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APPROVAL OF DISTRICT PLAN CHANGE 23: CENTRAL AREA NOISE INSULATION RULES

1. Purpose of Report

To report to Council the recommendations of the District Plan Hearing Committee concerning District Plan Change 23 – Central Area Noise Insulation Rules.

2. Recommendation

- 1) *That Council approves the recommendations of the District Plan Hearing Committee in respect of District Plan Change 23 – Central Area Noise Insulation Rules as set out in Appendix One to this report.*

3. Background

Proposed District Plan Change 23 was publicly notified on 1 October 2003.

The purpose of Proposed Plan Change 23 is to introduce a new Central Area rule requiring noise sensitive activities in new buildings or converted existing buildings to be protected against external noise. To achieve this, the plan change:

- ∄ defines “habitable rooms” and “noise sensitive activities”;
- ∄ introduces a new condition to the permitted rules requiring habitable rooms in buildings used by noise sensitive activities to be acoustically insulated in accordance with the new performance standard;
- ∄ requires mechanical ventilation to be provided for bedrooms with openable windows;
- ∄ provides criteria for the evaluation of noise sensitive activities as a Discretionary (Restricted) Activity if the proposed development does not meet the new performance standard; and
- ∄ amends the existing acoustic insulation requirements for the Te Ara Haukawa Precinct (the rail-yards site) within the Central Area to be consistent with the new performance standard.

The plan change was developed in response to increasing reverse sensitivity problems within the Central Area that have arisen over the last few years as a result of poor building practices. The issue has become more significant in recent years as the move to inner city apartment living has increased.

The Hearing for Proposed District Plan Change 23 was held at Council Offices on 15 December 2003 following distribution of the Officer's Report to all submitters and further submitters.

4. Discussion

Thirteen main submissions and four further submissions were received on Proposed Plan Change 23. All but three indicated full support or support for the intent of the plan change.

Five submitters (Anthony Hiles, Kevin Morris, Luit Bieringa, the Property Council and the Hospitality Association) attended the hearing and spoke to their submissions. A further written submission from Gavin Forrest was presented to the hearing due to his inability to attend the hearing.

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared before the Committee. The Committee also noted Mr Forrest's concerns that there was no provision for telephone or video link up as part of the hearing process and that this needed to be considered for future hearings.

The Hearing Committee was persuaded, taking into account both the oral and written submissions, that District Plan Change 23 be approved by Council in accordance the recommendations set out in the Officer's Report, subject to additional minor amendments suggested at the hearing by the Property Council.

Once approved by Council the decision will be publicly notified and served on the submitters. Submitters then have the option of referring the matter to the Environment Court within 30 working days. If no references are made the plan change will become operative.

Report from: Ian Hutchings

Chair of the District Plan Hearings Committee on Plan Change 23 – Central Area Noise Insulation Rules

**APPENDIX ONE
REPORT OF THE HEARING COMMITTEE**

**WELLINGTON CITY COUNCIL
REPORT OF THE HEARING COMMITTEE**

SUBJECT: **PROPOSED DISTRICT PLAN CHANGE
23: CENTRAL AREA NOISE INSULATION
RULES**

**COMMITTEE MEMBERS: CRS HUTCHINGS
BEST
GILL**

DATE OF HEARING: **15 DECEMBER 2003**

1. RECOMMENDATIONS

- 1) *Approve District Plan Change 23 – Central Area Noise Insulation Rules subject to:*
- € *a change to the definition of Habitable Rooms to clarify the application of the rule to childcare centres; and*
 - € *minor format and technical changes to the Noise Insulation Construction Schedule.*

A copy of the revised plan change is set out in Attachment One to this report.

- 2) *Accept or reject all the submissions and further submissions to the extent that they accord with recommendation (1) above.*

2. INTRODUCTION

This decision relates to Proposed District Plan Change 23 – Central Area Noise Insulation Rules.

Proposed District Plan Change 23 is a Council initiated plan change to introduce provisions in the Central Area requiring noise sensitive activities in new buildings or converted existing buildings to be protected against external noise. The plan change was developed in response to increasing reverse sensitivity problems that have arisen within the Central Area over the last few years, particularly as the move to inner city apartment living has increased.

Thirteen main submissions and four further submissions were received on Proposed Plan Change 23. All but three indicated full support or support for the intent of the plan change.

