



## STAFF REPORT

**TO:** Resource Management Policy Committee

**FROM:** Policy Planner

**REFERENCE:** L203, L232

**SUBJECT:** **TEMPORARY ACTIVITIES - CODE OF PRACTICE RECREATIONAL USE OF MOTORBIKES - EP06/09/03** - Report Prepared for 13 September 2006 Environment & Planning Committee Meeting

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### 1. PURPOSE OF REPORT

The purpose of the report is to inform the Council of the results of the four month trial of the Code of Practice for the Recreational Use of Motorbikes as a means of managing the environmental effects of recreational motorcycling in the district. It also provides information on the geographical extent of complaints about motorcycle noise, results from noise testing and includes some comments from the Ombudsman.

The report concludes with the working group's recommendations for a variation.

Some matters addressed at the previous Council meetings on temporary activities and subject of legal advice are also included in the draft variation.

### 2. BACKGROUND

The Council considered two reports on temporary activities including recreational motorcycle riding in August and September 2005 (EP05/08/03 and EP05/09/24). The options considered then varied from having clearer definitions of "temporary rural activity" and "organised motorsport" to having a voluntary code of practice. The Council resolved to establish a working group to draw up a Code of Practice for Recreational Use of Motorbikes that would apply on Rural 1 and 2 zoned land in the Tasman district.

The working group comprised Crs Kempthorne, King and Wilkins and policy, noise and compliance staff.

The Code of Practice (attachment 1) was prepared in October 2005 and distributed to motorcycle shops, motorcycle clubs and residents adjoining track facilities. It was also advertised in the Council's Newsletter distributed to all ratepayers in October and made available on the Council's website.

The trial of the Code of Practice was for a four month period from November 2005 to February 2006. The working group has met three times (14 March 2006, 29 March 2006 and 30 May 2006) since the trial period ended to consider feedback received on the Code.

Since the last reports to the Council in August and September 2005 some data on noise generated at motocross events and practices has been obtained by the Environmental Health Officer.

### **3. NOISE RESULTS**

The Nelson Motorcycle Club ran a major two day Top of the South motocross championship event on a newly upgraded track at Packards Road in Golden Bay at Labour weekend 2005. The EHO took noise measurements at this event. Further noise readings were taken at a motorbike practice at the same monitoring sites on 22 December 2005. The results indicate that while events (where up to 20 bikes maybe on a track) are unlikely to comply with the current rural noise standard L<sub>10</sub> 55 dBA for daytime noise it is possible for groups of a small number of bikes to comply (see attachment 2).

### **4. COMPLAINTS AND THE CODE OF PRACTICE**

The Council's complaints (service requests) database from 5 November 2005 to 25 February 2006 was analysed. There were twelve complaints about recreational motorcycle noise in the period while the Code of Practice was being trialled and 18 have been received between 1 January and 28 July 2006. Also all complaints about motocross/motorcycling received in the last five years, other than those that were made anonymously have now been mapped (see attachment 3). Complaints have been fairly widespread other than in the southern part of the district where there have been no recorded complaints.

Since the code of practice has been in operation the types of complaints received include riding outside the stated hours, riding on consecutive days, and not all neighbours being advised when the riding takes place, and excessive noise.

### **5. OTHER FEEDBACK / CONSULTATION**

In October 2005 the working group received a petition from 17 persons in favour of, and another petition of 30 persons against the motocross track on the Packards Road property at Motupipi, Golden Bay. Early in February 2006 the working group received a letter from a group of residents about lack of compliance with the Code of Practice at another motocross site in eastern Golden Bay. A number of other letters were also received about the issue. Most of the informal submissions in support of motocross activities seek a place where young (and not so young) people can carry out this recreational activity under supervision. Most of those opposing motocross activities oppose it on particular sites which have dwellings close by where the noise adversely affects the day to day activities of neighbours.

The working group met with officers of the Nelson Motorcycle Club and Motorcycling New Zealand on 8 August 2006 to discuss the issue of motorcycle noise in the district. MNZ said the current standard for motorcycles racing in NZ was 96 dBA and it would assist clubs to maintain that standard by supplying all clubs with noise meters.

