

**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

Council reply on Te orooro – Noise on behalf of Waimakariri District Council

Date: 30 November 2023

INTRODUCTION:

1 My full name is Jessica Anneka Manhire. I am employed as a Policy Planner for Waimakariri District Council. I am the Reporting Officer for the Te orooro - Noise topic and prepared the s42A Report.

2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report -Te orooro - Noise.

3 I have prepared this District Council reply on behalf of the Waimakariri District Council (District Council) in respect of matters raised through Hearing Stream 5 on the Te orooro – Noise Chapter.

4 I am authorised to provide this evidence on behalf of the District Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

5 Appendix G of my section 42A report sets out my qualifications and experience.

6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

7 This reply follows Hearing Stream 5 held on 21 August to 24 August 2023. Minute 9 of the Hearing Procedures allowed for s42A report authors to submit a written reply by 4pm Friday 29 September 2023.

8 This reply has been updated following conferencing on NOISE-R16 and associated matters, and conferencing on the McAlpines submission. Minute 9 allowed submission of a final written reply by the 30 November 2023. I have considered the following Joint Witness Statements when preparing this Right of Reply Report. These are available on the Proposed District Plan Hearings page on the Council website:

- Joint Witness Statement – Noise-R16, dated 24 October 2023
- Joint Witness Statement – NOISE-R16 and associated matters (Planning), dated 16 November 2023

- Joint Witness Statement – NOISE McAlpines, dated 15 November 2023
- Joint Witness Statement – NOISE McAlpines (Planning), dated 23 November 2023

9 The main topics addressed in this reply include:

- Answers to questions posed by the Panel
- Matters remaining in contention
- Changes to recommendations in the s42A report
- Expert conferencing topics in Minute 9 on the Noise Chapter

10 **Appendix 1** has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Council website.

11 **Appendix 2** has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.

12 **Appendix 3** has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

13 **Appendix 4** has a memo from Stuart Camp/Jon Farren in response to some of the questions raised by the hearings panel in Minute 9, and some of the matters remaining in contention.

14 **Appendix 5** has the legal advice received on the North Canterbury Clay Target Association and McAlpines submissions and evidence.

15 A preliminary set of responses was provided to questions from the panel at its hearing on 21 August 2023. This right of reply is in response to questions from the Hearings Panel in Minute 9 and some other matters remaining in contention. Unless stated in my responses below, preliminary answers have not changed.

16 The following answers to questions posed by the Panel were provided to the Panel on 29 September 2023, and are replicated here to provide a single reply document.

17 This right of reply also includes additional assessment on those matters that have been covered since the preliminary right of reply.

Response to the written question posed by the Hearings Panel set out in Minute

9

Use of ‘manage’

In all reply reports, please provide any updated recommended amendments having heard the questions from the Hearings Panel and listened to expert responses on the use of manage in a policy framework.

18 Having listened to all the expert responses on the use of ‘manage’ in a policy framework, I consider that there was a unanimous view that ‘manage’ provides the full, or a wide, range/spectrum of activity statuses and the term has flexibility than more specific words such as ‘avoid’ or ‘remedy’. There may be circumstances where it is appropriate to use the term ‘manage’ in an objective or policy if the policy then states how it is to be achieved. If ‘manage’ is used to set-up a policy then further policy direction, or intervention, in terms of rules, is likely to follow.

19 Taking these views into account, I will now consider the use of ‘manage’ in the Noise Chapter. In my preliminary response to the panel, on paragraphs 172 and 173, I stated that ‘limit’ is defined as “*to control something so that it is not greater than a particular amount, number or level*”. I consider this is relevant to noise and is more specific than manage which can mean ‘limit’ and other terms.

20 In the s42A report, I stated that:

“Manage can mean many things such as prevent, reduce or avoid. I consider that the use of the term ‘minimise’ provides for a more effective policy direction, enables a range of actions to achieve the direction and gives effect

to NOISE-O1 that recognises the potential for effects on human health.”¹

21 In the preliminary questions from the panel, in relation to my recommendation on the use of ‘minimise’ rather than ‘manage’ in NOISE-P1, I was asked if ‘minimise’ enables the full range of actions. I considered the term gives something to aim towards. This includes that minimise can be to ‘avoid’, which is to prevent something from happening, including adverse effects. I have given this further consideration, including if the term ‘minimise’ is appropriate for a non-complying activity rule of which there are in the chapter. This includes NOISE-R22 and other rules that default to NC when there is a non-compliance with the activity standards. ‘Minimise’ is a strong requirement as it requires making *“something as small as possible”*². ‘Avoid’ means “not allow” or “prevent the occurrence of”³, which I consider is a method to ‘minimise’ adverse noise effects. This is appropriate in the context of the Noise Chapter regarding the location of noise sensitive activities in relation to noisy activities. For instance, NOISE-R22 *avoids* residential units and minor residential units in the Speedway Noise Contour through a non-complying activity status, which *minimises* the potential for reverse sensitivity effects of noise. While I consider ‘minimise’ also provides for the full range of actions, it is more specific than ‘manage’ and is used along with other terms in NOISE-P1 that provide further direction including ‘limiting’, ‘protect’ and ‘requiring’. For example, NOISE-P1(3) to *“Minimise adverse noise effects by...limiting the location of noise sensitive activities where they may be exposed to noise from existing activities”*.

North Canterbury Clay Target Association

Ms Manhire is to respond to the planning merits of the two submissions and relief sought by each submitter. In doing so, please address whether there is scope in each instance for the relief sought by each submitter, and whether

¹ Paragraph 171.

² Oxford Paperback Dictionary & Thesaurus (2009).

³ The Supreme Court has found the term 'avoid' to mean 'to not allow' or 'to prevent the occurrence of' - *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 at [24].

any issues of natural justice or fair process arise for those to whom the requested noise contour and provisions would apply. Ms Manhire may wish to seek legal advice in preparing her final position.

- 22 The North Canterbury Clay Target Association submission (61.4) seeks a “sports facility” overlay, and a rule for the North Canterbury Clay Target Association similar to the rule that provides for activities at Woodford Glen Speedway (NOISE-R12).
- 23 Woodford Glen does not have a resource consent. The standards in the notified plan were drafted to allow for existing activity and ensure it does not increase in the future. The associated Speedway Noise Contour prevents residential encroachment and future problems from residential development being built in the area. The North Canterbury Clay Target Association was granted resource consent in 1995 and a certificate of compliance in 2008 when the nearest house was 1.2km away. Since 2008, houses have been built much closer. This is the predominant reason why Woodford Glen is treated differently.
- 24 The other difference from the Woodford Glen site is that the North Canterbury Clay Target Association has a history of noise complaints and there is already a resource consent and code of compliance. As stated in the s42A report, the Association has the option of seeking changes to or cancellation of consent conditions under s127 of the RMA. I recommended the Association go through a resource consent process. This would provide more flexibility for the Association to make changes than a plan change would.
- 25 The standards the North Canterbury Clay Target Association is seeking go beyond the resource consent/certificate of compliance. The specific rule would mean that the activity would not be subject to the general noise standards, and therefore would not be subject to noise levels as it is currently under the Operative District Plan. As noted in my s42A report, the submission seeks less shoot meetings but more practices, a later finish time and longer duration than provided for in the resource consent/certificate of compliance.

- 26 I have sought legal advice on whether there are any issues of natural justice or fair process on nearby properties considering that, while there was the opportunity to make a further submission under the schedule 1 process, no further submissions were received. This legal advice was prepared by Jenna Silcock, Senior Associate at Buddle Findlay and is enclosed at Appendix 5.
- 27 The legal advice states that the fact *“the rule sought by NCCTA in its submission provides for a greater level of activity than NCCTA’s resource consent and/or certificate of compliance does not necessarily give rise to issues of fair process or natural justice in and of itself”* (para 41).
- 28 However, as the relief sought seeks a greater level of activity than allowed currently, this may give rise to other considerations, particularly if the evidence is insufficient *“to assess the effects of the activity”* (para 43).
- 29 The rule included in NCCTA’s evidence differs from the rule in its submission. As outlined in the legal advice, the differences are:
- The number of practices per year – the submission sought 96 and the evidence seeks 98;
 - The end time for practices at some times of the year – the submission provided for an end time of 9pm at all times of the year, whereas the rule in the evidence seeks an end time of 10pm at certain times of the year.
- 30 The additional practices and extended hours of operation are outside the scope of the submission and there would be *“issues of natural justice and fairness...if the extended relief sought were to be granted without the opportunity for the public to be involved”* (para 48).
- 31 The submission requested a “sports facility” overlay but did not include the extent of the overlay. The evidence seeks a zoning *“to warn potential buyers”* of the club’s existence and includes a map depicting the outline of the site, and there are two circles over the surrounding land. It is

unclear to me which of these is the overlay, and the nature of the overlay.

32 My understanding, from listening to the club at the hearing, is that they are seeking a 1.5km buffer from the club's location over the surrounding land. Within this area, noise levels from the club's activity would not apply. Instead through their submission and evidence they seek a specific rule for the activity related to frequency and duration etc.

33 Further, my understanding after reading the evidence is that the purpose of the overlay is to warn potential buyers of the club's existence and acts as an "alert" layer that the activity exists and when the shooting activity will be occurring. While they are seeking a rule to be "in line with" what has been done for the Woodford Glen Speedway in NOISE-R12, they have not requested a similar rule to NOISE-R22 which includes an associated non-complying activity status for residential units within the contour.

34 My statement in the preliminary response to questions that an overlay would prevent further residential units establishing nearby was not completely correct. While an overlay could do that, I have given further consideration of the submission and evidence and it appears my understanding of what the submission is seeking was incorrect. The purpose of an overlay is to alert to the club's existence, not to prevent residential units from establishing within an overlay as is the case for Woodford Glen. However, with not being subject to noise level rules, the club is seeking to protect the activity and mitigate ongoing complaints. I note that Section 16 (duty to avoid unreasonable noise) and section 17 (duty to avoid, remedy, or mitigate adverse effects) of the RMA will still apply.

35 As physical lines on a map were not included in the submission (only the statement of evidence presented at the hearing), affected property owners were not aware of the extent of the overlay and what it would mean for them, only that one was being sought.

- 36 The legal advice received is of the same view that it is not clear from the submission or from the evidence presented as to exactly what is being sought. The legal advice goes further to say *“it is reasonable to conclude that a non-expert reader would understand the overlay to be over NCCTA’s land/site”* (para 45).
- 37 Legal advice is that is that if the overlay is confined to NCCTA’s land/site then it is reasonable to conclude the overlay is within the scope of NCCTAs submission. However, the advice is that if there is an *“alert”* layer that goes beyond that and extends to surrounding properties then there is no scope for it to be included.
- 38 I recognise that an overlay could alert prospective buyers of the shooting activity. Potential purchasers of nearby properties are alerted through a Land Information Memorandum (LIM) of existing resource consents. Therefore, this is already achieved through the LIM process if potential purchasers obtain a LIM. For the houses opposite the NCCTA site, information about the club is within their LIMs. However, there is no standard practice for how far away from this activity, or any other activity with resource consents picked up by a LIM, this is done and an overlay would make this more certain. However, I acknowledge there is no scope to do so.
- 39 Acoustic advice from Messrs Camp and Farren consider adopting a noise contour on its own could be seen as legitimising a level of noise that is unacceptable to existing neighbours. They consider rules would need to be negotiated by the parties, including the existing neighbours. Mr Camp is not satisfied the Association has adequately investigated possible noise mitigation measures on the site.
- 40 As I outlined in my preliminary response to questions, the standards sought in the submission would need to be refined. If the rule was to be included then, in my view, the standards sought in the evidence would also require amendment to provide clarity and address all the concerns of Mr Camp in his statement of evidence attached to the s42A report and ensure the scope does not go beyond what is sought in the submission.

There is scope to include a rule that does not go beyond the scope sought in the submission along with an overlay only over NCCTA's land/site. However, I do not have the evidence to draft a rule.

McAlpines

Ms Manhire is to respond to the planning merits of the two submissions and relief sought by each submitter. In doing so, please address whether there is scope in each instance for the relief sought by each submitter, and whether any issues of natural justice or fair process arise for those to whom the requested noise contour and provisions would apply. Ms Manhire may wish to seek legal advice in preparing her final position.

- 41 In the evidence, McAlpines seeks a Timber Processing Noise Contour on the planning maps extending over a portion of the Rural Lifestyle Zone adjacent to the McAlpines site. It also seeks to require restricted discretionary consent for noise sensitive activities seeking to establish within the contour to ensure that they are designed to sufficiently mitigate adverse noise effects. McAlpines has undertaken noise modelling and presented this at Hearing Stream 5.
- 42 The Daiken site is different from the McAlpines site as there are rules in the Operative District Plan for the Daiken site which were reviewed as part of the District Plan Review process. Council was unaware there was a noise issue with the McAlpine's site as it does not receive noise complaints associated with McAlpines site or activities.
- 43 Regarding the issue of scope for the relief sought by McAlpines, the submission states that the sawmill generates considerable noise emissions and McAlpines seeks amendment to the Proposed District Plan to ensure future operations are not constrained by reverse sensitivity effects. The relief McAlpines sought in its submission was in respect of the Rural Lifestyle Zone subdivision standards and development standards. McAlpines did not request a noise control overlay or any changes to provisions in the Noise Chapter.
- 44 Based on the information in the submission, the Noise s42A report recommended this issue be discussed in the Rural s42A report. As

McAlpines sought a noise contour in evidence to the Stream 5 hearing, the submission points [226.2, 226.4] on the Rural Lifestyle Zone subdivision standards and development standards are now being covered in this noise right of reply.

45 I am of the view that the McAlpine's submission is sufficiently wide that it could introduce alternative relief as the submission seeks alternative relief to address issues raised, which includes reverse sensitivity. However, I considered whether the relief now sought in respect to the Noise Chapter (rather than the Rural Lifestyle Zone chapter subdivision and development standards) may introduce an issue of natural justice/fair process for those property owners within the noise contour. For instance, whether they would be unaware of the implications of the McAlpine's submission, including that a noise contour is being sought to be placed over their land which would put restrictions on what they can do with their land. In my s42A report, I considered the submission to be not applicable to the Noise Chapter and deferred it to the Rural s42A report.

46 Mr Walsh, on behalf of McAlpines, acknowledged in his evidence that *"the method of protecting McAlpines from reverse sensitivity differs from the specific relief sought in the submission"*⁴. Mr Walsh then went on to state that the intent and outcome is the same. The issue of scope was not addressed in McAlpine's legal submissions which were presented at the Stream 5 hearing.

47 I note that the submission did seek amendment to the Proposed District Plan *"to ensure that future operation of the Sawmill is not constrained by reverse sensitivity effects from residential subdivision and development on the rural land"* and to *"amend the relevant RLZ land development standards to expressly recognise and protect the Sawmill from potential*

⁴ Evidence of Timothy Carr Walsh, paragraph 21.

*reverse sensitivity effects arising from establishment of any residential unit or other sensitive activities on the rural land*⁵.

48 The land to the southwest of the site and shown in yellow on page 8 of William Reeve’s evidence (42 Townsend Rd) is within the 55 dB LAeq depicted in the evidence. I note that this has been amended by the JWS – Noise – McAlpines’ prepared by Stuart Camp and William Reeve. If the adjacent property owner had read the McAlpines submission, I consider, they would have been aware of the intent regarding the matter of the establishment of sensitive activities on the nearby rural land but may not be aware of the method to achieve this including the viewing of a requested contour. The legal submissions on behalf of McAlpines Limited states that *“the control is designed to mitigate effects on new noise sensitive activities rather than preclude them from locating within the contour”*⁶.

49 The image below, from Mr Reeve’s evidence, shows the properties McAlpines has concluded would be within the noise contour.

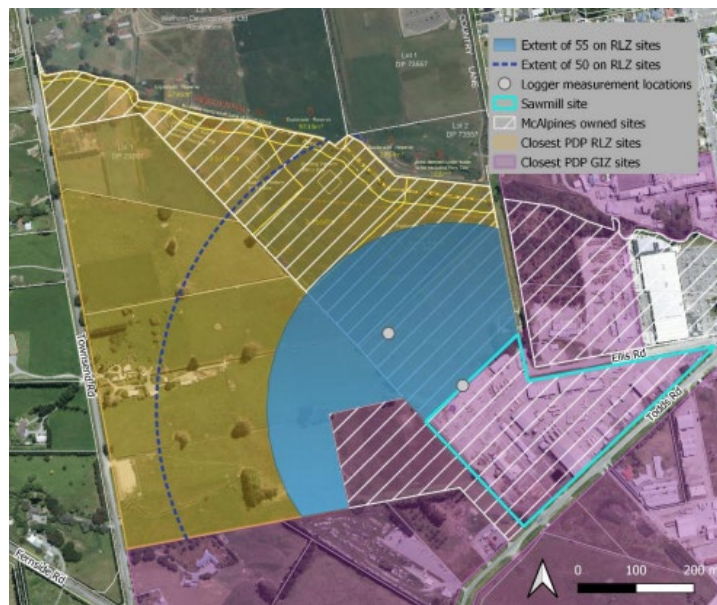


Figure 1: 55 dB LAeq contour sought by McAlpines.

Source: Evidence of William Reeve, page 8.

⁵ McAlpines submission, paragraph 17 and 18.

⁶ Stream 5 Legal Submissions on Behalf of McAlpines Limited, paragraph 80.

50 Following the hearing, I requested legal advice on the matter and this is enclosed at Appendix 5. Senior Associate Jenna Silcock considers the *“relief being pursued in the Noise chapter could be seen as a refinement of the submission seeking land development standards to expressly recognise and protect the sawmill. If looked at solely through this lens, then prima facie you could conclude that there is scope to make the changes sought by the McAlpines to the Noise chapter” (para 31).*

51 However, she does consider that the relief being pursued in the Noise Chapter gives rise to concerns regarding fairness and natural justice, and the submission leaves submitters, and the Council guessing somewhat as to the relief that is sought. This advice considers:

“The additional consenting requirement seems to have an impact on residential activities (many of which are permitted subject to compliance with the specific standards in the RLZ). Educational facilities and retirement villages are discretionary and non-complying activities (respectively) in the RLZ so the proposed change will not impact the status of these activities. We consider there is a risk that people potentially impacted by the rule did not have sufficient notice of it (via the submission and further submission process) and have been denied an opportunity to participate in the decision-making process such that it would be unfair to grant the relief now sought” (para 32).

52 The property at 42 Townsend Rd (impacted by the relief sought by McAlpines) is 22 hectares in area and can be subdivided into up to five allotments under the operative PDP and proposed RLZ minimum allotment sizes. Residential units in RLZ are proposed to be permitted (subject to standards) and the requested restricted discretionary rule could have development and financial implications on the landowner.

53 McAlpines have lodged further legal submissions addressing the scope of the issue and reached a different conclusion to Ms Silcock as to the issue of fairness, natural justice and scope.

54 I have viewed the further legal submissions for McAlpines and, as stated in the JWS – NOISE McAlpines (Planning), remain of the view that there is a real risk that persons potentially affected by the proposed overlay may have participated in the process, and therefore have appeal rights, if they had known the details of the relief sought. I have also conferred with Ms Silcock and the conclusion in her legal advice remains unchanged.

55 Ms Silcock advised that McAlpines further submissions highlight a number of principles from *Environmental Defence Soc Inc v Otorohanga District Council*. One principle that is not emphasised by the submissions, but she considers is particularly important is:

[11] Submissions must be on the proposed plan and cannot raise matters unrelated to what is proposed. If a submitter seeks changes to the proposed plan, then the submission should set out the specific amendments sought.

56 McAlpine's submission did not specify any specific amendments – rather it requested relief to provisions without specifying the changes to be made. It only articulated the changes sought to the plan at the hearing stage, after my s42A report was lodged. McAlpines is now seeking amendments to provisions in a different chapter of the plan to that identified in its submissions.

57 The further legal submissions also place considerable focus on the need to undertake an assessment of scope in a "*realistic workable fashion rather than from the perspective of legal nicety*". Ms Silcock also identified this principle. However, she considers it is important to highlight the following comment at paragraph [14] of the *Environment Defence Society* decision in McAlpines' further submissions in the context of this principle:

[14] ... The Court observed that councils need scope to deal with the realities of the situation where there may be multiple and often conflicting submissions prepared by

persons without professional help. In such circumstances, to take a legalistic view that a council could only accept or reject the relief sought would be unreal.

58 Ms Silcock notes that there are no other submissions on this issue so issues of conflicting submissions do not arise and McAlpines' submission was prepared by Mr Fowler so this is not a situation where a submission was prepared without professional help.

59 Considering the above, in my opinion there are issues of natural justice or fair process that arise for those to whom the requested noise contour and provisions would apply and I therefore do not support it and do not recommend it for inclusion in the District Plan. However, if the panel are of a different view, a contour and rule has been agreed between Council and McAlpines and are contained in the applicable JWS.

Objective NOISE-O2 – Reverse sensitivity

Having heard question from the Panel and submitters' evidence, please provide your final recommendation in respect to the term "identified existing activities" used in NOISE-O2

60 NOISE-O2 seeks to ensure identified exiting activities "are not adversely affected by reverse sensitivity effects from noise sensitive activities". In the s42A report, I recommended NOISE-O2 be amended 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."

61 In the evidence of Federated Farmers, the submitter considers there is no reason why the intent of the objective could not be expanded to include existing noise generating activities in the Rural Zones. The North Canterbury Clay Target Association also continues to seek the objective to include "existing noise generating activities in Rural Zones".

