

# Decision Report

## Plan Change 56 – Frost Protection Fans – Height and Cumulative Noise

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### 1.0 Introduction

- 1.1** This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2** For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions in [blue](#).
- 1.3** For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in [red](#).

### 2.0 Topic 1: Permitted Height of a Frost Protection Fan

#### 2.1 Decision

That proposed changes to Rules 18.4.1(a) and 4C.1.3.7 (b) be retained as notified.

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
20	2	Toi Te Ora – Public Health Services
21	1	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated

#### 2.2 Reasons

- 2.2.1** The submission points are in support of this part of the Plan Change as it resolves an anomaly in the District Plan.
- 2.2.2** The change to the permitted height for frost protection fans in the Rural Zone overcomes an inconsistency in heights between the permitted and controlled activity performance standards and avoids the situation where a frost protection fan that meets all other standards will default to a restricted discretionary activity. The increase to 15m for frost protection fans recognises these structures are legitimate rural horticultural practices which should be provided for as permitted activities.

## 3.0 Topic 2: Cumulative Noise

### 3.1 Decision

That the proposed changes requiring an assessment of cumulative noise be deleted.

Rule 4C.1.3.7(a)

"Noise from the operation of frost protection fans ~~(either stand alone or in combination with other frost protection fans in close proximity to a receiving site)~~ shall not exceed 55dBA Leq and 65dBA Lmax at any point within the notional boundary of any dwelling in a Rural or Lifestyle Zone...."

Explanatory Note under Rule 4C.1.3.7

"Fan Type – The distance required to achieve 55dBA will vary depending on the noise performance of the frost protection fan ~~and the location of other frost protection fans in the locality~~. Applications for resource consent must be supported with evidence identifying the noise performance of the fan to be used ~~along with the potential cumulative noise from other fans in the locality~~."

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
5	3	Stratum Consultants Ltd
21	2	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated
FS53	6	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated

#### Rejected

Submission	Point Number	Name
5	3	Toi Te Ora – Public Health Services

### 3.2 Reasons

**3.2.1** Even though cumulative noise effects may be a more accurate calculation of the noise affects from frost protection fans, it is outside the control of a single applicant to address all contributing noise.

**3.2.2** The cumulative noise effects from frost protection fans depend on the location and quantity of fans and other variables such as topography. Also, because portable frost protection fans are not restricted to a location or quantity, the monitoring and enforcement of their contributions to cumulative noise will be problematic.

- 3.2.3** Landowners may instead turn to using alternative frost protection options, e.g. the use of a helicopter and/or mobile frost fans which could be noisier.
- 3.2.4** Western Bay of Plenty has mild winter temperatures and the need to use frost protection fans is limited.
- 3.2.5** Landowners who have established frost fans will have an advantage over other in that cumulative noise will be less due to the low number of frost fans originally in place.
- 3.2.6** Written approval is already required from dwelling/property owners within close proximity to frost fans.

## **4.0 Topic 3: Matters of Control**

### **4.1 Decision**

That proposed changes to Rule 4C.1.4.1 be retained as notified.

The following submissions are therefore:

#### **Accepted**

Submission	Point Number	Name
20	3	Toi Te Ora – Public Health Services
21	3	Horticulture New Zealand and New Zealand Kiwifruit Growers Incorporated

### **4.2 Reasons**

- 4.2.1** The submission points are in support of the Plan Change.
- 4.2.2** The District Plan lists performance standards which are required to be met for a proposed frost protection fan to be assessed as a controlled activity. It also lists the matters Council will retain control over in the resource consent. However, the matters listed in the District Plan do not relate to the standards and identify matters that are not able to be controlled through resource consent. Amending the rule to include more relevant matters will allow Council to better control the potential effects of the frost protection fans through the resource consent process.

## 5.0 Whole of Plan Change 56 - Changes to the District Plan First Review

### 5.1 Amend Rule 18.4.1(a) Height of Buildings to have an exemption for frost protection fans as follows:

~~“(a) Height of Buildings~~

~~Maximum – 9m excluding frost protection fans which shall be a maximum of 15m inclusive of blades.”~~

### 5.2 Delete Rule 4C.1.3.7 (b) Frost Protection Fans – Performance Standard for Controlled Activity – Height of Frost Fans.

~~“(b) The overall height for the fan including the fan blade shall not exceed 15m.”~~

### 5.3 Amend Rule 4C.1.4.1, Matters of Control - Frost Protection Fans, as follows;

~~(a) Without limitation, Council will assess the proposed model of fan(s), location(s), possible alternatives, and any proposed noise mitigation measures.~~

~~(a) Council shall exercise control over the following;~~

- ~~(i) The noise level that is permitted to be emitted from the frost protection fan;~~
- ~~(ii) The operational requirements of the frost protection fan;~~
- ~~(iii) The operation of the frost protection fan for maintenance purposes;~~
- ~~(iv) The hours of operation and times when the fan is permitted to operate.~~