

NELSON CITY COUNCIL

**Nelson Resource Management Plan**

Proposed Plan Change 16

Inner City Noise

**Full Copy of Submissions Received**

07 September 2013 – 04 October 2013





Plan Change 16 (Inner City Noise)  
Full copy of Submissions Received

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# RMA Submission Form for a publicly notified plan change or variation



Nelson City Council  
te kaunihera o whakatū

RECEIVED

09 SEP 2013

Return your submission by the advertised closing date to the Policy and Planning Administrator  
RMA Plan Submissions  
Nelson City Council  
PO Box 645  
Nelson 7040  
(Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010 or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

NELSON CITY COUNCIL  
Customer Service

<b>OFFICE USE</b>	
Submission No:	1
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation 16 Inner City Noise  
(Number) (Name)

to the Nelson \_\_\_\_\_ Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

**Submitter Details**

Full Name	Kent Thomas Inglis		
Organisation			
Contact Person	As above		
Postal address	9 Ajax Ave	Business Phone	
		Home Phone	
		Mobile Phone	021496556
Email	inglis.kent@gmail.com		

**Council Hearing**

- I/we wish to be heard in support of my/our submission
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

**Notes to person making submission:**

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

- I could  could not  gain an advantage in trade competition through this submission  
If you could gain an advantage in trade competition through this submission please complete the following:  
I am  am not  directly affected by an effect of the subject matter of this submission that:
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition

KTC  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

9/9/2013  
Date

Proposed Plan Change Provision No or Planning Map No e.g. D010.1.2.11	Proposed Plan Change Provision Name

I support the above Plan Change section 
                 
 I support in part the above Plan Change Section 
                 
 I oppose the above Plan Change Section

**Reasons:**

Noise is a fluid medium which is very difficult to measure + regulate accurately as it fluctuates & is influenced by other environmental factors ie wind direction. As a resident it appears this plan brings over regulation to a very minor + infrequent issue. It is also likely to impose great cost for little benefit, which will discourage investment in inner city residential units to the detriment of the vibrancy of the inner city.

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
      Deleted entirely 
      Deleted and replaced as follows 
      Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

Proposed Plan Change Provision No or Planning Map No e.g. D010.1.2.11	Proposed Plan Change Provision Name

I support the above Plan Change section 
                 
 I support in part the above Plan Change Section 
                 
 I oppose the above Plan Change Section

**Reasons:**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
      Deleted entirely 
      Deleted and replaced as follows 
      Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*(continue on separate sheets if necessary)*

-----  
**From:** Web Maintenance Shared Mailbox  
**Sent:** Wednesday, September 11, 2013 7:26:34 PM  
**To:** Submissions  
**Subject:** Submission on Proposed Plan Change 16  
**Auto forwarded by a Rule**

## Submission on Proposed Plan Change 16

**Full Name**

Dan McGuire

**Organisation (if applicable)**

**Contact person**

**Postal Address**

PO Box 582 Nelson 7040

**Business phone**

**Home phone**

**Mobile phone**

027-2466-155

**Email address**

[dan.sullivan@kinect.co.nz](mailto:dan.sullivan@kinect.co.nz)

**I/We wish to be heard in support of my/our submission**

Yes

**I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at hearings**

No

**EditableLiteralField1934**

**I could gain an advantage in trade competition through this submission**

No

**If you could gain an advantage in trade competition through this submission please indicate if you are/are not directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

Plan Change 16

**Do you support the above Plan Change section**

I support the above Plan Change Section

**Reasons**

The proposed changes will make it easier to enforce noise limits.

Bar and club owners need to be made aware that the night time 55 decibel limit will still apply in the inner city, and 45 in adjacent residential areas. In their initial submissions, some owners stated that the current limit would no longer be enforced if the Plan is approved.

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained

**Where amendments are sought, provide details below of what changes you would like to see**

**Would you like to make a submission on other points?**

No

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**EditableLiteralField1964**

**Do you wish to add any other comments?**

I support the submissions of lawyer Graeme Downing and his recommendations.

**Do you wish to include a document that supports your submission?**

This email is covered by the disclaimers which can be found at [www.nelsoncitycouncil.co.nz/exclusion-of-liability](http://www.nelsoncitycouncil.co.nz/exclusion-of-liability)

If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2013.0.3408 / Virus Database: 3222/6708 - Release Date: 09/29/13

**Gayle Brown**

---

**From:** Dan McGuire [dan.sullivan@kinect.co.nz]  
**Sent:** Wednesday, 2 October 2013 8:26 a.m.  
**To:** Reuben Peterson  
**Subject:** Re: Submission on Proposed Plan Change 16

Hello Reuben,

Thank you for clarifying the issues. I support the proposal and also accept the necessity of the new enforcement measures. If noise control staff continue to enforce the provisions of the RMA as they have been doing for the past two years, then I believe the Plan Change will resolve the issues we had in the past.

Thank you for your good work.

Yours sincerely,  
Dan McGuire

**From:** [Reuben Peterson](#)  
**Sent:** Monday, September 30, 2013 4:05 PM  
**To:** 'Dan McGuire'  
**Cc:** [Matt Heale](#)  
**Subject:** Submission on Proposed Plan Change 16

Hello Dan,

Thank you for your submission to proposed Plan Change 16. Submissions close this week so we are just starting to collate them to get ready for the next stage of summarising submissions and seeking further submissions. In doing this I noticed that you might have misunderstood one aspect of the Plan Change so wanted to raise this with you and give you the opportunity to amend your submission should you wish.

You state in your submission that '*Bar and club owners need to be made aware that the night time 55 decibel limit will still apply in the inner city, and 45 in adjacent residential areas.*' In the case of the 45dBA in the Residential Zone this is true (with minor amendments for the updated NZ standard), but in the Inner City Zone the current 55dBA night time noise level is proposed to be replaced by enforcement of noise under Section 16 and 327 the RMA. This is outlined in Amendment 5 of the proposed Plan Change amendments. This change is not with the intention of changing the level of noise that is produced and received but is about improving how noise is managed and enforced. You will also see Amendment 3 which retains the current inner city L<sub>AFmax</sub> level at 75dBA.

Please contact me if you have any questions or would like to meet with me to discuss this. Also remember that submissions close on Friday 4<sup>th</sup> October at 5pm.

Regards

**Reuben Peterson**  
Planning Adviser  
Nelson City Council / *Te Kaunihera o Whakatū*  
03 546 0295  
[www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz)

**Gayle Brown**

---

**Subject:** FW: Submission on Proposed Plan Change 16

-----  
**From:** Web Maintenance Shared Mailbox  
**Sent:** Saturday, September 14, 2013 10:31:38 AM  
**To:** Submissions  
**Subject:** Submission on Proposed Plan Change 16  
**Auto forwarded by a Rule**

## Submission on Proposed Plan Change 16

**Full Name**

Peter Mayes

**Organisation (if applicable)**

**Contact person**

**Postal Address**

2/8, Norwich St  
Stoke  
Nelson 7011

**Business phone**

**Home phone**

9276237

**Mobile phone**

0210707624

**Email address**

[petermayes@hotmail.com](mailto:petermayes@hotmail.com)

**I/We wish to be heard in support of my/our submission**

Yes

**I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at hearings**

Yes

**EditableLiteralField1934**

**I could gain an advantage in trade competition through this submission**

No

**If you could gain an advantage in trade competition through this submission please indicate if you are/are not directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

16 Inner city noise

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be  
Where amendments are sought, provide details below of what changes you would like to see  
Would you like to make a submission on other points?**

Yes

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be  
Where amendments are sought, provide details below of what changes you would like to see  
Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be  
Where amendments are sought, provide details below of what changes you would like to see  
Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be  
Where amendments are sought, provide details below of what changes you would like to see  
EditableLiteralField1964**

**Do you wish to add any other comments?**

A simple device that is connected to the electricity supply to amplifiers is available.  
At a set noise level it trips out the power and cannot be reset for a set time. This is mandatory for use  
in clubs, pubs etc , in UK. Legislation that banned more than two singers/musicians stopped many  
small groups performing as the building owner had to apply for a special licence, the granting of  
which involved the fire, police and health services leading to large expenditure or no music. A single  
performer with a backing track can make much more noise than a group of acoustic musicians and  
singers.

