
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 13/12/2023

Submission Reference Number #:187

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

Alan Petersen

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Attachments:

Alan Petersen Port Noise Submissions.pdf

Alan Petersen Port Noise Proposals in the District Plan 2023v.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you 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

- **Yes**

Submission points

Point 187.1

Section: NOISE - Noise

Sub-section: Introduction

Provision:

Industrial areas play a significant role in economic activity and should be able to operate. There are a number of industrial areas within the regional industrial strategy which generate, or have the potential to generate, significant noise including: Onekawa, Awatoto, Pandora, and Ahuriri. Some industry in these areas operates for a part of the night or on a continuous basis. The District Plan seeks to enable these activities to generate noise provided the noise levels are reasonable in the receiving environment.

Napier city's regionally significant infrastructure includes Hawke's Bay Airport and Napier Port. These activities are situated near residential zones and have operating requirements that make it impracticable for them to internalise their noise effects.

Sentiment: Amend

Submission:

Napier city's regionally significant infrastructure includes Hawke's Bay Airport and Napier Port. These activities are situated near residential zones and have operating requirements that make it impracticable for them to internalise their noise effects.

Submission 1 - P1 – 4th paragraph - *for Port to “fully” internalise their noise effects. Add this for more emphasis.*

Relief sought

Add this for more emphasis.

Point 187.2

Section: NOISE - Noise

Sub-section: Introduction

Provision:

To meet the strategic objectives for the District Plan, the noise provisions provide for the following:

- maximum permitted noise levels in each of the District Plan zones and zone interfaces;
- additional daytime noise allowances for educational facilities to enable these activities to operate efficiently for limited hours on weekdays in residential and rural zones;
- limits for construction noise that allow for higher noise levels for limited periods and are generally consistent with the NZS 6803:1999 Acoustics Construction Noise;
- limits on vibration generated by construction activities to protect buildings and to limit disruption to people and businesses;
- noise limits for helicopter landing areas, watercraft, audible bird scaring devices, and frost protection fans;
- requirements for new or altered roads to achieve reasonable noise levels by adopting the best practicable option;
- allowances for temporary activities that provide a balance between achieving vibrancy in our city while providing for the health and amenity of adjacent residents;

- specific noise limits for events at McLean Park;
- requirements for noise-sensitive activities in high-noise environments, including the City Centre Zone, Mixed Use Zone, and in close proximity to state highways and rail corridors, to be acoustically treated to achieve an adequate internal noise environment, and
- acoustic treatment requirements for noise-sensitive activities in areas affected by the port.

Sentiment: Amend

Submission:

- acoustic treatment requirements for noise-sensitive activities in areas affected by the "port noise".

Relief sought

Submission 2 - P2 - 3rd bullet point 'acoustic treatment requirements for noise-sensitive activities in areas affected by "port noise" '. Make it more specific to noise.

Point 187.3

Section: NOISE - Noise

Sub-section: Introduction

Provision:

To meet the strategic objectives for the District Plan, the noise provisions provide for the following:

- maximum permitted noise levels in each of the District Plan zones and zone interfaces;
- additional daytime noise allowances for educational facilities to enable these activities to operate efficiently for limited hours on weekdays in residential and rural zones;
- limits for construction noise that allow for higher noise levels for limited periods and are generally consistent with the NZS 6803:1999 Acoustics Construction Noise;
- limits on vibration generated by construction activities to protect buildings and to limit disruption to people and businesses;
- noise limits for helicopter landing areas, watercraft, audible bird scaring devices, and frost protection fans;
- requirements for new or altered roads to achieve reasonable noise levels by adopting the best practicable option;
- allowances for temporary activities that provide a balance between achieving vibrancy in our city while providing for the health and amenity of adjacent residents;
- specific noise limits for events at McLean Park;
- requirements for noise-sensitive activities in high-noise environments, including the City Centre Zone, Mixed Use Zone, and in close proximity to state highways and rail corridors, to be acoustically treated to achieve an adequate internal noise environment, and
- acoustic treatment requirements for noise-sensitive activities in areas affected by the port.

Sentiment: Amend

Submission:

- limits on vibration generated by construction activities to protect buildings and to limit **disruption to people and businesses;**

Submission 3 – P2 – last bullet point. Disruption to normal recreational rest and business activities. This should include for outdoor living space as defined in the Definitions Section including in PREC3 – the Napier Hill Mataruahou Amenity Precinct.

An outdoor living space “means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated”. In reality it is treated like an outside room for quiet and peacefulness not to be impacted by disturbance including adverse noise effects.

Relief sought

Submission 3 – P2 – last bullet point. Disruption to normal recreational rest and business activities. This should include for outdoor living space as defined in the Definitions Section including in PREC3 – the Napier Hill Mataruahou Amenity Precinct.

An outdoor living space “means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated”. In reality it is treated like an outside room for quiet and peacefulness not to be impacted by disturbance including adverse noise effects.

Point 187.4

Section: NOISE - Noise

Sub-section: Issues

Provision:

NOISE-I2: Noise generation can detract from amenity values

The degree of quiet or peacefulness in an area contributes to the amenity values appreciated by its occupants. Suburban residential areas, for example, are generally quieter than commercial centres. However, non-residential activities such as neighbourhood shops, cafes, education facilities, and churches can be accommodated in these communities even though they generate noise. Appropriate noise standards need to be established and complied with to ensure that these activities are enabled while maintaining the amenity values of the residential area.

Excessive noise can also be created by the use of high-powered stereo systems by residents.

Amenity values differ in each zone and these are set out in the objectives and policies for the relevant zone. The noise generated by activities in each zone should be managed to maintain the anticipated amenity values and outcomes for the area.

Sentiment: Oppose

Submission:

Submission 4 - P3 – NOISE I2 - The degree of quiet or peacefulness in an area contributes to the amenity values appreciated by its occupants. Noise from the Port means this is simply not achievable. It cannot be avoided and can only be mitigated to a certain extent and the allowable noise levels are still too high to meet the normal expectations of quiet and peacefulness in a residential area.

Relief sought

Submission 4 - P3 – NOISE I2 - The degree of quiet or peacefulness in an area contributes to the amenity values appreciated by its occupants. Noise from the Port means this is simply not achievable. It cannot be avoided and can only be mitigated to a certain extent and the allowable noise levels are still too high to meet the normal expectations of quiet and peacefulness in a residential area.

Point 187.5

Section: NOISE - Noise

Sub-section: Issues

Provision:

NOISE-I3: Noise-sensitive activities can impact on the operation of noise-generating activities

Where there is high noise-generating activities and infrastructure it is not reasonable or practicable for the noise generators to internalise their noise effects. Therefore the surrounding land use needs to be managed to avoid the potential for reverse sensitivity. Depending on the level of noise, activity sensitive to noise may need to be avoided or acoustically treated to insulate from external noises and prevent potential reverse sensitivity effects.

Sentiment: Amend

Submission:

Submission 5 – P3 – Noise I3 - In the Port Noise Zones this is not reasonable or practicable.

Relief sought

Change “not reasonable” to “not possible”.

Point 187.6

Section: NOISE - Noise

Sub-section: Issues

Provision:

NOISE-I6: Napier Port and Hawke’s Bay Airport noise

Regionally significant infrastructure, such as Hawke’s Bay Airport and Napier Port, is situated near residential zones and has operating requirements that prevent it from fully internalising its noise effects.

Despite adopting all practicable options to internalise noise, the port may, at times, generate a level of noise outside its zone boundary that is greater than would otherwise be expected in adjacent zones. Residents overlooking or near to Napier Port should be aware that the level of effects may be higher than experienced in other residential areas of the city and in some cases at a level that would normally be incompatible with traditional residential activity. Special noise standards and a noise management plan are appropriate, permitting the port to operate while recognising and mitigating its adverse effects on nearby noise-sensitive activities.

Noise generated by take off/approach and landing of aircraft at Hawke's Bay Airport results in environmental effects on noise sensitive activities experienced well beyond the boundaries of the Airport. Reverse sensitivity effects generated by the establishment of uninsulated development inside the airport noise overlays can also potentially impact the Hawke's Bay Airports operation. Airport noise is addressed through noise limits for the Airport and controls of development of noise-sensitive activities inside the Aircraft Noise Overlays. The approach to noise management is generally consistent with the relevant NZ Standard.

Sentiment: Amend

Submission:

Regionally significant infrastructure, such as Hawke’s Bay Airport and Napier Port, **is** situated near residential zones and has operating requirements that prevent it from fully internalising its noise effects.

Relief sought

Submission 6 - P4 – NOISE - I6 - First line “is” should be “are”.

Point 187.7

Section: NOISE - Noise

Sub-section: Issues

Provision:

NOISE-16: Napier Port and Hawke's Bay Airport noise

Regionally significant infrastructure, such as Hawke's Bay Airport and Napier Port, is situated near residential zones and has operating requirements that prevent it from fully internalising its noise effects.

Despite adopting all practicable options to internalise noise, the port may, at times, generate a level of noise outside its zone boundary that is greater than would otherwise be expected in adjacent zones. Residents overlooking or near to Napier Port should be aware that the level of effects may be higher than experienced in other residential areas of the city and in some cases at a level that would normally be incompatible with traditional residential activity. Special noise standards and a noise management plan are appropriate, permitting the port to operate while recognising and mitigating its adverse effects on nearby noise-sensitive activities.

Noise generated by take off/approach and landing of aircraft at Hawke's Bay Airport results in environmental effects on noise sensitive activities experienced well beyond the boundaries of the Airport. Reverse sensitivity effects generated by the establishment of uninsulated development inside the airport noise overlays can also potentially impact the Hawke's Bay Airports operation. Airport noise is addressed through noise limits for the Airport and controls of development of noise-sensitive activities inside the Aircraft Noise Overlays. The approach to noise management is generally consistent with the relevant NZ Standard.

Sentiment: Amend

Submission:

Despite adopting all practicable options to internalise noise, the port may, at times, generate a level of noise outside its zone boundary that is greater than would otherwise be expected in adjacent zones. Residents overlooking or near to Napier Port should be aware that the level of effects may be higher than experienced in other residential areas of the city and in some cases at a level that would normally be incompatible with traditional residential activity. Special noise standards and a noise management plan are appropriate, permitting the port to operate while recognising and mitigating its adverse effects on nearby noise-sensitive activities.

