

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
12 November 2018**

Report dated 5 October 2018

**Report on submissions and further submissions
Topic: 18 - Nuisance Effects/Temporary
Military Training (Noise)**

Report prepared by

Nevil Hegley

Acoustic Engineer

Contents

Introduction	6
Code of Conduct	6
Scope of Hearings Report	6
Overview of Provisions	7
Statutory Documents	8
Resource Management Act 1991	8
National Environmental Standards	8
Analysis of submissions	9
Key matters	9
Pre-hearing meetings	9
Matter 1 - Chapter 2, General Rules	10
Submissions and Assessment	10
Recommendations	10
Matter 2 - Chapter 3, Rural Environment Zone	12
Submissions and Assessment	12
Recommendations	27
Matter 3 - Chapter 4, Rural Environment Zone	31
Submissions and Assessment	31
Recommendations	38
Matter 4 - Chapter 5, Urban Residential 1 and 2 Zone (including Urban Residential 2 Greenfields Zone)	40
Submissions and Assessment	40
Matter 5 - Chapter 6, Urban Residential 3 Zone	43
Submissions and Assessment	43
Recommendations	44
Matter 6 - Chapter 7, Coastal Living Zone	45
Submissions and Assessment	45
Recommendations	46
Matter 7 - Chapter 8, Rural Living Zone	47
Submissions and Assessment	47
Recommendations	49
Matter 8 - Chapter 9, Business 1 Zone	50
Submissions and Assessment	50
Recommendations	52
Matter 9 - Chapter 10, Business 2 Zone	53
Submissions and Assessment	53
Recommendations	55
Matter 10 - Chapter 11, Business 3 Zone	56
Submissions and Assessment	56
Recommendations	57
Matter 11 - Chapter 12, Industrial 1 and 2 Zones	59
Submissions and Assessment	59
Recommendations	64
Matter 12 - Chapter 13, Port Zone	66

Submissions and Assessment	66
Recommendations	76
Matter 13 - Chapter 14, Port Landing Area Zone	78
Submissions and Assessment	78
Recommendations	80
Matter 14 - Chapter 15, Marina Zone	81
Submissions and Assessment	81
Recommendations	84
Matter 15 - Chapter 16, Coastal Marine Zone	85
Submissions and Assessment	85
Recommendations	89
Matter 16 - Chapter 17, Open Space 1 Zone	90
Submissions and Assessment	90
Matter 17 - Chapter 18, Open Space 2 Zone	93
Submissions and Assessment	93
Recommendations	95
Matter 18 - Chapter 19, Open Space 3 Zone	97
Submissions and Assessment	97
Recommendations	99
Matter 19 - Chapter 20, Open Space 4 Zone	100
Submissions and Assessment	100
Recommendations	100
Matter 20 - Chapter 21, Floodway Zone	101
Submissions and Assessment	101
Recommendations	103
Matter 21 - Chapter 22, Lake Grassmere Salt Works Zone	104
Submissions and Assessment	104
Recommendations	105
Matter 22 - Chapter 23, Airport Zone	106
Submissions and Assessment	106
Recommendations	108
Matter 23 - Chapter 25, Definitions	110
Submissions and Assessment	110
Recommendations	114
Matter 24 – Volume 3, Appendix 16	115
Submissions and Assessment	115
Recommendations	116
Matter 25 – Volume 4, Maps	117
Submissions and Assessment	117
Recommendations	119
Matter 26 – Volume 1	120
Submissions and Assessment	120
Recommendations	120
Matter 27 – Volume 2 and 3, General	121

Submissions and Assessment	121
Recommendations	121
Matter 28 – Volume 4	122
Submissions and Assessment	122
Recommendations	122
Matter 29 – All Zone Chapters	123
Submissions and Assessment	123
Recommendations	124
Appendix 1: Example of Port noise mitigation requirements	125
Appendix 2: Recommended Decisions on Decisions Requested	128

List of Abbreviations

MEP	Proposed Marlborough Environment Plan
RMA	Resource Management Act 1991
PMNZ	Port Marlborough New Zealand Limited
CMA	Coastal Marine Area

Introduction

1. My name is Nevil Ian Hegley. I am an Acoustic Engineer from Hegley Acoustic Consultants, based in Auckland. My qualifications and experience are as follows:
2. I hold an MSc from Southampton University where I undertook research in acoustics in 1975/76 and am a Member of the Institution of Professional Engineers New Zealand, the Institution of Civil Engineers London and the Acoustical Society of America.
3. I have specialised in environmental and industrial acoustic engineering for more than 40 years and have appeared on the majority of the Standards sub-committees dealing with sound issues since 1977 and I was the Chairman of both the 1984 and 1999 versions of the Construction Noise Standard NZS6803.
4. In 2010 I received the Meritorious Award by Standards New Zealand for outstanding commitment to the development of New Zealand Acoustic Standards.
5. I have been involved with the preparation of many District Plans throughout the country and have prepared environmental noise reports that required implementing the noise rules of the majority of District Plans throughout the Country. I have presented expert evidence to Councils, the Environment Court, District Courts and High Court many times.
6. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
7. I have read Council's Section 32 reports.

Code of Conduct

8. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.
9. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
10. I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

11. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
12. In this report I assess and provide recommendations to the Hearing Panel on submissions made on the noise rules in Volume 2 Chapters 2 – 23 and Chapter 25 plus Volume 3 Appendix 16 of the MEP. Some submitters made multiple submission points seeking the same or similar provisions across a number of chapters. Generally, I have addressed these submissions under the relevant topic in each chapter, so it is clear where any change is proposed to occur, and to provide for specific numbering or cross referencing that may be particular in each case.
13. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
14. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Overview of Provisions

15. The provisions in this hearing report address the following:

Volume 1 - Issues, Objectives, Policies and Methods

Chapter	Activity	Description	Rule
17	Noise	Noise Control Boundaries	17.2

Volume 2 - Rules

Chapter	Activity	Description	Rule
2		Temporary Military Training Activity	2.41
3		Noise to any other property	3.2.3
		Noise sensitive activity	3.2.4
		Frost fan	3.4.1
4		Noise to any other property	4.2.2
		Noise sensitive activity	4.2.3
5		Noise to any other property	5.2.2
6		Noise to any other property	6.2.2
7		Noise to any other property	7.2.2
8		Noise to any other property	8.2.2
		Noise sensitive activity	8.2.3
9		Noise to any other property	9.2.2
10		Noise to any other property	10.2.2
11		Noise to any other property	11.2.2
12		Noise to any other property	12.2.2
13		Port noise control	13.2.3
		Noise sensitive activity	13.2.4
14		Noise to any other property	14.2.3
15		Noise to any other property	15.2.3
16		Noise to any other property	16.2.3
17		Noise to any other property	17.2.2
18		Noise to any other property	18.2.2
19		Noise to any other property	19.2.2
20		Noise to any other property	20.2.1
21		Noise to any other property	21.2.2
22		Noise beyond the zone boundary	22.2.2
23		Noise to any other property	23.2.2
		Aircraft engine testing	23.3.1
25		Noise definitions	

Volume 3 – Appendix 16

Schedule 1	Nelson Marlborough Institute of Technology	Noise outside the site boundary	1.2.5
Schedule 3	Richmond View School	Noise outside the site boundary	3.2.5

Volume 4 - Maps

Chapter	Activity	Description	Rule
Maps		Noise Control Boundaries	17.M.2

16. The analysis of submissions follows the order in the above table.

Statutory Documents

17. The following statutory documents are relevant to the provisions and/or submissions within the scope of this report. Although a summary of the way in which these provisions are relevant is provided below, the way in which they influence the assessment of the relief requested by submissions will be set out in actual assessment.

Resource Management Act 1991

National Environmental Standards

18. The following are the National Environmental Standards potentially adopted in the MEP:
- NZS 6801:2008 Acoustics - Measurement of Environmental Sound;
 - NZS6802:2008 Acoustics – Environmental Noise;
 - NZS 6803:1999 Acoustics – Construction Noise;
 - NZS 6805:1992 Airport Noise Management and Land Use Planning;
 - NZS6806:2010 Acoustics- Road-traffic noise - New and altered roads;
 - NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas;
 - NZS 6808:1998 Acoustics – Wind farm noise;
 - NZS 6809: 1999 Acoustics - Port Noise Management and Land Use Planning

Analysis of submissions

19. There were approximately 305 submissions received on provisions relevant to the Nuisance Effects topic.

Key matters

20. There have not been any key matters that have been raised in submission that have warranted this report being structured to address key matters. Instead there has been a wide range of submitters seeking a range of amendments to the provisions of the noise rules. As such, I have set out my analysis of the submissions points on a chapter by chapter basis.

Pre-hearing meetings

21. There has been no pre-hearing meeting for this topic although I did discuss the Nelson Marlborough District Health Board submissions with the author of those submissions and he was in agreement with recommendations I have made. I do note the person making the submissions (Vern Goodwin) has now retired.

Matter 1 - Chapter 2, General Rules

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
509.278	Nelson Marlborough Fish and Game	2.9.10	Fish and Game support the passive, informal or active recreation in lakes and rivers and wish to see this permitted activity retained.	I agree with these submissions to retain the rule.
548.134	Awatere Water Users Group Incorporated	2.9.10.	Support and retain Rule 2.9.10.	
280.95	Nelson Marlborough District Health Board	2.9.10.1	Support noise limits, metrics used and method of assessment as practical and allow the provision.	
280.96	Nelson Marlborough District Health Board	2.42.1	Provisions need to be nationally consistent and new proposals by NZ Defence Force should be given consideration. Note that L10 descriptor based noise limits should be based with LAeq limits. Support 122dBC numerical limit and C-frequency-weighting in 2.42.1.4 replace DBA with dBA	Rule 2.42.1 is not supported at any level at this point unless further information is provided to support the submission.
992.56	New Zealand Defence Force	2.42.1.4	NZDF's own noise standards cover this aspect of noise, and as such this standard should be deleted from the MEP.	Agreed, the Standard should be deleted as being inappropriate.
117.1	Herb Thomson	2.42.1.4	Oppose noise restriction 122dBC.	It was submitted explosive and small arms are often louder than 122dBC so the level should be increased. Higher levels are not able to be supported.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

- a) Retain Rule 2.9.10 without change
- b) Delete Rule 2.42 (and consequently Rule 2.41)

Temporary Military Training Activity

Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules.

2.41. Permitted Activities

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 2.42:

2.41.1 Temporary military training activity.

2.42 Standards that apply to specific permitted activities

2.42.2 Temporary military training activity.

2.42.1 The activity must be limited to a period not exceeding 31 days.

2.42.2 Permanent structures must not be constructed.

2.42.3 Noise levels of a short duration generated as part of a temporary military training activity must not exceed the following:

(a) Noise levels measured from a line 20m from, and parallel to, the nominal boundary of any dwelling or the legal boundary where this is closer to the dwelling must not exceed the following limits:

Time	Limits (DBA)		
	L ₁₀	L ₉₅	L _{MAX}
Any Day			
6:30 am – 7:30 am	60	45	70
7:30 am – 6:00 pm	75	60	90
6:00 pm – 8:00 pm	70	55	85
8:00 pm – 6:30 am	55		

2.42.1.4 Impulse noise resulting from the use of explosives, explosives simulators small arms must not exceed 122dBC.

Matter 2 - Chapter 3, Rural Environment Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
873.186	KiwiRail Holdings Limited	3.1	<p>KiwiRail seek that a suite of new rules be inserted requiring all new or altered sensitive activities be appropriately mitigated in relation to rail noise and vibration. This is consistent with the approach proposed in the Standards for permitted activities within certain Zones (e.g. Rural Zone at 3.2.4 and the Coastal Environment Zone at 4.2.3) where acoustic insulation is required for dwellings near frost control fans.</p> <p>The effect of the rail corridor on noise sensitive activities activity is typically noise and vibration. The rail network is a 24 hour a day, 7 day a week operation, and the frequency, length and weight of trains can change without community consultation. Trains do not alter as they cross regional or district boundaries, or zone boundaries. Therefore reverse sensitivity effects are required to be managed. Noise and vibration effects can interrupt people’s amenity and enjoyment of their dwelling, as well as people’s ability to sleep. Appropriate mitigation being installed to ensure that the health and wellbeing of those living near to the rail network is not adversely affected is, in KiwiRail's submission, pivotal to ensure that undue restrictions are not placed on the operation of the rail network.</p> <p>Objective 4.2 and Policy 4.2.2 anticipate protecting regionally significant infrastructure from adverse effects from other activities. Policy 12.2.1 seeks to ensure amenity in urban environments is provided for, while Objective 14.4 manages reverse sensitivity effects in rural environments. Objective 17.4 and Policy 17.5.6 relate to the management of effects from subdivision and land use where there is the potential for these to conflict with land transport networks. The amended rule sought by KiwiRail provides the ability for land owners and occupiers to ensure potential adverse effects (including conflicts between activities and reverse sensitivity effects) are mitigated.</p> <p>The amended rule sought by KiwiRail in relation to noise sets out the distance that noise can travel from the corridor, and the level of mitigation required to be achieved to ensure an appropriate level of internal amenity in buildings. Often this can be achieved with insulation at the time of construction. The further removed from the rail corridor a building is the less additional mitigation may be required. The noise level proposed is in accordance with World Health Organisation standards, with an adjustment</p>	<p>There is no evidence anywhere in the country there has ever been reverse sensitivity effects on the rail network beyond complying with the BPO to control noise or vibration.</p> <p>No evidence has been provided that rail noise or vibration is a problem in Marlborough</p> <p>If rail traffic noise causes annoyance and sleep disturbance potentially resulting in adverse health effects then in addition to any new dwellings KiwiRail should be initiating a programme to control the existing rail noise and vibration rather than only considering new dwellings, which is a minimal percentage of those residents exposed to the noise KiwiRail considers warrants controls. Either the noise control for both existing and new dwelling should be addressed or neither.</p> <p>It is noted there is no information readily available on train movements and it is very difficult to obtain such information so any meaningful design is difficult and normally of low reliability. Hence, if this submission were to be adopted there would need to be a data base available for design purposes.</p> <p>Unless there is further information provided to demonstrate why the submission should be accepted the submission is not accepted.</p>

Submission	Submitter	Rule	Submission	Comment
			<p>reflecting that trains are intermittent and that often there is a community acceptance of train noise.</p> <p>The two rules proposed in relation to vibration are at different distances to noise, reflecting that vibration does not travel as far. One is designed to address the annoyance to occupants to a building from vibration, the other is designed to ensure the integrity of the building in relation to vibration effects. There is no New Zealand standard appropriate for this, therefore alternative standards are referenced which have more specific relationship to rail vibration effects.</p> <p>The mitigation for reverse sensitivity effects proposed through these provisions reflects that in some circumstances, e.g. smaller residential sites near the rail corridor, requiring a greater setback from the rail boundary as a means of addressing noise and vibration effects may not always be practicable. The rules seek to ensure that building development options can still maximise the use of a site, while at the same time having standards for mitigating noise and vibration effects arising from the rail corridor.</p> <p>The provisions within the MEP state that where the permitted standards are not complied with, consent is required as a discretionary activity. This approach is supported by KiwiRail and the ability to consider applications and the effects given rise to as a result of reduced mitigation, along with the ability to required written approval from KiwiRail in regard to that, enable specific circumstances to be taken into account as necessary for each application.</p>	
474.9	Marlborough Aero Club Incorporated	3.2	<p>Need noise contours in the Plan.</p> <p>Sufficient work has now been done by Marlborough District Council.</p> <p>Add a new rule that noise sensitive activities within the Noise Control Boundary should be prohibited unless specifically addressed elsewhere.</p>	Where available noise contours have been included in the MEP. NZS 6805:1992 Airport Noise Management and Land Use Planning address the policy to noise sensitive developments near airfields and is adopted.
474.11	Marlborough Aero Club Incorporated	3.2	<p>The creation of new titles within the Air Noise Notification Area/Outer Control Boundary (including the Colonial land and the MDC subdivision at Taylor Pass) must trigger a requirement to place covenants on the land consistent with that required of the Colonial land in resource consent decision Colonial Vineyards Limited v Marlborough District Council (2014] NZEnvC 55.</p> <p>Add a new rule that requires the creation of new titles within the Air Noise Notification Area/Outer Control Boundary (including the Colonial land and the MDC subdivision at Taylor Pass) must trigger a</p>	Where the noise contour information is available it is included in the MEP. If additional contours are available they should be provided to include in the MEP. Placing covenants on land is not considered necessary or appropriate to control noise.

Submission	Submitter	Rule	Submission	Comment
			requirement to place covenants on the land consistent with that required of the Colonial land in resource consent decision Colonial Vineyards Limited v Marlborough District Council (2014] NZEnvC 55.	
26.4	McGinty, Kathleen and Carter, Alan	3.2	<p>This clause sets the number of decibels of noise permitted during the day and night. Living in an area that has just been logged, we and other residents in the Wakamarina valley have been exposed to the sound of logging, loading and noisy trucks with clanking metal and chains going for many hours during the night. Some nights they would stop at 1am and recommence at 3am. The effect of this on people has been quite dramatic. Basically, it means they are extremely sleep deprived for many weeks at a time during this process. Research has shown that sleep deprivation can cause loss of productivity, mood changes, depression, to mention just a few effects. Clause 3.2.3.3 states that forestry does not have to comply with noise abatement. We, and many other people in this part of the world believe that this needs to be amended so that those people living near forestry plantations can still sleep at night. As such, we believe that the forestry operations should stop altogether between the hours of 10pm and 7am.</p> <p>We also believe that recreational motor bikes should be bound by the same regulations as often on weekends these riders use the forestry tracks creating much noise for many hours on end. There seems no logical reason to exclude recreational riders from allowable noise limits.</p>	<p>The submitter requested forestry operations cease between the hours of 10pm and 7am to enable people living near forestry sites to be able to sleep at night.</p> <p>That recreational motor bikes must also adhere to the allowable noise limits and not be exempt from same.</p> <p>The proposed rule limits such activities to a limited duration. There is also the obligation for the noise maker to adopt s16 of the RMA to adopt the best practicable option to minimise noise. Subject to further information being provided this submission is accepted to within the limits of the proposed rule.</p> <p>It is agreed recreational motor bikes must also adhere to the allowable noise limits.</p>
1039.114	Pernod Ricard Winemakers New Zealand Limited	3.2.3.	PRW considers the proposed noise limits are appropriate to enable primary production activities in rural environments and strongly supports the exemptions in 3.2.3.3(b) and (c) for mobile machinery used for a limited duration as part of agricultural/horticultural activities; and fixed motors or equipment, frost fans, gas guns or static irrigation pumps. They wish to retain the rule	It is agreed a number of the listed exemptions should remain. However, as set out in subsequent submission it is not agreed that fixed equipment, frost fans, are exempt.
91.194	Marlborough District Council	3.2.3.1	<p>The existing wording of Standard 3.2.3.1 means noise limits need to be complied with at source within the subject site, which is not the intention of Standard 3.2.3.1. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 3.2.3.1 as follows (strike through and bold) - "<i>An activity must not cause noise that exceeds the following limits at or within the boundary of any other property zoned Rural</i></p>	<p>It is agreed the original wording appropriate and the proposed change is agreed with.</p> <p>However, the exact wording needs to include the recommendations the following submission.</p>

Submission	Submitter	Rule	Submission	Comment
			<i>Environment at the Zone boundary or within the Zone:</i> "	
280.97	Nelson Marlborough District Health Board	3.2.3.1	Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.	The submission is generally supported with and the rule should be modified to set the measurement position " <i>at any point within the boundary of any other property within the zone</i> ".
1251.128	Fonterra Co-operative Group Limited	3.2.3.1	Fonterra supports and wishes to retain the noise limits in Rule 3.2.3.1.	Agree with the submission with the changes as recommended above.
280.121	Nelson Marlborough District Health Board	3.2.3.2	Wording "at or within the boundary" is not best practice since 1995 being legal uncertain, and "within the" notional boundary" should both be amended for consistency with phrase used elsewhere in plan. In 3.2.3.1, insert at the beginning, "Except as provided elsewhere in this section". Replace "at or within" and "within the" with "at any point within"	Agree with the submitted changes but I disagree with the inclusion of the words " <i>Except as provided elsewhere in this section</i> " as being unnecessary
769.94	Horticulture New Zealand	3.2.3.2	Standard 3.2.3.1 sets a noise limit within the Rural Environment or at the Zone Boundary as 65dBA L_{Aeq} from 7am – 10pm. Rule 3.2.3.2 seeks that noise at specific Zone Boundaries does not exceed 50dBA L_{Aeq} . It is difficult to reconcile how the rules are setting two different limits for the same activity. In addition the limit of 50dBA L_{Aeq} is providing for a residential amenity on rural production activities. The NZ Standard 6801 and the WHO Guidelines both provide for a range of what is acceptable noise and 50dBA is at the lower limit. Given that the noise limits are the interface between a rural working production environment and residential it is considered that 55dBA L_{Aeq} would be an acceptable level for the neighbouring zones. Clause 3.2.3.4 provides for 55dBA at the notional boundary in any zone so the change would be consistent with that Standard.	It is agreed the conflict in setting two different limits for the same activity needs to be resolved. The proposal to increase the noise level in the rural zone is not supported although if a robust case is provided in further evidence this could be reviewed. Based on the current information this part of the submission is rejected.
1251.129	Fonterra Co-operative Group Limited	3.2.3.2	The noise limits proposed for the Rural Environment Zone are too low, and consequently would constrain the ability of a rural industrial activity to operate effectively and efficiently. The proposed limits are also not consistent with those being proposed in other second generation district plans across New Zealand (i.e. South Taranaki, Whakatane, Whangarei, Hurunui, etc.) where there are existing rural industrial activities.	There is currently constancy with the degree of noise protection throughout the district for residents. No reason is given why rural residents do not deserve the same noise protection as urban residents. This submission is not agreed

Submission	Submitter	Rule	Submission	Comment
			Fonterra requests that the limits proposed in Rule 3.2.3.2 are deleted, and replaced with limits 5dB higher than currently adopted in the MEP for the rural zone.	with.
91.4	Marlborough District Council	3.2.3.3	Rule 3.2.3.3(c) included exclusions in error, appropriate that the noise limits apply to this Standard. Delete Standard 3.2.3.3(c) - " (c) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes. "	This submission is agreed with and Rule 3.2.3.3.(c) should be deleted.
91.195	Marlborough District Council	3.2.3.3	The requested amendment to Standard 3.2.3.3(b) adds text omitted in error. Amend Standard 3.2.3.3(b) as follows (strike through and bold) - " <i>(a) mobile machinery used for a limited duration as part of agricultural, or horticultural or forestry activities occurring in the Rural Environment Zone;</i> "	This submission is agreed with.
149.11	PF Olsen Ltd	3.2.3.3	Noise exclusions provided for limited duration as part of 'Normal agricultural or horticultural activities - excludes limited duration for noise associated with forestry activities. There is no difference in principle or effect between the activities and all are associated with the intended use of the land. Amend to include commercial forestry and forestry harvesting activities/ also woodlot harvesting under same definition. Or adopt the National Environmental Standard for plantation forestry to resolve the issue	Forestry is defined in the MEP and includes "Forestry Woodlot". This submission is agreed with but already addressed in the MEP.
167.26	Killearnan Limited	3.2.3.3	The permitted activity standard allows for horticulture and agriculture activities, however does not allow for general forestry activities e.g. chainsaw use.	Although agreed with these activities are already included in the definition of forestry, such as "de-limbing, trimming, cutting to length" so no further changes are considered necessary to this rule.
318.6	Reade Family Holdings	3.2.3.3	The definition around processing forestry activities is open to interpretation state that forest preparation, planting, roading, harvesting and transportation machinery are exempt.	Forestry activities are defined in Chapter 25 Definitions of the MEP so will satisfy this submission.

Submission	Submitter	Rule	Submission	Comment
336.9	William Ian Esson	3.2.3.3	<p>It appears commercial forestry operations have been intentionally left off this list of exempt activities. If such exemptions are to be made then I believe commercial forestry operations should also be included.</p> <p>The submitter would like to see this rule amended to include commercial forestry activities including establishment, management and harvesting.</p>	<p>This concern has been addressed in the above with forestry operations added to the list of exemptions</p>
425 .514	Federated Farmers of New Zealand	3.2.3.3	<p>Federated Farmers supports the exemption from maximum noise limits for the use of mobile machinery that is being used for agricultural or horticultural purposes. Their submission is that this exemption should extend to noise all primary production activities and other forms of rural noise. As it is written, mobile machinery used during forestry maintenance or harvest will not be exempt from the noise limits. We have based our relief sought on the Horowhenua District Plan, which amended their noise exemption rule to also exempt temporary primary production noise from limits in response to Federated Farmers submission.</p> <p>Other activities that occur on farms also create noise, such as livestock, frost fans, water pumps or noise from dairy sheds, shearing sheds or seasonal activities like docking lambs' tails should also be included in the exemption. Federated Farmers supports standard (c) which provides exemptions for fixed motors, equipment and pumps.</p>	<p>The submission that exemptions should extend to noise all primary production activities is supported in part. As set out in the MEP the relevant exemptions are already included in the rule and further exemptions, such as frost fans, are not justified.</p>
440.8	Ian Esson	3.2.3.3	<p>This clause allows for a number of activities to be excluded including those associated with agricultural and horticultural, but does not allow for routine forestry activities to be excluded. This omission again gives the impression of selective unfairness.</p> <p>Routine forestry activities must also be provided with an exclusion, or the exclusion clause for most of the other activities should be removed.</p>	<p>Routine forestry activities are included in the definitions of forestry and, as set out above, have been added to the exclusions, which satisfies this submission.</p>

Submission	Submitter	Rule	Submission	Comment
448.8	Lloyd Kenneth Powell	3.2.3.3	<p>I have very significant reservations regarding the approach, nature of rules proposed, jurisdiction, and relevance in light of national developments, there are more relevant and far superior approaches to be considered, especially in the specific case of the forestry industry.</p> <p>Notwithstanding my very significant reservations about the relevance and appropriateness of detailing an extensive number of rules, and whether they are valid, I do not believe that the proposed rules are appropriate, nor is the rationale and justification set out.</p> <p>The overall objective would be better served through clear articulation of objectives, and agreed guidelines, but in the case of Forestry an agreed sustainable development strategy, embracing national standards, and acknowledging Marlborough's particular circumstances.</p> <p>In regard to the Forestry Sector, and the formulation of sector standards, which is required to be taken into account, this obviates the need for detailed regional and district plans.</p> <p>In respect of the proposed rules themselves, the content is in a number of cases unnecessary and are in conflict with a sensible sustainable development approach, also imposing very high compliance costs.</p>	<p>It has been suggested there are more relevant and far superior approaches to be considered. I am not aware of a better method to address forestry noise so if the submitter has one it should be presented at the hearing to be considered.</p> <p>The rules in the MEP are considered necessary and appropriate. It is not known how they conflict with a sensible sustainable development approach, even when taking into account the costs normally associated with the necessary noise control. The cost of any noise control should fall on the noise maker, not the receiver.</p> <p>This submission is rejected unless further information is presented for consideration.</p>
505.40	Ernslaw One Limited	3.2.3.3	<p>Forest harvesting and earthworks activities are also of limited duration and much less likely to occur at night or at weekends than seasonal agricultural or horticultural activities.</p>	<p>This submission is accepted for forestry harvesting but not extending the exclusions to include all the primary production activities and earthworks which are dealt with in other rules.</p>
769.95	Horticulture New Zealand	3.2.3.3	<p>Standard 3.2.3.3 provides an exclusion from the noise limits for some activities, including mobile machinery for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment and a range of fixed motors or machinery. Generally Horticulture NZ supports the exclusions but notes that it would be preferable to refer to primary production activities rather than agricultural or horticultural activities so that it includes all the primary production activities that occur in the Zone.</p>	<p>This submission seeks to include primary production activities rather than agricultural or horticultural activities that occur in the zone. Such a change could open the floodgates to exclusions so without specific example this submission cannot be supported.</p>

Submission	Submitter	Rule	Submission	Comment
962.147	Marlborough Forest Industry Association Incorporated	3.2.3.3	The permitted activity standard does not allow for general forestry activities (eg slash raking, harvesting, infrastructure construction, chainsaw use, loading, manoeuvring, etc). Further, processing forestry activities is not defined, which leaves the rule open to interpretation. It is inequitable to provide for noise associated with some rural based primary production activities and not others. The submission requests clause b) is amended to include forestry activities.	It is not agreed that exclusions, should include primary production activities rather than agricultural or horticultural activities. Such a change could result in unreasonable noise for the residents. Without specific examples this submission cannot be supported. Forestry activities are include in the exclusions and is supported.
990.39	Nelson Forests Limited	3.2.3.3	The Permitted Activity Standard does not allow for general forestry activities (eg slash raking, harvesting, infrastructure construction, chainsaw use, loading, manoeuvring, etc). Further, processing forestry activities is not defined, which leaves the rule open to interpretation. It is inequitable to provide for noise associated with some rural based primary production activities and not others. It has been requested the rule is amended to " <i>(b) mobile machinery used for a limited duration as part of agricultural, forestry or horticultural activities occurring in the Rural Environment Zone;</i> "	The rule has been modified to include forestry activities, which are defined in Chapter 25, Definitions.
993.27	New Zealand Fire Service Commission	3.2.3.3	The NZFS Commission supports Standard 3.2.3 (Noise), and particularly the exemption in 3.2.3.3(a) for "sirens and call out sirens associated with the activities of the New Zealand Fire Service". The proposed Standard, including the exemption, appropriately provides for the operational requirements of the NZFS and enables the Commission to meet its statutory obligations in a manner that provides for the on-going health and safety of people and communities.	The NZFS seeks to retain clause 3.2.3.3(a) in Standard 3.2.3 as notified and this is supported.
1089.15	Rarangi District Residents Association	3.2.3.3	<i>Standard 3.2.3.3 The following activities are excluded from having to comply with the noise limits:</i> <i>(c) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.</i> With the rapid expansion of vineyards in Rarangi in the past year, there is concern among residents about an increase in noise from frost fans, audible bird scaring devices (gas guns) and helicopters for frost fighting. Some houses rezoned as Rural Environment Zone will be affected by frost fans and gas guns. There needs to be some controls on their use.	The control of frost fans is addressed in the MEP although these rules are recommended to be modified as a result of this and further submissions. The exclusions of audible bird scaring devices (gas guns) has been deleted from the MEP as recommended above. The use of helicopters for frost fighting falls under the control of the CAA and Council has no jurisdiction on the control of aircraft in flight.