The device mentioned above would save a mass of paperwork, much of which will be guestimates!

**Do you wish to include a document that supports your submission?**

# RMA Submission Form for a publicly notified plan change or variation



16 SEP 2013

NELSON CITY COUNCIL  
Records

Return your submission by the advertised closing date to:

Policy and Planning Administrator  
RMA Plan Submissions  
Nelson City Council  
PO Box 645  
Nelson 7040

(Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010 or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

<b>OFFICE USE</b>	
Submission No:	4
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation 16 Inner City Noise  
(Number) (Name)

to the Nelson \_\_\_\_\_ Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

**Submitter Details**

Full Name	JAMES MACKAY PURVES		
Organisation			
Contact Person	JAMES PURVES		
Postal address	1 <sup>st</sup> FLOOR, 121 TRAFALGAR	Business Phone	
	STREET, NELSON 7010	Home Phone	03-539-0578
		Mobile Phone	021-274-1850
Email	james.purves@mac.com		

**Council Hearing**

- I/we wish to be heard in support of my/our submission
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

**Notes to person making submission:**

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James M. Purves  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

12/9/13  
Date

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name
16 - Inner City Living	Amendment 1

I support the above Plan Change section 
                 
 I support in part the above Plan Change Section 
                 
 I oppose the above Plan Change Section

**Reasons:**

① Deal with the polluter/pollutant at the source, not the results of the problem.  
 ② This just creates work & fees for council. Completely unnecessary.  
 ③ Let developers/accommodation providers decide what is appropriate in the inner city & if they get it wrong the market will punish them.

The decision I seek from the Council is that this part of the proposed Plan Change be

Retained 
      Deleted entirely 
      Deleted and replaced as follows 
      Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I support the above Plan Change section 
                 
 I support in part the above Plan Change Section 
                 
 I oppose the above Plan Change Section

**Reasons:**

The decision I seek from the Council is that this part of the proposed Plan Change be

Retained 
      Deleted entirely 
      Deleted and replaced as follows 
      Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*(continue on separate sheets if necessary)*

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Nelson 7040

(Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010

or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

OFFICE USE	
Submission No:	5
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation 16 INNER CITY NOISE  
(Number) (Name)

to the Nelson RESOURCE MANAGEMENT Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

## Submitter Details

Full Name	BOB DICKINSON		
Organisation	PORT NELSON NOISE LIAISON COMMITTEE		
Contact Person	THOMAS MARCHANT		
Postal address	C/O PORT NELSON LTD	Business Phone	03 548 2099
	PO BOX 844	Home Phone	
	NELSON 7010	Mobile Phone	
Email	Thomas.Marchant@portnelson.co.nz		

## Council Hearing

- I/we wish to be heard in support of my/our submission
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

### Notes to person making submission:

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

  
\_\_\_\_\_  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

19/09/2013  
\_\_\_\_\_  
Date

Proposed Plan Change Provision No or Planning Map No <small>e.g. DO10.1.2.ii</small>	Proposed Plan Change Provision Name
AP19.2.iii	AP19.2 Port Effects Control Overlay

I **support** the above Plan Change section 
                 
 I **support in part** the above Plan Change Section 
                 
 I **oppose** the above Plan Change Section

<b>Reasons:</b>
<p>The Port Noise Liaison Committee (PNLC) oversees the implementation of the Port Noise Variation 07/01 to the NRMP. The PNLC initially recommended to the NCC that the ventilation requirements of the Port Effects Control Overlay be changed to allow for a more cost effective and practicable option to be used, whilst still achieving the acoustic standard required. The PNLC recommendation is reflected Plan Change 16 by the inclusion of clause AP19.2.iii of Appendix 19 of the Nelson Resource Management Plan:</p> <p><u>AP19.2.iii A single Residential Unit may contain a combination of the ventilation options a) and b) set out above to achieve the most practicable and cost effective approach. As an example it may be best for the principal living room to comply with option b) whilst the other habitable spaces may comply with option a).</u></p>
<b>The decision I seek from the Council is that this part of the proposed Plan Change be</b>
Retained <input checked="" type="checkbox"/> Deleted entirely <input type="checkbox"/> Deleted and replaced as follows <input type="checkbox"/> Amended as follows <input type="checkbox"/>
Where amendments are sought, provide details below of what changes you would like to see

*(continue on separate sheets if necessary)*

15 Erin St.  
Nelson 7010  
Ph. 5482191 cell 022 657 4393  
20/9/2013

RECEIVED  
25 SEP 2013  
NELSON CITY COUNCIL  
Records

NCC  
PO box 645 Nelson 7040  
Attention Reuben Peterson.

Dear Sir,

We would like to respond to two letters recently sent to us from NCC.

Proposed Plan Change 16 - inner city noise:

We are very much in favor of this change, as there are many well documented studies demonstrating the advantages of having residential accommodation in inner city areas. Not only for residents who enjoy the convenience of living close to amenities and work, but also for the safety of people visiting these areas.

These changes will go some way to improving the enjoyment of people who have chosen to live permanently close to the centre and those who are staying for a short time.

Personally we cannot see the difference as their needs are the same. We all benefit from a good nights sleep.

Well done NCC.

Charles and Rosemary Shaw.

*Charles Shaw*  
*Rosemary Shaw*

# RMA Submission Form for a publicly notified plan change or variation

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Nelson City Council  
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Nelson 7040

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or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

<b>OFFICE USE</b>	
Submission No:	<b>7</b>
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation 16 INNER CITY NOISE  
(Number) (Name)

to the Nelson RESOURCE MANAGEMENT Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

**Submitter Details**

Full Name			
Organisation	PORT NELSON LIMITED		
Contact Person	THOMAS MARCHANT		
Postal address	PORT NELSON LTD	Business Phone	03 548 2099
	PO BOX 844	Home Phone	
	NELSON 7010	Mobile Phone	
Email	Thomas.Marchant@portnelson.co.nz		

**Council Hearing**

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

If you could gain an advantage in trade competition through this submission please complete the following:

I am  am not  directly affected by an effect of the subject matter of this submission that:

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\_\_\_\_\_  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

25/09/2013  
\_\_\_\_\_  
Date

Proposed Plan Change Provision No or Planning Map No <small>e.g. DO10.1.2.ii</small>	Proposed Plan Change Provision Name
AP19.2.iii	AP19.2 Port Effects Control Overlay

I **support** the above Plan Change section 
                 
 I **support in part** the above Plan Change Section 
                 
 I **oppose** the above Plan Change Section

**Reasons:**

Port Nelson supports the ventilation requirements of the Port Effects Control Overlay be changed to allow for a more cost effective and practicable option to be used, whilst still achieving the acoustic standard required. Port Nelson supports retaining the proposed inclusion of clause AP19.2.iii of Appendix 19 of the Nelson Resource Management Plan:

**AP19.2.iii** A single Residential Unit may contain a combination of the ventilation options a) and b) set out above to achieve the most practicable and cost effective approach. As an example it may be best for the principal living room to comply with option b) whilst the other habitable spaces may comply with option a).

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
      Deleted entirely 
      Deleted and replaced as follows 
      Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*(continue on separate sheets if necessary)*

**RMA Submission Form for a publicly notified plan change or variation**



**Nelson City Council**  
te kaunihera o whakatū

**RECEIVED**  
01 OCT 2013

NELSON CITY COUNCIL  
Customer Services

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Nelson City Council  
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Nelson 7040  
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OFFICE USE	
Submission No:	8
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation 16 Inner City Noise  
(Number) (Name)  
to the Nelson Resource Management Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

**Submitter Details**

Full Name	Graeme Mark Downing + Stephanie May Trevana		
Organisation			
Contact Person	G.M. Downing		
Postal address	P O Box 656	Business Phone	548 2157
	Nelson	Home Phone	
		Mobile Phone	
Email	graeme@mmp.co.nz		

**Council Hearing**

- I/we wish to be heard in support of my/our submission  
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

**Notes to person making submission:**

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

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

Date 11/10/13

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I **support** the above Plan Change section 
     
 I **support in part** the above Plan Change Section 
     
 I **oppose** the above Plan Change Section

**Reasons:**

As attached

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
     
 Deleted entirely 
     
 Deleted and replaced as follows 
     
 Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

As attached

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I **support** the above Plan Change section 
     
 I **support in part** the above Plan Change Section 
     
 I **oppose** the above Plan Change Section

**Reasons:**

As attached

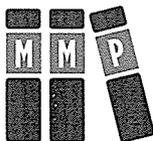
**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
     
 Deleted entirely 
     
 Deleted and replaced as follows 
     
 Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

As attached

*(continue on separate sheets if necessary)*



**McFADDEN McMEEKEN PHILLIPS**

LAWYERS

**RECEIVED**

01 OCT 2013

NELSON CITY COUNCIL  
Customer Service

1 October 2013

Policy and Planning Administrator  
RMA Plan Submissions  
Nelson City Council  
Ground Floor  
Civic House  
110 Trafalgar Street  
**Nelson 7010**

**BY HAND**

**RE: PROPOSED PLAN CHANGE 16 (INNER CITY NOISE): SUBMISSION OF  
G M DOWNING AND S M TREVENA**

We **enclose** Submission.