- 62 Federated Farmers seeks that if protection for rural activities from reverse sensitivity effects cannot be provided in NOISE-O2 then a separate objective focused on the rural environment is needed.
- 63 As I addressed in my preliminary response to panel questions, the objective was not intended to cover all the activities in the Rural Zones.
- 64 In the Commercial and Mixed Use Zones 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.
- 65 The objective was not intended to apply to all rural activities adversely affected by reverse sensitivity effects from noise sensitive activities. The distinction is that rural productive activities tend to be seasonal, short-term, and intermittent with large separation distances. Industrial activity that occurs in the Rural Zones is the exception, and including rural activities in the objective could legitimise activities that are subject to the general noise rules and setback rules in the zone chapters where they are adversely affected from noise sensitive activities.
- 66 The chapter does enable noise from limited duration noise generating activities, where noise levels and characteristics are consistent with the character and amenity values of the receiving environment. For instance, there are temporary, mobile or intermittent agriculture activities that are permitted under NOISE-R7.
- 67 The panel has identified in the preliminary questions that the amended wording recommended in the s42A report could be interpreted to apply to any existing activity that is subject to the Noise Chapter rules, which was not the intention.
- 68 An alternative, which I considered in the s42A report, was to list those activities that are given specific protection from reverse sensitivity effects. My view was that listing the remaining activities that are given protection through the rules from reverse sensitivity effects may give the impression that these activities have special hierarchy in the plan which

is not the intention. To clarify, frost fans are not existing as there are none in the district but may be established in the future and there is a recommended rule for this situation (hence why it was listed in Table 5 of the s42A report). The intention of including rules in the plan for these activities was to prevent future issues of reverse sensitivity from occurring.

69 In my preliminary response to questions, I considered that there was a risk that if too much detail is included, such as a definition, then something may be missed. However, listing them would provide better clarity and is less likely to be misinterpreted. I note that if activities were specifically listed then amendment may be needed depending on the panel's recommendations for the McAlpines, and the North Canterbury Clay Target Association noise contours.

70 Therefore, I recommend the addition of the words "*protected by any noise control contours*" to NOISE-O2 would resolve these issues. I also recommend the addition of a comma and "or" to provide clarity that it does not need to have an overlay if it is one of the previous activities listed in the objective such as an activity in an industrial zone as follows:

"...and/or identified existing activities protected by any noise control overlay".

Additional Policy (reverse sensitivity effects in rural zones)

Please respond to the tabled evidence from Ms Styles on behalf of Daiken, seeking a new policy

71 Daiken [145.25] seeks a new policy to recognise the potential for reverse sensitivity effects on major existing activities such as those undertaken on the Daiken site. In the s42A report, I considered NOISE-P1(3) already gives direction to limit the "*location of noise sensitive activities where they may be exposed to noise from existing activities*".

72 In Ms Styles Statement of Evidence she continues to consider the issue of reverse sensitivity is significant enough to merit specific policy recognition. She recommends an additional policy be included as follows:

“NOISE-P6 Existing Activities

Avoid the development of noise sensitive activities in the Rural Lifestyle Zone within any noise contour associated with a Heavy Industrial Zone or in close proximity to the existing processing plant located between Upper and Lower Sefton Roads.”

73 Ms Styles considers a policy would draw a direct line of sight between NOISE-O2 and the rules that implement the objective and would improve clarity and usability of the plan. I agree as there are specific rules (NOISE-R1 and NOISE-R21) but I recommend some changes to the wording.

74 The policy sought by Daiken includes the term “avoid” which is a strong verb for what the policy (and associated NOISE-R21) seek to achieve. The policy seeks to protect the plant from potential reverse sensitivity effects. It does not seek to prevent noise sensitive activities establishing within the noise contour in the future. The verb “protect” may be more appropriate, as used in other policies for activities (NOISE-P3 and NOISE-P4) that have rules for noise sensitive activities in particular locations. I recommend it be worded as follows:

“Existing HIZ processing activity

Protect the existing processing plant located between Upper and Lower Sefton Roads from noise sensitive activities in the Rural Lifestyle Zone within the HIZ Processing noise contour.⁷”

Section 32AA evaluation

75 In my opinion, the addition of the policy is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions. In particular, I consider that:

- It will give effect to NOISE-O2, and SD-O4 as amended in the Strategic Directions s42A officer’s report. It will also give effect to the policies in the RPS, including Policy 5.3.2(2) that seeks to enable development which avoid or mitigate “reverse sensitivity effects and conflicts between incompatible activities”. A new policy would better achieve the outcome than NOISE-P1(3) as it would draw a direct line

⁷ Daiken [145.25]

of sight between NOISE-O2 and the rules that implement the objective. Consequently, it is more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.

- The recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

Rule NOISE-R2 Temporary military training activity

Having heard from the New Zealand Defence Force and considered the additional information provided by the submitter, Ms Manhire is to provide any updated recommended amendments in respect of NOISE-R2.

76 In response to the evidence and the panel's question, I have sought acoustic advice from Mr Camp on NOISE-R2. Mr Camp has discussed the rule with Mr Humpheson who provided evidence on behalf of the New Zealand Defence Force (NZDF). Activities involving weapons occur infrequently as evidence of Ms Davies, on behalf of the NZDF states:

“Live and blank firing activities form part of some TMTA, but occur much less frequently than other essential, but more mundane, activities...”

77 Mr Camp considers that the notified NOISE-R2 gives the impression that all Temporary Military Training Activities involve weapon noise, which is not the case. Mr Camp is of the view that NOISE-R2 should be simplified, with a clear distinction made between activities involving weapons. He is also persuaded by Mr Humpheson's argument with respect to reducing the proposed separation distances and changing these to use the Peak (L_{peak}) sound levels rather than Maximum (L_{max}). His full recommendations are contained in Appendix 4.

78 Taking into account Mr Camp's advice, I recommend the NZDF's relief be accepted in part and have provided an amended NOISE-R2, which in my opinion is simpler than the wording sought by the NZDF but still achieves the same outcome. This can be found in the updated Appendix A (Right of Reply - **Appendix 2**).

Rule NOISE-R4 and NOISE-R7 Aviation movements

Please respond to the amendments sought by NZAAA and NZHA in respect to NOISE-R4 and NOISE-R7.

79 The NZ Agricultural Aviation Association (NZAAA) [310.1] seeks NOISE-R4 is amended to provide an exclusion for intermittent agricultural aviation movements ancillary to primary production activities. The NZAAA [310.2] supports recognition of temporary mobile or intermittent agricultural activities that generate noise in NOISE-R7 but seek recognition of noise from agricultural activities. The New Zealand Helicopter Association (NZHA) [FS66] support the NZAAA submission. The NZAAA and NZHA presented evidence at Hearing Stream 5.

NOISE-R4

80 I have considered the evidence provided by NZAAA and NZHA. The NZAAA considers NOISE-R4 is not appropriate for agricultural aviation movement for helicopters because the time limitations, number of helicopter movements and setback from residential units is unworkable and does not reflect the nature of the activity.

81 In Mr Camp's statement of evidence, he considered that using a helicopter for frost protection purposes means that the helicopter is a "frost fan" and would provide a means to circumvent NOISE-R20 which aims to control the adverse effects of noise from frost fans. At the hearing, the NZHA stated there are areas where frost fans cannot get to, and helicopters may be used for frost protection. They also stated this is for a short period of time when the temperature drops to less than 1 degree Celsius.

82 The requested amendment along with the definition sought in the evidence would ensure the aviation activities are only undertaken for specific purposes. I recommend the addition of "...provided under NOISE-R7..." as NOISE-R7 does not apply to all zones. Without the addition of

this text then helicopter movements for agricultural aviation activities in all other zones, while less likely to occur outside the Rural Zones, would then be subjected to the noise limits in TABLE NOISE-2, which would be less appropriate for the intermittent noise from helicopters which are to be managed in accordance with the *New Zealand Standard 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas* under the National Planning Standards.

NOISE-R7

83 NOISE-R7 permits temporary, mobile or intermittent agriculture⁸ activities emitting noise for cultivation, application of fertiliser, planting, harvesting, use of agricultural vehicles or equipment, and movement, handling and transport of livestock. I consider this does include aircraft for agricultural purposes as aircraft is a vehicle or equipment. In Mr Michelle’s evidence for NZAAA he considers including the words “including agricultural aircraft” into NOISE-R7 would remove the uncertainty. I consider it is clear that aircraft is already covered under the rule so I recommend the relief sought to NOISE-R7 is rejected.

Commercial aviation

84 In the evidence of the NZHA they seek the exemption in NOISE-R4 and wording of NOISE-R7 also includes commercial aviation. The NZHA consider NOISE-R4 could result in them being unable to use helicopters to construct, maintain or remove infrastructure assets in a timely manner such as power line stringing and repairs.

⁸ Agriculture means a land based activity having any one or combination of the following as the purpose of the use of land:

- a. arable land use being the use of land to grow crops for harvest; or
- b. horticultural land use being the use of land to grow food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply; or
- c. pastoral land use being the use of land for the grazing of livestock; or
- d. Plantation Forest or Woodlot being less than 1ha of continuous area of deliberately established tree species that has been planted, or has or will be, harvested or replanted.

85 The relief sought would extend the scope of the original submission from NZAAA and would increase the leniency of the provision. It could also provide a means to establish a commercial helicopter operation which may be a more frequent activity. Helicopter movements can occur for commercial purposes if they meet the standards in NOISE-R4 which ensure noise does not adversely affect residential units. For instance, the activity can occur outside the hours specified by the rule if further than 450m away from any residential unit or minor residential unit. Helicopter movements for emergency purposes are exempt from NOISE-R4 including technological failure or disruption to a lifeline utility where this may cause loss of life, injury, illness, distress or endanger the safety of the public or property. For these reasons, I prefer the wording sought in the submission and evidence of the NZAAA than the NZHA evidence.

S32AA

86 Regarding s32AA, the amendment to NOISE-R4 would ensure the applicable rule for helicopter movements for agricultural aviation activities in the Rural Zones is NOISE-R7 which permits temporary, mobile or intermittent agriculture activities emitting noise for use of agricultural vehicles or equipment. Providing this clarity, will bring benefits of improved plan interpretation. It will achieve the objectives and policies of the Proposed Plan including NOISE-O1, RURZ-O1, RURZ-O2, GRUZ-O1, RLZ-O1, and RURZ-P1 regarding the amenity values of the receiving environment, and the predominant land use character of the Rural Zones comprising and supporting primary production activities.

Recommendation

87 I recommend the following amendments:

- *NOISE-R4*

“...This rule does not apply to helicopter movements at Rangiora Airfield ~~or~~ for emergency purposes provided for

[under NOISE-R5, or to intermittent helicopter movements for agricultural aviation activities provided for under NOISE-R7⁹.](#)

- Add a definition of *agricultural aviation activities*:

“means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA’s). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV’s).”

NOISE-R16

88 Expert conferencing has occurred on matters relating to NOISE-R16 and identified in Minute 9, dated 4 September 2023. The Joint Witness Statement (JWS) – NOISE-R16 and associated matters (Planning) has informed my response and I have updated my recommendations in Appendix 2 (updated Appendix A) to reflect this.

89 I have recommended two changes to NOISE-R16 provided in the JWS. The first is to update the left column to align with the naming of the contour so it is workable for filtering applicable rules in e-plan property searches.

90 The second is to amend “activity sensitive to noise” in the recommended clause 2 to use the defined term “noise sensitive activity”.

91 I have provided a further response to some of the matters included in the JWS:

Contours vs setbacks

92 As addressed in the JWS, I support all strategic and arterial roads being mapped as they are regionally significant infrastructure under the RPS and applying to these roads gives effect to the RPS that development is designed in a way that avoids adverse effects on regionally significant

⁹ NZAAA [310.1]

infrastructure¹⁰ and that district plans manage the adverse effects of, and from, the operation of regionally significant infrastructure¹¹.

93 I accept the acoustic experts' advice of a 100-metre distance from the edge of seal for arterial and strategic roads with speed limits of greater than or equal to 70km/hr, and 50 metres from the edge of seal for arterial and strategic roads less than 70km/hr.

94 A GIS analysis had been undertaken that revealed there would be about 4000 properties for which the rule could apply to. This is not the number of actual instances where the rule would have to be applied as this would depend on the amount of development undertaken for noise sensitive activities within the contour.

95 While most of the roading is through rural areas with larger setback requirements and less traffic movements, they also go through residential areas of Rangiora, Kaiapoi, Oxford, Cust, Mandeville, Swannanoa, Ashley and Sefton with smaller setback requirements, more frequent traffic movements, and an expectation for minimal impacts in accordance with the residential zones objectives and policies such as RESZ-P3(2).

96 The full costs of the rule are unclear due to the variability in mitigation costs, and the mitigation required on a case-by-case basis, and feasibility/rate of development.

Ventilation

97 Mr Jimmieson's rebuttal evidence, on behalf of Kainga Ora, stated that notified rules which rely solely on the New Zealand Building Code do "*not address the potential for overheating, or when additional ventilation could be necessary.*"¹²

98 The recommended ventilation rule contained in the JWS (Planning), which replaces clause 5, requires mechanical ventilation where windows

¹⁰ RPS Objective 5.2.1

¹¹ RPS Policy 5.3.2

¹² Paragraph 1.2.1

cannot be opened to achieve indoor design sound levels, and addresses the overheating issue raised by Mr Jimmieson.

99 I have asked Council's Building Unit how this rule compares to the New Zealand Building Code requirements.

100 I have been informed that not all habitable rooms are required to have mechanical ventilation under the building code Acceptable Solution for clause G4. Clause G4 can also be achieved by natural ventilation except for the requirement for mechanical extract fans for spaces in household units and accommodation units that contain cooktops, showers, and baths.

101 Under the building code, there is to be an adequate number of air changes to maintain air purity but there is no minimum number required.

102 There is no specific temperature to be maintained indoors but clause G5 requires an adequate interior temperature for habitable spaces, bathrooms and recreation rooms in old people's homes and early childhood centres. This is not required for residential units.

103 The building code does not contain any maximum noise level from ventilation.

104 Considering the above, in my view, the recommended rule in the JWS does not repeat the requirements under the building code and provides specific thresholds to be achieved.

Alterations/additions

105 There was disagreement between planners regarding whether NOISE-R16 should apply to all alterations or whether it should only apply to additions over a certain threshold, as stated in the JWS.

106 For the panel's consideration, I note approaches in other district plans:

Plan	Summary of approach
------	---------------------

<p><i>Christchurch District Plan</i></p> <p><i>Wellington City Proposed District Plan</i></p>	<p>Applies to all alterations/additions.</p>
<p><i>Partially Operative Selwyn District Plan (Decisions Version)</i></p>	<p>Any addition or alteration to an existing building which creates a new habitable room or will be occupied by a noise sensitive activity.</p>
<p><i>New Plymouth Proposed District Plan – Appeals Version</i></p>	<p>Exemptions for where the area occupied by noise sensitive rooms within the building does not increase by more than 25m²; and the addition or alteration does not increase the number of bedrooms within the building by more than one.</p>
<p><i>Whangarei District Plan Operative in Part 2022</i></p>	<p>An internal alteration to an existing residential unit does not increase the gross floor area by more than 5m² within each 10-year period.¹³</p>

Indoor road and railway noise

107 The notified indoor design sound levels in NOISE-R16(2) apply to habitable rooms, and there is a specific rule for rail noise inside bedrooms between 10:00pm and 7:00am. Habitable room is defined by the National Planning Standards and “*means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.*”

¹³<https://www.wdc.govt.nz/files/assets/public/v/1/documents/services/property/planning/plan-changes/pc-urban-and-services/16-appeals/appeals-consent-order-kiwirail-v-wdc.pdf>

108 I have asked Mr Camp for his expert opinion on the indoor design sound levels. Mr Camp prefers the notified rule than the rule sought by KiwiRail as it primarily aims to control sleep disturbance. He states that the notified rule sets a limit of 35 dB as being suitable for bedrooms, and the KiwiRail submission agrees that this is appropriate.

109 He considers lecture theatres and places of worship are not as critical as bedrooms because the aim is to protect daytime activities, not sleeping. In his view, the notified 40 dB is appropriate for daytime activities in these spaces.

110 In areas where KiwiRail request 45 dB, the notified rule is more stringent, which he considers arguably benefits KiwiRail, whose aim is to ensure that habitable spaces near rail lines are not disturbed by noise to the point that complaints arise and potentially threaten the viability of the rail network.

111 Therefore, I recommend retaining NOISE-R16(2) as notified.

Notified clause 6

112 The JWS recommends deletion of the notified clause 6. Mr Camp and I have discussed this clause and agreed that the clause is unnecessary as it is unlikely that a non-recognised method would be used to assess compliance with the rule.

Other matters addressed in submitters' evidence that remain in contention

Federated Farmers evidence

Policy NOISE-P1 Minimising adverse noise effects

113 Dr Hume, on behalf of Federated Farmers, would still prefer an explicit statement that in some locations a certain level of noise is to be expected, and requests the insertion of additional clause (4) which requires: *"outlining where noise-receiving activities near or in noise-generating zones are subject to reverse sensitivity, and where that level of noise is to be expected."*

114 I retain my recommendation and reasons as outlined in the s42A report.

Kainga Ora evidence

115 The Kainga Ora submission opposed the overall Noise Chapter and planning maps and provided comment on specific matters including indoor noise design levels, vibration, and setback distances from state highway and rail but did not identify any specific provisions. Its further submissions on the Noise Chapter regard submissions on NOISE-R16. As the specific relief sought in the evidence were not included in the submission, these have not already been considered in the s42A report. I will now consider these amendments, except for the matters of the Airport Noise Contour which will be considered in another hearing stream.

NOISE-O2

116 Mr Lindenberg’s statement of primary evidence, on behalf of Kainga Ora, supports the overall intent of the objective NOISE-O2 but seeks “reverse sensitivity effects from” be replaced with “the incompatible use or development of”. He considers *“‘land use compatibility’ enables clarity of the issue / effect which can be assessed when a noise sensitive activity/use is being proposed”* and *“...issues relating to reverse sensitivity effectively require an activity / use to be established first – at which point any nuisance may then need to be experienced...”*.¹⁴

117 The objective manages the noise effects where they seek to establish near the identified existing activities, in particular the reverse sensitivity effects from noise which was a key issue identified in drafting and through submissions.

118 While there may be some locations where the use and development of noise sensitive activities would not be compatible, I consider noise sensitive activities can, in some locations such as near strategic and

¹⁴ Paragraph 4.2

arterial roads, be compatible with appropriate mitigation methods such as acoustic insulation. Therefore, I prefer the notified wording of “reverse sensitivity effects from”.

NOISE-P1

119 Mr Lindenberg’s evidence, on behalf of Kainga Ora, seeks the following amendments to NOISE-P1 to align with the NPS-UD:

(a) Insert the word “anticipated” before “amenity values of each zone” in clause 1 of the policy; and

(b) Insert the phrase “maintain the” before “amenity values of sensitive environments” in clause 2 of the policy.

Mr Lindenberg considers the *“amendments will better align with the direction and language of Objective 4¹⁵ and Policy 6(b) of the NPS-UD¹⁶ – that is, recognising that amenity values may change over time and that change is not necessarily an adverse effect”*.¹⁷

Clause 1

120 Regarding the requested amendment to clause 1, I have considered whether the amenity values are “anticipated” when considering the adverse effects of noise on amenity values. In the context of the NPS-UD, planned urban built form may involve significant changes to an area, and those changes *“are not, of themselves, an adverse effect”* (Policy 6). However, noise generating activities are not always “built form” and built form does not in itself generate noise effects. It is activities that

¹⁵ Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

¹⁶ Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
(ii) are not, of themselves, an adverse effect

¹⁷ Paragraph 4.5

occur with or without the built form that generate the effects. Objective 4 of the NPS-UD does not imply "anticipated" with regards to amenity values. It says that they change over time, but not that change is driven by anticipated change.

121 Section 7 of the RMA is also relevant including:

*(c) the maintenance and enhancement of amenity values;
and*

*(f) maintenance and enhancement of the quality of the
environment*

122 An activity may be exceeding the current District Plan noise levels, and, therefore, already be adversely affecting amenity values prior to anticipated changes to an area. I consider, while the term "anticipated amenity values" is used in NOISE-O1, NOISE-P1 clause 1 as notified better gives effect to the RMA, in particular Section 7(c). I recommend this amendment be rejected.

Clause 2

123 The amendment sought to clause 2 would consequently substitute the word 'protect' with 'maintain' for the amenity values component of the clause. 'Protect' means to keep something safe from injury, damage or loss.¹⁸ 'Maintain' means to "*keep something at the same state or at the same level*".¹⁹ 'Maintain' is more relevant in the context of noise levels to 'maintain', rather than 'protect', amenity values. 'Maintain' also aligns with RMA section 7(f). For those reasons, I recommend this amendment to NOISE-P1, clause 2 be accepted²⁰ and amended as follows:

*"...requiring lower noise levels during night hours compared
to day time noise levels to protect human health, natural*

¹⁸ This interpretation is supported by the Environment Court decision *Royal Forest and Bird Protection Society of New Zealand Inc v New Plymouth District Council* [2015] NZEnvC 2019, at [63]: 'to keep safe from harm, injury or damage. It is implicit in the concept of protection that *adequate* protection is required'.

¹⁹ Oxford Paperback Dictionary & Thesaurus (2009).

²⁰ Depending on the context in which it is used, 'maintain' can include 'protect'. 'Maintain' has been found to include the meaning of 'protect': *Port of Otago Ltd v DCC* EnvC C004/02 at [42].

values and maintain the²¹ amenity values of sensitive environments; and...”

NOISE-P2

124 Mr Lindenberg has also requested the word “anticipated” be inserted before the phrase “amenity values of the receiving environment” in clause 2 of the policy. I recommend this amendment be rejected for the same reasons outlined for NOISE-P1 above.

NOISE-P3

125 Mr Lindenberg considers the following amendments are required to ensure a more equitable approach to manage the potential for adverse effects arising at the interface between State Highways and rail corridors and noise sensitive activities:

(a) the word “protect” is deleted and replaced with the term “provide for”.

(b) The word “ongoing” is inserted before the phrase “operation of rail and road infrastructure...”, primarily for clarity.

(c) The focus of the policy (and thus any rule framework which would follow), should be focussed to state highway and rail corridors – but not the wider arterial (local) road network.

126 The word ‘protect’ is associated with the outcome NOISE-R16 is seeking to achieve which is protecting road and rail infrastructure from reverse sensitivity effects. *Provide for* and *enable* would also be the wrong terms as the chapter is not seeking to provide for, or enable, the infrastructure - it is acoustic mitigation measures that are to be provided for.

127 At the hearing, it was identified by the panel that the policy may be a double up with NOISE-P1(3). NOISE-P3 is more specific than NOISE-P1(3) and provides further direction in relation to noise sensitive activities near road and rail infrastructure. I recommend the amendment (a) above be rejected.

