



STAFF REPORT

TO: Environment & Planning Committee

FROM: Rose Biss, Policy Planner

REFERENCE: L203, L232

SUBJECT: **TEMPORARY ACTIVITIES – CODE OF PRACTICE RECREATIONAL USE OF MOTORBIKES - EP06/10/05 – Report Prepared for 11 October 2006 Meeting**

1. PURPOSE OF REPORT

The purpose of the report is to provide additional information in relation to the issue of motocross noise affecting neighbouring properties in rural parts of the district and revise a draft variation.

2. BACKGROUND

In 2005 the Council set up a working group of councillors and staff to prepare and advise on the suitability of a Code of Practice on Recreational Use of Motorbikes to manage motocross noise in the district. A report on the Code of Practice was presented to the Council on 13 September 2006. Six further options were included in that report following on from options presented in 2005 as a possible means of addressing motocross noise (see Appendix 1).

A draft variation was appended to the 13 September report. It included provisions for limits on recreational motorcycle riding as a permitted activity in the Tasman Resource Management Plan.

The limits were based on the provisions of the Code of Practice which has been trialled in the district in the previous year. The effectiveness of the Code has been uneven across the district as it depends on the willingness of all parties to comply. It has been unable to be enforced by compliance staff receiving complaints.

3. DISCUSSION

Various matters were raised at the 13 September meeting:

3.1 Motorcycle Events vs Casual Riding

It has been clarified in the revised draft variation that casual recreational riding is permitted for up to four motorcycles.

It is also explained that the variation does not apply to legitimate farming operations or existing infrequent motorcycle club events.

3.2 Noise conditions

The optional noise rule has been deleted from the revised draft variation. However the noise officer has continued to measure noise, including at a Nelson Motorcycle Club event that occurred at an Orinoco site on 17 September 2006 (see Appendix 2). Noise levels were measured at five neighbouring sites around the boundary of the 120ha property. A strong gusty south westerly wind was blowing away from most of the measurement sites. Two of the sites were 500 metres from the track (one to the west and one to the north of it) and the others 450 metres, 400 metres and 230 metres. The L₁₀ noise readings at the latter two closest properties, upwind of the track were 61 dBA and 64 dBA.

As explained at the September meeting noise readings need to be taken by experts in the field of noise assessment. It is not always possible to get officers to remote sites at the time when the noise is occurring. Thus the noise condition has not been retained in the draft rule. Easily assessed conditions have been included in the draft rule.

3.3 Appropriate Zones

The working group considers that the Rural 1 and 2 Zones are the most appropriate areas for recreational motorcycling. That has been clarified in the revised draft variation. The relatively close proximity of dwellings in the Rural Residential and Rural 3 Zones make these zones either less suitable or unsuitable for recreational motorcycling. It is acknowledged that there could be a small loss of productive land in permitting tracks in the Rural 1 Zone.

3.4 Informing Neighbours

The condition requiring neighbours to be informed has been reconsidered. It is likely to be difficult to enforce and difficult and frustrating for landowners to comply with.

3.5 Ombudsman

The Ombudsman has addressed his enquiries and responses on motocross noise and tracking to the Council through the Chief Executive Officer.

3.6 Consultation

The Council has already received some feedback from individuals and petitioners on the Code of Practice. Also the Nelson Motorcycle Club and Motorcycling NZ representatives and some complainants have met with the motocross working group. It is proposed to consult further on the revised variation after the Council has approved its release as a draft.

3.7 Definition of a “Motorcycle”

A “motorcycle” is defined in the Traffic Regulations as

A motor vehicle that has:

a) two wheels and

b) either engine capacity exceeding 50cc or maximum speed exceeding 50 kph

The Council may want to take a broader view than the TR definition so that quad bikes are also included. For example a possible definition is

A motor vehicle that has

a) two wheels and also includes quad bikes

The complaints record (service requests) generally refers only to “motorbike noise” and is not specific as to the type of motorbike.

