PUMA Planning Policy

Subject: Noise Standards

1. Introduction

The purpose of this document is to provide guidance on the assessment of development applications and equally to preserve and protect amenity under the Planning and Urban Management Act 2004 (PUM Act). This policy is to be implemented by the Planning and Urban Management Agency (PUMA).

This policy is applicable for setting conditions relating to noise emissions and is intended for planning purposes for example assessing development applications, ensuring compliance and handling public noise complaints.

This policy is adopted as a policy guideline under section 9 of the PUM Act.

2. Purpose and scope

The purpose of these standards set out in this policy is to provide an acceptable living environment to all residents. This policy implements section 63 of the PUM Act where the amenity of an area or place is in the opinion of the PUMA compromised by "excessive noise." The control of the emission of noise and the mitigation of the effects of noise is one of PUMA's functions specified under the PUM Act. This policy defines maximum allowable noise levels for various activities.

3. Background

Complaints over noise are increasingly becoming frequent. The PUM Act requires the PUMA to control the emission of noise and to mitigate any adverse effects of noise. Excessive noise is recognised as having detrimental public health impact and also affects amenity values of communities. The aim of this policy is to provide guidance on how the Samoan planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. This policy document shall apply to the general urban areas and on large scale developments in the rural areas.

The impact of noise can be a material consideration in the determination of development consent applications. The PUMA must ensure that existing and a proposed development does not cause an unacceptable degree of disturbance or is 'excessive'. The noise policy sets out the measures which PUMA has adopted to

manage noise and includes the setting of noise limits in conditions of development approvals.

What is excessive noise? Excessive noise is any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person. Noise standards are set to prevent cumulative increases in background noise levels and to ensure the protection of community health and amenity.

4. Objectives

The objectives of this policy are to:

- Provide minimum national standards applicable to development consent approvals to protect citizens against excessive noise in their communities and places of residence
- Protect residents from exposure to excessive noise and its effects through appropriate mitigation measures, consent conditions and responsive planning; and
- Create an environment where noise levels do not exceed a reasonable level.

The Planning and Urban Management Agency requires that proponents and landowners give adequate consideration to noise exposures and sources of noise as an integral part of the environment when applying for consent. Particular emphasis shall be placed on the importance of compatible land use planning in relation to airports and other sources of high noise.

5. Noise Standards

The following maximum noise levels measured at the stated times at the boundary of any land used shall not exceed the limits set below.

Noise limits at sensitive receivers are:

Land use category/ Description of area	Maximum Noise (dBA) at the Boundary of the Receiving Property		
	Day* 0700-1800 hours	Evening 1800-2200 hours	Night 2200-0700 hours
Mainly residential area	50-54	44-48	39-43
Area with some commercial	59-70	48-52	43-47
Commercial area or bordering an industrial area	63-70	52-57	47-52
Predominantly industrial area	63-75	52-57	47-52
Electric / Diesel Power Generation	75	50	50
Rural villages	40	40	40

Note: * On Sundays and public holidays between 0700 and 1800 hours the evening noise limit applies.

5.1. Measurement of Sound

The Agency will measure noise impacting on a complainant at the point of impact. For example, should the noise be disturbing the complainant at the property boundary, this is where the measurement will be taken.

Typically, noise shall be measured for a continuous 15 minute period, to allow for peaks and troughs and ensure a fair assessment.

Noise shall be measured with a sound level meter complying with the International Standard IEC 651 (1979): Sound Level Meters Type 2.

5.2. Compliance with Health Requirements

Compliance with any provision of these standards does not grant the right to create any nuisance as defined under the Health Ordinance 1959 or negate the duty to avoid unreasonable noise or to avoid, remedy or mitigate adverse effects on the environment as required by the PUM Act.

5.3. Impacts

Excessive or high levels of noise can have a detrimental impact on environmental quality. The PUM Act requires that environmental quality is to be maintained and enhanced. Therefore the control of noise sources is justifiable in order to prevent an

increase in the overall ambient noise in the environment. The standards aim at the very least to maintain noise in the environment originating from human activity at current levels and where possible to actually improve background noise exposure.

5.4. Exemptions

The noise limits stated in this policy shall not apply in the following circumstances:

i. noise generated by sirens and alarms used by emergency services;
ii. noise generated by traffic on public roads;

In the case of special circumstances, development consent applications will be considered on the merit of the proposed activity for example noise generated from stadium, sporting events and special national events.

5.5. Discretionary

In the instance where PUMA does not have an operational Sound Level Meter the PUMA has the discretion to provide practical measures to mitigate the noise emission from source. This discretion is to be used in cases when a noise complaint is lodged to the PUMA and where the noise level is determined by the PUMA to be unacceptable or 'excessive'. For example, the PUMA may issue a written direction or Order to reduce the noise level. However if the noise continues or reoccurs and the written direction or Order has been breached then it is an offence and the person(s) is liable under section 84 of the PUM Act.

5.6. General Principles for Compliance

The noise provisions outlined in this policy are intended to provide an alternative remedy to problems of disturbance caused by noise from land use activities. The offence is based on exceeding an objective measured sound level value ('the permitted level') further to investigation of a complaint, and a formal warning having been given. It has the advantage of not being subject to the subjective judgments of nuisance which make court proceedings for statutory nuisance uncertain. A penalty is also available should the PUMA decide to issue a person committing the offence.

There is no need to measure the level of noise before issuing a warning notice or Order. A warning notice or Order is sufficient to persuade the noise maker to keep the noise to a reasonable level. The noise only needs to be measured if the warning notice is contravened and the PUMA wishes to ensure that the noise offender complies.

Appendices

The Level of Common Sounds: Indicative Noise Levels in Typical Situations

Thresholds Noise Sources	Sound Level (dBA)	Subjective Evaluations	Possible Effects on Humans
Shotgun	170	Deafening	Continuous exposure to levels above 70 can cause hearing loss in majority of population
Human threshold of pain	140		
Siren at 30m Loud rock band	130		
Jet takeoff at 60m Car horn at 1.5m	120		
Chainsaw Disco / nightclub	110		
Lawn mower at 1.5m Factory machine	100	Very Loud	
Heavy truck, maximum at 15m Shouting conversation	90		
Busy urban street, daytime Noisy restaurant	80	Loud	
Normal car at 50mph Vacuum cleaner at 1.5m	70		Speech Interference
Normal conversation at 1.5m	60	Moderate	
Quiet Residential area Light auto traffic at 30m Rainfall Quiet Office	50		Sleep Inference
Library / Quiet Home	40	Faint	
Soft whispering	30		
Rustling of leaves	20	Very Faint	
Broadcasting Studio Normal breathing	10		
Threshold of Human Hearing	0		

Source: Adapted from US EPA and Others