



PORT  NELSON

Noise Mitigation Plan

For the period from 11.05.2020



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1. Introduction

1.1. This Port Nelson Noise Mitigation Plan (the Plan) implements part of the requirements in the Nelson **Resource Management Plan** (NRMP) of Rule INr.40.1 for **Port Nelson Ltd** (PNL) to have and to implement a Port Noise Mitigation Plan, a **Port Noise Management Plan** and to establish a **Port Noise Liaison Committee** (PNLC).

1.2. The minimum criteria required by this Plan are specified in the NRMP, which were incorporated by way of **Variation 07/01** ('the Variation') which addresses Port noise issues. If any provisions of this Plan are in conflict with these provisions then the provisions of the NRMP will prevail.

1.3. Refer to the Port Nelson Noise Management Plan for information on the management and minimisation of **Port Noise**.

Text in bold is defined in the Meaning of Words (Definitions) – Appendix C



2. Plan Objectives

2.1. The main objective of this Plan is to set out detailed procedures for the implementation of Rule INr.40 (b) and Appendix 29.B of the NRMP i.e. to produce, implement and comply with a Port Noise Mitigation Plan.

2.2. To provide a timeframe and procedure for the carrying out of **Acoustic Treatment** for **Noise Affected Properties**.

2.3. To provide the procedure for determining the fair market value of a property for the purchase of affected properties.

2.4. To provide information on the role and functions of the PNLC in terms of acoustic treatment and noise mitigation.





3. RELEVANT STATUTORY DOCUMENTS AND REGULATIONS

3.1. THE RELEVANT STATUTORY OR OTHER DOCUMENTS THAT HAVE A BEARING ON THIS PLAN ARE:

- The Resource Management Act 1991;
- The NRMP;
- The New Zealand Coastal Policy Statement 2010;
- The Port Noise Standard NZS6809:1999;
- Measurement of Sound Standard NZS 6801:2008;
- The Building Act 2004;
- The Health and Safety at Work Act 2015;
- The Port Companies Act 1988.;



4. MITIGATION SUMMARY

4.1. Modelling has identified residential properties that are considered **Noise Affected Properties**. The model was created using the measured noise profiles of the equipment and machinery used at Port Nelson, simulating actual operations at each of the cargo berths. All other port activities were also included in the model, including ships at berth and refrigerated containers on power.

4.2. The areas affected by Port Noise are shown on the **Port Nelson Noise Contour Map** (refer to Figure One). The Port Nelson Noise Contour Map is a representation of a busy five-day operating scenario calculated as **Ldn²** at one **dBA** interval contours. Because the contours have been derived from noise modelling, instantaneous noise levels at a particular contour line can be expected to be, on occasion, marginally higher or lower than the representative contour line (see paragraph 4.3 below and definitions in Appendix D).

4.3. The Port Nelson Noise Contour Map contains three contour bands or 'stages' based on the level of predicted noise received. Criteria for noise mitigation will apply to existing Noise Affected Properties in the Residential Zone where the residential unit is identified as being within one of these stages on the current Port Noise Contour Map. The map will be reviewed two yearly, and updated as necessary to reflect any operational changes.

4.4. The Ldn approach is considered an appropriate method to provide for noise management through the development of noise contours, and are also used adjacent to Nelson Airport. PNL uses the Ldn parameter as the basis of its noise management. In recognition of sleep interference Ldn imposes a 10 dBA penalty for noise at night.

Ldn² is the Day/night level, or day-night average sound level. That is the A-frequency-weighted time-average sound level, in decibels, over a 24-hour period obtained after the addition of 10 decibels to sound levels measured during the night (22:00hrs – 07:00hrs).



5. THE PORT NOISE LIAISON COMMITTEE

5.1. ROLE OF THE PNLC

5.1.1. The PNLC considers all noise issues arising from the port operation and carry out the functions identified in this Plan, the Noise Management Plan and any functions identified in Appendix 29.B. of the NRMP. The PNLC is a functional interface between PNL and the residents affected by noise from the port. It is recognized that a balance needs to be struck between the needs of PNL and those of the residents, and a functioning PNLC is a cornerstone of this process.

5.2. FUNCTIONS OF THE PNLC

5.2.1. The PNLC primary functions are outlined in the Port Nelson Noise Management Plan. Particular functions that are relevant to the Noise Mitigation Plan are as follows:

- i. *Oversee the implementation of the Noise Mitigation Plan.*
- ii. *Provide a functional interface between PNL and the residents affected by noise from the Port.*
- iii. *Provide recommendations to PNL on the contribution to acoustic treatment of **Stage Three properties** (refer to Section 9 for details on Stage Three properties).*
- iv. *Monitor whether or not PNL and other port users are addressing community expectations to minimise and mitigate Port noise.*
- v. *Provide a forum for residents of the Port Effects Overlay to have views on noise considered by PNL.*
- vi. *Ensure documentation relevant to noise mitigation is up to date and in use in port operations.*



6. MITIGATION OF NOISE AFFECTED PROPERTIES

6.1. This Plan provides for the mitigation for dwellings in the residential zone on a three stage basis as follows:

6.2. The inner most contour line models received noise at 65 dBA Ldn. Properties receiving modeled noise >65dBA Ldn are categorized as 'Stage One Properties'. Properties within this line are the most affected by noise, and the Plan requires PNL to offer to purchase, or provide acoustic treatment and ventilation, as appropriate, at its own cost, to all existing dwellings which do not currently meet an Indoor Design Level in **Habitable Spaces** of 40 dBA Ldn. Refer to section 7 for detailed information for Stage One properties.

6.3. Stage Two properties located outside the 65 dBA Ldn line, but within the second line which is modeled at 60 dBA Ldn, the Port Operator must offer to contribute up to 50% of the cost of acoustic treatment, as appropriate, of all existing dwellings which do not already meet the Indoor Design Level in habitable spaces (40 dBA Ldn). Refer to section 8 for detailed information for Stage Two properties.

6.4. Properties outside the 60 dBA Ldn line, but within a third line modelled at 55 dBA Ldn, are categorized as 'Stage Three Properties'. PNL may offer to contribute up to 50% of the cost of acoustic treatment, assessed on a case by case basis and on the recommendation of the PNLC. Refer to section 9 for detailed information on Stage Three properties.

6.5. The obligation on PNL to contribute to acoustic treatment for Noise Affected Properties does not end until an Acoustic Certificate for the property is lodged with the NCC. The offer for acoustic treatment of a property remains in place irrespective of any changes in ownership of the property.

6.6. **Figure One** shows the current Port Nelson Noise Contour Map



7. MITIGATION FOR STAGE ONE NOISE AFFECTED PROPERTIES

7.1. Stage One properties are those Noise affected Properties that are identified on the current Port Noise Contour Map as predicted to receive Port Noise at 65dBA Ldn and above. PNL is obliged to offer to purchase or provide Acoustic Treatment for Stage One properties.

