

Eastside Residents Association
PO Box 2056
Lynmore
Rotorua

17 July 2017

The CEO
Rotorua Lakes Council
Private Bag 3029
Rotorua

Dear Sir

Thank you for the opportunity to submit on Plan Change 4 and Noise Chapter.

Overall, we support the purpose and intent of the Plan Change, and have proposed amendments to improve the District Plan for the benefit of our communities.

The Eastside Residents Association Group formed 18 months ago. We represent a wide sector of the community comprising a formal membership and informal group of residents from Owkata, Lynmore and Ngapuna, and other people in the wider community. We are an important interest group, and are supported by a mandate from a large community to act for their best interests. We meet regularly to discuss issues important to the Eastside of Rotorua.

Our group initially formed due to loud noise levels from the former LumberCube site in 2015/2016 which began to have a massive impact on the health and wellbeing of people in our community. People in our community expressed the need to unite together, as individually people felt they were powerless in having any effect against the issues before them relating to the noise. Of concern, also, was the apparent lack of action and/or inability to take action from our Council to the noise emitting from the Lumbercube site. As a result, we now have a united interest group enabling a bigger community voice for issues directly relating to our Eastside communities, both now and in the future.

The 24/7 noise affecting Eastside was heard as far as Tihi-otonga, Matipo Avenue, Kawaha Point, Ngapuna, Lynmore and some areas of Owkata. Sadly, the noise was also clearly audible in important tourist areas such as the Polynesian Pools and Fenton Street Hotel areas, as well as widely through Rotorua's beautiful Redwood and Whakarewarewa Forests. Overall the noise emissions had a serious effect on the health, welfare and amenity values of our communities, and would no doubt have caused a detrimental effect on our tourism industry had Lumbercube not ceased business. These are the reasons why we are submitting: because we wish to improve the effectiveness of this Plan Change for the wider community.

We wish to be heard, and will be presenting verbally at the hearing and will be cover the following topics to support our submission with amendments:

1. Stress on the community – health impact assessment
2. Impact of the noise on Lynmore school
3. Non-compliant night-time noise levels causing sleep disturbance
4. Reduced ability to undertake adult day time and shift jobs, as well as wider employer concern
5. Double stress of adults living and working in the Eastside community
6. Loss of enjoyment of private residential evening outdoor living and activities.

In consideration to our speaking times, we would request a 60 minute time slot.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Roslyn Morshead', written in a cursive style.

Roslyn Morshead
Secretary

For and on behalf of
Eastside Residents Association

ROTORUA LAKES COUNCIL Te kaunihera o ngā roto o Rotorua	Submission form PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN <i>Form 5 - Clause 6 of First Schedule, Resource Management Act 1991</i>	Submission number <i>Office use only</i>
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(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line

OR Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046

OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Eastside Residents Association ("ERA")	Address For Service:	PO Box 2056, Rotorua
Full Postal Address:	PO Box 2056 Rotorua		Our speakers to the submission will be advised
Telephone No: 07 3933133 Email: eastsiderag@gmail.com		Mobile Phone: 027 7816239	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

An ERA Representative wishes/~~do not wish~~ [delete one] to be heard in support of our submission.

If others make a similar submission, we ~~will~~ **WILL NOT** [delete one] consider presenting a joint case with them at a hearing.

We ~~could~~ **COULD NOT** [delete one] gain an advantage in trade competition through this submission.

Signature of submitter

Date

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
<p>Plan Change 4 Noise A.11.6</p> <p>Noise descriptors</p>	<p>SUPPORT</p>	<p>We support the adoption of New Zealand Standards NZS6801 and 6802 noise descriptors (hereinafter referred to as “the New Zealand Standards”) to the District Plan to avoid confusion in the community on how the noise level average is measured for assessment.</p>	<p>Include the New Zealand Standards reference times to the District Plan Performance Standards as drafted.</p>

<p>A11.6 Noise Limits</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>We believe the stated noise limits are appropriate in keeping with best practice of other councils in New Zealand and that the noise levels are suitable in relative to the residential residual levels in Eastside.</p> <p>Because of the inclusive of the word “and” in the A.11.6.1 noise limit column, it is ambiguous to whether both types of level have to be exceeded before the activity is non-compliant.</p> <p>For example, the noise limit column currently states: Nighttime 40Db L_{Aeq} (15 min) and 70Db L_{Max}.</p> <p>By removing the word “and”, it makes it quite clear, as other councils do in their performance standards, that only one of the technical levels needs to be exceeded to be determined non-compliant.</p>	<p>Adopt the proposed noise limits as drafted by Council and remove the following from A.11.6.1:</p> <p>Remove the word “and” from the night time limits</p>
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<p>A 11.6.1 Location of Noise Measurement</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>We support the Plan wording change to clarify the noise measurement location.</p> <p>However, during 2015/16 Lumbercube saga there was confusion between the community and council to whether the measurement point within the boundary was the nearest point of noise reception from the source and that it should only be at ground floor. Significantly higher noise readings (after technical building correction) were measured by the ERA at second floor bedrooms.</p> <p>We proposed the words from NZ6802 8.4.3 are included to state: “the appropriate measurement position will generally be at any point within the area desired to be protected”.</p>	<p>Change the proposed wording of the first sentence of A.11.6.1:</p> <p><i>“Noise levels shall not exceed the following limits when measured at any point <u>within an area desired to be protected</u> within the boundary of the receiving site ...”</i></p>
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A11.6.1 Time Frames	SUPPORT	We support the elimination of the shoulder period to reduce rule confusion in the community.	No change
Time Frames of Night-time	OPPOSE	<p>We oppose the night time period starting at 10pm because we believe based on our experience with the 2015/2016 Lumbarcube saga, that there was significant nuisance and impact on families from:</p> <ul style="list-style-type: none"> • non-compliant night-time noise levels causing sleep disturbance • stress in the adult population • reduced ability to undertake adult day time & shift jobs • double stress of adults living and working in the Eastside community • impact on Lynmore School and children's schooling. • loss of enjoyment of evening outdoor living and activities. <p>We recommend that the night time period should start at 7pm, which is the time that families are preparing children for sleep, activities in the neighborhoods are quieting down and commercial/industrial businesses are likely to have finished long day shifts.</p> <p>This time is supported by the fact that other communities and councils in 13 NZ locations have earlier day time finish periods, with some as early as 6pm.</p>	Change the day time period of 7am to 10pm, to 7am to 7pm within Plan Change A.11.6.1 tables.

Appendix 11 Reference to New Zealand Standards	SUPPORT WITH AMENDMENT	<p>We support the reference to the New Zealand Standard as an important technical objective performance standard for enforcement.</p> <p>As the Lumbercube 2015/2016 saga demonstrated, lack of objective standards was a fundamental factor in causing slow enforcement action by Council.</p> <p>We note within the new Noise Chapter, Appendix 11, that the New Zealand Standard itself is not stated within the Chapter. We initially noted in the Operative District Plan Report (ODP Report) 3.4.1, that the proposed changes table includes the New Zealand Standard in the definition. Therefore, why is this definition not included in Appendix 11?</p>	State in Appendix 11 that the Performance Standards to be used are NZS 6081 and 6802.
Definitions and Exemptions	SUPPORT	We support the exemptions as stated.	No change

Reverse sensitivity	SUPPORT WITH AMENDMENT	<p>We believe it is important that currently zoned residential and rural zoned land adjacent to residential is not converted into industrial or commercial to prevent nuisance.</p> <p>If restrictive policy 11.3.2.4 is acceptable, then protection of existing residential zones should be. This is in line with the proposed Spatial Plan to reduce and shift industry adjacent to residential areas in the Caldera.</p> <p>If a buffer zone is preserved, then unreasonable and impractical noise mitigation will not be required of the rezoned land activities.</p>	<p>Add an additional policy in 11.3.2</p> <p>Limit the conversion of existing residential and rural-zoned land adjacent to residential zones, into industrial/commercial zone to preserve buffer space.</p>
Vibration	SUPPORT	No comment	No change
Within zone and between zones	SUPPORT	No comment	Support change

Centralisation	SUPPORT	No comment	Support as drafted
Noise from Telecomms equipment	SUPPORT	No comment	Support as drafted
A.11.7.1 Noise Assessment Matters	SUPPORT WITH AMENDMENT	The assessment criteria does not contain reference to the New Zealand Assessment Standard. Therefore, there is no performance standard specifically stated to be used. The New Zealand standard is the best practice and will be used by council and community, so for clarity should be stated.	State that the New Zealand Noise Assessment Standard NZS6802 method will be applied in A.11.7.1 criteria

<p>A.11.9</p> <p>Non-complying activities – method of assessment</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>We refer to the assessment criteria of A .11.7.1</p> <p>Our view is Assessment based only on merits against the requirement of the Resource Management Act is not specific enough to ensure appropriate level of scrutiny and due diligence when considering non-compliant activities.</p>	<p>State that the Assessment Criteria of A.11.7.1 will be the criteria for assessment in A11.9</p>
<p>A.11.6.3.1 a</p> <p>State Highway</p> <p>Airport</p>	<p>SUPPORT</p>	<p>On balance of financial cost and considerations of reverse sensitivity, we support the adoption of the 25 % building extension threshold for the requirement of additional acoustic insulation in zones impacted by the State Highways corridors and Rotorua Airport Noise Contour.</p>	<p>Support as drafted</p>



Federated Farmers of New Zealand

Submission on Proposed Plan Change 4 (Noise) to the Rotorua District Plan

18 July 2017

**SUBMISSION TO ROTORUA LAKES COUNCIL ON PROPOSED PLAN
CHANGE 4 (NOISE) TO THE ROTORUA DISTRICT PLAN
("PLAN CHANGE 4")**

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: The Chief Executive
Rotorua Lakes Council
Private Bag 3029
Rotorua Mail Centre
ROTORUA 3046

Email: anita.galland@rotorualc.nz

Name of submitter: Federated Farmers of New Zealand

Contact person: Martin Meier
Senior Policy Advisor

Address for service: mmeier@fedfarm.org.nz
PO Box 447, Hamilton 3240

This is a submission on Proposed Plan Change 4 to the Rotorua District Plan.

Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Federated Farmers' submission relates to and the decisions it seeks from Council are as detailed on the following pages. Federated Farmers also seeks any consequential changes necessary to give effect to the relief sought.

Federated Farmers wishes to be heard in support of its submission.

1. INTRODUCTION

- 1.1 Federated Farmers welcomes the opportunity to submit on Plan Change 4 ("PC4").
- 1.2 Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
- 1.3 Federated Farmers aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
- a. Our members may operate their business in a fair and flexible commercial environment;
 - b. Our members' families and their staff have access to services essential to the needs of the rural community; and
 - c. Our members adopt responsible management and environmental practices
- 1.4 Federated Farmers represents a variety of dairy, dry stock and horticulture land users in the Rotorua district. We acknowledge submissions from individual members on Plan Change 4.

2. GENERAL COMMENTS

- 2.1 Plan Change 4's primary purpose is to streamline the Operative District Plan's approach to noise by centralising noise provisions in a new dedicated noise chapter. According to the section 32 Report on proposed Plan Change 4 the plan change contains "fairly innocuous changes".
- 2.2 Our understanding is that Plan Change 4 is a tidying-up exercise. It intends to consolidate noise provisions into one chapter, clarify provisions and enhancing provision by reference to relevant New Zealand Standards. It is not intended to be controversial or address substantial matters. The section 32 Report anticipates a future plan change on noise provisions to bring about controversial and/or substantial changes.
- 2.3 We acknowledge that the proposed Plan Change includes provisions to address reverse sensitivity. Our primary concern is that the current Issues, Objectives, Policies, Methods and Rules relating to noise in the rural zones and aimed to avoid reverse sensitivity effect on agriculture production activities have been omitted and severely watered down without any explanation.
- 2.4 We are also concerned that provisions were added which is in conflict with the current District Plan provisions on reverse sensitivity.

Importance of farming and agriculture

- 2.5 Farming and primary production activities are important for the social, economic and culture wellbeing of people and communities in the Rotorua district.

- 2.6 As a broad indicator, the 2012 Rotorua Annual Economic profile states that Agriculture industry contributed \$324.9 million directly towards GDP in Rotorua (16.2%) and employed 2,588.
- 2.7 Agriculture does not just bring economic benefits to the district, it also contributes to the wellbeing of communities and culture of the district. Farming is the fabric that keeps rural communities together.
- 2.8 Farming is such a large part of New Zealand's culture that a lot of depictions of the 'typical' New Zealander involve farming. For example, New Zealanders are proud of their 'number 8 wire' mentality – referring to a type of fencing wire used on farms that Kiwis will use to solve any problem.

Reverse Sensitivity impact on farming

- 2.9 The effects arising from legitimate primary production activities need to be recognised in the District Plan as being appropriate and acceptable, ensuring that primary production is protected from reverse sensitivity. There is no other zone where primary production can occur, so it is vital that it is not marginalised from the Rural Zone.
- 2.10 There is a current trend to move to live in the countryside as a lifestyle change. It is often accompanied with romantic visions of pastoral landscapes that do not take into account the reality of a working rural environment. Expectations of blissful idylls in the countryside is unrealistic.
- 2.11 Noise on a farm is incidental to getting the job done and mostly impossible to avoid without day-to-day farming activities coming to a halt. It will often be economic disproportionate to remedy or mitigate.
- 2.12 Federated Farmers has heard from our members about complaints from "lifestylers" regarding their normal production activities: tractors working late to get hay in before rain; bird scaring protecting crops from being decimated by birds; frost fans and seasonal harvesting. Noise from farming activities should be anticipated in rural areas.
- 2.13 Local authorities have addressed this reverse sensitivity issue in rural zones mainly in three ways:
- a. Provisions that provide for reverse sensitivity within a Plan. This can be done by recognising and providing for important existing activities and addressing the potential vulnerability to reverse sensitivity effects in the objectives and policies of a district plan. We ask that the objectives, policies and rules in the Rotorua District Plan address the vulnerability of agriculture productive activities in the rural zones to reverse sensitivity.
 - b. District Plan Zoning as a mechanism to reduce the potential for reverse sensitivity. Zoning may be effectively utilised to protect a particular industry from reverse sensitivity pressures. We ask that the rural zone be specifically recognised in the District Plan as important to establish primary produce activities and protect such activities with specific provision for reserve sensitivity from rural residential development.
 - c. A variety of mitigation measures may be undertaken or imposed in order to alleviate reverse sensitivity issues, including buffer strips, buffer zones and minimum site or lot

size requirements. We consider this is outside the scope of this proposed plan change but seek that this method be implemented when zoning is considered in a plan change.

- 2.14 The Operational District Plan at 9.2.4. specifically notes reverse sensitivity as a key environmental issue for rural zones. It states:

The rural area is a working environment, a place for primary production, associated industries and network utilities' infrastructure. Environmental effects such as contaminants, noise, odour and traffic can result from these activities and are to be expected within the rural environment. New rural living can be incompatible with the existing rural working environment. Residential development will need to mitigate the adverse effects created from such reverse sensitivity.

Conclusion

- 2.15 We recognise that this Plan Change has the potential to streamline the noise provisions in the District Plan and that it recognises some of the effects of reverse sensitivity. Our view is that this Plan Change has by stealth tried to change the current position by severely watering down reverse sensitivity protections for agriculture production activities. There are no reasons provided or justification for omissions of Issues, Objectives, Policies, Methods and Rules that relates to Noise and Reverse Sensitivity in rural zones.
- 2.16 We ask recognition and provision for important existing agriculture activities and addressing the potential vulnerability to noise reverse sensitivity effects in the objectives, policies and rules of this proposed new chapter. We ask that the rural zone be specifically recognised as important to establish primary produce activities and protect such activities with specific provision for reserve sensitivity from rural residential development.

3. SPECIFIC COMMENTS

- 3.1 The amendments we seek, and the reasons for them, are set out in the table below. In addition, we seek any consequential changes necessary to give effect to the relief we seek and/or to address the concerns we raise.

