

DISCUSSION PAPER:

Contamination of Land, Electricity Transmission, Telecommunications Facilities, Infrastructure / Servicing and Noise.

1.0 Introduction:

- 1.0.1 The Council is undertaking a review of its district plan. This paper is one of a series of discussion documents on potential changes to the Operative Otorohanga District Plan. It is confined to issues arising from soil contamination.
- 1.0.2 This discussion paper is the final of a series of Discussion Papers that have been released for stakeholder input as part of the consultation process for the review of the District Plan. As such the Discussion Paper provides coverage on a range of topics where community and stakeholder consultation has shown the need the current provisions in the District Plan to be reviewed and subsequently changes be made. The topics discussed in the Discussion Paper are:
- 2.0 Contamination of Soil
 - 3.0 Electricity Transmission
 - 4.0 Telecommunications Facilities
 - 5.0 Infrastructure / Servicing
 - 6.0 Noise

2.0 Contamination of Soil

- 2.0.1 On 6 February 2010 the Ministry for the Environment publicly notified a proposed National Environmental Standard for assessing and managing contaminants in soil. The proposed standard addresses activities on land affected or potentially affected by soil contaminants.
- 2.0.2 Once in force the standard will require all district councils to give effect to and enforce its requirements and it will relate to new subdivision, land use and development proposals. The standard currently has no statutory weight, however it does signal that Central Government is seeking a nationally consistent management framework in relation to this issue
- 2.0.3 Section 31 of the Resource Management Act 1991 prescribes that Council has the function of
“the prevention or mitigation of any adverse effects of the development, subdivision or use of contaminated land”.
- 2.0.4 This function was introduced by the Resource Management Amendment Act 2005, and was not in place when the district plan was originally prepared. There are currently no provisions within the district plan which address this function.

2.1 Background:

- 2.1.1 The policy of the proposed national environmental standard is:
“to ensure that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and if necessary remediated, or the contaminants contained to make the land safe for human use.
- 2.1.2 The standard proposes to achieve this objective through:
- 1. Allowing subsurface investigations of land to determine the presence, extent and nature of any contamination as a permitted activity;
 - 2. Specifying soil guideline values that define the concentrations at which risk to human health is considered acceptable.
 - 3. Providing for the use, development or subdivision of land where the risk to human health from soil contaminants is assessed as being acceptable for the intended land use.

4. For any use, development or subdivision of land where the risk to human health from soil contaminants is assessed as not being acceptable for the intended land use resource consent for a restricted discretionary activity will be required to be obtained.
 5. For any use, development or subdivision of land where there is insufficient information to confirm whether the risk to human health from soil contaminants is acceptable or not, a resource consent for a restricted discretionary activity will be required to be obtained.
- 2.1.3 The proposed standard does not provide a specific objective, policy or method framework which could be integrated verbatim into the district plan. Once the proposed standard is in force it is anticipated that the standard will form a regulation to the Resource Management Act 1991. In lieu of the standard Council is still charged with meeting its functions under Section 31 of the Act.
 - 2.1.4 Because of the potential implications to human health of allowing contaminated land to be subdivided, developed or used, and the need for Council to meet its functions under the Act it is considered that Council cannot simply wait for the standard to come into force before exercising control. Therefore district plan needs to contain appropriate objectives, policies and methods to manage contaminated land until such time as the standard is gazetted as regulation.
 - 2.1.5 Drawing on the proposed standard, the following issues are relevant to further discussion:
 - Adverse effects of contamination
 - Identification of contaminated sites
 - Management of contaminated sites
 - Proposed national environmental standard provisions

2.2 Adverse Effects of Contamination:

- 2.2.1 Contaminants in the soil become a problem when the hazardous substances are at a concentration and location where they are likely to have an adverse effect on human health and the environment. Contaminants are a greater problem in environments where food is grown or in close proximity to buildings, people, water bodies and important habitats.
- 2.2.2 Contamination is not always limited to a specific site. Hazardous substances may seep through the soil into groundwater, or be carried to nearby land and waterways in rainwater and attached to dust.
- 2.2.3 The effects to human health are either short term (acute) or long term (chronic) effects.
 - Acute = can result in immediate adverse health impacts.
 - Chronic = health impacts from an on-going but low-level exposure over an extended period.
- 2.2.4 As well as endangering human health and other living things, the presence of contaminants can also:
 - Limit the use of land
 - Cause corrosion that may threaten building structures
 - Reduce land values.

