

**RULES**

**1.10.0 General**

(a) The following rules shall apply only to Residential Activities or development.

**1.10.1 Limited Discretionary Activities**

The following are *Limited Discretionary Activities*:-

Additions and alterations to any existing building or any new building that is to be utilised for Residential Activities, and is located on a site in the Community Environment or the Hobsonville Village Centre Special Area or the Hobsonville Base Village Special Area or the Massey North Town Centre Special Area – Precinct B shall be required to be designed to achieve a noise level inside any habitable room that meets the Performance Standards in (a), (b) and (c) below:

(a) (i) **45dBA L10 between the hours of 0700 – 2200, and 35dBA L10 between the hours of 2200 – 0700.**

The design shall be based on the assumption that:

(ii) Noise from the Community Environment at the boundary of the site is at the level shown in the table below;

	<b>Octave Band Centre Frequency (Hz)</b>						
	63	125	250	500	1k	2k	4k
<u>Daytime incident L<sub>10</sub> Sound Pressure Level (dB)</u>	69	62	61	56	54	54	49
<u>Night time incident L<sub>10</sub> Sound Pressure Level (dB)</u>	64	57	56	51	49	49	44

(iii) Where measurements are required inside any habitable room all doors and windows in the receiving room shall be shut and any ventilation system switched on.

(iv) At the same time and under the same physical conditions as the internal noise levels in the table (i) above will be achieved, all habitable rooms will be adequately ventilated in accordance with the Building Code.

**ASSESSMENT CRITERIA**

**1.10(a)**

The extent to which the background noise level (L95) in the vicinity of the subject site affects the relevance of noise standards for Residential Activities.

**1.10(b)**

The extent to which the noise generated will meet the provisions of New Zealand Standard NZS 6802: 1991 “Assessment of Environmental Sound” clauses 4.2.1 and 4.2.2.

**1.10(c)**

The extent to which noise generated will exceed the existing background level.

**1.10(d)**

The extent to which adequate noise buffers are provided between the activity and residential and other noise sensitive activities on other sites.

**1.10(e)**

The extent to which the acoustic design of a residential activity in a building or development with frontage to a major road is designed to mitigate predicted traffic flows in the 10 years following the application for resource consent.

Note: See also Policies:

10.2, 10.8, 10.15, 10.27, 11.3, 11.13, 11.19, 11.24  
(Policy Section of the Waitakere District Plan)

## RESOURCE CONSENT CONDITIONS

(v) Compliance with this rule shall be demonstrated by the provision of an acoustic design report from a suitably qualified and experienced acoustic engineer confirming that the building to be constructed is designed to achieve the above noise levels inside any habitable room.

(vi) These controls would only achieve the design criteria within the habitable rooms of the residential component of the building to be utilised for residential activities and the noise levels outside on balconies would not be controlled below the levels as set out in (ii) above.

(b) Where there is a common building element such as floors or walls shared by units each with its own legal title (different ownership), the noise level arising from any activity measured within a habitable room of an adjacent unit which is under different ownership shall not exceed the following levels:

<u>0700 to 2200</u>	<u>45dBA L<sub>10</sub></u>
<u>2200 to 0700</u>	<u>35dBA L<sub>10</sub></u> <u>55dBA L<sub>max</sub></u> <u>45dB @ 63Hz L<sub>10</sub></u> <u>40dB @ 125Hz L<sub>10</sub></u>

(c) The noise levels shall be measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound and during the daytime shall be assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound. At night time the noise shall be assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound, except clause 4.4 shall not be used for any frequency below 250Hz.

