

## Section 32 Evaluation Report: Chapter 49- Noise

### 1. Strategic Context

Section 74(1) of the Resource Management Act 1991 (RMA or the Act) sets out matters which are to be considered by territorial authorities when preparing or changing district plans. That section states that any change to district plans must be in accordance with the functions for territorial authorities set out in section 31, the provisions of Part 2, the duties under section 32, and any regulations.

Section 74(2) of the Act requires that when preparing or changing a district plan, a territorial shall have regard to:

- (a) any –
  - (i) *Proposed regional policy statement; or*
  - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
- (b) any-
  - (i) *Management plans and strategies prepared under other Acts; and*
  - (ii) *Repealed*
  - (iia) *Relevant entry [on the New Zealand Heritage List/Rarangi Korero required by the Heritage New Zealand Pouhere Taonga Act 2014]; and*
  - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*  
*to the extent that their content has a bearing on resource management issues of the district; and*
- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

Section 74(2A) requires that when preparing or changing a district plan a territorial authority must take into account:

*Any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*

Section 75 of the Act details the requirements for the content of district plans. Section 75 of the Act states that:

- (3) *A district plan must give effect to –*
  - a) *any national policy statement; and*
  - b) *any New Zealand coastal policy statement; and*
  - c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with -*
  - a) *a water conservation order; or*
  - b) *a regional plan for any matter specified in section 30(1).*

Consideration has been given to the matters detailed in sections 74 and 75 of the Act, as outlined in Sections 2 to 5 below.

### 2. National Planning Documents

#### National Policy Statements

There are currently four operative national policy statements which the District Plan must give effect to. These include:

- The New Zealand Coastal Policy Statement 2010
- The National Policy Statement for Renewable Electricity Generation 2011
- The National Policy Statement for Freshwater Management 2011
- The National Policy Statement for Electricity Transmission 2008

It has been determined that none of these policy statements are relevant to the proposed chapter to manage noise effects.

### **National Environmental Standards**

National environmental standards are regulations made under section 43 of the RMA. They can prescribe technical standards, methods or other requirements for environmental matters. In some circumstances, local authorities can impose stricter standards. There is one national environmental standard which is relevant to the proposed noise chapter and zone noise rules, the National Environmental Standard for Telecommunications Facilities “NESTF”) Regulations 2008.

The proposed noise chapter and zone noise rules does not impose a greater prohibition or restriction on an activity to which the NESTF already imposes. Therefore, no further evaluation of the NESTF is required for this evaluation (section 32(4)).

## **3. Regional Planning Documents**

### **Regional Policy Statement**

Otago's Regional Policy Statement (“RPS”) promotes the sustainable management of natural and physical resources by giving an overview of the resource management issues facing Otago, and by setting policies and methods to manage Otago's natural and physical resources. The RPS is currently under Review itself, and may be further advanced in that process by the time the District Plan Review is notified. Amendments to this evaluation may be required to accommodate that change. The District Plan must *give effect* to the Operative RPS and must *have regard to* the Proposed RPS.

The Operative RPS contains a number of objectives and policies that are relevant to this noise chapter review of the District Plan, namely Objective 9.4.1 and associated Policies 9.5.4 to 9.5.5. Objective 9.4.1 promotes the sustainable management of Otago's built environment in order to provide for amenity values. Policy 9.5.4 seeks to minimise the adverse effects of urban development on Otago's environment through avoiding, remedying or mitigating the creation of noise and vibration and Policy 9.5.5 seeks to maintain the quality of life for people and communities through avoiding remedying or mitigating the adverse effects on community health and safety. The proposed noise chapter and zone noise rules gives effect to, the relevant operative RPS provisions.

### **Regional Plans**

There are four operative regional plans within the Otago Region relating to air, water, coast and waste. The purpose of the Otago Regional Plan: Air is to promote the sustainable management of the air resource in the Otago region. The Otago Regional Plan: Water is for the use, development and protection of Otago's rivers, lakes, aquifers and wetlands and rivers and their margins. Specific objectives include Objective 5.3.3 ‘To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development,’ and objective 5.3.4 ‘To maintain or enhance the amenity values associated with Otago's lakes.’

