

DECISION REPORT

PLAN CHANGE 88 – NOISE STANDARDS WITHIN INDUSTRIAL ZONES

INTRODUCTION

Pursuant to Section 10(1) of Schedule 1 of the Resource Management Act 1991, the District Plan Committee makes the following decisions on the provisions of the District Plan First Review and matters raised in submissions to Plan Change 88 – Noise Standards within Industrial Zones.

The decision is set out as follows:

- Decisions on submissions
- Decisions on the provisions of the District Plan First Review

DECISIONS ON SUBMISSIONS

The purpose of this part of the report is to show the decisions made on submissions with reasons and Section 32AA Analysis. Decisions are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and further changes as the result of decisions in blue.

DECISION

That amendments be made to the Plan Change as follows:

- Increasing the LAeq noise limit to 65dB at all times (day and night);
- Increasing the night time LAmix noise limit to 85dB;
- Providing an exemption for emergency services sirens;
- Retaining the changes proposed (as notified) to the 'Significant Issues' in Section 4C.1.1 regarding noise and the consequential changes proposed to the policies in Section 4C.1.2.2; and
- Minor editorial changes to numbering within Rule 4C.1.3.2(b).

(ii) All activities located within Industrial Zones (excluding emergency service sirens) shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the boundary of any other property within an Industrial Zone:

Time Period	Sound Level Not to be Exceeded	
	LAeq	LAmix
Daytime 7am-10pm	60 65dBA	N/A
Night time 10pm-7am	45 65dBA	70 85dBA

The following submissions are therefore:

Accepted

Submission	Point Number	Name
12	9	Fulton Hogan Limited
1	25	Daniel Kinnoch
1	27	Daniel Kinnoch
5	1	Fire and Emergency New Zealand

12	10	Fulton Hogan Limited
----	----	----------------------

Accepted in Part

Submission	Point Number	Name
1	26	Daniel Kinnoch
14	1	Quayside Properties Limited

Rejected

Submission	Point Number	Name
1	28	Daniel Kinnoch

REASONS / SECTION 32AA ANALYSIS

The inclusion of noise standards within the Industrial Zones makes it clear that industrial operators have a responsibility to ensure they do not generate unreasonable noise. This addresses the identified issue and will ensure that effects on people's health and safety as a result of noise are better managed.

Increasing the noise limits in line with those requested by some submitters will ensure that activities within Industrial Zones are not unduly constrained. In addition, it is accepted that a relatively low noise limit may unreasonably constrain industrial activities and such constraints may act to discourage industrial activities from locating within the District and the Industrial Zone. An overly restrictive noise limit may therefore have unintended consequences by making it too difficult for industrial operators to comply and they may prefer to locate outside of the District or within the Rural Zone (as a home enterprise) where compliance may be easier to achieve.

Existing District Plan rules adequately protect noise sensitive activities in the Industrial Zone and in other zones (e.g. the Residential and Rural Zones). Furthermore, the District Plan also recognises that it may not be appropriate for sensitive activities to locate within the Industrial Zone. To protect such activities from adverse amenity effects (such as noise) and to protect legitimate industrial activities within the Industrial Zone from reverse sensitivity effects, the District Plan restricts the establishment of non-industrial activities in industrial areas (through the rules and the supporting policy framework discussed earlier in this report under 'Discussion on Submissions').

It is considered that there is no need for a lower (i.e. more restrictive) LAeq noise limit within the Industrial Zone at night time because sensitive activities in adjacent zones are adequately protected by existing inter-zone noise limits.

The LMax noise limit of 85dB for night time hours is recommended in accordance with the submission by Quayside Properties Limited and is a common approach used by other Councils, including the Industry Zone within Tauranga City.

Minor editorial changes clarify the typographical error pertaining to numbering in Rule 4C.1.3.2(b) (i.e. the existing clause becomes sub-clause (i), and the new rule becomes sub-clause (ii) under Rule 4C.1.3.2(b)).

Because none of the noise rule tables within Section 4C - Amenity include specific reference numbers, it is considered that the change requested by a submitter (to number the table) is not necessary.

The terminology used to show the noise limits has been updated as follows:

- Leq to LAeq (with associated change from dBA to dB)
- LMax to LMax (with associated change from dBA to dB).

These changes ensure consistency with international terminology and NZS 6801:2008. Although the updated terms may be different to what was originally proposed, in practice, they are still the same. For example, Leq 65dBA is the same as LAeq 65dB.

