



## SECTION 42A REPORT

### Noise and Lighting

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**Appendix 3: Proposed District Plan Review of Submissions – Marshall Day Acoustics**

**List of Abbreviations**

**Table 1: List of Submitters and Abbreviations of Submitters’ Names**

<b>Submitter Number</b>	<b>Abbreviation</b>	<b>Full Name of Submitter</b>
S364	DOC	Director-General of Conservation (Department of Conservation)
S368	FNDC	Far North District Council
S512	FENZ	Fire and Emergency New Zealand
S159	Horticulture NZ	Horticulture New Zealand
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S217	NZDF	New Zealand Defence Force
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S359	NRC	Northland Regional Council
S344	Paihia Properties	Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd
S356	NZTA	Waka Kotahi NZ Transport Agency



**Note:** This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

**Table 2: Other abbreviations**

<b>Abbreviation</b>	<b>Full Term</b>
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
TMTA	Temporary military training activity



## 1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Noise and Light Chapters are located in Part 2 – District-Wide Matters and are two of the 10 chapters within the General District-Wide Matters section of the PDP.
2. 38 original submitters (with 170 individual submission points) and 25 further submitters (with 263 individual submission points) were received on the Noise and Lighting topic. 68 original submission points indicated general support for the provisions to be retained as notified, 36 submission points indicated support in part, with changes requested, whilst 48 submission points opposed the provisions. 18 submission points do not state whether they oppose or support.
3. The submissions can largely be categorised into several key themes:

### **Light Chapter**

- a) Light Chapter wide, overview and requests for new provisions
- b) Light Objectives
- c) Light Policies
- d) Light Rules
- e) Light Standards

### **Noise Chapter**

- f) General Opposition/support
- g) Refinement and requests for new Provisions
- h) Noise Exemptions
- i) Noise Overview, Objectives and Policies
- j) Primary Production related Noise Restrictions
- k) Agricultural Aviation
- l) Helicopter Noise Provisions
- m) Changes to Noise Measurement Units
- n) Noise Reverse Sensitivity
- o) Temporary Military Training Activities



- p) Maximum Noise Levels
  - q) Definitions
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ('RMA') and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
  5. The key changes recommended in this report relate to:

### **Light Chapter**

- a) Amendments to the overview section include adding reference to the safety hazards associated with poorly designed artificial light, the cultural and natural values of the night sky, and the Convention on Migratory Species – Light Pollution Guidelines for Wildlife as a best practise document for installing and assessing lights in relation to indigenous fauna.
- b) Amendments to LIGHT-P2 to add reference to managing adverse effects on indigenous fauna where appropriate.
- c) Adding a matter of discretion to LIGHT-S1 referring to the potential effects of artificial lighting on the natural behaviour of indigenous fauna.

### **Noise Chapter**

- d) Amendments to the Exemption Notes include removing reference to forestry planting and harvesting, time limit for the use of generators used for emergency purposes, firearms used for hunting, noise and vibrations associated with commercial forestry. Exempt emergency helicopter operation and include a new exemption referencing noise components of agricultural aviation activities. Amendments also include allowing for testing and maintenance of generators and the inclusion of new exemption notes.
- e) Changes to the Noise Rules and Tables include correcting typographical errors, minor amendments for clarity, referencing Orongo Bay in the design noise level incident table and enabling bird scaring devices to be used in relation to seasonal changes. Amendments also include rules applying to all zones, correcting noise metrics and removing compliance with air blast limits, reference to firearms, exemptions and matters that are covered in the noise provisions and adding an additional permitted standard to cover temporary military training helicopter activity.



- f) Amendments to the Noise Standards include amending typographical errors, decibel changes, providing for noise limits for each zone, capturing any missed zones and including suitable ventilation standards. Further amendments consist of removing reference to daily one-way vehicle movements in relation to State Highways.
- g) Amendments to the definitions section include adding reference to 'audible' bird scaring devices, removing reference to firearms and new definitions for agricultural activities and helicopter landing areas.

## **2 Introduction**

### **2.1 Author and qualifications**

- 6. My full name is Kenton Robert Owen Baxter, and I am the Policy Planner in the District Planning Team at Far North District Council.
- 7. I hold the qualification of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.
- 8. I have five years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector.

### **2.2 Code of Conduct**

- 9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

### **2.3 Expert Advice**

- 11. In preparing this report I rely on expert advice provided by Peter Ibbotson from Marshall Day Acoustics. The scope of this evidence relates to an evaluation of submissions received on the provisions in relation to the Noise chapter.
- 12. The expert advice is provided in Appendix 3 of this report and is referenced throughout. Each submission point has been addressed in the Marshall Day Acoustics report. Where technical advice has been relied upon in this s.42A report, the relevant submission point or, where appropriate, the specific page number is referenced (e.g., refer to



S###.### Appendix 3). This approach is intended to assist readers in locating the relevant information.

### **3 Scope/Purpose of Report**

13. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
  - b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
14. This report responds to submissions on Noise and Lighting.
15. When submissions pertain to matters covered in other chapters, the report addresses them in connection with the Noise or Lighting chapters. It does not address specific details of these matters if they are more appropriately addressed in another chapter.
16. These submission points will be addressed as part of the rezoning hearing, to enable a full consideration of the zone change requests and relevant submitter evidence, against an agreed set of criteria, alongside other zone request changes and taking into consideration the recommended provisions for the zone chapters.
17. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
18. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16 corrections to the PDP since notification<sup>1</sup>. These changes are neutral and do not alter the effect of the provisions. The Clause 16 corrections relevant to the Light and Noise chapters are reflected in Appendix 1 and Appendix 1A to this Report (Officer's Recommended Provisions in response to Submissions). For clarity and consistency with the PDP, these corrections are not shown in strikethrough or underline in Appendix 1 or Appendix 1A.

## **4 Statutory Requirements**

### **4.1 Statutory documents**

19. I note that the Noise and Lighting Section 32 report provides detail of the relevant statutory considerations applicable to the Noise and Lighting Chapters.

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<sup>1</sup> [Clause 16 Amendments | Far North District Council \(fndc.govt.nz\)](https://www.fndc.govt.nz/Clause-16-Amendments)



20. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
21. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to. Those that are relevant to the Noise and Lighting Chapters are discussed in 4.1.1 – 4.2 below.

#### **4.1.1 Resource Management Act**

22. The Government elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22<sup>nd</sup> of December 2023 and has reinstated the RMA as Zealand’s primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The government has indicated that this replacement legislation will be introduced to parliament this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

#### **4.1.2 National Policy Statements**

##### **4.1.2.1 National Policy Statements Gazetted since Notification of the PDP**

23. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
24. There are no new NPSs or changes to operative NPSs that are of particular relevance to the submissions received on the Noise and Lighting chapters. The relevant NPSs were addressed as part of the Statutory Context within the Noise and Lighting Section 32 Report.

##### **4.1.2.2 National Policy Statements – Announced Future Changes**

25. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements (summarised in **Table 1** below). The below NPS are not anticipated to be of general relevance to the submissions received on the Noise and Lighting but have been included for completeness.





**Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as at March 2024)**

<b>National Statement</b>	<b>Policy</b>	<b>Summary of announced future changes</b>	<b>Indicative Timing</b>
National Policy Statement for Freshwater Management (NPS-FM)		<ul style="list-style-type: none"> <li>Changes to hierarchy of obligations in Te Mana o Te Wai provisions</li> <li>Amendments to NPS-FM, which will include a robust and full consultation process with all stakeholders including iwi and the public</li> </ul>	<p>End of 2024</p> <p>2024 - 2026</p>
National Policy Statement on Indigenous Biodiversity (NPS-IB)		<ul style="list-style-type: none"> <li>Amendments to the NPS-IB</li> <li>Work to stop/cease implementation of new Significant Natural Areas</li> </ul>	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)		<ul style="list-style-type: none"> <li>Amendments to NPS-UD, including requirements for Tier 1 and 2 Council to 'live zone' enough land for 30 years of housing growth, and making it easier for mixed use zoning around transport nodes.</li> </ul>	By end of 2024
National Policy Statement for Renewable Electricity Generation (NPS-REG)		<ul style="list-style-type: none"> <li>Amendments to NPS-REG, to allow renewable energy production to be doubled</li> </ul>	By end of 2024
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> <li>Amendments to NPS-ET, but at this stage direction and amendments are unclear.</li> </ul>	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> <li>Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility</li> </ul>	2024 - 2025
Proposed National Policy Statement for Natural Hazards (NPS-NH)		<ul style="list-style-type: none"> <li>No update on progress has been provided by current government.</li> </ul>	Unknown

#### **4.2 Council's Response to Current Statutory Context**

26. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
27. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if



it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process, and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).

28. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
29. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

#### **4.2.1 National Planning Standards**

30. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Noise and Lighting provisions proposed and recommended in this report follow this guidance.

#### **4.2.2 Treaty Settlements**

31. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### **4.2.3 Iwi Management Plans – Update**

32. Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority. 29. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
  - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
  - b. Ahipara Takiwā Environmental Management Plan



### Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan

33. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Noise and Lighting Chapter the Ngāti Hine Environmental Management Plan does not specifically mention these topics.

### Ahipara Takiwā Environmental Management Plan

34. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the Noise and Lighting Chapter, the Environmental Management Plan provides direction in relation to the following:

Whakamaoritia / Issues relating to Air and Atmosphere

- a) RI10 – Drones and other aircraft can result in noise pollution.
- b) RI6 - Light pollution at night adversely affects people's ability to connect with the night sky.

Whakamaoritia / Objectives relating to Air and Atmosphere

- c) RO3 - Noise and light pollution are kept to a minimum within the takiwā and do not compromise the quality of life for visitors or people living there.

Whakamaoritia / Air and Atmosphere in the future

- d) Clean, fresh air is unaffected by discharges and human activity. The adverse effects of climate change and noise pollution are minimised.

### Patukeha Hapu Management Plan

35. At the time of writing this report, FNDC anticipates that the Patukeha Hapu Management Plan will be finalised in October 2024.
36. These updated iwi management plans are considered through this report, to the extent relevant and within the scope of submissions on relevant provisions (which can vary depending on the provision).

## **4.3 Section 32AA evaluation**

37. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.



38. The s32AA further evaluation for each key issue considers:
- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - b) The reasonably practicable options for achieving those objectives.
  - c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
  - d) The efficiency and effectiveness of the provisions for achieving the objectives.
  - e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
39. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

#### **4.4 Procedural matters**

40. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

### **5 Consideration of submissions received**

#### **5.1 Overview of submissions received.**

41. A total of 170 individual submission points (from 38 original submitters) and 263 individual submission points (from 25 further submitters) were received on the Noise and Lighting topics.
42. The main submissions on the Noise and Lighting Chapter came from:
- f) Government agencies – NZTA (S356), MOE (S331), Ngā Tai Ora - Public Health Northland ("Ngā Tai Ora" S516), NZDF (S217), KiwiRail Holdings Limited ("KiwiRail" / S416) and DOC (S364).
  - g) Key interest groups - Kapiro Conservation Trust (S442) and Northern Rescue Helicopter Limited (S281).
  - h) Network utility providers - Transpower New Zealand Ltd ("Transpower" / S454) and Top Energy Limited ("Top Energy" / S483).
  - i) Iwi groups – Te Hiku Iwi Development Trust (S399).
  - j) The primary production sector - Horticulture NZ (S159), NZ Agricultural Aviation Association (S182) and Ballance Agri-Nutrients Limited (S143).



- k) Landowners with similar views - Bentzen Farm Limited (S167), P S Yates Family Trust (S333) and Setar Thirty Six Limited (S168).

43. The key issues identified in this report are set out below:

#### **Light Chapter**

- a) Key Issue 1: Light Chapter wide, overview and requests for new provisions
- b) Key Issue 2: Light Objectives
- c) Key Issue 3: Light Policies
- d) Key Issue 4: Light Rules
- e) Key Issue 5: Light Standards

#### **Noise Chapter**

- f) Key Issue 6: General Opposition/support
- g) Key Issue 7: Refinement and requests for new Provisions
- h) Key Issue 8: Noise Exemptions
- i) Key Issue 9: Noise Overview, Objectives and Policies
- j) Key Issue 10: Primary Production related Noise Restrictions
- k) Key Issue 11: Agricultural Aviation
- l) Key Issue 12: Helicopter Noise Provisions
- m) Key Issue 13: Changes to Noise Measurement Units
- n) Key Issue 14: Noise Reverse Sensitivity
- o) Key Issue 15: Temporary Military Training Activities
- p) Key Issue 16: Maximum Noise Levels
- q) Key Issue 17: Definitions

44. Section 4.3 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic



response assists in providing a concise response to, and recommended decision on, submission points.

## 5.2 Officer Recommendations

45. A copy of the recommended plan provisions for the Noise and Lighting chapters along with Definitions is provided in **Appendix 1, 1A and 1B – Recommended provisions to this report.**
46. A full list of submissions and further submissions on the Noise and Lighting chapters is contained in **Appendix 2 – Recommended Decisions on submissions to the Noise and Light chapters.**
47. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter section-32-overview.pdf (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

## 5.3 Light Chapter – Key Issues

### 5.2.3 Key Issue 1: Light Chapter wide, overview and requests for new provisions

#### Overview

Provision(s)	Officer Recommendation(s)
Overview	<ul style="list-style-type: none"> <li>• Add reference to safety hazards associated with poorly designed artificial light.</li> <li>• Add reference to the cultural and natural values associated with the night sky.</li> <li>• Add a note that reference to the Convention on Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds. Which provides best practise for installing and assessing lights in relation to indigenous fauna.</li> </ul>
LIGHT-P2	<ul style="list-style-type: none"> <li>• Add reference to managing adverse effects on indigenous fauna where appropriate.</li> </ul>
LIGHT-S1	<ul style="list-style-type: none"> <li>• Add a matter of discretion that refers to the potential effects of artificial lighting on the natural behaviour of indigenous fauna.</li> </ul>

#### Analysis of Submissions on Key Issue 1

##### Matters raised in submissions

48. Anna Clarke (S563.001) support in part the Overview but requests amendments to include comments about the adverse effects of poorly designed nighttime lighting on safety and the significant natural and cultural heritage value of clear night sky observation in the region.



49. DOC (S364.074), (S364.075) and (S364.076) support in part the Objectives, Policies and Rules. The submitter requests the addition of an objective, policy, and/or rule that acknowledges the potential adverse effects that bright lights can have on indigenous fauna and should apply to activities adjacent to or within SNAs. The additional provisions should be in line with the United Nations Convention on Migratory Species: National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds-DAWE which NZ is party to. In summary, best practice lighting design incorporates the following design principles:
- *Start with natural darkness and only add light for specific purposes.*
  - *Use adaptive light controls to manage light timing, intensity and colour.*
  - *Light only the object or area intended - keep lights close to the ground, directed and shielded to avoid light spill.*
  - *Use the lowest intensity lighting appropriate for the task.*
  - *Use non-reflective, dark-coloured surfaces.*
  - *Use lights with reduced or filtered blue, violet and ultraviolet-wavelengths with a correlated colour temperature of 2700K or warmer.*
50. Kapiro Conservation Trust (S442.010) oppose General/Plan Content/Miscellaneous. Amendment to the PDP is suggested to provide streetlights for subdivisions/developments which should be suitable for nocturnal wildlife, such as kiwi, and dark-sky-friendly (certified to minimise glare, reduce light trespass and protect the visibility of stars).
51. Carbon Neutral NZ Trust (S529.169) support in part the Rules. They seek amendments to the rules to ensure development lighting is energy-efficient, suitable for nocturnal wildlife such as kiwi and 'dark sky friendly' to minimise glare, minimise upward light and scattered light, and retain the visibility of stars.

## **Analysis**

52. Anna Clarke requests an additional comment within the overview section about safety around poorly designed nighttime lighting and the significant natural and cultural heritage value of clear night sky observation in the region. An additional comment about the safety of poorly designed lighting is, in my view, appropriate, as this is a valid concern that reflects other submission points from NZTA about safety considerations of light on the transport network which is addressed separately. The other relief sought to address the 'significant natural and cultural heritage' value of clear night sky observation in the region, in my opinion is not appropriate. The values are not clearly assessed or defined, and neither is the type or cost of intervention required. The Far North District night sky has not gone through an assessment of its significance. However, a comment on the natural and cultural heritage value of clear night sky observation in the region would be useful to include in the overview.





53. The relief sought by DOC is to include the lighting design principles of the United Nations Convention on Migratory Species: National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds - DAWE. The intention of these guidelines is to provide users with the theoretical, technical, and practical information required to assess how artificial lighting is likely to affect wildlife, and the management tools to minimize and mitigate that effect. These techniques can be applied regardless of scale, from small domestic projects to large-scale industrial developments. The guidelines require any lighting visible outdoors (including indoor lighting that is visible from outside) to comply with the best practice lighting design outlined in the "Matters Raised in Submissions" section. I agree it is important for the PDP to consider the effects of light spill on the natural behaviour of indigenous biodiversity. The risk of not acting is that further indigenous biodiversity losses are realized because of the effects of light on indigenous biodiversity not being considered. Arguably, this would not be in line with considerations set out in s31(1)(b)(iii) of the RMA.
54. Due to the length and technical detail of the guidelines being outsized in comparison to the limited effects of the average outdoor lighting for example a single outdoor light, I recommend the following text be added as a matter of discretion under LIGHT-S1.
- "#. The extent to which artificial lighting affects the natural behaviour of indigenous fauna, including reference to best practice guidance where relevant."*
55. I also recommend the following wording is added as a note to the Overview section.
56. *"Note: Guidance on best practice for installing and assessing lights in areas where it could affect the natural behaviour of indigenous fauna, is available in the [Convention on Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds](#)."*
57. In my opinion, this approach is more appropriate because the wording of the additional matter of discretion ensures that reference to best practice guidance (e.g., Convention of Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds) is only required where it is relevant, such as in areas known to support indigenous fauna of this nature. By placing the reference note in the overview rather than incorporating into the provisions, the Council retains greater flexibility to update a non-statutory note to reflect current best practice. For instance, this could be achieved through a clause 16(2) amendment, depending on the extent of the changes to the guidance. This approach is simpler to implement than incorporating reference to this document into the Light chapter provisions, which carry more statutory weight.





58. I consider that this approach is consistent with the PDP Light chapter objectives as notified. Although the objectives do not specifically address managing adverse effects on indigenous fauna, they do reference the need to be compatible with the characteristics and qualities of the surrounding 'environment', which incorporates ecosystems and their constituent parts. Along with all natural and physical resources, amenity values and the social, economic, aesthetic, and cultural conditions which affect the previous matters.
59. In terms of the policies of the PDP, LIGHT-P2 seeks to control the intensity, location, and direction of outdoor lighting to ensure it does not adversely affect a number of aspects for example views of the night sky, health and safe of people and lighting conflict with the transport network. In my view, it would also be beneficial to include a clause in LIGHT-P2 that manages adverse effects of outdoor lighting on indigenous fauna where appropriate, as requested by the submitter as a consequential amendment.
60. In my opinion, reference to indigenous fauna at the policy level (i.e., when consent is required for an activity) is appropriate. I consider that it is more effective and efficient to assess the effects of light on the natural behaviour of indigenous fauna when a light rule or standard is breached (i.e., at the objectives and policies level and in matters of discretion) as opposed to including a permitted activity standard, as this would be problematic to administer and represent a change in policy approach for the reasons outlined above.
61. Kapiro Conservation Trust and Carbon Neutral NZ Trust request similar relief in relation to amending the PDP rules to ensure that subdivision and development lighting is energy-efficient, suitable for nocturnal wildlife, and dark-sky friendly to minimize light trespass and protect the visibility of stars. The lighting provisions in relation to indigenous fauna have been addressed in response to the DOC submission points. In my opinion, the relief sought by these submitters would improve light pollution outcomes, it also has potential design and cost implications. Conventional lighting practices, while moving towards more energy efficiency, may not achieve the outcomes sought by these submitters,
62. The notified PDP approach provides light standards with lux limits in relation to boundaries, which is generally used to measure light spill. This approach is used in many District Plans across New Zealand and is considered best practice in Australia and New Zealand as it utilizes the AS/NZS 4282:2019 – Control of the Obtrusive Effects of Outdoor Lighting standard. In my view, this provides an adequate measurable standard without inappropriately increasing costs and covers aspects of the relief sought by these submitters. In my opinion, reference to these matters can be included in the objectives and policies but should not be included in the rules and standards. This is for reasons previously outlined in response to the Director-General of Conservation's submission points, so that these



matters can be considered in relation to activities where resource consents are required but not in relation to permitted activities. I have also not recommended amending rules and standards is that as while submitters have provided principals for managing light design, they have not provided an indicative rule framework including how a permitted activity would work and how the need for consent would be determined.

### Recommendation

63. For the reasons above, I recommend that these submissions on the Light chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
64. I recommend that the following amendments to the Overview section  
*"...However, poorly-designed artificial lighting can cause glare or light spill which can interfere with the use or enjoyment of adjacent properties, and create a nuisance, and in some cases, pose a safety hazard to users of adjoining sites and the transport network. The light spill can affect people's health and wellbeing, particularly if it causes sleep disturbance. It can also adversely affect people's enjoyment of the night sky and affect wildlife such as kiwi, bats, gecko, ruru (morepork) and other nocturnal species including insects. In addition, the night sky has important cultural and natural values associated with it that may be sensitive to light in parts of the Far North District."*
65. *"Note: Guidance on best practice for installing and assessing lights in areas where it could affect the natural behaviour of indigenous fauna, is available in the [Convention on Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds](#)."*
66. I recommend the following amendments to the LIGHT-P2  
*Control the intensity, location, and direction of outdoor lighting to:*  
*e. [manage adverse effects on indigenous fauna where appropriate](#).*
67. I recommend the following amendment to LIGHT-S1 matters of discretion:  
*#. [The extent to which artificial lighting affects the natural behaviour of indigenous fauna, including reference to best practice guidance where relevant](#).*

### Section 32AA evaluation

68. The recommended amendments to the Light overview section will appropriately incorporate additional aspects, such as references to cultural and natural values associated with the night sky and how artificial light may impact these values. The amendments also recognize the safety



hazards associated with artificial lighting. I consider this will achieve a more efficiently drafted overview that more effectively captures the intent of the PDP Light chapter and its associated provisions.

69. Furthermore, the inclusion of the note referencing best practice guidance for installing and assessing lights in areas where it could affect the natural behaviour of indigenous fauna (i.e., the Convention on Migratory Species – Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds, and Migratory Shorebirds) is appropriate. This reference ensures that practitioners are aware of and can apply relevant best practice measures where necessary. As previously noted, placing this guidance in a non-statutory note within the overview allows for greater flexibility for the Council to update or amend the reference in response to changes in the guidelines, without needing to modify the statutory provisions themselves. This approach promotes both flexibility and the ongoing relevance of the Light chapter provisions while still ensuring that potential impacts on indigenous fauna are appropriately managed.
70. I consider that the recommended amendment to LIGHT-P2, which includes the addition of wording related to managing adverse effects of light on indigenous fauna where appropriate, will provide a more effective and efficient means of achieving the relevant objectives of the PDP. The inclusion of this provision acknowledges the potential adverse effects of artificial lighting on indigenous fauna, aligning the policy with broader environmental protection goals and enhancing its responsiveness to ecological values. The adverse effects of light on indigenous fauna are not covered in the Indigenous Biodiversity chapter of the PDP.
71. The amendment to LIGHT-S1 to add an additional matter of discretion is more effective as it explicitly addresses adverse effects on indigenous fauna, thereby reducing the potential for harm to wildlife and their habitats where the standards associated with LIGHT-S1 are breached. It is also consistent with the policy direction set out in the PDP and reference can be made relevant national and international best practise guidelines where appropriate, such as the Convention on Migratory Species - Light Pollution Guidelines for Wildlife. The amendment is more efficient because it enables additional scope within LIGHT-S1 where the standard is breached to consider ecological effects.
72. Therefore, the recommended amendments are an appropriate, effective, and efficient way to achieve the relevant objectives of the PDP in accordance with Section 32AA of the RMA.



### 5.3.1 Key Issue 2: Light Objectives

#### Overview

Provision(s)	Officer Recommendation(s)
LIGHT-O1 and LIGHT-O2	Retain as notified.

#### Analysis of Submissions on Key Issue 2

#### Matters raised in submissions

#### Objectives

73. Waiaua Bay Farm Limited (S463.079) oppose LIGHT-O1, stating that Sub-clauses (a) and (c) are ambiguous in terms of what adverse effects are required to be minimised and which locations constitute as light sensitive areas and request to delete Objective Light-O1.
74. NZTA (S356.103) support LIGHT-O2 and the inclusion of the transport network in this objective and request to retain LIGHT-O2 as notified.