The Otago Regional Plan: Coast is relevant to the coastal marine area. The Otago Regional Plan: Waste applies to solid waste management, including waste minimisation, contaminated sites, hazardous substances and hazardous wastes and landfills. The proposed noise chapter and zone noise rules does not seek to address any matters that are managed under the Otago Regional Plans for Air, Water, Waste and the Coast.

## **4. Iwi Management Plans**

### **Kai Tahu Ki Otago Resource Management Plan**

The Kai Tahu Ki Otago Resource Management Plan (2005) (NRMP) is the principal planning document for Kai Tahu Ki Otago (KTKO) ((KTKO is used to describe the four Papatipu Runanga and associated whanau and ropu of the Otago Region). Chapter 5 of the NRMP identifies issues, objectives and policies for the Otago Region as a whole, and includes the following objectives:

- i. *The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.*

- ii. *Ki Uta Ki Tai management of natural resources is adopted within the Otago region.*
- iii. *The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region.*
- iv. *Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.*
- v. *The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.*

Chapter 10 sets out objectives and policies as they are relevant to the Clutha/Mata-au Catchment, in which the Queenstown Lakes District is contained. No provisions have been identified that are directly related to the management of noise effects in the District.

### **Ngai Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan (2008)**

The Ngai Tahu Ki Murihiku Natural Resources and Environmental Iwi Management Plan (Murihiku Plan) was issued in 2008 and consolidates Ngai Tahuki Murihiku values, knowledge and perspectives on natural resources and environmental management issues. The Murihiku Plan identifies kaitiakitanga, environmental and social, economic, health and wellbeing outcomes that need to be recognised when considering the proposed noise chapter and zone noise rules. The proposed noise chapter and zone noise rules will assist in achieving the relevant objectives and policies contained in the Murihiku Plan.

## **5. Section 32 Evaluation**

All District Plan changes must be evaluated as directed by section 32 of the RMA. Section 32(1) and (2) specifies what the evaluation must examine.

- (1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
  - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Section 32(3) relates to “amending proposals”. As Council is issuing a new proposed District Plan, this section is not considered relevant.

## 6. Resource Management Issues

Section 31(1)(d) of the RMA requires territorial authority to give effect to the purpose of the Act through “*the control of the emission of noise and the mitigation of the effects of noise*”.

### *Section 16 RMA Duty to avoid unreasonable noise*

*(1) 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.*

*(2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).*

Noise may be generated from a wide variety of activities in both the rural and urban environment. Industry, transport, recreation, and households can all create noise that may influence a person’s well-being by, for example, preventing sleep, inducing stress, disturbing concentration. The key resource management issue associated with noise are *the adverse noise effects that can arise from different activities occurring in close proximity*.

Section 9 of the RMA sets out the restrictions on use of land. Clause (5) states that “*This section applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority*”. Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and designation conditions. However, this is different from controlling noise from aircraft that are in flight. The Resource Management Act 1991 (RMA) which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft can be controlled through section 29A of the Civil Aviation Act 1990.

The Act requires territorial authorities to manage the effects of noise from activities on land and on the surface of water. For the Queenstown Lakes District, the surface of the Lakes and rivers are commonly used for recreational and commercial boating activities. For the purpose of managing activities on the surface of water, these areas are zoned Rural in the District Plan, unless otherwise specified on the District Planning maps. Therefore, for the most part, the Rural zone noise limits apply to activities taking place on the surface of rivers or lakes.

## 7. Purpose

It is noted that Plan Change 27: Updating Noise Measurement and Assessment Standards were made operative in 2011. Therefore, for the most part, the noise provisions contained in the operative District Plan remain appropriate and up to date.

Further, aside from the reverse sensitivity noise issues arising from entertainment activities in Queenstown’s town centre and Wanaka’s town centre, no other new noise management issues have been identified that require addressing through the District Plan Review. These issues have been addressed via the changes proposed to the Town Centres section of the District Plan via the District Plan review.