Submission	Submitter	Rule	Submission	Comment
1251.130	Fonterra Co-operative Group Limited	3.2.3.3	<p>Rail is an efficient, cost-effective and relatively sustainable method of transport.</p> <p>The alternative is to use heavy vehicles, and the road network to undertake the same tasks.</p> <p>Rail movements associated with rural industrial activities are typically short in duration and occur infrequently, whereas the permitted activity standards for noise are primarily set to control longer duration and/or more frequent activities. Therefore, including noise from rail in the general zone limits can skew the apparent noise environment and misrepresent potential noise effects.</p> <p>It is submitted Rule 3.2.3.3 be amended by to include by inserting new clause (d) under Rule 3.2.3.3 as follows: <u>(d) Rail activity</u></p> <p>2. Insert new Restricted Discretionary Activity Rule 3.5.2 as follows: <u>3.5.2 Rail noise</u> <u>Matters over which the Council has restricted its discretion:</u> <u>3.5.2.1 The level of sound likely to be received</u> <u>3.5.2.2 The existing ambient sound levels</u> <u>3.5.2.3 The nature and frequency of the noise including the presence of any special audible characteristics</u> <u>3.5.2.4 The effect on noise sensitive activities within the environment</u> <u>3.2.5.5 The value and nature of the noise generating activity and the benefit to the wider community having regard to the frequency of the noise intrusion and the practicability of mitigating noise or using alternative sites</u> <u>3.2.5.6 Any proposed measures to avoid, remedy or mitigate noise received off-site</u> <u>3.5.2.7 The level of involvement of a recognised acoustician in the assessment of potential noise effects and/or mitigation options to reduce noise.</u></p>	<p>All noise associated with a site, including transportation, whether it is rail or trucks, is assessed as site noise and controlled with the zone rules. This has been supported by the Environment Court on previous occasions and it is recommended this approach is retained. Rail noise on site cannot be considered as the same as a passing train, which is not control by the MEP and is different to onsite noise, which generally includes activities such as shunting, which can be disturbing for neighbours. Onsite train noise can generally be managed to within reasonable levels and it is recommended this noise is included in the rule as currently required.</p>

Submission	Submitter	Rule	Submission	Comment
1251.131	Fonterra Co-operative Group Limited	3.2.3.3	<p>Reverse sensitivity effects are a major concern to Fonterra. Notwithstanding Fonterra’s compliance with consent conditions or district plan performance standards, reverse sensitivity issues can, and do, create a burden on the company. This is because it is often the perception of effects, rather than actual effects, which lead to complaints from sensitive land uses. If new residential activities are enabled to locate in close proximity to existing rural industrial operations, the residential users often have an expectation of an urban environment. As such, complaints arise due to the effects of "normal" rural activities, such as noise.</p> <p>Residents may also move to a dwelling within close proximity of a working dairy farm or a processing site, which has a long history in the community, and start complaining about noise associated with the site's operations. Often, as a result, the site will be required to undertake works to mitigate the effects at significant cost.</p> <p>Fonterra therefore requests that a new performance standard is provided in the Proposed Plan to provide appropriate protection to rural and rural industrial activities which have been lawfully established in the Rural Zone from reverse sensitivity effects.</p> <p>Fonterra have requested a new Rule 3.2.4.5 as follows:</p> <p><u>Any new noise sensitive activity must not be located closer than 250m to a site containing any lawfully established rural industry activity, including any rural industry activity for which a resource consent has been granted but not yet implemented. For the avoidance of doubt, Standard 3.2.4.5 also applies to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 250m of a rural industry activity, where a new bedroom forms part of the alteration.</u></p>	<p>The request to provide “appropriate protection” is to add a buffer zone of 250m around a rural industrial activity with no support for such a distance. It takes no account of the fact the submitter appears to be seeking to generate high noise on the adjoining land without taking into account expectations the land owner currently has.</p> <p>There is no indication if there is a potential noise problem for any, or all, industrial sites in the rural zone and as the submitter has pointed out in their submission “it is often the perception of effects, rather than actual effects” which leads to complaints. The noise rules are there to protect an industry from unreasonable expectations by residents as well as protecting residents from unreasonable noise from an industry.</p> <p>No factual information has been presented on which to provide for any additional noise protection for industrial activities in a rural zone at this point so the submission cannot be supported at this point.</p> <p>A noise assessment would be required for each site plus how the rights of possible future (and existing) residents would be protected should this submission be considered for approval.</p>
280.124	Nelson Marlborough District	3.2.3.4	<p>Support there being rules for these activities but the assessment standard referenced in the plan specifically excludes assessment of wind powered equipment for electrical generation and proposed</p>	<p>To provide certainty and remove all potential ambiguities this submission is generally agreed with, subject to some minor</p>

Submission	Submitter	Rule	Submission	Comment
	Health Board		<p>noise limits cannot in practice be assessed using NZS6802:2008 and is why a specific standard ie NZS6808:2010 must be used.</p> <p>Support generator assessment numerical limits with amendment to dBA L_{Aeq} metric and amend “measured at the notional boundary of” as not best practice since 1995 being legal uncertain, and should be amended for consistency with phrase used elsewhere in plan and recommended in assessment standard referenced in the plan. “Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to “measured sound levels.”</p> <p>Need to separate the clause into two parts one for generator noise and one for wind powered equipment</p> <p>Need to link noise for generators to rules 3.2.3.5 which includes assessment in accordance with NZS 6802:2008</p> <p>Replace 3.2.3.3 with “3.2.3.3 (a) Electrical generators Noise emissions from any generator used for electricity generation must be operated so that noise emissions at any point within the notional boundary of any dwelling in any zone must not at any time exceed 55 dB $L_{Aeq(15\ min)}$ when measured and assessed in accordance with Rule 3.2.3.5. (b) Wind turbines Wind turbine sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and the noise at any point within the notional boundary of any residential Dwelling must not exceed 40 dB $L_{A90(10\ min)}$ or the background sound level $L_{A90(10\ min)}$ plus 5dB, whichever is higher.” “Wind turbine” a device used to extract kinetic energy from the wind for electrical generation and includes any wind farm.</p>	variations in the wording.
280.125	Nelson Marlborough District Health Board	3.2.3.5	Supports use of 2008 edition of these standards to replace earlier editions referenced in the operative plans, which date from 1991 and contain errors, ambiguities and are out-of-date in a technical and legal sense.	The use of the 2008 Standards is supported.
280.126	Nelson Marlborough District Health Board	3.2.3.6	Support the use of NZS6803 as appropriate to replace the 1984 version referenced in the operative plan which contains errors and is out-of-date.	This is agreed with and the proposed condition should remain.
280.127	Nelson	3.2.4.	This section is miss-titled as the section only relates	The change is supported.

Submission	Submitter	Rule	Submission	Comment
	Marlborough District Health Board		to noise-sensitive activities in relation to frost fans and the provisions differ from other usage in the plan. Support the provisions with amendment. Amend section headings to "Noise sensitive activity and frost fans"	
1039.115	Pernod Ricard Winemakers New Zealand Limited	3.2.4.	The submitter generally supports these rules and considers they are appropriate measures to manage reverse sensitivity effects. Retain Standard 3.2.4, including any other or additional measures as appropriate to manage reverse sensitivity effects.	This submission is agreed with.
149.12	PF Olsen Ltd	3.2.4.1	Reverse sensitivity arising from establishment of "noise sensitive activities" close to existing forests is a perennial problem. The onus should lie with new activities to either be set back far enough or to undertake sufficient design mitigation to manage any temporary adjacency noise effects from normal rural activities associated with forestry in the rural zone. Extend coverage of rule to include 300m from any existing commercial forest boundary.	The submission by PF Olsen Ltd to Rule 3.2.4.1 is to extended to cover any existing commercial forest boundary. No credible reason to adopt such an approach has been provided and accept this submission would be setting an arbitrary distance to the rule so this is not accepted.
280.130	Nelson Marlborough District Health Board	3.2.4.1	Reference to 2004 edition of ISO717.1 is outdated and should be superseded here and in the two other instances in Volume 2 ie 4.2.3.1 and 8.2.3.1. Support provisions per Environment Court Plan Change decisions. Replace "ISO 717.1:2004" with "ISO 717.1:2013" Note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the plan, or consequential amendments to this proposed section, as a result of decisions about other parts of the plan.	The recommendation to adopting the updated version of AS/NZS ISO 717.1:2013 is agreed with. In addition, the relief sought to include compatibility with the requirements of the MEP and to that extent the proposed façade reduction has been reviewed and minor changes recommended.
280.133	Nelson Marlborough District Health Board	3.2.5.	"Sound insulation" used many times, "acoustic insulation" is inappropriate terminology as it excludes "Acoustic isolation" which is the effect it is trying to achieve and will often be a more cost-effective and equitable means of meeting the clause objectives here and elsewhere in the plan. Examples include orientation of buildings and noise barriers which are by normal definition not "acoustic insulation" but are effective to "acoustically isolate" buildings (or land) from noise immissions. Support provisions for new noise sensitive activities within the air noise contours and for alterations and additions. Support method of certification proposed by an acoustic engineer. Here and elsewhere in similar clauses oppose use of "L _{dn} " as metric for indoor design purposes. Elsewhere in plan "L _{Aeq} " is appropriately used as is common elsewhere in New Zealand where an indoor	The suggested change of the word insulation to isolation is not supported as the current terminology is clear and provides for any appropriate method of noise control. The change from "dBA L _{Aeq} " to "dB L _{Aeq} " to maintain compatibility with NZS6801:2008 and NZS6802:2008

Submission	Submitter	Rule	Submission	Comment
			<p>design metric is used for habitable room protection from immissions external to the building envelope. Support the 40dB numerical limit in these clauses related to Woodbourne airport air noise c.f. the 35dB limit for Koromiko Airport .</p> <p>Support L_{Aeq} indoor design metric in 3.2.6 and the 35dB L_{Aeq}</p> <p>the submitter seeks to replace all instances of “insulation to” with “isolation of” and “Such insulation” with “Such isolation”</p> <p>Here as elsewhere in the plan replace “dBA L_{Aeq}” with “dB L_{Aeq}.”</p>	
992.61	New Zealand Defence Force	3.2.5.	The land surrounding Base Woodbourne is zoned Rural Environment, and as such there is the potential for farming and accommodation activities to be established in the surrounding area. NZDF aviation activities, including those undertaken by NZDF, may result in noise. It is appropriate that any habitable space within a building housing a noise sensitive activity is fitted with appropriate noise attenuation provisions.	It is agreed that it is appropriate to retain Standard 3.2.5 as notified.
280.133	Nelson Marlborough District Health Board	3.2.5	<p>Here and in 7 other instances in Volume , and as distinct from “”Sound insulation” used many times, “acoustic insulation” is inappropriate terminology as it excludes “Acoustic isolation” ...</p> <p>Here and elsewhere in similar clauses oppose use of “Ldn” as metric for indoor design purposes. Elsewhere in plan “LAeq” is appropriately used as is common elsewhere in New Zealand where an indoor design metric is used for habitable room protection from immissions external to the building envelope. Support the 40 dB numerical limit in these clauses related to Woodbourne airport air noise c.f. the 35 dB limit for Koromiko Airport .</p> <p>Support LAeq indoor design metric in 3.2.6 and the 35 dB LAeq</p>	<p>The requirement to “sound insulated ...” is addressed above and not considered to change the wording.</p> <p>The use of L_{dn} for internal design is appropriate in cases such as airports as that is the value aircraft noise is predicted with. If L_{Aeq} is adopted there will not be a reliable level to use for the acoustic design so this change is not recommended.</p>
992.61	New Zealand Defence Force	3.2.5	The land surrounding Base Woodbourne is zoned Rural Environment, and as such there is the potential for farming and accommodation activities to be established in the surrounding area. NZDF aviation activities, including those undertaken by NZDF, may result in noise. It is appropriate that ay habitable space within a building housing a noise sensitive activity is fitted with appropriate noise attenuation provisions.	This submission is agreed with
280.134	Nelson Marlborough District	3.2.6	Identical to submission 280.133 for Rule 32.2.5	

Submission	Submitter	Rule	Submission	Comment
	Health Board			
769.98	Horticulture New Zealand	3.3.5	<p>Horticulture NZ supports the provision of a permitted activity rule for audible bird scaring devices but consider that the proposed standards are arbitrary in that it sets distances rather than base the standard on the noise emitted from a device. The measure LAe is not defined. It is considered that the SEL measure is more appropriate for measuring impulsive sound and therefore should be the used in the bird scaring rule.</p> <p>Unlike frost fans there is no requirement for a noise sensitive activity to have to insulate from existing devices. Therefore it is essential that habitable buildings establishing within the Rural Environment or on the boundary of the zone are required to have setbacks so that they are not adversely affected by an existing lawfully established activity. It is difficult to determine that the device is not closer than 250m to any other audible bird scaring device as an operator does not have control over where a neighbour locates devices.</p>	<p>SEL is the same LAE although only SERL is defined in the Chapter 25 so should be adopted.</p> <p>It is agreed the current rule should be clarified and this has been done.</p>
280.141	Nelson Marlborough District Health Board	3.4.1	Support the provisions as determined in the plan changes to the Operative Plan, including the noise limits, metrics and assessment and measurement methods, separation distances and other rule provisions, matters listed for Council's reserved control and requirements for information when an application is made.	Support the submission subject to minor clarification to Rule 3.4.1.3 to prevent duplication of conditions.
431.66	Wine Marlborough	3.4.1	Supports this provision subject to the amendments set out in the submission (and excluding those provisions specifically identified as being opposed).	Agreed
457.66	Accolade Wines New Zealand Limited	3.4.1	Accolade Wines New Zealand Limited supports the provision(s) subject to the amendments set out in its submission (excluding those specifically identified as being opposed).	Agreed the rule is appropriate with duplication (rule 3.4.1.3) removed.
473.51	Delegat Limited	3.4.1	Delegat Limited supports the provision subject to the amendments set out in its submission.	Agreed
484.70	Clintondale Trust, Whyte Trustee Company Limited	3.4.1	The rule is supported subject to the caveat that existing use provisions provided by s.10 Resource Management Act 1991 are protected for those existing frost fans erected and operated pursuant to a resource consent and which remain compliant with the conditions contained in that resource consent and upon which basis the consent was issued.	The MEP clearly recognises the existing use rights of existing frost fans erected and operated in compliance with a resource consent and the conditions upon which the consent was issued.
592.12	Clifford John Smith	3.4.1	The use of frost fans can have an adverse effect on the physical and mental wellbeing of occupants of residential accommodation, caused by the interruption of sleep, interruption of the supply of fresh air, internal humidity and condensation and air	The rule has been developed as a balance between the need to protect crops (which are a controlled activity in the area) and the acoustic protection of

Submission	Submitter	Rule	Submission	Comment
			<p>contamination problems when windows used for ventilation have to be closed to reduce externally generated noise from frost fans.</p> <p>It should be noted that occupants of residential accommodation are not limited to adults but can include children, the elderly and infirm, the sick and those persons without mobility who might not understand or be able to cope with the effects of unpredictable and excessive noise.</p> <p>Noise (unwanted sound by definition) is an environmental problem that can be attenuated through correct engineering design and with due consideration of the receiving environment.</p> <p>The RMA Section 326 defines "excessive noise" as:</p> <p>(1) "...any noise that is under the human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person"</p> <p>Frost fans are included under (2) (iii) and can and do generate excessive noise and cause inconvenience and distress to residents affected by their operation.</p> <p>The Building Regulations, Section G4, 1992</p> <p>The object of this provision is ... "to safeguard people from illness or loss of amenity due to lack of fresh air."</p> <p>To date, I am not aware that MDC have addressed under "reversed sensitivity issues" the issue of inadequate "bedroom ventilation" with closed windows (conditions under which design frost fan noise levels have been determined).</p> <p>Erecting frost fans close to existing residential accommodation and creating a noise ventilation problem, does not constitute reverse sensitivity. The onus rests with the owner and MDC to ensure that such installations, where noise and ventilation might be a combined issue, are addressed at consenting stage.</p> <p>The MEP 2016 Rules for frost fans do not appear to address this issue.</p> <p>Health and Safety At Work Act-2015</p> <p>Use of frost fans can constitute a health and safety hazard to persons not in the workplace when not properly designed, and operated and monitored to address health and safety issues such as noise and ventilation, malfunctioning, mechanical failure, fire,</p>	<p>residents. This submission is accepted in principal and the rule satisfies that principle.</p>

Submission	Submitter	Rule	Submission	Comment
			fuel spills etc. The proposed frost fan rules do not appear to address these issues.	
631.38	Constellation Brands New Zealand Limited	3.4.1	CBNZ supports in principle much of the MEP provisions and in particular the general philosophy behind the changes to the take and use of water for viticulture purposes and the generally philosophy regarding the management of winery wastewater.	Agreed
776.40	Indevin Estates Limited	3.4.1	That the provision is retained in full.	Agreed, subject to satisfying other submissions requiring clarification to the rule.
909.57	Longfield Farm Limited	3.4.1	Longfield Farm Limited supports this provision.	Agreed
1039.125	Pernod Ricard Winemakers New Zealand Limited	3.4.1	PRW considers that controlled activity status is appropriate (but does not consider a more stringent activity status should apply).	Agreed
1218.57	Villa Maria	3.4.1	Support Rule 3.4.1.	Agreed
1242.36	Yealands Estate Limited	3.4.1	YEL supports in principle much of the MEP provisions and in particular the general philosophy behind the changes to the take and use of water for viticulture purposes.	Agreed
474.6	Marlborough Aero Club Incorporated	3.7.13	Submission states "Rule 3.7.13 (and any similar provision in the Plan)". Should refer to the runway protection area. However, if no changes are made to maps, 18, 19, 24 and 25, then no changes should be made to this prohibited activity rule.	It is agreed Rule 3.7.13 should refer the runway protection area.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 3.x.x is:

3.2.3.1 Subject to the requirements of Rule 3.2.3.2, an activity must not cause noise that exceeds the following limits at the Zone boundary or any point within the boundary of any other property within the Zone:

7.00 am to 10.00 pm 65dBA ~~L~~_{Aeq}

10.00 pm to 7.00 am 65dBA ~~L~~_{Aeq} 75dB ~~L~~_{AFmax}

3.2.3.2 An activity undertaken within the Rural Environment Zone must be conducted to ensure that noise arising at any point or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Rural Environment does not exceed the following noise limits:

7.00 am to 10.00 pm	50dBA L_{Aeq}
10.00 pm to 7.00 am	40dBA L_{Aeq} 70dB L_{AFmax}

3.2.3.3. The following activities are excluded from having to comply with the noise limits:

- (a) sirens and call out sirens associated with the activities of the New Zealand Fire Service emergency services;
- (b) mobile machinery used for a limited duration as part of agricultural, or horticultural or forestry activities occurring in the Rural Environment Zone;
- ~~(c) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.~~

~~3.2.3.4 Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55dBA $L_{Aeq(15-min)}$ at all times.~~

3.2.3.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

3.2.3.5. Wind turbines

The noise from wind turbines shall be designed and operated comply with the requirements of NZS 6808:2010 Acoustics - Wind Farm Noise.

3.2.4. Noise sensitive activity and frost fans.

3.2.4.1 Any new noise sensitive activity located within 300m of any frost fan not within the same site must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1: 20042013 Acoustics – Rating of Sound Insulation in Buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan $DnT_{f,w} + Ctr_{50-3150} \geq 27$ dB

Dwellings located less than 200m and more than 100m from the nearest frost fan $DnT_{f,w} + Ctr_{50-3150} \geq 3230$ dB

Dwellings located less than 100m from the nearest frost fan $DnT_{f,w} + Ctr_{50-3150} \geq 3735$ dB

For the purposes of Standard 3.2.4.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof and has a bedroom window exposed to one or more frost fans.

3.2.5.1 Except as provided for in Standard 3.2.5.2, an activity must not cause noise that exceeds the following limits at any point outside the scheduled site boundary ~~or within the scheduled site:~~

7.00 am to 10.00 pm	50 dBA L_{Aeq}
10.00 pm to 7.00 am	40 dBA L_{Aeq} 70dB L_{AFmax}

3.2.5.2 Where an outdoor activity associated with an educational facility is undertaken between 7.00 am to 10.00 pm, noise must not exceed a limit of 60 dBA ~~L_{Aeq}~~ L_{Aeq} when measured at the boundary of the scheduled site.

~~3.4.1.3~~ ~~Noise from a frost fan which has special audible characteristics such as tonality or impulsiveness, must have a 5 dB penalty added to the measured level before compliance with Standard 3.4.1.1 is assessed except that where the Reference Method in the Standard is used to determine the penalty, the value of the penalty shall be a value in the range 0.1 dB to 6.0 dB as determined by that method.~~

3.3.5 Audible bird-scaring device.

3.3.5.1 A Category A or Category B device must not be operated:

- (b) between 8.00 pm and 7.00 am the following day if a noise sensitive activity is located the device is within 2km of a of the bird scaring device noise sensitivity activity;
- (c) Within 100m of a public road;
- (d) within 800m, 1000m of any rest home, public or private hospital;
- (e) At a greater density than one device per five hectares of land in any single land holding, except that in the case of a single land holding of less than five hectares in area, one device shall be permitted;
- (f) Category A devices: more than 4 "events" per hour where an "event" includes a cluster of up to three shots within a 30 second period from a single device.
- (g) Category B devices: for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour in the case of air horns, sirens, or any amplified signal.
- (h) Where any noise event results in a noise level greater than 65 dB SEL when assessed at the notional boundary of any noise sensitive activity not owned by the operator of the device, or within the site boundary of any residential zoned site
- (i) Within 5 days of a request from Council the operator of an audible bird scaring device must provide a certificate from an appropriately qualified and experienced acoustic consultant on the sound level emitted by the bird scaring device model in use on the property, the settings required and the distance at which a sound level of 65 dB SEL.

- (j) The bird scaring device can only be operated when a crop is at risk from bird damage.
- (a) within 160m of the boundary or notional boundary of the nearest dwelling, visitor accommodation or other habitable building (except a dwelling, visitor accommodation or other habitable building on the same property as the audible bird scaring device);
- (b) such that sound is emitted at a level greater than 65 dB LAE, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environment or Coastal Environment Zones) of the nearest dwelling, visitor accommodation or other habitable building (except a dwelling, visitor accommodation or other habitable building on the same property as the audible bird scaring device).
- (c) closer than 250m to any other audible bird scaring device.

Audible Avian Distress Alarms

- (k) There shall be no device operated between sunset and sunrise.
- (l) Sound emitted from the device shall not exceed 50 dB L_{Aeq} when measured within the notional boundary of any rural dwelling or at any point within a Residential environment.
- (m) No device shall be placed in such a manner that in any public place receives noise exceeding 80 dB L_{AFmax}
- (n) There shall be no more than (one) audible avian distress alarm per 5 hectare site (or part thereof).
- (o) The bird scaring device can only be operated when a crop is at risk from bird damage.

Matter 3 - Chapter 4, Rural Environment Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
873.187	KiwiRail Holdings Ltd	4.1	Identical to submission as set out in submission 873.186, Chapter 3 so not repeated here.	As set out in Chapter 3 this submission is not agreed with unless additional information is provided to warrant its inclusion.
470.1	Kathryn Margery Hine	4.2.2.	<p>Noise nuisance from Sewerage Systems</p> <p>Quietness should be a consideration in the installation of septic tanks/sewerage systems that are going to be close to housing.</p> <p>More stringent noise level allowances need to be adhered to.</p> <p>In my own experience, our consent was required for a neighbours septic tank with a pump. We had no idea that it was going to make so much noise and we were not aware that there were other products available that would be quieter. We wish that we had been required to have been provided with more information to be able to make a more informed response rather than to end up with a horrible noise in an otherwise pristine area of the Sounds.</p>	The noise from any septic tank system is covered by the proposed rules so no change is required. This submission is seeking action to be taken by Council, which is outside the scope of the MEP. To the extent the noise is part of the planning process the submission is accepted.
91.193	Marlborough District Council	4.2.2.1.	<p>The existing wording of Standard 4.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of Standard 4.2.2.1. It is intended to only apply beyond the site as specified in the amendment. Amend Standard 4.2.2.1 as follows (strike through and bold) -"<i>An activity must not cause noise that exceeds the following limits at or within the boundary of any other property zoned Coastal Environment at the Zone boundary or within the Zone.</i>"</p>	This submission is supported with a small change to the assessment location (as per the following submission from the Marlborough District Health Board) this submission is accepted.
280.147	Nelson Marlborough District Health Board	4.2.2.1.	<p>Support wording other than reference to "at the Zone boundary or within the Zone" ... for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. Also oppose the words "or within the Zone" as makes a nonsense of the concept of "reasonable noise". If the intention is to protect noise sensitive activities outside the CMA from noise originating within the CMA, as provided for in 4.2.2.2, then since there are few if any boundaries within the CMA the effect of the rule on one hand can allow exceptionally high sound levels depending on distance from the landward boundary , regardless of effects upon other uses in the CMA which might include activities which are to some extent</p>	<p>This submission seeks to include the words "Except as provided elsewhere in this section,". These words are considered unnecessary so are rejected.</p> <p>All other parts of the submission are accepted</p>

Submission	Submitter	Rule	Submission	Comment
			<p>sensitive to noise ie amenity values, sleeping in vessels etc.</p> <p>In 16.2.3.1 “Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to “measured sound levels.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (AND THROUGHOUT THE PLAN), support LAFmax metric and numerical limit 10 dB above LAeq numerical limit</p> <p>Requires modification to provide for effect of other rule section provisions relating to other noise sources.</p>	
280.149	Nelson Marlborough District Health Board	4.2.2.2.	<p>Wording “at or within the boundary” is not best practice since 1995 being legal uncertain, and “within the” boundary” should both be amended for consistency with phrase used elsewhere in plan and recommended in assessment standard referenced in the plan. Support numerical limits, but requires amendment to “dBA LAeq” as submitted elsewhere, support time-frames for application. Support 70 dB as LAFmax limit rather than any more or less stringent limit for night-time noise.</p>	<p>This submission seeks to include the words “Except as provided elsewhere in this section,”. These words are considered unnecessary so are rejected.</p> <p>All other parts of the submission are accepted</p>
716.188	Friends of Nelson Haven and Tasman Bay Incorporated	4.2.2.2.	<p>This rule does not allow noise that exceeds specified limits both at the zone boundary and within the zone. There are some areas in the Coastal Environment Zone that should be subject to 4.2.2.2.</p> <p>That the following amendment (bold) is made to Standard 4.2.2.2:</p> <p><i>Standard 4.2.2.2 An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment and all the ecologically significant marine sites the whale and dolphin sites shown on Maps 17 and 18, anchorages, mooring management areas, marine reserves (the placement of this statement is inferred) does not exceed the following noise limits:</i></p>	<p>The submission relates to areas beyond the control of the MEP so is not supported.</p>
91.3	Marlborough District Council	4.2.2.3.	<p>4.2.2.3(b) included in exclusion in error, appropriate that the noise limits apply to this Standard.</p> <p>Delete Standard 4.2.2.3(b) - "(b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for</p>	<p>It is clear there are exclusions beyond those generally accepted so the submission is agreed with.</p>

Submission	Submitter	Rule	Submission	Comment
			recreational purposes."	
91.197	Marlborough District Council	4.2.2.3.	The requested amendment to Standard 4.2.2.3(a) adds text omitted in error. Amend Standard 4.2.2.3(a) as follows (strike through and bold) - " <i>(a) mobile machinery used for a limited duration as part of agricultural, or horticultural or forestry activities occurring in the Coastal Environment Zone;</i> "	This submission is supported by other submissions and is agreed with.
149.47	PF Olsen Ltd	4.2.2.3.	Amend to include mobile machinery used for a limited time for the purposes of forestry activities including harvesting - see same submission for rural environment	Reviewing the definition of forestry activities in the MEP satisfies this submission and is agreed with.
167.25	Killearnan Limited	4.2.2.3.	The permitted activity standard allows for horticulture and agriculture activities, however does not allow for general forestry activities e.g. chainsaw use.	This submission is agreed with.
280.150	Nelson Marlborough District Health Board	4.2.2.3.	Support having exemptions but oppose any exemption for recreational use of motorbikes as contraindicated by past experiences in this District in the past and throughout New Zealand but provide for use for primary industrial purposes.	It is also agreed it would be wrong to include the recreational use of motorbikes and this submission is agreed with.
425.637	Federated Farmers of New Zealand	4.2.2.3.	Federated Farmers supports the exemption from maximum noise limits for the use of mobile machinery that is being used for agricultural or horticultural purposes. Their submission is that this exemption should extend to noise all primary production activities and other forms of rural noise. As it is written, mobile machinery used during forestry maintenance or harvest will not be exempt from the noise limits. We have based our relief sought on the Horowhenua District Plan, which amended their noise exemption rule to also exempt temporary primary production noise from limits in response to Federated Farmers submission. Other activities that occur on farms also create noise, such as livestock, frost fans, water pumps or noise from dairy sheds, shearing sheds or seasonal activities like docking lambs' tails should also be included in the exemption. Federated Farmers supports (b) of Standard 4.2.2.3 which provides exemptions for fixed motors, equipment and pumps. <i>(Inferred)</i> That the Standard is amended to read as follows (strike through and bold) - <i>"The following activities are excluded from having to comply with the noise limits: (a) mobile machinery used for a limited duration</i>	The submission is to change “(a) Mobile sources associated with primary production activities; temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting; and noise from rural livestock” and retain “(b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes.” (a) is supported to the extent mobile machinery used for a limited duration as part of agricultural or horticultural activities may be excluded although it is unnecessary to include noise from rural livestock with respect to normal farming as this is not addressed in terms of the approach adopted by the proposed rule. In the event there

Submission	Submitter	Rule	Submission	Comment
			<p><i>as part of agricultural or horticultural activities occurring in the Coastal Environment Zone;</i></p> <p>Mobile sources associated with primary production activities; temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting; and noise from rural livestock;</p> <p><i>(b) any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes."</i></p>	is "factory farming" this should not be excluded. This submission is agreed with in part.
962.191	Marlborough Forest Industry Association Inc	4.2.2.3.	The permitted activity standard does not allow for general forestry activities (eg slash raking, chainsaw use).	The submission has been satisfied by separate submissions and is accepted.
990.124	Nelson Forests Limited	4.2.2.3.	<p>The Permitted Activity Standard does not allow for general forestry activities (eg slash raking, harvesting, infrastructure construction, chainsaw use, loading, manoeuvring, etc). Further, processing forestry activities is not defined, which leaves the rule open to interpretation. It is inequitable to provide for noise associated with some rural based primary production activities and not others.</p> <p><i>Amend (a) of the Standard as follows (bold) -</i> <i>"(a) mobile machinery used for a limited duration as part of agricultural, forestry or horticultural activities occurring in the Coastal Environment Zone;"</i></p>	<p>Forestry is defined in the Chapter 25, Definitions of the MEP so satisfies that part of the submission.</p> <p>Forestry is recommended as an exclusion to specific noise controls.</p> <p>This submission is agreed with.</p>
280.151	Nelson Marlborough District Health Board	4.2.2.4.	Support there being rules for these activities but the assessment standard referenced in the plan specifically excludes assessment of wind powered equipment for electrical generation and proposed noise limits cannot in practice be assessed using NZS6802:2008 and is why a specific standard ie NZS6808:2010 must be used.	There is no justification to include electrical generators in this rule. It is understood there may have been confusion with the fact wind turbines are electrical generators and the term has been linked.

