
Section 32 Report for the Proposed Waitomo District Plan

Section 32 Report – Noise

SUMMARY OF ISSUES	RESOURCE MANAGEMENT ACT 1991	NATIONAL DIRECTION	REGIONAL POLICY STATEMENTS	IWI MANAGEMENT PLANS CONT...
<p>The noise chapter addresses the following issues:</p> <ul style="list-style-type: none"> Noise has the potential to cause nuisance and affect people's health as a result of sleep disturbance. Noise is generated by a range of activities, many of which contribute significant economic, cultural or social benefits to the community (i.e. noise created by operational machinery). The generation of noise can give rise to reverse sensitivity effects. Different environments have varying levels of sensitivity to noise. Noise emissions may adversely affect the amenity of an area. Loud noise or prolonged exposure to the emission of noise may affect the health and wellbeing of people and communities. 	<p>Section 5 RMA The noise provisions relate to section 5 in terms of managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. Loud and sustained noise has the potential to affect the health and safety of people. Noise is also likely to be generated by employment activities which contribute to the economic wellbeing, and recreation activities which are part of cultural and social well-being.</p> <p>Section 6 RMA There are no section 6 matters of relevance to noise.</p> <p>Section 7 RMA The following clauses are relevant in section 7: Section 7(b) - the efficient use and development of natural and physical resources; Section 7(c) - the maintenance and enhancement of amenity values; and, Section 7(f) - maintenance and enhancement of the quality of the environment</p> <p>Noise is a consequence of a range of activities that operate in the District where the potential adverse effects on the environment need to be appropriately managed. Some land use activities have a direct operational or functional need to emit or undertake ancillary activities that result in the emission of noise to efficiently use and develop natural and physical resources.</p> <p>Noise can adversely impact on amenity values by means such as disturbing sleep and affecting the ability to use outdoor living spaces and open windows.</p> <p>The general quality of the environment can also be adversely affected, especially in more sensitive environments such as residential zones, where noise is not anticipated to be a dominant characteristic of the zone. The effects on amenity values have been considered in the development of these noise provisions.</p> <p>Section 8 RMA There are no section 8 principles relevant to this Chapter .</p>	<p>There are six national Policy Statements (NPSs) currently in place:</p> <ul style="list-style-type: none"> New Zealand Coastal Policy Statement 2010 NPS for Electricity Transmission 2008 NPS for Renewable Electricity Generation 2011 NPS for Freshwater Management 2020 NPS on Urban Development 2020 NPS for Highly Productive Land 2022 <p>There are no NPSs directly relevant to this topic.</p> <p>There are also 8 National Environmental Standards (NESs) currently in place:</p> <ul style="list-style-type: none"> NES for Air Quality 2004 NES for Sources of Human Drinking Water 2007 NES for Telecommunication Facilities 2016 NES for Electricity Transmission Activities 2009 NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 NES for Plantation Forestry 2017 NES for Freshwater 2020 NES for Storing Tyres Outdoors 2021 <p>There are two National Environmental Standards of relevance to noise. This includes the National Environmental Standard for Telecommunications Facilities 2016 (NESTF) and the National Environmental Standard for Electricity Transmission Activities 2009 (NESET).</p> <p>The NESTF sets noise limits for telecommunication cabinets. Section 24 (Noise limits for cabinet in road reserve) states that if the cabinet is located in a residential zone or an adjoining road reserve, the noise limits for the cabinet are: 50 dB daytime (7am to 10pm) and 40 dB/65dB LAFmax nighttime (10pm to 7am). For any other cabinet the noise limits are 60dB at any time and 65LAFmax at nighttime. Measurement and assessment of noise is in accordance with NZS 6801 and 6802.</p> <p>If a building containing a habitable room is within 4m of the road reserve where the cabinet is located, the noise must be measured at a point that is 1m from the side of the building or on the vertical plane of the side of the building. In any other case, the noise must be measured at a point that is at least 3m from the cabinet; and within the boundaries of land adjoining the road reserve where the cabinet is located.</p>	<p>The Waikato Regional Policy Statement (WRPS) The WRPS addresses noise in the context of reverse sensitivity, particularly implementation method 6.1.2 which requires local authorities to have particular regard to the potential for reverse sensitivity when assessing resource consent applications, preparing, reviewing or changing district or regional plans and development planning mechanisms such as structure plans and growth strategies. In particular, consideration should be given to discouraging new sensitive activities locating near existing and planned land uses.</p> <p>Implementation Method 11.1.2 recognises that noise can adversely affect indigenous biodiversity within terrestrial, freshwater and coastal environments.