However, the District Plan does not contain a specific noise chapter. Including a specific noise chapter will provide for the appropriate management of noise effects for the District, including setting out the objective and policies specific to manage noise issues and including a rule framework incorporating the majority of the zone-based noise limits that are currently contained in the zone chapters.

The overarching purpose of the dedicated chapter in the District Plan for noise is to enable the sustainable management and growth of the Queenstown Lakes District in a manner that appropriately manages the effects of noise emissions.

## **8. Evaluation of proposed Objective - Section 32 (1) (a)**

Section 32(1)(a) of the RMA requires the evaluation to examine the extent that a new objective is the most appropriate way to achieve the purpose of the Act. One new objective is proposed as part of the proposed noise chapter and zone noise rules. This section of the report considers the objective in the context of the purpose of the Act.

The purpose of the Act demands an integrated planning approach and direction:

### **Section 5 Purpose**

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The remaining provisions in Part 2 of the Act, particularly section 7, provide a framework within which objective is required to achieve the purpose of the Act and provisions are required to achieve the relevant objective. Section 7 (abbreviated below) is particularly relevant to this proposed objective:

### **Section 7 Other Matters**

*In achieving the purpose of this Act, all persons exercising functions and power under it, in relation to managing the use, development, and protecting of natural and physical resources, shall have particular regard to*

*—*  
*(b) the efficient use and development of natural and physical resources:*

*(c) the maintenance and enhancement of amenity values:*

*(f) maintenance and enhancement of the quality of the environment:*

The extent to which the proposed objective meets the overarching purpose of the Act is set below.

<b><i>Proposed Objective</i></b>	<b><i>Most Appropriate in Achieving Part 2</i></b>
<p><u>To control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.</u></p>	<p>In terms of addressing noise effects, the proposed objective is considered to be the most appropriate to meet the purposes of the Act. The objective focuses on managing noise effects, either from source or from the receiver. An objective that requires the management of adverse effects is consistent with s5(2)(c).</p> <p>The objective is the most appropriate means of achieving section 7(b), (c), and (f). Managing noise effects enables the efficient use of the land resource for the District by enabling activities to operate effectively in proximity to one another. Managing noise effects contributes to maintaining and enhancing amenity values and quality of the environment.</p>

The above objective has been considered against Part 2 of the Act. The proposed objective is considered the most appropriate method of achieving the purpose of the Act, as it seeks to control the adverse effects of activities and is therefore enabling of activities provided the effects can be appropriately managed.

## **9. Evaluation of Options for Achieving the Proposed Objective**

As required by section 32(1)(b)(ii) RMA, the following section considers the reasonably practicable options for achieving the proposed objective. This assessment is carried out in relation to the provisions of the proposed noise chapter and zone noise rules, which includes the proposed policies and rules contained within the proposed Noise section and the noise rules contained in the Zone chapters.

**Reasonably practicable options considered to for achieving the objective (Section 32(1)(b)(i))**

Proposed Objective: To control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.

Option 1: No change: Retain the current District Plan framework which only includes noise rules that apply to each zone, and as conditions of designations.

Option 2: Amend and correct where necessary the operative noise provisions for the various zones and retain the current rule framework for noise management.

Option 3: Amend and correct the operative noise provisions where necessary, and restructure all the noise rules within a new section in the District Plan to specifically address noise issues, and provide all noise objectives and policies and rules, including standards that apply in all zones.

	<b>Option 1: No change</b>	<b>Option 2: Amend operative provisions whilst retaining existing Plan framework</b>	<b>Option 3: New Noise Section for all noise standards in the District.</b>
<b>Cons</b>	<ul style="list-style-type: none"> <li>• Does not enable the opportunity to correct and update the current noise rules.</li> <li>• No opportunity to provide an objective, policies and rules that apply District Wide, which in many cases introduce the New Zealand Standards that apply to certain activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Has costs associated with going through the District Plan Review process (but this is required by legislation).</li> <li>• Uncertainty of the status of certain activities will remain, such as the use of sirens.</li> <li>• Duplication in the noise rules and limits for each zone.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial costs associated with going through the District Plan Review process (but this is required by legislation).</li> </ul>

