

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**'the Act'**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further Submissions on the Proposed Waimakariri District Plan (**'the Proposed Plan'**)

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the Proposed Waimakariri District Plan by **McAlpines Limited ('McAlpines')**

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**EVIDENCE OF TIMOTHY CARR WALSH  
ON BEHALF OF MCALPINES LIMITED**

Dated: 7 August 2023

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## **INTRODUCTION**

- 1 My full name is Timothy Carr Walsh. I am a resource management planner employed by Novo Group. Novo Group is a resource management planning, landscape architecture and traffic engineering consulting company that provides resource management related advice to private clients and local authorities.
- 2 I hold a Bachelor of Science (Honours) degree and a Master of Science degree from the University of Canterbury. I am also an Associate member of the New Zealand Planning Institute.
- 3 I have approximately 18 years of experience as a resource management planner, working in local and central government, and as a consultant. I have experience in a wide range of resource management planning matters, predominantly as a consultant to property owners, investors and developers.
- 4 Relevant to this matter I have experience in processing resource consent applications including preparing section 42A reports and attending resource consent hearings for district councils. As a consultant planner I have experience in evaluating development projects, preparing resource consent applications and plan change requests, and presenting evidence at council resource consent and plan change hearings and the Environment Court.

## **CODE OF CONDUCT**

- 5 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

## **SCOPE OF EVIDENCE**

- 6 My evidence is presented on behalf of McAlpines, a submitter in these proceedings.

- 7 In preparing my evidence I have reviewed the evidence of William Reeve, Senior Associate with Acoustic Engineering Services.
- 8 I have also considered:
- 8.1 The section 42A Report prepared by Council (**'the Officer's Report'**); and
  - 8.2 The Canterbury Regional Policy Statement (**'CRPS'**) and the Proposed Plan.
- 9 My evidence is structured as follows:
- 9.1 Context;
  - 9.2 Assessment of issues;
  - 9.3 Statutory analysis; and
  - 9.4 Matters raised in the Officer's Report, and
  - 9.5 Matters raised by submitters.

## **EXECUTIVE SUMMARY**

- 10 It is appropriate that the Proposed Plan protect the McAlpines sawmill from reverse sensitivity effects. The necessary protection can be achieved by:
- 10.1 including a Timber Processing Noise Contour on the planning maps extending over a portion of the Rural Lifestyle Zone adjacent the McAlpines site, and
  - 10.2 requiring consent for noise sensitive activities seeking to establish within the contour to ensure that noise sensitive activities are designed to sufficiently mitigate adverse noise effects.
- 11 I consider the benefits of the proposal outweigh any costs. Further, I consider that proposal gives effect to the CRPS, is supported by the relevant Proposed Plan noise related objectives and policies, and is the most appropriate way of achieving the purpose of the Act.

## **CONTEXT**

### **The McAlpines Submission**

- 12 The McAlpines submission is on the Proposed Plan in its entirety but specifically relates to:

- 12.1 potential reverse sensitivity effects on McAlpines sawmill at Southbrook arising from residential subdivision and development of Rural Lifestyle Zone land to the west of the sawmill;
  - 12.2 rezoning of McAlpines land from General Industrial Zone to Large Format Retail Zone;
  - 12.3 rezoning of McAlpines land from Rural Lifestyle Zone to General Industrial Zone; and
  - 12.4 replacement of the Proposed Plan approach to management of flood hazard at Southbrook with the approach used to manage flood hazard at the Kaiapoi.
- 13 This evidence relates only to the reverse sensitivity effects matter set out at paragraph 12.1.