Submission	Submitter	Rule	Submission	Comment
			<p>Support generator assessment numerical limits with amendment to dBA L_{Aeq} metric and amend “measured at the notional boundary of” as not best practice since 1995 being legal uncertain, and should be amended for consistency with phrase used elsewhere in plan and recommended in assessment standard referenced in the plan. “Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to “measured sound levels.”</p> <p>Need to separate the clause into two parts one for generator noise and one for wind powered equipment</p> <p>Need to link noise for generators to rules 3.2.3.5 which includes assessment in accordance with NZS 6802:2008.</p> <p>Allow the provision in part and amend as follows:</p> <p>Add sub-headings for two sub-clauses” Electrical generators” and “Wind turbines.”</p> <p>Replace 3.2.3.3 with “3.2.3.3</p> <p>(a) Electrical generators Noise emissions from any generator used for electricity generation must be operated so that noise emissions at any point within the notional boundary of any dwelling in any zone must not at any time exceed 55 dB $L_{Aeq(15\ min)}$ when measured and assessed in accordance with Rule 3.2.3.5.</p> <p>(b) Wind turbines Wind turbine sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and the noise at any point within the notional boundary of any residential Dwelling must not exceed 40 dB $L_{A90(10\ min)}$ or the background sound level $L_{A90(10\ min)}$ plus 5dB, whichever is higher.”</p> <p>Consequentially add a new definition to the plan as submitted above in “Wind turbine” a device used to extract kinetic energy from the wind for electrical generation and includes any wind farm.</p>	The submission is agreed with.
280.152	Nelson	4.2.2.5.	Support use of 2008 edition of these standards to	This submission is adding text that

Submission	Submitter	Rule	Submission	Comment
	Marlborough District Health Board		<p>replace earlier editions referenced in the operative plans, which date from 1991 and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.</p> <p>Insert at the beginning of clause 3.2.3.5. "Except as provided elsewhere," is considered unnecessary.</p>	does not achieve greater clarity so is not agreed with.
280.153	Nelson Marlborough District Health Board	4.2.2.6.	Support the use of NZS6803 as appropriate to replace the 1984 version referenced in the operative plan which contains errors and is out-of-date.	This submission is agreed with.
280.128	Nelson Marlborough District Health Board	4.2.3.	<p>This section is mis-titled as the section only relates to noise-sensitive activities in relation to frost fans and the provisions differ from other usage in the plan. Support the provisions with amendment. Allow the provision in part and amend (3.2.4) as follows: AND ELSEWHERE IN THE PLAN in 4.2.3. and 8.2.3.</p> <p>Amend section headings to "Noise sensitive activity and frost fans".</p>	<p>The submission is accepted on the heading change to avoid confusion.</p> <p>The rule needs to be updated as submitted and reflect earlier general submission.</p> <p>The submission is agreed with.</p>
1284.10	Port Marlborough New Zealand Limited	4.2.3.	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new standards are included under 4.2.3 Noise sensitive activity:</p> <p><i>4.2.3.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</i></p> <p><i>4.2.3.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance</i></p>	<p>It is appropriate to provide for adequate noise protection for new noise sensitive activities to minimise the potential effects of reverse sensitivity.</p> <p>As proposed there is no control for any permitted noise sensitive activity that may be in the Business 1 Zone that is also inside the Inner Noise Control Boundary. This may be resolved by adopting a control of simply within the Outer Noise Control Boundary.</p> <p>There is no recognition for any residential use that may already be within the Inner Noise Control Boundary. It is normal practice for the Port at least partly fund the upgrading of existing dwellings where the port wishes to generate noise levels that exceed normally accepted criteria.</p> <p>This submission is supported as far as it goes. However, the noise contours are effectively providing the Port a licence to make noise and these significant benefits to</p>

Submission	Submitter	Rule	Submission	Comment
			<i>with the design.</i>	<p>the Port need to be balanced with the rights of those where the higher noise level would normally be considered as unreasonable noise. For those noise sensitive activities the port should be prepared to pay for all, or some, of the upgrading of the noise sensitive activity, the exact amount contributed being dependent on the level of noise experienced.</p> <p>An example of what could be adopted is set out in Appendix 1, which is a copy of what Port Nelson adopts. It is recommended this or a similar approach is included to the change sought.</p>
149.48	PF Olsen Ltd	4.2.3.1.	As for the rural environment include the requirement when a noise sensitive activity is undertaken within 300m of an existing established commercial forest.	This request is agreed with and is addressed in the MEP.
280.131	Nelson Marlborough District Health Board	4.2.3.1.	Reference to 2004 edition of ISO717.1 is outdated and should be superseded here and in the two other instances in Volume 2 ie 4.2.3.1. and 8.2.3.1. Support provisions per Environment Court Plan Change decisions. Allow the provision in part and amend as follows:. Replace "ISO 717.1:2004" with "ISO 717.1:2013"	This is the same submission as for Chapter 3 and is agreed with to provide an appropriate and consistence throughout the MEP.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 4.2.x is:

4.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Coastal Environment ~~the Zone boundary or within the Zone:~~

7.00 am to 10.00 pm 65 dBA ~~L_{Aeq}~~

10.00 pm to 7.00 am 65 dBA ~~L_{Aeq}~~ 75dB ~~L_{AFmax}~~

4.2.2.2 An activity undertaken within the Coastal Environment Zone must be conducted to ensure that noise arising at any point ~~or~~ within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living, Coastal Living or Coastal Environment does not exceed the following noise limits:

7.00 am to 10.00 pm 50 dBA ~~L_{Aeq}~~

10.00 pm to 7.00 am 40 dBA ~~L_{Aeq}~~ 70dB ~~L_{AFmax}~~

4.2.2.3 The following activities are excluded from having to comply with the noise limits:

- (p) mobile machinery used for a limited duration as part of agricultural, ~~or~~ horticultural or forestry activities occurring in the Coastal Environment Zone;
- ~~(q) Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55dBA L_{Aeq(15 min)} at all times.~~

~~Noise emissions from any generator or wind powered equipment used solely for electricity generation must be operated so that noise emissions measured at the notional boundary of any dwelling in any zone must not exceed 55 dBA L_{Aeq(15 min)} at all times.~~

4.2.2.4 Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

4.2.2.5 Wind turbines

Wind turbines shall be designed and operated to comply with the requirements of NZS 6808:2010 Acoustics - Wind Farm Noise.

4.2.2.6 Port Noise

- (a) Port noise shall be measured and assessed in accordance with the requirements of NZS 6809: 1999 Acoustics - Port Noise Management And Land Use Planning

- (b) Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity within the Outer Noise Control Boundary at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.
- (c) Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dBA L_{dn} in all new habitable spaces and buildings used for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.

4.2.2.7. Existing noise sensitive activities within the Outer Noise Control Boundary

- (a) Add treatment to existing noise sensitive spaces such as the example set out in Appendix 1...

4.2.2.4. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

4.2.2.8. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

4.2.3. Noise sensitive activity and frost fans.

4.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site must be designed and constructed so that within the external building envelope surrounding any bedroom (when the windows are closed), airborne sound insulation meets the following single-number rating for airborne sound insulation, determined in accordance with AS/NZS ISO 717.1:2004 2013 Acoustics – Rating of sound insulation in buildings and of building elements Part 1 – Airborne sound insulation:

Dwellings located less than 300m and more than 200m from the nearest frost fan $DnT_{f,w} + Ctr_{50-3150} \geq 27\text{dB}$

Dwellings located less than 200m and more than 100m from the nearest frost fan $DnT_{f,w} + Ctr_{50-3150} \geq 32\text{dB}$

Dwellings located less than 100m from the nearest frost fan $DnT_{f,w} + Ctr_{50-3150} \geq 37\text{dB}$

4.2.3.2. For the purposes of Standard 4.2.3.1, "external building envelope" means an envelope defined by the outermost physical parts of the building, normally the cladding and roof and has a bedroom window facing towards one or more frost fans.

Matter 4 - Chapter 5, Urban Residential 1 and 2 Zone (including Urban Residential 2 Greenfields Zone)

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
280.50	Nelson Marlborough District Health Board	5.1.13	Rule 5.1.13 permits “community activity using an existing community facility”. NMH notes that community activity is defined as ‘the use of land and buildings for the purpose of supporting the health, welfare, education, culture and spiritual wellbeing of the community including not for profit childcare facilities, active and passive recreation’. It appears this definition includes the Wairau Hospital and other medical services and therefore they are subject to the permitted activity limits under 5.2.2.1 for noise.	This change is agreed with.
1284.9	Port Marlborough New Zealand Limited	5.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 5.2 for the Urban Residential 2 Zone:</p> <p>5.2.x. Noise sensitive activity.</p> <p>5.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>5.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	Accept although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.
993.38	New Zealand Fire	5.2.2.	The NZFS Commission supports Standard 5.2.2	This submission is agreed

Submission	Submitter	Rule	Submission	Comments
	Service Commission		<p>(Noise), and particularly the exemption in 5.2.2.1 for “sirens and call out sirens associated with the activities of the New Zealand Fire Service”.</p> <p>Amend clause 5.2.2.1 in Standard 5.2.2 as follows: <i>“This standard does not apply to sirens and call out sirens associated with the activities of the New Zealand Fire Service.”</i></p>	with.
91.192	Marlborough District Council	5.2.2.1.	<p>The existing wording of Standard 5.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of Standard 5.2.2.1. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 5.2.2.1 as follows (strike through and bold) - <i>“An activity must not cause noise that exceeds the following limits at or within the boundary of any other property at the Zone boundary or within the Zone:”</i></p>	This is accepted with wording previously adopted by Marlborough District Council, namely “at any point within”
280.98	Nelson Marlborough District Health Board	5.2.2.1.	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.” Amend as follows:.</p> <p>In 5.2.2.1 Replace “at the Zone boundary or within the Zone” with “at any point within the Zone”</p> <p>In all sections, replace “dBA LAeq” with “dB LAeq” here and throughout the plan.</p>	I agree with this submission
280.123	Nelson Marlborough District Health Board	5.2.2.1.	<p>In 3.2.3.3 (a) and 5.2.2.1 Support having exemptions but with amendment to allow for all emergency vehicles and to clarify exemption relates to Rule 3.2.3.2.</p> <p>Oppose any exemption for recreational use of motorbikes as contraindicated by past experiences in this District in the past and throughout New Zealand but provide for use for primary industrial purposes.</p> <p>Allow the provision in part and amend as follows:</p> <p>Add “in Rule 3.2.3.2 after “noise limits”</p> <p>Replace in 3.2.3.3 (a) and 5.2.2.1 “the New Zealand Fire Service” with “emergency services.”</p> <p>Replace in (b) “recreational” with “primary</p>	<p>It is agreed all emergency services should be exempt from the noise rules rather than just the fire service.</p> <p>The reference to Rule 3.2.3.3(b) to replace “recreational” with “primary industries” is not agreed with; it has been deleted via a separate submission.</p>

Submission	Submitter	Rule	Submission	Comments
			industries.”	
280.154	Nelson Marlborough District Health Board	5.2.2.2.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	Allow the provision in part and The submission with reference to NZS 6801, 6802 and 6803 are agreed with.
280.155	Nelson Marlborough District Health Board	5.2.2.3.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	It is agreed that retaining the use of the most recent Standard is appropriate.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 5.2.2 is:

5.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property at the zone boundary or within the zone:

7.00 am to 10.00 pm 50dBA ~~L~~_{Aeq}

10.00 pm to 7.00 am 40dBA ~~L~~_{Aeq} 70dB ~~L~~_{AFmax}

5.2.2.2 This standard does not apply to sirens and call out sirens associated with the activities of the ~~New Zealand Fire emergency Services~~.

Matter 5 - Chapter 6, Urban Residential 3 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
873.189	KiwiRail Holdings Ltd	6.1	Identical to submission as set out in submission 873.186, Chapter 3 so not repeated here.	As set out in Chapter 3 this submission is not agreed with unless additional information is provided to warrant its inclusion.
993.43	New Zealand Fire Service Commission	6.2.2.	This rule is opposed on the basis that the Standard does not include and exemption for "sirens and call out sirens associated with the activities of the New Zealand Fire Service", as has been included in the Standards for other Zones in the PMEP. While no fire stations are currently located in the Urban Residential 3 Zone, it is possible that over the life of the MEP a new fire station may be necessary in the Urban Residential 3 Zone.	This submission is agreed with although the exception should apply to all emergency services.
91.208	Marlborough District Council	6.2.2.1.	<p>The existing wording of Standard 6.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 6.2.2.1 as follows (strike through and bold) -"<i>The activity must not cause noise that exceeds the following limits within the boundary of any other property at the Zone boundary or within the Zone:</i>"</p>	Accept this change to ensure the noise control applies to the correct sites
280.99	Nelson Marlborough District Health Board	6.2.2.1.	Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is ultra vires but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."	Adopting the same wording as submitted by the Council will resolve the problem and is recommended.
280.156	Nelson Marlborough District Health Board	6.2.2.2.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Note that 13.2.3.4 will be amended in a later submission as NZS6802 must not be used to	I agree with adopting of the current Standards and reject the addition wording

Submission	Submitter	Rule	Submission	Comments
			assess port noise.	
280.157	Nelson Marlborough District Health Board	6.2.2.3.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	I agree with adopting of the current Standards and reject the addition wording

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 6.2.2 is:

6.2.2.1 The activity must not cause noise that exceeds the following limits at any point within the boundary of any other property at the zone boundary or within the zone:

7.00 am to 10.00 pm	50dBA _{L_{Aeq}}	
10.00 pm to 7.00 am	40dBA _{L_{Aeq}}	70dB _{L_{AFmax}}

This standard does not apply to sirens and call out sirens associated with emergency activities.

Matter 6 - Chapter 7, Coastal Living Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
873.189	KiwiRail Holdings Ltd	7.1	Identical to submission as set out in submission 873.186, Chapter 3 so not repeated here.	As set out in Chapter 3 this submission is not agreed with unless additional information is provided to warrant its inclusion.
91.223	Marlborough District Council	7.2.2.1.	<p>The existing wording of Standard 7.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 7.2.2.1 as follows (strike through and bold) - "<i>The activity must not cause noise that exceeds the following limits at or within the boundary of any other property at the Zone boundary or within the Zone:</i>"</p>	Accept this change to ensure the noise control applies to the correct sites.
280.100	Nelson Marlborough District Health Board	7.2.2.1.	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."</p> <p>"Measured at" is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	<p>The submission is accepted.</p> <p>Adopting the same wording as submitted by the Council will resolve the problem and is recommended.</p>
504.79	Queen Charlotte Sound Residents Ass	7.2.2.1.	I understand that chainsaws have an 85 dBA and such are used to cut firewood.	The submission does not specify a decision requested in relation to noise and the use of chainsaws but are required to comply with Rule 7.2.2.1.
280.158	Nelson Marlborough District Health Board	7.2.2.2.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	The support in the use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 is agreed with.

Submission	Submitter	Rule	Submission	Comments
280.159	Nelson Marlborough District Health Board	7.2.2.3.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	The support in the use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 is agreed with.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 7.2.2 is:

- 7.2.2.1 The activity must not cause noise that exceeds the following limits at any point within the boundary of any other property at the zone boundary or within the zone:
- | | |
|---------------------|---|
| 7.00 am to 10.00 pm | 50dBA A L _{Aeq} |
| 10.00 pm to 7.00 am | 40dBA A L _{Aeq} 70dB L _{AFmax} |

Matter 7 - Chapter 8, Rural Living Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
91.220	Marlborough District Council	8.2.2.1	<p>The existing wording of Standard 8.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 8.2.2.1 as follows (strike through and bold) -"The activity must not cause noise that exceeds the following limits at or within the boundary of any other property at the Zone boundary or within the Zone."</p>	Change in a slightly different format is recommended as per separate submission
280.101	Nelson Marlborough District Health Board	8.2.2.1	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (AND THROUGHOUT THE PLAN), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>Requires modification to provide for effect of construction rule/ generator rule</p> <p>"at the zone boundary" in 22.2.2.1 is not best practice and should be amended</p> <p>"Measured at" is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	<p>Allow the submission in part and amend as follows:</p> <p>In 8.2.2.1,.Replace "at the Zone boundary or within the Zone" with "at any point within the Zone"</p> <p>Replace "dBA LAeq" with "dB LAeq" here and throughout the plan.</p>
280.160	Nelson Marlborough District Health Board	8.2.2.2.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	Support the use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 is agreed with.

Submission	Submitter	Rule	Submission	Comment
280.161	Nelson Marlborough District Health Board	8.2.2.3.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	Support the use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 is agreed with.
280.129	Nelson Marlborough District Health Board	8.2.3.	This section is mis-titled as the section only relates to noise-sensitive activities in relation to frost fans and the provisions differ from other usage in the plan. Support the provisions with amendment	The submission has sought to amend section headings to “Noise sensitive activity and frost fans”
450.6	Shaun and Jane Peoples	8.2.3.	Great to see so many regulations/rules proposed for noise from frost fans considering all the vineyards in the area. However, we would like to see rules for the use helicopters for frost control and also rules around the use of audible bird scarring devices. Add the following new standards under this heading - - The use of helicopters for frost control - (<i>no specific wording provided by Submitter</i>); and - The use of audible bird scarring devices – (<i>no specific wording provided by Submitter</i>)	The noise from helicopters in flight is controlled by the CAA, not Council. Neither crop production nor bird scarring devices are permitted activity in Rule 8 so the control of These is not warranted in this rule.
1251.138	Fonterra Co-operative Group Limited	8.2.3.	New noise sensitive activities locating in proximity of existing rural industrial activities have the potential to generate reverse sensitivity effects. Consistent with the relief requested in other submission points, Fonterra also requests that new noise sensitive activities in the Rural Living Environment are also well setback from existing rural industrial activities. It is noted that by way of Performance Standard 8.2.3.3 that Rule 8.2.3.1 also applies to the extensions and alterations of existing dwellings and visitor accommodation. Fonterra has requested Rule 8.2.3 is amended by including the following: <i>Any new noise sensitive activity must not be located closer than 250m to a site containing any lawfully established rural industry activity, including any rural industry activity for which a resource consent has been granted but not yet implemented. For the avoidance of doubt, Standard 8.2.3.1 also applies to any alteration of an existing dwelling, visitor accommodation or other habitable building located within 250m of a rural industry activity, where a new bedroom</i>	A credible argument would be required for each site to justify the proposed controls plus how the rights of existing and possible future residents would be protected. Due to the lack of any noise assessment being available this submission is not supported.

Submission	Submitter	Rule	Submission	Comment
			<i>forms part of the alteration.</i>	
280.132	Nelson Marlborough District Health Board	8.2.3.1.	Reference to 2004 edition of ISO717.1 is outdated and should be superseded here and in the two other instances in Volume 2 ie 4.2.3.1 and 8.2.3.1. Support provisions per Environment Court Plan Change decisions.	“ISO 717.1:2004” should be replaced with “ISO 717.1:2013”

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 8.2.2 is:

8.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property the Zone boundary or within the Zone:

7.00 am to 10.00 pm 50dB~~A~~ L_{Aeq}

10.00 pm to 7.00 am 40dB~~A~~ L_{Aeq} 70dB L_{AFmax}

8.2.3. Noise sensitive activities and frost fans.

8.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same site must be designed and constructed so that within the external building envelope surrounding any bedroom exposed to frost fan noise (when the windows are closed)...

Dwellings located less than 300m and more than 200m from the nearest frost fan $DnT_{7w} + Ctr_{50-3150} \geq 27\text{dB}$

Dwellings located less than 200m and more than 100m from the nearest frost fan $DnT_{7w} + Ctr_{50-3150} \geq 32\text{30dB}$

Dwellings located less than 100m from the nearest frost fan $DnT_{7w} + Ctr_{50-3150} \geq 37\text{35dB}$

Matter 8 - Chapter 9, Business 1 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Response
873.189	KiwiRail Holdings Ltd	9.1	Identical to submission as set out in submission 873.186, Chapter 3 so not repeated here.	As set out in Chapter 3 this submission is not agreed with unless additional information is provided to warrant its inclusion.
1284.12	Port Marlborough New Zealand Limited	9.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 9.2:</p> <p>9.2.x. Noise sensitive activity.</p> <p>9.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>9.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	Agree, although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat
280.103	Nelson Marlborough District Health Board	9.2.2.	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>The submitter seeks to replace “dBA LAeq” with “dB LAeq” here and throughout the plan and to replace “at the boundary of, or within” with “at any point within”</p>	The submission is agreed with

Submission	Submitter	Rule	Submission	Response
993.54	New Zealand Fire Service Commission	9.2.2.	The NZFS Commission supports Standard 9.2.2 (Noise), and particularly the exemption in 9.2.2.3 for “sirens and call out sirens associated with the activities of the New Zealand Fire Service”. The proposed Standard, including the exemption, appropriately provides for the operational requirements of the NZFS and enables the Commission to meet its statutory obligations in a manner that provides for the on-going health and safety of people and communities.	Accept the proposal to retain the rule.
91.252	Marlborough District Council	9.2.2.1.	<p>The existing wording of Standard 9.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 9.2.2.1 as follows - "The An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Business 1, Business 2 or Business 3 at the zone boundary or within the zone."</p>	This submission is agreed with
280.102	Nelson Marlborough District Health Board	9.2.2.1.	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>Amend dBA LAeq to dB LAeq, support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p>	This submission is agrees with.
1004.74	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	9.2.2.1.	<p>Residential Activity and Noise Rules</p> <p>The permitted activity status for residential activity located above the ground floor is not opposed provided that compliance with the noise limits are measured at the time of the establishment of an activity in the Business 1 zone, such that if a new dwelling is subsequently constructed within an adjoining zone, it does not risk making the established business activity non-compliant. It is unreasonable to seek to limit business activities, including the operation of a service station, to provide for residential activities within the Business 1 zone. Residential activities seeking to establish within Business zones should provide their own acoustic protection. Accordingly, the noise provisions require amendment.</p>	<p>If the construction of the new dwelling is a permitted activity the neighbour must take this into account at the time they develop their site</p> <p>The MEP has levels 10dB above noise limits accepted in a residential zone for the Business 1, Business 2 and Business 3 Zones so it is recommended Standard 9.2.2.1 is kept as currently written</p>
1004.75	Z Energy Limited, Mobil Oil New	9.2.2.2.	<p>Residential Activity and Noise Rules</p> <p>The permitted activity status for residential activity located above the ground floor is not opposed provided that compliance with the noise limits are measured at the</p>	If the construction of the new and/or two storey dwelling is a permitted activity the neighbour

Submission	Submitter	Rule	Submission	Response
	Zealand Limited and BP Oil Limited		time of the establishment of an activity in the Business 1 zone, such that if a new dwelling is subsequently constructed within an adjoining zone, it does not risk making the established business activity non-compliant. It is unreasonable to seek to limit business activities, including the operation of a service station, to provide for residential activities within the Business 1 zone. Residential activities seeking to establish within Business zones should provide their own acoustic protection. Accordingly, the noise provisions require amendment.	must take this into account at the time they develop their site. It is noted noise limits in the Business 1, Business 2 and Business 3 Zones is 10dB above that adopted for residential zones so it is recommended Standard 9.2.2.1 is kept as currently written
280.162	Nelson Marlborough District Health Board	9.2.2.4.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans.	Support retaining the latest standards.
280.163	Nelson Marlborough District Health Board	9.2.2.5.	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	Support retaining the latest standards and reject the inclusion of additional wording.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 9.2.2 is:

9.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Business 1, Business 2 or Business 3 at the zone boundary or within the zone:

7.00 am to 10.00 pm	60dBA L_{Aeq}
10.00 pm to 7.00 am	55dBA L_{Aeq} 75 85dB L_{AFmax}

9.2.2.2 An activity must not cause noise that exceeds the following limits at the boundary of, or within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfield) or Open Space 1:

7.00 am to 10.00 pm	50dBA L_{Aeq}
10.00 pm to 7.00 am	40dBA L_{Aeq} 70dB L_{AFmax}

9.2.2.3 Sirens and call out sirens associated with the activities of the New Zealand Fire Service emergency services are excluded from having to comply with the noise limits in Standards 9.2.2.1 and 9.2.2.2.

Matter 9 - Chapter 10, Business 2 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
873.189	KiwiRail Holdings Ltd	10.1	Identical to submission as set out in submission 873.186, Chapter 3 so not repeated here.	As set out in Chapter 3 this submission is not agreed with unless additional information is provided to warrant its inclusion.
993.58	New Zealand Fire Service Commission	10.2.2.	The NZFS Commission supports Standard 10.2.2 (Noise), and particularly the exemption in 10.2.2.3 for “sirens and call out sirens associated with the activities of the New Zealand Fire Service”. The proposed Standard, including the exemption, appropriately provides for the operational requirements of the NZFS and enables the Commission to meet its statutory obligations in a manner that provides for the on-going health and safety of people and communities.	This submission is agree with and to it extending to all emergency services
91.219	Marlborough District Council	10.2.2.1	<p>The existing wording of Standard 10.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 10.2.2.1 as follows (strike through and bold) - "<i>An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Business 1, Business 2 or Business 3 at the Zone boundary or within the Zone.</i>"</p>	This submission is agreed with and necessary to achieve the aim of the rule.
280.104	Nelson Marlborough District Health Board	10.2.2.1	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit. In 10.2.2.1 replace “at the Zone boundary or within the Zone” with “at any point within the boundary ...</p> <p>Replace “dBA LAeq” with “dB LAeq” here and throughout the plan</p>	Accept the proposed changes to provide a robust rule.
1004.84	Z Energy	10.2.2.1	The rule relating to noise generated from Business 2	If the construction of the

Submission	Submitter	Rule	Submission	Comment
	Limited, Mobil Oil New Zealand Limited and BP Oil Limited		zoned sites in relation to other zones requires amendment to ensure that compliance with the noise limits are measured at the zone boundary at the time of the establishment of the activity in the Business 2 zone. Such that if a new dwelling is subsequently constructed within an adjoining zone, or if neighbouring land is rezoned, these changes do not risk making the established business activity non-compliant.	new and/or two storey dwelling is a permitted activity the neighbour must take this into account at the time they develop their site. It is noted noise limits in the Business 1, Business 2 and Business 3 Zones is 10dB above that adopted for residential zones so it is recommended Standard 10.2.2.1 is kept as currently written.
280.105	Nelson Marlborough District Health Board	10.2.2.2	Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)	Agree with the submission, replace “at the boundary of, or within” with “at any point within” Replace “dBA LAeq” with “dB LAeq”.
1004.85	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	10.2.2.2	The rule relating to noise generated from Business 2 zoned sites in relation to other zones requires amendment to ensure that compliance with the noise limits are measured at the zone boundary at the time of the establishment of the activity in the Business 2 zone. Such that if a new dwelling is subsequently constructed within an adjoining zone, or if neighbouring land is rezoned, these changes do not risk making the established business activity non-compliant. <u>Requests adding that at the time of the establishment of an activity is either ... to the rule.</u>	If the construction of the new and/or two storey dwelling is a permitted activity the neighbour must take this into account at the time they develop their site so it is recommended Standard 10.2.2.2 is kept as currently written.
280.164	Nelson Marlborough District Health Board	10.2.2.4	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans. Allow the provision in part and amend as follows: Insert at the beginning of first clause in these sections “Except as provided elsewhere,”	Accept retaining the latest Standards but reject adding unnecessary text to the rule.
280.165	Nelson Marlborough District Health Board	10.2.2.5	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Note that 13.2.3.4 will be amended in a later submission as NZS6802 must not	Accept retaining the 1999 & 2008 Standards.

