

JBIL 05 782.

14/6/2017.

Supplementary noise rule for Visitor Accommodation in the WAMU2 (Jeff Brown)

Proposed modifications to the QLDC's Stream 8 right of reply provisions for the Airport Zone, with proposed changes in **blue** (as per J Brown primary evidence) and further changes in **red**.

- (a) At 17.1 (Zone Purpose), add a new paragraph after the last paragraph:

**Development in the area adjacent to State Highway 6 and Mount Barker Road opposite Wanaka Airport will be managed by a structure plan to promote amenity values.**

- (b) At 17.2, add a new policy 17.2.3.4:

**17.2.3.4 On the western side of State Highway 6 and Mount Barker Road opposite Wanaka Airport, promote quality design and amenity outcomes by developing in accordance with a structure plan.**

- (c) At Rule 17.4, Modify Table 1 (Activities located in the Airport Zone):

Table 1 – Activities located in the Airport Zone		Activity Status
17.4.14	Visitor Accommodation <b><u>except as provided for in Rule 17.4.14A below</u></b>	PR
<b><u>17.4.14A</u></b>	<b><u>Visitor Accommodation complying with Rule 17.5.187</u></b>	<b><u>P</u></b>
<b>Wanaka Airport</b>		
17.4.16	Any Airport Activity (excluding Aircraft Operations and Buildings) and Airport Related Activity (excluding Buildings) that complies with the relevant standards in Table 3 <b><u>or Table 4</u></b>	P
<b><u>17.4.30</u></b>	<b><u>Buildings within the Landscape Protection Area in the Structure Plan A area</u></b>	<b><u>PRO</u></b>
...	...	...

- (d) Modify Table 3 (Standards for activities located in the Wanaka Airport Zone):

Table 3 Standards for activities located in the Wanaka Airport Zone		Non-compliance status
17.5.7	Minimum Building Setback <b><u>(except as shown within the Wanaka Airport – Structure Plan A area)</u></b> ...	RD
17.5.8	Maximum Building Height <b><u>(except as shown within the Wanaka Airport – Structure Plan A area)</u></b> ...	RD

- (e) Add a new Table 4 (Standards for activities located in the Wanaka Airport Zone – Structure Plan A area):

<b><u>Table 4: Standards for activities located in the Wanaka Airport Zone – Structure Plan A area</u></b>		<b><u>Non-compliance status</u></b>
<b><u>17.5.13</u></b>	<b><u>Maximum Building Height</u></b>  <b><u>Buildings shall not exceed the building heights as follows:</u></b>	<b><u>NC</u></b>

	<ul style="list-style-type: none"> <li>• <u>A1: 10m</u></li> <li>• <u>A2: 12m</u></li> <li>• <u>A3: 7m</u></li> </ul>	
<u>17.5.14</u>	<p><u>Minimum Building setbacks</u></p> <p>(a) <u>From the road boundary: 5m.</u></p> <p>(b) <u>From the Landscape Protection Area:</u></p> <ul style="list-style-type: none"> <li>• <u>A1: 5m</u></li> <li>• <u>A2: 10m</u></li> <li>• <u>A3: 10m</u></li> </ul> <p>(c) <u>From the south-eastern boundary of LA3: 5m.</u></p>	<u>NC</u>
<u>17.5.15</u>	<p><u>Maximum gross floor area</u></p> <p><u>50% of lot area</u></p>	<u>NC</u>
<u>17.5.16</u>	<p><u>Building design and glare</u></p> <p><u>17.5.16.1 The external materials or all buildings shall be finished in recessive colours in the shades of natural greens, greys, and browns;</u></p> <p><u>17.5.16.2 The exterior of buildings shall be designed so that roof and wall colours are limited to a maximum reflectivity of 36% except where trims, highlights and signage totalling up to 10% of the façade area may exceed this level and be of contrasting colour;</u></p> <p><u>Discretion is restricted to all of the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Effects on the landscape values of the wider area;</u></li> <li>• <u>The purpose of the building and the operational requirements of the activity it contains.</u></li> </ul>	<u>RD</u>
<u>17.5.17</u>	<p><u>Visitor Accommodation</u></p> <p><u>17.5.17.1 Any visitor accommodation shall be located outside the Outer Control Boundary</u></p> <p><u>17.5.17.2 Any visitor accommodation shall be restricted to one operation comprising no more than 30 quest rooms and related activities</u></p> <p><u>17.5.17.3 Any visitor accommodation shall comply with the standards set out in Rule 36.6.2 (Sound Insulation Requirements) and Rule 36.6.3 (Ventilation Requirements).</u></p> <p><u>For clarity, where Rules 36.6.2 and 36.6.3 refer to requirements within the air noise boundary, those</u></p>	<p><u>PRO</u></p> <p><u>NC</u></p> <p><u>NC</u></p>