Yours faithfully  
**McFADDEN McMEEKEN PHILLIPS**

**Graeme Downing**  
Partner

graeme@mmp.co.nz

**RECEIVED**

01 OCT 2013

NELSON CITY COUNCIL  
Customer Service

NOTIFIED PLAN CHANGE 16: INNER CITY NOISE  
NELSON RESOURCE MANAGEMENT PLAN

SUBMISSION – G DOWNING & S TREVENA  
October 2013

1. **Proposed Amendment 1: New Rule ICr43A (acoustic insulation for accommodation in inner city zone):**

We support this proposed amendment.

2. **Proposed Amendment 2: New or extended noise generating activities in inner city zone required to apply for Resource Consent including Noise Management Plan:**

We support the proposed amendment, but with the following amendments:

2.1 “Noise Generating Activity” definition:

- (a) First bullet-point: delete the words *“(from a sound system with greater than 100w output)”*. There should be no qualification as to what creates the noise. The qualification is as to output, as set out in the rule.
- (b) First and second bullet-points: replace *“11.00pm”* and *“1:00am”* respectively with 10:00pm. This is to accord with the definition of night time under the noise rules in the Plan, which is from 10pm each night.

2.2 New Rule ICr42A: Noise Generating Activities:

Permitted Activity ICr42A.1: definition of *“extension”*: add new sub-clause:

*“or*

- (d) *Results in any increase in the hours amplified music is played or any increase in the volume the amplified music is played at”*

2.3 Appendix 13 “Noise Management Plans/Assessment of Unreasonable and Excessive Noise”:

- (a) We support AP13.1 (Noise Generating Activities), but seek the following addition to AP13.1.2 (Minimum Monitoring and Reporting Requirements):

*“and*

- (c) *The provision of a Monitoring Report to the Council at least once a year”.*

- (b) AP13.2 (Assessment of Unreasonable and Excessive Noise): We oppose the addition of AP13.2. What is unreasonable or excessive noise is a matter for the Courts. It is difficult to see how an Appendix in this Plan could have any force or effect.

**3. Proposed Amendment 3 and Proposed Amendment 5: Rule ICr42 (Noise at boundary of noise maker in inner city zone): Deletion of noise at boundary rule and replacement by maximum night time noise level measured at residential unit within inner city zone):**

3.1 We oppose the deletion of ICr42 (Amendment 5). The rule must be retained in its present form, other than updating the noise measures to equivalent 2008 NZS Standards (as per the parallel proposed amendments to rule ICr43).

3.2 A further addition needs to be added to the noise levels in rule ICr42, to deal with base frequencies at night time:

*“63Hz Octave Band:  
70dBL<sub>10</sub>”*

This is in accordance with the recommendation of noise expert Malcolm Hunt in his Report to the Council on these issues in July 2009, and the draft amendment to rule ICr42 proposed by the Council on 6 November 2012. The conclusion of the Hunt Report was that low frequency night time noise from amplified music from the central city, affecting adjacent residential zoned sites, was a noise nuisance. Low frequency sounds penetrate through structures more easily than broadband sounds.

3.3 We oppose the removal of rule ICr42 (Noise at boundary of the noise maker) for a number of reasons. If reliance is left solely to a noise rule at the receiving residential boundary, a problem arises with multiple noise sources causing the noise nuisance. It is easier to identify the noise polluter at source, by measurements pursuant to an objective noise rule. It is standard practice around New Zealand to have a noise rule at own boundary. This is different from a port or airport, where there is only one source of the noise, and where the noise is being monitored on-site as well. Practical difficulties in measuring noise at source from time to time is not a sufficient reason to dispense with that completely. To do so is contrary to the purpose and practice of the RMA. An adverse effect needs to be internalised by the polluter, if at all possible. There is a need for certainty, both for the licensed premises, and for residents potentially affected.

Reverting to the default provisions of *“unreasonable”* noise or *“excessive noise”* would create uncertainty, making enforcement difficult, and result in litigation to determine what is unreasonable or excessive in each case. This would be time consuming and expensive for all concerned. Removal of objective noise level standards would send the wrong message to the operators of licensed premises.

Retention of only an Lmax rule would send the wrong message to operators of licensed premises, i.e. that they could make continuous noise up to that Lmax level.

3.4 New Proposed Rule ICr42B:

We oppose the introduction of this new rule. It is not necessary. The Council has the right under the RMA to use the *“unreasonable noise”* and *“excessive noise”* provisions under section 16 and section 327 RMA. At best the proposed new rule is superfluous (as it adds nothing to what is already legally required). At worst, it is unenforceable and possibly invalid.

**4. Proposed Amendment 4: Retain existing rule ICr43 (Noise at residential zone site)**

4.1 We support the retention of rule ICr43, and the proposed amendments to that rule (which update the noise standards to the 2008 NZS Standards).

4.2 But we seek a further addition to the rule: A night time low frequency noise limit should be added.

We seek this amendment for the same reasons we sought a low frequency noise limit in rule ICr42.

**5. Proposed Policy Changes Resulting:**

We support the amendments proposed to Policy IC5.1.

6. We wish to be heard in support of our Submission.

7. The decision we seek from Council is to:

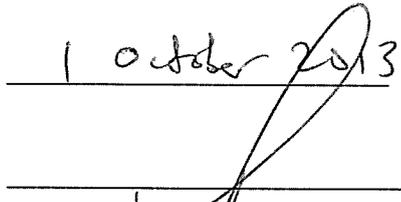
(a) Retain the parts of the proposed Plan Change we support, as above;

(b) Make the deletions and amendments to the proposed Plan Change we set out above.

Dated:

1 October 2013

Signed:

  
\_\_\_\_\_  
G Downing & S Trevena

17 Riverside Drive

Nelson 7010

PO Box 656

Nelson 7040

Email: [Graeme@mmp.co.nz](mailto:Graeme@mmp.co.nz)

**From:** [Gayle Brown](#)  
**To:** [Gayle Brown](#)  
**Subject:** FW: Submission on Proposed Plan Change 16  
**Date:** Thursday, 3 October 2013 3:10:25 p.m.

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**From:** Web Maintenance Shared Mailbox  
**Sent:** Thursday, October 03, 2013 10:34:39 AM  
**To:** Submissions  
**Subject:** Submission on Proposed Plan Change 16  
**Auto forwarded by a Rule**

## Submission on Proposed Plan Change 16

**Full Name**

michelle mclean

**Organisation (if applicable)**

**Contact person**

**Postal Address**

6 harper st  
nelson  
7010

**Business phone**

**Home phone**

546 8485

**Mobile phone**

**Email address**

[iammichellemclean@gmail.com](mailto:iammichellemclean@gmail.com)

**I/We wish to be heard in support of my/our submission**

No

**I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at hearings**

Yes

**EditableLiteralField1934**

**I could gain an advantage in trade competition through this submission**

No

**If you could gain an advantage in trade competition through this submission please indicate if you are/are not directly affected by an effect of the subject matter of this submission that: (a) adversely affects the environment; and (b) does not relate to Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

I would like inner city noise to be prevented from intruding into residential areas,

after 9pm at the latest during the week.

