

## PART 7 - NOISE, SIGNS AND ARTIFICIAL LIGHTING

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**Plan modification annotations - key**



Indicates where content is affected by proposed plan modification x.  
Refer to plan modification folder or website for details.



Indicates where the content is part of plan modification x, which is  
subject to appeal.

Underlined content to be inserted.

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## NOISE

### 7.1 RESOURCE MANAGEMENT ISSUES

Noise in the Central Area is predominantly created by motor vehicles and to a lesser extent by air-conditioning equipment, entertainment and food and beverage venues, and people. The frequency of vehicle movements thus has a significant effect on noise levels, with peak levels at the main commuting times between 7:30am and 9:00am and 4:30pm and 6:30pm. On average, noise levels at building boundaries are higher in the Central Area than in many other parts of the City because of the relatively large number of roads, high traffic volumes and the close proximity of buildings to the roads. Activities within buildings also create noise which can be transmitted to other parts of the building or adjoining buildings either directly through common building elements or indirectly from window to window.

Noise complaints in the Central City are usually complaints regarding vehicles, construction, nightclubs and bars.

Section 326 of the Resource Management Act prevents the Council from taking any action against vehicles while they are being driven. However, with regard to construction, noise standards can be applied. Noise complaints about entertainment venues often arise because of the proximity to residential accommodation. Most complaints arise because there is poor insulation in either the entertainment venue or the accommodation unit or both. Equally, the noise emitted from such venues often has special audible characteristics, including low frequency tonality, which make it especially intrusive. Low frequency noise also travels further and is less attenuated by barriers. Special controls targeting this type of noise have been introduced to quantify levels for low frequency noise. Given the mixed uses the Plan provides for in the Central Area, property owners have a greater responsibility to mitigate or remedy noise problems. The Plan recognises the strategic importance of the Port by imposing acoustic control measures on accommodation activities locating in the Quay Park Precinct.

General noise controls applicable to all the Central Area should protect residential, special purpose and some business zoned land adjacent to but outside the Central Area, from the noise activities within it.

### 7.2 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

#### 7.2.1 OBJECTIVE

*To provide a degree of noise protection throughout the Central Area.*

##### **Policies**

- a) By imposing appropriate noise levels that should not be exceeded within the Central Area.
- b) By setting noise level standards on construction noise in the Central Area that allow construction and demolition activities, whilst keeping noise to a reasonable level.

#### 7.2.2 OBJECTIVE

*To provide for greater noise protection in the Residential Precincts and the Learning Quarter: Area 1 and other more “noise sensitive” areas.*

##### **Policies**

- a) By imposing noise level standards that provide a quieter environment within the Residential Precincts and Learning Quarter: Area 1.
- b) By imposing noise levels that protect activities within the Residential Precincts and Learning Quarter: Area 1 from noise generated elsewhere in the Central Area.
- c) By imposing noise levels that protect activities in sensitive areas outside the Central Area from noise generated within.

#### 7.2.3 OBJECTIVE

*To recognise the strategic importance of the Port through the control of noise effects on accommodation/non permanent accommodation activities in the Quay Park Precinct.*

##### **Policies**

- a) By imposing acoustic control measures on accommodation/non permanent accommodation activities in the



Quay Park Precinct so as to minimise the noise effects of the Port.

### 7.3 RESOURCE MANAGEMENT STRATEGY

#### 7.3.1 NOISE REQUIREMENTS OF THE BUILDING ACT AND BUILDING REGULATIONS

The Building Regulations 1992 require all new buildings that have common building elements between occupancies of the same building, to be constructed to prevent undue noise transmission through those elements. This is to reduce noise transmission from other occupancies or common spaces in a building to the habitable spaces of household units. Walls, floors and ceilings of new buildings are required to have a sound transmission class of not less than 55. The impact insulation class of floors must also be not less than 55. This means that new buildings must be built to reduce noise levels to habitable spaces by 55dBA or more, which is a stringent requirement. Taken in the context of the following rules, this would mean, as a guide, that an activity in a building that was built to the requirements to meet an STC of 55, could have activities as loud as 100dBA and may still meet the night-time noise standards for Residential Precincts ( $L_{10}$  of 45dBA) measured in an adjacent unit of the same building.

