

20. Noise

20.1 Introduction

20.1.1 Noise is one of the key factors of environmental quality. There are many sources of noise, including industrial, traffic and recreational noise. One of the Council's obligations under the Resource Management Act 1991 is to control noise.

20.1.2 The noise controls contained in this District Plan recognise a need to provide certainty to the community as to what standards are acceptable, but at the same time they must be flexible, to take into account the many different situations that may arise.

20.2 Issues

20.2.1 Noise emissions may adversely affect the amenities enjoyed within an area.

20.2.2 Loud noise or prolonged exposure to the emission of noise may affect the health and wellbeing of people and communities.

20.2.3 Some activities are inherently noisy. Their legitimate operation may be challenged by the encroachment of sensitive activities into areas close by, and accordingly problems may develop which previously did not exist. This may result in public pressure to limit or restrict the operation of lawfully established noisy activities.

20.2.4 Some areas, such as residential areas, are more sensitive to the effects of noise than others.

20.3 Objectives

20.3.1 To avoid, remedy or mitigate any adverse effects arising from noise. *Issues 20.2.1, 20.2.2*

20.3.2 To recognise that some activities are inherently noisy and where appropriate to protect them from the influence of noise sensitive activities. *Issue 20.2.3*

20.3.3 To achieve lower noise levels in residential areas than in other areas. *Issue 20.2.4*

20.3.4 To recognise that different Zones in the District have different noise characteristics. For example Residential Zones are quieter than Industrial Zones. *Issue 20.2.3, 20.2.4*

20.4 Policies

20.4.1 To ensure that noise emissions do not adversely impact upon existing amenities. *Objectives 20.3.1, 20.3.3*

20.4.2 To ensure that all new activities known to emit noise are located in an appropriate receiving environment and/or are designed so that any noise effects are avoided, remedied or mitigated to the extent required by the surrounding environment. *Objective 20.3.2, 20.3.4*

20.4.3 To ensure that sufficient information is provided with development proposals to allow noise effects to be assessed. *Objective 20.3.1*

20.4.4 To control effects of development so as to avoid, remedy or mitigate the adverse effects of noisy activities on quiet activities. Activities should neither generate noise levels that adversely affect community health or amenity, nor should sensitive land uses be allowed to locate where they would be adversely effected by noise from existing activities which are using the best practicable option to control their noise effects. *Objectives 20.3.2, 20.3.3, 20.3.4*

20.5 Rules

20.5.1 Conditions for Permitted Activities (excluding Temporary Military Training Activities covered by Rule 20.5.3)

All permitted activities shall be carried out such that the noise level at the boundary of the site that the noise generating activity is located on (or notional boundary in the Rural Zone – see definition in Section 28) in the relevant zone as set out in the following table is not exceeded.

Policy 20.4.1

Zone	Maximum Noise (dBA)	
	Day time L10	Night time L10
Residential	55	40
Business	55	45
Rural	50	40
Special Industrial Activities	60	50
Industrial	60	50
Conservation	50	40

20.5.1.1

- (a) Daytime means 7.00 am to 10.00 pm Monday to Saturday and 8.00 am to 5.00 pm Sundays and Public Holidays.
- (b) Night-time means all other times.
- (c) In any zone no single event noise shall exceed 70dBA Lmax at night time.

20.5.1.2

The maximum day time Rural Zone noise level in Rule 20.5.1 shall not apply to any traditional seasonal and cyclical farming activity including, but not limited to:

- ♦ Clearance of vegetation;
- ♦ Construction and maintenance of tracks and drains; Site preparation and cultivation;
- ♦ Fertiliser or other chemical applications by ground or aerial methods; Harvesting of any crop, including trees; and
- ♦ Maintenance or removal of hedges and shelter belts.

Advisory note: Rules 20.5.1, 20.5.1.1 and 20.5.1.2 do not apply to noise regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over these rules in relation to plantation forestry activities.

20.5.1.3

- (a) Special Industrial Activities – Core Area:
The noise levels of 60dBA day and 50dBA night, established for Special Industrial Activities in Rule 20.5.1 shall apply to any Special Industrial Activity as mapped, or within a circle radius of 500 metres centred upon the established industrial plant or use as at 1 January 2000, whichever is the greater.
- (b) Special Industrial Activities – Intermediate Buffer Area:
Noise levels of 55dBA day and 45dBA night, shall apply to an intermediate buffer area surrounding the core area defined in (a) above and extending to a circle of radius of 700 metres centred upon the established industrial plant or use as at 1 January 2000. Where the Special Industrial Activity as mapped lies outside the circle of radius of 700 metres the noise levels defined in (a) above will apply to the Special Industrial Activity as mapped and there will be no intermediate buffer area.
- (c) Where the industrial plant or use as at 1 January 2000 extends for more than 100 metres, multiple centres may be established for each 100 metres of spread of the industrial presence for the core area and intermediate buffer area described in (a) and (b) above.

