



CHAPTER
11

GENERAL PROVISIONS

Ngā Whāinga Matua

11 General Provisions

11.1 OBJECTIVES AND POLICIES

See also the Objectives and Policies in Chapter 2

Objective Gen1 **Maintain and enhance the health and safety of people and communities from nuisance effects and adverse effects on the environment.**

Policy 1 To avoid, remedy or mitigate the adverse effects of intrusive noise, odour, glare or vibration.

Policy 2 To ensure that signs visible from roads do not distract motorists or otherwise impair their ability to drive safely or undermine the visual amenity of the area.

Policy 3 To suppress dust and control erosion, sediment and stormwater created by building construction/demolition projects, earthworks, mining and quarrying.

Policy 4 To ensure new **buildings** or extensions and **alterations** to existing **buildings** housing a **noise sensitive activity** are designed or located in areas that avoid or mitigate adverse reverse sensitivity effects on the state highways, **operative railway corridors**, geothermal wellheads and the Edgcumbe Dairy Manufacturing site.

Objective Gen2 **Preserve the natural character of the surface of water from inappropriate subdivision, use and development.**

Policy 1 To have particular regard to the intrinsic and aesthetic qualities of the surface of waterways.

Policy 2 To manage activities on the surface of water to protect riverine ecosystems, especially indigenous fish and trout habitats.

Objective Gen3 **To avoid, remedy or mitigate conflicts between users of the surface of the water.**

Policy 1 To maintain and enhance public safety.

Policy 2 To maintain and safeguard the mauri of the water.

Policy 3 To maintain recreational opportunities on the Rangitāiki, Tarawera, Whakatāne, Waimana and Whirinaki Rivers and their tributaries.

Policy 4 To recognise the benefits derived from the operation of existing hydroelectric power stations.

11.2 RULES

The following standards and terms apply to permitted, controlled, and restricted discretionary activities and will be used as a guide for discretionary and non-complying activities. For surface of water activities see Activity Status Table 3.4, Items 41-44.

11.2.1 Earthworks

11.2.1.1 Chapter 17 contains all of the controls for land modification and earthworks activities in the Rural Ōhiwa and Rural Coastal zones.

11.2.1.2 Chapters 15, 16 and 17 contain additional land modification rules that apply to **Significant Indigenous Biodiversity sites**, scheduled Heritage Features, Outstanding Natural Features and Landscapes and Significant Amenity Landscapes.

11.2.1.3 There are no limits for earthworks in the Rural Plains and Rural Foothills zones other than those stated in other Chapters of this Plan including Chapters 15, 16 and 17.

11.2.2 Earthworks are a permitted activity in all zones provided that;

11.2.2.1 In the Community and Cultural Zone earthworks undertaken within any 12 month period;

- a. do not exceed 400m² in area; and
- b. do not exceed 200m³ in volume.

11.2.2.2 In the **CPZ**, earthworks undertaken within any 12 month period;

- a. do not exceed 200m² in the area; and
- b. do not exceed 100m³ in volume

11.2.2.3 In the Residential, Urban Living, Mixed Use, Town Centre, Commercial, Large Format Retail, Education Zone; **Public reserves**(that is not provided for under a management plan under the Reserves Act 1977), or an Industrial or light Industrial zone site that adjoins a Residential, Urban Living Zone or a marae; earthworks undertaken within any 12 month period;

- a. do not exceed 350m² in area; and
- b. do not exceed 150m³ in volume;
- c. do not occur on slopes with a gradient steeper than 1 vertical: 1.5 horizontal (35 degrees from horizontal); and
- d. do not encroach below or above the **ground level** of an adjoining site at a gradient steeper than 1 vertical: 1.5 horizontal (35 degrees from horizontal) measured from the common boundary.

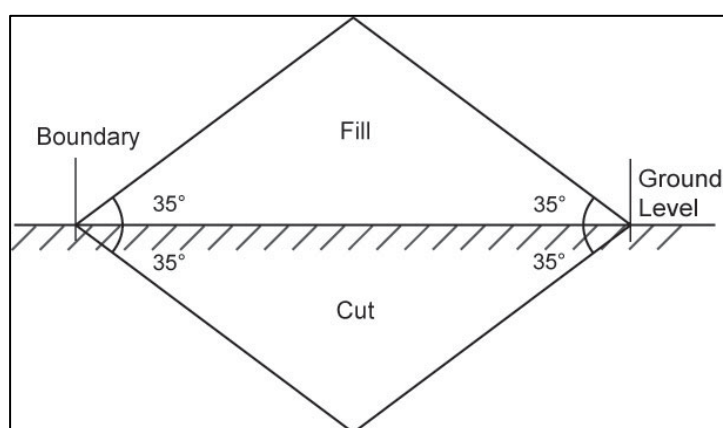


Figure 11.1 Earthworks

11.2.2.4 In the Active Reserve Zone earthworks within any 12 month period:

- a. do not exceed 500m³, provided that earthworks associated with activities on **public reserves** are provided for in a management plan under the Reserves Act 1977; and

- b. do not exceed 600m², provided that earthworks associated with activities on **public reserves** are provided for in a management plan under the Reserves Act 1977.

11.2.2.5 Earthworks undertaken by a **Network Utility Operator** within a **Formed Road** are permitted if they comply with Rules 11.2.3.1 (a), (e) and (f). The area and volume (m² and m³) thresholds for zones do not apply to this activity.

11.2.3 Permitted Standards for Earthworks

11.2.3.1 In undertaking any earthworks;

- a. soil shall not, as far as practicable, be windblown from the site or taken from the site inadvertently on vehicle tyres or by other activity on-site. Where there is a risk of dust nuisance extending beyond the property boundary a form of dust suppression shall be available on-site at all times that earthworks are being undertaken, and until such time as site restoration has occurred or a structure has been constructed over the area of the earthworks;
- b. all cut faces shall be battered to a grade that is self-supporting or retained to avoid instability of land behind the cut;
- c. the land shall be restored in accordance with the Rules in 11.2.5 (Site Restoration) below, shall be completed within the first growing season after earthworks. Topsoil shall, as far as practicable, be retained on-site for use in restoring the land after earthworks. Topsoil shall be removed from both cut-and-fill areas before excavation and/or construction of embankments and restored to bare soil areas after completion of the works. Provided that this provision shall not apply if the purpose of the earthworks to create an access track or the area will be covered in an impermeable surface;
- d. only **clean fill** (see definition) shall be used for the preparation of a building platform;
- e. stormwater discharge from the site shall not increase or disrupt existing overland flow paths; and
- f. measures to control stormwater and sediment during works shall be designed and constructed in such a way as to minimise soil erosion, dust and sediment discharge. Compliance with NZS 4404:2010 is one means of meeting this rule.

