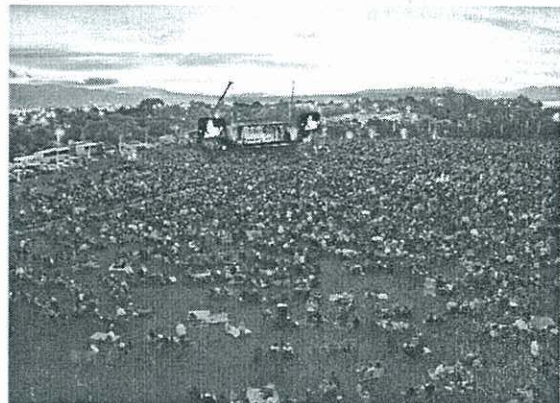


NELSON CITY COUNCIL
(Community Development)

Application for Resource Consent

Use of Electrically Amplified Sound for Special Events on Public Open Space Areas where Exceeding the Noise Limits for the Open Space Recreation and Inner City Zones



An Application to Nelson City Council
Pursuant to Section 88 of the Resource Management Act 1991

Prepared by Planscapes (NZ) Ltd
December 2011

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APPLICATION FOR RESOURCE CONSENT
To Nelson City Council
Pursuant to Section 88 of the Resource Management Act 1991

To: The Chief Executive Officer
Nelson City Council
PO Box 645
NELSON

1. *Applicant:*
Nelson City Council (Community Development).

2. *Proposal:*
To allow special events on nominated public reserves and open spaces, and on limited occasions per year, where noise (relating to the use of electrically amplified sound), closing times and ancillary structures breach specified rules in the Nelson Resource Management Plan.

(A detailed description of the proposal is contained within **Annexure A** – Assessment of Effects on the Environment, and specifically the executive summary of the special events noise limits and times proposed for each of the nominated sites.)

3. *Location:*
This application relates to the following parks and open space areas in Nelson City, the locations of which are shown in Appendix A of the Malcolm Hunt Associates *Assessment of Environmental Noise Effects*:

- Trafalgar Park
- Trafalgar Centre
- Saxton Field, Stadium and Oval Pavilion
- Tahunanui Reserve
- Botanics Playing Field and Reserve
- Fairfield Park
- Church Steps/1903 Square/Upper Trafalgar Street area

4. *Legal Description:*
The legal descriptions of each of the named parks are contained in **Annexure B**.

5. *Owner / Occupier:*
The sites and venues are all owned by Nelson City Council. They are public open space areas and reserves, or road reserve, on which recreation activities, festivals, displays, fairs and galas, exhibitions, ceremonies and outdoor performances are generally permitted activities, and which are or have been used to varying degrees for public or community events.

6. *Resource Consents:*
Land use consent is sought through this application. No other resource consents or permits are required for the proposed activities.

7. *Effects on the Environment:*
An assessment of actual or potential effects on the environment of the proposal is contained as **Annexures A and C**, prepared in accordance with Section 88 of and the Fourth Schedule to the Resource Management Act 1991.
8. *Other Information:*
The following information is enclosed to assist in understanding the proposal, and in accordance with the requirements of the District Plan:
- List of Sites Subject of this Application (**Annexure B**);
 - Noise Assessment and Management Recommendations – Malcolm Hunt Associates (**Annexure C**);
 - Existing Resource Consents RM985339 and RM095310 (**Annexure D**).
9. *Application Fee:*
Please liaise with Kath Inwood (NCC Manager Community Development) regarding payment of application fees.

.....
(Signed by the Applicant or its Authorised Agent)

Dated this 24th day of January 2012

Address for Service:

Nelson City Council (Community Development)
C/- Planscapes (NZ) Ltd
PO Box 99
NELSON
Attn: Jane Hilson

Ph: (03) 539 0280

Email: jane@planscapes.co.nz

0332ApplicationSpecial Events.doc

EXECUTIVE SUMMARY

This resource consent application relates to events on Council administered open space and reserves where such events use amplified sound sources that will exceed the permitted noise limits in the Nelson Resource Management Plan (NRMP).

To distinguish the events encapsulated by this application from others which either (i) do not use amplified sound or (ii) use amplified sound to within the permitted noise limits under the NRMP, this Resource Consent Application refers to these as "Special Events".

This application does not propose to increase noise standards across the City. It responds to the increasing community desire for, and opportunity to bring to Nelson, cultural and recreational events which contribute to the cultural well-being and health of the City's residents and its visitors. Some of those events, as covered by this application, involve use of amplified sound, and on occasion needing open to allow the public to disperse from the venue, that breach the noise and closing time standards in the NRMP. The purpose of this application is to provide for these events in appropriate locations, and with a high standard of control so as to minimise their potential noise effects.

The sites and indoor venues subject of this application, where these Special Events may be held, are:

- Trafalgar Park
- Tahunanui Reserve
- Saxton Field
- Church Steps/1903 Square / Upper Trafalgar Street area
- Fairfield Park
- Botanics Playing Field and Reserve
- Saxton Oval Pavillion and Saxton Stadium
- Trafalgar Centre.

These are all sites which are zoned (Open Space Recreation or Inner City streets) and/or historically have been used for public performance, cultural and recreational events. Several already have resource consent (RM985339) authorising use of elevated noise for existing Special Events. Any consent that may be issued to this application, with its onerous on site or events specific noise management plans, will replace RM985339.

The application is accompanied by an *Assessment of Environmental Noise Effects – Noise Assessment and Management Recommendations* (November 2011) prepared by Malcolm Hunt Associates and appended to the application as Annexure C. That report sets out information relevant to assessing the nature and scale of potential noise effects associated with holding occasional daytime and night time Special Events on these selected sites, including consideration of the physical qualities – site size and distance to noise-sensitive residential areas – of each site.

All of the events themselves (and their use of noise exceeding the NRMP limits) will operate within the permitted operating hours for places of assembly or places open to the public. The application provides for any sites within 50m of a Residential Zone where events are held until 11pm Sunday to Thursday (up to 3 or 4 events annually at each of Trafalgar Centre, Trafalgar Park and Saxton Stadium) to remain open for a further hour while the public disperse.

For ease of reference for adjoining or nearby property owners or residents, the following tables set out for each of the parks, reserves or venues their zoning and permitted activity and existing use, the type of event that is likely to give rise to a breach in noise limits at each, maximum number of events per year, permitted hours and maximum duration of events, proposed noise limits, and noise management plan requirements. This is based on the recommendations contained in the Malcolm Hunt Associates Report.

The *Assessment of Environmental Noise Effects* concludes that, providing the consent holder adheres to the proposed conditions in that report, "potential noise effects will be suitably avoided, remedied or mitigated" and "the resultant effects on any residentially zoned site will be no more than minor."

TRAFALGAR PARK:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone Regional Park	Informal recreation, performance, regional, national and international sporting and other events and tournaments, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances, conferences and conventions	Concerts eg Opera in the Park, visiting bands Sports and recreational events eg rugby, including music Private / club functions in pavillion

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 21 events which may exceed the permitted noise limits in the NRMP are permitted on Trafalgar Park per year, consisting of 7 sporting or recreational events (which shall be subject of a Generic Site-Specific Noise Management Plan*) and 14 music and cultural events (which shall be subject of an Event-Specific Noise Management Plan submitted to Council not less than 21 days prior to the event*) as shown in the tables below:

Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Opera in the Park Music during Rugby	7	2pm-10pm	8	65	-	45
Visiting Bands	5	2pm-10pm	8	75	85	45
Special Performances	3	2pm-10pm	8	75	85	45

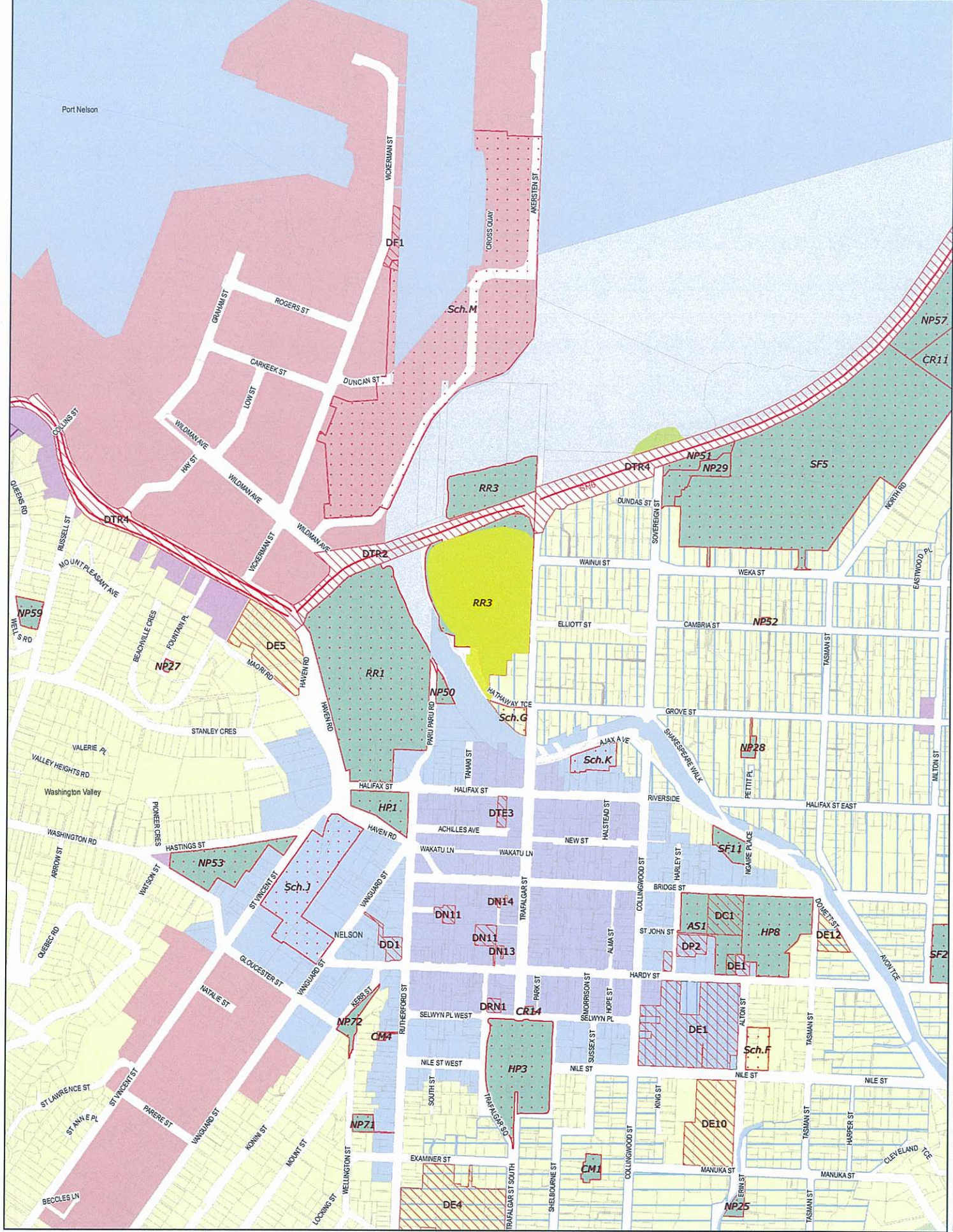
Events Extending into Night-Time (Concluding after 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Visiting Bands	3	5pm-11pm	6	75	85	45
New Years Eve	1	7pm-1am	6	75	85	45
Special Performances	2	5pm-10.30pm	5	75	85	45

Events Exceeding NRMP Operating Hours for Services to the Public: 3, to allow for crowd dispersal if Sunday – Thursday event ceasing at 11pm

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific or Event-Specific Noise Management Plans shall be prepared (* see 8.1, MHA Report)
- All activities taking place as part of the above event operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured at any residential site
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.



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Rugby World Cup Trafalgar Park
 Nelson Resource Management Plan Zones
 Working map for Environmental Effects Assessment (Noise)



- Legend**
- Trafalgar Park
 - Designation Areas
 - Scheduled Sites Overlay

- Zones**
- Commercial Leisure Area
 - Conservation
 - Industrial
 - Inner City - Centre
 - Inner City - Fringe
 - Inner City - Intense Development
 - Open Space Recreation

- Zones (Continued)**
- Residential
 - Residential - Higher Density Area
 - Residential - Lower Density
 - Residential - Lower Density NS
 - Rural
 - Rural - Lower Density Small Holdings Area
 - Rural - Higher Density Small Holdings Area
 - Suburban Commercial



May 2011

TAHUNANUI RESERVE:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone Sports Fields and City Reserve	Sports fields - Informal and organised sports and recreation, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances Beach reserve (above m.h.w.s) - Informal recreation, festivals, ceremonies and outdoor performances	Community fairs and celebrations eg Lions New Year Fair Sports events and competitions eg Weetbix Triathlon Opera in the Park One-off promotional events eg Coca Cola summer promo Events in the BBQ area

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 12 music and cultural events which may exceed the permitted noise limits in the NRMP are permitted on Tahunanui Reserve per year, consisting of 7 events which shall be subject of a Generic Site-Specific Noise Management Plan* and 5 events which shall be subject of an Event-Specific Noise Management Plan submitted to Council not less than 21 days prior to the event*, as shown in the tables below:

Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Opera in the Park Coca Cola Summer Concert	3	2pm-10pm	8	65	-	45
One-off Events	4	5pm-10pm	5	70	85	45

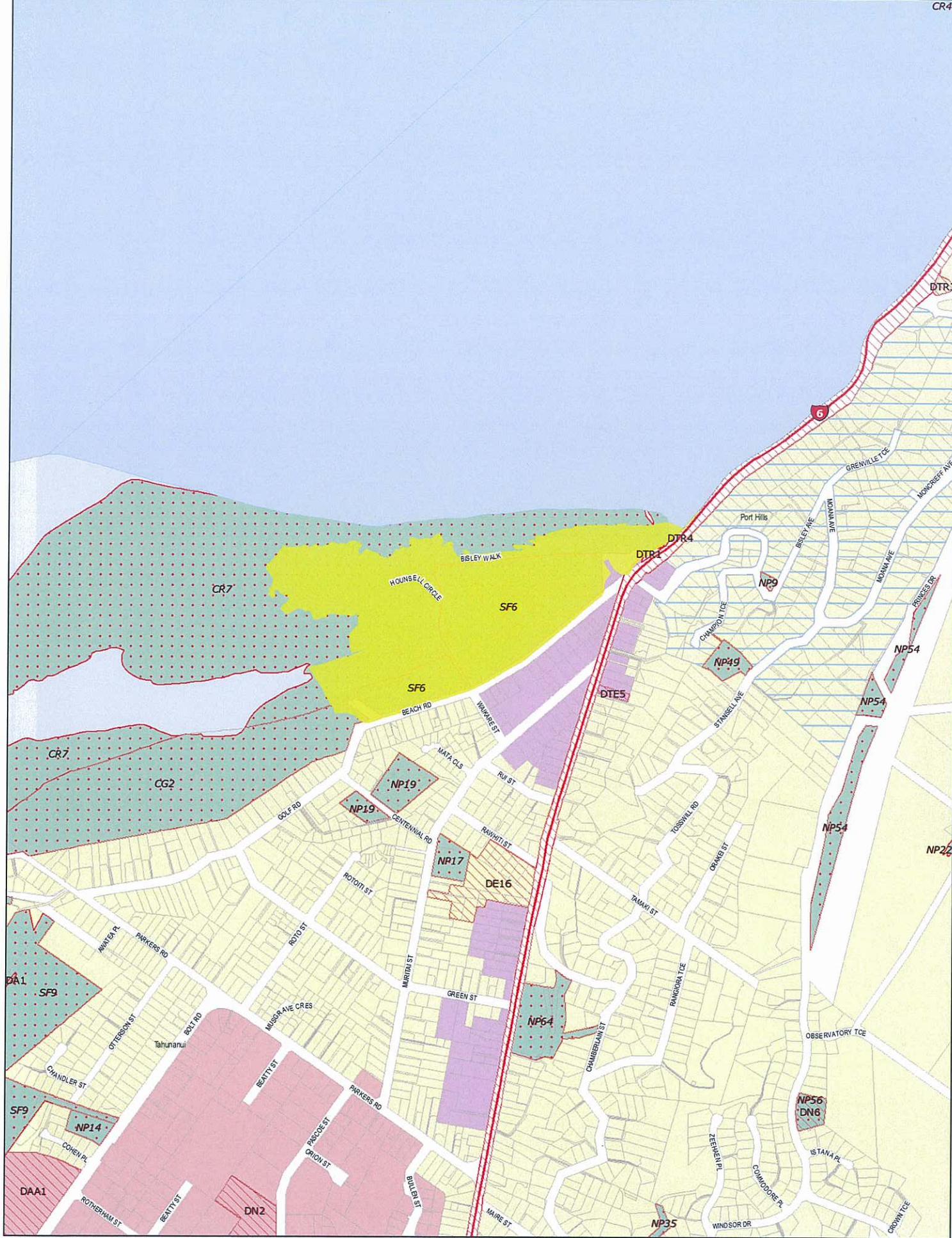
Events Extending into Night-Time (Concluding after 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
New Years Eve	1	7pm-1am	6	70	85	45
One-Off Events or Special Performances	4	5pm-10.30pm	5	70	85	45

Events Exceeding NRMP Operating Hours for Services to the Public: 0

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific or Event-Specific Noise Management Plans shall be prepared (* see 8.1, MHA Report)
- All activities taking place as part of the above event operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured at any residential site
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.



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Tahunanui Recreation Reserve
 Nelson Resource Management Plan Zones
 Working map for Environmental Effects Assessment (Noise)



May 2011

FAIRFIELD PARK:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone Horticultural Park	Informal recreation, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances	Jazz Festival Summer outdoor movies Informal sports and recreation

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 3 music and cultural events which may exceed the permitted noise limits in the NRMP are permitted on Fairfield Park per year, all of which shall be subject of a Generic Site-Specific Noise Management Plan*, as shown in the tables below:

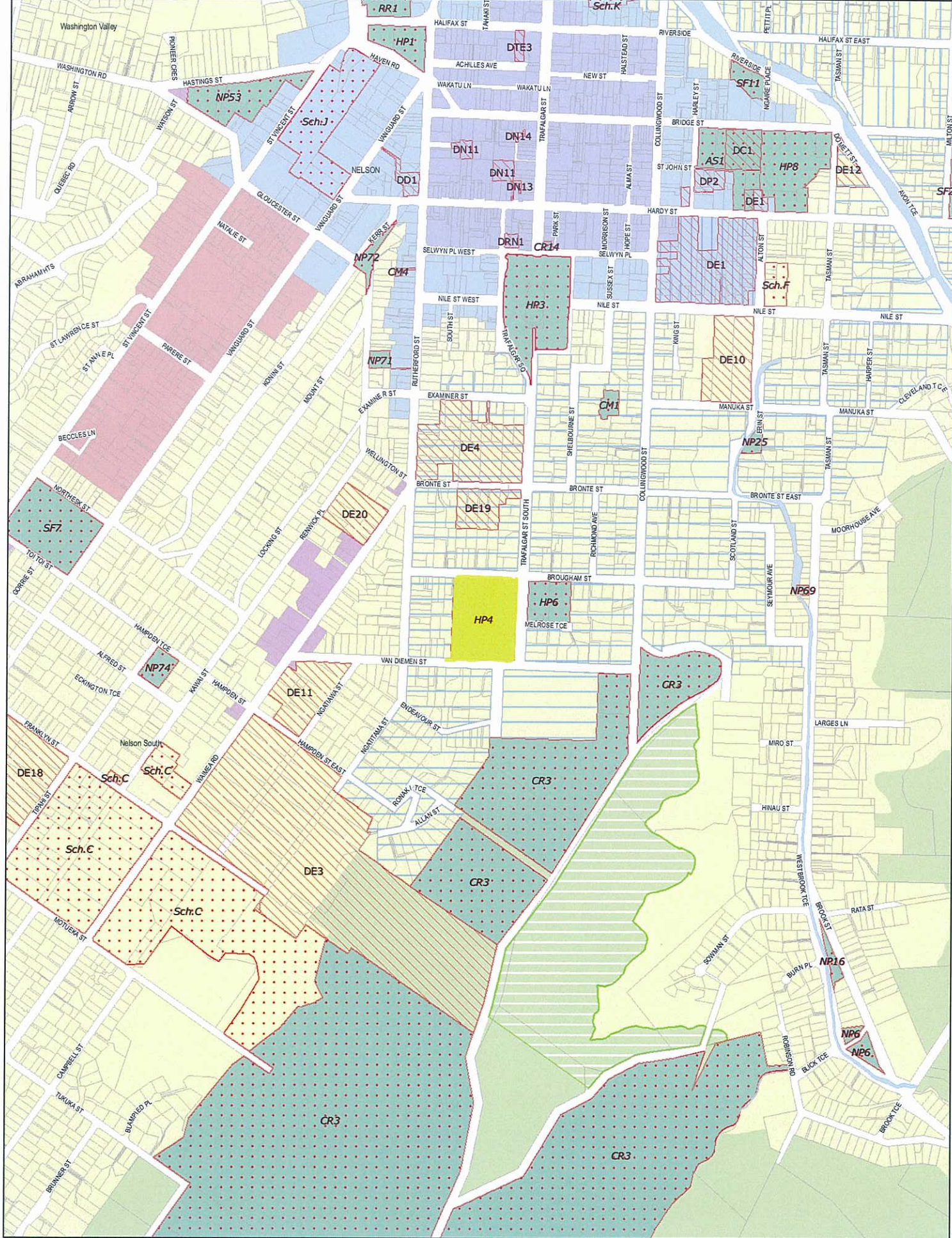
Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Jazz Festival	3	2pm-10pm	8	65	-	45

Events Exceeding NRMP Operating Hours for Services to the Public: 0

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific Noise Management Plan for the Park shall be prepared (* see 8.1, MHA Report)
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.



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Fairfield Park
 Nelson Resource Management Plan Zones
 Working map for Environmental Effects Assessment (Noise)



Scale 1:7,500

- Legend**
- Site Boundary
 - Designation Areas
 - Scheduled Sites Overlay

- Zones**
- Commercial Leisure Area
 - Conservation
 - Industrial
 - Industrial Nayland Rd South Area
 - Inner City - Centre
 - Inner City - Fringe
 - Inner City - Intense Development
 - Open Space Recreation

- Zones (Continued)**
- Residential
 - Residential - Higher Density Area
 - Residential - Lower Density
 - Residential - Lower Density NS
 - Rural
 - Rural - Lower Density Small Holdings Area
 - Rural - Higher Density Small Holdings Area
 - Suburban Commercial



May 2011

BOTANICS PLAYING FIELD AND RESERVE:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone Sports Field and City Reserve	Informal and organised sports and recreation, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances	Lantern Spectacular

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 3 music and cultural events which may exceed the permitted noise limits in the NRMP are permitted on the Botanics per year, all of which shall be subject of a Generic Site-Specific Noise Management Plan*, as shown in the tables below:

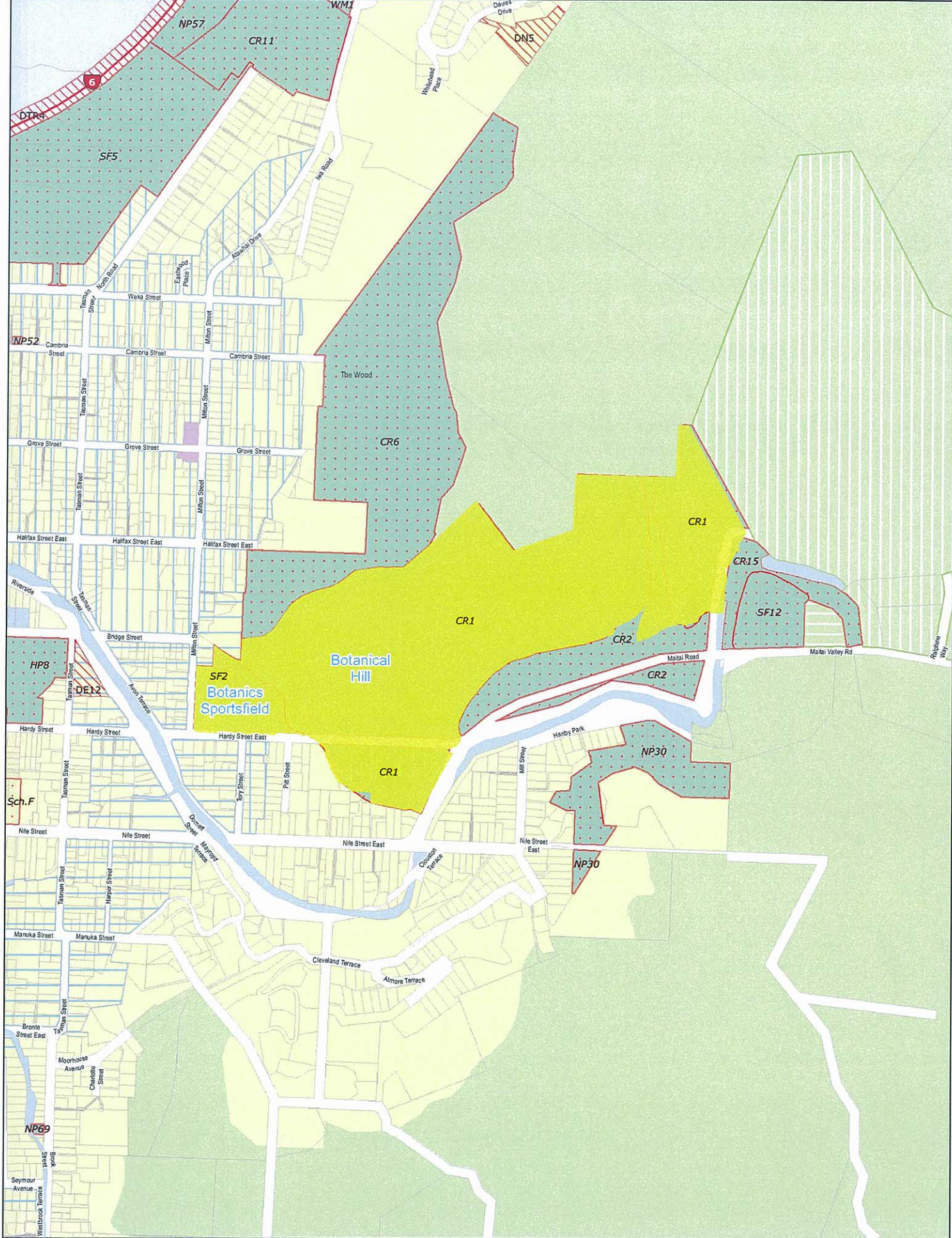
Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
One-Off Celebrations	3	2pm-10pm	8	75	-	45

Events Exceeding NRMP Operating Hours for Services to the Public: 0

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific Noise Management Plan for the Reserve shall be prepared (* see 8.1, MHA Report)
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.



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Botanics Sportsfield and Botanical Hill

Nelson Resource Management Plan Zones

Working map for Environmental Effects Assessment (Noise)



Legend

- Site Boundary
- Designation Areas
- Scheduled Sites Overlay

Zones	Zones (Continued)
 Commercial Leisure Area	 Residential
 Conservation	 Residential - Higher Density Area
 Industrial	 Residential - Lower Density
 Industrial Nayland Rd South Area	 Residential - Lower Density NS
 Inner City - Centre	 Rural
 Inner City - Fringe	 Rural - Lower Density Small Holdings Area
 Inner City - Intense Development	 Rural - Higher Density Small Holdings Area
 Open Space Recreation	 Suburban Commercial



February 2012

SAXTON PLAYING FIELDS:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone City Reserve	Informal recreation, performance, regional, national and international sporting and other events and tournaments, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances, conferences and conventions	Sporting and recreation activities and events Circus Private or club functions Concerts eg Summer Six

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 3 music and cultural events which may exceed the permitted noise limits in the NRMP are permitted on Saxton Field per year, all of which shall be subject of a Generic Site-Specific Noise Management Plan*, as shown in the tables below:

Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Visiting Bands	3	5pm-10pm	5	55	-	45

Events Exceeding NRMP Operating Hours for Services to the Public: 0

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific Noise Management Plan for the Reserve shall be prepared (* see 8.1, MHA Report)
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.

SAXTON OVAL PAVILLION AND SAXTON STADIUM:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone City Reserve	Informal recreation, performance, regional, national and international sporting and other events and tournaments, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances, conferences and conventions	Sporting and recreation activities and events Private or club functions

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 6 indoor sporting, recreational, music and cultural events which may exceed the permitted noise limits in the NRMP are permitted at the Saxton Oval Pavilion and Saxton Stadium per year, consisting of 3 indoor events which shall be subject of a Generic Site-Specific Noise Management Plan* and 3 indoor events which shall be subject of an Event-Specific Noise Management Plan submitted to Council not less than 21 days prior to the event*, as shown in the tables below:

Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Indoor sporting, recreational, music or cultural events	3	2pm-10pm	8	50	70	45

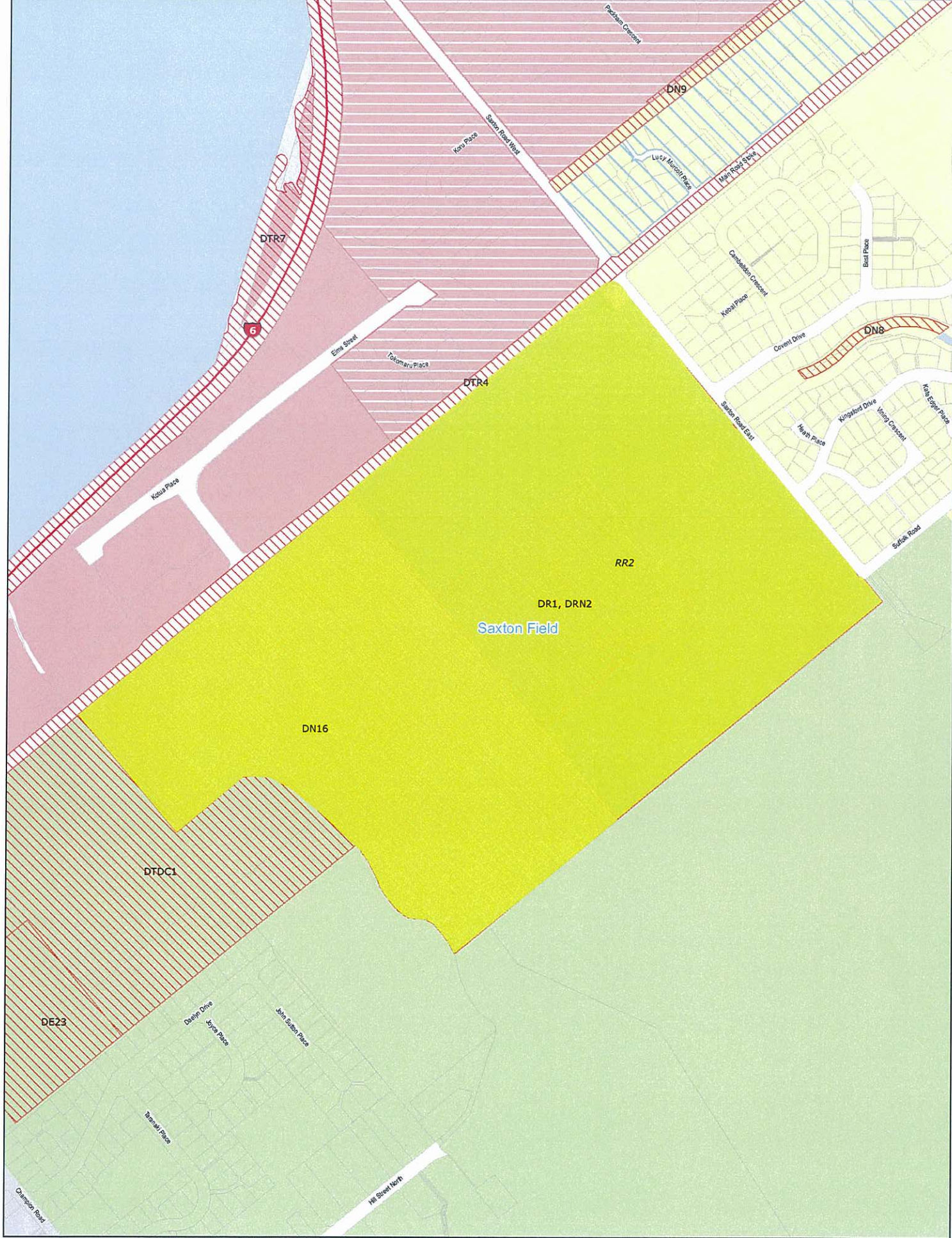
Events Extending into Night-Time (Concluding after 11pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Indoor sporting, recreational, music or cultural events	3	5pm-11pm	6	50	70	45

Events Exceeding NRMP Operating Hours for Services to the Public: 3, to allow for crowd dispersal if Sunday – Thursday event ceasing at 11pm

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific or Event-Specific Noise Management Plans shall be prepared (* see 8.1, MHA Report)
- All activities taking place as part of the above event operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured at any residential site
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.



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Saxton Field
 Nelson Resource Management Plan Zones
 Working map for Environmental Effects Assessment (Noise)



Legend

- Site Boundary
- Designation Areas
- Scheduled Sites Overlay

Zones

- Commercial Leisure Area
- Conservation
- Industrial
- Industrial Nayland Rd South Area
- Inner City - Centre
- Inner City - Fringe
- Inner City - Intense Development
- Open Space Recreation

Zones (Continued)

- Residential
- Residential - Higher Density Area
- Residential - Lower Density
- Residential - Lower Density NS
- Rural
- Rural - Lower Density Small Holdings Area
- Rural - Higher Density Small Holdings Area
- Suburban Commercial



Scale 1:5,000



February 2012

TRAFALGAR CENTRE:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
Open Space Recreation Zone City Reserve	Informal recreation, performance, regional, national and international sporting and other events and tournaments, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances, conferences and conventions	Sporting and recreation activities and events Private or club functions Circus Performance competitions eg Kapa haka, Rockquest and Stage Challenge Indoor Concerts Community events eg Ecofest

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 16 indoor concerts which may exceed the permitted noise limits in the NRMP are permitted at the Trafalgar Centre per year, consisting of 12 indoor concert events which shall be subject of a Generic Site-Specific Noise Management Plan* and 4 indoor concert events which shall be subject of an Event-Specific Noise Management Plan submitted to Council not less than 21 days prior to the event*, as shown in the tables below:

Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Indoor concerts	12	2pm-10pm	8	50	70	45

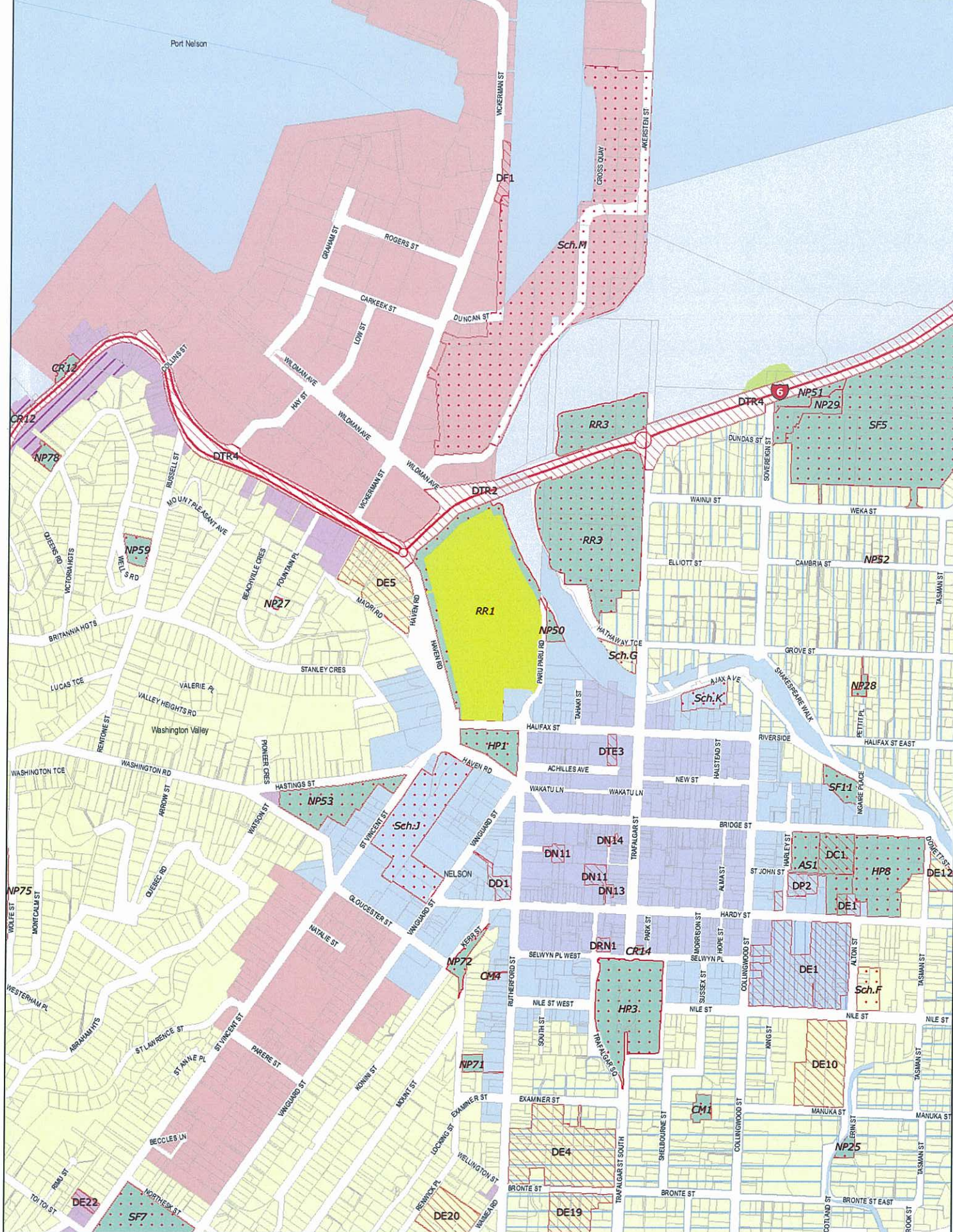
Events Extending into Night-Time (Concluding by 11pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Indoor concerts	4	5pm-11pm	6	50	70	45

Events Exceeding NRMP Operating Hours for Services to the Public: 4, to allow for crowd dispersal if Sunday – Thursday event ceasing at 11pm

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- A Generic Site Specific or Event-Specific Noise Management Plans shall be prepared (* see 8.1, MHA Report)
- All activities taking place as part of the above event operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured at any residential site
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.