Submission	Submitter	Rule	Submission	Comment
			be used to assess port noise.	

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 10.2.2 is:

- 10.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Business 1, Business 2 or Business 3 at the zone boundary or within the zone:
- | | |
|---------------------|--|
| 7.00 am to 10.00 pm | 1 BA L _{Aeq} |
| 10.0 pm to 7.00 am | 1 BA L _{Aeq} <u>75</u> 85dB L _{AFmax} |
- 10.2.2.2 An activity must not cause noise that exceeds the following limits at the boundary of, or at any point within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or at any point within the notional boundary of a dwelling within any other zone:
- | | |
|---------------------|--|
| 7.00 am to 10.00 pm | 50dBA L _{Aeq} |
| 10.00 pm to 7.00 am | 40dBA L _{Aeq} 70dB L _{AFmax} |
- 10.2.2.3 Sirens and call out sirens associated with the activities of ~~the New Zealand Fire~~ emergency services are excluded from having to comply with the noise standards.

Matter 10 - Chapter 11, Business 3 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
91.218	Marlborough District Council	11.2.2.1	<p>The existing wording of Standard 11.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 11.2.2.1 as follows - "<i>An activity must not cause noise that exceeds the following limits at or within the boundary of any other property zoned Business 1, Business 2 or Business 3 at the Zone boundary or within the Zone.</i>"</p>	This submission is agreed with and necessary to achieve the aim of the rule, with a modification to the assessment position as requested in other submissions.
280.106	Nelson Marlborough District Health Board	11.2.2.1	<p>In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (AND THROUGHOUT THE PLAN), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>Requires modification to reflect the above.</p>	Accept this submission.
1004.94	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	11.2.2.1	<p>The rule relating to noise generated from Business 3 zoned sites in relation to other zones requires amendment to ensure that compliance with the noise limits are measured at the zone boundary at the time of the establishment of the activity in the Business 3 zone. Such that if a new dwelling is subsequently constructed within an adjoining zone, or if neighbouring land is rezoned, these changes do not risk making the established business activity non-compliant. It is inappropriate to control noise generated in a Business 3 zone in relation to a newly established dwelling within a Business 2 zone.</p>	<p>If the construction of the new and/or two storey dwelling is a permitted activity the neighbour must take this into account at the time they develop their site.</p> <p>It is noted noise limits in the Business 1, Business 2 and Business 3 Zones is 10dB above that adopted for residential zones so it is recommended Standard 11.2.2.1 is kept as currently written.</p>
280.212	Nelson	11.2.2.2	Support wording other than reference to "at the	This is agreed with so

Submission	Submitter	Rule	Submission	Comment
	Marlborough District Health Board		<p>Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (AND THROUGHOUT THE PLAN), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p>	<p>replace "at the zone boundary " with "at any point within".</p> <p>Replace "dBA LAeq" with "dB LAeq".</p>
1004.95	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	11.2.2.2	<p>The rule relating to noise generated from Business 3 zoned sites in relation to other zones requires amendment to ensure that compliance with the noise limits are measured at the zone boundary at the time of the establishment of the activity in the Business 3 zone. Such that if a new dwelling is subsequently constructed within an adjoining zone, or if neighbouring land is rezoned, these changes do not risk making the established business activity non-compliant. It is inappropriate to control noise generated in a Business 3 zone in relation to a newly established dwelling within a Business 2 zone.</p> <p>Requests adding <u>that at the time of the establishment of an activity is either ...</u> and <u>(except the Business 2 zone)</u> to the rule.</p>	If the construction of the new and/or two storey dwelling is a permitted activity the neighbour must take this into account at the time they develop their site so it is recommended Standard 11.2.2.2 is kept as currently written.
280.166	Nelson Marlborough District Health Board	11.2.2.3	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803.	Agree with retaining the 1999 & 2008 Standards.
280.167	Nelson Marlborough District Health Board	11.2.2.4	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803.	Agree with retaining the 1999 & 2008 Standards.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 11.2.2 is:

- 11.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Business 1, Business 2 or Business 3 at the zone boundary or within the zone:

7.00 am to 10.00 pm ~~1~~BA LAeq

10.0 pm to 7.00 am $55 \text{ dBA } L_{Aeq}$ $75 \text{ dB } L_{AFmax}$

11.2.2.2 An activity must not cause noise that exceeds the following limits ~~at the boundary~~ at any point within, any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 or within the notional boundary of a dwelling within any other zone:

7.00 am to 10.00 pm $50 \text{ dBA } L_{Aeq}$

10.00 pm to 7.00 am $40 \text{ dBA } L_{Aeq}$ $70 \text{ dB } L_{AFmax}$

Matter 11 - Chapter 12, Industrial 1 and 2 Zones

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
1251.8	Fonterra Co-operative Group Limited	12.2	<p>The noise limits proposed for the Industrial 2 Zone are too low, and consequently would constrain the ability of a heavy industrial activity to operate effectively and efficiently.</p> <p>Fonterra requests that the limits proposed in Rule 3.2.3.2 are deleted, and replaced with more appropriate limits that will enable heavy industrial activities to occur within the Industrial 2 Zone.</p> <p>Amend Rule 12.2.2.4as follows:</p> <p>Any activity in the Industrial 1 Zone must not cause noise that exceeds the following limits at or within any adjacent land ...</p> <p>Any activity in the Industrial 2 Zone must not cause noise that exceeds the following limits at or within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or within the notional boundary of a dwelling in any adjacent zone (except Industrial 1 or 2 Zones):</p> <p>7.00 am to 10.00 pm 5550 dBA LAeq</p> <p>10.00 pm to 7.00 am 4540 dBA LAeq 70dB LAFmax</p>	It is agreed this is a reasonable request for an industrial zone and the levels will remain within an acceptable level for residents.
1284.8	Port Marlborough New Zealand Limited	12.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 12.2 for the Industrial 1 Zone:</p> <p>12.2.x. Noise sensitive activity.</p> <p>12.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>12.2.x.x. Adequate sound insulation must be achieved</p>	Agree, although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.

Submission	Submitter	Rule	Submission	Comment
			by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.	
91.215	Marlborough District Council	12.2.2.	Sequential change due to amendments to the associated noise standards under heading 12.2.2. Delete heading immediately above 12.2.2.1 as follows - " Standards for the Industrial 1 Zone only "; and delete heading immediately above 12.2.2.3 as follows - " Standards for the Industrial 2 Zone only "; and delete heading immediately above 12.2.2.4 as follows - " Standards for both Industrial 1 and 2 Zone ;" and delete Standard 12.2.2.3 as follows - " An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone: At any time 75 dBA LAeq 85dB LAFmax. "	This rationalizes the rule and is agreed with.
91.217	Marlborough District Council	12.2.2.1	The existing wording of Standard 12.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment. Amend Standard 12.2.2.1 as follows (strike through and bold) - " An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Industrial 1 or Industrial 2-at the Zone boundary or within the Zone. "	This change is accepted to make the rule practical to implement.
280.107	Nelson Marlborough District Health Board	12.2.2.1	Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan. Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)	In 12.2.2.1 replace "at the Zone boundary" with "at any point within the boundary of any other property zoned ..." Replace "dBA LAeq" with "dB LAeq"
280.191	Nelson Marlborough District Health Board	12.2.2.1	The exception for the operation of helicopters is more appropriate as a "note" because assessment of noise is stated to be in accordance with NZS 6802:2008 but that standard specifically excludes helicopter noise from its scope so there is in fact no noise limit on helicopter noise. This is more appropriately expressed as a note to the rule.	This submission is agreed with.

Submission	Submitter	Rule	Submission	Comment
1004.64	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	12.2.2.1	The rules relating to noise from and within Industrial zoned sites are generally supported except insofar as they relate to noise in adjacent residential zones or in dwellings located in other zones. First, the noise level measured in those zones / situations should be 50dBA at all times. It is unrealistic to require an activity operating in an Industrial zone to implement such a significant noise reduction between day and night, when the activity is likely to operate on a 24 hour basis. Second, the rule must be linked to compliance at the time that the activity is established. Otherwise, if new dwellings are constructed the industrial activity may have to modify its operations or close down in order to comply. The noise rules need to be amended accordingly.	If the construction of the new and/or two storey dwelling is a permitted activity the neighbour must take this into account at the time they develop their site. It is noted noise limits in the Business 1, Business 2 and Business 3 Zones is 10dB above that adopted for residential zones so it is recommended Standard 12.2.2.1 is kept as currently written.
280.108	Nelson Marlborough District Health Board	12.2.2.2	Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.) Requires modification to provide for effect of construction rule/ generator rule “at the zone boundary” in 22.2.2.1 is not best practice and should be amended.	In 12.2.2.2. replace “at the boundary with, ” with “at any point within the ... ” Replace “dBA LAeq” with “dB LAeq”. Replace the LAmax level in the industrial zones with 85dB
280.109	Nelson Marlborough District Health Board	12.2.2.3	Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity. In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.” Support time-frames for rule application, with amendment to dBA LAeq	It is recommendation this rule is deleted due to a separate submission so the submission is now redundant.
460.6	Timberlink New Zealand Limited	12.2.2.3	Requiring compliance with prescribed noise levels at the boundary and also within the zone, has the effect of requiring the noise standards to be complied with within a site as well, despite the noise at the boundary with an the adjoining site complying. This is not practical, practicable or realistic when many industrial activities make higher noise levels within their properties and manage them so they comply on the boundaries. Noise rules are also concerned with inter-site effects, not effects within sites, particularly of a single activity, which is subject to management	This rule has been deleted due to a separate submission so the submission is now redundant.

Submission	Submitter	Rule	Submission	Comment
			pursuant to health and safety regulations and these rules are concerned with effects on adjacent land.	
1004.65	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	12.2.2.3	The rules relating to noise from and within Industrial zoned sites are generally supported except insofar as they relate to noise in adjacent residential zones or in dwellings located in other zones.	This rule has been deleted due to a separate submission so the submission is now redundant.
1004.66	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	12.2.2.3	The rules relating to noise from and within Industrial zoned sites are generally supported except insofar as they relate to noise in adjacent residential zones or in dwellings located in other zones.	This rule has been deleted due to a separate submission so the submission is now redundant.
91.216	Marlborough District Council	12.2.2.4	<p>The existing wording of Standard 12.2.2.4 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 12.2.2.4 as follows - "<i>An activity must not cause noise that exceeds the following limits at or any point within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at any point within the notional boundary of a dwelling on any property zoned Rural Living, Coastal Living or Rural Environment in any adjacent zone (except Industrial 1 or 2 Zones).</i>"</p>	This submission is agreed with and should be accepted.
280.110	Nelson Marlborough District Health Board	12.2.2.4	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere.</p>	<p>In 12.2.2.4 replace "at or within" with "at any point within" and replace "within the notional" with, "at any point within the notional"</p> <p>Replace "dBA LAeq" with "dB LAeq"</p>

Submission	Submitter	Rule	Submission	Comment
460.7	Timberlink New Zealand Limited	12.2.2.4	<p>Requiring industrial activities within an industrial zone that adjoins several urban residential zones to comply with noise standards that are significantly lower than those specified for the industrial zone is the result of the proposed Urban Residential 3 Zone being proposed to be placed on land adjoining the sawmill site.</p> <p>The restrictions this will place on the effective and continuing practicable operations of the sawmill is a reverse sensitivity effect being caused by this proposal and contrary to the principles that apply to such matters.</p> <p>The proposed noise levels are significantly reduced from the existing operative noise levels. These are not reasonable, realistic or practicable when related to the activities in the area, the requirements of an activity for which Industrial Zoning is provided and the nature of noise levels in the locality. The rezoning, as referred to above, exacerbates this.</p>	<p>It is reasonable to expect a higher noise level if living adjacent to an industrial zone than is in the middle of a residential zone providing the levels remain at an acceptable limit. Increasing the level to 45/55dB L_{Aeq} for the day/night is reasonable.</p>
1004.67	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	12.2.2.4	<p>The rules relating to noise from and within Industrial zoned sites are generally supported except insofar as they relate to noise in adjacent residential zones or in dwellings located in other zones. First, the noise level measured in those zones / situations should be 50dBA at all times. It is unrealistic to require an activity operating in an Industrial zone to implement such a significant noise reduction between day and night, when the activity is likely to operate on a 24 hour basis. Second, the rule must be linked to compliance at the time that the activity is established. Otherwise, if new dwellings are constructed the industrial activity may have to modify its operations or close down in order to comply. The noise rules need to be amended accordingly.</p>	<p>As modified by other submissions the noise level should be increased by 5dB for the day/night periods to take the nature of the zone into account.</p> <p>Existing activities have existing use rights and to that extent the request is linked to compliance at the time that the activity is established. To adopt the existing use rights is addressed via the RMA rather than the noise rule so no change to the rule is recommended in respect to that part of the submission.</p>
1251.140	Fonterra Co-operative Group Limited	12.2.2.4	<p>Amend Rule 12.2.2.4 as follows:</p> <p>Any activity in the Industrial 1 Zone must not cause noise that exceeds the following limits at or within any adjacent land ...</p> <p>Any activity in the Industrial 2 Zone must not cause noise that exceeds the following limits at or within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or within the notional boundary of a dwelling in any adjacent zone (except Industrial 1 or 2 Zones):</p> <p>7.00 am to 10.00 pm 5550 dBA LAeq</p>	<p>This submission is agreed with as it provides a logical hierarchic of noise levels and a reasonable noise protection to residents.</p>

Submission	Submitter	Rule	Submission	Comment
			10.00 pm to 7.00 am 45 40 dBA LAeq 70dB LAFmax	
280.168	Nelson Marlborough District Health Board	12.2.2.5	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803	The use of the current versions of the Standards agreed with.
280.169	Nelson Marlborough District Health Board	12.2.2.6	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803.	The use of the current versions of the Standards agreed with.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 12.2.2 is:

~~Standards for the Industrial 1 Zone only~~

12.2.2.1 An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Industrial 1 or Industrial 2 at the zone boundary or within the zone:

At any time 70dBA LAeq ~~80~~85dB LAFmax

~~Exception~~ Note: This noise limit does not apply to the operation of helicopters using the established helicopter pad on Pt Sec 24 Blk III Taylor Pass SD.

12.2.2.2 An activity must not cause noise that exceeds the following limits at any point within the boundary with, or within of any adjacent Business 1 or 2 Zone:

7.00 am to 10.00 pm 60dBA LAeq
 10.00 pm to 7.00 am 55dBA LAeq ~~75~~85dB LAFmax

~~Standards for the Industrial 2 Zone only:~~

~~12.2.2.3 An activity must not cause noise that exceeds the following limits at the zone boundary or within the zone:~~

~~At any time 75 dBA LAeq 85dB LAFmax~~

~~Standards for both Industrial 2 and 2 Zones:~~

12.2.2.3 An activity must not cause noise that exceeds the following limits at ~~or~~ any point within any adjacent land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at any point within the notional

boundary of a dwelling on any property zoned Rural Living, Coastal Living or Rural Environment in any adjacent zone (except Industrial 1 or 2 Zones):

7.00 am to 10.00 pm	50 <u>55</u> dBA L_{Aeq}	
10.00 pm to 7.00 am	40 <u>45</u> dBA L_{Aeq}	70dB L_{AFmax}

Exception Note: Where Lots 16 to 20 DP 348832 and Lot 2 DP 352510 adjoin Urban Residential 2 Zone, the noise limits for Industrial 1 in 12.2.2.1 and 12.2.2.2 apply.

Matter 12 - Chapter 13, Port Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment															
401.189	Aquaculture New Zealand	13.2.3	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a property. The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>Amend standard 13.2.3.1 to read:</p> <p>For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Location</th> <th style="text-align: center;">Day-night</th> <th style="text-align: center;">Night-time</th> </tr> <tr> <td></td> <th style="text-align: center;">(Long term)</th> <th style="text-align: center;">(Short term)</th> </tr> </thead> <tbody> <tr> <td>At any point on land at</td> <td>65Ldn (5 days)</td> <td>60dB LAeq(9hours)</td> </tr> <tr> <td>or beyond, the Inner</td> <td>68 Ldn (1day)</td> <td>65 LAeq (15 min)</td> </tr> <tr> <td>Noise Control Boundary.</td> <td></td> <td>85dB LAFMax</td> </tr> </tbody> </table>	Location	Day-night	Night-time		(Long term)	(Short term)	At any point on land at	65Ldn (5 days)	60dB LAeq(9hours)	or beyond, the Inner	68 Ldn (1day)	65 LAeq (15 min)	Noise Control Boundary.		85dB LAFMax	<p>It is correct the monitoring position needs to be clarified and this submission should be adopted.</p> <p>The measurement position should be at any point beyond ... to maintain a consistent approach throughout the MEP and avoid any ambiguity with the measurement position</p>
Location	Day-night	Night-time																	
	(Long term)	(Short term)																	
At any point on land at	65Ldn (5 days)	60dB LAeq(9hours)																	
or beyond, the Inner	68 Ldn (1day)	65 LAeq (15 min)																	
Noise Control Boundary.		85dB LAFMax																	
426.198	Marine Farming Association Incorporated	13.2.3.	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a property. The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>(a) Amend standard 13.2.3.1 to include the following noise limits:</p> <p>For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Location</th> <th style="text-align: center;">Day-night</th> <th style="text-align: center;">Night-time</th> </tr> <tr> <td></td> <th style="text-align: center;">(Long term)</th> <th style="text-align: center;">(Short term)</th> </tr> </thead> <tbody> <tr> <td>At any point on land at</td> <td>65dB Ldn (5 days)</td> <td>60dB LAeq(9hours)</td> </tr> <tr> <td>or beyond, the Inner</td> <td>68dB Ldn (1day)</td> <td>65dB LAeq (15min)</td> </tr> <tr> <td>Noise Control Boundary.</td> <td></td> <td>85dB LAFMax</td> </tr> </tbody> </table>	Location	Day-night	Night-time		(Long term)	(Short term)	At any point on land at	65dB Ldn (5 days)	60dB LAeq(9hours)	or beyond, the Inner	68dB Ldn (1day)	65dB LAeq (15min)	Noise Control Boundary.		85dB LAFMax	<p>It is correct the monitoring position needs to be clarified and this submission will satisfy this requirement.</p> <p>There is no information provide to warrant the inclusion of Elaine Bay and Oyster Bay in the rule. Unless this is provided to justify their inclusion Elaine Bay and Oyster Bay should not be added to this rule</p>
Location	Day-night	Night-time																	
	(Long term)	(Short term)																	
At any point on land at	65dB Ldn (5 days)	60dB LAeq(9hours)																	
or beyond, the Inner	68dB Ldn (1day)	65dB LAeq (15min)																	
Noise Control Boundary.		85dB LAFMax																	

Submission	Submitter	Rule	Submission	Comment						
			<p>(b) Amend standard 13.2.3.2 to include the following noise limits:</p> <p>“For port operations in Havelock, Elaine Bay and Oyster Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:</p> <table border="0"> <tr> <td>Location</td> <td>Day-night</td> <td>Night-time</td> </tr> <tr> <td></td> <td>(Long term)</td> <td>(Short term)</td> </tr> </table> <p>At any point on land at 55dB Ldn (5 days) 50dB L_{Aeq(9hours)}</p> <p>or beyond, the Inner 58dB Ldn (1day) 55dB L_{Aeq} (15 min)</p> <p>Noise Control Boundary. 75dB L_{AFMax}</p>	Location	Day-night	Night-time		(Long term)	(Short term)	
Location	Day-night	Night-time								
	(Long term)	(Short term)								
433.113	Port Marlborough New Zealand Limited	13.2.3.	<p>PMNZ is concerned that the proposed noise rule for the Port Zone may unnecessarily restrict its activities in this zone.</p> <p>At this stage, PMNZ has identified an error in the rule drafting, whereby the noise is measured at or beyond the Inner or Outer Noise boundaries. Amendment to Rules 13.2.3.1 and 13.2.3.2 is required to rectify this.</p> <p>Also, the ‘dB’ reference has been omitted throughout the rule and requires rectifying.</p> <p>Rule 13.2.3.1. For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise when measured at any point on land beyond the Port Zone does not exceed the following noise limits ...</p> <p>For 13.2.3.2. For port operations in Havelock, an activity must be conducted to ensure that noise when measured at any point on land beyond the boundary of the Port Zone does not exceed the following noise limits ...</p> <p>Amend rules to include “dB” where this is missing.</p>	Accept the submission subject to the measurement position does not include “at” the boundary but “at any point beyond ...”.						
1244.15	Z Energy Limited	13.2.3.	<p>Reverse Sensitivity - Port Inner and Outer Noise Control Boundary</p> <p>The Plan’s management of reverse sensitivity associated with the Port of Picton is supported. Specific reference to the control of noise and residential activities through Issue 13K and policy 13.18.3 is supported.</p>	<p>This submission is agreed with.</p> <p>It is recommended the Port Zone rules in 13.2.3 retained subject to clarification of the assessment position.</p>						

Submission	Submitter	Rule	Submission	Comment
			<p>The use of the Port Noise Inner and Outer Noise Control Boundaries in Picton, together with the associated noise limits, is an appropriate tool to effectively and efficiently manage noise associated with the Port. The requirement for noise sensitive activities to be adequately insulated is also an appropriate means of managing reverse sensitivity issues associated with the Port.</p> <p>The outer noise control boundary is located to the north and west of the Z Energy Service Station at 101 High Street, Picton being Lot 1 DP 10296. The Service Station is separated from the outer boundary by Business zoned sites to the north and High Street to the west. This positioning of the outer control boundary is supported.</p> <p>It is appropriate that the Port Noise control boundaries, and in particular the outer control boundary, is retained in the location depicted on the Planning Maps as notified. It is also appropriate for the noise rules in 13.2.3 associated with the port noise control boundary and the noise sensitive activity provisions of 13.2.4 to also be retained as notified.</p>	
280.192	Nelson Marlborough District Health Board	13.2.3.1	<p>Both rule as drafted shows two assessment locations. "measured at, or beyond" is not best practice and should be amended in both instances.</p> <p>Support the proposed noise limits, metrics used and measurement time intervals, short and long-term limits and the numerical values. Support exclusions listed.</p> <p>sub-clause 13.2.3.4. references NZS6802:2008 as the assessment standard but this specifically excludes port noise from its scope so the rule is unenforceable without amendment and the correct standard to reference is NZS 6809:1999 Acoustics Port noise management and land use planning which provides for the type and regime of noise limits proposed, However due to later publication of NZS 6801 :2008 which is the standard used for measurement everywhere else in the plan, the references to the 1999 edition of that standard need to be addressed by a further amendment.</p>	<p>It is agreed the assessment position for 13.2.3.1 and 13.2.3.2 should be modified to "at any point beyond ..."</p> <p>In 13.2.3.4 replace "NZS 6802:2008 Acoustics – Environmental Noise" with NZS 6809:1999 Acoustics Port noise management and land use planning provided references therein to NZS6801:1999 shall be taken as references to NZS 6801:2008."</p>
433.114	Port Marlborough New Zealand Limited	13.2.3.1	<p>PMNZ is concerned that the proposed noise rule for the Port Zone may unnecessarily restrict its activities in this zone.</p> <p>At this stage, PMNZ has identified an error in the rule drafting, whereby the noise is measured at or beyond the Inner or Outer Noise boundaries. Amendment to Rules 13.2.3.1 and 13.2.3.2 is required to rectify this.</p>	<p>The amendments in the previous submission will satisfy this submission.</p>

Submission	Submitter	Rule	Submission	Comment
			Also, the 'dB' reference has been omitted throughout the rule and requires rectifying.	
1140.54	Sanford Limited	13.2.3.1	While it is understood that Port Picton and Shakespeare Bay are commercial ports, Havelock Marina and Okiwi Bay have commercial wharfs that should be afforded the same protection and enabling provisions as other commercial wharfs.	There is no information to demonstrate where the Outer Noise boundaries may fall for other commercial ports. Unless this information is provided there is no credible location for the boundaries
1284.1	Port Marlborough New Zealand Limited	13.2.3.1	<p>PMNZ filed a submission to the MEP September 2016. Details about PMNZ and its interest in the MEP are set out in that submission. Since that submission was filed, further work has been carried out on the modelling associated with noise generated by port activities. Via that work carried out by acoustic consultants Marshall Day, it has been determined that the inner and outer control noise boundaries at Havelock and Shakespeare Bay/Picton require refinement.</p> <p>This submission is therefore in addition to the September PMNZ submission. In the September PMNZ submission it was flagged that further work was required, and underway and it was identified that the noise boundaries were likely to require refinement. We have also taken the opportunity to review the related rules, and have identified a technical matter where by the rules relating to activities within the outer control noise boundaries should be situated in the specific zone chapters, as opposed to only the Port zones.</p> <p>Amend the condition to: <i>Standard 13.2.3.1. For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise when measured at the boundary of, or within, the Port Zone does not exceed the following noise limits:</i></p>	Subject to the points raised in submission 280.192 by Nelson Marlborough District Health Board this submission is agreed with.
280.193	Nelson Marlborough District Health Board	13.2.3.2	<p>Both rule as drafted shows two assessment locations. "measured at, or beyond" is not best practice and should be amended in both instances. "Measured at" is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels to derive a potentially adjusted sound level for comparison with any relevant noise limit.</p> <p>Support the proposed noise limits, metrics used and measurement time intervals, short and long-term limits and the numerical values. Support exclusions listed.</p> <p>sub-clause 13.2.3.4. references NZS6802:2008 as</p>	<p>This submission is agreed with.</p> <p>In 13.2.3.1 and 13.2.3.2 delete "when measured at the boundary of, or within," with "from", and replace "at, or beyond," with "at any point beyond"</p> <p>Replace "NZS 6802:2008 Acoustics – Environmental Noise" with NZS 6809:1999</p>

Submission	Submitter	Rule	Submission	Comment															
			the assessment standard but this specifically excludes port noise from its scope so the rule is unenforceable without amendment and the correct standard to reference is NZS 6809:1999 Acoustics Port noise management and land use planning which provides for the type and regime of noise limits proposed, However due to later publication of NZS 6801 :2008 which is the standard used for measurement everywhere else in the plan, the references to the 1999 edition of that standard need to be addressed by a further amendment.	Acoustics Port noise management and land use planning provided references therein to NZS6801:1999 shall be taken as references to NZS 6801:2008.”															
401.190	Aquaculture New Zealand	13.2.3.2	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a property. The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>Amend standard 13.2.3.2 to include the following noise limits:</p> <p>“For port operations in Havelock, Elaine Bay and Oyster Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day-night</th> <th>Night-</th> </tr> <tr> <th></th> <th>(Long term)</th> <th>(Short term)</th> </tr> </thead> <tbody> <tr> <td>At any point on land at $L_{Aeq(9hours)}$</td> <td>55dB Ldn (5 days)</td> <td>50dB</td> </tr> <tr> <td>or beyond, the Inner Noise Control Boundary.</td> <td>58dB Ldn (1day)</td> <td>55dB $L_{Aeq(15 min)}$</td> </tr> <tr> <td></td> <td></td> <td>75dB L_{AFMax}</td> </tr> </tbody> </table> <p>Consequential changes to the maps in Volume 4 to create a Noise Control Boundary for Elaine Bay and Oyster Bay.</p>	Location	Day-night	Night-		(Long term)	(Short term)	At any point on land at $L_{Aeq(9hours)}$	55dB Ldn (5 days)	50dB	or beyond, the Inner Noise Control Boundary.	58dB Ldn (1day)	55dB $L_{Aeq(15 min)}$			75dB L_{AFMax}	The submission is seeking to amend 13.2.3.2 to include the following noise limits for port operations in Elaine Bay and Oyster Bay stating it would require changes to the maps in Volume 4 to create a Noise Control Boundary for Elaine Bay and Oyster Bay. Without either demonstrating the noise control boundary is necessary or providing the boundary this submission cannot be justified.
Location	Day-night	Night-																	
	(Long term)	(Short term)																	
At any point on land at $L_{Aeq(9hours)}$	55dB Ldn (5 days)	50dB																	
or beyond, the Inner Noise Control Boundary.	58dB Ldn (1day)	55dB $L_{Aeq(15 min)}$																	
		75dB L_{AFMax}																	
433.115	Port Marlborough New Zealand Limited	13.2.3.2	<p>PMNZ is concerned that the proposed noise rule for the Port Zone may unnecessarily restrict its activities in this zone.</p> <p>At this stage, PMNZ has identified an error in the rule drafting, whereby the noise is measured at or beyond the Inner or Outer Noise boundaries. Amendment to Rules 13.2.3.1 and 13.2.3.2 is required to rectify this.</p> <p>Also, the ‘dB’ reference has been omitted</p>	It is recommended the provisions of this rule are amended as submitted to ensure that it provides an appropriate framework for noise management for activities in the Port Zone.															