11.2.3.2 Non-compliance with the Rules 11.2.1 and 11.2.2 shall be a Restricted Discretionary activity.

Advice Note 1: Bay of Plenty Regional Council also controls this activity through the Regional Water and Land Plan which has a range of thresholds triggering resource consent. Discharge of dust from earthworks is controlled under the Bay of Plenty Regional Air Plan. However, the District Plan controls additional effects including noise, traffic, amenity, natural character, landscape and visual effects and natural hazards related to buildings. Where there is cross-over of functions (including control of dust, stormwater, erosion and sediment control) and resource consent is required from both the Regional and District Authorities, the District Council consent will take into account any conditions imposed by the Regional Authority to avoid inconsistency or unnecessary duplication of controls.

Advice Note 2: Any fill deposited on-site may need to be compacted under the supervision of, and certified by, a registered engineer to avoid any subsequent **building** having to have the foundations specifically designed by a suitably qualified structural engineer.

Advice Note 3: Any development involving earthworks within the areas as shown on the Planning Maps as 'archaeological alert' have a high probability of encountering intact archaeological resources and will require further archaeological assessment prior to ground disturbance. Heritage New Zealand Pouhere Taonga should be contacted prior to any earthworks in these areas. The Council holds information about the location of all recorded archaeological sites. Evidence of unrecorded archaeological sites uncovered as a result of earthworks may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and European origin or human burials. Earthworks affecting archaeological sites (recorded or unrecorded) are subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014. An authority (consent) from the Heritage New Zealand Pouhere Taonga must be

obtained for the work prior to commencement and this process will include consultation with iwi. It is an offence to modify damage or destroy a site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage. The applicant is advised to contact the Heritage New Zealand Pouhere Taonga for further information. **Scheduled heritage features** including archaeological, cultural and built heritage are identified in Schedule 16.7.1 and 16.7.2. It is good practice to consult with iwi where earthworks may affect any archaeological or waahi tapu site. Some iwi have protocol to follow.

Advice Note 4: Earthworks associated with a subdivision shall be assessed as part of the resource consent application for subdivision.

Advice Note 5: The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 also applies to certain activities, including removing fuel storage systems; sampling soil and disturbing soil. See also Rule 19.5.

Advice Note 6: Earthworks may also require approval from the Bay of Plenty Regional Council under the provisions of the Floodway and Drainage Bylaw 2008 and any subsequent revisions. See also Section 18.2.2.

Advice Note 7: In accordance with Regulation 33 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, Rule 11.2.1 does not apply to earthworks relating to existing transmission lines specified in regulation 4 of the NES and covered by that NES.

Advice Note 8: Any earthworks, including those associated with quarrying and mining, located within a **National Grid Yard**, are subject to the rules for earthworks in section 20.2.8 of Chapter 20 (Works, Network Utilities and Renewable Electricity Generation).

11.2.4 Mining and Quarrying

11.2.4.1 The exploration for aggregate, sand, gravel or pumice is a permitted activity subject to;

- a. the period of **exploration** not exceeding one month in duration; and
- b. no explosives being used.

11.2.4.2 In the Rural Plains and Rural Foothills Zones, the **quarrying or mining** of aggregate, sand, pumice and/or gravel for use on the same site is a permitted activity subject to;

- a. a maximum of 2,000m³ is quarried or mined in any 12 month period or a maximum of 10,000m³ in any five year period. Provided that this restriction shall not apply if the quarry or mine and associated activities, including traffic routes on the site, are located more than 500m from an existing dwelling and are not in a direct line of sight from an existing dwelling on an adjoining property or a formed public road.
- b. the processing of aggregate, sand, pumice and/or gravel is limited to screening or washing;
- c. no explosives are to be used;
- d. indigenous vegetation shall be protected from disturbance by mining or quarrying activities except when such disturbance as is unavoidable. The disturbance of indigenous vegetation is unavoidable only if restricted to the area forming the active face from which aggregate, sand, pumice or gravel material is excavated, the area used for the temporary storage of the excavated material, and the area required to provide access to the site;¹
- e. Compliance with Rules 11.2.3.1 (a),(b),(e) and (f);
- f. Compliance with Rule 11.2.4 ; and

11.2.4.3 For clarity, where an established quarry or mine is used intermittently, this rule shall apply where the use ceases

¹ Refer also to Chapter 15

for a period of 12 months or greater;

Advice Note: Bay of Plenty Regional Council also controls this activity through the Regional River Gravel Management Plan which has a range of thresholds triggering resource consent. Discharge of dust from mining and quarry activities are controlled under the Bay of Plenty Regional Air Plan. However, the District Plan controls additional effects including noise, traffic, amenity, natural character, landscape and visual effects and natural hazards related to buildings. Where there is cross-over of functions (including control of dust, stormwater, erosion and sediment control) and resource consent is required from both the Regional and District Authorities, the District Council consent will generally take into account any conditions imposed by the Regional Authority to avoid unnecessary duplication.

11.2.4.4 Non-compliance with Rule 11.2.4 shall be a Restricted Discretionary activity.

Advice Note 1: There are Regional Council rules that apply to Quarrying and Mining.

Advice Note 2: Indigenous vegetation disturbance during **exploration** activities must comply with the rules in Chapter 15 Indigenous Biodiversity.

11.2.5 Site Restoration

11.2.5.1 All activities involving earthworks, mining and quarrying, and demolition and relocation of buildings, shall restore the land (including tailings, spoil and dumps) and remove structures (including plant and machinery) to a stable landform with a soil structure and fertility that is capable of supporting vegetation similar to that commonly found in local habitats. Restoration includes scarification to prevent over-compaction and to aid root penetration.

11.2.5.2 Rule 11.2.5 shall also apply to **Production forestry**, if the land is not replanted as **Production forestry** following harvesting (Refer to Rule 17.3.2)

11.2.5.3 Restoration shall occur prior to the first growing season to enable re-pasture and revegetation (as required below).

11.2.5.4 Land that has been restored shall be repastured or revegetated within the next growing season if the site is in the Residential, Urban Living, Reserve, Coastal Protection and Ōhiwa Zones, or within the first growing season following restoration of the soil profile (including topsoil on sites that have not been production forest) in all other zones. Revegetation works in the Reserve, Coastal, Ōhiwa, or **CPZ** should be of a similar nature to, or an enhancement of what existed before works were undertaken. The rehabilitated areas will be maintained and managed to a point where they are self-sustaining. Site rehabilitation shall include the management of tailings to avoid contaminated discharges and instability.