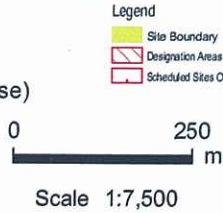


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Rutherford Park

Nelson Resource Management Plan Zones

Working map for Environmental Effects Assessment (Noise)



Legend

- Site Boundary
- Designation Areas
- Scheduled Sites Overlay

Zones

- Commercial Leisure Area
- Conservation
- Industrial
- Industrial Nayland Rd South Area
- Inner City - Centre
- Inner City - Fringe
- Inner City - Intense Development
- Open Space Recreation

Zones (Continued)

- Residential
- Residential - Higher Density Area
- Residential - Lower Density
- Residential - Lower Density NS
- Rural
- Rural - Lower Density Small Holdings Area
- Rural - Higher Density Small Holdings Area
- Suburban Commercial



May 2011

CHURCH STEPS / 1903 SQUARE / UPPER TRAFALGAR STREET:

Permitted and Existing Uses

NRMP Zone and Park Status	NRMP Permitted Activities	Example Activities
1903 Square Open Space Recreation Zone City Reserve	1903 - Informal recreation, festivals, ceremonies and outdoor performances	Political protest and promotions Santa Parade Red Square stage performances during the Arts Festival
Church Hill Open Space Recreation Zone Horticultural Park	Church Hill - Informal recreation, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies, outdoor performances	Jazz Festival and Street Beat performances Buskers Festival Masked Parade and Carnival
Streets Open Space Recreation and Inner City, depending on adjoining land		New Years Eve Concert Ceremonies, celebrations or charity fundraisers eg Purple Cake Day Twilight markets

Proposed Number of Special Events, Hours and Noise Limits

A maximum of 28 music and cultural events which may exceed the permitted noise limits in the NRMP are permitted at the Church Steps / 1903 Square / Upper Trafalgar Street area per year, consisting of 19 events which shall be subject of a Generic Site-Specific Noise Management Plan* and 9 events which shall be subject of an Event-Specific Noise Management Plan submitted to Council not less than 21 days prior to the event*, as shown in the tables below:

Daytime Events (Concluding by 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
Twilight markets, Street Beat, Red Square, One-off Celebrations, Masked Parade Carnivale	11	10am-10pm	8	65	n.a.	45
One-off celebrations, Jazzfest, Buskers Festivals	8	10am-10pm	6	65	n.a.	45

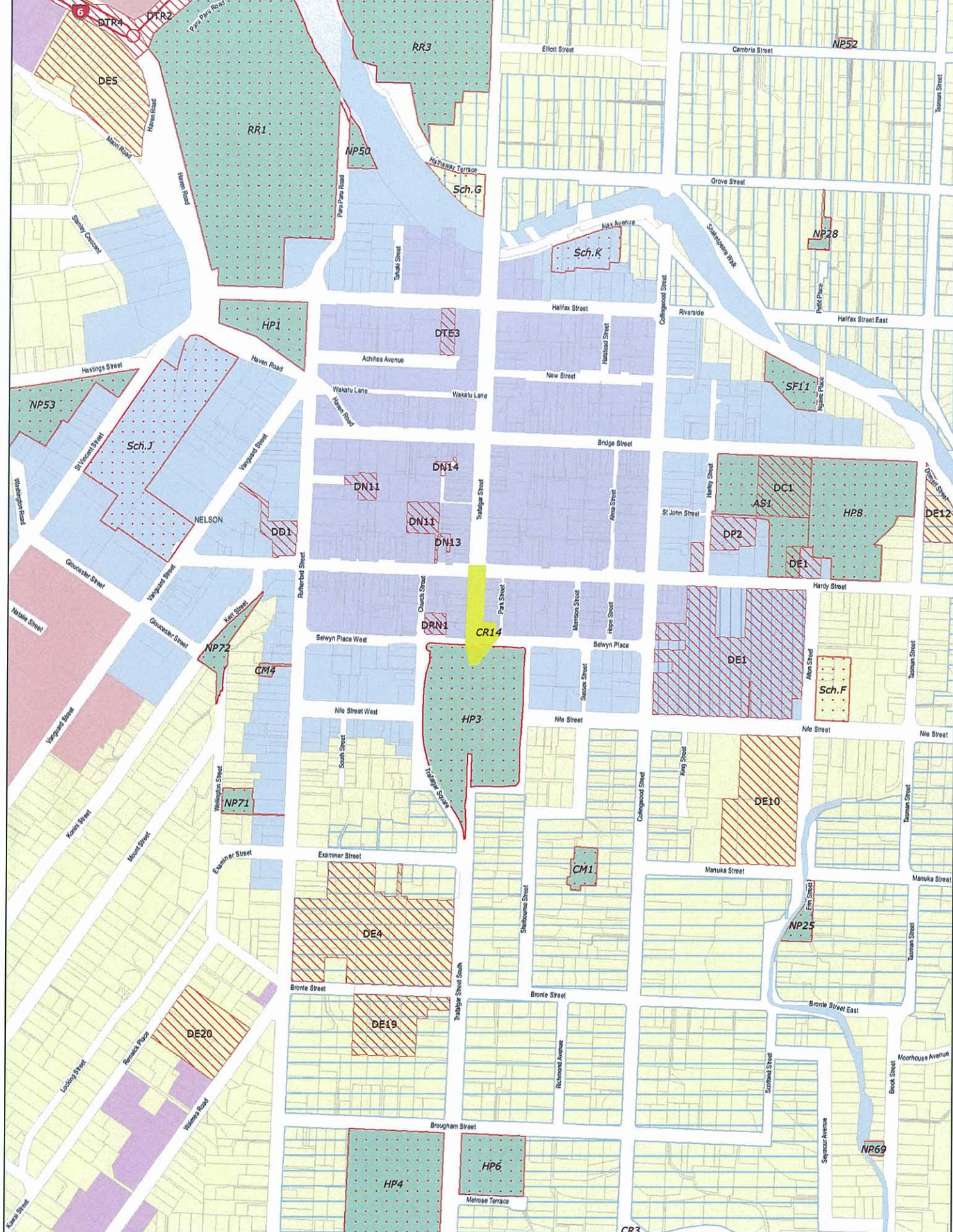
Events Extending into Night-Time (Concluding after 10pm)

Example Activities	No. Events Per Year	Max Event Start/Stop Times	Max Duration of Event (hrs)	L _{Aeq} [15 min] Noise Limit at or within any Residential Site	L _{Amax} Noise Limit at or within any Residential Site	L _{Aeq} [15 min] Noise Limit applying at all other times
One-off celebrations, Jazzfest, Buskers Festivals	6	10am-11pm	6	65	80	45
One-off celebrations	2	7pm-12.30am	6	65	80	45
New Years Eve	1	7pm-1am	6	65	80	45

Events Exceeding NRMP Operating Hours for Services to the Public: 0

Recommended Noise Conditions for Special Events

- Event organisers are to enter into a Noise Event Agreement (which references the Code of Practice for Noise Control for Events in Parks and Reserves) prior to operating the event.
- Generic Site Specific or Event-Specific Noise Management Plans shall be prepared (* see 8.1, MHA Report)
- All activities taking place as part of the above event operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured at any residential site
- Noise levels shall be measured in accordance with NZS6801:2008 and assessed in accordance with NZS6802:2008
- The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on site.



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Upper Trafalgar Street and Church Steps

Nelson Resource Management Plan Zones

Working map for Environmental Effects Assessment (Noise)



- Legend**
- Site Boundary
 - Designation Areas
 - Scheduled Sites Overlay

- Zones**
- Commercial Leisure Area
 - Conservation
 - Industrial
 - Industrial Nayland Rd South Area
 - Inner City - Centre
 - Inner City - Fringe
 - Inner City - Intense Development
 - Open Space Recreation

- Zones (Continued)**
- Residential
 - Residential - Higher Density Area
 - Residential - Lower Density
 - Residential - Lower Density NS
 - Rural
 - Rural - Lower Density Small Holdings Area
 - Rural - Higher Density Small Holdings Area
 - Suburban Commercial



February 2012

ANNEXURE A
Assessment of Effects on the Environment
Prepared by Planscapes NZ Ltd



1.0 INTRODUCTION

- 1.1 Nelson City Council - Community Development ('the Applicant') seeks resource consent from Nelson City Council ('the consent authority') to allow Special Events in specified sites within the Open Space Recreation and Inner City Zones where those events will exceed the permitted noise limits (including use of electrically amplified sound) under the Nelson Resource Management Plan ('the NRMP').
- 1.2 The sites and indoor venues subject of this application, where these Special Events may be held, are:
- Trafalgar Park
 - Tahunanui Reserve
 - Saxton Field
 - Church Steps/1903 Square/Upper Trafalgar Street area
 - Fairfield Park
 - Botanics Playing Field and Reserve
 - Saxton Oval Pavilion and Saxton Stadium
 - Trafalgar Centre.
- 1.3 Most of these sites are zoned Open Space Recreation in the NRMP, with the exception of Upper Trafalgar Street which is in the Inner City Zone and on road reserve. The Open Space Recreation Zone ('OSR Zone') is defined in the NRMP as land already used for and of high value to the community for open space and recreation purposes (Policy DO16.1.1.5 and Chapter 11). The sites are all reserve land or road reserve vested in and administered by the Council, and in the case of Trafalgar Park, the Trafalgar Centre, Saxton Stadium and Saxton Oval Pavilion with buildings, for the use and enjoyment of the Nelson community. In maintaining the social well-being and health of the District's permanent and visitor populations, the NRMP provides for a variety of activities – passive and active recreation, galas, public performances, play equipment, festivals, conferences and conventions etc – that recognise and enhance opportunities for the public to use this land.
- 1.4 The NRMP states that activities in the OSR Zone involving electric amplification of sound (other than sound from events and spectators at Trafalgar Park, Rutherford Park or Saxton Field occurring between 7am and 10pm and not involving electrically amplified music), are controlled activities where complying with the permitted noise limits for the zone. Any activity that involves sound that exceeds the permitted noise limits in the OSR Zone is a **discretionary activity** (Rules OSr.37.3). The Inner City Zone has its own permitted and more liberal noise limits when measured at sites within the Zone, but the limits applying at the boundary of any site in the Residential Zone are the same as those of the OSR Zone. Noise from Special Events in the Upper Trafalgar Street will exceed the residential noise limits and accordingly those activities are **non-complying** under Rule ICr.43.3. in the NRMP
- 1.5 Nelson City Council has in the past obtained resource consents to exceed the permitted noise standards for certain venues (Trafalgar Park, Church Steps/1903 Square, Tahunanui Reserve and Saxton Field) on a specified number of occasions annually (RM985339, out of which Council developed an application system, noise control agreement and guidelines to control excessive noise at these venues) and for one-off events such as Opera in the Park on the Tahunanui Reserve (RM095310) and the RWC Fan Zone. Copies of these consents are contained in **Annexure D**.
- 1.6 It is the Applicant's intention to surrender RM095310 if and when a satisfactory decision is reached and is beyond challenge on this current application.

- 1.7 The application relates to recreational, cultural, music and sporting events and indoor concerts involving the use of electrically amplified sound and other sound sources. The purpose of this application is allow for Special Events that will exceed the permitted noise limits in the NRMP:
- on or in nine nominated sites or venues;
 - subject of Council jurisdiction over what, and who may hold, events under its control both as land owner of these sites and resource consent holder;
 - limited by the number of events per year, their operating times and duration, and with specified noise limits (see Executive Summary for controls relevant to each of the sites);
 - subject to the preparation and implementation of site or event specific noise management plans;
 - requiring that event organisers adhere to an *“Event Noise Control Information and Agreement”*.
- 1.8 The application is accompanied by a Noise Assessment and Management Recommendations report by Malcolm Hunt Associates (**Annexure C**). This acknowledges that the extent to which permitted levels will be exceeded varies per site, and those levels have been predicted using techniques that have taken into account noise source, time of day, site features, terrain and distance to relevant site boundaries or noise-sensitive receiver sites in the local area.
- 1.9 Controls and management regimes proposed for Special Events on each of these sites are contained in the Executive Summary to this Application.
- 1.10 The application provides collectively for more Special Events than would reasonably occur in any year on these sites, a reflection of the size of Nelson and the cost of hosting events. It is however intended that any consent allow for flexibility to respond to the differing needs of individual events and their organisers. A Section 128 condition is volunteered in order that the quantum of Special Events can be reviewed annually to respond to any issues that may arise with this.
- 1.11 The NRMP states that any activity open to the public or a place of assembly and located within 50m of a Residential Zone boundary is open to the public during the following hours may only be open Sunday to Thursday 7am-11pm and Fridays, Saturday, Christmas Eve and New Years Eve 7am-1am (Rules OSr.24 and ICr.46). Over 70% of the allowable Special Events will finish before 10pm, and 95% by 11pm. Only 5 will occur after 11pm, and three of those are for New Years Eve and the other two are in the Inner City Zone where well separated from the Residential Zone. The application provides for any sites within 50m of a Residential Zone where events are held until 11pm Sunday to Thursday (up to 3 or 4 events annually at each of Trafalgar Centre, Trafalgar Park and Saxton Stadium) to remain open for a further half hour while the public disperse (a **discretionary activity**).
- 1.12 Special Events in the Inner city Zone may also involve structures (stands, stages, amplifiers etc) erected within Road Reserve, activities that require resource consent under Rule ICr.52 of the NRMP (**discretionary activity**).
- 1.13 The Noise Assessment in Annexure C forms a major part of the application and its assessment of actual or potential effects of the proposal on the environment (AEE).
- 1.14 This application and its AEE have been prepared in accordance with Section 88 to and the Fourth Schedule of the Resource Management Act 1991.

2.0 SITES SUBJECT OF THIS APPLICATION

- 2.1 The parks, reserves, open space areas and inner city locations subject of this application are listed in **Annexure B**, along with their legal descriptions.

- 2.2 The sites are all zoned Open Space Recreation or Inner City under the Nelson Resource Management Plan. The sites are all owned, vested in and/or administered by the Nelson City Council.
- 2.3 This application follows the recently submitted application for CONTROLLED activity consent to events in the Open Space Recreation Zone on where using amplified sound that complies with the OSR zone noise limits (RM115245). To avoid any confusion this current application is being lodged separately as addresses events that seek to breach the permitted noise limits in the NRMP. These Special Events have a different status under the NRMP rules and are therefore subject to different considerations in reaching a decision under the Resource Management Act,

3.0 SECTION 16 OF THE RESOURCE MANAGEMENT ACT AND COUNCIL'S NOISE COMPLAINTS REGISTER

- 3.1 "Excessive noise" for the purpose of enforcement purposes is defined in Section 326(1) of the Resource Management Act 1991 ('RMA') as meaning

any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—

- (a) Aircraft being operated during, or immediately before or after, flight; or*
- (b) Vehicle being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or*
- (c) Train, other than when being tested (when stationary), maintained, loaded, or unloaded.*

- 3.2 Section 16 of the RMA imposes a duty to avoid unreasonable sound, notwithstanding the general duty under Section 17 of the RMA to avoid, remedy or mitigate adverse environmental effects of activities:

(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or ... the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

- 3.3 What "reasonable noise" means is not defined in the RMA, however it is explained in OSr.37.5 of the NRMP:

"The rule is to prevent unreasonable levels of noise affecting neighbouring properties. What is reasonable needs to take account of the nature of the neighbourhood, the time of day or night, and whether it is a weekday or weekend. What is reasonable may also relate to the duration or frequency of the event."

The best practicable option to ensure noise does not exceed a reasonable level may include physical precautions (eg taking into account sound volumes and orientation of speakers in a sound system) and management based methods (eg the management of music sound levels, duration and the ability to act upon complaints received during an event).

- 3.4 The Council has in place procedures to receive, monitor and act on complaints when noise is perceived as being "unreasonable" by the surrounding community. Most of these complaints occur outside normal office hours, at times when the receiving environment is more sensitive to intrusive noise. The following information has been obtained from the NCC after hours noise complaints register for 1 July 2010 to 30 June 2011:

- a total of 1722 noise complaints were received in the past year;
- those complaints relating to public or community events on public parks and open space were:

Date:	Event:	Location:	Source and Time of Complaint:
8 October '10	Nelson Cycle Festival	Central Nelson	Loudspeaker (11.21pm)
17 October '10	Regional Skateboarding Champs	Neale Park	Megaphone (7.53pm)
6 November '10	Bike rally	Maitai Camp	Bands playing (2.04pm)
14 December '10	Summer Festival Lantern Spectacular	Botanics	Drums (10.15pm)
8 January '11	Summer Six	Trafalgar Park	Rock concert (9.01pm)
26 January '11	Opera in the Park	Trafalgar Park	Concert (8.57pm)
5 June '11	Use of Clubrooms	Trafalgar Park	(5.42pm)
28 June '11	Rugby Game (Makos vs Japan)	Trafalgar Park	(10.12pm)

- There were a further three complaints relating to noise from members of the public on Council reserves, at Tahunanui Camp Ground (20 November 2010, 10.26pm), Wigzell Park (31 December 2010, 3.41pm) and the Boulder Bank (31 December 2010).
- The register does not record whether or not these complaints were upheld.

3.5 In the past year Nelson City Council received 8 complaints about noise from public or community events on Council reserves or open space. This represents 0.46% of all noise complaints for the year. Some of those events (ie Opera in the Park, Summer Six, the Lantern Spectacular) were of themselves quite substantial community events or part of longer festivals, and yet only one complaint was received to each. Even if all of these complaints were upheld, the degree to which public or community events in Nelson City are generating noise that is considered "unreasonable" is statistically very minimal.

4.0 NELSON RESOURCE MANAGEMENT PLAN – RELEVANT RULES RELATING TO THE PROPOSED SPECIAL EVENTS

OPEN SPACE RECREATION ZONE

4.1 The purpose of land in the OSR Zone is as follows:

"this Zone contains areas of open space which are of high value to the community primarily for open space and active recreation activities" (OSd.1)

These reserves have historically been vested or set aside for the benefit of the wider Nelson public, and there is an expectation from the community that they will be available and used for cultural and recreational events. The NRMP categorises or "schedules" reserves in the Open Space Recreation Zone according to their primary purpose or amenity, and lists permitted public event activities, facilities and buildings associated with each. These include, variously, informal recreation activities, regional, national and international sporting and other events and tournaments on the three regional reserves, performance, festivals, displays, bazaars, fairs, galas, exhibitions and ceremonies, and facilities and buildings associated with them.

4.2 The OSR Zone rules relate to Trafalgar Park, Tahunanui Reserve, Fairfield Park, 1903 Square, the Botanics, the Trafalgar Centre, and Saxton Playing Fields, Oval Pavilion and Stadium. The

sites are all “scheduled” and already used for the type of Special Events that would arise as a consequence of this application.

4.3 Relevant rules for Special Events in the OSR Zone are:

- Rule OSr.37 Noise (relevant to all sites)
- Rule OSr.24.1(a) Closing Times for Activities within 50m of a Residential Zone (relevant to the Trafalgar Centre, Trafalgar Park and Saxton Stadium, to allow for the dispersal of the public for events ending at 11pm Sunday-Thursday)

4.4 Rule OSr.37, for noise, is as follows:

Rule OSr.37.1, Permitted	Rule OSr.37.2, Controlled	Rule OSr.37.3, Discretionary
<p>a) <i>Noise levels measured at, or within the boundary of any site in the Residential Zone must not exceed:</i> <i>Day Time</i> <i>L 10: 55 dBA</i> <i>Other Times</i> <i>L10: 45 dBA</i> <i>Lmax: 75 dBA</i> <i>(Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.)</i></p> <p>b) <i>All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</i></p> <p>c) <i>Sound from events and spectators at Trafalgar Park, Rutherford Park, or Saxton Field shall be exempt from the application of the limits in (a) above, provided that</i></p> <ul style="list-style-type: none"> <i>i) the events do not occur outside the hours of 7am to 10pm, and</i> <i>ii) the sound does not involve electrically amplified music.</i> 	<p><i>Noise from any event involving electric amplification of sound, other than any event that complies with OSr.37.1(c), is a controlled activity.</i></p> <p><i>Control reserved over:</i></p> <ul style="list-style-type: none"> <i>i) noise levels, and</i> <i>ii) mitigation of noise, and</i> <i>iii) hours of the activity, and</i> <i>iv) monitoring of noise levels, and</i> <i>v) the frequency of events on a site.</i> 	<p><i>Activities that contravene a permitted condition or a controlled standard are discretionary</i></p>

4.5 Because the Special Events in the OSR Zone will exceed the noise limits in Rule OSr.37.1(a), the proposal is a discretionary activity under Rule OSr.37.3.

4.6 All zones in the NRMP have permitted closing times for services to the public or places of public assembly. Many parks are located within or close to residential areas and Rule OSr.24.5 acknowledges that where activities occur late at night there is potential to create adverse effects which conflict with the residential nature of the neighbouring areas.

4.7 There will be a small number of events (10) within the OSR Zone, at Trafalgar Park, Trafalgar Centre and Saxton Stadium, that could be located within 50 metres of a Residential Zone and may operate up to 11pm Sunday to Thursday. Although the events will end by 11pm, their venues will need to remain open until the public or event attendees have dispersed. This would technically breach Rule OSr.24.1(a) in the NRMP.

4.8 Relevant rules for closing times for services to the public in the OSR Zone are as follows:

Rule OSr.24.1, Permitted	Rule OSr.24.2, Controlled	Rule OSr.24.3, Discretionary
<p>a) Any activity located within 50m of a Residential Zone boundary, which is open to the public or is a place of public assembly, may be open to the public only during the following hours: Sunday to Thursday inclusive: 7am-11pm Friday, Saturday, Christmas Eve and New Years Eve: 7am - 1 am the following day, and</p> <p>b) Any activity located more than 50m from the Residential Zone boundary which involves the sale of liquor for consumption on the premises may be open for the sale of liquor only during the following hours: Daily 7am to 3am the following day, and</p> <p>c) Any activity located anywhere in the Zone which involves the sale of liquor for consumption off the premises may be open for the sale of liquor only during the following hours: Daily 7am-11pm</p>	<p>Not applicable.</p>	<p>Activities that contravene a permitted condition are discretionary</p>

4.9 This aspect of the application, to allow for people to disperse from venues for Special Events that conclude at 11pm, is a discretionary activity under Rule OSr.24.3.

4.10 The assessment criteria outlined in OSr.37.4 and OSr.24.4 above are examined in the assessment of environmental effects in Section 7 of this application.

INNER CITY ZONE

4.11 The Inner City Zone ('IC Zone' Chapter 8) is defined in the NRMP as the heart off the city - providing a city and regional destination. The city centre contains a concentration of mainly comparison shopping, services such as banks and offices as well as a growing number of restaurants, cafes and other entertainment activities which all contribute to the City Centre being a commercial, cultural, tourist and recreational focal point to the city.

4.12 The Inner City is used for a range of significant community events such as the Masked Parade, Arts Festival Carnival, Nelson Arts Week, Santa Parade, Jazz festivals, street art, twilight and retail markets and Carols by Candlelight.

4.13 Of the sites subject of this application, the IC Zone rules relate only to the cobbled area of Upper Trafalgar Street and the surrounding streets of Church Lane, Morrison Street, and those sections of Hardy Street and Selwyn Place between (see Appendix A, MHA Report). The Church Steps and 1903 Square are both located within an inner city location but with OSR zoning.

4.14 Relevant rules for Special Events in the IC Zone are:

- Rules ICr.42 and ICr.43 Noise; and
- Rule ICr.52 Structures on Road Reserve.

4.15 Rule ICr.42 relates to noise at the boundary of any site in the IC Zone, which for the Upper Trafalgar Street area means the nearby shop-front boundary for Special Events held on road reserve:

Rule ICr.42.1, Permitted	Rule ICr.42.2, Controlled	Rule ICr.42.3, Discretionary
<p>a) <i>Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed:</i> Day Time (7am-10pm) <i>L 10: 65 dBA</i> Other Times <i>L10: 55 dBA</i> <i>Lmax: 75 dBA</i></p> <p>b) <i>All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.</i></p>	<p><i>Not applicable.</i></p>	<p><i>Activities that contravene a permitted condition are discretionary</i></p>

4.16 The IC Zone also includes noise standards measured at any site within the Residential Zone. The permitted noise limits under Rule ICr.43.1 are the same of Rule OSr.37 (see 4.4 above), but with any breach in the noise limits a non-complying activity under Rule ICr.43.3.

4.17 The Special Events in the Inner City Zone in Upper Trafalgar Street and surrounding streets will breach these noise standards and are non-complying activities when bundling the consents required under Rules ICr.42 and ICr.43.

4.18 All Special Events in the Upper Trafalgar Street area will comply with the closing times in Rule ICr.46. This site is located more than 50m from the Residential Zone boundary.

4.19 Certain events in this location will involve the use of associated structures (such as stands, stages, amplifiers, fairground rides etc) located within road reserve. These temporary structures will not comply with the conditions in Rule ICr.52.1 as they are not part of the road infrastructure and will exceed 6m² in area.

Rule ICr.52.1, Permitted	Rule ICr.52.2, Controlled	Rule ICr.52.3, Discretionary
<p><i>Structures on road reserve are permitted if:</i></p> <p>a) <i>They are part of the road infrastructure (eg bridges, culverts, street lighting, traffic signals, masts) or relate to the safe use of the road or walkway; or</i></p> <p>b) <i>Structures (including equipment shelters and bus shelters) do not exceed 6m²</i></p>	<p><i>Not applicable.</i></p>	<p><i>Activities that contravene a permitted condition are discretionary</i></p>

Resource consent is sought for structures on road reserve ancillary to all public events in the Upper Trafalgar Street area, as a discretionary activity under Rule ICr.52.3.

4.20 The assessment criteria outlined in ICr.42.4, ICr.43.4 and ICr.52.4 above are examined in the assessment of environmental effects in Section 7 of this application.

5.0 PROPOSED ACTIVITIES

- 5.1 The proposed activities (Special Events) subject of this application, for each of the sites or venues listed in 1.2 above, is contained in the Executive Summary.
- 5.2 Site or event specific noise management plans (NMP) will be required for the Special Events covered by this application. The MHA Report in Annexure C includes example NMPs for the RWC Fan Zone in Upper Trafalgar Street and Opera in the Park when held at Tahunanui in 2010.
- 5.3 All Special Events subject of this application will need to comply with the NCC Noise Control Information and Agreement contained in Appendix C of the MHA Report.

6.0 VOLUNTEERED CONDITIONS OF CONSENT

- 6.1 The Applicant volunteers that the proposed noise conditions in 8.1 of the MHA report, and the Noise Management Plan requirements outlined in 8.2 of the same report, are reflected in any resource consent that may be issued as a result of this application.
- 6.2 The proposed noise conditions will specify the maximum number and type of Special Event that can occur at any of the sites, their permitted hours, and permitted noise limits.
- 6.3 As owner of these sites, the Council requires that event organisers first obtain approval from Council to hold any event on its land. With that, the Council will secure the agreement of organisers to adhere to a code of practice for noise management and control at their events. It also defines the Council's role in monitoring and enforcing noise limits. It is appropriate that this internal management system be reflected as an Advice Note on the resource consent.
- 6.4 It is appropriate, in the context of this proposal, to impose a review condition under Section 128 of the RMA. This would allow the effectiveness of the consent and its conditions to be tested, and if necessary further conditions imposed, to manage the noise impacts from the use of amplified sound on public reserves and open space. The Council's Noise Complaints Register, and records arising from the Event Noise Information and Agreement, could form the basis of an annual review.
- 6.5 Where consent is required under Rule OSr.24 (Closing Times) of the NRMP, it is volunteered that the Special Event venues of Trafalgar Park, the Trafalgar Centre and Saxton Stadium will be closed to the public within half an hour of the event ceasing (ie by 11.30pm).
- 6.6 The Applicant will surrender RM095310 if and when a satisfactory decision is reached and is beyond challenge on this application.

7.0 ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT

- 7.1 Section 88 of the Resource Management Act 1991 states that any application for resource consent must be accompanied by an assessment of effects on the environment (AEE) prepared in accordance with the Fourth Schedule of the Act. Such assessment must be commensurate with the scale and significance of the effects on the environment that may arise with the proposal.
- 7.2 Use of the words "*effect*", "*environment*" and "*amenity values*" in this assessment of effects on the environment should be interpreted as follows, in accordance with Sections 2 and 3 of the Resource Management Act 1991:

“Effect” ... includes-

- (a) Any positive or adverse effect; and
- (b) Any temporary or permanent effect; and
- (c) Any past, present, or future effect; and
- (d) Any cumulative effect which arises over time or in combination with other effects- regardless of scale, intensity, duration, or frequency of the effects, and also includes-
- (e) Any potential effect of high probability; and
- (f) Any potential effect of low probability which has a high potential impact.

“Environment” includes –

- (a) Ecosystems and their constituent parts, including people and communities; and
- (b) Any natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

“Amenity values” means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

7.3 The actual or potential effects of the proposed activities are addressed below, under the topic of:

- Noise effects and mitigation for all Special Events
- Impacts associated with closing times for events held Sunday to Thursday at Trafalgar Park, Trafalgar Centre and Saxton Stadium
- Impacts of temporary event structures on road reserve in the Upper Trafalgar Street area.

7.4 The consent authority must also take into account any conditions volunteered or mitigation measures proposed as part of the application which will impact on the potential effects of the proposed activities. These are outlined in Section 6.0 above, and in the MHA Report in Annexure C.

NOISE IMPACTS AND MITIGATION

7.5 The sites subject of this application are zoned, scheduled and/or used for the type of recreational, cultural and community events anticipated under this application, as public spaces or reserves vested and managed for public use and enjoyment. These events and their effects on the environment are also temporary or short-term. This does not however allow for unreasonable noise emission from such events, where these would detract from the amenity of the environment or the health and safety of people. This application seeks to manage the noise impacts of Special Events that exceed the permitted noise levels as measured at the boundary or within sites located in the Inner City Zone (in the case of Upper Trafalgar Street) and Residential Zone.

7.6 Relevant assessment criteria under Rules OSr.37.4, ICr.42.4 and ICr.43.4 are:

- the length of time, and the level by which, the noise standards will be exceeded, particularly at night, and the likely disturbance that may cause;
- the nature and location of nearby activities and the effects they may experience, particularly the night time effects on residentially zoned land or residential units within the Inner City and neighbouring zones;

- whether the noise is likely to detract from the general environmental quality being proposed for the City Fringe or City Centre, or the amenity of the Residential Zone;
- the effectiveness of, and in particular the certainty provided by, any conditions or controls that might be imposed on the activity.

7.8 The noise effects of the proposed activities form the basis of the assessment and management recommendations of Malcolm Hunt Associates (MHA). Their report is contained in Annexure C to the application, and forms the basis of this assessment.

7.9 There are several key components to the noise mitigation recommendations of MHA:

- i) Limits on the number and timing of Special Events, and their noise limits (see Figure 5 in the MHA Report and the Executive Summary tables to this application).
- ii) The requirement for Noise Management Plans (NMP) for all Special Events, either:
 - Site-specific NMPs where events take place during the daytime hours as defined in the NRMP (not later than 10pm); and
 - Event-specific NMPs where events occur during night-time hours (after 10pm).

The minimum content of NMPs is outlined in 8.0, with examples of each in Appendices D and E, of the MHA report.

MHA state that effective mitigation of noise effects can be achieved in implementing approved NMPs. These are working documents which set out the objectives and policies for managing noise in an area and how this will be achieved. They specify steps to be taken when authorising temporary events to ensure the potential adverse effects of loud noise are adequately identified beforehand and addressed in the way the event is operated, the layout and equipment used, and the overall hours of the operation. They also ensure a degree of noise monitoring takes place prior and/or during the event to ensure limits are complied with, and a clear process to follow in recording and acting on any noise complaint that may be received. Event-specific NMPs also require that events are notified beforehand to residents in the area.

- iii) The Event Noise Control Information and Agreement administered by Nelson City Council as owners of the Special Event sites.

The Event Noise Information and Agreement is an NCC in-house management tool designed to ensure that activities permitted by the consent are properly planned and carried out in compliance with the consent. It requires that event organisers nominate a person, with contact details, who will take ultimate responsibility for setup, operation, and any monitoring and enforcement issues arising from the event. It specifies the duties of the event manager in terms of information that is required to be provided to Council both prior to and post event, the use, setup and calibration checks of sound systems, hours of operation, and monitoring of sound levels during the event. It imparts advice to event managers such as noise minimisation techniques and resource consent requirements, and requires the payment of a bond which may be fully forfeited and equipment seized for reason of excessive noise or breach of the resource consent conditions.

7.10 The overall finding in the MHA assessment is *“that provided that specified noise management and mitigation measures are implemented, allowing the emission of temporary elevated sound levels received at residential site in the manner proposed would result in only minor, temporary effect on the environment which are no more than minor”* (Pg 21)

7.11 MHA has concluded that:

“While provision is sought within the consent application to reasonably provide for foreseeable future events which include amplified sound, the application does not provide for any large increase in these types of sporting, recreational and cultural events or their ensuing noise effects.

The analysis shows that by ensuring the use of amplified sound is controlled and kept within a scale matched to the physical qualities of the site (Specifically the site size and distance to noise sensitive residential sites) potential noise effects associated with the listed events can be managed to reasonable levels having regard to the general.

On this basis potential noise effects will be suitably avoided, remedied or mitigated, that the resultant effects on any residential zoned site will be no more than minor providing the consent holder adheres to the proposed conditions. On which basis there appear no noise related reasons why consent cannot be granted” (Pg 27)

7.12 It is necessary to consider the cumulative effects of this application for Special Events in conjunction with RM115245, the resource consent application for public events using amplified sound that comply with the OSR Zone noise limits. The first paragraph from the MHA report quoted in 7.11 above is relevant to this. The applications, in combination, either provide for the type of recreational and cultural events that are occurring on the City’s reserves, parks and Upper Trafalgar Street area, and for the Special Events in part already authorised under RM RM095310. The reality is that consent to these applications will not of itself facilitate a noticeable change in the frequency of community events in Nelson. However for events that the City does host, the applications will put in place a much more stringent noise management regime than currently applies to events. The Section 128 review condition will allow any unforeseen adverse cumulative effects to be addressed if the need arises.

CLOSING TIMES

7.13 The relevant assessment criteria under Rule OSr.24.4 are:

- the nature and scale of the activity in relation to nearby residential activity, having regard to the nature of the existing and permitted future uses on nearby sites;
- the effect on the existing and likely foreseeable amenity of nearby residential areas, particularly in relation to noise and traffic generation;
- the ability to remedy or mitigate any adverse effects of the activity by the layout or design of the site or buildings, or by the provision of landscaping or similar measures;
- the topography of the site and the neighbouring areas;
- the adequacy of car parking on the site, and its location in relation to the neighbouring residential activities;
- the effectiveness, and in particular the certainty, provided by any conditions or controls that might be imposed on the activity;
- whether the activity is temporary, and the frequency of such events (where applicable).