Relief sought

Submission 7 - Second paragraph – Add that it should be noted the noise sensitive activities, including the residential areas within the current noise boundaries, were largely in place before the Port was established in its current location.

Point 187.8

Section: NOISE - Noise

Sub-section: Objectives

Provision:

NOISE-O1: Amenity values, health, and wellbeing

Amenity values and peoples' health and wellbeing are protected from adverse noise-levels, particularly at night, consistent with the anticipated outcomes for the receiving environment.

Relates to NOISE-11, NOISE-12, and NOISE-13

Sentiment: Amend

Submission:

Submission 8 – P 5 - NOISE - O1 - Agreed. But this should include outdoor living spaces during the day and at night – especially in evenings.

Relief sought

Agreed. But this should include outdoor living spaces during the day and at night – especially in evenings.

Point 187.9

Section: NOISE - Noise

Sub-section: Objectives

Provision:

NOISE-O5: Napier Port and Hawke's Bay Airport

The ongoing use, operation, maintenance and development of the port and Hawke's Bay Airport are enabled while ensuring that amenity values and people's health and wellbeing are protected from unreasonable noise levels.

Relates to NOISE-I6

Sentiment: Amend

Submission:

Submission 9 – P5 - Noise – O5 – Agreed – but the Port Noise limits are too high and therefore fail to achieve this objective.

Relief sought

Submission 9 – P5 - Noise – O5 – Agreed – but the Port Noise limits are too high and therefore fail to achieve this objective.

Point 187.10

Section: NOISE - Noise

Sub-section: Policies

Provision:

NOISE-P2: Noise-sensitive activities

Enable the functional operation of noise sensitive activities by:

- a. preventing noise sensitive activities from establishing in inappropriate locations;
- b. preventing high noise-generating activities other than roads and railway lines from establishing in residential zones, and
- c. where noise-sensitive activities establish in areas exposed to high noise-generating activities, require the acoustic treatment to achieve an appropriate internal noise level to enable uninterrupted sleep at night and an internal environment for uses that do not involve overnight accommodation that protects people from unreasonable noise.

Relates to NOISE-O1 and NOISE-O3

Sentiment: Amend

Submission:

NOISE-P2: Noise-sensitive activities

Enable the functional operation of noise sensitive activities by:

- a. preventing noise sensitive activities from establishing in inappropriate locations;
- b. preventing high noise-generating activities other than roads and railway lines from establishing in residential zones, and
- c. where noise-sensitive activities establish in areas exposed to high noise-generating activities, require the acoustic treatment to achieve an appropriate internal noise level to enable uninterrupted sleep at night and an internal environment for uses that do not involve overnight accommodation that protects people from unreasonable noise.

Relief sought

Submission 10 – P5 - NOISE – P2 - c. This should also include outdoor living spaces during the day and at night – especially in the evenings. It's an interesting conundrum that residents that live there are expected to tolerate the noise, but visitors are not and therefore are not allowed to be accommodated!

Point 187.11

Section: NOISE - Noise

Sub-section: Policies

Provision:

NOISE-P6: Port noise

The adverse effects of port noise are managed by a combination of controls, including:

- a. District Plan rules on noise generation within the relevant zone;
- b. noise management plans, and
- c. acoustic treatment of noise-sensitive activities within the Port Noise Overlays.

Relates to NOISE-O5

Sentiment: Amend

Submission:

Submission 11 – P6 - NOISE P6 – Add d. If noise cannot be avoided or fully mitigated and breaches the levels for internal or outdoor living spaces, then the Port shall pay the affected persons with the Port Noise areas suitable compensation. This to be determined by a valuer & other experts to design a fair & reasonable formula. After all it is consistent with the polluter pays principal.

Refer to my attached report “Port Noise Proposals in the Napier District Plan Review” (the updated version 11/12/2023).

Relief sought

Add d. If noise cannot be avoided or fully mitigated and breaches the levels for internal or outdoor living spaces, then the Port shall pay the affected persons with the Port Noise areas suitable compensation. This to be determined by a valuer & other experts to design a fair & reasonable formula. After all it is consistent with the polluter pays principal.

Point 187.12

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R2: Construction noise and vibration

NOISE-R2A

Activity Status: Permitted

Where:

1. Noise (including vibration) from construction activities shall be measured and assessed in accordance with NZS 6803:1999 Acoustics Construction noise, except where varied by the rules below.
2. Noise from construction activities in all zones must not exceed the levels in the table below when measured 1 m from the facade of any building that contains a noise-sensitive activity that is occupied during the works.

Time of week	Time period	Maximum noise level (dB)	
		LAeq	LAFmax
Weekdays	6.30 a.m. - 7.30 a.m.	60	75
	7.30 a.m. - 6.00 p.m.	75	90
	6.00 p.m. - 8.00 p.m.	70	85
	8.00 p.m. - 6.30 a.m.	45	75
Saturdays	6.30 a.m. - 7.30 a.m.	45	75
	7.30 a.m. - 6.00 p.m.	75	90
	6.00 p.m. - 8.00 p.m.	45	75
	8.00 p.m. - 6.30 a.m.	45	75
Sundays and public holidays	6.30 a.m. - 7.30 a.m.	45	75
	7.30 a.m. - 6.00 p.m.	55	85
	6.00 p.m. - 8.00 p.m.	45	75
	8.00 p.m. - 6.30 a.m.	45	75

3. Noise from construction activities must not exceed the levels below when measured 1 m from the facade of any other building that is occupied during the works.

NOISE-R2B

Activity Status where activity conditions are not met:

Restricted Discretionary

Time Period	Maximum noise levels LAeq (dB)
7.30 a.m. - 6.00 p.m.	75
6.00 p.m. - 7.30 a.m.	80

Matters of discretion are:

4. For a project involving a total duration of construction work that is less than 15 consecutive calendar days, the LAeq and LAFmax noise levels applying between 6.30 a.m. and 8.00 p.m. from Monday to Saturday in clauses 2 and 3 above shall be increased by 5 dB.
5. For a project involving a total duration of construction work that is more than 20 weeks the LAeq and LAFmax noise levels applying between 6.30 a.m. and 8.00 p.m. from Monday to Saturday in clauses 2 and 3 above shall be decreased by 5 dB.
6. Where there is no practicable way of measuring outside a building, and where the windows and doors of the building are normally closed, the upper limits for noise inside the building shall be those set out in clauses 2 and 3 above minus 20 dB.
7. Construction and demolition activities must be controlled to ensure any resulting vibration does not exceed:
 - a. The limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration - Part 3: Effects of vibration on structures when measured in accordance with that standard on any structure not on the same site, and
 - b. The limits in the table below when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500 mm of ground level at the foundation of a single-storey building.

1. Public health;
2. Amenity values;
3. The disruption caused by the noise, and
4. The duration of noise effects at any one receiver.

Receiver	Period	Peak Particle Velocity Limit millimetres/second
Occupied noise sensitive activity	Night time 10.00 p.m. to 7.30 a.m.	0.3 mm/s
	Daytime 7.30 a.m. to 10.00 p.m.	2 mm/s
Other occupied buildings	At all times	2 mm/s

Note: Construction vibration levels of 2 mm/s PPV are easily felt by receivers in residential units or other buildings and may generate complaints, especially if the source or impending duration of the vibration is unknown.

A construction vibration limit of 0.3 mm/s PPV is near the limit of perception for most people and compliance with such a limit would avoid sleep disturbance for most people. Such a low limit would likely mean that no construction work involving tracked or heavy machinery could occur in proximity to any noise sensitive activity.

All vibration measurements shall be undertaken in accordance with ISO 4866:2010 – Mechanical vibration and shock.

Sentiment:

Submission:

Time Period **Maximum noise levels LAeq (dB)**

7.30 a.m. - 6.00 p.m. 75

6.00 p.m. - 7.30 a.m. **80**

Relief sought

Submission 12 – P8 - Noise R2A - point 3 - Why is noise between 6.00PM – 7.30am (i.e. night-time) at 80 LAeq (dB) and daytime is lower at 75. Correct this possible anomaly.

Point 187.13

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R12: New or altered noise sensitive activity within the Port Noise Overlay

NOISE-R12A

Activity Status: Permitted

Where:

1. Any new noise sensitive space within any new or altered noise sensitive activity within the Inner or Outer Port Noise Overlay must be designed, insulated, or screened by suitable barriers on the property so that the internal noise levels in those rooms do not exceed 40 dB_{Ldn (5 Day)}.
2. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation and means of cooling is provided, used, and maintained in operating order in accordance with NOISE-R10.a.4..
3. An acoustic design report must be provided to the Council prior to any application for building consent or, where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the noise limits specified in this rule.
4. For design purposes, the external incident sound level noise environment will be based on the Current Port Noise Contour

Map attached to the Port Noise Management Plan plus three decibels (safety factor to accommodate design tolerance and forecast future port growth). The design level must assume the following port noise spectrum shape:

Noise sensitive space	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1,000	2,000	4,000
External incident sound level (dB)	+ 4	+ 1	- 1	- 4	- 6	- 7	- 8

NOISE-R12B

Activity Status where activity conditions are not met:
Restricted Discretionary

Matters of discretion are:

1. Public health;
2. Amenity values, and
3. Reverse sensitivity effects on the safe and efficient operation of the port.

Or

compliance with the requirements in the following table will be deemed to achieve the required insulation standard specified in this rule. A report must be provided to the Council prior to any application for building consent demonstrating compliance with the requirements listed in the following. The report must be prepared by the person responsible for undertaking the building work.

Building Element	Requirement
Wall	<ol style="list-style-type: none"> 1. 20 mm timber weather boards exterior cladding. Internal lining two layers of 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation in wall cavity. 2. Brick veneer. Internal lining 1 layer of 10 mm thick gypsum plasterboard.
Windows	<ol style="list-style-type: none"> 1. 7 mm laminated glazing (1 mm interlayer). 2. 6-12-6.38 mm double glazing (6 mm float pane/12 mm air gap/6.38 mm laminate pane).
Roof	<ol style="list-style-type: none"> 1. Pitched roof greater than 20°: steel cladding of 0.5 mm or greater or tiles. Ceiling lining of two layers of minimum 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation of 14kg/m³ in ceiling cavity. 2. Skillion roof: steel cladding of 0.5 mm or greater. Ceiling lining of two layers of minimum 13 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation of 14 kg/m³ in ceiling cavity.
Floor	<ol style="list-style-type: none"> 1. On grade slab. 2. Two layers of 20 mm thick particle board.
<ol style="list-style-type: none"> 5. prior to any person requesting a certificate of compliance, an acoustic design certificate prepared by a person qualified 	

and experienced in acoustics must be supplied, verifying compliance with condition 1 above.