2.3 Identification of Contaminated Sites:

- 2.3.1 There are a number of activities that may contaminate sites. The Ministry for the Environment has developed a hazardous activities and industries list (HAIL) to help identify potentially contaminated sites. The most common past activities that have led to the creation of contaminated sites in New Zealand are:
 - The manufacture and use of pesticides
 - Production of gas and coal products
 - Production, storage and use of petroleum products

- Historic mining
 - Timber treatment
 - Horticultural use
 - Sheep dipping
- 2.3.2 Council is currently working with the Waikato Regional Council to identify potentially contaminated sites within the district. This will result in some sites being identified; however there are potentially many more sites within the district which are currently unknown.
- 2.3.3 Council is also reliant on disclosure by landowners of historic land use activities to determine potentially contaminated sites.

2.4 Management of Contaminated Sites:

2.4.1 The management of contaminated sites involves:

- Identification of contaminated sites
- Assessment of risk to human health or the environment
- Remediation of high risk historic sites
- Minimisation of contamination caused by currently operating sites

2.4.2 It is intended that sites identified by Environment Waikato will be recorded onto property files and noted as part of the Land Information Memorandum process. It is also intended that as part of the resource consent and building consent process, that information will be required to be provided by applicants concerning historic land use activities. This is the main way in which contaminated or potentially contaminated sites will be identified.

2.4.3 Once a site has been identified it needs to be tested and assessed to determine if it poses a risk to human health. The Ministry for the Environment has developed soil guideline values to be used in assessing contamination levels. Where values are exceeded there is a risk which needs to be addressed.

2.4.4 Risks associated with contaminated sites can be remediated (which implies a complete cleanup) or managed through a variety of techniques. Where a contaminated site is identified as needing to be addressed, Council intends to require the provision of specialist advice which provides recommendations on how to manage and control the associated risks.

2.5 Proposed National Environmental Standard Provisions:

2.5.1 The following sets out how the Ministry for the Environment envisages that the proposed standard will be implemented for land use or subdivision activities on contaminated or potentially contaminated soils.:

Surface Investigations – Permitted Activity:

1. *When subsoil investigations are undertaken a report of the findings of the investigation is to be provided to Council within 60 days of receiving laboratory tests.*
2. *When Council receives a report it is required to attach a copy of it to the sites property files and to provide it to the regional council.*

Use, Development or Subdivision – Permitted Activity:

1. *Where a change of use, development or subdivision is proposed of land that is affected or potentially affected by soil contaminants, the developer is required to provide a report to Council to confirm that the site is acceptable for the use.*
2. *The report is required to be prepared by a suitably experienced or qualified person and must report the level of contaminants against the applicable soil guideline value.*

3. Council will audit the report for compliance with the requirements of the permitted activity (as set by the standard).
4. Council is required to attach the information to the sites property file.

Use, Development or Subdivision – Restricted Discretionary Activity:

1. Where land may be affected by contaminants, Council should ensure that the application contains an assessment of the lands potential to be affected by soil contamination. If not provided by the applicant, Council can request it as further information.

Before lodging an application, applicants should appraise the need for an assessment, by:

- Seeing if it is listed on the district or regional land information register
- Investigating if the land was associated with a current or historic land use activity listed on HAIL
- Seeing if the land exhibits any other evidence of the land being affected by contaminants.

If land is identified as potentially contaminated, a preliminary inspection should be required from the applicant – this:

- Assesses the need for further investigation at the site (specifically with reference to current or proposed land uses, or potential environmental impact)
- Should be prepared by a suitably experienced or qualified person.
- If the investigation finds no further work is required, then no resource consent is required.

2. If land is considered to be potentially contaminated (following assessment above) as the result of a previous or current use, the site will need further investigation and the effects assessed.