7.14 The last assessment criterion is most relevant to this aspect of the application. The need for resource consent relates to a maximum of 10 Special Events annually (should those occur on Sunday or Thursday nights, which is itself less likely for a public or community event), spread between three of the sites. The need for consent is to allow for crowds to leave Trafalgar Park, the Trafalgar Centre or Saxton Stadium, with the Special Events themselves (and their resultant breach of the NRMP noise limits) ceasing by 11pm. Any adverse effects on the environment will be temporary and minor for the short duration that attendees take to leave the site and area.

STRUCTURES ON ROAD RESERVE

7.15 The relevant assessment criteria under Rule ICR.52 are:

- the size and scale of the structures;
- any visual impacts, taking account of the character of the area;
- safety considerations including any effects on line of sight for motorists and other road users, having regard to the usage of the road.

7.16 The need for consent to structures on road reserve is limited to the Inner City Zone. This will be accompanied by closure of the roads to vehicular traffic. The structures will be ancillary to the Special Events, limiting their extent, necessity and duration that they remain on road reserve. They will also be sited so as to maintain pedestrian access along footpaths and to retail and other businesses in the area. Any adverse effects on the environment will be less than minor.

8.0 ALTERNATIVE SITES AND METHODS

8.1 Any adverse effects on the environment are a result of the proposal will be no more than minor. The RMA does not require consideration of alternative sites and methods under those circumstances.

8.2 The application relates to Council land (reserves, open space areas and road reserve) vested and managed for public use and in the case of reserves and open space the public's enjoyment. Some of these sites are already hosting Special Events under the 1998 consent.

8.3 MHA have carefully considered where Special Events are already occurring, or venues best placed to cater for the type of events that may exceed the NRMP noise standards ie concerts and large-scale public sporting and cultural events. This, prediction of noise contours for certain sites, and recommended limits on noise levels, frequency and timing of events, have allowed MHA to confirm the suitability of these sites for the Special Events proposed.

9.0 MITIGATION MEASURES

9.1 Mitigation measures have been addressed the volunteered conditions of consent (6.0 above), AEE in 7.0 above and in the MHA report. No further mitigation measures are considered necessary in managing the potential effects of the proposal.

10.0 MONITORING

10.1. Noise monitoring obligations for individual events have been incorporated in the NCC Event Noise Information and Agreement.

10.2 Further to this, the Noise Management Plans will require noise level monitoring and reporting for specific sites and events.

10.3 Monitoring of the effectiveness of the resource consent is provided for through the Section 128 review condition.

11.0 CONSULTATION

11.1 Consultation with neighbours to those sites is to be undertaken, and public notification of the application is to occur.

11.2 Public meetings are to be held for each of the subject venues during February 2012. Invitation to those meetings by the public has been advertised through Live Nelson. The results of that

consultation will be reported to the Council's Consents Department on completion of the meetings and prior to public notification of the application.

ANNEXURE B
Sites Subject of this Application



OPEN SPACE AND RESERVES SUBJECT OF THIS APPLICATION FOR RESOURCE CONSENT

Venue	Legal Description
Trafalgar Park	Part Sec 239A Nelson SO 9463, Pt Sec 239A Nelson SO 112 SO 6667, Sec 242A Nelson A274, Sec 10 Block H Wakatu A274, Sec 1162 Nelson SO 6796, Pt Sec 11 and 12 Block H Wakatu A274, Pt Lot 3 DP
Rutherford Park and Trafalgar Centre	Pt Sec 1126 Nelson SO 1131, Pt Sec 1178 Nelson SO 2207, Pt Sec 1167 SO 2207, Pt Lot 3 DP 11014, Pt Sec 148MR Nelson SO 7620, Pt Sec 148MR Nelson DP 1473, Sec 1168 Nelson SO 7187, Pt Sec 1178 Nelson SO 7733, Part Road, Part Maitai River
Saxton Field, Stadium and Oval Pavilion	Pt Sec 76 Waimea East DP 3154, Pt Sec 76 Waimea West SO 1210 SO 9878, Pt Sec 75 Waimea East SO 1210 SO 9878, Pt Sec 75 Waimea East DP 3154, Lot 2 DP 3926, Pt Lot 2553
Tahunanui Reserve	Lot 1 DP 7075, Lot 6 DP 7075, Lot 7 DP 7075, Pt Sec 85 Suburban South, Lot 4 DP
Botanics Playing Field and Reserve	Section 1219 Nelson SO 9331, Lot 1 DP 7425 Pt Lot 1 DP 8194, Section 1219 Nelson SO 9931, Lot 1 DP 12660 Sec 367A Nelson A296, Sec 367 MR Nelson DP 1425, Pt Lot 69 DP 2806, Pt Sec 370 Nelson SO112
Fairfield Park	Section D City of Nelson SO112
Church Steps/1903 Square/Upper Trafalgar Street area	Pt Sec 1179 Nelson DP 1112, Road Reserve, Pt Lot 2 DP 15732

ANNEXURE C

Noise Assessment and Management Recommendations

Prepared by Malcolm Hunt Associates





Assessment of Environmental Noise Effects

Nelson City Special Events Noise Assessment

Noise Assessment & Management Recommendations

Date of Issue:
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Report Reference:
Reference: 87556-12[H]

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Special Events Noise Assessment

Noise Assessment & Management Recommendations

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Nelson City - Special Events Noise Assessment

Noise Assessment & Management Recommendations

MalcolmHuntAssociates

noise and environmental consultants

1 Introduction

Malcolm Hunt Associates [MHA] have been commissioned by Nelson City Council [NCC] to assess noise effects associated Special Events held at various sites in Nelson zoned Open Space & Recreation and Inner City. These recreational, cultural and entertainment events require a resource consent because they typically involve the emission of significant levels of sounds which will not be able to fully comply with the limits on noise normally applied to activities on these sites.

Sounds associated with Special Events include sounds due to amplified sources as well as sounds associated with the crowd and contributions from any car park areas and equipment on-site. Other sound sources associated with these events are discussed below.

This report sets out information relevant to assessing the nature and scale of potential noise effects associated with holding occasional daytime and night time¹ Special Events at specific nominated sites within the city involving levels of noise emitted from these sites that, at times, will exceed noise limits prescribed as the permitted activity standard within the Nelson Resource Management Plan [NRMP] applying at nearby boundaries.

The management of noise effects in the current application is aided by;

1. Council ownership of the sites which gives Council ultimate control on what can or cannot take place on the application sites, specifically adherence to agreed noise management methods.
2. Existing relationships with event organisers, with Council in many cases directly involved in running the event assists in managing effects, including noise.
3. Permissions by Council for use of Council Open Space and Recreation sites require event organisers to adhere to an "Event Noise Control Information and Agreement" which has a noise management focus. This document is an updated version of an earlier Code of Practice used to control events [including noise from these events].

Elevated noise from existing Special Events is already authorised by a number of existing resource consents applying to the application sites. Council run special events have in the past encountered some difficulties with noise management; however recommendations below will require comprehensive Noise Management Plans [NMPs] to be submitted to Council prior to Special Event which is aimed at improving noise management at these types of events in the future. Through its work reviewing event noise control agreements the Community Services arm of Council has and is developing improved methods to manage the effects of Special events where they give rise to significant noise that may affect noise-sensitive sites.

¹ According to the Nelson Resource Management Plan "Day Time" means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.

2 Scope

The application pertains to recreational, cultural and entertainment events involving the use of electrically amplified sound and other sound sources operating before or after 10pm on any day, taking place at various Inner city sites as well as sports Fields, horticultural parks, reserves and parks located as follows;

- Tahunanui Reserve
- Trafalgar Park
- Saxton Field, Saxton Oval Pavilion, Saxton Stadium
- Botanic Reserve
- Trafalgar Centre
- Fairfield Park
- Church Steps/1903/Upper Trafalgar Street

These sites are described within the application document prepared by Planscapes (NZ) Ltd.

Sound level predictions of Special Events have been undertaken based on sound level readings from similar scaled events. The predictions take into account source and site factors, and a practical event layout are used to indicate the affected areas and degree of noise effects. Example activities of Special Events are listed in **Table 1**.

Site	Description of Example Activities
Tahunanui Reserve	Opera in the Park
	Coca Cola summer concert
	One-off events up to 10.30pm
	New Years Eve event to 1am
Trafalgar Park	Music during rugby games
	Opera in the Park
	New Years Eve event to 1am
	Visiting bands, incl up to 11pm
Saxton Field Saxton Oval Pavilion* Saxton Stadium*	Visiting bands
	Music and cultural events
	Music and cultural events
Botanic Reserve	One-off events
Trafalgar Centre*	Concerts in Trafalgar Centre
Fairfield Park	Jazz Festival
Church Steps/1903/Upper Trafalgar St	New Year's Eve event
	Masked Parade Carnivale
	Buskers Festival
	One-off celebrations

Table 1 Representative special events proposed for a range of Open Space and Recreation sites and at the Church Steps / Upper Trafalgar Street site which is zoned Inner City. * Note; Activity involves amplification systems used indoors only.

Assessing noise effects associated with the above Special Events focuses on the expected level and duration of sound emissions from instruments, performers and their amplified sound sources affecting noise-sensitive residential sites. The assessment considers the timing of such events, particularly considering whether the activity takes place during 'daytime' or 'night time'² and the proposed frequency of events per year. The assessment includes information on ambient sound levels normally found in the area and which form a context within which Special Event sound may be experienced.

²The definitions for daytime and night time are those set out in the Nelson Resource Management Plan.

Special events may also create additional noise due to vehicles and people. Increased vehicular and pedestrian activity on local roads in the vicinity of the site may create some increase in noise, however this noise assessment focuses on sounds from the site itself. Sounds of vehicles on car parking sites and people on the site are likely to add no more noise than the sounds of performers and their sound systems which are the focus of this assessment. Sounds from vehicles on public roads and pedestrians on footpaths are not subject to control via District Plan noise rules.

The wording of Rule OSr.37.1 exempts sound from spectators at Trafalgar Park, Rutherford Park, and Saxton Field between 7am and 10pm, but expects this source would have to comply at other sites, and on these sites at other times. Marshall Day consider "...normal practice is that crowd noise is exempt from noise control rules because it cannot be controlled"³. The exclusion of sounds from spectators is considered a practical necessity and is common within noise emission limits for sporting and cultural facilities in New Zealand. On this basis crowd noise is recommended to be excluded from assessment with the proposed conditions set out within Section 7 below.

The greatest potential for adverse noise effects is due to sounds caused by "electric amplification of sound" as may be received within residential sites and other noise sensitive sites. The NRMP specifically singles out the use of amplified sound on Open Space and Recreation sites as an activity requiring control. NRMP permitted activity Rule OSr.37.2 establishes that noise from any "electrical amplification of sound" on any site within the Open Space zone needs to be authorised by resource consent as a controlled activity. This is despite the *Nelson Community Plan* and the *Activity Management Plan* for Nelson encouraging a wide range of events hosted on Council's sports fields and Open Space sites such as sports tournaments and community festivals through to circuses, fairs and concerts which often involve sound amplification.

Section 5.0 and **Appendix C** outline how noise effects arising from Special Events are handled in other New Zealand cities and towns. In Nelson the lack of exemptions to the normally applying NRMP noise limits for special events has meant NCC has needed to obtain several resource consents to enable public performances at events which cannot comply with the normally applied NRMP noise limits. These consents permit an increase in noise received at residential sites above the limits normally applied under the NRMP and provides for these types of activities to be undertaken on a limited basis [e.g. RM985339 allowing Tahunanui Reserve, Saxton Field, Trafalgar Park and Church Steps/1903 site and RM095310 – to allow Opera in the Park on the Tahunanui Playing Fields]. As discussed in Section 5.5 below, these consents establish part of the permitted baseline however they are proposed to be superseded by the consent currently being applied for.

Noise limits prescribed within conditions attached to existing consents have been considered as a starting point within this assessment. The recommended noise limits are mostly below these upper limits. Noise limits set out in existing consents RM985339 and RM095310 are not inconsistent with the limits applied to concerts and special events held in other centres (see Section 5 below).

To a large extent noise sources, events and activities covered by this application already take place within the district, largely without demonstrable adverse noise effects on the environment. Enquiries with the Council reveal no widespread pattern of noise complaints associated with Special Events held in Nelson, although complaints of excessive or unreasonable noise do arise from time to time. The explanation given to OSr.37.5 of the NRMP states complaints are received by Council due to noise from amplified PA and sound systems, especially on parks where such activities are not expected, or where noise levels are particularly high [e.g. a rock concert]. However, the receiving of complaints in of itself is not a reason to require lower noise limits or ban the source. In some cases people will complain at low levels of sound if they associate negative perceptions with the sound source.

³ *Queens Wharf Fanzone, Festival & Showcase Event, Rugby World Cup 2011 – Assessment of Noise Effects*. Rp001 R09 2010428A. Marshall Day Acoustics 2011.

Noise Management Plans recommended to be prepared for Special Events that will ensure;

- o Each event would be notified beforehand to residents in the area.
- o A degree of noise monitoring takes place to ensure limits are complied with
- o A clear process to record and action reasonable noise complaints received.

Overall, proposed consent conditions [set out below] recommended to be attached to any consent granted to permit Special Events will ensure the appropriate management of noise effects.

3 Method

The assessment of potential noise effects is based upon calculations of potential levels of event sound received within nearby sites from representative Special Events taking place on the nominated sites. The assessment of potential effects is based on research on people's perceptions and takes account of rules and guidelines used elsewhere for managing noise from temporary events.

Technical guidance is provided by the following New Zealand and international Standards;

- o NZS 6801:1991 *Measurement of Environmental Noise*
- o NZS 6802:1991 *Assessment of Environmental Noise*
- o NZS 6801:2008 *Acoustics – Measurement of Environmental Sound*
- o NZS 6802:2008 *Acoustics – Environmental Noise*
- o ISO9613 – Part 2 *Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation*

The method for determining the nature and scale of potential noise effects has been based on predictions of sound from source propagating onto the environment surrounding each of the event sites. Source sound power levels adopted within these predictions are based on field readings of noise levels taken from a suitable range of indoor and outdoor events that have taken place over the last 12 months in Nelson and Wellington. The Nelson readings were obtained during special events held at Trafalgar Park and Upper Trafalgar Street during the 2011 Rugby World Cup.

3.1 Indoor Events

Outdoor environmental noise effects due to indoor sound systems requires a consideration of the building structure in addition to the factors set out below regarding sound propagation outdoors. The indoor music events considered by this assessment are those which finish after 10pm at the following sites;

- o Saxton Indoor Stadium
- o Saxton Oval Pavilion
- o Trafalgar Centre

Typical indoor music concerts may involve sound systems of between 1,000 to 5,000 watts [or more] and result in an indoor noise level of around 100 dBA at the sound mixing desk. This level is consistent with indoor sound levels assumed indoors for the Marshall Day Queens Wharf Fanzone noise AEE report, and levels measured indoors by MHA within the Mystery Creek Events Centre during the Shiverdown concert held on 23 October 2010. Assuming modest sound absorption within the indoor venue space-averaged indoor sound levels typically measure 95 dBA, as shown below in the example from the Shiverdown concert.

Figure 1 depicts a frequency analysis of typical indoor sound levels as the third octave band sound pressure levels taken indoors, near the rear of the auditorium at around 12 am midnight.

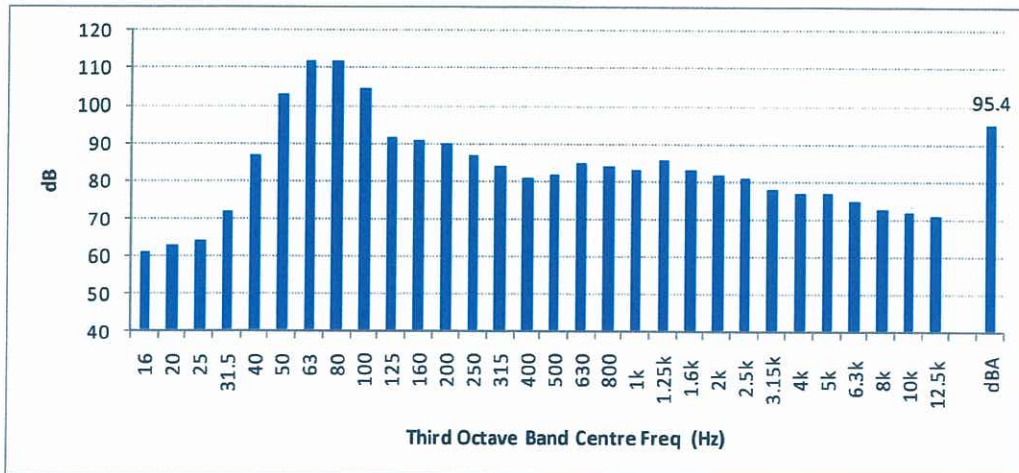


Figure 1 Third octave band sound levels (and dBA level) of indoors space averaged sound levels measured within the Mystery Creek Events Centre, 24 October 2010.

Indoor sound is reduced by the building itself, typically resulting in measured outdoors, near the venue at L_{A10} 55 to 65 dB. Worst case expected sound levels received at the closest residential site (45 metres in the case of the Saxton Stadium and Trafalgar Centre) would be L_{A10} 36 to 46 dB. As the consent application refers to events taking place beyond 10pm when the NRMP night time noise limit of L_{A10} 45 dBA applies [L_{A10} 40 dBA when the penalty under NZS6802:1991 is applied], loud indoor events at these two indoor venues may not be able to meet the night time NRMP noise limit applying within residentially zoned sites when loud indoor concerts are held on these two sites. This is unlikely to be the case for Saxton Pavilion where the site is located over 500 metres from the closest residentially zoned sites in the Nelson District

Given the distances involved, L_{A10} outdoor sound levels on residentially zoned sites from indoor events and concerts held within buildings on existing Open Space sites may, at times, result in levels of 45 to 50 dB at residentially zoned sites. This received level of sound will exceed the normally applied night time noise limits, however such excursions are proposed to be limited in both occurrence and duration.

3.2 Outdoor Sound Systems & Levels

Sound levels from three outdoor concerts and events have been measured as examples of the events to which this Application applies.

The size of sound amplification systems used outdoors depends upon the event type and purpose. Sound systems used for music concerts are typically demountable PA systems used by touring bands and consist of a range of speakers stacked or "flown" from both sides of the stage. Sound power levels typically range from 500 watts RMS to 5,000 watts RMS. The systems usually employ separate bass speakers which are traditionally located at or near ground levels with the mid and high frequency range speakers elevated above head height to enable a good spread of sound across the audience area. Some typical examples are shown in **Figure 1** below.

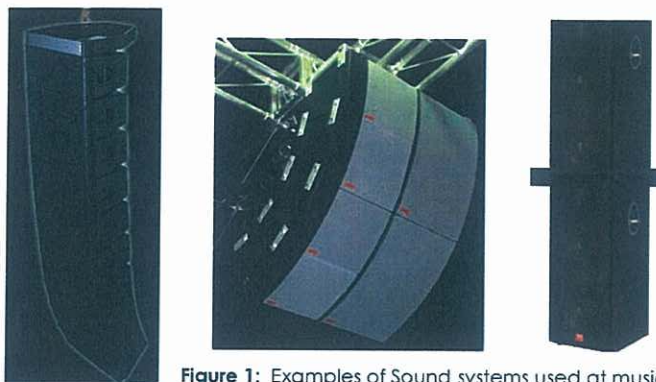


Figure 1: Examples of Sound systems used at music concerts.

To ensure cumulative noise effects are adequately assessed calculations of sound levels for each representative event are an aggregate of cumulative amplified sound and sounds from other sources excluding crowd noise. For example, the use of multiple speaker locations means that the typical contribution from each speaker must be added together [as well as sound from other sources] when assessing the overall noise level of amplified sound systems.

Table 2 sets out sound system "sound power levels" which is the sound levels estimated at source [and do not therefore reflect a level of sound which may be heard either on or off the site].

Sound power levels have been estimated for each proposed event, for each site based on sound system attributes for each event. This is based on performance stage with a 2500 watt sound systems with "flown" front speaker's stacks, bass speakers at ground level and foldback speakers on to a stage or similar. These arrangements are currently widely used for live and recorded music events on outdoor and indoor stages used at special events in Nelson.

Site	Description of Example Activities	TOTAL Sound Power
Tahunanui Reserve	Opera in the Park	108
	Coca Cola summer concert	112
	One-off events up to 10.30pm	115
	New Years Eve event to 1am	117
Trafalgar Park	Music during rugby games	111
	Opera in the Park	109
	New Years Eve event to 1am	124
	Visiting bands, incl up to 11pm	117
	Visiting performances up to 10.30pm	114
Saxton Field	Visiting bands	116
Saxton Oval Pavilion*	Music and cultural events	73
Saxton Stadium*	Music and cultural events	78
Botanic Reserve	One-off events	121
Trafalgar Centre*	Concerts in Traf Centre	85
Fairfield Park	Jazz Festival	108
Church Steps/1903/Upper Trafalgar	New Year's Eve event	121
	Masked Parade Carnivale	Av. 99
	Buskers Festival	106
	One-off celebrations	116

Table 2: Sound level at source [Sound power level] for each representative location selected for special events. *Note; outdoor sound power level due to indoor sounds.

Cumulative sound levels including an allowance for non-amplified sound sources⁴ are included within predicted sound levels for each event. The sound levels are predicted as L_{A10} levels, in decibels, in order to remain consistent with the units and Standards referred to within the NRMP which specifies noise limits using L_{A10} and L_{Amax} .

The sound spectrum assumed within the modelling is based on the normalised sound spectrum shown in **Figure 2** below.

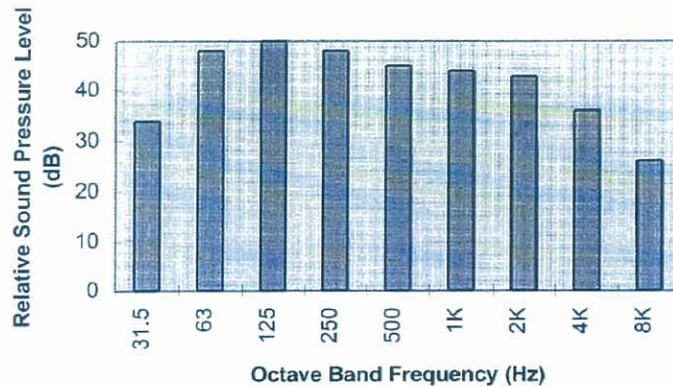


Figure 2 Normalised sound spectrum used within sound level predictions. Ref; J.E.T Griffiths, *Acoustic Performance Of Entertainment Venues For The Millennium*,. Proc.I.O.A. Vol20 Part 1, 1998.

The acoustic predictions take into account distance from source, air absorption, and terrain screening. The propagation of sound from each event site has been calculated in accordance with ISO9613-Part 2 which applies to downwind conditions or, equivalently, propagation under a moderate ground-based temperature inversion, such as may occur at night. Such meteorological conditions re-distribute sound in a manner that causes the greatest effect at distant receiver sites [where sound levels are lowest] whereas receiver sites close to the venue will experience virtually no change in received sound levels as a result of enhanced propagation.

L_{A10} sound levels have been predicted for two assessment locations⁵;

- (a) At the boundary of the activity site and;
- (b) at the boundary of the closest residentially zoned site.

3.3 Verification of Sound Power Levels

Sound power levels used within the predictions are based on the expected strength of sound at source. In order to verify the values adopted, a series of sound level readings have been used as a basis to back-calculate the sound power level at source. This procedure has been carried out in the following cases;

Wellington Special Events

Sound levels have been measured at various distances from various amplified music performances during January to March 2012. **Table 3** sets out the results of sound levels taken at various setback distances to the event, allowing the Sound Power Level of the event at source to be estimated. **Table 3** sets out a summary of the readings and the estimated Sound Power Level for each event.

⁴ Sounds from non-amplified sources such as people, unamplified instruments, small generators are assumed to be received at levels between 8 to 10 dB less than sounds from sound amplification systems and thus will not increase the predicted sound from amplified sound systems.

⁵ Note: The NRMP assesses noise from activities taking place on Open Space / Recreation sites at residential site boundaries. The NRMP requires compliance with noise limits for sites zoned Inner City to be determined at the boundary of any adjacent site in the zone.

	Event Description		
	Homegrown Music festival	Contact Kids Triathlon - Oriental Bay (voice over PA)	Island Bay Festival Performers - Shorland Park.
	Loud Amplified Music Event L _{A10}	Modest Voice Only L _{A10}	Amplified Music Using Moderate sized PA L _{A10}
Distance from Source (metres)			
75 m	90 dB	70 dB	75 dB
85 m	88 dB	68 dB	-
100 m	-	-	70 dB
120 m	84 dB	-	-
150 m	-	-	66 dB
280 m	74 dB	52 dB	-
	Estimated Sound Power L_{A10}	Estimated Sound Power L_{A10}	Estimated Sound Power L_{A10}
	125 dB	96.7 dB	102.6 dB
	4 Samples	3 Samples	3 Samples

Table 3: Measured sound levels for events held in Wellington Jan – March 2012. L_{A10} sound levels measured at varying distances from source providing estimates of sound power at source (L_{A10} dB).

Table 3 confirms L_{A10} sound power levels of typical "loud" concert events in the region of 125 dB, events with moderate sized PA systems have a sound power level of around 100 dB, and modest events with low power systems have a sound power level; of around 95 dB.

Nelson RWC 2011 Events

The verification of sound power levels of various sound systems has also been based on analysis of the results of monitoring of five outdoor special events involving large amplified sound systems (together with sounds from unamplified instruments, crowd sounds, etc.) for events held in Nelson. The results of measurements taken during large crowd events (also involving amplified sound including music) at Trafalgar Park and at the Fanzone concerts held in Upper Trafalgar Street during September and October 2011 are set out in **Appendix A** (attached). Summary results are set out in **Table 4**.

Event	Est. Sound Power Level L _{A10}	No. Samples
RWC 2011 Rugby Game 1 Oct 2011	L _{A10} 106 dB	15 samples
RWC 2011 Rugby Game 27 Sept 2011	L _{A10} 111 dB	16 Samples
Fanzone Upper Trafalgar Street 15 Oct	L _{A10} 120 dB	36 Samples
Fanzone Upper Trafalgar Street 16 Oct	L _{A10} 117 dB	34 Samples
Fanzone Upper Trafalgar Street 23 Oct	L _{A10} 116 dB	23 Samples

Table 4: Estimated Sound Power Levels (L_{A10} dB) based on measured sound levels for RWC 2011 events held in Nelson September – October 2011. See data in Appendix A.

3.4 L_{max} Sound Levels

L_{max} sound levels represent the single highest sound level sampled during the monitoring period and are controlled by short-duration sound events such as bangs and crashes. Limits on L_{max} sound levels are typically applied during the night time period as a sleep protection measure and therefore apply to special events noise.

Generally, music and sporting events do not generate high levels of L_{max} sound, with noise limits based on L₁₀ being appropriate to control potential adverse noise effects unless there are special circumstances such as fireworks displays. This assessment does not include the effects of noise associated with fireworks events or other types of events exhibiting loud, single event type noise emissions.

Measurements of music concerts and events has shown the L_{max} to be generally within 15 to 20 dB of the measured L_{A10} levels. Thus, the predicted L₁₀ levels can be used as a guide to expected L_{max} levels.

3.5 Prediction Results

The results of predicting sound levels from the range of Special Events held at nominated sites around Nelson city are set out in **Table 5** below and attached as **Appendix B** (as contour diagrams depicting lines of equal L_{A10} sound levels. The predictions take into account terrain and distance to relevant site boundaries or noise-sensitive receiver sites in the local area.

Site	Description of Example Activities	L _{A10} at Closest Residential Boundary [dB]	L _{A10} at Site Boundary [dB]
Tahunanui Reserve	Opera in the Park	61	66
	Coca Cola summer concert	65	68
	One-off events up to 10.30pm	68	69
	New Years Eve event to 1am	70	73
Trafalgar Park	Music during rugby games	55	69
	Opera in the Park	53	67
	New Years Eve event to 1am	68	77
	Visiting bands, incl up to 11pm	61	76
Saxton Field	Visiting performances up to 10.30pm	58	76
	Visiting bands	55	64
Saxton Oval Pavilion*	Music and cultural events	49	55
Saxton Stadium*	Music and cultural events	47	53
Botanic Reserve	One-off events	70	73
Trafalgar Centre*	Concerts in Traf Centre	48	53
Fairfield Park	Jazz Festival	64	64
Church Steps/1903/Upper Trafalgar	New Year's Eve event	65	80
	Masked Parade Carnivale	60	81
	Buskers Festival	55	85
	One-off celebrations	55	85

Table 5 Predicted L_{A10} sound levels for the closest residentially zoned receiver sites and the boundary of the site on which the event takes place.

As can be seen from **Table 5**, most events are potentially non-compliant with NRMP permitted activity L_{A10} noise standards. This is because;

- Some smaller sites mean that the sounds associated with the event are likely to cause high sound levels off-site as a result of not having sufficient buffer distance available between the source and the assessment location. This is particularly the case with events held at Botanic Church Steps/1903/Upper Trafalgar St location where the NRMP compliance assessment point is located at or near the boundary of the venue.

- b) In other cases with lower noise levels of noise emission, received noise would be low enough to comply for daytime but potential non-compliance may arise after 10pm when the lower night time noise limits apply at residential locations.

The effects of noise at the range of received sound levels indicated in **Table 2** are set out below in **Section 4.0**.

4 Effects of Noise

Noise is defined within the Resource Management Act 1991 as "unwanted sound" and includes vibration. The literature indicates environmental noise, such as may be emitted by recreational and entertainment activities can cause a range of noise effects for people in the local environment summarised as follows;

- o Annoyance;
- o Mental health effects [including noise-induced stress-related effects];
- o Sleep disturbance – if the event occurs after 10pm;
- o Speech interference - high levels of noise can make normal speech difficult to hear;
- o Performance – can interfere with tasks requiring concentration

Typical noise levels commonly experienced include:

- o 40 to 50 dBA in a general office situation or outdoors in residential areas during daytime.
- o 60 dBA when talking normally to someone 1 to 2 m away.
- o 65 to 75 dBA when riding in a car at highway speeds.
- o 85 to 95 dBA while cutting the grass with motor mower.

A graphical example of the decibel level of some common sound sources is shown in **Figure 3**.

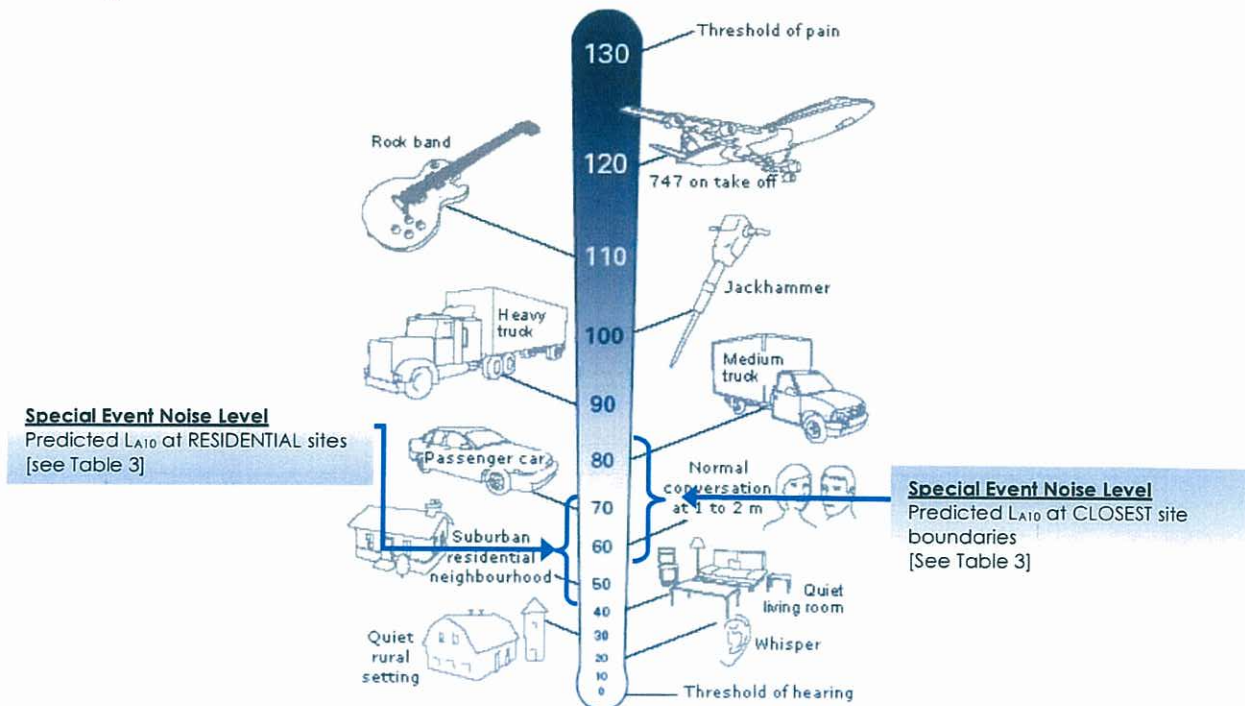


Figure 3: Decibel levels associated with typical everyday noise sources, compared top predicted L_{A10} sound levels received (a) at the boundary of the site, and (b) at residential receiver locations.

Figure 3 indicates maximum limits on noise [L_{A10} , dB] sought under this resource consent which is below many common sounds experienced in residential or noise sensitive areas.

The capacity of noise to induce annoyance depends upon its physical characteristics, including its sound pressure level and spectral characteristics [frequency content], as well as the variations of these properties over time. However, annoyance reactions are also determined by many non-acoustical factors of a social, psychological or economic nature.

While there are considerable differences in an individual's reaction to the same noise, the guidance set out within district plan noise rules and within New Zealand acoustic standards are based on social survey research on community response to noise as experienced on a daily basis. As such, typical noise criteria are applied to sound present in the environment on a daily or at least frequent basis. In the case of the current application the number of events on any site between 1 and 22 times per year.

This assessment of noise effects is based on a "reasonable" level of noise received at residential sites given the intermittent nature of the activity and expected maximum L_{A10} noise levels for proposed events once various mitigation measures have been employed. Mitigation measures are further discussed below.

The assessment provided in **Section 7.0** below indicates special events operated in accordance with the range of proposed Noise Management plans will result in noise effects that will, at times, be greater than those normally provided for within the NRMP for on-going noise experienced on a daily basis. However the occurrence of such events on an infrequent basis, coupled with the requirement to manage noise in accordance with a *Noise Management Plan* will mean the overall effect on the environment will be no more than minor.

The relevant New Zealand Standards referenced with the NRMP are adopted to assess potential adverse effects of noise associated with Special Event activities⁶. Assessment procedures apply a 5 dB "penalty" to music sound as per the recommendations of NZS6802 to offset potential added annoyance to sounds containing special audible characteristics.

5 Assessment Criteria

5.1 Overview

Guidance on assessing noise effects is based on;

- A. The Resource Management Act 1991;
- B. The relevant provisions of the Nelson Resource Management Plan;
- C. Guidance from New Zealand Standard NZS6802:1991 *Assessment of Environmental Noise*, as referred to within the NRMP (as well as their 2008 update).
- D. Existing resource consents held by Council for similar events, including NCC 'Code of Practice – Noise Control for Events in Parks and Reserves'

⁶ There are more recent (2008) versions of the 1991 New Zealand acoustic standards however NZS6801 and NZS6802 referred to within the NRMP are retained for consistency within proposed conditions with noise limits specified as L_{A10} and L_{Amax} consistent with these 1991 Standards.

5.2 Resource Management Act

Section 17 of the RMA places a general duty to avoid, remedy or mitigate adverse environmental effects of activities. Section 16 of the RMA places a duty on all occupiers to adopt the *best practicable option* to ensure noise emitted from any site does not exceed a reasonable level. What constitutes a "reasonable level" is not defined by the Act. The noise limits set out in the NRMP represent a reasonable level for activities taking place on a daily basis, however higher noise levels can be justified where the activities are limited in duration, infrequent and adopt practical methods to ensure the emission of noise is no louder than necessary.

The over-riding requirement of the RMA is for the noise-maker[s] to recognise the general duty to avoid unreasonable noise. This entails both physical precautions [e.g. for a sound system this means taking into account sound levels and orientation of speakers] and management based methods [particularly the management of music sound levels, duration and the ability to act upon complaints received during the event].

The current assessment recommends resource consent conditions requiring Noise Management Plans be prepared for each type of Special Event. The aim is to ensure the "best practicable option" is adopted to avoid unreasonable or excessive noise of Special Events.