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**Would you like to make a submission on other points?**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**Proposed Plan Change Provision No or Planning Map No e.g. DO10.1.2.ii**

**Proposed Plan Change Provision Name**

**Do you support the above Plan Change section**

**Reasons**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

**Where amendments are sought, provide details below of what changes you would like to see**

**EditableLiteralField1964**

**Do you wish to add any other comments?**

**Do you wish to include a document that supports your submission?**

# RMA Submission Form for a publicly notified plan change or variation



Return your submission by the advertised closing date to:  
 Policy and Planning Administrator  
 RMA Plan Submissions  
 Nelson City Council  
 PO Box 645  
 Nelson 7040  
 (Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010 or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

OFFICE USE	
Submission No:	10
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation PC16 Inner City Noise  
(Number) (Name)

to the Nelson Resource Management Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

### Submitter Details

Full Name	McDonalds Restaurants (NZ) Ltd		
Organisation	McDonalds Restaurants (NZ) Ltd		
Contact Person	Kay Panther Knight (c/o Barker & Associates)		
Postal address	PO Box 1186	Business Phone	
	Shortland Street	Home Phone	
	Auckland	Mobile Phone	0295024550
Email	kaypk@barker.co.nz		

### Council Hearing

- I/we wish to be heard in support of my/our submission
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

### Notes to person making submission:

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

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

If you could gain an advantage in trade competition through this submission please complete the following:

I am  am not  directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

pp. M Kennedy  
 Signature of Submitter  
 (or person authorised to sign on behalf of submitter)

4/10/13  
 Date

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I **support** the above Plan Change section 
     
 I **support in part** the above Plan Change Section 
     
 I **oppose** the above Plan Change Section

**Reasons:**

See attached submission

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
     
 Deleted entirely 
     
 Deleted and replaced as follows 
     
 Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

See attached submission

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I **support** the above Plan Change section 
     
 I **support in part** the above Plan Change Section 
     
 I **oppose** the above Plan Change Section

**Reasons:**

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
     
 Deleted entirely 
     
 Deleted and replaced as follows 
     
 Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*(continue on separate sheets if necessary)*

# Submission #10

Barker & Associates

Address: Level 4  
Old South British Building  
3-13 Shortland Street

Environmental  
& Urban Planning

Post: PO Box 1986  
Shortland Street, Auckland 1140

T +64 9 375 0900

F +64 9 375 0901

E admin@barker.co.nz

W www.barker.co.nz

4 October 2013

Nelson City Council  
PO Box 645  
NELSON 7040  
Attention: Policy & Planning Administrator

Dear Sir/Madam

## Submission to Proposed Plan Change 16: Inner City Noise

On behalf of our client McDonald's Restaurants (New Zealand) Ltd, please find attached a submission to Proposed Plan Change 16: Inner City Noise.

A soft copy of this submission was emailed to Council today (4 October 2013).

If you require any further information, please do not hesitate to contact me.

Yours faithfully

**Barker & Associates Ltd**



**Kay Panther Knight**  
Senior Planner  
PH: 029 502 4550

# B&A

**SUBMISSION TO NELSON CITY COUNCIL'S  
PROPOSED PLAN CHANGE 16**

**Clause 5 of First Schedule, Resource Management Act 1991**

**To:** Nelson City Council  
Private Bag 645  
Nelson 7040

**Submission on:** Plan Change 16 to the Nelson City Resource Management Plan

1. **McDonalds Restaurants (NZ) Limited (McDonalds)**, c/o Barker & Associates Limited at the address for service set out below, makes this submission as follows.
2. **McDonalds** operates many family restaurants throughout New Zealand and specifically, within the Nelson City area, it operates a restaurant at the corner of Rutherford St and Selwyn Pl, within the Inner City Centre. This property is affected by Plan Change 16 (PC16) in that it seeks to alter the way in which noise is managed from certain activities within the Inner City.
3. **The specific provisions of the proposed plan change that the submission relates to are as follows:**

Without limiting the generality of this submission, the following particular provisions are opposed as set out below.

- "Amendment 2" of the plan change, which seeks to establish a discretionary activity status for the "establishment or extension of a 'noise generating activity'" in the Inner City zone, along with a new definition of a 'noise generating activity'.
4. **The submission is that:**
    - The provisions of the plan change appear to relate specifically to commercial activities operating between 11.00pm and 7.00am Monday to Thursday and 1.00am and 7.00am Friday, Saturday and Christmas Eve and New Year's Eve, where amplified music is played, and with the possibility of people gathering indoors and outdoors.
    - While, strictly speaking, the McDonalds activity falls within this category, it is clear that the intention of the plan change is to manage activities, such as bars and nightclubs, rather than family restaurants like McDonalds.
    - In particular, McDonalds does not play amplified music in its small outdoor area, which is also not used after regular business hours. Further, its overall function as a restaurant lends itself to a quieter, dining-focused activity rather than the loud, busy social gatherings anticipated by the plan change.

- It is also noted that the McDonalds activity was the subject of scrutiny regarding its noise-generating capabilities (via a certificate of compliance), when it was confirmed that the relevant noise standards would be met.
- In addition, it is considered that the proposed noise generating activity definition appears to mirror the provisions set out in existing rule ICr.46 Closing Time, which clarifies that activities within 50m of residentially zoned land may not operate outside the hours listed above. This rule applies to the existing McDonalds activity, but only in respect of the outdoor area. Any use of the outdoor area outside these hours would already require a discretionary activity consent.
- To this end, it would appear that McDonalds is already covered by existing provisions and the proposed plan change simply complicates the current rules, as well as adding additional information requirements that would otherwise not be needed (specifically, a noise management plan).
- It is considered that the need to undertake more stringent noise management or monitoring of this site is unwarranted, provided it can continue to comply with the relevant Inner City zone noise standards (which themselves are proposed to be clarified under the plan change (Amendments 3 and 4)).
- A particular concern relates to the following scenario: McDonalds seeks to undertake additions and alterations to the existing activity (an activity otherwise permitted by the Resource Management Plan), which trigger the 10% threshold identified in the definition of a noise-generating activity, albeit with no change to the outdoor area or the provisions of its use as specified in the existing certificate of compliance for the activity, including hours of operation and the fact that no amplified music is played in the outdoor area. The activity can comply with the relevant noise controls as listed in the Resource Management Plan. Regardless, consent for a discretionary activity is required, along with the provision of a Noise Management Plan in accordance with proposed Appendix 13.1.
- McDonalds considers this is an inflexible approach to the future development and maintenance of its existing restaurant and the plan change has not adequately recognised the different use of the site (as compared to bars and nightclubs which may cause nuisance associated with noise), nor its location away from any noise sensitive receptors.
- For these reasons, McDonalds opposes the plan change as it relates to the inclusion, accidental or otherwise, of its family restaurant operation in the definition of a noise generating activity, and its subsequent discretionary activity status.

**5. The following relief is sought from the local authority:**

- Confirm that the plan change does not relate to activities such as McDonalds' family restaurant, particularly as regards alterations to the existing activity at Rutherford St purely as a result of its existing outdoor area, through the following clarification to proposed rule ICr.42A.1:

Within the table, insert the following exclusion "*Subpoint (a) above does not*

*apply to internal (unlicensed) restaurant or dining space that would otherwise not fall to be considered a noise generating activity.”*

6. **McDonald's Restaurants (NZ) Ltd wish to be heard in support of this submission.**
7. **McDonald's Restaurants (NZ) Ltd would consider presenting a joint case with any other party seeking similar relief.**

**DATED** at Auckland this        **4th**        day of        **October**        **2013**

**McDonalds Restaurants (NZ) Limited**



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By their duly authorised agents

Barker & Associates Limited  
PO Box 1986  
Shortland Street  
AUCKLAND 1140

Attention: Matt Norwell / Kay Panther Knight

**SUBMISSIONS ON A PUBLICLY NOTIFIED PROPOSED PLAN CHANGE UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To the Nelson City Council

**This is a Submission by:** Nelson-Marlborough District Health Board Public Health Service

**On:** Proposed Plan Change 16 to the Nelson Resource Management Plan

<p>For council use Submission No.</p>  <p>Date received stamp</p> <p>RAD No:</p>
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1. The specific provisions of the proposal our Submission relates to are shown in the attached schedule together with a statement whether we support or oppose the specific provision or wish it to be amended.
2. The decision we seek from the Council is set out in the attached schedule together with reasons. Where we provide new words to be inserted into the proposal or seek amendments to the wording of specific parts of the proposal, we assert that the scope of our Submissions is intended to also cover words to the like effect in the specific section or in any other plan section which might be consequentially added or amended.
3. This submitter could not gain an advantage in trade competition and is not a trade competitor for the purposes of Part 11A of the Act.
4. The broad reason for these submissions is to provide helpful, objective and independent input so as to promote the reduction of adverse effects on the health of people and communities pursuant to the New Zealand Public Health and Disability Act 2000 and the Health Act 1956. The Nelson-Marlborough District Health Board Public Health Service has statutory obligations for public health within Nelson City under Crown funding agreements between the Ministry of Health and the Nelson-Marlborough District Health Board. The Ministry of Health requires Public Health Services to reduce any potential health risks by means including Submissions on any Proposed Plan to ensure matters of public health significance are considered by the Council. Proposed Plan Change 16 to the Nelson Resource Management Plan includes matters with the potential to impact on the health of people and communities.