## 6. OMBUDSMAN'S ENQUIRY

The Ombudsman has been conducting an investigation into noise complaints on motocross and go-karts in the Top of the South region. He held meetings in Blenheim and Nelson on 5-7 October 2005. Six of the complainants were from the Tasman District Council area. The Ombudsman subsequently wrote to the Council in November 2005 seeking information on the current provisions in the Tasman Resource Management Plan (TRMP) to address motocross noise.

The Ombudsman's interim reply received on 9 February 2006 commented on the Code of Practice and noted that, given the continuing number of complaints to both the Council and the Ombudsman's office, a more robust approach is necessary.

In August 2006 the Ombudsman was continuing to receive complaints from residents in Tasman District about motocross and similar activities and noted that *"until the Council passes an appropriate amendment to its district scheme, further problems arising from the creation of new tracks are a real possibility."*

## 7. OPTIONS

The working group has considered further options to the Code of Practice. This is in addition to the options considered in 2005. These are:

1. limiting the physical formation of new motocross tracks
2. limiting motocross activity to one or other of the rural zones where there are larger lot sizes
3. rewording the list of activities exempted from the rural noise rule so it has more certainty
4. increasing the rural noise limit for non farming activities to 60dBA (as suggested by a complainant)
5. writing the provisions of the Code of Practice into the TRMP
6. adding a minimum setback distance for motosport tracks from dwellings on neighbouring properties

### Option 1

For the first option, limiting the formation of new tracks, there could be uncertainty as to when a "track" has been formed, especially on ex forestry land which often has many existing tracks. The present limits on track length (100 metres per hectare) in the land disturbance rules in the TRMP (rule 18.6.2(n)) have the purpose of controlling erosion effects rather than noise effects. The aim of any action the Council takes should be to avoid creating further uncertainties. This option could create more uncertainty.

## **Option 2**

The second option, limiting motocross to the Rural 2 Zone, was not considered a practical option as noise complaints have arisen over a wide area of the district encompassing all the rural zones. Also although the Rural 2 Zone has the largest minimum lot size (50 hectares) it still includes many smaller lots that have been created from boundary adjustments and earlier retirement subdivisions. Thus the benefits of this option would be unevenly spread across the district. Limiting tracks in the Rural 1 Zone may have a small benefit to productive potential of the district.

## **Option 3**

The third option is favoured by some staff because it would clarify more exactly which rural noise is exempt from the noise rule. The current rural zone noise rule is vague and lacks certainty. This current situation creates difficulties for compliance officers attending incidents and for other officers giving advice; and is neither effective nor efficient.

## **Option 4**

The fourth option, increasing the rural noise limit for non farming activities to 60 dBA would allow other activities than just motocross to make more noise. For example an increase in the noise limit would allow noisier parties to occur, rather than specifically addressing the issue of motocross noise. This would not be an efficient or effective change of rules.

## **Option 5**

Option 5 would incorporate the Code of Practice for Recreational Use of Motorcycles into the TRMP. This option would enable the Code provisions to be enforced. At present some individuals are not adhering to the Code. This is causing frustration for affected neighbours.

## **Option 6**

Option 6 would be to incorporate a minimum setback distance for motorsport tracks from dwellings on adjoining properties. A setback minimum of 500 metres is recommended. This option is likely to be quite an effective means of reducing most complaints caused by new motocross facilities and will also limit development of existing tracks towards neighbouring dwellings. However topographical effects may sometimes cause a 500 metre setback to be inadequate.

## **8. OTHER COUNCILS**

Earlier this year the staff had the opportunity to discuss rural issues at a Forum of local authority planners from six periurban councils experiencing rapid growth in their rural areas. Motocross activity was addressed by these other Councils in a variety of ways, usually with some control on motorised events and less control on casual riding.

## **9. LAND PURCHASE FOR A MOTORSPORT VENUE**

A group of motorsport supporters has been investigating the purchase of a site for motorsport activities in the Nelson area. There is financial provision in the Council's Long Term Council Community Plan, using the regional facilities rate, to help fund a site for motorsport. While this would be a valuable asset for the district it would not necessarily alleviate all the current complaints, especially as it is unlikely to be located in Golden Bay, where the Packards Road track is already causing complaints because of its proximity to dwellings.

Casual riding and practising with friends on individual properties is also likely to continue – especially by children who are not of sufficient age to legally transport themselves to distant venues. However it is important that the environmental effects of the casual riding are managed in a way that minimises complaints from neighbours.