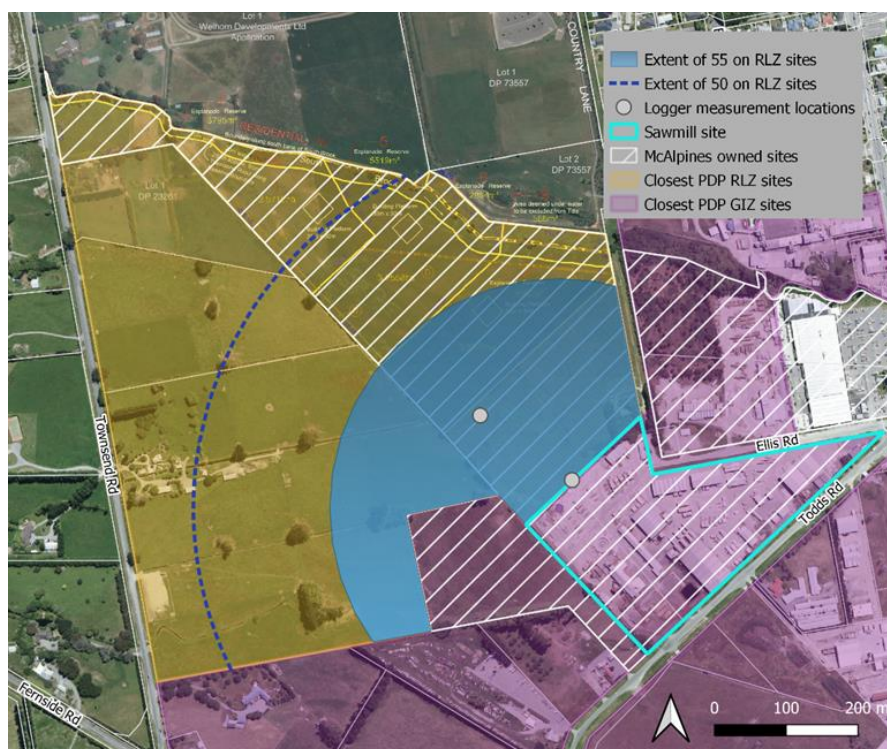
#### **Site Description**

- 14 The sawmill site (located at 51 and 89 Todds Road) and the immediate surrounds are described in sufficient detail in paragraphs 6-8 of Mr Reeve's evidence. I am familiar with the site, and I adopt Mr Reeve's description.

#### **ASSESSMENT**

- 15 As set out in the submission and Mr Reeve's evidence, McAlpines is concerned about the potential for reverse sensitivity effects on its lawfully established sawmill business. Specifically, McAlpines is concerned that future residential development to the north and west of the site within the proposed Rural Lifestyle Zone may lead to restrictions on its operations. While it can rely on its existing use rights under s10 of the Act, McAlpines consider that its operations should be recognised and appropriately protected in the Proposed Plan.
- 16 Mr Reeve considers that people exposed to noise from the sawmill exceeding 55 dB  $L_{Aeq}$  are at a higher risk of serious annoyance. By his calculations, the area shown in **Figure 1** (the blue shaded arc over the proposed Rural Lifestyle Zone) is subject to noise exceeding 55 dB  $L_{Aeq}$ . I note that the dark blue dashed arc indicates the extent within which people would be exposed to noise up to 50 dB  $L_{Aeq}$  within the Rural Lifestyle Zone. As set out in Mr Reeve's

evidence, 50 dB  $L_{Aeq}$  is the daytime noise limit that applies at the notional boundary of any dwellings in any rural zone.



**Figure 1 – noise exposure area. Source: Evidence of Mr Reeve**

- 17 Mr Reeve considers that a noise contour, the same extent as the 55 dB  $L_{Aeq}$  arc shown in **Figure 1**, should be shown on the planning maps of the Proposed Plan and that noise sensitive activities<sup>1</sup> within it should be subject to assessment including from a suitably qualified acoustic expert.
- 18 I agree with Mr Reeve that the McAlpines operation should be afforded protection against reverse sensitivity effects in the Proposed Plan. I propose the following method for managing potential reverse sensitivity effects (hereon referred to as **'the proposal'**):
- 18.1 Include a 'Timber Processing Noise Contour' on the planning maps to the same extent as the 55 dB  $L_{Aeq}$  arc shown in **Figure 1**, and

<sup>1</sup> Defined in the Proposed Plan as:

- a. residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;
- b. education activities including pre-school places or premises excluding training, trade training or other industry related training facilities;
- c. visitor accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;
- d. hospitals, healthcare facilities and any elderly persons housing or complex.