7.2. A list of properties that are currently located in Stage One is provided in Appendix A:

7.2.1. The following conditions and standards will apply to the offer to purchase or provide Acoustic treatment (from Appendix 29.B.1 of the NRMP):

- a. *The owner of each property will have the right to elect whether to accept either the offer of purchase or the offer of acoustic treatment and there is no time limit on the owner's acceptance of the offer.*
- b. *If an owner elects to choose the offer of purchase, the purchase price will be the fair market value of the property which will be determined as if the property was not affected by noise from the Port Industrial Area.*
- c. *Acoustic treatment of properties will be carried out by the Port Operator in accordance with procedures specified in the Port Noise Mitigation Plan. The Port Operator will not be required to spend on Acoustic treatment more than 50% of the value of the property after deducting the land value for the property.*
- d. *Where the assessed cost of Acoustic treatment exceeds 50% of the value of the house (excluding land value) the Port Operator will advise the property owner of the cost of Acoustic treatment and offer the property owner the option of making up the difference in the cost of Acoustic treatment to enable the Port Operator to obtain an Acoustic Certificate, or having the Port Operator purchase the property. If the property owner elects purchase of the property the provisions of (a) and (b) above and AP29.B.5 will apply.*
- e. *If port noise received by a property which has received Acoustic treatment pursuant to this Appendix 29B exceeds the Certified level of Port Noise for that property, then the Port Operator will offer to either purchase the affected property or to undertake further acoustic treatment, despite the previous election of Acoustic treatment*
- f. *Where as a result of updating the Port Noise Contour Map a property that has previously received Acoustic Treatment under the provisions of AP29.B.2 or AP29.B.3 comes within the provisions of AP29.B.1, that property owner will be entitled to reimbursement of the amount of the property owner's contribution under AP29.B.2 or AP29.B.3, as the case may be.*

7. MITIGATION FOR STAGE ONE NOISE AFFECTED PROPERTIES

7.3. VALUING PROPERTIES

7.3.1. Where owners indicate that they are considering the offer of purchase option made to them, the "Fair Market Value" of noise affected properties required for purchase according to AP29.B.1 of the NRMP will be calculated, in accordance with AP29.B.5 as follows:

7.3.2. PNL will appoint a registered valuer to assess the fair market value of the property and dwelling. PNL will provide the property owner notice in writing of the registered valuer's assessment of the value together with a copy of the registered valuation.

7.3.3. The purchase price will be the fair market value of the property which will be determined as if the property was not affected by noise from the Port Industrial Area.

7.3.4. If the property owner wishes to dispute the valuation then the property owner will advise PNL and supply their own registered valuation as soon as practical after receiving the valuation from PNL. If PNL does not agree with the property owner's assessment of the value then the valuers appointed by PNL and the property owner will meet and endeavour to agree upon the value or values in dispute.

7.3.5. If the two valuers are unable to agree, then the fair market value will be determined by a valuer agreed upon by the two valuers or, if they are unable to agree on a valuer, then by a valuer appointed by the President of the Nelson Branch of the New Zealand Law Society whose determination will be binding on PNL and the property owner; In this instance the costs and expenses of the valuer will be equally shared between PNL and the property owner.

7.4. TIMEFRAME FOR ACCEPTANCE OF THE OFFER

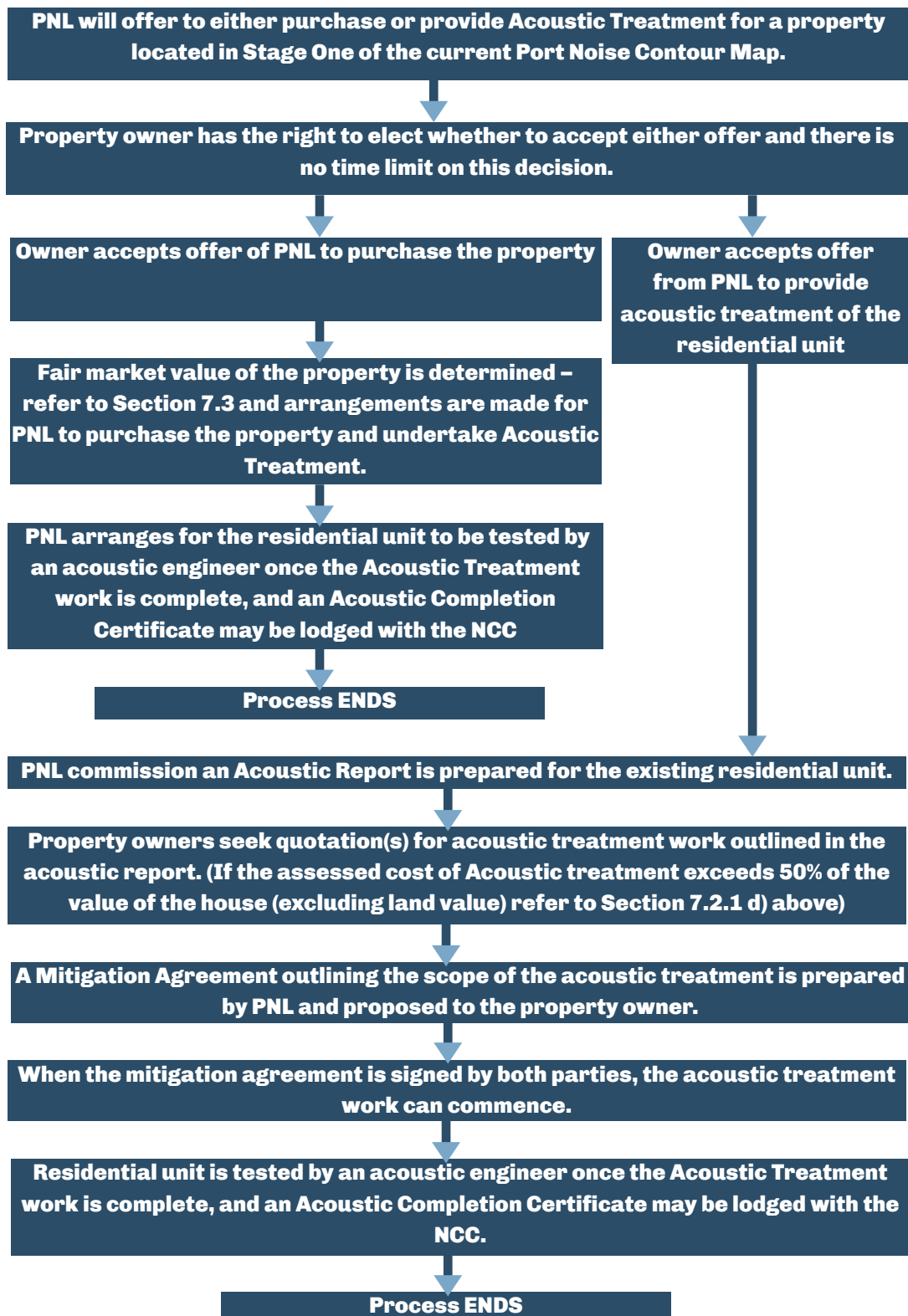
Fair market value will be agreed on the basis that the settlement of the transaction is completed within 3 months or at a possession date to be agreed by both parties. If that is not agreed, either party may reserve the right to have a new assessment of fair market value after that date.

7.5. MITIGATION PROCEDURES

The acoustic treatment procedure for Stage One properties will generally follow the mitigation implementation steps in Section 6. A flowchart of the Mitigation Procedure is shown overleaf.

