

Memorandum

TO: John Sule, Senior planner

FROM: Tanya Morrison, Environmental Health Officer

DATE: 26 November 2018

SUBJECT: Land Use Consent – LUC-2018-664
16 Coast Road, Waitati

Environmental Health has reviewed this application to establish a contractor's yard and landscape supplies retailer to be established on the rural site at 16 Coast Road, Waitati.

Environmental Health comments on this application relate to noise and dust provisions predominantly. The following standards, guidelines, plan rules and legislative requirements are applicable for consideration:

Dust

The applicant has acknowledged that possible dust may be evident due to construction work and movement around the site within an estimated 6 month construction period. Any possible dust effects are predicted to lessen as the site is filled towards the north (away from possible affected properties).

The reduction of any dust will only be able to be managed through the actions of personnel/staff onsite in reality. The applicant is reminded that any complaints received in relation to dust (regardless of prior written consent being obtained from likely affected parties) may be referred to the Otago Regional Council and/or the pollution hotline for investigation.

Light

The applicant acknowledged that lighting may have to be installed on the site. The applicant is reminded that any security or flood lights must be covered so as not to shine or deflect light directly into any nearby/neighbouring property.

Noise

Construction noise:

The application predicted a construction period of approximately 6 months (subject to whether and fill availability). Intended construction hours were listed as between 6am – 8pm Monday to Saturday and 10am – 2pm Sunday.

The period of construction applied for by the applicant is expected to be of 'Long Term duration'. The New Zealand Standard Acoustics - Construction Noise (NZS 6803:1999) states that "Long term duration" of construction, means construction work at any one location with a duration exceeding 20 weeks. If the applicant is proposing that construction times are not of 'Long term duration' the applicant is advised to contact this department for clarification on the noise limits that apply.

Construction shall be limited to the times set out below and shall comply with the following noise limits for 'Long term duration' as per New Zealand Standard Acoustics – Construction Noise NZS 6803:1999.

Time of Week	Time Period	Leq (dBA)	L max (dBA)
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and Public Holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

It should be noted that noise limits of (Leq) of 45 - 55 dBA during daytime and night time may mean that no construction work can take place. (NZS 6803:1999)

District Plan rules: Noise Limits

The site is zoned rural land under the current and 2GP District Plans.
The current noise limits for this site are:

Time Period	L10 Limit (dBA)
Daytime (7am – 9pm daily)	55 dBA
Night time (9pm – 7am daily) (Sundays and Public holidays default to 'night-time limits)	40 dBA

Under the 2GP District Plan, noise limits change from an L10 reference to an LAeq. For a rural, rural residential zone with noise sensitive activities nearby the following noise limits apply:

(Note: Noise sensitive activities for this proposed activity is referencing the close proximity to residential dwellings nearby whereby people are more likely to be sensitive to noise E.g. possible sleep disturbance could occur).

Time Period	LAeq Limit (dBA)
7am – 7pm	55 dBA
7pm – 10pm	50 dBA
10pm – 7am	40 dBA with 70 dBA Lmax

In order to comply with the above-mentioned noise limits under both the current and proposed 2 GP district plans, some of the proposed activities may need to be considered or restricted in order to adhere to the district plan noise limits.

Neighbouring Residential Zone

The proposed activity is zoned rural; however directly opposite this site is residential dwellings/residential zone. The residential zone has different noise limits therefore the applicant needs to be aware that noise generated from their site may be measured against a lower noise standard should any complaints arise.

2GP Noise limits: residential zones

Time Period	LAeq Limit (dBA)
7am – 7pm	50 dBA
7pm – 10pm	45 dBA
10pm – 7am	40 dBA with 70dBA Lmax

Hours of operation

The application noted hours of operation were proposed to be between 6am and 8pm Monday to Saturday and 10am – 2pm on Sundays. The applicant is advised to consider the activities likely to be occurring within their proposed hours of operation with respect to district plan noise limits – some activities may have to be reduced or limited at certain hours of the day in order to minimise possible adverse noise effects to surrounding properties.

Background noise

It is acknowledged that this proposed activity from this site is nearby State Highway 1 and near a railway line. Therefore, background noise may be slightly higher than a typical rural zoned site due to traffic on both the road and railway.

Whilst these activities are unlikely in any way to impact the proposed activity, the applicant is reminded that any noise created by moving vehicles falls under the New Zealand transport Authority to manage. It is only vehicle noise created by stationary vehicles that is covered by The Resource Management Act in with regards to any possible complaints.

Recommendations:

The best practicable option should be followed at all times should consent be granted with regards to attempts to minimise any dust and noise being emitted from the working site.

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.

Overall Environmental Health has no objection to the granting of this consent.