

**Before the Hearings Panel  
At Waimakariri District Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** the Proposed Waimakariri District Plan

**Between** **Various**

**Submitters**

**And** **Waimakariri District Council**

**Respondent**

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**Council Officer's Preliminary Response to written questions on Noise on  
behalf of Waimakariri District Council**


**Date: 21 August 2023**

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**INTRODUCTION:**

- 1 My full name is Jessica Anneka Manhire. I am employed as a Policy Planner for Waimakariri District Council.
- 2 The purpose of this document is to respond to the list of questions published from the Hearings Panel in response to my s42 report.
- 3 In preparing these responses, I note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the questions may alter through the course of the hearing and after consideration of any additional matters raised.
- 4 I also note that given the timing of these questions, my preliminary responses in some instances have not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answers below.
- 5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.
- 6 The format of these responses in the table below follows the format of questions identified in within the Commissioner’s minute.
- 7 I am authorised to provide this evidence on behalf of the District Council.

**Date:** 21/08/2023



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Paragraph or Plan reference	Question	Officer's preliminary reply pre hearing
Paras 76 & 82	<p>Please explain how the clay target association site is different to the speedway site which is subject to NOPISE-R12?</p> <p>If the Speedway site is subject to a resource consent, how do the conditions in NOISE-R12 relate to that resource consent.</p> <p>Please further explain your rationale that the clay target site is comparable to frost fans, given the Clay Target Association submission relates to an established activity occurring on one site, and frost fans could be located on many different sites, subject to resource consents?</p>	<p>The Woodford Glen Speedway is different to the Clay Target Association site because of the existing activity surrounding the site. There are several residential units near the gun club. They have established closer to the operation than when the certificate of compliance was obtained. The closest is 100m, whereas the closest from Woodford Glen is 400-500m away.</p> <p>The activity from the North Canterbury Clay Target Association occurs all year round and is impulsive which has greater impact on its surrounds.</p> <p>Woodford Glen is event-based transient noise, that does not occur all year round and neighbours are informed of the events happening. Woodford Glen has an informal agreement with council to provide noise levels after the event, which it does provide. There is also more control with the management of the events as they have to be approved by Speedway NZ which has rules that no vehicles shall exceed 95 dba, from a specific measurement location.</p> <p>Woodford Glen does not have a resource consent for the racing activity but has resource consent to operate a Sunday Market within the 'pit' area. The standards in NOISE-R12 were drafted in consultation with Woodford Glen and the neighbouring campground to allow for existing activity and ensure it does not increase in the future.</p>

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	<p>You state there is subdivision potential around the clay target association site, and so would an Overlay not be an effective way to alert prospective buyers of land in the adjacent rural zone of the presence of the shooting range?</p> <p>Whilst the shooting range appears able to continue operating under its CoC/resource consent conditions, is that a satisfactory long term solution in the face of increasing residential dwellings on adjacent land which may be expected to result in increasing complaints (which might need to be dealt with under Section 17 RMA)?</p> <p>From a planning/legal viewpoint do you</p>	<p>In regard to the question about frost fans, frost fans are not comparable to the clay target site for the reasons stated in the question.</p> <p><i>North Canterbury Clay Target Association</i></p> <p>An overlay would alert prospective buyers of the shooting activity and would prevent further residential dwellings establishing nearby. However, I consider noise monitoring along with consultation would need to be undertaken before I could support an overlay. The noise contour would be best considered in conjunction with standards that are refined in consultation with the clay target association and neighbouring properties.</p> <p>As the North Canterbury Clay Target Association has a resource consent, as a courtesy, nearby properties (up to 1km) are alerted in LIMs that there is a resource consent. The same is not done for Woodford Glen. However, it is expected that once the Proposed District Plan becomes operative that all contours will be specified on LIMs. Currently the LIMs team send a link to the Proposed District Plan.</p> <p>I do not consider that resource consent conditions will override section 17. The duty under section 17 applies whether or not the activity is in accordance with a resource consent. Section 17 applies if an enforcement officer is of the opinion that the activity is noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment. However, Section 319(2) provides that the Environment Court must not make an enforcement</p>