7. MITIGATION FOR STAGE ONE NOISE AFFECTED PROPERTIES

A flowchart of the Mitigation Procedure is shown below:



8. MITIGATION FOR STAGE TWO NOISE AFFECTED PROPERTIES

8.1. Stage Two Noise affected properties are located on the current Port Noise Contour Map as being predicted to receive 60 dBA Ldn and above and less than 65 dBA Ldn. PNL will contribute 50% towards the costs of Acoustic treatment for Stage Two Noise Affected Properties:

8.2. Refer to Appendix B for a list of property addresses that are currently located in Stage Two. The list has been provided by the Nelson City Council.

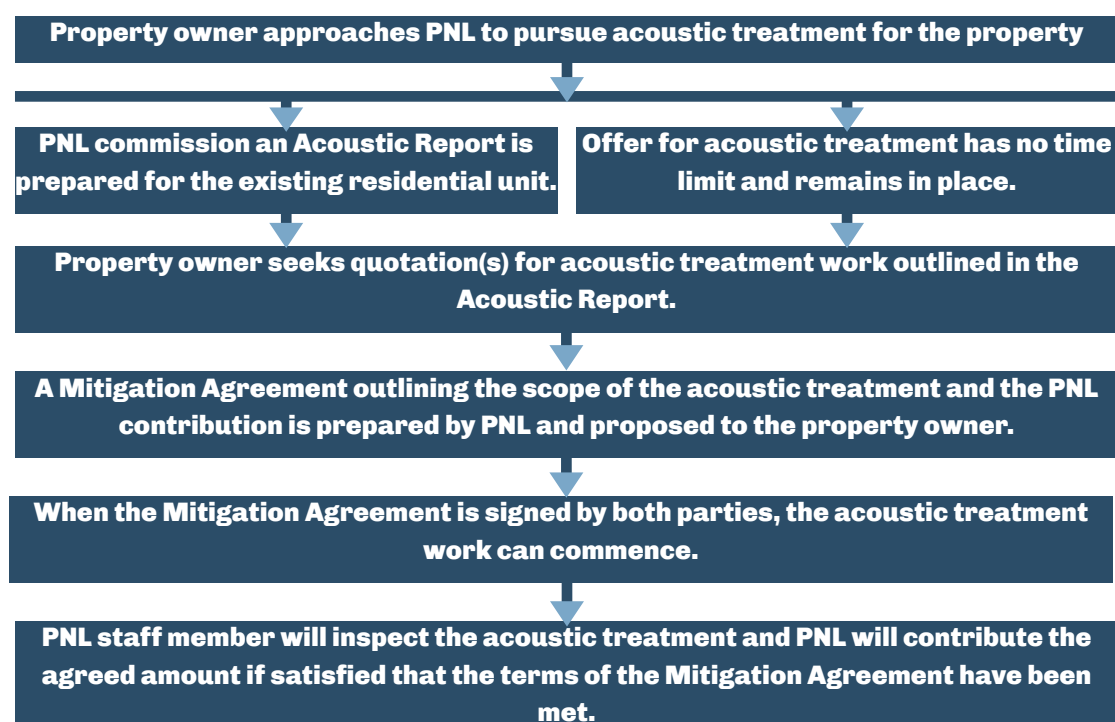
8.3. Consistent with Appendix 29.B.1 of the NRMP, PNL will provide Acoustic treatment as follows:

- The Port Operator will contribute 50% of the cost of Acoustic treatment but will not be obliged to contribute more than that sum. If the property owner does not decide to contribute the difference, the Port Operator is not obliged to provide the Acoustic treatment.
- Acoustic treatment of properties will be carried out in accordance with procedures specified in the Port Noise Mitigation Plan. The Port Noise Mitigation Plan provides for the staging of this work in accordance with Section AP29.B.4 below. The Port Operator will not be required to spend on acoustic treatment more than 50% of the value of the property after deducting the land value for the property.

8.4. MITIGATION PROCEDURES

The acoustic treatment procedure for Stage Two properties will generally follow the mitigation implementation steps in Section 6. A flowchart of the Mitigation Procedure is shown overleaf.

A flowchart of the Mitigation Procedure for Stage Two properties is shown below:



9. MITIGATION FOR STAGE THREE NOISE AFFECTED PROPERTIES

9.1. Stage Three noise affected properties are those properties shown on the Port noise contour map as being predicted to receive Port Noise at a level of 55 dBA Ldn and above and less than 60 dBA Ldn.

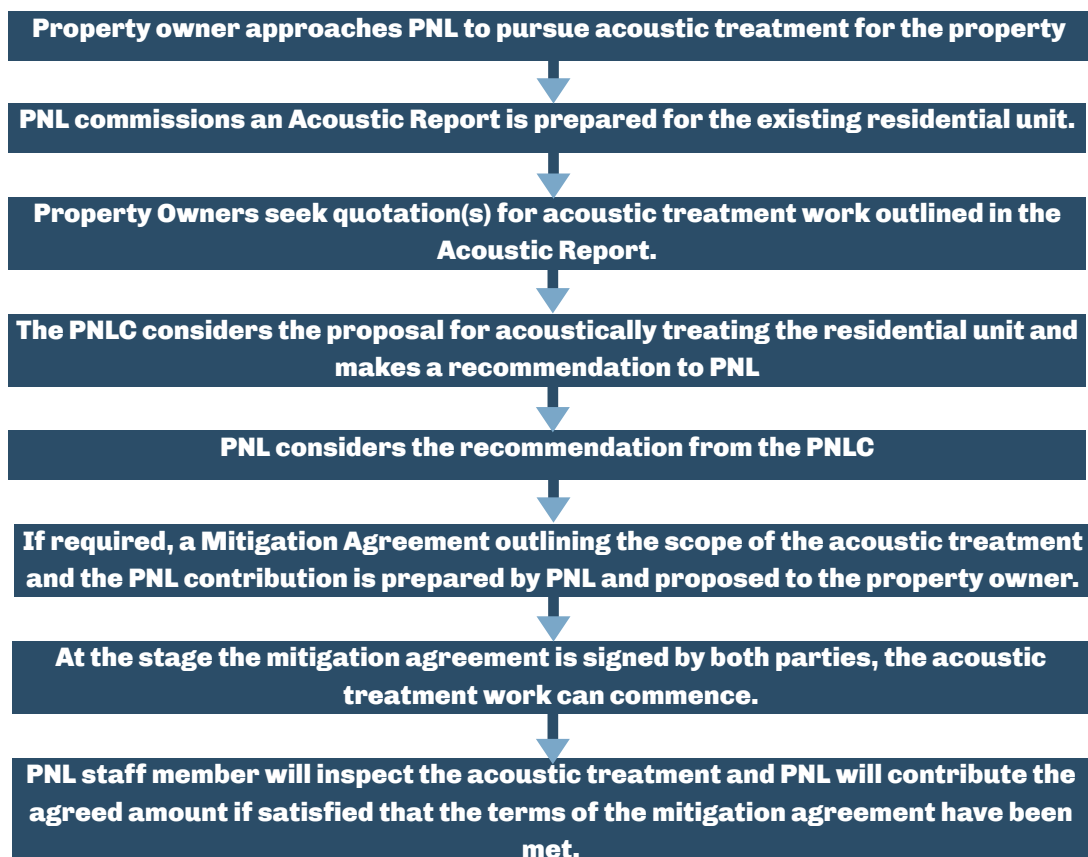
9.2. On request by the owner and on the recommendation of the PNLC, PNL may offer, to provide technical advice and/or to contribute up to 50% of the costs of acoustic treatment for Stage Three properties.