11.2.5.5 In the case of former **Production forestry** sites in the Rural Coastal, Rural Ōhiwa, Outstanding Natural Features and Landscapes and Significant Amenity Landscapes, the land shall be re-pastured or revegetated with indigenous species. Restoration shall include plantings to screen cut faces associated with access roads and tracks that are visible from public places.

11.2.5.6 The **Council** may apply bonds or financial charges on resource consents to ensure that appropriate restoration is undertaken. The value of the bond shall be based on the likely and reasonable cost of implementing and managing rehabilitation work.

11.2.5.7 Where the land resource cannot be fully and appropriately restored, the **Council** may require a financial contribution as a condition of a resource consent.

11.2.5.8 The **Council** may require certification by an appropriately qualified person to confirm;

- a. that the soil profile has been restored to support vegetation similar to that commonly found in local habitats;
- b. rehabilitation and replanting is complete;
- c. the time period in which a nominated person or company will be responsible for on-going **maintenance** of the plantings; and

d. details of the **maintenance** programme.

11.2.5.9 Non-compliance with rules in 11.2.5 shall be a Restricted Discretionary activity.

11.2.6 Noise Limits

11.2.6.1 Noise from any activity (not listed in Table 11:2) shall not exceed the following limits when measured at any point within the following receiving zones.

Noise Limits, dB			
Receiving Zone	Daytime 7am to 10pm Monday to Sunday inclusive, including Public Holidays	Night-time (At all other times)	Notes
a. Residential, Urban Living and Education Zone	50 LAeq	40 LAeq 70 LAmax	
b. Rural (Plains, Coastal, Ōhiwa, Foothills, and Deferred Zone)	50 LAeq	40 LAeq 70 LAmax	To be measured and assessed within the notional boundary
c. Mixed Use; Except that the Residential noise limits in Rule 11.2.6.1 (a) shall apply if a receiving site is still used for a residential activity (including a home occupation) that was established on or before 28 June 2013.	60 LAeq	40 LAeq 70 LAmax	
d. Active Reserve and CPZ	55 LAeq	45 LAeq 70 LAmax	
e. Commercial, Business Centre and Large Format Retail and Community and Cultural Zone	65 LAeq	60 LAeq 75 LAmax	Octave band noise sounds shall not exceed 75dB Leq (1 minute) at 63Hz 65dB Leq (1 minute) at 125Hz
f. Light Industrial	70 LAeq	60 LAeq 75 LAmax	
g. Industrial	75 LAeq	70 LAeq 80 LAmax	

Table 11:1 Zone Noise Limits

11.2.6.2 The activities in Table 11:2 are exempted from the noise limits of Table 11:1. Subject to clauses 11.2.5.3 and

11.2.5.4 noise from any activity described in this table shall not exceed the limits specified, or where reference is made to a New Zealand Standard, shall not exceed the appropriate sound level limit recommended or specified in the relevant standard. These activities are recognised as having characteristics requiring different assessments methods or noise limits and assessment positions vary.

Activity	Noise Controls			
Construction Noise (see Note a)	Comply with the provisions of NZS6803:1999 – Construction Noise			
Temporary Military Training Activities a. Weapons firing and/or other use of explosives	1. Notice shall be provided to the Council at least 15 working days prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing or blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities ; and the timing and duration of the activity; and			
	Either; 2. Compliance with the standards below:			
	Time (Monday to Sunday)		Separation distance required between the boundary of the activity and the notional boundary of any noise sensitive activity	
	i. Live firing of weapons and single and multiple explosive events	0700 to 1900 hours	At least 1500m	Less than 1500m if conditions (a) and (c) below are complied with
		1900 to 0700 hours	At least 4500m	Less than 4500m if conditions (b) and (c) below are complied with
	ii. Firing of blank ammunition	0700 to 1900 hours	At least 750m	Less than 750m if conditions (a) and (c) below are complied with
		1900 to 0700 hours	At least 2250m	Less than 2250m if conditions (b) and (c) are complied with
Or: 3. Conditions to be complied with if minimum separation distances for sources 2(i) and 1(ii) cannot be met:				
Condition	Time (Monday to Sunday)	Noise level at the notional		

Activity	Noise Controls		
			boundary of any building housing a noise sensitive activity
	a.	0700 to 1900 hours	Peak sound pressure level of 120dBC
	b.	1900 to 0700 hours	Peak sound pressure level of 90 dBC
	c.	<p>The activity is undertaken in accordance with Noise Management Plan prepared by a suitably qualified expert and approved by Council at least 15 working days prior to the activity taking place. The Noise Management Plan shall, as a minimum, contain:</p> <ul style="list-style-type: none"> i. A description of the site and activity including times, dates and nature and location of the proposed training activities; ii. Methods to minimise the noise disturbance at noise sensitive receiver sites such as section of location orientation, timing of noisy activities to limit noise received at sensitive receiver sites; iii. A map showing potentially affected noise sensitive sites and predicted peak sound pressure levels for each of these locations; iv. A programme for notification and communication with the occupiers of affected noise sensitive sites prior to the activities commencing, including updates during the event; v. A method for following up any complaints received during or after the event and any proposed de-briefing meetings with the Council. 	
<p>Temporary Military Training Activities</p> <p>b. Mobile noise sources, excluding sources a(i) and a(ii) above</p> <p>Note: mobile noise sources (other than firing of weapons) include sources such as personnel; light and heavy vehicles, self-propelled equipment, and earthmoving equipment</p>	Compliance with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics – Construction Noise with reference to 'construction noise' taken to refer to other mobile noise sources.		
<p>Temporary Military Training Activities</p> <p>c. Fixed (stationary) noise</p>	Time (Monday to Sunday)	Noise level at notional boundary of any building housing a noise sensitive activity	