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	consider the resource consent conditions will override Section 17?	order if the adverse effects in respect of which the enforcement order is sought were expressly recognised by the person who approved the plan, or granted the resource consent, at the time of the approval or granting.
Para 82 & 86	<p>How will this new rule work in practice?</p> <p>Is it a set back from existing frost fans, and if so, are their locations known and mapped.?</p> <p>If the rule relates to any new frost fans, then could that impact on extensions to established dwellings that are then within 1000m of that new frost fan?</p> <p>Para 86 – in terms of economic “costs expected to be low due to minimum subdivision size in the Rural Zones” - the suggested set back of 1 kilometre would seem difficult to meet</p>	<p>Any new frost fans will be subject to resource consent, and it would be a straightforward task to map them based on the resource consent. This has been done for some other activities in the Proposed District Plan. Frost fans have been mapped by other councils (Hurunui and Marlborough). There are no existing frost fans in the district.</p> <p><i>Extensions to dwellings</i></p> <p>The rule refers to any “new noise sensitive activity” and was not intended to impact on extensions.</p> <p>If a new frost fan seeks to establish within 1km of a noise sensitive activity, then it would have to demonstrate that it is less than 55 dB LAeq at the notional boundary of any residential or minor residential unit. Any extension to an existing residential unit would not need specific noise control because it is not a new activity.</p> <p>The rule does not technically create a 1km setback but requires that within the 1km radius a noise sensitive activity must be designed and constructed to ensure a noise level is not exceeded. I note that, as advised by Mr Camp, frost fans are getting quieter and the noise level may be met without any specific acoustic treatment. The</p>

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	on most subdivided sites?	<p>new frost fan rule is intended to act as a trigger point for awareness where noise issues may arise.</p> <p>The economic cost discussion was in relation to the design and construction cost to meet the noise level and that there are unlikely to be many frost fans, if any, establishing in the district and even less noise sensitive activities will be impacted due to it being a rural activity than if it was to be in more dense areas.</p>
Para 94	<p>Noting the recommendations to ASW-R1 to make motorised watercraft a permitted activity and the Marshall Day recommendation in their June 2019 memorandum, that motorised activities be a restricted discretionary activity, are you satisfied that there are sufficient controls in place to manage the noise effects of commercial jet boating activities on adjacent properties? How does your proposed approach compare</p>	<p>I have only considered recreational jet boating activity in my s42A as that was the scope of the Jet Boating New Zealand submission.</p> <p>However, I understand that the plan is silent on commercial jet boating activities.</p> <p>Commercial jet boating activities are not exempt from the noise rules and will be subject to the general noise rules under NOISE-R19.</p> <p>In forming the proposed notified noise chapter, specific noise rules were considered for commercial jet boating activities. However, it was concluded that it was difficult because the receiving environment can change over time.</p> <p>I have looked at Queenstown and Taupo's approach. Commercial boating activities are discretionary under the Queenstown Proposed District Plan. In the Taupo District Plan, commercial activity or event on the Surface of the Water of the Waikato River involving a motorised vessel is a discretionary activity.</p>

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	<p>with other districts that do have jet boating enterprises, such as Queenstown and Taupo?</p>	<p>For consistency, I have looked at neighbouring plans. The Christchurch District Plan permits the use of motorised watercraft in the Waimakariri River (Rule 18.8.1.1(P3)).</p> <p>Therefore, the Proposed Waimakariri District Plan is consistent with this approach as it would be a permitted activity, except it would still be subject to noise standards which acts as a catch-all. If a specific activity rule was provided for commercial jet boating activities then there is a risk that other activities, such as hovercraft, can fall under the rule.</p>
<p>Para 144</p>	<p>Did you consider an alternative of including a definition for "identified existing activities" that listed the specified activities that have specific noise rules relating to them?</p> <p>Could your recommended amendment of "existing noise generating activities identified through the Noise Chapter rules" be interpreted to apply to any existing activity that is subject</p>	<p>I consider that there is a risk that if too much detail is included, such as a definition, then something may be missed. My intention in specifying identified rules in the chapter was to be explicit that the provision related to those specific activities.</p> <p>However, I acknowledge the panel has identified that there are different interpretations that could still apply and therefore I consider that this could be further clarified.</p> <p>I will consider amended wording in my right of reply.</p> <p>I did not consider consequential amendments to NOISE-P1(3) as the intent of the objective was to be retained but amended to clarify this intent.</p>