#### Analysis

75. As notified, LIGHT-O1 provides reference to the design and location of artificial outdoor lighting and includes three criteria for how it should be designed and located: minimizing adverse effects, being compatible with the characteristics and qualities of the surrounding environment and protecting the amenity values of light-sensitive areas. Waiaua Bay Farm Limited has correctly identified that there is no definition or explanation of 'light-sensitive areas' in the notified PDP.
76. I do not consider that a specific definition for 'light-sensitive areas' is necessary in relation to LIGHT-O1 of the PDP. The term 'light-sensitive areas' is only mentioned in LIGHT-O1 and LIGHT-P2 and is not used in relation to any of the rules or standards. As this term appears at the objective and policy level, a specific definition outlining the areas it refers to is not required. In my opinion, 'light-sensitive areas' would be interpreted as areas with limited to no artificial light, as opposed to urban areas where artificial light is prevalent.
77. Upon review, I note that the Timaru PDP Light chapter also uses this term. However, in that context, the term is included within certain rules and has a specific definition to include specific zones and overlays, which I consider appropriate. I recommend that the reference to 'light-sensitive areas' be retained in LIGHT-O1 and LIGHT-P2 of the PDP.
78. Waiaua Bay Farm Limited also stated that subclause (a) of LIGHT-O1 is ambiguous. This subclause relates to minimizing adverse effects associated with artificial outdoor lighting. I do not agree that "minimizing adverse effects" is an ambiguous term, as this terminology is commonly



used in a New Zealand resource management context. Minimising recognises that some spill will occur and that it is not reasonable or practical to completely 'avoid' light spill in all instances. Conversely, the term clearly outline an obligation to reduce adverse effects from lighting spill as much as possible or practical. The adverse effects of outdoor lighting are outlined within the overview section of the chapter, including glare and light spill, which can affect the use and enjoyment of adjacent properties and create nuisances for users of adjoining sites and the transport network. Other adverse effects include the enjoyment of the night sky and negative impacts on wildlife. Light spill can also negatively affect people's health and wellbeing, particularly if it causes sleep disturbance. In my opinion, subclause (a) of LIGHT-O1 should be retained as notified to ensure the adverse effects of artificial lighting can be considered appropriately.

- 79. No submitter opposes LIGHT-O2 and I agree with NZTA that it can be retained as notified as it includes reference to the transport network which is an important consideration.

**Recommendation**

- 80. For the reasons above, I recommend that these submissions on the Light objectives are accepted, accepted in part and rejected as set out in **Appendix 2**.
- 81. I do not recommend any amendments.

**Section 32AA evaluation**

- 82. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

**5.2.4 Key Issue 3: Light Policies**

**Overview**

Provision(s)	Officer Recommendation(s)
LIGHT-P1 and LIGHT-P2	Retain as notified.

**Analysis of Submissions on Key Issue 3**

**Matters raised in submissions**

- 83. Anna Clarke (S563.003) supports LIGHT-P1 and the thoughtful management of light at night and wishes to retain it.
- 84. Anna Clarke (S563.004) support in part LIGHT-P2 of thoughtful management of light at night but requests clearer guidance and better outcomes of standards for best practice lighting including making reference to IDA-IES Model Lighting Ordinance – Lighting Ordinance Task



Force – Cambridge Massachusetts 2011 (International Dark Skies Association, Illuminating Engineering Society).

85. NZTA (S356.104) support in part LIGHT-P2, they request relief to add an additional matter to cover safety effects of light spill on the transport network. Their request is to add that the safety of the transport network isn't compromised.
86. Waiaua Bay Farm Limited (S463.080) oppose LIGHT-P2, stating Sub-clauses (a) and (c) impose policy direction of undefined and subjective 'light sensitive areas', 'views of the night sky' and 'intrinsically dark landscape' and wish to delete Policy LIGHT-P2.
87. Te Hiku Iwi Development Trust (S399.070) highlight that adverse effects of lighting on wildlife are recognised in the overview and objectives but aren't provided for within the policies. The submitter requests to insert a new point (e) within Policy LIGHT-P2 that manages adverse effects on indigenous fauna.

### **Analysis**

88. No submitter opposes LIGHT-P1 and I agree with Anna Clarke that it can be retained as notified.
89. Anna Clarke relief sought to amend LIGHT-P2 to provide additional guidance and better outcomes of standards for best practice lighting including referring to IDA-IES Model Lighting Ordinance – Lighting Ordinance Task Force – Cambridge Massachusetts 2011 (International Dark Skies Association, Illuminating Engineering Society).
90. The IDA-IES Model Lighting Ordinance is a comprehensive guideline designed to help areas regulate outdoor lighting. The primary goals of the approach are to reduce light pollution, promote energy efficiency, and improve nighttime visibility. It introduces different lighting zones tailored to the specific needs of various areas, ranging from natural environments to urban centres. The approach emphasizes the use of shielded luminaires to direct light downward, minimizing skyglow, glare, and light trespass. It recommends curfew hours to reduce or turn off lighting during late hours to conserve energy and mitigate light pollution. The ordinance encourages adaptive lighting technologies, like dimming and motion sensors, to ensure lighting is used only when necessary. Additionally, it provides guidelines for maintaining appropriate light levels and uniformity for safety and functionality while avoiding excessive lighting. Lastly, it outlines the requirements for submitting a detailed lighting plan for new developments to ensure compliance with these standards.
91. While this approach will improve light pollution outcomes it also has implications and costs associated with it. Many conventional lighting practises would not be permitted under this approach. This could add costs and may increase resource consent costs for activities that cannot





comply with this approach. Part of this model is also to use lighting zones which allows the governing body to vary lighting restrictions according to the sensitivity of the area. This would also require the Council to create these areas which would require additional resources and investigation. In my opinion, some of the matters are not appropriate for plan making in the RMA. In addition, it is unclear how effective or appropriate the approach would be regarding existing development, which enjoys existing use rights.

92. In my opinion further engagement with the Far North District community is required to assess whether this type of approach is desirable or feasible as it would have major implications on lighting in the district. To bring this approach into the PDP through the hearings process is not an appropriate mechanism in my opinion and broader consultation is required.
93. The notified PDP states that light emission shall be measured and assessed in accordance with AS/NZS 4282:2019 – Control of the Obtrusive Effects of Outdoor Lighting. This is a common basis for lighting assessment and is used in many District Plans in New Zealand. These standards give certainty to plan users and landowners as they provide a consistent standard of lighting. The Mackenzie District Plan which is home to the Aoraki Mackenzie International Dark Sky Reserve has more restrictive light provisions however the Far North District does not have the same dark sky reserve status.
94. NZTA requested amendment to LIGHT-P2 to specify that the safety of the transport network isn't compromised in my view is not necessary. LIGHT-P2 relates to controlling the intensity, location, and direction of outdoor lighting to meet the specified clauses. Clause d. as notified states "*manage adverse effects on the health, safety, and wellbeing of people and communities in the surrounding area, unless it is for critical health and safety reasons.*" I believe this adequately covers the relief sought by this submitter as the safety of the transport network can be considered as part of this clause. Also, LIGHT-P1 specifies "*Provide for the use of artificial lighting that:*" clause (c) details "*does not compromise the social, cultural, environmental, and economic wellbeing or health and safety of people and communities, including the transport network.*" In my opinion this adequately addresses the relief sought to ensure the safety of the transport network is not compromised by inappropriate lighting.
95. LIGHT-P2 also includes a reference to 'light-sensitive areas,' which Waiaua Bay Farm Limited has requested to be deleted. I do not concur with this relief sought for the reasons outlined in Key Issue 2. They also request that LIGHT-P2 be deleted as it refers to 'views of the night sky' and 'intrinsically dark landscapes'. In my opinion, these terms are appropriate to manage in a district plan and also within a policy as opposed to a rule, as they do not necessarily have measurable units, which the rules and standards are required to. The term 'views of the night sky' relates to the ability of people to observe the night sky without the interference of light



pollution. It emphasizes the importance of preserving the clarity and quality of the night sky for stargazing and other activities that depend on natural darkness and its amenity values

- 96. 'Intrinsically dark landscapes' refer to areas that are naturally dark and largely unaffected by artificial light. These areas are typically located away from urban environments and other locations with significant nighttime artificial lighting. Preserving intrinsically dark landscapes supports nocturnal wildlife and providing humans with natural nightscapes free from light pollution. This distinction highlights the need to protect such areas from unnecessary and or inappropriate lighting and its adverse effects.
- 97. Te Hiku Iwi Development Trust requests an additional clause in Policy LIGHT-P2 to highlight the adverse effects on wildlife, reflected in the overview and objectives sections. This matter has been analysed in detail in Key Issue 1 regarding the submission made by DOC. For the same reasons I recommend this relief is accepted and an additional clause is added to LIGHT-P2 as outlined in Key Issue 1 the recommendation section.

**Recommendation**

- 98. For the reasons above, I recommend that these submissions on the Light policies are accepted, accepted in part and rejected as set out in **Appendix 2**.
- 99. I do not recommend any amendments.

**Section 32AA evaluation**

- 100. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

**5.2.5 Key Issue 4: Light Rules**

**Overview**

Provision(s)	Officer Recommendation(s)
LIGHT-R1	Amend to correct typographical error.

**Analysis of Submissions on Key Issue 4**

**Matters raised in submissions**

- 101. Jeff and Robby Kemp (S51.008) support in part LIGHT-R1, stating it applies to the Rural Production Zone but request to amend it to relate to sensitive activities as distinct from the zone itself.
- 102. FNDC (S368.042) support in part LIGHT-R1, requesting an amendment to the wording of PER-1: "*Artificial light emitted ~~undertaken on~~ from a site*





*complies with AS/NZS 4282:2019 – Control of the Obstructive Effects of Outdoor Lighting."*

## **Analysis**

103. Jeff and Robby Kemp relief sought relates to LIGHT-R1. They request that it be amended to focus on sensitive activities rather than the zone itself. To address this submission point, it may be helpful to explain how the zoning framework and associated provision's function. Zoning is a method that groups similar types of activities together, setting out desirable activities while separating out less desirable ones. While there may be activities sensitive to light spill in other zones, such activities may benefit from larger setbacks or may be less appropriate in zones intended for other purposes. For example, protecting a house from light spill within an industrial zone would be counterintuitive, as this is where industrial activities are intended to occur. Adjusting LIGHT-R1 to focus on sensitive activities, regardless of zone, could undermine the purpose of zoning by allowing conflicting activities to coexist inappropriately. Rule LIGHT-R1 refers to LIGHT-S1, which specifies the permitted standard for light spill within each zone, including the Rural Production zone. In relation to the Rural Production zone, the notified PDP states "*The maximum level of light spill measured at the notional boundary of any habitable building located within the Rural production, Rural Lifestyle, Horticulture zone, Māori Purpose, Kauri Cliffs or Natural Open Space zones must not exceed:*
- 10 lux (in both vertical and horizontal planes)."*
104. The 'notional boundary' is defined as '*means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.*' This definition relates to 'noise sensitive activities' which are defined as follows '*means buildings or land that may be affected by noise and require a higher standard of amenity. These include:*
- a. residential or living activities;*
  - b. education facilities;*
  - c. health facilities;*
  - d. community facilities; and*
  - e. visitor accommodation.'*
105. Given the definitions associated with these terms, it already relates to residential units or other buildings used for noise sensitive activities. Although the term "habitable building" is not defined in the notified PDP, in my opinion it is not necessary. The Oxford Dictionary definition of habitable is '*suitable or good enough to live in*' this is a very broad definition and could apply to almost any building.
106. Based on the definitions the intension of the standard is to manage light spill in relation to habitable buildings that are used for 'noise sensitive activities'. In my opinion the rule and standard as notified already relate



to sensitive activities as sought by the submitter. However, if this was not the submitters intension and they have additional context for this submission point it can be presented at the Hearing.

107. The relief sought by FNDC relates to the wording of LIGHT-R1. The amendment sought is in relation to an obvious drafting error and in my opinion should be amended to reflect the relief sought. Artificial light is emitted from a site rather than undertaken on a site.

### Recommendation

108. For the reasons above, I recommend that these submissions on the Light Rules are accepted, accepted in part and rejected as set out in **Appendix 2**.
109. I recommend amending LIGHT-R1 as follows:

#### ***PER-1***

*Artificial light emitted ~~undertaken on~~ from a site complies with AS/NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting;*

### Section 32AA evaluation

110. The recommended amendments primarily clarify the intent of the provisions. On this basis, no evaluation for these recommended amendments under Section 32AA is required.

## 5.2.6 Key Issue 5: Light Standards

### Overview

Provision(s)	Officer Recommendation(s)
LIGHT-S1	Retain as notified except typographical amendment as a clause 16 correction.

### Analysis of Submissions on Key Issue 5

#### Matters raised in submissions

111. Anna Clarke (S563.002) supports in part LIGHT-S1 requesting to adopt lighting standards in accordance with the IDA-IES Model Lighting Ordinance. This is considered to be international best practice that can achieve the objectives and policies.
112. Waiaua Bay Farm Limited (S463.081) opposes LIGHT-S1, requesting that points a, b, and c of the matters of discretion be amended to dispense with subjective and unenforceable criteria and to capture the likely lighting scenarios at Kauri Cliffs. The requested relief includes references to a safety or wayfinding function concerning artificial lighting and whether the adverse effects of lighting can be managed by adjustments to timing,



duration, direction, intensity, focus, design, height, or type of lighting rather than the wording as notified.

## Analysis

113. The relief sought by Anna Clarke in relation to LIGHT-S1 is that lighting standards in line with international best practice that can achieve the policy objectives are adopted. The use of the IDA-IES Model Lighting Ordinance has been discussed in detail under Key Issue 3. The standards requested by the submitter are as follows:

*Lighting Zone 0 – 0.05 FC or 0.5 LUX*

*Lighting Zone 1 – 0.1 FC or 1.0 LUX*

*Lighting Zone 2 – 0.3 FC or 3.0 LUX*

114. These requested standards are much more restrictive than notified in the PDP. The PDP standards are similar to those in other district plans except for those with Dark-Sky Reserve status such as the Mackenzie District Plan which is more in line with the standards suggested by the submitter. As previously outlined, the Far North District does not have a Dark Sky Reserve and in my opinion further community engagement is required to make a decision on such a matter. I recommend the standards in the notified PDP should be retained.
115. Waiaua Bay Farm Limited oppose LIGHT-S1 and seek amendments to the matters of discretion. The relief sought relates to point (a) *whether artificial lighting is for operation or functional purposes*. In my opinion '*operation*' should be amended to '*operational*', this can be done as a clause 16 correction in the next batch carried out by FNDC. The submitter requests to add the following wording '*or provides a safety or wayfinding function.*' In my opinion, the additional wording is not necessary. While artificial light serves important safety and wayfinding functions, these matters are already covered by the wording as notified and can be considered an operational or functional purpose of artificial lighting.
116. They also sought relief in relation to LIGHT-S1 (b) as follows *whether the adverse effects of lighting can be managed by adjustments to timing, duration, direction, intensity, focus, design, height, or type of lighting contributes to avoidable or unnecessary light spill*; In my opinion, the relief sought is not necessary for this matter of discretion and is similar to the wording as notified. The purpose of the matter of discretion is to review the aspects of the outdoor lighting that could be adjusted or have been adjusted to minimize avoidable or unnecessary light spill that is not necessary for the associated activity. I do not believe the relief sought by the submitter provides a more subjective or enforceable criterion than the wording as notified.



**Recommendation**

- 117. For the reasons above, I recommend that these submissions on the Light Standards are accepted, accepted in part and rejected as set out in **Appendix 2**.
- 118. I do not recommend any amendments except for the clause 16 correction which is as follows:  
  
*(a) whether artificial lighting is for operational or functional purposes.*

**Section 32AA evaluation**

- 119. No change to the provisions is recommended at this stage except as a clause 16 correction. On this basis, no evaluation under Section 32AA is required.

**5.4 Noise Chapter – Key Issues**

**5.4.1 Key Issue 6: General Opposition/support**

**Overview**

Provision(s)	Officer Recommendation(s)
Whole Chapter	Retain as notified.

**Analysis of Submissions on Key Issue 6**

**Matters raised in submissions**

- 120. Waipapa Pine Limited and Adrian Broughton Trust (S342.013 and S342.012) oppose the Standards and Rules. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.
- 121. Puketona Business Park Limited (S45.048), (S45.049), (S45.041), (S45.042) and (S45.055) support the notified NOISE-R3-4, NOISE-R10-11 and NOISE-S6. In their view the Noise chapter of the PDP is generally acceptable and request to retain these provisions in the chapter.



## Analysis

122. Waipapa Pine Limited and Adrian Broughton Trust oppose the standards and rules and request a balance is struck between enabling Heavy Industrial activities whilst ensuring effects do not go beyond the limits set in the PDP. Mr Ibbotson has assessed this submission in detail (refer to S342.013 and S342.012) and provided recommendations to reflect the issues raised by this submitter. I concur with the technical advice provided by Mr Ibbotson as it relates to NOISE-S1, the recommended amendments to NOISE-S1 as outlined below in Key Issue 16 reflect the recommendations from Mr Ibbotson. The submission points from this submitter are very broad, they do not provide specific reasoning to oppose all the Noise rules and standards. Where the submission points are directly relevant to certain provisions this is addressed in subsequent sections of the report. I do not recommend any other changes beyond what is outlined in these sections.
123. Puketona Business Park Limited requests NOISE-R3-4, NOISE-R10-11 and NOISE-S6 are retained as notified. In my opinion this is appropriate, as there are no submission points that oppose these provisions.

## Recommendation

124. For the reasons above, I recommend that these submissions on the Light objectives are accepted, accepted in part and rejected as set out in **Appendix 2**.
125. I do not recommend any amendments.

## Section 32AA evaluation

126. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

### 5.4.2 Key Issue 7: Refinement and requests for new Provisions

#### Overview

Provision(s)	Officer Recommendation(s)
NOISE-S2	Amend typographical errors in relation to noise metrics.
NOISE- Table 1	Include reference to Orongo Bay in the Design noise level incident table so it is captured as intended.

#### Analysis of Submissions on Key Issue 7

##### NOISE-S2 Temporary activities standards

##### Matters raised in submissions

127. Ngā Tai Ora (S516.073) support provision NOISE-S2, however suggest amendment to correct the typographical errors as follows: *dB***B** Leq(1 *min*).



128. Transpower (S454.105) considers that temporary activities providing lifeline utilities should be excluded from NOISE-S2. The submitter states, the noise limits apply to temporary activities to provide for lifeline utilities but may not always be able to comply with the noise limits specified and it is unlikely that a resource consent could be applied to authorise the exceedance in a timely way. The submitter requests the following amendments:
129. *"The noise generated from any temporary activities (excluding temporary military training activities and temporary activities providing lifeline utilities) and emergency management training activities, shall not exceed the following limits at any point:..".*
130. Puketona Business Park Limited (S45.051) support the notified NOISE-S2. In their view the Noise chapter of the PDP is generally acceptable and request to retain the rules in the chapter.

### **Analysis**

131. The NOISE-S2 standard relates to temporary activities and provides limits in relation to the boundaries of certain zones and noise sensitive activities. It also provides for a limited number of events annually within the same site. Temporary activities include a range of activities and are defined as:
- "means an activity that is temporary and limited in duration. It may include carnivals; concerts; fairs; festivals and events; markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; temporary military training activities; temporary motorsport activities; and emergency response training by ambulances, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, or Surf Life Saving New Zealand. It also includes buildings or structures accessory to temporary activities, temporary car parking areas, and the ancillary activities associated with the temporary activities."*
132. Ngā Tai Ora have identified typographical errors with two of the noise metrics in NOISE-S2. Mr Ibbotson (refer to S516.073 Appendix 3) and I agree with the requested relief and recommend these errors are amended. Mr Ibbotson has also suggested this noise rule potentially does not cover all noise sensitive zones. While I agree the standard should be redrafted to fix this issue, in my opinion this submission point does not provide the necessary scope.
133. Transpower has requested that temporary activities providing lifeline utilities be excluded from NOISE-S2, as these can be captured by the definition of temporary activities. Mr. Ibbotson agrees that a wording amendment could be made to exclude this type of activity from the standard, as it was not intended to cover such activities (refer to S454.105 Appendix 3). However, in my opinion, this wording amendment is



unnecessary because this type of activity is already specifically excluded from the noise chapter, as per Note 8.

134. Puketona Business Park Limited support NOISE-S2 as notified. In my opinion this is not appropriate for the reasons outlined above.

### **Recommendation**

135. For the reasons above, I recommend that these submissions on the Noise definitions are accepted, accepted in part and rejected as set out in **Appendix 2**.
136. The recommended amendments to NOISE-S2 are as follows:
137. *NOISE-S2 (ii)*
- 70 dB LAeq (1 hour)
  - 85 dB Leq (1 min) at 63 Hz
  - 75 dB Leq (1 min) at 125 Hz or

*And (iii)*

- 60 dB LAeq (1 hour)
- 75 dB Leq (1 min) at 63 Hz
- 65 dB Leq (1 min) at 125 Hz

### **NOISE-Table 1 – Design noise level incident**

#### **Matters raised in submissions**

138. Ngā Tai Ora (S516.076) oppose NOISE-Table 1, as there are no design noise levels specified for the Orongo Bay zone as required by NOISE-S5. The submitter requests to insert design noise levels within NOISE-Table 1 for this zone.
139. Waipapa Pine Limited and Adrian Broughton Trust (S342.024) oppose NOISE-Table 1. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.





## Analysis

140. NOISE-Table 1 is a table that provides design noise level incident in relation to bedrooms and other habitable rooms in the Mixed Use and Light Industrial zones.
141. Ngā Tai Ora seek relief that design level noise for the Orongo Bay zone is inserted into this table as it is referenced in NOISE-S5. Mr Ibbotson agrees with the relief sought (refer to S516.076 Appendix 3). I concur with this opinion as it is a clear omission that needs to be amended. Mr. Ibbotson has recommended that, because the noise limits for the Mixed-Use and Orongo Bay zones are similar, the Mixed-Use façade design noise levels should also apply to the Orongo Bay zone (refer to page 17, Appendix 3).
142. The submission point from Waipapa Pine Limited and Adrian Broughton Trust does not specifically relate to this table. However, it is important to note that noise-sensitive activities are not permitted within the Heavy Industrial zone under NOISE-R2 and the corresponding standard NOISE-S5. A restricted discretionary resource consent would be required under NOISE-R2. The matters of discretion would be restricted to those in the infringing standard, allowing for an adequate assessment by the Council planner to ensure the proposal is appropriate. Mr. Ibbotson has expressed the opinion that noise-sensitive activities should be prohibited within the Heavy Industrial zone (refer to S342.024). However, this is not reflected in the notified PDP, and there does not appear to be scope to recommend this change.

## Recommendation

143. For the reasons above, I recommend that these submissions on the Noise Table-1 are accepted, accepted in part and rejected as set out in **Appendix 2**.
144. The recommended amendments to NOISE-Table 1 are as follows:

*Mixed use and Orongo Bay*

## Section 32AA evaluation

145. The recommended amendments to NOISE-S2 primarily clarify the intent of the provisions by using the correct unit. On this basis, no evaluation for these recommended amendments under Section 32AA is required.
146. The recommended amendments NOISE-Table 1 primarily clarify the intent of the provisions as the design level noise for the Orongo Bay appears to have been unintentionally omitted. The design noise level has been informed by Mr Ibbotson's advice which will be the same as the Mixed Use design noise level. On this basis, no evaluation for these recommended amendments under Section 32AA is required.





## 5.2.7 Key Issue 8: Noise Exemptions

### Overview

Provision(s)	Officer Recommendation(s)
Exemption note 5	Reference to forestry planting and forestry harvesting is deleted from this exemption as it is covered by the NES-CF.
Exemption note 8	Reference to a time limit on for the use of generators used for emergency purposes is deleted and allowance is made for testing and maintaining generators.
New exemption notes	<ul style="list-style-type: none"> <li>• Firearms used for hunting are exempt from the noise provisions.</li> <li>• Noise and vibration associated with commercial forestry is exempt and reference is made to the NES-CF which regulates this activity.</li> </ul>

### Analysis of Submissions on Key Issue 8

#### Matters raised in submissions

147. Horticulture NZ (S159.087) support the Notes section, stating the plan provides an exemption of horticulture activities of a limited duration, however this is not included within the rules or standards. The submitter suggests amending exemptions 1-14 under the Note section to a new permitted rule with no conditions.
148. FENZ (S512.037) supports the exemption from the noise provisions for emergency services, noting that emergency sirens play a crucial role in facilitating emergency responses. The submitter requests that this exemption be retained.
149. Northern Rescue Helicopter Limited (S281.001) support in part Rules but states they're confusing and need to be reviewed. The submitter requests inserting a rule to allow emergency rescue helicopters to be unconstrained and exempt from any noise rules.
150. KiwiRail (S416.039) request to retain point 4 in Notes that exempts trains on rail lines and crossing bells including at railway yards, railway sidings or stations from the noise provisions within this chapter.
151. Top Energy Limited (S483.183) seeks to ensure that exemptions from Noise Rules are provided in all zones for the emergency use of generators that maintain the supply of electricity, without being limited to operation by emergency services or lifeline utilities. While Note 8 currently provides an exemption, the 48-hour restriction is considered arbitrary and unnecessary by the submitter. They argue that there is no guarantee that generator use in an emergency will be limited to 48 hours, and applying



the Noise Chapter rules or seeking consents during an emergency would be impractical and inefficient. The submitter requests to amend Note 8 as follows:

152. *the use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance ~~not exceeding 48 hours in duration~~, where they are operated by emergency services or lifeline utilities.*
153. Northland Fish and Game Council (S436.041) requests to insert a point within the Notes in the Noise chapter, stating the noise rules and effects standards don't apply to noise generated by hunting. The submitter states noise generated by hunting should be made a permitted activity as it's often constrained by land use and state noise around hunting is brief rather than constant.
154. Northland Fish and Game Council (S436.026) requests the addition of provisions for the associated discharge of noise of firearms for all informal and legitimate proposes such as recreational hunting, pest control and sight adjustment, as permitted activities in the rules section.
155. Summit Forests New Zealand Limited (S148.040) and PF Olsen Limited (S91.018) opposes the rules on the Noise chapter. Stating the noise rules and effects standards don't apply to several activities and fails to reference that noise and vibration associated with all plantation forestry activities, is a permitted activity subject to the provisions of regulation 98 of the NES-PF. Summit Forests New Zealand Limited requests an amendment to the chapter to make it clear that noise and vibration associated with all plantation forestry activities is a permitted activity subject to the provisions of regulation 98 of the NES-PF. PF Olsen Limited request to insert a note #2 in the notes section, that directs plantation forestry activities to the NES-PF (regulation 98).
156. Ngā Tai Ora (S516.066) opposes the Notes section stating that noise limits for plantation forestry are set out within the National Environmental Standards for Plantation Forestry. The submitter believes it should be clarified that noise limits do not apply to forestry. They request an amendment to Point 5 of the exclusions to remove references to forestry planting and forestry harvesting from the note.