- 18.2 Require restricted discretionary activity consent to authorise noise sensitive activities seeking to establish within the contour.
- 19 Restricted discretionary activity consent would be required by Rule NOISE-21. This rule requires consent for noise sensitive activities seeking to establish within a Timber Processing Noise Contour. Such a contour is shown on the Planning Map, extending from the Daiken New Zealand Limited (**Daiken**) MDF factory near Ashley.
- 20 I note that the proposal differs from the relief sought in the submission which is to:
- 20.1 *"amend relevant RLZ subdivision standards to expressly recognise and protect the Sawmill from potential reverse sensitivity effects arising from subdivision of the rural land; and*
- 20.2 *amend relevant RLZ land development standards to expressly recognise and protect the Sawmill from potential reverse sensitivity effects arising from establishment of any residential unit or other sensitive activities on the rural land."*
- 21 While the method of protecting McAlpines from reverse sensitivity differs from the specific relief sought in the submission, the intent and outcome is the same. Further, McAlpines may still pursue the above relief in the Rural and Subdivision chapter hearings.
- 22 I also consider it appropriate that the extent of the proposed Timber Processing Noise Contour only apply to the proposed Rural Lifestyle Zone and not to industrial zoned land. This is because a higher level of noise is anticipated in the proposed General Industrial Zone and noise sensitive activities have either discretionary or non-complying activity status in that zone.
- 23 While the proposal would result in consenting costs for anyone proposing noise sensitive activities within the proposed contour, I consider the benefits would outweigh the costs. The consent pathway would ensure noise sensitive activities (most likely residential units) are designed to sufficiently mitigate adverse noise effects. This would likely include insulating buildings to attenuate noise, and ensuring outdoor living areas are appropriately located

and/or screened. I note that Council's discretion would be restricted to the matters listed at NOISE-MD1 and NOISE-MD3. I consider that these matters of discretion cover the full spectrum of matters that would be relevant to consideration of the establishment of noise sensitive activities within the proposed contour.

- 24 While specific building insulation requirements could be prescribed in a permitted activity standard, thus avoiding a consent requirement for noise sensitive activities, the location and design of outdoor areas would require site specific assessment and cannot be managed via prescriptive standards. Further, while the proposed consent requirement could be avoided by relying on McAlpines' existing use rights, it may not be effective in avoiding adverse effects and conflict. I also note that the proposal is consistent with the method Council has proposed to manage potential reverse sensitivity effects in relation to the Daiken manufacturing plant (and other noise generating activities such as the Woodford Glen speedway and aircraft noise from Rangiora Airfield and Christchurch International Airport).

#### **STATUTORY ANALYSIS**

- 25 This evidence now turns to policy considerations where the following evaluation assesses the proposal against the relevant objectives and policies of the CRPS and Proposed Plan.
- 26 The most relevant CRPS provision to this matter is Policy 6.3.6 (Business land) which seeks to:

*ensure that provision, recovery and rebuilding of business land in Greater Christchurch maximises business retention, attracts investment, and provides for healthy working environments, business activities are to be provided for in a manner which:*

...

*8. Ensures reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against;*

...

27 In relation to noise, the Proposed Plan gives effect to the CRPS through Objective NOISE-O2 (Reverse sensitivity) which reads as follows with my emphasis in bold:

***The operation of regionally significant infrastructure and strategic infrastructure, activities within Commercial and Mixed Use Zones and Industrial Zones and identified existing activities are not adversely affected by reverse sensitivity effects from noise sensitive activities.***

28 An associated policy (NOISE-P1) seeks to minimise adverse noise effects by (my emphasis in bold):

1. *limiting the noise level, location, duration, time, intensity and any special characteristics of noise generating activities, to reflect the function, character and amenity values of each zone;*
2. *requiring lower noise levels during night hours compared to day time noise levels to protect human health, natural values and amenity values of sensitive environments; and*
3. ***requiring sound insulation, or limiting the location of noise sensitive activities where they may be exposed to noise from existing activities.***

29 I consider that there is a clear thread within the relevant statutory policy framework that supports the proposal. As per Mr Reeve's evidence, there is a risk of reverse sensitivity effects where people are exposed to noise from the sawmill exceeding 55 dB  $L_{Aeq}$ . In response, the proposal seeks to avoid or mitigate potential adverse effects in a manner consistent with Objective NOISE-O1 and Policy NOISE-P1 of the Proposed Plan.