3.8 Complaints Record (service requests) February – August 2006

The complaints record for February to August 2006 is attached (Appendix 3). There are 18 complaints about motorbike activities in respect to six properties. Most of the complaints refer to excessive noise or excessive number of people riding (i.e more than specified in the Code). Most of the complainants live within 500 metres of the motocross activity. One of the complaints refers to a Nelson Motorcycle Club event at an 88 Valley property. The NMC programme for 2006 has included other events in the district at Kikiwa, Kaihoka Lakes and Lake Station. These events at larger, more remote sites, where neighbouring dwellings are some distance away, have not caused complaints.

4. OTHER MATTERS

In the draft Variation attached to the 13 September report there were some technical changes to the definition of “commercial activity” and “recreational activity” included. The Council’s legal advisor supports the changes which are necessitated by a previous Environment Court decision on commercial recreation in the Rural 1 Zone. These changes have been held over since 2005 when temporary activities were first discussed in depth by the Committee. As these changes may have clouded the issue of motocross noise it is proposed to include them in a separate Variation.

5. RECOMMENDATION

It is recommended that the Committee:

Approve the release of the attached draft variation for consultation for a period of one month.

Rose Biss
Policy Planner

TASMAN DISTRICT COUNCIL

PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

DRAFT VARIATION

Temporary Activities

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. The Variation is not intended to apply to motorcycles being used for farming activities.

Temporary activity rules have been clarified to allow for small groups for recreational motorcycling and do not apply to existing infrequent motor cycle club events.

The Council has been trialling a Code of Practice for Recreational Use of Motorbikes but has found that it has not been completely effective as a management tool.

The Council has considered the benefits and costs, and need and appropriateness of these amendments. Council reports EP05/08/03, EP05/09/24, EP06/09/03 and EP06/10/05 assess the options and are the reports prepared in compliance with the duties under Section 32 of the Resource Management Act 1991.

Draft Schedule of Plan Amendments

1. SITE AMENITY EFFECTS Policy 5.1.4

1.1 Amend policy 5.1.4 (i) to read

“temporary activities, including recreational motorcycling.”

2. TEMPORARY ACTIVITIES RULES

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

“(2) Recreational motorcycle riding activity provided it complies with the following standards and terms:

- (a) The activity is in the Rural 1 or 2 Zone.*
- (b) Not more than four motorcycles are used on a property at any one time.*
- (c) Motorcycles shall emit no more noise than that produced by a standard factory fitted unmodified exhaust.*
- (d) Riding times are 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.*

- (e) *No more than three days are used in a week for the activity and riding shall not be undertaken on consecutive days.*

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 in relation to neighbouring properties*

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 recreational motorcycle activities in the rural area taking into consideration the proximity and density of neighbouring dwellings and the scale and duration of activities while allowing reasonable recreational riding opportunities on rural properties.”

OPTIONS COSTS AND BENEFITS

Method	Cost	Benefit
1. Limit the physical formation of new motocross tracks	Restricts the number of properties where tracks are permitted. May make it more difficult to establish tracks on some suitable properties. Reduces riding opportunities.	May limit the number of new complaints about motocross noise.
2. Limit motocross activity to either the Rural 1 or 2 Zone	Restricts the number of properties where tracks are permitted. May use valuable productive land if only in Rural 1 Zone. Reduces riding opportunities	May limit the number of new complaints about motocross noise to a less extensive area of the district.
3. Clarify the rural noise rule so it has more certainty	If motocross is not exempted from the rural noise rule there will be reduced riding opportunities. There will also be increased compliance costs.	There should be a reduction in new complaints about motocross noise.
4. Increase the rural noise limit for non farming activities to 60dBA	Option 4 would allow noise from other non farm sources such as music to increase. There will be increased compliance costs.	This will allow more opportunities for recreational riding than option 3.
5. Include the Code of Practice provisions as a rule in TRMP	There will be some increased compliance costs compared to the Code of Practice.	These relatively simple rules should be easily understood and enforced.
6. Minimum setback distance for motorsport tracks from dwellings as a rule in TRMP	Reduces the number of properties suitable for riding as quite a large setback is likely to be required.	Would be comparable to approach taken in TRMP with other activities with adverse effects e.g intensive farming; sprayed horticultural plantings
7. Protocol / Code of Practice	Not legally binding so unenforceable.	Relatively simple to implement and avoids high compliance costs. This method works best with a small number of mature participants.
8. Include rules for organised motorsport in TRMP in rural zones	Increased compliance costs for motorsport and the Council. Does not address casual motocross riding.	Would enable Council to be prepared for other organised noisy motorsport activities in the district and check site suitability when they occur.

