

**BEFORE THE PALMERSTON NORTH CITY COUNCIL**

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UNDER The Resource Management Act 1991  
(RMA)

AND

IN THE MATTER of application RC LU5959 by Soul  
Friend Pet Cremations (Applicant) to  
the Palmerston North City Council  
for resource consents to establish  
and operate a pet cremation  
business, public memorial garden,  
woodworking workshop and spray  
booth for urn finishes and to  
undertake land disturbance and a  
change in use of a piece of land  
described in the hazardous activities  
and industries list without a detailed  
site investigation at 94 Mulgrave  
Street, Ashhurst.

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**SECTION 42A EVIDENCE OF NIGEL ROBERT LLOYD**

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Dated: 28 September 2021

## **Introduction**

- [1] My name is Nigel Robert Lloyd. I have been an acoustic consultant with Acousafe Consulting & Engineering Ltd since 1985. I hold a degree in Mechanical Engineering from the University of Wales, University College Cardiff received in 1976.
- [2] My previous work experience includes five years as the noise control engineer with the New Zealand Department of Labour and three years with the Industrial Acoustics Company in the United Kingdom. Including my time spent with Acousafe as an acoustical consultant this is a total of over forty years direct involvement with noise control and acoustical related work.
- [3] I am a Member of the Acoustical Society of New Zealand and the Association of Australasian Acoustical Consultants. I have completed 'Making Good Decisions' courses.
- [4] I have advised Council on a range of noise matters since the early-1990s and I gave advice at that time on noise issues for the Operative District Plan.
- [5] I have advised Council on noise matters pertaining to their latest round of Sectional District Plan reviews.
- [6] I confirm that I have read and am familiar with the Code of Conduct for expert witnesses in the Environment Court Consolidated Practice Note (2014). I agree to comply with this Code. The evidence I give is within my area of expertise and I am not aware of any material facts that would alter or detract from my opinions.

## **Scope of evidence**

- [7] My evidence refers to the latest report from WSP Soul Friends Pet Crematorium and Workshop, Ashhurst, Assessment of Environmental

Noise Effects Report - LU5959 Revision 3 dated 22 September 2021 ("**The Report**").

- [8] I have prepared a notification report dated 31 May 2021 which considered the noise of the proposed Pet Crematorium and workshop in combination with the dog kennels that was operating on the site. The dog kennels had previously caused neighbours to complain about the noise.
- [9] The dog kennel activity has now closed.
- [10] My evidence considers the noise issues raised in the Report and I recommend noise conditions should consent be granted to the Pet Crematorium and workshop.
- [11] I have read the Soul Friend Pet Cremations Management Plan dated 17 September 2021 and I note that the hours of operation for the crematorium varies between in the Management Plan (7 days a week in Table 2) the those implied in the Report (Monday to Friday).
- [12] I have read the submissions which I discuss below.

### **The Activity**

- [13] The application is for the proposed relocation and extension of an existing pet crematorium and woodworking workshop to 94 Mulgrave Street, in Ashhurst.
- [14] The hours of operation vary between the workshop and the Pet Crematorium but no staff will be onsite between 10pm and 7am (which are the District Plan noise rule night-time hours).

### **The District Plan**

- [15] Section 3 of the Report considers the noise limits in the Rural Zone of the District Plan and sets out rule R9.11.1 which states:

### R9.11.1 NOISE

Sound emissions from any activity in the Rural Zone when measured at or within the boundary of any land zoned for residential purposes or at or within the boundary of any land in the Rural Zone (other than land from which the noise is emitted or a road) shall not exceed the following:

7.00 am – 7.00 pm	50 dB L <sub>Aeq</sub> (15mins)
7.00 pm to 10.00pm	45dB L <sub>Aeq</sub> (15 mins)
10.00 pm – 7.00 am	40dB L <sub>Aeq</sub> (15 mins)
Night-time L <sub>max</sub>	10.00pm – 7.00 am 70dBA L <sub>max</sub>