Five submitters attended the hearing and spoke to their submission:

- € Kevin Morris
- € Anthony Hiles
- € Luit Bieringa
- € Property Council of NZ
- € Hospitality Association

A further written submission from Gavin Forrest was provided to the Committee in support of his original submission as he was unable to attend the hearing. The Committee also noted Mr Forrest's concerns that there was no provision for telephone or video link up as part of the hearing process and that this needed to be considered for future hearings.

The Committee gave careful consideration to all the issues raised by the submitters, including those issues elaborated on in presentations by the individuals who appeared before the Committee. In coming to a decision, the Committee endorsed all the recommendations in the Officer's Report, subject to one additional change to Noise Insulation Schedule recommended by the Property Council.

The following discussion sets out the key issues and the Committee's reasons for making its decision.

3. SUBMISSIONS AND DISCUSSION

3.1. Scope of the Plan Change

Jurisdiction outside the Central Area

The Committee considered submissions from Regional Public Health and Wellington Waterfront Ltd that the philosophy behind the plan change should be applied beyond the boundaries of the Central Area.

In their submission, Regional Public Health suggested incorporating the provisions into Suburban Centres zones when the District Plan is next reviewed. In responding to these comments, the Committee noted that more information was needed about the extent of the issue in particular suburban centres and that further monitoring of residential development in these areas was needed before considering any further plan changes.

Wellington Waterfront Ltd requested that the insulation requirements be extended to include those parts of the Lambton Harbour Area that lie within the Coastal Marine Area. In response, the Committee noted the officer's advice that territorial authorities are only permitted to introduce provisions into a District Plan that apply on the landward side of the mean high water springs mark. The request was considered therefore, to be beyond the scope of the plan change.

The Committee noted however, that Council (in conjunction with CentrePort and Greater Wellington Regional Council) is currently investigating a combined plan change proposal for port noise that would see the introduction of a similar requirement for acoustic insulation in new or converted buildings within a port noise affected area. This would include the parts of the Lambton Harbour Area that lie within the Coastal Marine Area.

Notwithstanding the merits of the submissions, the Committee could only work within the scope of the Plan Change as publicly advertised.

Recommendation

That issues raised by submitters are outside the scope of the plan change and can not be considered.

Greater emphasis on the control of the noise source

The Committee gave careful consideration to this issue as there was significant comment from residents and owners of apartments in the City who submitted on the plan change.

The Committee firstly considered the submission, further submission (and written verbal submission that was presented to the hearing) from Gavin Forrest who supported the intention of the proposed plan change but requested amendments to the objectives, policies and rules to protect existing residential owners and occupiers from adverse effects of noise generated by new uses. Mr Forrest requested that an additional clause be added to policy 12.2.2.3 referring to the need to protect existing noise sensitive activities from the adverse effects of new uses; and a new rule (and explanation) be provided requiring new uses of existing buildings and new buildings to ensure that noise levels are controlled at the same level proposed for Rule 13.1.2.12.

In responding to these concerns, the Committee noted that the plan specifically provides for higher noise levels in the Central Area and informs readers that these levels were designed to allow most activities to occur.

The plan's intent regarding noise sensitive activities is also clear when it states that *...noise sensitive uses (including residential ones) may wish to establish in the Central Area but the designers, developers and users of these will need to be aware that higher noise levels are allowed within the Central Area than would normally be provided to adequately protect, say, residential activities. Consequently the designers, developers and users of the noise sensitive uses should provide for appropriate levels of insulation to buildings to stop possible higher levels of noise from causing intrusion* (explanation to rule Policy 12.2.2.3).

A similar statement is provided in the explanation to Rule 13.1.1.1 (Noise emission standards) whereby it states that *...noise limits apply to all other sites in the Central Area including sites used for residential purposes for which no stricter controls shall be applied. The onus is on any residential owner within the Central Area to provide what sound protection measures may be necessary to achieve internal noise limits of 35 dBA (L10) and 65 dBA (LMax).*

Two key points are reflected in these explanation statements in the District Plan.

Firstly, that the plan clearly foresaw insulation of buildings accommodating noise sensitive activities as a key aspect of the sustainable management of noise in the Central Area.

Secondly, that the District Plan already provides a regulatory environment for noise generators in the Central Area through the setting of noise emission standards. Although these noise standards are higher than residential areas, they are specifically designed to *encourage a wide range of activities within the Central Area* (Policy 12.2.1.2) and allow the sorts of activities you would expect in a vibrant central city area.

