

Officer responsible Environmental Policy & Planning Manager	Authors Terence Moody, Principal Environmental Health Officer, Russell Malthus, Environmental Health Officer
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The purpose of this report is to provide information on complaints of music causing noise from concerts held in North Hagley Park and from the bar precinct in Oxford Terrace.

INTRODUCTION

At its March meeting the Council received a petition from residents of the Bishopspark Retirement Complex complaining of the noise levels of amplified music events at North Hagley Park. The Committee requested that this report should also discuss the impact of noise from entertainment at the Oxford Terrace bars on residents in Cashel Street, and other entertainment noise sources in the west inner city.

CITY PLAN

Community Facilities and Events

An integrated approach has been taken in the City Plan for the control of noise from amplified music entertainment at central city locations that the Council administers or has a special interest in. The Amended City Plan, published on 8 May, is the result of the public consultation process through hearings of submissions undertaken in 1997 and 1998. It is noted that Anglican Aged Care and the owners of Bishopspark did not make submissions on this part of the Plan.

The Amended City Plan provides for exceptions from the existing Zone rules in North Hagley Park (Open Space 2 Zone), Cathedral Square, Victoria Square, City Mall and New Regent Street (Central City Zone) and at the Arts Centre (Cultural 1 Zone). The community standards in the amended rules permit events on a limited number of days per year until 10.30pm, at levels in excess of the Zone development standards that normally apply in the respective Zones, as follows:

Zone development Standards: Open Space 2 and Cultural Zones		
	Daytime (0700-2200)	Night time (2200-0700)
L10	49	42
Leq	50	41
Lmax	75	65

Zone development Standards: Central City Zone		
	Daytime (0700-2200)	Night time (2200-0700)
L10	60	48
Leq	57	49
Lmax	85	75

Community Standard	
L10	65
Lmax	85
Hagley Park	20 days until 10.30pm
Cathedral Square	120 days until 10.30pm
City Mall	80 days until 10.30pm
Victoria Square	20 days until 10.30pm
New Regent Street	20 days until 10.30pm
Arts Centre	3 days per year, no more than one per month, between the hours of 0900 and 1900 (9am to 7pm)

Note: all levels in these tables are expressed as dBA over a 1 hour assessment period

The community standards recognise that higher noise levels than those normally experienced in the vicinity of the park will arise during entertainment and community events held in the park. Compliance with the levels will reduce, but will not eliminate, audible noise effects on residential occupants in the vicinity. The reasons for this is that response to noise from amplified music is highly subjective and can be influenced by factors such as the age, health and occupation of the complainant, and the nature and type of the music being played.

The events held in these locations are predominantly of community significance with large public attendances. The Council's Leisure Unit administers and organises events on Council land and has involvement with events at the Arts Centre. In the case of North Hagley Park, special provision has also been made in the Hagley Park Management Plan which was published by the Parks Unit in 1991 following public consultation and submissions. A separate report has been prepared for the May meeting of the Parks and Recreation Committee by Alan Bywater of the Leisure Unit with input from Russell Malthus and John Alps of the Environmental Services Unit. The recommendation of the report is:

“That the Environmental Services Unit carries out regular monitoring of events noise levels from Hagley Park and liaises closely with the residents of the Bishopspark retirement Complex in carrying out this monitoring”.

A copy of the report is attached for the Committee's information.

Oxford Terrace/City Mall Entertainment Precinct

The Amended City Plan also provides for an Entertainment Precinct at the west end of the City Mall near the Bridge of Remembrance, extending along Oxford terrace between Hereford and Lichfield Streets, in the Central City Zone. This precinct was established as a result of a City Plan submission from the owner of commercial buildings along Oxford terrace that include a number of bars that feature amplified music entertainment until about 5 or 6am on Thursday, Friday and Saturday nights. The bars open directly onto Oxford Terrace where the footpath has been widened and developed by the Council in liaison with the property owner and the bar operators to facilitate daytime open air dining. At night, this area is used as an extension of the bars' indoor entertainment areas.

A noise performance level has been imposed at the west side of Cambridge Terrace that is in excess of the normal level for the Zone, as follows:

Zone development Standards: Central City Zone		
	Daytime (0700-2200)	Night time (2200-0700)
L10	60	48
Leq	57	49
Lmax	85	75

Community Standard: Entertainment Precinct	
L10	60 (at any time of the day or night)

COMPLAINTS AND MONITORING

North Hagley Park

The following complaint statistics have been reproduced from Alan Bywater's report to the Leisure Unit.

1996	6
1997	10
1998	16
1999 to mid April	11

Typically a large proportion of the complaints have been from one or two events in any one year, rather than being spread evenly across all the events held. The complaints are generally from residents close to the Park. There is no record of any previous complaints from the residents of Bishopspark.

Events that have been monitored from time to time have generally been found to comply with the community standards of the Amended City Plan. The levels are based on noise criteria developed previously by the Council's Environmental Health Officers, which had been found to successfully mitigate adverse effects and to minimise complaints at outdoor concerts over a number of years. Compliance with those levels will reduce, but will not eliminate, audible noise effects on residential occupants in the vicinity.

Entertainment Precinct

The major source of complaints has been the Bridgewater Apartments; an eight-storey apartment block situated at 62 Cashel Street, situated in the Central City Zone approximately 80m west from the Cambridge Terrace (western) boundary of the Entertainment Precinct. Occasional complaints have also been received from residents in Living Zones in Montreal St, Cashel St and Cambridge Terrace and on one occasion, one in Riccarton.