#### **Explanation**

*Rural areas are in essence working environment within which there are pockets of residential activity. The rules are intended to provide for normal agricultural activities while controlling noise from a range of other activities which also exist in the rural area, e.g. home occupations. This control does not apply to specific rural activities in rural areas which should be managed by applying the Section 16 requirements of the RMA in the circumstances that they arise. Reference should be made to Section 6, Noise, for those rural activities that are excluded from the above controls and for further general information on noise.*

- [16] The critical noise limits are therefore the 50 dB L<sub>Aeq</sub>(15mins) (7am to 7pm), and 45 dB L<sub>Aeq</sub>(15mins) (7pm to 10pm) which apply at any point within any other land in the Rural and Residential Zones because the activity will only operate 7am to 10pm Monday to Friday.
- [17] At 3.4 and Table 3.1 the Report proposed "Project Noise Limits" which I comment on as follows

<b>Zone</b>	<b>Comment on Project Noise Limit Recommendations in the Report</b>
Residential	The same as the District Plan
Rural (notional boundary)	The same numerical limits as the District Plan but applied at the notional boundary of dwellings rather than at or beyond the site boundary
Rural (commercial abattoir and nursery)	A site boundary limit of 60 dB L <sub>Aeq</sub> rather than the District Plan noise limits.

- [18] With respect to the proposal in the Report of applying the noise limits at the notional boundary<sup>1</sup>, there are currently no dwellings in the Rural Zone that are close enough to benefit from this change and this Proposed Project Noise Limit simply negates the District Plan limits from applying at the site boundary.
- [19] The effect of the relaxation to 60 dB  $L_{Aeq}$  at the site boundary for "commercial activities on rural zoned land, abattoir and nursery" with this limit applying "at all times" allows high levels of noise to be received at the plant nursery, which I discuss further below.

### **Assessment of Effects**

- [20] Section 4 of the Report undertakes an assessment of noise effects. This assessment includes modelling of the workshop noise alone and noise from the crematorium and workshop operating at the same time.

### **Predicted Noise Levels**

- [21] The noise modelling is based on noise monitoring undertaken at the existing workshop and crematorium and this appears to be reasonable.
- [22] Section 4.2 of the Report describes the noise modelling that has been undertaken using ISO 9613-2 methods. I consider this to be the correct Standard to use. The modelling incorporates attenuation due to distance and air/ground absorption and includes meteorological conditions that provide for slightly positive propagation conditions.
- [23] The assessment is that noise will generate special audible characteristics and a 5dB penalty has been applied across the board.

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<sup>1</sup> The notional boundary is defined (in NZS 6802) as "a line 20 metres from any side of a dwelling, or the legal boundary where this is closer to the dwelling".

Special audible characteristics could be impulsive noises (such as hammering) or tonal sounds (such as hums or squeaks).

- [24] The crematorium and workshop will typically operate between the hours of 9am to 5pm Monday to Friday with the crematorium occasionally operating later for maintenance but no later than 9pm with staff departing by 10pm (according to the Report).
- [25] Section 4.3 predicts that crematorium/ workshop noise combined will comply with the daytime District Plan (50 dB  $L_{Aeq(15mins)}$ ) noise limit at all residential zoned sites with a reasonable margin of safety. The crematorium noise alone will comply with the evening District Plan noise limit (45 dB  $L_{Aeq(15min)}$  between 7pm and 10pm) at residential zoned sites. The crematorium is the only activity that will operate between 7pm and 10pm.
- [26] The workshop noise is predicted to be 52 dB  $L_{Aeq}$  at the site boundary of 83 Winchester Street and the crematorium/ workshop noise combined is 54 dB  $L_{Aeq}$ .
- [27] The noise levels at the closest boundary with 114 Mulgrave Street are not predicted in Table 4.4 but it can be deduced as 57 dB  $L_{Aeq}$  from the commentary in 4.2.4 of the Report and Table 4.5.
- [28] I questioned the likelihood of a dwelling being constructed at 114 Mulgrave Street and the applicant has identified issues with flood prone areas throughout the lot and I understand that a submission has not been received from the owner.
- [29] There is an abattoir at 102 Mulgrave Street to the south of the crematorium location which is unlikely to be impacted by noise.
- [30] For all other rural sites, Table 4.4 predicts that District Plan daytime and evening noise limits will be complied with.