If the preliminary inspection recommends further investigation, a detailed site investigation should be commissioned by the applicant. This is required to be undertaken by a qualified and experienced practitioner in accordance with contaminated land guidelines No.5 (MfE, 2004b).

3. The detailed site investigation should compare the measured concentrations of contaminants with the relevant SGVs_(health) set out by the standard. If the values are exceeded a resource consent for a restricted discretionary activity is required. If the contaminants meet or are under the values no resource consent is required.

2.5.2 Where resource consent for a restricted discretionary activity is required to be obtained, the applicant will be required to prepare and provide:

- Site investigation reports (preliminary and detailed site investigation);
- A remedial action plan
- Management and monitoring plan.

2.5.3 Council will then assess the information provided, to determine if the site has been adequately investigated and assessed and that the required plans adequately mitigate the adverse effects.

2.5.4 The grounds for refusing consent, or granting consent subject to conditions are:

1. Nature and extent of contamination.
2. Methods to address the risk posed by contaminants to public health and safety
3. Approach to the remediation and/or ongoing management of the contaminated land and the mitigation measures.

2.5.5 The standard does not provide any specific guide in relation to public notification requirements.

2.6 Suggested Management Approach:

- 2.6.1 It is considered necessary that specific provisions be included into the Otorohanga District Plan with respect to contaminated soil. These provisions should be largely consistent with the requirements of the proposed National Environmental Standard for Assessing and Managing Contaminants in Soil.
- 2.6.2 It is suggested that this could be achieved by:
1. The incorporation of a new issues section into the district plan to set out objectives, policies and methods for contaminated land; and
 2. The incorporation of new sections into the land use and subdivision chapters of the district plan to provide permitted activity standards and rules to set out consent requirements for contaminated or potentially contaminated land.
 3. The development of permitted activity standards for:
 - (a) Subsurface investigations; and
 - (b) Land identified on Regional Council database of contaminated sites or containing a current land use activity identified on HAIL for which a detailed site investigation has been prepared and reviewed by Council and finds levels of contamination that meet or are below soil guideline values prescribed by the Ministry for the Environment; and
 - (c) Land which is identified as having been historically used for activities identified on HAIL for which a preliminary site investigation has been prepared and reviewed by Council which determines that a detailed site investigation is not required to be provided.
 4. The development of restricted discretionary activity rules which require a resource consent to be obtained where standards for permitted activities are not complied with; and
 5. The development of information requirements for permitted and restricted discretionary activities in line with that required by the proposed national environmental standard.
 6. The development of matters to which Council will limit its discretion when considering restricted discretionary activities in line with that required by the proposed national environmental standard.

3.0 Electricity Transmission

3.1 Background:

3.1.1 There are two national policy documents in force which relate to electricity transmission activities. These are:

1. National Policy Statement on Electricity Transmission 2008; and
2. National Environmental Standards for Electricity Transmission 2010.

National Policy Statement on Electricity Transmission (NPSET):

3.1.2 The objective of the NPSET is to:

“facilitate the operation maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of future and present generations while:

- *Managing the adverse effects of the network; and*
- *Managing the adverse effects of other activities on the network.*

3.1.3 The policies of NPSET set out issues which are required to be addressed by Council and electricity providers in the district plan as set out below.

3.1.4 Council must:

1. Recognise and provide for the benefits of sustainable, secure and efficient electricity transmission and the effective operation, maintenance upgrading and development of the transmission network;
2. When considering:
 - (a) measures to avoid, remedy or mitigate the adverse effects of transmission network consider the constraints imposed by technical and operational requirements.
 - (b) the environmental effects of new transmission infrastructure (or major upgrades), have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the site route and method selection.
 - (c) The environmental effects of transmission activities must enable the reasonable operation, maintenance and minor upgrade requirements of existing electricity transmission assets.
3. Ensure that provisions dealing with electric and magnetic fields are based on specified World, New Zealand and National Environmental Standards.
4. Manage activities to avoid adverse reverse sensitivity effects on the electricity transmission network.
5. Consult with Transpower New Zealand Ltd to identify appropriate buffer corridor within which sensitive activities will not be provided for in plans and/or given resource consent.
6. Identify the electricity transmission network on Planning Maps.
7. Must recognise that the designation process can facilitate long term proposals for development, operation and maintenance of electricity infrastructure.