### **Analysis**

157. The notes section at the start of the Noise chapter sets out a list of activities that are exempt from the noise rules and standards within it. This list includes activities such as residential activities, aircraft, emergency service facilities, crowd noise control and others. These types of activities are considered acceptable noise, therefore are not subject to the rules and standards of this chapter.



158. The relief sought by Horticulture NZ relates to amending the exemption section and making these permitted activities. In my opinion the requested relief is not necessary, and the exemption section as notified provides an adequate solution to ensure these activities are not captured by the provisions of the chapter. Some other district plans have a similar list of exemptions at the start of the chapter. The disadvantages of including these exemptions as permitted activities are that this would add an additional 14 permitted activity rules to the Noise chapter. This would make the chapter unnecessarily larger and more difficult for plan users to navigate.
159. The relief sought by FENZ is to retain the note excluding emergency sirens from the noise rules and standards. Mr Ibbotson has also addressed this submission (refer to S512.037 Appendix 3). I recommend this note is retained. Mr Ibbotson has recommended the definition of "emergency services" captures the parties involved in tsunami warning sirens to ensure that these are not constrained by the zone noise limits. The emergency services definition as notified includes "*ambulances, Civil Defence, Coastguard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, and Surf Life Saving New Zealand.*" The Northland Civil Defence Emergency Management Group manages the tsunami sirens in Northland which are part of Civil Defence. Therefore, the definition as notified captures the parties mentioned by Mr Ibbotson.
160. Northern Rescue Helicopter Limited requests inserting a rule to allow emergency rescue helicopters to be unconstrained and exempt from any noise rules. I agree with the reasoning and recommendations provided by Mr Ibbotson (refer to S281.001 Appendix 3). In my opinion this type of activity should be excluded from the Noise provisions and included as an exemption in the Notes section at the start of the chapter. This matter has been addressed in more detail in Key Issue 12 along with a recommended exemption.
161. The relief sought by KiwiRail is to retain note 4 which relates to trains and associated activities but does not include "*...the testing (when stationary), maintenance, loading or unloading of trains;*" I recommend this note is retained as notified.
162. The relief sought by Top Energy Limited relates to the use of generators for emergency purposes including testing and maintenance. The submitter has requested the 48 hours duration limit is deleted. I agree with the recommendations made by Mr Ibbotson (refer to S483.183 Appendix 3). In Mr Ibbotson's opinion the 48-hour duration limit should be deleted as requested by the submitter. Mr Ibbotson has provided additional commentary on limiting the use of generators for maintenance and testing purposes. In my opinion there is scope to assess this matter given the submitters request to delete the time limit. In my opinion note 8 should be amended as follows in accordance with Mr Ibbotson's recommendations:



163. *"the use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance ~~not exceeding 48 hours in duration~~, where they are operated by emergency services or lifeline utilities; provided that the use of generators for testing and maintenance purposes is limited to a cumulative time of 12 hours per year."*
164. The relief sought by the Northland Fish and Game Council involves exempting noise generated by firearms used for hunting from the District Plan noise limits. They also request additional provisions so the associated discharge of noise from firearms for all informal and legitimate purposes are a permitted activity. I agree with Mr. Ibbotson's recommendations (refer to S436.041 and S436.026 Appendix 3) that such exemptions are appropriate for legal hunting and associated firearms activities within the rural environment, given that hunting typically involves short-duration noise. Moreover, game bird hunting, which may generate more frequent noise, is limited to the hours of 6:30 am to 6:30 pm for the length of the season. However, this exemption should not apply to rifle ranges, pistol clubs, or other permanently established firearms ranges. I have proposed additional wording in the Notes section to reflect this distinction. In my opinion these matters are more appropriately addressed as an exemption rather than a permitted activity.
165. Mr Ibbotson has expressed concern with exemption 11 in relation to submission point S436.040. Exemption 11 relates to *'impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008: Acoustics Environmental Noise'*. The issue is it could be too broad. However, in my opinion there is no scope in submissions to delete this exemption.
166. The relief sought by Summit Forests New Zealand Limited and PF Olsen Limited is similar. They request to add reference to plantation forestry as a permitted activity subject to the provisions of the NES-PF regulation 98. The NES-PF has now been superseded by the National Environmental Standards for Commercial Forestry (NES-CF). Regulation 98 in the NES-CF still covers the noise and vibration matters in relation to commercial forestry. The submitters request a note is added that directs this type of activity to these regulations as an exemption. I support the requested change to the PDP because it will provide additional clarity for plan users that the PDP noise provisions do not apply to commercial forestry. This is consistent with the recommended changes to other chapters including the Natural Character chapter which includes similar reference.
167. Ngā Tai Ora request that reference to *'forestry planting and forestry harvesting'* in note 5 is removed as it is covered by the NES-PF. Mr Ibbotson has also recommended this amendment and I agree this is appropriate. The NES-CF regulation 98 covers these types of activities adequately and therefore this reference is not needed.



## Recommendation

168. For the reasons above, I recommend that these submissions on the Noise Exemptions are accepted, accepted in part and rejected as set out in **Appendix 2**.
169. I recommend an amendment to Note 5 as follows:
- agriculture, horticulture and pastoral farming activities undertaken for a limited duration, including using agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis, ~~forestry planting and forestry harvesting~~ in the Rural Production, Horticulture and Horticulture Processing zones;*
170. I recommend an amendment to Note 8 as follows:
- the use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance ~~not exceeding 48 hours in duration~~, where they are operated by emergency services or lifeline utilities; provided that the use of generators for testing and maintenance purposes is limited to a cumulative time of 12 hours per year;*
171. I recommend a new Note 15 as follows:
172. *The use of firearms for hunting purposes. This exemption does not apply to rifle ranges, pistol clubs or other such permanently established firearms ranges;*
173. I recommend a new Note 16 as follows:
174. *Noise and vibration associated with commercial forestry. This activity is controlled by the National Environmental Standards for Commercial Forestry 2017 (NES-CF) Regulation 98;*

## Section 32AA evaluation

175. The recommended amendments to Note 5 and the suggested new note 16 that relates to the NES-CF is primarily to clarify the intent of the provisions by deleting reference to forestry planting and forestry harvesting in note 5 as it is covered by the NES-CF. The new note 16 directs users to the NES-CF in relation to commercial forestry activities. On this basis, no evaluation for these recommended amendments under Section 32AA is required.
176. I consider that the recommended amendment to Note 8, which involves deleting the 48-hour limit and introducing additional restrictions for the testing and maintenance of generators, better reflects the original intent of the exemption. The current 48-hour limit is arbitrary and unnecessary. The proposed amendment is more effective and efficient, as it would be impractical to require a resource consent if an emergency were to exceed



48 hours. Additionally, the amendment provides a more realistic annual limit for testing and maintenance activities, which need to be conducted on a semi-regular basis.

177. The recommended new note 15 that relates to the use of firearms is proposed to provide clarity and ensure the intent of the noise provisions is accurately reflected. Noise associated with firearms used for hunting is typically short in nature and aligns with the rural environment's character, where such activities are anticipated. However, excluding rifle ranges, pistol clubs, and other permanently established firearms ranges from this exemption is necessary to prevent noise levels that could significantly impact surrounding areas and to maintain consistency with the District Plan's noise management objectives. This distinction ensures the provision is both efficient and effective by targeting the exemption to the types of activities that were originally intended, thereby avoiding unnecessary regulatory burdens for hunting while maintaining appropriate controls on noise from more permanent and frequent sources.

### 5.2.8 Key Issue 9: Noise Overview, Objectives and Policies

#### Overview

Provision(s)	Officer Recommendation(s)
Overview	Add reference to the impact noise can have on indigenous fauna.
Objectives and Policies	Retain as notified.

#### Analysis of Submissions on Key Issue 9

#### Overview

#### Matters raised in submissions

178. Te Hiku Iwi Development Trust (S399.071) states the Overview section does not consider adverse effects of noise on indigenous fauna. They request the third sentence of the first paragraph of the Overview is amended as follows: *Noise can be the cause of annoyance, impacting community health, wellbeing and the quality of living environments and adversely affecting fauna.*

#### Analysis

179. The Noise overview section addresses the Far North District's noise management challenges, emphasizing the need to balance noise generation with community health and environmental quality. It explains the varying noise levels in rural and urban areas and outlines the standards and controls for managing noise across different zones, while acknowledging certain exemptions under the RMA.
180. Te Hiku Iwi Development Trust request reference to noise affecting fauna within the overview section. Mr Ibbotson has addressed this request (refer





to S399.071). I agree with the rationale and recommendations provided by Mr Ibbotson that reference to fauna is appropriate in the overview section. In my opinion the amended wording suggested by Mr Ibbotson is more appropriate. Although I have added reference to 'indigenous fauna' rather than 'fauna', as fauna would be very broad and could relate to domestic and farm animals which is not the intension.

### **Recommendation**

181. For the reasons above, I recommend that these submissions on the Noise overview are accepted, accepted in part and rejected as set out in **Appendix 2**.
182. I recommend the following amendments to the overview section.

*Noise can be the cause of annoyance, impacting community health, wellbeing, and the quality of living environments, and indigenous fauna.*

### **Objectives**

#### **Matters raised in submissions**

183. Te Hiku Iwi Development Trust (S399.073) state the Objectives do not provide for noise adverse effects on indigenous fauna. They request to amend Objective NOISE-O1 as follows:
184. *Activities generate noise effects that are compatible with the role, function and character of each zone and do not compromise community health, safety and wellbeing or ecological values.* Alternatively, they request an additional separate objective relating to fauna.
185. NZ Agricultural Aviation Association (S182.019) suggest inserting an additional Objective as follows:

*'lawfully established and permitted noise generating activities can continue to function and operate.'*

### **Analysis**

186. NOISE-O1 focuses on ensuring that activities generate noise effects that are compatible with the role, function, and character of each zone and do not compromise community health, safety, or wellbeing.
187. Te Hiku Iwi Development Trust requests that NOISE-O1 include a reference to ecological values to ensuring they are not compromised by noise effects or that a new objective be created to address this concern. Mr. Ibbotson has addressed this matter (refer to S399.073 Appendix 3), and I concur with the points he has raised. In my opinion, this additional wording is unnecessarily specific for an objective. As noted below, NOISE-P3 references the environment, which, in my view, sufficiently covers noise effects on ecological values. The overall approach of the noise



chapter, including the rules and standards, relates to noise limits concerning people and communities. Mr. Ibbotson observes in his report that it is challenging to establish limits and standards to protect ecological values, as different fauna have varying noise tolerances. However, in broad terms, the zone standards that cater to human activity will also provide reasonable protection for many other species. Therefore, I consider it unnecessary to include a specific reference to ecological values in the objectives section.

188. The NZ Agricultural Aviation Association requests the inclusion of a new objective to ensure that lawfully established and permitted noise-generating activities can continue to function and operate. Mr. Ibbotson has addressed this matter (refer to S182.019 Appendix 3), and I concur with his assessment that such an objective is unnecessary. The concept of existing use rights under the Resource Management Act 1991 (RMA) already provides for this. Sections 10, 10A, and 20A of the RMA allow activities that were lawfully established under previous rules to continue, even if new rules or plans impose restrictions. These rights ensure that activities can persist as long as their effects remain the same or similar in character, intensity, and scale, making a specific objective redundant.

### **Recommendation**

189. For the reasons above, I recommend that these submissions on the Noise objectives are accepted, accepted in part and rejected as set out in **Appendix 2**.
190. I do not recommend any amendments.

### **NOISE-P3**

#### **Matters raised in submissions**

191. Te Hiku Iwi Development Trust (S399.074) state the policies as written within Rule NOISE-P3, do not provide management of noise adverse effects on indigenous fauna. They suggest inserting a new point (e) in NOISE-P3 "*any adverse effects on indigenous fauna and habitats*".
192. Waipapa Pine Limited and Adrian Broughton Trust (S342.022) oppose NOISE-P3. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.





193. NZDF (S217.009) and Horticulture NZ (S159.086) support NOISE-P3, as it ensures noise effects are of a type, scale and level appropriate for the receiving environment and regards the adverse effects to nature. The submitters request to retain the policy.
194. Puketona Business Park Limited (S45.039) support NOISE-P3, stating that the noise should reflect the underlying character of the zone and request to retain the policy.

### **Analysis**

195. NOISE-P3 addresses the need to ensure that noise effects generated by an activity are appropriate for the character of the receiving environment. The policy requires consideration of various factors, including the proximity of the activity to noise-sensitive areas, the hours of operation and duration of the activity, the temporary or permanent nature of any adverse effects, and the potential to internalize or minimize conflict with adjacent activities.
196. Te Hiku Iwi Development Trust requests that a new matter of regard be added to NOISE-P3 to specifically address any adverse effects on indigenous fauna and habitats. In my opinion, this additional reference is not necessary. The policy wording as notified states:  
  
*“Ensure noise effects generated by an activity are of a type, scale, and level that are appropriate for the predominant role, function, and character of the receiving environment by having regard to:...”*
197. The definition of "environment" encompasses a broad range of aspects, including ecosystems and their constituent parts. In my opinion, this provides sufficient scope to assess potential impacts on indigenous fauna and habitats without the need for an explicit reference.
198. Waipapa Pine Limited and Adrian Broughton Trust oppose this policy, however their submission does not specifically relate to this policy and no alternatives are suggested. Having regard to Mr Ibbotson’s assessment (refer to S342.022 Appendix 3) he has mentioned some issues with the noise limits applying between the Heavy Industrial zone and the Rural Production zone. In my opinion this can be addressed in relation to the relevant standards rather than amending this policy. Removing this policy as requested by the submitter is not appropriate.
199. A number of submitters including the NZDF, Horticulture NZ and Puketona Business Park Limited have requested NOISE-P3 is retained as notified. I agree with this, for the reasons outlined above.

### **Recommendation**

200. For the reasons above, I recommend that these submissions on the Noise policy are accepted, accepted in part and rejected as set out in **Appendix 2**.



201. I do not recommend any amendments.

**Section 32AA evaluation**

202. The amendment to the overview section to include the phrase "and indigenous fauna" strengthens the acknowledgment of noise impacts beyond human communities, extending it to the natural environment. Including indigenous fauna in the description of those affected by noise recognizes the broader environmental effects, potentially providing clearer guidance for decision-makers and reinforcing the importance of managing noise to avoid adverse effects on indigenous fauna where appropriate. The benefits of this amendment outweigh any costs, as it promotes a more comprehensive consideration of noise effects without imposing a significant additional regulatory burden, given that it is part of the overview section.

**5.4.3 Key Issue 10: Primary Production related Noise Restrictions**

**Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
Definitions	Amending definition to refer to 'audible' bird scaring devices and removing reference to firearms.
NOISE-R8	<ul style="list-style-type: none"> <li>• Amending to enable the use of audible bird scaring devices between sunrise and sunset rather than set times to allow for seasonal variation.</li> <li>• Removing reference to firearms.</li> <li>• Removing reference to NOISE-S1 as the provision already provides noise limits.</li> </ul>
NOISE-R9	<ul style="list-style-type: none"> <li>• Minor amendments for clarity.</li> <li>• Incorporating the content of the note which specifies the noise limit includes a correction for special audible characteristics into the provisions.</li> </ul>

**Analysis of Submissions on Key Issue 10**

**NOISE-R8 Audible bird scaring devices**

**Matters raised in submissions**

203. Ngā Tai Ora (S516.069) support NOISE-R8 but state the three permitted activity conditions should apply in conjunction, not as alternatives and suggests the term "maximum noise level frequency" should be deleted as it could be misinterpreted. They request amendments to Rule NOISE-R8 including adding 'and' between each PER and deleting 'maximum noise level frequency' to be replaced by 'sound levels not exceeding'.



204. Horticulture NZ (S159.089) oppose NOISE-R8 stating a 7am-7pm timeframe isn't appropriate for audible bird scaring devices due to activity occurring prior to sunrise and after sunset. The submitter requests an amendment to PER-1 where audible bird scaring devices can be used half an hour before sunrise and after sunset.
205. Horticulture NZ (S159.009) supports in part, the 'Bird Scaring Device' definition. They state the definition includes firearms which aren't devices commonly used for scaring birds. Rule NOISE-R8 uses the wording 'audible bird scaring devices' the submitter requests an amendment so that the wording is consistent with the definition. They also request firearm is deleted from the 'Bird Scaring Device' definition.
206. Puketona Business Park Limited (S45.046) supports NOISE-R8 as generally acceptable and requests to retain the rules in the Noise chapter.

### **Analysis**

207. Rule NOISE-R8 relates to the use of bird scaring devices as a permitted activity within the Rural Production, Horticulture and Ngāwha Innovation and Enterprise Park zones subject to meeting certain standards. Bird scaring devices are important to protect crops and other produce from bird damage.
208. I do not agree with the relief sought by Ngā Tai Ora to add 'and' between the PER clauses for NOISE-R8 even though Mr Ibbotson has recommended this approach (refer to S516.069 Appendix 3). This is because the format of the PDP infers that for all PER's within a rule there is an 'and' between them unless otherwise stated. If this relief was accepted all the rules within the PDP with multiple PER's would need to be updated to include 'and' between them which is not necessary in my opinion.
209. A batch of clause 16 amendments were undertaken earlier this year to ensure consistency across the PDP by inserting semi colons between each standard followed by "and" after the second to last standard (where all of the standards must be met to comply) or "or" after the second to last standard when only one of the standards must be met to comply / one of the items on the list is relevant. This was not done between PER clauses though for the reasons stated above.
210. Other relief sought by the submitter (FS354.181) suggests that PER-3, which refers to the maximum noise levels standard in NOISE-R8, is unnecessary, as this is already covered by PER-S2, which provides noise limits for bird scaring devices. In my view there is scope to consider this amendment given the submissions on wording of this rule and further submission FS354.181 which specially requests this relief. Mr Ibbotson has recommended that PER-3 is deleted as it conflicts with PER-2 (refer to S516.069 Appendix 3). I concur with this recommendation as it avoids



duplication of noise standards when this activity can be sufficiently managed by PER-2.

211. The submitter also seeks relief to delete the term 'maximum noise levels frequency' from these provisions. Having regard to Mr Ibbotson's recommendation (refer to S516.069 Appendix 3) I agree this term should be deleted and replaced with 'Sound levels not exceeding'. This improves clarity of the rule to ensure incorrect interpretation of the rule is minimised.
212. The relief sought by Horticulture NZ relates to changing the timing of when bird scaring devices can be used. I concur with Mr Ibbotson that the use of bird scaring devices half an hour before sunrise and half an hour after sunlight may be appropriate (refer to S159.089 Appendix 3). However, we recommend to the panel that additional evidence be provided by the submitter in evidence at the hearing before this relief is accepted. The other relief sought by this submitter is to amend the definition of 'bird scaring devices' to include the word 'audible' so the term would be 'audible bird scaring devices'. In my opinion this change is appropriate as there are other types of bird scaring devices that do not use sound as a deterrent, and although this rule is unlikely to capture other types of bird scaring devices it improves clarity if this is specified. The notified wording of PER-1 also does not make sense, it refers to 7.00am and 7.00pm on any calendar year. In my view although this issue is not specifically referred to by this submitter there is adequate scope to amend through this submission point. I recommend the following wording amendments as follows:
- 'Audible Bbird scaring devices must only be used between sunrise and sunset. 7.00am and 7.00pm on any calendar year'.*
213. Horticulture NZ also seek relief to remove the definition of firearm from 'bird scaring device'. I rely on Mr Ibbotson technical analysis of this submission point (refer to S159.009 Appendix 3). I agree that it is appropriate to remove firearms from this definition.
214. As a consequential amendment I recommend the wording of NOISE-R8 PER-2 is amended in accordance with Mr Ibbotson's suggestion. This is to remove reference to firearms. Firearms could be considered '*other such device used for the purposes of scaring birds*' in the recommended 'audible bird scaring devices' definition and, in that case, would need to comply with this rule. An exemption for firearms for hunting purposes is also recommended, as outlined in Key Issue 8. Where these provisions are not meet the general noise standards would apply to firearms use.
215. Puketona Business Park Limited seeks to retain this rule and others in the Noise chapter. In my opinion this is not appropriate for the reasons outlined above.



## Recommendation

216. For the reasons above, I recommend that these submissions on the Noise Rules and definitions are accepted, accepted in part and rejected as set out in **Appendix 2**.

217. The recommended definition is as follows:

*Audible bird scaring devices means a gas gun, avian distress alarm, firearm or other such device used for the purposes of scaring birds*

218. I recommend consequential amendments to update all references in the Noise chapter from *bird scaring devices* to *Audible bird scaring devices*.

219. I recommend NOISE-R8 is amended as follows:

*PER-1 'Audible ~~B~~bird scaring devices must only be used between sunrise and sunset. 7.00am and 7.00pm on any calendar year'*

*PER-2 'Not more than 6 events per hour where an event includes clusters of up to three shots from percussing type devices or three individual shots from a firearm in quick succession; and'*

*PER-3*

*The audible bird scaring device complies with standard: NOISE-S1 Maximum Noise Levels.*

## NOISE-R9 Noise from frost fans and horticultural wind machines

### Matters Raised in Submissions

220. Ngā Tai Ora (S516.070) supports NOISE-R9 and requests that the three permitted activity conditions should apply in conjunction and not as alternatives. The submitter implies the term 'maximum noise' is a specific acoustics metric and should be avoided, while the note relating to special audible characteristics should be rephrased due to potential misinterpretation and should be included within the main clause. The submitter requests amendments to Rule NOISE-R9 with 'and' between each PER and deleting the word 'maximum' in relation to 'maximum noise'. They also request the following wording is added to the end of the rule '*...shall not exceed 55 dB LAeq(15min) at any time when assessed within the notional boundary of any noise sensitive activity on another site, with no adjustment applied for any special audible characteristics.*'

221. Horticulture NZ (S159.090) oppose the NOISE-R9 provision, stating the inclusion of multiple frost fans should apply to fans located on the same site. The submitter highlights how a grower cannot control the noise of fans from other sites and suggests an amendment for PER-3 of Rule NOISE-R9 as follows:



*The maximum noise generated by a single ~~or multiple~~ frost fans shall not exceed 55dB LAeq(15min) at any time when assessed within the notional boundary of any noise sensitive activity on another site.*

222. Puketona Business Park Limited (S45.047) and MOE (S331.054) supports NOISE-R9 and requests to retain the rules in the Noise chapter.

### **Analysis**

223. Rule NOISE-R9 relates to noise from frost fans and horticultural wind machines as a permitted activity within the Rural Production, Horticulture and Ngawha Innovation and Enterprise Park zones subject to meeting certain standards. These machines are important for horticultural purposes to ensure frost does not harm frost sensitive crops.
224. In relation to the relief sought by Ngā Tai Ora in relation to NOISE-R9. For the reasons outlined in the NOISE-R8 Audible bird scaring devices section above I recommend an 'and' between each of the PER clauses is not necessary. For the other requested amendments, I agree with Mr Ibbotson's technical advice (refer to S516.070 Appendix 3) that these are appropriate and recommend these amendments. This includes deleting the term 'maximum noise' which is a specific acoustics measurement and not appropriate in this case and instead referring to 'noise'. The other amendment is to include the content of the 'note' in the notified PDP into PER-3. This matter only relates to PER-3 so including in the rule with the suggested amendments improves clarity for plan users. The amendments are appropriate as the note states that 'the noise limit includes a correction for special audible characterises of frost fans' the amendment is appropriate to clarify that no adjustment is applied for special audible characteristics as it has already been factored into the noise limit. It is recommended the note is deleted as it is no longer necessary.
225. The relief sought by Horticulture NZ requests that the rule relates to a single frost fan rather than multiple. In Mr Ibbotson opinion this is not appropriate (refer to S159.090 Appendix 3). I do not agree there is scope to add an additional definition of "associated rural sites" to ensure the rule applies to operation within single farms or orchards.
226. Puketona Business Park Limited and MOE supports NOISE-R9 and requests to retain the rules in the Noise chapter. In my opinion retaining this rule as notified is not appropriate for the reasons outlined above.