#### 7.3.2 NEW ZEALAND STANDARDS

The proposed noise controls may mean some work and cost to a building developer in providing some acoustic upgrading if an existing building is to be used for residential accommodation / non permanent accommodation. Past New Zealand Standards for noise have suggested that an  $L_{10}$  of 35dBA or below is required in sleeping areas to provide adequate protection against disturbance. However this does not take into account the choice people make in living in the Central Area which is an environment that is typically noisier than suburban residential zones. Noise measurements taken in apartments and flats within the Central Area have indicated that tenants find levels higher than 35dBA acceptable provided the noise is expected (eg, traffic), predictable and there are no special audible characteristics (eg, bass beat). It is important to note however that the Plan explicitly states that residential use will not be given the same level of protection from noise that would be expected in a suburban residential area. The Plan also recognises the strategic importance of the Port by imposing acoustic control

measures on accommodation / non permanent accommodation activities in the Quay Park Precinct.

#### 7.3.3 NOISE AFFECTING LAND OUTSIDE THE CENTRAL AREA

These noise controls should provide adequate protection for activities outside the Central Area, from activities that occur within the Central Area, while not placing undue restraint on activities occurring within. Particular noise controls are applied in the Port Precinct to protect the port function and provide for an appropriate level of amenity for the closest residentially zoned sites outside the Central Area (zoned Residential Activity by the Auckland City District Plan – Isthmus Section).

#### 7.3.4 NOISE LEVELS FOR RESIDENTIAL PRECINCTS AND LEARNING QUARTER: AREA 1

Noise levels are specifically set to protect Residential Precincts such as Greys Avenue, Whitaker Place and Parliament Street and the Learning Quarter: Area 1. These are areas of established residential and tertiary education use, and through the noise controls will be given reasonable protection.

Noise measurements taken suggest that the levels in the rules reflect the current external noise environment in all these areas, and the internal noise levels that will be acceptable to most people.

The daytime noise level proposed will mean that most office and service activities can occur within these precincts between the hours of 7:00am and 10:00pm and not exceed the relevant level. Such activities could continue throughout the night if they are not noisy and/or there is sufficient noise attenuation between the activity and any adjacent properties.

#### 7.3.5 NOISE LEVELS FOR PORT PRECINCT

The noise levels to control activities in the Port Precinct recognise the strategic, national, and regional importance of the Port and its need to operate 24 hours a day for 7 days a week, whilst at the same time protecting, to a reasonable extent, surrounding residential and other land uses. In addition, specific acoustic control measures for accommodation/non permanent accommodation activities



in the Quay Park Precinct provide for conflict with the Port to be minimised.

### **7.3.6 NOISE LEVELS FOR OTHER PARTS OF THE CENTRAL AREA**

In all other areas (those not subject to clauses 7.3.3, 7.3.4 and 7.3.5) the major concern is to provide noise protection between properties for all users. Depending on the circumstances both the noise producer and the noise receiver may have responsibilities to control noise in these areas.

The levels proposed are quite liberal, but they may still require building occupiers to take some care to ensure that excessive noise is not transmitted through openings or floors, walls and ceilings to neighbouring properties.

Residents in these mixed use areas may have to provide more acoustic insulation themselves to reduce incoming noise to a level suitable for their sleep protection. Where a residential activity requires a greater degree of protection than is provided by the District Plan, this will be the responsibility of the owner or occupier. Neighbouring units within apartments will not be required to provide more insulation than is required to meet a night-time L10 of 50dBA in the apartment unless those units are subject to the inter-tenancy acoustic standards of the Building Code.

### **7.3.7 CONSTRUCTION NOISE**

Construction noise rules should set a reasonable level of noise which would allow the developer or construction company to undertake construction and demolition work whilst complying with section 16 of the Resource Management Act. The attached rules are an amendment of NZS 6803P:1984 (The Measurement and Assessment of Noise from Construction and Demolition) to reflect the mixed use of the Central Area so that there is some protection of residential use at night and some protection of normal commercial activities during the day.

It is important that there are some standards which satisfy section 16 of the Resource Management Act 1991 and which can be used if complaints of excessive noise are received. Higher noise levels may be allowed if the activity is short in duration or the work is for an emergency. As an example, 7.6.4(f) might apply where building facades have to be demolished at night for safety reasons.

## **7.4 ANTICIPATED ENVIRONMENTAL RESULTS**

It is expected that the Plan provisions relating to noise will permit an environment that is compatible with the liveliness of a central city location. It is not expected that this environment will receive the same degree of protection as suburban residential environments. In specific identified locations which are predominantly residential, a quieter environment will result that is acceptable to the majority of residents in those locations.