</p> <p>Section 12C identifies night-time values as a measure of natural coastal character: reflecting the extent to which lights, noise, perceived activities and exposure to the sky's star-field affect the perceived naturalness of the coastal environment.</p> <p>Objective 3.21 states that the qualities and characteristics of areas and features, which are valued for their contribution to amenity, are to be maintained and enhanced.</p> <p>There are numerous objectives and policies in the WRPS relating to the protection of section 6 matters including outstanding natural landscapes and features, areas of significance to Māori, the natural character of the coastal environment, wetlands, lakes and rivers, and historic heritage etc. In order to protect the values of these features and items, noise needs to be limited in terms of levels, duration and location.</p> <p>Manawatū-Whanganui One Plan There are numerous objectives and policies in the Manawatū-Whanganui One Plan relating to the protection of section 6 matters including outstanding natural landscapes and features, areas of significance to Māori, the natural character of the coastal environment, wetlands, lakes and rivers, and historic heritage etc. In order to protect the values of these features and items, noise needs to be limited in terms of levels, duration and location.</p>	<p>The Waikato Tainui Environment Management Plan 2018 (WTEP) WTEP addresses noise in the following provisions:</p> <p>Policy 23.3.1.1 - To ensure that the quality of any discharge to air is retained at a level such that it does not compromise human health, amenity values, or property.</p> <p>Methods:</p> <ol style="list-style-type: none"> Manage the effects on amenity values of an area due to contaminants, dust, odour, light, or noise. Particular areas of amenity value include, but are not limited to: <ol style="list-style-type: none"> The Waikato River and its tributaries, banks, and immediate environs; Marae and papakāinga; Sight lines to important features in the landscape, water bodies, wāhi tapu and other sites of significance; and The coastline. <p>It is considered that the proposed provisions take into account the WTEP by limiting the level of noise in all zones.</p>
<p>OPERATIVE WAITOMO DISTRICT PLAN</p>	<p>Other sections of the RMA</p>		<p>IWI MANAGEMENT PLANS</p>	<p>OTHER RELEVANT PLANS OR LEGISLATION</p>
<p>Noise is managed in the Operative District Plan (ODP) as a focused chapter. There are four objectives which address the following outcomes:</p> <ul style="list-style-type: none"> To avoid, remedy or mitigate any adverse effects arising from noise. To recognise that some activities are inherently noisy and protect them from reverse sensitivity effects To achieve lower noise levels in residential areas than in other areas. To recognise that different Zones in the District have different noise characteristics. <p>The rules set out maximum L10 daytime and night time noise levels for each zone. The rules also exempt specified activities to</p>	<p>Section 16 of the RMA requires that every occupier of land (including any premises and any Coastal Marine Area), and every person carrying out an activity in, on, or under a water body or the Coastal Marine Area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level; and that a national environmental standard, plan, or resource consent made or granted for the purposes of any of sections (and 12, 13, 14, 15, 15A, and 15B) may prescribe noise emission standards.</p> <p>Section 17 of the RMA states that every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried out by or on behalf of the person.</p>	<p>Section 25 (Noise limits for cabinet not in road reserve) applies to a cabinet not located in a road reserve and is complied with if the cabinet is installed and operated in accordance with the district plan rules about noise from a facility at the place where the cabinet is located.</p> <p>The only reference to noise levels in the NESET is in relation to construction activity relating to an existing transmission line whereby it is permitted if it complies with NZS 6803:1999 Acoustics - Construction Noise. The Proposed District Plan does not impose more restrictive requirements on these activities relative to the NESTF or NESET.</p> <p>The Proposed District Plan only seeks to manage telecommunication cabinets not subject to the NESTF.</p>	<p>Maniapoto Environment Management Plan 2018 (MEMp)</p> <p>We are required to take into account planning documents recognised by an iwi authority and lodged with the territorial authority. The provisions in the Maniapoto Environment Management Plan 2018 (MEMp) relevant to noise are as follows:</p> <p>12.3.1.1 Policy: People and taonga are protected from the adverse effects of discharges to air.</p> <p>Actions:</p> <p>(e) Ensure rules for light and/or noise pollution do not limit customary use activities, places or events</p> <p>It is considered that the proposed provisions have taken into account the MEMp by excluding noise associated</p>	<p>The Building Act 2004 and the Building Code The Building Act 2004 and the building code control the construction of buildings including preventing undue noise transmission between activities in the same building, and the insulation of new buildings and the use of double glazing to reduce the effects of external noise sources.</p> <p>Health Act 1956 (sections 29-35) This Act enables the Council to deal with nuisance noise and vibration that is likely to be injurious to public health.</p>