<b>Pros</b>	<ul style="list-style-type: none"> <li>• Retains the established approach which parties are familiar with.</li> <li>• Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Retains, but with some improvements, the approach parties are familiar with.</li> </ul>	<ul style="list-style-type: none"> <li>• Moving all the noise rules into one chapter will be easier to use as many of the noise rules require adherence to the adjacent zone noise limits. These will be easily accessible in the one chapter. .</li> <li>• Provides one-stop-shop for most activities, whereby an activity permitted in a zone can find the applicable noise standard within the same section of the Plan.</li> <li>• Provide clarity and certainty for those activities that are not currently addressed in the Districts Plan, such as noise limits for temporary activities and military training activities.</li> <li>• Manages activities which take place in any zone, i.e temporary activities, sirens etc within the District wide noise standards.</li> </ul>
<b>Summary</b>	Based on the above assessment, Option 3 is considered the most appropriate option for achieving the objective.		



## 10. Scale and Significance Evaluation – Section 32(1)(c)

The level of detailed analysis undertaken for the evaluation of the proposed objective and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline (Section 32(3)).
- Have effects on matters of national importance.
- Adversely affect those with specific interests, e.g., Tangata Whenua.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

## 11. Evaluation of the proposed provisions Section 32 (1)(b)(ii)

Under section 32 (2)(a) an assessment under section 32(2)(b)(ii) must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for —

- (i) *economic growth that are anticipated to be provided or reduced; and*
- (ii) *employment that are anticipated to be provided or reduced (section 32(2)(a)).*

For the proposed noise chapter and zone noise rules, no change to the opportunities for economic growth are anticipated, nor are any changes to employment opportunities anticipated.

The necessary assessment of the proposed policies, rules and other methods under sections 32(1)(b)(ii) and (2)(a), is provided below. The proposed policies, rules for the Noise chapter of the Proposed District Plan have been assessed for their appropriateness in achieving the proposed objectives for the zone and the relevant objectives of the overarching Strategic Directions chapter of the proposed plan.

The proposed policies outlined in this section are new to the District Plan. Many of the rules proposed do not significantly depart from those of the Operative Plan.

**Proposed Objective:** To control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.

(Strategic Directions Chapter)

**Proposed Objective 3.2.3.1:** To achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

**Proposed Objective 3.2.3.3:** To enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.

<i>Proposed provisions</i>	<i>Environmental, Economic, Social and Cultural Costs</i>	<i>Environmental, Economic, Social and Cultural Benefits</i>	<i>Effectiveness, Efficiency &amp; Appropriateness</i>
<p><b>Policy</b></p> <p>Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.</p>	<p>The policy seeks to manage noise effects that are generated by activities. The policy may make it more difficult for some activities to take place in the District, where these activities cannot avoid, remedy or mitigate noise effects. However, the policy requires that the adverse effects of unreasonable noise be avoided, remedied or mitigated, and therefore any costs arising from activities not achieving this policy are considered acceptable and consistent with the purpose of the</p>	<p>The policy is part of the framework of provisions that will assist with managing noise effects in the District. This policy enables the Council to consider how subdivision and land use activities might result in adverse noise effects on other activities.</p> <p>It is noted that 'water' in the District is zoned Rural unless otherwise stated. Therefore this policy applies to activities taking place on the surface of water.</p>	<p>The policy is an efficient means of implementing the relevant objectives, by providing clear noise standards that activities must achieve in order to manage unreasonable noise effects.</p> <p>The policy is effective in achieving the objective as it enables the Council to consider how subdivision and land use activities (including activities on the surface of lakes and rivers) might result in adverse noise</p>