Reference	Support/oppose	Decision sought	Reasons
A.11.1 Introduction	Support in part	<p>Amend Introduction by adding new paragraph between the two proposed paragraphs as follows:</p> <p>...Other mechanisms are implemented at the zoning stage where appropriate buffers and separation distances are set between uses and zones that may clash.</p> <p><u>The rural zone is important to establish agriculture production activities and such activities is uniquely vulnerable to and needs to be protected from reserve sensitivity to noise. With the recent trend towards country living, existing agriculture and horticulture activities may be subject to an increasing number of complaints in respect of the noise of their day to day activities. The noise effects of these activities often cannot be readily avoided, remedied or mitigated by the person undertaking the activity without causing significant adverse economic effects. The levels of noise that are anticipated for the rural zone and associated with permitted activities, should be permitted in the District Plan. If people choose to live in the rural zone, they should be prepared to accept the inconvenience caused by normal noises associated with a working rural zone.</u></p> <p>In addition to the rules the enforcement....</p>	<p>The introduction sets the tone for the plan change and Federated Farmers therefore consider it important that this subject should be raised at an early stage with the theme followed through the rest of the noise chapter.</p> <p>We consider that the plan change should recognise the importance of existing agriculture activities to the Rotorua district and that it can only occur in the rural zone. These activities are vulnerable to and needs to be protected from reverse sensitivity.</p>
A 11.2 Key Environmental Issues	Oppose	<p>Amend as follows: <u>Unless deemed to be noise reverse sensitivity, Aactivities within one zone generating noise which</u></p>	<p>We acknowledge that there are some persons in one zone that may have an issue from noise from another zone.</p>

Reference	Support/oppose	Decision sought	Reasons
		<p>detracts from the amenity of adjacent zones, for example between Industrial and Residential zones, and between the Airport and surrounding Residential and Rural zones.</p>	<p>However, the manner in which the issue is presented supports reverse sensitivity.</p> <p>Our concern is that the Rural Zones are vulnerable from residential developments specifically targeting rural areas. People want to be surrounded by countryside but do not want the noise associated with rural activities.</p> <p>People who specifically know an area is surrounded by rural zones or that a rural zone is nearby but still choose to reside in that area should not be afforded relief from noise to the detriment of normal rural activities.</p> <p>Whether it is life stylers moving to the rural zone or a residential development in a rural zone obtaining residential zoning in both circumstances it is reverse sensitivity and agriculture production activities should be protected from reverse sensitivity.</p>
<p>A11.2 Key Environmental Issues</p>	<p>Support in part</p>	<p>Change the order of issue 3 and 4 around and amend new issue 4 (old issue 3) as follows:</p> <p>4. 3. The perception of the Rural zones as being quiet environments that does not reflect the reality of these zones as productive working areas.</p> <p>3- 4. The operation of rural and non-rural activities in the Rural zones that generate noise which detracts from amenity <u>level that can be expected in a Rural zone.</u></p>	<p>Further to our submission above, we consider normal noise expected from usual existing rural activities should be allowed in a rural zone and not be held to an unrealistic standard for a working area with unique noise issues.</p> <p>That is why we ask that the sequence be changed so that a person coming into a rural zone is first given notice that his expectations should be realistic and the person's perceptions should take into account the reality of a working rural environment.</p> <p>Then because the person is forewarned, noises exceeding the realistic standard for normal and existing rural activity levels would be an issue and detract from amenity.</p>

Reference	Support/oppose	Decision sought	Reasons
			We also refer to Issue 9.2.4 in the operative District Plan that specifically states that it is the residential development that needs to insure it avoids reverse sensitivity in rural zone not the existing activity in rural zones.
A11.2 Key Environmental Issues	Insert New Issue	<u>Insert New issue 7. The rural area is a working environment, a place for primary production, associated industries and network utilities infrastructure. Noise can result from these activities and are to be expected within the rural environment. New Rural living can be incompatible with the existing working environment. The noise effects often cannot be readily avoided, remedied or mitigated without causing significant adverse economic effects. Residential development will need to mitigate the adverse effects created from such reverse sensitivity.</u>	This new issue is to bring over into this chapter Issue 9.2.4 of the current operative district plan which was applicable to noise but somehow not incorporated into this chapter. It recognise and provide for important existing agriculture activities and its unique vulnerability to reverse sensitivity. Adding this issue explains the protection against reverse sensitivity for usual agriculture noises in rural zones in subsequent objectives, policies and rules.
Objective A11.3.1	Support	Retain	We support this objective and seek that it be retained or a similar objective be included that continues with the theme that in a rural zone a person should expect the noise that goes with a working rural environment.
Policy 11.3.1.1	Support	Retain	We support this policy and seek that it be retained or a similar policy be included that continues with the theme that standards in a rural zone should reflect that zone's function and permitted activities.
Policy 11.3.1.2	Support	Retain	Our concern is with urban sprawl and subdivisions causing rezoned pockets of new zones amongst rural areas. These zones with noise reverse sensitivity will restrict permitted activities in rural zones nearby unless it is controlled.

Reference	Support/oppose	Decision sought	Reasons
			Although not appropriate for inclusion in a policy we support methods of control implied in Issue 9.2.4 (new A11.2) that it is the residential development that needs to control its own reverse sensitivity to a working rural environment.
Policy 11.3.1.4	Support in part	Amend as follows: Exempt from the maximum permitted noise level requirements those activities which are: a. <u>Normal primary or agriculture production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act; and an integral part of accepted management practices of activities associated with production land in rural areas; as well as</u> b. other activities clearly of a temporary nature (e.g. Construction works, emergency back-up generators).	We support the intent of this policy and seek that it be retained or a similar policy be included that continues with the theme that normal accepted agriculture practices be exempt from noise requirements to protect these activities against reverse sensitivity. However we consider that it can be clarified that activities of a temporary nature refers to other activities and not to activities associated with production land in rural areas. We also consider that the words proposed by NZS 6802:2008 about “activities associated with production land in rural areas” are more appropriate and clear and avoids ambiguity.
Objective A11.3.2	Support in part	Amend as follows: Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity <u>and potential reverse sensitivity effects on lawfully established activities in the rural environment are avoided.</u>	We support this objective but note that the operative objective at 9.3.4 is worded much stronger. It seeks to “avoid potential reverse sensitivity effects on lawfully established activities in the rural environment”.
Policy 11.3.2.1	Support	Retain	We support a policy that addresses noise reverse sensitivity by encouraging activities that is compatible for the zone. As agriculture production activities can only be located in the rural zone, noise sensitive activities should not be established in or adjacent to rural zones.

Reference	Support/oppose	Decision sought	Reasons
			We support this policy and seek that it be retained or a similar policy be included.
Policy 11.3.2.2	Support	Retain	As previous stated we support a policy to address noise reverse sensitivity by mitigation of the noise that reach noise sensitive activities or zones including use of buffer zones, landscape buffers and building locations.
Policy 11.3.2.4	Oppose	Amend as follows: Limit the location of new residential activities sensitive to disturbance from <u>Avoid reverse sensitivity effects</u> on lawfully established rural industries, recreation, <u>farming activities</u>, infrastructure and network utilities. to avoid reverse sensitivity effects.	This is an extreme and unexplained watering down of operational Policy 9.3.4.1 and farming activities has been removed from the list of activities stated in that policy. Reverse Sensitivity is the issue and a current policy is applicable and should not have been watered down or changed without any reasons.
A11.4 Environmental outcome 1	Support	Retain	This continues the theme that in rural zones the reality of a working rural environment should be anticipated including normal rural farming noises.
A11.4 Environmental outcome 2	Support in part	Amend as follows: Improved amenity <u>W</u>where residential zones interface with other zones, <u>improve amenity for the zones involved.</u>	We consider that it should be made clear that it is not just the amenity of those in residential zones that ought to be taken into account.
A11.4 Environmental outcome 5	Support	Retain	We support outcome 5 which seeks that rural land continue to be used productively.

Reference	Support/oppose	Decision sought	Reasons
New A11.6 Environmental outcome 6.		Introduce: <u>No reverse sensitivity effects on existing activity as a result of rural residential or other incompatible use or development.</u>	Current Outcome 9.4.4 was inexplicably omitted from the new chapter without any reason provided. We seek that the outcome be included in the new noise chapter.
Table A11.5.1	Support	Retain	We support that activities are restricted discretionary which would have been a stated as a permitted activities had they met the performance standards in A11.6.
Table A11.5.2 First Row	Support	Retain	We understand that there is very small area of Rural Zone within the Inner Noise Control Area (INCA) and that the INCA only captures a small part of each rural property affected. Accordingly, this should leave each rural property with sufficient areas to undertake noise sensitive activity outside the INCA if they wish to undertake such an activity. However, if INCA is to expand, if our understanding is not accurately or if further control over activities are planned then we seek to be heard.
Table A11.6.1.9 Rural Zones	Support in part	Amend as follows: <u>Unless otherwise authorised, noise levels shall not exceed the following limits when measured at any point within the notional boundary of the receiving site any rural dwelling :</u> ...	Enable exceptions Without adding the possibility of exceptions, the limits set by this rule will be mandatory regardless if a resource consent is obtained, if the noise is from frost fan, inside airport noise contour controls or from other authorised activities like emergency services. Measurement Location: We note the proposed plan change suggest a new measurement location. We consider that the new measure can be improved.

Reference	Support/oppose	Decision sought	Reasons
			<p>Firstly, the proposed definition in PC4 may (or may not) include the rural noise source's own dwelling because it does not refer to the receiving site rather to "any rural dwelling".</p> <p>NZS 6802:2008 in its example C8.4.2 clarifies that the measure location is "on another site zoned rural" and at 8.4.3 clarifies that the measurement location is on the receiving site. The current operational district plan refers to the measurement location to be "at the receiving site". This makes sense as it ensures it is clear that the location for the measure is at the location where the noise may cause loss of amenity.</p> <p>The word "dwelling" is also problematic as the definition of notional boundary already includes dwelling.</p>
Table A11.6.1.9.1	Support in part	<p>Amend as follows:</p> <p><u>Well drilling is exempt from noise restrictions in A11.6.1.9.</u></p> <p>Noise levels shall not exceed the following limits when measured at any point within the notional boundary <u>of the receiving site</u> any rural dwelling :</p>	<p>This was specified as an exception to the rural noise standards in the operational district plan and should be clarified as such to avoid conflict with standard A11.6.1.9.</p> <p>We again consider that the use of the measurement location as specified above is appropriate.</p>
Table A11.6.1.9.2	Support in part	<p>Amend as follows:</p> <p><u>The following activities are exempt from noise restrictions in A11.6.1.9.</u></p> <p>Any audible bird scaring devices shall be operated as follows:</p> <ol style="list-style-type: none"> i. Noise from audible explosive bird scaring devices shall only be operated between sunrise and sunset, and shall 	<p>This was an exception to the general rural noise standards in the operational district plan and should be clarified as such to avoid conflict with standard A11.6.1.9.</p> <p>We again consider that the use of the measurement location as specified above is appropriate.</p>

Reference	Support/oppose	Decision sought	Reasons
		<p>not exceed 100dB Lzpeak, when measured at any point within the notional boundary <u>of the receiving site to any dwelling</u> in the Rural zone, or at any point within the site boundary of any residential-zoned site.</p> <p>ii. ...</p>	
Table A11.6.1.9.3	Support in part	<p>Amend as follows: <u>The following activities are exempt from noise restrictions in A11.6.1.9.</u> Any frost fan shall be operated as follows:</p> <p>i. Noise generated by frost fans shall not exceed 55dB LAeq (15min) when measured at any point within the notional boundary to <u>the receiving site any dwelling</u> in the Rural Zone, or at any point within the site boundary of any residential-zoned site.</p> <p>ii.</p>	<p>This was an exception to the general rural noise standards in the operational district plan and should be clarified as such to avoid conflict with standard A11.6.1.9.</p> <p>We again consider that the use of the measurement location as specified above is appropriate.</p>
Table A11.6.1.9.4	Insert New standard A11.6.1.9.4	<p>Insert new standard: <u>9.4 Rural Zones – Agriculture Production activities</u> <u>Normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act is exempt from the standards required in A11.6.1.9.</u></p>	<p>We note there were specific agriculture production activities made exempt in the operative district plan (see ODP 9.6.6 d, e and f). There is no reason provided for omitting these activities and we seek they be included.</p> <p>Issue 9.2.4 (proposed new A11.2.7), Objective 9.3.4 (proposed new A11.3.2), Policy 9.3.4.1 (proposed new A11.3.2.5), Proposed Policy A11.3.1.4 and key outcome 9.4.4 (proposed new A11.6.6) require that specific agriculture production activities be made exempt from A11.6.1.9 in rural areas.</p>

Reference	Support/oppose	Decision sought	Reasons
Table A11.6.1.9.4	Insert New standard A11.6.1.9.5	<p>Insert new standard: <u>9.5 Rural Zones - Activity on same site</u></p> <p><u>Where any activity exists on the same site as a noise source being assessed it is exempt from the standards required in A11.6.1.9.</u></p>	<p>This is really self-explanatory and to avoid absurd applications of the standards.</p> <p>NZS 6802:2008 in its example C8.4.2 clarifies that the measure location is “on another site zoned rural” and at 8.4.3 clarifies that the measurement location is on the receiving site. Similarly the current operational district plan refers to the measurement location to be “at the receiving site”.</p> <p>We consider that the intention is that the noise be measured not at source but at the receiving site. This ensures it is clear that the location for the measure is at the location where the noise may cause loss of amenity.</p>
A11.6.2	Oppose	<p>Amend as follows:</p> <p>Noise levels from any activity shall not exceed the noise limits specified for the adjoining zone when measured at any point within the receiving site, or at any point within the notional boundary of <u>the receiving site any dwelling</u> in the Rural zones, except where provided under:</p> <ol style="list-style-type: none"> 1. <u>Provided under</u> A11.6.1.9.2 (audible bird scaring devices), and A11.6.1.9.3 (frost fans) <u>or A11.6.1.9.4.</u> 2. <u>Provided under</u> A11.6.1.10 and A11.6.1.10.1. 3. <u>Provided under</u> A11.6.2.1. 	<p>Agriculture production activities is important to the district and can only take place in rural zones. Whether it is life stylers moving to the rural zone or a new zone in a rural area both circumstances are reverse sensitivity and agriculture production activities should be protected from these reverse sensitivities as provided for in the Issues, Objective, Outcomes and Policies.</p> <p>Issue 9.2.4 (proposed new A11.2.7), Objective 9.3.4 (proposed new A11.3.2), Policy 9.3.4.1 (proposed new A11.3.2.5) and key outcome 9.4.4 proposed new A11.6.6) require that existing and permitted agriculture production activities be allowed and protected in the Rural Zone and that reverse sensitivity be avoided by residential development. We require that these provisions appropriately be given affect to by adding the exception of permitted agriculture production activities in the rural zones.</p>

Reference	Support/oppose	Decision sought	Reasons
		<p>4. Octave band noise levels from the Commercial 1, 2, 4, 5 and 6 Zones should not exceed the following limits when measured at any point within any residential-zoned site:</p> <p>75dBZ LAeq (1 min) at 63Hz and 65dBZ LAeq (1 min) at 125Hz.</p> <p>5. <u>Normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act.</u></p> <p>6. <u>Where any activity exists on the same site as a noise source being assessed.</u></p>	<p>We refer to our previous submissions on the exception 6 and the measurement location.</p>
<p>A11.7.1.1 Assessment Criteria</p>	<p>Support in part</p>	<p>Amend as follows:</p> <p>A11.7.1: Assessment Criteria</p> <p>1. The nature of the zone within which the noise generating activity is located and its compatibility with the expected environmental results for that zone.</p> <p>2. <u>If the noise is incompatible with A11.6.2</u> t<u>The nature of any adjoining zone(s), if the activity pre-dates the adjoining zone(s), and the compatibility of the noise generating</u></p>	<p>We support a list of criteria for assessment of resource consent applications. We have concerns with some of the criteria. We note the s32 Report has not stated any reasons for the specific criteria proposed. We address the individual criteria issues below:</p> <p>2. A) We consider that nature of the adjoining zones is irrelevant where the noise meets the standard for that zone.</p> <p>B) We consider that this criteria may give rise to reverse sensitivity which need to be taken into account.</p>