## **10. OTHER MATTERS**

Some other outstanding matters dealt with at the meeting in September 2005 are also included in the variation as well as the legal advice to delete the definition of "recreational activity". The legal advice is also to have a noise limit for recreational riding of motorcycles.

## **11. CONCLUSION**

A major concern the working group has with the Code of Practice is that some individuals are ignoring its provisions. To ensure that complaints are minimised and enforcement is able to be undertaken the recommendation of the group is to write the Code provisions in to the TRMP as conditions of a permitted activity. Some staff members of the group would also like the noise rule altered.

## **12. RECOMMENDATION**

**THAT the draft variation attached is adopted by the Council for public notification.**

Rose Biss  
**Policy Planner**

## TEMPORARY ACTIVITIES - DRAFT

### Explanation

Variation No .. changes the temporary activity rule and addresses some cross boundary issues that have arisen with certain recreational activities that occur in the rural part of the district. There have been complaints about noise from recreational motorcycling and there has been a lack of clarity as to which noise rules apply.

Temporary activity rules have been clarified to exclude dwellings and include small groups for recreational motorcycling.

The “commercial activity” definition has been amended to remove the recreational activity exception and the “recreational activity” definition has been deleted.

### Plan Amendments

#### 1. CHAPTER 2

1.1 Amend the last phrase of the “*commercial activity*” definition to read as follows:

*“but excludes community activities and home occupations.”*

1.2 Delete the definition of “*recreational activity.*”

#### 2. RULE 16.8.1A

##### **16.8.1A Add a new condition (d):**

*“(d) the building is not a dwelling”*

##### **16.8.1A Add a new section (2) as follows:**

*“(2) Recreational motorcycle riding activity in the Rural 1 and 2 zones provided it complies with the following standards and terms:*

- (a) Not more than four motorcycles shall be used on a property at any one time.*
- (b) Motorcycles shall emit no more noise than that produced by a standard factory fitted unmodified exhaust.*
- (c) Riding times shall be limited to between the hours of 9.00 am and 7.00 pm and not exceed more than four hours in total in any one day.*
- (d) No more than three days shall be used in a week for the activity, provided no more than one weekend day is used and no days are consecutive.*
- (e) The activity complies with the noise conditions for the relevant zone (optional)*
- (f) Those responsible for the recreational motorcycle riding shall inform adjacent neighbours within a radius of 500 metres of intended motorcycle riding where more than two motorcycles are to be used.”*

Add a new section **16.8.1B** as follows:

*“16.8.1B Discretionary Activities (Temporary Activities)*

*A temporary activity (recreational motorcycle riding) that does not comply with the standards and terms for a permitted activity is a restricted discretionary activity*

***A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters over which the Council has restricted its discretion:***

- (1) hours of operation*
- (2) noise conditions*
- (3) location and density of tracks*
- (4) traffic movements to and from the property and parking arrangements*

### **3. RULE 16.8.4**

#### **Principal Reasons for Rules**

Add a new paragraph as follows:

*“It is necessary to mitigate the cross boundary effects of some motorcycle activities in the rural area taking into consideration the proximity and density of settlement and the scale and duration of activities.”*

### **4. NOISE RULES IN RURAL 1 AND 2 ZONES (Optional)**

**In 17.4.2 (d) Rural 1 and 17.5.2(d) Rural 2 Zone.**

**Add after (iv) bird scarers and hail cannons**

*“ Noise from recreational motorcycling is not exempted from this condition”*

## **PROPOSED CODE OF PRACTICE RECREATIONAL USE OF MOTORBIKES**

October 2005

### **Introduction**

This proposed Code of Practice intends to introduce guidelines on the frequency, the number and types of motorbikes and the length of time that they can be ridden on a recreational basis only on Rural 1 and Rural 2 zoned properties in the Tasman District. The need for such guidelines has arisen due to complaints that have been received from properties neighbouring those where recreational motorbike riding takes place, particularly in relation to the nuisance noise effects created. The proposed guidelines are not only an attempt to reduce the impact of such nuisance effects but also to allow recreational motorbike riding to be carried out and enjoyed by private property owners. This Code of Practice does not apply to legitimate farming activities.

