might result in adverse noise effects on other activities.</p> <p>The policy is appropriate for achieving the proposed Noise Objective and the Strategic Directions Objective 3.2.3.1.</p>

<p>Policy</p> <p>Avoid, remedy or mitigate adverse noise reverse sensitivity effects.</p>	<p>This policy may result in additional costs on new activities where mitigation is required to manage reverse sensitivity effects. For instance, additional building costs associated with noise insulation for buildings.</p>	<p>This policy provides for potentially incompatible activities to locate within proximity where the adverse noise effects can be managed, resulting in the efficient use of land.</p>	<p>The policy provides an efficient use of land insofar as it is enabling of potentially incompatible activities locating in proximity where noise effects can be managed.</p> <p>This policy will be effective in achieving the noise objective as it seeks to manage the reverse sensitivity effects of potentially conflicting activities.</p> <p>The policy is the most appropriate for achieving the proposed noise objective.</p>
<p>Explanatory rules and Permitted Activities (including Table 1)</p> <p>36.3 – 36.4</p>	<p>These provisions exempt certain listed activities from having to achieve the noise limits for the zone in which the activities is located. Some of these rules are new to the District Plan, but they will not result in any new environmental social or economic costs as they will clarify the status of existing activities.</p>	<p>The benefits of the proposed rules will be to enable the exempt activities to operate without hindrances. The effects of these are anticipated and should be provided for in the District Plan.</p>	<p>The proposed activity rules are considered to be an efficient and effective means to give effect to the objective. These rules will result in efficiencies in District Plan administration by clearly stating that these activities are exempt from the underlying zone noise limits.</p> <p>The rules are effective is providing this exemption.</p> <p>The rules are therefore considered to be appropriate for achieving the proposed noise objective.</p>
<p>General Standards (Table 2)</p> <p>36.5 – 36.5.7</p>	<p>Aside from the rules assessed immediately below, these rules retain the same noise limit rules for the Zones in the operative District Plan. No costs</p>	<p>The benefit of these rules is to appropriately manage noise effects in the respective zones. The rules provide a consistent approach to noise</p>	<p>These rules enable the efficient use of land by providing noise limits to manage the effects of noise.</p>

	<p>have been identified in relation to these rules where the rules remain the same of the existing District Plan.</p> <p>The Lmax noise limit has been universally amended from 70 LAFmax to 75 LAFmax. A minor increase in the Lmax noise threshold is considered to be acceptable and practicable.</p> <p>Changes to some of the Special Zone rules for residential areas have been made to provide for a consistent approach to noise management throughout all residential areas. No environmental cost has been identified with this change.</p> <p>A change has been made to the current noise limits that apply to land based activities within the Queenstown Airport mixed use zone. This change enables noise received in the Rural Zone from the Airport Mixed Use Zone to be 5 decibels higher than the Rural Zone noise limit. This noise limits also change the daytime hours for the Residential Zones noise limits, only in terms of noise received in the Residential Zones from the Airport Mixed Use Zone. The day-time period is changed from 0800-2000h to 0700-2200h. Refer Rule 36.5.2. This change will enable slightly higher noise</p>	<p>management across the District, with the exception of the Town Centres where more complex rules are required to manage these environments.</p> <p>The provisions avoid duplication of noise rules within each zone. The increase in the Lmax limit from 70dBA to 75dBA will be beneficial in providing a more reasonable limit universally within the District.</p> <p>The changes sought for the Airport Mixed Use Zone will enable the airport to function effectively and efficiently.</p> <p>Some of the noise limits for residential zones/activity areas have been amended slightly to provide as consistent an approach as possible to noise limits and measurement across a District.</p>	<p>These rules are effective in terms of establishing clear noise limits for activities within the various Zones of the District.</p> <p>These rules are considered to be the most appropriate for achieving the proposed noise objective in terms of managing noise emissions from activities in the District to a reasonable level</p>
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	<p>levels within these zones where that noise is generated from the Airport Mixed use zone.</p> <p>The Town Centre Noise Limits have not been included in this chapter given that these rules are complex and closely associated with activities taking place in these zones. Similarly, noise limits for the Local Shopping Centre and Business Mixed Use Zones have retained the noise provisions within their own chapters. Ventilation requirements for these zones are however included in this chapter, and are addressed further below.</p>		
<p>Specific Standards (Table 3)</p> <p>36.5.8 – 36.5.17</p>			
<p>Certain Telecommunications Activities in Road Reserve</p>	<p>No new costs have been identified associated with this rule. This rule provides consistency with the NESTF within the District Plan.</p>	<p>No new benefits have been identified associated with this rule. This rule provides consistency with the NESTF within the District Plan.</p>	<p>This rule is considered to be neutral in terms of efficiency.</p> <p>This rule is effective in terms providing consistency with the NESTF insofar as it relates to noise management.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>