Reference	Support/oppose	Decision sought	Reasons
		<p>activity with the expected environmental results for those adjoining zone(s).</p> <p>3.</p> <p>13. The extent to which achieving the relevant limits is practicable where the existing noise environment is subject to significant noise intrusion from road, rail or air transport activities.</p> <p>14. The adequacy of information provided by the applicant.</p> <p>15. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation options.</p> <p>16. Any other relevant standards, codes of practice or assessment methods based on robust acoustic principles.</p>	<p>14. and 15. We consider that the current legal position is more balanced and realistic. It requires that the details and information in applications must correspond with the scale and significance of the effects that the activity may have on the environment. This means that a small scale activity with limited effect on the environment does not have to incur the same costs to provide information and expert opinion as a large scale activity with potential dire consequences.</p> <p>If the application has insufficient information required to appropriately assess the application, then the Council has remedies as it can either:</p> <ul style="list-style-type: none"> a. Determine that the application is incomplete and return the application; or b. Request further information pursuant to RMA s92.
A11.7.2 Specific Assessment Criteria	Support in part	<p>Amend as follows:</p> <p>A11.7.2 Specific Assessment Criteria</p> <p>Any Addition to Existing Activities Sensitive to Aircraft Noise within the Inner Noise Control Area, that increases the total gross floor area of the noise</p>	<p>We support a list of specific assessment criteria for assessment of resource consent applications in the Inner Noise Control Area. We have concerns with some of the criteria proposed to assess an application. Our primary issues are:</p> <ul style="list-style-type: none"> a. that the previous assessment criteria were significantly added to without any reasons or

Reference	Support/oppose	Decision sought	Reasons
		<p>sensitive activity by more than 25% - Council shall restrict its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. The nature, size and scale of the proposed additions. 2. The application of the applicable acoustic performance standards listed under Appendix 7 Airport Noise and Development Controls, to existing parts of the structure housing the activity sensitive to aircraft noise. 3. Whether a covenant should be registered on the title to secure any conditions of consent in accordance with Appendix 7 Airport Noise and Development Controls; and the means of securing any conditions of consent. 4. Whether, having regard to all the circumstances the nature, size and scale of the addition is likely to lead to potential conflict with and adverse effects upon airport activities. 5. Any assessment criteria applicable to the activity within the residential zones. 6. Any particular issues of safety relating to occupants of the site, or aircraft, in relation to any proposed activities or buildings on the site. 	<p>justification provided. Criteria 3, 5, 7, 8 and 9 were introduced without explanation.</p> <ol style="list-style-type: none"> b. The criteria 5, 6 ,7 and 8 have nothing to do with noise received by the Additions and they are inappropriate as criteria to assess noise effects. 3. Criteria 3: Covenants are not always appropriate. They have to be volunteered in an application or imposed as a condition of consent. We do not consider they are assessment criteria rather conditions that can be imposed on a resource consent if appropriate.

Reference	Support/oppose	Decision sought	Reasons
		<p>7. The potential to detract from the qualities and characteristics specified of a landscape or feature identified in Appendix 2 Natural Heritage Inventory or the natural character of the environment.</p> <p>8. How the proposal affects the appearance of the outstanding natural feature or landscape.</p> <p>9. The level of involvement of a suitably qualified and experienced acoustic consultant in the assessment of potential noise effects and/or mitigation option.</p>	
Term and definition	Support in part	<p>Add new points under Noise Level – Rural Zones as follows:</p> <ul style="list-style-type: none"> • ...superceding them will need to be satisfied). • <u>Water pumps, dairy sheds, enclosure for livestock, shearing sheds and general livestock noise.</u> • <u>Normal primary production activities provided that the activities comply with the requirements of section 16 of the Resource Management Act.</u> • <u>Where any activity exists on the same site as a noise source being assessed.</u> 	<p>To give effect to Policy 11.3.1.4 some other exemptions should be added.</p> <p>Also we consider that the intention is that the noise be measured not at source but at the receiving site. This makes sense as it ensures it is clear that the location for the measure is at the location where the noise may cause loss of amenity.</p>

FONTERRA LIMITED

SUBMISSIONS ON PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN

To: The Chief Executive Officer
Rotorua Lakes Council
Private Bay 3029
ROTORUA 3046
Via email: anita.galland@rotorualc.nz

SUBMITTER: FONTERRA LIMITED

Address for Service: Fonterra Limited
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Mitchell Daysh Limited
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HAMILTON 3240

M +64 27 281 4014
E ian.johnson@mitchelldaysh.co.nz

Fonterra Limited wishes to be heard in support of this submission.

1. Overview of Fonterra's submission

- 1.1. Fonterra Limited (Fonterra) generally supports Proposed Plan Change 4 (PC 4) to the Rotorua District Plan (District Plan). In particular, Fonterra supports the restructuring of the noise provisions and their consolidation and placement into a new standalone "noise" chapter. Fonterra also supports the inclusion of new and specific objectives and policies which provide direction around the expectations for different environments and zones, and seek to protect existing noise-generating activities from potential reverse sensitive effects.
- 1.2. Fonterra's submission is structured as follows:
 - an overview of Fonterra's activities and operations at its Reporoa Dairy Manufacturing Site (Reporoa site), and general comments in relation to noise generated from the site;
 - general comments on PC 4; and
 - specific submission points on PC 4.

2. Fonterra's Reporoa Dairy Manufacturing Site

- 2.1. Fonterra owns and operates the regionally significant Reporoa site near Parekarangi (see **Attachment B**). This site, which has access from State Highway 5 currently employs approximately 150 staff and services approximately 140 suppliers.
- 2.2. During peak season, the Reporoa site processes up to approximately 2.1 million litres of milk/day into milk protein, caseinate, lactalbumin and ethanol.
- 2.3. As part of the Rotorua District Plan review process, the Reporoa site's noise control boundary (NCB) was inserted into the District Plan. The NCB establishes a contour that requires Fonterra to manage its on-site activities to ensure compliance with the specified noise limit, while imposing a resource consenting requirement on any new sensitive activities seeking to establish within the NCB. The NCB recognises that the Reporoa Site operates on a 24 hour basis and generates noise effects that extend beyond the site. The significance of Fonterra's operation at Reporoa is acknowledged within the Waikato Regional Policy Statement and the Rotorua District Plan. Both documents set out clear policy support for the continued efficient operation of the activity on the Reporoa site.
- 2.4. Fonterra's submission seeks to give effect to the existing policy framework and ensure that the site's ability to operate and expand is protected in the long-term.

3. General comments on PC 4

- 3.1. Generally supports PC 4. In particular (and as noted above), Fonterra supports the restructuring of the Plan's noise provisions into a single chapter and the inclusion of specific objectives and policies on noise issues. Fonterra's submission supports many of the proposed provisions.
- 3.2. Despite this, Fonterra considers that further amendments are necessary to ensure that the revised noise provisions in PC 4 adequately protect and provide for rural industrial activities like the Reporoa site, which generate noise and are susceptible to reverse sensitivity effects. Fonterra has submitted on the Particular Issues, Objectives and Policies, seeking amendments to ensure that rural industrial activities are appropriately recognised. As the new Objectives and Policies will be a key consideration when applying the noise rules, Fonterra considers that it is critical that they are as clear and complete as possible.
- 3.3. Fonterra has also proposed an amendment to the activity status for noise sensitive activities seeking to establish within the Reporoa site's NCB. Fonterra considers that requiring resource consent as a non-

complying activity is the most appropriate way to achieve the objective of protecting existing rural and industrial activities from noise reverse sensitivity effects.

4. Specific submission points

4.1. Fonterra's specific submission points are provided in **Attachment A**.

4.2. In respect of those submission points provided in **Attachment A**, Fonterra seeks:

- where specific wording has been proposed, words or provisions to similar effect;
- all other necessary and consequential amendments to address Fonterra's concerns, including any amendments to the provision themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Rotorua District Plan Planning Maps, and including any cross references in any other chapter; and
- all further relief that is considered necessary to give effect to the concerns described above and in Attachment A to follow, and any changes required to give effect to the Waikato and Bay of Plenty Regional Policy Statements.

5. Overall conclusion

5.1. In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because without amendment, those provisions:

- will not promote sustainable management of resources and will not achieve the purpose of the RMA;
- are contrary to the RMA's statutory requirements, including to give effect to higher-order planning documents;
- will not enable the social and economic well-being of the community;
- will not meet the reasonably foreseeable needs of future generations;
- will not achieve integrated management of the effects of use, development or protection of land and associated resources of the Rotorua District;
- will not enable the efficient use and development of Fonterra's assets and operations, and of those resources; and
- do not represent the most appropriate way to achieve the objectives of PC 4.

5.2. Fonterra could not gain an advantage in trade competition through this submission.

5.3. Fonterra does wish to be heard in support of this submission.

5.4. If others are making a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Dated: 18 July 2017



Brigid Buckley

National Policy Manager – Global Sustainability & Resources

FONTERRA LIMITED

Attachment A: Fonterra's Submissions on Plan Change 4

REF	PROVISION	PAGE	SUPPORT / OPPOSE	REASONS	RELIEF REQUESTED
CHANGE 1: NEW NOISE CHAPTER					
	A11.2 Particular issues	2	Support in Part	<p>Fonterra supports the identification of key noise issues in the plan change.</p> <p>However, the list provided neglects to recognise the potential reverse sensitive issues associated with noise arising from new sensitive activities locating within proximity of established rural industrial activities (such as Fonterra's Reporoa Dairy Manufacturing Site) which are located in the rural environment.</p> <p>An amendment is proposed to signal this as a particular noise issue for the district to ensure that it is appropriately managed.</p>	<p>Include new particular issue (7) as follows:</p> <p><u>7. Large-scale rural industrial activities which generate noise have established in the District's rural environments.</u></p>
	A11.3.1 Objective	2	Support in part	<p>The Reporoa site is zoned Industrial 2 (ID2) in the District Plan. This zone specifically provides for activities that will generate high levels of noise.</p> <p>The Reporoa site's Noise Control Boundary recognises that the site generates noise effects beyond its boundaries and affects land within the Rural Zone.</p> <p>These effects form part of the existing environment and need to be recognised in the wording of the Objective.</p>	<p>Amend Objective A11.3.1 as follows:</p> <p>A noise environment consistent with the character and amenity expected for the zone <u>taking into account existing activities.</u></p>
	Policy 11.3.1.1	2	Support in part	<p>The Policy requires amendment to is more effectively expressed by removing reference to the specific methods as the means of control is proposed to be much broader than compliance</p>	<p>Amend to read:</p> <p>Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards</p>

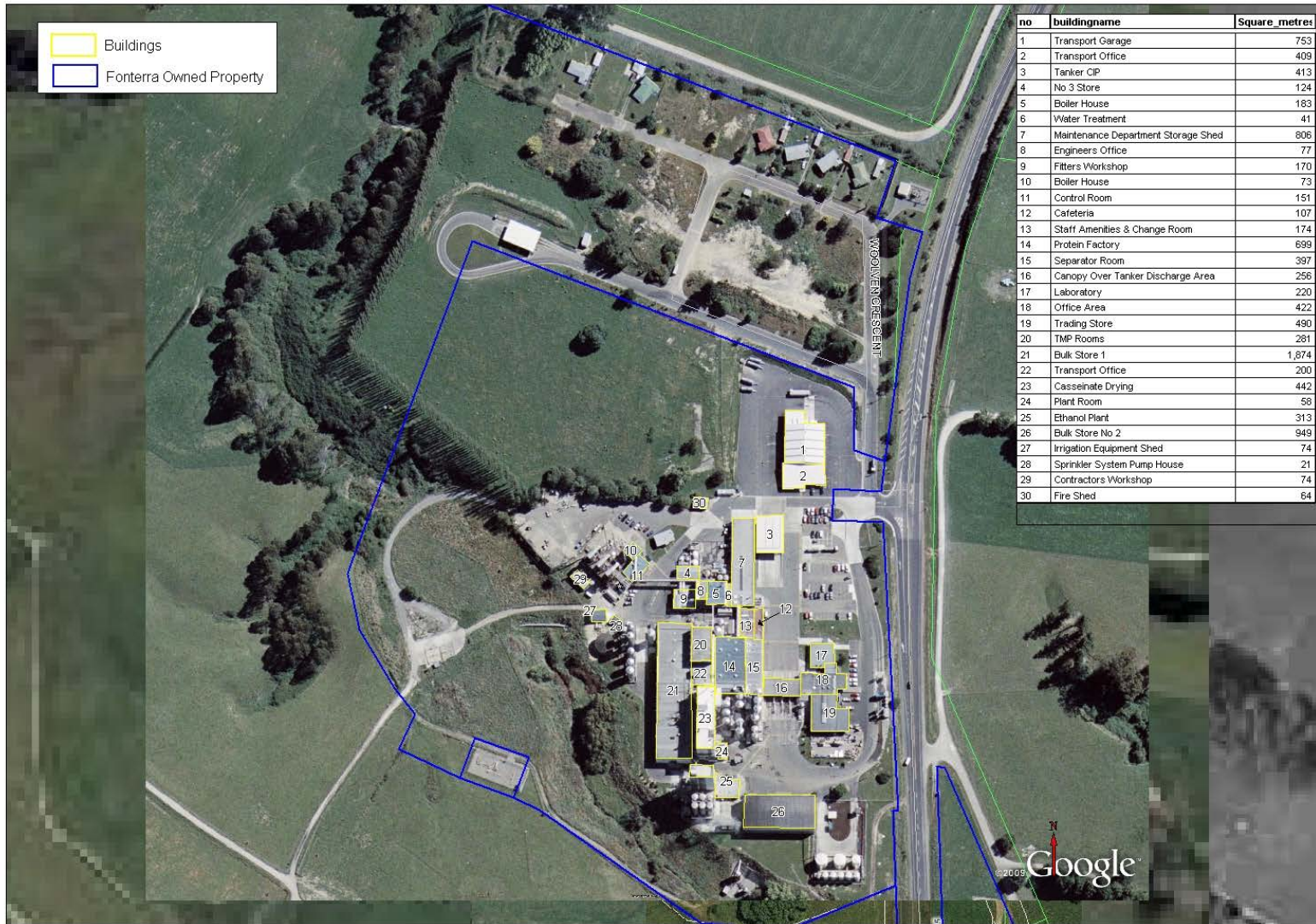
REF	PROVISION	PAGE	SUPPORT / OPPOSE	REASONS	RELIEF REQUESTED
				with performance standards.	that reflect the function of the zones and permitted activities within them.
	Policy 11.3.1.4	3	Support	Fonterra supports the exemption of noise associated with temporary activities and construction.	Retain
	Objective A11.3.2	3	Support in part	Fonterra supports the need for a specific objective regarding reverse sensitivity but considers that amendment is needed to provide a clearer focus to address the issues raised in 11.2.	Amend to read: Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity <u>The operation and expansion of noise generating activities in the central city, rural and industrial zones is protected from noise sensitive activities.</u>
	Policy 11.3.2.1	3	Support in part	To achieve the Objective Fonterra considers that the policy direction needs to be strengthened through amendments to the policy wording. In particular, the Policy should be amended to restrict noise sensitive activities, rather than simply enabling activities in appropriate zones.	Amend to read: Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones <u>Direct noise sensitive activities away from noise generating activities.</u>
	Policy 11.3.2.2.	3	Support	The Policy identifies some, but not all, practicable measures for the management of noise. Additional reference needs to be made to the use of noise control boundaries. Furthermore, the Policy would be more clearly expressed as avoiding, remedying and mitigating effects, as not all of the management measures proposed relate to mitigation.	Amend to read: <u>Avoid, remedy and Mitigate</u> adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, and building location <u>or noise control boundaries</u> to maintain the amenity of adjacent residential zones or marae and habitable buildings.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	REASONS	RELIEF REQUESTED
	Policy 11.3.2.4	3	Support in part	The Policy requires minor amendment to provide clearer expression.	Amend to read: Limit Restrict the location of new residential activities sensitive to disturbance from lawfully established rural industries, recreation, infrastructure and network utilities to avoid reverse sensitivity effects.
	A11.4 Environmental Outcomes	3	Support in part	Additional outcomes need to be identified to ensure that there is some means of reviewing the performance of the plan provisions in respect of the management of reverse sensitivity.	Amend A11.4 to include the following: <u>6. No reverse sensitivity effects within Noise Control Boundaries.</u> <u>7. The continued operation of large scale industry.</u>
	Table AA11.5.3	5	Oppose	In the context of Objectives and Policies within the Regional Policy Statement and the District Plan which seek to ensure the continued efficient operation of large scale industry, Fonterra considers that the most appropriate activity status for new noise sensitive activities proposing to establish within the Reporoa site's Noise Control Boundary should be as a Non-Complying Activity. Such an activity status will clearly signal that the proposed activities are not anticipated in that area and will ensure appropriate assessment of the effects of such activities and their consistency with the objectives and policies of the relevant plans.	Amend to identify noise sensitive activities within the Noise Control Boundary surrounding the Reporoa Dairy Manufacturing Site as a Non-Complying Activity
	Performance Standards A11.6.1.6.1 Reporoa Dairy Manufacturing Site	7	Support	Fonterra supports the retention of the performance standards for the Reporoa site, with the minor amendment to provide an interval (15 min) for the noise limit.	Retain.
	A11.6.4 Construction noise	12	Support	Fonterra supports the provision requiring that all construction noise comply with the relevant New Zealand Standards.	Retain