	<u>requirements shall apply to the outer control boundary for the purpose of this rule.</u>	
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- (f) Add new rule, Rule 17.8, as follows:

**17.8 Wanaka Airport – Structure Plan A**

**[insert Structure Plan A]**

- (g) Modify Chapter 27 – Subdivision as follows by adding a new standard as follows:

**27.8.10 Structure Plan A area at Wanaka Airport**

**27.8.10.1 Amenity planting – Airport Zone – Wanaka Airport Structure Plan A:**

- (a) At the time of the first subdivision to create lots within the Structure Plan A area (Rule 17.8) at Wanaka Airport, the road boundary setback area marked APS on Structure Plan A shall be landscaped for amenity purposes, in accordance with the following:
- Height: up to 10m max height at maturity
  - Density: irregular groupings, non-linear, to enable visual permeability
  - Variety of species: a deciduous / native mix of trees and shrubs
- (b) The above rule shall not apply to any road crossing area.
- (c) Legal mechanisms shall be imposed on the certificates of title to ensure that the planting is successful and is maintained in perpetuity.

- (h) Modify Planning Map 18A by zoning the Structure Plan A land as Airport Zone – Wanaka.



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Key:

Recommend changes to notified chapter are shown in red underlined text for additions and ~~red strike~~ through text for deletions. Appendix 1 to Right of Reply, dated 22 September 2016.

Recommend changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to section 42A report, dated 17 August 2016.

### 36 Noise

#### 36.1 Purpose

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

Comment [RE1]: Non-substantive clarification

Comment [RE2]: Submission 649

Comment [RE3]: Submission 649

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

Comment [RE4]: Submission 649

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

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

Comment [RE5]: Submission 649

Comment [RE6]: Amended to reflect correct section of Civil Aviation Act.

Comment [RE7]: Added for clarity

Comment [RE8]: Added for clarity

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

Comment [RE9]: Deleted for clarity.

Comment [RE10]: Added for clarity

Comment [RE11]: Added for clarity.

#### 36.2 Objectives and Policies

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

Comment [RE12]: Objective rephrased in accordance with the Panel's procedural minute of 8 April 2016.

Comment [RE13]: Reworded for clarity.

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## Policies

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

Comment [RE14]: Reworded for clarity.

Comment [RE15]: Reworded for clarity.

## 36.3 Other Provisions

### 36.3.1 District Wide

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

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

Comment [RE17]: Changes made for consistency with other chapters. Plan guidance only, no change in substance.

Comment [RE16]: Change to reflect incorrect chapter reference.

### 36.3.2 Clarification

- 36.3.2.1 ~~The following tables describe activities, standards and subsequent level of activity for resource consent purposes.~~ Any activity that is not Permitted requires resource consent, ~~and a~~ Any activity that ~~does not specify an activity status for non-compliance is not specifically identified in a level of activity,~~ but breaches a standard, requires resource consent as a Non-complying activity.
- 36.3.2.2 The following abbreviations are used in the tables:

Comment [RE18]: Non-substantive amendment for clarity and efficiency.

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

- 36.3.2.3 Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.
- 36.3.2.4 Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.
- 36.3.2.5 In addition to the above, the noise from the following activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the

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avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.

- 36.3.2.6 Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.
- 36.3.2.7 Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.8 The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.
- 36.3.2.9 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones.
- 36.3.2.10 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

Comment [RE19]: Submission 433

Comment [RE20]: Added for clarity

Comment [RE21]: Amended to reflect the correct zone name.

Comment [RE22]: Added for clarity

### 36.4 Rules - Activities

Table 1 – Activities

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

Comment [RE23]: Submission 433

Comment [RE24]: Submission 635

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	Activity	Activity Status
	<u>or maintenance provided for in (b) above).</u>	



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### 36.5 Rules- Standards

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

Comment [RE25]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE26]: Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

Comment [RE27]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Comment [RE28]: Submission 433

Comment [RE29]: Submission 433

Comment [RE30]: Moved from Table 2 to Table 3 to reflect wording of rule and applicable column 2 heading.