5.3 Nelson Resource Management Plan

All sites to which this assessment applies are zoned 'Open Space Recreation' or "Inner City" under the NRMP. **Table 6** [below] sets out the relevant NRMP provisions pertaining to Open Space Recreation zoned sites.

These NRMP provisions signal that certain events are intended to take place from time to time and that these events would have an associated level of noise emission. On the three main regional reserves [Saxton Field, Trafalgar Park and Rutherford Park] where regular events are held, an exemption from the usual residential standards is provided during the day up to 10pm, provided amplified music is not involved.

However, if the sound sources includes amplified sound then the permitted activity noise limits [Rule OSr 37, see below] allows no excursions above the levels of noise recognised as adequate to protect health and amenity on residential sites as if the noise were experienced every day, up to, but not exceeding the stated residential noise limits. In fact, this consent seeks to only exceed the normally applied NRMP Open Space & Recreation noise limits on a very occasional basis, and for limited periods.

The 1903 site is zoned "Inner City" with less stringent NRMP permitted activity noise standards, thus activities taking place on this site may largely comply with permitted activity noise standards which apply at residentially zoned sites [none of which are located nearby]. However, as described below, Special Events held at the 1903 site commonly also utilise the streets and adjacent sites which are zoned Inner City. Compliance with the Inner City noise rules is assessed at the location of any adjacent Inner City sites. The close proximity of the proposed activities to the site boundaries [e.g. street front boundaries] means the Inner City permitted activity noise standards will be significantly exceeded, at times, by the range of Special Events proposed to held at the Church Steps/1903/Upper Trafalgar Street location.

Open Space Recreation Zone provisions		Permitted activity Summary	Description
Schedule	Name Of Site		
Regional Reserves'	A. Saxton Field B. Trafalgar Park	OSs.4.i Permitted Activities The following activities, and facilities and buildings associated with them, are permitted activities in the Regional Reserves covered by this schedule: e] Performance h] Regional, national and international sporting and other events and tournaments i] Festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor sales of programmes, refreshments and souvenirsSubject to compliance with the Open Space and Recreation Zone Rule Table.	Informal recreation activities, festivals, ceremonies and outdoor performances, and facilities and buildings associated with them
City Reserves	A. Tahunanui Beach Reserve B. 1903 Site Reserve	OSs.3.i Permitted Activities The following activities, and facilities and buildings associated with them, are permitted activities in the City Reserves covered by this schedule: f] Festivals, ceremonies and outdoor performancesSubject to compliance with the Open Space and Recreation Zone Rule Table.	Informal recreation activities, organised playing of sports and recreation activities; festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances, and facilities and buildings associated with them.
Horticultural Park	A. Fairfield Park	OSs.1.i Permitted Activities The following activities, and facilities and buildings associated with them, are permitted activities in the Horticultural Parks covered by this schedule: Festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances	Informal recreation activities, festivals, displays, bazaars, fairs, galas, exhibitions, ceremonies and outdoor performances, and facilities and buildings associated with them.

Table 6 Relevant NRM plan provisions relating to proposed Special Events to be held on selected Open Space Recreation sites.

Relevant noise-related NRMP provisions are summarised as follows;

Noise Rules - Open Space Zone

Rule OSr 37 applies to activities on Open Space sites and applies noise limits at any residential zone boundary [not the Open Space boundary]. Specific sites listed in the rule are exempt from the rule.

- a) Noise levels measured at, or within the boundary of any site in the Residential Zone must not exceed:
 - Day Time**
L_{A10} 55 dB
 - Other Times**
L_{A10} 45 dB
L_{Amax} 75 dB
[Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.]
- b) All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.
- c) Sound from events and spectators at Trafalgar Park, Rutherford Park, or Saxton Field shall be exempt from the application of the limits in [a] above, provided that
 - i) the events do not occur outside the hours of 7am to 10pm, and
 - ii) the sound does not involve electrically amplified music.

Rule OSr.37.2 sets out that activities involving amplified sound on any site zoned Open Space are a controlled activity, as follows;

Noise from any event involving electric amplification of sound, other than any event that complies with OSr.37.1 [c], is a controlled activity.

Control reserved over:

- i) noise levels, and
- ii) mitigation of noise, and
- iii) hours of the activity, and
- iv) monitoring of noise levels, and
- v) the frequency of events on a site.

Rule OSr.37.2 is a key consideration given that it requires events involving electrically amplified sound on any site zoned Open Space to obtain resource consent as a controlled activity. It is noted that the use of electrically amplified sound systems is not controlled in other zones in the city.

As a controlled activity consent must be granted, although the consent authority may set conditions in relation to;

- o Noise levels, and
- o Mitigation of noise, and
- o Hours of the activity, and
- o Monitoring of noise levels, and
- o The frequency of events on a site.

There is an exception within Rule OSr.37.2 for events involving electrically amplified sound where an event "complies with OSr.37.1 [c]". Rule OSr.37.1[c] does not permit sound involving electrically amplified music, and therefore the exemption under Rule OSr.37.2 for Trafalgar Park, and Saxton Field only applies to other sources of amplified sound. Use of amplified music at these venues is therefore a controlled activity.

Rule OSr.24.1 [Closing Times – Services to the Public]

- a) Any activity located within 50m of a Residential Zone Boundary, which is open to the public, or is a place of public assembly, may be open to the public only during the following hours:

Sunday to Thursday inclusive: 7am - 11pm

Friday, Saturday, Christmas Eve and New Year's Eve: 7am - 1am the following day, and

- b) any activity located more than 50m from the Residential Zone boundary, which involves the sale of liquor for consumption on the premises, may be open for the sale of liquor only during the following hours:

Daily: 7am - 3am the following day, and

Rule OSr.24 implies restrictions on activities on Open Space Recreation sites are needed when events are held within close proximity to residential boundaries. Applying the noise limits set out within proposed consent conditions [see Section 8.0] will have a similar effect on limiting the placement of noise sources away from residential site boundaries.

Inner City Zone

Parts of the CBD are used for a range of larger community events [Masked Parade and Carnivale, Nelson Arts Week, Santa Parade], performance [Nelson Jazz Festival, Buskers Festival, street art], markets [twilight and retail markets], and one-off annual events [Carols by CandleLight].

The NRMP is primarily concerned with managing the physical effects of activities in the Inner City Centre, with rules relating to buildings, parking, signs etc. seeking a vibrant and pedestrian-oriented city centre, and public events would clearly be part of that. The NRMP does not seek to manage uses by activity in the city centre, other than residential activity at ground floor level.

The permitted activity noise standards for noise in the Inner City Centre are set out in two rules ICr.42.1 and ICr.43.1 as follows:

ICr.42.1 Noise At Site Boundary

- a) Noise levels measured at, or as close as practicable to, the boundary of any site must not exceed:

Day Time [7am to 10pm]	L_{A10} 65 dB	
Other Times	L_{A10} 55 dB	L_{Amax} 75 dB

ICr.43.1 Noise At Residential Sites

- a) Noise levels measured at, any site within a Residential Zone must not exceed:

Day Time	L_{A10} 55 dB	
Other Times	L_{A10} 45 dB	L_{Amax} 75 dB

[Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays. All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991].

The permitted activity noise standards represent a two tiered approach whereby a more liberal limit applies at adjacent Inner City sites than applies at Residential Zone sites. Although ICr.42.1 provides for quite high sound levels, these limits apply at any site boundary in the Inner City Zone. For events on the street (for example Upper Trafalgar Street), this means the limits must be complied with at nearby shop-front boundary locations which means the limits will likely be exceeded by even modest levels of sound.

Residential Zone

Residential zone noise limits of the NRMP are set at the same decibel limits as ICr.43.1 however they apply only to activities taking place on residentially zoned sites. None of the proposed events will take place on residentially zoned sites. Residential Zone noise rules therefore come into play as an assessment guide [only].

5.4 Special Audible Characteristics

Special event sounds involving music sources typically possess "special audible characteristics" such as low frequency beat components and tonal characteristics when received at residential or noise-sensitive receiving sites.

These types of sound attributes tend to increase the annoyance reaction to sound. Effects of potentially additionally annoying characteristics of music sound received at the relevant receiver locations are taken into account under New Zealand NZ6802:1991 referenced within the NRMP. Sounds exhibiting such characteristics are assessed by lowering the noise limit by 5 dB as an allowance for the additional annoyance caused by such sounds.

The noise limits recommended below assumes all sounds emitted from Special events do contain special audible characteristics.

5.5 Nelson Resource Management Plan - PC 25

Plan Change 25 applies to many parts of the NRMP and aims to improve consistency of wording, and address a number of interpretation issues which have created difficulties for plan users.

In terms of noise 'Plan Change 25.2 – Noise' corrects an inconsistency in the noise rule in three zones [REr.43, ICr.42 and SCr.36]. REr.43.3, ICr.42.3 and SCr.36.3 state activities that contravene a permitted condition are discretionary. The Explanations in REr.43.5, ICr.42.5 and SCr.36.5 incorrectly state that noise in excess of the permitted standard will be assessed as a non-complying activity.

5.6 Existing Environmental Noise Baseline

Existing Consents

Nelson City Council holds a number of current Resource Consents relating to a range of events held on Open Space / Recreation sites and in public places involving amplified sound which are relevant to the assessment of noise effects of the current consent application.

The above consents held by NCC are for sporting, recreation or cultural activities which result in noise emissions exceeding the permitted activity noise standards of the NRMP.

The existing authority to allow these existing events is proposed to be superseded by the new consent now sought. The description below indicates which sites and events are already considered to be authorised by existing consents. This is important as under RMA procedures, noise effects permitted by these existing consents are to be considered as part of the existing environment.

Existing consents are summarised as follows;

- 1) RM985339 – to allow public performances and outdoor events where exceeding the permitted noise limits for the Inner City and Open Space Recreation Zones subject to

a Code of Practice for each of the sites [[December 1998] on specified sites and for a limited number of occasions annually at;

- o Saxton Field [New Years Eve and 2 special event days]
- o Tahunanui Reserve [New Years Eve]
- o Trafalgar Park [New Years Eve and 2 special event days]
- o Church Steps/1903 site [New Years Eve and 5 special event days]

This existing consent includes decibel noise limits applying at residentially zoned sites that are to be complied with during the events. The recommended noise limits set out below are based on the noise limits set out in this consent.

- 2) RM095310 – to allow Opera in the Park on the Tahunanui Playing Fields exceeding the permitted noise levels for the Open Space Recreation Zone, and subject to a Noise Management Plan.

A suite of consents were issued by Nelson City Council under the *Major Events Management Act* to provide for rugby games at Trafalgar Park and the "Fanzone" in Upper Trafalgar Street allowing the use of amplified sound and other sources to exceed the normally applied NRMP noise limits. As above, monitoring results from these events have been used as a guide to determining the sound power level of events proposed as part of the current consent application.

Apart from activities authorised by the above consents, there are a range of community activities established in the district which involve the emission of significant sound. **Table 7** sets out the range of sporting and community activities that have taken place at Trafalgar Park since August 2011, most of which would have been unlikely to comply with noise limits applying at the nearby residential zone. Many events involved amplified music. A search of Council records shows very few noise complaints have been received in relation to activities taking place at Trafalgar Park.

Date	Time	Event	Amplified sound
21/08/2010	8am-5pm	Tasman Makos vs Canterbury	Yes (PA + Music)
28/08/2010	9am-4pm	NCC public open day	No
09/09/2010	8am-5pm	NCC RWC one year countdown	No
12/09/2010	8am-5pm	Tasman Makos vs Otago	Yes (PA + Music)
18/09/2010	8am-5pm	Tasman Makos vs North Harbour	Yes (PA + Music)
15/10/2010	8am-5pm	Tasman Makos vs Northland	Yes (PA + Music)
02/11/2010	2-4pm	NCC staff photo shoot	No
06/11/2010	12noon-8pm	Track use for kiwi power event	No
07/11/2010	8am- 12 noon	Track use for kiwi power event	No
13/11/2010	8am-5pm	7s rugby competition	Yes (PA)
10/12/2010	9am-4pm	Marching Nelson South Island Event	Yes (PA)
07/01/2011	9am-11pm	Summer Six concert	Yes (Music)
16/01/2011	8am-5pm	Canterbury vs Wellington soccer	Yes (PA)
04/02/2011	9am-12 midnight	Reggae Concert	Yes (Music)
14/02/2011	3pm-8pm	Rugby Event	Yes
26/02/2011	7am-11pm	Opera in the Park	Yes (Music)
05/03/2011	9am-4pm	FC Nelson registration day	No
26/03/2011	9am-6pm	Rugby League 9's event	Yes (PA)
02/04/2011	8am-5pm	Nelson 9s League tournament	Yes (PA)
23/04/2011	8am-10pm	Crusaders vs Highlanders	Yes (PA + Music)
04/03/2011	8am -10pm	Crusaders game	Yes (PA + Music)
11/03/2011	8am - 10pm	Crusaders game	Yes (PA + Music)
28/05/2011	8am-5pm	Youth Amazing race	No
29/06/2011	12 noon- 9.30pm	Japan A vs Makos	Yes (PA + Music)
03/07/2011	8am-6pm	Makos vs Otago	Yes (PA + Music)
16/08/2011	9am-10pm	Tasman Makos game	Yes (PA + Music)
21/08/2011	9am-10pm	Tasman Makos game	Yes (PA + Music)
25/08/2011	9am-10pm	Tasman Makos game	Yes (PA + Music)
20/09/2011	7.30-9.30pm	RWC Italy vs Russia	Yes (PA + Music)
27/09/2011	7.30-9.30pm	RWC Italy vs USA	Yes (PA + Music)
01/10/2011	3.30-5.30pm	RWC Russia vs Australia	Yes (PA + Music)
09/02/2011	8am-11pm	More FM concert	Yes (Music)

Table 7 The range of events that have taken place at Trafalgar Park since August 2010. Ref. Community Development, Nelson City Council.

Council records reveal a number of noise complaints have been received in relation to RWC 2011 events and from other activities authorised under consents RM985339 and RM095310. As the community comprises individuals with a range of sensitivity to environmental sound, it is not surprising some complaints are received from time to time due to unusual or infrequent events that generate higher than usual sound levels. Attitudes towards the various types of environmental sound can be a major predictor of individual noise-annoyance reactions⁷.

Thus, the mere existence of noise complaints received by Council due to previous events is not a useful guide to determine whether or not noise effects were acceptable. Some people will complain simply because they can hear the sound of an event. Local authority records from across New Zealand reveal the most common neighbour noise complaints are about music. Taste in music is often a factor.

In relation to the proposed events, noise complaints may indicate sound levels from an event are not being adequately controlled and a mechanism is proposed within the Noise Management Plan(s) to receive and act on complaints to assess if the complaints are reasonable.

Noise Management Plans

The provisions of the above consents for Special Events have been accompanied by detailed *Noise Management Plans* to guide on how noise level limits were to be complied with. The usefulness of Noise Management Plans has therefore been long established within consents granted previously for Special Events in Nelson.

Noise Management Plans required as part of the above previous consents have been required to address the following matters [where relevant]:

- hours of operation where events involve electric amplified sound;
- noise limits;
- the orientation of speakers in relation to residential areas;
- window and door closing policy;
- direct management control of electric amplified sound sources;
- management and staff responsibility
- third party users and suppliers of amplified equipment;
- auxiliary plant and equipment;
- calibration of electric amplified sound sources;
- sound level sampling and measurements
- management assessment of electric amplified sound events;
- noise monitoring procedures;
- community consultation and liaison;
- handling noise complaints;
- reporting of measurements; and
- review of the Noise Management Plan.

Noise Management Plans are considered an effective means of identifying the methods and precautions to be taken to ensure the relevant noise limits are adhered to. This approach is recommended to be adopted for all Special Events [see **Section 7** below].

Code Of Practice

⁷ *Psychoacoustic correlates of individual noise sensitivity*. Ellermeier W, Eigenstetter M, Zimmer K. J Acoust Soc Am. 2001 April ;109(4) pages 1464-73.

The Council's existing "Code of Practice – Noise Control for Events in Parks and Reserves, NCC Planning and Consents Division" is relied upon within the Consent granted for the use of amplified sound at Founders Park, however this Code is proposed to be amended to improve its effectiveness and transparency in Council's roles as [sometimes] event organiser and the role of Council in monitoring and enforcing noise limits.

6 Assessment

6.1 Ambient Sound Levels

Ambient sound levels occurring in the absence of Special Events define the context within which Special Event noise may be experienced and is an important factor which may determine the magnitude and significance of potential noise effects. Night time periods indicate times of reduced activity levels with a general lowering of ambient sound levels taking place during night time hours, however only a portion of the events are scheduled to operate after 10pm.

The following ambient sound level readings have been sourced for this assessment:

Trafalgar Park & Trafalgar Centre

The 2009 inner city noise survey conducted by MHA on behalf of Nelson City Council measured ambient sound levels over 7 days at a location in Trafalgar Street, approximately 200m south of Trafalgar Park. The results are summarised as follows;

DAY	L _{Amax}	L _{A10}	L _{A95}	L _{Aeq}
Saturday	73.4	61.6	50.6	59.4
Sunday	71.6	59.7	48.5	57.5
Monday	72.4	61.6	51.1	59.1
Tuesday	72.4	62.2	51.4	59.5
Wednesday	75.3	63.3	51.8	61.3
Thursday	73.3	61.9	51.2	59.6
Friday	73.6	62.6	52.6	60.4

NIGHT	L _{Amax}	L _{A10}	L _{A95}	L _{Aeq}
Saturday	70.1	55.1	41.3	53.7
Sunday	67.8	54.8	42.1	52.7
Monday	63.4	50.0	40.0	48.6
Tuesday	61.8	47.5	39.3	46.7
Wednesday	61.3	48.8	38.8	47.1
Thursday	63.3	49.8	39.8	48.2
Friday	66.9	54.1	41.5	52.0

In addition, ambient sound levels were measured in the vicinity of the Auckland Point Childcare facility on Haven Road (adjacent to Maori Road) in 2009, during a 2 hour survey during daytime. The following results were obtained;

L_{Amax} L_{A10} L_{A95}
78 dB 61 dB 53 dB

Saxton Field, Saxton Oval Pavilion, Saxton Stadium

The following daytime ambient sound level results were obtained 2001 at a location in Champion Road whilst assessing the potential noise effects of the (then) proposed Garin College. The following results were obtained;

	L _{Amax}	L _{A10}	L _{Aeq}	L _{A95}
2:45 p.m.	71	59.2	56.2	49.8
3:00 p.m.	73.1	59.3	58.1	50.1
3:15 p.m.	73.7	59.8	57.5	50.5
3:30 p.m.	62.5	57.6	56.3	50.6
3:45 p.m.	70.3	60	57.2	48.5
4:00 p.m.	69.2	59	56	50
4:15 p.m.	71	60	58.7	51.2

Church Steps/1903/Upper Trafalgar Street & Fairfield Park

The 2009 inner city noise survey conducted by MHA on behalf of Nelson City Council measured ambient sound levels at a location in Rutherford St, Below Palace Backpackers, over three days. These results are summarised as follows;

DAY	L _{Amax}	L _{A10}	L _{A95}	L _{Aeq}
Saturday	63.4	52.5	44.5	50.7
Thursday	62.8	53.5	47.6	51.6
Friday	53.6	46.7	51.8	62.6

NIGHT	L _{Amax}	L _{A10}	L _{A95}	L _{Aeq}
Saturday	60.8	49.4	43.6	48.2
Thursday	60.7	50.5	44.5	48.5
Friday	59.8	49.6	43.5	48.1

Botanic Reserve

Ambient sound levels were measured over one hour between 7 pm and 8pm on 28 August 2008 at 402 Hardy Street East which is located within 200 metres of the Botanic reserve. The following results were obtained;

L _{Amax}	L _{A10}	L _{A95}
61 dB	52 dB	44 dB

Tahunanui Reserve

No information is available relevant to the ambient sound levels present in the vicinity of the Tahunanui Reserve. However the following information is relevant;

- a) Sound levels in areas close to the sea are influenced by natural sounds from waves on the sea shore. Although these levels are low under calm conditions, higher sound levels are produced such as may affect wide areas when winds rise above the level of a light breeze. Residential sites in this area are downwind of the sea shore under predominant winds;
- b) The Tahunanui Reserve and most nearby residential sites are located within the "Airport Effects Control overlay" for Nelson Airport. This means the area is subject to current and future levels of aircraft noise that warrant the protection of living spaces against the effects of aircraft noise. Rule REr.65 provides for mitigation of potential adverse effects of

aircraft noise by the insulation of parts of buildings that are most likely to be sensitive to noise. The acoustic insulation standards are set out in Appendix 19 of the NRMP.

6.2 Level of sound

The above information on ambient sound levels establishes the context within which event sounds may be experienced. Event sound levels received on adjacent sites up to L_{A10} 75 dB during the event may exceed normal ambient sound levels by 15 to 20 dBA, depending upon the time of day, for limited periods. **Figure 4** sets out the results of a U.K. study which found the greatest number of complaints were received when the ambient L_{Aeq} was exceeded by 20 dB due to sound from a concert. The same relationship would likely exist regarding ambient and concert L_{A10} sound levels.

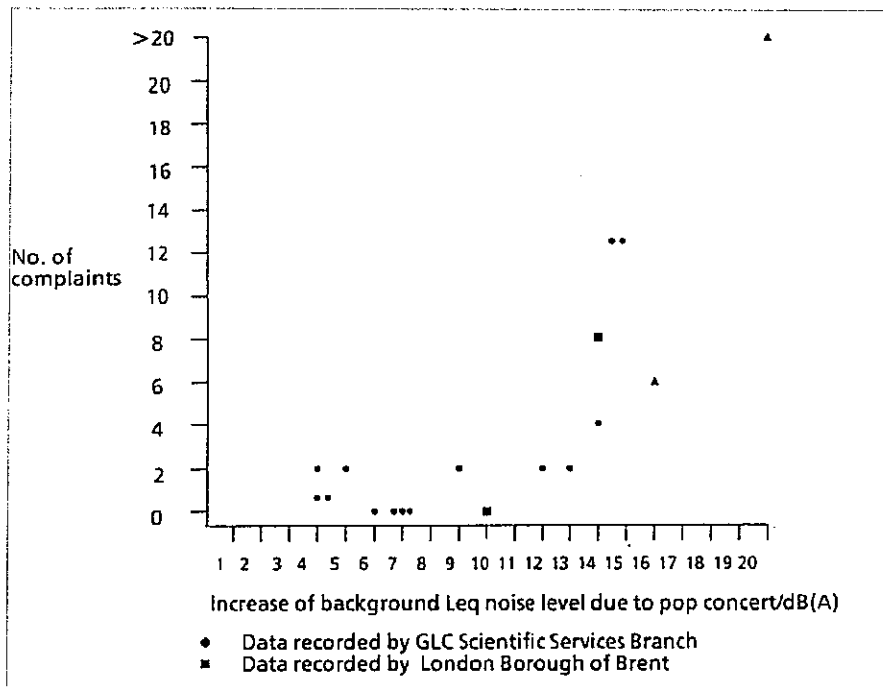


Figure 4 Number of complaints received versus the amount by which concert sound (L_{Aeq}) exceeds ambient sound (L_{Aeq}).

Figure 4 indicates the noise levels of events should be constrained to a level no greater than necessary, and that sound levels should exceed the ambient levels by no more than 20 dB if at all possible. As below, the existence of complaints does not necessarily mean noise effects are not acceptable owing to the range of sensitivity to environmental sound and the fact that attitudes to sound sources can influence complaint behaviour. As the proposed events are temporary, the potential adverse effects are limited in extent. The proposed noise management plans are proposed to include methods for receiving and acting upon complaints received.

Sound from the proposed Special events is proposed to be controlled to levels between L_{A10} 75 and L_{A10} 55 dB at residential sites which represents a temporary increase over existing ambient L_{A10} sound levels of up to 15 to 20 dB.

A survey of U.K. residents exposed to concert noise (these are the larger events with over 5,00 attendees and a sound power level in **Table 3** exceeding 107 dB). **Figure 5** indicates that although annoyance to concert noise was found to be related to the approximate level of received sound (L_{Aeq}), the degree of annoyance even at the higher sound levels was found

to be limited. Received sound levels of 65 dB caused only a minor portion (30%) of the surveyed population to be fairly or very annoyed.

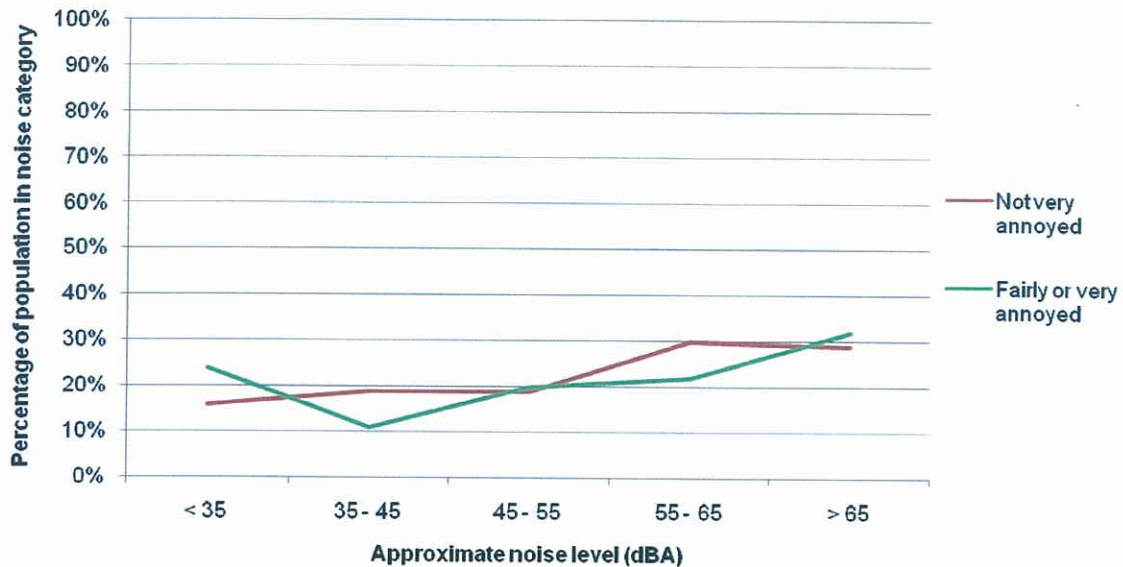


Figure 5 Does response relationship to concert noise in the UK. Ref; DEFRA Report NANR 292 - *Research Into Attitudes to Environmental Noise From Concerts*. Edinburgh Napier University, 2011.

6.3 Type of sound

The types of sounds can range from amplified music through to speech sounds or unamplified instruments and sounds from the crowd itself. People noise from talking, laughing, performance etc are not normally a problem compared to the sound from the amplified sound systems. High sound levels from outdoor music and cultural events involving amplified music with a sound power at source (e.g at levels > 107 dB) can result in elevated sound levels at receiver sites that are annoying if not controlled in terms of timing and duration.

The assessment with stated noise limits proposed within conditions will require the use of NZ Standard NZS6802 which sets out methods for identifying and penalising sounds which exhibit special audible character. As explained above, these are attributes such as tonality and bass beat which make the received sound additionally annoying. On this basis, proposed consent conditions will ensure sounds with additionally annoying properties are adequately identified and assessed by using the appropriate methods recommended within the relevant NZ Standard.

Special Event noise emissions have the potential to adversely affect residential and noise sensitive sites and should be controlled in terms of allowable noise levels and event timing and duration in order to achieve the sustainable management objectives of the RMA. The following section sets out examples of how sound from Special Events are managed within other jurisdictions.

6.4 Concert & Special Event Controls In Place Elsewhere

There are numerous examples where District Plan provisions allow for noise to exceed the normally applying limits [by a limited margin for a limited time period]. Provided the frequency of these sound level excursions is limited, and the effects are not experienced beyond 12 midnight to 1 am, the usual finding is that there are few, if any, overall adverse noise effect on the environment.

It is informative to consider how other communities have managed the temporary noise effects associated with special events which are held to enhance social and cultural well being. **Appendix C** (attached) sets out a sample of Special Event noise provisions from other districts. **Table 8** (below) provides some examples of Special Event noise limits applying in other territorial authority areas.

Venue	Max. No of Events PA	Total Duration PA	Cut-off Time	Noise Limit dB L _{A10}
Western Springs (concerts)	6	48 hrs	10:30/11:00 pm (+30 mins on application)	85
Waikato	5	20 hrs	11:00pm	80
Napier	5	63 hrs	10:30/12:00pm/1.00am	90
Wellington Stadium	6	84 hrs	11:00pm	75
Auckland Viaduct Basin	15	90 hrs	10:30/11:00pm	85 (3 No.)
Temporary Activities				75 (12 No.)
New Plymouth Rugby Park	52	260 hrs	10:00pm	60
North Shore Events Centre	6	30 hrs	11:00pm	60/55
North Shore Stadium (Albany)	16	80	11.00 pm	85 (< 4hrs) 80 (> 4 hrs)
Rodney District	N/A	13 hrs	9.00am/6.00pm 6.00pm/11.00pm	80 75
Okara Stadium, Whangarei	5	25 hrs	10.30pm 11.00 pm	85 (3 No.) 75 (2 No.)
Central Park, Papakura	14	84 hrs	11.00 pm	85 (4 No.) 75 (10 No.)

Table 8 Examples of special event noise limits applying in other territorial authority areas. Ref; *Queens Wharf Fanzone, Festival & Showcase Event, Rugby World Cup 2011 – Assessment of Noise Effects*. Rp001 R09 2010428A. Marshall Day Acoustics 2011.

Table 8 indicates noise limits specified for Special Events held in other jurisdictions are controlled to quite high noise levels (L_{A10} 60 to 85 dB). Presumably this is because of the perceived community and social benefits of allowing events with these elevated sound levels are greater than the expected noise effects even though the allowable levels of sound are likely to significantly exceed ambient sound levels typically occurring at these times.

7 Noise Mitigation Recommendations

7.1 Limits On Event Frequency, Noise Levels & Duration

Table 5 below sets out recommended noise limits [in terms of L_{A10} decibel limits] for each Special Event, together with associated limits on the number and timing of events.

The limits set out in **Table 5** have been based on sound levels predicted to be received at the closest affected residential sites when reasonable noise mitigation methods are applied to the sources. The decibel limits are prescribed as L_{A10} limits for daytime and night time events. These limits include a 5 dB allowance for the penalty applying to sound containing music. The upper limits are consistent with limits included within the conditions attached to Resource Consents already by NCC for such events, but in many cases are set at a lower level where this is achievable.

The effects of Special Event noise received at the maximum levels indicated will be able to be managed in part by in-house NCC noise management guidelines designed to ensure activities are properly planned and carried out, and controlled to ensure the overall level of noise effects are no greater than effects contemplated by the current limits on noise for Open Space sites set out in NRMP.

7.2 Owner Control

As owners of the sites, the Council are able to secure the agreement of event organisers to adhere to a code of practice noise control for events in parks and reserves. The Council protocol in this regard is referred to as "*Event Noise Control Information and Agreement*", which replaces an earlier Code Of practice. It is noted Rule OSr.37.4 the degree of compliance with '*Code of Practice – Noise Control for Events in Parks and Reserves*', Planning and Consents Division, Nelson City Council as one of the assessment criteria.

A copy of "*Event Noise Control Information and Agreement*", is contained in **Appendix D** [attached] which sets out;

- o Duties of Event Managers regarding the use of sound systems.
- o Duties of event managers to provide Council with information on the sound system prior to the event.
- o Hours of operation
- o Requirement to face speakers away from residential sites as far as practical
- o A calibration check is required for all sound systems generating sound levels at a level greater than background sound levels at a distance of 10m from source. Monitoring of sound levels during the event is also required for these sound systems. These readings are to be provided to Council by the event organiser.
- o Noise minimisation advice
- o Noise control agreement [requiring the payment of a bond to Council].

	Location	Zone	Example Activities	No. Events / Yr Concluding BEFORE 10pm	No. Events / Yr Concluding AFTER 10pm	Max. Event Start/Stop Times	Latest Event Stop Time [pm]	Max. Event Duration [hrs]	L _{A10} Noise limit Applying at or within any Residential site	L _{Amax} Noise limit Applying at or within any Residential site	L _{A10} Noise Limit Applying at all other times	
DAYTIME EVENTS	Trafalgar Park	OSR	Opera in the Park Music during rugby games	7	nil	2pm to 10pm	10 pm	8	75	-	45	
	Tahunanui Reserve	OSR	Opera in the Park Coca Cola summer concert	3	nil	2pm to 10pm	10 pm	8	65	-	45	
	Fairfield Park	OSR	Jazz Festival	3	nil	2pm to 10pm	10 pm	8	65	-	45	
	Church Steps/1903/Upper Trafalgar Street	IC [1903 OSR]	Twilight markets Street Beat Red Square One-off celebrations Masked Parade Carnivale	11	nil	10am to 10pm	10 pm	8	65	-	45	
	Botanic Reserve	OSR	One-off celebrations	1	nil	2pm to 10pm	10 pm	8	70	-	45	
	Saxton Field Playing Fields	OSR	Visiting bands	3	nil	5pm to 10pm	10 pm	5	55	-	45	
		Church Steps /1903/Upper Trafalgar Street	IC [1903 OSR]	One-off celebrations to 11pm Jazzfest performances incl up to 11pm Basket Festival incl up to 11pm One-off celebrations to 12.30am New Year's Eve event to 1am	8	6	10am to 11pm	11 pm	6	65	80	45
		Trafalgar Centre	OSR	Indoor Concerts in Trafalgar Centre incl up to 11pm New Years Eve event to 1am	12	4	5pm to 11pm	11 pm	6	65	80	45
	DAYTIME & NIGHT TIME EVENTS	Tahunanui Reserve	OSR	One-off events incl up to 10.30pm Visiting bands incl up to 11pm New Years Eve event to 1am	4	4	5pm to 10.30pm	10.30 p.m	5	70	85	45
Trafalgar Park		OSR	Special performances up to 10.30pm Indoor sporting, recreational, music or cultural events	5	3	5pm to 11pm	11 pm	6	75	85	45	
		OSR	New Years Eve event to 1am	nil	1	7pm to 1am	1 a.m.	6	75	85	45	
			Special performances up to 10.30pm	3	2	5pm to 10.30pm	10.30pm	5	75	85	45	
		Saxton Oval Pavilion / Saxton Stadium	OSR	Indoor sporting, recreational, music or cultural events	3	3	2pm to 11pm	11 pm	6	50	70	45

Table 5 Proposed noise limits and number of events per year proposed for daytime and night time involving electrically amplified sound, at each venue / site. Note: (1) These limits allow for 5 dB reduction for sounds assessed as containing special audible characteristics. (2) In accordance with the NRMP and NZ Standards, it is not appropriate to set L_{Amax} noise limits for Special Events occurring during daytime.

7.3 Reserve Management Plans

Although methods involving the Reserves Act 1977 are outside the scope of this application, the controls over the use of amplified sound systems to manage noise effects from Open Space sites and Recreations can be controlled via a site-specific Management Plan required for each site under this Act.

A reserve management plan is a working document which sets out the objectives and policies for managing an area and how these will be achieved. It is a reference point for consistent everyday management and future planning by the administering body. It is also a public statement that explains the governing principles and reasons for decisions to interested parties.

7.4 Need for Noise Mitigation

The above analysis shows Special Events will exceed normally applying NRMP permitted activity noise limits set out in OSr.37.1, ICr.43.1 and ICr.42.1 and therefore require additional control in order to off set potential noise impacts.

In order to ensure these effects are maintained to reasonable levels, proposed consent conditions have been recommended in terms of control over;

- o Allowable noise levels, and
- o Hours of the activity, and
- o The frequency of events on a site.
- o Requirement to prepare Noise Management Plans

Duration limits and limits in terms of numbers events on each site per year represent important caps on the expected scale of potential adverse noise effects.

The finding of this assessment is that provided the practicable noise management and mitigation measures are implemented, allowing the use of identified sites in the manner proposed would result in only minor, temporary effects on the environment which are no more than minor.

Where sound from the electrically amplified source[s] are able to be measured beyond the site boundary, the potential additional annoyance caused by sound possessing special audible characteristics is to be taken into account when assessing compliance with the proposed noise limits set out within recommended consent conditions.

The overall finding is that provided the specified noise management and mitigation measures are implemented, allowing the emission of temporarily elevated sound levels received at residential sites in the manner proposed would result in only minor, temporary effects on the environment which are no more than minor.

7.5 Noise Management Plans

A Noise Management Plan [NMP] is a working document which sets out the objectives and policies for managing noise in an area and how this will be achieved. This is an ideal method for specifying steps to be taken when authorising temporary events to ensure the potential adverse effects of loud noise are adequately identified beforehand and addressed in the way the activity is operated, the layout and equipment used, and in the overall hours of operation.