REF	PROVISION	PAGE	SUPPORT / OPPOSE	REASONS	RELIEF REQUESTED
CHANGE 2: LOCATION OF NOISE MEASUREMENT					
	A11.6.1 Noise generated and received within the same zone	16	Support	Fonterra supports use of “notional boundary” when measuring noise	Retain
CHANGES 3 AND 4: REFERENCE TO NEW ZEALAND STANDARDS AND NEW DEFINITION FOR NOISE AND STATEMENT OF EXEMPTIONS					
	Noise level Definition	16-17	Support	Fonterra supports the listed exemptions and the reference to s326 of the RMA regarding the exemption of noise from trains from any determination of "excessive noise".	Retain
CHANGE 10: AMALGAMATION OF DEFINITIONS FOR “ACTIVITIES SENSITIVE TO AIRCRAFT NOISE” AND “NOISE SENSITIVE ACTIVITIES”					
	Noise sensitive activities Definition	23	Support	Fonterra supports the consolidation of the list of activities.	Retain
CHANGE 13: INSERTION OF PERFORMANCE STANDARD FOR CONSTRUCTION NOISE					
	A.11.6.4 Construction Noise	25	Support	Fonterra supports the reference to the appropriate NZ standard within the Performance Standard	Retain
PLANNING MAPS					
			Support	Fonterra supports the continued inclusion of the Reporoa site’s NCB on the Planning Map 395 and 546.	Retain

Attachment B : Fonterra Dairy Manufacturing Site, Reporoa

REPOROA DAIRY FACTORY



Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Garth Wilson	Address For Service: [Agent if applicable]	10 Iles Rd
Full Postal Address:	10 Iles Rd Lynmore Rotorua 3010		
Telephone No: 345 5510	Email: garth.janwilson@clear.net.nz	Telephone No:	Email:
Mobile Phone: 027 88 29 349		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~/do not wish [delete one] to be heard in support of my submission.

If others make a similar submission, I ~~will/will not~~ [delete one] consider presenting a joint case with them at a hearing.

I ~~could/could not~~ [delete one] gain an advantage in trade competition through this submission.

I ~~am/am not~~ directly affected by an effect of the subject matter of the submission that –

- (a) Adversely affects the environment, and
- (b) Does not relate to trade competition or the effects of trade competition.

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)



Signature of submitter

18-07-17

Date

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

A 11.6.1 - Location of Noise Measurement - Support with amendment

A significant number of serious complaints about the Lumbercube noise were from people with upstairs bedrooms.

NZS 6801:2008 cl. 6.1.2 requires that the measurement location is 1.2m to 1.5m above the immediate ground level. Clearly this is not relevant to upper story rooms. Cl. 6.1.2 also provides for 'Alternative measurement heights could be specified in other Standards'

Cl. 6.1.3 (and C6.1.3) give guidance for measuring the noise ' 1m to 2m from the external wall and 1.2m to 1.5m above the floor levels of interest'.

There needs to be clarification of noise measurement locations in the Proposed Plan Change to ensure that areas such as upstairs in a residential house are adequately protected.

I would like the proposed wording in the first sentence of A.11.6.1 of the proposed plan change to be amended to include the words "within an area desired to be protected" which is in NZ6802 8.4.3, so that the sentence reads as follows: *"Noise levels shall not exceed the following limits when measured at any point within an area desired to be protected within the boundary of the receiving site ..."*

Submission to: Rotorua District Council - trading as RLC

On: Proposed Plan Change 4 – Noise

By: Gerard Patrick Horgan
6 Highfield Place
Lynmore,
ROTORUA 3010

Phone/Contact: 022 3551159 g.horgan@paradise.net.nz

Submission Provisions: All of Plan

Outcome wanted: Clearer effective noise control with a goal of reducing noise pollution levels over time.

Could I Gain a Trade advantage from this submission? No

Introduction:

The Section 32 Report on Proposed Plan Change 4 indicates that the impetus for it arose from the deficiencies exposed by the recent Lumbercube event. I would therefore submit that the test for whether the proposed changes are justified should be if the proposed changes were in force and the Lumbercube proposal/issue or something similar were to arise again would the Council response to concerns, speed of action and resolution of the issue/problem be any different to that experienced with Lumbercube? If the answer is, as I believe is the only possible one, “no” then the proposed changes must be judged as being an unnecessary failure.

That said the idea of goal of consolidating and reducing repetition of material ODP material, reducing inconsistencies, removing redundant provisions, providing clear articulation of the relevant objectives, policies, and environmental outcomes that preface noise rules, etc., is to be applauded. However, unless the effect of all this consolidation and of additions to the Operating Plan regarding noise can be demonstrated as resulting in a different decision to the one which allowed Lumbercube to begin operation or, if that is not the case, is able to show that it would produce a speedy and effective resolution of problems such as that highlighted by the Lumbercube debacle – solution which depend on Council action/enforcement of the ‘new’ noise rules rather than the commercial failure of the company - then the proposed changes can only be regarded as being cosmetic - and largely irrelevant.

Specific Comments:

A. 11.6 Performance Standards

1: Section 3.3 (Location of Noise measurement) of the Section 32 report states that ‘*noise rules need to clearly indicate the location where noise is to be measured, but the existing wording of the ODP: “at” “about”, “on” “beyond” imply a degree of survey precision that is not warranted and sometimes not achievable*’. Words such as “about” or “beyond” are not precise and while precision is not always necessary of helpful there is a need for clarity. It is therefore disappointing to discover that daytime and night-time are not specifically defined but need to be inferred from such things as (dealing with Residential Zones (RDI, RD2, RD3, etc).

Daytime	7am to 10pm, any day except public holidays	50 dB L _{Aeq} (15 min)
Night-time	At all other times	40 dB L _{Aeq} (15 min) and 70 dB L _{Amax}

From this it appears that daytime is 7am to 10pm (except on public holidays where there is apparently no daytime) and by difference night-time is 10pm to 7am (on the following day).

I suggest that consideration be given to including a glossary where daytime and night-time are specifically defined. I'd also suggest that this glossary (or some other part of the document) make it specific that night-time rules apply to daylight hours of any day defined as a public holiday – if that is indeed the intention.

2: On the topic of Public holidays given that there has been a move over the years to open up public holidays to normal commerce – see for example the move to allow shops to be open at Easter and the move to the 24 hr per day 7 day a week economy – and given that (presumably) the normal daytime allowable noise limits have been set with public health and safety in mind is there in fact any justification for having any lower noise levels for the daytime hours of public holidays than for any other day? If 50 dB is the common/normal expected daytime residential noise level why should one expect it to be any less on a public holiday? Is Council in fact setting up conditions where every public holiday one can complain and discover that allowable noise limits are being breached?

3 Health and safety. A11.6.1 deals with noise generated and received within the same zone with sub-section 2.1 giving an annual noise level exemption for a (limited) number of large scale community events on Council owned/controlled property within City Centre 3. Specifically, four events with a noise limit of 95dB L_{Aeq} (1 hour) are allowed per annum (There's also a couple of 70dB L_{Aeq} (1 hour) also allowed for). The 95dB events must conclude by 12.30am while each of the 70dB events can go on for 12 hours per day for a two-day period. Translation a few very noisy events, events that potentially will damage the health/hearing of those attending them, are allowed in City Centre Zone Not only that but the noise limits allowed for these events within City Centre Zone 3 are also allowed at any point within receiving sites in adjacent zones. So, a residential zone with an apparent 40 dB noise limit could be subjected to 95 dB of noise from 10pm until 12.30am four times a year and 70 dB of noise from 10pm to 7am (the next day) for 4 days a year (two two-day events) with absolutely no recourse. That's simply not good enough. Council is approving a health hazard. This needs to be changed.

4 Then one turns to section A11.6.2 to the rules governing noise generated and received within different zones to find that *"noise levels from any activity shall not exceed the noise limits specified for the adjoining zone when measured at any point within the receiving site...."* What exactly does that mean? I believe the intention is to say that permitted/allowable zone noise levels are not allowed to be breached anywhere in the zone even if the source of any noise causing breach is in another zone with a higher allowed zone noise limit which is not being breached by that or any specific noise source within that zone. But that's not what is being said.

5 The wording indicates that specific activities in another zone is to be identified as the source of a breach of a lower noise zone area's limits. This may or may not be true. The wording needs to say that noise from (all) activities in one zone with a higher allowable zone noise limit when coupled with any noise generated from within the lower limit zone itself may not breach the noise limits applying in that zone. Requiring a specific activity to be identified as the cause of the breach is an excuse for endless procrastination, argument and litigation over who actually caused a breach – and

what should be done about it. That is going to be the case unless or until Council establishes actual measured base-line noise profiles for all properties in all zones and then revises/redoes those baselines every time there is (significant) change in the mix of businesses, dwelling types etc., within any given zone. That's not going to happen – so the noise generated and received within different zones is all a bit of a nonsense. It needs to be rethought and rewritten.

6 Measurement of Noise: The proposed changes indicate the location of noise measurement is to be “at any point within the receiving site” but is there any height restriction on that measurement point? One of the issues with Lumbercube was that the noise ‘rolled/bounced up the hill’ out of the caldera. The impacts impact depended not only on precisely what/where on a section one stood but how high off the ground one was at the time. Is there a height limit for measuring noise levels? One should be included based on building height restrictions for any noise receiving zone.

7 Future proofing. Much is made of how the wording in the proposed plan change now better aligns with NZS 6802:2008 and while this may be the best (or only) comprehensive New Zealand work on standards, noise definition and measurement the documents is now nine years old (and quite possibly in need of some revision). International research has continued to highlight the pernicious and surprising impact of even quite low levels of noise – see for example just in the last fortnight ‘Traffic noise may delay pregnancy’ p12 New Scientist No 3132 1 July 2017. The proposed plan change needs to be written in a way that should the NZ Standard be revised, or should sound and proper international research indicates outcomes permitted by the NZ Standard are no longer acceptable, that the noise provisions in the operating Rotorua District Plan are able to be easily and quickly changed to appropriately reflect the new knowledge and/or revised standards. Wording in the proposed change should be chosen to reflect this. So, the ODP wording about Noise should include a statement that where there is any reference to the plan conforming to NZS 6802:2008 that reference is to be read as the Plan conforming to the most recent NZ Noise standard (currently NZS 6802:2008). Alternatively, it could read conform to the most restrictive of the most recent NZ standard on noise or (select specify some other national/ international rules) which the Rotorua Council believes is more likely to be keep up to date and reflect the latest research results.

8 Noise is a growing problem nationally and internationally and one real concern with the current Rotorua proposals is a failure to have any provisions in the proposals to work towards reducing ambient noise levels with time. What, for example, was the basis for selecting the current zone noise levels and the times when these levels apply? With careful and proper planning can the absolute levels of noise be reduced? And if so by how much? And at what cost? Why for example is the City Centre Zone 2 set at 65 dB $L_{Aeq(15\text{ min})}$ from 7am to 10pm any day except public holidays and at 60 dB $L_{Aeq(15\text{ min})}$ and 75 dB L_{Amax} for night-time and all other times? One must ask why Rotorua's proposed noise regulation do not aim, at least in longer term, to reduce ambient noise levels. In the case of City Centre Zone 2 perhaps the target might be a longer term a 60 dB or perhaps even 55 dB noise level (perhaps with a 60 or 70 dB $L_{Aeq(15\text{ min})}$ applying) for the zone - and to have this level apply always on every day. If one is going to talk about increased urban as opposed to suburban living one longer-term aim should surely be to reduce the level of noise in areas where one would like people to live. But the idea of reducing noise shouldn't apply just to those areas – it should be a target right across all zones. Rather than simply accepting zone noise levels as currently given the noise plan should outline not only where we are now and where we want to be in 5, 10, 20 or 30-years' time.

9 The presentation on the proposed plan change given by Council staff at Lynmore school included some comparisons of the proposed Rotorua noise levels and the times when these levels applied with noise regulations of other territorial authorities. While a number of the regulations

were identical to those proposed for Rotorua not all were. There were differences in hours that qualified as night and day and in the level of noise acceptable too. A couple of the options also included a shoulder period (between day and night). What work is being done looking at which options are best and why? Or is Council simply assuming that whatever rules are drafted here are axiomatically 'the best'.

At this point I do not wish to be heard in support of my submission. Rather I hope to see change/revision to the proposed plan change. Depending though on other submissions and Council's response I would like to reserve my right to either be heard or alternatively present a joint case with others at a hearing. As already stated I do not expect to gain an advantage in trade competition through this submission. As a resident though I am potentially directly affected by the subject matter of the submission noise and as a Lynmore resident I was negatively affected by the Council decisions that allowed the Lumbercube operation to proceed. It is simply good luck rather than good management on Council's part that that particular problem is not currently an issue.

Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Hancock Forest Management NZ Ltd.	Address For Service:	
Full Postal Address:	PO Box 1860, Whangarei	[Agent if applicable]	
Telephone No: 094701325	Email: ubuckingham@hnrng.com	Telephone No:	Email:
Mobile Phone: 0274998416		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish/do not wish~~ *[delete one]* to be heard in support of my submission.

If others make a similar submission, I ~~will/will not~~ *[delete one]* consider presenting a joint case with them at a hearing.

I ~~could/could not~~ *[delete one]* gain an advantage in trade competition through this submission.

I ~~am/am not~~ directly affected by an effect of the subject matter of the submission that –

(a) ~~----Adversely affects the environment, and--~~

(b) ~~----Does not relate to trade competition or the effects of trade competition.~~

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)



17/7/2017

Signature of submitter

Date

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
whole document	Support	In principle HFM NZ supports proposed plan change 4 which ensures that rural activities can still operate in rural zones where appropriate and excludes noise from all vehicles and mobile machinery associated with forestry.	
Changes 3 & 4 Definition of Noise Level	Support	The exclusion of vehicles and mobile machinery associated with agricultural and forestry production that are of limited duration and not in a fixed location is appropriate as part of the noise level definition.	Retain the definition of noise levels.