Sentiment:

Submission:

1. **Aan** acoustic design report must be provided to the Council prior to any application for building consent or, where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the noise limits specified in this rule.

Relief sought

Submission 13 - P20 – NOISE – R12A – point 3 – Typo – “Aan” should be “An”.

Point 187.14

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R12: New or altered noise sensitive activity within the Port Noise Overlay

NOISE-R12A

Activity Status: Permitted

Where:

1. Any new noise sensitive space within any new or altered noise sensitive activity within the Inner or Outer Port Noise Overlay must be designed, insulated, or screened by suitable barriers on the property so that the internal noise levels in those rooms do not exceed 40 dB _{Ldn (5 Day)}.
2. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation and means of cooling is provided, used, and maintained in operating order in accordance with NOISE-R10.a.4..
3. Aan acoustic design report must be provided to the Council prior to any application for building consent or, where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the noise limits specified in this rule.
4. For design purposes, the external incident sound level noise environment will be based on the Current Port Noise Contour Map attached to the Port Noise Management Plan plus three

decibels (safety factor to accommodate design tolerance and forecast future port growth). The design level must assume the following port noise spectrum shape:

Noise sensitive space	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1,000	2,000	4,000
External incident sound level (dB)	+ 4	+ 1	- 1	- 4	- 6	- 7	- 8

NOISE-R12B

Activity Status where activity conditions are not met:
Restricted Discretionary

Or

compliance with the requirements in the following table will be deemed to achieve the required insulation standard specified in this rule. A report must be provided to the Council prior to any application for building consent demonstrating compliance with the requirements listed in the following. The report must be prepared by the person responsible for undertaking the building work.

Matters of discretion are:

1. Public health;
2. Amenity values, and
3. Reverse sensitivity effects on the safe and efficient operation of the port.

Building Element	Requirement
Wall	<ol style="list-style-type: none"> 1. 20 mm timber weather boards exterior cladding. Internal lining two layers of 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation in wall cavity. 2. Brick veneer. Internal lining 1 layer of 10 mm thick gypsum plasterboard.
Windows	<ol style="list-style-type: none"> 1. 7 mm laminated glazing (1 mm interlayer). 2. 6-12-6.38 mm double glazing (6 mm float pane/12 mm air gap/6.38 mm laminate pane).
Roof	<ol style="list-style-type: none"> 1. Pitched roof greater than 20°: steel cladding of 0.5 mm or greater or tiles. Ceiling lining of two layers of minimum 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation of 14kg/m³ in ceiling cavity. 2. Skillion roof: steel cladding of 0.5 mm or greater. Ceiling lining of two layers of minimum 13 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation of 14 kg/m³ in ceiling cavity.
Floor	<ol style="list-style-type: none"> 1. On grade slab. 2. Two layers of 20 mm thick particle board.

5. prior to any person requesting a certificate of compliance, an acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying

compliance with condition 1 above.

Sentiment: Amend

Submission:

Building Element	Requirement
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- | | |
|------|--|
| Wall | <ol style="list-style-type: none">20 mm timber weather boards exterior cladding. Internal lining two layers of 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation in wall cavity.Brick veneer. Internal lining 1 layer of 10 mm thick gypsum plasterboard. |
|------|--|

Relief sought

Submission 14 - P21 – A physicist engineer who redeveloped the Farmers building in Auckland Hobson St into apartments found after much testing that having a party wall made of two panels with an 150mm airgap was the most effective way to prevent noise transmission from one side to the other. Therefore allow other methods.

Point 187.15

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R12: New or altered noise sensitive activity within the Port Noise Overlay

NOISE-R12A

Activity Status: Permitted

Where:

- Any new noise sensitive space within any new or altered noise sensitive activity within the Inner or Outer Port Noise Overlay must be designed, insulated, or screened by suitable barriers on the property so that the internal noise levels in those rooms do not exceed 40 dB L_{dn} (5 Day).
- The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation and means of cooling is provided, used, and maintained in operating order in accordance with NOISE-R10.a.4..
- Aan acoustic design report must be provided to the Council prior to any application for building consent or, where no building consent is required, prior to the commencement of the use. The acoustic design report must be prepared by a person qualified and experienced in acoustics. The report is to indicate the means by which the noise limits specified in this rule will be complied with and is to contain a certificate by its author that the means given therein will be adequate to ensure compliance with the noise limits specified in this rule.
- For design purposes, the external incident sound level noise

environment will be based on the Current Port Noise Contour Map attached to the Port Noise Management Plan plus three decibels (safety factor to accommodate design tolerance and forecast future port growth). The design level must assume the following port noise spectrum shape:

Noise sensitive space	Octave Band Centre Frequency (Hz)						
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External incident sound level (dB)	+ 4	+ 1	- 1	- 4	- 6	- 7	- 8

NOISE-R12B

Activity Status where activity conditions are not met:
Restricted Discretionary

Or

compliance with the requirements in the following table will be deemed to achieve the required insulation standard specified in this rule. A report must be provided to the Council prior to any application for building consent demonstrating compliance with the requirements listed in the following. The report must be prepared by the person responsible for undertaking the building work.

Matters of discretion are:

1. Public health;
2. Amenity values, and
3. Reverse sensitivity effects on the safe and efficient operation of the port.

Building Element	Requirement
Wall	<ol style="list-style-type: none"> 1. 20 mm timber weather boards exterior cladding. Internal lining two layers of 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation in wall cavity. 2. Brick veneer. Internal lining 1 layer of 10 mm thick gypsum plasterboard.
Windows	<ol style="list-style-type: none"> 1. 7 mm laminated glazing (1 mm interlayer). 2. 6-12-6.38 mm double glazing (6 mm float pane/12 mm air gap/6.38 mm laminate pane).
Roof	<ol style="list-style-type: none"> 1. Pitched roof greater than 20°: steel cladding of 0.5 mm or greater or tiles. Ceiling lining of two layers of minimum 10 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation of 14kg/m³ in ceiling cavity. 2. Skillion roof: steel cladding of 0.5 mm or greater. Ceiling lining of two layers of minimum 13 mm thick gypsum plasterboard. Minimum 75 mm thick fibreglass or polyester or wool insulation of 14 kg/m³ in ceiling cavity.
Floor	<ol style="list-style-type: none"> 1. On grade slab. 2. Two layers of 20 mm thick particle board.

5. prior to any person requesting a certificate of compliance, an

acoustic design certificate prepared by a person qualified and experienced in acoustics must be supplied, verifying compliance with condition 1 above.

Sentiment: Oppose

Submission:

- 1. On grade slab.
- Floor 2. Two layers of 20 mm thick particle board.

Relief sought

Submission 15 - P22 - 4. Add for other flooring systems that meet the insulation standards (that I have worked on). Don't just specify particle board – a very sub-standard product.

Point 187.16

Section: NOISE - Noise

Sub-section: NOISE - Noise - Standards Table

Provision:

NOISE-S3: General noise limits within the Port Zone

Purpose: to enable the port to carry out its operations while managing reverse sensitivity affects.

1. The following noise conditions apply to all land uses, other than construction noise regulated under NOISE R2 and container repair and maintenance activities regulated under NOISE-S4.
2. All land uses within the Port Zone must be conducted so as to ensure the following noise limits are not exceeded at any point beyond the Inner Port Noise Overlay shown on the planning maps:

Time	Noise Level
Over any consecutive five-day period	65 dB L _{dn} (5 day)
On any day	68 dB L _{dn} (1 day)
10 p.m. – 7 a.m. the following day	60 dB L _{eq} (9 hour)
	65 dB L _{eq} (15 min)

3. The Port Operator shall produce an Annual Port Noise Management Plan which includes the minimum monitoring and reporting requirements for noise management as set out in APP5(a).
4. The Port Operator shall follow the Port Noise Mitigation Requirements for noise management as set out in APP5(b).
5. The Port Operator shall establish, maintain, and participate in a Port Noise Liaison Committee which shall operate in

Matters of discretion are:

1. Public health;
2. Amenity values, and
3. Functional and operational requirements of the port.

	accordance with the requirements set out in APP5(c). 6. Noise must be measured in accordance with the provisions of <i>NZS 6801:2008 Acoustics Measurement of Environmental Sound</i> and assessed in accordance with <i>NZS 6809:1999 Acoustics Port Noise Management and Land Use Planning</i> .	
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Sentiment: Oppose

Submission:

Submission 16 - P29 & 30 – NOISE – S3: General noise limits within the Port Zone & S4 – Noise limits for container repair and maintenance within the Port Zone.

The time over any consecutive five-day period at 65dB. This simply not fair. This averaging means any noise above this which happens intermittently at any time over a 5-day period is considered to be acceptable because the 5-day averaging is always results in a lower noise level. If retained the limit should be 60dB. It is my understanding that no other noise rule in the Proposed District Plan has this averaging rule.

All the other noise limits should be lowered by 5.

If the noise levels remain as they are the Port should do more acoustic treatment at their full cost on affected dwellings in the Port Noise Zones and pay appropriate compensation to residents.

Relief sought

If the noise levels remain as they are the Port should do more acoustic treatment at their full cost on affected dwellings in the Port Noise Zones and pay appropriate compensation to residents.

Point 187.17

Section: NOISE - Noise

Sub-section: Assessment Criteria

Provision:

NOISE-AC1: General assessment criteria for activities generating noise and/or vibration

Public health

- a. The extent to which the noise or vibration generated will adversely affect health and wellbeing of people, including consideration of:
 - i. whether the noise or vibration generation will occur when disturbance to rest and sleep should be avoided or minimised;
 - ii. interference with speech communications, the learning process and education, instruction from caregivers or teachers, and mental activity, and
 - iii. existing background levels and the total cumulative level of noise.

Amenity values

- b. The extent to which the noise or vibration generated will detract from the amenity values expected in the zone, including consideration of:

- i. the relevant objectives and policies relating to amenity in the zone, precinct, and/or development area;
- ii. the positive and adverse effects of the activity on amenity values, and
- iii. mitigation and management measures to reduce effects from noise or vibration generation.

Sentiment: Amend

Submission:

Submission 17 - P32 – NOISE-AC1: General assessment criteria for activities generating noise and/or vibration – Public health – a – add iv – quiet enjoyment of outdoor living spaces.