**General submission**

5. In relation to the plan as a whole, this submitter supports the Proposed Plan Change 16 in general insofar as it incorporates amendments to rules to avoid, mitigate and reduce adverse effects of noise on environmental health, and to promote the health of the people and communities in the District in a sustainable manner. The provisions of the Proposed Plan may not be the only options to achieve its objectives.

**Specific submission**

6. Submissions on specific plan provisions are shown below under the heading “Specific Submissions on Proposed Plan Change 16 to the Nelson Resource Management Plan” attached.
7. This submitter will wish to be heard in support of its submissions and will not consider presenting a joint case with any other submitter.

Dated at Nelson this 4th day of October 2013

**GE Cameron**

For and on behalf of Nelson-Marlborough District Health Board Public Health Service

**Address for service:**

Nelson-Marlborough District Health Board  
Public Health Service  
PO Box 647  
Nelson 7040

Attention: GE Cameron

Email [Geoff.Cameron@nmhs.govt.nz](mailto:Geoff.Cameron@nmhs.govt.nz)

Phone (03) 546 1537

Fax (03) 546 1542

## Specific submissions on Proposed Plan Change 16 to the Nelson Resource Management Plan Submission #1

<b>The specific provision is:</b>	<b>Amendment 1, new rule ICr.43A.1 Permitted column</b>
<p><b>Our Submission is:</b> The proposed new rule ICr.43A is supported and should be allowed but with a consequential addition to definitions chapter</p> <p><b>For the following reasons.</b> Noise limits and control of land use status are necessary in the Inner City Zone to allow attainment of Objectives for the zone while avoiding and mitigating unreasonable noise in adjoining noise –sensitive zones, and between premises used for short-term accommodation within the Zone. The standardised level</p>	
<p><b>The decision required is :</b> Allow the provision. <b>And consequentially add</b> to Chapter 2 definitions, a definition for the acoustical descriptor “<math>D_{2m,nT}+C_{tr}</math>,” which is undefined in the Proposed Plan, or the Operative Plan or NZS6801:2008 or NZS6802:2008 and will otherwise be incomprehensible to readers of the Plan.</p> <p>See submission #8 below for details of the preferred definition (which has been discussed with Keith Ballagh of Marshall Day Acoustics.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #2

<b>The specific provision is:</b>	<b>Amendment 1 new rule ICr.43A.4 Assessment criteria</b>
<p><b>Our Submission is:</b> The proposal is supported in part but with amendment:</p> <p><b>For the following reasons.</b> Criteria omit two factors which are important potential mitigation measures. Balconies can compromise standards. Barriers may in some cases be more cost effective than acoustical treatments of the building envelope. The term “duration of exposure” is incorrect and contrary to usage of terms in the measurement and assessment standards cited in the Proposed Plan Change.</p>	
<p><b>The decision required is :</b> Allow the provision in part and amend as follows: Add new items “e) The effectiveness of any noise barriers” and “d) Any balconies” and, In b) Delete the words “of exposure”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #3

<b>The specific provision is:</b>	<b>Amendment 1, new rule ICr.43A.4 Explanation</b>
<p><b>Our Submission is:</b>                  The proposal is supported and should be allowed :  <b>For the following reasons.</b> Explanation complements the assessment criteria.</p>	
<p><b>The decision required is :</b> Allow the provision.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #4

<b>The specific provision is:</b>	<b>Amendment 1, Amendments to Appendix 19, AP19.2 Port Effects Control Overlay) clauses AP19.2.i and AP19.2.ii</b>
<p><b>Our Submission is: The proposal is</b> supported in part but with amendment:                  For the following reasons. Bullet points create uncertain reference                  In six places, incorrect abbreviation is used which is inconsistent with the standards cited and other places in this Proposed Plan Change.                  In 19.2.i last sentence the term “design noise level” is used and is undefined and potentially confusing and is inconsistent with the standards cited.                  In 19.2.ii b) last sentence the term “noise levels” is inconsistent with the terminology used in the standards cited.</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision in part and amend as follows:                  Replace bullet points with numeration                  In six places delete the terms “dBA L<sub>eq(15min)</sub>” and substitute “dB L<sub>Aeq(15min)</sub>”                  Replace “design noise level” with “design sound level”                  In 19.2.ii b) last sentence delete the word “levels”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #5

<b>The specific provision is:</b>	<b>Amendment 1, AP19.3 Inner City Zone AP19.3.i</b>
<p><b>Our Submission is:</b></p> <p>The proposal is supported in part but with amendment:</p> <p><b>For the following reasons.</b> Certification to codified standard or specific design is a sustainable approach. ‘Acoustic Insulations of Buildings’ is the wrong title</p> <p>In 19.3.i last sentence the term “design noise level” is used and is undefined and potentially confusing and is inconsistent with the standards cited.</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision in part and amend as follows: .</p> <p>In the second line replace “Insulations” with “Insulation”</p> <p>Replace “design noise level” with “design sound level”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #6

<b>The specific provision is:</b>	<b>Amendment 1 AP19.3 Inner City Zone AP19.3.ii</b>
<p><b>Our Submission is:</b></p> <p>The proposal is supported in part but with amendment:</p> <p><b>For the following reasons.</b> Requirement for concurrent noise and ventilation compliance is essential to achieve Plan Objectives where indoor design sound level cannot be achieved with ventilating windows and openings open.</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision in part and amend as follows:</p> <p>In sub-clauses a) and b) in two places delete the terms “dBA <math>L_{eq(15min)}</math>” and substitute “dB <math>L_{Aeq(15min)}</math>”</p> <p>Replace “design noise level” with “design sound level”</p> <p>In 19.3.ii a) and In 19.3.ii b) in the last sentence of each sub-clause, replace “noise levels” with “sound levels”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

**Submission #7**

<b>The specific provision is:</b>	<b>Amendment 1, AP19.3 Inner City Zone AP19.3.iv and table 3 and notes</b>
<p><b>Our Submission is:</b> The proposal is supported and should be allowed : <b>For the following reasons.</b> Methods consistent with what has been shown to work and achieve sustainable management in other city centres.</p>	
<p><b>The decision required is :</b> Allow the provision.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

**Submission #8**

<b>The specific provision is:</b>	<b>Amendment 2, Include a new definition in Chapter Two</b>
<p><b>Our Submission is:</b> The proposal is supported and should be allowed : <b>For the following reasons.</b> Specific meaning requires a definition. Definition is supported. Make necessary consequential amendments to Chapter 2 to give effect to other submissions by this submitter.</p>	
<p><b>The decision required is :</b> Allow the provision.</p> <p><b>And consequentially as submitted in submission #17 below</b> replace Chapter 2 definition for term “Lmax “ with “Lmax includes LAFmax and is the maximum A-frequency weighted, F-time-weighted sound pressure level during a time period as defined in NZS6801:2008.”</p> <p><b>Add new definition (as submitted in submission 1 above)</b> “ D<sub>2m,nT+Ctr</sub>, <b>{enlarged for clarity}</b> is a standardised single number in decibels as a measure of facade performance. It is the difference between the outdoor sound level measured 2 metres from the facade (including the effects of reflection from the facade) and the spatial average sound level inside the receiving room. It includes a spectrum adaptation term to take into account lower frequency sound. See ISO 140-5 (1998) Acoustics — Measurement of sound insulation in buildings and of building elements —Part 5:Field measurements of airborne sound insulation of façade elements and façades. The single number is evaluated according to the method given in ISO 717-1:2013 Acoustics - Rating of sound insulation in buildings and of building elements - Part 1: Airborne sound insulation”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #9

<b>The specific provision is:</b>	<b>Amendment 2, new rule, ICr.42A Noise Generating Activities assessment criteria and explanation to Inner City Zone (City Centre and City Fringe areas)Assessment criteria and explanation</b>
<b>Our Submission is:</b> The proposal is supported and should be allowed : <b>For the following reasons.</b> This is a practical method to address potential increase in noise from new activities, including use of management plans.	
<b>The decision required is :</b> Allow the provision. Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.	