SUBMISSION ON A PROPOSED PLAN CHANGE

Clause 6 of First Schedule, Resource Management Act 1991

Proposed Plan Change 4 (Noise) to the Rotorua District Plan

To: The Chief Executive
Rotorua Lakes Council

Email: anita.galland@rotorualc.nz

Submitter Details

Full name of submitter: **Mercury NZ Limited ("Mercury")**
Contact name: *Miles Rowe*
Address for service: *PO Box 445
HAMILTON 3240*
Contact phone number: *(07) 857 0342 or 027 276 2532*
Email: *miles.rowe@mercury.co.nz*

Submission

This is a submission on the Proposed Plan Change 4 (Noise) to the Rotorua District Plan.

This submission is prepared in general accordance with Form 5 in Schedule 1 of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

Mercury could **not** gain an advantage in trade competition through this submission.

Mercury wishes to be heard in support of its submission.

If others make a similar submission, Mercury will consider presenting a joint case with them at the hearing.



Stephen Colson
Manager Planning & Policy
Mercury NZ Limited

Date: 18 July 2017



1 Introduction

This document contains the submission by Mercury NZ Limited ('Mercury' or 'the Company') on Proposed Plan Change 4 – Noise ('the Plan Change') to the Rotorua District Plan.

This submission is structured as follows:

- Section 2 provides a brief introduction to Mercury and its activities within Rotorua District;
- Section 3 sets out submissions relating to particular provisions that affect the activities and interests of Mercury.

2 Mercury NZ Limited

Mercury is a publicly listed company and the third largest electricity generator in New Zealand, typically generating about 17% of New Zealand's electricity. In addition, the Company is the third largest retailer in New Zealand, selling electricity through various retail businesses.

Mercury's portfolio of generation assets throughout the North Island generate over 6,600 gigawatt hours of electricity per year. 100% of the Company's generation comes from renewable resources. This is comprised of the Waikato Hydro Scheme on the Waikato River, which includes part of the Ohakuri site in Rotorua District, and geothermal power stations in the Waikato and Bay of Plenty regions. In addition, Mercury has geothermal development interests in Rotorua District.

Mercury has an interest in the noise provisions in the Rotorua District Plan relating to the development and operation of renewable electricity generation activities, including for the purpose of drilling operations. Mercury also has an interest in noise provisions addressing reverse sensitivity effects on existing generation assets.



3 Specific Submissions

The section sets out the submissions by Mercury in relation to the Proposed Plan Change 4.

Specific Provision	Support / Oppose	The Submission is:	Relief Sought (additions <u>underlined</u> , deletions struck through):
All of Plan Change 4	Support	<p>Mercury generally supports the reasons for the Plan Change, including reducing repetition, reducing inconsistencies in different parts of the Plan, condensing the noise provisions in a single chapter of the Plan, and addressing effects on noise sensitive activities in a more consistent manner.</p> <p>Mercury in particular supports:</p> <ul style="list-style-type: none"> • Changes 3 & 4 – new definition for ‘noise level’ that references relevant New Zealand Standards, and exemptions that apply, including ‘emergency drilling in relation to geothermal bores’. • Change 6 – new performance standard A116.3.2 for noise sensitive activities within the Electricity Generation Core Site Noise control Boundary. • Change 10 – amended definition for ‘noise sensitive activities’. • Change 13 – new performance standard A11.6.4 for construction noise that references NZS6803:1999 Acoustics – Construction Noise. <p>There is however some unintended consequences of deleting the noise provisions in the Zone chapters and amalgamating into a single chapter, as addressed in other parts of this submission.</p>	<p>To retain the provisions in the new Noise Chapter A11, including corresponding deletions to the noise provisions in the Zone chapters, except where otherwise requested by this submission.</p> <p>Any further and consequential amendments to achieve the intent of this submission.</p>
A11.5 Rules, Table A11.5.1 Activities in all Zones, Performance standards A11.6.1 and A11.6.2	Oppose	<p>Currently infrastructure is provided for under rules for Part 15 (Infrastructure) of the Plan rather than the rules applying to the respective Zones. In particular, Part 15.5 Rules states “<i>Infrastructure is not subject to the rules and performance standards within the zone chapters, unless specifically stated or referred to.</i>” This applies to the operation, upgrade and maintenance of existing hydro electricity generation facilities which is a permitted activity under Rule 15.5.32. Part 15 does not include any noise-related performance standards, but noise conditions may be imposed where a resource consent is required for infrastructure.</p> <p>However, new Noise Chapter A11 under this Plan Change does not make any particular provision for infrastructure activities covered by Part 15 of the Plan with the result that the rules in A11.5 apply to <u>any</u> activity in <u>all</u> Zones. This may be an unintended consequence of the Plan Change but creates a problem for infrastructure activities where, under the current Plan, the infrastructure is not subject to the rules and performance standards applying within the Zones chapters.</p> <p>This is of particular concern to Mercury for the Ohakuri Electricity Generation Core</p>	<p>To amend section A11.5 Rules as follows, or words to like effect:</p> <p>“... Permitted and controlled activities shall comply with the relevant performance standards in section A11.6, <u>except that these performance standards do not apply to infrastructure activities provided by Part 15 Infrastructure.</u> ...”</p> <p>To amend the rule in Table A11.5.1: Activities in all Zones as follows, or words to like effect:</p> <p>“Any activity stated as a permitted activity, <u>excluding activities permitted by Part 15 Infrastructure,</u> that does not meet the performance standards in A11.6.”</p>



Specific Provision	Support / Oppose	The Submission is:	Relief Sought (additions <u>underlined</u> , deletions struck through):
		<p>Site, which is dual zoned (Rural Zone and Water Zone), including difficulties in reconciling between performance standard A11.6.1 (noise generated and received within the same zone) with performance standard A11.6.2 (noise generated and received within different zones) across Zone boundaries for the same activity.</p> <p>The consequence of this is that some infrastructure activities that are otherwise permitted by Part 15 under the Plan will be a restricted discretionary activity under the rule in Table A11.5.1 if they cannot meet the performance standards in A11.6.</p> <p>Mercury considers that changes are needed to A11.5 Rules and Table A11.5.1 to remedy this issue.</p>	<p>Any further and consequential amendments to achieve the intent of this submission.</p>
<p>Performance standards A11.6.1 and A11.6.1.9</p>	<p>Oppose in part</p>	<p>Performance standard A11.6.1 specifies the noise limits that apply to each of the Zones, from A11.6.1.1 (Residential Zones) through to A11.6.1.10 (Reserves, Community Assets and Water Zones).</p> <p>The opening sentence of A11.6.1 states “<i>Noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site</i>” but A11.6.1.9 for the Rural Zones states “<i>Noise levels shall not exceed the following limits when measured at any point within the notional boundary of any rural dwelling</i>” (emphasis added).</p> <p>Technical this means noise limits within the Rural Zone are required to be met at the boundary of the receiving site and at the notional boundary. Part 3.3 of the Council’s Section 32 Report relating to Change 2 – Location of Noise Measurement, makes it clear that for the Rural Zones the notional boundary of any rural dwelling is the appropriate noise measurement point. This can be remedied by amending the opening sentence of A11.6.1.</p>	<p>To amend the opening sentence of performance standard A11.6.1 as follows, or words to like effect:</p> <p><u>“Unless otherwise specified in A11.6.1.1 to A11.6.10 below, noise levels shall not exceed the following limits when measured at any point within the boundary of the receiving site:”</u></p> <p>Any further and consequential amendments to achieve the intent of this submission.</p>





Te roopu manaaki a rohe o mokoia

MOKOIA COMMUNITY ASSOCIATION Inc

297 Vaughan Rd, Rotorua

community@mokoia.org.nz

345 5971

027 345 5971

18th July 2017

Anita Galland
Rotorua Lakes Council
Private Bag 3029
ROTORUA 3046

Dear Anita

RE: PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN

Please find attached the submission of the Mokoia Community Association on the proposed plan change 4 to the Rotorua District Plan.

We received ongoing feedback regarding the negative effects some of our Eastside residents experienced during the operation of Lumbercube. Not only did our residents report health concerns, effects on their ability to engage in employment/education, but also a reduction in their general wellbeing. The noise generated from Lumbercube created division in our community which has lasted long term. The Lumbercube experience has led us to making this submission, it is important that learn from Lumbercube experience and put systems in place to ensure that it wil not be replicated.

We have requested that representatives from the Mokoia Community Associaiton be able to speak to our submission.

Nga mihi nui.

Leigh Richards-Ward
Community-led Manager.

Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Mokioa Community Association	Address For Service: [Agent if applicable]	297 Vaughan Road Our speaker to the submission will be Andy Woolhouse, Board member
Full Postal Address:	297 Vaughan Road Rotorua		
Telephone No:	Email:	Telephone No: 07 345 5450	Email: andy.woolhouse@xtra.co.nz
Mobile Phone:		Mobile Phone: 027 292 3138	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

A MCA Representative wishes to be heard in support of our submission.

If others make a similar submission, we **will not** consider presenting a joint case with them at a hearing. We **could not** gain an advantage in trade competition through this submission.

We are directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment, and

(b) Does not relate to trade competition or the effects of trade competition.

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)

Note signature not required

Signature of submitter _____

Date _____

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
Plan Change 4 Noise	Support	<p>Mokoia Community Association (MCA) generally supports the proposed plan change 4 with some minor changes and addressing the points of clarification listed below.</p> <p>The MCA rohe or area of concern includes from the Puarenga Stream to Waiohewa Stream. Eastside residents across this rohe were badly affected by the noise issues related to Lumpercube Mill resulting in significant noise complaints to Rotorua Lakes Council. A lot was learnt from the Lumpercube Mill experience, specifically:</p> <ul style="list-style-type: none"> • the negative impacts which can be experienced from having residential and industrial sites in close proximity to each other. • Understanding that there can be noise issues related to a site that extend beyond this site – ie, the constant stream of large and heavily laden trucks travelling to and from the Lumpercube Mill. • How the caldera effects atmospheric and temperature needs to be taken into account when factoring how noise will travel and behave. • That there are different "kinds" of noise that travel/behave differently from each other. • The previous inflexibility in how noise could be measured, which in turn limited the action that could be taken to reduce or remove the noise nuisance. • Having clear and timely steps for identifying and dealing with noise issues in a timely way <p>It is these lessons in mind by which MCA has considered the proposed plan change 4.</p> <p>MCA supports the recognition of adverse effects on noise particularly in cross boundary situations where Industrial and Residential zones interface. It also supports the long-term objective in the RLC Spatial Plan objective of removing heavy industry away from residential areas.</p> <p>Much of the proposed plan change focuses on reference to linkage within the ODP rules to appropriate noise standards (NZS 6802 and others), these documents are not</p>	Adopt the proposed Plan Change 4, but addressing the questions and comments listed

		<p>available online and the at a cost of \$135 NZS 6802 which will be beyond the financial resources of most submitters to purchase. For this reason, MCA is seeking confirmation that the proposed plan change will provide the necessary legal tools for RLC to be able to address the issues and adverse effects on residents such as those that resulted from the Lumbercube Noise discharge. By way of example, it will be useful if RLC can explain how the Lumbercube noise issues would have been managed if the proposed plan change was in place at the time.</p> <p>MCA has the following comments on the proposed plan change;</p> <ul style="list-style-type: none"> • A11.3.2.4. Reverse Sensitivity Policy add the word <i><u>Industrial</u></i>lawfully established <i><u>industrial</u></i>, rural industries.... Reason to prevent the establishment new residential zoning adjacent to current industrial zones. • A11.6.2. Noise Generated and Received within different zones.<i>when measured at any point within the receiving site</i> Confirmation sought that Standard NZS 6802 provided for the measurement of noise at elevations other than ground level, specifically adjacent to windows in multi storey dwellings. This is particularly relevant to evening noise levels where bedrooms are likely to be located at other than ground floor levels. • A11.7.1 Assessment Criteria. Part 16 refers to;<i>Any other relevant standards, codes of practice</i>.... This implies there is reference elsewhere to specific standards, but there are none listed in this section. MCA suggests that a further criterion is added above '16' listing the name and number of the specific standards referenced in this plan change, namely NZS 6801:2008 and NZS6802;2008 <p>Re Shoulder period -ie an intermediate noise level rating around before the 10pm daytime/nighttime levels. The S32 assessment Part 4.2 Shoulder Period states that 'no issues have been raised from community that suggest a more fine-tuned approach is warranted. MCA received feedback during Lumbercube's operation specifically related to children being affected by lack of sleep as a direct result of the Lumbercube noise proceeding late into the night. The inability of children to sleep during this noise resulted in tired children, increase family stress, children finding it difficult to engage in school, time off school to catch up on sleep.</p> <p>MCA believes that where a residential zone containing a high proportion of young families is located adjacent to an industrial zone, the 10 pm cutoff is too late to</p>	
--	--	---	--

		<p>provide adequate sleep provision for children. MCA would like to see the nighttime period to begin at 7pm.</p> <p>MCA gives credit to RLC for providing Eastside residents the opportunity to hear what the proposed changes could mean. As expressed at the consultation meeting at Lynmore School, there are a number of steps that residents need to undergo in order to be involved in consultation. One way to assist residents to participate in consultation is to provide timely notice that consultation is taking place and to have information disseminated in "layman's" terms with examples of how changes would impact on residents' lives. MCA reiterates that it is happy to assist RLC with the dissemination of information to its Eastside residents</p>	
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PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
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OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	NEIL RONALD MACDONALD	Address For Service: [Agent if applicable]	
Full Postal Address:	14 LEWIS RD LYONMORE		
Telephone No: 345 3720	Email: mcdonaldnr@gmail.com	Telephone No:	Email:
Mobile Phone: 021 157 6521		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~ **do not wish** *[delete one]* to be heard in support of my submission.

If others make a similar submission, I ~~will~~ **will not** *[delete one]* consider presenting a joint case with them at a hearing.

I ~~could~~ **could not** *[delete one]* gain an advantage in trade competition through this submission.

I ~~am~~ **am not** directly affected by an effect of the subject matter of the submission that –

- (a) Adversely affects the environment, and
- (b) Does not relate to trade competition or the effects of trade competition.

[delete entire paragraph if you could not gain an advantage in trade competition through this submission]

Neil Macdonald 18/7/17
Signature of submitter Date

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

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PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<p>Please refer to the rule number or heading reference</p>	<p>Clearly indicate whether you support, oppose or support with amendment the provision</p>	<p>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</p>	<p>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</p>
<p>A.11.6 NOISE LIMITS</p>	<p>SUPPORT WITH AMENDMENT</p>	<p>A.11.6.1 .2 .2.1 v .3 .4 .5 .6 .7</p> <p>THE USE OF THE WORD "and" IN THE NIGHT-TIME COLUMN IS WRONG. IT IS AMBIGUOUS AND OPEN TO CONFUSION.</p> <p>I NOTE THE THE CITY OF AKL DISTRICT PLAN DOES NOT HAVE THE WORD "and"</p>	<p>REMOVE <u>ALL</u> OCCURRENCES OF THE WORD "and" relating to NIGHT-TIME NOISE LEVELS.</p>

18 July 2017

Rotorua Lakes Council

Private Bag 3029
Rotorua Mail Centre
Rotorua 3046

Attention: Chief Executive

Dear Geoff

NZ Transport Agency submission – Plan Change 4 (Noise) – Rotorua District Plan

Thank you for providing the opportunity for the NZ Transport Agency (Transport Agency) to make a submission on Proposed Plan Change 4 (Noise) to the Rotorua District Plan (Plan Change 4).

The Transport Agency appreciates the collaborative approach that the Council has taken to working with the Transport Agency in developing proposed Plan Change 4. As part of this Council has provided confirmation that the existing operative State Highway Noise Reverse Sensitivity provisions will be immune through the plan change process given that they remain unchanged in the notified documents.