Method	Cost	Benefit
9. Rely on Section 16 RMA duty to avoid unreasonable noise	This method only addresses the noise effects of activities.	This method sits outside the district plan rules and maybe implemented regardless of the TRMP
NOTE: the last three options were included in report EP05/08/03		

REPORT ON MOTOCROSS EVENT GOLDSWORTHY PROPERTY, ORINOCO

Measurements were made of the noise from the motocross event held on the Goldsworthy property, Orinoco on Sunday 17 September 2006. A strong, gusty south-westerly wind was blowing that ranged from 2.5 to 6.0 metres/second (m/s). This is just below the wind strength permissible for noise measurements (7 m/s) and so the background noise level was elevated due to wind noises. The direction of the wind meant that it was basically blowing away from the measurement sites. The air temperature was approximately 11°C and there was a one-tenth cloud cover.

Five measurement sites were chosen and the measurements were in “A” weighted decibels (dBA). The results and comments are as follows:

Site 1 (B Parkinson Property, 500 metres to track)

Noise Climate	Bikes on Track	Bikes Racing	No Bikes	Bikes Racing	Bikes Racing	Bikes Racing	No Bikes
Time	9.45	9.50	9.56	9.58	10.05	10.12	10.16
Measurement Period	49 sec	2 min	35 sec	9 min	1 min 11 sec	5 min 25 sec	1 min 12 sec
L ₉₅	54	50	51	53	52	57	48
L _{max}	64	60	54	69	62	69	52
L _{min}	45	44	48	43	50	47	43
L ₁₀	56	53	53	56	54	60	50
L ₉₅	45	45	49	45	50	50	44

Only the northern part of the motocross track was visible from the Parkinson property. Wind noise was significant, with the motorbike noise being intrusive whilst they were on the northern side of the track. Apart from the second to last reading when the majority of bikes racing were the four-stroke motorbikes (the lower frequency noises from these bikes travels a lot further than the higher frequency of the two-stroke bikes), the L₁₀ levels were all around the 50 dBA mark. The noise was somewhat cyclic in that there were times when there was no motorbike noise during a race due to bikes being behind the ridge and, after the first lap, the noise level reduced somewhat due to the spreading out of the bikes over the track.

Site 2 (At Boundary of Martin Property, 500 metres to track)

Noise Climate	Bikes Racing
Time	10.50
Measurement Period	3 min
L _{eq}	45
L _{max}	60
L _{min}	36
L ₁₀	47
L ₉₅	40

At this site the noise of racing, apart from the noise of the start of a race, was barely discernible and was not at all intrusive.

Site 3 (At Paratiho Boundary to East of Site, 450 metres to track)

Noise Climate	Bikes Racing
Time	11.12
Measurement Period	4 min 45 sec
L _{eq}	55
L _{max}	67
L _{min}	44
L ₁₀	58
L ₉₅	46

From this measurement position the majority of the track could be seen. The motorbike noise was intrusive but with any house at least double the distance away, a reduction of at least 6 dBA in the L₁₀ level could be expected that would take it below the 55 dBA level.

Site 4 (To the South of the Site, 400 metres to track)

Noise Climate	Bikes Racing
Time	11.58
Measurement Period	3 min 36 sec
L _{eq}	60
L _{max}	78
L _{min}	41
L ₁₀	61
L ₉₅	44

The loudest noise was recorded at this site and this was of the start of a race where all bikes were under maximum acceleration up a hill. For the short measurement period of 3 min 30 sec this affected the L₁₀ level recorded and it is believed that, over a longer measurement period, the L₁₀ would be significantly reduced, particularly in the way that the races evolve where the bikes become spread out over the track.

