

## D25. City Centre Port Noise Overlay

### D25.1. Background

The City Centre Port Noise Overlay is applied to land near Auckland's downtown port. Buildings accommodating activities sensitive to noise within the overlay must be insulated to achieve an internal noise level appropriate to the activity. A restrictive no-complaints covenant in favour of the Ports of Auckland is required for activities sensitive to noise. This will ensure that activities sensitive to noise within the overlay achieve a good standard of amenity and the port is able to operate efficiently.

### D25.2. Objective [rcp/dp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

- (1) The port is protected from reverse sensitivity effects arising from activities sensitive to noise.

### D25.3. Policy [rcp/dp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

- (1) Require activities sensitive to noise within the overlay to protect themselves from noise arising from the operation of the port.

### D25.4. Activity table [rcp/dp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

Table D25.4.1 Activity table specifies the activity status of land use activities in the City Centre Port Noise Overlay pursuant to section 9(3) and 12 of the Resource Management Act 1991

**Table D25.4.1 Activity table**

Activity		Activity status
(A1)	Any activity that does not comply with Standard D25.6.1	RD

### D25.5. Notification

- (1) Any application for resource consent for an activity listed in Table D25.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### D25.6. Standards

The following standards apply to activities sensitive to noise within the City Centre Port Noise Overlay.

**D25.6.1. Noise**

- (1) Activities sensitive to noise must be designed and/or insulated so that the internal noise levels (using the corrections of Table D25.6.1.2 to the noise at the façade of the affected rooms) do not exceed internal noise levels specified in Table D25.6.1.1.

**Table D25.6.1.1 Maximum internal noise level**

Land use/rooms	Maximum internal noise level
Bedrooms and sleeping areas	35dB L <sub>Aeq</sub> at all times
Habitable rooms (except bedrooms and sleeping areas) and classrooms in an educational facility	40dB L <sub>Aeq</sub> at all times

- (2) These levels must be met assuming that the noise on all façades of the building arising from port noise are those shown for that location on the City Centre Port Noise Overlay and the spectrum corrections of Table D25.6.1.2 apply to the overlay noise level.

**Table D25.6.1.2 Octave band centre frequency**

	Octave band centre frequency dB						
	63	125	250	500	1000	2000	4000
Incident sound pressure level (dB)	+4	+1	-1	-4	-6	-7	-8

- (3) The noise insulation requirements set out in D25.6.1(2) above apply in addition to any other noise insulation requirements in other rules.
- (4) Where windows or doors have to be shut to meet the levels in Table D25.6.1.1, those rooms must, as a minimum:
- (a) be constructed to ensure compliance with the noise limits in Table D25.6.1.1; and
  - (b) for residential dwellings be mechanically ventilated and/or cooled to achieve either:
    - (i) an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; or

**Note 1**

Mechanical cooling must be provided for all habitable rooms (excluding bedrooms) provided that at least one mechanical cooling system must service every level of a dwelling that contains a habitable room (including bedrooms).

- (ii) a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:
- six air changes per hour (ACH) for rooms with less than 30 per cent of the façade area glazed; or
  - 15 air changes per hour (ACH) for rooms with greater than 30 per cent of the façade area glazed; or
  - three air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.
- (c) for all other noise sensitive spaces provide mechanical cooling to achieve an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; and
- (d) provide relief for equivalent volumes of spill air; and
- (e) be individually controllable across the range of airflows and temperatures by the building occupants in the case of each system; and
- (f) have a mechanical ventilation and/or a cooling system that generates a noise level no greater than  $L_{Aeq}$  35 dB when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in Standard D25.6.1(4)(b)(i) and (ii) above.
- (5) Noise levels must be measured in accordance with the New Zealand Standard on Acoustics - Measurement of environmental sound (NZS 6801: 2008) and assessed in accordance with the New Zealand Standard on Acoustics - environmental noise (NZS 6802: 2008).
- (6) Activities sensitive to noise must be subject to a restrictive no-complaint covenant in favour of Ports of Auckland Limited.

Purpose: to avoid the potential for reverse sensitivity effects on the Port of Auckland.

Note 1

For the purposes of this rule a 'restrictive non-complaint covenant' is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of Ports of Auckland Limited, by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful operation of the port. The restrictive no-complaint covenant is limited to the effects that could be lawfully generated by the port activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to port activities

(although an individual restrictive non-complaint covenant may do so). Details of the existence of covenant documents may be obtained from Ports of Auckland Limited, its solicitors, or in the case of registered covenants by searching the Title to the relevant property.

**D25.7. Assessment – controlled activities**

There are no controlled activities in this overlay.

**D25.8. Assessment – restricted discretionary activities**

**D25.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) any activity that does not comply with Standard D25.6.1:
  - (a) reverse sensitivity effects on the Port of Auckland; and
  - (b) the protection of noise sensitive activities from the effects of noise from the Port of Auckland.

**D25.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) any activity that does not comply with Standard D25.6.1:
  - (a) reverse sensitivity effects on the Port of Auckland:
    - (iii) whether the noise sensitive land uses within the overlay prevent the ports from operating within the noise limits enabled in the Port Precinct.
  - (b) the protection of noise sensitive activities from the effects of noise from the Port of Auckland:
    - (iv) whether buildings accommodating noise sensitive land uses within the overlay are designed to ensure activities sensitive to noise are protected from adverse noise effects from the operation of the Port of Auckland.

**D25.9. Special information requirements**

There are no special information requirements for this overlay.