

Residential dwellings in the port effects overlay

Guidance for building or renovations



23 May 2012

Introduction

This information sheet is for owners of residential properties affected by noise from Port Nelson, who may be contemplating building new dwellings, doing alterations, or renovations.

It is to assist you to understand the new rules (Variation 07/01) that the Council has introduced to the Nelson Resource Management Plan, which will affect you when doing building work.

It also explains the ways that Port Nelson may assist you financially. This is because the port contributes to the night-time noise in this area.

Which properties are affected by the Rules?

Those residential properties near the Port that are affected by the rules are shown on the attached Map. They are in an area known as the '*Port Effects Control Overlay*'.

How do the rules affect me?

If your property is within the *Port Effects Control Overlay*, rules in Appendix 19 and Rule REr.65A will affect you.

These mean that if you wish to construct or alter a building, it will need to be insulated to reduce noise levels to no greater than 40dBA L_{dn} inside any new or altered 'habitable space'. There is a definition of 'habitable space' in the rules, but basically it means bedrooms, living areas and kitchens. This noise level is considered, on average, the maximum that will enable you to get a reasonable night's sleep.

You will need to make sure that you use the correct type of materials to achieve this level of noise reduction. It may also be necessary to put in an air circulating system so that the noise levels can be met even with the windows closed during periods of warm weather.

To show the Council that you can do this, you will need to engage a qualified acoustic engineer (i.e. a noise specialist) who will produce a certificate to put in to the Council with your application for building consent.

When the job is finished, the acoustic engineer will need to certify that the work complies with the certificate that was issued.

What do the noise contour lines mean?

You should check where your property lies in relation to the noise contour lines on the attached Map.

The noise contours indicate the level of noise that can be expected at your property, based on extensive modelling and projections from activities at the port.

How do the rules affect subdivision?

In order to subdivide your property the rules require that you have enough land area to create allotments of at least 600m².

This is more stringent than other parts of the Residential Zone, but recognises that the Port Effects Control Overlay is subject to a greater level of noise than most other residential areas.

What assistance can I expect from Port Nelson?

Householders in existing 'noise-affected properties' are entitled to assistance from Port Nelson to insulate their home to reduce the effects of port noise. Eligible houses are determined by the noise contours and confirmed by an individual acoustic inspection. Worst affected houses are offered 100% of costs or property purchase. Others are offered a proportion of the costs, generally as set out below.

65 dBA Ldn and above

If your property is in the area shown on the attached Map as receiving 'Above 65dBA', then Port Nelson Limited is required to pay the total cost of your sound insulation work, (up to 50% of the value of the house, excluding land value). Costs will include project management, building work, consent fees, acoustic engineer's fees, and final testing.

Alternatively, you may ask the Port to buy your property. There is a process in the rules for valuing properties.

60 dBA Ldn and above and less than 65 dBA Ldn

If your property is in the area shown as '60dBA to 64dBA' the Port is required to contribute 50% of the costs of your sound insulation work. This includes the reasonable costs of preparing the initial offer, but owners are required to commit to 50% of these costs before the work will be undertaken.

55 dBA Ldn and above and less than 60 dBA Ldn

If your property is in the area shown as '55dBA to 59dBA', Port Nelson will help you with technical advice on how to insulate your house. You may also approach Port Nelson to ask that it pays up to 50% of the cost of your sound insulation.

Dates have been set by which time Port Nelson is required to make offers to carry out the sound insulation work. **There is no time limit for you to take up this offer.** The requirement for Port Nelson remains for you to take up at a time that suits you, but Port Nelson is keen to provide the insulation as soon as possible to reduce unavoidable port noise to acceptable levels.

How will the work offered be determined?

Each house will be treated individually through the following steps:

1. Port Nelson writes to the house owner to confirm the process is underway and what to expect.
2. An acoustic specialist arranges with the house owner to undertake an acoustic test at the property.
3. An acoustic specialist provides a report detailing the work to achieve the required noise reduction, including comments on plans for renovations (if applicable).
4. A meeting is arranged between the property owner and Port Nelson to discuss the options available.
5. An agreement is drawn up to confirm the work to be undertaken, what each party is responsible for and details such as contractor access.
6. When work is completed an acoustic specialist re-tests the property and issues an acoustic certificate to confirm that the required noise reduction has been achieved.

What if only partial treatment is acceptable to you?

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 you may choose to carry out only partial treatment. The agreement in this case will need to include protection for Port Nelson from future claims.

Fitting in with your renovation plans

Priority has been given to making offers to the worst affected houses first. However Port Nelson wishes to work with house owners and, where possible, bring forward work to fit in with planned renovations. If you are planning renovations please write to us confirming the proposed timescale and we will try to assess your house as soon as possible. There will be no direct funding of renovations by Port Nelson but there may be efficiencies in combining this with the mitigation work.

To coordinate with the noise mitigation work, your renovations will need to:

- a) result in savings in the cost of noise mitigation work by combining it with other alteration work proposed;
- b) be described by a clear agreement detailing the scope of funding, responsibility for project management and the requirement for an acoustic certificate; and
- c) include all modifications necessary to achieve the full noise mitigation on that property (rather than a room by room approach).

What if I am considering selling?

Assistance from the Port for insulating your house will only be available on one occasion. Therefore, if you insulate your house before selling it, a future owner will not be entitled to assistance from the Port for any additional work that owner may wish to do.

So if you are thinking about selling your house you may wish to consider whether to do the work now, or to leave it to the new owner to determine the best way to go about the work, including any renovations they may wish to do.

Heritage buildings

If your house has a heritage listing (e.g. properties in Russell Street, as shown on the Council's register of heritage buildings), you may need to obtain additional consents to do renovations and acoustic insulation work.

