



SECOND GENERATION DISTRICT PLAN

Appendix A: Plan Change 1 – Minor Improvements

All Other Topics

**Right of Reply Recommendations (PHS6, TA3,
TreeX)**

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1 DRAFTING MARK-UP PROTOCOL

1. Recommended changes to plan provisions are shown as set out in Table 1 below. These changes are based on the Plan Change 1 notified version.

Table 1: Drafting mark-up protocol for this report

Type of content	How the content is displayed
Operative 2GP content for which: • changes were not notified; and • no changes are recommended in this report.	Plain or bold text with no underline or strikethrough.
Operative 2GP content for which: • deletion was notified; and • no further changes are recommended in this report.	Plain or bold text with single strikethrough.
Proposed new 2GP content: • which was notified; and • no further changes are recommended in this report.	<u>Plain or bold text with single underline.</u>
Operative 2GP content for which: • changes were not notified; but • deletion is recommended in this report	Plain or bold text with double strikethrough.
Operative 2GP content for which: • changes were not notified; but • proposed new content is recommended in this report.	<u>Plain or bold text with double underline.</u>
Operative 2GP content for which: • deletion was notified; and • it is recommended to retain the operative GP content in this report.	<u>Plain or bold text with single strikethrough and double underline.</u>
Proposed 2GP content for which: • was notified; and • is recommended for deletion in this report.	<u>Plain or bold text with single underline and double strikethrough.</u>

1.1 Submission points on Change PHS6 - Construction noise controls for long-term duration construction

Recommended amendments:

Amend Rules as follows: (all amendments **S248.006**)

4.5.4.1: Construction and site investigation noise

- a. Construction and site investigation must not exceed the ~~following~~ relevant noise limits in Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii and Rule 4.5.4.1.a.iii at any building that is occupied during the construction and site investigation works. Noise must be ~~, and will be when~~ measured and assessed in accordance with NZS6803:1999 Acoustics Construction Noise:

- i. Construction and site investigation noise received at any building that is occupied during the construction works in the following locations must not exceed the noise limits in the following table, except where Rule 4.5.4.1.X applies:
1. residential zones ~~and~~;
 2. dwellings in rural and rural residential zones; ~~and~~
 3. buildings housing ~~any~~ noise sensitive activities in in any other zone the Recreation Zone, centres zones, SSYP, and major facility zones other than Port Zone:

[table of noise limits – no changes proposed]

- ii. Construction and site investigation noise received at any building that is occupied during the construction and site investigation works in the ~~Industrial, Industrial Port and Port zones and commercial and mixed use zones for all days of the year~~ at buildings that do not house a noise sensitive activity must not exceed the noise limits in the following table, except where Rule 4.5.4.1.X applies:

[table of noise limits – no changes proposed]

- iii. Construction and site investigation noise received at any building that is occupied during the construction and site investigation works in the following locations must not exceed the noise limits in the following table, except where Rule 4.5.4.1.X applies:
1. at any building within CBD, WP, PPH, HE, CEC, SDLF, and TR; and

2. at buildings housing a noise sensitive activity in the Industrial, Industrial Port and Port zones:

[table of noise limits – no changes proposed]

X. Typical and long-term duration construction and site investigation within the Industrial, Industrial Port, Port, and commercial and mixed use zones may exceed the relevant noise limits in Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii and Rule 4.5.4.1.a.iii where all of the following criteria are met:

- i. the exceedances occur on a total of no more than three days per project;
 - ii. the exceedances only occur between the hours of 7.30am and 6.00pm, Monday to Saturday;
 - iii. the exceedances comply with a limit of 80 dB LAeq (15 min); and
 - iv. the occupants of all buildings where exceedances are expected have been advised in writing, no less than three days before the works begin, of the location and duration of the works and a contact name and phone number for complaints.
- b. ~~Vibration from construction must not exceed a maximum particle velocity measured on any foundation of an adjacent building on another site, or the same site if different ownership, of 25mm/second for commercial buildings or 10mm/second for buildings housing noise sensitive activities.~~
- c. ~~Activities that contravene this performance standard by less than 5 dB LAeq (15 min) in any of either of the following ways are discretionary activities:-:~~
- i. ~~activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii or Rule 4.5.4.1.a.iii by less than 5 dBA; or~~
 - ii. ~~activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii or Rule 4.5.4.1.a.iii by 5 dBA or more, in the Industrial, Port and commercial and mixed use zones between 7.00am and 10.00pm;~~
 - iii. ~~activities that contravene Rule 4.5.4.1.X.i, iii or iv in the commercial and mixed use zones;~~
 - iv. ~~activities that contravene Rule 4.5.4.1.a by 5dBA or more in the Port, Industrial Port and Industrial zones; or~~
 - v. ~~activities that contravene Rule 4.5.4.1.X in Port, Industrial Port and Industrial zones.~~
- d. ~~Activities that contravene this performance standard by 5 dB LAeq (15 min) or more in either of the following ways other than provided for in 4.5.4.1.c are non-complying activities:-:~~

