



PLAN CHANGE E

ROXBURGH CRESCENT

For

PALMERSTON NORTH CITY COUNCIL

N1447Rox – Final V1

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ACOUSAPE CONSULTING & ENGINEERING LTD

A handwritten signature in black ink that reads "Nigel Lloyd". The signature is written in a cursive, flowing style.

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CONTENTS

1.	Introduction	3
2.	Brief	3
3.	Landowner Engagement.....	3
4.	District Plan – Noise Rules	3
5.	Residential Zone Noise Standards	6
6.	Other Zone Interfaces	6
7.	Reverse Sensitivity	6
8.	Recommended Noise Rules for Residential Zone	7
9.	Conclusions	7

1. Introduction

Roxburgh Crescent is identified as a redevelopment site in Council's City Development Strategy. Proposed Plan Change E is a stand-alone plan change that seeks to transition Roxburgh Crescent to enable residential development. The Housing and Future Development Plan directs Council to collaborate with developers on brownfield redevelopment and looks to provide a more varied range of building typologies than what might otherwise be expected in a typical peripheral greenfield development location. Roxburgh Crescent is also specifically identified as a location to rezone for housing purposes.

2. Brief

PNCC requires an acoustic assessment to support the rezoning proposal. It is recognised that it is highly unlikely that the entire area will transition to residential at once. This means that some sort of reverse-sensitivity provisions may be required to manage the introduction of noise sensitive activities (houses) into an industrial context.

Ultimately, the acoustic assessment will inform the reporting officer's planning report (section 32 plan change report).

3. Landowner Engagement

In 2019 Frances Holdings Ltd, the major landowner in Roxburgh Crescent, approached Council and expressed an interest in redeveloping their land for housing. In response to this, all industrial landowners in Roxburgh Crescent were invited to a meeting to discuss the potential rezoning of Roxburgh Crescent to residential. Overall, meeting attendees strongly supported the proposed rezoning; however, some had concerns about reverse-sensitivity effects related to existing industrial activities continuing to operate as the area transitions to residential. This will need to be addressed as part of the plan change.

4. District Plan – Noise Rules

The site is currently zoned Industrial which only provides for noise to be managed at the zone interface with the Residential Zone. There are no noise limits between the sites within the Industrial Zone as this zone is identified as being suitable for the noisiest of activities. Because there are no internal noise limits then Council normally actively discourages residential activities in the Industrial Zone.

PNCC's intention is to rezone the entire Roxburgh Industrial Zone to Residential. Because there are different ownership titles within the area and different pressures for development, it will be important to impose the Residential Zone controls at the outset so that both new and existing activities generate sounds that are compatible with the future development of noise sensitive activities, with this now becoming the principal purpose of the zone.

Because the Industrial Zone noise rules are not suitable for managing the site as it transitions over time, it is necessary to immediately establish the Residential Zone

noise limits. Consideration has been given to establishing two different types of noise rules that will protect residential amenity and allow industrial activities to continue. However, this approach would prove to be overly complicated and would lack certainty. The intention is to transition between the Industrial Zone and Residential Zone and the need is to establish appropriate Residential Zone noise performance standards to allow this to occur.

For as long as the existing (industrial) activities intend to continue to operate then they would enjoy existing use rights and be able to continue to operate in a manner that contravenes the noise rules in the district plan if both:

- the use was lawfully established before the rule became operative or the proposed plan was notified,
- the effects of the use are the same or similar in character, intensity and scale¹.

The case law on existing use rights is extensive and it should be referred to in some detail in deciding whether existing use rights apply. There is, however, a significant potential for the existing industrial activities to be incompatible with new dwellings that might establish nearby.

There are, inevitably, some complexities when transitioning between zones. The need is to ultimately provide for protection of residential amenity on sites within the zone and the only reasonable way of achieving that outcome is to establish the Residential Zone noise limits immediately and then to manage the future residential development to minimise conflict. It will be recognised that some conflict is likely to be inevitable and this will tend to accelerate the transition to full residential development except for those activities that are relatively benign and that will be able to coexist.