Noise Management Plans establish a reference point for consistent management of noise and future planning. They also represent a public statement that explains the governing principles and reasons for decisions to interested parties. The management plan is an ideal

method for specifying an outline of steps to be taken when, for example, a complaint is received regarding unreasonable noise even though the event organisers are adopting a range of practical noise mitigation measures.

Effective mitigation of noise effects can be achieved via implementing an approved *Noise Management Plans* which the proposed consent conditions require for all Special Events. Two types of NMP's are proposed within conditions as follows;

7.6 Daytime Special Event NMP

For events taking place during daytime, a site specific NMP is required to be submitted to NCC prior to any daytime Special Event authorised by this consent taking place on any Open Space Recreation site. The Plan shall be site specific, but contain noise mitigation and management methods that are generic to the range of activities proposed for the site to ensure organisers are aware of the steps required to control noise effects on that particular site. As each event will be co-ordinated through NCC as owner of the site, the necessary level of control can be applied to ensure the NMP is effective and efficient at managing potential noise impacts.

An example of a NMP to be adopted for daytime Special Events held on Open Space Recreation zoned sites is the NMP previously prepared for the Tahunanui Reserve Opera Event [Report reference: 88474V5 dated [November 2009]. A copy of the NMP is provided in **Appendix E**.

This form of NMP [specific to the site, but generic in terms of Special Event activities to be undertaken on this site] will be a comprehensive document as it will need to cover the full range of potential events [from small sports events with PA announcements through to daytime music concerts], however it is envisaged that each site-specific NMP would only be prepared and submitted to NCC once for each site. It is noted the example in **Appendix E** refers to the NMP being reviewed whenever new activities are introduced or there are alterations to the nature activities to which the NMP applies. Where activities change over time, or are not, for whatever reason covered within the NMP, a revised NMP should be required to be prepared and submitted to NCC for approval.

7.7 Night Time Special Event NMP

In order to address the potential for added sensitivity to noise received in residential areas at night time, applications to NCC to hold Special Events potentially exceeding the normally applying NRMP noise limits beyond 10pm on the identified sites will need to be accompanied by a NMP developed and submitted to Council specific to both the event and site.

Under the proposed consent conditions set out below, each Special Event that involves activities resulting in noise exceeding the NRMP noise limits after 10pm will need to have obtained Council approval of an NMP for the event prior to each event taking place. The purpose of providing an event-specific NMP to Council is to enable NCC to determine that appropriate control steps will be in place before the event can proceed.

An example of a NMP to be adopted for each Open Space Recreation zoned sites hosting night time Special Events is the NMP developed for the RWC2011 "Fanzone" provided in **Appendix F** [Report Reference: 7502-443209-EXT/2.NMP/FIN/3 Dated: August 2011].

7.8 Event Noise Control Information and Agreement

As owners of the sites, the Council are able to secure the agreement of event organisers to adhere to a code of practice noise control for events in parks and reserves. The Council protocol in this regard is referred to as "Event Noise Control Information and Agreement", a copy of which is contained in **Appendix D** [attached] which sets out;

- Duties of Event Managers regarding the use of sound systems.
- Duties of event managers to provide Council with information on the sound system prior to the event.
- Hours of operation
- Requirement to face speakers away from residential sites as far as practical
- A calibration check is required for all sound systems generating sound levels at a level greater than background sound levels at a distance of 10m from source. Monitoring of sound levels during the event is also required for these sound systems. These readings are to be provided to Council by the event organiser.
- Noise minimisation advice
- Noise control agreement [requiring the payment of a bond to Council].

OSr.37.4 recognises the role of the Council agreements covering use of the site as means of managing noise effects. Criteria at OSr.37.4(e) state "the degree of compliance with the 'Code of Practice – Noise Control for Events in Parks and Reserves', Planning and Consents Division, Nelson City Council".

The assessment criteria for Although methods involving the Reserves Act 1977 are outside the scope of this application, the controls over the use of Open Space /Recreations zoned sites can be complimented via site-specific reserve management plans prepared for each site under this Act.

8 Recommended Noise Conditions

8.1 Proposed Noise Conditions

Recommended noise conditions for Special Events are set out as follows;

Trafalgar Park

1. A maximum of TWENTY ONE [21] events per year are permitted to be held on the site, limited as follows;
 - i. SEVEN sporting or recreational events involving amplified sound emitting noise not exceeding LA10 75 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with a Council approved source-generic and site-specific noise management plan; and
 - ii. FIFTEEN music and cultural performances involving amplified sound, limited to;
 - I. Not More than THREE events emitting noise not exceeding LA10 75 dB when measured within any residential site between 5pm to 11pm required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
 - II. Not more than TWO events emitting noise not exceeding LA10 75 dB when measured within any residential site between 5pm to 10.30pm required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
 - III. Not more than EIGHT events emitting noise not exceeding LA10 75 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with an approved event-specific noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
 - IV. Not more than ONE event emitting noise not exceeding LA10 75 dB when measured within any residential site between 7pm to 1am the following day required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
2. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured within any residential site.
3. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991
4. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site.

Tahunanui Reserve

1. A maximum of TWELVE [12] music and cultural performance events per year are permitted, limited as follows;
 - I. Not more than THREE events emitting noise not exceeding LA10 65 dB when measured within any residential site between 10am to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.

- ii. Not more than FOUR events emitting noise not exceeding LA10 70 dB when measured within any residential site between 5pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
 - iii. Not more than FOUR events emitting noise not exceeding LA10 70 dB when measured within any residential site between 5pm to 10.30pm required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit LA10 45 dB applies at all other times.
 - iv. Not more than ONE event emitting noise not exceeding LA10 70 dB when measured within any residential site between 7pm to 1am the following day required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
2. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured within any residential site.
 3. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
 4. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site..

Fairfield Park

1. A maximum of THREE [3] music and cultural performance events per year are permitted, providing noise not exceeding LA10 65 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
2. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured within any residential site.
3. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
4. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site..

Church Steps/1903/Upper Trafalgar Street

1. A maximum of TWENTY FIVE [25] music and cultural performance events per year are permitted, limited as follows;
 - i. Not more than NINETEEN events emitting noise not exceeding LA10 65 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
 - ii. Not more than SIX events emitting noise not exceeding LA10 65 dB when measured within any residential site between 10am to 11pm required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
 - iii. Not more than TWO events emitting noise not exceeding LA10 65 dB when measured within any residential site between 7pm to 12.30am required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
 - iv. Not more than ONE event emitting noise not exceeding LA10 70 dB when measured within any residential site between 7pm to 1am the following day required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
- i. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 80 dB as measured within any residential site.
- ii. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
- iii. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site..

Botanic Reserve

1. A maximum of ONE [1] music and cultural performance events per year are permitted, providing noise not exceeding LA10 70 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
2. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured within any residential site.
3. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
4. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site..

Saxton Field Playing Fields

1. A maximum of THREE [3] music and cultural performance events per year are permitted, providing noise not exceeding LA10 55 dB when measured within any residential site between 5pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
2. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 85 dB as measured within any residential site.
3. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
4. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site..

Saxton Oval Pavilion / Saxton Stadium

1. A maximum of SIX [6] sporting, recreational,, music and cultural performance events per year are permitted, limited as follows;

- I. Not more than THREE indoor events emitting noise not exceeding LA10 50 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
 - II. Not more than THREE indoor concert events emitting noise not exceeding LA10 50 dB when measured within any residential site between 5pm to 11pm required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
2. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 70 dB as measured within any residential site.
 1. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
 2. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site..

Trafalgar Centre

3. A maximum of SIXTEEN [16] sporting, Recreational,, music and cultural performance events per year are permitted, limited as follows;
 - III. Not more than TWELVE indoor or outdoor events emitting noise not exceeding LA1065 dB when measured within any residential site between 2pm to 10pm required to be operated in conformance with a Council approved generic site-specific noise management plan. A noise limit of LA10 45 dB applies at all other times.
 - IV. Not more than FOUR indoor concert events emitting noise not exceeding LA10 50 dB when measured within any residential site between 5pm to 11pm required to be operated in conformance with an approved event-specific Noise management plan submitted to Council not less than 21 days prior to the event. A noise limit of LA10 45 dB applies at all other times.
4. In addition to the above, all activities taking place as part of the above events operating after 10pm shall comply with a noise limit L_{Amax} 70 dB as measured within any residential site.
5. Noise levels shall be measured in accordance with NZS6801:1991 and assessed in accordance with NZS6802:1991.
6. The consent holder shall keep a log of all events held on the site denoting the event organiser, the start and stop times of each event held on the site.

8.2 Minimum Noise Management Plan Requirements

For the purposes of these condition, the two types of Noise Management Plans are defined as follows:

Generic Site-Specific Noise Management Plan

Means a noise management plan prepared by a suitably qualified and experience acoustic consultant setting out the following information:

1. A description of the noise limits and activity durations that apply under this consent to Special Events held on this site.
2. A description of the range of expected sporting, recreational and cultural activities that NCC will allow on the site and description of the noise sources expected to be associated with each activity type, including the expected location of any sound system to be used.
3. A description of the noise mitigation methods to be used to control noise from the Special Events to comply the applicable limits applying at residential sites in the area.
4. Provide a site plan showing an area within which speaker systems and other significant noise-making devices associated with the Special Event should be placed to ensure compliance with the applicable noise limit.
5. A description of the course of action to be taken in the event the organiser is contacted during the event regarding complaints of unreasonable noise from members of the public .

Event-Specific Noise Management Plan

Means a Noise management Plan prepared by a suitably qualified and experience acoustic consultant setting out the following information:

1. A description of the sound system to be used and the methods by which sound from the system will be controlled such as indicating the placement and orientation of speakers.
2. The name and contact details of the event organiser who will be on-site and responsible for overall levels amplified sound emitted from the proposed event.
3. The date and time of the event and maximum duration [including sound checks];
4. Provide a site plan showing the location and orientation and height from the ground of any sound shell or speaker system and the approximate distance of the Sound shell/speaker system from the nearest residential zoned boundaries surrounding the site.
5. A plan showing the residential and buildings housing noise sensitive activities which have or will have received a leaflet advising of the date and time of the event, the expected time at which amplified sound is to cease, and include the NCC after hours noise complaint telephone number. A copy of the leaflet shall be included in the material to be provided.

6. *A description of the course of action to be taken in the event the organiser is contacted during the event regarding complaints of unreasonable noise from members of the public .*
7. *A certificate by the author stating the noise control methods described within the plan are adequate to ensure compliance with the relevant noise limits applying to the site.*

9 Summary

An assessment of potential noise effects has been undertaken on behalf of Nelson City Council in relation to noise emitted during the use of specific sites for a range of special sporting, recreation and cultural events involving significant sound sources such as amplified sound systems.

In order to assess potential noise effects, typical levels of amplified sound received in the local area around each site or venue has been predicted based on the expected range of sound levels at source and expected sound attenuation with distance from source. The noise predictions take into account distance from source, air absorption, terrain effects and sound propagation under worse case meteorological conditions.

Guidance on assessing noise effects and recommendations for proposed consent conditions are based on the provisions of the NRMP, other District Plan and resource consent limits applying within other jurisdictions, the relevant NZ acoustic Standards and existing consent held by NCC for a range of similar events involving amplified sound at various sites in the city.

While provision is sought within the consent application to reasonably provide for foreseeable future events which include amplified sound, the application does not provide for any significant increase in the occurrence of Special Events in Nelson.

The analysis shows that by ensuring the use of amplified sound is controlled and kept to within a scale matched to the physical qualities of the site [specifically, the site size and distance to noise-sensitive residential sites], potential noise effects associated with the listed events can be managed to reasonable levels, having regard to the general

On this basis potential noise effects will be suitably avoided, remedied, or mitigated the resultant effects on any residentially zoned site will be no more than minor providing the consent holder adheres to the proposed conditions. On this basis, there appear no noise-related reasons why consent cannot be granted.

Malcolm Hunt Associates



Lindsay Hannah
Senior Consultant
BBSc. PGDipSci [Acoustics [dist]] B.Sc.



Malcolm Hunt
Principal
M.E.[mech], Dip Pub. Health. RSH Dip. Noise Control.

Approved for Issue by - Malcolm Hunt

GLOSSARY - Nelson Resource Management Plan Definitions

Chapter 2 of the NRMP sets out meanings of words. In terms of acoustics and the Resource Consent Application applied for the following definitions are noted:

dB(A)	means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals. See NZS 6801:1991 clause 2.1 definition of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level.
L10	means the L10 exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded, ten percent of the total measurement time. See NZS 6801:1991 clause 2.2 definition of exceedance level.
Lmax	means the maximum A-frequency-weighted sound level (dB(A) L max) as described in NZS 6801:1991, clause 2.1. The Lmax units referred to in this Plan relate solely to night-time (10 pm to 7 am Monday to Friday, and 10 pm to 9 am Saturdays, Sundays and public holidays).
Noise*	means unwanted sound and includes vibration. The sound of warning devices being used by emergency services or in an emergency situation is not included in the definition of noise for the purpose of this Plan.

APPENDIX A

Measurements results of:

- I. Trafalgar Park Rugby events (also involving amplified sound including music) at Trafalgar Park**
- II. Fanzone concerts held in Upper Trafalgar Street**

Fan Zone -Upper Trafalgar Street

As measured at 30 Nile Street
(150 metres, screened - 10 dB)

Monitoring Report: RAD_n1197906_v1_RWC_Fan_Zone_Event_23_Oct_2011_Report

By: Graham Caradus, HealthPro.

23-Oct-12

2.30pm to 11.15 pm

L _{A10}	L _{Amax}
56	69
59	73
57	76
57	70
60	75
58	72
57	78
58	70
58	72
58	68
56	75
58	76
60	71
68	75
61	73
60	69
59	72
60	70
53	66
59	76
61	74
60	68
61	80
55	75
56	67
57	68
57	70
56	69
55	76
57	75
56	78
59	69
57	78
58	75

Av. L_{A10} Av. L_{Amax}

58.1 72.8

L_{A10} 119.7 dB

Estimated Av. Sound Power Level Of Event

Monitoring Report: RAD_n197908_v1_RWC_Fan_Zone_Event_16_Oct_2011

By: Graham Caradus, HealthPro.

16 Oct 2-11

2pm to 10:59:00 p.m.

L _{A10}	L _{Amax}
59	77
59	71
58	68
59	72
58	67
58	72
58	74
59	74
58	71
57	76
58	67
58	71
69	75
58	79
56	68
56	67
57	79
55	75
52	69
58	76
56	67
55	72
56	70
56	75
53	71
51	74
47	67
51	68
48	66
47	69
47	70
55	68

Av. L_{A10} Av. L_{Amax}

55.7 70.1

L_{A10} 117.2 dB

Estimated Av. Sound Power Level Of Event

Monitoring Report: RAD_n1197909_v1_Report_Fan_Zone_Event_15_Oct_2011
By: Graham Caradus, HealthPro.

15 Oct 2-11

3pm to 10.57 pm

L _{A10}	L _{Amax}
60	73
57	71
59	75
58	76
57	77
54	69
54	70
54	78
54	75
55	80
52	72
56	76
53	69
54	71
58	78
58	70
54	75
50	73
49	75
52	69
49	68
47	65
51	87

Av. L_{A10} Av. L_{Amax}

54.1 50.4

L_{A10} 115.7 dB

Estimated Av. Sound Power Level Of Event

Monitoring Results - Trafalgar Park RWC Games

As measured at 1 Wainui Street (70m from event, unscreened location)

Monitoring Report: RAD_n1172643_v1_Noise_management_Report_Rugby_Game_1_Oct_20111

By: Graham Caradus, HealthPro.

Game 2 1-Oct-11
5pm to 10pm

L _{A10}	L _{Amax}
59	70
54	66
54	65
62	72
60	72
60	70
61	74
63	71
65	74
62	77
63	79
63	76
66	80
63	73
63	77
60	68

Av. L_{A10} Av. L_{Amax} L_{A10} 106.0 dB

61.125 72.75
Estimated Av. Sound Power Level Of Event

Monitoring Report: RAD_n1172642_v1_Noise_monitoring_Report_Rugby_Game_27_Sept_20111

By: Graham Caradus, HealthPro.

Game 1 27-Sep-11 70 m
5pm to 10pm

L _{A10}	L _{Amax}
59	66
65	72
68	75
67	74
68	74
67	74
68	73
71	79
68	80
69	83
70	80
66	78
66	80
68	76
65	75
67	75

Av. L_{A10} Av. L_{Amax} L_{A10} 111.9 dB

67 75.9
Estimated Av. Sound Power Level Of Event

APPENDIX B

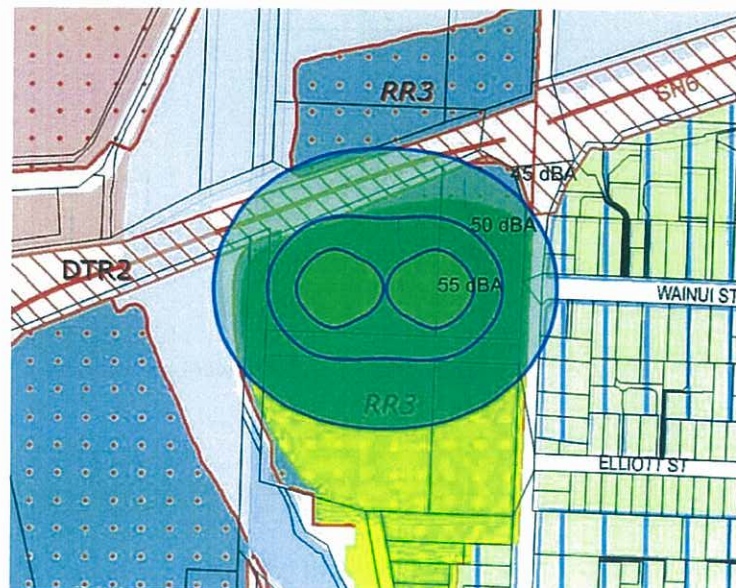
Predicted L_{A10} Sound Level Contours* For Example Events

*Note: Predicted sound level contours are presented as contours of equal sound pressure level, in units L_{A10} . L_{Amax} levels will be no more than 10 dBA above the L_{Aeq} or L_{A10} levels.

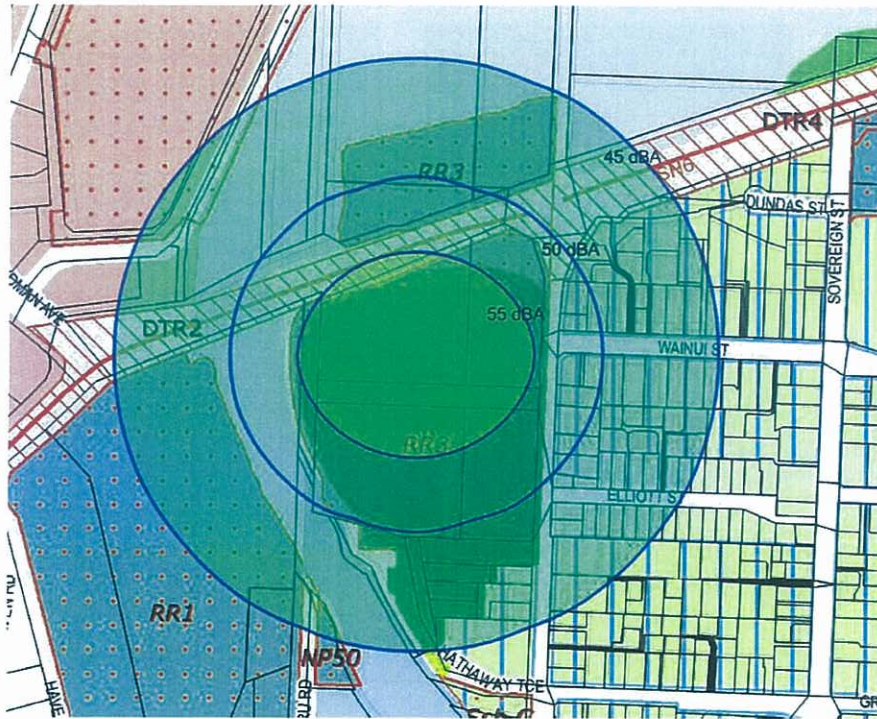
**Trafalgar Park Rugby Match With Music Entertainment
Sound Pressure Level Contour [L_{A10} 45 to 55 dB]**



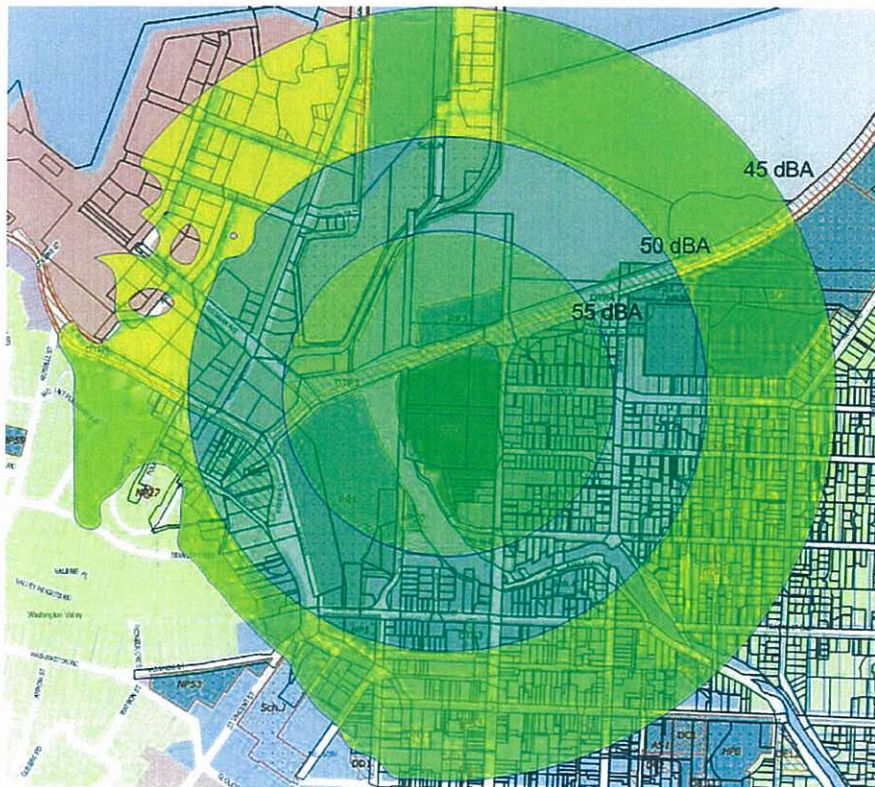
Single - One Off Events Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



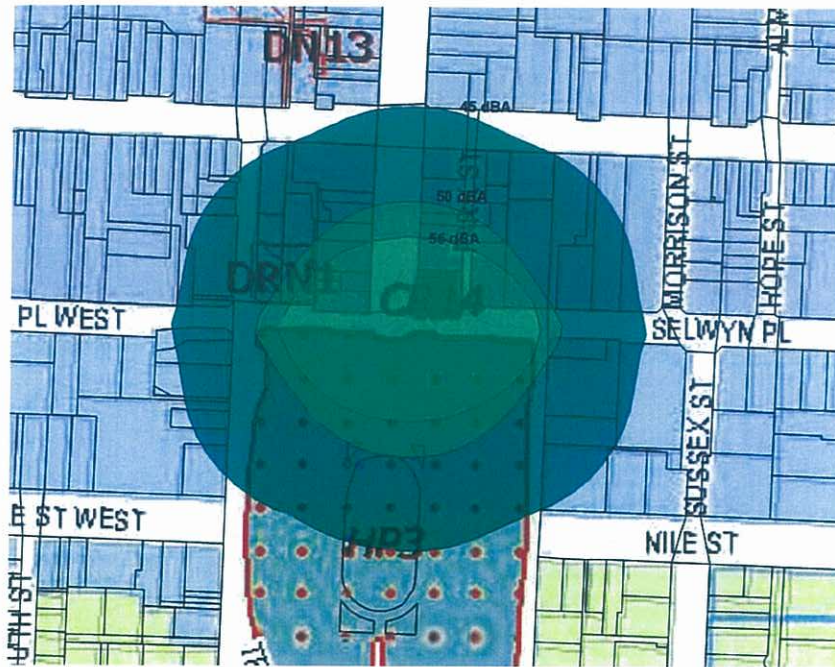
Opera in the Park Event Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



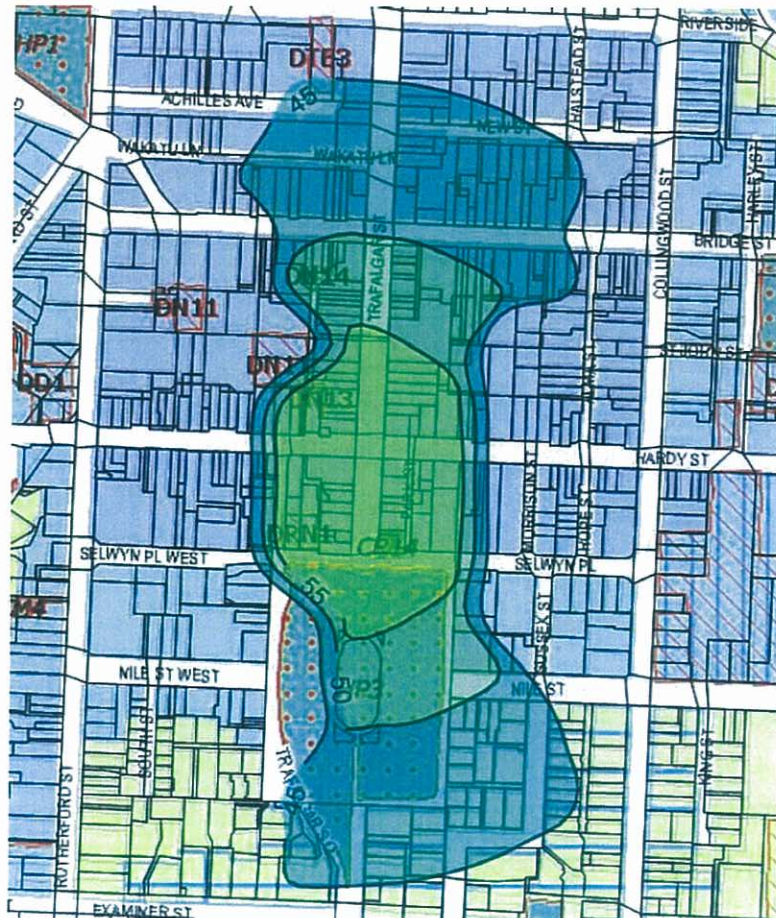
**Visiting Musicians [Live Amplified Bands]
Sound Pressure Level Contour [L_{A10} 45 to 55 dB]**



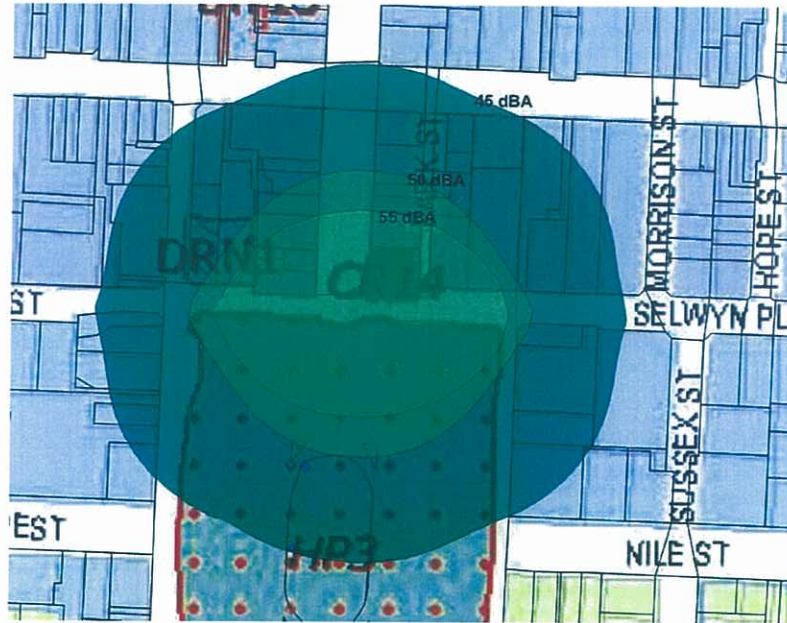
1903/Church Steps/Upper Trafalgar Street
Red Square Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



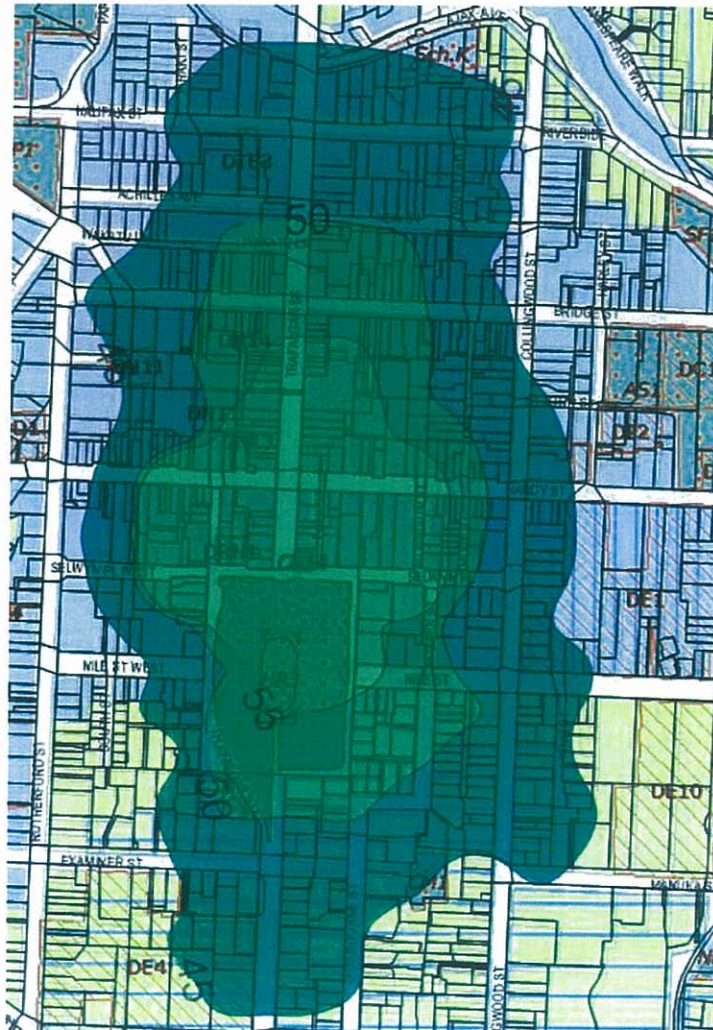
Buskers Festival Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



Single One Off Events 1903 Site
Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



Masked Parade Carnivale Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



**Tahunanui Reserve
Opera In the Park Sound Pressure Level Contour [L_{A10} 45 to 55 dB]**

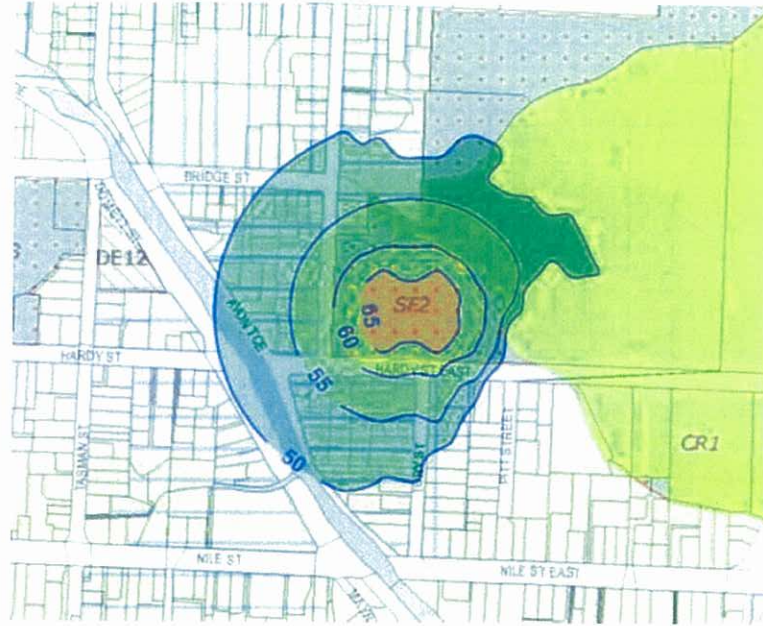


Coca Cola Summer Concert Event Sound Pressure Level Contour [L_{A10} 55 to 65 dB]



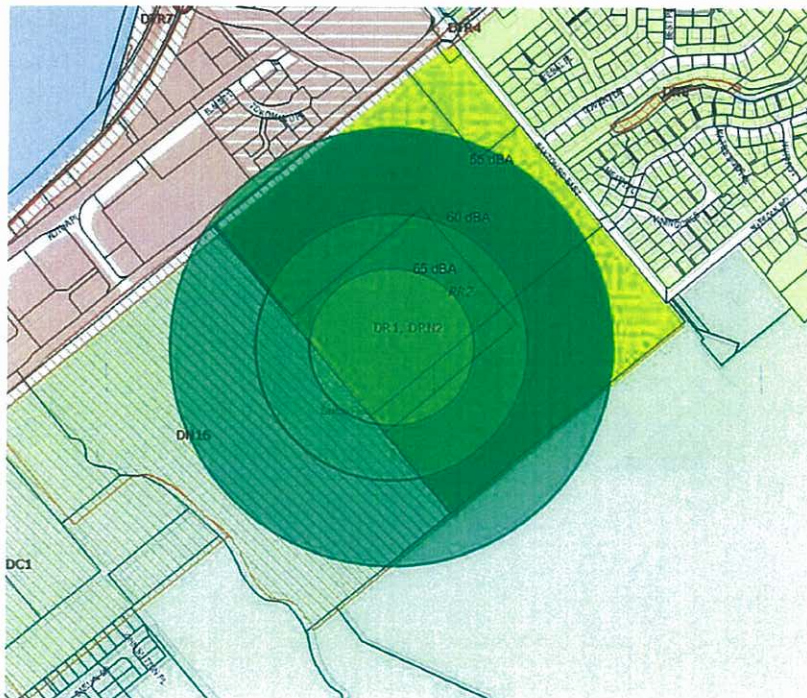
Botanic Reserve

Single One Off Event Sound Pressure Level Contour [L_{A10} 55 to 65 dB]



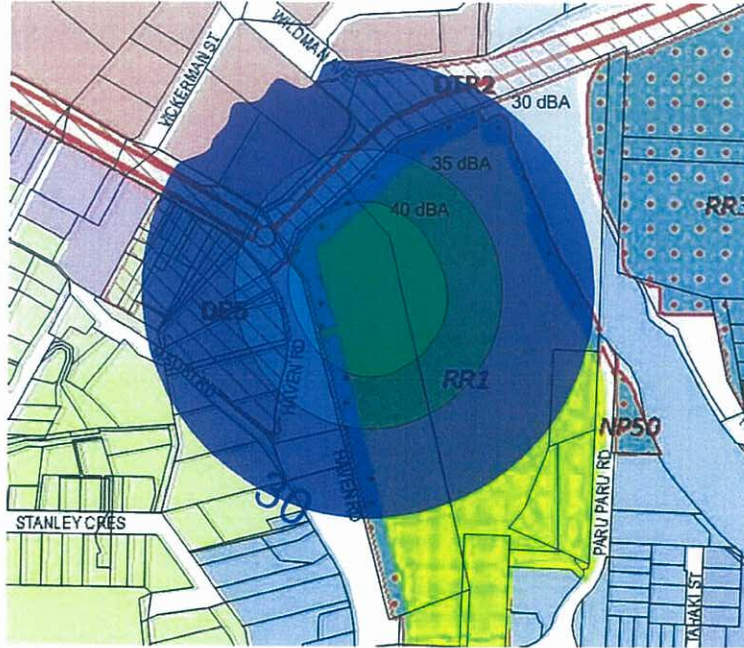
Saxton Field

Live Amplified Band Event In Cricket Oval
Sound Pressure Level Contour [L_{A10} 55 to 65 dB]



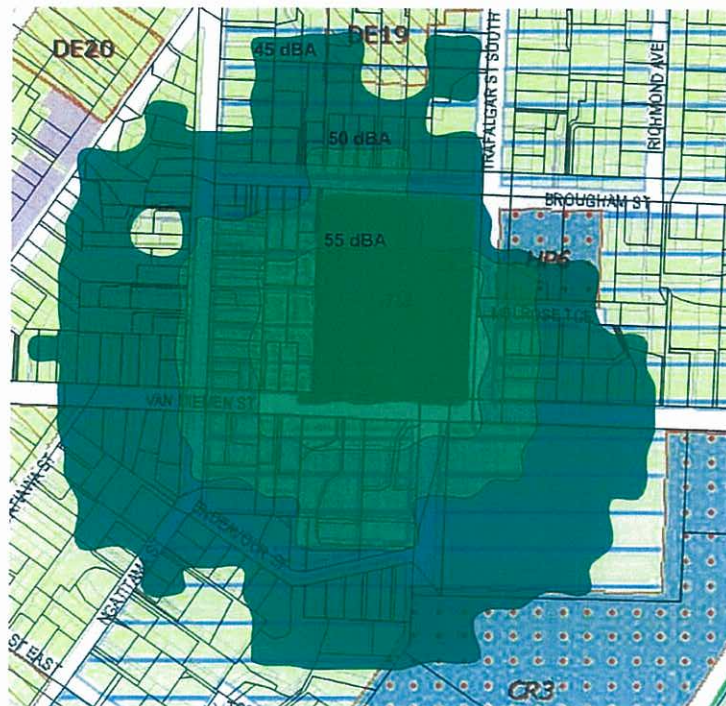
Trafalgar Centre

Concert Events in Trafalgar
Centre Sound Pressure Level Contour [L_{A10} 30 to 40 dB]



Fairfield Park

Jazz Festival Event Sound Pressure Level Contour [L_{A10} 45 to 55 dB]



APPENDIX C

Examples Of District Plan Provisions Applying To Noise From Special Events.