²¹ Kainga Ora [325.149]

128 I am unclear how the amendment (b) above provides clarity and, as all submissions were in support of the policy, I consider there to be no issues with its interpretation. I recommend this amendment is rejected.

129 I consider the amendment (c) above should be rejected as locations are identified through the applicable rule and recommended mapping.

NOISE-R18

130 In Mr Styles evidence, on behalf of Kainga Ora, he argues that the requirement for a sound reduction of 35 dB, as notified in NOISE-R18 is *"... excessive and will add significant and unnecessary cost to building a noise sensitive activity in the TCZ, LCZ, NCZ and MUZ..."*.

Mr Styles requests a value of 25 dB.

131 I have sought acoustic advice from Mr Camp on this matter. In his experience, *"permitting noise sensitive activities in what can broadly be described as commercial areas can result in noise related problems for the anticipated activities in those areas. For example, the presence of apartments can make it very difficult for a commercial activity to successfully obtain a discretionary activity consent to slightly exceed the general noise standards. In addition, the noise standards for commercial areas are more lenient than for residential areas, and any new noise sensitive activity therefore needs to protect itself from noise to a greater extent than normal. Mr Styles' request for a 25 dB sound reduction essentially amounts to standard building constructions."*

132 Mr Camp recommends retaining the 35 dB requirement as notified. As these zones are commercially focused and the rule only requires the internal noise reduction for bedrooms, I agree with Mr Camp that the 35 dB requirement should be retained as notified.

Minor errors

133 NOISE-MD1 relates to both controlled and restricted discretionary activities. I recommend this be amended to NOISE-MCD1. I have shown

these corrections in the updated Appendix A (Right of Reply - Appendix 2).

134 There is a minor formatting error in the Proposed District Plan Table Noise-2 Noise Limits. The Lmax limits in the right-hand column only apply at night and the current table formatting does not make this clear. The heading '*Night-time 10:00pm-7:00am*' should be centred over both the LAeq and the LAF(max) columns. I have shown this correction in the updated Appendix A (Right of Reply - **Appendix 2**).

135 The Noise s42A report Appendix B had an incorrect submission point number. Submission point 326.1 was incorrectly shown as 326.116. There were also some further submissions that were missing and a missing further submission number. These have been corrected in the updated Appendix B (Right of Reply – **Appendix 3**), and shown in blue text.

Date: 30/11/2023



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Appendix 1 – List of materials provided by submitters

1. Statement of Evidence of Stephanie Amanda Louise Styles for Daiken New Zealand Ltd
2. Statement of Evidence of Michael Brown on Behalf of Kiwirail Holdings Limited
3. Statement of Evidence of Sheena McGuire on Behalf of Kiwirail Holdings Limited
4. Primary statement of evidence of Catherine Lynda Heppelthwaite for KiwiRail Holdings Limited and NZ Transport Agency Waka Kotahi
5. Primary statement of evidence of Catherine Lynda Heppelthwaite for KiwiRail Holdings Limited and NZ Transport Agency Waka Kotahi - Attachment C
6. Statement of Evidence of Stephen Chiles on Behalf of Waka Kotahi Nz Transport Agency And Kiwirail Holdings Limited
7. Legal Submissions on behalf of KiwiRail Holdings Ltd
8. Memorandum of Counsel on behalf of KiwiRail Holdings Limited
9. Statement of Evidence of Stuart Pearson on behalf of Waka Kotahi | NZ Transport Agency
10. Summary Statement of Stuart Pearson on behalf of Waka Kotahi | NZ Transport Agency
11. Statement of Evidence of Tony Michelle on behalf of New Zealand Agricultural Aviation Association
12. Statement of Tony Michelle on behalf of New Zealand Agricultural Aviation Association (NZAAA)
13. Statement of Evidence of Lionel John Hume and Karl Dean on behalf of the North Canterbury Province of Federated Farmers of New Zealand
14. Evidence of John Gardner on behalf of McAlpines Ltd
15. Evidence of John Duncan on behalf of McAlpines Ltd
16. Graphic Supplement to evidence of John Duncan
17. Evidence of Timothy Carr Walsh on behalf of McAlpines Ltd
18. Evidence of William Peter Reeve on behalf of McAlpines Ltd
19. Legal Submissions on behalf of McAlpines Ltd
20. Case Law:
 - Environment Court: Aitchison v Walmsley [2016]
 - Auckland Kart Club Inc v Auckland City Council [1992]
 - Environment Court: Mawhinney v Auckland City Council [2018]
 - Environment Court: Nelson City Council v Harvey [2011]
 - Ngataranga Bay 2000 Inc v A-G PT Auckland [1994]
 - Environment Court: Quieter Please (Templeton) Inc v Christchurch City Council [2015]
 - Rodney DC v Eyres Eco-Park Ltd [2007]
 - Winstone Aggregates v Matamata-Piako District Council [2004]
21. Affidavit of John Ross Gardner
22. Supplementary Evidence of John Duncan on behalf of McAlpines Ltd
23. Appendix A: Site Plan
24. Judgement of the Court in the Court of Appeal of New Zealand: Balfour v Central Hawkes Bay District Council
25. Summary of Legal Submissions on behalf of McAlpines Ltd

26. Summary of Evidence of John Duncan on behalf of McAlpines Ltd
27. Summary of William Reeve on behalf of McAlpines Ltd
28. Statement of Primary Evidence of Jon Robert Styles on Behalf of Kāinga Ora | Homes And Communities
29. Statement Of Primary Evidence Of Matthew Armin Lindenberg On Behalf Of Kāinga Ora | Homes And Communities
30. Statement Of Primary Evidence Of Brendon Scott Liggett On Behalf Of Kāinga Ora | Homes And Communities
31. Statement of Rebuttal Evidence of Lance Michael Jimmieson On Behalf Of Kāinga Ora | Homes And Communities
32. Legal Submissions on behalf of Kāinga Ora | Homes And Communities [Te orooro – Noise]
33. Evidence of Darryl Millar (Planning) on behalf of Christchurch International Airport Ltd
34. Summary of Evidence of Darryl Millar
35. Statement of Evidence of Joanne Mitten on Behalf of The Canterbury Regional Council
36. Statement of Evidence of Darran Humpheson on Behalf of The New Zealand Defence Force
37. Statement of Evidence of Rebecca Davies on Behalf of The New Zealand Defence Force
38. Clarification on Evidence presented on behalf of The New Zealand Defence Force
39. Statement on behalf of the Oxford-Ohoka Community Board
40. Statement of Evidence of Richard Milner on behalf of New Zealand Agricultural Aviation Association
41. Evidence of Haydn Porritt on behalf of North Canterbury Clay Target Association
42. Response to Officer's Report by Haydn Porritt on behalf of North Canterbury Clay Target Association
43. Further Legal Submissions on behalf of McAlpines Ltd
44. Joint Witness Statement – Noise-R16, dated 24 October 2023
45. Joint Witness Statement – NOISE-R16 and associated matters (Planning), dated 16 November 2023
46. Joint Witness Statement – NOISE McAlpines, dated 15 November 2023
47. Joint Witness Statement – NOISE McAlpines (Planning), dated 23 November 2023

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate);
- Recommendations from the Initial Reply Report (28 September 2023) in response to evidence or corrections noted above are shown in blue text (with underline and ~~strike-out~~ as appropriate);
- Recommendations from the Joint Witness Statement – NOISE-R16 and associated matters (Planning) (16 November 2023) are shown in purple text (with underline and ~~strike-out~~ as appropriate);
- Recommendations from this Final Reply Report (30 November 2023) are shown in green text (with underline and ~~strike-out~~ as appropriate).

Planning maps

Rename the 'Noise Contour for: Timber Processing' to 'HIZ Processing Noise Contour'.²²

Add a Road and Rail Noise Overlay to include:

- GIS data supplied by Waka Kotahi NZ Transport Agency
- For all other strategic and arterial roads:
 - a. 100-metre distance from “edge of seal” for roads with speed limits of greater than or equal to 70km/hr; and
 - b. 50 metres distance from “edge of seal” for roads with a posted speed limit of less than 70km/hr.²³
- 100m from the centre of any rail line.

²² Daiken [145.66]

²³ Kainga Ora [325.149], KiwiRail [373.74], Waka Kotahi [275.55]

Add a rail vibration alert layer as follows:

- Insert mapping overlay which identifies a 60m buffer on each side of the railway designation boundary.²⁴

Definitions

Construction work definition

- Amend the definition of 'construction work' to add:

"...

for the avoidance of doubt, installation of a building includes the relocation and resitting of a building.²⁵

Noise sensitive activity definition

- I recommend that the definition of noise sensitive activity clause (b) be amended to read:

"b. Educational ~~Facilities~~ ~~activities including pre-school places~~ or premises excluding training, trade training or other industry related training facilities;"²⁶

- Amend the definition of noise sensitive activities by adding marae and places of worship.

"a. [...]

d. hospitals, healthcare facilities and any elderly persons housing or complex;

e. marae and places of worship.²⁷

²⁴ KiwiRail [373.74]

²⁵ House Movers Section of the New Zealand Heavy Haulage Association [221.5]

²⁶ MoE [277.6]

²⁷ KiwiRail [373.6]

Agricultural aviation activities

- Add a definition of agricultural aviation activities:

“means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA’s). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV’s).”²⁸

NOISE - Te orooro - Noise

Introduction

Noise effects require management because they can affect the health of people, natural values, and amenity values. The character, level and duration of sound, and the time at which it occurs are all factors affecting the perception of noise and how tolerable it is. This chapter contains objectives, policies and rules to manage the effects of noise for different receiving environments and activities.

This chapter does not control noise from aircraft in flight, however aircraft noise contours are used to control land uses where they may be subject to noise from aircraft using Christchurch International Airport and Rangiora Airfield. Noise from main transport routes can adversely affect residential amenity for people living nearby. Acoustic design for residential development near identified main roads and rail corridors is required to ensure noise levels within residential units do not adversely affect the health and wellbeing of occupants.

Residential Zones anticipate quiet night time conditions, as noise can disturb relaxation and sleep. Commercial and Mixed Use Zones and Industrial Zones normally have a greater tolerance for noise that reflects the working environment. The working nature of the rural environment may result in seasonal, short term or intermittent noise effects but the rural environment generally comprises low levels of noise.²⁹

Noise limits for the Open Space and Recreation Zones recognise the use of these areas for relaxation, and enjoyment of nature, as well as activities, such as sports, that can generate noise.

²⁸ NZAAA [310.1] consequential amendment

²⁹ NZPork [169.29], HortNZ [295.109]

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to noise include:

- Temporary Activities: this chapter contains provisions for activities that may generate noise on a short term basis.
- Special Purpose Zone (Kāinga Nohoanga): how the Noise provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
NOISE-O1	Adverse noise effects Noise does not adversely affect human health, communities, natural values and the anticipated amenity values of the receiving environment.
NOISE-O2	Reverse sensitivity The operation of regionally significant infrastructure and strategic infrastructure, activities within Commercial and Mixed Use Zones and Industrial Zones <u>and/or identified existing noise generating activities protected by any noise control overlay identified through the Noise Chapter rules</u> ³⁰ are not adversely affected by reverse sensitivity effects from noise sensitive activities.
NOISE-O3	Rangiora Airfield The avoidance of noise sensitive activities within the 65dBA and 55dBA Ldn Noise Contours for Rangiora Airfield.
Policies	
NOISE-P1	Minimising adverse noise effects Minimise adverse noise effects by: <ol style="list-style-type: none"> 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 <u>maintain the</u>³¹amenity values of sensitive environments; and

³⁰ North Canterbury Clay Target Association [61.3], Daiken [145.24]

³¹ Kainga Ora [325.149]

	3. requiring sound insulation, or limiting the location of noise sensitive activities where they may be exposed to noise from existing activities.
NOISE-P2	<p>Limited duration noise generating activities Enable specific noise generating activities of limited duration that are:</p> <ol style="list-style-type: none"> 1. required for anticipated activities within zones or the District, including construction noise, audible bird scaring devices, frost control fans, temporary activities, temporary military training activities,³² and emergency services, and 2. where noise levels and characteristics are consistent with the character and amenity values of the receiving environment.
NOISE-P3	<p>Rail and roads Protect the operation of rail and road infrastructure by identifying locations where acoustic mitigation measures for any new noise sensitive activities are required.</p>
NOISE-P4	<p>Airport Noise Contour Protect Christchurch International Airport from reverse sensitivity effects by:</p> <ol style="list-style-type: none"> 1. avoiding noise sensitive activities within the 50 dBA Ldn Noise Contour by limiting the density of any residential unit or minor residential unit to a maximum of 1 residential unit or minor residential unit per 4ha, except within existing Kaiapoi Residential Zones, greenfield priority areas identified in Chapter 6 - Map A of the RPS (gazetted 6 December 2013) or any residential Development Area; and 2. requiring noise insulation within the 50 dBA Ldn and 55 dBA Ldn Noise Contour for Christchurch International Airport.
NOISE-P5	<p>Rangiora Airfield Avoid the development of noise sensitive activities in the Rural Lifestyle Zone within the 55dBA Ldn Noise Contour for Rangiora Airfield and prohibit noise sensitive activities within the 65 dBA Ldn Noise Contour for Rangiora Airfield.</p>
<u>NOISE-P6</u>	<p><u>Existing HIZ processing activity</u> <u>Protect the existing processing plant located between Upper and Lower Sefton Roads from noise sensitive activities in the Rural Lifestyle Zone within the HIZ Processing noise contour.</u>³³</p>

Activity Rules

How to interpret and apply the rules

³² NZDF [166.17]

³³ Daiken [145.25]

1. Noise standards apply to the zone or zones where noise is received. Noise from the use of public roads or railways is exempt from the provisions of the Noise Chapter.
2. Unless otherwise specified:
 - a. sound levels shall be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise where the source of noise is within the scope of these standards; and
 - b. for the purposes of compliance with these noise standards, public roads shall not be considered as a site receiving noise.
3. A Rail Vibration Alert Overlay has been applied which identifies the vibration-sensitive area within 60 metres each side of the railway designation boundary as properties within this area may experience rail vibration effects. No specific district plan provisions apply in relation to vibration controls as a result of this Rail Vibration Alert Area. The Rail Vibration Alert Overlay is to advise property owners of the potential vibration effects but leaves the site owner to determine an appropriate response.³⁴

NOISE- R1	TimberHIZ processing and ancillary activities	
Heavy Industrial Zone <u>located between Upper and Lower Sefton Roads</u>	Activity status: PER Where: 1. noise generated within the TimberHIZ Processing Noise Contour, as shown on the planning map, shall <u>not exceed the following standards at or beyond the noise control boundary:</u> a. not exceed 45 dB LAeq outside the Timber Processing Noise Contour and shall otherwise comply with Table NOISE-2; and b. not exceed the following standards at or within the notional boundary of the residential	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NOISE-MC ³⁶ D1 - Noise NOISE-MD2 - Management of noise effects NOISE-MD3 - Acoustic insulation

³⁴ KiwiRail [373.74]

³⁶ Minor amendment

	<p>unit located at 126 Beatties Road:</p> <ul style="list-style-type: none"> i. <u>a.</u> 7:00am-7:00pm Monday to Saturday 55 dB LAeq. ii. <u>b.</u> 9:00am-7:00pm Sundays and Public Holidays 55 dB LAeq. iii. <u>c.</u> All other times 45 dB LAeq. iv. <u>d.</u> ³⁵10:00pm-7:00am on any day 75 dB LAF(max). 	
NOISE-R2	Temporary military training activity	
	This rule does not apply to helicopter movements provided for under NOISE-R4.	
All Zones	<p>Activity status: PER Where:</p> <p><u>1. Any temporary military training activity that does not involve any weapons firing and use of explosives that:</u></p> <ul style="list-style-type: none"> <u>a. do not exceed the noise limits in Table NOISE-2 by more than 5 dB.</u> <p>written notice shall be provided to the District Council's Manager,</p>	<p>Activity status when compliance with NOISE-R2 (1a), (2a) or (32c³⁷) not achieved: CON</p> <p>Matters of control are restricted to: NOISE-MC³⁸D1 - Noise</p>

³⁵ Daiken [145.26]

³⁷ NZDF [166.18]

³⁸ Minor amendment

	<p>Planning and Regulation at least 10 working days prior to the commencement of the activity;</p> <p><u>2.</u> firing of weapons and explosive events shall be undertaken no closer than 1500m to the notional boundary of any noise sensitive activity during the hours of 7:00am-7:00pm, nor within 4500m during the hours of 7:00pm-7:00am;</p> <p><u>3.</u> firing of weapons and explosive events shall not exceed a noise level of 65 dB LAF(max) during the hours of 7:00am-7:00pm, nor a level of 50 dB LAF(max) during the hours of 7:00pm-7:00am;</p> <p><u>4.</u> helicopter movements shall comply with NOISE-R4;</p> <p><u>5.</u> noise from all other sources other than those specified in activity standards (3) to (5) shall comply with the noise limits in NOISE-R19.</p>	
	<p>Activity status: <u>PERCON</u> Where:</p> <p><u>2.</u> <u>Any temporary military training activity where there is weapons firing and/or use of explosives:</u></p> <p><u>a.</u> <u>that provide written notice to the District Council's Manager, Planning and Regulation at least 10</u></p>	<p>Activity status when compliance with NOISE-R2 (2b³⁹) not achieved: RDIS Matters of discretion are restricted to: NOISE-MC⁴⁰D1 - Noise</p> <p>Activity status when compliance with NOISE-R2 (4) not achieved: (Refer to NOISE-R4)</p> <p>Activity status when compliance with NOISE-R2 (5)</p>

³⁹ NZDF [166.18]

⁴⁰ Minor amendment

	<p><u>working days prior to the commencement of the activity including any details of separation distances and predicted sound levels; and</u></p> <p><u>b. where firing of weapons and explosive events are undertaken no closer than 500m to the notional boundary of any noise sensitive activity during the hours of 7:00am-7:00pm, nor within 1250m during the hours of 7:00pm-7:00am; or</u></p> <p><u>c. where the minimum separation distances specified in b. above are not met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building for a noise sensitive activity:</u></p>	<p>not achieved: (Refer to NOISE-R19)⁴¹</p>
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⁴¹ NZDF [166.18]

	<p>7:00am to 7:00pm: 95 dBC 7:00pm to 7:00am: 85 dBC.</p>	
<p><u>Advisory Note</u></p> <ul style="list-style-type: none"> • See also TEMP-R5 Temporary military training activity.⁴² 		
NOISE-R3	Construction work	
All Zones	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. noise from construction shall comply with the following maximum noise limits when assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise: <ol style="list-style-type: none"> a. when received in any Residential Zones, or within the notional boundary of any Rural z⁴³ones: <ol style="list-style-type: none"> i. 7:30am - 6:00pm Monday to Saturday: 70 dB LAeq; ii. all other times: 45 dB LAeq; b. when received in any Commercial and Mixed Use Zones 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>NOISE-MC⁴⁴D1 - Noise</p>

⁴² NZDF [166.17]

⁴³ Minor amendment

⁴⁴ Minor amendment

	<p>and Industrial Zones:</p> <ol style="list-style-type: none"> i. at all times: 70 dB LAeq; <ol style="list-style-type: none"> 2. vibration from construction shall be assessed in accordance with DIN 4150-3:2016, Vibration in Buildings – Part 3: Effects on Structures, and shall comply with the relevant limits in Tables 1 and 4 of that standard. 	
NOISE-R4	Helicopter movements	
	This rule does not apply to helicopter movements at Rangiora Airfield or for emergency purposes provided for under NOISE-R5, or to intermittent helicopter movements for agricultural aviation activities provided for under NOISE-R7⁴⁵ .	
All Zones	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. helicopter movements shall only occur between 8:00am and 6:00pm, unless further than 450m from any residential unit or minor residential unit; 2. within 25m of any residential unit or minor residential unit, no helicopter movement shall take place, unless that residential unit or minor residential unit is on the site on which the landing or take-off occurs; 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: NOISE-MC⁴⁶D1 - Noise NOISE-MD4 - Helicopter noise</p>

⁴⁵ NZAAA [310.1]

⁴⁶ Minor amendment

	<p>3. between 25m and 450m from a residential unit or minor residential unit not located on the same site as the activity, the number of helicopter movements on a site shall not exceed 24 in any 12 month period within which there may be a maximum of 10 in any month, or six in any week, unless that residential unit or minor residential unit is on the site on which the landing or take-off occurs.</p>	
NOISE-R5	Helicopter movements for emergency purposes	
All Zones	Activity status: PER	Activity status when compliance not achieved: N/A
NOISE-R6	Audible bird scaring devices	

<p>All Zones</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. audible bird scaring devices shall: <ol style="list-style-type: none"> a. only operate between 30 minutes before sunrise to 30 minutes after sunset; b. not exceed a maximum of six events per device per hour, where each event has a maximum of three clustered shots; c. not be used within 200m of a notional boundary of any residential unit or minor residential unit on any other site of different ownership; and d. not exceed 65 dB LAE from any one noise emission event, when assessed at any point within the notional boundary of any residential unit or minor residential unit on any site of different ownership; and e. <u>not exceed one device per 1ha of land in</u> 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>NOISE-MC⁴⁸D1 - Noise</p>
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⁴⁸ Minor amendment

	<p><u>any single land holding.</u>⁴⁷</p>	
	<p>Advisory Note</p> <ul style="list-style-type: none"> Audible bird scaring devices should have a legible notice securely fixed to the road frontage of the site in which the device is to operate stating the name, address and phone number of the person(s) responsible for the operation of the device and identify the site on which the device will operate.⁴⁹ 	
<p>NOISE-R7</p>	<p>Temporary, mobile or intermittent agriculture activities emitting noise for cultivation, application of fertiliser, planting, harvesting, use of agricultural vehicles or equipment, and movement, handling and transport of livestock</p>	

⁴⁷ Michael John Baynes [357.1]

⁴⁹ HortNZ [295.114]