In responding to Mr Forrest's submissions, the Committee was of the view that the plan change was not intended to challenge the objectives and policies in the District

Plan relating to noise, but to upgrade the emphasis on insulation of buildings that house noise sensitive activities as an important method to achieving the objectives and policies of the plan. To this effect, decisions sought by Mr Forrest are considered unnecessary and not within the scope of the plan change.

The Committee also considered submissions by Dr K J Kirkpatrick and Kevin Morris that supported the plan change but requested a more balanced action on both the nuisance noise generation and the sound insulation sides of the equation. In his oral submission, Kevin Morris re-affirmed his support for the intent of the plan change subject to higher standards of glazing and a greater emphasis from Council in relation to the management of nuisance noise.

Although not supporting the plan change, the submissions and further submissions from Anthony Hiles and Luit Bieringa also stressed the need for a more balanced approach to controlling noise, particularly noise from bars, restaurants, external speakers and mobile sources of noise such as rubbish trucks and ambulances. The Committee also noted the oral submissions presented by both submitters at the hearing regarding specific problems they have experienced as residents close to the Courtney Place entertainment precinct. To this effect, the Committee noted the specific concerns Mr Hiles referred to in his oral submission about the transmission of low frequency noise through the fabric of buildings, noise pollution from external speakers late at night (when streets are largely empty) and poor management practices regarding the collection of rubbish. Similarly, the Committee noted Luit Bieringa's comments that the plan change should be withdrawn to enable Central Area noise issues to be addressed in a more holistic and comprehensive manner.

In coming to its decision to accept the plan change, the Committee wanted to emphasise that the existing noise emission standards in the District Plan, combined with the enforcement powers under the Resource Management Act 1991, play a key role in the management of noise. Although the ability to manage mobile sources of noise is constrained under the Resource Management Act 1991, these provisions provide a sound basis for compliance of noise generators through abatement notices, excessive noise directions and enforcement orders. The Committee was made aware of other mechanisms (such as licensing provisions) that could also be used to ensure compliance. To this effect, the Hospitality Association expressed the view that *...licensed premises already have noise restrictions to comply with and are liable to enforcement action should they flout these. Operators in the hospitality sector cumulatively spend large amounts of money and time ensuring noise is controlled in their premises. The proposed change reflects a proactive and equitable approach to noise issues within the Central Area which is welcomed by our Association.*

In conclusion, the Committee saw no need to withdraw the plan change to allow a wider comprehensive review of noise matters in the Central Area and was also of the view that the proposals set out in the plan change (by placing greater emphasis on insulation) would go a significant way to improving the regulatory balance between noise generators and noise receivers. It noted that the present dwelling units would continue "as built", and that noise management would need to continue as at present for the foreseeable future. Furthermore, the improved environmental outcomes achieved through the plan change (although not the panacea for all management issues to do with noise) represented an important step towards improving the long term sustainable management of noise in the Central Area. The Committee was encouraged by comments to this effect from Raewyn Blakely (representing the Hospitality Association) and Nigel Lloyd (representing the Property Council) re-affirming full support for the plan change on the basis that it provided a better

regulatory balance between the noise generating environment and the noise receiving environment.

On the basis of discussion above, the Committee endorsed the following recommendations.

Recommendations

- € The plan change, by introducing a rule requiring insulation of buildings accommodating noise sensitive activities, achieves the objectives and policies of the District Plan and improves the balance from a regulatory viewpoint between the noise source and the receiving environment.
- € Amending the objectives, policies and rules of the District Plan to further constrain noise generating activities is considered outside the scope of the plan change and is not recommended.
- € The issues raised in submissions concerning enforcement and management of mobile sources of nuisance noise are not considered within the scope of the plan change.

3.2. Definitions

Proposed Plan Change 23 sets out new definitions for *External Sound Insulation Level*, *Noise Sensitive Activity* and *Habitable Spaces*.

Committee noted support for the definitions in their entirety by CentrePort Ltd. It also noted support for the definition of *Noise Sensitive Activity* from the Property Council and the Ministry of Education.

The only change requested in relation to definitions, was from the submission by the Ministry of Education concerning the definition of *Habitable Room*. Although supporting the requirements for insulation and ventilation of sleeping areas within early childcare facilities, the Ministry was concerned that under the definition of *habitable room* the requirements for acoustic insulation could apply to other areas within early childcare facilities, such as indoor play areas and kitchens where it is neither practical nor necessary to acoustically insulate. In support of this view the Ministry referred to the requirement of Early Childhood Education regulations to promote an indoor-outdoor flow for play areas and that as a consequence, any noise insulation works would be negated and compliance with the standard might be brought into question. The financial implications and likely compliance costs was also a concern to the Ministry. The decision sought by the Ministry was that the definition of *habitable room* be amended to specifically exclude any room in an early childhood centre not used for sleeping.