3.1.5 Electricity providers must:

1. Use substantial upgrades to existing transmission lines to reduce existing adverse effects.
2. When planning and developing the transmission system:
 - minimise adverse effects on urban amenity and avoid effects on town centres, areas of high recreational or amenity value and sensitive activities; and
 - seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, areas of recreational or amenity values and existing sensitive activities.

National Environmental Standard for Electricity Transmission 2010 (NESET):

3.1.6 The NESET only applies to existing high voltage transmission lines as at 14 January 2010. It does not apply to the construction of new lines, or existing distribution lines. The intent of the standard is to permit existing transmission activities that do not have significant effects on the environment.

- 3.1.7 The standard sets out rules for permitted, controlled and restricted discretionary activities. Any activity which is within the scope of but not specifically provided for by NESET is a discretionary activity. Any activity which breaches electric and magnetic fields conditions are non-complying activities.
- 3.1.8 The regulations are stand alone and are not permitted to be duplicated by any specific objectives, policies or rules incorporated into the district plan. Reference to NESET can however be made in the plan.
- 3.1.9 NESET contains specific standards relating to signs, trees / vegetation removal, earthworks and historic areas. Of particular reference is how existing lines are to be treated when lines cross through natural areas or are subject to a prohibited activity rule. In these cases resource consent for either a controlled or restricted discretionary activity is required to be obtained. In such cases resource consent application will need to be made before works can commence.

3.2 Discussion:

- 3.2.1 The Council has received comments from Transpower New Zealand Limited in relation to the land use and subdivision discussion papers associated with the district plan review. The comments confirm that *“the standards in the NESET will replace plan provisions relating to activities on existing transmission lines”* and that *“Councils will need to review plans and remove provisions that duplicate or conflict with the NESET”*.
- 3.2.2 Transpower have also identified that *“the matters raised in the discussion papers will affect the development of any new lines”*. The comments provided however are silent on the responsibilities of Transpower under the NPSET, particularly where new lines are proposed to be established.
- 3.2.3 Transpower seek the following outcomes in relation to new and existing electricity transmission lines:
- That any new transmission lines, including associated earthworks, are considered as a discretionary activity rather than non-complying, particularly in relation to outstanding landscapes and areas of high natural character.
 - That any tree plantings in identified landscape areas and within the vicinity of a transmission line corridor comply with the Electrical (Hazards from Trees) Regulations 2003.
 - That Council introduces provisions (consistent with Transpower’s Corridor Management Policy) that identify and protect the existing transmission corridor from potential encroachment.
 - That the existing subdivision setback provisions be increased from 20 metres to 32 metres.
 - That buildings within 12 metres of the centreline of an electricity transmission line be a non-complying activity.
 - That the planting of vegetation which will grow to more than 2 metres in height at full maturity within 12 metres of an electricity transmission line be a restricted discretionary activity.
 - That buildings and structures between 12 and 32 metres from an electricity transmission line be a restricted discretionary activity.
 - That any earthworks to raise the ground level beneath a transmission line be a restricted discretionary activity.
 - That subdivision within 32 metres of a high voltage transmission line be a restricted discretionary activity.
 - The transmission corridor, including setback areas, be identified on the planning maps.

3.3 Existing District Plan Provisions:

- 3.3.1 The district plan contains an issue statement in relation to network utility operations. This statement is generic to all network utilities and does not contain any specific objectives and policies relating to electricity transmission activities.
- 3.3.2 In addition to this the subdivision issue section contains objectives and policies relating to promoting the safety of landowners and occupiers in relation to high voltage electricity transmission lines.
- 3.3.3 There is no recognition of the NPSET or the NESET in the current district plan.
- 3.3.4 There are no rules in the land use section of the district plan (buildings, trees / crops, earthworks) which address the relationship of activities to or effects on transmission lines.
- 3.3.5 Section 10 of the subdivision chapter of the district plan sets standards for high voltage electricity transmission lines and provides that where a site contains or is within 20 metres of a line that any subdivision defaults to consideration as a discretionary activity. Information requirements and assessment criteria are also provided.
- 3.3.6 District Wide Rule 3 provides for all network utilities in existence at 23 August 1997 and their operation, maintenance and upgrading shall be permitted activities.