Assessment of Limited Discretionary Activities applications will be limited to the matters of building design, acoustic treatment and predicted traffic flows and will be considered in accordance with Assessment Criteria 1.10(a) – 1.10(e)

### 1.10.2 Discretionary Activities

The following are Discretionary Activities:-

(a) Any Residential Activity not meeting the standards in Rule 1.10.1

In granting a resource consent Council may impose conditions. Conditions may include any one or more of the following matters:

- Limiting the size of and/or scale of activity
- Requiring the alteration to the design of the building
- Requiring certification by a suitably qualified and experienced acoustic engineer that the completed building complies with the approved acoustic design report
- Requiring protection of existing vegetation
- Requiring the provision of screening or planting
- The imposition of a bond to ensure satisfaction of conditions of consent
- Requiring mitigation measures in relation to vehicle noise and lights
- The imposition of a charge to cover costs of monitoring the activity
- Requiring a financial contribution
- Requiring onsite or offsite works and services to avoid, remedy, mitigate or offset adverse effects
- Such other matters provided for in section 108 of the Act

Provided that, in the case of Limited Discretionary Activities, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

Assessment of *Discretionary Activities* applications will be assessed having regard to Assessment Criteria 1.10(a) – 1.10(e) and any other matters which are relevant under Section 104 of the Act.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all other *City-Wide Rules* rules, the relevant *Human Environment* and also the *Natural Area Rules*, and, where relevant, the *Subdivision Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to help interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.

**Consequential amendment to COMMUNITY ENVIRONMENT - RULE 13 NOISE:**

**Delete Clause (c)**

~~(c) any existing or new *building* to be utilised wholly or partly for *Residential Activity* where an acoustic design report from a suitably qualified acoustic engineer confirms that the part of the *building* used for *Residential Activity* if constructed as designed will achieve a noise level inside any *habitable room* not exceeding 35dBA L10 between the hours of 10.00pm – 7.00am.~~

**Replace with the following amendment:**

(c)

For any *Residential Activity* see “City Wide General Noise Standards Rule 1.10 - Mixed Use Development – Noise

**Consequential amendment to WORKING ENVIRONMENT RULE 8 NOISE**

**Amend Clause (d) as follows**

(d) where any existing or new *building* or part thereof is to be utilised for a *Residential Activity*, ~~has~~ an acoustic design report from a suitably qualified and experienced acoustic engineer confirming that the *building* if constructed as designed, will achieve a noise level inside any *habitable room* ~~not exceeding 35dBA L10 between the hours of 10.00pm and 7.00am.~~ meeting the following Performance Standards at the time of application for either a building consent (*Permitted Activity*) or resource consent (Limited Discretionary Activity and Discretionary Activity applications) :

- (i) 45dBA L10 between the hours of 0700 – 2200, and 35dBA L10 between the hours of 2200 – 0700.

The design shall be based on the assumption that:

- (ii) Noise from the *Working Environment* at the boundary of the site is at the level shown in the table below:

	<b>Octave Band Centre Frequency (Hz)</b>						
	63	125	250	500	1k	2k	4k
<u>Daytime incident L<sub>10</sub> Sound Pressure Level (dB)</u>	<u>74</u>	<u>67</u>	<u>66</u>	<u>61</u>	<u>59</u>	<u>59</u>	<u>54</u>
<u>Night time incident L<sub>10</sub> Sound Pressure Level (dB)</u>	<u>69</u>	<u>62</u>	<u>61</u>	<u>56</u>	<u>53</u>	<u>53</u>	<u>49</u>

- (iii) Where measurements are required inside any habitable room all doors and windows in the receiving room shall be shut and any ventilation system switched on.

- (iv) At the same time and under the same physical conditions as the internal noise levels in the table (i) above will be achieved, all bedrooms will be adequately ventilated in accordance with the Building Code.

- (v) Compliance with this rule shall be demonstrated by the provision of an acoustic design report from a suitably qualified acoustic engineer confirming that the building to be constructed is designed to achieve the above noise levels inside any habitable room.

- (vi) These controls would only achieve the design criteria within the habitable rooms of the residential component of the *building* to be utilised for *residential activities* and the noise levels outside on balconies would not be controlled below the levels as set out in (ii) above.

