

Auckland Unitary Plan

# Standard Conditions Manual

## Noise conditions

### Disclaimer

*The information in this Standard Conditions Manual is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the Conditions Manual are advised that:*

- *Although the conditions are "standardised", in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
- *The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
- *Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
- *Auckland Council does not accept any responsibility for, or liability whatsoever whether in contract, tort, equity or otherwise (including negligence) arising from the use of, or reliance on, this Standard Conditions Manual. This includes, without limitation, any liability arising from any error, or inadequacy, deficiency, flaw in or omission from the information provided.*

# Conditions

## Condition 1: Noise limits

Noise from the activity/Noise from all XX associated with the activity [delete one, and if retaining latter, insert specific reference to noise generating plant, equipment or sources] must not exceed the following limits when measured within the [select appropriate point of measurement from one of the following options and delete other options] notional boundary/boundary of the subject site/boundary of the nearest affected property(ies)/ the incident level on the façade of any building, namely [specify addresses of nearest affected properties]:

- a. XX [insert noise limit] between XX [insert time] am and XX [insert time] pm Monday to Friday/Saturday/Sunday [delete two] inclusive
- b. XX [insert noise limit] at all other times on Monday to Friday/Saturday/Sunday. [delete two]

### Advice Note:

*The consent holder is reminded of their general obligation under section 16 of the Resource Management Act 1991 to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.*

*Noise levels are measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise*

---

## Condition 2: Noise report within set time

Within XX [insert number of days] working days of the commencement of the activity, a suitably qualified acoustic professional engaged by the consent holder must provide to the Council, a report that:

- a. measures and assesses noise emitted from the activity/noise from all XX associated with the activity [delete one, and if retaining latter, insert specific reference to noise generating plant, equipment or sources]
- b. undertakes measurements at the following times [specify when measurements should be taken e.g. during maximum occupancy, but delete if unnecessary]

- c. determines the extent of any compliance or breach of the noise limits specified in condition (XX)
- d. recommends specific actions, in the event of a breach, that will ensure compliance with the noise limits specified in condition (XX)

In the event of a breach, all specific actions outlined in the report provided by the suitably qualified acoustic professional in accordance with condition (XX) shall be implemented, to the satisfaction of council, within XX [insert number of days] working days from the provision of that report.

In the event that the specific actions referred to above are not implemented within the period specified in this condition, the activity directly associated with the source of the noise shall cease until such time that the specific actions are implemented.

**Advice Note:**

*Noise levels are measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise*

---

### Condition 3: Noise report at request of the Council

At the request of the Council, and within XX [insert number of days] working days of that request, a suitably qualified acoustic professional engaged by the consent holder must provide to council a report that:

- a. measures and assesses noise emitted from the activity/noise from all XX associated with the activity [delete one, and if retaining latter, insert specific reference to noise generating plant, equipment or sources]
- b. undertakes measurements at the following times [specify when measurements should be taken e.g. during maximum occupancy, but delete if unnecessary]
- c. determines the extent of any compliance or breach of the noise limits specified in condition (XX)
- d. recommends specific actions, in the event of a breach, that will ensure compliance with the noise limits specified in condition (XX)

All specific actions outlined in the report provided by the suitably qualified acoustic professional in accordance with condition XX must be implemented, to the satisfaction of the Council, within XX [insert a number that represents an appropriate balance between the urgency of the noise issue and the time

practically required to implement the recommendations] working days from the provision of that report.

In the event that the specific actions referred to above are not implemented within the period specified in this condition, the activity directly associated with the source of the noise must cease until such time that the specific actions are implemented.

**Advice Note:**

Noise levels are measured in accordance with the provisions of *NZS 6801:2008 Acoustics – Measurement of environmental sound* and assessed in accordance with *NZS 6802:2008 Acoustics – Environmental noise*

---

**Condition 4: Noise management plan**

*Guidance Note:*

*Use the following example conditions as it applies to the activity*

*Example - Event facility*

Within one month of the activity commencing operation the consent holder must engage a suitably qualified acoustic professional to prepare a Noise Management Plan (NMP) and submit it to council for certification. The NMP shall be based on the draft NMP dated xx prepared by xx.