Tauranga District Plan

carnivals, fairs, galas, public meetings, filming, concerts, sporting and other special events are limited to 70dBA L10 and 75dBA Lmax at residential sites and must finish no later than 2230 hours Sunday to Thursday inclusive or 2300 hours Fridays and Saturdays.

Kapiti District Plan

Special Events allowed up to seven hours on any day, during which time the noise generated by a temporary event must comply with the following within any residentially zoned site;

Between 10pm and 10am 50 dBA (L10) 75 dBA (Lmax)

Between 10am and 10pm 75 dBA (L10) 85 dBA (LMax)

Napier District Plan

Temporary Activities (Page 54.0-6 Rule 54.6) such as concerts, musical and theatrical festivals/entertainment must not exceed a limit of 90 dBA L10 at any point beyond the site boundary however amplified entertainment must not operate Sunday to Thursday inclusive 2230 hours to 1000 hours (the following day), and Fridays and Saturdays 2400 hours to 1000 hours (the following day). Except that on 1st January of any calendar year, this is extended from 0100 hours.

Central Otago District Plan

12.7.4

(iii) Exemptions

Noise limits in any part of the plan shall not apply:

...

(iv) Where a carnival, show, display, field-day or exhibition with a duration less than five days occurs no more than four times in any period of a year. (No noise limit)

Wellington City

Suburban Centres Chapter 7/3

7.6.1.4.1 Temporary activities in Centres are not subject to the District Plan noise standards applying at residentially zoned sites. The exemption applies between the hours of:

9am to 9pm each day (Sunday to Thursday)

9am to 10pm (Friday and Saturday).

On New Years between the hours of 9pm on 31st December to 1am the following day.

Rodney District Council

Rule 16.9.2.2.2 Outdoor Entertainment Events includes temporary activities identified in Rule 16.12.1.1 (c) and Rule 16.12.1.1 ... (e), such as outdoor recreation, owner maintenance located outdoors, horse and dog racing, motorsports and events on showgrounds, and "Other Activities" as referred to in Chapter 8 — Residential, occurring outdoors, which use sound amplification systems.

The noise level (Leq 15min) when measured on any site zoned Residential or General Rural (within the notional boundary) shall not exceed the levels specified in Table 16.9.2.2.2.

Table 16.9.2.2.2 : Outdoor Entertainment Events

TIME	dB(A)
9:00am - 6:00pm	80
6:00pm - 11:00pm	75
11:00pm - 9:00am	The noise standard for the relevant zone shall apply

Hutt City

14J 2.1.1 Permitted Activities

Conditions for temporary activities in all activity areas.

...

(b) Hours of Operation

All temporary activities shall only operate between the hours of:

Mondays to Thursday inclusive – 7.00am to 10.00pm

Fridays and Saturdays – 7.00am to 11.00pm

Sundays – 8.30am to 10.00pm

...

(d) Noise:

Any noise resulting from temporary activities shall not exceed 70dB(A) L10 when measured at any point within any other site in a Residential Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area. Any noise resulting from temporary activities shall not exceed 70dB(A) L10 at the boundary of any Commercial or Business Activity Area site other than the site of the temporary activity.

Wanganui District Plan

R215 Noise

Temporary activities such as sporting, recreational, entertainment, cultural or similar events and outdoor gatherings, with the prior approval of the territorial authority, are not subject to the noise standards stated in this rule. For such events Council* will use its powers under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise of activities on the environment* are met.

Kaikoura District Plan - APPENDIX Q

2. Noise limits in any part of the plan shall not apply:

...

e. In any zone where a temporary activity which is open to the public is being undertaken and where the activity does not extend beyond 8am and 11pm on any one day.

Whangarei District Plan

Part D – Environment Rules - OB Town Basin Environment

43.3.9 Noise

Noise from any activity is a permitted activity if:

.....

c) Except that noise generated by any temporary activity in the environment may exceed the above limits on 12 calendar days of every year, providing it does not exceed 65 dB(A) L10 and 75 dB(A) Lmax in a Living Environment;

Tauranga District Plan

carnivals, fairs, galas, public meetings, filming, concerts, sporting and other special events are limited to 70dBA L10 and 75dBA Lmax at residential sites and must finish no later than 2230 hours Sunday to Thursday inclusive or 2300 hours Fridays and Saturdays.

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Special Events allowed up to seven hours on any day, during which time the noise generated by a temporary event must comply with the following within any residentially zoned site;

Between 10pm and 10am 50 dBA (L10) 75 dBA (Lmax)

Between 10am and 10pm 75 dBA (L10) 85 dBA (LMax)

Napier District Plan

Temporary Activities (Page 54.0-6 Rule 54.6) such as concerts, musical and theatrical festivals/entertainment must not exceed a limit of 90 dBA L10 at any point beyond the site boundary however amplified entertainment must not operate Sunday to Thursday inclusive 2230 hours to 1000 hours (the following day), and Fridays and Saturdays 2400 hours to 1000 hours (the following day). Except that on 1st January of any calendar year, this is extended from 0100 hours.

Central Otago District Plan

12.7.4

(iii) Exemptions

Noise limits in any part of the plan shall not apply:

...

(iv) Where a carnival, show, display, field-day or exhibition with a duration less than five days occurs no more than four times in any period of a year. (No noise limit)

Wellington City

Suburban Centres Chapter 7/3

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9am to 9pm each day (Sunday to Thursday)

9am to 10pm (Friday and Saturday).

On New Years between the hours of 9pm on 31st December to 1am the following day.

Rodney District Council

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The noise level (Leq 15min) when measured on any site zoned Residential or General Rural (within the notional boundary) shall not exceed the levels specified in Table 16.9.2.2.2.

Table 16.9.2.2.2 : Outdoor Entertainment Events

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Hutt City

14J 2.1.1 Permitted Activities

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All temporary activities shall only operate between the hours of:

Mondays to Thursday inclusive – 7.00am to 10.00pm

Fridays and Saturdays – 7.00am to 11.00pm

Sundays – 8.30am to 10.00pm

...

(d) Noise:

Any noise resulting from temporary activities shall not exceed 70dBA L10 when measured at any point within any other site in a Residential Activity Area and at any point within the notional boundary of any dwelling in a Rural Activity Area. Any noise resulting from temporary activities shall not exceed 70dBA L10 at the boundary of any Commercial or Business Activity Area site other than the site of the temporary activity.

Wanganui District Plan

R215 Noise

Temporary activities such as sporting, recreational, entertainment, cultural or similar events and outdoor gatherings, with the prior approval of the territorial authority, are not subject to the noise standards stated in this rule. For such events Council* will use its powers under the Act to ensure that the general duty under sections 16 and 17 to avoid unreasonable noise of activities on the environment* are met.

Kaikoura District Plan - APPENDIX Q

2. Noise limits in any part of the plan shall not apply:

...

e. In any zone where a temporary activity which is open to the public is being undertaken and where the activity does not extend beyond 8am and 11pm on any one day.

Whangarei District Plan

Part D – Environment Rules - OB Town Basin Environment

43.3.9 Noise

Noise from any activity is a permitted activity if:

.....

c) Except that noise generated by any temporary activity in the environment may exceed the above limits on 12 calendar days of every year, providing it does not exceed 65 dBA L10 and 75 dBA Lmax in a Living Environment;

APPENDIX D**NCC Noise Control Agreement With Event Organisers
NELSON CITY COUNCIL - EVENT NOISE CONTROL
INFORMATION AND AGREEMENT****Event Noise Control Information and Agreement****1. Introduction**

Noise at events on Council sites is subject to the conditions of the Nelson Resource Management Plan. Electrically amplified sound is only permitted in the Open Space and Recreation Zone with a Resource Consent.

Most events will be covered under Resource Consent XXX, which provides for use of amplified sound at public events within specific parameters.

The Resource Consent has been prepared to manage amplified sound at a range of events, which may include but are not limited to sporting fixtures, tournaments, markets, fairs, community celebrations, festivals, concerts, parades, and other performances. The nature of the event, the context of the event, and the expected impact of the amplified sound will define the necessary actions required to ensure that the Resource Consent conditions are met.

Three categories have been defined to ensure appropriate actions for different events to ensure compliance:

- A: Events finishing before 10pm which use loudhailers, PA systems or music, and are able to meet the Standard noise limits for the Open Space and Recreation Zone. Detailed description of the parameters and requirements for these events are included in Section A.
- B: Events on specified sites, finishing before 10pm which use loudhailers, PA systems or music, and are likely to exceed the Standard noise limits for the Open Space and Recreation Zone, but will meet the noise levels set in Resource Consent XXX. Detailed description of the parameters and requirements for these events are included in Section B.
- C: Events on specified sites, finishing after 10pm which use loudhailers, PA systems or music, and are likely to exceed the Standard noise limits for the Open Space and Recreation Zone, but will meet the noise levels set in Resource Consent XXX. Detailed description of the parameters and requirements for these events are included in Section C.

All events which have amplified sound are required to achieve compliance with the Nelson Resource Management Plan. Should Council not be satisfied that the required noise level limits can be met, or the nature of the event is such that they are unlikely to be met, the event organiser will be required to obtain a separate resource consent for their event.

Standard Noise limits for the Open Space and Recreation Zone

The permitted noise limits in Nelson Resource Management Plan for the Open Space and Recreation Zone are:

Noise levels measured at, or within the boundary of any site in the Residential Zone must not exceed:

<i>Day Time:</i>	<i>L 10: 55 dBA</i>
<i>Other Times:</i>	<i>L 10: 45 dBA Lmax: 75 dBA</i>

Day Time means 7am to 10pm Monday to Friday, and 9am to 10pm Saturdays, Sundays and Public Holidays.

All measurements and assessment in accordance with NZS6801:1991 and NZS6802:1991.'

If the sound possesses "special audible characteristics", these levels are each reduced by 5dBA.

2. Duties of Event Managers

There are a number of requirements of this Resource Consent which must be met by event organisers:

- 1) To contact the Nelson City Council no later than 10 working days prior to any Event which may be subject to Resource Consent XXX.
- 2) To promptly provide all information as is required by the Nelson City Council or any of its officers to ensure compliance with this Agreement.
- 3) To comply with all requirements of the Nelson City Council or any of its officers to achieve compliance with the Resource Consent, and/or the requirements of this Agreement.
- 4) To render all reasonable assistance and co-operation to Nelson City Council or any of its officers in regard to any monitoring and/or enforcement action which may be required to assess and/or control noise at the Event.
- 5) A bond will be required
- 6) All event managers and their staff are expected to be aware of, and comply with, the resource consent requirements. The Council reserves the right to take direct control over the source of amplified sound to ensure compliance with the resource consent, including turning the amplified sound off.
- 7) Event managers accept liability should there be any breach of the resource consent conditions.

3. Specific Requirements

- i. Event organisers must provide details about the planned amplified sound to Council prior to this contract. The specific information required is listed on **Attachment One**. Should Council not be satisfied that the required noise level limits can be met, or the nature of the event is such that they are unlikely to be met, the event organiser will be required to obtain a separate resource consent for their event.

- ii. As far as practicable all stages and speakers should be oriented to face away from residential areas. Consideration should be given to the placement of speakers relative to natural barriers which may assist in absorbing sound.
- iii. *Amplified sounds are only permitted within the hours referred to in the tables*
- iv. All amplified sound devices which produce sounds higher than background sound levels at a distance of 10m from source shall be calibrated prior to the event. Calibration shall be carried out prior to the event, and last no longer than 30 minutes. Please contact Environmental Inspections [phone 546 0433] to discuss and arrange this.
- v. Noise monitoring will be carried out for any event where the electrical amplified sound will be played at a level greater than background sound levels at a distance of 10m from source. *Accurate readings are to be provided by the organizer*
- vi. Noise monitoring will also be carried out for any event for which a complaint is received.
- vii. Council may require the event organiser to carry out noise monitoring of any event if deemed necessary to comply with the resource consent.

4. Noise Minimisation Advice

If you have any doubts about noise control requirements discuss the matter as soon as possible with Council's Environmental Health Section [Direct Dial 03 546 0201].

- 1) Make sure that you allow plenty of time for planning the Event and making any necessary changes that may be required by Council.
- 2) Keep sound shells and speaker systems as far away as possible from residential properties and have such sound shells and speaker systems pointing away from residential properties. Minimum distances from residential boundaries for various sites will be advised by Council upon receipt of the event details.
- 3) Have speakers kept low to the ground.
- 4) Keeping the base level volume low will reduce the travel of this high energy, and often disturbing sound.
- 5) Make sure residents in the area know the details of the Event [hand-drop a leaflet or advertise in the local paper], and in particular the start and finish times of the Event. Make sure you keep to these times.
- 6) Ensure sound checks are carried out with the approval and/or under the supervision of Council staff.
- 7) Have someone responsible and reliable on the sound system.
- 8) If appropriate employ security personnel to assist in the control of excessive noise from the Event.
- 9) Ensure that you keep noisy activities within the prescribed limits and prescribed times [you can obtain details of these and limits from the Council]
- 10) If you receive a complaint directly from any member of the public, ascertain the cause for the complaint and what remedial action you may take to satisfy the complainant. If there is a continuing dispute, write down details of the complaint and immediately refer the matter to the Council's Noise Control Officer [contact phone 03 546 0200]. Also advise the complainant of their right to complain to the Council.

- 11) In the event of an approach by the Council's Noise Control Staff to control excessive noise and/or breach of conditions of Resource Consent XXX, or Noise Rules in the Nelson Resource Management Plan, make sure you follow their instructions as failure to do so may result in the loss of any bond and make you liable for seizure of any sound producing equipment or device and any other legal action taken under the Resource Management Act.
- 12) Any buildings in which there is amplified sound after 10.00pm shall have the doors and windows closed and they shall remain closed until 7.00am except for the speedy entry and exit of persons.

5. Application for Electric Amplified Sound at Event

Note: Failure to provide accurate information on this application may lead to any approval from the Nelson City Council being withdrawn.

All organisers running events which have electrically amplified sound on Council Parks and Reserves are required to provide the following information to Council to satisfy the requirements of achieving compliance with the Nelson Resource Management Plan permitted noise levels and Resource Consent XXX.

Event:

Event Organiser:

Phone number:

Site:

Date:

Time and duration:

[start and finish times including any pre-event sound checks or rehearsals]

Type of Event:

[briefly describe event including general description e.g. music festival, gala, sports event, etc. - anticipated number of participants/spectators]

Event Sound:

Will the Event involve any of the following:

- a) Amplified sound system including public address and megaphones?
Yes/No
- b) Use of motor vehicles, aircraft, generators or stationary engines?
Yes/No
- c) Use of explosive devices such as starting pistols, fireworks, etc.?
Yes/No
- d) Use of any alarm system, siren or other similar devices?
Yes/No

If you answered Yes to any of the questions in 5] you will need to complete the attached Noise Control Agreement in regard to Council and Resource Consent requirements.

Sound Tech: Contact Person / Company

Phone number:

Initial of sound tech agreeing that details provided below are correct:

Proposed use of sound during the event

e.g. background music over dinner, intermittent public address announcements, constant high level for concert, etc.

Overall design of amplified sound devices, and the operation of these devices on site
Please include a sketch of the site layout

Details of set-up – location, orientation, height, number of devices and speakers, distance from the nearest residential boundary, etc.
Please include a sketch of the set-up

Describe all electrically amplified sound sources, including stereos, and audio/visual appliances
Please list devices and their specifications

Rated output of sounds

The maximum wattage and number of speakers and the frequency range characteristics of each speaker [i.e. deep base, base, mid-range, treble]; If available please provide as sound power levels.

Who will operate the amplified sound equipment?

Please provide a name and contact phone number

Who will be contactable during the event if complaints are received?

Please provide a name and contact phone number

How will amplified sound be managed and what noise control measures will be carried out to reduce the impact

For example:

- .- positioning of speakers close to the ground, especially bass speakers*
- orientation of speakers away from residential boundaries*
- orientation and positioning of stages to minimize on-stage noise*
- control and calibration of sound levels and spectral characteristics*

Details of any other sound amplification or sound generation system and/or devices such as vehicles, aircraft, generators, stationary engines, public address systems, megaphones, alarms and sirens, explosive devices [such as fireworks and other pyrotechnics, starting pistols, etc.]

Date of Application _____

Name of Event Applicant _____

Phone Contact[s] _____

Postal Contact _____

Signature of Event Applicant _____

6. Noise Control Agreement

I _____ [name of Event Applicant], on behalf of
_____ [name of organisation if applicable]
Organiser of _____ [Event name and
date]

Hereby agree that I will abide by the conditions of the Nelson City Council's Resource
Consent XXX and this Agreement for Noise Control for Events held within its Parks or
Reserves and also agree to the following:

- 1) Payment with this application of a bond of \$ _____ to cover all costs
associated with monitoring and enforcing the provisions of the Resource Management
Act 1991 in regard to Excessive Noise and the Conditions of the Resource Consent.
- 2) In the event of any breach of the previously stated noise control provisions I
acknowledge that I will be liable for the full forfeiture of the bond and that I will
prejudice any future application that I or this organisation may make for any other
Events held in Nelson City Parks or Reserves.
- 3) I agree to be bound by the requirements of the Nelson City Council or any of its
officers, and in particular the requirements relating to the avoidance, remedying and/or
mitigation of noise regarding this Event.

Signed _____
Status in Organisation [if applicable] _____
Date _____

Application Approved Nelson City Council Parks and Facilities Department.	
	_____ Name and Position
Date of Approval _____	
Date copy passed to Executive Manager Regulatory _____	

APPENDIX E
Example of Noise Management Plan for Daytime
Special Events:

Noise Management Plan

Tahunanui Reserve Opera Event February 2010 Nelson City

November 2009

Reference:
88474[V5]

Report Status:
FINAL

Prepared For:



Prepared By:

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noise and environmental consultants

Noise Management Plan

Tahunanui Reserve - Opera Event Nelson City

Malcolm Hunt Associates

noise and environmental consultants



1.0 Introduction

The Nelson City Council plan to hold a one off opera event in February 2010 at the Tahunanui Reserve, Nelson. The event will be based around performance of classical music and opera.

This Noise Management Plan [NMP] sets out objectives, methods and procedures to be adopted for the February 2010 event in order to;

- a) Ensure noise effects at residential sites in the area during the event are not unreasonable;
- b) Ensure the recommended applicable noise limits are complied with.

The NMP set out below sets out;

- Identified noise sources and residential areas potentially affected;
- Methods to be used for the control of noise, generally falling within the "best practicable option" to avoid the emission of unreasonable noise;
- Complaint handling and reporting procedures;
- Monitoring procedures to be adopted on the night, including monitoring at the most affected residential site;
- Contingency plans [in the event that noise limits are exceeded];

2.0 Site and Surrounding Area

The activity is a one-off temporary use of the Tahunanui Reserve for an opera music concert. The subject site is legally described as Lot 1 and Lot 7 DP 7075.

The site is triangular in shape covering approx 92ha of land located between the Waimea Inlet and the Residential commercial Suburban area of Tahunanui. The eastern end of the Reserve adjoins State Highway 6 and is 4km south-west of the Nelson City Centre. The reserve is composed of four landforms being foreshore/beach, dunes, back beach and flat developed areas of developed land. It is the flat developed areas where the opera event will occur.

The site does not immediately adjoin any residential activities as land on the southern-eastern side of the Beach Road and in Tahunanui Drive is zoned and used for commercial purposes, including tourist accommodation directly overlooking the reserve.

The subject site is located within the Open Space Recreational Zone. The land to the north is the beach front and sea. To the east and south is commercially zoned sites, beyond this is residential sites. To the south-west are residential sites.

The approx distance to the closest residential sites zone [being the applicable assessment location] is approx 70m from the events stage. This site is located on the corner of Beach Road and Waikare Street, as illustrates in the graphics below.

Figure 1 below illustrates the site zoning referenced from the Nelson Resource Management Plan indicating the location of the closest residential sites likely to be affected by noise from the event. **Figure 1** also illustrates the residential zone boundary and the approx area the Application applies to.

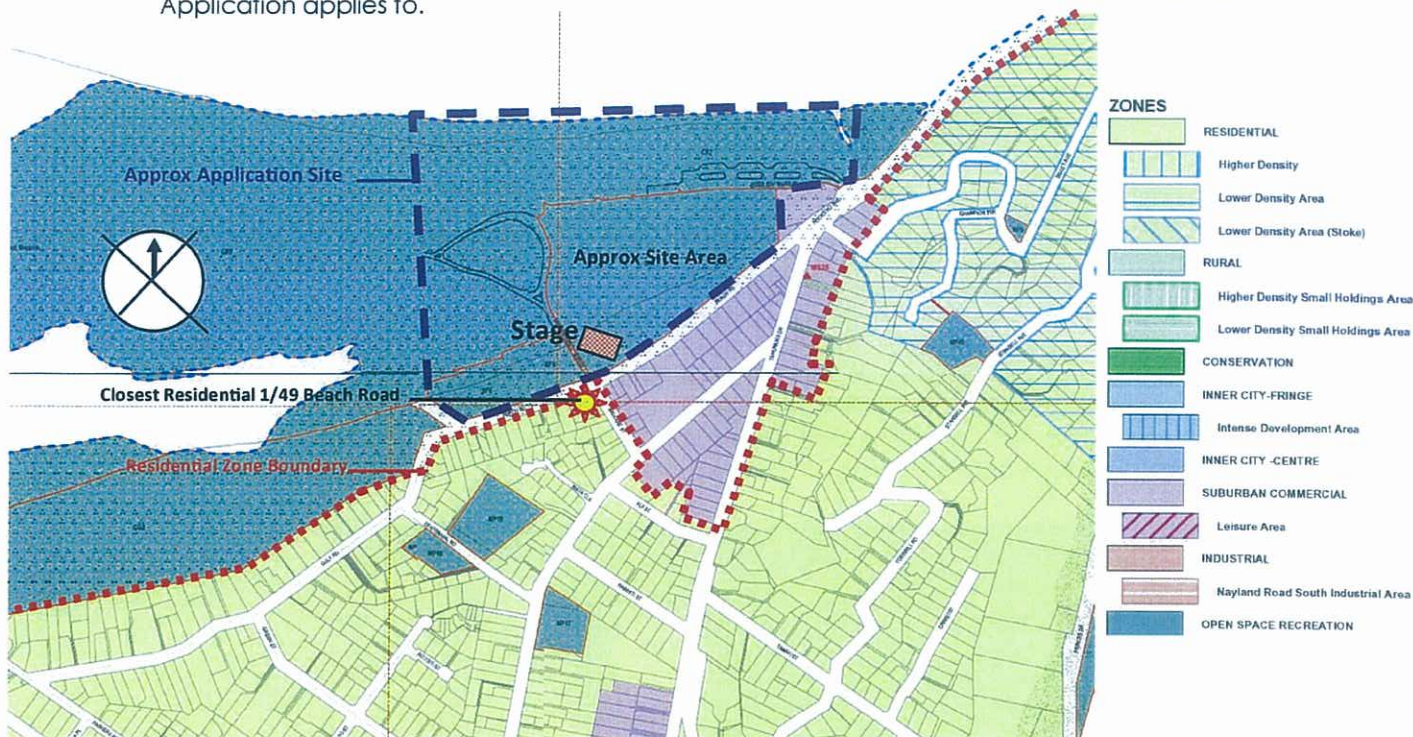


Figure 1: Nelson Resource Management Plan zoning map also showing and location of closest residential sites. Map Ref: Nelson City Council

3.0 Nelson City Resource Management Plan Noise Limits

It is noted that a Resource Consent [RM0985339] granted in 1998 enables public performances/and outdoor events held on New Year's Eve only. RM0985339 allows for sound pressure levels on New Year's Eve to be received at residentially zoned sites at levels up to 60 dBA L_{10} between 10.00pm and 12.30am [the following day]. The proposed 2010 opera event will finish at 10.00pm however it will not be held on New Year's Eve hence these limits do not technically apply as of right.

The Nelson Resource Management Plan states under the **Open Space and Recreation zone** rule, the following noise limits apply when measured at the Residential Zone:

55 dBA [L_{10}] 7.00am to 10.00pm and 9.00am to 10.00pm
Saturdays, Sundays and Public Holidays

45 dBA [L_{10}] and 75 dBA [L_{max}] 10.00pm to 7.00am

The plan states that all sound levels shall be measured and assessed in accordance with the provisions of NZS6801:1991 Measurement of Sound and NZS 6802:1991.

As described below, the activity will not be able to achieve compliance with L_{10} 55 dBA at some nearby residential sites.

The Open Space and Recreation zone rule provisions also state that sound from events and spectators at some venues [Trafalgar Park, Rutherford Park or Saxton Field] shall be exempt from the applicable limits. This exemption applies between 7.00am and 10.00pm which is consistent with the proposed event. It is clear the District Plan contemplates that noise from some aspects of temporary events would not have to comply with stated noise limits in some situations. In this light the proposed activity can be assessed as if it were a controlled activity [OSr.37.2] which states control is reserved in terms of

- i] noise levels, and
- ii] mitigation of noise, and
- iii] hours of the activity, and
- iv] monitoring of noise levels, and
- v] the frequency of events on a site.

4.0 Event Noise Levels

The proposed event involves music-based sound sources which will determine L_{10} and L_{max} noise levels at nearby residential sites. The District Plan or the existing new Years Eve consent do not permit temporary music events on the Tahunanui Reserve up 10 pm to exceed the above noise limits other than on New Year's Eve. Based on measurements of similar activities [and calculations relevant to this site] expected noise *not will be able to comply at all times* with the permitted Nelson Resource Management Plan Noise limit of L_{10} 55 dBA at the closest dwellings. The expected L_{10} noise contours for the event are set out in Figure 2 as follows;

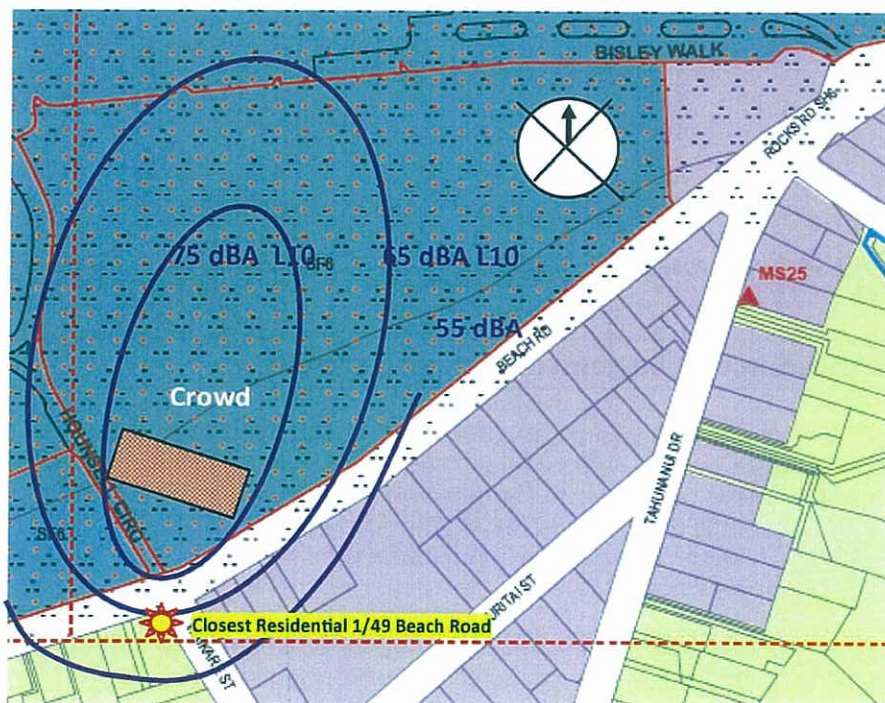


Figure 2: Aerial location map of subject site and surrounding area, including underlying zoning and location of closest residential sites and zone area. Map Ref: Nelson City Council NTS.

The estimated music sounds are predicted to result in around L_{10} 60 to 64 dBA at the closest residentially zoned sites. The closest site receiving up to L_{10} 64 dBA is 1/49 Beach Road. Apart from music sounds, it is expected that ambient sound from vehicles and people activity during the event will reach L_{10} 55 to 60 dBA on the evening of the event. The set up and dismantling aspects of the proposal are capable of full compliance with the Plan's L_{10} and L_{max} limit.

Delay rings:
32 EV SX300

The array is flown at a height of 12m and each section is focussed into a specific area of the crowd. The delay ring speakers are on top of 4m stands pointing horizontal. There are also some small centre fill speakers and subs at the front of the stage. These are at a level suitable for the close proximity of the closest audience members.

- People sounds [crowd applauses etc, people talking etc];
- Vehicle movements on and off site associated with set up and back down of the site;

7.0 Noise Control Methods

Noise is proposed to be managed in the following ways:

- o Locate equipment such as any generators away from noise sensitive locations as far as practical;
- o Positioning of the speakers away from residential sites and close to the ground [as far as practical];
- o Careful control of sound levels and the spectral characteristics of the sound;
- o Complaint handling procedure;
- o Acoustic sound level monitoring;
- o Limited hours and duration.
- o Careful orientation of the speakers [especially bass speakers] away from residential sites will limit noise emitted in these directions.
- o Careful orientation and positioning of stages in areas to minimise on-stage noise at residential sites.
- o Careful control of sound levels and the spectral characteristics of the sound.

The following specific noise management methods will be followed:

7.1 Time and Duration

The event shall occur on a single evening in February 2010.

The hours of operation for the event [performances] shall be no later than 10.00pm.

It is noted that set up and dismantle shall occur starting on the actual day, not before 8.00am. If dismantling is to occur, this shall finish no later than 12.00am [midnight on the same day as the event].

No sound checks shall occur before 12.00pm on the day or after 5.00pm.

It is noted that the recommended noise limits recommend a limit of 45 dBA [L₁₀]/75 dBA [L_{max}] applying after 10pm, as measured at any point within any residentially zoned site.

7.2 Event Control

Event management will ensure that all operators [audio, security and temporary contractors associated with the event etc] and any other staff are made fully aware that the activity itself, set up and dismantle operations for the site and sound system shall take account of noise as received at adjacent residential sites to ensure noise emissions are not unreasonable.

The production person[s] and audio engineers will be made aware of the requirement to control noise via the design and orientation of the sound system. To this end, the sound system design should include methods to ensure:

- Speakers are positioned so they direct sound to the crowd [having the effect of minimising sound spill to the residential sites];
- The speakers should face the same direction as the stage towards the north-east arc out towards the sea [see Fig 1 for stage location].
- If delay rings are employed, these shall be kept to a low level so that they do not control sound levels received off-site.
- Any bass speakers [sub woofers] to be located on, or as close to ground level as possible;

The audio engineer and sound crew is to be made fully aware of these design requirements of the sound system to limit sound pressure levels at the closest dwelling.

Dismantling of scaffolding etc will take place during daytime hours and avoid metal on metal impact sounds, use loud radios etc.

Security personnel to ensure people do not congregate near residential sites, and are moved on if they are causing a noise nuisance. [8]

Event management will be responsible for making sure the event finishes on time, and that when the event finishes people leaving do not expeditiously linger around or generate unnecessary people-based sounds.

When clean up takes place, rubbish such as containers of bottles etc, are to be handled with care reducing sound from this source. It is recommended that event management make cleanup crews aware of the need to limit noise emissions into the surrounding area, especially after the event.

7.3 Staff Management and Training

Event organisers undertake to ensure the operators of the sound system are fully trained and experienced audio/mix engineers who will ensure the operation of the sound system does not allow noise emissions from the site to become unreasonable.

7.4 Event Contact Person

Event organisers shall designate a **noise contact person** whose specific duty shall be;

- To liaise with personnel operating sound system, and the afterhours Council noise complaint service.
- Ensure noise control procedures are followed
- In the event that noise complaints are received, that any complaints of noise to Council's after hours service are acted upon as far as practical.

⁸ It is understood professional security officers will be employed for this purpose.

- To be kept informed of monitoring results throughout the event [to inform complainants, if required].
- To direct activities to ensure noise nuisance is avoided. In this respect, the elected event contact person will have the specific duty will be to oversee personnel operating sound system, and be in charge of all noise control procedures to be followed in the event that noise complaints are received.
- The contact person will be responsible for ensuring the event finishes in accordance with the applicable hours of operations and that the set up and dismantling of the site are carried out in order to ensure unreasonable noise should not occur.

7.5 Community Liaison

Liaison with the surrounding community prior to the event is important to ensure there are 'no surprises' and that residents in the surrounding area are aware beforehand of the proposed event and potential noise levels.

This liaison may include a letterbox drop of a leaflet [or similar] informing of the planned event and its potential noise effects within say 1 month prior to the event.

Liaison should also include meetings with Nelson City Council staff prior to the event to establish a protocol for handling noise complaints, should they arise during the event. This should include discussion regarding communication paths during the event to ensure noise complaints are properly received, recorded and acted upon. The proposal is to establish such arrangements within 1 week of the event.

7.6 Sound Checks

It is recommended that sound checks are limited in duration as far as possible. Sound checks should not take place until after 12.00 midday on the actual day. No sound checks shall occur after 5.00pm on the day to ensure respite prior to the activity commencing. Sound level readings at the closest affected residential sites should take place during the sound checks.

Sound checks / calibration of levels at the closest residential site [as shown in **Figure 3**] are recommended to ensure that noise levels are within the allowable limits recommended within this NMP. Sound checks will allow the audio engineer's time to set up the system to ensure that the recommended sound levels are complied with at all times

Neighbours should be advised in consultation of the expected times and duration of sound checks via the above consultation process.

7.7 Sound System

As noted above, major components of the sound system should be "flown" from gantries and directed at the audience area to avoid sound spill into unwanted areas. None of the main speakers should face towards the residential areas. Vans and trucks should be parked to screen the emission of sound into residential areas as far as possible. Expert advice will be sought in the form of the audio engineers setting up and calibrating the system.

8.0 Noise Complaint Contingency Plan

It is intended a direct line of communication be established between the NCC after hour's noise control service and the contact person nominated by NCC.

The approach of the organisers is to firstly manage noise [possibly involving sound level measurements etc] to avoid any complaints if at all possible, however if complaints are

received the approach is to deal promptly with the noise at source [e.g. by reducing volume or re-directing speakers, controlling the spectrum of sound etc].

Further actions will be considered within the range of possible actions required to ensure noise is adequately managed.

It is proposed that the NCC after hour's noise control service be contacted prior to the event. The service should be briefed that in the event that a complaint is received that the event contact person be the first contact. This is to ensure the site contact can deal immediately with any issues and avoid any delays.

We understand NCC environmental health officers will be on call if measurements are required.

In the event of a noise complaint, the following actions shall be initiated;

The Plan is as follows:

1. Noise complaint received on NCC after hours line;
2. Complaint time and details recorded for NCC records.
3. NCC After Hours service ring first to event contact person;
4. Event contact person to determine location of complaint, assess activity and noise sources identified with complaint i.e. amplified sound, people etc, identify source and mitigate if deemed an issue i.e. reduce amplifier volumes in the first instance or deal with noise at source;
5. Check for lowered sound emissions. If required sound level monitoring may be performed at the identified location of the residential site from which complaints arise;

9.0 Non-Compliance Contingency Plan

Should monitoring be carried out and the results of monitoring indicate non-compliance with the stated noise limits immediate steps shall be to reduce noise from the activity so that the noise limits are complied with. Such issues should be discussed before the event between NCC and the sound engineers and staff to ensure immediate steps are carried out.