### **Recommendation**

227. For the reasons above, I recommend that these submissions on the Noise Rules are accepted, accepted in part and rejected as set out in **Appendix 2**.
228. Recommended amendments to NOISE-R9 are as follows:



*PER-3 The ~~maximum~~ noise generated by a single or multiple frost fans shall not exceed 55 dB LAeq(15min) at any time when assessed within the notional boundary of any noise sensitive activity on another site, no adjustment applied for any special audible characteristics.*

~~Note: The noise limit includes a correction for the special audible characteristics of frost fans.~~

### **Section 32AA evaluation**

229. The recommended amendments to the 'bird scaring devices' definition will include of the term "audible" clarifies that the definition pertains only to devices that emit sound to scare birds. It also excludes firearms from the definition although they may still be used for the purpose of bird scaring. These changes address concerns regarding the ambiguity and scope of the previous definition. In terms of efficiency and effectiveness this amendment improves clarity and ensures that the term specifically applies to noise-producing devices. It enhances the effectiveness of the Noise chapter by providing a more precise definition, which helps avoid misinterpretation.
230. A number of consequential amendments to update all references in the Noise chapter from 'bird scaring devices' to 'audible bird scaring devices' will be required. This will ensure consistency throughout the plan to avoid confusion and maintain coherence in the Noise chapter.
231. The recommended amendments to NOISE-R8 (PER-1, PER-2 and deleting PER-3) aim to remove specific time references and detailed descriptions of device types to enhance flexibility while ensuring that audible bird scaring devices are used within acceptable hours and conditions. The deletion of PER-3 is appropriate because a noise limit for audible bird scaring devices is already provided in PER-2. These changes provide more straightforward and flexible regulations, aligning with practical use, as bird scaring devices are needed at different times depending on the season. Linking the use of these devices to sunrise and sunset offers greater flexibility while maintaining adequate controls to prevent noise disturbance. These amendments effectively balance the needs of users with the interests of those affected by noise.
232. The amendment to NOISE-R9, which replaces the phrase "maximum noise" with a more specific noise metric and removes the note regarding a correction for special audible characteristics, clarifies the application of the noise standard for frost fans. By specifying that no adjustment is to be applied for any special audible characteristics, the change ensures a consistent interpretation and application of the 55 dB LAeq(15min) noise limit, promoting certainty for both the community and those operating frost fans. This amendment avoids potential ambiguity around the extent of any noise adjustment and reinforces the intent to control noise to protect the amenity values of noise-sensitive activities. The benefits of this change, including clearer compliance requirements and enhanced





protection for surrounding sites, outweigh any costs, as it does not introduce any additional compliance burden but rather provides greater clarity and fairness in regulation.

#### 5.4.4 Key Issue 11: Agricultural Aviation

##### Overview

Provision(s)	Officer Recommendation(s)
Definitions	A new definition for agricultural aviation activities is recommended to define these types of activities.
New exemption note	Reference to the noise component of agricultural aviation activities being exempt from the noise provisions where it can comply with a specific recommended temporary activities rule.

##### Analysis of Submissions on Key Issue 11

##### Matters raised in submissions

233. NZ Agricultural Aviation Association (S182.001) requests a new definition for agricultural aviation to include primary production, biosecurity, and conservation activities undertaken by agricultural aviation. The suggested definition for Agricultural aviation activities is as follows:

*'means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV's).'*

234. Ballance Agri-Nutrients Limited (S143.009) and NZ Agricultural Aviation Association (S182.022) seek to have a specific permitted activity rule for agricultural aviation and ensure it is provided for within the District Plan. The submitters highlight how important agricultural aircraft landing and taking off from rural airstrips is, for the support of agricultural production and conservation. The submitters request to insert a new rule that applies to the Rural Production zone, Horticulture Zone, Open space and Recreation zone. The wording suggested by Ballance Agri-Nutrients Limited is as follows:

*NOISE-RX Agricultural aviation activities - Agricultural aviation activities for the purpose of farming, forestry or conservation on a seasonal, temporary or intermittent basis meets the relevant requirements of standard NOISE-S1.*

235. NZ Agricultural Aviation Association (s182.022) requests a rule with similar wording however does not include reference to NOISE-S1 and suggests



this permitted rule is limited to a period up to 30 days in any 12-month period or 315 aircraft hours (whichever is greater).

236. NZ Agricultural Aviation Association (S182.020) oppose NOISE-R1 provision and request a separate rule for agricultural aviation activities.
237. MOE (S331.052) and Puketona Business Park Limited (S45.017) request rule NOISE-R1 is retained as notified, subject to compliance with NOISE-S1 Maximum noise levels.

### **Analysis**

238. The relief sought by NZ Agricultural Aviation Association is to add a specific 'agricultural aviation activities' definition. In my opinion a specific definition for this activity is appropriate as it limits, the types of activities that can be considered agricultural aviation effectively without needing to specify this within a rule or standard. I agree with the definition as provided by this submitter with a few minor wording amendments for clarity.
239. The relief sought by Ballance Agri-Nutrients Limited and the NZ Agricultural Aviation Association relates to a new permitted rule for agricultural aviation. Having considered the technical evidence provided by Mr. Ibbotson on these submission points (refer to S143.009 and S182.022), I have also conferred with the author of the Temporary Activities chapter. In our view, to be complete, the relief requires a corresponding land use component, which would be best addressed as a permitted activity rule within the Temporary Activities chapter. In my opinion, given that this activity will be managed under the Temporary Activities chapter, an exemption for this activity in the noise chapter, with a reference to the relevant temporary activities rule, is an appropriate approach. If the aviation activity cannot meet the temporary activities agricultural aviation permitted rule it would be subject to the noise chapter provisions.
240. As a consequential amendment, the exemption to NOISE-R7– Helicopter Landing Areas that relates to cropping, top dressing and spraying for the purpose of farming or conservation should be deleted as it is no longer necessary. Agricultural aviation activities will be addressed in the temporary activities chapter and have a specific exemption in relation to the noise provisions. In my opinion this is a better approach than suggested by Mr Ibbotson (refer to page 94 and 95 Appendix 3) as including provision for Agricultural aviation activities in NOISE-R7 only relates to the use of helicopters not other associated activities like fixed wing aeroplanes and drones.
241. The MOE and Puketona Business Park Limited requested that NOISE-R1 be retained as notified, which I agree is appropriate because of the recommended exemption for agricultural aviation.



## Recommendation

242. For the reasons above, I recommend that these submissions on the Noise Rules are accepted, accepted in part and rejected as set out in **Appendix 2**.

243. I recommend a new definition of agricultural aviation activities is added as follows:

*'Means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities and conservation activities for biosecurity or biodiversity purposes, including stock management and the application of fertiliser, agrichemicals, or vertebrate toxic agents. For clarity, "aircraft" includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles.'*

244. I recommend an additional exemption note as follows:

*17 Agricultural aviation if compliance can be achieved with TA-R#:*

As a consequential amendment exemption iii in NOISE-R7 should be deleted as it is no longer necessary.

~~iii. Cropping, top dressing, and spraying for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones, or within Significant Natural Area on a seasonal, temporary, or intermittent basis for a period up to 30 days in any 12 month period.~~

## Section 32AA evaluation

245. The definition of "agricultural aviation" clarifies the scope and purpose of the activity, specifically identifying it as the intermittent operation of aircraft from a rural airstrip or helicopter landing area for primary production and conservation activities related to biosecurity or biodiversity. By explicitly including activities such as stock management and the application of fertilizer, agrichemicals, or vertebrate toxic agents, this definition provides greater certainty for stakeholders about what is encompassed under agricultural aviation. Furthermore, the inclusion of various aircraft types, such as fixed-wing airplanes, helicopters, and unmanned aerial vehicles, ensures a comprehensive understanding and avoids ambiguity in enforcement and compliance. The benefits of this definition outweigh any potential costs by enhancing clarity and consistency within the plan, thereby reducing interpretive disputes and improving efficiency.

246. The addition of an exemption note for agricultural aviation activities that can comply with the relevant temporary activities rule provides a clear cross-reference to the relevant rule, ensuring that agricultural aviation activities are regulated consistently across the plan. This amendment helps avoid duplication of provisions between chapters and simplifies the regulatory framework by directing compliance with the specific standards



set out in the Temporary Activities chapter. The exemption is beneficial as it offers clarity and certainty for operators regarding the noise provisions. The benefits of this approach, including reduced complexity and improved clarity, outweigh any costs, as it does not impose additional regulatory burdens but instead streamlines compliance requirements. The consequential amendment to NOISE-R7 is because reference to *'Cropping, top dressing, and spraying'* in relation to helicopters is no longer necessary as this is recommended to be managed elsewhere.

#### 5.4.5 Key Issue 12: Helicopter Noise Provisions

##### Overview

Provision(s)	Officer Recommendation(s)
New Definition	A recommended definition for 'helicopter landing area' is provided to clarify what this includes.
Exemption note 10	Clarification of emergency helicopter operation exempt from the noise provisions.
NOISE-R7	Deleting exemptions and matters that are covered in the noise provisions to avoid duplication.
NOISE-S4	Redrafted provisions that provide noise limits for each zone.

##### Analysis of Submissions on Key Issue 12

##### NOISE-R7 Helicopter landing areas

##### Matters raised in submissions

247. Waiaua Bay Farm Limited (S463.082) supports NOISE-R7 as it enables general helicopter flights to be a permitted activity under sub-clause PER-2 of this rule. The submitter suggests a minor wording amendment to PER-2 as follows:

*'Helicopter movements and landings at tThe helicopter landing area site complies with standard:...'* reflecting that helicopter movements are the source of effect rather than the helicopter landing site.

248. Federated Farmers (S421.198) support in part the intent of rule NOISE-R7 but seek clarification on the exception within the performance standard PER-2. PER-2 states the rule does not apply to cropping, top dressing and spraying for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones or within significant Natural Area on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12-month period. The exemption is noted as broad in its application and does not state what scale is applicable. The submitted suggests an amendment to PER-2 of Rule NOISE-R7 to clarify the third exception and considers how council intends to apply and enforce the exception.



249. Ironwood Trust Limited (S337.001) and (S337.003) support in part NOISE-R7 and the inclusion of provisions for helicopter landing areas set out in the proposal but considers that clarity is needed. The submitters suggest an amendment to Rule NOISE-R7 to provide for landing areas that do not meet the standard referred to in PER-2 to be identified as restricted discretionary activities instead of discretionary. It is also noted that clarity is required around the exclusions relating to PER-2 and removing specific sub-clauses i and ii of the exclusions.
250. Bentzen Farm Limited (S167.087), P S Yates Family Trust (S333.077), Setar Thirty Six Limited (S168.085), Matauri Trustee Limited (S243.105), Wendover Two Limited (S222.079) and The Shooting Box Limited (S187.076) oppose or support in part NOISE-R7, suggesting it would serve a better resource management purpose if flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes are exempt from the standard NOISE-S4, aligning with note 10 so that rules and standards don't apply to emergency helicopters. The submitters state there is no provision for helicopters other than flight movements for emergency purposes and suggests the intent of the rule is better served by allowing helicopter landing site complying with standard: NOISE-S4 Helicopter landing areas, irrespective of the use of the helicopter. The submitters request to amend NOISE-R7 to add 'or' between PER's so helicopter activities are permitted if they meet PER-1 **or** PER-2 not both.
251. Horticulture NZ (S159.088) oppose the provision of NOISE-R7 stating the rule exempts some activities from PER-2 and Standard NOISE-S4 however these should be included as a permitted activity in the rule. The submitter suggests an amendment of Rule PER-2 of NOISE-R7 to include the exemptions as permitted standards. They also request the wording from exemption 3 is deleted and replaced with the following wording as a PER:
- "Cropping, top dressing and spraying and the use of drones for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones or within Significant Natural Areas on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12-month period."*
252. They also seek the activity status where compliance does not achieve PER-3 is a Restricted Discretionary activity.
253. NZ Agricultural Aviation Association (S182.021) opposes NOISE-R7 and seek a separate permitted activity rule for agricultural aviation, therefore the exemption in the rule is not required. The submitter requests the deletion of NOISE-R7 PER-2 iii.
254. Ngā Tai Ora (S516.068) oppose NOISE-R7 stating the rule is unclear resulting in the exclusion of a list of activities from being permitted,



impacting on public health, therefore should have controls. The submitter requests the exemptions in NOISE-R7 are deleted to avoid ambiguity.

255. Puketona Business Park Limited (S45.045) supports NOISE-R7 as generally acceptable and requests to retain the rules in the Noise chapter.

### **Analysis**

256. A number of submitters including Waiaua Bay Farm Limited, Federated Farmers, Horticulture NZ, NZ Agricultural Aviation Association Bentzen Farm Limited, P S Yates Family Trust, Setar Thirty-Six Limited, Matauri Trustee Limited, Wendover Two Limited and The Shooting Box Limited sought relief in relation to NOISE-R7 Helicopter landing areas and NOISE-S4 Helicopter landing areas. The relief sought has been addressed by Mr Ibbotson in detail (refer to S167.087 Appendix 3). In his view the issues identified by the submitters need to be addressed as the notified provisions are not workable.

257. Having regard to the evidence provided by Mr Ibbotson, in my opinion it is not necessary that emergency and rescue helicopter movements when operating away from an established base should have their own permitted activity rule. Clarifying it is an exemption to the rules in the notes section at the beginning of the chapter is a more appropriate way to ensure this activity is not unintentionally captured. This type of noise is considered appropriate because of the obvious benefits associated with emergency and rescue helicopter movements. These are instrumental in many situations including medical emergencies, disaster response, firefighting, law enforcement and search and rescue. It is essential this activity is not hindered by consent requirements. There are a number of exclusions outlined in the notes section at the beginning of the noise provisions that are exempt. This includes note 10 which is as follows:

*“helicopters used for an emergency and as an air ambulance;”*

258. For clarity, it would be more appropriate to remove other references to this exclusion in the rules and standards to avoid confusion. In my opinion, it is appropriate to add specific references to the particular hospitals in the district. Furthermore, the wording ensures the exemption cannot be applied to new rescue or emergency bases, which would be required to comply with the relevant noise provisions.

259. Another common theme of these submissions is that there is no “OR” between the NOISE-R7 PER clauses to show that only one of the clauses needs to be met in order for it to be a permitted activity. In my opinion this is not necessary as the recommended NOISE-R7 will only have one PER clause. As previously discussed, PER-1 which relates to flight movements for emergency purposes should be deleted from this rule as it is already contained within the exemption notes as outlined above. The other PER clauses as suggested by Mr Ibbotson (refer to Page 94 and 95 Appendix 3) are being accommodated in other provisions or there is no





scope in submissions to recommend these matters for example the reference to temporary helicopter landing areas for the purpose of construction activities.

260. The other identified issue is a lack of specificity of what constitutes a helicopter landing area. Mr Ibbotson has provided a common definition that could be incorporated into the PDP to provide greater clarity on what this means (refer to page 94 Appendix 3). He has recommended a definition of 'helicopter landing area' as follows:

*"means any location where helicopters land or depart. A helicopter landing area includes permanently established helicopter bases".*

261. In my opinion adding this definition is necessary to provide certainty and greater clarity about what a helicopter landing area is. This will enable NOISE-R7 to function better.

262. As discussed above, the exemptions specified in NOISE-R7 create several issues for the reasons identified by Mr Ibbotson (refer to S167.087 Appendix 3). I do not agree with the recommendation made by Mr Ibbotson to make these exemptions permitted activities. However, I agree with the reasoning but prefer that where these matters are not already specified within the notes section of exemptions from the noise provisions, they should be added. In relation to the exemption for cropping, top dressing, and spraying this will be accommodated within the recommended agricultural aviation exemption as per Key Issue 11. The existing exemptions within NOISE-R7 should be deleted to avoid duplication. This also fits with the previous recommendation to rely on an amended note 10 which exempts helicopter movements for emergency and air ambulance purposes.

263. Ngā Tai Ora opposes the inclusion of certain noise exemptions in relation to NOISE-R7. They contend that the activities listed as exempt have adverse effects on public health, and therefore, these exemptions should be removed. However, it is my view, supported by Mr. Ibbotson's recommendations, noise generated by specific activities is appropriate in certain contexts and should be exempt not only from NOISE-R7 but also from the provisions of the entire noise chapter. For example, in rural areas, noise from agricultural activities is both necessary and prioritised. There are no readily available alternative locations for farming. Additionally, emergency or rescue helicopter movements to and from hospitals within the Far North and other districts are essential activities. As previously outlined, the benefits of these activities outweigh the associated noise effects.

264. However, I also note that s.16 of the RMA, the 'duty to avoid unreasonable noise', applies in addition to the provisions of a district plan. This includes the obligation to adopt the 'best practicable option' to ensure that the emission of noise is not 'unreasonable'. This provides a further level of





protection for uses in a receiving environment and means that those exempted from meeting noise metrics are not given the ability to make as much noise as they like without considering its appropriateness in any given set of circumstances. For example, where there are better options in terms of the state of the technology that are available, or whether the time that the noise is generated is necessary, all while taking into account the relevant receiving environment.

265. Ironwood Trust Limited seeks to amend the activity status where NOISE-R7 is breached from discretionary to restricted discretionary. In my view, this change is not appropriate. Helicopters can generate significant noise effects and maintaining a discretionary activity status allows for a comprehensive assessment of these effects without limiting the scope of considerations. The submitter has not provided any specific matters of discretion to guide this assessment, and therefore, I believe that a restricted discretionary activity status is not suitable in this context.
266. Puketona Business Park Limited also sought to retain the rules in the Noise chapter including NOISE-R7. For the reasons outlined above in my opinion amendments to NOISE-R7 are required to improve its workability.

### Recommendation

267. For the reasons above, I recommend that these submissions on the Noise Rules and definitions are accepted, accepted in part and rejected as set out in **Appendix 2**.

Recommended amendments to NOISE-R7 are as follows:

*Activity status: Permitted*

*Where:*

*PER-1*

~~*Flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes;*~~

*PER-X*

*The helicopter landing site complies with standard:  
NOISE-S4 Helicopter landing areas.*

~~*This standard does not apply to:*~~

- ~~*i. Emergency or rescue helicopter operation occurring to or from Bay of Islands, Rawene or Kaitia Hospital (excludes established helicopter bases on hospital land);*~~
- ~~*ii. Emergency or rescue helicopter landings, departures, overflights or activity during operations that occur away from the permanently established helicopter base; or*~~



~~iii. Cropping, top dressing, and spraying for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones, or within Significant Natural Area on a seasonal, temporary, or intermittent basis for a period up to 30 days in any 12 month period.~~

268. Recommended additional definition for 'helicopter landing area' is as follows:

*"means any location where helicopters land or depart. A helicopter landing area includes permanently established helicopter bases"*

269. Recommended amendments to Noise note 10 are as follows:

~~270. Emergency helicopter operation associated with Bay of Islands, Rawene or Kaitia Hospital, or any other emergency helicopter activity that occurs away from a permanently established helicopter base. helicopters used for an emergency and as an air ambulance;~~

## **NOISE-S4 Helicopter landing areas**

### **Matters raised in submissions**

271. NZ Agricultural Aviation Association (S182.023) support NOISE-S4 but requests that a note is added stating that NZS6807:1994 does not apply to agricultural aviation activities as it's not an appropriate standard for temporary and intermittent use of helicopters for agricultural aviation activities.

272. Ngā Tai Ora (S516.074) support NOISE-S4 but request to amend the standard to add noise limits from Table 1 of NZS6807.

273. Ironwood Trust Limited (S337.002) support in part NOISE-S4. The submitter supports in principle, the inclusion of provisions for helicopter landing areas but considers that these need to be amended to provide greater clarity. The submitter requests NOISE-S4 is clarified to ensure that noise generated from helicopter movements comply with the limits set out in Standard NZS6807:1994 when measured at any point within the boundary of the General Residential and Rural Residential zones, or any noise sensitive activity within the Rural Production zone, Rural Lifestyle, Settlement, Horticulture or Māori Purposes zones.

274. Waiaua Bay Farm Limited (S463.085) support in part NOISE-S4, supporting the helicopter movements to/from Kauri Cliffs but request a minor amendment to clarify where noise measurements are to be taken. The requested amendment is as follows:

*"Noise generated from the movements and landing of helicopters shall comply with the following noise limits when measured at any point within a site in separate ownership in any General Residential and Rural*



*Residential zones, or within the notional boundary of any noise sensitive activity on a site in separate ownership in the Rural Production, Rural Lifestyle, Settlement, Horticulture or Māori Purpose zones when assessed in accordance with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas.”*

275. Horticulture NZ (S159.092) support in part NOISE-S4 however they state NZS6807:1994 isn't appropriate for the intermittent use for horticultural activities. The submitter requests to amend Standard NOISE-S4 to clarify that it doesn't apply to activities exempted in Rule NOISE-R7.
276. Te Whatu Ora - Health New Zealand, Te Tai Tokerau (S42.016) support in part NOISE-S4, stating the hospital is not new to the surrounding environment and it is Regionally Significant Infrastructure. They seek to protect the rights of helicopters to operate on the hospital sites.
277. Submissions from Wendover Two Limited (S222.081), Bentzen Farm Limited (S167.088), Matauri Trustee Limited (S243.106), The Shooting Box Limited (S187.077), Setar Thirty-Six Limited (S168.086), and P S Yates Family Trust (S333.078) oppose NOISE-S4 on the grounds that it lacks specificity regarding the noise standard to be complied with. The rule refers to 'the following noise limits' without explicitly defining these limits. The only standard referenced is NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas, which the submitters argue does not provide measurability. Furthermore, in the submitters view the rule appears to apply to 'helicopter landing areas,' which the submitters interpret as dedicated landing areas, as opposed to general helicopter take-off and landing activities in other locations. If this interpretation is correct, in the submitters view reference to NZS 6807:1994 is appropriate. They request that NOISE-S4 is deleted and replaced with a provision that explicitly applies the rule to helicopter landing areas as defined by these submissions. They also seek the inclusion of specific noise limits, such as 50 dB Ldn at the notional boundary of a vulnerable activity, to ensure clarity and enforceability.
278. Puketona Business Park Limited (S45.053) support the notified NOISE-S4. In their view the Noise chapter of the PDP is generally acceptable and request to retain the rules in the chapter.

## **Analysis**

279. NOISE-S4 is a standard that relates to Helicopter landing areas. It is referenced in NOISE-R7 as a requirement that helicopter landing areas must comply with NOISE-S4 to be a permitted activity. NOISE-R7 also has another clause that must be met to be a permitted activity which relates to flight movements being for emergency purposes. As discussed previously there is confusion over whether both of these clauses need to be complied with in order for the activity to be a permitted activity. This is addressed by the recommendations outlined above. NOISE-S4 states that noise generated from the movements and landing of helicopters shall



comply with certain noise limits which appear to have been excluded from the standard. It specifies that these limits are to be assessed in accordance with "NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas" which are standards used in New Zealand for helicopter landing areas.

280. NZ Agricultural Aviation Association and Horticulture NZ seek relief that NOISE-S4 does not apply to helicopter use for agricultural and horticultural aviation activities. In my opinion this matter is adequately addressed by the recommended exemption for agricultural activities that can comply with the relevant temporary activities rule (refer to Temporary Activities s.42a report). This matter is also addressed in Key Issue 11.
281. Ngā Tai Ora seeks relief that NOISE-S4 is amended to add noise limits from Table 1 from NZS 6807. Mr Ibbotson has provided an amended NOISE-S4 which provides a range of noise limits for different zones, and which are to be assessed in accordance with NZS 6807:1994. I agree with the amended provisions provided by Mr Ibbotson for the reasons he has outlined (refer to page 95 Appendix 3). Mr Ibbotson has also provided amended matters of discretion to reflect the amended standard, in my opinion there is scope to include these as consequential amendments.
282. Ironwood Trust Limited request greater clarity in NOISE-S4 so that noise generated from helicopter movements can clearly be assessed to comply with NZS 6807:1994. In my opinion the requested relief is addressed by the changes to NOISE-S4 recommended by Mr Ibbotson as referenced above.
283. Waiaua Bay Farm Limited request that the wording of NOISE-S4 is amended to specify that noise limits are measured from sites with separate ownership. Mr Ibbotson has stated helicopter operation would never be assessed at a dwelling on the same site as the proposed landing area (refer to S463.085 Appendix 3). In my opinion this change is not necessary as the term 'site' does not specifically refer to a single title. In my view 'site' would encompass all the titles held in the same ownership and there would be no reason to assess noise unless the neighbouring property had different ownership.
284. Te Whatu Ora - Health New Zealand, Te Tai Tokerau request that NOISE-S4 does not constrain hospital activities and the ability of helicopters to operate on the hospital sites. Mr Ibbotson (refer to S42.016 Appendix 3) and I agree with the relief sought, as this is an important function in relation to hospitals as previously discussed. The recommended exemption as outlined above in relation to use of helicopters for emergency services means that compliance with the noise chapter and this standard is not necessary.
285. A number of submitters including Wendover Two Limited (S222.081), Bentzen Farm Limited (S167.088), Matauri Trustee Limited (S243.106),



The Shooting Box Limited (S187.077), Setar Thirty-Six Limited (S168.086) and P S Yates Family Trust (S333.078) seek similar relief that NOISE-S4 is deleted and a new rule is inserted that applies to the 'helicopter landing area' as defined in these submissions and appropriate noise levels are referenced (for example 50 dB Ldn at the notional boundary of a vulnerable activity). In my opinion a new rule is not required and amendments to the standard is a more appropriate option. The amendments to NOISE-S4 as recommended by Mr Ibbotson in my view address the issues raised in this submission. The definition of 'helicopter landing area' has also been discussed previously.

286. Puketona Business Park Limited requests NOISE-S4 is retained as notified, in my opinion this is not appropriate for the reasons outlined above.

### Recommendation

287. For the reasons above, I recommend that these submissions on the Noise standard are accepted, accepted in part and rejected as set out in **Appendix 2**.