## **7.5 PLAN METHODS**

### **7.5.1 NOISE AFFECTING LAND OUTSIDE OF THE CENTRAL AREA**

The noise controls contained in the Rules in this section of the Plan apply to noise produced by activities within the Central Area affecting land outside of the Central Area. However in the case of the Port Precinct the rules contained in clause 14.8.8 have precedent over Rules 7.6.1, 7.6.2 and 7.6.3. Additional controls are included in the Port Precinct where particular noise environments are identified (refer to Part 14.8).

### **7.5.2 NOISE LEVELS FOR LEARNING QUARTER: AREA 1, RESIDENTIAL PRECINCTS AND WYNARD QUARTER**

The rules controlling noise generated and received within the Residential and Learning Quarter: Area 1 are contained in Parts 14.1 and 14.12 respectively and within Wynyard Quarter in Part 14.9. The rules controlling noise between the rest of the Central Area and the Residential and Learning Quarter: Area 1 are contained in those parts of the Plan.



### 7.5.3 NOISE LEVELS FOR OTHER PARTS OF THE CENTRAL AREA

These noise levels are contained in rules in this section of the Plan and apply to the entire Central Area except the Residential Precincts the Learning Quarter: Area 1, the Port Precinct and Wynyard Quarter. Refer to Part 14, Precincts and Quarters, for details of these specific provisions.

### 7.5.4 CONSTRUCTION NOISE

These noise levels are contained in rules in this section of the Plan and apply to the entire Central Area.

## 7.6 RULES - ACTIVITIES

### 7.6.1 ACTIVITIES AFFECTING LAND OUTSIDE THE CENTRAL AREA

- a) The  $L_{10}$  noise level and maximum noise level ( $L_{max}$ ) arising from any activity measured at or within the most exposed boundary of any site subject to the Isthmus Section of the District Plan with residential, business 1 or 2, or special purpose 1, 2 or 4 zoning shall not exceed the following limits :

Monday to Saturday	7:00am to 10:00pm	$L_{10}$ 55dBA
Sundays and Public Holidays	9:00am to 6:00pm	$L_{10}$ 55dBA
At all other times		$L_{10}$ 45dBA $L_{max}$ 75dBA

- b) The  $L_{10}$  noise level arising from any activity measured at or within the most exposed boundary of any site subject to the Isthmus Section of the District Plan zoned other than residential, business 1 or 2 or special purpose 1, 2 or 4 shall not exceed an  $L_{10}$  level of 60dBA at all times.
- c) The provisions of clauses 7.6.1(a) and (b) shall not apply to the Port Precinct.

### Explanation

These rules are applied to provide a noise environment that is consistent with the needs of sensitive activities located outside of the Central Area. These levels are consistent with the provisions of the Isthmus Section of the District Plan.

Note: These rules protect areas outside the Central Area from activities within it.

### 7.6.2 ACTIVITIES AFFECTING LEARNING QUARTER: AREA 1, RESIDENTIAL, PORT PRECINCTS, AND QUAY PARK PRECINCTS AND WYNYARD QUARTER

Refer to 14.1.8 for noise controls within Residential Precincts, clause 14.8.8 for the Port Precinct, Clause 14.12.8 for noise controls within the Learning Quarter: Area 1 clause 14.9.12.8 for noise controls within Wynyard Quarter and clause 14.13.7.1 for noise controls for accommodation and non permanent accommodation within the Quay Park Precinct.

### 7.6.3 GENERAL RULES

- a) Subject to any other rule in this Part, the A-weighted  $L_{10}$  noise level, the  $L_{10}$  noise levels at 63Hz and 125Hz respectively, and the maximum noise level ( $L_{max}$ ) arising from any activity measured 1 metre from the facade of an adjacent occupied building shall not exceed the following levels :

7:00am to 11:00pm	$L_{10}$ 65dBA
11:00pm to 7:00am	$L_{10}$ 60dBA $L_{10}$ 70dB @ 63Hz $L_{10}$ 65dB @ 125Hz $L_{max}$ 75dBA

The noise levels shall be measured in accordance with the requirements of NZS6801:1991 "Measurement of Sound" and during the day time shall be assessed in accordance with NZS6802:1992 "Assessment of Environmental Sound". At night time noise shall be assessed in accordance with NZS6802:1992 "Assessment of Environmental Sound" except Clause 4.4 shall not be used. The noise shall be measured with



a sound level meter complying at least with the International Standard IEC 651 (1979) Sound Level Meters, Type 1.