- ~~i. activities that contravene Rule 4.5.4.1.a.i, Rule 4.5.4.1.a.ii or Rule 4.5.4.1.a.iii by 5 dBA or more, except in the industrial, Industrial Port, Port and commercial and mixed use zones between 7.00am and 10.00pm; or~~
- ~~ii. activities that contravene Rule 4.5.4.1.X.~~

e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction and site investigation work at any one location for up to 14 calendar days per project; "typical duration" means construction and site investigation work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction and site investigation work at any one location with a duration exceeding 20 weeks per project.

4.9.2 Assessment of all discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. <u>Construction and site investigation</u> Noise: where the noise limit is exceeded by less than 5 dB LAeq (15 min) <u>activities that contravene Rule 4.5.4.1.a by less than 5 dBA</u> <u>activities that contravene Rule 4.5.4.1.a by 5 dBA or more in industrial, Port, and commercial and mixed use zones between 7.00am and 10.00pm</u> <u>activities that contravene rules 4.5.4.1.X.i, iii or iv in the commercial and mixed use zones</u> <u>activities that contravene Rule 4.5.4.1.a by 5dBA or more in the Port, Industrial Port and Industrial zones</u> <u>activities that contravene Rule 4.5.4.1.X in Port, Industrial Port and Industrial zones.</u> Light spill - where the limit is exceeded by 25% or less	<u>Relevant objectives and policies (priority considerations):</u> <u>X. Objective 4.2.1</u> <u>Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on:</u> <u>i. the amenity of surrounding properties;</u> <u>ii. people's health and safety; and</u> <u>iii. the safety and efficiency of the transport network (Policy 4.2.1.1).</u> <u>Relevant guidance from other sections (priority considerations):</u> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. <u>General assessment guidance:</u>

		<u>Z. For exceedance of construction and site investigation noise limits, Council will consider how noise will be managed and may require a construction noise and vibration management plan to be submitted with the application (see Special Information Requirement – Rule 4.11.2).</u>
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4.10.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	<u>Construction and site investigation Nnoisez limit is exceeded by 5 dB LAeq (15 min) or more (Rule 4.5.4.1.d)</u> activities that contravene Rule 4.5.4.1.a by 5 dBA or more except in industrial, Port and commercial and mixed use zones between 7.00am and 10.00pm activities that contravene Rule 4.5.4.1.X.ii Light spill - where the limit is exceeded by greater than 25%	<u>Relevant objectives and policies (priority considerations):</u> <u>X. Objective 4.2.1</u> <u>Y. The activity is designed and operated to minimise, as far as practicable, adverse effects on:</u> <u>i. the amenity of surrounding properties;</u> <u>ii. people’s health and safety; and</u> <u>iii. the safety and efficiency of the transport network (Policy 4.2.1.1).</u> Relevant guidance from other sections (priority considerations): a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety. <u>General assessment guidance:</u> <u>Z. For exceedance of construction and site investigation noise limits, Council will consider how noise will be managed and may require a construction noise and</u>

		vibration management plan (CNVMP) to be submitted with the application (see <u>Special Information Requirements – Rule 4.11.2</u>).
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For amendments to Rule 4.11.2, see Change TA3.

1.2 Submission points on Change TA3 - Construction vibration – Rule 4.5.4.1.b

Recommended amendments - delete all existing content of Rule 4.5.4.X and replace with the following:

All amendments (except as otherwise specified): **S248.007** and **S251.012**

Rule 4.5.4.X Construction and site investigation vibration

a. Construction and site investigation vibration received at occupied buildings in any zone must not exceed the following amenity vibration limits:

Location	Time Period	Vibration Limit (mm/s PPV)	Assessment Locations
A building housing a noise sensitive activity	7.00am to 10.00pm	2 mm/s PPV	In the corner of the floor of the storey of interest for any occupied multi-storey building, or within 500mm of ground level at the foundation of any occupied single storey building.
	10.00pm to 7.00am	0.3 mm/s PPV	
All other buildings	At all times	2 mm/s PPV	

i. Except that this standard does not apply to:

1. Vibration received at a building on the same site as the construction and site investigation activity where the building and land on which the construction and site investigation activity is undertaken are in the same ownership; or
2. Vibration from construction and site investigation activity undertaken within a road where:
 1. the works cannot practicably comply with the vibration limits specified in standard 4.5.4.X.a; and
 2. the number of days on which vibration is predicted to exceed the limits in standard 4.5.4.X.a at any building is three or less; and
 3. the works in the road can be undertaken independently from any work on private land that is part of the same project; and
 4. occupants of all buildings where vibration is predicted to exceed the limits are advised in writing no less than three days before the vibration-generating construction and site investigation works begin. The written notice must include the location and duration of the works, and a contact name and phone number for enquiries, questions or complaints. This requirement to provide written notice does not apply to emergency works.
3. Vibration that complies with a limit of 5 mm/s PPV unless a lower limit for avoiding building damage in rule 4.5.4.X.b applies, in which case the lower limit must be complied with; and
 1. Vibration occurs on a total of no more than three days at any one building per construction project and only between the hours of 7.00am and 6.00pm; and
 2. The occupants of all buildings where vibration is predicted to exceed 2 mm/s PPV are advised in writing no less than three days before the vibration-generating construction and site investigation works begin. The written advice must include the location and duration of the works, and a contact name and phone number for questions or complaints. (S271.001)

b. Construction and site investigation vibration received at any buildings in any zone must not exceed the following building damage vibration limits:

Location	Time Period	Vibration Limit (mm/s PPV)	Measurement Location
Any building	At all times	The guideline vibration velocity values (PPV) set out in the German Standard DIN 4150-3:2016 <i>Vibration in buildings – Part 3: Effects on Structures</i> .	In accordance with the requirements of DIN 4150-3:2016

- i. Except that this standard does not apply to vibration received at a building on the same site as the construction and site investigation activity, and the building and land on which the construction and site investigation activity is undertaken are in the same ownership, provided that:
 - 1. where the building or structure is a scheduled heritage building or scheduled heritage structure, a suitably qualified person certifies that the works can be undertaken without causing structural damage to the scheduled heritage building or structure.
 - ii. Vibration generated by construction and site investigation must be assessed using peak particle velocity (PPV). This is consistent with the metrics used in ISO 4866:2010 Mechanical vibration and shock.
 - iii. Scheduled heritage buildings and scheduled heritage structures are always considered to be ‘structures that are particularly sensitive to vibration and are of great intrinsic value’ in terms of assessment under DIN 4150–3:2016.
- c. Activities that contravene this performance standard are discretionary activities, except that:
- i. activities that contravene 4.5.4.X.b by 3.0mm/s PPV or more at any scheduled heritage building or heritage structure or activities that contravene 4.5.4.X.a between 10.00pm and 7.00am at an occupied building housing a noise sensitive activity are non-complying activities.

Amend assessment rule 4.9.2.X

4.9.2 Assessment of all discretionary performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents

X.	Construction and site investigation vibration	<i>Relevant objectives and policies: ...</i> <i>Relevant guidance from other sections (priority considerations) ...</i> <i>General assessment guidance:</i> d. ... e. <u>The assessment will consider the proposed construction noise and vibration assessment and preliminary management plan submitted with the application (see Special Information Requirements - Rule 4.11.2).</u>
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Amend assessment rule 4.10.2.X

4.9.2 Assessment of all non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
X.	Construction and site investigation vibration	<i>Relevant objectives and policies: ...</i> <i>Relevant guidance from other sections (priority considerations): ...</i> <i>General assessment guidance:</i> d. ... e. <u>The assessment will consider the proposed construction noise and vibration assessment and preliminary management plan submitted with the application (see Special Information Requirements - Rule 4.11.2).</u>