3.4 Suggested Management Approach:

- 3.4.1 It is suggested that changes be made to the existing district plan to give effect to the relevant provisions of the NPSET and NESET, and changes sought by Transpower. These will relate to:
 - Issues statement on Network Utility Operations
 - District Wide Rule 3
 - Earthworks Rules
 - Planting of Trees / Crops Rules
 - Building / Structures Rules
 - Subdivision Rules
- 3.4.2 The Council will continue to identify the location of electricity transmission lines on the planning maps. Because of map scale and size issues it is not intended to identify setback corridors on the planning maps. These setbacks will instead be enshrined through standards in the land use and subdivision sections.
- 3.4.3 The issues statement on Network Utility Operations should be amended to incorporate reference to national policy and activities permitted under the NPSET. It is also suggested that the intent of objectives and policies of the NPSET (where not already covered by existing provisions) be incorporated into the issue statement.
- 3.4.4 That District Wide Rule 3 be amended to ensure it excludes reference to existing electricity lines which are governed by the NESET.
- 3.4.5 That a new district wide rule be put in place which provides for activities permitted by the NESET as permitted activities.
- 3.4.6 That the earthworks question be amended to include a standard relating to earthworks undertaken within 12 metres of the centreline of an existing high voltage electricity transmission line.
- 3.4.7 That the planting of trees and crops section of the land use chapter be amended to include a standard relating to the planting of trees and crops within 12 metres of the centreline of an existing high voltage electricity transmission line.
- 3.4.8 That sections relating to the construction of buildings and structures be amended to include standards which require resource consent for any building / structure to be placed within 32 metres of an existing high voltage electricity transmission line.
- 3.4.9 That standard 10A of section 10 of the current subdivision chapter be amended to increase the required setback from existing high voltage electricity transmission lines from 20 metres to 32 metres.
- 3.4.10 That a new standard be incorporated into section 15 of the subdivision section to require the provision of a suitable building platform which is setback from existing high voltage electricity lines by at least 32 metres.

3.4.11 Council is aware that Transpower is a requiring authority under the RMA and that this status gives them the ability to designate land which means that the provisions of the district plan would not apply to designated work. Because of this Council see no need to make specific provision for electricity transmission activities (particularly the construction of new lines) over and above that afforded to any other activity by the Plan.

4.0 Telecommunications Facilities

4.1 Background:

- 4.1.1 The National Environmental Standard for Telecommunications Facilities (NESTF) came into force in 2008 and is a regulation forming part of the RMA. The regulations create consistent rules across the country about the types of telecommunications infrastructure that are permitted and what continues to be managed by a district plan.
- 4.1.2 The NESTF has general application across all land in the district as far as consideration of radiofrequency fields is concerned. With respect to equipment and structures associated with telecommunications facilities the standard only applies to land that is located within a road reserve.

4.2 Discussion:

- 4.2.1 The regulations associated with the NESTF are stand alone and do not need to be duplicated by any specific objectives, policies or rules incorporated into the district plan. Reference to the standard however can be made within the plan.
- 4.2.2 The regulations provide for specific activities of network operators to be a permitted activity provided they meet certain thresholds. These thresholds and/or conditions relate to:
- Facilities generating radiofrequency fields
 - Facilities in road reserves
 - Protecting trees and vegetation
 - Historic heritage values
 - Visual amenity values
 - Coastal marine area
 - Antennas and utility structures
 - Cabinets
 - Noise
- 4.2.3 The provisions of the standards relating to equipment and structures only relate to facilities within road reserve. There needs to be some consideration about the bulk and location of facilities off road reserve and also rules which may apply generally to protected trees, heritage sites, visual amenity values and the coastal marine area.

