

Chapter 57**NOISE****57.1 INTRODUCTION**

Noise ranks highly on the list of environmental pollutants and is an increasing matter to which communities must have regard. If the emission of noise from the various land use and transportation activities is not controlled, this is likely to result in long term adverse effects on the acoustic environment and the amenity of the individual properties, localities, and the wider City.

The acoustic environment of Napier City varies from the low background noise levels in the rural areas where there is little sound generated by human activity, to areas of significant residential, commercial and industrial activities where noise levels are elevated. As with many other Councils, the noise climate in Napier is dominated by two main environmental noise sources - road traffic and industrial and commercial activity which includes agricultural and horticultural operations. Generally speaking, noise level drops as one moves away from these noise sources.

Industrial areas which generate, or have the potential to generate, significant noise include Onekawa, Awatoto, Pandora, Ahuriri and the Port of Napier. Some industry in these areas operate for a part of the night or on a continuous basis which impacts markedly on the night time background noise levels which are otherwise fairly low.

Road traffic noise dominates the inner city area and there are also a number of major routes through the City which impact on adjacent areas, particularly residential. These routes include the Napier-Hastings Expressway, Main North Road, Marine Parade, Meeanee Quay, Willowbank Avenue, Kennedy Road and Taradale Road.

The varying noise levels which exist in Napier City do give rise to the potential for conflict where, for instance, industrial activities and residential areas adjoin one another and expectations for what is an acceptable acoustic environment are at variance. In these circumstances, consideration should be given to the need for effective sound insulation for new dwellings and existing dwellings undergoing renovations to protect the occupants from high background noise levels.

The purpose of the District Plan is to provide a regime in which the management of noise generation is made possible in order to protect the amenity of the community, as well as enabling those activities which have noise associated with them to operate in a practical environment.

57.2 SIGNIFICANT RESOURCE MANAGEMENT ISSUES**57.2.1 Noise Effects of Activities on Adjoining Properties**

All occupiers of land have a responsibility to keep the emission of noise from their site to reasonable levels. In most circumstances a reasonable level of noise will be achieved when appropriate numerical noise Performance Standards are complied with. Appropriate design of buildings and careful location of noise generating equipment would minimise the impact on the receiving environment.

The provision of areas such as industrial zones where lower noise standards can be accommodated internally provide alternative ways of managing noise generating activities. By ensuring that noise producing activities locate in areas of higher existing background noise level such activities are able to operate without undue restraint.

Similarly, areas having existing low ambient noise levels will be able to maintain their

acoustic quality by ensuring that only activities which produce little or no noise establish within them, for example, residential areas distant from major road traffic routes and industrial areas.

57.2.2 Protecting the Amenity of the Residential Zones

Residential amenity needs to be protected against adverse effects which may arise from non-residential activities, often associated with, and located within residential areas for example, Places of Assembly and neighbourhood retail shops. Appropriate noise standards need to be established and complied with to ensure that these activities are compatible with the residential area. Excessive noise can also be created by the use of high powered stereo systems by residents.

Consideration should be given to the need for effective sound insulation for new dwellings and existing dwellings undergoing renovations to protect the occupants from outdoor noise. With housing density increasing in some areas and separation distances decreasing, achieving low internal noise levels is becoming one of the most important factors for a good dwelling.

57.2.3 An Increasing Diversity of Residential Location

Trends towards inner city apartment dwellings means that traditional non-residential areas such as commercial and mixed use neighbourhoods are becoming popular for housing. This can often lead to conflict, particularly where the noise environment is greater than people expect or wish to tolerate in a residential setting.

57.2.4 Licensed Premises Generate Noise from Patrons

Licensed premises such as hotels and night-clubs can cause serious disturbances at night if they are adjacent to, or in, residential areas. This is due to the noise levels associated with amplified music varying considerably; amplified music even at low levels can cause problems because of its intrusive nature; and, unpredictable and uncontrollable noise from car parks and patrons leaving the site late at night.