## Submission #10

<b>The specific provision is:</b>	<b>Amendment 2, New Appendix 13 AP13 Overview</b>
<b>Our Submission is:</b> The proposal is supported and should be allowed : <b>For the following reasons.</b> Reasonable and necessary provision	
<b>The decision required is :</b> Allow the provision.  Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.	

## Submission #11

<b>The specific provision is:</b>	<b>Amendment 2, New Appendix 13 AP13.1</b>
<b>Our Submission is:</b> The proposal is supported in part but with amendment: <b>For the following reasons.</b> Support the general tenor but with amendments necessary to correct terminology inconsistent with standards cited and usage elsewhere in Proposed Plan Change and add mitigation measures omitted which should be included. The term “maximum noise output” potentially problematic.	
<b>The decision required is :</b> Allow the provision in part and amend as follows: a) Replace “design noise level” with “design sound level” b) After “acoustic insulation” add, “or noise barrier” b) Replace “ noise levels and meet the design noise level” with “noise and comply with the design sound level” g) Replace “govern the maximum noise output” with “limit sound emissions”.  Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.	

**Submission #12**

<b>The specific provision is:</b>	<b>Amendment 2, New Appendix 13 AP13.2 Minimum Monitoring and Reporting Requirements</b>
<p><b>Our Submission is:</b> The proposal is supported and should be allowed :</p> <p><b>For the following reasons.</b> Practical requirement demonstrating the operator’s recognition of best practicable option obligations under s.16 of the Resource Management Act 1991.</p>	
<p><b>The decision required is :</b> Allow the provision.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

**Submission #13**

<b>The specific provision is:</b>	<b>Amendment 2, New Appendix 13 AP13.1.3 Measurement of Noise</b>
<p><b>Our Submission is:</b> The proposal is supported in part but with amendment:</p> <p><b>For the following reasons.</b> NZS6802 deals with assessment, not measurement. Omission creates legal uncertainty.</p>	
<p><b>The decision required is :</b> Allow the provision in part and amend as follows:</p> <p>A. Amend title to “Measurement and assessment of Noise B. After the word “and” insert “assessed in accordance with”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

**Submission #14**

<b>The specific provision is:</b>	<b>Amendment 2, AP13.2 Assessment of unreasonable and excessive noise AP13.2.1,</b>
<p><b>Our Submission is:</b> The proposal is supported in part but with amendment:</p> <p><b>For the following reasons.</b> Reference to s.327(1) is <i>ultra vires</i> the Act. Council as an entity has no power to form an opinion for that statutory purpose as the power is solely vested in a constable or enforcement officer. Further, if s.327 was included, the proposed provision seeks to extend or modify the specific meaning given to “excessive noise” in s.326 of the Act. Otherwise, criteria are supported.</p>	

<p><b>The decision required is :</b></p> <p>Allow the provision in part and amend as follows:  Delete “or in forming an opinion under 327(1)”  Delete the last two words in sub-clause AP13.2.1.i i.e. “or excessive”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>
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**Submission #15**

<p><b>The specific provision is:</b></p>	<p><b>Amendment 2, AP13.2 Assessment of unreasonable and excessive noise</b></p> <p><b>AP13.2.1.ii</b></p>
<p><b>Our Submission is:</b></p> <p>The proposal is supported in part but with amendment:  <b>For the following reasons.</b>  Other assessment matters are sensible but terminology needs correction to conform with terminology used in the standards cited. Words “to determine actual noise level” are superfluous</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision in part and amend as follows:  In b) Replace “noise level” with “sound level  And, further In b) Replace “noise meter to determine actual noise level.” with “sound level meter.”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

**Submission #16**

<p><b>The specific provision is:</b></p>	<p><b>Amendment 2 AP13.2.2 Construction Noise</b></p>
<p><b>Our Submission is:</b></p> <p>The proposal is supported and should be allowed :  <b>For the following reasons.</b> Construction noise cannot be assessed using NZS6802:2008 and provides a sustainable way to manage transient construction noise activity whether of long or short duration.</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

**Submission #17**

<b>The specific provision is:</b>	<b>Amendment 3 new rule, Assessment Criteria and Explanation to Inner City Zone ICr.42 Maximum Night Time Noise and ICr.42.1</b>
<p><b>Our Submission is:</b></p> <p>The proposal is supported in part but with amendment:</p> <p><b>For the following reasons.</b> Maximum sound level limits are designed for protection against sleep disturbance and are necessary to protect the health of people and communities. The definition of the term however is found in Chapter 2 and relies on the superseded standard NZS6801:1991 contrary to the obvious intent of this new rule which specifies NZS6801:2008. The Chapter 2 definition includes time qualifiers which are inconsistent with this Proposed Plan Change time frames. These can be deleted from the definition with no loss of meaning.</p> <p>The use of the word “maximum” in this proposed new rule can be confusing when read with the rest of the plan. The numerical level of 75 dB is supported as consistent with the recommendations found in NZS6802:2008 , however it should be noted the equivalent free field value would be 73 dB and if the intention was to set 75 dB as the numerical limit, it should be 77 dB if it is to be assessed 1m from the façade or side of a building.</p> <p>The word “façade” has connotations of frontage as noted by the Environment Court and should not be used where “any side” of a building could be the assessment location.</p> <p>The term “noise measured” is problematic as it does not allow for assessment and would exclude consideration of extraneous noise source contamination of an <math>L_{AFmax}</math> measurement as required by NZS6802:2008.</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision in part and amend as follows:</p> <p>Amend heading to “Night time noise limits”</p> <p>Replace “noise measured” with “The sound level assessed”</p> <p>Replace “facade” with “side”</p> <p>Replace “maximum noise levels” with “noise limit”</p> <p>Consequentially replace Chapter 2 definition for <math>L_{max}</math> with</p> <p>“<math>L_{max}</math> includes <math>L_{AFmax}</math> and is the maximum A-frequency weighted, F-time-weighted sound pressure level during a time period, and is defined in NZS6801:2008.”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #18

<b>The specific provision is:</b>	<b>Amendment 3, new rule, assessment criteria and explanation to Inner City Zone ICr.42.4 Assessment criteria and ICr. 42.5 Explanation</b>
<p><b>Our Submission is:</b> The proposal is supported and should be allowed : <b>For the following reasons.</b> Assessment criteria and explanation are necessary criteria.</p>	
<p><b>The decision required is :</b> Allow the provision.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #19

<b>The specific provision is:</b>	<b>Amendment 3, new rule, assessment criteria and explanation to Inner City Zone ICr.42.4 Amendments to contents page of Inner City Zone rule tables</b>
<p><b>Our Submission is:</b> The proposal is supported in part but with amendment: <b>For the following reasons.</b> The Heading is misleading See Submission 17 above</p>	
<p><b>The decision required is :</b> Allow the provision in part and amend as follows: Amend heading in contents page to “Night time noise limits”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #20

<b>The specific provision is:</b>	<b>Amendment 4 Amend rule ICr.43 Noise at residential boundary and associated assessment criteria and explanation in the Inner City Zone (City Centre and City Fringe areas) ICr.43</b>
<p><b>Our Submission is:</b> The proposal is supported in part but with amendment: <b>For the following reasons.</b> Being mindful of the need to be “on” the Proposed Plan Change, this submitter supports general tenor and numerical limits, and the 2008 editions of NZS 6801 and NZS6802, but with necessary amendments to terminology used in provision for consistency with standards cited and usage elsewhere in this Proposed Plan Change.</p>	

**The decision required is :**

Allow the provision in part and amend as follows: .