- b) In situations where common building elements such as floors or walls are shared by two units of different ownership, the noise level arising from any activity measured within an adjacent unit\* (except a unit in a Residential or Tertiary Education Precinct – see 14.1.9 and 14.12.8) which is under different ownership from the noise source shall not exceed the following levels:

7:00am to 11:00pm	L <sub>10</sub> 55dBA
11:00pm to 7:00am	L <sub>10</sub> 50dBA L <sub>10</sub> 60dB @ 63Hz L <sub>10</sub> 55dB @ 125Hz L <sub>max</sub> 65dBA

Noise measurements shall be taken in the affected adjacent unit\* with all windows, doors and other openings likely to affect the noise measurements in the adjacent unit shut.

\*Adjacent unit : means any habitable space (as defined by the NZ Building Code), or tenancy, or office or building which has a different owner than where the noise source is located. It does not include any bathroom, water closet, laundry, pantry, walk in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, or other space of a specialised nature occupied neither frequently nor for extended periods.

- c) All accommodation units and non permanent accommodation shall be designed and constructed to provide an indoor noise level of 35dBA L<sub>10</sub> in every bedroom and 45dBA L<sub>10</sub> in any other habitable spaces (as defined in the NZ Building Code), based on both:

- the existing traffic noise levels logarithmically averaged between 10 pm and 7am at all facades of the building;
- the noise levels standards in rule 7.6.3(a).

At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces will be adequately ventilated in accordance with clause G4 of the NZ Building Code and the assessment criteria in clause 5.6.3.1(d).10 of the district plan.

Rule 7.6.3(c) applies to all parts of the Central Area with the exception of the Public Open Space Precincts (Part 14.2), Transport Corridor Precinct (Part 14.3), Britomart Precinct (Part 14.6), those sites in the Viaduct Harbour Precinct which are subject to clause 14.7.6.2.1(c) (Part 14.7), Port Precinct (Part 14.8),

Wynyard Quarter (Part 14.9), Victoria Quarter (Part 14.10) and Quay Park Precinct (Part 14.13).

#### Explanation

*These noise levels apply to the entire Central Area except within the Residential, Tertiary Education, and Port Precincts. These rules provide for some noise protection between properties for all users of the Central Area. Depending on the circumstances both the noise producer and the noise receiver may have responsibilities to control noise in these areas*

*NB: Clause G6 of the First Schedule of the Building Regulations 1992 also specifies a noise performance requirement for building elements common between occupancies to prevent undue noise transmission from other occupancies or common spaces to the habitable spaces of household spaces. This requirement must also be complied with where it is applicable.*

### 7.6.4 RULES - CONSTRUCTION NOISE

- a) Construction work shall be as defined in section 1.3.1 of NZS 6803P:1984.
- b) Construction noise of less than 15 days duration shall not exceed the following levels when measured 1 metre from the facade of any adjacent building, for any 30 minute period in accordance with section 3.2.1 of NZS 6803P:1984 :

	L <sub>10</sub>	L <sub>max</sub>
Monday to Friday 6:30am to 10:30pm	80dBA	90dBA
Saturday 7am to 11:00pm	85dBA	90dBA
Sunday 9:00am to 7:00pm	80dBA	90dBA
At all other times (night-time)	60dBA	75dBA
At all other times (night-time in Residential and Tertiary Education Precincts only)	55dBA	75dBA

- c) Construction noise of 15 days or more in duration shall not exceed the following levels when measured 1m from the facade of any adjacent building, for any 30 minute period in accordance with section 3.2.1 of NZS



6803P:1984 :

	L <sub>10</sub>	L <sub>max</sub>
Monday to Friday 6:30am to 10:30pm	75dBA	90dBA
Saturday 7am to 11:00pm	80dBA	90dBA
Sunday 9:00am to 7:00pm	65dBA	85dBA
At all other times (night- time)	60dBA	75dBA
At all other times (night- time in Residential and Tertiary Education Precincts only)	55dBA	75dBA

d) In situations where measurements cannot be made outside affected buildings, measurements shall be taken inside the affected building in accordance with section 3.2.2 of NZS 6803P:1984 either in the affected habitable space (as defined by the NZ Building Code) or in the principal place of work. Noise levels measured within the building shall be 10dBA or more below those in table b) or c) above.