- (d) Beyond any Special Industrial Activity as mapped, or the intermediate buffer area, whichever is the greater, the Rural Zone noise levels of 50dBA day, 40dBA night, shall apply to all Rural zone lands. Where lands adjacent to a Special Industrial Activity lie in other than Rural zones, the noise levels of the adjoining zone shall apply.
- (e) The Special Industrial Activity noise levels shall apply and be measured at the notional boundary of any Rural zone dwelling lawfully established and occupied as at 1 January 2000.
- (f) Should a dwelling be erected after 1 January 2000 within a Special Industrial Activity area as mapped, or within the core area or intermediate buffer area described in 20.5.1.2(a) and (b), the noise levels provided for therein may be maintained by the industrial presence as if that new dwelling did not exist.

Note: Newly arrived residents who have chosen to reside in an area of identified and perhaps uncomfortable, noisy characteristics, cannot expect action from Council to restrict lawfully established and operating rural industry.

20.5.1.4 All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 The Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound. The noise shall be measured with a sound level meter complying with the International Standard IEC651 (1979): Sound Level Meters, Type 1.

20.5.1.5 All construction shall be carried out so as to comply with New Zealand Standard NZS 6803P:1984.

Policy 20.4.2

Advisory note: Rule 20.5.1.4 does not apply to noise regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over this rule in relation to plantation forestry activities.

20.5.1.6 No nuisance vibration shall occur:

Policy 20.4.1

- (a) at the notional boundary of a dwelling lawfully established and occupied as at 1 January 2000 in the Rural Zone beyond any mapped Special Industrial Activity, or a circle of radius 700 metres centred upon the source of vibration, whichever is the greater; or
- (b) at the boundary of any site in any other zone.

Where significant vibration effects are experienced Council may deal with the matter as a nuisance under the provisions of the Health Act (particularly s29(ka), or s17 of the Resource Management Act.

Note: Any evaluation of vibration effects will be carried out against relevant national or international standards. NZS 4403:1976 "The Code of Practice for the Storage, Handling and Use of Explosives" includes advice on minimising vibration effects relevant to blasting.

Advisory note: Rule 20.5.1.6 does not apply to vibration regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Those regulations prevail over these rules in relation to plantation forestry activities.

20.5.2 Discretionary Activities

20.5.2.1 Any permitted activity that does not meet one or more of the Conditions in Rule 20.5.1 or 20.5.3.

20.5.3 Temporary Military Training Activities

20.5.3.1 Temporary Military Training Activities undertaken in the Residential and Business Zones shall comply with the noise controls specified for those zones in Table 20.5.1. *Policy 20.4.1*

20.5.3.2 Temporary Military Training Activities undertaken in the Rural, Industrial and Conservation Zones shall be conducted so as to ensure that the noise limits in the following table are not exceeded at any point within the notional boundary of any dwelling, residential institution or educational facility within the district: *Policy 20.4.4*

Time (Any Day)	Noise Limits (dBA)	
	Leq	Lmax
0630 – 0730	60	70
0730 - 1800	75	90
1800 - 2000	70	85
2000 - 0630	55	

Provided that where temporary military training activities are to be carried out on a site adjacent to the boundary of the Waitomo District the responsible military authority shall consult with the adjoining territorial authority to ensure that noise constraints imposed by the adjoining territorial authority are taken into account.

Provided that the limits for impulse from any use of explosives, ammunition, or pyrotechnics at any time shall not exceed 122 dBC (peak).

Note: The term “dBC (peak)” means the peak C-frequency weighted sound level and is a non RMS value. It is different to Lmax.

20.5.3.3 The noise limits specified in the above table shall not apply on up to two occasions in any period of 12 months where any exhibition or demonstration of military activities is open to the public and held between the hours of 10.00 am and 5.00 pm. *Policy 20.4.4*

20.5.4 Assessment Criteria for Discretionary Activities

The following matters shall be considered when considering an application for a discretionary activity:

- (a) The degree of compliance with the Conditions set out in Rules 20.5.1 - 20.5.3.
- (b) The Objectives and Policies of the Noise Section and the relevant Objectives and Policies of the Zone in which the activity is to be located.
- (c) The anticipated adverse effects resulting from the area of non-compliance and in particular the following matters:
 - ♦ the wellbeing, health and safety of people and communities
 - ♦ the amenity and character of an area.

20.6 **Anticipated Environmental Outcomes**

Noise levels to be maintained at levels that do not adversely affect amenities, or peoples’ health, while at the same time allowing a wide range of activities to establish.