Comment [RE31]: Moved to notified 36.5.4 (redraft 36.5.3) with minor amendment to align with structure of notified 36.5.4 (redraft 36.5.3)

Comment [RE32]: Note that this will require updating with the Jacks Point Zone Chapter rule reference as notified 36.5.17 is recommended to be transferred to the zone chapter.

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

Comment [RE25]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE26]: Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

Comment [RE27]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Comment [RE33]: Correct terminology for zone name

Comment [RE34]: Submission 621

Comment [RE35]: Correct terminology for zone name

Comment [SG36]: Clarification

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

Comment [RE25]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE26]: Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

Comment [RE27]: Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Comment [RE37]: Compliance will always be achieved, therefore no activity status necessary.

Comment [RE38]: Correct terminology for zone name

Comment [RE39]: Submission 632

Comment [RE40]: Submission 632

Comment [RE42]: Amended to reflect consequential renumbering.

Comment [RE41]: Submission 746.

Comment [RE43]: Amended to reflect consequential renumbering.

Comment [RE44]: Submission 649

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

**Comment [RE25]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE26]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE27]:** Correction to column heading, to reflect purpose of rule as set out in 36.3.2.7.

Standard					Non-compliance status
Table 3	Activity or sound source	Assessment location	Time	Noise limits	
36.5.876	<b>Certain Telecommunications Activities in Road Reserve</b>  The Resource Management (National Environmental Standards for Telecommunications Facilities "NESTF") Regulations 2008 provide for noise from telecommunications	<del>36.5.8.1</del> 36.5.7.1 Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:  a. if the side of a building containing a	0700h to 2200h  2200h to 0700h	50 dB L <sub>Aeq(5 min)</sub>  40 dB L <sub>Aeq(5 min)</sub>	Refer  NESTF

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE47]:** Amended to reflect consequential renumbering

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Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
	<p>equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.</p> <p>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.</p>	<p>habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured—</p> <ul style="list-style-type: none"> <li>• at a point 1 m from the side of the building; or</li> <li>• at a point in the plane of the side of the building;</li> </ul> <p>b. in any other case, the noise must be measured at a point that is—</p> <ul style="list-style-type: none"> <li>• at least 3 m from the cabinet; and</li> <li>• within the legal boundary of land next to the part of the road reserve where the cabinet is located.</li> </ul>	2200h to 0700h	65 dB L <sub>AFmax</sub>	
		<p><del>36.5.9.2</del> 36.5.7.2 Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the following</p>	Any time	60 dB L <sub>Aeq(5min)</sub>	
			2200h to	65 dB L <sub>AFmax</sub>	

Comment [RE45]: Consequential rule renumbering in this column to reflect the deletion of 36.5.3

Comment [RE46]: Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

Comment [RE49]: Amended to reflect consequential renumbering

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

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

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Table 3		Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits		
36.5.40 <del>98</del>	<b>Audible Bird Scaring Devices</b>  The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).  In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.  Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.  The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.	<del>36.5.10.1</del> 36.5.9.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.	Hours of daylight but not earlier than 0600h.	65 dB L <sub>AE</sub> shall apply to any one event	NC	
		<del>36.5.10.2</del> 36.5.9.2 In any public place.	At any time	90 dB L <sub>AE</sub> is received from any one noise event		
36.5.44 <del>109</del>	<b>Frost fans</b>  Sound from frost fans.	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	<del>85 dB L<sub>AFmax</sub></del> 55 dB L <sub>Aeq</sub> (15min)	NC	

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE49]:** Amended to reflect consequential renumbering

**Comment [RE50]:** Amended to reflect consequential renumbering

**Comment [RE51]:** Amended to reflect consequential renumbering

**Comment [RE52]:** Submission 649

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Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.4 <del>210</del> <sup>211</sup>	<p><b>Vibration</b></p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p>	On any structures or buildings on any other site.	Refer to relevant standard	Refer to relevant standard	NC
36.5.4 <del>321</del> <sup>211</sup>	<p><b>Helicopters</b></p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>For the avoidance of doubt this rule does not apply to <del>designated airports, Queenstown Airport and Wanaka Airport.</del></p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.14 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>	At all times	50 dB L <sub>dn</sub>	NC

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE53]:** Clarification to specifically list designated airports, to avoid the risk that other informal airports could seek designations in the future and the rule not apply.