9.3. Refer to Appendix B for a list of property addresses that are currently located in Stage Three. The list has been provided by the Nelson City Council.

9.4. All requests from property owners in accordance with AP29.B.3.i will be considered by the PNLC on a case by case basis and a recommendation made to PNL.

9.5. MITIGATION PROCEDURES

The acoustic treatment procedure for Stage Three procedures will generally follow the mitigation implementation steps in Section 6. A flowchart of the Mitigation Procedure is shown below.





10. MITIGATION IMPLEMENTATION DETAILS

10.1. This section deals with some of the specific issues that have arisen from the implementation of the Acoustic Treatment requirements of the Variation. The following issues have been discussed in detail by the PNLC, and appropriate recommendations are reflected in the following sections. For example section 10.3 details the situation where a property is acoustically treated in stages, to either a lesser standard, or partially treated to meet the indoor design level.

10.2. ACOUSTIC REPORTS

Any acoustic report that may be required for a property will be prepared by an acoustic engineer that is engaged by PNL in order to assess the work required to acoustically treat the residential unit. This assessment may require the engineer to liaise with the owners, and this will be facilitated by a PNL staff member.

10.3. PARTIAL ACOUSTIC TREATMENT AND ACOUSTIC TREATMENT TO A LESSER STANDARD

10.3.1. Partial Acoustic Treatment: this refers to a situation where the residential unit is only partially acoustically treated. The partial treatment could be either “spatial” (e.g. only one habitable room treated out of a total of three habitable rooms) or by “trade” (e.g. re-glazing completed in all habitable spaces but no ventilation work has occurred). This is mainly for Stage Two and Stage Three properties where an owner may wish to stage the work over a period of time due to financial constraints or other reasons. Overall, PNL’s objective is to fully acoustically treat the property and Partial Acoustic Treatment enables this to occur over a period of time.

10.3.2. Lesser Standard: this refers to a situation where the owner elects to accept a standard of treatment that does not meet the design goal (40dBA Ldn within habitable spaces). Refer to definition of Acoustic Treatment in Appendix D for a detailed definition of acoustic treatment to a lesser standard.

10.3.3. At the stage when an Acoustic Completion Certificate is issued for a residential unit, then PNL is discharged of any obligation to contribute further to Acoustic Treatment of the Noise Affected Property. Furthermore, an Acoustic Completion Certificate can only be issued when all habitable spaces in the dwelling have been acoustically treated. The Variation provides that this certificate can be either:

- To achieve an indoor design level of 40 dBA Ldn or less within every habitable space, OR
- When the owner has agreed to a Lesser Standard of acoustic treatment.

10.3.4. PNL will contribute to Partial Acoustic Treatment. In the situation where a residential unit changes ownership prior to the completion of the acoustic treatment process, then provided that the work completed is consistent with the recommendations of the Acoustic Engineer in the Acoustic Report for that residential unit, then the acoustic treatment will still be able to provide the indoor design level of 40dBA Ldn. Any outstanding Acoustic Treatment work at the time of the change of ownership will remain eligible for contribution by PNL (to the new owner).

10. MITIGATION IMPLEMENTATION DETAILS

10.3.5. PNL will not support a combination of Partial Treatment to a Lesser Standard. This will avoid the potential for the situation to occur where a property changes ownership and the new owner pursues an additional contribution from PNL for acoustic treatment to achieve the indoor design level of 40dBA Ldn- where the previous owner had agreed to a lesser standard of acoustic treatment. If this situation did occur, as the property has not been issued an Acoustic Completion Certificate, PNL may be obliged to contribute for a second time to the acoustic treatment.

10.3.6. In the situation where a property owner agrees with PNL to completely acoustically treat the house to a Lesser Standard and an Acoustic Completion Certificate can be issued for the property, PNL will contribute as it is obliged to in terms of the NRMP rules. PNL's obligation to acoustically treat a residential unit is discharged when there is an Acoustic Completion Certificate issued for the residential unit.

10.4. PROJECT MANAGEMENT OF ACOUSTIC TREATMENT

10.4.1. If the level of work required for acoustic treatment requires a specialist building project manager, the project manager will be appointed by agreement between PNL and the property owner. If the level of acoustic treatment does not require a specialist building project manager, a PNL staff member will perform this role in consultation with the property owner.

10.4.2. The project manager will manage day to day implementation and oversee subcontractors. The quality of the work may be assured through a contract issued with the project manager requiring all finishing to be completed to a professional standard and to generally match existing décor and through the individual negotiation and agreement process.

10.4.3. The costs associated with the Project Manager will fall under the same obligation for Acoustic Treatment. That is for Stage One properties PNL will pay the total cost, for Stage Two properties PNL will pay 50% and Stage Three will be on a case by case basis and as recommended by the PNLC (up to a maximum of 50%).

10.5. THE MITIGATION AGREEMENT

10.5.1. The contribution to the acoustic treatment will be outlined in a written agreement between PNL and the owner prior to any work commencing. The Mitigation Agreement will set out details of the mitigation work proposed and an outline of PNL's contribution. This may include:

- A summary of the costs for acoustic treatment;
- Approximate timing of the work;
- Arrangements to be made for access, insurance and payment arrangements and any specific access needs confirmed with the owner;
- An outline of any further work to be completed for an Acoustic Completion Certificate to be issued for the residential unit;

It is acknowledged that there may be more than one Mitigation Agreement for a residential unit if the owner is undertaking Partial Acoustic Treatment (refer to Section 10.3.1).

10.5.2. In the situation where the owner of a residential unit wishes to pursue acoustic treatment to the Lesser Standard (refer to section 10.3.2) the mitigation agreement will include a requirement for the residential unit to be acoustically treated in full. In the event that the indoor design level of 40dBA Ldn is not achieved the agreement will provide for selecting the Lesser standard of acoustic treatment on the Acoustic Completion Certificate.

10.5.3. Any costs associated with legal fees will be negotiated by between parties, and any legal process will not begin without the agreement of both parties.

10. MITIGATION IMPLEMENTATION DETAILS

10.6. LOWEST COST ACOUSTIC TREATMENT

10.6.1. PNL contribution is limited to the lowest cost option of the acoustic treatment. The costs to generally match as far as practical and reasonable the existing décor will be included in the mitigation work. However costs related to “betterment” or added features may be covered as part of the agreement, but this will be at the owner’s cost.

10.6.2. For houses with character features in most cases there is an acceptable solution to retain those features. However if not, the proposals to reduce noise may not be desirable to the house owner. In this case the owner may choose to carry out Acoustic Treatment to a Lesser Standard and this will be recorded on the Acoustic Report and the Acoustic Completion Certificate issued.

10.6.3. PNL may obtain additional quotes or request the property owner to obtain additional quotes for Acoustic Treatment to ensure that the cost of the work is of lowest cost as outlined above.

10.7. NOISE MITIGATION BUDGET

A Noise Mitigation Budget sufficient to achieve the requirement for noise mitigation as described in the Variation and the NRMP will be allocated annually by PNL. This will cover costs associated with the evaluation, inspection, acoustic treatment and certification for Noise Affected Properties.