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<p>meet the noise requirements, such as clearance of vegetation, harvesting of crops etc. There are specific noise standards for temporary military training activities.</p> <p>The rules also set out how noise levels are to be measured and assessed.</p>	<p>Section 31 sets out the functions of territorial authorities and in particular section 31(1)(d) provides councils with the ability to control the emission of noise and the mitigation of the effects of noise.</p> <p>Section 326(1)(a) addresses the meaning of 'excessive noise', which means any noise that is under human control and of such a nature as to unreasonably interfere with peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by:</p> <ul style="list-style-type: none"> aircraft being operated during, or immediately before or after, flight; vehicles being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or trains, other than when being tested (when stationary), maintained, loaded, or unloaded. <p>Excessive noise includes noise that exceeds a standard for noise prescribed by a National Environmental Standard; and may include noise emitted by a musical instrument; or an electrical appliance; or a machine, however powered; or a person or group of persons; or an explosion or vibration.</p>	<p>The National Planning Standards includes Section 15. Noise and Vibration Metrics Standard. These standards require any rule to manage noise emissions to be in accordance with the mandatory noise measurement methods and symbols in the applicable New Zealand Standards incorporated by reference into the planning standards as follows:</p> <ul style="list-style-type: none"> New Zealand Standard 6801:2008 Acoustics - Measurements of environmental sound New Zealand Standard 6802:2008 Acoustics - Environmental noise New Zealand Standard 6803:1999 Acoustics - Construction noise New Zealand Standard 6805:1992 Airport noise management and land use planning - measurement only New Zealand Standard 6806:2010 Acoustics - Road-traffic noise - New and altered roads New Zealand Standard 6807:1994 - Noise Management and Land Use Planning for Helicopter Landing Areas - excluding 4.3 averaging. New Zealand Standard 6808:2010 Acoustics - Wind farm noise New Zealand Standard 6809:1999 Acoustics - Port noise management and land use planning. The New Zealand Standards are nationally based standards that provide guidance on the assessment and measurement of noise and appropriate levels at which to control noise effects, as well as other matters. Any plan rule to manage noise emissions must be consistent with the mandatory assessment methods in section 6 Rating Level and section 7 LMAX of New Zealand Standard 6802:2008 Acoustics - Environmental noise, provided the type of noise emitted is within the scope of 6802:2008. Any plan rule to manage damage to structures from construction vibration must be consistent with the metrics for peak particle velocity (ppv) in ISO-4866:2010 – Mechanical vibration and shock. <p>Relevant case law considered</p> <p>There is no relevant case law to this Chapter.</p>	<p>with temporary events from needing to comply with the standards.</p>	
SCALE & SIGNIFICANCE s32(1)(c)				
<p>The assessment is based on eight factors outlined in Ministry for the Environment's guidance on Section 32 reports. Each factor is scored in terms of its scale and significance (where 1 is low and 5 is high).</p> <p>Reason for Change: 1 Problem / Issue: 1 Degree of Shift from Status Quo: 2 Who and How Many Affected, Geographic Scale of Effects: 2 Degree of Impact on or Interest from Māori: 1 Timing and Duration of Effects: 1 Type of Effect: 2 Degree of Risk or Uncertainty: 1</p> <p>Total (out of 40): 11</p>				<p>STRATEGIC DIRECTION</p> <p>The most relevant objective in the Strategic Direction is SD-05.</p> <p>SD-05: Compatible activities with similar effects and functions are zoned together and new development is directed towards the appropriate zones to ensure that land use and subdivision:</p> <ol style="list-style-type: none"> Are consistent with the anticipated character and amenity values of the areas where they are located; and Efficiently use natural and physical resources in order to meet the community's and the environment's needs both now and in the future; and Recognise existing lawful activities and protect their ongoing operation from incompatible activities.
UNCERTAINTIES AND RISKS s32(2)(c)				
				<p>The degree of risk and uncertainty is low, and the National Planning Standards set out the accepted method for measuring noise.</p> <p>The risk of not acting and retaining the status quo is that the resource management issues that have been identified will continue, meaning that an outdated approach to the management of noise and vibration in the district will remain in place resulting in a lack of clarity and consistency and potential adverse effects on amenity values. Feedback on the draft provisions supported the proposed approach and did not raise any fundamental issues with acting in the manner proposed, and overall, there is considered to be a low risk of pursuing the proposed approach.</p>