5. Complaints

As part of the original Council has provided Acousafe with a list of complaints they have received from this area over the last nine years:

August 2016	excess noise from generator
February 2017	trucks starting at 3am
April 2017	grinding machine operating
December 2017	banging and grinding
January 2018	banging and grinding
January 2018	loud drilling after 9pm
March 2018	banging and grinding on Sunday
April 2018	recycling bin emptying at 5am
May 2019	high pitched screeching from yard
September 2019	loud venting noise
June 2020	loud crashing noises
July 2023	demolition work

¹ <http://qualityplanning.org.nz/index.php/manual/enforcing-plans-and-consents/10-useful-links/496-existing-use-rights>

The complaints are about noise originating in six different industrial sites and tended to be specific to activities that are either unusual or occur at unusual times. The worst case was a spate in late 2017 and early 2018 that seems to be resolved, although noise nuisances should not be assessed purely on complaints received. Many of the industrial sites on the west side of Roxburgh Crescent are situated adjacent to neighbouring dwellings on Ruahine Street (see Figure 1).



Figure 1. Interface between Industrial Sites on Roxburgh Crescent and Residential Sites on Ruahine St (courtesy Google Maps 2023).

6. Residential Zone Noise Standards

The noise limits in the Residential Zone are in accordance with the latest version of NZS6802:2008 *Acoustics - Environmental Noise*, including changing to L_{Aeq} .

Methods for monitoring and assessing noise are set out in Section 6.2 of the District Plan which is also current.

We consider that the noise limits and the activity statuses that are generally applied throughout the Residential Zone can be applied to Roxburgh Crescent once it becomes rezoned to Residential.

7. Other Zone Interfaces

The Residential Zone also borders many other zones in the district. For the Roxburgh Crescent redevelopment, the intention is for the noise rules to provide for high amenity levels within it, as a Residential Zone. The Roxburgh Crescent Industrial Area is nestled between residential properties to the west and the south and the Manawatu River linear park.

8. Reverse Sensitivity

There is a need to establish compatible land use planning controls to appropriately protect the health and wellbeing of people living near to noise generators and to protect those generators against reverse sensitivity issues associated with people and communities coming to the noise and then complaining.

There is a need to therefore continue discussion with those stakeholders who wish to continue their industrial activity and to determine what specific land management controls (if any) are required to protect the interests of all parties.

Our understanding of the likely development process is for the main tranche of land owned by Frances Holdings Ltd to become available for residential development first. This will leave those sites to the west of Roxburgh Crescent to be developed at some stage further into the future. Some of these properties back directly onto the Residential Zone of dwellings on Ruahine Street, although there has been some introduction of noise buffering at this interface using the building form and noise barriers.

The juxtaposition of industrial activities to the west of Roxburgh Crescent and the dwellings on Ruahine Street already causes some noise conflict and will need to continue to be managed as best it can. Ultimately though, PC E will correct this historical anomaly by encouraging and allowing all industrial uses to be replaced with residential.

Activities on the west side of Roxburgh Crescent are on smaller sites with the like of joinery shops, electroplating, engineering and metal fabrication, bath repair companies and small depots for construction companies. Depending on the staging of the residential development then some further investigation of the likely noise

emissions from the properties is recommended. This will depend on the likelihood of existing uses causing noise impacts on any new residential developments and would determine whether further noise management is required. This could also help to establish the “*existing use rights*” of those activities.

If the larger section of land is going to be developed on a piecemeal basis, alongside noisy construction machinery repairs or maintenance, then this will also need to be managed, preferably by providing substantial noise buffering and/or by noise insulating and ventilating new dwellings. Care should be taken with heavy vehicle access into the area, particularly at night-time to ensure that conflicts with night-time amenity do not occur. This potential conflict currently exists with the longstanding dwellings on Roxburgh Crescent which are already zoned residential.

9. Recommended Noise Rules for Residential Zone

The recommendation is that the noise rules for the Roxburgh Crescent residential area are those in the Residential Zone. These rules are relatively strict and will apply limits of 45 dB $L_{Aeq(15mins)}$ during the daytime (7.00am to 10.00pm) and 40 dB $L_{Aeq(15mins)}$ at night (10:00pm to 7:00am). An L_{max} limit of 65 dBA also applies during the night-time hours. These Residential Zone noise limits will be appropriate for the Roxburgh Crescent area once it is rezoned Residential.

Construction activities are appropriately managed and controlled in the District Plan by reference to NZS 6803:1999 *Acoustics - Construction Noise*.

10. Conclusions

The Council seeks to rezone the Roxburgh Crescent from Industrial to Residential. This will provide for the gradual transition from the current industrial activities to full residential development over the next ten-year period, or so. It is recommended that the noise provisions of the Residential Zone be referenced. This provides for the establishment of residential activity and protection of residential amenity during the transition stage.