10.8. DISPUTES PROCEDURE

Where disputes cannot be resolved by a negotiated agreement, a committee comprising the PNLC chair, a representative from PNL and a resident’s representative will meet with the owner to facilitate an agreement being reached.

10.9. ACOUSTIC CERTIFICATE REGISTER

10.9.1. PNL will maintain an Acoustic Certificate Register. A copy of the register and Acoustic Certificates for noise affected properties will be supplied to the NCC. Copies of the register and acoustic certificates will also be held at the offices of PNL and the NCC and made available to members of the public on request. Acoustic Certificate information will be filed by the NCC in the appropriate property file for inclusion in a LIM or PIM report.



11. ALTERATIONS TO THIS PLAN

11.1. This Plan will be updated as required to reflect any relevant changes made to the NRMP, or on a 2 yearly basis in line with the Contour Review discussed in 4.3, whichever comes first.

11.2. Recommendations to PNL to alter this Plan may be made by resolution of the PNLC, provided it all times reflects the requirements for noise mitigation in the NRMP.

11.3. Any proposed amendments to this Plan will be sent to the Nelson City Council as required by rules in the NRMP.

APPENDIX A - PROPERTIES LOCATED IN STAGE ONE

| NUMBER | ROAD NAME | ACOUSTIC TREATMENT STATUS ³ |
|--------|----------------|--|
| 72B | Queens Road | Treated |
| 1/72 | Queens Road | Treated |
| 70 | Queens Road | Acoustic Report Prepared |
| 66 | Queens Road | Acoustic Report Prepared |
| 64 | Queens Road | Treated |
| 68 | Queens Road | Treated |
| 56 | Queens Road | Treated |
| 52 | Queens Road | Acoustic Report Prepared |
| 50 | Queens Road | Partial Treatment Completed |
| 62 | Queens Road | Treated |
| 197 | Haven Road | - |
| 205 | Haven Road | Treated |
| 209 | Haven Road | Acoustic Report Prepared |
| 211 | Haven Road | - |
| 11 | Russell Street | - |

³ **Acoustic Certificate Issued** refers to a certificate lodged with NCC confirming compliance with the Variation – refer to section 9.9.

Acoustic Report Prepared indicates that the property has been assessed by a qualified Acoustic Engineer – refer to Appendix D for the definition of an Acoustic Report.

- Indicates that no progress on Acoustic Treatment has been made on this property to date.

'Partial Treatment Completed' indicates that the property has had some acoustic treatment carried out – refer to section 9.3.1

APPENDIX B - PROPERTIES LOCATED IN STAGE TWO

| Number | Road Name | Acoustic Treatment Status ⁴ |
|--------|-----------|--|
| 29 | Queens Rd | - |
| 30 | Queens Rd | - |
| 31 | Queens Rd | Acoustic Report Prepared |
| 33 | Queens Rd | - |
| 34 | Queens Rd | Acoustic Report Prepared |
| 35 | Queens Rd | Acoustic Report Prepared |
| 36 | Queens Rd | Acoustic Report Prepared |
| 37 | Queens Rd | - |
| 38 | Queens Rd | - |
| 39 | Queens Rd | Partial Treatment Completed |
| 40 | Queens Rd | - |
| 42 | Queens Rd | Acoustic Report Prepared |
| 44 | Queens Rd | - |
| 46 | Queens Rd | Acoustic Report Prepared |
| 49 | Queens Rd | - |
| 51 | Queens Rd | Acoustic Report Prepared |
| 53 | Queens Rd | Partial Treatment Completed |
| 55 | Queens Rd | Treated |
| 57 | Queens Rd | Treated |

⁴'Acoustic Certificate Issued' refers to a certificate lodged with NCC confirming compliance with the Variation – refer to section 9.9.

'Acoustic Report Prepared' indicates that the property has been assessed by a qualified Acoustic Engineer – refer to Appendix D for the definition of an Acoustic Report.

'-'Indicates that no progress on Acoustic Treatment has been made on this property to date.

'Partial Treatment Completed' indicates that the property has had some acoustic treatment carried out – refer to section 9.3.1

APPENDIX B - PROPERTIES LOCATED IN STAGE TWO

| Number | Road Name | Acoustic Treatment Status ⁴ |
|--------|------------------|--|
| 59 | Queens Rd | - |
| 61 | Queens Rd | - |
| 65 | Queens Rd | - |
| 67 | Queens Rd | - |
| 74 | Queens Rd | Acoustic Report Prepared |
| 80 | Queens Rd | Acoustic Report Prepared |
| 82 | Queens Rd | Acoustic Report Prepared |
| 84 | Queens Rd | - |
| 94 | Queens Rd | - |
| 95 | Queens Rd | Partial Treatment Completed |
| 106 | Queens Rd | - |
| 32 | Victoria Heights | - |
| 36 | Victoria Heights | Acoustic Report Prepared |
| 36A | Victoria Heights | Acoustic Certificate Issued |
| 36B | Victoria Heights | Acoustic Report Prepared |
| 36C | Victoria Heights | - |
| 36D | Victoria Heights | - |
| 38 | Victoria Heights | Acoustic Report Prepared |
| 6 | Russell Street | - |
| 8 | Russell Street | - |
| 10 | Russell Street | - |
| 12 | Russell Street | - |
| 14 | Russell Street | - |
| 15 | Russell Street | - |
| 16 | Russell Street | - |

APPENDIX B - PROPERTIES LOCATED IN STAGE TWO

| Number | Road Name | Acoustic Treatment Status ⁴ |
|--------|---------------------|--|
| 20A | Russell Street | Acoustic Report Prepared |
| 21 | Russell Street | - |
| 1/34 | Mount Pleasant Ave | Partial Treatment Completed |
| 2/34 | Mount Pleasant Ave | Partial Treatment Completed |
| 24 | Mount Pleasant Ave | - |
| 26 | Mount Pleasant Ave | Partial Treatment Completed |
| 26A | Mount Pleasant Ave | - |
| 28 | Mount Pleasant Ave | Partial Treatment Completed |
| 30 | Mount Pleasant Ave | Acoustic Report Prepared |
| 32 | Mount Pleasant Ave | Partial Treatment Completed |
| 32A | Mount Pleasant Ave | Acoustic Report Prepared |
| 32B | Mount Pleasant Ave | - |
| 33 | Mount Pleasant Ave | Acoustic Report Prepared |
| 36 | Mount Pleasant Ave | Partial Treatment Completed |
| 40 | Mount Pleasant Ave | Partial Treatment Completed |
| 45 | Mount Pleasant Ave | Acoustic Report Prepared |
| 46 | Mount Pleasant Ave | Acoustic Report Prepared |
| 48 | Mount Pleasant Ave | Acoustic Report Prepared |
| 181 | Haven Rd | - |
| 183 | Haven Rd | - |
| 193 | Haven Rd | - |
| 195 | Haven Rd | - |
| 199 | Haven Rd | Acoustic Certificate Issued |
| 201 | Haven Rd | Acoustic Report Prepared |
| 203 | Haven Rd | - |
| 73 | Stanley Crescent | - |
| 61 | Beachville Crescent | Partial Treatment Completed |
| 63 | Beachville Crescent | - |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|------------------|--|
| 1 | Victoria Heights | - |
| 10 | Victoria Heights | - |
| 11 | Victoria Heights | - |
| 12 | Victoria Heights | - |
| 14 | Victoria Heights | - |
| 16 | Victoria Heights | Acoustic Report Prepared |
| 17 | Victoria Heights | - |
| 18 | Victoria Heights | Acoustic Report Prepared |
| 19 | Victoria Heights | - |
| 2 | Victoria Heights | Acoustic Report Prepared |
| 21 | Victoria Heights | - |
| 22 | Victoria Heights | - |
| 23 | Victoria Heights | - |
| 24 | Victoria Heights | - |
| 25 | Victoria Heights | Acoustic Report Prepared |
| 26 | Victoria Heights | - |
| 27 | Victoria Heights | - |
| 28 | Victoria Heights | - |
| 29 | Victoria Heights | - |
| 3 | Victoria Heights | - |

⁵'Acoustic Certificate Issued' refers to a certificate lodged with NCC confirming compliance with the Variation – refer to section 9.9.