<p>Wind Turbines</p>	<p>This rule may result in additional compliance costs arising. However, any compliance costs are considered to be acceptable when balanced with the potential noise effects generated by wind turbines.</p>	<p>This rule imposes the New Zealand Standard for wind turbines operating within the District. The New Zealand Standards reflects what is considered to be reasonable noise for these activities.</p> <p>The benefits arising from this rule will be to ensure the use of wind turbines do not generate unreasonable noise effects.</p>	<p>This rule will enable the efficient use of land by providing for wind turbines, subject to achieving the noise limits.</p> <p>This rule is effective in terms enforcing the applicable noise standard for wind turbines operating within the District.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>
<p>Audible Bird Scaring Devices</p>	<p>This rule may result in additional compliance and administration costs arising. However, any compliance costs are considered to be acceptable when balanced with the appropriate management of noise effects.</p>	<p>This rule sets clear thresholds for noise emissions from audible devices. The benefit of this provision will be the maintenance of amenity values that could be reduced if this type of noise was not appropriately managed.</p>	<p>This rule will enable the efficient use of land by enabling audible devices to operate, subject to achieving the noise limits.</p> <p>This rule is effective in terms providing the appropriate noise limits for audible devices that will allow these devices to operate whilst managing the effects of these devices.</p> <p>The rule is considered to be appropriate for achieving the proposed noise objective.</p>
<p>Frost Fans</p>	<p>This rule may result in compliance and administration costs arising. However, any compliance costs are considered to be acceptable when balanced with the appropriate management of noise effects.</p>	<p>This rule sets clear thresholds for sound from frost fans. The benefit of this provision will be the maintenance of amenity values that could be reduced if this type of noise was not appropriately managed.</p>	<p>This rule will enable the efficient use of land by enabling frost fans to operate, subject to achieving the noise limits.</p> <p>This rule is effective in terms providing the appropriate noise limits for frost fans that will allow these devices to operate</p>

			<p>whist managing noise effects.</p> <p>The rule is considered to be appropriate for achieving the proposed noise objective.</p>
Vibration	<p>This rule may result in additional compliance costs arising. However, any compliance costs are considered to be acceptable when balanced with the potential effects of vibration.</p>	<p>This rule imposes the New Zealand Standard for vibration for all activities within the District. The New Zealand Standards reflects what is considered to be reasonable noise (which is defined to include vibration under the Act). The benefits arising from this rule will be to ensure activities to not cause unreasonable vibration effects.</p>	<p>This rule enables the efficient use of land, subject to achieving the vibration requirements.</p> <p>This rule is effective in terms enforcing the applicable standard for vibration for activities taking place within the District.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective in relation to vibration.</p>
Helicopters	<p>No costs have been identified associated with this rule aside from compliance costs.</p> <p>This rule will ensure noise from helicopter activities on the land is kept to reasonable levels, in accordance with the relevant New Zealand Standard.</p>	<p>This rule will provide additional guidance to the assessment of noise from helicopters landing. It may result in economic and social benefits as it provides for land based helicopter activities outside of airport designations to occur provided they comply with the specifically defined New Zealand Standard for helicopter noise.</p> <p>This rule will ensure noise from helicopter activities on the land is kept to reasonable levels, in accordance with the relevant New Zealand Standard.</p>	<p>This rule will result in the efficient management of helicopter landing activities in the District in accordance with the appropriate noise standard.</p> <p>This rule is effective in terms of specifying the reasonable noise effects for helicopter landing activities, in accordance with the applicable New Zealand Standard.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective insofar as managing noise associated with helicopter landing activities.</p>