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	<p>to the Noise Chapter rules?</p> <p>With your recommended amendment, did you consider whether there were any consequential amendments required, such as to NOISE-P1(3)?</p>	
Para 148	<p>Please explain further why the amendment to NOISE-O2 retains an all-embracing reference to “ (all) activities within Commercial and Mixed Use Zones and Industrial Zones” yet it makes no specific reference to (any) activities in the Rural Zones?</p> <p>Whilst it is understood the intention is to safeguard a small number of larger activities, why is</p>	<p>The objective was not intended to cover all the activities in the Rural Zones. In the commercial and industrial zones I consider that it is highly likely that they are generating industrial noise and noise associated with commercial activities. They are expected to be in those zones and tend to be ongoing.</p> <p>While some of the activities are also in the rural zones (Woodford Glen and frost fans), it was not intended to apply to all rural activities affected by reverse sensitivity effects. The distinction is that rural productive activities tend to be seasonal, short-term, and intermittent with large separation distances.</p>



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	<p>there a distinction with Rural Zones, and a broad brush approach is taken to protect all activities but only in the Commercial, Mixed Use and Industrial zones?</p>	
<p>Para 156 &amp; 161</p>	<p>You state that:</p> <p><i>“NOISE-O2 identifies the need to manage reverse sensitivity effects in relation to existing activities and significant infrastructure”.</i></p> <p>However, do you not agree as per the point above (para 156) the objective relates much more widely to <u>all</u> activities in commercial and industrial zones? If that is the case, why would you not consider (for consistency) it should also apply in the Rural</p>	<p>Further to my answer to the question above, the chapter integrates with the management of activities within zones.</p> <p>Noise and reverse sensitivity effects is already a factor that is anticipated by the objectives and policies in the Rural Zones. The Rural Zones objectives and policies address the character of the rural zones (RURZ-O1) and activities within the Rural Zones (RURZ-O2). RURZ-P8 specifically addresses reverse sensitivity effects regarding managing the establishment of new sensitive activities near other primary production activities.</p> <p>CMUZ-P7 manages reverse sensitivity effects from residential activities including higher levels of ambient noise by ensuring the provision of acoustic attenuation.</p>

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	Zones, to all rural production activities (as HortNZ has requested in its submission)?	
Para 171	The ordinary meaning of minimise is generally held to be "reduce (something, especially something undesirable) to the smallest possible amount or degree". Under that definition, does it enable a full range of actions?	<p>Yes, I consider it does as possible means "capable of existing or happening; that may be managed or achieved".</p> <p>I consider noise effects can be minimised to the smallest amount able to be achieved whilst enabling the activity to continue. The term gives something to aim towards.</p> <p>Minimise can be to 'avoid', which is to prevent something from happening, including adverse noise effects.</p> <p>It can be to 'remedy' which is to counteract or remove anything undesirable, which could apply to noise. For example, by removing a noise source with setbacks or it can mitigate which is to make noise effects milder or less intense. For example, with acoustic insulation, or by reducing the duration of the noise.</p>
Para 172	In considering the above (para 144), are buildings in the vicinity of infrastructure not covered by NOISE-P3 to 5? What is the relationship between NOISE-P1 with Noise-	<p>Yes, NOISE-P1 also applies to the activities that have specific policies so all would need to be considered.</p> <p>For example, the Rangiora Airfield has a more specific policy (NOISE-P5). In this instance, I consider NOISE-P1 and NOISE-P5 can be considered together despite the more restrictive wording of NOISE-P5. The location of noise sensitive activities is limited under NOISE-P1(3). In</p>