57.2.5 Noise Generation Associated with Rural Activities

Farming, agricultural, and horticultural activities can produce some noise which is difficult or impracticable to control. This situation has the potential to result in conflicting expectations particularly where people residing on rural lifestyle properties have anticipation of a consistently quiet environment.

57.2.6 Increasing Road Traffic Noise in Urban Areas

Road traffic noise is not decreasing despite individual vehicles becoming marginally quieter at certain speeds. Long term control measures need to be adopted otherwise road traffic will continue to be the most annoying and disturbing noise source in the community. There are a number of mitigation measures that Council could consider. The Council also needs to plan its roading hierarchies, and land use zoning and development to avoid unacceptable exposure to new sources of traffic noise in the long term.

57.2.7 Temporary Disruption Caused by Construction Activities

As noise from construction projects is generally of limited duration, the community will usually tolerate a higher noise level provided it is no louder than necessary, that it is indeed of limited duration, and that it occurs within appropriate hours of the 24 hour day.

57.2.8 Helicopter Landing Areas

The use of helicopter transport is likely to increase and as the noise generated by helicopters can be particularly intrusive, residential or other noise sensitive activities have the potential to be adversely affected.

57.2.9 Health of Communities

Noise has the potential to adversely affect people's health. Noise may be defined as unwanted sound. Sound may be described in terms of frequency, magnitude and duration,

but noise has connotations of annoyance and disturbance which are subjective factors. Community reaction to noise is determined not only by the sound level, but also by the characteristics of the noise itself and the previous exposure of the community to noise. Adverse health effects of noise include:

- Physiological and chronic health effects
- Annoyance
- Interference with speech communications
- Interference with the learning process and education
- Interference with mental activity
- Interference with rest and sleep

The desirable upper limit for night - time exposure is determined by criteria to protect from disturbance to the onset of sleep and awakening thresholds for the average person.

OBJECTIVES, POLICIES AND METHODS

Objective 57.3

To manage the emission, and mitigate the effects of noise so as to maintain and enhance the acoustic environment ensuring no adverse effects and no incompatibility with human activities.

This Objective relates to Issues 57.3.1, 57.3.2, 57.3.4, 57.3.6, 57.3.7, 57.3.8, and 57.3.9.

Policies

To achieve this objective the Council will:

- 57.3.1 Control the emission levels of noise throughout the City, based on existing ambient noise and accepted standards for noise generation and receipt.
- 57.3.2 Manage the interface of different land use zones to protect the aural environment of residential and other less noisy areas of the City.
- 57.3.3 Provide for areas where activities which generate higher levels of noise can operate effectively.
- 57.3.4 Provide for noisy activities of limited duration and frequency which are of importance to the community, subject to appropriate controls.

Objective 57.4

To ensure the effects of noise are not adverse to people's health.

This Objective relates to issues 57.3.2, 57.3.4, 57.3.6, 57.3.7 and 57.3.9

Policies

To achieve this objective the Council will:

- 57.4.1 Noisy construction and demolition activities will be allowed subject to restrictions to ensure the protection of the community from excessive noise.
- 57.4.2 Manage noise from the road network to ensure the community is not exposed to unacceptable levels of road traffic noise.

57.4.3 Have regard to the design and provision of effective noise mitigation on all new Regional and District Arterials, and Collector Roads constructed in the City.

Objective 57.5

To avoid noise sensitive activities where they will be located in existing high noise environments and the adverse effects of that noise cannot reasonably be mitigated.

This Objective relates to issues 57.3.2, 57.3.3, 57.3.5, 57.3.6 and 57.3.9

Policies

To achieve this objective the Council will:

- 57.5.1 Ensure that noise sensitive activities and the addition of a habitable space to existing noise sensitive activities in non-residential zones are acoustically designed and constructed to mitigate noise arising from legitimately established commercial and industrial activities.
- 57.5.2 Require acoustic insulation of new noise sensitive activities and the addition of a habitable space to existing noise sensitive activities where they are located within a noise control boundary such as those surrounding the Strategic Arterial Road Routes and the Port of Napier.