<p>Fixed Wing Aircraft</p>	<p>No costs have been identified associated with this rule, aside from compliance costs. It is noted that reference to this standard is already contained in the District Plan for those designated airports. This rule makes it clear that this standard will also apply to airstrips that are not designated.</p>	<p>This rule will result in economic and social benefits as it provides for land based aircraft activities (outside of airport designations) to occur provided they comply with the specifically defined noise limits for noise from aircraft.</p> <p>This rule will ensure noise from aircraft activities on the land is kept to reasonable levels, in accordance with the New Zealand Standard for these activities.</p>	<p>This rule will result in the efficient management of fixed wing aircraft landing activities in the District in accordance with the appropriate noise standard.</p> <p>This rule is effective in terms of specifying the applicable noise standard for fixed wing aircraft landing activity, in accordance with the applicable New Zealand Standard.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective, in terms of managing noise.</p>
<p>Construction Noise</p>	<p>No costs have been identified associated with this rule. It is noted that this rule is already contained in the District Plan. This rule will ensure construction activities are kept to reasonable levels, in accordance with the New Zealand Standard for these activities.</p>	<p>This rule will result in economic and social benefits as it enables construction activities to take place within specifically defined noise limits.</p>	<p>This rule will result in the efficient use of resources by enabling construction activities to occur without having to achieve the underlying zone noise limits.</p> <p>This rule is effective in terms of specifying the maximum noise limits for this construction activity, in accordance with the New Zealand Standard.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>

<p>Commercial Motorised Craft</p>	<p>This rule retains the current rule controlling noise from motorised craft on the surface of lakes and rivers. There is a compliance cost for boat operators associated with this rule. This cost is considered to be acceptable.</p>	<p>The environmental benefit of this rule is to ensure noise effects generated by motorised craft on rivers and lakes is reasonable.</p>	<p>This rule provides for the efficient use of the surface of water.</p> <p>This rule is effective in terms of specifying the maximum noise levels for motorised craft on rivers and lakes.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>
<p>Jacks Point State Highway Noise</p>	<p>There will be additional construction and application costs to provide the requisite level of protection forced by the rule,</p>	<p>The benefits from the rule are individual living environments that are considered to be acceptable standard for healthy living in proximity to the higher level of road noise.</p>	<p>This specific provision is required to allow efficient use of residential zoned land adjacent to the State Highway. Whilst increasing the distance between the road and residential developments is another alternative, imposing a rule is considered appropriate and justified given other provisions in the district.</p>
<p>Airport Noise (Tables 4 and 5)</p> <p>36.6</p>	<p>The growing need for the control of noise effects related to the proximity of airports will result in additional costs for private developers and possibly airport operators.</p>	<p>The need to remedy or mitigate the effects of noise in some activities, particularly residential, in close proximity is seen as a long term benefit although there may be short term costs. The provision of a healthier living and working environment is seen as appropriate interpretation of sustainable development.</p>	<p>The provisions are triggered by several other chapters in the proposed Plan. Centralising these standards within the noise chapter allows ease of use for planners and applicants. This placement is seen as efficient and the content of the provisions are considered as being most appropriate to meet the objective.</p>

<p>Noise in the Queenstown and Wanaka Town Centre Zones, Business Mixed Use Zone, Local Shopping Centre Zones 36.7 (Table 6)</p>	<p>As noted, Noise Limits for the Town Centre Zones, Local Shopping Centre and Business Mixed Use Zones, have not been included in this chapter given that these rules are complex and closely associated with activities taking place in these zones. However, ventilation requirements for these zones are included in this chapter (Rule 36.7) due to being consistent across these zones; and more appropriate for a district wide provision.</p> <p>Mechanical ventilation requirements will impose additional cost including all buildings requiring secondary glazing, which will potentially at least double the glazing costs. This may discourage development in these zones, and may affect financial viability.</p>	<p>Mechanical ventilation in these zones will ensure that new residential and visitor accommodation uses are appropriately insulated against noise and are ventilated so they can enjoy an acceptable level of residential amenity (within the context of a Town Centre/commercial area).</p> <p>Inclusion of mechanical ventilation requirements will support entertainment activities in these zones. Vibrant night-time activity adds to the social enjoyment and festivities held in these areas.</p>	<p>Ventilation requirements recognise the mixed use nature of activities within these zones, and seek to mitigate the noise effects occurring within the Zone, as received in noise-sensitive environments such as residential units or visitor accommodation.</p>
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11. The risk of not acting

Section 32(2)(c) of the Act requires, in the evaluation of the proposed policies and methods, the consideration of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

For the proposed noise chapter it is considered that there is certain and sufficient information on the effects on noise, and how to manage noise effects to achieve the purpose of the Act.