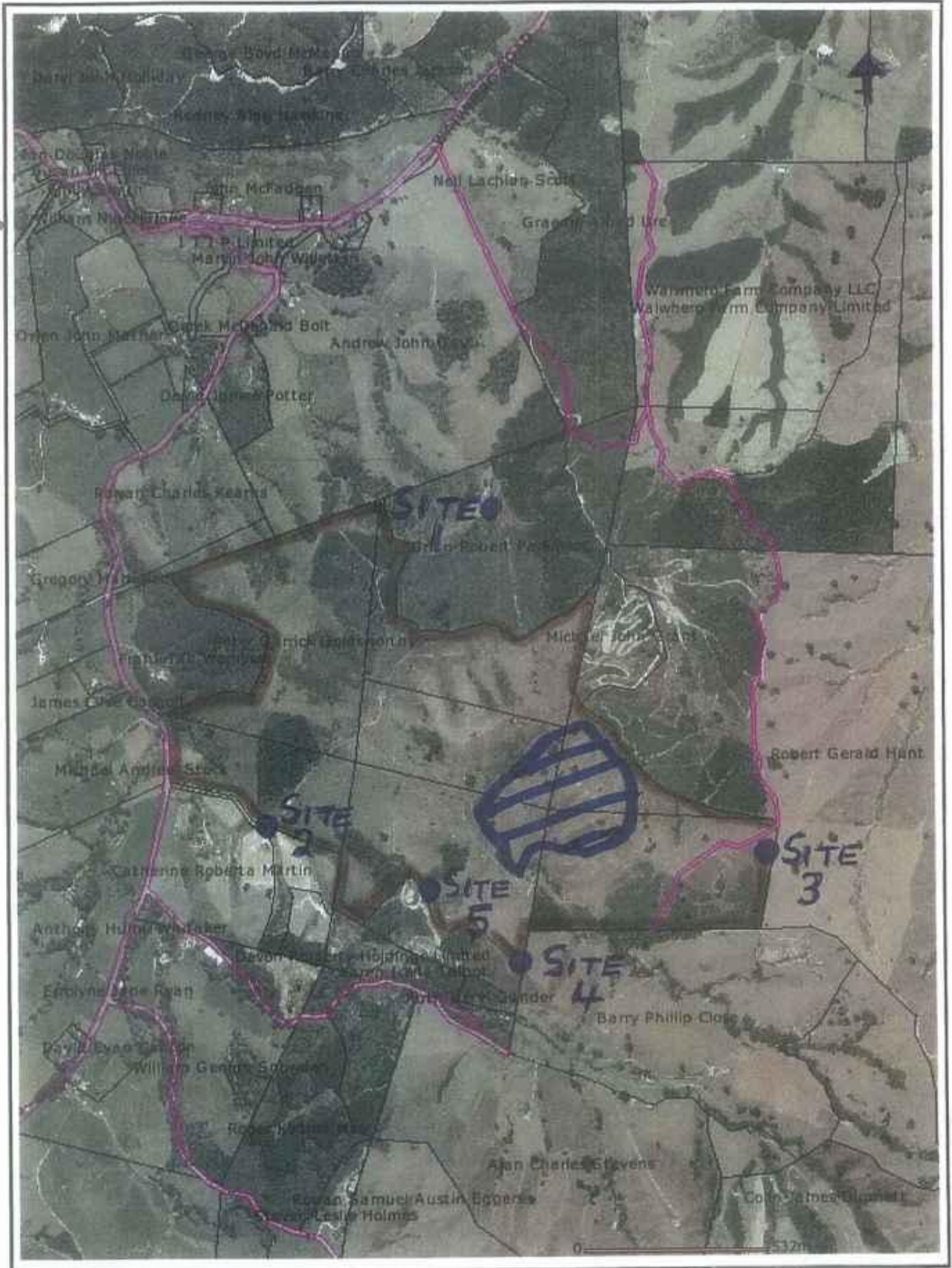
Site 5 (On Notional Boundary of Snowden Dwelling, 230 metres to track)