4.3 Existing District Plan Provisions:

- 4.3.1 The district plan does not contain any provisions (objectives, policies, rules) which specifically relate to the establishment or operation of telecommunication facilities on or off road reserve. It is the current policy of the plan that these activities would be assessed and controlled in the same manner as any other land use activity.
- 4.3.2 District Wide Rule 3 provides for all network utilities in existence at 23 August 1997 and their operation, maintenance and upgrading shall be permitted activities.

4.4 Suggested Management Approach:

- 4.4.1 It is suggested that changes will be made to the existing district plan to accommodate the relevant provisions of the NESTF. These will relate to:
- Issues statement on Network Utility Operations
 - District Wide Rule 3
- 4.4.2 The issues statement on Network Utility Operations should be amended to incorporate reference to the NESTF and the policies and activities permitted within.
- 4.4.3 That a new district wide rule be put in place which provides for activities permitted by the NESTF as permitted activities.

5.0 Infrastructure / Servicing

5.1 Background:

- 5.1.1 Issues associated with the on-site management of wastewater, stormwater and water supply need to be addressed by the District Plan.

5.2 Discussion:

- 5.2.1 There have been issues with the implementation of the current district plan in relation to on-site servicing of development and/or subdivision, as well as the potential effects on the efficient operation of public network utility services. This has resulted in the inability to adequately assess and manage these issues.

5.3 Existing District Plan Provisions:

- 5.3.1 The land use section of the district plan only makes reference to stormwater management in relation to situations where site coverage standards are not complied with. There are no other provisions in this section of the plan which address service connections to public infrastructure or on-site management / provision of stormwater / wastewater systems.
- 5.3.2 The subdivision section of the district plan only makes reference to the servicing of subdivisions in relation to:
- The provision of connections to urban reticulated water supply; and
 - The provision of connections to existing sewage treatment reticulation system
 - The specification of a minimum lot size of 2500m² where there is no access to a reticulated treatment system.
- 5.3.3 The subdivision section does not contain any provisions which require:
- consideration of stormwater management associated with a subdivision; or
 - subdivisions which take place within an area serviced by a Rural Water Supply scheme; or
 - the management of discharge trenches in relation to proposed lot boundaries.

5.4 Suggested Management Approach:

- 5.4.1 It is suggested that provisions be included in the land use section of the district plan which specifically require land use and development proposals to address:
- (i) The control and management of stormwater to avoid adverse effects on adjoining properties and on the operation of reticulated stormwater systems; and
 - (ii) The provision of adequate water supply (including supplies for fire fighting purposes where relevant) to serve any proposed development.
 - (iii) The provision of wastewater management (particularly in areas where there is no access to a reticulated treatment system).
- 5.4.2 It is suggested that provisions be included in the subdivision section of the district plan which specifically require subdivision proposals to address:
- (i) The provision for stormwater management in relation to roads, rights of way and the future development of the lots being created in a subdivision; and
 - (ii) The provision of adequate water supply (including supplies for fire fighting purposes where relevant) to serve any proposed subdivision.
 - (iii) The ability of proposed lots to manage, treat and dispose of wastewater where land is not serviced by a reticulated treatment system.
 - (iv) The provision of information, including where necessary engineering design plans, in relation to the ability of lots in a subdivision to be connected to reticulated services, and any upgrading or extension of public services which may be required.
 - (v) The identification and location of existing discharge fields associated with on-site wastewater management systems, and the requirement that such discharge fields are located within the lot that they serve, or relocated so that they are.

- 5.4.3 It is suggested that specific objectives and policies be incorporated into the district plan with respect to the management and provision of Council owned network utility services and the need for land use, development and subdivision proposals to assess and make provision for the effective and adequate servicing of activities associated with them.

6.0 **Noise**

6.1 **Background:**

6.1.1 Since the Otorohanga District Plan became operative there have been a number of updates to relevant New Zealand standards relating to the assessment and measurement of sound and noise associated with construction work. These updated national standards have implication for how district plans manage, control, assess and measure the emission of noise resulting from land use and construction activities.