Activity	Noise Controls		
sources excluding sources a(i) and a(ii) Note: fixed (stationary) noise sources (other than the firing of weapons and explosives) include noise sources such as power generation, heating and ventilation or air conditioning systems, or water, or wastewater pumping/treatment systems.	0700 to 1900 hours	55 dB L_{Aeg} (15min)	Not applicable
	1900 to 2200 hours	50 dB L_{Aeg} (15min)	
	2200 to 0700 hours the next day	45 dB L_{Aeg} (15 min)	75 db A_{F} max
Prospecting (see notes b and c)	<p>Shall comply with the relevant zone noise limits in Table 11:1 at the specified measurement and assessment position for those zone(s), except that blasting noise and all vibration shall comply with the following:</p> <p>Occur only between 7am and the following 7pm; and</p> <p>No more than 2 events per hour, with a maximum of 8 events per day; and</p> <p>All occupiers of houses, dwellings or habitable buildings within a 2 kilometre range shall be advised in writing no less than 5 working days prior to the blasting occurring; and</p> <p>Overblast pressure incident on houses or habitable buildings shall not exceed 115dB L_{Zpeak}; and</p> <p>Ground borne vibration shall not exceed the limits specified in DIN4150-3:1999</p>		
Community events in the following locations: a. Rugby Park (Allot 667 Waimana PSH) b. Rex Morpeth Park (Allot 667 Waimana PSH) c. Mātaatua Reserve (Lot 1 DPS 72551) d. Rose Gardens and Amphitheatre (Section 50 Block II Whakatāne SD) e. Mahy Reserve, Ōhope (Lot 19, DP 22192, Lot 18 DP 22192, Lot 20 DP 22192, Lot 16 DP 22192, Part Lot 15 DP 22192) f. Maraetōtara Reserve, Ōhope (Lot 3 DPS 44531) g. Bluett Park, Ōhope	<p>Shall comply with the zone noise limits in Table 11:1 at the specified measurement and assessment position for those zone(s). Except as follows:</p> <p>A total of up to 6 events per year between 7am and 10.30pm that exceed the noise limits in Table 11:1 Zone Noise Limits for the zone may be held providing the following criteria are met:</p> <p>a. For 4 events in any 12 consecutive month period a noise limit of 80dB $L_{Aeq}(1\text{ hour})$ within relevant adjacent zone(s) providing the event and pre event rehearsal do not individually exceed 3 hours in duration;</p> <p>b. Octave band noise shall not exceed;</p> <p>i. 95 dB $L_{eq}(1min)$ at 63 Hz; and</p> <p>ii. 85 dB $L_{eq}(1min)$ at 125 Hz.</p> <p>c. For 2 events in any 12 month period – a noise limit of 70dB $L_{Aeq}(1\text{ hour})$ within relevant adjacent zone(s) providing the event does not exceed 12 hours per day over a two day period;</p> <p>d. Octave band noise at dwellings shall not exceed:</p> <p>i. 85dB $L_{eq}(1min)$ at 63 Hz; and</p> <p>ii. 75dB $L_{eq}(1min)$ at 125 Hz.</p>		
Edgecumbe Dairy Manufacturing Site.	Noise from any activity at the Edgecumbe Dairy Manufacturing Site (other than construction activity) shall not exceed 45dB L_{Aeg}		

Activity	Noise Controls
	when measured at the 45 dB L _{Aeg} Noise Contour (as per the existing use certificate dated 16 March 2011) as shown on Planning Maps 128B and 129B. This rule does not apply to that part of the 45 dB L _{Aeg} Noise Contour located within any land owned by the owners of the Edgcombe Dairy Manufacturing Site.
<p>Helicopters using Helicopter Landing Areas for more than 10 flight movements in any 30 day period subject to 11.2.7.1.</p> <p>Helicopters using Helicopter Landing Areas less than 10 flight movements in any 30 day period or Helicopters involved in emergency operations are exempt from the provisions in Table 11:1 and Table 11:2.</p> <p>Helicopters using Helicopter Landing Areas for primary productive use are exempt from the provisions in Table 11:1 and Table 11:2.</p> <p>For clarity, a flight movement is a single helicopter flight operation (i.e. arrival or departure). Maintenance procedures are excluded.</p>	<p>Shall comply with the provisions NZS6807:1994 – Noise management and land use planning for helicopter landing areas.</p> <p>Advice Note: Except as specified in Section 9(5) of the RMA, this rule does not apply to overflying aircraft.</p>
Wind turbine generators with swept area greater than 200m ² (see Note f)	Shall comply with NZS 6808: 2010 Acoustics – Wind farm noise.
<p>Dwellings/ occupancies/habitable spaces in zones other than Residential and Rural. (see Note g)</p>	<p>A dwelling or occupancy or habitable space is permitted in zones other than Residential and Rural if the total internal sound level in any habitable room does not exceed a design level of 35dB L_{Aeq(24 hours)} while at the same time complying with the ventilation requirements of clause G4 of the New Zealand Building Code. The total sound level shall include all intrusive noise and mechanical services.</p> <p>In determining the external sound level, an assumption is made that the noise incident upon the noise sensitive building facade is from at least three separate activities simultaneously generating sound levels up to the noise limit in Table 11:1 of the zone in which the dwelling/occupancy/habitable room is proposed.</p> <p>Compliance with the above must be confirmed in writing by a suitably qualified and experienced acoustic consultant.</p>
<p>Audible bird scaring devices (see Note h).</p>	<p>General Requirements</p> <p>Audible bird scaring devices shall only be operated from half an hour before sunrise to half an hour after sunset.</p> <p>A legible notice is to be fixed to the road frontage of the property on which the device is being used, giving the name, address,</p>

Activity	Noise Controls
	<p>contact telephone number of the person responsible for the operation of any such device(s).</p> <p>Devices that Generate Discrete Sound Events</p> <p>Discrete sound events from an audible bird scaring device, including shots or audible sound shall:</p> <ul style="list-style-type: none"> i. shall not exceed 100dB L_{Zpeak}, ii. not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour. <p>Devices that Generate Short or Variable Sound Events</p> <p>Where audible sound is used over a short or variable time duration, no event may result in a sound level greater than 50dBA SEL.</p> <p>Audible bird scaring devices which do not comply with this rule are a restricted discretionary activity.</p>
Frost fans (see Note h)	<p>Noise generated by frost fans shall not exceed 55dB L_{Aeq,10min}</p> <p>A legible notice is to be fixed to the road frontage of the property on which it is being used, giving the name, address and telephone number of the person responsible for the operation.</p> <p>Frost fans which do not comply with this rule are a restricted discretionary activity.</p>
Noise sensitive activities near any of State Highways 2, 30, and 34	See Rules in 11.2.8.
Noise from Whakatāne Airport and Galatea aerodrome and Associated Activities	See Rules in 11.2.9.
Telecommunication Cabinets in the Road Reserve	The Resource Management (National Environment Standards for Telecommunication Facilities) Regulations 2008, regulation 9 applies to these activities and should be referred to.
Vehicles, fixed wing aircraft and mobile machinery associated with farming and production forestry in a rural zone (excluding industrial chippers and de-barkers).	Subject to the best practicable option always being adopted to ensure the emission of noise does not exceed a reasonable level, the following activities are exempt from compliance with Table 11:1 providing they are of limited duration or seasonal in nature are not in a fixed location, non-permanent and are vehicles and mobile machinery associated with farming and production forestry . Examples include felling, harvesting, spraying and planting machinery.
Noise Sensitive Activities near the Edgecumbe Dairy Manufacturing Site	Refer to Rule 11.2.10
Noise Sensitive Activities near an operative railway corridor	Refer to Rule 11.2.11

Activity	Noise Controls
Dwellings within 300m of an existing geothermal wellhead	Refer to Rule 11.2.12.