10.0 Noise Level Monitoring

Monitoring of noise levels will be carried out during the event. Event management shall arrange for a suitable person to conduct the monitoring and provide this person with suitable equipment.

The monitoring shall target worst case sound levels i.e. amplified sound during the main acts. The scope, procedures and reporting details of the programme are as follows:

10.1 Scope of Monitoring

- To obtain reliable measurements of sound levels received at the closest residentially zoned site, shown in **Appendix A**. Monitoring shall target this residential site as it represents the closest location and likely worst case i.e. this site would likely receive highest levels due to proximity;
- To assess compliance with noise limits set out in **Objective 2**

10.2 Monitoring Procedures

- The procedures will be based on the technical guidance on noise measurement contained in NZ Standard NZS6801:1991 *Measurement of Sound*;
- Any person[s] carrying out acoustic measurements shall be suitable qualified and experience and understand the requirements and assessment procedures set out in NZS6801:1991 *Measurement of Sound*
- The following types of measurements will be performed:

Overall A weighted levels

- L_{max} and L_{10}
- The duration of the measurements will vary depending upon the nature of the sound under investigation.

10.3 Monitoring Records and Reporting

- Records shall be kept of monitoring results;
- Reporting to be consistent with the reporting requirements outlined in NZS6801:1991; If monitoring differs from requirements outlined in NZS6801:1991 reasons why should be recorded along with associated results and detailed reporting;
- Reporting shall also include results of investigation into further reasonable mitigation opportunities.

11.0 Summary

A Noise Management Plan has been prepared for a proposed one-off opera event in February 2010 at the Tahunanui Reserve, Nelson. The event will be based around outdoor performance of classical music and opera.

The plan outlines specific objectives and noise management methods so that the activity will comply with a self-imposed temporary noise limit designed to avoid unreasonable noise. The Plan includes community liaison prior to the event and methods to manage any complaints received on the night [if any].

The overall assessment is that the activity will not result in any significant adverse noise effects based on a consideration of the following factors;

- One off event
- Finishes at 10pm
- Duration of the event;
- Expected noise levels [permitted activity standard exceeded over a very confined area];
- Noise mitigation methods applied at source;
- Prior notification of the event to the affected community

Considering all these factors together the overall assessment that no significant adverse effects will arise, with any detectable noise effects on the environment being less than minor providing the following noise conditions are complied with;

(A) The activity shall be so laid out and managed so that the following limits are complied with within any residentially zoned site;

<i>65 dBA [L_{10}]</i>	<i>7.00am to 10.00pm</i>
<i>45 dBA [L_{10}] and 75 dBA [L_{max}]</i>	<i>10.00pm to 7.00am [the following day]</i>

Sound levels shall be measured and assessed in accordance with the provisions of NZS6801:1991 Measurement of Sound and NZS 6802:1991: Assessment of Environmental Sound. The duration of any measurement shall not exceed 15 minutes, excluding any pauses or data erasure.


- (B) A minimum of 1 month prior to the commencement of the event, the consent holder shall submit to the Nelson City Council a Noise Management Plan, prepared by a suitably qualified and experienced acoustic consultant. The Noise Management Plan shall set out the practices and procedures that are to be adopted in order that compliance with the noise limits in condition [A] can be achieved. The Plan shall, as a minimum, address the following:
 - i. Identify noise sources and potential impacts, including noise level contours and potential impact on residential sites;
 - ii. Identification of those residential use sites in nearest proximity to the stage [and estimated noise levels]
 - iii. Methods to be used for noise control, including reduction measures, this shall include identifying the best practicable option;
 - iv. Contingency plans [in the event that noise limits are exceeded];
 - v. Location of any monitoring sites representative of the most affected "Residential Locations"
 - vi. Complaint handling and reporting procedures;
- (C) The consent holder shall undertake the activities authorised by this consent in accordance with the provisions of the "Noise Management Plan" prepared pursuant to the provisions of condition [B] above.
- (D) The consent holder shall be responsible to monitor noise from any activities associated with the event.
- (E) Not less than 2 weeks prior to the event the consent holder shall deliver a written notice to each dwelling on each residentially zoned site identified within the Noise Management Plan as likely to receive noise from the event at levels exceeding the permitted activity noise standards of the Nelson Resource Management Plan. The notice shall specify the date and time of the proposed event, and nominate the name and telephone contact details of a responsible person to receive complaints [if any] regarding excessive or unreasonable noise associated with the event.

12.0 Document Sign Off

Prepared by


Lindsay Hannah
BBSc. PGDipSci [Acoustics] [dist]

Reviewed and Approved for Issue to Client:


Malcolm Hunt
B.Sc. M.E. [mech], Dip Pub. Health. RSH Dip. Noise Control.

Document Approved For Issue By

Event Representative:

Signature.....Date:.....

Nelson City Council Enforcement Representative

Signature.....Date:.....

Glossary of Environmental Noise Terms

L_{max} or L_{max}	The single highest sampled level of sound. Used in night time emission limits as a means of ensuring sleep protection. Short duration, high level sounds such as audible warning devices, pressure relief valves, etc. have a significant effect on L _{max} values.
L10 or L₁₀	The level of sound exceeded for only 10% of the monitoring period. This level of sound therefore equates to an average maximum sound and is used widely in emission limits as the L10 correlates well with the subjective reaction to sound. NZS6802:1991 Assessment of Environmental Sound sets maximum permissible noise levels for residential land uses in terms of the L10 criteria.

APPENDIX F

Example of Noise Management Plan For Night Time Special Events

Noise Management Plan

Rugby World Cup 2011 Fan Zone Trafalgar Street Nelson



Date Prepared:
August 2011

Report Reference:
7502-443209-EXT/2.NMP/FIN/3

Prepared by:

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Prepared For:


Nelson City Council
te kaunihera o whakatū

Noise Management Plan

Rugby World Cup 2011

Fan Zone

Nelson City

MalcolmHuntAssociates



Quality Control Statement

CLIENT	
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REVIEWED AND APPROVED FOR USE	
Nelson City Council – Manager Resource Consents	
Print Name.....	Signature.....
Print Date.....	

History

Revision	Revision Date	Report Details
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V2.0	Final draft– For Client Review/Comment	Report Reference: 7502-443209-EXT/2.NMP/FIN/2
V3.0	Final	Report Reference: 7502-443209-EXT/2.NMP/FIN/3

Noise Management Plan

Rugby World Cup 2011

Fan Zone

Nelson City

MalcolmHuntAssociates

noise and environmental consultants

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Noise Management Plan

Rugby World Cup 2011

Fan Zone

Nelson City

Malcolm Hunt Associates



1 Background

The Rugby World Cup Authority has approved the Nelson City Council Application regarding the Application to facilitate Fan zone events to be held in Trafalgar Street [refer RWC Authority Approval for Application: Notice of Determination dated 27th July 2011]. The event schedule is described as follows in **Table A**:

Date of Event	Match Details
15 th October 2011	Semi Final 1
16 th October 2011	Semi Final 2
23 rd October 2011	Grand Final

Table A: Fan zone RWC 2011 event calendar.

2 Purpose of Management Plan

The following has been included within the conditions of approval for the fan zone events [being a 'Category A' event];

2. For **Category A Events** (games at Trafalgar Park, Fanzones and Sonic Live Youth Event at Upper Trafalgar Street) a site specific Noise Management Plan shall be prepared by an appropriately qualified noise specialist (in the opinion of Council's Manager Resource Consents) for each event and submitted to the Manager Resource Consents not less than 15 working days prior to each event. The Noise Management Plans shall include (but not be limited to) methods to ensure compliance with maximum noise levels specified in Condition 7 including the following:
 - a) Methods to ensure the sound system is designed and speakers so placed and oriented, that noise emitted received at the boundary of any adjacent residential property is minimised as far as is practical;
 - b) Methods to ensure the noise emissions are measured and checked at the time of the equipment set up, prior to the commencement of each event;
 - c) The fore-warning of potential noise effects: each event shall be publicly notified at least five working days before each event identifying the residential areas where the potential for elevated noise exists and set out the time period over which elevated sound levels may be expected; and
 - d) Methods to receive, record and act upon any complaints of noise received during each event. The plan shall set out how the event organisers will maintain close communication with NCC after hours call-out service during each event. The Plan shall include a recommendation that Council Monitoring Officers meet with the event organisers and sound technicians at least three working days prior to each event to discuss the protocols for minimising noise and handling any noise complaints received during each event.

All Category A events shall be carried out in accordance with the relevant approved Noise Management Plan

This Noise Management Plan [NMP] has been prepared in compliance with **Condition 2** in order to ensure;

1. All potential noise effects at noise sensitive sites [including adjacent residential sites] in the area during all three events are not unreasonable;
2. Noise control methods are adopted to control potential off site noise emission to a reasonable level consistent with s.16 and s.17 of the Act;
3. Appropriate methods and protocols are followed should any noise complaints are received.

3 Environmental Noise Effects

Noise from recreational and entertainment activities in the local environment from the proposed events can [if not suitably managed] potentially cause a range of noise effects which are summarised as follows;

- o Annoyance;
- o Speech interference - high levels of noise can make normal speech difficult to hear;
- o Task interference - high levels of noise can make normal tasks difficult to undertake.

Typical noise levels commonly experienced in the environment include:

- o 40 to 50 dBA in a general office situation or outdoors in residential areas during daytime.
- o 60 dBA when talking normally to someone 1 to 2 m away.
- o 65 to 75 dBA when riding in a car at highway speeds.
- o 85 to 95 dBA while cutting the grass with motor mower.

A graphical example of the sound level of some common sound sources is shown as follows in **Figure 1**.

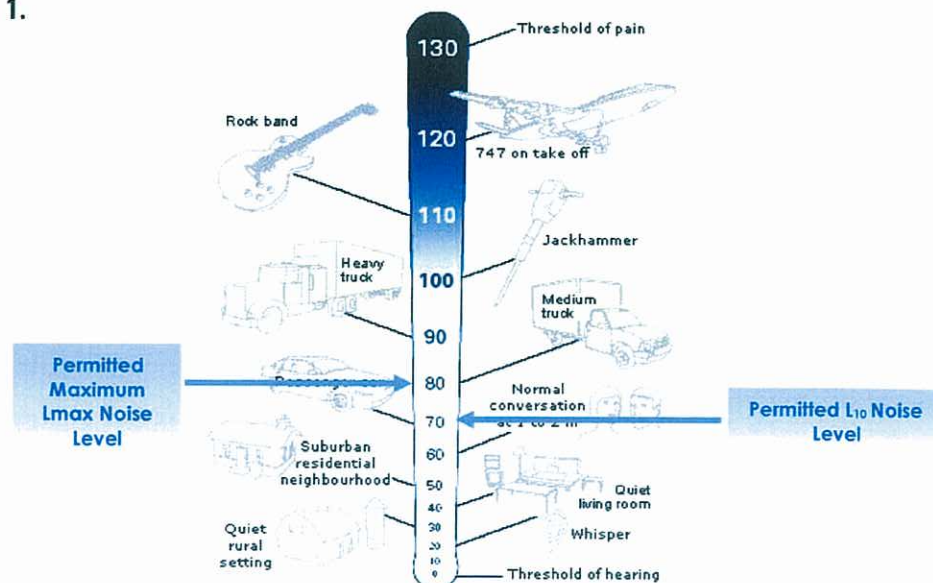


Figure 1: Acoustic sound levels [dB sound levels] associated with typical noise sources.

4 Objectives

In order to ensure noise remains reasonable at adjacent sites and the purpose of the plan is achieved as set out above a number of objectives are set as follows:

4.1 Objective 1 – Manage Noise

To set out in concise and simple manner a practical plan to control noise emissions from the proposed events, including but not limited to identifying potential affected areas [i.e. residential sites], locations of noise sources, monitoring, complaint handling procedures, and methods for prior notification of the event to allow persons to move away or take their own precautions against potential noise effects.

4.2 Objective 2 – Ensure Reasonable Levels of Noise [Applicable Noise Limits]

As per the requirement of **Condition 4** the noise level when measured at the nearest residential zone boundary shall not exceed **L_{A10} 70 dB** and **L_{Amax} 80 dB**

4.3 Objective 3 – s.16 Resource Management Act

To ensure that that the **best practical option** [BPO] is adopted by the Applicant at all times so that noise emission from the site does not exceed a reasonable level in accordance with Section 16 [s.16] of the Resource Management Act [RMA].

The **best practicable option** is defined as follows:

"...the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to

- d. The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*
- e. The financial implications, and the effects on the environment, of that option when compared with other options; and*
- f. The current state of technical knowledge and the likelihood that the option can be successfully applied."*

In essence, this means that the methods taken to control noise to reasonable levels must be effective, workable and practical. The methods set out below are considered to meet these criteria.

5 Site

The Fan zone site is located within the City Centre Zone of the Nelson Resource Management Plan. Given the proposed use of the 1903 site and top of Trafalgar Street, a portion of the site is also located within the Open Space and Recreation Zone.

Appendix A illustrates the site layout for the site regarding the proposed three RWC 2011 events. **Figure 2** indicates an aerial photo. **Figure 3** illustrates a zone map.



Figure 2: Fan zone aerial photo. Reference: Nelson City Council. May 2011

Appendix A illustrates the proposed site layout for the site in regards to the three RWC 2011 events.

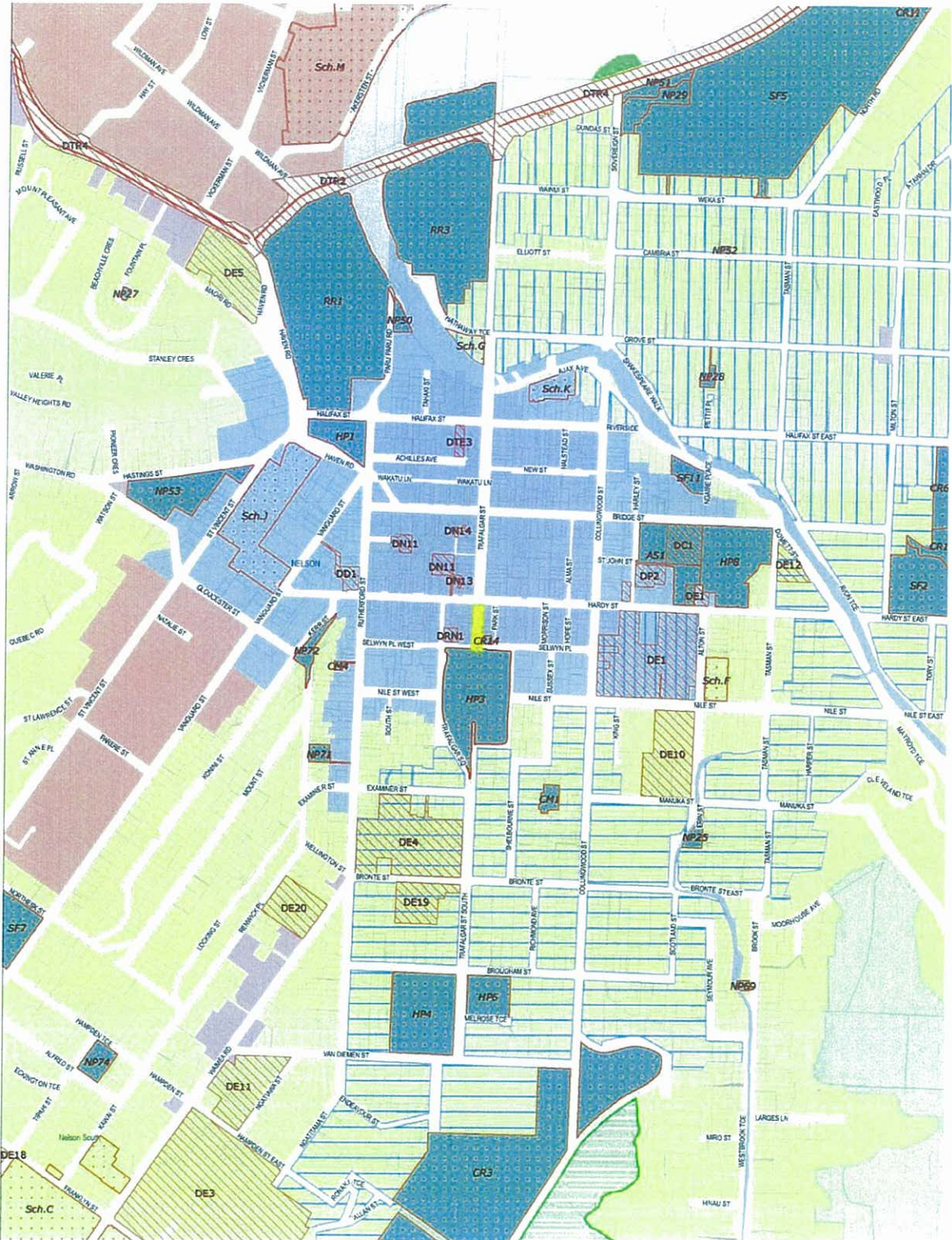


Figure 3 Fan zone planning map. Reference: Nelson City Council. May 2011

6 Noise Sources

The proposed Fan zone will involve up to 5000 people. Noise from the crowd [people noise] is excluded from this management plan. An amplified public address and MC sound system is to be employed, with a distributed speaker system to keep noise levels experienced beyond the site to a minimum. Two live bands would play as entertainment at these events.

The sound sources to which this Plan applies are set out as follows:

- o Playing of music through amplified sound system used for live production.
- o Sound from mechanical services and plant associated with venues, including fixed and mobile plant such as power generators.
- o Sound sources used during setting up and dismantling the site [vehicle reversing alarms, crew noise, mobile plant i.e. forklift, pallet jack].
- o Vehicle movements such as required for waste management activities rubbish/recycling, etc.

7 Expected Worst Case Sound Pressure Levels

Table B illustrates a number of key facts relating to the expected sound pressure levels from each event.

Activity Involve Live Amplified Music?	Yes
Distance From Outdoor Speakers to Closest Residential Zone /Dwellings [metres]	~250m
Expected Worst Case Noise Levels LA10 dB	58 dB
Special Audible Character?	Yes

Table B: Summary of facts relating to RWC 2011 events at Trafalgar Park.

Figure 4 below illustrates areas expected to be affected by sound from the Fan zone event.

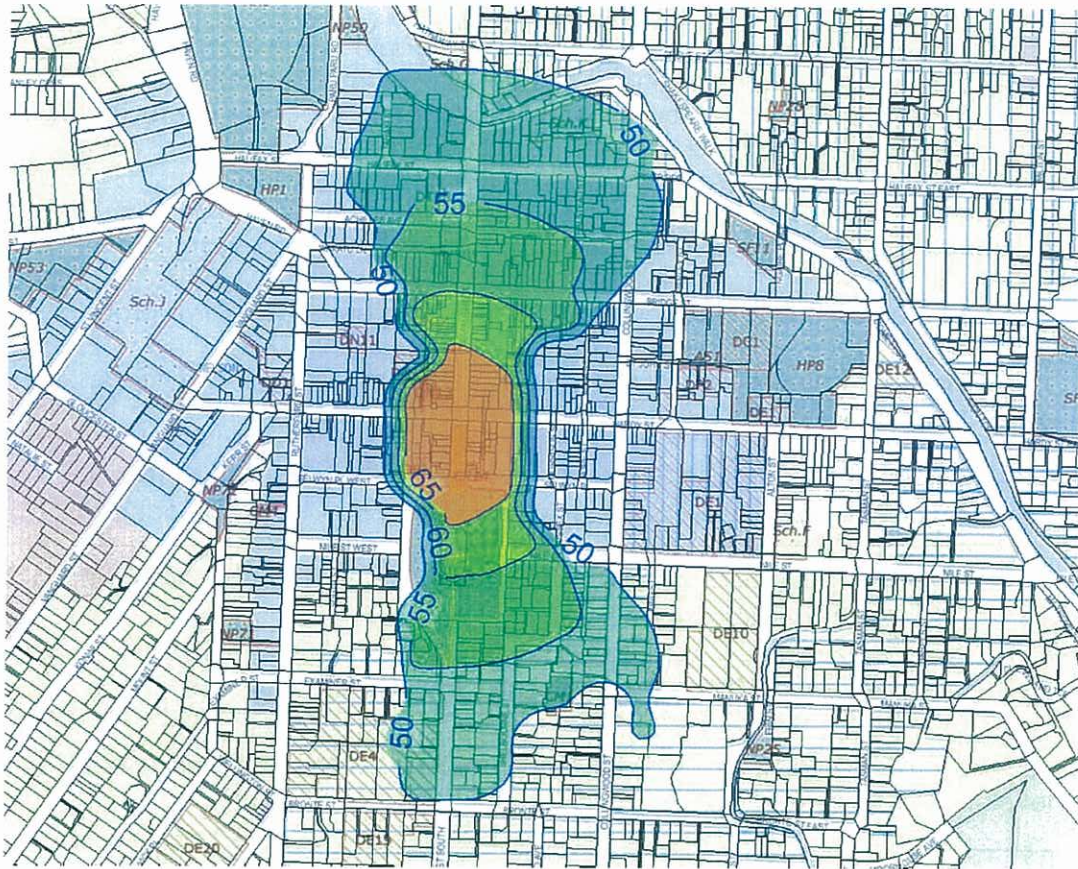


Figure 4: Predicted L₁₀ sound levels Fan zone events.

8 Noise Mitigation Methods

Key to ensuring noise received off site remains within reasonable levels and does not exceed the expected worst case levels is to ensure all noise management methods below are adopted [as a minimum]:

8.1 Time and Duration of Events

There will be three Fan zone events. As per the requirement of **Condition 5b**, the permitted noise levels set out in **Section 4.2[B]** for each event shall apply between the following hours.

- Fan zone events on 15th, 16th and 23rd October 2011 between 18.00hrs and the conclusion of the semi final games and between 18.00hrs and the conclusion of the prize giving for the final game.

8.2 Sound System and Audio Production

A major sound source is the sound amplification system and its related components. A preliminary design submitted by the sound system supplier has taken place with the resultant noise levels shown in **Figure 4** which has included the resultant cumulative sound [excluding people noise] during live band playing.

This includes judicious placement of speakers effective control via the sound desk. The sound system will have the number of components and outputs including [but not limited to] PA systems, speakers, visual display systems and communications system.

The sound desk operator shall be under the direction of a NCC RWC2011 at all times. The Sound System is to be set up and operated so that:

- o Activities and entertainers with likely extended bass sounds will be carefully controlled in terms of volume of the low frequency sounds, as far as practical.
- o Positioning of the speakers to concentrate the sound within the Fan zone as far as practical. The speakers shall also be directed away from residential sites and close to the ground [especially bass speakers] to limit noise emitted off the site.
- o Careful control of sound levels and the spectral characteristics of the sound.

8.3 Sound System Calibration

- The Sound System shall be calibrated before the first event by the sound system provider. This requires indicative sound level readings [L_{A10}] taken at the closest residential boundaries to ensure sound levels received at these locations are in line with those permitted as set out in **Section 4.2** above. Weather conditions and any other variable should be accounted for during the calibration.
- If the sound system is set up differently or changes in any way for any of the events following the first event the sound system shall be calibrated by the sound system provider to ensure any changes result in sound level readings [L_{A10}] at the closest residential boundaries in line with those expected and predicted as set out in **Section 4.2** above.
- The sound system provider shall provide all relevant parties including the **Noise Monitoring Person** and **Noise Liaison Person** with details regarding the calibration including confirmation that the system has been calibrated to comply with the permitted levels for the event.

In terms of sound checks, if sound during these checks is audible beyond the immediate area, the following shall apply:

- No sound checks shall occur before 10.00hrs on any day or occur after 17.00hrs on any day;
- There shall be no more than three sound checks in any consecutive 24hr period;
- Each sound check shall last no more than 30 minutes.

8.4 Set Up/Take Down Periods

The Noise Liaison Person [see **Section 8.6** below] shall ensure contractors and persons preparing the site for the event shall ensure the noisiest work is conducted during less sensitive times of the day unless suitable mitigation is in place. This would generally

mean conducting noisier activities during the middle part of the day when background levels are at their highest

- Set up/dismantle on site shall be conducted in a manner that minimises noise effects in the surrounding environment.
- Any set-up or dismantling works identified as being potentially noisy shall not commence before 9.00hrs and must end before 22.00hrs.

8.5 Consultation with Surrounding Community

Consultation with the surrounding community is important to ensure there are 'no surprises'.

It is common for most events to be advertised in various media, including many events having their own web pages.

- Prior to each of the three events the community shall be publicly notified at least five working days before the event by notices in the Nelson Evening Mail and by leaflet drop for the closest affected houses.
- The notifications shall identify residential areas where the potential for elevated noise exist and set out the time period over which elevated sound levels may be expected.
- A leaflet drop [if implemented] shall include all residential areas adjacent to the Park where the highest potential for elevated noise has been identified.

8.6 Noise Liaison Person

NCC RWC2011 [The applicant] shall ensure each event has a "Noise Liaison Person" staff member on site at all times.

The Noise Liaison Person shall:

1. Have direct contact with the sound desk;
2. Shall be responsible for liaising with the "**Noise Monitoring Person**" [see **Section 8.9**]; and
3. Shall be responsible for implementing and overseeing any additional noise mitigation measures deemed to be required during the event to reduce noise, e.g. as a result of complaints received where that complaint has been investigated and deemed by the NCC **Noise Control Officer** to be justified under the circumstances occurring at the time.

The **Noise Liaison Person** shall have the responsibility of ensuring that staff and contractors on site are made aware prior to the event of the need to adopt the noise control methods and to follow the procedures set out within this noise management plan at all times.

The **Noise Liaison Person** shall ensure any tender or contract documents for service providers to the event take into account:

- o The proximity of neighboring noise-sensitive areas;
- o The obligation to use the best practicable options to minimise noise.

The **Noise Liaison Person** shall ensure that all persons on site shall carry out any activities in a common sense noise-sensitive manner, including staff and contractors who shall be advised by the **Noise Liaison Person** about a need to minimise noise and about the hazards of unreasonable noise.

8.7 Noise Control Officer

The NCC **Noise Control Officer** will be responsible for liaising with the Council's After Hours telephone service for noise complaints, and shall be responsible for transferring information on any noise complaints received to the **Noise Liaison Person** as soon as practicable after receiving such information.

The NCC **Noise Control Officer** and the **Noise Liaison Person** shall together agree on the actions to be taken [if any] in relation to reducing noise following receipt of complaints to the NCC after hours service.

8.8 Noise Control Officer

The NCC **Noise Control Officer** will be responsible for liaising with NCC After Hours telephone service transferring information on any noise complaints received to the **Noise Liaison Person**.

The NCC **Noise Control Officer** and the **Noise Liaison Person** shall together agree on the actions to be taken [if any] in relation to reducing noise following receipt of complaints to the NCC after hour's service.

8.9 Noise Monitoring Person

The **Noise Monitoring Person** shall have the responsibility of:

1. Conducting monitoring of sound during the event in accordance with Section 9 [below], including at the residential locations shown in **Figure 5** below.
2. Conveying the results of the monitoring to the NCC **Noise Control Officer** and the **Noise Liaison Person** during the event.
3. Provide the Council's Monitoring Officer a report within five working days of each event that summarises the monitoring actions taken for each event, any noise issues raised during the event and any actions taken during the event to mitigate the adverse effects.

8.10 Non Compliance Contingency Plan

If the results of monitoring indicate unreasonable levels of noise, immediate steps shall be to reduce noise from the activity. Primarily this is the responsibility of the **Noise Liaison Person**.

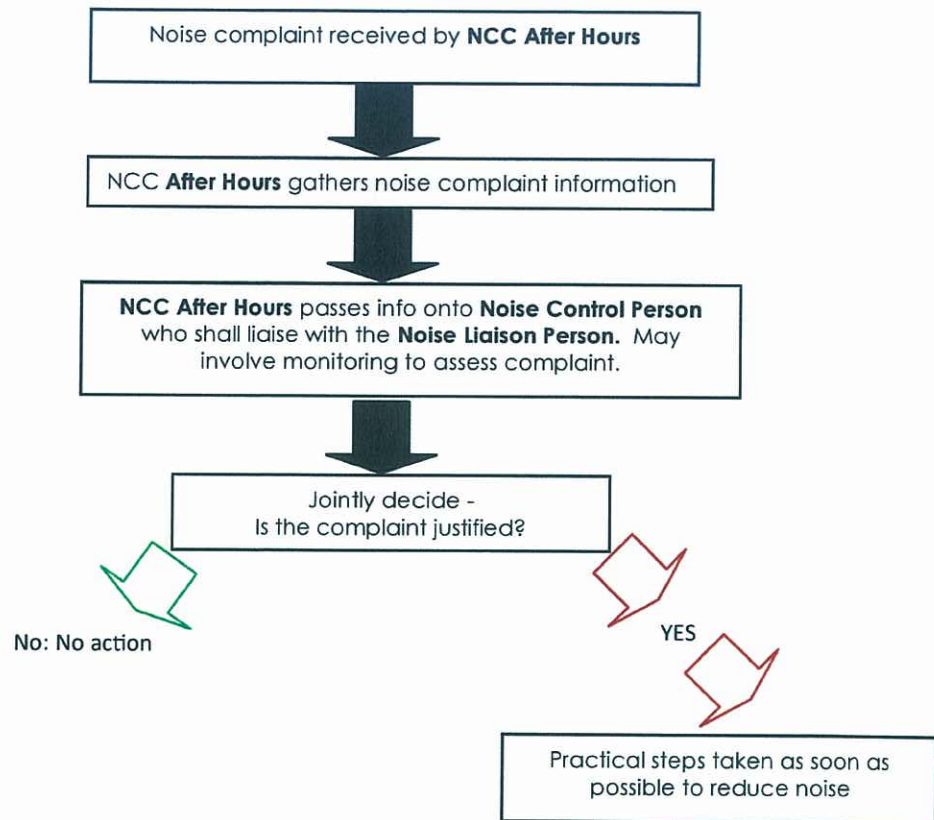
The approach should be to firstly manage noise to avoid any complaints if at all possible, however if valid complaints are received, the approach shall be to deal investigate the noise at source and taking steps to reduce the sound such as reducing the volume or re-directing speakers, controlling the spectrum of sound etc.

Further actions will be considered within the range of possible actions required to ensure noise is adequately managed.

A log of all noise complaints shall be kept by the NCC after Hours. The log shall specify the time, date, and nature of the complaint, together with investigations carried out and any remedial steps taken.

Following investigation of the complaint **Noise Liaison Person** shall be responsible for contacting the complainant to:

- a) Explain how the matter has been dealt with; or
- b) Confirm that the matter is being investigated and advise when a "verbal report" will be forwarded with the outcome of the investigation.



9 Noise Monitoring

Monitoring of noise levels is proposed to be carried out during the event whether or not a noise complaint is received with the Nelson City Council After Hours Call Centre.

Monitoring of noise emissions is to be undertaken in accordance with the scope, procedures and reporting requirements for noise monitoring set out below.

9.3 Scope

The scope of all noise monitoring is to obtain reliable measurements of sound levels received at the nominated measurement sites.

- To assess compliance with applicable noise limits as per **Section 4.2** of this Plan
- To obtain reliable measurements of sound levels received in the area.
- To record weather details and to consider this information in undertaking any assessment of compliance with noise limits.
- To identify any further noise mitigation measures that may be available consistent with the RMA definition of "best practical option".

9.4 Procedure

- Noise monitoring procedures are to be based on the technical guidance on noise measurement contained within New Zealand standards - NZ Standard NZS6801:1991 *Measurement of Sound*.
- Measured sound levels shall be assessed in accordance with NZS6802:1991 *Assessment of Noise*, except clauses 4.3 and 4.4 [correction for special audible characteristics] **shall not apply**. NZS6802:1991 does not permit averaging of readings taken during night time.
- Measurements will be undertaken using Type 1 or Type 2 specifications for sound level meters. A calibrator[s] will also be used to calibrate the sound level meters.
- The duration of the measurements will vary depending upon the nature of the sound under investigation.
- The measurements of sound shall be as "A weighted" decibel levels [as L_{max} , and L_{10}].
 - Monitoring will target a range of activities, focusing on the noisiest operations involving amplified music.
 - Methods will be taken to exclude non-event sounds as far as possible [such as traffic, people and any or non event activities].
- Measurements shall be undertaken at the nominated noise monitoring locations i.e. as per requirement of **Condition 4.0** at the nearest residential zone boundary as shown in **Figure 5**.

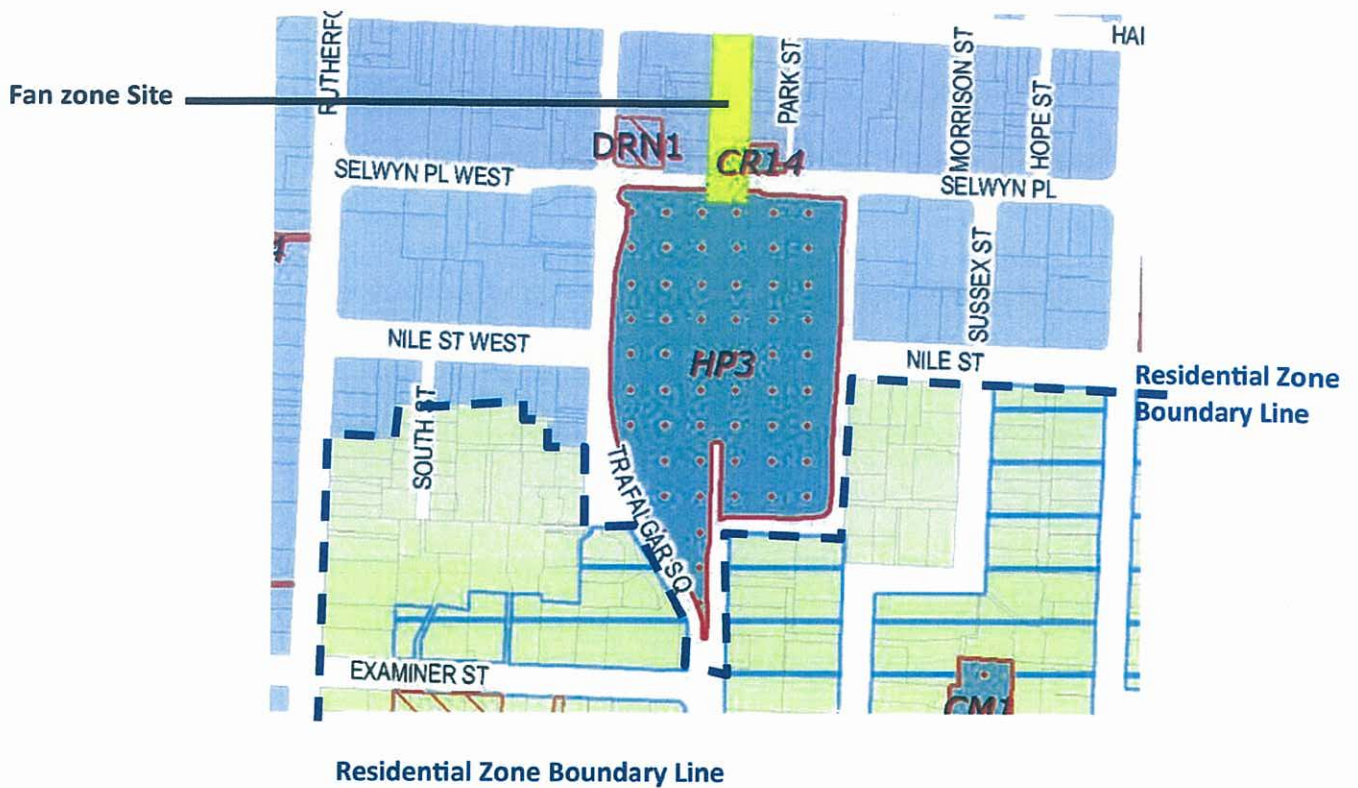


Figure 5: Fan zone, planning map and closest residential site boundaries.

9.5 Records and Reporting

Full detailed records shall be kept of all monitoring. As per the requirement of **Condition 6** the **Noise Monitoring Person** shall provide the **Council's Monitoring Officer** a written report within five working days of each event. The report shall summarise the monitoring readings taken during each event, any noise issues raised during the event and any actions taken during the event to mitigate the adverse effects.

10 Issue of Documents

The **NCC After Hours, Noise Control Officer, Noise Liaison Person and Noise Monitoring Person** plus any other appropriate party, including but not limited to, audio and production engineers shall be issued with a hard and or soft copy of the final issued noise management plan and RWC delegated conditions of approval for review and action as required.

11 Review of Noise Management Plan

The wording of this Plan shall remain as submitted to NCC Manager Resource Consents and shall not be modified or amended without that permission. Any amended version of this Plan shall be re-submitted to NCC Manager Resource Consents.