Point 187.18

Section: NOISE - Noise

Sub-section: Assessment Criteria

Provision:

NOISE-AC7: New or altered noise sensitive activity within the Port Noise Overlay (NOISE-R11)

The following assessment criteria apply in addition to NOISE-AC1:

Reverse sensitivity effects on the safe and efficient operation of the port

- a. Whether the design, including location, methods, and construction techniques proposed, is likely to provide an internal noise environment that is likely to ensure that the internal noise levels are reasonable for the occupants and will avoid or mitigate reverse sensitivity effects on the port.

Sentiment: Amend

Submission:

Submission 18 - P34 – NOISE – AC7: - New or altered noise sensitive activity within the Port Noise Overlay (NOISE – R11). Include “quiet enjoyment of outdoor living spaces”.

Relief sought

Include “quiet enjoyment of outdoor living spaces”.

Point 187.19

Section: NOISE - Noise

Sub-section: Assessment Criteria

Provision:

NOISE-AC8: New noise sensitive activity within the Port Zone (NOISE-R12)

- a. Whether the design, including location, and methods and construction techniques proposed are likely to provide an internal noise environment that is likely to ensure that the internal noise levels are reasonable for the occupants and will avoid or mitigate reverse sensitivity effects on the port.

Sentiment: Amend

Submission:

Submission 19 - P34 – NOISE –AC8: New noise sensitive activity within the Port Noise Overlay (NOISE – R12). Include “quiet enjoyment of outdoor living spaces”.

Relief sought

Include “quiet enjoyment of outdoor living spaces”.

Point 187.20

Section: APP5 (a) - Port Noise Management Plan

Sub-section: Minimum port noise management plan provisions

Provision:

The Port Noise Management Plan required under rule NOISE-R11 and standard NOISE-S3 shall contain the following:

- a. Port Noise Management Plan objectives.
- b. Detailed procedures for the implementation of the Port Noise Mitigation Requirements outlined in Appendix 5(b) and the establishment and maintenance of a Port Noise Liaison Committee outlined in Appendix 5(c).
- c. A list of Port Noise Liaison Committee functions.
- d. Procedures for recommendations of the Port Noise Liaison Committee to be considered and determined by the Port Operator.
- e. Noise modelling, noise monitoring, auditing, and reporting procedures.
- f. Complaint handling procedures.
- g. Mechanisms for achieving noise reduction through Port operational procedures and staff and contractor training.
- h. Procedures for drafting alterations to the Port Noise Management Plan.
- i. Allocation of an annual budget providing for the implementation of the Port Noise Management Plan and Port Noise Mitigation Requirements in Appendix 5(b).
- j. A Port Noise Contour Map (See Appendix 5(a) 2. below.
- k. The Port Noise Management Plan shall provide a timeframe for the implementation of the Port Noise Management Requirements in Appendix 5(b).

Sentiment: Amend

Submission:

Submission 20 – p1 – 1. d. Procedures for recommendation of the Port Noise Liaison Committee to be considered and determined by the Port Operator. This is not acceptable. The Port Noise Liaison Committee is a collaborative body. The procedures for recommendations should be done by the Committee.

Relief sought

The procedures for recommendations should be done by the Committee.

Point 187.21

Section: APP5 (a) - Port Noise Management Plan

Sub-section: Minimum Monitoring and Reporting Requirements

Provision:

The minimum monitoring and reporting requirements are as follows:

- a. The Port Operator shall maintain at its expense permanent sound level monitoring equipment operating 24 hours a day 7 days a week and shall arrange for a suitably qualified person to perform continuous monitoring of noise emanating from port activities to ensure that the provisions specified in NOISE-S3 are complied with. The monitoring equipment shall as a minimum record noise level statistics in 15-minute periods so that the L_{eq} , L_{max} and L_{90} can be determined for each 15-minute period. In addition, the monitoring equipment shall be capable of recording the actual sound when a pre-set threshold or set of thresholds is exceeded, so that the sound can be listened to at a later time. All recorded data shall be kept for a minimum of six months, and be available if requested by Napier City Council.
- b. The Port Operator shall provide the results of the permanent sound level monitoring to the Council and the Port Noise Liaison Committee showing L_{Aeq} , L_{AFmax} , calculated L_{dn} sound exposure and all attended L_{AFmax} levels on a six monthly basis. The results shall be in summary form showing L_{eq} , L_{max} and calculated L_{dn} levels, within two weeks of the end of each month. Significant port noise emissions shall be highlighted and correlated with port activity and wind speed and wind direction data.
- c. The Port Operator shall arrange for a suitably qualified person to undertake an annual noise measurement survey to track port noise and to ensure that the provisions specified in standard NOISE-S3 are complied with. The annual noise measurement survey shall include evaluation of port noise against the standards in NOISE-S3 and against the current World Health Organisation (WHO) guidelines.
- d. The Port Operator shall provide the results of the annual noise measurement survey to the Council and the Port Noise Liaison Committee on an annual basis.
- e. The Napier City Council shall organise, at the Port operators cost, a biennial audit of the monitoring results received, and the reporting of this. This audit shall be undertaken by a suitably qualified and independent acoustic consultant. The results of this audit shall be provided to the Port Noise Liaison Committee and be made publicly available on the Port Operators and Napier City Council's websites.
- f. The Port Operator shall produce a Current Port Noise Contour Map based on the sound level monitoring measured in (a) above and the port noise contours shall be modelled at 1 dB intervals from 55 dBA L_{dn} (5-day). This Current Port Noise Contour Map is to be attached to the Port Noise Management Plan and updated annually at the expense of the Port Operator. The current Port Noise Contour Map determines the Port Noise Mitigation Offers in accordance with Appendix 5(b).
- g. The Current Port Noise Contour Map shall be publicly available both within the Port Noise Management Plan and as a standalone map. Both shall be available on the Port Operator's and Napier City Council's websites.
- h. To ensure the accuracy of the current port noise contour map the Port Operator shall undertake field verification of calculated sound exposure levels of port noise at monitoring points identified in the Port Noise Management Plan. These monitoring points shall be as decided by agreement between the Port Operator's acoustic consultant and the Napier City Council. The Napier City Council may also undertake noise measurements and/or obtain a peer review of the current port noise contour map in accordance with its monitoring responsibilities under section 35 of the Resource Management Act 1991.
- i. In the event that sound level monitoring indicates that port noise may be exceeding 65 dB L_{dn} (5-day) or 65 dB L_{Aeq} (15min, 10pm - 7am) at any point beyond the Inner Port Noise Overlay shown on the planning maps the exceedance shall be recorded, investigated, and reported to the Port Noise Liaison Committee.
- j. When a noise complaint is received the Port Operator will advise the Napier City Council within 5 workings days. When a noise complaint is received by Napier City Council they will advise the Port Operator within 5 working days.
- k. The Port Operator shall maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the Port Noise Liaison Committee at each meeting. A copy of this register shall be provided to the Napier City Council every six months.
- l. Copies of the Port Noise Management Plan are to be publicly available on both the Port Operator's and Napier City Council's websites.

Sentiment: Amend

Submission:

- a. The Port Operator shall maintain at its expense permanent sound level monitoring equipment operating 24 hours a day 7 days a week and shall arrange for a suitably qualified person to perform continuous monitoring of noise emanating from port activities to ensure that the provisions specified in NOISE-S3 are complied with. The monitoring equipment shall as a minimum record noise level statistics in 15-minute periods so that the L_{eq} , L_{max} and L_{90} can be determined for each 15-minute period. In addition, the monitoring equipment shall be capable of recording the actual sound when a pre-set threshold or set of thresholds is exceeded, so that the sound can be listened to at a later time. All recorded data shall be kept for a minimum of six months, and be available if requested by Napier City Council.

Relief sought

Point 187.22

Section: APP5 (a) - Port Noise Management Plan

Sub-section: Minimum Monitoring and Reporting Requirements

Provision:

The minimum monitoring and reporting requirements are as follows:

- a. The Port Operator shall maintain at its expense permanent sound level monitoring equipment operating 24 hours a day 7 days a week and shall arrange for a suitably qualified person to perform continuous monitoring of noise emanating from port activities to ensure that the provisions specified in NOISE-S3 are complied with. The monitoring equipment shall as a minimum record noise level statistics in 15-minute periods so that the L_{eq} , L_{max} and L_{90} can be determined for each 15-minute period. In addition, the monitoring equipment shall be capable of recording the actual sound when a pre-set threshold or set of thresholds is exceeded, so that the sound can be listened to at a later time. All recorded data shall be kept for a minimum of six months, and be available if requested by Napier City Council.
- b. The Port Operator shall provide the results of the permanent sound level monitoring to the Council and the Port Noise Liaison Committee showing L_{Aeq} , L_{AFmax} , calculated L_{dn} sound exposure and all attended L_{AFmax} levels on a six monthly basis. The results shall be in summary form showing L_{eq} , L_{max} and calculated L_{dn} levels, within two weeks of the end of each month. Significant port noise emissions shall be highlighted and correlated with port activity and wind speed and wind direction data.
- c. The Port Operator shall arrange for a suitably qualified person to undertake an annual noise measurement survey to track port noise and to ensure that the provisions specified in standard NOISE-S3 are complied with. The annual noise measurement survey shall include evaluation of port noise against the standards in NOISE-S3 and against the current World Health Organisation (WHO) guidelines.
- d. The Port Operator shall provide the results of the annual noise measurement survey to the Council and the Port Noise Liaison Committee on an annual basis.
- e. The Napier City Council shall organise, at the Port operators cost, a biennial audit of the monitoring results received, and the reporting of this. This audit shall be undertaken by a suitably qualified and independent acoustic consultant. The results of this audit shall be provided to the Port Noise Liaison Committee and be made publicly available on the Port Operators and Napier City Council's websites.
- f. The Port Operator shall produce a Current Port Noise Contour Map based on the sound level monitoring measured in (a) above and the port noise contours shall be modelled at 1 dB intervals from 55 dBA $L_{dn(5-day)}$. This Current Port Noise Contour Map is to be attached to the Port Noise Management Plan and updated annually at the expense of the Port Operator. The current Port Noise Contour Map determines the Port Noise Mitigation Offers in accordance with Appendix 5(b).
- g. The Current Port Noise Contour Map shall be publicly available both within the Port Noise Management Plan and as a standalone map. Both shall be available on the Port Operator's and Napier City Council's websites.
- h. To ensure the accuracy of the current port noise contour map the Port Operator shall undertake field verification of calculated sound exposure levels of port noise at monitoring points identified in the Port Noise Management Plan. These monitoring points shall be as decided by agreement between the Port Operator's acoustic consultant and the Napier City Council. The Napier City Council may also undertake noise measurements and/or obtain a peer review of the current port noise contour map in accordance with its monitoring responsibilities under section 35 of the Resource Management Act 1991.
- i. In the event that sound level monitoring indicates that port noise may be exceeding 65 dB $L_{dn(5-day)}$ or 65 dB $L_{Aeq(15min, 10pm - 7am)}$ at any point beyond the Inner Port Noise Overlay shown on the planning maps the exceedance shall be recorded, investigated, and reported to the Port Noise Liaison Committee.
- j. When a noise complaint is received the Port Operator will advise the Napier City Council within 5 workings days. When a noise complaint is received by Napier City Council they will advise the Port Operator within 5 working days.