A copy of the Transport Agency's submission to Plan Change 4 is attached.

The Transport Agency looks forward to working closely with the Rotorua Lakes Council through the process.

If you have any questions or comments regarding the Transport Agency's submission, please do not hesitate to me on 07 927 6007 or cole.o'keefe@nzta.govt.nz

Yours sincerely



Cole O'Keefe

Principal Planning Advisor – Bay of Plenty

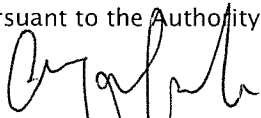
New Zealand Transport Agency Submission on Proposed Plan Change 4 (Noise) the Rotorua Lakes Council District Plan

Section	Support/ Oppose/ Amend	Submission	Decision sought
<i>Plan Change 4 in its entirety</i>	Support	The Transport Agency supports in part Plan Change 4 (Noise) and specifically the Rotorua Lakes Council’s decision to restructure the noise provisions so that they are consolidated and placed in a new dedicated noise chapter with consistent objectives, policies and environmental outcomes.	Retain the plan change as notified with amendments outlined in the specific submission point below.
<i>A11.6.3 Acoustic treatment of noise sensitive activities</i> <i>1. Noise sensitive activities near State Highways</i> <i>Advice note – 1</i>	Amend	<p>The Transport Agency requests that the advice note is amended, as follows:</p> <p><i>The term “Noise Sensitive Activities” has the same meaning as that included in the Definitions, except that for the purposes of these performance standards does not include:</i></p> <ul style="list-style-type: none"> • <i>Conference facilities, communal lounges operated as part of a holiday park</i> • <i>Community facilities</i> <p>The reason for the Transport Agency requesting this deletion is that these activities are noise sensitive and are vulnerable to State Highway noise reverse sensitivity effects. It is appropriate to control the establishment of these activities when they are situated</p>	The Transport Agency requests that the Council amend the advice note or similar relief to achieve the same effect.

Section	Support/ Oppose/ Amend	Submission	Decision sought
		close to state highways to reduce potential conflicts and manage reverse sensitivity effects.	

- a) This is a submission on Plan Change 4 – Noise to the Rotorua Lakes Council District Plan.
- b) The Transport Agency could not gain an advantage in trade competition through this submission.
- c) The Transport Agency does wish to be heard in support of its submission.
- d) The Transport Agency does not wish to present joint evidence.

Signed by Cole O'Keefe
Principal Planning Advisor
Pursuant to the Authority of NZ Transport Agency



Date

18/07/2017

Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Peter Staite	Address For Service: [Agent if applicable]	
Full Postal Address:	1 B. Hurunga Avenue, Ngapuna, Rotorua 3010		
Telephone No: 07 3457044	Email: pdstaite@clear.net.nz	Telephone No:	Email:
Mobile Phone: 021 0695599		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~/~~do not wish~~ [delete one] to be heard in support of my submission.

If others make a similar submission, I ~~will~~/~~will not~~ [delete one] consider presenting a joint case with them at a hearing.


I ~~could~~/~~could not~~ [delete one] gain an advantage in trade competition through this submission.

I ~~am~~/~~am not~~ directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment, ~~and~~

(b) ~~Does not relate to trade competition or the effects of trade competition~~

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)


Signature of submitter

18 JULY 2017
Date

Submission Attached x 1 A4 page.

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

Main Submission: Peter Staite (Attached to RLC Submission Form)

To Proposed Plan Change 4 To The Rotorua District Plan

APPENDIX II: (NOISE)

I generally support the RLC PPC4 to adopt new noise bylaws (nnb).

KEY ENVIRONMENTAL ISSUES

My support is on condition that the nnb provides a clear and precise interpretation for enforceability, litigation and prosecution in a court of law; And

Provides to enhance and improve local bylaw standards found wanting and necessary to protect our community areas, sites and dwelling places of rest and recreation from current adverse noise impacts enabled by commercial and industrial activities under the current substandard noise bylaws.

By communities, I mean;

All peoples, people of a residential dwelling property, including good guardianship and parenting homes and schools and alike, including their hearing-sensitive pets, animals and other life forms in their care for which kaitiakitanga principles apply.

By Good Guardianship and Parenting I means;

Adults recognise fiduciary obligation to provide for and to protect all infants and children within their means at all times. I/We expect RLC to give effect its fiduciary duty to ensure the changes finally implemented under this review do protect its community from all adverse noise effects.

I support PPC4 nnb providing sufficiently appropriate protection of the community, as a fit-for-task legally enforceable instrument of law.

A 11.6 PERFORMANCE STARDARDS

I oppose Change Proposal A 11.6.1 subsections 1,2,3,4,5,6 and 7 "*Daytime*" description "7am to 10pm" to encroach the night-time sleep zone common to man.

As responsible adults should, we accept the imperative for infants and young children to uninterrupted sleep. I/We have been deprived this luxury as resident tangata whenua at Ngapuna for some 50 years due to industrial factory noise sources.

I will support a nnb protecting children's and all peoples health and wellbeing gained from uninterrupted sleep time.

I support change to the "*Daytime*" hours to 7am to 8pm".



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CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Radio New Zealand Limited	Address For Service: [Agent if applicable]	Chapman Tripp, PO Box 2510, Christchurch
Full Postal Address:	Radio New Zealand Limited, PO Box 123, Wellington		
Telephone No: +64 4 474 1840	Email: gary.fowles@radionz.co.nz	Telephone No: +64 3 353 0026	Email: jessie.cross@chapmantripp.com
Mobile Phone: +64 27 4507409		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~/do not wish *[delete one]* to be heard in support of my submission.

If others make a similar submission, I ~~will/will not~~ *[delete one]* consider presenting a joint case with them at a hearing.

I ~~could/could not~~ *[delete one]* gain an advantage in trade competition through this submission.

Signature of submitter

Date 18/07/2017

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

For any enquiries please call Kate Dahm, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8301

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
		Please see attached submission.	

SUBMISSION BY RADIO NEW ZEALAND LTD ON PROPOSED PLAN CHANGE 4 - ROTORUA OPERATIVE DISTRICT PLAN

Introduction

- 1 Radio New Zealand Ltd (*RNZ*) welcomes the opportunity to submit on Proposed Plan Change 4 to the Rotorua Operative District Plan (*District Plan*). *RNZ* is generally supportive of the provisions proposed through the plan change, particularly the recognition given to reverse sensitivity effects, and wishes to record this support.

RNZ's facilities

- 2 *RNZ* is a Crown entity established under the Radio New Zealand Act 1995. *RNZ* owns and operates radio transmission facilities in Tihiotonga (*RNZ's Facilities*).
- 3 The radiocommunication activities from *RNZ's Facilities* are carried out by *RNZ* and other broadcasters, using equipment that is owned, maintained and operated by each broadcaster.
- 4 It is important that the continued operation, maintenance and improvement of *RNZ's* national transmission network can occur unimpeded. *RNZ's Facilities* are an integral and important part of *RNZ's* national communication network, and it is appropriate that the District Plan recognises and provides for *RNZ's* activities.
- 5 *RNZ's Facilities* perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and *RNZ* is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002).

RNZ Facilities at Tihiotonga

- 6 *RNZ's Facilities* at Tihiotonga include:
 - 6.1 a main concrete block transmitter building containing three AM radio transmitters and ancillary equipment;
 - 6.2 a concrete block emergency generator building containing an emergency generator, fuel tank and control equipment;
 - 6.3 a 55 metre guyed aerial mast, at the base of which there is a reinforced concrete building containing aerial coupling unit components; and
 - 6.4 at the base of the mast there is another reinforced concrete building containing four FM radio transmitters and ancillary equipment.
- 7 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to Rotorua and surrounding areas. The rest of the facility consists of underground wires and cables.
- 8 The Tihiotonga *RNZ* site is designated (A6.10) in the District Plan. The underlying zoning is Rural 1.

- 9 RNZ's Facilities do not usually generate high levels of noise. However, RNZ occasionally has to use its back-up generator (during an emergency or for testing purposes), and this can be noisy when operating.
- 10 The conditions of the designation set out the maximum noise levels that must be complied with at the notional boundary of the nearest dwelling. The nearest dwelling is 350 metres away from RNZ's Facilities, and RNZ has not received any noise-related complaints from residents. However, if new dwellings were to be built closer to RNZ's Facilities, they may experience reverse sensitivity effects from the noise associated with the operation of the generator.
- 11 Therefore, it is important that the noise provisions in the District Plan acknowledge that noise associated with network utilities often cannot be avoided; and therefore activities sensitive to noise should avoid locating in areas where they will be adversely affected by network utility noise.
- 12 In RNZ's view, Plan Change 4 gives appropriate recognition to existing infrastructure and network utilities, and provides these activities with protection from reverse sensitivity effects. For this reason RNZ supports Plan Change 4, with some minor amendments as set out in Schedule 1 below.

SCHEDULE 1 – SPECIFIC SUBMISSIONS ON PLAN CHANGE 4

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
<p>Objective A11.3.2:</p> <p><i>Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity</i></p>	<p>Support</p>	<p>It is important that RNZ is able to continue operating its existing facilities, without being impeded by new activities that are sensitive to noise.</p>	<p>Retain as notified.</p>
<p>Policy 11.3.2.1:</p> <p><i>Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.</i></p>	<p>Support</p>	<p>The Objective A11.3.2 which this Policy falls under is targeted at protecting existing and permitted activities from noise reverse sensitivity. Reverse sensitivity occurs where a new activity locates in an area where existing activities have (for example) pre-existing noise effects, and the new activity is adversely affected by those existing effects. By way of example – a house locating close to one of RNZ’s transmitters could potentially experience reverse sensitivity effects (e.g. noise and visual effects) from the presence of the transmitter, which was pre-existing.</p> <p>The proposed Policy wording does</p>	<p>Amend the Policy as follows:</p> <p><i>Policy 11.3.2.1: Encourage activities to locate in <u>zones areas</u> where the noise generated <u>from existing activities, or noise anticipated by the zone rules</u>, is compatible with <u>the proposed other activities activity and, where practicable, adjacent zones</u>.</i></p>

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
		<p>not quite achieve the Objective because it reads as though the focus is on the noise generated from the proposed new activity, rather than the noise from the existing activities (which should be the focus for a reverse sensitivity Policy).</p>	
<p>Policy 11.3.2.2: <i>Mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers and building location to maintain the amenity of adjacent residential zones or marae and habitable buildings.</i></p>	<p>Support</p>	<p>It is important that development does not occur within the vicinity of RNZ’s transmitter site because of the potential for reverse sensitivity effects. RNZ supports this policy because it seeks to mitigate adverse effects generated by infrastructure (which includes RNZ’s facilities) through appropriate building location.</p>	<p>Retain as notified.</p>
<p>Policy 11.3.2.3: <i>Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to</i></p>	<p>Support.</p>	<p>While RNZ opposes any new development in the vicinity of its transmitter, if such development does occur it is important that it is appropriately insulated to mitigate any potential adverse noise effects.</p>	<p>Retain as notified.</p>

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
<i>major infrastructure are appropriately insulated.</i>			
<p>Policy 11.3.2.4:</p> <p><i>Limit the location of new residential activities sensitive to disturbance from lawfully established rural industries, recreation, infrastructure and network utilities to avoid reverse sensitivity effects.</i></p>	Support.	As noted above, it is important that sensitive activities do not locate within the vicinity of RNZ’s transmitter facilities. This policy gives adequate protection to lawfully established network utilities from reverse sensitivity effects.	Retain as notified.
<p>Policy 11.3.1.4:</p> <p><i>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. Construction works, emergency back-up generators).</i></p>	Support.	<p>On occasion RNZ has to operate back-up generators. As a lifeline utility, it is essential that RNZ is able to use back-generators when required, and it is appropriate that such activity be exempt from noise level requirements.</p> <p>Minor amendment is required to clarify that the “other activities” referred to may be in any zone (not only the rural zone).</p>	<p>Retain with amendment:</p> <p><i>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities (in any zone) clearly of a temporary nature (e.g. Construction works, emergency back-up generators).</i></p>

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
<p>A11.4 Environmental Outcomes:</p> <p><i>The efficiency and effectiveness of the policy framework of this part will be the focus of ongoing monitoring and review. Effectiveness or achievement of the objectives will be assessed through performance indicators. The performance indicators will be developed to measure the following outcomes that the policy framework was put in place to achieve:</i></p> <p>...</p> <p><i>3. No reverse sensitive effects at the interface of industrial zones and infrastructure activities and other zones.</i></p>	<p>Support</p>	<p>"Infrastructure activities" is not defined in the Plan, however RNZ's radiocommunication network is "infrastructure" for the purposes of the Resource Management Act and therefore this Environmental Outcome would apply to RNZ's Facilities, which RNZ supports.</p>	<p>Retain as notified.</p>
<p>Noise level definition</p>	<p>Support with amendment</p>	<p>The definition of 'noise level' excludes noise from emergency back-up generators in a number of zones, but does not include the Rural Zones.</p> <p>RNZ's Facilities are located in the Rural Zone, and sometimes require the operation of back-up generators. Therefore, RNZ</p>	<p>Amend the definition of Noise Level as follows:</p> <p><i>Noise Level means a sound level measured in accordance with NZS6802:2008 Acoustic – Measurement of Environmental Sound and assessed, unless otherwise stipulated, with NZS6802:2008 Acoustics –</i></p>

Objective/Policy	RNZ support/oppose	Reasons	Decision sought
		<p>submits that the 'noise level' definition should be amended to also exclude back-up generator noise in the Rural Zones.</p>	<p><i>Environmental Noise, but excludes the noise from the following sources:</i></p> <p><i>All zones:</i></p> <p>...</p> <p><i>City Centre; Commercial; Industrial; Business and Innovation; Reserves; <u>Rural</u>; Community and Water zones:</i></p> <ul style="list-style-type: none"> • <i>Emergency back-up generators</i> <p><i>Rural zones:</i></p> <ul style="list-style-type: none"> • <i>Vehicles and mobile machinery associated with agricultural and forestry production that are of limited duration and not in a fixed location (note that ss16 and 17 of the RMA or any relevant provisions superseding them will need to be satisfied).</i>

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OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Reynold Macpherson	Address For Service: [Agent if applicable]	Secretary, Rotorua District Residents and Ratepayers (RDRR)
Full Postal Address:	484 Pukehangi Road, Pomare, Rotorua 3015		
Telephone 07 346 8553 Email: reynold@reynoldmacpherson.ac.nz		Telephone No:	Email:
Mobile Phone: 021 725 708		Mobile Phone:	

It is understood that this submission will be made available on Council's website. It will also be made available at the RDRR's website and be otherwise publicized.

We wish to be heard in support of this submission to represent the interests and views of the near 500 members of the RDRR.

If others make a similar submission, **we will not** consider presenting a joint case with them at a hearing.

We can not gain an advantage in trade competition through this submission.