Noise Climate	Bikes Racing	No Bikes
Time	12.07	12.14
Measurement Period	5 min 21 sec	3 min
L _{eq}	61	52
L _{max}	71	68
L _{min}	49	40
L ₁₀	64	55
L ₉₅	52	42

This site was the closest to the track and the noise levels reflected this, with the highest L₁₀ of 64 dBA recorded. It was of interest to note that the noise climate without motorbikes that was recorded at this site included noise sources such as wind noise, plovers and a barking dog. This resulted in an L₁₀ level of 55 dBA.

There is no doubt that the noise of motocross bikes can be an intrusion into the normal rural noise climate. However, it is believed that the siting of the track on Goldsworthy's property is such that, for a one-off-type event such as was experienced resulted in only minor effect on adjoining property owners. This was proved by the noise levels recorded. Also, with adequate notice, any likely affected neighbours can make alternate arrangements for the particular day of the event.

D R Lewis
Environmental Health Officer



ExploreTasmanMap



EVENT

20/9/2006 **DISCLAIMER:**

This map is derived from ExploreTasman and has generally been compiled from data generated by

**Motocross Complaints (Service Requests)
4 February — 3 August 2006**

Request No.	Complainant Location (+ distance in metres)	Date	Details	Zone Where Complaint Is
060486	Packards Road Golden Bay (400m)	4-2-06	No notification of riding. Too many bikes at Harwood track.	Rural 2
060950	Packards Road Golden Bay (400m)	27-2-06	Motorbikes hooning in next paddock	Rural 2
060952	53 Hoddy Road (450m)	27-2-06	Noisy motorbikes a couple of houses down road	Waimea Inlet Rural Residential
060954	53 Hoddy Road	27-2-06	Motorbikes still making a lot of noise	Waimea Inlet Rural Residential
061209	88 Valley Road (700m) Wakefield	9-3-06	Motorbike racing in 88 Valley Road	Rural 2
061235	88 Valley Road (370m) Wakefield	8-3-06	Noisy motorbikes on S Ladley property. Ignores Code of P.	Rural 2
062292	Packards Road Golden Bay (400m)	15-4-06	Motorbike noise	Rural 2
062293	260 Glenview Road Golden Bay (1.5k)	15-4-06	Motorbike noise	Rural 2
062294	414 Abel Tasman Drive Golden Bay (400m)	21-4-06	Excessive motorbike noise. Has measured the decibel level.	Rural 2
063149	157 Old Coach Road Mahana (400m)	21-5-06	Motocross noise 400m away beside Mahana School	Rural 1
063648	Hoddys Road (250m)	5-6-06	Eight motorbikes on P Maisey property	Waimea Inlet Rural Residential
064094	88 Valley Road Wakefield (700m)	2-7-06	Motorbikes racing on S Ladley property	Rural 2

Request No.	Complainant Location (+ distance in metres)	Date	Details	Zone Where Complaint Is
064095	Rocklands Road Golden Bay (500m)	3-7-06	Noisy motorbikes on Harwood property	Rural 2
064096	414 Abel Tasman Drive Golden Bay (400m)	1-7-06	Motorbikes on Harwood property	Rural 2
064247	88 Valley Road Wakefield (370m)	9-7-06	Racing motorbike noise	Rural 2
064821	Swamp Road Richmond (270m)	3-8-06	Motorbike noise from group of six riders on neighbours track Rides five days continuously	Rural 1
065208	Seaton Valley Road Mapua (60m)	18-8-06	5 kids on motorbikes riding on absentee neighbour's section.	Mapua Rural Residential
064825	Swamp Road Richmond (270m)	3-8-06	Is consent needed to build a large motocross track?	Rural 1