	Act.		effects on other activities.  The policy is appropriate for achieving the proposed Noise Objective and Objective 3.2.3.1.
<b>Policy</b>  Avoid, remedy or mitigate adverse noise reverse sensitivity effects.	This policy may result in additional costs on new activities where mitigation is required to manage reverse sensitivity effects. For instance, additional building costs associated with noise insulation for buildings.	This policy provides for potentially incompatible activities to locate within proximity where the adverse noise effects can be managed, resulting in the efficient use of land.	The policy provides an efficient use of land insofar as it is enabling of potentially incompatible activities locating in proximity where noise effects can be managed.  This policy will be effective in achieving the noise objective as it seeks to manage the reverse sensitivity effects of potentially conflicting activities.  The policy is the most appropriate for achieving the proposed noise objective.
<b>Activity Rules and Table</b>  Any activities which are permitted, controlled or discretionary (restricted) in any section of the District Plan must comply with the noise standards in Tables 2 and 3 below, where that standard is relevant to that activity.  In additional the activities listed in Table 1 shall be <b>permitted activities</b> in all zones (unless otherwise stated) provided they comply with any relevant noise standards in Table 3 below. For the avoidance of doubt, the activities in Table 1 are exempt from complying with	The cost of these changes is outlined below.  These provisions exempt the listed activities from having to achieve the noise limits for the zone in which the activities is located. For the vehicles on the road and the warning devices and fire stations sirens, while these rules are new to the District Plan, they will not result in any new environmental social or economic costs as they will clarify the status of existing activities.	The benefits of the proposed rules will be to enable the exempt activities to operate without hindrances. These activities, driving on public roads, preschools, warning devices and siren are necessary facets of the community and should be provided for in the District Plan.	The proposed activity rules are considered to be an efficient and effective means to give effect to the objective. These rules will result in efficiencies in District Plan administration by clearly stating that these activities are exempt from the underlying zone noise limits.  The rules are effective is providing this exemption.  The rules are therefore considered to be appropriate for

<p>the noise standards set out in Table 2:</p> <p><b>Table 1 - Activities</b></p> <p>49.4.1 Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).</p> <p>49.4.2 Sound associated with people and vehicles at preschools (or similar) and schools during the period 0800h to 1800h, Monday to Friday, provided that outdoor parking and play areas are separated from any adjacent residential sections by a fence, wall, building or other structure at least 10 kg/m<sup>2</sup>, 2 metres high and without any gaps.</p> <p>49.4.3 Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.</p> <p>49.4.4 Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.</p> <p>49.4.5 Sound from temporary military training activities.</p> <p>49.4.6 In the Rural General Zone and the Gibbston Character Zone sound from farming and forestry activities, bird</p>	<p>For the proposed rule for noise associated with preschools, this rule will enable preschool activities to operate within regular house of operation. Preschools are an important community service and it is considered that the noise that is generated by preschool activities during the specified hours will not cause nuisance effects that are unreasonable.</p>		<p>achieving the proposed noise objective.</p>
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<p>scaring devises and frost fans, other than sound from stationary motors and stationary equipment.</p> <p>49.4.7 Sound from aircraft movements within designated airports.</p> <p>49.4.8 Sound from telecommunications cabinets in road reserve.</p>			
<p><b>49.5 Rules</b></p> <p>Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.</p> <p>The noise limits contained in Table 2 below do not apply to sound from aircraft operations at Queenstown Airport.</p> <p>Noise standards for town centre zones are not included in this chapter. Please refer to Chapter 10 Town Centres.</p>	<p>This rule adds to the current District Plan noise rules by including the requirement to include stationary electrical and mechanical equipment. This has been included to manage the effects of domestic heat pumps which would have been excluded from assessment under the current District Plan. This change may result in additional compliance costs.</p>	<p>These provisions sets out those activities that are subject to the zone based noise limits. These provisions will result in the management of adverse noise effects.</p>	<p>This rule enables the efficient use of land setting out which activities must achieve the noise limits.</p> <p>This rule is effective as it sets out the exclusions to the noise rules that apply to the underlying zones.</p> <p>This rule is considered to be the most appropriate way to achieve the proposed noise objective, and the relevant Strategic Directions objectives.</p>