### **Terms of Code of Practice**

Recreational riding of motorbikes on Rural 1 and Rural 2 zoned properties shall be subject to the following guidelines:

- 1 Not more than four motorbikes shall be used on a property at any one time.
- 2 Motorbikes used on the property shall have standard, factory-fitted, unmodified exhausts.
- 3 A maximum period of up to four hours per day from the time of start of riding (ie, if riding commences at 2.00 pm it must finish at 6.00 pm).
- 4 Riding times shall be between the hours of 9.00 am and 7.00 pm.
- 5 Not more than three non-consecutive days shall be used in a one week period (ie, between Monday to Sunday inclusive).
- 6 An appropriate area away from adjacent neighbours shall be used as far as is practicable for the recreational riding of motorbikes on an individual property.
- 7 Those responsible for the recreational motorbike riding on their property will inform the potentially affected neighbours of a likely timetable in accordance with the above limitations indicating the days and times during which motorbike riding is likely to take place.
- 8 The terms of this Code of Practice may be varied with the written agreement of adjacent neighbours.
- 9 Proven non-compliance with this Code of Practice may result in appropriate enforcement action being instigated under the Resource Management Act 1991.

**REPORT REGARDING MOTOCROSS EVENT,  
HARWOOD PROPERTY, PACKARD ROAD, MOTUPIPI**

Noise measurements were taken during the motocross event held on Harwood's property, Packard Road, Motupipi on Saturday 15 October 2005. Several sites were chosen to try and gauge the extent of the noise effects and these are shown on the attached plan. A strong, gusty north-westerly breeze was blowing and this tended to direct the noise away from the Motupipi township. The wind strength increased in the afternoon to above acceptable levels for noise measurements and so no levels were taken from the above township. Weather conditions were as follows:

Strong north-westerly breeze gusting up to 5.5 metres per second (m/s) then up to 7.0 m/s  
8/10 cloud cover, which reduced to 2/10 with increase in wind  
Temperature of 15°C

All measurements were in decibels A weighted (dBA) and the results of the noise measurements are as follows:

**Site 1 (McConnon/Chalmers Property, Glenview)**

Ambient noises: wind noises, motorbikes, birds, distant lambs. 1.5 kilometres from event site.

| Noise Climate | Bikes Racing                       | No Bikes                           | Bikes Racing                 |
|---------------|------------------------------------|------------------------------------|------------------------------|
|               | Measurement Period<br>3 min 05 sec | Measurement Period<br>3 min 57 sec | Measurement Period<br>10 min |
| $L_{eq}$      | 51                                 | 48                                 | 52                           |
| $L_{max}$     | 61                                 | 61                                 | 65                           |
| $L_{min}$     | 42                                 | 40                                 | 44                           |
| $L_{10}$      | 54                                 | 51                                 | 55                           |
| $L_{95}$      | 44                                 | 42                                 | 47                           |

The motorbike noise at this site was easily discernible outside, although masked by the wind, terrain and trees. The owners stated that the noise was not as loud as when recreational use of the track occurs, which noise could be readily heard indoors.

**Site 2 (Corner of Steer/Packard Property, Packard Road)**

Ambient noises: wind noise, motorbikes, loudspeakers, birds. 400 metres from centre of track.

| Noise Climate | Bikes Racing                 | No Bikes                           | Bikes Racing                |
|---------------|------------------------------|------------------------------------|-----------------------------|
|               | Measurement Period<br>10 min | Measurement Period<br>1 min 35 sec | Measurement Period<br>9 min |
| $L_{eq}$      | 65                           | 49                                 | 63                          |
| $L_{max}$     | 79                           | 58                                 | 77                          |
| $L_{min}$     | 49                           | 42                                 | 44                          |
| $L_{10}$      | (69)                         | 52                                 | 67                          |
| $L_{95}$      | 54                           | 44                                 | 49                          |

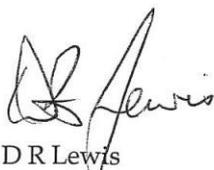
The noise levels at this site were well in excess of the permitted noise levels (55 dBA  $L_{10}$ ) and the motorbikes obviously dominated the noise climate when racing. During the no racing period noise from loudspeakers was recorded that raised the noise levels.