Replace two occurrences of  $L_{Aeq}$  with  $L_{Aeq(15min)}$

Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.

**Submission #21**

**The specific provision is:**

**Amendment 4, Amend rule ICr.43 Noise at residential boundary and associated assessment criteria and explanation in the Inner City Zone (City Centre and City Fringe areas) ICr.43.4 & .5 Assessment Criteria and explanation**

**Our Submission is:**

The proposal is supported in part but with amendment:

**For the following reasons.**

Reasonable and necessary provisions but need an amendment to terminology “ambient noise levels “ for consistency with standards cited. Ambient sound has important implications for assessment methods and is a defined term in NZS 6802:2008. “Ambient noise level is” an undefined term and its use may create legal uncertainty.

**The decision required is :**

Allow the provision in part and amend as follows: .

Replace “ambient noise levels “ with “ambient sound level”

Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.

## Submission #22

<b>The specific provision is:</b>	<b>Amendment 5 new rule, assessment criteria and explanation to Inner City Zone (City Centre and City Fringe areas) ICr.42B General Noise Emission and ICr.42B.5</b>
<p><b>Our Submission is:</b></p> <p>The proposal is opposed and should be disallowed :</p> <p><b>For the following reasons.</b> This rule is <i>ultra vires</i> the Act, in both sections cited. If interpreted conjunctively, they cannot be enforced as a breach of the proposed rule. Sub-clause b) cannot be enforced on its own as a breach of a plan rule as s.327 makes express statutory provision for how it is to be enforced and this does not include any obligation except, when a noise direction is issued, those obligations under s.328 of the Act</p> <p>The part of the explanation referring to matters generally to be taken into account in connection with reference to excessive noise is also <i>ultra vires</i> the Act for reasons previously explained .</p> <p>The first sentence of the explanation is misleading for the reason already given.</p> <p>The second sentence of the explanation implies incorrectly that s.16 can be taken into account when forming an opinion for the purposes of s.327 of the Act about excessive noise. Section 326 of the Act does include consideration of the same factors as s.16 including for example, the duty to adopt the “best practicable option.”</p> <p>It would be unlawful for an opinion under s.327 to be based on consideration of s.16.</p> <p>Nothing is lost from the Plan by complete removal of this proposed new rule.</p> <p>To the extent the gist of the part labelled “explanation” might have merit apart from the <i>ultra vires</i> parts, it could in an amended form be added to another part of the Plan omitting the <i>ultra vires</i> references.</p>	
<p><b>The decision required is :</b></p> <p>Disallow the provision. in its entirety.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #23

<b>The specific provision is:</b>	<b>Amendment 6 ,Amendments and a new method to Inner City Zone Policy IC4.2 Adverse effects policy IC4.2.ii and IC4.2.iv</b>
<p><b>Our Submission is:</b></p> <p>The proposal is supported and should be allowed :</p> <p><b>For the following reasons.</b></p> <p>Amendment is important recognition of the nature of fringe areas and new noise makers must comply with rules.</p>	
<p><b>The decision required is :</b></p> <p>Allow the provision.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #24

<b>The specific provision is:</b>	<b>Amendment 6 Amendments and a new method to Inner City Zone Policy IC4.2 Adverse effects policy IC4.2.Method IC4.2.v</b>
<p><b>Our Submission is:</b>                  The proposal is supported in part but with amendment:  <b>For the following reasons.</b> Part supported excluding reference to Plan Guidance in relation to excessive noise which is <i>ultra vires</i> both s.326 and 327 of the Act for reasons explained above. Also s.16 is not an enforcement provision. Enforcement provisions are found in Part 12 of the Act.</p>	
<p><b>The decision required is :</b>                  Allow the provision in part and amend as follows: .  <b>IC4.2.v</b> Use of sections 316, 320 and 322 of the Resource Management Act 1991, for enforcement of unreasonable noise, and section 327 of the Act to control excessive noise.</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #25

<b>The specific provision is:</b>	<b>Amendment 6 Amendments and a new method to Inner City Zone Policy IC4.2 Adverse effects policy IC4.3 Residential amenity IC4.3.i IC4.3.iv</b>
<p><b>Our Submission is:</b>                  The proposal is supported in part but with amendment:  <b>For the following reasons.</b>                  Amendments and additions are reasonable and necessary for implementation of policy , consistent with objectives for zones. However the word “or” in IC4.3.v is problematic as management practices are not an alternative to compliance with rules for the pollutants listed.</p>	
<p><b>The decision required is :</b>                  Allow the provision in part and amend as follows:                  Amend IC4.3.v by replacing “or “ with “and”                  Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

## Submission #26

<b>The specific provision is:</b>	<b>Amendment 6 Amendments and a new method to Inner City Zone Policy IC4.2 Adverse effects policy IC5.1 amenity of neighbouring areas IC5.1.ii</b>
<p><b>Our Submission is:</b>                  The proposal is supported in part but with amendment:  <b>For the following reasons.</b>                  For the following reasons. Amendments and additions are reasonable and necessary for implementation of policy , consistent with objectives for zones. However the word “or” in IC5.1ii is problematic as management practices are not an alternative to compliance with rules for the pollutants listed.</p>	
<p><b>The decision required is :</b>                  Allow the provision in part and amend as follows:                  Amend IC5.1.ii by replacing “or “ with “and”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect or, consolidation or expansion of like provisions elsewhere in the plan to include this proposed section, or consequential amendments to this proposed section or its location, as a result of decisions affecting other parts of the Proposed Plan Change.</p>	

End of submission



## **Submission on Proposed Plan Change 16 Inner City Noise**

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Hospitality New Zealand is a voluntary trade association representing approximately 2,400 hospitality businesses throughout New Zealand. These include restaurants, café bars, taverns, country hotels, motor inns, off-licensed premises and short and long term large and small accommodation providers.

We have 110 venues in the Nelson branch and this submission is made on behalf of our Inner City Nelson licensee members.

We appreciate the opportunity make a submission on the Plan Change 16 and we would like to speak to our submission.

### Contact details:

Jeanette Swift – Regional Manager

Ron Taylor – Nelson Branch President

[Jeanette.swift@hospitalitynz.org.nz](mailto:Jeanette.swift@hospitalitynz.org.nz)

PO Box 3263, Richmond, Nelson

Tel – 0274 305 074

## **Introduction and Overall Comments**

The Nelson Branch of Hospitality New Zealand is broadly supportive of the proposed Plan Changes.

Hospitality New Zealand further considers that the District Plan with regards to noise control and management should reflect the principle of harmonious enjoyment of properties alongside the community, land users and their permitted activities.

Hospitality New Zealand further considers that there are a range of initiatives to address noise issues and we are pleased that the Plan Change recognises this.

Whilst noise is a very contentious issue for the hospitality industry all licensees and managers generally understand their responsibilities and further the new Sale and Supply of Alcohol Act places further controls on noise issues from licensed premises as well as provides that the management of noise is an important management activity.

With these comments in mind we make the following selected comments on the proposed Plan Change.

### **Amendment One**

We support the introduction of permitted activity requirements to be acoustically insulated to reduce noise entering these sleeping areas for new bedrooms in residential units, or new rooms intended to be used for sleeping in Short Term Living Accommodation units (hotels, motels etc) in the Inner City Zone.

We consider that this will provide residents in such accommodation with a better and more pleasant experience without any adverse effects on wider community activities. This amendment further recognises that there will be many contributors to noise in CBD areas and that bar and restaurant venues may only be one contributor. We further consider that this measure should alleviate or reduce adverse noise impacts and enable the CBD to achieve the level of vibrancy appropriate for its diverse community.

### **Amendment Two**

We don't support this amendment as we further consider that the new Sale and Supply of Alcohol Act together with noise control provisions of the Resource Management Act a robust and sufficient way to address noise generating activities without the need to require noise generating activities to apply for a resource consent to allow for consideration of noise issues.

### **Amendment Four**

We support retaining and amend the rule controlling noise at properties in the Residential Zone and see no need for any changes to this measure.

### **Amendment Five**

We broadly support this proposal to use the unreasonable and excessive noise provisions of the Resource Management Act to manage and enforce noise within the Inner City Zone rather than the current noise rule ICr.42.