Providing an exemption for emergency service sirens will ensure these services can carry out their functions and will provide for peoples' health and safety. The evidence tabled at the hearing from Fire and Emergency NZ has been considered. Their support for the exemption on the basis that it provides for their operational requirements is acknowledged. It is also noted that Fire and Emergency NZ would have preferred this exemption to be included in Rule 4C.1.3.2 (b) (i) as well. However, as they highlight in their evidence, such a change is outside of the scope of this Plan Change (which is about noise within the industrial zones and not other zones).

The following provides a further evaluation of the changes made since the original evaluation report under s32 of the Resource Management Act 1991. The level of detail corresponds to the scale and significance of the changes.

Allowing for higher (i.e. more permissive) noise limits and an exemption for emergency service sirens

<p>Costs</p>	<ul style="list-style-type: none"> The amended noise limits may still result in additional constraints for operators of industrial activities, although is less onerous than what was notified.
<p>Benefits</p>	<ul style="list-style-type: none"> Providing an exemption for emergency service sirens will ensure these services can carry out their functions and is consistent with the purpose of the RMA in terms of providing for peoples' health and safety. The amended noise limits address the issue that noise produced and received within the Industrial Zone has the potential for adverse effects and that there is a need to manage activities to ensure unreasonable effects of noise are avoided. The amended noise limits would protect people within the Industrial Zone from the adverse effects of noise. The amended noise limits manage noise effects within the Industrial Zone while also acknowledging that inter-zone noise limits are sufficient to protect more sensitive activities in other zones (such as rural or residential). The intra-zone limits do not unduly constrain legitimate industrial activities within the Industrial Zone. Applying the same LAeq limit for day time and night time hours acknowledges that legitimate activities within the Industrial Zone may operate during night time hours and that existing District Plan provisions adequately protect sensitive activities within the Industrial Zone. This includes through resource consent processes and by requiring buildings associated with sensitive activities to be constructed to ensure appropriate internal noise levels can be achieved. Editorial changes provide clarification and assist plan users.
<p>Effectiveness/ Efficiency</p>	<ul style="list-style-type: none"> Providing higher (i.e. more permissive) noise limits than those in the plan change (as notified) is considered to be both an

	effective and efficient method in addressing the identified issue.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> N/A – Sufficient information is available.

DECISIONS ON THE PROVISIONS OF THE DISTRICT PLAN FIRST REVIEW

The purpose of this part of the report is to show the decisions to change the provisions of the District Plan First Review.

Decisions are shown as follows; existing District Plan text in black and decisions in red.

Section 4C – Amenity

Amend the Significant Issues in Section 4C.1.1 to read as follows:

4C.1.1 Significant Issues

- ...
3. The potential for ~~Permitted Activities~~ within one zone to generate noise which detracts from the existing amenity of nearby zones.
- ...
5. The potential for noise emissions within the Industrial Zone to adversely affect the health and safety of people within and adjacent to that zone.

Amend Policy 3 in Section 4C.1.2.2 to read:

3. Have regard to any relevant New Zealand legislation, standards, guidelines, ~~or~~ and codes of practice, in the assessment of applications for resource consents.

Amend Rule 4C.1.3.2(b) – Noise limits for activities in Industrial and Commercial Zones to include the existing rule as sub-clause (i), and to include a new clause (ii) as follows:

(b) Noise limits for activities in Industrial and Commercial Zones

- (i) All activities located within Industrial and Commercial Zones shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the *notional boundary* of any *dwelling* in a Rural Zone or Rural-Residential Zone, nor at any point within the boundary of any property within a Residential or Future Urban Zone:

Time Period		Sound Level Not to be Exceeded	
Day	Hours	Leq	Lmax
Monday to Saturday	6am to 10pm	55dBA	N/A
Sunday and Public Holidays	9am to 6pm	55dBA	N/A
At all other times		45dBA	70dBA

(ii) All activities located within Industrial Zones (excluding emergency service sirens) shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits within the stated timeframes at any point within the boundary of any other property within an Industrial Zone:

<u>Time Period</u>	<u>Sound Level Not to be Exceeded</u>	
	<u>LAeq</u>	<u>LAmx</u>
<u>Daytime 7am-10pm</u>	<u>65dB</u>	<u>N/A</u>
<u>Night time 10pm-7am</u>	<u>65dB</u>	<u>85dB</u>