### **MATTERS RAISED IN THE OFFICER'S REPORT**

30 The Officer's Report records the McAlpine relief sought and says that the "*issue is discussed in the Rural s42A report*". Given that report is yet to be released, I assume that the matter is discussed in a draft report. Given the original relief sought, it is understandable that the officer has deferred the matter to the Rural hearing (Stream 6). However, given the proposal relates



only to the Noise chapter, it is appropriate that it be considered in the Stream 5 hearing.

- 31 While the Officer's Report does not address the McAlpines submission, it does address the Daiken submission (reference number 145) in relation to its MDF manufacturing plant, and the recommendations are relevant to the McAlpines proposal.
- 32 As mentioned previously, the Daiken operation is recognised in the Proposed Plan and afforded protection by way of a 'Timber Processing Noise Contour', and associated restricted discretionary rule (NOISE-R21). The McAlpines operation should, in my opinion, be recognised and afforded protection in the same way.
- 33 A complicating factor arises where the officer agrees with the Daiken submission that the contour should be renamed 'HIZ Processing Noise Contour' in recognition of the wider range of activities undertaken on the site. Given the McAlpines site is in the General Industrial Zone and the operations are limited to timber processing, the renamed Daiken contour cannot also be applied to the McAlpines situation. Assuming the officer's recommendation regarding the Daiken submission is accepted, reference to the proposed Timber Processing Noise Contour should be retained in Rule NOISE-R21 as indicated below in red underlined text.

<b>NOISE-R21</b>	<b>Noise sensitive activities</b>	
HIZ Processing Noise Contour  <u>Timber Processing Noise Contour</u>	<b>Activity status: RDIS</b> <b>Matters of discretion are restricted to:</b> NOISE-MD1 - Noise NOISE-MD3 - Acoustic insulation	<b>Activity status when compliance not achieved: N/A</b>

- 34 I also note a recommended change to Objective NOISE-O2 in the Officer's Report as follows:

*The operation of regionally significant infrastructure and strategic infrastructure, activities within Commercial and Mixed Use Zones and Industrial Zones and ~~identified~~ existing noise generating activities identified through the Noise Chapter rules are not adversely affected by reverse sensitivity effects from noise sensitive activities.*

35 I consider the recommended amendment is appropriate and note that it provides further clarity in relation to the proposal.

#### **MATTERS RAISED BY SUBMITTERS**

36 I am not aware of any submissions or further submissions that oppose the relief sought by McAlpines.

37 The protection from reverse sensitivity effects provided by a Timber Processing (or HIZ Processing) Noise Contour and Rule NOISE-R21 to Daiken should also be extended to the McAlpines sawmill through accepting the proposal as discussed above.

#### **CONCLUSION**

38 McAlpines is concerned about noise sensitive activities establishing near its sawmill business and the subsequent potential for reverse sensitivity effects. While it could rely on existing use rights to protect against reverse sensitivity effects, it may not be effective in avoiding adverse effects and conflict.

39 I agree with the approach to managing effects recommended in Mr Reeve's evidence and propose indicating a Timber Processing Noise Contour on the planning maps with an associated restricted discretionary rule for noise sensitive activities. This is consistent with the method Council has proposed to manage potential reverse sensitivity effects in relation to the Daiken manufacturing plant.

40 I consider the benefits of the proposal outweigh any costs. Further, I consider that proposal gives effect to the CRPS, is supported by the relevant Proposed Plan noise related objectives and policies, and is the most appropriate way of achieving the purpose of the Act.

41 Thank you for the opportunity to present my evidence.

Tim Walsh  
7 August 2023