

## Memorandum

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**TO:** John Sule, Senior Planner

**FROM:** Alison Blair, Environmental Health Officer

**DATE:** 2 August 2018

**SUBJECT:** **LUC-2018-428 – Otago Boys Hostel Carpark and recreational Area, 17 and 17A Melrose Street, Dunedin**

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Environmental Health has reviewed this application by Otago Boys High School to create a car park and recreational area adjacent to the Otago Boys Hostel at 17 and 17A Melrose Street.

In respect to the establishment of a carpark and entrance way Environmental Health have no objections; however the supplementary use of this space as a recreational zone for multiple teenage boys does pose some concerns.

The following matters should be considered:

### Noise Nuisance

Residential boarding hostels can cause noise nuisance where they border residential properties. Thirty nine noise complaints have been received in the period from 2003 - 2018 associated with the activities of the hostel. The majority relate to noise from stereo use, both inside and outside the main residential buildings. Noise created by basketball use on a small hard surfaced section of the site that borders Pacific Street has been noted and a specific complaint which references bad language that was clearly audible from a residential dwelling was also received.

The applicant states the car park area will be available for recreational use for limited hours and duration. Hours stated are 3.30pm - 6.0pm and 7.30pm - 10.0pm Monday to Friday and 9am -8pm on weekends. The potential for noise complaints from surrounding residential properties as a result of this use is likely. According to the Resource Management Act section 326 (2) (iv) definition of excessive noise it includes noise emitted by a person or a group of people.

School House is currently home to 137 students so it can be expected that the number of boys wishing to use the space during this time could be large.

The applicant also states that no amplified equipment will be allowed but with the capacity for small devices such as cellular phones and Bluetooth speakers to produce significant volume of noise there is still potential for noise nuisance to exist without amplified music.

The dwelling located at 17 Melrose Street will house the hostel manager and it is stated that the manger will oversee the recreational activity in the carpark area. Given that the manager will be also be operating from the hostel at 25 Melrose Street during some of this time there is potential for activities in the carpark to be unsupervised.

### Section 16 - Resource Management Act 1991

The applicant is reminded that consent for this application does not excuse the applicant of their duty under Section 16 of The Resource Management Act 1991 whereby a noise can still be deemed a noise nuisance of unreasonable nature whether it complies with a District Plan noise limit or not.

The applicant is reminded that the Best Practicable Option should continue to be applied to ensure that the noise levels emitted do not create a noise nuisance.

*S.16 Duty to avoid unreasonable noise*

- *(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from the land or water does not exceed a reasonable level.*

**Construction Noise**

It is expected that construction noise will comply with NZS 6803.

**Recommendation:**

Environmental Health has no objection to the proposal for the development of a car park in this area.

With regard to the same space being utilised for recreational use, the proposed hours are in our opinion quite relaxed and likely to lead to noise issues.

It may be prudent at this time to obtain an expert noise assessment to provide some assessment of who might be most affected by this proposal and guidance as to how noise issues may be mitigated.

A noise management plan to control the use of this space is recommended.

Issues to be addressed by the plan should include a reduction in the hours of use for this area and a limit to the numbers of users to such an extent that noise is not a nuisance to neighbouring residential properties. A greater oversight by staff would be required to monitor the activities of the boys in this area.