'Acoustic Report Prepared' indicates that the property has been assessed by a qualified Acoustic Engineer – refer to Appendix D for the definition of an Acoustic Report.

'-' Indicates that no progress on Acoustic Treatment has been made on this property to date.

'Partial Treatment Completed' indicates that the property has had some acoustic treatment carried out – refer to section 9.3.1

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|-------------------|--|
| 30 | Victoria Heights | - |
| 31 | Victoria Heights | Acoustic Report Prepared |
| 34 | Victoria Heights | Acoustic Report Prepared |
| 35 | Victoria Heights | - |
| 36 | Victoria Heights | Acoustic Report Prepared |
| 4 | Victoria Heights | - |
| 40 | Victoria Heights | Acoustic Report Prepared |
| 42 | Victoria Heights | - |
| 5 | Victoria Heights | - |
| 7 | Victoria Heights | - |
| 8 | Victoria Heights | - |
| 8B | Victoria Heights | - |
| 9 | Victoria Heights | - |
| 16A | Britannia Heights | - |
| 16B | Britannia Heights | Acoustic Report Prepared |
| 10 | Britannia Heights | Acoustic Report Prepared |
| 1 | Britannia Heights | Acoustic Report Prepared |
| 3 | Britannia Heights | - |
| 4 | Britannia Heights | Acoustic Report Prepared |
| 6 | Britannia Heights | Partial Treatment Completed |
| 8 | Britannia Heights | - |
| 2 | Queens Road | - |
| 4 | Queens Road | - |
| 52 | Russel Street | - |
| 5 | Queens Road | - |
| 7 | Queens Road | Acoustic Report Prepared |
| 9 | Queens Road | Acoustic Report Prepared |
| 11 | Queens Road | Acoustic Report Prepared |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|----------------|--|
| 15 | Queens Road | - |
| 17 | Queens Road | - |
| 19 | Queens Road | Acoustic Report Prepared |
| 21 | Queens Road | - |
| 23 | Queens Road | Acoustic Report Prepared |
| 25 | Queens Road | - |
| 27 | Queens Road | - |
| 28 | Queens Road | - |
| 108 | Queens Road | - |
| 1/20 | Russell Street | - |
| 1/26 | Russell Street | - |
| 1/39A | Russell Street | - |
| 18 | Russell Street | - |
| 2/26 | Russell Street | - |
| 2/39A | Russell Street | - |
| 23 | Russell Street | - |
| 25 | Russell Street | - |
| 27 | Russell Street | Acoustic Report Prepared |
| 28 | Russell Street | Acoustic Report Prepared- |
| 29 | Russell Street | Partial Treatment Completed |
| 30 | Russell Street | - |
| 31 | Russell Street | - |
| 33 | Russell Street | - |
| 34 | Russell Street | - |
| 35 | Russell Street | Acoustic Report Prepared |
| 37 | Russell Street | Acoustic Report Prepared |
| 39 | Russell Street | Acoustic Report Prepared |
| 39B | Russell Street | - |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|---------------------|--|
| 41 | Russell Street | Acoustic Report Prepared |
| 44 | Russell Street | - |
| 45 | Russell Street | - |
| 47 | Russell Street | - |
| 49 | Russell Street | - |
| 51 | Russell Street | - |
| 53 | Russell Street | Acoustic Report Prepared |
| 59 | Russell Street | - |
| 5 | Beachville Crescent | - |
| 11 | Beachville Crescent | Acoustic Report Prepared |
| 12 | Beachville Crescent | - |
| 13 | Beachville Crescent | Acoustic Report Prepared |
| 14 | Beachville Crescent | - |
| 15 | Beachville Crescent | - |
| 17 | Beachville Crescent | Acoustic Report Prepared |
| 19 | Beachville Crescent | Partial Treatment Completed |
| 2 | Beachville Crescent | Acoustic Report Prepared |
| 22 | Beachville Crescent | Acoustic Report Prepared |
| 28 | Beachville Crescent | Partial Treatment Completed |
| 29 | Beachville Crescent | Acoustic Report Prepared |
| 31 | Beachville Crescent | - |
| 32 | Beachville Crescent | Acoustic Report Prepared |
| 33 | Beachville Crescent | Acoustic Report Prepared |
| 36 | Beachville Crescent | - |
| 37 | Beachville Crescent | - |
| 39 | Beachville Crescent | - |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|---------------------|--|
| 4 | Beachville Crescent | - |
| 41 | Beachville Crescent | - |
| 43 | Beachville Crescent | - |
| 45 | Beachville Crescent | - |
| 49 | Beachville Crescent | - |
| 51 | Beachville Crescent | - |
| 53 | Beachville Crescent | - |
| 55 | Beachville Crescent | - |
| 57 | Beachville Crescent | - |
| 58 | Beachville Crescent | - |
| 59 | Beachville Crescent | - |
| 60 | Beachville Crescent | - |
| 7 | Beachville Crescent | - |
| 7A | Beachville Crescent | Acoustic Report Prepared |
| 8 | Beachville Crescent | - |
| 9 | Beachville Crescent | Acoustic Report Prepared |
| 1 | Fifeshire Crescent | - |
| 1B | Fifeshire Crescent | - |
| 1E | Fifeshire Crescent | - |
| 1C | Fifeshire Crescent | - |
| 1D | Fifeshire Crescent | - |
| 2 | Fifeshire Crescent | - |
| 2A | Fifeshire Crescent | - |
| 3 | Fifeshire Crescent | Acoustic Report Prepared |
| 4 | Fifeshire Crescent | |
| 6 | Fifeshire Crescent | |
| 73 | Stanley Crescent | |
| 12 | Stanley Crescent | Acoustic Report Prepared |
| 14 | Stanley Crescent | Acoustic Report Prepared |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|-----------------------|--|
| 16 | Stanley Crescent | Acoustic Report Prepared |
| 18 | Stanley Crescent | - |
| 2 | Stanley Crescent | - |
| 21 | Stanley Crescent | Acoustic Report Prepared |
| 23 | Stanley Crescent | - |
| 24 | Stanley Crescent | - |
| 25 | Stanley Crescent | - |
| 27 | Stanley Crescent | - |
| 29 | Stanley Crescent | - |
| 4 | Stanley Crescent | - |
| 55 | Stanley Crescent | - |
| 57 | Stanley Crescent | - |
| 6 | Stanley Crescent | - |
| 61 | Stanley Crescent | - |
| 63 | Stanley Crescent | - |
| 65 | Stanley Crescent | Partial Treatment Completed |
| 67 | Stanley Crescent | Acoustic Report Prepared |
| 69 | Stanley Crescent | Acoustic Report Prepared |
| 71 | Stanley Crescent | Acoustic Report Prepared |
| 75 | Stanley Crescent | - |
| 77 | Stanley Crescent | - |
| 79 | Stanley Crescent | Acoustic Report Prepared |
| 3 | Mount Pleasant Avenue | - |
| 1 | Mount Pleasant Avenue | - |
| 5 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 7 | Mount Pleasant Avenue | Partial Treatment Completed |
| 9 | Mount Pleasant Avenue | Partial Treatment Completed |
| 13 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 17 | Mount Pleasant Avenue | Partial Treatment Completed |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|-----------------------|--|
| 19 | Mount Pleasant Avenue | - |
| 31 | Mount Pleasant Avenue | - |
| 35 | Mount Pleasant Avenue | - |
| 35A | Mount Pleasant Avenue | Acoustic Report Prepared |
| 37 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 39 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 31 | Mount Pleasant Avenue | - |
| 41 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 51 | Mount Pleasant Avenue | - |
| 22 | Mount Pleasant Avenue | Partial Treatment Completed |
| 20 | Mount Pleasant Avenue | - |
| 18 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 16 | Mount Pleasant Avenue | - |
| 14 | Mount Pleasant Avenue | Partial Treatment Completed |
| 12 | Mount Pleasant Avenue | Partial Treatment Completed |
| 10 | Mount Pleasant Avenue | - |
| 8 | Mount Pleasant Avenue | - |
| 8A | Mount Pleasant Avenue | Acoustic Completion Certificate |
| 6 | Mount Pleasant Avenue | - |
| 2/6 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 2/4 | Mount Pleasant Avenue | Acoustic Report Prepared |
| 1/4 | Mount Pleasant Avenue | Partial Treatment Completed |
| 9 | Fountain Place | - |
| 11 | Fountain Place | - |
| 13 | Fountain Place | - |
| 15 | Fountain Place | - |
| 17 | Fountain Place | Acoustic Report Prepared |
| 19 | Fountain Place | - |
| 21 | Fountain Place | Acoustic Report Prepared |
| 23 | Fountain Place | - |