12. Summary

Having consideration for the proposed objective it is considered to be the most appropriate way of achieving the purpose of the Act in terms of managing the effects of noise (s32(1)(a)). The proposed provisions contained in the proposed noise chapter are considered to be the most appropriate way to achieve the proposed objective for noise, and the relevant objective of the District Plan that are part of the proposed Strategic Directions Chapter (s32(1)(b)).

Appendix 4. Section 32AA evaluation of the recommended changes.

**APPENDIX 4
SECTION 32AA EVALUATIONS AND RECOMMENDED AMENDMENTS
– CHAPTER 36 (NOISE)**

Recommended Amendments to Objective 36.2.1
Objective - Control the adverse effects <u>The adverse effects of noise emissions are controlled to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities is managed.</u>

Appropriateness (s32(1)(a))
The objective provides two clear environmental outcomes: to control adverse effects of noise and manage potential for conflict between noise and land use.

Recommended Amendments to Rule 36.4.6
Sound from aircraft movements within designated airports. P

Costs	Benefits	Effectiveness & Efficiency
Nil	The deletion removes a superfluous rule from the PDP as sound from aircraft movements is controlled by the airport designations.	This change is efficient as it removes unnecessary text from the PDP. It is more effective as the PDP does not need to explicitly state that sound from aircraft movements is excluded from the PDP.

Recommended Amendments to Rule 36.4.
<u>36.4.7</u> <u>Sound from emergency and backup electrical generators:</u> <u>(a) operating for emergency purposes; or</u> <u>(b) operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700.</u>

Costs	Benefits	Effectiveness & Efficiency
Potential for adverse environmental effects from the temporary use of generators.	Allows generators to operate in an emergency, and for short times for testing and maintenance.	This change is efficient and effective as it provides an appropriate activity status for certain temporary use of generators. It would not be efficient or practical for such

		uses to seek resource consent due the nature of an emergency. Efficient as allows short periods of testing and maintenance.
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Recommended Amendments to Rule 36.5 Table 2 column heading					
Rule Number	Standard				Non-compliance status
	Activity or sound source <u>Activity or sound source</u> <u>Zones</u> <u>sound is received in</u>	Assessment location	Time	Noise limits	

Costs	Benefits	Effectiveness & Efficiency
Nil.	Correction of an error and structural matter. Reflects purpose of rule as set out in 36.3.2.7 and shows correct application of noise chapter in managing noise for the receiving environment.	Effective as now clearly shows that the rule applies to the receiving zone. Efficient as removes contradiction in column two heading.

Recommended Amendments to Rule 36.5.2 (Table 2)					
36.5.2	Sound from <u>land based activities</u> in the Queenstown Airport Mixed Use Zone received in the Residential Zones and the Rural Zone	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone	0700h to 2200h 2200h to 0700h	55 dB LAeq(15 min) 45 dB LAeq(15 min) 75 dB LAFmax	RD Discretion is restricted to the extent of effects of noise generated on adjoining zones.

Costs	Benefits	Effectiveness & Efficiency
Nil	Makes it clear that the rule applies to land based activities.	Improves efficiency through improved clarity.

Recommended Amendments to Rule 36.5.3 and Rule (notified 36.5.4 redrafted 36.5.3) (Table 2)

36.5.3	Millbrook Resort Zone Jacks Point Resort Zone (see also 36.5.17)	Any point within the Residencies / Residential Activity Areas	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC

Costs	Benefits	Effectiveness & Efficiency
Nil	Consolidates with existing rule to remove unnecessary rows from the table.	Improves efficiency through consolidation of rules.

