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Memo To:	Planning Manager Nelson City Council c/- Tom McKnight Planscapes (NZ) Ltd PO Box 99 Nelson 7040
Project:	RM225208 – Noise Matters - Response To Section 92 Further Information Request
Document Prepared By:	Malcolm Hunt

Resource Consent Number: RM225208

Noise Matters - Response To Section 92 Further information request

Tom,

As requested, I have investigated the environmental noise matters raised within the s.92 request from Pete Keyanonda, Senior Planner, Nelson City Council, in relation to RM225208 being an application for renewal of existing resource consents authorising specified outdoor and indoor entertainment events held at open space & reserve & inner city sites.

The relevant noise matters have been investigated and reported on below, numbered as per Council's s.92 request.

1. Trafalgar Centre / Rutherford Park / Trafalgar Park 'hub'

Question 1 refers to identifying the 'controlling residential site'¹ closest to each of the following venues;

- Trafalgar Centre
- Rutherford Park
- Trafalgar Park.

The location of each 'controlling residential site' is described as follows;

Site	Location
Site A	44 Trafalgar Street, The Wood, Nelson
Site B	37 Trafalgar Street, The Wood, Nelson
Site C	111 Haven Road, Nelson

Table 1 Closest 'controlling residential site' to each of the above three venues.

¹ The term '*controlling residential site*' specified within the request is taken to mean the closest residentially zoned site forming the closest compliance assessment location for each venue. In some situations, it is important to note these receiver sites may not be occupied by sensitive uses during the times when the consent sought, if granted, allows for maximum LAeq levels to be emitted. For example, Site C (Auckland Point School) is the closest residentially zoned compliance location to the Trafalgar Centre however this site would not be likely to be occupied during the time periods over which the normal NRMP noise limits are sought to be exceeded by this consent (5pm to 11pm). Similarly, Sites A and B being the closest residentially zoned receiver sites do not appear to be used for residential purposes.

Figure 1 below shows the location of the three venues and the closest residentially zoned 'controlling residential site' depicted as Sites A, B and C.