- k. The Port Operator shall maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the Port Noise Liaison Committee at each meeting. A copy of this register shall be provided to the Napier City Council every six months.
- l. Copies of the Port Noise Management Plan are to be publicly available on both the Port Operator's and Napier City Council's websites.

Sentiment: Amend

Submission:

Submission 22 – at the appropriate sub-paragraph “a” to “l” allow for members of the Port Noise Liaison Committee to obtain noise recordings from the monitoring station(s).

Relief sought

at the appropriate sub-paragraph “a” to “l” allow for members of the Port Noise Liaison Committee to obtain noise recordings from the monitoring station(s).

Point 187.23

Section: APP5 (b) - Port Noise Mitigation Requirements

Sub-section: Offers of Acoustic Treatment 65 dB L dn (5-day) - Noise Sensitive Activities shown on the Current Port Noise Contour Map as being 65 L dn (5-day)

Provision:

- b. The offer must be made to all noise-sensitive activities eligible in (a) above. To avoid doubt new offers must be made to noise-sensitive activities who have previously refused the offer if the owner(s) have changed for the noise-sensitive activity.
- c. The Port Operator shall contribute 100% of the cost of necessary acoustic treatment to doors and windows (stage 1), installation of mechanical ventilation and cooling (stage 2), re-instatement of painting and decorating disturbed by improvements (stage 1 and 2), and further facade improvements required to achieve the indoor design sound level (stage 3).

Sentiment: Amend

Submission:

c. The Port Operator shall contribute 100% of the cost of necessary acoustic treatment to doors and windows (stage 1), installation of mechanical ventilation and cooling (stage 2), re-instatement of painting and decorating disturbed by improvements (stage 1 and 2), and further facade improvements required to achieve the indoor design sound level (stage 3).

Submission 23 – 1. c – does installation include the purchase of the mechanical ventilation and cooling unit. If not, it should.

Relief sought

Submission 23 – 1. c – does installation include the purchase of the mechanical ventilation and cooling unit. If not, it should.

Point 187.24

Section: APP5 (b) - Port Noise Mitigation Requirements

Sub-section: Offers of Acoustic Treatment - Noise Sensitive Activities shown on the Current Port Noise Contour Map as being between 60 L dn (5-day) and 65 L dn (5-day)

Provision:

- b. The offer must be made to all noise-sensitive activities eligible in (a) above. To avoid doubt new offers must be made to noise-sensitive activities who have previously refused the offer if the owner(s) have changed for the noise-sensitive activity.
- c. The Port Operator shall contribute 100% of the cost of necessary acoustic treatment to doors and windows (stage 1), installation of mechanical ventilation and cooling (stage 2), and reinstatement of painting and decorating disturbed by improvements (stage 1 and 2) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation.
- d. The Port Operator / noise-sensitive activity shall both contribute 50% each of the cost of further facade improvements required to achieve the indoor design sound level (stage 3) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation.

Sentiment: Amend

Submission:

- c. The Port Operator shall contribute 100% of the cost of necessary acoustic treatment to doors and windows (stage 1), installation of mechanical ventilation and cooling (stage 2), and reinstatement of painting and decorating disturbed by improvements (stage 1 and 2) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation.

Relief sought

Submission 24 – 2. c – does installation include the purchase of the mechanical ventilation and cooling unit. If not, it should.

Point 187.25

Section: APP5 (b) - Port Noise Mitigation Requirements

Sub-section: Offers of Acoustic Treatment - Noise Sensitive Activities shown on the Current Port Noise Contour Map as being between 60 L dn (5-day) and 65 L dn (5-day)

Provision:

- b. The offer must be made to all noise-sensitive activities eligible in (a) above. To avoid doubt new offers must be made to noise-sensitive activities who have previously refused the offer if the owner(s) have changed for the noise-sensitive activity.
- c. The Port Operator shall contribute 100% of the cost of necessary acoustic treatment to doors and windows (stage 1), installation of mechanical ventilation and cooling (stage 2), and reinstatement of painting and decorating disturbed by improvements (stage 1 and 2) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation.
- d. The Port Operator / noise-sensitive activity shall both contribute 50% each of the cost of further facade improvements required to achieve the indoor design sound level (stage 3) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation.

Sentiment: Amend

Submission:

c. The Port Operator shall contribute 100% of the cost of necessary acoustic treatment to doors and windows (stage 1), installation of mechanical ventilation and cooling (stage 2), and reinstatement of painting and decorating disturbed by improvements (stage 1 and 2) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation).

d. The Port Operator / noise-sensitive activity shall both contribute 50% each of the cost of further facade improvements required to achieve the indoor design sound level (stage 3) provided that the total Port Operator contribution shall not exceed \$50,000 including GST (adjusted annually thereafter (indexed from 1 July 2024) using the Consumers Price Index to compensate for inflation).

Relief sought

Submission 25 – 2.c. & d. The inflation adjustment should be based on the Construction Price Index – not the Consumers Price Index. The acoustic treatment is a construction activity.

Point 187.26

Section: APP5 (b) - Port Noise Mitigation Requirements

Sub-section: Obligations of the Port Operator

Provision:

Budget

- a. The Port Operator shall allocate an annual budget for each financial year (1 October) at the beginning of each financial year (1 October) for the implementation of Port Noise Mitigation Requirements.
- b. The Port Operator shall present the annual budget to the Port Noise Liaison Committee prior to the beginning of each financial year (1 October) for endorsement.
- c. The annual budget does not accrue, but will carry forward those offers that have been accepted, but not completed within that financial year.
- d. The Port Operator will take direction as to which properties the annual budget should be applied to from the Port Noise Liaison Committee.
- e. In instances where the Port Noise Liaison Committee does not reach agreement on the budget allocation for noise mitigation, the conflict resolution process in Appendix 5(c) 4. will be followed.

Sentiment: Amend

Submission:

Submission 26 – Budget – the amount should be \$250,000 per year plus the Construction Index from the date of the Environment Court decision that set this amount. The Port should be required to provide this amount until all acoustic treatment work is completed.

Relief sought

Submission 26 – Budget – the amount should be \$250,000 per year plus the Construction Index from the date of the Environment Court decision that set this amount. The Port should be required to provide this amount until all acoustic treatment work is completed.

Point 187.27

Section: APP5 (b) - Port Noise Mitigation Requirements

Sub-section: Obligations of the Port Operator

Provision:

Acoustic Treatment

The port will:

- a. Seek advice of an appropriately qualified acoustic consultant when considering the acoustic treatment required in accordance with Appendix 5(b)1.a., Appendix 5(b)2.a. to achieve a spatial average indoor design sound level in the existing habitable spaces of the building(s) of 40 dB L_{dn} (5-day).
- b. Ensure all treatment work for a noise sensitive activity is carried out within one year of the date of acceptance of the offer in a cost effective manner and to the appropriate standard, while at the same time ensuring that the treatment work does not significantly compromise the character of the building.
- c. Organise the payment of the necessary costs for acoustic treatment.
- d. Where the Port Operator installs any acoustic treatment it shall forward a copy of an acoustic certificate to the Napier City Council, for works completed in accordance with Appendix 5(b)1.a. and Appendix 5(b)2.a.

Sentiment: Amend

Submission:

Submission 27 – 4 d. Is the acoustic certificate to NCC a Building Act requirement? The property owners may require a Code Compliance Certificate.

At a recent meeting of the Port Liaison Committee this was discussed as many houses as possible that have had acoustic treatment have not had the work completed to enable a Code Compliance Certificate to be issued by Council.

This matter needs clarifying.

Point 187.28

Section: APP5 (b) - Port Noise Mitigation Requirements

Sub-section: Obligations of the Property Owner

Provision:

- a. The owner(s) of each such noise-sensitive activity must decide, within 60 days from the date of the offer, whether to accept the offer of acoustic treatment.
- b. Notify the Port Noise Liaison Committee whether the offer is accepted and, if so, approve the acoustic treatment, including any construction details associated with the proposed acoustic treatment, and agree to treatment proceeding before any treatment commences.
- c. If the noise-sensitive activity is eligible for acoustic treatment in accordance with NOISE-S3 which are shown on the Current Port Noise Contour Map as being 60-65 L_{dn} (5-day) shall contribute 50% of the cost of the Stage 3 acoustic treatment only.
- d. For acoustic treatment to noise sensitive activity in accordance with NOISE-S3 which are shown on the Current Port Noise

Contour Map as being 55-60 L_{dn} (5-day) contribute 50% of stages 1 and 2.

Sentiment: Amend

Submission:

4. Obligations of the Property Owner

Submission 28 – “4” should be “5”.

5 c & d. Why 50% contribution for Stage 1 to & 3. The Port as the noise creator should be contributing 100% on all mitigation work.

Relief sought

4. Obligations of the Property Owner

Submission 28 – “4” should be “5”.

5 c & d. Why 50% contribution for Stage 1 to & 3. The Port as the noise creator should be contributing 100% on all mitigation work.

Point 187.29

Section: APP5 (c) Port Noise Liaison Committee

Sub-section: APP5 (c) Port Noise Liaison Committee

Provision: General

Sentiment: Amend

Submission:

Submission 28 – Somewhere in this section there should be a quorum noted.

Relief sought

Submission 28 – Somewhere in this section there should be a quorum noted.