<p><b>Table 2: General Standards</b></p> <p><i>Refer rules 49.5.1 through 49.5.11 contained within Table 2.</i></p> <p><i>Table 2 contains noise standards for the zones in the District Plan, aside from the Open Space Zone which does not have noise limits, and the Town Centres Zones. The Town Centre zone noise limits are contained within the respective Zone chapter.</i></p>	<p>Aside from the rules assessed immediately below, these rules retain the same noise limit rules for the Zones in the operative District Plan. No costs have been identified in relation to these rules where the rules remain the same of the existing District Plan.</p> <p>The <math>L_{max}</math> noise limit has been universally amended from 70 <math>L_{AFmax}</math> to 75 <math>L_{AFmax}</math>. A minor increase in the <math>L_{max}</math> noise threshold is considered to be acceptable and practicable.</p> <p>Changes to some of the Special Zone rules for residential areas have been made to provide for a consistent approach to noise management throughout all residential areas. No environmental cost has been identified with this change.</p> <p>A change has been made to the current noise limits that apply to land based activities within the Queenstown Airport mixed use zone. This change enables noise received in the Rural Zone from the Airport Mixed Use Zone to be 5 decibels higher than the Rural General Zone noise limit. This noise limits also change the daytime hours for the Residential Zones noise limits, only in terms of noise received in the Residential Zones from the Airport Mixed Use</p>	<p>The benefit of these rules is to appropriately manage noise effects in the respective zones. The rules provide a consistent approach to noise management across the District, with the exception of the Town Centres where more complex rules are required to manage these environments.</p> <p>The provisions avoid duplication of noise rules within each zone. The increase in the <math>L_{max}</math> limit from 70dBA to 75dBA will be beneficial providing a more reasonable limit universally within the District.</p> <p>The changes sought for the Airport Mixed Use Zone will enable the airport to function effectively and efficiently.</p> <p>Some of the noise limits for residential zones/activity areas have been amended slightly to provide as consistent an approach as possible to noise limits and measurement across a District.</p>	<p>These rules enable the efficient use of land by providing noise limits to manage the effects of noise.</p> <p>These rules are effective in terms of establishing clear noise limits for activities within the various Zones of the District.</p> <p>These rules are considered to be the most appropriate for achieving the proposed noise objective in terms of managing noise emissions from activities in the District to a reasonable level.</p>
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	<p>Zone. The day-time period is changed from 0800-2000h to 0700-2200h. Refer Rule 49.5.2. This change will enable slightly higher noise levels within these zones where that noise is generated from the Airport Mixed use zone.</p> <p>The Town Centre Noise rules have not been included in Chapter 49 given these rules are complex and closely associated with activities taking place in these zones.</p>		
<p><b>Table 3: Specific Standards</b></p> <p>The standards in Table 2 are specific to the activities listed in each row. The following activities are exempt from complying with the noise standards set out in the relevant zones (unless stated otherwise) and shall achieve the following relevant standard, where applicable:</p> <p><b>(Rule from Table 3)</b>  <b>49.5.12 Certain Telecommunications Activities in Road Reserve</b>  <i>(refer full text in Table 3 of Chapter 49)</i></p>	<p>No new costs have been identified associated with this rule. This rule provides consistency with the NESTF within the District Plan.</p>	<p>No new benefits have been identified associated with this rule. This rule provides consistency with the NESTF within the District Plan.</p>	<p>This rule is considered to be neutral in terms of efficiency.</p> <p>This rule is effective in terms providing consistency with the NESTF insofar as it relates to noise management.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>
<p><b>49.5.13 Wind Turbines</b></p> <p>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise.</p> <p>Assessment Location: At any point</p>	<p>This rule may result in additional compliance costs arising. However, any compliance costs are considered to be acceptable when balanced with the potential noise effects generated by wind turbines.</p>	<p>This rule imposes the New Zealand Standard for wind turbines operating within the District. The New Zealand Standards reflects what is considered to be reasonable noise for these activities.</p> <p>The benefits arising from this rule will</p>	<p>This rule will enable the efficient use of land by providing for wind turbines, subject to achieving the noise limits.</p> <p>This rule is effective in terms enforcing the applicable noise standard for wind turbines</p>