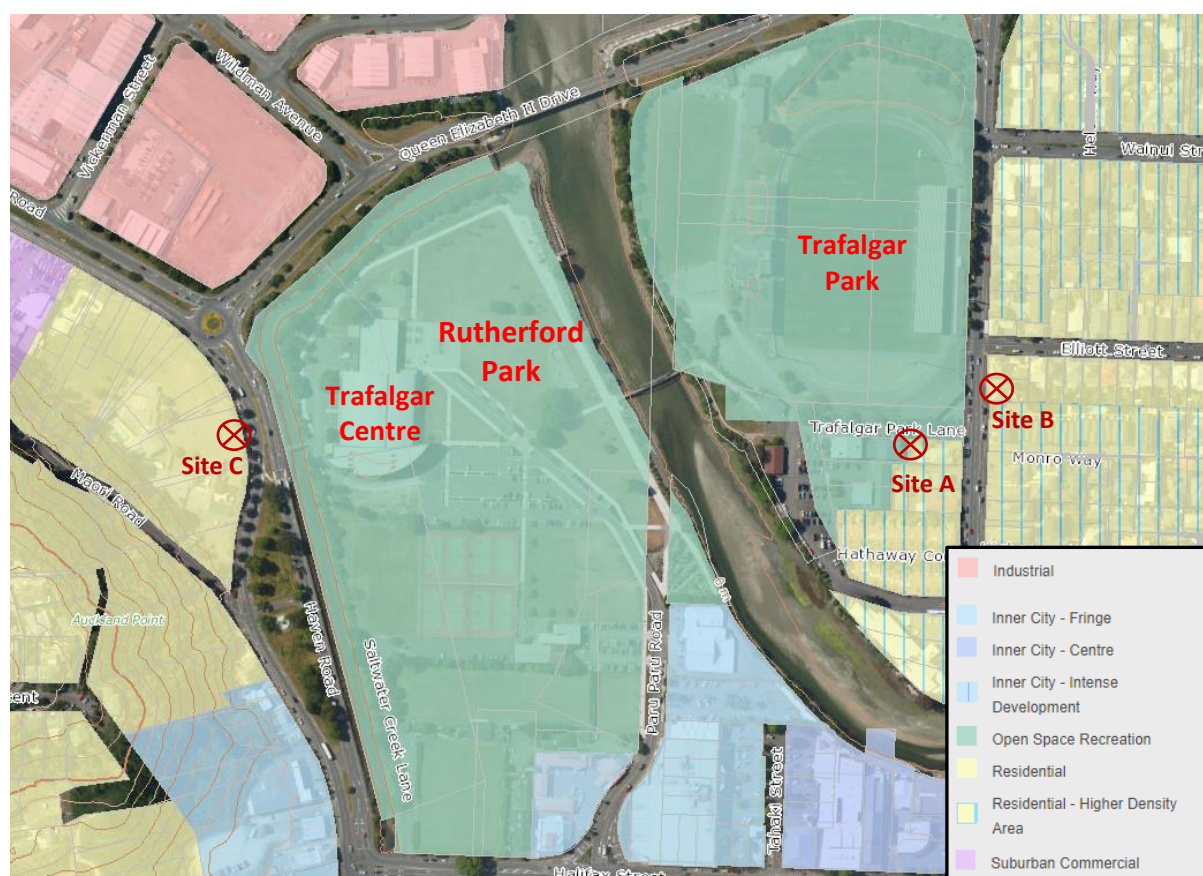


Figure 1 Map showing the location of the three subject venues, also showing the closest residentially zoned 'controlling residential site' depicted as Sites A, B and C.

As requested, for each of these venues we have predicted LAeq noise levels expected at each of the controlling residential receiver location for the 'loudest' compliant event proposed for each venue.

Predicted LAeq noise levels for the 'loudest' typical event proposed for each venue are set out in Table 2 below.

Venue	Predicted LAeq		
	Site A	Site B	Site C
Trafalgar Centre	40 dB	39 dB	55 dB
Rutherford Park	64 dB	62 dB	66 dB
Trafalgar Park	75 dB	75 dB	67 dB

Table 2 Predicted LAeq levels for each 'controlling residential site' based on the 'loudest' typical event for each venue.

Regarding cumulative noise effects for receivers who may receive noise from any of the combined 23 events, the starting point is the NRMP permitted activity noise standards. The venues of Trafalgar Centre, Trafalgar Park and Rutherford Park each host regular events with associated noise effects compliant with the NRMP. NRMP rule OSr.37.1(c) provides an exemption for Trafalgar Park and Rutherford Park from the usual residential standards during the day (55 dB up to 10pm) provided amplified music is not involved. The NRMP therefore already allows significant cumulative noise

effects at residential receiver sites due to noise from crowds, amplified speech and non-music sources up to 10pm.

The assessment of cumulative noise effects of all 23 events sought needs to acknowledge the proposed events exceeding the NRMP noise limits would not be likely to take place on the same day (evening or night time) at all three venues, or even at two venues simultaneously.

Table 2 indicates the noisiest events at Trafalgar Park (music and cultural performances) will give rise to the greatest noise impacts within the residential receiving environment and therefore will make the greatest contribution to cumulative noise effects in the area. The remaining 7 sporting or recreational events proposed for Trafalgar Park will give rise to lower cumulative noise effects being 10 dB below the maximum noise levels associated with music and cultural performances and will finish prior to 10pm which minimises night time cumulative noise effects from these events.

The following mitigating factors are identified as assisting in limiting the extent of cumulative noise effects associated with events proposed for Trafalgar Park;

- A. The noisiest events at Trafalgar Park are limited in occurrence to 6 times per year, with only 3 events operating beyond 10pm which limits the occurrence of cumulative noise effects.
- B. Being in general proximity to Nelson CBD, the closest receiver sites in the area receive significant ambient noise due to passing traffic and other noise-making activities in the area, including after 10pm, which elevates ambient sound levels and reduce the intrusiveness of amplified sound from the event itself.
- C. Proposed noise management plans will control and limit noise emissions and therefore have a mitigating effect for cumulative noise effects associated with the proposed use of Trafalgar Park. All proposed sporting or recreational events or events involving music and cultural performances and would be subject to a *Site Noise Management Plan Site Noise Management Plan* or *Event Noise Management Plan*

Regarding the Trafalgar Centre, the current application seeks indoor events to be able to exceed the 45 dB night time limit by 5 dB, for one hour on four occasions per year at the commencement of night time, between 10pm and 11pm (when noise due local traffic movements will still be significant which helps reduce potential noise effects from these events). The cumulative noise effects for this venue are therefore considered very limited.