6.2 **Discussion:**

6.2.1 The current relevant New Zealand standards relating to noise are:

- (a) NZS 6801:1999 – Measurement of Sound
- (b) NZS 6802:1999 – Assessment of Environmental Sound
- (c) NZS 6803:1999 – Acoustics Construction Noise

6.2.2 The major change introduced by NZS6802:1999 is the introduction of a L_{eq} , which replaces L_{10} as the descriptor of measurement used in measuring and assessing intrusive noise levels.

6.2.3 It is acknowledged that in changing to a L_{eq} measurement and method of measurement, tends to allow for higher levels of sound as would be experienced using the L_{10} measurement and methodology. In assessing neighbouring District Plans which use the L_{eq} measure, Council notes the lower levels of sound provided for in the rural areas of these districts and in comparison a generally higher L_{MAX} Night level of sound, than is currently provided for in the existing Plan.

6.3 **Existing District Plan Provisions:**

6.3.1 The existing district plan makes reference to sound levels being measured and assessed in accordance with the provisions of NZS 6801:1991 and NZS 6802:1991.

6.3.2 The standards set for permitted noise level are expressed in terms of L_{10} and L_{MAX} standards, and set noise limits in terms of day and night time levels as set out in the table below:

Effects Area	Road Order	L_{10} Day	L_{10} Night	L_{MAX} Night
Rural Effects Area	Order 1, 2 & 3	55	45	70
Urban Services Effects Area	Order 1 & 2	55	45	70
	Order 2A	70	60	75
	Order 3	50	40	65
Urban Limited Services Effects Area	Order 1	55	45	70
	Order 2 & 3	50	40	65

6.3.3 These levels were established as the result of a district wide noise survey undertaken as part of the development of the operative district plan.

6.3.4 Since this time no subsequent noise survey to determine ambient noise levels via effects area / road order has been undertaken as part of the district plan review and no assessment has been undertaken to determine whether the existing noise levels are relevant for application via L_{eq} levels.

6.3.5 Rule 13.2 makes reference to construction, maintenance and demolition activities complying with NZS 6803P:1984 – Measurement and Assessment of Noise from Construction, Maintenance and Demolition work.

6.3.6 Currently there are no definitions of noise in the district plan, excepting explanation of the term notional boundary. Presently the standards relate to noise generated from any activity in any location regardless of whether the noise source may be commonplace when associated with normal farming practices undertaken in rural areas.

6.4 **Suggested Management Approach:**

6.4.1 It is suggested that changes will be made to the existing district plan to update references to relevant New Zealand Standards as follows:

- (a) To change the second paragraph of the explanation to Question 13 of the land use section to refer to L_{eq} as the parameter being used to measure intrusive noise (i.e. as opposed to L_{10}).
- (b) To amend method of assessment 5 to make reference to:
 - (i) NZS6801:1999 – Measurement of Sound; and
 - (ii) NZS6801:1999 – Assessment of Environmental Sound
- (c) To amend standard 13A to refer to L_{eq} as being the parameter used to measure noise levels (i.e. as opposed to L_{10}) and to insert the following permitted noise levels:

Effects Area	Road Order	L₁₀ Day	L₁₀ Night	L_{MAX} Night
Rural Effects Area	Order 1, 2 & 3	50	40	70
Urban Services Effects Area	Order 1 & 2	55	45	75
	Order 2A	70	60	75
	Order 3	50	40	70
Urban Limited Services Effects Area	Order 1	55	45	75
	Order 2 & 3	50	40	70

- (d) To amend Rule 13.2 to make reference to NZS:6803:1999 – Acoustics Construction Noise.

6.4.2 It is suggested that an exception to compliance with noise standards in the Rural Effects Area be provided, where the noise being generated originates from:

- *farm animals, or*
- *agricultural vehicles (where not used for recreational purposes).*

Provided that the duty to avoid unreasonable noise, prescribed by section 16 of the Resource Management Act 1991, to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level, shall continue to apply.