e) These standards may be exceeded for emergency construction work or for construction work occurring:

(i) For 14 days or less between the hours of:

Monday to Saturday 7.00am to 9.00am

(ii) For 14 days or less in any calendar year between the hours of:

Monday to Friday 6.00pm to 8.00pm

Saturday 9.00am to 12.00pm

Provided that these standards shall not be exceeded between these hours on more than three consecutive Saturdays

f) In special circumstances the Council may allow construction work of a limited period to proceed at night without meeting the above standards if the work cannot be carried out during normal working hours because of safety or access reasons. Such work will require an application to be made for a discretionary activity.

The criteria for assessing any such application shall include the following;

- i) the need to carry out the work at night
- ii) the effects of carrying out the work during the day on traffic, amenity values or public safety
- iii) the duration of the work and,

iv) the effect of the noise on residents.

### Explanation

Construction noise rules should set a reasonable level of noise which would allow the developer or construction company to undertake construction and demolition work whilst complying with section 16 of the Resource Management Act. Higher noise levels may be allowed if the activity is short in duration or the work is for an emergency.

## 7.6.5 RULES - VIBRATION

### 7.6.5.1. Vibration in buildings affecting comfort or amenity

- a) Activities shall not generate vibrations which may cause discomfort or adversely affect the health and well-being of the occupants of adjacent premises. Vibrations which do not exceed the limits referred to below as set out in the provisions of International Standard ISO 2631-2:1989 "Evaluation of human exposure to whole body vibration - Part 2 Continuous and shock-induced vibration in buildings (1 to 80 Hz)" will be deemed to meet this requirement. These particular limits are that the vibration levels (acceleration measured in metres per second) relative to the frequency shall not exceed the base curves of figure 2a (z axis), 3a (x and y axes) and 4a (combined x, y, and z axes) of ISO 2631-2:1989.
- b) The assessment of continuous, intermittent and transient (impulsive) vibrations shall be carried out by a suitably qualified and experienced person in accordance with Annex A and Table 2 of ISO 2631-2:1989 referred to above.
- c) The instruments used to measure vibrations and the methods of measurement shall comply with a recognised standard such as Australian Standard AS2973: 1987 Vibration and Shock - Human response vibration-measuring instrumentation.
- d) The Council may approve vibration levels above these standards where it is satisfied that they are necessary for construction or demolition work of a limited duration.
- e) Vibration produced by explosive charge will be controlled by DIN4150 (see below)

### Explanation

Vehicles and machinery expose man to mechanical vibration which can interfere with comfort, working efficiency and in some instances, health and safety. Vibration at frequencies below 1Hz occurs in many forms of transport and produces effects such as motion sickness,





which are completely different in character from the higher frequencies dealt with here. This control deals with human response to building vibration, i.e. levels that may cause annoyance or discomfort, not those that may affect health or structural integrity. Building vibration is most commonly transmitted to the body as a whole through the supporting surface, namely the feet when standing, the buttocks when seated, or the supporting area when reclining.

Standards formulated to control vibration are generally related to the tolerance of a sitting or standing person. Tolerance of vibration to the head (by reclining for example) is usually significantly reduced. Man is most sensitive to longitudinal vibration, (i.e. z axis-foot to head), between 4 and 8 Hz and to transverse vibration below 2Hz (x axis: back to chest, and y axis: right side to left side).

Annex A and Table 2 of the standard gives consideration to the time of the day and the use made of the occupied space in the building. Below these magnitudes of vibration the probability of human reaction is low.

These levels should facilitate the proper balancing and/or insulation of machinery. Vibration caused by vibratory equipment, and by machinery impactive in nature can often be reduced by altering the operating conditions of the equipment.

Situations may exist where motion magnitudes above the levels specified can be tolerated particularly for temporary disturbances and infrequent events of short term duration, e.g. blasting, construction or excavation projects.

#### 7.6.5.2 Noise and vibration from explosive blasting or pile driving

- a) Blasting or pile driving activities shall be so controlled as to ensure that any ground vibration as the result of any blasting or pile driving activities will not adversely affect the structural stability of any building (that is not connected with the site) or cause a reduction in its utility value. Peak particle velocities measured on any foundation or uppermost full storey of any building not related to the site, which do not exceed the limits set out in Table 1 of German Standard DIN 4150 Part 3:1986 "Structural Vibration in Buildings - Effects on Structures", will be deemed to meet these requirements.