Monitoring on outside balconies of Bridgewater has recorded continuous noise from the bars at 60dBA L10 between 11pm and 2.30am which exceeds the Central City Zone development standard by 12 dBA. Inside the apartment with the windows closed noise (in particular bass thump) was still audible indoors but was below sleep disturbance levels. The measurements also showed that at times, traffic and commercial noise sources in the area other than the bars could also cause disturbance to sleep. Glazing of the apartment windows does not appear to have included intrusive noise reduction measures.

The bar owners have collectively engaged a suitably qualified independent acoustic consultant to assess the noise and to draw up a noise management plan to ensure ongoing amplified music from all their premises is adequately controlled. This plan was to have been received by 16 April 1999 but to date the information received covers only the consultant's preliminary assessment. The consultant's noise level monitoring has identified a reduction of noise at source of 5dBA as being necessary to mitigate adverse effects at Bridgewater, which would also probably ensure compliance of the bar's activities with the Community Standard at the Cambridge Terrace boundary of the precinct.

The release of the Council's decision on the Entertainment Precinct will give the bar owners and their consultant a benchmark that will enable their noise management plan to be finalised. In the meantime, the Council's Environmental Health Officers have maintained liaison with the complainants and the bar owners to try to acceptably reduce noise. The bar owners have been written to concerning their obligations under the Resource Management Act 1991 and the Council's after hours noise contractors have responded to complaints. On occasion the offending bar owners have been required to turn the noise down or turn off outside speakers.

OTHER ENTERTAINMENT IN THE WEST INNER CITY

The inner city, north of Oxford Terrace between Colombo St and North Hagley Park is a close-knit mix of Living, Central City, Open Space and Cultural Zones. The area contains all the public entertainment venues identified and discussed in this report with the exception of New Regent Street, which does not appear to be used as provided for. The area also contains licensed premises on Worcester Boulevard and elsewhere which are also potential entertainment noise sources. There is therefore potential for some inner city residents to be exposed to noise from more than one venue, either consecutively or concurrently. Not all residents will find this acceptable even if noise performance levels are complied with.

Within the Central City Zone a mix of residential and commercial activities is permitted. Entertainment venues such as licensed bars and nightclubs can establish anywhere within the zone, potentially next to noise sensitive offices, hotels, accommodation houses, and apartments. Compliance with noise performance standards may not give sufficient protection against noise intrusion, due to subjective response to noise; therefore sensitive land uses may need to protect themselves by acoustic glazing or other upgrading their buildings.

Opposition by individuals to public entertainment noise invariably must be balanced against the need for public entertainment. The Council's decision on submissions on the noise rules of the Proposed Plan in relation to Hagley Park and other municipal venues took consideration of local objections and balanced them against the need for large scale community entertainment events.

However, there is always potential for the mix, location and nature of entertainment sources to change, as activities establish or vary. In the Central City Zone this can occur more readily but can also happen in other zones. For example an application for resource consent received from the Arts Centre, to be heard shortly, is seeking authorisation to carry out specific festivals and major events on 40 days of the year at levels up to 70dBA Leq until 11.30pm, with 15 days until 10pm at 80 dBA and on New Years Eve until 1am at 85 dBA. A number of submissions have been received objecting to the potential noise effects of this proposal.

DISCUSSION

Further monitoring and assessment will be needed, following publication of the City Plan and the issue of the Arts Centre resource consent, to evaluate appropriate approaches to the control of effects of entertainment in the west inner city. The Council's Decision on the Entertainment Precinct recognised the area as unique as a concentration of entertainment facilities contributing to the vitality of the City and that the activities should not have to rely on existing use rights and routine resource requirements. That approach may also be appropriate for other venues such as the Arts Centre but would need to be considered through a variation or review of the City Plan.

Re-evaluation of noise levels and times set by the community standards under the proposed City Plan for Hagley Park and other municipal venues should not be necessary, as these had been developed previously by the Council's Environmental Health Officers, and had been found to successfully mitigate adverse effects and to minimise complaints at outdoor concerts over a number of years.

However, the community standard for the Entertainment Precinct was decided by the City Plan Hearings Committee following their visit to the area on a night between 12 midnight and 1.00 am, when they took some sound level measurements. The measurements showed levels of 60dBA on the west side of Cambridge Terrace, on the other side of the river to the bars. While these levels correlated with levels previously recorded by staff, the Officer Report to the Hearings Committee had cautioned against relaxation of the Zone noise until further monitoring had been done to more fully assess the nature and extent of the adjustment. The Council Decision therefore saw this as essentially an interim position, pending an eventual variation to address the related issues of entertainment noise and increasing residential occupancy in the central city.

While, as stated above, provisions do exist that reflect the generally higher sound levels experienced in the central city area and further provision has been made to allow for entertainment with amplified music to occur at higher sound levels, there are some restrictions on the extent of the latter. Compliance with the sound levels does not necessarily mean that the sound will be inaudible to persons in residential properties. This of course can also be true even if the sound levels when measured are those set down for Living Zones. It cannot be expected that persons living in central city areas will experience similar sound levels to those in suburban residential areas. There is a need for such residential premises to be constructed in a manner that will provide some protection from externally generated sound. Further information is needed on the generally experienced sound levels within the central city area, including adjacent living zones, as well as examining the possibility of setting standards for isolating buildings from externally generated sound.

Recommendation: That further examination of central city sound levels, both day and night be made, to enable consideration to be given to possible methods of requiring residential premises in the Central City, to be isolated from externally generated sound.

Chairman's

Recommendation: For discussion.