Recommended Amendments to Rule (notified 36.5.4 redrafted 36.5.3) (Table 2)

36.5.43	Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.2 for noise received in the Residential Zones from the Queenstown Airport Mixed Use Zone). Arrowtown Residential Historic Management Zone Rural Residential Zone Rural Lifestyle Zone Townships Zones Waterfall Park Resort Zone Rural Visitor Zones (<u>excluding the Rural Visitor Zone Walter Peak</u>). Quail Rise Special Zone Meadow Park Special Zone Ballantyne Road Special Zone (excluding Activity Area C) Shotover Country Special Zone (Activity Areas 11a-1e, 4 and 5a-5e) Penrith Park Special Zone Bendemeer Special Zone Mt Cardrona Station Special Zone (Activity Areas 2, 3 and 4) Kingston Village Special Zone (Activity Areas 1,3 and 4) <u>Millbrook Resort Zone (Residential Activity Area)</u>	Any point within any site.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC

	Jacks Point Resort Zone (Residential Activity Area)					
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Costs	Benefits	Effectiveness & Efficiency
Removes Rural Visitor Zone Walter Peak from having noise effects managed within the zone, including noise generated in adjacent Rural General Zone.	<p>Unique nature of zone and location means that noise effects within the zone area likely to be limited and generated within the zone itself, therefore removes an additional and potentially unnecessary layer of control.</p> <p>Adds the zones from notified Rule 36.5.3 which have been removed from 36.5.3 to consolidate with existing rule and remove unnecessary rows from the table.</p>	<p>Efficient as removes layer of control. Effective as noise received within the zone is likely to be generated from activities associated with the Walter Peak Rural Visitor Zone.</p> <p>Improves efficiency through consolidation of rules.</p>

Recommended Amendments to Rule (notified 36.5.6 redrafted 36.5.5)					
Shotover Country Special Zone (Activity Areas 2a-2c and 3)	Any point within any site	0800h to 2200h	60 dB $L_{Aeq(15 \text{ min})}$	NC	
Mt Cardrona Station Special Zone (Activity Area 1) Ballantyne Road Special Zone (Activity Area C) <u>Jacks Point Resort Zone (Village Activity Area)</u>		2200h to 0800h	50 dB $L_{Aeq(15 \text{ min})}$ 75 dB L_{AFmax}	NC	

Costs	Benefits	Effectiveness & Efficiency
Introduces noise limit for noise received in the Jacks Point Village Activity Area where currently there is no limit on noise.	Appropriate to have a noise limit to avoid excessive noise being received in the Village Activity Area.	Effective as ensures that noise received in this area is of an acceptable level for the mixed use nature of this activity area.

Recommended Amendments to Rule (notified 36.5.6 redrafted 36.5.5)

Kingston Village Special Zone (Activity Area 2) Industrial Zones	36.5.7.1 Any point within Activity Area 2 boundary	0800h to 2000h	60 dB $L_{Aeq(15\ min)}$	NC
		2000h to 0800h	50 dB $L_{Aeq(15\ min)}$ 75 dB L_{AFmax}	NC
		2200h to 0700h	45 dB $L_{Aeq(15\ min)}$ 75 dB L_{AFmax}	NC
		0700h to 2200h	60 dB $L_{Aeq(15\ min)}$	NC
	36.5.7.2 Any point within the boundary of Activity Areas of 2a, 3, 4, 5, 6, 7 and 8	2200h to 0700h	50 dB $L_{Aeq(15\ min)}$ 75 dB L_{AFmax}	NC
		2000h to 0800h	40 dB $L_{Aeq(15\ min)}$ 75 dB L_{AFmax}	NC
		2200h to 0800h	65dBA L_{10} 75dBA L_{max}	
		2000h to 0800h	65dBA L_{10} 75dBA L_{max}	

Costs	Benefits	Effectiveness & Efficiency
Amendment to chapter will be required in Stage 2 to introduce noise standard for industrial zones.	Avoids confusion arising from inclusion of a Stage 2 zone that does not yet exist in the PDP. More appropriate to draft noise rules for these zones once the purpose has been determined.	Efficient as does not refer to industrial zones which will be addressed in stage 2. Note there are structural issues with this rule that have been highlighted in the section 42A report.