APPENDIX C - PROPERTIES LOCATED IN STAGE THREE

| Number | Road Name | Acoustic Treatment Status ⁵ |
|--------|-------------------|--|
| 4 | Fountain Place | - |
| 8 | Fountain Place | - |
| 347 | Wakefield Quay | - |
| 1/331 | Wakefield Quay | - |
| 2/331 | Wakefield Quay | - |
| 3/331 | Wakefield Quay | - |
| 4/331 | Wakefield Quay | - |
| 5/331 | Wakefield Quay | - |
| 335 | Wakefield Quay | - |
| 337 | Wakefield Quay | - |
| 339 | Wakefield Quay | - |
| 341 | Wakefield Quay | - |
| 343 | Wakefield Quay | - |
| 345 | Wakefield Quay | - |
| 349 | Wakefield Quay | - |
| 351 | Wakefield Quay | - |
| 353 | Wakefield Quay | - |
| 355 | Wakefield Quay | - |
| 7 | Harbour Terrace | - |
| 5 | Harbour Terrace | - |
| 1 | Harbour Terrace | - |
| 1A | Harbour Terrace | Acoustic Report Prepared |
| 3 | Harbour Terrace | - |
| 9 | Harbour Terrace | - |
| 11 | Poynters Crescent | - |
| 12 | Poynters Crescent | Partial Treatment Completed |
| 25 | Poynters Crescent | - |
| 93 | Poynters Crescent | - |

APPENDIX D DEFINITIONS

“Acoustic Certificate” or “Acoustic Completion Certificate” means a certificate signed by a suitably qualified acoustic engineer certifying acoustic treatment of a residential unit and specifying a certified level of port noise within a residential unit.

“Acoustic Certificate Register” means the register kept by the Port Operator that contains a list of all properties that have an acoustic certificate, the date of the certificate and the certified level of port noise for that property.

“Acoustic Report” refers to the acoustic assessment of a residential unit, and outlines the upgrading required to achieve the indoor design level of 40 dBA Ldn within all Habitable Spaces.

“Acoustic Treatment” means acoustic treatment of a residential unit to achieve an indoor design level of 40 dBA Ldn within all habitable spaces, either with ventilating windows open or with mechanical ventilation installed and operating, when port noise is at or below the certified level of port noise and shall include the cost of testing and obtaining an Acoustic Certificate; except in the following circumstances when the above indoor design level does not need to be achieved:

- a. the property owner seeks a form of or level of acoustic treatment or mitigation that results in a different indoor design level, or,
- b. it is impracticable to achieve the specified indoor design level due to the desirability of maintaining heritage features of a building, and instead the indoor design level of the habitable spaces will be reduced as far as practicable,
- c. it is impracticable to achieve the specified indoor design level in habitable spaces at a cost of 50% of the value of the property (excluding land value), and instead the indoor design level in habitable spaces will be reduced as far as practicable while not exceeding the cost of 50% of the value of the property (excluding land value)."

“Best practicable option” in relation to a discharge of a contaminant or an emission of noise, means the best method of 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.

“Certified Level of Port Noise” is the maximum level of port noise that a residential property subject to an Acoustic Certificate for Acoustic Treatment can receive, provided that the certified level of port noise for any property is set 3 dBA Ldn above the noise contour level for that property shown on the port noise contour map in the Port Noise Management Plan at the date the certificate was issued.

“dBA” 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.

APPENDIX D - DEFINITIONS

“Habitable Space” means the interior parts of a building used for any residential activity but excluding any bathroom, laundry, water closet, pantry, walk-in-wardrobe, corridor, hallway, lobby, clothes drying room, garage, carport or other space of a specialised nature occupied neither frequently nor for extended periods.

“Indoor Design Level” refers to the indoor design level of 40dBA Ldn achieved by acoustically treating all habitable spaces of a residential unit.

“Lesser Standard” (of acoustic treatment): this refers to a situation where the owner elects to accept a standard of treatment that does not meet the design goal, which is 40dBA Ldn (and/or the relevant air changes for ventilation, and is provided for on the Acoustic Completion Certificate.

“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.

“Leq” in decibels, is the value of the steady continuous A-weighted sound pressure level that, within the relevant measurement time interval, has the same mean square sound pressure as the sound under consideration, the level of which varies over time.

“Ldn” means the 5 day “Day Night Average Sound Level” as defined in NZS6801:1999 and is the night-weighted sound exposure level in A-frequency weighted decibels. (An additional 10 dBA is added to the Leq for the period from 10 pm to 7 am.) It is measured for 24 hours from midday to midday.