Rural Zones Special Purpose Zone (Kāinga Nohoanga) Special Purpose Zone (Pines Beach and Kairaki Regeneration)	Activity status: PER	Activity status when compliance not achieved: N/A
NOISE-R8	Operation of an emergency service facility warning device	
All Zones	Activity status: PER	Activity status when compliance not achieved: N/A
NOISE-R9	Temporary activities	
	<i><u>This rule does not apply to recreational jet boating activity.</u></i> ⁵⁰	
All Zones	Activity status: PER Where: 1. between 10:00pm and 8:00am the noise limits in NOISE-R19 are met; 2. sound amplified activities shall be restricted to a total duration not exceeding four hours per day on any site on which the temporary activity is located, including all sound checks;	Activity status when compliance with NOISE-R9 (1 to 3) not achieved: CON Matters of control are restricted to: NOISE-MC ⁵¹ D1 - Noise Activity status when compliance with NOISE-R9 (4) not achieved: RDIS Matters of discretion are restricted to: NOISE-MC ⁵² D1 - Noise

⁵⁰ Jet Boating New Zealand [358.6]

⁵¹ Minor amendment

⁵² Minor amendment

	<p>3. sound amplified activities shall have a maximum total amplified power of 500 Watts RMS;</p> <p>4. noise from any temporary activity shall not exceed 65 dB LAeq at the notional boundary of any residential unit or minor residential unit, except fireworks displays that are limited to the hours between:</p> <ul style="list-style-type: none"> a. 9:00am to 10:00pm on any day; b. 9:00am to 11:00pm on Guy Fawkes Night or Matariki; or c. 9:00am to 01:00am on New Year's Eve/Day. 	
	<p>Advisory Note</p> <ul style="list-style-type: none"> • It is recommended that residents adjacent to an event involving amplified sound or fireworks, are notified at least 48 hours before the temporary activity commences, including: <ul style="list-style-type: none"> ○ the nature of the activity; ○ proposed dates, start and finish time and the expected times of any sound testing or practice; ○ any alternative dates in the event of postponement and; contact details of the event organiser. 	
NOISE-R10	Wind turbine operation	
All Zones	<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. the turbine has a rated generation capacity of no greater than 15kW; 	<p>Activity status when compliance not achieved: DIS</p>

	<p>2. the turbine is located no closer than 500m to the notional boundary of any residential unit or minor residential unit on any other site of different ownership;</p> <p>3. where there is more than one wind turbine, noise shall be assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise and comply with the limits given in that standard.</p>	
NOISE-R11	Use of generators for emergency purposes	
All Zones	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. routine testing is only undertaken between the hours of 9:00am and 5:00pm; 2. noise from the generator does not exceed the NOISE-R19 daytime (7:00am-10:00pm) noise limit at any site receiving noise. 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NOISE-MC⁵³D1 - Noise</p>
NOISE-R12	Speedway Activities - 39 Doubledays Road, Kaiapoi	
Speedway Overlay	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. a maximum of 25 events may be held in the period from 1 October to 30 April in any year; 2. a maximum of three practices may occur on the site each calendar year (that will not be 	<p>Activity status when compliance with NOISE-R12 (1) to (4) not achieved: RDIS Matters of discretion are restricted to: NOISE-MC⁵⁴D1 - Noise</p> <p>Activity status when compliance with NOISE-R12 (5) not achieved: as set out in NOISE-R19</p>

⁵³ Minor amendment

⁵⁴ Minor amendment

	<p>assessed as an event under (1));</p> <p>3. events, except for Speedway New Zealand Allocated Championships, shall conclude by 10:30pm and have a maximum duration of 4.5 hours, not including event preparation and clean-up;</p> <p>4. where a medical emergency or similar circumstance causes delay to an event, the hours of operation may be extended by up to one hour;</p> <p>5. activities other than the use of the track by motor racing vehicles shall comply with NOISE-R19.</p>	
NOISE-R13	Aircraft operations at Rangiora Airfield	
Rural Lifestyle Zone	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the aircraft operation is for one of the following purposes: <ol style="list-style-type: none"> a. emergency medical or for national/civil defence reasons, air shows, military operations; b. aircraft using the airfield as a necessary alternative to an airfield elsewhere; c. aircraft taxiing; d. engine run-ups for each 50 hour check⁵⁵ 2. for all other aircraft operations: <ol style="list-style-type: none"> a. noise from the aircraft operations 	<p>Activity status when compliance not achieved: NC</p>

⁵⁵ Minor amendment

	<p>shall not exceed 65 dBA Ldn outside the 65 dBA Ldn Airport Noise Contour, shown on the planning map;</p> <p>b. measurement and assessment of noise from aircraft operations at Rangiora Airfield shall be carried out in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning;</p> <p>c. when recorded aircraft movements at Rangiora Airfield exceed 70,000 movements per year, compliance with (1) shall be determined by calculations of noise from airfield operations and shall be based on noise data from the Rangiora Airfield Noise Model. Records of actual aircraft operations at Rangiora Airfield and the results shall be reported to the District Council's Manager, Planning and Regulation;</p> <p>d. measurement of the noise levels at the site shall commence once aircraft operations at Rangiora Airfield reach 88,000 movements per year and shall be calculated over the busiest three-month period of the year.</p>	
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	<p>The measurements shall be undertaken annually while aircraft operations are at 88,000 movements or higher and the results shall be reported to the District Council's Manager, Planning and Regulation.</p>	
NOISE-R14	Buildings in the 55 dBA Ldn Noise Contour for Christchurch International Airport	
<p>55 dBA Ldn Noise Contour for Christchurch International Airport</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. any new building or any addition to an existing building for an activity listed in Table NOISE-1 within the 55 dBA Ldn Noise Contour for Christchurch International Airport, shown on the planning map, shall be insulated from aircraft noise to ensure indoor sound levels stated in Table NOISE-1 are not exceeded, when windows and doors are closed, and: <ol style="list-style-type: none"> a. noise insulation calculations and verification shall be as follows: <ol style="list-style-type: none"> i. building consent applications shall be accompanied by a report detailing calculations that show how the required sound 	<p>Activity status when compliance not achieved: NC</p>

	<p style="text-align: center;">insulation and construction methods have been determined;</p> <p>b. for the purpose of sound insulation calculations, the external noise levels for a site shall be determined by application of the air noise contours Ldn and LAE. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours;</p> <p>c. if required by the District Council, in conjunction with the final building inspection the sound transmission of the façade shall be tested in accordance with ISO 16283-3:2016 to demonstrate that the required façade sound insulation performance has been achieved, and a test report is to be submitted to the District Council's Manager, Planning and Regulation. Should the façade fail to achieve the required standard then it shall be</p>	
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	improved to the required standard and re-tested prior to occupation.	
NOISE-R15	Buildings in the 55 dBA Ldn Noise Contour for Rangiora Airfield	
	This rule applies to any new residential unit, or minor residential unit addition to an existing residential unit, minor residential unit or building, or part of a building, for a noise sensitive activity.	
55 dBA Ldn Noise Contour for Rangiora Airfield	Activity status: PER Where: 1. the building shall be insulated from aircraft noise to achieve the indoor sound levels in Table NOISE-1.	Activity status when compliance not achieved: NC

Table NOISE-1: Noise Contour Indoor Design Levels

Building Type and Activity	Indoor Design and Sound Level	
	dB LAE	dB Ldn
Residential Units or Minor Residential units		
Bedrooms	65	40
Other habitable room	75	50
Visitor Accommodation		
Bedrooms, living rooms	65	40
Conference meeting rooms	65	40
Service activities	75	60
Education Facilities		
Libraries, study areas, teaching areas, assembly areas	65	40
Workshops, gymnasiums	85	60
Retail Activities, Retail Services and Offices		
Conference rooms	65	40

Private offices	70	45
Open plan offices, exhibition spaces	75	50
Data processing	80	55
Shops, supermarkets, showrooms	85	60
NOISE-R16	Residential units and minor residential units Noise sensitive activities within 80m of an arterial road, strategic road or rail designation the road and rail noise overlays⁵⁶	
All Zones Road and rail noise overlays	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. any new residential unit or minor residential unit building, intended for a noise sensitive activity,⁵⁷ shall <ol style="list-style-type: none"> a. be designed and constructed and maintained to achieve a minimum external and internal noise reduction of 30 dB Dtr,2m,nT,w + Ctr to any habitable room; or 2. not exceed the maximum values for be designed and constructed to meet the following maximum⁵⁸ indoor design sound levels: <ol style="list-style-type: none"> i. road traffic noise within any habitable room – 40 dB LAeq(24hr); ii. rail noise inside bedrooms between 10:00pm and 7:00am – 35 dB LAeq(1h); and iii. rail noise inside any habitable room 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NOISE-MC⁶²D1 - Noise NOISE-MD2 - Management of noise effects NOISE-MD3 - Acoustic insulation <u>The outcome of any consultation with Waka Kotahi NZ Transport Agency (for state highways) or KiwiRail (for rail).</u>⁶³</p>

⁵⁶ KiwiRail [373.74], Waka Kotahi [275.55]

⁵⁷ KiwiRail [373.74]

⁵⁸ KiwiRail [373.74]

⁶² Minor amendment

⁶³ KiwiRail [373.101]

	<p>excluding bedrooms – 40 dB LAeq(1h);</p> <p><u>b. be constructed in accordance with the Construction Schedule NOISE-SCHED1;</u>⁵⁹</p> <p><u>2. Design report</u> Where 1(a) applies, a report is submitted to the council demonstrating compliance with clauses (1)(a) above prior to the construction or alteration of any building containing a <u>noise sensitive activity</u>. In the design:⁶⁰</p> <p><u>a.</u> the design for road traffic noise shall take into account future permitted use of the road, either by the addition of <u>23</u>⁶¹ dB to predicted sound levels or based on forecast traffic in 20 years' time;</p> <p><u>b.</u> rail noise shall be deemed to be 70 dB LAeq(1h) at 12m from the edge of the track, and shall be deemed to reduce at a rate of <u>either:</u></p> <p><u>i.</u> 3 dB per doubling of distance up to 40m and 6 dB per doubling of distance beyond 40m;</p> <p><u>or</u></p> <p><u>ii.</u> <u>As modelled by a Suitably Qualified and Experienced Acoustic Consultant using a recognised</u></p>	
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⁵⁹ BRL [408.27]

⁶⁰ KiwiRail [373.74]

⁶¹ KiwiRail [373.74]

	<p><u>computer modelling method for freight trains with diesel locomotives, having regard to factors such as barrier attenuation, the location of the residential unit relative to the orientation of the track, topographical features and any intervening structures;</u></p> <p><u>3. If windows must be closed to achieve the maximum indoor design sound levels in clause 1a, or if a building is constructed in accordance with NOISE-SCHED1, the building must be designed, constructed and maintained with a mechanical ventilation system that meets the requirements in NOISE-S1.</u></p> <p>5. the indoor design sound level shall be achieved at the same time as the ventilation requirements of the New Zealand Building Code. If windows are required to be closed to achieve the indoor design sound levels then an alternative means of ventilation shall be required within bedrooms;</p> <p>6. the external to internal noise reduction shall be assessed in accordance with ISO 16283-3:2016 Acoustics— Field measurement of sound insulation in buildings and of</p>	
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	<p>building elements—Part 3: Façade sound insulation and ISO 717-1:2020 Acoustics—Rating of sound insulation in buildings and of building elements—Part 1: Airborne sound insulation.</p>	
	<p>Advisory Note</p> <ul style="list-style-type: none"> • Dtr,2m,nT,w+Ctr means the weighted standardised level difference of the external building envelope (including windows, walls, roof/ceilings and floors where relevant) and is a measure of the reduction in sound level from outside to inside a building. Dtr,2m,nT,w+Ctr is also known as the external sound insulation level.⁶⁴ 	
NOISE-R17	Noise sensitive activities	
<p>50dBA Ldn Noise Contour for Christchurch International Airport Limited</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the activity is located within Residential Zones; or 2. any activity meets the indoor sound levels stated in Table NOISE 1, when windows and doors are closed. 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to:</p> <p>NOISE-MD2 - Management of noise effects NOISE-MD3 - Acoustic insulation</p> <p>Notification An application for a restricted discretionary activity under this rule where compliance is not achieved with NOISE-R17 (1), shall be limited notified only to Christchurch International Airport Limited.</p>
	<p>Advisory Note</p> <ul style="list-style-type: none"> • Noise insulation calculations and verification shall be as follows: <ul style="list-style-type: none"> ○ Building consent applications shall be accompanied with a report detailing the calculations showing how the required sound insulation and construction methods have been determined. ○ For the purpose of sound insulation calculations, the external noise levels for a site shall be determined by application of the air noise contours Ldn and LAE. Where a site falls within the contours the calculations shall be determined by linear interpolation between the contours. 	

⁶⁴ KiwiRail [373.74]

	<ul style="list-style-type: none"> ▪ If required by the District Council, in conjunction with the final building inspection the sound transmission of the façade shall be tested in accordance with ISO 16283-3:2016 to demonstrate that the required façade sound insulation performance has been achieved, and a test report is to be submitted to the District Council’s Manager, Planning and Regulation. Should the façade fail to achieve the required standard then it shall be improved to the required standard and re-tested prior to occupation. 	
NOISE-R18	Bedrooms in Town Centre Zone, Local Centre Zone, Neighbourhood Centre Zone or Mixed Use Zone	
Town Centre Zone Local Centre Zone Neighbourhood Centre Zone Mixed Use Zone	Activity status: PER Where: <ol style="list-style-type: none"> 1. any bedroom that forms part of residential activity or visitor accommodation must achieve an external to internal noise reduction of not less than 35 dB D tr,2m,nT,w+Ctr; 2. the external to internal noise reduction shall be assessed in accordance with ISO 16283-3:2016 Acoustics — Field measurement of sound insulation in buildings and of building elements — 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> NOISE-MC⁶⁵D1 - Noise NOISE-MD2 - Management of noise effects NOISE-MD3 - Acoustic insulation Notification An application for a restricted discretionary activity under this rule where compliance is not achieved with NOISE-R18 (1) to NOISE-R18 (3) is precluded from being publicly or limited notified.

⁶⁵ Minor amendment

	<p>Part 3: Façade sound insulation and ISO 717-1:2020 Acoustics — Rating of sound insulation in buildings and of building elements — Part 1: Airborne sound insulation;</p> <p>3. the indoor design sound level should be achieved at the same time as the ventilation requirements of the New Zealand Building Code. If windows are required to be closed to achieve the indoor design sound levels then an alternative means of ventilation shall be required within bedrooms that meets the ventilation requirements of the New Zealand Building Code.</p>	
	<p>Advisory Note</p> <ul style="list-style-type: none"> • $D_{tr,2m,nT,w+Ctr}$ means the Weighted Standardised Level Difference of the external building envelope (including windows, walls, roof/ceilings and floors where relevant) and is a measure of the reduction in sound level from outside to inside a building. $D_{tr,2m,nT,w+Ctr}$ is also known as the external sound insulation level. 	

NOISE-R19	Activities emitting noise not otherwise covered in NOISE-R1 to NOISE-R13	
<i><u>This rule does not apply to recreational jet boating activity.</u></i> ⁶⁶		
All Zones	Activity status: PER Where: 1. the noise limits in Table NOISE-2 are met.	Activity status when compliance not achieved (where the activity exceeds the noise standards given in Table NOISE-2: Noise limits by less than 10 dB LAeq): RDIS Matters of discretion are restricted to: NOISE-MC ⁶⁷ D1 - Noise Activity status when compliance not achieved (where the activity exceeds the noise standards given in Table NOISE-2: Noise limits by 10 dB LAeq or more): NC
NOISE-R20	Operation of frost control fans	
Rural Zones	Activity status: CON Where: 1. noise from frost control fans measured at or within the notional boundary of any residential unit or minor residential unit, on a site of different ownership, shall not exceed 55 dB LAeq (10min), where: a. the noise level applies both to individual and cumulative noise from all	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NOISE-MC ⁶⁹ D1 - Noise

⁶⁶ Jet Boating New Zealand [358.6]

⁶⁷ Minor amendment

⁶⁹ Minor amendment

	<p>frost control fans within 1km of the residential unit, and</p> <p>b. noise compliance shall be demonstrated by an acoustic report from a suitably qualified and experienced acoustic consultant;</p> <p>2. frost control fans shall not be located within:</p> <p>a. 300m of a residential unit or minor residential unit on a site of different ownership; or</p> <p>b. 1km of any Residential Zones;</p> <p>3. frost control fan use is limited to the period between bud burst and harvest;</p> <p>4. frost control fans shall only be operated in wind speeds up to 8km/hr and when the local air temperature is 2°C or less;</p> <p>5. operation for testing shall only take place between 7:30am and 6:00pm, Monday-Friday.</p> <p>Matters of control are restricted to: NOISE-MC⁶⁸D1 - Noise</p>	
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⁶⁸ Minor amendment

<u>NOISE-RX</u>	<u>Noise sensitive activities near frost fans</u>	
<u>General Rural Zone</u> <u>Rural Lifestyle Zone</u>	<p><u>Activity status: CON</u></p> <p><u>Where:</u></p> <p><u>1.Any new noise sensitive activity located on a separate site of different ownership within 1000m of any frost control fan must be designed and constructed to ensure that the noise level inside any bedroom of the dwelling will not exceed 30 dB LAeq with all fans operating at normal duty.</u></p> <p><u>2.Compliance with this standard must be demonstrated by the production of a design certificate from an appropriately qualified and experienced acoustic engineer. The design certificate must be based either on actual noise</u></p>	<p><u>Activity status when not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>NOISE-M⁷¹C⁷²D1 - Noise</u></p> <p><u>NOISE-MD3 - Acoustic insulation⁷³</u></p>

⁷¹ HortNZ [295.115]

⁷² Minor amendment

⁷³ HortNZ [295.115]

	<p><u>measurements with all fans operating at normal duty, or on an assumed noise level from any one frost fan, corrected for the number of fans present at the time.</u></p> <p><u>Matters of control are restricted to:</u></p> <p><u>NOISE-MC⁷⁰D1 - Noise</u></p> <p><u>NOISE-MD3 - Acoustic insulation</u></p>	
NOISE-R21	Noise sensitive activities	
Timber-HIZ 74Processing Noise Contour	<p>Activity status: RDIS Matters of discretion are restricted to: NOISE-MC⁷⁵D1 - Noise NOISE-MD3 - Acoustic insulation</p>	<p>Activity status when compliance not achieved: N/A</p>
NOISE-R22	Residential unit or minor residential unit	
Speedway Noise Contour	<p>Activity status: NC</p> <p>Where: 1. the activity is located in the Speedway Noise Contour.</p>	<p>Activity status when compliance not achieved: N/A</p>

⁷⁰ Minor amendment

⁷⁴ Daiken [145.66]

⁷⁵ Minor amendment

NOISE-R23	Residential units, minor residential units or noise sensitive activities	
65 dBA Ldn Noise Contour for Rangiora Airfield	Activity status: PR Where: 1. the activity is located in the 65 dBA Ldn Noise Contour for Rangiora Airfield.	Activity status when compliance not achieved: N/A

Table NOISE-2 Noise limits

	Maximum noise level at or within the boundary¹ of any site receiving noise from the activity, where the site receiving noise is zoned		
	Daytime 7:00am-10:00pm	Night-time 10:00pm-7:00am⁷⁶	
Residential Zones	50 dB LAeq	40 dB LAeq	70 dB LAF(max)
Special Purpose Zone (Hospital), Special Purpose Zone (Pines Beach and Kairaki Regeneration), Special Purpose Zone (Kāinga Nohoanga)	50 dB LAeq	40 dB LAeq	70 dB LAF(max)
Local Centre Zone, Neighbourhood Centre Zone	60 dB LAeq	40 dB LAeq	70 dB LAF(max)
Open Space Zone, Sport and Active Recreation Zone, Special Purpose Zone (Kaiapoi)	55 dB LAeq	45 dB LAeq	75 dB LAF(max)

⁷⁶ Minor amendment (formatting)

Regeneration), Special Purpose Zone (Pegasus Resort)			
Town Centre Zone, Mixed Use Zone	60 dB LAeq	50 dB LAeq	80 dB LAF(max)
Light Industrial Zone	65 dB LAeq	55 dB LAeq	
Large Format Retail Zone, General Industrial Zone	60 5 dB LAeq	50 5 ⁷⁷ dB LAeq	
Heavy Industrial Zone, <u>except as provided for in NOISE-R1</u> ⁷⁸	65 dB LAeq	55 dB LAeq	
Special Purpose Zone (Museum and Conference Centre)	65 dB LAeq	55 dB LAeq	
Rural Zones, Natural Open Space Zone ¹ For sites in Rural Zones the boundary is the notional boundary	50 dB LAeq	40 dB LAeq	65 dB LAF(max)

Noise standards

<u>NOISE-S1</u>	<u>Ventilation</u>	
	<p>1. <u>Habitable rooms for a residential activity, achieves the following requirements:</u></p> <ul style="list-style-type: none"> a. <u>provides mechanical ventilation which can operate continuously to satisfy clause G4 of the New Zealand Building Code; and</u> b. <u>provides at least 1 air change per hour, but no</u> 	<p><u>Activity status when compliance not achieved:</u></p> <p>N/A</p>

⁷⁷ Woolworths [282.142]

⁷⁸ Daiken [145.27]

	<p><u>less than 7.5L/s per occupant; and</u></p> <p>c. <u>provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u></p> <p>d. <u>must not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (c.), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).</u></p> <p>2. <u>Alternatively, in lieu of NOISE-S1(1) above, a design verified by a suitably qualified and experienced person stating the design proposed will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in NOISES1(1) a-d.</u>⁷⁹</p>	
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Advice Notes

NOISE-AN1	<ol style="list-style-type: none"> 1. Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including excessive noise provisions of the RMA. 2. National Environmental Standards operate in parallel to or in conjunction with the District Plan, including the NESPF. Section 98 of the NESPF regulates noise and vibration for forests greater than 1ha that has been planted specifically for commercial purposes and will be harvested.
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Matters of Control/Discretion

⁷⁹ KiwiRail [373.74]

<p>NOISE- MC⁸⁰D1</p>	<p>Noise</p> <ol style="list-style-type: none"> 1. Noise duration, timing, noise level and characteristics, and potential adverse effects in the receiving environment. 2. Any effects on the health or well-being of persons living or working in the receiving environment, including effects on sleep, and the use and enjoyment of outdoor living areas. 3. The location of the noise generating activity and the degree to which the amenity values of any residential activity may be adversely affected. 4. The extent to which noise effects are received at upper levels of multi-level buildings. 5. Any proposals to reduce or modify the characteristics of noise generation, including: <ol style="list-style-type: none"> a. reduction of noise at source; b. alternative techniques or machinery which may be available; c. insulation or enclosure of machinery; d. mounding, screen fencing/walls or landscape characteristics; and e. hours of operation. 6. The adequacy of measures to address the adverse effects of noise on the natural character values of the coastal environment. 7. Any adverse effects of noise on ecological values. 8. The characteristics of the existing noise environment, and the character the objectives and policies of the zone are seeking to achieve. 9. Any relevant standards, codes of practice or assessment methods based on recognised acoustic principles, including those which address the reasonableness of the noise in terms of community health and amenity values and/or sleep protection. 10. For temporary military training activities, the extent to which compliance with noise standards has been demonstrated by a report prepared by a suitably qualified and experienced acoustic consultant.⁸¹
<p>NOISE- MD2</p>	<p>Management of noise effects</p> <ol style="list-style-type: none"> 1. The extent to which effects, as a result of the sensitivity of activities to current and future noise generation from aircraft, are proposed to be managed, including avoidance of any effect that may limit the operation, maintenance or upgrade of Christchurch International Airport. 2. The extent and effectiveness of any indoor noise insulation. 3. The extent to which a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise effects through other means, e.g. screening by other structures, or distance from noise sources.