**Site 3 (Between the Wallis and Bruce Packard Dwellings, Packard Road)**

Ambient noises: motorbikes, loudspeakers, birds. 650 metres from centre of track.

| Noise Climate | Bikes Racing                       | No Bikes                           | Bikes Racing                 |
|---------------|------------------------------------|------------------------------------|------------------------------|
|               | Measurement Period<br>3 min 20 sec | Measurement Period<br>1 min 23 sec | Measurement Period<br>10 min |
| $L_{eq}$      | 50                                 | 45                                 | 59                           |
| $L_{max}$     | 59                                 | 58                                 | 70                           |
| $L_{min}$     | 42                                 | 43                                 | 51                           |
| $L_{10}$      | 53                                 | 47                                 | 62                           |
| $L_{95}$      | 45                                 | 41                                 | 53                           |

The marked difference between the noise levels recorded for the two races related to the size and speed of the bikes. The first race was of smaller bikes (juniors?) and their speed and noise emission were considerably less than during the second race.



D R Lewis  
Environmental Health Officer

**REPORT REGARDING MOTORBIKE PRACTISING NOISE EMISSIONS - HARWOOD PROPERTY, MOTUPIPI**

Noise measurements of motorbike practice sessions at Harwood's property at Motupipi were taken on Thursday, 22 December 2005. A mixture of four motorbikes and quad bikes were used with measurements of the ambient (background) noise levels being carried out at each site prior to the bikes being ridden. The weather conditions experienced consisted of a 4/5 cloud cover, 23°C, and a South West wind of 1 metre per second which rose to 2.5 metres per second.

The results are all expressed in dBA ("A" weighted decibel) and are tabulated as follows:

**Site 1: (Between Wallis and Packard dwelling, Parkard Road)**

| Measurement Period | Ambient    | Ambient + Motorbikes |
|--------------------|------------|----------------------|
|                    | 3½ minutes | 8½ minutes           |
| L <sub>eq</sub>    | 38         | 43                   |
| L <sub>max</sub>   | 54         | 54                   |
| L <sub>min</sub>   | 31         | 44                   |
| L <sub>10</sub>    | 41         | 45                   |
| L <sub>95</sub>    | 33         | 37                   |

The background noises arise from birds, distant farm vehicles and wind noises. The motorbike noises were easily discernable but their effect on the overall noise climate was not dramatic with only a 4dBA increase in the L<sub>10</sub> level. Even if a 5 dBA penalty was added to the measured L<sub>10</sub> because of the tonal characteristics of the motorbike noise, the L<sub>10</sub> level would still comply with the Rural zone noise rules of 55 dBA. The same maximum noise levels (L<sub>max</sub>) were probably due to nearby birds rather than the motorbikes and the difference in the minimum noise levels (L<sub>min</sub>) showed that the motorbikes were producing the dominant sound in the noise climate.

**Site 2 (Corner of Steer / Hardwick Property, Packard Road):**

| Measurement Period | Ambient    | Ambient + Motorbikes |
|--------------------|------------|----------------------|
|                    | 3½ minutes | 8½ minutes           |
| L <sub>eq</sub>    | 41         | 45                   |
| L <sub>max</sub>   | 52         | 56                   |
| L <sub>min</sub>   | 37         | 34                   |
| L <sub>10</sub>    | 45         | 49                   |
| L <sub>95</sub>    | 35         | 39                   |

The background noise levels on this site arose from children's' voices and banging (on the property), wind noises, birds and distant traffic. Again the motorbike noise was easily discernible, but its effect on the measured noise climate was not great with a 4 dBA increment on the L<sub>10</sub>, L<sub>95</sub> and L<sub>max</sub> levels. The L<sub>10</sub> at this site also complied with the noise rules. However, it must be stated that the motorbike noise was, as expected, intrusive on the ambient noise climate.