Recommended amendments to NOISE-S4 are as follows:

*NOISE-S4 Helicopter landing areas*

*All zones*

~~*Noise generated from the movements and landing of helicopters shall comply with the following noise limits when measured at any point within any General Residential and Rural Residential zones, or within the notional boundary of any noise sensitive activity in the Rural Production, Rural Lifestyle, Settlement, Horticulture or Māori Purpose zones when assessed in accordance with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas.*~~

*Noise generated from the operation of helicopters complies with the following noise limits when assessed in accordance with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas:*

- 1. 40 dB Ldn when measured at any point within any General Residential, Rural Residential and Māori Purpose-Urban zones, or within the notional boundary of any noise sensitive activity in the Rural Production, Rural Lifestyle, Settlement, Horticulture, Carrington Estate, Kororareka Russell Township, Moturoa Island, Kauri Cliffs, Ngawha Innovation and Enterprise Park, Quail Ridge or Māori Purpose – Rural zones.*
- 2. 50 dB Ldn when measured within any Mixed Use Zone, or within any other zone not otherwise listed in NOISE-S4.*



3. 60 dB Ldn when measured at any point within any Light Industrial zone

4. 70 dB Ldn within any Heavy Industrial or Horticultural Processing zone.

*Note: Section 4.3 of NZS 6807:1994 shall not apply.*

*Matters of discretion are restricted to:*

- a. ~~the extent of non-compliance and whether the proposal complies with noise limits of 50 dB Ldn;~~*
- b. ~~whether there are any restrictions on the number of movements proposed;~~*
- c. ~~the level, duration and character of the noise;~~*
- d. ~~proximity and nature of nearby activities and the adverse effects they may experience from the noise;~~*
- e. ~~effects on character and amenity values on the surrounding environment;~~*
- f. ~~effects on health and wellbeing of people;~~*
- g. ~~noise mitigation measures proposed;~~*
- h. ~~any wider social or community benefits from the operation of helicopters; and any potential cumulative effects.~~*

*That compliance with a helicopter noise limit of 50 dB Ldn will occur at noise sensitive activities, or that compliance with the guidelines of NZS6807:1994 will be achieved at non-noise sensitive receivers Section 4.3 of NZS 6807:1994 shall not apply*

288. *The potential for cumulative helicopter noise levels to exceed 50 dB Ldn (7 day) at noise sensitive activities.*

289. *Any restrictions on any weekly, monthly or annual helicopter movements proposed.*

*Any potential wider social or community benefits from the operation of the helicopter.*

*Note: The restricted discretionary noise rule of 50 dB Ldn is the same as that recommended in NZS6807:1994 as the "limit of acceptability" for rural or residential landuse. The 40 dB Ldn permitted standard is intentionally set at a much lower level. Compliance with the permitted standard will typically have an insignificant effect on amenity.*

### **Section 32AA evaluation**

290. The recommended changes to NOISE-R7 in my opinion are justified as they enhance the plan's efficiency and effectiveness by removing duplication and providing a clear, streamlined regulatory framework. Consolidating exemptions under the notes section reduces complexity and improves usability of the Noise provisions. Also deleting the exemption for agricultural related helicopter activities is appropriate as this is also now covered in the exemption notes section.





291. The recommended changes to Note 10 clarify the exemption for emergency helicopter operations by specifying that it includes activities associated with Bay of Islands, Rawene, or Kaitaia Hospital, and any emergency helicopter activity away from a permanently established base. This revision broadens the scope beyond just air ambulance use, ensuring all necessary emergency operations are covered without ambiguity. These changes are efficient and effective in managing helicopter noise while supporting essential emergency services.
292. The recommended changes to NOISE-S4 involve introducing a revised noise standard for helicopter landing areas by specifying noise limits for different zones, assessed in accordance with NZS 6807:1994: "Noise Management and Land Use Planning for Helicopter Landing Areas." These changes are intended to provide clear and consistent noise standards for helicopter operations across all zones, addressing the previous unintentional omission of noise limits.
293. The proposed changes are efficient in reducing uncertainty regarding acceptable noise levels by defining specific noise limits for different zones. This clarity benefits both applicants and decision-makers. The inclusion of 'matters of discretion' allows for assessment within a resource consent application where noise exceeds the permitted levels, enabling consideration of site-specific factors and potential benefits.
294. The changes are effective in achieving the objectives of managing helicopter noise to protect amenity values while allowing reasonable helicopter use. By setting lower noise limits in more sensitive zones (e.g., General Residential and Rural Residential zones) and higher limits in less sensitive zones (e.g., Heavy Industrial zones), the approach aligns with the varying sensitivity of land uses to helicopter noise.
295. The proposed changes provide a balanced approach by setting clear and reasonable noise limits while allowing for resource consent applications where these limits cannot be met. Mr Ibbotson's explanation (refer to page 95 Appendix 3) supports this rationale, indicating that the noise limits are intentionally set at low levels to protect local amenity while resource consent applications can be granted for reasonable activities outside these limits. This approach allows for helicopter operations in less sensitive areas and constrains them in more sensitive areas. By addressing the previous omission of noise limits, the proposed changes enhance the overall effectiveness and consistency of the chapter.

#### 5.4.6 Key Issue 13: Changes to Noise Measurement Units

##### Overview

Provision(s)	Officer Recommendation(s)
NOISE- Table 2	Typographical error corrections

##### Analysis of Submissions on Key Issue 13





### **Matters raised in submissions**

296. Ngā Tai Ora (S516.077) supports NOISE-Table 2 but notes that there are two typographical errors in the vibration limits. All limits should be expressed in units of mm/s. The submitter requests amendments to NOISE-Table 2 by changing all vibration limits to units of mm/s and revising the entries for the number of blasts and peak air blast sound limit by deleting and replacing 'all hours' and 'all,' respectively.
297. Waipapa Pine Limited and Adrian Broughton Trust (S342.025) opposes NOISE-Table 2. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.

### **Analysis**

298. NOISE-Table 2 this table outline the regulations for noise and vibrations generated by blasting activities, specifying different criteria based on the type of receiver and conditions. The conditions include permitted blasting time window, number of blast per year, peak airblast sound limit dBLzpeak and Ground Borne Vibration Limit PPV.
299. Ngā Tai Ora have identified errors with NOISE-Table 2. I concur with Mr Ibbotson who agrees that these matters should be fixed (refer to S516.077 Appendix 3) as suggested by the submitter to ensure consistency and the correct units are used for this type of activity. The changes include amending two instances so that all vibration limits are in units of mm/s which is the standard unit. Amending the number of blasts and peak airblast sound limit to delete and replace entries of "all hours" and "all" as this wording as notified does not make sense and is a clear typographical error. I recommend this is updated with the correct wording as provided by Mr Ibbotson in his original report to inform the s.32 for the Noise chapter.
300. The submission point from Waipapa Pine Limited and the Adrian Broughton Trust opposes NOISE-Table 2 in relation to the Heavy Industrial Zone to ensure existing and future activities associated with the wood mill are not restricted beyond what they consider appropriate. I agree with Mr. Ibbotson (refer to S342.025 Appendix 3) this table relates to blasting,



which is not an activity associated with a wood mill. No further consideration of this point is necessary.

**Recommendation**

301. For the reasons above, I recommend that these submissions on the Method of Noise-Table 2 are accepted, accepted in part and rejected as set out in **Appendix 2**.

302. I recommend the following amendments to NOISE- Table 2 – Explosives

Number of blast per year	Peak airblast sound limit dB Lzpeak	Ground Borne Vibration Limit PPV
≤ 20	120	10mm/s
>20	115	5mm/s
All Hours	AH-125	25mm/s
All Hours	AH-140	AS2187.2:2006 Table J4.5(B) limits

**Section 32AA evaluation**

303. The recommended amendments to NOISE-Table 2 are primarily intended to clarify the provisions' intent. Several typographical errors identified in this table by the submitter are recommended for correction according to the original technical advice provided by Mr. Ibbotson, which informed the PDP. Based on this, no further evaluation under Section 32AA is required.

**5.2.9 Key Issue 14: Noise Reverse Sensitivity**

**Overview**

Provision(s)	Officer Recommendation(s)
New objective and NOISE-O1	Retain as notified
NOISE-O2	Add reference to protecting community health and wellbeing
New policy	Retain as notified
NOISE-P1	Retain as notified
NOISE-P2	Add reference to land near state highways and regionally significant infrastructure within the specified environment.
NOISE-R2	Retain as notified
NOISE-S5	<ul style="list-style-type: none"> <li>Delete reference to 15,000 daily one-way vehicle movements in relation to State Highways which would exclude most if not all of the State Highways in the district from being captured by this standard.</li> </ul>



Provision(s)	Officer Recommendation(s)
	<ul style="list-style-type: none"> <li>• Amendment to decibel addition from 2 to 3 and reference to design uncertainty in relation to future traffic increases.</li> <li>• Amendments to the provisions to include suitable ventilation standards.</li> </ul>

## Analysis of Submissions on Key Issue 14

### New Objective

#### Matters raised in submissions

304. Ngā Tai Ora (S516.064) state that Objectives NOISE-O1 and NOISE-O2 are both framed as relating to activities generating noise. They also want to manage existing noise and wish to insert a new object as follows:

*NOISE-O3: The health and wellbeing of people and communities are protected from significant levels of noise.*

#### Analysis

305. The relief sought by Ngā Tai Ora relates to adding a new objective to ensure the health and wellbeing of people are protected from significant noise. Mr. Ibbotson has addressed this matter (refer to S516.064 Appendix 3), and I concur with his opinion that health and wellbeing in relation to noise is adequately covered by NOISE-O1.
306. Section 16 of the RMA imposes a general duty on all occupiers of land to adopt the best practicable option to ensure that the emission of noise from their premises does not exceed a reasonable level. This provision serves as a tool distinct from the District Plan, capable of managing both new and existing noise sources independently of plan provisions. While the PDP addresses noise issues through specific objectives and rules, section 16 provides a broader framework that applies universally, regardless of whether noise is explicitly regulated by a district plan.
307. In terms of existing noise levels, the PDP cannot manage these, as activities generating noise that were legally established would have existing use rights. Furthermore, it is arguable that the requested relief could promote reverse sensitivity effects, potentially imposing restrictions on established activities that are already operating within permissible noise limits. For these reasons, I do not recommend any amendments to the existing objectives or the addition of a new objective.

#### Recommendation

308. For the reasons above, I recommend that this submission S516.064 on the Noise Objectives is rejected as set out in **Appendix 2**.
309. I do not recommend any amendments.



## **NOISE-01**

### **Matters raised in submissions**

310. Te Hiku Iwi Development Trust (S399.072) state the objectives within NOISE-01 do not provide for noise adverse effects on indigenous fauna. They request to amend NOISE-01 as follows "*Activities generate noise effects that are compatible with the role, function and character of each zone and do not compromise community health, safety and wellbeing or ecological values...*" or alternatively a separate objective relating to fauna could be inserted.
311. Waipapa Pine Limited and Adrian Broughton Trust (S342.010) oppose NOISE-01. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.
312. NZTA (S356.105) and Horticulture NZ (S159.084) support NOISE-01, stating the noise should reflect the underlying character of the zone and request to retain the objective.
313. Ballance Agri-Nutrients Limited (S143.007) support NOISE-01, recognising noisy activities that are compatible with the role, function and character of the General Rural Zone and request to retain the objective.
314. Puketona Business Park Limited (S45.019) support the notified NOISE-01. In their view the Noise Chapter of the PDP is generally acceptable and request to retain the objectives in the chapter.

### **Analysis**

315. NOISE-01 is an objective that relates to activities generating noise effects that are compatible with the character of each zone and do not compromise community health, safety and wellbeing. This objective underpins the noise chapter approach to ensure activities are in suitable locations so that communities are not adversely affected by noise where possible.
316. Te Hiku Iwi Development Trust seeks to add a reference to ecological values in NOISE-01 to ensure they are not compromised. In my opinion, this reference is not appropriate, as the rules and standards within the chapter as notified relate to protecting people's health safety and



wellbeing from adverse noise effects rather than ecological values from noise. Incorporating such a reference would require technical ecological advice, and the associated costs may outweigh the benefits. The submitter would need to provide additional evidence at the hearing for this to be considered further.

317. Waipapa Pine Limited and Adrian Broughton Trust oppose this objective, however their submission does not specifically relate to it. Mr Ibbotson has provided commentary on this submission point (refer to S342.010 Appendix 3) The objective as currently notified seeks to balance noise received in different zones rather than favouring one zone over the other which in my view is appropriate.
318. A number of submitters including NZTA, Horticulture NZ, Ballance Agri-Nutrients Limited and Puketona Business Park Limited seek to retain NOISE-O1 as notified which is appropriate in my opinion for the reasons outlined above.

### **Recommendation**

319. For the reasons above, I recommend that these submissions on the Noise objective are accepted, accepted in part and rejected as set out in **Appendix 2**.
320. I do not recommend any amendments.

### **NOISE-O2**

#### **Matters raised in submissions**

321. NZTA (S356.106) support in part NOISE-O2 but requests the objective be reworded to focus on protecting health and wellbeing, instead of reverse sensitivity. The amendments requested are as follows '*New noise sensitive activities are designed and/or located to minimise conflict and reverse sensitivity effects protect health and wellbeing.*'
322. Waipapa Pine Limited and Adrian Broughton Trust (S342.023) oppose NOISE-O2. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.



323. Top Energy Limited (S483.181) oppose NOISE-O2, suggesting that the wording of the objective is inconsistent with the approach required in the RPS and the word "manage" doesn't give the effect to the "avoid" directive in the RPS. The submitter requests an amends to the objective as follows:
- 'New noise sensitive activities are designed and/or located to minimise conflict with (and avoid reverse sensitivity effects on) existing lawfully established noise generating activities.'*
324. NZ Agricultural Aviation Association (S182.018), Horticulture NZ (S159.085), KiwiRail (S416.037) and MOE (S331.050) support NOISE-O2, where new sensitive activities are located and designed to avoid reverse sensitivity effects and request to retain it.
325. Ballance Agri-Nutrients Limited (S143.008) support NOISE-O2 recognising noisy activities that are compatible with the role, function and character of the General Rural Zone should be protected from reverse sensitivity effects and request to retain the objective.
326. Puketona Business Park Limited (S45.037) support the notified NOISE-O2. They view the Noise chapter of the PDP as generally acceptable and wish to retain the objectives in the chapter.
327. Northland Fish and Game Council (S436.040) support NOISE-O2, stating the noise generated by hunting should be made a permitted activity as it's often constrained by land use and state noise around hunting is brief rather than constant. The submitter request to retain NOISE-O2.

### **Analysis**

328. NOISE-O2 relates to new noise sensitive activities being designed and/or located to minimise conflict and reverse sensitivity effects. This is supported by provisions NOISE-R2 and NOISE-S5 which provide standards for noise insulation in relation to certain zones and areas.
329. NZTA have requested an amendment to the wording of this objective. Mr Ibbotson has address this (refer to S356.106 Appendix 3). I agree with his assessment and in my opinion the alternative wording he has provided for this objective is more appropriate as it covers the reverse sensitivity effects and specifies this is to protect health and wellbeing. In my opinion it should specified this refers to community health and wellbeing as otherwise it would be too broad in scope.
330. Waipapa Pine Limited and Adrian Broughton Trust oppose this objective, however their submission does not specifically relate to this objective. Having regard to Mr Ibbotson's assessment (refer to S342.023 Appendix 3) removing this objective would be unlikely to benefit the submitter based on their submission points.



331. The relief sought by Top Energy Limited relates to amending the objective with additional wording to avoid reverse sensitivity effects on existing lawfully established noise-generating activities. Mr. Ibbotson has addressed this point (refer to S483.181), and I concur with his opinion that the relief sought is not appropriate. He has provided the following comment "Reverse sensitivity effects from noise sensitive activities located in noisier zones cannot be avoided entirely, unless the noise sensitive land use is not permitted or is prohibited. In the Far North District, it is proposed to allow some noise sensitive activities to be located near noise sources (roads, mixed use zone, light industry) provided suitable façade sound insulation measures are provided. If the objective was to "avoid" reverse sensitivity effects, the objective would be at odds with those provisions. This would affect the amount of land available for residential development." In my view, this approach is a more appropriate and efficient use of land than prohibiting noise-sensitive activities near noise sources.
332. The RPS does not support a blanket 'avoidance' approach to all noise-producing activities. Objective 3.6 of the RPS focuses on managing reverse sensitivity effects but does not mandate avoidance in all cases. Instead, it emphasizes managing such effects to enable the continued operation of existing activities while accommodating some level of new development. Policy 5.1.3 of the RPS does include an 'avoidance' directive, but this is narrowly tailored to specific circumstances, such as certain significant infrastructure and regionally significant industries, and does not extend to all noise-producing activities. Thus, the requested amendment would not align with the RPS provisions and could unnecessarily restrict land use flexibility. In my view, the proposed approach of allowing noise-sensitive activities near noise sources with appropriate mitigation is a more efficient and effective use of land than a blanket prohibition.
333. A number of submitters including NZ Agricultural Aviation Association, Horticulture NZ, KiwiRail, MOE, Ballance Agri-Nutrients Limited, Puketona Business Park Limited and Northland Fish and Game Council support NOISE-O2 as notified. For the reasons outlined above I have recommended an amendment to this objective, however in my opinion it does not change the intent of the notified objective.

### **Recommendation**

334. For the reasons above, I recommend that these submissions on the Noise objective are accepted, accepted in part and rejected as set out in **Appendix 2**.
335. I recommend the follow amendments to NOISE-O2:
- New noise sensitive activities are designed and/or located to minimise conflict, and reverse sensitivity effects and to protect community health and wellbeing.*





## **NOISE-P1**

### **Matters raised in submissions**

336. Ngā Tai Ora (S516.065) state that protecting public health is important to control types of activities and noise levels, however NOISE-P1 only lists actions in terms of upholding character and amenity. The submitter requests to amend Policy NOISE-P1 and include the "*protection of public health...*".
337. Waipapa Pine Limited and Adrian Broughton Trust (S342.011) oppose NOISE-P1. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.
338. Puketona Business Park Limited (S45.020) support the notified NOISE-P1. In their view the Noise Chapter of the PDP as notified is generally acceptable and request to retain the policies in the chapter.

### **Analysis**

339. NOISE-P1 aims to uphold the character and amenity of each zone by regulating the types of activities and controlling the noise levels permitted within them. The purpose is to maintain consistent activities and noise levels appropriate to each zone to avoid reverse sensitivity issues.
340. The relief sought by Ngā Tai Ora relates to including reference to public health in this NOISE-P1. Mr Ibbotson has addressed this matter (refer to S516.065 Appendix 3) and I concur with his assessment that the relief sought is not appropriate.
341. Waipapa Pine Limited and Adrian Broughton Trust oppose this policy, however their submission does not specifically relate to this policy. Having regard to Mr Ibbotson's assessment, in my opinion this policy should be retained as notified for the reasons provided above. This is also the relief sought by the Puketona Business Park Limited.

### **Recommendation**

342. For the reasons above, I recommend that these submissions on the Noise policy are accepted, accepted in part and rejected as set out in **Appendix 2**.



343. I do not recommend any amendments.

## **NOISE-P2 and a request for an additional policy**

### **Matters raised in submissions**

344. NZTA (S356.107) support in part NOISE-P2 and requests that land near state highways need to be considered within this policy. They request the following amendment:

*"Ensure noise sensitive activities proposing to locate within the Mixed Use, Light Industrial, on land near state highways..."*

345. KiwiRail (S416.038) support in part Policies but state they don't specifically cover railway corridor noise in all zones where rail is in the district. The submitter suggests inserting a new policy, NOISE-P4 as follows:

*"Ensure buildings for noise sensitive activities near railway corridors are designed and constructed to minimise the level of noise received within buildings"*

346. MOE (S331.051) support in part NOISE-P2, acknowledging the importance of reducing reverse sensitivity effects through design and location of noise sensitive activities but state that both aren't needed to achieve this. The submitter requests an amendment of the policy to include "*located, and/or designed...*".

347. Top Energy Limited (S483.182) oppose NOISE-P2 and seek amendments to this policy to achieve better alignment with the RPS. The submitter requests to amend the policy as follows "a. any existing lawfully established noise..." and "b. the need to avoid any reverse sensitivity effects on lawfully established noise generating activities".

348. Waipapa Pine Limited and Adrian Broughton Trust (S342.021) support NOISE- P2. The submitter highlights the need for careful consideration of the provisions associated with the Heavy Industrial Zone. They acknowledge that the zone is intended to accommodate activities that may generate objectionable effects but stress the importance of balancing the effective operation of heavy industrial activities with compliance with the limits set under the PDP and Section 16 of the RMA 1991. The submitter notes that their site is already governed by resource consent noise provisions, which have been successfully managed in collaboration with adjoining sites. The submitter opposes the noise provisions within the Heavy Industrial Zone until their expert can assess the rules in relation to their operations, existing resource consent conditions, and potential for future growth.

349. Puketona Business Park Limited (S45.038) support the notified NOISE-P2. In their view the Noise Chapter of the PDP is generally acceptable, and they request to retain the policies in the chapter.



## Analysis

350. NOISE-P2 relates to ensuring noise sensitive activities proposing to locate within certain specified areas are designed and managed in such a way which minimises adverse noise on community health, safety and wellbeing. It also specifies regard must be had to existing noise generating activities, the purpose and use of the activity and noise mitigation aspects.
351. It should also be noted that the infrastructure chapter of the PDP addresses the management of key infrastructure and network utilities, consistent with responsibilities under the RMA, the NPS on Electricity Transmission 2008, and the RPS. These responsibilities require the Council to provide for and protect the National Grid and regionally significant infrastructure from inappropriate land use and subdivision that may cause reverse sensitivity effects or compromise their operation, security, or future expansion. Activities regulated under the National Environmental Standards for Telecommunication Facilities 2016 and the National Environmental Standards on Electricity Transmission Activities 2009 are excluded from the District Plan. However, the District Plan applies to infrastructure not covered by these standards, such as new transmission lines and telecommunication facilities not located in the rural zone or road reserve, and to facilities in areas with specific protections (e.g., historic heritage or visual amenity areas under regulations 44-51 of the NES-TF). The Plan includes rules like setbacks from the National Grid (I-R12) and restrictions on buildings for sensitive activities within the National Grid corridor (I-R18).
352. NZTA requests that this policy includes additional reference to land near State Highways. I agree with Mr. Ibbotson's recommendations on this matter (refer to S356.107). In our view, it is appropriate to include a reference to State Highways in the policy. NOISE-P2, as notified, refers to all other areas captured in NOISE-S5 (Noise insulation standards for all noise-sensitive activities), including the Mixed-Use Zone, Light Industrial Zone, and the Air Noise Boundary. Therefore, to support NOISE-S5 and rule NOISE-R2, it is important that this policy specifies State Highways.
353. KiwiRail has also requested a new policy to ensure that buildings for noise-sensitive activities near a railway corridor have the required noise mitigation. Given the railway lines in the Far North are currently inactive, I do not recommend adding this new policy. However, should the submitter provide further information at the hearing indicating that these railway lines may become operational in the Far North District, we would be open to reconsidering our position. Additionally, it would be important for KiwiRail to address the issue of existing buildings within 100 meters of the railway lines that currently lack noise insulation. The submitter's position on addressing this concern should also be clarified. Further analysis of this matter is in the NOISE-S5 section below.
354. The MOE seeks to amend the policy to separate the consideration of location and design, so that if buildings can be designed to meet the noise



standards, location does not need to be considered. Mr. Ibbotson has addressed this matter (refer to S331.051 Appendix 3), and I concur with his assessment that this amendment is not appropriate for the reasons provided.

355. Top Energy Limited seeks amendments to better align with the RPS. The requested amendments have been addressed by Mr. Ibbotson (refer to S483.182 Appendix 3). I agree with the recommendations made by Mr. Ibbotson that the requested amendments are not necessary. As outlined, the definition of 'Noise Generating Activities' relates to nationally significant or regionally significant infrastructure. For infrastructure of this magnitude, there is no reason why it should not have been legally established. I agree with Mr. Ibbotson that the inclusion of an additional clause specifying the need to avoid any reverse sensitivity effects related to noise-generating activities is too difficult to achieve, as the suggested wording by the submitter requires complete avoidance of such effects, which is unrealistic; even with noise insulation, some reverse sensitivity effects will still occur. In my opinion, the wording amendments suggested by the submitter are not appropriate, and the infrastructure chapter manages these aspects appropriately. In terms of the noise chapter, standards such as NOISE-S5, which relate to noise insulation of buildings, are appropriate for addressing noise issues within the specified areas and zones. A reference to 'regionally significant infrastructure' could be added to this policy. This reference is narrower than the definition of 'noise generating activities' but would address some of the matters raised by the submitter. Including a reference to regionally significant infrastructure in relation to the specified environments would allow for its acknowledgment without requiring a redraft of the relevant standards, as the specified areas already mandate noise insulation under NOISE-S5.
356. Waipapa Pine Limited and Adrian Broughton Trust oppose this policy; however, their submission does not specifically relate to it. Having regard to Mr. Ibbotson's assessment, I recommend that this policy be amended for the reasons provided above. The relief sought by Puketona Business Park Limited to retain the policy as notified is, in my opinion, not appropriate.