⁸⁰ Minor amendment

⁸¹ NZDF [166.21]

	<ol style="list-style-type: none"> 4. The ability to meet acoustic insulation requirements through alternative technologies or materials. 5. The extent to which the provision of a report from an acoustic specialist provides evidence that the level of acoustic insulation ensures the amenity values, health and safety of present and future residents or occupiers. 6. The reasonableness and effectiveness of any legal instrument to be registered against the title that is binding on the owner and the owner's successors in title, containing a 'no complaint' clause relating to the noise of aircraft using Christchurch International Airport.
NOISE-MD3	<p>Acoustic insulation</p> <ol style="list-style-type: none"> 1. The extent to which a reduced level of acoustic insulation may be acceptable due to mitigation of adverse noise effects through other means. 2. The ability to provide effective acoustic insulation through alternative technologies or materials. 3. The extent to which the provision of a report from an acoustic specialist which⁸² provides evidence that the level of acoustic insulation ensures the amenity values, health and safety of present and future occupants or residents of the site. 4. Any potential reverse sensitivity effects on other activities that may arise from residential accommodation or other noise sensitive activities that do not meet acoustic insulation requirements necessary to mitigate any adverse effects of noise. 5. The location of any nearby business or infrastructure activities and the degree to which any sensitive activities may be adversely affected.
NOISE-MD4	<p>Helicopter noise</p> <ul style="list-style-type: none"> • Assessment of noise in accordance with NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and the findings of that assessment.

Schedules

NOISE-SCHED1 – Construction Schedule

<u>Applicability</u>	
	<p><u>Construction requirements detailed in this appendix are only applicable where:</u></p> <ol style="list-style-type: none"> 1. <u>The road(s) passing the building containing the noise sensitive activity has/have a posted speed limit of less than or equal to 60 km/hr,</u> 2. <u>The building is a single level construction,</u>

⁸² CIAL [254.64]

	<p>3. <u>The floor of the building is a reinforced concrete slab,</u></p> <p>4. <u>No habitable room of the building is located less than 4.5 metres from the road boundary,</u></p> <p>5. <u>The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room.</u></p> <p>6. <u>The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees and horizontal ceiling. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.</u></p> <p><u>In all other situations, a design report from a suitably qualified acoustics specialist is required.</u></p>
<p><u>Construction Options</u></p>	
<p><u>Exterior Walls Option 1</u></p>	<p><u>Exterior cladding of brick, Aerated Concrete or similar, with a surface mass not less than 27 kg/m².</u></p> <ul style="list-style-type: none"> • <u>Timber or steel framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required for noise control purposes under this option but is permissible, with or without a rigid air barrier,</u> • <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u> • <u>1 layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m².</u>
<p><u>Exterior Walls Option 2</u></p>	<p><u>Exterior cladding of Profiled sheet steel not less than 0.4 mm thick, or profiled aluminium not less than 1.3 mm thick, or treated pine weatherboards not less than 19mm thick.</u></p> <ul style="list-style-type: none"> • <u>Battens forming a ventilated cavity not less than 18mm deep,</u> • <u>Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m².</u> • <u>Timber or steel framing of not less than 90 mm, with studs at 600 mm centres,</u>

	<ul style="list-style-type: none"> • <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u> • <u>2 layers of 10 mm thick Standard Gib board or alternative gypsum board, each layer having a surface mass not less than 6 kg/m².</u>
<u>Exterior Walls Option 3</u>	<p><u>Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m².</u></p> <ul style="list-style-type: none"> • <u>Battens forming a ventilated cavity not less than 18 mm deep,</u> • <u>Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m².</u> • <u>Timber or steel framing of not less than 90 mm, with studs at 600 mm centres,</u> • <u>Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u> • <u>2 layers of 10 mm thick Standard Gib board or alternative gypsum board, each layer having a surface mass not less than 6 kg/m².</u>
<u>Glazing and Exterior doors - All options</u>	<ul style="list-style-type: none"> • <u>Windows to consist of double glazing consisting of 2 layers of glass not less than 4 mm thick, separated by an airgap of not less than 12 mm, with full perimeter seals,</u> • <u>External doors to be either double glazed to the same standard as windows, or be a solid panel construction with a surface mass not less than 24 kg/m² and incorporating full perimeter seals.</u>
<u>Roof – All Options</u>	<ul style="list-style-type: none"> • <u>Profiled metal roofing not less than 0.4 mm thick, in either sheet or tile form,</u> • <u>Fibrous insulation of minimum R6 within the ceiling cavity. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,</u> • <u>2 layers of 13 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 8 kg/m².</u>

Appendix 3 – Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
General provisions							
284.1	CIL	General	Amend all controlled and restricted discretionary activity rules: " <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u> "	3.2	Reject	See the relevant section of the report.	No
326.116	RIDL	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.2	Reject	See the relevant section of the report.	No
FS 78	Forest and Bird		<i>Oppose - there may be instances where it is appropriate to notify consents</i>	3.2	Accept	See the relevant section of the report.	No
FS 84	Ohoka Residents Association		<i>Oppose – "Refer to ORA submission on RCP031 for further detail. It is inconsistent with the policy direction set out in the National Policy Statement for Highly Productive Land. It is also inconsistent with the objectives of the National Policy Statement on Urban"</i>	3.2	Accept	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><i>"ORA oppose any and every amendment requested to the Proposed District Plan that supports RIDL's hugely unpopular, unwanted and inappropriate satellite town to be developed in Ohoka . We want the Council to disregard all submissions from RIDL, The Carter Group Limited and Chapmann Tripp that are designed to facilitate RCP031"</i></p> <p><i>Disallow the submission</i></p>				
FS 119	Andrea Marsden		<p><i>Oppose – RIDL suggest limited the use of absolutes i.e. maximum, within the Waimakariri District Plan. The these attributes exist is surely to ensure compliance with the District Plan so should be included as they stand to prevent private developers doing exactly as they please"</i></p> <p><i>Limiting the use of absolutes as suggested by RIDL opens the system up to potential abuse. As RIDL are proposing a Plan Change 31 which directly affects my property, this change to wording must not be allowed.</i></p>	3.2	Accept	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<i>Disallow</i>				
FS 120	Christopher Marsden		<p><i>Oppose – RIDL are seeking to limit the use of absolutes, i.e. 'maximum', 'avoid' in the Waimakariri District Plan – this plan covers Ohoka where I live. However these absolutes exist to ensure compliance with the District Plan so should be included as they stand.</i></p> <p><i>Disallow</i></p>	3.2	Accept	See the relevant section of the report.	No
326.2	RIDL	General	<p>Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect:</p> <p><u>"Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."</u></p>	3.2	Reject	See the relevant section of the report.	No
FS 78	Forest and Bird		<i>Oppose - there may be instances where it is appropriate to notify consents</i>	3.2	Accept	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS 199	Andrea Marsden		<p><i>Oppose – RIDL are proposing that the wording be altered to include unlimited applications which do not need to be publicly notified. However all applications should be notified and open for consultation to give local communities a voice.</i></p> <p><i>The District Plan covers Ohoka. RIDL have proposed a Plan Change 31 for this area and adopting unlimited applications and non-notifications will open the system up to exploitation so the change of wording must be declined.</i></p> <p><i>Disallow</i></p>	3.2	Accept	See the relevant section of the report.	No
FS 120	Christopher Marsden		<p><i>Oppose – RIDL are proposing that the wording be altered to include unlimited applications which do not need to be publicly notified. However all applications should be notified and open for consultation to give local communities a voice.</i></p> <p><i>The District Plan covers the area where we live, Ohoka. RIDL have proposed a Plan Change 31 for this area and adopting unlimited applications and non-notifications will open the system up to exploitation.</i></p>	3.2	Accept	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<i>Disallow</i>				
326.3 ⁸³	RIDL	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.2	Reject	See the relevant section of the report.	No
FS 78	Forest and Bird		<i>Oppose - There may be instances where it is appropriate to notify consents</i>	3.2	Accept	See the relevant section of the report.	No
226.4	McAlpines Ltd	General	Amend Rural Lifestyle Zone development standards to recognise and protect the sawmill from reverse sensitivity effects from establishment of any residential unit or other sensitive activity on rural land.	Not addressed in s42A report but addressed in right of reply, paragraphs 41-59.	Reject	There are issues of natural justice or fair process that arise for those to whom the requested noise contour and provisions would apply.	No
Noise Chapter - General							

⁸³ Oppose - Forest and Bird [FS78] – Officer's recommendation: accept

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
147.19	Kaiapoi-Tuahiwi Community Board	NOISE-General	Not specified.	N/A	N/A	The submitter noted general support for the General District Wide Matters section of the plan. No changes were requested to the Noise Chapter.	No
226.2	McAlpines Ltd	NOISE-General	Retain the reverse sensitivity provisions but amend relevant subdivision standards for Rural Lifestyle Zone (RLZ) to recognise and protect the sawmill from reverse sensitivity effects from rural land subdivision; and amend RLZ development standards recognise and protect the sawmill from reverse sensitivity effects from establishment of any residential unit or sensitive activity on the rural land.	N/A Not addressed in s42A report but addressed in right of reply, paragraphs 41-59.	N/AReject	This issue is discussed in the Rural s42A report. There are issues of natural justice or fair process that arise for those to whom the requested noise contour and provisions would apply.	N/A No
249.246	Mainpower	NOISE-General	Insert appropriate hyperlinks from the EI Chapter to the relevant noise rules contained in the Noise Chapter.	N/A	N/A	This issue is discussed in the Energy and Infrastructure s42A report.	N/A

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
325.149 ⁸⁴⁸⁵	Kainga Ora	NOISE-General	Delete mapped Noise Overlay and Airport Noise contour maps. Amend Noise Chapter provisions.	3.11.8	Reject <u>Accept in part</u>	<p>See the relevant section of the report.</p> <p><u>I recommend rejecting the amendment to NOISE-O2 as noise sensitive activities can be compatible with appropriate mitigation methods such as acoustic insulation, and the wording sought would be more appropriate in the zone chapters, as the Noise Chapter only manages the reverse sensitivity effects in relation to noise.</u></p> <p><u>NOISE-P1 clause 1/NOISE-P2 as notified better gives effect to the RMA, in particular Section 7(c).</u></p> <p><u>I recommend accepting the amendment to NOISE-P1 clause 2 as 'maintain' is more relevant in the context of noise levels to 'maintain', rather than 'protect', amenity values, and aligns with RMA section 7(f).</u></p>	No <u>Yes</u>

⁸⁴ Oppose – KiwiRail [FS99] – Officer's recommendation: accept

⁸⁵ Oppose - Waka Kotahi [FS110] – Officer's recommendation: accept

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						<p><u>I recommend rejecting the amendment to NOISE-P3 to replace the word "protect" with "provide for" as the chapter is not seeking to provide for, or enable, the infrastructure - it is acoustic mitigation measures that are to be provided for.</u></p> <p><u>I recommend rejecting the addition of the word "ongoing" before the phrase "operation of rail and road infrastructure..." as I am unclear how the amendment provides clarity and, as all submissions were in support of the policy I consider there to be no issues with its interpretation.</u></p> <p><u>I recommend rejecting the requested amendment to the external to internal noise reduction level. Any new noise sensitive activity needs to protect itself from noise to a greater extent than normal in the commercially focused zones in the rule and the rule only requires the internal noise reduction for bedrooms.</u></p>	

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						<p>Expert conferencing is to occur regarding road and rail noise mitigation. I consider the amendment to NOISE-P3 should be rejected as locations are identified through the applicable rule and recommended mapping.</p> <p>The airport noise contour matter is being deferred to a separate s42A report.</p>	
Planning maps							
145.66	Daiken	Planning maps	Retain the noise contour for timber processing as notified but rename 'HIZ Processing Noise Contour'.	3.11.1	Accept	See the relevant section of the report.	Yes
325.148 ⁸⁶⁸⁷	Kainga Ora	Planning maps	<p>Delete mapped Noise Overlay and Airport Noise contour maps.</p> <p>Amend Noise Chapter provisions.</p>	3.11.8	Reject	See submission point 325.149.	No

⁸⁶ Oppose – CIAL [FS80] – Officer's recommendation: accept

⁸⁷ Oppose – KiwiRail [FS99] – Officer's recommendation: accept

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
Definitions							
221.5	House Movers Section of New Zealand Heavy Haulage Association	Definition of construction work	Amend the definition of 'construction work': "..." <u>for the avoidance of doubt, installation of a building includes the relocation and resiting of a building.</u> "	3.11.3	Accept	See the relevant section of the report.	Yes
254.7	CIAL	Definition of Ldn	Retain the definition of 'LDN' as notified.	N/A	Accept	The submission is in support of the definition.	No
295.34	HortNZ	Definition of fertiliser	Retain definition of 'fertiliser' as notified.	N/A	Accept	The submission is in support of the definition.	No
254.9 ⁸⁸	CIAL	Definition of noise sensitive activity	Retain the definition of 'noise sensitive activity' as notified.	3.7.1	Accept in part	The submission is in support of the definition. I recommend that this definition be re-considered as part of the Christchurch International Airport Noise Contour, bird strike and growth related policies hearing.	No

⁸⁸ Oppose – Momentum Land Ltd [\[FS63\]](#) – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
277.6	MoE	Definition of noise sensitive activity	Amend clause (b) in the definition for 'noise sensitive activities': "... b. Educational Facilities activities including pre-school places or premises excluding training, trade training or other industry related training facilities; ..."	3.7.1	Accept	See the relevant section of the report.	Yes
295.48	HortNZ	Definition of noise sensitive activity	Retain definition of 'noise sensitive activity' as notified.	3.7.1	Accept in part	Accept in part, subject to amendments made in response to submission point 277.6.	No
373.6	KiwiRail	Definition of noise sensitive activity	Amend definition of 'noise sensitive activities': "... e. marae and places of assembly."	3.7.1	Reject Accept in part	See the relevant section of the report. I agree with the reasons stated in Ms Heppelthwaite's evidence. The use of the term 'places of worship', instead of 'places of assembly', resolves my concern regarding the places of assembly definition.	No Yes
414.11	Federated Farmers	Definition of noise sensitive activity	Amend the definition of 'noise sensitive activities':	3.7.1	Reject	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"means: a. residential activities other than those in conjunction with, <u>or nearby to</u> , rural activities that comply with the rules in the relevant district plan as at 23 August 2008; ..."				
284.16	CIL	Definition of notional boundary	Retain 'notional boundary' definition as notified.	N/A	Accept	The submissions are in support of the definition.	No
326.17	RIDL	Definition of notional boundary	Retain definition of 'notional boundary' as notified.	N/A			
Noise - Introduction							
169.29 ⁸⁹	NZPork	Introduction	Amend the Noise Chapter introduction: "..." Residential Zones anticipate quiet night-time conditions, as noise can disturb relaxation and sleep. Commercial and Mixed Use Zones and Industrial Zones normally have a greater tolerance for noise that reflects the working environment. <u>In</u>	3.8	Accept in part	See the relevant section of the report.	Yes

⁸⁹ Support – Federated Farmers [FS83] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>the rural zones a range of animal and mechanical sounds often characterize the working nature of the rural environment</u> ..."				
284.289	CIL	Introduction	Retain introduction to Noise Chapter as notified.	3.8	Accept in part	Accept, subject to amendments made in response to other submission points.	No
295.109 ⁹⁰	HortNZ	Introduction	Amend Noise Chapter Introduction: "Residential Zones anticipate quiet night-time conditions, as noise can disturb relaxation and sleep. Commercial and Mixed Use Zones and Industrial Zones normally have a greater tolerance for noise that reflects the working environment. <u>In the rural zones a range of animal and mechanical sounds often characterise the working nature of the rural environment.</u> "	3.8	Accept in part	See the relevant section of the report.	Yes
326.449 ⁹¹	RIDL	Introduction	Retain Introduction to Noise Chapter as notified.	3.8	Accept in part	Accept, subject to amendments made in response to other submission points.	No

⁹⁰ Support – Federated Farmers [FS83] – Officer's recommendation: accept in part

⁹¹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
373.70 ⁹²	KiwiRail	Introduction	Retain Noise Chapter Introduction Paragraph 2 as notified.	3.8	Accept in part	Accept, subject to amendments made in response to other submission points.	No
Noise – Objective 1							
46.6	Woodstock Quarries Limited	NOISE-O1	Retain NOISE-O1 as notified.	3.9.1	Accept	The submission is in support of the objective.	No
169.30	New Zealand Pork	NOISE-O1	Amend NOISE-O1: "Noise does not adversely affect human health, communities, natural values and the anticipated amenity values of the receiving environment. <u>noise effects that are compatible with the role, function and predominant character of each receiving environment.</u> "	3.9.1	Reject	See the relevant section of the report.	No
284.290	CIL	NOISE-O1	Retain NOISE-O1 as notified.	3.9.1	Accept	The submission is in support of the objective.	No

⁹² [Oppose – Kainga Ora \[FS88\] – Officer's recommendation: accept in part](#)

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
295.110 ⁹³⁹⁴	HortNZ	NOISE-O1	Amend NOISE-O1: " Noise does not adversely affect human health, communities, natural values and the anticipated amenity values of the receiving environment. <u>Noise effects that are compatible with the role, function and predominant character of each receiving environment.</u> "	3.9.1	Reject	See the relevant section of the report.	No
326.450 ⁹⁵	RIDL	NOISE-O1	Retain NOISE-O1 as notified.	3.9.1	Accept	The submissions are in support of the objective.	No
358.4	Jet Boating New Zealand	NOISE-O1	Retain NOISE-O1 as notified.	3.9.1	Accept		No
414.175	Federated Farmers	NOISE-O1	Amend NOISE-O1 to include reverse sensitivity concerns as outlined in NOISE-O2: "Adverse noise effects	3.9.1	Reject	See the relevant section of the report.	No

⁹³ Support – Federated Farmers [FS83] – Officer's recommendation: reject

⁹⁴ Oppose – Waka Kotahi [FS110] – Officer's recommendation: accept

⁹⁵ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			Outside of reverse sensitivity exclusions in Objective O2, Noise does not adversely affect human health, communities, natural values and the anticipated amenity values of the receiving environment."				
Noise – Objective 2							
41.38	Fulton Hogan	NOISE-O2	Retain NOISE-O2 as notified.	3.9.2	Accept in part	Accept, subject to amendments made in response to other submission points.	No
61.3	North Canterbury Clay Target Association	NOISE-O2	Amend NOISE-O2 to refer to 'existing noise generating activities'.	3.9.2	Accept in part	Agree that there is lack of certainty as to what 'identified existing activities' is but disagree with the specific wording requested. See the relevant section of the S42A report , and amendment to wording in Right of Reply .	Yes
145.24	Daiken	NOISE-O2	Retain NOISE-O2 but amend to explain what 'identified existing activities' include, or alternatively provide a policy.	3.9.2	Accept	See the relevant section of the S42A report , and amendment to wording in Right of Reply .	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
166.16	NZDF	NOISE-O2	Retain NOISE-O2 as notified.	3.9.2	Accept in part	Accept, subject to amendments made in response to other submission points.	No
169.31	New Zealand Pork	NOISE-O2	Amend NOISE-O2: "The operation of regionally significant infrastructure and strategic infrastructure, activities within <u>Rural Zones</u> , Commercial and Mixed Use Zones and Industrial Zones and identified existing activities are not adversely affected by reverse sensitivity effects from noise sensitive activities."	3.9.2	Reject	See the relevant section of the report.	No
249.247	Mainpower	NOISE-O2	Retain NOISE-O2 as notified.	3.9.2	Accept in part	Accept, subject to amendments made in response to other submission points.	No
254.56	CIAL	NOISE-O2	Retain NOISE-O2 as notified.	3.9.2	Accept in part		No
275.52	Waka Kotahi NZ Transport Agency	NOISE-O2	Retain NOISE-O2 as notified.	3.9.2	Accept in part		No
295.111 ⁹⁶	HortNZ	NOISE-O2	Amend NOISE-O2:	3.9.2	Reject	See the relevant section of the report.	No

⁹⁶ Support – Federated Farmers [FS83] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"The operation of regionally significant infrastructure and strategic infrastructure, activities <u>within Rural Zones, Commercial and Mixed Use Zones and Industrial Zones</u> and identified existing activities are not adversely affected by reverse sensitivity effects from noise sensitive activities."				
373.71 ⁹⁷	KiwiRail	NOISE-O2	Retain NOISE-O2 as notified.	3.9.2	Accept in part	Accept, subject to amendments made in response to other submission points.	No
414.176	Federated Farmers	NOISE-O2	Amend NOISE-O2: "Reverse sensitivity The operation of regionally significant infrastructure and strategic infrastructure, activities <u>within Rural, Commercial and Mixed Use Zones and Industrial Zones</u> and identified existing activities are not adversely affected by reverse sensitivity effects from noise sensitive activities."	3.9.2	Reject	See the relevant section of the report.	No
Noise – Objective 3							