The Committee considered the concerns raised by the Ministry to be valid, particularly as it is recognised that play areas are themselves generators of relatively high levels of noise and that doors to outdoor play areas are often open for long periods of time. The relief sought was also considered appropriate as the original intent of retaining early childhood centres in the definition of *Noise Sensitive Activities* was to ensure sleeping areas were protected against the higher noise environment within the Central Area. A letter of support for the recommendation in the Officer's Report was received on the day of the hearing.

Recommendation

- ∄ That the relief sought by the Ministry of Education is accepted as a way of providing further clarification of the intent of the application of the rule and that the definition of *Habitable Room* is amended to read:

HABITABLE ROOM: in any of the categories of activity referred to in the definition of 'noise sensitive activity', means a space within a building that is commonly associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, any room in an early childhood centre not used for sleeping or other space of a specialised nature occupied neither frequently nor for extended periods of time.

3.3. Noise Insulation Construction Schedule

Written submissions in relation to the Noise Insulation Construction Schedule were provided by Guy Marriage, Property Council of NZ, Regional Public Health and CentrePort Ltd. An oral submission in support of the plan change and in support of the recommendations in the Officer's Report (subject to one further minor change) was provided by Mr Nigel Lloyd on behalf of the Property Council of NZ.

The Committee noted the strong level of support for the approach of using the schedule as a practicable and effective method of achieving the insulation standard.

For legibility reasons, issues relating to the construction schedule are discussed under the following subcategories:

- ∄ Format & terminology
- ∄ Specification of materials
- ∄ Mass
- ∄ Windows

A revised table, taking account of the recommendations in the Officer's Report and the further change recommended by the Property Council at the hearing, is included in the Revised plan change documentation in Attachment One to this report.

Decisions Requested - Format & Terminology

- ∄ The schedule would be easier to understand if the requirements for separate sections were divided into standardised categories (eg cladding, frame, linings etc) with a separate section for minimum superficial density. (Property Council)
- ∄ The note regarding exterior cladding is moved into the schedule itself. (Property Council)
- ∄ The words "or equivalent" be deleted as this introduces discretion into the schedule. (Property Council)
- ∄ The use of proprietary names (such as Gib) be avoided and more generic terms (such as plasterboard) be used. (Property Council)
- ∄ The wording of the provision for floors is poorly worded and ambiguous. (Regional Public Health)

Analysis

The Committee agreed that amending the format of the schedule by separating the sections as suggested and by separating out the requirements for superficial density would improve the legibility of the schedule without changing content or scope. The

moving of the note on exterior cladding into the table and removal of the words “or equivalent” from the section on windows would provide further certainty and is recommended.

The term “gib” is used once in the table and is referred in other parts of the table more generically as “gypsum plasterboard”. The Committee agreed that more generic terminology should be used throughout for reasons of consistency. Although the term “batts” is used in the table, this is used in parenthesis as an example of what complies with fibrous acoustic blanket and is considered appropriate in this regard.

Dividing the provision for floor areas into a section on cladding and a section on combined density was considered to remove the ambiguity of the section for floor areas.

Recommendations

- ∅ Amend the format of the table to divide each section into standardised categories (eg cladding, frame, linings etc) with a separate section for minimum superficial density.
- ∅ Move the note on exterior cladding into the table.
- ∅ Remove the words “or equivalent” from the table.
- ∅ Replace the word “gib” with “gypsum plasterboard”.
- ∅ Divide the provision for floor areas into a section on cladding and a section on combined density.

Decisions Requested - Specification of Materials

- ∅ Provide for a wider range of common building materials and circumstances. (Property Council)
- ∅ Standardise specifications for common building materials – eg timber studs are normally ex 100mm but are nominally less than 100mm. Thus specifying minimum thickness 100mm timber stud strictly rules out the standard timber stud. This also applies to 13mm plasterboard where an alternative ½” material (such as fibrous plasterboard) would be ruled out. In a similar manner the specification of 9.6kg/m³ is exact for batts which are variable anyway. (Property Council)
- ∅ Reduce specification where appropriate and review elements where there is a discrepancy between various materials (eg 150mm concrete will outperform 20mm timber with gib partition & 9mm compressed cements outperforms 20mm timber to as the outer lining to a stud wall). (Property Council)
- ∅ Should be compulsory to have two layers of gib (instead of one) and noiseline should be the minimum. (Guy Marriage)

Analysis

In considering specifications of materials, the Committee noted that the schedule had been designed and tested to achieve the insulation standard of $D_{nTw} + C_{tr} > 30$ dBA set out in the rule. The rule and schedule do not constrain the ability of proponents to use of higher specifications than those shown in the table – it merely sets the bottom line.