Table 11:2 Specific Activity Noise Limits

11.2.7 Table 11:1 and Table 11:2 Specific Activity Noise Limits

11.2.7.1 Assessment positions vary according to the assessment method cited. The following notes specify where an assessment position may be found in a cited reference, or where an assessment position is for a zone or activity:

- a. Construction Noise NZS6803:1999, section 6.2;
- b. Blasting noise: at any point within the notional boundary of any building or space on another lot used for noise sensitive activity;
- c. DIN4150-3:1999, section 5.1
- d. Octave band noise. At any point within the boundary of another lot used for a **noise sensitive activity** in any Residential, or Mixed Use Zone. In any rural zone, at any point within the notional boundary of any **building** or space on another lot used for a **noise sensitive activity**;
- e. Helicopter landing areas NZS 6807:1994 Section 4.2
- f. Wind farms NZS 6808:2008 Section 7.1
- g. Measurements inside buildings NZS 6801:2008;
- h. At any point within the notional boundary of any rural zoned site, or within the site boundary of any other site used for a **noise sensitive activity** excluding any dwelling/s located on the same site as that on which the device is being operated.

11.2.7.2 Unless stated otherwise, sound shall be measured in accordance with NZS 6801:2008 Acoustics Measurement of Environment Sound and assessed in accordance with NZS6802:2008 Acoustic- Environment Noise. The noise limits in 11.2.6 shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from such sources shall be assessed in accordance with the relevant New Zealand Standard listed in 11.2.6.2.

11.2.7.3 Sound levels shall be measured and assessed at the positions given in Table 11:1 and Table 11:2 and clause 11.2.7.2. The assessment position in a rural zone is at any point within the notional boundary of any building or space used for a noise sensitive activity as defined in this Plan. Where Table 11:1 and Table 11:2 include reference to octave bands, the reference shall be deemed to be the nominal centre frequency for standardised octave bands.

Advice Note: Example sound levels of various activities are shown in the diagram contained in Appendix 22.5.

11.2.8 Noise sensitive activities near any of State Highways 2, 30 and 34

11.2.8.1 Within 80m in a Rural Zone and the Residential Zone at Shaw Road, or 40m in any other Residential zone from any of State Highway 2, 30 and 34 (measured from the nearest painted edge of the carriageway):

- a. any new **building** housing a **noise sensitive activity** shall meet an internal road-traffic design sound level of 40 dBLAeq(24h) inside all **habitable rooms**, teaching spaces or general office areas; and
- b. any addition, extension or alteration to an existing **building** housing a **noise sensitive activity** which exceeds 25% of the existing GFA shall be designed and constructed to achieve a maximum internal road-

traffic design sound level of 40 dBL_{Aeq} (24h) inside all **habitable rooms, teaching spaces or general office areas**.

11.2.8.2 An acoustics design report from a suitably qualified and experienced acoustics expert shall be provided to the **Council** demonstrating compliance with Rules in 11.2.8 – Noise sensitive activities near State Highways 2, 30 and 34 prior to the commencement of construction.

11.2.8.3 As an alternative to complying with Rules 11.2.8.1 and 11.2.8.2 any new **building**, or alteration/addition to a **building** which exceeds 25% of the existing **GFA**, housing a **noise sensitive activity** shall comply with the following;

a. the windows and any glazing on doors of all **habitable rooms, teaching spaces or general office areas** shall be constructed with glazing that includes a laminated pane that is at least 6.38mm thick and covers the glazed area.

11.2.8.4 Where windows are required to be closed to achieve the requirements of Rules 11.2.8.1 and 11.2.8.2 a ventilation system shall be installed that;

a. consist of an air conditioning unit(s) provided that the sound level generated by the unit(s) must not exceed 40 dBL_{Aeq(30s)} in **habitable rooms** (excluding bedrooms), **teaching spaces or general office areas**, and 35 dBL_{Aeq(30s)} in bedrooms, when measured 1m away from any grill or diffuser; or

b. comprise a system capable of providing at least 6 air changes per hour in **habitable room, teaching spaces or general office areas**. The occupant must be able to control the ventilation rate in increments up to a high airflow setting that provides at least 6 air changes per hour; and

c. the internal air pressure must be no more than 10 Pa above ambient air pressure due to the ventilation systems; and

d. The system must provide cooling that is controllable by the occupant and can maintain the temperature at no greater than 25 degrees celsius.

11.2.8.5 Rules 11.2.8.1 through 11.2.8.3 inclusive do not apply if;

a. the nearest façade of the **building** housing a **noise sensitive activity** is at least 50m from any of State Highways 2, 30 and 34 (measured from the nearest painted edge of the carriageway), and there is a solid **building, fence, wall or landform** that blocks the line of sight from all parts of windows and doors to habitable spaces to any part of the road surface of the State Highway Road or

b. it can be demonstrated by way of prediction or measurement by a suitably qualified and experienced acoustics expert that the road-traffic sound level from any of State Highways 2, 30 and 34 is less than 55 dBL_{Aeq} (24h) at all facades of new **building, or extension/alteration to an existing building**, housing a **noise sensitive activity**.

Advice Note: A summary of the Noise NZ Standards referenced in the District Plan is contained in Appendix 22.4

11.2.9 Airport Noise Management

11.2.9.1 Any **dwellings or buildings** to be used for habitation, constructed within 500m of Whakatāne Airport boundary shall be designed, constructed and maintained to achieve an internal design of 40 dB L_{dn} for all **habitable rooms** (excluding bedrooms) and 35 dBL_{Aeq} (30s) in bedrooms. The sound insulation shall be based on external sound level as shown in Chapter 11 and calculations must provide for an allowance for 5% per annum for growth for the next 10 years.

11.2.9.2 An acoustic design report from a suitably qualified acoustics expert shall be provided to the **Council** to demonstrate compliance with Rule 11.2.9.1.