The objectives of the NMP are to:

- i) provide details of the measures to be put in place to comply with noise levels specified in condition (XX),
- ii) identify the means by which their effectiveness will be monitored, and
- iii) outline the procedures to manage and rectify any identified infringements.

The NMP shall include specific details relating to avoiding, remedying or mitigating adverse noise effects on the environment and neighbouring properties as follows: *(the following are examples only)*

- a. consented noise limits
- b. identification of affected receivers
- c. description of mitigation measures e.g. amplified sound system calibration, sound checks and process limiter settings
- d. keeping external doors and windows closed to the [specify specific locations]

- e. noise monitoring procedures
- f. complaints procedure
- g. staff training
- h. staff contact details

The certified NMP (as certified by the council) shall be implemented and maintained throughout [specify period].

*Guidance Note:*

*Best practice is for management plan conditions to specify the purpose/objective of the plan and to also list the matters that the final plan will be certified against.*

---

*Guidance Note:*

*Condition (1) should be imposed in all situations where the activity has originally required consent because it is expected to breach the noise limits specified in the relevant plan. Condition (1) should not be imposed in situations where consent is not required because of an expected infringement of the plan rules relating to noise, and where there is little or no expectation that such a breach would occur once the activity commences. Plans normally establish the circumstances in which noise rules do or do not apply (e.g. crowd noise may be excluded). Check the parameters set out in the plan before imposing any conditions relating to noise. Consider using condition (1), relating to hours of operation, as an alternative, where appropriate.*

*Condition (1) and the accompanying advice note refer to the relevant New Zealand Standards for noise measurement and assessment.*

*Conditions (2) and (3) cater for situations where there is some likelihood or expectation that the limits specified in condition (1) could be breached. Both conditions require potentially expensive noise assessments to be carried out and should not otherwise be imposed.*

*Condition (2) can be employed where there is sufficient risk and uncertainty associated with noise from the activity, that necessitates an acoustic report once the consent has been given effect to, to confirm the activity meets the noise levels anticipated.*

*The situations in which both conditions (2) and (3) or just condition (3) might be imposed are set out in the following table. The circumstances described in the table are illustrative only and do not account for all situations. Conditions should be selected if they are applicable, and discretion (depending on the activity) will need to be exercised. A full assessment of the proposal, site and surroundings is*

required to determine whether monitoring and reporting obligations should be imposed.

The control of noise associated with construction activities is covered by condition (4), general construction conditions.

<i>Circumstances (illustrative only)</i>	<i>condition #</i>
<p><i>Medium to high risk profile</i></p> <p><i>Activity is located in close proximity to site boundary and sensitive receptors</i></p> <p><i>The exact placement of noise-generating equipment (e.g. telecommunication cabinets, air conditioning units, extractor fans) is not clear</i></p> <p><i>Noise from activity could lead to complaints from other parties</i></p> <p><i>AEE does not state what noise levels will be generated by the activity with a high level of confidence, or relies on speculative assertions. For example:</i></p> <ul style="list-style-type: none"> <li><i>• AEE relies on noise profile of similar activities, elsewhere</i></li> <li><i>• AEE contains no background noise readings for subject site</i></li> <li><i>• Activity involves an increase in intensity of use (e.g. increase in number of children at a day care centre), and AEE includes no baseline noise readings for subject site</i></li> </ul>	<p><i>(2) and (3)</i></p>
<p><i>Low to medium risk profile</i></p> <p><i>Activity is not located in close proximity to site boundary and sensitive receptors</i></p> <p><i>Noise from activity could nevertheless lead to complaints from other parties</i></p> <p><i>AEE states what noise levels will be generated by the activity with a high level of confidence. For example:</i></p> <ul style="list-style-type: none"> <li><i>• AEE includes ratings for noise that will be generated by standard noise-generating equipment (e.g. telecommunication cabinets, air conditioning units, extractor fans)</i></li> <li><i>• AEE includes background noise readings for subject site</i></li> <li><i>• Activity involves an increase in intensity of use (e.g. increase in number of children at a day care centre), and AEE includes baseline noise readings for subject site</i></li> </ul>	<p><i>(2)</i></p>