⁹⁷ Oppose – Kainga Ora [FS88] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
284.291	CIL	NOISE-O3	Retain NOISE-O3 as notified.	N/A	Accept	The submission is in support of the objective.	No
326.451 ⁹⁸	RIDL	NOISE-O3	Retain NOISE-O3 as notified.	N/A	Accept	The submission is in support of the objective.	No
Noise-Policies							
145.25	Daiken	Policies-General	<p>Insert additional policy:</p> <p><u>"NOISE-P6 Existing Activities</u></p> <p><u>Avoid the development of noise sensitive activities in the Rural Lifestyle Zone within any noise contour associated with a Heavy Industrial Zone or in close proximity to the existing processing plant located between Upper and Lower Sefton Roads."</u></p>	3.10.1	Reject <u>Accept in part</u>	<p>See the relevant section of the report.</p> <p><u>The policy sought by Daiken includes the term "avoid" which is a strong verb for a restrictive discretionary activity (NOISE-R21) and would be more appropriate for a non-complying activity status. The verb "protect" may be more appropriate, as used in other policies for activities (NOISE-P3 and NOISE-P4) that have rules for noise sensitive activities in particular locations.</u></p> <p><u>It will give effect to NOISE-O2, and SD-O4 as amended in the Strategic Directions s42A officer's report. It will also give effect to the</u></p>	No <u>Yes</u>

⁹⁸ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						<p>policies in the RPS, including Policy 5.3.2(2) that seeks to enable development which avoid or mitigate “reverse sensitivity effects and conflicts between incompatible activities”. A new policy would better achieve the outcome than NOISE-P1(3) as it would draw a direct line of sight between NOISE-O2 and the rules that implement the objective. Consequently, it is more efficient and effective than the notified provisions in achieving the objectives of the Proposed Plan.</p> <p>The recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions.</p>	
295.113	HortNZ	Policies-General	<p>Add a new policy:</p> <p><u>"PX Reverse Sensitivity Rural Production</u></p>	3.10.1	Reject	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>Rural production activities are not constrained by reverse sensitivity effects arising from noise sensitive activities located in the Rural Zones."</u></p>				
41.39 ⁹⁹	Fulton Hogan	NOISE-P1	<p>Amend NOISE-P1 to require the avoidance of reverse sensitivity effects when siting sensitive activities:</p> <p>"NOISE-P1 Minimising <u>Managing</u> adverse noise effects</p> <p>Minimise <u>Manage</u> adverse noise effects by:</p> <ol style="list-style-type: none"> 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 	3.10.2	Reject	See the relevant section of the report.	No

⁹⁹ Support in part – KiwiRail [FS99] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			3. requiring sound insulation, or limiting avoiding the locating of noise sensitive activities where they may be exposed to noise from existing activities."				
FS99	KiwiRail		<p>Accept the amendment to clause 3. only as follows:</p> <p>Minimise adverse noise effects by:</p> <p>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;</p> <p>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</p> <p>3. requiring sound insulation, or limiting avoiding the location of noise sensitive activities where they may be exposed to noise from existing activities."</p>	3.10.2	Accept in part	See the relevant section of the report.	No
46.24	Woodstock Quarries Limited	NOISE-P1	Retain NOISE-P1 as notified.	N/A	Accept	The submission is in support of the policy.	No
169.32	New Zealand Pork	NOISE-P1	Amend NOISE-P1:	3.10.2	Reject	See the relevant section of the report.	

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"Minimise adverse noise effects by: 1. limiting <u>controlling</u> 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 ..."				
254.58	CIAL	NOISE-P1	Retain NOISE-P1 as notified.	N/A	Accept	The submissions are in support of the policy.	
275.53	Waka Kotahi NZ Transport Agency	NOISE-P1	Retain NOISE-P1 as notified.	N/A			
284.292	CIL	NOISE-P1	Retain NOISE-P1 as notified.	N/A			
295.112	HortNZ	NOISE-P1	Amend NOISE-P1: "Minimise adverse noise effects by: 1. limiting <u>managing</u> 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;	3.10.2	Reject	See the relevant section of the report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			..."				
326.452 ¹⁰⁰	RIDL	NOISE-P1	Retain NOISE-P1 as notified.	N/A	Accept	The submissions are in support of the policy.	No
373.72 ¹⁰¹	KiwiRail	NOISE-P1	Retain NOISE-P1 as notified.	N/A			
414.177	Federated Farmers	NOISE-P1	Amend the NOISE-P1: "Minimise adverse noise effects by: ... <u>4. Outlining where noise-receiving activities near or in noise-generating zones are subject to reverse sensitivity, and where that level of noise is to be expected.</u> "	3.10.2	Reject	See the relevant section of the report.	No
46.25	Woodstock Quarries Limited	NOISE-P2	Retain NOISE-P2 as notified.	3.10.3	Accept in part	Accept, subject to amendments made in response to other submission points.	No
166.17	NZDF	NOISE-P2	Amend NOISE-P2 by adding TMTA:	3.10.3	Accept	See the relevant section of the report.	Yes

¹⁰⁰ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹⁰¹ Oppose – Kainga Ora [FS88] – Officer's recommendation: Reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>"Enable specific noise generating activities of limited duration that are:</p> <p>1. required for anticipated activities within zones or the District, including construction noise, audible bird scaring devices, frost control fans, temporary activities, <u>temporary military training activities</u>, and emergency services, and</p> <p>..."</p>				
249.248	Mainpower	NOISE-P2	Retain NOISE-P2 as notified.	3.10.3	Accept in part	Accept, subject to amendments made in response to other submission points.	No
284.293	CIL	NOISE-P2	Retain NOISE-P2 as notified.	3.10.3			
326.453 ¹⁰²	RIDL	NOISE-P2	Retain NOISE-P2 as notified.	3.10.3			
358.5	Jet Boating New Zealand	NOISE-P2	Retain NOISE-P2 as notified.	3.10.3			
275.54	Waka Kotahi NZ Transport Agency	NOISE-P3	Retain NOISE-P3 as notified.	N/A	Accept	The submissions are in support of the policy.	No
284.294	CIL	NOISE-P3	Retain NOISE-P3 as notified.	N/A			

¹⁰² Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.454 ¹⁰³	RIDL	NOISE-P3	Retain NOISE-P3 as notified.	N/A			
373.73 ¹⁰⁴	KiwiRail	NOISE-P3	Retain NOISE-P3 as notified.	N/A			
284.295	CIL	NOISE-P4	Retain NOISE-P4 as notified.	N/A	Accept	The submissions are in support of the policy.	No
316.160	ECan	NOISE-P4	Retain NOISE-P4 as notified or original intent.	N/A			
326.455 ¹⁰⁵	RIDL	NOISE-P4	Retain NOISE-P4 as notified.	N/A			
284.296	CIL	NOISE-P5	Retain NOISE-P5 as notified.	N/A	Accept	The submissions are in support of the policy.	No
326.456 ¹⁰⁶	RIDL	NOISE-P5	Retain NOISE-P5 as notified.	N/A			
NOISE-Activity Rules							
41.40	Fulton Hogan	Activity Rules – General	Insert new rule for sensitive activities and reverse sensitivity effects:	3.3	Reject	See the relevant section of the report.	No

¹⁰³ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹⁰⁴ Oppose – Kainga Ora [FS88] – Officer's recommendation: reject

¹⁰⁵ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹⁰⁶ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>"RX Sensitive activities</u></p> <p><u>Activity status: PER</u></p> <p><u>1. The establishment of a new, or alteration, or expansion of an existing sensitive activity.</u></p> <p><u>Where:</u></p> <p><u>1. The sensitive activity shall be setback from the boundary of any legally established quarrying activity:</u></p> <p><u>a. 200m to any allowable excavation area; and</u></p> <p><u>b. 500m to any allowable processing area; and</u></p> <p><u>c. 500m to any activity that involves blasting.</u></p> <p><u>The establishment of residential units, or minor residential units on the same site as the quarry are exempt from this rule requirement.</u></p> <p><u>Existing residential units or minor residential units within the specified setback that are rebuilt on their existing site but no closer to the quarry are exempt from this requirement.</u></p> <p>Activity status when compliance not achieved: DIS"</p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
61.4	North Canterbury Clay Target Association	Activity Rules – General	<p>Insert new rule:</p> <p><u>"NOISE-RXX Sports Facility Activities – Boundary Road Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>1. a maximum of 48 events may be held in any year;</u></p> <p><u>2. a maximum of 96 practice events may be held in any year (that will not be assessed as an event under (1));</u></p> <p><u>3. events, shall conclude by 9pm and have a maximum duration of 12 hours, not including event preparation and clean-up;</u></p> <p><u>4. practice events, shall conclude by 9pm and have a maximum duration of 5 hours, not including event preparation and clean-up;</u></p> <p><u>5. activities other than sporting events shall comply with NOISE-R19."</u></p> <p>And add overlay to the planning maps.</p>	3.4	Reject	<p>See the relevant section of the report.</p> <p>The standards sought in the evidence would require amendment to provide clarity and address all the concerns of Mr Camp in his statement of evidence and ensure the scope does not go beyond what is sought in the submission. There is scope to include a rule that does not go beyond the scope sought in the submission along with an overlay only over NCCTA's land/site if the panel are minded to do so.</p>	No
295.115	HortNZ	Activity Rules – General	<p>Insert new rule:</p>	3.5	Accept	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>"NOISE-RX Noise Sensitive activities</u></p> <p><u>Rural Zones</u></p> <p><u>Activity status : CON</u></p> <p><u>Where:</u></p> <p><u>1.Any new noise sensitive activity located on a separate site of different ownership within 1000m of any frost control fan must be designed and constructed to ensure that the noise level inside any bedroom of the dwelling will not exceed 30 dB LAeq with all fans operating at normal duty.</u></p> <p><u>Compliance with this standard must be demonstrated by the production of a design certificate from an appropriately qualified and experienced acoustic engineer. The design certificate must be based either on actual noise measurements with all fans operating at normal duty, or on an assumed noise level from any one frost fan, corrected for the number of fans present at the time.</u></p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			Matters of control are restricted to: NOISE-MD1 - Noise NOISE-MD3 - Acoustic insulation Activity status when not achieved: RDIS Matters of discretion are restricted to: NOISE-MD1 - Noise NOISE-MD3 - Acoustic insulation"				
145.26	Daiken	NOISE-R1	Amend NOISE-R1: "NOISE-R1 Timber <u>PHIZ Processing</u> and ancillary activities Heavy Industrial Zone <u>located between Upper and Lower Sefton Roads</u> Activity status: PER Where:	3.11.1	Accept in part	See the relevant section of the report.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>1. noise generated within the Timber HIZ Processing Noise Contour, as shown on the planning map, shall <u>not exceed the following standards:</u></p> <p>a. not exceed 45 dB LAeq outside the Timber Processing Noise Contour and shall otherwise comply with Table NOISE-2; and</p> <p>b. not exceed the following standards at or within the notional boundary of the residential unit located at 126 Beatties Road:</p> <p>i. 7:00am-7:00pm Monday to Saturday 55 dB LAeq.</p> <p>ii. 9:00am-7:00pm Sundays and Public Holidays 55 dB LAeq.</p> <p>iii. All other times 45 dB LAeq.</p> <p>iv. 10:00pm-7:00am on any day 75 dB LAF(max)."</p>				
284.297	CIL	NOISE-R1	Retain NOISE-R1 as notified.	3.11.1	Accept in part	Accept, subject to amendments made in response to submission point 145.26.	No
326.457 ¹⁰⁷	RIDL	NOISE-R1	Retain NOISE-R1 as notified.	3.11.1			
166.18	NZDF	NOISE-R2	Amend and replace with the noise standards for temporary military training activities (refer to full submission for attachment 3).	3.11.2	Reject Accept in part	See the relevant section of the report. Activities involving weapons occur infrequently.	No Yes

¹⁰⁷ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>Amend matters of control:</p> <p>"Activity status when compliance with NOISE-R2 (1) or (3) not achieved: CON</p> <p>Matters of control are restricted to <u>noise and duration</u>:</p> <p>NOISE MD1 – Noise</p> <p>Activity status when compliance with NOISE R2 (2) not achieved: RDIS</p> <p>Matters of discretion are restricted to:"</p>			<p>The notified NOISE-R2 gives the impression that all TMTA involve weapon noise, which is not the case. Mr Camp is of the view that NOISE-R2 should be simplified, with a clear distinction made between activities involving weapons. He is also persuaded by Mr Humpheson's argument with respect to reducing the proposed separation distances and changing these to use the Peak (L_{peak}) sound levels rather than Maximum (L_{max}).</p>	
284.298	CIL	NOISE-R2	Retain NOISE-R2 as notified.	3.11.2	Accept in part	The submissions are in support of the rule.	No
326.458 ¹⁰⁸	RIDL	NOISE-R2	Retain NOISE-R2 as notified.	3.11.2		Accept, subject to amendments made in response to other submission points.	
172.8	Oxford-Ohoka Community Board	NOISE-R3	Amend NOISE-R3, as definition of 'construction noise' is too broad.	3.11.3	Reject	Reject, as this is a more lenient standard than the noise limits provided in Table NOISE-2.	No
284.299	CIL	NOISE-R3	Retain NOISE-R3 as notified.	N/A	Accept	The submissions are in support of the rule.	No

¹⁰⁸ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.459 ¹⁰⁹	RIDL	NOISE-R3	Retain NOISE-R3 as notified.	N/A			
166.19	NZDF	NOISE-R4	Amend NOISE-R4: "Helicopter movements This rule does not apply to helicopter movements at Rangiora Airfield or <u>as part of a temporary military training activity under NOISE-R2</u> or for emergency purposes provided for under NOISE-R5. ..."	3.11.4	Reject	Mr Camp prefers the notified rule which allows for small numbers of helicopter movements close to noise sensitive receivers and unlimited movements if further than 450 metres from noise sensitive receivers. See the relevant section of the report.	No
284.300	CIL	NOISE-R4	Retain NOISE-R4 as notified.	N/A	Accept in part	The submission is in support of the rule. Accept in part, subject to amendments made in response to other submission points.	No

¹⁰⁹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
310.1 ¹¹⁰	NZAAA	NOISE-R4	<p>Amend NOISE-R4 by adding an exclusion:</p> <p><u>"Except that NOISE-R4 will not apply to intermittent helicopter movements for primary production activities such as application of fertilisers, spray or frost protection."</u></p>	3.11.4	Reject <u>Accept in part</u>	<p>See the relevant section of the report.</p> <p><u>The amendment to NOISE-R4 would ensure the applicable rule for helicopter movements for agricultural aviation activities in the Rural Zones is NOISE-R7 which permits temporary, mobile or intermittent agriculture activities emitting noise for use of agricultural vehicles or equipment.</u></p> <p><u>The requested amendment along with the definition sought in the evidence would ensure the aviation activities are only undertaken for specific purposes. I recommend the addition of "...provided under NOISE-R7..." as NOISE-R7 does not apply to all zones. Without the addition of this text then helicopter movements for agricultural aviation activities in all other zones, while less likely to occur outside the Rural Zones, would then be subjected to the</u></p>	No <u>Yes</u>

¹¹⁰ Support – New Zealand Helicopter Association [FS66] – Officer's recommendation: ~~reject~~ accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						<p>noise limits in TABLE NOISE-2, which would be less appropriate for the intermittent noise from helicopters which are to be managed in accordance with the <i>New Zealand Standard 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas</i> under the National Planning Standards.</p> <p>The amendment to NOISE-R4 would ensure the applicable rule for helicopter movements for agricultural aviation activities in the Rural Zones is NOISE-R7 which permits temporary, mobile or intermittent agriculture activities emitting noise for use of agricultural vehicles or equipment.</p>	
326.460 ¹¹¹	RIDL	NOISE-R4	Retain NOISE-R4 as notified.	N/A	Accept in part	<p>The submission is in support of the rule.</p> <p>Accept in part, subject to amendments made in response to other submission points.</p>	No

¹¹¹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
68.18 ¹¹²	CDHB	NOISE-R5	Retain NOISE-R5 as notified.	N/A	Accept	The submissions are in support of the rule.	No
166.20	NZDF	NOISE-R5	Retain NOISE-R5 as notified.	N/A			
284.301	CIL	NOISE-R5	Retain NOISE-R5 as notified.	N/A			
303.47	Fire and Emergency New Zealand	NOISE-R5	Retain NOISE-R5 as notified.	N/A			
326.461 ¹¹³	RIDL	NOISE-R5	Retain NOISE-R5 as notified.	N/A			
284.302	CIL	NOISE-R6	Retain NOISE-R6 as notified.	3.11.5	Accept in part	Accept in part, subject to amendments made in response to other submission points.	No
295.114	HortNZ	NOISE-R6	Amend NOISE-R6: "... d. not exceed 65 dB LAE from any one noise emission, when assessed at any point within the notional boundary of any	3.11.5	Accept in part	See the relevant section of the report.	Yes

¹¹² Support - New Zealand Helicopter Association [FS66] – Officer's recommendation: accept

¹¹³ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>residential unit or minor residential unit on any site of different ownership.</p> <p><i>Advisory Note</i></p> <p>Audible bird scaring devices should have a legible notice securely fixed to the road frontage of the site in which the device is to operate stating the name, address and phone number of the person(s) responsible for the operation of the device and identify the site on which the device will operate."</p>				
326.462 ¹¹⁴	RIDL	NOISE-R6	Retain NOISE-R6 as notified.	3.11.5	Accept in part	Accept, subject to amendments made in response to other submission points.	No
357.1	Michael John Baynes	NOISE-R6	<p>Amend NOISE-R6 to include:</p> <ul style="list-style-type: none"> - A maximum of 1 device per 4ha, being a space 200m x 200m centred around the device - A minimum of 400m from the notional boundary of adjoining residences 	3.11.5	Accept in part	See the relevant section of the report.	Yes

¹¹⁴ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>Insert standards for Gas Gun bird scarers:</p> <ul style="list-style-type: none"> - Max density 1 per 4ha. Minimum 200m between guns - No use within 400m of a residential dwelling - 12 shots per hour, per gun - 7am to 7pm operating period - No use in a restricted fire season 				
414.178	Federated Farmers	NOISE-R6	Amend NOISE-R6 to change from maximum of six events per device per hour to 10 events per device per hour.	3.11.5	Reject	See the relevant section of the report.	No
169.33	NZPork	NOISE-R7	Delete Noise-R7 and replace with a rule that includes intensive primary production activities.	3.11.6	Reject	See the relevant section of the report.	No
171.18	Rayonier Matariki Forests	NOISE-R7	Amend NOISE-R7 to include statement for plantation forestry activities that National Environmental Standards for Plantation Forestry provisions prevail.	3.11.6	Reject	See the relevant section of the report.	No
284.303	CIL	NOISE-R7	Retain NOISE-R7 as notified.	3.11.6	Accept	The submission was in support of the rule.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
310.2 ¹¹⁵	NZAAA	NOISE-R7	<p>Amend NOISE-R7:</p> <p>"Temporary, mobile or intermittent agriculture activities emitting noise for cultivation, application of fertiliser, planting, harvesting, use of agricultural vehicles or equipment, <u>including aircraft, and</u> movement, handling and transport of livestock".</p>	3.11.4	Reject	<p>Acoustic advice received from Mr Camp recommends rejecting the submission point. He considers the words "including aircraft" would result in a greater number of loopholes which could lead to unintended consequences. For example, fertiliser application could be undertaken using aircraft within the notified wording of NOISE-R7 without any need to add additional words.</p> <p>See the relevant section of the report.</p> <p>NOISE-R7 permits temporary, mobile or intermittent agriculture activities emitting noise for cultivation, application of fertiliser, planting, harvesting, use of agricultural vehicles or equipment, and movement, handling and transport of livestock. I consider this does include aircraft for agricultural purposes as aircraft is a vehicle or equipment.</p>	No

¹¹⁵ Support – New Zealand Helicopter Association [FS66] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.463 ¹¹⁶	RIDL	NOISE-R7	Retain NOISE-R7 as notified.	3.11.6	Accept	The submission was in support of the rule.	No
284.304	CIL	NOISE-R8	Retain NOISE-R8 as notified.	N/A	Accept	The submissions were in support of the rule.	No
303.48	Fire and Emergency New Zealand	NOISE-R8	Retain NOISE-R8 as notified.	N/A			
326.464 ¹¹⁷	RIDL	NOISE-R8	Retain NOISE-R8 as notified.	N/A			
249.249	Mainpower	NOISE-R9	Retain NOISE R9 as notified.	N/A	Accept in part	Accept, subject to amendment made in response to submission point 358.6.	No
284.305	CIL	NOISE-R9	Retain NOISE-R9 as notified.	N/A			
326.465 ¹¹⁸	RIDL	NOISE-R9	Retain NOISE-R9 as notified.	N/A			
358.6	Jet Boating New Zealand	NOISE-R9	Amend NOISE-R9 to exempt recreational jet boating activity noise from control under this rule.	3.6	Accept	See the relevant section of the report.	Yes
284.306	CIL	NOISE-R10	Retain NOISE-R10 as notified.	N/A	Accept	The submissions are in support of the rule.	No

¹¹⁶ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹¹⁷ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹¹⁸ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.466 ¹¹⁹	RIDL	NOISE-R10	Retain NOISE-R10 as notified.	N/A			
68.16	CDHB	NOISE-R11	Retain NOISE-R11 use of generators for emergency purposes as notified.	N/A	Accept	The submissions are in support of the rule.	No
249.250	Mainpower	NOISE-R11	Retain NOISE-R11 as notified.	N/A			
284.307	CIL	NOISE-R11	Retain NOISE-R11 as notified.	N/A			
326.467 ¹²⁰	RIDL	NOISE-R11	Retain NOISE-R11 as notified.	N/A			
284.308	CIL	NOISE-R12	Retain NOISE-R12 as notified.	N/A	Accept		
326.468 ¹²¹	RIDL	NOISE-R12	Retain NOISE-R12 as notified.	N/A		The submissions are in support of the rule.	No
284.309	CIL	NOISE-R13	Retain NOISE-R13 as notified.	3.11.7	Accept	The submission is in support of the rule.	No
310.3 ¹²²	NZAAA	NOISE-R13	Amend NOISE-R13(1) by adding new clause:	3.11.7	Reject	See the relevant section of the report.	Yes