Point 187.30

Section: APP5 (c) Port Noise Liaison Committee

Sub-section: APP5 (c) Port Noise Liaison Committee

Provision:

The Port Noise Liaison Committee required under NOISE-S3 shall comprise but is not limited to members appointed by the following organisations:

- The Port Operator (2)
- Port Users (2)
- Napier City Council (1)
- Hawke's Bay Regional Council (1)

- Residents within the Port Outer Noise Control Boundary / Representative of a Residents Community Group or Residents Association (4)

Sentiment: Amend

Submission:

Submission 29 - Para a. – The Port Operator shall also provide an independent Chairman.

Relief sought

Submission 29 - Para a. – The Port Operator shall also provide an independent Chairman.

Point 187.31

Section: APP5 (c) Port Noise Liaison Committee

Sub-section: Resourcing

Provision:

The Port Operator shall provide for the implementation and maintenance of the Port Noise Liaison Committee as follows:

- a. The Port Operator will provide secretarial and logistic support for the Port Noise Liaison Committee.
- b. The Port Operator shall arrange for the Port Noise Liaison Committee to meet on not less than three occasions each year and, if required, call a special meeting of the Committee.
- c. The Port Operator shall provide an annual budget that reasonably provides for the Port Noise Liaison Committee to undertake its functions.

Sentiment: Amend

Submission:

Submission 30 – That the residents on the Port Liaison Committee be paid for their attendance at the same rate as NCC or HBRC members.

Relief sought

Submission 30 – That the residents on the Port Liaison Committee be paid for their attendance at the same rate as NCC or HBRC members.

Point 187.32

Section: PORTZ - Port Zone

Sub-section: Introduction

Provision:

The Port Zone applies to land occupied by the operational Napier Port Limited (Napier Port) located at the base of Mataruahou (Bluff Hill), and adjacent to Breakwater Road, State Highway 50. Port noise and traffic are managed in separate chapters. The effects on people and the environment from discharges to air and coastal water are matters for the regional council.

This chapter provides for port-related activities on the operational port located at the base of Bluff Hill. The infrastructure at the port includes facilities for the loading or unloading of cargo or passengers carried by sea, and may include port-related

commercial facilities.

Napier Port services the region and is the only port on the east coast between Gisborne to the north and Wellington to the south. The port is an established physical resource that is an essential contributor to the wellbeing of both the Napier and Hawke's Bay regional communities through the export of local produce and the import of a wide range of goods.

The land area is largely reclaimed from the sea. The activities at the port cross the boundary of the Coastal Marine Area (CMA) and good connections to major land transport routes by road and rail are essential. Port activities have unique characteristics, with adverse effects on surrounding areas that include visual, noise, and transport effects.

Sentiment: Amend

Submission:

The land area is largely reclaimed from the sea. The activities at the port cross the boundary of the Coastal Marine Area (CMA) and good connections to major land transport routes by road and rail are essential. Port activities have unique characteristics, with adverse effects on surrounding areas that include visual, noise, and transport effects, *and light spill.*

Relief sought

Submission 31 - 4th paragraph – add light spill.

Point 187.33

Section: PORTZ - Port Zone

Sub-section: Issues

Provision:

PORTZ-I1: Regional significance of Napier Port

Napier Port has high regional significance, in terms of its contribution to the regional economy and the regional transportation network. The lack of a natural harbour in the region means that ongoing use, maintenance, enhancement and development of existing and future structures within Napier Port is essential for its efficient and effective contribution to the wellbeing of the regional economy.

Sentiment: Amend

Submission:

PORTZ-I1

Submission 32 – Add to the regional “and from further afield” --.

Relief sought

Add to the regional “and from further afield” --.

Point 187.34

Section: PORTZ - Port Zone

Sub-section: Issues

Provision:

PORTZ-I2: Amenity values in the surrounding environment

Napier Port needs to operate, expand, and respond to new markets and technology, and this may result in a change to the nature, character and scale of adverse effects at adjacent residential zones, adjacent key transport routes, and on the

environment generally.

Napier Port has been located on its site since the 1880s and will need to be able to make operational changes while considering the effects on adjacent residential zones and the environment. It is important that development can occur. However, as part of managing adverse effects on the environment, consideration must be given to amenity levels in the surrounding residential zones.

The level of effects experienced on properties in the vicinity of the port will not be the same as in other residential zones. The effects on the transport network and from port noise are dealt with in other parts of the District Plan.

Sentiment: Amend

Submission:

PORTZ-12 – Amenity values in the surrounding environment

Submission 33 – Has the Port on its current site been there since 1880s? I understand the current site was established after the 1931 Earthquake. Please amend to the correct year. Also add that the residential environment was established in the 1860s. It could have been even earlier.

Relief sought

Submission 33 – Has the Port on its current site been there since 1880s? I understand the current site was established after the 1931 Earthquake. Please amend to the correct year. Also add that the residential environment was established in the 1860s. It could have been even earlier.

Point 187.35

Section: PORTZ - Port Zone

Sub-section: Assessment criteria

Provision:

PORTZ-AC1: All infringements

General assessment matters

- a. The implementation of the relevant objectives and policies of the district plan, including the district-wide chapters that are relevant to the matters of discretion for the activity and the purpose of the rules, including whether an infringement will more effectively achieve the relevant objectives and policies, having regard to the effects on the efficient and effective operation of Napier Port.
- b. Where more than one standard will be infringed, the cumulative effects of all infringements considered together.
- c. The assessment criteria in PORTZ-AC3 apply in addition to those below.

Site layout and building design

- d. The extent to which the layout of the site and design of the buildings:
 - i. reflect the area's maritime character and any natural, heritage and cultural values, including through building form and materials, and
 - ii. take into account the amenity of adjacent properties, roads, and public open spaces.
- e. The extent to which monitoring would assist with management of potential adverse environmental (including amenity) effects, and the extent to which this can be done remotely and provide readily accessible information for residents in the surrounding area.
- f. Whether the activity is located well within the port boundaries and is substantially separated from residential or recreational activities.
- g. The extent to which there is separation provided between buildings to allow for view shafts to the harbour from publicly accessible areas.
- h. Whether the development recognises the cultural values of mana whenua.
- i. Location of any impervious surfaces, buildings, structures, earthworks, or access in relation to any drain or the coastal marine area.
- j. Whether buildings and structures, including parking and storage areas are sited in a way or adequately screened to minimise any adverse effects on the visual and aural privacy of adjacent land uses, public open spaces, and roads.

Landscaping and screening

- k. Whether landscaping uses species that are locally or cultural appropriate.
 - l. The extent to which landscaping improves habitat of species in the coastal margins or the coastal marine area.
- m. Whether the quality and scale of any landscaping, or the location of buildings within the site improve the degree of natural character of the coastal environment.
- n. Whether a landscaped setback or separation distance will mitigate any effects from port activities on residents or people using the coast.

Trade waste and wastewater infrastructure

- o. The extent to which the nature or scale of the activity will place additional demand on public services.
- p. The extent to which the development complies with the Napier City Trade Waste Bylaw.
- q. Whether the activity discharges wastewater and has the ability to connect to the municipal trade waste/wastewater treatment network.
- r. The volume and composition of any discharge and the effects on the council utilities and receiving environment.
- s. Whether the activity makes use of cleaner production equipment and waste minimisation practices.

Stormwater management

- t. Whether buildings and hard surfaces are laid out and designed to avoid the run-off of untreated stormwater to the coastal marine area.

- u. Whether impervious surfaces have potential to exacerbate flood risk or are designed to have beneficial effects for the coastal marine area.
- v. The reliability of stormwater pretreatment methods and mitigation measures in avoiding contaminated run-off.
- w. Whether the volume of water, or rate and composition of discharges may have adverse effects on:
 - i. coastal water quality;
 - ii. the health of any habitats of indigenous species, and
 - iii. the council's reticulated services.
- x. Whether there is a risk that accidental spills or wash-down areas may contain hazardous substances or contamination that may enter stormwater or the council's networks.

Risk to public health, safety, wellbeing, and the environment

- y. The extent to which health and safety measures are needed to manage the possibility that unscheduled, unexpected, or accidental events pose a risk to humans, the stormwater and wastewater utilities, or the environment.
- z. Whether the transport, use, storage, or method of disposal of any hazardous substances, wastewater, trade waste, solid material, and/or liquid leachate reliably manages the risk to public health and safety and the environment.
- aa. The area of impervious surface and whether the methods to avoid accidental discharges to ground or water are reliable.
- ab. The degree of risk that hazardous substances or contamination may enter the coastal marine area, stormwater, or the council's reticulated networks.
- ac. Whether the land use involves the storage or use of materials that could have an adverse environmental effect in the event of inundation or flooding.
- ad. Whether industry best practice has been applied and the degree to which a risk assessment has been undertaken in accordance with the Guidelines for Port and Harbour Risk Assessment and Safety Management Systems in New Zealand.

Vulnerability to natural hazards

- ae. Whether the activity reduces risk to the port from natural hazards or increases recovery capacity for the city following a natural hazard event.
- af. The extent to which hazard mitigation measures will reliably avoid risks to people and property from rockfall or landslide hazards for development within the Port Zone Rockfall Hazard Specific Control Area.

Fire and pest control

- ag. The extent to which the activity implements an approved fire or pest management plan.

Cumulative effects

- ah. Whether the proposed land use will have an adverse cumulative effect on the surrounding area.
- ai. The nature and scale of the effects on the surrounding environment.
- aj. The extent to which locating an activity at the port may generate additional traffic, noise, and other cumulative adverse effects on surrounding land uses.

- ak. Whether an increase in the operating hours, scale, and intensity of port-related activities will result in cumulative effects on a residential zone.
- al. Whether there is an aggregation of facilities containing hazardous substances in the area and the cumulative risk that may pose to people and the environment.

Sentiment: Support

Submission:

Submission 34 – PORT-AC1 – Support all the assessment matters where any development must consider the neighbouring areas – including residential and recreational.

Relief sought

Support all the assessment matters where any development must consider the neighbouring areas – including residential and recreational.

