

Submission on Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council - Planning Unit

Date received: 15/12/2022

Submission Reference Number #:56

This is a submission on the following proposed plan (the **proposal**): Proposed Timaru District Plan - He Po. He Ao. Ka Awatea.

Submitter:

Property Income Fund No.2 Limited - Amber Whittaker

Address for service:

Property Income Fund No.2 Limited
PO Box 2007, Auckland 1140 Auckland 1140
New Zealand

Email: amber@willisbond.co.nz

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 56.1

Section: NOISE – Noise

Sub-section: Rules

Provision:

NOISE-R8	Noise from activities within the Port Zone	
Port Zone	Activity status: Permitted	Activity status when compliance not achieved: Discretionary
	<p>Where:</p>	
	<p>PER-1</p> <p>The maximum noise generated from activities is measured in accordance with NZS 6809:1999 Acoustics Port Noise Management and Land Use Planning; and</p>	
	<p>PER-2</p> <p>When measured at any point at or landward of the Port Noise Inner control boundary shown on the planning maps, the following noise limits apply:</p> <ol style="list-style-type: none">1. the 5 day Ldn noise limit must not exceed 65 dB L_{dn};2. LA_{eq} 'night' (10pm to 7am) must not exceed 60 dB LA_{eq} (9hours) provided that no single 15 minute measurement will exceed 65 dB LA_{eq} and 85dBA L_{Amax}	
	<p>PER-3</p> <p>When measured at any point at or landward of the Port noise outer control boundary shown on the planning maps, the following noise limit applies:</p> <ol style="list-style-type: none">1. on any day between 10pm to 7am the following day, noise generated must not exceed 52 dB LA_{eq} (9hours) provided that no single 15 minute sound measurement level must not exceed 57 dB LA_{eq} and 77 dB L_{Amax};	
	<p>Note: For the purpose of Port Noise, daytime is defined as 7am to 10pm on any day, and night time is defined as 10pm to 7am the following day.</p>	

Sentiment: Amend

Submission:

comment

We support this rule but note that part of the Port Zone (to the south) is not covered by either of the noise control boundaries and therefore no rule appears to apply. It is considered a further permitted status is required.

Relief sought

Add the following rule:

PER-4

For any activity within the Port zone but outside of the Port Noise Control Boundaries shown on the planning maps, the following noise limit applies: on any day between 10pm to 7am the following day, noise generated must not exceed 45 dB LA_{eq} (9 hours) when measured at or within any residentially zoned site, provided that any single 15 minute sound measurement level must not exceed 50 dB LA_{eq} and 75 dB LA_{max}.

Point 56.2

Section: NOISE – Noise

Sub-section: Standards

Provision:

NOISE-S6 Noise from aircraft operations

Table 24 – Noise performance standards

Receiving zone and assessment location	Time period	Noise limit
1.	7.00am – 7.00pm	50 dB L _{Aeq} (15 min)
a. Within the notional boundary of a building used for a noise sensitive activity in the following zones:	7.00pm – 10.00pm	45 dB L _{Aeq} (15 min)
i. General Rural Zone		
ii. Rural Lifestyle Zone		
iii. Settlement Zone		40 dB L _{Aeq} (15 min)
iv. Natural Open Space Zone	10.00pm – 7.00am	
v. Open Space Zone		70 dB L _{AFmax}
vi. Sport and Active Recreation Zone		
vii. Māori Purpose Zone; and		
b. Within any part of a site in the General Residential Zone		
2.	7.00am – 7.00pm	55 dB L _{Aeq} (15 min)
	7.00pm – 10.00pm	50 dB L _{Aeq} (15 min)
Within any part of a site in the Medium Density Residential Zone, but, where noise is generated from within the Port Zone, excluding those sites located between the Terrace and the Main South Railway Line.	10.00pm – 7.00am	45 dB L _{Aeq} (15 min)
		75 dB L _{AFmax}
3.	7.00am – 10.00pm	65 dB L _{Aeq} (15 min)
Within any part of a site in the following zones:		
a. Large Format Retail Zone		
b. Town Centre Zone		
c. City Centre Zone	10.00pm – 7.00am	65 dB L _{Aeq} (15 min)
d. General Industrial Zone, excluding those sites located to the east of the Main South Railway Line and forming part of, or adjoining the Port of		75 dB L _{AFmax}

Timaru.

4.	7.00am – 10.00pm	60 dB L _{Aeq} (15 min)
Within any part of a site in the following zones:		
a. Neighbourhood Centre Zone	10.00pm – 7.00am	60 dB L _{Aeq} (15 min)
b. Local Centre Zone		75 dB L _{AFmax}
c. Mixed Use Zone		

Sentiment: Oppose

Submission:

Clauses 1b and 2 in Table 24 "Noise performance standards" appear to have missed the fact that the Port Zone extends south to the south where it is opposite but separated from General and Medium Density Residential Zones.

Relief sought

Amend clauses 1b and 2 in Table 24 'Noise performance standards' as follows:

1b. *Within any part of a site in the General Residential Zone ~~except that this standard shall not apply to noise generated from within the Port Zone.~~*

2. *Within any part of a site in the Medium Density Residential Zone, ~~but, except that this standard shall not apply to where noise is generated from within the Port Zone, excluding those sites located between the Terrace and the Main South Railway Line.~~*

Point 56.3

Section: PORTZ – Port Zone

Sub-section: Policies

Provision:

PORTZ-P1 Compatible activities in the Port Zone

Enable activities that are compatible with the purpose of the Port Zone by:

- providing for industrial activities which are not Port activities that:
 - are outside of the Port Operational Area or have a functional or operational need to be located in the Port Operational Area; and
 - will not undermine the efficient and effective operation of the Port, including by avoiding any activities that may give rise to reverse sensitivity effects on the Port.
- providing for commercial activities with a functional or operational need to be located in the zone that:
 - directly serve the needs of workers employed in the Port Zone; or
 - involve the sale of boats, products related to the marine industries, or associated equipment; or
 - involve products made or processed on-site; or
 - office activities that are for the administration of the Port of Timaru, or those associated with and ancillary to industrial activities or commercial activities; and
- only allow for residential activities in instances where they:
 - are ancillary to Port activities on the site; and
 - have a functional or operational need to locate on site; and
 - have measures to avoid reverse sensitivity effects on Port and industrial activities; and
 - occupy a minimal area of site.

Sentiment: Amend

Submission:

The port zone is limiting the use of industrial activities in the area.

Relief sought

Recommend broadening the range of permitted activities in the port zone to align with that of the general industrial zone (refer to "Industrial activity" definition.)