The Committee also noted that nominal specifications may in some cases be slightly less than the common specifications stated in the schedule. Referring to this in the notes section would remove any uncertainty as to the minimal requirements. This,

combined with removal of proprietary terms would have the effect of providing for a wider range of common building materials and circumstances without compromising the standard.

Reducing the specification for gypsum plasterboard (from 13mm to 12mm) is considered appropriate given that ½ inch products would achieve the same result.

Recommendations

- € Provide a note to the table acknowledging that the specifications of timber sizes refer to the common specifications and that nominal specifications may be slightly less.
- € Replace the specification of “13 mm” to “not less than 12mm” in the sections on External Walls of Habitable Rooms and Pitched Roof.

Decision Requested - Mass

- € rectify discrepancies with regards to superficial densities that are specified for combined mass of linings (Property Council).
- € The construction schedule has requirements for a minimum of 25 kg/m² for the external walls etc and also includes compositions for the envelope elements. These two requirements need to be separated to clarify the overall requirement, which is for a minimum of 25 kg/m² (Regional Public Health).

Analysis

Mass is a key element in the construction schedule - referred to in all sections of the table via individual elements and as a combined total. Legibility of these requirements would be further clarified by separating combined densities as suggested earlier in this section.

Referring to what is considered as reasonable balance between internal and external elements would provide additional clarity with regard to the density requirements. To this effect, the Committee also took account of the oral submission from Mr Lloyd that the second note in the revised schedule (referring to a requirement to balance the mass of linings on either side of structural elements) was more than just an explanatory note. To this effect, Committee recommended that the note be included into the relevant sections of the table and amended to read “...with no less than 10 kg/m² on each side of structural elements”.

Recommendations

- € Amend the specification for combined superficial density to refer to a density of not less than 25 kg/m² ...with no less than 10 kg/m² on each side of structural elements.

Decisions Requested - Windows

- € widen definition for window frames (other than just aluminium) and remove the words “or equivalent” to improve certainty (Property Council).
- € review section titled “windows between 10% and 35 %”. Submitted that the requirement is already provided for in the external walls section and is redundant. (Property Council).
- € double glazing (instead of laminated glazing) for all habitable rooms as this will improve acoustic and thermal performance. (Guy Marriage).

- ∄ current requirements for windows are based on percentage of the *floor* area. Percentage of the external *wall* area is more important since it determines the volume of the room. The amount of sound that leaks into the room will depend on the proportion of window area to the total *wall* area. (Regional Public Health).

Analysis

The current table requires windows in habitable rooms to be “new aluminium window frames with compression seals (or equivalent)”. Removing the reference to aluminium windows is not considered appropriate as there is no certainty that sufficient acoustic performance can be achieved on other types of frames. Removing the words “new” and “or equivalent” is recommended to further clarify the requirements for window frames.

There are two key differences between the sections titled “Windows up to 10% of floor area” and “Windows between 10% and 35%”. Recognising a better performance is required with bigger windows, the latter requires laminated glazing over a single float – this is a necessary point of difference and should be retained. The latter also refers to combined mass being no less than 25 kg/m². As suggested by the submitter, this is already covered in the section on external walls and is not necessary in this section on windows.

Although double glazing, as suggested by Guy Marriage, would achieve better acoustic and thermal performance of the building envelope, the key purpose of the table is to set a minimum construction standard to achieve the acoustic insulation standard of $D_{nTw} + C_{tr} > 30$ set out in the rule. The Committee considers it would not be appropriate to amend the table to require double glazing or to improve thermal performance. It would be appropriate however, to amend this section to refer to “glazed areas” instead of “windows” as this provides more certainty that ranch sliders are included within this section.

The Committee noted that the reference to floor areas as a determinant for window requirements is based on volume being the key determinant of diffusing noise energy. Basing requirements as a percentage of external wall area (as suggested by Regional Public Health) is not considered appropriate.