Peak particle velocity means the maximum particle velocity in any of the three mutually perpendicular directions. The units are millimetres per second (mm/s).

- b) The noise created by the use of explosives shall either not exceed a peak overall sound pressure level of 128dB (ie a peak over pressure of 0.05kPa) or alternatively the noise shall not exceed a peak sound level of 122dBC. The measurement shall be made in either case at any point at the boundary of the site where the explosives are being used.

- c) All blasting shall be restricted to between the following hours:

7.00am – 6.00pm Monday to Saturday

The number of times blasting can occur on any quarry site shall be restricted to three times per day except where necessary for safety reasons.

- d) The time, charge and peak particle velocities of every blast shall be recorded. The operator shall undertake monitoring of all blasts by reliable and appropriate methods to ensure these limits are not exceeded. These records shall be made available to the Council on request.

#### Explanation

Complaints are often received that minor damage such as cracking of plaster ceilings, brickwork, concrete and window glass, as well as the loosening of roofing tiles has been caused by some particular ground vibration. The Plan therefore has adopted the DIN4150 standard as a means of measuring vibration arising from blasting and pile driving and preventing damage to buildings arising from that ground vibration.

The uncontrolled use of explosives in terms of noise, intensity and duration can have an unacceptable effect on the amenity values of adjoining land. A situation where blasting could occur uncontrolled regardless of the time of day or the day itself would be unacceptable. Therefore the rules limit blasting to specific days and times when blasting can occur.

## 7.7 REFERENCES

Reference should also be made to the following parts of the Plan:

Part 3 .....	Resource Management
Part 4 .....	Strategic Management Areas
Part 5 .....	Activities
Part 6 .....	Development Controls
Part 8 .....	Financial Contributions
Part 9 .....	Transportation
Part 10 .....	Heritage
Part 11 .....	Hazardous Facilities and Contaminated sites
Part 12 .....	Network Utility Services
Part 14 .....	Precincts and Quarters
Part 15 .....	General Rules/Designations
Part 16 .....	Definitions and Interpretations



## SIGNS

### 7.8 RESOURCE MANAGEMENT ISSUES

The Act, in defining sustainable management, refers inter alia, to people and communities providing for their social and economic well-being, and for their safety, whilst avoiding or mitigating any adverse effects of activities on the environment.

Signs can perform a number of functions in the community but left uncontrolled, they have the potential to impact adversely on the amenity values of an area and may also affect traffic safety, particularly where signs are illuminated or have flashing lights. Because signs can be relatively inexpensive and quick to put up, it is important that permitted signs be suited to the characteristics of the receiving environment and that a simplified consent process be available for assessing non-complying signs.

### 7.9 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

#### 7.9.1 OBJECTIVE

*To ensure that any adverse effect arising from the content, location, construction, size and maintenance of signs on the amenity of a particular area or on public safety is avoided or reduced to an acceptable level.*

#### Policies

- By requiring the construction, form and type of sign to meet defined structural and safety standards.
- By applying different controls to the design, content and size of signs in relation to the particular precinct or quarter and locality in which they are located.
- By controlling any significant adverse effects arising from signs principally by bylaws made under the Local Government Act 1974.

### 7.9.2 OBJECTIVE

*To simplify the compliance procedure and assessment process applying to signs.*

#### Policies

- By applying different controls to the design, content and size of signs in relation to the particular precinct or quarter and locality in which they are located.
- By controlling any significant adverse effects arising from signs principally by bylaws made under the Local Government Act 1974.

### 7.10 RESOURCE MANAGEMENT STRATEGY

Signs can contribute to the character and vibrancy of a city and to its economic growth. However, without proper control, they can adversely affect the amenity of an area, for example through over-proliferation. The appropriateness of the size, type and form of a sign alters depending on the receiving environment. Conservation areas, heritage buildings and sites, and Open Space and Residential Precincts of the City are high amenity areas. Signs located in these areas must be sympathetic to this amenity and should therefore be limited in size and number.

Signs in particular precincts or quarters can advertise products and services in a variety of ways provided they do not significantly alter the physical appearance of a building, are not a danger to public safety or hazardous to traffic and do not adversely affect access to public land.