## Consequential amendment to General Noise Standards Rule 1.1 – 1.5

### Amend as follows:

#### Rule 1.2 High Noise Routes

Any *dwelling* or *building* containing *Residential Activities* erected on a *front site* adjoining an existing *High Noise Route* shall be a *Permitted Activity* where any *habitable rooms* of the *dwelling* or *Residential Activity* meet the following acoustic standards: ~~providing that the traffic noise as measured within does not exceed a level of 45 dBA Leq (24 hours) with windows closed.~~

(a) meets the following standards within any habitable room with the windows closed:

45dBA Leq between the hours of 0700 – 2200, and  
35dBA Leq between the hours of 2200 – 0700.

(b) Where measurements are required inside any habitable room all doors and windows in the receiving room shall be shut and any ventilation system switched on.

(c) The design shall be based on the traffic flows predicted for the road a minimum of 10 years after the above building has been constructed.

(d) Compliance with this rule shall be demonstrated by the provision of an acoustic design report from a suitably qualified and experienced acoustic engineer confirming that the building to be constructed is designed to achieve the above noise levels inside any habitable room.

(e) Certification at the completion of the construction of the *dwelling* or *building* with *Residential Activities* by a suitably qualified and experienced acoustic engineer that the completed building complies with the approved acoustic design report shall be provided.

### Amend as follows:

#### Rule 1.3 Future High Noise Routes

(a) *Roads* which are to be *High Noise Routes* shall be a *Permitted Activity* where they are designed so that the traffic noise as measured:

3.0 metres inside any *adjoining site*, or 1.0 metre from the most exposed facade of any existing *dwelling* and 1.2m above the *ground*, will not exceed 65dBA Leq(24hours).

(b) Any new dwelling or building containing *Residential Activities*, or any additions or alterations to *habitable rooms* of an existing *dwelling* erected on a *front site* adjoining a *Future High Noise Route*, that will reach the predicted traffic flows for a *High Noise Route* within the 10 years following the application for *building consent* shall be a *Permitted Activity* where any *habitable rooms* of the *dwelling* or *Residential Activity* meet the acoustic standards in Rule 1.2 (a) to (e) above.

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# Policy Section

## Proposed Changes to District Plan Objectives, Policies and Rules for City Wide Rule - Mixed Use Development Noise

### Policy 10.2

Activities should not emit noise such that it causes a nuisance to occupants of surrounding properties. Activities within town centres can generate varying noise effects, and should be managed so as to avoid excessive noise that conflicts with the need to encourage a mix of activities in these areas, including residential and mixed use activities.

#### *Explanation*

Noise has been identified by residents as one of the most significant concerns that affect health. Noise, single intensive noise sources and background or ambient noise levels, contribute to stress which in turn can become a significant factor affecting people's health. This policy is concerned with addressing both single source or event noise and ambient noise levels. It is acknowledged that the noise levels within a town centre can be greater than traditional residential areas. The District Plan seeks to ensure that reasonable noise attenuation is provided for residential activities within town centres but acknowledges that residential activities must coexist with other activities.

#### METHODS

##### *District Plan Rules:*

- General Noise Standards
- Mixed Use Development - Noise
- Noise Rules

Standards for noise are set out in all the Human Environments. In all cases the standards are set to reflect the characteristic levels of quiet of the area, and all fall within the safety levels for humans. These rules are generally appropriate when measured at the boundary of a site, which defines different environments, but are less effective for residential activities located in mixed use developments in Community Environments and certain Special Area Environments where the issue is one of reverse sensitivity. This is because specific design does not reduce the low frequencies as effectively as the high frequencies. The types of Non-Residential Activity that could be outside the sound spectrum and that may generate very high levels of low frequency noise include some nightclubs, bars or cafes with live or amplified music or some industrial activities. City-Wide Rule 4 Mixed Use Development – Noise addresses these issues to ensure that the occupants of apartments in mixed use developments in town centres and other specific mixed use environments can have a reasonable level of quiet for sleeping. All residential activities require specific acoustic design, with a more rigorous process to ensure that the buildings are constructed to achieve the stated performance standards and the noise standards for any activity generating noise during the hours of 2200 - 0700 are amended. Any activity emitting noise exceeding these standards is a non-complying activity.