OBJECTIVE(S) s32(1)(a)

Relevance – The proposed objectives specifically address the issues identified above. The objectives are directly relevant to the management of noise. Objective Noise-O1 addresses the generation of noise and ensures this is compatible with the role and function of the zone. Objective Noise-O2 addresses the amenity values, and Objective Noise-O3 addresses reverse sensitivity issues arising from noise. Objective Noise-O3 seeks to manage reverse sensitivity effects which can occur when new activities locate in close proximity to existing activities that generate noise. These respond to the issues outlined above.

Usefulness – The objectives recognise the effects of noise on the health and wellbeing of people and amenity values and seek to protect people and the environment from significant levels of noise while recognising that noise cannot be completely eliminated. The objectives recognise there is the potential for conflict between noise-generating activities and other sensitive land uses that needs to be managed. The proposed objectives provide clarity of what is to be achieved in relation to the effects of noise emissions from activities when considering a resource consent application under section 104, particularly in relation to effects on the surrounding zone, reverse sensitivity effects, and construction activities.

Reasonableness – The objectives do not create unjustifiably high costs on the community and will likely have a positive benefit in terms of long-term financial costs to the community through recognising that the emission of noise may be appropriate in certain locations and zones and protecting the established activities from reverse sensitivity effects.

Achievability – The proposed objectives are consistent with the strategic objectives, including SD-05. The objectives are realistically able to be achieved based on the Council's responsibilities under the RMA. The Council has a specific function under section 31(1)(d) for the control of the emission of noise and the mitigation of the effects of noise.