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Table 3		Standard			Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.44 <del>13</del> 12	<p><b>Fixed Wing Aircraft</b></p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to <u>designated airports-Queenstown Airport and Wanaka Airport.</u></p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 36.5.13 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p>	At all times	55 dB L <sub>dn</sub>	NC
36.5.45 <del>14</del> 13	<p><b>Construction Noise</b></p> <p>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p>	At any point within any other site.	Refer to relevant standard	Refer relevant standard to	D

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE54]:** Clarification to specifically list designated airports, to avoid the risk that other informal airports could seek designations in the future and the rule not apply.

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Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
36.5.46 <del>4514</del>	<p><b>Commercial Motorised Craft</b></p> <p>Motorised craft on the surface of lakes and rivers must be operated and conducted such that a maximum sound level is not exceeded, when measured and assessed in accordance with 36.8</p> <p>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</p>	Refer 36.8-25 metres from the craft	<p>Refer 36.8</p> <p>0800h to 2000h</p> <p>2000h to 0800h</p>	<p>77 dB L<sub>Asmax</sub></p> <p>77 dB L<sub>Asmax</sub></p> <p>67 dB L<sub>Asmax</sub></p>	NC
36.5.17	<b>Jacks Point State Highway Noise</b>	Any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq(24 hour) in bedrooms and 40 dBA (Leq (24 hour) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics Recommended design sound levels and reverberation times for building interiors.			NC

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE55]:** Consolidated with 36.8 for efficiency reasons due to duplication between this rule and 36.8.

**Comment [RE56]:** Relocated to Jacks Point zone chapter for consistency and structural reasons, as the other residential chapters will contain noise rules associated with SH setbacks.

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Table 3	Standard				Non-compliance status
	Activity or sound source	Assessment location	Time	Noise limits	
<b>36.5.15</b>	Sound from <del>land based activities in the Queenstown Airport Mixed Use Zone</del> received in the Residential Zones, <del>Remarkables Park Zone</del> and the Rural Zone, <del>excluding sound from aircraft operations.</del>	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone	0700h to 2200h	55 dB $L_{Aeq}(15\text{ min})$	RD
			2200h to 0700h	45 dB $L_{Aeq}(15\text{ min})$ 75 dB $L_{AFmax}$	Discretion is restricted to the extent of effects of noise generated on adjoining zones.

**Comment [RE45]:** Consequential rule renumbering in this column to reflect the deletion of 36.5.3

**Comment [RE46]:** Further consequential renumbering to reflect move of 36.5.2 to Table 3 (renumbered as 36.5.15)

**Comment [RE57]:** Submission 433

**Comment [RE58]:** Submission 433

**Comment [RE59]:** Moved from Table 2 to Table 3 to reflect wording of rule and applicable column 2 heading.

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## 36.6 Airport Noise

### 36.6.1 Wanaka Airport

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

**Comment [RE60]:** Amended to reflect correct reference.

**Comment [RE61]:** Amended to reflect correct reference.

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

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB) [as shown on the planning maps](#).

**Comment [RE62]:** Added for clarity.

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

**Comment [RE63]:** Submission 383

**Comment [RE64]:** Correction of typographical error; submission 433

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

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

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

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

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

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

i. Ventilation must be provided to A minimum of 0.5 air changes per hour meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1.2 m away from any grille or diffuser.

ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1.2 m away from any grille or diffuser.

iii. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25°C and no less than 18°C. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when measured 1.2 m away from any grille or diffuser.

Comment [RE65]: Amended to reflect reinstatement of (notified) Table 6 (redraft) Table 5

Comment [RE66]: Submission 80

Comment [RE67]: Evidence of Dr Chiles for QLDC and Mr Day for 433

Comment [RE68]: Clarification

Comment [RE69]: Clarification

Comment [RE70]: Clarification

Comment [RE71]: Submissions 80 and 433

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

## 36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

Comment [RE72]: Table number updated to reflect removal of Table 5 from Rule 36.6.3

Comment [RE73]: Rule reinstated due to lack of scope to consolidate with Rule 36.6.3

Comment [RE74]: Table number updated to reflect removal of Table 5 from Rule 36.6.3

