

MEMO

TO: Sherilyn Hinton
FROM: Julie Lloyd
CC: Sarah Stevenson
DATE: 8 March 2016
SUBJECT: Submissions on Proposed District Plan – Residential Noise

You have asked for comments in relation to two submissions received on the Proposed District Plan (“**the PDP**”). Submissions 21 and 61 have raised concerns about a residence being rented as a bach or holiday home in Peka Peka being used for events/functions, and have indicated that this activity is leading to adverse effects on residential amenity for nearby properties. The submitters consider that the PDP is currently illequipped to deal with this activity, and therefore believe we can not control the noise effects from the bach or holiday home activities.

A number of specific amendments are proposed by the submitters in relation to the policies, rules and definitions in the PDP. I understand that you will be addressing all of these issues from a planning perspective, and that you are considering specific amendments to the PDP in response to the submissions. From our preliminary discussions, I understand that one of the amendments you are considering is to expressly permit the temporary rental of holiday homes or baches, subject to the rental activity meeting certain performance standards. In respect of managing noise effects associated with the activity, you have asked my view as to whether or not the activity should be subject to the non-residential activity noise standards set out in Chapter 12 of the PDP, or if the Excessive Noise provisions (Sections 326 to 328) of the RMA are sufficient to manage the activity.

Excessive noise means 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). Excessive noise typically covers such noise sources as stereo’s, musical instruments, machines, electrical appliances, people, explosions and vibrations.

Short term sporadic noise events that are caused by noise making equipment, are best controlled under the excessive noise provisions because the outcome sought is the prompt cessation or reduction of the noise to a reasonable level to reduce effect on neighbours. If the recipient of an excessive noise direction fails to comply immediately, and for the next 72 hours with that direction, measures can be taken pursuant to s328(3) of the RMA to provide for immediate cessation of the noise. This is achieved by either seizing and removing noise making equipment or rendering it inoperable or imposing punitive infringement fines.

It is my understanding that the noise that is complained of in relation to the rental of this property is intermittent and involves the noise from people gathering for parties or functions, and noise related to fireworks and amplified music associated with those activities. There is also a mention of helicopter noise related to landings at the property.

With respect to helicopter noise the submitters do not mention how often this activity does occur and whether it is a significant issue. Noise effects from the landing and take off of helicopters are best managed with rules in the District Plan and reference to the appropriate noise standards. Helicopter noise can not be managed under the excessive noise provisions of the RMA.

In my view the excessive noise provisions are the most appropriate way to manage the noise generated by any holiday home, particularly as:

- the activity is (generally) more akin to a residential activity than a commercial activity, and more often than not, the levels of noise generated by holiday homes are not inappropriate for the residential environment;
- regardless of whether a home is being rented for a 'function' or if the owners themselves are holding a 'function,' both scenarios are subject to the excessive noise provisions in the RMA;
- the Council has an excessive noise response service that operates 24 hours each day, and in 98% of responses the noise control officer attends the site within a half hour of receiving a noise complaint; which will provide a prompt relief to any neighbours being affected by excessive noise;
- I am not aware of any cases where there have been ongoing excessive noise complaints related to holiday houses or baches and if there were these would have come to my attention;
- Proving that a bach or holiday house did not meet non residential noise standards would be very difficult especially since most noise associated with the activity is of relatively short duration, temporary and intermittent in nature and often experienced in the evening. Noise standards are best used to control ongoing activities that are producing unreasonable noise.

On the above grounds, I reiterate my strong preference for noise issues (resulting from the use of baches or holiday homes) to be controlled using the Excessive Noise provisions (Sections 327 and 328) of the RMA , rather than through adherence to non-residential permitted noise standards and resource consent processes.

Please let me know if you would like to discuss further

Julie Lloyd
Environmental Health Team Leader