Principal Reasons for Adopting Objectives and Policies

Different parts of the City have differing background noise levels which reflects the range of activities carried out in them. The District Plan will identify current accepted noise levels and include rules that establish appropriate noise levels for each zone, and activities at zone interfaces.

Different land use activities generate different levels of noise. Management of the interface of the different zones is important in order to ensure that noise does not intrude into quieter areas, and that at, or within, the boundary of each zone, noise levels meet accepted minimum standards for the receiving environment.

To achieve this, noisy activities need to operate in appropriate locations of higher background noise level where the impact of such noise on the environment and its potential to cause adverse effects will be lessened.

Some agricultural, horticultural and viticultural activities are inherently noisy and can have considerable impact in otherwise quiet rural environments. However many are seasonal or occur infrequently and only in adverse weather conditions. These occurrences can result in conflicting expectations in regard to the acoustic environment between non farming, rural residential and agricultural operators. Such noise should be minimised but not to the extent of preventing accepted agricultural, viticultural and horticultural activities operating.

Many construction and demolition activities are inherently noisy but methods are available which can minimise the emission and impact of such noise. Noise experienced during construction and demolition is generally of a temporary nature and, provided ongoing noise at inconvenient times can be mitigated or avoided, reasonable levels of construction noise will be accommodated.

Some activities such as construction, outdoor concerts, emergency service facility sirens and certain agricultural, viticultural and horticultural operations are inherently noisy but are of a temporary nature and therefore more tolerable than activities which generate noise continuously.

Road traffic is a predominant source of noise in the community and impacts to some extent on almost all residents of the City. Major roads which have significant impact include The Napier- Hastings Expressway, Main North Road, Meeanee Quay, Taradale Road, Willowbank Avenue and Kennedy Road. Land use activities alongside existing and future major roads capable of carrying large traffic volumes should be compatible with the high traffic noise environment.

Where new roads are built as part of the District Roading Hierarchy with the express purpose of acting as arterial and collector routes, appropriate mitigation on design measures shall be included to manage the noise generated, to ensure that the amenity of existing and future residents is protected.

Sensitive land uses within mixed use and commercial zones areas have the potential to impinge upon the operating requirements of legitimate commercial and industrial activities within these areas. Sensitive land uses (such as residential dwellings and day care centres) will be required to be designed and constructed in a way that avoids or mitigates any adverse reverse sensitivity effects.

Where residential areas are affected by activities of regional significance with particular noise characteristics such as the Port of Napier, Strategic Road Network etc, acoustic insulation rules will be applied to new noise sensitive activities such as dwellings which will require the mitigation of noise in the receiving environment to ensure that the amenity of existing and future residents is protected.

57.6 ANTICIPATED ENVIRONMENTAL OUTCOMES

- (1) The exposure of residents to unacceptable levels of noise will be avoided.
- (2) Sufficient flexibility for activities in mixed use and commercial zones will be provided while the amenity of the surrounding rural and residential zones will not be adversely affected.
- (3) Inherently noisy crop protection devices in rural zones will be separated from residential activities or operated in a manner that does not compromise the health of neighbouring residents.
- (4) Noise producing activities will be able to take place in appropriate zones without undue restriction.
- (5) An environment where over time noise sensitive activities are protected from excessive noise through appropriate levels of acoustic insulation.

RULES

All rules contained in Chapter 57 – Noise apply throughout the City and over-ride the specific zone rules and other district wide rules, unless otherwise stated in this Chapter.

Please note that this chapter does not over ride Port Noise, Airport Noise and Temporary Activities Noise provisions contained elsewhere in the District Plan.