### 7.11 IMPLEMENTATION

The Council has considered the available methods for achieving the above objectives and policies and has concluded that in general the most appropriate form of control is by means of bylaw rather than by rules in the District Plan. In 1998 the Council adopted Part 27 of the Auckland City Consolidated Bylaw which provides comprehensive controls on the location, construction and maintenance of signs in terms of the above strategy.



With one exception, the Plan leaves the control of signs in the Central Area to the provisions of the Bylaw. The exception is a sign which is incidental to and which identifies the operations proposed to be carried out on a site may, if the activity requires a resource consent, form part of the documentation submitted to the Council for that resource consent application. No separate application under the Bylaw will be required if the resource consent is granted. The second exception is a sign which is placed, affixed, attached or painted onto a scheduled heritage item.

Where a structure required to support a sign falls within the definition of “building” as defined in Part 16 of the Plan, then the structure must meet the development controls applicable to the site in which it is to be located or alternatively a resource consent must be applied for. In addition, a building consent may be required. The sign itself will require separate consideration under the Bylaw.

## 7.12 RULES - ACTIVITIES

Where a resource consent is required in this Plan for an activity, any sign which is incidental to and which identifies the proposed operations associated with that activity and submitted as part of an application for the resource consent will be considered and assessed with that resource consent, and in the same activity classification (eg controlled, discretionary or non-complying).

The provisions of Part 10: Heritage shall apply where a sign is placed, affixed, attached or painted onto a scheduled heritage item.

Except as provided for in the two preceding paragraphs, no resource consent is necessary for a sign.

Note: The Consolidated Bylaw governs the display of signs generally and in particular, prohibits any sign being attached to a tree.

## 7.13 REFERENCES

Reference should also be made to the following parts of the Plan:

Part 3 .....Resource Management

Part 4 .....Strategic Management Areas

Part 5 .....Activities

Part 6 .....Development Controls

Part 8 .....Financial Contributions

Part 9 .....Transportation

Part 10 .....Heritage

Part 11 .....Hazardous Facilities and Contaminated sites

Part 12 .....Network Utility Services

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## ARTIFICIAL LIGHTING

### 7.14 RESOURCE MANAGEMENT ISSUES

Artificial lighting is essential to provide for safety, amenity and security, and to enable work, recreational and entertainment activities to be undertaken beyond daylight hours. Artificial lighting, when used appropriately, helps to create the vibrancy which makes the Central Area an exciting place in which to live and work. However, unless artificial lighting is used with care it can adversely affect neighbouring properties and public places, through light spill and glare and can also give rise to adverse side effects for traffic safety and lead to loss of night sky viewing.

### 7.15 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

#### 7.15.1 OBJECTIVE

*To provide for outdoor artificial lighting to enable work, recreation and entertainment activities to occur during the hours of darkness and add vibrancy to the Central Area whilst ensuring that artificial lighting does not have a significant adverse effect on the environment and on the amenity values of the surrounding area.*

#### Policies

- By controlling the intensity, location and direction of artificial lighting so as to avoid or mitigate any significant light spill and glare onto adjacent sites and loss of night sky viewing.
- By controlling the use of artificial lighting for the operation of outdoor activities into night-time hours while also recognising its necessity for the safety and security of certain activities.
- By controlling artificial lighting at boundaries of roads and land used for residential purposes by Bylaws made under the Local Government Act 1974.
- By providing for the controlled floodlighting of the exterior of buildings.

### 7.16 RESOURCE MANAGEMENT STRATEGY

Artificial lighting is used throughout the district to provide for personal safety and security to sites and activities. It also is used to enable work, recreational and entertainment activities to occur beyond normal daylight hours and add vibrancy to the Central Area. However, unless artificial lighting is used with care it can adversely affect adjacent properties, through light spill and glare. It can also affect night sky viewing where floodlighting is concentrated. In order to avoid, remedy or mitigate the adverse effects of artificial lighting the Plan provisions set levels on the illuminance produced. Where the level is exceeded a resource consent will be required.

### 7.17 PLAN METHODS

The Council has considered the available methods for achieving the above objective and policies, and has concluded that in general the most appropriate control of light spillage onto residential land is by means of bylaw rather than by rules in the District Plan. In 1991 the Council adopted Part 13 of the Auckland City Consolidated Bylaw which limits the amount of light falling on residential land and buildings.