Submission	Submitter	Rule	Submission	Comment
			throughout the rule and requires rectifying.	It is recommended the rules include “dB” where this is missing.
1284.2	Port Marlborough New Zealand Limited	13.2.3.2	<p>Support in part Standard 13.2.3.2 provided the decision requested is included in the MEP.</p> <p>That the following amendments (strike through and bold) are made to standard 13.2.3.2: <i>Standard 13.2.3.2. For port operations in Havelock, an activity must be conducted to ensure that noise when measured at the boundary of, or within, the Port Zone does not exceed the following noise limits:</i></p> <p><i>Location</i> <i>At any point on land at, or beyond, the Outer Noise Control Boundary.</i></p>	This submission is accepted in principal with the only change being the addition of “from” and retaining “the Port Zone” as per other submission to make it clear where the noise originates from. The intention of the changes remains the same.
873.159	KiwiRail Holdings Limited	13.2.3.3	KiwiRail support the specific exemptions provided in relation to trains and ships in relation to noise generation as per 13.2.3.3 (a) and (c).	This submission is agreed with.
1140.56	Sanford Limited	13.2.3.3	<p>Provides certainty.</p> <p>Add to the list aquaculture harvesting and the mussel processing plant.</p>	Aquaculture harvesting and mussel processing can generally be controlled at source and is not restricted to any specific location when being established so there is no reason they should not comply with the appropriate noise rules. This submission is not supported.
280.194	Nelson Marlborough District Health Board	13.2.3.4	NZS6802:2008 specifically excludes port noise from its scope so the rule is unenforceable without amendment and the correct standard to reference is NZS 6809:1999 Acoustics Port noise management and land use planning which provides for the type and regime of noise limits proposed. However due to later publication of NZS 6801 :2008 which is the standard used for measurement everywhere else in the plan, the references to the 1999 edition of that standard need to be addressed by a further amendment.	It is agreed with this submission that “NZS 6802:2008 Acoustics – Environmental Noise” is replaced with NZS 6809:1999 Acoustics Port noise management and land use planning provided references therein to NZS6801:1999 shall be taken as references to NZS 6801:2008.”
280.170	Nelson Marlborough District Health Board	13.2.3.5	Support use of 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	Agree with the use of NZS6803:1999

Submission	Submitter	Rule	Submission	Comment
280.195	Nelson Marlborough District Health Board	13.2.4.	<p>Provision necessary to protect physical resources from encroachment of people and communities who may be potentially adversely affected by port noise.</p> <p>The words “or within” the rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Terminology “adequately insulated” is inappropriate as it excludes “Acoustic isolation” which is the effect it is trying to achieve and will often be a more cost-effective and equitable means of meeting the clause objectives here and elsewhere in the plan.</p> <p>Replace “adequately insulated” with “adequately acoustically isolated”</p> <p>In 13.2.4.2.replace “insulation “ with “acoustic isolation”</p>	<p>It is agreed the location assessment requires clarification and any new noise sensitive activity must be designed to achieve the design limit within the activity, this includes those noise sensitive activities within the Noise Control Boundary.</p> <p>It is not agreed the words “adequately insulated” better reflects the design requirements and “adequately insulated” should be retained.</p>
401.191	Aquaculture New Zealand	13.2.4.	<p>Consequential changes will be necessary if the commercial wharves at Elaine Bay and Oyster Bay are rezoned as Port Zone.</p> <p>Amend standard 13.2.4.1 to read “...at the port in Picton, Shakespeare Bay, Havelock, Elaine Bay and Oyster Bay are adequately insulated from port noise.”</p> <p>Amend standard 13.2.4.1 to read “...at the port in Picton, Shakespeare Bay, Havelock, Elaine Bay and Oyster Bay are adequately insulated from port noise.”</p>	<p>As per earlier submission there is insufficient information to justify including Elaine Bay and Oyster Bay in this rule. Unless information becomes available to satisfy the current lack of information this submission is not agreed with.</p>
1244.16	Z Energy Limited	13.2.4.	<p>Reverse Sensitivity - Port Inner and Outer Noise Control Boundary</p> <p>The Plan’s management of reverse sensitivity associated with the Port of Picton is supported. Specific reference to the control of noise and residential activities through Issue 13K and policy 13.18.3 is supported.</p> <p>The use of the Port Noise Inner and Outer Noise Control Boundaries in Picton, together with the associated noise limits, is an appropriate tool to effectively and efficiently manage noise associated with the Port. The requirement for noise sensitive activities to be adequately insulated is also an appropriate means of managing reverse sensitivity issues associated with the Port.</p> <p>The outer noise control boundary is located to the north and west of the Z Energy Service Station at 101 High Street, Picton being Lot 1 DP 10296. The Service Station is separated from the outer boundary by Business zoned sites to the north and High Street to the west. This positioning of the outer control boundary is supported.</p>	<p>It is agreed the Noise Sensitive Activity provisions as notified are retained unless there is credible information to warrant a change.</p>

Submission	Submitter	Rule	Submission	Comment
			<p>It is appropriate that the Port Noise control boundaries, and in particular the outer control boundary, is retained in the location depicted on the Planning Maps as notified. It is also appropriate for the noise rules in 13.2.3 associated with the port noise control boundary and the noise sensitive activity provisions of 13.2.4 to also be retained as notified.</p>	
433.116	Port Marlborough New Zealand Limited	13.2.4.1	<p>PMNZ considers that it is appropriate to control activities that are sensitive to noise in order to manage the potential for reverse sensitivity effects. Some amendments to this rule are suggested to provide additional certainty as to the standard of noise insulation required.</p> <p>It is noted that the standard should be referred to in this rule (13.2.4 -Noise sensitive activity). This standard specifies an indoor design requirement of 45dB Ldn. However, PMNZ considers that a more stringent indoor design requirement of 40 dB Ldn is preferable to ensure improved amenity for residents and to manage potential reverse sensitivity effects. 40dB Ldn is the internal standard required for noise sensitive activities within the airport noise boundary.</p> <p>Further, additional information can be provided to support this standard, such as a standard design spectrum and standard minimum construction options that, if adhered to, may alleviate the need for certification from an acoustic engineer.</p> <p>Amend provision as follows, or similar to address the submission:</p> <p>13.2.4.1 <u>Any</u> new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p>	<p>As proposed there is no control for any permitted noise sensitive activity that may be in the Business 1 Zone that is also inside the Inner Noise Control Boundary. This may be resolved by adopting a control of simply within the Outer Noise Control Boundary.</p> <p>There is no recognition for any noise residential use that may already be within the Inner Noise Control Boundary. It is normal practice for the Port at least partly fund the upgrading of existing dwellings where the port wishes to generate noise levels that exceed normally accepted criteria.</p> <p>This submission is supported as far as it goes. However, the noise contours are effectively providing the Port a licence to make noise and these significant benefits to the Port do need to be balanced with the rights of those where the higher noise level would normally be considered unreasonable noise. For those noise sensitive activities the port should be prepared to pay for all, or some, of the upgrading of the noise sensitive activity , the</p>

Submission	Submitter	Rule	Submission	Comment
				<p>exact amount contributed being dependent on the level of noise experienced.</p> <p>An example of what could be adopted is set out in Appendix 1, which is a copy of what Port Nelson adopts. Subject to any evidence presented, it is recommended this condition is included to the change sought.</p>
1284.3	Port Marlborough New Zealand Limited	13.2.4.1	<p>Support in part Standard 13.2.4.1 provided the decision requested is included in the MEP. That the following amendments (strike through and bold) are made to standard 13.2.4.1:</p> <p><i>Standard 13.2.4.1 Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</i></p>	The proposed changes provide certainty to the rule and are supported.
280.196	Nelson Marlborough District Health Board	13.2.4.2	<p>Provision necessary to protect physical resources from encroachment of people and communities who may be potentially adversely affected by port noise.</p> <p>Terminology “adequately insulated” is inappropriate as it excludes “Acoustic isolation” which is the effect it is trying to achieve and will often be a more cost-effective and equitable means of meeting the clause objectives here and elsewhere in the plan. Examples include orientation of buildings and noise barriers which are by normal definition not “acoustic insulation” but are effective to “acoustically isolate” buildings (or land) from noise immissions.</p>	<p>It is agreed necessary to provide appropriate rules to protect physical resources (the Port) that may be potentially adversely affected by port noise. This will be resolved by also treating existing dwellings.</p> <p>It is not agreed the words “adequately insulated” better reflects the design requirements and “adequately insulated” should be retained.</p> <p>It is recommended adding a condition regarding the upgrading of existing dwellings such as set out in Appendix 1, which is an extension of condition 13.2.4.2 to protect existing dwellings.</p> <p>Appendix 1 is a copy of what Port Nelson adopts</p>

Submission	Submitter	Rule	Submission	Comment
				for existing dwellings. It is recommended this condition, or similar, is included to the change sought.
433.177	Port Marlborough New Zealand Limited	13.2.4.2	<p>PMNZ considers that it is appropriate to control activities that are sensitive to noise in order to manage the potential for reverse sensitivity effects. Some amendments to this rule are suggested to provide additional certainty as to the standard of noise insulation required.</p> <p>It is noted that the standard should be referred to in this rule (13.2.4 -Noise sensitive activity). This standard specifies an indoor design requirement of 45dB Ldn. However, PMNZ considers that a more stringent indoor design requirement of 40dB Ldn is preferable to ensure improved amenity for residents and to manage potential reverse sensitivity effects. 40 dB Ldn is the internal standard required for noise sensitive activities within the airport noise boundary.</p> <p>Further, additional information can be provided to support this standard, such as a standard design spectrum and standard minimum construction options that, if adhered to, may alleviate the need for certification from an acoustic engineer.</p> <p>The recommended amendment to Rule 13.2.4.2. is: <u>Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</u></p>	<p>It is agreed 40dB L_{dn} is the appropriate indoor design level to adopt for any noise sensitive activity.</p> <p>It is also agreed a design could be provided to alleviate the need for certification from an acoustic engineer and if provided would be considered. At this point there is nothing to recommend.</p> <p>The recommended amendment to Rule 13.2.4.2 is agreed with.</p>
1284.4	Port Marlborough New Zealand Limited	13.2.4.2	<p>Support in part Standard 13.2.4.1 provided the decision requested is included in the MEP. That the following amendments (strike through and bold) are made to standard 13.2.4.2:</p> <p>13.2.4.2. Such insulation must be certified by an acoustic engineer as adequate to achieve the design standard. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation</p>	This change is agreed with to provide certainty with any design.

Submission	Submitter	Rule	Submission	Comment
			<i>means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</i>	

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 13.2.3 is:

- 13.2.3.1 ~~For Port operations~~ In Picton and Shakespeare Bay, an activity must be conducted to ensure that noise ~~when measured at the boundary of, or within~~ from the Port Zone does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at <u>any point</u> or beyond, the Inner Noise Control Boundary.	65 <u>dB</u> L _{dn} (5 days)	60dB L _{Aeq} (9 hours)
	68 <u>dB</u> L _{dn} (1 day)	65 <u>dB</u> L _{Aeq} (15 min)
		85dB L _{AFMax}

- 13.2.3.2 ~~For Port operations~~ In Havelock, an activity must be conducted to ensure that noise ~~when measured at the boundary of, or within~~ from the Port Zone does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at <u>any point</u> or beyond, the Outer Noise Control Boundary.	55 <u>dB</u> L _{dn} (5 days)	50dB L _{Aeq} (9 hours)
	58 <u>dB</u> L _{dn} (1 day)	55 <u>dB</u> L _{Aeq} (15 min)
		75dB L _{AFMax}

- 13.2.3.3 The following activities are excluded from having to comply with the noise limits:

- (a) noise generated by a train, vehicle or vessel operation, a navigational aid, safety signal, warning device or emergency pressure relief valve;
- (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (c) noise generated by a ship under way.

13.2.3.4 Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with ~~NZS 6802:2008 Acoustics – Environmental Noise~~ NZS 6809:1999 Acoustics - Port Noise Management and Land Use Planning).

13.2.3.5 Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

13.2.4 Noise sensitive activity.

13.2.4.1 ~~Any~~ new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity ~~between the inner and~~ within the Outer Noise Control ~~Boundaries~~ Boundary at the port in Picton and Shakespeare Bay and at Havelock ~~are~~ shall be adequately insulated from port noise.

13.2.4.2 ~~Such insulation must be certified by an acoustic engineer as adequate to achieve the design standard. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40dBA L_{dn} in all new habitable spaces and buildings used for noise sensitive activities. The indoor design level must be achieved with windows and doors open to provide ventilation unless adequate alternative ventilation is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.~~

13.2.4.5 Existing noise sensitive activities within the Outer Noise Control Boundary

(a) Add treatment to existing noise sensitive spaces as set out in Appendix 1 or similar depending on any further information received

Matter 13 - Chapter 14, Port Landing Area Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
426.209	Marine Farming Association Incorporated	14.2.3.	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>Amend standard 14.2.3.1 to read: "An activity must be conducted to ensure that noise when measured at or within the notional boundary of dwellings as they exist at 9 June 2016 outside the Port Landing Area Zone does not exceed the following noise limits: 7.00 am to 10.00 pm 55 dB LAeq 10.00 pm to 7.00 am 45 dB LAeq 75 dB LAFmax"</p>	<p>It is agreed the location for measurements should be clarified.</p> <p>Unless a robust reason is provided, it is not agreed the rule should be restricted to "dwellings as they exist at 9 June 2016" (existing rights will be applicable to any existing activities).</p> <p>Without supporting evidence, such as the existing noise environment, it is not agreed the noise limits should be raised 5dB.</p>
91.226	Marlborough District Council	14.2.3.1	<p>The existing wording of Standard 14.2.3.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 14.2.3.1 as follows (strike through and bold) -<i>"An activity must not cause noise that exceeds the following noise limits at or within the boundary of any other property be conducted to ensure that noise when measured at the boundary of, or within, the Port Landing Area Zone does not exceed the following noise limits:"</i></p>	<p>Accept the change with slightly different wording to satisfy other submissions. The intention of this submission is agreed with.</p>
401.204	Aquaculture New Zealand	14.2.3.1	<p>Standard 14.2.3 Noise implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>Amend standard 14.2.3.1 to read: "An activity must be conducted to ensure that noise when measured at or within the notional boundary of dwellings as they exist at 9 June 2016 outside the Port Landing Area Zone does not exceed the following noise limits: 7.00 am to 10.00 pm 55 dB LAeq 10.00 pm to 7.00 am 45 dB LAeq 75 dB LAFmax"</p>	<p>It is agreed the location for measurements should be clarified.</p> <p>Unless a robust reason is provided, it is not agreed the rule should be restricted to "dwellings as they exist at 9 June 2016" (existing rights will be applicable to any existing activities).</p> <p>Without supporting evidence, such as the existing noise environment, it is not agreed the noise limits</p>

Submission	Submitter	Rule	Submission	Comment
				should be raised 5dB.
433.150	Port Marlborough New Zealand Limited	14.2.3.1	<p>PMNZ is concerned that the proposed noise rule for the Port Landing Zone may unnecessarily restrict its activities in this zone. This may require amendments to the dBA limits provided in this rule.</p> <p>Amend provision as required to ensure that it provides an appropriate framework for noise management for activities in the Port Landing Zone, including the following amendment:</p> <p>14.2.3.1. An activity must be conducted to ensure that noise when measured at within the Port Landing Area Zone does not exceed the following noise limits:</p>	<p>The concern expressed that the noise limits may be too restrictive is not been supported with any information. Without such information a request to change the noise limits cannot be supported.</p> <p>The proposed clarification to the assessment position is agreed with.</p>
1140.43	Sanford Limited	14.2.3.1	<p>Aquaculture activities often begin before 7am, and go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary,</p> <p>(ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>Agree with the clarification of the measurement position</p> <p>There is no assessment of the effects of increasing the hours and noise limit currently proposed and without supporting information this cannot be agreed with – it is noted this part of the submission refers to Rule 16.2.3.2 and is addressed in that submission.</p>
1140.44	Sanford Limited	14.2.3.2	<p>Aquaculture activities often begin before 7am, and go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary,</p> <p>(ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>The measurement position has been clarified from other submissions.</p> <p>There is no assessment of the effects of increasing the hours and noise limit currently proposed and without supporting information this cannot be agreed with – it is noted this part of the submission refers to Rule 16.2.3.2 and is addressed in that submission.</p>
280.171	Nelson Marlborough District Health Board	14.2.3.3	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans.</p> <p>Allow the provision in part and amend as follows: Insert at the beginning of first clause in these sections "Except as provided elsewhere,"</p>	<p>Agree with the adoption of 2008 edition of NZS6802 and 1999 edition of NZS 6803 Adding "Except as provided elsewhere," does not add certainty to the rule and is considered</p>

Submission	Submitter	Rule	Submission	Comment
				unnecessary.
280.172	Nelson Marlborough District Health Board	14.2.3.4	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Insert at the beginning of first clause in these sections "Except as provided elsewhere,"	Agree with the adoption of 2008 edition of NZS6802 and 1999 edition of NZS 6803 Adding "Except as provided elsewhere," does not add certainty to the rule and is considered unnecessary.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 14.2.3 is:

- 14.2.3.1 An activity must be conducted to ensure that noise when measured at any point beyond the boundary of ~~or within~~ the Port Landing ~~Area~~ Zone does not exceed the following noise limits:

Matter 14 - Chapter 15, Marina Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1284.5	Port Marlborough New Zealand Limited	15.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 15.2.</p> <p>15.2.x. Noise sensitive activity.</p> <p>15.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>15.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	Accept although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.
426.218	Marine Farming Association Incorporated	15.2.3	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>(a) Amend 15.2.3.1 to read: "An activity must be conducted to ensure that noise when measured at the boundary of the Marina Zone does not exceed the following limits: 7.00 am to 10.00 pm 60dB L_{Aeq} 10.00 pm to 7.00 am 45dB L_{Aeq} 75dB L_{AFmax}"; and</p> <p>(b) Amend 15.2.3.2 to include the following noise limits: 7.00 am to 10.00 pm 55dB L_{Aeq} 10.00 pm to 7.00 am 45dB L_{Aeq} 75dB L_{AFmax}."</p>	<p>Agree the measurement position requires to be clarified.</p> <p>Accept the 5dB increase in noise limits at night for 15.2.3.1.</p> <p>I do not support the proposed increase to the noise limits in 15.2.3.2 as the higher levels are incompatible with the general aims for residential zones</p>

Submission	Submitter	Rule	Submission	Comments						
91.225	Marlborough District Council	15.2.3.1	<p>The existing wording of Standard 15.2.3.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend the standard as follows (strike through and bold) - "Amend Standard 15.2.3.1 as follows -"An activity must not cause noise that exceeds the following limits at or within the boundary of any other property zoned Marina be conducted to ensure that noise when measured at the boundary of, or within, the Zone does not exceed the following noise limits."</p>	It is agreed the change is appropriate.						
433.160	Port Marlborough New Zealand Limited	15.2.3.1	<p>PMNZ is concerned that the proposed noise rule for the Marina Zone may unnecessarily restrict its activities in this zone. This may require changes to the dBA limits of this rule. Corrections to the sounds limit references is also required.</p>	This submission is agreed with and it is recommended the provision are modified as required to ensure that it provides an appropriate framework for noise management for activities in the Marina Zone made via submission 91.225.						
401.215	Aquaculture New Zealand	15.2.3.1	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>Amend 15.2.3.1 to read: "An activity must be conducted to ensure that noise when measured at the boundary of the Marina Zone does not exceed the following limits:</p> <table border="0"> <tr> <td>7.00 am to 10.00 pm</td> <td>60 dB LAeq</td> <td></td> </tr> <tr> <td>10.00 pm to 7.00 am</td> <td>45 dB LAeq</td> <td>75 dB LAFmax"</td> </tr> </table>	7.00 am to 10.00 pm	60 dB LAeq		10.00 pm to 7.00 am	45 dB LAeq	75 dB LAFmax"	This submission is agreed with and the rule should be modified as submitted.
7.00 am to 10.00 pm	60 dB LAeq									
10.00 pm to 7.00 am	45 dB LAeq	75 dB LAFmax"								
1140.48	Sanford Limited	15.2.3.1	<p>Aquaculture activities often begin before 7am, and go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary, (ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>It is agreed clarification on the measurement point is required.</p> <p>However, I do not support the change of the day/night period to 7 hours. A minimum of 8 hours should be provided for undisturbed sleep as recommended by the World Health Organisation</p>						

Submission	Submitter	Rule	Submission	Comments
				<p>The proposed hours are incompatible with the aims of the Plan.</p> <p>Excluding an “industrial” activity from any noise control cannot be supported.</p>
91.237	Marlborough District Council	15.2.3.2	<p>The amendment to Standard 15.2.3.2 requested is a technical correction.</p> <p>Amend Standard 15.2.3.2 as follows (bold) - "<i>An activity undertaken within the Marina Zone must be conducted to ensure that noise when measured at or within an Urban Residential 2 or Open Space 1 Zone does not exceed the following limits:</i>"</p>	<p>Accept in part. It is agreed a technical correction is appropriate but should adopt “at any point within ...” as with other submissions.</p>
401.216	Aquaculture New Zealand	15.2.3.2	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement</p> <p>Amend 15.2.3.2 to include the following noise limits:</p> <p>7.00 am to 10.00 pm 55 dB L_{Aeq}</p> <p>10.00 pm to 7.00 am 45 dB L_{Aeq} 75 dB L_{AFmax}</p>	<p>It is agreed the measurement position requires clarification.</p> <p>There is no supporting information to increase the noise levels so it is not agreed there should be any increase to the noise levels. Any increase to the noise would also be incompatible to the aims of the Plan.</p>
1140.49	Sanford Limited	15.2.3.2	<p>Aquaculture activities often begin before 7am, and go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary,</p> <p>(ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>I agree there should be clarification of the measurement point required.</p> <p>I do not agree with the change of hours defining the day/night period as a minimum of 8 hours necessary for night time and the proposed hours are incompatible with the aims of the Plan.</p> <p>I do not agree with excluding an “industrial” activity from any noise control.</p>
280.173	Nelson	15.2.3.4	Support use of 2008 edition of NZS6802 and 1999	I agree the use of the

Submission	Submitter	Rule	Submission	Comments
	Marlborough District Health Board		edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Note that 13.2.3.4 will be amended in a later submission as NZS6802 must not be used to assess port noise.	quoted standards.
280.174	Nelson Marlborough District Health Board	15.2.3.5	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Note that 13.2.3.4 will be amended in a later submission as NZS6802 must not be used to assess port noise.	I agree the use of the quoted standards.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 15.2.3 is:

- 15.2.3.1. An activity must not cause noise that exceeds the following limits at any point within the boundary of any other property zoned Marina ~~be conducted to ensure that noise when measured at the boundary of, or within, the Zone does not exceed the following limits:~~

7.00 am to 10.00 pm	60dB A L_{Aeq}
10.00 pm to 7.00 am	40 <u>45</u> dB A L_{Aeq} 70 <u>75</u> dB L_{AFmax}

- 15.2.3.2 An activity undertaken within the Marina Zone must be conducted to ensure that noise when measured at any point within an Urban Residential 2 or Open Space 1 Zone does not exceed the following limits:

7.00 am to 10.00 pm	50dB A L_{Aeq}
10.0 m to 7.00 am	40dB A L_{Aeq} 70dB L_{AFmax}

Matter 15 - Chapter 16, Coastal Marine Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1284.13	Port Marlborough New Zealand Limited	16.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 16.2:</p> <p>16.2.x. Noise sensitive activity.</p> <p>16.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>16.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	It is agreed there should be appropriate noise controls included in the MEP although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.
280.148	Nelson Marlborough District Health Board	16.2.3.	Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. Also oppose the words “or within the Zone” as makes a nonsense of the concept of “reasonable noise”. If the intention is to protect noise sensitive activities outside the CMA from noise originating within the CMA, as	It is agree clarifications of the intent of the rule are necessary.

Submission	Submitter	Rule	Submission	Comments
			<p>provided for in 4.2.2.2, then since there are few if any boundaries within the CMA the effect of the rule on one hand can allow exceptionally high sound levels depending on distance from the landward boundary, regardless of effects upon other uses in the CMA which might include activities which are to some extent sensitive to noise ie amenity values, sleeping in vessels etc.</p> <p>In 16.2.3.1 "Measured at" is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to "measured sound levels."</p>	
426.227	Marine Farming Association Incorporated	16.2.3.	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>(a) Amend standard 16.2.3.1 to read: "An activity must be conducted to ensure that noise when measured at or within the notional boundary of any dwelling existing at 9 June 2016 does not exceed the following noise limits: 7.00 am to 10.00 pm 50dB L_{Aeq} 10.00 pm to 7.00 am 40dB L_{Aeq} 75dB L_{AFmax}"; and (b) Add new 16.2.3.2(d) "noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships."</p>	<p>The clarification of the measurement position is agreed with.</p> <p>It is not agreed there should be any limitation to existing dwellings where these are permitted via the Plan as there is no support why this is appropriate, or necessary.</p> <p>I do not support any change to the maximum level as there is no informant to support this action.</p> <p>Excluding an "industrial" activity from any noise control is not agree with.</p>
716.194	Friends of Nelson Haven and Tasman Bay Incorporated	16.2.3.	<p>A general permitted standard of noise levels as proposed should be avoided. Noise levels in vicinity of bird colonies, dolphin congregations and feeding areas are undesirable.</p>	<p>No evidence has been given that noise will disturb the wildlife or what levels are sought in the event this is demonstrated, rather literature available indicates this is generally not the case.</p> <p>The MEP does not have any control on noise within the coastal water so cannot include a rule to protect dolphins (if demonstrated that may be appropriate.</p>
992.65	New Zealand Defence Force	16.2.3.	<p>NZDF undertakes temporary military training activities that may locate on both land and within the Coastal Marine Zone, and as currently written the MEP requires TMTA to comply with two different sets of noise provisions - those for land based activities and those within the Coastal Marine Zone. This is inefficient and therefore NZDF requests that amendments are made to this rule to exclude TMTA</p>	<p>There is no evidence to support any exclusion or relaxation of the noise rules for an activity that has the freedom to select where it is undertaken. Further there is no reason given why residents should be exposed</p>

Submission	Submitter	Rule	Submission	Comments
			<p>from complying with these provisions, and TMTA be required to comply with the General Rules Standard.</p> <p>Amend this rule by adding TMTA to the list of activities excluded from this rule, and instead requiring TMTA comply with the NZDF noise standards requested for insertion in General Rules Standard 2.42.1.3, as requested in submission point 55 above.</p>	<p>to levels that exceed those levels normally considered to be the maximum reasonable.</p> <p>Unless there is credible evidence provided why an increase to the MEP noise limits is reasonable I do not support this submission</p>
.224	Marlborough District Council	2.3.	<p>The existing wording of Standard 16.2.3.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 16.2.3.1 as follows (strike through and bold) - "The An-activity must not cause noise that exceeds the following limits at or within the boundary of any other property be conducted to ensure that noise when measured at the boundary of, or within, the zone does not exceed the following noise limits:"</p>	<p>It is recommended this submission is accepted with slightly different wording to be in keeping with other submissions.</p>
401.227	Aquaculture New Zealand	16.2.3.1	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement</p> <p>Amend standard 16.2.3.1 to read:</p> <p>"An activity must be conducted to ensure that noise when measured at or within the notional boundary of any dwelling existing at 9 June 2016 does not exceed the following noise limits:</p> <p>7.00 am to 10.00 pm 50 dB LAeq</p> <p>10.00 pm to 7.00 am 40 dB LAeq 75 dB LAFmax"</p> <p>Amend standard 16.2.3.1 to read:</p> <p>"An activity must be conducted to ensure that noise when measured at or within the notional boundary of any dwelling existing at 9 June 2016 does not exceed the following noise limits:</p> <p>7.00 am to 10.00 pm 50 dB LAeq</p> <p>10.00 pm to 7.00 am 40 dB LAeq 75 dB LAFmax"</p>	<p>The clarification to the monitoring position is agreed with but with wording as addressed in other submissions.</p> <p>The proposal to limit controls to dwelling existing at 9 June 2016 is not supported as the MEP sets reasonable expectations to the noise levels reasonably expected.</p>
1140.45	Sanford	16.2.3.1	<p>Aquaculture activities often begin before 7am, and</p>	<p>The clarification to the</p>

Submission	Submitter	Rule	Submission	Comments
	Limited		<p>go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary,</p> <p>(ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>monitoring position is agreed with but with wording as set out in other submissions.</p> <p>The exclusion of any commercial activity from any noise control is not accepted as neighbours may reasonably expect some degree of noise protection.</p>
401.228	Aquaculture New Zealand	16.2.3.2	<p>The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.</p> <p>Add new 16.2.3.2(d) "noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships."</p>	<p>The clarification to the monitoring position is agreed with but with wording as previous submissions.</p> <p>The exclusion of any commercial activity from any noise control is not accepted as neighbours may reasonably expect some degree of noise protection.</p>
1140.46	Sanford Limited	16.2.3.2	<p>Aquaculture activities often begin before 7am, and go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary,</p> <p>(ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>The clarification to the monitoring position is accepted but with wording as set out in previous submissions.</p> <p>The reduction of the night time hours is not agreed with as it provides insufficient time to allow for undisturbed sleep in terms to the World Health Organization recommendations and NSZ6802.</p> <p>The exclusion of any commercial activity from any noise control is not accepted as neighbours may reasonably expect some degree of noise protection.</p>
280.175	Nelson Marlborough District Health Board	16.2.3.3	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Note that 13.2.3.4 will be amended in a later submission as NZS6802 must not be used to assess port noise.</p>	<p>The use of the quoted standards is agreed with.</p>

Submission	Submitter	Rule	Submission	Comments
992.66	New Zealand Defence Force	16.2.3.3	This standard is appropriate as it requires the measurement of noise to be undertaken in accordance with the New Zealand Standard NZS6801:2008 and NZS6802:2008.	It is agreed that NZS6802:2008 is adopted.
280.176	Nelson Marlborough District Health Board	16.2.3.4	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere. Note that 13.2.3.4 will be amended in a later submission as NZS6802 must not be used to assess port noise.	It is agreed the use of the quoted standards should be adopted.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 16.2.3 is:

- 16.2.3.1 An activity must be conducted to ensure that noise when measured at the boundary of, or any point within, the zone does not exceed the following noise limits ...