11.2.9.3 Where the sound levels in Rule 11.2.9.1 cannot be met with ventilating windows open, a ventilations system shall

be installed in all **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg (30s)} in any **habitable room** when measured at least 1m from any grille or diffuser.

- 11.2.9.4 Any dwelling or buildings to be used for habitation, constructed within 500m of the Galatea Aerodrome boundary are to be designed to comply with New Zealand Standard 6805:1992 Airport Noise Management and Land Use Planning NZS 6807: 1994 Helicopter and Heliport Sound Management.

11.2.10 Noise Sensitive Activities Near The Edgecumbe Dairy Manufacturing Site

- 11.2.10.1 Any new **building** housing a **noise sensitive activity** located within the 45 dBL _{Aeg} Noise Contour for the Edgecumbe Dairy Manufacturing Site, as shown on Planning Maps 128B & 129B, shall be designed, constructed and maintained to achieve an internal design level of 40 dBL _{Aeg(24hours)} for all **habitable rooms** (excluding bedrooms) and 35 dBL _{Aeg(24hours)} in bedrooms.

- 11.2.10.2 An acoustic design report from a suitable qualified acoustics expert shall be provided to the Council to demonstrate compliance with Rule 11.2.10.1.

- 11.2.10.3 Where the sound levels in Rule 11.2.10.1 cannot be met with ventilation windows open, a ventilation system shall be installed in all **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg(30s)} in any **habitable room** when measured at least 1m from any grille or diffuser.

11.2.11 Noise Sensitive Activities Near An Operational Railway Corridor

- 11.2.11.1 Any new building housing a **noise sensitive activity** located within 100 metres of any operational railway corridor boundary shall be designed, constructed and maintained to achieve an internal design level of 40 dBL _{Aeg (1hour)} for all **habitable rooms** (excluding bedrooms) and 35 dBL _{Aeg (1hour)} in bedrooms.

- 11.2.11.2 The design shall take into account future use of the railway line, by the addition of 3dB to existing measured or calculated sound levels, incident upon the proposed dwelling.

- 11.2.11.3 An acoustic design report from a suitable qualified acoustic expert shall be provided to the Council to demonstrate compliance with Rule 11.2.11.1.

- 11.2.11.4 Where the sound levels in Rule 11.2.11.1 cannot be met with ventilating windows open, a ventilation system shall be installed in all **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg (30s)} in any habitable room when measured at least 1m from any grille or diffuser.

11.2.12 New Dwellings Within 300m of an Existing Geothermal Wellhead

- 11.2.12.1 Any new **dwelling** located within 300 metres of an existing geothermal wellhead shall be designed, constructed and maintained to achieve an internal design level 40 dBL _{Aeg (1hour)} for all habitable rooms (excluding bedrooms) and 35 dBL _{Aeg (1hour)} in bedrooms.

- 11.2.12.2 An acoustic design report from a suitably qualified acoustic expert shall be provided to the Council to demonstrate compliance with Rule 11.2.12.1.

- 11.2.12.3 Where the sound levels in Rule 11.2.12.1 cannot be met with ventilating windows open, a ventilation system shall be installed **habitable rooms** in accordance with Clause G4 of the New Zealand Building Code. The sound level generated by any ventilation system must not exceed 35 dBL _{Aeg (30s)} in any **habitable room** when measured at least 1m from any grille or diffuser.

Advice Note: The ventilation standards in Clause G4 of the New Zealand Building Code are the minimum ventilation requirements that must be met. However, they do not address the ‘thermal comfort’ experienced by occupants of buildings, when windows are closed. Consideration should be given to provision of a higher standard of thermal

comfort by installation of mechanical system which provides ventilation, heating and cooling of a building.

11.2.13 **Vibration**

11.2.13.1 Unless otherwise specified below, vibration from any activity shall in the first instance be measured and assessed in accordance with and shall comply with;

- a. AS 2670.1-2001 Evaluation of Human Exposure to Whole-body Vibration – General requirements;
- b. AS 2670.2-1990 Evaluation of Human Exposure to Whole-body Vibration - Continuous and shock-induced vibration in **buildings** (1 to 80 Hz); and
- c. DIN 4150-3:1999 Effects of vibration on structures.

11.2.13.2 Where a scenario arises where these standards are not best suited in assessing the vibration source or receiver of interest, **Council** may through the resource consent process agree to the use of alternative standards.

11.2.13.3 Alternative measurement location(s) to those specified above may be appropriate on a case by case basis. This shall be discussed and agreed with appropriate **Council** staff. Any reports submitted to **Council** shall describe the use of an alternative measurement position and the reasons for its use.

11.2.14 **Vibration Requirements For Noise Sensitive Activities Within 60 Metres Of An Operational Railway Corridor**

11.2.14.1 Any new building housing sensitive activity located within 60 metres of an operational railway corridor boundary shall be designed to meet Class C Vibration levels as set out in NS 8176E:2005 Vibration Shock and Measurement of Vibration in Buildings from Land Based Transport Guidance to Evaluation of its Effects on Human Beings. Compliance with this standard shall be confirmed in writing by a person suitably qualified and experienced in vibration.

11.2.15 **Odour and Other Reverse Sensitivity Effects**

11.2.15.1 No **dwelling**s or nominated building platforms for a **dwelling** are to be sited closer than 300m from;

- a. the outer perimeter of any community oxidation pond excluding the area to the north of the Ōhope oxidation ponds (D33), where the setback shall be 100m; or
- b. the outer perimeter of an oxidation pond on land legally described as Lot 5 DPS 27505, Lt 3 DPS 44413, Lot 2 DPS 16131, Pt Allot 332 Matatā Parish, Pt Matatā 39A4 Lot 1 (formerly Pt Lake Rotoitipaku), Matatā 990 Lot 1, Matatā 990 Lot 2, Kawerau A9 Lot 1, Kawerau A11 Lot 1, Blk IX Rangitāiki Upper Survey District; or
- c. Anaerobic Wastewater Treatment Plant (AWTP), former Rapid Infiltration Basins (RIBs) and gravity clarifier at Kawerau;
- d. the Edgumbe Dairy Manufacturing Site or the Omeheu Spray Irrigation Scheme (as defined on any planning map) if the lot is zoned Rural Plains, and it was created by subdivision after 7 January 2000. Provided that this provision (d) shall not apply where the same nominated building platform within 300m of these facilities was assessed and approved as part of a resource consent for subdivision after this date where the subdivision application was;
 - i. publically notified; or
 - ii. processed with the written consent of the landowner(s) of the Edgumbe Dairy Manufacturing Site and/or Omeheu Spray Irrigation Scheme being obtained and that written consent has been lodged with the **Council**; or