57.7 Summary of Rules for Noise

The following is a quick reference guide that summarises the Noise Rule Table. It is intended as a guide only and should not be used in place of the Network Utility Noise Activity Table and Condition Table elsewhere in this Chapter.

| Rule Number and Description | | Classification | Page Number |
|-----------------------------|---|--------------------------|-------------|
| Rule 57.8 | Any noise created by any activity that complies with all relevant conditions. | Permitted | 6 |
| Rule 57.9 | Noises Exempt from Conditions | Permitted | 6 |
| Rule 57.10 | Any permitted activity or controlled activity that does not comply with all the relevant conditions, unless stated elsewhere in this Chapter. | Restricted Discretionary | 7 |

DISTRICT WIDE NOISE - ACTIVITY TABLE

| PERMITTED ACTIVITIES | Matters the Council will restrict its discretion to for restricted discretionary activities. |
|--|---|
| <p>57.8 Any noise created by any activity that complies with all relevant conditions.</p> <p>1. Any noise created that complies with all of the relevant conditions and standards within the Noise Condition Table are permitted activities.</p> | <p>The Council will restrict its discretion to the matters referred to in Rule 57.10.</p> |
| <p>57.9 Exemptions from Maximum Noise Limits</p> <p>1. The noise conditions and vibration conditions in any part of the Plan, unless specifically stated, will not apply to the following, and are therefore considered permitted activities:</p> <ul style="list-style-type: none"> a) In any area or zone to the emission of noise from the use of vehicles, machinery or other mobile or portable equipment for agricultural activities, horticultural activities, viticultural activities, and forestry. This exemption does not apply to any fixed or permanently installed plant, but does apply to plants to which Rules 57.8, 57.9 and 57.10 relate. b) In any zone to residential activities and recreational activities of a normal recreational nature, such as sporting events and playground activities, (including the use of outdoor school grounds between the hours of sunrise and sunset) that do not involve motorised activities, gunfire or amplified music. c) In any part of the City where the noise source is a warning device used by emergency services. d) To vehicles travelling on a road (this does not apply to stationary vehicles). e) To trains, other than on private sidings, or when being tested (when stationary), maintained, loaded, or unloaded. f) To aircraft: <ul style="list-style-type: none"> i) operating during, or immediately before or after flight; ii) landing in an emergency or diverted aircraft; iii) emergency flights required to rescue people from life threatening situations or to transport patients, human vital organs or medical personnel in a medical emergency; iv) the operation of unscheduled flights required to meet the needs of a declared national or civil defence emergency; v) owned or operated by the Defence Forces of the New Zealand Government or another sovereign state. vi) for essential unscheduled aircraft engine testing. g) To any pyrotechnics display at any event authorised by Council h) To construction noise³ <p>NOTES</p> <p>(1) Notwithstanding the above exemptions, all land uses shall be subject to Section 16 and Part 12 of the Act.</p> <p>(2) The Act defines 'noise' as including vibration. Furthermore, section 16 of the Act refers to the adoption of best practicable option to ensure that the emission of noise from land or water does not exceed a reasonable level, while Part 12 relates to excessive noise.</p> <p>(3) Construction noise in any zone shall not exceed the recommended limits in, and shall be measured in accordance with the provisions of NZ Standard 6803:1999 Acoustics – Construction Noise "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Works".</p> | <p>The exemptions either apply or do not. Therefore, there are no matters the Council can restrict its discretion to.</p> |

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| RESTRICTED DISCRETIONARY ACTIVITIES | Matters the Council will restrict its discretion to for restricted discretionary activities. |
| <p>57.10 Any noise not complying with conditions</p> <p>1. Any noise referred to in Rule 57.8 that does not comply with all of the relevant conditions in the Noise Activity Table and Condition Table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p> | <p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Noise activity table and/or condition table only insofar as those matters result directly from non-compliance with the particular condition. - The cumulative effect of non-compliance with more than one condition. |
| DISCRETIONARY ACTIVITIES | |
| <p>57.11 Discretionary Activities</p> <p>1. There are no noises that are discretionary activities.</p> | |
| PROHIBITED ACTIVITIES | |
| <p>57.12 Prohibited Activities</p> <p>1. There are no noises that are prohibited activities.</p> | |