Notwithstanding the Bylaw controls at road and residential boundaries, the intensity of outdoor artificial lighting within a site has the propensity to affect amenity values and night sky viewing. The Plan therefore imposes rules which limit the intensity of outdoor lighting within any one particular site.

### 7.18 RULES - ACTIVITIES

#### 7.18.1 PERMITTED ACTIVITY

The use of outdoor artificial lighting producing an illuminance up to but not exceeding 150 lux, measured at any point at ground level or at the exterior of any building, within or adjacent to the site, is a permitted activity on which the lighting is to be placed.



Note: Any building or structure supporting lighting must, however, comply with the rules of this Plan.

### **7.18.2 RESTRICTED CONTROLLED ACTIVITY**

The floodlighting of the facades of buildings is a restricted controlled activity.

Refer to Clause 7.19.1 for assessment criteria for restricted controlled activities.

### **7.18.3 RESTRICTED DISCRETIONARY ACTIVITIES**

The following activities require an application for a restricted discretionary activity:

- a) The use of outdoor artificial lighting producing an illuminance in excess of 150 lux, measured at any point at ground level or at the exterior of any building within or adjacent to the site on which the lighting is to be placed

Note: Reference should also be made to the Consolidated Bylaw.

Refer to Clause 7.19.2 for assessment criteria for restricted discretionary activities.

## **7.19 ASSESSMENT CRITERIA**

### **7.19.1 RESTRICTED CONTROLLED ACTIVITIES**

When assessing controlled activity applications, in addition to the matters set out in Section 104 of the Act, the following particular matters will be considered:

- a) the extent to which the amenity values of the locality may be affected;
- b) the cumulative effect of the proposal taking into account the extent of any existing adverse effects;
- c) the public benefits of the proposal;
- d) the extent to which the placement, aiming, design, height, colour and screening of light fittings and light poles minimise light spill, glare, loss of night sky viewing and adverse effects on traffic safety and visual amenity.

- e) the extent to which lighting falling onto public spaces and onto buildings used for residential purposes is controlled to avoid, remedy or mitigate any adverse effects.

#### **7.19.1.1 Consent Conditions**

In granting consent to a restricted controlled activity the Council may impose conditions in respect of the following:

- a) the placement, aiming, design, height, colour and screening of light fittings and light poles to minimise light spill, glare, loss of night sky viewing and adverse effects on traffic safety and visual amenity;
- b) the control of light falling onto public spaces and onto buildings used for residential purposes; and
- c) the maximum level of light that may be permitted.

### **7.19.2 RESTRICTED DISCRETIONARY ACTIVITIES**

When assessing restricted discretionary activity applications, in addition to the matters set out in Section 104 of the Act, the following particular matters will be considered:

- a) the extent to which the amenity values of the locality may be affected;
- b) the extent to which the effects of any associated outdoor activity (including noise) may affect the visual and overall privacy of adjacent land;
- c) the extent to which activities dependent on the outdoor artificial lighting may produce significant adverse effects (including traffic-generated effects);
- d) the cumulative effect of the proposal taking into account the extent of any existing adverse effects;
- e) the extent to which the intensity of illuminance is necessary for public or personal safety, or for security purposes, or to allow work, recreation and entertainment activities to be undertaken in the hours of darkness;
- f) the public benefits of the proposal;

#### **7.19.2.1 Consent Conditions**

In granting consent to a restricted discretionary activity the Council may impose conditions in respect of the matters specified in section 108 of the Act and the following :

- a) the placement, design, height, colour and screening of light fittings and light poles to minimise light spill, glare, loss of night sky viewing and adverse effects on traffic safety and visual amenity;



- b) the minimisation of light falling onto public places and onto buildings used for residential purposes;
- (c) the maximum level of light that may be permitted;
- (d) the hours during which the excess light would be permitted.

## **7.20 INTERPRETATION AND DEFINITIONS**

Refer to Part 16 for definitions and common terms employed in this Part.

## **7.21 REFERENCES**

Reference should also be made to the following parts of the Plan:

- Part 3 ..... Resource Management
- Part 4 ..... Strategic Management Areas
- Part 5 ..... Activities
- Part 6 ..... Development Controls
- Part 8 ..... Financial Contributions
- Part 9 ..... Transportation
- Part 10 ..... Heritage
- Part 11 ..... Hazardous Facilities and Contaminated sites
- Part 12 ..... Network Utility Services
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