For any noise complaints

Phone the Nelson City Council 24 hour Environmental Hotline **5460200**, or Port Nelson directly on 548 2099 24 hours.

For more information:

Variation 07/01, and section 32 assessment, on www.ncc.govt.nz, or at Nelson City Council public counter

Nelson City Council Contacts

Duty Planner ph 546 0200

Community Contacts

Chris Keegan 68 Queens Rd ph 5488083 KPL@hotmail.co.nz

Raewyn Newnham 69 Stanley Cre ph 5466699 raewyn.newnham@summit.co.nz

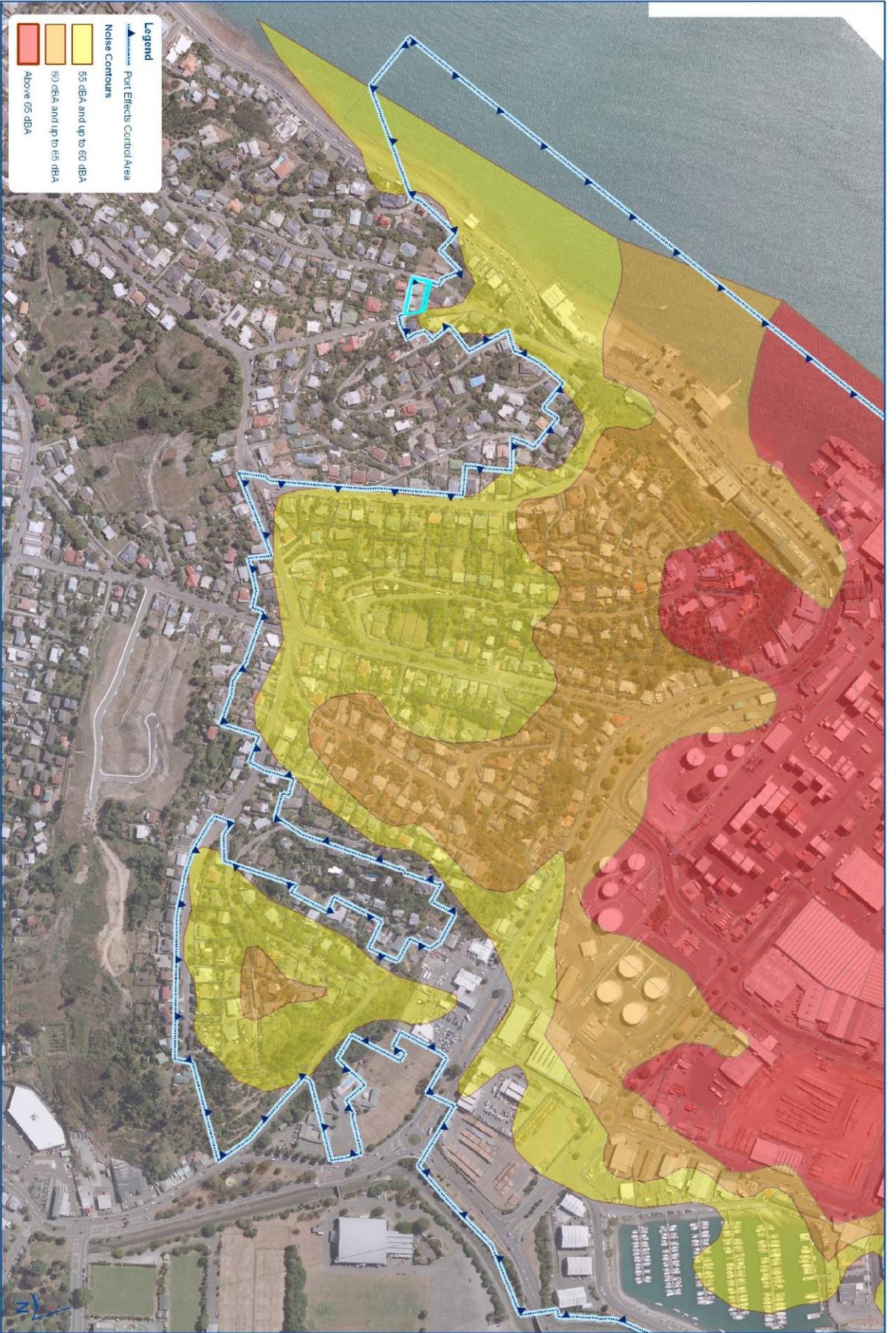
Bruce Robertson 26 Mt Pleasant ph 5391116 info@solarenergyspecialist.co.nz

Port Nelson Contacts:

Matt McDonald, Infrastructure Manager ph 5393 886 matthew.mcdonald@portnelson.co.nz

Thomas Marchant, Environmental Officer ph 5393861 thomas.marchant@portnelson.co.nz

The current requirements set out in this guidance may be subject to change depending on the outcome of the hearings of submissions to the proposed variation.

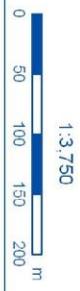


Legend

- Port Effects Control Area
- Noise Contours**
- 55 dBA and up to 60 dBA
- 60 dBA and up to 65 dBA
- Above 65 dBA

Port Effects Control Overlay

Printed April 2008. Noise contours modelled July 2005.



Map prepared by the Port of Vancouver, in consultation with the Vancouver City Council (VCC), Vancouver Board of Transportation and the Port of Vancouver. The map is for informational purposes only. It is not intended to be used for legal or regulatory purposes. The Port of Vancouver is not responsible for any errors or omissions on this map. The VCC is responsible for any errors or omissions on this map.