Glossary of Terminology

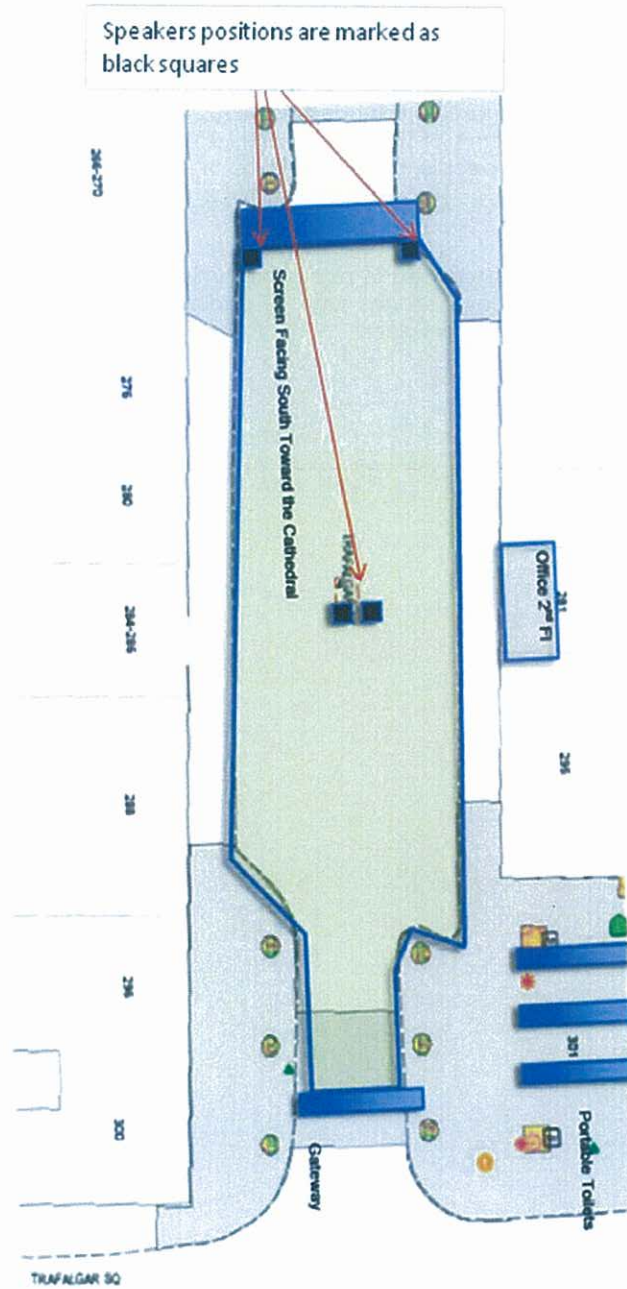
L10 or L₁₀

The L₁₀ sound level is the level equaled or exceeded for 10% of the measurement time. This level equates well with the sounds that have been found to produce annoyance and is adopted in NZS6802:1999 *Assessment of Environmental Sound* to measure intrusive noise. The L₁₀ may be viewed as a "mean maximum sound level". In terms of the subject site L₁₀ levels would likely relate to one off intermittent events such as car by-pass, people, banging etc.

Lmax or L_{max}

The single highest sampled level of sound. Used in night time emission limits as a means of ensuring sleep protection. Short duration, high level sounds such as audible warning devices, pressure relief valves, etc. have a significant effect on Lmax values.

Appendix A – Fan Zone RWC 2011 Event Plan



ANNEXURE D
Existing Resource Consents



APPLICATION FOR RESOURCE CONSENT UNDER S88 OF THE RESOURCE MANAGEMENT ACT 1991 ("RMA")

- NELSON CITY COUNCIL (DEPARTMENT OF RECREATION AND COMMUNITY SERVICES) : APPLICATION FOR LAND USE CONSENT FOR OUTDOOR EVENTS

1. This application by the Recreation and Community Services division of the Council is for a land use consent for a limited number of occasions to use Saxton Field, Tahunanui Reserve, Trafalgar Park and the Church Steps/1903 site for public performances and/or outdoor events where on those occasions, the permitted noise limits in the Transitional and Proposed District Plans will be exceeded.
2. This application is not a general consent as to the use of public venues, and in particular noise controls at those venues. Noise control is covered both by the RMA and by rules within the district plan. This application also only relates to activities which are under Council control.
3. Provisions of the RMA, in particular sections 326, 327 and 328, deal with the matter of excessive noise and give power to an enforcement officer to have noise reduced to a reasonable level where there is excessive noise.
4. Under the Proposed Nelson Resource Management Plan, the noise limits for the Open Space and Recreation Zone (in which the nominated sites are located) are 55 dBA L10 between the hours of 7.00am to 10.00pm Monday to Friday and 9.00am to 10.00pm Saturday, Sunday and public holidays. Outside these hours the noise limit is 45 dBA L10. At any time noise shall not exceed 75 dBA Lmax, or the background sound level plus 30 dBA, whichever is the lower.
5. It is, however, important to note that the Nelson City Council proposed plan has a new rule (which will be effective with the release of Council's decision) which will provide that spectator noise and public performances will be exempt from the application of noise performance standards, where such performances are not outside the hours of 7.00am to 10.00pm.

These decisions are to be released shortly, and with codes of practice yet to be prepared for each site it would appear that the exercise of any consent will fall after this date. As such I believe to avoid confusion, that any consent issued to this application should take into account this new rule.

6. What the Council wish to do at the nominated sites referred to is have a limited number of events where these noise levels are exceeded to a specified extent. That requires resource consent and this hearing results from that requirement.
7. The application was for:

"Land use consent to hold infrequent public performances and/or outdoor events at four locations throughout the city where these may exceed the noise standard stipulated under the Proposed Nelson Resource Management Plan:

- *At Saxton Field (up to three events per year)*
 - *At Tahunanui Reserve (three events per year)*
 - *At Trafalgar Park (three)*
 - *On the Church Steps/1903 site (six)''.*
8. As a result of prehearing meetings, there has been some modification to the original application which is dealt with in the conditions.
 9. The Planner's report dealt with the application sites, the submissions and prehearing meetings, outlines the activities and their status in relation to the plan, evaluates the proposal with regard to the rules under the plan, considers relevant planning documents and considers the relevant provisions of the RMA.
 10. As Commissioner, I adopt the comments of that report in referring to the statutory considerations, relevant planning documents and application of the provisions of the Act.
 11. There were submissions presented by Ms Brinkman (resident Nile Street), Mr D S Braithwaite (Tahuna resident), Messrs Ford and McGuire (Nelson Residents Association) and Mr E Boswick (Trafalgar Street businessman).
 12. As well as council staff there was present at the hearing Mr Steven Lawrence, environmental officer. Submissions in a written form were also received from the National Environment Noise Service who had recommendations on the conditions and whose recommendations I have largely incorporated in this decision.
 13. The submission from Ms Brinkman (resident Nile Street) was generally accepting of the proposals, but expressed concern about three particular events, a gospel group a couple of years ago who played at a noise level well beyond an acceptable standard, the noise generated by the Victorian Rose Beer Festival, and the noise from the 1996 "outdoor cinema". Ms Brinkman acknowledged that noise control was a complex issue involving location of the speakers and other factors such as the weather. Ms Brinkman supported the measuring point being any point within the residential area pointing to problems where she did not think the measurement on the boundary of their property gave a fair indication of the noise level.
 14. Mr Boswick was also concerned about the intensity of noise where at times the cups vibrated in his coffee shop. This was clearly unacceptable, and although he was pleased that there were functions which gathered people together, he was concerned about the general wellbeing of people in an environment where they were almost frightened by the noise.
 15. The Nelson Residents Association made submissions which included concern about the proposed timeframe of seven months, asking for consideration of a period of between November and March. Ms Rachel Allen from the Council commented on this subsequently to say that if it was limited to the period proposed by the Association, it would not permit outdoor events during the period of the Nelson Winter Festival, which is

now a significant local event. The Association was also concerned about specification of the type of performance, but I observe that as a land use consent is largely concerned with effects, so long as the effects are controlled, then the type of event is not restricted. The Association also expressed concern about the addition of the new rule under OSR 36.1, but that is a matter governed by the procedure for the introduction of the new plan and cannot be altered by this hearing, other than to have it recorded that when spectator noise and public performances are exempt through Rule OSR 36.1, the applicant has stated that it is its intention to use noise limits imposed through this consent as guidelines for events occurring prior to 10.00pm.

Mr Braithwaite suggested that there be specific definition of monitoring and proposed certain monitoring points.

There was general discussion concerning the matter of review of this consent and a timeframe for the consent.

16. By way of written submission, the National Environment Noise Service made a submission on behalf of the Public Health Unit of Nelson Marlborough Health Services Limited. The submission essentially suggested that as well as an L10 limit there was an "Lmax" limit, that "noise limits" should be substituted for "maximum noise levels" and a recommendation that assessment take place at any point within the Residential Zone rather than at the Residential Zone boundary.
17. There appeared to be a general consensus on the conditions. An exemption for fireworks displays was requested by the Council, given that the fireworks would exceed the maximum levels proposed, but the nature of fireworks events were such that they were going to be the exception and their value outweighed, or at least justified, the exemption.
18. As Commissioner acting under delegated authority, the application is granted subject to the following conditions:
 - a.
 - i. This consent shall come into effect only when Rule OSR 36.1 comes into effect, and when the Divisional Manager's approval has been obtained under condition e. below;
 - ii. The proposed activities are carried out strictly in accordance with the details and plans submitted with the application, with the exception of the changes imposed in these conditions of consent;
 - b. Subject to condition (d) the following noise limits, measured at any point within any Residential Zone, shall apply to each site:
 - i. Saxton Field:

New Years Eve

10pm – 1am (day following)	70 dBA L10, 85 dBA Lmax
1am – 7am (day following)	45 dBA L10

Two Special Event Days per Year

10pm – 11pm	70 dBA L10, 85 dBA Lmax
11pm – 7am (day following)	45 dBA L10

ii. Tahunanui Reserve:

New Years Eve

10pm – 12.30am (day following)	65 dBA, L10, 80 dBA Lmax
12.30am – 7am (day following)	45 dBA L10

iii. Trafalgar Park:

New Years Eve

10pm – 1am (day following)	70 dBA L10, 85 dBA Lmax
1am – 7am (day following)	45 dBA L10

Two Special Event Days per Year

10pm – 11pm	70 dBA L10, 85 dBA Lmax
11pm – 7am (day following)	45 dBA L10

iv. Church Steps/1903 Site:

New Years Eve

10pm – 1am (day following)	60 dBA L10, 75 dBA Lmax
1am – 7am (day following)	45 dBA L10

Two Special Event Days per Year

10pm – 12.30am (day following)	60 dBA L10, 75 dBA Lmax
12.30am – 7am (day following)	45 dBA L10

Three Special Event Days per Year

10pm – 11pm	60 dBA L10, 75 dBA Lmax
11pm – 7am (day following)	45 dBA L10

- c. Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound. The duration of any measurement shall not exceed 15 minutes, excluding any pauses or data erasure;
- d. The noise limits referred to in b. above shall not apply to fireworks.;

- e. The applicant shall submit for the approval of the Divisional Manager, Planning and Consents, a Code of Practice for each of the application sites. The Codes of Practice shall demonstrate steps which will be taken to prevent excessive noise from events, shall state the obligations of event organisers in meeting the conditions of this consent, and shall contain a monitoring programme for each site;
- f. For concerts held at the Tahunanui Reserve, the Code of Practice shall ensure that any speakers are orientated away from residential areas (including the Tahunanui Hills) and may include a condition that an appropriate sound shell is put in place in the vicinity of any stage or performance area. Any event occurring under this consent must be operated in accordance with the Code of Practice for its venue;
- g. Ten (10) working days prior to any event which will occur after 10.00pm in accordance with this consent, the applicant shall contact the Council's Divisional Manager, Planning and Consents, for the purpose of organising monitoring of the event as required under the Code of Practice. In the case of the Tahunanui area, it is recommended monitoring include:
 - i. The corner of Beach Road and Waikare Street;
 - ii. The cul-de-sac in Champion Terrace;
 - iii. The platform at Paddy's Knob; and
 - iv. The deck of the property at 156 Moana Avenue;

The first event at each venue shall be monitored and from that point on at every third event. The cost of monitoring the event shall be at the applicant's expense;

- h. The Council's Planning and Consent Division, in accordance with section 129 of the Resource Management Act 1991, may serve a notice at any time on the consent holder (the Council's Recreation and Community Services Division) of its intention to review conditions b. and d. The reason is to deal with any excessive noise emissions which become evident as a result of the exercise of this consent.

19. I have been advised and I record that the applicant has indicated that for the purposes of assessing excessive noise between 7am and 10pm, the applicant will have regard to the extended noise limits referred to in this decision and further will regard the 45 dBA L10 limit as applying from 7am to 9am on Saturdays, Sundays and Public Holidays.

Graham Allan

3 December 1998

RESOURCE CONSENT DECISION

Resource Consent number: RM095310

Pursuant to section 104A of the Resource Management Act 1991 (“the Act”), the Nelson City Council (“the Council”) hereby grants resource consent to:

Nelson City Council (Festivals Office)

The activity to which this decision relates:

To hold Opera in the Park on 13 February 2010, for which the permitted noise levels in the Nelson Resource Management Plan will be exceeded.

Location details:

Address of property: Tahunanui Playing Fields, Beach Road, Tahunanui
Legal description: Lot 1 DP 7075 and Lot 6 DP 7075

CONDITIONS

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The activity shall be carried out in accordance with the application (dated 12 November 2009) for resource consent lodged with Council on 16 November 2009, and the following conditions of consent.

2. This consent relates to an event to be held on 13 February 2010.

Advice Note: This condition has been volunteered by the Applicant

3. The event subject of this consent shall finish no later than 10.00pm.

Advice Note: This condition relates to the performance of opera and associated amplification of music. It does not relate to crowd control or dispersal following from that, although the Noise Management Plan (7.2 Event Control) submitted with the application requires that event management are responsible for making sure that people do not linger after the event finishes. The set up and dismantling aspects of the activity should fully comply with the NRMP noise provisions.

4. Any sound checks shall occur between 12.00 pm and 5.00pm on the day of the event. Sound level readings at the closest residentially zoned sites should take place during the sound checks.

5. Noise from the event shall be laid out and managed so as to not exceed the following limits within any residentially zoned site:

65dBA (L10) 7.00am to 10.00pm

45dBA (L10) and 75 dBA(Lmax) 10.00pm to 7.00am (the following day)

Sound levels shall be measured and assessed in accordance with the provisions of NZS6801:1991: Measurement of Sound and NZS6802:1991: Assessment of Environmental Noise. The duration of any measurement shall not exceed 15 minutes, excluding any pauses or data erasure.

6. A minimum of 1 month prior to the commencement of the event, the consent holder shall submit to the Nelson City Council's Manager Environmental Inspections a Noise Management Plan, prepared by a suitably qualified and experienced acoustic consultant. The Noise Management Plan shall set out the practices and procedures that are to be adopted in order that compliance with the noise limits in Condition 4 can be achieved. The Plan shall, as a minimum, address the following:
 - (i) Identify noise sources and potential impacts, including noise level contours and potential impact on residential sites;
 - (ii) Identify those residential sites in nearest proximity to the stage (and estimated noise levels);
 - (iii) Methods to be used for noise control, including reduction measures, and identifying the best practicable option in noise mitigation;
 - (iv) Contingency plans (in the event that noise limits are exceeded);
 - (v) Location of any monitoring sites representative of the most affected residential locations;
 - (vi) Complaint handling and reporting features.

Advice Note: The application was accompanied by a *Noise Management Plan – Tahunanui Reserve – Opera Event February 2010 – Nelson City* (November 2009 Ref 88474(V5) Final) prepared by Malcolm Hunt Associates and appended to the decision as Attachment A. This covers not just operation of the event itself, but times for its set up, sound checks and dismantling of the event. Mr Hunt has advised that this NMP should be completely adequate in meeting the condition, however the condition does provide flexibility for any new noise management initiatives or measures to be included prior to submitting the final version.

7. The consent holder shall undertake the activities authorised by this consent in accordance with the Noise Management Plan prepared and submitted in accordance with Condition 6 above.
8. The consent holder shall nominate a noise contact person whose specific duty it shall be to ensure that the Noise Management Plan is observed in accordance with Condition 7. That person shall be nominated at least 5 weeks in advance of the event, and their name and contact details made available to the Nelson City Council's Resource Consent Monitoring Officer and After Hour's Noise Control Service at least 2 weeks in advance of the event.

Advice Note: The early nomination of the noise contact person will enable them to be involved in finalising the Noise Management Plan, and organise the letterbox drop to local residents advising of the event as required under Condition 9 below.

9. Not less than 2 weeks prior to the event the consent holder shall deliver a written notice to the occupants of each dwelling on each residentially zoned site identified within the Noise Management Plan as likely to receive noise from the event at levels exceeding the permitted noise standards of the Noise Resource Management Plan. The noise shall specify the date and time of the proposed event, the expected times and duration of sound checks, and the name and telephone contact details of that person responsible for receiving any complaints regarding excessive or unreasonable noise associated with the event.
10. The event shall be set up in such a way as to locate equipment such as generators and speakers as far as practical away from noise sensitive locations (i.e. residential areas) and

close to the ground. The stage and speakers (especially bass speakers) shall also be orientated away from residential areas.

11. The operators of the sound system employed for the event shall be fully trained and experienced audio/mix engineers. They shall be familiar with the Noise Management Plan and their obligations under that in ensuring the sound is operated in a way that noise emissions from the events do not become unreasonable.
12. The consent holder shall be responsible to monitor noise from the activities associated with the event, in accordance with the requirements of the Noise Management Plan. In liaison with the Nelson City Council's Manager Environmental Inspections, a meeting shall be held between the consent holder and appropriate Nelson City Council staff at least 1 week prior to the event to confirm and agree on how any noise complaints will be properly received, recorded and acted upon.
13. Dismantling of the event shall finish no later than midnight if undertaken on the same day as the event. Dismantling of scaffolding and any other equipment that may result in metal on metal noise impacts shall only take place during daylight hours i.e. between 7am and 10pm.

ADVICE NOTE(S)

1. This is not a building consent, and the Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. This resource consent authorises only the activity described above. Any matters or activities not referred to in this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
3. This consent is granted to the abovementioned Consent Holder, but Section 134 of the Act states that such land use consent "attach to the land", and accordingly, may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "Consent Holder" in the new conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
4. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
5. Monitoring: A monitoring charge of \$100 will be included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as per the Council's Fees and Charges policy in force at the time. Please contact the Council's Monitoring Officer, phone (03) 546 0381, when work commences on this consent, so that monitoring can be carried out. Please quote the consent number, RM095310.

REASONS FOR THE DECISION

Description of the Proposed Activity

Consent is sought to hold Opera in the Park at the Tahunanui Playing Fields on 13 February 2010, for which the permitted noise levels in the Nelson Resource Management Plan (NRMP) will be exceeded.

The event will involve outdoor performance of classical music and opera. It will be a one-off public event at this venue. Opera in the Park has in recent times been held at Trafalgar Park which is on this occasion unavailable for use due to its upgrading works. The event, which will commence at 5.30pm, will involve amplified music-based sound to a permitted maximum of L10 65dBA at the Residential Zone boundary up until 10.00pm at night.

The application is accompanied by a Noise Management Plan (NMP) prepared by Malcom Hunt Associates, Noise and Environmental Consultants. That report has assessed the noise levels from the event, and has identified those residentially zoned properties likely to receive sound levels above the permitted activity standard in the Nelson Resource Management Plan. The Noise Management Plan also incorporates a range of physical and management-based noise control methods such as the location and orientation of generators, speakers and the stage, event control and monitoring of sound levels and the spectral characteristics of sound, limited hours and duration of the event, community liaison in advance of the event, and complaints handling procedures.

The NMP identifies 7 residentially zoned properties in Beach Road/Waikare Street for which the permitted noise levels in the NRMP will be exceeded. Those properties are all used for residential purposes, and two contain more than one unit (one with 2 units and another with 6), most of which are rental properties.

Plan Rules Affected

According to the Nelson Resource Management Plan, the following apply to the subject property:

Zoning: Open Space Recreation Zone

Schedules: Scheduled Site SF6 (Tahunanui Sports Fields)

Overlays: Coastal Environment Overlay, Airport Effects Advisory Overlay

Rules: OSs2.i – permitted activities on Scheduled Site SF6 include the activity of, and facilities and buildings associated with, outdoor performance, subject to compliance with the rule table

OSr.37 - Noise

Status: Controlled activities

The proposal is a controlled activity by virtue of Rule OSr.37.2 in the Nelson Resource Management Plan as the activity involves electric amplification of sound that will exceed the permitted noise limit of L10 55dBA at some nearby residential sites closest to the proposed stage sited opposite the Waikare Street and Beach Road intersection, up until 10.00pm on the night of the event.

Under Rule OSr.37.2 the Council has reserved its control over: noise levels; mitigation of noise; hours of the activity; monitoring of noise levels; and the frequency of events.

The overlays applying to this site are for advisory purposes only.

Assessment of Environmental Effects

The principal issue associated with the proposed activity, and the matter giving rise to this application, is the actual and potential effects of noise on the local environment. The Council is limited in its assessment of effects (and imposition of conditions) to those matters over which it has reserved control under Rule OSr.37.2:

- (a) Noise limits
- (b) Mitigation of noise
- (c) Hours of the activity
- (d) Monitoring of noise levels
- (e) The frequency of events on the site.

As a guide for assessing the adverse effects of the activity on the environment, the explanation to Rule OSr.37 states that *“the rule is to prevent unreasonable levels of noise affecting neighbouring properties. What is reasonable needs to take into account the nature of the neighbourhood, the time of day or night, and whether it is a week day or weekend. What is reasonable may also relate to the duration or frequency of the event. Habitual noise may be more annoying than one off louder events. Temporary noise may also be tolerated more (within reason) than ongoing disturbance e.g. noise associated with construction. Noise from public events in parks and reserves requires a more flexible method of control. The main source of complaint is amplified PA and sound systems, or when noise levels will be particularly high (e.g. a rock concert)...”*

Against a test of what is “reasonable”, the Applicant’s Noise Consultants (Malcolm Hunt Associates) have concluded that the noise effects of the proposed event will be mitigated by the one-off nature of Opera in the Park at this venue and that fact that the exceedence will not occur after 10pm (at night-time by definition under the NRMP) which is important as a sleep protection measure. Other mitigating factors are the expected noise levels and the fact they are breached over a very confined area, noise mitigation measures applied at source, and prior notification of the event to the affected community. The event is also to be held on the weekend. On this basis they have concluded that noise from the event will not be unreasonable, and subject to the imposition of the conditions recommended in their report, any detectable noise effects on the environment and persons resident in the area will be less than minor. This assessment is accepted by Council, including its Environmental Inspections Officer, subject to a Noise Management Plan being imposed and implemented as conditions of consent.

The Noise Management Plan submitted with the application, while not the final version (it may be amended to include any new noise management initiatives or measures prior to submitting the final version to Council), is comprehensive and encompasses all of those matters over which the Council has reserved its discretion under Rule OSr.37.2 of the NRMP. It represents the best practical option in ensuring that the emission of noise from the site does not exceed a reasonable level. It also requires that a noise contact person be designated by event organisers to ensure the Noise Management Plan is fully observed. The consent conditions also recognise the need for this person to be made known to and liaise with Council monitoring officers and after hours noise service in the event of noise complaints being received.

It is acknowledged that the control of noise from Opera in the Park at this venue is a feature not just of operation of the public event itself, but also how equipment is set up and orientated, how and when sound checks occur, and effective monitoring and complaints procedures. A range of conditions have been imposed that will ensure that noise from the event, arising both from its set-up, operation and dismantling, can be appropriately mitigated so that any effects on the local

environment are less than minor. Some of these have been volunteered by the Applicant, and others reflect key outcomes anticipated of the Noise Management Plan.

For all of these reasons, it is considered that the adverse effects of the activity on the environment will be no more than minor.

RELEVANT STATUTORY PROVISIONS

Policy Statements and Plan Provisions

In considering this application, the Council has had regard to the matters outlined in section 104 of the Act. In particular, the Council has had regard to the relevant provisions of the following planning documents:

1. the Nelson Regional Policy Statement;
2. the Nelson Resource Management Plan.

The activity is considered to be consistent with the relevant objectives and policies contained in Chapter 11 of the NRMP. Objective OS1 seeks to maintain the social well-being of the community by recognising and enhancing opportunities for use of open space and recreation land, providing the amenity of such areas are protected (Policy OS1.1) and activities are compatible with the amenity values of surrounding areas (Policy OS1.3). These values, specifically in relation to the noise environment, have been addressed in the application. Objective OS2 recognises the need to retain opportunity to provide for changing community needs and aspirations. The application seeks one-off flexibility to use the Tahunanui Playing Fields for Opera in the Park, a change brought about by upgrading works at its preferred venue.

Any other relevant matters

The Council has had regard to the following matters which it considers are relevant to determining this application:

- (a) The Tahunanui Reserve Management Plan (TRMP):

This recognises that the southern edge of the playing fields is occasionally used as a venue for festivals and outdoor events. As part of the urban environment, the TRMP has as one of its aims the use of the reserve with a community focus. Within the Inland Management Area of the reserve, relevant objectives and policies for outdoor performance recognise the need for an area or facilities suitable for community concerts and performance, providing they are sited and orientated to minimise any potential adverse effects of entertainment activities such as sound. The proposal is not in conflict with the TRMP. The Nelson City Council's Manager Parks and Facilities has viewed the application and has not raised any concerns with the proposal.

- (b) Code of Practice – Noise Control for Events in Parks and Reserves, NCC Planning and Consents Division:

The Code of Practice has effectively been replaced by the Noise Management Plan which accompanies this application and is reflected in Condition 7 of the consent.

- (c) Precedent and Cumulative Effects:

The consent provides for only one event of Opera in the Park to be held at this venue. The Tahunanui Sports Fields are the subject of an existing consent (RM985339) allowing a public performance and/or outdoor event which may exceed the permitted noise levels to be held on one occasion (New Years Eve) annually. The Applicant has advised that there is no public event planned for this site for New Years Eve 2009/2010. There will

therefore be no adverse cumulative effects, nor for that matter any precedent effect, from the granting of this consent.

Part 2 Matters

The Council has taken into account the relevant principles outlines in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in section 5. It will provide for the social and cultural well-being of the Nelson community, but with noise effects managed so that they are less than minor and do not impact on the health and well-being of nearby residents.

Notification and Affected Parties

The Council has decided that the adverse environmental effects of the proposed activity are no less than minor and, accordingly, that the provisions of section 95 of the Act have been met. The application has therefore been processed without notification. A separate report on this is contained on Council files.

Overall Evaluation

This application relates to noise levels associated with a one-off event of Opera in the Park to be held at the Tahunanui Playing Fields on 13 February 2010. The application includes, by way of a set of mitigation measures, a Noise Management Plan prepared by a qualified and experienced Acoustic consultant. Submission of and compliance with a final version of that Noise Management Plan has been imposed as a condition of consent. With that, and control over the frequency of the event and the duration of noise in excess of permitted standards in the NRMP, noise levels from the event will not be unreasonable and any adverse effects on the nearby residential neighbourhood will be less than minor. The proposal accords with the objectives and policies in the NRMP for the Open Space Recreation Zone, and is not inconsistent with the Tahunanui Reserve Management Plan. Subject to the conditions imposed on the consent, the granting of resource consent will achieve the purpose (sustainable management of natural and physical resources) of the Resource Management Act.

This resource consent is **granted** on 2 December 2009 under delegated authority from Nelson City Council by:

Gary Rae
Independent Commissioner

PUBLIC CONSULTATION CARRIED OUT BY APPLICANT

PUBLIC CONSULTATION ON RM115245 AND RM125012 (NELSON CITY COUNCIL RESOURCE CONSENT APPLICATIONS FOR PUBLIC EVENTS)

Neighbouring residents and the general public were invited to attend any of four public information sessions organised by the Applicant for mid February 2012, the purpose of which was to explain the applications process, the expected noise characteristics of events, and the proposed mitigation procedures:

Monday 13 February 2012, Saxton Netball Pavilion, 7.00pm – focus on Saxton Field venues

Tuesday 14 February 2012, Nelson Council Chamber, 5.30pm – focus on Fairfield Park and Botanics Reserve

Tuesday 14 February 2012, Nelson Council Chamber, 7.30pm – focus on Trafalgar Park, Trafalgar Centre and Upper Trafalgar Street

Wednesday 15 February 2012, Tahunanui School Hall, 5.30pm – focus on Tahunanui Playing Fields

Although the meetings were held convenient to the resident populations of each of the Special Events venues, both applications were open for discussion.

The public meetings were advertised as follows:

- By article in Live Nelson, 21 January and 4 February 2012
- Public Information Sessions Notices placed in Nelson, Stoke and Tahunanui libraries, supermarkets and community centres
- Public Information Sessions Notice distributed to event organisers, and to Nelson Tasman Tourism to distribute through their event organisers database
- Media release 9 February 2012

The meetings were attended for the Applicant by Kath Inwood (Manager Community Development, NCC), Susan Coleman/Hugh Kettlewell (Executive Managers, NCC), Malcolm Hunt (Acoustic Engineer) and Jane Hilson (Resource Management Consultant).

No members of the public attended the meetings held 13 and 15 February, and 5.30pm 14 February.

The session of 7.30pm 14 February was attended by Gaile Noonan (a resident of Hathaway Terrace), Errol Miller and Dan McGuire.

Matters raised by and of particular interest to those members of the public in attendance were:

- the resource consent application process and its timing;
- comparison with current noise levels permitted under the NRMP and existing consents;
- the comfort level of noise for health reasons, and how this would be compromised at levels as high as L_{eq} 85dBA;
- in discussion of Trafalgar Park, the duration and close of events during the week (no later than 10pm), excessive noise levels and tonal characteristics from the Fresh FM Vineyard Concert that had just occurred at the Park, the need to be mindful of the cumulative effect of public events on Hathaway Court residents where these parties already endure a degree of anti-social night-time behaviour due to their inner city location, and the number of events proposed annually for Trafalgar Park;
- proposed mitigation measures, Council's booking system and monitoring of events as they occur.

RECEIVED

05 APR 2012

NELSON CITY COUNCIL
Customer Service

Ref 0332

6 April 2012

Nelson City Council
PO Box 645
NELSON

Attn: Mark Batchelor/Carl Jenkins

Dear Sir

RE: SECTION 92 RESPONSE – NELSON CITY COUNCIL, SPECIAL EVENTS ON PUBLIC RESERVES, RM135012

I reply to your letter of 15 February 2012, in the numerical-order of the items as they appear in your request for further information.

A number of the items are of a technical nature relating to noise effects, and these have been referred to the Applicant's Acoustic Consultant for comment. Mr Hunt has also been provided with a copy of the Marshall Day Peer Review, which is referenced in your letter. Mr Hunt's response is attached in the form of an amended Noise Assessment Report. We trust that it addresses specific matters that you have raised.

Would you please ensure that, prior to public notification of this application, this amended report replaces Malcolm Hunt Associates' earlier assessment dated December 2012. Two copies of the report are enclosed.

Mr Hunt has addressed Items 2, 5, and 14-17. I have addressed the balance of the Items below.

1. We acknowledge your email of 18 February in which you confirm that you have since been provided by Council Staff with colour copies of the plans accompanying the noise impact assessment.

These plans have since been amended to show the boundaries of each Special Events site, the location of noise sources predicted for each (where this is able to be defined), and the NRMP zone boundaries. These plans, in colour, are enclosed.

3. I attach a report detailing the outcome of public consultation. This covered both resource consent applications RM115245 AND RM125012. Two of the three parties who attended the public meetings requested, and were provided with, copies of the application(s). No changes were made to either application specifically as a result of this consultation.
4. The Applicant has advised that, in exercising any consent that may be granted under this application, the Applicant agrees to comply with any restrictions or interests on the Certificates of Title for the respective events venues.
6. The new consent will replace RM985339, and the new consent would have more onerous on site and events specific noise management plan requirements relative to RM985339.

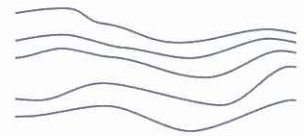


7. The events and paragraphs to which you refer are those proposed under this application. It is only the first table for each of these sites that refer to existing events.
8. The maximum number of special events proposed at Trafalgar Park is 21 annually (7 sporting or recreational events, and 14 music and cultural events). This discrepancy has arisen because of the wrong tally of events in 8.1, Item (ii) for Trafalgar Park, in Mr Hunt's assessment. Amended pg 5 attached.
9. Yes.
10. Mr Hunt has advised that Rutherford Park is in fact not included, rather any Special Events will be confined to the Trafalgar Centre (indoor events only) which is situated within Rutherford Park. Rutherford Park should be deleted from the application cover page (amended page attached).
11. Given that the proposed Special Events are discretionary or non-complying activities, it would seem that the Council is not limited in the effects it may consider (after all the activities are not controlled or restricted discretionary). However, regardless of the assessment criteria in the NRMP (which we have used as a guide only), any AEE must reasonably relate to the effects of the proposal. It is difficult to see how matters of parking and traffic, and visual impact, are reasonable considerations given that the Open Space Recreation Zones are scheduled for public events. Similarly those activities are permitted in the Inner City. Our AEE has concentrated on those potential effects of the matters giving rise to the need to consider the Special Events by application separate to those public events complying with the noise limits, namely increase noise limits, closing times (for the very limited number of occasions and duration - from 11pm to 11.30pm - for which consent is required) and structures on Trafalgar St.
12. The purpose of this application is to put in place an administratively practical process to be followed, from the booking of public reserve through to completion of an event, which avoids the need for separate resource consent applications for each event as they arise. Key elements in avoiding excessive noise from Special Events is in the selection of specific sites or venues for these events, and in limiting their frequency, duration, closing time and permitted noise limits. There is no discretion in these matters. The Event Noise Information and Agreement procedures, and the Noise Management Plans (either site or event specific), are additional management tools which, by their nature, retain a degree of discretion in their formulation and/or administration. The question I believe that you are interested in is whether this discretion is acceptable where not allowing for further public input.

The Event Noise Control Information and Agreement (ENCIA) is contained in Appendix C of the Noise Assessment Report. We would not expect the general public to be involved in the day to day administration of Council land and reserves. The ENCIA is however clear in the obligations on Event Organisers not just to minimise noise from their events, but to inform residents of what and when events are to occur. Noise complaints that do arise have often been found to accompany a lack of knowledge about an event, particularly the source of the noise and how long they may expect the noise to continue. Residents have been found to have a greater acceptance of noise when well informed of the event.

If consent is granted, Noise Management Plans (NMP) would need to be prepared before events are held in accord with the Special Events consent. Mr Hunt has described the NMPs as "*a public statement that explains the governing principles and reasons for decisions to interested parties.*" The NMPs must be prepared by a suitably qualified and experienced acoustic consultant and 8.2 in the Noise Assessment Report specifies what the NMP must contain. The list could be added to in the course of public submissions on the application, if additional matters are identified.

Having determined what noise limits are acceptable through the resource consent application process, the NMP is to put in place practical methods to comply with those noise limits in any residential areas surrounding the venue. It must be signed off by Council's regulatory management, taking into account the interests of close residents. It is not intended that the general public have



input to the development of those NMPs. In Mr Hunt's experience this is consistent with the process adopted by other local authorities, and with the Founders Park and Opera in the Park events.

A NMP is an evolving document, and it is anticipated that if its methods are found to be ineffective in managing noise limits (as reflected through monitoring and/or public complaint) then they will be reviewed. That review may be instigated by the Consent Holder, an Event Organiser or, in accord with Sec 128 of the Resource Management Act, the Consent Authority. That may give rise to the input of affected persons. In all cases, the NMP cannot be modified or amended without permission of the NCC Manager Resource Consents.

Your letter infers that the Council and Event Organisers have discretion to "vary activities". I am unsure what you mean by this. The application acknowledges that there is, and will continue to be, a variety of events using amplified sound that may occur at each these venues. It is expected that the key elements referred to previously in managing noise impacts – the frequency, duration, closing time and permitted noise limits for events – will be explicit consent conditions, and these will not be able to be varied through the ENCIA or NMP.

If maximum noise limits are established for these venues, such that any adverse effects on parties will be no more than minor, then we do not believe that there is any need or justification for the public to be involved in preparing the NMPs.

13. This leaflet is for information purposes only, so residents have advance knowledge of the event, its date and time, and contact details for any noise complaint.

We trust that notification of this application, and RM115245, can now occur with some urgency.

Yours faithfully
PLANSCAPES (NZ) LTD

Jane Hilson

Resource Management Consultant
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Email jane@planscapes.co.nz

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