Recommended Amendments to Rule (notified 36.5.11; redrafted 36.5.10)

Frost fans Sound from frost fans.	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	85 dB L_{AFmax} 55 $dB L_{Aeq(15min)}$	NC
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Costs	Benefits	Effectiveness & Efficiency
Stricter noise limit may require more frost fans to apply for consent or alter the way they operate to achieve permitted activity status.	Ensures adequate protection of nearby residences from adverse effects of noise from frost fans.	Effective as the rule now imposes the appropriate level of noise to control.

Recommended Amendments to Rule (notified 36.5.16; redrafted 36.5.15)

<p>Commercial-Motorised Craft</p> <p>Motorised craft on the surface of lakes and rivers must be operated and conducted such that a maximum sound level is not exceeded, when measured and assessed in accordance with 36.8</p> <p><u>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</u></p>	<p>Refer 36.8</p> <p><u>25 metres from the craft</u></p>	<p>Refer 36.8</p> <p><u>0800h to 2000h</u></p> <p><u>2000h to 0800h</u></p>	<p>77 dB</p> <p><u>$L_{A_{Smax}}$</u></p> <p>77 dB</p> <p><u>$L_{A_{Smax}}$</u></p> <p>67 dB</p> <p><u>$L_{A_{Smax}}$</u></p>	<p>NC</p>	
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Costs	Benefits	Effectiveness & Efficiency
<p>Nil</p>	<p>Consolidated with 36.8 which removes duplication from the chapter.</p>	<p>Efficient as removes unnecessary duplication. Effective as still requires motorised craft to comply with noise limits which reduces adverse noise effects.</p>

Recommended Amendments to Rule 36.6.2 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

Building Element	Minimum Construction	
External Walls	Exterior Lining:	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation:	Not required for acoustical purposes
	Frame:	One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)
Windows/Glazed Doors	4mm glazing with effective compression seals or for double glazing 6mm-6mm airgap-6mm <u>Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide.</u>	
Pitched Roof	Cladding:	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement
	Insulation:	100mm thermal insulation blanket/batts
	Ceiling:	1 layer 9mm gypsum or plaster board
Skillion Roof	Cladding:	0.5mm profiled steel or 6mm fibre cement
	Sarking:	None Required
	Insulation:	100mm thermal insulation blanket/batts
	Ceiling:	1 layer 49mm gypsum or plasterboard
External Door	Solid core door (min 24kg/m ²) with weather seals	

Costs	Benefits	Effectiveness & Efficiency
<p>Change in relation to building element windows/glazed doors: Requires double glazing to achieve the standard, which may result in costs relating to resource consents.</p> <p>Change in relation to building element skillion roof: Nil.</p>	<p>Ensures that the most commonly used form of glazing is included in the construction materials.</p> <p>Ensures that the correct gypsum or plasterboard width is stated in the rule.</p>	<p>Effective to include double glazing as this is a modern building material. Efficient to correct a typographical error.</p>

Recommended Amendments to Rule 36.6.3

36.6.3 Ventilation Requirements for the ~~Queenstown and Wanaka Airport (Table 5)~~

The following ~~table sets out~~ applies to the ventilation requirements within:

- (a) the airport Outer Control Boundary (OCB) Air Noise Boundary (ANB); and
- (b) the Wanaka and Queenstown Town Centre Zones, Local Shopping Centre Zone and the Business Mixed Use Zone.

Critical Listening Environments must have a ventilation and cooling system designed, constructed and maintained to achieve the following:

- i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.
- ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C and no less than 18°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1 m away from any grille or diffuser.

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr

~~Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.~~

~~Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.~~

~~Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.~~

~~If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.~~

Costs	Benefits	Effectiveness & Efficiency
<p>Inclusion of cooling requirement is more onerous which may lead to consenting costs and costs for home owners.</p>	<p>Removes duplication from the PDP as 36.6 and 36.7 had identical standards. Corrects typographical error. Requirement for 6 ACH compared to 15 ACH less stringent. Rule now provides sufficient thermal comfort (heating and cooling).</p>	<p>Efficient for plan users as only need to refer to one rule for ventilation, removes duplication from plan. Effective as an appropriate thermal comfort will be achieved which is a better outcome on balance.</p>

Recommended Amendments to Rule 36.7

36.7 Ventilation Requirements for other Zones (Table 6)

The following table (Table 6) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of 1 m to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Costs	Benefits	Effectiveness & Efficiency
Nil.	Removes duplication from the PDP as 36.6 and 36.7 had identical standards.	Efficient for plan users as only need to refer to one rule for ventilation, removes duplication from plan. Effective as an appropriate thermal comfort will be achieved.