### **Recommendation**

357. For the reasons above, I recommend that these submissions on the Noise policy are accepted, accepted in part and rejected as set out in **Appendix 2**.
358. I recommend the following amendments to NOISE-P2:
359. *"Ensure noise sensitive activities proposing to locate within the Mixed Use, Light Industrial, on land near state highways, and Air Noise Boundary and in close proximity of regionally significant infrastructure within these areas are located, designed, constructed and operated in a way which will*



*minimise adverse noise on community health, safety and wellbeing by having regard to:..."*

## **NOISE-R2 –New buildings, alterations and/or additions to existing buildings for a noise sensitive activity**

### **Matters raised in submissions**

360. NZTA (S356.108) support in part NOISE-R2 and suggests that this rule needs to be amended to apply to all spaces containing noise sensitive activities, instead of solely habitable spaces. The submitter requests the following amendments:

*"All spaces containing noise sensitive activities and habitable rooms comply with the noise insulation for noise sensitive activities effect standards which are relevant to the underlying zone or specific area identified: NOISE-S5 Noise insulation."*

361. Paihia Properties and UP Management Ltd (S344.025) oppose NOISE-R2 stating that the requirement to attenuate 40m from the State Highway is onerous, given the nature of the use of the road. They are also concerned that the MUZ and State Highway setback noise attenuation rules have different standards. It is inferred the submitter would like NOISE-R2 amended.
362. MOE (S331.053) and KiwiRail (S416.040) support NOISE-R2 and requests to retain the rule, new buildings, alterations and/or additions to an existing building for a noise sensitive activity.
363. Puketona Business Park Limited (S45.040) support the notified NOISE-R2. As it is generally acceptable, and they request to retain the rules in the Noise chapter.

### **Analysis**

364. NOISE-R2 is a rule that specifies that all habitable rooms comply with the noise insulation for noise sensitive activities effect standards which are relevant to the underlying zone or specific area. This links to NOISE-S5 which provides the specific areas that need to comply with certain standards.
365. NZTA requests that all spaces containing noise-sensitive activities be captured by this rule. Mr. Ibbotson has provided commentary and recommendations on this matter (refer to S356.108 Appendix 3). However, as outlined above in relation to NOISE-S5, I do not agree with Mr. Ibbotson's recommendations. In my view, the appropriate rooms and activities are already captured by the provisions as notified. The additional costs of noise insulation for all rooms accommodating noise-sensitive activities do not outweigh the benefits, and a more targeted approach is, in my opinion, more appropriate. Mr. Ibbotson has specifically mentioned that operating theatres may not be captured. Of the three main hospitals



in the district, only Kawakawa Hospital could potentially be affected by this rule if it were to expand closer to the State Highway, as the others are not located near State Highways or the Outer noise control boundary.

366. Paihia Properties and UP Management Ltd request relief to delete NOISE-R2. Mr Ibbotson has assessed this submission point (refer to S344.025 Appendix 3). I agree with the recommendations provided by Mr Ibbotson, this rule is necessary to ensure reverse sensitivity effects are minimised and people's health and wellbeing is not adversely affected by noise. I agree with Mr Ibbotson different limits are appropriate for different areas including zones, and setbacks from State Highways. As Mr Ibbotson has identified and which is specified in the 'How the Plan Works Section' where multiple rules apply unless otherwise specified the most restrictive applies. In the case of NOISE-S5 which does not specify otherwise, the most restrictive standard would apply, for example if the building was within the Mixed Use zone and also within the setback distance from the State Highway the most restrictive standard would apply.
367. MOE, KiwiRail and Puketona Business Park Limited support NOISE-R2 as notified. In my opinion this is appropriate for the reasons outlined above.

### **Recommendation**

368. For the reasons above, I recommend that these submissions on the Noise rule are accepted, accepted in part and rejected as set out in **Appendix 2**.
369. I do not recommend any amendments.

### **NOISE-S5 – Noise insulation standards for all noise sensitive activities**

#### **Matters raised in submissions**

370. Ngā Tai Ora (S516.075) support NOISE-S5 but wish to amend the standard. They state if residents need to close windows to maintain reasonable indoor noise levels, adequate alternative ventilation and cooling needs to be provided. Clause G4 of the New Zealand Building Code only requires minimal ventilation and no cooling. The submitter requests the following statement is added in all three sections as follows

*"If windows are required to be closed to achieve the internal noise limit the building must be designed, constructed and maintained with a mechanical ventilation system that for habitable rooms:*

*i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and*

*ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and*





*iii. Provides relief for equivalent volumes of spill air; and*

*iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and*

*v. does not generate more than 35 dBLAeq (30s) when measured 1m away from any grille or diffuser."*

371. NZTA (S356.110) support in part NOISE-S5 but request a number of amendments. The amendments are as follows; add criteria for other noise sensitive activities, a list of these activities has been provided by the submitter. Amend from 2 decibel to 3 decibel and change the explanation to "allowing for uncertainty and routine changes". The submitter also requests to remove the sentence around ventilation, stating it should be addressed separately and seek a new clause to be added, that states if windows need to be closed to achieve the criteria, then mechanical ventilation should be required.
372. KiwiRail (S416.041) supports, in part, NOISE-S5 but seeks the inclusion of noise and vibration controls requiring acoustic insulation and ventilation to be installed in new or altered sensitive uses within 100m of the railway corridor. This is to ensure an appropriate level of internal amenity is achieved in buildings adjacent to the railway corridor, and these controls ensure that new development is undertaken in a way that creates a healthy living environment. The submitter requests the insertion of a standard to apply in all zones to built development at any point within 100m from the legal boundary of any railway network.
373. NZTA (S356.111) oppose the matters of discretion associated with NOISE-S5 and requests all matters from b. to h. be deleted. The submitter states that 40dB standard is the bottom line for protection of health and isn't appropriate to add factors that opens this up for litigation.
374. NZTA (S356.109) oppose NOISE-S5 stating there aren't any state highways in the district that exceed 15,000vpd. The submitter requests to delete the reference to vpd and reword to apply to all areas within 100m of state highways.
375. Paihia Properties and UP Management Ltd (S344.026) oppose NOISE-S5 stating that the requirement to attenuate 40m from the State Highway is onerous, given the nature of the use of the road. They are also concerned that the MUZ and State Highway setback noise attenuation rules have different standards. The submitter requests to delete Standard Noise-S5.
376. Puketona Business Park Limited (S45.054) support NOISE-S5 of the Noise Chapter of the PDP as notified is generally acceptable and request to retain the rules in the chapter.
377. MOE (S331.060 and S331.061) requests to retain standard NOISE-S5, as proposed. They support noise insulation standards for all noise sensitive





activities, for all zones within 40m of a State Highway that exceed an average of 15,000 daily one-way vehicle movements. They also support the standards in relation to the Mixed Use, Light Industrial and Orongo Bay zone.

## Analysis

378. Standard NOISE-S5 establishes noise insulation requirements for noise-sensitive activities in specific areas and zones. This standard applies to any habitable room in a new building used for a noise-sensitive activity within any zone that is within 40 meters of a State Highway where traffic volumes exceed an average of 15,000 daily one-way vehicle movements. Additionally, NOISE-S5 sets similar requirements for the Mixed Use, Light Industrial, and Orongo Bay zones. The standard also includes provisions with slightly different specifications pertaining to the Outer Noise Control Boundary, an overlay that applies to areas surrounding certain airports within the district.
379. The relief sought by Ngā Tai Ora pertains to specifying certain ventilation and cooling requirements for buildings subject to NOISE-S5, particularly in cases where windows must be closed to meet the internal noise limits. Mr. Ibbotson has addressed this submission point (refer to S516.075), and I concur with his assessment that the relief sought by the submitter is overly prescriptive and that the suggested requirements are more restrictive than necessary.
380. Mr. Ibbotson has provided redrafted provisions for NOISE-S5 (refer to Page 11-17 of the Appendix 3). I agree with most of the suggested amendments and support the proposed approach, which specifies that mechanical ventilation must comply with clause G4 of the New Zealand Building Code and provide occupant-controllable cooling that maintains the internal temperature below 25°C. In my opinion, this is less onerous than requiring a ventilation and HVAC design certificate from a suitably qualified and experienced practitioner to be provided to the Council. I have made minor amendments so that the insulation provisions refer to the 'the habitable rooms of the noise sensitive activity' for consistency with the notified provisions rather than just 'noise sensitive activity' as suggested by Mr Ibbotson.
381. Mr. Ibbotson has also recommended that mechanical services noise levels be designed to remain reasonable, with the provisions being achievable by good-quality standard proprietary split system heat pump units. I agree with these recommendations.
382. NZTA seek a number of amendments in relation to NOISE-S5. Having regard to the opinion of Mr Ibbotson (refer to S356.110 Appendix 3) I agree with his recommendation to increase "safety factor" from 2 to 3 dB, I agree with Mr Ibbotson's suggested wording that "*future traffic increases and uncertainty*" is more appropriate than the wording provided by the submitter. In terms of the other requested changes, I agree with Mr



Ibbotson that the requested deletion of part of provision 3 is appropriate for the reasons outlined by the submitter. I recommend clause 4 regarding ventilation is amended to reflect the suggested wording provided above for the reasons outlined.

383. NZTA have also requested that criteria are added for other noise sensitive activities. In the notified PDP NOISE-S5 applies to any 'habitable room' in a new building used for a 'noise sensitive activity'. The definition of Noise Sensitive Activity in the PDP is as follows:

*"means buildings or land that may be affected by noise and require a higher standard of amenity. These include:*

*residential or living activities;  
education facilities;  
health facilities;  
community facilities; and  
visitor accommodation."*

384. In my opinion, the existing provisions encompass a wide range of activities, including most, if not all, of those the submitter has requested to be added. The definition of "habitable room" is derived from the National Planning Standards, and as such, changes to this definition are not permissible. The definition of "habitable room" is as follows: *"means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office, or other room specified in the Plan to be a similarly occupied room."*

385. I do not concur with Mr. Ibbotson's suggestion that the definition should be amended, as I believe it already adequately covers the essential rooms. The examples provided by Mr. Ibbotson, including educational sleeping spaces, overnight medical wards, consulting rooms, and operating theatres, are, in my view, encompassed within the current definition, as these spaces involve sleeping or similar uses and can therefore be considered as bedrooms or similarly occupied rooms. Other examples provided by Mr. Ibbotson, such as churches, mosques, marae, dance spaces, gymnasiums, and assembly spaces, would generally not require noise insulation unless they include rooms that fall within the defined scope. For instance, in my opinion a marae would be captured by the definition as it may be used for living and sleeping purposes.

386. KiwiRail requests an additional standard that applies to all zones for built development located within 100 meters of the legal boundary of any railway network. I concur with Mr. Ibbotson's recommendation (refer to S416.041) that if such a standard were to be considered, it should be simplified and included within NOISE-S5 alongside the State Highway noise traffic provisions. However, given that there are currently no operational KiwiRail lines in the Far North District, we do not consider this



standard to be appropriate. The additional costs of requiring noise insulation for landowners within 100 meters of non-operational railway lines, which may not become operational within the lifespan of the building, are, in our opinion, unjustified. Should the submitter provide further information at the hearing indicating that these railway lines may become operational in the Far North District, we would be open to reconsidering our position.

387. The relief sought by NZTA pertains to the matters of discretion related to NOISE-S5. The submitter proposes that all matters of discretion be deleted, except for the following:

*"effects on the ability of existing or permitted activities to operate or establish without undue constraint."*

388. The submitter's position is that the 40dB standard is a minimum requirement for the protection of health, and it is not appropriate to introduce factors that could lead to litigation. They argue that appropriate mitigation would ensure compliance with the standard. It should be noted this could similarly apply to the development of the State Highway on existing legally established dwellings. In my view, it is appropriate to retain the matters of discretion as notified. In some instances where the noise insulation standards cannot be fully met, it may still be appropriate to allow the building, subject to a resource consent. The matters of discretion as notified include the consideration of legal instruments proposed, mitigation of noise achieved through other means, any topographical or site constraints, alternative solutions proposed by a qualified acoustic engineer, existing noise-generating activities, the primary purpose and frequency of use of the activity, and the ability to design and construct buildings accommodating noise-sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimized, particularly at night.

389. In my opinion, these matters are appropriate and provide suitable discretion for Council resource consent processing planners to consider. For example, in certain situations where legal instruments have been imposed on the property or building, such as agreements that prevent complaints about noise from the State Highway, this would provide NZTA with certainty regarding reverse sensitivity issues. Other considerations may also be relevant because of the notified matters of discretion. However, it ultimately remains at the discretion of the Council resource consent processing planner to determine whether the resource consent should be granted. Given the proximity to the State Highway, NZTA may be considered an affected party under sections 95A or 95B of the RMA if the performance standards are not met and it is deemed appropriate or necessary.

390. NZTA requests that NOISE-S5 be updated to delete the reference to 15,000 daily one-way traffic movements and to increase the setback



distance from 40 meters to 100 meters from the State Highway. I concur with Mr. Ibbotson's recommendations on this matter (refer to S356.109 Appendix 3). Both Mr. Ibbotson and I agree that the reference to 15,000 daily one-way traffic movements should be deleted, as none of the State Highways in the Far North meet this traffic threshold. Furthermore, I agree with Mr. Ibbotson's assessment that a blanket 100-meter buffer is not appropriate for the Far North District. Instead, there should be different setbacks based on daily one-way traffic movements and/or speed limits. In the Council's view, this approach would be more appropriate and would avoid imposing unnecessary restrictions on development near the State Highway, particularly in urban areas where noise mitigation options, other than insulation, are limited. This approach would require further evidence from the submitter, and we would invite NZTA to provide noise maps of the proposed buffers based on realistic traffic volumes, along with the methodology used to determine noise levels. Additionally, it would be important for NZTA to address the issue of existing buildings within 100 meters of the railway lines that currently lack noise insulation. The submitter's position on addressing this concern should also be clarified.

391. Paihia Properties and UP Management Ltd have requested the deletion of the standards within NOISE-S5 that apply to areas within 40 meters of a State Highway. Mr. Ibbotson has provided feedback on this submission (refer to S344.026). I concur with Mr. Ibbotson's recommendation that removing this setback from the State Highway is not appropriate, and that a suitable sound insulation requirement should be maintained. The approach recommended by Mr. Ibbotson, which includes varying setbacks based on daily traffic movements, is considered the most appropriate. The speed limits on the State Highway section passing through Paihia township differ from other sections of the State Highway, this should also be considered. As per above we have requested NZTA provide additional information at the Hearing to support a more balanced approach to noise insulation requirements.
392. The submitter has also expressed concern that the noise attenuation standards differ between the Mixed-Use Zone and the State Highway setback. I agree with Mr. Ibbotson's assessment (refer to S344.025 Appendix 3) that different standards are appropriate for different areas, including zones and setbacks from State Highways. As Mr. Ibbotson has identified, and as specified in the 'How the Plan Works' section, where multiple rules/standards apply, the most restrictive standard will prevail unless otherwise specified. In the case of NOISE-S5, which does not specify otherwise, the most restrictive standard would apply. For example, if a building is within the Mixed-Use Zone and also within the setback distance from the State Highway, the more restrictive standard would apply.
393. Puketona Business Park Limited support NOISE-S5 as notified. In my opinion this is not appropriate for the reasons outlined above.



394. MOE has two submission points on NOISE-S5. They seek relief to retain the section that relates to the State Highways as notified. I agree with Mr Ibbotson's opinion (refer to S331.060 Appendix 3) that this section as notified is not appropriate for the reasons outlined. In my opinion the standard should be updated to reflect the recommendations outlined above. This may increase the cost of development in some instances. However, this is appropriate when considering reverse sensitivity effects associated with State Highway noise.
395. The MOE also support the section of NOISE-S5 that relates to the Mixed Use zone, Light Industrial zone and the Orongo Bay zone. Mr Ibbotson has identified a number of issues with this section (refer to S331.061 Appendix 3). In my opinion where there is scope to address these matters and the standard should be amended to reflect Mr Ibbotson's recommendations. The typo and omission in NOISE-Table 1 can be updated as a clause 16 correction and has been included in the next batch of clause 16 corrections undertaken by FNDC. This includes amending dBBA to dBA and adding 4 above kHz where it has been accidentally omitted. NOISE-S5 is linked to NOISE-Table 1 – Design Noise Level Incident, Mr Ibbotson has identified that there is no incident design spectrum in relation to the Orongo Bay zone in this table. This submission point does not provide scope to address this matter however S516.076 does, this is addressed in Key Issue 7. The other matter identified by Mr Ibbotson around ventilation requirements has been addressed in relation to other submission points above. For these reasons this section should not be retained as notified.
396. It should also be noted there is a typographical error in NOISE-S5 'sensitive' needs to be corrected to 'sensitive' this will be done as a clause 16 correction in the next batch done by FNDC.

### Recommendation

397. For the reasons above, I recommend that these submissions on the Noise Standard are accepted, accepted in part and rejected as set out in **Appendix 2.**
398. I recommend the following amendments to NOISE-S5 as follows:

**All zones within 40m of a State Highway that exceed an average of 15,000 daily one-way vehicle movements**

- 1) *Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building that changes its use to a noise sensitive activity, must be designed, constructed, and maintained to achieve a ~~maximum~~ internal noise limit of 40dB LAeq(24h);*



- 2) *Compliance with (1) above shall be achieved based on an existing noise level with a 2 3 decibel addition allowing for future traffic increases and design uncertainty;*
- 3) *Compliance with (1) above shall be achieved if, prior to the construction of any building containing a habitable room, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the Council stating the design will achieve compliance with this standard or the certificate shows that design noise level as determined in accordance with (2) above is less than 55 dB LAeq(24h) for road. The building shall be designed, constructed, and maintained in accordance with the design certificate. The design certificate shall also state the required HVAC design noise levels that are to be included in the ventilation design as well as any relevant assumptions; or*
- 4) *~~Where design external noise levels in (2) above are greater than 55 dB LAeq(24h). Compliance with this clause shall be achieved if, prior to construction of any habitable room, a ventilation and HVAC design certificate is provided by a suitably qualified practitioner.~~*
- 5) *Where design external noise levels in (2) above are greater than 55 dB LAeq(24 h) the habitable rooms of the noise sensitive activity must be designed, constructed and maintained with cooling and mechanical ventilation system(s) that achieves the following requirements:*
  - i. *Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and*
  - ii. *provides cooling that is controllable by the occupant and can maintain the inside temperature to below 25°C*
- 6) *Noise levels from ducted ventilation and cooling systems must be designed to within the design sound level range of NZS2107:2016 when measured as a time and space average over the room beyond 1 metre from any diffuser or outlet. If split system air-conditioning systems are used, an HVAC design certificate must confirm these are of good quality, suitable for noise sensitive applications, and include a "low noise" or "quiet" operation mode.*

### **Mixed Use Zone, Light Industrial Zone, Orongo Bay zone**

- 1) *Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building that changes its use to a noise sensitive activity, must be designed, constructed, and maintained to achieve the following maximum internal noise limit:*
  - a. *Any habitable room used as a bedroom - 30 dB LAeq; and*
  - b. *Other habitable rooms in residential units, or teaching areas - 40 dB LAeq.*
- 2) *The following external noise levels in NOISE-Table 1 shall be used in the design and shall be assumed to be incident on the exposed wall facade(s). An assessment from a suitably qualified acoustic*





- engineer may determine noise levels on other building elements based on the surrounding environment using NOISE-Table 1 - Design Noise Level Incident; and
- 3) Compliance with (1) above shall be achieved if, prior to construction of any building containing habitable rooms used by noise sensitive activities, an acoustic design certificate from a suitable qualified acoustic engineer is provided to the Council stating the design will achieve compliance with this standard. ~~The design certificate shall also state the required HVAC design noise levels that are to be included in the ventilation design as well as any relevant assumptions.~~
  - 4) The habitable rooms of the noise sensitive activity must be designed, constructed and maintained with cooling and mechanical ventilation system(s) that achieves the following requirements:
    - i. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
    - ii. provides cooling that is controllable by the occupant and can maintain the inside temperature to below 25°C
  - 5) Noise levels from ducted ventilation and cooling systems must be designed to within the design sound level range of NZS2107:2016 when measured as a time and space average over the room beyond 1 metre from any diffuser or outlet. If split system air-conditioning systems are used, an HVAC design certificate must confirm these are of good quality, suitable for noise sensitive applications, and include a "low noise" or "quiet" operation mode.

### **Outer Control boundary**

- 1) Any noise sensitive activity with a habitable room in a new building or alteration or addition to an existing building, that is located between the outer control boundary and the air noise boundary shown on the planning maps shall be designed, constructed, and maintained to meet an internal noise level of:
  - a. 40 dB Ldn.
- 2) Compliance with (1) above shall be achieved if, prior to the construction of any building containing a habitable room, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the Council which certifies that the proposed design and construction of the building, alterations or additions will achieve the internal sound levels. The building shall be designed, constructed, and maintained in accordance with the design certificate; or
- 3) ~~Where the noise level specified in (1) above cannot be met with ventilating windows open, a ventilation system shall be installed.~~

#### **Note:**

- i. ~~For the purpose of this standard, ventilation system means a system complying with the **Acceptable Solutions and**~~





~~**Verification Methods for New Zealand Building Code Clause G4 Ventilation.** This standard will ensure a minimum level of mechanical ventilation with ventilating windows closed.~~

- 4) The habitable rooms of the noise sensitive activity must be designed, constructed and maintained with cooling and mechanical ventilation system(s) that achieves the following requirements:
  - i. Provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and
  - ii. provides cooling that is controllable by the occupant and can maintain the inside temperature to below 25°C
- 5) Noise levels from ducted ventilation and cooling systems must be designed to within the design sound level range of NZS2107:2016 when measured as a time and space average over the room beyond 1 metre from any diffuser or outlet. If split system air-conditioning systems are used, an HVAC design certificate must confirm these are of good quality, suitable for noise sensitive applications, and include a "low noise" or "quiet" operation mode.

### **Section 32AA evaluation**

399. The proposed change to NOISE-O2, relates to adding wording to protect community health and wellbeing. This clarifies the objective by specifying that new noise-sensitive activities should be designed and located not only to minimize conflict and reverse sensitivity effects but also to explicitly protect community health and wellbeing. This amendment is considered more appropriate as it reinforces the objective's focus on managing reverse sensitivity while ensuring it directly supports the health and wellbeing of the community. By referring specifically to "community health and wellbeing," the objective avoids an overly broad scope that could be interpreted to include individual health circumstances unrelated to the policy's overall intent. The proposed wording improves clarity and guidance for decision-makers and applicants, aligns with the purpose of the noise chapter, and promotes a balanced approach to managing noise impacts.
400. The proposed amendment to NOISE-P2 to include specific reference to "land near state highways" ensures a consistent approach to managing noise-sensitive activities across all relevant areas, including those near State Highways. This change enhances the policy's effectiveness by explicitly addressing potential noise effects in the areas specified in NOISE-S5. The other amendment to reference regionally significant infrastructure in relation to the specified environment will give additional effect to the RPS in terms of noise. The amendments provide clearer guidance for decision-makers and applicants, reducing the risk of reverse sensitivity issues and promoting community health, safety, and wellbeing. The benefits of this approach, including alignment with the RPS, existing noise management provisions and minimized adverse effects, outweigh any minimal costs associated with the change.



401. The proposed amendment to NOISE-S5 introduces specific requirements for cooling and mechanical ventilation systems where sound insulation is required for habitable rooms associated with noise-sensitive activities, ensuring they meet certain standards to maintain appropriate internal conditions while mitigating noise effects. The addition of these provisions enhances the effectiveness of NOISE-S5 by ensuring that noise-sensitive activities are adequately ventilated and cooled without creating additional noise issues. This amendment provides clear, measurable standards for ventilation and cooling, supporting both comfort and health outcomes for occupants while minimizing potential reverse sensitivity effects related to noise. By referencing established standards such as the New Zealand Building Code (G4) and NZS2107:2016, the proposed provisions offer consistency and certainty for applicants, practitioners, and decision-makers by reducing ambiguity.
402. The amendment is efficient as it balances the need for effective noise mitigation with practical considerations for building design and operation. The requirements are achievable with current technology, and the emphasis on "low noise" or "quiet" operation modes for HVAC systems ensures that noise mitigation efforts are not counteracted by noise generated from ventilation or cooling equipment. The proposed changes are cost-effective, as they rely on established standards and readily available equipment, avoiding excessive burdens on developers or property owners.

### 5.2.10 Key Issue 15: Temporary Military Training Activities

#### Overview

Provision(s)	Officer Recommendation(s)
NOISE-R5	An additional PER standard that incorporates temporary military training helicopter activity into this rule subject to compliance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas
NOISE-R6	<ul style="list-style-type: none"> <li>• Amendment so the rule applies to all zones</li> <li>• Amendments so the correct noise metrics are used</li> <li>• Excluding the requirement to comply with the air blast limits for this activity in relation to NOISE-S6 Explosives</li> </ul>
NOISE-S3	

#### Analysis of Submissions on Key Issue 15

#### NOISE-R5 Noise from temporary military training activity

#### Matters raised in submissions



403. NZDF (S217.010) support NOISE-R5 and agrees with a specific permitted activity rule for TMTA noise in the District Plan. The submitter requests to retain the rule with amendments as listed in points 11 to 13.
404. NZDF (S217.011) support in part NOISE-R5, stating that TMTA use helicopters which is not recognised under Rule NOISE-R7 as drafted, and requests that provision for helicopter landing areas associated with TMTA are included in NOISE-R5. The submitter requests to insert a new standard PER-3:
- "Helicopter landing areas shall comply with NZS6807:1994 Noise Management and Land Use Planning for helicopter Landing areas. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound".*
405. NZDF (S217.013) support in part NOISE-R5. The matters of discretion listed under Rule Noise-R5 for PER-2 are considered appropriate in relation to the potential noise effects from TMTA, however NZDF requests that the activity status is amended to Controlled. They request the matters currently listed as matters of discretion become matters of control.
406. NZDF (S217.019) support in part NOISE-R7, requesting that helicopter landings associated with TMTA are excluded from NOISE-R7 and addressed under NOISE-R5. The submitter requests to amend NOISE-R7 as follows:
- "helicopter operation or landings associated with temporary military training activities which are addressed in NOISE-R5".*
407. NZDF (S217.012) opposes NOISE-R5 and requests a Controlled Activity status for noise from TMTA that doesn't meet the Permitted Activity noise standards. NZDF considers that this activity status is appropriate where the effects are known, as is the case with noise effects. The submitter requests an amendment to Controlled Activity status for TMTA where the activity does not comply with the permitted activity standards.
408. Puketona Business Park Limited (S45.043) support the notified Rule-R5. In their view the Noise chapter of the PDP is generally acceptable and request to retain the rules in the chapter.

