

Memorandum

TO: Robert Buxton (Consultant Planner)

FROM: Alison Blair (Environmental Health Officer)

DATE: 13 August 2020

SUBJECT: **LUC-2018-679, 43 CARGILL STREET, DUNEDIN**

Environmental Health has reviewed the application to establish residential accommodation units at the above site. The site is zoned as Residential 4 in the 2006 District Plan and Inner City Residential in the Proposed 2GP. Cargill Street is comprised of a mix of residential and multi-residential dwellings.

1. Noise Nuisance / Inter-tenancy Noise

It is likely to assume that the residents of this proposed dwelling will be members of our student community. Student parties are a regular cause of noise nuisance complaints within the city. Should regular noise issues occur from this development the owner can legally be held responsible under the Resource Management Act 1991 for failing to manage noise issues.

The proposal includes a roof top garden for each of the four units. Each unit has the capacity to house 8 people. This situation has potential to create noise nuisance for neighbouring properties when in use by the tenants themselves and this has potential to be increased by visiting guests at these properties. Environmental Health seek a condition preventing the use of amplified noise equipment on these roof top gardens be imposed along with a limitation on the use of the balconies after the hours of 10.0pm.

Under the definition of excessive noise the RMA specifically excludes noise where the noise source and the person being affected are located within the same premises. This is often known as 'inter-tenancy' noise and essentially means that Environmental Health cannot action any such noise complaints. It is my understanding that this development will not be subdivided and will remain under one title. The applicant should be aware that noise complaints within the development are likely to be considered 'inter-tenancy'.

Noise issues may arise when dwellings share common walls, floors, ceilings and in circumstances where a number of properties share a small space as is proposed by this development. Insulation should be sufficient to protect occupants from noise generated elsewhere in the building.

2. Heat Pumps / Ventilation Systems

Heat pumps must be installed to ensure that noise emissions comply with the permitted noise levels of the Dunedin City District Plan. The applicant should be advised that heat pumps must be installed in such a position and to include sufficient baffling to prevent motor and compressor noise from creating an environmental noise nuisance. Consideration must be given to the effect on neighbouring properties when deciding where heat pump units will be located.

The applicant should be notified that Section 16 of the Resource Management Act 1991 relates to unreasonable noise – this may be noise of a tonal nature which does not necessarily relate to exceeding the District Plan noise limits. Heat pumps are a frequent cause of complaints of this nature.

3. Refuse

Environmental Health often receives complaints about rubbish accumulations at large multi-occupancy student flats. Sometimes refuse is not removed frequently enough, nor is the area maintained in a clean and tidy condition. This can attract vermin and cause a noise nuisance. Again, the owner can legally be held responsible for failing to manage rubbish/refuse. The application indicates that there is to be a refuse storage area which appears to have a capacity of one general recycling bin and one bottle bin per unit. Given the proposed occupancy of 8 people per unit this may not be sufficient. There has been no plan to indicate how collections will be managed. It is expected that this area be managed by the owner or their agent to ensure that no nuisances occur.

4. Construction Noise

The proposal requests consent for a 10-year period to manage the building of these units. This is a significant period of time for neighbouring properties to contend with the potential noise issues associated with construction. Construction fatigue may result from this extended time period and impact on neighbouring residents.

Should the 10-year consent be granted Environmental Health seeks a condition to impose stricter timeframes for construction that those provided by the New Zealand Standard NZS 6803:1999.

It is recommended that a condition be included that no construction be permitted over weekend days and public holidays and no work that commence before 7.30am or after 6.0pm.

Upper limits for construction noise received in residential zones be set at:

0730-1800 70dBA Leq and 85dBA Lmax.

Below are the standard noise construction limits taken from NZS 6803:1999. Long-term duration is defined as work over 20 weeks duration.

Recommended upper limits for construction noise received in residential zones and dwellings in rural areas.

Time of week	Time period	Duration of work					
		Typical duration		Short-term duration		Long-term duration	
		(dBA)		(dBA)		(dBA)	
		Leq	Lmax	Leq	Lmax	Leq	Lmax
Weekday	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75	45	75

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

NZS 6803:1999 Acoustics – Construction Noise states that ““Short term” means construction work at any one location for up to 14 calendar days. “Typical duration” means construction work at any

one location for more than 14 calendar days but less than 20 weeks and "Long term" means construction work at any one location with a duration exceeding 20 weeks."

Earthworks

The applicant has included in the Assessment of Environmental Effects that dust suppression measures such as dampening of earthworks and the use of metal access tracks will be in place to manage dust during ground preparation. Environmental Health would support the use of such a plan.

Conclusions

Having considered the application Environmental Health have the following concerns that should be addressed by conditions imposed before granting this Land Use Consent:

Conditions:

- A condition to protect the residential noise amenity of the area be included in consideration of the length of the construction phase. This condition should state that no construction be permitted over weekend days and public holidays and no work commence before 7.30am or after 6.0pm.
Upper limits for construction noise received in residential zones be set at:
0730-1800 70dBA Leq and 85dBA Lmax.
- All other aspects of Construction noise should comply with NZS 6803:1999.
- A condition to impose limits on the use of the roof top garden. The use of the roof top garden be limited to the hours of 8.am to 10.0pm. No amplified noise equipment can be used in these roof top areas.
- A condition requiring the use of dust suppression techniques such as dampening and metal access tracks during the earth works phase of construction.

The following recommendations are made in relation to this consent:

Recommendations:

- Insulation should be sufficient to meet WHO guidelines for indoor noise levels. To avoid potential reverse sensitivity issues relating to traffic noise I recommend that as well as double-glazing, ventilation be installed in affected rooms.
- Insulation between units should be adequate to protect tenants from noise within the building. The Applicant should be advised that such noise will be considered to be 'inter-tenancy'.
- Adequate refuse storage areas must be provided and managed so as not to cause a nuisance to any person.
- The applicant should be advised that the owner of the building can legally be held responsible for managing noise nuisance from the proposed development as well as other nuisances, e.g. accumulations of refuse.
- The applicant should be advised that heat pumps must be installed in such a way as to not cause noise nuisance issues.



Alison Blair
ENVIRONMENTAL HEALTH OFFICER