Recommended Amendments to Rule 36.8 Acoustic Measurement and Assessment

~~36.8.1 Acoustic Measurement and Assessment of Motorised Craft on the Surface of Rivers and Lakes~~

~~36.8.1.1 All motorised craft operating on the surface of lakes and rivers within the District must have and display a current acoustic certificate of fitness. Testing shall be undertaken on a strictly controlled "test" day, and shall be conducted by an enforcement officer appointed pursuant to the Act.~~

~~36.8.1.2 The measured sound pressure level shall not exceed a maximum A weighted level:~~

~~77 dB LASmax for vessels to be operated between the hours of 0800 to 2000;~~

~~67 dB LASmax for vessels to be operated between the hours of 2000 to 0800.~~

~~36.8.1.3 Retesting will be undertaken at not more than 12 monthly intervals. Additional monitoring measurements shall be performed in order to check that the noise of the craft remains within the prescribed limits and no noticeable changes have occurred since the previous testing of the craft and/or allowing modification to the same. —~~

~~36.8.1.4 All sound measuring equipment and methods used shall be in compliance with the standards stated in the above references. —~~

~~36.8.1.5 The following test conditions shall be complied with as closely as possible, but if unavoidable variations have to be made, these must be stated in the test report. In no instance shall the integrity of the test be compromised.~~

~~36.8.1.6 The noise emitted by warning devices and the like are excluded, however ancillary noise generated or associated with the operation of the craft, other than the motive device, may be measured separately or in conjunction with the test.~~

36.8.2 Test Conditions

~~36.8.2.1 The following instrument shall be used:~~

~~A class 1 sound level meter and an acceptable wind screen.~~

~~A sound level calibrator.~~

~~A wind speed anemometer.~~

~~An engine speed tachometer.~~

~~36.8.2.2 Measured Quantities – "A" weighted, slow response sound level, expressed in decibels (dB).~~

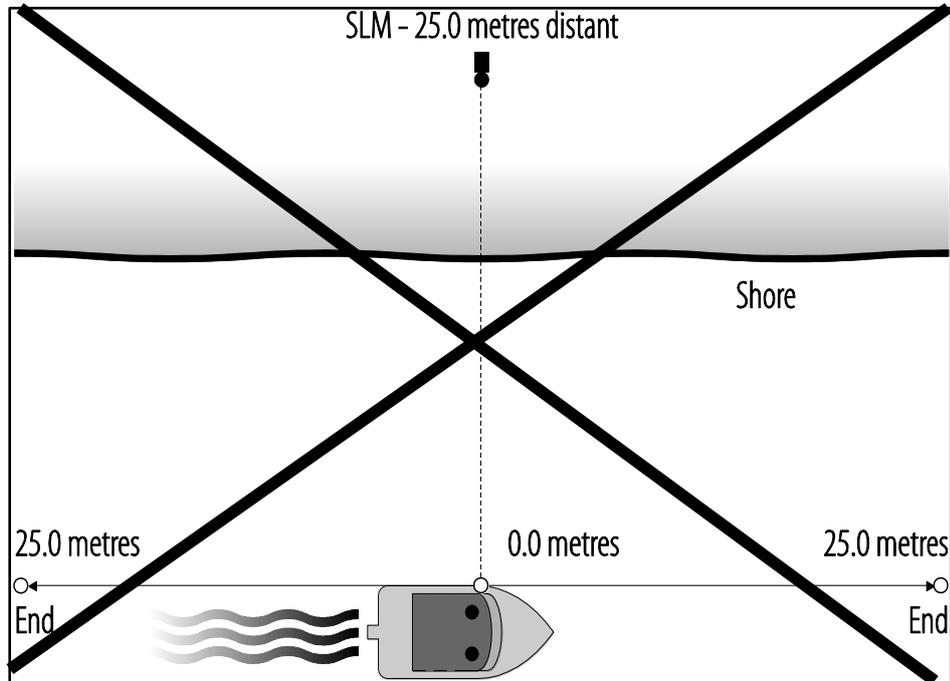
~~36.8.2.3 Acoustic Environment – The test site shall be such that sufficient free field sound propagation exists, (ie 30m clearance from reflective surfaces).~~