Matter 16 - Chapter 17, Open Space 1 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1140.47	Sanford Limited	17.2.2.	<p>Aquaculture activities often begin before 7am, and go longer than 10pm. It is unclear where noise is measured i.e. at the boundary of the property or at source.</p> <p>(i) Amend the daylight noise threshold to 06:00 - 23:00, to 70dBA and measure at the notional boundary, (ii) Amend 16.2.3.2 by adding noise generated from commercial fishing activities, including marine farming servicing and harvesting barges'.</p>	<p>The reduction of the night time hours is not accepted as it provides insufficient time to allow for undisturbed sleep in terms to the World Health Organization recommendations and NSZ6802.</p> <p>Rule 16.2.3.2 is addressed in Chapter 16 and there is no comparable rule in Chapter 17</p>
91.236	Marlborough District Council	17.2.2.1	<p>The existing wording of Standard 17.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment. Amend Standard 17.2.2.1 as follows (strike through and bold) - "The An-activity must not cause noise that exceeds the following limits at or within the boundary of any other property at the zone boundary or within the zone."</p>	<p>Accepted with slightly different wording to be in keeping with previous submissions.</p>
280.111	Nelson Marlborough District Health Board	17.2.2.1	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."</p>	<p>I agree with the request replace "at the Zone boundary or within the Zone" with "at any point outside the Zone or on another site within the Zone" in this rule</p> <p>It is agreed "dBA L_{Aeq}" with "dB L_{Aeq}" should be adopted.</p>
280.112	Nelson Marlborough District Health Board	17.2.2.2	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. In these rules the "or within the Zone" rule</p>	<p>It is agreed the rule should reflect the measurement position that achieves what is intended and constant wording "at any point within the boundary adopted.</p>

Submission	Submitter	Rule	Submission	Comments
			<p>contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit.</p> <p>“Measured at” the boundary is not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	
280.177	Nelson Marlborough District Health Board	17.2.2.2	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	I agree with the use of the most recent standards.
280.178	Nelson Marlborough District Health Board	17.2.2.3	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	I agree with the use of the most recent standards.
280.77	Nelson Marlborough District Health Board	17.2.3	Although the policy complements Objectives 17.1 and 17.2, the terminology “maximum acceptable levels of aircraft noise exposure” is ambiguous and partly misleading should be replaced. The text below the policy refers to aircraft noise testing and ground running which are not actually controlled by the airport noise boundaries ie noise exposure contours, as those activities are assessed using NZS 6802:2008.	It appears there is an error with the rule number as Chapter 17 does not address aircraft or airports.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 17.2 is:

17.2.2.1 ~~An~~ The activity must not cause noise that exceeds the following limits at ~~the~~
~~zone boundary or within the zone~~ any point within the boundary of any other
property:

7.00 am to 10.00 pm

50dBA L_{Aeq}

10.00 pm to 7.00 am

40dBA L_{Aeq} 70dB L_{AFmax}

Matter 17 - Chapter 18, Open Space 2 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1284.6	Port Marlborough New Zealand Limited	18.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 18.2:</p> <p>18.2.x. Noise sensitive activity.</p> <p>18.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>18.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	The control of port noise is agreed although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.
993.81	New Zealand Fire Service Commission	18.2.2.	The NZFS Commission supports Standard 18.2.2 (Noise), and particularly the exemption in 18.2.2.1 for “sirens and call out sirens associated with the activities of the New Zealand Fire Service”. The proposed Standard, including the exemption, appropriately provides for the operational requirements of the NZFS and enables the Commission to meet its statutory obligations in a manner that provides for the on-going health and safety of people and communities.	This submission is agreed with and the exclusion of emergence sirens should be retained in the rules.

Submission	Submitter	Rule	Submission	Comments
91.127	Marlborough District Council	18.2.2.1	<p>The amendment requested was omitted from the last sentence in Standard 18.2.2.1 in error.</p> <p>The amendment to Standard 18.2.2.1 requested is as follows (bold) - "<i>This standard does not apply to sirens and call out sirens associated with the activities of the New Zealand Fire Service, or noise associated with recreational events or special events provided the noise does not exceed a level of 60 dBA Leq between the hours of 11.00 pm and 9.00 am at the boundary of any property zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3.</i>"</p>	<p>The wording set out in the submission is not sufficiently clear to enforce and after discussions with the submitter the following wording is recommended.</p> <p><i>"or noise generated by temporary activities in the Open space 2 zone may exceed the noise rules between the hours of 7am and 11pm for 12 days every calendar year but not being more than 3 consecutive days provided that noise does not exceed a level of 60 dB L_{Aeq} at the boundary of any Urban Residential zone or dwelling."</i></p> <p><i>This will achieve the aims of the original rule and provide clear guidance on what is required.</i></p>
91.235	Marlborough District Council	18.2.2.1	<p>The existing wording of Standard 18.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment.</p> <p>Amend Standard 18.2.2.1 as follows (strike through and bold) - "<i>The An activity must not cause noise that exceeds the following limits at or within the boundary of any other property at the zone boundary or within the zone:</i>"</p>	<p>This change is agreed with subject to a slight wording change to take other submissions into account and provide certainty to the assessment position.</p>
280.113	Nelson Marlborough District Health Board	18.2.2.1	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit</p>	<p>Agree with the submission with slight wording changes to take other submissions into account</p>

Submission	Submitter	Rule	Submission	Comments
			<p>anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>“Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	
280.114	Nelson Marlborough District Health Board	18.2.2.2	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p>	Agree with the submission with slight wording changes to take other submissions into account
280.179	Nelson Marlborough District Health Board	18.2.2.2	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.</p>	It is agreed the standards submitted are the appropriate ones to adopt on the MEP.
280.180	Nelson Marlborough District Health Board	18.2.2.3	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.</p>	It is agreed the submitted standards are appropriate to adopt in the MEP.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 18.2.2 is:

18.2.2.1 ~~An~~ The activity must not cause noise that exceeds the following limits at any point within the boundary of any other property ~~at the zone boundary or within the zone:~~

7.00 am to 10.00 pm	50dB A L_{Aeq}
10.00 pm to 7.00 am	40dB A L_{Aeq} 70dB L_{AFmax}

This standard does not apply to sirens and call out sirens associated with the activities of the New Zealand Fire Service, or noise generated by temporary activities in the Open space 2 zone may exceed the noise rules between the hours of 7am and 11pm for 12 days every calendar year but not being more than 3 consecutive days provided that noise does not exceed a level of 60 dB L_{Aeq} at the boundary of any Urban Residential zone or dwelling.

Matter 18 - Chapter 19, Open Space 3 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1284.7	Port Marlborough New Zealand Limited	19.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 19.2:</p> <p>19.2.x. Noise sensitive activity.</p> <p>19.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>19.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	It is accepted the ports should have their own noise rule although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.
425.7200	Federated Farmers of New Zealand	19.2.2.	<p>Federated Farmers notes that the same exemptions from the maximum noise limits that apply in the Rural Environment and Coastal Environment Zone should be applied in the Open Space Zone, where there are working farms. This exemption should extend to noise all primary production activities and other forms of rural noise. As it is written, mobile machinery used during forestry maintenance or harvest will not be exempt from the noise limits. We have based our relief sought on the Horowhenua District Plan, which amended their noise exemption rule to also exempt temporary primary production noise from limits in response to Federated Farmers submission.</p> <p>Other activities that occur on farms also create noise, such as livestock, frost fans, water pumps or noise from dairy sheds, shearing sheds or seasonal activities like docking lambs' tails should also be included in the exemption.</p>	As farming is a permitted activity in the zone it is accepted the same exemptions are applicable as for a rural area but only for limited noise sources. It is inappropriate to include fixed plant and activities that may be reasonably controlled so relaxation of any noise control for those activities is not supported.

Submission	Submitter	Rule	Submission	Comments
			That the following exemptions are added to the noise limits: <i>"Mobile sources associated with primary production activities; temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting; and noise from rural livestock; any fixed motors or equipment, frost fans or gas guns, milling or processing forestry activities, static irrigation pumps; motorbikes that are being used for recreational purposes."</i>	
509.413	Nelson Marlborough Fish and Game	19.2.2.	The noise provisions for the Open Space 3 Zone are supported to the extent that Special events provide for activities that may temporarily exceed the noise limits such as gunfire. Fish and Game seeks an amendment to the noise standards to make it explicitly clear that the noise from gunfire is not intended to meet the noise provisions of the Open Space 3 Zone, or any relevant Zone where game hunting is undertaken.	The submission is accepted and addressed in NZS6802 , which is adopted in the Plan, with respect to gunfire noise where that standard states in clause 1.2.1 <i>"This Standard does not apply to the assessment of sound ... in particular, assessment of specific sources of sound including ... impulsive sound (such as gunfire and blasting) ...</i> This will satisfy this submission.
91.234	Marlborough District Council	19.2.2.1	The existing wording of Standard 19.2.2.1 means noise limits need to be complied with at source within the subject site, this was not the intention of this standard. It is intended to only apply beyond the site as specified in the amendment. Amend Standard 19.2.2.1 as follows (strike through and bold) - <i>"The An-activity must not cause noise that exceeds the following limits at or within the boundary of any other property at the zone boundary or within the zone."</i>	This submission is agreed with but adopting a slight variation of the wording to take other submissions into account
280.115	Nelson Marlborough District Health Board	19.2.2.1	Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location. In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone." Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit.	This submission is agreed with so replace "at the Zone boundary or within the Zone" with "at any point within the boundary of any other property" Replace "dBA LAeq" with "dB LAeq" here and throughout the plan.
280.181	Nelson	19.2.2.2	Support use of 2008 edition of NZS6802 and 1999	The use of the submitted

Submission	Submitter	Rule	Submission	Comments
	Marlborough District Health Board		edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	standards is agreed with and should be retained in the rule.
280.182	Nelson Marlborough District Health Board	19.2.2.3	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	The use of the submitted standards is agreed with and should be retained in the rule.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 19.2.2 is:

19.2.2.1 ~~At~~ The activity must not cause noise that exceeds the following limits at any point within the boundary of any other property ~~at the Zone boundary or within the Zone:~~

7.00 am to 10.00 pm	50dBA L_{Aeq}
10.00 pm to 7.00 am	40dBA L_{Aeq} 70dB L_{AFmax}

19.2.2.2 Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

19.2.2.3 The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration as part of agricultural or horticultural activities occurring in the Rural Environment Zone:

Matter 19 - Chapter 20, Open Space 4 Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
280.116	Nelson Marlborough District Health Board	20.2.1.1	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>“Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	<p>It is agreed the measurement location needs to reflect the intention of the rule.</p> <p>Accept “dBA LAeq” is replaced with “dB LAeq” to maintain compatibility with the requirements of NZS6801&2</p>
280.183	Nelson Marlborough District Health Board	20.2.1.2	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.</p>	<p>It is agreed the use of the latest standards should be adopted in the MEP.</p>
280.184	Nelson Marlborough District Health Board	20.2.1.3	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.</p>	<p>It is agreed the use of the latest standards should be adopted in the MEP.</p>

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struck through~~ with all changes highlighted as changes, such as ~~struck through~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 20.2.2 is:

20.2.1.1 An activity must not cause noise that exceeds the following limits at any point outside the zone or at any point within any other site boundary or within the zone:

7.00 am to 10.00 pm	65dBA LAeq
10.00 pm to 7.00 am	65dBA LAeq 75dB LAFmax

Matter 20 - Chapter 21, Floodway Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1282.11	Port Marlborough New Zealand Limited	21.2	<p>To ensure the above rules control activities located within the outer control noise boundary which is the intention of the rules, add rules 13.2.4.1 and 13.2.4.2 (as amended in submission points 1284.3 and 1284.4) as standards for permitted activities for those zones which come within the outer control noise boundary, and that have any noise sensitive activities listed as permitted in the zone.</p> <p>That the following new heading and standards are added to 21.2:</p> <p>21.2.x. Noise sensitive activity.</p> <p>21.2.x.x. Any new noise-sensitive activity, or alteration or addition to an existing building used for a noise sensitive activity between the Inner and Outer Noise Control Boundaries at the port in Picton and Shakespeare Bay and at Havelock shall be adequately insulated from port noise.</p> <p>21.2.x.x. Adequate sound insulation must be achieved by constructing the building to achieve a spatial average indoor design sound level of 40 dBA Ldn in all new habitable spaces and buildings for noise sensitive activities. The indoor design level must be achieved with all windows and doors open unless adequate alternative ventilation means is provided, used and maintained in operating order. The sound insulation design must be certified by an acoustic engineer. The completed construction must be certified by the builder as built in accordance with the design.</p>	The control of port noise is agreed although the port controls are already in place in Chapter 13 – Port Zone so appears unnecessary to repeat.
91.233	Marlborough District Council	21.2.2.1	Amend Standard 21.2.2.1 as follows (strike through and bold) -" <i>The An activity must not cause noise that exceeds the following limits at or within the boundary of any a zone other than Floodway Zone at the Zone boundary or within the Zone.</i> "	This submission is accepted as appropriate to ensure the correct noise assessment is undertaken, although a slight wording change is recommended to take other submissions into account.
280.117	Nelson	21.2.2.2	Support wording other than reference to "at the Zone	The proposed changes

Submission	Submitter	Rule	Submission	Comments
	Marlborough District Health Board		<p>boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>“Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	<p>are agreed with and the following recommended:</p> <p>replace “at the boundary”, with “at any point within the boundary”.</p> <p>Replace “dBA LAeq” with “dB LAeq”.</p>
91.41	Marlborough District Council	21.2.2.3	<p>This provision included in exclusion in error, appropriate that the noise limits apply to this Standard.</p> <p>Delete Standard 21.2.2.3(b) - "(b) a fixed motor or equipment, frost fan or gas gun, milling or processing forestry activity, static irrigation pump; or motorbike that is being used for recreational purposes."</p>	<p>This submission is agreed with as it is a reasonable expectation by residents to be protected from such noise.</p>
91.230	Marlborough District Council	21.2.2.3	<p>The effects would be the same if using mobile machinery for all Permitted Activities not just farming so no need to limit as prescribed in Standard 21.2.2.3(a).</p> <p>Amend Standard 21.2.2.3(a) as follows (strike through) - "The following activities are excluded from having to comply with the noise limits: (a) mobile machinery used for a limited duration as part of farming activity occurring in the Floodway Zone."</p>	<p>This submission is agreed with to maintain compatibility with other parts if the Plan and provide a realistic outcome for activities within the zone.</p>
280.185	Nelson Marlborough District Health Board	21.2.2.4	<p>Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.</p>	<p>It is agreed the use of the latest standards should be adopted in the MEP.</p>
280.186	Nelson	21.2.2.5	<p>Support use of 2008 edition of NZS6802 and 1999</p>	<p>It is agreed the use of the</p>

Submission	Submitter	Rule	Submission	Comments
	Marlborough District Health Board		edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense. However the structure of plan rules necessitates clarification that other standards might apply to other clauses of the plan and elsewhere.	latest standards should be adopted in the MEP.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 21.2.2 is:

2.2.2.1 ~~An~~ The activity must not cause noise that exceeds the following limits at any point within the boundary of any zone other than a Floodway Zone ~~the Zone boundary or within the Zone~~:

7.00 am to 10.00 pm	65dBA L _{Aeq}	
10.00 pm to 7.00 am	65dBA L _{Aeq}	75dB L _{AFmax}

21.2.2.2 ~~An~~ The activity undertaken within the Floodway Zone must be conducted to ensure that noise arising at ~~or~~ any point within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields), Urban Residential 3 or within the notional boundary of any dwelling on land zoned Rural Living or Coastal Living does not exceed the following noise limits:

7.00 am to 10.00 pm	50dBA L _{Aeq}	
10.00 pm to 7.00 am	40dBA L _{Aeq}	70dB L _{AFmax}

21.2.2.3 The following activities are excluded from having to comply with the noise limits:

- (a) mobile machinery used for a limited duration ~~as part of farming activity occurring in the Floodway Zone~~;
- (b) a fixed motor or equipment, frost fan or gas gun, milling or processing forestry activity, static irrigation pump; or motorbike that is being used for recreational purposes.

Matter 21 - Chapter 22, Lake Grassmere Salt Works Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
280.118	Nelson Marlborough District Health Board	22.2.2.1	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit.</p> <p>“at the zone boundary” in 22.2.2.1 is not best practice and should be amended.</p>	<p>The proposed changes are agreed with and the following recommended:</p> <p>replace “at the boundary”, with “at any point within the boundary”.</p> <p>replace “dBA LAeq” with “dB LAeq”.</p>
280.119	Nelson Marlborough District Health Board	22.2.2.2	<p>Support wording other than reference to “at the Zone boundary or within the Zone” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the “or within the Zone” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to “on any other site within the Zone.”</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>“at the zone boundary” in 22.2.2.1 is not best practice and should be amended</p> <p>“Measured at” is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	<p>The proposed changes are agreed with and the following recommended:</p> <p>replace “at the boundary”, with “at any point within the boundary”.</p> <p>replace “dBA LAeq” with “dB LAeq”.</p>
280.187	Nelson	22.2.2.3	Support use of 2008 edition of NZS6802 and 1999	It is agreed the use of the

Submission	Submitter	Rule	Submission	Comment
	Marlborough District Health Board		edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	latest standards should be adopted in the MEP.
280.188	Nelson Marlborough District Health Board	22.2.2.4	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	It is agreed the use of the latest standards should be adopted in the MEP.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 22.2.2 is:

- 22.2.2.1 ~~An~~ The activity, apart from salt harvest operations, must not cause noise that exceeds the following limits at any point beyond the zone boundary:
- | | |
|--------------------------------------|---|
| 7.00 am to 10.00 pm Monday to Sunday | 55dBA <u>55dBA</u> L_{Aeq} |
| At all other times | 45dBA <u>45dBA</u> L_{Aeq} 75dB <u>75dB</u> L_{AFmax} |
- 22.2.2.2 Noise from salt harvest operations, when ~~measured~~ measured ~~or~~ assessed at any point ~~or~~ beyond the Lake Grassmere Salt Works Noise Control Boundary, which is a distance of 500 metres from the 'outside' edges of the salt crystallising ponds, must not exceed the following standards:
- | | |
|--------------------------------------|---|
| 7.00 am to 10.00 pm Monday to Sunday | 55dBA <u>55dBA</u> L_{Aeq} |
| At all other times | 45dBA <u>45dBA</u> L_{Aeq} 75dB <u>75dB</u> L_{AFmax} |

Matter 22 - Chapter 23, Airport Zone

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
91.152	Marlborough District Council	23.2.2.1	<p>Amendments requested to Standard 23.2.2.1 to correct technical errors.</p> <p>Amendments requested to Standard 23.2.2.1 as follows (strike through and bold) - <i>"Noise from a source other than an aircraft movement, aircraft engine testing, or a national or international gliding event, must comply with the following noise limits measured at or within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at or within the notional boundary of any noise sensitive activity on any land zoned Rural Environment:</i></p> <p>7.00 am to 10.00 pm 50 dBA LAeq 10.00 pm to 7.00 am 40 dBA LAeq 70dB LAFmax Monday to Saturday 7.00 am to 6.00 pm 55dBA LAeq Monday to Saturday 6.00 pm to 10.00 pm 50dBA LAeq Monday to Sunday 10.00 pm to 7.00 am 45dBA LAeq Monday to Sunday 10.00 pm to 7.00 am 70dBA Lmax"</p>	It is agreed the rule needs to be modified to correct technical errors and maintain compatibility with other rules in the MEP although dBA L _{Aeq} should be replaced with dB L _{Aeq} .
280.120	Nelson Marlborough District Health Board	23.2.2.1	<p>Support wording other than reference to "at the Zone boundary or within the Zone" for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these rules the "or within the Zone" rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to "on any other site within the Zone."</p> <p>Support time-frames for rule application, with amendment to dBA LAeq as submitted elsewhere (and throughout the plan), support LAFmax metric and numerical limit at least 10 dB above LAeq numerical limit (except in the Business Zones where limits within the Zone should be 85 dBA to allow Zone purposes in terms of night-time business activities.)</p> <p>"Measured at" is also not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p>	<p>The proposed changes are agreed with and the following recommended:</p> <p>replace "at the boundary", with "at any point within the boundary".</p> <p>replace "dBA L_{Aeq}" with "dB L_{Aeq}".</p>
996.29	New Zealand Institute of Surveyors	23.2.2.1	Confusion over times and levels. Nothing for Sunday 7am - 10pm, and different levels for same time Monday to Sunday 10pm to 7am.	This submission is agreed with and the proposed recommendations to update the table are set out in response to submission 91.152.
280.189	Nelson	23.2.2.2	Support use of 2008 edition of NZS6802 and 1999	It is agreed the use of the

Submission	Submitter	Rule	Submission	Comments
	Marlborough District Health Board		edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	latest standards should be adopted in the MEP.
280.190	Nelson Marlborough District Health Board	23.2.2.3	Support use of 2008 edition of NZS6802 and 1999 edition of NZS 6803 to replace earlier editions referenced in the operative plans, which date from earlier and contain errors, ambiguities and are out-of-date in a technical and legal sense.	It is agreed the use of the latest standards should be adopted in the MEP.
280.135	Nelson Marlborough District Health Board	23.2.3.	<p>Here and in 7 other instances in Volume , and as distinct from ""Sound insulation" used many times, "acoustic insulation" is inappropriate terminology as it excludes "Acoustic isolation" which is the effect it is trying to achieve and will often be a more cost-effective and equitable means of meeting the clause objectives here and elsewhere in the plan. Examples include orientation of buildings and noise barriers which are by normal definition not "acoustic insulation" but are effective to "acoustically isolate" buildings (or land) from noise immissions.</p> <p>Support provisions for new noise sensitive activities within the air noise contours and for alterations and additions.</p> <p>Here and elsewhere in similar clauses oppose use of "Ldn" as metric for indoor design purposes. Elsewhere in plan "LAeq" is appropriately used as is common elsewhere in New Zealand where an indoor design metric is used for habitable room protection from immissions external to the building envelope. Support the 40 dB numerical limit in these clauses related to Woodbourne airport air noise c.f. the 35 dB limit for Koromiko Airport .</p>	<p>The requirement to "adequately insulated" provides sufficient certainty to achieve the design requirements of the Plan. There is no need to change this wording.</p> <p>It is agreed "dBA L_{Aeq}" should be replaced with "dB L_{Aeq}."</p> <p>It is agreed there should be specific noise controls to ensure aircraft noise is controlled into dwellings.</p>
992.69	New Zealand Defence Force	23.2.3	The land occupied by Base Woodbourne and owned by NZDF is used for various activities. It is appropriate that any habitable space within buildings containing a noise sensitive activity be fitted with noise attenuation provisions.	It is agreed Standard 23.2.3 should be retained.
280.136	Nelson Marlborough District Health Board	23.2.3.2	This submission is the same as for submission 280.135	The recommendation is the same as for submission 280.135 above.
280.137	Nelson Marlborough District Health Board	23.2.5.1	This submission is the same as for submission 280.135	The recommendation is the same as for submission 280.135 above.
80.138	Nelson Marlborough District Health Board	23.2.5.2	This submission is the same as for submission 280.135	The recommendation is the same as for submission 280.135 above.

Submission	Submitter	Rule	Submission	Comments
280.197	Nelson Marlborough District Health Board	23.3.1	<p>Support noise limits numerical values and metrics cited and implied application of assessment method requiring LAeq (15 min) reference time intervals. Support limited event exceptions and discriminating planned from unplanned testing events.</p> <p>Support planned testing noise limit as applicable day and night at 55 dB LAeq in Rural Environment Zone</p> <p>In sub-clause (b) and (d) “Measured at” is not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to “measured sound levels.”</p> <p>“Measured at the notional boundary” is also not best practice since 1995 being legal uncertain, and should be amended for consistency with phrase used elsewhere in plan and recommended in assessment standard referenced in the plan.</p> <p>Replace in “Measured at” with “assessed at any point within”</p> <p>Replace “noise levels with “noise limits”</p>	<p>Agree with the clarification of the measurement position.</p> <p>It makes little difference if “levels” or “limits” is adopted as the meaning is clear in both cases. Not considered to be warranted to change.</p>
280.145	Nelson Marlborough District Health Board	23.5.3.	Support classification as prohibited activities to protect district and regionally and in the case of Woodbourne, nationally significant physical resources as air transportation facilities and to prevent encroachment of people and communities risking their health and amenity values from exposure to aircraft noise.	Adopting this submission will help to ensure no reverse sensitivity effects in the future.
280.146	Nelson Marlborough District Health Board	23.5.4.	Support classification as prohibited activities to protect district and regionally and in the case of Woodbourne, nationally significant physical resources as air transportation facilities and to prevent encroachment of people and communities risking their health and amenity values from exposure to aircraft noise.	Adopting this submission will help to ensure no reverse sensitivity effects in the future.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for “A” is difficult to locate.

A summary of the proposed recommendations to modified Rule 23.2 & 3 is:

- 23.2.2.1 Noise from a source other than an aircraft movement, aircraft engine testing, or a national or international gliding event, must comply with the following noise limits measured at or any point within the boundary of any land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3, or at any point within the notional boundary of any noise sensitive activity on any land zoned Rural Environment:

Monday to Saturday	7.00 am to 6.00 pm	55dBA L_{Aeq}
Monday to Saturday	6.00 pm to 10.00 pm	50dBA L_{Aeq}
Monday to Sunday	10.00 pm to 7.00 am	45dBA L_{Aeq}
Monday to Sunday	10.00 pm to 7.00 am	70dBA L_{max}
7.00 am to 10.00pm		50dB L_{Aeq}
10.00pm to 7.00am		40dB L_{Aeq} and 70dB L_{AFmax}

23.2.5.1 A new noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dBA L_{Aeq} at night time ...

23.2.5.2 An alteration or addition to existing noise sensitive activity within the area between the Outer Noise Control Boundary and the Inner Noise Control Boundary must have appropriate acoustic insulation installed to establish an internal noise environment. Such insulation must provide an indoor sound environment not exceeding of 35dBA L_{Aeq} at night time ...

23.3.1.1 (b) noise generated by testing, measured at any point within the notional boundary of a noise sensitive activity in the Rural Environment Zone, must not exceed 55dBA L_{Aeq} ;

(a) noise from essential unplanned engine testing must not exceed the following noise levels at any point within the notional boundary of any noise sensitive activity in the Rural Environment Zone:

Any day	10.00 pm to 7.00 am	55dBA L_{Aeq} 80dBA L_{AFmax}
---------	---------------------	--------------------------------------

Matter 23 - Chapter 25, Definitions

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
91.144	Marlborough District Council	25 Definition	<p>The addition of a definition for LAE is requested as this term is referenced in rules related audible bird-scaring devices and is sought to be included to provide Plan users with greater certainty.</p> <p>Add definition of <i>LAE as follows - "LAE - sound exposure level. Ten times the logarithm to the base 10 of the ration of the A-frequency-weighted sound exposure to the square of the reference value."</i></p>	LEA equates to SEL and is adopted elsewhere in the MEP so should be standardised with one option. SEL is the recommended option. This definition is as set out in NZS6801:2008 although the standard goes on to provide a more readable version of SEL as adopted in 25 Definitions may remain unchanged.
280.84	Nelson Marlborough District Health Board	25 Definition	<p>Definition for dBA</p> <p>Typographical error has eliminated "A-frequency weighting" terminology is wrong and is inconsistent with the with the terminology used in the measurement and assessment standards for noise referenced in the Plan.</p>	Accept, the "A" is added to the definition of dBA
280.85	Nelson Marlborough District Health Board	25 Definition	<p>Definition for L10</p> <p>The term is used once in the entire plan in relation to temporary military training but will be removed due to submissions by NZ Defence Force. However the term will be required if as submitted here NZS6808:2010 is incorporated into the plan, otherwise it should be deleted.</p>	L ₁₀ is not used in NZS6801/2:2008 but is mentioned once in NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning and referenced in NZS6808:2010 Acoustics – Wind farm noise. Removing L ₁₀ from the MEP will not influence the use of the MEP. Where there are references to L ₁₀ in existing consent conditions those conditions also reference the earlier standards, which define L ₁₀ . It is recommended L ₁₀ is removed from the MEP.
280.86	Nelson Marlborough District Health Board	25 Definition	<p>Definition for L_{dn} is wrong and inconsistent with the terminology used in the measurement and assessment standards for noise referenced in the Plan. Time period referenced in L_{dn} will not usually be 12am to 12pm.</p> <p>Also the words "on the night" are a grammatical error.</p>	It is recommended definition is appropriate reworded as submitted to be compatible with the definition of L _{dn} in the relevant standards.