Recommendations

- ∄ Amend the section to refer to “glazed areas” instead of “windows”
- ∄ Replace the section on window frames to read: “Frames to be window frames with compression seals”.
- ∄ Remove the reference to density in the section on “Windows between 10% and 35 %”.

The revised schedule taking account recommendations above is set out in the revised plan change at Attachment One to this report.

3.4. Ventilation

Proposed District Plan Change 23 includes a requirement for mechanical ventilation only where bedrooms with openable windows are proposed. To this effect, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out.

In considering submissions (both in support and opposition) the Committee noted that ventilation requirement does not replace any mandatory requirement under the Building Code, but rather places a further requirement to ensure an alternative source of air is provided when a bedroom with openable windows is proposed. The Building Code already requires mechanical ventilation for habitable rooms without openable windows.

The Committee also noted the comments in the Officer's Report that the effect of the ventilation policy in Plan Change 23 is to provide a further noise mitigating option (to insulation of the façade) in areas used for sleeping where it is also proposed to have openable windows. This policy is intended to provide a greater emphasis for protection for health reasons in sleeping areas. The differentiation in policy between bedrooms and other habitable rooms is considered an appropriate response to ensuring protection for both amenity and health. Furthermore, the Committee agreed that noise generated by fans is likely to be very minimal or non-existent if the system is designed with the fan unit in the ceiling space or away from the bedroom walls. Additionally, the low airflow requirement of 7.5 litres per second per person can be produced by small fans which are unlikely to generate much noise.

Recommendation

€ The ventilation requirement as set out in the proposed plan change is retained without change.

3.5. Costs

One submitter (Cape Horn Properties Ltd) opposed the plan change in relation to costs.

The Committee noted that costs were considered during the preparation of the plan change and formed part of the section 32 analysis. Based on the known costs for such insulation work on single detached dwellings in the airport noise affected area (5% to 8% of total construction costs), costs for the central city were initially estimated to be anything from 2% to 8% of total construction cost, depending on the type of dwelling proposed. These estimates were confirmed in a subsequent detailed investigation based on the requirements of Plan Change 23 carried out by quantity surveyors Ryder Hunt Ltd whereby the additional costs were estimated at 2% for a mid-floor apartment and 5.9% for a penthouse apartment. The estimates are not considered to be at all excessive and include additional costs associated with the ventilation requirements for bedrooms under Plan Change 23.

In considering this issue, the Committee noted the submission from Guy Marriage that the “...cost for double glazing is minimal when compared to overall construction costs.” It also noted that the costs associated with glazing under the plan change are less than what would be required for double glazing.

Recommendation

€ That the plan change not be withdrawn on the basis of excessive costs.

3.6. Other matters

Process

The Committee considered the submission from Cape Horn Properties Ltd that the rules should not apply immediately and that acoustic insulation is best dealt with during the building consent stage.

While it is agreed that protection against external noise should be a matter dealt with under the Building Code, the Committee noted that the current Building Code provides no guidance in this regard and does not set out standards for acoustic isolation against external noise. The lack of protection through the Building Code (and thus building consent process) is a contributing factor to the current situation regarding poor acoustic isolation against external noise.

In coming to a decision on this issue, the Committee noted that it is likely to take some time to facilitate a change to the Building Code due to competing priorities (i.e. leaky buildings) and the lengthy public and parliamentary processes involved with making such a change.

Recommendation

€ That no changes to the Proposed District Plan Change 23 be made as a result of the above comments.

4.0 CONCLUSION

The key issues raised in written and verbal submissions on Plan Change 23 have been considered in this report.

Overall, submitters indicated good support for the primary purpose of the plan change which is to require buildings accommodating noise sensitive activities to be insulated against external noise.

The Committee was persuaded, taking into account both oral and written submissions, that Proposed Plan Change 23 (by introducing a rule requiring insulation of buildings accommodating noise sensitive activities) achieves the purpose of the Resource Management Act 1991 and provides a more effective method of achieving the objectives and policies of the District Plan. It is also considered that the plan change will improve the balance of regulation between activities creating noise and activities within the receiving environment.

The Committee considered that the notified plan change could be further improved by minor technical adjustments to the Noise Insulation Construction Schedule and by amending the definition for Habitable Rooms. A revised plan change, incorporating these adjustments, is set out at Attachment One to this report.

Ian Hutchings
Chair, Hearing Committee

Attachment One to Report of Hearing Committee

District Plan Change 23 – Central Area Noise Insulation Rules

(as amended in accordance with recommendations in the
Report of the Hearing Committee)