~~36.8.2.4 There shall be no obstacles between the craft and the microphone and the area between shall be open and free from sound absorbing materials. Meteorological conditions shall be within standard acceptable limits and the wind velocity shall not exceed 5m/sec.~~

~~36.8.2.5 Test Course - The depth of water must be sufficient for the normal operation of the craft.~~

~~Craft shall run either against the stress or current or in slack water.~~

~~A set straight line course shall be used to ascertain the acoustic measurements, as detailed:~~



~~36.8.2.6 Operating Conditions - The test run shall commence at sufficient distance downstream to obtain stabilised engine conditions when the craft passes the microphone. The craft shall be driven by a competent person who is mutually acceptable to the operator of the craft and the enforcement officer. The loading condition of the craft shall be stated in the report. All openings and hatches shall be set and located in their normal operational condition and the craft's engine system shall be at normal operating temperature.~~

~~36.8.2.7 The boat shall pass all three markers on a straight course at wide open throttle with the engine operating at the midpoint of the manufacturer's recommended full throttle rpm range.~~

~~36.8.2.8 The engine speed tolerance shall be +/- 100rpm if this falls within the full throttle speed range. If a single top speed rpm is recommended, the tolerance shall be +0, -100rpm.~~

~~36.8.2.9 Boats which are sold with the power units installed (for example, outboards and stern drives) shall be tested in this combination. Outboard motorboats shall be tested with a motor or motors for which the boat is rated, since sound level is dependent upon boat design and construction.~~

~~36.8.2.10 The boat shall pass within 0.5m to 1.0m on the far side of all three markers.~~

~~36.8.2.11 Test Procedure - Principally that the maximum A-weighted sound pressure level indicated during the passage of the craft be retained. The sound level will be accumulated as the craft passes at right angles to the microphone and will be measured until the craft has travelled a distance of 25 m. The meter shall be set for slow response.~~

~~Two passes shall be made and the mean value of the measurements rounded to the nearest integral decibel shall be obtained. If the sound intensity is louder along one side of the craft, then the measurements shall be conducted at this side. The background noise level shall be recorded and shall be at least 10dBA lower than measured level for the boat being tested.~~

~~All craft may not be able to be recorded according to the above method and any deviation shall be in compliance with ISO 2922:2000 or ISO 14509-1:2008. Other statistical and accumulated sound levels may also be recorded and retained for evaluation.~~

36.8.3 Test Report

~~36.8.3.1 The test report shall include a reference to the Standards and all relevant details concerning:~~

- ~~• The nature of the tests.~~
- ~~• The craft design or make, operator, engine and exhaust system.~~
- ~~• The test site locality, water conditions, meteorological conditions, for example temperature, and wind velocity, if relevant.~~
- ~~• The measurement equipment.~~
- ~~• The background noise level.~~
- ~~• The loading of the craft.~~
- ~~• The A-weighted sound pressure levels.~~
- ~~• The presence of pure tones or noise of an impulsive character.~~
- ~~• A conclusion, evaluating the test results and considerations.~~

~~36.8.3.2 The craft shall, upon compliance and following testing exhibit a current acoustic certificate label in a prominent place, which will be issued by the enforcement officer.~~

~~36.8.3.3 All craft shall be retested, should any modification be made to the craft or engine componentry that could alter the acoustic integrity and another certificate, upon compliance, will be issued.~~

Costs	Benefits	Effectiveness & Efficiency
Removes ability of Council to require testing days for non-commercial craft which could result increased noise effects from motorised craft.	Testing rule not used currently, and not practical to implement. Testing for commercial crafts still required under Rule 36.5.16.	Efficient as removes duplication. Effective as removes a length and complicated testing requirement from the PDP that was not being used under the ODP.

Recommended Amendments to definition of 'Notional Boundary'

Notional boundary

Means a line 20m from the ~~façade~~ any side of any residential unit or the legal boundary whichever is closer to the residential unit.

Costs	Benefits	Effectiveness & Efficiency
Nil	Change ensures correct terminology used that does not have connotations of 'frontage' which 'façade' may have.	Effective and efficient as ensures plan users know where the noise is to be measured from.