- iii. approved by the Environment Court

11.2.16 Lighting and Glare

- 11.2.16.1 No person shall use, on any premises, between the hours of 7:00 am and 10:00 pm, any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 125 lux, measured horizontally or vertically at any point 2m within the boundary of or at a **building** on (whichever is the closer) any adjacent land which is zoned Residential, Urban Living, Reserve or Coastal Protection, or a **dwelling** in the Rural Plains, Rural Foothills or Rural Coastal Zone where the **dwelling** is within 20m of that same boundary.
- 11.2.16.2 A person shall not use on any premises between the hours of 10:00 pm and 7:00 am any artificial lighting in such a manner that the use of such lighting causes;
- a. an added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjacent **dwelling** or the observatory in Hurinui Avenue, Whakatāne; and
 - b. an added illuminance in excess of 20 lux measured horizontally or vertically at any point of any adjacent land which is used for residential purposes, or by the observatory in Hurinui Avenue, Whakatāne.
- 11.2.16.3 In circumstances where measurements of any added illuminance cannot be made because of the fact that the owner will not or cannot turn off the artificial lighting, measurements may be made in areas of a similar nature which are not affected by the artificial light. The results of these measurements may be used for the purposes of determining the effect of the artificial light.
- 11.2.16.4 The exterior lighting of any **building** adjacent to land on which there is a **dwelling** or a public road or railway shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause an appreciable level of discomfort or distraction to any person (including drivers of vehicles on roads or train drivers).

11.2.17 Welding

- 11.2.17.1 All welding activities shall be screened from public places and adjoining properties.

11.2.18 Navigation

- 11.2.18.1 Lighting shall not cause a navigational hazard or confusion with navigational safety aids.

11.2.19 Signs

- 11.2.19.1 Signs are a permitted activity, provided that;
- a. signs must be located on the same site as the activity to which they relate, and may be located within the yard setbacks;
 - b. the maximum number, area and height of signs are;
 - i. Rural Plains, Foothills, Coastal, Ōhiwa Zone — one sign, which may be freestanding (single or double-sided) or on a building, with a maximum area of 3m² and a maximum height of 6m;
 - ii. Residential and Urban Living Zone — one sign, which may be freestanding (single or double-sided) or on a building, with a maximum area of 0.5m² and a maximum height of 6m;
 - iii. Business Centre, Commercial, Mixed Use, Light Industrial and Industrial Zone.

Freestanding signs (single or double-sided) if the total area of all freestanding signs does not

exceed 6m², unless the total frontage of the site exceeds 24m, in which case the maximum area of all **freestanding signs** shall be 0.25m² per 1m of road frontage up to a maximum area of 12m² in total.

Signs attached to a building are permitted; except that any sign extending beyond the building profile will be included in the free standing sign area provided that in The Strand Character Area no sign shall protrude beyond the building profile;

- iv. Active Reserve Zone/**CPZ** — one sign, which may be freestanding (single or double-sided) or on a building, with a maximum area of 0.5m² and a maximum height of 6m. Provided that in the Whakatāne Riverbank Reserve, and within the Active Reserve Zone of the Port Ōhope Structure Plan area the maximum area shall be 3m².
 - v. Education Zone – a sign or signs with a total area not exceeding 3m² for each street to which the school has road frontage; and
 - vi. Large Format Business Centre Zone – one sign with a maximum area of 25m² may be allowed at each access point to State Highway 30. No other advertising signs may be placed on the site frontage so as to be read from the State Highway.
- c. signs must not block sight distances at intersections or driveways, or obstruct driver visibility along the road, or at a railway level crossing (see Rule 13.2.22);
 - d. signs must not be placed within a 15m radius of a traffic safety or direction sign;
 - e. signs located on a site adjoining a state highway must have a minimum lettering height of 120mm where the posted speed limit is less than 70km/h, and 160mm where the speed limit is 70km/h or greater;
 - f. signs must not be rotating, flashing or reflective provided that a sign permitted by this rule advertising a **business activity** in a business zone may have a flashing sign if it cannot be seen from a rural, Residential, Urban Living, Coastal Protection or Reserve zone or from any State Highway. Signs located in the Rural Plains, Foothills or Coastal Zones must not be illuminated if the activity is not open for business; and
 - g. signs must be maintained.

11.2.19.2 The following signs are exempt from the provisions listed in Rule 11.2.19.1:

- a. Temporary signs (not otherwise provided for below) up to 3.0m² in area in total for each site erected a maximum of one month prior to the advertised event and removed within three days following the event. Other temporary signs may be located off-site but, in all other respects, are to comply with the requirements of 11.2.19.1;
- b. Traffic and railway **safety, community pride**, driver education and directional signs (including those advertising a **tourist facility** - see definition) or street name signs approved by a road-controlling authority or provided by legislation. This may include a sign for this purpose on public or private land adjacent to a road where the relevant road-controlling authority has granted approval to the **size, content, duration and location of the sign**;
- c. Public information signs about public recreation areas. This includes signs providing the name of **public reserves**, angler/hunter access and/or regulation information;
- d. Tradesmen's signs on construction sites erected only once construction has commenced and removed upon completion;
- e. Real Estate signs on or immediately outside when a property offered for sale or rent that complies with the following; and removed once the sale is completed;
 - i. one sign installation (single or double sided) per site frontage;

- ii. a sign(s) located on the property, or flush on the wall or a fence of that property, shall have a maximum area of 3m² (per side if doubled sided);
 - iii. a sign(s) located on a public road administered by the Council shall have a maximum area of 0.54m² (per side if double sided), shall be located immediately outside the property; shall be located so it does not obstruct pedestrian movements; block sight lines at vehicle crossings or intersections; or obstruct traffic safety or direction signs;
 - iv. one flag sign may be erected on the property, or secured to a vehicle parked directly outside the property, for the period a real estate agent is on-site for an open home or auction; provided the flag and support structure does not protrude from the vehicle or obstruct road users or pedestrians; and
 - v. all signage shall be removed once settlement has been completed or a rental agreement signed.
- f. Signs required to meet any legislative requirements, including the Health and Safety in Employment Act 1992 and Rule 19.2.9 relating to hazardous substances;
- g. Signs on a public road administered by the Council provided Council permission has been obtained are limited to;
- i. signs less than one square metre in area indicating the location of significant local features or public access routes;
 - ii. temporary signs as described above;
 - iii. one sandwich board sign advertising a permitted activity on the footpath immediately adjacent to the site of the activity;
 - iv. advance warning signs (maximum of two) located no further than 500m from the site indicating the proximity and nature of an activity; and
 - v. street flags and banners
- h. Signs on a state highway approved by NZTA; and
- i. Warning and identification signs associated with network utilities.