DISTRICT WIDE NOISE - CONDITION TABLE

| CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES | Matters the Council will restrict its discretion to for restricted discretionary activities. | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|---|---|------------|------|----|-----|------------|-----|----|-----|--|-----|----|----|-------------------------------------|--|--|--|------------------------|-----|----|----|--|
| <p>57.13 Measurement and Assessment of Noise</p> <p>1. Unless stated by a rule or standard elsewhere in this Plan, noise shall be measured in accordance with New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with New Zealand Standard 6802:2008 Acoustics - Environmental Noise.</p> | <p>Matters:</p> <ul style="list-style-type: none"> - The measurement of noise. - The assessment of noise. | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>57.14 Construction Noise</p> <p>1. The following construction noise conditions shall apply to all land uses:</p> <p>a) Any noise arising from construction, maintenance and demolition work in any zone:</p> <p style="padding-left: 40px;">i) Must comply with New Zealand Standard NZS6803:1999 Acoustics: Construction Noise.</p> <p>b) Construction noise must be measured and assessed in accordance with New Zealand Standard NZS6803:1999 Acoustics: Construction Noise.</p> | <p>Matters:</p> <ul style="list-style-type: none"> - The sound levels likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility with the surrounding environment. - The effects on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation. | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>57.15 Helicopter Landing Areas</p> <p>1. Noise associated with helicopter landing areas must not exceed the limits specified in the following table:</p> <table border="1" data-bbox="162 1093 922 1572"> <thead> <tr> <th>Environment Zone</th> <th>E_{dn} (night - weighted sound exposure) Pa² s</th> <th>L_{dn} (day - night average sound level) dBA</th> <th>L_{max}* (night time maximum sound level) dBA</th> </tr> </thead> <tbody> <tr> <td>Industrial</td> <td>1000</td> <td>75</td> <td>n/a</td> </tr> <tr> <td>Commercial</td> <td>100</td> <td>65</td> <td>n/a</td> </tr> <tr> <td>Residential Zones* (at any point within site boundary)</td> <td>3.5</td> <td>50</td> <td>70</td> </tr> <tr> <td>Rural Zones^ (at notional boundary)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Residential (Internal)</td> <td>0.3</td> <td>40</td> <td>55</td> </tr> </tbody> </table> <p>* Residential Zones includes the Residential Precinct of the Mission Special Character Zone</p> <p>^ Rural Zones includes the Productive Rural, Landscape and Visitor, and Rural Residential Precincts of the Mission Special Character Zone</p> <p>* The hours for night-time L_{AFmax} shall be 2200 hours to 0700 hours the following day for the purposes of this rule.</p> <p>2. Noise must be measured and assessed in accordance with New Zealand Standard NZS6807:1994 (Noise Management and Land Use Planning for Helicopter Landing Areas).</p> <p>3. The operator of any helicopter landing area must require, as a condition of use of the site, that all pilots using the site have current Aviation Industry Association Aircare Certification under the New Zealand Aviation Industry Association Aircare Noise Abatement Code of Practice.</p> | Environment Zone | E _{dn} (night - weighted sound exposure) Pa ² s | L _{dn} (day - night average sound level) dBA | L _{max} * (night time maximum sound level) dBA | Industrial | 1000 | 75 | n/a | Commercial | 100 | 65 | n/a | Residential Zones* (at any point within site boundary) | 3.5 | 50 | 70 | Rural Zones^ (at notional boundary) | | | | Residential (Internal) | 0.3 | 40 | 55 | <p>Matters:</p> <ul style="list-style-type: none"> - The sound levels likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility with the surrounding environment. - The effects on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation. |
| Environment Zone | E _{dn} (night - weighted sound exposure) Pa ² s | L _{dn} (day - night average sound level) dBA | L _{max} * (night time maximum sound level) dBA | | | | | | | | | | | | | | | | | | | | | | |
| Industrial | 1000 | 75 | n/a | | | | | | | | | | | | | | | | | | | | | | |
| Commercial | 100 | 65 | n/a | | | | | | | | | | | | | | | | | | | | | | |
| Residential Zones* (at any point within site boundary) | 3.5 | 50 | 70 | | | | | | | | | | | | | | | | | | | | | | |
| Rural Zones^ (at notional boundary) | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential (Internal) | 0.3 | 40 | 55 | | | | | | | | | | | | | | | | | | | | | | |