¹¹⁹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹²⁰ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹²¹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹²² Support – New Zealand Helicopter Association [FS66] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"e. as a base for agricultural aviation operations".				
326.469 ¹²³	RIDL	NOISE-R13	Retain NOISE-R13 as notified.	3.11.7	Accept	The submissions were in support of the rule.	No
277.33	MoE	NOISE-R14	Retain NOISE-R14 as notified.	N/A	Accept	The submissions were in support of the rule.	No
284.310	CIL	NOISE-R14	Retain NOISE-R14 as notified.	N/A			
326.470 ¹²⁴	RIDL	NOISE-R14	Retain NOISE-R14 as notified.	N/A			
277.34	MoE	NOISE-R15	Retain NOISE-R15 as notified.	N/A	Accept	The submissions were in support of the rule.	No
284.311	CIL	NOISE-R15	Retain NOISE-R15 as notified.	N/A			
326.471 ¹²⁵	RIDL	NOISE-R15	Retain NOISE-R15 as notified.	N/A			
270.2	George Jason Smith	NOISE-R16	Amend NOISE-R16, and all related provisions, to provide for changes in classification of Collector roads.	3.11.8	Reject	See the relevant section of the report.	No

¹²³ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹²⁴ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹²⁵ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
275.55 ¹²⁶ ¹²⁷	Waka Kotahi	NOISE-R16	Amend NOISE-R16: "NOISE-R16: Residential units and minor residential units within 80m <u>100m</u> of an arterial road, strategic road or rail designation. ..."	3.11.8	Reject <u>Accept in part</u>	See the relevant section of the report. <u>Refer to Joint Witness Statement – NOISE-R16 and associated matters (Planning), dated 16 November 2023 and Noise Right of Reply Report.</u>	No <u>Yes</u>
284.312	CIL	NOISE-R16	Retain NOISE-R16 as notified.	3.11.8	Accept in part	See the relevant section of the report.	No
326.472 ¹²⁸	RIDL	NOISE-R16	Retain NOISE-R16 as notified.	3.11.8			
373.74 ¹²⁹ ¹³⁰	KiwiRail	NOISE-R16	Amend NOISE-R16: "Noise sensitive activities Residential units and minor residential units within 8 <u>100</u> m of an arterial road, strategic road or rail designation <u>Indoor railway noise</u>	3.11.8	Accept in part	See the relevant section of the report. <u>Refer to Joint Witness Statement – NOISE-R16 and associated matters (Planning), dated 16 November 2023 and Noise Right of Reply Report.</u>	Yes

¹²⁶ Oppose – Kainga Ora [FS88] – Officer's recommendation: ~~reject~~accept in part

¹²⁷ Support – KiwiRail [FS99] – Officer's recommendation: ~~reject~~accept in part

¹²⁸ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

¹²⁹ Support – Waka Kotahi NZ Transport Agency [FS110] – Officer's recommendation: ~~reject~~accept in part

¹³⁰ Oppose – Kainga Ora [FS88] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>1. Any new <u>building or alteration to an existing building shall be designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table:</u></p> <p><u>Building type: Residential</u></p> <p><u>Occupancy/activity: Sleeping spaces</u></p> <p><u>Maximum railway noise level LAeq(1h): 35 dB</u></p> <p><u>Occupancy/activity: All other habitable rooms</u></p> <p><u>Maximum railway noise level LAeq(1h): 40 dB</u></p> <p><u>Building type: Education</u></p> <p><u>Occupancy/activity: Lecture rooms/theatres, music studios, assembly halls</u></p> <p><u>Maximum railway noise level LAeq(1h): 35 dB</u></p> <p><u>Occupancy/activity: Teaching areas, conference rooms, drama studios, sleeping areas</u></p> <p><u>Maximum railway noise level LAeq(1h): 40 dB</u></p> <p><u>Occupancy/activity: Libraries</u></p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>Maximum railway noise level LAeq(1h): 45 dB</u></p> <p><u>Building type: Health</u></p> <p><u>Occupancy/activity: Overnight medical care, wards</u></p> <p><u>Maximum railway noise level LAeq(1h): 40 dB</u></p> <p><u>Occupancy/activity: Clinics, consulting rooms, theatres, nurses' stations</u></p> <p><u>Maximum railway noise level LAeq(1h): 45 dB</u></p> <p><u>Building type: Cultural</u></p> <p><u>Occupancy/activity: Places of worship, marae</u></p> <p><u>Maximum railway noise level LAeq(1h): 35 dB</u></p> <p><u>Mechanical ventilation</u></p> <p><u>2. If windows must be closed to achieve the design noise levels in clause, the building is designed, constructed and maintained with a mechanical ventilation system that</u></p> <p><u>(a) For habitable rooms for a residential activity, achieves the following requirements:</u></p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u></p> <p><u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u></p> <p><u>iii. provides relief for equivalent volumes of spill air;</u></p> <p><u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u></p> <p><u>v. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser.</u></p> <p><u>(b) For other spaces, is as determined by a suitably qualified and experienced person.</u></p> <p><u>Indoor railway vibration</u></p> <p><u>3. Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network:</u></p> <p><u>(a) is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</u></p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>(b) is a single-storey framed residential building with:</u></p> <p><u>i. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and</u></p> <p><u>ii. vibration isolation separating the sides of the floor slab from the ground; and</u></p> <p><u>iii. no rigid connections between the building and the ground.</u></p> <p><u>4.A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:</u></p> <p><u>(a) railway noise is assumed to be 70 LAeq(1h) at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.</u></p> <p><u>Activity status when compliance not achieved: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>NOISE-MD1 - Noise</u></p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>NOISE-MD2 - Management of noise effects</u></p> <p><u>NOISE-MD3 - Acoustic insulation</u></p> <p><u>New NOISE-MDX</u></p> <p><u>1. Whether the activity sensitive to noise could be located further from the railway network.</u></p> <p><u>2. The extent to which the noise and vibration criteria are achieved and the effects of any non-compliance.</u></p> <p><u>3. The character of, and degree of, amenity provided by the existing environment and proposed activity.</u></p> <p><u>4. The reverse sensitivity effects on the rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.</u></p> <p><u>5. Special topographical, building features or ground conditions which will mitigate vibration impacts;</u></p> <p><u>6. The outcome of any consultation with KiwiRail.</u></p> <p><u>Notification:</u></p> <p><u>Application for resource consent under this rule will be decided without public notification. KiwiRail are likely to be the only</u></p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>affected person determined in accordance with section 95B of the Resource Management Act 1991."</u>				
408.27	BRL	NOISE-R16	Amend NOISE-R16 so it only applies within 40m of an arterial road (as opposed to 80m). Provide an alternative approval pathway that does not require an acoustic assessment for each residential unit that can demonstrate compliance with NOISE-R16(1) and NOISE-R16(2).	3.11.8	Reject <u>Accept in part</u>	See the relevant section of the report. <u> accept the acoustic advice in the Joint Witness Statement including that:</u> <ul style="list-style-type: none"> <u>The rule should apply to 100-metre distance from "edge of seal" for roads with speed limits of greater than or equal to 70km/hr; and 50 metres distance from "edge of seal" for roads with a posted speed limit of less than 70km/hr; and</u> <u>Inclusion of an 'Approved Construction Methods' schedule.</u> 	No <u>Yes</u>
277.35	MoE	NOISE-R17	Retain NOISE-R17 as notified.	N/A	Accept	The submissions were in support of the rule.	No
284.313	CIL	NOISE-R17	Retain NOISE-R17 as notified.	N/A			
326.473 ¹³¹	RIDL	NOISE-R17	Retain NOISE-R17 as notified.	N/A			
284.314	CIL	NOISE-R18	Retain NOISE-R18 as notified.	N/A	Accept	The submissions were in support of the rule.	No
326.474 ¹³²	RIDL	NOISE-R18	Retain NOISE-R18 as notified.	N/A			

¹³¹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹³² Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
46.26	Woodstock Quarries Limited	NOISE-R19	Retain NOISE-R19 as notified.	N/A	Accept in part	Accept in part, subject to amendment made in response to submission point 358.7.	No
282.141	Woolworths	NOISE-R19	Retain approach of NOISE-R19.	N/A			
284.315	CIL	NOISE-R19	Retain NOISE-R19 as notified.	N/A			
326.475 ¹³³	RIDL	NOISE-R19	Retain NOISE-R19 as notified.	N/A			
358.7	Jet Boating New Zealand	NOISE-R19	Amend NOISE-R19 to exempt recreational jet boating activity noise from control under this rule.	3.6	Accept	See the relevant section of the report.	Yes
284.316	CIL	NOISE-R20	Retain NOISE-R20 as notified.	N/A	Accept	The submissions were in support of the rule.	No
326.476 ¹³⁴	RIDL	NOISE-R20	Retain NOISE-R20 as notified.	N/A			
284.317	CIL	NOISE-R21	Retain NOISE-R21 as notified.	N/A	Accept	The submissions were in support of the rule.	No
326.477 ¹³⁵	RIDL	NOISE-R21	Retain NOISE-R21 as notified.	N/A			
284.318	CIL	NOISE-R22	Retain NOISE-R22 as notified.	N/A	Accept		No

¹³³ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

¹³⁴ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹³⁵ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
284.319	CIL	NOISE-R22	Retain NOISE-R22 as notified.	N/A		The submissions were in support of the rule.	
326.478 ¹³⁶	RIDL	NOISE-R22	Retain NOISE-R22 as notified.	N/A			
326.479 ¹³⁷	RIDL	NOISE-R23	Retain NOISE-R23 as notified.	N/A	Accept	The submission was in support of the rule.	No
68.17	CDHB	Table NOISE-2 Noise limits	Retain Table NOISE-2 Noise Limits for the Special Purpose Zone (Hospital) as notified.	3.12	Accept in part	See the relevant section of the report.	No
145.27	Daiken	Table NOISE-2 Noise limits	Amend Table NOISE-2: "Heavy Industrial Zone <u>except as provided for in NOISE-R1</u> "	3.12	Accept	See the relevant section of the report.	Yes
282.142	Woolworths	Table NOISE-2 Noise limits	Amend Table Noise-2 noise limits for Large Format Retail Zone and General Industrial Zone to align with those for Light Industrial Zone. A daytime limit of 65dBA and night-time limit of 55dBA is considered appropriate. Amend Table Noise-2 to require measurement of noise at notional boundary when located within Rural Zones.	3.12	Accept	See the relevant section of the report.	Yes

¹³⁶ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹³⁷ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
NOISE – Matters of discretion							
166.21	NZDF	NOISE-MD1	Amend NOISE-MD1: “... 10. For temporary military training activities, the extent to which compliance with noise standards has been demonstrated by a report prepared by a suitably qualified and experienced acoustic consultant.” ”	3.13	Accept	See the relevant section of the report.	Yes
249.251	Mainpower	NOISE-MD1	Retain NOISE-MD1 as notified.	N/A	Accept in part	Accept in part, subject to amendments made in response to submission point 166.21.	No
275.56	Waka Kotahi	NOISE-MD1	Retain NOISE-MD1 as notified.	N/A			
284.320	CIL	NOISE-MD1	Retain NOISE-MD1 as notified.	N/A			
326.480 ¹³⁸	RIDL	NOISE-MD1	Retain NOISE-MD1 as notified.	N/A			
373.75 ¹³⁹ ¹⁴⁰	KiwiRail	NOISE-MD1	Retain NOISE-MD1 as notified.	N/A			
275.57	Waka Kotahi	NOISE-MD2	Retain NOISE-MD2 as notified.	N/A	Accept in part		No

¹³⁸ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

¹³⁹ Support – Waka Kotahi [FS110] – Officer's recommendation: accept in part

¹⁴⁰ Oppose – Kainga Ora [FS88] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
284.321	CIL	NOISE-MD2	Retain NOISE-MD2 as notified.	N/A		Accept, subject to amendment made in response to submission point 254.63.	
326.481 ¹⁴¹	RIDL	NOISE-MD2	Retain NOISE-MD2 as notified.	N/A			
373.76 ¹⁴² ¹⁴³	KiwiRail	NOISE-MD2	Retain NOISE-MD2 as notified.	N/A			
254.64	CIAL	NOISE-MD3	Retain NOISE-MD3, and amend (3). "3. The extent to which the provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation ensures the amenity values, health and safety of present and future residents and occupiers."	3.13	Accept	Correction of a grammatical error.	Yes
275.58	Waka Kotahi	NOISE-MD3	Retain NOISE-MD3 as notified.	N/A	Accept	Accept, subject to amendment made in response to submission point 254.64.	No
284.322	CIL	NOISE-MD3	Retain NOISE-MD3 as notified.	N/A			
326.482 ¹⁴⁴	RIDL	NOISE-MD3	Retain NOISE-MD3 as notified.	N/A			

¹⁴¹ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

¹⁴² Support – Waka Kotahi [FS110] – Officer's recommendation: accept in part

¹⁴³ Oppose – Kainga Ora [FS88] – Officer's recommendation: accept in part

¹⁴⁴ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: accept in part

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
373.77 ¹⁴⁵ ¹⁴⁶	KiwiRail	NOISE-MD3	Retain NOISE-MD3 as notified.	N/A			
284.323	CIL	NOISE-MD4	Retain NOISE-MD4 as notified.	N/A	Accept	The submission points were in support of the matter of discretion.	No
326.483 ¹⁴⁷	RIDL	NOISE-MD4	Retain NOISE-MD4 as notified.	N/A			
373.101 ¹⁴⁸ ¹⁴⁹	KiwiRail	Matters of Control/Discretion	<p>Insert New NOISE-MDX</p> <p><u>"1. Whether the activity sensitive to noise could be located further from the railway network.</u></p> <p><u>2. The extent to which the noise and vibration criteria are achieved and the effects of any non-compliance.</u></p> <p><u>3. The character of, and degree of, amenity provided by the existing environment and proposed activity.</u></p> <p><u>4. The reverse sensitivity effects on the rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.</u></p>	3.11.8	Reject <u>Accept in part</u>	<p>As the standards for vibration are not included in NOISE-R16, I do not recommend the inclusion of the aspects on vibration. I have compared the requested matter of discretion against existing matters of discretion and consider the aspects are already sufficiently covered by either the matters or by RMA s95A and 95B, see Table 5.</p> <p><u>I agree with the reasons provided in paragraphs 10.10 and 10.11 of Ms Heppelthwaite's evidence regarding the</u></p>	No <u>Yes</u>

¹⁴⁵ Oppose – Kainga Ora [FS88] – Officer's recommendation: accept in part

¹⁴⁶ Support – Waka Kotahi [FS110] – Officer's recommendation: accept in part

¹⁴⁷ Oppose – Ohoka Residents Association [FS84 and FS137] – Officer's recommendation: reject

¹⁴⁸ [Oppose – Kainga Ora \[FS88\] – Officer's recommendation – Accept in part](#)

¹⁴⁹ [Support – Waka Kotahi \[FS88\] – Officer's recommendation – ~~Reject~~Accept in part](#)

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p><u>5.Special topographical, building features or ground conditions which will mitigate vibration impacts;</u></p> <p><u>6. The outcome of any consultation with KiwiRail.”</u></p> <p>*Note: I have removed the additional relief sought text covered in 373.74.</p>			<p>inclusion of a matter of discretion for consultation.</p> <p>See the relevant section of the report. See the relevant section of the report.Refer to Joint Witness Statement – NOISE-R16 and associated matters (Planning), dated 16 November 2023 and Noise Right of Reply Report.</p>	

**Appendix 4 – Marshall Day Acoustics – Response to
Hearings Panel Minute 9**

MEMO

Project:	District Plan Review	Document No.:	Mm 009
To:	Waimakariri District Council	Date:	20 September 2023
Attention:	Jessica Manhire	Cross Reference:	
Delivery:	by email	Project No.:	20181370
From:	Stuart Camp/Jon Farren	No. Pages:	9
		Attachments:	No
Subject:	Response to Hearings Panel Minute 9		

Dear Jessica

As requested, this memo provides our response to questions raised by the hearings panel in their minute 9. We have also provided comments in relation to requests by I Ora regarding Noise-R18.

1. *“...the North Canterbury Clay Target Association (NCCTA) and McAlpines. Mr Camp is to respond to the acoustic merits of the noise contours approach proposed by each submitter...”*

In my view, noise contours are useful as part of a two pronged approach to noise. The contours should provide a limit to the level of noise which the respective activity is permitted to produce, and they should also act as a control on encroachment of noise-sensitive activities.

In the case of McAlpines, it is my view that the request for a noise contour has merit. I am not aware of any noise complaints regarding McAlpines’ operation, and the company own much of the affected land. A contour would therefore largely serve as a reverse sensitivity control. However, I consider it important for Council to obtain further information from McAlpines before agreeing to the contour. Firstly, it is important for Council to be satisfied that McAlpines are adopting best practices in terms of controlling noise emissions from their site. This would require an audit of their operations and any noise mitigation measures in place. Secondly, the contour proposed by McAlpines is based on noise monitoring undertaken to the Northwest of the sawmill. In my view, both the western and northern ends of the contour need to be validated with additional noise monitoring.

In the case of the North Canterbury Clay Target Association (NCCTA), the situation is not as clear cut because there is a history of noise complaints, and adopting a noise contour on its own could be seen as legitimising a level of noise that is clearly not acceptable to the existing neighbours. I therefore remain of the view that a noise contour should only be considered for the NCCTA site in conjunction with a set of rules which control noise from the site. Such rules would need to be negotiated by the parties, including the existing neighbours. In addition, based on the evidence provided at the hearing, I am not satisfied that the Association has adequately investigated possible noise mitigation measures on their site. Such mitigation could be beneficial to the Association when developing rules.

2. *“...Having heard from the New Zealand Defence Force and considered the additional information provided by the submitter, Ms Manhire is to provide any updated recommended amendments in respect of NOISE-R2...”*

When I heard the evidence of NZDF presented at the hearing, I became aware that the vast majority of temporary military training activities (TMTA) are essentially benign with respect to noise. The evidence, and the response to questions from the panel, suggested that activities involving weapons firing might only happen once every year or two. This conflicts with Noise-R2 in the sense that this rule gives the impression that every TMTA involves weapon noise.

Based on the evidence presented, I am of the view that Noise-R2 should be simplified, with a clear distinction made between activities involving weapons, and everything else. I am also persuaded by Mr Humpheson's argument with respect to reducing the proposed separation distances, and changing to the use of Peak (L_{peak}) sound levels rather than Maximum (L_{max}).

On this basis, I recommend modifying Noise-R2 along the lines of the following:

- Make TMTA **not** involving the use of weapons a permitted activity, subject to compliance with the general noise standards plus 5 dB, to acknowledge that the activity is short duration and temporary,
- Change weapons-based activities to a controlled activity, to ensure that Council are appropriately notified and that the notification also includes details of separation distances and/or predicted sound levels,
- Retain the 10 days notification to Council for **any activity involving weapons firing**.
- Change the required separation distances for weapons firing to 500 metres (daytime) and 1250 metres (night-time) in accordance with the evidence of Mr Humpheson,
- Change the noise level requirements for weapons from the notified L_{max} parameter to L_{peak} in general accordance with the wording proposed by Mr Humpheson, namely *"...Where the minimum separation distances specified above are not met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: 7:00am to 7:00pm : 95 dBC 7:00am to 7:00pm : 85 dBC ..."*

3. Kainga Ora—Noise R18.

Mr Styles argues that the requirement for a sound reduction of 35 dB, as notified in Noise-R18 is *"... excessive and will add significant and unnecessary cost to building a noise sensitive activity in the TCZ, LCZ, NCZ and MUZ..."*. He requests a value of 25 dB.

In my experience, permitting noise sensitive activities in what can broadly be described as commercial areas can result in noise related problems for the anticipated activities in those areas. For example, the presence of apartments can make it very difficult for a commercial activity to successfully obtain a discretionary activity consent to slightly exceed the general noise standards. In addition, the noise standards for commercial areas are more lenient than for residential areas, and any new noise sensitive activity therefore needs to protect itself from noise to a greater extent than normal. Mr Styles' request for a 25 dB sound reduction essentially amounts to standard building constructions. I therefore recommend retaining the 35 dB requirement as notified.

Appendix 5 – Legal Advice from Buddle Findlay

26 September 2023

To

Jessica Manhire
Policy Planner
Waimakariri District Council

Copy to

Matthew Bacon

From

Cerridwen Bulow
Jenna Silcock

By Email

Jessica.manhire@wmk.govt.nz

Dear Jessica

Proposed Waimakariri District Plan and Variation 1 – Right of reply (noise)

1. Waimakariri District Council (**Council**) has appointed a Hearing Panel to hear submissions and further submissions, and make recommendations to the Council, on the Proposed Waimakariri District Plan (**PDP**). The Hearing Panel recently held Hearing Stream 5, which addressed a number of topics including noise.
2. The Council has been asked by the Hearing Panel to provide written responses to questions.¹ Specifically, and relevant to this advice, the Council has been asked to respond to the submissions and evidence of two submitters:
 - (a) McAlpines;² and
 - (b) North Canterbury Clay Target Association (**NCCTA**).³
3. In particular, the Hearing Panel has asked you whether:
 - (a) There is scope to grant the relief sought by each submitter; and
 - (b) Any issues of natural justice or fair process arise for those to whom the requested noise contour and provisions would apply.
4. You have asked for advice to assist you in your response to the Hearing Panel on these matters.
5. We also understand that expert conferencing will be scheduled in respect of the evidence provided by McAlpines and Council officers have a final right of reply (due on 30 November 2023).⁵
6. We understand the key issue is that the evidence presented by the two submitters at the hearing provides for relief that, to some extent, differs from what was sought in their submissions. This

¹ Minute 9 of the Hearing Panel dated 4 September 2023.

² Submission #226.

³ Submission #61.