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## Policy 10.15

Settlement within those parts of the City where existing noise levels exceed that compatible with human health should be avoided, provided that settlement may occur where any adverse effect on occupants of any site can be remedied or mitigated through the design of structures and the screening of the site from the noise source.

### ***Explanation***

There are some areas of the City, particularly around the RNZAF air bases, where noise levels exceed that compatible with human health. A number of high noise routes have also been identified. In the case of the airbases, the District Plan has adopted a policy that seeks to avoid further settlement in these areas as a precaution against further harm. However it recognises that this should be balanced against the possibility that design solutions may offset the effect. The habitable rooms of dwellings on sites adjoining High Noise Routes or on sites adjoining future High Noise Routes must be constructed to achieve the stated performance standards and the process is more rigorous.

### **Methods**

#### ***District Plan Rules:***

- Subdivision Rules
- General Noise Standards Rules
- Mixed Use Development – Noise Rules
- General Apartment Design Rules
- Noise Rules

## Policy 11.13

Activities should be carried out in a way that maintains the characteristic levels of quiet of each Human Environment.

### ***Explanation***

This policy is designed to protect a level of quiet found in different Environments, and avoids incremental rises in noise to the level such that the amenity value associated with that quiet is adversely affected. *Mixed Use Development – Noise Rules* ensure that amenity levels are maintained and to encourage a variety of compatible mixed use activities within town centres.

### **Methods**

#### ***District Plan Rules:***

- General Noise Standards Rules
  - Noise Rules
  - Mixed Use Development - Noise
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## Policy 11.24

Activities within the Lincoln Road Working Environment should be designed, located and carried out in a way that recognises and provides for:

- the higher standard of amenity that exists in this area relative to other Working Environments;
- the maintenance of a range of location choices for businesses.

### **Explanation**

The Lincoln Road Working Environment can be distinguished from other Working Environments by higher standards of amenity and the presence of less noxious industry. The area already has a mix of residential activities due to the proximity of the Bible College of New Zealand, and this mix could be extended by residential development along the banks of the Henderson Creek. Reinforcing these amenity levels will help maintain a range of business locations in the City and also help to reduce home/work separation by providing for a reasonable level of residential activity in this area while allowing for limited residential development.

### **Methods**

#### ***District Plan Rules:***

- Working Environment Rules
- Residential Activities Rules
- Mixed Use Development - Noise

**Add the following paragraph to the Explanation in 6.2.6 Non-Residential Activities:**

#### **Explanation for the Rule**

There are rules relating to the management of noise in all the human environments of the District Plan and the rules have been designed to reflect the predominant activity occurring in that environment. These rules are generally appropriate when measured at the boundary of a site, which defines different *environments*, but these controls are less effective for *residential activities* located in *mixed use developments* in *Community Environments* and in *Working Environments* where the issue is one of *reverse sensitivity*. This is because specific design does not reduce the low frequencies as effectively as the high frequencies. The types of *Non-Residential Activity* that could be outside the sound spectrum and that may generate very high levels of low frequency noise include some nightclubs, bars, cafes with live or amplified music or industrial activities.

For these *Non-Residential Activities*, the approach adopted sets a limit in dBA at the common building element such as floor/ceiling or walls separating different ownership plus a limit on the level of low frequency noise that may be generated by the activity. The combination of design parameters will then control the noise to within a residential use so that the majority of buildings will achieve the design goal.

Changes to other rules relate to *sites* adjoining a *High Noise Route* and *sites* adjoining future *High Noise Routes*. While the standards to be achieved within habitable rooms of *dwellings* have not changed a more rigorous process to ensure that the buildings are constructed to achieve the stated performance standards is required.

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