[31] On this basis I consider that the noise predictions either demonstrate that District Plan noise limits can be met or that noise impacts will be less than minor at neighbouring rural land and I have reflected these in noise limits in recommended draft conditions below.

#### **Noise Mitigation**

[32] An acoustic fence is recommended in 4.2.1 of the report and it is recommended that the design and location of this fence be retained by way of condition.

[33] There will also be the potential to control noise from the pet crematorium and from the workshop (as with dust extraction) and it is recommended that a condition be included that requires a noise management plan to provide for this.

#### **Submissions**

[34] Noise issues are raised by a number of Mulgrave Street residents. These include:

- (a) Noise from 7-day operation of the crematorium,
- (b) Noise from the workshop,
- (c) Noise from road traffic,
- (d) Noise from the proposal in combination with barking dogs at the kennels (which the crematorium could worsen by further exciting the dogs),
- (e) A lack of current noise mitigation and the visual impacts that would have.

[35] I have discussed the 7-day operation of the crematorium. The Report assumes a 5-day operation and it is reasonable to limit the operation to that time-frame. This would not prevent access for administrative

reasons or cleaning and maintenance nor for visits at weekends by the public to the memorial garden.

- [36] Several of the submitters will benefit from the removal of the dog kennels and there is now no requirement to undertake an assessment of cumulative noise levels of the proposed activity with the kennels.
- [37] Onsite traffic noise will also be less of an issue with the elimination of visits to the kennels.
- [38] The submission from Isobel Currie and Bevan Currie identifies that the land at 83 Winchester Street is currently being re-zoned residential and it will be most undesirable to have a pet crematorium located nearby, including noise pollution.
- [39] My initial assessment was based on 83 Winchester Street being a plant nursery. My recommended request for further information was based on providing a suitable environment for its current use, as a plant nursery. I did not know that Council was planning to rezone this land to residential. On the basis that the site was to remain a plant nursery, I recommended that the crematorium and workshop could comply with a noise limit of 55 dB  $L_{Aeq(15mins)}$  at the nearest site boundary, and that the impacts on 83 Winchester Street would therefore be no more than minor.
- [40] The predicted noise level at the 83 Winchester Street boundary is 54 dB  $L_{Aeq(15 mins)}$  which is 4 dB greater than the daytime (7am to 7pm) District Plan noise limit and 9 dB greater than the evening noise limit (7pm to 10pm). Neither the crematorium nor the workshop will operate at night.
- [41] These submitters identify that the land is to be rezoned residential. The District Plan noise limits for the Rural Zone are the same applied

beyond other site boundaries if those sites are either in a Rural or Residential Zone.

[42] My assessed (made in conjunction with the consultant planner, Mr Hindrup), has been based on the existing rural environment and assumes that the existence of the plant nurseery makes it unlikely that a new dwelling would be constructed nearer to the applicant's site without a Plan Change process taking place. The application for the pet crematorium predates the notification of a Plan Change.

[43] I have therefore made my assessment on the basis that the adjoining site at 83 Winchester Street is as currently exists (a plant nursery), rather than a Residential Zone.

[44] My draft recommended conditions reflect this.