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| <p>57.16 Watercraft Noise</p> <p>1. Powered watercraft shall be fitted with effective mufflers during all movement on water and shall not exceed the following noise limits at any point within a notional boundary of a noise sensitive activity:</p> <p>Monday to Sunday inclusive: 0700 hours to 2100 hours Sound Exposure Level (SEL) 85 dBA 2100 hours to 0700 hours Sound Exposure Level (SEL) 78 dBA (the following day)</p> <p>Provided that:</p> <p>a) Any moving craft must not emit noise in excess of a sound exposure level of 90 dBA in a single drive-by measured at any stationary point more than 25 metres from the line of travel from the craft.</p> <p>b) On four occasions in any 12 month period, the noise limit may be unrestricted for any portion of waterway for the purposes of an approved special temporary event.</p> <p>c) Sound levels shall be measured in accordance with the provisions of NZS 6801: 2008 Acoustics – Measurement of Sound except that the pass-by test shall be performed in accordance with the international measurement standard ISO 14509-1:2008(E) : “Airborne sound emitted by powered recreational craft – Part 1: Pass by measurement procedure”*</p> <p>* provided the SEL metrics and numerical limits in (1) shall replace the referenced values and metrics in (c).</p> | <p>Matters:</p> <ul style="list-style-type: none"> - The sound levels likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility with the surrounding environment. - The effects on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation. |
| <p>57.17 Audible Bird Scaring Devices</p> <p>(Note: for the purposes of this condition, references to the ‘Residential Environment’ include the Residential Precinct of the Mission Special Character Zone; and references to the ‘Rural Environment’ include the Productive Rural, Landscape and Visitor, and Rural Residential Precincts of the Mission Special Character Zone).</p> <p>1. Gas Guns</p> <p>a) There must be no device operated between half an hour after sunset and half an hour before sunrise.</p> <p>b) Devices must not operate unless a legible notice is securely fixed to the road frontage of the site in which the device is to operate stating the name of the person(s) responsible for the operation of the device.</p> <p>c) Any noise generated by a hail cannon or audible bird scaring device must not exceed:</p> <p>i) 140dBC_{peak} at any point beyond the site boundary.</p> <p>ii) 100dBC_{peak} at any point within any boundary of a Residential Environment, Rural Settlement Zone, Lifestyle Character or Jervoistown Zone.</p> <p>iii) 115dBC_{peak} at any point within the notional boundary of any noise sensitive activity in a Rural Environment, other than the Rural Settlement Zone, Lifestyle Character or Jervoistown Zone.</p> <p>d) Where sound levels are less than the limits specified in (c) above, but not less than 85dBC_{peak} at any point within the boundary of any Residential Environment, Rural Settlement Zone, Lifestyle Character Zone or Jervoistown Zone; or at any point within the</p> | <p>Matters:</p> <ul style="list-style-type: none"> - The sound levels likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility with the surrounding environment. - The effects on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation. |

notional boundary of a noise sensitive activity within a Rural Environment, other than the Rural Settlement Zone, Lifestyle Character Zone or Jervoistown Zone, then:

- i) There must not be more than 4 events in any 1 hour period, or a total of 12 individual shots in any 1 hour period received:
 - At any point within the boundary of any Residential Environment, Rural Settlement Zone, Lifestyle Character or Jervoistown Zone.
 - At any point within the notional boundary of any noise sensitive activity within a Rural Environment, other than the Jervoistown Zone, Lifestyle Character, or Rural Settlement Zone.
- ii) For the purposes of this rule, 'event' includes no more than 3 individual shots within any one minute period).
- e) There are no restrictions on events or individual shots for sound levels less than 85dBC_{peak} either:
 - i) At any point within the boundary of any Residential Environment, Jervoistown Zone, Lifestyle Character or Rural Settlement Zone.
 - ii) At any point within the notional boundary of any noise sensitive activity in a Rural Environment, other than the Jervoistown Zone, Lifestyle Character, or Rural Settlement Zone.
- (f) There shall be no more than (one) audible avian distress alarm per 4 hectare site (or part thereof).