Submission	Submitter	Rule	Submission	Comment
280.87	Nelson Marlborough District Health Board	25 Definition	<p>Definition for “LAEQ (Leq)”</p> <p>The definition used here derives from the 1999 edition of NZS 6801, which is not the edition referenced in the proposed plan but that is nevertheless adequate. The definition abbreviation “ (Leq)” is however superfluous as it is not used in the proposed plan so should be deleted. Upper case representation is also not found in the plan.</p> <p>There are numerous errors in Volumes 2 and 3 in expression of the term which are referred to in later submissions and for sake of being comprehensive the terminology should be consistent throughout the plan especially when used in conjunction with the abbreviation “dB”. The amendment will correct the erroneous “dBA LAeq” found in 68 occurrences in the plan</p>	<p>Agree clarification to the definition is appropriate.</p> <p>L_{eq} deleted and L_{AEQ} changed to L_{Aeq}. This change should be adopted throughout the MEP.</p>
280.88	Nelson Marlborough District Health Board	25 Definition	<p>Definition for “L_{max} (L_{Amax})” and consequentially amend throughout the plan</p> <p>The 2008 editions of NZS 6801 and NZS 6802 revised the earlier definition to clarify that it was “F time-weighted “as well as “A-frequency-weighted”. For consistency here and consequentially throughout the plan, the same acoustic metrics should be used in all instances, ie “LAFmax” which is consistent with the terminology used in the referenced standards in this plan.</p>	<p>Agreed clarification to the definition is appropriate.</p> <p>L_{max} deleted and dBA L_{max} changed to dB L_{FAmax}.</p>
280.89	Nelson Marlborough District Health Board	25 Definition	<p>Definition for Noise Sensitive Activity</p> <p>Appropriate definition for a term which would otherwise require expansion in meaning multiple times throughout the plan, but noting that the definition here is not de-limiting, rather it is an extending definition and may therefore have be subject to inherent uncertainty of interpretation.</p>	<p>This submission is agreed with – no change required to the MEP.</p>
280.90	Nelson Marlborough District Health Board	25 Definition	<p>Definition for Notional Boundary</p> <p>Support the definition and its use throughout the plan as an appropriate noise assessment location where the intention is to provide for protection of activities in the vicinity of a dwelling rather than in rural areas extend protection over the whole land parcels per se remote from or seldom used for residential activities.</p>	<p>This submission is agreed with – no change required to the MEP.</p>
280.92	Nelson Marlborough District Health	25 Definition	<p>Definition for Sound Exposure Level (SEL)</p>	<p>This submission is agreed with – no change required to the MEP.</p>

Submission	Submitter	Rule	Submission	Comment
	Board		Support use of the metric in the plan but with amendment to use terminology consistent with the terminology used in the measurement and assessment standards for noise referenced in the Plan.	
433.142	Port Marlborough New Zealand Limited	25 Definition	<p>Minor correction to address omission of the word "Noise".</p> <p>PMNZ supports this rule, however, it has some concerns that the definition of 'noise sensitive activity' is vague and may inadvertently restrict legitimate and/or permitted uses in the Port zone. PMNZ therefore seeks amendments to this definition, as set out in the adjacent column. Add at and of the current definition:</p> <p><i><u>This definition excludes those activities that are permitted, controlled or restricted discretionary activities in the Port and Port Landing zones, and at Havelock also includes those activities that are permitted in the Marina Zone.</u></i></p>	<p>It is not clear why a permitted, controlled or restricted discretionary activity is not necessarily a noise sensitive activity.</p> <p>Unless further information is provided to demonstrate the case this submission is not supported. I note this should perhaps be considered a planning issue rather than a noise issue.</p>
769.127	Horticulture New Zealand	25 Definition	<p>Definition - Noise Sensitive Activity</p> <p>The definition is relevant to how rules will apply for noise. Horticulture NZ is concerned that the definition includes 'examples' so there is a lack of certainty in the definition, and hence how it may be applied.</p> <p>Delete 'examples include' and replace with 'Noise sensitive activities are.'</p>	<p>Removing the examples does not assist with the certainty of a noise sensitive activity but makes the meaning even less certain. This submission is not agreed with.</p>
769.128	Horticulture New Zealand	25 Definition	<p>Definition - Sensitive Area</p> <p>The plan has a definition for noise sensitive activities but no definition for 'sensitive activity'. There are situations where sensitivity will exist for reasons other than noise and so there should be a definition to identify such activities.</p> <p>An alternative would be to include only a definition for sensitive activities and combined with the definition for noise sensitive activities.</p> <p>Include a definition of sensitive activities as follows:</p> <p>Sensitive activities are:</p> <ul style="list-style-type: none"> a) Habitable buildings b) Educational facilities c) Correctional facilities 	<p>The proposed definition is too precise and misses noise sensitive activities, such as private hospitals and medical centres. The submission is not supported.</p>

Submission	Submitter	Rule	Submission	Comment
			<p>d) Public places and amenity areas where people congregate</p> <p>e) Public roads</p>	
873.179	KiwiRail Holdings Limited	25 Definition	<p>Definition - Noise Sensitive Activity</p> <p>The definition of Noise Sensitive Activity as proposed in the MEP is supported by KiwiRail.</p>	This submission is agreed with.
1002.245	New Zealand Transport Agency	25 Definition	The proposed definition for noise sensitive activity aligns with the Transport Agency's preferred definition from its reverse sensitivity guide.	As suggested by this submission this definition for noise sensitive activity should be retain.
1039.132	Pernod Ricard Winemakers New Zealand Limited	25 Definition	<p>Definition: Noise Sensitive Activity</p> <p>PRW considers that this is a good definition.</p>	This submission is agreed with.
280.91	Nelson Marlborough District Health Board	25 Definition	<p>Definition for Outer Noise Control Boundary</p> <p>A useful means to show on maps areas subject to noise exposure which require restrictions on land use. Used in NZS 6805:1992 and NZS6809:1999 which have been applied in this plan to airport and port noise.</p>	Accept, the definition of the Outer noise control boundary is appropriate and adopted.
280.93	Nelson Marlborough District Health Board	25 Definition	<p>New definition for Wind Turbine</p> <p>The proposal is supported in part but with amendment: to add a new definition for "wind turbine."</p> <p>As submitted elsewhere in these submissions in relation to Rule 3.2.3.4, a rule is required for wind turbines and consequentially a definition should be added to the Chapter.</p>	This submission is agree with and a definition for wind turbines recommended.
769.123	Horticulture New Zealand	25 Definition	<p>Definition - Frost Fan</p> <p>The definition of frost fan includes mobile devices. As these are not fixed to the ground they should be differentiated from permanent devices.</p> <p>Delete 'and mobile' from the definition of frost fan.</p>	Both fixed and mobile frost fans generate noise and if not controlled by their own rule will be required to comply with the zone noise limits, which are unnecessarily restrictive for frost fans. Thus, this submission is not agreed with.
1251.157	Fonterra Co-operative Group Limited	25 Definition	<p>Site in relation to frost fans, has the meaning of single land holding.</p> <p>This definition is unnecessary and confusing.</p>	As currently defined a appears there is no difficulty with the definition and reviewing the rules frost fan noise is controlled by distance and the notional boundary of a

Submission	Submitter	Rule	Submission	Comment
			Delete this particular definition of "site".	dwelling not on the property on which the frost fan is situated. Unless further clarification of the submission is provided this submission is not agreed with.
1251.152	Fonterra Co-operative Group Limited	25 Definition	Noise Sensitive Activity Fonterra supports the definition of "noise sensitive activity" in the Proposed Plan.	This submission is agreed with and the definition retained as given in the MEP
592.6	Clifford John Smith	25 Definition	There is no definition in the rules for Category A and B Devices. A definition of Category A and B Devices should be added.	Category A and B Devices are set out under the definition of Audible bird scaring device so no action to this submission is necessary.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struck through~~ with all changes highlighted as changes, such as ~~struck through~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Chapter 25 Definitions is:

dB_A	means an <u>A</u> -frequency weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals.
L₁₀	means the <u>L₁₀</u> exceedance level, expressed in dB_A, which is that level of sound equalled or exceeded 10% of the total measurement time.
L_{dn}	means the day-night average sound level over a 24 hour period (12am-12 pm <u>midnight to midnight</u>) obtained after the addition of 10 decibels to sound levels on <u>during</u> the night, where night is 10.00 pm to 7.00 am the following day.
L_{Aeq} (L_{eq})	means the time-average A-frequency weighted sound pressure level (dB _A <u>L_{Aeq}</u>) of a continuous steady sound that within a sample period has the same mean square sound pressure level as a sound under investigation whose level varies with time.
L_{max} (<u>L_{Fmax}</u>)	Means the maximum A-frequency-weighted sound level (dB _A <u>L_{Fmax}</u>) during a stated time period.
<u>Wind Turbine</u>	<u>means a device used to extract kinetic energy from the wind for electrical generation and includes any wind farm, but excludes "small wind turbines" as described in section 1.6 of NZS6808:2010 Acoustics - Wind Farm Noise.</u>

Matter 24 – Volume 3, Appendix 16

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
280.205	Nelson Marlborough District Health Board	1.2.5.1	<p>Support wording other than reference to “at the scheduled boundary” for consistency with usage elsewhere in the plan and avoiding potential legal ambiguity that implies there is an option for noise assessment location.</p> <p>In these conditions the “at the scheduled boundary” rule contradicts zone purposes in that noise limit anywhere, even at source must not exceed stated noise limits which is a nonsense and ultra vires s.16 of the Act but the intention is clearly that the limits are intended to apply to activities outside the Scheduled areas “or within the scheduled site” must be deleted.</p> <p>“At the scheduled site boundary” in 1.2.5.1 , 1.2.5.2.1 and 3.2.5. and 3.2.5.2 and “measured at the boundary ” in 1.2.5.2 and 3.2.5.2 is not best practice and should be amended. “Measured at” is not best practice as it conflicts with the assessment standard referenced in the plan which provides for several potential adjustments to measured sound levels.</p> <p>“At the boundary” is not best practice since 1995 being legal uncertain, and should be amended for consistency with phrase used elsewhere in plan and recommended in assessment standard referenced in the plan. The boundary means a degree of survey precision in the location and disregards the possibility that obstacles might prevent assessment “at” the boundary. The potential problem can be overcome by amendment.</p> <p>Support time-frames for conditions with amendment to dBA LAeq in 1.2.5.1 and 1.2.5.2 and 3.2.5.1 and 3.2.5.2 as submitted elsewhere.</p> <p>Support LAFmax metric and numerical night-time limit at least 10 dB above LAeq numerical limit</p> <p>In 1.2.5.1 and 1.2.5.2 and 3.2.5.1 insert at the beginning of each sub-clause , “Except as provided elsewhere in this section,</p> <p>In 1.2.5.1 and 1.2.5.2 and 3.2.5.1 replace “at the scheduled site boundary with “at any point outside the scheduled site boundary the Zone” and delete “or within the scheduled site”</p> <p>In both sections, replace “dBA LAeq” with “dB LAeq.”</p>	<p>It is agreed with the change of the measurement position</p> <p>It is agreed “dBA LAeq” be replaced with “dB LAeq.”</p> <p>The addition of “Except as provided elsewhere ...” is considered to be redundant so no change is recommended.</p>
280.206	Nelson Marlborough	1.2.5.2	<p>This submission is the same as for submission 280.205 Rule 1.2.5.1 above</p>	<p>As for Submission 280.205 Rule 1.2.5.1 above, this</p>

Submission	Submitter	Rule	Submission	Comments
	DHB			submission is agreed with.
280.207	Nelson Marlborough DHB	1.2.5.3	As for Submission 280 Rule 1.2.5.1 above	As for Submission 280.205 Rule 1.2.5.1 above, this submission is agreed with.
280.208	Nelson Marlborough DHB	1.2.5.4	As for Submission 280 Rule 1.2.5.1 above	As for Submission 280.205 Rule 1.2.5.1 above, this submission is agreed with.

Recommendations

Recommended additions or new provisions to be shown underlined. Deleted text or provisions shown ~~struckthrough~~ with all changes highlighted as changes, such as ~~struckthrough~~ for "A" is difficult to locate.

A summary of the proposed recommendations to modified Rule 1.2 and 3.2 of Volume 3 is:

- 1.2.5.1 Except as provided for in Standard 1.2.5.2, an activity must not cause noise that exceeds the following limits at any point outside the scheduled site boundary ~~or within the scheduled site~~:

7.00 am to 10.00 pm	50 dBA L_{Aeq}	
10.00 pm to 7.00 am	40 dBA L_{Aeq}	70dB L_{AFmax}

- 1.2.5.2 Where an outdoor activity associated with an educational facility is undertaken between 7.00 am to 10.00 pm, the noise must not exceed a limit of 60 dBA L_{Aeq} ~~L_{Aeq}~~ when measured at any point outside the boundary of the scheduled site

- 3.2.5.1 Except as provided for in Standard 3.2.5.2, an activity must not cause noise that exceeds the following limits at any point outside the scheduled site boundary ~~or within the scheduled site~~:

7.00 am to 10.00 pm	50 dBA L_{Aeq}	
10.00 pm to 7.00 am	40 dBA L_{Aeq}	70dB L_{AFmax}

- 3.2.5.2 Where an outdoor activity associated with an educational facility is undertaken between 7.00 am to 10.00 pm, noise must not exceed a limit of 60 dBA L_{Aeq} ~~L_{Aeq}~~ when measured at any point outside the boundary of the scheduled site.

Matter 25 – Volume 4, Maps

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
280.200	Nelson Marlborough District Health Board	Noise Control Boundaries 1	Support use of noise control boundaries on overlays maps in Marlborough Environment Plan to identify land subject to immission of sound from strategically important physical resources of the District such as airports and ports as a key planning principle to protect people from noise and facilities from people who may be adversely affected by the facilities' noise. Support boundary locations (noting thickness of lines may cause uncertainty).	I agree with this submission. There is no change to the MEP necessary.
433.224	Port Marlborough New Zealand Limited	Noise Control Boundaries 1	The Inner and Outer Noise Control Boundary overlay at Havelock cuts through part of the reclamation area. This requires amending so that the Noise Control boundary is on the boundary shared between the reclamation and the CMA.	It is accepted what is suggested although the aim of the noise boundaries is clear so unless there is a planning conflict no change will really be necessary.
1284.14	Port Marlborough New Zealand Limited	Noise Control Boundaries 1	<p>With respect to Havelock, the updated noise model does not result in any recommended changes to the noise control boundaries. As the rules as notified control noise at the Outer Noise Control Boundary at Havelock (as opposed to the Inner Noise Control Boundary) there is no need for the Inner Noise Control Boundary to be identified on the overlay map. It is therefore recommended the Inner Noise Control Boundary be removed at Havelock, as per Figure 4E- Havelock Noise Control Boundaries.</p> <p>PMNZ seeks the noise control boundaries be amended to reflect Figures 4E in Annexure A (attached to the submission), as prepared by Marshall Day Acoustics.</p>	As no properties not owned by PMNZ would be affected by the recommended change it is agreed there is no need for the Inner Noise Control Boundary and it may potentially be removed. However, by removing the Inner Noise Control Boundary there is no method to determine the level within the Outer Noise Control Boundary and hence the level the residential properties within the Outer Noise Control Boundary experience. How this may be addressed should be confirmed prior to removing the Inner Noise Control Boundary. Until this is resolved the submission is not supported.
280.201	Nelson Marlborough District Health Board	Noise Control Boundaries 2	Support use of noise control boundaries on overlays maps in Marlborough Environment Plan to identify land subject to immission of sound from strategically important physical resources of the District such as airports and ports as a key planning principle to protect people from noise and facilities from people who may be adversely	It is agreed with the submission and no change is considered to be necessary unless further information is provided at the hearing from effected

Submission	Submitter	Rule	Submission	Comments
			<p>affected by the facilities' noise. Support boundary locations (noting thickness of lines may cause uncertainty).</p> <p>Allow the provision. Noting thickness of lines may cause uncertainty and care should be taken in the representation of the lines to follow cadastral boundaries on smaller lot sizes where possible.</p> <p>Note:</p>	parties.
433.223	Port Marlborough New Zealand Limited	Noise Control Boundaries 2	<p>PMNZ considers that the outer noise boundary line that manages noise limits for the Port activities at Shakespeare Bay should be relocated to be beyond the Port Zone boundary. The outer noise boundary is intended to enable a transitioning of noise levels from the higher noise levels within close proximity to the port to lower levels further away. Accordingly, the outer noise boundary line is required to be moved beyond the Port Zone to enable this transitioning of noise levels.</p> <p>Given the changes to the Port Zone boundary at Shakespeare Bay, PMNZ is currently updating the modelling in order to determine the appropriate location for this boundary.</p> <p>Amend the outer noise boundary line at Shakespeare Bay to an appropriate location beyond the Port Zone.</p>	The concept of the submission is agreed. At this point it is recommended the submission be rejected as it is not known what is sought. Assuming it is demonstrated the new contours warranted it is expected I will be able to recommend they are accepted.
1284.15	Port Marlborough New Zealand Limited	Noise Control Boundaries 2	<p>As described in the Marshall Day letter attached in Annexure A (attached to submission), and illustrated in Figure 2E- Picton Port Noise Contours, Noise Control Boundaries, updated modelling has demonstrated that a slightly wider inner and outer noise control boundary is necessary at Picton to better reflect the noise carrying characteristics and the location of the port zone boundary in relation to cadastral boundaries.</p> <p>No properties not owned by PMNZ would be affected by the recommended change.</p> <p>PMNZ seeks the noise control boundaries be amended to reflect Figure 2E in Annexure A (attached to submission), as prepared by Marshall Day Acoustics.</p>	The plans attached to the submission do not include the figure numbers although by the process of elimination I believe I have assessed the correct figure. Based on this the submission is agreed with. However, the figure number should be provided to confirm the assessment undertaken.
280.202	Nelson Marlborough District	Noise Control Boundaries	Support use of noise control boundaries on overlays maps in Marlborough Environment Plan to identify land subject to immission of sound	It is agreed with the submission and no change is considered to be

Submission	Submitter	Rule	Submission	Comments
	Health Board	3	from strategically important physical resources of the District such as airports and ports as a key planning principle to protect people from noise and facilities from people who may be adversely affected by the facilities' noise. Support boundary locations (noting thickness of lines may cause uncertainty).	necessary unless further information is provided at the hearing from effected parties.
280.203	Nelson Marlborough District Health Board	Noise Control Boundaries 4	Support use of noise control boundaries on overlays maps in Marlborough Environment Plan to identify land subject to immission of sound from strategically important physical resources of the District such as airports and ports as a key planning principle to protect people from noise and facilities from people who may be adversely affected by the facilities' noise. Support boundary locations (noting thickness of lines may cause uncertainty).	Allow the provision. It is agreed with the submission but no change is considered to be necessary unless further information is provided at the hearing from effected parties.
280.204	Nelson Marlborough District Health Board	Noise Control Boundaries 5	Support use of noise control boundaries on overlays maps in Marlborough Environment Plan to identify land subject to immission of sound from strategically important physical resources of the District such as airports and ports as a key planning principle to protect people from noise and facilities from people who may be adversely affected by the facilities' noise. Support boundary locations (noting thickness of lines may cause uncertainty).	It is agreed with the submission but no change is considered to be necessary unless further information is provided at the hearing from effected parties.
996.37	New Zealand Institute of Surveyors	Noise Control Boundaries 1 – 5 (assumed as not specified)	On the Noise Control boundary overlay it does not refer to what decibel rating the inner and outer noise control boundaries refer to 35dB and 40dB? This then relates to what dB rating has been placed on the resource consent conditions. Note that the submission does not identify a specific Noise Control boundary overlay. That the Noise Control boundary overlays refer to the relevant decibel rating for the inner and outer noise control boundaries (<i>inferred</i>).	Chapter 25, Definitions defines the Inner Noise Control Boundary as the 3 month average night weighted sound exposure = 55dBA L _{dn} . The Outer Noise Control Boundary is only defined as shown on the maps so it is recommended this is defined as 65dBA L _{dn} .

Recommendations

The updated noise control boundaries should be added to the MEP.

Matter 26 – Volume 1

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
474.10	Marlborough Aero Club Incorporated	Objective 17.2	<p>Need noise contours in the Plan.</p> <p>Sufficient work has now been done by Marlborough District Council.</p> <p>Inferred that the new policy is included in Volume 1 Chapter 17 Objective 17.2.</p> <p>A new policy should require the education of people who live and work within the Air Noise Notification Area/Outer Control Boundary through notations on LIMs and at other relevant opportunities to ensure that those people who purchase or live within the Air Noise Notification Area/Outer Control Boundary are aware that over time a greater level of noise will be experienced in that area. Further consequential amendments to the Plan may be required.</p>	<p>Where the noise contour information is available it is included in the MEP which is appropriate to advise anyone purchasing near an airfield. Notification via the LIM is not supported.</p>

Recommendations

The updated noise control boundaries should be added to the MEP where applicable.

Matter 27 – Volume 2 and 3, General

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comment
280.213	Nelson Marlborough District Health Board	Volumes 2 & 3	<p>Throughout Volume 2 and Volume 3 all occurrences of “dBA LAeq” Referring to submission Numbered 32. above throughout the plan’s noise rules , there are numerous errors in Volume 2 in expression of the term which should be consistent in usage throughout the plan, especially when used in conjunction with the abbreviation “dB”. The amendment will correct the erroneous “dBA LAeq” expression found in 68 occurrences in volumes 2 and 3.</p> <p>Allow the provision in part and amend as follows: and consequentially amend throughout volumes 2 and 3 of the plan</p> <p>Replace in all rules occurrences of the term “dBA LAeq” with “(dB LAeq)”</p> <p>Note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the plan, or consequential amendments to this proposed section, as a result of decisions about other parts of the plan.</p>	This submission is agreed with and has been addressed by other submissions

Recommendations

No action as addressed via other submissions.

Matter 28 – Volume 4

Submissions and Assessment

474.8	Marlborough Aero Club Incorporated	17.M.2	<p>Need noise contours in the Plan.</p> <p>Sufficient work has now been done by Marlborough District Council</p> <p>Insert into the Plan the annexed (attached to submission) contour (or similar) with the red area being labelled Air Noise Boundary and the green area being labelled the Air Noise Notification Area/Outer Control Boundary..</p>	<p>The contours attached to this submission have been looked at and subject to their credibility being confirmed it is agreed the contours may be included in the MEP.</p>
-------	------------------------------------	--------	---	--

Recommendations

The updated noise control boundaries should be added to the MEP.

Matter 29 – All Zone Chapters

Submissions and Assessment

Submission	Submitter	Rule	Submission	Comments
1002.298	New Zealand Transport Agency	All	<p>Various rules require construction noise to be managed in accordance with NZS 6803:1999 Acoustics – Construction Noise. This is appropriate and consistent with best practice. As roads are designated, there is no requirement for a district rule controlling noise from road construction or maintenance work. However, the Transport Agency requests a method be inserted that refers to the noise standard.</p> <p>Retain references to NZS 6803:1999 Add a new method, such as: <u>Noise from road construction and maintenance is to comply with NZS 6803:1999 Acoustics – Construction Noise</u></p>	<p>In NZS6803: 1999, paragraph “3.1 Definitions of terms used in this Standard ... Construction work means ... (b) Any road, motorway ... “</p> <p>When taking this into account the submission made by NZTA is already included in NZS6803 so it appears no further clarification is necessary. On that basis the submission is not supported. However, if a planning issue (which is not my field of expertise) considers it necessary that should be taken into account.</p>
1002.179	New Zealand Transport Agency	All	<p>Noise sensitive activities such as a new residential building near to an existing State Highway can potentially be affected by road-traffic noise. This could cause annoyance and sleep disturbance potentially resulting in adverse health effects. In turn, this can cause reverse sensitivity effects on the State Highway network. To address these effects, the Transport Agency has developed a reverse sensitivity guide, which includes district plan provisions to manage reverse sensitivity effects from noise and vibration sensitive activities.</p> <p>The proposed standards and rules set out in Annexure 1 to this submission relate to any building containing a new or altered noise sensitive activity within the State Highway Buffer Areas and State Highway Effects Areas. The effect of these provisions is summarised as follows:</p> <ul style="list-style-type: none"> • In urban areas, the construction or alteration of buildings containing noise sensitive activities is permitted in the buffer and effects areas, subject to standards. • In rural and rural-residential areas, the alteration of buildings containing noise sensitive activities is permitted in the buffer and effects areas, subject to standards. The construction of buildings containing noise sensitive activities is permitted only in the effects areas (subject to standards), and is a restricted discretionary activity in the buffer areas. • To be permitted, the activities must be at least 40m from the edge of the State Highway carriageway and have a building/ wall that blocks the line of sight from habitable spaces to the road surface; OR the 	<p>There is no evidence there has ever been reverse sensitivity effects on the State Highway network beyond complying with the BPO to control noise and vibration.</p> <p>If road traffic noise or vibration does cause annoyance and sleep disturbance potentially resulting in adverse health effects then in addition to any new dwellings the approach should be to adopt a programme to control the existing traffic noise as well as new dwellings, which are an insignificant percentage of those that fall into the category addressed by this submission. Either the noise control for both existing and new dwellings should be considered or neither.</p> <p>Unless there is further information provided to demonstrate why the submission should be accepted this submission is</p>

Submission	Submitter	Rule	Submission	Comments
			<p>activity must meet all of the alternative standards (relating to road-traffic vibration levels, indoor noise levels, ventilation and cooling, and an acoustic design report). If this is not met, the activity requires consent as a restricted discretionary activity. The Transport Agency encourages the MEP to include appropriate urban design guidance to ensure that the reverse sensitivity controls do not result in poor urban design outcomes.</p> <p>Insert new permitted activity standards and restricted discretionary rules in all zone chapters, as set out in Annexure 1 to this submission.</p>	not accepted.

Recommendations

No action changes necessary (subject to a planning consideration with respect to NZS6803).

Appendix 1

Example of Port noise mitigation requirements

AP29.B Port Noise Mitigation Plan

AP29.B.1 Mitigation for noise-affected properties 65 dBA L_{dn} and above

AP29.B.1.i The Port Operator shall offer to purchase or provide Acoustic treatment for Noise affected properties which:

- are shown on the current Port noise contour map as being 65 dBA L_{dn} and above; or
- receive a measured 65 dBA $L_{eq(15 \text{ min}, 10\text{pm}-7\text{am})}$ or greater on more than three occasions (more than 24 hours apart) during any rolling 12 month period.

The following conditions and standards shall apply to the offer to purchase or provide Acoustic treatment:

- a) The owner of each property shall have the right to elect whether to accept either the offer of purchase or the offer of acoustic treatment and there is no time limit on the owner's acceptance of the offer.
 - b) If an owner elects to choose the offer of purchase, the purchase price shall be the fair market value of the property which shall be determined as if the property was not affected by noise from the Port Industrial Area.
 - c) Acoustic treatment of properties shall be carried out by the Port Operator in accordance with procedures specified in the Port Noise Mitigation Plan. The Port Operator shall not be required to spend on Acoustic treatment more than 50% of the value of the property after deducting the land value for the property.
 - d) Where the assessed cost of Acoustic treatment exceeds 50% of the value of the house (excluding land value) the Port Operator shall advise the property owner of the cost of Acoustic treatment and offer the property owner the option of making up the difference in the cost of Acoustic treatment to enable the Port Operator to obtain an Acoustic Certificate, or having the Port Operator purchase the property. If the property owner elects purchase of the property the provisions of (a) and (b) above and AP29.B.5 shall apply.
 - e) If port noise received by a property which has received Acoustic treatment pursuant to this Appendix 29B exceeds the Certified level of Port noise for that property, then the Port Operator shall offer to either purchase the affected property or to undertake further acoustic treatment, despite the previous election of Acoustic treatment.
- e1) Where as a result of updating the Port Noise Contour Map a property that has previously received Acoustic Treatment under the provisions of AP29.B.2 or AP29.B.3 comes within the provisions of AP29.B.1, that property owner shall be entitled to reimbursement of the amount of the property owner's contribution under AP29.B.2 or AP29.B.3, as the case may be.

- f) The provisions of clauses (a) and (b) above and Ap29.B.5 (i) shall apply to the offer made pursuant to clause (e).
- g) Properties purchased by the Port Operator pursuant to this Appendix 29B may not be used for residential purposes unless they receive Acoustic treatment and have obtained the appropriate Acoustic Certificate.
- h) The Port Noise Mitigation Plan shall provide for the time frame and staging of any work required to be implemented by the Port Operator in accordance with Section AP29.B.4 below.

AP29.B.2 Mitigation for noise-affected properties 60 dBA L_{dn} and above and less than 65 dBA L_{dn}

AP29.B.2.i The Port Operator shall contribute towards the costs of Acoustic treatment for Noise affected properties which:

- are shown on the current Port noise contour map as being 60 dBA L_{dn} and above and less than 65 dBA L_{dn} .

The requirement to provide Acoustic treatment shall apply as follows:

- a) The Port Operator shall contribute 50% of the cost of Acoustic treatment but shall not be obliged to contribute more than that sum. If the property owner does not decide to contribute the difference, the Port Operator shall not be obliged to provide the Acoustic treatment.
- b) Acoustic treatment of properties shall be carried out in accordance with procedures specified in the Port Noise Mitigation Plan. The Port Noise Mitigation Plan shall provide for the staging of this work in accordance with Section AP29.B.4 below. The Port Operator shall not be required to spend on acoustic treatment more than 50% of the value of the property after deducting the land value for the property.

AP29.B.3 Mitigation for noise-affected properties 55 dBA L_{dn} and above and less than 60 dBA L_{dn}

AP29.B.3.i The Port Noise Liaison Committee will provide technical advice to the owners of properties. On request by the owner, the Port Operator may offer, on the recommendation of the Port Noise Liaison Committee, to contribute up to 50% of the costs of acoustic treatment for properties which are shown on the current port noise contour map as being 55 dBA L_{dn} and above and less than 60 dBA L_{dn} . The following conditions shall apply to the provision of technical advice or an offer to provide acoustic treatment:

- a) Acoustic Treatment of noise-affected properties shall be carried out in accordance with procedures specified in the Port Noise Mitigation Plan.
- b) The Port Noise Mitigation Plan shall provide for the staging of this work in accordance with Section AP29.B.4 below.