Advice Note: The control and administration of any sign (including temporary signs) on a state highway is the responsibility of NZTA whose permission must be obtained before any signs can be erected on or within the boundaries of the state highway.

11.2.19.3 In The Strand Character Area, a sign extending beyond the building profile is a Restricted Discretionary activity.

11.2.20 Activities on the Surface of the Water

11.2.20.1 Structures accessory to a recreational activity on the surface of water shall not obstruct navigation of vessels in waterways.

11.2.20.2 See Activity Status Table 3.4, Items 41 – 44 for rules that apply.

11.2.21 Temporary Activities

11.2.21.1 Where a temporary activity is listed in Activity Table 3.4 as a Controlled Activity for the following shall be provided;

- a. a traffic management plan which is to be submitted to Council for approval 1 month prior to the activity occurring.
- b. a solid waste minimisation, recycling and disposal management plan which is to be approved by Council 1 month prior to the activity occurring.

11.2.22 Home occupations

11.2.22.1 A home occupation shall;

- a. employ not more than two other people additional to the members of the **dwelling** who permanently reside on the site and who own and operate the business from that site;
- b. be limited to 50m² **GFA**, whether the **GFA** is part of a **dwelling** and/or associated **building** and/or outdoor area used for the **home occupation**;
- c. exclude retail provided that up to 10m² **GFA** of retail may occur where the **home occupation** is in the **Residential Zone**;
- d. be carried out either within a **dwelling**, within an **accessory building** or in an area outdoors that is designed for the purpose; and
- e. ensure that any storage of equipment, machinery or goods associated with the **home occupation** is visually screened from any adjoining **dwelling** or public place.

11.3 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

11.3.1 Temporary Places of assembly (See Activity Status Table 3.4)

11.3.1.1 Council shall exercise its control over;

- a. the management of solid waste collection and disposal;
- b. the provision and location of services, including effluent disposal, potable water, stormwater treatment and disposal facilities and electricity;
- c. the site restoration programme;
- d. the duration of the activity;
- e. scale of the activity;
- f. traffic movement on and off of the site including access, parking and loading of vehicles for attendees and for emergency and security vehicles;
- g. nuisance effects such as dust, glare, vibration, lighting;
- h. hours of operation; and
- i. the bulk and location of **buildings** and structures.

11.4 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

11.4.1 Earthworks (see Rules in 11.2.1 and 11.2.2) and Mining and Quarrying (see Rule 11.2.4)

11.4.1.1 Council shall restrict its discretion to;

- a. any temporary adverse effects of earthworks, mining or quarrying on land uses in the vicinity of the site, including noise, dust, vibration, traffic movement or cultural impact;

- b. any adverse effects on the natural character of the coastal environment, wetlands, lakes, rivers and their margins;
- c. any adverse effects on indigenous biodiversity.
- d. any adverse visual or landscape effect on an Outstanding Natural Feature or Landscape listed in Appendix 17.7, or dominant landscape feature listed in Objective LS2, Policy 4;
- e. any increased risk associated with a natural hazard event that may arise from undertaking earthworks, mining or quarrying. For example, the undermining of the integrity of a stopbank or lowering frontal dunes;
- f. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the environment.
- g. the control of erosion, sediment and stormwater including riparian planting;

11.4.2 Site Restoration (see Rules in 11.2.5)

11.4.2.1 Council shall restrict its discretion to;

- a. how the site will be restored and the timing of the restoration, or where the site or part of the site is not intended to be restored, the effects of this on the environment; and
- b. the control of erosion sediment and stormwater including riparian planting.

11.4.3 Signs in The Strand Character Area (see Rules in 11.2.19)

11.4.3.1 Council shall restrict its discretion to;

- a. the design, size, appearance of the sign in relation to the Character of The Strand Character Area (refer to Section 22.6)

11.4.4 Frost Fans

11.4.4.1 Council shall restrict its discretion to the following:

- a. Consideration of best practice, effectiveness and affordability.
- b. the noise level generated and the effect of the noise level on those persons or activities who will experience noise levels over 55dBA Leq at their notional boundary or boundary and proposed mitigation. Sound shall be measured in accordance with NZS 6801:2008 Acoustics Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environment Noise.
- c. the frequency and timing of the operation of frost fans, including environment conditions when a frost fan may operate and timing of maintenance activities
- d. the location of the frost fan
- e. the type of engine used to run the frost fan, its operating speed and condition

The notification provisions in the RMA shall apply to any application.

11.4.5 Audible Bird Scaring Devices

11.4.5.1 Council shall restrict its discretion to the following:

- a. Consideration of the best practicable option, including alternative types of bird scaring devices, alternative options for crop protection, effectiveness of those alternative options and their affordability.
- b. the noise level generated and the effect on those persons or activities who will experience the noise and any proposed mitigation
- c. cumulative adverse noise effects from existing **Audible Bird Scaring Devices**
- d. The frequency, timing and the operating conditions when they may operate
- e. the location of **Audible Bird Scaring Devices**

The notification provisions in the RMA shall apply to any application.

11.4.6 **Helicopter Landing Areas in the Active Reserve Zone, used for more than 10 and fewer than 30 movements in any 30 day period, with a maximum of six movements per day**

11.4.6.1 Council shall restrict its discretion to the following:

- a. existing ambient sound levels;
- b. the length of time for which specified sound levels will be exceeded, particularly at night, with regard to the likely disturbance that may be caused;
- c. the likely adverse effects of noise generated, both on and beyond sites, on a site, on visitors, users of business premises, or on public places in the vicinity, including the Whakatāne River;
- d. the likely adverse effects of noise generated on the amenity of adjoining residential neighbourhoods;
- e. the extent to which the noise may detract from enjoyment of any recreation or conservation area;
- f. the proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant;
- g. the effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga likely to be affected by the activity;
- h. the effects on indigenous wildlife;
- i. the effects on public safety;
- j. special noise characteristics generated by helicopter activity in the vicinity of the Whakatāne escarpment;
- k. the effects on activities and the public of likely approach/flight paths; and
- l. whether the activity is compatible with the other activities on the site.

11.5 **ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NON-COMPLYING ACTIVITIES**

See Section 3.7.

11.6 OTHER METHODS

11.6.1.1 The Council will:

- a. Include information related to noise and potential reverse sensitivity effects in LIM reports.