18 July 2017

Signature of submitter

Date

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Change 1 New Noise Chapter	Support with amendment	<p>RDRR supports a new chapter in the Operative District Plan (ODP) because it recognizes that noise has the potential to cause annoyance and affect health, and must be regulated, and because it consolidates and advances previous provisions to cope with changed circumstances.</p> <p>In particular the RDRR endorses the recognition of 'reverse sensitivity' because it addresses the need to constrain or curtail lawfully established activity due to more recent activities and changed circumstances that generate sensitivities.</p> <p>'Reverse sensitivity' creates the need for the <u>retrospective evaluation</u> of cases where unanticipated technological changes or unexpected outcomes of a lawful activity justify the need to revisit and change or cancel a prior resource consent.</p>	<p><u>Amendment</u> requested to highlight another Key Environmental issue: The advent of online-managed and short-term accommodation operations in residential zones that can generate noise, disturb the peace, and detract from existing amenity values without contributing to tourism infrastructure.</p> <p><u>Amendment</u> requested to permit retrospective evaluation, modification and/ or cancellation of a resource consent.</p>
Change 2 Location of Noise Measurement	Support with amendment	<p>RDRR supports the revised measurement locations for the collection of standardized data to improve their validity and reliability.</p> <p>It, however, regards <u>the collection of qualitative data about noise as equally important</u> to evaluate amenity values in a diverse community (see RD1-RD5 in Appendix 1), and to inform the development of noise regulations. The validity and reliability of qualitative data will be dependent on taking local advice regarding the most suitable location.</p> <p>The reluctance of officials to accept qualitative data as legitimate was made explicit when a principal concerned about the health and learning of her students was described by them publicly as "aggressive", "antagonistic" and "political". To the RDRR it indicates an inappropriate attitude towards what should count as valid data and the need for rich qualitative data to be collected by elected representatives to assist with the interpretation of the situation. To do less would result in politically and socially naïve interpretations.</p> <p>The report on noise measured during the Lumbercube crisis has not been released even though the commercial sensitivity involved has long since lapsed and the measurement instrument and data collection were funded from the rates.</p>	<p><u>Amendment</u> requested to ensure that Council locates the collection of qualitative data about noise <u>with local advice</u> and uses reliable data gathering methods to understand local and cultural evaluations of amenity values related to noise.</p> <p><u>Amendment</u> requested to ensure that elected representatives work with officials to seek qualitative advice on health and amenity values about noise to help interpret local and cultural evaluations of amenity values related to noise (see Proposal 18).</p> <p><u>Amendment</u> requested to require Council to release reports on noise measures as soon as commercial sensitivities end..</p>
Changes 3 & 4 Reference to NZ Standards, New Definitions, and Exemptions	Support with amendment	<p>RDRR supports this change to improve coherence between local, regional and national jurisdictions. The absence of base-line measures of normal ambient noise in key locations prevents before and after comparisons. Making such baseline measurements at multiple sites in various weather conditions / days / time in Rotorua would also make better use of the \$30,000 instrument purchased and develop acoustic capacity on Council.</p>	<p><u>Amendment</u> requested to authorize the collection of normal ambient noise in potentially sensitive locations in a range of conditions to provide baseline for future comparisons.</p>
Change 5 Distinctions between Noise Generated and Received within the Same Zone, and Another Zone	Support with amendment	<p>RDRR supports these distinctions because they will assist implementation, <u>providing local advice is taken on the generation and reception of noise</u>. The choice of measurement location, even within a property, can yield significantly different results. Such local knowledge is to be valued.</p>	<p><u>Amendment</u> requested to ensure that local advice is sought regarding measurement locations.</p>
Change 6 Acoustic Treatment of Noise Sensitive Activities	Support with amendment	<p>RDRR supports the scientific measurement of noise to improve validity and reliability. It, however, regards the collection of qualitative data about noise as equally important to the subtle evaluation of amenity values in our diverse community (see Appendix 1). The treatment of noise <u>should not be restricted to acoustic treatments</u> and should be informed by engaging elected representatives who have a subtle appreciation of the values and culture of the residential area involved (RD1-RD5).</p>	<p><u>Amendment</u> requested to ensure that Council complements the acoustic treatment of noise sensitive activities with treatments that respond to local and cultural evaluations of amenity values related to noise, including health and residential peace (see Proposal 18).</p>
Change 7 Insertion of Assessment Criteria	Support with amendment	<p>RDRR supports the insertion of criteria as clarified but remains concerned that they do not cover instances where it is crucial to collect and consider qualitative data about amenity values, or where technological changes (as in the Lumbercube production processes) and in ICT-enabled changes (as in the Short-Term Accommodation business model) where accumulating complaints suggest the need for retrospective evaluation that may lead to a revised or new resource consent and application of regulations.</p>	<p><u>Amendments</u> of criteria and process specifically requested</p> <ol style="list-style-type: none"> 1. To cope with instances of technological changes leading to a significant number of complaints. 2. To modify criterion 7 to include the

			<p>enjoyment of any residential accommodation</p> <ol style="list-style-type: none"> 3. To modify criterion 10 include guidance drawn from robust qualitative data 4. To modify criterion 12 to include the interface with residential peace 5. To modify criterion 16 to include “robust qualitative evidence of cultural norms about health and amenity values, especially residential peace”.
Change 8 Insertion of Reference Time Interval	Support	RDRR supports these distinctions because they will assist implementation.	
Change 9 Airport Noise Intrusion	Support	RDRR supports this change because it will assist implementation.	
Change 10 Amalgamation of Existing Definitions	Support	RDRR supports this amalgamation because it will assist implementation.	
Change 11 Insertion of Advisory Note	Support	RDRR supports this insertion because it will assist implementation.	
Change 12 Deletion of Assessment Matters re Helicopters	Support with amendment	RDRR supports this deletion due to redundancy but notes the need to anticipate the possible noise and other problems around drone technology.	<u>Amendments</u> to cope with potential instances of drone technology leading to complaints about noise.
Change 13 Insertion of Performance Standard for Construction Noise	Support	RDRR supports this insertion because it will assist implementation.	
Change 14 Deletion of Redundant Sub-Rule	Support	RDRR supports this deletion due to redundancy.	
Change 15 Consequential Amendments	Support	RDRR supports this deletion due to redundancy.	
ADDITIONAL PROPOSED PROVISIONS	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Change 16 Adopt Kiwi principles of policy making when reviewing and revising regulations.	Support	<p>The Section 32 evaluation did not recognize the equal human rights of residents and ratepayers to noise regulations or justify itself by reference to agreed principles of policy making. Such principles are needed to ensure that <u>policy review processes do not and/ or are not seen to be biased.</u></p> <p>The current approach to evaluating and revising regulations could be improved by being made <u>more reflective of principles drawn from representative democracy and the Treaty of Waitangi.</u></p> <p><u>The principles of representative democracy</u> include citizen participation, equality before the law, political freedom and tolerance, accountability, transparency, economic freedom, control of the abuse of power, human and property rights, and the rule of law.</p> <p><u>The principles of the Treaty of Waitangi</u> include partnership (defined as working together to develop strategies), participation (involvement in decision-making, planning, development and delivery) and protection (safeguarding outcomes and cultural concepts, values and practice).</p> <p>To gain greater unity and coherence in the Rotorua community, the RDRR suggests that these <u>principles be combined and elevated to the status of being human rights of all citizens.</u></p>	<u>Amendment requested:</u> Formally adopt the principles of representative democracy and the Treaty of Waitangi <u>and define these principles as human rights of all Kiwis in Rotorua.</u>
Change 17 Adopt a quadruple bottom-line approach to developing regulations to achieve sustainable prosperity.	Support	<p>The PPC4 is, understandably, an amalgam of criteria and processes used in the past to regulate noise in Rotorua, including resource consenting. These regulations have ‘grown like Topsy’ over time <u>without reference to long term purposes that determine scope.</u></p> <p>RDRR proposes that regulations and resource consenting in Rotorua reflect a balanced concern for four dimensions in order to achieve sustainable prosperity:</p>	<u>Amendment requested:</u> Formally adopt quadruple bottom-line policy making <u>to determine the purpose and scope of all Council policy reviews, including regulations.</u>

		<ol style="list-style-type: none"> 1. <u>People</u> (quality of life for people, e.g., health, vigor, wellbeing, flourishing), 2. <u>Profit</u> (competitive productivity in producing and distributing goods and services for consumption and profit with scarce resource), 3. <u>Planet</u> (sustainable individual, community, and ecosystems survival across lifespans and generations) and 4. <u>Progress</u> (adaptive innovation in all aspects of people, profit, and planet, and innovations in being innovative). 	
Change 18 Adopt an action research methodology to improve Council's policy development processes and capacity building.	Support	<p><u>The current policy development process</u> used to refine noise regulations comprises</p> <ol style="list-style-type: none"> 1. a mandate being given to officials to manage the process, 2. officials conducting an evaluation of the current regulations, 3. officials consulting the community and public servants in other jurisdictions, 4. officials conducting workshops for elected representatives, 5. officials recommending revised regulations to Committees of Council (the Strategy, Policy and Finance Committee and the RMA Policy Committee) 6. Committees of Council submitting policy recommendations to Council for formal adoption. <p><u>Action research for policy making is recommended</u> because it is a disciplined process of inquiry conducted <i>by</i> and <i>for</i> those making and applying policies. The primary reasons for engaging elected representatives, expert officials and partnering stakeholders in action research is to help them improve policies and to refine their actions as policy makers.</p> <p>Action research is an endless cycle of</p> <ol style="list-style-type: none"> 1. selecting a focus (e.g. regulating noise), 2. clarifying current theories in use about the focus issue, 3. identifying research questions, 4. collecting data (especially solutions from elsewhere),¹ 5. analyzing data, 6. reporting results, 7. taking informed action, 8. evaluating outcomes, 9. reporting outcomes with recommendations to SP&F and RMAPC prior to Council regarding policy decisions, 10. selecting a focus ... 	<u>Amendment requested:</u> Formally adopt an action research methodology to engage elected representatives, officials and partners in policy development and in capacity building.
Change 19 Develop a progressive Compliance Strategy comprising Best Practice Guidelines, Intervention Guidelines, and Prosecution Guidelines.	Support	<p>The PPC4 does not</p> <ol style="list-style-type: none"> 1. provide guidance to short-term accommodation hosts or to Council's officials on industry best practices 2. specify intervention practices (e.g.s mediation, arbitration) for councillors and officials in cases where short-term accommodation hosts do not respond satisfactorily to complaints, and 3. specify liability and prosecution options available to Council. 	<p><u>Amendment requested:</u> Formally adopt a progressive Compliance Strategy that offers hosts Best Practice Guidelines, an Intervention Process to be followed by Councillors and Officials, and Prosecution Guidelines that detail legal liability and options available to Council.</p> <p><u>Amendment requested:</u> Council provided periodic workshops for councillors and officials to clarify the new Compliance Strategy</p>

¹ For example, the Tasman District Council's solution is recommended for consideration by Committees of Council because it offers relatively 'small government' by minimizing Council discretion in plain English, uses both quantitative and qualitative indicators and then relies on the good judgment of elected representatives to make consenting decisions. It is available at http://www.tasman.govt.nz/document/serve/17.1-Residential%20Zone%20Rules-2016-09-24.pdf?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPTxt/Part_II_-_Land/Chapter_17_Sections/000000176829;
http://www.tasman.govt.nz/document/serve/17.8-Rural%20Residential%20Zone%20Rules-2016-12-10.pdf?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPTxt/Part_II_-_Land/Chapter_17_Sections/000000176837;
http://www.tasman.govt.nz/document/serve/17.5-Rural%201%20Zone%20Rules-2016-12-10.pdf?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPTxt/Part_II_-_Land/Chapter_17_Sections/000000176833
RDC-727715

APPENDIX 1: RESIDENTIAL ZONES IN ROTORUA ²

Zone	Code	Description
Residential 1 Low Density living	RD1	Low density residential areas, such as Ngōngōtahā, Kāwaha Point, Western Heights, Hillcrest, Springfield and Lynmore. There is a mix of single storey and two-storey houses of various styles and materials. There is a balance between the built and natural elements of the environment in this zone. There is a sense of space around buildings, which is enhanced by the landscaping on site and trees within the road reserve. Other characteristics include generally low levels of noise and low traffic levels.
Residential 2 Medium Density living	RD2	Medium density residential areas located close to the city centre. There is a mix of single storey and two-storey apartment style living, with limited outdoor space. The built environment is dominant and much of the space around buildings is taken up by hard surfacing for car parking and turning. There are few trees and shrubs that make an impact on the wider area and the zone is more reliant on the street trees to soften the built environment.
Residential 3 Ōhinemutu, Whakarewarewa, Ngāpuna	RD3	The cultural and historic villages of Ōhinemutu, Whakarewarewa and Ngāpuna. Dwellings within these areas are typically single story wooden buildings interspersed with geothermal activity and geothermal features. Ōhinemutu and Whakarewarewa villages are accessed through narrow roads and have the sense of being close-knit communities. Marae and associated communal buildings are dominant focal points. Each village contributes to the cultural historic heritage and identity of Rotorua.
Residential 4 Lakeside Settlements	RD4	Residential lakeside settlements including, for example Hamurana, Rotoiti, Ōkere Falls, Rotoehu and Rotomā. These areas consist of sites with low density development and high levels of outdoor open living space. Dwellings are often oriented to capitalise on lake views. A mix of freehold and leasehold land is present that supports a variety of building design and a range of residential activity such as baches, holiday homes and permanent living. The settlements themselves vary in size and character.
Residential 5 Residential Lifestyle (Wharenui Road area)	RD5	Rural-residential lifestyle specifically located within the area of the Wharenui Road Area Development Plan in Appendix 5. The intended character of the zone is one of relatively large lot sizes and space around and between buildings to be established by the imposition of performance standards for overall density.

² From the Residential Zone Chapter of the Operative District Plan, and clarified by the District Plan Maps available at http://www.rotorualakescouncil.nz/our-services/planningservices/districtplan/district_plan_maps/Pages/default.aspx

 <p>ROTORUA LAKES COUNCIL Te kaunihera o ngā roto o Rotorua</p>	<p>Submission form</p> <p>PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN</p> <p><i>Form 5 - Clause 6 of First Schedule, Resource Management Act 1991</i></p>	<p>Submission number <i>Office use only</i></p>
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Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to: The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18TH JULY 2017

Full Name Of Submitter:	Rotorua International Airport Limited	Address For Service: [Agent if applicable]	c/- Lara Burkhardt Holland Beckett Lawyers Private Bag 12011 Tauranga
Full Postal Address:	See Address for Service		
Telephone No:	Email:	Telephone No: 07 578 2199	Email: lara.burkhardt@hobec.co.nz
Mobile Phone:		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

I could not gain an advantage in trade competition through this submission.

Signature of submitter

Date 18 July 2017

(NOTE: A signature is not required if you make an electronic submission on behalf of submitter)

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THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the rule number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and/or suggested changes you want the council to make in relation to the provision.</i>
Entire plan change	Support with amendment	<p>The submitter owns and operates the Rotorua Airport.</p> <p>The submitter made a submission dated 1 December 2016 on Proposed Plan Change 1 (PC1). PC1 also addresses the management and control of activities sensitive to aircraft noise, however submissions are yet to be heard and determined by Council.</p> <p>Given the overlap between PC1 and this plan change, the submitter adopts the reasons and relief for its submission on PC1.</p>	<p>Retain the plan change with amendment to ensure consistency with:</p> <ul style="list-style-type: none"> • The outcomes sought by the submitter on PC1 including, but not limited to, inclusion of a new objective and policy stream for the Airport (as proposed in PC1) and complete (and correct) coverage of all relevant rules for the Airport Noise Control Contours, including for subdivision; • The existing plan provisions for the Airport, in particular A7 Airport Noise and Development Controls; and • The specific requests for amendments set out in all parts of this submission. <p>Similar and / or consequential amendments that would satisfactorily address the matters raised in all parts of this submission.</p>
<p>A11.1 Introduction</p> <p>A11.2 Key Environmental Issues</p> <p>A11.4 Environmental Outcomes</p>	Support with amendment	<p>In order to achieve one of the key objects of the plan change to consolidate the noise provisions in one chapter, the Airport is concerned to ensure that the issue of reverse sensitivity in respect of the Airport is appropriately and consistency dealt with in the District Plan.</p>	<p>Amend the introductory statement (A11.1), issues (A11.2) and outcomes (A11.4) to better reflect the issue of reverse sensitivity as it relates the Airport and to recognise the existing provision of Airport Noise Contour Controls including, but not limited to:</p> <ul style="list-style-type: none"> • Amending Issue 2 to remove reference to “<i>the Airport and surrounding Residential and Rural Zones</i>” as this is not an example of activities within one zone that detract from the amenity of adjacent zones; and • Deleting or amending Issue 6.