“Mechanical Ventilation” means a mechanical system or mechanical ventilation systems as described in Appendix 19.2.ii of the NRMP:

(a) *A mechanical system or mechanical ventilation systems capable of:*

- *providing at least 15 air changes of outdoor air per hour in the principal living room of each building and give 5 air changes of outdoor air per hour in the other habitable spaces of each building, in each case with all external doors and windows of the building closed with the exception of such windows in nonhabitable spaces that need to be ajar to provide air relief paths;*
- *enabling the rate of airflow to be controlled across the range, from the maximum airflow capacity down to 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;*
- *limiting internal air pressure to not more than 30 Pascals above the ambient air pressure;*
- *being individually switched on and off by the building occupants, in the case of each system; and*
- *creating no more than 40dBA Leq (15 min) in the principal living room, no more than 30 dBA Leq (15 min) in the other habitable spaces, and no more than 50dBA Leq (15 min) in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.*

Or: (b) *Air conditioning plus mechanical outdoor air ventilation capable of:*

- *providing internal temperatures in habitable spaces not greater than 25 degrees Celsius at 5% ambient design conditions as published by the National Institute of Water & Atmosphere Research (“NIWA”) (NIWA, Design Temperatures for Air Conditioning (degrees Celsius), Data Period 1991-2000), with all external doors and windows of the habitable spaces closed;*
- *providing 0.5 air changes (plus or minus 0.1) of outdoor air per hour in all habitable spaces;*
- *each of the air conditioning and mechanical ventilation systems shall be capable of being individually switched on and off by the building occupants; and*
- *creating no more than 40dBA Leq (15 min) in the principal living room, no more than 30 dBA Leq (15 min) in the other habitable spaces, and no more than 40 dBA Leq (15 min) in any hallway, in each building. Noise levels from the mechanical system(s) shall be measured at least one metre away from any diffuser.*

APPENDIX D - DEFINITIONS

and:

(c) a mechanical kitchen extractor fan ducted directly to the outside to serve any cooking hob, if such extractor fan is not already installed and in sound working order.

"Noise Affected Property" means a site used for residential purposes that is situated in the Residential Zone adjacent to PNL and identified on the Port Noise Contour Map as receiving levels of port noise at or above 55 dBA Ldn but excludes:

- i. Properties that have received acoustic treatment in accordance with rule INr40.1 and Appendix 29.B (Noise Mitigation Plan) and are receiving port noise at or below the certified level of port noise.

"Noise Mitigation Budget" is the sum of money allocated by the Port Operator for noise mitigation.

"Partial Acoustic Treatment": this refers to a situation where the residential unit is only partially acoustically treated. The partial treatment could be either "spatial" (e.g. only one habitable room treated out of a total of three habitable rooms) or by "trade" (e.g. re-glazing completed in all habitable spaces but no ventilation work has occurred).

"Port Nelson Limited" or **"PNL"** refers to the operator of Port Nelson.

"Port Nelson Noise Management Plan" means the Port Noise Management Plan created pursuant to Rule INr.40 of the Nelson Resource Management Plan

"Port Nelson Noise Mitigation Plan" means the Port Noise Mitigation Plan of Port Nelson created pursuant to Rule INr.40 of the Nelson Resource Management Plan.

"Port Noise" means noise generated within the Port Industrial Area; and includes

- Noise from ships and boats at berth;
- Noise associated with the handling of cargo;
- Noise from trucks and machinery and
- Noise from administrative, repair, storage and maintenance activities;

but excludes:

- Noise from ships and boats not at berth;
- Noise associated with construction of permanent Port Industrial Area facilities;
- Noise from an emergency situation;
- Noise from vehicles on public roads.

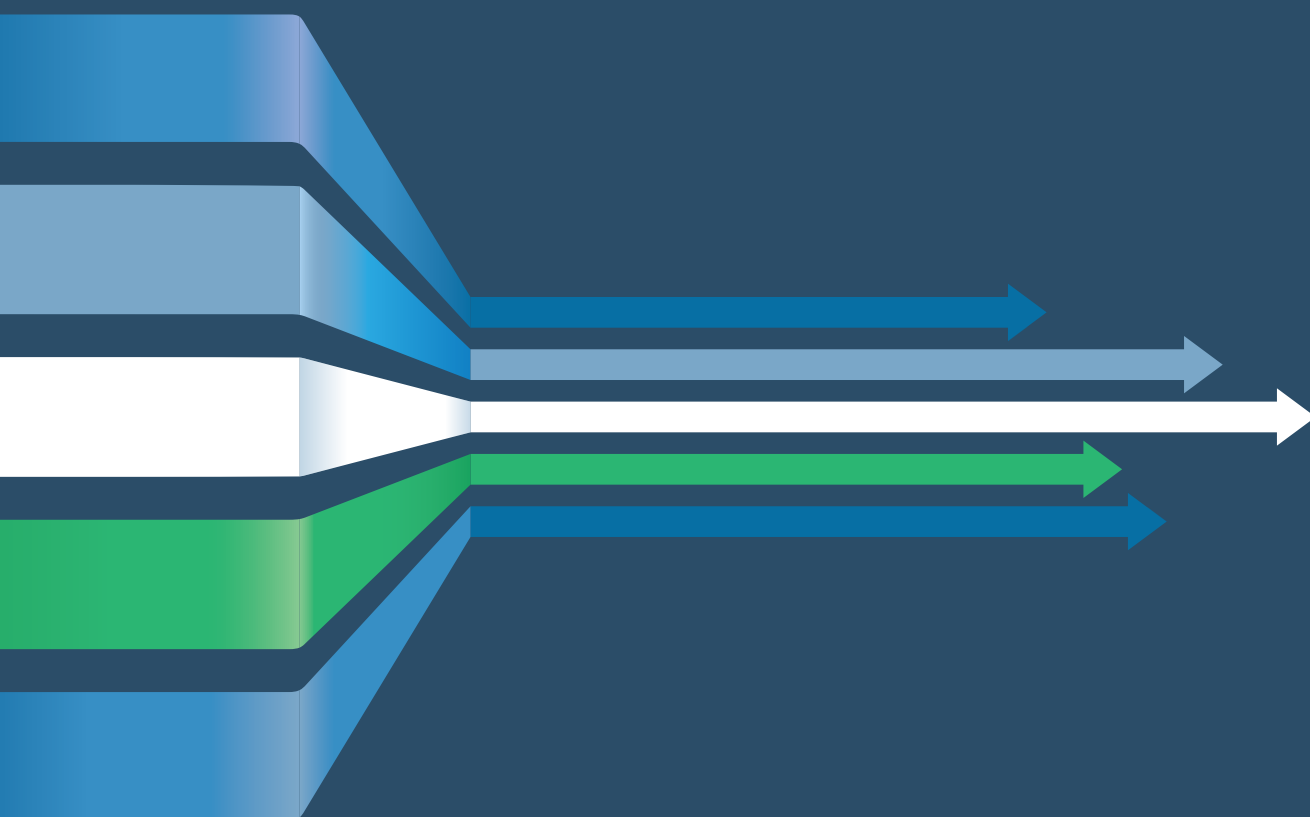
"Port Noise Contour Map" means a noise contour map referred to in Appendix 29.A.1.(i) of the NRMP and contained in this Plan, and the Port Noise Management Plan showing port noise Ldn levels based on a busy 5 day operating scenario to provide for the identification of Noise Affected Properties.

"PNL" means Port Nelson Limited or its successor.

"Port Noise Liaison Committee" means the committee established pursuant to Rule INr.40 of the NRMP to consider noise issues arising from port operations, and carry out functions identified in the NMP and Appendix 29B of the NRMP.

"Property Owner" means the Registered Proprietor or Registered Proprietors of a property.

"Variation 07/01 (Port Noise)" refers to the NCC initiated Plan Variation to the NRMP to manage Port noise.



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