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

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

**Comment [RE75]:** Removal of range within rule. Non-substantive as provides for the upper limit of the rule.

### 36.8 ~~Acoustic Measurement and Assessment~~

**Comment [RE76]:** Submissions 607 and 621, and consolidated with 36.5.16 for plan efficiency reasons.

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

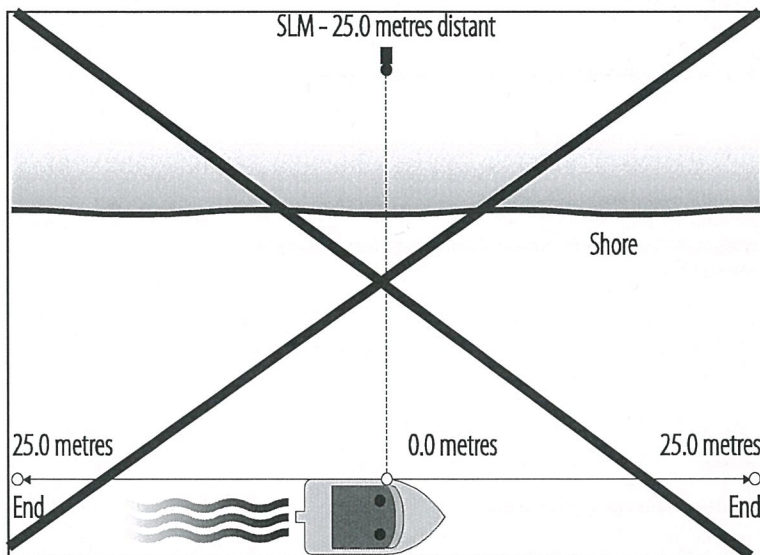
- 36.8.1.1 ~~All motorised craft operating on the surface of lakes and rivers within the District must have and display a current acoustic certificate of fitness. Testing shall be undertaken on a strictly controlled "test" day, and shall be conducted by an enforcement officer appointed pursuant to the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

#### 36.8.2 ~~Test Conditions~~

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

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- A class 1 sound level meter and an acceptable wind screen.
  - A sound level calibrator.
  - A wind speed anemometer.
  - An engine speed tachometer.
- 36.8.2.2 Measured Quantities— "A" weighted, slow response sound level, expressed in decibels (dB).
- 36.8.2.3 Acoustic Environment— The test site shall be such that sufficient free field sound propagation exists, (ie 30m clearance from reflective surfaces).
- 36.8.2.4 There shall be no obstacles between the craft and the microphone and the area between shall be open and free from sound absorbing materials. Meteorological conditions shall be within standard acceptable limits and the wind velocity shall not exceed 5m/sec.
- 36.8.2.5 Test Course— The depth of water must be sufficient for the normal operation of the craft.
- Craft shall run either against the stress or current or in slack water.
  - A set straight line course shall be used to ascertain the acoustic measurements, as detailed:



- 36.8.2.6 Operating Conditions— The test run shall commence at sufficient distance downstream to obtain stabilised engine conditions when the craft passes the microphone. The craft shall be driven by a competent person who is mutually acceptable to the operator of the craft and the enforcement officer. The loading condition of the craft shall be stated in the report. All openings and hatches shall be set and located in their normal operational condition and the craft's engine system shall be at normal operating temperature.
- 36.8.2.7 The boat shall pass all three markers on a straight course at wide open throttle with the engine operating at the midpoint of the manufacturer's recommended full throttle rpm range.

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

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

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

### 36.8.3 Test Report

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

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

**Comment [RE77]:** Deleted for plan efficiency reasons as unnecessary and confusing text. The two IEC references are not used, and the two ISO references are included in the rule they relate to (Notified Rule 36.3.16, redrafted Rule 36.3.15).



## DEFINITIONS

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

### Critical listening environment

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

### Design sound level

Means 40 dB Ldn in all Critical Listening Environments.

### Indoor design sound level

Means 40 dB Ldn in all Critical Listening Environments.

### Noise

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

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

L<sub>Aeq</sub>(15 min): Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).

L<sub>AFmax</sub>: means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.

Noise Limit: Means a L<sub>Aeq</sub>(15 min) or L<sub>AFmax</sub> sound level in decibels that is not to be exceeded.

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

### Non-critical listening environment

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

### Notional boundary

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

Comment [RE78]: Submission 649