Point 187.36

Section: PORTZ - Port Zone

Sub-section: Assessment criteria

Provision:

PORTZ-AC5: Activities that are not directly related to the port activities

- a. Whether the nature, scale and intensity of the activity is compatible with port activities and the surrounding environment.
- b. The extent to which the activity is compatible with port-related activities and services.
- c. The risk that a new activity could generate reverse sensitivity effects on existing port-related activities leading to the port having to limit operations, or undertake mitigation measures.
- d. Whether the land use will contribute to the efficient use and/or development of natural and physical resources within the city and whether any alternative locations have been considered.
- e. Whether the impact of the scale and intensity of the land use is compatible with port-related activities and surrounding land uses.
- f. Whether the land use will alter the nature or character of the services provided at the port.
- g. Whether there are any effects from natural hazards that are of a low probability but high potential impact.
- h. Whether the establishment of the land use would have adverse effects on the efficient use and/or development of natural and physical resources of the port or industrial zone or any other zone, including commercial zones, or result in significant social or economic impacts.
- i. Whether the volume of traffic likely to be attracted to the site is likely to cause an effect on the neighbouring people and environment including the road network and traffic safety and efficiency.
- j. Whether the activity provides a commercial or hospitality service, such as a convenience store or café, to the area rather than traditional retailing and the extent to which the activity will provide goods or services, the majority of which are consumed or used within the zone.

Sentiment: Oppose

Submission:

PORTZ-AC5 I

Submission 35 – Paragraph I – Its interesting that the road & rail networks between the Port site and the residential environment have much lower noise limits than the Port is proposing.

Relief sought

PORTZ-AC5 I

Submission 35 – Paragraph I – Its interesting that the road & rail networks between the Port site and the residential environment have much lower noise limits than the Port is proposing.

Point 187.37

Section: LIGHT - Light

Sub-section: LIGHT - Light - Standards Table

Provision:

LIGHT-S1: Light spill and lighting design

All Residential Zones and all Open Space, Sports Parks, and Conservation Zones (except for McLean Park Sports Stadium)

Purpose: *to protect residential amenity; to support well-being and safety of people.*

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
 - a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site), and
 - b. outdoor lighting must be selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.

2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
 - a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive

Matters of discretion are:

1. Effects on residential amenity and road safety and the extent to which these can be mitigated;
2. Design, location, and external appearance of the artificial lighting, including the support structure(s), and
3. Whether the lighting is necessary for operational or functional purposes.

Effects of Outdoor Lighting.

All Commercial, Industrial, and Rural Zones and Precincts

Purpose: to protect residential amenity; to support wellbeing and safety of people.

1. Light spill conditions for all land uses other than for the purposes of illuminating a road:
 - a. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 15 lux, measured horizontally or vertically as an average (at a height of 1.5 m above ground level) at any point beyond the zone boundary;
 - b. between the hours of 10.00 p.m. and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space in a building within a residential zone), and
 - c. the outdoor lighting must be so selected, located, aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.

2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the weather conditions on illuminance:
 - a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Matters of discretion are:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

Stadium Zone

Purpose: to protect residential amenity while supporting the overall wellbeing and safety of people during temporary events at the McLean Park Sports

1. Light spill conditions for all activities, other than for the purposes of illuminating a road shall not exceed:
 - a. between the hours of 10.00 p.m and 7.00 a.m. the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building

Matters of discretion are restricted to:

1. Effects on residential amenity, and
2. Design, location, and external appearance.

Stadium.

- located on any other site);
 - b. the above hours may be exceeded for a maximum of three days in any calendar year, provided that between the hours of 11.00 p.m. and 7.00 a.m the following day any outdoor lighting does not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site), and
 - c. the outdoor lighting must be so selected, located, aimed, adjusted, screened, and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users, or aircraft.
2. Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers are of a similar nature and which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurements should be made in clear sky conditions or should take into account the effect of weather conditions on illuminance:
- a. the standards for light must be measured and assessed in accordance with Standard AS / NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Sentiment: Amend

Submission:

LIGHT – Light

Submission 36 - LIGHT – S1 – Light spill for all commercial, industrial, and Rural Zones and Precincts – Agree with item c. in regard to residential activities. The Port needs to ensure light spill is minimised on residential areas in the Port Noise Zones.

Relief sought

LIGHT – Light

Submission 36 - LIGHT – S1 – Light spill for all commercial, industrial, and Rural Zones and Precincts – Agree with item c. in regard to residential activities. The Port needs to ensure light spill is minimised on residential areas in the Port Noise Zones.

Port Noise Proposals in the Napier District Plan Review

Pre-engagement submissions for consideration

28/8/2020

Updated 11/12/2023 as Submissions on the Proposed District Plan

Report to support submissions 1 to 37

Adverse effects of noise on enjoyment of indoor and outdoor living.

The sheer scale of the Port's industrial activities on a 24/7 basis is such that it is impossible for it to always operate under the maximum allowable noise levels that apply in the inner and outer noise zones. It is inevitable there will continue to be noise events that exceed the levels set out in the District Plan.

This is based on my personal experience for more than 23 years that I have lived at 18 Seapoint Road (in the operative inner noise zone & just above the noise monitoring station). I have formally complained several times when the noise is really unbearable. I know other residents have also frequently complained. Whilst some make complaints – which is a bit of a hassle in the middle of the night – there are many who are annoyed but don't make formal complaints. At the public meeting on 19th August 2020 many residents expressed frustration with the management of Port Noise.

Almost daily when my partner Christine Snook and I are home and I'm outside and she tries to talk to me I say, "I can't hear you" (it happened this morning). Her voice just gets drowned out by the Port's noise. She has to yell to make herself heard & I have to yell back. Over 23 years this must have happened thousands of times.

Even with the new rules being formulated and ongoing efforts of noise management by the Port this situation is unlikely to change over the next 15 years.

The completion of Wharf 6 with larger, longer, wider ships, more containers, more logs, larger cranes, more forklifts, more trucks, more trains, increasing freight volumes, and more of all the current activities – the noise will be even more frequent and louder – a frenetic cacophony of noise on an almost daily basis – 24/7.

Independent contractors also contribute to loud noises – and their activities will also increase. Many of my complaints are made on noises created by such contractors.

Compensation

I submit that compensation should be included in the District Plan as an additional means of mitigation. In addition to measures to adequately manage the noise, including for up to 85 houses in 15 years time, the Port should pay reasonable compensation to residents within the noise zones for the adverse effects on their outdoor and indoor living environment. For the almost constant diminution of their quiet enjoyment!

Even for those with acoustic treatment of their houses the extent of noise still diminishes the enjoyment most would expect in residential environments. Having to live in their houses with sealed double-glazed windows and keeping them and doors shut and relying on air-conditioning units to provide air change – just to have quiet time, or listen to music, or read a book, or enjoy conversation with visitors over a cup of tea and scones - is a diminution of a peaceful living environment. We often

go and stay in Hamilton City, Wellington and Auckland Central – Ponsonby and Parnell. We find it eerily quiet – especially at night.

There are approximately 85 properties predicted to be in the proposed noise zones. At say 2.5 persons per household this is about 210 residents that will be adversely affected by noise.

But the Port Company is of great economic benefit to all of Hawkes Bay and beyond. So about 170,000 people in Hawkes Bay are the beneficiaries of the Port enterprise. In fact, the Regional Council has the majority interest in the Port - holding it in trust for all the people of Hawkes Bay. The Regional Rates are kept lower by the dividends it will receive – an economic benefit to all rateable property owners.

Therefore, it is not unreasonable for the many beneficiaries to compensate the few – 210 out of 170,000! Napier City Council could manage this in the rates accounting system.

The compensation amount could be calculated by professional valuers based on the diminished property value and loss of quiet enjoyment and other relevant factors.

There could be base annual compensation for properties in each noise zone plus an additional payment for actual infringements. The latter as an ongoing incentive for the Port's management to minimise noise exceedance events. However, the Port must still endeavour to manage noise in accordance with the rules in the District Plan.

It is the Port's responsibility to adequately manage the noise problem – not the residents that should be expected to constantly endure it.

NZ Standards -Acoustics – Port noise Management and Land Use Planning NZS – 09:1999

In my view these standards have been used in the Operative Napier District Plan to overly protect the Port's interests but not the interests of those in the neighbouring residential environment. The noise levels based on a 5-day dBA average seem to be devised to average the peak noise events to minimise the actual excess peak noise events residents actually have to endure – that is a method to flatten the peak noise, so it nearly always falls below the allowable maximum. This is patently unfair.

A noise scale referred to as the C scale – the low frequency noise hum – cannot be mitigated by noise insulation. It must be stopped at source. This must be recognised in the District Plan.

The residential development in the environs of the Port were established well before the advent of industrial scale containerised shipping – and the ever-increasing volume of freight handled by the Port. Containers could be likened to big steel BOOM boxes and there are thousands of them handled by the Port. So, in this context the NZ Standards are not necessarily fit for purpose for the Napier Port, and the steep nature of the residential environment. This is not an industrial activity established in an area with a low-density population in some rural environment. If the Port had been established in such an environment residential development would be vigorously discouraged, and even if allowed there would be strict no-complaint covenants registered on titles to deal with reverse sensitivity. In this unique Napier setting it is the Port that must do its utmost to ensure its adverse effects on the residential area are minimised and/or adequately compensated.

Most affected residents do not really have much understanding of noise measures of dBA this and dBA that. Nor the exponential scales involved. For example, dBA65 is twice the noise level of dBA55. Neither do those making decisions about Port Noise whilst sitting in quiet offices and meeting rooms – deliberating on noise in such quiet environments. They have no real appreciation of noise levels being referred to. The noise consultants should make available the actual true volume of noise recordings of the different levels proposed so all people involved can appreciate how disruptive NOISY

noise really is. Run it through an entire meeting! Maybe they should come to a Sunday afternoon garden party on a property by the monitoring station when a container ship is in with three cranes operating and the attendant fleet of forklifts shuffling the containers to and fro. Or maybe they should try getting to sleep in an Air B & B overnight in such a setting.

The monitoring station on Karaka Road makes recordings of noise that exceed the levels prescribed in the District Plan. These recordings should be put on a USB and made available to residents in noise zones. And for those formulating new rules and the eventual decision-makers. They will all have the ability to turn it off. Residents don't.

The inner and outer contours; How precise are they for a 15-year time horizon? I submit they include buffer zones to allow for a degree of uncertainty.

Port acoustic treatment of existing houses

The Port must continue to carry out acoustic treatment works to all those with older houses (from 2016 only 13 dwelling have been done). It is fair and reasonable that all new structures be designed to minimise noise. However, there is no satisfactory mitigation for outdoor living spaces. No mitigation for C scale noise.

In Napier's residential zones, including the Napier Hill Character Zone, now in the General Residential Zone, in GRZ-S11: Outdoor living space – the purpose of an outdoor living space is *“to provide quality onsite living environments by providing useable outdoor living environments by providing useable outdoor living areas appropriate for the number of residents on the site”*.