We acknowledge that assessment by noise control officers to be more appropriate. Our only concern is the subjectivity of this process and that reasonableness of enforcement officers be applied. As a way forward in this respect we consider that Council should develop and implement guidelines for control officers to help with anomalies.

## **Amendment Six**

We fully support non-regulatory approaches including ongoing education and further the branch always supports engagement with council and other stakeholders to discuss and find solutions where issues arise and as an alternative to regulatory approaches.

Thank you for considering the views of the Nelson branch of Hospitality New Zealand and we would like an opportunity to be heard in support of our submission should the opportunity be available.

If the Council would like further information on any aspects of our submission, or if we can assist further, please do not hesitate to contact us.

Yours sincerely

**Jeanette Swift**

**Regional Manager**

**Hospitality New Zealand**

**Ron Taylor**

**Nelson Branch President**

**Hospitality New Zealand**

# RMA Submission Form for a publicly notified plan change or variation

**Return your submission by the advertised closing date to:**  
 Policy and Planning Administrator  
 RMA Plan Submissions  
 Nelson City Council  
 PO Box 645  
 Nelson 7040  
 (Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010 or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

OFFICE USE	
Submission No:	13
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation 16 Inner City Noise  
(Number) (Name)

to the Nelson R.M. Plan Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

### Submitter Details

Full Name	Gailes Noonan		
Organisation			
Contact Person			
Postal address	9 Hathaway Tce	Business Phone	
	Nelson	Home Phone	5482688
		Mobile Phone	0275188812
Email	g.noonan@extra.co.nz		

### Council Hearing

- I/we wish to be heard in support of my/our submission
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

### Notes to person making submission:

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

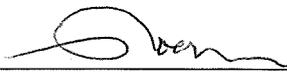
If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could  gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission please complete the following:

I am  am not  directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and  
 (b) does not relate to trade competition or the effects of trade competition

  
 Signature of Submitter  
 (or person authorised to sign on behalf of submitter)

4 Oct 2013  
 Date

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I support the above Plan Change section 
     
 I support in part the above Plan Change Section 
     
 I oppose the above Plan Change Section

**Reasons:**

*See attached letter  
4 Oct 2013*

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
     
 Deleted entirely 
     
 Deleted and replaced as follows 
     
 Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*See attached*

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I support the above Plan Change section 
     
 I support in part the above Plan Change Section 
     
 I oppose the above Plan Change Section

**Reasons:**

*As Above*

**The decision I seek from the Council is that this part of the proposed Plan Change be**

Retained 
     
 Deleted entirely 
     
 Deleted and replaced as follows 
     
 Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*As Above*

*(continue on separate sheets if necessary)*

9 Hathaway Terrace

NELSON

4 October 2013

Policy & Planning Administrator

Nelson City Council

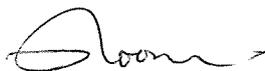
PO Box 645

NELSON

Plan change 16 Submission

1. This plan change needs more work where inner city fringe and inner city zones meet residential. More explanation of this will be provided at the Hearing.
2. In general, if noise is being emitted from the city and/or a bar, café, restaurant etc in a zone affecting either residential or high density zones then more care is required as the number of people affected is much greater. If the Nelson City Council wishes to grow the high density zones (as I understand they do) then they need to be better about creating very high degree of balance in the area of noise. I also believe any property within say 150 metres of any proposed new development emitting noise on a regular basis they should have their properties noise protected i.e. double glazing etc at the cost of the applicant and not the home owner.
3. This new plan change does not seem to take into account existing residential.
4. I don't believe measuring noise from the façade of any residential unit is appropriate as corner sites and outdoor living areas need to be considered.
5. I am not satisfied that this plan change adequately protects residential amenity in residential areas.

Sincerely yours



Gaile Noonan

RECEIVED

04 OCT 2013

NELSON CITY COUNCIL  
Customer Service

RMA Submission Form for a publicly notified plan change or variation

RECEIVED

04 OCT 2013

NELSON CITY COUNCIL  
Customer Service

Return your submission by the advertised closing date to:

Policy and Planning Administrator  
RMA Plan Submissions  
Nelson City Council  
PO Box 645  
Nelson 7040

(Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010 or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

OFFICE USE	
Submission No:	14
Date Received Stamp:	
RAD No:	

on Proposed Plan Change/Variation

16 INNER CITY NOISE  
(Number) (Name)

to the Nelson

RESOURCE MANAGEMENT Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

Submitter Details

Full Name	BARBARA RIDDELL		
Organisation			
Contact Person	B. Riddell		
Postal address	15 RIVERSIDE	Business Phone	
	NELSON	Home Phone	5489057
		Mobile Phone	
Email	briddell15@hotmail.com		

Council Hearing

- I/we wish to be heard in support of my/our submission
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings

Notes to person making submission:

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

If you are a person who could gain an advantage in trade competition through the submission your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

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

If you could gain an advantage in trade competition through this submission please complete the following:

I am  am not  directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

*B. Riddell*

Date

4/10/13

Proposed Plan Change Provision No or Planning Map No e.g. D010.1.2.ii	16	Proposed Plan Change Provision Name	AMMENDMENT 2
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I support the above Plan Change section  I support in part the above Plan Change Section  I oppose the above Plan Change Section

Reasons:  
NOISE TROBBING TO LOUD - DRUMS AS LONG AS THERE IS NO INCREASE TO EXISTING LEVELS

The decision I seek from the Council is that this part of the proposed Plan Change be  
Retained  Deleted entirely  Deleted and replaced as follows  Amended as follows

Where amendments are sought, provide details below of what changes you would like to see  
LEVELS DECREASED

Proposed Plan Change Provision No or Planning Map No e.g. D010.1.2.ii		Proposed Plan Change Provision Name	AMMENDMENT 3
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I support the above Plan Change section  I support in part the above Plan Change Section  I oppose the above Plan Change Section

Reasons:  
LEVELS TOO HIGH - EVEN FOR INNER CITY - DRUMS ARE OVER THE LIMITS ALL THE TIME

The decision I seek from the Council is that this part of the proposed Plan Change be  
Retained  Deleted entirely  Deleted and replaced as follows  Amended as follows

Where amendments are sought, provide details below of what changes you would like to see  
DRUM LIMITS BE ENFORCED  
MUSIC, SINGING, FINE, TROBBING DRUMS OVER THE TSP.

(continue on separate sheets if necessary)

RMA Submission Form for a publicly notified plan change or variation

RECEIVED

09 OCT 2013

NELSON CITY COUNCIL

Return your submission by the advertised closing date to: Records  
Policy and Planning Administrator  
RMA Plan Submissions  
Nelson City Council  
PO Box 645  
Nelson 7040  
(Hand delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010 or Email to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz) with plan change no in subject line)

OFFICE USE	
Submission No:	15
Date Received Stamp:	
LATE SUBMISSION	
RAD No:	

on Proposed Plan Change/Variation 16  
(Number) (Name)  
to the Nelson RMP Plan  
(Insert name of Plan e.g. "Resource Management or Air Quality")

Submitter Details

Full Name	CHRISTOPHER JOHN SHARP		
Organisation	C SHARP FAMILY TRUST		
Contact Person	Chris Sharp		
Postal address	319 Hardy St	Business Phone	
		Home Phone	
	Nelson	Mobile Phone	021 839552
Email	chris@sharp.co.nz		

Council Hearing

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- (a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition

  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

7-10-13  
Date

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name
16	RMP

I support the above Plan Change section

I support in part the above Plan Change Section

I oppose the above Plan Change Section

**Reasons:**

EXCELLENT PROPOSAL TO ENHANCE INNER CITY LIVING. HIGHER DENSITY RESIDENTIAL IS ESSENTIAL IF THE CITY IS TO BECOME A BETTER PLACE TO LIVE.

The decision I seek from the Council is that this part of the proposed Plan Change be

Retained  Deleted entirely  Deleted and replaced as follows  Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

Proposed Plan Change Provision No or Planning Map No <small>e.g. D010.1.2.ii</small>	Proposed Plan Change Provision Name

I support the above Plan Change section

I support in part the above Plan Change Section

I oppose the above Plan Change Section

**Reasons:**

The decision I seek from the Council is that this part of the proposed Plan Change be

Retained  Deleted entirely  Deleted and replaced as follows  Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

*(continue on separate sheets if necessary)*