AP29.B.4 Staging of mitigation for noise-affected properties

AP29.B.4.i The Port Noise Mitigation Plan shall provide a time frame and procedure for the carrying out of Acoustic treatment and property purchase which shall include:

i) Stage 1

The offer required to be made by the Port Operator pursuant to AP29.B.1 shall be made within one year of the notification of Variation 07/01 and shall provide for settlement of the purchase or completion of Acoustic treatment, whichever the case may be, within six months of either the fair market value of a property being determined, or the property owner's acceptance of the offer, whichever is the later. In the case of an offer made pursuant to AP29.B.1.i (e) it shall be made within two months of it being established that the Certified level of Port noise is being exceeded, but otherwise the provisions in this clause for settlement shall apply.

ii) Stage 2

The Port Operator shall make offers to contribute towards the cost of Acoustic treatment in accordance with AP29.B.2 progressively over a five year period from notification of Variation 07/01 proceeding in one decibel intervals from the most affected property to the least affected.

iii) Stage 3

All requests from property owners in accordance with AP29.B.3.i shall be considered by the Port Noise Liaison Committee on a case by case basis and a recommendation made to the Port Operator. Not more than three years after the notification of Variation 07/01, the Port Operator shall notify owners of all noise-affected properties receiving 55 dBA L_{dn} and above and less than 60 dBA L_{dn} of their eligibility to request technical advice and to be considered for financial assistance for mitigation works.

AP29.B.5 Procedure for assessing value of properties

AP29.B.5.i The Port Noise Mitigation Plan shall provide that the fair market value of a property shall be determined as follows:

- a) by agreement between two valuers, one acting for the Port Operator and one acting for the property owner;
- b) if the two valuers are unable to agree, then the fair market value shall be determined by a valuer agreed upon by the two valuers or, if they are unable to agree on a valuer, then by a valuer appointed by the President of the Nelson Branch of the New Zealand Law Society.
- c) For the purposes of determining the value of the house under clauses AP29.B.1.i (c) and (d) the provisions of (a) above shall apply.

Appendix 2: Recommended Decisions on Decisions Requested

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
509	278	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.10.	Accept
548	134	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.10.	Accept
280	95	Nelson Marlborough District Health Board	Volume 2	2 General Rules	2.9.10.1.	Accept
992	55	New Zealand Defence Force	Volume 2	2 General Rules	2.42.1.3.	Accept in part
1039	114	Pernod Ricard Winemakers New Zealand Limited	Volume 2	3 Rural Environment Zone	3.2.3.	Accept
91	194	Marlborough District Council	Volume 2	3 Rural Environment Zone	3.2.3.1.	Accept in part
280	97	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.3.1.	Accept
1251	128	Fonterra Co-operative Group Limited	Volume 2	3 Rural Environment Zone	3.2.3.1.	Accept
280	121	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.3.2.	Accept in part
769	94	Horticulture New Zealand	Volume 2	3 Rural Environment Zone	3.2.3.2.	Accept in part
1251	129	Fonterra Co-operative Group Limited	Volume 2	3 Rural Environment Zone	3.2.3.2.	Reject
91	4	Marlborough District Council	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
91	195	Marlborough District Council	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
149	11	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
167	26	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
280	122	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.3.3.	Withdrawn
318	6	Reade Family Holdings	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
336	9	William Ian Esson	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
425	514	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept in part
440	8	Ian Esson	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
448	8	Lloyd Kenneth Powell	Volume 2	3 Rural Environment Zone	3.2.3.3.	Reject
505	40	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept in part
769	95	Horticulture New Zealand	Volume 2	3 Rural Environment Zone	3.2.3.3.	Reject
962	147	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept in part
990	39	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
993	27	New Zealand Fire Service Commission	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept
1089	15	Rarangi District Residents Association	Volume 2	3 Rural Environment Zone	3.2.3.3.	Accept in part

1251	130	Fonterra Co-operative Group Limited	Volume 2	3 Rural Environment Zone	3.2.3.3.	Reject
1251	131	Fonterra Co-operative Group Limited	Volume 2	3 Rural Environment Zone	3.2.3.3.	Reject
280	124	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.3.4.	Accept
280	125	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.3.5.	Reject
280	126	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.3.6.	Accept
280	127	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.4.	Accept
1039	115	Pernod Ricard Winemakers New Zealand Limited	Volume 2	3 Rural Environment Zone	3.2.4.	Accept
149	12	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.2.4.1.	Reject
280	130	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.4.1.	Accept
280	133	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.5.	Accept in part
992	61	New Zealand Defence Force	Volume 2	3 Rural Environment Zone	3.2.5.	Accept
470	1	Kathryn Margery Hine	Volume 2	4 Coastal Environment Zone	4.2.2.	Accept in part
91	193	Marlborough District Council	Volume 2	4 Coastal Environment Zone	4.2.2.1.	Accept
280	147	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.2.1.	Accept in part
280	149	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.2.2.	Accept in part
716	188	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 2	4 Coastal Environment Zone	4.2.2.2.	Reject
91	3	Marlborough District Council	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
91	197	Marlborough District Council	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
149	47	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
167	25	Killearnan Limited	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
280	150	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
425	637	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept in part
962	191	Marlborough Forest Industry Association Incorporated	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
990	124	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.2.2.3.	Accept
280	151	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.2.4.	Accept in part
280	152	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.2.5.	Reject
280	153	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.2.6.	Accept
280	128	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.3.	Accept
1284	10	Port Marlborough New Zealand Limited	Volume 2	4 Coastal Environment Zone	4.2.3.	Accept in part
149	48	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.2.3.1.	Accept
280	131	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.2.3.1.	Accept

993	38	New Zealand Fire Service Commission	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.2.	Accept
91	192	Marlborough District Council	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.2.1.	Accept
280	98	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.2.1.	Accept in part
280	123	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.2.1.	Accept in part
280	154	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.2.2.	Accept in part
280	155	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.2.2.3.	Accept in part
993	43	New Zealand Fire Service Commission	Volume 2	6 Urban Residential 3 Zone	6.2.2.	Accept
91	208	Marlborough District Council	Volume 2	6 Urban Residential 3 Zone	6.2.2.1.	Accept
280	99	Nelson Marlborough District Health Board	Volume 2	6 Urban Residential 3 Zone	6.2.2.1.	Accept
280	156	Nelson Marlborough District Health Board	Volume 2	6 Urban Residential 3 Zone	6.2.2.2.	Accept
280	157	Nelson Marlborough District Health Board	Volume 2	6 Urban Residential 3 Zone	6.2.2.3.	Accept
91	223	Marlborough District Council	Volume 2	7 Coastal Living Zone	7.2.2.1.	Accept
280	100	Nelson Marlborough District Health Board	Volume 2	7 Coastal Living Zone	7.2.2.1.	Accept
504	79	Queen Charlotte Sound Residents Association	Volume 2	7 Coastal Living Zone	7.2.2.1.	Reject
280	158	Nelson Marlborough District Health Board	Volume 2	7 Coastal Living Zone	7.2.2.2.	Accept in part
280	159	Nelson Marlborough District Health Board	Volume 2	7 Coastal Living Zone	7.2.2.3.	Reject
280	160	Nelson Marlborough District Health Board	Volume 2	8 Rural Living Zone	8.2.2.2.	Accept in part
280	161	Nelson Marlborough District Health Board	Volume 2	8 Rural Living Zone	8.2.2.3.	Accept in part
280	129	Nelson Marlborough District Health Board	Volume 2	8 Rural Living Zone	8.2.3.	Accept
450	6	Shaun and Jane Peoples	Volume 2	8 Rural Living Zone	8.2.3.	Reject
1251	138	Fonterra Co-operative Group Limited	Volume 2	8 Rural Living Zone	8.2.3.	Reject
280	132	Nelson Marlborough District Health Board	Volume 2	8 Rural Living Zone	8.2.3.1.	Accept
280	103	Nelson Marlborough District Health Board	Volume 2	9 Business 1 Zone	9.2.2.	Accept
993	54	New Zealand Fire Service Commission	Volume 2	9 Business 1 Zone	9.2.2.	Accept
91	252	Marlborough District Council	Volume 2	9 Business 1 Zone	9.2.2.1.	Accept
280	102	Nelson Marlborough District Health Board	Volume 2	9 Business 1 Zone	9.2.2.1.	Accept
1004	74	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	9 Business 1 Zone	9.2.2.1.	Reject
1004	75	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	9 Business 1 Zone	9.2.2.2.	Reject
280	162	Nelson Marlborough District Health Board	Volume 2	9 Business 1 Zone	9.2.2.4.	Accept in part
280	163	Nelson Marlborough District Health Board	Volume 2	9 Business 1 Zone	9.2.2.5.	Accept in part
993	58	New Zealand Fire Service Commission	Volume 2	10 Business 2 Zone	10.2.2.	Accept

91	219	Marlborough District Council	Volume 2	10 Business 2 Zone	10.2.2.1.	Accept
280	104	Nelson Marlborough District Health Board	Volume 2	10 Business 2 Zone	10.2.2.1.	Accept
1004	84	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	10 Business 2 Zone	10.2.2.1.	Reject
280	105	Nelson Marlborough District Health Board	Volume 2	10 Business 2 Zone	10.2.2.2.	Accept
1004	85	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	10 Business 2 Zone	10.2.2.2.	Reject
280	164	Nelson Marlborough District Health Board	Volume 2	10 Business 2 Zone	10.2.2.4.	Accept in part
280	165	Nelson Marlborough District Health Board	Volume 2	10 Business 2 Zone	10.2.2.5.	Accept in part
91	218	Marlborough District Council	Volume 2	11 Business 3 Zone	11.2.2.1.	Accept
280	106	Nelson Marlborough District Health Board	Volume 2	11 Business 3 Zone	11.2.2.1.	Accept
1004	94	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	11 Business 3 Zone	11.2.2.1.	Reject
280	212	Nelson Marlborough District Health Board	Volume 2	11 Business 3 Zone	11.2.2.2.	Accept
1004	95	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	11 Business 3 Zone	11.2.2.2.	Reject
280	166	Nelson Marlborough District Health Board	Volume 2	11 Business 3 Zone	11.2.2.3.	Accept in part
280	167	Nelson Marlborough District Health Board	Volume 2	11 Business 3 Zone	11.2.2.4.	Accept in part
91	215	Marlborough District Council	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.	Accept
91	217	Marlborough District Council	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.1.	Accept
280	107	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.1.	Accept
280	191	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.1.	Accept
1004	64	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.1.	Reject
280	108	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.2.	Accept
280	109	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.3.	Reject
460	6	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.3.	Accept
1004	65	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.3.	Reject
1004	66	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.3.	Reject
91	216	Marlborough District Council	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.4.	Accept
280	110	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.4.	Accept
460	7	Timberlink New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.4.	Accept in part
1004	67	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Ltd	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.4.	Accept in part
280	168	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.5.	Accept in part
280	169	Nelson Marlborough District Health Board	Volume 2	12 Industrial 1 and 2 Zones	12.2.2.6.	Accept in part
401	189	Aquaculture New Zealand	Volume 2	13 Port Zone	13.2.3.	Accept

426	198	Marine Farming Association Incorporated	Volume 2	13 Port Zone	13.2.3.	Accept in part
433	113	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.3.	Accept in part
1244	15	Z Energy Limited	Volume 2	13 Port Zone	13.2.3.	Accept
280	192	Nelson Marlborough District Health Board	Volume 2	13 Port Zone	13.2.3.1.	Accept
433	114	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.3.1.	Accept
1140	54	Sanford Limited	Volume 2	13 Port Zone	13.2.3.1.	Reject
1284	1	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.3.1.	Accept
280	193	Nelson Marlborough District Health Board	Volume 2	13 Port Zone	13.2.3.2.	Accept
401	190	Aquaculture New Zealand	Volume 2	13 Port Zone	13.2.3.2.	Accept in part
433	115	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.3.2.	Accept
1284	2	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.3.2.	Accept
873	159	KiwiRail Holdings Limited	Volume 2	13 Port Zone	13.2.3.3.	Accept
1140	56	Sanford Limited	Volume 2	13 Port Zone	13.2.3.3.	Reject
280	194	Nelson Marlborough District Health Board	Volume 2	13 Port Zone	13.2.3.4.	Accept
280	170	Nelson Marlborough District Health Board	Volume 2	13 Port Zone	13.2.3.5.	Accept in part
280	195	Nelson Marlborough District Health Board	Volume 2	13 Port Zone	13.2.4.	Accept in part
401	191	Aquaculture New Zealand	Volume 2	13 Port Zone	13.2.4.	Reject
1244	16	Z Energy Limited	Volume 2	13 Port Zone	13.2.4.	Accept
433	116	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.4.1.	Accept
1284	3	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.4.1.	Accept
280	196	Nelson Marlborough District Health Board	Volume 2	13 Port Zone	13.2.4.2.	Accept
433	117	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.4.2.	Accept
1284	4	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.2.4.2.	Accept
426	209	Marine Farming Association Incorporated	Volume 2	14 Port Landing Area Zone	14.2.3.	Accept in part
91	226	Marlborough District Council	Volume 2	14 Port Landing Area Zone	14.2.3.1.	Accept
401	204	Aquaculture New Zealand	Volume 2	14 Port Landing Area Zone	14.2.3.1.	Accept in part
433	150	Port Marlborough New Zealand Limited	Volume 2	14 Port Landing Area Zone	14.2.3.1.	Accept in part
1140	43	Sanford Limited	Volume 2	14 Port Landing Area Zone	14.2.3.1.	Accept in part
1140	44	Sanford Limited	Volume 2	14 Port Landing Area Zone	14.2.3.2.	Accept in part
280	171	Nelson Marlborough District Health Board	Volume 2	14 Port Landing Area Zone	14.2.3.3.	Accept in part
280	172	Nelson Marlborough District Health Board	Volume 2	14 Port Landing Area Zone	14.2.3.4.	Accept in part

426	218	Marine Farming Association Incorporated	Volume 2	15 Marina Zone	15.2.3.	Accept in part
91	225	Marlborough District Council	Volume 2	15 Marina Zone	15.2.3.1.	Accept
401	215	Aquaculture New Zealand	Volume 2	15 Marina Zone	15.2.3.1.	Accept
433	160	Port Marlborough New Zealand Limited	Volume 2	15 Marina Zone	15.2.3.1.	Accept
1140	48	Sanford Limited	Volume 2	15 Marina Zone	15.2.3.1.	Accept in part
91	237	Marlborough District Council	Volume 2	15 Marina Zone	15.2.3.2.	Accept in part
401	216	Aquaculture New Zealand	Volume 2	15 Marina Zone	15.2.3.2.	Accept in part
1140	49	Sanford Limited	Volume 2	15 Marina Zone	15.2.3.2.	Accept in part
280	173	Nelson Marlborough District Health Board	Volume 2	15 Marina Zone	15.2.3.4.	Accept in part
280	174	Nelson Marlborough District Health Board	Volume 2	15 Marina Zone	15.2.3.5.	Accept in part
280	148	Nelson Marlborough District Health Board	Volume 2	16 Coastal Marine Zone	16.2.3.	Accept in part
426	227	Marine Farming Association Incorporated	Volume 2	16 Coastal Marine Zone	16.2.3.	Accept in part
716	194	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 2	16 Coastal Marine Zone	16.2.3.	Reject
992	65	New Zealand Defence Force	Volume 2	16 Coastal Marine Zone	16.2.3.	Reject
91	224	Marlborough District Council	Volume 2	16 Coastal Marine Zone	16.2.3.1.	Accept
401	227	Aquaculture New Zealand	Volume 2	16 Coastal Marine Zone	16.2.3.1.	Accept in part
1140	45	Sanford Limited	Volume 2	16 Coastal Marine Zone	16.2.3.1.	Accept in part
401	228	Aquaculture New Zealand	Volume 2	16 Coastal Marine Zone	16.2.3.2.	Accept in part
1140	46	Sanford Limited	Volume 2	16 Coastal Marine Zone	16.2.3.2.	Accept in part
280	175	Nelson Marlborough District Health Board	Volume 2	16 Coastal Marine Zone	16.2.3.3.	Accept in part
992	66	New Zealand Defence Force	Volume 2	16 Coastal Marine Zone	16.2.3.3.	Accept
280	176	Nelson Marlborough District Health Board	Volume 2	16 Coastal Marine Zone	16.2.3.4.	Accept in part
1140	47	Sanford Limited	Volume 2	17 Open Space 1 Zone	17.2.2.	Reject
91	236	Marlborough District Council	Volume 2	17 Open Space 1 Zone	17.2.2.1.	Accept
280	111	Nelson Marlborough District Health Board	Volume 2	17 Open Space 1 Zone	17.2.2.1.	Accept
280	112	Nelson Marlborough District Health Board	Volume 2	17 Open Space 1 Zone	17.2.2.2.	Accept
280	177	Nelson Marlborough District Health Board	Volume 2	17 Open Space 1 Zone	17.2.2.2.	Accept in part
280	178	Nelson Marlborough District Health Board	Volume 2	17 Open Space 1 Zone	17.2.2.3.	Accept in part
993	81	New Zealand Fire Service Commission	Volume 2	18 Open Space 2 Zone	18.2.2.	Accept
91	127	Marlborough District Council	Volume 2	18 Open Space 2 Zone	18.2.2.1.	Accept
91	235	Marlborough District Council	Volume 2	18 Open Space 2 Zone	18.2.2.1.	Accept

280	113	Nelson Marlborough District Health Board	Volume 2	18 Open Space 2 Zone	18.2.2.1.	Accept
280	114	Nelson Marlborough District Health Board	Volume 2	18 Open Space 2 Zone	18.2.2.2.	Accept
280	179	Nelson Marlborough District Health Board	Volume 2	18 Open Space 2 Zone	18.2.2.2.	Accept
280	180	Nelson Marlborough District Health Board	Volume 2	18 Open Space 2 Zone	18.2.2.3.	Accept
425	720	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.2.2.	Accept in part
509	413	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.2.2.	Accept in part
91	234	Marlborough District Council	Volume 2	19 Open Space 3 Zone	19.2.2.1.	Accept
280	115	Nelson Marlborough District Health Board	Volume 2	19 Open Space 3 Zone	19.2.2.1.	Accept
280	181	Nelson Marlborough District Health Board	Volume 2	19 Open Space 3 Zone	19.2.2.2.	Accept
280	182	Nelson Marlborough District Health Board	Volume 2	19 Open Space 3 Zone	19.2.2.3.	Accept
280	116	Nelson Marlborough District Health Board	Volume 2	20 Open Space 4 Zone	20.2.1.1.	Accept
280	183	Nelson Marlborough District Health Board	Volume 2	20 Open Space 4 Zone	20.2.1.2.	Accept
280	184	Nelson Marlborough District Health Board	Volume 2	20 Open Space 4 Zone	20.2.1.3.	Accept
91	233	Marlborough District Council	Volume 2	21 Floodway Zone	21.2.2.1.	Accept
280	117	Nelson Marlborough District Health Board	Volume 2	21 Floodway Zone	21.2.2.2.	Accept
91	41	Marlborough District Council	Volume 2	21 Floodway Zone	21.2.2.3.	Accept
91	230	Marlborough District Council	Volume 2	21 Floodway Zone	21.2.2.3.	Accept
280	185	Nelson Marlborough District Health Board	Volume 2	21 Floodway Zone	21.2.2.4.	Accept
280	186	Nelson Marlborough District Health Board	Volume 2	21 Floodway Zone	21.2.2.5.	Accept
280	118	Nelson Marlborough District Health Board	Volume 2	22 Lake Grassmere Saltworks Zone	22.2.2.1.	Accept
280	119	Nelson Marlborough District Health Board	Volume 2	22 Lake Grassmere Saltworks Zone	22.2.2.2.	Accept
280	187	Nelson Marlborough District Health Board	Volume 2	22 Lake Grassmere Saltworks Zone	22.2.2.3.	Accept
280	188	Nelson Marlborough District Health Board	Volume 2	22 Lake Grassmere Saltworks Zone	22.2.2.4.	Accept
91	152	Marlborough District Council	Volume 2	23 Airport Zone	23.2.2.1.	Accept
280	120	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.2.1.	Accept
996	29	New Zealand Institute of Surveyors	Volume 2	23 Airport Zone	23.2.2.1.	Accept
280	189	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.2.2.	Accept
280	190	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.2.3.	Accept
280	135	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.3.	Accept in part
992	69	New Zealand Defence Force	Volume 2	23 Airport Zone	23.2.3.	Accept
280	136	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.3.2.	Accept in part

280	137	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.5.1.	Accept in part
280	138	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.2.5.2.	Accept in part
280	145	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.5.3.	Accept
280	146	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.5.4.	Accept
280	200	Nelson Marlborough District Health Board	Volume 4	Overlay Maps	Noise Control Boundaries 1	Accept
433	224	Port Marlborough New Zealand Limited	Volume 4	Overlay Maps	Noise Control Boundaries 1	Accept in part
1284	14	Port Marlborough New Zealand Limited	Volume 4	Overlay Maps	Noise Control Boundaries 1	Reject
280	201	Nelson Marlborough District Health Board	Volume 4	Overlay Maps	Noise Control Boundaries 2	Accept
433	223	Port Marlborough New Zealand Limited	Volume 4	Overlay Maps	Noise Control Boundaries 2	Reject
1284	15	Port Marlborough New Zealand Limited	Volume 4	Overlay Maps	Noise Control Boundaries 2	Accept
280	202	Nelson Marlborough District Health Board	Volume 4	Overlay Maps	Noise Control Boundaries 3	Accept in part
280	203	Nelson Marlborough District Health Board	Volume 4	Overlay Maps	Noise Control Boundaries 4	Accept in part
280	204	Nelson Marlborough District Health Board	Volume 4	Overlay Maps	Noise Control Boundaries 5	Accept in part
996	37	New Zealand Institute of Surveyors	Volume 4	Overlay Maps	Noise Control Boundaries1 /5	Accept
280	213	Nelson Marlborough District Health Board	Volume 2 & 3	General	Terminology	Accept
1002	298	New Zealand Transport Agency	All Volumes	General	Construction noise	Reject
1002	179	New Zealand Transport Agency	All Volumes	General	Traffic Noise	Reject
280	96	Nelson Marlborough District Health Board	Volume 2	2 General Rules	2.42.1	Reject
992	56	New Zealand Defence Force	Volume 2	2 General Rules	2.42.1.4	Accept
117	1	Herb Thomson	Volume 2	2 General Rules	2.42.1.4	Reject
1282	11	Port Marlborough New Zealand Limited	Volume 2	21 Floodway Zone	21.2	Accept
1251	140	Fonterra Co-operative Group Limited	Volume 2	12 Industrial 1 & 2 Zones	12.2.2.4	Accept
992	61	New Zealand Defence Force	Volume 2	3 Rural Environment Zone	3.2.5	Accept
1284	13	Port Marlborough New Zealand Limited	Volume 2	16 Coastal Marine Zone	16.2	Accept in part
1284	13	Port Marlborough New Zealand Limited	Volume 2	15 Marina Zone	15.2	Accept in part
873	188	KiwiRail Holdings Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.1	Reject
873	191	KiwiRail Holdings Limited	Volume 2	9 Business 1 Zone	9.1	Reject
873	189	KiwiRail Holdings Limited	Volume 2	6 Urban Residential 3 Zone	6.1	Reject
873	192	KiwiRail Holdings Limited	Volume 2	10 Business 2 Zone	10.1	Reject
873	186	KiwiRail Holdings Limited	Volume 2	3 Rural Environment Zone	3.1	Reject
873	187	KiwiRail Holdings Limited	Volume 2	4 Coastal Environment Zone	4.1	Reject

873	190	KiwiRail Holdings Limited	Volume 2	7 Coastal Living Zone	7.1	Reject
280	197	Nelson Marlborough District Health Board	Volume 2	23 Airport Zone	23.3.1	Accept in part
280	133	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.5	Accept in part
992	61	New Zealand Defence Force	Volume 2	3 Rural Environment Zone	3.2.5	Accept
280	134	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.2.6	Reject
280	77	Nelson Marlborough District Health Board	Volume 2	17 Transportation	Policy 17.2.3	Reject
280	205	Nelson Marlborough District Health Board	Volume 3	Appendix 16 Specifically Identified Activites/Areas	1.2.5.1	Accept in part
280	206	Nelson Marlborough District Health Board	Volume 3	Appendix 16 Specifically Identified Activites/Areas	1.2.5.2	Accept in part
280	207	Nelson Marlborough District Health Board	Volume 3	Appendix 16 Specifically Identified Activites/Areas	1.2.5.3	Accept in part
280	208	Nelson Marlborough District Health Board	Volume 3	Appendix 16 Specifically Identified Activites/Areas	1.2.5.4	Accept in part
280	209	Nelson Marlborough District Health Board	Volume 2	Appendix 16 Specifically Identified Activites/Areas	3.2.5.1	Accept in part
1284	12	Port Marlborough New Zealand Limited	Volume 2	9 Business 1 Zone	9.2	Accept in part
1284	8	Port Marlborough New Zealand Limited	Volume 2	12 Industrial 1 and 2 Zones	12.2	Accept in part
1284	9	Port Marlborough New Zealand Limited	Volume 2	5 Urban Residential 1 and 2 Zone	5.2	Accept in part
280	50	Nelson Marlborough District Health Board	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.13	Accept
474	10	Marlborough Aero Club Incorporated	Volume 1	Issues, Objectives, Policies and Methods	17.2	Accept in part
474	8	Marlborough Aero Club Incorporated	Volume 1	Issues, Objectives, Policies and Methods	17.M.2	Accept
474	9	Marlborough Aero Club Incorporated	Volume 2	3 Rural Environment Zone	3.2	Accept in part
474	11	Marlborough Aero Club Incorporated	Volume 2	3 Rural Environment Zone	3.2	Accept in part
474	6	Marlborough Aero Club Incorporated	Volume 2	3 Rural Environment Zone	3.7.13	Accept
91	220	Marlborough District Council	Volume 2	8 Rural Living Zone	8.2.2.1	Accept
280	101	Nelson Marlborough District Health Board	Volume 2	8 Rural Living Zone	8.2.2.1	Accept
26	4	McGinty, Kathleen and Carter, Alan	Volume 2	3 Rural Environment Zone	3.2	Accept in part
769	98	Horticulture New Zealand	Volume 2	3 Rural Environment Zone	3.3.5	Accept
280	141	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.4.1	Accept
431	66	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.4.1	Accept
457	66	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept
473	51	Delegat Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept

484	70	Clintondale Trust, Whyte Trustee Company Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept
592	12	Clifford John Smith	Volume 2	3 Rural Environment Zone	3.4.1	Accept in part
631	38	Constellation Brands New Zealand Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept
776	40	Indevin Estates Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept
909	57	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept
1039	125	Pernod Ricard Winemakers New Zealand	Volume 2	3 Rural Environment Zone	3.4.1	Accept
1218	57	Villa Maria	Volume 2	3 Rural Environment Zone	3.4.1	Accept
1242	36	Yealands Estate Limited	Volume 2	3 Rural Environment Zone	3.4.1	Accept
91	144	Marlborough District Council	Volume 2	25 Definitions	LAE	Accept in part
208	84	Nelson Marlborough District Health Board	Volume 2	25 Definitions	dba	Accept
208	85	Nelson Marlborough District Health Board	Volume 2	25 Definitions	L ₁₀	Accept
208	86	Nelson Marlborough District Health Board	Volume 2	25 Definitions	L _{dn}	Accept
208	87	Nelson Marlborough District Health Board	Volume 2	25 Definitions	L _{Aeq}	Accept
208	88	Nelson Marlborough District Health Board	Volume 2	25 Definitions	L _{Amax}	Accept
208	89	Nelson Marlborough District Health Board	Volume 2	25 Definitions	Noise Sensitive Activity	Accept
208	90	Nelson Marlborough District Health Board	Volume 2	25 Definitions	Notional Boundary	Accept
208	92	Nelson Marlborough District Health Board	Volume 2	25 Definitions	SEL	Accept
433	142	Port Marlborough New Zealand Limited	Volume 2	25 Definitions	Noise Sensitive Activity	Reject
769	127	Horticulture New Zealand	Volume 2	25 Definitions	Noise Sensitive Activity	Reject
769	128	Horticulture New Zealand	Volume 2	25 Definitions	Sensitive Activity	Reject
873	179	KiwiRail Holdings Limited	Volume 2	25 Definitions	Noise Sensitive Activity	Accept
1002	245	New Zealand Transport Agency	Volume 2	25 Definitions	Noise Sensitive Activity	Accept
1039	132	Pernod Ricard Winemakers New Zealand Limited	Volume 2	25 Definitions	Noise Sensitive Activity	Accept
280	91	Nelson Marlborough District Health Board	Volume 2	25 Definitions	Outer Noise Control Bdy	Accept
280	93	Nelson Marlborough District Health Board	Volume 2	25 Definitions	Wind Turbine	Accept
769	123	Horticulture New Zealand	Volume 2	25 Definitions	Frost Fan	Reject
1251	157	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	Site- frost fans	Reject
1251	152	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	Noise Sensitive Activity	Accept
929	6	Clifford John Smith	Volume 2	25 Definitions	Category A and B	Accept
1284	6	Port Marlborough New Zealand Limited	Volume 2	18 Open Space 2 Zone	18.2	Accept
1284	7	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.2	Accept