### **Analysis**

409. This rule addresses noise from TMTA. It specifies that noise generated by fixed (stationary) sources must comply with the limits set out in NOISE-S3. Additionally, noise generated by mobile sources must adhere to the noise limits specified in relevant tables of NZS 6803:1999: Acoustics Construction Noise.
410. NZDF are generally supportive of this rule but request some amendments. Mr Ibbotson has provided recommendations on these matters (refer to



S217.010 Appendix 3), I concur with his view that reference to helicopters can be included as a permitted activity in relation to TMTA. In my opinion this should be added to NOISE-R5 rather than NOISE-R7 as suggested by Mr Ibbotson. This is a more appropriate place to contain this provision as the use of helicopters that relates to TMTA is different from the general use of helicopters. This also fits with the other recommendation to have a separate exemption for agricultural aviation that can comply with the recommended temporary activities rule.

411. The NZDF requests that if NOISE-R5 is breached, it should be classified as a controlled activity rather than a restricted discretionary activity and that as a result the matters of discretion should become matters of control. In my opinion, this is not appropriate because a controlled activity status means that the Council cannot decline a resource consent application if it meets the specific standards and conditions. A restricted discretionary activity, on the other hand, provides the Council with additional opportunities to assess the activity and decline it if the specified matters are not adequately addressed. Furthermore, there is greater scope to impose conditions to ensure the activity is managed appropriately.
412. NZDF have requested an amendment to NOISE-R7 so that helicopter operation or landings associated with TMTA are excluded from this rule and addressed in NOISE-R5 instead. I agree with the submitter that helicopter operation in relation to TMTA should be incorporated into NOISE-R5. Given my recommendation to include this matter in NOISE-R5, an additional exclusion in NOISE-R7 is not necessary.
413. NZDF requests that an additional PER is added that allows for helicopter landing areas that comply with certain standards in NOISE-R5. I concur with Mr Ibbotson's recommendations (refer to S217.011 Appendix 3) that this relief sought is appropriate. For the reasons outlined above I believe this should be added to NOISE-R5.
414. Puketona Business Park Limited requests NOISE-R5 is retained as notified, in my opinion this is not appropriate for the reasons outlined above.

### **Recommendation**

415. For the reasons above, I recommend that these submissions on the Noise rule are accepted, accepted in part and rejected as set out in **Appendix 2**.
416. I recommend the follow amendments to NOISE-R5:

*Activity status: Permitted*

*Where:*

*PER-1*



*Noise generated from fixed (stationary) noise sources complies with standard:*

*NOISE-S3 Temporary military training;*

*PER-2*

*Noise generated from mobile noise sources must comply with the noise limits set in Tables 2 and 3 of NZS 6803:1999: Acoustics Construction Noise.*

*PER-3*

*Temporary military training helicopter activity that complies with the guidelines of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.*

## **NOISE-R6 Noise from a temporary military training activity involving weapons firing and/or the use of explosives**

### **Matters raised in submissions**

417. NZDF (S217.015) support NOISE-R6 as NZDF have developed standards which manage the noise characteristics of TMTA, with separation distances that are easy to comply with and monitor. The submitter seeks to retain PER-1 and PER-2 as notified.
418. Ngā Tai Ora (S516.067) support NOISE-R6, stating the three permitted activity conditions should apply in conjunction and not as alternatives. They request amendments to the rule so that there is an 'and' between each PER and 'dB LC<sub>peak</sub>' is used instead of 'peak sound pressure level of XX dBC'.
419. NZDF (S217.014) support in part NOISE-R6 and state that providing for TMTA involving weapons firing and/or the use of explosives in the Rural Production zone only, is overly restrictive and not reflective of the varied real-world situations. The submitter requests to amend the rule so that it applies to all zones.
420. NZDF (S217.018) support in part NOISE-R6 and suggest including matters for control as part of Rule NOISE-R6, in keeping with those listed under Rule NOISE-R5 for PER-2. The submitter requests to include matters for control for Rule NOISE-R6 as follows:  
  
*"the level, hours of operation, duration and nature of the noise; 2. Proximity and nature of nearby activities and the adverse effects they may experience from the noise; 3. The existing noise environment; 4. Effects on character and amenity values on the surrounding environment; 5. Effects on the health and wellbeing of people; and 6. Any noise reduction measures"*.



421. NZDF (S217.017) opposes NOISE-R6 and requests a Controlled Activity status for noise from TMTA that doesn't meet the Permitted Activity noise standards. NZDF considers that this activity status is appropriate where the effects are known, as is the case with noise effects. The submitter requests an amendment to a Controlled Activity status for TMTA where the activity doesn't comply with the permitted activity standards.
422. NZDF (S217.016) oppose NOISE-R6 stating that PER-3 requires the activity comply with standard NOISE-R6 Explosives, however this relates to quarrying activities, rather than explosives used by the NZDF. The submitter requests to delete NOISE-R6 PER-3.
423. Puketona Business Park Limited (S45.044) support the notified Rule-R6. In their view the Noise chapter of the PDP is generally acceptable and request to retain the rules in the chapter.

### **Analysis**

424. NOISE-R6 is a permitted activity that relates to noise generated from TMTA involving weapons firing and/or the use of explosives. It includes PER standards that specify the Council must be notified of the activity along with certain aspects at least 5 working days prior to the commencement. It also specifies certain limits the activity must comply with including the hours, separation from noise sensitive activities and peak sound pressure limits. The remaining PER standard specifies that the activity must also comply with NOISE-S6 Explosives.
425. NZDF seeks to retain PER-1 and 2 in NOISE-R6 as notified. I do not agree with the relief sought by this submitter and suggest amendments for the reasons outlined below.
426. Ngā Tai Ora requests that it should be clarified by that all the PER's apply for the activity to be permitted. This matter has been previously addressed and, in my opinion, it is not necessary. In the PDP all the PER's in a rule apply in conjunction unless it specifically states 'or' between the PER's. The submitter also requested the terms used for peak sound levels need to be updated. Mr Ibbotson has agreed that that 'dB L<sub>Cpeak</sub>' should be used rather than "peak sound pressure level of XX dBC" (refer to S516.067 Appendix 3). I recommend the rule is updated to reflect this amended wording.
427. NZDF request that NOISE-R6 applies to all zones rather than just the Rural Production Zone. I concur with Mr Ibbotson's opinion (refer to S217.014 Appendix 3) that the relief sought is acceptable given that the minimum separation distances and noise limits will still need to be complied with. This would still provide adequate protection for noise sensitive activities in all zones while enabling the NZDF to conduct exercises in different environments





428. NZDF has also requested where NOISE-R6 is breached it becomes a controlled activity rather than a discretionary activity as shown in the notified PDP. They have also provided a list of matters of control. In my opinion changing the activity status to a controlled activity is not appropriate because a controlled activity status means that the Council cannot decline a resource consent application if it meets the specific standards and conditions. A discretionary activity, on the other hand, provides the Council with opportunity to assess all aspects of the activity and decline it if it is not appropriate. There is a much greater scope to impose conditions to ensure the activity is managed appropriately. Given the activity relates to noise from a TMTA involving weapons firing and/or the use of explosives in my opinion where the permitted standards cannot be met its important there is unlimited discretion on Councils assessment of this activity.
429. The NZDF has also requested that PER-3 of NOISE-R6 is deleted as in their opinion it relates to quarrying activities. Mr Ibbotson has addressed this issue (refer to S217.016 Appendix 3) and I agree with his recommendations. It is still appropriate for the type of explosives used in TMTA to comply with these standards. Mr Ibbotson has recommended compliance with the airblast limits can be removed, if necessary, from this standard as these are covered in PER-3. I agree that an exclusion could be added to PER-3 stating that the '*airblast limits in NOISE-S6 Explosives*' are excluded to address this duplication issue.
430. Puketona Business Park Limited requests NOISE-R6 is retained as notified, in my opinion this is not appropriate for the reasons outlined above.

### **Recommendation**

431. For the reasons above, I recommend that these submissions on the Noise rule are accepted, accepted in part and rejected as set out in **Appendix 2**.
432. I recommend the follow amendments to NOISE-R6:

*Rural-Production-zone All zones*

*PER-2*

*The activity complies with the following:*

*occurs between the hours of 7.00am to 7.00pm, and achieves either a 500m minimum separation distance to, or ~~peak-sound-pressure-level-of~~ 95 dB LCpeak dBC when measured within. the notional boundary of any noise sensitive activity: and/or*

*occurs between 7.00pm to 7.00am, an achieves either a 1250m minimum separation distance to, or ~~peak-sound-pressure-level-of~~ 85 dB LCpeak dBC*





*when measured within, the notional boundary of any noise sensitive activity;*

*PER-3*

*The activity complies with standard:*

*NOISE-S6 Explosives (excluding airblast limits).*

### **NOISE-S3 Noise from temporary military training activities**

#### **Matters raised in submissions**

433. NZDF (S217.020) support in part NOISE-S3. NZDF have developed a set of noise standards that are realistic and appropriate for the type of noise generated based off professional advice and seeks their inclusion in proposed plans. The submitter requests to amend NOISE-S3 as follows: "1. 7am to 7pm – 50dBLAeq (15min), 2. 7pm to 10pm – 4550dBLAeq (15min), 3. 10pm to 7am – 4540dBLAeq (15min), 4. 10pm to 7am – 7570dBLAmax".
434. Puketona Business Park Limited (S45.052) support the notified NOISE-S3. In their view the Noise chapter of the PDP is generally acceptable and request to retain the rules in the chapter.

#### **Analysis**

435. This standard (NOISE-S3) sets noise limits for TMTA in relation to the notional boundary from any noise-sensitive activity, with different limits applying at different times. Marshall Day Acoustics provided information to support the Section 32 analysis and the PDP noise provisions. However, the limits in NOISE-S3, as notified, do not align with these original recommendations. The reason for this discrepancy is unclear; it may be due to typographical errors or other oversight.
436. The NZDF has requested amendments to the noise limits associated with these standards. I defer to the expertise of Mr. Ibbotson (refer to S217.020 Appendix 3). Based on his assessment, I recommend that the relief sought by this submitter be accepted, as it aligns with the original limits intended for this standard as recommended by Marshall Day Acoustics.
437. Puketona Business Park Limited requests NOISE-S3 is retained as notified, in my opinion this is not appropriate for the reasons outlined above.

#### **Recommendation**

438. For the reasons above, I recommend that these submissions on the Noise standard are accepted, accepted in part and rejected as set out in **Appendix 2**.
439. I recommend the follow amendments to NOISE-S3:



440. *Noise generated from fixed noise sources shall not exceed the following limits at any point within the notional boundary of any noise sensitive activity:*

- 1) *7am to 7pm - 50 dB LAeq(15min);*
- 2) *7pm to 10pm - 45 50 dB LAeq(15min);*
- 3) *10pm to 7am - 40 45 dB LAeq(15min); and*
- 4) *10pm to 7am - 70 75 dB L<sub>Amax</sub>.*

### **Section 32AA evaluation**

441. The proposed amendment to NOISE-Rule 5 introduces a new permitted activity provision (PER-3) specifically addressing temporary military training helicopter activity, requiring compliance with the guidelines of NZS6807:1994. This change recognizes the distinct nature of helicopter use associated with TMTA and differentiates it from general helicopter use.
442. The amendment ensures that noise generated from TMTA helicopter activities is managed according to guidelines specifically tailored for helicopter operations, providing a more precise regulatory framework. Using NZS6807:1994 as the reference standard is effective because it directly addresses noise management and land use planning for helicopter landing areas, ensuring noise impacts are managed appropriately in the context of TMTA. This standard provides clear guidance for both military operators and the community, reducing potential disputes and enhancing certainty.
443. The amendment also enhances efficiency by providing a straightforward rule for TMTA helicopter use, reducing the administrative burden of assessing noise under general provisions that may not fully capture the unique nature of these activities. The reliance on a recognized standard ensures that noise management is aligned with established best practices, achieving the desired outcomes while being cost-effective for enforcement and compliance.
444. The proposed amendment to NOISE-R6 involves extending its application to all zones, rather than limiting it to the Rural Production zone, and correcting several typographical errors. In my opinion, amending the rule to apply across all zones is both effective and efficient. As highlighted by the submitter, it is crucial for military training to occur in diverse environments, and this amendment facilitates that while still ensuring the activity is subject to relevant noise standards which ensure adverse noise effects on communities are mitigated. Additionally, correcting the typographical errors aligns the rule with its original intent, and no further assessment is deemed necessary.



445. The amendments to the noise limits in NOISE-S3 restore the original intent of the PDP provisions, which appear to have been unintentionally omitted. No further assessment is deemed necessary.

### 5.2.11 Key Issue 16: Maximum Noise Levels

#### Overview

Provision(s)	Officer Recommendation(s)
NOISE-S1	Redrafted standard to capture missed zones and other issues identified with the notified provision.

#### Analysis of Submissions on Key Issue 16

##### Matters raised in submissions

446. Ngā Tai Ora (S516.072) opposes NOISE-S1. The submitter notes that the Section 32 appendix noise report recommended a comprehensive set of zone noise limits, including limits "within zones" and "between zones." The report also recommended an overarching provision that, unless otherwise specified, emissions from any zone must comply with the "within zone" noise limits for the receiving zone. The submitter observes that these recommended provisions have not been implemented in the notified PDP. It appears that an attempt was made to simplify and combine the "within" and "between" zone noise limits, but this process has resulted in numerous gaps where noise emissions between zones are not controlled. Consequently, the notified provisions are considered inadequate to protect public health. Due to the current structure of NOISE-S1, a simple remedy is not feasible, and therefore specific wording has not been proposed, as comprehensive redrafting is required to address this issue.
447. For airport noise, the inclusion of both outer control boundaries and air noise boundaries is often appropriate for land use planning purposes. However, as a "noise limit," only one control line should apply to each airport. By default, this should be the air noise boundary, unless, for a small airport, this line does not extend far enough to be practical. In accordance with the Noise and Vibration Metrics National Planning Standard and NZS 6802, engine testing noise (that is not otherwise included in aircraft operations noise) should be subject to noise limits using the metric LAeq(15 min) and not a 9-hour average.
448. The submitter requests that Standard NOISE-S1 be deleted and replaced with a table containing noise limits for each zone, applying to noise received in sites within each zone, regardless of whether the noise originated from other sites in that zone or from sites in another zone. Additionally, only one noise limit should be set at one boundary (either outer control or air noise) for each airport. If separate noise limits are maintained for aircraft engine testing, the metric should be amended to read: "...dB LAeq(15 min) (9 hour)..."



449. Ngā Tai Ora (S516.071) oppose NOISE-S1. They state the term “maximum noise levels” has a defined meaning in acoustic standards relating to one specific noise metric. The submitter requests to amend the title of Standard NOISE-S1 to read “~~Maximum noise levels~~ Noise limits – zone specific”.
450. Te Whatu Ora - Health New Zealand, Te Tai Tokerau (S42.015) support in part NOISE-S1, stating the hospital isn’t new to the surrounding environment and it is Regionally Significant Infrastructure. Hospital must be enabled to operate, expand and redevelop over time. The submitter requests amendment to the noise provisions in the chapter to ensure that zone provisions don’t constrain hospital activities or the design and future expansion of the facilities.
451. Waiaua Bay Farm Limited (S463.084) support NOISE-S1. The submitter states that applying the noise rules for the NOSZ to the Natural Heritage subzone at Kauri Cliffs is inappropriate, as this location is contained in a private landholding. The submitter requests to amend NOISE-S1 as follows
- “Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the Natural Open Space (excluding the Kauri Cliffs Natural Heritage subzone), Open Space, and Sport and Active Recreation zone...”*
452. Timothy and Dion Spicer (S213.024) support in part NOISE-S1. They state there is no logical reason to reduce noise limits between the hours of 7am-10pm. The submitter requests to amend Rule NOISE-S1 Maximum Noise Levels in relation to the Rural Production Zone to be consistent with current noise limits under the ODP.
453. FNR Properties Limited (S316.003) support in part NOISE-S1. The submitter notes that maximum noise limits in the Rural Production Zone and Mineral Extraction overlay are conflicting, specifically those that apply to the period of 10pm to 7am. Given the Mineral Extraction overlay largely applies to sites with an underlying zone of Rural Production, having different noise limits is not appropriate and could lead to confusion and misinterpretation. The submitter requests to amend Rule NOISE-S1 so noise limits in the Rural Production Zone are consistent with those in the Mineral Extraction Overlay.
454. Transpower (S454.104) states that it is unclear whether a reduction in the nighttime noise limit is necessary to address adverse effects or maintain amenity within the zones specified in NOISE-S1. The submitter argues that the nighttime noise limit should be retained at 45dBA LAeq, as is the case in many equivalent zones in the ODP, which is consistent with similar environments in other districts. The submitter requests that the PDP be amended to change the nighttime noise limits set at 40dBA LAeq (15min) in any of the PDP zones in the Far North to 45dBA LAeq.



455. Kāinga Ora (S561.054) support NOISE-S1. They state the increased noise level during daytime activities within the Māori Purpose zones, is enabling for economic growth and development of Māori in the District and request to retain NOISE-S1 as notified.
456. Horticulture NZ (S159.091) support NOISE-S1 and agree the levels for the Rural Production and Horticulture Zones are appropriate and request to retain the standard as it relates to these zones.
457. MOE (S331.056) supports NOISE-S1 Maximum Noise Levels - Zone Specific, as educational facilities are noise-sensitive activities often located in residential zones. The Ministry specifically supports the matters of discretion, particularly the consideration of the location of the noise-generating activity in relation to any noise-sensitive activities in (b). The submitter requests that NOISE-S1 Maximum Noise Levels - Zone Specific be retained as proposed.
458. MOE (S331.059) supports standard NOISE-S1 Maximum Noise Levels - Zone Specific in the Mixed Use zone, as educational facilities are noise-sensitive activities often established in such zones. The Ministry specifically supports the matters of discretion, particularly the consideration of the ability to design and construct buildings accommodating noise-sensitive activities with sound insulation and/or other mitigation measures to minimize the level of noise received within the building in (d). The submitter requests that standard NOISE-S1 Maximum Noise Levels - Zone Specific in the Mixed Use zone be retained as proposed.
459. MOE (S331.057) support NOISE-S1 Maximum noise levels – zone specific, in the Rural Production zone, Rural lifestyle zone, Māori Purpose zone, Horticulture zone, Moturoa Island zone, Kauri Cliffs Zone, Ngawha Innovation and Enterprise Park zone as educational facilities are noise-sensitive activities often established in such zones. The Ministry specifically supports the matters of discretion, particularly the consideration of consider the location of the noise generation activity in relation to any noise sensitive activities in (b). The submitter supports retaining standard NOISE-S1 Maximum noise levels - zone specific, in the Rural Production zone, Rural Lifestyle zone, Māori Purpose zone, Horticulture zone, Moturoa Island zone, Kauri Cliffs zone, Ngawha Innovation and Enterprise Park zone.
460. MOE (S331.058) support NOISE-S1 Maximum noise levels – zone specific, in the Settlement zone, Carrington Estate zone as educational facilities are noise-sensitive activities often established in such zones. The Ministry specifically supports the matters of discretion, particularly the consideration of consider the location of the noise generation activity in relation to any noise sensitive activities in (b). The submitter supports matters of discretion and consider the location of the noise generated activity, in relation to any noise sensitive activities. The submitter supports



retaining standard NOISE-S1 Maximum noise levels - zone specific, in the Settlement zone and Carrington Estate zone, as proposed.

461. Waiaua Bay Farm Limited (S463.083) support NOISE-S1 with specific regard to Kauri Cliffs and permitted noise limited to be compatible with the general range of activities undertaken in the KCZ. The submitter requests to retain the Standard.
462. Jeff and Robby Kemp (S51.009) support NOISE-S1 as it applies to the Rural Production Zone and request to retain it.
463. Puketona Business Park Limited (S45.050 and S45.018) support the notified NOISE-S1 In their view the Noise chapter of the PDP is generally acceptable and request to retain the rules in the chapter.

### **Analysis**

464. NOISE-S1 sets maximum noise levels for each zone, addressing both inter-zone noise impacts and the notional boundaries of noise-sensitive activities. It specifies different noise limits based on the time of day across a 15-minute period and includes maximum single noise limits.
465. Ngā Tai Ora opposes NOISE-S1 and requests the inclusion of a table containing noise limits for each zone. Mr. Ibbotson supports this submission point (refer to S516.072 Appendix 3) and provides recommendations to resolve the issue. The notified provisions result in some zones lacking noise rules, which is a significant concern. I concur with Mr. Ibbotson's analysis and recommend a redrafted version of the NOISE-S1 provisions to address this issue as outlined below.
466. Ngā Tai Ora has requested that the term "maximum noise levels" in NOISE-S1 be replaced with "noise limits." I agree with Mr. Ibbotson's recommendation to accept this relief for the reasons provided by the submitter (refer to S516.071).
467. Te Whatu Ora - Health New Zealand, Te Tai Tokerau, has requested amendments to NOISE-S1 to ensure that the noise provisions do not constrain hospital activities or the design and future expansion of hospital facilities. Mr. Ibbotson has addressed this submission point (refer to S42.015 Appendix 3) and agrees that hospital zones should not restrict hospital activities or future expansion, while also balancing the health and wellbeing of adjacent neighbours. Mr. Ibbotson has provided appropriate noise limits, and I concur with his analysis and recommendations. These limits have been incorporated into the redrafted NOISE-S1 (see below).
468. As previously mentioned, it should be noted that Section 16 of the RMA imposes a general duty on all occupiers of land to adopt the best practicable option to ensure that the emission of noise from their premises does not exceed a reasonable level. This provision serves as a tool distinct from the District Plan, capable of managing both new and existing noise





sources independently of plan provisions. While the PDP addresses noise issues through specific objectives and rules, section 16 provides a broader framework that applies universally, regardless of whether noise is explicitly regulated by a district plan.

469. The relief sought by Waiaua Bay Farm Limited is to amend NOISE-S1 to exclude the Kauri Cliffs Natural Heritage subzone from the noise limits associated with the Natural Open Space zone. In my view, this relief is not necessary as the Kauri Cliffs Natural Heritage subzone is not classified as a Natural Open Space zone and is not subject to these noise limits in the notified PDP.
470. Timothy and Dion Spicer seek to amend NOISE-S1 to align with the Rural Production noise limits in the Operative District Plan (ODP). Mr. Ibbotson has addressed this matter (refer to S213.024 Appendix 3) and I agree with his opinion that the ODP noise limits for the Rural Production zone are problematic, which has led to changes in the PDP noise standards. I do not recommend adopting the ODP Rural Production noise limits for the PDP.
471. FNR Properties Limited requests that the noise limit standards for the Rural Production zone be amended to align with those of the Mineral Extraction overlay. While I understand the rationale behind this request, the amendments to NOISE-S1 make it clear what limits apply to the Mineral Extraction Overlay. The Mineral Extraction overlay provisions are live and will be dealt with at Hearing 8 which is scheduled for 19-21 November 2024.
472. Transpower seeks to increase the nighttime (10pm-7am) noise limit in many zones from 40dBA LAeq to 45dBA LAeq. Mr. Ibbotson has provided technical advice and a recommendation on this submission point (refer to S454.104). I agree with Mr. Ibbotson's recommendations that this relief is not appropriate. He suggests that a 45 dB LAeq nighttime noise rule may be suitable for some sites near substations; however, in my opinion, implementing this nuanced approach into the PDP would be challenging. In addition, increasing the limits in all locations to address a site-specific conflict is not efficient and may reduce overall nighttime amenity in the zones that are predominantly established to provide for more sensitive activities.
473. Several submitters, including Kāinga Ora, Horticulture NZ, MOE, Waiaua Bay Farm Limited, Jeff and Robby Kemp and Puketona Business Park Limited, support NOISE-S1 and seek to retain it or aspects of the standard. However, I do not consider this appropriate for the reasons outlined above. I agree with Mr. Ibbotson's advice that the provisions within this standard are not fit for purpose due to their current drafting. While the underlying noise limits are broadly appropriate, the section must be reorganized to cover all zones with clear noise limits.