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	P3 to 5, and NOISE-O2?	<p>particular, they are prohibited specifically within the 65 dBA Ldn Noise Contour for Rangiora Airfield.</p> <p>The policies give effect to NOISE-O1 and/or NOISE-O2.</p>
Paras 172 and 173	<p>In para 172 you state "I consider a limit is more appropriate as there are a range of activity statuses for noise sensitive activities near noise generating activities..." and in para 173 you state "manage can mean many things such as prevent, reduce or avoid". How do these two statements differ in terms of using limit versus manage?</p>	<p>Limit is defined as "to control something so that it is not greater than a particular amount, number or level". This is relevant to noise and is more specific than manage which can mean 'limit' and other terms.</p>
Para 284 & 281	<p>Your recommendation is to not include in the matters of discretion a reference to vibration, based on their being no standards in the Plan.</p>	<p>To clarify my statements in the paragraph 284 and 289, based on the advice received from Mr Camp, I do not consider that a rule requiring measurement of vibration standards would be efficient, as it would likely require a detailed and subjective assessment to determine whether or not consent is required. Based on advice from Mr Camp, this would cost \$5000 upwards to measure and typically an assessment will be required for every house as opposed to an assessment of noise</p>

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	<p>How do you consider this can be reconciled with your statement in para 281 that the Council "relies on external companies to provide site specific vibration plans/assessments where required for resource consenting purposes".</p>	<p>effects where houses could be done as a group and is a more straightforward assessment.</p>
<p>Para 289</p>	<p>Can Mr Camp please provide a ball park figure on the typical costs to engage an acoustic engineer to assess compliance with NOISE-R16?</p> <p>Does WDC have a process/arrangement with a consultant to provide this service to applicants on a cost effective basis (as it does for Flood Hazard Assessment certificates)?</p>	<p>A traffic noise certificate from an acoustic consultant currently costs in the region of \$3500, which is why Mr Camp supports the idea of a dual-pronged approach with an acceptable solution.</p> <p>My understanding is that Council do not have an arrangement with a noise consultant to provide information on a cost effective basis; noting:</p> <ul style="list-style-type: none"> <li>• Council's own flood risk model is proposed to be used as the basis for assessment of flood hazard certificates and therefore Council itself holds the expertise;</li> <li>• Noise modelling is often more subjective and subject to a range of contemporary and contextual issues (such as weather/ wind patterns); and,</li> </ul>

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		<ul style="list-style-type: none"> <li>My understanding is that determining compliance with the rule will be in part determined by standard appraisal of construction products and by reference to the building code at the time of building consent.</li> </ul>
Para 291	Can Mr Camp please explain how NOISE-R16 already takes into account a significant increase in traffic volume.	NOISE-R16 requires that traffic noise predictions include a 2dB allowance for future traffic growth. This is equivalent to 60% more traffic than at present.
Para 293	In terms of the point made by the submitter Kainga Ora, as to there needing to be a balance between controlling the noise receiver v managing the noise emitter, are there rules in the District Plan that apply to Waka Kotahi, for example, to manage the noise effects from vehicles using State Highways? If not, is the submitter not making a valid point, and do you consider the noise emitter can	<p>I agree that conceptually there is a balance required between a noise receiver and emitter, recognising that road noise is often necessarily co-located with noise sensitive activities such as dwellings.</p> <p>There are no specific rules related to Waka Kotahi in relation to managing noise effects from roads controlled by them. It is also noted that existing and proposed state highways are proposed to be subject to designations, with the outline plan approval process enabling Council to recommend changes to the requiring authority in respect of adverse effect (s176A(3)(f)).</p> <p>With specific regard to the proposed Woodend Bypass, the conditions that apply to this proposed road in the operative plan require, amongst other matters, a noise report mitigating road traffic. No changes are proposed to the 103 conditions of this designation.</p>

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	<p>then make a contribution for the required acoustic insulation etc. to mitigate the effects they are causing?</p> <p>Has a section 32A evaluation been carried out to assess the costs in terms of loss of usable land required for 80 metre setbacks along State Highways, and acoustic insulation of dwellings.</p>	<p>No specific cost/benefit evaluation was undertaken in relation to the loss of usable land required for an 80-metre setback; however, it is noted the costs associated with the rule are the costs of additional noise insulation in relation to dwellings, as the rule framework does not prevent them from establishing within the setback if the standards are met<sup>1</sup>.</p>

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<sup>1</sup> Reference table 8.1 within the noise s32 (page 23) which details the economic costs of the collective rule package.