NOTE: As an indicative guide only, a setback distance of approximately 420 metres is required to achieve the limit in Rule 1(c)(ii) where a device is directed towards the respective boundary. A setback distance of approximately 150 metres is required to achieve the limit in Rule 1(c)(iii). A device directed away from the respective boundary is likely to comply with a lesser setback distance.

2. Firearms

- a) Any firearm must not be used for the purposes of bird scaring between half an hour after sunset and half an hour before sunrise.

3. Audible Avian Distress Alarms

- a) There shall be no device operated between half an hour after sunset and half an hour before sunrise.
- b) Devices shall not operate unless a legible notice is securely fixed to the road frontage of the site in which the device is to operate stating the name, address and telephone number of the person(s) responsible for the operation of the device.
- c) Sound emitted from the device shall not exceed 50 dB L_{Aeq(15 min)} when measured within the notional boundary of any rural dwelling or at any point within a Residential Environment.
- d) No device shall be placed in such a manner that in any public place receives noise exceeding 80 dB L_{AFmax}
- e) There shall be no more than (one) audible avian distress alarm per 4 hectare site (or part thereof).

57.18 Frost Protection Fans

Matters:

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| <p>a) Frost fans shall be located such that noise from a frost fan shall not exceed 65 dB $L_{Aeq(15 \text{ min})}$ when measured outdoors at a distance which is the lesser of:</p> <p>i) 300m from the device; or</p> <p>ii) At the notional boundary of any existing dwelling, travellers' accommodation or other habitable building (other than on the property on which the fan is situated), or at any point within a residential zone or Residential Precinct of the Mission Special Character Zone.. Whichever is the least distance.</p> | <ul style="list-style-type: none"> - The sound levels likely to be generated. - The nature and frequency of the noise including any special audible characteristics. - The compatibility with the surrounding environment. - The effects on amenity values. - The length of time for which specified noise levels is exceeded, especially at night. - The likely adverse effects on-site and beyond the site. - The mitigation measures to reduce noise generation. |
| <p>57.19 Noise from New or Altered Roads</p> <p>1. New or alterations to existing roads outside the existing roading designation or corridor shall be designed to meet criteria set within New Zealand Standard NZS6806:2010 "Acoustics – Road Traffic Noise – New or Altered Roads"</p> | |

57.20 PRINCIPAL REASONS FOR RULES**1. General**

Noise is one of the factors that can affect the appreciation of amenity. It can have an effect on people's health in a psychological sense. It may interfere with communication and disturb concentration. District wide rules have been prepared to manage the effects of noise associated with particular land uses. These rules apply throughout the district, and unless stated elsewhere in this Plan, noise shall be measured and assessed in accordance with New Zealand Standards that are nationally based standards.

2. Construction Noise

Many construction, maintenance and demolition-type land uses are inherently noisy, but methods are available which can minimise the emission and impact of such noise. Noise experienced during construction, maintenance and demolition work is generally of a temporary nature, and provided ongoing noise does not occur at inconvenient times, adverse effects of noise from construction, maintenance and demolition work can generally be avoided or mitigated.

New Zealand Standard NZS6803:1999 contains provisions relating to the measurement of noise from construction, maintenance and demolition work, and the assessment of such noise to determine whether action is required to control those noise emissions. These rules apply throughout the district, and unless specifically provided for elsewhere in the Plan, noise from construction, maintenance and demolition work shall be measured and assessed in accordance with a New Zealand Standard that is a nationally based standard.

3. Exemptions

The adverse effects of noise generated by particular land uses can vary considerably depending upon matters such as the nature and timing of the noise, etc. The community's expectation to have a right to farm and a right to reside are recognised by this rule. However, in particular circumstances, adverse noise effects may be generated where people engage in typical residential, agricultural, horticultural and viticultural activities. Conversely, the same land use generating noise may not generate adverse effects given another set of circumstances. Noise generated by residential, agricultural, horticultural and viticultural activities can therefore often be difficult or impracticable to control.