**Recommendation**

474. For the reasons above, I recommend that these submissions on the Noise standard are accepted, accepted in part and rejected as set out in **Appendix 2.**

475. I recommend the following amendments to NOISE-S1:

<b>NOISE-S1</b>	<b><u>Maximum noise levels – zone specific General noise rules applying to noise emitted from all zones and overlays (unless provided for by a specific standard elsewhere)</u></b>
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<u>Receiving zone</u>	<u>Noise rule</u>	<b>Matters of discretion if compliance not achieved:</b>
<b>General Residential zone</b>	<del>Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the General Residential, Kororāreka Russell Township zone or Rural Residential zone:</del>	a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; b. type, scale and location of the activity in relation to any noise sensitive activities; c. hours of operation and duration of activity; d. the temporary or permanent nature of any adverse effects; e. the ability to internalise and/or minimise any conflict with adjacent activities; and f. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).
<b>Māori Purpose -</b>	<u>a) Noise generated in all zones, other than the zones in b) and c) below:</u>	
<b>Urban</b>	<u>Noise shall not exceed the following rating noise levels at any point within the received property boundary:</u>	
<b>Rural Residential zone</b>	a. 7.00 am to 10.00 pm –(daytime): 50 dB LAeq (15min); b)10.00 pm to 7.00 am – (night-time): 40 dB LAeq (15 min); and	
<b>Kororāreka Russell Township zone</b>	c-10.00 pm to 7.00 am—70 dB LAFmax.	
<b>Hospital zone</b>	<u>b) Noise generated in Mixed Use, Light Industrial, Horticultural Processing facilities, Ngawha Innovation and Enterprise Park or Orongo Bay zones, or from non-aircraft operation activity within an Airport Zone:</u>	
<b>Natural Open Space</b>	<u>Noise shall not exceed the following rating noise levels at any point within the receiving property boundary:</u>  <u>7.00 am to 10.00pm (daytime): 55dBLAeq</u>	



	<p><u>10.00pm to 7.00am (night-time): 40 dB LAeq and 75 dB LAFmax</u></p> <p><u>c) Noise generated in the Hospital or Heavy Industrial zones or Mineral Extraction Overlays:</u></p> <p><u>Noise shall not exceed the following rating noise levels at any point within the receiving property boundary:</u></p> <p><u>7.00am to 10.00pm (daytime): 55 dB LAeq</u>  <u>10.00pm to 7.00am (night-time): 46 dB LAeq and 75 dB LAFmax</u></p>	
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<u>Receiving zone</u>	<u>Noise rule</u>	<b>Matters of discretion if compliance not achieved:</b>
<b>Rural Production zone</b>	<p><del>Noise generated by any activity shall not exceed the following limits within the notional boundary of any noise sensitive activity in the Rural Production, Rural Lifestyle or Māori Purpose zones:</del></p>	<p><b>a.</b> ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</p> <p><b>b.</b> type, scale and location of the activity in relation to any noise sensitive activities;</p> <p><b>c.</b> hours of operation and duration of activity;</p> <p><b>d.</b> the temporary or permanent nature of any adverse effects;</p> <p><b>e.</b> the ability to internalise and/or minimise any conflict with adjacent activities;</p> <p><b>f.</b> any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation); and</p> <p><b>g.</b> <del>any mitigation proposed, in accordance with the best practicable option approach</del></p>
<b>Rural Lifestyle zone</b>	<p><u>d) Noise generated in all zones, other than the zones in e) and f) below:</u></p>	
<b>Māori Purpose - Rural zone</b>	<p><u>Noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the receiving property:</u></p>	
<b>Horticulture zone</b>	<p><del>a. 7.00 am to 10.00 pm – (daytime): 55 dB LAeq (15min);</del></p>	
<b>Moturoa Island zone</b>	<p><del>b. 10.00 pm to 7.00 am – (night-time) 40 dB LAeq (15 min); and</del></p>	
<b>Kauri Cliffs zone</b>	<p><del>c. 10.00 pm to 7.00 am – 70 dB LAFmax.</del></p>	
<b>Ngawha Innovation and Enterprise Park zone</b>	<p><u>e) Noise generated in Mixed Use, Light Industrial, Horticultural Processing Facilities, Ngawha Innovation and Enterprise Park or Orongo Bay Zones, or from non-aircraft operation activity within an Airport zone:</u></p>	
<b>Settlement</b>	<p><u>Noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the receiving property:</u></p>	



	<p><u>7.00am to 10.00pm (daytime): 55dB<sub>L<sub>Aeq</sub></sub></u></p> <p><u>10.00pm to 7.00am (night-time): 40 dB<sub>L<sub>Aeq</sub></sub> and 75 dB <sub>L<sub>A</sub>F<sub>max</sub></sub></u></p> <p><u>f) Noise generated in the Hospital or Heave Industrial zones or in Mineral Extraction Overlays:</u></p> <p><u>Noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the receiving property:</u></p> <p><u>7.00am to 10.00pm (daytime): 55 dB <sub>L<sub>Aeq</sub></sub> and 75 dB <sub>L<sub>A</sub>F<sub>max</sub></sub></u></p>	<p>(e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).</p>
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<p><b><u>Receiving zone</u></b></p> <p><b><u>Settlement zone</u></b></p> <p><b><u>Rural Residential</u></b></p> <p><b><u>Carrington Estate zone</u></b></p>	<p><u>Noise rule</u></p> <p><u>g) Noise generated in all zones, other than the zones in h) and i) below:</u></p> <p><del>Noise generated by any activity shall not exceed the following limits within the notional boundary of any noise sensitive activity in the Settlement zones:</del></p> <p><u>Noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the receiving property:</u></p> <p>-</p> <p>a- 7.00 am to 10.00 pm <del>—(daytime): 50 dB <sub>L<sub>Aeq</sub></sub> (15min);</del></p> <p>b 10.00 pm to 7.00 am – ( night-time) 40 dB <sub>L<sub>Aeq</sub></sub> (15 min); and</p> <p>c <del>10.00 pm to 7.00 am– 70 dB <sub>L<sub>A</sub>F<sub>max</sub></sub>.</del></p> <p><u>h) Noise generated in Mixed Use, Light Industrial, Horticultural Processing Facilities, Ngawha Innovation and Enterprise Park or Orongo Bay zones, or from non-aircraft operation activity within an Airport zone:</u></p> <p><u>Noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the property:</u></p>	<p><b>Matters of discretion if compliance not achieved:</b></p> <p>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</p> <p>b. type, scale and location of the activity in relation to any noise sensitive activities;</p> <p>c. hours of operation and duration of activity;</p> <p>d. the temporary or permanent nature of any adverse effects;</p> <p>e. the ability to internalise and/or minimise any conflict with adjacent activities;</p> <p>f. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation); and</p>
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	<p><u>7.00am to 10.00 pm (daytime): 55d B LAeq</u></p> <p><u>10.00pm to 7.00 am (night-time): 40dB LAeq and 75 dB LAfmax</u></p> <p><u>i) Noise generated in the Hospital or Heavy Industrial zones or in Mineral Extraction Overlays:</u></p> <p><u>Noise shall not exceed the following rating noise levels within the notional boundary of any noise sensitive activity within the receiving property:</u></p> <p><u>7.00am to 10.00 pm (daytime): 55d B LAeq</u></p> <p><u>10.00pm to 7.00 am (night-time): 45dB LAeq and 75 dB LAfmax</u></p>	
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<u>Receiving zone</u>	<u>Noise rule</u>	<b>Matters of discretion if compliance not achieved:</b>
<p><b>Natural Open Space zone</b></p> <p><b>Open Space zone</b></p> <p><b>Sport and Active Recreation zone</b></p>	<p><u>j) Noise generated in all zones</u></p> <p><u>Noise shall not exceed the following rating noise levels at any point within the receiving property boundary:</u></p> <p><u>All times: 55dB LAeq</u></p> <p><del>Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the Natural Open Space, Open Space, and Sport and Active Recreation zones:</del></p> <p><del>-</del></p> <p><del>a. 7.00 am to 10.00 pm – 50 dB LAeq (15min);</del></p> <p><del>b. 10.00 pm to 7.00 am – 40 dB LAeq (15 min); and</del></p> <p><del>c. 10.00 pm to 7.00 am – 70 dB LAfmax-</del></p>	<p><b>a.</b> ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</p> <p><b>b.</b> type, scale and location of the activity in relation to <u>any noise sensitive activities; to outdoor activities within the zone;</u></p> <p><b>c.</b> hours of operation and duration of activity;</p> <p><b>d.</b> the temporary or permanent nature of any adverse effects;</p> <p><b>e.</b> the ability to internalise and/or minimise any conflict with adjacent activities;</p> <p><b>f.</b> any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and</p>



		<p>equipment and the timing of operation); and  <del>g. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).</del></p>
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<p><b><u>Receiving zone</u></b></p> <p><b><u>Mixed Use zone</u></b></p>	<p><b><u>Noise rule</u></b></p> <p>k) Noise generated in all zones:</p> <p><u>Noise shall not exceed the following rating noise levels at any point with the receiving property boundary:</u></p> <p><del>Noise generated by any activity shall not exceed the following limits at any point within another site in the zone:</del></p> <p><b>Sunday to Thursday</b></p> <p>a. 7.00 am to 10.00 pm <del>–(daytime)</del> 60 dB LAeq (15min);</p> <p>b 10.00 pm to 7.00 am <del>–( night-time)</del> 55 dB LAeq (15 min); and</p> <p><del>c 10.00 pm to 7.00 am– 80 dB LAFmax.</del></p> <p><b>Friday and Saturday</b></p> <p>a. 7.00 am to midnight <del>– ( daytime)</del> 60 dB LAeq (15min);</p> <p>b midnight to 7.00 am - 55 dB LAeq (15 min); and</p> <p><del>c midnight to 7.00 am– 80 dB LAFmax.</del></p> <p><del>2. Noise generated by any activity shall not exceed the following limits at any point within the boundary of any sites in the General Residential zone, or notional boundary of any noise sensitive activity within the Rural Production, Rural Lifestyle, Rural Residential, Horticulture, or Māori Purpose zones:-</del></p> <p><del>a. 7.00am to 10.00pm – 55 dB L(15min);</del></p> <p><del>b. 10.00pm to 7.00am – 40 dB L(15min);</del></p> <p><del>and</del></p> <p><del>c. 10.00pm to 7.00am – 75 dB L AFmax-</del></p>	<p><b>Matters of discretion if compliance not achieved:</b></p> <p>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</p> <p>b. any existing noise generating activities and the level of noise that will be received within any noise sensitive building;</p> <p>c. the primary purpose and the frequency of use of the activity;</p> <p>d. the ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night;</p> <p>e. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation); and</p> <p>f. the effects on any existing noise sensitive activities</p>
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<p><b><u>Receiving zone</u></b></p> <p><b>Light Industrial zone</b></p> <p><b><u>Orongo Bay</u></b></p>	<p><del>1. Noise generated by any activity shall not exceed the following limits at any point within another site in the zone:—</del></p> <p><u>l) Noise generated in all zones:</u></p> <p><u>Noise shall not exceed the following rating noise levels at any point with the receiving property boundary:</u></p> <p style="padding-left: 40px;">a. 7.00 am to 10.00 pm – <u>(daytime)</u> 65 dB <math>L_{Aeq}(15min)</math>;</p> <p style="padding-left: 40px;">b. 10.00 pm to 7.00 am – (night-time) 60 dB <math>L_{Aeq}(15min)</math>; and</p> <p style="padding-left: 40px;">c. 10.00 pm to 7.00 am – 80 dB <math>L_{AFmax}</math>.</p> <p><del>2. Noise generated by any activity shall not exceed the following limits at any point within the boundary of any sites in the General Residential zone, or the notional boundary of any noise sensitive activity within the Rural Production, Rural Lifestyle, Rural Residential, Horticulture, or Māori Purpose zones:</del></p> <p style="padding-left: 40px;">a. 7.00 am to 10.00 pm – 55 dB <math>L_{Aeq}(15min)</math>;</p> <p style="padding-left: 40px;">b. 10.00 pm to 7.00 am – 40 dB <math>L_{Aeq}(15min)</math>; and</p> <p style="padding-left: 40px;">c. 10.00 pm to 7.00 am – 75 dB <math>L_{AFmax}</math>.</p>	<p><b>Matters of discretion if compliance not achieved:</b></p> <ul style="list-style-type: none"> <li>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</li> <li>b. type, scale and location of the activity in relation to any noise sensitive activities;</li> <li>c. hours of operation and duration of activity;</li> <li>d. the temporary or permanent nature of any adverse effects;</li> <li>e. the ability to internalise and/or minimise any conflict with adjacent activities;</li> <li>f. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation); and</li> <li>g. the effects on any existing noise sensitive activities.</li> </ul>
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<p><b><u>Receiving zone</u></b></p> <p><b>Heavy Industrial zone</b></p> <p><b>Horticulture Processing zone</b></p>	<p><u>Noise rule</u></p> <p><u>m) Noise generated in all zones:</u></p> <p><u>Noise shall not exceed the following rating noise level at any point within the receiving property boundary:</u></p> <p><u>All times: 75 dB <math>L_{Aeq}</math></u></p> <p><del>Noise generated by any activity shall not exceed the following limits at any point within another site in the zone:</del></p> <p style="padding-left: 40px;">a. All times – 75 dB <math>L_{Aeq}(15min)</math></p>	<p><b>Matters of discretion if compliance not achieved:</b></p> <ul style="list-style-type: none"> <li>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</li> </ul>
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	<p>2. <del>Noise generated by any activity shall not exceed the following limits at any point within the boundary of any sites in the General Residential zone, or the notional boundary of any noise sensitive activity within the Rural Production, Rural Lifestyle, Rural Residential, Settlement, Horticulture, or Māori Purpose zones:</del></p> <p><del>a. 7.00 am to 10.00 pm – 55 dB L<sub>Aeq</sub> (15min);</del></p> <p><del>b. 10.00 pm to 7.00 am – 40 dB L<sub>Aeq</sub> (15 min); and</del></p> <p><del>c. 10.00 pm to 7.00 am – 75 dB L<sub>AFmax</sub>;</del></p>	<p>b. type, scale and location of the activity in relation to any noise sensitive activities;</p> <p>c. hours of operation and duration of activity;</p> <p>d. the temporary or permanent nature of any adverse effects;</p> <p>e. the ability to internalise and/or minimise any conflict with adjacent activities;</p> <p>f. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation); and</p> <p>g. the effects on any existing noise sensitive activities.</p>
<p><b>Mineral extraction overlay</b></p>	<p>1. <del>Mineral extraction activities shall not exceed the following limits when measured at any point within the boundary of any site in the General Residential zone, or within the notional boundary of any noise sensitive activity within the Rural Production, Rural Lifestyle, Rural Residential, Settlement, Horticulture, or Māori Purpose zones:</del></p> <p><del>a. 7.00 am to 10.00 pm – 55 dB L<sub>Aeq</sub> (15min);</del></p> <p><del>b. 10.00 pm to 7.00 am – 40 dB L<sub>Aeq</sub> (15 min); and</del></p> <p><del>c. 10.00 pm to 7.00 am – 75 dB L<sub>AFmax</sub>;</del></p>	<p><b>Matters of discretion if compliance not achieved:</b></p> <p>-</p> <p>a. <del>ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</del></p> <p>b. <del>type, scale and location of the activity in relation to any noise sensitive activities;</del></p> <p>c. <del>hours of operation and duration of activity;</del></p> <p>d. <del>the temporary or permanent nature of any adverse effects;</del></p> <p>e. <del>the ability to internalise and/or minimise any conflict with adjacent activities;</del></p> <p>f. <del>the effects on any existing noise sensitive activities; and</del></p> <p>g. <del>any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of</del></p>





		structures, buildings and equipment and the timing of operation).
<p><b>Orongo Bay zone</b></p>	<p>1. Noise generated by any activity shall not exceed the following limits at any point within another site in the Orongo Bay zone:</p> <ul style="list-style-type: none"> <li>a. 7.00 am to 10.00 pm—65 dB L<sub>Aeq</sub> (15min);</li> <li>b. 10.00 pm to 7.00 am—60 dB L<sub>Aeq</sub> (15 min); and</li> <li>c. 10.00 pm to 7.00 am—80 dB L<sub>AFmax</sub>;</li> </ul> <p>2. Noise generated by any activity shall not exceed the following limits at any point within the boundary of any sites in the Orongo Bay zone, or the notional boundary of any noise sensitive activity within any other zone:</p> <ul style="list-style-type: none"> <li>a. 7.00 am to 10.00 pm—55 dB L<sub>Aeq</sub> (15min);</li> <li>b. 10.00 pm to 7.00 am—40 dB L<sub>Aeq</sub> (15 min); and</li> <li>c. 10.00 pm to 7.00 am—75 dB L<sub>AFmax</sub>;</li> </ul>	<p><b>Matters of discretion if compliance not achieved:</b></p> <ul style="list-style-type: none"> <li>-</li> <li>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</li> <li>b. type, scale and location of the activity in relation to any noise sensitive activities;</li> <li>c. hours of operation and duration of activity;</li> <li>d. the temporary or permanent nature of any adverse effects;</li> <li>e. the ability to internalise and/or minimise any conflict with adjacent activities;</li> <li>f. the effects on any existing noise sensitive activities; and</li> <li>g. any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).</li> </ul>
<p><b>Airport zone Applies to aircraft operation and engine testing within the Airport zone</b></p>	<p><u>Within the Airport zone:</u></p> <p>1. Aircraft operation associated with the Airport zone is excluded from compliance with the Noise -S1 zone standards, provided it complies with the following rules</p> <p>2. The maximum noise generated from aircraft operations at the Bay of Islands Airport, Kaitaia Airport and Kaikohe Airport over any 90 continuous days, measured in accordance with NZS 6805:1992 Airport</p>	<p><b>Matters of discretion if compliance not achieved:</b></p> <ul style="list-style-type: none"> <li>a. ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;</li> <li>b. any existing noise generating activities and the level of noise</li> </ul>



	<p>Noise Management and Land Use Planning, shall not exceed:</p> <ul style="list-style-type: none"> <li>a. 55 dB L<sub>dn</sub> at or beyond the outer control boundary shown on the planning maps; and</li> <li>b. 65 dB L<sub>dn</sub> at or beyond the air noise boundary shown on the planning maps.</li> </ul> <p>3. <del>The maximum noise levels from aircraft engine testing measured in accordance with NZS 6801:2008 Acoustic Measurements of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustic Environmental Noise at any point within the boundary of a receiving environment site within General Residential, Rural Production, Rural Lifestyle, or Rural Residential zones shall not exceed:</del> notional boundary of a noise sensitive activity on another site shall not exceed:</p> <ul style="list-style-type: none"> <li>a. <del>on any day 7.00 am to 10.00 pm exceed 55 dB LAeq (9 15 min);</del> and</li> <li>b. <del>on any day 10.00 pm to 7.00 am not exceed 45dB LAeq (9 hours) and 75 dB LAmax, with the exception that on any 12 nights between hours of 10.00 pm to 7.00 am in any calendar year, the maximum noise levels from aircraft engine testing shall not exceed 50 dB LAeq (9 hour) and 75 dB LAmax.</del></li> </ul>	<p><del>that will be received within any noise sensitive building;</del></p> <ul style="list-style-type: none"> <li>e. <del>the primary purpose and the frequency of use of the activity;</del></li> <li>d. <del>the ability to design and construct buildings accommodating noise sensitive activities with sound insulation and/or other mitigation measures to ensure the level of noise received within the building is minimised particularly at night; and</del></li> <li>e. <del>any mitigation proposed, in accordance with the best practicable option approach (e.g. site layout and design, design and location of structures, buildings and equipment and the timing of operation).</del></li> <li>f. <u>All potential aircraft noise matters</u></li> </ul>
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### Section 32AA evaluation

- 476. The proposed redraft of NOISE-S1 addresses significant issues identified in the notified provisions, which result in some zones lacking appropriate noise rules. Mr. Ibbotson’s analysis highlights several key concerns with the existing provisions, including omissions, unclear application of noise limits, and the absence of overarching provisions to cover all zones.
- 477. The current NOISE-S1 provisions fail to provide adequate noise standards for several zones, leading to confusion and potential gaps in noise regulation. This lack of clarity could result in some zones, such as the



Hospital zone or Rural Production zone, having no noise limits applied, which is an undesirable outcome.

- 478. By redrafting NOISE-S1, the aim is to ensure that every zone has suitable and clear noise limits. This amendment is effective because it addresses the identified omissions and provides a comprehensive framework that applies consistently across all zones. Including a “catch-all” provision that ensures noise limits apply where intended, thereby avoiding scenarios where certain zones might be left unregulated.
- 479. The proposed redraft will also improve efficiency by eliminating confusion and administrative burden associated with interpreting and applying unclear or incomplete noise standards. It will ensure that noise regulations are applied uniformly and fairly, reducing the risk of disputes and compliance issues.
- 480. Overall redrafting NOISE-S1 to include clear, comprehensive provisions for all zones is both necessary and appropriate. It addresses the gaps and ambiguities identified in the notified provisions, ensuring that noise limits are effectively applied and that the rule is fit for purpose. This approach will enhance clarity, consistency, and enforceability of noise regulations, supporting the overall objectives of the District Plan.

#### 5.4.7 Key Issue 17: Definitions

##### Overview

Provision(s)	Officer Recommendation(s)
Definitions	Retain as notified
New Definition	A recommended definition for ‘helicopter landing area’ is provided to clarify what this includes as addressed in Key Issue 12.

##### Analysis of Submissions on Key Issue 17

##### Matters raised in submissions

- 481. Transpower (S454.014) support the inclusion of the ‘best practicable option’ definition in the PDP and wish to retain it.
- 482. Horticulture NZ (S159.011) support the definition of ‘Frost fans or Horticultural wind machines’, as the definition is consistent with the explanation of frost fans and request to retain it.
- 483. NZ Agricultural Aviation Association (S182.006) seek a definition of ‘Helicopter landing area’ in the PDP. The submitter requests a new definition of ‘Helicopter landing area’ as follows:

*“means any area of land, building, or structure intended or designed to be used, whether wholly or partly, for helicopter movement or servicing”.*



484. P S Yates Family Trust (S333.002), Wendover Two Limited (S222.002), Matauri Trustee Limited (S243.003), Bentzen Farm Limited (S167.002), Setar Thirty Six Limited (S168.002) and The Shooting Box Limited (S187.002) oppose New Definitions and request to insert a new definition for 'Helicopter landing areas' as follows:

*'means an identified landing areas for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar or freight handling facility.'*

### **Analysis**

485. Transpower request that the 'Best Practicable Option' is retained. Mr Ibbotson has addressed this matter (refer to S454.014 Appendix 3). I agree with Mr Ibbotson's reasoning and recommendation that this definition should be retained as notified.
486. Horticulture NZ support the frost fan definition as notified. Mr Ibbotson has provided some commentary on this definition, identifying potential issues (refer to S159.011 Appendix 3). However, in my opinion this submission point or any other submission points do not provide scope to make any changes to the definition as notified.
487. NZ Agricultural Aviation Association seek that a definition is added for 'Helicopter landing area' with wording provided in their submission (S182.006). P S Yates Family Trust (S333.002) Wendover Two Limited (S222.002), Matauri Trustee Limited (S243.003), Bentzen Farm Limited (S167.002), Setar Thirty Six Limited (S168.002) and The Shooting Box Limited (S187.002) also seek the same relief however have requested different wording for the requested definition. Mr Ibbotson agrees with the premise that a definition is required for the term 'Helicopter landing area' (refer to S182.006 and S333.002 Appendix 3). He does not agree with the exact definitions as sought by these submitters and has provided an alternative definition with reasoning (refer to page 94 Appendix 3) as follows:

*"means any location where helicopters land or depart. A helicopter landing area includes permanently established helicopter bases."*

488. In my opinion this definition provides a clear and logical description of a 'Helicopter landing area' and will fit with the recommended amendments to the helicopter rule and standard framework.

### **Recommendation**

489. For the reasons above, I recommend that these submissions on the Noise definitions are accepted, accepted in part and rejected as set out in **Appendix 2**.
490. The recommended additional definition is outlined in Key Issue 12 in relation to the helicopter provisions.



### **Section 32AA evaluation**

491. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

## **6 Conclusion**

492. This report has provided an assessment of submissions received in relation to the Noise and Lighting chapter. The primary amendments that I have recommended relate to:

### **Light Chapter**

- a) Amendments to the overview section include adding reference to the safety hazards associated with poorly designed artificial light, the cultural and natural values of the night sky, and the Convention on Migratory Species – Light Pollution Guidelines for Wildlife as a best practise document for installing and assessing lights in relation to indigenous fauna.
- b) Amendments to LIGHT-P2 to add reference to managing adverse effects on indigenous fauna where appropriate.
- c) Adding a matter of discretion to LIGHT-S1 referring to the potential effects of artificial lighting on the natural behaviour of indigenous fauna.

### **Noise Chapter**

- d) Amendments to the Exemption Notes include new exemptions, maintenance and exclusions.
  - e) Changes to the Noise Rules and Tables include exclusions, correcting minor errors and amendments for clarity, the inclusion of all zones and additional standards.
  - f) Amendments to the Noise Standards include minor changes, inclusion of all zones and suitable ventilation standards.
  - g) Further amendments to the Noise Standards involve the exclusion of daily one-way vehicle movements in relation to State Highways.
  - h) Amendments to the definitions section consist of new definitions and exclusions.
493. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Noise and Lighting chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.



494. I recommend that provisions for the Noise and Lighting matters be amended as set out in the Noise Appendix 1, Lighting Appendix 1A and Definitions Appendix 1B for the reasons set out in this report.

**Recommended by:** Kenton Baxter – Policy Planner, Far North District Council.

A handwritten signature in blue ink, appearing to be "Kenton Baxter", written in a cursive style.

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 23 September 2024