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<p>Are the objectives the most appropriate way to achieve the Purpose of the Act? The proposed objectives are considered to meet the tests of relevance, usefulness, reasonableness and achievability. The objectives are the most appropriate way to achieve the purpose of the RMA because they:</p> <ul style="list-style-type: none"> • Are a more effective district-wide means for addressing the resource management issues identified within this section 32 report than the status quo provided for the ODP. • Give effect to the relevant policies of the RPS. • Directly address the matters in section 7(b), (c) and (f). • The proposed objectives seek to manage the adverse effects of noise on the amenity and health of people, consistent with the anticipated outcomes of the receiving environment. 	
<p>PROVISIONS s32(1)(b)</p>	
<p>EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii), 32(2)(a)(i), s32(2)(a)(ii)</p>	<p>ALTERNATIVES s32(1)(b)(i)</p>
<p>Benefits Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • Management of noise effects achieved through the proposed rules and standards. • Tailored noise standards to reflect the background noise and expected amenity of each zone. <p><u>Economic</u></p> <ul style="list-style-type: none"> • Enables activities that create noise such as industrial and farming activities. • Recognises that noise is appropriate in the commercial zone. • Enables noise associated with activities to increase where essential to activities such as the importance of bird scaring devices and frost fans to manage the productive yield from horticulture. • Recognises noise generated by construction. <p><u>Social</u></p> <ul style="list-style-type: none"> • Ensures a healthy living environment and suitable amenity within each zone. • Reduces the potential for reverse sensitivity effects. • Improved management of noise and vibration effects contributes to amenity and health, liveable residential and rural areas, and general social wellbeing. • Allows temporary events. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • There are no cultural benefits anticipated. <p>Costs Anticipated</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> • There are no environmental costs anticipated. <p><u>Economic</u></p> <ul style="list-style-type: none"> • May constrain some employment activities in the residential zones. • Costs to homeowners / developers for compliance with acoustic performance conditions and standards. • Additional economic costs will also be generated through the introduction of rules and standards relating to noise sensitive activities, such as acoustic insulation requirements. <p><u>Social</u></p> <ul style="list-style-type: none"> • May constrain some social events. <p><u>Cultural</u></p> <ul style="list-style-type: none"> • Temporary events and cultural events may be constrained by noise standards. <p>Economic growth opportunities The provisions are unlikely to result in economic growth opportunities.</p> <p>Employment opportunities The provisions are unlikely to result in employment growth opportunities</p>	<p>For the purpose of this evaluation, the Council has considered the following potential options:</p> <ol style="list-style-type: none"> 1. The proposed provisions; and 2. The status quo. 3. The approaches of other district plans <p>The ODP approach does not align with the National Planning Standards.</p> <p>In order to identify other reasonably practicable options, the Council has undertaken the following:</p> <ul style="list-style-type: none"> - Reviewed other relevant district plan provisions for their approaches to managing noise; and - Sought feedback from Council’s monitoring team; - Feedback provided by elected representatives; and - Collated feedback from discussions with iwi.
<p>QUANTIFICATION OF BENEFITS & COSTS s32(2)(b)</p> <p>Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment of the scale and significance of the proposed provisions, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic.</p>	
<p>EFFICIENCY & EFFECTIVENESS s32(1)(b)(ii)</p>	<p>REASONS FOR PROVISIONS s32(1)(b)(iii)</p>
<p>Section 32(1)(b)(ii) requires assessing the efficiency and effectiveness of the provisions in achieving the objectives:</p> <p><u>Efficiency</u> The provisions are the most efficient way to achieve the objectives. The status quo provisions are more complex by comparison with the PDP.</p> <p><u>Effectiveness</u></p>	<p>Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions: The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:</p> <ul style="list-style-type: none"> • give effect to the higher order documents, namely the RPS and the relevant Strategic Objectives. • enable the Council to fulfil its statutory obligations, including section 31 of the RMA and gives effect to the relevant Part 2 Matters, namely sections 7(b), 7(c) and 7(f). • ensure that adverse effects are appropriately managed by requiring compliance with relevant standards and an assessment of effects as part of resource consent process where the development standards are not met. • enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

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<p>There are a significant number of benefits with the preferred option. The proposed provisions are considered likely to be highly effective in achieving the objectives as they directly address the resource management issues and the outcomes sought through the objectives. The provisions give effect to the RMA and the higher order policy documents, and recognise and provide for the environmental, social, economic and cultural benefits of activities which generate noise, while ensuring their appropriate management, including minimising adverse environmental effects.</p>	
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