Amend Special Information Requirement Rule 4.11.2

4.11.2 Construction noise and vibration assessment and preliminary management plan

1. For applications for contravention of the construction and site investigation noise performance standard (Rule 4.5.4.1) or vibration performance standard (Rule 4.5.4.X), Council the following information is required: ~~may require a construction noise and vibration management plan prepared by a suitably qualified person that identifies the best practicable options to mitigate and minimise noise and vibration, and provides the following details:~~
 - a. ~~a description of the general construction methodology and noise and vibration generating equipment to be used for the works;~~ the methodology and sound power levels used to calculate the construction noise levels;
 - ~~b. an assessment of the noise and vibration levels that will contravene the permitted standards, including the degree of the contravention, the time of day it will occur, how often, and over what duration;~~
 - b. ~~the~~ the worst-case and typical construction noise and vibration levels predicted at the most exposed façades of receiving buildings and structures in the surrounding environment;
 - c. ~~a~~ a description of the potential effects and the level of disruption that is expected from the contraventions in the context of the overall project, the level, timing, frequency, duration, and character of the noise and vibration, the activities at receiving sites, and the existing ambient noise levels (where relevant);
 - ~~e. a statement that all noise assessments have been undertaken in accordance with NZS 6803:1999;~~
 - d. ~~the~~ the methodology and sound power levels used to calculate the construction noise levels; and
 - e. mitigation proposals for ensuring that noise or vibration effects are acceptable and adverse health effects are avoided.
2. For applications for contravention of the construction and site investigation noise performance standard (Rule 4.5.4.1) or vibration performance standard (Rule 4.5.4.X), Council may require a preliminary construction noise and vibration management plan prepared by a suitably qualified person that identifies the best practicable option to mitigate and minimise noise and vibration and ensure the construction noise and vibration performance standards for the project are met. The management plan is to provide the following details:
 - a. a description of the project, general construction methodology, noise and vibration generating equipment to be used for the works, and the nearest neighbouring sites;

- b. an assessment of the noise and vibration levels that will contravene the permitted standards, including the degree of the contravention, the time of day it will occur, how often, and over what duration;
- c. the construction noise and vibration performance standards for the project;
- d. a statement that all noise assessments have been undertaken in accordance with NZS 6803:1999;
- e. for vibration that contravenes Rule 4.5.4.X, an assessment of the potential for damage to receiving buildings or structures based on German Standard DIN 4150-3:2016, including whether scheduled heritage buildings or structures, or other buildings sensitive to vibration, are located within the receiving environment; and
- f. the details of the proposed noise and vibration mitigation measures, including:
 - i. physical measures such as acoustic barriers and shrouds, and any restrictions on plant size and operating distances;
 - ii. management measures such as consultation and communication with neighbours before and during the works ~~begin~~, restrictions on timing for high-noise and vibration activities, procedures for responding to complaints, training of site personnel; and
 - iii. procedures for construction noise monitoring; and
 - iv. for vibration:
 - 1. pre-construction condition surveys, vibration monitoring, and post-construction condition assessment processes for potentially affected buildings and structures;
 - 2. procedures for construction vibration monitoring; and
 - 3. measures to mitigate vibration effects on scheduled heritage buildings and structures and other buildings sensitive to vibration.

1.3 Submission points on Change TreeX - Substantive changes to the Schedule of Trees

1.3.1 Submissions seeking the removal of existing trees and tree groups from the 2GP Schedule of Trees

Recommended amendments:

Amend Appendix A1.3 Schedule of Trees to remove trees as shown below:

Tree Number	Tree Location	Tree Species	Tree Common Name	Tree Māori Name
G081 (\$44.001)	39 Purakaunui Station Road Purakaunui	Fraxinus excelsior (group of 5)	Ash	
T265 (\$187.002)	419 Great King Street Dunedin	Acer pseudoplatanus	Sycamore	
T130 (\$187.002)	20 Aberdeen Street Waikouaiti	Acer pseudoplatanus	Sycamore	
T218 (\$187.002)	26 Braeview Crescent Dunedin	Juglans ailantifolia	Japanese Walnut	
G039 (\$187.002)	R Ferntree Drive and 14 Dean Street Dunedin	Larix decidua	Larch	
T1109 (\$187.002)	5 Three Mile Hill Road Dunedin	Larix decidua	Larch	
G057 (\$187.00)	3 Quarantine Island Port Chalmers	Pinus sylvestris	Scots pine	

T547 (\$9.001)	39 Gresham Street Dunedin	Metasequoia glyptostroboides	Dawn redwood	
T1051 (\$152.001)	633 Gladbrook Road Middlemarch	Betula pendula	Silver birch	
T111 (\$70.005)	17 Ravensburn Street Woodside	Cordyline australis	Cabbage tree	Ti kouka
T096 (\$197.019)	25 Ashton Street Mosgiel	Nothofagus fusca	Red beech	Tawhairanui
Remove these trees from the planning map.				