Regarding cumulative noise effects of venue noise (compliant with the noise limits sought) combined with noise from patrons entering or leaving the venue, noise from car parking and other event-related noise sources not covered by the consents sought, we consider these cumulative effects to be limited in duration and therefore impact. Due to the logarithmic nature of sound addition, the scale of such cumulative effects would generally be no greater than noise effects due to the event itself.

2. Rutherford Park Noise Limits

Council's event information² states "*Rutherford Park is perfect for small to mid-size outdoor events and has hosted concerts such as Bay Dreams, Salmonella Dub and Tiki Tane*". These are examples of the larger type of music and cultural performance events Council seek to hold outdoors at Rutherford Park on up to two occasions per year. The *Noise AEE* for the Bay Dreams concert event³

² <https://venues.nelson.govt.nz/our-venues/the-traffic-centre/rutherford-park/>

³ *Bay Dreams Nelson – Music Event, January 2019 & Subsequent Years - Noise AEE & Noise Management Plan*. Dated September 2018, Reference: 112 – 45 Rev 4.

prepared by Malcolm Hunt Associates described the potential for festival sounds to affect sites on Haven Road and other residential sites (including during night time) at levels exceeding the permitted activity NRMP noise limits by more than 10 dB. Acoustic screening due to the large Trafalgar Centre building is considered limited and will be insufficient to shield all stage locations in terms of noise received at residential sites on Haven Road and Māori Road which has elevated residential receiver locations.

The four less noisy events (65 dB limit) proposed for this venue would be *Eco-Fest* type expo events and fairs or markets which have in the past attracted several thousand visitors to the venue with these largely daytime events also involving live music performances and entertainment held on small stages generating significant levels of amplified sound.

Based on our assessment, we do not recommend lowering the requested noise limits of 65 dB and 70 dB LAeq(15 min) set out in the application.

3. Trafalgar Park Historical Monitoring Results

We have looked again at the historical monitoring reports summarised in Appendix B of the Noise AEE for this application. We confirm THREE monitoring reports related to events held at Trafalgar Park. These were;

1. February 2013 'Opera In The Park' (Trafalgar Park) report by Pete Harcom
2. February 2014 'Opera In The Park' (Trafalgar Park) report by Graham Caradus
3. February 2016 'Opera In The Park' (Trafalgar Park) report by Lindsay Hannah

We note that non-compliance was found for report (1) whilst compliance was recorded for events (2) and (3). We can confirm that compliance for the 2013 event was against a limit of LA10 70 dB according to the report provided. We understand the LA10 70 dB limit referred to by the author of this report is that set out within condition (b)(iii) of RC985339 granted by Nelson City Council on 7 December 1998. Whether or not this was the appropriate limit to apply to this 2013 event is a moot point. If a limit of LA10 75 dB set out in later conditions of consent for noise from events at Trafalgar Park were adopted within the compliance assessment provided by Mr Harcom, we agree this event would be deemed compliant. This would also lead us to revise the summary of compliance set out within Section 3 of the Noise AEE for the current application – our review would, in that case, show only one record of non-compliance, with compliance achieved for all monitored events at Trafalgar Park.

4. Error in Proposed Condition 4

We agree the reference to LA10 within noise limits set out within proposed Condition 4 of *Annexure F* to the Application is an oversight. Noise limits should be specified in units LAeq(15 min) as per *Appendix A* to the Noise AEE report for this application (Recommended Conditions).

5. Compliance Assessment Location

We have given further consideration as to whether or not it is adequate for the noise limits to only apply 'within any residential site' and whether this adequately encompasses the range of sensitive activities to be protected. We find that the term '*within any residential site*' could be imprecisely

interpreted and recommend this term be replaced with the term '*within any residentially zoned site*' which we consider will enhance enforceability of the noise limit conditions.

From our review of the receiving environments relevant to the range of venues listed in Table 1 to the application we find there are no instances where potentially sensitive land use activities (such as hotels or motels) are located within non-residentially zoned sites at locations closer to the venue(s) than sites zoned residential. From our review it is evident that potentially sensitive sites located within other zones such as 'Inner City' zoned sites (e.g. Palms Motel located at 5 Paru Road) will receive less noise than the closest residentially zoned sites. Thus, ensuring compliance at the closest residentially zoned sites (*'controlling residential sites'*) will result in noise from proposed events being acceptable. Therefore, we consider consent conditions based compliance being achieved at the closest residentially zoned sites will be effective in limiting noise effects to reasonable levels at all other sites in the area.

Please do not hesitate to contact the writer should you require any further information.



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