⁴ Minute 9 of the Hearing Panel dated 4 September 2023, at page 14 (Appendix 2).

⁵ Minute 9, Appendix 1, pages 9-10.

raises questions as to scope and natural justice/fair process, particularly for anyone who may be impacted by the relief being pursued by the submitter.

7. Accordingly, our advice addresses the following matters:
 - (a) The principles relevant to scope and natural justice / fair process considerations;
 - (b) For each submitter, a summary of the key differences between the submissions and relief now sought and whether these likely give rise to any issues of scope and/or natural justice and fairness concerns.

Executive summary

8. Scope and procedural fairness considerations involve the exercise of judgement on which reasonable people can reach different conclusions. We have identified potential scope and fairness / natural justice issues with the relief pursued at the hearing by both the McAlpines and NCCTA.
9. The relief sought by the McAlpines is broad, providing a significant amount of "scope" for changes to be made to the proposed plan to address the ultimate outcome for McAlpines, being the protection of their existing operations particularly from potential reverse sensitivity effects. At the hearing, the McAlpines sought a Timber Processing Noise Contour (**Contour**) to be included on the planning maps which extends over a portion of the RLZ adjacent to the McAlpines site and a rule requiring a restricted discretionary activity consent for noise sensitive activities where these are within the Contour. The breadth of the submission leaves submitters, and the Council, guessing somewhat as to the relief that is sought. We tend to the view that a non-expert reader of the McAlpines' submission may not have fairly and reasonably foreseen that the McAlpines' submission would result in an extension of the Timber Processing Plant noise contour such that additional consenting requirements would apply to noise sensitive activities in the area identified.
10. We have identified four potential issues as to scope and natural justice and procedural fairness issues in respect of the relief being pursued by NCCTA. There are some relatively clear-cut scope issues with respect to the "alert layer" which was not sought in NCCTA's submission and the extension of the hours of operation and number of events requested at the hearing. We tend to the view that no scope or fairness issues arise in relation to the shooting sports overlay itself. Although, we have some questions about the extent of the overlay which, on the documents we have reviewed, is not entirely clear.
11. While we acknowledge there are arguments available to the contrary, our conclusions regarding scope and natural justice / fairness concerns err on the side of protecting the public participatory processes in the RMA.

Scope and natural justice / fair process considerations

12. The Council (through the appointed Hearing Panel) is required to give a decision on a plan change on provisions and 'matters raised in submissions'.⁶ This may include 'consequential alterations' or 'any other matter' arising from the submission.⁷
13. The courts have considered matters of scope, and natural justice and fair process, as they arise at various stages in plan change processes. We have considered cases that relate to the circumstances here (ie the decision to amend a proposed district plan), as well as decisions in other contexts where general propositions have been made in respect of scope and natural justice / fair process.
14. The relief pursued by a submitter, or supported by a decision-maker, does not need to be identical to that sought in submissions. Where there are differences between the relief sought in submissions and that pursued / supported, the test is whether the amendment goes beyond what is 'reasonably and fairly' raised in the submission.⁸ The High Court in *Albany North Landowners v Auckland Council* said "*To this end, the Council must be satisfied that the proposed changes are appropriate in response to the public's contribution.*"⁹
15. A decision maker must consider "*whether or not the amendments are ones which are raised by and within the ambit of submissions*". This is a matter of fact and degree, to be judged on the terms of the proposed change and the content of the submissions.¹⁰ The amendments must be fairly and reasonably within the general scope of:¹¹
 - (i) *the proposed plan as notified;*
 - (ii) *a submission, and the relief sought as summarised by the council provided this was fair and accurate and not misleading; or*
 - (iii) *something in between – including possibly new objectives, policies and rules.*
16. When considering what is reasonably and fairly raised in submissions, consideration should be given to "*the whole relief package detailed in the submission*". It is sufficient if the changes can fairly be said to be "*foreseeable consequences*" of any changes directly proposed.¹² The assessment "should be approached in a realistic workable fashion rather than from the perspective of legal nicety".¹³
17. When looking at the 'link' between an amendment and what was sought in the submission, the courts have also considered:

⁶ Resource Management Act, clause 10(1) of Schedule 1.

⁷ Resource Management Act, clause 10(2)(b) of Schedule 1.

⁸ *Countdown Properties (Northlands) Ltd v Dunedin CC* (1994) 1B ELRNZ 150, [1994] NZRMA 145; and reaffirmed in subsequent cases.

⁹ *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [115].

¹⁰ *Countdown Properties (Northlands) Ltd v Dunedin CC* (1994) 1B ELRNZ 150, [1994] NZRMA 145.

¹¹ *Christchurch International Airport Ltd v Christchurch City Council*, ENC C77/99, 12 May 1999, at [15]; and upheld on appeal in *Healthlink South Ltd v Christchurch International Airport Ltd & Canterbury Regional Council* HC Christchurch AP14/99, 14 December 1999.

¹² *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [115].

¹³ *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [115].

- (a) The matter of procedural fairness, and the importance of public participation in plan change processes – including with reference to the various stages in the Schedule 1 process that would put the public on notice of what was sought in the submission (and any subsequent amendment arising out of that submission).¹⁴ In *General Distributors Limited v Waipa District Council*, Justice Wylie commented that the underlying purpose of the notification and submission process is to ensure that all are sufficiently informed about what is proposed otherwise "the plan could end up in a form which could not reasonably have been anticipated resulting in potential unfairness";¹⁵ and
 - (b) Whether interested persons would reasonably have appreciated that such an amendment could have resulted from the relief and decision sought by the submitter, and summarised by the council in the summary of submissions. This consideration is assessed on the basis of what a 'reasonable non-expert reader' would have been alerted to.¹⁶
18. There are essentially two elements to natural justice / fair process:¹⁷
- (a) The effects of the change; and
 - (b) The opportunity for those affected to participate.
19. We consider the key questions arising out of the relevant legal principles, and for the Council to consider when responding to the Hearing Panel's questions, are:
- (a) What was the relief sought in the submission, and how was this reflected in the summary of submissions (ie what was the relief the public was put on notice of)?
 - (b) What are the differences between the submission (and summary of submissions) and the relief now sought by the submitter?
 - (c) Is the relief now sought 'fairly and reasonably' raised in the submission?
 - (d) Do the changes give rise to issues of natural justice and/or procedural fairness?

McAlpines

Submissions and summary of submissions

20. McAlpines, in its submission, sought both general and specific relief in relation to reverse sensitivity effects. The submission provided general comments on reverse sensitivity effects, including that:¹⁸

¹⁴ See for example, *Christchurch International Airport Ltd v Christchurch City Council*, ENC C77/99, 12 May 1999, at [21] (as above n 9, upheld on appeal); *Motor Machinists Limited v Palmerston North City Council* [2013] NZHC 1290, at [82]; and *Gertrude's Saddlery Ltd v Arthurs Point Outstanding Natural Landscape Society Inc* [2021] NZHC 14 at [83], [112] - [115], [123].

¹⁵ *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 at [58]-[60].

¹⁶ *Christchurch International Airport Ltd v Christchurch City Council*, ENC C77/99, 12 May 1999, at [21] – [22] (as above n 9, upheld on appeal); See also, *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [176] and *Gertrude's Saddlery Ltd v Arthurs Point Outstanding Natural Landscape Society Inc* [2021] NZHC 14 at [78].

¹⁷ See *Palmerston North City Council v Challenge Manawatu Ltd*, ENC Wellington W006/09, 28 January 2009 at [31]-[32]. This case adopted the principles from a Court of Appeal decision on a resource consent application in a planning context (*Estate Homes Ltd v Waitakere City Council*, CA210/04, 11 November 2005); See also, *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [101].

¹⁸ Submission #226, at [9] – [17].

- (a) McAlpines activities are existing lawful activities that are allowed to continue, regardless of the operative plan or PDP;
- (b) The sawmill generates considerable noise emissions that would exceed the operative plan and PDP noise standards at the zone boundary between the General Industrial Zone (**GIZ**) and Rural Lifestyle Zone (**RLZ**) to the west of the sawmill;
- (c) McAlpines is concerned that residential subdivision and/or location of a residential unit or other sensitive activity will cause the operation of the sawmill to be compromised, constrained or curtailed due to future occupiers or visitors; and
- (d) McAlpines is seeking "*amendments to the PDP to ensure that future operation of the Sawmill is not constrained by reverse sensitivity effects from residential subdivision and development on the rural land*".

21. McAlpines submission also seeks specific relief including:¹⁹

- (a) Retaining RLZ over rural land;
- (b) Retaining the reverse sensitivity provisions in the PDP;
- (c) Amending the relevant RLZ subdivision standards to expressly recognise and protect the sawmill from potential reverse sensitivity effects arising from the subdivision of rural land;
- (d) Amend the relevant RLZ land development standards to expressly recognise and protect the sawmill from potential reverse sensitivity effects arising from the establishment of any residential unit or other sensitive activities on the rural land; and
- (e) Rezone some of the McAlpines' land blocks.

22. McAlpines' submission also sought general relief, including:²⁰

- (a) That the PDP provisions be amended to reflect the issues raised in the submission;
- (b) That the relevant PDP objectives and policies be amended as required to support and implement the particular relief described; and/or
- (c) Such other relief as may be required to give effect to the submission, including alternative, consequential or necessary amendments to the PDP that address the matters raised by McAlpines.

23. The Council's summary of submissions reflects, in our view, the specific relief sought and also includes a summary of the general comments included in McAlpines' submission providing further context as to what they are seeking and why.²¹

24. We understand that no further submissions were made in relation to McAlpines submission.²²

¹⁹ Submission #226, at [18].

²⁰ Submission #226, at [40].

²¹ See Summary of Submissions by Chapter, pages 403, 468 and 668; and Summary of Submissions by Submission Point Number, pages 202-203.

²² We have searched the Further Submission database available on the Council's website; however, have not reviewed the further submissions beyond that.

25. The Council did not address the McAlpines' submission in any detail in the section 42A report for the noise chapter, rather it was noted that this submission would be addressed in the Rural section 42A report.²³

Relief now sought

26. McAlpines provided expert planning and acoustic, as well as corporate evidence, in the noise hearing in support of their submission. McAlpines also had legal representation at the hearing.²⁴
27. As set out in the evidence, and legal submissions, the relief sought by McAlpines at the hearing is as follows:²⁵
- (a) A Timber Processing Noise Contour (**Contour**) to be included on the planning maps which extends over a portion of the RLZ adjacent to the McAlpines site – this is for an area that the acoustic expert assessed as expecting the noise levels from McAlpines' operations to be higher than 55 db LAeq; and
 - (b) A rule requiring a restricted discretionary activity consent for any noise sensitive activities where these are within the Contour.
28. This relief differed from that in the McAlpines' submission which sought amendments to the RLZ subdivision and development standards (without specifying the amendments sought either specifically or more generally).
29. The evidence of the McAlpines' expert planner acknowledged the differences between the submission and the relief being pursued, but said while the method is different, the "intent and outcome is the same".²⁶ The question of scope was not addressed in the legal submissions presented at the hearing for the McAlpines.
30. While the Council did not substantially address the McAlpines' submission in the relevant section 42A report, the McAlpines' expert planner sought to draw an analogy to relief sought by another submitter (Daiken) and indicated that the responses in the section 42A report relevant to the Daiken submission are also relevant to the McAlpines proposal.²⁷

Discussion on scope and natural justice / fair process

31. The relief sought by the McAlpines is broad, providing a significant amount of "scope" for changes to be made to the proposed plan to address the ultimate outcome for McAlpines, being the protection of their existing operations particularly from potential reverse sensitivity effects. The relief being pursued in the Noise chapter could be seen as a refinement of the submission seeking land development standards to expressly recognise and protect the sawmill. If looked at solely through this lens, then prima facie you could conclude that there is scope to make the changes sought by the McAlpines to the Noise chapter.

²³ Section 42A report (noise), Table B1, page 67.

²⁴ Evidence of John Duncan (corporate), Timothy Walsh (planning) and William Peter Reeve (acoustic).

²⁵ See Evidence of Timothy Walsh.

²⁶ Evidence of Timothy Walsh, at [21].

²⁷ See Evidence of Timothy Walsh.

32. However, in our view, the relief being pursued in the Noise Chapter gives rise to concerns regarding fairness and natural justice. The breadth of the McAlpines' submission leaves submitters, and the Council, guessing somewhat as to the relief that is sought. We tend to the view that a non-expert reader of the McAlpines' submission may not have fairly and reasonably foreseen that the McAlpines' submission would result in an extension of the Timber Processing Plant noise contour such that additional consenting requirements would apply to noise sensitive activities in the area identified. The additional consenting requirement seems to have an impact on residential activities (many of which are permitted subject to compliance with the specified standards in the RLZ). Educational facilities and retirement villages are discretionary and non-complying activities (respectively) in the RLZ so the proposed change will not impact the status of these activities. We consider there is a risk that people potentially impacted by the rule did not have sufficient notice of it (via the submission and further submission process) and have been denied an opportunity to participate in the decision-making process such that it would be unfair to grant the relief now sought.
33. On a related note, the McAlpines evidence does not appear to address any amendments to Noise-R1 which sets the permitted activity standards for the Timber Processing and ancillary activities – which is drafted in respect of Daiken's activities. We query whether any changes would need to be made to this rule if the relief sought in the evidence was granted.

North Canterbury Clay Target Association

Submission and summary of submission

34. The NCCTA, in its submission, sought relief in respect to the noise provisions in the PDP. In particular, the NCCTA:
- (a) Provides contextual / background information in relation to the NCCTA. Specifically, NCCTA provides that the club can currently operate between 8am – 10pm without breaching their existing 'compliance certificate/district plan'.²⁸ Further, the submission provides that their research indicates the biggest disturbance to others relates to frequency rather than decibel level and that 'an acceptable reduction in frequency can be offered by the Club'.²⁹
 - (b) Seeks a "*Sports Facility*" Overlay, and a specific rule for the Club, in line with what has been done in Rule NOISE-R12 for the Speedway". The rule sought in the submission is as follows:³⁰
 - NOISE-RXX Sports Facility Activities – Boundary Road*
 - Activity status: PER*
 - Where:*
 - 1. a maximum of **48 events** may be held in any year;
 - 2. a maximum of **96 practice** events may be held in any year (that will not be assessed as an event under (1));
 - 3. events, shall **conclude by 9pm** and have a **maximum duration of 12 hours**, not including event preparation and clean-up;

²⁸ We note there is a question as to whether certificate of compliance provides for this – the certificate of compliance does not specify a time, and the Operative District Plan rules provide for a finish time of 7pm.

²⁹ Submission #61, page 5.

³⁰ Submission #61, page 6.

4. practice events, shall **conclude by 9pm** and have a **maximum duration of 5 hours**, not including event preparation and clean-up;

5. activities other than sporting events shall comply with NOISE-R19.

(our **emphasis**); and

(c) seeks to 'add overlay to the planning maps'.³¹

35. The reference to "Rule NOISE-R12 for the Speedway" relates to a specific rule for a Speedway Overlay in relation to the Woodford Glen Speedway. This rule similarly provides for a permitted activity in relation to the Speedway that specifies the number of events, practices and timing (including possibility of emergencies extending the hours of operation), and that other activities will comply with NOISE-R19.

36. The summary of submissions reflects, in our view, the matters contained in NCCTA's submission.³² We understand that no further submissions were made in relation to NCCTA's submission.³³

Relief now sought

37. Haydn Porritt provided evidence on behalf of NCCTA, and also provided a written response to your s42A report. We understand NCCTA did not provide expert evidence or have legal representation at the Stream 5 hearing.

38. Mr Porritt, in his evidence for NCCTA, provided:

(a) Further background and context;³⁴

(b) A "Shooting Sports Overlay" rule - this appears to be an amended version of the rule proposed in NCCTA's submission (this is discussed in more detail below);³⁵

(c) A map that depicts the NCCTA's land, with two different circles around it but outside the boundary of the land – it is unclear what the lines on this map are intended to show (this is also discussed further below);³⁶

(d) General comments on "*communication with prospective buyers of neighbouring property for sale, including the suggestion that a zoning be sought to warn potential buyers*";³⁷

(e) A comment, in response to your s42A report, that an overlay to the planning maps would be a useful tool in respect to prospective purchasers;³⁸

(f) A comparison of the Shooting Sports Overlay and the Speedway Overlay;³⁹

³¹ Submission #61, page 6.

³² See Summary of Submissions by Chapter, page 461; and Summary of Submissions by Submission Point Number, page 19.

³³ We have searched the Further Submission database available on the Council's website; however, have not reviewed the further submissions beyond that.

³⁴ Evidence of Mr Porritt, pages 2 – 7.

³⁵ Evidence of Mr Porritt, page 8.

³⁶ Evidence of Mr Porritt, page 9.

³⁷ Evidence of Mr Porritt, page 9.

³⁸ Evidence of Mr Porritt (reply to Officer's report), page 5. We note we have not seen the comment that Mr Porritt responds to in your report where you respond to NCCTA's submission.

³⁹ Evidence of Mr Porritt, pages 10 – 11.

- (g) Comments that "*Support from the down range landowner and majority landowner of a shooting zone*" and "*No objections to our submission from the public*";⁴⁰ and
- (h) Comments, in response to your s42A report, that, "*The developed overlay seeks in winter for the time to run from 5pm – 10pm, an extension to the original submission*".⁴¹

Discussion on scope and natural justice / fairness issues

39. From the submission and evidence we have reviewed, we have discerned the following potential issues as to scope and/or natural justice, from the submission and relief sought by NCCTA:

- (a) The Shooting Sports Overlay rule;
- (b) The extent of the Shooting Sports Overlay as it relates to the above rule;
- (c) Changes to Shooting Sports Overlay rule;
- (d) The proposed "alert" to neighbouring landowners.

40. We address each of these potential issues briefly below.

Shooting Sports Overlay rule

41. You have advised that the Shooting Sports Overlay rule provides for a greater level of activity on NCCTA's site than that currently permitted (either under the Operative Plan, resource consent and/or Certificate of Compliance). This gives rise to a concern that there may be legal issues of fair process and natural justice if the contour and associated rule is included in the plan. The fact that the rule sought by NCCTA in its submission provides for a greater level of activity than NCCTA's resource consent and/or certificate of compliance does not necessarily give rise to issues of fair process or natural justice in and of itself.

42. We have considered this question in the context of an issue as to whether the submission is "on" the PDP. Generally speaking, where there is a full review of a District Plan, submitters have wide "scope" to make submissions on and seek changes to the proposed plan. We tend to the view that, on its face, the NCCTA's submission is within the scope of (or "on") the PDP:

- (a) The PDP includes a discretionary activity rule for sports shooting in the Rural zone;
- (b) NCCTA's submission clearly seeks a permitted activity rule framework for NCCTA's facilities;
- (c) The Council's summary of submissions accurately summarised, in our view, the relief being sought;
- (d) Anyone who was interested in the NCCTA rule framework was given fair notice of the relief being sought by NCCTA and had the opportunity to lodge a further submission opposing or supporting the relief sought;
- (e) There is case law which supports a broader approach to scope in the context of a District Plan review, as opposed to a private plan change.

⁴⁰ Evidence of Mr Porritt, page 9.

⁴¹ Response to officer's report by Mr Porritt, page 5.

43. The fact that the relief sought seeks to permit a greater level of activity than that allowed currently may give rise to other considerations and recommendations, particularly if Council / the hearings panel does not have sufficient evidence to assess the effects of the activity. We have not turned our mind to this in any detail but are happy to do so if that would be of assistance.

Extent of Shooting Sports Overlay rule

44. It is not entirely clear from the submission, or the evidence, what the extent of the proposed Shooting Sports Overlay rule is. For example, the submission referred to Boundary Road in the rule itself but no map, nor any explanation of the area intended to be included in the overlay, was provided. The evidence then identifies different areas – one that appears to relate to the site boundary and then two different, larger circles around NCCTA's property. These areas are not labelled.
45. Our view is that if the overlay is confined to NCCTA's land / site, then it is reasonable to conclude the extent of the overlay is within the scope of NCCTA's submission. While the area itself is not defined, when you read NCCTA's submission as a whole – particularly having regard to the proposed rule which seeks to manage NCCTA's activities – it is reasonable to conclude that a non-expert reader would understand the overlay to be over NCCTA's land/site. The rule sought by NCCTA's appears to be modelled on the rule and overlay for the Woodford Glen Speedway which seems follow the same approach (ie the overlay relates to the Woodford Glen site itself).

Changes to the Shooting Sports Overlay rule

46. The rule included in NCCTA's evidence differs from that included in its submission. The rule proposed in the evidence is more detailed and has different conditions for different times of the year. The relief pursued does not need to be identical to that sought – there is room for refinement. However, in this case there two important differences being:
- (a) The number of practices per year – the submission sought 96, whereas the rule in NCCTA's evidence now seeks 98;
 - (b) The end time for practices at some times of the year – the submission provided for an end time of 9pm at all times of the year, whereas the rule in NCCTA's evidence now seeks an end time of 10pm (at certain times of the year). NCCTA's evidence recognises this is an extension of what was sought in its submission.
47. Amendments to the rule that fall between the notified plan and the original submission will generally be within scope. For example, the exclusion of public holidays can be seen as a refinement of the relief sought of the submission and within scope. It is unlikely anyone who did not lodge a further submission on NCCTA's submission would oppose the relief so issues of fairness are unlikely to arise.
48. However, the additional practices and extended hours of operation sought in the rule in NCCTA's evidence for the Stream 5 hearing are outside the scope of NCCTA's submission. Hours of operation and the number of practices are matters that you would expect members of the public to

be potentially interested in. We consider it issues of natural justice and fairness would arise if the extended relief sought were to be granted without the opportunity for the public to be involved.

"Alert" for neighbour landowners and/or prospective purchasers

49. This issue is straightforward because NCCTA's submission did not seek to include an alert (however described) in the PDP to tell neighbouring landowners and/or prospective purchasers about the existence of the NCCTA's activities. There is therefore no scope to include an "alert" layer. As discussed, there may also be substantive reasons why an "alert" layer is not appropriate which you can address in your right of reply.

Concluding comments

50. We trust the above is of assistance. However, please do not hesitate to contact us if you have any further questions.

Yours sincerely



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