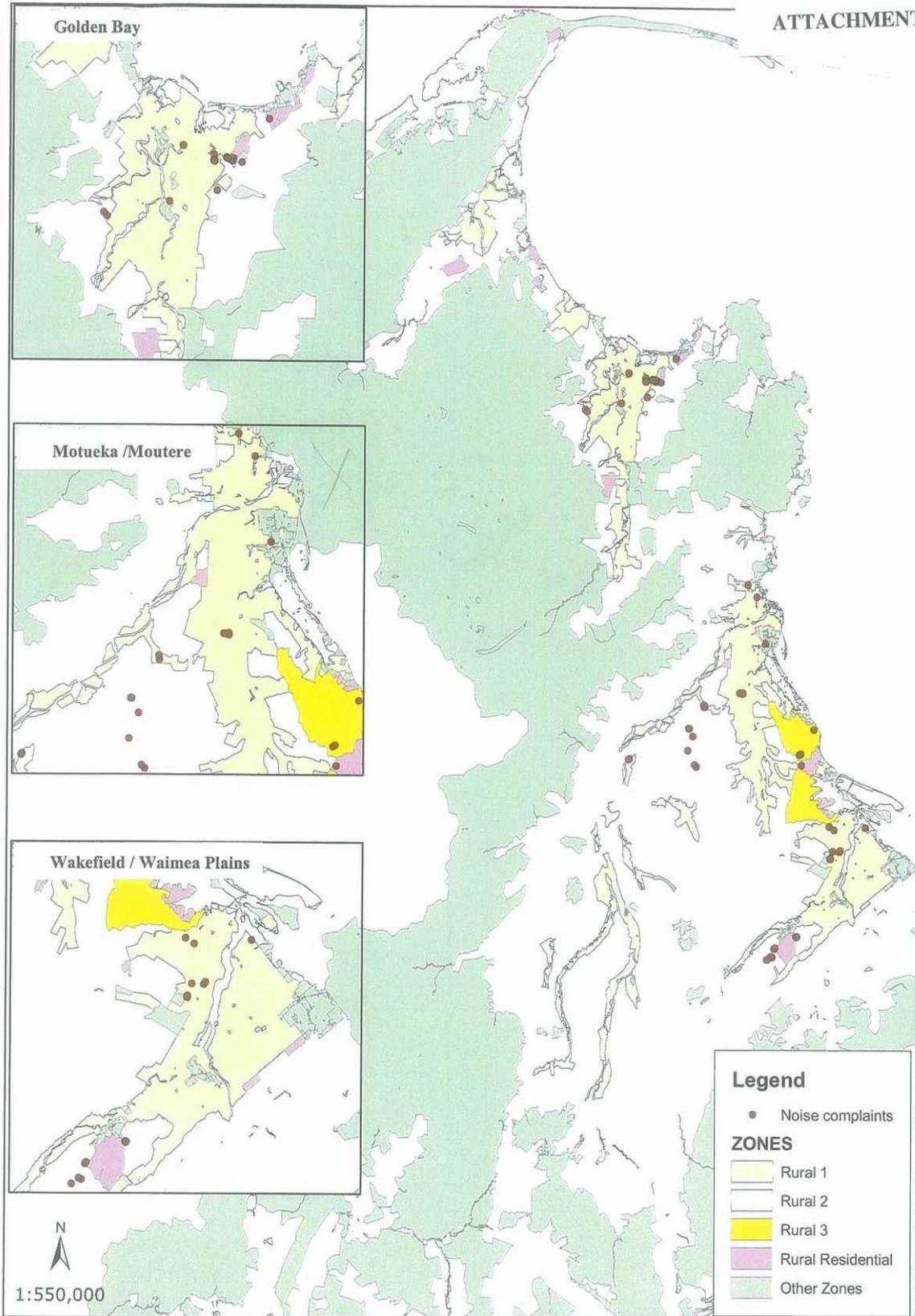
**Site 3: (on Brennan Property, Rocklands Road)**

| Measurement Period     | Ambient   | Ambient + Motorbikes |
|------------------------|-----------|----------------------|
|                        | 3 minutes | 8½ minutes           |
| <b>L<sub>eq</sub></b>  | 39        | 53                   |
| <b>L<sub>max</sub></b> | 60        | 67                   |
| <b>L<sub>min</sub></b> | 33        | 35                   |
| <b>L<sub>10</sub></b>  | 42        | 57                   |
| <b>L<sub>95</sub></b>  | 34        | 42                   |

The background noise level at this site was influenced by significant bird noises, wind and distant traffic. The motorbike noises were extremely intrusive, despite the house being approximately 500 metres from the track. The fact that the property is elevated above the track would contribute to the intrusiveness of the noise. This is shown by the **L<sub>10</sub>** figure being 15 dBA above the ambient level and, at 57 dBA, above the permitted zone noise rules. The fact that the minimum noise level readings were relatively close was related to the cyclic nature of the motorbike noise on the track where there was little noise from the bikes at some stages of their laps.

David Lewis  
**Environmental Health Officer**

18 January 2006



Motorcycle Noise Complaints 2001-Jan 2006