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Objectives 11.3.1 and 11.3.2 and associated polices	Support with amendment	The submitter generally supports the new objective and policy streams, however considers it appropriate to strengthen these provisions, or add new ones, to address the issue of reverse sensitivity in respect of the Airport and to recognise the existing provision of Airport Noise Contour Controls.	<p>Amend Objectives 11.3.1 and 11.3.2 and their associated polices, or introduce a new objective and policy stream, to specifically address the issue of reverse sensitivity effects in respect of the Airport consistent with the existing provision of Airport Noise Contour Controls and that proposed for PC1 including, but not limited to:</p> <ul style="list-style-type: none"> • Adding objectives that <i>“The Airport is protected from reverse sensitivity effects”</i> and <i>“The adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise are avoided, remedied or mitigated”</i>, and • Adding policies that specifically relate to each of the Airport Noise Control Contours. <p>Consequential and/or appropriate amendments to the rules that follow from this relief including, but not limited to, amending and/or introducing provisions relating to the Outer Control Area.</p>
<p>A11.5 Rules – Table A11.5.2: Airport Noise Contour Controls – Additions within Inner Noise Area</p> <p>A11.7 Restricted Discretionary Activities</p> <p>A7 Airport Noise and Development Controls</p>	Support with amendment	<p>The submitter generally supports the intent of the plan change to provide a more permissive planning framework for additions to existing noise sensitive activities within the Inner Noise Area.</p> <p>However, the submitter is not able to support the Council’s proposed limits for intensification, and corresponding activity status, which appear arbitrary and lack any detailed analysis.</p> <p>Instead, the submitter would support an additional standard or criteria requiring that the entire building envelope be bought up to standard, not just the extension.</p>	<p>Retain the status quo; or</p> <p>Amend A11.5.2 to provide a more permissive planning framework for additions to existing noise sensitive activities within the Inner Noise Area where the entire building envelope is bought up to standard, not just the extension.</p> <p>Consequential and/or appropriate amendments to A11.7 Restricted Discretionary Activities and/or A7 Airport Noise and Development Controls.</p>

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
A11.5 Rules – Table A11.5.2: Airport Noise Contour Controls – Air Noise Area	Support	The submitter supports the correction to the part of the rule table for the Air Noise Area on the basis that there are no CM3 or BI3 zoned properties within the Air Noise Area.	Retain “NA” for activities in the CM3 and BI3 zones for the Air Noise Area.
A11.5 Rules – Table A11.5.2: Airport Noise Contour Controls – Subdivision	Oppose	The submitter is concerned to ensure that the plan change capture all relevant rules as they relate to the Airport Noise Contour Controls in one chapter. For this reason, subdivision should be included.	Amend A11.5 to consolidate (and amend as appropriate) the rules for subdivision of land within the Airport Noise Contour Controls. Consequential and/or appropriate amendments to applicable standards or criteria to ensure that the future use of any subdivided land within the Airport Noise Contour Controls is able to be appropriately managed and controlled.
Definition of “noise sensitive activities”	Support	The submitter supports the rationale for providing a consolidated definition of the term “noise sensitive activities” and deleting the existing definition for the term “activities sensitive to aircraft noise”.	Retain the definition of “noise sensitive activities”.
Definition of “noise level”	Support with amendment	The submitter has identified that Advice Note 2 to the definition of “noise level” should also include reference to the Commercial 3 zone.	Amend Advice Note 2 to the definition of “noise level” to include reference to the Commercial 3 zone.

Submission form
PROPOSED PLAN CHANGE 4 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

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(Instructions: Email anita.galland@rotorualc.nz with 'Proposed Plan Change 4 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18th JULY 2017

Full Name Of Submitter:	Stuart Brown	Address For Service: [Agent if applicable]	
Full Postal Address:	33A Eias Road, Hymore Rotorua 3018		
Telephone No: 3453053	Email: stuart.brown@xtra.co.nz	Telephone No:	Email:
Mobile Phone: 024922535		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~ **do not wish** [delete one] to be heard in support of my submission.

If others make a similar submission, I ~~will~~ **will not** [delete one] consider presenting a joint case with them at a hearing.

I ~~could~~ **could not** [delete one] gain an advantage in trade competition through this submission.

I **am/am not** directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment, and

(b) ~~Does not relate to trade competition or the effects of trade competition.~~

~~(delete entire paragraph if you could not gain an advantage in trade competition through this submission)~~

Signature of submitter

Date

(NOTE: A signature is not required if you make an electronic submission) on behalf of submitter)

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	<p>Support</p>	<p>I fully support the proposed plan change 4 to the Rotorua District Plan in respect of noise</p>	<p>Approve and implement the proposed plan change.</p>



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CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18TH JULY 2017

Full Name Of Submitter:	Thermal Brewing Company Limited	Address For Service: [Agent if applicable]	c/- Lara Burkhardt Holland Beckett Lawyers Private Bag 12011 Tauranga
Full Postal Address:	See Address for Service		
Telephone No:	Email:	Telephone No: 07 578 2199	Email: lara.burkhardt@hobec.co.nz
Mobile Phone:		Mobile Phone:	

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Signature of submitter

Date 18 July 2017

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<p>A11.1 Introduction</p> <p>A11.2 Key Environmental Issues</p> <p>Objective A11.3.1 and associated polices</p> <p>Objective A11.3.2 and associated policies</p> <p>A11.4 Environmental Outcomes</p> <p>A11.5 Rules</p> <p>A11.6 Performance Standards</p> <p>A11.7 Restricted Discretionary Activities</p> <p>A11.8 Discretionary Activities</p> <p>Definition of “noise sensitive activities”</p>	<p>Support with amendment</p>	<p>The submitter owns and operates the Pig & Whistle Historic Pub located on the northeast corner of the intersection of Haupapa and Tutanekai Streets in the Central City.</p> <p>The submitter generally supports the reasons and main changes for the plan change as they relate to the City Centre 1 zone in which it business operates. In particular, the submitter supports changes which seek to protect the legitimate operation of its business from the effects of reverse sensitivity.</p> <p>The submitter is however concerned to ensure that:</p> <ul style="list-style-type: none"> • The new minimum acoustic insulation requirements are in fact superior to those they replace; and • That having a fixed location for measuring compliance will not prevent a noise compliance officer taking a pragmatic and reasonable approach when responding to noise complaints and making assessments about excessive noise. <p>Subject to those qualifications, the submitter generally supports the:</p> <ul style="list-style-type: none"> • Inclusion of noise specific objectives and policies 	<p>Retain the plan change, subject to making further refinements which address the reasons for the submission and which better achieve the desired outcomes that:</p> <ul style="list-style-type: none"> • The amenity of the City Centre is consistent with that anticipated; and • That there are no reverse sensitivity effects within the City Centre zones. <p>Make the following specific amendments:</p> <ul style="list-style-type: none"> • A11.7 Restricted Discretionary Activities to include criteria relevant to when noise sensitive activities fail to meet the minimum acoustic insulation requirements and other requirements of A11.6.3.2. • In the absence of appropriate and acceptable changes to A11.7, provide a more onerous activity status than restricted discretionary for noise sensitive activities that fail to meet the minimum acoustic insulation requirements and other requirements of A11.6.3.2.

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
		<ul style="list-style-type: none"> • Inclusion of amended wording to clarify the location of noise measurement • Changes to the acoustic treatment requirements for noise sensitive activities, and providing a consolidated definition of that term <p>There are also some aspects of the proposed provisions which require further refinement as follows:</p> <ul style="list-style-type: none"> • For activities that fail to meet the minimum acoustic insulation and other requirements of A11.6.3.2 there does not appear to be any directly applicable restricted discretionary criteria against which to assess the appropriateness of the activity. • In the absence of such criteria, restricted discretionary status is not appropriate. • There is also an absence of clear, consistent and appropriate criteria for noise sensitive activities that are classed as discretionary activities under the City Centre 1 zone rules. 	<ul style="list-style-type: none"> • Either new Appendix 11 or the City Centre Zone chapter to provide clear, consistent and appropriate criteria for noise sensitive activities that are classed as discretionary activities under the City Centre 1 zone rules and/or to provide stronger policy direction that is focused on avoiding reverse sensitivity effects. <p>Similar and / or consequential amendments (including to definitions) that would satisfactorily address the matters raised in this submission.</p>

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Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
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OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON TUESDAY 18TH JULY 2017

Full Name Of Submitter:	Volcanic Air Safaris Limited	Address For Service: [Agent if applicable]	c/- Lara Burkhardt Holland Beckett Lawyers Private Bag 12011 Tauranga
Full Postal Address:	See Address for Service		
Telephone No:	Email:	Telephone No: 07 578 2199	Email: lara.burkhardt@hobec.co.nz
Mobile Phone:		Mobile Phone:	

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I could not gain an advantage in trade competition through this submission.

Signature of submitter

Date 18 July 2017

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<p>5.9.2.1.a 6.9.2.1.a 7.9.2.2.a 8.9.2.1.a 9.9.2.3.a 10.9.2.2.a (as set out under the heading "Change 12: Deletion of Assessment Matters regarding Flight Paths"</p>	<p>Support</p>	<p>The submitter operates an aviation service from Lake Rotorua.</p> <p>The submitter made a submission dated 29 November 2016 on Proposed Plan Change 1 (PC1) which is yet to be heard and determined by Council.</p> <p>PC1 proposes an amendment to the listed provisions which are the subject of this submission and which, under this plan change, are now sought by Council to be deleted altogether.</p> <p>The submitter supports the Council's proposal to delete these provisions.</p>	<p>Retain the deletion of 5.9.2.a, 6.9.2.1.a, 7.9.2.2.a, 8.9.2.1.a, 9.9.2.3.a and 10.9.2.2.a.</p> <p>Similar and / or consequential amendments that would satisfactorily address the matters raised in this submission.</p>

Provision, Please refer to the rule number or heading reference a.11.6.1.1-2-3-4-5-6
SUPPORT /OPPOSE, Clearly indicate whether you support, oppose or support with amendment oppose
SUBMISSION, Include the nature of your submission and reasons for your views. All zones require a shoulder period of time from 6pm to 10 pm As a community we have children who go to bed earlier than 10pm As a community we have community activities such as clubs societies meetings which can require quietness As a community we wish to sit outside our places of residences especially in day light saving time undisturbed by noise
DECISION SOUGHT FROM THE COUNCIL, State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision. Include in all zones a shoulder period of time from 6pm to 10 pm

Provision, Please refer to the rule number or heading reference a.11.6.1.1-2-3-4-5-6
SUPPORT /OPPOSE, Clearly indicate whether you support, oppose or support with amendment oppose
SUBMISSION, Include the nature of your submission and reasons for your views. All zones include in daytime include Monday to Friday , but weekends at night time levels As a community we have community activities such as clubs, societies, meetings which can require quietness As a community we wish to sit outside our places of residences especially in day light saving time undisturbed by noise at weekends

Geoffrey shekel

DECISION SOUGHT FROM THE COUNCIL,

State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
Include in all zones noise levels at daytime except weekends

Provision, Please refer to the rule number or heading reference
a.11.6.1.1

SUPPORT /OPPOSE,
Clearly indicate whether you support, oppose or support with amendment
oppose

SUBMISSION, Include the nature of your submission and reasons for your views.
Daytime noise level at 45 db

DECISION SOUGHT FROM THE COUNCIL,
State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
Daytime noise level at 45 db

Provision, Please refer to the rule number or heading reference
a.11.6.6

SUPPORT /OPPOSE,
Clearly indicate whether you support, oppose or support with amendment
oppose

SUBMISSION, Include the nature of your submission and reasons for your views.
Industrial zones noise levels should be at 65 db daytime
The industrial night time be at 35 db
As a community we should have quietness at nighttime

Geoffrey shekel

Industry should be ameliorating their noise at any time
Council should be planning and ensuring a space between industry and residential zoning
As a community we have community activities such as clubs societies meetings which can require quietness
As a community we wish to sit outside our places of residences especially in day light saving time undisturbed by noise

DECISION SOUGHT FROM THE COUNCIL,
State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
Include in industrial zone night time is 35 db

Provision, Please refer to the rule number or heading reference
a.11.6.1.1-2-3-4-5-6

SUPPORT /OPPOSE,
Clearly indicate whether you support, oppose or support with amendment
oppose

SUBMISSION, Include the nature of your submission and reasons for your views.
All zones decibel reading average be 5 minutes ie Laeq (5min)
Electronic instruments can pick up correct readings at 5 minutes
15 minutes is too long a time period as per lumbercube the noise is gone in about 7 minutes
Lamax should in all zones be 70 decibels max

DECISION SOUGHT FROM THE COUNCIL,
State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
Average and max levels are to high and to long which allows industry to be noise at intermittent times with no consequences
Average at 5 min and max at 70 db

Provision, Please refer to the rule number or heading reference
a.11.6.1.1-2-3-4-5-6

SUPPORT /OPPOSE,
Clearly indicate whether you support, oppose or support with amendment
oppose

SUBMISSION, Include the nature of your submission and reasons for your views.
All zones require a time period in which the noise will be stopped
ie 20 working days max ie as per building consents

DECISION SOUGHT FROM THE COUNCIL,
State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
Council have a time period in which the noise will be stopped or injunction brought etc

Anita Galland

From: Kevin Winters <kevin.winters676@icloud.com>
Sent: Tuesday, 18 July 2017 10:00 a.m.
To: Anita Galland
Subject: TRIM: My new and improved submission to PC 4

HP TRIM Record Number: RDC-746371

18th July 2017

4 Frisken Place
Lynmore
Rotorua 3010

The CEO
RDC
Private Bag
Rotorua

Dear Geoff

Thank you for the opportunity to submit on Plan Change 4. The new Noise Chapter

I am currently a member of Eastside Residents Association Group (ERAG). This group was formed 18 months ago. Its role is to represent the community.

We met regularly to discuss issues important to the Eastside of Rotorua

I support the Submission of Eastside Residents Association Group to PC 4

ERAG initially formed as a result of loud noise levels from the former LumberCube site

The 24/7 noise affected children's education, sleep patterns, health and wellbeing of the community, even people's behaviour.

You are well aware of this community's views of excessive noise from commercial and industrial industries in close proximity to residential zoning. I acknowledge the apology now coming from LumberCube

management over its treatment of residents of Eastside. It took over 3000 complaints to RDC to acknowledge its responsibilities. The type of noise was excessive and offensive.

I am pleased to be able to offer advice into PC 4

Support A11.1

Support A11.2

Support A11.3

Support A11.4

There needs to be standards/limits in the new bylaw on types of noise not just volumes

There needs to be far better systems in place by RDC "to act" upon complaints regarding excessive noise. For our community to wait 9 months from first reporting of LumberCube to "the mayor pushing the button" is completely unacceptable.

I support the reference to NZ noise standards NZ6802 and 6801

I believe that the special characteristics of Rotorua need to be written into the Bylaw namely:

We live in a caldera,

On cool winters night noise bounces back off inversion layers and magnifies

Thumping Noises do travel through the ground

Allowances for measuring noise not just at the boundary but at heights of 2 and 3 level houses

I support fully A11.7.1

I feel grieved that our own witnesses information and data was dismissed totally by RDC over the LumberCube debacle. There needs to be better collaboration between complaints and the regulatory body

RDC needs to assess ambient noise levels for all zones so that when activities happen we have good base line data

I do not support the 7 am to 10 pm under A11.6.1 for residential zones It should be 7 am to 7 pm. Our children need their sleep too.

It is unclear what noise levels will be on public holidays

It is unclear what will happen when Te Ngae Road is upgraded
Construction noise from Te Ngae Road will need to be properly monitored when construction takes place.

More emphasis and analysis needs to be completed by the applicants when starting up new activities to show they are compliant for noise standards from day 1. We don't want to be on the back foot again like LumberCube

I wish to speak to my submission

Thank you
Kevin Winters J.P
B.Ag.Sc

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