

Memorandum

TO: Jeremy Grey, City Planner

FROM: Tanya Morrison, Environmental Health Officer
Wayne Boss, Senior Environmental Health Officer

DATE: 10 June 2016

SUBJECT: Land Use Consent - Description
LUC-2016-189 – 40 Beach Street, Port Chalmers

Environmental Health has reviewed the above application to undertake 45000m³ of earthworks for the purpose of slope stabilisation of Flagstaff Hill. Environmental comments on this application relate to noise and potential vibrations. The following standards, guidelines, plan rules and legislative requirements are applicable for consideration:

Construction Noise

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 Noise Limits and Duties of applicant.

This activity is situated in Port Zone 1 which is bound by District Plan rule 21.5.2 in relation to Port noise management and noise mitigation performance standards. It must be considered that the site of this proposed earthworks is close by to a Residential zone which carries a noise limit of 50dBA during daytime hours (8am – 6pm). Noise levels reduce further during shoulder periods and night time hours, though earthworks construction is unlikely to occur during these hours as indicated in the application.

As stated within the application, the nearest residential dwellings (not owned by Port Otago) are located at 11 Island Terrace, 2 Aurora Terrace and 17 Scotia Street. Marshall Day's assessment as part of this application predicts that worse case, these dwellings are unlikely to

be in direct line of site whilst earthworks are occurring and the earthworks will occur far enough away from the dwellings that the construction noise limits will be complied with (usually less than 65dBa is predicted). Environmental Health is comfortable with this prediction given the proximity of these dwellings and the likely times of day construction will be occurring (day time hours).

The applicant was unsure whether blasting would be required as part of the proposed work. Marshall Day has considered the possibility of blasting occurring and is confident that the separation distance from the blast site to any dwelling would be 100 metres or more in distance. Blasting, like construction itself can cause vibrations however these are generally of short term and limited duration. Given the proximity of dwellings from potential blast sites and the earth moving sites, we agree with Marshall Day's prediction that any adverse effects on the amenity of neighbouring properties, specifically in relation to noise and vibration effects will be less than minor.

The applicant is reminded however 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.

District Plan Rule 21.5.2 – Port Noise Management and Noise Mitigation Performance Standards

Port Otago must ensure the proposed works will be covered by their noise management and mitigation plan with regards to noise modelling, monitoring and handling any complaints received. The Port is reminded to take the best practical option at all times to help mitigate any actual or perceived adverse effects in relation to noise at all times.