<p>within the notional boundary of any residential unit.</p> <p>Time: any time</p> <p>Noise Limit: 40 dB <math>L_{A90(10 \text{ min})}</math> or the background sound level <math>L_{A90(10 \text{ min})}</math> plus 5 dB, whichever is higher</p> <p>Non-compliance status: NC</p>		<p>be to ensure the use of wind turbines do not generate unreasonable noise effects.</p>	<p>operating within the District.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>
<p><b>14.5.14 Audible Bird Scaring Devices</b></p> <p>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).</p> <p>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.</p> <p>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.</p> <p>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.</p>	<p>This rule may result in additional compliance and administration costs arising. However, any compliance costs are considered to be acceptable when balanced with the appropriate management of noise effects.</p>	<p>This rule sets clear thresholds for noise emissions from audible devices. The benefit of this provision will be the maintenance of amenity values that could be reduced if this type of noise was not appropriately managed.</p>	<p>This rule will enable the efficient use of land by enabling audible devices to operate, subject to achieving the noise limits.</p> <p>This rule is effective in terms providing the appropriate noise limits for audible devices that will allow these devices to operate whilst managing the effects of these devices.</p> <p>The rule is considered to be appropriate for achieving the proposed noise objective.</p>



<p>Assessment location: At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.</p> <p>Time: Hours of daylight but not earlier than 6300h.</p> <p>Noise Limit: 65 dB <math>L_{AE}</math> shall apply to any one event</p> <p>Non-compliance status: NC</p> <p>Assessment location: In any public place.</p> <p>Time: At any time</p> <p>Noise limit: 90 dB <math>L_{AE}</math> is received from any one noise event.</p> <p>Non-compliance status: NC</p>			
<p><b>49.5.15 Frost Fans</b> Sound from frost fans.</p> <p>Assessment location: At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p>Time: At any time</p> <p>Noise limit: 85 dB <math>L_{AFmax}</math></p> <p>Non-compliance status: NC</p>	<p>This rule may result in compliance and administration costs arising. However, any compliance costs are considered to be acceptable when balanced with the appropriate management of noise effects.</p>	<p>This rule sets clear thresholds for sound from frost fans. The benefit of this provision will be the maintenance of amenity values that could be reduced if this type of noise was not appropriately managed.</p>	<p>This rule will enable the efficient use of land by enabling frost fans to operate, subject to achieving the noise limits.</p> <p>This rule is effective in terms providing the appropriate noise limits for frost fans that will allow these devices to operate whilst managing noise effects.</p> <p>The rule is considered to be appropriate for achieving the</p>

			proposed noise objective.
<p><b>49.5.16 Vibration</b></p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p> <p>Assessment location: On any structures or buildings on any other site.</p> <p>Time: Refer to relevant standard</p> <p>Noise limit: Refer to relevant standard</p> <p>Non-compliance status: NC</p>	<p>This rule may result in additional compliance costs arising. However, any compliance costs are considered to be acceptable when balanced with the potential effects of vibration.</p>	<p>This rule imposes the New Zealand Standard for vibration for all activities within the District. The New Zealand Standards reflects what is considered to be reasonable noise (which is defined to include vibration under the Act). The benefits arising from this rule will be to ensure activities to not cause unreasonable vibration effects.</p>	<p>This rule enables the efficient use of land, subject to achieving the vibration requirements.</p> <p>This rule is effective in terms enforcing the applicable standard for vibration for activities taking place within the District.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective in relation to vibration.</p>
<p><b>49.5.17 Helicopters</b></p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>For the avoidance of doubt this rule does not apply to designated airports.</p> <p>Assessment location: At any point within the notional boundary of any residential</p>	<p>No costs have been identified associated with this rule aside from compliance costs.</p> <p>This rule will ensure noise from helicopter activities on the land is kept to reasonable levels, in accordance with the relevant New Zealand Standard.</p>	<p>This rule will provide additional guidance to the assessment of noise from helicopters landing. It may result in economic and social benefits as it provides for land based helicopter activities outside of airport designations to occur provided they comply with the specifically defined New Zealand Standard for helicopter noise.</p> <p>This rule will ensure noise from helicopter activities on the land is kept to reasonable levels, in accordance with the relevant New Zealand Standard.</p>	<p>This rule will result in the efficient management of helicopter landing activities in the District in accordance with the appropriate noise standard.</p> <p>This rule is effective in terms of specifying the reasonable noise effects for helicopter landing activities, in accordance with the applicable New Zealand Standard.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective insofar as managing noise</p>