For example, a lawn mower being operated during daylight hours in a residential area may be acceptable to neighbouring residents, whilst the same lawn mower being operated at 11:30pm for instance, is likely to generate a level of noise that may be unreasonable, given the time, location, duration etc. of the land use.

The Resource Management Act imposes a duty on all persons to adopt the best practicable option to ensure noise emissions do not exceed a reasonable level. The rule intends that noise from residential activities and land uses relating to typical agricultural, horticultural and viticultural practice shall not exceed a reasonable level. This will be assessed on a case by case basis.

Due to difficulties and impracticalities relating to the control of noise from various sources such as vehicles, trains and aircraft, the Act in Section 326 exempts noise from excessive noise proceedings. The Plan also adopts a similar approach due to the impracticalities and difficulties of applying noise limits to these mobile mechanical noise sources.

4. Helicopter Landing Areas

Noise generated by helicopters can be particularly intrusive. The Plan imposes limits on noise emitted by land uses associated with helicopter landing areas. The levels are consistent with New Zealand Standard 6807:1994 (Noise Management and Land Use Planning for Helicopter Landing Areas). The levels in the Rule reflect the noise environment of the receiving zones, while particular levels are not to be exceeded when measured within buildings located in residential zones. This is to ensure that the living environment of

residential areas is not adversely affected by noise associated with helicopter landing areas.

These rules apply throughout the district, and unless specifically provided for elsewhere in the Plan, noise relating to helicopter landing areas shall be measured and assessed in accordance with a New Zealand Standard that is a nationally based standard.

5. Watercraft Noise

Territorial local authorities are responsible for managing the effects of activities occurring on the surface of water bodies. The Council has imposed noise limits on powered watercraft to ensure that acceptable levels of noise are received at the notional boundary of residential and education activities where the effects of such noise can adversely affect communication, concentration and also residential amenity.

6. Audible Bird Scaring Devices

Within the principal horticultural and viticultural areas throughout the City, a widely adopted practice is the use of bird scaring devices to mimic the sound of firearms. To adequately manage the use of such devices in the relevant rural zones, rules have been included in the Plan. The rules distinguish between firearms and automated scaring devices such as gas guns, alarms, sirens and other devices. Operating hours for all bird scaring devices are restricted to ensure that amenity values, and in particular sleep disturbance is not adversely affected by noise generated by the devices. However, the limits on operating hours also have regard to the feeding habits of birds. To further ensure that operators of automated devices are responsible for a device's operation, signs are required to display the operator's name to assist noise control officers identify the person(s) responsible for the operation of a device on a particular property.

The sound limits in the rule are relative to the various receiving environments. According to OSH guidelines, a person's hearing can be instantly damaged by sound in excess of 140dB_{C_{peak}}. This limit recognises that a person's hearing may be damaged by an audible bird scaring device being operated on another property while that person is in the course of legitimate activities on their own property. This rule therefore ensures that adverse effects on the environment, including people's health and safety are avoided, remedied or mitigated.

The sound levels in relation to the other receiving environments, (residential zones, rural settlement zone, and notional boundaries of noise sensitive activities in other rural areas) ensure that the adverse effects of noise generated by audible bird scaring devices are avoided, remedied or mitigated. Such noise, without careful management can significantly impact on the amenity values of residential zones including the settlement areas the Jervoistown Zone and nearby landuses that are sensitive to the effects of noise. A means of managing the operational requirements of these devices and maintaining amenity values of surrounding areas is through the control of event or shot frequencies, while having regard to the technological capabilities of multi-shot gas guns. Such controls are relative to sound levels received at each of the receiving environments in a manner that focuses on limiting the occurrence of louder events."

7. Hail Cannons, Frost Protection Fans and Blasting

Specific standards controlling noise from these activities and devices are necessary to manage the unique intermittent noise characteristics that other noise conditions in the Plan could not successfully address. The rules will enable the use of these devices while also ensuring the health and safety of nearby residents is protected.

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