Such a site cannot be considered usable if the noise pollution is unbearable.

Peer Reviews

The noise report by Marshall Day should be peer reviewed at the appropriate time in proceedings. Because there are so few professional noise consultancy firms in New Zealand the Napier City Council should ensure the peer review is done by an independent international noise expert – preferably someone from the European jurisdiction. After all, in the coastal erosion matter Napier City Council engaged a number of overseas experts on coastal hazards and geomorphology – at significant cost.

Port Noise Liaison Committee

It is quite a daunting responsibility for residents and previously for Seascope¹ representatives to attend the meetings. They are up against the Port management staff representing a \$500m business – the Port of Napier.

They are also up against the officers of NCC (which has had a long history of dragging the chain and a soft-peddling approach to the Port – e.g. acoustic treatment didn't commence until 2016 when the rules were in place in the Proposed & Operative District Plans from year 2000). NCC is another large entity with considerable resources and powers.

Then there is the HBRC, the majority shareholder of the Port Company. It also has a vested interest in regard to the Port's interests. Having said that the track record shows they have been more proactive in helping residents on the Port Noise issue. Retired Regional Councillor Alan Dick was a great example of this.

¹ Seascope is no longer an incorporated society.

The representatives of these entities are all salaried staff or remunerated councillors on the Port Liaison Committee. The point being that all others are paid for their time input, but resident representatives are not. Then on top of that if residents require professional advice, they have to pay that as well. Truly a “David & Goliath” scenario.

The Port and Council entities also have deep pockets to pay for experts to carry out investigations, write up reports and their representations for these organisations in formulating the rules in the District Plan. This creates an inevitable situation where some may be overly protective of their bill payers. It is a challenge for residents individually, and previously Seascope, to counter such proposals with very minimal financial resources and for many with limited time as they have jobs or are busy with other commitments. They are not doing it for the money – but it would be fair and reasonable for some remuneration in this formal role. Maybe the equivalent of Committee rates for Councils.

The provision of some funding for residents in the Port Noise overlays could be part of the compensation referred to in page 1 & 2 herein.

Finally

It is acknowledged the Port have made genuine efforts over time to improve management of their noise. That is appreciated. But for residents it has been a long road – many years passed before acoustic treatment works commenced.

It should also be acknowledged that some residents have made a huge commitment to see this matter is adequately dealt with – under the RMA, but also for the benefit of their local community. One person of particular mention is Bruce Wilton. But there have been several others.

I request that the Napier City Planners carefully consider these submissions, and those of other residents, in writing up the review of the District Plan in regard to Port Noise. The pre-engagement exercise is greatly appreciated.

Alan Petersen

Resident

18 Seapoint Road



Napier City Council - Proposed District Plan

Port Noise Submission

By Alan Petersen – 18 Seapoint Rd – Bluff Hill – Napier

alankpetersen@outlook.com

Noise – Noise

Introduction

Submission 1 - P1 – 4th paragraph - for Port to “fully” internalise their noise effects. Add this for more emphasis.

Submission 2 - P2 - 3rd bullet point ‘acoustic treatment requirements for noise-sensitive activities in areas affected by “port noise”’. Make it more specific to noise.

Submission 3 – P2 – last bullet point. Disruption to normal recreational rest and business activities. This should include for outdoor living space as defined in the Definitions Section including in PREC3 – the Napier Hill Mataruahou Amenity Precinct.

An outdoor living space “means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated”. In reality it is treated like an outside room for quiet and peacefulness not to be impacted by disturbance including adverse noise effects.

ISSUES

Submission 4 - P3 – NOISE I2 - The degree of quiet or peacefulness in an area contributes to the amenity values appreciated by its occupants. Noise from the Port means this is simply not achievable. It cannot be avoided and can only be mitigated to a certain extent and the allowable noise levels are still too high to meet the normal expectations of quiet and peacefulness in a residential area.

Submission 5 – P3 – Noise I3 - In the Port Noise Zones this is not reasonable or practicable. Change “not reasonable” to “not possible”.

Submission 6 - P4 – NOISE - I6 - First line “is” should be “are”.

Submission 7 - Second paragraph – Add that it should be noted the noise sensitive activities, including the residential areas within the current noise boundaries, were largely in place before the Port was established in its current location.

OBJECTIVES

Submission 8 – P 5 - NOISE - O1 - Agreed. But this should include outdoor living spaces during the day and at night – especially in evenings.

Submission 9 – P5 - Noise – O5 – Agreed – but the Port Noise limits are too high and therefore fail to achieve this objective.

POLICIES

Submission 10 – P5 - NOISE – P2 - c. This should also include outdoor living spaces during the day and at night – especially in the evenings. It’s an interesting conundrum that residents that live there are

expected to tolerate the noise, but visitors are not and therefore are not allowed to be accommodated!

Submission 11 – P6 - NOISE P6 – Add d. If noise cannot be avoided or fully mitigated and breaches the levels for internal or outdoor living spaces, then the Port shall pay the affected persons with the Port Noise areas suitable compensation. This to be determined by a valuer & other experts to design a fair & reasonable formula. After all it is consistent with the polluter pays principal.

Refer to my attached report “Port Noise Proposals in the Napier District Plan Review” (the updated version 11/12/2023).

NOISE – Noise - Rules Table

Submission 12 – P8 - Noise R2A - point 3 - Why is noise between 6.00PM – 7.30am (i.e. night-time) at 80 LAeq (dB) and daytime is lower at 75. Correct this possible anomaly.

Submission 13 - P20 – NOISE – R12A – point 3 – Typo – “Aan” should be “An”.

Submission 14 - P21 – A physicist engineer who redeveloped the Farmers building in Auckland Hobson St into apartments found after much testing that having a party wall made of two panels with an 150mm airgap was the most effective way to prevent noise transmission from one side to the other. Therefore allow other methods.

Submission 15 - P22 - 4. Add for other flooring systems that meet the insulation standards (that I have worked on). Don't just specify particle board – a very sub-standard product.

NOISE – Noise: General Noise Standards

Submission 16 - P29 & 30 – NOISE – S3: General noise limits within the Port Zone & S4 – Noise limits for container repair and maintenance within the Port Zone.

The time over any consecutive five-day period at 65dB. This simply not fair. This averaging means any noise above this which happens intermittently at any time over a 5-day period is considered to be acceptable because the 5-day averaging is always results in a lower noise level. If retained the limit should be 60dB. It is my understanding that no other noise rule in the Proposed District Plan has this averaging rule.

All the other noise limits should be lowered by 5.

If the noise levels remain as they are the Port should do more acoustic treatment at their full cost on affected dwellings in the Port Noise Zones and pay appropriate compensation to residents.

ASSESSMENT CRITERIA

Submission 17 - P32 – NOISE-AC1: General assessment criteria for activities generating noise and/or vibration – Public health – a – add iv – quiet enjoyment of outdoor living spaces.

Submission 18 - P34 – NOISE – AC7: - New or altered noise sensitive activity within the Port Noise Overlay (NOISE – R11). Include “quiet enjoyment of outdoor living spaces”.

Submission 19 - P34 – NOISE – AC8: New noise sensitive activity within the Port Noise Overlay (NOISE – R12). Include “quiet enjoyment of outdoor living spaces”.

APP5 (a) – Port Noise Management Plan

Submission 20 – p1 – 1. d. Procedures for recommendation of the Port Noise Liaison Committee to be considered and determined by the Port Operator. This is not acceptable. The Port Noise Liaison Committee is a collaborative body. The procedures for recommendations should be done by the Committee.

Submission 21 – p1 – 2. a. last sentence - --requested by Napier City Council or others on the Port Noise Liaison Committee.

Submission 22 – at the appropriate sub-paragraph “a” to “I” allow for members of the Port Noise Liaison Committee to obtain noise recordings from the monitoring station(s).

APP5 (b) - Port Noise Mitigation Requirements

Submission 23 – 1. c – does installation include the purchase of the mechanical ventilation and cooling unit. If not, it should.

Submission 24 – 2. c – does installation include the purchase of the mechanical ventilation and cooling unit. If not, it should.

Submission 25 – 2.c. & d. The inflation adjustment should be based on the Construction Price Index – not the Consumers Price Index. The acoustic treatment is a construction activity.

4. Obligation of the Port Operator.

Submission 26 – Budget – the amount should be \$250,000 per year plus the Construction Index from the date of the Environment Court decision that set this amount. The Port should be required to provide this amount until all acoustic treatment work is completed.

Submission 27 – 4 d. Is the acoustic certificate to NCC a Building Act requirement? The property owners may require a Code Compliance Certificate.

At a recent meeting of the Port Liaison Committee this was discussed as many houses as possible that have had acoustic treatment have not had the work completed to enable a Code Compliance Certificate to be issued by Council.

This matter needs clarifying.

4. Obligations of the Property Owner

Submission 28 – “4” should be “5”.

5 c & d. Why 50% contribution for Stage 1 to & 3. The Port as the noise creator should be contributing 100% on all mitigation work.

APP5 (c) - Port Noise Liaison Committee

Submission 28 – Somewhere in this section there should be a quorum noted.

5. Resourcing

Submission 29 - Para a. – The Port Operator shall also provide an independent Chairman.

Submission 30 – That the residents on the Port Liaison Committee be paid for their attendance at the same rate as NCC or HBRC members.

PORTZ – Port Zone

Introduction

Submission 31 - 4th paragraph – add light spill.

Issues

PORTZ-I1

Submission 32 – Add to the regional “and from further afield” --.

PORTZ-I2 – Amenity values in the surrounding environment

Submission 33 – Has the Port on its current site been there since 1880s? I understand the current site was established after the 1931 Earthquake. Please amend to the correct year. Also add that the residential environment was established in the 1860s. It could have been even earlier.

Assessment Criteria

Submission 34 – PORT-AC1 – Support all the assessment matters where any development must consider the neighbouring areas – including residential and recreational.

PORTZ-AC5 I

Submission 35 – Paragraph I – Its interesting that the road & rail networks between the Port site and the residential environment have much lower noise limits than the Port is proposing.

LIGHT – Light

Submission 36 - LIGHT – S1 – Light spill for all commercial, industrial, and Rural Zones and Precincts – Agree with item c. in regard to residential activities. The Port needs to ensure light spill is minimised on residential areas in the Port Noise Zones.