<p>unit, other than residential units on the same site as the activity.</p> <p>Time: At all times</p> <p>Noise limit: 50 dB Ldn</p> <p>Non-compliance status: NC</p>			<p>associated with helicopter landing activities.</p>
<p><b>48.5.18 Fixed Wing Aircraft</b></p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to designated airports.</p> <p>Assessment location: At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p>*Note: The applicable noise limit in this rule and in rule 49.5.17 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</p> <p>Time: At all times.</p> <p>Noise limit: 55 dB L<sub>dn</sub></p>	<p>No costs have been identified associated with this rule, aside from compliance costs. It is noted that reference to this standard is already contained in the District Plan for those designated airports. This rule makes it clear that this standard will also apply to airstrips that are not designated.</p>	<p>This rule will result in economic and social benefits as it provides for land based aircraft activities (outside of airport designations) to occur provided they comply with the specifically defined noise limits for noise from aircraft.</p> <p>This rule will ensure noise from aircraft activities on the land is kept to reasonable levels, in accordance with the New Zealand Standard for these activities.</p>	<p>This rule will result in the efficient management of fixed wing aircraft landing activities in the District in accordance with the appropriate noise standard.</p> <p>This rule is effective in terms of specifying the applicable noise standard for fixed wing aircraft landing activity, in accordance with the applicable New Zealand Standard.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective, in terms of managing noise.</p>

Non-compliance status: NC			
<p><b>49.5.19 Construction Noise</b> Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p> <p>Assessment location: At any point within any other site. Time: Refer to relevant standard Noise Limit: Refer to relevant standard Non-compliance status: D</p>	<p>No costs have been identified associated with this rule. It is noted that this rule is already contained in the District Plan. This rule will ensure construction activities are kept to reasonable levels, in accordance with the New Zealand Standard for these activities.</p>	<p>This rule will result in economic and social benefits as it enables construction activities to take place within specifically defined noise limits.</p>	<p>This rule will result in the efficient use of resources by enabling construction activities to occur without having to achieve the underlying zone noise limits.</p> <p>This rule is effective in terms of specifying the maximum noise limits for this construction activity, in accordance with the New Zealand Standard.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>
<p><b>49.5.20 Motorised Craft</b> Motorised craft on the surface of lakes and rivers must be operated and conducted such that a maximum sound level is not exceeded, when measured and assessed in accordance with Appendix 2.</p> <p>Noise Limit: 77 dB <math>L_{ASmax}</math> Non-compliance status: NC</p>	<p>This rule retains the current rule controlling noise from motorised craft on the surface of lakes and rivers. There is a compliance cost for boat operators associated with this rule. This cost is considered to be acceptable.</p>	<p>The environmental benefit of this rule is to ensure noise effects generated by motorised craft on rivers and lakes is reasonable.</p>	<p>This rule provides for the efficient use of the surface of water.</p> <p>This rule is effective in terms of specifying the maximum noise levels for motorised craft on rivers and lakes.</p> <p>The rule is considered to be the most appropriate for achieving the proposed noise objective.</p>

**13. The risk of not acting**

Section 32(2)(c) of the Act requires, in the evaluation of the proposed policies and methods, the consideration of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

For the proposed noise chapter it is considered that there is certain and sufficient information on the effects on noise, and how to manage noise effects to achieve the purpose of the Act. An assessment of the risk of acting or not acting is not required under section 32(2)(c).

**14. Summary**

Having consideration for the proposed objective it is considered to be the most appropriate way of achieving the purpose of the Act in terms of managing the effects of noise (s32(1)(a)). The proposed provisions contained in the proposed noise chapter are considered to be the most appropriate way to achieve the proposed objective for noise, and the relevant objective of the District Plan that are part of the proposed Strategic Directions Chapter (s32(1)(b)).