Nelson Resource Management Plan Plan Change 29

Statement of Stephen Fitchett

Submitter

My name is Stephen Fitchett. This statement is also on behalf of my wife Angela Fitchett.

We live at 126 Nayland Road. Our home was built prior to 1904 and is within 100 metres of Whakatu Drive (Stoke Bypass) which was opened in 2000. Whakatu Drive is part of State Highway 6 (SH6).

We have owned our home since 1989.

My statement is concerned with the provisions of Plan Change 29 (PC 29) that relate to proposed acoustic controls on residential land adjacent SH6 but **I would also like to register my opposition to other aspects of PC29.**

I am opposed to:

- **Buildings over 3 story in residential areas**
- **any decrease in the sunlight rules as they presently stand**
- **the lack of any design controls**.

I am aware many submitters will fully address these issues and I wish the commissioners to know I support their submissions.

I submit that:

- **The acoustic control provisions be deleted from PC29**
- **If acoustic controls are retained in any form, that NZTA be made responsible for acoustic control costs generated by SH6 within the city limits**

Failings in the PC29 Notification for the State Highway Acoustic provision means the provision should be dropped from PC29

I believe the PC29 notification process failed to satisfy the RMA statutory requirements in relation to the SH6 acoustic controls provisions. RMA[1] states "*A territorial authority shall … Send a copy, … to every ratepayer … where that person … is likely to be directly affected by the proposed plan.*"

[1] Resource Management Act Schedule 1 Section 5, 1A

- I have not been sent a copy of the provisions or even notified of them as required under the RMA

Not only was I not notified as an affected ratepayer, but:

- When the NCC staff presented the PC29 proposal[2] to the Council to adopt, the Acoustic controls on residential land uses adjacent to SH6 within the urban area were not mentioned.
- When PC29 was publicly notified PC29 there was no mention of the Acoustic provisions.
- The NCC did not include the details of the draft acoustic control provisions on the NCC website or in the NCC "Overview of Plan Change 29 – Proposed Amendments to the Nelson Resource Management Plan" and/or "How Plan Change 29 Could Affect You" publications.
- PC29 did not include a map of the acoustic buffer in the planning maps.
- I attended a large public meeting about PC29 and there was no mention of the proposed acoustic provisions.

No-one was made aware of the provisions even though State Highway 6 runs through Nelson city and at least 8 - 10% (1400) of Nelson residences being affected.

I only became aware of the acoustic proposed from the Nelson Mail article "Change 'buried in small print'". I then rushed to submit SF33. A few other people managed to make a 'Further Submission'. With so few people accessing the Nelson Mail many affected people are still not aware of the acoustic control provisions. This means that feedback/submissions on this aspect of PC29 may not reflect Nelsonians true level of concern

Given the failures to satisfy the RMA requirements in regard to the Acoustic control provisions, these provisions should be removed from PC29

If the Acoustic Controls Proposed remain part of PC29

Under this proposed provision the NCC and NZTA are trying to move <u>NZTA's responsibility</u> to the existing and future homeowners as I will explain

I submit that PC29 should be encouraging the minimisation of road noise <u>at source</u> so the population can enjoy the outdoors rather than having to live in an acoustically sealed house.

Some background:

[2] R27805

- The RMA[3] imposes a duty on land occupiers to "*adopt the best practical options to ensure that the emission of noise from the land … does not exceed a reasonable level*"
- When Whakatu Drive was approved the Commissioner was assured by NZTA that any noise problems would be dealt with by NZTA.

Continuous exposure to excessive noise can have serious health effects and NZTA knew it was creating a 'noise' issue when it built Whakatu Drive.

Initially the NZTA built banks of dirt, small fences and planted trees in a strip along the residential boundaries of Whakatu Drive in an (unsuccessful) attempt to mitigate the noise.

A 2014 Nelson Mail article[4] shows NZTA acknowledging their responsibility for increased noise following a reseal of Whakatu Drive with coarser chip in 2012. The acting Highways manager Nelson, Mark Owen is quoted:

"*We do appreciate that living near a state highway does mean living with traffic noise, and we aim to keep those noise levels at a reasonable level. If the community feels it is experiencing unacceptable noise levels, we are always willing to work closely with them to help address these concerns*"

In 2018 NZTA announced they intended to lay noise mitigating seal on parts of the Atawhai and Whakatu Drives to cut the road noise. However, changes in government priorities (safety replaced noise nuisance) later saw this changed and coarse chip was used instead.

The aim of PC29 is to increase housing density including near SH6. Styles[5] suggests the extra costs for acoustic control is likely to be $12,000 - $55,000 per house, <u>excluding</u> any actual alteration or build costs.

As well as being an unreasonable cost for home owners to bear, this seems to defeat the purpose of PC29 as it will discourage any home improvement and/or intensification of housing near the State Highway.

The NZTA does not seem to have submitted any expert evidence supporting the acoustic provisions.

There is no evidence NZTA has considered alternative ways to mitigate highway noise in Nelson such as:

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[3] Resource Management Act Section 16, 1
[4] "Noise concerns backed by council" Nelson Mail 18 March 2014
[5] 2024 Statement of Evidence

a) Noise mitigating seal
b) More careful road construction to make a more even surface
c) Reducing speeds
d) Check vehicle exhaust noise

Despite two experts such as Dravitzki[6] and Styles supporting noise mitigating seal, the NZTA does not seem interested in implementing any alternative option. This is not acceptable.

A Possible Solution: A NZTA Noise Overlay

Under the RMA NZTA must be responsible for the noise issues it generates rather than making it a problem for the nearby residences.

A new NZTA Overlay should be added to the NRMP.

The current operative NRMP already includes two overlays:

- Port Noise Effects Control Overlay
- Airport Effects Control Overlay

These overlays restrict residential density "to minimise the number of residences exposed to noise from the airport and port industrial area"

Depending on the area of the overlay a house sits on the Port Overlay, the Port is responsible for 50% of the acoustic control work increasing up to 50% of the value of the house.

Under a NZTA Overlay:

- Section sizes would be limited in a similar way to the Port Overlay[7].
- NZTA would have a requirement to be responsible for the acoustic control cost for residences affected by SH6 in a similar way to the Port Company's responsibilities. This responsibility would range in level from houses that pre-date the establishment of SH6 down to new houses built after the arrival of SH6.

It is likely such an Overlay provision would see the road noise levels drop to an acceptable figure as that would be the cheapest option for NZTA and is something they can control.

[6] "Road Traffic Noise; Determining the Influence of New Zealand Road Surfaces on Noise Levels and Community Annoyance" NZTA 2006

[7] 600 sq m

Finally: There is a major inconsistency in the suggested acoustic provisions. Why do they only relate to SH6?

Marshall Day Acoustics in a Report for the NCC[8] suggested "sound insulation rules to new dwellings adjacent to busy roads" had merit. (author's emphasis)

Why did the NCC propose acoustic controls provisions only apply to State Highways?

There are a number of other roads in the urban area with as many vehicles where the NCC proposes 6 storey and intensive housing but no acoustic controls. Why does the provision not cover these areas (ie Waimea Road and Rutherford St)?

As neither NZTA or NCC provided any justification for the acoustic controls buffer zone it is hard to understand why only SH6 has a buffer zone.

I repeat my submission that:

- **The acoustic control provisions be deleted from PC29**
- **If acoustic controls are retained in any form, that NZTA be made responsible for acoustic control costs generated by SH6 within the city limits**

[8] "Nelson City Council Resource Management Plan Acoustic Review of Plan Provisions" 2016