7.0 Summary:

In summary, the recommended changes to the District Plan are:

7.1 *Contaminated Land*

- 7.1.1 The Council has a specific function to control any actual or potential effects of the use, development or protection of land for the purpose of preventing or mitigating any adverse effects of the development, subdivision or use of contaminated land.
- 7.1.2 The Council is aware of this function and also that there is a proposed national environmental standard for assessing and managing contaminants in soil.
- 7.1.3 In the absence of this standard having legal standing, the Council is required to include provisions on contaminated land into the Otorohanga District Plan. It is considered that this should be done in a manner consistent with that currently proposed by the Ministry for the Environment.
- 7.1.4 Council is aware that when the standard is developed into regulation that a further change may be need to be undertaken to make the plan consistent with the form of the regulation at that time.

7.2 *Electricity Transmission*

- 7.2.1 Amendments be made to the existing district plan to give effect to the relevant provisions of the NPSET and NESET, and changes sought by Transpower. These will relate to:
 - Issues statement on Network Utility Operations
 - District Wide Rule 3
 - Earthworks Rules
 - Planting of Trees / Crops Rules
 - Building / Structures Rules
 - Subdivision Rules
- 7.2.2 To continue to identify the location of electricity transmission lines on the planning maps.
- 7.2.3 To amend the issues statement on Network Utility Operations to incorporate reference to national policy and activities permitted under the NPSET. The intent of the objectives and policies of the NPSET are also to be incorporated into the issue statement.
- 7.2.4 To amend District Wide Rule 3 to ensure it excludes reference to existing electricity lines which are governed by the NESET.
- 7.2.5 To put in place a new district wide rule that provides for activities permitted by the NESET as permitted activities.
- 7.2.6 To include a standards relating to earthworks within 12 metres of the centreline of an existing high voltage electricity transmission lines.
- 7.2.7 To include a standard relating to the planting of trees and crops within 12 metres of the centreline of an existing high voltage electricity transmission line.
- 7.2.8 To include standards which require resource consent for any building / structure to be placed within 32 metres of an existing high voltage electricity transmission line.
- 7.2.9 To require the provision of a suitable building platform at the time of subdivision which is setback from existing high voltage electricity lines by at least 32 metres.

7.3 *Telecommunications*

- 7.3.3 To amend the issues statement on Network Utility Operations to incorporate reference to national policy and activities permitted under the NPSTF.
- 7.3.4 To put a new district wide rule in place which provides for activities permitted by the NESTF as permitted activities.

7.4 Infrastructure / Servicing:

- 7.4.1 To include provisions in the land use section of the district plan which specifically require land use and development proposals to address stormwater and wastewater management and water supply.
- 7.4.2 To include provisions in the subdivision section of the district plan which specifically require subdivision proposals to address stormwater management, water supply, and wastewater management.
- 7.4.3 To incorporate specific objectives and policies into the existing issues section of the district plan concerning the management and provision of Council owned network utility services and the need for land use, development and subdivision proposals to assess and make provision for the effective and adequate servicing of activities associated with them.

7.5 Noise:

- 7.5.1 To change the second paragraph of the explanation, and Standard 13A of Question 13 of the land use section to refer to L_{eq} as the parameter being used to measure intrusive noise (i.e. as opposed to L_{10}) and to insert the following permitted noise levels:

Effects Area	Road Order	L₁₀ Day	L₁₀ Night	L_{MAX} Night
Rural Effects Area	Order 1, 2 & 3	50	40	70
Urban Services Effects Area	Order 1 & 2	55	45	75
	Order 2A	70	60	75
	Order 3	50	40	70
Urban Limited Services Effects Area	Order 1	55	45	75
	Order 2 & 3	50	40	70

- 7.5.2 To amend method of assessment 5 to make reference to:
(a) NZS6801:1999 – Measurement of Sound; and
(b) NZS6801:1999 – Assessment of Environmental Sound
- 7.5.3 To amend Rule 13.2 to make reference to NZS:6803:1999 – Acoustics Construction Noise.
- 7.5.4 That an exception to compliance with noise standards in the Rural Effects Area (outside the Countryside Living Area) be provided, where the noise being generated originates from farm animals or agricultural vehicles (where not used for recreational purposes); provided that it remains clear that every person has duty to avoid unreasonable noise to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

Please send your comments to:

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