#### **Draft Recommended Consent Conditions**

[45] I recommend the following draft conditions based on the predictions in the report and the need to provide appropriate protection to Rurally Zoned land:

A. The pet crematorium and workshop (including onsite vehicles) activities must not exceed the following at or within the boundary of the site:

<b>Site</b>	<b>Time</b>	<b>Noise Limit</b>
83 Winchester Street	7.00am to 10.00pm	55 dB $L_{Aeq(15min)}$
114 Mulgrave Street & 102 Mulgrave Street	7.00am to 10.00pm	60 dB $L_{Aeq(15min)}$
Other Rural Zoned Sites	7.00am to 7.00pm	50 dB $L_{Aeq(15min)}$
	7.00pm to 10.00pm	45 dB $L_{Aeq(15min)}$
All Rural Zoned Sites	10.00pm to 7.00am	40 dB $L_{Aeq(15min)}$
		70 dB $L_{Amax}$

B. The pet crematorium and workshop (including onsite vehicles) activities must not exceed the following at or within any residentially zoned site:

- |                   |                        |
|-------------------|------------------------|
| 7.00am to 7.00pm  | 50 dB $L_{Aeq(15min)}$ |
| 7.00pm to 10.00pm | 45 dB $L_{Aeq(15min)}$ |
| 10.00pm to 7.00am | 40 dB $L_{Aeq(15min)}$ |
| 10.00pm to 7.00am | 70 dBA $L_{max}$       |
- C. Sound levels must be measured in accordance with New Zealand Standard NZS 6801:2008 *Acoustics – Measurement of environmental sound* and assessed in accordance with NZS 6802:2008 *Acoustics – Environmental noise*.
- D. The hours of operation of the workshop must be limited to 7.00am to 7.00pm Monday to Friday and the pet crematorium shall be limited to 7.00am to 10.00pm Monday to Friday. The pet crematorium and workshop must not operate on public holidays. This would not prevent access for administrative reasons or cleaning and maintenance nor for visits by the public to the memorial garden between the hours of 9am and 5pm Monday to Sunday provided Conditions A and B are met.
- E. An acoustic fence shall be installed on the boundary of 98 Mulgrave Street in accordance with the recommendations of the *WSP Soul Friends Pet Crematorium and Workshop, Ashhurst, Assessment of Environmental Noise Effects Report - LU5959 Revision 3 dated 22 September 2021*.
- E. A Noise Management Plan ("**NMP**") shall be prepared by a suitably qualified and experienced acoustic consultant, in association with the applicant, prior to the start of the pet crematorium and/or workshop operating. The NMP shall be submitted to the Palmerston North City Council for review 20 working days prior to the commencement of the activity. The NMP shall include but be not limited to:

- i. The relevant noise limits,
  - ii. noise mitigation and maintenance requirements for plant and machinery in order to adopt the best practicable option to control noise,
  - iii. general operating procedures,
  - iv. training of staff,
  - v. complaints handling and recording, and
  - vi. noise monitoring.
- G. The NMP must be certified that it meets the requirements of Conditions A and B and the consent holder shall operate the pet crematorium and workshop in compliance with the NMP at all times.
- H. Noise monitoring must be undertaken within 6 weeks of the commencement of the pet crematorium and/or workshop to demonstrate compliance with Conditions A and B. A copy of the results of each period of monitoring must be provided to Council within 20 working days of undertaking the monitoring.
- I. The Council may under section 128 RMA initiate a review of the conditions of the consent 12 months after granting the consent in relation to noise and hours of operation to:
- i. Assess the adequacy of (and, if necessary, change) the conditions controlling activities on the sites
  - ii. Deal with any significant adverse effects on the environment that may arise from the exercise of the consent.

[46] The hours of operation reflect those implied by the Report which are also sought by submitters.

**Conclusions**

- [47] I consider that the Report represents a comprehensive assessment of the noise impacts of the pet crematorium and workshop. The predictions are that noise will comply with District Plan noise limits at Residentially Zoned properties but, because of the short distance to the nearest (Rurally Zoned) side boundaries, the District Plan noise limits will be exceeded.
- [48] I have recommended draft noise conditions to reflect the predictions in the Report that will appropriately protect residentially zoned properties and neighbouring rural land.

Date: 28 September 2021



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**Nigel Robert Lloyd**